

ASSESSMENT OF THE IMPACT OF THE PRINCIPLE OF SEPARATION OF POWER ON GOOD GOVERNANCE IN ADAMAWA STATE, NIGERIA (2019-2024)

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ABSTRACT

This paper assessed the principle of separation of power in Adamawa State, Nigeria and the extent to which the three (3) arms of government are independent in the Nigeria system of governance. It stressed the need for the functions of one arm of government to be kept separate from one another and none should exercise overriding influence on the other. Therefore, the affairs of government are divided into three (3) parts of spheres: The executive, the legislative and the judicial. It is pertinent to mention that the value of the principle lies with the check and balance which are essential to prevent an abuse of the enormous power vested on the rulers. The 1999 constitution of the federal republic of Nigeria part two Section 4,5 and 6 spelt out the powers of each of the three arms of government. The study adopted Structural functionalism and system theory which was propounded by Talcott Parson and David Easton respectively. Primary source of data was used in order to acquire and obtain information about the study. Questionnaires were distributed to a sample of 400 drawn using Taro Yamane formula out of which 369 were retrieved. The data collected were presented in tables and the results analysed. Chi-square was used to test the hypotheses formulated. The findings revealed that, there is relationship between good governance and strict adherence to the principle of separation of power in any sovereign state and at any level of governance, be it federal, state, or local government. The study recommended that, the 3 arms of government must be Independent without undue interference and their various functions should be carried out in accordance to the constitution of the land.

Keywords: Executive, Good governance, Judiciary, Legislature, Separation of power

Introduction

The governing body and the sharing of governmental powers between the three (3) fundamental arms of government has been an instrument in the 1999 constitution of the federal Republic of Nigeria as Amended. These powers take effect under section 4,5 and 6 Which deals with the Legislative, Executive and Judiciary respectively. This scheme leaves no one in doubt, because the power allocated on each branch is to be exclusive to it alone and that no other arm is to exercise or temper with it in such a manner as would be usurpations.

The presidential system of government in the world in general and Nigerian in particular possess several defining features which include the separation of power between the

Executive, Legislative and Judiciary branches of government. The presidential system was first devised in United State as an alternative to the Monarchical system as characterized by a separation of power. Not only to the Executive and Legislative exist independently of one another, but because members of one organ cannot be that of another.

However, their overlapping responsibilities for designing public policy often led to competition and conflict between the two. This system encourages the fragmentation of power through the presence of check and balance whereby each organ has some power that intervene in the other. Therefore, the evaluation of separation of power can be traced to the British parliament gradual assertion of power and resistance to the royal decree during the 14 century (John 1993).

Wikip (1993) James Harrington an English scholar was one of the first modern philosophers to analysis the principle of separation of powers. Harrington in his essay *Common wealth of Oceana* (1656). Build upon the works of earlier philosophers like; Plato, Aristotle, Machiavelli. Which described a Utopian political system that include a separation of power. John Lock an English political theorist in his book gave it more refined treatment Lock (1969)

The modern idea of separation of power vigorously explored more profoundly by Baron de Secondat Montesquieu, a French political writer in his famous book *the spirit of law* (1748). It must be realize that scholars like Plato, Aristotle, Harrington, John lock, Montesquieu and other commentators saw this concept as a basic way to eliminate the arbitrary powers to check dictatorial tendencies. One condition of liberty is the separation of the legislature from the executive, and the existence of an independent and impartial judiciary.

The guarantee of liberty in any given government to the people is the practice of the principle of separation of powers. This theory according to Gettel, implies that, the three functions of the government should be performed by different bodies of persons; each department (the legislature, the executive and judiciary) limited to its own sphere of action, and within that sphere should be independent and supreme (Chaturvedi; 2006:282). The theory of separation of powers is predicated on the premise that, if a single group holds all the three powers of the government, they are bound to have unlimited powers. They could prescribe any law arresting, criminals. Because, they exercise unlimited powers could pronounce criminals guilty without recourse to fair trial. It is through the separation of powers that any given group cannot at the same time prescribe, execute and adjudicate in any case. Otherwise, there will be no justice. That is why, it is only through the combination of all these departments that a government can use force especially in a military rule.

Separation of power and good governance played a vital or crucial role in the Democratic nations of the world. Because it possesses certain ingredient that make systems acceptable to

the democratic society. These, include; freedom, accountability and participation (Sen. 1996).

The basic features of good governance are the conduct of an inclusive management where in all the stakeholders are allowed to say and observed their constitutional duties in the decision making processes. Accordingly, good governance is the process through which the state affairs are managed effectively in the areas of public accountability, financial accountability, administrative and political accountability, responsiveness and transparency. All of these must show in the interest of the governed bodies leaders, (legislative, executive and judiciary).

Statement of the Problem

The existence of separation of power among the three branches of government in most democratic nation of the world, is aimed at providing a suitable environment for good governance through the use of check and balance. The Nigerian constitution for instance, has explained thoroughly the jurisdiction of each of the three arms of government, ie Legislative, Executive and Judiciary. Constitutionally, these arms have the power to check the activities of one another.

The principle of separation of power in Nigeria is just a paper work. In reality, the Executive arm of government has over powered the Legislative and Judicial arms. Today in Nigeria the Legislative and Judiciary arms are always answerable to the will of the Executive, and therefore, they lost their legal right or power of checking the activities of the Executive arm. This situation has led to corruption, favouritism, looting of public treasury, mismanagement etc. which in turn lead to under development and bad governance. It is against this background that this study will assess the Impact of the Principle of Separation of Power on Good Governance in Adamawa State, Nigeria from 2019 to 2024.

Objectives of the Study

The objective of the study is to assess the Impact of the Principle of Separation of Power on Good Governance in Adamawa State, Nigeria (2019-2024).

Hypothesis

In order to make a meaningful research, the following hypothesis is formulated for this study to ensure a valid result devoid of chances for a conclusive finding to the topic in question.

H₀₁: There is no significant relationship between the principle of separation of power and good governance in Adamawa State.

Literature Review

The doctrine of separation of powers developed over many centuries. The evolution of this concept can be traced to the British Parliament's gradual assertion of power and resistance to

the royal decrees during the 14th Century. The English scholar, James Harrington, was one of the first modern philosophers to analyze the doctrine. In his essay, "Commonwealth of Oceana" (1656), Harrington, build upon the works of earlier philosophers like Aristotle, Plato and Machiavelli, described a utopian political system that included a separation of powers.

It therefore goes without saying that Harrington, Locke, Montesquieu and other writers saw the concept of separation of powers as a way to reduce or eliminate the arbitrary powers of unchecked rulers. This is closely related to the doctrine of "checks and balances"—the notion that government power should be controlled by overlapping authority within the government and by giving citizens the right to criticize state actions and remove officials from office.

As early as 350 B.C., Greek philosopher Aristotle observed in the *Politics* that every government, no matter its form, performed three distinct functions “the deliberative, the magisterial, and the judicative. Wikipedia (2016) In modern terminology these activities correlate, respectively, to the legislative (law-making), executive (law-enforcing) and judicial (law interpretation) functions of government. While Aristotle identified these basic powers common to all governments, he did not necessarily suggest that they should be exercised by entirely different branches. The principle that major governmental functions should be divided into different branches would be advanced centuries.

Aristotle first mentioned the idea of a "mixed government" or hybrid government in his work ‘*Politics*’ where he drew upon many of the constitutional forms in the city-states of Ancient Greece. In the Roman Republic, the Roman Senate, Consuls and the Assemblies showed an example of a mixed government according to Polybius (Wikipedia, 2013.)

Plato and Aristotle both developed important ideas about government and politics. Two of the many political subjects that these men wrote about were tyranny and the rule of law. Tyranny occurs when absolute power is granted to a ruler. In a tyrannical government, the ruler becomes corrupt and uses his power to further his own interests instead of working for the common good.

Charles (1989) The rule of law is the principle that no one is exempt from the law, even those who are in a position of power. The rule of law can serve as a safeguard against tyranny, because just laws ensure that rulers do not become corrupt. Aristotle stated that “the rule of law is preferable to that of any individual. This is because individuals possess flaws and could tailor government to their own individual interests, whereas the rule of law is objective. He who bids the law rule may be deemed to bid God and reason alone rule, but he who bids man rule adds an element of the beast; for desire is a wild beast, and passion perverts the minds of rulers, even when they are the best of men. The law is reason unaffected by desire. Rulers must be “the servants of the laws, because “law is order, and good law is good order.” (Michael 2014.)

He also enunciated in his book politics (384.322BC) That there should be distinction between the three 3 (Law making, Application and Adjudication) and accordingly distinguished between the three types of state organs. An organ which decides over peace, and war as well as over the legislation, and organ for the remaining administrative affairs called Magistrate.

John Locke on the other hand linked the concept of separation of powers to the idea of liberty. He argued that in order for the effective protection of individual liberties, the power of government, ought to be exercised by established and promulgated laws, that both the people may know their duty, and be safe and secure within the limits of the law, and the rulers too, kept within their due bounds, and not be tempted by the power they have in their hands to employ it to purposes, and by such measures as they would not have known, and own not willingly. (2ND TG 1689).

Locke is particularly concerned that there are appropriate checks and balances on the power of the executive. He puts forward '.. it may be too great temptation to human frailty, apt to grasp at power, for the same persons who have the power of making laws to have also in their hands the power to execute them, whereby they may exempt themselves and execution, to their own private advantage...'. In Locke's conception, a proper government exercises three distinct and separate powers, the legislative, executive, and federative power of the commonwealth. The first power of government to be established is the legislative power, which is that which has a right to direct how the force of the commonwealth shall be employed for preserving the community and the members of it.

There are several conditions by which it maintains its legitimacy. First, those exercising the legislative power are chosen and appointed by the citizens. Second, they govern by "declared and received laws (i.e., the rule of law), and not by extemporary dictates. Third, these laws are only interpreted by known authorized judges. Fourth, it cannot take from any man any part of his property (i.e. collect taxes) without his own consent (i.e., taxation without representation), since the preservation of property is the end of government. And finally, it cannot transfer the power of making laws to any other hands, for it being but a delegated power from the people, they who have it cannot pass it over to others. Once the legislative force creates laws, there arises the need of an executive power which should see to the execution of the laws. For the legislators not being able to foresee and provide by laws for all that may be useful to the community till the legislative can conveniently be assembled to provide for it the good of society requires that several things should be left to the discretion of him that has the executive power. The third power of government, the federative, arises from the fact that, although in relation to one another the members of the commonwealth are governed by the laws the society, yet the whole community is one body in the state of Nature

in respect of all other states or persons out of its community, i.e., all commonwealths are in the state of nature one with another. Out of this consideration, the power of the federative branch, which one may call natural, because it is that which answers to the power every man naturally had before he entered into society contains the power of war and peace, leagues and alliances, and all the transactions with all persons and communities without the commonwealth. Locke (1632-1704). He deduced from a study of the English constitutional system the advantages of dividing political power into the legislative (which should be distributed among several bodies, for example, the House of Lords and the House of Commons on the one hand, and the executive and federative, responsible for the protection of the country and prerogative of the monarch, on the other hand. (The Kingdom of England had no written constitution.) The Locke wrote that the executive and legislative powers should not reside in on the same person or governmental body; corruption and tyranny would result otherwise.

The modern idea of principle of separation of power was developed through the work of Baron d Montesquieu a famous French philosopher and writer in 'the "Spirit of Law"'. Where he defined government as having three distinct functions, the legislative function (making of the rules), executive function (governing according to the laws) and judicial function (resolving disputes according to law). He argued each function should be exercised by independent institutions. Montesquieu suggested the separation of powers enabled liberty, when the legislative and executive powers are united in the same person... there can be no liberty again, there is no liberty, if the judiciary power is not separated from the legislative and executive. He argued that liberty is a right of doing whatever the laws permit...' (Montesquieu 1748).

Baron de Montesquieu, in his work, expanded on these nascent ideas regarding separation of power in 'the Spirit of laws 1748', contending that government, executive, legislative, and judicial functions should be administered by separate body. That is, an organ must be charge with legislative function, another with executive and another with judicial function. He believes that when the legislative and executive powers are united in the same person, or in the same body of Magistrates, there is no liberty; because apprehensions may arise, the same Monarch should enact tyrannical law, to execute them in a tyrannical manner. Again, there is also no liberty, if the judicial power is not separated from the executive and the legislative. Where it joined with the legislative, the live and liberty of the people would be exposed to arbitrary controlled; for the judge would as well be the legislator. Where it joined to the executive power, the judge might behave with violence and oppression. There would be end to everything, where the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting, that of executing the public resolutions, and of

trying the course of individuals' (Montesquieu 1748)

Constitutional Provision and Functions of Separation of Powers

The constitution of Federal Republic of Nigeria adopted the theory of separation of powers as its guiding principle. It laid down a governmental structure based on the theory. Thus provide as follows:

Legislative Power

Section '4.(1)

"The legislative powers of the federal republic of Nigeria shall be vested in a National Assembly for the federation which shall consist of a Senate and House of Representatives. (2) The National Assembly shall have power to make laws for the peace, order and good government of the federation or any part thereof with respect to any matter included in the exclusive, legislative list set out in part I of the second schedule to this constitution.(3)The power of the National Assembly to make laws for the peace, order and good governance of the federation with respect to any matter included in the executive legislative list shall, save as otherwise provided in this constitution, be to exclusion of the House of Assembly of the States.(4) In addition and without prejudice to the powers conferred by the sub-section (2) of this section, the National Assembly shall have power to make laws with respect to the following matters, that is to say— a. Any matter in the concurrent legislative list set out in the first column of part 11 of the second schedule to this constitution to the extent prescribed in the second column opposite thereto; and b. Any other matter with respect to which it is empowered to make laws in accordance with the provision of this constitution. (5) If any law enacted by the House of Assembly of a state is inconsistent with any law validly made by the National Assembly, the law made by the National Assembly shall prevail and other law shall to the extent of the inconsistency be void. Subsection 6,7, 8 and 9 deals with powers of House of Assembly of a State. (1999 const.) (1999 const.)"

Functions of Legislature

The following are among the functions of the legislatures:

- i. Law making: This is the major function of the legislature. Bills are presented for debate in the house either through the executive or from the legislature and are signed into law by the president after successful deliberation.
- ii. The legislature determined the way in which government can raise and spend money by reviewing government annual budget.
- iii. Amendment of the constitution: The legislature has the authority to amend the constitution with two third or one third majority depending— on the degree of rigidity

of the constitution in question.

- iv. The legislature speaks on behalf of the people as their representative and also takes decision on their behalf.
- v. The legislature checks executive arbitrariness or the excesses of the judiciary.
- vi. Financial control: the legislature can audit government expenditure.
- vii. Investigation and checking abuse of office by public office holders.

It is pertinent to note that the area of coverage of legislature law varies in its application. While that of the National Assembly has a national outlook, the state is limited to its jurisdiction.

Executive Power

Section 5.(1)

“Subject to the provisions of this constitution, the executive powers of the federation. (a) shall be vested in the president and may, subject as aforesaid and to the provision of any law made by the National Assembly, be exercised by him either directly or through the vice-president and ministers of the government of the federation or officer in the public service of the federation; and (b) Shall extended to the state Executive and maintenance of this constitution, the laws made by the National Assembly and to all matters with respect to which the National Assembly has, for the time being, power to make laws.

(2) Subject to provisions of this constitution, the executive powers of the state- a. Shall be vested in the Governor of the state and may, subject as aforesaid and to the provisions of any law made by the House of Assembly, be exercise by Him either directly or through the Deputy Governor and Commissioners of the government of that state or officers in the public service of the state; and b. Shall extent to the execution and maintenance of this constitution, all laws made by the House Assembly of the state and to matters with respect to which the House of Assembly has for the time being power to make laws.(3) The executive powers vested in a state under subsection 2 of this section shall be so exercised as not to-

a. impede or prejudice the exercise of the executive powers of federation; b. Endanger any asset or investment of the government of the federation in the state; or c. endanger the continuance of a federal government in Nigeria. (4) Notwithstanding the forgoing provisions of this section- a. The president shall not declare a state of war between the federation and another country except with the sanction of a resolution of both Houses of National Assembly sitting in a joint session; and b. except with at the prior approval of the senate, no member of the armed forces of the federation shall be deployed on combat duty outside Nigeria.(5)

Notwithstanding the provisions of subsection (4) of this section, the president; in consultation with the National Defense Council, may deploy members of armed forces of the federation on a limited combat duty outside Nigeria if he is satisfied that the national security is under imminent threat or danger; Provided that the president shall, within seven days of actual combat engagement, seek the consent of the senate and senate shall thereafter give or refuse the said consent within fourteen days".(1999 constitution).

Functions of the Executives

The following are among the functions of the executives:

- i. Legislation: The executive recommend bills to be considered as law and defend such bills in house up to approval stage.
- ii. Taking decision: the executive take decision about policies as lay down by law including ministerial or other directive such as resolution of EXCO.
- iii. Inspection: The way and manner particular activities are being carried out either by government official or private individual are organized by the executive.
- iv. Inquires: the executive in order to enhance smooth running of government set up inquiry into the operation of other government agencies and variety of event and circumstances. It could also be Journal of Social Science and Public Policy due to demand or public outcry.

Judicial Powers

Section 6- (1)

"The judicial powers of the federation shall be vested in the judicial courts to which this section relates, being courts established for the federation. [2] The judicial power of a state shall be vested in the courts to which this section relates, being courts established, subject as provided by this constitution, for a state.[3] The courts to which this section relates, established by this constitution for the federation and for the states, specified in subsection [5.a] to [i] of this section shall be the only superior courts of records in Nigeria; and save as otherwise prescribed by the National Assembly or by the House of Assembly of a state, each court shall have all powers of a superior court of record. [4] Nothing in the foregoing provisions of this section shall be construed as precluding- a. The National Assembly or any House of Assembly from establishing courts, other than those to which this section relates, which subordinate jurisdiction to that of a High court; b. The National Assembly or any House of Assembly, which does not require it, from abolishing any court which it has power to established or which it has brought into being.

[5] This subsection relates to- a. Supreme Court; b. Court of Appeal; Federal High Court; d. High Court of the federal Capital Territory, Abuja; e. High Court of a state; f. Shari'ah court of Appeal of the Federal Capital Territory, Abuja Shari'ah courts of Appeal of a state; h. Customary Court of Appeal of Federal Capital Territory, Abuja; Customary court of Appeal of a state; j. Such other courts as may be authorized by the law to exercise jurisdiction on matters with respect to which the National Assembly may make laws; and local government system. k. Such other courts as may be authorized by law to exercise jurisdiction at first instance or on appeal on matters with respect to which a House of Assembly may make laws." (CFRN. 1999)

Functions of the Judiciary

The following are among the functions of the judiciary:

- i. Interpretation of law: The judiciaries interpret the constitution of the land, the laws made by the constitution 'of the land, the laws made by the legislation and decree during the military era.
- ii. Safe-guarding the rights of citizens; the judiciary, safeguard the rights and liberties of individuals by way of entertaining complaints from aggrieved people.
- iii. Prevention of wrongful acts; By means of writ and restraining order, the courts act to prevent violation of law.
- iv. Power of review; the judiciary is vested with the power to review some activities of executive and the legislature.
- v. Punishment of the offenders; the courts have the power to punish those that offended the law of the state.
- vi. Protection of the Constitution; the judiciary has the power to determine whether the constitution has been violated or not.

Separation of Power under Military Regime

One of the greatest mishaps to the smooth running of Nigerian polity is military dictatorship. More than two-third of its independent existence was an experience of military engineering during which people's liberty and fundamental rights were trampled underfoot. Usually, whenever the military strikes, the first legislative act is always in the form of constitution suspension and modification decree. By this act, ouster clauses become regnant. Decrees generally become supreme laws and all other laws including the constitution are seen as inferior and subject to decrees. It is commonplace that, the first assignment, usually undertaken by military dictators immediately they usurp power by that unconventional means, was to put some parts of the constitution in abeyance, regardless of the ways or procedures laid down in the constitution for its amendment. This attitude is only to demonstrate that the

successive military regimes in Nigeria considered the principle of separation of powers as an aberration during their tenure of office, prima facie, the military regimes combine both legislative and executive powers in themselves. It is noteworthy also that, the military not only combined both the Executive and legislative powers but also frustrated the judiciary and apparently rendered same ineffective whenever in -power, despite the Judicial powers vested on them under the various constitutions. These were the holdings of our courts in *Abuna V. Attorney General of Federation* (1995) 5 NWLR, pt 396, and in *Attorney General of Anambra V. Attorney General of Federation* (1993) 6 NWLR, pt 302, p.691.

It was also held in *Military Government Ondo State V. Adewomi* (1988) 3 NWLR, pt 82 and in *Okechukwu V. Alagba* (1991) 8 NWLR,pt 207, p.64 that during the military era, the unsuspended portions of the constitution are taken as incorporated into the various supremacy decrees which can alter, amend, abrogate or repeal any part of the constitution.

The net effect is that in militarism, the concept of separation of powers endemic in democratic and federal system of government is abused. The military usurps and merges into itself the executive and legislative arms of government. The judiciary is only left with determining the question of inconsistency between an edict and a decree, and between a decree and the unsuspended portions of the constitution. The judiciary is also left with adjudicating on only those matters not affected by the ouster clauses.

Such as the above was the case under Decree 107 of 1993 where the Head of the Federal Military Government (FMG) was effectively the embodiment of the legislature insofar as decrees he signed or said he signed were self-sufficient and could not be challenged in terms of whether the provisional ruling council [PRC] actually authorized them (c sections 3 (1), (4) and 5 of Decree 107 of 1993). Thus, we remember the courageous attempt in late 1994 by Olu Onagoruwa, the then Attorney General of Federation to challenge the validity of some decrees which he said were never deliberated upon at the PRC and never passed through his office. He failed and was actually bulldozed out of the government. Similarly, section 6 of the said Decree 107 vested the executive powers of the Federal Republic of Nigeria on the Head of the FMG. It is only in respect of the judicial sphere that a battle was waged. There is however no doubt that if the Head of the FMG so decreed, the judicial powers should have been transferred to him. The Supreme Court had so admitted in a number of cases including the case of *Ojukwu V. Governor of Lagos State* (1986) 1 NWLR, pt 18, p. 621. This position was also upheld in *Obeya Memorial Hospital V. Attorney General of the Fed. & Anor* (1987) 7 SCNJ, p. 42.

In *Ojukwu* however, Eso JSC had cause to say that though the FMG had undoubted power to rule arbitrarily, but insofar as it had chosen to operate under laws, it must obey court orders and refrain from exercising powers within the judicial sphere. But this judicial dictum could

not deter the FMG from inflating the Court of Appeal decision in *M.K.O. Abiola V. The Federal Republic of Nigeria* (1994) 1 NWLR, p. 155.

Theoretical Framework

The most relevant theory used are Structural functionalism and system theory which was propounded by Talcott Parson and David Easton in 1930s–1950 and 1950s–1960s respectively. Talcott Parson, the American famous sociologist is on the view that “The major premise of this theory was anchored on the ground that human society at large is made up sub-system, therefore, the malfunction of one subsystem has observes repercussion of the other subsystem. The study adopts a structural functional approach to the understanding of Nigeria politics (presidential system of government) with particular references to the principle of separation of powers and it application.

The authoritative function of rulemaking, rule application, and rule adjudication shall be examined in relation to the structure that perform them with and explicit evaluation of the separation of powers among the structures. These structures differ in degree to which they constitute innovation; the central legislative (National Assembly) endowed with a determination rule in the rule making function, secular independent judicial structures through which rules are authoritative adjudicated represent the most drastic innovations. The executive bureaucratic system represent the structure endowed with the executive power. In spite of the recognizance accorded to the separation of powers by the Nigerian constitutions, the operation of government under the present constitution is resulted to the participation of the parliament in rule making function, the fragility of the independent judiciary and executive bureaucratic predominance. Because structural functionalism works as a whole or it is a chain reaction, where there is a problem in the executive function it also affects the legislative function of the state. However, this also a have serious repercussion in the Judicial function of government”.

Since separation of power works in different part or body of government who are independent later formed and work as whole in Nigeria. The system theory derived their origin deeply from Biological sciences. The system theory was popularized by David Easton (1953) in social science. The central and the guiding concept is the concept of system, this theory is built on the fact that organization represent social systems which are a whole comprise of many parts that are interrelated’ Thomas T. Shut (2005;25).

The following are main feature of system theory, viz;

- i. Parts
- ii. The parts must relate to the whole
- iii. Each part makes certain contribution to the survival of the whole (i. e. function to support the whole).

iv. It is a state of balance or equilibrium through cooperation by all parts.

The political system is made up of several sub groups, economic, political, cultural, educational, social etc. These subgroups perform different functions and it is a combination of these functions that keep the entire system moving' David Easton (1953;26). This theory can be explained as two-way traffic between the leader and the lead. Easton is model of system approach (source Hagul and Harrop 1982;12).

In the political system, input is taken from the society which includes demand for particular policies and expression of support for regime and turn into output. For instance, authoritative policies and decision output are what government actually do or the service they render. In this case the extent of success of government policy is tested through feedback. Again, the flow of input into a political system is regulated by gate keeper such as interest groups and parties which collectively bias the system in favor of certain demand as against others. Thomas T. Shuf. (2005). The limitation of this input and output models is that 'they do not explain the origin of policy, cycle policy processes, or the evaluation of present and past policies' Abdul-salam Ibrahim (1998;9). Despite the limitation of this theory, it is quite relevant to the principle of separation of power because the three arms of government; ie Legislative, Executive and Judiciary are in parts empowered to perform separate functions that would relate to whole. Each part makes certain contribution towards the survival of the whole. The making of law by legislature, the execution law by the executive and the interpretation of that same law by the judiciary all geared toward good governance and they are interrelated.

Methodology

The research work examined the Impact of the Principle of Separation of Power on Good Governance in Nigeria: A Case Study of Adamawa State, Nigeria (2020-2024) Therefore, the study employed both primary and secondary sources of data for the study.

i. Primary sources of data: These are first hand sources of information; primary sources of data used is the questionnaires.

ii. Secondary sources of data: These are sources of data collected from authorities, they include books, journals, encyclopedias and other relevant materials. They are more relevant to literature review in a research which enables it to be in better position.

Population of the Study

The population of this study is the entire staff of the Adamawa State Judiciary who are 1524 (office of the chief attorney general of the state), Adamawa State House of Assembly who are 157 (Office of the Permanent Secretary, House of Assembly) and the 1445 staff of the office of the head of service, Adamawa State (Office of the Head of Service). Hence, the total population for this study is 3,126.

Sample and sampling techniques

The sample of the study was drawn from the total number of staff of the Adamawa State Judiciary, Adamawa State House of Assembly and the staff of the office of the head of service, Adamawa State, which stands at 3,126 Permanent and Pensionable Staff. And in order to reduce the sample size to a manageable size, Taro-Yamane's formula was used as thus;

$$n = \frac{N}{1+N(e^2)}$$

Where:

n= Sample size

N= Total population

e= accepted sampling error, 95% confidence level and P = 0.5% are usually assumed.

Then sample size,

$$n = \frac{3126}{1+3126(0.05^2)}$$

$$n = \frac{3126}{1+3126(0.0025)}$$

$$n = \frac{3126}{1+7.8}$$

$$n = \frac{3126}{7.8}$$

n = 400

Therefore, the sample size of the research is 400.

The researcher employs the use of stratified random sampling techniques. The stratified sampling techniques simply means that before any selection are done first divide all individuals into groups or categories and select independent sampling within each group.

Instrumentation

The questionnaire formed the major instrument of data collection. This enable the researcher to adequately gather relevant quantitative data, while the interview provides the needed qualitative data.

Administration of instrument

The researcher administered the questionnaire instrument to the respondents with the help of research assistant based on a one - on - one approach for immediate response over a few number of days.

Rate of Return

A total of 400 questionnaires were administered to the sample of the study. 150 to staff of the Adamawa State Judiciary, 100 to the staff of Adamawa State House of Assembly and 150 to staff of the office of the head of service, Adamawa State. The researcher retrieved three hundred and fifty-nine (369) questionnaires out of the total number distributed to the respondents. The remaining thirty-one (31) questionnaires were unreturned as a result of wrong entries by the respondents, misplacements and mutilation.

Method of Data analysis

The collected data from the questionnaire were presented in tables and percentages, while they were analyzed using chi-square quantitative statistical tool having the following formula:

$$X^2 = \sum (O-E)^2$$

E

Where;

X^2 = chi-square, (measure of discrepancy between observed and expected frequency)

$\sum$ = Summation sign (Sigma)

O = Observed frequency,

E = Expected frequency,

Data Presentation and Analysis

This chapter deals with data, analysis, presentation, interpretation and finding of the study base on the data collected by the researcher during the field survey on the topic ‘Assessment of the Impact of the Principle of Separation of Power on Good Governance in Nigeria: A Case Study of Adamawa State, Nigeria (2020-2024)’. A total of **400** questionnaires were administered, out of which **369** were answered and collected by the researcher. The data presentation and analysis therefore, is based on 369 questionnaires retrieved.

Hypothesis Test

For the effective evaluation of the research hypothesis, the researcher employ the use of Chi-square test. This will enable the researcher to whether accept or decline the null hypothesis.

H₀₁: There is no significant relationship between the principle of separation of power and good governance.

For the purpose of analysis, therefore, the researcher has to identified the observed frequency and the expected frequency that are related to the null hypothesis. Thus, for the sake of this study, the researcher has to analyses the responses to items two (2), three (3) and (12) respectively. These question has to do with the relationship between good governance and principle of separation of power in Nigeria.

Table 4.2.1: Observed Frequency (Fo)

Responses	Q5	Q8	Q15	Total
Strongly Agree	124	51	56	231
Agree	223	154	261	638
Undecided	5	19	06	30
Strongly Disagree	1	74	16	91
Disagree	16	71	30	117
Total	369	369	369	1107

Source: Field Survey, 2024

The data in table 4.2.1 above represent the frequency observed from responses to questions 5,8, and 15 on the questionnaire

TABLE 4.2.2: Frequency Expected (Fe)

Responses	Total
Strongly Agree	77
Agree	212.6
Undecided	10
Strongly Disagree	30.4
Disagree	39
Total	369

Source: Field Survey, 2024

Computation of expected value is thus:

Row Total (RT) X Column Total (CT)

Grand Total (GT)

Strongly Agree option: $\frac{231 \times 369}{1107} = 77$

Agree: $\frac{638 \times 369}{1107} = 212.6$

1107

$$\text{Undecided} \quad \frac{30 \times 369}{1107} = 10$$

$$\text{Strongly disagree:} \quad \frac{91 \times 369}{1107} = 30.4$$

$$\text{Disagree:} \quad \frac{117 \times 369}{1107} = 39$$

4.3: DATA ANALYSIS.

For effective decision taking, the researcher use the Chi- square (χ^2) in analyzing the data retrieved from the field of survey using the following formula:

$$\chi^2 = \sum \left(\frac{f^0 - f^e}{f^e} \right)^2$$

Where: $\sum$ = Summation sign
FO = frequency observed:
FE = frequency expected

Table: 4.3.2: Chi-Square Table

Fo	fe	fo-fe	(fo-fe) ²	$(\frac{fo-fe}{fe})$
124	77	47	2209	28.69
223	212.6	10.4	108.16	0.51
5	10	-5	25	2.5
1	30.3	-29.3	858.49	28.33
16	39	-23	529	13.56
51	77	-26	676	8.78
154	212.6	-58.6	3433.96	16.15
19	10	9	81	8.1
74	30.3	44.3	1962.49	64.77
71	39	48	2304	59.08
56	77	-21	441	5.72
261	212.6	48.4	2342.56	11.02
06	10	-4	16	1.6
16	30.3	-14.3	204.49	6.75
30	39	-9	81	2.07
TOTAL				257.63

$$\underline{X^2=257.63}$$

Therefore, to find a Chi-square (x^2) table value the researcher find the degree of freedom (df) as =

$$\begin{aligned} df &= (r-1) \quad (c-1) \\ &= (5-1) \quad (3-1) \\ &= (4) \quad (2) \\ &= \underline{8} \end{aligned}$$

Therefore, when the level of significant is 0.05 and the df is 8, then the table value is **=15.507**

DECISION RULE

The computation on the table 4.3.2 above shows that the calculated Chi-square (X^2) 257.63 is far greater than the table value 15.507. This result shows that the null hypothesis should be rejected which state that “There is no significant relationship between the principle of separation of power and good governance,” and in other hand, the alternative hypothesis which state that “There is a significant relationship between the principle of separation of power and good governance in Nigeria,” should be accepted.

Findings of the Study

This study has revealed that:

- i. There is relationship between good governance and strict adherence to the principle of separation of power in any sovereign state and at any level of governance, be it federal, state, or local government. In fact, this study has made it clear that, there is no strict adherence to the principle of separation of power in Nigeria political practice. This has made the executive arm of government more powerful than the other two arms of government.
- ii. The study also reveals the problem of the absent of check and balance among the three arms of government which as a result of non-adherence to the principle of separation of power, which in-turn contribute to bad governance, corruption, Nepotism, etc that dominate the day to day running of government in Nigeria.
- iii. The study also finds out the need for the politicians, bureaucrats, and the general masses to be educated on the important of the adherence to the principle of separation of power in the running of governmental affairs. This will address the problems of bad governance, corruption, God-fatherism, nepotism etc.

Summary/Conclusion

The presidential system of government in the world and Nigeria in particular is characterized by the principle of separation of powers as contains in modern constitutions of the world today.

The Nigerian constitution discouraged institution allied opposition to the government in power and instead developed consensus politics with firmly established principles of public accountability for all orders in public offices. It also well decentralized in federal structure. The choice of members in cabinet especially the president most reflects the federal character. It is observed that the Constitution of Nigeria divide the power of government into three (3) different bodies, i.e. legislative, executive and judiciary as contains in Section 4,5 and 6 respectively. It's also laid down the limit of this body in the exercise of powers vested on them. This has been considered as calculated attempt to the principle of separation of powers in the Nigeria political system in order to protect right and liberty of general masses and promote good governance.

Therefore, the organization of government under the military rule is contrary to the concept of separation of power, traditionally or modern. It must be noted that the primary purpose of the concept is to guard against dictatorial rule by avoiding concentration of all the powers of government in one hand. With the advents of the military rule in Nigeria beginning from 15 Jan. 1966, the military suspended and modified the 1963 constitution by virtue of the constitution (suspension and modification) Decree n. 1, 1966. By virtue of the Decree, it

dissolved the parliament and fused legislature and the executive powers in the supreme military council (SMC) which was the ruling military council. The fusion of both legislative and the executive functions or powers is repeated in every military regime in Nigeria. A military regime wields a lot of powers especially legislative and executive powers. They also exercised judicial powers as they deemed fit from time to time. It could, by a decree, determine a person's guilt and mete out penalty.

Recommendations

To be able to uphold the Principle of separation of power and good governance with its inherence significance, its principle must be cogently applied.

- i. All the three arms of government (Executive, Legislatures and Judiciary) should be Independent without undue interference from any of the arm of government.
- ii. There should also be strict adherence to the principles of checks and balance among the three arms of government to combat excess use of power by any arm of government.
- iii. Politicians, bureaucrats, and the general masses should be educated on the important of the adherence to the principle of separation of power in the running of governmental affairs.

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