JUDICIAL AUTONOMY: THE PANACEA FOR LEGAL STABILITY IN NIGERIA*

Abstract
The judiciary exercises the power of every sovereign entity to decide controversies between its subject or between itself and its subjects, whether the rights relate to life, liberty or property. Because of the very nature of judicial functions, the global standard is that the judicial arm of government should be autonomous enough to assert its neutrality, activism and obedience to the rule of law principle. The present-day Nigerian judiciary has been adjudged to be suffering myriads of challenges, which threatens its ability to function as an institution responsible for actual administration of justice. The judicial arm of government is being run as an appendage of the Ministry of Justice, both at the states and federal level. As a result, public confidence on the judiciary has been eroded and the hope of the common man dashed. It is against this backdrop that this research became necessary to appraise the role of judicial autonomy in achieving legal stability in Nigeria, with a view to proffer remedies. The doctrinal method of legal research was employed and materials collated from primary, secondary and internet sources, to offer us a descriptive and comparative approach to the subject matter. This research found that, Nigeria no longer holds firm to the ideology that an autonomous or independent judiciary is necessary to strengthen administration of justice, promote public confidence in the judiciary manned by unbiased officers who owe allegiance only to the law and justice. The judicial arm of government, both at states and federal level, are indeed being operated as a second fiddle or an appendage to the Ministry of Justice, which is being controlled, directed and manipulated by the executives. The executive and powerful politicians cut the shots and overwhelmingly influence Nigerian judiciary and outcome of judicial proceedings. As a result of these, public confidence in the administration of justice has been reduced to lowest ebb. Among others, this research recommends that disobedience to court orders should be criminalized and made to carry the punishment of outright ban to hold political office for ten years or more. Obedience to lawful orders should be made a qualification to stand election and where a public officer (whether elected or appointed) had demonstrated ill fate on judicial decision. It should also be a sufficient ground for impeachment/removal as the case may be.

Keywords: Judicial Autonomy/Independence, Panacea, Legal Stability, Rule of Law, Nigeria

1. Introduction

It has been generally acknowledged that the judiciary is the guardian of our constitution, the protector of our cherished governance under the rule of law, the guardian of our fundamental rights, the enforcer of all the laws without which the stability of society can be threatened; the maintainer of public order and public security, they guarantee against arbitrariness and generally the only insurance for a just and happy society.[1] Today the idea of judicial autonomy or independence has such broad and powerful normative appeal, that even states that do not honour it, in practice profess a commitment to it. Most of the world's current written constitutions contain some form of explicit protection for the independence of the judiciary, and the proportion of constitutional documents that contain such protections has been increasing over time. Judicial independence has been formally endorsed at the international level as well adopted by the United Nations General Assembly in 1985. Empirical research suggests, however, that the existence of formal constitutional guarantees of judicial independence is poorly correlated with actual respect for judicial independence in practice.[2]

The present-day Nigerian judiciary has been adjudged to be suffering myriads of challenges, which threatens its ability to function as an institution responsible for actual administration of justice. The judicial arm of government is being run as an appendage of the Ministry of Justice, both at the states and federal level. As a result, public confidence on the judiciary has been eroded and the hope of the common man dashed. It is against this backdrop that this research became necessary to appraise the role of judicial autonomy in achieving legal stability in Nigeria, with a view to proffering remedies.

2. Meaning of Judicial Autonomy/Independence

Judicial independence or autonomy refers to the ability of courts and judges to perform their duties free of influence or control by other actors, whether governmental or private.[3]
The term is also used in a normative sense, to refer to the kind of independence that court and judges ought to possess.[4]
Oputa, had an occasion to define judicial independence by adopting an explanatory approach. He stated that judicial independence means:

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[1]Nnaemeka Agu, The Judiciary in the 1990's; 'Expectations and Challenges' *A Journal of Contemporary Legal Problems*, vol. 1 No.3. (1990) 27.

[2] James Hyre, 'Judicial Independence in Practice' available at https://ir.lawnet.fordham.edu/flr (accessed 26th August, 2026).

[3] C M Larkins, 'Judicial Independence and Democratization: A Theoretical and Conceptual Analysis' *The American Journal of Comparative Law vol.44, No 4 (1996) 605-626.*

[4] S L David, 'Judicial Independence' available at <https://www.britannica.com/topic/judicial-independence> (accessed 22/8/2026).

i. The decision of important and controversial cases and issues on the basis of merit and principle rather than the basis of expediency.
ii. It means resisting the pressure of hysteria and fanaticism.
iii. It is that ingredient which allows a judge to rise above passion, above public clamour and above the politics of the moment.
iv. It insulates the judge from executive and legislative violence and mob hysteria and violence.[5]

According to Buba Ardo, judicial independence cannot be complete unless the judge, on whose shoulders lay the responsibility for the dispensation of justice, is endowed with certain qualities and attributes for him to maintain his independence and command respect for his judicial decisions. A judge must not only, be but always seen to be, learned in the law, a person of absolute integrity and disciplined both within and outside his court.[6] In the word of Kelly CB[7] it is essential in all courts that the judges who are appointed to administer the law should be permitted to administer it under the protection of the law independently and freely, without favour and without fear. Thus, provision of the law is not for the protection or benefit of a malicious or corrupt judge, but for the benefit of the public whose interest it is that judges should be at liberty to exercise their functions with independence and without fear of consequences.[8]

3. Features of Judicial Autonomy/Independence

Actual Autonomy: Judicial autonomy means that judges must be free to decide matters before them impartially, on the basis of the facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.[9] Thus, both state actors and non-state actors alike must respect the independence of the judiciary and refrain from action aimed at improperly influencing members of the judiciary, undermining their independence and impartiality. While respecting the hierarchy between the courts of first instance and higher courts, international standards clarify that other judges must also respect the independence of their colleagues within the scope of the exercise of judicial functions: No one must give or attempt to give the judge orders or instructions of any kind, that may influence the judicial decisions of the judge, except, where applicable, the opinion in a particular case given on appeal by the higher courts[10].

Impartiality: In the course of the exercise of judicial functions, judges must be impartial, and be seen to be impartial. Judges must not allow their judgment to be influenced by personal bias or prejudice, nor harbour preconceptions about the particular case before them, nor act in ways that improperly promote the interests of one of the parties to the detriment of the other. Further, even where an individual judge might in fact be able to ignore a personal relationship to one of the parties to a case, he or she should step aside from the case to protect against an apprehension of bias: the tribunal must also appear to a reasonable observer to be impartial.[11]

Obedience to the Code of Judicial Conduct: Judges must also ensure that their conduct is above reproach in the view of a reasonable observer. They must avoid impropriety and the appearance of impropriety in all their activities. Their behaviour must reinforce the people's confidence in the integrity of the judiciary.[12] A judicial code of conduct, drafted primarily by judges and members of the legal profession and consistent with international standards, can help to safeguard judicial integrity and protect against conflicts of interest.[13] Pursuant to international standards, such a judicial code of conduct, which should be enshrined in the law, should serve as the basis for the determination of cases of alleged judicial misconduct within a fair disciplinary system.[14]

Self-Regulating Judiciary: Complaints about judicial misconduct must be processed expeditiously and fairly under an appropriate procedure that is subject to independent review. The judge in question has the right to a fair hearing before an independent and impartial body. The body responsible for discipline of judges should be independent of the executive, plural and composed mainly (if not solely) of judges and members of the legal profession. The judge's rights to a fair

[5] C Oputa, *The Independence of the Judiciary in Democratic Society; Its Need, Its Positive and Negative Aspects* (Lagos: N.U Publishers, 1990) 233.
[6] B Ardo*, Independence of the Judiciary in Nigeria* (Federal Ministry of justice 1990).
[7] *Scott v Standfield* (1868) LR 3 Ex 220 at 223.
[8] *Ibid*.
[9] UN Basic Principles on the Independence of the Judiciary, Principles 1-7, in particular Principle 2; Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities, Article 11, Article 22; Draft Universal Declaration on the Independence of Justice (also known as the Singhvi Declaration), Articles 2-8; Bangalore Principles of Judicial Conduct, Adopted by the Judicial Group on Strengthening Judicial Integrity, as revised at the Round Table Meeting of Chief Justices held at the Peace Palace, The Hague, 25-26 November 2002, 'Value Universal Charter of the Judge, Approved by the International Association of Judges on 17 November 1999, Article 1-4.
[10] Ibid.
[11] Ibid.
[12] Ibid.
[13] Ibid.
[14] Ibid.

proceeding, including to notice of the accusations against him or her, to adequate time and facilities to prepare and present a defence including through counsel, to challenge the evidence against him or her and present witnesses must be respected. Decisions must be based on established standards of judicial conduct, and sanctions must be proportionate. Decisions to suspend or remove a judge must be limited to cases in which the incapacity or behaviour of a judge renders the individual unfit to discharge his or her judicial duties. Decisions and sanctions in disciplinary proceedings should be subject to independent judicial review (although this may not apply to decisions of the highest court or the legislature in impeachment proceedings).

Judicial Immunity: In order to safeguard the independence of the judiciary, individual judges should also enjoy personal immunity from civil suits for monetary damages for improper acts or omissions in the exercise of their judicial functions.[15]

Financial Autonomy: It is vital in a democracy that the judiciary as a whole is isolated from financial pressures and reliance on other arms of government for fundingThe ability of courts and judges to perform their duties free of influence or control by other actors, whether governmental or private is what is regarded as judicial independence.

4. Origin/Historical Record of Judicial Autonomy

Historically, the doctrine of judicial independence / autonomy is generally traceable to the old pronouncement of Coke, the Chief Justice of the Common Pleas who resisted the interference of the Stuart Kings with their perverted claim of the divine right of kings to govern even wrongly, and to be accountable to no one, and to insist that judges did what pleased the king and not otherwise.[16] Coke was said to have witnessed a grave interference with Judicial Independence and with unparalleled integrity and courage, he resisted this interference at great cost to himself as he was ultimately sent to the tower of London where he was executed for defying the king and for insisting that the independence of judges far outweighed the wishes of the king and the exigency of royal power.[17] This, however, was not before the oft-quoted pronouncement of his:[18]

> A controversy of land between parties was heard by the king and sentence given, which was repealed to this, that it did not belong to the common law, then the king said that he thought the law was founded upon reason and that he and others had reason as well as the Judges; to which it was answered by me that true it was that God had endowed his majesty with excellent science and great endowments of nature but his majesty was not learned in the law of this realm of England and causes which concern the life of inheritance or goods or fortunes of his subjects are not to be decided by the natural but by the artificial reason and judgment of the law which law of an act which requires long study and experience, before that a man can attain to the cognizance of it and that the law was golden net-wand and measure to try the causes of the subjects and which protected his majesty in safety and peace with which the kings was greatly offended and said that then he should be under the law which was treason to affirm as he said…

It was this conflict that ultimately led to the independence of the judiciary hence the reason for describing it as the cornerstone of judicial independence.[19] However, it was the English revolution that firmly established judicial independence by breaking the sub-ordination of the judges to the crown.[20] In the words of Winston Churchill, the principle of complete independence of the judiciary is the foundation of many things in our island life, it is perhaps one of the deepest gulfs between us and all forms of totalitarian rule.[21] The only subordination which a judge knows in his judicial capacity is that which he owes to the existing body of legal doctrine enunciated in years past by his brethren and upon laws passed by parliament which have received the royal assent.[22]

5. Barriers to Judicial Autonomy in Nigeria

Foundational problems Created by Military Dictators

An analysis of the problems and challenges bedeviling the Nigerian Judiciary cannot be undertaken outside of historical and socio-political factors critical to understanding the architecture of the Nigerian society and judiciary today. First,

[15] Ibid.
[16] Ibid.
[17] Ibid.
[18] Ibid.
[19] Ibid.
[20] S Martin, *Courts: A Comparative and Political Analysis*, (Chicago: University of Chicago Press, 1987) 96.
[21] K Roberts-Wray 'The Independence of the Judiciary in Commonwealth Countries' available at <https://www.taylorfrancis.com> (accessed 22nd March, 2026).
[22] Hansard Speech in the Commons on March 23, 1954, quoted by C Oputa In Justice Vol. 3 (1990) 22.

since independence, democratic governance in Nigeria has been interrupted by military coups and dictatorships.[23] During these periods of military administration, the tenets of separation of powers, judicial independence and respect for the rule of law were mostly in abeyance and grossly abused.[24] Judges were vulnerable to intimidation though, in the majority of cases, Nigerian judges boldly sought to assert the rule of law even in the face of possible recrimination.[25] Second, corruption remains endemic in the socio-economic and political fabric of Nigerian society and its corrosive impact on the rectitude of the judiciary and judicial institutions is undeniable.[26]

A historical look at some of the military approaches justifies the claim that Nigerian Army sowed the seed of distrust, abuse, corruption and recklessness that are now ravaging the present-day judiciary. For instance, part of the autocratic penchant of the military in government to cow- down the judiciary was visible in a case in Benue State in the mid-80s, Col. Bayo Lawal, the then military Administrator of the State, set up a judicial tribunal to probe certain public officers where one of the officers (Baba Odangla) was found guilty.[27] He contested the findings of the tribunal, arguing that he was not given a fair hearing. He appealed to the High Court presided over by Justice Idoko. Justice Idoko decided the case in favour of Odangla and quashed the findings and recommendations of the tribunal.[28] The government replied with an Edict ousting the jurisdiction of the court from entertaining cases arising from the recommendations of the tribunal. Justice Idoko nullified the Edict. The government replied with an Edict nullifying the judgment of the court.[29]

The case further demonstrated how the military used all available means to crush the judiciary thereby making nonsensical, the institution of the courts and fundamental liberties. These intimidating stances by the military many years ago (though often refuted by judges of the time as exemplified here) culminated and perhaps paved the way for the monumental corruption, abuse, lawlessness, mediocrity and humiliation which the judiciary is facing today.[30]

Intimidation/Humiliation

The executive arm of government often interpreted judicial stand on their policies and human rights violation as antagonism from the judicial arm of government. To get it checked, some state governments and the federal government declared war on the judicial arm of government.[31] The anti-graft agencies are being employed and manipulated to proceed against judicial officers whose decisions negates the policies of government associated with acts of impunity and lawlessness.[32] The federal government of Nigeria through the EFCC, DSS, the Attorney General and other agencies of government proceeded against the judiciary, and at different occassions laid siege on their homes, arresting, detaining them in their detention facilities and subsequently arraigning serving judicial officers in court on allegations of corruption, living extra-vegan life styles and so on, without a prior report to the National Judicial Council.[33]

Today, it is no longer alien, or surprising to hear that a serving judicial officer was arrested at odd hours of the night or that he or she is standing trial somewhere whether rightly or wrongly.[34] It was submitted in various quarters that the government is adopting the approach, using this tactic to intimidate, cow down everybody, especially judicial officers to submission and to do whatever it pleases.[35] To make worsen the situation, Nigerians are trivializing such serious assault on the institution of courts (which holds the tenets of democracy) along religious and ethnic inclinations. Most judges are now afraid to hand down decisions on matters before them fearlessly and independently in accordance with law and facts, to avoid being pointed out and used as a scapegoat by the executive arm of government.[36] For example, a Divisional Police Officer supervised the beating up of Chief Magistrate Ngozi Onyenemezu and some lawyers for discharging three-

[23] H O Yusuf, 'The Judiciary and Political Change in Africa: Developing Transitional Jurisprudence in Nigeria' *International Journal of Constitutional Law (2009)*, pp 654, 657; N Cheeseman, 'Democracy in Africa: Successes, Failures, and the Struggle for Political Reform' (Cambridge University Press, 2015) 205.
[24] Ibid
[25] M A Ikhariale, 'The independence of the Judiciary under the Third Republican Constitution of Nigeria' *Journal of African Law (1990) P* 145.
[26] Ibid.
[27] E O Frank & W I Ukpere, 'the Impact of Military Rule on Democracy in Nigeria Published on December, 2012 at http: //www.researchgate.net/publication/261672856 (accessed 07/08/2026).
[28] Ibid.
[29] Ibid.
[30] Ibid.
[31] Ibid.
[32] A F Koyi, 'Federal Government goes after Election Tribunal Judges, Others; Trails alleged #7Bn, Judgment Bribery Cash' *Daily Sun*, Tuesday October 11, 2016, p 8.
[33] Jiti Ogunye, 'Suspension of CJN Onnoghen: An Illegal Executive Coup Against a Recalcitrant Chief Judicial Officer' *Premium Times Online Newspaper* available at <https://www.premiiumtimesng.com> (accessed 1st September, 2026).
[34] K Opeyemi, 'Wike Alleges FG Plot to Blackmail Judges' available at <https://www.dailytrust.com/wike-alleges-fg-plot-to-blackmail-judges> (accessed 11th May, 2026).
[35] Ibid.
[36] Ibid.

armed robbery suspects in the exercise of her judicial powers.[37] This is an anomaly that should not be tolerated in any sane society.[38] Executive intimidation and humiliation of judicial officers in Nigeria has in no small measure affected justice delivery and need to be checked lest the justice system is destroyed permanently.

Judicial Bias and Abuse of Judicial Powers[39]

Judicial power is one of the three main powers of government; along with legislative and executive powers.[40] Judicial power also refers to the power given to public officials to make decisions about specific cases that affect people's personal and property rights. This is different from ministerial power, which involves following instructions or laws without using judgment or discretion.[41]

By virtue of *Section 6 (6) of the 1999 Constitution*, the mandate of the Nigerian judiciary extends to all inherent powers and sanctions of a court of law and to all matters between persons, or between government or authority and to any person in Nigeria, and to all actions and proceedings relating thereto, for the determination of any question as to the civil rights and obligations of that person. A lot of concerns have been expressed by lawyers and other stakeholders over the spate of some questionable judicial pronouncements, especially with the granting of conflicting *ex-parte* injunctions by some of these judicial officers in courts of coordinate jurisdiction. There are allegations in several quarters that most judicial decisions are not premised on law and facts, but on other extraneous considerations, ranging from graft tendencies, political influence, religion, ethnicity to social friendship and government interests.

Black market injunctions are dished out on a daily basis, to the highest bidder. The courts no longer dispense justice. They merely dish out orders to whoever can afford them. It is obvious that the menace of indiscriminate issuance of injunctions and orders, if not checked, could derail the country's hard-earned democracy, especially now that the judiciary is fast losing its grip.

Executive Interference

Executive interference with the judicial system is not healthy for any democratic process. It is more problematic for citizens who seek justice through the courts. Executive interference breeds bad result because judges, driven by lust for power and wealth, often align themselves with the executive and the powerful in society to frustrate the search for justice. These faithless judges defer to and are often controlled by government officials, party stalwarts, and influential private citizens who have strong incentives to manipulate the judicial process to suit their preferences. The resultant effect is lack of public confidence in the judiciary. Executive interference breeds corruption, distrust and bias in the justice sector. It breeds fear. It is a threat to fundamental liberties guaranteed by the Constitution as fundamental rights. Executive interference is a threat to the cherished principles of rule of law, judicial independence and separation of powers. It is a cankerworm that does no one any good. This situation creates a somewhat master-servant relationship, that upends the whole concept of independence of the judiciary.

Judicial Indiscipline

In today's Nigeria, there are several allegations of indiscipline, corrupt practices, despicable conducts and recklessness of the highest order against members of the bench, so much so that it is now an issue of public concern.[42] Nowadays, it is very common to hear litigants, as well as Counsel, accusing judicial officers of being biased in the discharge of their judicial functions. The effect of this is that, heads of courts are besieged with letters from counsel and litigants requesting transfer of cases from a particular court or judge to another on the ground of bias or the likelihood of bias. The National Judicial Council is the body charged with the responsibility of disciplining erring judicial officers.[43] However, Nigerians doubt the effectiveness of the disciplinary powers of the Council, as to maintain an independent, self-regulating judiciary.[44] To this end, government and its agencies often and randomly attempt to arrest, detain, investigate, prosecute and discipline serving judicial officers in Nigeria, without requisite prior recourse to the Council and this has generated controversy on judicial discipline[45] The government often justified their action on the premise that they are fighting

[37] C Okeoma, 'DPO, Policemen beat Imo Chief Magistrate, Lawyers for discharging Robbery Suspects' available at <https://www.vanguardngr.com-> (accessed 11th May, 2026).
[38] See the case of *Ransome Kuti v Attorney-General of Federation* (1985) 2 NWLR (Pt 6) 211 at 236.
[39] O Bakiner, 'Endogenous Sources of Judicial Power' available at <https://www.jstor.org>stable> (accessed 19th August, 2026).
[40]W H Cowles, 'The Distinction between Legislative and Judicial Power' available at <https://scholarship.law.upenn.edu> (accessed 19th August, 2026).
[41]Ibid.
[42] O Oko, 'Seeking Justice in Transitional Societies: An Analysis of the Problems and Failures of the Judiciary in Nigeria' *Brooklyn Journal of International Law* Volume 31|Issue 1, Article 1 (2005).
[43] See *Sections 153, 158 and Para. 20 Part 1, third Schedule to the 1999 Constitution of Nigeria* (as amended).
[44] A Adamu, 'Geography of Corruption in Nigeria's Democratic Institutions and its Implications for Socio-Economic Development' *Lapai Journal of International Politics Vol. 5 No. 1, April, 2018.*
[45]S Daniel, 'Alleged Corruption; 7 Judges Arrested, Two Supreme Court Judges inclusive' Saturday *Vanguard*, 8th October 2016, p.3.

corruption in the judiciary and that the Council whose duty it is to discipline the judges is either not effective enough or merely protecting or shielding their own, thereby promoting endemic corruption within the judiciary.[46]

Under Funding/Poor Conditions of Service

Financial autonomy and good conditions of service are very important factors which must be taken into consideration in determining the autonomy and efficacy of judicial functions and independence. Under the 1999 Constitution, the judiciary is said to have been guaranteed financial independence by empowering the National Judicial Council to collect, control and disburse all monies (capital and recurrent) meant for the judiciary, thus the judiciary is expected to be self-accounting.[47] Notwithstanding this beautiful provision however, a comprehensive reading of the relevant sections of the Constitution shows impracticability of any claim to financial autonomy of the judicial arm of government as there are inherent deficiency in the provisions of the Constitution. For instance, how much money would the judiciary get is nowhere provided for in the Constitution or in any other statutory instrument.[48] This has led the situation of under-funding of the judicial arm of government. This is so because the judiciary ultimately is left at the pleasure of the president or the governor as the case may be as the chief executive, since budgetary provision and fund allocations to the Judiciary are subject to the discretion of the executive.[49]

The issue of financial autonomy and poor funding has led to the problem of poor remuneration of judges and poor conditions of service.[50] Many of them do not have official cars; some were denied same for political reasons and the few that have managed to afford vehicles which can only be described as a mere collection of metals.[51] In the same vein, the official residence of most of them (where available), is dilapidated and not in a habitable/tenantable condition. Salaries of judges are grossly inadequate given the economic realities of things in Nigeria and as such the standard of living of most of them is just slightly above the poverty line.[52]

Similarly, some judges also take the pain of funding sundry needs of the court, such as the provision of alternative power supply, purchasing printing accessories, etc.[53] As if these are not enough, most court rooms and judge's chambers (especially those divisions outside the state capital) are nothing to write about, as they are less than a modern outfit for judicial activities.[54] Some judicial divisions are situate in the most remote quarters of the state and could take up to hours' drive for the judge to arrive there, given the state of Nigerian roads and it is not as if there are facilities within the court area that would encourage the judge relocating to the *situs* with his family.[55]

It can be contended that when a judge is so poorly paid and he is nonetheless confronted and saddled with multifarious and multidimensional financial demands, ranging from personal, family and social to religious, there is a real and almost justifiable temptation for a judge to compromise his position.[56] In the same way, if he cannot save from his poor remuneration as a judicial officer, so much that his survival is not guaranteed, he is likely to devise a strategy for survival at old age and the most readily means may be to compromise his position by engaging in some unethical practices.[57]

Lawlessness

Nigeria has been under the agony of executive lawlessness, willful disobedience to court orders, usurpation of powers of other arms of government, *ultra-vires* actions and actions founded on might, impunity and illegality. These have been the case since the contraption of the segments that now form the Nigerian state. This was the case in *Governor of Lagos State v Chief Odumegwu Ojukwu*[58] where the court held explicitly that:

> Executive lawlessness is tantamount to a deliberate violation of the constitution. When the executive is the military government which blends both executive and legislative powers together and which permits the judiciary to coexist with it in the administration of the country, then it is more serious than imagined. The essence of rule of law is that it should never operate under the rule of force or fear, to

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[46] S Tobi et al, 'The Attorney General of the Federation (AGF) and Minister of Justice, Mr. Malami Justifies Judges' Arrest, Insists No One's Above the Law' available at <https://www.thisdaylive.com>mal> (accessed 21st June, 2026).

[47] See Sections 84 (3), 291 (3), 158 and Part I, 5th Schedule to the 1999 Constitution (as amended).

[48] I U Ononye, 'Independence of the Judiciary: Nigerian Experience' available at: <https://journals.ezenwaohaetorc.org> (accessed 11th July, 2026).

[49] *Ibid*.

[50] A Abiodun and G O Awudumapu, 'Examining the Mutual Concepts of Judicial Fiscal Autonomy and Administration of Justice' *RUNJJIL,* Volume 3 (1) 2023, 265-280.

[51] Ibid.

[52] Ibid.

[53] M J Graetz, 'Trusting the Courts: Redressing the State Court Funding Crisis' available at: <https://scholarship.law.columbia.edu> (accessed 11th July, 2026).

[54] Ibid.

[55] Ibid.

[56] E Okakwu, 'NJC Recommends Sack of two Corrupt Nigerian Judges' available at <https://www.premiumtime.com/news/headlines/288310-> (accessed 10th August, 2026).

[57] *Ibid*.

[58] (1986) 1 NWLR (pt 18) 550 at 590.

> use force to effect and act and while under the marshal of that force seek the courts equity, is an attempt to infuse timidity into court and operate a sabotage of the cherished rule. It must never be.

In *Garba* v *University* of *Maiduguri*[59] the court added this admirable statement by Lord Denning, that to give a blanket implementation to the decision of the executive and without reference to the elementary rule of fairness is an abdication, by the judiciary of its power to the executive, especially in a country like ours where the power of each of the organs of government- executive, legislative and judiciary are distinct under the constitution. Given the powerful nature of the executive arm of government, hence they are in control of all the security apparatus of the state, they tend to wield even powers unknown to the law.[60] The issue of executive lawlessness calls for urgent attention if our nascent democratic regime must be sustained. The manipulation of the system and flagrant disobedience to court orders by the executive arm of government or anybody at all, have in no some measure endangered and almost about to cripple democratic tenets in Nigeria, if not checked. Governmental powers should be exercised according to law.

Mediocrity

Judges are nowadays appointed on party, religious, quota system and ethnic considerations. Judicial office is now an object of mortgage and a means of compensating party faithful and consolidating party platforms. The process of nominating judicial officers to the National Judicial Council for appointment as state judges has been embroiled in bribery and corruption. For example, just recently, a Magistrate in Abia State allegedly collapsed and died for not making the list despite paying fifteen million naira bribe she raised by mortgaging her family house.[61] This goes to demonstrate the point that majority of those appointed to high judicial stool, who ought to be unbiased umpire, are now representative of certain vested interest groups or political affiliations. Politicians are given the slot to nominate persons to be appointed into judicial offices. Sometimes, the appointment is used as an appreciation for an immoral favour. Men and women who are morally bankrupt are allowed entrance into the hallowed temple of justice. Cultists, partisan politicians, ethnic and religious loyalists are randomly appointed and elevated to enviable judicial offices. We cannot expect a system characterized by mediocrity and demerit to perform wonders and produce excellent results, when those that spearhead its efficiency are largely incompetent. Judges from courts of coordinate jurisdictions still give conflicting judgments, abuse of *ex parte* orders, granting of relief that was never sought or canvassed by a claimant, reckless granting of interlocutory and perpetual injunctions and fettering of courts discretions have become the order of the day. Cases are wantonly delayed and judgments made not based on facts and law, but on sentiment and loyalty to an unseen hand for money or money's worth which the judge derives.

6. Conclusion and Recommendations

The structure of Nigerian society and politics has made constitutional safeguards for the independence of the judiciary a matter of utmost importance and concern since the days when political power began to shift from imperial to nationalist hands, thus the rights guaranteed under the Constitution will make little or no meaning if there are no independent judiciary to enforce them impartially between the individual and the government or between government *inter se*. The time to take judicial autonomy seriously is now.

With a view to strengthening judicial autonomy, remedying the barriers to judicial autonomy and providing panacea to legal stability in Nigeria, the following recommendations are respectfully submitted: There is an urgent need to amend the appropriate sections of the 1999 Constitution to provide for an autonomous judicial arm of government in Nigeria. Apart from amending the constitution to grant full financial autonomy to the judicial arm of government, we further recommend that judicial officers should be paid remuneration commensurate with their roles in the society. Their salaries should be made more attractive enough to attract the best and right class of lawyers into the bench. Their wages, bonuses and working conditions should be adjusted frequently to reflect the prevailing economic situation. Disobedience to court orders should be criminalized and made to carry the punishment of outright ban to hold political office for ten years or more. Obedience to lawful orders should be made a qualification to stand election and where a public officer (whether elected or appointed) had demonstrated ill fate on judicial decision. It should also be a sufficient ground for impeachment/removal as the case may be.

[59] (1986) 1 NWLR (pt 18) 550.

[60] *Darman Shugaba v Minister of Internal Affairs* (1981) 3 NCLR 49.

[61] C Unini, 'Recruitment Scandal: Abia State JSC Members Allegedly Demanded #15,000.000.00 from Applicants for High Court Bench' available at <https://www.thenigerialawyer.com> (accessed September 11, 2026).