

JUDICIAL ACTIVISM AND INTERVENTION IN THE DOCTRINE OF POLITICAL  
QUESTIONS IN NIGERIA: AN ANALYTICAL EXPOSITION

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ABSTRACT

Judicial activism is today one of the most misused constitutional terms. Nigeria practices constitutional democracy with emphasis on constitutionalism. This comes with it to high rates of political activities with misuse of political powers granted in the Constitution by the political actors. Naturally, the court is called upon to wear its active posture and interpret the Constitution as it affects the political class. However, each decision of the courts interpreting the constitution against the political class is met with cries of “judicial activism” from one side of the political spectrum or the other. The other cry seems to be that the courts are encroaching into the domain of the political class thereby violating the doctrine of political questions which is essentially a function of separation of powers. The paper sees these terms as being misused and makes an analytical exposition of the term and judicial intervention into political questions in Nigeria. It contends that courts should ensure the limits of governmental action under the principles of a constitutional democracy, even in the delicate field of internal affairs of governmental institutions. For this purpose, various constitutional provisions and judicial decisions are examined.

*Keywords:* Judicial activism, Political Question Doctrine, Separation of Powers, constitutionalism

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