
The Judiciary and the Ballot Box: A Case Study of Controversial Elections in Nigeria's Fourth Republic

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Abstract

This study investigates the complex relationship between the judiciary and electoral integrity in Nigeria's Fourth Republic, with particular focus on three landmark judicial decisions: Uzodinma v. Ihedioha (2019), Lawan v. Machina (2023), and the Akpabio dual candidacy case (2023). While elections are meant to reflect the popular will, Nigeria's electoral process is increasingly mediated by courtrooms, where political outcomes are decided through litigation rather than the ballot box. The study's objective is to examine the judiciary's role in resolving disputed elections and its impact on democratic integrity in Nigeria's Fourth Republic. Drawing on the theory of the judicialization of politics, the paper argues that judicial interventions—though constitutionally empowered—often conflict with the spirit of electoral law and democratic norms. Through critical analysis of statutory provisions and court rulings, the study reveals how legal technicalities, elite influence, and institutional weaknesses have enabled the judiciary to become a contested site of political power. The cases reviewed show recurring patterns of judicial overreach, inconsistencies in legal interpretation, and the subversion of electoral justice, thereby eroding public trust in both the judiciary and democratic institutions. The paper concludes by advocating for reforms to enhance judicial independence, clarify electoral adjudication procedures, and strengthen the regulatory role of the Independent National Electoral Commission (INEC), to safeguard Nigeria's democratic consolidation.

Keywords: Democratic Consolidation, Election Disputes, Electoral Integrity, Judicialization of Politics.

1. Introduction

Since the inception of Nigeria's Fourth Republic in 1999, the country has sought to entrench democratic governance, yet electoral processes have been persistently fraught with controversy and irregularities that have thrust the judiciary into a pivotal, yet problematic role. Elections, which theoretically serve as the fundamental mechanism to express the popular will and legitimize political authority, have often been marred by allegations of fraud, ballot snatching,

falsification of results, and exclusion of valid candidates. Consequently, Nigeria's courts have frequently become arenas for resolving electoral disputes, underscoring the judiciary's critical function in upholding legal standards and the rule of law within democracy. However, this intersection between the judiciary and elections has sometimes generated concerns regarding judicial independence and impartiality, with accusations that

verdicts may reflect political influence rather than legal objectivity (Jega, 2008). The phenomenon of “court-dependent democracy” has emerged, whereby electoral legitimacy is not solely won at the ballot box but often hinges on court decisions that either validate or annul election outcomes. Notable cases in the Fourth Republic include court interventions that overturned initial election results in States like Rivers, Ekiti, and Osun, affecting gubernatorial positions and reflecting a judiciary caught between enforcing electoral justice and withstanding political pressure. Such judicial involvement, while essential for democratic accountability, raises critical questions about the integrity and autonomy of Nigeria’s judiciary, as well as the broader health of its electoral democracy. This dynamic highlights the persistent challenges of ensuring credible elections, judicial impartiality, and the advancement of democratic consolidation in Nigeria’s evolving political landscape (Omotola, 2011).

While the 2011 general elections received some favorable assessments, the credibility of the process remains questionable. This skepticism is reinforced by the outbreak of violent riots in Northern Nigeria, which stemmed from widespread perceptions of electoral manipulation in favor of the incumbent president, Goodluck Jonathan. Additionally, reports of electoral irregularities from multiple observers raise further concerns about the integrity of the election (USIP, 2011; Project 2011 Swiftcount, 2011; International Crisis Group, 2011).

Numerous scholarly works have provided valuable insights into the forms and mechanisms of electoral fraud in Nigeria (Adejumobi, 2000; Agbaje and Adejumobi, 2006; Ibrahim, 2006; 2007). Among these, Ibrahim’s (2006) contribution stands out for its systematic identification of electoral fraud across

three key stages: pre-election, election day, and post-election. His study highlights common fraudulent practices such as multiple and false voter registration, vote buying, underage and multiple voting, voter intimidation, ballot box stuffing and snatching, and the falsification of election results—each occurring at various points in the electoral process.

By 2007, it was estimated that approximately 1,427 petitions had been filed in response to allegedly fraudulent election outcomes declared by the Independent National Electoral Commission (INEC), Nigeria’s electoral body (Sagay, 2012). Furthermore, studies indicate that between the 2007 and 2015 elections, around 1,170 people lost their lives in election-related violence across various parts of the country (Nigeria Watch, 2015). Disputed elections have also led to the emergence of staggered elections in certain Nigerian states, disrupting the uniform electoral calendar. The achievement of sustainable democracy—and by extension, democratic consolidation—extends beyond the mere act of voting. It involves a comprehensive process that begins with the formulation of appropriate electoral laws, continues through the conduct of credible elections and the declaration of results, and culminates in the fair and effective adjudication of electoral disputes by the judiciary. In Nigeria’s Fourth Republic, however, the judiciary has increasingly become a contested arena where political elites seek to influence both the process and outcomes of election-related litigation. These elites, often through illicit practices such as ballot stuffing, snatching, multiple thumb printing, underage voting, and false declaration of results, not only undermine electoral integrity but also appear to view the judiciary as a secondary avenue to secure electoral victories after losing at the polls. As a result, obtaining mandates

through court judgments has become a recurring feature of Nigeria's Fourth Republic politics (Yagboyaju, 2011; Onapajo & Uzodike, 2014).

It's against this background that this article examines comparatively the intricate relationship between Nigeria's judicial system and the widespread incidence of electoral fraud within the context of the Fourth Republic. The methodology employed in this study is qualitative and analytical, focusing on a case study approach. It critically examines three landmark judicial decisions—*Uzodinma v. Ihedioha* (2019), *Lawan v. Machina* (2023), and the Akpabio dual candidacy case (2023)—to explore the judiciary's role in resolving electoral disputes in Nigeria's Fourth Republic. The study integrates statutory provisions, court rulings, and relevant theoretical frameworks, particularly the Theory of Judicialization of Politics, to analyze how judicial decisions affect electoral integrity and democratic consolidation. The approach involves a comprehensive review of legal texts, electoral laws, and court judgments, supplemented by literature review and empirical evidence on judicial independence and electoral fraud. The paper is structured as follows: it begins with an Introduction, followed by a Literature Review, and then a Case Review. This is succeeded by the Theoretical Framework, an Analysis of the Cases Reviewed, the Conclusion, and finally, the Recommendations.

2. Literature Review

Nigeria's return to democratic governance in 1999 ushered in a Fourth Republic that has been marred by controversial elections riddled with fraud, violence, and widespread irregularities. Electoral misconduct—manifested through ballot stuffing, vote inflation, underage voting, voter intimidation, and falsification of results—has remained a defining feature of Nigeria's democratic processes

(Suberu, 2007; Human Rights Watch, 2007; Ibrahim, 2006). While many observers have focused on electoral institutions like the Independent National Electoral Commission (INEC), a growing body of literature now draws attention to an underexplored dimension: the role of the judiciary in legitimizing flawed electoral outcomes.

Studies show that the manipulation of judicial processes to overturn or affirm elections has become an entrenched practice. While Ibrahim's typology (2006) outlines three stages of electoral fraud—pre-election, polling-day, and post-election—he and others (Agbaje & Adejumobi, 2006; Bratton, 2008; Omotola, 2010) largely overlooked the judiciary's complicity. This gap is being addressed by newer contributions, which argue that non-electoral institutions, particularly the judiciary, have become instrumental in manipulating democratic outcomes (Onapajo & Uzodike, 2014).

The theoretical lens of state institutionalism is instructive in this context. Skocpol (1985) and her collaborators emphasized the autonomy of state institutions in shaping political outcomes. While elite competition (Molina & Lehoucq, 1999) and sociological inequality (Ziblatt, 2009) explain electoral fraud to some extent, they fail to account for how the judiciary, as a state apparatus, can independently or collaboratively subvert democracy. Nigerian courts, operating in a political environment shaped by a legacy of military authoritarianism (Oko, 1997), remain vulnerable to executive influence and elite manipulation.

Although the 1999 Constitution established the National Judicial Council (NJC) to promote judicial independence, appointments and removals of judges remain subject to presidential and gubernatorial approval (Alubo, 2006). This executive oversight undermines impartiality. Financial control by State

Governors over judicial budgets further compromises autonomy, leading some judges to succumb to political pressure (Adewole, 2012; Dada, 2012). High-profile cases—such as the suspension of Justice Ayo Salami, who ruled against the ruling party in several election petitions—highlight the extent to which judicial officers can be punished for defying political interests (US Department of State, 2012).

Empirical evidence abounds on judicial corruption in election-related cases. The Nigerian Bar Association and Transparency International have documented numerous cases of bribery and unethical conduct by election tribunal judges (Fawehinmi, 2007; CLO, 2004). Judges have been dismissed after investigations revealed that they accepted money to sway rulings in favour of political candidates. In extreme instances, political actors have boasted about knowing court judgments in advance—an indication of collusion and predictability in a compromised system (Oyetibo, 2012).

The consequences of this judicial interference are far-reaching. Public confidence in the courts has declined sharply. Many Nigerians like myself now view the courts not as sanctuaries for justice but as battlegrounds for elite manipulation. The European Union Election Observation Mission (2011) noted that many citizens opted to report electoral malpractice to INEC rather than pursue petitions through the judiciary. This reflects a wider perception that the judiciary has become politicized and unreliable.

Ultimately, the manipulation of judicial processes to determine electoral outcomes subverts democratic principles. When political contests are resolved not at the ballot box but through questionable court rulings, the legitimacy of the electoral system is called into question. Nigeria's democracy cannot thrive when the

judiciary, expected to be a neutral arbiter, becomes an agent of political fraud. As such, reforming the judiciary must be central to any agenda seeking to ensure free, fair, and credible elections in Nigeria's Fourth Republic.

3. Findings and Discussion

Case Review

Case 1

Nigeria's electoral landscape has been consistently rocked by post-election litigation and controversial judicial verdicts. One of the most striking examples is the Supreme Court's decision in *Senator Hope Uzodinma & Anor. v. Rt. Hon. Emeka Ihedioha & 2 Ors (2020) LPELR-50260(SC); Supreme Court of Nigeria; Suit No. SC.1462/2019; Judgment delivered 14 January 2020*), which overturned the outcome of the 2019 Imo State gubernatorial election. This case stirred national debate, raising pressing questions about judicial overreach, electoral justice, and public confidence in the judiciary.

In the 2019 Imo State election, INEC declared Emeka Ihedioha of the PDP the winner after securing 273,404 votes. Hope Uzodinma of the APC came fourth with 96,458 votes. Surprisingly, Uzodinma challenged the result, claiming INEC unlawfully excluded results from 388 polling units where he secured 213,695 votes. If counted, these would give him 310,153 votes—enough to surpass Ihedioha. Despite being neither the runner-up nor the candidate with the second-highest votes, the Supreme Court ruled in Uzodinma's favour, prompting public outcry and protests.

Legally, the case hinged on two main issues: (1) whether Uzodinma, who came fourth, was competent to file the petition, and (2) whether the evidence of excluded votes from 388 polling units was admissible. The Electoral Act 2010 and the 1999 Constitution were critical in answering these questions. Section 137(1)

of the Electoral Act allows any candidate or political party that participated in an election to challenge its outcome. There is no legal restriction limiting petitions to only first or second runners-up. This clarifies that Uzodinma had the locus standi to challenge the result.

The Supreme Court agreed with Uzodinma's position that results from 388 polling units were wrongly excluded, resulting in the wrongful return of Ihedioha. Contrary to the Tribunal and Court of Appeal's position, the apex court held that the evidence tendered—forms showing votes from these units—were admissible, and that the Appellants had successfully proven their exclusion claims. Consequently, the Court declared Uzodinma winner and ordered that he be issued a certificate of return and sworn in as a governor.

This verdict provoked intense public criticism. Many citizens dubbed Uzodinma a "Supreme Court Governor," alleging that the court imposed a candidate rejected by the electorate. Skeptics questioned the integrity of the judiciary, suggesting the possibility of corruption and political manipulation. Given Nigeria's history of judicial compromise, these allegations resonated widely, especially on social media platforms like Twitter, where activists and commentators openly criticized the judgment.

However, the Supreme Court insisted its decision was rooted in the law and evidence presented. The Court found that the Respondents failed to counter the Appellants' evidence or prove it was forged. Justice Abba Aji emphasized that unproven allegations of forgery cannot invalidate credible documentary evidence. Therefore, the Court claimed to have acted based on the preponderance of evidence, not sentiment or politics.

This case highlights the tension between legal technicalities and public perception of justice. While the Supreme Court's

decision may be legally sound, its legitimacy suffers in the court of public opinion. This disjunction underlines the critical need for transparency in judicial processes and the importance of timely, clear communication from courts on controversial decisions.

Case 2

In Nigeria's Fourth Republic, the judiciary has increasingly played a decisive role in determining electoral outcomes, often eclipsing the primacy of the ballot box. One of the most controversial illustrations of this trend is the 2023 Supreme Court ruling that declared Senate President Ahmad Lawan as the All Progressives Congress (APC) candidate for Yobe North Senatorial District, despite the fact that Bashir Machina had emerged unopposed in the party's primary and was recognized by the Independent National Electoral Commission (INEC).

The controversy began after Ahmad Lawan contested and lost the APC presidential primaries in June 2022. Subsequently, the APC attempted to replace Bashir Machina, who had won the party's Yobe North Senatorial ticket unopposed in a primary monitored by INEC, with Lawan. This substitution was rejected by INEC on the grounds that it violated Section 33 of the *Electoral Act, 2022*, which allows substitution of a candidate only in cases of voluntary withdrawal or death (*Electoral Act, 2022*, s.33). Machina had neither withdrawn his candidacy nor submitted any letter of withdrawal as required by law.

Machina challenged the substitution in court (Supreme Court of Nigeria, Judgment No. SC/CV/1689/2022; **2023 LPELR-59953**) and secured victories at both the Federal High Court and the Court of Appeal. Both courts affirmed that he was the valid candidate and faulted the APC's move to impose Lawan as a replacement (Premium Times, 2023). However, the matter took a dramatic turn

when the Supreme Court, in a controversial 3-2 split decision, held that the originating process used by Machina—an originating summons—was inappropriate given the dispute’s contested nature and ruled in favour of Lawan on technical grounds rather than on the substance of the case (Supreme Court of Nigeria, 2023).

This decision sparked public outrage and rekindled debates about the integrity of Nigeria’s judicial system. Legal analysts and civil society actors condemned the ruling as an affront to democratic norms and a miscarriage of justice. They noted that the Supreme Court prioritized procedural technicalities over substantive electoral justice, thereby rewarding a candidate who did not participate in the primary with the party’s ticket (Channels Television, 2023).

Critics argue that the Court’s reliance on technicality defies the spirit of the *Electoral Act, 2022*, which aims to ensure credible and transparent party primaries. Section 84(1) of the Act mandates that party candidates emerge through direct or indirect primaries monitored by INEC—a criterion Machina fulfilled but Lawan did not (*Electoral Act, 2022, s.84*). As such, the ruling arguably undermines INEC’s constitutional mandate and damages public confidence in both the judiciary and the electoral process.

The case also raises fundamental concerns about internal party democracy. When courts allow powerful political actors to bypass the results of valid primaries, it sends a dangerous signal to aspirants that the will of party delegates—and by extension, voters—can be overturned through political influence and litigation. This discourages genuine political participation and empowers party elites to manipulate outcomes using legal technicalities.

Furthermore, the Machina–Lawan saga exemplifies how judicial outcomes can contradict public sentiment and

democratic expectations. It joins a growing list of cases—including the 2020 *Uzodinma v. Ihedioha* judgment—that have fueled a narrative of “courtroom democracy,” where electoral mandates are secured through legal victories rather than through the popular vote (Adom, 2022).

Case 3

In the lead-up to the 2023 general elections, Godswill Akpabio, a former Minister of Niger Delta Affairs and ex-governor of Akwa Ibom State, participated in the **All Progressives Congress (APC) presidential primary**. Subsequently, he also **sought and secured** the APC **senatorial ticket** for the Akwa Ibom North-West District. This dual pursuit of nominations triggered legal battles and national controversy.

Section 115(d) of the *Electoral Act 2022* is clear and unambiguous. It states that:

“A person who signs a nomination paper or result form as a candidate in more than one constituency at the same election commits an offence and is liable on conviction to a maximum term of two years imprisonment.”

The intent of this law is to **prevent a single candidate from contesting multiple offices in the same election cycle**, thereby promoting fairness, reducing electoral manipulation, and ensuring clarity in representation.

On **February 3, 2023**, the Supreme Court (Appeal Nos. SC/CV/1459/2022 & SC/CV/1539/2022), in a **unanimous decision**, affirmed Akpabio as the APC candidate for the Akwa Ibom North-West Senatorial District. The ruling:

- Set aside the earlier **Court of Appeal judgment**, which had declared **Udom Ekpoudom** as the rightful candidate.
- Held that the matter of candidate nomination was an **internal affair of the political party** and **outside the jurisdiction** of regular courts.
- Directed the **Independent National Electoral Commission**

(INEC) to recognize Akpabio as the legitimate candidate.

This ruling **directly contradicts Section 115(d)** of the Electoral Act, considering the following:

1. **Akpabio participated in the APC presidential primary** — which is a formal process involving nomination forms, vote casting, and media coverage.
2. He was later **nominated for the Senate** in the same electoral cycle.
3. According to the Electoral Act, this should constitute an **offence punishable by imprisonment**, not a matter to be left to party discretion.

This contradiction **undermines the credibility** of Nigeria's electoral process and raises questions about the **independence and consistency of judicial decisions** in enforcing electoral laws.

Theoretical Framework

This study is anchored on the Theory of Judicialization of Politics, a concept developed and popularized by Ran Hirschl in the early 2000s, particularly in his seminal works such as *Towards Juristocracy* (2004) and his earlier article *The Judicialization of Politics* (2000). The theory seeks to explain the increasing reliance on judicial institutions to resolve core political disputes, including those traditionally decided through democratic mechanisms such as elections, party processes, or parliamentary debate (Hirschl, 2000; 2004).

Hirschl (2004) posits that judicialization occurs when courts are called upon to adjudicate matters that are deeply political or ideological in nature, often in contexts where democratic institutions are weak, political elites are distrusted, or where power struggles are intense. He notes that this phenomenon emerges most acutely in transitional democracies—such as Nigeria—where political actors strategically “offload” contentious

decisions to the judiciary to gain legitimacy, finality, or political cover.

In the Nigerian context, this theory is particularly relevant. Since the return to democratic rule in 1999, courts have increasingly become decisive actors in determining electoral outcomes, including gubernatorial, legislative, and presidential contests. This shift is evident in controversial judicial rulings such as *Uzodinma v. Ihedioha* (2020), *Lawan v. Machina* (2023), and *Akpabio v. INEC* (2023), where courts either reversed the outcomes declared by INEC or installed candidates who did not win primaries or elections at the ballot box. These cases underscore how judicial power has become central to Nigeria's electoral politics.

The theory of Judicialization of Politics offers a useful analytical lens to understand this transformation. It explains how and why judges, rather than voters, are increasingly deciding who holds political power, often through highly technical rulings that override popular or procedural expectations. The growing “juristocracy”—a term Hirschl uses to describe the rule of judges in democratic spaces—raises critical questions about the limits of judicial intervention, the politicization of the bench, and the erosion of electoral legitimacy (Hirschl, 2004).

Furthermore, this theory is especially applicable to Nigeria's Fourth Republic, where institutions like the Independent National Electoral Commission (INEC), political parties, and the legislature have often failed to function autonomously or transparently. In such environments, courts become the “default” mechanism for resolving disputes, even when doing so leads to public outrage or perceptions of injustice.

Thus, the Judicialization of Politics helps to situate the Nigerian judiciary not just as a legal institution, but as a political actor with the power to shape electoral outcomes, democratic trajectories, and the

balance of power. This framework allows the study to interrogate whether judicial decisions in controversial elections are driven purely by legal reasoning, or whether they reflect deeper political calculations and elite bargains.

By employing Hirschl's theory, this research critically assesses the

implications of judicial involvement in electoral disputes and how such interventions affect the credibility, fairness, and legitimacy of democratic elections in Nigeria's Fourth Republic.

Analysis of the Cases Reviewed

Table 1: Conflicts between judicial rulings and Nigeria's electoral laws on candidate eligibility and election outcomes

Aspect	Case 1: Uzodinma v. Ihedioha (2019 Imo Governorship)	Case 2: Lawan v. Machina (2023 Senatorial Candidacy Dispute)	Case 3: Akpabio Dual Candidacy Issue (2023 Elections)
Relevant Law	Section 137(1) Electoral Act (Locus standi to challenge election results)	Section 33 (Candidate substitution limited to withdrawal/death)	Section 115(d) (Prohibition of multiple nominations in same cycle)
Judicial Approach	Accepted challenge from fourth-place candidate based on excluded votes evidence, overriding original results	Overtaken substantive merits based on procedural technicality (wrong originating process)	Treated explicit statutory breach as internal party matter, allowing dual candidacy
Conflict with Electoral Law	Legal standing upheld, but override of popularly declared result seen as judicial overreach	Allowed substitution without legitimate withdrawal, conflicting with candidate eligibility rules	Enabled prohibited dual candidacy contrary to statutory offences
Effect on Electoral Process	Undermines voter choice legitimacy; raises concerns over judicial interpretation prioritizing evidence over popular vote	Undermines INEC and internal party democracy; elevates procedural form over substantive fairness	Contradicts legal framework preventing multiple nominations; weakens enforcement and credibility of the law
Public/Legal Criticism	Viewed as judicial imposition, eroding public confidence due to reversal of clear electorate winner	Considered miscarriage of justice favoring political elites via procedural loopholes	Conflicts with law's intent to promote fairness; raises questions about judicial consistency and electoral integrity

Compiled by the Author, 2025

The comparative analysis of these three landmark electoral cases—*Uzodinma v.*

Ihedioha, Lawan v. Machina, and the *Akpabio dual candidacy issue*—reveals a troubling pattern of judicial interventions that often prioritize technical interpretations or political considerations over democratic principles. In the *Uzodinma* case, the Supreme Court relied on the admissibility of evidence from 388 polling units allegedly excluded by INEC to declare a fourth-place candidate as the winner. While the Court acted within Section 137(1) of the *Electoral Act* by recognizing locus standi, its ruling was widely perceived as judicial overreach because it overturned a clearly declared electoral result, undermining the voter's mandate and sparking concerns about the balance between legal evidence and democratic legitimacy.

In the *Lawan v. Machina* case, the apex court further complicated electoral jurisprudence by setting aside decisions of the lower courts that had recognized *Machina* as the validly nominated candidate. Despite *Machina*'s uncontested victory in the primary and INEC's recognition of the same, the Supreme Court ruled in favor of *Lawan* based solely on a procedural technicality—wrong originating process—rather than addressing the substantive merit of the case. This ruling, relying on Section 33 of the *Electoral Act*, ignored the legal stipulation that substitution can only occur in the case of voluntary withdrawal or death, leading to criticism that it elevated form over substance and diluted the authority of both INEC and internal party democracy.

The *Akpabio* dual candidacy case introduces yet another dimension of judicial leniency. Despite Section 115(d) of the *Electoral Act*, 2022, which explicitly prohibits multiple nominations in the same election cycle and prescribes sanctions, the judiciary treated the matter as an internal party affair rather than a statutory violation. This approach effectively enabled a breach of a clear

legal provision designed to prevent electoral abuse and promote fairness. By refusing to enforce this prohibition, the court indirectly sanctioned impunity and weakened the deterrent effect of the law, setting a dangerous precedent for future electoral conduct.

Across all three cases, there is a discernible erosion of public trust in both the judiciary and the electoral process. Each ruling generated significant legal and public criticism for what many viewed as politically motivated decisions, inconsistent judicial reasoning, or disregard for statutory safeguards. While the judiciary is constitutionally empowered to resolve electoral disputes, its selective application of the law and perceived favoritism toward political elites have led to allegations of partisanship. Ultimately, these cases illustrate how judicial actions, when detached from democratic norms and the spirit of the law, can compromise electoral credibility, hinder legal reform, and endanger Nigeria's democratic consolidation.

4. Conclusion and Recommendation

All the cases cited highlights a troubling pattern in Nigeria's Fourth Republic, where the judiciary increasingly determines political outcomes, often in ways that appear to weaken legal accountability and embolden elite manipulation of the democratic process. It raises fundamental questions about the rule of law, the integrity of electoral institutions, and the prospects for democratic consolidation in the country.

Recommendations

Strengthen Judicial Training on Electoral Law and Democratic Principles

To enhance the quality and consistency of electoral rulings, judges—especially those in electoral cases—should receive comprehensive training focused on Nigeria's electoral laws, constitutional

mandates, and democratic principles. This would reduce reliance on procedural technicalities and improve substantive adjudication aligned with statutory intent.

Clarify Procedural Rules for Election Petitions

The Supreme Court's emphasis on procedural technicalities in recent cases—such as *Lawan v. Machina*—underscores the urgent need for clearer procedural guidelines in election-related disputes. The frequent controversies over whether to commence actions by **originating summons** or **writ of summons** create fertile ground for inconsistent rulings based on form rather than substance. To curb this, the **National Judicial Council (NJC)**, the Rules of Court Committees, and other relevant legal bodies should review and clarify the procedural framework governing pre-election and post-election matters.

More fundamentally, there should be a **paradigm shift** in Nigerian electoral jurisprudence whereby **election petitions are decided on the basis of substantial justice rather than technicalities**. Courts should prioritize the will of the electorate and the fair adjudication of disputes, instead of striking out petitions for minor procedural lapses or errors. This approach is consistent with a long-standing judicial policy that election petitions ought to be determined on their **merits**.

The Supreme Court itself has repeatedly affirmed this principle:

- In **Peter Obi v. INEC & Ors. (2007) 11 NWLR (Pt. 1046) 565**, the Court stressed that *substantial justice must prevail in election petitions and that they should not be dismissed merely for technical defects*.
- In **Amaechi v. INEC (2008) 5 NWLR (Pt. 1080) 227**, the Court held that the *technical question of whose name appeared on the ballot could not override the electorate's choice of the political*

party, thereby prioritizing the substance of the vote over procedural formalities.

- In **Buhari v. Obasanjo (2005) 13 NWLR (Pt. 941) 1**, the Court reiterated that while compliance with rules is important, the **overriding interest is the attainment of justice**, particularly in election matters where the democratic will of the people is at stake.

These authorities reinforce the call for reforms to ensure that *Lawan v. Machina* and similar disputes are not decided on narrow technical grounds but on the **true intent of the electorate and the substantive rights of the parties**. Clearer procedural guidelines, coupled with a judicial commitment to substantial justice, will enhance both the credibility of electoral adjudication and public confidence in Nigeria's democratic process.

Strengthen INEC's Role and Authority

INEC should be empowered with enhanced enforcement mechanisms to monitor and regulate party primaries and candidacy nominations strictly, ensuring that substitutions, dual candidacies, and other violations are promptly addressed before escalating to judicial disputes. In case of any serious adjudication, court should only pronounced re-run of such election and supremacy of declaration should be with the INEC and not otherwise.

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