



An X-Ray of the History and Roles of the Judiciary in Nigeria's Democratic and Electoral Process: 2015-2019

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ABSTRACT

The purpose of this section of the study is to examine the evolution of Nigeria's judicial system and its functions within the country's democratic and elections that took place between 2015 and 2019. The article examines the constitutional functions of the judiciary and their significance for democratic consolidation. Additionally, it examines Nigeria's electoral process from 2015 to 2019. This article takes a look at the Nigerian general election of 2015 with the intention of analyzing the electoral process, the government of President Buhari, and the difficulties encountered by the judiciary.

HISTORICAL DEVELOPMENTS OF THE JUDICIARY IN NIGERIA

The history of the judiciary in Nigeria precedes the arrival of the British in the regions that today form Nigeria. Historical records reveal that before to the 19th century, each territory that presently constitutes Nigeria have its own justice administration system. Pre-colonial institutions covered courts previous to colonial power, and the union of the northern and southern protectorates produced what is today regarded as Nigeria (Onyekanchi 2016). However, during colonisation, an effort was made to address the shortcomings of the ancient adjudication framework by developing the modern Nigerian judiciary, which essentially mimics the British system. Some courts were established by administrative means, while others were founded by statutory rules, after King Dosemu ceded Lagos to the British crown in 1861 (Obutte, 2016). Between 1843 and 1913, the British developed legislation in southern Nigeria through the Foreign Jurisdiction Act of 1843 and 1893, resulting in the foundation of various courts. In 1854, the early "Courts of Equity" were constructed by the British in the Brass, Benin, Okirika, and Opobo areas of southern Nigeria, functioning concurrently with the courts of equity and consular courts established by the Royal Niger Company. A Royal Charter given in 1886 authorised the business to regulate and administer justice within its operational zone until the Charter was revoked in 1899. As long as the indigenous courts' standards were compatible with natural justice, equity, and good conscience, the establishment of these British courts did not hinder their operation (Obutte, 2016). In 1816, the Lagos Supreme Court was founded, and in 1900, a similar court was formed in the protectorate of Southern Nigeria. That setup lasted until the Northern and Southern protectorates of Nigeria were combined in 1914. The position of Chief Judge, Judges, and Assistant Judges in the High Courts was created after the abolition of provincial courts. Underneath these High Courts were the magistrate courts. The indigenous courts continued to occupy the lowest level of the court system. In cases involving the High Courts, the appellate power rested with the Supreme Court. From 1934 until 1954, the West African Court of Appeal (WACA) was the destination for Supreme Court appeals. The Privy Council received appeals from the WACA (Onyekanchi, 2016). It was in 1954 that the Privy Council began receiving appeals from Nigeria's highest court. The formation of the Federal Supreme Court in 1954, presided over by the Chief Justice of the Federation, is responsible for this. A regional high court was presided over by a chief judge. While the Federal Supreme Court received appeals from all Regional High Courts, the Regional High Courts itself handled Grade A appeals from Customary or Native Courts. Each of Nigeria's twelve states has its own independent court system since the country's 1967 federation (Olakunle & Modupe, 2015).

The economic and social development of the nation necessitated the formation of a sophisticated judiciary that could handle the challenges of a young quasi-federal state. The Western State's Regional Court of Appeal was founded in 1969 by Court of Appeal Edict No. 15. Furthermore, Federal Revenue Court Decree No. 13 of 1973 established the Federal Revenue Court to handle disputes pertaining to the Federal Government's revenue in a timely manner (This Day, 2015). Subject matter authority was exercised by the court on a national level. The Federal High Court, the Supreme Court, the Court of Appeal, the State High Courts, the Customary Court of Appeal, the Sharia Court of Appeal of the States, the Federal Capital Territory High Court, Abuja, the Federal Republic of Nigeria's 2011 Amended Constitution, and the State High Courts make up the judiciary (Adamu, 2015).

THE MANDATE OF THE NIGERIAN JUDICIARY

Both the inherent powers and sanctions of a court of law are articulated in Section 6(6) of the Federal Republic of Nigeria, 1999 (as amended). This section also encompasses all matters involving individuals or governmental authorities and any person in Nigeria, as well as any actions and proceedings

relevant to the resolution of questions regarding that person's civil rights and obligations. It does this regardless of any constitutional provisions to the contrary. Furthermore, Section 4(8) forbids the legislature from passing any legislation that diminishes or seeks to diminish the authority of the duly established court system, highlighting the importance the Constitution accords to judicial duties (Dahiru, 2015).

Judgement is the principal aim of the judicial branch. Therefore, the promotion of justice must always take precedence in the process of legal interpretation. According to Dahiru (2015), the Honourable Justice Kayode Esq, JSC said it best: "Without justice, law labours in vain." "Justice, when aligned with law and guided by a mission and vision, reaches its intended destination," Iyer wisely says. "Justice absent law leads to anarchy; law devoid of fairness legitimises tyranny." There is no gender, political party, pressure group, religion, race, ethnicity, or geography that can sway the judiciary's decisions. Justice, represented by a blindfolded figure holding balanced scales, obligates the court system to deliver justice without fear, favouritism, hatred, or favour to any particular person or group. "Only a court of law possesses the authority and entitlement to definitively and conclusively determine the law," states Nigeria's constitutional framework. This means that once a superior court of record has decided, even if the decision is irrational or made a monumental mistake, it will appear to establish the law until it is overturned on appeal by a higher court (Dakas, 2016).

EXAMINING THE 2015 PRESIDENTIAL ELECTION

Since the military withdrew from politics in 1999, Nigeria has held six straight presidential elections, the most recent being in 2015. As for the presidency, the PDP was declared the winner. Buhari ran for president for the fourth time in this election. Goodluck Jonathan received 12,853,162 votes, while Buhari received 15,424,921 votes. As the first ever example of an opposition party legitimately deposing the current government in Nigeria, Buhari's historic triumph marked a triumph for democracy.

Here is a map showing the results of the 2015 presidential election.



Source: INEC, 2015

Looking at the results from 2015, we see that Jonathan won 15 states plus the FCT, while Buhari won over 21 states across the country. Twelve states in northern Nigeria went to Buhari in 2011, while twenty-three states and the FCT went to Jonathan. Former Action Congress of Nigeria (ACN) presidential candidate Mallam Nuhu Ribadu won in Osun State.

Jonathan (PDP) lost eight states he had won four years earlier to Buhari (APC) in the 2015 presidential election. 4 All of these states are part of Nigeria: Adamawa, Kwara, Kogi, Benue, Oyo, Ondo, Ogun, and Lagos. Osun was Jonathan's second consecutive loss, following his 2011 defeat. Still, Jonathan only won one state in the southwestern region in 2015—Ekiti. As the CPC's presidential candidate in 2011, Buhari won decisively in the twelve states he campaigned in. Similar to his 2011 triumph, Jonathan was able to gain 14 states plus the federal capital territory in the 2015 general election. Nigerians' voting behaviors have been significantly influenced by their ethnicity and religion since the first republic's establishment. Regarding the presidential election of 2015, the same is true.

THE ROLE OF TRIBUNAL IN CONSOLIDATING DEMOCRACY DURING THE 2015 ELECTION

Nigerian law mandates the formation of an election petition tribunal. Jurisdictional matters pertaining to the legal rights and duties of persons possessing jurisdiction within Nigeria are to be decided by the federation's judicial authority, as stated in Section 6 of the Constitution. They are established by the 1999 amended Constitution of the Federal Republic of Nigeria, specifically Section 285. Articles 15, 285 and 286 of the Constitution create the election tribunals for the National and State Houses of Assembly. Their sole original authority is to rule on petitions challenging the constitutionality of an individual's election to the Federal or State Legislative Assembly. The public's confidence in inadequate court decisions in various instances and the Court of Appeal's inconsistent rulings created legal confusion, which ultimately led to the constitutional amendment that permits appeals to the Supreme Court. Since it is the highest court in the nation, the Supreme Court has the authority to establish legal certainty according to the Constitution. 11 According to Section 285 (7) of the Constitution, hearings and decisions on appeals of decisions reached by electoral tribunals or courts of appeal in election cases shall be completed no later than sixty days from the date of judgement delivery. According to Section 134(3) of the Electoral Act, the period for hearing and resolving an appeal from a decision made by an Election Tribunal or a court is ninety days from the date the decision was delivered. As the highest legislation, the Constitution declares the 90-day clause of the Electoral Act to be illegal and null and void due to its conflict with the constitutional mandate. To file a petition with the Tribunal, the petitioner or their legal representative (if applicable) must bring the completed form, the filing fee, a receipt, and cost security to the office of the registrar or secretary. Please ensure that the filing fees are sent in.

THE LEGAL SYSTEM WITHIN THE FRAMEWORK OF INDEPENDENCE IN NIGERIA

It has been an anti-democratic institution on many occasions during its tumultuous history, most obviously when ruled by the military. The military mostly placed the blame for postponing the June 12 poll—hypothetically the most open and free election in Nigerian history—on meddling from the judiciary (Obutte, 2016). In his narrative citing Agbo (2008), Enweremadu (2016) discusses this issue: A temporary restraining order to postpone the presidential election was issued by Judge Bassey Ikpeme of the Abuja High Court, which further inflamed the crisis.

The ruling was made just two days before the polls were to open, and a statute is now in force that prohibits courts from hearing issues regarding elections. The governing party in Nigeria agreed with Arthur Nzeribe, a contentious politician and outspoken advocate of military rule, when it launched a lawsuit; Nzeribe is the head of the Association for a Better Nigeria (ABN). Court decisions pertaining to the administration of elections were declared null and invalid when the NEC disregarded Section 37 of the Transition to Civil Rule Decree. Due to the unpredictable verdicts of the judiciary, the then-military leader, General Ibrahim Babangida, had sufficient grounds to annul the elections. Aver and Orban (2014), cited in Okeke and Idike (2017), have described the functions and responsibilities of the court in a democratic system of government: The Principle of Separation of Powers states that officials responsible for interpreting laws should also be separate from those who legislate, and that officials responsible for enacting laws should be separate from those who enforce them. This principle provides support for the existence of a judiciary inside a government. A good government, according to this view, will safeguard citizens from despotism and abuse of authority. But the Nigerian courts have done tremendous damage to the country's democracy. Okeke and Idike referenced Aver and Orban (2014) in their 2017 publication. The legal system in Nigeria is rapidly evolving into a cash-and-carry democracy. Okeke and Idike (2017) state that pervasive corruption is a big problem in Nigeria's judicial system. The poor bear the brunt of politicians' unethical efforts to pay off judges for their own unjust gain. Consequently, the public has lost trust in Nigeria's judicial system, which has time and again sided with the ruling elite rather than the poor populace, despite the fact that ordinary citizens often turn to the courts as a last choice during times of crisis. Okeke and Idike (2017) quote Aver and Orban (2014), who state that this indicates it does not help the country get closer to democracy.

Many have been attempting to undermine justice in Nigeria, especially in political and civil issues, thus it appears that the legal system is unrestrained (Enofe, Ezeani, and Eichie 2015, citing Aver & Orban 2014). In the 2003 Nigerian elections, for instance, the judiciary aided the decline of democracy while politicians systematically undermined it. There was unanimous agreement among the federation election observers that vote-buying had occurred. Seeing the court as democracy's last bastion, opposition parties and factions inside the People's Democratic Party (PDP) pursued legal action. Nevertheless, they were taken aback when the majority of the fraudulent elections were validated by election tribunals.

Judicial reform has been substantially evidenced by rulings that have reinstated elected officials, including state governors who were unjustly removed from office, and vacated the results of numerous fraudulent elections. According to Enweremadu, politicians in Nigeria are increasingly resorting to legal proceedings to resolve their disputes, and they have begun to view complying with court orders as beneficial to their interests in the long run, notwithstanding the outcome. The judiciary, however, has been stained by the enduring corruption of an institution. Many people believe that politicians in Nigeria's current democratic system are corrupting the judiciary. Our constituents are clearly dissatisfied with our current efficiency, especially in light of the challenges encountered by the Nigerian legal system (Enweremadu 2017).

The highest court in Nigeria issued a statement. According to Abdullahi (2014), the country's judiciary is unquestionably experiencing a challenging and chaotic moment, and his work is situated within the present idea of inadequate autonomy of the judicial system. You can feel the profound disillusionment with the justice system from this comment. Regardless of whether a Supreme Court judge is fulfilling their legal obligations, allegations of judicial misconduct such as corruption, incompetence, neglect, or ineptitude will eventually arise in relation to the under-representation of particular ethnic groups in the Federal Court. The subject remains pertinent and vital, as Abdullahi phrased it: Is the independence of the Nigerian judiciary a myth or does it truly exist? According to Abdullahi (2014), the widespread corruption inside the Nigerian court system has been impacted by the lack of independence. Both elements become apparent within the context of a flawed judicial system.

ELECTION-RELATED DISPUTES CURRENTLY BEFORE THE JUDICIARY

For example, in 2013, Cyriacus Njoku petitioned an Abuja High Court to state that President Jonathan's tenure began on May 6, 2010, that his two terms would end on May 29, 2015 (Olakunle & Modupe, 2017), that his second oath was taken on May 6, 2010, and that his first term would end on May 29, 2015 (Olakunle & Modupe, 2017). Initiating legal proceedings against the Independent National Electoral Commission (INEC) in the Federal High Court, FCT, Omotoso Nicholas of Ekiti State, Odumegwu Chinedu of Anambra State, and Ikogi Joseph of Bayelsa State began the process on 6 September 2014. The matter at hand was the establishment of thirty thousand additional polling units in northern Nigeria. 6 Wasiu Taiwo, a senate candidate for the People's Democratic Party in Nigeria, and his lawyer Ajibola Oloyede sought a court order to ban the use of Smart Card scanners in elections in February 2015, arguing that they violated the country's constitution. According to Olakunle and Modupe (2017), two convicted individuals petitioned the Federal High Court No. 2 in Abuja in February 2015, asking the court to review and uphold the legislative provisions that enable them to vote as Nigerian citizens.

RECOMMENDATIONS

- **RETHINKING THE ELECTORAL LEGAL SYSTEM:** The elections in Nigeria directly or indirectly impact the public, with the primary aim of ensuring that every vote is counted, in alignment with the principle of substantial justice. The judiciary must ensure that the electorate remains informed of their options and uphold the integrity of justice.
- **RE-ORIENTATION OF TRIBUNAL MEMBERS:** Prior practices in Nigerian courts demonstrate that judicial workers lack thorough training in the administration of justice. The procedure entails rigorous training and refresher courses in which relevant and significant legislation will be assessed to ensure precision and consistency in judgements.

Conclusion

The Nigerian court has faced significant challenges and scrutiny throughout the years, particularly over its independence and susceptibility to corruption. The historical context of its involvement in the rejection of the June 12 election and the numerous electoral challenges emphasizes its critical role in the nation's democratic process. Notwithstanding the setbacks, advancements have been made in judicial reform and initiatives to uphold the rule of law. The proposed solutions reassessing the electoral legal framework, recalibrating tribunal composition, and introducing legislative innovations are essential measures for reinstating the integrity of the judiciary.

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