

CORRUPTION, ANTI CORRUPTION AND THE JUDICIARY IN NIGERIA **

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ABSTRACT

Despite the National and International Condemnation of Corruption as a social vice' in most societies and its seeming embedding in Nigeria's business cultures, most Nigerians like Passing the gauntlet left from politicians to administrators, business men and some professionals. This paper centrally seeks to demystify the myth of incurability ascribed to this phenomenon. The Paper begins by exploring the meaning of constitutions in relations governance and within the circumference of democratic States. We further consider various conceptual and theoretical meaning of corruption. The paper place tremendously analyses on Anti-corruption methodology and the Legal System' 'approach to curbing corruption it' thereafter scrutinizes the Legal framework for combating Corruption and the Judiciary. This Work finally poses and resolves the all-important question whether the judiciary: that is a; product of this society deserve the derogatory accolade of a cross bearer' of corruption? We conclude that institutional Corruption is a hydra headed phenomenon and cannot be eradicated with a singular' approach. With the initiatives put in place to complement the existing laws, one should have' though, outright against corruption will easy. What seems indispensable is the lack political will to deal with corruption. Most of the handicap suffered by the judiciary in the full utilization of the anti-corruption laws stem from the fact that the Executive arm of government controls the judiciary via the Attorney-General and indirectly the judiciary does not often want one of its own to be exposed.

KEY WORDS: CORRUPTION, ANTI-CORRUPTION, JUDICIARY, NIGERIA, SOCEITY, GOVERNANCE.

Introduction

The constitutive element of constitutional democracy all over the world, connotes in essence a system of rule in which legal limitations are placed on the government. It is the antithesis of arbitrary rule and despotic governance and has three main constitutive elements via are (i) it must relate to a constitution (ii) it must relate to democratic government and (iii) the nature and type of limitations it places on the government must be known I. Flowing from this position is the implied view or strong presumption that there must be a constitution in place which delineates the arms of government and the responsibilities

*Obokhai L. Obadan: LL.M. BL, Lecturer, Benson Idahosa University, Benin. City, Nigeria. Tel. +2348037507230 1264@yahoo.com and oobadan@biu.edu.ng.

*Ojeifo Eikhenomian: LL.B (University of Benin), BL (Nigeria), LL.M Information and Communication Technology Law (University of Oslo, Norway). Lecturer, Benson Idahosa University, Benin City, Nigeria. Tel. +2348180505556, oeikhenomian@biu.edu.ng

1 Wheare K.C Modern constitutions, Every Man library Press (1966) pg. 137 356