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**QUESTION 2**

The judiciary is the system of courts that interprets and applies the law in the name of the state. The judiciary can also be thought of as the mechanism for the resolution of disputes. It is the third arm of any modern government. There is no doubt that the Nigerian judiciary is plagued by a myriad of problems ranging from institutional to personnel problems, poor facilities to inadequate financial provisions and procedural to constitutional problems.

## Judicial Corruption

## The fundamental role of the judiciary is to uphold the constitution and protect the rights of every single individual of a nation by integrating, constructing and applying laws in resolving disputes and checkmate any transgresses. Judiciary is often referred to as the last hope of a common man because it guarantees equal access to justice. However, these roles have been a subject of debate and questioning. The fact that Nigeria has a number of [corrupt judges](https://brooklynworks.brooklaw.edu/bjil/vol31/iss1/1/) is common knowledge in the country. Over the years, there have been various allegations of corruption in the judiciary. In 2013, two High Court judges were suspended and recommended for retirement by the National Judicial Council for [misconduct bordering on corruption](http://thenationonlineng.net/njc-suspends-justices-naron-archibong-2/). Judicial corruption reduces public confidence in the country’s justice system. This means that suspected incidents of directors’ misconducts are less likely to be reported given the prevailing belief that justice is unlikely to be served. Similarly, it can affect the attitude of investigators and prosecutors who might have less incentive to investigate and prosecute cases diligently.

## Delays in the justice system

One of the main problems in the bank executive cases has been endless delays in the judicial process. The trials’ timeline tells the story. Criminal proceedings started in 2009. About six years later, in 2015, the Court of Appeal [struck down](https://guardian.ng/news/court-frees-banks-ex-chief-atuche-others-in-alleged-n25-7b-fraud/) the case against two of the executives on the basis of lack of jurisdiction of the trial court. A declaration of lack of jurisdiction means that the court lacks the power to try the particular case. In itself this isn’t a bad development. After all, compliance with relevant rules on jurisdiction is essential to ensuring justice is done. But the fact that it took six years for this decision to be reached highlights severe delays in Nigeria’s court system.

**Potential inequality**

Another question to consider is whether the failure to successfully prosecute the directors is a reflection of the difference in the treatment of high-profile offenders versus ordinary Nigerians.