RE-ENGINEERING JUSTICE IN NIGERIA FOR PEACE, SECURITY AND NATIONAL DEVELOPMENT THROUGH EDUCATION

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ABSTRACT

This paper focused on the bastardization of justice in Nigeria as a threat to peace, security and national development. Justice is of great importance in every state or society. It is a strong pillar for genuine human life, peaceful coexistence among people, and human development. Justice refers to a structure through which the laws guiding existence and order in a society is applied and the rights of the citizens upheld. Characteristics of justice include fairness, equity, equality, effectiveness and efficiency. These characteristics spell out modes of offence-punishment proportionality, constitutionality, public order, safety and integrity, among other things. In every society, justice functions or operates through a justice system. Nigeria is not an exception in this regard. In Nigeria, the justice system comprises three institutions: the police, the court and the prison (now correctional centre). Apparently, these institutions have been highly bastardized in Nigeria, resulting to a lack of peace, insecurity and retrogression in development as a common experience of the citizens. The paper traced the causes of the bastardization, which include, among other things, lack of strict adherence to the principles of federal character in appointments, lack of respect for the rule of law, and the weakness of the education system. Using a discursive approach and conceptual analysis, the paper critically examined these causes in the light of the three institutions of justice system. The conclusion arrived at was that for peace, security and development to thrive in Nigeria, there must be a re-engineering of justice system through education, with strong emphasis on the inculcation and practice of justice as a value. To this end, it was recommended, among others, that our leaders should swallow their pride, accept their failures, apologize to the citizens, and come back to the drawing table for proper amendments, especially regarding adequate funding of the education system.

Keywords: Justice, Re-engineering, Peace, Education, Nigeria.

Introduction

The role of justice in every state and society cannot be over emphasized. It is a basic requirement for good quality of life and harmony in all human societies and institutions. All laws, their establishment and implementation, would lose their lustre if they fail to dispense justice. The issue of justice is a common phenomenon in every society that

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cherishes sustainable peace, order and prosperity (Rwals, 2008). Justice system and its operation in every state and society is a reflection of its extent of civilization, the ability to implement proper dispensation of justice, stability and development (Petersmann, 2003). The role an effective dispensation of justice can play in creating an enabling environment

The role an effective dispensation of justice can play in creating an enabling environment for the development of any country can never be underestimated. This is especially applicable to Nigeria, which is in dire need of peaceful and friendly environment for both local and direct foreign investment to boost its economic development. George Washington (1789), a former American President, highlighted the central role played by an effective and efficient administration of justice by insisting that due administration of justice is the strongest pillar of good government. Based on this, he considered the arrangement of the Judicial Department as essential to the stability of political system and general well-being of the country. In the light of this, Washington's object of anxious concern was the selection of the fittest characters for the purpose of expounding the law and dispensation of justice. Every court of justice has a duty to dispense justice, to the best of their ability, between litigating parties. Not only that, they should satisfactorily convince the parties that the whole case has been objectively and thoroughly examined and considered (Campbell, 2012). Aside the judge or magistrate plays a central role in the administration of justice, there are other key players such as the advocates and counsels to the parties. Nevertheless, the object of all equally should be the attainment of justice.

Among the national goals of Nigeria is the building of a just and egalitarian society, while among the values to be inculcated through the process of education are respect for the worth and dignity of the individual, faith in man's ability to make rational decisions, and moral and spiritual principle in inter-personal and human relations (Federal Republic of Nigeria, 2014). The deduction here is that the nation's education system is counted on for the imparting of true and requisite knowledge and inculcation of values that would enhance proper understanding and administration of justice. However, attainment of justice in Nigeria has appeared to be an enigma due to some avoidable factors. Among such factors are lack of strict adherence to the principles of federal character, lack of respect for the rule of law, and the weakness of the education system itself. A critical attempt was made in this paper to address these factors, and how the situation can be re-engineered through education. The paper is of the opinion that the attainment of justice would bring about peace, security and development, and that education is a veritable instrument in this regard.

Conceptual Clarifications Justice

In popular perspective, justice is defined as simply giving each person his or her due. The problem with this definition is that it has a difficulty as to who determines what is due and what is not, and under what circumstances. Robinson (2014) defines justice as the quality of being just, just treatment, fairness. For Rawls (1971, p. 5), the concept of justice is that "institutions are just when no arbitrary distinctions are made between persons in the

UNIZIK ORIENT JOURNAL OF EDUCATION Vol. 10 No. 1 June, 2023 ISSN: 0794-9525 www.journal.fedunau.org

assigning of basic rights and duties and when rules determine a proper balance between competing claims to the advantages of social life". According to him, this is distinct from different conceptions of justice where people differ in their interpretations regarding what distinctions are arbitrary and what balances are regarded as proper. This idea of justice by Rawls is referred to as social justice. It is the manner in which society is designed, reflecting the way in which social institutions, especially governments, dispense basic rights, responsibilities and common wealth among the citizens within the nation's justice system.

Justice system usually refers to a broad-based, unbiased structure that comprises all the segments responsible for adjudication among citizens on behalf of the government. Procter (1978) sees justice system as a framework of judgment by which people are judged in courts of law and criminals are punished. A distortion of justice, especially when repeatedly done with impunity by those in positions of power, in compromise with some judicial officers, can degenerate to a bastardization of justice. A situation like this can lead to the denial of constitutional rights, safeguard and liberty to the common citizens(Umeagbalasi, 2016).

Bastardization of justice system means a degradation or debasement of justice, a situation where there is almost a total loss of sense of justice, fairness and equity, which in turn encourages impunity, harassment and abuse. According to McIntosh (2022), bastardization is the act of changing something in a way that makes it fail to represent the values and qualities that it is intended to represent.

The justice system of a nation represents the structure through which the laws guiding the existence and order of such a society are applied and the rights of the citizens upheld. Certain characteristics have been associated with justice system. They include fairness, justice, equality effectiveness and efficiency (Alemika, 2014). These characteristics spell out equity, offence-punishment proportionality, constitutionality, public order, safety and integrity, among other things.

The Nigerian justice system comprises of the Police which serves as the main law enforcement agent, the Courts, which is an institution for adjudication, arbitration and punishing offenders and Prisons, which are basically state centres established for punishment, correction and keeping in custody those being accused or convicted of various offenses. The Nigeria Police Force, established by Section (214) of the 1999 Constitution of Nigeria, is the most strategic public law enforcement agency, but is today faced with problems, such as bribery and extra-judicial killings, which are undermining its institutional performance. The courts, established as the only state institutions with jurisdictions and constitutional powers to try and convict the citizens for various offences against the public and private individuals, are also in turbulence because of problems such as abuse of office, corruption and incompetence, with overall negative effects on the justice system. Also, the prisons which are established as punishment and correction centres with

UNIZIK ORIENT JOURNAL OF EDUCATION Vol. 10 No. 1 June, 2023 ISSN: 0794-9525

www.journal.fedunau.org

specified capacities of inmates to be accommodated at every particular time, and found in virtually every major town or city, have become compromised, mainly as a result of congestion, detention without trials, jail breaks or some other misconducts. These have become an issue of grave concern to both state and civil societies all over the country in view of the consequences associated with these and the justice system. The situation militates against the major aim of establishing the prisons, which is "to provide a rehabilitation and correctional facility for those who have violated the rules and regulations of their society" (Obioha, 2011, p. 96).

Peace

Peace can be considered to be a conducive and favourable condition that enables man to exhibit his potential for a meaningful existence in the society. According to Francis (2012, p. 17), "Peace is generally defined as the absence of war, fear, conflict, anxiety, suffering and violence, and about peaceful coexistence. It is primarily concerned with creating and maintaining a just order in society and the resolution of conflict by non-violent means". Francis (2012, pp. 17-18) goes further to say that

in general, six meanings of peace are agreed on by many peace researchers. These include peace as the absence of war (absence of direct violence); peace as justice and development (absence of structural violence); peace as respect and tolerance between people; peace as Gaia (balance in and with the ecosphere); inner peace (spiritual peace); and peace as wholeness and making whole.

Galtung (cited in Francis, 2012) outlines two dimensions of peace: 'negative peace' (the absence of direct violence, war, fear and conflict at individual, national, regional and international levels), and 'positive peace' (the absence of unjust structures, unequal relationships, justice and inner peace at the individual level).

A condition of negative peace as identified by Galtung is not sustainable and desirable for man because there are tendencies inherent in that condition that can trigger serious threat of peace. But positive peace is a sustainable and desirable condition that is favourable and conducive for man to be able to operate and live a meaningful life. This type of peace can only be derived when there is good governance and justice system. For Aja (2007), peace is a relative condition of security, where friendly environment allows individuals and groups to relate in a progressive and stable manner, to the benefit of one and all. For him, peace is the human desired condition and order of existence that allows the ruler and the ruled fulfil life obligations with minimum fear or danger on life, liberty and property. He is equally of the view that sustainable peace is borne out of good governance, good followership, non-violent value system, preservation of human rights, regard for sacredness of life, liberty, fear of the Sovereign Creator and respect for human person. Peace is also seen as a result of creating an institutional mechanism for the promotion of collaborative

UNIZIK ORIENT JOURNAL OF EDUCATION Vol. 10 No. 1 June, 2023 ISSN: 0794-9525

www.journal.fedunau.org

activities rather than discord, unhealthy competition and acrimony, as well as introducing appropriate remedies timely, where applicable.

When all these points stated above are in place there will be sustainable peace, which is a precondition for development of a nation like Nigeria. However, sustainable peace depends, to a large extent, on good governance (Aja, 2007). Peace is also closely linked to the political situation of a nation. Hence, Ibeanu (2012) argues that peace is a political condition that makes justice possible. These assertions show that a correlation exists between governance and peace. When the business of government is conducted in such a way that the citizens are not only carried along but also allowed to actively participate, it makes them have a sense of belonging and satisfaction. This is because as they participate in governance, they would ensure that their interests are well taken care of and protected.

Security

Security generally refers to a condition of freedom from fear of losing one's life, property or valued position in the society due to external force or coercion arising from injustice. It is a state or feeling secure, freedom from fear, anxiety, danger, doubt, etc.; a sense of safety or certainty (Breslin & McKeown, 2022). It is a state of being protected from harm or safe from harm. It also includes doing things to make people or places safe. It is the quality of being safe, freedom from danger, anxiety (Merriam-Webster, 2020). Security of life and property of the citizens is the primary duty of every government, and it is fundamental to any other achievement of a nation. It is therefore to be understood as an analytical concept employed to designate, explain, visualize and forecast developments with emphasis on security policy makings, institutions and governance structures (Ball, 2019). Where the security of citizens is not guaranteed, it is difficult to enthrone justice, even in the court of law, because even the counsels and witnesses would all be filled with the fear of the unknown should they open up to the truth, and deliver justice.

Development

The term development refers to progress, growth or increment in the quality of human life and living standards. It references the upward and upgrading condition of human being in his or her environment. Development can be approached from the point of view of individual's well-being or national progress in all strata of its life. However, development means a lot more than just improvement in the individual or social well-being. According to Owen (2012), it entails the capacity of the social system to provide socio-economic, political and cultural well-being on a long term and sustainable basis. One of the essential conditions for development is the atmosphere of peace. With the spate of restiveness and violence witnessed in the Nigerian society over time, one may not widely wonder why the nation is at a snail speed in terms of development.

Bastardization of Justice System in Nigeria

UNIZIK ORIENT JOURNAL OF EDUCATION Vol. 10 No. 1 June, 2023 ISSN: 0794-9525 www.journal.fedunau.org

Arguably, justice system can be said to have bastardized in Nigeria. This is apparent in the lopsided appointment of judges, as well as conflicting court judgments, among other evidences. Lamenting the situation, Onyibe (2021) states that

the impression that our country's judicial system is ensconced in corruption has already shifted from the realm of suspicion to reality. That is because even the blind, the deaf, and the dumb are now fully aware and believe that the conscience of some of our judicial officers seating in the temple of justice can be traded for pecuniary benefits.

The situation, as described above, has constituted a threat to the peace, security and development of the nation. The justice system of any society, its efficiency and otherwise reflect the confidence the public has and outlays the extent to which state and authorities are able to achieve regulative capability among the citizens. Nigeria as a state is trapped in a justice system where both the common man and the state actors no longer have confidence in it. There exists a wide gap between the ideal on one hand and the real happenings on the other, especially as regards the inadequacy of the justice system (Hope, 2017). The Nigeria Police Force and its operations have been largely politicized, while corruption and ethno-religious bigotry have permeated the rank and file of the society. Poor working conditions, bribery and corruption within and outside the Force, have circumvented the dispensation of justice to Nigerians (Afon&Badiora, 2016).

Most Nigerian prisons are congested, the in-mates record poorly managed feeding and health condition. Recurring cases of indiscipline, rape and drug abuse have taken over the institutional roles of the prisons (Akinnawo&Akpunne, 2016). The courts have become business centres where people go in for services to be done as they pay for. Corruption has become rampant, and the judicial service has become politicized. The judges themselves are apparently confused and uncoordinated, thus contradicting one another in their actions and verdicts (Salawu, 2016). These have led to a situation where the general public and other state authorities themselves despise and have lost confidence in the justice system (Oduntan, 2017).

Causes of Bastardization of Justice System and their Effects

Bastardization of justice in Nigeria are attributable to so many causes or factors. Some of them are discussed here.

Lack of Strict Adherence to the Principle of Federal Character in Appointments

Section 14(3) of the 1999 Constitution as amended provides that the composition of government of the federation or any of its agencies, and conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria thereby ensuring that there shall be no predominance of persons from few states or from a few ethnic or other sectional groups in that government or in any of its agencies. If this provision of the Constitution is adhered to in making appointments at the federal, state and local

UNIZIK ORIENT JOURNAL OF EDUCATION Vol. 10 No. 1 June, 2023 ISSN: 0794-9525 www.journal.fedunau.org

governments levels, there would not be any need for feeling of marginalization as well as agitations and protests arising from it. The federal character principle is a reform effort to ensure the equitable representation of different groups in all tiers of government and recruitment into ministries, departments and agencies (Demarest, Langer and Ukiwo, 2020). Although Federal Character Commission was established to enforce and monitor this, there has been no significant improvement. The effects of this can be seen in the renewed agitation and cries of marginalization by various ethnic nationalities that constitute the country. For instance, there is the Indigenous People of Biafra (IPOB) in the South East, Ilana Omo Oodua in the South West, Movement for the Emancipation of the Niger Delta in the South South, and the intermittent call for Arewa Republic in the North, among others.

Lack of Respect for the Rule of Law

In human societies, the rule of law is established to guide the lives and activities of the citizens, both the leaders and the led, in line with their various positions, vocations and professions, for the maintenance of order and common good. According to Egugbo (2014), man and his society are complex by nature. This makes it necessary to have a framework that would guide both the government and the governed, by way of stipulating their respective duties and checkmating their excesses. This framework is the rule of law. The United Nations Organization (2014) defines the rule of law as when all persons, institutions and entities (public and private) including the state itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. If those in positions of authority and the governed act in consonance with the laws of the land, peace would be the order of the day. This does not mean that some miscreants would not go against the law; but when such happens they would be dealt with in accordance with the provisions of the law. This would serve as a deterrent to others. However, the rule of law has been grossly undermined in Nigeria even by those in key positions. This has led to various socio-economic challenges. For instance, both foreign and local investors are losing confidence in investing in the country. According to Egbewole (2019, p. 15), "the extension of robust justice system reflects the dynamism in the advancements of economic and social development in the world today". It is in this regard that Aladura (2018) maintains that the major problem affecting the country is lack of respect for the rule of law. He therefore argues that the current socio-economic challenges facing the country can only be eradicated when the nation's leaders add respect to the rule of law in their various endeavours

Lack of Free, Fair and Credible Elections

Free, fair, and credible election is a panacea for peace because the parties involved would be satisfied with the process in view of the fact that no one is cheated. Free, fair and credible election is achieveable if the agencies involved in the conduct of the elections decide to be transparent, impartial and fair to all the parties involved. According to UNIZIK ORIENT JOURNAL OF EDUCATION Vol. 10 No. 1 June, 2023 ISSN: 0794-9525

www.journal.fedunau.org

Nigerian Educational Research and Development Council (2005), four basic conditions are necessary to create an enabling environment for the holding of free and fair elections. These are:

- i. An honest, competent and non-partisan body to administer the election (usually referred to as the Electoral Commission).
- ii. The knowledge and willingness of the political community to accept basic rules and regulations governing the contest for power.
- iii. Developed system of political parties, traditions and teams of candidates presented to the electorate as alternative choices.
- iv. An independent judiciary to interpret electoral laws and settle election disputes.

It is true that all hands should be on deck to ensure free, fair and credible elections, but the onus lies more the Independent National Electoral Commission and security agencies such as the Police, the Army and Department of Security Services to create conducive atmosphere and level playing field for all the political players.

Lack of Prudence in the Management of National Resources

Both human and material resources are poorly and prodigally managed in Nigeria. When resources are prudently managed, there is high tendency that those in government would make more positive impacts on the lives of the people. According to Orga and Ogbo (2012), in the management of human resources, there is need to focus on strategies such as coaching, mentoring, counselling and motivation. These will enhance personnel retention and development of talents, which in turn will reduce brain drain. A case in hand is the current migration of many Nigerian medical doctors and lecturers to America, Europe and Asia, where they hope their worth will be better appreciated. With regard to material resources, if they are managed well, opportunity would be created where workers' salaries and pensions would be paid as at when due. Development projects would also be springing up. When people are gainfully employed and their salaries are paid as at when due, it would greatly reduce their tendency for going into crimes or causing all sorts of violence. From the discourse so far, it is obvious that Nigerian justice system has been marred by the actions and inactions of its components in various ways. This calls for a re-engineering of the system so as to give hope to the citizens once again.

Re-Engineering the Justice System through Education

Although the education system is not directly involved in piloting the affairs of justice system, the poor standard and bastardization of justice in Nigeria have far reaching implications for education. For instance, it is an indisputable truism that education is an instrument par excellence for national development, as stipulated in the national policy on education. Now, development can hardly be achieved where there is no peace, and there can be no peace without justice. Both peace and justice are among the values that are

UNIZIK ORIENT JOURNAL OF EDUCATION Vol. 10 No. 1 June, 2023 ISSN: 0794-9525

www.journal.fedunau.org

highly cherished in every human society. If justice system is not working well in Nigeria, it therefore means that there is need for it to be re-engineered through value inculcation, orientation and re-orientation. Of all the social institutions, education is the most central and advantageously positioned for this task.

The current situation in Nigeria can imply that education is far apart from the real life in the society, thereby not being fully alive to its responsibility of not just being a process of acquiring knowledge, but also that of learning how to live (Dewey, 1936). Education is meant to teach the citizens and help them to imbibe the culture of discipline, social efficiency, personal refinement, improvement of character and balanced experience in life (Aggarwal, 2008). Wherever justice system is disrupted, there are triggers to it, and the ripple effect is always felt in all the dimensions of the national life, activities and institutions. It is expected, therefore, that adequate attention be given, in the process of education, to the inculcation of values and sensitization of the citizens on the understanding and practice of justice, both at the private and public levels, as a bedrock for peace, security and development, especially from the malleable stage of the learners' development.

Moreover, all the actors in the different components of justice system are products of education, while the prospective ones are still in the process of education. In their different training and formation bases – law school, police college and others, great emphasis should be placed on the connectedness and inseparability of justice system, peace, security and development. In doing this, both the theory and practice of the learning content should be given adequate attentions.

Some practical steps to achieve the above goals would include workshops and seminars for both the law students and those already practicing, the police, and the prison warders; setting up means of practical evaluation and feedback; setting up monitoring teams for all the components of the justice system; and devicing appropriate sanctions against defaulters in the administration of justice at various levels. This would change a lot of things for the better: if not now, then in the future.

Conclusion

Justice is of great importance in every society, state or nation. It is a strong pillar for genuine human life, peaceful coexistence among people, and human development. In Nigeria, the situation regarding justice has so degenerated that peace, security and development of the nation are under serious threats. Something has to be done, as a matter of urgency, to save the system from total collapse and also save the image of Nigeria, restore hope for the common man and ensure a just, peaceful, secure, orderly and progressive nation.

It is the opinion of this paper that for peace, security and development to thrive in Nigeria, the police must be conscious of their roles and importance in the maintenance of peace,

UNIZIK ORIENT JOURNAL OF EDUCATION Vol. 10 No. 1 June, 2023 ISSN: 0794-9525

www.journal.fedunau.org

order and security, and practically live up to same. Equally, the judiciary must ensure timely and equitable dispensation of justice, while the prison warders should be versatile with the real conditions of the nation's correctional centres, especially regarding feeding, accommodation, healthcare, inmates-workers' relationship and government's strength to maintain the centres. This will help them in advising the government and carrying out their duties more effectively. Finally, the justice system in Nigeria has to be re-engineered through education towards greater emphasis on the inculcation and practice of values, especially those of justice, peace, security and development.

Recommendations

In the light of the conclusion reached after the discourse, it is recommended that our leaders be courageous to face the reality of the situation of things. Let them swallow their pretention and pride, accept their failure, apologize to Nigerians, and come back to the drawing board with all well-meaning Nigerian technocrats, professionals and resource persons, to brainstorm and chart a better way forward.

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