

## THE LAW-MAKING FUNCTION OF THE NIGERIAN LEGISLATURE: THE STRIDES AND THE STRIVES

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### Abstract

The lawmaking function of the Nigerian legislature comprises the constitutional and moral foundation upon which democratic governance consists. Despite its centrality to nation-building, yet the legislative institution in Nigeria has always dangled between significant democratic strides and persistent structural failures. This paper interrogates the historical evolution, constitutional mandate, normative ideals, and contemporary practices of the Nigerian legislature to understand the gap between legislative promise and performance. Drawing on historical analysis, constitutional interpretation, and philosophical frameworks which includes Aristotle's concept of moral legislation, Rawlsian public reason, and Sen's capabilities approach, this work evaluates both the achievements and limitations of the legislature since the return to constitutional rule in 1999. The paper showcases key legislative milestones such as the EFCC Act, ICPC Act, Fiscal Responsibility Act, Public Procurement Act, Freedom of Information Act, and the Electoral Act 2022, demonstrating how these laws have reshaped Nigeria's governance architecture. This work however, exposes deep-rooted challenges like corruption, prebendalism, budget padding, partisan capture, and weakened oversight mechanisms that undermine the legislature's normative role as guardian of the common good. Through comparative insights from Brazil, South Africa, and some European democracies, the study demonstrates that legislative corruption is neither inevitable nor uniquely Nigerian; it is a product of institutional design, political culture, and ethical environment. The paper then concludes by observing that rebuilding the Nigerian legislature requires a synthesis of institutional reforms, ethical renewal, and civic empowerment. Only by reclaiming its moral purpose can the legislature fulfill its constitutional mandate as the custodian of democratic legitimacy and the embodiment of the people's sovereignty.

**Keywords:** Legislature, Law-making, Constitution, Strides, Strives, Democracy.

### Introduction

The legislature remains the fundamental cornerstone of democratic governance in any nation and the institutional embodiment of the people's sovereignty. Its primary function of lawmaking constitutes the legal and moral foundation of any democratic order. Just as Aristotle rightly emphasized in his *Politics*, lawmaking is the supreme act of governance, for "the rule of law is preferable to that of any individual."<sup>1</sup> Through this noble function, the legislature transforms public aspirations into enforceable norms, ensuring that governance operates within the framework of justice, legality, and the common good.

In modern constitutional democracies, the legislature represents the will of the people and serves as the principal medium through which collective interests are articulated, debated, and safeguarded.<sup>2</sup> Its democratic essence lies not only in enacting laws but also in balancing political power and preventing arbitrary rule. Since laws define the parameters within which both government and citizens operate, effective legislation forms the bedrock of governance, justice, and accountability.

However, in the Nigerian situation, the lawmaking function has often fallen short of these democratic ideals. Even though, the Constitution vests legislative powers in the National Assembly and State Houses of Assembly, the practice of lawmaking has become deeply engrossed in corruption, patronage, and self-serving interests. It is even unfortunate that the noble constitutional role of lawmaking has, in many areas, been undermined by legislative misconduct which is visibly manifested in bribery scandals, budget padding, contract inflation, and the monetization of the lawmaking process. These tendencies have not only eroded public trust but have also weakened the moral legitimacy of the legislature as a guardian of justice and democracy.

This informs Umaru's observation that the legislature "defines the boundaries of governmental power and provides assurance of accountability within the political system."<sup>3</sup> Yet in Nigeria, this ethical mandate has been compromised by what may be termed *the corruption of legislative purpose*, a condition in which the pursuit of personal gain overshadows the pursuit of the common good. When lawmakers transform the legislative chamber into a marketplace for vested interests, the essence of democracy is betrayed, and the law loses its moral authority. The major assignment of the legislature, therefore, is not merely administrative but profoundly ethical and political. It demands and embodies the people's collective demand for accountability, transparency, and justice.<sup>4</sup> Though through its lawmaking powers, the legislature is expected to drive socio-economic development, provide checks on executive excesses, and institutionalize democratic values. Yet, these expectations remain largely unfulfilled in Nigeria's fledgling democracy, where legislative corruption continues to distort policy priorities and undermine the rule of law.

This work however seeks to examine the practice of the lawmaking function in Nigeria and the strides of legislatures of Nigeria in their law-making responsibilities. It equally seeks to examine some observable strivings the lawmakers are against in the discharge of their responsibilities with particular attention to how entrenched corruption distorts legislative performance and undermines democratic development. These challenges undermine legislative independence, weaken public trust, and compromise the quality of laws produced. Given this troubling reality, it becomes necessary to interrogate how the Nigerian legislature has performed in its lawmaking role and the extent to which corruption has constrained its constitutional responsibilities.

To achieve this, section one will do an explorative job of seeking how legislative arm of government evolved from its inception unto the present fourth republic. The section two will do an enquiry into the constitutional mandates and the normative role of lawmakers in Nigeria to evaluate how well this mandates have been executed. As a follow-up, section three will be a rigorous consideration on the structure and function of the national assembly to know the core functions of the legislature. The next section is one of the meats of this article which read thus: the strides of National Assembly since the Return of constitutional rule. These enacted laws have profoundly influenced Nigeria's political economy, governance structures, and social transformation. The following section deals with some visible challenges and strivings confronting Nigerian legislatures in their lawmaking responsibilities. Then finally comes the conclusions and our reflections.

### **Evolution of the Legislature in Nigeria's Political Landscape**

The Nigerian legislature has evolved through complex historical trajectories shaped by colonial domination, postcolonial political struggles, and the ongoing challenges of democratic consolidation. Legislative development in Nigeria can be traced to the early twentieth-century reforms under British colonial administration, which introduced limited forms of representative governance. The Clifford Constitution of 1922 marked the first formal attempt at legislative representation through the establishment of the Nigerian Legislative Council, although this council primarily served colonial interests, restricted African participation, and applied only to Lagos and Calabar.<sup>5</sup> Its advisory structure consisted almost entirely of colonial officials, reflecting an imperial philosophy that subordinated indigenous interests to metropolitan control.

In this period, legislative institutions functioned largely as instruments of domination, reinforcing what Mahmood Mamdani describes as the *bifurcated state*—a political structure that divided Africans into "citizens" and "subjects," thereby institutionalizing inequality through law.<sup>6</sup> This colonial legal architecture left a lasting imprint on postcolonial Nigeria, where law became simultaneously a mechanism of governance and an instrument of exclusion.

The post-independence era introduced new phases of legislative evolution as Nigeria experimented with differing constitutional frameworks. The 1960 Independence Constitution and the 1963 Republican Constitution adopted the British Westminster parliamentary system, with the legislature performing both deliberative and policy-making functions. However, the First Republic (1960–1966) was short-lived, undone by political instability, ethnic tensions, and military intervention.<sup>7</sup> As Tamuno notes, the military regimes that followed (1966–1979; 1983–1999) severely disrupted legislative growth, replacing elected assemblies with military councils and substituting decrees for laws.<sup>8</sup>

A major shift occurred with the 1979 Constitution, which introduced the presidential system modeled after the United States, establishing a bicameral legislature composed of the Senate and the House of Representatives to enhance checks and balances.<sup>9</sup> The return to civil rule in 1999 marked the beginning of the longest period of uninterrupted democracy in Nigeria's history, providing renewed opportunities for legislative consolidation. Even within these constitutional transitions, yet, the First Republic's parliamentary system, though formally affirming legislative sovereignty but it remained haunted by the logic of colonial power. It was also replete with

ethnic rivalry, political patronage, and corruption, with legislative proceedings often shaped more by sectional loyalties than deliberative ideals. It is worthy to note that the military coups of 1966 which was justified as corrective measures against corruption and legislative decay, further entrenched authoritarianism and normalized executive overreach. Subsequent military regimes deepened the erosion of political ethics, rendering legislative life episodic and fragile, surviving only during brief democratic interludes such as the Second Republic (1979–1983).<sup>10</sup>

With the inauguration of 1999, the Fourth Republic, promised a restoration of legislative autonomy and democratic dignity. The persistent corruption scandals from budget padding to constituency project fraud however reveal deep structural continuities between colonial authoritarianism and postcolonial institutional failure.<sup>11</sup> The legislature's normative mandate as the custodian of the people's will has been compromised persistently by prebendalism, patrimonial politics, and institutional capture.<sup>12</sup>

This historical trajectory exposes a troubling paradox: the Nigerian legislature, conceived as a site of collective rationality and justice, often functions as a theatre of self-interest and moral compromise. Legislative reform in Nigeria is therefore not merely an institutional challenge but an epistemic one which required fundamental rethinking of governance as a moral practice rather than a transactional enterprise.

Constitutional Mandates and the Normative Role of Lawmakers

In the constitution of the Federal Republic of Nigeria, there is a provision for a legal and normative foundation for legislative authority which outlines both the powers and responsibilities of lawmakers. Under the 1999 Constitution (as amended), the National Assembly is vested with legislative authority over federal matters, oversight functions over the executive, and control over national appropriation.<sup>13</sup> Therein in the Constitution, the lawmakers are envisioned as custodians of public trust, charged with translating popular will into enforceable norms and upholding the principles of justice, equality, and accountability.<sup>14</sup>

The legislature in theory, also functions as a moral compass of the state by ensuring that 8 governance remains responsive to citizens' needs and resistant to authoritarian tendencies.<sup>15</sup> This ideal aligns with the Kantian notion of duty and the Rawlsian ideal of public reason, both of which require that lawmakers legislate not for personal gain but for the collective good.<sup>16</sup>

Beyond the formal process of lawmaking, Nigerian lawmakers also perform a normative role in shaping political culture through their conduct. This includes the ethical exercise of discretionary authority, transparent engagement with constituents, and diligent performance of oversight responsibilities.<sup>17</sup> Oversight mechanisms such as committee investigations, ministerial questioning, and the exercise of subpoena powers are constitutional tools designed to curb executive excesses and ensure accountability.<sup>18</sup> However, the normative ideal of the legislator as a public servant often clashes with political realities. Patronage networks, electoral manipulation, and legislative impunity frequently undermine the moral and epistemic responsibilities assigned to lawmakers.<sup>19</sup> This tension between constitutional mandate and political practice illustrates what political theorists describe as the "moral deficit" of institutional authority.<sup>20</sup>

The judiciary has historically reinforced the legislature's constitutional obligations by emphasizing its role in preserving democratic governance. In landmark cases such as *Attorney General of the Federation v. Abubakar*, the courts asserted the necessity of legislative adherence to constitutional standards, especially in matters of appropriation and due process.<sup>21</sup> Despite these judicial affirmations, contemporary legislative practice often reflects selective compliance, with lawmakers prioritizing sectional loyalties, partisan interests, or personal enrichment over collective welfare.<sup>22</sup> This divergence echoes Iris Marion Young's analysis of structural obstacles to inclusion, whereby formal institutional frameworks exist but fail to guarantee equitable participation or justice.<sup>23</sup> Accordingly, the normative role of lawmakers extends beyond formal constitutional powers to encompass ethical responsibility, civic virtue, and epistemic integrity.

In sum, the constitutional and normative framework implies that legislative authority is simultaneously legal, ethical, and epistemic. Lawmakers are not merely implementers of statutory provisions; they are moral agents accountable to citizens, the constitution, and historical conscience.<sup>24</sup>

In the Nigerian context, this dual role underscores the urgent need to reform legislative ethics, strengthen institutional checks, and cultivate a political culture that privileges public interest over private gain.<sup>25</sup> Embedding normative accountability within the legislature requires a synthesis of rights-based reasoning, communitarian ethics, and practical wisdom, an approach that ensures lawmakers function as instruments of justice rather than agents of corruption.<sup>26</sup>

### **The Structure and Function of the National Assembly**

The National Assembly is consisted of the Senate and the House of Representatives which reflects a constitutional design intended to balance representation across states and constituencies.<sup>27</sup> The Senate comprises three members from each of the thirty-six states and one from the Federal Capital Territory, while the House of Representatives consists of 360 members elected from single-member constituencies determined by population.<sup>28</sup> The two-chamber structure is designed to promote deliberative democracy, accommodate diverse interests, and strengthen legislative scrutiny of executive power.<sup>29</sup> This arrangement shows Montesquieu's principle of checks and balances, whereby distinct legislative bodies prevent the concentration of power and promote rational, reflective governance.<sup>30</sup>

The National Assembly performs functionally three constitutionally enshrined roles: lawmaking, oversight, and representation. The lawmaking processes involves drafting, debating, and enacting statutes within constitutional limits, while oversight ensures that executive agencies adhere to legal and ethical standards.<sup>31</sup> Through committee investigations, plenary debates, and public hearings, legislators are expected to monitor public expenditures, expose maladministration, and sanction executive misconduct.<sup>32</sup> Representation is equally integral; lawmakers articulate constituent interests, mediate social tensions, and foster participatory governance.<sup>33</sup> Yet, in practice, these roles are routinely undermined by partisanship, executive dominance, and informal patronage networks.<sup>34</sup> This tension between constitutional design and political reality contributes to persistent corruption, weak accountability, and legislative inefficiency.<sup>35</sup>

When we take a closer philosophical examination of these functions, it is revealed that the functions of the National Assembly are both procedural and moral. Lawmaking is not just a technical act but a normative duty grounded in justice, fairness, and the pursuit of the common good.<sup>36</sup> Equally, oversight goes beyond administrative control; it is also an ethical obligation to safeguard public resources, ensure transparency, and protect citizens' rights.<sup>37</sup> This ideology resonates with Iris Marion Young's theory of inclusion, which emphasizes the ethical imperative of representing diverse and marginalized voices in democratic deliberation and ensuring epistemic equity within governance structures.<sup>38</sup> Without fidelity to these ethical norms, the legislature risks devolving into a site of opportunism and transactional politics rather than a forum for civic reasoning.<sup>39</sup>

When we do a comparative analysis from other federal democracies, we find both the strengths and the limitations of Nigeria's legislative structure. A quick look at countries like the United States and India demonstrate that bicameralism can enhance accountability and deliberation, even though they, too, contend with lobbying pressures and executive encroachment.<sup>40</sup> In Nigeria, however, constitutional provisions alone have proven insufficient to sustain effective checks and balances. This reality underscores the need for complementary reforms in legislative ethics, political culture, institutional transparency, and civic participation.<sup>41</sup> Legislators must therefore embrace not only procedural expertise but also the moral responsibility that Amartya Sen describes as the capability to enact just governance—ensuring that lawmaking and oversight are guided by ethical reasoning rather than self-interest.<sup>42</sup>

### **The Strides of the National Assembly since the Return of Constitutional Rule**

In Nigeria, the return to constitutional rule in 1999 restored the legislature as the principal organ for shaping public policy through statutory instruments. The National Assembly has since recorded notable strides by enacting laws that have profoundly influenced Nigeria's political economy, governance structures, and social transformation. These legislative achievements underscore both the capacities and structural limitations of Nigeria's democratic experiment.

Among these strides, one of the most significant involves laws enacted to confront corruption, a challenge widely recognized as a pervasive obstacle to Nigeria's development. The *Economic and Financial Crimes Commission (Establishment) Act* of 2004 established the EFCC as the primary agency responsible for investigating and prosecuting economic and financial crimes, including money laundering, advance fee fraud, and misuse of public funds.<sup>43</sup> This Act provided the legal and bureaucratic foundation for Nigeria's anti-corruption struggle and aligned domestic efforts with global frameworks such as the *United Nations Convention against Corruption (UNCAC)*.<sup>44</sup> Many commentators regard the EFCC Act as one of the most far-reaching statutes ever passed by the Nigerian legislature, reflecting the acknowledgment that corruption is not merely a moral failure but a structural problem requiring robust legal intervention.

Complementing the EFCC framework is the *Corrupt Practices and Other Related Offences Act* of 2000, which established the Independent Corrupt Practices and Other Related Offences Commission (ICPC).<sup>45</sup> While the EFCC targets financial crimes and high-profile offenders, the ICPC focuses on preventing corrupt practices within

public institutions. Together, these twin laws demonstrate the National Assembly's attempt to institutionalize moral rectitude through statutory mechanisms, an effort consistent with Aristotle's notion that law serves as "reason free from passion," regulating conduct for the common good.<sup>46</sup>

Another remarkable achievement in Nigeria's legislative history is the *Fiscal Responsibility Act* (FRA) of 2007.<sup>47</sup> This law promotes prudent management of national resources, ensures macroeconomic stability, and institutionalizes transparency in fiscal operations. It mandates government agencies to align budgetary planning with medium-term expenditure frameworks and revenue projections, thus curbing arbitrary spending. The FRA's significance lies not merely in its fiscal prescriptions but also in its assertion that governance functions as a stewardship of public trust, a principle resonant with the social contract tradition articulated by Locke and Rousseau.<sup>48</sup>

The *Public Procurement Act* (PPA) of 2007 further revolutionized governance by establishing the Bureau of Public Procurement (BPP) to oversee public sector contracting.<sup>49</sup> Prior to this Act, the award of government contracts was largely opaque and riddled with corruption. The PPA introduced principles of transparency, competition, and value for money, creating standardized processes for bidding, evaluation, and monitoring, thereby curbing the discretionary powers that had long enabled patronage and graft. Commentators widely view the PPA as demonstrating the legislature's capacity to engineer institutional safeguards against systemic abuse of power.

In addition, the National Assembly has strengthened democratic accountability through the *Freedom of Information Act* (FOI) of 2011.<sup>50</sup> The Act grants citizens the legal right to access public records and obliges public institutions to proactively disclose information on their operations, policies, and expenditures. This represents a paradigmatic shift from the culture of secrecy inherited from colonial administration toward a democratic culture of openness. It aligns with Kant's idea of public reason, which holds that legitimate governance must be transparent to rational citizens.<sup>51</sup>

### **Security and Human Rights Reforms**

In response to emerging threats to national stability, the legislature enacted the *Terrorism (Prevention) Act* of 2011 as amended in 2013 to provide a comprehensive framework for preventing and prosecuting acts of terrorism.<sup>52</sup> Similarly, the *Nigeria Police Act* of 2020 modernized policing in accordance with democratic norms and human rights standards.<sup>53</sup> By repealing the colonial-era 1943 Police Act, the legislature addressed one of the oldest legal relics in Nigeria's institutional framework, redefining police duties to emphasize professionalism, accountability, and community partnership. The *Companies and Allied Matters Act* (CAMA) of 2020 represents another major stride, reflecting Nigeria's efforts toward economic diversification and modernization.<sup>54</sup> The Act introduced innovations such as single-member companies, electronic registration, and enhanced beneficial ownership disclosures like reforms viewed as essential to improving the business environment and aligning Nigeria with global corporate governance standards.

### **Electoral Reform**

The *Electoral Act* of 2022 stands as one of the most transformative legislative achievements in recent Nigerian history.<sup>55</sup> It introduced key innovations like the Bimodal Voter Accreditation System (BVAS), electronic transmission of results, and stricter campaign finance regulations. Analysts argue that these reforms significantly improved electoral credibility, reduced manipulation, and enhanced public confidence in democratic processes. The Act also strengthened the independence of the Independent National Electoral Commission (INEC) by limiting executive interference. Although the 2023 elections generated controversy, the Act nonetheless reinforced the procedural foundations of Nigeria's democracy and affirmed the legislature's constitutional role as guardian of the popular will.

### **Social Justice, Welfare, and Gender Reforms**

Beyond economic and political reforms, the legislature has enacted laws promoting social justice, education, welfare, and gender equality. The *Child Rights Act* of 2003 domesticates the *United Nations Convention on the Rights of the Child*, guaranteeing children's rights to survival, development, and protection.<sup>56</sup> The *National Health Act* of 2014 provides a legal foundation for equitable access to healthcare services and allocates resources to primary healthcare development.<sup>57</sup> These laws underscore the legislature's recognition that human development and welfare constitute essential components of national progress.

Gender-focused legislation, such as the *Violence against Persons (Prohibition) Act* of 2015, further demonstrates the normative evolution of lawmaking in Nigeria.<sup>58</sup> The Act criminalizes gender-based violence, harmful traditional practices, and domestic abuse. It reflects a legislative commitment to integrating humanitarian and

moral values into the legal order, affirming that justice, equality, and human dignity are integral to national development.

These legislative achievements underscore the transformative power of lawmaking in Nigeria's democratic evolution. They affirm the centrality of the National Assembly in shaping the moral and institutional foundations of governance. While challenges remain in implementation, oversight, and political will, the legislature continues to play a crucial role in sustaining democratic institutions, promoting accountability, and laying a normative foundation for national development and institutional stability.

### **Lawmaking Functions of the Nigerian Legislature and Their Visible Strivings**

As we have continued to observe that the legislature remains one of the three coordinate arms of government and serves as the institutional embodiment of the people's sovereignty. As the representative body of the people, the legislature bears the responsibility to enact laws, make policy decisions, represent the populace, and oversee the actions of the executive. Each of these roles contributes to the socioeconomic transformation of the state and the sustenance of democratic governance.<sup>59</sup> It is also constitutionally responsible for ensuring that citizens have a voice in governance, thereby playing a crucial role in national development and nation-building. Beyond its lawmaking role, the legislature is the primary defender of democracy and the voice of citizens in the political process. In fact, without a functional legislature, democratic principles such as equality before the law, liberty, the rule of law, and checks and balances would be difficult to sustain. Unfortunately, these legislative prospects are not without challenges, and the present Nigerian democracy continues to grapple with these limitations. Past and present legislatures are striving to surmount these challenges in order to sustain Nigeria's already fragile democratic process.

One of the obvious challenges the Nigerian legislature strives against is excessive partisanship, which hampers legislative productivity. Partisan politics weakens institutional consciousness among lawmakers. This is why Akinade Qudus avers that the influence of the ruling party, particularly the All Progressives Congress (APC), has contributed to legislative constraints and weakened parliamentary assertiveness.<sup>60</sup> Equally, the legislature's independence has been undermined at various times by executive dominance, political patronage, and internal corruption.

Talking about corruption, it is now safe to conclude that corruption has remained one of the most significant barriers to effective legislative performance in Nigeria. It manifests in diverse forms, undermining both the procedural and ethical foundations of democratic governance. Allegations of bribery, embezzlement, and fraudulent contracts have long clouded the integrity of the legislature and undermined the citizens' trust. There are also instances of legislators engaging in corrupt activities for personal gain, which detracts from their legislative responsibilities.<sup>61</sup> The perception of widespread corruption within the legislative framework contributes to citizens' distrust of government institutions, complicating service-delivery efforts.<sup>62</sup>

One of the most prominent forms of corruption in the Nigerian legislature is budget padding, where legislators inflate budgetary allocations for personal or political gain, exploiting weak oversight mechanisms.<sup>63</sup> Closely linked is constituency fraud, in which legislators manipulate constituency projects to benefit political allies or to secure personal favors rather than addressing genuine community needs.<sup>64</sup> Such practices not only divert public resources, they also erode citizens' trust in the legislature, creating a cyclical pattern of institutional inefficiency and moral decay.<sup>65</sup> This reflects a clear departure from Aristotle's conception of the legislator as a moral agent tasked with promoting the common good and upholding justice.<sup>66</sup>

Other forms of corruption such as bribery, lobbying, and influence peddling constitute another significant pattern of legislative abuse. Legislators accept financial incentives or material benefits to influence votes on bills, contracts, or policy decisions.<sup>67</sup> Although lobbying itself is not inherently corrupt, opaque procedures and weak accountability structures in Nigeria often render lobbying a vehicle for undue influence. This is consistent with Robert Nozick's critique of unregulated power: when political actors prioritize self-interest over social welfare, they subvert the ethical imperatives of governance.<sup>68</sup> Similarly, legislative capture by powerful elites compromises the representative function of the National Assembly, violating normative principles enshrined in the Nigerian Constitution and undermining the social contract between citizens and their elected officials.<sup>69</sup>

Furthermore, abuse of oversight functions illustrates systemic corruption. Committees responsible for monitoring executive agencies may neglect their duties or collude with those they are meant to oversee, facilitating embezzlement, nepotism, and administrative opacity.<sup>70</sup> This raises questions about the ethical responsibilities of lawmakers. The legislature is intended to function as a check on executive power, yet when legislators exploit their oversight powers, the principle of separation of powers is undermined.<sup>71</sup> This gives credence to Amartya

Sen's capabilities approach, which emphasizes that institutional structures must empower actors to promote justice and human flourishing; corruption represents a failure not only of procedure but also of institutional moral capacity.<sup>72</sup>

A discreet comparative experience shows both the ubiquity of legislative corruption and the potential for mitigation. Countries such as South Africa and Brazil, while not immune to political malfeasance, have developed mechanisms like transparency laws, independent auditing institutions, and robust civil-society participation to curb corruption.<sup>73</sup> Nigeria's attempts indicate that legal frameworks alone are insufficient; ethical and cultural reforms must accompany structural interventions.<sup>74</sup> Ultimately, understanding corruption in the Nigerian legislature requires a philosophical synthesis of ethical, institutional, and socio-political perspectives. By mapping out the forms and patterns of corruption, scholars can illuminate pathways toward accountability, citizen empowerment, and the restoration of normative legislative functions.<sup>75</sup>

### Lessons from Other Democracies

Legislative corruption, when examined comparatively, provides valuable insights into both the persistence of malfeasance and mechanisms for reform. In Brazil, systemic corruption historically penetrated legislative processes through practices such as *mensalão*, where legislators received illicit monthly payments in exchange for political support.<sup>76</sup> However, Brazil's rapid institutional response, including independent oversight agencies, strengthened judicial accountability, and an active investigative press—demonstrates that persistent corruption can be curtailed through the right reforms.<sup>77</sup> This illustrates the complementarities between ethical responsibility and institutional design: while moral integrity is essential, the structure of governance significantly shapes the prevalence of corrupt behavior.<sup>78</sup>

South Africa offers a similar instructive case. Post-apartheid governance incorporated extensive efforts to embed transparency, public participation, and ethical oversight in legislative processes.<sup>79</sup> Legislative committees, anti-corruption bodies, and codes of conduct provide both procedural checks and normative guidance, limiting the scope for abuse of power.<sup>80</sup> These strivings highlight that reforms must remain continuous and adaptive to evolving political dynamics. From a Rawlsian perspective, legislatures must embody fairness and justice, ensuring that institutional norms promote equitable participation and accountability.<sup>81</sup>

When comparing established democracies in Western Europe, further lessons emerge. Countries such as Sweden and Germany have created robust anti-corruption infrastructures, including independent auditing institutions, transparency laws, and strong ethical codes for lawmakers.<sup>82</sup> These structures create deterrents to corruption and incentives for integrity. They also illustrate the importance of societal norms: corruption is mitigated not only by laws but by public expectations of accountability and civic engagement.<sup>83</sup> In Nigeria, adopting hybrid legal, ethical, and civic approaches could enhance the normative role of legislators while reducing opportunities for malfeasance.<sup>84</sup>

Comparative reflections ultimately suggest that corruption is neither inevitable nor immutable; it is a function of both individual ethics and systemic design.<sup>85</sup> Nigeria's legislature must be understood as part of a broader moral and institutional ecosystem. Lessons from Brazil, South Africa, and Western Europe indicate that meaningful reform requires structural safeguards, ethical cultivation among legislators, and active civic participation.<sup>86</sup> When these elements are integrated, Nigeria can begin to develop a legislature that balances lawmaking with accountability, reinforces democratic principles, and fosters public trust.<sup>87</sup>

### Conclusions

This paper has examined the law-making function of the Nigerian legislature as both a constitutional responsibility and a moral enterprise, situated at the heart of democratic governance. By tracing the historical evolution of legislative institutions in Nigeria, interrogating their constitutional mandates, and assessing their contemporary practices, the study has demonstrated that the Nigerian legislature exists in a persistent tension between democratic strides and structural strivings. While the legislature has recorded notable achievements since the return to constitutional rule in 1999, these accomplishments coexist with deep-seated ethical, institutional, and political challenges that continue to undermine its normative authority.

On the side of strides, the National Assembly has played a decisive role in reshaping Nigeria's governance architecture through landmark legislation. Statutes such as the EFCC Act, ICPC Act, Fiscal Responsibility Act, Public Procurement Act, Freedom of Information Act, Electoral Act 2022, and key social-justice and welfare laws reflect the legislature's capacity to act as an agent of institutional reform and moral regulation. These enactments affirm the legislature's potential to function as what Aristotle envisaged as *law as reason*, channeling public power toward justice, accountability, and the common good. They also demonstrate alignment with Rawlsian public

reason, in so far as these laws seek to establish fair procedures, transparency, and legitimacy within the public realm, as well as with Sen's capabilities approach, which situates lawmaking as a tool for expanding human freedom and social opportunity.

Yet, these strides remain constrained by persistent strivings that expose the fragility of Nigeria's legislative ethics. Corruption in its various manifestations—budget padding, constituency project fraud, bribery, influence peddling, and abuse of oversight—continues to distort legislative priorities and erode public trust. These practices represent not merely administrative failures but a deeper moral and epistemic crisis, wherein lawmaking is increasingly perceived as transactional rather than deliberative, instrumental rather than normative. The prevalence of prebendal politics, partisan capture, and executive dominance further weakens legislative independence, undermining the separation of powers that is foundational to constitutional democracy.

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