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Impeachment in the Nigerian presidential system: A review of recurrent issues

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Abstract This article examines the politics of impeachment in Nigeria, examining its roots and consequences for appropriate and long-lasting democratic practices. This study centers on the consequences of multiple impeachment cases that have occurred in Nigeria since civil rule was reinstated in 1999. Using a qualitative method, and content analysis, findings reveal that many forms of abuse and criminality were present in the impeachment trials. The study also revealed the main reason is just that our politicians view politics as a tool for achieving economic empowerment, which ought to be accomplished by any means at all. As a result, the nation is currently experiencing political instability and the subversion of the democratic process. This study recommends amending the Nigerian constitution to make the impeachment procedure the final resort for ousting the executive branch. Additionally, it suggests that civic education be included in the curriculum of our schools, teaching students how to instill a love and service for their country in their hearts. Of course, this would help our young people realize that serving the country in politics offers opportunities to do good deeds without bringing in large sums of money.

Introduction

The concept of separation of powers and the theory of checks and balances are embodied in the majority of contemporary presidential constitutions (Hochstetler, 2011). Essentially, a shared power structure is intended to mitigate the risk of a single person holding all the authority in an absolute monarchy. How to prevent the misuse of these distinct powers and penalize elected officials who engage in wrongdoing is one of the primary issues with a presidential system (Kada, 2002; Abdulyakeen, 2022). The ability of the legislature to impeach an incompetent administration is one of the tools to reduce the misuse of power. Kim (2008) found that impeachment proceedings

are frequent under presidential systems with divided government, dispersed political parties, and an unequal distribution of power between the legislative and executive branches in his research of several Latin American nations. He believes that MPs frequently pursue impeachment proceedings as a result of popular dissatisfaction with the administration, due to scandals involving wrongdoing by the leaders and bad economic performance. Put differently, the legislature acts in response to public demands and preferences, which are typically fostered by the current political climate, and which frequently serve as the driving force behind impeachment trials.

According to American statistics, since 1789, the US Congress has only brought about an impeachment proceeding 64 times, and just 19 of those cases have led to the impeachment process being completed. In the USA, impeachment has only been applied in very rare circumstances. In Nigeria, this is not the case. There have already been hundreds of political office holders dismissed by state legislatures nationwide between 1999 and the present. There have been numerous additional examples, in addition to those of the Deputy Governors of Kebbi, Lagos, Sokoto, Cross River, and Enugu, as well as the Governors Chief D.Sp. Alameiyeisagha of Bayalsa, Ayo Fayose of Ekiti, Joshua Dariye of Plateau State, and Rashidi Ladoja of Oyo, and Shuaibu of Edo State (Kargbo, 2014; Kumolu, 2014; Leke, 2014; Jega, 2014; Abdulyakeen, 2024).

The Nigerian government's three branches are engaged in political warfare as a result of impeachment. There have been cases where state governors have openly used the harsh process of impeachment to remove speakers of the State House of Assembly who show some degree of independence. Normally, the application of the doctrine of separation of powers should serve to improve good governance. There have been times when those in charge of the impeachment process have neglected to use their authority, even in clear-cut cases of official misconduct. This power has been abused on multiple occasions, since legislators at all levels of government are its guardians and have neglected to exercise it when needed. These days, it's a bazaar tool, a merciless agglomeration tool up for grabs at exorbitant prices. Nigerian democracy is commonly said to have been inspired by American democracy; nevertheless, although impeachment is taken very seriously in the US, it is quickly spreading throughout this country. Pundits have attributed the tendency to the executive branch's influence and engagement with the legislative. Additionally, they have held public office holders accountable for their disdain for the rule of law (Baiyewu, 2014; Okunade, Muhammad, 2014; Abdulyakeen, 2022). Every democratic society contains checks and balances to prevent its leaders from taking on an authoritarian role. According to Lord Acton, "Power corrupts, and absolute power corrupts absolutely," which aligns with his statements. Regretfully, between 2005 and 2014, this mechanism nearly brought down Nigeria's fragile democracy due to egregious abuses of the impeachment process (Kehinde, 2014; Olumide, 2014). Unfortunately, the use of the inherent impeachment powers has turned into a threat to the institutions it was intended to defend, much like the application and practice of other components of presidential and parliamentary democracy in Nigeria.

Since Nigeria returned to civil rule in 1999, the country has seen egregious abuses of the impeachment process, which is intended, like in any other democratic society, to be a check on elected public office holders to prevent them from overstepping their bounds or becoming

autocratic. Recent events pertaining to the impeachment of public officials have raised concerns about the definition of an impeachable offense and the constitutional interpretation of the word impeachment (Okunade, 2014). The Nigerian political system has been dealing with many impeachments on a general basis for a while now. The nation's wave of impeachments began with the removal of Alhaji Balarabe Musa from office as the second republic governor of Kaduna State. The governor, who belonged to the Peoples Redemption Party (PRP), an opposition group, had a tumultuous relationship with the National Party of Nigeria (NPN), which was then in control of the Kaduna State House of Assembly. On June 23, 1981, he was dismissed after being charged with egregious misconduct (Leke Baiyewu, 2014; Kayode Ketefe, 2014). Early in the Fourth Republic, the wave of impeachments increased after Balarabe Musa was successfully removed from office without receiving a break from the courts. The governors of Anambra, Bayelsa, Ekiti, Oyo, and Plateau were impeached by their respective legislatures. Likewise, the Deputy Governors of the states of Abia, Akwa Ibom, Cross River, Ekiti, Gombe, Jigawa, Katsina, Kebbi, Lagos, Osun, and Taraba were ousted by their respective legislatures19. There were multiple violations of constitutional provisions concerning the legally mandated procedure in each of these cases. Three of the four impeached governors received relief through judicial review of the legislative measures, in contrast to the circumstances surrounding Balarabe Musa's case during the Second Republic. The impeachment of Governors Rashidi Ladoja, Joshua Dariye, and Peter Obi of the states of Oyo, Plateau, and Anambra was revoked by court rulings. Though it hasn't slowed down the frequency with which state legislators use their authority to intimidate or settle political scores, legislatures have recently been led by this court decision.

The study covered a few of the impeachments that have occurred in Nigeria, paying special attention to the processes followed, issues that arose, and the fallout that followed the impeachment. We talk about the offenses and the processes for dismissing the Federal Republic of Nigeria's president, vice president, governor, and deputy governor of a state, and other key officials in our political structure. The study emphasized the definition of impeachable offenses, stressing that a serious constitutional breach justifies the removal of a public official who has committed such an offense.

1. Statement of the problem

According to the Nigerian constitution, certain officers who commit errors are subject to impeachment. However, the incorrect usage of the term impeachment hinders the separate branches of government from operating as intended. The issues have had a negative impact on how political systems are managed, which has led to system inefficiencies throughout Nigerian political history. It is important to keep in mind that Western liberal scholars and natural law played a major role in the development and shaping of the concepts of the rule of law, human rights, and democratic governance. These ideas were later introduced into the domain of Nigerian constitutional law as a result of the nation's forced, or colonial, formation throughout the course of the previous century. These principles have been included in the 1999 Constitution, which is modeled after the 1979

Constitution, but not exactly. In practical terms, though, these objectives continue to be abstract paper pronouncements as the country is progressively, but catastrophically, engulfed in the current “crisis of governance.” Before this change, political instability, regular military interventions, bad governance, mass murder, a flagrant contempt for fundamental freedoms and human rights, and intolerance towards religion had all repeatedly threatened constitutional democracy (Badamasy, Okene, 2011; Kehinde, 2014).

Constitutional limitations were blatantly “abused,” democratic standards were “disregarded” without remorse, and the independence and integrity of the judiciary were frequently called into question. The public’s trust in the legal system and its efficacy was steadily declining. This posed significant obstacles to the shift to democratic rule. The difficulties pertaining to the judiciary were far more severe. In addition to attempting to uphold its independence, honesty, and impartiality especially when it comes to constitutional matters and other matters brought before it for decision, the judiciary has been working hard to mend its damaged reputation. The judiciary has made numerous important statements over the years, demanding that the other branches of government strictly adhere to the rule of law and constitutional values. The courts have consistently made a significant contribution to Nigeria’s excellent governance through this duty and other oversight responsibilities. However, the judiciary has been stifled both inside and outside and can scarcely be considered to be performing up to expectations, as seen in numerous previous examples.

The process of impeachment is grave and ought not to be used to settle small-scale political disputes. It is noted that when our legislatures begin the impeachment process, they don’t necessarily follow section 188(4) of the 1999 Constitution as modified. The constitution does not consider the offenses committed by the legislatures against the governor to be serious enough to justify the removal of the state’s head of government. Accused parties shouldn’t be assumed guilty prior to trial. It is rare for the two-thirds of the house members to sign the impeachment procedure, as mandated by the constitution. The majority of assembly chambers’ impeachments are deemed to be unconstitutional. The specifics of the Economic and Financial Crimes Commission’s role in the majority of impeachment proceedings are dubious. Former Ekiti State Governor Ayodele Fayose was charged with financial misappropriation by the Economic and Financial Crimes Commission after it was alleged that he had diverted medical funding to a contentious poultry project. Later, he was impeached. The Economic and Financial Crimes Commission has led the effort to impeach Dariye, Alamieyeseigha, and other individuals in Plateau State.

2. Conceptual clarification

Curzon (1987) defined impeachment as the same as questioning the veracity of a statement or making accusations against an individual. It is when the House of Commons prosecutes an offender in front of the House of Lords. According to Suleiman (2000), impeachment means both removing someone from office following a legislative trial and casting suspicion on a statement. A legislative body can initiate a criminal procedure against a public official through impeachment under common law. The Latin origins of the word impeachment convey the concept of being captured

or ensnared. The act of questioning someone's integrity or trustworthiness is known as impeachment in its more common and formal sense. Because of this, impeachment in modern Nigeria may be better understood as the accusation made against a politician or holder of public office for a major offense or violation of the constitution (Section 143 of the 1999 Constitution as amended).

In the US, it is defined by Henry Campbell Black as follows: a criminal case brought against a public official before a quasi-political court, initiated by a written charge known as "articles of impeachment"; an example of this would be a written charge brought against an officer by the US House of Representatives to the US Senate (Black, 1968, p. 886). The Nigerian constitution gives a different meaning to this one. The term "impeachment" in this study refers to the removal of a president, vice president, and governor via a legislative or judicial process.

Since the Second Republic, impeachment has been frowned upon in Nigeria because it has never been carried out on the proper grounds. However, in political discourse, no absolute conclusion is ever definitive. Over the years, the people in charge and those in positions of legislative authority have consistently demonstrated complete disrespect and contempt for the people they are sworn to represent (Obi, 2014). Impeachment of a governor for gross wrongdoing resulting from the discharge of official duties occurs very infrequently. Politics has been the driving force behind each case. The misuse of the impeachment process runs counter to the people's maturity and prudence in using the recall process to remove incompetent lawmakers.

3. The problem of impeachment and its effects in Nigerian politics

3.1. Impeachment procedure in the 1999 Constitution

In respect of the President and the Vice-President, Section 143 of the 1999 Constitution provides that Section 143 of the 1999 Constitution as amended:

1. The requirements of this section may be followed to remove the President or Vice-President from office.
2. Whenever a written notice of any allegation is signed by a minimum of thirty percent of the National Assembly members,
   a) it is submitted to the Senate President;
   b) it declares that the President or Vice President has engaged in flagrant misbehavior while carrying out the duties of their positions, and specifics of this offense must be included.

The Senate President shall, within seven days of receiving the notice, cause a copy of it to be served on each member of the National Assembly, as well as to the office holder. In addition, the President of the Senate shall cause any statement made in response to the allegation made by the office holder to be served on each member of the National Assembly.

3. Each House of the National Assembly shall determine by motion, without discussion, whether or not the allegation shall be investigated within fourteen (14) days of the notice being presented to the Senate President – regardless of whether the office holder has made a statement in response to the allegation in the notice.

4. The National Assembly's motion to investigate the accusation cannot be deemed successful unless it receives the support of a two-thirds majority of the members in each House of the National Assembly.
5. The Chief Justice of Nigeria shall, at the request of the President of the Senate, appoint a Panel of Seven persons who, in his opinion, are of unquestionable integrity and who are not members of any legislative house, political party, or public service, to investigate the allegation as provided in this section within seven (7) days of the motion under the foregoing provisions.
6. The holder of an office whose behavior is being investigated under this section is entitled to a personal defense or to have a lawyer of his choice represent him before the panel.
7. A panel constituted under this section shall:
a) a. have the authority to carry out its duties in line with any procedures that the National Assembly may specify; and
b) b. report its findings to each House of the National Assembly within three months of its appointment.
8. No further action shall be taken in relation to the case if the panel informs each House of the National Assembly that the accusation has not been proven.
9. In the event that the panel's report substantiates the allegations made against the office holder, each House of the National Assembly shall review it within fourteen days of receiving it. Should a resolution from each House of the National Assembly adopt the panel's report, with the support of at least two-thirds of its members, the office holder will be removed from office as of the report's adoption date.
10. No court shall hear or consider any proceedings, decisions, or matters pertaining to the panel, the National Assembly, or any associated matters.
11. Under this section, "gross misconduct" refers to either a serious infraction of the Constitution's provisions or behavior that, in the National Assembly's judgment, qualifies as gross misconduct.

With respect to the Governor and Deputy Governor, Section 188 of the 1999 Constitution as amended provides that:

1. The provisions of this section may be used to remove a State's governor or deputy governor from office.
2. Whenever a written notice of any allegation is signed by a minimum of thirty percent of the House of Assembly members, it is given to the Speaker of the State's House of Assembly, and states – among other things – that the person holding the office has engaged in egregious misconduct while carrying out his official duties. Specific details of the wrongdoing must be provided.

   The Speaker of the House of Assembly shall, within seven days of receiving the notice, cause a copy of the notice to be served on the office holder and each member of the Assembly. Additionally, the Speaker shall cause any statement made in response

by the office holder to the allegation to be served on each member of the Assembly. This is mandated by the Constitution.

3. The House of Assembly shall decide by motion, without discussion, whether or not the allegation shall be investigated within fourteen (14) days of the notice being presented to the Speaker of the Assembly – regardless of whether the office holder has made a statement in response to the allegation in the notice.
4. A motion requesting that the allegation be investigated by the House of Assembly cannot be deemed successful unless it receives the backing of a two-thirds majority of the Assembly's members.
5. The Chief Judge of the State shall, at the request of the Speaker of the House of Assembly, appoint a panel of seven persons who, in his opinion, are of unquestionable integrity and who are not members of any legislative house, political party, or public service, to investigate the allegation as provided in this section within seven (7) days of the motion being passed under the previously mentioned provisions of this section.
6. The holder of an office whose behavior is being investigated under this section is entitled to a personal defense or to have a lawyer of his choice represent him before the panel.
7. A panel constituted under this section shall:

a) a) have the authority to carry out its duties in line with any procedures that the House of Assembly may specify; and

b) b) report its findings to the House of Assembly within three months of its appointment.

8. No further action on the case shall be taken if the panel reports to the House of Assembly that the claim has not been proven.
9. In the event that the panel's report substantiates the allegations made against the office holder, the holder of the office shall be removed from office on the date of adoption, provided the House of Assembly adopts the panel's report with the support of a minimum of two-thirds of its members, within fourteen days of receiving the report.
10. No court shall hear arguments or consider matters pertaining to any panel or House of Assembly proceedings, determinations, or matters.
11. Under this section, "gross misconduct" refers to either a serious infraction of the Constitution's provisions or behavior that, in the National Assembly's judgment, qualifies as gross misconduct.

In respect of the President or Deputy President of the Senate and the Speaker or Deputy Speaker of the House of Representatives, Section 50(2) of the 1999 Constitution as amended provided that:

1. The Speaker or Deputy Speaker of the House of Representatives, or the President or Deputy President of the Senate, shall resign from their positions in the following cases:

a) If they are no longer members of the House of Representatives or the Senate, respectively;

b) If the Senate or the House is dissolved by a vote of at least two-thirds of its members; or.

c) When the House reconvenes following any dissolution of the House.

As per Sections 143, 188, 50(2), and 99(2) of the 1999 Constitution as amended, they may be removed from office by a resolution of the House of Assembly passed by a two-thirds majority of the members of the House or Section 92(2) of the 1999 Constitution of Nigeria gives the State House of Assembly the authority to remove the Speaker or Deputy Speaker while they are in the State.

The State House of Assembly has the last say in any impeachment proceeding at the state level, while the National Assembly has the ultimate say in any proceedings at the federal level. Thus, the State House of Assembly retains the final authority in state-level impeachment processes.

3.2. What constitutes an impeachable offence?

A serious constitutional breach that justifies the impeachment of a public office holder is known as an impeachable offense.

According to Sections 143(2) and 188(2) of the 1999 Constitution as amended, specific details must be included in any written notice of any allegation that the holder of an office is guilty of gross misconduct in the performance of his official duties, provided that the notice is signed by at least one third of the members of both Houses of Assembly and presented to the leadership.

According to Sections 143 (11) and 188 (11) of the 1999 Constitution as amended, gross misconduct is defined as a serious violation or breach of the Constitution, or other misbehavior.

Regarding the Inajoku v. Adeleke case (2008, pp. 423–755), Tobi, J.S.C. then noted that in accordance with section 188 of the 1999 Constitution, the following constitutes gross misconduct for the purposes of removing a governor or deputy governor: "The word gross in section 188(11) of the 1999 Constitution means generally in the context atrocious, colossal, deplorable, disgusting, outrageous, odious, and shocking." These are all extremely bad expressions of behavior. As a result, behavior that contradicts the aforementioned cannot be considered gross misconduct. The grossness of misconduct will depend on the facts as they are revealed; it cannot be judged on its own merits, but rather in light of the case's circumstances and how the law interprets them. The actions listed below, in my opinion, could be considered gross misconduct according to the House of Assembly":

- Failure to carry out constitutional duties
- Malfeasance in office or misuse of authority
- Sexual harassment. Because of the narrow-minded social understanding that limits its application to men, I believe I should make this clear: depending on the situation, either a male or female governor or deputy governor may be the source of the misbehavior.
- A drunkard whose drinking habits expose him or her to public scrutiny, consumption, disapproval, and shame unworthy of the office of the governor or deputy governor.
- Using, transferring, converting, or embezzling money from state or municipal governments for the electioneering governor, deputy governor, or any other individual.
- Racketeering and forging of certificates. In my opinion, it does not matter whether the misconduct occurred before the person was sworn in; once it enters the office, it qualifies as gross misconduct because the person could not have held office absent the misconduct. This is especially true if the misconduct is directly related to, traceable to, or connected with

> the procurement of the office of governor or deputy governor. Furthermore, I believe that such a person is unfit and improper to serve as governor or deputy governor.

In the same case, Mustapher J.S.C. (2004, p. 10) notes that egregious wrongdoing is a prerequisite for articles of impeachment to be applicable.

Gross in this context refers to something that is "obviously noticeable due to involuntary badness, or objectionableness, or a conduct in violation of the Constitution." Therefore, not all wrongdoing will result in impeachment. It appears, however, that the legislature has the authority to decide what constitutes egregious wrongdoing at its discretion. Everyone is expected to recognize that the wrongdoing is instantly and obviously visible.

The legislature appears to have the final say on whether or not severe misbehavior qualifies for a governor's dismissal, and it appears to be a political matter. The legislature is constrained by other constitutional provisions in the course of its legislative duties, which include determining whether a certain behavior qualifies as an impeachable offense. Every time the legislature decides whether a certain course of action qualifies as flagrant misconduct, it should, in my opinion, proceed responsibly and civilly. The offending behavior must, in my opinion, at the very least be a violation of the code of conduct that the legislature finds impeachable; the courts have the authority to determine whether a behavior qualifies as gross misconduct or as a constitutional violation.

4. The Nigerian judiciary and good governance: Evidence from some decided cases

The nation's ongoing political unrest and instability over the past century have had a significant impact on Nigeria's judiciary. First, the colonial administration's judiciary was far from independent. The executive's imperialist goal to solidify British power in the nation encompassed it. The colonial government had no interest in democratic government; constituent power did not exist; the people's political sovereignty and political will were suppressed by force; liberties and civil rights were ignored (Nwabueze, 1989). As a result, effective governance was completely opposed by the colonial government. That being said, there were other rulings from colonial tribunals that demanded that colonialists adhere to the rule of law and due process. For example, the Privy Council ruled in E Shugbayi Eleko v. Government of Nigeria (1931) AC 663 that the removal of the Oba of Lagos from his domain was void, illegal, and had no effect. The Council maintained that no official in the executive branch could interfere with a subject's property or liberty unless they could prove their case in a court of law.

Many political unrests incidents in some regions of the nation clouded the joy that greeted independence. The 1962 declaration of emergency gave the courts a chance to participate in national government. The cases of 63 Adegbenro v. A-G Western Nigeria (1962) NLR 431; Adegbenro v. Akintola (1963) 3 WLR 413; and Williams v. Majekodunmi (1962) NLR 413 were the result of making such a declaration. Due to the impending leadership crisis at the Western Regional House of Assembly, the federal government suspended the elected regional government and, in accordance with the 1960 Constitution and the Emergency Powers Act, declared a state of emergency.

In these cases, the courts interpreted the law in a relatively passive manner, endorsing a serious violation of democratic governance and undermining the people's sovereign right to elect their representatives. The courts in DPP v. Chike Obi (1961) 1 All NLR 187, Olawoyin v. A-G Northern Region (1961) 1 All NLR 269, Amalgamated Press (1961) 1 All NLR 199 all displayed the same apathy, especially in light of the narrow perspective on human rights protection highlighted in Tijjani and Ashi (2008). The judges most likely anticipated that an aggressive and interventionist approach to liberally interpreting the constitution would result in direct conflict with the legislators and a subsequent erosion of the judicial authority, according to Eziojiofor, G.A.

According to Babamasi and Okene (2011), this judicial mindset is a reflection of the "infancy" of the legal profession as well as the effects of the transplanted legal system, which is based on legislative rather than constitutional primacy. Second, it was suggested that apparent political and ethnic bias contributed to the judiciary's powerlessness under the First Republic (Nwabueze, 1977). The colonial system of administration, in which the court was completely controlled by the executive, meant that it lacked the necessary independence. This is also reflected in the attitudes of the judges. Therefore, one of the main detrimental effects of colonialism that resurfaced after independence was achieved was "judicial dependence."

During the military regime, however, there was a more noticeable "clipping" of the judicial wings, especially at the lower trial courts. Innumerable democratic standards were mutilated under the military regimes, and the constitution was expressly suspended, altered, or revoked in order to strengthen their autocratic hold on power. In the well-known case of Lakanmi v. A-G. (West) (1971) U.I.L.R. 201, a military tribunal that was set up to look into the assets of certain public officials prevented the plaintiff from selling his land. The Military Government issued a decree intended to influence the outcome of the appeal while the case was on appeal. The Supreme Court mustered the courage to overturn the statute that gave the tribunal its authority and subject the armed forces to constitutional restraints. The Federal Military Government (Supremacy and Enforcement of Powers) Decree No. 28 of 1970 was enacted by the military in response to this ruling, with the explicit goal of regaining government authority and overturning the Supreme Court.

It is obvious that the military government continuously attempted to sway the judiciary and interfere with its work, frequently directly using decrees as a tool (see, for example, Ransom-Kuti v. A-G. Federation (1985) 2 NWLR (Pt. 6) 211; Ojukwu v. Governor of Lagos State (1985) 2 NWLR (Pt. 8) 806; Military Governor of Ondo State v. Adewomi (1988) 3 NWLR (Pt. 82) 280). One approach is the implementation of ad hominem laws. There were more than forty decrees that nullified particular transactions and targeted individuals or groups between 1966 and 1979 alone (Nwabueze, 1979). The second approach is giving executive functionaries judicial authority (Nwabueze, 1979). Eliminating the courts' jurisdiction is the third and riskiest approach (Sambo, Abdulkadir, 2012). This is equivalent to outright prohibiting judicial duties. For example, "there was no dancing around the issue" of expulsion of jurisdiction in Nwosu v. I.S.E.S.A. (1990) 2 NWLR; Obaba v. Military Governor of Kwara State (1994) 4 NWLR (Pt. 266) 39 is where the same thing occurred. It is important to emphasize, nevertheless, that opposition to this "military legalism" that silenced the judiciary did exist. Many brave judges disapproved of it. The instances

of Okoroafor v. Miscellaneous Offences Tribunal & Ors (1995) 4 NWLR (Pt. 387) 57 and Abacha v. Fawehinmi (1995) 5 NWLR (Pt. 398) 703 demonstrate this.

The Second Republic's democratic experimentation brought about a notable enhancement in the judiciary's function, specifically with constitutional interpretation. Regarding A-G. Bendel State v. A-G. Federation (1980) 9 S.C. 1, the Supreme Court vehemently contested the Federal legislature's constitutional authority over the income sharing formula. Equally historic was the liberal reading of the constitution that was adopted in Nafiu Rabiu v. The State (1980) 8–11 S.C. 130, which influenced judges' views on accurate constitutional interpretation. Technological problems that impede the use of judicial authority, however, affected the validity of the Supreme Court's ruling. The *locus standi* principle was the main obstacle. See also A-G. Ondo State v. A-G. Federation (2002) 9 NWLR (Pt. 772) 222; Ovie Wisky v. Olawoyin (1985) 6 NCLR 156; and Onuoha v. Okafor (1983) 1 FNLR 217, where the courts declined to consider the merits of the cases and instead adopted a restrictive approach to the *locus* of the litigants. In Adesanya v. The President (1981) 2 NCLR 358, for example, where the appellant sought to challenge the violation of the constitution, the Supreme Court fell short of expectations under the guise of lack of *locus standi*. In the case of Fawehemi v. Akilu (1987) 4 NWLR (Pt. 67) 794, where the appellant attempted to compel the performance of a public duty, the restrictive approach was loosened. The Supreme Court distinguished between *locus* to enforce a private right and locus to enforce a public right, holding as follows.

The 1999 Constitution brought increased court activity, and the use of judicial authority to support the democratic process was demonstrated in a number of cases. The Vice President's defection to a political party that differed from the platform on which he and the President were jointly elected led to the President declaring the Vice President's office vacant in A-Federation v. Abubakar (2007) NWLR (Pt. 1041) 1 S.C. The Vice President contested the President's action, and the Supreme Court ruled that it was both undemocratic and unconstitutional. The Attorneys-General of Abia, Delta, and Lagos States filed a lawsuit in A-G Abia State v. A-G Federation (2007) 7 J.N.S.C. 1, contesting the validity of the Monitoring of Revenue Allocation to Local Government Act, 2005. In the following lines, the Supreme Court emphasized how important it is to uphold both the letter and the spirit of the Constitution: "Whether the melody sounds good or unpleasant, the three branches of government must move to the rhythm and chorus of the Constitution."

Similarly, when the President withheld Lagos State's statutory allocation in A-G Lagos State v. A-G Federation (2004) 18 NWLR (Pt. 904) 1 S.C., the spirit of constitutionalism was protected against the arbitrary excesses of the President. The State contested the President's decision, arguing that it was illegal under s. 162(5) of the CFRN. The Supreme Court ruled that the President's action was unlawful. In Alamieyseigha v. Federal Republic of Nigeria (2006) 16 NWLR (Pt. 1004) 1 (Alams v. FRN), the EFCC filed criminal charges against the appellant after he was impeached from his position as governor. He requested that the accusation be dropped on technical grounds and asserted his right to executive immunity from prosecution. He appealed after the application was denied. In rejecting the appeal, the Court of Appeal ruled that the executive branch's immunity "is not intended to foster corruption or, make the beneficiaries of such immunity impudent

and above the law," and that the government had an obligation to uphold the law. The judiciary made a brave and admirable decision that helped put the appellant in jail for crimes relating to corruption. Regretfully, President Jonathan pardoned the felon, making him a legal innocent in the eyes of the law, by using his prerogative to show mercy under section 175 of the Constitution. This unhealthy, unethical use of the prerogative of mercy has demonstrated that political arms can undermine judicial work without taking the rule of law and national interests into consideration.

Thus, by upholding constitutionalism and the rule of law, the judiciary has worked to ingrain democratic values into the functioning of government during the past ten years. Examples of this include cases involving immunity and corruption (Alams v. FRN, above), as well as impeachment (Adeleke v. Oyo State House of Assembly (2007). All FWLR (Pt. 345) 211; Umanna v. Ekpenyong (2010). All FWLR (Pt. 520) 1387), federalism (A-G Federation v. A-G Abia, supra), and constitutional interpretation regarding seat vacancy Ngige v. Obi (2006) All FWLR (Pt. 330) 1041; People's Democratic Party v. INEC (2001) 1 WRN 1; Obi v. INEC (2007) 45 WRN 1; Dingadi v. INEC (2010) 49 WRN 1, at 148), and internal democracy in political parties (Amaechi V, INEC (2008)). Every FWLR (Pt.407)1. On the idea of internal democracy in political parties, the case of Amaechi v. INEC (2008) All FWLR (pt. 407) 1 is instructive. Although the winner of the primary did not run for office and did not request that the court declare him the winner, the Supreme Court ruled that the person who won the primary but was illegally and forcibly replaced with another by the party was the election's victor. The Court described INEC as a "spineless body whose preoccupation is the dissemination of injustice."

But the judiciary cannot be completely removed from the nation's growing crisis of governance, especially when it comes to the unchecked issuance of *ex parte* injunctions (Ndu, 2006), technicalities, and their literalist, constrictive interpretation of the statutes, or what some have referred to as the "plain-fact jurisprudence" (Hakeem, 2007). The Oputa & Ors, v. General Ibrahim Babangida & Ors (2003) M.J.S.C. 63 case highlights the former military leaders' almost untouchable status and their rejection of fundamental constitutional values. The Oputa Panel had called the Respondents to appear and address important charges regarding the death of renowned journalist Dele Giwa. However, the Generals contested the action's legality, arguing that it violated their rights to dignity – which they had consistently infringed upon while in office. Furthermore, despite the Generals' sufficient opportunity to appear before the Panel, the Supreme Court declared the Tribunals of Inquiry Act, which allowed for their summons, to be blatantly illegal, violating their rights to a fair trial and dignity.

The string of election rulings that were made ostensibly to address "national security concerns" and technicalities rather than the law and facts in an effort to solidify the shift to a more developed democracy were more concerning. This is illustrated by the well-known Buhari v. INEC case. The 2007 presidential election was widely condemned, so the petitioner filed a complaint alleging various forms of corruption, abuse of executive power, manifest bias, and flagrant violations of the Electoral Act of 2006. These violations included the delayed delivery of electoral materials such as ballot papers; voting in private homes without authorization; manipulated voting results; results witnessed by agents who were not affiliated with any party; undated results; unsigned

result sheets; unstamped results; unsigned results by party agents; and noncompliance with s. 45(2) of the Electoral Act, which called for the serialization of ballots. In a split decision, the Supreme Court upheld the election as legitimate due to the so-called."

However, the incessant validation of elections that have been publicly denounced since 2003 has implicitly given undue weight to the baseless fear of the Fourth Republic's collapse. In the same case, the Court of Appeal (Fabiyi JCA) maintained, per incuriam, that "it is impossible to overstate the significance of the election and the crucial role it plays in affecting the welfare and security of the entire country."

This makes the attitudes of some of the judges very evident. It is inconceivable to argue that an apparent Electoral Act violation like the non-serialization of ballots, which sparked intense animosity and criticism, is beneficial to the state's existence as a business entity. On the other hand, data indicates that widespread election tampering, electoral fraud, and a seeming contempt for the law during the political process feed unrest and frequently result in disorder following the poll. Due to irregularities in election petitions, the wishes and ambitions of the populace – which form the foundation of democratic governance and legitimacy – were often ignored. The concept of "significant compliance" should be reexamined since, while beneficial to the legal system, it hinders the implementation of popular laws.

5. Legislature and the burden of impeachment in the Nigerian presidential systems

The first impeachment case in Nigerian constitutional history is said to have involved Alhaji Balarebe Musa, the former governor of Kaduna State during the Second Republic. The House of Assembly's members were mostly drawn from various political parties. The People's Redemption Party (PRP) platform was used to elect the governor. As a result, the House had no trouble assembling a comfortable two-thirds majority to begin the process. Many legal actions were started to contest the impeachment procedure, despite section 170(10) of the 1979 Constitution, which provided for restricted recourse to the courts (as amended in section 170(10) of the 1999 Constitution). The proceedings of the investigating committee, which was formed by the Speaker of the Kaduna State House of Assembly, were stayed in Abdulkadir Balarebe Musa v. Auta Hamza (1982) 3 NCLR. The Court of Appeal had to decide how section 170 (10) of the 1979 Constitution, which removed the courts' authority in impeachment cases, should be applied. The legal position was summed up in the dicta of Adenakan Ademola, JCA, and Adolphus G. Karibi-Whyte, JCA, at the time. The JCA stated in its ruling that Ademola Adenakan.

According to section 170 of the 1979 Constitution, the Speaker of the House must obtain the consent of the members of the House before appointing a committee of seven people to look into allegations against the governor or his deputy in Nigeria. The exercise cannot be said to guarantee independence, objectivity, and impartiality by the norms of section 33(1) of the Constitution until the committee reports that the allegation has not been proven, and members of the House of Assembly were not called to finish the work it has begun. This is a trial by the State's legislative

branches, and the law they are tasked with enforcing is a lenient version of what section 170(10) of the Constitution stipulates; it is hardly the kind of law that a regular court would handle.

The ruling made by the house is a legislative ruling. Do the regular courts in the country have the authority to review such a judgment? The purpose of section 170(10) of the Constitution is to prevent any interference with decisions made by the House. This is where the true meaning and intent of the section come in. It is clear that the legislature's actions are required to remove the governor or his deputy.

This leads to the conclusion that no court has the authority to halt any proceedings or overturn a committee's or the House's decision. The invitation issued to it obviously suggests that it is a political ticket, and in my opinion, that would be asking for the gates and walls to be painted with muck and the throne of justice, from which its verdict is delivered, to be polished with mire.

As a result of the court's denial of jurisdiction, Alhaji Balarabe Musa was impeached. At the time, the majority of people believed that the impeachment process was a political maneuver. The majority of Nigerians believed it was unjustified and had anticipated that the court would be their last resort for overcoming obstacles and defending the Governor and their fledgling democracy. Diepreye Alamieyeseigha, the former governor of Bayelsa State, was impeached in 2005 despite his protests regarding the makeup of the investigative committee that recommended his removal.

Recall that Alamieyeseiogha had filed a legal complaint against the head of the seven-member investigative panel with the Chief Judge of Bayelsa State. Eighteen (18) of the thirty-two (32) lawmakers in Oyo State sent a notice of impeachment to Justice Afolabi Adeniran, the acting chief judge, pleading with him to form a panel to look into allegations of financial theft and other offenses against the governor. He failed to take judicial notice of the fact that, according to the constitution, 18 of the 32 members of the Oyo State House of Assembly do not represent the two-thirds majority of the legislators (Daily Independent Newspaper, Thursday, January 19, 2006). In addition, Justice Bamishile Kayode of Ekiti State was ordered to assemble a seven-member panel to conduct an investigation and report back to the House on findings. However, the chief judge's list of names was allegedly tainted with the names of people who had benefited from Fayose's administration at some point, so the lawmakers rejected it, and the judge was suspended by the Assembly. Jide Aladejana, the new acting Chief Judge, quickly assembled the second panel, stifling the voices calling for the rule of law and due process. He disregarded Justice Alfa Belgore's admonition – which at the time was that it was a mistake for him to be appointed acting Chief Judge in the first place. Additionally, there have been instances where judges failed to ensure that the legislature complied with section 188(1)–(4) of the Constitution before enacting section 188(5) (section 188(5) of the 1999 Constitution, as amended). The same applied to the situations in the Plateau States and Anambra. These all called into doubt the nation's claim to be an example of constitutional democracy. Every time someone is impeached, section 88 of the 1999 Constitution's constitutional provisions are completely disregarded. The Nigeria Bar Association and the populace at large expressed concern over the nation's drift away from the rule of law and toward the authority of federal might. The highest point of those constitutional transgressions has been

characterized as the Plateau State case, in which only six out of the twenty-four members of the House of Assembly allegedly impeached the Governor.

The most shameful deed in our democratic system is that six persons have no authority whatsoever to remove a governor under any pretext, according to Olisa Agbakoba, SAN, President of the Nigerian Bar Association (Agbakoba, 2004).

In addition, he argues that due process should not be disregarded, regardless of Dariye's wrongdoing; in the community of nations, it will make us look foolish (Agbakoba, 2004).

A House of Assembly can only legitimately impeach a governor with the support of at least two-thirds of its members, as stated in section 188(9) of the Constitution.

The flagrant violations of the Constitution that are being committed across the nation may have become too common, which is why many people are concerned – particularly about the federal government's apparent complicity in all of the illegalities. But later, the Supreme Court declared that the impeachment of the governor of a state with twenty-four Assembly members was unconstitutional and that the Constitution was clear about the requirement of a quorum of the House in order to carry out such an action. A two-thirds majority of the House of Assembly's members must vote for impeachment. Sixteen out of twenty-four is therefore not even close to a simple majority, let alone a two-third majority.

The Anambra State House of Assembly impeached Governor Peter Obi on the grounds of grave misconduct. He was charged with holding State funds at Fidelity Bank, where he previously served as Chairman. He claimed to have spent over N100 million renovating the government house, but it was later found that the House of Assembly had actually approved N245 million for the project, of which he had only used N31 million. This Day, the Sunday Newspaper (December 2009), reported that the Assembly's main grievance was that he had failed to bring their portion of the remaining funds. Investigations by a variety of interest groups refuted another accusation –that local government funds were mismanaged. They also revealed that no additional withdrawals were made from the account other than line charges. Additionally, because he gave several contracts to Vivid Construction, in which Engineer Anthony Akpulu had significant interests, he was accused of giving contracts to the residents of his town. Nonetheless, Vivid Construction Company had already been working in Anambra for the State Government. After that, he was impeached. The Anambra High Court in Awka invalidated Peter Obi's impeachment on Thursday, December 28, 2006, for violating sections 188 (1) through (9) of the 1999 Constitution. In accordance with section 188(2) of the 1999 Constitution as amended, Justice Umebolu Nri-Ezedi also affirmed the process, which states that the notice of impeachment must be delivered in person to the target of the charge in order for it to be deemed valid.

The elected governor of Oyo State, Senator Rashidi Adewolu Ladoja, also experienced some of the drama surrounding his impeachment. The state legislators allegedly suspended the Oyo State House of Assembly's draft rules at D'Rovan's Hotel on Ring Road in Ibadan. On December 22, 2005, they allegedly sent him a notice of allegations of misbehavior without adhering to the constitution's established guidelines. The House of Assembly members were not supplied with the notice of the alleged misbehavior against Ladoja, and a two-thirds majority was not obtained.

The Governor received it through a newspaper advertisement rather than in person, and the Speaker and Deputy Speaker of the House were largely excluded from the proceedings.

Following the case to the Court of Appeal, Ogebe, JCA, ruled as follows: “In my opinion, no factional meeting involving any member of the House of Assembly can be considered a constitutional meeting of the entire House of Assembly, as defined by the Constitution.” Therefore, in accordance with Section 188 of the 1999 Constitution, none of the actions taken by the faction of defendants/respondents claiming to have started the process of impeaching Senator Ladoja as governor of Oyo State were taken by the Oyo State House of Assembly. “I now grant the reliefs and issue judgment in favor of the appellants.” (Ogebe, 2005).

After thoroughly reviewing every issue raised in the appeal, the Supreme Court granted a further appeal. In the lead judgment, Justice Tobi, JSC, held that the legislature is responsible for maintaining a nation’s constitution in the same manner as the executive branch is responsible for overseeing government policy and implementing it, and that the judiciary is responsible for maintaining constitutional constructions and interpretations. Keeping matters under its care under lock and key to prevent abuse or desecration is one of a custodian’s main responsibilities. The legislature is supposed to establish the constitution’s provisions, just like a mother tends to her elderly child. The Bible is expected to be followed by the Legislature, and the Qur’an by the Imam. Therefore, society and its citizens – in this case, the Oyo State Society and the respondents, especially the third respondent – are the victims and sufferers when the legislature, the custodian, is accountable for the desecration and abuse of the constitution’s provisions through an apparent violation and breach. Thankfully, society and its functions are protected by Section 6 of the Constitution from acts of indiscretion, breach, and violation by the legislature (Tobi, 2009).

The appeal was denied for these and other reasons, and eight declarations and one order were issued to remove any possibility of confusion. According to Tobi, JSC, His Lordship came to the following conclusion: “Given the above, I thus order that Senator Ladoja, the third respondent, continue to serve as Oyo State’s legitimately, constitutionally, and popularly elected governor.” (Tobi, 2010).

During this regime, state deputies from several states were among the other people impeached. The Deputy Governor of Abia State, Chief Abaribe, was impeached by the State House of Assembly due to allegations of misbehavior. Iyiola Omisore and Femi Pedro, the former deputy governors of Osun and Lagos states, respectively, were dismissed from office for suspected egregious misconduct, as was Abiodun Aluko, the former deputy governor of Ekiti state. The first Senate President was the late Senator Evan (s) Enwerem of Imo State, and he was also the first to be impeached by the Senate. On the basis of serious misbehavior charges that almost amounted to certificate falsification, he was impeached. In addition, he was charged with being a convicted felon, which disqualified him from leading the Senate. Senator Evan(s) Enwerem (Late) was succeeded as Senate President by Dr. Chuba Okadigbo (Late). The National Assembly impeached him as well. The accusations against him that resulted in his impeachment concerned whether the Senate President’s office could incur costs without the consent of every House member. The spending under consideration was costly and was not documented. The House removed

him from office since there was no information provided regarding how the money was used. The second Senate President to be impeached was Senator Adolphous Wabara in 2005, when he became embroiled in the "money-for-passage of appropriation of bill" scandal, which led to his impeachment." Dr. Chuba Okadigbo's deputy was the late deputy president of the Senate, Haruna Abubakar. Despite resigning on the House floor due to his speech, he was impeached on the same charge as his boss. Nevertheless, despite his resignation, the National Assembly continued with the impeachment process.

6. Constraints and challenges to the effective exercise of impeachment in the Nigerian presidential systems

From the discussion above, it is possible to identify the following as obstacles to the exercise of judicial and executive authority, as well as the benefits that the legislative, executive, and judicial branches provide to Nigeria's democratic governance.

6.1. The nature and dynamics of executive-legislature relations in the practice of the presidential system in Nigeria

General Obasanjo, who became president of Nigeria in 1999, wanted to control everything around him and had no idea that the legislature was an independent branch of government as stipulated by the constitution. On the other hand, he might have believed that – in contrast to his previous military role – as a civilian "Head of State," he was entitled to authority over all branches of government and their employees (Ashafa, Jungudo, 2011). Fifty-two of the 79 PDP senators who made up the 109 senators-elect in 1999 are reported to have signed a letter endorsing Dr. Chuba Okadigbo's election as Senate President prior to their swearing-in. The same paper was later confirmed and endorsed by the PDP's National Executive Council, which includes the president-elect. Subsequently, the President betrayed his commitment by endorsing Senator Evans Enwerem (National Interest, 2001:13), purportedly employing vast resources to 'help' his favorite candidate win the election. To the dismay of the president and the Executive, Enwerem was removed, and Okadibo, the Senate's favored candidate, was elected after some time, setting the stage for instability in the Senate and a crisis of confidence against the administration. Unhappy with this turn of events, the Presidency was reported to have set off a crisis in the Senate, resulting in Okadigbo's dismissal and Anyim Pious Anyim's appointment as his replacement. It was claimed that the Presidency had used a significant number of resources to achieve the intended goal during both the Okadigbo removal and Enwerem installation processes (National Interest, 2001:14).

6.2. Lack of judicial activism

The Nigerian judiciary has demonstrated an unhealthy lack of involvement in both its general administration and its main adjudicatory duties over the years. This has also contributed to the judiciary's declining role in the nation's overall governance. The court's conclusions have been

manifestly inconsistent in certain circumstances, and in some cases they have remained unsettled for decades. Despite the growing vibrancy of society, courts implement long-standing legal concepts with ease and without question. The courts are still primarily uncreative; they feel conveniently enslaved by the black texts of the law and readily give in to the executive's intimidation. This apathy may be attributed to the common law history of strict adherence to precedents, the effects of military asphyxiation, and colonial dominance through locus standi, expulsion clauses, and the enactment of ad hominem laws. Regretfully, many courts perceive the purposive interpretation approach as genuine lawmaking and therefore a violation judicial limits. In the Dipianlong v. Dariye case, for example, Aderemi, JSC, sharply but mockingly criticizes "judicial creativity."

With all due respect to the Law Lord, this mindset is evocative of the Judex of the Victorian era, and it clearly links modern judges to antiquated principles of adjudication while neglecting the increasingly difficult and complex societal issues that are far too urgent to wait for a specific legislative solution, given the regrettable inertia of the nation's legislative process and the ineptitude of the vast majority of lawmakers. For the judges to continue to be "legislative robots" – controlled and directed by inept and bench-warming politicians – is not in line with the urgent realities of the nation and will not be good for the rule of law. In order to prevent the inevitable crack in the system from occurring, the courts must accept the challenge of creatively applying and interpreting the law to make up for legislative shortcomings.

6.3. Lack of financial autonomy

The judiciary's financial situation clearly contradicts the notion of an independent judiciary. Undoubtedly, a lack of independence in the creation and execution of budgets is a surefire recipe for executive abuse, disrespect for the law, and growing executive lawlessness.

6.4. Executive manipulation and the disregard of the rule of law

The executive branch has a reputation for controlling, politicizing, and frequently interfering with the judiciary's adjudicative function as a direct result of the judiciary's financial dependence. The story of Justice Salami is one obvious example. The use of the executive branch's prerogative of mercy to pardon a widely condemned criminal clearly undermines the judiciary's ability to improve good governance by fostering a society free from corruption. At another level, the executive branch, which viewed itself as superior to all other branches of government, completely ignored the judiciary and undermined it in the Fourth Republic. Although adhering to the constitution's directives was a significant challenge during the period under review, it remains a crucial catalyst for democratic administration. Selective justice permeated the entire political system, with court orders being flouted with disdain and several judicial declarations being disregarded. The position of the rule of law under the Obasanjo civilian administration was summed up by two cases. The first case concerned the establishment of local government councils and included the federal government and the Lagos State government, which was governed by Bola Tinubu. The Federal Republic of Nigeria's 1999 Constitution gave the states authority to establish, manage,

and oversee local government councils, the National Assembly was simply granted consent. The so-called "almighty" Obasanjo federal government ordered a reversal of the Lagos State government's exercise of this constitutional power to establish more local government units. The Lagos State government maintained and cited the strength of the constitutional provision supporting its conduct, arguing that other states had promptly reversed their actions simply because their governments were PDP-led.

7. Summary of major findings

According to the study, the political elites in Nigeria's presidential system frequently employ this reward system to create a united front when it comes to using impeachment as a tool for both reward and punishment. The current governance issue in Nigeria's presidential system is caused by the legislature's disregard for the rules governing the use of the impeachment power as a monitoring tool. Therefore, impeachment has become little more than a tool for political vengeance in a political system where systemic corruption is prevalent. Legislators are acting politically when they refuse to initiate impeachment proceedings against state governors who have a history of corruption allegations and official abuse. The Nigerian political system's ongoing governance dilemma is a result of this willful docility (Agbamuche, 2014).

The study demonstrates how the executive's broad appointment authority increases the degree of favoritism that neither the legislature nor the judiciary possess. In actuality, this retinue of appointees is made up of supporters of the executive branch leaders, whose continued allegiance to the president or the governor who nominated them is crucial to their survival. They defend government acts, even when they are known to be against the interests of the people – not out of a sense of patriotism, but rather out of political devotion to their sponsors. It is also mentioned that political elites in positions of authority seek to hold their positions for as long as possible. To achieve this goal, they devise a number of policy measures to penalize opponents and reward dependable allies and coalitions (Agbamuche, 2014).

The study discovered that psychological conflicts within the competition for influence and status are the primary cause of executive-legislative friction (Aiyede, 2006). The two branches' leaders have repeatedly disagreed over how to interpret the constitution in terms of who has the last say. This is not constructive constitutional participation; rather, it is sheer personality or psychological struggle. In order to fight for supremacy, both branches of government have abandoned constitutional provisions, making the judiciary the last arbiter in these situations. It is instructive to note that the Federal Republic of Nigeria's powers are clearly provided for in Part II, Section 4 of the 1999 Constitution.

According to the analysis, there has never been a greater number of impeachments or threats of impeachment in the history of any democratic country. Thomas (2008) reminded us that the impeachment clause is rarely used, and that its purpose is to protect the interests of the people and the country when it is in place in both developed and developing democracies – such as the United States of America, Germany, Iran, Philippines, Romania, Taiwan, Australia, Brazil, and

Russia – where presidential democracy is popular. It also encourages morality and honesty in government. Public officers' impeachment has been a common occurrence in Nigeria, particularly during the Fourth Republic, and it has had a disastrous impact on the nation's political and developmental processes. According to a review of the literature, since 1999, there have been at least 25 impeachments in Nigeria, including those of Speakers, Vice Presidents, Governors, and five Governors and ten Deputy Governors. President Olusegun Obasanjo and his Vice, Atiku Abubakar, have also escaped multiple attempts at impeachment (Ben Nwabueze, 2007; Kayoed Keteti, 2014).

The investigation found that the primary source of contention between the executive and the legislature was the executive's attempt to select the legislature's leadership, aside from concerns over the budget and constituency projects. The constitutional interpretation of the Legislature's role in relation to the President's as the Head of State gave rise to the initial source of disagreement between the two branches of government. General Obasanjo, who became president of Nigeria in 1999, sought to control everything around him and did not recognize the legislature was an independent branch of government as stipulated by the constitution. On the other hand, he might have believed that, in contrast to his previous military role, as a civilian Head of State he was entitled to authority over all branches of government and their employees (Ashafa, Jungudo, 2011).

The analysis demonstrates that while legislative officers were also impacted by the Fourth Republic's wave of impeachments, the process was not entirely immune to executive manipulations. In the case of the executive branch, the precise definition of "gross misconduct," which serves as the basis for impeachment, has never been established. Therefore, it can be argued that rather than being a constitutional issue, impeachment has largely functioned a political move to settle scores.

According to the study, the presidential system's unequal power distribution among the three main branches of government – the legislative, executive, and judicial branches – partially erodes the fundamental idea of the checks and balances system. As such, the political elites' other informal considerations and vested interests will render the institutional safety values useless. This is especially true in divided societies found in developing nations like Nigeria, where government institutions function primarily through impunity and corruption. In this approach, the constitutionally mandated government structures that police powers against misuse progressively lose their ability to uphold law and order. The preponderance of governance crises is the result of this. Good governance is threatened by competition among political elites for political space since institutional means to restrict power continue to be inadequate (Francis, Fagbadebo, 2016).

Finally, Nigeria has had a constitution that seems to establish a division of powers since 1999. Its increasingly imperial-style president, who has monopolized authority since 1999, governs the nation through aspects of personal governance, similar to many other African nations. This has sparked debate over whether Nigeria's constitution's purported separation of powers actually represents anything more than the executive branch's hegemony over the other two branches of government. Is the theory of separation of powers a component of the Nigerian constitutional order, or is it just an impersonal philosophical legacy that has no bearing on the current state

of affairs in the nation? To provide an answer to this question and to fully understand how the ideology functions in Nigeria, further analysis is required.

Conclusions and recommendations

When using their impeachment authority, legislatures are required to always act in good faith. A motion of the House of Assembly requesting an investigation into an accusation should not be deemed valid until it receives the votes of a minimum of two-thirds of the Assembly members. The legislature ought to hold the supreme Nigerian Constitution in the highest regard. To advance the rule of law, the legislature must adhere to the letter of the constitution. Politicians and the legislators ought to adopt the required impartiality and tolerance mindset. Serving the nation should be their foremost goal, rather than pursuing political vandettas. The Chief Judge should act in the state's best interest and with integrity when exercising his authority to form a seven-member panel to look into allegations made against a governor. The EFCC must avoid assuming partisan roles and prosecuting political rivals. In addition, the governor himself ought to refrain from blatant misconduct. Anything that might cast doubt on his competence and honesty should be avoided. Achieving good governance should be the overarching objective that guides constitutional interpretation. Since the beginning of this democratic regime, the spirit of the separation of powers doctrine outlined in the Constitution –which aims to prevent arbitrary behavior and authoritarian tendencies – has not been upheld. Of the three branches, the judiciary is undoubtedly the least assertive and dominant, but it plays the most significant role in establishing and maintaining societal balance, equity, and justice in the nation. However, in terms of function, the judiciary's standing does not correspond with its significant responsibility. To fulfill their constitutional duty, the courts must confront the aforementioned problems. As a result, the following ideas are put forth as recommendations for the future.

Recommendations

1. It is best to stop any authoritarian tendencies early on, since this will prevent the administration from usurping authority, stop elected officials from becoming corrupted, and manipulation of the electoral process.
2. Restoring and strengthening institutions, restructuring the government, and creating a capable and effective technocracy are essential. This includes strengthening the judiciary and reforming the police and security systems.
3. Combating corruption requires stopping partisanship and retaliation in the fight against it, broadening the scope to include local governance, and providing genuine models of accountability.
4. Taking into consideration Nigeria's historical experience and the pressing need to modernize where necessary, the state should uphold the principle of separation of powers, as is the practice in other democratic systems worldwide.

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