



THE REALITY OF THE RULE OF LAW IN NIGERIA: A REVIEW OF THE BUHARI-LED CIVILIAN GOVERNMENT

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ABSTRACT:

This paper surveys the reality and practicability of the Rule of Law Concept in Nigeria. It went further to understudy the first tenure of the Buhari-Led civilian government in Nigeria which started in 2015 and would be terminated in 2019. This study briefly considered the rule of law in the past before the emergence of General Muhammadu Buhari as the President of Nigeria. Secondary sources of data collection were relied on extensively in this study. Our findings indicated that there exists frequent, audacious non-adherence to the rule of law in Nigeria. This has been the practice in Nigeria more especially during the Military regime. However, the hope that it would subside or vanish during the democratic dispensation under review has failed. The upholding of the law is just a mere lips-talk instead of being a practical concept in our society. The rule of law has been suppressed by political corruption, poverty, abuse of power, ethnicism, hate speeches, disregard of court orders, to mention but a few. It is however recommended that the political leaders should make themselves guidable by the laws of the land. The judiciary should exercise their judicial power to do justice at all cost and all citizens should speak up on the abuse of the rule of law.

Key words: Rule of Law, Civil Rule, Constitution of the Federal Republic of Nigeria, Judiciary

Introduction:

The Rule of Law is very needful in every organized society as it forms the guiding principle for effective governance. In this modern world, the Rule of Law is the most recurrent and powerful political idea globally and heavy respect is accorded to any government which upholds this concept.

Tamanaha (2012) gave a very simple definition of Rule of Law as a situation where “government officials and citizens are bound by and abide by the law”. He further elucidated that there must be a system of laws (rules set forth in advance and stated in general terms) and institutions that enforce the legal rules when they are contravened.

The Rule of Law became popularized by A. V. Dicey (1835-1922) in his classic 1885 treatise entitled *Introduction to the Study of the Law of the Constitution*. In Chapter IV, pp. 145 -146, he postulated that the rule or

supremacy of law was one of the two fundamental principles of the political institutions of England since the Norman Conquest. The second principle is the supremacy of the Parliament. Fernandez-Villaverde (2016) observed that for Dicey, the law in the rule of law was the common law and its protection of individual freedoms.

Beavlac (2009) further expatiated Albert Venn Dicey's theory of the Rule of Law. He observed that A. V. Dicey (1961) saw the Rule of Law from three angles. First, that Rule of Law is 'the absolute supremacy or predominance of regular law' as opposed to the influence of arbitrary power (that is to say, no man should be punished except for a distinct breach of law as established by the courts of the land). Secondly, Dicey's rule of law means 'equality before the law or the equal subjection of all classes to the

ordinary law of the land administered by the ordinary law courts.' The third element according to Dicey is that 'the laws of the Constitution are not the source but the consequences of the rights of individuals as defined and enforced by the courts.'

The Black's Law Dictionary, sixth Edition defines Rule of Law as 'A legal principle of general application, sanctioned by the recognition of authorities and usually expressed in the form of a maxim or logical proposition called a "Rule" because in doubtful or unforeseen cases, it is guide or norm for their decision. The Rule of Law, sometimes called the Supremacy of law provides that decision should be made by the application known principles of laws without the intervention of discretion in their application.'

To further put into practice the subject of the rule of law, Learned Oputa JSC in the Supreme Court case of Military Governor of Lagos State and others v. Chief Emeka Odumegwu Ojukwu and another (1986), stated that the rule of law involves the following:

- i. That the State is subject to the law
- ii. That the judiciary is a necessary agency of the rule of law
- iii. That government should respect the rights of the individual citizens and
- iv. That to the Judiciary is assigned both by the rule and by our Constitution, the determination of all actions and proceedings relating to matters in dispute between persons or between governments and or authority and any other person in Nigeria.

Ali (2018) observed that the rule of law and democracy go hand in hand, thus true democratic governance operates in line with the rule of law. In the *Oxford Advanced Learners' Dictionary* Hornby (2000)

described the Rule of Law as a condition in which all members of the society including the rulers comply with the authority of the law.

From the several definitions, we have seen that the rule of law entails the supremacy of the guiding principles and its enforceability in a state. It is however clear that the law can be upheld supremely in a democratic government where the leadership is based on the law and not by force. The Rule of Law entails that the law should be enacted in line with the constitution of the land. Akanbi & Shehu (2012) observed that the rule of law is a core concept in a democratic governance, stating that the military are not trained for democratic governance and the art of obedience or respect for the rule of law, therefore the judiciary should be allowed her total independence from the clauses of the legislatures and the Executives.

The Nigerian Experience Prior to Buhari's Civil Rule of 2015 – date (2019):

Nigeria has experienced much instability in governance. After her political independence in 1960 from British rule, she has encountered an unhealthy mixture of both Military and civil rule. Nigeria experienced a long span of military rule from 1966 to 1998 with only short intermittent civil governance. Albeit Nigeria has maintained a stable democratic regime, from 1999 till date, without military interferences. This is nevertheless against the background that some of the so-called civilian Presidents were formerly uniformed men before they removed their barrack uniforms as military men but retained their disposition as Generals. (For example, General Olusegun Obasanjo and General Muhammadu Buhari). It is apparent that the trainings and indoctrinations these ex-barrack men

received in the Military still made their civil regime autocratic.

The military Heads of State had no regard to the Rule of Law although some paid lip service to uphold the rule of law. They usually suspend the Supremacy of the Constitution and made their Decrees which guide their governance/administration. Akanbi (2012) observed that the military is characterized with suspension of certain provisions of the constitution, abuses of Human rights and even the restrictions of courts' jurisdiction. Thus the courts are always at log-ahead with the military government. Nwabueze (1985) noted that instances of breach of Rule of Law which are unconstitutional interferences with judicial and legislative powers were predetermined during Shehu Shagari's Tenure. Reports suggest strongly that the Chief Olusegun Obasanjo regime from 1999 to 2007 witnessed abuses of the rule of law in Nigeria. Shehu (2009) for instance reported that Obasanjo's disrespect to the rule of law was due to his military background as a retired Army General which could not allow him to function well as a civilian President. Efeboh (2015) also reported that former President Obasanjo was highly autocratic and randomly withdrew and spent Billions of Naira without the consent of the National Assembly as constitutionally provided. Efeboh also related that the government of former President Goodluck E. Jonathan was slammed by Nigerians for stating that stealing is not corruption and that corruption is not the major or greatest challenge facing Nigeria.

Buhari Civil Regime from 2015 till Date

President Muhammadu Buhari, the incumbent President of Nigeria in his inaugural speech on 29th May 2015, said he would uphold the Rule of Law in Nigeria. In *Premium Times Online Newspaper*,

Okakwu (2017) observed that President Buhari shortly after assuming office reiterated his commitment to ensure compliance to the rule of law by all agencies of government and that his government would not tolerate any arm of government that undermines the rule of law. Contrary to this, many Nigerians have discovered that there are several instances of non-adherence to this core concept of Rule of Law in Nigeria since the inception of the present administration.

We shall look at some instances of clear exhibition of breach to the principle of rule of law within the first tenure of the Buhari-Led administration:

1. Open disregard to court orders:

It was Jannah (2017) who reported that a Senior Advocate of Nigeria, Ferdinand Orbih, revealed that President Buhari is the first civilian president in the history of Nigeria to come out on National Television to state that his government would disobey court orders granting bail to Mazi Nnamdi Kalu, the Leader of the Indigenous People of Biafra (IPOB) and Colonel Sambo Dasuki, who was the former National Security Adviser to the former President Goodluck Jonathan.

In a bid to tackle corruption, President Buhari's administration has instituted several court actions against many persons who worked under the previous administration of Dr. Goodluck Jonathan mostly on the grounds of mismanaging public funds and corruption. Okakwu (2017) highlighted one prominent person, the former National Security Adviser-Sambo Dasuki who was granted bail by the Federal High Court, Abuja, yet the Buhari-led government and the State Security Service refused to comply with the said Court Orders even when it was based on health grounds. This made Mr. Dasuki to approach a court of the Economic

Community of West Africa (ECOWAS) for international Intervention, thus on October 4th 2016, the ECOWAS Court again granted bail to Mr. Dasuki and ordered Nigerian Government to pay damages of N15 million for his illegal and arbitrary detention. Yet the Buhari-led government refused to comply, the Attorney General of the Federation-Abubakar Malami stated that the government needed time to study the content of the ECOWAS ruling before acting on it.

2. The arrest of serving Judicial Officer by Director of State Security (DSS)

The National Judicial Council is the body embedded with the responsibility to enforce and ensure discipline and good conduct of all the judicial officers in Nigeria- this is in line with Section 153 (1) (i) and (2) of the 1999 Constitution (As Amended) and Part 1 of the 3rd Schedule, Paragraph 21- these sections create the National Judicial Council, its composition and powers.

It is worthy to note that the DSS on 8th October, 2016 at midnight invaded the houses of about five Judges of the Supreme Court, Court of Appeal and the Federal High Court with allegations of corruption and they allegedly recovered bags of money in different currencies. The action of DSS was supported by the Presidency despite the upraise it created in the society. In *Vanguard Online Newspaper*, Daniel & Nnochiri (2016) wrote about a legal practitioner, Mr. Olukoya Ogungbeje who filed a Fifty Billion Naira suit before the Federal High Court against President Buhari, Attorney General of the Federation, Abubakar Malami SAN, the Inspector General of Police, Ibrahim Idris, the Director General of DSS, the DSS and then the National Judicial Commission (NJC).

In a YouTube Video by TVC News Nigeria on October 13, 2016, they emphasized that the DSS was established for Intelligence

Gathering by General Babangida in 1986 under the National Security Agencies Act (and not a creation of the Constitution). Jiti Ogunye Esq in the Video observed that the DSS has three core functions, among which is the prevention of all crimes that would likely affect the National Security. The DG of DSS is solely appointed by the President. He saw Judges just like Public Officers who can be charged to court without any immunity. Also, that the NJC is only mandated to handle misconduct and not crimes, that the NJC is not a court and cannot try crimes just like the regular courts; also that using Police Officers who ordinarily serve as Ordeals to the Judges to arrest the judges would be undermining to the judges.

Some of these judges arrested were Justice Adeniyi Ademola and Justice Nnamdi Dingba (from Federal High Court), Justice Sylvester Ngwuta and Justice John Okoro (from the Supreme Court). Nwabufo (2016) noted that on January 31, 2013, the Federal Bureau of Investigation (FBI) arrested 9 judges for conspiracy to commit wire and mail fraud, wire fraud, perjury, making false statements to the FBI and also for the offence of aiding and abetting. This seems to make no news now, as the United States Department of Justice (2018) reported that in November 2015, the FBI arrested a superior North Carolina Court Judge on the charge of bribery and corruption. In May 2014, it also arrested a superior Puerto Rico Judge on the charge of Bribery.

3. The very long absence of the serving Nigerian President, Muhammadu Buhari from the country on some undisclosed medical ailment raised some antagonist comments from the public. The News Agencies (2018) reported that the President returned to the country from United Kingdom after more than three months based on an undisclosed health challenge.

President Buhari returned to Nigeria from UK after spending more than three months on medical leave, the public raised uproar but the National Assembly did not raise an eyebrow, this may have been because the protesters were few. This was unlike the situation in 2010 when the former President Umaru Yar'Adua was absent for three months in Saudi Arabia for a known medical issue (which was an inflammation of tissue around the heart). His absence created a power vacuum which made demonstrators to urge the National Assembly to invoke the powers of the Constitution and declare the President as medically unfit to run the affairs of the nation (Busar & Chavez, 2017).

In the case of President Buhari, we wonder why the Presidency did not deem it necessary to disclose to the good people of Nigeria, the kind of health challenge that he was undergoing abroad and people at home were not so anxious as to call for constitutional order in line with the 1999 Constitution.

In the case of Late President Yar'Adua, he embarked on his travel to Saudi Arabia on 23rd November, 2009 on health grounds but failed to constitutionally hand over power to his then Vice President- Goodluck Jonathan and he stayed for about three months- this was a violation of Section 145 of the 1999 Constitution (HG. Org, 2018).

Opejobi (2017) highlighted that a Constitutional Lawyer, Ozekhome, in line with Section 145 of the 1999 Constitution, claims that President Buhari can stay as long as his medical treatment demands since the President did the needful by transmitting the desire to proceed on Medical leave to the National Assembly before embarking on it. Ozekhome's claim also emphasized that Section 144 of the 1999 Constitution provides for the removal of the President where he cannot discharge the functions of

the office due to 'permanent incapacity' and its process of removal is initiated by the Executive Council of the Federation through a Resolution passed by 2/3 Majority of all the members of the Executive Council. This is different from the process of removal initiated by the National Assembly in line with Section 143 of the 1999 Constitution where the President fails to transmit the leave of absence to the National Assembly. He concluded that the President did not create or leave any vacuum.

According to Opejobi (2017), Ozekhome further argued that it was premature for the National Assembly to invoke Section 146 of the Constitution which suggests that the Vice President shall hold the office of the President when it becomes vacant by reason of death, resignation, impeachment, permanent incapacity or the removal of the President from office for any other reason in line with Section 143 and Section 144 of the 1999 Constitution.

It is worthy to note that the President on assumption of office undertakes to prepare, protect and defend the constitution as stated in line with his Oath of Allegiance and the Oath of office contained in The Seventh Schedule of the Constitution and Section 1 (2), 5 (1), 145 and 148 of the 1999 Constitution (As Amended). However, the most important duty of the Legislators on the other hand is the welfare of the people as contained in Section 52 (1) and (2) of the 1999 Constitution.

4. Dissonance between the law makers and the executive

There seems to be undiluted disagreement between law makers and the President. Suffice it to note that even the Number Three citizen in Nigeria (the Senate President-Senator Bukola Saraki) has a criminal allegation of Bank Robbery linked to him in which the suspects confessed that they were his thugs, events are still unfolding as the

matter is still pending before the court of law. Senator Dino Melaye of Kogi West Senatorial District also many criminal charges to answer in the court. It seems the police now has a way of cooking up criminal charges against Senators who consistently say facts/truths that hurt the government of the day, not minding the political party to which they belong; thus even when these Law makers cry to President Buhari on these allegations, he keeps mute.

In a YouTube Publication of Viable Tv, on Tuesday June 5, 2018, the National Assembly after a Joint Session gave President Buhari eight conditions he must heed to, to circumvent them from passing a vote of No Confidence on him. It suffices to note that these conditions are coming up after the Senators frowned at the Inspector General of Police's refusal to honour Invitation by the Senate on the incessant killings in Nigeria. After a little while the Police then in turn invited the Senate President- Senator Bukola Saraki to come and answer the allegation of Offa Robbery and Murder against him.

From the perspective of a common man, one cannot help asking the following questions: Why should there be raising of dust because a senate president is invited by the Police? Is there an immunity covering the Senators from being invited by the police or even arrested? Does a mere invitation constitute an arrest or even a court charge? Could it be that there is a cold war going on among these top personalities in Nigeria? Can this system be said to be democratic and Rule of Law compliant? Answer to these question might be a way forward to solving some of the country's problems.

5. Declaration of June 12 as Democracy Day and controversial post-mortem National Awards.

President Buhari on June 7th, 2018 declared June 12 as Democracy Day, this is to replace

May 29 which has been the Democracy Day since 1999. This has raised dust among the All Progressive Congress (APC) members, the Peoples Democratic Party members, the Yoruba tribe, and Nigerians in general. Some Nigerians have seen this decision as irrational, unwarranted and politically-motivated to win the heart of the Yorubas towards the incumbent Buhari-Led government and an act incompliant with the due process of law.

In an Interview with Tunde Thomas (2017), Joseph Evah criticized that some persons have seen the May 29 Celebration of Democracy Day as a mockery and an aberration as it has no much relevance to our Nation unlike June 12 which was the day many Nigerians spoke with one voice to freely and fairly elect Late Chief Moshood Kashimawo Olawale Abiola (of the Social Democratic Party- SDP) as the Executive President but that election was rudely annulled by the then Military Head of State-Gen. Ibrahim Babangida.

One may be left to wonder how May 29 was made or declared as the Democracy Day in Nigeria? Looking back, it was Gen. AbdulSalami Abubakar-led Military regime that decided to hand-over power to former President Obasanjo on May 29, 1999, this was however against many agitations especially the Yorubas who saw June 12 as a day to reckon with Democracy and many Nigerians fought against it because it was closer to May 30th 1967 and 1969 when Late Chukwuemeka Odumegwu Ojukwu declared the Sovereign State of Biafra (Ajani, 2012).

The Christian Social Movement of Nigeria (CSM) exposed the historical occurrences of May 29 in Nigeria and stated that it has no meaning or National significance to the real citizens of Nigeria. They even suggested October 1st or even June 12 (which to them

was a day Nigeria chose to bury ethnicity and tribalism and return to democracy but it was aborted by the Military (CSM Nigeria, 2017).

Today the agitations of many Nigerians have been met by the declaration of June 12 as the Democracy Day, this is however not against the background that some see it as a political strategy to win the heart of the Westerners (Yorubas) and to make them spite their own son of the soil- Chief Olusegun Obasanjo, who had the Presidential Powers for eight years but failed to declare June 12 as Democracy Day.

What then is the legality of the Presidential action of just waking up and declaring a day as Democracy day thus a Public Holiday?

According to Viable Tv (2018), Senator Ike Ekweremmadu stated in line with Section 135 (2) (b) of the 1999 Constitution (As Amended), that May 29 remains the day for Swearing in of any President-Elect. This is to comply with the exact 4- year tenure in office of the President, whether or not June 12 is made the Democracy Day.

The Guardian Newspaper also reported that Another Senator, Edward Pwajok drew the attention of the members of the House to the Public Holidays Act which declares May 29 as Public Holiday. Senator Pwajok thus opined that the Act ought to be so amended for the June 12 inclusion to be effective. Some of the courageous Senators spoke up and insisted that the country must be ruled by the laws and that the laws must be upheld (*The Guardian*, 2018).

6. The President also on the same June 7 declared that Late Chief MKO Abiola shall be conferred with the Honour of a General Commander of the Federal Republic (GCFR) together with his running mate - Alhaji Babagana Kingibe; also the late Human Rights Activist, Chief Gani Fawehinmi, was honoured with the second highest National honour, the Grand

Commander of the Niger (GCON) and this was actually carried out on June 12, 2018 despite the oppositions from the National Assembly and the general public (*The Guardian*, 2018).

Concerning the eligibility to confer the Late MKO Abiola with a National Honour, Senator Dino Melaye of Kogi West Senatorial District cited Chapter 43(2) (3) of the National Honours Act, 1964 wherein it provided that the appointee (the person to be conferred with the National Honour) must be a citizen of Nigeria and the President must receive the person to be so conferred in person. He therefore observed with all sense of respect that a dead man is no citizen neither can he be received in person by the President; thus the conferment of these Honours is inconsistent with the Laws in Nigeria, and these laws were neither amended nor repudiated (Voice TV, 2018).

Senator Edward Pwajok also stated that Chief MKO Abiola has to be declared the Winner formerly by the National Returning Officer of the Independent Electoral Commission and also the Court Order which prohibited the then National Electoral Commission from declaring the Election results has to be set aside before the conferment of the said Honours (Voice TV, 2018).

Despite these warnings, the President neglected to read the handwriting on the wall and still conferred those Honours posthumously on the above named persons on June 12, 2018. Wole Soyinka, a Nigerian Nobel Laureate admonished President Buhari not to just honour MKO Abiola in one breath and admire his tormentor who should be tried for breaching the great laws of the Nation (Oak TV, 2018). Also, in an interview, Femi Falana SAN, cited that there are judicial authorities to the effect that the fundamental Human Rights of a deceased citizen can still be enforced, thus a dead

man/citizen like MKO Abiola is not considered to have lost his constitutional rights(Oak TV, 2018).

In conformity to the above, *The Eagles Online* (2018) expounded the truth that Nigeria being a constitutional state should be bound by the laws of the land and that the laws in place for the Award of Honours on a person is the National Honours Act of 1964 which spells out the provisions for the award of National Honours by a warrant issued by the President for matters connected therewith. Then on the legality of conferment of GCFR and GCON, it is provided in Sections 2 and 3 of the Honours Warrant, a subsidiary of the National Act, 1964 which deals with the eligibility for appointment to Orders. This is specifically stated in Section 3(2) of the Honours Warrant that the person to be appointed to a particular rank of an Order has to receive from the President in person at an investiture held for the purpose; the insignia appropriate for that rank and an instrument under the hand of the President and the public seal of the Federation declaring him to be appointed to that rank. This implies that the person has to be alive to receive insignia, meaning he has to be alive to be conferred with the honour. However, there is a waiver and an exception, as stipulated in Section 3 (3) of the same National Honours Act, which states that 'if in the case of any person, it appears to the President expedient to dispense with the requirements to the rank in question in such a manner as may be specified in the direction.'

Senator Dino Melaye on Voice Tv further noted that the only section of the National Honours Act that explicitly gives provision for a posthumous Award is under Section 3(1) of the Honours (Armed Forces) Warrant which states: 'The Nigeria Star may be awarded to any member of any of the armed forces for the most conspicuous bravery in the presence of the enemy, or for a pre-eminent act of valour or self-sacrifice in the presence of the enemy, or

for devotion to duty in the presence of the enemy, and may be awarded posthumously'. Thus, posthumous award can be given to a fallen member of the Armed forces; this in the United States of America is the highest and most prestigious award to members of the US Military force who distinguished themselves in service. In the United Kingdom it is only Bravery award (which is awarded to those who lost their lives in the attempt to save others' lives) that can be awarded posthumously.

7. The arrest of Senator Enyinnaya Abaribe who signed as one of the sureties to the IPOB Leader- Nnamdi Kanu also raised dust among the Senators and Igbo Tribe. According to Okakwu & Yahaya (2018), Senator Abaribe's Lawyer, Chukwuma Machukwu Ume SAN commented that Senator Abaribe was arrested on Friday, 22 June, 2018 by the Department of State Security Services (DSS) on the allegation of aiding, sponsoring and supporting a proscribed body which is the Indigenous People of Biafra (IPOB).

We remember that in April, 2017, Mr. Nnamdi Kanu was granted bail by Justice Binta Nyako of the Federal High Court, Abuja and Senator Abaribe was one of his Sureties, however Kanu has been missing since September, 2017 after the Nigerian Army rampaged his house. Senator Abaribe was arrested on June 22 by the DSS just few days before the pending Kanu's case. On 26th June (being the date for Kanu's case in Court), Senator Abaribe was also brought to court in custody of the DSS, and Kanu's Counsel prayed the court for his release but it was refused by the court-Justice Nyako, who made it clear that she did not order for his arrest in the first place and that the grounds for his arrest was not before her (Okakwu & Yahaya, 2018). The DSS supposedly having seen the

reaction of the masses, the resolution of the National Assembly who condemned the arrest and the anger of the Igbo tribe in general over the arrest of Senator Abaribe released him in the evening of that same 26th June, 2018.

Conclusion:

The 1999 Constitution is based principally on the concept of the rule of law and democratic governance. Its opening paragraph stated thus: "We the people of the Federal Republic of Nigeria: having firmly and solemnly resolved:...to provide for a Constitution for the purpose of promoting the good government and welfare of all persons in our country on the principles of Freedom, Equality and Justice, and for the purpose of Consolidating the Unity of our people." Section 1 of the 1999 Constitution also provides that this "Constitution is supreme and its provisions have binding force on all authorities and persons throughout the Federal Republic of Nigeria." However, with the present situation of the democratic rule of both the past and incumbent President of Nigeria, one seems to wonder if the rule of law is still a core principle in governance. Narrowing it down to the Buhari Civil regime which is characterized by frequent frictions between the Executive and the Legislature and between the Executive and the Judiciary, it is clear that this era is a period when the strong and mighty are above the law and any charge or mere allegation against them receives millions of criticism from their political parties, their constituencies and well wishers. Thus, every charge against the perceived powerful people in the society is now politicized. One's rational mind is left to wonder whether these are not new strategies to avert the rule of law and thus paralyze democracy. So, whether all men in Nigeria today are actually equal before the law is a thing of great concern. With the spate of breaches to human rights and the rule of law in

Nigeria, musicians, comedians and actors may not be free to dramatize the state of affairs of things in Nigeria without molestations. Prophets and religious ministers (true or false) may not freely admonish their members on the right choices to make with regards to election and protection of their lives against the dreaded herdsmen without the fear of being invited by the Police. The due process of law should not be targeted only against those in the opposition party. Everyone should be under the law, even if the person is a member of the ruling party. There is need to have a free and fair election in Nigeria where the choices of the masses would be respected without undue influences and manipulations. The independence of the judiciary should be implemented and judges should deliver truthful judgments not minding whether or not the government of the day is adversely affected. Mutual respect should exist among the different arms of government with regard to strict adherence to the rule of law.

Recommendation:

If we must get it right in Nigeria then this papers suggests the following recommendation. The supremacy of the constitution must be held sacrosanct by all citizens including leaders. Total independence of the Judiciary must obtain and court orders must be heeded. The powers of the president have to be checked and included as agenda in a constitution review. Roping of people into difficult crimes is a criminality that must be checked and offenders punished adequately. It is true that the judiciary has a great role to play in upholding the rule of law because any lawlessness or illegalities performed by any person or other arms of government is brought to them and they have to correct them. So the Nigerian judiciary must become a strong institution. However, we all have the responsibility to speak up at all levels and shun all acts against the rule of

law in Nigeria, so as to curtail executive abuse of power in governance; by this also we can be sure to head towards a better Nigeria.

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