

Institutional Collaboration in Electoral Malpractice in Nigeria: Nexus Between INEC and Judiciary

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Abstract

Electoral malpractice connotes illegal act done with a corrupt and sinister intention to influence the outcome of election often with cooperation or partnership between distinct institutions to achieve a common goal which is often the manipulation of electoral process and outcomes in favour of a particular candidate. This social phenomenon is prevalence in Nigeria democratic system. The objective of this paper is an analysis of institutional collaboration in electoral malpractice within the Nigerian context. Basically, it focuses on the nexus between the Independent National Electoral Commission (INEC) and the Judiciary. It investigates and analyses the extent to which this collaboration influences and perpetuates electoral malfeasance in Nigeria. Secondary sources of data obtained from books, journal articles, newspapers, magazines and the internet were utilized for this paper. The paper adopted and utilizes the Iron Law of Oligarchy as a theory to explain institutional collaboration in election malpractice in Nigeria. The paper found, among other things, that institutional collaboration between the Independent National Electoral Commission (INEC) and the Judiciary in perpetuating electoral malpractices are prevalence in Nigeria and have not abated since the return to democracy in 1999 till date. Factors influencing this phenomenon include, corruption, ethnicity, lack of independent courts and tribunals, indiscipline, lack of political will to prosecute perpetrators among others. The paper recommends the setting up of Electoral Offences Court with political will to try and punish perpetrators of election malpractices as well as legislative framework to strengthen the provisions relating to malpractices in the Nigeria's Electoral Act of 2022 in order to punish those who breach the law whether they are agents or principal actors without favoring any political party, religious, ethnic or any other biases.

Key: *Electoral Malpractice, Independent National Electoral Commission, Judiciary*

Introduction

Globally, elections have not only become an instrument for the demise of authoritarianism or a transition to democracy but the credibility of electoral process has equally become the instrument for determining the integrity and legitimacy of a democratic government. A credible election therefore is the general acceptance of its conduct as free and fair by citizens and international community. According Ismaila & Othman (2015) Nigeria has a long history of electoral malpractice, marked by irregularities, violence, and corruption. Since its transition to democracy in 1999, the country has witnessed numerous instances of contested elections and disputes over the outcomes. The collaboration between INEC and the Judiciary has played a significant role in shaping these incidents (Birch, 2009). From the early years of democratic governance to the present, the collaboration has evolved in its tactics and strategies.

Today, the world is witnessing a depletion in the democratic value of elections occasioned by undemocratic factors like election rigging, seat tightness, and unfulfilled electoral promises. Both the high and low nations have had their fair share. In the US, three major recent events have challenged American democracy. One, American politics has seen the use of violence as a viable political strategy engineered by distrust in the democratic process (States United Action, 2023; Kousser, 2023; Pildes, 2020). Two, the 2020 presidential poll created an institutional problem that jeopardized the lives of poll workers in which many now seek government protection in their future electoral engagement (Kleinfield, 2021). Three, some members of the two U.S. dominant parties have surprisingly justified the use of threats against opponents to gain some political mileage for their parties (Kalmoe & Mason, 2022). India, on the other hand, political parties have fielded candidates with tainted pasts and voters prefer them because they have the funds to whether the rising election costs and do not mask their identities (Biswas, 2017). Baron et al. (2023) find that voters will likely prefer candidates with shared views to those with opposing views. In Africa, elections in Malawi and Benin have witnessed isolated cases of violence, but become deadly in Côte d'Ivoire, Kenya, Nigeria, and Zimbabwe (Brosché et al., 2020; Angerbrandt, 2018).

However, in Nigeria, electoral malpractice has been a persistent challenge that hampers the credibility and integrity of the country's democratic process. The Independent National Electoral Commission (INEC) and the judiciary are crucial institutions in ensuring free, fair, and transparent elections that will translate to good governance and national development. However, their collaboration in tackling electoral malpractice has been a subject of debate. Thus, it is crucial to examine the role of institutional collaboration, particularly between the Independent National Electoral Commission (INEC) and the Judiciary, in perpetuating electoral malfeasance.

Although there is significant breakthrough regarding the fourth republic experiment in Nigeria such as being the first time civilian government stayed for 24 years without military intervention. The collaboration between INEC and the Judiciary in electoral malpractice erodes the foundations of democracy and the rule of law in Nigeria. When citizens perceive the electoral process as compromised and unfair, it diminishes their faith in the democratic system (Arolowo & Aluko, 2012). This leads to political apathy, disillusionment, and potential social unrest, as citizens feel marginalized and their voices silenced. Consequently, institutional collaboration between INEC and judiciary therefore questioned the legitimacy of a government as a result of electoral

fraud and subsequent violence which may even lead to deconsolidation, growth and maturity of democracy in Nigeria. The challenges of electoral malpractice since 1999 to date in Nigeria's fourth republic democratic experiment has indeed become source of concern, thus questioning consolidating democracy in the country (Yusuf, 2015).

Impliedly, many studies in Nigeria emphasize the depressing effects of various manifestations of electoral irregularities (like electoral violence, vote venality, and interference) on democratization (e.g., Ashindorbe, 2018; Onapajo, 2014; Omotola, 2010; Bratton, 2008). Many others appear in relatively unknown publishing outlets with a single case or subnational focus. Irregularities leading to violence can exacerbate in countries already in conflict even though these countries have defied all odds to hold their elections amid the conflict (Birch et al., 2020). The conflict situation has regrettably made elections contentious, contested, and controversial in some countries (Mbah et al., 2019; Norris et al., 2015a) and leads to democratic recession in others (Obiagu et al., 2021; Obiagu, 2021). Some studies apply the resource curse proposition to explain how abundant mineral resources have failed to translate into economic prosperity in weakly institutionalized settings where citizens are structurally constricted to hold their leaders accountable for their stewardship through elections (Harvey, 2021; Ko, 2014).

The objective of this paper is to examine the collaboration between the Independent National Electoral Commission (INEC) and the Judiciary in perpetuating electoral malpractice. Specially, it aimed identifying factors influencing electoral malpractice between these institutions and its implications on the growth and development of democracy in Nigeria. It investigates and analyses the extent to which this collaboration influences and perpetuates electoral malfeasance in Nigeria. To achieve this objective, the paper adopted secondary sources for data collection. Materials such as journals, books and different internet search engines were utilized to describe the collaboration between INEC and judiciary in promoting electoral malpractice in Nigeria as well as challenges of electoral malpractices in Nigeria's fourth republic and the critical ways of overcoming the challenges.

Literature Review

The Concept of Electoral Malpractice

Electoral malpractice constitutes criminal offence under the Nigeria's Electoral Act of 2022. Nwabueze (2003) stated that the word "electoral malpractice" connotes "illegal act done with a corrupt, fraudulent or sinister intention to influence the election in favor of a candidate". Two basic approaches have been designed by scholars seeking to define and categorize practices that undermine electoral process, these are inclusive and restrictive (Vickery & Shein, 2012). They espoused inclusive (fraud, malpractice and manipulation) to be as broad as possible, no matter the imprecision. Some writers in this category situate their definitions normatively, finding that electoral wrongdoing violates domestic norms or internationally accepted standards for free and fair elections.

Restrictive approach focus only or mostly on the provisions of the law (i.e. fraud can be identified by whether it violates existing domestic legal provisions). This enables a context-specific approach to combating various kinds of electoral wrongdoing, and it makes obvious sense for the election management body to use a country's domestic laws as benchmarks in its fraud or malpractice control activities (Vickery & Shein, 2012).

Accordingly, there are three types of electoral malpractices, pre-election, election period and post-election period (Birch, 2009; Norris, 2012; Olawole et al., 2013; Ugwuja, 2015). The manipulation of rules, the manipulation of voters and the manipulation of voting. By manipulation of rules, electoral laws are distorted so as to favor one party or contestant in an election. For example, when the rules administering candidacy prevent certain political forces from contesting elections, or when large sectors of the adult population are excluded from voting. Anderson, (2020) argued that the manipulation of voters is either to distort voter's preferences or to sway preference expression. The first one involves illicit forms of campaign tactics that are deceptive and that violate campaign finance laws or severe bias in media coverage of the election. The second form consist of alteration of how preferences are expressed at the polling station, through vote-buying or intimidation in the aim of increasing the vote of a specific political force. Voting manipulation consist of electoral maladministration, such as ballot-box stuffing, misreporting, under-provision of voting facilities in opposition strongholds, lack of transparency in the organization of the election, bias in the way electoral disputes are adjudicated in the courts, and so on (Birch, 2009).

The right to vote is a civic responsibility or public function conferred upon the citizen for reason of social expediency (Olawole et al., 2013). There is strong relationship in Africa's electoral malpractices with the type and forms of historical system practiced by each society, coupled with the class structure, social stratification, aestheticism and religious differences. Thus conclude that until elections become completely competitive and the electorates are free to make a choice between alternatives and that a liberal political system is put in place, there will always be electoral malpractice (Birch, 2009). In Africa, the scenario is a curse to the electorate and a gimmick played by politicians who seek to legitimize the illegitimate practice of coercing citizens into voting for them on the backdrop of rampant electoral rigging (Mapuva, 2013).

The Independent National Electoral Commission (INEC)

Independent National Electoral Commission (INEC) came into existence in 1998 after the exit of long military rule in Nigeria. The commission has thus conducted elections in 1999, 2003, 2007, 2011, 2015, 2019 and 2023 respectively since the return to democracy in Nigeria. The INEC is an independent federal executive body constitutionally established by Section 153 of the 1999 CFRN. By their status, Section 158 of the 1999 CFRN provides that they (including INEC) "shall not be subject to any other authority or person" in the course of discharging their duties in accordance with the CFRN. These institutions are established as body corporate with perpetual succession and with powers to sue and be sued in their corporate names. By extension and given the centrality of elections in democratic operations, this constitutional provision recognizes INEC

as an independent electoral body in Nigeria with constitutional guarantee. The 1999 CFRN and Electoral Act empower INEC to initiate any working strategy that will ensure credible management of elections in the country.

Whereas, the unprecedented records of irregularities since the return to democracy in 1999 till date has been a major source of concern. As a result, there were series of reforms in bid to have credible elections. One, the reform, for the first time in Nigeria's fourth republic, led to a review of the 1999 Constitution of the Federal Republic of Nigeria (CFRN) in 2010. Second, it culminated in the repeal of the 2006 Electoral Act and the enactment of the 2010 Electoral Act which laid the foundation for the introduction of biometric voter registration devices in 2010-11 and, ultimately, ushered in an era of digital election administration in 2015 and the Electoral Act of 2022 where BVAS was introduced. However, despite series of amendments and technology deployed in the elections conducted by the commission in the past 24 years, numerous electoral irregularities and malpractices still persist as a result of institutional collaborations.

Consequently, elections violence, frauds, malpractices/irregularities, cheating are on increase and the sharp practices are taking a different dimension in collaboration with officials of the body responsible for the conduct of election such as delayed in providing election materials, false testimonies in the court amongst others. This ill wind is getting more hydra-headed in the nation political system. These ugly trends had made elections to be a business as usual. That is, elections in Nigeria had been a time the political system is being heated with all manner of challenges which include, labour unions' strikes, political labeling, frequent cross carpeting by political class, personality clash of interests, killings, fighting/boxing in legislatures houses, looting of government treasury, forgery and fanning embers of ethnic/primordial interests or sentiments in the country which questioned electoral integrity and credibility in Nigeria (Okocha, 2013).

The Judicial System

The Election must not only be free, fair and credible, but also in substantial compliance with the 1999 Constitution of Nigeria as amended and the Electoral Act 2010 as amended. The citizens are expected to freely, without undue influence and intimidation of any type, choose their leaders. The political parties which have the unalloyed and right to present candidates for the Election are expected to do same also in accordance with the Constitution. However, election process is broadly divided into two (2) namely: Preliminary matters, that is, issues prior to the day of Election or Poll which are called Pre - election matters and issues that occur on the day of the Election / Poll called Election matters. By virtue of our Constitution and the Electoral Act 2010¹, different Courts and Tribunals have jurisdiction over matters arising from each of the segments of the Election process (Okoye, and Ucheagwu-Okoye, 2019).

However, the Nigeria Judiciary today is too weak to bring expected justice and fair play to the hope of a common man. Since, corrupt officers are handled with directives from government

corners, and Judicial officers solely depend on the whims and caprices of their master (executives and legislatures), cannot bring justice to bear in the nascent democracy. That is, for examples include judicial interference in electoral disputes, compromised judgments, and favoritism towards particular political actors (Nwoba, 2013).

This reluctance and frequent adjournments in delivering genuine judgments gave room for manipulations of tribunal judgments or rule by courts of law as experienced in different administration in the country. Since, manipulators will eventual get away from it. Femi (2013:21), observed that, “the ruling class has corrupted the judiciary...as there is abuse of the concept of plea bargaining” To support it further, Dokubo (2013) said, that Nigeria Judiciary is evil” Elections in Nigeria had suffered immeasurable injustice from the hands of judges from courts of law and election tribunals in the country.

Theoretical Framework

Theoretical framework is a device for adopting or applying the assumption, postulation and principles for the research problem (Obasi,1999). It involves linking the problem under investigation to the assumptions, postulations and principle to the theory. This paper adopts iron law of oligarchy. The Iron law of oligarchy is a provocative and very influential theory posited by German social theorist, Robert Michels. In his seminal analysis of the German Social Democratic Party in 1911, Michels argued that all organizations – no matter how democratic their original intentions – eventually come to be ruled by a powerful entrenched minority that, when necessary, will act illegitimately to squelch internal opposition and divert the organization’s goals in order to maintain its power (Darcy, 2017).

Basic assumptions of the theory are that; first, there is always a rather small number of persons in the organization who actually make decisions, even if the authority is formally vested in the body of the membership at large. The reason for this is purely functional and will be obvious to anyone who has attended a public meeting or even a large committee session. If everyone tries to have a say (as happens especially in the first blush of enthusiasm when a new, democratically controlled organization is created), then in fact nothing gets done.

Michels, the leaders who have this delegated authority tend to take on more power than the members who selected them. Once in power (whether this is an elected office or a purely informal leadership role), they tend to remain there for a long time and become relatively impervious to influences from below. New leaders enter their ranks primarily by being selected or coopted from above by the old leaders, rather than by rising on their own from below. The reason for this is partly functional and partly because of the way resources of power are distributed in an organization. The leaders are a much smaller group than the rank and file, but they have the advantage of being better organized. The leaders tend to form a united, behind-the-scenes, informal group, for it is much easier for them to make plans, carry out programs, and iron out disagreements in private personal negotiations than under the parliamentary rules of open meetings (Amaramiro, Matthew, & Igwe, 2019).

Furthermore, the leaders gradually develop values that are at odds with those of the members. Michels (1911) cited in Amaramiro, Matthew, & Igwe, (2019) here applies the principle of Marx and Weber that individuals' outlooks are determined by their social positions. The social positions of party leaders are fundamentally different from the positions of mere party members, since their experiences of participating in the organization are different. For the ordinary member, the organization is something he or she belongs to and participates in from time to time, but it is not usually the center of his or her life. Members expect their union to fight for their interests and their values, but that is about all. The leader's position is different. For that person, the organization is usually a full-time job, or at least a major part of his or her life. Especially if the organization is big and powerful enough to have paid officials, these officers receive money, power, and prestige from their positions, and often a chance to belong to a higher realm of other elites (Darcy, 2017).

Accordingly, they have the legitimacy of being the existing leadership who can claim to represent the organization, whereas their opponents can be called "factions" and "splitters" who represent only themselves and who aid the organization's enemies by creating internal dissension. The united leadership, then, can wield power out of all proportion to its numbers because it controls the material and ideological resources of the organization. Michels provides a sort of Mini-Marxism of class conflict and the weapons that enable one class to prevail, only his setting is a single organization rather than the whole society. But Michels had no hopes that history would ever reverse this distribution of power resources. As long as we have large-scale organizations, these consequences are inevitable. "Who says organization," stated Michels, "says oligarchy." (Darcy, 2017). Thus, the theory suggests that in any organization or institution, a small group of individuals will eventually gain control and power, leading to the exclusion and marginalization of the majority. This theory can be applied to the Nigerian context to understand how institutional collaboration occurs in electoral malpractice (Amaramiro, Matthew, & Igwe, 2019).

In Nigeria, electoral malpractice often involves collusion between political elites, government officials, electoral bodies, and security agencies. These actors form a network of powerful individuals who control and manipulate the electoral process to their advantage. The Iron Law of Oligarchy helps explain how this collaboration takes place. According to this theory, once a small group gains control over an institution like the electoral system, they are motivated to maintain their power and influence. They do so by establishing networks and alliances with other powerful individuals, including those from different institutions. This creates a web of collusion that enables them to coordinate efforts to manipulate elections to ensure their continued dominance.

Nexus between Independent National Electoral Commission (INEC) and the Judiciary towards Electoral Malpractice in Nigeria

According to Peters (2019) institutionalism and de-institutionalism or formal and informal institutional perspective shapes the predictable pattern of relationship between institutions, society, and actors, and how institutions change to produce (or fail to produce) the desired actions. To Meyer and Rowan (1977), institutionalization involves the elevation of "social processes,

obligations, or actualities” to an impersonal “rulelike status” above individuals, groups, and organizations, as well as their preferences. They identified an inseparable correlation between organizational departments, offices, and programmes (institutional structures), legal stipulations (institutional rules), and social norms, practices, and procedures (institutional myths).

To this effect, as the electoral management body, INEC is responsible for conducting elections, voter registration, and ensuring the overall integrity of the electoral process. INEC has made significant progress in recent years by adopting technology-driven innovations and implementing reforms to enhance transparency. However, challenges such as voter intimidation, ballot box snatching, vote buying, and falsification of results still persist. While judiciary on the other hand plays a crucial role in adjudicating electoral disputes and ensuring justice in electoral matters (Agbaje, & Adejumobi, 2016). It has the responsible for resolving disputes arising from elections, including allegations of electoral malpractice. The courts have the power to nullify elections, disqualify candidates, or order reruns if they find evidence of electoral malpractice. This role is essential in upholding the rule of law and maintaining public trust in the electoral process. Conversely, Nigeria electoral process over the years are marred by irregularities, violence, and corruption. The collusion between Independent National Electoral Commission (INEC) and the Judiciary has often played a critical role in facilitating such malfeasance.

However, it is a fact known fact that, INEC and the judiciary are interconnected in ensuring electoral integrity. INEC relies on the judiciary to adjudicate disputed elections and sanction those found guilty of malpractice (Adewole, 2019). The judiciary depends on INEC to provide credible evidence and facilitate the judicial process. Surprisingly, the collaboration between these institutions toward electoral malpractice has been a major concern over the years in Nigeria (Adeosun, 2014).

In addition, since its inception in 1999, Nigeria’s electoral body has thrown up ethically challenged leaders who have undermined its institutional independence through interference in its membership (Omotola, 2010). The president of Nigeria has, with impunity, abused the privileges associated with the office to undermine the judicial branch through the arbitrary sacking of principal judicial officers for spurious reasons against subsisting court orders. Lawyers empowered by the 1999 CFRN to defend these officers were threatened out of the way (see Nigeria Civil Society [NCS] Situation Room, 2019; Garcia-Sayán, 2019). The judicial officers serving at various election tribunals are currently under presidential intimidation, blackmail, or threat (Ramalan, 2023; Thisday, 2023). The security agencies, which are under the control of the president, have acted in a partisan manner and arbitrarily abused their rules of engagement on election duties (NCS Situation Room, 2019).

To this effect, there are cases where Nigerian courts look the other way to declare some corrupt Nigerian leaders innocent, but the same leaders are convicted abroad, which has implications on institutional functionality and makes a mockery of institutions in Nigeria. Instead of rising above individuals and groups to restrain the excesses of Nigerian elected leaders, the reverse is the case in the country. When all these happen without commensurate consequences, they tend to embolden

the perpetrators. It is Kleinfeld's (2021) argument that when groups believe that they can use any means outside the law (including violence) to sway the electoral process without consequences, they are more likely to do so. Impliedly, when Nigerian leaders abuse the privileges of their offices without consequences, it becomes an incentive for future violations of Nigerian laws. This explains the problem with flawed Nigerian elections arising from institutional failures.

According to Agomuo (2023), INEC claimed to achieve 62% PVC distribution in Lagos before the general elections commenced. However, there were reports of discriminatory distribution of PVC which denied non-indigenes their PVCs in Lagos but Agomuo (2023) debunked the allegations. He stressed that "There have been several accusations and deception regarding the PVC distribution in Lagos. Some persons have made claims that the commission was cooperating with a party to ensure that non-indigenes are not permitted to collect their cards so that they would not be able to vote for a certain candidate during the elections. But what truth does such accusations hold?" he queried. Although, Agomuo (2023) denied the discriminatory PVC distribution, it was manifest on the day of voting in the presidential and national assembly elections that many non-indigenes in Lagos that had registered had no PVC to vote.

Zeijl (2023), a correspondent of Al Jazeera, noted that "established political parties have used violent groups referred to as 'political thugs' for years to influence the electoral process" (Tsaro, 2023). Worthy of note is the enthusiasm and cooperation that the voters demonstrated to accommodate the logistics shortcoming presented by INEC deployments. The personnel and materials for the election arrived very late to many polling units in Abuja and elsewhere. By the time INEC staff settled to commence the accreditation and voting, it was getting dark.

However, some of the voters went home and brought their generating sets to provide light for uninterrupted voting exercise. Some others provided internet data services to ensure that the BVAS was used to upload the results to the IReV Portal before leaving the polling units. The INEC chairman, he repeatedly told us that BVAS is the magic, but it turns out that BVAS wasn't the magic, the guy stated. The Osun Court of Appeal ruling rejected the appellant's claim that the BVAS is the magic that determines over voting, hence the BVAS is no more than a tool to authenticate a voter" (Agbakoba, 2023). There hasn't really been a change because INEC continues to have the legal right to announce results through BVAS or regular paper.

Factors Influencing Institutional Collaboration Toward Electoral Malpractice in Nigeria

1. **Judicial Interference and Compromised Judgments:** The collaboration between INEC and the Judiciary often results in judicial interference in electoral disputes. This involves the manipulation of judgments and legal processes in favor of certain political actors or parties. In some cases, judges have been accused of accepting bribes or engaging in partisan behavior, thereby compromising the impartiality and fairness of the judicial system (Yusuf, 2015).

2. **Lengthy Court Processes and Questionable Court Verdicts:** Another aspect of the collaboration is the delay in delivering court verdicts on electoral cases, which further diminishes the credibility of the electoral process. Lengthy litigation processes give room for manipulation and create an

environment conducive to electoral malpractice. Furthermore, the questionable nature of some court verdicts, which appear to favor particular political interests, raises doubts about the independence and integrity of the Judiciary.

3. Political Interference and Manipulation: INEC, as the electoral body responsible for organizing elections, sometimes faces pressure from political actors to favor their interests. This influence can permeate the entire electoral process, including voter registration, candidate nomination, and the conduct of elections. The collusion between INEC and the Judiciary often plays into this dynamic, as politically motivated judgments or decisions may serve to consolidate power for select individuals or parties (Agbaje, & Adejumbi, 2016).

4. Weak Institutions and its Agents: Nigeria's electoral institutions, such as the Independent National Electoral Commission (INEC), have been criticized for their lack of independence, capacity, and resources. Weak institutions can contribute to electoral malpractice as they may be susceptible to manipulation, corruption, or lack the necessary infrastructure to effectively oversee elections.

5. Poverty and Socioeconomic Factors: According to Ismaila, & Zaheruddin (2016) Nigeria's high poverty rates and socioeconomic disparities can also contribute to electoral malpractice. Desperate individuals may be more susceptible to bribery or manipulation by politicians who promise financial incentives or other benefits in exchange for support or votes. Economic inequality can also create tensions and divisions that can be exploited during elections.

6. Ethno-Religious Divisions: Nigeria is a diverse country with multiple ethnic and religious groups. These divisions can be exploited by politicians who use identity politics to mobilize support. This can lead to electoral malpractice, such as voter suppression or the manipulation of ethnic or religious tensions for political gain (Ismaila, & Zaheruddin, 2016).

7. Lack of Civic Education and Awareness: Many Nigerians may not fully understand their rights and responsibilities as voters, or the importance of free and fair elections. This lack of civic education and awareness can make them more susceptible to manipulation or coercion by politicians who take advantage of their ignorance. Improving civic education and raising awareness about the importance of democratic processes can help mitigate electoral malpractice (Ugwuja, 2015).

Implications of Institutional Collaboration towards Electoral Malpractice in Nigeria

Electoral malpractice and irregularities that crystalize in contentious elections can have deflating implications on integrity, credibility and democratization process in Nigeria. Theoretical studies find that contentious elections have complex deleterious consequences on voter participation (Mbah et al., 2019; Nikolayenko, 2015). Sedziaka & Rose (2015) explain why violence occurs during elections, or serve as an election-rigging tool in countries with challenging institutional capacity to “mediate conflict over political power and ensure a level playing field among candidates” (Kuhn, 2015: 89), and dethrone an illegitimate autocratic government

(Higashijima, 2015). Basically, institutional collaboration in perpetuating electoral malpractice in Nigeria are multifaceted and this social phenomenon has implications for Nigeria's nascent democracy such as;

1. **Undermining Democracy and the Rule of Law:** Electoral malpractice, such as voter intimidation, ballot stuffing, or vote rigging, undermines the principles of democracy. When elections are not free and fair, it erodes public trust in the electoral process and the legitimacy of elected officials. This can lead to a lack of confidence in the government and a weakened democratic system (Ebegbulem, 2011).

2. **Impunity and Lack of Accountability:** The collaboration between INEC and the Judiciary in electoral malpractice is often characterized by a lack of accountability and a culture of impunity. Perpetrators of electoral misconduct are rarely held responsible for their actions, leading to a vicious cycle of fraudulent practices. This lack of accountability undermines the trust of citizens in the electoral process and democratic institutions, thereby weakening the overall democratic system (Ateno, 2009).

3. **Political Instability:** Electoral malpractice can contribute to political instability in Nigeria. When citizens feel that their votes do not count and that the electoral process is unfair, it can lead to protests, civil unrest, and even violence. This instability can hinder economic development, social progress, and overall stability within the country (Ebegbulem, 2011).

4. **Marginalization and Disenfranchisement:** Electoral malpractice can disproportionately affect marginalized communities and lead to their disenfranchisement. For example, voter suppression tactics may target specific ethnic or religious groups, limiting their ability to participate in the electoral process. This exclusion can perpetuate inequalities and deepen divisions within society.

5. **Lack of Accountability:** According Ugwuja (2015) when electoral malpractice occurs without consequences, it creates a culture of impunity and a lack of accountability among politicians and electoral officials. This lack of accountability allows for repeated violations of electoral laws and undermines efforts to establish a fair and transparent electoral system. It also hinders efforts to hold elected officials accountable for their actions, leading to a cycle of corruption and abuse of power.

6. **Corruption and Mismanagement:** Electoral malpractice often goes hand in hand with corruption and mismanagement of resources. Politicians may engage in bribery or use public funds for personal gain to secure their positions or influence election outcomes. This diverts resources away from essential services and perpetuates a culture of corruption within the government (Ebegbulem, 2011).

Conclusion and Recommendations

The collaboration between INEC and the Judiciary in electoral malpractice has had far-reaching negative implications for electoral process, effective governance and the growth and development

of democracy in Nigeria. Thus, addressing electoral malpractice requires comprehensive electoral reforms, including strengthening institutions responsible for overseeing elections, ensuring transparency in campaign financing, promoting civic education, and enforcing strict penalties for those found guilty of electoral offenses. Specifically, the paper recommends the following:

1. **Strengthening Transparency:** In order to enhance collaboration between INEC and the judiciary, it is crucial to prioritize transparency in electoral processes. This can be achieved through the implementation of open and accessible information systems, ensuring that both institutions have access to relevant data for decision-making.
2. There should be strong supervision and punishment of the erring judicial and ince officials to serve as deterrence to others.
3. **Capacity Building:** Both INEC and the judiciary should invest in continuous training and capacity building programs for their personnel. This will ensure that they have the necessary skills and expertise to effectively handle electoral disputes and uphold democratic principles.
4. **Timely Resolution of Electoral Disputes:** It is important to establish a clear timeline and mechanism for addressing electoral disputes. This includes streamlining the legal process, setting strict deadlines, and ensuring that cases are resolved in a timely manner to prevent prolonged political instability.
5. **Enhanced Communication and Information Sharing:** INEC and the judiciary should establish effective channels of communication to facilitate the exchange of information and expertise. This can include regular meetings, joint workshops etc.
6. **Public Awareness and Education:** Both INEC and the judiciary should actively engage in public awareness campaigns to educate citizens about their rights and the electoral process. This will not only help prevent electoral malpractice but also foster a culture of active citizen participation and accountability.

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