

## IMPLICATIONS OF JUDICIAL CORRUPTION ON GOOD GOVERNANCE IN NIGERIA\*

### Abstract

*Corruption has remained a global menace and very toxic to good governance. It has equally remained toxic to good governance. Corruption has been a general concern in other spheres of life until recently discovered that it has infiltrated the judiciary. The infiltration manifests in various forms ranging from embezzlement, bribery, conflicts of judicial decisions and breach of code of conducts by judicial officers. Recent accusations of judicial officers of corrupt practices and discipline meted by the National Judicial Council (NJC) revealed the degree of the decadence in the judiciary. This has significantly affected transparency, respect for rule of law and democratic ethos which are core values of good governance. The study adopted qualitative design using doctrinal approach. The primary data considered are statute Constitution of the Federal Republic of Nigeria, 1999 (as amended), Economic and Financial Commission (Establishment Act) 2004 among others while secondary data considered include books, journal articles, newspapers publications, case law and online materials. This study found that respect for rule of law, governance transparency and equity are decimated while fundamental right abuse and capital flight increase. It concludes by noting that sustainability of good governance is rooted in a corruption free judiciary.*

**Keywords:** Good Governance, Judicial Corruption, Implications, Nigeria

### 1. Introduction

Corruption is said to be hydra-headed in nature because no consensus definition could be ascribed to it in view of divergent opinion of scholars. Akindele opines that concept of corruption has proven elusive due to the absence of a uniform definition.<sup>1</sup> The perception of corruption varies depending on the specific national laws and regulations governing certain actions.<sup>2</sup> While some countries adopt a broad definition of corruption, others adhere to narrower interpretations.<sup>3</sup> However, etymologically, the term ‘corruption’ originates from the Greek word ‘*corruptus*’, signifying an aberration or misnomer.<sup>4</sup> United Nation Office on Drug and Crime defines corruption is defined as the abuse of entrusted power for private gain, which can take many forms, such as bribery, embezzlement, and abuse of functions.<sup>5</sup>

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\*By **Veronica N. EKUNDAYO**, Professor and Head, Department of Private and Commercial Law, School of Law and Security Studies, Babcock University, Ilisan-Remo, Ogun State, Nigeria;

\***Adekunbi IMOSEMI**, Professor and Head, Department of International Law and Security Studies, School of Law and Security Studies, Babcock University, Ilisan-Remo, Ogun State, Nigeria; and

\***Taiwo Paul IYANDA**, PhD Student, School of Law and Security Studies, Babcock University, Ilisan-Remo, Ogun State, Nigeria.

<sup>1</sup> ST Akindele, ‘A Critical Analysis of Corruption and its Problems in Nigeria’, (2005) 7 (1) *Anthropologist* 7-18 Ife.

<sup>2</sup> AM Odeh, ‘The Effect of Corruption on Good Governance in Nigeria (2015) 4 (3) *International Journal of Development and Sustainability* 292-307.

<sup>3</sup> *ibid.*

<sup>4</sup> CLEEN Foundation, *Corruption and Governance Challenges in Nigeria* (Conference Proceedings (2010) 7 (2) Monograph Series.

<sup>5</sup> United Nations Office on Drug and Crime: Model 1: ‘what is corruption and why should we care?’

<[https://grace.unodc.org/grace/uploads/documents/academics/Anti-Corruption\\_Module\\_1\\_What\\_Is\\_Corruption](https://grace.unodc.org/grace/uploads/documents/academics/Anti-Corruption_Module_1_What_Is_Corruption)> accessed 3 November, 2025.

The term good governance is a broad generic phraseology which is not open to a single and exhaustive definition since it is used with great flexibility and its province is not yet determined.<sup>6</sup> Governance is a process of decision making and the process by which decisions are implemented.<sup>7</sup> ‘Good Governance’ therefore presupposes the art of ensuring that the processes involved in governance are good enough to yield results that impact positively of the government, society and the citizenry.<sup>8</sup> Thus, the true test of good governance is the degree to which it delivers on the promise of human right, accountability, political participation and democratic principles.<sup>9</sup> From the view point of the United Nations Development Programme (UNDP), Good Governance is seen as ‘the exercise of economic, political and administrative authority to manage a countries affairs at all levels.’<sup>10</sup> It comprises mechanism processes and institutions through which citizens and groups articulate their interests, exercise their legal right, meet their obligations and mediate their differences.<sup>11</sup> UNDP acknowledges the following as core characteristics of good governance, they are participation, rule of law, transparency, responsiveness, consensus orientation, equity, effectiveness and efficiency, accountability and strategic vision.<sup>12</sup>

Judicial corruption is antithetical to good governance and destroys the fabric of society, eroding citizens’ trust in the judiciary, governance and the rule of law. This consequentially repels foreign direct investment, company’s establishments and corporations, economic gains and stiffens economic growth among other gloomy outcomes.<sup>13</sup> Economic development of any nation is tied to a fair and just judicial system which attracts foreign investments and foster growth. These encourage investors to trust in the rule of law, governance and economic prospects of such nation. Commenting on the danger of a corrupt judiciary and harmful implication it has on the economic growth of a nation Uwaifo said:<sup>14</sup>

a corrupt judge is more harmful to the society than a man who runs hammock with a dagger in a crowded street. The later can be rest physically, but a corrupt judge deliberately destroys the moral foundation of society and causes incalculable distress to individuals through abusing his office while still been referred to as Honorable.

This major comparison, reveals how destructive the effect of judicial corruption are, extending far beyond individual cases to undermine the societal structure. This emphasises harmful implication a perverted decision of judiciary can be on governance and rule of law of any nation.

## **2. Judicial Corruption in Nigeria**

Judicial corruption however is a form of corruption in one of the arms of government. It means all forms of inappropriate influence that may damage the impartiality of justice and may involve any

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<sup>6</sup> Epiphany Azinge, ‘Rule of Law, Due Process and Good Governance’ in Epiphany Azinge, and Bolaji Owasanoye, (eds.), *Rule of Law and Good Governance* (Nigerian Institute of Advanced Legal Studies, 2009) 335

<sup>7</sup>ibid.

<sup>8</sup>ibid.

<sup>9</sup>ibid.

<sup>10</sup>The World Bank Experience, *Development in Practice Governance* (1994) World Bank Publication 11.

<sup>11</sup>OJ Kehinde, D Imohnpoi and IK Evubuoma, ‘Good Governance and Leadership: Pathway to Sustainable National Development in Nigeria’ (2016) (6) (1) *Journal of Public Administration and Governance* 37.

<sup>12</sup> UNDP Report, *Governance for Sustainable Human Development*, 1997.

<sup>13</sup> Johnson Babalola, ‘Impact of Judicial corruption on Nigeria’s society, Governance, and Global Standing’ *This day* (Lagos, 22, October, 2024.) <<https://.thisdaylife.com/2024/10/22/impact-of-judicial-corruption-on-nigerias-society-governance-and...>>accessed 24 July, 2025.

<sup>14</sup>Ibrahim Abdullahi, ‘Independence of the Judiciary in Nigeria: A Myth or Reality?’ (2014) 2(3) *International Journal of Public Administration and Management Research* 59.

actor within the justice system, including, but not limited to, judges, lawyers, administrative court support staff, parties and public servants.<sup>15</sup> Judicial corruption has been identified as a problem that hinders effective law enforcement. Judicial corruption strikes at the heart of the legal system and reputation of the judiciary with consequent detrimental effects on good governance and development at large. This study will explore a trace of its history in the Nigerian judicial system and implication on good governance. Some historical sources argued that judicial corruption in pre-colonial Nigeria was limited or non-existent due to communal values, strong religious beliefs, and systems of restorative justice, social pressure and accountability.<sup>16</sup> However, other accounts suggest that while pre-colonial justice systems were often effective and based on custom, instances of abuse and misconduct by judicial authorities, such as chiefs or elders, did occur.<sup>17</sup> Judicial corruption in Nigeria has a long and complex history rooted in both colonial and post-colonial periods, worsened by political interference and institutional weaknesses. The issue became particularly entrenched during decades of military rule and has persisted despite the return to democracy.<sup>18</sup>

In the colonial era under British indirect rule saw the rise of the warrant chiefs in the southern part of Nigeria who were imposed but lacking traditional legitimacy on various communities because their power came from the British rather than the local populace.<sup>19</sup> These chiefs acted as local administrators and judges. Many of them were perceived as corrupt and autocratic as a result of using their position to enforce unpopular colonial policies and often engaged in extortion. In the pursuit of personal wealth, they were often bribed to influence the outcomes of land disputes and other legal matters, leading to widespread corruption<sup>20</sup> In the colonial days, abuse of power led to 1919 inquiry into the system in some regions of Nigeria found that the most Warrant Chiefs were appointed for self-enrichment and would be jailed for bribery and corruption if investigated.<sup>21</sup> Judicial corruption during Nigeria's colonial era was widespread and stemmed from structural flaws in British-imposed legal system and the administration of justice. The merging of judicial and executive powers, the appointment of biased officials, and the introduction of capitalist practices fostered a culture of corruption and undermined the independence of the judiciary. Judges were often principal agents of British trading firms, consular services or administrative staff. This underscored uncertainty of fairness and impartiality as the executive could easily interfere with judicial processes on account of foreign legal concepts introduced.<sup>22</sup> Corruption has been in existence since colonial days that is, before independence and was very rampant in the official circle. Eso in his experience as a private legal practitioner submits thus:<sup>23</sup>

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<sup>15</sup>Salihu H.A., Hossein G. 'Corruption in the Nigeria Judicial System: An Overview' (2018) 25(1) *Journal of Financial Crime* 1 <[www.researchgate.net](http://www.researchgate.net)> accessed 6 July, 2025.

<sup>16</sup> Friday Ifeanyichukwu Ogbuechi, 'Traditional Legal System a Paradigm for Judicial System in Nigeria' <<https://acjol.org/index.php/igboscholars/article/download/4740/4608>>accessed 7 October, 2025.

<sup>17</sup>Adewale K. Kupoluyi, African Traditional Approach: sustainable Option to Curbing Corruption in Nigeria <[www.ippapublicpolicy.org/file/paper/59561f4984001](http://www.ippapublicpolicy.org/file/paper/59561f4984001)> accessed 7 October, 2025.

<sup>18</sup> B. Stephen Oladipupo, 'Judicial Corruption and Impediment to Nigeria Criminal System: Lessons from Justice Isa Ayo Salami Versus Justice Aloysius Kastina-Alu' (2016) X(X) *American Journal of Social Sciences* <[www.academia.edu/30204019/judicial\\_corruption\\_in\\_Nigeria](http://www.academia.edu/30204019/judicial_corruption_in_Nigeria)> accessed 8 October, 2025.

<sup>19</sup>GRIN, 'The Colonial Interlude and the Igbo Judicial Systems. Changes and Continuity'<<https://www.grin.com/document/356926>> accessed 7 October, 2025.

<sup>20</sup>Chidi Pensive Anene and Obinna Theodore Iyala, 'Corruption in the Nigerian Judicial System: The Way Forward' (2023) 4(1) *International Journal of Advanced Research in Global Politics, Governance and Management* 157.

<sup>21</sup> *ibid.*

<sup>22</sup>Jide Ojo, 'Understanding the Genealogy of Corruption' PUNCH (Lagos 24 November, 2021) <<https://punchng.com/understanding-the-genealogy-of-corruption-in-nigeria/>> accessed 7 October, 2025.

<sup>23</sup> Kayode Eso, *The Mystery of Gunman*, (Spectrum Books Limited 1996) 98.

On appointment, Michael Holden was posted to Jos as an acting Chief Magistrate Dermot McCarthy was asked to act as Chief Registrar. Holden went on frequent tours to Makurdi and Oturkpo, both places being within the Jos Magisterial Districts and Judicial Division. Benue was, in those days a den of corruption, and it was corruption in high places, and, to use the language I usually employed in the high court during appeals from Benue, there was ‘a sweep of fraud and corruption’ practically the entire Native Authority was corrupt

Alleged corrupt practises witnessed in Nigeria in the first republic was cardinal among other reasons that informed the first military *coup d’etat* in 1966 and subsequent military takeover of governance in Nigeria.<sup>24</sup> During military era (1966-1999), the judiciary experienced severe erosion of its independence, which fostered a climate of judicial corruption.<sup>25</sup> Military regimes undermined the judicial system through a combination of tactics, including the appointment of compliant and compromised judges, direct intimidation and the use of draconian decrees that nullified power of the courts.<sup>26</sup> Military governments routinely promulgated decrees with ‘ouster clauses’, which prevented courts from hearing cases challenging the government’s decisions or the decrees themselves. In *Lakanmi v. Attorney-General (Western State)*<sup>27</sup> the Supreme Court declared a military decree invalid, only to have the military government nullified the court judgement with another decree. Military leaders often appointed ‘apologist’ and favoured individuals to judicial positions, sidelining more qualified or senior judges to ensure a judiciary that would serve the military’s interest. For instance, during Gowon’s regime the tradition of appointing the most senior justice as the chief justice was compromised. The military high-handedness and disregard for the rule of law created a lasting culture impunity.<sup>28</sup> Military tribunals bypassed traditional courts and due process, which further eroded the public respects for the judiciary and the legal system, such instances include the annulment of the June 12 1993 general election presidential election, a decision reportedly influenced by the military and an Abuja high court judgement that demonstrated the judiciary susceptibility to executive manipulation.<sup>29</sup>

### **3. Allegations of Corruption against Judicial Officers**

While corruption allegations against judicial officers in Nigeria often involved intricate legal processes and confidentiality, numerous reported instances abound. Notable allegations of corruption and trends from recent years shed light on the nature of judicial corruption in the country such that in May 2004 the NJC recommended the dismissal of all the judges who sat on the Akwa Ibom election tribunal and they were accordingly dismissed those affected were Justice M.M Adamu, Justice T. Ahura, Mr James Isede, A.A Elelegwo, and Justice C. Senlong also in 2005 two appealed court Justices O. Opene and A. Adeniji were dismissed by the NJC for collecting bribes to award victory to

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<sup>24</sup> Ademoyega, A., *Why We Struck: The story of The First Nigerian Coup* (Evans Brothers Nigeria Publishers Limited, Ibadan, 2011) 51.

<sup>25</sup> *ibid.*

<sup>26</sup> ST Igbaniho, ‘Military Rule in and the Bane of Corruption in the Nigeria Judiciary’ (2017) 2(1) *Research Journal of Humanities, Legal Studies and International Development* 13.

<sup>27</sup> (1971) 1 UILR 201

<sup>28</sup> Chidi Anselm Odinkalu, ‘How Two Josephs Gave Nigeria a Crisis of jumpy Judges’ *The Cable* (Lagos 10 November, 2024) <[www.thecable.ng/how-two-josephs-gave-nigeria-a-crisis-of-jumpy-judges/](http://www.thecable.ng/how-two-josephs-gave-nigeria-a-crisis-of-jumpy-judges/)> accessed 8 October, 2025.

<sup>29</sup> Olatunji Dare, ‘Why Was the Election Annulled?’ *The Nation* (Lagos, 21 February, 2025) <<https://thenationonlineng.net/why-was-the-election-annulled/>> accessed 8 October, 2025.

a party in an appeal over a decision concerning an election dispute in Anambra state. Also, Justice K.O Amah, Abia chief judge was compulsorily retired in 2005 by the NJC.<sup>30</sup>

In a related development, the executive set the machinery in motion against some of judicial officers proving the susceptibility of the judiciary to corruption practices on the night of October 7, 2016 when operatives of the Department of State Services, broke into the apartments of seven judges alleged of corrupt practices.<sup>31</sup> The affected judges are the late Justice Ngwuta; Justice Inyang Okoro of the Supreme Court, Justice Ademola, Justice Mu'azu Pindiga of Gombe State High Court; former Court of Appeal Justice Mohammed Tsamiya; a former Chief Judge of Enugu State, Justice Innocent Umezurike; and a former Kano State High Court judge, Justice Kabiru Auta.<sup>32</sup> The confusion created by their arrest gave mixed feelings when hours after the novel raid, the DSS came out with shocking revelation that its operatives recovered huge amount of money from the residence of the judges.<sup>33</sup>

Corruption is not limited to financial inducement, where a party during the pendency of an action is having a private discussion with the presiding judge without the knowledge of other party or parties, perhaps for personal or political gain is a gross offence that breeds mistrust, loss of public confidence and constitute a breach of oath of office by such judge.<sup>34</sup> Justice Thomas Naron the chairman of Osun State election petition tribunal sitting in Osogbo, Osun State sometime in 2008 was alleged of engaging in constant and regular telephone communications with one of the lead counsel involved in the hearing of the petition.<sup>35</sup> Such an act is against the principles of justice that is rooted in confidence in the judiciary that is expected to be transparent being acknowledge as an unbiased umpire in its adjudication of conflicts and being a stronghold in the fight for good governance. Lessons learned from these developments accounted for diminished respect for the Nigerian judiciary in recent time seeing corrupt practices perpetrated to the peak of the hallowed chambers of justice.<sup>36</sup>

#### **4. Implications of Judicial Corruption on Good Governance in Nigeria**

A fair and impartial judiciary is foundational to a functioning government, but when justice is compromised, the entire governance structure begins to decay.<sup>37</sup> Judicial corruption in Nigeria cripples good governance by undermining the rule of law, eroding public trust, and distorting justice. This highlights that the implications extend beyond the courtroom, affecting Nigeria's social, economic, and political stability by creating an environment where justice is for sale and the government loses its integrity.<sup>38</sup> Judicial corruption undermines good governance in the following ways. Judiciary's core responsibility, as an unbiased arbiter is to uphold justice, ensuring that citizens

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<sup>30</sup> The International Commission of Jurists-ICJ, 'Attack on Justice-Federal Republic of Nigeria' <<https://www.icj.org/wp-content/uploads/2012/04/Nigeria-Attack-on-Justice-5-publication-2008>> -accessed 7 October 2025

<sup>31</sup> Oladimeji Ramon 'How Buhari's Anti-Corruption Campaign in Judiciary Hit a Brick wall (1) *Punch* (Lagos 29 December 2021) <<https://punchng.com/how-buharis-anti-corruption-campaign-in-judiciary-hit-a-brick-wall-1>> accessed 6 January 2025.

<sup>32</sup> *ibid.*

<sup>33</sup> *ibid.*

<sup>34</sup> *ibid.*

<sup>35</sup> 'Nigerian Judicial Council Axes Controversial Judges' <[www.channelstv.com/2013/02/21/nigerian-judicial-council-axes-3-controversial-judges/](http://www.channelstv.com/2013/02/21/nigerian-judicial-council-axes-3-controversial-judges/)> accessed January 3 2024.

<sup>36</sup> B. Stephen Oladipupo, 'Judicial Corruption and Impediment to Nigeria Criminal System: Lessons from Justice Isa Ayo Salami Versus Justice Aloysius Kastina-Alu' (2016) X(X) *American Journal of Social Sciences* <[www.academia.edu/30204019/judicial\\_corruption\\_in\\_Nigeria](http://www.academia.edu/30204019/judicial_corruption_in_Nigeria)> accessed 8 October, 2025

<sup>37</sup> Johnson Babalola, Impact of Judicial Corruption on Nigeria's Society, Governance, and Global Standing *ThisDay* (Lagos 22 October, 2024).

<sup>38</sup> *ibid.*

can rely on the court to deliver fair and equitable decisions.<sup>39</sup> With this understanding, the judicial officers are expected to live above board like Caesar's wife. When the judiciary is polluted by corrupt practices, governance core values are enfeebled. Citizens lose faith in the idea that justice can be attained by legal means. Judicial corruption encourages lawlessness, self-help, vigilantism and break down of society and a complete state of anomie<sup>40</sup>

Constitutionally, the judiciary is to act as a check on executive and legislature.<sup>41</sup> This emphasizes the supremacy role of the judiciary over other two arms as constitutionally guaranteed.<sup>42</sup> According to Nwabueze,<sup>43</sup> the judicial power vested in the Court by section 6 of the Constitution is more inextricably bound up with the organised coercive force backing the Nigerian states.<sup>44</sup> Judicial corruption allows criminals, corrupt politicians even in some circumstances to escape justice and perpetuate a culture of impunity.<sup>45</sup> This has been a concern whereof an average cynical and disillusioned citizens see law as unequal in its application which makes them lose confidence and trust in justice system.<sup>46</sup> As the late Lord Denning said 'justice must be rooted in confidence and confidence is destroyed when right-minded people go away thinking: the judge was biased'. In this circumstance, judicial corruption has affected the psyche of an average citizen to doubt the impartiality and trust in the judicial system.<sup>47</sup> However, when the judges themselves are corrupt, they have lost their independence of arbitration and anarchy is enthroned as a result of abuse of power at all levels of government.<sup>48</sup> Judicial corruption significantly erodes public trust in government and institutions when citizen perceive widespread corruption, they lose faith in leaders, social systems, and even the ethical fabric of society. This erosion of trust can lead to cynicism, frustration, and a decline in civil engagement.<sup>49</sup> Judicial corruption also undermines the fairness and integrity of the justice system. When judges and court officials are perceived as corrupt, it leads to a loss of faith in the ability of the court to deliver impartial and just outcomes.<sup>50</sup> This, in turn, can damage overall societal trust in government and the rule of law.<sup>51</sup>

Furthermore, when judges are perceived as susceptible to bribery, political influence, or other forms of corruption, it creates a sense that the justice system is not fair and impartial.<sup>52</sup> This destroys public trust in the ability of the courts to deliver justice based on law and evidence, rather than personal

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<sup>39</sup>1999 Constitution Federal Republic of Nigeria (as amended) s 6.

<sup>40</sup>Dennis Emeka Ezechi, Phenomenological Interpretation of Judicial Corruption in Nigeria <[www.acjol.org/index.php/njiko/article/download/4623/4480](http://www.acjol.org/index.php/njiko/article/download/4623/4480)> accessed 8 October, 2025.

<sup>41</sup>Constitution of Federal Republic of Nigeria, 1999 (as amended) ss 4, 5 and 6.

<sup>42</sup>ibid.

<sup>43</sup> Ben Nwabueze, *The Second Justice Kayode Eso Lecture: The Judiciary as the Third Estate of the Realm*, Ibadan (Gold press limited) 2007 pg.103

<sup>44</sup> 1999 CFRN, (as amended) s 6.

<sup>45</sup> Ben Nwabueze, *The Second Justice Kayode Eso Lecture: The Judiciary as the Third Estate of the Realm*, Ibadan (Gold press limited) 2007 pg.103

<sup>46</sup> ibid.

<sup>47</sup> ibid.

<sup>48</sup> ibid.

<sup>49</sup> United Nations Office on Drug and Crime: Model 1: 'what is corruption and why should we care?' <[https://grace.unodc.org/grace/uploads/documents/academics/Anti-Corruption\\_Module\\_1\\_What\\_Is\\_Corruption](https://grace.unodc.org/grace/uploads/documents/academics/Anti-Corruption_Module_1_What_Is_Corruption)> accessed 3 November, 2025.

<sup>50</sup> ibid.

<sup>51</sup>Musa Adamu Aliyu, 'The Impacts of Corruption on Administration of Justice in Nigeria' (2015) 1(2) *Nigeria Police Academy Law Journal* 1

<sup>52</sup>Tiwalade Aderoju, 'The Impact of Corruption on the Rule of Law and the Effective Administration of Justice Using Nigeria as a Case Study' <[www.ibanet.org/impact-of-corruption-on-rule-of-law-in-nigeria](http://www.ibanet.org/impact-of-corruption-on-rule-of-law-in-nigeria)> accessed 13 September, 2025.

connections or influence. Corruption in the system undermines its core values of fairness, equity, and impartiality which are measures of good governance.<sup>53</sup> When judges and court official are compromised, it results in the abuse of power and delivery of justice is compromised. This has resulted in the perversion of justice, wrongful convictions, and acquittals of guilty parties.<sup>54</sup> This creates an unequal playing field, where those with wealth or power can manipulate judicial outcomes in their favour, this erodes trust in the system, as ordinary citizen may feel that they cannot assess justice fairly.<sup>55</sup>

Notwithstanding the well-established principle of rule of law, corruption has had a significant impact on it in Nigeria. Corruption undermines the principle of equality before the law, as corrupt individuals can use their wealth to influence to escape prosecution.<sup>56</sup> Judicial corruption can undermine the rule of law by allowing individuals or groups to circumvent legal processes and escape accountability.<sup>57</sup> This can weaken the systems' ability to enforce laws and maintain social order, further eroding public trust. Corruption undermines the principle of equality before the law, as corrupt individuals can use their words and influence to escape prosecution which weakens the judiciary and other law enforcements agencies, as corrupt officials can be easily manipulated or bribed.<sup>58</sup> When the public sees judges acting in a corrupt manner, it can lead to a decreased respect for the judiciary as a whole. This can make it more difficult for the court to carry out their duties and enforce laws effectively.<sup>59</sup>

Judicial corruption discourages foreign investors, who are weary of business environment, where the judiciary cannot be trusted to enforce contracts and protect investments.<sup>60</sup> Corruption in the judiciary can delay or distort the outcomes of commercial disputes making it risky for companies to do business in Nigeria. Investors need assurance that if legal disputes arise, they will be resolved fairly, promptly and impartially.<sup>61</sup> When such guarantees are absent on account of corruption, investment capital flows elsewhere, depriving Nigeria of much needed economic growth and development.<sup>62</sup> According to Transparency International, judicial corruption also impacts the broader business environment where businesses may feel pressured to engage in corrupt practices to secure favorable rulings.<sup>63</sup> This leads to an uneven plain field where only those willing to bribe or engage in illicit activities thrive, further disincentivising ethical investment.<sup>64</sup> The cost of doing business rises due to the uncertainty of legal protections which by implication affects good governance.<sup>65</sup>

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<sup>53</sup> *ibid.*

<sup>54</sup> *ibid.*

<sup>55</sup> Ukatu James, 'A Corruption in Nigeria Criminal Judicial System. Assessment of the Predisposing Situational Factors' (2024) 11(11) *The International Journal of Social Science and Humanities Intervention* 8331-8339.

<sup>56</sup> *ibid.*

<sup>57</sup> *ibid.*

<sup>58</sup> Sunday Bontur Lugard, 'Judicial Corruption as a Self-Inflicted Impediment to the Independence of the Judiciary in Nigeria' (2017) 4(3) *KAS African Law Study Library* 310

<sup>59</sup> *ibid.*

<sup>60</sup> Sani Mohammad and Fakunle, Saheed Oyekunle, 'Judicial Corruption, Financial Development, and Economic Growth: Fresh Evidence from Nigeria' (2019) 2 *East African Scholars Journal of Economics, Business and Management* 94.

<sup>61</sup> *ibid.*

<sup>62</sup> Johnson Babalola, Impact of Judicial Corruption on Nigeria's Society, Governance, and Global Standing *ThisDay* (Lagos 22 October, 2024).

<sup>63</sup> Transparency International, corruption and the financing for development <<https://knowledgehub.transparency.org>>.12 June, 2024

<sup>64</sup> *ibid.*

<sup>65</sup> *ibid.*

Judicial corruption in Nigeria significantly contributes to the mass exodus of Nigerians as a result of undermining rule of law which erodes public trust in judicial and other government institutions.<sup>66</sup> This creates an environment where individuals feel compelled to seek opportunities elsewhere. The perception that justice is not fairly and impartially administered, coupled with the misappropriation of public funds and lack of accountability, which are attributes of bad governance, fuels a sense of insecurity and discourages individuals from staying and investing in the country.<sup>67</sup> This position was captured by Aderoju when he stated thus:<sup>68</sup>

The course of justice can also be perverted through administrative means, such as when court officials allocate cases to judges perceived as favourable to one side or the other. We can see the gradual impact from when the matter investigated by the various investigative agencies, where justice can be perverted through to the prosecution phase and finally the adjudication stage, where the judges may be compromised. Even the last stage of enforcement of judgments can be compromised by the bailiffs being corrupt, being bribed and also not fully exerting the authority given them by the State. Another major discouragement in utilizing the service of the Court, is displayed when the state uses its security agencies as apparatus with impunity to make it practically impossible to enforce judgments against the state or state agencies...

These failures have led to a loss of public trust in the justice system. When the public perceives that the justice system is corrupt, they lose faith in it, and the rule of law is undermined, they lose trust in the system, citizens feel that their rights are not protected, these create an environment of insecurity and instability and individuals may feel that their assets, livelihoods and personal safety are at risk. More so, various experience of banditry, kidnapping, robbery and killing that may be determined by the judiciary exculpating the defendants on technical grounds create a sense of insecurity on account of alleged unfairness by justice system encourages mass exodus of citizens abroad and conclusively makes good governance a mirage.<sup>69</sup> The mass exodus eventually leads to emigration of skilled professionals on account of judicial corruption and other systemic issues that consequently leads to a 'brain drain' which makes Nigeria loses valuable human capital. This further weakens the country's ability to develop and compete in the global economy.<sup>70</sup>

Corruption in the judiciary can weaken other democratic institutions, such as the legislature and the executive. When the judiciary is compromised, it can be harder for these institutions to function effectively and to hold those in power accountable.<sup>71</sup> The issue of checks and balances which are crucial to good and democratic governance are compromised as the judiciary would lose its grip over every other arms of government all the constitutional power would have been lost to corruption and

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<sup>66</sup> Musa Adamu Aliyu, 'The Impacts of Corruption on Administration of Justice in Nigeria' (2015) 1(2) *Nigeria Police Academy Law Journal* 1.

<sup>67</sup> Tiwalade Aderoju, 'The Impact of Corruption on the Rule of Law and the Effective Administration of Justice Using Nigeria as a Case study' <[www.ibanet.org/org/impact-of-corruption-on-rile-of-law-nigeria](http://www.ibanet.org/org/impact-of-corruption-on-rile-of-law-nigeria)> accessed 12 September, 2025.

<sup>68</sup> *ibid.*

<sup>69</sup> Joseph O. Nkwede, Ahmed O. Moliki and Kazeem O. Dauda, 'Corruption, Insurgency and Nigeria's Developmental Challenges' (2017) 10 (1) *African Journal of Politics and Administrative Studies*

<sup>70</sup> Christian Madubuko and Tony FE Nwaka, 'The Alarming Exodus of Nigerian Professionals: The Devastating Consequences of Human Capital Flight and Migration on Nigeria's Economic Development' (2024) 9(7) *American Journal of International Relations* 7.

<sup>71</sup> Omololu Fagbadebo, 'Corruption, Governance and Political Instability in Nigeria' (2007) 1(2) *African Journal of Political Science and International Relation* 31.

the remnant of its independence would be lost since it has lost its flames on account of corruption.<sup>72</sup> Since power to check and balance is lost, control of both the executive and legislature whenever there are wrongs will be difficult this exposes democratic governance into anarchy both the executive and legislative impunity and lawlessness will be on the increase which is counter-productive to good governance for lack of respect for rule of law, accountability, fairness and transparency which are hallmarks of good governance.<sup>73</sup>

Judicial corruption on this account severely impacts both the independence of the judiciary and good governance. When judges are corrupt, erosion of impartiality is imminent; the judges are no longer seen as impartial habitats of justice which is essential for a truly independent judiciary.<sup>74</sup> Furthermore, the judiciary's role as a check on executive and legislative power is further weakened on account of corruption which allows for the abuse of power at all levels of government.<sup>75</sup> This by all implications negatively impact on good governance, since rule of law is cardinal to good governance. Corruption in the justice system undermines the principle of equality before the law and weakens the rule of law which is essential for a functioning democracy.<sup>76</sup> Non independence of the judiciary as a result of judicial corruption allows for impunity. This allows criminals, corrupt politicians and fraudsters to escape justice, perpetuating a culture of impunity and undermining good governance.<sup>77</sup> Moreso, a corrupt justice system can create an environment where economic and social development are deterred because investors and citizens are willing to trust the government or the legal system.<sup>78</sup> As a result of the corruption, corruption can exacerbate existing inequalities as the wealthy and powerful may use their resources to influence judicial decisions or avoid prosecution.<sup>79</sup>

According to Luggard,<sup>80</sup> Contemporary corpus on judicial independence suggests that there is a nexus between the rule of law, especially in developing countries, and political and economic development.<sup>81</sup> In the realization of this connection, international development banks like the World Bank and International Monetary Fund (IMF) have committed funds towards building independent judicial systems that have the capacity to encourage investment, protect rights, and bolster democracy.<sup>82</sup> This is because, without the rule of law, democratic consolidation may never occur; judicial independence and the rule of law constitute important bulwarks against the erosion of

<sup>72</sup> *ibid.*

<sup>73</sup> Johnson Babalola, 'Impact of Judicial corruption on Nigeria's society, governance, and global standing' *This Day* (Lagos, October 22, 2024) <<https://thisdaylife.com/2024/10/22/impact-of-judicial-corruption-on-nigerias-society-governance-and>> accessed 25-05-2025. .

<sup>74</sup> *ibid.*

<sup>75</sup> *ibid.*

<sup>76</sup> Diego Garcia-Sayan 'Corruption, human rights, judicial independence' <[www.unodc.org/dohadecaration/en/news/2018/04/corruption-human-rihts-and-judicial-independence](http://www.unodc.org/dohadecaration/en/news/2018/04/corruption-human-rihts-and-judicial-independence)> accessed 12 July, 2025.

<sup>77</sup> Johnson Babalola, 'Impact of Judicial corruption on Nigeria's society, governance, and global standing' *This Day* (Lagos, October 22, 2024) <<https://thisdaylife.com/2024/10/22/impact-of-judicial-corruption-on-nigerias-society-governance-and>> accessed 25 May, 2025. .

<sup>78</sup> *ibid.*

<sup>79</sup> Siri Gløppen, Courts, Corruption and Judicial Independence <<https://www.cmi.no/publications/file/5091-courts-corruption-and-judicial-independence.pdf>> accessed 11 July, 2025.

<sup>80</sup> Sunday Bontur Luggard, 'Judicial Corruption as a Self-Inflicted Impediment to the Independence of the Judiciary in Nigeria' (2017) 4(3) *KAS African Law Study Library* 310.

<sup>81</sup> Rebecca B. Chavez, 'The Rule of Law and Courts in Democratising Regimes', in: Keith E. Whittington, Daniel Kelemen, and Gregory A. Caldeira, (eds.), *The Oxford Handbook of Law and Politics* (New York 2010) 5.

<sup>82</sup> *ibid*

democratic institutions.<sup>83</sup> The belief that economic growth and democracy depend upon the rule of law have driven this investment.<sup>84</sup> Rule of law in turn depends on a well- functioning and independent judiciary that businesses and other economic actors can trust to render fair, just and consistent decisions.<sup>85</sup>

### **5. The Judiciary and Good Governance**

The role of the judiciary is to uphold the rule of law and the provisions of the Constitution as the supreme and organic law of the land. In its judicial functions, it must give the Constitution a liberal interpretation to sustain the country's nascent democracy in order to sustain good governance.<sup>86</sup> Upholding good governance is also dependent on mode of interpreting the law. Interpretation that promotes substantial justice upholds and sustain democratic values and rule of law. When interpreting the provisions of the Constitution, the duty of the court is to read and construe together all the provisions of the Constitution, unless there is a very clear reason that a particular provision of the Constitution should not be read together. Reiterating this point in *Peter Obi v INEC & 6 Ors*,<sup>87</sup> the Supreme Court, per Oguntade, JSC, held that 'interpreting section 285(1)(b) of the Constitution, it must be born in mind that the guiding principle in such a duty is to read together the related provisions of the Constitution. In other words, the provisions of the Constitution ought to be interpreted as one whole scheme...'<sup>88</sup>

The judiciary is essential for good governance because it upholds the rule of law, ensures accountability, protects fundamental rights, and maintains stability through its roles as an interpreter of laws and a check on other branches of government. A strong, independent, and incorruptible judiciary is vital for transparency and a fair system, ensuring that government actions align with constitutional principles and citizens' rights are protected. The judiciary promotes good governance by upholding the rule of law through interpretation and application of laws, standardizes governance through its pronouncements that sustain democratic institutions and governance values. It ensures all actions, including those of the executive and legislature are within the legal framework. The judiciary holds the other branches of government accountable to the laws and the Constitution. This includes judicial review of executive and legislative actions. In *Elelu-Habeeb v AG of Fed. & 2 Ors*.<sup>89</sup> the appellant was unlawfully removed by the Kwara State House of Assembly with the consent of the governor invoking section 292 1(a) (ii) of the Nigerian Constitution being the chief judge of the state, aggrieved by the decision of the Kwara State House of Assembly, she instituted a legal action against Kwara State Government and Kwara State House of Assembly. The Federal High Court set aside her removal, while the Court of Appeal affirmed the decision of the trial court.<sup>90</sup> The Supreme Court frowned at conduct of the Governor and House of Assembly and held thus:

... As the saying goes, power corrupts, absolute power corrupts absolutely. If the Governor alone is allowed to, in exercise of his Executive power, appoint directly, and discipline judicial officers of his State, this may, no doubt, lead to avoidable corruption

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<sup>83</sup> *ibid.*

<sup>84</sup> Transparency International, 'Global Corruption Report 2007: Corruption in Judicial Systems', 15 (2007) 15 <[http://www.transparency.org/publications/gcr/gcr\\_2007](http://www.transparency.org/publications/gcr/gcr_2007)> accessed 11 July, 2025.

<sup>85</sup> Norman L. Greene, 'Perspectives from the Rule of Law and International Economic Development: Are There Lessons from the Reform of Judicial Selection in the United States?', (2008) 86 *Denver University Law Review* 70–71.

<sup>86</sup> Elijah Adewale Taiwo, 'The Judiciary and Democracy in Nigeria: An Independent Messenger?'

<sup>87</sup> 45 WRN [2007] 1.

<sup>88</sup> See also *Obayuwana v Governor* 12 [1982] 211.

<sup>89</sup> [2012] 2 MJSC (Pt. III) 1 at 4.

<sup>90</sup> *ibid.*

and prevent judicial officers from carrying out their functions freely and without intimidation by the Executive. Judicial Officers may become stooges of the Governor of the State for fear of being removed from office unceremoniously.<sup>91</sup>

The Supreme Court in conclusion held that the governors of the States and the Houses of assembly of the States cannot exercise disciplinary control touching the removal of Chief judges of States or other Judicial Officers in the States.<sup>92</sup> This decision established power of the judiciary to check abuse of power by the executive and legislature.<sup>93</sup> In ensuring good governance, the judiciary must insulate itself from politics and most importantly, corruption. Of all the elements that threaten good governance, corruption is the most destructive. It hurts countries, communities and individuals and impacts negatively on the national economic growth.

## 6. Conclusion

It is found that despite serial allegations of corrupt practices judicial intervention in corruption cases played a crucial role in ensuring accountability, deterrence, and upholding rule of law and democratic values which are core value that sustain good governance and development in Nigeria. Also respect for rule of law and transparency in governance are decimated while capital flight and migration of professionals are lost to judicial corruption once the integrity of the judiciary is compromised investments are not safe with grave implication on economic development. Corruption is antithetical to good governance and development globally. Inclusivity of the judiciary in corrupt practices raises a concern for the adverse impacts on good governance. Sustainability of good governance is rested on a corruption free judiciary and to achieve that selection and appointment of judges needs to be thoroughly scrutinised. Safeguarding judiciary from political interference and pressure starts from nomination, selection, recommendation, appointment and removal through constitutional provisions. Judicial independence is key to good governance where rule of law, accountability and impartiality is completely obliterated. Judicial independence includes adequate funding of state judiciary's budget.

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<sup>91</sup> *ibid.*

<sup>92</sup> *ibid.*

<sup>93</sup> See also *AG Kaduna State v. AG Federal* (2023) 12 NWLR (pt. 1899) 537.