THE RELEVANCE OF SEPARATION OF POWERS IN A DEMOCRATIC SYSTEM OF GOVERNMENT: A COMPARATIVE APPROACH

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ABSTRACT

The theory of separation of powers is to the effect that the three organs of government—the legislature, executive, and the judiciary—should be independent. One person or a body of persons should not be allowed to combine two or more powers. Such combination of powers could lead to tyranny and erode the vital principles of separation of powers. The doctrine was popularised by Baron de Montesquieu. It was wholly embraced under the legal system of the United States of America. The same principles have been imbibed into the legal tradition of Nigeria. The following questions emanate from this: what is the origin of the doctrine of separation of powers? How has the doctrine been used in the United States of America? What is the position of the doctrine in Nigeria? What is the future of the doctrine of separation of powers?

Keywords: Separation of Powers, Cooperation of Powers, Legislative Power, Delegated Powers