



Achieving sustainable democracy in Nigeria, the judiciary and the theory of separation of powers in the fourth republic

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Abstract

Nigeria has a tumultuous past of democratic rule. Pressures have mounted on Nigeria's political structure since independence, causing instability in the Nigerian polity. As a result of the Judiciary's inability to carry out its functions effectively, the First, Second, and Third Republics fell, paving the way for the inevitability of military incursions into Nigerian politics, which truncated Nigeria's nascent democracy. According to studies, in a democratic state, separation of powers is essential, and the independence of the judiciary is critical to attaining long-term democracy. As a result, this research looked into the role of separation of powers in achieving long-term democracy in Nigeria. The study analyzed the information produced for the study using qualitative and content analysis methods. The content analysis revealed that: the independence of the judiciary aids in the achievement of lasting democracy in Nigeria; an independent judiciary improves due process in a democratic state. Further investigation revealed that incidences and court verdicts on how the practice of separation of powers improves the Judiciary's ability to discharge its constitutionally mandated roles in attaining sustainable democracy in Nigeria are convincing. As a result, this study found that separation of powers improves the efficiency of the Nigerian judiciary. The researchers advise that the consolidation of democracy in Nigeria will be dependent on the Nigerian state's willingness and ability to go above and beyond to ensure that the theory and practice of Separation of Powers, as well as the independence of the judiciary, are firmly established, respected, and protected.

Keywords: Judiciary, democracy, sustainable democracy, separation of powers, Nigeria

Introduction

Nigeria has a tumultuous past of democratic rule. A critical examination of Nigerian political history revealed that the country did not begin with democratic government. Nigerian state was under the authoritative and dictatorial British colonial control for approximately 91 years (1851-1960), including the amalgamation of southern and northern protectorates in 1914. Nigeria has not been able to achieve sustainable democracy since its independence due to a variety of variables that hold her back and prevent democratic consolidation. Juan J. Linz and Alfred Stepan (1996) stated it succinctly:

There are various kinds of authoritarianism that essentially constrain any democratic transition in distinct ways and create systemic barriers to democratic consolidation. Different authoritarian regimes have a systematic impact on the following trajectory of democratization transition attempts.

From the colonial period to the present, the Nigerian state has been embroiled in various forms of authoritarianism. Nigeria's state is fighting hard to break free from all kinds of undemocratic governance. Since Nigeria's freedom in 1960, the state has struggled to maintain democracy, and the judiciary has been tasked with stabilizing Nigerian democracy. However, Nigeria's political history demonstrates that whenever the judiciary is unable to effectively perform its role in sustaining Nigerian democracy, Nigerian democracy is inevitably truncated, necessitating military involvement in Nigerian politics.

When Nigeria gained independence in 1960, it chose the West Minister form of constitution, with the Privy Council in England serving as the court of final appeal. Nigeria became a republic in 1963, and the West Minister model constitution was replaced with the Washington model. As a result, the Supreme Court of Nigeria became the court of last resort. When the Judiciary fails to fulfill its constitutional duty of interpretation, adjudication, and "checks and balances" between the other two branches of government (Executive and Legislature), the democracy process is doomed. Because the pressures on the first republic political system could not be dissipated and the Judiciary could not successfully carry out its duties, the republic collapsed, paving the way for the inevitability of military intervention in Nigerian politics, which truncated the 1960s nascent democracy. For about 13 years, the military was in charge. (1966-1979). Democracy was restored in 1979, and a new Constitution was passed. The judiciary, for its part, was active in sustaining the new democracy, as the Court was intent on protecting Nigerian citizens' basic human rights, as seen in *Shugaba A. Darman v. Federal Ministry of Internal Affairs & Ors.* In accordance with Sections 160 and 191, the Court declared that the defendants' actions were unconstitutional, null and void, restoring the plaintiff's constitutionally guaranteed basic rights. The Second Republic failed because the judiciary abandoned its constitutionally mandated duty of stabilizing and sustaining Nigerian democracy at the time. If the judiciary had performed its role successfully, the military Junta would have had no reason to intervene in Nigerian politics. During

the Second Republic, there was popular outrage and condemnation over the Court's handling of election petitions for the 1983 general election. In his opinion in *Odumegwu Ojukwu v. Edwin Onwudiwe; Aniogolu, J.S.C.*, he stated unequivocally:

In my opinion, this was a case in which the legitimate winner was made the loser by election fraud, and the loser was proclaimed the winner. Dr. Edwin Onwudiwe, the respondent, obviously did not win. This Court should state it clearly, and I state it unequivocally.

It is self-evident that whenever the judiciary fails to perform its stabilizing role in a Nigerian democratic state, democracy suffers. As the Nigerian political system has become increasingly polarized, the judiciary has been unable to provide the necessary cushioning to prevent the democratic regime from collapsing. The military Junta seized control from the civilian government on December 31, 1983. From 1983 to 1999, this military era was marked by coups and counter-coups that placed various military generals at the helm of the state's administration. (16years).

The current democracy regime took effect on May 29, 1999, with the adoption of a new constitution known as the 1999 Constitution. In Nigeria's democratic state, the judiciary plays an important role in the administering of justice. The clause of Section 6 of the 1999 Constitution of the Federal Republic of Nigeria vests the Courts with full judicial powers. The characteristics of democracy in contemporary democracy are free and fair elections, judicial independence, a free press, majority rule, and minority rights protection.

Political parties' functions are required for successful democratic governance. The rule of law concept is the foundation of long-term democracy. The superiority of democracy over other forms of government is based on the idea of separation of powers and the corresponding checks and balances performed among the three organs of government. To consolidate and sustain democracy in Nigeria, the judiciary must fearlessly and boldly assume its statutory and constitutional roles, emphasizing the critical significance of the theory and practice of separation of powers in the Nigerian political system. Montesquieu's dislike for despotism motivated him to look for a method to mitigate the negative effects of absolutism in France. In his effort to identify the source of political problems and propose solutions, he attributed liberty in England to the separation of powers among the three branches of government.

- the Legislature, the Executive, and the Judiciary, as well as the balancing of these powers against each other, in his renowned eleventh book, *The Spirit of Laws*. His impact on making the idea of separation of powers the nexus of liberal constitutions can be seen in the American Bills of Rights and the French Constitution.

The notion of separation of powers was one of the oldest in political theory. Montesquieu only modified the concept by transforming it into a system of legal checks and balances between the components of a constitution. (Sabine and Thorson, 1973). The role of the judiciary is critical to the sustainability of Nigerian democracy; thus, it is critical to determine the extent to which the independence of the judiciary is guaranteed in the 1999 Nigerian Constitution; because it takes an independent judiciary to uphold the rule of law and the principle of constitutionalism. The fulcrum of the rule of law is an independent, efficient, successful, and well-funded judiciary. Because the judiciary is the last hope

of the common man and the last bastion of democracy in Nigeria, it must be properly prepared to respond to the challenges of maintaining Nigerian democracy. This work is an attempt to evaluate the roles of the judiciary in sustaining democracy, the theory and practice of separation of powers, and thus find impediments and potential solutions.

Theoretical Framework of Analysis

The theory of Separation of Powers was used as the analytical framework in this research. Separation of powers is a requirement for effective governance in any democratic system. This explains why constitutional safeguards were put in place to ensure that the Executive, Legislative, and Judicial branches of government have autonomous authority and function. (Fisher, 1993; Polsby, 2000 and Thurber, 1991). Mbah (2007:187) asserts:

The concept of separation of powers is proposed in order to fragment government power in order to defend liberty and keep tyranny at bay. This is due to human nature and the assumption that, if unchecked by external checks, any given individual or group of individuals in power will go beyond the limits of their authority in order to create a political system in which no individual or group can dominate others....

One core concept is to avoid absolute power, which corrupts absolutely, and thus to prevent the emergence of a dictatorship. The idea of separation of powers can be traced back to classical Greek political theory. (Mbah, 2007). The theory of division of powers goes back to ancient Greece, when Aristotle advocated for a mixed government comprised of monarchy, aristocracy, and democracy, recognizing that none of these systems were ideal. In his *Second Treatise of Civil Government* (1690), John Locke, an English political philosopher (1632-1704), idealized the doctrine of separation of powers. This was after he observed that there was a temptation to corruption where the same people who have the power to make laws also have the power to implement them. Locke's views were part of a growing English radical tradition, which laid the groundwork for English division of powers. By a faulty analysis of the English concept of separation of powers, Baron de Montesquieu, the French political and legal philosopher who admired the English concept of separation of powers, gave the theory of separation of powers impetus and moving spirit. Thus, as evidenced in the works of John Stuart Mills, Rousseau, and Jeremy Bentham, western political thought is founded on the theory of division of powers and limited government. Democracy cannot be maintained unless the theory of division of powers is properly implemented, because concentration of powers in the hands of one person or a group of people would result in civil disobedience and revolt. Thus, division of powers is necessary and required for the people to experience good governance, which improves the sustainability of democracy.

Baron De Montesquieu was associated with the idea of separation of powers. (1689 -1755). This idea has been regarded as the foundational principle of democracy. Montesquieu's *"Spirit of the Laws"* (*Espirit des Lois*) was published in 1748, and it reformulated an ancient concept in political theory. In Book XI of the *"Spirit of the Laws,"* Baron De Montesquieu attributed English independence to the separation of Executive, Legislative, and Judicial powers, as well as the balancing of these powers against

each other. The concept of division of powers became a counter-force to the supernatural sovereign powers asserted by Monarchs in medieval European political systems. More specifically, in England, the long struggle between the Crown and both Parliaments and common law Courts, culminating in the Glorious Revolution of 1688, validated the necessity of the theory of division of powers and checks and balances in achieving sustainable democracy. Montesquieu envisions a system of government in which each traditional organ of government performs distinct and distinct duties as specified by the Constitution, with checks and balances from one another to balance these powers against one another. (Nwokoye, 2000). Mukhi (2007:504) summarizes the importance and necessity of the idea of separation of powers in achieving long-term democracy as follows:

The subject's political liberty is a mental peace resulting from the opinions; each individual has of his own safety. There should be a separation of powers in order to have his liberty, because apprehensions may arise, lest the same Monarch or Senate pass tyrannical laws, implement them in a tyrannical way.

Thus, according to this theory, human freedom and liberty will be guaranteed when the powers of the three branches of government are separated and distinguished from one another. The division of powers among the departments of government becomes unavoidable in this manner for the smooth operation of government.

An Overview of Nigeria's Judiciary

The Judiciary is the third branch of government, with the primary responsibility of interpreting laws passed by the Legislature and applying such existing law to individual cases in order to resolve disputes between two private citizens or between private citizen(s) and the government. Obikeze and Obi define the judiciary as "the court and all those who work in the vine yard of justice." (2004:23). "There is no better test of the excellence of a governance than the efficiency of its Judicial system," writes Bryce (1921, 421). "For nothing more nearly touches the citizen than his knowledge that he can rely on the certain, prompt, and impartial administration of justice," writes Appadorai (1974:567). The Judge, therefore, fulfills an onerous duty in the community". In a democracy, the function of the judiciary is to interpret the law, uphold the principle of the Rule of Law, and to act as a strong organ for 'checks and balances' among other organs of government.

The Judiciary plays a distinct and decisive part in the effective administration of justice in a democracy. It has the constitutional right to resolve legal disputes and administer impartial justice. Judges preside over all courts, regardless of category or jurisdiction. In many instances, the Judge decides whether the claim(s) presented by the disputants are true or false. The Judiciary can also examine the actions of the Executive and the Legislature. Indeed, the judiciary is the impartial arbiter and the common man's last chance, the fulcrum and bulwark of long-term democracy. To optimally discharge its onerous constitutionally mandated duties, the judiciary needs the scope of separation of powers theory and practice. If the Judiciary had allowed the spate of governor impeachment to continue unabated, the ongoing democracy exercise would have collapsed and the military would have taken over the government as in the past. The judiciary's role in sustaining democracy in Nigeria is clearly

manifested in the courts' bold pronouncements, which depict the judiciary as a true defender of democracy. The decision of an Anambra State high court to overturn Governor Peter Obi's removal strengthened Nigerian democracy. Nri-Ezeadi, J. ruled in the judgment that the legislators violated section 188(1) - (9) of the 1999 Constitution, which governs the method of impeachment. The verdict was consistent with the Court of Appeal's landmark decision in *Adeleke v. Oyo State House of Assembly* (2006) 16NWLR (pt. 1006) 608. Furthermore, according to Vanguard Newspaper, Thursday, April 19th, 2007, P. 17, "the Supreme Court's verdict on Monday, April 16, which effectively returned to the ballot all candidates that INEC had disqualified" is a clear manifestation of the role of the judiciary in stabilizing Nigeria's political system and sustaining Nigerian democracy.

The judiciary plays a vital, major, and strategic role in Nigerian politics. A strong independent, upright, and incorruptible judiciary precipitates the state's happiness and orderliness. The judiciary is the last chance of the people, as it provides a formidable panacea to the masses' sufferings and plight. The general public expects justice to be served at all times and to be seen to be served. On the other side, a bad or corrupt judiciary is the bane of Nigerian society and democracy. Thus, in *Eriobuna V. Obiorah* (1999) 8 NWLR (pt.616) 622 at 630, the erudite Niki Tobi JSC stated succinctly:

Because of the nature of his position and professional calling, a Judge is expected to be forthright, upright, diligent, consistent, and open in all that he does in Court and in other areas of human effort where he may find himself. This is due to the fact that his reputation as a Judge is public property. He is the center of attention in the court, and, like Caesar's wife in ancient Rome, he is expected to live above board and above suspicion if the legal process is not to be jeopardized. A Judge should be aware that, by virtue of his judicial duties, he is perpetually and consistently on trial for any improper conduct that occurs before, during, or after the trial of a case.

It is critical to recognize that the judiciary is an indispensable entity in any democratic state, particularly Nigeria. The judicial system is the polar opposite of tyranny, repression, and anarchy. Everyone, both mighty and lowly, looks to the Judiciary for justice in any particular dispute. Hank Eso (2003) plainly brought the necessity and necessity of the Judiciary for redress and justice by any aggrieved party - both mighty and lowly - when he writes:

It is ironic that General Buhari would now seek political and legal redress from a Nigerian Court that recognizes the Court's powers and its right to award redress in a democratic dispensation. This also confirmed any Court in Nigeria's status as a constituted authority and arbiter in legal issues. Finally, by going to Court, Buhari unapologetically acknowledged that the Judiciary, as the third branch of government, played a critical part in national security, history, and general well-being.

Judges administer justice in the name of God, who is the ultimate and definitive arbiter. The sacredness, imperativeness, and indispensability of the Judiciary's duties and roles in achieving sustainable democracy in Nigeria necessitate proper and adequate fortification of the Judiciary through adherence to the theory and practice of separation of powers, because "If we do not maintain Justice, Justice

will maintain us," according to Lord Francis Bacon, former Law Chancellor of England.

Justice is the very hallmark and bulwark of any nation's existence, and without it, confusion, brigandage, anarchy, commotion, imbroglio, and ultimate political system collapse are unavoidable. As a result, the Executive can be accused of corruption, incompetence, and nepotism, while the Legislature is continuously accused of tardiness, arrogance, laziness, and degeneracy. However, the Judiciary cannot afford to be blamed or accused of any of the shortcomings or flaws connected with the Executive and Legislature above. Because the Judiciary is the only entity that, at the end of the day, will assign blame to either of the organs of government for any ills in the conduct of State matters.

The Judiciary's Role in Nigerian Democracy

Colonialism and military rule have had a negative effect on the Nigerian political system, producing oligarchic state political players intent on gaining control of state power. This development has made Nigerian election processes, from the first Republic to the present, riddled with issues that, when out of control, suffocate Nigerian democracy. This scenario has highlighted the critical need for a fearless and courageous Independent Judiciary to deliver justice, establishing the Rule of Law and Constitutionalism as the bedrock of our justice system. The decision of a Chief Judge of the Federal High Court, Justice Rosline Ukeje, on May 26, 2003, published in the Vanguard newspaper on Tuesday, May 27, 2003, addressed the crucial constitutional role of the Judiciary in interpreting the law and adjudicating disputes between the various organs of government.

The approval of the Corrupt Practices and Other Related Offences Act 2003 by the Senate on the 7th of May and the House of Representatives on the 8th of May was premature, and it violated a restraining order issued by a competent Court.... the ICPC Act 2003, enacted by the defendants on the 7th and 8th of May 2003, respectively, without due process of law, is unconstitutional and void. As a result, it is not the law that this Court, or any other Court of higher, competent jurisdiction, may interfere with the National Assembly when it makes laws (Section 4(8) of the 1999 Constitution).

The closer the relationship between democracy and a fair and independent judiciary becomes, the more important it becomes; neither can survive without the other. The function of an independent judiciary is critical to achieving long-term democracy in any democratic state. In establishing the imperativeness and indispensability of a fair and Independent Judiciary in a democracy, Sidney Brooks United States Bankruptcy Judge succinctly posited in a presentation he made at a Fulbright Scholars Conference, April, 2007, saying "If it were left for me to decide whether we have a democracy without fair and Independent Courts or fair and Independent Courts without a democracy, I would not hesitate to choose the later". This implies that democracy would fail and devolve into tyranny in the absence of an independent judiciary, whereas tyranny would undoubtedly collapse in the presence of a fair and independent judiciary. Tyranny would almost certainly give way to democracy. Separation of powers theory and practice is the foundation upon which independent judiciary predicates, which over time will necessitate the inevitable collapse of dictatorial leadership and tyranny, thus

enthroning the rule of law for good governance and sustainable democracy. The Judiciary is a staunch protector of democracy, making it essential to a stable democratic state. In any democracy, the function of the judiciary should be highly valued and prioritized.

Kriegler J, in the South African case of *S v Mamabolo* (ETV and others intervening), vividly described the role of a fair and independent judiciary:

The Judiciary is an independent pillar of the State in our constitutional order, constitutionally mandated to execute the State's judicial power fearlessly and impartially. It has equal standing with the Executive and Legislative under the doctrine of the division of powers. State pillars, but it cannot rival in terms of political, financial, or military power. It is by far the weakest of the three foundations in these terms, but its apparent independence and authority are critical. The Judiciary must depend on moral authority because it lacks a constituency, a purse, or a sword. It cannot perform its vital function as the interpreter of the constitution, the arbiter of disputes between State agencies, and, ultimately, as the watch dog over the Constitution and its Bill of Rights - even against the State - without such power.

Mzikamanda, R. R., the High Court Judge of Malawi, wrote in a paper presented at the South African Institute for Advanced Constitutional, Public, Human Rights, and International Law (SAIFAC), Johannesburg, South Africa, that: "The Judiciary, as one of the three branches of government, has been upholding the Rule of Law as its central role in a democracy." The Judiciary plays an important and sensitive part in controlling the exercise of power and upholding the Bill of Rights." The Judiciary offers mechanisms for fair and peaceful conflict resolution in accordance with constitutional provisions and balanced processes. It helps to increase legal certainty by clarifying norms and their relationships through interpretation, as well as by adding to the evolution and refinement of legal rules. The Judiciary's imperative part is found in its traditional role, which is the basic purpose of the Judiciary's existence. When the Judiciary resolves disputes between citizens and other residents of the State, as well as between citizens and the State or any of its organizations, the traditional function is seen. Nnaemeka-Agu (1994) emphasized the importance of the judiciary in attaining long-term democracy in Nigeria, writing:

The Judiciary decides the claim on the basis of the law and facts, it analyzes and states the law before applying that law to the facts, it interprets relevant statutes, including rules of procedure, and states on the application of the statute. The Court carefully examines the pertinent law as embodied in decided cases, overturning or modifying it while keeping in mind the dynamics of our ever-changing society. It is part of the Judiciary's responsibility to ensure that living men and women are not ruled by dead legislation.

According to the ongoing review of relevant literature, the judiciary plays a critical part in sustaining democracy. Through the supervisory jurisdiction of higher courts over lower courts, the judiciary acknowledges and protects the doctrine of separation of powers. The democratization process has notably transformed the role of the courts from their traditional role to their current pivotal role in upholding the Rule of Law and strengthening democratic governance in Nigeria State. A fair and independent judiciary is a necessary component of Nigeria's constitutional government. Because it is the protector and

guardian of the basic law of the Land, the Judiciary has the constitutional responsibility to review all constitutional decisions. The theory and practice of separation of powers is the most authentic context in which the judiciary can carry out its constitutional duty of stabilizing the political system and attaining sustainable democracy in Nigeria.

Nigeria State and Power Separation

The Federal Republic of Nigeria's 1999 Constitution established the theory of separation of powers as a fundamental tenet of state governance. The powers of government are vested in distinct organs of government in different sections of the 1999 Constitution, as follows: Section 4 is involved with legislative powers, Section 5 with executive powers, and Section 6 with judicial powers. The horizontal division of powers refers to this type of separation of powers. Ikenga Oraegbunam (2005) stated succinctly the significance of the theory of division of powers in enhancing the role of the judiciary in achieving sustainable democracy in Nigeria:

There is no denying that a government with distinct powers is less likely to be tyrannical and more likely to adhere to the system of law. A separation of powers can also improve the democratic nature of a political structure. The separation of powers also keeps one part of government from dominating the others or dictating laws to the general public.

The separation of powers theory attempts to separate the powers and functions of the state, with no single organ of the state having full authority because each is considered independent of the other. No government agency is more powerful than the others. In order to serve the State, the three organs must support one another. The theory of separation of powers is intended to allow the three branches of government to function as checks and balances on one another in order to sustain democracy. Honorable Justice of the Supreme Court of Nigeria, Nnaemeka-Agu, wrote on the theory of division of powers as follows:

Paradoxically, through a flawed analysis of the English concept of separation of powers, Baron de Montesquieu, a French political and legal philosopher who admired the English concept of separation of powers, provided impetus and moving spirit to the principle of separation of powers as a true antidote to abuse of power. The concept of separation of powers now bears the name of Montesquieu. Montesquieu saw division of powers not only between the three branches of English government, but also within them, such as judges sharing decision-making power with juries and the separation of the Monarch and Parliament within the legislative process.

In his book "The Spirit of Laws," as translated by Nugent (1949), Montesquieu believed that English Liberty was maintained by its institutional arrangements, as follows:

Only when there is no abuse of power can political liberty be achieved. But history has shown that every man endowed with power is prone to abusing it and carrying his authority as far as it will go. To avoid this abuse, the nature of things requires that one power check on another. Everything would come to an end if the same person or entity, whether noble or popular, exercised all three powers.

Graham Spindler (1988) held that it is necessary to work with other authorities on the division of powers in order to deliver the political good known as the Rule of Law, which is necessary for long-term democracy. The concepts of

Locke and Montesquieu found practical expression in the American Revolution. In the 1780s, the framers of the American Constitution were motivated by a wish to prevent the abuses of power that they saw emerging from the English King George III. As a result, they adopted and expanded the theory of division of powers to the point where the three branches of government were not only separated but also checked and balanced one another. The modern idea of separation of powers is a refinement of the 16th-century American government. The theory and practice of separation of powers are widely desired in order to achieve and maintain true democracy.

The Concept of the Independence of the Judiciary

The idea of judicial independence has become an international norm, with varying degrees of adherence. The concept of judicial independence is widely misunderstood, and in some instances, only lip service is paid to it. Violations of the Judiciary's Independence must be regarded not only as a violation of the Nigerian Constitution, but also as an offense against ordinary human ideals. Failure to comprehend the notion of judicial independence entails a failure to comprehend the Judiciary's duties and responsibilities in Nigeria. Proper comprehension of the concept, the Independence of the Judiciary, highlights the importance of the Judiciary's role as a sine qua non for achieving sustainable democracy in Nigeria's democratic state. The notion of judicial independence has no universally accepted definition. It is often viewed from various viewpoints, such as judicial, constitutional, political, or economic. The idea may be misunderstood and undermined due to a lack of common meaning. The judiciary's independence requires that the Judiciary as an organ of government and individual judges carry out their judicial duties without undue interference from the Executive, the Legislative, peers, the public, or any other source. Judges must be allowed the freedom to rule fairly and impartially on issues before them, guided only by the facts and the law. The independence of the judiciary ensures citizen justice and upholds the rule of law, human rights, and democratic institutions. In the lack of judicial independence, the concept of the rule of law will not be upheld, necessitating the inevitable collapse of Nigeria's democratic system, as seen in the first and second republics.

To strengthen the Judiciary so that it can play a stabilizing role in achieving sustainable democracy in Nigeria, the Judiciary must be autonomous both institutionally and individually. At the institutional level, the Judiciary as an organ of government is independent of the controls and influences of the other organs of government, whereas at the individual level, it means that the judicial officer must decide any matter brought before the judge impartially and without any influence or pressure from any quarter whatsoever. Judges should be objective arbiters in the cases that come before them. The idea of judicial independence believes that all litigants and all accused, regardless of political beliefs/affiliations or social status, should be treated fairly and equally by a judiciary operating within the confines of the common law. The Judiciary's independence does not imply unpredictability or recklessness on its side. It also does not imply judicial rudeness or hubris, whether in the name of judicial activism or otherwise. The job of an independent judiciary is to protect human rights and uphold the rule of law in a transparent and accountable way.

The Evolution of Judiciary Independence Throughout History

The Judiciary's Independence has a long past. In the ancient era, the idea was associated with rising radicalism rather than the development of democratic governance. The new role that the Judiciary has taken on in modern constitutional democracy has given the idea of Judiciary Independence unprecedented prominence. In the common law tradition, the idea of judicial independence is attributed to the British system of justice, which is regarded as the cradle of judicial independence.

The concept began as a fortress against the king's apparently limitless powers, which he wielded capriciously. The English Courts were once the king's courts, serving at the Crown's pleasure and subject to dismissal without reason. Things started to change as the concept of individual rights and the rule of law gained traction, culminating in the 1215 Magna Charta. This growth demonstrated a clear need for courts independent of the King to enforce those individual rights. The fight for judicial independence continued in the centuries that followed, as many people rejected the idea. According to Justice R.R Mzikamanda (2007), in 1616, James I requested that the Monarch be consulted in cases involving the Crown or any of its prerogatives. Chief Justice Coke refused and was later removed from office. In the Glorious Revolution of 1688, Parliament unexpectedly asserted sovereign power and publicly recognized the importance of the principle of Judiciary Independence, though by what was considered an oversight, the basic ground rules for Judiciary Independence were omitted from the Bill of Rights. (1689). William III respected judicial independence, and the rules were enacted in much the same manner in the Act of Settlement. (1701). In one of its shortest clauses, the Act of Settlement (1701) finally gave statutory recognition to the concept of judicial independence. That was not the end of the fight for judicial independence, as parliament continued to put political pressure on the Bench, with the monarch and his ministers seeing nothing wrong with pressuring judges on pending cases.

It is evident that Judges faced significant challenges in ensuring the independence of the judiciary over time. Despite the fact that the Act of Settlement (1701) stated that Judges would continue in their positions on good behavior (*quamdiu se bene gesserint*), "but upon the address of both houses of Parliament, it may be lawful to remove them," in practice, the provision has never been invoked, as the power of removal has never been used in relation to English judges. The political ideas of John Locke and Montesquieu, who argued for the theory of separation of powers among the three branches of government, provided greater impetus to winning the fight for the independence of the judiciary, at least in the common law tradition.

Nonetheless, victory needed statesmen who, with commitments, translated the idea into political practice, as well as courageous judges who stood unmovable for the principle of Judiciary Independence at the risk of removal and imprisonment. As a result, the idea that has prevailed has spread to other states that have adopted the common law tradition. The idea was developed further by the United States of America during the adoption of its Constitution in response to arguments that the Judiciary was made up of unelected officials and should not be given so much power. What won was the idea of separation of powers and

balancing the powers of the three branches of government through checks and balances, which requires the independence of the judiciary. History has shown that the struggle for judicial independence has been long and treacherous, with many martyrs along the way. It also demonstrated that, while the rise of the doctrine of separation of powers provided impetus to the principle of judicial independence, it was not the source of the principle. In the end, an awareness of the concept's historical development can significantly contribute to an understanding of the meaning, purpose, and significance of the concept of Judiciary Independence.

The Purpose and Importance of Judiciary Independence

The independence of the judiciary is central to the judicial function; it is a pillar of any worthwhile legal framework and a necessary component of any democratic system of governance that adheres to the Rule of Law. The purpose of judicial independence is to assist society rather than the judges. The citizens have the right to an independent judiciary. The right to fair and impartial adjudication of a case before a court of law can be held only where the judiciary is independent. Independence of the judiciary is essential in Nigeria, as it is in other nations. More and more individuals are going to court to settle their disagreements. They submit these cases to magistrate, high, and appeal courts. As the importance of these tribunals grows, the independence and impartiality of the judiciary becomes critical. (Widner, 2001). The concept of entrenched human rights necessitates the existence of an independent judiciary, which is a prerequisite of the Rule of Law. An independent judiciary must be impartial and equitable. Personal interests of judicial officers must not influence his choices, and the Judiciary must guarantee that it is not only impartial but also perceived to be impartial. Compliance with court decisions is critical if the intended sustainable democracy is to be realized. Judgments rendered by an independent and impartial Judiciary merit to be revered and obeyed without reservation. Because the judiciary executes justice in the name of the state, the Nigerian state must put in place mechanisms to enforce court decisions. The Judiciary's statutory role is to adjudicate and issue judgments, while the Executive's statutory role is to enforce those judicial judgments. Thus, the theory and practice of division of powers in action contribute to the achievement of long-term democracy in Nigeria.

Nigerian state players should be aware that if any of the government's organs fails to perform its statutory functions, the actors of the failing organ should be removed from office. The concept of Judiciary Independence ensures that the Judiciary is free of interference from the Executive, the Legislature, the general public, the media, or civil society. Observers suggested that shielding judges from interference by government officials is often regarded as the most important aspect of judicial independence because the Executive has a potential interest in the result of numerous cases and so much potential power over Judges. (William Blair, 2005). Individual independence of a Judge, however, remains important in decision making. In the absence of judicial independence, whether institutional or individual, the basic human rights promised to citizens under Nigeria's democratic constitution will be illusory. The primary goal of judicial independence is to guarantee that society receives fair and impartial justice. In a constitutional democracy, the

Constitution is supreme law, and no authority or institution can be greater than or equal to the Constitution. A functioning constitutional government is built on the rule of law and the independence of the judiciary. Human rights are an essential component of a working democracy. As a result, democracy is not about the majority crushing the minority. Democracy should not be limited to majority control; this would lead to majority tyranny. Democracy is based on majority rule while completely respecting minority rights. It must also recognize both individual and fundamental liberties. Unlike the Executive and Legislative branches of government, which react to majority views only, the Judiciary responds to both majority and minority views. As a result, an unbiased balancing act is required. The Judiciary has a much larger constituency than the other two branches of government because it encompasses both the majority and the minority.

The role of the judiciary accelerates economic growth and development because economic growth is predicated on credible commitments to sound economic policies, and the role of the judiciary is to make policy commitments credible, encouraging both domestic and foreign investment, which boosts economic growth and development. Good Governance NGO Statement, 2000 Consultative Group Meeting in Cambodia. Putting it succinctly:

Adherence to the Rule of Law is a basic prerequisite for achieving development in all sectors. The absence of the Rule of Law continues to stymie market growth, public trust in the legal system, and people's security and general well-being. Development is a competent and impartial judiciary. Inadequate Judicial Independence and a high degree of corruption undermine people's trust in formal conflict resolution and encourage reliance on informal, and sometimes violent, dispute settlement methods. Furthermore, the lack of judicial freedom discourages foreign investment.

Nigerian Justice Administration

The Judges' Role

In Nigerian society, the judiciary holds a privileged place in the administration of justice. Section 6 of the 1999 Constitution vests all judicial responsibilities in the Courts. Judges are those who administer justice. They make decisions in accordance with the legislation. According to Matthew (2003, 26),

It goes without saying that the judge's role is arguably the most important. The Judges have the sacred duty to guarantee that the parties in their cases are treated fairly. However, before justice can be dispensed, the Judge must possess the required judicial qualities of integrity, deep knowledge of the law, honesty, and a feeling of justice itself. How can a bad Judge render justice? How can a tainted Judge administer justice in his court?

In his 1925 Presidential Address to the American Bar Association, Charles Evans Hughes declared:

A bad Judge is possibly the community's most wasteful luxury. You can decline to patronize a merchant who does not have good stock, but you must take action if you have been held before a Judge whose mental or moral goods are inferior. An honest, high-minded, capable, and fearless Judge is the most valuable servant of democracy, because he illuminates justice as he interprets and implements the law, as he demonstrates the benefits and shortcomings of a free people's standards of individual and community rights.

Hon Justice Oputa (1982) stated in a lecture delivered at Obafemi Awolowo University that judges must have courage, honesty, and integrity before they can effectively dispense justice:

Thus, honesty and judicial rectitude are the hallmarks of a competent Judge. It is a calamity to have a corrupt Judge, because money corrupts and pollutes not only the lines of justice, but the stream itself. Honesty and judicial rectitude are thus the bare minimum of judicial standards. They snap at and break the brittle bond of trust that binds our people to the legal system. As a result of being scandalized and morally deformed, befuddled litigants no longer anticipate a just decision from the Courts. Nothing is as hateful and odious as venal justice, so the entire endeavor of justice becomes a sham or, at best, a counterfeit.

Judges with the appropriate judicial qualities would undoubtedly perform their responsibilities between the contending parties in accordance with the rules of the particular court, as well as the practice and procedure selected by the parties in accordance with those rules. It is with great surprise that we learn of disturbing instances of abuse and/or perversion of the judicial process, often by the very Judges who are supposed to follow the course of justice. A knowledgeable but corrupt judge poses a significant risk to the implementation of justice. He is as terrible as, if not worse than, an honest but inept Judge. Judges' attitudes toward their work must be positive, and they must avoid any type of political affiliation in order to keep political neutrality. Mr. Justice Oyemade, whose positive attitude is worth noting, presided over a case involving the murder of a government party supporter, as reported in *The Source Magazine* on April 2, 2007. A local lawyer renowned for his support for the ruling party drafted an affidavit, which was sworn by two local males. They declared that they believed the Judge was biased in this case and requested that the case be moved to another location for trial. Mr. Justice Oyemade fined the lawyer 25 pounds and sentenced the two men to six months in jail for contempt of court. As he put it:

I will not be intimidated into sending an innocent individual to prison. Even if it means I lose my employment. I am still confident in my ability to live a decent existence. In this country, the only entity we have is the judiciary. Politicians have shifted from one doctrine to another and from one party to another. However, the only safeguard for regular people against these inconsistencies is a fearless and upright judiciary.

Mr. Justice Oyemade's wonderful admirable judicial attitude is highly commendable to Nigerian judges whenever they encounter political duress from any source. Because the judiciary is the last hope of the common man, the judiciary has a significant part to perform in the administration of justice in order to achieve long-term democracy in Nigerian society.

The Government's Role

It is the government's responsibility to keep the courts of law open so that its people can get impartial decisions about their legal rights and obligations to one another and the state. The provision of such a system for the administration of justice by the law courts, as well as the maintenance of trust in it, is critical for the peaceful coexistence of citizens, as it will prevent the political system from heating up, thereby achieving sustainable democracy with its attendant inevitable development of the society, which is predicated

on the effectiveness and independence of the judiciary. Access to justice for all is a fundamental role of the government in ensuring that justice prevails within its political structure. As a result, the maxim "to no one will we deny or delay the right to justice" applies. The provision of infrastructures and hi-tech gadgets for Judges to effectively carry out their judicial functions is critical for the accomplishment of speedy administration of justice in the Nigerian political system. The government should cease paying lip service to judicial independence. It must recognize that complete independence of the judiciary is the bedrock of justice administration and, as such, is a *sine qua non* for improving the role of the judiciary in achieving sustainable democracy in Nigeria.

The Citizens' Role

Justice is not a cheap commodity; thus, those seeking justice from the state have a significant role to perform if justice is to be enthroned in society. The public should not interfere with or corrupt the administration of justice; judges do not corrupt themselves; it is the litigants who corrupt the Judiciary; the public must recognize that it is their responsibility to maintain the sacredness of the judicial process and the administration of justice. The selection of judges by litigants is a dangerous tendency that, if not immediately reversed, has the potential to stymie the judicial process and the administration of justice. There is an urgent need for people to have complete trust in the institutionalized apparatus for the administration of justice. People must not intentionally and recklessly disparage the institution, thereby assisting the Judiciary in carrying out its constitutionally mandated roles, which will contribute to the stabilization and sustainability of Nigerian democracy.

In Nigeria, the Judiciary's Independence and Long-Term Democracy

The independence of the judiciary contributes to the achievement of long-term democracy in Nigeria. Thus, separation of powers and judicial freedom are essential for Nigeria's long-term democracy. The 2004 Governor Jushau Chibi Dariye removal saga provides examples of the Judiciary's role in stabilizing the polity and preserving the democratic process. *Plateau State of Nigeria & Anor v. Attorney General of the Federation & Anor*, Suit No. SC 11 3/2004, was filed on June 24, 2004 in the name of Plateau State, contesting the constitutionality of President Obasanjo's suspension of the elected Governor and House of Assembly of the State. The case alleged that the Federal Government, under President Olusegun Obasanjo's government, wanted to depose Plateau Governor Jushau Chibi Dariye. The Federal Government accused the Governor of misappropriating money to the tune of N1.1 billion drawn in favor of Plateau State and transferred to All States Trust Bank through the EFCC. Charge No. FHC/KD/144C/04 involves The Federal Republic of Nigeria v. Chief Joshua Chibi Dariye & 7 Others. The Court performed an important role in the story. The court ruled that the EFCC's evidence did not establish even a *prima facie* case against any of the accused persons to warrant calling them to enter their defense on two charges of fraudulently presenting a Central Bank cheque for the sum of N1.1 billion drawn in favour of Plateau State to All State Trust Bank, knowing it to be unlawfully procured, and conspiracy to accept the said cheque; the court accordingly

discharged them. On the more serious charge that Chief Joshua Chibi Dariye dishonestly misappropriated the N1.1 billion owed to Plateau State by instructing the All States Trust Bank to disburse it to the Plateau State government and other named organizations or companies, the court ruled:

With all due regard to the prosecuting council, I cannot see how this disbursement resolved any dishonest misappropriation. Did Joshua Dariye misappropriate it for himself; if so, no such evidence was presented; the prosecution has not demonstrated that all payments made to the various people or businesses were for specific purposes other than what the funds were intended for.

The court's role in this case avoided double jeopardy of any kind, which is contrary to the spirit of democracy as reflected in Section 36(9) of the 1999 Nigerian Constitution. Furthermore, the Judiciary is clearly the center of long-term democracy in Nigerian politics. Thus, in recognition of the enormous and indispensable role of the judiciary in achieving sustainable democracy, the military government of General Sani Abacha promulgated the Constitutional Court Decree No. 4 of 1998, as amended by the Constitutional Court Amendment Decree No 5 of 1998, creating a constitutional Court consisting of a president and not less than 20 other Justices and vesting it with jurisdiction to the exclusion of any other Court relating to constitutional issues. Section 8 grants the Constitutional Court exclusive authority over all other Court disputes and political party membership. Section 10 gives the Court appellate authority over appeals from decisions of the Governorship and Legislative House Election Tribunals, as well as Local Government Election Tribunals, and states that the Constitutional Court's decisions in such cases are final. It is unfortunate that those who followed General Sani Abacha were so harsh in their condemnation of him, throwing away or discarding some of his well-intended actions. The rejection or abandonment of the Constitutional Court concept, as well as the repeal of the Constitutional Court Decree, have resulted in the nightmare faced by the Court of Appeals, whose pitiful jurisdiction today covers these election matters and appeals, and the consequences of this tardiness are what we are all witnessing. These include the Court of Appeal overruling itself in some instances, which goes against the age-old principle of *stare decisis* (See *Jatau v. Ahmed*). (2003) *ITPP Ltd v. UBN*, FWLR (Pt 151), 1887 @1896, paras. D-E (2006) *All FWLR* (Pt 324) 1789 @ 1802, paras E-G; *DBA v. Taan* (2003) *NWLR* (Pt 287) 368. @ 378, paras A-B: *John Andy sons Ltd v. NCRI* (1997) 3 *NWLR* (Pt 491) 1 @14, para B.; the delay in hearing appeals arising from election petition matters; the near abandonment or jettisoning or abandonment of the normal appeals - Civil and Criminal 14 December 2009 issue of *Newswatch Magazine*.

On May 26, 2003, Justice Rosline Ukeje, Chief Judge of the Federal High Court, issued a decision that addressed the crucial constitutional role of the Judiciary in interpreting the law and adjudicating disputes between the different organs of government.

The approval of the *Corrupt Practices and Other Related Offences Act 2003* by the Senate on May 7th and the House of Representatives on May 8th was premature, and it violated a restraining order issued by a competent Court. It is therefore unlawful and void... the *ICPC Act 2003*, enacted by the defendants on the 7th and 8th of May 2003, respectively, without due process of law, is unconstitutional

and void. As a result, it is not the law that this Court, or any other Court of higher, competent jurisdiction, may interfere with the National Assembly when it makes laws (Section 4(8) of the 1999 constitution).

The closer the relationship between democracy and a fair and independent judiciary becomes, the more important it becomes; neither can survive without the other. The function of an independent judiciary is critical to achieving long-term democracy in any democratic state. In establishing the imperativeness and indispensability of a fair and Independent Judiciary in a democracy, Sidney Brooks a United States Bankruptcy Judge succinctly posited in a presentation he made at a Fulbright Scholars Conference, April, 2007, saying "If it were left for me to decide whether we have a democracy without fair and Independent Courts or fair and Independent Courts without a democracy, I would not hesitate to choose the later". This implies that democracy would fail and devolve into tyranny in the absence of an independent judiciary, whereas tyranny would undoubtedly collapse in the presence of a fair and independent judiciary. Tyranny would almost certainly give way to democracy. Separation of powers theory and practice is the foundation upon which independent judiciary predicates, which over time will necessitate the inevitable collapse of dictatorial leadership and tyranny, thus enthroning the rule of law for good governance and sustainable democracy. The Judiciary is a staunch protector of democracy, making it essential to a stable democratic state. In any democracy, the function of the judiciary should be highly valued and prioritized. Kriegler J, in the South African case of *S v Mamabolo* (ETV and others intervening), vividly described the role of a fair and independent judiciary:

The Judiciary is an independent pillar of the State in our constitutional order, constitutionally mandated to execute the State's judicial power fearlessly and impartially. It has equal standing with the Executive and Legislative under the doctrine of the division of powers. State pillars, but it cannot rival in terms of political, financial, or military power. It is by far the weakest of the three foundations in these terms, but its apparent independence and authority are critical. The Judiciary must depend on moral authority because it lacks a constituency, a purse, or a sword. It cannot perform its vital function as the interpreter of the constitution, the arbiter of disputes between State agencies, and, ultimately, as the watch dog over the Constitution and its Bill of Rights - even against the State - without such power.

In keeping with the ongoing line of thought on the importance of the Judiciary's role in achieving sustainable democracy, Mzikamanda, R. R., the High Court Judge of Malawi, wrote in a paper presented on November 14, 2007 at the South African Institute for Advanced Constitutional, Public, Human Rights, and International Law (SAIFAC), Johannesburg, South Africa: "The Judiciary, as one of the three branches of government, has been upholding the Rule of Law as its centrus." The judiciary plays an important and sensitive part in controlling the exercise of power and upholding the Bill of Rights." The Judiciary offers mechanisms for fair and peaceful conflict resolution in accordance with constitutional provisions and balanced processes. It helps to increase legal certainty by clarifying norms and their relationships through interpretation, as well as by adding to the evolution and refinement of legal rules. The Judiciary's imperative part is found in its traditional

role, which is the basic purpose of the Judiciary's existence. When the Judiciary resolves disputes between citizens and other residents of the State, as well as between citizens and the State or any of its organizations, the traditional function is seen. P. Nnaemeka-Agu (1994) emphasized the importance of the judiciary in attaining long-term democracy in Nigeria, writing:

The Judiciary decides the claim on the basis of the law and facts, it analyzes and states the law before applying that law to the facts, it interprets relevant statutes, including rules of procedure, and states on the application of the statute. The Court carefully examines the pertinent law as embodied in decided cases, overturning or modifying it while keeping in mind the dynamics of our ever-changing society. It is part of the Judiciary's responsibility to ensure that living men and women are not ruled by dead legislation.

According to this study, the judiciary plays a critical part in sustaining democracy. Through the supervisory jurisdiction of higher courts over lower courts, the judiciary acknowledges and protects the doctrine of separation of powers. The democratization process has notably transformed the role of the courts from their traditional role to their current pivotal role in upholding the Rule of Law and strengthening democratic governance in Nigeria. A fair and independent judiciary is a necessary component of Nigeria's constitutional government. Because it is the protector and guardian of the basic law of the Land, the Judiciary has the constitutional responsibility to review all constitutional decisions. The theory and practice of separation of powers is the most authentic context in which the judiciary can carry out its constitutional duty of stabilizing the political system and attaining sustainable democracy in Nigeria.

The role of the judiciary in sustaining democracy can be illustrated concisely by the election and impeachment sagas of Governors Peter Obi and Rotimi Chibuke Amaechi. The supreme court's decision on the April 14 gubernatorial election/pull exemplifies the need for judicial freedom. *INEC and Others v. Peter Obi* (2007). The country's highest court's decision averted anarchy in Anambra State, which would have resulted in the declaration of a state of emergency and the attendant repercussions for the Anambra State political system and the Nigerian political system in general. If not for the apex court acting independently of other organs of government control, history would have repeated itself in Anambra State as it did in the Western Region, Action Group Party, and the Federal Government led by Prime Minister, Sir Abubakar Tafawa Balewa in the First Republic (Obikeze and Obi, 2003). Also, in *Omehia & Ors. v. Amaechi*, the Supreme Court installed Rotimi Chibuke Amaechi as the Governor of Rivers State as opposed to the PDP/INEC purported Mr. Celestine Omehia as the Governor; this saw to the end of his five-month reign as the Governor of Rivers State. (The Guardian Newspaper, October 26, 2007).

Analysis of Findings

The minority judgment delivered by Justice Aniogolu (JSC) in the case of *Odumegwu Ojukwu v. Edwin Onwudiwe* on an election petition of the 1983 general election indicated that the second Republic failed as a result of the Judiciary's departure from its constitutionally mandated role of stabilizing and sustaining Nigerian democracy during that era. According to some, if the judiciary had performed its

role effectively, the military Junta would not have had any reason to intervene in Nigerian politics. Thus, there was popular outrage and condemnation of the Court's handling of cases during the Second Republic. The Fourth Republic was supposed to have been founded on the premise of adhering to the practice of separation of powers and judicial independence. The current democracy regime took effect on May 29, 1999, with the adoption of a new constitution known as the 1999 Constitution. In this democratic era, the judiciary plays an important role in the administering of justice. The clause of Section 6 of the 1999 Constitution of the Federal Republic of Nigeria vests the Courts with full judicial powers. Thus, contemporary democracy is distinguished by, among other things, the division of powers, judicial independence, the rule of law, constitutionalism, and the protection of human rights. The inclusion and availability of these features were anticipated to improve the Judiciary's effectiveness in achieving long-term democracy in Nigeria. As a result, this research looked at how the practice of separation of powers has resulted in long-term democracy in Nigeria.

This paper's content study revealed that:

1. According to the content analysis, the freedom of the judiciary aids in the achievement of long-term democracy in Nigeria. This was seen in the areas of effective adjudications that aided in the resolution of governance conflicts.
2. The present case assumes that an independent judiciary improves due process in a democracy state.
3. A convincing review of incidents and court verdicts or issues pertaining to how the practice of separation of powers has enhanced the Judiciary's ability to discharge its constitutionally mandated roles in attaining sustainable democracy in Nigeria. According to the findings, division of powers improved the efficiency of the Nigerian judiciary.

Conclusion

The practice of division of powers is necessary for the independence of the judiciary, which is the foundation of long-term democracy. When the Judiciary is independent, it will administer justice without fear or favor, adjudicating and arbitrating between people and institutions while being bound only by the law. There have been instances where the Judiciary has been able to check both Executive lawlessness and Legislative rascality, such as during President Olusegun Obasanjo's administration (1999-2007), when the Judiciary overturned the purported removal of Governors Peter Obi of Anambra State and Rashid Ladoja of Oyo State for violating constitutional provisions. (Ajaero, 2009). Similarly, the Supreme Court decision, which effectively reinstated all candidates disqualified by the Independent Electoral Commission, demonstrated that the role of the judiciary is imperative and indispensable in Nigeria's democratic political system in achieving sustainable democracy.

Recommendations

The following recommendations are made based on the issues mentioned and analyzed in this study:

1. The consolidation of democracy in Nigeria will be dependent on Nigeria's dedication and ability to go above and beyond to ensure that the independence of the judiciary is firmly established, respected, and

protected. To deal with the myriad of challenges that good governance faces, the Nigerian State needs a strong, stable, and sustainable democracy. As a result, democracy must be fostered and safeguarded. The function of an independent judiciary in the democratic process and governance is essential. Without judicial independence, there can be no defense of rights, including minority rights, the rule of law, and thus no democracy.

2. The separation of powers principle must enable the three branches of government to complement one another in the service of the state. Similarly, the system should allow the three organs to serve as checks and balances on each other's excesses. The fact that each organ separately examines the other to ensure that the rule of law is followed and individual rights are protected ensures that the rule of law is followed and individual rights are protected. This preserves democracy and guarantees the dividend of democracy.
3. Court orders are intended to be followed by the parties involved. (The plaintiff, the defendant and the prosecutor). Disobeying court decisions can undermine judicial powers, and persistent disobedience can undermine democracy. As a result, this study suggests that state actors and the general public should always rise up to defend democracy through public opinion, judicial orders, and legitimate judicial precedent.
4. Civic education will also increase support for court decisions and judicial precedent. This will elicit popular support, and anyone who attempts to undermine the judiciary will face widespread condemnation. Where the public is well informed about the purpose and significance of the doctrine of separation of powers, the independence of the judiciary, and respect for the rule of law, there is a greater likelihood of public trust in the judiciary. The final safeguard of the judiciary's independence is public trust. The judiciary should take on civic education as one of its duties, as well as the significance and purpose of the judiciary's independence.
5. Courts must continue to take bold steps to safeguard the law. They are democracy's, human rights', and the rule of law's last line of defense. It is essential to have a strong last line of defense.

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