

TAMING JUDICIAL DISCORD: ADDRESSING THE MENACE OF CONFLICTING DECISIONS IN NIGERIAN COURTS*

Abstract

The Nigerian judiciary occupies a central position in the constitutional architecture of the Federal Republic of Nigeria. Its courts are constitutionally vested with the power to administer justice and protect the rights of citizens. Yet a growing and deeply troubling menace has gradually undermined the credibility of these institutions, through the proliferation of conflicting judicial decisions among courts of coordinate jurisdiction. This article examines the systemic factors that breed judicial discord in Nigeria, including the inconsistent application of the doctrine of stare decisis, jurisdictional overlaps, forum shopping, inadequate access to legal precedents, and political interference in the judicial appointment process. Drawing on relevant case law, comparative jurisprudence from the United Kingdom, South Africa, India, and the United States, as well as institutional and legislative analysis, the article argues that the problem of conflicting judgments is not merely a technical or procedural deficiency; it is a fundamental threat to legal certainty, democratic governance, and the rule of law. The article further contends that solving this problem requires a multi-layered institutional response. This will include strengthening precedential discipline, developing a centralised national legal database, mandatory and structured judicial education, constitutional activism by superior courts, and reinforced oversight by the National Judicial Council. The article concludes by arguing that the long-term legitimacy of the Nigerian judiciary depends on its capacity to speak with one consistent, principled voice.

Keywords: *Stare Decisis*, Conflicting Judgments, Judicial Consistency, Forum Shopping, Judicial Activism, Nigeria

1. Introduction

The rule of law, which arguably is the most fundamental of all democratic values, rests upon the premise that the law is knowable, predictable, and consistently applied. Courts, as the primary interpreters of the law, bear the institutional responsibility of ensuring that this promise is kept. In a common law jurisdiction such as Nigeria, courts are not merely passive arbiters of disputes; they are active participants in the ongoing construction of the legal order. The Constitution of the Federal Republic of Nigeria 1999 (as amended) vests judicial power in the courts and expects that power to be exercised with consistency, independence, and rigour.¹ Yet those who have observed the Nigerian judiciary over the past two decades cannot help but notice a troubling drift from this constitutional expectation. Conflicting judicial decisions, particularly among courts of coordinate jurisdiction, have become a recurring feature of the Nigerian legal landscape. From election disputes to fundamental rights enforcement, from corporate insolvency to land law, litigants, counsel, and even scholars encounter the baffling spectacle of courts arriving at diametrically opposed conclusions on nearly identical facts and legal questions. It has been observed that there was a time when one could make a reasonably confident prediction about the outcome of a case. That predictability has since given way to a disconcerting uncertainty that has shaken confidence in the justice system.²

This article seeks to interrogate that uncertainty with scholarly rigour. It examines the concept of judicial consistency as a jurisprudential value rooted in the doctrine of precedence, traces the historical and institutional roots of the problem in Nigeria, analyses the causes and consequences of conflicting decisions with illustrative reference to case law, and draws on comparative experiences from other common law jurisdictions to propose a coherent framework of reform. The article is structured as follows: Section 2 examines the doctrinal foundations of judicial consistency. Section 3 analyses the causes of conflicting decisions in Nigerian courts. Section 4 explores the consequences of such conflicts. Section 5 undertakes a comparative analysis. Section 6 considers the role of judicial activism. Section 7 sets out recommendations while Section 8 is the conclusion.

2. The Doctrine of Precedent and the Value of Judicial Consistency

The doctrine of precedent, *stare decisis et non quita movere*, is not a technical formality.³ It is the very architecture upon which the common law is built. Translated loosely as "to stand by decided matters and not disturb settled points," the doctrine commands that courts follow decisions previously handed down on similar facts and legal questions, thereby ensuring that the law develops in an orderly, coherent, and predictable manner. As Cross and Harris observed, the doctrine serves the dual function of ensuring equality, that like cases are treated alike, and providing the certainty without which the practical administration of the law would be chaotic.⁴ Nigeria inherited this doctrine as part of the received English common law, and its courts have, from the earliest colonial period, acknowledged its binding force. The Nigerian legal system places clear obligations of hierarchy upon its courts. Thus, the decisions of the Supreme Court are binding on all other courts in the federation; those of the Court of Appeal are binding on the High Courts; and courts of coordinate jurisdiction, while not strictly bound by one another's decisions, are expected to treat them as strongly persuasive.⁵ The constitutional basis for this hierarchy is explicit. Section 287(1) of the Constitution of the Federal Republic of Nigeria 1999 provides that the decisions

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¹Constitution of the Federal Republic of Nigeria 1999 (as amended), s6 (1) and s6 (6)(a) (CFRN 1999).

²Niki Tobi, *Sources of Nigerian Law* (MIJ Professional Publishers 1996) 150.

³ R Cross and JW Harris, *Precedent in English Law* (4th edn, Clarendon Press Oxford 1991) 3.

⁴ *Ibid.*

⁵See generally EA Keay and SS Richardson, *The Native and Customary Courts of Nigeria* (Sweet & Maxwell 1966).

of the Supreme Court shall be enforced and observed by all authorities and persons throughout the federation. Similarly, section 233 vests appellate jurisdiction in the Supreme Court, enabling it to correct inconsistencies in the law emanating from the Court of Appeal. These provisions, read with the general common law doctrine of precedent, create a clear normative framework within which judicial consistency ought to flourish.⁶ Yet the doctrinal framework has proven insufficient in practice. Several factors, which will be examined in the next section, have conspired to undermine the discipline that the doctrine of precedent demands. The result is a jurisprudential landscape marked not by the elegant coherence that the doctrine promises, but by a thicket of conflicting authorities that confounds lawyers and litigants alike.

3. Causes of Conflicting Judicial Decisions in Nigeria

Inadequate Observance of *Stare Decisis*

The single most important cause of conflicting decisions in Nigerian courts is the inadequate and erratic observance of the doctrine of stare decisis. While Nigerian courts formally acknowledge the binding character of superior court decisions, actual compliance is often inconsistent. Lower court judges sometimes depart from well-established precedents without adequate justification, and courts of coordinate jurisdiction routinely decide similar matters without reference to one another's decisions. This tendency arises not always from bad faith but frequently from inadequate legal training, insufficient familiarity with the existing body of case law, and a culture of judicial reasoning that prioritises the result over the process. The problem is not confined to trial courts. Even at the appellate level, divisions of the Court of Appeal have on occasion delivered conflicting decisions on the same point of law, leaving the legal profession in a state of uncertainty pending a definitive pronouncement from the Supreme Court.⁷ The delays inherent in bringing matters before the Supreme Court mean that conflicting decisions at the intermediate appellate level can persist for years, generating a prolonged period of legal uncertainty that serves no one's interests.⁸

Jurisdictional Overlaps and Forum Shopping

The constitutional architecture of Nigerian federalism creates multiple courts, federal and state, with concurrent or overlapping jurisdiction over several subject matters. This structural overlap is a fertile breeding ground for conflicting decisions. When different courts, each properly seised of jurisdiction, apply the same legal provisions to similar facts, divergent outcomes are almost inevitable unless the doctrine of precedent is rigorously maintained. The problem is especially acute in election petition matters, land cases, and fundamental rights enforcement proceedings, where the proliferation of courts with arguable jurisdiction makes forum shopping (the deliberate selection of a court perceived as favourable) both tempting and accessible.⁹ Forum shopping has metastasised into a sophisticated legal strategy in Nigeria, with litigants and their counsel deploying it to obtain conflicting orders from different courts, thereby creating judicial paralysis or delay. The political cases of the 2019 electoral cycle provided the most dramatic illustration of this phenomenon, with different state and federal courts issuing contradictory orders on candidate lists and party primaries within days, sometimes hours, of one another.¹⁰ The judiciary's moral authority was visibly strained by these episodes, and public confidence suffered a corresponding blow.¹¹

Inadequate Access to Legal Precedents

A problem that receives insufficient scholarly attention is the practical difficulty that many Nigerian judges face in accessing up-to-date and comprehensive records of judicial decisions. The Nigerian legal information ecosystem, despite notable improvements in recent years through platforms such as the Nigeria Law Reports and the Nigerian Legal Information Institute, remains fragmented and uneven. Many judges, particularly in state high courts and customary courts of appeal, still rely on outdated hard-copy law reports. At the same time, access to electronic databases is often inconsistent or cost-prohibitive.¹² This gap in access to legal precedents contributes materially to unintentional conflicts in judicial decisions. A judge who is unaware of a recent Supreme Court decision directly on point may, in perfectly good faith, deliver a judgment that conflicts with binding authority. The structural inadequacy here is both technological and institutional, and it calls for an urgent collaborative response from the judiciary, the Nigerian Bar Association, and the federal and state governments.

⁶ Section 233 of the Constitution of the Federal Republic of Nigeria, 1999.

⁷ For several years, the various divisions of the Court of Appeal gave varying decisions on the competence of an application filed by multiple applicants to enforce their rights under the Fundamental Rights, while some held that only a single applicant can apply for the enforcement of his fundamental rights, others held that multiple applicants flowing from same cause of action can bring an application to enforce their fundamental rights, until when the Supreme Court finally laid the controversy to rest in *Total Exploration & Production (Nig) Ltd v Okwu & Ors* (2024) LPELR-62623(SC).

⁸ *Ibid.* See 'Supreme Court Addresses Controversy Surrounding the Competence of a Fundamental Right Enforcement Application Involving Multiple Applicants' <Supreme-Court-Addresses-Controversy-.pdf> accessed 21 May 2025.

⁹ CJ Ubanyionwu 'An Overview of Conflicting Judgments of Appellate Courts in Election Litigation in Nigeria' *Nnamdi Azikiwe Journal of Commercial and Property Law*, Vol. 11, No. 4, 2024.

¹⁰ '2019: INEC raises concern over conflicting judgment, orders' <2019: INEC raises concern over conflicting judgment, orders - The Nation Newspaper> accessed 21 March 2026.

¹¹ *Ibid.*

¹² R Alabi 'Legal Research without Barriers: Free Legal Databases as Alternatives for Law Students' *International Journal of Legal Information*, Vol. 53 No. 2, 2025.

Political Interference and Judicial Appointments

The independence of the judiciary is a sine qua non of judicial consistency. Where judges are appointed on the basis of political patronage, ethnic affiliation, or personal loyalty to powerful interests, the exercise of judicial discretion becomes susceptible to external pressures that distort legal reasoning. There is a growing body of professional opinion that the judicial appointment process in Nigeria has been gradually infiltrated by political considerations, with the consequence that some judges on the bench prioritise the expectations of those who facilitated their appointment over the demands of principled legal reasoning.¹³ This is not to impugn the vast majority of Nigerian judges who continue to discharge their duties with integrity and distinction. It is, however, necessary to acknowledge that the systemic vulnerability created by an opaque and politically exposed appointment process inevitably affects the institutional culture of the judiciary. When some judges, however few, deliver decisions that are transparently coloured by political calculation, the entire edifice of judicial credibility is placed under strain. The result is a further erosion of the predictability that the doctrine of *stare decisis* is meant to guarantee.

Delays in Supreme Court Clarifications

In a healthy judicial system, the apex court serves as the ultimate harmoniser of conflicting legal positions. The Supreme Court of Nigeria, through its binding pronouncements, has the constitutional authority and institutional responsibility to resolve conflicts in the jurisprudence and to lay down clear principles for the guidance of inferior courts. In practice, however, the sheer volume of matters before the Supreme Court, combined with procedural delays and a culture of exhaustive and sometimes repetitive written arguments, means that definitive clarifications are often long in coming. The result is that conflicting decisions at the Court of Appeal level may subsist for years, generating uncertainty and inefficiency throughout the legal system.¹⁴

4. Consequences of Conflicting Judicial Decisions

The consequences of conflicting judicial decisions in Nigeria are neither abstract nor confined to legal academia. They are acutely felt by litigants, lawyers, investors, citizens, and the state itself. At the most immediate level, conflicting decisions generate legal uncertainty. Where the law is genuinely unsettled, legal practitioners cannot provide reliable advice to clients, and individuals and corporate entities cannot make informed decisions about their rights and obligations. This uncertainty has a chilling effect on commercial activity, deterring both domestic and foreign investment in a country that already faces significant structural challenges in attracting capital.¹⁵

At a deeper level, conflicting decisions undermine the integrity and moral authority of the courts. The judiciary derives its legitimacy not from force or patronage but from the public perception that its decisions are principled, impartial, and consistent. When courts of equal standing deliver contradictory rulings on the same legal question, the public is left with the impression either that the law is arbitrary or that judicial decision-making is corrupted by considerations extraneous to legal principle. Both impressions corrode institutional trust. Sadly, public confidence in the Nigerian judiciary has been declining, and the frequency of conflicting decisions is a significant contributing factor.

The systemic burden on appellate courts represents a further consequence of judicial discord. When conflicting decisions proliferate at trial level or within the intermediate appellate system, the inevitable pressure to seek resolution from the Supreme Court increases the already formidable backlog before that court. This delays the delivery of justice in individual cases and distracts the Supreme Court from its proper constitutional function of developing the law at the highest level. The cost, in both time and resources, is borne disproportionately by ordinary citizens who cannot afford prolonged litigation.¹⁶

In the political sphere, the consequences of conflicting judgments are most dramatically visible in electoral disputes. Elections are constitutionally the mechanism through which sovereignty passes from the people to their chosen representatives. When the courts responsible for adjudicating electoral contests speak with multiple and contradictory voices, the democratic process itself is undermined. Conflicting court orders in election matters have, on several occasions in Nigeria's recent history, created constitutional crises requiring emergency interventions by the Supreme Court or the executive, straining inter-institutional relationships and testing the resilience of the constitutional order.¹⁷

5. Comparative Perspectives: Lessons from Other Jurisdictions

The problem of judicial inconsistency is not unique to Nigeria; it has been a recurring concern in every common law jurisdiction. What distinguishes more mature legal systems from Nigeria is not the absence of conflicting decisions but the

¹³ A Agbi 'Tackling systemic flaws in judicial appointments' <Tackling systemic flaws in judicial appointments - The Nation Newspaper> accessed 1 April 2026.

¹⁴ 'Justice deferred on a massive scale: How Court backlogs threaten Nigeria's economic stability' <Justice Deferred on a Massive Scale: How Court Backlogs Threaten Nigeria's Economic Stability - Marble Partners LP> accessed 1 April 2026.

¹⁵ S Onyegbula 'The Erosion of Trust: Nigeria's Judiciary and the Quest for Justice' <The Erosion of Trust: Nigeria's Judiciary and the Quest for Justice> accessed 1 April 2026.

¹⁶ 'Addressing Challenges in the Nigerian Judicial System: Mitigating Delays, Combating Corruption, and Closing Capacity Gaps' <Addressing Challenges in the Nigerian Judicial System> accessed 2 April 2026.

¹⁷ See *Inakoju v Adeleke* [2007] 4 NWLR (Pt 1025) 423 (SC); see also *Rotimi v Macgregor* [1974] LPELR-2957(SC).

robustness of the institutional mechanisms for containing and resolving them. A survey of four jurisdictions, the United Kingdom, South Africa, India, and the United States, reveals instructive practices that Nigeria would do well to adapt.¹⁸

In the United Kingdom, the doctrine of precedent is applied with considerable rigour within a clear hierarchical structure. The UK Supreme Court, successor to the House of Lords, affirmed in its celebrated Practice Statement of 1966 that while it would normally treat its own previous decisions as binding, it would depart from them when it appeared right to do so, particularly to avoid injustice or to accommodate developments in the law. This cautious and principled approach to overruling has provided the UK legal system with both stability and adaptability. Of equal significance is the comprehensive and publicly accessible reporting infrastructure provided by platforms such as the British and Irish Legal Information Institute (BAILII), which ensures that all courts, from the Supreme Court to the magistrates' courts, have access to the full body of case law, thereby reducing the risk of inconsistent decisions through ignorance of existing authority.¹⁹

South Africa offers a particularly instructive model for a post-colonial common law jurisdiction navigating the challenges of institutional reform. The Constitutional Court of South Africa, established under the Constitution of the Republic of South Africa 1996, exercises binding authority on all courts in constitutional matters, providing a stable anchor for the development of the law. Judicial education is institutionalised through the South African Judicial Education Institute (SAJEI), which provides structured and continuous training for judges at all levels of the judiciary, promoting consistent legal reasoning and familiarity with evolving jurisprudence. SAJEI has been instrumental in building a culture of judicial coherence that transcends individual judicial styles and preferences.²⁰

India, with its vast and complex federal judiciary, has confronted the challenge of inconsistent decisions through a combination of institutional mechanisms and judicial leadership. The Supreme Court of India regularly issues guidelines on areas of frequent legal controversy, and judicial academies at the national and state levels provide mandatory continuing legal education for judges.²¹ The practice of convening full-court or constitutional bench sittings for matters involving fundamental constitutional or legal questions ensures that the highest court speaks with a unified voice on issues of general importance.²² These measures have materially reduced the incidence of conflicting decisions and have contributed to a more coherent body of Indian constitutional jurisprudence.²³

In the United States, the federal appellate structure produces periodic "circuit splits" situations in which different Courts of Appeals arrive at conflicting interpretations of federal law.²⁴ The institutional response is well-established; the Supreme Court of the United States exercises its certiorari jurisdiction to resolve such splits, and the importance of achieving national legal coherence is a recognised basis for the grant of certiorari.²⁵ This creates a structured, mechanism for the harmonisation of conflicting judicial authority. The culture of detailed, reasoned written opinions also provides a rich record that assists future courts in identifying, analysing, and resolving inconsistencies.²⁶

6. The Role of Judicial Activism in Addressing Systemic Dysfunction

Any serious discussion of judicial reform in Nigeria must grapple with a question that transcends mere procedural reform. The question is, what is the judiciary's role in the transformation of Nigerian society? The Constitution itself provides a partial answer. Chapter II of the Constitution of the Federal Republic of Nigeria 1999 sets out the Fundamental Objectives and Directive Principles of State Policy, which impose extensive obligations on all organs of government, including the judiciary, to conform to, observe, and apply the provisions of that chapter. Section 13 of the Constitution explicitly states that these obligations bind the judiciary no less than the legislature and the executive.²⁷ Yet section 6(6)(c) of the same Constitution renders Chapter II non-justiciable, thereby insulating government from legal accountability for failures to implement the socioeconomic rights it ostensibly guarantees. Nigerian courts have, with few exceptions, declined to use judicial activism to bridge this constitutional contradiction, choosing instead a posture of passive interpretation that leaves millions of citizens without effective legal recourse for violations of their social and economic rights.²⁸ This abdication of judicial creativity has been identified by several scholars as symptomatic of a broader culture of judicial conservatism that also manifests in the reluctance of courts to depart from problematic precedents or to develop the law in directions that might displease political authority.²⁹ Judicial activism, understood not as the usurpation of legislative function but as the

¹⁸Cross and Harris (n3) 11; see also Niki Tobi (n2) 156.

¹⁹Practice Statement (Judicial Precedent) [1966] 1 WLR 1234 (HL).

²⁰<South African Judicial Education Institute> accessed 10 April 2026.

²¹ SK Sharma and B Batra 'Justice and Judicial Education: An Unbreakable Bond Cemented by the Rule of Law' *Asian Journal of Legal Education* Vol. 11 No. 1, 2023.

²² N Robinson 'The Structure and Functioning of the Supreme Court of India' in GN Rosenberg, S Krishnawamy and S Bail, *A Qualified Hope: The Indian Supreme Court and Progressive Social Change* (Cambridge University Press, Cambridge, 2019), 23-42.

²³*Ibid.*

²⁴ 'Federal and State Courts: Structure and Interaction' <Federal and State Courts: Structure and Interaction - EveryCRSReport.com> 10 April 2026.

²⁵ *Ibid.*

²⁶ M Dickstein 'Why judges write opinions' <Why judges write opinions - MinnPost> accessed 12 April 2026.

²⁷CFRN 1999, ss13 and 6(6)(c); see also *Archbishop Olubunmi Okogie v Attorney-General of Lagos State* [1981] 2 NCLR 337 (CA).

²⁸ RE Nduka, CB Nwankwo, CV Nduka, and VC Arinze 'Justiciability of Chapter II of the Nigerian Constitution: A Need for Judicial Activism in its interpretation' *Nnamdi Azikiwe University Journal of Commercial and Property Law*, Vol. 9 No. 4, 2022.

²⁹ *Ibid.*

principled and creative interpretation of the law in the service of justice, is an essential antidote to stagnation and inconsistency. A judiciary that is willing to engage creatively with the law is better equipped to develop coherent legal principles across diverse areas, to resolve apparent conflicts by reference to broader constitutional values, and to resist the kind of political pressure that distorts legal reasoning. An activist judiciary is, paradoxically, also a more consistent one. It is guided by a coherent judicial philosophy rather than by the shifting winds of political expediency.³⁰

7. Recommendations for Institutional Reform

Strengthening the Culture of Precedent

The most urgent priority is the cultivation of a genuine culture of precedential discipline within the Nigerian judiciary. This requires, first, comprehensive and mandatory judicial education on the doctrine of stare decisis, delivered through the National Judicial Institute (NJI) and incorporating practical case studies drawn from Nigerian jurisprudence. Judges must understand not merely the abstract principle of precedent but the practical discipline of applying and distinguishing authorities in a manner that promotes coherence and predictability. The NJI has in recent years developed modules addressing judicial consistency; these should be made compulsory and incorporated into the career progression framework for judges at all levels.³¹

Establishing a Centralised National Legal Database

The development of a comprehensive, publicly accessible, and regularly updated national legal database is an infrastructural imperative. Such a platform should aggregate all decisions of the Supreme Court, the Court of Appeal, the Federal High Court, the National Industrial Court, and the state high courts, organised in a searchable format that allows rapid identification of relevant precedents. Technological tools, including artificial intelligence-assisted search and conflict-detection systems, should be deployed to enable judges to identify potentially conflicting decisions before delivery of judgment. The development and maintenance of this platform should be funded as a matter of national priority, with the NJC exercising oversight over its governance and content standards.³²

Reforming the Judicial Appointment Process

The integrity of the judicial appointment process is foundational to judicial consistency. Where appointments are made on the basis of political connections rather than demonstrated legal competence and commitment to impartial adjudication, the likelihood of principled and consistent decision-making is inevitably reduced. Nigeria should adopt transparent, merit-based appointment processes that are insulated from executive and legislative interference, with the National Judicial Council exercising strengthened oversight of the criteria and procedures applied at both federal and state levels. Civil society organisations and the Nigerian Bar Association should be formally incorporated into the appointment consultation process, providing an additional layer of independent scrutiny.

Strengthening the National Judicial Council's Oversight Role

The NJC must exercise a more proactive and vigorous oversight function in relation to conflicting decisions. Where judges are found to have departed from binding precedents without adequate legal justification, or to have delivered rulings that are demonstrably inconsistent with existing Court of Appeal or Supreme Court authority on the same point, the NJC should treat such conduct as a disciplinary matter warranting investigation. The existence of a robust and credible disciplinary mechanism serves not only to address individual instances of judicial indiscipline but to signal to the entire judiciary that consistency and precedential fidelity are non-negotiable professional obligations.

Proactive Role of the Supreme Court and Court of Appeal

The apex courts must not wait passively for appeals to surface before addressing conflicting decisions in the jurisprudence. The Supreme Court should develop the practice of issuing proactive guidance, through carefully crafted obiter dicta, practice directions, and, where appropriate, advisory opinions, on areas of the law characterised by persistent judicial discord. The Court of Appeal should similarly issue guidance to trial courts within its jurisdiction, using its supervisory powers to flag and address inconsistent patterns of decision-making. The practice, reportedly common in earlier decades, of Court of Appeal judges' conferencing together before delivering judgments in complex matters should be formally revived and institutionalised as a mechanism for ensuring collegiate consistency.

Clarifying Jurisdictional Boundaries

The structural overlap between federal and state courts, which provides the institutional substrate for forum shopping and conflicting decisions, should be addressed through targeted legislative reform. The procedural rules governing the transfer of matters between courts, the determination of jurisdictional disputes, and the recognition and enforcement of coordinate court orders should be clarified and harmonised. Consideration should also be given to the creation of specialised judicial panels within the Court of Appeal and the Supreme Court for categories of litigation like electoral disputes, commercial

³⁰*Ibid.*

³¹A Ochojila 'National Judicial Institute and challenges of judicial automation <National Judicial Institute and challenges of judicial automation | The Guardian Nigeria News - Nigeria and World News> accessed 15 April 2026.

³²*Ibid.*

matters, and constitutional questions, where the incidence of conflicting decisions has been particularly high.³³ Specialisation promotes expertise, and expertise promotes consistency.

The Responsibility of the Legal Profession

It would be incomplete to address the problem of conflicting judicial decisions without acknowledging the role of the legal profession itself. Lawyers, as officers of the court, bear a professional and ethical obligation to conduct litigation in a manner that promotes rather than subverts judicial consistency. The temptation to exploit conflicting decisions through forum shopping, to advance distinctions that are intellectually dishonest, or to encourage clients to litigate for tactical rather than substantive reasons is always present. The Rules of Professional Conduct for Legal Practitioners place counsel under a duty to assist the court in the administration of justice and to conduct cases with honesty and integrity. Where lawyers abuse judicial processes for strategic advantage, they are as much responsible for judicial discord as the systemic failures within the courts themselves. The Nigerian Bar Association should reinforce this message through its professional training and disciplinary mechanisms.³⁴

8. Conclusion

The problem of conflicting judicial decisions in Nigeria is neither novel nor intractable. It is, however, sufficiently serious to warrant the sustained and coordinated attention of the judiciary, the legislature, the executive, the legal profession, and civil society. At its core, the problem reflects an institutional culture that has not yet fully internalised the value of judicial consistency as a constitutional and democratic imperative. Courts that speak with contradictory voices do not merely inconvenience litigants; they undermine the rule of law, corrode democratic governance, and erode the moral authority upon which the legitimacy of the entire legal system depends.³⁵ The reforms proposed in this article, from judicial education and centralised legal databases to strengthened oversight mechanisms and clarified jurisdictional boundaries, are not radical departures from established practice. They are calibrated and principled responses to identifiable institutional failures, drawing on the best practices of other common law jurisdictions while remaining sensitive to the unique constitutional and social context of Nigeria. They are achievable, and the cost of not achieving them is a judiciary that continues to haemorrhage public confidence. More fundamentally, this article has argued that achieving genuine judicial consistency requires more than institutional tinkering. It requires a renewed commitment by judges, lawyers, law reformers, and citizens, to the idea that the law is a public good and that its consistent and principled application is both a professional obligation and a democratic responsibility. Technology has given every Nigerian a platform to express frustration with a judicial system they perceive as uncertain, contradictory, and captured. The response to that frustration cannot simply be to dismiss it; it must be to earn back the credibility that consistency confers. The measure of a great judiciary is not just the eloquence of its judgments but the coherence of its voice. It is time for Nigerian courts to reclaim that coherence, not for the sake of the legal profession, but for the sake of the millions of citizens whose rights, liberties, and livelihoods depend upon a judiciary that can be trusted.

³³ E Alike and W Igbintade 'Senior Lawyers Urge Acting CJN Kekere-Ekun to Restore Confidence in Nigeria's Judiciary' <Senior Lawyers Urge Acting CJN Kekere-Ekun to Restore Confidence in Nigeria's Judiciary – Arise News> accessed 12 April 2026.

³⁴ See generally the Rules of Professional Conduct for Legal Practitioners 2007 (RPC), r1 which emphasises the duty to uphold the rule of law.

³⁵ S Nwokoro 'How conflicting court orders undermine judicial integrity' <How conflicting court orders undermine judicial integrity> accessed 14 April 2026.