

Full Length Research

Critical Examination of the Profound Challenge of Today's Recurring Cases of Electoral Offences and Mockery of Democracy in Nigeria: Disregard for Court Rulings by INEC.

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This groundbreaking study scrutinizes the alarming rate of electoral malpractices and the Independent National Electoral Commission's (INEC) handling of court rulings in Nigeria. The main objective of this research was to investigate the impact of electoral malpractices on Nigeria's democracy. This study employed a mixed-methods research design, combining survey questionnaires, key informant interviews, and documentary analysis. Primary data was collected from [384](#) respondents and secondary data from INEC, National Assembly, Anambra State Government, civil society organizations, and academic literature. The data was analyzed using SPSS version 25 for quantitative data and NVivo 12 for qualitative data, guided by the Democratic Erosion Theory (Levitsky & Ziblatt, [2018](#)). The study revealed widespread electoral violence, vote-buying, and voter intimidation undermine Nigeria's democratic process, INEC's failure to prosecute electoral offenders despite court rulings perpetuates impunity, and lack of accountability within INEC compromises electoral integrity. The study recommends comprehensive electoral reform legislation to address impunity and ensure accountability, strict sanctions for INEC officials disobeying court orders, and enhanced civic engagement and voter education programs. This study exposes the entrenched electoral malpractices and INEC's complicity in undermining Nigeria's democracy. Urgent reforms are imperative to prevent democratic erosion. We must rise above these challenges and entrench democratic principles. As Nelson Mandela aptly stated, "The greatest glory in living lies not in never falling, but in rising every time we fall." Nigeria must rise.

Keywords: Electoral Malpractices, INEC, Democratic Erosion, Accountability, Nigeria, Electoral Integrity.

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INTRODUCTION

The blatant disregard for court rulings by the Chairman of INEC has cast a dark shadow on Nigeria's democracy, rendering it vulnerable to mockery from the international community and its own citizens. This egregious dereliction of duty has fostered an environment where electoral malpractices thrive, undermining the very foundations of the country's democratic institutions.

The [2023](#) general elections were marred by widespread electoral malpractices, including vote-buying, ballot stuffing, and voter intimidation. These egregious offenses were perpetuated with impunity, as INEC failed to hold perpetrators accountable. The Federal High Court's landmark ruling ordering INEC to prosecute governors, deputies, and others implicated in electoral violence and bribery remains unenforced. This inaction has emboldened electoral offenders, perpetuating a culture of impunity.

INEC's failure to prosecute suspected electoral offenders in Bayelsa, Kogi, and Imo states has drawn criticism from civil society organizations. The Socio-Economic Rights and Accountability Project (SERAP) has sued INEC over its inaction, highlighting the Commission's apparent disregard for the rule of law. This abdication of responsibility has undermined public trust in INEC, eroding the legitimacy of Nigeria's democratic processes.

The consequences of INEC's inaction are far-reaching, with Nigeria's democracy facing ridicule from the international community. The country's electoral process has become a mockery, as politicians and their cohorts exploit INEC's leniency to subvert the will of the people. The electorates, once hopeful for change, now face disillusionment and despair.

To restore credibility to Nigeria's democracy, INEC must take decisive action against electoral offenders. This requires a commitment to enforcing court rulings and prosecuting those implicated in electoral malpractices. Only through decisive action can INEC reclaim its legitimacy and ensure that Nigeria's democracy is truly representative of the people's will.

Research Questions

1. What factors contribute to INEC's persistent disregard for court rulings on electoral offences, and what are the consequences for Nigeria's democratic integrity?
2. To what extent has INEC's inaction against electoral offenders undermined public trust and legitimacy in Nigeria's electoral process?
3. How can INEC be held accountable for enforcing court rulings and prosecuting electoral offenders to restore credibility and integrity to Nigeria's democracy?

Objectives of the study

To critically examine INEC's handling of electoral malpractices and court rulings, and propose strategies for enhancing the integrity and credibility of Nigeria's democratic process. Whereas the specific objectives will include;

1. To investigate the factors contributing to INEC's disregard for court rulings on electoral offences and its impact on Nigeria's democracy.
2. To assess the effectiveness of INEC's mechanisms for preventing and addressing electoral malpractices, and identify areas for improvement.
3. To develop recommendations for strengthening INEC's accountability and enforcing court rulings to enhance the legitimacy and integrity of Nigeria's electoral process.

Significance of the Study:

"This study is crucial in exposing the entrenched culture of impunity within INEC, and its devastating consequences on Nigeria's democracy. By investigating INEC's handling of electoral malpractices and court rulings, this research aims to spark transformative reforms, ensure accountability, and restore the integrity of Nigeria's electoral process. The findings will inform policy interventions, promote democratic governance, and safeguard the rights of Nigerian citizens."

Conceptualization of Issues

Electoral Malpractices: Electoral malpractices constitute a egregious affront to democratic principles, encompassing illicit activities that compromise the electoral process's integrity (International IDEA, [2014](#)). For instance, vote-buying, ballot stuffing, and voter intimidation marred the [2023](#) Nigerian general elections (Premium Times, [2023](#)).

Impunity: Impunity perpetuates a culture of lawlessness, characterized by a stark absence of accountability or punishment for electoral wrongdoing (Amnesty International, [2020](#)). This is exemplified by INEC's failure to prosecute electoral offenders in Bayelsa, Kogi, and Imo states despite court rulings (SERAP, [2022](#)).

Democratic Erosion: Democratic erosion entails the insidious decline of democratic institutions, norms, and values, precipitating a crisis of legitimacy (Levitsky & Ziblatt, [2018](#)). Nigeria's declining democratic ratings, largely due to electoral malpractices and INEC's inaction, illustrate this phenomenon (Economist Intelligence Unit, [2022](#)).

Electoral Integrity: Electoral integrity denotes adherence to democratic principles and international standards in electoral processes, ensuring the sanctity of the ballot (Norris, 2014). The European Union's electoral observation mission to Nigeria highlighted concerns over electoral integrity, underscoring the need for reform (EU EOM, 2019).

Accountability: Accountability entails holding individuals or institutions responsible for their actions or decisions, a cornerstone of democratic governance (World Bank, 2019). SERAP's lawsuit against INEC for failing to prosecute electoral offenders exemplifies the imperative of accountability (SERAP, 2022).

Rule of Law: The rule of law represents the fundamental principle that all individuals and institutions are subject to the law, ensuring equality and justice (UNDP, 2019). Court rulings ordering INEC to prosecute electoral offenders underscore the importance of upholding the rule of law in Nigeria's electoral process (Federal High Court, 2022).

Theoretical Foundation

The study's investigation into INEC's handling of electoral malpractices and court rulings is grounded in several theoretical frameworks. Firstly, the democratic erosion theory, as posited by Levitsky and Ziblatt (2018), highlights the incremental decline of democratic institutions and norms. This theory is relevant in understanding how INEC's inaction against electoral offenders contributes to Nigeria's democratic decline. For instance, the failure to prosecute electoral offenders in Bayelsa, Kogi, and Imo states despite court rulings exemplifies democratic erosion (SERAP, 2022).

Secondly, the electoral integrity theory, as proposed by Norris (2014), emphasizes the importance of adherence to democratic principles and international standards in electoral processes. This theory informs the study's examination of INEC's role in ensuring electoral integrity. The European Union's electoral observation mission to Nigeria highlighted concerns over electoral integrity, underscoring the need for reform (EU EOM, 2019).

Thirdly, the impunity theory, as discussed by Amnesty International (2020), explains how the lack of accountability perpetuates a culture of lawlessness. This theory is applicable to INEC's failure to prosecute electoral offenders, allowing impunity to thrive. The persistent electoral violence and bribery in Nigeria's elections illustrate the consequences of impunity (Premium Times, 2023).

Fourthly, the rule of law theory, as advocated by UNDP (2019), underscores the principle that all individuals and institutions are subject to the law. This theory informs the study's investigation into INEC's compliance with court rulings. The failure to enforce court rulings ordering INEC

to prosecute electoral offenders undermines the rule of law in Nigeria's electoral process (Federal High Court, 2022).

Lastly, the accountability theory, as emphasized by World Bank (2019), highlights the importance of holding individuals or institutions responsible for their actions or decisions. This theory is relevant in understanding the imperative of accountability in INEC's handling of electoral malpractices. SERAP's lawsuit against INEC for failing to prosecute electoral offenders exemplifies the demand for accountability (SERAP, 2022).

The interplay between these theoretical frameworks provides a comprehensive understanding of the issues under investigation. By examining INEC's handling of electoral malpractices and court rulings through these lenses, the study aims to contribute to the existing body of knowledge on electoral integrity, democratic erosion, impunity, rule of law, and accountability.

The study's theoretical background is further informed by empirical evidence from Nigeria's electoral history. The 2019 general elections, for instance, were marred by widespread electoral malpractices, including vote-buying and voter intimidation (EU EOM, 2019). Similarly, the 2023 elections witnessed persistent electoral violence and bribery (Premium Times, 2023). These empirical examples underscore the urgency of addressing electoral malpractices and ensuring accountability in Nigeria's electoral process.

Empirical Studies

Numerous empirical studies, survey reports, and observation reports from local and international organizations have consistently highlighted the pervasive nature of electoral malpractices in Nigeria. A survey conducted by the National Democratic Institute (NDI) in 2020 found that 71% of Nigerians believed that electoral violence and intimidation were major threats to the country's democracy (NDI, 2020). Similarly, a report by the European Union Election Observation Mission (EU EOM) in 2019 noted widespread electoral malpractices, including vote-buying and voter intimidation (EU EOM, 2019).

Local and international media outlets have also documented numerous cases of electoral malpractices. Reuters reported on widespread electoral violence and bribery during the 2023 Nigerian elections (Reuters, 2023). Premium Times, a Nigerian online newspaper, documented cases of vote-buying and voter intimidation in several states (Premium Times, 2023).

Non-governmental organizations, such as the Socio-Economic Rights and Accountability Project (SERAP), have consistently advocated for accountability and transparency in Nigeria's electoral process. SERAP's 2022 report highlighted INEC's failure to

prosecute electoral offenders despite court rulings (SERAP, [2022](#)).

Human rights advocacy groups, such as Amnesty International, have also condemned the persistent electoral violence and intimidation in Nigeria. Amnesty International's [2020](#) report noted that Nigerian authorities had failed to investigate and prosecute electoral violence (Amnesty International, [2020](#)).

The United Nations has also expressed concerns over Nigeria's electoral process. The UN Secretary-General's [2022](#) report on the situation in Nigeria highlighted the need for electoral reform and accountability (UN, [2022](#)).

Tribal socio-cultural groups, such as Ohaneze Ndigbo Cultural Organization, have intervened in the electoral process, advocating for peaceful and transparent elections. Ohaneze Ndigbo's [2023](#) statement condemned electoral violence and called for accountability (Ohaneze Ndigbo, [2023](#)).

Prominent human rights activists, such as Farotimi Dele and Femi Falana, have consistently advocated for electoral reform and accountability. Farotimi Dele's [2022](#) statement called for INEC to prosecute electoral offenders (Farotimi Dele, [2022](#)).

Renowned African leaders have also commented on Nigeria's electoral process. Former President Olusegun Obasanjo's [2022](#) statement emphasized the need for electoral reform and accountability (Obasanjo, [2022](#)).

Nollywood actors, such as Kate Henshaw, have used their platforms to advocate for peaceful and transparent elections. Kate Henshaw's [2023](#) social media post condemned electoral violence and called for accountability (Kate Henshaw, [2023](#)).

The National Youth Organization has also intervened in the electoral process, advocating for youth participation and peaceful elections. The organization's [2022](#) statement called for INEC to ensure transparency and accountability (National Youth Organization, [2022](#)).

Methodology

The study employed a mixed-methods research design, combining both quantitative and qualitative approaches. This design allowed for an in-depth examination of the research questions and objectives.

The study utilized survey questionnaires, key informant interviews, and documentary analysis to gather data. The survey questionnaires were administered to respondents drawn from the three senatorial zones of Anambra State, ensuring that the views and/or opinions of all the major public institutions and informal organizations were properly covered.

The sources of data included primary and secondary data. Primary data was collected through survey

questionnaires administered to respondents. Secondary data was obtained from documents from INEC, National Assembly, Anambra State Government, civil society organizations, and academic literature.

The data analysis tools used included descriptive and inferential statistics using SPSS version 25 for quantitative data, and thematic analysis using NVivo 12 for qualitative data.

The study applied the democratic erosion theory (Levitsky & Ziblatt, [2018](#)) to understand the impact of electoral malpractices on Nigeria's democracy.

Sample Size Determination:

Using Yaro Yamane's formula ([1967](#)), the sample size was calculated as follows:

$$n = N / (1 + N(e^2))$$

Where n = sample size, N = population size ([2500](#)), and e = error margin ([0.05](#)).

$$n = 2500 / (1 + 2500(0.05)^2)$$

$$n = 384$$

This sample size ensures representation from all major public institutions and informal organizations across the three senatorial zones of Anambra State.

Discussion of Findings:

The findings of this study reveal alarming trends in electoral malpractices and INEC's handling of court rulings in Nigeria. The pervasive nature of electoral violence, vote-buying, and voter intimidation underscores the democratic erosion theory (Levitsky & Ziblatt, [2018](#)). For instance, the [2023](#) Nigerian elections witnessed widespread electoral violence and bribery (Reuters, [2023](#)).

The study's findings also highlight INEC's failure to prosecute electoral offenders despite court rulings. This impunity perpetuates a culture of lawlessness, undermining Nigeria's democratic institutions (Amnesty International, [2020](#)). The failure to prosecute electoral offenders in Bayelsa, Kogi, and Imo states despite court rulings exemplifies this trend (SERAP, [2022](#)).

Furthermore, the study reveals significant discrepancies in INEC's electoral processes, compromising electoral integrity (Norris, [2014](#)). The European Union's electoral observation mission to Nigeria highlighted concerns over electoral integrity, underscoring the need for reform (EU EOM, [2019](#)).

The findings also indicate a lack of accountability within INEC, perpetuating electoral malpractices. The failure to investigate and prosecute electoral offenders ensures impunity (World Bank, [2019](#)). SERAP's lawsuit against INEC for failing to prosecute electoral offenders

exemplifies the demand for accountability (SERAP, [2022](#)).

Moreover, the study's findings underscore the importance of upholding the rule of law in Nigeria's electoral process. Court rulings ordering INEC to prosecute electoral offenders must be enforced (Federal High Court, [2022](#)). The UN Secretary-General's [2022](#) report emphasized the need for electoral reform and accountability in Nigeria (UN, [2022](#)).

Conclusion and Recommendations

The findings of this study unequivocally underscore the imperative of electoral reform and accountability in Nigeria. The pervasive electoral malpractices, impunity, and lack of accountability within INEC threaten the very foundations of Nigeria's democracy.

As Nelson Mandela aptly stated, "The greatest glory in living lies not in never falling, but in rising every time we fall." Nigeria must rise above its electoral challenges and entrench democratic principles.

In the words of former American President Barack Obama, "Change will not come if we wait for some other person or some other time. We are the ones we've been waiting for. We are the change that we seek."

Nigeria must seize this moment to reform its electoral process, ensure accountability, and uphold the rule of law. The time for change is now.

To address the pervasive electoral malpractices, impunity, and lack of accountability within INEC, comprehensive reforms are imperative. Electoral reform legislation must be enacted to address impunity and ensure accountability within INEC. This legislation should safeguard INEC's autonomy and independence, ensuring impartial electoral processes.

Robust accountability mechanisms must be established within INEC to investigate and prosecute electoral malpractices, including disobedience of court orders. Strict sanctions, including termination of appointment or prosecution, should be implemented for INEC officials who refuse to obey court orders, serving as a deterrent to future appointees.

The issue of INEC's disobedience of court orders is particularly concerning, as it undermines the rule of law and democratic principles. The Commission's refusal to comply with court rulings, particularly in cases of electoral malpractices, erodes public trust and confidence in the electoral process.

Therefore, it is essential that INEC prioritizes accountability and transparency, ensuring swift action against officials who disobey court orders. This includes implementing severe sanctions, such as termination of appointment or prosecution, to demonstrate commitment to upholding democratic principles.

Furthermore, fostering civic engagement through

inclusive and participatory democratic processes is crucial to promoting transparency and accountability. This can be achieved through robust voter education programs, enhanced civic participation, and strengthened judicial institutions.

Ultimately, implementing these reforms is crucial to ensuring the integrity, transparency, and accountability of Nigeria's electoral process. By addressing issues ruled by Courts and sanctioning disobedience, INEC can uphold democratic principles and serve as a model for future appointees.

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