(online) = ISSN 2285 – 3642
ISSN-L = 2285 – 3642
Journal of Economic Development, Environment and People
Volume 13, Issue 3, 2024

URL: http://jedep.spiruharet.ro
e-mail: office_jedep@spiruharet.ro

Executive Interference in the Administration of Justice at the Election Petition Tribunals in Nigeria: Myths and Realities

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Abstract. *This study focuses on the interface between the executive and the judiciary in the adjudication of electoral matters in Nigeria. Nigerians have had cause to reflect on access to justice, as well as the quality of justice that is available to individuals who seek justifiable remedies in the judicial system. Evidence shows that peoples' aspirations for justice have been constantly frustrated by maladministration, unclear perverted electoral rules, irregularities and manipulations of parties' primaries, corruption, and so on. The current paper argues that the causes are multi-dimensional, including unnecessary heating up of the body politics, political actors and the people, the inefficiency and ineffectiveness of the election management body, government interference, and so on. This study adopted a historical cum descriptive approach to political research, using secondary sources of information. The study applied both the systems approach and the theory of separation of powers, focusing on the judiciary deciding on disputes in conformity with the separation of powers principle. The study found that the nexus, which existed in both the executive and judiciary arms, has exposed some lapses among the judges that have been characterised by irregularities and manipulations. The study concluded that, unless the judicial system, including the election petition tribunals, is reconstituted, autonomised and free from executive interference, the people will never experience justice. The study recommends that the executive arm should operate within the confines of its responsibilities and allow the judiciary to carry out its duties promptly to win over the hearts and minds of the citizenry.*

Keywords: Administration, Corruption, Policy Process, Interference, Electoral System.

JEL Codes: H1; K4 & P4

How to cite: Ukpere, W., & Ugoh, S. C. (2024). EXECUTIVE INTERFERENCE IN THE ADMINISTRATION of JUSTICE at the ELECTION PETITION TRIBUNALS IN NIGERIA: Myths and Realities. *Journal of Economic Development, Environment and People*, *13*(3). https://doi.org/10.26458/jedep.v13i3.861

(online) = ISSN 2285 – 3642
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Journal of Economic Development, Environment and People
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1. Introduction

According to Nwabueze (2009), the involvement of a representative democracy, where people are governed by elected representatives, has become an integral part of modern democracy. This modern democracy comprises three institutions, namely the executive, legislative and judiciary, constituting a basis for the principle of separation of powers parts. Their powers in most democracies are independent but cooperative in nature. The judiciary, as the fulcrum of justice, adjudicates disputes. It is a part of the larger political process because the courts play a unique role in the allocation of values. Thus, in a modern democracy, government is inconceivable without the judiciary.

Much attention is focused on public policy, which focuses on the economy and repositioning of the citizenry towards adherence to law and order. Thus, when mentioning law and order, the judicial system readily comes to mind. Judiciary refers to the group of justices in law courts for interpretation of the system of law plus adjudicating conflicts and other institutions, groups and individuals, as stated in the constitution. These powers and responsibilities make the judiciary a veritable institution through a public policy process. In a democratic society like Nigeria, it performs a significant responsibility to ensure a violence-free regime change and or stability; hence, the need for the judiciary to be apolitical and be seen and perceived to be independent from the devious manipulations of the executive. According to Dahida and Maidoku (2013), the judiciary acts as a moderator and umpire, overseeing the various issues embedded in government policy, and the interrelationship between the government and the governed.

Broadly speaking, a free and fair election should embrace certain compositions such as the mode of parties' registrations, and control of the parties' choice of candidates, ensuring that these are devoid of any favouritism. The electoral system that is adopted should be difficult to rig. The voter's register should be authentic and devoid of fraud. Thus, there should be an unbiased and independent judicial system to adjudicate in case of misunderstandings and regarding matters of law (Ugoh, 2004). However, absolute freedom of election is impossible since limitless freedom of choice is problematic. In a country like Nigeria, the problematic nature of the process is linked to historical, structural, institutional and psycho-cultural factors (Ugoh, 2004). Previous elections had been linked to a plethora of crises, according to Adewale (2003), who tested the viability of many of Nigeria's weak political institutions, notably electoral agencies and various political parties. The courts have occasionally been engaged with a lot of challenges while

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ISSN-L = 2285 – 3642
Journal of Economic Development, Environment and People
Volume 13, Issue 3, 2024

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adjudicating election petitions. The current study examines these challenges that the judiciary faces in resolving electoral matters and recommends possible solutions.

1.1 Purpose of the study

Primarily, the study discusses executive interference in the judiciary system, including election petitions and tribunals. It further sought to determine whether the independence of the judiciary, as stipulated in Nigeria's 1999 constitution, still prevails and how much value judges add to protect the judiciary's integrity. The study also critically evaluates the judiciary process and the country's stability in this Fourth Republic. The study sought to proffer suggestions towards mitigating the menace in the country's electoral system. This study also sought to establish whether the tribunals have any legal authority to interfere in the central issues of a political party.

2. Research Approach

This study is a qualitative and conceptual one, which entails theory building. Data was collected from secondary sources such as published and unpublished materials, including academic journals, textbooks, newspapers, conference proceedings and seminar papers, as well as other materials that relate to the subject matter.

3. Literature Review

Historically, Nigeria's government structure has viewed the judiciary's independence as an anathema. The judiciary was linked to the government's executive arm and acted as an appendage of the executive (Karibi-White, 2013). This structure failed to provide effective and impartial input into the system. Subsequently, with independence, the judiciary was granted a reasonable measure of freedom from the executive branch. Before this period, freedom of the judiciary was generally misconstrued. Hence, the concept was not taken seriously, which is why there is a compelling need to clearly understand the freedom of the judiciary. According to Kirkpatrick (1983), as a branch of government pertaining to law processes, the judiciary is the "branch of government responsible for interpreting the laws and administering justice". Sunday (2017) maintains that the major role of the judiciary is to provide monitoring and evaluation controls for the illegitimate and wrongful behaviour of government policies relating to adjudicating lawfulness, responsible leadership and harmonious co-existence among the citizens. According to Uwaifo

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ISSN-L = 2285 – 3642
Journal of Economic Development, Environment and People
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(2014), a significant aim of the judiciary arm is to necessitate the constitutional guarantee of its independence for unobstructed and independent performance. However, cases of judicial corruption have caused aspersion when determining cases as an independent body. In fact, according to Sunday (2017), corruption destroys a society and judges engaging in this act simply abuse their office, whilst influenced by the executive and politicians.

In a democratic society, democracy includes elections, judicial freedom, uncensored press, maintenance of minority rights and democratic rule. Remarkably, Transparency International (2007) reported that Nigeria's judicial system is undermined by dishonest dealings, and the country's judges are the biggest bribe recipients. Similarly, the National Bureau of Statistics (NBS), assisted by the United Nations Office on Drugs (Crimes) (UNODC) published that Nigeria's public officials received ₦721 billion bribes in 2023, with judges topping the list of recipients (NBS/UNODU, 2023). In fact, the dismissal of Justice Walter Onnoghen, Nigeria's Chief Justice by Buhari, former President of Nigeria, is a pinnacle for administrative meddling in the judicial system. Even though the law states that the executive has the power to appoint and remove judges, the interpretation act from which the provision is derived is inferior to the constitution. According to Enumah (2020), the body of Senior Advocates of Nigeria (SAN) has denounced the role of the executive and politicians' continued interference in the appointment of judicial officers, stating that such actions jeopardize the judiciary's independence.

According to Asiwaju Adeboyega Awomolo (SAN) and Life Bencher, the process of appointing judicial officers at all levels has exhibited flagrant disrespect for the judiciary's independence (BOSAN, 2020-2021). Similarly, Akpata (SAN) former President of the Nigerian Bar Association (NBA) accused the federal executive of selective compliance to court rulings, while he chastised the state executive for refusing to comply with the constitutional clause that grants the judiciary fiscal authority. He further said that "it will be difficult to achieve full independence for the judiciary in Nigeria if the judiciary is not allowed full financial autonomy under the constitution" (Shehu and Tanim, 2016). In fact, the suspension of Justice Ayo Solami, President of the Court of Appeal (PCA), opened a new dimension in the Nigerian judiciary. It was the first of its kind at that level, where the NJC initiated the suspension and, was endorsed by the former president of the Federal Republic of Nigeria (FRN) (Shehu and Tanim, 2016).

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3.1 Theoretical framework

The judiciary decides on disputes through the authorities, using the agreed set of procedures and in conformity with prescribed rules. Therefore, the study is based on David Easton's application of the systems approach.

According to Easton (1965), a system is a set of variables regardless of the degree of inter-relationship among them. In practice, political scientists are interested in political systems in which the purpose of variables is highly dependent upon and interrelated with one another. This means that those involved in the interactions behave in a manner, which strives to keep the system's integrity and cohesion (Easton, 1953). Thus, any political system that exists is affected by the physical, social, economic and cultural environment. What distinguishes a political system from these environments is that its interactions deal with the authoritative allocation of values (Easton, 1953, pp. 25, 36). It means that a political system is concerned with deciding who in society gets what, when, where, and how (Lasswell, 1958). Those who interacting are the politically relevant members of a system. According to Easton (1953, p.22), they are those elites who count, who share in the effective power of the system. In systems terminology, some of them are considered to be the authorities. The system's regime rules specify how the authorities allocate those values.

Political systems are open systems that are constantly subject to stresses or disturbances that emanate from the environment. If the system is to persist, these disintegrative forces must be defused. How the system handles such disturbances shapes the nature of its political system. To understand how a system persists means to discover how the system deals with and reduces stress. Constantly entering the system are demands for authoritative allocations of values. At the same time, the system's politically relevant members hold certain views, reflecting their satisfaction or dissatisfaction with the system. The attitudes can be specific concerning past allocations or more general or different views of the system. The demands and the two types of support are major inputs to the system.

Using their institutional roles, the authorities confront, evaluate, reshape and process this "input". The decision-making stage is called conversion. The decisions that are made are "outputs" of the system. The output's subsequent impact generates behavioural responses that are communicated or fed back to the

(online) = ISSN 2285 – 3642
ISSN-L = 2285 – 3642
Journal of Economic Development, Environment and People
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system as a new input. These are the basic Eastonian political systems that provide the organizational framework for examining the structure, process and behaviour of the nation's courts.

The nation's judicial system could be conceptualized as encompassing all interactions in Nigeria's society concerning the authoritative allocation of values, involving the judicial authorities. Courts primarily allocate values by deciding cases and issuing rules of procedure and other court orders. The authority of the system involves the judges, administrators supporting court workers, private lawyers, as well as federal government attorneys (lawyers) whose practices take them before the federal courts. Litigants and witnesses are not considered authorities because their behaviour is not governed by any unique considerations other than such general cultural injunctions as "tell the truth"; nor do they make authoritative decisions for the system. Rather, they are considered to be politically relevant sources and carriers of demands and information. Members of the general public are also politically relevant when aware of the system and act in response to its output. The same is true of interest groups and the mass media.

3.2 Executive Interference in Election Matters

Nigeria's current democratic dispensation is based on the country's 1999 constitution, designed and implemented by the military administration of General Abdulsalam Abubakar. The constitution depicts the roles of the different government arms, while issues of executive interference in Nigeria's judiciary system are considered in this study.

According to Ibrahim (2018), the independence of a judiciary system originated in Baron De Montesquieu's principles of separation of powers. This principle posits that the executive, legislature and judiciary are three separate, distinct and independent arms of government. In terms of the judiciary, the principle implies that both the judiciary, as an institution, all individual judges presiding over cases, and other personnel, must be able to carry out their professional responsibilities free from any influence or interference by the executive or legislature. Broadly speaking, it is only an independent judiciary that can provide the necessary checks on the excesses of other arms of government, particularly regarding breaches of rights and freedoms of Nigeria's citizens, while the reverse is the case when the executive arm interferes in matters that relate to the judiciary.

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Undoubtedly, the 1979 constitution empowered the executive to appoint judges, subject to recommendations by the Judicial Service Commission (JSC), either of the federation or the states, depending on the government involved. This was modified under the 1999 constitution, where the recommending authority is now a central National Judicial Council (NJC). Ironically, the executive had already interfered with Nigeria's judiciary system, considering that the term "Independence" is mentioned only nine times in the 1999 constitution, as well as "Judicial Independence" or Independence of Judiciary". Section 17 (1) (e) of the non-justifiable chapter 11 propagates the country's social order, stating that Nigeria shall ensure the maintenance of freedom, fairness and honesty of its law courts (CFRN, 1999). The 1999 constitution makes provision for sponsoring the country's judiciary. However, this is not the case owing to the issue of interference by the executive. The judiciary has been disturbingly weakened on an annual basis and is shortchanged because of executive and legislature interference, coupled with favoritism and ethnicity (Chidibere, Zaid, Ahmed & Jawan, 2015).

According to Lafenwa (2007), three major factors have led to the failure of Nigeria's parliamentary system. These are the country's multi-ethnic society, favoritism, and the nature of legislature, which exists alongside the resilient and active executive. In fact, the NJC is determined to ensure that the freedom of the judiciary fails. The NJC can be likened to a toothless bulldog owing to how it has dealt with the executive and legislation when it comes to budgetary allocation and control (Ibrahim, 2018).

Also, in Nigeria, state governors are swayed by ethnicity and favoritism in their appointment of most of their state and federal judicial officers. The independence of a country's judiciary is an incontestable fact. This is because the executive interferes in almost everything concerning the judiciary, which is a major area of concern for this study. After all, the judiciary is expected to act independently owing to the doctrine of division of powers.

In any democratic system, elections are used to elect representatives who make policies. According to Ologbenla (2003, p. 77), elections serve as a clear judgment of the policies of a particular party(ies) or individual(s) while in office. Thus, the judiciary interpretation of the electoral law requires a level of independence given the competitive electoral system (Anifowose, 2003, pp. 26).

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However, in Nigeria, the process of conducting elections faces many administrative and political problems. In fact, most candidates have hardly won elections based on how well or poorly the candidates address issues. It is also neither won nor lost based on the candidates' campaign strategy; rather, it would depend on the interlocking issues of INEC's manipulations, malpractices, bribery and corruption of electoral officers, and the power of the incumbent or ruling cabals (Anifowose, 2003: 26). Thus, the main work of the judiciary is to prevent the overzealous wielding of power. It also guides a balance for the citizens, the government, and the other three branches of government institutions by way of interpretation and application of the constitution. The judiciary is generally believed to be the ultimate hope of the masses and has a cutting-edge rule of law that plays a central role in resolving electoral disputes.

The above shows that the judiciary functions as an arbiter for disputes to guarantee calmness, unity, growth, and democratic steadiness in the country. In Nigeria, two types of courts were created, namely lower and higher courts. While superior courts have inherent powers, the lower courts do not. In fact, the powers of the lower courts are limited, as stated in CFRN in 1999, or the acts of the National Assembly and the state Assemblies. Notably, the establishment of an election petition tribunal in 1999 was made inferior against superior courts by section 6 (3) of the CFRN, 1999. This means that these election tribunals are courts that were established to handle petition matters but with limited powers.

3.3 Challenges confronting the electoral process in Nigeria

Section 285 of the CFRN, 1999, which covers electoral challenges, spells out the tribunals to settle electoral matters. As amended, the Supreme Court determines the cases of presidential and governorship general elections as the final court of appeal, by virtue of CFRN, 1999. However, trial cases would emanate from the Appeal Court before going to the Supreme Court in the case of presidential election cases. Various states are responsible through the election tribunals to handle gubernatorial and local government petitions (CFRN, 1999).

Pre-election issues are related matters that occur before an election takes place. These include the validity, nomination of candidates, and substitution of the names of candidates by a political party to the

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ISSN-L = 2285 – 3642
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INEC. Issues that relate to the candidates' qualifications such as their age, education, unblemished character, and so on, are inclusive and can result in disputes.

Generally, a court cannot interfere with matters that affect any political party. The truth is that the INEC documents the names of people that parties submit after their primary selection of candidates. However, this procedure has occasionally been abused by parties. However, in a case where there is a need for substitution, this should be done no later than 60 days before the election, as stated in the Electoral Act of 2006. Examples of such cases include Amaechi and Another in 2010, Ugwu and Another, and Ararume and Another in 2007. Nevertheless, if such an issue is captured through sections 66, 107, 137 and 182 of the CFRN, 1999, then the court may intervene. Remarkably, election petition tribunals do not recognize pre-election issues, as the Federal High Court is the appropriate court for these (CFRN, 1999). Regarding the Buhari versus Obasanjo case in 2015, the judge said:

> "An observer of the Nigerian political scene today can easily discover that the failure of the parties to ensure intra-party democracy and also failure to live by the provisions of their constitutions as to the emergence of candidates for elections is one of the major causes of serious problems hindering the enthronement of a representative government in this country".

It shows that for Nigeria to develop its democratic ethos, there is a need to reform the rules of the present law, which is faulty. Ironically, a court, which interferes by forcing private parties to hold to their promise, can find it difficult to enforce the same will on political parties. Electoral law should be applied as a central issue at the party level because any judgement taken must affect the country's citizens. The reality here is that any political party can organize an election to select candidates and take responsibility for the sanctity of its outcome. Notably, there is a rule, which governing political parties have stated in their constitutions that relates to handling primaries if more members are interested in the same position. However, political parties have been barred from replacing candidates whose names have been given to INEC by virtue of section 33 of the Electoral Act, 2010. However, political parties usually provide cogent and verifiable reasons to subvert the rule. Thus, there is a need to formulate a policy or strengthen section 33 of the Electoral Act, 2010, concerning the conduct of political parties' primary elections. There is a belief that once a new policy is formulated, most of the challenges that plague Nigeria's democracy will be resolved.

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ISSN-L = 2285 – 3642
Journal of Economic Development, Environment and People
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However, there is no denying the fact that corruption exists. The Bar and politicians appear to be the ones who aid and abet corrupt judges to collect bribes from willing clients. For example, no fewer than 67 of the 1020 judges in the nation's judiciary were dismissed between 2009 and 2015 (Oyesina, 2016). In fact, during this time the NJC concluded about 105 cases of alleged corruption and misconduct against judges in the country, whilst sanctioning them appropriately. Allegations that some judges in various states had been suspended for accepting bribes whilst on duty, are examples of this. According to one of the judges, a former Governor of River State requested him to influence the judgment in favour of the APC governorship cases of Rivers, Akwa Ibom and Abia States, promising that they would compensate him with a monthly allowance of millions of naira (Oyesina, 2016).

In a related case, Justice Abang dismissed Governor Okezie Ikpeazu of Abia State on the grounds of forged tax certificates and ordered the INEC to swear in the plaintiff as governor of Abia State. However, the State High Court in Abia State issued a counter-ruling, re-stating Governor Ikpeazu as governor. The matter was laid to rest at an Appeal Court by Justice Morenikeji Ogunwumiji, who led other judges and set aside Justice Abang's verdict. According to him, Justice Abang "spoke from both sides of his mouth", which means that Abang was indicted owing to his inability to have a firm grip on the law (Oyesina, 2016). The inconsistent and contradictory orders of the court became so pronounced to an extent that the law has been reduced to an object of ridicule for Nigerians and perhaps in the Committee of Nations too.

The implication is that the days of Socrates and philosopher judges are over, as well as titans like Darnley Alexander, Kayose Esho and Chukwudifu Oputa, who are no more (Bolawole, 2016). Thus, Nigerians are beginning to find it difficult to have faith in the country's judiciary, which is expected to aid the masses to obtain justice, when needed. The truth is that Nigeria's citizens are in trouble when those who are constitutionally charged and empowered to protect the citizens from tyranny and the abuse of power by a vicious, violent and lawless government, are themselves under siege. Perhaps this is why President Buhari noted that the judiciary remains his headache in the fight against corruption. Thus, it is advised that politicians should allow judges to do their jobs, while judges should endeavour to resist any temptation of bribe takings.

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ISSN-L = 2285 – 3642
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Election petitions need to have special rules and the Evidence Act, which was enacted decades ago, should be reviewed. In fact, these rules are outdated in terms of the internet era. The document presented at election tribunals uses computer software but the available system cannot assist the petition tribunals to discharge their duties without mistakes. Thus, most of the acts arising from election petitions are serious ones, including forceful removal of ballot boxes, presenting bogus results, and so on. The late Honorable Justice Pats Acholonu (JSC) stated: "The main appeal has failed due to impossibility of satisfactorily proving nationwide spread of ineptitude, violence, intimidation and other acts of terrorization. (Bolawole, 2016). Due to the injustice that this causes, the tribunals should introduce a system of admitting such evidence by hiding behind the relevancy rule, whilst applying it (Bolawole, 2016).

Delays from the nation's courts is another direct result of the collapse of judicial philosophy. The nation's courts have been strewn with delays, which are linked to large cases that are filed owing to unprecedented irregularities, which have marred every election. It has been observed that while a petitioner who participated in an election challenges the outcome of the election results, the opponent who was declared the winner, will enjoy the position for as long as the case lasts. It is a sad situation because if the petitioner wins, he/she might not have more than half of their tenure remaining to enjoy their mandate. To worsen the situation, while the respondent may apply state resources at his disposal to defend the case, an assumed winner may rely on their own means. However, the insertion of section 285 (5) (7), 1999, has partly resolved the matter. This raises the big question: what if the petition is not resolved within the allotted timeframe? This is another area that affects policy matters. The implication here is that the use of ad hoc tribunals and frequent granting of ex-parte orders will mostly advantage the lawyers to enrich themselves. Of course, their counsels who always look for reasons to adjourn cases, file frivolous applications with flimsy excuses to ensure that the cases are prolonged (Nnochiri, 2016). In fact, in an attempt for the tribunals to prevent unnecessary delays, the counsels resist, which results in overriding the system's objectives.

Another regrettable issue in this regard stems from the legislative bodies. On occasion, following the court's decision declaring that a person won the case, the concerned body will disobey the ruling and not comply

(online) = ISSN 2285 – 3642
ISSN-L = 2285 – 3642
Journal of Economic Development, Environment and People
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with admitting the person into the said position. This attitude is prevalent because the tribunals have limited powers that pertain to contempt of order. There is no provision in the Electoral Act of 2010 that empowers the court to punish those who flout the order. In Nigeria's legal system, however, election tribunals are perceived to be inferior courts, devoid of power to compete for contempt. If allowed to continue, this attitude will create doubt, preventing section 285(5) – (7) from becoming a reality. The cumulative effect is to assume that there will be delays in the prosecution of electoral cases. As a remedy, there is a need for the amendment of CFRN, 1999 and the Electoral Act, 2010 through a policy before assumption of office. To achieve this, the current study paper proposes that an election should take place six months before the end of tenures.

A lack of sufficient courtrooms is another factor that affects the performance of tribunals and courts in the country negatively. Evidence shows that no permanent institution has been established to handle election petitions except in matters of presidential elections. This means that there are vacuums and hence, ad hoc bodies are constituted each time an election takes place mainly to handle petition matters following the elections. As mentioned earlier, these ad-hoc tribunals use make-shift plans without considering the space provided for the election petition cases despite the mammoth crowd that is interested in the proceedings. Thus, individuals who are involved and intend to attend proceedings are not able to do so owing to inadequate space.

3.4 Further factors militating against the performance of tribunals

Election petitions in a country like Nigeria could be a laborious exercise that requires urgent attention. It becomes imperative owing to sections (5)–(7) of the CFRN, 1999 that seeks to dispose of petitions within a specified time. In fact, members hardly have the time to examine the petition cases properly. This divided attention of the tribunal judges hinders the quick disposal of cases. The split judgment in favour of Adeleke of the PDP against Oyetola of the APC is not without divergent interpretation, which opens it to be contested at the higher courts. In his appeal, Oyetola pleaded before the Appeal Court to set aside the judgement of the Osun State Governorship Election Petition Tribunal after dismissing him from office. Though he eventually obtained justice, the matter was prolonged (Nnochiri, 2019). Similarly, the method of appointing members to the election petition is not done based on proven

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experience. This shows that expertise in the field of adjudication has not developed. A cultivation of experts would assist with better rulings and early disposal of electoral disputes.

Also, the Electoral Commission exhibits habits of disrespecting court orders in cases owing to delays. This has raised the suspicion that the commission is partisan. Virtually, most of the political crises that trail every election are blamed on poor management by the electoral umpire. Failures in this respect have resulted in electoral violence, thuggery, cancellations of results, litigations, and so on. This is not unrelated to the structural, attitudinal and operational constraints of the body. In fact, for many observers, the commission is an appendage of the president, considering the composition of the members and their financial dependence on the executive (Ighodalo 2008). The implications of the delays in declaring the election results and the use of extra-judicial means to complain against injustice, enlarge the number of petitions. For example, as of 8 December 2009, there was a staggering volume of 1,299 election appeal cases in the different appellate courts. In essence, various cases, coupled with the complexity and volumes of documents that were tendered, became impossible to dispose of as the laws demanded (Nnochiri, 2016). The solution to this problem lies in the fact that elections should be held properly and within the rules, lessening the need for court action afterwards. The losers should embrace the election results.

At the same time, security personnel, whose duty it is to provide security and tranquillity during elections, have become agents of destruction. Evidence elicited of this is disquieting, raising a question around whether the nation has not learnt a lesson. Such inordinate and impetuous acts have called for concern and the way forward. Notably, those who manipulate elections and other perpetrators of electoral crimes may not succeed without the fraudulent activities of election and security officers. The INEC should refuse to manipulate results and should also avoid irregularities in its quest for free and fair elections in the country. However, these factors should be attributed to the fact that the judiciary has not performed well to some extent.

3.6 Judicial Decisions

Nigeria's general elections of 2015 witnessed a series of judgements at various court levels with conflicting decisions at the Appeal Court sitting in different divisions on similar issues, which presented the same facts and principles. The Chief Justice of Nigeria, as a result, had to publicly show concern at the

(online) = ISSN 2285 – 3642
ISSN-L = 2285 – 3642
Journal of Economic Development, Environment and People
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URL: http://jedep.spiruharet.ro
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annual conference of the Court of Appeal. The CJN called for an internal law report for justices to use either in print form or electronically. In the case of Ambode vs Agbaje, the Appeal Court in Lagos ruled that the non-use of the malfunction card reader cannot validate an election. The reason for this is that the Electoral Act (2010), as amended, pre-dates the introduction of the card reader. Encouraged by this decision, Nyesom Wike, the declared controversial winner of the Rivers State governorship elections, approached the Court of Appeal sitting in Abuja to uphold his election after the Rivers State Election Petition Tribunal, headed by Justice Ambrose, nullified his election. The judge reasoned that the accreditation was compromised by the use of incident forms instead of adhering to the card reader. This decision was supported by the Appeal Court on 16 December 2015 (Vanguard, 2015). The appellant had argued that the Electoral Act recognised the manual accreditation of voters and that this could only be possible by using the voter's presiding officer and not by the card reader report. This resulted in nullification, on the grounds that the non-use of the card reader, was unknown to the law.

Another interesting case was that of Aisha Alhassan of APC vs Darius Ishaku of PDP in Taraba State. The Taraba state Election Petition Tribunal held that the respondent, Ishaku, was not duly nominated by his party owing to the fact that the primaries were held outside of the state and his candidate was not known to INEC (Effiong, 2015). The Court of Appeal judgement, read out by Justice Abdul Aboki sitting in Abuja, ruled otherwise (Vanguard, 2016). The Supreme Court has put all these uncertainties to rest when it pronounced judgement on all the cases that were brought before it with regard to the 2015 general elections. It held that a non-card-carrying member of a political party has no business with the conduct of the party's primaries and that only a party has the right to present candidates for election to INEC. Thus, the court upheld the PDP case of Darius Ishaku and that of Nyesom Wike against Dakuku Peterside for overvoting and announced that the APC should have called witnesses in about 5000 polling units in the state, ruling that the card reader was not sufficient replacement for manual accreditation (Nnochiri, 2016) .

For the Nigerian public, governments, political parties and other stakeholders, these pronouncements are strong public policy issues, which will define the actions or inactions of government and other stakeholders alike. We have seen in recent times, following the judgement that sacked then-Governor Omahi of Rivers State and declared Chibuike Ameachi duly elected. No party has substituted a winner of its primary with another candidate since this ruling. The courts, therefore, have the last and most

(online) = ISSN 2285 – 3642
ISSN-L = 2285 – 3642
Journal of Economic Development, Environment and People
Volume 13, Issue 3, 2024

URL: http://jedep.spiruharet.ro
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authoritative say in what justice demands, whilst ensuring that it is fair to all concerned. This is because the pronouncement was done in the public interest as opposed to anyone's private interest and was made with the intent of the authors of the statutes (Electoral Act) in mind and in keeping with the spirit of the country's constitution.

4. Conclusion

The study discussed executive interference in Nigeria's judiciary system, including the electoral petition tribunals. The study revealed that though the constitution provides for an independent judiciary, the level of executive interference is visible, posing serious challenges to the country. In addition, the work shows that executive interference in electoral petition matters has had cause to reflect on the quality of justice for individuals that seek justifiable remedies, and thus doubt the notion that the masses lean on the hope of the judiciary. The study further revealed that given the turbulent history of Nigeria's democracy, all elections have been marred by fraud, bribery, rigging of votes and other malpractices. This competitive electoral issue requires an unbiased and independent judiciary to adjudicate in the case of misunderstanding and on matters of law. But the judiciary has not been effective in some cases, given the reports of massive bribery and corruption amongst judges, resulting in potent oblique rulings. The study also found that the structure of the nation's judiciary was built on delays, which is connected to the large number of petitions filed because of unprecedented irregularities that marred every election. In fact, the appointment of election petition members and other judges is not based on proven experience; hence, the use of ad-hoc tribunals. Besides, the INEC malpractices, in favour of the ruling government, have weakened the judges, while these deformities have not only overridden the objective of the judicial system but also cast blame on the system of justice itself. As Onnoghen observes, this constitutes a cog in the wheels of justice administration, effectively delaying the development of the country. No doubt, the judiciary has strived considerably to protect its independence from the other branches of government, as evidently proven in the major landslide rulings and pronouncements by the Petition Elections Tribunals, the High Court, the Appeal Court and, ultimately, the Supreme Court, challenges still remain. Having analysed the

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ISSN-L = 2285 – 3642
Journal of Economic Development, Environment and People
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various challenges confronting the judiciary with regard to electoral matters, the study recommends measures that can minimize or eradicate these challenges below:

- The government should test the Uwais Panel and other reports on election petitions based on the belief of the citizenry that the blueprint can solve electoral problems.
- There is a need to construct permanent courtrooms to accommodate election petition trials across Nigeria.
- The government should avail proper budgetary provisions both during and after elections for petition cases.
- There is a need to provide adequate technology in courtrooms and to upgrade the existing ones to assist with adjudicating election petitions.
- The government should establish policies or laws to assist tribunals to punish ex-facie contempt of court to enforce orders.
- There is a need to train and retrain election petition members, as well as other supporting officers.
- There is a need for strict penalties for security personnel and INEC officials who compromise electoral activities by committing malpractices, misconduct or crimes.
- Political leaders and the masses should follow the rules, while public enlightenment programmes should be offered for proper awareness, educating affected parties to accept defeat.
- The media should act professionally.
- The executive and judiciary should ensure that they operate within the confines of their offices, as stated in Nigeria's Constitution of 1999.
- Executive and judiciary branches should ensure that governmental transparency is sustained, while they observe the rule of law, guarantee efficiency and effectiveness in terms of their jurisdiction, and account for every decision that they make.

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