Sapientia Global Journal of Arts, Humanities and Development Studies (SGOJAHDS), Vol.2 No.1 March, 2019; p.g. 89 – 102; ISSN: 2695-2319 (Print); ISSN: 2695-2327 (Online)

EFFECT OF SEPARATION OF POWERS IN NIGERIA DEMOCRACY.

JOHN O. ASOGWA (PhD)
Department Of Public Administration
Faculty Of Management Sciences
Enugu State University Of Science And Technology
Agbani, Enugu, Nigeria.
Email: asogwajo@yahoo.com

Abstract
The Theory of Separation of Powers means that a different body of persons is to administer each of the three departments of government. This means that no one of them is to have a controlling power over either or both of the others. For the purpose of preserving the liberty of the individual and for avoiding tyranny, separation of powers is necessary. This paper is curious to know whether this principle has been effective either during the military rules or the civilian administrations in Nigeria., Consequently, this study is going to examine the working of separation of powers in Nigeria.The biggest local government areas of Enugu State were chosen as epi-centre of our research. A population of 1,064,757 made up the population of study. Using statistical tool known as Taro Yamani, the population was reduced to a reasonable size of 400. Simple random sampling technique was used to determine our sampling population. Questionnaire was the instrument used for the research and 381 copies of questionnaire were returned. The research formulated specific research questions and hypotheses to guide the study. Data collected were analyzed using simple percentages and frequencies for the research questions and Chi-square for the hypotheses. The research found out from recent issues concerning the executive-legislative relationship in the Nigeria National Assembly that it is obvious that in modern democracy absolute separation of powers is not feasible. The research recommended that the Nigerian state should adhere to the theory of separation of powers as it is the practice in other democratic states of the world taken account of our historical past and the urgent need to modernize where necessary. Only this can bring about lasting political stability.
Keywords: Effect, Separation of powers, Democracy, Government, Nigeria.

1.1 Introduction

The debate on the principle of separation of powers is an age long concern. Over the years, scholars and laymen have come to accept that what guarantees liberty of citizens and responsibility in governance is the practice of separation of powers. This theory of separation of powers 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 1999 constitution of the Federal Republic of Nigeria clearly outlined the duties of the different arms of government and leaves no one in doubt that it is in tandem with the doctrine of separation of powers and checks and balances.

Having been through military regimes overtime, the average Nigerian citizen has come to appreciate that the three arms of government should work independently. However, the frictions and disruptions in governance occasioned by the frequent standoff between the executive and the legislature have brought to the fore the need to investigate how Nigeria has fared as regards separation of powers and checks and balances. This paper is therefore an attempt to match the theory and practice of separation of powers and checks and balances in the Nigerian context.

1.2 Statement of Problem

What Montesquieu taught us is that there are three functions of government, or three powers: the legislative, executive and judicial powers: in our terms, Parliament, Cabinet supported of course by the public service, and the courts.

There are some factors that hinder separation of powers from achieving its goal, poor practice of checks and balance is one of this factor.

To that effect, this research is proposed to address the following problems.

1. The effect of separation of powers on Nigeria democracy
2. What are the challenges of separation of powers on the nation
3. Impact of checks and balance as regards effective management of separation of powers.

1.3 Objectives of the Study

The broad objective of this study is to identify the effect of separation powers in Nigeria's democracy. The specific objectives are:

1. To identify the effect of separation of powers on Nigeria democracy
2. To identify the impact of separation of powers in the nation
3. To identify ways to improve the performance of separation of powers in Nigeria democracy

1.4 Research Questions

The researcher poses the following research questions to help guide the study:

1. What are the effects of separation of powers in Nigeria democracy?
2. What are the impacts of separation of powers in the nation?
3. What are the ways to improve separation of powers in Nigeria democracy?

1.5 Statement of Hypothesis

The study formulates the following hypotheses:

1. Separation of powers have been effective in Nigeria democracy
2. There is positive impact of the principle of separation of powers in Nigeria
3. There are ways of improving the principle of separation of powers in Nigeria.

1.6 Significance of Study

This study has both empirical and theoretical significance. Empirically, this study will be of immense benefit to political system in realizing its goal. It will be of immense benefit to policy makers in the formulation of pragmatic policies and frameworks that will guide the principle of separation of powers in Nigeria.

The study also will be of immense benefit to Nigeria as they struggle to have good governance in Nigeria. Theoretically, the research will be an addition to the robust literature on the effect of separation of powers in Nigeria democracy. It will benefit future researcher on the topic or related topics.

1.7 Scope of the Study

This study covers the effect of separation of powers in Nigeria's democracy. It will be restricted to separation of powers and on the way forward.

1.8 Limitation of Study

In a study of this nature, some factors limit the researcher from doing more jobs expected to be done. Some of them are the inability of respondents to accept and respond to the questionnaire distributed. Some were afraid of responding to the questions because they were not sure of what the research was aimed at.

The research topic is relatively new and past research works were difficult to locate in libraries, journals portals and other internet websites. The researcher mitigated all these shortcomings by digging deeper for relevant materials and acquiring them which helped in reaching empirical findings.

1.9 Definition of terms

Separation of Powers: It is a constitutional principle that limits the powers vested in any person or institution. It divides governmental authority into three branches: legislative (Parliament or Senate), executive (President or Prime Minister and the Cabinet), and judiciary (Chief Justice and other judges).

Nigeria: Nigeria, an African country on the Gulf of Guinea, has many natural landmarks and wildlife reserves.

Democracy: Democracy is a periodic opportunity for the masses to choose their leader.

REVIEW OF RELATED LITERATURE

2.1 Conceptual Framework

2.1.1 Meaning and Origins of the Concept

It must be noted that, the doctrine of separation of powers has been developed over the centuries. The evolution of the concept of separation of powers can be traced to the British Parliament's gradual assertion of power and resistance to the royal decrees during the 14th century. James Harrington, an English scholar was one of the first modern philosophers to do analysis of the doctrine of separation of powers. Harrington in his essay, Common Wealth of Oceana (1656), built upon the works of earlier philosophers like Plato, Aristotle and Machiavelli, described a utopian political system that included a separation of powers.

In his second Treatise on Government (1690), John Locke an English Political theorist, gave the concept of separation of powers more refined treatment. John Locke argued that legislative and executive powers were conceptually different. But that it was necessary to separate them in government institutions. However, in Locke's conception, judicial power played no significant role. The modern idea of the doctrine of separation of powers was vigorously explored in the Spirit of Laws (1748) by Baron de Montesquieu a French Political writer in his work. He based his exposition on the British constitution of the first part of the 18th century the way he understood it. As a doctrine, it has been interpreted as, where an individual occupies the position of both the executive and the legislature, there is the danger of the legislature enacting oppressive laws which the executive will administer to attain its own ends‖.

Montesquieu in the process outlined a three-way division of powers in England amongst the parliament, the king and the courts, even though such a division was not in existence at that time. Montesquieu apparently believed that the stability of the English government was due to this practice of separation of powers despite the fact that he did not use the word separation.

It must be realized that Plato, Aristotle, Harrington, Locke, Montesquieu and other commentators saw the concept of separation of powers as a 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. It is also as a result of this that, Montesquieu regarded the separation of powers as an essential safeguard of liberty. According to him, there is no liberty if the judiciary power be not separated from the legislative and executive. That is why according to Gettel, this doctrine implies that the three functions of the government should be performed by different bodies of persons; each department limited to its own sphere of action, and within that sphere should be independent and supreme (Chaturevedi, 2006:282). Hence, separation of powers is presently understood to mean that, none of the legislative, executive and judicial powers is able to interfere with the others. For example, the Judges should be independent of the executive and legislature in theory. Or that the same persons should not hold posts in more than one of the three branches. For example, that one branch of government should not exercise the functions of another. That is, the executive should not make laws which fall within the purview of the legislature. That be as it may, closely related to this theory is the doctrine of checks and balances. This doctrine states that, governmental 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. But the big question is, what happens in despotic military regimes and, dictatorial civilian regimes or in parliamentary 'systems where the cabinet minister must be a member of either houses of parliament as we have seen in Mymmar (Burma), Nigeria, before 1966 Coup, Thailand, Chile, China, Union of Soviet Socialist Republics (USSR) before it crumbled in 1989 with the introduction of glassnote and prestorica by Govbachev or how about where there is one party dominance in a political system? The whole argument in favour of separation of powers will be meaningless as well as hopeless in the above situation or circumstances.

Nevertheless, it must be stated that, like in Italy and in most democracies, separation of governmental powers in their constitutions has a separate constitutional courts to review cases that raise constitutional issues. Such democratic countries create such mechanisms to ensure judicial independence from legislative and executive officials. However, some scholars were of the opinion that, creating an extreme separation of powers can make government less effective because, it increases the possibility of governmental paralysis‖. Where the leaders in different branches of the government disagree about fundamental objectives, the country's official business will come to a standstill.

2.1.2 The Principle of Separation of Powers

Separation of powers is a mechanism for promoting and enhancing the independence of the organs of government in building a virile and stable political environment. Mbachu (1998:96) argued that there can be no liberty where the executive, legislative, judicial powers are united in one person or body of persons, because such concentration is bound to result in arbitrary despotism.

A constitutional democracy that is anchored on the modern principles of liberal culture of representative democracy expresses its powers in three forms; legislation, execution (implementation) and judicial precedence. It is of significance to the theory of the harmonization of government to determine the level of powers, privileges and entitlement to be exercised by a particular arm of government. Onyeneho (2014: 61) noted that separation of powers presupposes that no one should have powers over the others neither can anyone usurp the functions of the other arms. This he argued is to ensure political and civil liberty and the advancement of freedom of citizens.

Even though the theory of separation of power was clearly formulated and popularized for the first time by Baron de Montesquieu; a French enlightenment writer in his book Spirit of Laws in 1748. the actual practice of separation of powers amongst different branches of government can be traced to ancient Greece (Ogoloma, 2015). This doctrine of separation of powers; according to Montesquieu means that when an individual occupies the position of both the executive and the legislature, there is the danger of the legislature enacting oppressive laws which the executive will administer to attain its own ends".

In the same manner, if the power of the judiciary is not separated from the legislative and executive, liberty is not guaranteed. He believed that this system of government would provide a safeguard against the concentration of too much power in a single authority (Kusamotu, 2001: 35-39). To affirm this, Appadorai (2004.516) observed that: when the legislative and executive powers are united in one person, or in the same person, the same body of magistrates there can be no liberty; because an apprehension may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner. According to Omeregbe (2010:72), Montesquieu felt that "absolute monarch" would deprive individual citizens of their freedom. In fact, his aim was to perfect the freedom of the individual citizens and reduce the power of the king by advocating separation of powers,"

The logic of the arrangement of the separation of powers is to ensure that the legislature performs the function of 'law making', the executive perform the function of 'rule implementation' and the judiciary oversees the 'interpretation of rule. Therefore, this arrangement knows no political or geographic and even party boundaries as it is today reflected in the composition of many liberal democracies. Even though separation of powers is desirable, there is great need for checks and balances to ensure that each arm of government does not abuse its powers and create unnecessary political instability in the system.

Oyediran et al (2005: 64) viewed checks and balance as that arrangement whereby an arm of government supervises and check another arm of government against any possible abuse of powers". This implies that checks and balances as a constitutional tool, enables the branches of government to resist any illegitimate expansion of power by other branches. Of course, this is in tandem with Magstadt (2006:74) view when he argued that The Madisonian solution was to structure the government in such a way that selfish interests (faction) pursuing selfish ends would encounter as many hurdles as possible. It was this idea that won the day in Philadelphia and came to be enshrined in the constitution of United States America as the famous checks and balances. In all, Montesquieu advocated separation of powers between the executive, legislative and judiciary for the purpose of balancing them in order to avoid despotism. For instance, recently in Nigeria, there is the argument as to whether the three arms of government should enjoy the same level of privilege and entitlement.

The legislature in Nigeria have argued that they should be entitled to 'life pension' and 'immunity' just like the president, vice president, governors, deputy governor (executive) and the judges (judicial). The advocates of this believe that if the arms of government are given the same opportunities and privileges that will enhance the efficiency and effectiveness of the application of the principle of separation of powers. Hence, the need for the principle of separation of power comes to play to help stabilize and enhance the institutions and agencies of government. Checks and balances therefore is a mechanism for ensuring that each of the

arms of government supervises and checks one another against possible abuse of powers. Hence, the different arms of government are vested with the responsibility to monitor the activities of other arm(s) and also limit the powers of other arm(s).

For good governance, separation of powers and checks and balances must coexist. According to Ogoloma (2012), the whole argument in favour of separation of powers is meaningless if the principle of checks and balances does not, in reality, operate as it helps in limiting the powers of each arm and restricting them to operate within their constitutionally assigned duties. This implies that when an individual is vested with such powers of abating and probating or executing and adjudicating, there is every possibility that such a person will become despotic.

2.1.3 The Executive Arm of Government

The executive regarded as the most influential organ of government is charged with the responsibility of executing and enforcing laws. It comprises all the functionaries and agencies that are concerned with the administration of the state. It consists of the president and his ministers as in the presidential system of government; the prime minister and his cabinet as in parliament system, the politicians elected or appointed to the executive arm of government, the civil servants, police, and other security agencies.

Ibekwe Ibeto and Anazodo (2015:20) outlined the functions of the executive as contained in the 1999 Constitution as follows;: budget preparation, initiation of development projects, execution and maintenance of the Constitution and laws and by-laws made by the National, States Assembly and councilors, preserving, protecting and defending the territorial integrity of the nation, Ensuring the stability and security of the Nation, States and local government areas and carrying-on the business of governance in all ramifications including conducting the Nation's international relations.

2.1.4 The Legislature

The legislature is an organ of the government that comprises the elected representatives from geo-political zones whose primary function is to make laws and change laws and policies for the welfare of the citizenry. In democracy, the legislature plays a crucial role to give voice to the voiceless and ensure effective representative of all interest and cultural affiliations or segments of a country. Legislature can be described as symbol of liberal democracy, because, it is only the institution or arm of government that always receive the sledge hammer of the military juntas whenever there is coup d'état, as the executive and judiciary continue to function even during such periods.

The legislature is classified into two: unicameral and bicameral. Unicameral legislature is the type of legislature with a single or one chamber while bicameral legislature is the type of legislature with two chambers. One of the chambers is called a lower chamber while the other is called an upper chamber. In Nigeria, the two chambers called the House of Representatives (lower house, presided over by a Speaker) and the Senate (the upper house, presided over by the President of the Senate).

The primary function of the legislature remains enactment of laws, modification or amendment of existing laws to make them to be effective to address the multifaceted and critical needs of populace through good governance. Other functions include: amendment of the constitution, supervision of the activities of the executive, approval of the budget, provision of forum for public opinion approval of appointment, ratification of treaties and approval of state of emergency and declaration of war by the executive.

2.1.5 Separation of Powers and Checks and Balances in Nigeria

The principle of separation of powers and checks and balances is a theoretical frame work meant to help and ensure that leaders and operators of various institutions of government do not allow their selfish-interest to override public interest and common good. In theory, the 1999 constitution recognized and made provisions for the smooth relationship between the executive and judiciary by prescribing their functions based on the principle of separation of powers and checks and balances.

However, when it comes to practice, we observe that there are several party and personal interests causing huge quagmire in the practical implementation and adherence to the principle of checks and balance in Nigeria. Nigeria has witnessed crisis in her democratic arrangement as one branch of government tries to check the other arm of government. For instance, when the National Assembly (Senate and House of Representative) attempts to check the activities of the executive through its over-sight responsibility, they end up misunderstanding themselves. Similarly, when the executive uses its instrument to regulate the expense and budgeting of the National Assembly, they quickly fight back with threat of impeachment.

Nigeria has never had good implementation of the principle of checks and balances in the history of her democratic experience and existence.

Indeed, in Nigeria's presidential democracy there have been several instances of one form of interference/usurpation of power between the legislature and executive since the inception of presidential democracy in 1979. Such interference/usurpation got to its peak at the first 8 years of the Fourth Republic after the inception of the new democratic dispensation in 1999 (Obidimma and Obidimma 2015:78). This conflict of interests between the executive and legislature produced five senate presidents in eight years (19992007). Similarly, the cold war existing between the Buhari government and the legislature over the 2015 budget is also noteworthy. This scenario delayed the passage of the 2016 budget up till the second quarter of the year.

2.1.6 The Checks and Balances in the Executives – Legislators Relationship

The constitution of the Federal Republic of Nigeria provides for a system of checks and balances to restrict the powers of each arm of government at both the federal, state and local government tiers. On one hand, the constitution empowers the executive arm to veto bills passed by the legislature while on the other hand, the latter can override the veto by the former. Similarly, the executive can check the judiciary through its power to appoint or remove judges while the judiciary can declare laws made by the legislature and certain executive actions unconstitutional. Other measures to check the excesses of the executive arm by the legislature include: Invalidating the actions of the executive done in excess or beyond the constitutional pressures by declaring it null and void and of no effect or ultra vires. ii. Removal of the head of the executive (the president or the prime minister) through impeachment process in accordance with the constitutional provisions. iii. Ratification or approval of the appointment of ministers and ambassadors (high commissioners) who are members of the executive. Control of the expenditure of public fund by the execution (e.g. approval of money bill or budget). v. Audits public account spent by the executive and carrying out oversight functions in order to obtain first-hand information on the implementation of the budget by the executive (Nwankwo, 2002).

2.3 Theoretical Framework

As contributed by Nwagboso (2012), Relative Deprivation theory was necessitated on the need to bridge the gap between revolutions and revolts in the society and political as well as socio-economic inequities. Relative Deprivation theory; individual and group based theory of aggression, contends that frustration becomes the norm when satisfaction of value expectation in terms of economic and political benefits is surpassed by the expectation itself.

Therefore, the aggregate of such frustration manifests in form of violence and conflict among the various organs of government. By inference, the theory explains the nature of and reasons for rebellion, revolts, conflicts, insurgencies, agitations and recurrent rise of violent groups against the federal government of Nigeria.

Following the stipulations of the theory, it is safe to aver that the increase in and demands of insurgent groups, militia groups, and violent agitations is as a result of the failure of the central government to ensure collective development of separation of power in the nation country. This also holds water in arguing for the reasons why insecurity in the Northern part of the country has arisen and persisted this long. These are signposts of government's failure in its primary responsibility of protecting lives and property. This is an indication of government's role in not only causing but also furthering economic inequality and socio-political rights denial among various groups in the country (Anosike, 2010:8). Socio-economic challenges such as unemployment, inequality, poverty, illiteracy, low per capita income poor infrastructure, high rate of inflation, recession, low technological development and poor health facilities is as a result of poor practice of separation of power and checks and balance.

2.4 Empirical Review

The empirical review of this research work is derived from the previous studies supporting or in line with the subject matter of the study which is "role of political parties and its effects on Nigeria political system.

Anyim Ben, Francisca. O., Okereke, Samuel. N. and Chijioke, Ngozi (2000) did a comparative analysis on Separation of powers and checks and balances is a theoretical framework for promoting and enhancing the autonomy of the arms of government in exercising their constitutional responsibilities. This framework is

intimately bound with the practice of the culture of liberal democracy as it is being expressed in the near independent relationship between the different arms of government.

For democracy and good governance to stand the taste of time, the principle of separation of powers and checks and balances among the arms of the government must be respected and entrenched particularly between the executive and legislature. Nigeria as a country has adopted the presidential system of government with the executive, legislative and judiciary collaborating to facilitate the harmonious interaction between them in the discharge of their constitutional responsibilities.

The 1999 Constitution of the Federal Republic of Nigeria clearly outlined the duties of the three arms of government and how they are to checkmate each other. In practice however, one notices an aberration in the constitutional provisions and the Nigerian experience as regards separation of power and checks and balances. This paper therefore is an attempt to look into this constitutional relationship and examine how the executive and legislature have fared so far in the Nigerian context.

2.5 Gap in the Review of Related Literature

There has been enormous literature on effect of separation of powers in Nigeria democracy. These studies however did not do a holistic research on the role of political party and its effect on Nigeria political system. This research attempted to fill that lack.

METHODOLOGY

3.1 Research Design

This study adopted survey research design which is descriptive in approach. It is systematic collection of data in standardized form from an identifiable population or representative.

3.2 Source of Data

The research utilized two types of data collection which are primary and secondary sources of data collection:

- Primary source
- Secondary source

3.3 Location of the Study

The research took place at some selected local government areas in Enugu State, Nigeria.

3.4 Population of the study

The population of this study is made up of 1,064,757 people in the five local government areas, which are among the local governments that make up Enugu state, Nigeria.

3.5 Sample Size Determination

According to Odo (1992:) sampling is a process of selecting a proportion considered adequate to represent all the entire existing characteristic with a target population for the purpose of generalizing the findings. The sample size of this study was determined from the populations which are the residents and local government staff.

Taro- Yamani (1964) was used to determine the sample size. Yamani is of the opinion that it would be time consuming and exorbitant to get large sampling of the population. He is also of the view that to get effective coverage of the population, this formula should be applied;

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

Where n = sample size
N = Population of the Study
E = Level of Significance of error or limit of tolerable error estimated to be 5% or 0.05
1 = is constant

We apply it in this study thus:

Calculating the sample size from the total population we have

N = 1,064,757

$$n = \frac{1064757}{1+1,064,757\ (0.05)^2}$$

$$= \frac{1064757}{1+1,064,757(0.0025)}$$

$$= \frac{1064757}{1+2661.98}$$

$$= \frac{1064757}{2663}$$

$$= \frac{1064757}{2663}$$

n = 399.83 (approximately 400)

n = 400

3.5.1 Sampling Techniques

Sampling technique adopted for this study is simple random sampling (SRS). Simple random sampling (SRS) is a method of selection of a sample comprising of n number of sampling unit out of the population having N number of sampling unit such that every sampling unit has an equal chance of being chosen.

3.6 Data Collection Instrument

The researcher made use of the following procedure in gathering data.Questionnaire, interviews and observation.

3.7 Validation of Instrument

According to Goode and Hart (1952:120) an instrument is valid when it measures what it claims to measure. The instruments used were developed by the researcher in accordance with the research topic: effects of separation of powers in Nigeria democracy.

3.8 Reliability of Instruments

Bowen and Weisberg (1980:11) defined reliability of an instrument as a process of obtaining information on the degree to which a measure will yield similar result for the same subject at different time under different conditions on a consistent dependable and accurate way.

3.9 Method of data analysis

In analysis the data collected using the questionnaire; the researcher used the simple percentage method of data analysis. The analysis was represented in tabular form for easy understanding and it consists of the number of respondents and the corresponding percentage.

Chi-square was used as the statistical tools used for testing more than two populations, using data base on two inadequate random samples.

3.10 Instrument Returns Rate

The researcher distributed 400 copies of our questionnaire and 381 were returned. The instrument return rate therefore is 95.25%.

Table 3.1 Instrument Return Rate

L.G. A	Number distributed	Number returned	Number rejected	No used
Awgu	74	70	4	70
Enugu North	91	86	5	86
Igbo-Etiti	78	75	3	75
Udenu	67	65	2	65
Udi	90	85	5	85
Total	400	381	19	381
Percentage	100	95.25	100	95.25

Source: Research Data, 2018

DATA PRESENTATION AND ANALYSIS

4.1 Data Presentation

This chapter provided for the presentation and analysis of our research questions and text of our hypotheses. Simple percentage and frequencies were used in the analysis of our research question while Chi-square was used for hypotheses.

Research Question 1: What are the effects of separation of powers in Nigeria Democracy?

Table 4.1: What are the effects of separation of powers in Nigeria Democracy?

S/N	options	Strongly agree	Agree	Undecided	Disagree	Strongly disagree	Total
1	National development	58 15.2%	42 11%	22 5.8%	8 2%	7 1.9%	137
2	Nation stands as one	45 11.9%	33 8.7%	18 6%	4 1%	5 1.3%	105
3	Political goal achieved	40 10.5%	25 6.5%	12 3.1%	5 1.3%	4 1%	86
4	Equitable standard of living	25 6.5%	11 2.9%	10 2.7%	5 1.3%	2 0.5%	53
	total	168	111	62	22	18	381

Source: Research data, 2018

Research Question Two: What are the impacts of separation of powers in the nation?

Table 4.2: What are the impacts of separation of powers in the nation**?**

S/N	**Options**	**Strongly Agree**	**Agree**	**Undecided**	**Strongly Disagree**	**Disagree**	**Total**
1	Peace and unity achieved	45 12%	35 9.1%	23 6.0%	9 2.3%	6 1.6%	118
2	No agitation against the central	40 10.4%	30 8%	20 5.2%	7 2%	7 2%	104
3	National pride protected	32 8.3%	28 7.3%	18 5%	8 2.1%	4 1%	90
4	Rule of law been practiced.	25 7%	22 5.8%	14 3.6%	6 1.6%	2 0.5%	69
	Total	142	115	75	30	19	381

Source: research Data, 2018

Research Question Three: What are the ways to improve separation of power in Nigeria Democracy?

Table 4.3: Ways to improve separation of powers in Nigeria Democracy?

S/N	option	Strongly Agree	Agree	Undecided	Strongly Disagree	Disagree	Total
1	Sharing of governmental power	53 13.9%	36 9.4%	14 3.7%	9 2.3%	7 1.8%	119
2	Equitable allocation of resources	42 11.0%	30 7.8%	12 3.1%	7 1.8%	5 1.3%	**96**
3	Checks and balance must exists among the organs of government	40 10.4%	23 6.0%	10 2.6%	8 2.0%	6 1.5%	**87**
4	The principle of rule of law must be encouraged	37 9.7%	19 5%	9 2.6%	6 1.5%	8 2.0%	**79**
	Total	172	108	45	30	26	381

Source: Research Data, 2018

4.2 Test of Hypotheses

4.2.1 Test of Hypothesis one (H_1)

Testing

The research hypotheses one sought to ascertain how wrong manner of Employee placement influences organizational effectiveness.

We now state the null hypothesis

H_I: Separation of powers have been effective in Nigeria democracy

H_0: Separation of powers have not been effective in Nigeria democracy

We have to note that chi-square is an important extension of hypothesis testing. It is used when it is required to compare an actual/ observed frequency with a theoretical or expected frequency, chi-square have been applied in this study.

Constructing the test statistics

Response	Oi	ei	$(oi - ei)$	$(oi - ei)^2$	$(oi - ei)^{2/ei}$
Strongly Agree	168	76.2	91.8	8427.24	110.6
Agree	111	76.2	34.8	1211.04	15.6
Undecided	62	76.2	14.2	201.64	2.6
Strongly dis Agree	22	76.2	-54.2	2937.64	38.6
Disagree	18	76.2	-58.2	3387.24	44.4
Total	381				211.8

The Calculated value = 211.8.1The free of freedom, n-1 = 5-1 = 4
Degree of freedom. The level of significance = 0.05. The critical value at 4 degree of freedom and 0.05 level of significance = 9.49.

Decision Rule:
Reject the null hypothesis and accept the alternative hypothesis, if the calculated value is greater than the critical value. Otherwise reject the alterative hypothesis.

Decision: Since the calculated value (211.8) is greater than the critical value (9.49) the researcher accepted the alternative hypothesis which states that Separation of powers have been effective in Nigeria democracy.

Hypothesis two (H_2)
4.2.2 Test of Hypotheses two

Testing
The research hypotheses one sought to ascertain effort made by management on the effectiveness of local government system
We now state the null hypothesis
H_1: There is positive impact of the principle of separation of powers in Nigeria
H_0: There is no positive impact of the principle of separation of power in Nigeria
We have to note that chi-square is an important extension of hypothesis testing. It is used when it is required to compare an actual/ observed frequency with a theoretical or expected frequency, chi-square have been applied in this study.

Constructing the test statistics.

Response	Oi	ei	$(oi - ei)$	$(oi - ei)^2$	$(oi - ei)^{2/ei}$
Strongly agree	142	76.2	65.8	4329.64	56.8
Agree	115	76.2	38.8	1505.44	19.8
Undecided	75	76.2	-1.2	1.44	0.01
Strongly Disagree	30	76.2	-46.2	213.44	28.01
Disagree	19	76.2	-57.2	3271.84	43
total	381				147.62

Calculated value = 147.62 The degree of freedom, n-1 = 5-1 = 4
Degree of freedom. The level of significance = 0.05. The critical value at 4 degree of freedom and 0.05 level of significance = 9.49.

Decision Rule:
Reject the null hypothesis and accept the alternative hypothesis, if the calculated value is greater than the critical value. Otherwise reject the alterative hypothesis.

Decision: Since the calculated value (147.62) is greater than the critical value (9.49) the researcher accepted the alternative hypothesis which states that there is positive impact of the principle of separation of power in Nigeria.

Hypothesis two (H_3)
4.2.3 Test of Hypotheses three

Testing
The research hypotheses three sought to ascertain performance criteria in regard to the measurement of the organizational effectiveness
we state the null hypothesis.
H_1: There are ways of improving the principle of separation of powers in Nigeria
H_0: There are no ways of improving the principle of separation of powers in Nigeria
We have to note that chi-square is an important extension of hypothesis testing. It is used when it is required to compare an actual/ observed frequency with a theoretical or expected frequency, chi-square have been applied in this study.
Constructing the test statistics

Response	oi	ei	$(oi - ei)$	$(oi - ei)^2$	$(oi - ei)^{2/ei}$
Strongly Disagree	172	76.2	95.8	9177.64	120.44
Agree	108	76.2	31.8	1011.24	13.2
Undecided	45	76.2	-31.2	973.44	12.8
Strongly Disagree	30	76.2	-46.2	2134.44	28.01
Disagree	26	76.2	-50.2	2520.04	33.07
Total	381				207.51

Calculated value = 207.51 The degree of freedom, n-1 = 5-1 = 4
Degree of freedom. The level of significance = 0.05. The critical value at 4 degree of freedom and 0.05 level of significance = 9.49.

Decision Rule:
Reject the null hypothesis and accept the alternative hypothesis, if the calculated value is greater than the critical value. Otherwise reject the alterative hypothesis.

Decision:
Since the calculated value (207.51) is greater than the critical value (9.49) the researcher accepted the alternative hypothesis which state that there are ways of improving the principle of separation of power in Nigeria.

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS
5.1 Summary of Findings
The study finds some recent issues concerning the executive-legislative relationship in the Nigeria National Assembly; it is obvious that in modern democracy absolute separation of powers is not feasible. In the first place, there is great need for the arms of government to cooperate and collaborate with each other for them to ensure good governance and deliver dividends of democracy.

Secondly, a water-tight separation of powers will lead to power tussle between the executive and legislative thereby over heating the political environment and instituting political instability. In Nigeria for instance,

the National and State Houses of Assembly since the dawn of this fourth republic believe that their constitutional powers and responsibilities are often usurped by their executive counterpart.
The executive on the other hand feels that the legislature delay the implementation of their policies and programmes by not giving speedy attentions to executive bill, confirmation of appointments and any other collaborating assistance.

5.2 Conclusion

In conclusion, separation of powers appears not to operate any legal restriction on power but, it provides the basis for important principles which the law protects such as independence of the judiciary. It provides a basis for the adoption of structure processes and control which protects liberty now and in the future.

It guards against broad spectrum of the ills like absurd judgement avaricious and ambitious self-serving behaviour and inefficient performances of functions. As our system of government evolves new conventions, political practices and events at times need legal rules will need to be devised to protect the liberty of the people and our nascent democracy (2010). The doctrine of separation of powers therefore provides the justification for these measures and helps to determine their nature and scope. Apparently, there is the need to monitor our political system, be vigilant about our liberty and advocate new measures when the liberty is threatened.

5.3 Recommendations

It is suggested therefore that, the state should adhere to the theory of separation of powers as is the practice in other democratic states of the world taken account of our historical past and the urgent need to modernize where necessary. Any dictatorial tendency should be nipped at the bud.

Secondly, it will help to dispense with executive usurpation of powers, check corruption of elected officials and manipulation of electoral processes.

REFERENCES

Agbeje, A. (2005). *New Approach Government*. Lagos: Longman.

Appadorai, A. (2003). *The Substance of politics*. New Delhi: Oxford University Press.

Appadorai, A. (2004). *The Substance of Politics*. New Delhi: Oxford University Press.

Chaturvedi, A. K. (2006). *Dictionary of Political Science*. New Delhi: Academic Publishers. Federal Republic of Nigeria. (1999). The 1999 Nigerian Constitution. Lagos: Federal Government Press.

FRN (1999). *The 1999 Nigerian Constitution*. Lagos: Federal Government Press.

Hamilton, J. Jay and J. Madison (n.d.) *The Federalist, „Everyman Library*", Dent.

Igbokwe-Ibeto, C. J. and Anazodo, R. O. (2015). *Managing Executive-Legislative working Relationship for Good Governance and Service Delivery in Nigeria*. Review of Public Administration and Management vol. 4 (8).

Ivor, Jennings: *The Law and the Constitution*; P.28

Jaja, Jones M. and Aba-Erondu, Nnamdi (2000). *Fundamentals of Government and Political Science*. Owerri: Springfield Publishers.

Kumokou, I. (2003). Nig*eria, the making of a Nation. Anthropological Brief Port Harcourt*: Ideal Publishers.

Kusamotu, G. (2001). *Nigerian Federalism and separation of Powers*. Ibadan: Sulek-Temik Publishing Company.

Magstadt, T. M. (2006), *Understanding Politics, Ideas, Institutions and Issue*. Belmont, United States: Thomson and Wadsworth.

Mbachu, O. (1998). *History of Political Thought: From City-State to Nation-State*. Owerri: Achugo Publications.

Montesquieu, C. L. (1949). *The Spirit of Laws*, 2nd ed. Hafher.

Montesquieu, *Espirit Des Lois, Book Xl, Chapter what is the Practice in today's World? Or The Theory of Separation of Powers*: A Critique. VI: (no. ed.: 1749: VOL. I, P. 219.

Nwankwo, B. C. (2002). *Authority in Government. (2nd edition) Onitsha*: Abbot Books.

Obidimma A.E. and Obidimma, E. O. C. (2015). *The Legislative-Executive Relations in Nigeria's Presidential Democracy*. International Journal of Business & Law Research 3(1).

Odo, M.O. (1992) *guide to proposal writing in social science and behavioural science*. Enugu: SNAPP Press.

Ogoloma, F. (2012). *The Theory of Separation of Powers in Nigeria: An Assessment African Research Review - An International Multidisciplinary Journal*. Vol. 6 (3), p. 26

Omoregbe, J. (2010). *Socio-Political Philosophy. A Systematic and Historical Study*. Lagos: Joja Educational Research and Publishers.

Onyediran, O., Nwosu, H., Takaya, B., Anifowoshe, R., Badejo, F., Ogboghodo, G and Onyeneho, E. E. (2014). *Elements of Government*. Enugu: John Jacob's Classic Publishers.

Osai, O. Jason (2007). *Introduction to Political Science, A Nigerian Perspective. Port Harcourt*: OsaiInt'l Publishers.

Sabine, G. H. (1937). A *History of Political Theory*, New York: Holt, Reinhart and Winston. P. 559.

Sachdeva and Gupta (1980). *A Simple Study of Political Science Theory. Delhi: Ajanta Prakashan*: 1980). The Tide *Newspaper (Wed. Dec. 8, 2010).* Vol. 12 No. 200.

Willoughby, W. F. (1936). *The Government of Modern States*, Appleton Century.