

## **JUDICIARY AND DEMOCRACY, ISSUES IN CONTEMPORARY NIGERIAN SOCIETY**

**Aver, Tyavwase Theophilus**

Department of Sociology, Kwararafa University Wukari,  
PMB 1019 Wukari, Taraba State, Nigeria

**Orban, Wanger Justin**

Department of Political Science  
Federal University Wukari, Taraba State, Nigeria

---

**ABSTRACT:** *The judiciary has come under a severe criticism in recent times due to its untimely disposal of electoral case in free and fair manner. Marxist theoretical perspective is hereby adopted to ascertain the problem under consideration. The need for the theory arose because the judiciary with its powers is required by the capitalist to enforce unequal distribution of social and material rewards in order to preserve their position to oppress less privileged class in the society. It was discovered that the capitalist class in Nigeria normally muster financial resources not just to perpetuate electoral fraud but also bribe their way in the election petition tribunal which aim at correcting the abnormality in the electoral system thereby denying the masses access to justice in Nigeria. It was recommended that various punishments and sanctions should be awarded to erring judges who indulge in corrupt practices, such punishment like death sentence, dismissal from service, public humiliation by sending them to prisons to serve jail term. On the side of politicians who bribe judges to see their way through, they should equally trial and convict them for bribing public officers. Also they should be disqualified from whatever political position they are contesting for, this will help in reducing the corruption in the judiciary that does not allow Nigerian democracy to grow.*

**KEYWORDS:** Judiciary, Democracy, Contemporary Nigerian Society

---

### **INTRODUCTION**

The judiciary is the foundation upon which democracy grows and develops. This is so because the judiciary is the only organ that deals with the administration and dispensation of justice in any democratic nation. Because of its importance in human society, it behooves on those who are entrusted with the dispensation of justice to be guided by the principle of truth and morality. It is a major feature of a democratic system of government it interprets laws that are made by the legislative branch or those that are made on the authority of the legislature. The existence of a judiciary in a democratic government is justified by the Principle of Separation of Powers which states that personnel who make laws should be separated from those who implement those laws; those who implement the law should be separated from those who interpret laws. This principle of good governance is expected to prevent dictatorship and arbitrary rule (Abdulhameed 2013). This is to enable Checks and Balances which states that the mere separation of powers is not

enough. A system of checks and balances was introduced to check power with power and ambition with ambition. This is the process of supporting principles with institutional arrangement, which is necessary because of the natural tendency of human beings to abuse power. The Judiciary exists in a non-democratic government like the military regime or an autocratic civilian rule. What distinguishes judiciary in a democratic rule from that of non-democratic one is its independence to interpret the provisions of the law which are made by legislative houses (Abdulhameed 2013).

The judiciary in Nigeria evolved in the colonial period though a gradual constitutional development. At the time of independence in 1960, the judiciary was consolidated in its present form with a mixture of English Common Law, Sharia Law and Customary Law. A constitution based on a parliamentary model was introduced in 1960 when Nigeria formally became an independent state. It was amended in 1963 when Nigeria attained the Republican status. Democratic rule was aborted with the military intervention in 1966 which marked the beginning of an end to judicial independence. The military suspended the constitution but allowed the judiciary and existing laws to continue to exist. New laws were made with decrees at the federal levels and edicts at the state levels. The independence of the judiciary was not protected as litigations were decided according to the language of the military junta called decrees and edicts. The celebrated midnight decision on the 1993 Presidential Election is a good example. The judiciary had to struggle to restore its image when democratic rule was restored in 1999. This was not easy as other negative tendencies emerged (Abdulhameed 2013).

It is a plain truth that Nigerian courts of justice have varying operational difficulties, ranging from inadequate infrastructure, insufficient of judicial and non judicial personnel, debilitating delay in hearing and determination of civil, criminal and electoral cases and appeals, inadequate emolument, and lack of a reliable research resource to decide cases. The Judiciary is also beset by serious ethical problems, including an increasingly nepotistic mode of appointment of judges and elevation to the higher judicial benches, and cases of corruption and perversion of justice (Ogunye 2011). More disturbing is determination of election petitions and general litigations relating to the investigation, arrest, detention or trial of prominent members of the political class, for corrupt practices, have offered the worst instances of judicial corruption, in the World. Openly, eminent jurists and senior citizens are decrying the situation whereby corruption is eating deep into the heart of the Judiciary (Ogunye 2011).

Undoubtedly, the prevailing mood among members of the less privilege is that something needs to be done to placate the situation. In the absence of an institution that carries some moral authority and modicum of credibility, like the military in the past, the Nigerian judiciary in contemporary society has not help matters in rescuing the masses from corrupt politicians. It is not therefore surprising that the judiciary, through the elections tribunals, have here and there intervened to assist some Governorship and Parliamentary elections, including that of the third person in the hierarchy Nigerian, Senate President, David Mark was alleged to have lost election since the beginning of this democratic dispersions'. The Judiciary in Nigeria has manifested inability to contribute to the development of democracy in contemporary society through perpetrating electoral malpractices of corruption, making a lot of people to belong without to genuinely following the due process of going to tribunal to pursue their electoral victory, with

false declaration leading to violence which often kills democracy. It is in the light of the foregoing that this paper periscopes on judiciary and democracy in Contemporary Nigerian Society.

### Conceptual Clarifications

#### Judiciary

Wikipedia, the free encyclopedia (2013) denotes the judiciary (also known as the judicial system) as the system of courts that interprets and applies the law in the name of the state. The judiciary also provides a mechanism for the resolution of disputes. Under the doctrine of the separation of powers, the judiciary generally does not make law (that is, in a plenary fashion, which is the responsibility of the legislature) or enforce law (which is the responsibility of the executive), but rather interprets law and applies it to the facts of each case. This branch of the state is often tasked with ensuring equal justice under law. It usually consists of a court of final appeal (called the "Supreme court" or "Constitutional court"), together with lower courts.

Regarding this paper the word "Judiciary" is defined as the court of a country. It is the branch of Government vested with judicial powers. It is generally regarded as the third arm of government. The function of the judiciary is the interpretation of the laws enacted by the legislature.

#### Democracy

There seems to be a great confusion what the word democracy means. In spite of the fact that at least in some parts of the world, one can hear it from the media every day. According to Wikipedia, the Free Encyclopedia (2013) democracy is a form of government in which all eligible citizens participate equally either directly or through elected representatives in the proposal, development, and creation of laws. It encompasses social, economic and cultural conditions that enable the free and equal practice of political self-determination. The term originates from the Greek (*dēmokratía*) "rule of the people", which was coined from δῆμος (*dēmos*) "people" and (*kratos*) "power" or "rule" in the 5th century BCE to denote the political systems then existing in Greek city-states, notably Athens; the term is an antonym to (*aristocratie*) "rule of an elite". Kolar, (2005) on the other hand defined democracy as the government by people. That means that all the people should be able to have their say in one way or another in everything that affects their lives. Dictionaries usually say that this right can either be exercised directly (by every member of a community having the possibility to enter personally, without mediators, his position on a particular issue into the decision making process, modern technology is able to provide this possibility for increasingly larger and larger communities), or through representatives (members of legislative bodies). Democracy is the form of government of the people, by the people and for the people, as popularized by Abraham Lincoln, a onetime American president.

Hughes and Kroehler, (2008) define democracy as a political system in which the powers of government derive from the consent of the governed and in which regular constitutional avenues exist for changing government officials. It is an arrangement that permits the population a significant voice in decision making through the people's right to choose among contenders for political office, allows for a broad, relatively equal citizenship the populace, and affords the citizenry protection from arbitrary state action. Most democratic nations are characterized by representative democracy officials are held accountable to public through periodic elections that

confirm them in power or replace them with new officials. However democracy in Nigeria is not distinguished from military regimes by the absence of powerful officials, and for the most part democracy is not characterized by the rule of the people themselves. In Nigeria for instance there is no face to face participation and decision making by citizens even when citizen are denied of their rights and they seek redress to justice they are not often giving a fair judgment over their will.

### Society

The term "society" came from the Latin word *societas*, which in turn is derived from the noun *socius* ("comrade, friend, and ally"; adjectival form *socialis*) used to describe a bond or interaction between parties that are friendly, or at least civil. The term society is refers to the entirety of humanity although those who are unfriendly or uncivil to the remainder of society in this sense may be deemed to be "antisocial". Adam Smith wrote that a society "may subsist among different men, as among different merchants, from a sense of its utility without any mutual love or affection, if only they refrain from doing injury to each other (Asa 2000).

A society is a group of people involved with each other through persistent relations, or a large social grouping sharing the same geographical or social territory, subject to the same political authority and dominant cultural expectations. Human societies are characterized by patterns of relationships (social relations) between individuals who share a distinctive culture and institutions; a given society may be described as the sum total of such relationships among its constituent members. In the social sciences, a larger society often evinces stratification and/or dominance patterns in subgroups. The simplest definition of society is a group of people who share a defined territory and a culture. In sociology, the definition of society is the social structure and interactions of group of people. Social structure is the relatively enduring patterns of behaviour and relationships within a society (Merton1938). Thus, a society is not only the group of people and their culture, but the relationships between the people and the institutions within that group exist.

## THEORETICAL FRAMEWORK

### Marxist Theory

Marxist theory has a profound impact on sociological thinking about power and social organization as human being relate in the society. The exponent of the theory is Karl Marx (1818-1883) in his views he maintains that, the central aspects of human behaviour involved the need to produce goods and services in order to survive. The ultimate aim of Marxist theory is that a classless society, i.e., a society in which all enjoy more or less equal wealth and power. Marx said history is basically about the struggle between classes for dominance. "The history of all hitherto existing society is the history of class struggles". Marxist observed that resources are scarce and divisible particularly privilege, prestige and power positions where people find themselves in conflict as they pursue their goals. If no bonds other than the pursuit of immediate self-interest were to unite people, society would quickly degenerate in a Hobbesian nightmare in which "war against all" prevails. Some agency like police, judiciary and prisons are required sufficiently strong to contain conflict within tolerable limits and the agencies are the state to control it people (Goode, 1972). Marx maintained that the motor of historical change is the process of production. The social relations of production involve different classes. The basic

determinant of one's class is one's relationship to the means of production. For example in capitalist society the two basic classes remaining are the owners of the means of production, i.e., capitalists, and those who own only their labour, i.e., the workers or proletariat. So in any historical period dominant and subservient classes can be identified (Hughes and Kroehler, 2008).

Marx further posits that new institution, of the state like judiciary with its powers is required by the capitalist to enforce the unequal distribution of social and material rewards in order to preserve their position to oppressed less privileged class in the society. Marxist maintained further stated that the powerful elites do reach out itself and strategies on how to dominate the less privilege group in the society. The theory is of the opinion that the judiciary is the executive of modern state a committee for managing the common affairs of the whole bourgeoisie. Seen in this manner, the judiciary is an instrument that is manipulated virtually at will, by the capitalist class (Beirne 1979). Marxist theorists contend that the judiciary apparatus exercises "relative autonomy" in its relationship with the capitalist class. They say that the judiciary is not simply the instrument of the capitalist class, but is an instrument with its own interests and capacities that affect the entire society (Scolpol, 1980; Quadagno, 1984). The judiciary's actions therefore, are not always in the interests of any particular class or of the society at large (Barkey and Parikh 1991).

According to this view, relentless class conflict between capitalists and workers, boom and bust economic cycles, and inter corporate conflict place limits on the ability of the capitalist class to manipulate political institutions at will. Although the judiciary may promote a climate favourable to capitalism, it must also legitimate the sanctity of the social order and maintain internal peace through few judgments (O'Connor, 1973). Whitt (1979 and 1982) holds that political processes must be understood in terms of the ways in which the major social institutions are organized. Rather than focusing primarily upon the individuals who control the seats of power elites. Whitt looked to the biases inherent in social institutions like police, judiciary and prisons as shaping political outcomes. He portrayed society as structured in ways that place constraints on decision markers and render their formulation of policy largely a foregone conclusion. Given the capitalist logic of institutions in Nigeria, the ruling class usually need not take direct action to fashion outcomes favourable to its interests.

The inequality in wealth and power is fundamental moral concern to Marx. Some groups come to dominate others and to win for themselves a disproportionate share of the society such as wealth, power and privileges. The political outcomes are built within the capitalist ordering of affairs by the way agendas are set and alternatives are defined. One does not need to be a lawyer to know that Nigerian laws and their judicial interpretation unabashedly favour the rich and powerful (Anele, 2013). These attributes are the rule of law, equality before the law, majority rule, justice and equity, minority right, free press, fundamental human rights, independent judiciary, access to economic and social opportunities, accountability and transparency are fallacy. Hence, the most privilege group and their cohorts are right the government has done well because rich people are actually benefiting from our democracy of the rich, by the rich, and for the rich. What the masses have to do is thus to support them for their misdeals in the society. Based on the foregoing

discussion the Marxist theory is adopted as theoretical guide for the study of Judiciary and Democracy in Contemporary Nigerian Society.

### **Judiciary and Democracy in Nigeria Issues in Contention**

The role of the Judiciary, as defined in the 1999 Constitution, and other governing Acts and laws, is very central to the survival of democracy and the attainment of its purpose in Nigeria. The judiciary is an arm of government that wields the power of judicial review, discharges the laws that are made from the legislative houses and executive powers. In this wise, it functions as the guardian angel over the other arms of government, and ensures that their separate or joint operations are not only in strict adherence to the rule of law, but also do not destabilize or destroy the democratic order in the society. The institution determines any question regarding civil rights and obligations of the citizens, declaring and enforcing rights, annulling or validating acts, awarding penalties, including custodial punishments, prohibiting, compelling private and public actions, generally giving redress, remedies for actionable private and public wrongs (Ogunye 2011).

In order for the Judiciary to effectively perform the above-stated role, it must be well structured, its rules and practice must be good, it must be well and rightly staffed, and it must be adequately funded. But beyond all these, corrupt judges must not be devil the judiciary. That is corruption of power, position and money. The judiciary generally must not regard, perceived, and believed to be pervasively in corruption. The judiciary must be a temple of justice, a beacon of credibility, and repository of integrity. No matter how well structured, properly staffed, and adequately funded the judiciary, and no matter how good the rules governing its operation and practice are, once its actors are not regarded as credible men and women of integrity, the Judiciary can hardly act as the guardian of Nigeria's democracy, let alone operate creditably as an honest enforcer of rights and a just redresser of wrongs. The independent of judiciary is universally acknowledged as one of the most defining and definitive features of a functional democracy (Ogunye 2011). Many, people see judiciary as an essential bulwark against abuse of power, authoritarianism and arbitrariness. How it function as well as how the various stakeholders in a democratic experiment appropriate its interventions and role in the polity are critical indicators of the health or killer of democracy (Nwokeoma 2007). However the image of the judiciary in Nigeria today is that of an institution where anything goes, a lot of people have been perverting justice especially civil and political cases. For instance in the 2003 elections politicians effectively killed democracy in Nigeria and it was buried by the judiciary. The elections were allegedly rigged throughout the federation and every election monitor attested to that effect. The Catholic Secretariat in Nigeria which deployed more than 30,000 election monitors who asserted that there were no elections in most parts of Nigeria where the president's cronies were declared winners. The opposition parties, and even the People Democratic Party (PDP) enemy factions, who went to court thinking that the judiciary was the last bastion of democracy were shocked as most of the fraudulent elections were upheld by the tribunal. The net effect of the judiciary was over turning of the judgments in favour of the bourgeoisies' over night supporting their evil of over-voting, violence, murder, vote looting, use of the police and army to rig elections, doing things that were contrary to electoral laws of the land.

Like in Plateau State, the tribunal was presented with a photocopy of the cheques that Governor Joshua Dariye used to bribe the police and other agencies that were involved in the elections but it was not enough evidence to annul the election. Independent National Electoral Commission (INEC) initially announced that Ibrahim Mantu was defeated by the Alliance for Democracy (AD) candidate but later declared Ibrahim Mantu as the winner of the election and subsequently elected him as the Deputy Senate President. In Anambra State, some members of the National Assembly were elected without contesting for elections. But Nigerian judiciary did not see anything wrong to annul such elections. For instance Senator Adolphus Wabara, the former Senate president, did not contest for election at all, the Independent National Electoral Commissioner (INEC) even attested in court but this development did not hinder him from becoming Senate president. The judiciary in a democracy is the only organ that stands on the four pillars of the principle of truth, justice, equality and fundamental rights. It is a historical fact, that any nation that lacks the true administration and dispensation of justice is prone to failure and total collapse (Omote 2012). For instance see the case of David Mark vs Usman Abubakar Aka young Alhaji in 2003, 2007 and 2011 David Mark vs Lawrence Onoja in Benue South Senatorial District elections petitions. Also Members of the Akwa-Ibom State Governorship Election Tribunal in 2003 were dismissed from the bench on the allegation of bribery; chairman of the Tribunal, Hon. Justice M.M. Adamu; Hon. Justice D.T. Ahura, Hon. Justice A.M. Elelegwa and Chief Magistrate O.J. Isede. They were found guilty of receiving large sums of money as bribe from the Governor of Akwa-Ibom State (Babatunde, 2010). In 2005, Hon. Justice Okwuchukwu Opene and Hon. Justice David Adedoyin Adeniji were found guilty of receiving large sums of money in the Anambra South Senatorial District Elections Tribunal (Shehu, 2012).

Nigerian judiciary has failed in the democratic era this ugly development was confirmed and admitted by the former Chief Justice of Nigeria, Justice Dalhiru Musdapher, at his inauguration and swearing in by President Goodluck Jonathan (Ogunye 2011). The Nigerian judiciary lost international recognition and patronage. It has also lost its usefulness and value at home that in Nigeria. Nigeria is experiencing serious social upheaval given the depressing state of affairs of judiciary in the country as a result of inability of the system to administer civil, political and criminal cases in proper manners. Allegations of corruption and bribery are being levelled on judges in Nigerian Judges without the National Judiciary Commission (NCJ) carrying out proper investigation to ascertain the truth of the allegations. Justice in contemporary Nigeria seems to be on sale. The degree of the judicial decadence has made it impossible for those who are not politically connected to get justice in the Nigerian courts very difficult. Otorofani, (2010) asserted that the Court of Appeal is the Alpha and Omega of election petitions particularly governorship elections and has been dogged with allegations of corruption in almost all cases going through its judicial portals. The allegations are legion the cases of Charles Solubo Vs Andy Uba; Governor of Sokoto state Aliyu Magatarkada Wamakko of the Peoples Democratic Party (PDP) and Alhaji Maigari Dingyadi of Democratic People's Party's (DPP), and Fayemi Vs Oni have all raised the specter of corrupt inducements to pervert the course of justice. More so, in the case of Sokoto state, the National Judicial Commission (NJC) has, in fact, been activated to deal with the allegations of judicial impropriety on the part of the Court of Appeal but no action has been seen publicly. Osuji, (2012) postulated that during Olusegun Obasanjo's regime between 1999 and 2007, suddenly, the judiciary at the apex level woke up having witnessed a lot of injustices being meted to many Nigerians in the electoral process. For instance,

it was the judiciary that stood between Atiku Abubakar and Olusegun Obasanjo, hence the former could survive all the political landmines coated with remote legal explosives. Obasanjo failed woefully and Atiku survived and left the office still as the Vice President. Nigerians and the world at large hailed the Nigerian judiciary at the apex level. When a lot of executive interferences in the judiciary during Obasanjo's tenure.

However reverse became a case with the coming of Umaru Yar'Adua as President Federal Republic of Nigeria, a lot of things happened in the judiciary and the judiciary had shown lot resilience and utmost faith in the judicial process as against the usual hooliganism that many political classes were deployed during the Obasanjo regime as president. Examples can be seen in the case of Mr. Peter Obi governor of Anambra state who was false fully removed from the office by President Olusegun Obasanjo, Rotimi Ameachi name was substituted in favour of Celestine Omehia during the election process as governor of River State. The Appeal court followed the Electoral Tribunal that declared Adams Oshimole winner of the 2007 governorship elections. The tribunal and the court had it that some part of the election were faulty and they decided upon themselves to work out which constituencies had good and bad elections and cancelled the one they deemed faulty or rigged and end up canceling 2/3 of the votes cast and added the number up, most of the constituencies canceled were those won by Professor Osimen Osunbor of People Democratic Party (PDP). Olusegun Mimiko also had his fair judgment against late Olusegun Agagu the Tribunal once again disregarded constituencies largely won by late Olusegun Agagu of People Democratic Party (PDP) and declared Mimiko the winner believing from outset that he won the election but it is not the job of the court to install him as a governor (Ogbemudia 2012). Another interesting illegality was the removal of Alhaji Rashidi Ladoja from office as the Oyo State governor by a faction of the state House of Assembly and replacing of Alao Akala, Joshua Dariye of plateau State who was replaced by John Botmang but all these illegalities, there were court's intervention that restored them to government to House, enable them complete their tenure during the time of Yar'Adua even though the courts were not better as cases often suffer long and frustrating adjustment but justice was done.

Consequently, the Nigeria Judiciary took a difference face with the coming of Goodluck Jonathan as President Federal Republic of Nigeria, with huge financial inducements to rig cases before them, Nigerian judicial officers handling election petitions now qualify to be inducted into the inner sanctum of the super rich overnight. Many cases abound at the state level where judges are frequently influenced by the governors to delay, pervert the case or do something scandalous to favour those who lost out in election. The indisputable reality in the country is that there is a chronically corruption in Nigerian system as a whole, it is little surprise then that those who lost elections genuinely or were otherwise rigged out of their victories head to tribunals to do their own rigging in their own way and get to power through the back door. Again Osuji (2012) asserts that it is painfully enough the judiciary at the state level today is obviously frustrating democratic process by using what journalist described as "illegality of justice through endless adjournments and raw injunctions". Some cases are so theatrical to the point that one began to wonder what has become of Nigerian judiciary. Good examples can be drawn from the governorship cases in Sokoto and Borno were almost mere melodrama. Even when the National Assembly attempted to address the problem arising from endless adjournments of cases, particularly in election matters, they made the matter worse. By fixing a time limit for ending



every election cases, it played well into hands of some of the obviously corrupt judges and politicians. They exploited the situation as it was suspected that they entered into a deal with the affected governors by delaying the cases until they became technically dead that is the expiration of time limit. For instance the case of Benue, Akwa-Ibom, Jigawa, Borno, and Imo States among others is still fresh in the memory of Nigerians. Even some cases that were too obvious and clear were thrown out on a mere flimsy excuse of time frame. Some judges take delight in the granting of unwarranted adjournments to kill the obvious time so that it will not lead to the efficacy of justice. Yet they subscribe to the truth of legal axiom, "justice delayed is justice denied". They capitalize on every little loophole in cases, particularly political cases, either to dismiss the case or embark on escapade of endless adjournments.

Morris Cane once wrote: "Any technicality in law used to dismiss a case is not a true justice; if dispensed, it is justice denied over the influence of remote reasons because it is not the real justice" (Morris Cane in Osuji 2012).

A Court of Appeal judge, Helen Moronkeji, observed that "Democracy is not an esoteric or fanciful concept too difficult to grasp." In Nigeria, it is the judiciary, rather than the politicians, who seem to understand the game (The Economist Newspaper Limited 2008). The judiciary to uphold the verdict of the people who are judged to have lost election indicate that the flawed in judiciary system has made the system to become biased umpire in electoral disputes resolution in Nigerian society. The Nigeria judiciary has made democracy to become chronically sick paraplegic having suffered serious congenital defects prevented the country from growing up to maturity as the right people are not voted in places that will take the nation to the global democratic community. More worrisome of these defects is the facts that the system has failed to respond to the periodic and episodic surgical of democracy especially the ability of this important organ of government associating itself with unbridled corruption where desperate politicians go to great lengths to corrupt judges in order to secure undue advantages for themselves at the detriment of the poor masses. The integrity of Nigerian judiciary contrary to the assertion that the judiciary is the last hope of the common man, when the chips are down it has always sided with the rule of class in Nigeria against the poor masses as such it does not promote the development of democracy in the country.

## **RECOMMENDATIONS AND CONCLUSION**

Indeed democracy is an economic imperative as it is believed to be a foundation stone of how people install the doctrines of responsible government. Democracy is an indispensable element in contemporary society, it is the only way a government can chose its representatives by election. In as much as judiciary is a vital organ and an instrument that promote democracy in the society, there is a need for great care to be free and fair in its implementing of political cases.

Various punishments and sanctions should be awarded to erring judges who indulged corrupt practices such punishment like death sentence, dismissal from service, public humiliation by sending them to prisons to serve jail terms. It will be so humiliating for a judge to serve a jail term with the people who he might preside over his case while serving as a judge in court. On the side of politicians who bribe judges to see their way through at the tribunals, they should equally be tried and convicted for bribing public officers. Also they should be disqualified from

whatever political position they are contesting for, this will help in reducing the corruption in the judicial system and Nigerian democracy can grow.

Though with the growing phenomenon of corruption in the judiciary, it has been argued sociologically that, corruption is inevitable and pervasive in all sectors of the society, so effort should gear toward reducing it at all sectors of the society but not only in the judiciary. It would however appear that corruption cannot be eradicated in Nigeria. It can only be reduced not totally eliminated. Its eradication might not even be advisable given that they function as openers to alternatives that serve as a major source of social change in society. This notwithstanding, an excessive dosage of corruption is not doubt inimical to judiciary in particular and society in general this is because peace, comfort of people will not be observed. Given the impetus that kangaroo judgment is totally unaccepted in the judiciary system in Nigeria especially political cases that determine people's will for who should rule them.

## REFERENCES

- Abdulhameed A. U (2013): Judiciary and Democracy, *Blueprint Newspaper*, June 10, 2013
- Anele, D (2013): Criticism and the growth of democracy in Nigeria (3) on June 16, 2013, *The Vanguard* June 16, 2013 Sunday Perspectives
- Asa, B (2000): *The Age of Improvement*. London Longman,
- Babatunde, L., (2010): "Abuse and Misuse of Judicial Powers are Inimical to the Development and "Growth of Electoral Laws" A paper presented at the National Symposium Organized by Mustapha Akanbi Foundation (MAF). Abuja, July, 2010
- Barkey, K and Parikh, S (1991) Comparative Perspectives on the State, *Annual Review of Sociology*, 11:523-549
- Hughes, M and Kroeher, C. J (2008): *Sociology the Core*, New York, Mc-Graw Hill
- Kolar, M (2005): Politicians should be your humble servants, not your all-powerful masters.
- Merton, R (1938): Social Structure. *Filipino Sociological Review*, 3 (5), pp.672-682
- Nwokeoma, J (2007): The Judiciary's Redemptive Role in Nigeria's Democracy, Peace and Collaborative Development Network, November 7, 2007 at 5:13am
- Ogunde O (2008): The Nigerian judiciary and electoral fraud, *In Defence of Marxist, International Marxist Tendency*, Lagos, visit <http://www.marxist.com>. Friday, 25 April 2008. Retrieved September 30, 2013.
- Ogunye, J (2011): A New Nigerian Judiciary Is Necessary, *Sahara Reporters Commentary* October 3, 2011 - 14:29
- Ogbemudia, B (2012): 'Judiciary has helped to entrench democracy' *The Nation News Paper*, December 10, 2012
- Omote, E. J (2012): Nigerian Judiciary: Ogboru and the Power of Truth... You are our 2406859<sup>th</sup>; *Urhobo Strength through Unity Time*; Posted On 10th May 2012 Under Features; Retrieved, September 30, 2013
- Otorofani, F (2010): Travails of Democracy in Nigeria (Part (1): Annual Festival of Judicial Coronations of Failed Candidates at the Polls, *FocusNigeria.com*, Published November 15th, 2010, Retrieved, Monday, September 30, 2013
- O'Connor, J (1973): *The Fiscal Crisis of the State*. New York: St Martin's Press.

- Osuji C (2012): Rubrics of thought: Using judiciary to kill democracy in Nigeria: Fact: *Daily Independent Newspapers*
- Shehu, A. T (2012) Strengthening Judicial Intervention in Electoral Disputes in Nigeria, *African Journal of Social Sciences* 2 (2) 74-88. [www.sachajournals.com](http://www.sachajournals.com)
- Swidler, A. (2003): Talk of Love: How Culture Matters. University of Chicago Press
- Skolpol, T (1980): Political Response to Capital Crisis: Neo-Marxist Theories of the State and the case of New Deal. *Politics and Society*, 10: 155-201.
- Quadagno, J. S (1984): Welfare Capitalism and the Social Security Act of 1935, *American Sociological Review*, 49: 632-47
- The Economist Newspaper Limited (Jan 24th 2008): Nigeria Democracy by court order, President Umaru Yar'Adua faces a serious challenge to his legitimacy
- Whitt, J. A (1982): *Urban Elites and Mass Transportation: The Dialectics of Power*: Princeton, NJ: Prince University Press.
- Whitt, J. A (1979): Toward a class Dialectical Model of Power: An Empirical Assessment of Three Competing Models of Political Power. *American Sociological Review*, 44:81-100
- Wikipedia, the Free Encyclopedia (2013): Definition of Judiciary. Retrieved October 4<sup>th</sup> 2013