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PERCEPTION OF JUDICIAL CORRUPTION: ASSESSING ITS IMPLICATIONS FOR DEMOCRATIC CONSOLIDATION AND SUSTAINABLE DEVELOPMENT IN NIGERIA

Gafar Idowu Ayodeji, and Samuel Ibidapo Odukoya
Department of Political Science, Tai Solarin University of Education, Nigeria

ABSTRACT

Judicial corruption which appears to be a negative world phenomenon remains one of the main obstacles to democratic consolidation and sustainable development around the globe. The perceived corruption in the Nigerian judiciary is becoming rife. The emerging frequent captions and headlines in the media including some documented and unproved cases of judicial corruption point to the fact that democracy is in jeopardy and this may be at variance with Nigeria's strive to consolidate and its tortuous journey to sustain development. It argues that the emerging judicial corruption has a very serious negative implication for democratic consolidation in terms of judgement procurement, loss of confidence in the judicial system resorting to self-help and becoming ineffectual the marginal gains recorded towards sustainable development if unchecked. The paper therefore recommends proper reforms in terms of appointing fit and proper persons to the bench and jury panel should be adopted in the high courts' proceedings to curb judicial corruption in Nigeria pave which will consolidate democracy and ultimately pave way for sustainable development.

Keywords: Judiciary, Corruption, Democracy, Democratic Consolidation, Sustainable Development

INTRODUCTION

Despite an abundance of economic resources, attempts to propel citizens' prosperity, reduce poverty and promote sustainable development have not become a reality in Nigeria due to the perennial problem of corruption. Transparency International's (TI) 2013 Global Corruption Barometer found that the judiciary was perceived as the fifth institution most affected by corruption. In the twenty countries, the judiciary is seen as the most corrupt institution. In these countries, an average of 30% of the people coming in contact with the judiciary reports having paid a bribe (Ugochukwu, 2011). As a corollary, it is becoming monotonous and frustrating to continue to discuss the issue of struggle against the unprecedented corruption in Nigeria and without any solution in sight. The genuine desire to wipe corruption out of public life in Nigeria is turning out to be a wishful thinking. It appears that the more it is examined, the more it is intensified with valour and dynamism. Ordinarily, this would have been accepted as the normal occurrence and should be taken for granted given documented cases of high level of corruption in the other arms of government (See Ugochukwu, 2011; Ojo, 2011; Dada et al, 2013; *Tribune*, February 10, 2013). However, judiciary who supposes to "provide timely access to fair and impartial judicial services and uphold the rule of law consistently display qualities of independence and impartiality, integrity, accountability and transparency" (United States Agency for International Development (USAID) (2009)) against prevalent corruption in Nigeria has also been found wanting due to the perceived corruption that has infiltrated its rank. The public chorus of disapproval against the perceived corruption which has reared its ugly head in the judiciary calls for critical examination. This is because the "worst kind of corruption is judicial corruption. It is the specie that signals final decay may lead to unconsolidated democracy and by extension fatal **sustainable development.** It is the genus that suggests societal suicide" (Wali, 2012). "The perception now is that judgments are purchasable and judges have no integrity. They all have their prizes in cash, and in fact, there are some lawyers whose special function are to be the middlemen between litigants, who want to buy justice and judges… (Sagay, in *Nigerian Pilot*, August 1, 2011). This paper therefore examines the issue of perceived judicial corruption and its attendant implications for democratic consolidation and sustainable development in Nigeria.

UNDERSTANDING JUDICIAL CORRUPTION, DEMOCRATIC CONSOLIDATION AND SUSTAINABLE DEVELOPMENT: A CONCEPTUAL FRAMEWORK

Corruption as a concept needs definition. Transparency International (TI) (2006)'s definition of corruption as "the abuse of entrusted power for private gain" is apposite and adequate for our conceptualisation here. It manifests in extortion, bribery and other acts of misconduct, including fraud and embezzlement. It can encourage extravagant government spending, and can have a damaging effect on economic development and democratic institutions. In terms of structure, corruption can be arranged vertically which links subordinates and superiors in a system of pay-offs and horizontally it links numerous agencies or branches of government in a network of dishonesty and injustice. It also involves unilateral and collective abuses by public officials (e.g. embezzlement, nepotism) linking up private and public sectors through bribery, extortion, and fraud (Shehu 1999). Hence, corruption concerns the performance connected with a public office, and deviations from laws and procedures that control the conduct of public office holders (Uneke, 2010). By inference, judicial corruption is acts or omissions that constitute the use of public authority for the private benefit of judges, court and other justice sector personnel that result in the improper and unfair delivery of judicial decisions. In essence, judicial corruption is any improper financial or material gain and non-material gain, aimed at manipulating the impartiality of the judicial process by any actor within or outside the court system (Aremu, no date). Judicial corruption contaminates the judicial process by compromising its defining attributes such as fair, equal, and fearless resolution of disputes. In what

appears to be the synopsis of the foregoing, Asian Human Rights Commission (2013) states that judicial corruption: pertains to acts or behaviour or attempts that impair either the search for or the submission of the truth in the delivery of justice. It covers any act or omission from any source, whether bribery, intimidation or any other act committed with the intent or reasonably foreseeable result that judicial or quasi-judicial orders, judgments and other issuances and judicial treatments will result in corruption. Judicial corruption includes the acceptance of patronage offered by people in power leading to subversion of the administration of justice (p. 2).

Judicial corruption can be categorised into two, this include administrative corruption and operational corruption Administrative corruption arises when court administrative employees violate formal administrative procedures for their private benefit, while operational corruption takes place in grand corruption schemes where political and/or considerable economic interests are at stake (Langseth & Bryane in Ugochukwu, 2011). This latter category is the focus of this study which deals with bribery, theft of public funds, extortion, intimidation, influence peddling, the abuse of court procedures for personal gain, and any inappropriate influence on the impartiality of the judicial process by an actor within the court system.

On the other hand, democratic consolidation is one concept that has continued to draw the attention of scholars since the advent of the third wave of democratisation. Originally, the concept of democratic consolidation was to mean a specific stage in the course of transition from authoritarian to democratic systems that are crucial for the establishment of a stable, institutional and lasting democracy. According to Azeez (2011), all discussions of democratic consolidation exhibit clear or implied definition of what democracy is, and political analysts are not susceptible to given the "consolidated democracy" label to a political system that fails to meet all of their criteria for what a democracy should be. As a corollary, Beetham (1994) views democratic consolidation as the challenge of making new democracies protected, of expanding their life expectancy beyond the temporary, of making them resistant to the threat of authoritarianism and of "building dams against eventual reverse waves" (cited in Azeez 2011). For these actors, consolidating democracy means lowering the probability of breaking to a point where they can feel sensibly confident that democracy will endure in the near future (Schedler, 1998). In the same vein, Diamond (1995) has rightly observed, democracy is seen to be consolidated when it has become so broadly and profoundly legitimate among its citizens that it is very unlikely to break down. To attain such heights requires behavioural and institutional changes that normalise democratic politics and narrow its uncertainties.

Similarly, according to Kwasau (2013), democratic consolidation also relates to the "act of reducing the probability of the breakdown of the system to the point where democracy can be said that it will persist". It has also been viewed by some scholars "as regime maintenance and about regarding the key political institutions as the only legitimate framework for political contestation and adherence to the democratic rules of the game" (Kwasau, 2013). Democratic consolidation encourages visible *inter alia* improved economic development, matured democratic culture, durable party system and above all judicial system devoid of partiality and corruption. It is to be noted that Nigeria is still striving to consolidate its democratic practice since its re-emergence in 1999. This is attainable when stability is achieved.

Sustainable development is a multi-sided issue in any human society. Individualistic perception of development points to improvement in the skill and ability. It is considered as utmost freedom, the ability to create responsibility. Adebayo

(2010) posits that the concept of sustainable development is the efforts, struggles or attempts at enhancing the environment or natural resources so as to improve the quality of human life which would have positive impact on the needs of the future generation. As such, sustainable development is a function of the preservation of the available resources for the collective usage of all and sundry in any state while deliberate focused on to preserve the resources for the use of future generations. According to the Diploma of Sustainable Development, cited by Mohammed (2013), sustainable development is the type of economic growth pattern where the use of resources is in direct proportionate to the needs of the human population while preserving the environment at the same time. It means resources are utilised in such a way that both present and potential human needs can be taken care of.

In spite of the diverse views on sustainable development, there is general consensus agreement on some of its core principles such as: meeting basic human necessities fairly and efficiently; preserving options for both present and future generations to meet their needs; promoting community well-being based on broad participation and active citizenship; maintaining that diversity and productivity of nature; managing and utilizing resources with prudence and precaution; linking various aspects of sustainability (i.e. economic, ecological and social); assuring accountability for all; avoiding or at least minimising waste having a long term view; maintaining a holistic perspective; and fostering cooperation and shared responsibility. Sustainable development is therefore development that meets the needs of the present, without jeopardising the ability of future generations to meet their own needs.

It can be inferred from the foregoing that there is correlation between judicial corruption, democratic consolidation and sustainable development. Unsustainable development as a result of judiciary corruption exacerbates poverty, environmental crises, social and political disintegration, and national security challenges. Under this condition democracy has the potential of not being consolidated. Moreover, judicial corruption has the potential to undermine sustainable development in many ways. This is because they control the opportunities and incentives for politicians and bureaucrats to engage in the 'sale of public assets for private gain' (Shleifer and Vishny, 1993).To be sure, the compromised position of some of the Judges who are supposed to interpret the anti-corruption laws of the land in Nigeria has led to unceasing engagement in corrupt behaviour via perennial wastage and mismanagement of resources by those in power, knowing full well that they would get away with it. Hence, the legal and institutional mechanism designed to curb corruption generally in Nigeria are handicapped appearing to lead to strains and stresses on democracy and "snail journey " to sustainable development.

AN OVERVIEW OF JUDICIAL CORRUPTION IN NIGERIA

According to Adedipe (quoted in Sowole, 2013), the present situation of judicial corruption in Nigeria could be likened to the English period about 400 years ago when corruption was about to destroy the entire English structure. "In 1620, the Chief Judge of England was involved in a bribery scandal with some litigants who wanted to change the normal course of justice through him." Allegations of perceived corruption against the Nigerian judiciary have not just emerged in the Fourth Republic which could be referred to as "mind boggling corruption in the judiciary." Even under the past military regimes the situation was not significantly different. This is why it has been observed that judiciary "hardly redeems itself from the unfortunate image it acquired during the military interregnum when it was described as a judiciary in patent chaos, riddled with corrupt judges and in need of urgent and radical reform" (Report of the Kayode Eso Panel on Reform of the Judiciary quoted in Dada, Udoaka & Dada, 2013).

Judicial corruption has become a recurring feature of the Nigerian mass media coverage, both conventional and online. The coverage relates to sad commentaries, perception and a wide range of corrupt activities, such as bribery, favouritism, conflict of interest and others involving the justices and judges (See Table 1 below for some selected media headlines and captions of judicial corruption in Nigeria).

Table 1: Some Elected Headlines and Captions on Perceived Judicial Corruption
Source: Culled from various sources mentioned in Table 1

S/N	Media Headlines/Captions	Sources	Date
1.	"Nigeria: Five sacked judges face corruption charges."	*IRIN* (Online)	April, 22, 2004.
2.	"Corruption fetches Nigerian Judges N106 billion naira."	*PLC Party* (Online).	August 28, 2011.
3.	"US: Nigerian Judiciary Corrupt with Impunity."	*This Day Live,*	May 25, 2012.
4.	"Toying with corruption in the temple of Justice."	*The Punch*	September 23, 2012.
5.	"Judiciary in Corruption Politics."	*Nigerian Tribune*,	February 7, 2013.
6.	"Nigerian Judges in KLM case are accused of bribery and corruption**.**"	*World News Update.*	March 10, 2013.
7.	"Practical ways to combat corruption in Nigeria's Justice system- Okey Wali."	*Daily Newswatch*	April 13, 2013.
8.	"More corrupt judges will go, CJN warns."	*National Mirror*,	June 4, 2013
9.	"Judicial cleansing: How far can NBA's Anti-Corruption Commission go?"	*Vanguard*	July 11, 2013
10.	"Expose Corrupt Judges."	*PM News*	September 18, 2012.
11.	"Cleansing the rot in Nigeria's Judiciary: The Scapegoats and the Sacred Cows."	*Desert Herald* (Online).	October 2, 2013
12.	"Judicial Corruption Blamed On Undue Influence from Politicians, Monarchs."	*The Will* (Online)	October 4, 2013.
13.	"Seven Nigerian Judges Targets Of EFCC Corruption Probe."	*Saharan Reporter (Online).*	November 11, 2013.
15.	"EFCC and the war against corrupt judges."	*Daily Independent*,	November 17, 2013.
16.	"Don advocates stiffer laws against corrupt judges."	*News Agency of Nigeria* (Online).	November 29, 2013
17.	"A Case For Corruption-Free Nigerian Judiciary."	*The Tide*	December 11, 2013.
18.	"Nigerian judiciary riddled with corruption, says Ayo Salami."	*The Herald*	December 13, 2013.
19.	"NBA President seeks corruption-free, viable judiciary in 2014."	*The Punch*	December 21, 2013.
20.	"Poverty Responsible For High Level of Corruption In Judiciary – Bello"	*Information Nigeria* (Online).	January 10, 2014.

A research study handled by the Nigerian Institute of Advanced Legal Studies (NIALS) in 1997 showed that corruption was mentioned by 30 percent of judges, 54 percent of litigants, and 50 percent of lawyers as a major problem for the administration of justice (Langseth & Michael, 2003). Though another report claimed that over 55 percent of Nigerians had confidence in their reformed legal system (Barret, 2005). A 1999 study in Lagos state indicated that 99 percent of lawyers surveyed agreed that there was corruption in the state judiciary, while in the same report 70 percent of Nigerians surveyed across the country believed the judiciary was corrupt (Zannah, 2007).

It is also significant to note that a report released by the International Commission of Jurists on Nigeria stated that "judicial corruption remains a major concern, and between 2002 and 2005, no fewer than six superior court Judges, including two Justices of the Court of Appeal, were removed from their positions on charges of corruption, while a number of other judges are under investigation" (International Commission of Jurists (no date)). Furthermore, a Parliamentary Committee recently submitted a secret report to the Presidency. The report, which was given prominence in a Nigerian newspaper, chronicles a catalogue of unethical practices within the judiciary. Many judges were accused of **"**living above their legal means" and "judgment procurement". Between 2006 and 2011, "judgment procurement" accrued Nigerian Judges amounted to the sum of N106 billion naira. This is a term which indicates that a solicitor or barrister settles his client's claim without the knowledge of the client. The settlement figure is then split, with the Judge taking as much as 60 %; 30% going to the lawyer, leaving the plaintiff with 10% (John-Salakov, 2011). As a result, many of the Judges identified in the report have purchased luxury properties in London, South Africa, Dubai and United Arab Emirate using bogus names, in the names of companies that do not exist. Also, they manufacture names of spouses and children who do not exist. Some of the judicial Officers are also sponsoring children in expensive schools in London, New York, Paris, and Switzerland without taking any loans. This is astonishing as the "emoluments of the judicial personnel involved in the corruption cannot in any way cover the huge sums of money involved in purchasing luxury homes and sending their children to posh schools" (John-Salakov, 2011).

In 2010, the report of a survey conducted on crime and corruption in the country by the EFCC and the National Bureau of Statistics revealed that "Nigerian courts of law receive the biggest bribes from citizens among all institutions in which corruption is rampant". In addition, the summary of the survey particularly stressed that "though bribery in the judiciary was less frequent than in many other agencies, it required the biggest transactions." Also, respondents to the survey conducted in 2007, on a sample of 2,775 enterprises randomly selected to represent businesses active in the country, and a response rate of 79.4 per cent representing 2,203 interviews recorded, said they have paid the biggest bribes to the courts, an average of $87 (N13,050) per transaction (*Desert Herald*, October 2, 2013). It is in the public domain that Transparency International's Global Corruption Barometer 2010/ 2011 ranked the Nigerian judiciary among the most corrupt institutions in the country.

Moreover, the 2012 Country Reports on Human rights practices and a review of the state of corruption in Nigeria submitted to the United States Congress on April 19, 2013 clearly implicated the Nigerian judiciary and regarded it as an accessory to systemic problem of corruption facing the country. Where there is a widespread perception that judges are easily bribed and litigants hardly rely on the courts to render impartial judgments. And citizens are said to encounter delays and alleged demand for bribe from judicial officials, to expedite cases or obtain favourable rulings (Suraju, 2013). Some obvious cases of corruption in form of bribery, professional misconduct, partiality, favouritism among others have

been documented against the judiciary in the Fourth Republic (See Table 2 for some selected cases). For instance, a committee set up under the auspices of the National Judicial Council (NJC) and chaired by a retired judge of the Court of Appeal, late Justice Kolawole, established that Justice Okwuchukwu Opene took 15 million naira (US$100,000) in bribes while Hon. Justice David Adedoyin Adeniji accepted 12 million naira (US$80,000). Indeed, it has been argued by the former president of the Nigeria Bar Association (NBA), Joseph Bodunrin Daudu, that there was an increasing perception supported by empirical evidence that justice is procurable and that indeed has been bought on several occasions in Nigeria. In support of this line of thought, it has been posited that:

> The perception now is that judgments are purchasable and judges have no integrity. They all have their prizes in cash, and in fact there are some lawyers whose special function is to be the middleman between litigants, who want to buy justice and judges (Sagay, quoted in Premium Times, January 10, 2013).

No wonder the Nigerian Bar Association (NBA) set up its own anti-corruption commission to search and get rid of corrupt elements within the justice sector (*Vanguard*, July 11, 2013).

Table 2: Selected Cases of Judicial Corruption in the Fourth Republic

S/N	Name of Judicial Officers	Forms of Corruption Involved	Year	Punishment	State
1.	Judges M. M. Adamu, T. Ahura, James Isede and A. M. Elelegwu	Bribery in Electoral Disputes Settlement	2004	Dismissal	Akwa Ibom
2.	Judge Chrisantus Senlong	Attempting to Bribe Tribunal Members on behalf of another Party	2004	Dismissal	Akwa Ibom
3.	Judges Okwuchukwu Opene and David Adeniji,	Bribery in Electoral Disputes Settlement	2005	Dismissal	Anambra
4.	Justice Abubakar Talba	Perceived Bribery in a Corruption Case	2013	Serious Warning Suspended for Twelve Months	Abuja
5.	Justice Charles Archibong	Professional Misconduct and Incompetence tainted with complicity and corruption.	2013	Compulsory Retirement	Lagos
6.	Justice Thomas Naron	Exchanging numerous call logs and text messages with lead counsel	2013	Suspension	Plateau
7.	Justice Hassan Gumi	Perversion of the course of justice in a case involving a company, Nestello Gateway Group, and the Governor of Zamfara State, Alhaji Abubakar Yari.	2013	Voluntary Retirement.	Abuja
8.	Former Acting Chief Judge, Shadrach Nwanosike	Age Falsification	2013	Retirement	Abia

Sources: Ugochukwu, B, (2009, 2004); Codewit World News, Online, July 19, 2013; Punch Editorial Board, August 15, 2013.

There are also several unproven cases of judicial corruption which are either under investigation or have not been disputed by those involved. For instance, five Nigerian high court judges including Abdul Kafarati, Gladys Olotu, Aliyu Liman, Ibironke Harrison, and Rita Ofili-Ajumogobia were the subjects of extensive corruption probes by the Economic and Financial Crimes Commission (EFCC). Justice Abdul Kafarati owns huge cash assets in several bank accounts, including one at Diamond Bank and owns properties, shares and farmlands in Kwami in Gombe State. Gladys Olotu, was investigated for owning several accounts in Guaranty Trust Bank, Access Bank, First Bank (United Kingdom), as well as significant stock in various companies (Sahara Reporters, 2013). She was accused of owning several properties in Abuja, Lagos and Benin. Ms. Olotu was believed to be worth more than N2 billion in cash based on findings by EFCC and other investigators. Justice Aliyu M. Liman was investigated for owning various naira and domiciliary accounts, shares and properties in the Federal Capital Territory, Lagos and Kaduna States. Justice Ofili-Ajumogobia reportedly owns an apartment in London, with a high-priced Mercedes Benz car parked on the property for her use whenever she visits the UK. According to the EFCC, Justice Iheme-Nwosu had accumulated so much hidden wealth that she was able to purchase the Concorde Hotel in Owerri, including mansion-like residence built near Concorde Hotel and reportedly worth N500 million. The investigation into Justice Ibironke Harrison's questionable assets also revealed that she possess

assets worth at least N150 million. The former Chief Judge of Lagos, Inumidun Akande was also alleged to involve in the diversion of massive amounts of funds meant for the Lagos judiciary during her tenure as chief judge and enriched herself to the tune of N700 million from funds stolen from the Lagos State judiciary (Sahara Reporters, 2013).

From the foregoing, perception is critical to the extent that its impact can be more harmful than actually proven cases. In spite of the doubts regarding the credibility of those media reports, they nevertheless confirm in relative terms the existence of corruption in the Nigerian judiciary (Ugochukwu, 2011). On the basis of the number of cases that are actually proven and in which the corrupt persons were punished, it could be concluded that the level of corruption in the Nigerian judiciary is significant.

CAUSES OF JUDICIAL CORRUPTION IN NIGERIA

Prevalence of corruption in the Nigeria society is partly responsible for corruption in the judiciary. The judiciary, being a subset of the Nigerian polity may just be a reflection of the larger picture out there where the governed and the governors pride themselves with corrupt tendencies. The growing culture of corruption has almost become a way of life and this will have more fundamental negative effects on the judiciary as the bastion of hope for the common man. As Barrett (2005) argues that it might be reasonably expected that countries with higher perceived overall corruption would also have higher perceived judicial corruption and vice versa.

The existence of corruption in the other arms of government is also one of the causes. There is documented evidence of executive and legislative corruption in Nigeria (See Ugochukwu, 2011; Ojo, 2011; Dada, et al, 2013). In addition, underfunding of the judiciary has also been attributed cause corruption. The judiciary has been deliberately underfunded and makes it to go cap in hand for fund, particularly for capital expenditure and this has been described as official corruption. It appears that an underfunded and financially malnourished judiciary can only breed official corruption in the judiciary. Underfunding also undermines the independence of the judiciary, ultimately portends a great danger to the dispensation of justice and to the polity where democratic consolidation is at risk.

Also, judicial appointments and promotions have been tainted by political considerations in Nigeria. The problem of corruption in the judiciary is as a result of the mode of appointment of judicial officers in Nigeria which today is guided by nepotism, ethnicity, promotion that lack merit, who you know and not what you know as well as godfatherism. That was why the NBA cautioned the federal and state governments against politicising judicial appointments and that experience must not be jettison in their appointments to the Bench. (*The Punch*, August 27, 2013).

Influence and pressure of politicians, paramount rulers and top businessmen are part of the major causes of judicial corruption. These categories of people usually employ every available socio-economic and political means at their disposal to induce highly placed judicial officers to dance to their tunes, thereby wooing them to hamper the course of justice delivery in the country. The greatest challenge to the judiciary is the pressure from the politicians, businessmen and traditional rulers. It is this class of persons that bribe, intimidate, harass or influence judges to depart from their sacred oath of office and the path of honour and rectitude.

Lastly, the spate of poverty among the judicial officers has been identified as one of causes of judicial corruption. Justice Adamu Bello (cited in *Information Nigeria*, January 10, 2014) argued that poverty and lack of welfare package for judges are key factors behind the spate of judicial corruption currently ravaging the country. Consequently, efforts should be intensified to secure the welfare of judges and protect their tenure.

IMPLICATIONS OF JUDICIAL CORRUPTION FOR DEMOCRATIC CONSOLIDATION AND SUSTAINABLE DEVELOPMENT IN NIGERIA

From the analysis of the judicial corruption in Nigeria in the previous section, it shows that the perceived corruption of justice system is strong and has become trite. The battered image of an independent and impartial justice system have been portrayed with the perceived judicial corruption via the media and punished judicial officers. The judicial decisions have become suspect due to corruption. In a democracy, judiciary as the people's temple of justice needs to play a central role that is essential for the continuance of democracy including the custodian of people's fundamental rights, guardian of the constitution and maintaining a balance between the other arms of the government. Hence, these functions can be well executed if the judiciary is impartial and devoid of corruption. This is because corruption in the judiciary has the potential of doing far more damage to society than corruption elsewhere. The emerging issue of perceived judicial corruption in the Nigeria's Fourth Republic continues to put democracy through strains and stresses. No wonder it has been posited that:

> ... a corrupt judge has been described as more harmful to the society than a man who runs amok with a dagger in a crowded street. The latter as you know can be restrained physically. But the former deliberately destroys the moral foundation of society and causes incalculable distress to individuals while still answering 'honourable' (Musdapher, 2011).

The implications of judicial corruption for democratic consolidation in Nigeria can be categorised into socio-political and economic factors. On social realm, Nigerian society is always faced with a dilemma of whether to accept courts verdict, resign to fate or forgo their efforts to get justice through the courts. On some occasions, the perplexed situation has led to brutal forms of retribution and vengeance, including gang and mob killings, raping, kidnapping, and parallel systems like ethnic militias to get justice. The weakest sections of the society are worst affected where constitutional and human rights principles are insignificant. The public confidence in courts, judges, laws and lawyers have been largely eroded due to judicial corruption. Democracy can hardly be consolidated and development sustained if chaotic situation persists in Nigeria. AbdulKarim (2012) observes that:

> One of the side effects of a corrupt judiciary is that it becomes inevitably too weak and increasingly incapable of discharging its critical responsibilities to the society, especially to the poor and vulnerable. Incidentally, this is one of the indicators of a "failed state", according to the Failed States Index.

Politically, the activities of elections petitions tribunals, involving judges across Nigeria, suggest that election tribunals had turned to goldmines for Nigerian judges; where most of the judges are using the election tribunals as a source of generating wealth for themselves and becoming multi-millionaires. Therefore, judicial corruption promotes unjust judgements where accused are either freed or handed minimal sentences. Consolidating democracy in this compromised situation and sustaining development will remain a mirage in Nigeria if the check on the arbitrary exercise of power, principles of fairness and due process of law, as well checks on other public institutions by the judiciary are

compromised owing to corrupt practices. Corruption downgrades the judiciary and changes it to a market place where justice goes to the highest bidder regardless of the law, the fundamental principles of fair play and plain common sense.

Also, the judgements of many cases in the recent past suggest strongly that corruption may have ensnared some section of the judiciary. For instance, James Ibori's, the Delta State governor between 1999 and 2007 was freed of corruption charges levelled against him by the EFCC, in spite of overwhelming evidence. The same man was sentenced to a thirteen-year prison term by a British court for the same offences using the same facts that were rejected in Nigeria. Curiously, John Yusuf, a convicted pension fund embezzler, who was linked with stealing over N23 billion of impoverished pensioners funds, was fined only N750,000 by an Abuja court. That is why it has been observed that judicial corruption significantly undermines any existing legal or policy mechanisms to prevent corruption (U4 Anti-Corruption Resource Centre, 2013). Thus, the perceived corruption in the judiciary may have ambushed the ingredients of democracy which are supposed to be well entrenched in governance. This could spell doom for justice administration and delivery in the country with dire consequences for its democratic consolidation and sustainable development.

Economically, judicial corruption may also have negative implications for businesses; reduce productive activities, particularly those with greater potential for disputes, such as long-term investment contracts or the production of complex goods. Aside this, large chunk of the Nigerian environment, especially in the Niger Delta, have been damaged through oil exploration by foreign oil companies in partnership with the Nigerian government. This has occurred with relics of poverty, woes and injustices done to the people in such areas. Unfortunately, the appreciable sum of revenue generated from the oil resources being explored for s which could have been ploughed back for sustainable development have gone to the few pockets of the past and present Nigerian leaders. However, some delivered judgements in this direction have been challenged and queried, even those ones given by the Supreme Court. This was the situation when a United States (US) based Multinational Corporation with a strong presence in Nigeria and enjoying the patronage of the federal government in the oil and gas sector accused the Nigerian judiciary of understaffing, inefficiency, and corruption. In a case involving Q Oil Services Nigeria Limited and the US based General Electric International Company; the latter urged the US Court not to recognise the Nigerian judgment because the judgment "was rendered under a judicial system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law" in another US based court (*Premium Times*, December 12, 2012). This continues to erode confidence that the public reposes in the Nigerian judiciary as the last hope of common man. This is also one of the reasons why poor and marginalised people may turn to informal justice systems or self help to resolve local disputes and settle issues. Hence, consolidating democracy under this precarious situation may prove abortive. According to Wheatley (quoted in AbdulKarim 2012), a dysfunctional judiciary as experienced in Brazil is ever more being viewed as an obstacle to national and sustainable development. This is because different categories of debtors are allowed to abscond at will, knowing that none but the most determined of creditors will pursue them through the courts. This has forced banks to lend at astronomical rates of interest simply because debts cannot be foreclosed. This Brazilian experience is not different the Nigeria situation. It is even more worrisome because courts have not only scuttled anti-corruption prosecution by the EFCC via unnecessary interlocutory appeals, frivolous adjournments, but have also felt reluctant in dealing decisively with bank corruption related cases when it matters most. The corrupt cases of Cecelia Ibru of the former Oceanic Bank and Erastus Akingbola of the former Diamond Bank become handy here where the society's financial resources have been diverted from the path to sustainable development for selfish enrichment.

CONCLUDING REMARKS AND RECOMMENDATIONS

Judicial corruption is antithetical to democratic consolidation and sustainable development, especially when independence of judiciary is a sine qua non to democratic stability. If judiciary is infested with corruption, democracy will continue to experience instability and will eventually lead to unsustainable development. In essence, judicial corruption obstructs wheel of progress of any nation striving for the enthronement and consolidation of democracy which ultimately lead to sustainable development. However, if judicial is incorruptible, a democracy can be consolidated and lasts for the test of time where good governance which encompasses *inter alia* institutional accountability, rule of law and security of human rights, civil liberties are guaranteed and development sustained. A corrupted judiciary makes it impossible to combat corruption in other government agencies. And there is no doubt that the involvement of judges in acts of corruption is a recipe for chaos marking the commencement of a doomed society and no democracy can be consolidated or development sustained. It is not hard to discover that corruption blinds the eyes of the judges and twists their decisions to favour the persons from whom bribe has been collected and where judgement is procured.

Therefore, creating a viable judiciary and strengthening its democratic functions through reforms are strategies to curb corruption in the Nigerian judiciary so that democracy can be consolidated and many obstacles to path towards sustainable development will be overcome. One of such reforms is the appointment of the right lawyers or judges from the lower Courts to the High, Appeal and Supreme Courts. Magistrate and other lower Courts should only hear minor and non serious cases, and criminal cases whose prison sentences, if any, may not be more than one year. Also, jury panel should be adopted and used in all the cases at the High Court where hearings of most of the serious, big and high profile cases begin. With the jury panel, only one or two judges would be available to conduct a case and direct the jury on points of law. The jury panel decides the verdict of a case and the judge only sentence accordingly. It is difficult for majority of the jury panel to be bribed to bend a case than judges. It also pertinent to ensure judicial independence and proper monitoring of the judicial officers. A non-corrupt judiciary in Nigeria is a fundamental condition for the consolidation of democracy and sustainable development in the society. The Nigerian judiciary must therefore be an independent and fair body that fights corruption, not the other way around.

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ABOUT THE AUTHORS:

Gafar Idowu Ayodeji, and Ibidapo Samuel Odukoya are lecturers in the Department of Political Science, Tai Solarin University of Education, Ijagun, Ogun State, Nigeria.