

Equity and Justice: Pathway to Credible Election and Good Governance in Nigeria

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Abstract

This study examined governance and elections in recent times apposite to the administrative regime of former President Buhari and the incumbent President Tinubu, as well as the 2015 cum 2023 presidential elections in Nigeria respectively. Adopting the principle of the Rule of Law: It was realised that the elections in Nigeria are characterized by political thuggery, violence, falsification of data, rigging, insincerity, ethnic profiling, injustice and various strands of absurdities. Whereas governance in Nigeria is germane to impunity, breach of due process and dictatorship; and thus does not meet up with the basic contents of good governance. This study proposes equity and justice as the pathways to free, fair and credible elections, in addition to good governance in Nigeria. This study as well suggested the means to effect its actualisation. The primary and secondary means of data collections were employed in this study. The necessary generalisations and conclusions were drawn purely on the qualitative analysis and synthesis of the gathered data made through phenomenological and hermeneutical approaches.

Key words: Equity, Justice, Good Governance, Election, Democracy, Judiciary, Rule of Law.

Introduction

God created the world and ensured that the world was established in peace and tranquility, devoid of chaos and catastrophe. Hence Genesis Chapter 1:3-4 according to Maxwell (2002) declares, “Then God said, “Let there be light”, and there was light. And God saw the light, that it was good; and God divided the light from the darkness” (p. 3). God had to name the light “day”, and the darkness “night”, in order to maintain harmony and equilibrium. In like manner, the Second Collect for Peace (1662) affirms that God is the author of peace and lover of concord; knowing him grants eternal life, whereas serving him ensures perfect freedom from all forms of oppression and inhumanities. Mankind as God’s Divine commands can only sustain and maintain peace, solidarity, fairness, equality and social welfare which proceeds from God his creator through strict emphasis on, as well as hinging on to Equity and Justice. In making of the laws of the land, equity and justice ought to be applied. If not, there may be unjust laws stipulated to suit the whims and caprices of those in the reins of government. This is why May (1987) insists that the reduction of justice to mere legality by Hobbes in his works is unacceptable.

Ogbujah (2021) elucidates that equality and equity are two elements of the theory of justice: He insists that both are grounded on the principles of distributive justice. Thus for the fulfillment of underlying requirements of human rights, and the attainment of peace in societies, equity and justice must be employed in practice and principle; and not just in theory. Ogbujah expresses that justice, equity and equality are potential stand points for delineating processes, distributing resources, sharing responsibilities, allocating rewards, demonstrating respect and dispensing with unequal treatments.

Nda-Isaiah (2022) laments that justice, equity and fairness are the most abused words in the recent times in Nigeria. He observes that the average Nigerian politician always cry for justice

and equity when the outcome of elections are not in their favour. He insists that such endangers democracy in Nigeria. He concludes that there is hardly a Nigerian politician who goes into an elective position for altruistic reasons: It is always about selfish and personal interests. He affirms that they hide under national interest to deceive some gullible supporters. Such stance as afore-mentioned can never create a favourable atmosphere for equity and justice to prevail in Nigeria.

Olaosebikan (2023) quotes the 1999 constitution of the Federal Republic of Nigeria as being unambiguously and explicitly against inequality in running the affairs of Nigeria. He notes that the constitution conspicuously provides that there should be equity, equality, social and political justice for all Nigerians. He discloses that this content of the constitution is not being practiced in Nigeria; citing Kwara State where no politician from Kwara North Senatorial Zone had ever won the gubernatorial election. He indicates that such is being fostered by various irregularities and gimmicks employed in Kwara State gubernatorial elections.

Ananaba (2022) intimates that there will be no justice in Nigeria until there is equity in policy and distribution of resources. He avers that the myriad of inequalities that exist in Nigeria are the reasons the nation has several challenges to its peace. He observes that the last resort of the common persons in Nigeria in the face of inequality ought to be the judiciary: However, the judiciary in Nigeria is characterised by insincerity and falsehood. The average person in Nigeria spends so much time and money to get justice, if at all it will be realized. He streamlines that once there is equity, equality will abound; thus justice gets actualized.

Sanwo-Olu (cited by Bassey, 2021) in the face of the ravaging acts of injustice and prejudice destroying the foundations of democracy and good governance in Nigeria calls for fairness, equity and justice to be upheld by all and sundry in Nigeria at the place of their various areas of primary responsibilities. He stresses that Nigeria could be on the path of progress if the citizens continue to display fairness, equity and justice.

Having Underscored that Equity and Justice are words that are merely expressed in principle rather than in practice in Nigeria: This study sets out to re-affirm that equity and justice when employed to the letter in sincerity are the actual pathways to credible election and good governance in Nigeria. This study proposes ways to effect its actualization. The principle of the Rule of Law is adopted by this study. This study equally employs both the primary and secondary means of data collections. All the collected data were sequentially analyzed qualitatively via phenomenological and hermeneutical approaches. Focus is on the administrative regime of former President Buhari and the incumbent President Tinubu, as well as the 2015 and 2023 presidential elections in Nigeria respectively.

The Concept of Justice

Justice is the ethical, philosophical and religious notion that human persons should be treated with respect, equality, impartiality, fairly, accordingly, properly, rationally and reasonably by the law and by the arbiters of the law. It presupposes that laws and its contents in each given milieu ought to be instituted and constituted justly, sincerely and honestly.

Ghai (2023) posits that the word Justice was derived from the Latin word “*Jungere*” meaning, “To bind or to tie together”. The word “*Jus*” also means “Tie” or “Bond”. Hence, he ruled that justice means “bonding or joining or organizing people together into a right or fair order of relationship” (p. 1). Uwaezuoke (2011) simply portrays impartiality, integrity, rightness and

fairness as constituting the right notion of justice. He argues that justice as fairness, better than every other conception of justice, provides answers to man's quest for a global social order requisite for human flourishing in every given sphere and epoch.

Velasquez, Andre, Shanks and Meyer (2018) delineate that justice means giving each person what they deserve, or in more traditional terms, giving each person their due. This presupposes that the statutory law that will decipher people's due must be constituted uprightly. Peschke (2004) gives a definition relative to the afore-stated definition but with a slight difference, in that justice is "rendering to each person and human community what is their own or due by right" (p. 237). The mention of the human community as he observes, makes plain that not only individuals but also communities are subjects to their rights.

Omogbe (2003) exposit that the basis of justice is that all men are fundamentally equal and should therefore be treated as equals. In the same vein Chukwujekwu (2007) adds that "illuminated by prudence, justice gives each person his/her due and takes the properly moral means to do that" (p. 162). This implies that it takes a deep moral conception and practice to dispense justice.

Omokhoa (2015) however expatiates on the four types of justice viz:

- **Restorative justice:** This has to do with restitution, apology and extra payment to an offended party.
- **Retributive justice:** It involves punishment. Punishing wrong doers to dissuade future occurrence and to set standards.
- **Distributive justice:** It is a form of socio-economic justice that anchors on fairness especially in revenue allocations and the likes.
- **Procedural justice:** This has to do with fairness pertinent to fair play. Peschke (2004) intimates that this is concerned with "the proper divulgation and administration of the laws... the conditions which rule its just and fair implementation" (p. 149). All these types of justice must come to bear before justice is declared "properly dispensed".

The Notion of Equity

The term equity refers to just stance and fairness. Equity means recognizing that all human persons did not start from the same place and must acknowledge and make adjustments to imbalances. According to Devnath (2009) equity comes from the Latin word "aequus" which means fair, even or equal and a just bearing. Equity has to do with the virtue and quality of being fair, impartial and freedom from bias or favouritism.

Lewis, Mackenzie and Kaminsky (2021) defines equity as being concerned with justice. They stressed that on a societal sphere, equity is concerned with the just distribution of resources in society. Pauly and Willet (1972) deliberate that the term equity implies that equals should be treated equally; that unequal should be treated unequally, and that the differences in treatment should be fair. Irrespective of the fact that they argue that even if equals can easily be determined, the puzzle remains of what constitutes equal treatment. Truth remains that this is where human rationality comes into play. As rational beings endowed with deep sense of morality, it is basic that the same hospitality given to a state governor should not be given to his security details in an occasion. However, equity is more applicable to issues in governance, revenue allocations, declaration of election results and in all that is relative to the national treasury, sportsmanship, citizenship, education and basically all socio-economic cum socio-political activities. These must be processed and harnessed via equitable means. Thus everyone receives equal treatment in these specific areas as delineated. For instance, anyone that actually

wins in an election should be declared the winner without falsifying records and vice versa. Again, anyone that scores the highest mark in Jamb should be awarded such without considering the tribe such a one hails from.

Equity is devoid of tribalism, ethnicism, racism, nepotism and all manner of corrupt maneuvers. Nasse (2021) underscores that equity has been understood as fairness, distributive justice and rightfulness. Equity is a means through which incorrupt justice is dispensed. Justice cannot be declared to be adequately dispensed when it is not served in equity. Thus equity and justice are the traits that earmark an astute and upright judiciary system of any given nation.

The Principle of Rule of Law

The rule of law is a principle in governance that ensures everyone abides by the law, and no one should be above the law. In this principle, all persons, institutions and entities both public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced, and independently adjudicated, and which are in lieu with the fundamental human rights act.

Choi (2023) points out that the rule of law is the mechanisms process, institution, practice, or norm that supports the equality of all citizens before the law: It secures a non-arbitrary form of government, and more generally prevents the arbitrary use of power. Pincione (2019) avers that the term “rule of law” refers to a situation in which rulers and citizens are equally subject to the law and entitled to its protection. This presupposes that the law is promulgated in such a mode that it is devoid of any form of manipulation to suit those in the reins of government. The laws then protect and salvage all equally.

The World Justice Project (WJP) (2022) elaborates that the Rule of Law is a durable system of laws, institutions, norms, and community commitment that delivers four universal principles viz:

- **Accountability:** The government as well as all private and public actors is accountable under the law.
- **Just Laws:** The law is not shrouded in irregularities and absurdities. Rather it is clear, publicised, stable and is evenly appropriated. The law ensures human rights as well as property, contract, and procedural rights.
- **Open Government:** The processes by which the law is adopted, administered, adjudicated, and enforced are transparent, accessible, fair and efficient.
- **Accessible and Impartial Justice:** Ensuring of incorrupt judiciary system. Justice is delivered timely by competent, ethical, and independent representatives and neutrals that can never be bought nor unduly influenced; who are equally accessible, have adequate resources, and reflect the makeup of the communities they serve.

The principle of Rule of Law will facilitate the smooth application of justice and equity in the political elections and governance in Nigeria. This will ensure the sustenance of peace, stability and holistic growth, development and progress of Nigeria as a nation. This is why Neukom cited by (World Justice Project, 2022) declares that, “The rule of law is the foundation for healthy communities of justice, opportunity and peace” (p. 1).

The 2015 and 2023 Presidential Election in Nigeria

Some Nigerian journalists and political veterans are of the view that the 2015 and 2023 general elections in Nigeria were far from being free and fair. Edotimi (2015), Nkwopara, Umoru, Oke, Nnochiri, Ayansina and Mkom (2015), Orude (2015), Alli and Ikuomola (2015), Nnochiri

(2015) and Obi (2015), describe the 2015 presidential election as being turned to a suicide pact for Nigerians young democracy. They affirm that the March 28, 2015 presidential Election were historically rigged and manipulated. They observe the following amongst other absurdities and irregularities; breach of the nation's electoral laws and constitution; abuse of the rule of law; breach of due process and series of terroristic acts and violence. They decry that neither investigation nor any form of inquiry was carried out, despite obvious traces of the fact that the election was rigged (which includes underage voting, malfunctions of card readers and the abduction of electoral officers at some states and ethnic profiling). Thus, voter's suppression was successfully carried out.

Obadare (2023), Ibrahim (2023), Akinwale (2023), Benjamin (2023), and Nwonwu, Mwai and Igonikan (2023), lament that the 2023 presidential election in Nigeria will not pass the test of purity. They equally observe that it was marked by numerous irregularities, including the late arrival of polling materials at the polling stations, ethnic profiling, frustrating technical hitches, scattered incidents of violence and numerous cases of voter intimidation by party agents and random miscreants. They insist that evidence suggests that the underscored logistical hiccups and scattered acts of lawlessness were more or less national in character. The independent Electoral Commission (INEC) officers were accused of mutilating figures and falsifying electoral results. The INEC Chairman Mahmood Yakubu was equally accused of declaring an adulterated electoral result in favour of the APC presidential candidate: Wild protests and national grievances followed the announcement and declaration of the 2023 presidential election results in Nigeria.

Ekwowusi (2023), describes the February 25, 2023 presidential election as the most rigged and most robbed presidential election in Nigeria. He even identifies INEC as an engine of fraud. Adichie (2023) goes to the extent of querying in an open letter why America embraced the outcome of the election which she tagged "a disastrous election" (p. 1). In the face of all this mishap and anomalies', justice was never served. The election tribunal truncated justice as F. Ani, O. Azi, A. Eneh and B. Okoli (Personal Communication, April 17th, 2023) elucidated. It was as if there was an organized conspiracy orchestrated towards maneuvering the election results in favour of the APC party irrespective of the actual stance.

Governance under former President Buhari and Incumbent President Tinubu regime in Nigeria

The administration of former President Buhari and Incumbent President Tinubu in Nigeria irrespective of the fact that they tried as much as they could, cannot be said to portray the basic contents of good governance. Obeta (2023) and Sahara Reporters New York (2021), describe Buhari's administration as the worst in Nigerian history. Citing the Civil Liberties Organization (CLO), and the Coalition of Northern Groups (CNG) respectively, they maintain that this is pertinent to fulfilling the primary purpose of government which is promoting the welfare and security of the citizens of Nigeria as enshrined in chapter 2 section 14(2) of the 1999 constitution of the Federal Republic of Nigeria as amended. They insist that the administration lost the battle against terrorism completely. The South East Zone of the CLO (cited by Obeta), exposes that the Buhari administration failed in all indices of development and governance to the extent that the Hobbesian state of nature where life is short, brutish and nasty had become a subtle way to describe the horrible state of affairs and the living condition of the masses in Nigeria as at towards the verge of the completion of his second tenure.

Yusuf (2023), Kikpoye (2023), Olumide, Njoku, Salau and Akhaine (2022) and Punch Editorial Board (2023) add that Buhari's eight years of governance was a disaster. They aver that key metrics show that Buhari failed as Nigeria's President. Hinging their points on the following instances: by 2015, inflation rate averaged 9 percent when he took over power, by early 2023 before he stepped down, the inflation rate was at 22.22 percent; Nigeria's unemployment rate rose from 8.2 percent to 33.3 percent under his watch; similarly prior to 2015, only 53 percent of Nigerians were multidimensional poor, it rose to 63 percent under his watch; Nigeria debt profile stood at ₦12.12 trillion as at June 2015, it rose to 41.6 trillion by 31st December 2022 under Buhari's administration. His administration actually borrowed three times the combined amounts of past governments since 1999. Finally, under the Global Human Development, Nigeria was ranked 152 out of 187 countries in 2014, but by 2022, the Global Human Development Index (HDI) placed Nigerian 163 out of 191 countries worldwide. All these were effected by bad governance and maladministration.

The present Tinubu administration has already started on a wrong footing. The election that brought him to power was perceived by a good number of citizens in Nigeria, as well as international observers as rigged and falsified in his favour according to the reports of Onuoha (2023) and CG Relief Web (2023). Onuoha affirms that the marathon judgment on September 6, of the Presidential Election Petition Tribunal (PEPT) affirming Tinubu's victory has failed to assuage those adjudged to have lost that controversial election. He explicates that opposition party and most concerned Nigerians described the ruling in favour of Tinubu as "a tainted judgment hinged on technicalities with no justice" (p.1). The irregularities surrounding Tinubu's election into power coupled with the past regime's maladministration still keeps the future prospects of the present Nigerian government administration in clouded and gloomy stance as Pinto (2023) observes.

Furthermore, the fuel subsidy removal on the day of his inauguration by President Tinubu has been described as wielding the wrong courage, unplanned, not strategic and properly timed, a right economic policy under the wrong political condition and the wrong institutional process, lacks credibility and efficacy, heartless, reckless and ill-informed according to Tokunbo Pearse (cited by Olabiyi, 2023) and Fasan (2023). This explains the hardship that ensued after its implementation.

Other issues surrounding the present administration's government that posits traces of bad governance includes; the crisis surrounding Tinubu's academic qualifications and certificates cum his appeal for his certificate not to be released and made public, quick rush to opt for military action against Niger Republic at the face of military takeover of power in the country and the waste of resources for the "so called" palliative measures to soothe the fuel subsidy fostered economic crises as recorded by Shibayan (2023), Business Hall Mark (2023), Agbese (2023), Adedayo (2023), and Abidoye (2023).

Towards Effecting Credible Elections and Good Governance in Nigeria

The 2015 and 2023 presidential elections as well as the administrative stance of former President Buhari and Incumbent President Tinubu in Nigeria, examined so far in this study portrayed that the elections were not free and fair. The administrative regime of former President Buhari did not express the basic tenets of Good Governance: The incumbent President Tinubu's regime so far had not made any marginal difference in expositing the characteristics of good governance as well. The fact remains that an obviously rigged and

manipulated election can never produce a good and qualitative government administration. Evil simply begets evil as Maxwell (2002) registers in Jeremiah 9:3.

In lieu of the foregoing, this study maintains that equity and justice are the pathways to credible elections and good governance in Nigeria. Adhering to the following steps will ensure that Equity and Justice is properly dispensed for realization of credible elections and good governance in Nigeria viz:

- **The Nigerian state should be committed to the Rule of Law:** Rule of law ensures equity and equality, and that is sound Justice. No one in Nigeria should be above the law. The constitutions of the Federal Republic of Nigeria regarding governance and democratic elections should be strictly observed to the letter. Contents of the constitution that are not apposite to the Rule of Law should be amended to ensure that everyone in Nigeria is law abiding. Presidents, State Governors, and administrative heads of various parastatals in Nigeria should be investigated and prosecuted when found guilty of corrupt and criminal acts. There should be no room for immunity or preferential treatment.
- **Sound justice should always be sincerely and properly served when appropriately demanded:** Anyone that feels cheated, deprived of an inalienable right or unjustly treated in any mode; the state should ensure through the judiciary system that such a person's case is justly addressed. Democratic elections rigged should be cancelled. Any electoral candidate without the people's mandate should never be declared winner of any election. Every election in Nigeria should be thoroughly scrutinized and due process properly effected before declaration of result. INEC chairmen and other INEC officials should always be investigated and prosecuted when suspected to be involved in any form of foul play, irregularity and electoral misconduct. Certificate of Return issued via corrupt, irregular and mischievous mode should always be retrieved without delay.
- **Equity should be sternly, strictly and incorruptibly upheld in the Nigerian state:** The Nigerian state should be propelling the country as a nation devoid of tribalism, racism, sentiments and religious fanaticism. Nigeria should be perceived in principle and practice as one nation under God. Legal matters should be appropriated without bias, prejudice and favouritism.
- **There should be variety of legal Luminaries to be thoroughly examined before selecting the one to be appointed as the Chief Justice of Nigeria (CJN):** Nigerian Presidents should not just make such appointments based on tribalism, favouritism or nepotism. Such appointments should be made strictly on credibility after in depth investigations, scrutiny and interviews.
- **Cases should not just be adjourned for more than 2 to 3 times without substantiating its essence:** Legal Luminaries that request for adjournment for more than 3 times in a peculiar matter without substantiating the reasons for such should be reported to the disciplinary session of the Nigerian Bar Association for irregularities. The Nigerian judiciary must always bear in mind that delays defeats equity.
- **Judges should be men of gumption, fortitude, virtue and gravity:** Judges should always take charge and equally be in absolute control of their court. They should never allow themselves to be bribed, bullied or teleguided by any counsel or powers that be, no matter how highly connected or distinguished.
- **Legal luminaries should always be ready to advice their clients against litigating certain cases where and when necessary:** This will always promote peace and stability devoid of chaos in Nigeria. There are matters that the futility of litigating such

is quite obvious. Clients should be encouraged to bring action against counsel where it is patently clear that counsel misled them by advising for such to be sued to the court.

- **A Peculiar court should be instituted for dealing with electoral and governance issues in Nigeria:** Considering the numerous judicial officers engaged in election petitions at intervals in Nigeria. Constitutional court with mandate to adjudge election petitions and other related constitutional issues in government should be established. This will afford judges trapped in electoral proceedings the freedom to carry on with their specific primary assignments.

Conclusion

It is actually difficult to holistically address issues pertinent to effecting equity and justice in the Nigerian electoral process and governance. This study however, establishes that once equity and justice is sincerely upheld in Nigeria, it will facilitate credible elections and good governance: Moreover, administration fostered via rigged elections cannot produce good governance in Nigeria.

It is believed that this study has equally succeeded in setting the tone for further inquiry and deeper reflections into the subject matter. Confidence is placed on the fact that the propositions of this study will be adopted and effected in Nigeria for influencing authentic elections and worthy governance.

Recommendations

The reality obtained from this study provokes the recommendation of the following:

1. Citizens of Nigerian should not perceive contesting for an elective position as a do or die affair. They should wield and express the spirit of sportsmanship in doing so.
2. This study proposes that the best candidate should always be projected for an elective position. This study does not support zoning of elective positions or perceiving such as rotational: It should never be relegated as a “turn by turn stance”.
3. The cult and bondage of “Political god father’s” and “Political cabals” should be totally obliterated and discouraged in Nigeria. Credibility and honesty pertinent to a just candidate that can deliver and uphold good governance and the interest of the common citizen of Nigeria should be promoted and enthroned during democratic electoral process.
4. Political parties should always present their best qualified candidate devoid of any emotional or sentimental attachments to serve as party flag bearers. Elective positions in Nigeria should not serve as medium for compensation.
5. The average citizen of Nigeria must bear in mind that one who comes to equity must come with clean hands. Candidates for elective positions with questionable character, criminal records, no valid academic certificates or shady educational qualifications, that falls short in any of the legal requirements for election candidates and with inglorious past should be disqualified immediately. Once the electoral process is just and incorrupt, election tribunal will not even arise.
6. Nigerian citizens should start promoting the virtues of contentment, honesty, integrity and gravity as this will help in obliterating all manner of insincerity, irregularity, corruption, organized conspiracies and compromise associated with elections and governance in Nigeria.
7. Finally, as Azinge (2022) rightly observes, this work equally submits that the public perception of the judiciary in Nigeria is currently very low and such does not positively impact on the nation’s justice delivery system: It equally facilitates jungle justice

system in the country. Hence, there should be demonstrable accountability and transparency by Heads of Courts in Nigeria. Judiciary integrity should equally be manifestly established in Nigeria's judiciary: Judges should strive to achieve at all times a delicate balance between swift and sure justice; as anything contrary to such is contradictory to the whole notion of justice in Nigeria.

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