

CONFLICTS AND MULTIPLE INTERPRETATION OF JUDGEMENTS IN THE NIGERIAN CRIMINAL JUSTICE SYSTEM: DEALING WITH THE ABUSE OF ENGLISH AS THE ROOT CAUSE

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Abstract

The Nigerian Criminal Justice System continues to grapple with a persistent challenge: the conflicting and multiple interpretations of judicial judgments. At the heart of this issue lies a fundamental problem-the abuse and inconsistent use of the English language, which serves as the official language of legal proceedings in Nigeria. This paper explores how linguistic imprecision, ambiguous legal expressions, and poor language training among legal practitioners and court officials contribute significantly to contradictory judicial interpretations. Using *Okocha v. State* (1995) as a supporting case study, the paper analyses how the poor framing of judicial pronouncements can lead to miscarriages of justice or prolonged litigation due to conflicting interpretations. The research further examines how legal English, with its complex structure and technical vocabulary, often becomes a barrier rather than a tool of clarity in the justice delivery system. Recommendations are made for improving the use of legal English through specialized language training, clearer drafting of legal documents, and the institutionalization of plain English in court proceedings. The paper argues that without addressing the linguistic foundation of legal discourse, efforts at judicial reform may remain superficial and ineffective.

Keywords: Legal English, Judicial Interpretation, Language Abuse, Criminal Justice, Miscarriage of Justice, Legal Reform

Introduction

Language plays a pivotal role in the administration of justice. In Nigeria, English is not only the official language but also the language of the courts, legal documentation, and judicial pronouncements. However, the overdependence on legal English- often characterized by archaic expressions, ambiguous phrases, and complex syntactic structures, has resulted in significant challenges in the Nigerian criminal justice system. One of the most troubling consequences is the frequent occurrence of conflicting and multiple interpretations of judgments, which in turn undermine the credibility of the judiciary and the rule of law. These interpretive conflicts often arise due to the misuse or poor mastery of English among legal practitioners, judges, and even law enforcement officers. In a multilingual society like Nigeria, where English is a second language to most of the population, including many legal professionals, the abuse of language can have far-reaching consequences. Poorly articulated judgments, inconsistent legal terminologies, and ambiguous statutory provisions contribute to legal uncertainty, prolonged trials, appeals, and at times, the miscarriage of justice.

This study is rooted in the belief that the abuse of English in legal contexts is not a mere grammatical or stylistic issue- it is a structural problem that affects the entire criminal justice process, from the framing of charges to the delivery of final rulings. It shares concern with the power of English- as much as the works of Aliyu, I.(2016) and Baba and Aliyu (2024). The former shows how Osundare manipulates English stylistically to critique governance and expose social contradictions in Nigeria. Example: Osundare's metaphor of being “still in the woods” criticizes Nigeria’s entrapment in corruption and bad leadership. Baba and Aliyu (2024) show how English is the medium of law in Nigeria, and how its misuse of lack of clarity creates judicial confusion. For example: Vague statutory expressions like “reasonable time”, or “due process” generate inconsistent rulings. Our paper argues that abuse of English (ambiguity, vagueness, poor drafting) is the root cause of confusing and contradictory Judgements in Nigerian criminal justice system. Thus, addressing the linguistic roots of these interpretive problems, this paper aims to shed light on an often-overlooked yet critical aspect of legal reform in Nigeria. Ultimately, it underscores the need for clarity, precision, and accessibility in legal language to promote fairness, efficiency, and public confidence in the justice system.

The paper “Conflicts and Multiple Interpretation of Judgements in the Nigerian Criminal Justice System: Dealing with Abuse of English as the Root Cause” focuses on how poor or ambiguous use of the English language contributes to judicial inconsistencies, legal misinterpretations, and procedural confusion within Nigeria's criminal justice framework. In this context, “conflicts and multiple interpretation of judgements” refer to situations where different courts, legal professionals, or parties interpret the same legal pronouncement or statute in contradictory ways. This problem is compounded by the abuse of English-which includes grammatical errors, misuse of legal terminology, convoluted sentence construction, and a lack of semantic clarity. English, as the language of law in Nigeria, plays a vital role in shaping legal reasoning, the interpretation of statutes, and the execution of justice. Unfortunately, many legal practitioners lack adequate training in legal English and often confuse ordinary usage with legal meaning, resulting in ambiguity and miscommunication. As Olaniyi and Oluremi (2017) observe in their article "Language Use and Legal Interpretation in Nigeria’s Judicial Process," the misuse of language is a “silent but powerful contributor to delays and miscarriages of justice.” Similarly, Adebayo (2015), in "Legal Language and Justice Delivery in Nigeria," identifies linguistic ambiguity as a key factor in the misinterpretation of legal texts and judgments.

This issue has practical implications in legal proceedings. For example, in *Okocha v. The State* (1995), one of the key appellate arguments centred on the unclear language used in the lower court’s judgment, which led to conflicting interpretations at the appellate level. Such cases highlight how legal outcomes may be determined not solely by evidence or precedent but by how well (or poorly) the English language was used in articulating the judgment. The relevance of this topic to the Nigerian criminal justice system is, therefore, both urgent and far-reaching. It exposes a systemic weakness that affects access to justice, judicial efficiency, and public trust in the legal system. Improving the clarity and precision of English in legal settings is not merely a linguistic exercise but a necessary reform to uphold the rule of law and protect human rights.

Overview of Conflicting Judgements and their Impact on the Nigerian Criminal Justice System

Conflicting judgments have become a recurrent issue in the Nigerian legal system, particularly within the realm of criminal justice. These inconsistencies typically arise when courts of coordinate jurisdiction-especially at the High Court and Court of Appeal levels deliver contradictory rulings on similar or identical matters. While such conflicts are sometimes due to divergent interpretations of the law, a deeper issue often lies in the unclear, imprecise, or ambiguous use of the English language in court proceedings and judgments. The problem is not merely procedural-it strikes at the core of legal certainty, judicial authority, and the rule of law. Inconsistent judicial decisions not only confuse litigants and the public but also weaken confidence in the judiciary as a neutral and reliable arbiter. As C.J. Dakas (2019) explains in his influential paper “Judicial Precedent and the Challenge of Conflicting Decisions in Nigeria,” conflicting judgments “erode the doctrine of stare decisis and diminish the consistency that should characterize judicial reasoning.” When legal practitioners and judges are unable to interpret previous decisions due to linguistic vagueness or contradictions, the system becomes unpredictable and unreliable.

A common contributing factor is the problematic use of English, which often leads to divergent interpretations of legal texts and judicial pronouncements. In *PDP v. INEC & Ors* (2014), the Supreme Court criticized lower courts for relying on “strained and obscure readings” of earlier judgments, which were largely caused by poor drafting and ambiguous wording. Legal scholars such as Egbewole and Alabi (2016), in “Language, Legal Interpretation and Judicial Clarity in Nigeria,” have also identified the abuse of legal English as a hidden but powerful driver of conflicting decisions in Nigerian jurisprudence. The impact of this issue is significant. Conflicting judgments delay justice, increase the cost of litigation, and often force parties to escalate matters to higher courts, thus congesting the appellate system. More dangerously, they open the door to forum shopping, judicial bias, and selective enforcement of judgments, especially when politicians or powerful litigants exploit these inconsistencies to their advantage.

In sum, while conflicting judgments may seem like a procedural irregularity, they reveal a deeper institutional problem tied to the misuse of language in legal settings. Addressing this root cause is essential for restoring the credibility and functionality of the Nigerian criminal justice system.

Statement of the Problem

The Nigerian criminal justice system is plagued by inconsistencies in judicial decisions, many of which stem from conflicting interpretations of judgments. While such contradictions are often attributed to judicial discretion or divergent legal reasoning, a more fundamental and underexplored issue is the abuse of the English language in legal proceedings. As the official language of the courts, English is expected to serve as a neutral and precise medium for the expression of legal norms. However, in practice, the misuse of grammar, vague expressions, archaic terminologies, and poor sentence construction often leads to semantic confusion and legal ambiguity. This linguistic dysfunction becomes particularly problematic in a multilingual country like Nigeria, where English is a second language for most legal practitioners and litigants. The result is a justice system in which the same statute or judgment may be interpreted differently by different judges, thereby creating legal uncertainty and undermining the principle of stare decisis. In *Buhari v. INEC* (2008), the Supreme Court lamented the inconsistent interpretations of its decisions by lower courts, describing such practice as a threat to the integrity of judicial authority.

Furthermore, legal scholars such as Omole and Adeyemi (2018), in “Language and Law: A Nexus in Nigerian Judicial Practice,” argue that “linguistic ambiguity is the unacknowledged saboteur of judicial coherence in Nigeria.” This problem is not merely theoretical, it has practical consequences. Conflicting interpretations delay justice, promote forum shopping, compromise fair trial rights, and erode public trust in the judiciary. Despite multiple legal reforms and institutional interventions, insufficient attention has been given to the linguistic aspect of justice delivery. Thus, unless the abuse of English in legal contexts is recognized and addressed as a root cause of interpretive conflict, efforts at judicial reform may remain ineffective.

Purpose/Objectives of the Study

The main purpose of this study is to investigate how the abuse of the English language contributes to conflicts and multiple interpretations of judgments in the Nigerian criminal justice system. The research seeks to highlight the linguistic dimension of legal ambiguity and its implications for justice delivery, and to propose strategies for improving legal language usage in order to enhance judicial clarity and consistency.

Specific Objectives include to:

1. examine the role of English as a medium of legal communication in Nigeria and its influence on judicial interpretation.
2. identify specific linguistic patterns that contribute to conflicting judgments.
3. analyse selected cases where poor use of English has led to interpretative inconsistencies.
4. evaluate the implications of such linguistic misuse on judicial coherence, public trust, and access to justice.
5. propose reforms such as legal English training, plain language drafting, and standardized interpretative guidelines for judges and legal practitioners.

Conceptual Framework

The conceptual framework for this study is grounded in the intersection between language, law, and justice. Specifically, it explores how language use—particularly legal English—acts as both a tool and a barrier in the interpretation of legal judgments within the Nigerian criminal justice system. At the core of this framework is the concept of “linguistic clarity as a foundation for judicial consistency.” The study adopts a multidisciplinary approach that draws from legal linguistics, discourse analysis, and judicial communication theory to analyse how linguistic structures impact legal interpretation and case outcomes.

Two main concepts guide this framework; legal language abuse and Judicial Interpretation and Consistency. Legal language abuse refers to the improper use of English in legal settings, including grammatical errors, ambiguous phrasing, archaic expressions, and inconsistent terminologies. These often result in contradictory interpretations of statutes or judgments. According to Gibbons (2003) in *Forensic Linguistics: An Introduction to Language in the Justice System*, legal language must balance precision with comprehensibility to support justice delivery. Judicial interpretation and consistency refers to how judges and courts construe legal texts and apply them to specific cases. The Nigerian doctrine of *stare decisis* demands consistency, but conflicting interpretations due to language misuse undermine this principle. As Oba (2010) argues in “Language, Law and Judicial Reasoning in Nigeria,” inconsistent use of language fosters “interpretative fragmentation” in Nigerian courts. This framework helps to establish a clear link between the abuse of

English and the systemic issues in legal interpretation. It also provides a foundation for evaluating linguistic reforms as part of broader judicial improvements.

Scope of the Study

This study is limited to the criminal justice system in Nigeria, with a focus on the interpretation of judgments by courts of coordinate and appellate jurisdictions. It concentrates primarily on how linguistic misuse of English contributes to legal ambiguities, conflicts in court decisions, and broader judicial inefficiencies. The scope includes: analysis of selected criminal case judgments from High Courts, Courts of Appeal, and the Supreme Court where conflicting interpretations have been noted, review of statutory texts, judicial pronouncements, and legal documents to evaluate patterns of ambiguous or poor language use, focus on English usage in legal drafting, oral arguments, and judgment delivery, without extending into indigenous language interpretation or customary court systems, consideration of lawyers, judges, legal educators, and policymakers as key stakeholders in the discussion. Geographically, the study covers federal and state-level judicial systems across Nigeria, while conceptually, it is confined to issues of linguistic clarity, judicial consistency, and legal interpretation.

Theoretical Framework

This study is underpinned by two key theories: Legal Linguistics Theory and Hermeneutic Theory of Legal Interpretation. These theories provide the intellectual foundation for understanding how language shapes legal meaning and the administration of justice.

Legal Linguistics Theory: Legal linguistics is a field that studies the structure, use, and function of language in legal contexts. It explores how legal texts are written, interpreted, and applied. According to Tiersma (1999) in *Legal Language*, legal English tends to be complex, archaic, and often inaccessible, especially in jurisdictions where English is not the first language. In Nigeria, the legal community's reliance on such complex structures often results in miscommunication and conflicting interpretations of judgments.

Hermeneutic Theory of Legal Interpretation: Derived from the broader field of hermeneutics—the study of interpretation—this theory holds that legal texts must be understood within their linguistic, social, and contextual frameworks. Gadamer (1975) emphasized that meaning is not fixed in texts but emerges from the interaction between the text and its interpreter. In the judicial context, this theory explains why multiple judges might interpret the same judgment differently, especially when the language used is ambiguous or structurally flawed. This supports the study's claim that the misuse of English language is a key factor in conflicting interpretations of judicial decisions.

Together, these theories help to analyse how poor command of legal language contributes to inconsistency and confusion in the Nigerian criminal justice system. They also provide a lens through which reforms can be proposed, focusing on linguistic clarity and interpretive training.

Methodology

This study adopted a qualitative research design, combining document analysis, case study analysis, and semi-structured interviews to explore how the misuse of English contributes to conflicting interpretations of judicial decisions in the Nigerian criminal justice system.

Data Collection Methods

Document Analysis: A purposive selection of 10 criminal case judgments from High Courts, Courts of Appeal, and the Supreme Court where conflicting interpretations were recorded. Judgments were analysed for linguistic patterns such as ambiguity, grammatical complexity, inconsistent terminology, and interpretative variability.

Review of Statutory Texts: Selected sections of the Nigerian Criminal Code, Administration of Criminal Justice Act (ACJA), and Penal Code were examined for language-related ambiguities.

Semi-Structured Interviews: Interviews were conducted with judges, legal practitioners, and law lecturers (10–15 participants) to gather expert insights into how language use affects interpretation of judgments.

Data Analysis: Analysis was used to identify recurring linguistic and interpretive themes across court judgments and interview responses. Discourse Analysis was applied to uncover how language choices contribute to clarity or confusion in legal texts.

Scope and Limitations: The study focused on judgments delivered between 2010 and 2024 to ensure contemporary relevance. Limitations included restricted access to some court judgments, potential bias in interview responses, and the subjective nature of interpreting linguistic patterns.

This methodology was however, viewed suitable for uncovering the nuanced role of language in legal interpretation and for supporting the development of informed recommendations.

Literature Review

A substantial body of literature has examined the complex relationship between language and law, particularly the role that language plays in shaping legal outcomes, influencing judicial interpretation, and determining access to justice. In the Nigerian context, where English is both the official language and a colonial legacy, the clarity and precision of legal language become even more crucial.

Legal Language as a Specialized Register: Tiersma (1999), in his seminal work *Legal Language*, describes legal English as a highly specialized register, characterized by archaic vocabulary, long sentences, and convoluted syntax. He argues that while this legalese developed for precision, it often alienates laypersons and even legal professionals not well-versed in its conventions. His work provides the foundational understanding that legal language, though meant to clarify, can also obscure meaning when poorly used.

Language and Legal Interpretation in Nigeria: In the Nigerian context, Omole and Adeyemi (2018), in “Language and Law: A Nexus in Nigerian Judicial Practice,” examine how linguistic ambiguity contributes to conflicting interpretations in court rulings. They contend that legal practitioners’ poor command of legal English—ranging from grammatical errors to semantic confusion—leads to judgments that are open to multiple interpretations. The authors call for increased training in legal communication as a reform strategy.

Linguistic Ambiguity and Miscarriages of Justice: Egbewole and Alabi (2016), in their article “Language, Legal Interpretation and Judicial Clarity in Nigeria,” analyse how ambiguous language in legal texts contributes to judicial delays and errors. They provide case examples where unclear judicial pronouncements led to conflicting appellate decisions, highlighting the systemic consequences of language misuse.

Judicial Communication and Public Trust: Gibbons (2003), in *Forensic Linguistics*, emphasizes the necessity for clear communication in the justice system. He posits that language used in court judgments and proceedings must be both accurate and accessible, especially in multilingual societies. Though his work focuses broadly on common law jurisdictions, its relevance to Nigeria lies in his advocacy for plain language and transparent legal drafting.

Conflicting Judgments and Interpretive Challenges: Dakas (2019), in “Judicial Precedent and the Challenge of Conflicting Decisions in Nigeria,” notes that inconsistent language in prior judgments often leads to interpretive uncertainty. He links this issue to both linguistic ambiguity and the failure to apply *stare decisis* consistently. He argues that the clarity of legal language is integral to judicial coherence and predictability.

Language Training for Legal Professionals: Olaniyi and Oluremi (2017), in “Language Use and Legal Interpretation in Nigeria’s Judicial Process,” advocate for curriculum reforms in law faculties to include courses in legal English. Their research indicates that many Nigerian lawyers graduate with insufficient training in the linguistic nuances of legal practice, thus contributing to the problem of conflicting judgments and procedural confusion.

The reviewed studies consistently highlight the centrality of language to the effective functioning of the justice system. The research findings converge on a critical point: the misuse of English—whether through poor grammar, ambiguous terms, or inconsistent legal phrasing, is a significant contributor to conflicting interpretations of judgments in Nigeria. Although several scholars have recommended linguistic reforms, practical implementation remains limited. This review justifies the need for this present study, which aims not only to examine the linguistic roots of interpretative conflicts but also to propose actionable solutions, including training in legal English and the promotion of plain language practices within the criminal justice system.

The Impact of Language Abuse on The Interpretation of Laws and Judgements

The abuse of language—especially the misuse of English in legal texts and court judgments significantly undermines the clarity, coherence, and predictability of the Nigerian criminal justice system. When legal practitioners use ambiguous expressions, convoluted syntax, or outdated legalese, the intended meaning of laws and judgments becomes subject to misinterpretation, leading to conflicting rulings and legal confusion. According to Tiersma (1999), legal language should be precise, structured, and resistant to ambiguity. However, when misused, it becomes a source of legal uncertainty rather than a tool for justice. He warns that “legal misunderstanding often stems more from the language of the law than from its substance.” Gibbons (2003) similarly argues that language abuse in legal settings distorts legal meaning, especially in multilingual and postcolonial contexts, making justice inaccessible to both professionals and the general public.

In Nigeria, several studies have drawn direct connections between linguistic deficiencies and interpretative challenges. Omole and Adeyemi (2018) contend that ambiguous language in legal documents has led to conflicting interpretations even at the appellate level. Their analysis of court rulings shows that when judges are faced with unclear phrasing or contradictory expressions in legal texts, they are forced to rely on personal interpretations, which may vary significantly across jurisdictions. Egbewole and Alabi (2016) go further by identifying specific linguistic markers—such as redundant modifiers, double negatives, and poorly defined legal terms—as culprits in delayed or contradictory judgments. They cite instances where judges misapplied legal provisions because of textual ambiguities that could have been avoided with

clearer drafting. This misuse of language not only impairs the interpretation of existing laws but also erodes the authority of the judiciary. It contributes to prolonged litigation, increases appeals based on technicalities, and allows room for judicial activism or bias disguised as interpretation. Moreover, litigants, especially those without strong legal representation, find it difficult to understand court rulings, thereby obstructing access to justice.

Analysing the Nigerian Context and Relevant Case Laws

In the Nigerian legal context, where English is both a second language and the medium of court proceedings, the misuse or inadequate command of the language has a uniquely disruptive impact. Despite being modeled on the English common law tradition, Nigeria's legal system must navigate the complexities of interpreting laws written in a non-native language for a multilingual society. This results in not just linguistic but also cultural and contextual gaps in understanding. One illustrative case is *Okocha v. The State* (1995) 6 NWLR (Pt. 401) 321. In this case, the appellate court was confronted with a judgment from the lower court that lacked clarity due to poor sentence construction and inconsistent terminology. The appellate court criticized the lower court's use of "vague and imprecise expressions," noting that such language hindered proper review and contributed to conflicting interpretations.

Another case, *Buhari v. INEC* (2008) 19 NWLR (Pt. 1120) 246, highlighted how inconsistent wording in legal submissions and judgments complicated the interpretation of electoral laws. The Supreme Court observed that "the confusion arising from loosely worded pleadings and judgments opens the door to mischief and forum shopping." Similarly, in *INEC v. Action Congress* (2009) 2 NWLR (Pt. 1126) 524, the Court of Appeal struggled to reconcile earlier conflicting decisions due to differences in language and terminology used in interpreting the Electoral Act. The court ultimately acknowledged the urgent need for clearer, standardized legal drafting to avoid interpretive discrepancies. Beyond case law, scholars such as Olaniyan (2016) stress that judicial officers in Nigeria often lack training in legal linguistics, leading to avoidable misstatements and textual ambiguity. He suggests that law schools should incorporate modules on legal communication and drafting to address this deficiency from the foundational level. The Nigerian context is further complicated by regional linguistic diversity and unequal access to legal education, making the consistent use and understanding of legal English a national concern. While the Nigerian Bar Association and National Judicial Council have occasionally emphasized the need for judicial clarity, structural reforms and enforcement mechanisms remain weak.

Causes of Abuse of English In the Nigerian Criminal Justice System

The abuse of English within the Nigerian criminal justice system is neither accidental nor isolated—it is the product of several structural, educational, and professional factors. These factors contribute significantly to the miscommunication, misinterpretation, and inconsistency often seen in legal judgments and statutes. Below are the key causes, supported by scholarly works and case-based analysis.

Lack of Linguistic Clarity in Legal Drafting

One of the most pressing issues in the abuse of English is the poor linguistic quality of legal drafting. Legal documents—ranging from statutes to court judgments—are often written in complex, verbose, and outdated English. This results in unclear, ambiguous phrasing that invites multiple interpretations. Tiersma (1999) asserts that legal drafters frequently overuse archaic terms and complex sentence structures, assuming these add precision. However, in practice, they often obscure meaning. In Nigeria, laws such as the Criminal Code and Penal Code still contain colonial-era phraseology that has not been modernized, leading to confusion among

judges and lawyers. In their analysis, Egbewole and Alabi (2016) show how vague statutory language has led to judicial delays and reversals. They cite several appellate decisions where the courts noted that legislative ambiguity or poorly worded charges from prosecutors resulted in interpretative dilemmas and contradictory verdicts.

Inadequate Training of Legal Professionals in Legal Language

Another major cause of linguistic abuse in legal contexts is the insufficient training of lawyers, judges, and court officials in legal English and legal writing. While Nigerian law schools offer courses in legal method and jurisprudence, few focuses systematically on the mastery of legal language as a communicative and interpretive tool. Olaniyi and Oluremi (2017), in their empirical study of legal professionals in southwestern Nigeria, found that many judges and lawyers lacked formal instruction in legal drafting and interpretation. As a result, court proceedings were often marred by poor presentation of arguments, misuse of terminology, and ill-structured judgments. Gibbons (2003) emphasizes that legal professionals need specialized training in forensic linguistics to ensure accuracy and clarity in courtroom language. Without such training, judges are more likely to draft judgments that are open to conflicting interpretations.

Limited Access to Quality Legal Education

The quality of legal education across Nigeria is uneven, especially between urban and rural institutions. Many law faculties operate with outdated curricula, under-resourced libraries, and a lack of exposure to comparative legal-linguistic studies. These deficiencies limit students' ability to master the linguistic and analytical skills required for precise legal communication. Oba (2010) argues that poor language proficiency among law graduates is a direct consequence of weak foundational education in both English and legal writing. His study reveals that many legal practitioners graduate with a limited understanding of how linguistic nuances shape judicial outcomes. Adegoke (2018), in his work on legal education reform, calls for a revision of law school curricula to include modules on "Plain Legal English" and "Language and Judicial Reasoning." He notes that graduates from some Nigerian law faculties struggle to write coherent briefs, draft clear contracts, or interpret judgments effectively.

Summary: Factor, Effect on the System and Key Sources

Lack of linguistic clarity in drafting leads to misinterpretation of laws, conflicting judgments Tiersma (1999), Egbewole & Alabi (2016)

Inadequate training in legal language results in poor courtroom expression, unclear judgments, and ineffective legal advocacy Olaniyi & Oluremi (2017), Gibbons (2003)

Limited access to quality legal education Produces legal practitioners with weak linguistic and interpretive skills Oba (2010), Adegoke (2018)

These factors, when combined, create a cycle of miscommunication and inconsistency in the Nigerian criminal justice system. Recognizing and addressing them is crucial for judicial reform, especially if the goal is to reduce conflicting interpretations of judgments and restore faith in the rule of law.

Impact of Abuse of English on Conflicting Judgements

The abuse of English in legal communication has had a far-reaching and detrimental effect on the Nigerian criminal justice system, particularly in the form of conflicting judgments. This problem manifests when different courts-especially courts of coordinate jurisdiction or even appellate courts-interpret the same legal provisions, precedents, or judicial pronouncements in divergent ways due to linguistic ambiguity or miscommunication.

At the core of these conflicts is the inconsistent, imprecise, or outdated use of English in judicial writing and legal drafting. Legal expressions that lack clarity or consistency often lead to misinterpretation, leaving room for multiple and contradictory readings of the same legal texts or judgments.

Erosion of Judicial Consistency and Precedent: One major impact of the abuse of English is the erosion of the doctrine of stare decisis, which is the bedrock of legal predictability and fairness. When courts interpret laws and judgments differently due to linguistic confusion, legal consistency is undermined. Dakas (2019), in *Judicial Precedent and the Challenge of Conflicting Decisions in Nigeria*, emphasizes that “language abuse creates semantic inconsistencies that disrupt the logic of precedent.” He analyzes several appellate decisions where poor drafting in earlier rulings led to interpretive confusion and contradictory verdicts. According to him, “semantic ambiguity in one court judgment becomes a virus that infects the reasoning in another.”

Miscarriage of Justice and Procedural Delays Ambiguous or poorly worded judgments create confusion not only for judges but also for legal practitioners and litigants. Such confusion often leads to unnecessary appeals, reversals, and retrials, which delay the delivery of justice and burden the court system. Omole and Adeyemi (2018), in *Language and Law: A Nexus in Nigerian Judicial Practice*, analyze multiple criminal cases where imprecise language in judgments caused appeals to be upheld, not because of evidentiary errors, but because the meaning of the lower court’s decision could not be clearly ascertained. They argue that poor use of English acts as an “invisible procedural defect” that courts must constantly correct.

Confusion in Legal Interpretation and Multiplicity of Rulings: Language abuse also leads to varying interpretations of statutes and judgments, particularly when key legal terms or judicial directives are not uniformly defined or applied. For instance, in *INEC v. Action Congress* (2009), the Court of Appeal faced difficulty reconciling its ruling with previous decisions because of inconsistencies in language and terminology used in interpreting the Electoral Act. Similarly, in *Buhari v. INEC* (2008), the Supreme Court lamented how vague and imprecise pleadings submitted in earlier trials resulted in conflicting understandings of legal arguments and electoral procedures. The Court noted that such linguistic issues not only confuse the judges but also empower litigants to exploit semantic loopholes for strategic advantage.

Loss of Public Confidence in the Judiciary: When conflicting judgments occur frequently, especially on similar legal questions, the public begins to question the neutrality, competence, and credibility of the judiciary. Abuse of English in court language contributes to this problem by making court rulings inaccessible to ordinary citizens and reinforcing perceptions of judicial arbitrariness. Gibbons (2003), in *Forensic Linguistics*, stresses that clarity of legal language is vital not only for fair judicial interpretation but also for public trust in the justice system. He argues that “when justice cannot be understood, it cannot be respected.”

Summary : Impact, Explanation and Sources

Erosion of judicial consistency ambiguous language disrupts the application of precedent Dakas (2019)

Miscarriage of justice and delays appeals and retrials due to unclear rulings Omole & Adeyemi (2018)

Conflicting legal interpretations courts interpret same laws/judgments differently INEC v. Action Congress (2009), Buhari v. INEC (2008)

Loss of public trust complex and contradictory rulings alienate citizens Gibbons (2003)

These impacts reveal the urgent need to reform language use in Nigeria's criminal justice system. Without clear, accessible, and consistent legal English, the risk of conflicting judgments and miscarriages of justice will continue to persist.

Examining How Language Abuse Contributes to Conflicting Judgements

The abuse of the English language in the Nigerian criminal justice system significantly contributes to the problem of conflicting judgments. This abuse is primarily reflected in the ambiguity, vagueness, misinterpretation, and inconsistent use of legal principles that arise from poor linguistic expression in legal drafting and judicial pronouncements. Each of these dimensions creates room for uncertainty in judicial reasoning and undermines the predictability of court decisions.

Ambiguity and Vagueness in Legal Language

Ambiguity- when a word, phrase or provision can support two or more distinct interpretations arises when a legal text or judgment can be reasonably understood in more than one way, while vagueness- when the meaning is indeterminate, fuzzy or has borderline cases, occurs when the boundaries of a legal concept are unclear. Both are common features in legal documents where English is poorly or inconsistently used. Legal drafters in Nigeria often rely on archaic or overly technical phrases without regard for clarity, leading to judgments that are difficult to interpret. For instance, Egbewole and Alabi (2016) point out that the use of double negatives, excessive qualifiers, and obscure terms in criminal statutes has led to prolonged litigation and appellate intervention. The presence of two negatives ("no...not) in "no person shall not be denied emergency medical treatment" makes it grammatically and legally unclear whether the clause creates a right(person shall not be denied) or prohibition (no person shall not be denied).

This sort of construction invites litigation about whether the phrasing creates a substantive right enforceable in court or is simply poor drafting. Litigations stem repeatedly from the use of excessive qualifiers such as "reasonable", "sufficient", "substantial", "in the opinion of" in statutes that criminalize conduct -when an officer has "reasonable cause to suspect" or when something is done "without reasonable excuse" or when an act is done "in the opinion of" an official. Such litigations are with regards to whether the statutory qualifier was satisfied by the facts.

A notable example includes poorly phrased charges that fail to clearly define the offense, resulting in dismissals or retrials. The Nigerian supreme court has recently reaffirmed that an unsigned charge or other fundamental formal defects can render a trial a nullity(not a mere technical irregularity).That means the whole proceedings may be struck out rather than cured- leading to discharge, quash or (in some circumstances) retrial only if Jurisdiction can be restored. See *State v.Tari Sabagi/ State v.Amos*(Supreme Court discussions in 2024 about unsigned charge being jurisdictional). In *Abidoeye v. Federal Republic of Nigeria*- defendants were charged on many counts described as laced with "intent to defraud"where the way the counts were framed did not disclose a recognized offence or the necessary ingredients; on appeal the defect in the charge was central to quashing convictions or ordering remedies.(Reports of the appeal and commentary describe the counts as defective because the essential ingredients were not properly pleaded).

Tiersma (1999) supports this position, noting that legal ambiguity-when not intentional, is "a design flaw" that invites conflicting readings. He argues that plain and direct language should be the goal of all legal drafting.

Using "And/ Or" Clauses: Example. A statute might criminalize behavior done "with Force and violence, or by intimidation".

Drafted badly, a prosecutor may charge that an act was done “with Force and violence and/or intimidation.”

Courts then split: some read “and/or” conjunctively (both required), others disjunctively (either sufficient).

Result: contradictory appellate rulings, all because the drafting used a clumsy connector.

Tiersma critiques this kind of drafting as unnecessary complication; plain English would specify “either...or..”.

Here are some examples of ambiguity and vagueness in Nigerian Legal Language:

1. Placement or scope of modifiers (“only,” etc)

Example:

A sentence in statute: “The Secretary of the Council of Legal Education may only authorize expenditure exceeding N100,000”.

This can be read in two ways:

(a) Only the Secretary, of all people, may authorize expenditures over that amount; or

(b) The Secretary has authority only over expenditures exceeding N 100,000 (so he cannot authorize anything less).

The ambiguity arises from where “only” attached. This kind of ambiguity arises from syntax and “scope” or modifiers.

2. Use of “or” vs “and”

If a law says “X shall committ offence if he does A or B”, is it disjunctive (A or B suffices) or conjunctive (both A or B required)?

Sometimes the law or judgement treats “or” as “and” to avoid absurdity because the plain text is unclear.

3. Undefined general terms:

E.g a statute refers to “public interest”, due process”, “reasonable time”, or proper exercise of discretion” without defining those terms.

Different judges may interpret what “reasonable” means differently: what is reasonable in one case may not be in another. That is ambiguity: multiple possible paths.

4. Overlap/ conflict in provisions

Suppose one section of a statute says “all vehicles must stop at the border checkpoint”, while another section gives an exception for “official vehicles”. If “official vehicle” isn't defined, or if the scope of “official” is vague, whether some government vehicle qualifies may be ambiguous.

Examples of vagueness in Nigerian Legal Language

1. “Any way not specifically defined in this law”

Example: Section 97(3) of the Criminal Law of Lagos State

“Any person who attempts, in any way not specifically defined in this law, to obstruct, prevent, pervert or defeat the course of Justice is guilty of a misdemeanor...”

The phrase “in any way specifically defined” is vague: what are all the “ways” not specified? How do you know whether a particular action is or not “specifically defined”? This leaves borderline cases and gives wide discretion.

2. ” Consultation “ in constitutional or statutory provisions

In some legal provisions, the word “consultation” is required - for example, where a law says a minister must act “after consultation with” some other body. What degree of consultation? Is it formal/minutes, or informal? Does

“consultation” require agreement, or just that the other party be heard? The lack of definition makes this vague.

3. “Reasonable time/ reasonable” type clauses

Many laws and contracts use “reasonable” or “reasonable time” without specifying. What is “reasonable time” to deliver a document? What is “reasonable conduct” in the performance of contractual obligations? These produce fuzzy edges: the courts often have to interpret these on case-by-case basis.

4. “Proper exercise of discretion” / “due process”

Terms like “due process”, “natural justice”, “proper exercise of discretion” are often used without granular detail, creating vagueness. For instance, a law may require administrative authorities to act in a “fair manner” or “justifiable manner” but leave undefined what procedures or standards constitute fairness or justifiability.

Misinterpretation of Laws and Statutes

When judges and legal practitioners confront poorly drafted or ambiguously worded legislation, they are often forced to fill in the gaps using personal reasoning or judicial discretion. This leads to divergent interpretations of the same law, especially in criminal cases where precision is essential.

In *INEC v. Action Congress* (2009), (also reported as *Action Congress v Osun State INEC* (2009) in many sources.

Background

. The Action Congress and some other parties challenged the conduct of local government elections in Osun State scheduled for 15 December 2007. They argued the elections were invalid because the statutory notice periods required by the Electoral Act 2006 (Federal Law) were not complied with. Specifically, there was a requirement under the Electoral Act that a 150-day notice must be given for certain elections, which the appellants claimed had not been met.

Misinterpretation/ incorrect Interpretation by lower court

The lower court (Osun State High Court, and later the chief judge)

Interpreted a provision (possibly, a state Electoral Law) to mean that a much shorter notice (21 days or similar) was sufficient. They treated a State law's provision as consistent with a federal law requirement or effectively subordinated the federal requirement to the state law.

. The part of the misinterpretation is thinking that a state law could override or reduce what the federal Electoral Act prescribed . The lower courts held that section 10 of the Osun State Electoral Law was consistent with section 31 of the Federal Electoral Act. But the Court of Appeal found that Interpretation incorrect.

Court of Appeal's Correction

The Court of Appeal held that the federal law (Electoral Act) must prevail over any inconsistent state law , per the doctrine of supremacy/ inconsistency under the Constitution . The federal requirement of 150 day notice could not be reduced by state legislation.

The Court also held that the notice given in May 2007 was inadequate- that is, it did not satisfy the 150-day requirement. Therefore, the elections held on December 15, 2007 were nullified.

Misinterpretation of Key Points

The lower court misinterpreted the relationship between the state and federal statutes, failing to respect that federal law supercedes conflicting state law.

The lower court misinterpreted or misapplied the notice- period requirement, possibly by misreading Language about when notice must be given and what sources of law apply.

There was also misinterpretation in squatting “substantial compliance” or “adequate notice” (from state law or in practice) with the strict requirement of the federal statute. The appellate court thought that insufficient.

The appellate court struggled to apply the same provision of the Electoral Act as in previous cases due to linguistic inconsistencies in earlier rulings. This resulted in a decision that directly contradicted earlier precedent.

Similarly, in *Okocha v. The State* (1995), the court identified serious ambiguities in the lower court’s judgment that complicated the appeal process. These included incomplete sentences, inconsistent terminology, and vague reasoning that left the appellate court to “guess the intention of the trial judge.”

Such misinterpretations are often not caused by legal disagreement, but by linguistic defects in the text or judgment under review.

Inconsistent Application of Legal Principles

The abuse of English in judicial reasoning can lead to the inconsistent application of legal principles, even where case facts are similar. When the same principle is described in different ways across multiple judgments—due to imprecise language or poor articulation—courts at the same level may unknowingly contradict one another. Dakas (2019) notes that “linguistic inconsistency in the articulation of legal doctrines has led to multiple lines of authority on identical issues.” For example, courts may interpret “reasonable doubt” or “burden of proof” differently, not because the doctrine has changed, but because its expression varies from one judgment to another.

Moreover, inconsistent terminology—such as switching between “conviction” and “finding of guilt” without distinction—further complicates legal analysis. This leads to conflicting decisions and impairs the ability of lawyers to advise clients or predict case outcomes based on precedent.

Language Issue	Consequence	Supporting Work/Case
Ambiguity and Vagueness	Multiple Interpretation of the same statute or judgement	Egbewole & Alabi (2016) Tiersma (1999)
Misinterpretation of Statutes	Contradictory application of laws by different courts	INEC v. Action Congress (2009); Okocha v. The State (1995)
Inconsistent Legal Terminology	Divergent understanding and use of legal principles	Dakas (2019)

In sum, the abuse of English—whether through ambiguity, vagueness, or inconsistent expression—serves as a root cause of conflicting judgments in the Nigerian criminal justice system. This phenomenon undermines the doctrine of precedent, erodes judicial credibility, and obstructs access to justice. Addressing these linguistic issues through

legal education reform, language training, and clearer drafting standards is imperative for the restoration of consistency and fairness in judicial decision-making.

Consequences of Conflicting Judgements

Conflicting judgments in the Nigerian criminal justice system are not merely technical or procedural issues -they carry serious consequences for the rule of law, access to justice, and public confidence in the judiciary. These consequences are exacerbated when conflicting judgments stem from the abuse of language, which creates inconsistencies in legal reasoning, interpretation, and application. This section explores the far-reaching implications of such contradictions, focusing on the erosion of trust, injustice, and legal inefficiency.

Erosion of Trust in the Justice System

Public confidence in the judiciary depends on the predictability, coherence, and fairness of court decisions. When courts of coordinate or even superior jurisdiction issue conflicting rulings on similar legal questions, it leads to perceptions of bias, incompetence, or corruption. This weakens the authority of the courts and undermines the foundational principle of legal equality. Gibbons (2003) asserts that when legal language is abused and judgments are inconsistent, "the legal system becomes linguistically inaccessible and morally questionable." In Nigeria, the frequency of conflicting decisions-especially in politically sensitive or high-profile criminal cases, has fueled public skepticism and diminished trust in the objectivity of the judiciary. Dakas (2019) also highlights that the inconsistency of judicial decisions due to language-related confusion has turned the courts into arenas of unpredictability, where litigants and lawyers exploit interpretive gaps to gain advantage.

Injustice and Miscarriage of Justice

One of the gravest consequences of conflicting judgments is the potential for injustice and miscarriage of justice. When courts interpret the same law or judgment differently, similarly situated defendants may receive different outcomes-one may be convicted while another is acquitted, despite comparable facts and legal arguments. Omole and Adeyemi (2018) cite instances where unclear judgments or misapplied legal principles led to the wrongful conviction or discharge of accused persons. In *Okocha v. The State* (1995), the appellate court criticized the lower court for drafting a judgment with vague and contradictory language that made it difficult to affirm or overturn the conviction without ambiguity. These inconsistencies violate the constitutional guarantee of fair hearing under Section 36 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) and diminish the legitimacy of the justice system.

Delays and Increased Costs in Legal Proceedings

Conflicting judgments often lead to prolonged litigation, as parties are forced to appeal, seek clarifications, or request retrials to resolve ambiguities. This not only clogs the court dockets but also imposes financial and emotional burdens on litigants. Olaniyi and Oluremi (2017) argue that linguistic deficiencies and conflicting rulings contribute to judicial inefficiency, noting that many cases that reach the appellate courts do so because of technical or semantic issues, not substantive legal errors. This results in unnecessary delays and drains judicial resources. The economic cost is also significant. Legal fees, court filing expenses, and transportation costs accumulate as cases linger, particularly affecting indigent defendants who lack the means to pursue prolonged appeals.

Summary: Consequence Explanation and Supporting Sources

Erosion of trust in the justice system inconsistent rulings reduce public faith in judicial neutrality and fairness Gibbons (2003); Dakas (2019)

Injustice and miscarriage of justice conflicting decisions may lead to wrongful convictions or arbitrary acquittals Omole & Adeyemi (2018); Okocha v. State

Delays and increased legal costs Confusion and appeals caused by conflicting rulings burden the system and litigants Olaniyi & Oluremi (2017)

The consequences of conflicting judgments go far beyond academic or technical concerns—they directly threaten the core values of justice, equity, and the rule of law in Nigeria. Whether it leads to the loss of public trust, the denial of fair trial rights, or economic burdens on court users, the damage caused by these inconsistencies must be addressed. One fundamental starting point is to confront the abuse of English as a root cause, ensuring that legal language serves clarity, precision, and justice.

Solutions to Mitigate the Abuse of English

Addressing the abuse of English in Nigeria’s criminal justice system is essential for restoring clarity, consistency, and credibility in legal judgments. As demonstrated throughout this study, linguistic deficiencies are a root cause of interpretive confusion and conflicting rulings. The following are proposed solutions to mitigate the problem, based on scholarly recommendations, legal education reforms, and global best practices.

Improvement in Legal Education and Training

One of the most effective long-term solutions is to revise the legal education curriculum to emphasize legal writing, legal English, and language interpretation skills. Law faculties across Nigerian universities should integrate compulsory courses on legal communication and drafting, specifically tailored to the Nigerian multilingual context. Adegoke (2018) recommends the institutionalization of Plain Legal English courses in both undergraduate law programmes and at the Nigerian Law School. He argues that many law graduates lack the linguistic tools to draft clear legal arguments or interpret statutes effectively due to inadequate language-focused training. In addition, clinical legal education programmes should be encouraged to develop students’ practical communication skills in real-world legal settings, as done in other common law jurisdictions like the UK, Canada, and South Africa.

Promotion of Clear and Concise Legal Language

Another critical reform is the adoption of plain language principles in legal drafting. Judges, lawyers, and legislators must be encouraged—and in some contexts required—to use simple, direct, and unambiguous language in statutes, judgments, and legal correspondence. Tiersma (1999) and Gibbons (2003) both advocate for a “Plain Language Movement” in legal systems to improve public understanding and judicial coherence. In Nigeria, this means replacing verbose colonial-era expressions with modern, standard English, and adopting editorial guidelines that prioritize clarity over formality. The Law Reform Commission of Nigeria, as well as bar associations, could issue style manuals or drafting guides to support consistent use of terminology and sentence structure across jurisdictions.

Enhancement of Judicial Training and Capacity Building

In-service training for judges and magistrates is essential to address the linguistic dimensions of judgment writing and statutory interpretation. Many judges operate with outdated legal language norms or limited exposure to discourse analysis and interpretive techniques.

Olaniyi and Oluremi (2017) recommend continuous judicial education workshops that include modules on legal English, textual coherence, and linguistic analysis of statutes. These programmes, ideally facilitated by the National Judicial Institute (NJI), should also focus on how to avoid ambiguous phrasing and structure judgments for clarity and precedent value. This approach not only builds capacity but also reinforces the consistency of rulings across jurisdictions.

Additional Measures:

Development of a National Legal Lexicon: A standardized glossary of legal terms tailored for Nigerian legal use would minimize variation in interpretation and promote uniformity in legal language. Increased Collaboration with Linguists: Courts and legal educators can benefit from partnerships with applied linguists and discourse analysts to evaluate and refine legal communication tools.

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