

The “Go to Court” Syndrome in Nigeria: Reengineering the Administration of Justice System in Nigeria

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Abstract

The euphemism of “Go to Court” is assuming a dangerous dimension in our political system and is already undermining the place of the judiciary as the last hope of the common man. Public Administration undergirds and provides the structure for the administration of justice in Nigeria. It is the place of Administrators to cast a penetrating look at the justice system in Nigeria so we can diagnose the problem and provide the panacea for Nigeria's ailing judicial system. In this paper, our approach is analytical and our theory is the system theory. Our goal is to show that the judicial system being one of the pillars of the political system will undermine the entire system if it is not provided the administrative fillip as quickly as possible. The key problem is systemic corruption in the judicial arm of government. Our objective is to show that the provision of a watertight administrative system will extirpate corruption and reset the judiciary to continue to play her role as the last hope for the common man and the temple for the dispensation of justice.

Keywords: ‘Go to Court’, Public Administration, Corruption, Administration of justice, Judiciary

Introduction

The topic of examination of this study is very apt and trending. The euphemism “Go to Court” has become a phrase of constant refrain in our body politic. It appears innocent and harmless but as a matter of fact, it is loaded with sinister innuendos that reflect the collapse of the political structure and the judicial system of Nigeria. It points to the following: A heightened level of impunity, the fact that Nigeria is owned by some people, that the judiciary is not only for sale but has already been sold and bought, that Nigeria is already a conquered territory, the defeat of the citizens by the political class. Democracy is no longer a government of the people by the people and for the people. Democracy now means the government of the politicians, by the politicians and for the politicians. “Go to Court” syndrome also means the end of elections, end of free and fair impartial independent National Electoral Commission. It means the death of transparent justice system and the completion of the erosion of the confidence and trust of the common man in the integrity and sanctity of the judiciary and the rule of law. It marks the enthronement of dictatorship, brigandage, anarchy and break down of rule of law in Nigeria.

The court normally is feared and held in high esteem because it holds the sword of justice but when politicians now revel to approach it with reckless abandon, then, the hallowed chambers of justice

has been raped and dismembered by politicians. The unfortunate thing is that the players in these hallowed chambers who are already dancing naked in the public seem not to know that anything is wrong.

The judiciary according to Oluwarotomi, Akeredolu (2009), the judiciary is made up of the inner Bar, Outer Bar and the Bench. The inner Bar are lawyers who have distinguished themselves in legal practice (Like those who have become senior Advocate of Nigeria (SANs) and those who are leaders of the Nigeria Bar Association (NBA). Those at the outer Bar are all other lawyers involved in the business of litigation (Solicitors and Advocates). Those at the Bench are the Magistrates, Judges, Justices of High courts, Appeal courts, Tribunals and Supreme Court.

What we have in Nigeria is a Scenario where those at the Bar are busy “getting drunk”, while those at the Bench are busy indulging in high profile corruption. The “drunken Bar” cannot checkmate the “leprous bench” that is stinking with corruption. The way out may be to banish the Bar/Bench dichotomy. The Nigeria Bar Association and the judicial council have become toothless bulldogs that can neither bark nor bite. We attribute this state of affairs to first, the impoverishment of the judiciary by the politicians which is now clearly followed with the corruption of the judiciary. This means that separation of power is now dead and buried in Nigeria. The legislature was the first to be corrupted and captured by the political leaders. Through systematic, unrelenting, unabating impoverishment of Nigerians, the civil servants, University lecturers, the army, police and the public and private working masses have been captured through systemic empoverizations. Give Nigerians any amount of money to cast their votes, they will vote. This is the only way they (Masses) can continue to survive. There is the need to look at the public administrative structure of the Nigerian political system, legal system, educational, economic, social and religious systems to see the extent to which maladministration in one system is affecting the entire fabric of the Nigerian system. The major thrust of this paper is the examination of the extent to which corruption has damaged the judicial system in Nigeria. It is appalling that justice is no longer available at the temple of justice which means that the foundation of social justice in Nigeria is threatened. The implication is that the judiciary is no longer the last hope of the common man. Even the administrative system that should proffer the framework for administration of justice in Nigeria has become ineffective. The gate keeper, the National judicial Council (NJC) which is responsible for the appointment, promotion and Discipline of judicial officers is weak. Rather it is like whoever is in position uses the enormity of his power and position for personal aggrandizement. NBA seems not to be doing much, thus the easy violation of positive law with impunity. With obnoxious assertion “Go to Court” With these anomalies and other corrupt practices which pervade the temple of justice in Nigeria.

The following questions are inevitable: To what extent has corruption influenced judiciary’s dispensation of justice to the citizens in Nigeria? Can poverty serve as a viable tool that affect the judiciary in dispensation of justice to the populace? To what extent has then Bar-Bench dichotomy influenced the dispensation of justice to the public. Providing answers to these questions constitute the basic problem of this paper.

Objectives of the study

The main objective of the study is to find out if a watertight administrative system will extirpate corruption and reset the judiciary to continue to play her role as the last hope for the common man and the temple for the dispensation of justice, the specific objectives of the study are:

1. To find out if corruption has influenced the judiciary in their business of dispensing justice to the citizens

2. To find out if it is poverty that led the judiciary into bribery and corruption.
3. To find out if a faulty administrative judicial system can fight corruption and reset the judiciary to play its role as the last hope for the common man

Conceptual Issues

Public Administration

It is important to situate some of our keywords within the purview and context of our discussion. For instance, when we talk of public administration, what do we mean? We mean the discipline that is concerned with the rules of engagement in every sphere of public life. Ozumba (2018) state that it is a cause that accomplish government programmes; they cause government programs to be realized in real life. It is the area of study that supplies us with the rules, structure, hierarchies, modus operandi, operations, morality, propriety, justice and justifications for operational guidelines in every worthwhile public system or organization, Nigeria is an organization with the following major complements, the executive, the legislature, the judiciary and the citizens. These major components form an interconnected nexus of systems that should be run by well-defined administrative roadmap that delineates the responsibilities and expectations from each component part to have a well spelt out administrative road map with checks and balances is the business of public administrators (Ozumba,2024)

“Go to Court Syndrome”

“Go to court” has become the euphemism or the catch-phrase powerful politicians use to inform their opponents beforehand that they have the judges and justices of our courts in their pockets. It shows that they stand as the favoured and highest bidder in the temple of justice. It is a provocative way of telling those rigged out that there is no justice for them in the courts. The advice to those who have been robbed electorally is that they should go home and lick their wounds. It shows how low our administrators of justice have sunk in the present political scheme of things in Nigeria. If your political opponent tells you “Go to Court” then, the wise path to take is to leave the matter in the hands of God.

Corruption

We agree with the definition of corruption by Nkom as quoted by Obo and Williams in their paper titled “The Politics of Anti-Corruption campaign in Nigeria from 1999 to 2007. The definition hold that corruption is undoubtedly a very fundamental social malaise eroding public probity and morality and subverting national development goals. He goes on to say that corruption can be defined as the pervasion of public office for private advantage and includes bribery, or the use of unauthorized rewards to influence people in positions of authority either to act or refuse to, in order to benefit the private advantage of the giver and often that of the receiver; misappropriation of public funds and resources for private gain. Nepotism or bestowing undue favour towards one’s close friends, kinship relations or ethnic associates in the discharge of public functions, or the improper use of influence to induce one’s subordinates into carrying out unauthorized actions capable of enhancing the status or pecuniary advantage of the powerful party.

Coker Commission Report (1962) said corruption by public officials and corporations will never decline in Nigeria as long as many who are known to have participated in and profited by them can be patted on the back and paraded as the nation’s arch-angels, once they make the right friends and have the right connections. Igwenyi (2001) said corruption is a negative tendency to obtain a favour or advantage as a result of the position occupied by the receiver, be it official or unofficial. Thus, it

is seen as the act of being willing to act dishonestly or illegally in return for money or personal gain or not following accepted standards of behavior which include bribery, fraud and other related offences. In the Black's law Dictionary, it explained corruption to mean an act done with an intent to give some advantage inconsistent with official duty and rights of others. This is where an official or fiduciary person who unlawfully or wrongfully uses his position to procure some benefit for himself or for another close relation contrary to duty and right of others.

Corruption is also seen in the employment of unqualified relations of those in office to handle sensitive jobs which the employee may have little or no knowledge of, that is why most public Parastatals can't make it. Corruption is also where government officials who travel outside their state or outside the country claim unimaginable value of amount because it is government money. When government officials take up appointment without doing the job is corruption, when monies released for payment of salaries are kept in particular bank account for the purpose of yielding interests which leads to late payment of salaries is corruption. Embezzlements of money meant for project, research, grants, and collection of gratification before students could pass exams in higher institutions are all corruption. The epileptic performance of NEPA is traceable to corruption. All who hire youths or people to harass innocent voters during elections and to carry ballot boxes for them is corruption (Igweyi, 2001).

Corruption implies the pervasion, the manipulation, abuse, misuse, misappropriation and misapplication of situations, events, resources, powers, privileges, positions for personal profit or for the benefit of relations, friends, associations or as political patronages to those perceived to have helped you to acquire political power. Corruption is varied in its manifestations. Any action that deviates from rule of law, standard moral or religious behavior or flies against acceptable human behavior is corruption. These will include bribery, inflation of contracts, falsification of receipts, padded budgets, diversion of public money into private accounts, financial inducement, nepotism, hoarding, undue inflation of prices of goods and services, paying Judges and justices to pervert Justice, etc. The list is endless.

We agree with the definition of corruption by Nkom as quoted in Obo and Dodeye in their paper titled "The politics of Anti-Corruption campaign in Nigeria from 1999 to 2007. The definition holds that corruption is undoubtedly a very fundamental social malaise eroding, public probity and morality and subverting national development goals. He goes on to say that corruption can be defined as the pervasion of public office for private advantage and includes bribery, or the use of unauthorized rewards to influence people in positions of authority either to act or refuse to in order to benefit the private advantage of the giver and often that of the receiver; misappropriation of public funds and resources for private gains; nepotism or bestowing undue favour towards one's close friends, kinship relations or ethnic associates in the discharge of public functions, on the improper use of influence to induce one's subordinates into carrying out unauthorized actions capable of enhancing the status or pecuniary advantage of the powerful party.

Administration of Justice

Administration of justice is the structure whereby those trained and entrusted with the dispensation of justice are allowed to carry out their business in the spirit of equity, justice, fairness and good conscience. It is dispensing justice based on the facts of the case and not on technicalities. Today, our courts have become chambers where justice is slaughtered on the altar of technicalities. Truth is cast down and falsehood is upheld because money has changed hands. It has become common experience to see courts of the same jurisdiction churning out contradictory judgments on the same case. Court judgments are now determined by one's ability to pay. Public administrators are to look

into this anomaly and see how to redress them. This is what this work attempts to do. How do we achieve this? It is through the effective application of the system theory. This has to do with the machinery, procedure, personnel and process in the operation or administration of justice, so that all the activities that are involved in the planning, organizing and dispensing of justice are scrutinized by the various bodies in the administration of justice.

Wade (1984) deposed as follows; administrative law is to keep the powers of government within their legal bounds so as to protect the citizens against their abuse, it carries no malice or bad faith but, in the 2023 election in Nigeria, the case was different. For Yerima and Hanaffi (2013), Courts and their personnel in this regard are very important because they occupy a central position in the administration of justice to the people. Thus, it is necessary to make courts and their personnel more efficient and effective for effective administration of justice. For Gangan (2004) our Judicial system began to suffer a decline during the military era. The enactment of Decree 14 of 1970 which violently overturned the decision of the supreme court in Lakanmi and Anor VAG Western Nigeria (197), UILR 201 was the beginning of the abuse of the judiciary by the military. The Military regime then openly bribed the judiciary, for example, Limousines were bought for the justices of the supreme court. The second step in moral declension and decadence of the judiciary is the appointment of judicial officers to head military tribunals. These judicial officers by this appointment became millionaires overnight. As they went back to their duty post after, they quickly infested others. We now have criminality without prosecution. These are sign posts to the rot in the criminal justice system in the country. Rich criminals move about freely in our society while petty thieves rot away in our prisons. The temple of justice is mid-wiving injustice in our judicial system instead of dispensing justice to the people. Some politicians are today buying their ways into political office and telling the innocent to “Go to Court” that is, to their “home court” which they have fully annexed to their fiefdom (Gangan,2004).

The politicians have no fear of sanction or punishment. The laws of the land seem to be for the poor. We are today in a state of lawlessness which is leading to anarchy. Today, the judiciary has become the enemy of the people (pg. 102) a tool for the devil and evil men to destroy our society. We experience subversion of justice and public trust exhibiting moral bankruptcy of our judicial system. There is the serious evil called plea-bargaining where a thief or a looter agrees to share his loot with the people concerned and afterward is set free.

Administration of Justice from the point of view of public Administration.

From the point of view of public administration, the law should settle every electoral or legal problems before swearing in any leader. This is because the courts should not be in the hands of some preferred leaders because they can pervert justice to suit their candidates, which are all the problems of administration of justice.

Theoretical framework

In this work, we are using system theory. According to Barry Gibson, systems theory is the study of society as a complex arrangement of elements, including individuals and their beliefs, as they relate to the whole. Here society is viewed as a total organism that is sustained by the various processes that support its function and survival (Gibson,2023). According to Cristina Mele, Jaqueline Pels and Francesco Polese (2024) in their paper titled “A Brief Review of Systems Theories and their Managerial Applications”, System theory is an interdisciplinary theory about every system in nature, in society and in many scientific domains as well as a framework with which we can investigate phenomena from a holistic approach. Systems thinking comes from the shift in attention from the part to the whole. Systems theory can be applied to our subject matter by examining the

interrelatedness between the political structure, the judicial structure and the societal structure to see how what happens in one part affects what happens in the entire social system.

Using the Nigeria's 2023 general elections as the case, Okwoeze, (2023) in his book. *Go to Court: The dilemma of a nation under judicial siege* states how the 2023 election was rigged by INEC through the influence of powerful politicians with the connivance of the military, the Police and other law enforcement agents. He emphasized that while all the rigging was going on at the behest of the previous administration; those rigged out were putting their trust on the judiciary as the last hope of the common man (Okwoeze,2023).

Unfortunately, it was the judiciary in spite of all the warnings from foreign election observers, independent Nigerian election observers, civil Society, and the teeming Nigerian Citizens who were privy to the wide scale rigging through unfounded glitches that marred the 2023 Presidential elections. At the end of it all, the judiciary in a barefaced manner betrayed the trust of majority of the electorates thereby stealing the mandate of Nigerians (Okwoeze,2023, Pp. 175-287). He said, the Nigerian citizens have lost hope in the ability of the judiciary to dispense justice to Nigerians.

Using Public Administration to Redress Anomalies in the judicial system

The systems theory will hold that to redress the decay in the judiciary, a holistic look is needed to identify the source of the problem. Our discovery is that there is wide spread, scorching poverty that make Nigerians in all areas of work to become vulnerable and susceptible to corruption. There is systemic failure which has paralyzed bureaucracy in Nigeria. The politicians have perfected the act of controlling Nigerians through corruption. All the arms that are supposed to fight corruption in the country have been compromised. Even those that would have served as the watchdog have been compromised leading to the putrescence of the entire Nigeria system. The wealthy politicians who have cornered our common wealth in turn use our common wealth to further enslave us. There is no reference to the common good and programmes that better the lives of the citizens.

As administrators, we insist on total overhaul of the system starting from Independent National Electoral Commission. It is only a credible, free, fair election that can throw up a credible president who will in turn insist on credible governors, senators, ministers, local government administrators and other functionaries at the Federal, State and Local Government levels. For example, the money given to the leaders to provide palliatives have always been diverted (the case of Covid-19 palliatives, 2019) and the higher authorities cannot demand compliance because of the corruption that characterized their ascension to power. The old saying holds that "he that goes to equity must go with clean hands".

The options that lie before us as is being envisaged by critics is a revolution but we cannot afford to get to that level, or the entrenchment of a God sent servant leader who will lead by example. When this happens, he will restructure the entire system, political, judiciary, social, economic, religious, educational and legislative system. After this, right persons are put in places to do the right thing and the concomitant outcome will be seamless development and delivery of dividends of democracy to the people of Nigeria.

Hypotheses

The study will address the following research hypotheses:

1. Corruption does not influence the judiciary in dispensing justice to the citizens

2. Poverty has nothing to do with bribery and corruption in the judiciary
3. Faulty administrative judicial system has nothing to do with fighting corruption and resetting the judicial to play its role as the last hope for the common man.

Research Methodology

The study employed both quantitative and qualitative methods. The quantitative used descriptive approach through the administration of questionnaire. The qualitative method utilized interpretation and description of data.

Population of the study

The Population of the study comprised lecturers in the Department of Public Administration in the University of Calabar, Calabar Cross River State, Nigeria.

Sample of the study

The study adopted population sampling because all the lecturers in the department were used as the population of the study. The sample size is 40 lecturers, 6 females and 34 males

Instrumentation

Questionnaires were used with 10 items relating to the issue under study. The instrument was in two parts, Part A. is on Bio-data, Part B was on the 10 items variables.

Data collection method

The researcher personally administered the questionnaire to the respondents

Data presentation

Data of the paper were analysed statistically. 4 Likert scale was used to categorized responses from the questions as A- Agreed, D- Disagreed, SA- Strongly Agreed, SD- Strongly Disagreed.

Data Analysis

Chi-square statistical instrument is used for data analysis.

RESULT AND DISCUSSION OF FINDINGS

A total number of (40) forty samples were administered to all the lecturers in the department'

Table 1: Respondents views on the variables

S/NO	ITEMS	A	SA	D	SD	TOTAL
Table 1	Corruption does not influence the judiciary in dispensing justice to the citizens	10 32.5%	20 57.5%	5 0.5%	5 0.5%	40 100%
Table 2	Poverty has nothing to do with bribery and corruption in the judiciary	5 0.5%	5 0.5%	10 25%	20 50%	100%
Table 3	Faulty administrative judicial system has nothing to do with fighting corruption and resetting the judicial to play its role as the last hope for the common man.	10 25%	25 62.5%	3 7.3%	2 5%	100%

Source: Authors field work 2024

Table 2: Chi- Squared (X²) OBSEERVED FREQUENCY

S/NO	ITEMS	A	D	TOTAL
1	Corruption does not influence the judiciary in dispensing justice to the citizens	30	10	40
2	Poverty has nothing to do with bribery and corruption in the judiciary	10	30	40
3	Faulty administrative judicial system has nothing to do with fighting corruption and resetting the judicial to play its role as the last hope for the common man.	35	5	40
	TOTAL	75	45	120

Source: Authors' field work 2024.

Table 3: Chi-Squared EXPECTED FREQUENCY

Fo	Fe	Ef-fe	(Fo-Fe) ²	$\frac{(Fo-Fe)^2}{Fe}$
30	25	-5	35	1.4
10	25	15	225	9
35	25	-10	325	-32.5
10	15	5	25	5
30	15	-15	250	16.6
5	15	10	100	10
Total				9.5

Source: Authors' field work 2024

The Degree of freedom (df)

$Df = (c-1)(r-1)$

$Df = (2-1)(5-1)$

$= 4 =$ at critical level at 0.05 is 9.488

Accept the null hypothesis if the calculated value is less than the critical value. With the chi-square calculated value lower than the critical table value, we accept the null hypothesis that corruption (in form of inducement) in most cases negatively influence some judicial officers in dispensing justice to the citizens. This was seen in the 2023 elections. Table two, also accepted the null hypothesis showing that poverty has something to do with bribery and corruption in the judiciary. Our discovery is that there is wide spread of scotching poverty that make Nigerians in all areas of work to become vulnerable and susceptible to corruption. In table three, it was discovered that a faulty foundation cannot stand as we know it will one day collapse. The judicial system needs overhauling to reset the judiciary to play its role as the last hope for the common man.

Summary of findings

1. Go to court has become a worrisome issue in Nigeria
2. Go to court is a provocative way of telling those rigged out that there is no hope for them in the court.
3. Go to court is the euphemism politicians use to inform their opponents beforehand that they have the judges on their side.
4. Paying judges and justices to pervert justice is corruption
5. Our courts have become chambers where justice is slaughtered on the altar of technicalities.

6. Justice is now offered to the highest bidder
7. The temple of justice has become a place for brazen desecration of justice
8. Our judiciary is no longer the last hope of the common man.

Conclusion

We have examined the impact of the euphemism “Go to court” on our entire political system, we have seen the administrative dislocations created by the pervasiveness of corruption in the system. We identified corruption as both systemic and cancerous. The entire system has been affected by the virus of corruption. There is nothing that can be done except a complete overhaul of the system which can only be possible through a credible election that will throw up servant, patriotic, knowledgeable leaders. We agree with Chinua Achebe that most pressing problems of Nigeria is squarely that of leadership. It is when this is done that the administrator can come in to restructure and sanitize the system. After this, square pegs can be put in square holes for the optimization of productivity and development.

Recommendations

The study makes the following recommendations:

1. There is need to insist on a complete employment of electronic voting using BVAS and electronic transmission of election results.
2. There is need for disciplinary measures on INEC officials who were culpable in compromising election result. This is the only way we can discourage election rigging in all our elections.
3. There is need for ethical reorientation to educate people on the needlessness of greed which lead people to acquire more than they need, makes no meaningful sense.
4. Those to head our courts (especially the apex court) should be people with proven integrity and with no affiliation with political parties. There is need to reset the judiciary to remove all the corrupt officers.
5. There is need to ensure a fair distribution of national wealth to minimize poverty which is a major trigger for corruption.
6. No candidate should be sworn in until after all litigations are fully concluded.
7. There is need to beam search light on the collation and presiding officers as they stand in vantage position to compromise election results.
8. Political parties should sit up and deploy more credible and capable party agents who are equipped to protect their party interest.

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