

Judicial Interventions and Democratic Consolidation in Nigeria

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ABSTRACT

Nigeria's Fourth Republic has witnessed a progressively deepening reliance on judicial intervention to resolve electoral disputes, with courts, rather than the electorate, increasingly determining political leadership and public confidence in electoral outcomes declining sharply as a result. This paper examines judicial interventions and democratic consolidation in Nigeria, with specific reference to electoral integrity, democratic legitimacy, and democratic accountability. The study relies on a qualitative research design, combining primary data generated through in-depth interviews with doctrinal legal analysis of selected landmark Supreme Court governorship election judgements in Zamfara, Imo, and Bayelsa States, generated through purposive sampling, as methods of data collection and analysis. It employs a dual theoretical framework, namely the Judicialisation of Politics Theory and the Democratic Consolidation Theory. Findings reveal that the Supreme Court's jurisprudential interventions, rather than protecting electoral integrity, have generally functioned as strategic arenas through which political actors exploited procedural and constitutional technicalities to secure outcomes the electorate had not voted for, eroding democratic legitimacy and progressively displacing electoral accountability with litigation accountability. The paper recommends, among other things, that the National Assembly should amend the Electoral Act 2022 to make electronic result transmission mandatory rather than discretionary, and that the Supreme Court should pursue deliberate doctrinal consolidation of its electoral jurisprudence to restore consistency in Nigeria's electoral adjudication.

Keywords: Democratic accountability; democratic legitimacy; electoral integrity; judicial interventions; judicialisation of politics; litigation-dependent democracy

INTRODUCTION

The exercise of judicial powers in Nigeria's democratic journey since 1999 represents a critical area of scholarly inquiry, particularly regarding its impact on democratic consolidation. The judiciary's role as arbiter of political disputes and guardian of constitutional democracy has grown increasingly prominent since the political transition to democratic governance in 1999, marking a transformative period in Nigeria's democratic experience. This period witnessed unprecedented judicial interventions in electoral processes, party politics, and governance structures, with the Supreme Court's expanding influence in political matters raising fundamental questions about the separation of powers and democratic legitimacy.

The judiciary's involvement in political disputes has grown exponentially, with over 800 election petitions filed in the 2015 general elections alone. This surge in election-related litigation has drawn scholarly attention to the implications of judicial activism for democratic stability, as the courts' interpretative role has become increasingly crucial in resolving political conflicts, often serving as the final arbiter in determining electoral outcomes and political leadership. As courts, rather than the electorate, increasingly determined political leadership, voter turnout declined sharply from 69.08 per cent in 2003 to 25.01 per cent in 2023, reflecting deepening public disillusionment with a democracy in which judicial victories progressively superseded electoral mandates. These developments necessitate a thorough examination of the judiciary's evolving role in Nigeria's democratic

consolidation process, and it is against this background that this paper examines the Supreme Court's jurisprudential interventions and their implications for electoral integrity, democratic legitimacy, and democratic accountability in Nigeria during the Fourth Republic.

Statement of the Problem

Nigeria's Fourth Republic, which commenced on 29 May 1999, has been characterised by a progressively deepening reliance on judicial intervention to resolve electoral disputes, with nearly half of major electoral outcomes facing judicial contestation and over 800 election petitions filed in the 2015 general elections alone (Omenma, 2019; Suleiman & Gambo, 2025). This systematic reliance on judicial intervention has created a parallel system in which judicial pronouncements, rather than ballot results, shape political leadership, resulting in what scholars describe as a "litigation-dependent democracy" in which judicial victories supersede electoral mandates (Suleiman & Gambo, 2025), a dynamic closely connected to the broader pattern of electoral violence documented across Nigeria's democratic experience (Harry & Kalagbor, 2021).

As courts, rather than the electorate, increasingly determine political leadership, voter turnout has declined sharply from 69.08 per cent in 2003 to 25.01 per cent in 2023 (Andza & Dera, 2019; Chiamogu & Chiamogu, 2025), notwithstanding a steady expansion of the national register of voters over the same period (Independent National Electoral Commission [INEC], 2023), and survey evidence indicates that fifty-four per cent of citizens no longer consider Nigerian elections credible, with forty-eight per cent specifically attributing that mistrust to court involvement in determining electoral outcomes (Omotoso & Nwaguru, 2026). It is against this background that this paper examines the Supreme Court's jurisprudential interventions and their implications for electoral integrity, democratic legitimacy, and democratic accountability in Nigeria, with particular reference to landmark governorship election judgements in Zamfara, Imo, and Bayelsa States.

Aim and Objectives

The aim of this paper is to examine judicial interventions and democratic consolidation in Nigeria. The specific objectives are to:

1. Examine judicial interventions and electoral integrity in Zamfara, Imo and Bayelsa States, Nigeria,
2. Evaluate judicial interventions and electoral and democratic legitimacy in Zamfara, Imo and Bayelsa States, Nigeria, and
3. Assess judicial interventions and democratic accountability in Zamfara, Imo and Bayelsa States, Nigeria.

Research Questions

The following research questions are framed to guide the achievement of the aim and objectives of this paper:

1. What is the relationship between judicial interventions and electoral integrity in Zamfara, Imo and Bayelsa States, Nigeria?
2. What is the relationship between judicial interventions and electoral and democratic legitimacy in Zamfara, Imo and Bayelsa States, Nigeria? and
3. What is the relationship between judicial interventions and democratic accountability in Zamfara, Imo and Bayelsa States, Nigeria?

METHODOLOGY AND THEORETICAL FRAMEWORK

Methodology

The paper relies on a qualitative research design, combining primary data generated through in-depth semi-structured interviews with forty-two purposively selected respondents drawn from nine professional categories across Zamfara, Imo, and Bayelsa States, and secondary data and literature, including primary legal resources such as the 1999 Constitution of the Federal Republic of Nigeria (as amended), the Electoral Act 2022, and selected landmark judgements of the Supreme Court of Nigeria on governorship election disputes in the three states. Other secondary sources of data include peer-reviewed journal articles, law reports, and institutional reports. With respect to the method of data analysis, the paper combines thematic analysis, following the six-phase framework of Braun and Clarke, with doctrinal legal analysis of Supreme Court decisions within the context of political science theory on judicialisation and democratic consolidation.

Theoretical Framework

This paper adopts a dual theoretical framework, namely the Judicialisation of Politics Theory and the Democratic Consolidation Theory. The Judicialisation of Politics Theory is a contemporary theory in political science, distilled from both law and politics, mainly associated with Ran Hirschl and further developed by Tate and Vallinder (1995) in their documentation of the global expansion of judicial power across diverse political systems. It emphasises the strategic transfer of political power to courts by elites who anticipate that judicial arenas will be more favourable to their interests than democratic majoritarian processes, and it is expressed through and sustained by the judicialisation of mega-politics disputes centred on political leadership succession, electoral integrity, and democratic legitimacy capable of threatening the continuity of democratic governance (Hirschl, 2004).

The Democratic Consolidation Theory, associated principally with Linz and Stepan, assesses democratic sustainability across three mutually reinforcing levels behavioural, attitudinal, and constitutional and provides criteria for determining whether judicial intervention in electoral processes advances or retards democratic consolidation. Notwithstanding its strengths, the theory has been criticised for institutional idealism and a degree of Western bias in its original formulation (Carothers, 2002; Schedler, 1998).

The Judicialisation of Politics Theory is relevant to this paper because it emphasises the dominant and assertive role of courts in determining mega-political disputes such as electoral outcomes in contemporary democracies, into which role the Supreme Court of Nigeria squarely fits. The Democratic Consolidation Theory serves as a reinforcing framework, supplying the attitudinal and behavioural criteria against which the electoral integrity, legitimacy, and accountability implications of the Supreme Court's interventions in Zamfara, Imo, and Bayelsa States are assessed in this paper.

Conceptual Explication

The conceptual explication of this paper focus on the concepts of judicial intervention, electoral integrity, democratic legitimacy, and democratic accountability.

Judicial Intervention

Judicial intervention in the electoral process refers to the formal involvement of courts in determining, validating, nullifying, or otherwise influencing electoral outcomes and the processes that produce them. Drawing on Garner (2019), judicial intervention may be understood as the court's act of becoming involved in a legal proceeding to protect legal rights or ensure justice, encompassing the adjudication of pre-election matters concerning candidate qualifications and party primaries, the resolution of election petitions challenging declared outcomes, and the interpretation of contested electoral law provisions (Kalagbor, 2026; Okeke & Idike, 2017).

Judicial intervention in electoral matters exists along a spectrum, from a restrained or minimalist posture in which courts confine themselves strictly to questions of procedural compliance with electoral law, to a more expansive or activist posture in which courts engage substantively with the merits of an election and, where warranted, substitute their own determination of the rightful winner for that produced by the ballot (Hirschl, 2004; Tate & Vallinder, 1995). Tate and Vallinder (1995) situate this expansive posture within a broader global trend of the judicialisation of politics, in which courts assume responsibility for resolving disputes that were once the exclusive preserve of the political and electoral process, a trend Hirschl (2004) further characterises as the emergence of a ‘juristocracy’ in which unelected judges acquire an increasingly decisive role over matters of fundamental political consequence.

Within Nigeria’s Fourth Republic, judicial intervention in gubernatorial elections has taken several distinct forms, including the nullification of a party’s primary election with consequential effect on the validity of its candidates, the exclusion or inclusion of disputed polling unit results at the collation or appellate stage, and the post-declaration disqualification of a candidate or running mate on grounds of statutory ineligibility. The Zamfara, Imo, and Bayelsa cases examined in this paper are illustrative of each of these distinct forms respectively, and together demonstrate that judicial intervention in Nigeria’s electoral adjudication is not a uniform act but a variable process whose implications for electoral integrity, democratic legitimacy, and democratic accountability depend on the specific procedural and evidentiary basis of the intervention in each instance.

Democratic Consolidation

Democratic consolidation refers to the process through which democratic principles, norms, processes, institutions, and practices become firmly established and widely accepted as the legitimate framework for political competition and governance (Linz & Stepan, 1996; Harry & Kalagbor, 2021). Following Linz and Stepan (1996), democratic consolidation occurs when democracy becomes ‘the only game in town’, such that no significant political actor seeks to overthrow it and democratic norms are internalised across society, behaviourally, attitudinally, and constitutionally.

Linz and Stepan (1996) are also of the view that democratic consolidation also requires the development of five critical and interconnected arenas namely; civil society, political society, economic society, rule of law and state bureaucracy. Schedler (1998) provides certain essential conditions that are relevant for democratic consolidation, in any political system, including popular legitimation, diffusion of democratic values, neutralisation of anti-democratic system actors and operators and the supremacy of civilian over military. Others are political party building, stabilisation of electoral rules, judicial reforms, decentralisation of state power and reduction of poverty to the barest minimum, etc.

For the purpose of this paper, democratic consolidation is examined specifically through three of its constituent dimensions — electoral integrity, democratic legitimacy, and democratic accountability — each of which is shaped by the character and consistency of judicial intervention in electoral disputes in Zamfara, Imo, and Bayelsa States.

Electoral Integrity, Democratic Legitimacy, and Democratic Accountability

Electoral integrity refers to the degree to which an election is administered in a manner that faithfully reflects the freely expressed will of the electorate, free from fraud, manipulation, and outcomes determined on grounds unrelated to the conduct of the poll itself. Democratic legitimacy refers to the extent to which citizens and political actors accept an electoral outcome as the authentic and binding expression of popular sovereignty. Democratic accountability, for the purpose of this paper, refers to the mechanisms principally electoral, but also judicial through which political actors are held answerable for their conduct and performance in office or in the pursuit of office. Together, these three concepts supply the analytical framework against which the Supreme Court’s interventions in Zamfara, Imo, and Bayelsa States are examined in this paper.

Supreme Court Interventions in Nigeria's Electoral Adjudication: A Case Analysis

1. Zamfara State — All Progressives Congress (APC) & Anor. v. Senator Kabiru Garba Marafa & 179 Ors, Appeal No. SC.377/2019 (Supreme Court of Nigeria, delivered 24 May 2019)

The dispute arose from a contested All Progressives Congress (APC) gubernatorial, senatorial, federal, and state assembly primary process in Zamfara State ahead of the 2019 general elections. Senator Kabiru Garba Marafa and other aggrieved aspirants challenged the validity of the primaries conducted by the state chapter of the APC, contending that the party had failed to conduct primaries in compliance with its own constitution, the Electoral Act, and the 1999 Constitution. The Federal High Court and, on appeal, the Court of Appeal (Sokoto Division) held that no valid primaries had been conducted by the APC in Zamfara State. On further appeal, a five-member panel of the Supreme Court unanimously affirmed this finding, holding that a party that had not validly nominated candidates could not be said to have fielded candidates in the general election and therefore could not be declared winner of any of the contested seats. The Court accordingly directed the Independent National Electoral Commission (INEC) to withdraw the certificates of return issued to the APC's candidates and to issue certificates of return to the Peoples Democratic Party (PDP) candidates who had scored the next-highest number of votes, resulting in the PDP's Bello Muhammad Matawalle being declared Governor-elect along with the party's senatorial, federal, and state assembly candidates across the state.

Electoral Integrity, Legitimacy, and Accountability Implications

This judgment illustrates the amplification of pre-election malpractice through strategic litigation as a threat to electoral integrity: the Supreme Court's decision was grounded entirely in the APC's non-compliance with its own constitutional provisions on primary conduct, rather than in any finding of fraud or irregularity in the general election itself, and thereby retroactively invalidated votes that citizens had freely cast for APC candidates. This reading was corroborated by interview respondents in Zamfara: legal practitioners and judicial officers interviewed for this study were nearly unanimous that the Supreme Court had correctly applied the law on party primaries, while a majority of party agents and civil society respondents described the outcome as procedurally sound but substantively unjust to voters who had no part in the APC's internal default. Consistent with Omotoso and Nwaguru's (2025) finding that the Zamfara pre-election litigation had "a detrimental impact on participation, representation, competition, and responsiveness" (p. 62), the judgment severed the connection between electoral outcomes and popular mandates, a disconnect several respondents illustrated by recounting instances of voters in Gusau and Kaura Namoda local government areas who reported that they had cast their ballots for APC candidates who subsequently held no legal claim to the offices they contested. For democratic legitimacy, the PDP officials installed after the judgment had, in many constituencies, received far fewer votes than the APC candidates they replaced, generating a legitimacy crisis in which citizens who had voted APC were governed by officials they had not chosen; this crisis was echoed in interviews, where several civil society respondents in Zamfara reported hearing constituents openly question the value of voting at all. For democratic accountability, the judgment displaced electoral accountability through which voters would ordinarily punish a party for a flawed primary with litigation accountability whose consequences fell not on the party organisation responsible for the procedural failure but on candidates who had run in good faith and voters who had cast ballots for them, a distinction that judicial and INEC respondents interviewed for this study consistently drew when asked who, in their view, should properly have borne the consequences of the APC's non-compliance.

2. Imo State — Uzodinma & Anor. v. Ihedioha & Ors (2020) LPELR-50260(SC), Appeal No. SC.1462/2019 (Supreme Court of Nigeria, delivered 14 January 2020)

The dispute arose from the governorship election held in Imo State on 9 March 2019, in which INEC declared Emeka Ihedioha of the PDP the winner. Senator Hope Uzodinma of the APC, who had been placed fourth in the declared results, petitioned the Governorship Election Petition Tribunal, contending that results from 388 polling units had been unlawfully excluded from the collation process. The Tribunal dismissed the petition for want of

merit, and the Court of Appeal affirmed the Tribunal's decision. On further appeal, the Supreme Court reversed both lower courts, holding that the results from the 388 disputed polling units ought to have been included in the final collation, and that when so included, Uzodinma had polled the majority of lawful votes cast and satisfied the constitutional spread requirement. The Court accordingly declared Ihedioha's return as governor null and void and directed INEC to issue a certificate of return to Uzodinma.

Electoral Integrity, Legitimacy, and Accountability Implications

This judgment constitutes the most severe threat to electoral integrity among the three cases examined in this paper, a severity interview respondents in Imo State overwhelmingly affirmed: virtually all legal practitioners, INEC officials, and civil society respondents interviewed in Imo described the admission of the 388 disputed polling unit results as the single most damaging episode among the three cases to their confidence in electoral adjudication. The Supreme Court admitted and relied upon result documents from 388 polling units that INEC itself disowned and that had not passed through the Commission's collation system, producing a final tally that exceeded the total number of accredited voters in Imo State an arithmetic impossibility the Court did not address (Ikyaase et al., 2022) and reversing a result that had survived scrutiny at both the Tribunal and the Court of Appeal. Several INEC officials interviewed in Imo stated that they were neither consulted nor able to authenticate the disputed figures before the Court relied on them, a procedural grievance that featured prominently across the Imo interviews. For democratic legitimacy, the judgment of 14 January 2020 generated sustained, cross-partisan protests over several weeks in Imo State, grounded specifically in the logical and arithmetic impossibilities in the Court's reasoning rather than merely in its partisan consequence, damaging the legitimacy of both the electoral outcome and the judicial institution itself; party agents from both the APC and the PDP interviewed for this study agreed, notwithstanding their opposing partisan interests, that the judgment's reasoning was difficult to defend to ordinary constituents. For democratic accountability, respondents across professional categories in Imo repeatedly and independently raised the perception that the judgment had aligned with federal executive interests at the time; this pattern in the study's own primary data is consistent with, and reinforced by, quantitative evidence that co-partisan judges are substantially more likely to rule in favour of the government in Nigerian electoral petition cases (Ogar, 2025; Tigye et al., 2025), such that the Imo interviews and the wider empirical literature on judicial partisanship in Nigeria point in the same direction.

3. Bayelsa State — PDP & Ors. v. Degi-Eremienyo & Ors (2020) LPELR-49734(SC) (Supreme Court of Nigeria, delivered 13 February 2020)

The dispute arose from the governorship election held in Bayelsa State on 16 November 2019, in which INEC declared David Lyon and his running mate, Biobarakuma Degi-Eremienyo of the APC, the winners. The PDP challenged the qualification of Degi-Eremienyo, contending that he had submitted false information regarding his educational qualifications on his INEC Form CF001. The Federal High Court upheld this contention and disqualified Degi-Eremienyo; the Court of Appeal reversed that decision; and, on further appeal delivered barely twenty-four hours before the scheduled inauguration of the APC candidates, the Supreme Court held that Degi-Eremienyo had indeed submitted false information and was accordingly disqualified, and that his disqualification vitiated the joint ticket he had contested on with Lyon. The Court declared that the APC candidates were deemed never to have been candidates in the election, directed INEC to withdraw the certificates of return already issued to them, and ordered that a certificate of return be issued to the candidate with the next-highest number of lawful votes and the requisite geographical spread resulting in the PDP's Douye Diri being declared Governor.

Electoral Integrity, Legitimacy, and Accountability Implications

Unlike the Zamfara and Imo judgments, this decision was grounded in a constitutionally clear ground the submission of false educational qualifications by a candidate on the mandatory INEC Form CF001 rather than in a contested or arithmetically doubtful basis, and to that extent it represents a comparatively more defensible exercise of judicial intervention for electoral integrity, notwithstanding its disruptive timing barely twenty-four

hours before the scheduled inauguration. Interview respondents in Bayelsa were markedly more favourable toward this judgment than respondents in either Zamfara or Imo: judicial officers and legal practitioners interviewed in the state consistently described the disqualification as a straightforward application of a documentary requirement rather than an exercise of judicial discretion, and even party agents sympathetic to the APC conceded, in interview, that the disqualification rested on facts that were not seriously in dispute. For democratic legitimacy, this constitutional clarity produced a comparatively less acute legitimacy crisis than the Imo and Zamfara judgments: citizens and legal observers could understand the basis of the decision even where they regretted its consequences, supporting the finding that judicial reasoning quality is a critical variable moderating the legitimacy damage of adverse electoral outcomes, a pattern civil society respondents in Bayelsa attributed specifically to the transparency of the disqualifying document itself, which several respondents noted could be independently verified against WAEC and university records. For democratic accountability, the judgment performed a constitutionally necessary accountability function enforcing candidate qualification requirements but its accountability consequences were ambiguous: the penalty of losing the governorship fell on David Lyon and the voters of Bayelsa State, rather than on Degi-Eremienyo, the individual who had submitted the false information and who remained separately subject to accountability under the criminal law, a misalignment several INEC and civil society respondents in Bayelsa specifically flagged as unresolved and, in their view, requiring legislative attention beyond the scope of the judgment itself.

CONCLUSION

The study established that there is a significant relationship between judicial interventions and electoral integrity, democratic legitimacy, and democratic accountability in Nigeria. The relationship is predominantly negative: rather than functioning as guardians of the electoral process, courts in the three landmark cases became strategic arenas through which electoral outcomes were determined by those with the financial and legal resources to exploit procedural and constitutional technicalities, systematically bypassing the popular will expressed at the ballot box.

Judicial interventions eroded democratic legitimacy through the twin processes of popular electoral outcome delegitimisation and judicial institutional delegitimisation, and displaced electoral accountability with litigation accountability, restructuring political actors' incentive systems away from governance performance. The study further concludes that judicial reasoning quality is the critical moderating variable in this relationship: clear, consistent, and logically sound constitutional reasoning minimises legitimacy and accountability damage even when court decisions disrupt electoral transitions, while arithmetically impossible or internally contradictory reasoning compounds that damage beyond the immediate electoral dispute to the judicial institution itself.

Three specific doctrinal inconsistencies illustrate the need for the consolidation recommended below. First, the Supreme Court's treatment of concurrent findings of fact by lower tribunals differed sharply across the cases: in Zamfara and Bayelsa, the apex court affirmed rather than disturbed the factual findings reached by the courts below, whereas in Imo the Court departed from the settled principle that an appellate court should not disturb concurrent findings of fact absent a finding of perversity, substituting its own recomputation of contested polling unit results for the concurrent findings of both the Tribunal and the Court of Appeal. Second, the evidentiary threshold applied to documentary exhibits varied without clear doctrinal justification: the Bayelsa disqualification rested on a single, independently verifiable document (INEC Form CF001), while the Imo reversal rested on result sheets from 388 polling units that INEC's own witnesses testified had not passed through the certified collation process, a markedly lower evidentiary bar applied to a considerably higher-stakes determination. Third, the remedy of declaring the next-highest-scoring candidate the winner without ordering a fresh election was applied uniformly across all three cases, yet its underlying justification differed: in Zamfara and Bayelsa, the remedy followed logically from a finding that the disqualified candidates had never been validly nominated or qualified to stand in the first place, whereas in Imo the same remedy was applied to a dispute over the correct tally of votes actually cast for validly nominated candidates, a materially different question to which the no-fresh-election remedy does not self-evidently extend. It is these three specific points of doctrinal divergence, rather than

the mere fact of judicial intervention as such, that the doctrinal consolidation recommended in this paper would need to resolve.

RECOMMENDATIONS

1. The National Assembly should amend the Electoral Act 2022 to establish that electronic result transmission through the INEC Results Viewing Portal is mandatory and not discretionary, and that results not so transmitted shall be inadmissible in any determination of electoral outcomes. The National Judicial Council should simultaneously develop and enforce an Electoral Adjudication Code of Practice establishing clear, consistent, and publicly available standards for the admission and evaluation of electoral evidence across all judicial levels.
2. The Supreme Court of Nigeria should prioritise the development of a comprehensive and internally consistent electoral jurisprudence through a deliberate programme of doctrinal consolidation, including a full panel review to reconcile, specifically, the scope of appellate deference to concurrent findings of fact, the evidentiary threshold for admitting disputed polling unit or collation documents, and the doctrinal basis for the no-fresh-election remedy across the Zamfara, Imo, and Bayelsa decisions, and the National Judicial Council should implement mandatory specialised training for judicial officers likely to sit on election petition panels.
3. Political parties should redirect investment from electoral litigation to voter mobilisation and governance accountability, recognising that litigation-dependent political strategies undermine the very democratic accountability mechanisms essential to their long-term legitimacy.

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