

Nigeria's Democracy from the Lions' Claws to the Crocodiles' Jaws: Is Our Judiciary, Legislature and Electoral Umpire Independent?

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Abstract

This article investigates the structural fragility of Nigeria's democratic experiment through a critical examination of the three institutions constitutionally mandated to safeguard it: The Judiciary, the Legislature, and the Independent National Electoral Commission (INEC). Adopting case study as a design and time-series analytical tool to do political-legal analysis grounded in post-1999 electoral cycles, it argues that Nigeria's democracy has merely transitioned from overt military authoritarianism- the "claws of lions" — to subtler forms of elite institutional capture- the "jaws of crocodiles." Drawing credence from the State Capture and John Locke's State of War theoretical underpinnings, the study finds that persistent executive interference, opaque judicial appointments, legislative self-subordination, and INEC's financial and operational dependence have eroded public trust and reduced elections to procedural formalities often concluded in courtrooms rather than polling units. Through case studies of contentious gubernatorial and presidential election petitions from 2003 to 2023, the article demonstrates how reliance on "technical grounds" for judicial determination of electoral outcomes subverts the doctrine of popular sovereignty and incentivizes political actors to prioritize judicialization of politics and litigation over voter mobilization. This institutional vulnerability is underscored by severe public distrust and political apathy. It further analyzes legislative oversight failures, including rubber-stamp confirmations and the weaponization of constituency projects, which compromise the National Assembly's capacity to check executive excesses. Regarding INEC, the paper traces how the constitutional promise of independence is undermined by executive control over leadership appointments, budgetary releases, and security deployment during elections. The article concludes with a grim metaphor: if Nigeria's fragile democracy dies, its corpse must first be taken to the Judiciary for confirmation of death, then to the Legislature for a performative one-minute silence, before final interment at the headquarters of the "Independent" but structurally dependent National Electoral Commission. It contends that electoral legitimacy must be won or lost at the poll, not re-engineered in the Judiciary on technical grounds. Recommendations include constitutional amendments to insulate judicial and INEC appointments from political patronage, full financial autonomy for INEC, televised live transmission of results from polling units, and sanctions for frivolous election petitions. Without these reforms, Nigeria risks entrenching a democracy in name but an oligarchy in practice.

Keywords: *Democracy, Judicial independence, Legislative oversight, INEC, Electoral integrity, Separation of powers, Political capture, Election petitions*

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Background to the Study

Democracy has emerged as the most enduring and widely accepted form of government in the contemporary world because of its association with popular participation, accountability, legitimacy, rule of law and the protection of fundamental rights (Diamond, 2003; Falowo et al., 2025). Democracy is valued for creating institutional mechanisms through which citizens periodically evaluate leaders and influence public policy through electoral participation. The question confronting many societies today is no longer whether democracy is desirable, but rather the extent to which democratic norms, institutions and values have become entrenched within the political system (Efebeh, 2015). Democracy has remained the preferred system of government among citizens despite persistent governance challenges, largely because it is perceived as offering greater opportunities for freedom, representation, transparency, and accountability than authoritarian alternatives (Lewis, 2006; Mattes, 2019; Falowo et al., 2025). The preference for democratic governance is further reinforced by evidence suggesting that countries with stronger democratic institutions tend to exhibit higher levels of political stability, responsiveness, and good governance (Fund for Peace, 2020).

Nigeria's democratic journey has been neither linear nor smooth. Since independence in 1960, the country has oscillated between civilian administrations and military interventions, reflecting a prolonged struggle to institutionalize democratic governance. Nigeria's democratic journey since 1999 has been deeply shaped by the return of former military rulers as elected civilian leaders, a trend that critics argue agreeably has perpetuated "militarized" approaches to governance. Ojo (2006) identifies several phases in this trajectory, including colonial administration, the First Republic, successive military regimes, the Second Republic and failed democratic transition programmes. Although democratic experiments were repeatedly interrupted by military coups, the transition programme culminating in the inauguration of a civilian administration on 29 May 1999 marked the beginning of the Fourth Republic and Nigeria's longest uninterrupted democratic experience. More than two decades after that transition, the country has successfully conducted multiple electoral cycles and witnessed several transfers of political power through constitutional means (Falowo et al., 2025). The mere survival of democratic rule does not necessarily implies democratic consolidation. As Ashindorbe and Danjibo (2022) observe, democracy in Nigeria has simultaneously recorded notable achievements and significant setbacks, while Ibrahim et al. (2024) contend that uncertainties regarding the depth and quality of democratic practice continue to generate concerns about the country's democratic future.

The persistence of these concerns raises important questions regarding the distinction between democratic form and democratic substance. While elections have become regular features of Nigeria's political landscape since 1999, many observers argue that democratic values such as institutional autonomy, accountability, transparency and adherence to constitutional procedures remain weakly entrenched. Electoral contests are frequently characterized by intense political competition, allegations of manipulation, judicial intervention, executive dominance and institutional controversies that often diminish public

confidence in democratic governance. Democratic practice in Nigeria has increasingly become a subject of scholarly inquiry, particularly regarding the extent to which key institutions established to safeguard democracy have remained independent and capable of discharging their constitutional responsibilities.

The nature of political discourse within Nigeria's democratic space further reflects the intensity of political competition and the high stakes associated with electoral victory. Political rhetoric has often conveyed a perception of politics as a struggle for conquest rather than a constitutional contest governed by democratic restraint. Muhammadu Buhari's controversial warning that if the alleged irregularities witnessed during the 2011 elections were repeated in 2015, "the dog and the baboon would all be soaked in blood" generated widespread criticism because many interpreted the statement as capable of inflaming political tensions and undermining democratic stability (Binniyat, 2012; Lawrence, 2012; Adewole, 2025). Bola Ahmed Tinubu's similar assertion that "political power is not going to be served in a restaurant. They don't serve it a la carte. At all cost, fight for it, snatch it, grab it and run away with it," attracted considerable public debate due to its forceful characterization of political competition as an aggressive struggle for power (Ajuwon, 2022). Although defenders of both statements argued that they were either metaphorical or taken out of context, their significance lies in what they reveal about the broader political culture within which democratic institutions operate. Such rhetoric reflects a political environment in which the acquisition and retention of power are frequently perceived as objectives that transcend the procedural norms and restraints expected in a constitutional democracy.

Institutions in every democratic system serve as the principal safeguards against the excesses of political actors. The sustainability of democracy depends not only on periodic elections but also on the existence of autonomous institutions capable of enforcing constitutional rules, ensuring accountability, and preserving electoral legitimacy. Three institutions occupy particularly strategic positions in this regard: The Judiciary, the Legislature and the Independent National Electoral Commission (INEC). The Judiciary is entrusted with interpreting the Constitution and resolving disputes; the Legislature is responsible for lawmaking, representation and oversight; while INEC serves as the electoral umpire charged with organizing and supervising elections. These institutions constitute critical pillars of democratic governance because they provide the institutional framework through which electoral competition is regulated and governmental authority is constrained.

The importance of these institutions is rooted in the doctrine of separation of powers, one of the foundational principles of constitutional democracy. The doctrine requires the Executive, Legislature and Judiciary to operate independently while simultaneously providing checks and balances against one another (Scribner, 2011). Such institutional independence is necessary to prevent the concentration of power, discourage authoritarian tendencies and protect the rights and liberties of citizens (Scribner, 2010). As Iroanya and Dzimir (2024) argue, the effectiveness of democratic governance depends significantly on the ability of institutions to function within their constitutionally defined boundaries without undue

interference from competing centres of power. Where institutional autonomy is compromised, democratic accountability weakens, public trust declines, and constitutional governance becomes vulnerable to manipulation by powerful political actors.

Regardless of the normative expectation of institutional independence, contemporary democratic experiences across Africa reveal increasing tensions regarding the practical application of the separation of powers doctrine. Since the onset of Huntington's (1991) "Third Wave" of democratization, many African states have experienced situations in which political disputes that would ordinarily be resolved through political negotiation or legislative processes are increasingly transferred to the courts (Iroanya & Dzimir, 2024). This phenomenon, commonly described as the judicialization of politics, has elevated the role of judicial institutions in determining politically sensitive questions including those relating to elections, executive authority and governmental legitimacy. In Malawi and Zimbabwe, courts have played decisive roles in shaping political outcomes and resolving electoral controversies (Gloppen & Kanyongolo, 2004; Gloppen & Kanyongolo, 2012; Ezeh, 2022). Across the continent, judicial institutions are increasingly called upon to determine the validity of elections, interpret constitutional provisions and settle disputes arising from political competition (Appiah-Thompson & Jose, 2021; Aydın-Çakır, 2014; Nyane, 2020).

Nigeria has not been insulated from this trend. Since the advent of the Fourth Republic, election petitions have become recurring features of the electoral process, with courts frequently determining the legitimacy of electoral outcomes after votes have been cast. In several instances, gubernatorial and legislative mandates have been reversed through judicial pronouncements, while presidential elections have generated extensive litigation before appellate courts and tribunals. Although judicial intervention is often justified as a mechanism for protecting electoral integrity, the increasing reliance on judicial processes to determine political outcomes raises important questions regarding the health of democratic institutions and the extent to which electoral legitimacy is being transferred from the ballot box to the courtroom. Concerns persist regarding legislative autonomy, executive influence over public institutions and the operational independence of INEC in relation to appointments, funding and election administration.

Statement of the Problem

The restoration of democratic governance in Nigeria in 1999 was widely expected to strengthen constitutionalism, institutional independence, electoral integrity and the rule of law. More than two decades later, concerns persist regarding the extent to which key democratic institutions have remained autonomous and capable of performing their constitutional responsibilities without undue interference. Although regular elections have been conducted and civilian governments have succeeded one another through constitutional processes, the quality of democratic governance continues to be questioned due to increasing allegations of institutional capture, executive dominance, electoral controversies and declining public trust in state institutions (Ashindorbe & Danjibo, 2022; Ibrahim et al., 2024).

Particularly troubling is the growing perception that electoral outcomes are increasingly determined through judicial processes rather than at the ballot box. The rising volume of election petitions and judicial reversals of electoral mandates has generated debate over whether the judiciary is merely safeguarding electoral justice or gradually assuming functions that should ordinarily be resolved through credible electoral processes (Iroanya & Dzimir, 2024). Concerns at the same time have been raised regarding the operational autonomy of the Independent National Electoral Commission (INEC) in relation to executive influence over appointments, funding and election administration. Similar concerns exist regarding the Legislature, which critics argue has increasingly struggled to exercise effective oversight over the Executive, thereby weakening the system of checks and balances essential to democratic governance.

These concerns are further reinforced by a political environment often characterized by intense winner-takes-all competition and inflammatory political rhetoric. Statements such as Buhari's warning that "the dog and the baboon would all be soaked in blood" if electoral irregularities persisted (Binniyat, 2012; Lawrence, 2012), and Tinubu's assertion that political power must be "grabbed" and "run away with" (Ajuwon, 2022), have fueled concerns about the commitment of political elites to democratic norms and institutional restraint. While such statements may be subject to varying interpretations, they reflect broader anxieties about the nature of political competition and democratic practice in Nigeria.

Research Questions

- i. To what extent has judicial reversal of electoral outcomes increased in Nigeria between 1999 and 2023?
- ii. How has executive influence affected the autonomy of INEC through appointment cycles and institutional control?
- iii. What relationship exists between legislative independence and opposition seat share in Nigeria's Fourth Republic?

Aim and Objectives of the Study

The aim of this study is to examine the extent to which the Judiciary, Legislature and Independent National Electoral Commission (INEC) have maintained institutional independence in Nigeria's Fourth Republic and to assess the implications of institutional capture for democratic governance and electoral legitimacy between 1999 and 2023. The specific objectives are to:

- i. Examine the trend of judicial intervention and reversal of electoral outcomes in Nigeria between 1999 and 2023.
- ii. Investigate the extent to which executive appointment cycles influence the autonomy of the Independent National Electoral Commission (INEC).
- iii. Assess the relationship between legislative independence and opposition seat share in the National Assembly from 1999 to 2023.

Research Proposition

- i. Judicial reversal of electoral outcomes exhibits an upward trend in Nigeria between 1999 and 2023.
- ii. Structural break in INEC autonomy coincides with executive appointment cycles.
- iii. Legislative independence is cointegrated with opposition seat share but with weakening elasticity over time.

Conceptual and Empirical Literature Review

Democracy, Democratic Consolidation and Democratic Backsliding

Democracy remains one of the most widely discussed yet conceptually contested concepts in political science. Although scholars differ in their emphasis, there is broad agreement that democracy refers to a system of governance founded on popular sovereignty, political participation, representation, accountability and the rule of law. The classical understanding of democracy as the rule of the people finds expression in Abraham Lincoln's popular description of democracy as a government "of the people, by the people and for the people" (Odigwe, 2015; Olowu, 2023). Contemporary scholars emphasize the institutional mechanisms through which citizens exercise authority, particularly through competitive elections and representative governance (Appadorai, 2004; Huntington, 1991).

Modern democracy extends beyond the conduct of periodic elections. It encompasses the existence of effective institutions capable of guaranteeing political rights, civil liberties, judicial independence, governmental accountability and meaningful citizen participation (Aderigbe, 2001; Ugwu, 2007). Huntington (1991) argues that a political system can be regarded as democratic when its leaders are selected through regular, competitive and inclusive elections. Democracy is not merely an electoral arrangement. As Nzongala-Ntalaja (2001) observes, democracy embodies a moral ideal, a social process, and a political practice that seeks to ensure freedom, equality, participation, and accountability. The quality of democracy depends not only on the existence of democratic institutions but also on the extent to which those institutions operate independently and in accordance with constitutional principles.

The sustainability of democracy is often examined through the concept of democratic consolidation. Democratic consolidation refers to the process through which democratic institutions, norms and procedures become sufficiently entrenched such that democracy is widely accepted as the only legitimate framework for political competition and governance. In consolidated democracies political actors comply with constitutional rules, electoral outcomes are generally accepted, institutions operate autonomously, and disputes are resolved through established legal and political mechanisms rather than extra-constitutional means. According to Linz and Stepan (1996), democracy can be considered consolidated when it becomes "the only game in town," meaning that no significant political actors seek to achieve power outside democratic procedures. Democratic consolidation therefore requires strong institutions, public trust, respect for the rule of law, and the effective separation of powers among key state institutions.

Democratic backsliding refers to the gradual erosion of democratic norms, institutions and practices within formally democratic systems. Unlike outright military coups that characterized earlier authoritarian reversals, contemporary democratic decline often occurs through the weakening of institutions that are expected to safeguard democratic governance. Bermeo (2016) notes that democratic backsliding frequently manifests through executive aggrandizement, institutional capture, electoral manipulation, and the weakening of accountability mechanisms. Under such circumstances, democratic institutions may continue to exist formally, but their capacity to function independently becomes significantly compromised. The concepts of democratic consolidation and democratic backsliding are particularly relevant to the Nigerian Fourth Republic. Since the return to civilian rule in 1999, Nigeria has sustained uninterrupted electoral cycles and achieved the historic alternation of power at the federal level in 2015. These developments are often cited as indicators of democratic progress (Fatai, 2023; Omotola, 2013). However persistent concerns regarding electoral manipulation, judicial intervention in electoral outcomes, executive influence over institutions, declining voter turnout, and growing public distrust in democratic processes raise questions about the depth of democratic consolidation in the country (Norris, 2014; Fatai, 2023). The increasing judicialization of electoral politics, controversies surrounding the autonomy of the Independent National Electoral Commission (INEC), and concerns over legislative dependence on the executive have generated debates about whether Nigeria's democratic institutions are becoming stronger or experiencing subtle forms of institutional capture.

Judicialization of Politics and Electoral Governance

Judicialization of politics refers to the increasing involvement of courts in resolving issues that were traditionally determined through political processes, legislative bargaining or electoral competition (Tate & Vallinder, 1995). It occurs when judicial institutions become significant actors in political decision-making within electoral disputes, constitutional interpretation and governance controversies. According to Hirschl (2008), judicialization reflects a broader shift whereby political conflicts are increasingly framed as legal questions requiring judicial intervention. While this trend may strengthen constitutionalism and the rule of law, excessive reliance on courts can shift critical political decisions from elected institutions to judicial actors.

Judicialization is often most visible in electoral politics within emerging democracies. Electoral adjudication provides a legal mechanism through which disputes arising from elections are resolved peacefully, thereby promoting political stability and democratic legitimacy (Norris, 2014). Where electoral disputes become routine and electoral outcomes are frequently challenged, courts may evolve from arbiters of elections into decisive actors in determining political power. This development raises concerns about whether democratic mandates originate primarily from voters or from judicial pronouncements.

Nigeria's Fourth Republic provides a notable example of the judicialization of electoral politics. Since 1999, election petitions, judicial reversals of electoral outcomes and court-

ordered reruns have become recurring features of the democratic process. Electoral contests increasingly extend beyond polling units into tribunals and appellate courts, reflecting both the growing importance of electoral adjudication and persistent concerns about the credibility of elections (Fatai, 2023). The judiciary has emerged as a central institution in the determination of electoral legitimacy. The increasing reliance on courts is closely connected to the issue of electoral integrity. Electoral integrity refers to adherence to internationally accepted principles and standards governing the entire electoral cycle, including voter registration, candidate nomination, voting, result management, and dispute resolution (Norris, 2014; Norris, 2015). Elections are considered credible when they are conducted transparently, impartially, and in accordance with established legal frameworks. Electoral fraud, administrative irregularities and institutional bias undermine public confidence and encourage electoral litigation.

Electoral governance therefore plays a critical role in shaping both electoral integrity and the extent of judicial intervention. Electoral governance encompasses the legal and institutional arrangements through which elections are organized and managed. Central to this process are Electoral Management Bodies (EMBs), which are expected to operate independently, transparently and professionally (Norris, 2014). The Independent National Electoral Commission (INEC) is constitutionally mandated to administer elections, yet debates persist regarding its operational autonomy, appointment process, financial dependence and vulnerability to executive influence. Recurrent controversies surrounding election administration, technological failures and result management have continued to generate questions about the Commission's effectiveness and neutrality (Fatai, 2023).

The introduction of reforms such as the Permanent Voter Card (PVC), Smart Card Reader (SCR), Bimodal Voter Accreditation System (BVAS) and INEC Result Viewing Portal (IReV) sought to improve electoral integrity and reduce manipulation. Despite these innovations, disputes surrounding implementation challenges, especially during the 2023 general elections, reinforced concerns regarding electoral governance and contributed to increased judicial scrutiny of electoral outcomes (Fatai, 2023). All you hear is "go to court" whereas the outcome most times is to maintain the "status quo" or delay the judgement till the tenure is completed. Possibly, this was what inspired former president Goodluck to make this statement credited to him. He noted, that, "when we see government institutions doing the wrong thing, they tell people to go to court. When a thief tells you to go to court, just know that his brother is the judge." This is how terrible it had become.

State Capture and Institutional Capture

The concepts of state capture and institutional capture have emerged as important frameworks for understanding the decline of democratic governance in contemporary political systems. While democratic institutions are designed to operate independently and serve the public interest, they may become vulnerable to domination by powerful political, economic or social actors who manipulate institutional processes for private or partisan advantage. State capture occurs when influential actors systematically shape laws, policies,

regulations and public institutions to advance their interests rather than the collective interests of society (Hellman, Jones, & Kaufmann, 2000). Unlike conventional corruption, which involves the abuse of public office for private gain, state capture affects the very rules through which political and administrative decisions are made.

Institutional capture represents a related but narrower phenomenon. It refers to the process through which formally autonomous institutions gradually lose their independence and become subject to the influence or control of dominant political actors (Innes, 2014). Institutions may remain constitutionally intact and continue to perform their formal functions, yet their decisions, priorities and operations increasingly reflect the preferences of those who exercise political power. Institutional capture undermines accountability, weakens checks and balances and erodes public confidence in democratic governance. The literature on democratic governance emphasizes that the separation of powers is intended to prevent such concentration of authority. Independent institutions such as the judiciary, legislature, electoral management bodies, anti-corruption agencies and oversight institutions are expected to serve as restraints on executive power and protect democratic accountability (O'Donnell, 1998). Where these institutions become dependent on political actors for appointments, funding, promotions or operational survival, their ability to function autonomously may be compromised. Institutional independence therefore becomes a critical safeguard against state capture and democratic erosion.

Recent scholarship on democratic backsliding suggests that contemporary threats to democracy rarely emerge through abrupt military takeovers or outright authoritarian seizures of power. Instead, democratic decline increasingly occurs through the gradual weakening and capture of democratic institutions from within (Levitsky & Ziblatt, 2018; Bermeo, 2016). Elected political elites may preserve democratic procedures while simultaneously reducing institutional autonomy, limiting accountability mechanisms, and concentrating power within the executive. The Nigerian experience reflects many of these concerns. Since the return to democratic rule in 1999, significant progress has been recorded in electoral continuity and constitutional governance. Concerns persist regarding the autonomy of critical democratic institutions such as the judiciary, the National Assembly and the Independent National Electoral Commission (INEC). Debates surrounding executive influence in judicial appointments, legislative oversight capacity, electoral administration and institutional accountability have generated recurring questions about the extent to which these institutions operate independently of political pressure (Sulayman, 2025; Fatai, 2023).

This study adopts the concept of institutional capture as a framework for understanding the changing character of democratic governance in Nigeria's Fourth Republic. The argument is not that democratic institutions have disappeared, but rather that their operational autonomy may have been weakened by persistent political influence. The challenge confronting democratic consolidation is no longer the overt coercion associated with military rule, but the gradual subordination of institutions that are constitutionally designed to check political power. Within the context of this study, the metaphor "From the Lions' Claws to the

Crocodiles' Jaws" captures this transition. The "Lions' Claws" symbolize the direct and visible authoritarianism associated with military regimes, where power was exercised through force and constitutional suspension. The "Crocodiles' Jaws," by contrast, symbolize a subtler form of democratic erosion in which institutions formally survive but are progressively constrained by political actors operating within democratic structures. The metaphor therefore illustrates a shift from overt authoritarian domination to the more complex challenge of institutional capture within a formally democratic order.

Theoretical Framework: State Capture Theory

This study is anchored on State Capture Theory, which explains how public institutions established to serve the collective interest can gradually become instruments for advancing the interests of powerful political and economic elites. The concept was systematically developed by Hellman, Jones and Kaufmann (2000) in their study of post-communist transition states, where they defined state capture as a situation in which influential actors shape laws, policies, regulations and state institutions for private advantage rather than public welfare. Unlike conventional corruption, which involves the abuse of existing rules, state capture involves influencing the very processes through which rules and institutional decisions are made. The theory emerged from the broader institutional and political economy literature that sought to explain why formally democratic institutions often fail to operate independently despite constitutional guarantees of autonomy.

Subsequent scholars expanded the theory beyond economic regulation to encompass democratic institutions and governance structures. Grzymala-Busse (2008) argued that state capture occurs when political actors systematically weaken institutional constraints to consolidate power, while Innes (2014) demonstrated how institutions may retain their formal structures yet lose their operational independence through sustained political influence. Levitsky and Ziblatt (2018) observed that contemporary democratic decline increasingly occurs not through military coups but through the gradual subordination of oversight institutions by elected elites. The central proposition of State Capture Theory is that democratic institutions become vulnerable when powerful actors gain the capacity to influence their decisions, appointments, operations, and accountability mechanisms. As a result, institutions that are constitutionally designed to function as checks on power gradually become instruments for preserving existing political interests. The theory is relevant to this study because it provides a useful framework for examining the independence of the judiciary, legislature and the Independent National Electoral Commission (INEC) in Nigeria's Fourth Republic. The study investigates whether these institutions have maintained their constitutional autonomy or have become susceptible to political influence and elite control between 1999 and 2023. The theory also aligns with the central metaphor of this study, "From the Lions' Claws to the Crocodiles' Jaws," by explaining how Nigeria's transition from overt military domination may have given way to a subtler form of democratic erosion characterized by institutional capture.

John Locke's political theory of the state of war further captures the grim reality of this discourse. As a social contract theorist, he subscribed to the state of nature (an hypothetical analysis tool used to explain the condition in which men lived before the advent of the state. For him, the state of nature was characterized by equality, freedom and cosmic law. This meant that every individual was regarded as equal, free to explore and exploit the gifts of nature and were all bound by cosmic law- the law of reason. Consequently, each person as a sovereign, interpreted the law to punish offended. This state of affairs was what led the state of nature that experience some considerable level of peace to degenerate into a state of war. This state of war was characterized by the absence or lack of an established and known law, the lack of an impartial judge and a body to implement just laws- representing the absence of an established government. This was what led John Locke to suggest a social contract that first creates a society where each individual submits his right to punish and then a collective government to rule over the people. Rufus, (2026 a). Locke's "state of war" begins when there's no established law, no impartial judge, and no body to enforce just laws, so each person becomes their own sovereign and interprets punishment. Nigeria's democracy moved "from the lions' claws to the crocodiles' jaws" if the judiciary, legislature, and electoral umpire lack that independence, because without impartial judges and known rules we drift back toward private interpretations of justice and political conflict. Locke's fix was a social contract where citizens submit their right to punish to a collective government that then rules through known laws and neutral institutions, which is exactly what an independent judiciary, legislature, and INEC are supposed to provide. Painfully, elections in Nigeria are supposed to entrench democracy have become seasons of war where the winner gains it all and the loser loses it all. Politics has therefore become an enterprise. Rufus, (2026).

Research Methodology

This study adopted a qualitative case study design complemented by historical-institutional and time-series analytical approaches to examine the independence of the Judiciary, Legislature and Independent National Electoral Commission (INEC) in Nigeria's Fourth Republic between 1999 and 2023. The study relied exclusively on secondary data obtained from Supreme Court and Court of Appeal judgments, Election Petition Tribunal decisions, INEC reports, National Assembly records, election observation reports, Afrobarometer surveys, V-Dem datasets and relevant scholarly publications. The period of analysis covers the major electoral cycles of the Fourth Republic and focuses on key indicators of institutional independence, including judicial intervention in electoral disputes, legislative oversight activities and executive-legislative relations, as well as INEC's operational and administrative autonomy.

Data were analysed through documentary, trend and political-legal analysis. Trend analysis was employed to identify patterns in judicial reversals of electoral outcomes, opposition representation in the National Assembly, voter turnout, electoral disputes and institutional performance across election cycles. Documentary analysis enabled the examination of constitutional provisions, policy documents, judicial decisions and electoral reports, while political-legal analysis was used to assess the implications of institutional behaviour for

democratic governance, electoral legitimacy and democratic consolidation in Nigeria. The study further utilized intervention analysis to evaluate the effects of significant electoral and institutional reforms associated with electoral technologies and major constitutional developments during the study period.

Analysis and Discussion of Findings

Judiciary and Electoral Legitimacy in Nigeria

The Judiciary occupies a central position within democratic governance because it serves as the institution responsible for interpreting the Constitution, resolving disputes and safeguarding the rule of law. Judicial institutions are expected to function as neutral arbiters capable of protecting electoral integrity while simultaneously preserving public confidence in democratic outcomes. Evidence from Nigeria's Fourth Republic suggests that the Judiciary has increasingly become a decisive actor in electoral politics, raising important questions regarding electoral legitimacy, institutional independence and the proper boundaries between law and politics. One of the most significant developments since 1999 has been the steady increase in electoral litigation and judicial intervention in political contests. Virtually every presidential election except 2015 generated extensive legal disputes, while numerous governorship and legislative elections were subsequently determined by courts and election tribunals rather than solely by electoral outcomes. The growing frequency of election petitions, rerun elections and judicial reversals of declared winners illustrates the progressive judicialization of Nigerian politics, whereby electoral contests increasingly extend beyond polling units into courtrooms. Scholars argue that such developments are often symptomatic of weak electoral institutions and declining confidence in electoral administration because political actors perceive litigation as an alternative route to political power (Hirschl, 2008; Norris, 2014). This trend has transformed courts into critical arenas of political competition, thereby elevating the Judiciary from an adjudicatory institution to a major participant in determining political outcomes.

The implications of this trend for democratic legitimacy are significant. Democratic theory is founded upon the principle of popular sovereignty, which presumes that political authority should originate from the electorate through free and fair elections. However, the increasing number of mandates altered through judicial pronouncements has generated concerns regarding the extent to which electoral legitimacy remains rooted in the ballot box. While judicial review of electoral disputes is an indispensable democratic safeguard, excessive reliance on courts may unintentionally weaken citizens' confidence in elections by creating the perception that political victory is ultimately determined through legal technicalities rather than voter preference. This concern is reinforced by evidence showing that election petitions in Nigeria frequently revolve around procedural deficiencies, qualification disputes and technical interpretations of electoral law rather than direct assessments of voter intention. Electoral outcomes often appear to be negotiated through legal processes after elections have been concluded.

The challenge becomes even more pronounced when judicial decisions are perceived as politically consequential. The increasing prominence of courts in resolving electoral disputes has generated debates regarding judicial independence and strategic decision-making. Recent scholarship argues that although constitutional provisions formally guarantee judicial autonomy, political actors frequently attempt to influence judicial institutions through appointment processes, promotion structures and broader political pressures (Peekate & Duson, 2025). Instances involving controversies surrounding judicial appointments, removals, and election tribunal decisions have reinforced public perceptions that judicial outcomes may occasionally be shaped by political considerations rather than purely legal reasoning. Such perceptions are damaging to democratic legitimacy because public confidence in judicial neutrality constitutes one of the most important foundations of constitutional democracy.

The findings further suggest that the increasing transfer of electoral disputes to the Judiciary reflects broader institutional weaknesses within Nigeria's democratic system. Electoral integrity literature consistently demonstrates that credible electoral management institutions reduce the likelihood of extensive post-election litigation because electoral outcomes are generally accepted by competing actors (Norris, 2014; Fatai, 2023). Where electoral processes are perceived as flawed, political actors are more likely to challenge outcomes through judicial mechanisms. Nigeria's experience since 1999 largely supports this proposition. Allegations of manipulation, administrative irregularities and declining trust in electoral institutions have collectively contributed to the expansion of judicial intervention in electoral governance. Rather than functioning merely as a dispute-resolution mechanism, courts have increasingly become alternative sites for contesting political power.

These developments reveal a subtler challenge confronting democratic governance. The issue is not necessarily the overt subordination of the Judiciary but the gradual incorporation of judicial institutions into broader elite struggles for political control. Courts are increasingly required to adjudicate disputes generated by institutional weaknesses elsewhere within the democratic system. The Judiciary becomes vulnerable to political pressure, public scrutiny and competing elite interests seeking judicial validation of political outcomes. The result is a democratic process in which elections are frequently concluded not at polling units but through prolonged judicial contests. This trend supports the proposition that judicial intervention in electoral outcomes has expanded significantly during Nigeria's Fourth Republic and raises important concerns regarding the sustainability of electoral legitimacy, institutional independence and democratic consolidation.

Legislature, Executive Dominance and Democratic Accountability

The Legislature occupies a strategic position within democratic governance because it serves as the principal institution for representation, lawmaking and oversight of executive authority. Within the framework of separation of powers, legislative independence is essential for ensuring accountability, preventing executive overreach and safeguarding democratic checks and balances. Evidence from Nigeria's Fourth Republic indicates that the National

Assembly has frequently operated under conditions that limit its institutional autonomy, raising concerns regarding its effectiveness as an independent democratic institution.

One important indicator of legislative independence is the distribution of political power within the National Assembly. Since 1999 the ruling party has consistently maintained substantial influence over parliamentary proceedings through numerical dominance and control of legislative leadership positions. Although opposition parties have periodically increased their representation following the electoral realignments that culminated in the 2015 transition of power, opposition seat share has generally remained insufficient to significantly constrain executive influence. The dominance of governing parties within both chambers of the National Assembly has often facilitated smoother passage of executive proposals while simultaneously reducing the capacity of opposition legislators to provide effective scrutiny. This pattern suggests that legislative independence in Nigeria has frequently been conditioned by partisan alignments rather than institutional autonomy, thereby weakening the Legislature's ability to function as an effective counterweight to executive authority.

The consequences of this imbalance are most visible in the area of legislative oversight. Democratic accountability requires that legislatures possess both the authority and willingness to investigate executive actions, scrutinize public expenditure and ensure compliance with constitutional provisions. While the National Assembly has conducted numerous investigative hearings and oversight activities since 1999, questions persist regarding their effectiveness and impact. Several high-profile investigations into corruption, public procurement, security expenditures and administrative misconduct have generated substantial public attention but produced limited institutional consequences. The recurrence of unresolved investigative findings has created the perception that oversight activities are often symbolic rather than transformative. The Legislature's capacity to enforce accountability has frequently been undermined by political considerations, partisan bargaining and executive influence.

A related concern is the tendency toward what scholars describe as “rubber-stamp legislatures,” where legislative institutions formally retain constitutional powers but rarely exercise them in ways that substantially challenge executive preferences. Evidence from Nigeria's Fourth Republic reveals periods during which executive bills, appointments, borrowing requests and major policy initiatives received legislative approval with minimal amendment or resistance. While cooperation between branches of government is necessary for effective governance, excessive deference to executive preferences weakens institutional checks and reduces the capacity of legislatures to perform their constitutional responsibilities. The passage of critical executive proposals without extensive scrutiny has therefore been interpreted by some analysts as evidence of declining legislative assertiveness and increasing executive dominance within the democratic process. These developments from the perspective of democratic accountability suggest that institutional independence extends beyond constitutional guarantees and depends largely on the practical ability of

institutions to resist political pressures. Although the National Assembly possesses significant constitutional powers, its effectiveness is frequently shaped by ruling-party dominance, patronage networks, elite bargaining, and political incentives that encourage cooperation with the executive branch. This condition aligns with the broader argument of State Capture Theory, which suggests that democratic institutions may retain formal autonomy while becoming increasingly susceptible to elite influence. Rather than direct executive control, institutional dependence often manifests through informal political arrangements that limit independent decision-making and weaken accountability mechanisms.

The findings therefore indicate that legislative independence in Nigeria's Fourth Republic remains constrained despite the existence of formal democratic institutions. The relationship between opposition seat share and legislative autonomy suggests that stronger opposition representation generally enhances parliamentary scrutiny, while overwhelming ruling-party dominance tends to reduce institutional resistance to executive influence. The weakening of legislative oversight and the persistence of rubber-stamp tendencies have contributed to broader concerns regarding democratic accountability and institutional balance.

9.3 INEC Autonomy, Electoral Integrity and Public Trust

The Independent National Electoral Commission (INEC) occupies a pivotal position within Nigeria's democratic architecture because it serves as the institution responsible for organizing elections, regulating political competition and safeguarding electoral integrity. The credibility of democratic governance is linked to the perceived independence and effectiveness of the Commission. Although INEC is constitutionally established as an independent electoral management body, evidence from Nigeria's Fourth Republic suggests a persistent gap between formal constitutional autonomy and practical institutional independence. This contradiction has become a major source of debate regarding electoral legitimacy, democratic accountability and public trust in the electoral process.

A recurring concern throughout the period under review has been the relationship between executive appointment powers and INEC's operational autonomy. The appointment of the Chairman and National Commissioners by the President, subject to Senate confirmation, has generated continuous concerns regarding the Commission's independence from executive influence. While constitutional provisions seek to guarantee institutional neutrality, appointment cycles have frequently coincided with periods of heightened political controversy and public scrutiny. This pattern lends support to the proposition that fluctuations in INEC's autonomy are often connected to executive influence over critical institutional structures. The issue is not necessarily direct interference in electoral administration but the perception that appointment processes may create incentives for institutional alignment with incumbent political interests. Such perceptions are significant because public confidence in electoral management bodies depends not only on actual independence but also on the belief that electoral officials are free from partisan influence.

The implications of these concerns become evident when examining electoral integrity across successive electoral cycles. Since 1999, Nigeria's electoral process has experienced recurring challenges relating to voter registration, result management, election logistics, electoral violence, and post-election disputes. INEC introduced a series of technological reforms aimed at strengthening transparency and reducing opportunities for manipulation. These innovations included the Permanent Voter Card (PVC), the Smart Card Reader (SCR), the Bimodal Voter Accreditation System (BVAS), and the INEC Result Viewing Portal (IReV). Collectively, these reforms represented attempts to improve voter authentication, enhance transparency, reduce multiple voting and strengthen confidence in election outcomes (Fatai, 2022; Fatai, 2023).

Evidence suggests that these technologies contributed positively to electoral administration by reducing certain forms of electoral malpractice and improving the credibility of voter accreditation processes. The introduction of PVCs and Smart Card Readers in 2015 significantly strengthened voter verification procedures, while BVAS further improved voter authentication during the 2023 elections. Technological reforms also generated new challenges. As Fatai (2023) observes, the inability of electoral technologies to function consistently, particularly regarding the real-time transmission of election results through the IReV platform during the 2023 general elections, created widespread controversy and intensified public distrust. Rather than eliminating electoral disputes, technological failures often became sources of litigation and political contestation, thereby reinforcing concerns regarding electoral credibility.

The consequences of declining trust are reflected in patterns of voter participation and electoral disputes. Available evidence demonstrates a steady decline in voter turnout across successive election cycles despite periodic improvements in electoral technology. Presidential election turnout fell from over 52 percent in 1999 to approximately 29 percent in 2023, representing one of the lowest participation rates in Nigeria's democratic history (Fatai, 2023). Election petitions and post-election litigation have remained persistent features of the political process. This combination of declining voter engagement and recurring electoral disputes suggests that technological innovation alone is insufficient to generate public confidence where broader institutional concerns remain unresolved. Electoral integrity depends not only on technological tools but also on public trust in the institutions responsible for managing them. From the perspective of State Capture Theory, the challenges confronting INEC illustrate how formal institutional independence may coexist with practical vulnerabilities to elite influence. While the Commission retains constitutional authority over electoral administration, its effectiveness is often shaped by appointment structures, financial dependence, political pressures and public perceptions of neutrality. The persistence of controversies surrounding election administration therefore reflects broader tensions between institutional design and institutional practice. The findings indicate that electoral integrity in Nigeria is linked to the degree of autonomy enjoyed by INEC. Where confidence in the Commission declines, electoral disputes increase, voter participation weakens and democratic legitimacy becomes increasingly contested. This pattern reinforces

the argument that institutional independence is a critical condition for democratic consolidation and that perceived weaknesses in electoral governance continue to undermine public trust in Nigeria's Fourth Republic.

Institutional Capture and Democratic Backsliding in Nigeria From Military Control to Institutional Capture

Nigeria's democratic experience since 1999 presents a critical paradox. While the country successfully transitioned from military rule to constitutional democracy, many of the authoritarian tendencies associated with military governance appear to have survived within democratic institutions. This contradiction forms the basis of the metaphor adopted in this study: "From the Lions' Claws to the Crocodiles' Jaws." The lion's claws symbolize the overt coercion, repression and direct control that characterized military regimes, while the crocodile's jaws represent a more subtle but equally dangerous form of domination in which democratic institutions remain formally intact but become progressively captured by political elites.

The findings of this study indicate that although democratic institutions such as the Judiciary, Legislature and INEC have survived the transition to civilian rule, their operational independence has frequently been constrained by political interference, elite influence and institutional dependence. Rather than experiencing outright authoritarian control, these institutions have increasingly operated within a political environment characterized by informal networks of power capable of influencing institutional outcomes. This finding aligns with State Capture Theory, which argues that powerful political actors often manipulate public institutions to advance private political interests while preserving the appearance of democratic governance. Evidence from the Judiciary demonstrates the growing judicialization of electoral politics, where electoral disputes increasingly migrate from polling units to courtrooms. Findings from the Legislature reveal that ruling-party dominance, weak opposition representation and limited oversight capacity have often reduced the National Assembly's ability to effectively constrain executive power. Constitutional independence has frequently been undermined by concerns regarding executive appointment powers, financial dependence, electoral controversies and declining public confidence in election administration.

The persistence of this phenomenon is also reflected in the political culture surrounding the acquisition and exercise of power. Political rhetoric by influential actors has often reinforced perceptions that power is something to be seized rather than democratically earned. Bola Tinubu's assertion that political power must be "fought for, grabbed and run away with" reflects a competitive and winner-takes-all conception of politics that places emphasis on conquest rather than democratic contestation (Ajuwon, 2022). Muhammadu Buhari's controversial warning that if the alleged irregularities of the 2011 elections were repeated, "the dog and the baboon would all be soaked in blood" generated widespread criticism because of its perceived implication that electoral disputes could culminate in violence rather than institutional resolution (Binniyat, 2012; Adewole, 2025).

Implications for Democratic Consolidation

The cumulative findings of this study raise important concerns regarding the future of democratic consolidation in Nigeria. Democratic consolidation refers to the process through which democratic institutions become stable, legitimate and widely accepted as the only viable framework for governing society. A consolidated democracy requires independent institutions, credible elections, effective accountability mechanisms and widespread public confidence in democratic procedures. The evidence presented in this study suggests that these conditions remain fragile within Nigeria's Fourth Republic. First of all, institutional capture weakens democratic legitimacy. When judicial decisions increasingly determine electoral outcomes, legislative oversight becomes ineffective and electoral management bodies face persistent credibility challenges, citizens may begin to question whether democratic outcomes genuinely reflect popular sovereignty. The legitimacy of democracy depends on public confidence that political authority is acquired through transparent and accountable processes. Where institutions are perceived as vulnerable to political influence, democratic legitimacy inevitably suffers.

Then the second institutional capture undermines accountability. The Judiciary, Legislature and INEC collectively constitute critical pillars of democratic restraint. Their ability to operate independently is essential for preventing abuse of power and ensuring compliance with constitutional rules. However, findings from this study suggest that institutional autonomy is frequently constrained by political considerations, thereby reducing the effectiveness of democratic checks and balances. The consequence is the concentration of political influence within elite networks that are often insulated from meaningful institutional scrutiny. Declining institutional credibility contributes to the erosion of citizen trust. Evidence from electoral participation patterns demonstrates a steady decline in voter turnout since 1999 despite successive electoral reforms and technological innovations. This decline reflects growing public skepticism regarding the effectiveness of elections as mechanisms for political change. As electoral disputes, judicial interventions and institutional controversies become more common, citizens may increasingly disengage from the democratic process. Such disengagement represents a significant threat to democratic sustainability because trust constitutes one of the most important foundations of democratic governance.

Conclusion

The study examined the extent to which the Judiciary, Legislature and Independent National Electoral Commission (INEC) have maintained institutional independence in Nigeria's Fourth Republic between 1999 and 2023. Drawing on State Capture Theory and evidence from electoral cycles, judicial decisions, legislative practices and electoral administration, the study found that while these institutions remain constitutionally autonomous, their operational independence has been increasingly constrained by political influence, executive dominance and broader patterns of institutional capture. The findings reveal a steady expansion of judicial intervention in electoral outcomes, persistent concerns regarding executive influence over INEC through appointment and funding structures, and a Legislature whose oversight capacity is often weakened by ruling-party dominance and

partisan alignments. The study further demonstrates that these institutional weaknesses have significant implications for democratic legitimacy, electoral integrity, and public trust. The growing tendency for electoral contests to be resolved through litigation rather than broad public acceptance of electoral outcomes reflects deeper deficiencies within democratic governance. The study argues that Nigeria's democratic challenge is no longer the overt authoritarianism associated with military rule but the gradual erosion of institutional autonomy within a formally democratic system. The metaphor, "From the Lions' Claws to the Crocodiles' Jaws," therefore captures the transition from direct authoritarian control to more subtle forms of institutional capture that threaten democratic consolidation.

Recommendations

Based on the findings of this study, the following recommendations are proposed:

- i. Judicial independence should be strengthened through reforms that insulate judicial appointments, promotions and disciplinary processes from political influence, while ensuring that election petitions are determined promptly and on substantive electoral justice rather than excessive technicalities.
- ii. The appointment process for the Chairman and National Commissioners of INEC should be restructured to reduce executive dominance, while the Commission should be granted greater financial and administrative autonomy to enhance its operational independence.
- iii. Electoral technologies such as BVAS and IReV should be continuously improved, independently audited, and transparently deployed to strengthen electoral integrity, reduce disputes and increase public confidence in election outcomes.
- iv. The National Assembly should enhance its oversight role by subjecting executive policies, expenditures, appointments and borrowing requests to rigorous scrutiny, irrespective of partisan considerations, in order to strengthen democratic accountability and checks and balances.
- v. Broader constitutional and institutional reforms should prioritize the protection of the independence of the Judiciary, Legislature and INEC, while promoting responsible political conduct and discouraging inflammatory rhetoric capable of undermining democratic stability and electoral legitimacy.

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