

Elections, Judicial Processes, and Economic Development in Nigeria (2015 - 2023)

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Abstract

Nigeria's electoral system and processes have undergone various changes and reforms over the years. Nigeria operates a multi-party system where political parties compete in national, state, and local elections. The country follows a presidential system of government, with a federal structure consisting of 36 states and the Federal Capital Territory, FCT- Abuja. The Independent National Electoral Commission (INEC) is the primary electoral body responsible for organizing, conducting, and supervising elections in Nigeria. It was established in 1998 and operates independently from the influence of the government's executive, legislative, and judicial arms (1999 Constitution) [1]. The Nigerian Constitution provides the legal framework for the conduct of elections in the country, outlining the electoral process, the powers and functions of INEC, and the qualifications for elective offices. The Electoral Act on the other hand sets out the detailed procedures and regulations governing elections, including voter registration, party registration, campaign financing, and dispute resolution. Voter registration is a crucial aspect of the electoral process. INEC conducts continuous voter registration exercises to capture eligible citizens who have attained the voting age. Judicial decisions pertaining to election disputes can significantly impact the political landscape, public trust, and stability, thus influencing the country's economic development prospects. Economic development is a key priority for Nigeria, aiming to achieve sustainable growth, reduce poverty, and improve its citizens' welfare. A conducive business environment, investment inflows, infrastructure development, and sound economic policies are essential for realizing these goals. However, the relationship between electoral processes, judicial stability, and economic development in Nigeria remains complex and intertwined. To promote economic development in Nigeria, attention should be given to improving the quality of institutions. This includes strengthening the legal and regulatory framework, combating corruption, promoting transparency and accountability, and enhancing business efficiency.

Keywords: Economic Development, Electoral Commission, Judicial Processes

1. Introduction

Nigeria's political landscape has been marked by a history of military rule and a transition to democracy in 1999. Since then, the country has conducted several general elections with varying degrees of credibility and transparency [2]. Elections serve as a critical mechanism for citizens to choose their representatives and leaders, shaping the democratic fabric of the nation. However, Nigeria has faced persistent challenges, including voter intimidation, fraud, violence, and allegations of electoral malpractice, which have impacted the credibility and legitimacy of election outcomes. The judiciary plays a crucial role in upholding the rule of law, ensuring accountability, and resolving electoral disputes. However, Nigeria's judicial processes have faced criticism over delays, corruption, and limited capacity, which can undermine public confidence in the justice system and hinder effective dispute resolution. Judicial decisions pertaining to election

disputes can significantly impact the political landscape, public trust, and stability, thus influencing the country's economic development prospects. Economic development is a key priority for Nigeria, aiming to achieve sustainable growth, reduce poverty, and improve its citizens' welfare. A conducive business environment, investment inflows, infrastructure development, and sound economic policies are essential for realizing these goals. However, the relationship between electoral processes, judicial stability, and economic development in Nigeria remains complex and intertwined. A robust democratic system and a fair and efficient judiciary are crucial for attracting domestic and foreign investments, ensuring policy continuity, and promoting economic stability.

1.1. Objectives

The primary objective of this study is to examine the interplay between elections, judicial processes, and economic

development in Nigeria. Specific objectives include: analyzing the role of the judiciary in resolving election-related disputes and its influence on public perception and economic development.

2. Methodology

The study will employ a mixed-methods approach, combining quantitative data analysis with qualitative research methods. It will involve data collection from various sources, including analysis of existing literature, and examination of relevant legal and policy documents. The qualitative research will provide insights into relevant stakeholders' experiences, perceptions, and opinions, including voters, political actors, judicial officers, and economic experts.

2.1. Definitions of Terms

According to Norris, elections refer to a formal and structured process by which individuals within a political system choose their representatives or leaders through voting [3]. It is a fundamental component of democratic governance, allowing citizens to express their preferences, participate in decision-making, and hold their elected officials accountable. Elections typically involve the selection of candidates or political parties, campaigning, voter registration, voting, and counting and tabulating votes to determine the winners.

Election Judicial Process refers to the legal mechanisms and procedures that govern resolving disputes and controversies related to elections. It involves the involvement of judicial bodies, such as courts, in ensuring the electoral process's fairness, transparency, and integrity. The process is designed to safeguard the democratic principles of free and fair elections and to address any grievances or violations that may occur during the electoral cycle ().

Economic Development is the sustained, long-term improvement in a society's economic well-being and living standards. It involves various processes, policies, and strategies to foster economic growth, increase productivity, reduce poverty, and improve individuals' overall quality of life within a country or region.

2.2. Theoretical Framework

Institutional theory is a prominent sociological framework used to analyze and explain the influence of social institutions on the behaviour and actions of individuals and organizations [4]. Lawrence, Suddaby remarks that his theory posits that institutions, such as laws, regulations, and norms, shape the actions and practices of individuals and organizations within a particular societal context. John W. Meyer: John W. Meyer and his colleague Brian Rowan contributed significantly to the development of institutional theory [5]. Meyer's research focused on the concept of isomorphism, which refers to the process through which organizations conform to institutional norms and practices. He emphasized the role of external forces, such as regulatory agencies and professional associations, in shaping institutional pressures. Paul J. DiMaggio: Paul J. DiMaggio expanded upon Meyer's work by examining how institutions influence organizational behaviour. He explored the concept

of institutional logic, which is shared understandings and beliefs that guide behaviour within an organization or field. DiMaggio argued that institutions influence the adoption and diffusion of practices by providing legitimacy and social approval.

2.3. Basic Assumptions of Institutional Theory

According to Meyer and Rowan (1977) the theory makes the following assumptions

Symbolic Significance: Institutional theory emphasizes the symbolic significance of institutions. Institutions are seen as symbols that communicate shared meanings and values. Organizations adopt institutional practices not only for functional reasons but also to signal their alignment with prevailing institutional norms and gain symbolic legitimacy.

Path Dependence: Institutional theory assumes that historical processes and events shape the development and persistence of institutions. Once established, institutions create path dependence, wherein past practices influence future actions and decisions. This leads to a degree of inertia, making it difficult for organizations to deviate from established institutional norms.

Institutional Entrepreneurs: Institutional theory recognizes the role of individuals or groups known as institutional entrepreneurs. These actors actively promote and advocate for new institutional practices and challenge existing norms. Institutional entrepreneurs play a crucial role in initiating institutional change and innovation.

2.4. Relevance of the Theory to the Work

Institutional theory can provide insights into understanding Nigeria's elections, judicial process, and economic development. Let's explore how institutional theory applies to each of these areas:

Elections: Institutional theory emphasizes the role of formal and informal rules and norms in shaping electoral processes. In the context of Nigeria, the electoral system is influenced by institutions such as the Independent National Electoral Commission (INEC), electoral laws, political parties, and societal expectations. These institutions set the rules and regulations governing elections, including voter registration, candidate nomination, campaign finance, and the conduct of elections.

According to institutional theory, electoral institutions and their associated norms can influence the behaviour of political actors. For example, the presence of strong institutions that ensure transparency, accountability, and fairness in elections can enhance citizens' trust in the electoral process. Conversely, weak or dysfunctional institutions may lead to electoral malpractices, voter apathy, and a lack of confidence in the outcomes.

To promote democratic elections, Nigeria's institutional framework should strengthen electoral institutions' independence and effectiveness, ensure robust legal and

regulatory frameworks, and foster a culture of electoral integrity.

Election Judicial Process: Institutional theory can also be applied to understand the election judicial process in Nigeria. The judiciary is a crucial institution responsible for upholding the rule of law, interpreting and applying laws, and resolving disputes. Institutional factors such as the constitution, legal frameworks, judicial appointments, and the judiciary's independence shape the judicial system's functioning.

The institutional theory highlights that an effective and independent judiciary is essential for maintaining the integrity of the legal system. It emphasizes the importance of institutional arrangements that provide judicial independence, impartiality, and the rule of law. The presence of strong institutions can promote legal certainty, protect individual rights, and provide a fair and transparent dispute resolution mechanism.

To enhance the judicial process in Nigeria, attention should be given to strengthening judicial independence, improving the efficiency of the court system, promoting access to justice, and ensuring the integrity of the legal profession.

Economic Development: Institutional theory offers insights into the relationship between institutions and economic development in Nigeria. Institutions play a critical role in shaping economic activities, investment decisions, and the overall business environment. Formal institutions, such as laws, regulations, property rights, and contract enforcement mechanisms, along with informal institutions like social norms, cultural practices, and trust networks, significantly influence economic development.

Institutional theory suggests that a conducive institutional environment is necessary for sustainable economic growth and development. When institutions are transparent, predictable, and fair, they promote entrepreneurship, attract investments, encourage innovation, and foster economic stability. Conversely, weak or corrupt institutions can hinder economic development by creating uncertainty, discouraging investment, and perpetuating inequality.

To promote economic development in Nigeria, attention should be given to improving the quality of institutions. This includes strengthening the legal and regulatory framework, combating corruption, promoting transparency and accountability, and enhancing business efficiency.

However, the institutional theory is not without defects. One critique of institutional theory is that it can sometimes overlook actors' agency and individual decision-making within institutions. Institutional theory tends to focus on the external pressures and constraints imposed by institutions, often assuming that actors passively conform to institutional norms and practices. This perspective may overlook the active role individuals and organizations play in shaping

institutions and their behaviors.

Critics argue that institutional theory's emphasis on isomorphism and conformity may limit its ability to explain instances of institutional change, innovation, and resistance. It may not adequately account for cases where actors challenge existing institutions, introduce new practices, or actively shape the institutional landscape.

Additionally, institutional theory's macro-level focus on the broader institutional environment may downplay the importance of micro-level dynamics and individual agency in decision-making. It may not capture the complexities and variations in how actors interpret and respond to institutional pressures or how they navigate and sometimes subvert institutional constraints.

2.5. Elections in Nigeria

Nigeria's electoral system and processes have undergone various changes and reforms over the years. Nigeria operates a multi-party system where political parties compete in national, state, and local elections. The country follows a presidential system of government, with a federal structure consisting of 36 states and the Federal Capital Territory (FCT), Abuja.

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2.6. The Conduct of Elections in Nigeria Include the Following Stages

Party Primaries: Political parties conduct primaries to select their candidates for various positions. These can be direct primaries, indirect primaries, or consensus arrangements.

Campaigns: Political parties and candidates campaign

extensively to gain the support of voters. They use various mediums, including rallies, media advertisements, and door-to-door canvassing.

Election Day: On the designated Election Day, eligible voters cast their votes at polling units using their PVCs. Voting are usually done manually, with the use of ballot papers and ballot boxes. However, the introduction of technology, such as biometric voter authentication, has been implemented in recent years to enhance the process.

Vote Counting and Collation: After the polls close, votes are counted at each polling unit. The results are then collated at higher levels (wards, local government areas, states) until the final result is determined.

Announcement of Results: INEC is responsible for announcing the official results of the elections. These results are often displayed at polling units and announced publicly.

2.7. Election Judicial Processes in Nigeria

The election judicial processes in Nigeria involve several stages and institutions to ensure the integrity and fairness of the electoral system. Here is an overview of the key aspects of the election judicial processes in Nigeria, as contained in the [2].

Election Petitions: Election petitions are Nigeria's primary mechanism for resolving electoral disputes. These petitions are filed before the various judicial bodies established to handle election matters. The Electoral Act of Nigeria provides the legal framework for the resolution of election disputes through the judicial process

Election Tribunals: Election petitions are typically adjudicated by specialized tribunals known as Election Petition Tribunals. These tribunals consist of judges who are appointed to hear and determine election-related cases. The tribunals have the authority to examine the evidence, listen to witnesses, and judge the validity of elections [2].

Appeal Courts: Decisions made by the Election Petition Tribunals can be further appealed to the Court of Appeal. The Court of Appeal serves as an intermediate appellate court and is responsible for reviewing decisions made by the tribunals. The court examines the legal arguments and evidence presented during the lower court proceedings to determine whether any errors were made in applying the law [1].

Supreme Court: The final level of appeal in the Nigerian judicial system is the Supreme Court. Parties dissatisfied with the decisions of the Court of Appeal can file an appeal to the Supreme Court.

The Supreme Court has the ultimate authority to make final determinations on election-related matters. Its decisions are binding and cannot be further appealed within Nigeria [1,7].

Timelines and Procedures: The Nigerian electoral law establishes specific timelines for the resolution of election disputes. The Electoral Act sets a maximum of 180 days from the date of filing an election petition to the final determination of the case by the Supreme Court. This timeframe is meant to ensure swift resolution and prevent prolonged litigation that may hinder the functioning of the government [8].

2.8. Election, Election Judicial Process and Economic Development in Nigeria

The transition from military to civil rule in Nigeria in 1999 ushered a renewed hope as that was seen as an opportunity for the rebirth of a new Nigeria of the dream of the citizens. It was hoped that under the new form of government that was supposedly going to be constituted, on the basis of majority rule and popular constitution Nigeria would be presented with the opportunity to select leaders on the basis of competence, credibility and merit in which case a responsible and accountable government that would initiate and enforce policies that would better the lives of the citizens was possible.

The reason for this hope is that Nigeria should be governed by a democratic government whose legitimacy derives directly from the consent of the people. This requires that election must be free, fair and credible (Udu). On the other hand the judiciary ought to be independent to enable it perform her political stabilization role conflict resolution, interpretation of the laws (constitution) and ensuring the rule of law (Jatula).

The judiciary by the nature of its function as the guardian and protector of the constitution ought to ensure that election laws are dully observed by stakeholders, in what Maduekwue describes as the watchdog of democracy.

Impliedly, the judiciary has very important role to fulfill in the elections to ensure that elections are free, fair and credible. For only under such election atmosphere can credible competent and leaders with the right character can emerge.

Election, when it is credible, free and fair can serve to empower citizens to hold political office holders accountable. The citizens are empowered to change a crop of political leaders whose interests and policies do not produce positive impacts on their lives [9].

The judiciary has a duty, the responsibility of ensuring through its rulings on matters brought before it, that all stakeholder in election conduct themselves in manners appropriate to their positions in relation to the electoral process as prescribed by the law. This would require that credible justice be delivered on such matters. This way, it would have fulfilled the role of stabilizing the socio-political order [10].

However, institutional fragility of the election management body and the judiciary create a condition in which economic development in Nigeria remains a mirage. The living

condition of Nigerian deteriorated and worsened as cost of living increased. These has been revealed by the socio-economic indicators.

Politically, voter turnout during the 2023 general election was very low (27% of the over 93.4 million registered voters). This was the lowest voter turnout ever in Nigeria electoral history [11].

Economically surging inflation drives millions of Nigerians into poverty. By 2015, 40% of Nigerians lived below the poverty line and some other 25% (53 millions) remained vulnerable to poverty. By 2020 Nigeria was scored very low on human development index, scoring 0.539, occupying 161st out of 189 countries ranked as against 35.4% in 2018. About 60% of the over 200 million of Nigerian population live on below \$2 dollar per day. The general poverty rate stood at 70.1% [12]. Inflation rate grew from 12% in 2019 to 15% in 2020 as Nigerians grind under falling naira value. Growing public debt of \$85 billion external split among the Federal Government, States and the Federal Capital Territory (Stiftung). All of these worked in concert to prevent foreign direct investment inflows and the crippling of certain small and medium enterprises.

All of these were occurring side by side rising budgetary provisions. The annual budget for the Federal Government alone was about N7.441 trillion in 2016, by 2022, these figure had more than doubled as the budgetary figure rose to about 17.126 trillion (Budget Office).

From the foregoing, it can be argued that election, and election judiciary process in Nigeria are diametrically related to economic development. The reasons for this are not far-fetched. The reasons are all connected to underlying economic conditions.

First, the centrality of the state in national economic life makes political contest via election a “do or die” affairs as the occupation of political office is the surest means to incredible wealth and power [13]. Chul, Ismail and Samson observed that “losing election in Nigeria means to be expelled from political life; the winner takes all those who win election do so at the expense of the losers. Once opponents, for whatever reasons, scuttle an individual chances they become completely irrelevant in the political process” [14,15].

To this effect, elections in Nigeria has been characterized by all manner of irregularities that range from falsification of election results by incumbent, employment of violence against and intimidation of supporters of opposition, vote buying, to bribing of election officials to be declared winner [10].

From the political economic point of view, the very manner in which western capitalist mode of production was articulated in Africa in general and Nigeria in particular is such that the forces of socio-economic formation would be antithetical to economic development in Nigeria. The Nigerian state, like most states in Africa is a colonial creation. The colonial

state was created not for the purpose of bringing about economic development. Rather it was created as a tool for guaranteeing the economic exploitation of the native people, the plundering of her resources and their repatriation to Europe. For these goals to be effectively actualized, the colonial state was structured to be authoritarian, predatory and repressive [10].

According to Claude Ake, quoted in Adisa, “It is easy to see that the political environment at Independence was profoundly hostile to development [10]. The struggle for power was so absorbing that everything else, including development, was marginalized. Those who were out of power constantly worried about their exposure to every kind assault by the state that was hardly subject to any constitutional or institutional restraints. Since what mattered in this type of politics was the calculus of force, those out-of-power strove constantly to put together a credible force to challenge those in power or at any rate to limit their own vulnerability to harassment and abuse. In a highly statist postcolonial polity, they did not even have the option of channeling their ambitions into economic success, which was primarily a matter of state patronage of the state was likely to invite the unpleasant attention of those in control of state power.

Political power was everything. It was not only the access to wealth but also the means to security and the only guarantor of general well-being. For anyone outside the hegemonic faction of the political elite, it was generally futile to harbor any illusions of becoming wealthy by entrepreneurial activity or to even take personal safety for granted. For anyone who was part of the ruling faction, entrepreneurial activity was unnecessary, for one could appropriate surplus with less risk and less trouble by means of state power” [10].

Those who succeeded the colonial masters did little or nothing to change the structure and character of Nigeria’s politico-economic ecosystem. The state has remained largely undeveloped, authoritarian, predatory and repressive of popular agitation. In fact, the end-SARS protest of October, 2020 was a reaction to state authoritarian tendencies [12].

The politico-economic ecosystem of Nigeria election explains why elections in the nation’s history has been characterized by all manner of violence, fraud, rigging, and vote buying and other irregularities. It is for that reason that the Machiavellian maxim plays out in Nigeria politics, in which case and for the most part, those who eventually emerge as winners in elections are those whose interest do not align with those of the masses. It also explains why monies are stolen in Nigeria and stashed in banks in Europe: colonial policy had crated the route to European for repatriation of the wealth of Nigeria.

Therefore, election becomes the market where investment must be made. Money then becomes a big factor in Nigeria’s election for financing campaigns and for vote buying at elections [14]. Such investment has to be recovered once access to political office is secured, even with super normal profit.

It is within the same politico-economic ecosystem that the Nigeria judiciary is expected to fulfil her role as arbiter in election disputes and to dispense justice. First of all, it must be made clear from this point that the judiciary is one of the three (3) arms of the state. Should it be expected to behave and act differently from the other arms? But they are triplets, children of the same parents, same gene and training.

The Nigerian judiciary as an institution has been accused of complicity in producing false winners of election. Many of the judges are reported to be corrupt, taking bribes to deliver “unjust” judgments as they are in the habit of collecting “incredible sums of money” [9].

Consequently, election judicial process in Nigeria has often been compromised. It has been observed that, “...election litigations in contemporary Nigeria have called the integrity and credibility of the judiciary as an important institution of democratic consolidation into question than any other issue. Appalling is the realization that the same allegations as those against the electoral management body in Nigeria - which fundamentally account for the increasing number of post-election litigations also feature prominently against the judiciary thereby exacerbating the fear of a democratic relapse if something is not done. Allegations of corruption, bias and Manipulation often characterise election petition cases, thus subjecting the outcomes of the process to the same criticism that greeted election results whenever they were announced by the INEC” [15].

Bribery and corruption have been established to be occurring in election judicial process in Nigeria. Between 2018 and 2020 some 9.4 billion naira were said to have been offered and received in bribes for judgement to be compromised [13].

Corruption within the judiciary has reached a proportion that even some members of the Bench have become worried by it. Afe Babalola, SAN, once lamented, “Time was when a lawyer could predict the outcome of a case because of the facts, the law and the brilliance of the lawyers that handled the case. Today, things have changed and nobody can be sure. Nowadays, politicians would text the outcome of judgement to their party men before judgement is delivered and prepare their supporters ahead of time for celebration” [13].

That is so because election judicial process in Nigeria is now a commodity for sale to the highest bidder, with some lawyers acting as middlemen. Prizes are paid most times in cash, and in kind at other times [16].

Emphasizing the extent to which election judicial process has become commercialized in Nigeria, Adekanbi was quoted in Onapajo and Uzodike thus:

“In Nigerian (electoral) politics now the wisdom is: Don’t waste your time campaigning. Don’t waste your money printing bill boards, handbill or poster. Don’t waste your time throwing money for mobilization. Just keep your money in the bank and call a very good lawyer and let him tell you the

loopholes in the constitution or the electoral act. Memorise the loopholes and give all the money you’ve saved to a judge. Tell him; I have gotten all the loopholes, they (the opponents) have flouted it (and you shall win at the end of the day)” [17].

Why won’t the judiciary commercialize election judiciary process? The judges are part of the state structure. They want to be protected and be safe. They want to be wealthy. Election litigation is an opportunity for such dreams to be realized.

Effectively, billionaire electoral petition tribunal judges have emerged. Many of such judges purchase luxury properties in London, South Africa, Dubai and United Arab Emirate using bogus names and names of companies that do not exist. They fabricate names of spouses and children who do not exist. Some of the judges sponsor the education of their children in schools in London, Paris, New York and Switzerland without taking loans (Maduekwe; Enveremadu).

3. Discussion

One of the theoretical assumptions of the institutional theory pertinent to this study is that historical processes and events shape the development and persistence of institutions. Once established, institutions create path dependence, wherein past practices influence future actions and decisions, making it difficult for institutions to deviate from established norms. Accordingly arguably, the election management body in Nigeria and the judiciary have demonstrated the tendency of not only being reflective of the historical political-economy of the Nigerian state, but also sustaining the historical norms. That explains why elections and election judicial processes since independence have not produced positive effects and impacts in national economic life.

In line with another assumption of the institutional theory that institutions do not adopt practices for functional reasons but also for symbolic purpose to signal their alignment with prevailing norms, the election management body in Nigeria which is the Independent National Electoral Commission and the judiciary have demonstrated their alignment with the Character of the Nigerian state out of which they spring [18-22].

The two institutions have failed to work to produce credible, competent, and patriotic leaders who are committed to the development of the country as money becomes or influence determine to a large extent, their function. Accordingly, development has eluded the country.

4. Conclusion

In the developed countries, there exists a clear demarcation between the state and the market such that the state has minimal role to fulfill in national economic life. In Nigeria, the state and the market are fused together such that the state plays crucial role in national economic life, thereby making political contestations very stiff. Election and judicial process in Nigeria have not yielded desired result in terms of economic development. The reason is that the institutions

established for those purposes cannot function effectively due to the disabilities imposed on them by the politico-economic ecosystem. As the result, economic development has in Nigeria has remained a mirage as socio-economic variables have shown. The living condition of Nigerians continue to deteriorate with all the attendant biting hardships.

Once access to political office is secured, the winners embark on elephant project with highly inflated contract figures.

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