

**THE TRENDS OF JUDICIAL RASCALITY IN NIGERIA: A DIALECTICAL DISCOURSE ON
THE ADMINISTRATIVE TOWN-AND-GOWN APPROACH**

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ABSTRACT

The Nigerian judiciary occupies a constitutional position of trust as the third arm of government and the final interpreter of the law. In recent years, however, a pattern of conduct described by the Court of Appeal and by segments of the legal profession as 'judicial rascality' has drawn sustained public attention. The phrase captures instances in which judicial officers, particularly at the trial level, act in open defiance of superior court orders, grant sweeping ex parte reliefs without regard to procedural safeguards, or otherwise conduct themselves in a manner inconsistent with the dignity of judicial office. This study undertakes an interdisciplinary and dialectical examination of the phenomenon, drawing on legal scholarship, the administrative and office and information management literature. It borrows the town-and-gown framework long applied to university-community relations and adapts it to the relationship between the administrative organs of the state, here designated the 'town', and the judiciary, here designated the 'gown' by reference to the ceremonial robe of judicial office. The study surveys recent trends, including the June 2026 Court of Appeal censure of a Federal High Court judgment on political party deregistration, the persistent abuse of ex parte orders, the disciplinary interventions of the National Judicial Council between 2024 and 2026, and earlier episodes such as the 2016 invasion of judges' residences and the 2019 removal of a sitting Chief Justice. It argues that the resolution of judicial rascality lies not in a one-sided assertion of either judicial independence or administrative control, but in a dialectical synthesis in which structured administrative partnership strengthens rather than compromises judicial accountability. The study closes with suggestions addressed to judicial administrators, disciplinary bodies and policy makers.

Keywords: Judicial Rascality; Judicial Accountability; Town and Gown; Administrative Law; National Judicial Council; Separation of Powers; Nigeria.

1.0 INTRODUCTION

On 15 June 2026, a judge of the Federal High Court sitting in Abuja delivered a judgment directing the Independent National Electoral Commission to deregister five political parties, notwithstanding an earlier order of the Court of Appeal staying proceedings in the matter. The Court of Appeal, on reviewing the conduct, described it as amounting to what the Supreme Court had earlier characterised as conduct rendering a judge unfit for the bench, and the phrase used repeatedly across the legal press to describe the episode was judicial rascality^{1, 2, 3}. The episode was not an isolated one. It followed a string of commentary from senior members of the Bar and from public

¹Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 4, 5 and 6.

²Constitution of the Federal Republic of Nigeria 1999 (as amended), s 153 and Third Schedule, Part I, para 21.

³Constitution of the Federal Republic of Nigeria 1999 (as amended), s 292.

figures describing a wider pattern of defiance of appellate hierarchy, weaponised interlocutory orders and compromised adjudication within the Nigerian court system^{4, 5}.

This study examines that pattern as a subject worthy of sustained interdisciplinary study. The phrase judicial rascality, though colloquial in its origin, has acquired a settled meaning in Nigerian legal discourse, denoting conduct on the part of a judicial officer that is reckless, defiant of hierarchy, or otherwise incompatible with the standards expected of the bench⁶. The present study proposes that the phenomenon is best understood not merely as a problem of individual judicial character, but as a problem of institutional administration, in which the relationship between the judiciary and the administrative organs of the state mirrors, in structure if not in substance, the relationship long studied in the higher education literature under the label of town and gown. The word gown is used here in its older sense, referring to the ceremonial robe worn by judicial and legal officers, so that the pairing of town and gown captures the administrative state on one side and the judiciary and its officers on the other^{7, 8}.

The study proceeds in eight further parts. Part 2 clarifies the central concepts. Part 3 sets out the theoretical framework, combining separation of powers doctrine with a Hegelian dialectical method. Part 4 surveys recent and historical trends and manifestations of judicial rascality in Nigeria through selected case studies. Part 5 develops the administrative town-and-gown approach as an interdisciplinary dialectic. Part 6 situates the Nigerian experience within comparative and international standards of judicial conduct. Part 7 considers the consequences of the phenomenon for democratic governance. Part 8 offers suggestions, and Part 9 concludes.

2.0 CONCEPTUAL CLARIFICATION

2.1 Judicial Rascality and Judicial Impertinence

Judicial rascality has been defined in the Nigerian press, drawing on judicial pronouncements, as the deliberate abuse of judicial power in which a court acts recklessly, capriciously or unethically so as to circumvent the law, producing a culture of lawlessness operating under the cover of law⁹. A closely related but distinct concept is judicial impertinence, which describes the specific situation in which a lower court judge knowingly disregards the authority, hierarchy or express order of a higher appellate court¹⁰. The Court of Appeal's June 2026 censure of the Federal High Court judgment on political party deregistration invoked both concepts, holding that a judge who proceeds in defiance

⁴Eyimofe Atake, 'On Judicial Rascality: When Judges Defy the Court Above Them and Lawyers Who Enable Them' ThisDayLive (Lagos, 23 June 2026) <<https://www.thisdaylive.com/2026/06/23/on-judicial-rascality-when-judges-defy-the-court-above-them-and-lawyers-who-enable-them/>> accessed 17 July 2026.

⁵'Judicial Rascality: When Lower Court Judges Defy the Court Above Them' AllAfrica (23 June 2026) <<https://allafrica.com/stories/202606230269.html>> accessed 17 July 2026.

⁶'Travails of Opposition Leaders, Parties and Judicial Rascality' The Sun (Lagos, June 2026) <<https://thesun.ng/travails-of-opposition-leaders-parties-and-judicial-rascality/>> accessed 17 July 2026.

⁷'Judicial Rascality and Implosion of Democracy' The Sun (Lagos, 2 June 2024) <<https://thesun.ng/judicial-rascality-and-implosion-of-democracy/>> accessed 17 July 2026.

⁸'NDC: How to Stop Judicial Rascality in Nigeria, Atedo Peterside' Daily Post (Lagos, 27 June 2026) <<https://dailypost.ng/2026/06/27/ndc-how-to-stop-judicial-rascality-in-nigeria-atedo-peterside/>> accessed 17 July 2026.

⁹Mustapha Babalola Toheeb, 'Judicial Activism or Judicial Rascality?' TheNigeriaLawyer (13 March 2022) <<https://thenigeria-lawyer.com/judicial-activism-or-judicial-rascality/>> accessed 17 July 2026.

¹⁰'How Nigerian Judges Became Tools in Political Warfare' Journalist101 (10 May 2026) <<https://journalist101.com/2026/05/10/how-nigerian-judges-became-tools-in-political-warfare/>> accessed 17 July 2026.

of a subsisting stay of proceedings acts in a manner the Supreme Court has already condemned as rendering that judge unfit for continued service on the bench^{11, 12}.

The two concepts are not confined to a single case. Commentary on the 2022 judgment purporting to remove a sitting state governor and his deputy illustrates the difficulty of distinguishing judicial activism, understood as a legitimate and purposive interpretation of the law, from judicial rascality, understood as an illegitimate overreach¹³. The distinction matters because not every controversial judgment is evidence of rascality; the label properly attaches only where a court acts outside its jurisdiction, in defiance of binding precedent or superior order, or through processes so irregular as to suggest that the outcome, rather than the law, dictated the decision.

2.2 Town and Gown as an Administrative Metaphor

The term town and gown originated in the university towns of medieval Europe, where the phrase distinguished the local municipal community, the town, from the university community, the gown, so named for the academic robes worn by scholars and, in the older usage, by learned professionals more generally^{14, 15}. The relationship between the two communities was historically adversarial, rooted in the desire of the academic body to regulate its own affairs independently of municipal authority, while depending on that same authority for infrastructure, security and civic cooperation¹⁶. Contemporary scholarship on Nigerian higher education has revived the concept to describe the interdependence between universities and their host communities, identifying types of relationship ranging from indifference to active mutualism, in which both parties derive benefit from structured cooperation¹⁷.

This study transposes the town-and-gown framework from the university-community context to the administrative-judicial context. The judiciary, robed and self-regulating through the National Judicial Council, occupies the position of the gown. The administrative organs of the state, including the executive bureaucracy, the legislature and the wider citizenry whose confidence sustains the legal order, occupy the position of the town. As with the university and its host community, the two are formally independent of one another, yet functionally interdependent: the judiciary requires administrative support, funding and public confidence to operate, while the administrative state requires a judiciary capable of enforcing the law even against the state itself. The central argument of this study is that judicial rascality flourishes where this interdependence is treated as adversarial

¹¹'When Lawyers Become Liars: The Betrayal of Justice in Africa' Modern Ghana (June 2026) <<https://www.modernghana.com/news/1505428/when-lawyers-become-liars-the-betrayal-of-justice.html>> accessed 17 July 2026.

¹²Kotoye v Central Bank of Nigeria [1989] 1 NWLR (Pt 98) 419.

¹³'Abuse of Ex Parte Orders in the Nigerian Judicial System: Time for a Stricter Control' Mondaq (10 March 2026) <<https://www.mondaq.com/nigeria/trials-appeals-compensation/1756076/abuse-of-ex-parte-orders-in-the-nigerian-judicial-system-time-for-a-stricter-control>> accessed 17 July 2026.

¹⁴'Abuse of Ex Parte Orders in Nigeria: Safeguards Against Judicial Overreach' Omaplex Law Firm (23 February 2026) <<https://omaplex.com.ng/abuse-of-ex-parte-orders-in-nigeria-safeguards-against-judicial-overreach/>> accessed 17 July 2026.

¹⁵Nganjiwa v Federal Republic of Nigeria (Court of Appeal, Lagos Division, Appeal No CA/L/969C/2017, 12 December 2017).

¹⁶'Nganjiwa v FRN: The Limits of Judicial Precedence' TheCable (17 January 2019) <<https://www.thecable.ng/nganjiwa-vs-frn-the-limits-of-judicial-precedence/>> accessed 17 July 2026.

¹⁷'As Ariwoola Takes the Judiciary to the Top of the Grease Pole' TheCable (21 July 2024) <<https://www.thecable.ng/as-ariwoola-takes-the-judiciary-to-the-top-of-the-grease-pole/>> accessed 17 July 2026.

rather than synergistic, in the same way that town-gown relationships historically deteriorated where either party sought to dominate rather than cooperate with the other^{18, 19}.

2.3 Dialectics as Method

The dialectical method employed in this study proceeds by identifying a thesis, an antithesis and a synthesis. The thesis, examined in Part 4, is the assertion of judicial independence as an unqualified value, historically invoked by judicial officers resisting external scrutiny. The antithesis, also examined in Part 4, is the assertion of administrative and executive control over the judiciary, historically invoked to justify measures such as the 2016 invasion of judges' residences and the 2019 removal of a sitting Chief Justice^{20, 21}. The synthesis, developed in Part 5, is the administrative town-and-gown approach, in which independence and accountability are treated not as opposites but as complementary features of a single, well-administered judicial system.

3.0 THEORETICAL FRAMEWORK

The starting point of the theoretical framework is the doctrine of separation of powers as entrenched in the 1999 Constitution of the Federal Republic of Nigeria, which vests legislative, executive and judicial powers respectively in the National Assembly, the President and the courts²². Nigerian constitutional scholarship has consistently observed that the doctrine, as practised in Nigeria, is not watertight, and that each arm of government retains functions that overlap with the others through the operation of checks and balances^{23, 24}. The judiciary's independence is itself constitutionally qualified: the National Judicial Council, established under section 153 of the Constitution, is charged with recommending the appointment and exercising disciplinary control over judicial officers, meaning that judicial independence in Nigeria has always been understood as independence from improper external influence rather than independence from internal accountability^{25, 26}.

A recurring theme in the literature on separation of powers in Nigeria is that the practical application of the doctrine has been uneven, with the judiciary, at different points in the nation's history, alternately dominated by the executive and asserting an autonomy that borders on

¹⁸'Examining NJC's Reinstatement of Justice Ofili-Ajumogobia' Vanguard (Lagos, 22 December 2022) <<https://www.vanguardngr.com/2022/12/examining-njcs-reinstatement-of-justice-ofili-ajumogobia/>> accessed 17 July 2026.

¹⁹Shitta-Bey v Federal Public Service Commission (1981) LPELR-3056(SC).

²⁰'National Judicial Council Berates DSS Over Arrest of Judges' Sahara Reporters (13 October 2016) <<https://saharareporters.com/2016/10/13/national-judicial-council-berates-dss-over-arrest-judges-says-it-attempt-cow-nigerian>> accessed 17 July 2026.

²¹Jiti Ogunye, 'Judges Crackdown: DSS Acted Within Provisions of Law, But...' Vanguard (Lagos, 13 October 2016) <<https://www.vanguardngr.com/2016/10/judges-crackdown-dss-acted-within-provisions-law-ogunye/>> accessed 17 July 2026.

²²'Judicial Corruption and Elite Widespread Dissent' Punch (Lagos, 14 October 2016) <<https://punchng.com/judicial-corruption-elite-widespread-dissent/>> accessed 17 July 2026.

²³'DSS Raid of Judges' Houses Was Illegal, Saraki Insists' Ripples Nigeria (3 March 2017) <<https://www.ripplesnigeria.com/dss-raid-judges-houses-illegal-saraki-insists/>> accessed 17 July 2026.

²⁴Esosa Omo-Usoh, 'DSS vs the Judiciary: Beyond the Hubris and Rhetoric' Medium (8 May 2025) <<https://esosaomousoh.medium.com/dss-vs-the-judiciary-beyond-the-hubris-and-rhetoric-85770b354335>> accessed 17 July 2026.

²⁵Udo Jude Ilo and Yemi Adamolekun, 'A Brewing Constitutional Crisis in Nigeria' (Council on Foreign Relations, 31 January 2019) <<https://www.cfr.org/blog/brewing-constitutional-crisis-nigeria>> accessed 17 July 2026.

²⁶'Nigeria's Chief Justice Banned from Holding Public Office' Al Jazeera (18 April 2019) <<https://www.aljazeera.com/news/2019/4/18/nigerias-chief-justice-banned-from-holding-public-office>> accessed 17 July 2026.

unaccountability^{27, 28, 29}. Scholars examining the doctrine's implementation have observed that the principle of checks and balances, intended to prevent the concentration of power in any single arm, has itself become a source of friction where each arm invokes it selectively to resist scrutiny by the others³⁰. This tension between independence and accountability supplies the thesis-antithesis structure on which the dialectical analysis in this study rests.

International standards offer a further theoretical anchor. The Bangalore Principles of Judicial Conduct, developed by the Judicial Integrity Group between 2000 and 2002 with the participation of judges from common law and civil law traditions, including representatives of the United Kingdom, identify independence, impartiality, integrity, propriety, equality, and competence and diligence as the six core values of judicial office^{31, 32}. Critically, the Bangalore Principles treat independence not as a personal privilege of the judge but as a responsibility owed to the public, to be exercised so that the judiciary maintains and enhances public confidence in its integrity³³. This formulation, endorsed by the United Nations Economic and Social Council, supplies the normative standard against which Nigerian trends are assessed in Part 6.

4.0 TRENDS AND MANIFESTATIONS OF JUDICIAL RASCALITY IN NIGERIA

4.1 Defiance of Appellate Hierarchy

The clearest recent illustration of judicial rascality as defiance of hierarchy is the 2026 political party deregistration episode. A Federal High Court judge, aware of a subsisting Court of Appeal order staying proceedings, nonetheless delivered a judgment purporting to direct the deregistration of the African Democratic Congress, the Zenith Labour Party, Accord, Action Alliance and the Action Peoples Party³⁴. On appeal, the panel held that no argument of counsel could excuse a trial judge from obeying a subsisting order of a superior court, and that judicial independence has never meant, and cannot mean, independence from the constitutional hierarchy of courts³⁵. The Court of Appeal's language, invoking the Supreme Court's own characterisation of such conduct as rendering the

²⁷'Court of Appeal Overturns Former CJN, Walter Onnoghen's Conviction by Code of Conduct Tribunal' Lawyard (4 November 2024) <<https://www.lawyard.org/news/court-of-appeal-overturns-former-cjn-walter-onnoghens-conviction-by-code-of-conduct-tribunal/>> accessed 17 July 2026.

²⁸'Exclusive: Tension in Nigerian Judiciary as NJC Begins Probe of Top Judges' Premium Times (Abuja, 23 February 2026) <<https://www.premiumtimesng.com/news/headlines/859020-exclusive-tension-in-nigerian-judiciary-as-njc-begins-probe-of-top-judges.html>> accessed 17 July 2026.

²⁹'NJC Moves Against 256 Judicial Officers, Suspends Two Judges' The Sun (Lagos, 16 May 2026) <<https://thesun.ng/njc-moves-against-256-judicial-officers-suspends-two-judges-over-misconduct/>> accessed 17 July 2026.

³⁰'NJC Dismisses Appeals of 8 Imo Judges Over Age Falsification, Suspends Two Others for Misconduct' Sahara Reporters (15 May 2026) <<https://saharareporters.com/2026/05/15/njc-dismisses-appeals-8-imo-judges-over-age-falsification-suspends-two-others-misconduct>> accessed 17 July 2026.

³¹'Judicial Malfeasance: Bench Cleansing Looms as NJC Probes 256 Judges' Vanguard (Lagos, 21 May 2026) <<https://www.vanguardngr.com/2026/05/judicial-malfeasance-bench-cleansing-looms-as-njc-probes-256-judges/>> accessed 17 July 2026.

³²'Judiciary Rot: Mekwunye Demands Tough Sanctions for Corrupt Judges, Electoral Justice Reforms' Vanguard (Lagos, 1 June 2026) <<https://www.vanguardngr.com/2026/06/judiciary-rot-mekwunye-demands-tough-sanctions-for-corrupt-judges-electoral-justice-reforms/amp/>> accessed 17 July 2026.

³³Judicial Integrity Group, Commentary on the Bangalore Principles of Judicial Conduct (UNODC 2007) <https://www.unodc.org/res/ji/import/international_standards/commentary_on_the_bangalore_principles_of_judicial_conduct/bangalore_principles_english.pdf> accessed 17 July 2026.

³⁴Bangalore Principles of Judicial Conduct (The Hague, 25-26 November 2002); endorsed by UN Economic and Social Council Resolution 2006/23.

³⁵International Bar Association, 'The Impact of Corruption on the Rule of Law and the Effective Administration of Justice Using Nigeria as a Case Study' (IBA, 28 April 2023) <<https://www.ibanet.org/impact-of-corruption-on-rule-of-law-nigeria>> accessed 17 July 2026.

judge concerned unfit for the bench, was widely reported as confirming that the label judicial rascality had moved from journalistic commentary into the vocabulary of appellate adjudication itself^{36, 37}.

The episode also illustrates a second recurring feature: the argument that lawyers who file the applications enabling such defiance are co-authors of the resulting rascality, sharing responsibility with the judge who ultimately signs the order³⁸. This extension of responsibility to counsel reflects an emerging administrative insight, namely that judicial rascality is rarely the product of a single actor and is instead sustained by a wider professional culture that tolerates or facilitates hierarchy-defying conduct.

4.2 Abuse of Ex Parte Orders

A second and older trend concerns the abuse of ex parte orders, granted without notice to the opposing party and intended for cases of genuine emergency. The Supreme Court, in the locus classicus of *Kotoye v Central Bank of Nigeria*, drew a firm distinction between an ex parte order and an interlocutory injunction granted on notice, and confined the former to circumstances of real urgency³⁹. Despite this authority, recent commentary documents the routine extension of ex parte orders beyond their permissible lifespan, and the granting of interim reliefs in terms broad enough to determine substantive rights without a hearing^{40, 41}. Investment banker Atedo Peterside, commenting on a Federal High Court decision in Lokoja concerning the registration of a political party, argued publicly that the cure for judicial rascality lies in disciplinary action, warning that reliance on appellate reversal alone, without sanction of the judge concerned, encourages further recourse to what he termed the business of procurable judgments⁴².

A further dimension of this trend is the phenomenon of conflicting ex parte orders issued by courts of coordinate jurisdiction on the same subject matter, frequently in politically sensitive disputes, a practice that has been described as bringing ridicule upon the judiciary⁴³. Analysts have called on the National Judicial Council to establish stricter standards, including periodic audits of ex parte orders issued by individual judges, to detect and correct patterns of abuse before they mature into public scandal⁴⁴.

³⁶Stephen B Oladipo, 'Judicial Corruption in Nigeria' (Academia.edu, 2016) <https://www.academia.edu/30204019/judicial_corruption_in_Nigeria> accessed 17 July 2026.

³⁷'Corruption in the Judicial System of Nigeria: The Way Forward' (Academia.edu, 2 May 2018) <https://www.academia.edu/36550895/CORRUPTION_IN_THE_JUDICIAL_SYSTEM_OF_NIGERIA_THE_WAY_FORWARD> accessed 17 July 2026.

³⁸'Corruption in the Nigeria Judicial System: An Overview' ScienceDirect (2022) <<https://www.sciencedirect.com/org/science/article/abs/pii/S1359079018000738>> accessed 17 July 2026.

³⁹'Corruption, Administration of Justice and the Judiciary in Nigeria' (Academia.edu) <https://www.academia.edu/21412993/Corruption_Administration_of_Justice_and_the_Judiciary_in_Nigeria> accessed 17 July 2026.

⁴⁰'Assessment of Corruption in Nigeria' (2022) 5(2) Sapientia Global Journal of Arts, Humanities and Development Studies 319.

⁴¹'Corruption and Governance: Examining the Impact on Political Stability in Nigeria' (2024) 10(2) International Journal of Social Sciences and Management Research (IIARD).

⁴²Gabriel Oladotun Olatoye, 'Town-Gown Relationship: A Compelling Synergy for Functional Higher Education in Nigeria' International Journal of Research and Innovation in Social Science <<https://rsisinternational.org/journals/ijriss/articles/town-gown-relationship-a-compelling-synergy-for-functional-higher-education-in-nigeria/>> accessed 17 July 2026.

⁴³Lisa K Bruning, W McGrew and M Cooper, 'Town-Gown Relationships: Exploring University-Community Engagement from the Perspective of Community Members' (2006) 32 Public Relations Review 125.

⁴⁴'Town and Gown' Dictionary.com <<https://www.dictionary.com/browse/town-and-gown>> accessed 17 July 2026.

4.3 Judicial Immunity and the Limits of Accountability

The 2017 decision of the Court of Appeal in *Nganjiwa v Federal Republic of Nigeria* introduced a further complication into the accountability landscape. The court held that a serving judicial officer could not be investigated, arrested or prosecuted for conduct connected with the exercise of judicial functions unless and until the National Judicial Council had first exercised its disciplinary jurisdiction over the matter^{45, 46}. While the court was careful to state that no judicial officer enjoys constitutional immunity from prosecution as such, the practical effect of the decision has been described by commentators as a form of judicial contrivance of immunity, since anti-corruption agencies have since been unable to proceed against sitting judges without first awaiting a domestic disciplinary process that can be, and has been, prolonged^{47, 48}. Senior members of the Bar have argued more recently that the doctrine established in *Nganjiwa* is itself unconstitutional, on the ground that it grants judicial officers a shield unavailable to any other class of public officer and thereby offends the constitutional guarantee of equality before the law⁴⁹.

4.4 Executive-Judicial Confrontation

Judicial rascality, understood broadly as a breakdown in the proper relationship between the judiciary and other organs of the state, has historically manifested in confrontations initiated from outside the judiciary as well as from within it. In October 2016, the Department of State Services conducted simultaneous night-time raids on the residences of several judicial officers, including justices of the Supreme Court, in connection with corruption allegations. The National Judicial Council issued a formal protest describing the raids as an attempt to intimidate and cow the judiciary, while also placing on record that it had, since the year 2000, received and processed over eighteen hundred petitions and complaints against judicial officers through its own disciplinary machinery⁵⁰. Opinion on the raids divided sharply: some commentators defended the operation as a legitimate and internationally recognised method of executing search warrants against suspects believed likely to destroy evidence if forewarned, while others, including the then Senate President, described the raids as illegal and as an extra-judicial method of fighting corruption incompatible with the rule of law. A subsequent re-examination of the episode, drawing on one affected judge's own petition to the National Judicial Council, suggested that at least one of the raids may have been connected to an earlier political disagreement rather than to a disinterested criminal investigation, underscoring the difficulty of separating legitimate anti-corruption enforcement from executive overreach against the judiciary.

A second episode of executive-judicial confrontation arose in January 2019, when President Muhammadu Buhari suspended the sitting Chief Justice of Nigeria, Walter Onnoghen, purportedly acting on an *ex parte* order of the Code of Conduct Tribunal, and swore in the next most senior

⁴⁵'The Reality and Practice of Separation of Powers in Nigeria' (2025) 9(2) *African Journal of Law and Human Rights* <<https://journals.ezenwaohaetorc.org/index.php/AJLHR/article/download/3421/3552>> accessed 17 July 2026.

⁴⁶'The Challenges of the Doctrine of Separation of Powers Under the 1999 Nigerian Constitution' (*Academia.edu*, 4 November 2016) <https://www.academia.edu/29678688/THE_CHALLENGES_OF_THE_DOCTRINE_OF_SEPARATION_OF_POWERS_UNDER_THE_1999_NIGERIAN_CONSTITUTION> accessed 17 July 2026.

⁴⁷'Separation of Powers Under the 1999 Nigerian Constitution: The Core Legal Dilemmas' *DOAJ* (1 July 2019) <<https://doaj.org/article/630fecbfab494e9085025a3644af4e32>> accessed 17 July 2026.

⁴⁸'The Structure and Role of the Judiciary in Nigeria' (2020) 10 *Journal of Public and Private Law*, UNIZIK 61 <<https://ezenwaohaetorc.org/journals/index.php/UNIZIKJPPL/article/viewFile/1057/1059>> accessed 17 July 2026.

⁴⁹'The Doctrine of Separation of Powers in Nigeria's Constitutional System' (2026) *West African Journal of Interdisciplinary Research* <<https://www.openjournals.ijaar.org/index.php/wajir/article/view/1853>> accessed 17 July 2026.

⁵⁰'Thorny Issues in Separation of Powers in Nigeria: Implications for Democratic Consolidation' *Journal of the Nigerian Political Science Association, South-East Zone* <<https://journals.npsa-se.org.ng/index.php/SEPSR/article/download/23/22/43>> accessed 17 July 2026.

justice as acting Chief Justice, weeks before a presidential election. Commentators noted at the time that the Constitution provides for the removal of a Chief Justice only upon an address supported by two-thirds of the Senate, following a recommendation of the National Judicial Council, and that neither procedure was followed. Justice Onnoghen was subsequently convicted by the Code of Conduct Tribunal and barred from public office for ten years, a conviction that was set aside by the Court of Appeal five years later on terms of settlement between the parties, with the appellate court describing the original removal as having done grave damage to the honour, integrity and independence of the judiciary as a constitutionally protected arm of government.

4.5 Contemporary Disciplinary Interventions of the National Judicial Council

Since assuming office as Chief Justice of Nigeria in August 2024, Justice Kudirat Kekere-Ekun has publicly acknowledged declining public confidence in the judiciary and has pursued a programme of reform that includes the mandatory publication of shortlisted candidates for judicial appointment, intended to allow public scrutiny of prospective judges before their elevation to the bench. Disciplinary outcomes under this reform programme have been substantial. On 15 November 2024, the Council announced the compulsory retirement of two judges, the two-year suspension of two others, and a formal warning to a fifth. On 26 June 2025, ten judges were compulsorily retired, five others were cautioned, and one judge of the National Industrial Court was barred from promotion for three years. At its 111th meeting in May 2026, the Council took disciplinary or administrative action against 256 judicial officers, suspended Justice Ibrahim D Shekarau of the Nasarawa State High Court for one year without pay after finding that he had acted in bad faith in granting an ex parte order for the transfer of seven million naira from a petitioner's bank account, suspended Justice Edward A E Okpe of the High Court of the Federal Capital Territory for one year without pay over a breach of fair hearing in a matrimonial matter, and dismissed the appeals of eight Imo State judges earlier found to have falsified their dates of birth in order to extend their years of service. The same meeting illustrates the dialectical character of judicial accountability in practice: the Council simultaneously commended nine judges for exemplary performance during the preceding legal year, referred four legal practitioners to the Legal Practitioners Disciplinary Committee for filing frivolous petitions calculated to harass judicial officers, and barred a serial petitioner from further approaching the Council. This dual posture, sanctioning misconduct on the bench while also protecting judicial officers from vexatious complaints, reflects precisely the synthesis this study associates with a well-administered town-and-gown relationship, in which accountability mechanisms serve the integrity of the institution rather than becoming instruments of harassment in either direction.

5.0 THE ADMINISTRATIVE TOWN-AND-GOWN APPROACH: AN INTERDISCIPLINARY DIALECTIC

The town-and-gown literature identifies at least three types of relationship between a university and its host community: a commensal relationship, in which one party benefits while the other neither benefits nor suffers harm; a competitive or adversarial relationship, in which the parties' interests are treated as mutually exclusive; and a mutualistic relationship, in which structured cooperation produces benefits for both parties. Applied to the administrative-judicial context, the recurring cycle of executive overreach followed by judicial assertions of unaccountable independence, illustrated in Part 4 by the 2016 raids and the Nganjiwa doctrine respectively, corresponds to the adversarial type. The task of administrative reform, on this framework, is to move the relationship toward the mutualistic type, without collapsing the formal independence that separates the two spheres.

Office and information management scholarship offers practical mechanisms by which such a mutualistic relationship can be built without compromising judicial independence. Case management systems that record the date and content of every order made in a matter, including ex parte orders, would allow the kind of periodic audit already called for by commentators reviewing the ex parte order controversy, without requiring any external party to review the substance of a judge's

reasoning. Structured record-keeping of this kind is a matter of administrative technique rather than adjudicative interference, and falls squarely within the competence of professional administrators working alongside the judiciary rather than over it. The National Judicial Council's own decision to publish the list of shortlisted candidates for judicial appointment, allowing members of the public to raise integrity concerns before rather than after appointment, is itself an example of this administrative, rather than adjudicative, mode of accountability.

The dialectical synthesis proposed here rejects two extremes. The first extreme, corresponding to the thesis of unqualified judicial independence, treats any external administrative involvement in judicial affairs as an assault on the separation of powers. The second extreme, corresponding to the antithesis of unqualified administrative control, treats the judiciary as an ordinary administrative agency subject to executive direction, a position inconsistent with the constitutional vesting of judicial power in the courts. The synthesis holds that administrative mechanisms, properly confined to matters of process, record and disclosure rather than substance, strengthen judicial independence by reducing the occasions on which external actors feel compelled to intervene directly, whether by raid, by suspension, or by legislative reprisal.

6.0 COMPARATIVE AND INTERNATIONAL PERSPECTIVES

The Bangalore Principles, developed with the participation of judges from the United Kingdom and other common law and civil law jurisdictions, situate accountability within, rather than opposed to, judicial independence, treating the two as mutually reinforcing rather than competing values. Article 11 of the United Nations Convention against Corruption similarly recognises the central role of the judiciary in combating corruption and calls on states parties to take measures to strengthen judicial integrity while safeguarding independence. The Nigerian experience surveyed in Part 4 suggests a system still working out, through a series of high-profile confrontations, the balance that these international instruments describe in principle. The 2026 reforms of the National Judicial Council, including published shortlists and an expanded disciplinary caseload, indicate movement toward the internationally recognised model, even as episodes such as the June 2026 deregistration judgment show that the underlying culture of hierarchy-defiance has not been eliminated.

7.0 CONSEQUENCES FOR DEMOCRACY AND GOVERNANCE

Commentary linking judicial rascality directly to democratic instability is not confined to legal periodicals. One widely circulated column argued that ex parte orders, intended as a narrow equitable remedy to protect litigants from irreparable harm, have instead been weaponised by judges to usurp functions properly belonging to the executive and legislative arms, and identified this pattern as a central threat to the survival of Nigerian democracy. At the Nigerian Bar Association's August 2025 annual conference, the Sultan of Sokoto was reported to have described judicial verdicts as having become a purchasable commodity, a description echoed by former Presidents Olusegun Obasanjo and Goodluck Jonathan in their joint characterisation of justice in Nigeria as too often negotiated rather than delivered. Empirical and doctrinal literature on judicial corruption in Nigeria consistently links these trends to a broader erosion of public trust in governance institutions, with corruption in the judiciary identified as a structural obstacle to the wider fight against impunity in public life.

These consequences are not merely reputational. Where litigants can procure conflicting orders from courts of coordinate jurisdiction, or where a trial court can effectively nullify an appellate order in defiance of the constitutional hierarchy, the predictability that commercial actors, investors and ordinary citizens require of a functioning legal system is undermined. The rule of law, understood as the principle that all persons and institutions, including the government itself, are accountable to law that is fairly applied, is weakened each time a judicial order is treated as negotiable rather than binding.

8.0 TOWARDS A SYNTHESIS: SUGGESTIONS

First, the National Judicial Council should institutionalise the periodic administrative audit of ex parte orders recommended by recent commentary, using standardised case-tracking records maintained by trained court administrators rather than ad hoc review.

Second, the legislature should revisit the doctrine established in *Nganjiwa v Federal Republic of Nigeria* with a view to clarifying, by statute, the relationship between the disciplinary jurisdiction of the National Judicial Council and the investigative and prosecutorial powers of anti-corruption agencies, so that neither jurisdiction operates as a shield against the other.

Third, the practice of publishing shortlists of candidates for judicial appointment, and periodic disciplinary outcomes, should be extended and standardised across all tiers of court, consistent with the transparency measures already adopted at the level of the superior courts.

Fourth, engagement between judicial administrators and other public administration professions, including the discipline of office technology and management, should be formalised through joint training in records management, case-flow monitoring and disclosure protocols, on the model of the mutualistic town-and-gown partnerships documented in the higher-education literature.

Fifth, any future security or anti-corruption operation directed at serving judicial officers should proceed through coordinated engagement with the National Judicial Council wherever the circumstances of the particular case permit, so as to avoid the perception, documented in the aftermath of the 2016 raids, that such operations are directed at intimidating the judiciary as an institution rather than at investigating individual wrongdoing.

9.0 CONCLUSION

Judicial rascality, as documented across the episodes examined in this study, from the defiance of appellate hierarchy in the 2026 political party deregistration judgment, through the persistent abuse of ex parte orders, to the executive-judicial confrontations of 2016 and 2019, is not adequately explained by reference to the failings of individual judges alone. It is better understood as the visible symptom of an administrative relationship between the judiciary and the wider machinery of the state that has too often been adversarial rather than cooperative. The town-and-gown framework, transplanted from the study of university-community relations, offers a vocabulary and a set of practical administrative techniques for reconceiving that relationship as mutualistic rather than adversarial, without surrendering the constitutional independence that the judiciary must retain if it is to perform its function. The reforms undertaken by the National Judicial Council since 2024 suggest that such a synthesis is achievable in practice as well as in theory. Whether it is sustained will depend on the willingness of both town and gown, the administrative state and the judiciary, to treat accountability as a shared institutional project rather than a contest for supremacy.

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