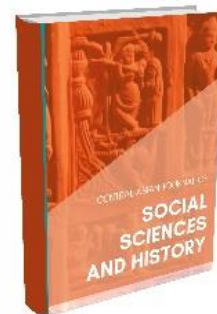




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A Comparative Study of the Legislative Institutions in Nigeria and the United States of America

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Abstract:

This study was a comparative study of the legislative institutions in Nigeria and the United States of America. It analyzed the theoretical and practical functioning of the legislatures in both countries because Nigeria is a developing country and the United States of America is a developed country. The study used the descriptive analysis method and relied on a secondary source of data collection. It revealed that both countries are heterogeneous societies and practice a presidential system of government. However, their similarity is more in structure than function. The Nigerian presidential system is based on influential individuals and less established institutions, whereas the United States of America has powerful institutions. There is a separation of powers and commensurate checks and balances in the United States of America, unlike in Nigeria. The United States of America's electorate and Congress elect the presiding officers by themselves without external influence, which is not so in Nigeria. The primary factor that works against Nigeria's legislative institutions is the nature of its democratic processes, with corrupted party primaries and electoral processes and a powerful president or governor who dictates who the presiding officers of the legislatures should be. According to the study, Nigeria should build robust, durable, democratic institutions that guarantee checks and balances. In addition, the level of poverty should be addressed in Nigeria through a fair distribution of national income that will give the electorate a stronger voice.

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The developed countries should also assist developing countries like Nigeria to grow their democratic institutions and economies with no strings attached. This assisted growth should be as homegrown modifications to suit their peculiarities, unlike the present wholesome adoptions. America should also learn from Nigeria by amending its constitution to allow the Senate to elect its presiding officers from its members to avoid a Trump-like attempt to truncate a presidential election in the future.

INTRODUCTION:

A legislative institution is a law-making body in a country where bills are initiated and passed after following laid-down processes. Besides law-making, other functions of the legislative houses include the confirmation of specified categories of officials listed in the constitution, approving budgets, and other law-making and constitutional processes of the legislature.

An examination of the work of legislative institutionalization; historical origins and analytical framework written by Camino (2013, p.2) said, "this article revises the theory of legislative institutionalization, which emerged in political science to analyse historical trends in the US Congress. It singles out Polsby's *The Institutionalization of the US House*" as the starting point of this theory. It maintains that this theory aims to understand legislatures' historical development, highlighting governance issues, authority building, and differentiation from the environment. After reviewing the observations and criticisms raised by the theory, this article provides an analytical framework to study the institutionalisation of national democratic legislatures based upon a traditional process-oriented concept of legislative institutionalization. The framework draws from theoretical sociologists and presidential researchers, all of which are brought together to understand the process that presides over the institutionalisation of a legislature.

According to Camino (2013), the legislature is not built on people as individuals come and go, but the structures remain as permanent organs; and it's affected by the operating environment, which includes the level of political civilization, democracy, and the constitution in place, and the form of government in place, i.e., presidential or parliamentary system. He said that the legislature differs from place to place based on culture, state of development, and the type of government in the area. He was categorical that the differences that exist are not a result of the level of economic growth but of the institutional design, policy-making authority, political regime, party system, etc. However, Ukase and Dzeka (2018) wrote about Nigerian's legislative evolution thus:

Towards the close of the 20th century, sensational political changes took place in Africa and in other third world countries (TWCs), which ignited widespread democratization in several nation-states previously under diverse forms of autocratic regimes. However, the zeal and enthusiasm with which these TWCs embraced democratization diminished as soon as elections were concluded, thus jeopardizing the sustainability of the emerging democracies. For instance, in African states, democratization has remained problematic. The dilemma is that there is an articulated desire to democratize the polity, but the spirit, commitment, and political will to actualize this desire is lacking. Indeed, elected and appointed political office holders at all tiers of government circumvent and subvert the democratization process through the deflation of the constitution and all known

democratic norms and principles. Sadly, this allows the state to suffer, in most cases, from the personalization of state authority (p.21).

Democracy, going by what was said about it, exists when there are durable structures because they are not personalized, as a personality cult does not have any place in the legislature's institutionalisation in any society.

This has provided insight into the issues of structures, design, functions, and relationships with the environment of legislative institutions in Nigeria and America, both of which use a presidential system of government with two legislative houses at the center, known as the Senate and House of Representatives. The state has only one chamber, the same as the local governments that have one chamber for councillors. This paper will critically evaluate the legislative institutions in Nigeria and America to see their similarities, differences, strengths, and weaknesses. This study will compare and contrast two legislative bodies from the same type of presidential government, one in a developing country (Nigeria) and one in a developed country (America).

ORIGIN OF LEGISLATIVE INSTITUTIONS

About the Virginia House of Burgess, the Pennsylvania Assembly, and the New Hampshire Assembly, we can learn a great lot. In his recent study of the Virginia General Assembly in the seventeenth century, for instance, Billings (2004, p.33) acknowledges that "little direct testimony remains for reconstructing the organisation and procedures of the House of Burgess before 1650" for the comparative study of legislatures, as a result of the difficulty of obtaining information on the assemblies, particularly regarding their early histories. How the House selects its speakers and clerks is also unclear."

The few journals kept by members provide a flavour of assembly politics and insights into legislative procedures, particularly those of the first speaker in Virginia, John Pory (Powell, 1977), Burgess Colonel Landon Carter (Green, 1975), and Connecticut Assemblyman William Williams (Turner, 1975). However, information constraints compel the vast majority of existing research on colonial assemblies to be descriptive, and not easily systematised or quantified. " He advised that a political scientist must study and understand the evolution of colonial assemblies because all of the colonies that emerged from the original state had legislatures and the colonial experiences aided in the design, structure, and operation of legislative branches in states created after independence. He relied on Lutz (1999), Squire (2005), and Hamm (2005) to substantiate his contention that the experiences of the colonies aided subsequent assemblies. The legislature in the United States of America comprises the Senate and House of Representatives, collectively called Congress. It came into being through Article 1 of the Constitution, and it has the exclusive power to enact the law, oversight functions, and confirmation or otherwise of the president's nominees. The House comprises 435 elected members from 50 states. There are six commonwealths: Puerto Rico, Columbia, Guam, the United States Virgin Islands, American Samoa, and Northern Mariana.

The origin of Nigeria's legislative institution is historic. Chilaka (2021, p.9) said, "it historicised the developmental trajectory of the legislature in Nigeria, and observed that the legislature before independence performed advisory and ratification roles." It also analysed the structure of the Nigerian legislative, which consists of a political and administrative framework that allows it to fulfil its duty. Additionally, Chilaka argued that "The genesis and growth of the Nigerian legislature may be traced back to 1861. The colonial authority authorised the legislative assembly's launch in that year. The two legislative houses in the middle are the bicameral legislature, which was established by Section 4 of

the Nigerian Federal Constitution. The Senate consists of 109 members, while the House of Representatives has 435. According to Muheeb (2019, p.207), "the Nigerian experience in legislative practise began in 1862 when the British established the legislative council."

Others, including Fashagha (2018: p.207), have written about the beginnings and development of the Nigerian legislative. With the inheritance of Britain's parliamentary constitution, the first Republic began in 1966. The incapacity of the political elites to manage the inherited system and maintain inter- and intra-party harmony as well as inter-ethnic understanding led to a turnaround in 1966, notwithstanding the euphoria of independence. Between 1976 and 1979, the military and political leaders developed a consensus on the need to embrace a presidential system, which they viewed as containing the prerequisites for achieving stability. In 1983, however, the second Republic, which began with the 1979 presidential constitution, crumbled." Thus, he continued, "it was contended that the adversarial politics of the ruling elites weakened both the parliamentary and presidential constitutions of the republic." This indicates that the legislative houses of the two republics were likewise impacted by the competition between the ruling elites.

Ojo (1977:p.196), in contributing to the origin and status of Nigeria's legislature, wrote thus, "on October 1960, Nigeria became an independent state, but never the less remained a dominion state of Britain." What this entailed in respect of the legislature was that the parliament consisted of a Governor-General representing the crown, the Senate and the House of Representatives. What Ojo is saying is that there must be, in existence, the above-listed institutions before a legislative measure can become an Act or Law, and this is why the constitution of 1960 did not alter the legislative influence and powers of the British crown in its colony, Nigeria.

The legislative is defined by Fayemi (2012) as a body of people in a country or state with the authority to enact, amend, and abolish laws. Although the nature and content of legislative bodies can vary from country to country, its principal duty is to enact laws that promote peace, order, and good government. This function encompasses deliberations on subjects of general and specific interest, lawmaking, debate, amendment, and oversight of the executive branch.

Statement of the Problem

Nigeria's legislative institutions cannot act as adequate checks and balances. They are weak, while the legislative institutions in America are strong and independent. It is observed that the Nigerian situation is common in developing countries, while the situation of American legislative institutions is common among developed countries. However, despite the years of development of the American legislative house, the country witnessed global embarrassment when President Donald Trump attempted to manipulate his Vice, who was also the President of the Senate, to truncate the ratification of the presidential election's results. The above shows the loopholes in American democracy. Against this backdrop, this study seeks to compare both countries' legislative institutions to identify their strengths and weaknesses and make robust recommendations for those challenges.

Objectives

The primary aim of this study is to highlight the key features of American and Nigerian legislative institutions and to examine the fault lines to see how one can learn from the other to improve the present state and its functioning.

Thus, the study will focus on the following objectives:

1. to highlight the distinct features of the American and Nigerian legislative Houses
2. to analyse the challenges associated with both systems,
3. to make robust recommendations to strengthen the American and Nigerian legislative houses.

Research Questions

1. What are the distinct features of the American and Nigerian legislative houses?
2. What are the challenges associated with the American and Nigerian legislative houses?
3. How can the American and Nigerian legislative Houses be strengthened to meet the current needs of both countries?

REVIEW OF RELATED LITERATURE

What is a legislature?

Badru (2005), IMC (2005), Wele (2006), Mimiko (2007), and Oddih (2007), all referenced by Gberevbie (2014), believe that a society must have democracy because it promotes good governance and progress. He went on to remark that for democracy to accomplish its objectives, the Nigerian government must implement measures to enhance the nation's democratic institutions and increase political education among politicians and public as a prerequisite for good governance and growth.

The Venice Commission of the Council of Europe, in the Council in brief on Human Rights and Democracy, wrote that the Venice Commission's essential task is to assist states in the constitutional and legislative fields to ensure the democratic functioning of their institutions and respect for fundamental rights and this was adopted in March 2016 by the commission and the committee of ministers endorsed it in September 2016.

In their study titled *Democratic Institutions and Democratic Politics*, Luckham *et al.* (2003) view democracy as a tool for establishing stable, effective, and legitimate governance by establishing mechanisms to include the largest number of citizens in decision-making and access to socio-economic resources. There are numerous democracy shortcomings, but there are opportunities for democratic politics to address them (Luckham, et al. 2003). The above-mentioned instruments and procedures are long-lasting institutions that are established and maintained through time to give effect to pluralism and create the platform in the enabling environment for rule by the people. They added, Corporatist structures can enable weaker working-class political actor's effective engagement in policymaking (Luckham, *et al.*, 2003). Strong institutions, as opposed to individuals, permit a greater number of people to have a say in their affairs. Individuals are weak; they rely on the institution's strength to make impactful contributions, but when the individuals are substantial, the institutions are weak, and there is a considerable limit to what individuals and institutions can do together. This is one of the main things that sets developing institutions apart from developed institutions.

Democratic Institutions

Fishkin (2001, p.1-2) asserted that "early democratic institutions, such as those in ancient Athens, enfranchised only a tiny portion of the population. But the 2,500-year history of democracy can be viewed as one of progressive inclusion through the gradual elimination of restrictions based on narrow definitions of citizenship, property and/or educational qualifications, race and ethnicity, and gender.

Most modern developed democracies approach universal enfranchisement of adult citizens (Dahl 1989). Of course, many citizens who are theoretically entitled to participate do not actually do so. Except for a few countries such as Australia and Brazil that have successfully implemented compulsory voting, most democracies leave participation to an individual decision, with variations in terms of how much of the burden of voter registration falls on the individual, such as the USA and Switzerland, which are distinctive for offering many opportunities for public consultation but routinely have low turnout rates. In the United States, only about one-half of the adult citizen population actually votes, even in the most important elections, such as for the US presidency. The history of building democratic institutions has been hard and has moved forward. This is because countries have faced and still face problems on the cultural, economic, and ethnic levels, and because people are stubborn about their right to choose.

Then, Martin (1997) wrote on democratic institutions and took the following position. It is argued that active civil rights necessitate agencies to formulate, maintain, and harmonise them; the question then becomes whether there are any types of government agencies capable of producing and enforcing rights. It is plausible to argue that democratic institutions — universal suffrage with one vote per person, regular and contested voting at two distinct levels (the level of parliament and the level of general elections), and majority rule — can effectively perform this function and thus provide the environment necessary for civil rights. According to Haghe et al. (2017), the Athenian Ecclesia was among the oldest recognised legislatures. European monarchs and queens attended assemblies of the aristocracy during the Middle Ages. These gatherings were the precursors to contemporary legislatures.

Types of Legislative Institutions

We have two types of legislatures, namely bicameral and unicameral. Bicameral is when there are two houses or chambers, and Unicameral is when a single house or chamber exists.

Roles of Legislative Institutions

It performs primarily the role of the drafting of all principal laws of the central government like bills and it takes four forms namely: bill, joint resolution(s), concurrent resolution or simple resolution, and assent by the executive or overriding of a presidential veto by 2/3 majority. In Nigeria and America, there are two chambers of parliament under a presidential system of government. According to Rubicki (2019), to override a presidential veto, a bipartisan or multi-partisan approach is needed as "voting is mostly on a partisan basis."

Types of legislation

We have the following types of legislation in America and Nigeria: contract law, property law, trust law, criminal law, constitutional law, and administrative law. The constitutional law in America and Nigeria is the ground norm. It provides the framework, foundation, and platform for the making of laws, the protection and safeguarding of human rights, the orderly election of political representatives; and the appointment of high officers of the state that are nominated, screened, and approved before they can be sworn in.

THEORETICAL FRAMEWORK

This work's theoretical foundation is qualitative comparative analysis as a strategy for theory development. It is a set-based theory that uses the concept of sets and relations to describe the relationship between random conditions and outcomes. The researcher uses similarities between the previously stated groups to develop and evaluate them. According to Miles and Weitman (1994), qualitative comparative analysis is a theory-building method in which the analyst creates links between previously recognised categories and tests and develops these categories further. This theory will examine the strengths and shortcomings of the legislative institutions in the United States and Nigeria in order to identify development areas.

Legislative Institutions in America

The legislative institutions of America, which are developed countries practising a presidential system of government, are bi-cameral at the federal government level, which means that they practise a federal system of government where the centre has the Senate with the Vice President as Senate President and the House of Representatives with the Speaker as the presiding officer. They practise true federalism as the component states have legislative institutions controlling revenue and natural resources. Like all institutions in developing countries, the American legislative institution is not personalised but highly institutionalised as they have durable and sustainable structures in place.

Obando (2013, p.180) said, "dimensions encompass some legislative building elements whose existence ought to be verified by the student: the external dimension encompasses the element of personal differentiation, and the internal dimension encompasses the elements of internal complexity and managerial autonomy." What this is saying is that the internal and external environments have a role to play in the functioning and powers of a legislative house. The legislature cannot be detached or immune from its environment. That is the reason why former President Donald Trump wanted to destabilise the Senate using his Vice President, who is the head of the Senate, the whole nation, and both his parties—the Republicans and the Democrats spoke with one voice. Even when Trump supporters stormed Capitol Hill, to prevent the Senate from ratifying the Presidential election results as provided by the American constitution, the Vice President of Trump and the majority of the segments of the American society rose with one voice to say a big NO. Jalonick, Tucker and Long (2021) emphasized *Donald Trump's extraordinary effort to overturn his 2020 election defeat brought the Justice Department to the brink of chaos, and prompted top officials there and at the White House to threaten to resign, a senate judiciary committee report found that:*

The report released Thursday by the Democratic-run committee offers new insight into how the Republican incumbent tried to undo the vote and exert his will on the department, asking leaders to declare the election corrupt and disparaging its top officials for not doing anything to overturn the results, in an attempt to enlist the DOJ for personal, political purposes to maintain his hold on the White House. The report says: "Trump grossly abused the power of the presidency and arguably violated a federal law that prohibits anyone from commanding federal employees to engage in political *activity*."

Several authorities have written on the handling of legislative business through internal rules that are formal and informal, like Polsby (1968), Huntington (1973), Florina (1992), Scartascini and Tommasi (2021), Opello (1986), and Camino (2013). Their combined position is that legislative bodies change over time because of the developments in their external and internal environment and the membership's career goals are driving it. The California Assembly case study that has different career

ambitions than US representatives in the US House of Representatives is an example. Seniority is the yardstick for occupying positions, but in the California house, it is not so as it has established a well-defined boundary of exclusivity on that. However, the universality of the fundamental principles of pluralism, the rule of law, and other democratic provisions remained unaltered in all American legislative institutions to strengthen democracy and the rule of law.

According to Chevalher (1981, pp. 14–17; 1996), referenced in Dri (2009), the process of institutionalisation shows a transient stability that transcends this contradiction. Thus, institutions are the consequence of an evolutionary route characterised by three fundamental movements: specification, differentiation, and unification. In addition, Huntington (1965, pp. 393-505) stated that "institutionalisation of political organisations and procedures is a crucial component of political development, which includes the processes of rationalisation, integration, democratisation, and social mobilisation." The presence of institutions defines the authority (in the sense of political capacity) of the government and cannot be separated from its economic ties.

Furthermore, Huntington (1908, p.13–24) listed the four criteria to measure the value and stability of a political system, namely: adaptation, complexity, autonomy, and coherence. America's legislative institution has the four criteria as it could withstand the gunboat policy of their realist foreign and domestic policies without compromising the fundamental principles. In the same way, it could withstand external and internal idealist policies without diluting the fundamental democratic principles. On complexity, it is a complex system that has not allowed its complexities to confuse its fundamental principles. Continuing on the criteria, it jealously guides its autonomy as there is an adequate separation of powers to allow for autonomy to act as checks and balances. There is coherence as the laws made reflect the collective will of the majority as expressed by their people, and therefore, in and out of season, they remain coherent; if there is a deviation or attempt at it, the dominant tendencies will correct it, like the majority decision to stop Trump from dividing America and wiping away its democratic gains.

Legislative Institutions in Nigeria:

Nigeria operates a presidential system of government and is a federation. This means that it has two houses/chambers of law-making at its centre, called the Senate and the House of Representatives. The states have the state house of assemblies, and the local councils have their own bylaws. The Nigerian senate has an elected legislature that is elected by its members as president, and the same goes for the speaker of the House of Representatives. The president is very powerful in Nigeria, and the National Assembly cannot stand on principled grounds to go against any bad policy of the president, particularly if the president is determined. The use of patronage, the economic and financial crimes commission, withdrawal of security, the recall process, etc. are used to control the legislature at the centre, and the same thing happens at the state levels and also at the council levels.

Functions of Legislative Institutions:

Law-making: deliberative functions on matters of public interest; national importance, custodians of national finances, control over the executive; constituent functions; ventilation of grievances, oversight functions, and miscellaneous functions based on the constitution; impeachment of judicial officers and elected officers.

Arowolo (2010, p.2) said, "the 1999 constitution of Nigeria generally vests the legislature with the power to make laws." The states also make laws, and when state and federal laws in Nigeria conflict, that of the federal government prevails, and there is no true federalism in Nigeria. In the traditional setting, laws were derived from customs, tradition, and the religions of the people, and these laws were made by their kings, who functioned as executives, judiciary, and legislative arms exercised by one person. However, the birth of modern governance theoretically changed that, although in practice, the president, governors, and chairmen wield so many powers that they can control and do control the other arms of government. After years of military control, Nigeria ultimately converted to democracy in 1999, according to Adetayo (2021, p. 3). The separation of powers enshrined in Nigeria's constitution of 1999, which confirmed the country's status as a full-fledged democracy, was theorised to secure the removal of the president's unlimited authority. In Nigeria's 22 years of democracy, the blurred lines between the executive and legislative branches have been a recurring subject. Party politics is still controlled by powerful presidents, who essentially control the National Assembly, the legislative branch of the republic. And this power is utilised to curtail the freedom of Nigerians. Amah (2018) opined that the Nigerian constitution's provisions regarding local governments paved the way for the unhealthy interference of both the federal and state governments in the administration of local governments; constitutional amendments intended to free the local government system from federal control and interference; however, this goal was not achieved because state interference in local government is even greater than federal interference. Some scholars concur with Amah regarding interference and control, with the exception that interference in local government administration is mostly caused by states that dismiss their officials at will and pass laws that transcend local laws.

Similarities of their Legislative Institutions:

The presidential system of government: America and Nigeria operate a presidential system of government with two houses or chambers at the centre called the Senate and House of Representatives. They both have a state House of Assemblies and local councils.

Federal structure: Nigeria and America operate a federal system of government with a central federal government and component state governments.

Society: Nigeria and America have heterogeneous societies with diverse cultures and religions. Hence the use of the federal system to give a sense of belonging to the component units that are allowed to make laws to suit their people as long as they do not clash with national laws on foreign affairs and defence.

Election: The speakers of the House of Representatives in Nigeria and America are both elected by the members of the House.

Differences between their legislative institutions:

Autonomy: The American legislative institution is more autonomous as it is insulated from the executive, it is independent and the executive has less influence to control it against the common interests of the masses. The members are responsible and accountable to their constituents, and they carry out their duties without fear or favour as they are protected by the constitution. On the other hand, the Nigerian legislative system is not autonomous, it is the executive that chooses its leaders. The Senate president and speaker of the House of Representatives are chosen by the President, who endorses their leaders, and out of fear, they even go to ask the President for his choice for these

positions. When they were free to act on their own, the executive was able to get rid of the elected presiding officers.

The Senate President of the United States is the elected Vice President, while in Nigeria it is elected from among the legislatures. There is a strong bias toward individualism in Nigeria's legislative system, and the process is individually driven while that of America is group and institution-based. There are strong institutions that are durable and sustainable in the United States. Their leadership stays for a long time, while that of Nigeria is individually based, not long-lasting, and there are frequent leadership changes.

Coherence: there is more coherence and continuity of policies, laws and other legislative duties in America than in Nigeria because of the high rate of turnover of the leadership of legislative houses. In America, one can be House Speaker for 16 years or more and it brings stability to legislative business.

Experience: the legislators in America have more experience because they have stayed longer, some 30 years and above while Nigerian legislators are removed by Presidents and governors. Performing legislators lose their offices when the two-term governors are interested in going to the legislative houses to be relevant, to send their cronies or remove outspoken and uncompromising legislators.

Patriotism/Common Good and Public Interest: The American legislators are more patriotic to the public interest as they are responsible to their constituents that are the electorates that voted them to power while the Nigerian legislators are approved by the president, governors and godfathers that can determine their removal from office while serving or stop them from returning. They, therefore, toe the line of the executives out of fear and make unpopular laws.

Intimidation: There is no checks and balances. The American legislators are not intimidated as they have very strong institutions to act as checks and balances; on the other hand, the Nigerian legislators are easily intimidated because of the weak institutions and the powerful executive arm.

State of Democratic Development: The American legislature like the other arms of government is in a developed representative democracy where there is free competition and the will of the people prevailing. America is a developed nation with a developed democracy which is having a developed legislature, unlike Nigeria which is a developing nation with a developing democracy where elections are not the true reflections of the will of the people in some situations.

The Level of Poverty: there is a high level of poverty amongst the voters in Nigeria and they are easily influenced to elect corrupt, weak and compromised legislators that cannot be independent on the other hand, the American voters are not likely to collect rice, yams, clothes and money to vote, therefore they will vote for good legislators that are efficient and will deliver the goods.

Findings:

1. There are strong institutions in America which are the product of a developed country with developed democracy and a developed, functional and more patriotic autonomous legislature.
2. American practices true federalism and resource control. America is a heterogeneous society with diverse cultures and religions, and it practices devolution of powers to be able to address local and state peculiarities.

3. There are adequate checks and balances in the American Democratic system with the legislative houses as one of the strong institutions that act as checks and balances on the system. There is legislative autonomy. In Nigeria, democracy is still struggling. All its institutions like the legislative arm are still struggling as the institutions in Nigeria are weak while the individual office holders are more powerful.
4. The level of poverty is high in Nigeria, particularly at the grassroots; therefore genuine efforts should be made to uplift the living conditions of Nigerians to enable them to be free to make informed choices during elections. The per-capital income is another factor that has made it impossible for the electorate to elect good legislatures. The good legislators to behave not get the money to buy political party's forms that are expensive and they have no money to mobilize in the end, bad leaders go to the legislative houses.
5. Nigeria has strong leaders that negatively control the system for their selfish interests using tribalism as a tool to create an artificial division for their gains.
6. There is, strictly speaking, no separation of powers, no checks and balances as the executive controls the legislature in Nigeria which is not so in America.
7. There is a high turnover of legislatures in Nigeria as the governors and president determines who goes, stays and is removed. Unlike America where the electorates determine their representatives and they stay for long even up to 30 years or more if they are performing and gather experiences to deliver quality legislature.
8. There is less devolution of powers in Nigeria to the component units. There are so many powers at the disposal of the Federal Government as the exclusive legislative list is broad unlike that of America where the component units' legislative houses control the resources in their state while Nigerian federal legislators make laws for all the natural resources in Nigeria.
9. There are no local modifications to foreign systems of government adopted in developing countries.
10. The Nigerian system where the legislators in the senate elect one of them as the senate president to lead them is better than the American system where a sitting vice president is the president of the senate. A weak vice president as a senate president could have been manipulated by the president as can be seen from the case of the former president Donald Trump who try to destabilize and truncate democracy by attempting to cancel a presidential election result illegally.
11. The American democracy is in potential danger because of the occupation of the office of the Senate President by the sitting Vice President unlike Nigeria. In the event of having a President and the Vice President that will act like Trump after the Presidential Elections, there will be a total anarchy and chaos. The lack of cooperation by Trump's Vice President to his call for the non-confirmation of the Presidential result served the day for American democracy in the midst of violence at the Capital Hill

Discussions of findings:

The legislative institutions in America and Nigeria are distinct in the areas of strong institutions in America that are the product of a long democratic culture which made it a functional and more patriotic autonomous legislature. America also has true federalism and resource control, which means that the parts of the country, called states, are in charge of the natural resources in their own areas.

America is a heterogeneous society with diverse cultures and religions, and it practises devolution of powers to be able to address local and state peculiarities. There are adequate checks and balances in the American Democratic system, with the legislative houses as one of the strong institutions that act as effective checks and balances on the system. There is legislative autonomy.

However, in the case of Nigeria, our democracy is still struggling. All its institutions, like the legislative arm, are still struggling, as the institutions in Nigeria are weak while the individual office holders are more powerful. Nigeria has strong leaders who use the system to further their own selfish interests; there is no separation of powers, no checks and balances, and the executive controls the legislature.

Per capita income is another factor that has made it impossible for the electorate to elect good legislators. The good legislators have no money to buy political party forms, which are expensive, and they have no money to mobilize. In the end, bad leaders go to the legislative houses. There is a high turnover of legislators in Nigeria as the governors and president determine who goes, stays, and is removed. In contrast to America, where electorates choose their representatives and they serve for a long time, up to 30 years or more, gaining experience to deliver a quality legislature.

There is less devolution of powers in Nigeria to the component units. Amah (2018, p.21) said, "devolution helps prevent too much concentration of political and economic powers at one level, which inevitably leads to managerial constipation." There are so many powers at the disposal of the Federal Government as the exclusive legislative list is broad, unlike that of America, where the component units' legislative houses control the resources in their state, while in Nigeria, legislators make laws for all the natural resources in Nigeria.

Based on the American system and process of electing a vice president to serve concurrently as vice president and senate president, there is a need for a constitutional amendment to borrow the best practise and model of electing the senate president from among the elected legislators. This gives room for checks and balances and the prevention of manipulation of a weak vice/senate president by the president with a bit to weaken the Senate.

Although Nigeria and America have diverse societies, they both practise a presidential system of government and are federations with two arms of a legislative chamber at the center—a federal called the senate and a house of representatives with a single chamber in each state called state houses of assemblies. The functioning of these institutions in both countries differs due to Nigeria's weak institutions, individualism, and low per-capita income. America, with its strong institutions, stability, coherence, and checks and balances that guarantee less turnover of leaders, which in turn guarantees policy stability, vast experience, and independence, is the ideal that Nigeria should work towards, with some local modifications where absolutely necessary. The executive should not interfere with who is the Senate president or the Speaker of the House of Representatives. Nigeria should emulate the high level of patriotism displayed by Trump's Vice President, who was the Senate President. Even though Trump didn't like the results, he showed up to ratify and approve them.

The Vice President of Nigeria cannot independently and patriotically chart a course different from that of the President, which is why, unlike in the United States, the Vice President of Nigeria is not the Senate President. The fact that the President can remove the Senate President, withdraw his security details, and even send the Economic and Financial Crimes Commission, ICPC, etc. after him places

the legislature under executive control. It is hoped that as Nigeria and its institutions grow, its legislature will grow to the current state of the American legislature in terms of democratic credentials and compliance with best practices. In the same way, the United States should take a page from Nigeria and let the senators who are already in office choose the president of the Senate.

Recommendation:

Although Nigeria and America have heterogeneous societies, they practise a presidential system of government and are a federation with two arms of the legislative chamber at the centre – the federal level called the Senate and the House of Representatives, with State Assemblies existing. The functioning of these institutions in both countries differs because of the weak institutions in Nigeria, individualism, and low per-capita income level of Nigeria's developing democracy. America, with its strong institutions, stability, coherence, and checks and balances, guarantees fewer turnovers of leaders, which in turn guarantees policy stability, vast experience, and independence. Nigeria should try to make changes where they are really needed, and America should take a page from Nigeria when it comes to choosing the Senate President. Below are the details of the summarized recommendations:

- 1) Nigerians should build strong, independent institutions and people to enhance long-term stability. People come and go, but institutions stay the same.
- 2) The developed countries, particularly America, should aid in the economic and political development of developing countries as the world is a global village.
- 3) There should be adequate checks and balances in the Nigerian Democratic System like it is in the American Democratic System, where the legislative houses are one of the powerful institutions that act as checks and balances on the system. There should be legislative autonomy in Nigeria.
- 4) Genuine efforts should be made to uplift the living conditions of Nigerians by increasing their per capita income to enable them to be free to make informed choices during elections. Politics should not be monetized to create fair competition.
- 5) Ethnicity and tribalism should be downplayed in favour of capability, efficiency, programmes/manifesto and track record.
- 6) Strictly speaking, there should be a separation of powers and checks and balances in the Nigerian democratic system. The executive should not control the legislature in Nigeria, as the American president does not control the independent legislature.
- 7) The high level of turnover of legislatures in Nigeria should be reduced, and the governors and president should remove their hands from determining who goes, stays, and is removed. Just like in America, where the electorates determine their representatives, they stay for a long time, even up to 30 years or more, if they perform and gather experience to deliver a quality legislature. Legislators should stay for a longer period to garner more experience and ensure the continuity of programs and policies.
- 8) There should be more devolution of powers in Nigeria to the component units. There are so many powers at the disposal of the Federal Government as the exclusive legislative list is broad, unlike that of America, where the component units' legislative houses control the resources in their state while Nigerian federal legislators make laws for all the natural resources in Nigeria. This should change, and more powers should be given to the concurrent list to enable state legislatures to have more powers over resource control.

- 9) There should be local modifications to foreign systems of government adopted in developing countries through the adoption of a modified presidential system of government that would consider Nigeria's local peculiarities.
- 10) There is an urgent need to detach the Office of the Vice President from Senate President in the Legislative to avoid the situation where a weak Vice President can be manipulated and pressured by a strong unpatriotic President in America to truncate democracy as it almost happened in America during Trump's presidency.

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