

The Infallibility of Supreme Court Verdicts and Sustainable Democracy in Nigeria



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ABSTRACT: *“The Supreme Court is final not because it is infallible; but it is infallible because it is final”* – this status quo of the Supreme Court of Nigeria and its application in various electoral cases, especially in the just concluded 2019 general elections in Nigeria has aroused mixed feelings and raised questions on the credibility of the Nigerian Judiciary and its capability of enshrining sustainable democracy in Nigeria. Meanwhile, according to the report of the Kayode Eso Panel on Reform of the Judiciary, the mindset of an average Nigerian is that “the Nigerian Judiciary hardly redeems itself from the unfortunate image it acquired during the military interregnum when it was described as a judiciary in patent chaos, riddled with corrupt Judges and in need of urgent and radical reform”. This study which sought to explore the infallibility of the Supreme Court and sustainable democracy in Nigeria; the effect of the infallibility of the Supreme Court verdicts on sustainable democracy in Nigeria; and the effects of bribery and corruption of the Supreme Court Justices on sustainable democracy in Nigeria, is an exploratory research which employed qualitative method of research and adopted the Transitional Jurisprudence Model as propounded by Ruti Teitel (2015) to analyze these. The study found that the bribery and corruption of the Supreme Court Justices has significant effect on sustainable democracy in Nigeria; and that the infallibility of the Supreme Court verdicts have significant effect on sustainable democracy in Nigeria. The study recommends among others that there is need for the independence and accountability of the Judiciary with the other arms of the government in Nigeria.

INTRODUCTION

Over the years, in every election held in Nigeria as a nation, Nigerians from all walks of life troop out in millions to make it a memorable event; more especially, whenever there is impending change to democratic rule. During many of the past electoral years, Nigeria’s political history had been dominated by fraudulent elections, violent political conflict and military coups. For example, the country’s two previous attempts at civilian-to-civilian transitional elections (1960-66 and 1979-83) were both dogged by allegations of massive fraud and violence, before they were cut short by military coups (Lewis, 2003). As soon as the results of these elections were announced, the political aspirants who lost the race, usually rush to castigate the process of the elections, while manipulating their political thugs and supporters to unleash violence and mayhem on their perceived opponents. When such tactics failed, they issued open invitations to the military to seize power and disband all democratic structures, as a way of punishing their rivals. Thus, despite open professions of commitment to the idea of democracy, elections and political power were perceived as do-or-die affairs. The practice of resorting to the law courts to resolve electoral or political disputes was thought to be a fruitless venture, especially where the courts were perceived to be biased in favor of incumbents.

Since the return to democratic rule on 29 May 1999, there has been a change in how politicians approach defeats in Nigeria. While some still practice violence and political thuggery many others now prefer to use judicial channels to resolve their conflicts. More importantly, these politicians are also learning to accept the decisions of the courts as final, whether or not they are in their favor. These radical changes spring largely from transformation within the judiciary itself, which has, since 1999, been encouraged to play an increasingly assertive role as a courageous and impartial arbiter in the country’s democratic politics in general and its electoral disputes more specifically. The clearest evidence of this fact is the increasing number of judicial decisions that have upturned the results of several rigged elections, mainly in favor of opposition parties or individuals opposed to the federal government. The transformation of the Nigerian judiciary has also been underlined by some other judicial pronouncements which restored state governors wrongfully removed from office in the course of disagreement with the federal government or political godfathers. These were attained most especially at the Supreme Courts, which is the highest in the hierarchy of courts in Nigeria.

Judiciary has been regarded as the watchdog of democracy, whose main aim and duty is to settle disputes and punish law breakers, it also functions as interpreter of the laws made by the legislature, and the constitution. It settles disputes between the citizens and the government (Alapiki, 2004). It also has other notable functions which include swearing-in of the President and other important

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public officers, granting letter of administration of estates and above all, guarding against an arbitrary use of power by the other arms of government etc. (Akpan, 2008). It is imperative to note that the judiciary has so much in common with democracy.

Democracy is a long-time form or system of government which was liberally practiced in the Greek City States. It considered not only in the rule according to the wishes of the majority of the people, but also in the actual participation of the people. To Aristotle, it is an instrument for the management of powers which makes up the government (Rotimi, 2007). Hence, it is almost impracticable to think of democracy without the judiciary since democratic development and sustenance rest on an independent and fair judiciary and also the task of developing democracy rest upon the judiciary. This has been responsible for its role in any democratic state being clearly spelt out and stated in the constitution to avoid any ambiguity; and failure to do this, will lead such a state into anarchy, tyranny and a state of confusion and predicament.

The Nigerian constitutions made provisions for judicial autonomy and roles. The 1999 constitution of Nigeria which is the constitution in practice clearly provides for the establishment of the various arms of the judiciary with their clearly stated roles in all respect (section 203 – 296). In any democratic setting or system, the judiciary is always demonstrated in the courts and this is not different in Nigeria. Section 6 of the judicial powers of the federation and States (1 and 2) vests judicial powers in the courts; it is therefore the responsibility of the various justices and judges in the various courts to protect and promote democracy by giving judicial independence. This has remained a very serious and controversial issue in the process of judicial exercise of its roles; hence, several modalities have been developed over the years to safe-guard any influence in judicial decisions by other arms of government. This brought about the hierarchies in the judicial system; and thus, the apex court becomes the final court which has the final decision on any matter. This has cause for concern as there are indications that the final court, which is acclaimed infallible, could err some times. Hence, there is need to explore the relationship between the infallibility nature of the Supreme Court verdict and sustainable democracy in Nigeria; as it has been postulated that *“the Supreme Court is final not because it is infallible; but it is infallible because it is final”*.

The major objective of this study is to explore the infallibility of the Supreme Court and sustainable democracy in Nigeria. The specific objectives of this study are;

1. To find out the effect of the infallibility of the Supreme Court verdicts on sustainable democracy in Nigeria.
2. To find out the effects of bribery and corruption of the Supreme Court Justices on sustainable democracy in Nigeria.

STATEMENT OF PROBLEM

Since 1999, democracy in Nigeria has been sustained, although not firm, but has always been managed by a particular circle and cycle of people. More so, leadership has been favorable to and managed by the party in power almost in all the spheres of the Nigerian economy simultaneously. This kind of leadership and democracy has been the onus of the problem of sustainable democracy in Nigeria.

The present type of leadership, democracy, and partisanship being partaken on in Nigeria has caused several consequences to sustainable democracy in Nigeria. This is because, every democrat wants to belong to the ruling party in order to acquire power and be in the place of leadership of this nation - Nigeria. In order to achieve this, these democrats go to any length, most at times, bribing their way in courts in order to get judgment in favor of them; even to the Supreme Court which is the Apex and the final courts of jurisdiction in Nigeria. The court, which has been acclaimed the last hope of the common man, eventually, has become the tool of the party in power in Nigeria. This, obviously questions the court verdicts on the Nigerian elections.

On this backdrop, it behooves scholars to question the infallibility of the Supreme Court verdicts in Nigeria as it relates with sustainable democracy in Nigeria.

THEORETICAL FRAMEWORK

This study is anchored on the Transitional Jurisprudence Model as propounded by Ruti Teitel (2015). It states that in a polity undergoing political change from authoritarian rule, the absence of a sustained institutional experience and practice of constitutional democracy may result in the society being saddled with a fragile political branch.

In her influential work on transitional justice, Ruti Teitel explores the transformative function of law at times of social change (Teitel, 2000). She argues that the role of law undergoes “normative shifts” that distinguish it from the conception and understanding of law in “ordinary” times (Teitel, 2015). In other words, there is a shift in the understanding of the workings of law and its place, in a society undergoing significant sociopolitical changes - what Teitel calls “transitional jurisprudence”. Courts in such a setting are often faced with resolving essentially political issues and deciding difficult, time-bound cases with direct bearing on the process of state reconstruction at the heart of the political transition.

According to Teitel, transitional jurisprudence is a distinct and legitimate conceptualization of law in societies experiencing momentous political change. Such societies encounter the “rule of law” dilemma, which usually arises in “politically controversial” cases (Teitel, 2000). During such periods, rather than providing “foundational” bearings for democracy, constitutionalism takes on a “constructivist” role. Constitutionalism at times of political change becomes constructivist because the “paradigmatic form of law

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that emerges in these times operate in an extraordinary fashion". The emergent legal paradigm both "stabilizes and destabilizes" existing conceptions of law in the transitional society (Teitel, 2015, p. 220).

In the Nigerian context regarding the Supreme Court verdicts and sustainable democracy, it is imperative to note that the usurpation of ultimate power by the executives infringes on the legal proceedings by the Judiciary. Despite the fact that constitutionally, the Judiciary is one of the three arms of government in Nigeria that have distinct powers to execute their constituted authority, presently, they are far from actualizing and executing this authority because of the present political change in Nigeria.

This has not left the Supreme Court unaffected being the highest court in Nigeria and regarded as infallible because it is the final court. Obviously, from the recent Supreme Court verdicts regarding the leadership of this nation at various cadres, the weakness of the judiciary, the encroachment of the executive on the judicial arm, and the manipulation of the various institutions in the country could easily be seen. With these weak institutions, it suffices that Nigeria is yet, far from the actualization of sustainable democracy.

JUDICIAL CORRUPTION IN NIGERIA

According to Adedipe (quoted in Sowole, 2013), the present situation of judicial corruption in Nigeria could be likened to the English period about 400 years ago when corruption was about to destroy the entire English structure. In 1620, the Chief Judge of England was involved in a bribery scandal with some litigants who wanted to change the normal course of justice through him. Allegations of perceived corruption against the Nigerian judiciary have not just emerged in the Fourth Republic which could be referred to as "mind boggling corruption in the judiciary." Even under the past military regimes the situation was not significantly different. This is why it has been observed that judiciary "hardly redeems itself from the unfortunate image it acquired during the military interregnum when it was described as a judiciary in patent chaos, riddled with corrupt judges and in need of urgent and radical reform" (Report of the Kayode Eso Panel on Reform of the Judiciary quoted in Dada, Udoaka & Dada, 2013).

Judicial corruption has become a recurring feature of the Nigerian mass media coverage, both conventional and online. The coverage relates to sad commentaries, perception and a wide range of corrupt activities, such as bribery, favoritism, conflict of interest and others involving the justices and judges. A research study handled by the Nigerian Institute of Advanced Legal Studies (NIALS) in 1997 showed that corruption was mentioned by 30 percent of judges, 54 percent of litigants, and 50 percent of lawyers as a major problem for the administration of justice (Langseth & Michael, 2003). Though another report claimed that over 55 percent of Nigerians had confidence in their reformed legal system (Barret, 2005). A 1999 study in Lagos State indicated that 99 percent of lawyers surveyed agreed that there was corruption in the State Judiciary, while in the same report 70 percent of Nigerians surveyed across the country believed the judiciary was corrupt (Zannah, 2007).

It is also significant to note that a report released by the International Commission of Jurists on Nigeria stated that "judicial corruption remains a major concern, and between 2002 and 2005, no fewer than six superior court Judges, including two Justices of the Court of Appeal, were removed from their positions on charges of corruption, while a number of other judges are under investigation" (International Commission of Jurists, n.d). Furthermore, a Parliamentary Committee recently submitted a secret report to the Presidency. The report, which was given prominence in a Nigerian newspaper, chronicles a catalogue of unethical practices within the judiciary. Many judges were accused of "living above their legal means" and "judgment procurement". Between 2006 and 2011, "judgment procurement" accrued Nigerian Judges amounted to the sum of N106 billion naira. This is a term which indicates that a solicitor or barrister settles his client's claim without the knowledge of the client. The settlement figure is then split, with the Judge taking as much as 60 %; 30% going to the lawyer, leaving the plaintiff with 10% (John-Salakov, 2011). As a result, many of the Judges identified in the report have purchased luxury properties in London, South Africa, Dubai and United Arab Emirate using bogus names, in the names of companies that do not exist. Also, they manufacture names of spouses and children who do not exist. Some of the judicial Officers are also sponsoring children in expensive schools in London, New York, Paris, and Switzerland without taking any loans. This is astonishing as the "emoluments of the judicial personnel involved in the corruption cannot in any way cover the huge sums of money involved in purchasing luxury homes and sending their children to posh schools" (John-Salakov, 2011).

In 2010, the report of a survey conducted on crime and corruption in the country by the EFCC and the National Bureau of Statistics revealed that "Nigerian courts of law receive the biggest bribes from citizens among all institutions in which corruption is rampant". In addition, the summary of the survey particularly stressed that "though bribery in the judiciary was less frequent than in many other agencies, it required the biggest transactions." Also, respondents to the survey conducted in 2007, on a sample of 2,775 enterprises randomly selected to represent businesses active in the country, and a response rate of 79.4 per cent representing 2,203 interviews recorded, said they have paid the biggest bribes to the courts, an average of \$87 (N13,050) per transaction (*Desert Herald*, October 2, 2013). It is in the public domain that Transparency International's Global Corruption Barometer 2010/ 2011 ranked the Nigerian judiciary among the most corrupt institutions in the country.

Moreover, the 2012 Country Reports on Human rights practices and a review of the state of corruption in Nigeria submitted to the United States Congress on April 19, 2013 clearly implicated the Nigerian judiciary and regarded it as an accessory to systemic problem of corruption facing the country. Where there is a widespread perception that judges are easily bribed and litigants hardly

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rely on the courts to render impartial judgments. And citizens are said to encounter delays and alleged demand for bribe from judicial officials, to expedite cases or obtain favorable rulings (Suraju, 2013).

Some obvious cases of corruption in form of bribery, professional misconduct, partiality, favoritism among others have been documented against the judiciary in the Fourth Republic. For instance, a committee set up under the auspices of the National Judicial Council (NJC) and chaired by a retired judge of the Court of Appeal, late Justice Kolawole, established that Justice Okwuchukwu Opene took 15 million naira (US\$100,000) in bribes while Hon. Justice David Adedoyin Adeniji accepted 12 million naira (US\$80,000) (Ayodeji & Odukoya, 2014). Indeed, it has been argued by the former President of the Nigeria Bar Association (NBA), Joseph Bodunrin Daudu, that there was an increasing perception supported by empirical evidence that justice is procurable and that indeed has been bought on several occasions in Nigeria. In support of this line of thought, it has been posited that:

The perception now is that judgments are purchasable and judges have no integrity. They all have their prizes in cash, and in fact there are some lawyers whose special function is to be the middleman between litigants, who want to buy justice and judges (Sagay, quoted in Premium Times, January 10, 2013).

No wonder the Nigerian Bar Association (NBA) set up its own anti-corruption commission to search and get rid of corrupt elements within the justice sector (*Vanguard*, July 11, 2013).

There are also several unproven cases of judicial corruption which are either under investigation or have not been disputed by those involved. For instance, five Nigerian high court judges including Abdul Kafarati, Gladys Olotu, Aliyu Liman, Ibrionke Harrison, and Rita Ofili-Ajumogobia were the subjects of extensive corruption probes by the Economic and Financial Crimes Commission (EFCC) (Ayodeji & Odukoya, 2014). Justice Abdul Kafarati owns huge cash assets in several bank accounts, including one at Diamond Bank and owns properties, shares and farmlands in Kwami in Gombe State. Gladys Olotu, was investigated for owning several accounts in Guaranty Trust Bank, Access Bank, First Bank (United Kingdom), as well as significant stock in various companies (Sahara Reporters, 2013). She was accused of owning several properties in Abuja, Lagos and Benin. Ms. Olotu was believed to be worth more than N2 billion in cash based on findings by EFCC and other investigators. Justice Aliyu M. Liman was investigated for owning various naira and domiciliary accounts, shares and properties in the Federal Capital Territory, Lagos and Kaduna States. Justice Ofili-Ajumogobia reportedly owns an apartment in London, with a high-priced Mercedes Benz car parked on the property for her use whenever she visits the UK. According to the EFCC, Justice IHEME-NWOSU had accumulated so much hidden wealth that she was able to purchase the Concorde Hotel in Owerri, including mansion-like residence built near Concorde Hotel and reportedly worth N500 million. The investigation into Justice Ibrionke Harrison's questionable assets also revealed that she possesses assets worth at least N150 million. The former Chief Judge of Lagos, Inumidun Akande was also alleged to involve in the diversion of massive amounts of funds meant for the Lagos judiciary during her tenure as chief judge and enriched herself to the tune of N700 million from funds stolen from the Lagos State judiciary (Sahara Reporters, 2013).

From the foregoing, perception is critical to the extent that its impact can be more harmful than actually proven cases. In spite of the doubts regarding the credibility of those media reports, they nevertheless confirm in relative terms the existence of corruption in the Nigerian judiciary (Ugochukwu, 2011). On the basis of the number of cases that are actually proven and in which the corrupt persons were punished, it could be concluded that the level of corruption in the Nigerian judiciary is significant.

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The Judiciary has been described as the last hope of the common man in the sense that as final arbiters in disputes, justice is expected to be served in good conscience and truth. The Judiciary is expected to play a vital and complimentary role as a courageous and impartial arbiter to the institutions in Nigeria especially, the Independent National Electoral Commission (INEC) in the country's democratic politics, realising free, fair and credible elections and the resolution of its electoral disputes in Nigeria. This will in turn strengthen and improve the electoral process across its value chain. With this, it could be deduced that essentially, the courts at various levels are supposed to interpret the laws of the federation and bring out in due course, the consistent and acceptable resolution to various conflicts that might arise at any instance, at various institutions or parastatals in Nigeria.

The Supreme Court, which is the highest court in the hierarchy of courts and goes by different names in different countries is tasked with two basic functions: the interpretation of legislations to determine their constitutional validity and acting as the final court of appeal in all civil and criminal matters. Effectively, the Supreme Court has the mandate to check, if necessary, the actions of the executive and legislative branches of government, but how the court does this has remained a deeply polarizing issue and is even more contentious in the democratic systems where legitimacy is rooted in public opinion. Supreme Court decisions have a significant impact on public policy and are often extremely controversial.

In interpreting the Constitution, the Justices of the Supreme Court of Nigeria occasionally have deduced legal doctrines that are not clearly stated (or stated at all) in the Constitution (Nwadishi, 2019). For example, in the famous case of *McCulloch versus Maryland* (1819), Chief Justice John [Marshall](#) advanced the opinion, accepted by the Court, that the Constitution implicitly gives the federal government the power to establish a national bank, even though such a power is not explicitly granted by the Constitution. Similarly, in *Roe versus Wade* (1973), the Court ruled that state laws restricting [abortion](#) violate the right of [privacy](#) (Nwadishi, 2019). These and many more, question the capability and credibility of the Judiciary to enhance sustainable democracy in Nigeria.

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In lieu of the above, many Nigerians, and more especially, an eminent professor of law in one of Nigeria's oldest universities has since summarized the relationship between law and politics in Nigeria as political jaywalking and legal *jiggery-pokery*, in the governance of Nigeria, wondering: Wherein lies the rule of law (Amadi 2011)? According to Amadi, "all in all, the political jaywalker is that person whose mental state readily accommodates such flawed tendencies as deceitfulness, selfishness and shamelessness in pursuit of politics and politicking, in contempt of the rule of law." Then legal jiggery-pokery is the deliberate employment of deceit or dishonesty by lawyers, whether as legal practitioners or judges, in the interpretation of the law, or law makers making bad and or self-serving laws (Amadi 2011, 15). This ultimately calls for concern in this country Nigeria which still suffers weak democracy over the years and yet aspiring democratic consolidation.

During Nigeria's ill-fated Second Republic (October 1, 1979 - December 31, 1983) there was the extremely divisive case of Chief Obafemi Awolowo Vs Alhaji Shehu Shagari, in 1979. The gravamen of the case was that Shehu Shagari did not obtain the required 25 percent of votes cast in 2/3 of Nigeria's then 19 states which could only translate to his obtaining 25 percent of votes cast in 13 of the states. Nigeria's Apex Court in deciding the law relating to election cases in the country had by a majority of 6-1, affirmed the election of Alhaji Shagari as duly elected President. The Learned Justices of the nation's Supreme Court held that two-third of the country's 19 states was 12 2/3 states instead of 13 (HLF, 2014).

The Supreme Court agreed that Shehu Shagari got 25% of the votes cast in twelve (12) states but the 13th state was the issue. It was Kano state, where Shagari scored 243,423 votes, equivalent to 19.4% of the 1,220,763 votes cast in total. But in arriving at its position the Apex Court divided the 1,220,763 total votes cast in Kano by two-thirds to arrive at 813, 842, and then declared that Shagari's own votes of 243,423 in Kano was greater than 25% of the total votes cast in Kano. The day this judgment was delivered has been described as the day the law died in Nigeria (Awofeso 2013). But Adediran (1982) described it as a case of compromise between law and political expediency.

In the case of Omehia Vs Amaechi (2007) Celestine Omehia was sworn in as the fourth Governor of Nigeria's Rivers State on 29th May 2007. But on 25 October 2007, the country's Supreme Court annulled Omehia's election, on the grounds that Chibuike Amaechi, not Omehia, was the political party's legitimate candidate. Amaechi had won the party primaries, but became substituted with Omehia at the last moment due to allegations of graft (BBC, 2007). Amaechi did not campaign in the elections, his name was not on the ballot paper but he was declared winner of the election by the highest court in the land, which held that the votes of the voters were for the political party, not for candidates (Adejumobi & Kehinde 2007). The question is, was it constitutional? How did the Supreme Court arrive at this verdict?

In the case *Atiku Abubakar v President Muhammadu Buhari* in the just concluded General Elections in Nigeria – 2019, the presidential candidate of the Peoples Democratic Party in Nigeria's general election Atiku Abubakar reacted to the dismissal of his appeals by the country's highest court for lacking "merits" (Omilana, 2019). Atiku, a former ally of the Nigerian President Muhammadu Buhari, described the judgment as a part of the "challenges" Nigeria must survive. According to him,

While I believe that only God is infallible everywhere, and only Nigerians are infallible in our democracy, I must accept that the judicial route I chose to take, as a democrat, has come to a conclusion.

This was Atiku Abubakar's assertions on his Twitter account, hours after the Supreme Court sealed his fate. The ruling brings an end to an eight-month bitter legal battle since the delayed presidential poll in February.

Abubakar challenged the victory of President Buhari in the February 2019 poll at the Presidential Election Tribunal and at the Supreme Court, after he branded the result of the poll a "sham". Buhari took 56 percent of the vote against 41 percent for Abubakar, the electoral commission said in February, but with a turnout of just 35.6 percent compared with 44 percent in 2015.

At the tribunal, Abubakar claimed that the election was marred by irregularities that he received more votes than Buhari, and the president did not have a secondary school certificate, a basic requirement to contest the election. But the tribunal rejected Abubakar's bid to overturn the result of the poll. "This petition is hereby dismissed in its entirety," Justice Mohammed Lawal Garba said announcing the ruling (Omilana, 2019). All five judges who presided over the tribunal rejected Abubakar's claims.

The PDP said in a tweet it "completely rejects the judgment", which it described as a "direct assault on the integrity of our nation's justice system". Subsequently, the party and its presidential candidate proceeded to file an appeal against the tribunal ruling at the country's Supreme Court.

At the apex court sitting, the court dismissed Abubakar's appeal for lacking merits. "We have examined all the briefs and the exhibits for over two weeks and we agree that there is no merit in this appeal," Chief Justice Tanko Muhammad said following the Supreme Court's judgment. "The appeal is dismissed," he concluded, in a unanimous decision with six other justices (Omilana, 2019). But Abubakar, a former Nigerian vice president, insisted he won the election and that the judgment was compromised, saying that the country's judiciary is not free. He further asserts that "in a democracy, you need a strong judiciary, a free press and an impartial electoral umpire. Nigeria has none of those three elements as at today" (Omilana, 2019).

Recently, in the case of Hope Uzodimma Vs Emeka Ihedioha, a seven-member panel of Justices of the country's Supreme Court presided by the Chief Justice of Nigeria (CJN) held that Ihedioha was not validly elected as governor of the country's Imo State, by majority of lawful votes cast in the election. The Supreme Court accordingly sacked Ihedioha who had been in office for about seven months. The Apex Court held that Uzodimma proved the allegation of exclusion of results in 388 polling units of the state

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where he scored 213, 695 votes. The court upheld the argument of counsel to Uzodinma, that the issue was whether their results were unlawfully excluded from the total results, and not whether elections held in the controversial polling units (Azu, Matazu, Olaniyi, Jimoh & Owuamanam 2020). Amidst public protests and street demonstrations on opposing sides of the political divide in the state, Ihedioha headed back to the Supreme Court, the court of ultimate jurisdiction, which of course lacks appellate status. The Uzodinma v Ihedioha struggle became a subject of immense national discontents in the country's democracy.

Ihedioha went back to the Supreme Court to argue that when Uzodinma initially presented his table of exhibits, to the Apex Court Justices, he mischievously excluded the votes of other political parties that contested the election and on the bases of his own exhibits alone the court declared him winner. He submitted that an error was discovered in the judgment of the Supreme Court as the total number of votes cast in the election now exceeded that of accreditation by over 100,000 after adding Uzodinma's new votes. The Ihedioha side argued that Uzodinma was granted the request he did not pray for, as he prayed for fresh election in 388 polling units, but got the imposition on the people as Governor by the Supreme Court. The Supreme Court viewed the new application as an invitation to sit on appeal over its own final judgment. It concluded that granting the request would open a floodgate by other parties for all kinds of appellate litigations against Supreme Court judgments and then decided as follows:

The general law is that the court has no power under any provision to order a review of its own judgment unless to correct an error. This court has on each occasion stated that it lacks jurisdiction to do that. We cannot sit as an appeal court. We have no hearing power in respect of the matter. The court does not have the competence and lacks the jurisdiction to review its own judgment. The finality of the Supreme Court is inherent in the constitution.

To ask us to set it aside means an appeal for us to sit on our own decision, which we have no jurisdiction over.

The application is hereby dismissed and parties are to bear their respective costs (Onochie, et al. 2020).

This obviously questions the credibility of the infallibility of the Supreme Court verdicts; and the constituted finality of the court. Every election result has been contested unsuccessfully since Nigeria returned to democracy in 1999, with the exception of the 2015 poll in which Goodluck Jonathan conceded defeat to Buhari.

As the discontents arising from the Uzodinma Vs Ihedioha case and others subsist, a major contentious issue (a contradiction) borders on the beneficial role of the judiciary (or otherwise) in the electoral process. The judiciary currently plays a dominant role in Nigeria's democracy. It appears as if the role of the political parties on matters of their candidates for elections is being taken over by the law courts in Nigeria. The prime position of the voter in deciding who governs is increasingly eroded while the political parties perform poorly in their choice-of-candidates roles. Instances are many on the choice of candidates being determined by the courts, adjudicating on litigations (Banire, 2017).

The nation's political parties lack clear ideological commitments, do not articulate alternative worldviews, rarely mobilize the voters, and usually adopt anti-democratic methods to confront their intraparty democratic issues (Adejumobi & Kehinde 2007). The political parties and their candidates seem to be engaging in too frequent resort to the law courts in electoral matters, leading to contentious judicial pronouncements and judiciary-caused discontents in democracy in the country. When judicial pronouncements are contentiously made in continuity (with inherent finality) in a democracy, they inevitably breed discontents. Chairman of the nation's electoral commission recently advised political parties not to allow the courts determine the outcome of future elections in the country (Channels Television, 2020).

In an overall context, the judiciary serves as the final arbiter in a democracy, over all disagreements and disputations, which include disagreements over elections, nomination of candidates by political parties and election results. But the assumption is that the arbitration of the judiciary would always, be nearly unassailable if not completely incontrovertible. The right to choose their leaders in a democracy fundamentally belongs to the voters. The seeming usurpation of this right (the taking over of this right) by the judiciary is certainly contradictory. At what point and under what circumstances then, may the judiciary validly take over the voters' rights of declaring with finality, who governs? On the face of it, it seems the judiciary may do so as arbiter in litigations and when members of the judiciary serve as judges, in disputed processes of the election and contested election results. On deeper contemplation however, it appears as if it is only when the decisions of the judiciary over such matters are unassailable that such interventions may be tolerated. In correcting the implicit contradictions of judicial discontents in a democracy, judgments of a national judiciary, particularly at the Supreme Court level is expected to be incontestable.

The Effect of Bribery and Corruption of Supreme Court Justices on Sustainable Democracy in Nigeria

From the foregoing, it could be deduced that the perceived corruption of justice system in Nigeria is strong and has become trite. The battered image of an independent and impartial justice system could be seen from the perceived judicial corruption via the media and punished judicial officers. The judicial decisions have become suspect due to corruption. In a democracy, judiciary as the people's temple of justice needs to play a central role that is essential for the sustenance of democracy including the custodian of people's fundamental rights, guardian of the constitution and maintaining a balance between the other arms of the government. Hence, these functions can be well executed if the judiciary is impartial and devoid of corruption. This is because corruption in the judiciary has the potential of doing far more damage to society than corruption elsewhere. The emerging issue of perceived judicial corruption in the Nigeria's Fourth Republic continues to put democracy through strains and stresses. No wonder it has been posited that:

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... a corrupt judge has been described as more harmful to the society than a man who runs amok with a dagger in a crowded street. The latter as you know can be restrained physically. But the former deliberately destroys the moral foundation of society and causes incalculable distress to individuals while still answering 'honorable' (MUSDAPHER, 2011).

The effects of judicial corruption on sustainable democracy in Nigeria could be socio-political. On social realm, Nigerian society is always faced with a dilemma of whether to accept courts verdict, resign to fate or forgo their efforts to get justice through the courts. On some occasions, the perplexed situation has led to brutal forms of retribution and vengeance, including gang and mob killings, raping, kidnapping, and parallel systems like ethnic militias to get justice. The weakest sections of the society are worst affected where constitutional and human rights principles are insignificant. The public confidence in courts, judges, laws and lawyers have been largely eroded due to judicial corruption. Democracy can hardly be sustained if chaotic situation persists in Nigeria. AbdulKarim (2012) observes that:

One of the side effects of a corrupt judiciary is that it becomes inevitably too weak and increasingly incapable of discharging its critical responsibilities to the society, especially to the poor and vulnerable. Incidentally, this is one of the indicators of a "failed state", according to the Failed States Index.

Politically, the activities of elections petitions tribunals, involving judges across Nigeria, suggest that election tribunals had turned to goldmines for Nigerian judges; where most of the judges are using the election tribunals as a source of generating wealth for themselves and becoming multi-millionaires. Therefore, judicial corruption promotes unjust judgments where accused are either freed or handed minimal sentences. Consolidating democracy in this compromised situation will remain a mirage in Nigeria if the check on the arbitrary exercise of power, principles of fairness and due process of law, as well as checks on other public institutions by the judiciary are compromised owing to corrupt practices. Corruption downgrades the judiciary and changes it to a market place where justice goes to the highest bidder regardless of the law, the fundamental principles of fair play and plain common sense.

Also, the judgments of many cases in the recent past suggest strongly that corruption may have ensnared some section of the judiciary. For instance, James Ibori's, the Delta State governor between 1999 and 2007 was freed of corruption charges levelled against him by the EFCC, in spite of overwhelming evidence. The same man was sentenced to a thirteen-year prison term by a British court for the same offences using the same facts that were rejected in Nigeria.

Curiously, John Yusuf, a convicted pension fund embezzler, who was linked with stealing over N23 billions of impoverished pensioners funds, was fined only N750,000 by an Abuja court. That is why it has been observed that judicial corruption significantly undermines any existing legal or policy mechanisms to prevent corruption (U4 Anti-Corruption Resource Centre, 2013). Thus, the perceived corruption in the judiciary may have ambushed the ingredients of democracy which are supposed to be well entrenched in governance. This could spell doom for justice administration and delivery in the country with dire consequences for its sustainable democracy.

The Supreme Court - An Element for the Enhancement of Sustainable Democracy in Nigeria: The Measures

Despite the functions of the Supreme Court of Nigeria, it is yet to actualize its basic aim in fostering sustainable democracy. The controversies that characterize their recent judgments – overruling the decisions of electoral tribunals and the Court of Appeal on governorship and presidential elections, raises fundamental questions about what ought to be the role of the Supreme Court in a democratic order. Should the Supreme Court confine itself to only determining guilt and innocence or should it intervene in policy processes? Did the Supreme Court merely interpret the abstract and often vague language of electoral laws, relying solely on legal reasoning, or was the court influenced by non-legal considerations? In the context of a constitutional democracy, should supremacy on the validity of an action belong to a council of 15 unelected lawyers or public opinion? Why should the Supreme Court that is funded from the collective patrimony of the Nigerian people and legitimized by the people's constitution be immune from criticism unlike other arms of government? The importance of judicial independence is clear and uncontested, but what exactly does it mean and, perhaps more importantly, what does it require in the context of a democracy? In spite of these answered questions, it is still constitutional that the Supreme Court has the mandate to check, if necessary, the actions of the executive and legislative branches of government, but how the court does this has remained a deeply polarizing issue and is even more contentious in the democratic systems where legitimacy is rooted in public opinion (Osasuna, 2019).

The Vienna Convention's delineation of democracy as "the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives" presupposes those institutions, agencies and organ of government must always countenance public opinion in their decision-making processes (Osasuna, 2019). Concurrence of the majority is the ultimate test of legitimacy of a policy decision in a democratic regime- rulers are obliged to justify their actions to the ruled, there is no way around it. Therefore, no organ of government, inclusive of the judiciary as represented by the Supreme Court should be above public opinion, public scrutiny and institutional accountability.

The best of well-crafted and evolved constitutions is open textured, even vague and uncertain; these create opportunities for courts and judges to utilize these documents as basis of jurisdiction without definite boundaries. This constitutional malleability is one of the fundamental reasons why popular opinion and the public mood should influence the Supreme Court's molding or interpretation of laws – in a democracy, that is, while the Supreme Court must be institutionally independent, this independence should not

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transcend popular culture. For an organ that is not subject to popular vote for validation, then it should be subject to public opinion or else the justice wrought in its chambers would be perceived as tyrannical and, in the words of Alexander Bickel, would be deemed to be “exercising control, not on behalf of the prevailing majority, but against it.”

For effective and independent functionality, democratic systems have fashioned out processes and procedures for shielding the judiciary from political intimidation and interference but none of these immunizes its courts and judges from fair criticism and public scrutiny. The idea of an ‘exclusive institution’ or ‘unquestionable lords’ is aberrant in a republican democracy where dissent, continuous engagement and clash of ideas are the fundamental requirements. It is however essential to differentiate libel, slander and brazen insinuations calculated to intimidate from fair public criticism and inquiry.

Examples abound of public criticism of the Supreme Court. President Roosevelt in 1935 denounced the American Supreme Court for unanimously striking down the New Deal’s National Industrial Recovery Act for exceeding Congress’ lawful authority “to regulate commerce...among the several states.” President Barrack Obama in 2010 during his annual State of the Union address called out the American Supreme Court on its ruling in – *Citizens United v. Federal Election Commission*. Prime Minister Stephen Harper in 2015 openly criticized Chief Justice Beverley McLachlin of the Supreme Court of Canada. The Indian Supreme Court in *Advocate General v. Abraham George* highlighted this point when it stated that- ‘Judgments are open to criticism that must be done without casting aspersions on the judges and the courts and without adverse comments amounting to scandalizing the courts. The concept of accountability is critical to a democracy that is founded on the rule of law and it is the expectation of citizens that all public institutions are accountable to the electorate. Judicial accountability will mean that judges who sit in judgment over others need to account for their judicious and injudicious actions. Unfortunately, there is no specific provision in the Nigerian constitution on judicial accountability. Unlike the executive and the legislature, judges are appointed through a system over which the public has no direct control and judges even in cases of proven misconduct can only be removed from office after a laborious procedure which is not easily invoked and yet judges as typified by Supreme Court Justices wield tremendous powers. So, who judges our judges?

Conventionally, the established practice has been judges are accountable to the law, but considering the complications and complexities woven around the law today, judges are actually supposed to tell us what the law is, and so they become accountable only to themselves and how healthy is that in a democracy?

During successive military regimes, the court often stood as a bulwark against the abuse of the rule of law and judicial processes, by striking down decrees that restricted individual liberties and accountability in governance. In this democratic era, the Supreme Court must define itself ideologically and perceptibly as a democratic and accountable institution that represents the views and aspiration of the electorate and not as a deviant institution that “sides with the wealthy, the privileged, and the powerful”. The Supreme Court must enhance democracy and judges must be accountable.

SUMMARY AND CONCLUSION

One of the basic requirements for the survival and prosperity of a liberal democratic state is the presence of strong and independent oversight institutions, one of which is the judiciary (Mbanefo 1975; Walraven & Thiriot 2002). Competent and independent judiciaries are, in many ways, central to democracy (Leonard 2009, p 8). A good judiciary will not only check the abuse of power by government (Davies 1990; Ige & Ige 2006) it will also be capable of managing the intra-elite disputes and/or conflicts which are bound to result from the competition for power and economic resources involved in party politics in a multiethnic society (Suberu, 2001). Many of Nigeria’s democratic failings in the past have been the result of the inability to construct an impartial and honest judiciary that commands the respect and confidence of most of the members of its fractious political class and its deeply divided population (Olurode, 1990; Unobe, 1990). Therefore, tenuous judicial pronouncements in the process of democracy are undesirable. A high frequency of these contentious adjudications is also unacceptable. When such tendencies become frequent, they lead to judicial discontents in democracy. Such scenarios erode confidence in the judiciary as final arbiter. Where the judiciary was previously assumed to be the last hope of the proverbial common man, this erosion of confidence may make this same commoner to lose hope in the prospects of democracy.

In order to avert this, there is need for a reversal of the trend of making the judiciary (the Supreme Court of the land) a usual and frequent participant in election matters. But it is up to a nation’s political elite to make this vision a reality, to allow the votes of the masses count in an election. The role of the political parties is central in these regards. Currently obtainable in the Nigerian setting is the situation whereby the politicians increasingly overstretch the electoral contests to the highest court in the land, while the political parties participate helplessly in taking the electoral contests to the courts for judicial decisions. This appears to give the political class the room to manipulate the process, even at the highest judicial level. This scenario continues to give the Nigerian democracy some coloration of judicial discontents and carves a portrait of awkward democracy for the country.

RECOMMENDATIONS

This study having been able to disclose all these concerning the Supreme Court verdicts and sustainable democracy in Nigeria, hereby recommend that;

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1. There is need for the accountability of the Judiciary and other arms of the government in Nigeria
2. The promotion into the office of the Judge of the High and Appeal Courts and the Justices of the Supreme court should be made an open election not just to the judiciary but the publics
3. There is need for the independence of the Judiciary in Nigeria
4. Subsequent appeals should be allowed by the Supreme Courts before final judgments or verdicts are reached in order to help make the Supreme Court verdicts strong and convincing.

REFERENCES

- 1) Abdulkarim, Y. (2012). Socio-Economic Effects of Judicial Corruption in Nigeria. *International Journal of Humanities and Social Science Invention*, 1 (1), 31-36.
- 2) Adebayo W. (2014, October 27). Yoruba Precolonial Political System. *Nigerian History*. Retrieved from https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwj7rKOv6JviAhVO_J4KHYxGBnAQFjAAegQIBBAB&url=https%3A%2F%2Fwaidigbenro.wordpress.com%2F2014%2F10%2F27%2Fyorubaprecolonial-political-system%2F&usq=AOvVaw3zRSVPHmZAG5SfyxU0z4Va
- 3) Adediran, M.O. (1982). "Awolowo v. Shagari — A case of compromise between law and political expediency." *Journal of the Indian Law Institute* 24(1): 41-56.
- 4) Adejumbi, S., & Kehinde, M. (2007). "Building democracy without democrats? Political parties and threats of democratic reversal in Nigeria." *Journal of African Elections* 6(2): 95-113.
- 5) Amadi, S. (2011). *Political jaywalking and legal jiggery-pokery in the governance of Nigeria: Wherein lies the rule of law?* An Inaugural Lecture of the University of Nigeria, Nsukka, Delivered on March, 31.
- 6) Aremu, I. (no date). *Notes on corruption and judicial administration in Nigeria*. Retrieved Oct. 15, 2020 from, <http://www.mafng.org/symposium.doc>.
- 7) Asian Human Rights Commission (2013). *Towards the elimination of corruption and executive control of the judiciary in Asia*. Retrieved Jan. 15, 2020 from, <http://www.humanrights.asia/resources/journals-magazines/article2/0501/>
- 8) Awofeso, S.O. 2013. "Awolowo vs. Shagari: The Day the Law Died in Nigeria." *Sahara Reporters*. <http://saharareporters.com/2013/01/26/awolowo-vs-shagari-day-law-died-nigeria-seyi-olu-awofeso>.
- 9) Ayodeji, G.I. & Odukoya, S.I. (2014). Perception of judicial corruption: Assessing its implications for democratic consolidation and sustainable development in Nigeria. *Journal of Sustainable Development in Africa*, 16(2), 67 – 80.
- 10) Azeez, A. (2011). Endangering Good Governance for Sustainable Democracy: The Continuing Struggle Against Corruption in Nigeria. *Journal of Research in Peace, Gender and Development* 1(11), 307-314.
- 11) Banire, M. 2017. "The courts and internal democracy in Nigerian political parties (2)." *Punch*, July 21, 2017. <https://punchng.com/the-courts-and-internal-democracy-in-nigerian-political-parties-2/>.
- 12) Barrett, K. (2005). *Corrupted Courts: A cross-national perceptual analysis of judicial corruption*. M.A. Thesis, Georgia State University, unpublished online. Retrieved Jan. 15, 2020 from, Http://etd.gsu.edu/theses/available/etd-04202005-151027/unrestricted/barrett_kathleen_r_200505_mast.pdf
- 13) BBC (2007). "Oil governor removed in Nigeria." *BBC News*, Last updated October 25, 2017. <http://news.bbc.co.uk/2/hi/africa/7062550.stm>.
- 14) Beetham D. (1994). *Conditions for democratic consolidation*. Review of African Political Economy, No. 60.
- 15) Channels Television (2020). *Don't let courts determine future elections outcome, yakubu tells parties*. <https://www.channelstv.com/2020/02/22/dont-let-courts-determine-future-elections-outcome-yakubu-tellsparties/>.
- 16) Dada, J. A., Udoaka, E. E., & Dada, E. O. (2013). The imperative of good governance for sustainable democracy. *African Journal of Social Sciences*, 2 (3), 45-60.
- 17) Dahl, R. A. 1971. *Polyarchy: participation and opposition*. New Haven, CT: Yale University Press.
- 18) Dalton, R. J., Shin, D. C., & Jou, W. (2007). "Popular conceptions of the meaning of democracy: Democratic understanding in unlikely places." *eScholarship*. <https://escholarship.org/uc/item/2j74b860>.
- 19) Davies, E A. (1990). 'The Independence of the Judiciary in Nigeria: Problems and Prospects'. *African Study Monograph*, 10(3), February.
- 20) Dele-Adedeji, I. (2020). Why a rise in court cases is bad for democracy in Nigeria. *The Conversation*. <https://theconversation.com/why-a-rise-in-court-cases-is-bad-for-democracy-in-nigeria-132293>
- 21) Diamond, L. et al. (1997). *Consolidating the Third Wave Democracies*. New York: The John Hopkins Press.
- 22) Hakeem, O. (2008). Yusuf, Democratic Transition, Judicial Accountability and Judicialisation of Politics in Africa: The Nigerian Experience. *INT'L J. L. & MGMT. (formerly M ANAGERIAL LAW)* 236 – 261.
- 23) HLF (Hallmarks of Labour Foundation) (2014). *Hon. Justice Kayode Eso, HLF life-time achievement award for exemplary/courageous service to the advancement of our legal system*. Available at: <https://hallmarksoflabour.org/citations/hon-justice-kayode-eso/>

The Infallibility of Supreme Court Verdicts and Sustainable Democracy in Nigeria

- 24) International Commission of Jurists (No date). Attacks on justice: Federal Republic of Nigeria. Retrieved Jan. 15, 2020 from, <http://www.icj.org/IMG/NIGERIA.pdf>
- 25) John-Salakov, A. (2011). Corruption fetches Nigerian Judges N106 Billion Naira. *PLC Party*, August, 28. Retrieved December 2, 2013, from www.plc.com
- 26) Kasunmu, A.B. (1977). "The Supreme Court of Nigeria: An Examination of its Composition and Functions" in A.B. Kasunmu, ed., *The Supreme Court of Nigeria, 1956 – 1970* (Ibadan: Heinemann, 1977) 1 at 34
- 27) Kwasau, M. A. (2013). The challenges of democratic consolidation in Nigeria's fourth republic. *European Scientific Journal* 9 (8), 181-192.
- 28) Langseth, P. and Michael, B. (2003). Foreign-sponsored development projects in Africa: The dialogue between international and African judicial integrity projects 5. *Journal of Sustainable Development in Africa*, 3.
- 29) Lewis, P. 2003. 'Nigeria: Elections in a Fragile Regime'. *Journal of Democracy* 14(3).
- 30) Mackintosh, J.P. (1966). *Nigerian Government and Politics* (London: George Allen & Unwin, 1966) at 41- 44.
- 31) Mohammed, U, (2013). Corruption in Nigeria: A challenge to sustainable development in the fourth republic. *European Scientific Journal*, 9 (4), 118-137.
- 32) Musdapher, D. (2011). *The Nigerian judiciary: Towards reform of the bastion of constitutional democracy*. A Keynote Address at the Nigerian Institute of Advanced Legal Studies (NIALS) Conference, November. Retrieved Jan. 15, 2020 from, <http://elijagodbaby.hubpages.com/hub/The-Way-Forward-for-Nigerian-Judiciary>.
- 33) Mustapha, D. (2011). *The Nigerian judiciary: Towards reform of the bastion of constitutional democracy*. Lagos, Nigeria: Nigerian Institute of Advanced Legal Studies.
- 34) Nigeria (Constitution) Order in Council, 1960, S. 108 ("Independence Constitution").
- 35) Nwabueze, B.O. (1964). *Constitutional Law of the Nigerian Republic* (London: Butterworths, 1964) at 286-87.
- 36) Nwanbueze, B. (2004). *Constitutional Democracy in Africa*, (Vol. 3), Nigeria: Spectrum Books.
- 37) Okakwu, E. (2019). "NJC approves appointment of four Supreme Court Justices - *Premium Times Nigeria*". 2019-10-24. Retrieved <https://www.premiumtimesng.com/news/headlines/359341-just-in-njc-approves-appointment-of-four-supreme-court-justices.html>.
- 38) Olurode, L. (1990). *A Political Economy of Nigeria's 1983 Elections*. Lagos: John West Publications Ltd.
- 39) Omilana, T. (2019). Atiku reacts to Supreme Court verdict. <https://guardian.ng/news/atiku-reacts-to-supreme-court-verdict/>
- 40) Onochie, B.C., Jimoh, A.M., Daka, T. Omolaoye, S., Ogbuaja, C., Sobechi, L et al. (2020). "How Ihedioha's appeal split Supreme Court." *The Guardian*, <https://guardian.ng/news/how-ihediohas-appeal-split-supreme-court/>.
- 41) Osasona, T. (2019). *Democracy and the supreme court*. <http://cppresearch.org/nu-en-pl/democracy-and-the-supreme-court/>
- 42) Ruti G. Teitel (2000). *Transitional justice* (Oxford Univ. Press).
- 43) Ruti G. Teitel (2009, 2015). *Transitional Jurisprudence: The Role of Law in Political Transformation*. YaleL: L.J.
- 44) Sahara Reporters (2013). Seven Nigerian judges' targets of EFCC corruption probe. Nov, 11. Retrieved December 2, 2019, from <http://www.saharareporters.com>
- 45) Schedler, A. (1998). What is democratic consolidation? *Journal of Democracy*, 9 (2), 91–107.
- 46) Shehu, G. (1999). The Battle against corruption. *The Guardian* (Sunday, August 29). Lagos: Nigeria.
- 47) Shuaibu, Umar (2014-05-05). "The desecration of the Three Arms Zone". *Daily Trust*. Retrieved 2020-02-17.
- 48) Siteadmin (2019). "Steer Clear Of Three Arms Zone, Police Warn Nigerian Protesters". *Sahara Reporters*. Retrieved <http://saharareporters.com/2019/07/18/steer-clear-three-arms-zone-police-warn-nigerian-protesters>.
- 49) Suraju, O. (2013). *Accountability and reforms in the judiciary: A historical role for anticorruption agencies*. Retrieved Jan. 14, 2020 from, <http://www.elombah.com/index.php/reports/18933>
- 50) Tobi, N. (1992). *The Nigerian Judge*. A & T Professional Publishers, Nigeria.
- 51) Tobi-Aiyemo, A. (2016). Mainstreaming gender in The Development of Family Law in A Borderless World; The Nigerian Perspective. *Commonwealth Magistrates' and Judges Association Gender Section Newsletter*, 3(2), 5-11.
- 52) Tobi-Aiyemo, A. (2017). *The Intermediate Obligation of a Judge Vis a Vis Law and Society: A Matter of Interpretation*. Unpublished manuscript, Department of Judicial Studies, University of Nevada, Reno.
- 53) Ugochukwu, B. (2011). The pathology of judicialization: politics, corruption and the courts in Nigeria. *The Law and Development Review*. 4(3), 59-87.
- 54) Ukhuegbe, S. (2018). "Recruitment and Tenure of Supreme Court Justices in Nigeria". https://www.researchgate.net/publication/256017333_Recruitment_and_Tenure_of_Supreme_Court_Justices_in_Nigeria/link/5bce2eb492851c1816ba3827/download
- 55) Uneke, O. (2010). Corruption in Africa south of the Sahara: Bureaucratic facilitator or handicap to development? *The Journal of Pan African Studies*, 3 (6), 111-128.

The Infallibility of Supreme Court Verdicts and Sustainable Democracy in Nigeria

- 56) Unobe, E A. (1990). 'Partisan judiciary and political instability in Nigeria'. In I E S Amdi & W Hinjari (Eds.), *Party systems, democracy and political stability in Nigeria*. Zaria: Nigerian Political Science Association.
- 57) Van Walraven, K. & C Thiriot Celine. (2002). *Democratization in Sub-Saharan Africa: Transitions and Turning Points: An Overview of the Literature*. African Studies Centre Research Report 65.
- 58) Zannah, K. (2007). *The fight against corruption in the Nigerian judiciary: The journey so far*. Paper presented to the All-Nigeria Judges Conference, 5 – 9 November 2007) (unpublished). Retrieved Jan. 15, 2020 from, http://www.nji.gov.ng/index2.php?option=com_docman&task=doc_view&gid=86&Itemid=180