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AN ANALYSIS OF THE INSTITUTIONAL FRAMEWORK STRENGTHENING CONSTITUTIONAL DEMOCRACY IN NIGERIA

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Abstract
This paper critically examines the institutional frameworks that support and strengthen constitutional democracy in Nigeria. Nigeria's democratic journey, characterized by transitions between military and civilian rule, underscores the need for robust institutions that uphold the rule of law, accountability, separation of powers, and fundamental human rights. The study explores key institutions such as the Independent National Electoral Commission (INEC), the Judiciary, the National Assembly, anti-corruption agencies, and civil society organizations. It assesses their roles, effectiveness, and the challenges they face in reinforcing democratic principles. This paper aims to examine how these institutions contribute to the sustenance and strengthening of constitutional democracy in Nigeria. It interrogates their effectiveness, autonomy, and the challenges they face in executing their mandates. By doing so, the study seeks to highlight the areas where reforms are necessary to ensure the consolidation of Nigeria's democratic experience. The paper adopts a qualitative approach, relying on legal texts, policy documents, and scholarly analyses. Findings reveal that while these institutions are fundamental to sustaining democratic governance, they are often undermined by political interference, weak enforcement mechanisms, and systemic corruption. The paper concludes by recommending reforms aimed at strengthening institutional independence, transparency, and public trust in democratic processes.

Keywords: Analysis, institutional framework, constitutional democracy

1. Introduction

The history of Nigeria's democratization began at independence with the adoption of democratic institutions modelled on the British Westminster parliamentary system[1]. Under this system, the prime minister was the leader of the party with majority seats in the parliament and the substantive head of government at the center while the President was a mere ceremonial head. From independence onwards, Nigeria has been grappling with the task of entrenching the culture of democracy in governance and consolidation of peaceful political transitions. This checkered political history can be broadly grouped under four constitutional frameworks[2]. These constitutional democratic arrangements have changed and evolved as the country moved through different phases of consolidation of democratic development[3]. The challenge has been unabating search for a system that guarantees and promote peaceful political transitions and delivery of all the noble benefits of democratic politics. Unfortunately, despite seven[4] successive elections and political transitions, democracy in Nigeria has remained very weak and fragile. Nigeria continues to contend with deliverance of good governance. Efforts by successive civilian governments to address these challenges and entrench true democracy and good governance have yielded little results.

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[1]A A Dunmoye, P Njoku, & O Alubo, *The National Assembly: Pillar of Democracy*, (National Secretariat of Nigerian Legislatures, 2007) p 7

[2]Independence Constitution of 1960, the Republican Constitution of 1963, the Presidential Constitution of 1979 and the Presidential Constitution of 1999.

[3]Ibid.

[4] 1999, 2003, 2007, 2011, 2015, 2019 and 2023.

Constitutional democracy is a system of governance anchored on the rule of law, respect for human rights, periodic elections, and the separation of powers. It thrives on the existence of strong, functional institutions that serve as checks and balances within the political system. In Nigeria, the evolution of democratic governance has been fraught with numerous challenges ranging from military interventions to electoral irregularities and governance deficits. Despite adopting a constitutional democracy since 1999, questions continue to arise concerning the strength and resilience of the institutions designed to safeguard it. The institutional framework in a constitutional democracy includes bodies and mechanisms that are established to ensure the effective implementation of constitutional provisions and democratic ideals. In Nigeria, these include the Independent National Electoral Commission (INEC), which oversees electoral processes; the Judiciary, which interprets and enforces the constitution; the National Assembly, which enacts laws and performs oversight functions; as well as anti-corruption agencies like the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices and Other Related Offences Commission (ICPC). Civil society organizations and the media also play crucial roles in holding government accountable and promoting civic participation.

2. Institutional Framework

The institutional framework for elections is built on the institutional foundations laid in the legal framework. It is composed of a number of separate agencies and organizations that form the institutional structures of the electoral system. The following are some of the institutions involved in elections in Nigeria.

i. Independent National Electoral Commission (INEC)
ii. The Legislature
iii. The Judiciary
iv. The Nigerian Bar Association
v. Security Agencies
vi. Political Parties
vii. Civil Society Organizations
viii. The Media

Institutional arrangements and agreement on these structures is an important election integrity factor.

2.1 Independent National Electoral Commission

The origin of Electoral bodies in Nigeria can be traced to the period before Independence when the Electoral Commission of Nigeria (ECN) was established to conduct 1959 elections. The Federal Electoral Commission (FEC), established in 1960 conducted the post-independence Federal and regional elections of 1964 and 1965 respectively. The electoral body was however, dissolved after the military coup of 1966 respectively. The Electoral body was however, dissolved after the military coup of 1966, and a new Federal Electoral Commission (FEDECO) was constituted by the regime of General Olusegun Obasanjo.FEDECO organised the elections of 1979, which ushered in the Second Republic under the leader of Alhaji Shehu Shagari. It also conducted the general elections of 1983. In December 1995, the military government of General Sani Abacha, which dissolved NEC in 1993, established the National Electoral Commission of Nigeria (NECON), which conducted a set of elections from Local Government Councils to National Assembly. In 1998, General Abdulsalam Abubakar's Administration dissolved NECON and established the Independent National Electoral Commission (INEC).Since 1959 six electoral commissions have been put in place to take charge of the electoral process at various times in the country. The Independent National Electoral Commission was first established in 1998[5].Section 153 (1) (f) of the Constitution created the Independent National Electoral Commission. The Commission is charged with the responsibility of:

[5]See s. 1 of Decree No.17 of 1998.

i. Conduct elections to the offices of President, Vice President, Governor, Deputy Governor and National and State House of Assembly;
ii. Register political parties in line with the Constitution and the Electoral Act;
iii. Monitor political parties' operations, finances;
iv. Examine and audit of funds of political parties and publicly report on same;
v. Register voters and maintain the register, including its revision;
vi. Monitor and regulates political campaigns;
vii. Ensure that all Electoral Commissioners, Electoral and Returning Officers take and subscribe to the Oath of Office prescribed by law.;
viii. Delegate any of its powers to any Resident Electoral Commission[6].

2.2 The Legislature

One of the basic structures of a democratic constitution is that the state power[7] is divided and distributed between three state organs[8]. These are the legislature, vested with legislative power, the executive, vested with executive power, and the judiciary, vested with judicial power[9]. This basic structure is essential to any democratic constitution and cannot be changed or abridged while retaining the democratic nature of the constitution. The legislature in any constitutional democracy is the epitome of sovereignty. Thus, Nwabueze aptly stated that legislative power is the distinctive mark of a country's sovereignty, the index of its status as a state and the source of much of the powers exercised by the executive in the administration of government[10].It follows therefore that wherever the constitution establishes or permits the establishment of any other institution with legislative, executive or judicial power; such institution is meant to function not in lieu of or in derogation of these three central organs of state but only in aid of and subordinate to the organs"[11]. The framers of the Constitution, like the previous ones, expect the legislators to be the custodians of the peoples' sovereignty as enshrined in section 14 (2) (a) of the Constitution which states that sovereignty belongs to the people of Nigeria from whom government derives its power and authority. To give effect to this, the Constitution places a very high premium on the question of accountability of the legislative assemblies to the people by providing for periodic elections and the recall of elected members of the legislature. The legislature within the framework of the Constitution has a critical role to play in promoting checks and balances. In this regard, the legislature is expected to be the first line of defence and the safeguard of resistance against executive

[6]See Paragraph 15(a)-I of the Third Schedule to the Constitution of the Federal Republic of Nigeria, 1999 (as Amended).
[7]*Attorney General* v *Lohay Akonaay& Joseph Lohay* (1995) T.L.R 80, 92; cited in tvJwaikusa . .IT "Parliament and the Judiciary in Tanzania: Reflections on supremacy and legality". Being a paper presented at the International Conference on Sources of Accountability on the African Continent, Organized by the Department of Public Law, Faculty of Law, University of Cape Town. 2(J-2--1- July, 2009, p.9
[8]A Ahmad, *Relationship of the National Assembly with the Executive and Judicial Branches: Nigeria's Experience under the 1999 Constitution*, (Eliva Press Global Limited, 2023) p 2.
[9]J T Okoro, 'A Critical Analysis of the Doctrine of Separation of Powers in Nigeria: A Case Study of the 1999 Constitution' (2021) 3 *Federal University of Oye-Ekiti Law Journal*, 243-260.
[10] B Nwabueze, *Constitutional Democracy in Africa,* (Spectrum Books Limited, 2003) Vol. 1, p 182.
[11] For Example, *Han. Abdllllahi Maccido Ahmad v Sokoto State House o Assembly &*Anor (2002) 44 WRN p.52, the Court observed that the organic structure created by Part II of Chapter I of the both Constitution of the Federal Republic of Nigeria, 1979 and 1999 are three organs of powers of the Federal Republic of Nigeria. of these powers, legislative powers are vested in the legislature at both federal and state levels; the executive i.e. the President at the federal level and the Governor at the state level. Judicial powers both at the federal and state levels are vested in the courts established for the federation and the states under section 6 0l" the Constitution. The doctrine of separation of powers has three implications: That the same person should not be part of more than one of these three arms or divisions of government: (i) that one branch should not dominate or control another arm. This is particularly important in the relationship between the executive and the courts; Ui) that one branch should not attempt to exercise the functions of the other, for example, the President however powerful ought not to make laws or indeed act except in execution of laws made by the legislature; (iii) nor should a legislature make interpretative legislation if it is in doubt it should head for the court to seek interpretation.

excesses and the high possibility of descent into authoritarianism. This is very useful in the Nigerian context where executive dominance has become part of the country's history of democratic experience. The diversity of the interests and constituencies represented in the legislature makes it an important structure in linking the people to the state and in the exercise of the sovereignty of the people through their elected representatives.

In the case of Nigeria, the legislature is given powers to make laws for peace, order and good government of Nigeria[12]. For example, section 4(I)of the Constitution provides that the legislative powers of the Federal Republic of Nigeria are vested in the Senate and the House of Representatives as provided in Section 47 to 49 of the Constitution. Furthermore, section 4(2) states that the law-making power of the National Assembly is not restricted to the Federal Government but also extends to any part of the federation if the matter is in the Exclusive Legislative List. The second arm of section 4(2) of the Constitution is not open ended. On the other hand, the National Assembly cannot exercise legislative powers in matters not included in the exclusive legislative list set out in Part I of the Second Schedule to the Constitution. By section 4(3), the peace, order and good government of the Federation with respect to any matter included in the Exclusive Legislative List is to the exclusion of the house of Assembly of the States. The exercise or legislative powers by the National Assembly is subject to the jurisdiction of courts of law and judicial tribunals established by law[13]. Consequently, the National Assembly is barred from enacting a law that ousts or purports to oust the jurisdiction of a court of law or of a judicial tribunal established by law. Furthermore, the National Assembly has no power to make a law which has retrospective effect[14].

The legislature in Nigeria has been assigned the role of law making. This is enunciated in section 4 (1) and (2) of the Constitution of the Federal Republic of Nigeria, 1999[15]which provides that the National Assembly shall have power to make laws for the peace, order and good government of the federation or any part of Nigeria with respect to any matter in the exclusive legislative list[16]as contained in Part 1 of the Second Schedule to the Constitution. By this provision, the National Assembly is empowered to make laws that will regulate activities in all the 66 activities explicitly itemized in Part 1 of the Second Schedule to the Constitution. In addition to these, there are two areas of implied jurisdiction provided under paragraphs 67 and 68 of the Second Schedule. Further, the National Assembly in conjunction with the State Houses of Assembly can make laws on any matter specified under Part II of the Second Schedule to the Constitution.[17]Another fundamental role of the legislature in any constitutional democracy is the authorization and appropriation of public funds. Law, order and good government can only be provided to the citizens when there are adequate financial resources. Accordingly, the power of appropriation and authorization of public funds is conferred on the legislature. In this respect, sections 80(1), (2) and (3); 81 (1), and 83(1) of the Constitution respectively state:

80(2) No Money shall be withdrawn from the Consolidated Revenue Fund of the Federation except to meet expenditure is charged upon the fund by this constitution or where the issue of those moneys has been authorized by an Appropriation Act, Supplementary Appropriation Act, or and Act passed in pursuant of Section 81 of this Constitution.

(1) No money shall be withdrawn from any public fund of the Federation, other than the Consolidated Revenue Fund of the Federation, unless the issue of those moneys has been authorized by the National Assembly.

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[12]O O Aguda, 'The Concept of Separation of Separation Power in Nigeria: A Myth or Reality', (2020) 2 *Federal University of Oye-Ekiti Law Journal*, 49-59

[13] S.A (8) of the Constitution

[14] S.A (9) ibid.

[15]Specifically, section 4(1) states that legislative powers of the federal Republic of Nigeria shall be vested in a National Assembly for the federation which shall consist of a Senate and a house or representatives. 4(2) The National Assembly shall have power to make laws for peace. order and good government of the Federation -".: part thereof with respect to any matter included in the Exclusive Legislative List set out in Part I of the second Schedule to this Constitution.

[16] There are sixty-eight (68) items in the exclusive list as contained in Part I of the Second Schedule to the Constitution.

[17] These matters specified under Part II of the Schedule to the Constitution.

(2) No moneys shall be withdrawn from the Consolidated Revenue Fund or any other public fund of the Federation, except in the manner prescribed by the National Assembly.

(81)(1) The President shall cause to be prepared and laid before each House of the National Assembly at any time in each financial year estimate of the revenues and expenditure of the Federation for the next following financial year.

The importance of the legislature arises from the fact that its functions are versatile and a stronger expression of the will of the people. It is in the light of this that the legislature is seen globally as the symbol of power and legitimacy[18] as well as the heart-beat of any constitutional democracy.

2.3 The Judiciary

In Nigeria, as in many democratic nations, Nigerian and our laws expect the Nigerian judiciary to play crucial roles in preserving and protecting democratic governance and the integrity of democracy through election tribunals and courts by adjudicating electoral disputes. The Constitution of Nigeria vests the judicial powers of the federation in the courts established by the Constitution. This means that all disputes, including election disputes, are to be submitted to the courts for adjudication and resolution. Thus, Nwabueze, aptly stated the role of the judiciary in a democracy as follows:

> *The provision that judicial power shall extend …to all inherent powers and sanctions of a court of law, and to all matters between persons, or between government or authority and any person in Nigeria, and to all actions and proceedings relating thereto, for the determination of any questions to the civil rights and obligations of that person…is a definition of the nature of judicial power, as power for the determination of the civil rights and obligations of persons in cases or controversies brought before the courts by such regular proceedings as are established or recognized by law*[19].

The judiciary, often referred to as the 'last hope of the common man,' holds the responsibility of safeguarding the rights of every individual, organization, and entity, especially against any abuses of power by the influential figures in society. In Rt. Hon. *Rotimi Chibuike Amaechi v Independent National Electoral Commission & Ors*'[20] the Supreme Court underscored the powers of the judiciary in the case when his Lordship, Oguntade JSC (as he then was) who delivered the lead judgment held that: 'this Court and indeed all Courts in Nigeria have a duty which flows from a power granted by the Constitution of Nigeria to ensure that citizens of Nigeria, high and low get the justice which their case deserve'. Under the Constitution and the Electoral Act, 2022, the judiciary has the role to determine pre-and post-election disputes in the democratic processes through Tribunals and the Courts. In Nigeria, Election Tribunals are judicial bodies set up by law to adjudicate disputes arising from conduct of elections; a role that is vital in administration of elections. Election tribunals are creature of statutes. The Constitution and the Electoral Acts makes provisions for election tribunals in respect of National and State House of Assembly, Gubernatorial and Presidential elections. Section 285(1) of the Constitution provides for the establishment of one or more election tribunal to be known as National and State House of Assembly Election Tribunal for each state of the Federation and the Federal Capital Territory. The National and State House of Assembly Election Tribunal has exclusive and original jurisdiction to determine petitions as to whether: -

i. Any person has been validly elected as a member of the National Assembly; and
ii. Any person has been validly elected as member.

The Governorship Election Tribunal also has exclusive and original jurisdiction to determine whether any person has been validly elected to the office of the Governor or Deputy Governor of a State. See

[18] RA Rossum & GA Tarr, *American Constitutional Law: The Structure of Government, Belmont,* (Wadsworth/Thomson Learning, 2002) 315

[19] B O Nwabueze, *The Presidential Constitution of Nigeria* (C. Hurst & Company, 1982) 294. see also section 6 (6) (a) & (b) of the Constitution.

[20](2008) LPELR-446(SC)

Section 285 (20 of the Constitution[21]. In respect of Presidential elections, the relevant section of the Constitution is section 239.The Court of Appeal acts as the Presidential Election Petition Court to hear petitions to the office of the President of Nigeria. Section 239 of the Constitution provides that the Court of Appeal established by section 237 of the Constitution has original and exclusive jurisdiction to hear and determine any question as to whether: -

i. Any person has been validly elected to the office of President and Vice-President under this Constitution;
ii. The term of office of the President of Vice-President has ceased; and
iii. The office of President or Vice-President has become vacant.

The role of the Election Petition Tribunals and Court is to protect the sanctity and sustenance of democracy. They ensure that electoral processes adhere to laid-down rules in Nigeria's electoral history. The decisions of election tribunals set legal precedents, guiding future elections and contributing to the development of electoral jurisprudence in Nigeria. However, there are mixed perceptions among Nigerians about their activities, with some viewing the tribunals as performing creditably and others perceiving intra-personal conflicts within the judiciary. Judgements of courts and or Tribunals ought to contain and serve the end of justice, the interest of those who were wrongly denied opportunities at the polls and those who voted for them.But that is not the case in some cases of judgments in election matters. Thus, in *Mutfwang Caleb Manasseh v Dr. Nentawe Yilwatda Goshwe & 3 Ord*[22],Justice E.A. Agim, J.S.C made the point clear when he said:

> *The deliberate refusal of court to follow the established precedent of this court on principles that have become trite and elementary, having been subject of restatement in an unending line of cases is of grave concern. It has very serious implication for the sustenance of rule of law, peace, order and security of the society. The principles of stare decisis remains foundation upon which our rule of law rests…..the erratic and while judicialism that has occurred in this matter…leaves much to be desired and renders access to justice a difficult if not impossible enterprise. If we cannot be sure what the law is at any time, then there is no law. An essential requirement of law is certainty of content and application. Once this certainty is removed, it ceases to be law and become a tool o be used manipulatively at the whims and caprices of those of us in whom the society has invested its trust to guard and enforce the law truthfully, objectively, fairly without fear or favour to yield substantial justice at all times for the public benefit. It amounts to judicial misconduct of a very extreme proportion for a judicial officer to disregard provisions of the constitution and other legislation and the precedents of this court. The whole engagement from High Court to the Court of Appeal amount to illegitimate adjudication or false judicialism, fragrant and oppressive of judicial process in an unprecedented manner…….*

The role of the judiciary, particularly through election tribunals, is indispensable for upholding democratic principles in Nigeria. The judiciary ensures that:

i. The fair resolution of electoral disputes,
ii. Upholds the rule of law,
iii. Promotes accountability,
iv. Safeguards democratic values,
v. Boosts public conference in democratic values,
vi. Boosts public confidence in democracy, and
vii. Sets legal precedents for the future.

The commitment of the judiciary to these responsibilities is crucial in securing a robust and thriving constitutional democracy in Nigeria, where the voice of the people is respected, and the democratic process is transparent and just. The judiciary has also been playing a significant role in its interpretative

[21]See the case of *Mutfwang Caleb Manasseh v Dr. Nentawe Yilwatda Goshwe & 3 Ord*. (2024) 6 N.W.L.R (Pt. 1934) p. 203.
[22] *Manasseh v Goshwe* (n 21).

functions by ensuring that sections of the Constitution and the Electoral Act that are not are clarified. For instance, in the case of *Edeoga Chijioke Jonathan & Anor v Independent National Electoral Commission & 2 Ors*[23]while interpreting section 137 of the Electoral Act states that:

> *By the provision of section 137 of the Electoral Act, it shall not be necessary for a party who alleges non-compliance with the provisions of the Act for the conduct of elections to call oral evidence if the originals or certified true copies manifestly disclose the alleged non-compliance. The provision is very clear in its purport. It applies only on satisfaction of the condition imposed therein, that is, if the original or certified true copies of documents admitted in evidence in a trial of a petition manifestly disclose the non-compliance alleged. The manifest disclosure of any non-compliance alleged must be demonstrated before the tribunal or court,as the case may be, before advantage can be taken of the provisions or for the provisions to avail and become applicable by way of proof of the non-compliance alleged. Depending on the nature of the noncompliance alleged, the demonstration has to be by way of an address and argument on the contents of the documents as part of the process of ascribing probative value to the documents, as provided for in paragraph 46(4) of the First Schedule to the Electoral Act. The address or argument should manifestly show or disclose, prima facie and on the balance of probabilities, the non-compliance alleged and complained of. The reason for that is that not all documents admitted in evidence on the allegation or complaint of non-compliance with the Electoral Act would manifestly disclose or show any real and material non-compliance. Consequently, the provisions of section 137 of the Electoral Act have not mitigated, done away with or relieved the burden of proof of allegations of non-compliance with the Electoral Act in the conduct of an election in election petition proceedings.*

2.4 Nigerian Bar Association

The Nigerian Bar Association has grown greatly and has become not only a mighty national institution, but also a strong force in international affairs. Also, as a leading member of the civil society, the Nigerian Bar Association has become a respected voice of the voiceless and upholder of the rule of law and constitutionality not just in Nigeria but globally. In Nigeria, lawyers have continued to provide guidance and leadership in the creation of new legal concepts, institutions and techniques to enable citizens meet the challenges and the dangers of the times. This is in realization of the fact that lawyers are not only social engineers, but also flexible instruments of social change, using and adjusting the spirit of the law to meet the ever changing social needs and requirements of the time, and thus play a leading role in finding solutions to the problems of political instability, electoral violence, corruption, abuse of human rights, non-adherence to due process in the conduct of government business and generally, the challenges of development. In the face of these challenges, the Nigerian Bar Association has a daunting task of ensuring that constitutional democracy survive and strengthened. Section 3 of the Constitution of the Nigerian Bar Association clearly spells out the aims and objectives of the Association which are:

1. Maintenance and defence of the integrity and independence of the Bar and the Judiciary in Nigeria,
2. Promotion and advancement of Legal Education, Continuing Legal Education, Advocacy and Jurisprudence,
3. Improvement of the system of administration of justice, its procedures, and the arrangement of court business and regular law reporting,
4. Establishment, maintenance, and operation of a system of prompt and efficient legal aid and assistance for those in need but who are unable to pay for same,
5. Promotion and support of law reform,
6. Maintenance of the highest standard of professional conduct, etiquette and discipline,
7. Promotion of good relation among the members of the Association and lawyers of other countries,
8. Promotion of co-operation between the Association and other National or International Law Organizations and such other bodies as may be approved by the National Executive Committee,

[23](2025) 3 N.W.L.R (PT. 1978) P. 1

9. Encouragement and protection of the right of access to courts at reasonably affordable fees and of representation by counsel before courts and tribunals,
10. Encouragement of the establishment of a National Law Library,
11. Promotion and protection of the principles of the rule of law and respect for the enforcement of fundamental rights, human rights, and people's rights,
12. Creation of schemes for the encouragement of newly qualified members and assistance to aged or incapacitated members of the Association,
13. Establishment of schemes for the promotion of the welfare, security, and economic advancement of members of the legal profession,
14. Creation and maintenance of an Endowment Fund for the proper observance and discharge of any of these aims and objects.

One of the aims and objectives of the Association is the promotion and protection of the principles of rule of law and respect for the enforcement of fundamental rights, human rights, and people's rights. Rule of law is the foundation upon which democracy and democratic governments globally rest. It is what distinguishes as a preferred system of government. The tripartite concepts of rule of law, constitutionalism and good governance will continue to dominate discuss in Nigeria and globally as they remain the basic indices by which sustainable development can be measured in the political, social and economic arena. Rule of law promotes and protects the liberty, freedoms and the fundamental rights of the citizens, enhances predictability and equitable treatment. It enables government to provide services in accord with societal demands and expectations, curb the arbitrary exercise and abuse of power. Against this background, it is apparent that the development of any nation will necessarily stem from strict adherence to rule of law and constitutionalism. The burden of making law an instrument of social change lies squarely on the shoulders of the members of the Nigerian Bar Association. It is their duty and preoccupation to devise legal strategies to extend social, political and economic justice to all, including the poorest and the disadvantaged citizens. Where there exist inequalities and discrimination lawyers should step in to ensure equal justice to all by using the law and the legal system. If such is the vocation of a lawyer (as indeed it is), it then follows that the independence of the Bar is a necessary pre-requisite because a Bar Association that is a surrogate to any of the power in society cannot use the machinery of law against those it is sub-servient to.

The Nigerian Bar Association has the responsibility of safeguarding the independence and integrity of the judiciary. This is in realization of the fact that judicial independence and integrity are non-negotiable in the administration of justice as the judiciary is the gatekeeper of the rule of law and constitutional democracy. The administration of the rule of law should be by independent judges while the administration of justice and adjudication of cases should be expeditious. Independence in the context of judicial independence means that the judiciary should be separated from the other arms of government. Thus, independence, accountability, integrity, credibility, ethics, professionalism and impartiality are the values for assessing the effectiveness of a judicial system. Globally, courts are required to provide justice services in a trusted, dependable and accountable manner but in recent times, public confidence in the administration of justice appears to be diminishing because of the increasing public distrust and disenchantment with the quality of legal services offered by the judiciary. The disaffection in some cases arises from what is widely perceived as lack of independence of the judiciary or the failure of the institution to fight political interference in the administration of justice. In other instances, the cynicism arises from the failure of the judiciary to resolve cases in a fair, efficient and speedy manner.

2.5 Security Agencies

The Security agencies play tremendous roles in ensuring successful elections. Security agencies such as the Nigeria Police, 6 Army, 7 Department of State Services (DSS), Nigeria Security and Civil Defence Corps (NSCDC), National Intelligence Agency (NIA), among others directly or indirectly play important roles to ensure safety of lives ad property before, during and after elections. However, due to the nature of military training, the army is not ideal for use for the purposes of providing security during elections. The remaining security agencies listed above are better suited for provision of security during election period. Security agency mainly focuses on the wellbeing of the people in a country, but duties

of security agency are more complex during the election period. A major component of electoral practice is electoral security which has to do with the process of protecting electoral stakeholders and officials, electoral materials, information, facilities or events. Essentially in an electoral exercise, security agencies must curb any form of physical harm, intimidation, blackmail, verbal abuse, violent demonstration, psychological manipulation, or other coercive tactics aimed at exploiting, disrupting, determining, hastening, delaying, reversing, or otherwise influencing an electoral process and its outcome.

Thus, the primary role of security operatives including the Police and other voluntary organizations in elections is to protect the integrity of the electoral processes, and of the participants, institutions and outcome through;

i. Safeguarding the security of lives and property of citizens during the electoral process;
ii. Ensuring the safety of electoral officers before rallies, congresses, conventions, electioneering campaigns and elections;
iii. Ensuring and preserving a free, fair, safe and lawful atmosphere for campaigning by all parties and candidates without discriminations;
iv. Maintaining peaceful conditions, law and order around the polling and counting centers;
v. Providing security for electoral officials at the voting and counting centres;
vi. Ensuring the security of all electoral materials at the voting centres and during transportation;
vii. Ensuring the security of all electoral material, personnel and citizens during registration of voters, update, revision and any other electoral event.

Where the security agents for example, prove incapable of ensuring maximum security in polling booths, the INEC officials will be largely rendered incapable of conducting the days affairs under a free and fair atmosphere, especially in the face of very desperate party agents. To drive this point home, reference is made to the 2015 general elections in Nigeria where the National Assembly and Presidential elections were originally scheduled for February 14, 2015 and the State elections had to be rescheduled to March 28, 2015 and April 11, 2015 respectively on the ground of lack of security. Speaking on the postponement, the then Independent National Electoral Commission Chairman said:

> The conduct of elections in a country like Nigeria is invariably a collective venture that involves not just the Election Management Body but also a diverse range of stakeholders, notably security agencies, political parties and their candidates, voters, as well as interest groups, such as the civil society organizations and the media. To guarantee successful conduct of elections, there are things that are wholly the responsibility of the Election Management Body. But there are other things critical for the success of elections, which fall outside the control of the Election Management Body but as I mentioned earlier, there are some other variables equally crucial for successful conduct of the 2015 general elections that are outside the control of Independent National Electoral Commission. One important variable is security for the elections[24].

2.6 Political Parties

The role of political parties in a constitutional democracy is to field candidates in order to win public office, operate the government and determine public policy. Although the basic objective of a political party is one of self-interest that self-interest plays a check and balance role in maintaining election integrity. Political parties want to ensure that the process is not misused by other parties or manipulated to affect the election result, and as a result, their self-interested vigilance plays an important role in maintaining the honesty of the process. Political parties can protect election integrity in several areas. These include monitoring the process to make sure that there are no deviations from the rules or special treatment. Political parties and candidates watch the electoral process closely. Most political parties will monitor the entire process, from how the election management body is established, to political party and candidate registration, voter registration, how the other candidates and parties' campaign, to polling, the count and the announcement of the results. Political parties and candidates can serve as a kind of early warning system for integrity problems if they find they are not allowed equal access to the process, or

[24]See the text of the press conference on the timetable for general election on the 7th February, 2015

if they find that they are treated differently than other parties. Their complaints to the electoral management body can help electoral managers identify problems and, by making their complaints public, help increase the transparency of the process.

Further, political party and candidate monitor to ensure that the interests of the political parties are protected by observing the electoral process. Political party agents usually are given the power to intervene in the process if they believe laws or regulations are not being following. Political Parties agents can also certify election results and documents with their signatures. Public reporting by political parties of their treatment by the election management body, and their monitor reports, can help increase the credibility and transparency of the process. Reports that are positive can help alleviate public concerns over integrity issues and help build trust in the system. Political parties serve as one of the primary checks and balance in most electoral system. They are supposed to support electoral integrity, and the freeness and fairness of the process. This is supposed to be done in both word and deed. Campaigns that are positive and clean can help build public support for constitutional democracy and the electoral process.

2.7 Civil Society Organizations

Civil society organizations are the aggregate of non-governmental organizations and institutions that manifest interest and will of citizens. Civil society includes the family can the private sphere, referred to as the "third sector" of society, distinct from government and business. In Nigeria and like other parts of the world, civil society groups play active role in electoral processes. They mainly serve as watch-dog to both the political parties an electoral management bodies, play advisory role to all the governmental institutions. Most importantly, civil society groups organize seminars through which voters are enlightened on the reasons why they must participate in electoral processes. They also advocate for credibility at polls; they criticize unfair rules; they join the electoral commission in debating and deploying best strategies and methods that will bring about free and fair elections. Technically, they serve as observers on election days in order to note the proceedings, loopholes and the general conduct of the election. In almost all democracies, civil societies are the conscience of the society through the various instrument of advocacy, the pride of social change, public accountability and good governance. It is impossible to anticipate accountability, transparency and good governance in any electoral process without the active collaboration of civil societies. Civil society organizations play significant role in the electoral process and the sustenance of democracy and good governance in Nigeria. In educating the voters, civil society organizations are to assist in ensuring that all eligible citizens in the country are made to realize the importance of registering to vote and actually coming out to vote on the Election Day. Another equally important role of the civil society organizations is the monitoring of the entire electoral process – from the issuance of notice of election to the swearing-in of elected candidates – to ensure that all the tenets of electoral procedures as stated in the Electoral Act are strictly adhered to in order to achieve fair and free elections.

2.8 The Media

Constitutional democracy involves media expression and dissemination of information between political parties, candidates and citizens. This makes the media an active player in any constitutional democracy. This is because access to information is a cornerstone of good governance[25]. The right to participate in government and the freedom of expression and the press are recognized in the African Charter as well as United Nation's treatise. Article 9 of the African Charter guarantees two related rights: the right to receive information and the right to express and disseminate opinion. The Article protects the right to hold an opinion and to express them freely without government interference. The expression of this right involves expressing one's views whether through public protest or demonstrations or published works such as electronic media, books or even through the internet and social media. It further protects one's right to access or receive information as may be expressed by other people. Section 22 of the Constitution states that the mass media shall at all times be free to uphold the fundamental objectives

[25]C A Obodo, 'Assessing the Media, Elections and the Nigerian Democracy from the Constitutional and African Charter on Human and Peoples' Rights Perspective,' Nigerian Current Law Review (2019-2000) The Journal of Nigerian Institute of Advance Legal Studies, p. 213

contained in the Constitution and uphold the responsibility and accountability of the Government to the people.

Undoubtedly, the press played major role during the evolution of the Nigerian political system. The media plays a major role in the success of elections as both the print and electronic media monitor the conduct of the elections and provide adequate coverage on the events that occur in elections. The public relies on the media to provide adequate information on the electoral process that would enable the people to exercise their civic responsibility in the elections. What most enlightened voters usually consider before casting their votes for any candidate in an election is the public character of the individual concerned, his or her experience for the job as well as the previous commitment demonstrated by the candidate towards the well-being of society. Democratic regimes span a wide spectrum in terms of how freely those in power can be criticized by the press or by the opposition, the amount of information to which citizens have access in reaching their judgments, and the freedom that candidates have to express their views and that citizens have to vote. The public often rely on the media for information on the ideologies and manifestoes of political parties as well as on the competence of the candidates contesting for the elections.

3. Conclusion

The sustainability of constitutional democracy in Nigeria is fundamentally linked to the strength, independence, and effectiveness of its institutional frameworks. While progress has been made since the return to democratic rule in 1999, significant gaps remain in institutional performance, autonomy, and public trust. Challenges such as political interference, corruption, weak enforcement of laws, and limited civic engagement continue to undermine democratic consolidation. For Nigeria's democracy to thrive, there must be a deliberate effort to reform and empower institutions tasked with upholding constitutional governance. A vibrant and accountable institutional framework is not only essential for maintaining the rule of law and democratic stability but also for ensuring that the government remains responsive to the needs of its citizens. Strengthening these institutions is therefore both a democratic imperative and a strategic necessity for national development.

4. Recommendations

To strengthen the institutional framework that upholds constitutional democracy in Nigeria, the following recommendations are proposed:

i. **Strengthen Institutional Independence:** Key institutions such as INEC, the Judiciary, and anti-corruption agencies must be granted full operational and financial autonomy to insulate them from executive influence and political manipulation. Legislative measures should be introduced to safeguard their independence.

ii. **Reform the Electoral System:** The electoral process must be further refined to enhance transparency, credibility, and public confidence. This includes the full implementation of electronic voting and transmission of results, as well as timely prosecution of electoral offenses.

iii. **Judicial Reforms**: The judiciary must be restructured to ensure speedy dispensation of justice, eliminate corruption, and promote merit-based appointments. Judicial officers should receive continuous training on constitutional and democratic principles.

iv. **Enhance Legislative Oversight:** The National Assembly should intensify its oversight functions to hold the executive accountable. This requires building the capacity of legislators and committees, and ensuring that oversight is not compromised by partisan interests.

v. **Empower Anti-Corruption Agencies:** Agencies like the EFCC and ICPC should be empowered with the resources, legal backing, and independence necessary to investigate and prosecute corruption cases effectively, without fear or favor.

vi. **Promote Civic Education and Public Participation:** Citizens must be educated on their rights and responsibilities in a constitutional democracy. Civil society organizations and the media should be supported to promote transparency, accountability, and political awareness.

vii. **Institutionalize Accountability Mechanisms:** All public institutions must adopt transparent systems for resource allocation, decision-making, and service delivery. Regular audits, performance reviews, and public reporting should be mandated.