BETWEEN THE PEOPLE AND THE COURT: AN ASSESSMENT OF THE IMPACT OF ELECTORAL JURISPRUDENCE ON NIGERIA'S DEMOCRACY, 2019 TO 2023

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Abstract

This paper investigates the impact of electoral jurisprudence on Nigeria's democracy between 2019 and 2023, with particular attention to the tension between the courts and the electorate in determining electoral legitimacy. While earlier studies have largely described the judiciary's corrective role in addressing electoral malpractices, this research goes further by interrogating how repeated judicial interventions have simultaneously reinforced and strained democratic values. Drawing on democratic theory, the study adopts a qualitative approach, relying on secondary sources and critical analysis of landmark judicial rulings. The findings reveal that although the courts have functioned as essential guardians of electoral integrity, their growing influence has fuelled concerns of judicial overreach, inconsistency, and waning public trust. Unlike previous scholarship that primarily celebrates the judiciary as a stabilising force, this study demonstrates how unresolved perceptions of bias, corruption, and procedural delays risk alienating citizens from the democratic process. The paper contributes to literature by highlighting this dual dynamic and recommending reforms to strengthen judicial independence, transparency, and credibility in Nigeria's electoral governance.

Key Words: Court, Electoral Jurisprudence, Democracy, People, Nigeria

1.1 Introduction

Elections remain a central feature of democratic governance, providing a mechanism for leadership recruitment and legitimisation. Their credibility depends on competitive participation, inclusiveness, and the general acceptability of outcomes. Liberal democratic theory underscores these principles by stressing the rule of law, civil liberties, multiparty competition, and broad electoral legitimacy as benchmarks of a functioning democracy (Held, 2006; Verba, Schlozman, & Brady, 1995). Within this framework, elections are not merely events but processes that reinforce the foundations of democratic consolidation (Okoye, 2019; Ezeani, 2019).

In Nigeria, an evolving democracy in Africa, elections are regulated by constitutional and statutory provisions designed to safeguard integrity. The 1999 Constitution, as amended, establishes the Independent National Electoral Commission (INEC) to oversee electoral processes, while the Electoral Act of 2022 provides detailed procedures for conducting elections and determining qualifications for participation (Omotola,

2022; Onapajo, 2022). Despite these provisions, Nigerian elections remain fraught with irregularities, often compelling stakeholders to seek judicial interpretation and resolution. The judiciary, as the guardian of the constitution and custodian of justice, thus plays a pivotal role in adjudicating electoral disputes (Olaniyan, 2021; Ogunyemi, 2022).

Scholars have observed a growing trend towards what has been termed the "tribunalisation of democracy," where electoral legitimacy increasingly rests on judicial verdicts rather than on the expressed will of the electorate (Olowolagba, 2020; Onyejekwe, 2020). Judicial intervention is sometimes celebrated as a corrective mechanism against electoral malpractices (Idowu, 2020; Sule, 2020). However, the tendency for courts to overturn election outcomes has generated widespread concerns about legitimacy, impartiality, and the integrity of the judiciary itself (Human Rights Watch, 2020; Transparency International, 2021). Allegations of corruption, delays, and partisanship within the judicial process have further compounded doubts about its neutrality (Nigerian Bar Association, 2021; Ogundipe, 2021).

Recent debates highlight the implications of technological innovations such as the Bimodal Voter Accreditation System (BVAS) and electronic transmission of results in shaping electoral disputes and their judicial outcomes (Ogunleye, 2023; Sule, 2023; Osaghae, 2023). While these reforms hold promise for enhancing transparency, their contested application in the 2023 elections demonstrates the continuing centrality of courts in defining electoral legitimacy (Eze, 2023; Oyetade, 2023). Yet, limited scholarly attention has been devoted to understanding how judicial interventions in the 2019 and 2023 electoral cycles have reconfigured Nigeria's democratic trajectory, particularly in terms of public trust and the perceived value of electoral participation. This gap constitutes the thrust of this paper. While previous works have examined aspects of judicial involvement in elections, few have systematically analysed how electoral jurisprudence is shifting the locus of political legitimacy from voters to judges. The research problem, therefore, is that if courts rather than citizens increasingly decide electoral outcomes, Nigeria risks deepening its democratic deficit, undermining citizen trust, and fostering political discontent that could escalate into instability. This study thus seeks to critically assess the impact of electoral jurisprudence on Nigeria's democracy between 2019 and 2023.

1.2 Conceptual Clarification

Electoral jurisprudence denotes the body of judicial interpretations, rulings, and legal principles that define the conduct and legitimacy of elections. It is not limited to the mechanical application of electoral laws; rather, it embodies how courts shape the meaning of democracy through their decisions. By adjudicating disputes and interpreting statutes, the judiciary becomes a decisive actor in safeguarding electoral integrity and mediating political competition (Okoye, 2019).

In Nigeria, electoral jurisprudence has assumed unusual prominence, especially in the 2019 and 2023 electoral cycles, where

critical outcomes hinged on judicial verdicts. While such interventions have been vital in correcting irregularities, they also raise questions about overdependence on courts and the displacement of electoral legitimacy from citizens to judges (Olaniyan, 2021). Thus, the concept simultaneously reflects both a shield for democracy and a potential source of democratic fragility. Situating this duality within Nigeria's context is essential for understanding how electoral jurisprudence is reshaping the dynamics of democratic accountability.

2.1 Literature Review

Electoral jurisprudence, broadly understood as the body of legal reasoning and rulings that shape the conduct of elections, has emerged as a critical factor in the trajectory of Nigeria's democratic consolidation. In contexts where electoral irregularities frequently undermine legitimacy, the judiciary becomes the ultimate arbiter of electoral disputes. Yet, as the literature reveals, its interventions have produced mixed outcomes, ranging from the correction of malpractice to the erosion of public trust.

Adewunmi (2020), in his study on electoral disputes and Nigeria's democracy, illustrates this duality through the Supreme Court ruling in *Hope Uzodinma vs. Emeka Ihedioha* (2020). While the judgment affirmed the judiciary's power to overturn flawed electoral outcomes, it also attracted criticism for allegedly substituting judicial reasoning for the electorate's will. The implication of Adewunmi's analysis is that judicial intervention, though corrective in principle, risks fostering perceptions of overreach when outcomes do not align with popular expectations. This tension points to the judiciary's paradoxical role as both a guardian and, at times, a destabiliser of electoral legitimacy.

Onapajo (2020) reinforces this perspective by examining *Douye Diri vs. David Lyon* (2020), where the judiciary nullified a governorship victory due to discrepancies in the deputy governor-elect's credentials. He interprets this as evidence of the courts serving as a corrective mechanism against electoral malpractice. However, a critical reading of Onapajo's work suggests that the legitimacy gained from such decisions is fragile, as rulings often generate political polarisation. Thus, while Adewunmi and Onapajo both acknowledge the corrective role of the judiciary, their studies converge on the challenge of sustaining voter confidence in contexts where judicial outcomes are contested in the public arena.

Ezeani (2019) approaches the matter from a procedural perspective, emphasising the consequences of prolonged adjudication in electoral cases such as *Peter Ubah vs. INEC*. He contends that judicial delays discourage participation and exacerbate voter apathy. This argument adds a temporal dimension to the debate, drawing attention to how procedural inefficiencies undermine the democratic process even when substantive justice is eventually served. Yet, when juxtaposed with Adewunmi's and Onapajo's analyses, Ezeani's work reveals a deeper structural weakness: while courts may correct flawed elections, the timeliness of their intervention determines whether such

correction strengthens or weakens democratic legitimacy.

Beyond correcting outcomes, judicial rulings have also influenced reform debates. Sule (2020) highlights how pre-election disputes and cases of candidate disqualification exposed flaws in party primaries, thereby stimulating calls for reform in candidate selection processes. He particularly points to judicial pronouncements on campaign finance regulation, such as in *Machina vs. Lawan*, as moments that could have expanded accountability if properly implemented. However, Sule concludes that weak political will has hindered meaningful follow-through. This reveals a critical gap: while jurisprudence can identify systemic weaknesses, the translation of legal interpretation into institutional reform requires executive and legislative commitment, which has often been lacking in Nigeria.

The problem of weak implementation connects with Bamidele's (2022) analysis of the judiciary's role during the 2019 and 2023 elections. He argues that slow and often inconsistent rulings in sensitive disputes heightened political tension and prolonged uncertainty, thereby eroding trust in the courts. Bamidele's findings, when read alongside Ezeani's earlier critique of judicial delays, highlight an enduring structural problem: the inability of the judiciary to deliver timely, consistent, and credible decisions undermines its corrective capacity. Unlike Sule, who identifies opportunities for reform, Bamidele underscores the missed opportunities where judicial performance instead deepened political mistrust.

Taken together, the literature underscores a complex reality. While electoral jurisprudence in Nigeria has undeniably corrected malpractices and compelled some reforms, yet it has simultaneously raised questions about judicial overreach, delay, inconsistency, and susceptibility to political manipulation. While Adewunmi and Onapajo celebrate the judiciary's corrective role, Ezeani and Bamidele caution against the detrimental effects of delay and inconsistency, while Sule stresses the limited impact of jurisprudence without political will. The implication is that the judiciary, though indispensable to democratic consolidation, cannot by itself guarantee electoral credibility; its effectiveness is shaped by timeliness, impartiality, and the willingness of political actors to implement necessary reforms.

2.2 Theoretical Framework

This paper adopts the Robert Dahl Democratic Theory as its framework of analysis. Robert Dahl's (1989) democratic theory, often described as "polyarchy," remains one of the most influential attempts to explain how democracy can function in complex modern societies. His framework rests on principles such as representation, accountability, transparency, and the rule of law, which together shape the conditions under which democratic authority can be sustained. While Dahl's ideas have been widely applied to the study of electoral institutions and democratic transitions, their application to the role of electoral jurisprudence remains relatively underexplored. This paper therefore engages Dahl's framework in a distinctive way by interrogating how judicial

interventions in Nigeria's elections between 2019 and 2023 both advance and undermine these democratic principles.

Extending Dahl's Democratic Theory

Judicial Intervention and Representation: Dahl conceives representation as the mechanism through which citizens' preferences are reflected in political leadership. Most studies have applied this principle to assess electoral competition and voter choice. This paper extends it by showing how judicial decisions, such as the Supreme Court ruling in *Hope Uzodinma v. Emeka Ihedioha* (2020), reshape representation by reconfiguring electoral outcomes after votes have been cast (Adeleke, 2021). This dynamic introduces a paradox: while the judiciary may correct malpractice, it can also distort the representational link between citizens and leaders (Ogunyemi, 2022).

Accountability and the Judiciary: Dahl stresses accountability as essential for sustaining legitimacy. In Nigeria, judicial annulments such as the disqualification of David Lyon in Bayelsa (Idowu, 2020) illustrate how courts can enforce accountability by sanctioning breaches of law. However, unlike prior studies that treat accountability mainly as vertical (citizens holding leaders accountable), this paper emphasises horizontal accountability, where courts hold electoral bodies and candidates to legal standards. Yet, as the controversy surrounding the Kogi governorship election demonstrates (Oyetade, 2023), accountability is weakened when judicial impartiality is questioned.

Transparency in Judicial Processes: For Dahl, transparency underpins the responsiveness of democratic systems. Prior scholarship has largely examined transparency in relation to electoral administration. This paper, however, applies the concept to judicial rulings, highlighting how opaque judgments such as the overturned Osun governorship tribunal ruling (Eze, 2019), erode public trust, while judicial endorsement of innovations like BVAS in 2023 enhances transparency (Sule, 2023; Osaghae, 2023). This approach positions electoral jurisprudence as a key determinant of whether transparency in democracy is deepened or diminished.

Rule of Law and Judicial Integrity: Dahl identifies the rule of law as central to democratic stability. Court decisions such as the disqualification of Zamfara APC candidates in 2019 (Onyejekwe, 2020) demonstrate the judiciary's ability to uphold this principle by constraining political malpractice. Yet, as delays and allegations of corruption reveal (Bamidele, 2022; Human Rights Watch, 2020), the rule of law can be undermined from within, weakening confidence in the judiciary itself. By applying Dahl's framework to these contradictions, this paper foregrounds the fragility of judicial integrity in electoral contexts.

Towards a Critical Reappraisal

By situating electoral jurisprudence within Dahl's democratic theory, this study contributes to literature in two ways. First, it extends the application of Dahl's principles beyond the electoral process to the post-election judicial arena, showing how courts have become decisive actors in

shaping representation, accountability, transparency, and legality. Second, it critiques Dahl's optimistic assumptions by exposing a tension he did not fully anticipate: that judicial authority, while necessary for correcting electoral malpractices, may simultaneously displace popular sovereignty and erode democratic legitimacy.

In this sense, the paper does not adopt Dahl's theory mechanically but uses Nigeria's experience between 2019 and 2023 to test, stretch, and problematise it. Electoral jurisprudence, therefore, emerges as both a safeguard and a strain on democracy, requiring a rethinking of how polyarchy functions in contexts where courts, rather than voters, increasingly decide political outcomes.

3.0 Methodology

The research paper adopts the qualitative method of research. It uses data from the secondary sources, which are extant literature such as textbooks, journals articles, magazines, internet sources, among others. The literatures were reviewed with the objective of the study in mind. Qualitative method of data analysis was used to critically assess the impact of electoral jurisprudence on Nigeria democracy between 2019 and 2023. Recommendations were issued based on literatures reviewed and research findings.

4.0 Discussion of Findings

4.1 Electoral Disputes and the Judiciary's Role (2019–2023)

To what extent has the judiciary become the arbiter of political legitimacy in Nigeria? This question lies at the heart of the findings, as the 2019 and 2023 general elections demonstrate how electoral disputes have increasingly migrated from the ballot box to the courtroom. While courts provided avenues for redress in high-profile contests, from the Atiku Abubakar vs. Muhammadu Buhari presidential petition to the Uzodimma vs. Ihedioha governorship dispute in Imo State, the outcomes simultaneously raised questions about judicial neutrality and the broader health of Nigeria's democracy.

The findings suggest that the judiciary has emerged as both a stabiliser and a disruptor. On the one hand, its rulings in Bayelsa (2019) and Adamawa (2023) underscored a willingness to invalidate fraudulent victories, thus reinforcing legal accountability in the electoral process. On the other hand, judgments such as the Supreme Court's decision in Uzodimma's favour, or the Machina vs. Lawan primary dispute, exposed judicial overreach and fuelled perceptions of bias. These contradictions echo Olaniyan's (2021) concern that overreliance on the court's risks eroding public trust, while also extending Adeosun's (2020) argument that some judicial interventions undermine the electorate's sovereignty.

The empirical evidence also challenges theoretical assumptions. Dahl's democratic theory, for instance, presumes that representation flows primarily from competitive elections; yet Nigeria's experience between 2019 and 2023 shows that judicial rulings often determine leadership outcomes more decisively than voters themselves. This suggests that the Nigerian case modifies rather than fits

neatly within Dahl's polyarchal framework by positioning unelected institutions particularly the judiciary, as key power brokers in democratic consolidation.

4.2 Implications of Court Rulings on Nigeria's Electoral Process

Do judicial interventions safeguard or subvert democracy? The findings indicate both dynamics at play. On the positive side, interventions in Bayelsa and Adamawa reaffirmed the principle that no candidate should benefit from malpractice, echoing global democratic standards that stress legality as a safeguard for legitimacy (Diamond, 2019). However, these rulings also expose tensions between legality and the popular will, as demonstrated by the annulment of David Lyon's landslide victory. Here, legality triumphed, but the perception of disenfranchisement deepened public scepticism.

Similarly, the Obi vs. Tinubu presidential petition illustrates the difficulty of proving electoral malpractice under Nigeria's high evidentiary threshold. While this aligns with Ogunleye's (2023) observation that courts often shield incumbents by demanding near-impossible proof of fraud, it simultaneously diverges from comparative studies in jurisdictions where digital technology has expanded evidentiary flexibility. Nigeria's insistence on strict proof, even in the age of BVAS and digital accreditation, reveals a systemic rigidity that undermines electoral justice.

4.3 Challenges of Electoral Jurisprudence

Why does the judiciary struggle to command public trust? The findings highlight four interrelated challenges: allegations of bias, systemic corruption, judicial delays, and lack of autonomy. Accusations of bias were most visible in Imo State, where Uzodimma's elevation from fourth place to governorship challenged the principle of popular sovereignty. This supports Oyetade's (2023) claim that political influence compromises judicial credibility. Similarly, corruption allegations, though often unsubstantiated, remain widespread, with Human Rights Watch (2020) reporting systemic inducements in high-stakes cases. Such concerns affirm Adeleke's (2019) conclusion that corruption distorts judicial impartiality.

Judicial delays further weaken the value of redress. The prolonged resolution of electoral disputes, as seen in earlier elections such as Peter Obi's 2003 case, resonates with Bamidele's (2022) observation that "justice delayed is justice denied." The persistence of this problem in 2019–2023 shows little structural reform. Moreover, the judiciary's financial dependence on the executive compromises its autonomy, confirming Akinyemi's (2021) and Oyetade's (2021) findings that constitutional guarantees of independence are undermined in practice.

4.4 Conceptual and Theoretical Implications

The findings carry two broad implications for Nigeria's democratic trajectory. First, they highlight a paradox: the judiciary is indispensable for enforcing electoral accountability but simultaneously risks politicisation when it becomes the final arbiter of political leadership. This reinforces the idea that democracy cannot

rest solely on elections or legalism but requires institutional trust and a balance between legality and legitimacy. Second, the Nigerian experience suggests a need to revisit dominant democratic theories. Dahl's polyarchy underestimates the centrality of courts in fragile democracies, while empirical studies often downplay how judicial power can decisively reshape representation. Nigeria's electoral jurisprudence thus contributes a nuanced perspective to democratic theory: it shows that judicial institutions can both safeguard and distort the very principles they are meant to uphold.

Thus, the thrust of this work lies in interrogating the judiciary's double-edged role in Nigeria's democracy. The evidence from 2019 to 2023 not only confirms earlier concerns about judicial bias and delays but also introduces fresh insights into how technological change, financial autonomy, and legal thresholds interact to redefine electoral legitimacy. The challenge, therefore, is to strengthen judicial independence, reform evidentiary standards, and ensure that electoral disputes are resolved in a way that protects both legality and the people's mandate.

4.5 Conclusion

The assessment of electoral jurisprudence in Nigeria between 2019 and 2023 reveals its dual character as both a guardian and a source of tension for democracy. Conceptually, the findings show that the judiciary has moved beyond serving as a corrective mechanism to become a decisive force in determining political legitimacy. Court rulings now function not only to address electoral malpractice but also to redefine the meaning of representation, often shifting power from voters to judges. Theoretically, the paper's findings challenge Robert Dahl's democratic theory on the ground that while Dahl emphasises elections as the foundation of representation, the Nigerian experience demonstrates that judicial verdicts frequently override the ballot, thereby questioning his assumption of dispersed power within a polyarchy. This reinforces critiques by Held (2006) and Schattschneider (1960) that structural inequalities and unelected bodies can distort democratic outcomes.

Instead, the paper's findings shows that Nigeria's case illustrates how courts, rather than serving as neutral arbiters, are increasingly central actors in shaping political authority. Compared with previous studies, these findings confirm Olaniyan's (2021) warning about declining trust due to judicial overreach, yet they also extend Idowu's (2020) and Ogunyemi's (2022) argument that the judiciary remains vital in punishing malpractice and strengthening accountability. Thus, the study concludes that electoral jurisprudence emerges as both a stabilising and destabilising factor in Nigeria's democratic process, underscoring the need for reforms that strengthen judicial independence, ensure greater transparency, and update evidentiary standards to reflect digital innovations like BVAS. Ultimately, the challenge is to balance legality with legitimacy so that the judiciary protects electoral integrity without displacing the sovereignty of the people.

4.6 Recommendations

This study has shown that electoral jurisprudence in Nigeria between 2019 and 2023 produced both stabilising and destabilising effects on democratic governance. While the judiciary served as a corrective mechanism against malpractice, recurring issues such as judicial overreach, delays, corruption, and weakened legitimacy were also evident. To address these challenges and strengthen the positive impact of electoral jurisprudence, the following recommendations are proposed:

1. Safeguarding Judicial Independence: Findings revealed persistent concerns about political influence in court rulings, which undermines public confidence. Judicial independence should therefore be deepened through constitutional and institutional safeguards that guarantee financial autonomy, insulate appointment and promotion processes from political interference, and uphold merit in judicial recruitment.

2. Improving Transparency and Public Trust: The opacity of court processes in high-profile electoral disputes weakened perceptions of fairness. Making proceedings more open to citizens and the media, and publishing full judgments in user-friendly formats, will enhance transparency and rebuild trust in judicial decisions.

3. Ensuring Timely Resolution of Electoral Disputes: The study confirmed that delays in adjudication prolonged political uncertainty and sometimes allowed disputed officeholders to remain in power. Establishing dedicated electoral tribunals with strict timelines for verdicts would strengthen electoral integrity and reduce political instability.

4. Building Judicial and Legal Capacity: Given the complex nature of election petitions, capacity building is crucial. Continuous training for judges, tribunal members, and lawyers on electoral laws, technological innovations such as BVAS, and comparative global best practices will improve the quality and consistency of rulings.

5. Combating Judicial Corruption: Perceptions of corruption in electoral cases emerged strongly in the findings. Internal oversight mechanisms should be reinforced to investigate allegations promptly and sanction erring officials. This will deter unethical practices and restore credibility to the judicial process.

6. Electoral Reforms to Ease Judicial Burden: The reliance on courts to resolve disputes partly reflects weaknesses in electoral management. Strengthening INEC's operational capacity, expanding technology-driven accreditation, and improving election logistics will reduce irregularities, thereby lowering the volume of litigation.

7. Strengthening Collaboration between Judiciary and INEC: The findings suggest that ambiguous electoral laws often fuel disputes. Regular pre-election consultations between INEC and the judiciary can clarify contentious provisions, while post-election reviews can help identify recurrent challenges and guide reform.

In all, the study highlights that for electoral jurisprudence to safeguard rather than undermine democracy, Nigeria must prioritise judicial independence, transparency, timeliness, and integrity, while also reforming electoral processes to reduce disputes. These reforms, if faithfully implemented, will ensure that court interventions reinforce rather than replace the will of the people.

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