JUDICIAL INTERPRETATION, CONFLICTING RULINGS, AND THE INTEGRITY OF PRE-ELECTION DISPUTE RESOLUTION IN NIGERIA [1]

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Abstract

The Nigerian judiciary plays a pivotal role in resolving pre-election disputes, ensuring that conflicts between individuals, especially those related to political conflicts, are resolved amicably. However, inconsistent rulings, overreliance on technicalities, and political manipulation have eroded public confidence in the electoral process. Against this background, this article critically examines the role of the judiciary in the democratic process, particularly in relation to inter-party conflicts. This work considered the extant legislations on the subject to identify the prospects of the existing legal structure, the challenges inherent in the legal structure, and also infused a comparative analysis of the interpretative role of the judiciary in Nigeria with that of other countries. In carrying out this research, the doctrinal method of data collection was adopted. This method placed reliance on primary and secondary sources of law. The researcher found that the extant legal structure in Nigeria presented significant tensions between substantive justice and procedural justice, including insufficient regulatory frameworks and the various claw-backs in the law. It was recommended that there should be a rethink of judicial interpretation to enhance coherence, predictability, and the integrity of pre-election dispute resolution. Implementing the recommendations in this work would significantly boost the standing of the Nigerian judiciary and solidify its role as a just arbiter of conflicts.

Keywords: Judicial Interpretation, Pre-Election, Conflicting Rulings, Dispute Resolution and the Courts.

1.0 Introduction

The resolution of electoral disputes lies at the heart of democratic consolidation. A credible electoral process is not measured solely by the conduct of voting on election day, but equally by the fairness, consistency, and transparency of mechanisms for

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resolving disputes that arise before, during, and after elections. In Nigeria, the centrality of courts in adjudicating pre-election disputes reflects both the vibrancy of political contestation and the weaknesses of party institutions. The prevalence of litigation over party primaries, candidate substitution, and internal processes has become a defining feature of the country's electoral jurisprudence.

The Nigerian judiciary has repeatedly been called upon to interpret provisions of the Constitution of the Federal Republic of Nigeria 1999 (As Amended) (hereinafter referred to as 'The Constitution') and the Electoral Act 2022 in order to clarify the scope of rights and obligations in the nomination process.[2] Courts have thus emerged as powerful arbiters of intra-party conflicts, shaping both the conduct of political parties and the outcome of elections. While judicial oversight has played an important role in checking elite impunity and enforcing procedural compliance, it has also generated a troubling degree of inconsistency and doctrinal conflict.

Key decisions such as *Ugwu v Ararume*,[3] where the Supreme Court nullified the unlawful substitution of a candidate, and *Amaechi v INEC*,[4] where the Court declared Rotimi Amaechi governor despite his absence on the ballot, have expanded judicial intervention into party politics. At the same time, decisions like *PDP* v Sylva[5] and *Uzodinma v Ihedioha*[6] have sparked controversy about the limits of judicial authority and the extent to which courts should intrude upon political questions. The result has been a jurisprudence that, while influential, is often` criticised for its lack of coherence.

This article interrogates the conflicting interpretations and rulings that have characterised Nigerian pre-election dispute resolution, examining their impact on the integrity of the judicial process and the broader democratic order. It situates these judicial developments within the framework of electoral law, party democracy, and constitutional governance, with the aim of identifying both the achievements and the shortcomings of the courts' approach.

2.0 Legal Framework for Pre-Election Disputes in Nigeria

The adjudication of pre-election disputes in Nigeria is shaped by a complex interplay of constitutional provisions, statutory rules, and judicial doctrines. This framework reflects the recognition that internal party democracy is not merely an internal affair of political parties, but a matter of public interest in view of the constitutional requirement that only political parties may field candidates for elections.

[2] Constitution of the Federal Republic of Nigeria 1999 (As Amended), ss221-229; Electoral Act 2022, ss29-84.
[3] [2007] 12 NWLR (Pt 1048) 367 (SC).
[4] [2008] 5 NWLR (Pt 1080) 227 (SC).
[5] [2012] 13 NWLR (Pt 1316) 85 (SC).
[6] [2020] 5 NWLR (Pt 1716) 247 (SC).

2.1. **Constitutional Foundations**

The Constitution, as the *grundnorm,* affirms that *no association, other than a political party, shall canvass for votes or sponsor candidates for elections*.[7] This provision underscores the exclusive role of political parties as gatekeepers to elective office. At the same time, the Constitution requires parties to ensure that their internal leadership elections are conducted democratically.[8] Together, these provisions create a constitutional obligation for parties to uphold internal democracy, while also vesting the courts with jurisdiction to enforce compliance.

Additionally, the Constitution establishes the legal architecture for the resolution of election-related disputes, including timelines within which pre-election matters must be filed and determined.[9] It further defines pre-election matters to include disputes over the nomination of candidates, the validity of party primaries, and the qualification of aspirants.[10] This constitutional amendment significantly expanded the jurisdiction of courts in pre-election matters.

2.2. **The Electoral Act 2022**

The Electoral Act 2022[11] further elaborates the rules governing candidate nomination, substitution, and party primaries. It requires political parties to submit the names of candidates who emerged from validly conducted primaries, along with sworn affidavits attesting to their qualifications[12] and provides detailed provisions on the conduct of primaries, stipulating that they must be direct, indirect, or by consensus, and must be conducted in accordance with party constitutions and guidelines.[13]

Crucially, the Act empowers aspirants who participated in a party primary to challenge its outcome in court.[14] This provision has been the legal basis for the avalanche of pre-

election suits filed by disgruntled aspirants since the enactment of the law. Thus, by expressly granting locus standi, the Act transformed aspirants into rights-holders with judicially enforceable claims, thereby intensifying the judicialisation of party politics.

[7] Constitution of the Federal Republic of Nigeria 1999 (As Amended), s221.
[8] Ibid, s223(1).
[9] Constitution of the Federal Republic of Nigeria 1999 (As Amended), s285.
[10] Constitution of the Federal Republic of Nigeria 1999 (Fourth Alteration No. 21) Act 2017, s285(14).
[11] (hereinafter referred to as 'The Act')
[12] Electoral Act 2022, s29.
[13] Ibid, s84(1)-(3).
[14] Ibid, s84(14).

3.0 **Judicial Doctrines and Interpretative Trends**

Beyond constitutional and statutory texts, judicial doctrines have shaped the contours of pre-election dispute resolution. Initially, Nigerian courts adopted a doctrine of non-justiciability, as seen in *Onuoha v Okafor*,[15] where the Supreme Court held that the nomination of candidates was a political question beyond judicial review. However, subsequent jurisprudence gradually eroded this stance, culminating in decisions like *Lado v Congress for Progressive Change*[16] where the Court affirmed that aspirants had locus standi to challenge irregularities in primaries.

The interpretative evolution reflects the existing tension between two competing imperatives: party autonomy on the one hand, and the enforcement of constitutional and statutory safeguards on the other. Courts have oscillated between these poles, sometimes deferring to party discretion and at other times aggressively policing party conduct. This oscillation lies at the root of the inconsistencies and conflicting rulings that are the subject of this article.

Judicial interpretation has played a central role in shaping Nigeria's pre-election dispute resolution regime. The courts have oscillated between two contrasting doctrines: the non-justiciability of party primaries, and the judicialisation of intra-party democracy. These shifts reflect broader tensions between political autonomy and constitutional accountability.

3.1. **The Era of Non-Justiciability**

Initially, Nigerian courts were reluctant to intervene in intra-party disputes, citing the political question doctrine. In *Onuoha v Okafor*,[17] the Supreme Court held that the nomination of candidates by a political party was a domestic affair, non-justiciable and outside judicial review. Eso JSC, as he then was, stated that the courts lacked jurisdiction to inquire into whether a party had validly nominated one aspirant over another, as this was considered a matter of internal party autonomy.[18] This position effectively insulated political parties from judicial scrutiny, even in cases of manifest illegality.

The logic underpinning this doctrine was twofold: first, that political parties are voluntary associations entitled to manage their internal affairs; and second, that judicial interference would unduly politicise the courts.[19] While this approach preserved party

[15] [1983] 2 SCNLR 244.
[16] [2011] 18 NWLR (Pt 1279) 689 (SC).
[17] [1983] 2 SCNLR 244.
[18] Ibid, 257, per Eso JSC.
[19] B Nwabueze, *Nigeria's Presidential Constitution* (London, Sweet & Maxwell, 1982) 291–293.

autonomy, it allowed party elites significant discretion to manipulate nominations, often to the detriment of internal democracy.

3.2. The Turn Toward Judicialisation

By the early 2000s, the courts began to abandon strict non-justiciability. The landmark case of *Ugwu v Ararume*[20] marked a doctrinal turning point. Here, the Supreme Court nullified the substitution of Ararume's name by the Peoples Democratic Party (PDP) after he had validly won the party's senatorial primary. The Court held that while parties enjoy autonomy, they must comply with their constitutions and the Electoral Act. Any breach of these rules renders their actions subject to judicial correction.

This doctrinal shift culminated in the case *Amaechi v INEC*,[21] where the Supreme Court declared Rotimi Amaechi governor of Rivers State, despite the fact that his name had been substituted before the election and he did not appear on the ballot. The Court reasoned that votes cast in the election were for the party, not the candidate, and since Amaechi was the rightful nominee, the victory belonged to him. This decision significantly expanded judicial intervention, with profound implications for both party democracy and voter sovereignty.

The enactment of successive Electoral Acts further entrenched judicialisation. Under the Electoral Act 2010[22], aspirants who participated in primaries were given the right to challenge irregularities in court.[23] This statutory grant of locus standi triggered a surge in pre-election litigation. In *Lado v Congress for Progressive Change*,[24] the Supreme Court affirmed that aspirants could enforce this right, rejecting party claims of absolute discretion.

The Electoral Act 2022 retained this provision, reinforcing the courts' role in pre-election disputes.[25] Yet, the judiciary has struggled to develop consistent interpretive standards, oscillating between strict enforcement of party constitutions and a pragmatic doctrine of substantial compliance.

4.0 Conflicting Rulings and Their Implications

A recurring challenge in Nigeria's pre-election jurisprudence is the prevalence of conflicting rulings, particularly among coordinate courts. These conflicts undermine the integrity of judicial processes, create uncertainty for parties and aspirants, and erode public trust in the judiciary.

[20] [2007] 12 NWLR (Pt 1048) 367 (SC).
[21] [2008] 5 NWLR (Pt 1080) 227 (SC).
[22] Electoral Act 2010 (As Amended)
[23] Electoral Act 2010 (As Amended), s87(9).
[24] [2011] 18 NWLR (Pt 1279) 689 (SC).
[25] Electoral Act 2022, s84(14).

One source of conflicting rulings arises from jurisdictional overlap between the Federal High Court, State High Courts, and the High Court of the Federal Capital Territory (FCT). The Constitution vests jurisdiction over pre-election matters in the High Court of a State, the Federal High Court, or the High Court of the Federal Capital Territory.[26] This concurrent jurisdiction has enabled aspirants to engage in forum shopping, filing multiple suits in different courts to secure favourable judgments.

For example, during the 2019 elections, several aspirants simultaneously secured contradictory orders from different High Courts regarding the authentic candidates of major political parties.[27] The same can also be seen in the case of *Jegede v INEC.*[28] These inconsistencies not only confused INEC but also complicated ballot preparation and election administration.

Conflicting decisions have also emerged at the appellate level. The Court of Appeal, which serves as the final court for most pre-election disputes, has at times issued contradictory rulings on identical legal questions. In *Shinkafi v Yari*,[29] the Court emphasised strict compliance with party rules, whereas in *Daniel v INEC*,[30] it adopted a more flexible approach, allowing parties discretion provided substantial compliance was achieved. The lack of uniformity complicates the predictability of outcomes and weakens the doctrine of precedent.

Even the Supreme Court has not been immune. The tension between *Amaechi v INEC*[31] (prioritising party rights over voter choice) and *Fayemi v Oni*[32] (where the Court stressed the centrality of voter sovereignty) exemplifies the doctrinal contradictions.

The practical effect of conflicting rulings is political instability. When multiple courts declare different aspirants as authentic candidates, parties are thrown into disarray, voters are confused, and INEC faces logistical crises. In extreme cases, last-minute judicial orders have forced INEC to reprint ballot papers, delaying elections and inflating costs.[33]

[26] Constitution of the Federal Republic of Nigeria 1999 (Fourth Alteration, No 21) Act 2017, s 285(14).

[27] K Ojukwu, 'Judicialisation of Politics in Nigeria: Trends and Consequences', *Journal of African Law* [2020] (64) (221), 229–231.

[28] (2021) 14 NWLR (Pt. 1797) 409.

[29] [2016] 7 NWLR (Pt 1511) 340 (SC).

[30] [2015] 9 NWLR (Pt 1463) 113 (CA).

[31] [2008] 5 NWLR (Pt 1080) 227 (SC).

[32] [2009] 7 NWLR (Pt 1140) 223 (SC).

[33] Transition Monitoring Group (TMG), 'Pre-Election Dispute Resolution in Nigeria: Challenges and Prospects', (2019) 14–16. https://en.m.wikipedia.org/wiki/2007_Nigerian_general_election? = accessed 21st August 2025.

Moreover, conflicting rulings erode public trust. Citizens increasingly perceive the judiciary as fragmented and vulnerable to manipulation by political elites. This perception undermines judicial legitimacy and fuels cynicism about the independence of the judiciary.

5.0 Impact on the Integrity of the Judiciary and the Electoral Process

5.1. **The Judiciary's Institutional Credibility**

The judiciary, as the guardian of the Constitution and the final arbiter of electoral disputes, depends on public trust for its legitimacy. The proliferation of conflicting rulings in pre-election cases has eroded this trust. A judiciary perceived as inconsistent, or worse, as partisan, undermines democratic stability. The Nigerian Bar Association (NBA) has repeatedly expressed concern over conflicting injunctions from coordinate courts, warning that they fuel perceptions of corruption and forum shopping.[34] In *APC v Yusuf & Ors,*[35] among the many issues was a pre-election matter raised by the appellant (APC) that the respondent (NNPP) had not properly nominated its candidate due to an alleged invalid primary. The Supreme Court, aligning with its recent trend, refused to entertain the pre-election issue at the governorship election appeal stage. It reaffirmed the principle that questions about a candidate's nomination must be raised within the strict timelines for pre-election suits and cannot be resurrected as a ground to challenge an election result after the polls have been held. This provides some finality but also highlights how a pre-election defect, if not challenged in time, can be "cured" by winning the election.

Cases such as the multiple exparte orders issued during the internal crises of the All Progressives Congress (APC) in Zamfara and Rivers States illustrate this problem.[36] Different High Courts declared different factions as legitimate, leading to contradictory outcomes at the Court of Appeal and eventual disqualification of APC candidates by the Supreme Court.[37] Although the Court's final ruling in *APC v Marafa*[38] restored a measure of doctrinal clarity, the damage to judicial reputation was already done, as litigants and the public had witnessed the spectacle of contradictory rulings from courts of coordinate jurisdiction.

Moreover, conflicting judgments weaken judicial authority. As Professor Ben Nwabueze argued, *the law must have certainty; otherwise it loses the character of law*

[34] Nigerian Bar Association, 'NBA Condemns Conflicting Orders on Political Party Disputes' (Press Release, 29 August 2021).
[35] (2023) LPELR-60713(SC).
[36] M Mbah, 'The Judiciary and Electoral Politics in Nigeria's Fourth Republic,' *African Journal of Law and Society* [2020] (14) (45), 52–53.
[37] *All Progressives Congress v Marafa* [2020] 6 NWLR (Pt 1721) 383 (SC).
[38] Ibid.

and degenerates into mere opinion.[39] When aspirants and parties cannot predict how courts will interpret electoral provisions, judicial authority is diminished, and compliance becomes selective.

5.2 . **Burdening of the Judicial System**

The escalation of pre-election litigation has also strained Nigeria's judicial system. According to INEC, over 1,200 pre-election cases were filed in the aftermath of the 2019 general elections alone.[40] This volume not only congests court dockets but also forces judges to make hasty rulings within strict constitutional timelines. The Constitution requires that pre-election suits be determined within 180 days from filing and appeals within 60 days.[41] While these timelines were designed to prevent endless litigation, they place immense pressure on courts, often resulting in rushed and poorly reasoned judgments.

The consequence is doctrinal inconsistency: different panels of the Court of Appeal, faced with similar factual and legal issues, may issue contradictory rulings because of the speed and volume of cases. This judicial overload weakens the coherence of electoral jurisprudence and contributes to the perception of arbitrariness.

5.3. **Erosion of Electoral Integrity**

Judicial inconsistency has a direct impact on the integrity of Nigeria's electoral process. Elections derive legitimacy not only from free and fair voting but also from predictable and impartial dispute resolution. When courts disqualify candidates on the eve of elections, as in *Labour Party v INEC*,[42] or install candidates who never appeared on the ballot, as in *Amaechi v INEC*,[43] the electorate is left disoriented.

In the Zamfara and Rivers APC cases of 2019, the disqualification of entire parties due to flawed primaries effectively disenfranchised voters who supported those parties.[44] While the courts acted within their interpretation of the law, the political effect was to deny large sections of the electorate their preferred candidates. Such outcomes raise fundamental questions about whether judicial rulings enhance or undermine democratic representation.

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[39] BO Nwabueze, *The Presidential Constitution of Nigeria* (London, Sweet & Maxwell, 1982) 301.

[40] Independent National Electoral Commission (INEC), 'Post-Election Litigation Reports' (2019) 8–9. https://dailytrust.com/2023-we-are-joined-in-over-1200-pre-election-cases-inec/?utm_source= assessed 21st August 2025

[41] Constitution of the Federal Republic of Nigeria 1999 (As Amended), s 285(9)–(12).

[42] [2009] 6 NWLR (Pt 1137) 315 (CA).

[43] [2008] 5 NWLR (Pt 1080) 227 (SC).

[44] *APC v Marafa* [2020] 6 NWLR (Pt 1721) 383 (SC).

4. **Incentivising Political Manipulation**

The unpredictability of judicial decisions has incentivised political manipulation of the courts. Politicians, aware of the possibility of securing favourable injunctions, now routinely weaponise litigation as part of their electoral strategy. It is not uncommon for aspirants to litigate every stage of the nomination process, from ward congresses to national conventions, hoping to secure judicial intervention in their favour.

This phenomenon, sometimes described as judicialisation of politics,[45] undermines both the political process and the judiciary. Instead of being the forum of last resort, the courts have become the battlefield for partisan warfare, with judges thrust into the role of kingmakers.

5.5 **Weakening of INEC's Authority**

Conflicting rulings also undermine the constitutional role of INEC as the independent manager of elections. Section 153 of the Constitution establishes INEC as an independent body, yet judicial rulings often override its decisions. For instance, when INEC disqualified candidates for non-compliance with submission deadlines, courts sometimes reinstated those candidates, citing party autonomy or substantial compliance.[46]

This judicial overriding of INEC not only weakens its institutional authority but also blurs accountability. When elections go awry due to contradictory judicial and administrative decisions, it is unclear whether INEC or the judiciary should bear responsibility.

6.0 Comparative Perspectives on Judicial Consistency in Pre-Election Disputes

A comparative lens provides valuable insights into how other democracies manage pre-election disputes and maintain judicial consistency. Examining experiences from Ghana, South Africa, India, and the United States highlights both alternative models and cautionary tales for Nigeria.

6.1. **Ghana: Internal Remedies and Judicial Restraint**

In Ghana, the courts have emphasised the importance of exhausting internal party remedies before approaching the judiciary. In *Abu Ramadan v Electoral Commission*,[47] the Supreme Court underscored that aspirants must first utilise internal mechanisms established by party constitutions. This principle reduces the flood of pre-election cases and encourages parties to institutionalise credible dispute-resolution mechanisms.

[45] K Ojukwu, 'Judicialisation of Politics in Nigeria: Trends and Consequences,' *Journal of African Law* [2020] (64), 221.
[46] Electoral Act 2022, s 29(1); *Shinkafi v Yari* [2016] 7 NWLR (Pt 1511) 340 (SC).
[47] [2015] SC (Ghana).

Ghanaian courts also tend to adopt a restrained interpretive posture, focusing narrowly on procedural compliance rather than re-writing electoral outcomes. As Gyampo and Asare observe, this approach preserves judicial legitimacy while still ensuring party accountability.[48] For Nigeria, adopting a similar exhaustion principle could reduce forum shopping and judicial overload.

6.2. **South Africa: Rights-Based Judicial Oversight**

South Africa provides a contrasting model, where the judiciary has actively enforced internal party democracy through a rights-based approach. In *Ramakatsa v Magashule*,[49] the Constitutional Court invalidated the African National Congress's (ANC) Free State provincial conference because delegates had been excluded in violation of party rules and constitutional rights. The Court grounded its reasoning in the South African Constitution,[50] which guarantees citizens the right to participate in political activities.

This rights-based model treats internal party democracy not merely as an internal issue but as a constitutional right of members. While Nigeria's Constitution lacks an equivalent explicit provision, the interpretive logic of Ramakatsa illustrates how courts can balance party autonomy with democratic participation.

3. **India: Electoral Commission Oversight**

India offers another instructive model. The Election Commission of India (ECI) plays a robust supervisory role over party primaries and internal processes. The Representation of the People Act 1951 empowers the ECI to register parties and monitor compliance with democratic norms.[51] Indian courts, while occasionally involved, defer substantially to the ECI's findings. This centralised oversight reduces the scope for contradictory judicial rulings. For Nigeria, empowering INEC with greater supervisory authority, backed by statutory recognition of its reports as binding, could mitigate conflicting rulings and reduce judicial overload.

6.4. **United States: Balancing Party Autonomy and Democratic Rights**

In the United States, courts traditionally defer to party autonomy, viewing political parties as private associations. However, the Supreme Court has occasionally

[48] E Gyampo and B Asare, 'Political Parties, Election Disputes and Democratic Consolidation in Ghana' (2016) 15 *African Journal of Political Science and International Relations* [2016] (22), 30.
[49] [2012] ZACC 31, 2013 (2) BCLR 202 (CC).
[50] Constitution of the Republic of South Africa 1993, s19.
[51] Representation of the People Act 1951 (India), ss 29A–29C.

intervened when internal rules infringe constitutional rights. In *California Democratic Party v Jones*,[52] the Court struck down California's blanket primary system as a

violation of party associational rights. Conversely, in *Cousins v Wigoda*,[53] the Court upheld party autonomy to decide delegate selection, emphasising non-interference by state courts.

This balance reflects a pragmatic recognition of the dual character of parties: private associations that nonetheless perform public functions. For Nigeria, the U.S. experience underscores the importance of maintaining equilibrium between party autonomy and state regulation. Excessive judicial intrusion risks undermining party independence, while unrestrained autonomy enables elite impunity.

7.0 Institutional and Doctrinal Reforms

The persistence of conflicting rulings in Nigeria's pre-election jurisprudence highlights the urgent need for both institutional reforms and doctrinal refinements. Without these changes, the judiciary risks continued erosion of credibility and the electoral process will remain vulnerable to manipulation.

7.1. **Clarifying Jurisdictional Boundaries**

One of the most pressing reforms is the clarification of jurisdiction among the three levels of courts empowered to hear pre-election disputes: the Federal High Court, the State High Courts, and the High Court of the Federal Capital Territory.[54] To reduce forum shopping, Parliament could amend section 285(14) of the Constitution to designate a single forum — preferably the Federal High Court — as the exclusive first instance court for all pre-election matters.

Such centralisation would eliminate the possibility of contradictory orders from different High Courts. It would also allow for specialised judicial panels within the Federal High Court, trained in electoral law, to handle these disputes with greater consistency.

7.2. **Strengthening INEC's Supervisory Role**

Nigeria could benefit from adopting an Indian-style model of electoral commission oversight. The Election Commission of India has quasi-judicial authority to enforce internal party democracy, register parties, and sanction those in breach of democratic

[52] 530 US 567 (2000).
[53] 419 US 477 (1975).
[54] Constitution of the Federal Republic of Nigeria 1999 (As Amended), s285(14).

norms.[55] In contrast, INEC's supervisory role remains weak, often reduced to monitoring primaries without the power to enforce compliance.

A reform of the Electoral Act 2022 could empower INEC to invalidate flawed primaries and render its monitoring reports presumptively binding in litigation.[56] This would reduce the burden on courts and incentivise parties to comply with their own constitutions.

7.3. **Doctrinal Consistency: Substantial Compliance vs. Strict Compliance**

Doctrinal inconsistency is one of the root causes of conflicting rulings. Nigerian courts have oscillated between requiring strict compliance with party constitutions and electoral statutes, as in *Shinkafi v Yari*,[57] and allowing substantial compliance, as in *Daniel v INEC*.[58] This inconsistency fuels unpredictability.

A possible reform would be for the Supreme Court to issue a Practice Direction harmonising the applicable standard. Strict compliance should be maintained for core requirements (e.g., notice of primaries, accredited delegates, submission deadlines), while substantial compliance may suffice for minor procedural irregularities. Such a two-tier framework would restore predictability while preserving flexibility.

7.4. **Internal Party Dispute Resolution Mechanisms**

Another reform concerns internal party mechanisms. Most parties' constitutions establish internal dispute-resolution procedures, but these are often ineffective, biased, or ignored. Courts should adopt a rule requiring exhaustion of internal remedies before granting access to judicial review, similar to the Ghanaian model.[59] This would reduce frivolous suits and encourage party institutionalisation.

7.5. **Judicial Accountability and Training**

Finally, reform must address judicial accountability. The National Judicial Council (NJC) has a critical role in disciplining judges who issue contradictory or politically motivated orders. The 2021 summoning of judges by the Chief Justice of Nigeria in response to conflicting injunctions was a positive step but must be institutionalised.[60]

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[55] Representation of the People Act 1951 (India), ss29A–29C.

[56] Electoral Act 2022, s84(14).

[57] [2016] 7 NWLR (Pt 1511) 340 (SC).

[58] [2015] 9 NWLR (Pt 1463) 113 (CA).

[59] *Abu Ramadan v Electoral Commission* [2015] SC (Ghana).

[60] Channels Television, 'CJN Queries Six Judges Over Conflicting Ex Parte Orders' (30 August 2021). https://www.channelstv.com/2021/08/30/breaking-cjn-summons-heads-of-courts-over-conflicting-orders/?utm_source= assessed 21st August 2025.

Continuous training of judges in electoral law, coupled with stronger disciplinary enforcement, would strengthen judicial credibility.

8.0 Future Prospects for Judicial Role in Pre-Election Disputes

The trajectory of Nigeria's electoral jurisprudence suggests that pre-election litigation will remain a dominant feature of politics unless systemic changes occur. The future role of the judiciary in this area can be envisioned along three possible pathways: continued judicial activism, judicial restraint with stronger INEC oversight, or a hybrid rights-based approach.

8.1. **The Path of Continued Judicial Activism**

If current trends continue, the judiciary will remain deeply involved in intra-party disputes. Aspirants and factions will continue to litigate, and courts will play the role of arbiters in determining party candidates. While this activism may protect aspirants' rights, it risks perpetuating the perception of judges as political actors. Moreover, the judiciary could become overburdened, further compromising doctrinal coherence.

8.2. **The Path of Judicial Restraint with Stronger Institutional Checks**

An alternative future lies in judicial restraint coupled with stronger institutional reforms. If INEC is empowered to enforce internal democracy and courts insist on exhaustion of internal remedies, the volume of pre-election cases could significantly decline. Judicial involvement would then be limited to reviewing INEC's decisions on questions of legality rather than acting as the primary enforcer of party democracy.

This path mirrors Ghana's restrained judiciary and India's commission-driven model. It would reduce conflicting rulings, restore predictability, and enhance both INEC's authority and judicial legitimacy.

8.3 **The Hybrid Rights-Based Approach**

A third pathway involves integrating judicial oversight into a rights-based framework, similar to South Africa's *Ramakatsa v Magashule*.[61] Nigerian courts could interpret the provisions of the Constitution[62] — which guarantee freedom of association and stipulate that parties must promote democracy — as imposing enforceable obligations on political parties. In this way, judicial intervention would be grounded not in aspirants' personal grievances but in constitutional rights of participation and association.

Such a shift would anchor pre-election jurisprudence in constitutional democracy rather than party autonomy or aspirants' entitlements. It would also reduce conflicting rulings

[61] [2012] ZACC 31, 2013 (2) BCLR 202 (CC).

[62] Constitution of the Federal Republic of Nigeria 1999 (As Amended), ss40 and 221.

by aligning judicial oversight with broader constitutional principles rather than case-specific technicalities.

4. **The Role of Technology and Transparency**

The future also lies in leveraging technology to reduce disputes. If parties are required by law to upload membership registers, delegate lists, and primary results onto INEC's central database in real time, disputes about authenticity would diminish. Courts would then base decisions on verified records rather than contradictory affidavits. This digitisation would reduce manipulation, forum shopping, and conflicting rulings.

9.0 Conclusion

Pre-election litigation has become a defining feature of Nigeria's Fourth Republic. Judicial interpretation has shifted from strict non-justiciability (*Onuoha v Okafor*[63]) to expansive judicialisation (*Amaechi v INEC*[64]), reflecting the courts' struggle to balance party autonomy with constitutional accountability. Yet, this shift has been marred by doctrinal inconsistency and conflicting rulings, which undermine the integrity of both the judiciary and the electoral process.

Conflicting judgments have weakened public trust, encouraged forum shopping, burdened the courts, and destabilised electoral administration. The judiciary, once seen as the guardian of democratic legitimacy, is now perceived by many as a political actor, vulnerable to manipulation. Unless reforms are undertaken, this perception threatens the very foundation of electoral justice in Nigeria.

Comparative lessons show that Nigeria's challenges are not unique. Ghana emphasises internal remedies, South Africa enforces rights-based participation, India relies on commission oversight, and the United States balances party autonomy with constitutional safeguards. Nigeria can draw from these experiences to develop a model that reduces judicial overload, enhances predictability, and strengthens internal party democracy.

The way forward requires legislative clarity, institutional reform of INEC, judicial doctrinal harmonisation, and cultural change within parties. Courts must reposition themselves as guardians of constitutional rights, not arbiters of factional disputes. INEC must be empowered to supervise and enforce internal democracy. Political parties must internalise democratic norms, recognising that they are public institutions performing a constitutional function.

The persistence of conflicting court rulings in Nigeria's pre-election cases highlights an urgent need for institutional and doctrinal reforms to prevent further erosion of judicial

[63] [1983] 2 SCNLR 244.

[64] [2008] 5 NWLR (Pt 1080) 227 (SC).

credibility and electoral manipulation. Key changes include amending the constitution to designate a single court, such as the Federal High Court, as the exclusive forum for all pre-election matters to eliminate contradictory orders and forum shopping. The Electoral Act should also be reformed to empower INEC with stronger, quasi-judicial authority to invalidate flawed primaries and make its reports binding, reducing the burden on courts. Furthermore, the Supreme Court must establish doctrinal consistency by harmonizing the standard between strict compliance for core requirements and substantial compliance for minor irregularities. Additionally, courts should require political parties to exhaust their internal dispute-resolution mechanisms before granting judicial review. Finally, judicial accountability must be strengthened through the National Judicial Council institutionalizing the discipline of errant judges and providing continuous training in electoral law.

Ultimately, the integrity of Nigeria's electoral system depends not only on credible voting but also on predictable, consistent, and principled dispute resolution. Restoring coherence to pre-election jurisprudence is therefore essential to democratic consolidation in Nigeria's Fourth Republic.