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The Judiciary and Electoral Outcome of the 2023 General Elections in Nigeria

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Abstract

The Judiciary has been accused of being partisan and pandering to the whims and machinations of the government in power, thereby contributing to the inability of the electoral tribunals to adjudicate electoral disputes that reflect the whims and caprices of the people. This study examines the role of the judiciary in influencing the outcome of the 2023 general elections. It is methodologically structured in a qualitative method whereby data is drawn from secondary sources such as journal publications, textbooks, Newspaper publications and internet sources. These were cogently described, explained and analysed within the context of the subject matter under investigation. Findings revealed that the Judiciary was compromised in the outcome of the 2023 general elections, thereby undermining the sanctity of democratic ethos.. Based on the findings, the study recommends, among others, that the Electoral Act of 2022 should be amended to adequately guarantee the independence and autonomy of the Judiciary to operate independently of the executive arm of government. This is to enable them to discharge those sacred duties they were statutorily established to perform. Secondly, the powers of appointment of judges and their financial control must be removed from the president through legal amendments, as this will insulate them from political manipulations and actions of the actors who operate within and outside the organisational structure of the commission.

Keywords: BVAS, Democracy, Electoral Act, E-voting, IREV, Judiciary.

Introduction

Since Nigeria transitioned to democratic rule in 1999, its electoral framework has experienced considerable reforms aimed at enhancing electoral integrity (Gwuireama, 2023). Nonetheless, electoral malpractices persist, suggesting that such reforms have not eradicated the systemic issues within Nigeria's political landscape (Adigun, 2022). While the judiciary's engagement

in electoral matters has grown significantly, this development has not necessarily restored confidence in the electoral system, with increasing allegations of political bias among judicial actors (Ogu & Abraham, 2023). As Ekundayo (2015) argues, constitutional democracy depends on a judiciary that is impartial, independent, and incorruptible. Olasupo (2023) notes that despite assurances from the Independent National Electoral Commission (INEC), the 2023 elections were fraught with challenges, exposing deep-rooted flaws. Al Jazeera correspondents have highlighted the historic use of political thugs by established parties to influence election outcomes (Zeijl, 2023). This pattern of electoral fraud and subversion of the popular will remains entrenched, raising concerns about the credibility of elections held in post-independence Nigeria.



Democracy thrives when elections are regular, transparent, and their outcomes are broadly accepted by both domestic and international stakeholders. Credible elections, according to Partheymuller et al. (2022), must reflect the will of the people. When periodic elections occur without fairness or transparency, the central mechanism through which leadership transitions peacefully is undermined, thereby threatening democratic consolidation. In response to such challenges, the judiciary has assumed an increasingly critical role in Nigeria's political development (Adenekan, 2023). Omotola (2023) emphasises that through the interpretation and enforcement of electoral laws, the judiciary helps regulate electoral processes and determine constitutional validity. However, the judiciary's decisions are bound not by personal inclinations but by a framework of statutory and constitutional provisions (Agbakoba, 2023). Indeed, its involvement in determining electoral outcomes is anchored in the 1999 Constitution and the Electoral Act 2022, which explicitly define the courts' jurisdiction in electoral matters. Thus, judicial intervention, in principle, is grounded in law and is designed to ensure electoral justice.

The Nigerian Constitution of 1999 (as amended) vests judicial powers in courts established under Section 6, thereby mandating them to resolve all legal disputes, including those arising from elections. Sections 239 and 285 further empower election petition tribunals to adjudicate disputes concerning presidential, gubernatorial, legislative, and state assembly elections. These tribunals are authorised to receive petitions and hear appeals arising from decisions of lower tribunals. However, the neutrality of the judiciary in electoral matters remains hotly contested, particularly following the Supreme Court's judgment on the 2023 presidential election. Scholars such as Igbuzor (2010), Osumah and Aghemelo (2010), and Ekweremadu (2011) argue that successive elections have lacked legitimacy due to INEC's inability to ensure credible polls. The judiciary has frequently been accused of bias and complicity with incumbent governments, thus undermining public trust. Although litigation is a common electoral recourse globally, Nigerians widely believe the judiciary has not used its constitutional powers effectively to strengthen democratic governance.

Critics assert that the judiciary in Nigeria remains institutionally tethered to the executive arm of government, raising concerns over compromised independence, especially in politically sensitive cases (Zeijl, 2023). This perceived lack of autonomy has significantly hindered the effective resolution of electoral disputes. Dissatisfied political actors, particularly from the opposition, have lodged numerous petitions contesting the 2023 election results. Notably, the 2023 general elections were the first conducted under the amended Electoral Act of 2022, signed into law by President Muhammadu Buhari. Omotola (2023) observed heightened political engagement among Nigerian youth, largely driven by INEC's public sensitisation campaigns and the adoption of technology such as the Bimodal Voter Accreditation System (BVAS). INEC had promised that BVAS would curtail voter fraud by enabling real-time accreditation and transmission of results. This innovation, combined with legal reforms, raised hopes of a more credible electoral process. Furthermore, the Central Bank of Nigeria's currency redesign was intended to deter vote buying, reinforcing public optimism regarding electoral transparency.

Despite these advancements, numerous local and international observers, including the European Union Election Observation Mission and Yiaga Africa, expressed reservations about the credibility of the 2023 electoral outcomes. Some reports suggested a deviation from democratic norms, prompting further scrutiny of the entire process. These concerns underscore the need to evaluate the judiciary's influence on electoral justice in Nigeria. While opposition parties challenged the presidential election results through litigation, questions remain as to whether these legal efforts genuinely mirrored the electorate's expectations. Luqman (2005) contends that the persistent dysfunction within Nigeria's electoral system is partly attributable

to the judiciary's failure to impartially arbitrate election disputes. Erezi (2023) notes that landmark judicial decisions have frequently altered electoral outcomes. However, instead of fostering confidence, these interventions have sometimes deepened suspicions of judicial complicity. The central issue remains whether Nigeria's judiciary can rise above political entanglements to fulfil its constitutional mandate in a manner that reinforces democratic consolidation.

Statement of the Problem

Nigeria's electoral process has, since independence, been plagued by spiralling irregularities, violence, voter fraud and voter intimidation (Ani & Ojaltorotu, 2022; Duffy *et al.,* 2022). Imhanrenia *et al.* (2021) submit that this has led to the loss of confidence in the judicial system. Nonetheless, the role of the Judiciary in shaping the credibility of the electoral process cannot be overemphasised. In every democratic state, credible elections are vital for socio-economic and political development (Inokoba & Kumokor, 2011). An adequate electoral framework is a prerequisite for the conduct of free, fair, credible and transparent elections. To this end, the backdrop of electoral fraud and allegations of electoral violence that mar Nigeria's electoral system has raised concerns about the role of the Judiciary in influencing the electoral outcomes. Paradoxically, the build-up to the 2023 general elections was fraught with uncertainties, and several issues dominated the political landscape. Omotayo (2023) rightly opined that there was a rise in political interests as a result of the enormous number of youths in Nigeria, who registered to vote, with huge budgetary allocation of 62% increase over what was spent on the 2019 elections, thus, making it the most expensive election in the history of Nigeria's electoral process.

Conversely, the fact that the three major political parties and their presidential flag bearers were drawn from the three major ethnic groups in Nigeria. Labour Party representing the Eastern region, APC representing the West and PDP the North, coupled with the insecurity prevalent in all geo-political zones in the country and the rising wave of non-state actors who would disrupt the electoral process, paved the way for raising concerns on the prospect of free, fair, credible and transparent elections. It is against this backdrop that the ruling government embarked on some policy reforms aimed at curbing electoral fraud, especially the naira redesign, currency cash swap, limits on allowable amount on deposits and withdrawal and the active role of the Economic Financial Crimes Commission (EFCC), in regulating and monitoring the movement and deposits of cash during elections. All these, together with the assurances of the deployment of foolproof electronic devices by the electoral umpires to checkmate any form of rigging, raised the hope of well-meaning Nigerians in INEC's preparedness to conduct the 2023 elections.

Before the introduction of Permanent Voters Cards, as well as the BVAS and IREV technologies, the electorates were frequently sidelined by unfettered manipulation. Yet, when the new technological device was introduced into the Nigerian political chessboard, it was anticipated that results would be exceedingly difficult to manipulate either by anonymous persons or by arbitrarily and illegally changing the data. In this regard, Nigerians were shocked by the recently concluded Presidential elections in which there was a generally held belief that the electoral tribunals were compromised (Adenekan, 2023). It is in light of the foregoing that the study seeks to examine the role of the judiciary in the 2023 electoral outcome.

Research Objectives

The broad objective of the study is to investigate the role of the Judiciary in influencing the electoral outcomes of the 2023 general elections in Nigeria. Specifically, the study sought to:

1. Analyse the role of the Judiciary in adjudicating electoral disputes during the 2023 general elections in Nigeria.

2. Assess the effectiveness of judicial interventions in upholding the rule of law and electoral integrity in the elections.
3. Evaluate the public perception of the judiciary's performance concerning the electoral outcomes.
4. Identify the challenges faced by the judiciary in resolving electoral disputes and their implications for future elections.

Research Questions

The following research questions were raised to guide the study:

1. What role did the judiciary play in addressing electoral disputes arising from the 2023 general elections in Nigeria?
2. How effective were judicial interventions in ensuring fair and credible electoral outcomes?
3. What is the public perception of the Judiciary's role during the 2023 elections?
4. What challenges did the Judiciary encounter in the resolution of electoral disputes, and how do these challenges impact future electoral processes?

Research Hypotheses

The study is guided by the following hypotheses:

1. There is no significant relationship between the role of the Judiciary in addressing electoral disputes arising from the 2023 general elections in Nigeria.
2. There is no significant relationship between the effectiveness of judicial interventions in adjudicating electoral disputes in the 2023 general elections in Nigeria.
3. Public perception of the Judiciary does not significantly relate to the electoral outcomes of the 2023 general elections in Nigeria.
4. Electoral disputes and challenges do not significantly impact the outcomes of the 2023 general elections in Nigeria.

Literature Review

The literature focuses on three broad areas, which this study seeks to address. The first is the role of the judiciary in adjudicating electoral disputes in the 2023 general elections. The second is the effectiveness of the judiciary in upholding the rule of law and electoral integrity in Nigeria, while the third is public perception and the electoral outcome of the 2023 general election.

Literature on the influence of the judiciary in the 2023 Nigerian general elections has produced a substantial docket of electoral litigation. Courts were engaged at two main phases: (l) pre-election litigation (party primaries, candidate nomination and qualification), which frequently determines who appears on ballots; and (2) post-election petitions (Election Petition Tribunals, appeals to the Court of Appeal and Supreme Court), which can affirm or overturn declared winners. The literature on the 2023 cycle situates these actions within broader debates about the *judicialization of politics* and explores how adjudication changed electoral outcomes, affected legitimacy, and exposed institutional strengths and weaknesses (Ihembe & Isike, 2022; Erlich, Kerr, & Park, 2023; Policy and Legal Advocacy Centre [PLAC], 2025).

The Nigerian Constitution and the Electoral Act provide the statutory architecture for electoral disputes. Election Petition Tribunals (EPTs) are first instance bodies for many post-electoral conflicts; their judgments can be appealed to the Court of Appeal and, on some issues,

reach the Supreme C--Court. Scholars emphasise that these procedures are deliberately time-bounded and evidence-focused, which is intended to secure rapid resolution but places an intense procedural burden on litigants and courts (Ihembe & Isike, 2022; PLAC, 2025). The same body of literature highlights that amendments to the Electoral Act in recent years have increased judicially justiciable pathways for pre-election and intra-party disputes, e.g., disputes over primaries and substitutions, thereby enlarging the judiciary's practical gatekeeper role (Ihembe & Isike, 2022).

A robust line of scholarship and practitioner reporting shows that courts increasingly adjudicate intra-party disputes (invalid primaries, candidate substitutions, and nomination irregularities), outcomes that alter ballot composition before Election Day (Ihembe & Isike, 2022). The *judicialisation of party primaries* is a key mechanism by which courts shape electoral choices before voting, effectively making judicial rulings a form of pre-electoral political regulation (Ihembe & Isike, 2022). Empirical summaries of the 2023 cycle also indicate a high number of pre-election filings that consumed court resources and sometimes disrupted party strategy (PLAC, 2025). Post-election litigation after the 2023 polls was both voluminous and consequential. At the national level, leading opposition candidates challenged the presidential result on multiple grounds, including alleged irregularities and candidate qualification issues; tribunals and appellate courts rejected these claims, and the Supreme Court ultimately dismissed the remaining petitions, thereby upholding the declared presidential winner (Eboh, 2023; Associated Press, 2023; Al Jazeera, 2023). Conversely, at the subnational level, several Election Petition Tribunals (and appellate courts) overturned declared winners in several governorship races, producing changes of office and, in some cases, localised instability and security responses (Reuters, 2023; PLAC, 2025). PLAC's systematic report on the 2023 petitions gives the clearest picture of the scale, success rates and legal grounds for decisions across states (PLAC, 2025).

The literature identifies several distinct mechanisms: Direct reversal or affirmation of declared winners. Where tribunals find non-compliance with statutory procedures, they may nullify results and either order reruns or declare petitioners winners, directly changing political control (PLAC, 2025; Reuters, 2023).Candidate-qualification rulings. Courts decide disputes over documentary authenticity, dual citizenship, or other qualification matters; such findings can disqualify candidates and reshape both ballot composition and post-election remedies (Al Jazeera, 2023; AP, 2023). Pre-electoral gatekeeping. Rulings on primaries and substitutions determine who can stand in an election a substantial indirect influence on electoral outcomes (Ihembe & Isike, 2022).Strategic litigation. Recent comparative work suggests that losing actors increasingly use courts strategically, sometimes to seek redress, sometimes to delay, delegitimise, or negotiate political outcomes (Erlich, Kerr, & Park, 2023). The Nigerian 2023 experience fits this pattern in several respects: litigation was both a remedy for genuine grievances and a political instrument used by some actors to contest results or maintain leverage (PLAC, 2025). Timing and procedural effects**.** The speed, timing and transparency of judicial decisions shape public perceptions and practical governance outcomes. Protracted appeals can leave officeholders in limbo; prompt, reasoned rulings can help secure transitions (PLAC, 2025; AP, 2023).

The effectiveness of the judiciary stresses that whether courts *confer* or *erode* legitimacy depends on perceived impartiality, transparency of reasoning, and doctrinal consistency. When courts produce detailed, timely judgments consistent with the law, they can defuse post-electoral tensions; when they are seen as opaque, inconsistent, or politicised, public trust in both the judiciary and the electoral system is weakened (Ihembe & Isike, 2022; PLAC, 2025). Coverage of the presidential petitions in 2023 highlighted these dynamics: the Supreme Court's ultimate dismissal of challenges (and its treatment of late documentary claims) ended a high-

profile dispute but also prompted public debate about evidence, process and access to new material at the appellate stage (Al Jazeera, 2023; Associated Press, 2023). PLA C's analysis of 2023 tribunal and appellate decisions identifies recurrent doctrinal issues: standards for admissibility (especially of new evidence at appellate stages), proof of substantial non-compliance vs. minor irregularities, and the application of statutory time-limits (PLAC, 2025). Scholars calling for doctrinal harmonisation argue that inconsistent treatment across tribunals (and variations in relief, nullification vs. declaration) increases unpredictability and politicisation (Ihembe & Isike, 2022).

Scholars debate whether the judiciary's expanding role strengthens the rule of law (by enforcing legal standards) or weakens democratic politics (by displacing political negotiation and incentivising litigation). Critics emphasise risks: overburdened courts, potential for judicial capture, and the erosion of popular consent when litigants use courts primarily to contest outcomes rather than accepting political processes (Erlich et al., 2023; Otegwu, Anyanwu,&Kussah, 2025). Proponents emphasise that courts are a necessary check where electoral administration or political actors violate the law (Ihembe & Isike, 2022; PLAC, 2025). Key gaps include: (1) limited representative public-opinion data on reactions to 2023 adjudications, (2) a need for longitudinal studies tracing the downstream political effects of court reversals across election cycles, and (3) comprehensive doctrinal analyses that systematically compare tribunal, appellate and Supreme Court reasoning in 2023 to identify patterns or inconsistencies (PLAC, 2025; Ihembe & Isike, 2022).

The literature converges on the view that the judiciary played a decisive and multifaceted role in the 2023 Nigerian elections as pre-electoral gatekeeper, post-electoral adjudicator, and an arena for political contestation. Courts materially affected outcomes (especially at the state level), and their actions had both stabilising and destabilising potential depending on procedural quality, transparency and perceived impartiality. Future research should prioritise representative surveys of public acceptance, doctrinal comparative work across 2023 judgments, and policy work to improve tribunal resourcing and transparency (PLAC, 2025; Erlich et al., 2023; Ihembe & Isike, 2022).

Scholars and practitioners have long observed that courts are central to preserving the rule of law in democratic elections: they interpret election law, determine candidate eligibility, adjudicate allegations of malpractice, and, when trusted, legitimise outcomes (Ginsburg, 2008; EISA, 2014). In Nigeria, the judiciary's role has expanded in recent cycles through both pre-electoral (party primaries and nomination) and post-electoral (Election Petition Tribunals, Court of Appeal, Supreme Court) adjudication. The literature evaluates this role along two related dimensions: (1) legal effectiveness, whether courts apply law consistently, transparently, and expeditiously; and (2) normative effectiveness, whether judicial action strengthens public confidence and electoral integrity (PLAC, 2025; EISA, 2011, 2014).Two bodies of literature frame the inquiry. First, the judicialization of politics scholarship considers how courts have become arenas for resolving political disputes and the consequences that follow (Ginsburg, 2008; Hirschl, 2006). Second, the electoral integrity literature evaluates institutional performance against norms (free, fair, transparent elections) and treats courts as part of the accountability ecosystem alongside electoral management bodies and election observers (NDI/IRI, 2019; Carter Centre/EISA frameworks). Together, these literatures clarify that judicial effectiveness depends on doctrinal coherence, institutional independence, capacity (timeliness and case management), and public legitimacy (Ginsburg, 2008; EISA, 2014).

Multiple studies note unevenness in judicial reasoning across jurisdictions and over time. Scholars find that Nigerian electoral jurisprudence sometimes exhibits inconsistency in standards (for example, the threshold for "substantial non-compliance" and admissibility of fresh evidence on appeal), which undermines predictability (Akhilomen, 2018; SSRN study on

intratextual arguments). This doctrinal irregularity reduces the court's ability to reliably enforce rules and complicates litigants' expectations (SSRN, 2023). PLAC's systematic analysis of the 2023 petitions highlights recurring doctrinal questions, admissibility of documents produced late, standards for nullification vs. declaration, and varying application of statutory timelines, which together signal room for harmonisation (PLAC, 2025).

Effectiveness depends strongly on timely resolution. The literature and observer reports contend that Nigeria's tight statutory time limits (short windows for filing and appeal) are a double-edged sword: they encourage prompt adjudication but also create heavy burdens on evidence gathering and court capacity (EISA, 2011; NDI/IRI, 2019). The PLAC 2023–2025 analyses documented a very large caseload arising from the 2023 elections (over 1,400 petitions), stretching tribunal resources and sometimes slowing the finality of rulings (PLAC, 2025). Case management weaknesses and resource constraints, therefore, limit procedural effectiveness even when judicial independence is intact. A central theme in the literature is judicial independence. Historical and contemporary analyses document instances of perceived or real political pressure, patronage, and corruption that undermine confidence in courts (EISA, 2011; Research Gate reassessments; Berebon, 2025). Where judges are perceived as susceptible to influence, rulings intended to enforce electoral rules may instead be interpreted as partisan decisions, thereby diminishing the courts' normative effectiveness (EISA, 2011; CDD, 2019).

Despite weaknesses, courts have at times strengthened electoral integrity by correcting administrative failures and enforcing legal standards. Landmark decisions that invalidate tainted results, remedy wrongful candidate substitutions, or enforce party internal democracy are often cited as examples where the judiciary upheld the rule of law and electoral integrity (Ihembe & Isike, 2022; EISA, 2014). In the 2023 cycle, PLAC documents both instances where tribunals overturned flawed subnational results and instances where higher courts affirmed electoral administration, illustrating the judiciary's active, consequential role (PLAC, 2025). Academic and monitoring studies stress that judicial rulings confer legitimacy only if they are perceived as fair and reasoned. EISA's work on public perceptions (earlier cycles) shows that when judicial weaponisation of litigation decisions is transparent, articulate legal bases are delivered promptly, citizens are more likely to accept outcomes; by contrast, opaque or inconsistent decisions erode public trust (EISA, 2011; 2014). The post-2023 literature (PLAC, 2025; contemporary press coverage) suggests a mixed picture: high-profile affirmations of national outcomes helped finalise the electoral calendar, while state-level reversals in some cases provoked local unrest and debate about judicial impartiality (Reuters, 2023; AP, 2023).

The literature identifies three important critiques: Over-reliance on courts (judicialization) and political displacement. Critics argue that routine recourse to courts to resolve intra-party and post-electoral disputes can substitute political bargaining and pressure electoral institutions to cede authority to judges (Ihembe & Isike, 2022; Erlich et al., 2023). Recent comparative work documents a pattern where litigation is used strategically (by winners and losers alike) to delay transitions or delegitimise opponents, which places courts at the centre of political contestation rather than purely legal adjudication (Erlich, Kerr, & Park, 2023; PLAC, 2025).Capacity and access to justice. Courts may be effective doctrine-wise but fail to be accessible: cost, procedural complexity, and resource gaps limit ordinary citizens' ability to seek remedies, which undermines the judiciary's distributive role in rule-of-law enforcement (NDI/IRI, 2019; CDD, 2018).

The literature offers a qualified assessment: the judiciary performs a necessary and sometimes decisive corrective function that can uphold the rule of law and improve electoral integrity, but its effectiveness is conditional on (a) doctrinal consistency and transparent reasoning, (b) adequate institutional resources and case management to meet heavy post-

electoral caseloads, (c) demonstrable independence from political influence, and (d) public communication that enhances legitimacy (Ginsburg, 2008; EISA, 2011; PLAC, 2025). Where these conditions are weak, judicial intervention risks producing uncertainty, perceptions of partiality, and political instability. The literature highlights several gaps: (1) longitudinal empirical work tracing the long-term effects of judicial election decisions on voter trust and party behaviour; (2) representative survey data focused on public reactions to the 2023 adjudications (beyond anecdotal or media reports); and (3) comprehensive doctrinal mapping of 2023 tribunal and appellate judgments to produce rules of thumb and identify inconsistent lines of authority (PLAC, 2025; SSRN doctrinal analysis). Research in these areas would sharpen evaluations of judicial effectiveness and inform reforms.

Public perception of electoral outcomes plays a pivotal role in sustaining democratic legitimacy, citizen compliance, and political stability (Fasakin, 2023). In Nigeria's 2023 general election, marked by technological glitches, logistical challenges, heightened youth engagement, and widespread litigation, citizens' trust in the process was both tested and shaped by multiple factors. This review synthesises survey data, observer reports, academic analysis, and media studies to trace how Nigerians perceived the credibility of the election results, their trust in institutions, and their reactions to post-election developments (Afrobarometer, 2023; Fasakin, 2023; Chatham House, 2023; EISA, 2023).

Researchers and institutions employed diverse methodologies to assess public sentiment: Nationally representative in-person surveys, such as Afrobarometer's waves around the 2023 election, provided reliable insights into public trust levels, democratic expectations, and institutional perceptions (Afrobarometer, 2023). Rapid mobile and phone-based polling, like GeoPoll, captured near-real-time public sentiment, particularly in the weeks immediately before and after voting, though with caveats about rural/internet access biases (GeoPoll, 2023). Qualitative and content analyses of media, observer statements, and civil society commentary helped uncover the narratives circulating through traditional and social media ecosystems (Timbo-Africa, 2024; SAGE Journals, 2024). Domestic and international observer missions, including the Electoral Institute for Sustainable Democracy in Africa (EISA, 2023), provided structured assessments of electoral conduct and public reaction, which informed broader interpretations of legitimacy (EISA, 2023).

Each method complements the others: surveys deliver breadth, rapid polls offer immediacy, content analysis captures framing, and observer reports supply institutional credibility context. Afrobarometer's pre-election Dispatch No. 598 (2023) finds Nigerians overwhelmingly want competitive, fair elections, yet express comparatively low trust in the Independent National Electoral Commission (INEC). Only a minority believed INEC could deliver fully credible outcomes, reaffirming a long-standing scepticism toward electoral institutions (Afrobarometer, 2023). Dispatch No. 600 (2023) underscored a grim outlook among citizens, noting anxieties about violence, logistics, and institutional bias ahead of voting day, all suggesting that while democratic norms are strong, institutional trust remains weak (Afrobarometer, 2023).

GeoPoll's post-election survey (2023) revealed nuanced turnout data: while youth and urban centres showed high expressed enthusiasm, actual participation varied widely, especially where security concerns or logistical failures occurred. This reflected a gap between democratic aspiration and practical constraints (GeoPoll, 2023). Media reports and opinion pieces, such as Teen Vogue, highlighted strong youth mobilisation driven by third-force candidacies and social media activism, yet noted this energy sometimes failed to translate into ballots due to systemic failures or intimidation (Media coverage, 2023).

Literature points to widespread public awareness of operational failures such as Bimodal Voter Accreditation System (BVAS) outages, result collation delays, and vote-buying allegations that fueled scepticism (Chatham House, 2023). Academic case studies on

information disorder during the 2023 elections documented how rumours, fake documents, and manipulated media narratives undermined citizens' confidence in official results (SAGE Journals, 2024). These dynamics intensified pre-existing mistrust toward INEC and amplified polarised interpretations of the outcome. International and domestic observer missions (EISA, 2023) offered a mixed assessment: acknowledging administrative improvements in some states, but flagging serious deficiencies, including non-uniform BVAS use, delayed result announcements, and uneven transparency. These reports often corroborated public dissatisfaction, signalling that expert endorsements did little to shift entrenched suspicions (EISA, 2023). Public opinion surveys suggested that scepticism was rooted not only in technical flaws but also in long-term institutional distrust, making observers' positive statements less effective in building confidence (Afrobarometer, 2023; EISA, 2023).

High-profile post-election legal disputes, particularly at the presidential level, tended to intensify polarisation rather than foster national cohesion. Prolonged litigation, as reported by *Time* (2023) and Chatham House (2023), sustained contestations, reduced confidence in electoral finality, and deepened opposition. Afrobarometer data (2023) revealed heightened scepticism, especially in regions affected by major governorship reversals. Trust in outcomes varied by geography, age, and settlement type, with youth and urban respondents expressing greater disillusionment with electoral institutions and processes (Afrobarometer, 2023; GeoPoll, 2023). Content analyses (Timbo-Africa Publications, 2024) emphasised how civil society, independent media, and NGOs shaped divergent narratives concerning legitimacy and judicial integrity. While some framings fueled public distrust, others galvanised calls for transparency and institutional reform. These narrative ecosystems—amplified through civic reports and social media—played a critical role in shaping public perceptions, revealing a fragmented and demographically differentiated response to post-election adjudication and its broader implications (SAGE Journals, 2024).

Gaps persist in our understanding due to: Temporal limitations, too few surveys track perception evolution through adjudication and early governance phases. Resolution lacks ward- or LGA-level data to capture micro-dynamics, especially where tribunal decisions created local shifts. Methodological depth, few qualitative studies probe *why* Nigerians believe or disbelieve official outcomes, especially across demographic groups. Future work would benefit from mixed-method longitudinal panels, focus groups, and conflict-sensitive subsampling in post-election periods. In sum, the literature indicates that while Nigerians strongly endorse democratic elections, systemic scepticism toward institutions remains. Operational flaws, information chaos, and post-election litigation reinforced divisions rather than bipartisan acceptance. For future elections, strengthening INEC's transparency, improving rapid representative polling post-adjudication, and enhancing citizen-facing communication about the process and judgments are vital for rebuilding public trust (Afrobarometer, 2023; EISA, 2023; Chatham House, 2023).

The judiciary in Nigeria holds a constitutionally mandated role in resolving electoral disputes, central to the credibility and stability of democratic processes. Yet, its effectiveness is consistently undermined by institutional, procedural, and perceptual challenges. Judicial independence is persistently compromised by political interference, particularly in appointments and promotions, fostering dependency on the executive and political elites (Nwoko & Nweke, 2023; AJSBS, 2024). Public trust is further eroded by widespread perceptions of partiality, with phrases like "rigging through the courts" encapsulating concerns over compromised verdicts (Journal of African Elections, n.d.). These perceptions diminish the judiciary's legitimacy as a neutral arbiter and weaken its role in upholding democratic outcomes (Shola & Gbenga, 2023). Thus, judicial integrity, both in perception and practice,

remains a fundamental obstacle to credible electoral dispute resolution in Nigeria, with direct consequences for public confidence in future elections.

Procedural inefficiencies and technical barriers further constrain electoral justice in Nigeria. Petitions are often dismissed on procedural technicalities, such as late filing or administrative errors, rather than examined on merit (ActionAid Nigeria, 2024). This rigid legal formalism prioritises technical compliance over substantive justice, frustrating aggrieved parties and reinforcing impunity. Additionally, courts have imposed onerous evidentiary standards, sometimes demanding proof beyond a reasonable doubt, an unrealistic threshold in civil electoral disputes plagued by systemic malpractice (African Law Matters, n.d.). Compounding this is the judiciary's growing caseload and institutional delays, with congested court dockets and inadequate technological infrastructure hindering timely resolutions (Akalugwu, n.d.). The widespread judicialization of politics, where nearly every major election is litigated, has strained judicial capacity, risking superficial rulings and undermining electoral legitimacy (Vanguard, 2023). Without reform, these procedural and institutional constraints will continue to impair effective electoral adjudication.

The challenges confronting Nigeria's judiciary also reflect deeper systemic issues of elite capture, partisan bias, and inconsistent jurisprudence. In politically sensitive cases, judicial decisions are often viewed through the lens of ethnic, partisan, or religious affiliations, reinforcing public scepticism (Nmor & Onochie, 2024). Lack of transparency in judicial reasoning exacerbates these perceptions, particularly when verdicts are delayed or poorly justified (AJSBS, 2024). The judiciary's inconsistent handling of electoral technologies such as BVAS and IReV further complicates trust. Courts have occasionally excluded critical technological evidence, citing statutory ambiguities or operational failures (This Day Live, 2024). This ambivalence undermines the role of innovation in enhancing electoral transparency. Collectively, these trends pose serious risks for future elections, including diminished trust in judicial processes, prolonged post-election uncertainty, and disincentives for electoral reform. Addressing these concerns will require comprehensive reforms—strengthening judicial autonomy, simplifying procedures, ensuring transparent reasoning, and building judicial capacity in electoral technology (ActionAid Nigeria, 2024; Nwoko & Nweke, 2023).

Theoretical Framework

This research is anchored by the systems theory, which serves as its theoretical framework due to its analytical relevance. Originally developed within the biological and engineering sciences, systems theory was later adopted in the social sciences. Its application to political science was pioneered by David Easton in 1953, who introduced a fivefold classification, demands, inputs, conversion, outputs, and environment, to analyse policy-making processes. Parsons (1965) posits that the basic unit of analysis in systems theory is the system itself, comprising multiple interrelated parts or structures. He further asserts that phenomena should be viewed as components of an interconnected whole (Parsons, 1968:453). Mall and Yip (2009) argue that systems theory offers a theoretical perspective that examines phenomena holistically, rather than as merely the sum of individual elements. The emphasis lies in understanding interactions and relationships among parts, to uncover how an entity is organised, functions, and produces outcomes. Every system operates within defined causal boundaries, shaped by its structure, function, and role, and influenced by its interactions with other systems. In this context, systems theory facilitates analysis of how societies adapt to their environments by modifying internal structures, particularly concerning complex social behaviours and institutional dynamics.

Applied to the electoral process, systems theory provides a robust framework for understanding the interdependence of various components, political parties, electoral bodies, judicial institutions, and voter behaviour. It allows for the examination of how feedback from voters, political stakeholders, and international observers shaped the 2023 general elections in Nigeria. This theoretical lens offers insight into the complexity of electoral dynamics, particularly in explaining the Judiciary's role in influencing electoral outcomes. Feedback from previous elections, combined with inputs from the broader political environment, informed outputs such as the adoption of technological innovations aimed at improving electoral integrity. The Independent National Electoral Commission (INEC) implemented these reforms in response to persistent challenges and a shifting political context. Systems theory thus elucidates how authoritative decisions, embodied in electoral laws and procedures, impact the functioning of electoral institutions and tribunals.

Consequently, electoral processes are deeply interwoven with their socio-political environment. Laws guiding electoral conduct are codified within the electoral framework, and institutions mandated to implement them are responsible for maintaining systemic equilibrium. The credibility of elections, therefore, hinges on public acceptance. Where irregularities arise, the Judiciary plays a crucial remedial role by adjudicating disputes. This further underscores the applicability and relevance of systems theory in analysing the interdependent and dynamic nature of Nigeria's electoral system.

Methods and Materials

The qualitative secondary research method is adopted for the study. This method focuses on reusing available data initially collected and used for other purposes to respond to the research questions being studied. A Secondary source provides second-hand information and commentary from other researchers, such as journal articles, reviews, online news, academic books, conference papers and newspaper publications. A secondary source describes, interprets, or synthesises primary sources.

Data Presentation and Analysis

This section examines the role of the judiciary in shaping the outcomes of the 2023 general elections in Nigeria. It highlights specific cases adjudicated by the courts, the legal principles applied, and the overall implications for Nigeria's democratic process. The discussion includes the judiciary's role in pre-election disputes, election petitions, and post-election appeals.

The judiciary is integral to resolving electoral disputes and ensuring that elections are conducted under the constitution and electoral laws. In the 2023 general elections, the judiciary played a pivotal role by adjudicating on: i) Pre-election disputes, that is, issues regarding candidate nomination, party primaries, and internal party democracy; ii) Election petitions, which revolves around the challenges to declared results based on allegations of irregularities, non-compliance with electoral guidelines, and vote manipulation; and iii) Post-election appeals, that is, cases of conflicting interpretations of electoral laws, constitutional provisions, and voter eligibility. Table 1 shows the role of the judiciary in the 2023 general elections.

Table 1: The Role of Judiciary in the 2023 General Elections

Case/Incident	Court	Nature of Dispute	Judgment/Outcome	Impact on Electoral Outcome
Presidential Election Petition (PDP & LP vs. APC)	Presidential Election Petition	Allegations of irregularities, electronic transmission failure,	The Tribunal upheld the election of APC's candidate, ruling that the petitioners	Solidified the APC's victory; raised debates about judicial

	Tribunal (PEPT)	and forgery of documents.	failed to prove substantial non-compliance.	independence and electoral integrity.
Osun State Governorship Election (Adeleke vs. Oyetola)	Supreme Court .	Alleged over-voting and BVAS discrepancies.	The Supreme Court confirmed Adeleke's victory, stating that over-voting claims lacked sufficient evidence.	Validated the use of BVAS and INEC's records; reinforced public confidence in the judiciary's role in upholding fairness.
Rivers State APC Primaries Dispute	Federal High Court	Internal party disputes over governorship candidate selection.	The court invalidated factional candidates, preventing the APC from fielding candidates in some constituencies.	Limited APC's ability to contest in key regions highlighted the judiciary's role in enforcing party discipline.
Abia State Senatorial Election Dispute	Court of Appeal	Double nomination of candidates.	. Declared the Labour Party's candidate the winner after nullifying the APC candidate's votes.	Ensured compliance with nomination rules; shifted senatorial representation in favour of the opposition party.

Source: Field work, 2025

The judiciary played a critical role in shaping the 2023 general elections in Nigeria, resolving disputes at various stages and contributing to the democratic process. Judicial interventions spanned pre-election disputes, election petitions, and post-election appeals, producing both positive and negative outcomes that shaped the electoral landscape.

On the positive side, judicial decisions reinforced electoral integrity by upholding the use of technology, such as BVAS, as demonstrated in the Supreme Court ruling on the Osun State governorship election. This verdict validated INEC's records, bolstered confidence in technology-driven processes, and underscored the judiciary's role in modernising the electoral system. Similarly, by addressing internal party disputes, such as in the Rivers State APC primaries, the courts upheld the principle of internal democracy, ensuring adherence to party rules and setting a precedent for better governance within political parties. Judicial rulings also safeguarded fair representation, as seen in the Abia State senatorial election, where the Court of Appeal nullified the APC candidate's votes for double nomination, thereby ensuring compliance with nomination procedures and strengthening opposition representation. Overall, the judiciary acted as a stabilising force by resolving disputes peacefully and maintaining democratic continuity, as evidenced in the Presidential Election Petition Tribunal's decision to uphold the APC's victory.

However, these interventions also had negative consequences. Perceived bias in some rulings, particularly the PEPT judgment, sparked public outcry and eroded trust in the judiciary, with critics questioning its impartiality and independence. Additionally, rulings such as the disqualification of APC factional candidates in Rivers State, while enforcing internal democracy, inadvertently curtailed political representation and limited the electorate's choices. Judicial processes also highlighted systemic challenges, including poor enforcement of electoral laws and inconsistencies in evidence management, as seen in the Osun State governorship case. Furthermore, the reliance on courts to resolve disputes increased the cost and complexity of the electoral process, pointing to deficiencies in Nigeria's electoral framework.

These findings reveal the judiciary's dual role as both a safeguard of democratic principles and an indicator of systemic weaknesses. While its interventions strengthened the rule of law and modernised electoral processes, they also underscored the need for reforms to enhance judicial independence, enforce electoral laws, and improve evidence management. Addressing these issues is crucial to fostering transparency, equity, and public trust in Nigeria's electoral system, ensuring that the judiciary continues to act as a stabilising force while maintaining impartiality and credibility in future elections.

Discussion of Findings

The 2023 general elections have been adjudged as the worst election ever conducted in the history of Nigeria since independence. Moreso, the failure of INEC to adhere strictly to the electoral reforms was one of the potential challenges that marred the general elections. Nnabuife (2023:4) postulates that logistics challenges and multiple incidents of political violence overshadowed the electoral process. The Centre for Democratic Governance (CDG) posits that, despite the 2022 electoral reforms, the 2023 elections have so far fallen short of citizens' expectations. The following underscores the challenges of the 2023 general elections.

The first is electoral violence. Electoral violence has become a significant challenge in Nigerian elections. The country has a long history of election-related violence, and it is disheartening that it persisted in the 2023 elections. Aguiyi (2023:4) opined that the electoral process was ruined by lapses ranging from violence, ballot box snatching and delayed voting. This violence was spread across the thirty-six states of the federation, with Lagos at the epicentre. Thugs were largely used by political parties to disrupt elections in some states like Rivers, Enugu, Abia, Adamawa and others, thereby undermining the credibility of the electoral process. In another instance, a Labour Party House of Representatives candidate was gruesomely murdered two days before the election. In Rivers State, a Resident Electoral Commissioner (REC) was threatened not to announce the presidential election results of a particular Local Government. In Lagos State, cases of violence were recorded, which culminated in an ethnic clash between the Igbos and Yorubas. In Njikoka Local Government Area of Anambra State, a voter was shot at the poll. These classic examples characterised the 2023 elections.

The second challenge is Vote Buying: In Nigeria, money plays a pivotal role in the recruitment process for political offices. Money politics has become a prevalent aspect of African political history, particularly in Nigeria, where meritocracy is neglected. According to Clifford et al (2023:8), some of the supplementary elections conducted for governorship, senatorial and House of Representatives elections across seventeen states were marred by violence related to vote buying and other glitches, leading to the loss of lives of many persons. Vote buying undermines the sanctity of the electoral process and may not reflect a true representation of the right people. Moreso, the reality of this assertion was seen in the 2022 All Progressive Congress (APC) and the People's Democratic Party (PDP) presidential primaries, where the media reported cases of dollars stored in Ghana must-go bags, to bribe delegates and party stalwarts in the primaries. Efforts by the Economic and Financial Crime Commission (EFCC) and the Federal Government to curb the menace proved abortive as politicians were neck-deep in winning their primaries. The more the government devises means to curb it, the more the politicians discover other means of promoting it.

The major cause of vote buying has been attributed to the high cost of purchasing a nomination form. No one would like to lose an election after spending huge money on purchasing nomination forms and the high cost of running a campaign, which further compounded the problem. Vote buying is what gives the political elites the privilege to remain in power and to fight to retain their position by all means. The third challenge is the late arrival of some INEC officials to the Polling Units. Olalekan and Dickson (2023:11) posits that the

inability to vote has been blamed on alleged shoddiness on the part of the Independent National Electoral Commission (INEC), whose officials arrived late for polls commencement, and could not attend to most of the potential voters, who has stormed the various polling units across the nation before the election closed. In a similar vein, vehicular restrictions make it difficult to move people, sensitive and non-sensitive materials to different destinations during elections. This logistical problem has been the reason elections do not start on time in several polling units. Also, accessing those living in the riverine areas poses a significant limitation during elections due to geographical factors. Riverine areas are often characterised by difficult terrains, water bodies and the lack of proper infrastructure. This can make it challenging for election officials to reach those areas, coupled with the timely delivery of election materials, which may be hindered in these regions. This improper planning by the electoral umpires can cause potential delays, thereby affecting the outcome of the overall electoral process.

Finally, the delay in the payment of honoraria remains another challenge. These are token payments or fees provided to individuals who serve as ad hoc staff during elections. It is a nominal payment intended to recognise and appreciate the voluntary or temporary nature of their involvement in election-related activities. These individuals, often drawn from various professions to assist in electoral duties, receive honoraria as a form of compensation for their time, effort, and service during the electoral process. They are the ones, basically, at the forefront of these crucial national assignments. Despite the difficulties associated with their Jobs, their honoraria are delayed and in some cases are deprived of their payments. In addition to this effect, thousands of ad hoc staff, after the 2023 elections, were seen protesting about the non-payment of their honoraria, after the presidential and House of Assembly elections and even some who were paid were short-paid. The effects of this neglect are seen in cases of compromised elections where the Adhoc staff take bribes to manipulate electoral figures in favour of some candidates. To be candid, this delay in payment has been a recurring decimal in Nigerian political history.

Conclusion

Since independence till date, the conduct of elections in the nation's political history has been marred by fraudulent practices, corruption and violence. Successive elections conducted in the country have suffered credibility problems. It is therefore disheartening to believe that past efforts at democratisation have collapsed on the altar of perverted elections and electoral process as observed in the 2023 general elections. The Judiciary has been accused of being partisan and pandering to the whims and machinations of the government in power, thereby contributing to the inability of the election tribunals to dispense justice without fear or favour. Strictly speaking, the use of technological devices such as the Bimodal Voter Accreditation System (BVAS), a facial recognition system aiding voter accreditation and the INEC result viewing portal, have boosted the citizens' confidence in the ability of technology to solve Nigeria's election challenges. Therefore, the people of Nigeria were eager to see the fulfilment of the promises and assurances made to them by the umpire boss, but unfortunately, the elections were marred by those potential challenges that Nigerians thought had been defeated by the commission.

The election was characterised by irregularities, ranging from voter suppression, intimidation, violence, sporadic shootings, vote buying and others. The results were highly and widely disputed as a result of the inability of the commission to adhere to the provisions of the Electoral Act 2022 (As Amended). Conversely, the disputed results indicated that respondents favoured the Labour Party, but the party was not successful in gaining access to power. This was potentially influenced by the actions of the Institutions, saddled with the responsibility of conducting elections in the country. Akinduro (2010:3) observed that within the current electoral framework, the Judiciary is unable to achieve its mandate because its

autonomy is not provided in the legal framework. However, while these prepositions cannot be disputed, it is important to note that the performance of the commission is not dependent solely on the formal structure as provided in the legal framework, but also on the organisational process, which is not directly provided in the legal framework. These processes are influenced by the decisions and actions of the actors who operate within and outside the organisational structure of the commission.

Recommendations

Based on the findings of the study, the following recommendations were made;

1. The Electoral Act of 2022 should be amended to adequately guarantee the independence and autonomy of the Judiciary to operate independently of the executive arm of government. This is to enable them to discharge those sacred duties they were statutorily established to perform.
2. To ensure the effectiveness of the judiciary in upholding the rule of law and electoral integrity, the National Assembly must take proactive steps through legislative processes to guarantee the independence of the judiciary to avoid pandering to the whims and machinations of the government in power.
3. Public perception of the judiciary in the electoral outcome will be positive if the National Judicial Council (NJC) is empowered to perform their job without executive interference. The powers of appointments of judges and it's financial control should be taken from the president through legal amendments to insulate them from political manipulations and actions of the actors, who operate within and outside the organisational structure of the commission.
4. There is a need to amend the Electoral Act of 2022 to take into consideration some of the challenges inherent in the 2023 election process. This will provide the ground for more transparent voting, collation and announcements of results in future elections.

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