



ELECTORAL REFORMS IN A BOURGEOIS DEMOCRACY: THE JUDICIARY INTERPRETATION AND IMPLICATIONS IN NIGERIA POLITICS

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Keywords:

*Election,
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Abstract: *This paper seek to proffer solutions to the challenges orchestrated by judiciary interpretation of electoral reforms especially, the 2022 electoral reform for future democratic purposes. It also exposes, the root causes and implications of such interpretation on the contemporary Nigeria democracy. It analyze Nigeria democracy from the bourgeois perspective. The paper adopted descriptive survey method, using both primary and secondary sources of data to extract information that enable the conclusion. The population of the study is one million, one hundred and sixty seven thousand, five hundred (1,167,500), derived across six states in the six geopolitical zones such as; Anambra (South East), Delta (South-South), Lagos (South-West), Taraba (North-East), Kano (North-West) and Nasarawa state (North-Central), ensuring representation of one state across the six geopolitical zone. A sample size of ten thousand, three hundred and ninety eight persons was drawn using random sampling techniques. Percentage method was used in analysis and interpretation of data. The findings include among others; none independent of the judiciary, corruption, constitutional lacuna and gap etc. The paper recommends; judicial autonomy, constitutional amendment, policy instrument etc.*

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Introduction

Election is a process that entails the practical aspect of citizens' sovereignty, a means through which citizens can engage in the government of their nation, a vital principle of democracy that

enables selection of candidates to lead in different political capacities in pursuit of development for good and responsive administration. The credibility of every election is dependent on the electoral process (Udeoba

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and Alokwu, 2021). However, credible elections ought to be maintained to solidify democracy. Unfortunately, this has been a fundamental challenge facing Nigeria from the post-colonial area with a practice that substitutes effectiveness to maintain governmental legitimacy (Kolawole, 2007). The enhancement of electoral process is the basis for democratic consolidation, sustainability and national development viz a vis electoral system aimed at bridging the difficulties in holding free, fair and credible elections. (Ojo, 2021). Furthermore, electoral reforms seeks to enhance responsiveness of electoral process to public desire and expectations; it entails a primary objectives and goals anchored on improving the electoral processes to accommodate the choice and the voting rights of the citizens via enhanced impartiality, inclusiveness, transparency, integrity and accuracy. Electoral reforms have a ceaseless process linking every election to identification and improvement on lapses noticed in the previous elections. The proper management of segments could result to sustainable and consolidated democracy in Nigeria. It might have unanticipated outcome and effect with whole or partial negative results, its changes can only be referred to as reform when it improves democratic sustainability. The negated effect of electoral reforms could be orchestrated as a result of poor design and implementation or manipulation by candidates to their advantages. It catches on the public interest when it imbibes representational arrangements embedded on

electoral systems. Electoral reforms have three distinct areas of interest;

The legal interest, anchors on amendment of laws, constitutions and other rules/regulations to strengthen the integrity, relevance and adequacy of its framework for service delivery; Administrative interest, enables introduction of new strategies, structures, policies, procedures and inventions to facilitate implementation of its legal responsibilities and effective service delivery cum sustainability. This aspect entails procurement, financial integrity and recruitment of personnel viz a vis establishment of balance in gender, providing information to groups such as; those living in a remote areas and physically challenged or introduction of electronic voting, voter registration etc; Political perspective, introduces transformation in the political atmosphere and operation via autonomy, effective and transparent framework for funding and accountability.

Consequently, electoral reform is an essential tool in democratization initiatives, solidifying satisfaction with long-standing framework and style of electoral administration. Nigeria has taken substantial reforms to include; the 2002 reform which produced the electoral act for the conduct of 2003 and 2007 general election; the 2010 reform that produces the 2010 electoral act used for 2011, 2015 and 1019 general election and the last 2022 reform that produces the 2022 electoral act used for conduct of 2023 general election. The above-mentioned reforms came with several achievements such as; introduction

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of Smart card reader in 2015 general election and Biometric voter accreditation system (BVAS) introduced for 2023 general election. The use of smart card reader was a paradigm shift which attracted vituperation by some political class while, the Bi-modal Voter Accreditation System B-VAS was considered a perfected tool set to achieve credibility in elections and circumventive instrument for irregularities as characterized in the polity at the early stages of the fourth republic.

Notwithstanding, the identified progresses associated with electoral reforms and management of elections since, the return of democracy in 1999, elections and electioneering processes in Nigeria are still not in tandem with democratic principles because of the bourgeois influence. The essential element of electoral process requires a free and fair atmosphere and electoral results reflecting the choice of the people but Nigeria experience in this regard has been contrary to the expectation. The electoral bodies conduct elections in a way that favors political elites (Bourges), excluding the electorates from voting in areas considered as a strong holds of oppositions. The failure to deliver acceptable elections or manage conflicts/dispute resulting from elections informs our discourse which is on electoral reforms in a bourgeois democracy, the judiciary interpretation and implications in Nigeria politics in relation to 2023 elections.

Extant review

Electoral reform

Electoral review is a wider concept that encompasses among others, gratifying the responsiveness of electoral system in achieving

desired objective, in tandem with peoples' choice. Every transformation aimed at improving electoral process is considered as electoral reform. However, such change can be considered a reform when it aimed at improving electoral processes. Electoral reform always comes to the noon-light when it involves changes on representational arrangements such as; electoral system. Electoral reform is embedded on three fundamental perspectives; legal; administrative and political. No wonder, Nwanolue (2004) in Ughulu and Ihaza (2023), aver that electoral process is a "multi-layered process with one layer leading to the next" these multi-facet nature of the electoral process lead to numerous reforms starting from colonial to post-colonial periods with the intentions to improve the election system via modification adjustments in the election management body. These adjustments were practicable in different administrations in charge of supervising electoral processes. Since, 1959 till election management body has rebranded to six different names; Electoral commission of Nigeria (ECN), 1959-1963; Federal electoral commission (FEC), 1963-1966; Federal electoral commission (FEDECO), 1966-1979; National electoral commission (NEC), 1979-1993; National electoral commission of Nigeria (NECON), 1993-1998 and Independent national electoral commission (INEC), 1998-date (Agbaje & Adejumobi, 2006). The essence is to improve viability in elections, bringing up democratic sustainability and consolidation via

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acceptable elections that reflects peoples' choice. Unfortunately, the electoral process encountered some challenges which has limit the desired objectives, as identified by Esan and Ayeni (2017), who aver that "political violence, particularly assassinations and politicians' unrestrained desperation to ensure sweeping victories for their candidates lead to manipulation of the electoral process, brazen falsification of election results, intimidation of voters, electoral officials and observers, underage voting, hoarding of ballot boxes and announcing of election results" negates the supposed objectives. Furthermore, ethnicity, monetization of politics, godfatherism, poor security, material poverty and external security danger also oppose the desired objectives of electoral process in Nigeria. Bringing to fore, Jega (2025), who opined that "by excessive monetization of politics, material poverty disembowels democracy and taints the democratic process". Therefore, money which entails vote buying has overwhelming influence in Nigerian politics especially, as it concerns the election officers. Other influential indices includes; communication gaps and transportation problems (Ake, 1996). There have been indices of late arrival of election materials orchestrated by transportation logistics especially, in coastal areas which impede the electoral process, leaving voters waiting for a long period of time. To have elections rooted on the democratic principles of free, fair and credibility, there must be electoral

reform embedded election body with significant administrative and financial autonomy with the intent to foster a democratic political culture among parties and the electorate.

Arguably, neutrality of electoral umpire constitute a vital instrument in achieving free and fair election cum sustainable democracy. It appears in discharge of electoral responsibilities embedded on democratic principles cum record of all participants in the electoral process, giving equal access and treatment to both the candidates, political parties and the electorates. Election that is considered adaptive to the principles of democracy requires both freedom from coercion and fairness as something inverted in sequence, character or effect of impartiality. Election reforms are intentionally conceived efforts to cause a change in a perceptual structure and process of elections viz a vis, the attitudes and behaviours of the voters to facilitate election processes aimed at advancement of democracy. It is a periodic maintenance of election administration with a view to accelerate participation in a crystalline, unbiased and fair manner. Arowolo (2013), opined that electoral reform can be useful in the following manners;

1. To increase the impartiality of the electoral body and other institutions involved in the administration of the election, such as the police and the court;
2. To guarantee the electoral body's inclusivity, independence, and financial autonomy;

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3. To ensure transparency, the expansion of the franchise, broader participation, and the integrity of the process.

Domains of electoral reforms

This process encompasses three dimensions such as; administrative, political and legal framework.

i. Administrative domain: This is the procedural process in conduct of elections, it involves funding, ballot production, election time table, recruitment and training of adhoc staff, voters' registration, technological based voting and logistics. It is the daily activities surrounding the workability of elections (International IDEA's, 2014).

ii. Political domain: It refers to the political atmosphere in which the electoral umpire operates, giving a supportive political environment for openness and unbiased process that creates enabling conditions for both political parties, candidates and electorates without fear of intimidations.

iii. Legal domain: This involves transformation in constitution, statutes, rules, regulations and laws. It entails modification of the constitution, electoral acts and other legislation regarding the conduct of elections aimed at improving the activities of electoral umpire.

Assessment of electoral reforms in Nigeria

The Clifford constitution of 1922 was the first to introduced elective principles into Nigerias' political landscape with four elective seats in the

Nigerian legislative council, the seats which was sustained by succeeding colonial administrations (Ogbeidi, 2010). The Richards constitution of 1946 further strengthens a central legislature with four out of the twenty four elected members as members of central legislature, three from Lagos and one from Calabar (Sklar, 2004). While, Macpherson constitution of 1951 avails the opportunity of nationwide election, apart from Lagos where indirect election was conducted. The Oliver Lyttleton constitution of 1954, brought about extensive direct election with exception of the northern parts of the country where election was indirect (Ikelegbe, 2016). This brought about inauguration of Electoral commission of Nigeria (ECN) which was saddled with the responsibility to conduct the 1959 elections (Ogbeidi, 2010). The 1960 independence ushers in another electoral reform which brought the change in nomenclature of the electoral umpire to Federal electoral commission (FEC) and oversees the conduct of first post-independent elections (Adibe, 2019). The military administration of 1979, adopted a new electoral reform which sees for another change in nomenclature of the electoral umpire. This time, it was changed from FEC to Federal Electoral Commission (FEDECO) with the conduct of 1979 and 1983 elections (Nnamdi, 2011). The guidelines includes among others; operational offices of political parties in at least 13 of the then 19 states; candidates for president must receive at least 25% of the votes cast in two-thirds of the 19 states in addition to having the most votes cast

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(Ogbeidi, 010). The Ibtahim Babanga's led military administration in 1987 brought about National Electoral Commission (NEC) which conducted the 1990, 1991 and 1993 local government, state and presidential elections respectively. This reform also brought to fore, the practice of two party systems in the political noon light in Nigeria with open ballot system popularly known as "option A4" which implies being a presidential aspirant requires contesting elections from the ward, local government, state before the national level (Kurfi, 2005). Nwaodu (2011), opined that Nigerian Electoral Commission (NEC) was the first electoral umpire to conduct elections that was considered the most free and fair since independence as outlined by both domestic and international observers. Another electoral reform was set up by Abacha's administration in 1995 via establishment of National Electoral Commission of Nigeria (NECON) after annulment of 1993 presidential elections. However, the disbandment of National Electoral Commission of Nigeria (NECON) brought about the birth of Independent National Electoral Commission (INEC) in 1998. As the longest election management body in Nigeria, Independent National Electoral Commission (INEC) has conducted several elections which includes; the 1999, 2003, 2007, 2011, 2015, 2019 and 2023 elections (Adele, 2011). It has went through several reforms which aimed at facilitating democratic sustainability and electoral process being regulated by 1999 constitution (as

amended), the 2010 electoral act (as amended) and the 2022 electoral act respectively. The chronicle passages of electoral acts entails 2001, 2006, 2010, 2011, 2015 and 2022 with that of the 2006 which authorizes the secretary to undertake the responsibility of voter education and prosecution of offenders. It further settles the issues on appointment and dismissal of resident electoral commissioner. The 2010 electoral act was bringing in agreement, electoral in tandem with the amended constitution, it was revised by extending voter's registration period and at the same time shifted the election date. It also streamlined its authorities to include control of political parties' activities via nomination of candidates through party primaries. The act went further to prohibit changing the names of candidates after nomination, empowers Independent National Electoral Commission (INEC) to withdraw registration of political parties and curtail the powers of election petition tribunal with respect to dissolution election results. It provides for prosecution of electoral offenses as crime, giving powers to poll officials to announce and post-election result at the polling units. The 1999 constitution as amended provides for financial independence of INEC with regards to charging its budget and salaries of the chairman cum members of staff, neutrality, timing of election etc were also parts of the amendment. Before, the 2006 electoral act and amendment of the 1999 constitution, the hierarchical command structure between the REC and the commission was uncertain without

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established procedure for removal from office, giving REC's so much powers over the activities of the commission(Guobadia, 2009).

The use of electronic smart card reader, permanent voters' card, simultaneous accreditation and voting system came into being in 2011 (Oliji,2021). Also the 2011 act allows INEC to stop registration of voters within thirty days before the general election while, 2015 act provides for increase in the number of days for duplicate voter card applications and issuance, voting procedure and tenure of the secretary. The 2022 electoral act was set to address the excess of act No. 6, 2010 by bringing to fore, some innovations to regulate elections across the three tiers of government in Nigeria (Adewole, 2022). These innovations/reforms includes among others;

i. Section 3(1) provides that all payments from federal government, grant and other assistance must be made to INEC for effective implementations of her duties, one year before the scheduled date for elections.

ii. In line with section 28(1) of the electoral act 2022, INEC is required to publish a notice stating the date of election, designation and location for delivery of nomination papers in each state including Federal Capital Territory 360 before the election.

iii. The encourages early submission of list of candidates who are successful and emerged winners of primaries conducted by the party, at least 180 days before the date scheduled for election.

iv. The act also elongates campaign period to 150 days before the election date, it affirms 24 hours prior to the election date as expiration.

v. Section 9(2) of the act established a provision for electronic database, allowing INEC to keep the register of voters in a central database and hardcopy format at its National Headquarters.

vi. The act in section 51(2), arrogates powers to a presiding officer to annul election results in polling units where there is over voting.

vii. In section 65(1), INEC has the powers to review unmarked ballot papers, rejected ballot papers, candidate scores etc as made by a returning officer within 7 days of the election and reconcile the contradictions to the provisions of the law or guideline for the election.

viii. Section 84(12) prohibits political appointees from voting delegates or aspirants for any political party's convention in nomination of candidates for any election except, the appointee resign from office.

ix. Section 34(1), allows for postponement of election for 14 days especially, where a candidate dies before the commencement of poll but in a situation where a candidate dies before announcement of result or final winner, the permits for 21 days postponement (section, 34(3)(b)).

x. The section 47(2) of the new act guarantees the use of technology such as; smart card readers and electronic voting machines for accreditations and voting proper. Section 50(2)

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enables electronic broadcast of election results as provided in the commission's procedure.

xi. The act provides that any candidate who contested primary election of a political party and achieves a reasonable ground has the right to file a suit at the Federal High Court challenging whatever document, considered questionable as submitted by the candidate of the political party. Prohibiting other persons order than the aspirants to contest the documents submitted by candidates from a political party.

xii. It went further in clause 8(5) to prohibits politicians and members of political parties in serving as INEC officials outlining, penalties for such act.

Empirical review

The 2022 election reform and 2023 general elections

The 2023 general elections marks a watershed in Nigeria's democratic history with a electoral act which provides for early funding of the commission, use of technology and transmission of results. It empowers the commission to introduce Bimodal Voter Accreditation System (BVAS) and Election Result Viewing Portal (IREV). These technologies especially, online pre-registration to vote, facilitates interest in the election. More to it is establishment of polling units and relocation of the existing ones nearer to voters for accessibility, which increases the masses optimism for free, fair and creditability of the elections but was dwindled despites, voters' mobilization and the confidence that preceded the election, leaving the aggrieved parties and

candidates with no alternative than seeking redress with the Judiciary. Unfortunately, the judgment as delivered by the court undermines the provisions of 2022 electoral act. The election was a misnomer with so many factors such as; setting back reforms that seek for improvement of candidate nomination in political parties, electoral integrity, transparent election management (result collation system and the commission's result viewing portal), ineffective communication, violence, vote buying, non-compliance with the guidelines etc, were all associated with the outcome of the election (Yiaga and Nigeria Civil Society Situation Room, 2023).

New provisions in the Electoral Act 2022 improved the participation of the special interest groups in our elections. For instance, Section 54 (2) of the Electoral Act 2022 mandates the INEC to take reasonable steps to ensure that persons with disabilities, special needs and vulnerable persons are assisted at the polling unit by the provision of suitable means of communication, such as Braille, Large embossed print or electronic devices or sign language interpretation, or off-site voting in appropriate cases. INEC procured assistive aids (Braille guides and Magnifying glasses), and maintained engagement with the disability community ahead of the elections. Despite all these efforts, reports by the TAF Africa revealed a low participation of (persons with disabilities) PWDs in the CVR. According to the report "The INEC did not adequately engage PWDs in the

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electoral process, especially in the voter education and registration exercises. Quite a few eligible voters with disabilities did not participate in the CVR to update their status as PWDs, while others were unable to collect their voters' card, due to lack of accessibility, hence the low number of PWDs indicated in the INEC register"(Yiaga, 2023).

In the February 25th presidential election, data showed that PWD voter information and statistics (Form EC 40H) were sighted in 82% of observed polling units, PWD posters (Poster EC 30E) were posted on the wall in 85% of observed polling units, magnifying glasses were sighted in 19% of polling units. 30% of polling units were not accessible as voters had to go up steps to access the polling units (this is an improvement from past elections) (Yiaga, 2023). For the March 18th governorship election in the 28 states, data shows PWD voter information and statistics (Form EC 40H) were sighted in 67% of observed polling units, PWD posters (Poster EC 30E) were posted on the wall in 63% of observed polling units, magnifying glasses were sighted in 21% of polling units. 28% of polling units were not accessible as voters had to go up steps to access the polling units (Yiaga, 2023). Although efforts were made through an improved electoral legal framework to ensure the participation of all eligible voters, not everyone who was eligible voted due to certain inhibitions. For instance, the PVCs of some voters were not available for pick up making it impossible for the affected voters to vote. Voters affected by

the polling unit relocation encountered challenges with identifying the new voting locations on election day. Nigerians on election duties such security personnel, INEC staff, election observers, prisoners and Nigerians in diaspora are denied the right to vote due to perceived conflict of interest or legal restrictions. Early voting or advance polling allows citizens to cast ballots in person at a polling place prior to an election. Participation in Nigerian elections had declined over the years, from 52.26 per cent and 69.08 per cent of registered voters in 1999 and 2003, respectively, to 43.65 per cent in 2015 and 34.75 per cent in 2019 and in 2023 it was 26.72 percent voter turnout, which was the lowest since the return to democracy in 1999. Several reasons has be credited to the poor turnout of voters which include: late arrival of INEC's officials to pooling units and voter suppression and violence. Nigeria voters' turnout could have been overstated in the past, but technology has exposed this past flaws, technology has shown that votes were probably inflated in several parts of the country (Amata, 2023)

Election

Election is a process of choosing an individual for public office or a means of rejecting a political proposal by voting. In this regard, the liberal democracy and Robert Dahl in Diamond (2002) assert that "election is the right of the people to choose at regular intervals among competing leaders and policies" Mackenzie in Diamond

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(2000), sees “election as rituals of choice with a binding character being derived from the participation of the individual as a chooser in a social act which legitimizes authority of the person chosen”. Election should reflect the choice of the greater majority or population as a best democratic instrument for the future of Nigeria politics. Unfortunately, several reports such as; Transition Monitoring Group (1999), reveals that election in Nigeria depicts excess/over voting which thwart the principles of democracy. In 2003, the European Observation Mission unveiled a report stating that election in some states does not comply with Nigeria and International law. In the same vein, Subaru (2007), also reports that the 2007 was the most fraudulent election in the history of Nigeria orchestrating avenue for electronic voting system (e-voting) and electronic transmission of election results in real-time to a central point with merits that outweighs manual voting system, direct interaction with ballots, vote counts and election manipulations. It is speedy, faster and less cumbersome in process, increases voter’s participation. Its reliability promotes election trust, also lessen the cumbersomeness of general election which has disfranchised those in essential duties their right to vote. It would also reduce crowd noticeable in polling units during election. Among all, it would easily be managed. The electronic voting machine could be set up to identify double or multiple voting, recognizing the offender easily for prosecution, providing avenue for Diasporas voting with broader space

for all Nigerians home and abroad. Election is a vital aspect of democracy and an essential element of contemporary representative democracy. No wonder, Encyclopedia (2005), argues that in some political systems with electoral reforms, the substance of election is missing, orchestrating a situation where voters do not have the opportunity to choose candidates to be voted for or a compromised election. In other words, lack of substance of election is the basis for compromise and manipulation and where the outcome of the aggregation of the preference candidates might not represent the true desires of the electorates. However, democratic election must meet some criteria such as;

- i. Freedom to choose among several candidates or parties without restriction including; the decision and right to vote or not.
- ii. Having at the citizenas disposal, a vote not restricted by neither origin nor sex, language, incomes or possessions, job or social stratus/class, sexual identity, training, religion or political convictions on the assessment of the value of his/her vote.
- iii. A system where the voters choice will not be easily identified, without being influenced of a particular in the polling booth.
- iv. Transparency: the citizens has the right to follow up the voting process, sorting and counting of the ballot to the end.
- v. Regular institutionalisation of election by bringing to the knowledge of the masses, dates of

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every coming election and preparing the electorates ahead of time.

vi. Finally, the result of every election must reflect the choice of the electorate as such; accepted as legitimate.

Function of election in a democratic system

Election is a vital tool in a democratic governance with overwhelming and alarming contributions, involve in a system of government where political decisions are in the hands of adult men and women with requisite qualifications or criteria. Election is the only means in which modern societies do practice representative democracy, it enables selection of leaders through voters choice and holding same accountable for their performance in office. Furthermore, controlling the elected or leaders through periodic election avails the opportunity to solve the problem of succession in leadership as such; contributes to sustainability and continuation of democracy. In areas of competitive process candidates or parties are force to unveil their manifestos and ideologies for scrutiny, thereby facilitate discussion of public issues and opinion.

Election is a process that galvanizes the responsiveness of democratic government, making sure that the will of the people is established and political education for citizens. It strengthens stableness and legitimacy of politics in a given society. It facilitates social and political integration, creating commonness to citizen and viability of the polity.

Inaddendum, election is a determinant to self-actualization via public acceptance of individual's worth and dignity. Involvement in an election strengthens voter's self-esteem and respect, providing the opportunity to partake in decision making or political process, removing alienation in the political community.

Election is ritualistic in nature, bringing to fore, the activities of candidates, political parties and interest groups with diverse objectives invoke on the symbol of nationalism or patriotism, reform or revolution, past glory or future promise with rallies, banners, posters, buttons, headlines, and television coverage as the importance of participation in the event. It stirs up emotions towards collective symbols.

Bourgeois

This concept was derived from the French word "bourgeois" which specifies a class of business owners and merchants in the late middle ages, who plays the role of middle class between Peasantry and Aristocracy. These merchants were in contrast with the proletariat because of their financial affluence, literacy and politics viz a vis the control of cultural, social and financial capital. Abinitio, the concept was associated with the political ideology of liberalism as against the communist philosophy which sees it as a social class with ownership of the means of production especially, in the period of modern industrialization. The communist philosophy further aver that bourgeois is concerned with the value of private property and preservation of capital for economic dominance in the society. In

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this recent time, the word bourgeois has to do with the ruling class in a capitalist society.

Challenges of democracy in Nigeria

The practice of democracy in Nigeria has a lot of challenges ranging from the civil war to long time military rule with lots of democratic impediments and corrupt practices, leading to over concentration on oil revenue and militarization of Nigeria's political space. However, we shall look at some of the principles of democracy

Freedom of speech

A vibrant media industry exists in Nigeria, much of it based in the south-west, but the government has been cracking down on the free press as evidenced by its actions during the ENDSARS protests of 2020. Twitter was banned for more than a year following the protests, while big media houses closed and journalists fled, diminishing open debate. Security incidents go unreported or misrepresented for fear of reprisals by the government.

Elections

Most elections in the fourth republic have been regular, generally free, and credible, although this varies considerably by region and election cycle. Violence is a lingering feature of elections in Nigeria. Voter turnout has steadily decreased as voters have become disillusioned by the recycling of political candidates, the lack of internal democracy in political parties, and the failure of government to deliver real progress.

Justice

The constitution guarantees Nigerians freedom of religion, expression, movement, and assembly and protects them from discrimination based on sex, religion, origin, or political opinions. Yet

basic rights are continually challenged in a failing justice environment. Nigeria's police have a reputation for brutality which led directly to the #ENDSARS protests of 2020, demanding the dismantling of the Special Anti-Robbery Squad, a unit accused of kidnapping, murder, theft, rape, and torture. Sharia criminal law, which was previously limited to civil matters, was reintroduced in 12 northern states, directly challenging the constitution and civil liberties of non-Muslim residents. In April 2022 a man was sentenced to 24 years in jail by a Sharia court in Kano on a charge of blasphemy for declaring himself an atheist.

The judicial system is too weak and compromised to step in and enforce civil liberties. This reflects the state of the political class in northern Nigeria and the absence of mechanisms to defend constitutional democracy. Religious legitimacy shapes political power in the north in a way that challenges national cohesion and a common citizenship. Parallel legal systems undermine the main pillars of the constitution.

Theoretical framework

Democratic theory is an established subfield of political theory that is primarily concerned with examining the definition and meaning of the concept of democracy, as well as the moral foundations, obligations, challenges, and overall desirability of democratic governance. Generally speaking, a commitment to democracy as an object of study and deliberation is what unites democratic theorists across a variety of academic disciplines and methodological orientations. When this commitment takes the form of a discussion of the moral foundations and desirability of democracy, normative theory results. When theorists concern themselves with the ways in which actual democracies function,

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their theories are empirical. Finally, when democratic theorists interrogate or formulate the meaning of the concept of democracy, their work is conceptual or semantic in orientation. Democratic theories typically operate at multiple levels of orientation. For example, definitions of democracy as well as normative arguments about when and why democracy is morally desirable are often rooted in empirical observations concerning the ways in which democracies have actually been known to function. In addition to a basic commitment to democracy as an object of study, most theorists agree that the concept *democracy* denotes some form or process of collective self-rule. The etymology of the word traces back to the Greek terms *demos* (the people, the many) and *kratos* (to rule). Yet beyond this basic meaning, a vast horizon of contestation opens up. Important questions arise: who constitutes the people and what obligations do individuals have in a democracy? What values are most important for a democracy and which ones make it desirable or undesirable as a form of government? How is democratic rule to be organized and exercised? What institutions should be used and how? Once instituted, does democracy require precise social, economic, or cultural conditions to survive in the long term? And why is it that democratic government is preferable to, say, aristocracy or oligarchy? These questions are not new. In fact, democratic theory traces its roots back to ancient Greece and the emergence of the first democratic governments in Western history. Ever since, philosophers, politicians, artists, and citizens have thought and written extensively about democracy. Yet democratic theory did not arise as an institutionalized academic or intellectual

discipline until the 20th century. The works cited here privilege Anglo-American, western European, and, more generally, institutional variants of democratic theory, and, therefore, they do not exhaust the full range of thought on the subject

Theoretical Framework

This study is hinged on the resource mobilization theory which was developed by John McCarthy and Mayer Zald in 1977. The theory examined how social movements and collective action are organized and sustained through the mobilization of resources (McCarthy et al., 1977). In the context of the electoral reform and 2023 election in Nigeria, applying this theory can help analyze the role of resources in effectively implementing electoral reforms for impactful elections. One important resource that influences reforms is human and financial. These resources are required to effectively achieve the objectives of the reforms such as purchasing and handling of materials, remuneration, sensitization, logistics etc. The availability of trained and competent personnel devoid of corruption and adequate financial resources to carryout activities required for the successful outcome of a electoral reform will greatly enhance the democratic process of an nation. Human resources are instrumental in shaping the dynamics of elections. Actively participating stakeholders form a network that engages other individuals to achieve the electoral reform's objectives. Mobilizing these human resources involves recruiting, training, and coordinating individuals to act on behalf of electoral umpire for progressive democracy. A well-planned and transparent recruitment processes, social networks, and organizational structures can boost the overall success of any

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electoral reform for free, fair and credible elections.

Literature Review Nigeria electoral Reforms Nwanolue (2004), pointed out that electoral process is a multi-layered process, with one layer leading to the next, and that in Nigeria, elections were frequently seen as human-centered and human-based activities. Prejudices, errors, and manipulations are frequently present in these human-based activities, which hinder the holding of free and fair elections.

Methodology

This paper adopted a case-study method as its methodology, involving both qualitative and quantitative research techniques. The qualitative technique entails the use of documents like textbooks, journals, magazines, newspapers,

Table 1:

Population table of selected states

Anambra	230,800
Delta	155,300
Lagos	160,800
Taraba	210, 600
Kano	200,000
Nasaraw	210,000
Total	1,167,500

Sample techniques

This is a procedure in arriving at a sample size, a mechanism that determines sampling unit or frame for the study. The sampling frame describes the list of population from which the

government publications, NGO publications, internet materials and other documents while, the quantitative technique involved extracting information from the respondents using questionnaires and analyzing such data using quantitative tools and methods.

Population of the study

The population of the study is one million, one hundred and sixty seven thousand, five hundred (1,167,500), derived from four local governments which includes; Anambra (South East), Delta (South-South), Lagos (South-West), Taraba (North-East), Kano (North-West) and Nasarawa state (North-Central), ensuring equitable representation of one state across the six geopolitical zone.

The aforementioned six and their populations were presented on the table below

sample is drawn. In determining sample size, the study adopted Taro Yamane's formula.

$$n = \frac{N}{1 + N(e)^2}$$

Where:

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n =sample size (unknown)

N =Population (1,167,500)

1 =constant

e = margin of error usually 5%

To determine the sample size, we have:

$n = \frac{1,167,500}{1 + 1,167,500 (0.05)^2}$

$n = \frac{1,167,500}{1 + 1,167,500 (0.0025)^2}$

$n = \frac{1,167,500}{1 + 1,167,500 * 0.0025^2}$

$n = \frac{1,167,500}{1,167,501 * 0.0025^2}$

$n = \frac{1,167,501}{2,919}$

$= 399.97$

$= 400$

Sample size

A population of one million, one hundred sixty seven thousand, five hundred staff of the selected six states which includes; Anambra (South East), Delta (South-South), Lagos (South-West), Taraba (North-East), Kano (North-West) and Nasarawa state (North-Central) was determined using Taro Yamane's formula in arriving at a sample of four hundred (400) staff who were considered our respondents.

Reliability of the instruments

We employed the use of test reset method and also conduct a pilot test before administering the questionnaires just to establish the reliability of the instruments. The process necessitate issuing a similar questionnaires to a similar group of persons thereby empower determination and appropriateness of the questionnaires.

Validity of the instruments

The major instrument employed for this research was questionnaires issue to staff of the following states; Anambra, Delta, Lagos, Taraba, Kano and Nasarawa state. Validation of the instrument was carried out by experts before administration of the questionnaires, making sure, it was in tandem with the objectives of this research.

Distribution and Retrieval of the questionnaires

The researcher engaged friends and relations who live in the mentioned states, in distribution of the questionnaires. A total of four hundred (400) questionnaires were distributed while, three hundred and eighty were retrieved for analysis while, twenty (20) of the questionnaires were lost.

Data Presentation and Analysis

Tables present responses from respondents on various aspects related to the judiciary interpretation of the 2022 electoral reform and its implications on Nigeria politics with 86% of respondents agreeing that the judiciary interpretation of the reform has implications on Nigeria politics



Table 1: Responses from respondents on the judiciary interpretation of the 2022 electoral reform and its implications on Nigeria politics

Question 1: Do you agree that the judiciary interpretation of the 2022 electoral reform has implications on Nigeria politics?		
Responses	No of respondents	Percentage (%)
Yes	3320	84
No	60	16
Total	380	100%

Source: judiciary interpretation of the 2022 electoral reform and implications on Nigeria politics field survey, 2024.

From the above Table 1, 320 of the persons representing (84%) of the respondents have affirmative responses. They agreed that the judiciary interpretation of the 2022 electoral reform has implications on Nigeria politics while, 60 persons representing (16%) of the respondents disagreed with the idea, saying that the interpretation has no relationship with Nigeria politics

Table 2: Responses from respondents on whether the judiciary interpretations of 2022 electoral reform can assist to consolidate democracy in Nigeria.

Question 2: Can the said interpretation of the 2022 electoral reform assist in consolidating democracy in Nigeria?		
Responses	No of respondents	Percentage (%)
No	300	79%
Yes	74	19%
No Opinion	6	2%
Total	380	100%

Source: judiciary interpretation of the 2022 electoral reform and implications on Nigeria politics field survey, 2024.

Table 2 above shows that 300 persons representing (79%) of the respondents answered “No”. They were of the view that the judiciary interpretation of the 2022 electoral reform can never assist in consolidating democracy in Nigeria while, 74 others representing (19%) of the respondents answered “yes”. Their ideas

contrasted with that of the first set of respondents. 6 of the respondents (2%) said that they had no opinion on the question. Based on the foregoing, it was accepted with the popular opinion that the judiciary interpretation of the 2022 electoral reform can never assist in consolidating democracy in Nigeria.



Table 3: Responses on whether the judiciary interpretations of the electoral reform represent the interest of the greater majority

Question 3: Does the judiciary interpretations of the electoral reform represent the interest of the greater majority?		
Responses	No of respondents	Percentage (%)
No	310	82%
Yes	70	18%
Total	380	100%

Source: judiciary interpretation of the 2022 electoral reform and implications on Nigeria politics field survey, 2024.

In Table 3 above, 310 of the persons representing (82%) of the respondents aligned with the opinion that the judiciary interpretations of the electoral reform do not represent the interest of the greater majority while 70 of them representing (18%) of the respondents disagreed with the idea, doubting the relationship between the judiciary interpretations of the electoral reform and the interest of the greater majority. However, the popular opinion which supported the view that the judiciary interpretations of the electoral reform do not represent the interest of the greater majority was taken.

Conclusions and recommendations

In conclusion, the various governments have consistently taken measures to improve on the errors observed from past elections by embarking on electoral reforms. These reforms have also developed the nations' electoral processes in different ways; the electorates are better enlightened; the electoral umpires have improved on their activities; the activities and practices of political parties have also been

strengthened and improved upon. The adoption of electoral reforms such as e-voting, e-registration, administration and financial autonomy of INEC, use of e-collation, website for transmission of result, use of automated finger prints, use of digital security services, political neutrality of the EMB, exclusion of political appointees from acting as voting delegates or aspirants, timeframe for campaigns by political parties, voter's registration, political party registration, inclusivity (youths and persons with disabilities PWD)etc will substantially enrich our electoral process and make it more credible and resilient. Despite these reforms of electoral processes in Nigeria, it is only when these reforms are adequately implemented, appropriate electoral system is in place and embraced by all that the goal of an enduring political stability can be realized in any democratic system. The various reforms' innovations should be sustained and even improved upon to ensure much needed political

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participation. It is what the various stakeholders do, and not just the law, that will make the most difference in electoral processes in the continent, thus all (electorate, aspirants, government officials, members of Election Management Body and the general public) must work judiciously for improved elections in Africa.

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