

1 An Analysis of Public Perception on the Menace of Corruption  
2 among Judicial Workers in Dutse Metropolis, Jigawa  
3 State-Nigeria

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8 **Abstract**

9 The most important issues facing the judiciary today, predominantly the court, emanate from  
10 the court's primary mission to secure justice for all. Justice is an empty promise if it denies an  
11 individual or group achievable equal access to the courts. Economic, political, social, and  
12 cultural and ethnic barriers to the justice system unfortunately still exist as a result of  
13 corruption. Misuse of judicial power by the courts for private gain is no longer an aberration  
14 or isolated behavior. It is disturbingly a dominant and recurrent feature of the Nigerian  
15 system. Judicial corruption often involves a vicious dynamic in which judges trade injustice  
16 for favors and personal gains. However, this study assesses the public perception of the  
17 menace of corruption among judicial workers in Dutse metropolis, Jigawa State.

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19 **Index terms**— corruption, judicial workers, judge, lawyer, public perception.

20 **1 Introduction**

21 ver the years, successive governments in Nigeria have applied methodology in running the national economy with  
22 the objectives of ensuring a high level of economic growth that would improve the standards of living of the  
23 people. Reversed is the case where those involved in guiding the laws of the land involved in destabilizing the  
24 nation through corruption (Agbu, 2003). Corruption is one of the problems faced by the country currently, which  
25 concerned the judiciary in adjudicating the hope of a common man. Corruption has become so blatant and  
26 widespread that it appears as if it has been legalized in Nigeria (Gire, 1999). Corruption in Nigeria is pervasive  
27 and has remained deeply entrenched and robust despite the seeming wars declared by the successive regime since  
28 independence in 1960 ??Udama, 2013).

29 The failure of these strategies is fine-tuning the economy to bring about the needed level of development  
30 had been attributed to so many bases by analyst and academics at all levels. Among the reasons that have  
31 been put forth as being responsible for the dismal performance of the various strategies adopted is "corruption."  
32 Corruption as a phenomenon is a global problem, and it exists in different countries in various degrees (Agbu,  
33 2003). Recently, in most economies and on the international level, the issue of corruption has become topical and  
34 headline news, although the practice is thought to have existed long ago. Carr (2011) opines that "corruption as  
35 a phenomenon has always existed, but in recent years the awareness of it has grown at the international level."  
36 The stern and extensive discourse about the subject has arisen probably because of its devastating effects on the  
37 individual and the society at large.

38 The judiciary (also known as the judicial or court system) is the system of the court that interprets and  
39 applies the law in the name of the state. The judiciary also provides a mechanism for the resolution of disputes  
40 or conflict. In other words, the term "judiciary" is used to refer collectively to the personnel, such as judges,  
41 magistrates, and other adjudicators who form the core of the judiciary. Judicial corruption, therefore, includes  
42 any inappropriate financial or material and nonmaterial gain, aimed at influencing the impartiality of the judicial

## 4 III. REVIEW OF RELATED LITERATURE AND THEORETICAL FRAMEWORK

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43 process by any actor within the court system. For example, a judge may allow or exclude evidence for the purpose  
44 of justifying acquittal of a high political or social status culpable defendant. Judges or judicial personnel can  
45 manipulate court dates to benefit either party ??Transparency International, 2011).

## 46 2 II.

### 47 3 Statement of the Problem

48 Corruption is a major social problem that hinders Nigeria's development. Therefore, this led to the emergence  
49 of government agencies purposely created to fight against corruption, which included the Independent Corrupt  
50 Practice Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC) established in 2004.  
51 The act has persistent to weaken institutions, discourages investment, and holds back economic development. As  
52 asserted by Ogunwale (2012), the problem of corruption in Nigeria is internationally acknowledged as the country  
53 considered to be one of the worst in corrupt practices world over.

54 In Nigeria, cases often take too long because the judge(s) tries to make contact with the parties through their  
55 lawyers in their bid to extort money, benefit or other concessions; there is an unholy alliance between judges  
56 and lawyers while the clients suffer. In other words, members of the bench collect bribe to issue underserved  
57 court orders, injunctions, and frivolous adjournments even when issues on the ground suggest otherwise. Bails  
58 are granted and rejected discretionally without strict adherence to legal principles. Again, bail conditions are  
59 susceptible to the whim and caprice of the judges (Nwaze, 2011).

60 In line with the above assertions, many judicial workers (judges, inclusive) recently in Nigeria were found  
61 guilty of corrupt practices in the course of discharging their constitutional duties, which led to their arrest by  
62 the Department of State Security (DSS), some of the affected justices are Justices Sylvester Ngwuta and Inyang  
63 ??koro . Furthermore, the DSS revealed that it recovered over N93 million and \$530,000 cash from three arrested  
64 judges. Thus, Nigeria had lost so much money due to the compromising posture of most of the judges. Citing  
65 the corruption cases of Halliburton, Malabu, and Siemens, the security chief said: "in the past four years, Nigeria  
66 lost multi million dollars on cases against foreigners because of the corruption in the judiciary. Nigeria lost \$1.9  
67 billion in one swoop case" (Daily Trust, Monday, October 10, 2016, p4). Another judge of the Abuja division  
68 of the Federal High Court, Justice Nnamdi Dimgba's, the residence was also searched, but he was not arrested.  
69 Since then, there has been no love between the CJN, the NJC, and the DSS over the incident on the issue as to  
70 whether the affected judges should abstain from service or not (The Nation, Friday, November 4, 2016).

71 The Federal Government also filed a nine (9) count charge of funds diversion against the Chief Registrar of  
72 the Supreme Court, Ahmed Sale, and two other officials of the court. It accused them of diverting, among  
73 others, about 2.2 billion nairas belonging to the court. The two others are Muhammad Abdulrahman Sharif and  
74 Rilwanu Lawal. The charge marked FCT/HC /CR/13/2016 was filed by the office of the Attorney General of the  
75 Federation (AGF) before the High Court of the Federal Capital Territory (FCT), Maitama, Abuja. Besides, the  
76 accused were charged with receiving N74.4 million gratifications as public officers from contractors who executed  
77 projects for the court between 2009 and 2016 (The Nation, Friday, November 4, 2016: p6).

78 In essence, there is no doubt that judicial corruption distorts the effective implementation of rights and  
79 obligations. Subsequently, a corrupt judiciary neglects the very core of the rule of law and some fundamental  
80 justice principles through which citizens and their rights are supposed to be protected. Judicial corruption also  
81 leads to diversion of public funds among some judicial officials.

## 82 4 III. Review of Related Literature and Theoretical Framework

83 There is no single definition agreed to the term this is because what might appear corrupt in one business may not  
84 automatically be seen as such in another one. Though various attempts were made to defines it, there is no precise  
85 definition that can be any form, type and degree of corruption applied. The concept of corruption is predicated  
86 on value concept. However, most of the writers defined it as enriching oneself by public officials (Lambsdorff,  
87 2007). Those that conceived corruption to be an affair deviating public office defined it as the 'abuse of public  
88 power for personal gain' ??Morris, 2011:3) or as "the misuse of public power for private benefit" ??Lambsdorff,  
89 2007:1). Transparency International (2005) also defines corruption as "the abuse of entrusted power for private  
90 gain". Such gain is not necessarily straightforward personal financial benefit and nor is corruption limited to only  
91 the public or private sector.

92 Another definition given by the Economic and Financial Crime Commission (2004), one of the many agencies  
93 established by the Federal Republic of Nigeria to fight corrupt-practices, defined corruption as:

94 The non-violent criminal and illicit activity committed with objectives of earning wealth illegally either  
95 individually or in a group or organized manner thereby violating existing legislation governing the economic  
96 activities of government and its administration ??Iyanda, 2012:39).

97 Defining corruption in this manner, the EFCC viewed it as an economic crime. This view influenced by the  
98 catalog it holds-dealing with economic crimes. But, as it would be seen in the typology of corruption, corruption  
99 involves a wide range of activities in which corruption can be found but certainly transcends it. Terrorism,  
100 for instance, is an aspect of political violence and is perpetrated for the objective of corruption (Holmes, 2010;  
101 Nwaze, 2011).

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102 **5 IV.**

103 **6 Causes of Corruption**

104 From the preceding discussions on the concept, it has become crystal clear that corruption is not motivated by  
105 a single factor alone. Hence, views also differ concerning the causes of corruption. There are many significant  
106 studies that provided explanations of the causes of corruption in Nigeria. Ulu (2009), mentioned eleven factors  
107 responsible for widespread corruption in the country. These are; selfishness, greed pressure from the larger society,  
108 fear of poverty, lack of adequate social welfare system, extreme ethnicity and unpatriotism, availability of safe  
109 havens, lack of political will, apathy on the part of most citizens, and invisible factor (evil spirit). Nwaze, (2012),  
110 on the other hand, identified five reasons why corruption has become an endemic social problem in Nigeria which  
111 include; weak institutional enforcement framework, commanders without an army (disconnect between leaders  
112 and followers in Nigeria), lack of ethical standards in governance, poor reward system and extended family.

113 Weak institutional enforcement mechanism, as identified by Nwaze (2012), (e.g., Lack of judicial independence;  
114 weak prosecutorial institutions), is one of Nigeria's causes of corruption. The forces that deter corruption are  
115 often weak, as some of the law enforcement agencies, if not most, are themselves corrupt. Additionally, kings,  
116 leaders, and government officials are highly unethical, and qualified associations may be unable to sanction their  
117 representatives. Nwaobi (2004) argued that in a country where an economic condition is poor, there is a tendency  
118 for such a nation to experience a high level of corrupt practices, which further worsen the growth rates. Also, the  
119 lack of political will, as identified by Ulu (2009), is another strong factor that helps to sustain corrupt practices.  
120 However, this has generally played a role in supporting the soberest cases of entrenched political and bureaucratic  
121 corruption. Accordingly, he argued that political and economic competition could increase accountability, open  
122 up alternatives to dealing with corrupt networks, and create incentives for political leaders to move against  
123 corruption. He argued in favor of the ignorance and I-don't-care attitude of the people that Nigeria must be  
124 one of the very few countries in the world where a man's source of wealth is of no interest to his family, the  
125 public or the government. Collectivist societies, religious bodies, social clubs, and other private organizations  
126 routinely recognize and praise wealthy people who are known to be corrupt. Sociological and cultural factors like  
127 traditions, family strains on government officials, and race are also possible causes of corruption.

128 V.

129 **7 Types of Corruption**

130 According to ??tite (1986:14), corruption can be broadly classified into five, viz: Political, economic, bureaucratic,  
131 moral, and judicial corruption. Thus, the focus of this study is on judicial corruption.

132 **8 a) Political corruption**

133 It happens when politicians and policy-makers, who have the power to create, develop, and enforce the laws on  
134 behalf of the people, are themselves compromised. It also occurs when policy formulation and legislation tailored  
135 to benefit politicians and lawmakers.

136 **9 b) Economic corruption**

137 It involves manufacturing fake goods, piracy, i.e., copying another person's intellectual work to illegally enrich  
138 oneself (Plagiarism), fraud at all levels of the economic or business transaction.

139 **10 c) Bureaucratic corruption**

140 Bureaucratic corruption involves buying favors from bureaucrats who formulate and administer government social,  
141 economic, and political policies. The areas chiefly involved are the acquisition of foreign exchange, industrial  
142 establishment avoidance of tax, and the like ??Otite 1986: 14). This occurs in the public administration or  
143 the implementation end of politics. It is the kind of corruption the citizens encounter daily at places like the  
144 hospitals, schools, local licensing offices, police stations, the various government ministries, etc. Bureaucratic  
145 corruption occurs when one obtains business from the public sector through an improper method.

146 **11 d) Moral corruption**

147 The anonymity in contemporary societies, particularly in urban and cosmopolitan centers, has worsened, or in  
148 some cases only created, conditions that favor moral depravity. The desire for employment, the wish to show  
149 wealth through the acquisition of women, the flashy demonstration of individual materialistic possession amid  
150 social poverty, and the exploitation of man by man-the the powerless by the powerful, etc. all belongs to the  
151 form of moral corruption.

152 **12 e) Judicial Corruption**

153 The alarming levels of corruption in Nigerian society moved the framers of the 1999 Constitution to declare  
154 that "the state shall abolish all corrupt practices and abuse of office." Unfortunately, the numerous corrupt  
155 practices incidents are not confined to politicians and government officials but extend to the judiciary as well.

156 Nigerian judges and their leaders were unable to rise above the toxic environment in which they live and function.  
157 Though, democracies all over the world deal with judicial corruption, slacking moral values, mounting economic  
158 hardships, and ineffective detection and enforcement mechanisms have turned this aberrant conduct into a full-  
159 blown national plague. Abuse of power by the courts for private gain is no longer an aberration or isolated  
160 behavior. It is disturbingly a dominant and recurring characteristic of the Nigerian judiciary. Acts often involve  
161 a vicious dynamic in which judges trade injustice for personal gains and favors. They prefer to do what most  
162 Nigerian public servants do, using their official positions to raise their social income and strength. Despite the  
163 provisions of the Code of Conduct for Judicial Officers, and engaging in unethical and corrupt behavior, every  
164 aspect of the process has succumbed to the scourge of corruption.

165 By inference, judicial corruption is acts or omissions that constitute the use of public authority for the private  
166 benefit of judges, court, and other justice sector personnel that result in the improper and unfair delivery of  
167 judicial decisions. Judicial corruption includes improper use of judicial discretion, favoritism, promises of office  
168 or special favors, coercion, intimidation, and interference with freedom of election (Ayodeji & Odukoya, 2014).

169 Judicial corruption can be categorized into two, this includes administrative and operational corruption.  
170 Administrative corruption arises when court administrative employees violate formal administrative procedures  
171 for their private benefit at the same time, operational corruption takes place in grand corruption schemes where  
172 political and considerable economic interests are at stake (Langseth, 2010).

### 173 13 VI.

## 174 14 Nature of Corruption among

175 Judiciary in Nigeria

176 The corrupt practices pervasive among the Nigerian Judiciary include; bribery, fraud, nepotism, and cronyism.  
177 Bribery has been defined as an act of giving or taking money or something valuable in order to gain favor in a  
178 dishonest manner (Okeyim, 2013). In Nigeria, attempting, providing, giving, soliciting, or accepting a bribe is  
179 considered as an offense that carries with it either criminal or civil liability. Bribery, by implication, is a corrupt  
180 act that violates a public servant's responsibilities to members of the public. It involves the violation of public  
181 trust. It encourages unfair or underserved benefits or advantages (Ogbu, 2011). Bribery can also be successful if  
182 there is existing trust between the giver and receiver. This, therefore, makes bribery a joint activity that involves  
183 two sides of a transaction. Criteria such as openness, freedom, and a good feeling by both parties (i.e., Both  
184 parties must be happy about the exchange) is used to distinguish between a bribe and gifts. Still, where there  
185 are elements of secrecy, coercion, and obligation, such is considered as a bribe and not a gift (Okeyim, 2013). In  
186 Nigeria, bribery is a very common form of corruption that occurs in the judiciary. For example, with the coming  
187 of Jonathan as the President Federal Republic of Nigeria, with vast financial inducements to rig cases before  
188 them, Nigerian judicial officers handling election petitions now qualify to be inducted into the inner sanctum of  
189 the super-rich overnight. Many cases abound at the level of the state where judges are often pressured by the  
190 governors to pause, pervert the case or do something scandalous to help those who lose out in elections (Aver &  
191 Orban, 2014).

192 Fraud is one of the common corrupt practices in the Nigerian Judiciary. Fraud is considered an act of deceit  
193 or misrepresentation. In Nigeria, the loss of revenue resulting from fraudulent activities amounts to about \$40  
194 billion a year (Tell, 2010). In the judiciary, fraud involves receiving bribes to compromise the application of the  
195 rule of law, compromise in the interpretation of the law.

196 This ruling by the apex court was quite unfortunate and damaging for the image of the judiciary. The  
197 court should have made a pronouncement on the illegality and unconstitutionality of the action of corporate  
198 Nigeria in making a political donation in billions of naira to President Obasanjo's re-election campaign when the  
199 constitution in an unambiguous term expressly prohibits it. The above analyses portray the judiciary as not only  
200 compromising the law but laying dangerous precedents for corrupt practices to thrive in Nigeria. It is based on  
201 all these compromising applications of the rule of law that the issue of corruption within the judicial system in  
202 Nigeria generated. A good example can be drawn from the recent cases of corrupt practice among some judicial  
203 officials, for instance, the charge of fund diversion against the Chief Registrar of the Supreme Court, Ahmed  
204 Saleh, and two other officials of the court. They were accused of diverting for about N2.2 billion belonging to  
205 the court. Another example, where the Department of State Security (DSS) revealed that it recovered over N93  
206 million and \$530,000 cash from three arrested judges. Thus with these, and other reasons, it can be deduced  
207 that "fraud" is another form of corruption that is common in the Nigerian Judiciary.

208 Furthermore, Osuji (2012), asserts that it is painfully enough the judiciary at the state level today is an  
209 obviously frustrating democratic process in Nigeria, some cases are so theatrical to the point that one began  
210 to wonder what has become of the Nigerian judiciary. Even when the National Assembly tried to address the  
211 problem stemming from endless adjournments of cases, especially in matters of the election, they made the matter  
212 worse. It played well in the hands of some of the clearly corrupt judges and politicians by setting a time limit  
213 for finishing any election case (Aver & Orban, 2014).

214 They exploited the situation as they were suspected of entering into an agreement with the affected governors  
215 by delaying the cases until they became technically dead which is the expiry of the time limit. For example,  
216 the case of, among others, Benue, Akwa-Ibom, Jigawa, Borno, and Imo states is still fresh in Nigerian memory.

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217 Even some cases were thrown out on a mere flimsy excuse of time frame which was too obvious and clear. Many  
218 judges take pleasure in granting unwarranted adjournments to waste the apparent time so it does not add to  
219 the efficiency of the truth, "justice delayed is denied justice." In situations, in particular political circumstances,  
220 they prey on any little loophole to either dismiss the case or embark on the escape of endless adjournments. As  
221 asserted by Morris Cane, "Any technicality in law used to dismiss a case is not a true justice; if dispensed, it is  
222 justice denied over the influence of remote reasons because it is not the real justice" (Osuji, 2012).

## 223 **15 VII. Causes of Judicial Corruption in Nigeria**

224 An important move in the fight against corruption in the judiciary is to look at the causes which lead to corrupt  
225 practices. There are no common general factors for all states that contribute to corrupt judiciaries. On the  
226 contrary, the causes appear to be countryspecific. Some of the causes of corruption among the judiciary in  
227 Nigeria are:

### 228 **16 a) Intimidation of Judges**

229 Available evidence indicates that rich and powerful Nigerians are instinctively resistant to attempts to mediate  
230 conflicts and disputes through the judicial process. Their preferred mode of operation is to blunt justice demands  
231 by embarking on a dual strategy of intimidation and manipulation. The dominant mentality is to threaten  
232 and bully those who refuse to be bribed. Bribery usually involves money, but may also include higher-bank  
233 promises of elevation. Intimidation of judicial officers stretches from the lower courts to the Supreme Court to  
234 all branches of the judiciary. The murder trial of those accused of murdering the late Attorney General, Bola  
235 Ige, was postponed for a long time because three judges refused to continue hearing the case separately, citing  
236 pressure from unidentified highly placed persons. Judge Moshod Abaas recused himself, citing unprecedented  
237 quarterly stresses. This situation accurately illustrates the unfortunate and uncomfortable situation in which  
238 judges find themselves after taking jurisdiction in high-profile cases (Nwaze, 2011).

### 239 **17 b) Non-transparency in Judicial staff recruitment process**

240 It is another cause of systematic corrupt behavior, since the court staff then may be influenced by external interests  
241 from the very beginning. Other potential factors that affect judicial independence are political instability and  
242 democratic insecurity. In general, it appears that states with high political rivalry and a regular change in power  
243 tend to have a higher level of integrity of the justice system. For states with only one powerful political group,  
244 the political party is more likely to control the judiciary's work to preserve its political power (Osoba, 1996).

### 245 **18 c) Absence of Technological Equipment**

246 Another factor that makes corrupt behavior go unnoticed can be the absence of technological equipment, such  
247 as updated databases to keep a record of judgments. Insufficient computer systems can also slow down court  
248 processes, leading to a higher level of corruption, as paying a bribe could be a way to get it. Another potential  
249 factor is lack of transparency; if an illegal activity can be concealed in complex procedural processes and press  
250 courtrooms are closed and therefore never revealed to the public, wrongdoing is easier to overcome, and evidence  
251 against it becomes more difficult to find. (Nwaze, 2011).

### 252 **19 d) Weak Judicial System**

253 The poor judiciary is a grave cause of corruption. Most often, judicial systems are weak because of poor service  
254 conditions. It is the poor who suffer the brunt of injustices in such situations, as the rich always have a better  
255 chance of getting justice over the poor. Also, the lack of a clear separation of powers between the judiciary and the  
256 executive arms often leads the latter to exercise undue influence over the former. Deficiencies in the legal system  
257 can also exacerbate unfair political or economic situations. Disparate treatment by authorities will undermine the  
258 trust of non-dominant groups that the system can address their grievances and leave no alternative to violence.  
259 For example, where access to and transparency of the justice system is restricted to those who speak an official  
260 language (bribery), ethnic groups who speak different languages are left outside the legal system. Consequently,  
261 a functioning legal system is important for sustainable democracy (Osoba, 1996).

### 262 **20 e) Get-rich-quick Syndrome**

263 There is no doubt that the professionals, most of whom are members of the middle class, are anxious to succeed in  
264 the shortage possible time, and in the process, they inevitably get enticed and mixed up in fraud and corruption.  
265 However, judges together with other judicial officials feel the need to maintain the status and living standards of  
266 the social groups they aspire to remain part, and this often requires more money than they earn, as such they  
267 tend to engage in corrupt practices to acquire wealth (Nwaze, 2011).

## 268 **21 VIII. Effects of Judicial Corruption on**

269 the Public in Nigeria

## 23 THEORETICAL DISCOURSE A) STRUCTURAL STRAIN/ANOMIE THEORY

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270 Abdulkarim (2012) asserts that to maintain rule and regulation, the judiciary's primary role as the third arm  
271 of government is to defend and uphold the Nigeria Constitution and assure that the rule of law prevails. Under  
272 that general duty and authorization, the everyday work of the judiciary reveals to some extent the level of a  
273 court's or judge's rule. However, a persistent element in the judiciary's role at every level is the protection of  
274 each Volume XX Issue VII Version I 117 ( H )

275 justice system. Yet they subscribe to the axiom of legal individual's Constitutional, human, civil, and legal  
276 rights. The judiciary also has an important role to play in protecting the people from the corruption of others,  
277 protecting the vulnerable from the strong and the helpless from the powerful and protecting persons from the  
278 State's unwarranted or unconstitutional exercise of control. In fact, the judiciary plays a vital role in preserving  
279 domestic tranquility by establishing a formal institutionalized platform to address discord and vindicate civil and  
280 criminal misdeeds. But the position of the judiciary becomes questionable in the public eyes, due to the high  
281 level of corruption within the judiciary. The judiciary is also afflicted with major ethical problems, including an  
282 overly nepotistic way of appointing judges and elevating them to higher judicial benches, and cases of corruption  
283 and perversion of justice, as well as human rights violations (Ogunye, 2011).

284 Judicial corruption has forced citizens to view with caution the role of the courts as impartial dispensers of  
285 justice. Nigerians are increasingly moving away from the concept of courts as neutral dispensers of justice, to  
286 the model of "cash and carry" impartiality, where judges overlook standards and even the law to weaken justice.  
287 Someone who pays money or is motivated to advance the career of a judge can control the decision and manipulate  
288 decisions and orders in his favor. Instinctively, people are wary of judges, and maybe for good reasons. Despite  
289 mounting public criticism, the judiciary repeatedly shows a tendency, especially in high-profile and election cases,  
290 to lend its mechanism to serving the influential, well-connected, and wealthy people.

291 The public perception of judicial corruption is so deeply embedded that citizens ascribe corrupt motives  
292 to honest judges who render decisions they find objectionable. Court decisions are often viewed by many as  
293 motivated by crooked drives. When, for example, the Supreme Court ruled that the son of the former dictator  
294 Abacha was not a party to the murder of the late Alhaja Kudirat Abiola, rumor mills all over the country were  
295 agog that corrupt motives dictated the outcome of the case. Similarly, the assertion that the acquittal of those  
296 accused of killing the late justice minister Bola Ige was motivated by corruption continues to gain currency despite  
297 the absence of credible evidence to substantiate allegations of judicial corruption (Osita, 2003).

298 Corruption in the judiciary has the potential to do far more damage to society than elsewhere. An independent,  
299 impartial judiciary often cited as a fundamental institution supporting civil society and a well-functioning  
300 economy. When judicial decisions become suspect due to corruption, businesses reduce productivity, particularly  
301 those with potential for disputes such as long term investment contracts or the production of goods. Again, an  
302 independent, impartial, fair, and equitable legal system and a non-corrupt judiciary is the core of the rule of  
303 law, human rights protection, and supervision of executive as well as economic development. Corruption in the  
304 judiciary is one of the greatest challenges to the effective protection of rights, as individuals defend themselves in  
305 independent and impartial courts when they claim violations of individual rights. With their monopoly, courts  
306 have a tremendous responsibility for resolving all conflicts of a judicial nature and corrupt courts can not assume  
307 that responsibility ??Transparency International, 2007).

308 In general, it's argued that the clear evidence of corruption in the judiciary has posed a great danger for the  
309 country. It's especially true when one views the role of the judiciary as the interpreter of legislation and guardian  
310 of the constitution in connection with the enforcement of the anti-corruption legislation. This role has placed the  
311 judiciary in a higher position than the executive or the legislative. It may amount to a waste of government's  
312 efforts to fight corruption if the judiciary alone can pronounce legislation or the acts and deeds of the legislative  
313 and executive unconstitutional, which is itself embroiled in corruption (Kayode, 1993).

## 314 22 IX.

## 315 23 Theoretical Discourse a) Structural Strain/Anomie theory

316 The Social structure theory can explain why judicial workers engage in corruption as innovators. 'Innovation'  
317 describes a situation where an individual has been socialized into accepting the goal of material success, but,  
318 faced with a lack of legitimate means for achieving the goal, resorts to deviance. However, corrupt individuals,  
319 for example, tend to accept the societal goals by engaging themselves into legitimate activities but unfortunately,  
320 they tend to deviate by trying to earn money through illegitimate means. For instance, in some institutions  
321 like the judiciary, a judge or other judicial officials may collect bribes, kickbacks, from the parties involved in  
322 judicial proceedings, and as such he deviates from a legalized way of dispensing justice, therefore becoming an  
323 "innovator". Examples can be drawn from recent cases of corrupt practices among some of the judicial officials  
324 which led to their arrest by the Department of State Security, which includes but not limited to the following:  
325 Justice Sylvester Ngwuta and Inyang Okoro of the Supreme Court, Justice Muhammad Ladan Tsamiya; Justice  
326 Adeniyi Ademola. However, the aforementioned judicial officials could be regarded as "innovators" because they  
327 tried to change the legitimate means of attaining the goals of the institution (judiciary).

328 X.

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## 329 **24 Methodology a) Study population**

330 It's consists of all people living within the Dutse metropolis that were available during the study. The target  
331 population of this study includes persons aged 18years and above (both males and females) who reside in Dutse  
332 Metropolis. Others include judges, legal practitioners, clerks, registrars, and academics in Dutse Metropolis.

## 333 **25 b) Sample size and sampling procedure**

334 This research sampled a total of 119 respondents. Two (2) political wards were purposely selected (i.e Kachi and  
335 Limawa ward), out of the eleven (11) wards in Dutse L.G.A. The justification for the two is because; they are  
336 the only that are within Dutse metropolis, while the remaining wards are outside Dutse metropolis. However,  
337 Simple Random Sampling through Simple Lottery Method (SLM) was used to select respondents from the two  
338 political wards that were selected.

339 Eighty (80) respondents were selected from the Kachi ward, while thirty (30) respondents were selected from  
340 the Limawa ward. The justification for selecting more respondents from the Kachi ward is because it has the  
341 highest population than Limawa, and also it forms part of the Dutse Metropolis. Therefore, respondents from  
342 the two political wards drawn disproportionately.

343 While for the In-depth Interview (IDI), convenience sampling used to select participants, which include: one  
344 (1) judge, two (2) legal practitioners, two (2) Clerks of the court, two (2) registrars, and two (2) academics. A  
345 total of nine (9) participants selected for the in-depth interview. Thus, a total of 119 respondents is the sample  
346 of the study.

## 347 **26 c) Data collection**

348 The study used both quantitative and qualitative techniques.

349 For the quantitative technique, questionnaires were administered, and for the qualitative, an In-depth Interview  
350 (IDI) was conducted. The questionnaire comprises of both closed and opened-ended questions.

## 351 **27 XI.**

## 352 **28 Discussion of Research Findings a) Socio-demographic of 353 respondents**

354 The data revealed that 58.1% of the respondents were male, while 41.9 of the respondents were female. 12.9  
355 % of the respondents were within the age of 18-22, while 37.6 % were within 23-27, 19.4 % were within 28-  
356 32, and 30.1 % were within the age of 33, and above. 32.3 % were married, 55.9% were single and 6.5 % were  
357 divorced in comparison 5.4 % respondents represented others, which are widowed and separated. 22.6 % of the  
358 respondents attained Qur'anic education, while 9.7 % primary education, 30.1 % secondary education, 36.6%  
359 tertiary education, and 1.1 % did not respond to the question.

360 While 79.6 % of the respondents were Muslims, 17.2 % were Christians. On the other hand, 3.2 % of the  
361 respondents were traditionalists. 25.8 % were civil servants, 17.2% of the respondents were public servants, while  
362 24.7% of the respondents were farmers, and 31.2 % of the respondents were others, such as students, artists, and  
363 businessmen/women, and 1.1 % did not respond. 62.4% of the respondents earned less than N100,000, 14.0%  
364 earned N101,000-120,000 monthly, 8.6% earned between 120,000-130,000, 3.2 % earned N131,000 and above  
365 monthly. On the other hand, 11.8 % did not respond.

366 However, the findings indicated that most of the respondents were male (58.1%) who were within the age of  
367 23-27 years (37.6 %) and were mostly single, with 55.9% who attained tertiary education (36.6 %). Also, they  
368 were mostly Muslims (79.6 %) civil servants (31.2%) who earned less than N100, 000 monthly (62.4%).

## 369 **29 b) Corruption is Pandemic among Judicial Workers in 370 Nigeria**

371 The finding shows that 45.2% of the respondents strongly agreed that corruption is pandemic among judicial  
372 workers in Nigeria, and 47.3% agreed, 7.5% disagreed. This indicates that the majority of the respondents agreed  
373 and strongly agreed that corruption is pandemic among judicial workers in Nigeria.

## 374 **30 c) Most Common Form of Corruption among Nigerian 375 Judiciary**

376 The data indicate that 49.5% of the respondents suggest that the most common form of corruption among  
377 the Nigerian judiciary is bribery, 15.1% suggested fraud, and 20.4% said favoritism and nepotism, while 15.1%  
378 suggested embezzlement. The finding indicates that the majority of the respondents believed that bribery is the  
379 most common form of corruption among the Nigerian judiciary.

380 **31 d) Victims of judicial corruption**

381 The result indicates that 18.3% of the respondents were victims of judicial corruption, while 81.7% did not fall  
382 as victims of judicial corruption. The finding shows that majority of the respondents were not victimized.

383 However, among the 18.3% of respondents that were victims of judicial corruption, some asserted that they  
384 bought a recharge card to the clerk of one court before he called the registrar for them. Others stated that they  
385 gave something in kind to the judge of magistrate court and the case was treated at their discretion, others also  
386 affirmed that they gave money to the registrar before he files their cases before the court of law. In comparison  
387 some confirmed that, they paid legal aid officers some cash before they represent their case before the court of  
388 law.

389 **32 e) The most Corrupt Judicial Workers**

390 The findings show that 33.3% of the respondents believed that judges are the most corrupt judicial workers, in  
391 comparison 34.4% of the said lawyers, 18.3% registrars, and 9.7% said prosecutors, while 4.3% stated others such  
392 as court clerks and messengers. The finding indicated that the majority of the respondents believed that lawyers  
393 are the most corrupt judicial workers. This is why because; they are the ones that usually first come into contact  
394 with litigants.

395 In an in-depth interview with a Registrar of the magistrate court, he asserted that:

396 Most of the corrupt judicial workers are clerks and messengers because they are the ones that have less or  
397 lower salary packages within the judiciary most people usually first meet them to assist them on how to process  
398 their case before the court. As such they often use that as an advantage to collect money from them (more  
399 especially those from remote areas).

400 The study revealed that the majority of the respondents agreed and strongly agreed that corruption is pandemic  
401 among judicial workers in Nigeria. Subsequently, most of the respondents also believed that bribery is the most  
402 common form of corruption among the Nigerian judiciary, and most of them supposed that judges and lawyers  
403 as the mainly corrupt judicial workers. This finding is in line with the observation of Okeyim, (2013), where he  
404 confirmed that corrupt practices pervasive among the Nigerian judiciary include; bribery, fraud, nepotism, and  
405 cronyism. Also, Aver & Orban (2014) affirmed that, in Nigeria, bribery is a very widespread form of corruption  
406 that occurs in the judiciary. For example, with the coming of Jonathan as the President Federal Republic of  
407 Nigeria, with massive financial inducements to rig cases before them, Nigerian judicial officers handling election  
408 petitions now qualify to be inducted into the inner sanctum of the super-rich overnight.

409 **33 f) Causes of Corruption among Nigerian Judiciary**

410 The study indicated that 17.2% agreed on the weak judicial system, 12.9% agreed that get rich quick syndrome  
411 is a factor that causes judicial corruption, 16.1% influence of political leaders is a factor that causes judicial  
412 corruption, 52.7% agreed on all factors mentioned. While on the other hand, 1.1% represents others who cited  
413 poor salary package. The findings revealed that the weak judicial system, get rich quick syndrome, and the  
414 influence of political leaders are the factors that cause corruption in the judicial system.

415 In an in-depth interview with the Chief Magistrate Court II, on the causes of judicial corruption, he asserted  
416 that:

417 The weak judicial system is a major cause of corruption in the justice system. Most often, due to poor  
418 conditions of service, the justice systems are weak. It is the poor who bear the brunt of injustices in these cases  
419 because the wealthy still have a greater chance of getting justice over the poor.

420 In an in-depth interview with a legal practitioner also on the causes of judicial corruption, he revealed that:

421 Lack of adequate incentives is one of the factors that usually render corrupt judicial workers. Judicial employees  
422 are typically not given the freedom to participate in other business because of the complexity of their duties.  
423 Their salaries are the only source of income they have and not even the salaries are adequate to meet their basic  
424 needs. As such they have recourse to corruption to make their lives standard.

425 **34 g) Litigants Standing Trial induces Corruption within the  
426 Judiciary**

427 The findings indicated that 47.3% of the respondents agreed that litigants standing trial induce corruption within  
428 the judiciary, while 11.8% disagreed. And 40.9% do not have an idea. Therefore, most of the respondents believed  
429 that litigants standing trial induce corruption within the judiciary.

430 In an in-depth interview with the registrar (process) of the magistrate court on whether litigants standing trial  
431 induce corruption within the judiciary. He asserted that, Most of the parties involved in both criminal and civil  
432 litigations usually induce corruption within the judiciary, because most a time people tried to offer me something  
433 to make the judge terminate their case. There are some people that will ask me to tell them how much I want  
434 for me to make him favor their client.

435 The study also revealed that most of the respondents believed that the weak judicial system, get rich quick  
436 syndrome, the influence of political leaders are the major factors that cause corruption among the Nigerian  
437 judiciary. However, this finding is in line with what Aver & Orban, (2014) earlier stated on the influence of

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438 political leaders over the judiciary. They opine that many cases (more especially election cases) abound at the  
439 federal and state level where judges are frequently influenced by the executives to delay, pervert the case or do  
440 something scandalous to favor those who lost out in an election. Also, Nwaze (2011) stated that there is no doubt  
441 that the professionals, most of whom are members of the middle class, are anxious to succeed in the shortage  
442 possible time. In the process, they inevitably get enticed and mixed up in fraud and corruption. He added that  
443 judges together with other judicial officials also feel the need to maintain the status and living standards of the  
444 social groups they aspire to remain part of, and this often requires more money than they earn, as such they  
445 tend to engage in corrupt practices to acquire wealth.

### 446 **35 h) Judicial Corruption has an Effect on the General Public**

447 The results show that 47.3 % of the respondents strongly agreed that judicial corruption has an effect on the  
448 general public, while 40.9% agreed, 10.8% disagreed and 1.1% strongly disagreed. Therefore, the majority of the  
449 respondents strongly agreed that judicial corruption has an effect on the general public.

### 450 **36 i) Major Effect of Judicial Corruption on the General Public**

451 The study shows that 16.1 % of the respondents believed that delay in the proceeding is one of the major effects  
452 of judicial corruption, in comparison 18.3% believed that violation of individual's right, 10.8% said making the  
453 public lose confidence in the judiciary and 54.8% agreed on all factors mentioned. Therefore, the finding indicates  
454 that delay in proceedings, violation of an individual's rights and making the public lose confidence in the are the  
455 major effects of judicial corruption on the general public.

456 Subsequently, other respondents believed that judicial corruption has an effect on the general public because  
457 it ends up impoverishing the poor/less privileged in the society and it leads to the proliferation of crime because  
458 criminals are freed to continue their criminality. Some of the respondents stated that it encourages corruption  
459 in all sectors of the economy and makes other institutions to become corrupt. Others believed that it leads  
460 to inequality, injustice, and violation of human rights in society. Similarly, some stressed that it distorts the  
461 country's democracy and also makes justice for sale. Others revealed that it affects other agents of the criminal  
462 justice system (police and prison), and also it undermines the role of the judicial system.

463 In an interview with a legal practitioner on the effects of judicial corruption, he asserted that: One of the side  
464 effects of a corrupt judiciary is that it becomes inevitably too weak and increasingly incapable of discharging its  
465 critical responsibilities to the society, especially to the poor and vulnerable. If the judiciary is corrupt, those who  
466 do not have money will suffer the most, because "cash and carry" is justice.

467 In an interview with a university lecturer on the effects of judicial corruption on the general public, he asserted  
468 that: Judicial corruption encourages corruption in all sectors of the economy because they are regarded as the  
469 last hope of the common man, therefore if they become corrupt other sectors of the economy will invariably  
470 embroil into corruption.

471 On the effects of judicial corruption on the general public, the findings revealed that the majority of the  
472 respondents agreed and strongly agreed that judicial corruption has an effect on the general public. Subsequently,  
473 most of the respondents believed that delay in proceedings, violation of an individual's rights, making the public  
474 lose confidence in the judiciary are the major effects of judicial corruption on the general public. However, this  
475 finding is in line with the observation of Transparency International (2007), where they stated that Corruption in  
476 the judiciary is one of the greatest challenges to the effective protection of rights when citizens defend themselves  
477 in independent and impartial courts when they plead infringement of individual rights. With their privilege,  
478 courts have an immense responsibility for resolving all disputes of a judicial nature, and "corrupt courts" can not  
479 accept that responsibility.

480 Consequently, according to Kayode, (1993), judicial corruption may amount to a waste of government's efforts  
481 to fight corruption, if the judiciary alone can pronounce legislation or the acts and deeds of the legislature and  
482 executive unconstitutional, is itself embroiled in corruption.

### 483 **37 j) The Present Administration is making an effort to tackling 484 Judicial Corruption**

485 The research revealed that 26.9% of the respondents strongly agreed, while 34.4% agreed, 32.3% disagreed and  
486 6.5% strongly disagreed. Therefore, the findings revealed that the majority of the respondents agreed that the  
487 present administration is making a good effort in tackling corruption within the judiciary.

### 488 **38 k) Appropriate Measures by the Present institutional Mech- 489 anism of Combating Corruption**

490 The study indicated that 25.8% of the respondents agreed that the present institutional mechanisms of combating  
491 corruption are taking appropriate measures, in comparison 39.8% believed that they are not taking appropriate  
492 measures and 34.4% represent I don't know. Therefore, the finding shows that majority of the respondents

## 41 SUMMARY

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493 stated that the present institutional mechanisms of combating corruption are not taking appropriate measures  
494 in combating judicial corruption in Nigeria.

### 495 39 1) The Most Effective Institutions in Tackling Judicial Cor- 496 ruption

497 The findings revealed that 19.4% of the respondents agreed that executive could play a significant role in tackling  
498 judicial corruption, 39.8% suggested EFCC, 22.6% suggested DSS, and 16.1% says ICPC and 2.2%, on the other  
499 hand, represent others (legislative arm). Therefore, the finding revealed that the majority of the respondents  
500 suggested that EFCC can play a significant role in tackling judicial Volume XX Issue VII Version I 121 ( H )  
501 corruption. This is because they are the ones that were mostly considered to be carrying out their constitutional  
502 duties without political interference.

503 While on the possible solutions to judicial corruption in Nigeria, some of the respondents suggested that the  
504 government should improve the salary package of judicial workers, others suggest that Judicial appointments  
505 should be based on merit and severe punishment should be imposed on those who indulged in corrupt practices  
506 among judicial Subsequently, some opines that, court rulings have to be protected from political interference and  
507 judicial independence has to be assured as well as due process/the rule of law must be complied with, in the  
508 course of investigating corrupt judicial officials. Others stated that ensuring full autonomy to the agency involved  
509 in investigating judicial cases to have the power to arrest them without any hindrance.

510 In an in-depth interview with the Chief Magistrate, court II, Dutse, on the possible solutions to judicial  
511 corruption, he opines that: Corruption in Nigeria is beyond the economic and legal problems, it's a social  
512 problem. Therefore, the approach has to be multi-dimensional. To prevent the menace among the Nigerian  
513 judiciary, other arms (executive and legislative) should avoid it, because they are the ones that mostly induces  
514 corruption within the judiciary.

515 Similarly, in an in-depth interview with a University lecturer on the possible solutions to judicial corruption,  
516 he stated that:

517 There should be transparency in the recruitment of judicial officials (more especially the judges). The  
518 government should appoint judges that have proven integrity. Their Salaries should also be improved by the  
519 government as well as adequate incentives have to be provided. On the possible solutions to judicial corruption,  
520 the findings revealed that majority of the respondents agreed that the present administration is making a good  
521 effort to prevent corruption among the judiciary, Most of the respondents recommended that EFCC can play  
522 a significant role in tackling judicial corruption and finally, the majority of the respondents suggested that,  
523 court rulings have to be protected from political interference and severe punishment should be imposed to those  
524 caught engaging in corrupt practices among judicial workers. This finding is in agreement with the view of Aver  
525 and Orban (2014), where they recommended, that various punishments and sanctions such as death sentence,  
526 dismissal from service, suspension, compulsory retirement, and public humiliation by sending them to prisons to  
527 serve jail terms should be awarded to erring judicial officials who indulged in corrupt practice.

## 528 40 XII.

### 529 41 Summary

530 This study focuses on the menace of corruption among judicial workers in Dutse metropolis. The background  
531 of the study was established in the introductory part. This was followed by a review of relevant literature  
532 and theories. The methodology of the research was explained and the data was analyzed. The study revealed  
533 that most of the respondents (58.1%) were males aged between 23-27 years (37.6%). Most of them were single  
534 (55.9%) and had post-primary/tertiary education (66.7%) who were mostly Muslims (79.6%), civil servants  
535 (31.2%) who mostly earned less than 100,000 (62.4%) monthly. On the nature of corruption among judicial  
536 workers in Nigeria, it revealed that 92.5% agreed and strongly agreed that corruption is pandemic among judicial  
537 workers in Nigeria, 49.5% of the respondents believed that bribery is the most common form of corruption among  
538 Nigerian judiciary, 81.7% believed that judges and lawyers mostly engage in corruption within the judiciary.  
539 On the causes of corruption, 52.7% of the respondents believed that the weak judicial system, get rich quick  
540 syndrome, the influence of political leaders are the major factors that cause corruption among Nigerian judiciary,  
541 57.0% of the respondents did not know whether the executive arm intimidates the judicial arm in the course of  
542 discharging their constitutional duties. On the effects of judicial corruption on the general public, 88.2% of the  
543 respondents agreed and strongly agreed that judicial corruption has an effect on the general public, 54.8% of the  
544 respondents believed that delay in proceedings, violation of individual's right, making the public lose confidence  
545 in the judiciary are the major effects of judicial corruption on the general public. Similarly, the majority of the  
546 respondents also believed that judicial corruption encourages corruption in all sectors of the economy, and makes  
547 other institutions become corrupt. On the solutions to judicial corruption, 34.4% of the respondents agreed that  
548 the present administration is making a good effort to prevent corruption among the judiciary. 39.8% suggested  
549 that EFCC can play a significant role in tackling judicial corruption and finally, most of the respondents suggested  
550 that, court rulings have to be protected from political interference and severe punishment should be imposed on  
551 those caught engaging in corrupt practices among judicial workers.

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552 **42 XIII.**

553 **43 Conclusion**

554 In present-day Nigeria, Corruption has become so prevalent that it is now institutionalized. The judiciary is a vital  
555 organ, and an instrument that promotes democracy in the society said to lack free and fair in the implementation  
556 of their constitutional duties. However, based on the findings of the study, corruption is a phenomenon viewed  
557 from different perspectives as a The findings suggested that corruption is pandemic in the Nigerian judiciary,  
558 where both judges and lawyers engage in corruption. Also bribery and fraud are forms of corruption, which leads  
559 to compromise of the judiciary and hinders judicial effectiveness. The weak judicial system, political interference,  
560 get rich quick syndrome was considered to be the key causes of corruption within the judiciary.

561 XIV.

562 **44 Recommendations**

563 Base on the findings of the study, the following recommendations can be made: i. There is a need for an objective  
564 and transparent process for the appointment of judges to ensure that only the highest quality candidates are  
565 selected. Judicial workers should not feel indebted to a particular politician or senior judge who appointed  
566 them. ii. The National Judicial Council should ensure election criteria are obvious and well-publicized to allow  
567 candidates, selectors, and others to have a clear understanding of where the election process. iii. National Judicial  
568 Council should ensure that judicial officials have to demonstrate a record of competence and integrity before  
569 recruitment or promotion. iv. There should be civil society participation, including professional associations  
570 linked to judicial activities, should be consulted on the merits of candidates. v. The government should also ensure  
571 that the judicial salaries commensurate with judicial official's position, experience, performance, and professional  
572 development for the entirety of their tenure; subsequently, fair pensions should be provided on retirement by the  
573 government. vi. Due process and rule of law must be complied with, in the course of investigating corrupt judicial  
574 officials. vii. Severe punishment should be imposed on those who indulged in corrupt practices among judicial  
575 workers (e.g, dismissal from office, suspension, compulsory retirement, by sending them to prison to serve jail  
576 term and by executing them). viii. Radio and television jingles should be employed to create awareness across  
577 Nigeria so that everybody (including the government) will be aware of the nature, pattern, causes, and effects of  
578 judicial corruption.

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572 The National Judicial Council (NJC), has  
573 recommended sanctions for Justice Tsamiya; the  
574 erstwhile Chief Judge of Enugu State; Justice I.A  
575 Umezulike; and Justice Kabiru Auta (Daily Sun,  
576 November 8, 2016, p6

Figure 1:

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Figure 2:

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#### **44 RECOMMENDATIONS**

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