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**Review Article**

# From the Last Hope to the Lost Hope of the Common Man: Nigerian Judiciary on Trial

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## Abstract

In all democratic nations of the world, there are three distinctive arms of government; the executive, legislature and judiciary. These organs, though having separated powers, work collectively for effective governance. The primary objective of the judiciary, which is the third arm of government, is interpretation of laws made by the legislature. The judiciary is often regarded as the 'last hope of the common man'. The reason for this is not far-fetched; as far as human beings exist, there is bound to be conflict and there need to be an unbiased arbiter for the resolution of such disputes. The judiciary is constitutionally saddled with the responsibility of settling such disputes. In the adjudication of disputes, be it between individuals and states or vice versa, there are immutable principles to be followed to guarantee justice and instill confidence in both litigants and the society, the absence of which will lead to loss of hope in the judiciary. The ultimate aim of adjudication is justice. The true test of fair hearing is the impression of a reasonable man who was present at the trial; whether from his observation, justice has been done. Unfortunately, the Nigerian judiciary has placed itself in a very questionable position over the years, forcing the citizens to begin to interrogate, whether indeed, the judiciary is still the last hope of the common man or whether it has become the lost hope of the common man. This article seeks to juxtapose this age-long assertion vis-à-vis present-day realities in Nigeria where the judiciary has come under heavy criticisms for failing to live up to its constitutional mandate of protecting the rights of all, particularly the common man. It ends with recommendations on how to restore the lost confidence of the common man in the judiciary.

**Keywords:** Judiciary, Common man, Corruption, Court, Hope, Justice.

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## 1.0 INTRODUCTION

In Nigeria, the judicial powers of the country is vested in the Courts under Section 6(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). The judiciary is the organ of government responsible for the interpretation and application of laws[1], thereby administering justice.[2] It is often regarded as the last hope of the common man, not because it is comparatively the third arm of the government, but because it has the final say in determination of the rights and duties of the citizens, which includes the common man. For the avoidance of doubt, a Common Man, in this paper, is that citizen who is helpless and simply looking up to the judiciary for justice. In the same vein, while the wealthy citizens could resort to extra-judicial means to get their way out of their problems, the common man has only the judiciary to trust for justice. This is the philosophical basis for the assertion that the judiciary is the last hope of the common man.".

Experience and judicial decisions have, however, left much to be desired as to whether the judiciary is truly the last hope or has become the lost hope of the common man. Lamentably, quite a number of decisions from the judiciary recently have defeated logic, precision, predictability and the principle of stare decisis. It is worrisome that even the Supreme Court which is the apex court of the land is not spared this confusion.

[1] Jimoh, Atiku, Isiaka and Ojieleze, 'Corruption in the Nigerian Judicial System: A Critical Discourse' *Jalingo Journal of Social and Management Sciences* [2023] (4) 3.

[2] Garner BA, *Black's Law Dictionary* (9th edn, St Paul MN, West Publishing Co, 2009) 12.

## 2.0 An Overview of the Nigerian Judiciary

The judicial powers of the federation are vested in the courts which exercise powers over the actions of the Executive and Legislative arms of Government.[3] Nigeria arguably runs a constitutional democracy. While the legislature makes law and the executive implements law, the judiciary interprets the law. This is easier said than experienced, as it has become evident that these functions do overlap one another. The judiciary is mainly made up of members of the bench, that is; Justices of the Supreme Court, Court of Appeal, Federal and State High Court Judges, Grand Khadis of the Sharia Court of Appeal, Khadis of Sharia Courts, President of the Customary Court of Appeal and other Judges of both the FCT and State Customary Court of Appeals.[4] There is debate as to whether magistrates and their equivalents in lower courts should be counted as members of the bench. This is however not the focus of this research.

As far as the common man is concerned, judicial officers also constitute the court. In the eye of the law however, while they are only employees, they also impact on the administration of justice as the responsibilities of the courts cannot be conveniently carried out without employing their services. These judicial officers include; registrars, clerks, sheriffs, bailiffs etc. It need not be emphasized that lawyers are not members of the judiciary.[5] As much as they are integral players in the legal system, they do not constitute the judiciary in the strict sense of the word. They are merely legal practitioners providing legal services and representing their clients.

### 2.1 Responsibility of the Judiciary

The role of the court is to do justice. Lord Denning captured this responsibility succinctly when he said:

My root belief is that the proper role of a judge is to do justice between the parties before it. If there is any rule of law which impairs the doing of justice, then it is in the province of the judge to do all he legitimately can do to avoid that rule- or even to change it- so as to do justice in the instant case before him..."

In the case of *Emerald Energy Resources Ltd. v Signet Advisors Ltd. (2021)*[6] the Court stressed that the duty of a court is not to make litigants happy, but to do justice within the context of the law. The traditional view is that judges speak most credibly and authoritatively through their judgements.[7] We must note that the life-line of the law is not emotion, neither is it logic, but experience.

However, the concept of justice is debatable, as no two common men have exactly the same perception of justice. This is not to say that there is no minimal standard of justice, especially when it pertains to natural justice. The recent case of *Sunday Jackson v The State*[8] for instance, has triggered diverse reactions as not only to the worth and extent of self-defence, but as to whether justice still flow in our courts. To the common man, a man who saw an avenue to kill an assailant that made direct advances to kill him should be set free, such vices having become rampant in the society today. But the Court looked at the proportionality of the defense in relation to the attack from the herdsman. To a common man, this should not have been the best decision of the Court, but unfortunately to the common man, that is not how law works.

## 3.0 Judiciary: The Last Hope of the Common Man

As stated earlier, the judiciary is often regarded as the last hope of the common man, tasked with delivering justice impartially.[9] This assertion is based on its role of protecting violations of the rights of every natural and artificial person in the society. This germane responsibility is in the heart of every judicial institution in the world which constitutes the justification for its existence. This truism is further supported by the fact that there are many bodies that disputants could approach before approaching the court. These bodies include Ministries, Departments, Agencies, Quasi-judicial bodies, Ombudsman, the Nigeria Police Force and so on. For instance, a university student who feels aggrieved can resort to internal mechanisms such as an Investigative Panel, Students' Affairs Department, the University Senate and even the Governing Council to table his/her grievance(s). An electricity consumer who feels cheated on electricity billings could approach the Nigerian Electricity Regulatory Commission (NERC), just as a bank customer could go to the Bankers'

[3] Section 6 of the 1999 Constitution of the Federal Republic of Nigeria.

[4] S 6(5) of the Constitution of the Republic of Nigeria, 1999 (as amended).

[5] While duties of Judges are governed by Code of Conduct for Judicial Officers, 2000, that of lawyers is, *inter alia* the Legal Practitioners Act, 2004 and Rules of Professional Conducts, 2007.

[6] 8 NWLR (Pt 1779) 619 F-G.

[7] Chidi Anselm Odinkalu, "Itinerant Jurist, Unfinished Honeymoon, Judicial Transaction" Niche (2023) <https://thenicheng.com/itinerant-jurist-unfinished-honeymoon-judicial-transaction/> accessed 20. March 2025.

[8] 12 NSCC 45; Umini Chioma, '"Vengeful, Not Defensive": Supreme Court Upholds Death Sentence For Farmer Who Killed Fulani Attacker" The Nigerian Lawyer [2025] <https://thenigerialawyer.com/vengeful-not-defensive-supreme-court-upholds-death-sentence-for-farmer-who-killed-fulani-attacker-download-judgment/> accessed 24 March 2025.

[9] Obi, Alfred Idibhar & Ziprebo Tonye, "The Thin Line Between Justice and Judgment: Public Perception and the Role of Education in Judicial Reforms in Nigeria" (2025) *Journal of Human, Social & Political Science Research,* 6 (7) 270.

Committee or even the Central Bank of Nigeria for resolution of disputes. It is only when one or more of these bodies have failed in the pursuit of justice that a litigant may be advised to go to court.

There has been litany of cases where the Nigerian Judiciary (the courts) delivered perfect justice which was applauded by all stakeholders, especially the common man. In the recent case of Victor v Federal University of Technology, Akure[10] the Supreme Court delivered this type of justice. In this case, the appellant, who is not a lawyer, represented himself from the High Court to the Supreme Court, where the apex court upheld the concurrent judgments of the High Court and Court of Appeal by holding that the University failed in her duty of care to the student (appellant) and upgraded the paltry general damages of N500,000.00 awarded in favor of the appellant to N18,000,000.00, and cost of the suit from N250,000.00 to N2,000,000.00. The case took about 17 (seventeen) years from the High Court to the Supreme Court.

The facts of the case were that the appellant instituted an action against the respondent, seeking the re-mark of some of the scores/marks for courses he offered during his degree programme in Mechanical Engineering in the Faculty of Engineering at the 1st respondent's University by independent assessors and thereafter have his transcripts and certificate released to him. According to the appellant, the respondents awarded less Cumulative Grade Points Average (C.G.P.A) to him, which he said were not his true scores and that the respondents erroneously awarded him Second Class (Lower Division), instead of (Upper Division).

In its judgment, the trial court granted the claims of the appellant in part by granting prayers 5 and 7 of the reliefs claimed by the appellant. It directed the respondents to re-mark the appellant's scripts by external examiners in the courses affected and issue to him a final result and transcripts reflecting the results. It then awarded the sum of ₦500,000.00 (Five Hundred Thousand Naira) as general damages in favour of the appellant.

Dissatisfied with the judgment of the trial court, the respondents appealed against the judgement to the Court of Appeal. The appellant cross-appealed on the quantum of damages awarded as being insufficient. In its judgment, the Court of Appeal dismissed the appeal and allowed the appellant's cross-appeal in part. It awarded the appellant a sum of ₦200,000.00 for success in the cross-appeal and ₦50,000.00 as costs of litigation.

Still dissatisfied, the respondents appealed to the Supreme Court, while the appellant cross-appealed. Upon mediation by the Supreme Court, the respondents withdrew the appeal and same was dismissed. Pursuant to the directions of the Supreme Court, the respondents filed a notice of compliance detailing the academic transcripts of the appellant showing a re-mark of his scripts by external examiners and a Degree Award of Bachelor of Engineering (B.Eng.) of Second Class (Hons.), Upper Division, and evidence of payment of the sum of ₦500,000.00 (Five Hundred Thousand Naira Only) and ₦250,000.00 (Two Hundred and Fifty Thousand Naira Only) for damages and costs for the unsuccessful appeal.

Upon the notice of compliance, the Supreme Court ordered the appellant to go to the 1st respondent's University to collect his degree. The Supreme Court was then left with the appellant's cross-appeal. In the cross-appeal, the appellant prayed the Supreme Court to, *inter alia,* allow his appeal, grant an order setting aside the sum of N500,000 general damages for being extremely low, considering the hardships and losses he had experienced over the years in pursuit of his right, and for an award of adequate general damages in line with the principle of *restitutio in integrum*. He equally prayed for an order setting aside the award of ₦50,000.00 cost of suit for 7years as being extremely low. In allowing the Cross Appeal, the apex court upgraded the general damages from N500,000,00 to N18,000,000,00 and the cost litigation from N250,000,00 to N2,000,000.00. This was real victory for the common man.

In University of Port Harcourt v. Nwuzor,[11] the respondent was a student of the appellant in 1999. Upon the completion of his Master's Degree program, he was informed by the appellant vide a letter of his cumulative grade point average of 3.44 (C.G.P.A) and that his certificate will be issued to him in due course. Overtime, the respondent discovered that the appellant had been issuing "success letter" as opposed to "certificate" to his colleagues. He requested for same from the appellant. After several back and forth, the appellant informed the respondent vide another letter that because he scored below 3.00 (C.G.P.A), he was not qualified for the appellant's Master's Degree. The respondent proceeded to institute an action against the appellant. At the trial court, judgment was delivered in favour of the respondent and all the reliefs sought were granted except one. The sum of ₦25,000,000.00 (Twenty-Five Million Naira) was awarded in favour of the respondent against the appellant as exemplary damages.

At the court below, the court dismissed the appellant's appeal in a majority decision and upheld the decision of the trial court. At the Supreme Court, the appellant's appeal was also dismissed and the judgments of the two lower courts were upheld. The court also affirmed the award of ₦25,000,000.00 (Twenty-Five

[10] (2026) 8 NWLR (Pt. 2044) 33.

[11] (2024) LPELR-62382(SC), (2024) 16 NWLR (Pt. 1965) 551.

Million Naira) in favour of the respondent as exemplary damages and the cost of ₦2,000,000.00 (Two Million Naira Only) as costs of defence of the appeal to the respondent. This was another sweet victory for the common man!

Another case where the court stood tall as the last hope of the common man was the case of Federal Republic of Nigeria v Professor Cyril Osim Ndifon & Anor[12]. In that case, the court convicted and sentenced the 1st defendant (the Dean of Faculty of Law University of Calabar) to 5 (five) years imprisonment on a two count charge for sexually abusing an undergraduate by requesting for her nude pictures and asking for a 'blow job' from her, whilst using his position as a public servant to confer undue advantage on himself, with the promise of giving her admission into the LLB program of the law faculty as the student was a diploma student. The court, admonishing the dean, held *inter alia:*

It was with dismay and alarm that I read through the facts of this case as well as the oral evidence presented before the court. It was indeed sad that the 1st defendant as Dean of Law who is supposed to be beacon of professionalism wherein young minds can learn from turned himself to a sexual predator to destroy the mind of young ladies. His randy nature and shameful conduct instilled fear in the minds of the students in the faculty...The 1st defendant has brought shame upon the faculty of law University of Calabar, the university itself, the legal profession, and his family. He is a disgrace to the community of learnerd persons and must be made to pay for his atrocities which the court can only imagine. The society is better rid of the 1st defendant and his perverted mind...The judgment should serve as a warning and lesson to any other randy lecturer who is still going around harassing female students that it is only a matter of time before the long hand of the law catches up with them.

The Nigerian judiciary has made giant strides in upholding the constitutional rights of citizens, thereby maintaining the hallowed principle of federalism and judicial independence. In Federal Republic of Nigeria v Abdulrasheed Bawa[13], a case concerning the unlawful and continued detention of suspended Chairman of the Economic and Financial Crimes Commission (EFCC), Abdulrasheed Bawa, the Federal High Court ruled in late 2024 that Bawa's arrest and prolonged detention without trial violated Section 35 of the 1999 Constitution. The judgment served as a rebuke to executive overreach and affirmed the judiciary's role in safeguarding due process.

Another landmark case where the judiciary distinguished itself as the last hope of the common man is the case of Governor of Lagos State v Ojukwu.[14] In that case, the Supreme Court whilst holding that the forcible ejection of Chief Emeka Odumegwu Ojukwu from No. 29 Queens Drive, Ikoyi, Lagos, by the Lagos State Government and the Nigeria Police on the ground that the property is an abandoned property whilst the matter was still pending in court, amounted to self-help. The court held *inter alia:*

It is a very serious matter for anyone to flout a positive order of a court and proceed to taunt the court further by seeking a remedy in a higher court while still in contempt of the lower court. It is a more serious contempt when the act of flouting the order of the court is by the Executive. Under the Constitution of the Federal Republic of Nigeria, the Executive, the Legislature and the Judiciary are equal partners in the running of a successful Government. None of the three organs of Government must exist in sabotage of the other or else there will be chaos or there may be no Federal Government. Executive lawlessness is tantamount to a deliberate violation of the Constitution. And it is much more serious and profound if such lawlessness takes place in a Military Administration.

This was another victory for the common man in the context of this research.

On the flip side, in every organized human setting, there must always be bad eggs whose actions or inactions discredit and cast doubt on the integrity of the entire institution or body. The judiciary is not insulated from this human reality. We contend that despite the fact that there are occasions where the activities of a few bad eggs have cast doubt on the integrity of the judiciary as this research will reveal, it still remains the last option for an aggrieved citizen, especially the common man as demonstrated in the above reviewed cases.

It is noteworthy that there are checks provided by law to ensure that the judiciary still maintains its pride of place as the last resort of the citizens in ventilating their grievances. Under Paragraph 21(b) and 21(d) Part 1 of the Third Schedule to the Constitution[15], the President and Governor have the power to remove erring heads of federal and state courts respectively. This sanction must, however, first emanate from the National Judicial Council, as due process must be followed.[16] In Federal Republic of Nigeria v Nganjiwa [17], an attempt to discipline the appellant, a judicial officer by instituting a criminal proceeding against him for alleged offence of corruption collapsed as a result of adoption of improper procedure. The National Judicial Council was overlooked in the purported disciplinary procedure. The court held that:

[12] Unreported Charge No: FHC/ABJ/CR/511/2023.
[13] Unreported Suit No: FHC/L/CS/1631/2023.
[14] (1986) 1 NWLR (Pt.18) 621 (SC)
[15] CFRN 1999 (as amended).
[16] *Nganjiwa v FRN* [2018] 4 NWLR (Pt 1609) 301 339; *Justice Okwuchukwu Opene v National Judicial Council & Ors* (2011) LPELR-479 (CA).
[17] (2022) 17 NWLR (Pt. 1860) 407.

The National Judicial Council is a constitutional body established by section 153 and mandated in paragraph 21 of Part 1 of the Third Schedule of the 1999 Constitution (as amended) to, *inter alia*, recommend the appointment and removal of judicial officers of superior courts of record in Nigeria and exercise disciplinary control over such officers. This is the constitutional body that disciplines judicial officers before they are handed over for criminal prosecution by any of the criminal courts or agencies.

### 3.1 The Nigerian Judiciary on Trial

Public perception of the judiciary has always been on unequal divides. While some view it as an extension of the executive and legislative arms of government, others view it as an indispensable independent organ, or at best, a better devil. It was Malcom Omirhobo that opined that once a case is filed against the Federal Government and the Attorney General, there is usually an invincible defendant to reckon with, and that without mincing words, that secret but powerful defendant is the Judge himself.[18]

According to J.R MIDHA,"In a court of justice, both the parties know the truth, it's the judge who is on trial". This implies that the onus is heavily on the judiciary to ascertain the rights and duties of parties and to bring all questions before it to a logical legal determination. This voyage is in pursuit of dispensing justice according to law and acceptable international standard. This indirect trial of the judiciary is often greeted with divergent reactions as a litigant who won a case and the other who lost the case cannot have the same perception of the Judge or the outcome of the case. It was Lord Hewart in the case of *Rex v. Sussex Justices Exparte Mccarty*[19] that noted that justice must not only be done, but must be manifestly seen to have been done.

**From his own perspective, Ebun-Olu Adegboruwa, SAN has this to say:**

As an active player in the courtroom close to three decades running, I can boldly say that judges have kept this nation going, they have saved the common citizens from arbitrariness, they have restored hope to the oppressed, the persecuted and the down-trodden, to widows, to retirees and even to the mighty, from the hands of those mightier than them.

Pointing out how Judges are viewed in the society, he made this comment after the successful ENDSARS [20] Panel of Inquiry in which he was a member. He stated that while the benchmark for deserving petitioners who had suffered fatality during the ENDSARS protest was a sum of Ten Million Naira (N10,000,000.00), some members of same panel were alleged to have demanded cuts from petitioners. One can only imagine how many petitioners must have suffered this worrisome fate, and would go about bad-mouthing the entire members of the panel. Now, if such could be experienced at the level of just a Panel of Inquiry, how much more in our regular courts where court officials like clerks, sheriffs, bailiffs, etcetera, work against the dignity of Judges who know nothing about what go on behind them, but are crucified by litigants for the consequences of such conducts?

Another pointer to this phenomenon is the case of the Kano Emirate tussle. An average citizen would wonder why there is so much brouhaha on who should ascend the throne, to the extent that the judiciary is alleged to have been compromised. On this, the Court has succeeded in arriving at conflicting decisions to the dismay of ordinary citizens. A former President of the Nigerian Bar Association could not hold his reservation when he said that:

The conducts of counsel and the courts in handling the proceedings, which culminated in the orders issued by the Federal High Court, the Kano State High Court, and again the Federal High Court, in the circus, have brought utter disgrace and shame to the profession – exposed the entire legal profession in Nigeria to public ridicule and opprobrium. In fact, the action of the Federal High Court Judge, Hon. Justice Abdullahi Liman, has allegedly been described as "judicial misconduct of the most spectacular kind."[21]

### 4.0 Judiciary as the Last Hope of the Common Man-Finality of Court Decisions

There have been arguments on whether the Supreme Court should have the final say on litigation. This argument is premised on the perception that quite a number of decisions of the Court have been controversial and as such, rather than bringing an end to litigation, ends up brewing more conflicts. Also, in recent years, a troubling phenomenon has emerged. This is with regards to the frequency with which the Supreme Court churn out conflicting judgments, as well as divergent interpretations of its decisions by lower courts, litigants, and even the executive arm of government. All these

[18] Malcolm Emokiniovo Omirhobo, 'Nigerian Judiciary: Lost Hope of the Common Man' *The Guardian* (Lagos, 12 November 2021) <https://guardian.ng/opinion/nigerian-judiciary-lost-hope-of-thecommom-man/> accessed on 8 March 2025.

[19] [1924] 1 KB 256.

[20] ENDSARS protest took place on 20th of October 2020 by youths throughout the country against SARS unit of the Police Force, police brutality and against some social vices and bad governance. This culminated in the loss of many lives when men of the Nigerian Army allegedly opened fire on protesters.

[21] Chidi Anselm Odinkalu, "Abdullahi Liman, and the Making of a Judicial Scandal" <https://barristerng.com/abdullahi-liman-and-the-making-of-a-judicial-scandal-by-chidi-anselm-odinkalu/> accessed 20 March 2025.

factors erode public confidence in Nigeria's highest judicial institution. The Body of Senior Advocates of Nigeria (BOSAN) has described conflicting judgments emanating from the Supreme Court as "worrisome," lamenting that the problem persists despite repeated concerns raised since 2012. The Nigerian Bar Association's President, Mazi Afam Osigwe, SAN, has warned that the inconsistency in judicial pronouncements has continued to raise serious concerns within the legal profession and among members of the public who look to the courts for clarity and justice.[22]

Constitutionally vested with the judicial powers[23], the judiciary still remains the last resort and the decision of the court is final, particularly when such matters end up in the Supreme Court. This has been decided in a plethora of cases.[24] The finality of the decision is determined by the kind of the cause of action and redress sought by a common man in question. This is because, while some matters terminate at the Court of Appeal, some need to scale up to the Supreme Court. Whether just or unjust in the eye of the common man, whatever the Court says is final. This does not mean that the judiciary is incapable of making mistakes. It is made up of mortal men, hence susceptible to human errors. In a pragmatic allusion to the fallibility of men who make up the justices of the apex court, Oputa JSC had this to say, "We are final, not because we are infallible but we are infallible because we are final".[25] This encapsulates the possibility of the human errors in decisions even though such decisions are bound to be enforced. The rhetorical question by the researchers regarding the above is: supposing the errors are calculated, intentional or deliberate and made to favour a party to the proceedings, what can an aggrieved party do to remedy the situation?

### 4.1 How the Nigerian Judiciary Has Become the Lost Hope of the Common Man

There are many instances whereby our Courts have fallen short of the standard expected by the common man. As a matter of fact, the judiciary has been routinely instrumentalised to oppress the very "common man" which it is supposed to protect.[26] There are reports which are not only embarrassing to be associated with the judiciary, but has eroded public confidence in the judiciary as the supposed last hope of the helpless citizens. There are concrete and empirical evidence that the era of our courts as last hope of the common man is gradually going as justice in our courts are now for the highest bidder.[27] The judiciary has been seriously attacked and perceived by the public as an institution bedeviled with corruption, ethno-religious bias and compromise, and inconsistency in judgment delivery, as well as politically controlled by the executive, regardless of their independence.

Recently, the President of the Nigerian Bar Association, Mazi Afam Osigwe, SAN, while presenting a paper entitled "Judicial Corruption in Nigeria: A Menace to Democracy and Social Justice," lamented the steady erosion of public confidence in the justice system, describing judicial corruption as a moral crisis and a democratic emergency. He observed that the judiciary, constitutionally designed to be the last hope of the common man, is increasingly perceived as an arena where justice can be delayed, manipulated, or outrightly purchased by the highest bidder.[28] He further noted that "Democracy thrives on the rule of law. But when courts become instruments for shielding the corrupt or persecuting political opponents, elections lose their meaning, governance becomes arbitrary, and citizens lose faith in the state." Regrettably, a recent survey conducted and published by the National Bureau of Statistics (NBS), in collaboration with the United Nations Office on Drugs and Crime (UNODC), indicates that Nigerian public officials received N721 billion in cash bribes in 2023. Disappointingly, the judiciary topped the list as the most corrupt institution in the country.[29]

It is surprising to note that not only the common man is perplexed as to how Nigerian judiciary has become hopeless in quest of justice. Even ministers in the temple of justice have found themselves in this arena of confusion. Lawyers, including those in civil societies, have from time-to-time questioned decisions of the Courts and how (to them) it defeats logic. Reacting to the

[22] https://1stattorneys.com/articles/2026/05/12/conflicting-supreme-court-judgments-in-nigeria-anatomy-of-a-judicial-crisis/#:~:text=The%20Supreme%20Court%20of%20Nigeria%20stands%20as%20the,on%20all%20authorities%20and%20persons%20throughout%20the%20federation accessed 24 July 2026.

[23] Section 6 of the CFRN 1999 (as amended).

[24] Oguntimehin v Tokunbo (1957) 2 FSC (Pt 56) 57; Uwemediwo v MP (Nig.) Unltd (2011) 4 NWLR (Pt 1236) 80.

[25] Adegoke Motors Ltd v Adesanya (1989) 3 NWLR (Pt 109) 250.

[26] Farooq Kperogi, "Nigerian Judiciary as Lost Hype of Justice" (2023) *Nigerian Tribune* <https://tribuneonlineng.com/nigerian-judiciary-as-lost-hype-of-justice/> accessed 21 March 2025.

[27] Tonye Clinton Jaja, "Courts and Legislature as last Hope of Common Man: Going, Going, Gone!" accessed March 2025.

[28] https://blog.nigerianbar.org.ng/2026/02/09/rebuilding-confidence-in-the-judiciary-nba-president-speaks-on-corruption-and-democratic-survival/ accessed 22 July 2026.

[29] https://guardian.ng/news/nbs-unodc-report-when-corruption-stench-taints-temple-of-justice/ accessed 22 July 2026.

judgment in the case of Sunday Jackson v The State (supra), Alex Omotehinse, Chief Executive Officer of Centre for Human and Socioeconomic Rights vibrated thus:

This is a clear miscarriage of justice. Jackson should not have been charged with murder – this was a case of self-defence. At the very least, it should have been considered manslaughter … This clearly shows that our judiciary is no longer the last hope of the common man.[30]

In order to address the backlash and seemingly obvious injustice done to the convict as a result of the referenced Supreme Court judgment, the Executive Governor of Adamawa State, Ahmadu Fintiri based on recommendations from the Adamawa State Advisory Council on Prerogative of Mercy, pursuant to section 212 of the Constitution[31] granted pardon to Sunday Jackson, a farmer who was convicted and sentenced to death for murder for allegedly killing a herdsman who attacked him in his farm giving him matchet wounds while attempting to kill him. This brought to an end the controversy surrounding the judgment of the Supreme Court affirming the High Court and Court of Appeal judgments on the case. [32] The researchers are not unmindful of the fact that that the court cannot take over the defence of a defendant in the course of a criminal trial because the court cannot descend into the arena of conflict, just as the court will not also take over the pre-trial investigation of the case from the Nigeria Police to ensure that evidence that can sustain conviction will be brought before the court. But where all cards are placed on the table before a court, the only thing a common man expects from the court is justice.

In the 2025 Corruption Perception Index, Nigeria is ranked 142 out of 180 least corrupt countries reported by Transparency International.[33] Corruption in Nigeria has soared to the high heavens, where even animals are being accused of corruption and it has been reported that snakes and monkeys' swallows' money.[34] The economic development and growth of Nigerian economy are undeniably stunted and stagnated with more that 63% (approximately 140 million) of Nigerians in 2025 living below the National Poverty Line according to World Bank statistics which may have increased in 2026 majorly as a result of corruption.[35] Nigerians and legal experts were shocked when in 2026, the court discharged a former Minister of Aviation, Senator Stella Oduah who was arraigned for embezzling N2.5 Billion, after she entered a plea bargain with the Federal Government, while convicting the company she used in diverting the funds.[36] In Federal Republic of Nigeria v Stella Oduah & Anor[37], the former Aviation Minister, her aide, and two companies were charged in December, 2025 before the Federal High Court sitting in Abuja with a N2.5 billion fraud case, initially of five counts that included fraud, breach of trust and obtaining money by false pretence. However, the court discharged her after the office of the Attorney-General of the Federation amended the charge, withdrawing her name and her aide from the charge sheet pursuant to a plea bargain agreement, with the prosecution agreeing to proceed against two companies linked to the charges. These companies pleaded guilty to the amended charges of unlawful possession of N838 million and N1.629 billion, respectively. The court convicted the companies and ordered their dissolution. It also ordered the forfeiture of N1.2 billion paid as restitution and N780 million recovered during the investigation, to the federal government. Oduah and her aide, Gloria Odita, were formally discharged from the case without conviction even though they were the *alter ego* of the two companies, thereby sending a wrong signal that corrupt elites and political office holders accused of corruption can maneuver the criminal justice system and walk out free without conviction only to forfeit some portion of the looted funds!

### 4.2 Reasons behind the Denigration of the Nigerian Judiciary

In this segment, the researchers will consider possible factors behind the denigration of the Nigerian judiciary as the lost hope of the common man.

#### 4.2.1The Process of Appointment

Appointment to judicial office in Nigeria aligns with the professional models where judges are appointed from the pool of serving and practicing legal practitioners. Nigeria operates a constitutional democracy where the Executive, Legislature, and the

[30] City Lawyer, Supreme Court Verdict: Rights Activists ask Fintiri to free Condemned Farmer" https://citylawyermag.com/supreme-court-verdict-rights-activists-ask-fintiri-to-free-condemned-farmer/ accessed 24 March 2025.

[31] 1999 Constitution of the Federal Republic of Nigeria provides for the powers of the State Governors to grant pardon to a convict.

[32] https://guardian.ng/news/nbs-unodc-report-when-corruption-stench-taints-temple-of-justice/ accessed 22 July 2026.

[33] https://businessday.ng/companies/article/nigeria-ranks-142th-out-of-182-countries-in-2025-corruption-perceptions-index/ accessed 24 July 2026.

[34] ttps://loyalnigerianlawyer.com/animals-as-culprits-of-corruption-the-nigerian-story/ accessed 26 July 2026.

[35] ttps://africa.businessinsider.com/local/lifestyle/poverty-crisis-755-of-rural-nigerians-struggling-to-survive-world-bank/tt5wsb1 accessed 24 July 2026.

[36] ttps://guardian.ng/opinion/editorial/plea-bargain-or-pardon-the-troubling-signal-in-oduahs-discharge/ accessed 24 July 2026.

[37] Unreported Suit No: CR/606/2025.

Judiciary have constitutional roles to play in the process of appointment of judicial officers.[38] The Constitution establishes four types of institution in relation to the appointment of judges and vests them with the power to either advise or make recommendations to the relevant appointing authorities in matters of selection and appointment of judges in Nigeria. These institutions are: The National Judicial Council (NJC), The Federal Judicial Service Commission (FJSC), The State Judicial Service Commission (SJSC) of the 36 States of the Federation and the Federal Capital Territory Judicial Service Committee (FCT-JSC).[39]

The politics of judicial appointments in Nigeria presently revolve around balancing judicial independence with executive influence. Although the Constitution outlines a structured appointment process, political dynamics frequently affect how judicial officers are selected.[40] The process of appointment of judicial officers in Nigeria has witnessed glaring lop-sidedness in such a way that individual skills and experience suffer from commodification, dynastification, and genitalization, trends which have regrettably characterized the Bench.[41] It seems that the process of appointment over the years is becoming more political than professional. The executive and legislature who are part of the recruitment process (as the case may be) are in the habit of having candidacy in would-be Justices. When this foundation is faulty, the common man is unfortunately at the mercy of the whims and caprices of the other two arms of government which are occupied purely by politicians. In this regard, Prof. Odinkalu C.A, a fierce critic of the Nigerian judiciary has this to say:

… Nigeria's judiciary sustains a two-track judicial system by which it puts the interests of politicians above those of the citizens whom they were meant to serve. It also encourages the twin evils of undue judicialisation of politics and the politicization of the judiciary. It is little wonder that some have resorted to describing Nigeria's court as the 'lost hope of the common man[42]

The researchers finds that for a vibrant judiciary, strengthening transparency and reducing executive interference in the process of nomination and appointment is a condition precedent for a credible judiciary in Nigeria.

- **Corruption**

Corruption in the dispensation of justice affects people's confidence in the judiciary. It is one thing to complain about the inadequacies and ineffectiveness of Judges, but more worrisome and disturbing is to hear of corruption among Judges. That was why the nation vibrated when in June 2023, Senator Adamu Bulkachuwa, during a valedictory session for the Ninth National Assembly, exposed the magnitude of the ramifications of our culture of corruption and impunity. The octogenarian Senator narrated how he influenced his wife, Justice Aisha Bulkachuwa (former President of the Court of Appeal), to pervert the course of justice so as to favour his friends and party men, but he was immediately hushed up by the then Senate President not to continue in that direction. He would have gone into details about how his wife did all that.[43] Curiously, when the senator was invited for questioning regarding his open judicial corruption confession, he approached the Federal High Court in the case of Senator Adamu Bulkachuwa v Attorney-General of the Federation & Ors[44], seeking to quash the invitation, relying on parliamentary immunity. The court, rightfully in our view, held that parliamentary immunity does not cover crime, thereby empowering the agencies to interrogate him. The outcome of the interrogation is yet to be made public.

The job of a judicial officer is a sacred duty to be dispensed with trust. Emergence of corrupt practices in Nigerian judicial system has paved the way for the bourgeoisies in the society to get favored by the judiciary in exchange for cash and other perks. This has led to the proliferation of criminal activities, particularly white-collar crimes, the perpetrators of which routinely pay their way to evade justice while the common man is left to be punished according to law.

[38] Sections 231, 238, 250, 254, 255 & 256, 270 & 271 of 1999 CFRN (as amended).

[39] https://www.unodc.org/conig/uploads/res/publications_html/Working_Paper_-_Judicial_Selection_and_Appointments.pdf accessed 26 July 2026.

[40] https://www.bing.com/search?q=Politics%20of%20judicial%20appointment%20of%20judicial%20officers%20in%20nigeria&qs=n&form=QBRE&sp=-1&ghc=1&lq=0&pq=politics%20of%20judicial%20appointment%20of%20judicial%20officers%20in%20nigeria&sc=12-64&sk=&cvid=5252FF02F8F3457399DF7112DF90500C&dayref=1&ajf=10 accessed 26 July 2026.

[41] Olumide A, "Politician have taken over Nigeria judiciary, intimidate, bribe judges" *Sahara reporter* (Lagos, 11 July 2006) <Saharareporters.com/2022/11/06> accessed 19 March 2025.

[42] Chidi Anselm Odinkalu, "How Nigeria's Courts Became 'The Lost Hope of the Common Man'" *Vanguard* (Lagos, 25 September 2023) <https://google.com/amp/s/www.vanguardngr.com/2023/09/how-nigerias-courts-became-the-lost-hope-of-the-common-man-by-chidi-odinkalu/amp/> accessed 19 March 2025.

[43] https://www.vanguardngr.com/2023/06/bulkachuwaisation-of-our-judiciary-and-nigerias-culture-of-corruption/ accessed 24 July 2026.

[44] Unreported Suit No: FHC/ABJ/CS/915/2023

Corrupt practices within the judiciary keep raising questions regarding effectiveness of the judiciary in the performance of its role in combating corruption in Nigeria.[45] Worthy of mention is that it is not only the helpless commoners that suffer judicial backlash, even politicians have their fair share in this judicial mess. In fact, the judiciary has been turned to be the cesspit of politics.[46] The masses still however, suffer the overriding effect of this wreck. Many Judges have fallen for these bribes and have sold justice to the highest bidders. This unholy judicial transaction occurs behind the scene and usually with evidence destroyed. Regrettably, in some quarters, it is now said that some judges belong to a certain person.[47] Having forseen the calamity that will befall the judiciary if allowed to be infiltrated by politicians, Justice Niki Tobi, known for his erudition and wide knowledge of legal principles, took some valuable time to advise his fellow judges, thus:

I see…the need for Nigerian judges to maintain a very big distance from politics and politicians. Our Constitution forbids any mingling. As judges, we must obey the constitution. The two professions do not meet and will never meet in the discharge of their functions…Their waters never meet in the same way as Rivers Niger and Benue meet at the confluence near Lokoja. If they meet, the victim will be democracy most of the time and that will be bad for sovereign Nigeria. He forbade the idea of judges and politicians coming together to wine and dine on the same table.[48]

The allegation of corruption in the judiciary became unpardonable, when in October, 2016, the Department of State Security Service allegedly raided the residence of senior judicial officers on grounds of questionable financial dealings. [49] In his editorial, Professor Odinkalu alleged that judicial appointment has become network corruption in Nigeria.[50]

- **Uncertainty of the Law by flagrant Disregard for Judicial Precedents**

The doctrine of judicial precedent is one of the age-long principles in our judicial system. Nigeria is a Common Law country and the general principle in common law legal system is that similar cases are decided so as to give similar and predictable outcome and the judicial precedent is the judicial mechanism to achieve this objective. The Supreme Court, dealing with the issue of judicial precedent, recently held in the case of S.C.C (Nig.) Ltd v Joseph[51] that:

The operation of the doctrine of judicial precedent prescribes that all previous decisions and judgments of the Supreme Court are binding on all courts in the judicial arrangement, including the Supreme Court itself, and that the Supreme Court can only depart from its earlier decisions and judgments in certain exceptional circumstances.

Adherence to this practice is one of the reasons why the common man has confidence in the judgments emanating from the courts, knowing that it is predictable. This is because the doctrine brings about predictability of the law. But where this is found wanting, as in some cases in our temple of justice recently, it leaves so much to be desired. The Nigerian judicial system is facing a crisis of confidence, as conflicting court judgments flood the legal landscape. Despite the principle that courts of coordinate jurisdiction should not overrule one another, recent events, especially in political cases, have highlighted numerous instances of contradictory and counter-orders from various courts.[52]

We have experienced situations whereby the Court which ought to be the last resort by bringing about finality to legal questions, would rather throw litigants into disarray, leaving them more confused than they were before instituting such actions. This, more often than not, happens when there are conflicting *ex parte* orders by courts of coordinate jurisdiction. The recent Kano emirate tussle comes to mind here, where within a period of five days, three Justices of State and Federal High Courts gave contradictory ex-parte and interim orders, each allegedly seeking to satisfy his pay masters. [53] Former NBA National President, Yakubu Maikyau, SAN couldn't harbor his dissatisfaction with the charade when he remarked that the confusion of the Courts in this regard "have brought utter disgrace and shame to the profession."[54]

- **Delay in Justice Delivery**

It is common practice, though regretable, that our Courts are bombarded with plethora of cases, many of which last donkey years before they are determined, contrary to section 36 (1) and (4) of the CFRN which

[45] Abdulrahman BD, *Criminology and Criminal Justice System* (2nd edn, University Press Ibadan, 2012) 10.
[46] Jimoh, Atiku, Isiaka and Ojieleze (n4), 66.
[47] https://www.vanguardngr.com/2026/07/rot-in-judiciary-its-now-a-common-talk-that-politicians-own-some-judges-mato/ accessed 26 July 2026.
[48] *Ibid*.
[49] ttps://www.premiumtimesng.com/news/headlines/212351-exclusive-untold-story-sss-raids-judges-homes-abuja-five-states.html?tztc=1 accessed 26 July 2026.
[50] https://www.premiumtimesng.com/opinion/691560-in-nigeria-judicial-appointments-have-become-network-corruption-by-chidi-anselm-odinkalu.html accessed 26 July 2026.
[51] (2026) 1 NWLR (Pt. 2025) 227.
[52] https://loyalnigerianlawyer.com/nba-owerri-branch-2025-law-week-conflicting-decisions-of-courts-in-nigeria-paper-presented-by-chief-jibrin-samuel-okutepa-san-b/ accessed 26 July 2026.
[53] Chidi Anselm Odinkalu, "A judicial Mano-O-Mano in Kano" <https://barristerng.com/a-judicial-mano-o-mano-in-kano-by-chidi-asnselm-odinkalu/> accessed June 1 2024.
[54] Ibid.

stipulates that a trial must be concluded within a reasonable time. It is usually hard for litigants to understand why they incur expenses to go to court in search of justice, only to find out in most cases that the court will either not sit, or where it sits, cases are most times adjourned for reasons which the common man find inexplicable. Skipping all other challenges in the pathway of realizing justice for the victim, the trial of cases suffers severe and undue delay, most times as a result of antics from lawyers and lack of readiness on the part of the court.[55]

Some cases have lasted many years through the hierarchy of courts, only for the Supreme Court to order a retrial by the court of first instance. While the constitution provides a broad framework for trials to be concluded, it failed to concisely specify what a reasonable time should be. This made for loopholes and provides enabling avenue for cases to habituate in our courts for too long. Efforts to curtail this, has evidently not yielded much results.[56]

A typical instance of this is the case of *Emeka Offor v Commissioner of Police Rivers State*[57] which dwelt in our temple of justice from trial court through the apex court for 17 years, only for the Supreme Court to order a retrial at the Chief Magistrate's Court for having breached the fundamental principle of fair hearing as enshrined in the Constitution. The trauma that such litigants must have suffered through the years could better be imagined than experienced. Another popular example is the case of *Ukeje v Ukeje*[58], where the case bordering on discrimination against women over family inheritance filed by Ogbonnaya Ukeje lasted 31 years before it was laid to rest by the Supreme Court.

Lawyers are in the habit of seeking unmerited adjournments from courts.[59] This ugly practice has become a safe haven for indolent lawyers and judges to hide, while causing intolerable delay in the dispensation of justice.

- **Political Dynamics and Influence**

There is a common perception among Nigerians that justice is traded to highest bidders like auction. The infiltration of politics and the influence of politics in the judiciary, expectedly, is doing more harm than good. The 2023 Senatorial and State Assembly elections were centers of attention throughout the federation. In Plateau state, for instance, the Court of Appeal returned Simon Lalong as the winner of the Senatorial Election in which he had been roundly defeated[60], on the basis that the PDP and its Senatorial Candidate did not have sufficient legal ground for participating in the election, having failed to obey an order of a Plateau State High Court that the party should conduct State and Local Government elections for party officers. One wonders why and how that should be a rational for upturning the sacred wishes of the electorates.

The influence of politics on the judiciary is more pronounced in electoral matters. The vote of the common man hardly count during elections, as most elections in Nigeria are conducted by the courts where often times, technicalities, rather than the supreme choice of the people, determine who are declared winners by the courts. We have seen instances where our Courts turn themselves to mathematical studios where they add and subtract votes cast by the electorates. More surprising to the common man on the street, is how a candidate who came a distant fourth in a gubernatorial election, could be adjudged and declared winner by the court.[61] Legal minds are not spared this confusion too and they have also wondered how the courts have become so unpredictable when it comes to political and electoral issues. Reacting to the conduct of electoral tribunals during the 2023 general elections, Prof. C.A. Odinkalu, has this to say:

Nearly one year after the country began voting in February last year, Nigeria's Supreme Court is still casting the final votes in the 2023 elections. It has been a long, tortured and traumatic election season. First the people voted. Then the Independent National Electoral Commission (INEC) decided what it announced as the results. By March last year, those two phases were done. Since then, judges have been casting their own votes and the courts have been busy announcing their own results[62]

[55] Muiz Banire, "Is Judiciary Truly a Lost Hope of the Common Man?" <https://barristerng.com/is-judiciary-truly-a-lost-hope-of-the-common-man/> (14 October 2023) accessed 22 March 2025.

[56] Obaseki JSC in *Ariori & Ors v Elemo & Ors* (1983) 1 SCNLR described reasonable time to mean "the period of time in which the search for justice does not wear out the parties and their witnesses and which is required to ensure that justice is not only done but appears to a reasonable person to be done."

[57] (2022) 9 NWLR (Pt 1835) 241.

[58] (2014) 11 NWLR (Pt. 1418) 384; (2014) LPELR-22724 (SC) D.

[59] Boma Alabi, "Adjournments seeking to delay justice should attract sanctions" *The Punch* (Lagos, 29 September 2022) <https://google.com/amp/s/punching/com/adjournments-seeking-to-delay-justice-should-attract-sanctions-alabi/%3famp> accessed 20 March 2025.

[60] Chidi Anselm Odinkalu, "Monica Dongban-Mensem: In God's Name, Go!" *City Lawyer* (Lagos, 14 January 2024) <https://citylawyermag.com/courts-and-legislature-as-last-hope-of-common-man-going-going-gone/> accessed 20 March 2025.

[61] Imo State Governor, Hope Uzodinma of APC in this instance.

[62] Chidi Anselm Odinkalu, (n32).

Recently, the Federal High Court, Abuja Judicial Division, presided over by Hon. Justice Peter Lifu, had on June 15, 2026, caused a stir in the judiciary when he overruled the Court of Appeal which had ordered him to stay proceedings in a suit that sought the deregistration of the African Democratic Party (ADC), Accord Party and others. The Court of Appeal, in a unanimous decision of a panel of three Justices, had on May 22, 2026 directed him not to proceed with the suit until an appeal filed by Accord Party which was pending before them is resolved.

When the certified enrolled order and notice of appeal were served on Justice Peter Lifu by Mr Adetunbi (SAN), he rejected them on the ground that it was a ploy to arrest his judgment in the matter. The Judge who had adjourned the ruling in the substantive suit indefinitely, dramatically summersaulted and neglected the order of the superior court and delivered its ruling deregistering the Action Democratic Congress and other parties.[63] Nevertheless, In a unanimous decision delivered by a three-member panel led by Justice A. B. Mohammed, the appellate court faulted the actions of the learned trial judge for proceeding to deliver judgment in the matter, despite an earlier order issued by the Court of Appeal on May 22 directing him to suspend proceedings thereof. The appellate court described the lower court's conduct as a serious violation of judicial hierarchy, stating that it amounted to 'the highest form of judicial impertinence.' It further cited the position of the Supreme Court that a judge who disregards the authority of a superior court engages in "judicial rascality" and is "unfit for the bench." According to the panel, courts have a responsibility to safeguard their institutional integrity and ensure compliance with their orders. The Court of Appeal held that "The application for stay of execution is hereby granted. The enforcement of the judgment is stayed".[64]

The above judgment of the trial court neglecting the order of a superior court has put the judiciary again on the spot light and has attracted negative criticisms. A former Chairman of the National Human Rights Commission (NHRC), Prof Chidi Odinkalu, has berated Justice Peter Lifu over his controversial judgment in which the judge ordered the de-registration of the African Democratic Congress (ADC) and four other political parties, stating that the judge exhibited "criminal dishonesty" and described his conduct as "extraordinarily pathological."[65] Continuing, in his article titled 'Lifuprudence: An Introduction to a Judicial Hitman' he stated concerning Honorable Justice Peter Lifu, in a scathing remark that:

> ...on the bench of the Federal High Court, he was set up in a courtroom located at an "uncomfortable intersection between law, politics, and (adverse) public perception." As if connected to a peculiar judicial magnet, Peter Lifu established a reputation for attracting the cases with the most exciting political flavour. The man himself quickly made a name for himself as a judge whom the ruling party and allied interests could depend on. When a faction of a political party goes shopping for a court order to short circuit party governance, they usually find a ready mall in his courtroom. When a politician is looking for a judge to knee-cap his opponent under a ruse of law, the court of Peter is likely to be their forum of choice. How these cases manage with such predictability and effortlessness to end up on Peter's docket must be down to a judicial code shared exclusively between him and the Chief Judge of the Federal High Court. In a career spanning 13 years on the bench, Peter "has become one of the most discussed judges in Nigeria's recent judicial history", no mean achievement for a serving judge in the lower reaches of the judicial hierarchy. He has achieved this on the back of a reputation for what has been described as "a worrying willingness to disregard the very constitutional guardrails that hold our democracy together." Peter Lifu's brand of judicial decision making seems to be protected by a variety of clientelism that clothes total disregard for guardrails with the kind of impunity reserved for organized crime captains. As a recognizable brand, there is only one name for it. It is Lifusprudence. Lifusprudence is not a science. In many ways, it is everything that judicial decision making should not be. It is transparently predictable, purchasable, and pre-determined. The country got a clinical demonstration of the capabilities of Lifusprudence recently in a rather disturbing case seeking to de-register five political parties under section 255A of the Constitution...'[66]

This, to say the least, is a very sad commentary on the role of the judiciary in our electoral system, and extremely embarrassing. It has become a desideratum that the image of the judiciary must be restored by the National Judicial Service Commission by sanitizing the temple of justice through the imposition of disciplinary sanctions on earring judicial officers in order to restore public confidence in the judiciary.

## 5.0 CONCLUSION AND RECOMMENDATIONS

A country can hardly develop without good governance and a perfect judicial system revered by the

[63] https://www.thetidenewsonline.com/2026/06/parties-deregistration-how-justice-lifu-overruled-appeal-court-justices/ accessed 22 July 2026.

[64] https://theeconomictimes.com.ng/2026/06/16/appeal-court-stays-judgment-ordering-deregistration-of-adc-app-three-other-political-parties/ accessed 22 July 2026.

[65] https://saharareporters.com/2026/06/20/its-criminal-dishonesty-prof-odinkalu-lambasts-justice-peter-lifu-over-ruling accessed 22 July 2026.

[66] https://guardian.ng/opinion/lifusprudence-an-introduction-to-a-judicial-hitman/ accessed 22 July 2026.

people.[67] This is because, beyond the inefficiencies in governance and in the third arm of government itself, the judiciary still remains the closest and only refuge where the common man can seek redress and justice. It should be borne in mind that there is no perfect system anywhere in the world. The judiciary is not an exception. The Nigerian judiciary can regain its enviable position as the last hope of the common man, with substantial social benefits, if injustice and corruption are brought to a halt.[68] In this regard, we make the following suggestions on how to ensure that the judiciary regains its pride of place as the last hope of the common man in Nigeria.

First, the process of appointment of members of the bench needs to be overhauled. The current practice whereby members of the Executive (President or Governor) and Legislature (Senate or House of Assembly) have enormous influence in the appointment process should be stopped. Although it is possible for some to argue that this meddling by the other two arms will foster the doctrine of checks and balances, the influence of politically motivated appointments is depriving the judiciary of more qualified and dignified members. It is hereby recommended that there should be a constitutional amendment to make the whole process of appointment, discipline and promotion of members of the judiciary purely an affair of the National Judicial Council.

Secondly, attention should be given to time frame for the determination of cases in law courts. As previously stated, justice delayed is justice denied; justice rushed is justice crushed. However, there is no better devil between the two practices as both should be avoided in the pursuit of justice so as to build the confidence of the common man in the system. There should be concerted efforts between the bar and the bench in ensuring that cases do not unnecessarily linger in courts for unjust reasons.

Furthermore, knowledge is light, as the saying goes. Many citizens are oblivious to the workings of our justice system. What should be the law according to a layman is not usually what the law is. It is easier to argue and criticize the judges and lawyers than to patiently acquire requisite knowledge of the law. It is thus recommended that there should be periodic public enlightenment on the workings of the judiciary. To this end, we recommend the appointment of a spokesperson or the creation of judiciary information desk responsible for the sensitization of the public.

Lastly, more needs to done in the area of discipline of erring members of the bar and the bench. While it is admitted that the National Judicial Council and the Legal Practitioners Disciplinary Committee have been doing what they could in meting out deserving sanctions on Judges and lawyers respectively who conduct themselves in unprofessional manners against their enabling rules, there is need to step up the game. Judges who deserve to face the full wrath of the law should not only be compulsorily retired but should be prosecuted. Our Judicial Service Commissions should leave no stone unturned in showing the way out for judicial officers who aid bribery and corruption on the bench. There should be an overhauling of the whole legal system in other to regain the old-time confidence which the common man had in the judiciary and ensure that the judiciary truly becomes the last hope and not the lost hope of the common man.

[67] Musa PO and Adeolu RO, "An Assessment of the Judiciary on Administration of Justice and Governance in Nigeria" (2020) *Journal of Public Administration, Finance and Law* (18) 78.

[68] Oladotun G, "An independent Judicial System in Nigeria: The Challenges. Associate Corporate Atshoosmiths" (2022) <https://www.linkededin.com> accessed 20 March 2025; Onyekachi W, "The Role and Historical Development of the Judiciary in Nigeria" *Legal Emperors* (2012) <http://www.legalemperors.com.ng> accessed 18 March 2025.