

LEGAL IMPACTS OF INCONSISTENCIES OF THE SUPREME COURT JUDGMENTS ON ELECTIONEERING PROCESS IN NIGERIA

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Abstract

The judiciary plays a critical role in the sustainability of democratic governance, particularly in the resolution of electoral disputes in Nigeria. As the apex court, the Supreme Court occupies a special position of ensuring electoral justice in the adjudication of electoral disputes. However, the occurrence of inconsistent judgments by the Supreme Court in electoral matters has raised critical concerns about the role of the judiciary in electioneering process. This study examined the legal impacts of inconsistencies of the Supreme Court judgments on electioneering process in Nigeria. The objectives of this study are to examine theoretical underpinnings of electoral disputes and its impacts on the Supreme Court judgments. This study employed doctrinal and quantitative legal research approaches. For the doctrinal approach, normative analysis was adopted to analyze the primary sources, such as legislation, while content analysis was used for secondary data such as textbooks, journal articles, reports, among others. As regards the quantitative research approach, data were gathered from a 600-questionnaire survey conducted using purposive sampling techniques. The data were thereafter subjected to descriptive and deductive analysis. The findings of the study were that judicial intervention in electoral process is consistent with legal formalism theory which views the judiciary as an institution with its own interpretative rules and legal reasoning enabling it to adjudicate on electoral disputes. The study therefore recommended that the Supreme Court should maintain

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reliance on binding precedents while ensuring that earlier decisions are clearly restated and consistently applied in subsequent election cases.

Keywords: Judicialism, Electioneering Process, Inconsistencies, and supreme court

1. INTRODUCTION

The stability of democratic governance hinges significantly on the judicial branch, especially concerning the settlement of disputes stemming from electoral outcomes.¹ Nigeria's Supreme Court, as the apex judicial authority, bears the ultimate responsibility for interpreting and applying the legal framework governing elections and for ensuring that electoral disputes are adjudicated in accordance with the principles of justice, fairness, and the rule of law.² However, the delivery of conflicting decisions by the Supreme Court on electoral issues has sparked extensive debate among constitutional law scholars and political analysts, particularly concerning the judiciary's credibility, reliability, and impartiality in handling election-related proceedings.³

This study argues that such inconsistent judgments often arise from the Court's differing interpretations of constitutional provisions or the Electoral Act in matters relating to election outcomes, whether pre-election or post-election disputes. Consequently, these conflicting decisions tend to negatively affect the legal framework and the reliance of lower courts on previous rulings as precedents carry

¹ Okoye, F. 'Restorative Justice & The Defence of People's Mandate: The Judiciary in the Aftermath of the 2007 Elections in Nigeria' in Jibrin Ibrahim & Okechukwu Ibeanu (eds), *Direct Capture: The 2007 Nigerian Elections and Subversion of Popular Sovereignty* (CDD, OSIWA 2007) 34

² Ibid

³ Osinakachukwu, N.P. and Jawan, J.A. 'The Electoral Process and Democratic Consolidation in Nigeria' [2011] 4(2) *Journal of Politics and Law*, 18.

significant consequences for electoral credibility, the robustness of democratic systems, and affect the level of citizens' confidence in judicial authorities.⁴ Nigeria's electoral process is marked by fierce political rivalry, regular legal disputes, and substantial interests for involved parties, which often end up in court. Many times, the process continues all the way to the Supreme Court, whose decision is final. Owing to the Supreme Court's dominant role at the pinnacle of Nigeria's judicial system, and the finality of its judgments in all matters including electoral disputes and its decisions are expected to be marked by certainty and consistency. Yet, the Court has often been observed delivering judgments that are inconsistent or contradictory verdicts causing political strain, eroding the reputation of electoral bodies such as the Independent National Electoral Commission (INEC), and impaired voters' faith in the overall elections procedure.⁵ The cases of *Hope Uzodinma v. Emeka Ihedioha*⁶ and *APC & Ahmed Lawan v. Bashir Sheriff*⁷ illustrate the typical legal uncertainties resulting from the Supreme Court decisions. The recurring problem of inconsistent judgments by the Supreme Court forms the basis of this study's motivation to critically examine and assess such inconsistencies, uncover their underlying causes, and evaluate their implications for Nigeria's management of electoral processes and the overall stability of its democracy.⁸

⁴ Kari, A.G.U. 'Issues in Election Petition Adjudication in Nigeria's Fourth Republic: A Sociological Critique of the Role of the Judiciary' [2016] 5(7), *Global Journal of Politics and Law Research*, 21.

⁵ Fawehinmi, G. 'The Role of Election Tribunals' *The Guardian (Nigeria)*, May 2, 2007.

⁶ [2020] 5 NWLR (Pt 1718) 529 (SC)

⁷ [2024] 2 NWLR (Pt 1921) 49

⁸ Oladimeji Ifedayo Idowu, 'The Supreme Court of Nigeria and the Stains of Justice by Technicalities: Why APC v Machina is wrong' [2023] 3(1) *Redeemer's University Nigeria, Journal of Jurisprudence & International Law* 182-191

The Nigerian legislature has undertaken deliberate measures to strengthen the country's electoral system by amending the Electoral Act. These initiatives are aimed at ensuring free and fair elections while reducing the frequency with which politicians resort to the courts to resolve electoral disputes. That is, disputes that are further complicated by the Supreme Court's inconsistent judgments. Undoubtedly, the enactment of the Electoral Act 2022 (and most recently, the newly signed Electoral Act 2026) signifies a notable legislative attempt to tackle certain difficulties embedded in Nigeria's electoral framework.

This research is to investigate how inconsistencies in Supreme Court decisions affect Nigeria's electoral process, concentrating on judicial precedent, management of elections, democratic robustness, and how the public views the judiciary's credibility. Through analyzing weaknesses in Nigeria's election-related laws, the study will pinpoint causes of contradictory decisions and suggest practical changes to improve coherence in the judiciary's handling of election disputes. In essence, this research intends to add to the wider discussion on judicial responsibility and election credibility in Nigeria, providing perspectives on how the judiciary can more effectively fulfill its position as a neutral referee in electoral matters. Therefore, this study will chart a course for tackling the difficulties created by judicial irregularities, thereby fortifying Nigeria's electoral procedures.

2. RESEARCH METHODOLOGY

This study adopted a mixed-methods research design, combining doctrinal legal research with a quantitative empirical approach. The adoption of the two approaches was considered appropriate because the research problem involved both a legal/doctrinal dimension namely, the examination of inconsistencies in the judgments of the Supreme Court in electoral disputes and an empirical dimension,

requiring an assessment of the perceptions and experiences of relevant stakeholders who were affected by electoral adjudication. The combination of these approaches enabled the study to examine the subject from both the perspective of the law as formally established and the practical consequences of its interpretation and application.

The doctrinal component of the research was principally library-based. It involved a systematic examination and critical analysis of the legal rules, principles, judicial decisions and scholarly writings relevant to electoral adjudication and judicial precedent in Nigeria. The doctrinal approach was particularly appropriate because the central focus of the research concerned the jurisprudence of the Supreme Court and the extent to which its decisions in electoral matters had remained consistent with established principles of law and stare decisis. Through this approach, the study examined the reasoning adopted by the Court in selected electoral cases, compared decisions involving similar or related legal questions and identified areas in which apparent inconsistencies, departures or divergent judicial approaches had occurred.

The doctrinal research was supported by both primary and secondary sources of legal materials. The primary sources comprised the Constitution of the Federal Republic of Nigeria 1999 (as amended), relevant Electoral Acts and other applicable legislation, subsidiary legal instruments, judicial decisions of the Supreme Court and other relevant courts where necessary for contextual purposes, as well as applicable international and regional human rights instruments. Particular attention was given to constitutional provisions relating to elections, judicial powers, the jurisdiction of the courts and fundamental democratic rights, together with statutory provisions regulating electoral processes and election petitions.

The secondary sources consisted of textbooks, peer-reviewed journal articles, scholarly monographs, newspaper publications, conference papers, research reports and other relevant academic literature. These materials were reviewed to establish the existing state of scholarship on electoral litigation, judicial precedent, judicial independence, electoral justice and the role of the Supreme Court in Nigeria's democratic process. The literature review further assisted in identifying gaps in existing scholarship. In particular, the review suggested that while considerable literature existed on electoral disputes, electoral malpractice, judicial intervention and the jurisprudence of the Supreme Court, comparatively limited attention had been devoted to the specific legal and institutional consequences of inconsistencies in Supreme Court judgments on the Nigerian electioneering process. This identified gap provided an important justification for the present study.

In analyzing the primary legal materials, the study employed normative and doctrinal legal analysis. The analysis involved examining the relevant constitutional and statutory provisions, identifying the applicable legal principles and evaluating the reasoning adopted by the courts in selected electoral cases. The judicial decisions were subjected to comparative examination in order to determine whether apparently different outcomes could be explained by differences in facts, applicable legislation, constitutional provisions, evidential circumstances or established principles of judicial precedent. Where such explanations were not readily apparent, the decisions were examined to determine whether they represented genuine inconsistencies or legitimate judicial distinctions. Particular attention was given to the doctrine of *stare decisis*, *ratio decidendi*, judicial hierarchy and the circumstances in which an apex court may legitimately depart from an earlier decision.

The study also employed content analysis in analyzing the secondary materials and relevant documentary sources. The content analysis involved identifying recurring themes, arguments, concepts and scholarly positions concerning judicial inconsistency, electoral jurisprudence, judicial independence, electoral justice and democratic governance. Relevant judicial decisions were similarly examined thematically to identify patterns in judicial reasoning and approaches to electoral disputes. This enabled the study to move beyond an isolated examination of individual judgments and to identify broader trends in the Supreme Court's electoral jurisprudence.

In addition to the doctrinal component, the study adopted a quantitative empirical research approach to obtain the views and perceptions of relevant stakeholders. The empirical component was considered necessary because the legal consequences of inconsistent judicial decisions could not be fully assessed from judicial authorities and academic literature alone. The perceptions of persons who participated in, administered, contested or professionally engaged with the electoral process provided an additional basis for assessing the practical implications of judicial unpredictability for electoral stakeholders and the broader electoral justice system.

Data for the quantitative component were collected through a structured questionnaire administered to selected respondents. The respondents were drawn from relevant categories of electoral stakeholders, including legal practitioners, political actors, electoral officials, candidates, voters and other persons with relevant knowledge or experience of electoral processes and election-petition litigation. The selection of respondents was based on purposive sampling, which was considered appropriate because the study required participants possessing relevant knowledge, experience or direct exposure to electoral processes and judicial determination of electoral disputes.

The technique therefore enabled the researcher to target respondents who were capable of providing informed responses to the research questions. The questionnaire was structured to obtain measurable responses concerning respondents' perceptions of the consistency of Supreme Court decisions, the operation of judicial precedent in electoral matters, the effects of conflicting or apparently inconsistent judgments, public confidence in electoral adjudication, judicial independence and possible institutional and legal reforms. The quantitative data thereby complemented the doctrinal findings by providing empirical evidence concerning how the perceived inconsistency of electoral jurisprudence had been understood by relevant stakeholders.

Following the collection of the questionnaire responses, the quantitative data were organized, coded and subjected to descriptive and inferential analysis, as appropriate to the nature of the data and the research questions. Descriptive analysis was used to summarize the characteristics and responses of the participants and to identify prevailing patterns and tendencies within the dataset. Frequencies, percentages and other appropriate descriptive measures were used where applicable to present the findings in a clear and systematic manner. Inferential analysis was employed where appropriate to examine relationships or patterns within the quantitative data and to determine whether observed relationships provided meaningful support for the propositions investigated by the study.

The use of both doctrinal and quantitative methods was therefore intended to provide methodological triangulation. The doctrinal method established what the Constitution, legislation and judicial authorities provided and enabled the researcher to critically evaluate the reasoning and consistency of the Supreme Court's decisions. The quantitative approach, on the other hand, provided empirical evidence

concerning the perceptions and experiences of stakeholders regarding the practical consequences of those decisions. The findings generated through the two approaches were subsequently considered together in order to develop a more comprehensive understanding of the research problem.

The methodology was consequently designed to ensure that the study did not treat judicial inconsistency merely as an abstract question of legal reasoning. Instead, it examined the phenomenon as a legal, institutional and practical problem with potential consequences for electoral justice, legal certainty, judicial credibility, public confidence and democratic consolidation. The combination of doctrinal analysis and empirical investigation therefore strengthened the analytical foundation of the research and enabled the study to formulate recommendations grounded both in the requirements of legal doctrine and in the experiences and perceptions of relevant electoral stakeholders.

2.1 Concept of Judicialism in Election Petition

The central principle of modern governance is constitutionalism, which notably vests the judiciary with considerable power to check and balance the activities of the other branches of government.⁹ With the emergence of constitutionalism, governance became subject to judicial control, leading to the development of judicialism as a governing ideology.¹⁰ Judicialism, as a concept often used to describe the adjudicatory process, has become increasingly prominent and widely acknowledged among legal scholars, even though it has not yet been officially integrated into common English usage. Importantly, its evolution is tied to the public's steady dependence on courts and

⁹ Kanyeihamba, I.G.W 'The Rule of Law, Judicialism, and Development' *Third World Legal Studies* [1984] 3(1), 44

¹⁰Ibid.

tribunals as the final safeguard of constitutional rights and as protectors of constitutional democracy. Put differently, the judiciary continues to serve as the last resort for ordinary citizens seeking redress for their grievances.

However, as with many concepts under examination, judicialism does not have one universally accepted definition. For the purpose of this study, therefore, the following interpretations are provided. Judicialism describes the increasing role, impact, or dominance of the judiciary in political, constitutional, and governance affairs through its interpretative and dispute-resolution functions.¹¹ Judicialism can be defined as a condition in which constitutionally created courts or tribunals assume a prominent and decisive role in settling important legal and politically sensitive conflicts that are ordinarily handled by political institutions.¹² Similarly, judicialism is the doctrine or practice through which courts or tribunals created under the constitution wield considerable power in influencing public policy, constitutional governance, and political outcomes via their rulings.¹³

A holistic review of the above definitions highlights the key features of judicialism, which include the courts' authority of judicial review, the supremacy of the constitution, the judiciary's responsibility as guardian of fundamental rights and freedoms, and its constitutional and statutory role in interpretation. In relation to this study, especially election petitions, judicialism is conceptualized as the proactive role of

¹¹ Ajepe T.S, 'Judicial Review and Judicial Supremacy: A Paradigm of Constitutionalism in Nigeria' [2011] 11(1) *International and Comparative Law Review* 45 <<https://doi.org/10.1515/iclr-2016-0095>> accessed on 4 May 2026.

¹² Hakeem O Yusuf, 'The Judiciary and Constitutionalism in Transitions: A Critique' [2007] 7(3) *Global Jurist Article* 4 <<https://doi.org/10.2202/1934-2640.1251>> accessed on 4 May 2026.

¹³ Ben O Nwabueze, 'Judicialism in Commonwealth Africa: The Role of Courts in Government' (London, C Hurst & Co Publishers Ltd 1977).

the judiciary in resolving disputes arising from electoral contests, whether before or after elections. It includes the courts' statutory mandate to interpret the Electoral Act, annul elections that fail to substantially comply with its provisions, determine the rightful winners of elections, and oversee compliance with constitutional requirements in the electoral process.

The constitutional justification for the concept of judicialism may be drawn from the provisions of the 1999 Constitution of Nigeria, particularly section 6, which confers judicial power on the courts;¹⁴ section 4(8) of the constitution, which shields the judiciary from legislative encroachment by barring laws that remove the courts' jurisdiction;¹⁵ section 36 of the constitution, which guarantees fair hearing;¹⁶ section 45 of the constitution, which ensures the right of access to court;¹⁷ and sections 81(3) and 121(3) of the constitution, which provide for the financial independence of the judiciary, among others.¹⁸ In the context of this study, it is argued that judicialism, as both a theory and practice, advances constitutionalism in democratic settings such as Nigeria by protecting the integrity of elections and electoral institutions through judicial adjudication, limiting the abuse of political authority, and reinforcing the rule of law.

2.2. Concept of Electioneering and Election Petition

Electioneering involves the range of activities, tactics, and procedures carried out by electoral authorities in the administration of elections, as well as by political parties, their candidates, and supporters aimed at persuading voters, gaining support, and winning elections. Broadly, it

¹⁴ Section 6 of the CFRN 1999 (as amended)

¹⁵ Section 4(8) of the CFRN 1999 (as amended)

¹⁶ Section 36 of the CFRN 1999 (as amended)

¹⁷ Section 45 of the CFRN 1999 (as amended)

¹⁸ sections 81(3) and 121(3) of the CFRN 1999 (as amended)

includes campaigning, organizing political rallies, using traditional and social media, canvassing for votes, engaging in public debates to promote party manifestos, advertising, and mobilizing the electorate before and during elections.¹⁹ Given its crucial role in democracy, the concept of elections has garnered significant attention from social science scholars. Elections serve as the cornerstone of democratic decision-making, providing a legitimate process for selecting leaders. Elections enable citizens to choose from various options and select leaders to govern the state.²⁰ This process involves voting at scheduled intervals.²¹ Three key stakeholders make elections possible: the candidates or aspirants vying for office, the voters or electorate who belong to the same pool as the candidates, and the electoral authority or umpire that oversees the process, often independently of government or external influence.²²

Therefore, democratic elections must meet specific minimum standards to gain public acceptance. To be considered democratic, elections should not only be free but also fair, credible, and accessible. Eligible voters must be able to exercise their right to vote without facing violence, intimidation, or other forms of obstruction. Also, candidates of political parties must meet specific requirements, both before and after elections. Thus, elections can only be considered a foundation of democratic politics if they meet these basic standards and to ensure compliance, electoral laws and regulations are typically established to guide the process. An election is essentially competition

¹⁹ Jide Ojo, 'Election Campaigns and the Challenge of Democratic Consolidation in Nigeria,' [2015], 9(2), *African Journal of Political Science and International Relations*, 51

²⁰ Ogala, B 'Challenges and Performance of Election Petition Tribunals in South-West Nigeria' [2012] *Conference on the Review of the Performance of Election Petitions Tribunals in Nigeria*.

²¹ Ibid.

²² Ibid.

among political parties' candidates in seeking voters' support to win election and secure a political position.²³

Usually, there should be a minimum of two candidates, and each must be nominated by political parties that are legally registered²⁴ contest for each political office, unless one is elected unopposed in a situation where no opponent contested against him or her. A key principle of elections is the necessity of free and fair elections that all candidates fielded by political parties should be granted equal opportunities. These fundamental principles are governed by established rules, established by the Constitution and the Electoral Act. If these rules are breached/contravene and election results are disputed, candidates or their parties can make recourse to court/tribunal to ventilate their grievance through election petitions.²⁵

3. NIGERIAN COURTS AND JUDICIALIZATION OF ELECTION PETITION

The Nigerian judiciary's handling of post-election petitions demonstrates its commitment to avoiding conflicts of interest, particularly ensuring that the Independent National Electoral Commission (INEC) doesn't adjudicate its own cases.²⁶ By taking on electoral dispute resolution, the judiciary provides a crucial platform for addressing dissatisfactions related to elections.²⁷ The judiciary's role in electoral disputes has protected the political rights of Nigerian

²³ Osinakachukwu, N.P. and Jawan, J.A. 'The Electoral Process and Democratic Consolidation in Nigeria' [2011] 4(2) *Journal of Politics and Law* 18.

²⁴ Section 221 of the Nigerian Constitution 1999 (as amended)

²⁵ Ibid.

²⁶ Darnolf, S. 'International Election Support: Helping or Hindering Democratic Elections?' [2011] 47 (4) *Journal of Representation* 361

²⁷ Davies, A. 'Reflections on the Imperative of Transparency and Accountability for Good Governance.' [2003] 8(1) *Ilorin Journal of Business and Social Sciences* 8

citizens, averting a situation where individuals might take the law into their own hands, leading to chaos.

By handling election-related cases, the judiciary has also paved the way for reforms, such as setting deadlines for post-election disputes, which enhances the overall electoral process. Moreover, judicial oversight ensures that elections are conducted in accordance with global best practices.²⁸ High-quality elections are vital for democratic growth, as electoral integrity directly impacts the stability of a democratic system. However, elections are just one piece of the democratic puzzle. Democracy encompasses more than just the frequency or quantity of elections; it requires a sustained environment of open, competitive, and significant political participation.²⁹ Although Nigerian courts actively engage in electoral disputes, there doesn't seem to be a direct correlation between judicial intervention and a decrease in election-related lawsuits and irregularities.³⁰ Paradoxically, increased reliance on the courts appears to fuel controversy surrounding election outcomes in Nigeria. Thus, elections play a critical role in a country's transition from fragile democracy to a more stable, consolidated democratic system.³¹ The connection between electoral processes and democratic consolidation hinges on the freedom and fairness of elections.³² A truly free election is one that is unencumbered by obstacles and inconsistencies.³³ As such, the judiciary's role in overseeing elections is widely recognized as vital, particularly when it comes to resolving electoral disputes through

²⁸ Ellett, R. L. *Emerging Judicial Power in Transitional Democracies: Malawi, Tanzania and Uganda* (Doctoral Dissertation, Northeast University, Boston, 2015)

²⁹ Fawehinmi, G. 'The Role of Election Tribunals' *The Guardian* (Nigeria), (2 May, 2007)

³⁰ *Ibid.*

³¹ *Ibid.*

³² Huntington, S. P. *The Third Wave: Democratization in the Late Twentieth Century* (Norman, OK: University of Oklahoma Press, 1991)

³³ *Ibid.*

petitions.³⁴ Lately, the role of judicial decision-making in electoral processes has sparked intense discussions in countries like the United States, Taiwan, Congo, Nigeria, and Kenya.³⁵

A key issue driving these debates is ensuring "open political competition,"³⁶ which involves addressing electoral irregularity and fraud a critical concern for the judiciary in handling election-related cases. The judiciary's role in shaping electoral outcomes has grown significantly in recent years, fueling discussions about its impact on the electoral process. Consequently, researchers are split on whether court intervention bolsters or compromises the integrity of elections, particularly when judges take a more activist stance, potentially encroaching on the authority of electoral commissions to manage and decide election-related matters.³⁷

The judiciary's recent surge in handling electoral disputes has led to what's been termed the "judicialization of politics." This phenomenon involves either the courts gaining more power at the expense of politicians and administrators or the increasing use of judicial methods to make decisions beyond the traditional realm of the judiciary.³⁸ The growing influence of the judiciary in politics is evident, especially in electoral dispute resolutions. Nowadays, major judgments on constitutional rights, legislative powers, or executive limits are

³⁴ Hernández-Huerta, V. A. 'Disputed Elections in Presidential Democracies: Challenging Electoral Outcomes as a Negotiation Strategy.' (Working Papers Series, 2015).

³⁵ Gazibo, M. 'The Forging of Institutional Autonomy: A Comparative Study of Electoral Management Commissions in Africa' [2006]39(3) *Canadian Journal of Political Science* 611

³⁶Ibid.

³⁷Ibid.

³⁸ Hartlyn, J., McCoy, J. and T. M. Mustillo, 'Electoral Governance Matters: Explaining the Quality of Elections in Contemporary Latin America' [2008]41(1) *Comparative Political Studies* 73

regularly handed down by national high courts around the world, often on a weekly basis.³⁹ Over the past 15 years, constitutional courts in more than 25 countries have emerged as the final arbiters in disputes over election results.⁴⁰ The effectiveness of the electoral process largely depends on the impartiality and expertise of the electoral management body.

In countries like Hungary in East Central Europe, constitutional courts have limited involvement in party politics due to the autonomy of political parties, which aren't beholden to specific social groups.⁴¹ Additionally, citizens in Hungary are already highly engaged in the political process, having been integrated, mobilized, and politicized within the party system.⁴² While Hungarian political parties have experienced splits, mergers, ideological shifts, and internal divisions, these issues typically stem from policy disagreements or coalition strategies, rather than requiring judicial intervention.⁴³ Instead, courts in Hungary focus on electoral conduct, stepping in only after the National Election Commission or Constituency Election Commissions have addressed complaints. During the elections, Hungary's National Election Commission (NEC) handled over 900 complaints and appeals, rejecting at least 65% on procedural grounds.⁴⁴ NEC decisions on pre-election matters are binding unless appealed to the Constitutional Court, and all complaints are processed and resolved within a tight 3-day timeframe.⁴⁵ Hungary's National Election Commission has a unique role, overseeing both election administration

³⁹Ibid.

⁴⁰ Hirschl, R. 'The Judicialization of Mega-Politics and the Rise of Political Courts' [2008] 11 *Annual Review of Political Science* 118.

⁴¹ Ichino, N. and Noah, L. N. 'Primaries on Demand? Intra-Party Politics and Nominations in Ghana' [2011] 42(2) *British Journal of Political Science* 769

⁴²Ibid.

⁴³Ibid.

⁴⁴Ibid.

⁴⁵Ibid.

and pre-election disputes, which enhances its autonomy and minimizes constitutional court involvement.⁴⁶ In contrast, countries like Nigeria rely heavily on the judiciary to interpret and resolve internal party conflicts.

4. DATA ANALYSIS ON THE INCONSISTENT SUPREME COURT JUDGMENTS

The Weighted Rank Analysis of the impacts of inconsistent Supreme Court judgments on Nigeria's elections provides a clear window into how judicial behavior shapes democratic stability. The most severe consequence, undermining public trust in the judiciary with a 21.7% rating, underscores the centrality of judicial credibility in sustaining electoral integrity. This finding can be linked to legal formalism and judicial realism. Legal formalism assumes judges apply the law neutrally and consistently, but inconsistent rulings contradict this expectation. Judicial realism, by contrast, argues that judges' decisions are influenced by personal, political, or social factors. The Nigerian experience validates the realist perspective, showing that when courts appear swayed by external pressures, citizens lose confidence in their neutrality, thereby compromising the legitimacy of the entire electioneering process. Also, the second-ranked consequence, prolonged electoral litigation (20.8%), reflects the attitudinal model of judicial decision-making.

This model posits that judges' ideological preferences and alignments with political actors influence their rulings. In Nigeria, inconsistent judgments extend disputes and delay the finality of election outcomes, creating uncertainty in governance. Such delays weaken institutional

⁴⁶ Jinadu, A. *Nigeria*. In *Election Management Bodies in West Africa: A Comparative Study of the Contribution of Electoral Commissions to the Strengthening of Democracy* (South Africa: Open Society Initiative for West Africa, 2011)

efficiency and erode public patience with democratic processes, illustrating how judicial attitudes can obstruct timely resolution of electoral conflicts. The erosion of democratic principles, ranked third at 20.2%, resonates with the strategic model of judicial decision-making. This theory emphasizes that judges often weigh political consequences and institutional constraints when deciding cases. Inconsistent judgments may therefore reflect strategic calculations to balance pressures from political elites or to preserve institutional survival.

However, such maneuvering undermines foundational democratic ideals such as free and fair elections, equality before the law, and respect for the electorates will which contribute to a fragile political environment. Political instability, ranked fourth with 19.04%, aligns with institutional theory, which highlights the judiciary's role in stabilizing governance. When judgments are inconsistent, the judiciary fails in its institutional function, producing unrest, factional disputes, and crises. Perceptions of favoritism in rulings can trigger instability that threatens national cohesion and may escalate into violence during or after elections.

Similarly, the Weighted Rank Analysis of factors driving judicial inconsistencies in Nigeria's election-related cases reveals a mix of external pressures and internal weaknesses that can be linked to established theories of judicial decision-making. The most significant factor, pressure from political elites (22.8%), underscores the influence of external actors on judicial outcomes. This aligns with the strategic model, which posits that judges often consider political consequences and pressures when making decisions. In Nigeria, political interference compromises judicial independence and reinforces the perception that courts serve partisan interests rather than impartial justice. The second-ranked factor, judicial corruption (21.5%), reflects internal

ethical challenges within the judiciary. This resonates with judicial realism, which argues that decisions are not purely based on legal rules but can be shaped by personal interests, biases, or external inducements. Corruption erodes credibility and fosters inconsistency, highlighting the need for stronger accountability mechanisms.

Ambiguity in the Electoral Act (18.67%) points to structural shortcomings. This links to the legal formalist theory, which assumes judges apply clear rules consistently. When laws are vague, however, judges interpret them differently, producing conflicting outcomes. Ambiguity thus undermines the predictability that formalism relies upon and opens space for manipulation. The prioritization of technicalities over substantive justice (18.66%) reflects a rigid adherence to formalism at the expense of democratic principles. This can be tied to legal positivism, where strict application of rules may overshadow broader considerations of fairness and justice. Such an approach weakens the judiciary's role in safeguarding electoral integrity. Lack of adherence to precedent (18.3%) undermines consistency and predictability in judicial rulings. This contradicts the doctrine of *stare decisis*, a cornerstone of common law systems, and illustrates how deviation from precedent erodes public confidence in judicial reliability.

In the same vein, the Weighted Rank Analysis highlights three major aspects of Nigerian law that significantly contribute to inconsistent judicial rulings in election-related cases, and these can be linked to theories of judicial decision-making. The most influential factor, jurisdictional overlaps between courts (34.8%), reflects how structural fragmentation undermines judicial coherence. This aligns with institutional theory, which emphasizes the judiciary's role in providing stability and predictability. When multiple courts claim authority over

similar matters, conflicting judgments emerge, weakening institutional credibility and eroding public trust in the judiciary's consistency.

The second factor, conflicting provisions in electoral laws (33.4%), resonates with legal formalism and judicial realism. Formalism assumes clear rules guide consistent rulings, but ambiguities in Nigeria's electoral laws force judges into divergent interpretations. Judicial realism explains how such ambiguity allows external influences, including political manipulation, to shape outcomes, thereby fueling inconsistency in electoral adjudication. The third factor, constitutional time constraints (31.8%), links to the strategic model of judicial decision-making. Judges under rigid timelines may prioritize expediency over thoroughness, producing rushed or uneven decisions. This demonstrates how institutional constraints shape judicial behavior, sometimes at the expense of substantive justice and consistency.

Additionally, the Weighted Rank Analysis of reforms to address judicial inconsistencies in Nigeria's election-related cases reveals that respondents prioritize accountability and independence as the most effective solutions, and these preferences can be linked to theories of judicial decision-making. The most highly rated reform, introducing penalties for inconsistent rulings (27.96%), reflects the importance of accountability mechanisms in deterring arbitrary judgments. This aligns with judicial realism, which emphasizes that judges' decisions are influenced by personal, social, or political factors. By imposing sanctions, the judiciary would be compelled to adhere to consistency, countering tendencies toward bias or arbitrariness and reinforcing public trust in electoral adjudication. The second-ranked reform, strengthening judicial independence (26.7%), resonates with the strategic model. This theory suggests that judges often consider external pressures and political consequences in their rulings.

Insulating the judiciary from political interference ensures that decisions are guided by law and justice rather than elite influence, thereby enhancing impartiality and credibility in electoral dispute resolution.

The third reform, improving judicial training on electoral laws (25.6%), connects to legal formalism, which assumes that judges apply clear rules consistently. Training equips judges with the expertise to interpret complex electoral provisions more accurately, reducing misinterpretations and fostering uniformity in rulings. This proactive measure strengthens the judiciary's capacity to deliver consistent outcomes. Amending the Electoral Act for clearer guidelines (19.7%) addresses structural shortcomings in the legal framework. This reform reflects the legal positivist approach, which emphasizes the importance of precise and unambiguous laws for consistent application. Clearer legislation minimizes loopholes and conflicting interpretations, supporting judicial coherence.

Furthermore, the Weighted Rank Analysis reveals that the Supreme Court's reliance in election-related judgments is skewed toward technicalities (32.8%), with substantive justice often taking a secondary role. This finding can be linked to legal positivism and formalism, which emphasize strict adherence to procedural rules and statutory interpretation. While technical compliance ensures order, excessive reliance on procedural details undermines substantive justice and weakens public confidence in the judiciary's ability to safeguard democratic principles. In electoral adjudication, this rigid formalist approach risks privileging form over fairness, thereby eroding legitimacy. The second-ranked factor, evidence presented by parties (23.0%), reflects the judiciary's commitment to the principle of proof. This aligns with judicial realism, which acknowledges that decisions are shaped by the quality and availability of evidence in specific cases.

However, in the electoral context, challenges such as inadequate documentation or manipulation of results complicate reliance on evidence, making outcomes vulnerable to inconsistency. Public interest considerations (22.9%), though ranked third, highlight the tension between formalism and broader democratic imperatives. This connects to the strategic model, which suggests judges sometimes weigh societal implications and political stability in their rulings. Yet, the relatively low emphasis on public interest indicates that broader democratic values are subordinated to technical and evidentiary concerns, limiting the judiciary's role in reinforcing electoral legitimacy.

Finally, precedent (21.3%) was ranked lowest, showing limited reliance on *stare decisis*. This undermines predictability and judicial stability, which are central to institutional theory. When courts fail to follow established case law, similar cases may be decided differently, contributing to inconsistency and weakening trust in judicial reliability. In summary, the Supreme Court's reliance pattern reflects a dominance of formalism and positivism, tempered by case-specific realism, but with insufficient attention to precedent and public interest. This imbalance contributes to inconsistent electoral rulings and erodes democratic trust. The findings suggest that judicial reform should encourage a balance between technical compliance and substantive justice, strengthen adherence to precedent, and give greater weight to public interest considerations. Such reforms would enhance consistency, reinforce democratic values, and restore public confidence in Nigeria's electoral adjudication process. Also, the Weighted Rank Analysis reveals that respondents overwhelmingly perceive inconsistent Supreme Court judgments as having deep and damaging consequences for Nigeria's electoral process, and these outcomes can be linked to theories of judicial decision-making.

The most strongly perceived impact, legal uncertainty (27.73%), highlights how inconsistent rulings complicate the interpretation of electoral laws and hinder the establishment of clear precedents. This reflects the weakness of legal formalism, which assumes judges apply rules consistently. In practice, ambiguity and inconsistency validate judicial realism, showing that decisions are shaped by context and external pressures rather than predictable application of law. Legal uncertainty undermines stability and complicates future dispute resolution. The second-ranked perception, political interference (27.16%), aligns with the strategic model of judicial decision-making. This theory emphasizes that judges often consider political consequences or pressures in their rulings.

In Nigeria, inconsistency is widely seen as evidence of partisan influence, suggesting that judicial independence is compromised by elites who exploit the courts to advance their agendas. The third-ranked consequence, erosion of judicial credibility (25.84%), resonates with institutional theory, which stresses the judiciary's role in maintaining trust and stability. Contradictory rulings weaken the perception of courts as neutral arbiters, eroding public confidence not only in the judiciary but in the democratic system as a whole. Finally, discouraged electoral participation (19.24%) reflects the broader democratic implications of judicial inconsistency. When citizens perceive the judiciary as unreliable or politically compromised, they lose faith in the electoral process. This outcome illustrates how judicial behavior directly affects democratic consolidation, as reduced participation undermines representation and legitimacy.

By implication, the findings show that judicial inconsistency is not merely a procedural flaw but a systemic threat to Nigeria's democratic stability. Theories of judicial decision-making realism, strategic, and

institutional help explain how inconsistency arises and why it erodes trust, participation, and predictability. Addressing these challenges requires reforms that strengthen judicial independence, enforce consistency in rulings, and restore public confidence in the judiciary as a cornerstone of electoral justice.

Lastly, the Weighted Rank Analysis on responsibility for inconsistent Supreme Court decisions highlights a layered perception of accountability, and these findings can be applied to theories of judicial decision-making. The greatest responsibility is assigned to judges themselves (28%), underscoring their role as ultimate arbiters of electoral disputes. This connects directly to judicial realism, which argues that judges' personal values, biases, or external pressures shape rulings rather than purely neutral application of law. When judges fail to uphold impartiality and coherence, inconsistency arises, eroding public confidence in the judiciary. The emphasis on judges as primary custodians of consistency reflects the expectation of legal formalism, where rulings should be predictable and rule-bound, but the reality often diverges. The second-ranked group, lawyers (26%), illustrates how advocacy and reliance on procedural technicalities influence judicial outcomes. This aligns with legal positivism, which emphasizes strict adherence to rules and procedures. Lawyers exploiting loopholes or prioritizing technicalities over substantive justice contribute to contradictory judgments, weakening credibility.

Their role demonstrates how the adversarial system can magnify inconsistencies when procedure overshadows fairness. Politicians (25%) are perceived as external disruptions, exerting undue influence on judicial processes. This resonates with the strategic model, which posits that judges may account for political pressures or consequences in their decisions. Political elites manipulating judicial outcomes for partisan advantage undermines independence and reinforces the

perception that inconsistency stems from external interference. Finally, INEC officials (21%) are seen as indirect contributors through administrative lapses such as poor documentation or irregularities. This reflects institutional theory, which highlights the interconnections of institutions in maintaining stability. Flawed electoral management complicates judicial adjudication, making consistent rulings harder to achieve and linking administrative weaknesses to judicial credibility.

In conclusion, the analysis shows that responsibility for inconsistent Supreme Court decisions is multi-layered: judges and lawyers bear the greatest share due to their direct roles in adjudication and advocacy, while politicians and INEC officials exert external and indirect influence. Theories of judicial decision-making, such as realism, formalism, positivism, strategic, and institutional, help explain how these actors collectively shape inconsistency, underscoring the need for reforms that strengthen judicial independence, professional accountability, and institutional coherence.

5. SUMMARY OF FINDINGS

72.7% of the respondents were of the view that public trust in the judiciary can be restored by promoting consistency in electoral decisions, while 23.1% indicated that trust could not be bought, even in the presence of consistency in electoral judgments; The study concluded that when judicial decisions on electoral matters lack coherence, they foster uncertainty, weaken citizens' trust in the judiciary, and cast doubt on the credibility of elections. The study therefore recommended that the Supreme Court should maintain reliance on binding precedents while ensuring that earlier decisions are clearly restated and consistently applied in subsequent election cases.

6. CONCLUSION

The inconsistent rulings of the Supreme Court have significant consequences for Nigeria's electioneering process. When judicial decisions on electoral matters lack coherence, they foster uncertainty, weaken citizens' trust in the judiciary, and cast doubt on the credibility of elections. Such unpredictability often provides room for politicians to exploit ambiguities in the law, thereby undermining democratic values and intensifying electoral conflicts. In addition, conflicting judgments complicate the interpretation of electoral laws, leaving political parties, candidates, and electoral institutions without clear direction. This prolongs litigation, shifts focus away from governance, and entrenches political instability. Over time, perceptions of bias or inconsistency in judicial outcomes erode confidence in democratic institutions and threaten the sustainability of Nigeria's democracy.

7. RECOMMENDATIONS

The following recommendations are made:

i. **Enhancing Transparency, Accountability and Reasoned Judicial Decision-Making.** There is a compelling need to strengthen transparency and accountability in the judicial determination of electoral disputes. Judicial legitimacy is closely connected to the quality of judicial reasoning and the extent to which parties and the wider public can understand the legal basis upon which a decision has been reached. Accordingly, judgments in electoral cases should contain clear identification of the issues for determination, the applicable constitutional and statutory provisions, the relevant authorities, the evidential findings and the reasons for accepting or rejecting competing arguments. Where a court departs from an existing precedent, it should expressly identify the earlier authority, explain why it is distinguishable, or state the jurisprudential basis for reconsidering or overruling it within the limits permitted by law. This approach would make judicial decisions more transparent and

facilitate meaningful appellate review. It would also reduce the perception that electoral disputes are determined through unpredictable or purely technical reasoning. Transparency should therefore not be understood merely as making judgments publicly available; it should encompass the quality, accessibility, consistency and intelligibility of judicial reasoning. In the long term, transparent reasoning can strengthen public confidence in the judiciary and reinforce respect for the doctrine of stare decisis.

ii. Strengthening the Doctrine of Stare Decisis and the Authority of Binding Precedent. The Supreme Court and the Court of Appeal should consistently adhere to the doctrine of stare decisis, subject to the recognized exceptions under which precedent may legitimately be distinguished, reconsidered or overruled. The problem is not that a court may ever depart from an earlier decision; rather, the concern arises where materially similar electoral disputes produce materially different outcomes without a sufficiently persuasive explanation. Such situations may create what may be described as “back-and-forth” jurisprudence and undermine the predictability of electoral law.

iii. Legislative and Procedural Reform for Greater Jurisprudential Consistency

Nigeria's electoral justice system would benefit from targeted legislative and procedural reforms designed to reduce unnecessary fragmentation of electoral jurisprudence. The Electoral Act and relevant procedural rules should be periodically reviewed to identify provisions that have generated recurring interpretative disputes. Where uncertainty has repeatedly resulted in conflicting judicial decisions, legislative clarification should be considered, provided that such intervention respects constitutional principles and does not improperly interfere with judicial independence.