



The Nigerian judiciary in the 21st century and the challenges of justice delivery

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Abstract

The study examined the Nigerian judiciary by underscoring the challenges the judiciary faces in the 21st century. The Judiciary, as it is always said, is the last hope of the common man. This claim is predicated upon its role in protecting the rights of every person and institutions. The Nigerian Judiciary in the 21st century, has not gotten it right in the area of quick and timely dispensation of cases. Consequently, the resultant delay has in many cases, occasioned a miscarriage of justice. The methodology used in this work was doctrinal method. The work found among other things that the Nigerian judiciary is bedeviled with many challenges like its appointment processes, delay in dispensation of cases and justice, corruption and lack of implementation of judicial financial autonomy in some States in Nigeria. These challenges have rendered the judiciary a shadow of its true self and unable to fulfill its constitutional mandate. Accordingly, it was recommended among other things that the appointment processes be merit based without nepotism and cronyism. Also, the full implementation of judicial financial autonomy throughout the federation will lead to better justice delivery. In the same vein, judicial corruption should be tackled firmly and squarely to rid the profession of morally deficient judges and promote positive public perception.

1.1 INTRODUCTION

Nigeria, like most nations, practices separation of powers. The latter concept holds that governmental powers should not be concentrated in a person or institution to avoid abuse of power.¹ Thus, in Nigeria, governmental powers and functions are shared or divided among the legislature²; the executive³ and the judiciary⁴. Each arm of government is created by the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and vested with particular powers. The judiciary is vested with the powers to interpret laws made by the executive, among other functions. The interpretative powers of the judiciary are its most popular and visible power. One hundred years ago the Nigerian judiciary was a system characterized by several factors and shortcomings both on part of the government, the people, attorneys at law and judicial officers generally. The judiciary has thus evolved over the years as an arm of government which determines the legality or otherwise of the acts, actions or inactions of citizens and governmental institutions. Over this period of time, the Nigerian judiciary has grappled with myriad of challenges, which are still present in the 21st century. Given Nigeria's evolution as a nation-state, it is expected that the judiciary would have become a bastion of justice delivery. However, in the 21st century, the Nigerian judiciary is still faced with institutional, human and societal challenges, which have hampered its performance as an independent arm of government. The public perception of the judiciary is quite disheartening; most Nigerian believe that the judiciary is inept and inefficient in justice delivery. Though there have been some attempts at reforming the judiciary, such attempts have not yielded the desired results in justice delivery in Nigeria. Therefore, the study seeks to examine the challenges plaguing the Nigerian judiciary in the 21st century and to proffer some solutions toward ameliorating same.

1.2 CONCEPTUAL CLARIFICATION OF TERMS

¹ This postulation was made by the French judge and philosopher, Baron Montesquieu in *The Spirit of the Law* (1748).

² See section 4 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

³ See section 5 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

⁴ See section 6 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

Justice cannot be done to this topic without defining some key words in the topic of research. These words are: Judiciary, 21st century, and justice delivery. A good understanding of these terms will help us understand the scope of our work so as to exhaustively discuss the topic.

The Judiciary: the Judiciary is the branch of government that is endowed with the authority to interpret and apply the law, adjudicates legal disputes, and otherwise administers justice. Given its functions, it occupies a pre-eminent position in the administration of justice in the Nigerian society.⁵

21st Century: The 21st century is the current century of the anno Domini era, in accordance with the Gregorian calendar. It began on the January 1, 2001 and will end on the December 31, 2100.

Justice Delivery: This can be referred to as the act and process through which the citizens go to court, ventilate their grievances and are granted remedies by the courts and tribunals.

1.3 COLONIAL SYSTEM OF ADMINISTRATION

With the British colonization of Nigeria in the 19th century, British laws were introduced and gradually imposed on the existing customary legal system. Those introduced British laws were then applied and enforced in courts established by the British in Nigeria. In effect, the courts so established applied English common law, statutes and general application and doctrine of equity. Legal decisions were often influenced by political consideration during the colonial period, highlighting the political function of the judiciary. This system created serious setback to the development of Judiciary and rule of Law in the century. This was a period dominated by colonial masters who imposed their laws in order to satisfy their selfish exploitative aims. The colonial administration not only negatively affected the system, but the system was also affected by.

1.4 JUDICIARY UNDER MILITARY REGIMES IN NIGERIA

During Nigeria's successive military regimes, the judiciary went through harrowing experiences. The military suppressed and muffled the judiciary through: the enactment of Decrees that suspended and modified the Constitutions; the fusion of the Executive and Legislative Powers;

⁵ Sylvester Shikyil and Maxwell Gidado, *The Province of Legal Method* (Jos University Press, 2016) 77.

ousting of the Jurisdiction of Courts to hear and determine some matters and the Creation of Special Military Courts (Tribunals) to hear some matters.

- i. **The enactment of Decrees that Suspended and Modified the Constitutions:** the first thing that a Military Government does when it comes into power is to suspend the Constitution, modify it and re-enact the same into law. In modifying the Constitution, the military makes itself and its government, supreme above the constitution hence; all other organs and institution are inferior to its powers. The Government also suspends some of the provisions of the constitution that guarantee human rights like Decree No. 1 of 1984, which suspended parts of the 1979 Constitution.
- ii. **The fusion of the Executive and the Legislative powers:** The military administration merged executive and legislative powers and vested them in the executive, as well as enacted some obnoxious laws, the validity and constitutionality of which were not to be questioned before the courts. During military regimes, the executive and legislative powers are fused in the executive arm of government leaving the judiciary to stand alone. This phenomenon has scuttled justice in many ways and of different instances. Judges were afraid of delivering Judgments and rulings that offended the government. Even when some Judges went radical and did deliver rulings against the government, laws were subsequently enacted by the military to legalize or legitimize what would otherwise be wrong or illegal. For example, in the famous case of *Lakanmi & Anor. v Attorney General (Western State) & Ors*,⁶ the court declared a military decree as invalid and unconstitutional. The Federal Military Government reacted by promulgating the Federal Military Government (Supremacy and Enforcement of Powers) Decree Nos. 45 and 48 of 1968 to legalize what otherwise was illegal. The merger of the executive and legislative powers in one organ, was like a conspiracy against the judiciary because this infringed on the powers of court to make orders against anybody, organization particularly, the military government and its officials. Separation of powers in constitutionalism and constitutional law is a principle that ensures the independence of the Judiciary within the framework of the checks and balances of other organs.

⁶ (1970) SC or (1971) 1 U.I.L.R. 201.

iii. ***The Ousting of the Jurisdiction of Courts to hear and determine some matters:*** This occurs in particular instances or areas where the military government feels the need to dictate the direction of justice. The military would oust the jurisdiction of courts to hear and determine cases relating to particular issues like Decree No. 1 of 1984 and Decree No. 114 of 1993, which dissolved all political parties. Because the executive and legislative powers are vested in the military government, the validity or otherwise of ousting the jurisdiction of courts was not questioned. This can be achieved through the fettering of the judiciary from performing its functions.

iv. ***Creation of Special Military Courts (Tribunals) to hear some matters:***

After the jurisdiction of courts would have been ousted, the military would set up special tribunals to hear and determine matters on areas that the jurisdiction of courts has been ousted. These tribunals would be presided over by loyalists of the government who would sway the pendulum of justice in the direction that would suit the government. Additionally, in its attempt to stifle the judiciary, the military governments were fond of promulgating obnoxious Decrees. A good example was the enactment of Decree II. III. IV. of 1993; the Federal Military Government (Supremacy and Enforcements of Powers) Decrees No. 28 of 1970, No. 13 of 1984; Tribunal of Inquiry Decree No. 41 of 1966.⁷ Decree No 5. Of 1972 in particular provided that the Chief Justice of Nigeria (CJN) would be appointed and dismissed by the head of the federal military government at his discretion. It was subsequent and consequent upon this enactment that T.O. Elias was removed as CJN.⁸

1.5 NIGERIAN JUDICIARY IN THE 21ST CENTURY

The Nigerian Judiciary in the 21st century is a judiciary under a democratic rule whose independence and powers are guaranteed by the Constitution of the Federal Republic of Nigeria, 1999(As Amended). Section 6 of the Constitution forms the basis for the independence of the judiciary, creates superior courts of record as well as permitted the creation of other courts with Jurisdiction and powers inferior to those of High Courts. Section 6 provides for judicial powers for the Federal and State judiciary or courts. Section 6 (5) provides a list of courts which are referred to as courts of superior record. The judges who sit in the courts of superior record are

⁷ Elias.T.O. "The search for a Ground norm in Nigeria" The Nigerian Contemporary Law Journal, 1970, Vol 1 No 2

⁸ Decrees No. 28 of 1970, No. 13 of 1984; Tribunal and Inquiry Decree No. 41 of 1966⁸. Decree No 5. Of 1972

called judicial officers. The judiciary i.e. the Courts is popularly referred to as the last hope of the common man. In the case of *Jumbo v. Petroleum Equalization Fund (Management Board)*⁹, Pats-Acholonu, JSC painted a graphic picture as follows:

Courts are not frightened of an ouster clause. They respect it but when an ouster clause seeks to make it impossible for the courts to protect the common man, and make law which cannot stand the test of reason or that is affront to decency and intelligence, then a court should be careful not to lend its weight to a law that would make it enemy of the common man and not the last hope of the common man.

Under the 1999 Constitution, section 6 vests judicial powers and functions on the judiciary or superior courts. Additionally, courts created by the state legislature are also courts within the meaning of the judiciary in Nigeria. The decisions of these courts are binding and enforceable except when set aside on appeal by a superior court. In Nigeria, the Supreme Court of Nigeria is final court. Such finality means that its decisions are binding on all other courts in Nigeria. Willful disobedience and disregard of such decisions of the courts lead to impunity, which ultimately reduce a country to a lawless state. In the latter case, might become right, life becomes “brutish, harsh and short” and self-help reigns. An unfettered judiciary is a blessing to any nation while a fettered judiciary is a curse to any nation. Given the evolution of the judiciary, Chapter VII of the 1999 Constitution makes provision for the appointment of judicial officers and jurisdiction of Courts. The provisions of the 1999 Constitution, in as far as they relate to the judiciary, its independence and justice delivery are a significant departure from the provisions of the 1979 constitution and the military constitutions. The events that occur between 1978 and 1999 informed provisions of the 1999 Constitution. These innovations that were incorporated into the 1999 constitution in a bit to ensure the independence and smooth delivery of Justice can be seen in:

- i. The creation of National Judicial Council
 - ii. Security of Appointment, Tenure and Dismissal of Judges
 - iii. Remuneration and Condition of service of Judges
- i. **The Creation Of National Judicial Council:** The Creation of National Judicial Council (NJC) by the Constitution of the Federal Republic of Nigeria 1999 (As

⁹ (2005) 4 FWLR (PT. 294) 2335 at 2337.

Amended) is the best and most important step taken towards ensuring efficient justice delivery through the independence of the Judiciary. Judicial independence is critical to justice delivery. The NJC Guarantees some level of independence since it is made up of heads of courts and a few senior lawyers who are not part of the other arms of government. The National Judicial Council recommends the appointment and removal of Justices and Judges from office; exercises disciplinary control over such judges or judicial officers as well as collects, controls and disburses all moneys capital and recurrent for the Judiciary. The National Judicial Council is made up of: the Chief Justice of Nigeria who is Ex Officio Chairman of the Council; the next most senior Justice of the Supreme Court who shall be Deputy Chairman; the President of the Court of Appeal; five retired justices selected by the Chief Justice of Nigeria from the Supreme Court or the Court of Appeal; the Chief Judge of the Federal High Court; five Chief Judges of States to be appointed by Chief Justice of Nigeria from among the Chief Judges of States and of the High Court of the Federal Capital Territory Abuja; one Grand Kadi, one President of the Customary Court of Appeal and five members of the Bar. The membership of the Judicial Council, as mentioned earlier, is drawn predominantly from amongst the justices that are heads of their various courts. The National Judicial Council sets standards for judges, evaluate their performances and recommends their promotion or elevation to higher courts based on their performances.¹⁰ The import of the Code of Conduct is to ensure a balanced, fair, effective, impartial, just and efficient judiciary.

- ii. **Security of Appointment, Tenure and Dismissal of Judges:** A judicial officer enjoys security of tenure as he may only retire upon the attainment of seventy years.¹¹ Based on the provisions of section 291, a judicial officer cannot be removed from office before his age of retirement except as provided under section 292 of the 1999 Constitution. Section 292 appears to have provided two ways through which a judicial officer can be removed. Where the judicial officer is a Chief Justice of the Federation, President of the Court of Appeal, Chief Judge of the Federal High Court, Chief Judge of the High

¹⁰ See the Code of Conduct for Judicial Officers of the Federal Republic of Nigeria, 2016.

¹¹ Previously, High Court, Federal High Court, National Industrial Court and FCT High Court Judges retired mandatorily at the age of 65. Now, by the Fifth Amendment to the Constitution of the Federal Republic of Nigeria, 1999, which amended section 291 of the 1999 Constitution, all judicial officers retire at the age 70 years.

Court of Federal Capital Territory, Grand Kadi of the Sharia Court of Appeal of the Federal Capital Territory Abuja, President of the Court Of Appeal, he shall only be removed upon an address supported by two-thirds majority of the senate; and in the case of a state judicial officer, two-third majority of the State House of Assembly praying "...that he be so removed for his inability to discharge the functions of his office or appointment (whether arising from infirmity of mind or of body) or for misconduct or contravention of the Code of Conduct 10". Where the said judicial officer is not the head of the court as provided for above, by the President or Governor, as the case may be, acting on the recommendation of the National Judicial Council that the judicial officer be so removed for his inability to discharge the functions of his office or appointment. This provision of the constitution is radically different from what was obtainable during the military rule¹² where a judicial officer could be removed by the Head of State (Decree No. 5 of 1972).

- iii. **Remuneration and Condition of Service of Judges:** Sections 88, 81 and 121 provide for the revenues accruable to courts. Section 84(1) requires that the remunerations, salaries and allowances payable to members of offices listed in sub section (4) (which members are judicial officers), be paid to them. Sub section (2) requires that such remunerations and allowances be charged upon the consolidated revenue fund of the federation. Sub section 3 further provides that such remunerations and salaries are payable to the holders of the said offices and their conditions of services, and that allowances shall not be altered to their disadvantage after their appointment. Section 121(3), provides for funds accruable to the judiciary and how they would be received. It provides that any amount standing to the credit of the judiciary in the Consolidated Revenue Fund of the State shall be paid directly to the heads of the courts concerned. Section 162(9) of the Constitution provides for funds accruable to the courts established for the Constitution under section 6. It provides as follows: Any amount standing to the credit of the judiciary in the Federation Account shall be paid directly to the National Judicial Councils for disbursement to the heads of courts established for the Federation and the States under section 6 of this Constitution. These constitutional provisions were inserted into the constitution to ensure the efficiency and independence of the Judiciary.

¹² Sections 291 and 292 CFRN 1999 (as amended).

It is popularly asserted that “he who pays the piper, dictates the tune.” Financial independence is a powerful tool in the dispensation of justice. Without proper remuneration of judges, they become open to corruption and abuse office. It is commendable that the current administration in Nigeria increased the remuneration of judicial officers appreciably.¹³

1.6 THE CHALLENGES OF THE JUDICIARY IN 21ST CENTURY IN JUSTICE DELIVERY

The Nigerian Judiciary, despite the innovations and constitutional safeguards in ensuring justice delivery, still experiences some challenges that undermine its efforts to ensure that justice is delivered. These challenges include: Delay in Trials, Executive High Handedness and Lawlessness, Corruption, Insufficient Funding and Financial Dependence on the executive Arm of Government, Ethno religious bias and Justice Compromise, Dependence of the Executive Arm of Government for Justice Enforcement, internal interference, etc.

A. DELAY IN TRIALS

Delay in court proceedings is a major challenge in justice delivery. This is because rights are measured in relation to time. The Nigerian Judiciary in the 21st Century has not gotten it right in the area of quick and timely disposition of cases consequently and the resultant delay has in many cases occasioned a miscarriage of justice. Delay in court proceedings whether at the trial or Appellate stages is principally caused by delay in trials due to a host of reasons ranging from the attitude of some lawyers who are in the habit of causing delay in court proceedings and trials either for their own selfish interest or in order to please their clients. Another aspect of delay is systemic delay. To underscore this, we reference Lagos State. The Lagos State Ministry of Justice carried

¹³ This was achieved through the assent into law of the Judicial Office Holders’ (Salaries and Allowances etc), Act, 2024.

out a survey of cases completed by the Supreme Court of Nigeria between 1999 and 2005 and found out the following:¹⁴

Year	Land Cases	Other Civil Cases	Criminal Cases
1999	13.6 Years	13.8 Years	8 Years
2000	18 Years	11.7 Years	7.3 Years
2001	19.4 Years	12.6 Years	9.9 Years
2002	21.5 Years	11.3 Years	12.2 Years
2004	16 Years	14.2 Years	9.5 Years
2005	21.7 Years	15.5 Years	12.5 Years

The report further adds that, “*Taking together a total of 208 Supreme Court judgments surveyed, we found that it took an average of: 18 Years (from year of commencement) to finalize land cases, 14 Years (from year of commencement) to finalize other civil cases, 10 Years (from year of commencement) to finalize criminal cases...It took an average of six years for contested cases to move from filing to judgment.*”¹⁵ (Underlining supplied) The above analysis and survey led to this poser: “What is the value of a judgment that comes after eighteen years of brilliant and robust advocacy, when some of the parties may have died or when interest may have changed?”¹⁶ This of course is a rhetorical question. To substantiate the above survey, we refer to some examples. In *Rossek & Ors v. ACB Ltd. & Ors*¹⁷, the case started in 1975, an order of retrial was given after 18

¹⁴ Alternative Dispute Resolution Practitioner’s Guide, March, 1998. Technical Publication Series, Center for Democracy and Governance, Bureau for Global Programmes, Field Report, and Research, U.S. Agency for International Development, Washington, D.C 20523-3100, footnotes 11-26, in Animashaun, O. “Court-Connected ADR and Industrial Conflict Resolution: Lessons from South Africa and Guatemala.” See www.nicn.gov.ng/.../Court-Connected%20ADR%20and%20Industrial%20Conflict%20Resolution.pdf. Accessed on 14th June, 2025.

¹⁵ Ibid, p.10.

¹⁶ Ibid, p.11.

¹⁷ (1993) 8 NWLR (PT. 312) 382.

years of litigation. Also, in the popular *Ogbuyinya v. Okudo*¹⁸, it took 32 years before the matter was finally resolved.¹⁹ It has been observed that as at September 2003 in the Lagos High Court, the following cases were pending for over 20 years in a particular Court²⁰:

- i. A.J Lawal & Anor Vs. A. Santos²¹ -- 26 years
- ii. S.A Abudu Vs. Alhaja T. Ogunbambi & Anor²² -- 29 years
- iii. Sipeolu & Anor Vs. AIICO Eng. Group Nig.²³ – 25 years.

Furthermore, during the same period under review (2003), the same Judge also had pending before her (sic) about 50 cases, which were over 10 years old, and about 140 cases, which were over 5 years old.²⁴

B. CORRUPTION

The onerous task and duty on any Judge is to possess moral rectitude and live above board. It is opined that before a judge can dispense justice, the judge must possess among other things, the necessary judicial qualities of integrity, honesty and a sense of justice.²⁵ We state that this is a human factor which is not solved through legislation or technology. It therefore behooves on judges to be morally upright or else justice will be up for sale. According to Justice Oputa:

Honesty and judicial rectitude, are thus the badge of a good judge. It is a calamity to have a corrupt judge, for money, its offer and its receipt corrupts and pollutes not only the channels of justice but the very stream itself. Honesty and judicial rectitude are therefore the very minimal requirements of the judicial office....²⁶

¹⁸ (No. 2) (1990) 4 NWLR (pt. 146) 551.

¹⁹ Bimbo Atilola and Michael Dugeri, op. cit. p.18.

²⁰ Ibid, p.18-19.

²¹ Suit No. LD/469/77.

²² Suit No. LD/89/74.

²³ Suit No. LD/4/78.

²⁴ Bimbo Atilola and Michael Dugeri, "National Industrial Court of Nigeria and the Proposed Alternative Dispute Resolution Centre: A Roadmap," p.19. See www.nicn.gov.ng/.../ARTICLE%20ON%20ADR%20FOR%20NIC.pdf. Accessed on 14th June, 2025.

²⁵ Sylester Shikyil and Maxwell Gidado (n.5) 81.

²⁶ Ibid at 82.

The NJC has had cause to caution or discipline judges who were adjudged to have compromised justice on a platter of financial considerations or who have abused their offices.²⁷ This shows that the incidence of corruption and other financial inducements are real in the judiciary.

C. FULL IMPLEMENTATION OF FINANCIAL AUTONOMY FOR THE JUDICIARY

While it was celebrated that judicial financial autonomy was secured by the judiciary, the implementation is another thing. It is important to note that judicial financial autonomy is an important aspect of judicial independence. Thus, when former President Muhammadu Buhari on the 22nd May, 2020, signed Executive Order 10, which was to provide a legal framework for the 4th Alteration Act,²⁸ granting financial autonomy to the judiciary, it was greeted with commendations. However, despite this Executive Order 10 and the 4th Alteration Act, same was not immediately complied with. It had to take the Judiciary Staff Union of Nigeria (JUSUN) to embark on a national strike on 6th April, 2021, which led to the execution of a Memorandum of Action (MoA) between the Nigeria Governors' Forum (NGF) and JUSUN on the 20th May, 2021.²⁹ However, despite these efforts, it is reported that it is only 24 out of the 36 states of the federation that have complied with Executive Order 10 and have passed Laws to ensure the judicial financial autonomy.³⁰ What this means is that the other 12 states maintain the old order, whereby the judiciary depends on the executive for funding. Without proper funding of the judiciary, its independence is hamstrung, poor remuneration of support staff threatens industrial harmony, modern infrastructure and facilities are beyond reach and overall confidence in the judges is hampered.

D. NEPOTISM AND PAROCHIAL CONSIDERATIONS IN THE APPOINTMENT OF JUDGES

This is at the root of the judicial milieu in Nigeria. With the creation of the NJC, it was thought and expected that recruitment and/or appointment into judicial offices would be transparent, fair, equitable and meritorious. However, it has turned out to be nepotistic and a promotion of absence

²⁷ See Innocent Anaba, "NJC to probe 27 judges, suspends 3 for one year without pay," Vanguard Newspaper of April 30, 2025; available on <https://vanguardngr.com>, accessed on 16th June, 2025.

²⁸ No. 4 of 2018.

²⁹ Partners West Africa Nigeria, "Financial Autonomy of the Judiciary", vol. PB/ROL/014; available at www.partnersnigeria.org, accessed on 16th June, 2025.

³⁰ Ibid.

of merit. It is unprofessional and lack of candour to find that federal character principles are totally discarded while cultural and filial ties influence appointment of judges.³¹ It is stated that:

The new fashion now is that senior members of the Judiciary, retired and serving Supreme Court judges and power players in the Judiciary hustle their children, wards and relations into the Bench. The emerging picture is that of a future Federal Judiciary chiefly populated by the sons, daughters and close relations of serving and retired senior members of the Bench.³²

Nepotism has been classified into three: self-determined nepotism, which occurs when an individual decides to take a job in an establishment only because it aligns with his career paths; coercive nepotism, which occurs when the nepotee accepts the job because they were forced to take it by a family member and opportunistic nepotism, which occurs when a job is accepted simply because it is an opportunity that presents itself at the right time.³³ In our context, the second and third classes of nepotism are prevalent: where judicial officers are appointed because they are forced to do so by a privileged family member or because an opportunity presents itself, regardless of any merits, competence or requisite qualifications. The adverse effect on justice delivery is only imaginable as such appointed persons are “loyal” to those who “facilitated” their appointments than to the State or the cause of justice. It has been asserted that: “Judicial appointments have been captured. At a time where suitable candidates, irrespective of where they come from, can no longer make it to the bench, you know we are in trouble.”³⁴ Odinkalu added that: “...to have a successful political career, you carry judges in your back pocket. To be able to proceed with anything in the country, politicians and judges decide it. Consequently, politicians do not need the votes of the electorates.” Again, this is a damning revelation of judicial appointments in Nigeria. It goes without saying that, once the foundation is faulty, the building is faulty i.e. once appointments are faulty, justice delivery is in jeopardy.

1.7 FINDINGS

³¹ Gavel, “Patterns of Judicial Appointments in Nigeria”, available at <https://open-justice.gavel.ng>, accessed on 16th June, 2025.

³² Ibid.

³³ Ibid.

³⁴ Per Chidi Odinkalu in Bridget Onochie, “Accusations of cronyism, nepotism in judiciary unsettle stakeholders,” The Guardian Newspaper, 21st November, 2023.

Based on the foregoing the study makes the following findings:

1. The Nigerian judiciary is faced with some pertinent challenges in the 21st century which include the inconclusive implementation of financial autonomy. This has hamstrung the functions and operations of the judiciary.
2. There is prevalent in judicial appointments, manifest nepotism and side-stepping merit and competence. This affects the quality of judges on the bench and the quality of justice delivery as a whole.
3. Another challenge is corruption which has been somewhat institutionalised. It is common to hear of scandals involving judicial officers in Nigeria. While some come within the purview of the NJC, others do not. This ultimately alters the public perception of the judiciary as a bastion of moral rectitude. The Evidence Act 2011 and the Constitution however conscious that he who asserts must and there is the presumption of innocence
4. The challenge of delay in the dispensation of cases was also established. Full dockets, slow-paced cases and incessant adjournments have contrived to render justice in abeyance. This leads to loss of confidence in the process while fostering a *fait accompli* on litigants, who resort to self-help measures.

1.8 CONCLUSION

In view of the above findings, it is recommended as follows:

1. The full and total implementation of the judiciary's financial autonomy by the States. The Fourth Alteration Act and Executive Order 10, must be complied with. States who do not comply should have their allocations deducted and credited to an account opened for that purpose by the State judiciary.
2. Strict meritocracy, federal character and observance to the Judicial Code of Conduct must be ensured by the NJC to forestall nepotism. Only qualified and competence persons should be appointed to the hallowed chambers of justice.
3. The NJC should led the charge against corruption in the bench. Beyond issuing cautions or warnings or suspensions, concrete measures must be taken when cases of corruption are established against judicial officers. This will serve as deterrent to others.
4. To hasten up the judicial process and make the dispensation of cases and justice faster, alternative dispute resolution (ADR) should be was fully entrenched as the court system. More

court-based ADR centres like the National Industrial Court of Nigeria (NICN), Federal High Court and Court of Appeal, should be encouraged. Additionally, Multi-Door Courthouses should be further developed to assist in decongesting the courts.

The study set out to examine the challenges of the Nigerian judiciary in the 21st century. This was done by looking at the judiciary first in retrospect: during the colonial and military dispensations. Then the judiciary was considered in modern times especially under the 1999 Constitutions. It is evident that though the judiciary is evolving, there remain critical challenges bedeviling it and which require to be solved. The judiciary is the only arm of government that is more permanent than the executive or the legislature. When the judiciary rises to the occasion, justice is served and society is peaceful; however, when the judiciary compromises, society is set in chaos. It is therefore pertinent to keep the judiciary in check and populate it with the right manpower to foster the delivery of justice.