Criminality and political violence in Nigerian politics: implications for human rights of electorate and principles of natural justice

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Abstract

The electorate's rights to free and fair elections, freedom from fear and intimidation, and participation in genuine periodic elections guaranteed under the Nigerian Constitution (1999, as amended), the African Charter on Human and Peoples' Rights, and the Universal Declaration of Human Rights are systematically breached. Voter suppression, particularly in ethnically or politically contested areas along with gender-based threats and impunity for perpetrators, exacerbates secondary victimization and erodes public trust in institutions like the Independent National Electoral Commission (INEC). Moreover, these criminal elements contravene core principles of natural justice fairness, impartiality, audi alteram partem (right to be heard), and nemo judex in causa sua (no one should be judge in their own cause) by subverting electoral integrity through coercion, fraud, and violence rather than merit-based competition. This article analysed the interplay between criminalized politics, electoral violence, and rights violations, drawing on case studies from recent elections (notably 2023), judicial precedents, and comparative insights. Adopting the doctrinal and desktop methodology, the paper argued that persistent impunity perpetuated a cycle of insecurity and democratic erosion. Recommendations include strengthening electoral laws, establishing independent mechanisms for prosecuting political violence, curbing godfather influence through transparency in party financing, enhancing security for voters, and fostering accountability to restore electoral justice and uphold human rights obligations.

Keywords: criminality, politics, human rights, violation, natural justice, etc.

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1. Introduction

Nigeria's democratic journey since the return to civilian rule in 1999 has been persistently marred by criminality and political violence, manifesting in forms such as electoral thuggery, godfatherism, vote-buying, ballot box snatching, voter intimidation, and assassinations of political opponents.[1] These pervasive practices not only distort the electoral process but also constitute grave infringements on the human rights of the electorate and undermine core principles of natural justice. The 1999 Constitution of the Federal Republic of Nigeria (as amended) enshrines fundamental rights that safeguard democratic participation. Although the right to vote is not explicitly listed in Chapter IV as a fundamental right, it is implicitly protected through provisions guaranteeing political participation and equality. The CFRN 1999 (as amended) mandates the registration of citizens qualified to vote at elections and outline qualifications for elective offices, presupposing a free and fair electoral environment.[2] More directly, the CFRN prohibits discrimination, and guarantees freedom of association, including political assembly without fear of coercion.[3] Electoral violence directly violates these constitutional safeguards by creating an atmosphere of intimidation that disenfranchises voters and subverts free choice.

Nigeria's international obligations further reinforce these protections. Article 13 of the African Charter on Human and Peoples' Rights (ratified and domesticated via the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9, Laws of the Federation of Nigeria, 2004) *provides that every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives.*[4] The African Commission on Human and Peoples' Rights has interpreted this to

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1 Ogedi Jacob, 'Party Politics and Electoral Violence in Nigerian 4th Republic: Implications for Democracy' (2025) (10) *Ubuntu: Journal of Conflict and Social Transformation* 1-2.

2 Constitution of the Federal Republic of Nigeria (CFRN) 1999 Ss. 77(2) 65, 106, 131.

3 ibid Ss. 40 and 42.

4 African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9, LFN 2004, art 13.

include the right to vote without intimidation, as affirmed in cases emphasizing participatory rights.[5]

Judicial precedents underscore the judiciary's role in addressing such violations. In *Buhari v Obasanjo*,[6] the Supreme Court examined allegations of widespread electoral malpractices, including violence, though it ultimately upheld the election on evidential grounds. Similarly, post-2023 election petitions, such as those in *Atiku Abubakar v. INEC*[7] and related appeals, highlighted claims of intimidation and violence that affected voter turnout and fairness, with courts scrutinizing compliance with electoral laws. These cases illustrate how political violence erodes the principles of natural justice, fairness, impartiality, the right to be heard (*audi alteram partem*), and absence of bias (*nemo judex in causa sua*), by replacing merit-based competition with coercion and impunity. This article examines the historical patterns, legal frameworks, manifestations in recent elections, particularly 2023, institutional failures, and human rights implications of criminality and political violence in Nigerian politics. It argues that these phenomena perpetuate democratic erosion and proposes reforms to restore electoral integrity, protect voters' rights, and align Nigeria with constitutional and international standards as Nigeria prepares for the 2027 polls.

2. Conceptual Framework: Defining Criminality, Political Violence, and Electoral Malpractices in Nigeria

The conceptual framework for this article delineates three interrelated phenomena: criminality in politics, political violence, and electoral malpractices, as they manifest in Nigeria's democratic context. These concepts are analytically distinct yet overlapping, collectively eroding the integrity of electoral processes, voters' rights, and adherence to natural justice principles.

2.1 Criminality in Nigerian politics

This refers to the systematic integration of criminal acts and actors into the pursuit and retention of political power. This includes the sponsorship of armed gangs, extortion, corruption in campaign

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5 *Constitutional Rights Project v Nigeria*, Communication No 102/93, African Commission on Human and Peoples' Rights (1998).

6 (2003) 17 NWLR (Pt 850) 587 (SC).

7 [2023] 19 NWLR, 10.

financing, and the use of state resources for illicit political ends.[8] A prominent feature is godfatherism, whereby powerful patrons (godfathers) finance, protect, and control political protégés (godsons), often through threats, violence, or undue influence, turning politics into a patronage network resembling organized crime.[9] Such practices contravene constitutional provisions on free political participation and equality, as section 40 of the 1999 Constitution guarantees freedom of association without coercion, while section 42 prohibits discrimination that could arise from godfather-imposed loyalties.[10]

2.2 Political violence

This encompasses the deliberate use or threat of physical force to achieve political objectives, including intimidation, assaults, assassinations, and clashes during campaigns or elections. In Nigeria, it often manifests as instrumental violence aimed at securing power or resources, or expressive violence rooted in ethnic, religious, or identity grievances.[11] This directly violates voters' rights to participate freely in governance, as enshrined in section 14(2)(c) of the Constitution, which mandates government based on popular sovereignty, and article 13 of the African Charter on Human and Peoples' Rights (domesticated in Nigeria), affirming citizens' right to free participation in government.[12] Judicial recognition appears in cases where courts have nullified elections tainted by violence; for instance, in *Aregbesola v Oyinlola*, the Court of Appeal which was later affirmed by the Supreme Court, invalidated the Osun State governorship election partly due to evidence of widespread intimidation and violence that compromised free expression of voter will.[13]

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[8] Izuchukwu Adamaagashi, 'Analyzing the effects of political power on criminal behavior among political elites in Nigeria' *International journal of social sciences and management research* (2023) (9) (6202) 1-28.

[9] Ivan Briscoe and Diana Goff, 'Protecting politics deterring the influence of organized crime on political parties' *Netherlands institute of international relations* (2016) 22.

[10] Isaac Olawale Albert, 'Explaining 'godfatherism ' in Nigerian politics' *African sociological review* (2005) (9) (2) 79-105.

[11] Nkiruka Stella Okonkwo and Temitope A Akanji, 'Political Violence in Nigeria: Examining Dynamics, Impacts, and Sociopolitical Realities' *Journal of World Affairs* (2025) (1) (3) 346-364.

[12] African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9, LFN 2004.

[13] (2010) 19 NWLR (Pt. 1226) 1.

2.3 Electoral malpractices: It denotes illegal or corrupt actions that undermine the fairness of elections, including vote-buying, ballot stuffing, multiple voting, impersonation, result falsification, and undue influence. Under the Electoral Act 2022, these are codified as offences in Part VII,[14] covering registration irregularities,[15] nomination offences,[16] bribery and undue influence[17] and threats[18] with penalties ranging from fines to imprisonment. Such acts breach the constitutional imperative for periodic, genuine elections and the broader right to fair hearing and equality before the law. In *Buhari v INEC*,[19] the Supreme Court emphasized that substantial non-compliance with electoral laws, including malpractices affecting results, warrants nullification to uphold democratic integrity.

These concepts intersect when criminal elements deploy violence as a tool for malpractices, subverting natural justice principles of fairness, audi alteram partem, impartiality, and absence of bias, nemo judex in causa sua by replacing voluntary voter choice with coercion. This framework grounds the subsequent analysis of their human rights and democratic implications in Nigeria.

3. Historical Evolution of Political Violence in Nigerian Politics 1999–Present

The historical evolution of political violence in Nigerian politics from 1999 to the present reflects a persistent pattern of electoral thuggery, assassinations, godfather-sponsored clashes, and post-election riots, often tied to competition for power, resources, and ethnic/regional dominance. Since the transition to civilian rule in 1999, violence has intensified during election cycles, with peaks in certain years, contributing to democratic erosion and violations of voters' rights. The 1999 general elections, marking the end of military rule, were relatively less violent compared to subsequent cycles but still recorded widespread allegations of fraud and intimidation, resulting in

[14] Electoral Act 2022 Ss. 114-129.
[15] ibid S. 114.
[16] ibid S. 115.
[17] ibid S. 127.
[18] ibid S. 128.
[19] (2008) 19 NWLR (Pt. 1120) 246.

approximately 80 deaths amid post-election disputes.[20] The return of Olusegun Obasanjo as president under the People's Democratic Party (PDP) set the stage for entrenched godfatherism and patronage networks that weaponized violence.

By the 2003 elections, political violence escalated significantly, with at least 100 deaths reported from pre- and post-election clashes, including assassinations and armed confrontations between rival factions.[21] Human Rights Watch documented unacknowledged violence, including killings by political thugs and security forces complicity in some instances.[22] Notable case: The assassination of Chief Bola Ige, Attorney General and Minister of Justice, in December 2001, followed by the killing of Harry Marshall (ANPP vice chairman) in March 2003, illustrated the use of targeted eliminations against political opponents.[23] The 2007 elections represented one of the most violent periods in Nigeria's democratic history, recording over 300 electoral-related deaths. These included more than 70 pre-election killings, with unofficial estimates reaching approximately 200 fatalities. The polls were marred by widespread rigging, ballot stuffing, and clashes, particularly in Oyo, Ondo, Enugu, and Delta states.[24]

The 2011 elections, hailed for improved conduct in some aspects, witnessed the deadliest post-election violence: at least 800 deaths in three days of rioting across 12 northern states, triggered by perceptions of fraud in Goodluck Jonathan's victory, degenerating into ethno-religious clashes.[25] Kaduna State was hardest hit, with sectarian

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[20] Kunle Adebajo, "Nigeria's Deadly History of Electoral Violence in Five Charts," HumAngle, June 27, 2022, https://humanglemedia.com/nigerias-deadly-history-of-electoral-violence-in-five-charts/. accessed June 16, 2026.

[21] God'stime Osariyekemwen Igiebor, 'Impact of violence on citizens participation on the electoral process: an opinion survey of Nigeria' (2024) (9) (1) *University of Nigeria journal of political economy* 244-249.

[22] Human Rights Watch, *Nigeria's 2003 Elections: The Unacknowledged Violence* (2004).

[23] Reuben Embu and Samuel O Igomu, 'the politics of assassination in democratic Nigerian society: an appraisal of Ahmed Yerima's play, the angel' (2026) (4) (10) *Sociology and anthropology* 876-886.

[24] O Jeremiah Omotayo, 'The house divided against itself: youth and electoral violence in Nigeria,' (2022) (12) (2) *Public Administration Journal* 258-269

[25] D Bekoe, "Nigeria's 2011 Elections: Best Run, Most Violent" (USIP 2011).

bloodletting targeting perceived opponents.[26] Violence declined somewhat in 2015, with over 100 deaths reported, amid Muhammadu Buhari's opposition victory marking the first peaceful power transfer to Bola Ahmed Tinubu.[27] However, 2019 saw around 150–756 deaths with northern regions disproportionately affected.[28] The 2023 elections continued the trend, with spikes in violence including assassinations of candidates and supporters, ballot box snatching, and clashes in states like Imo, Kaduna, and Rivers.[29] Armed Conflict Location & Event Data Project data noted persistent spikes in party-supporter violence around national polls since 1999.[30]

4. Legal Frameworks For The Protection Of Electorate Under Nigerian And International Law

The legal and human rights framework protecting the electorate in Nigeria draws from domestic constitutional provisions, statutory electoral laws, and international obligations, collectively safeguarding the right to free and fair participation in elections while prohibiting violence, intimidation, and malpractices that undermine voter autonomy and democratic integrity. Under the 1999 Constitution, while the explicit right to vote is not enumerated in Chapter IV (Fundamental Rights), it is implicitly guaranteed through mechanisms ensuring popular sovereignty and political participation. The Constitution declares that the participation by the people in their government shall be ensured in accordance with the provisions of the Constitution.[31] Several Constitutional provisions align with the principle that sovereignty belongs to the people rendering any interference through violence a breach of constitutional order.[32]

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[26] H Angerbrandt, 'Deadly Elections: Post-Election Violence in Nigeria' (2018).

[27] Martin Abang Ewi, 'Was the Nigerian 2015 presidential election a victory for Boko Haram or for democracy?' *African Security Review* (2015) (24) (2) 207-231.

[28] Nigeria Civil Society Situation Room. (2019). Report on Nigeria's 2019 General Elections. <https://situationroomng.org/wp-content/uploads/2019/09/Report-on-Nigerias-2019-General-Elections.pdf> accessed June 16, 2026.

[29] Armed Conflict Location & Event Data Project, *Political Violence and the 2023 Nigerian Election* (2023).

[30] ibid.

[31] CFRN S. 14(2).

[32] ibid.

Internationally, Nigeria is bound by the African Charter on Human and Peoples' Rights, domesticated via the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9, LFN 2004. Article 13 guarantees every citizen the right to participate freely in government, either directly or through freely chosen representatives in periodic and genuine elections. The African Commission has interpreted this to encompass protection from intimidation, as seen in communications affirming participatory rights without coercion.[33] Nigeria acceded to the International Covenant on Civil and Political Rights (ICCPR) on 29 July 1993. Article 25 guarantees citizens the right and opportunity to take part in genuine periodic elections by universal and equal suffrage, secret ballot, and without unreasonable restrictions, including freedom from undue influence or violence.[34] These frameworks intersect with principles of natural justice, fairness, impartiality, *audi alteram partem, and nemo judex in causa sua*, by requiring electoral processes free from bias or coercion. This framework, though robust on paper, faces implementation gaps, as violence often persists with impunity. It nonetheless establishes clear obligations to protect the electorate from criminalized politics, ensuring elections reflect genuine will rather than coercion.

5. Principles of Natural Justice and Their Application to Electoral Processes

The principles of natural justice form the foundational bedrock of fair adjudication in any legal or quasi-judicial process, including electoral proceedings in Nigeria. These principles, encapsulated in the twin maxims *audi alteram partem* (hear the other side) and *nemo judex in causa sua* (no one should be a judge in his own cause), ensure impartiality, fairness, and the absence of bias, thereby upholding the rule of law and protecting democratic integrity.[35] *Audi alteram partem* requires that no person be condemned unheard; affected parties must receive adequate notice of allegations, an opportunity to present their case, and access to evidence against them. In electoral contexts, this principle applies to pre-election disputes (e.g., candidate disqualifications), polling processes, and post-election petitions,

[33] Constitutional Rights Project v Nigeria, Communication No 102/93, African Commission on Human and Peoples' Rights (1998).

[34] International Covenant on Civil and Political Rights (ratified by Nigeria 29 July 1993), art 25.

[35] *Garba v University of Maiduguri* (1986) 1 NWLR (Pt. 18) 550 (SC).

demanding that voters, candidates, and parties be afforded reasonable opportunity to contest irregularities, violence, or malpractices without undue haste or exclusion.[36] The principle aligns with section 36(1) of the 1999 Constitution (as amended), which guarantees fair hearing in the determination of civil rights and obligations, including electoral matters.[37]

Nemo judex in causa sua prohibits bias or personal interest in adjudication, requiring decision-makers, whether electoral officials, tribunals, or courts, to remain impartial and free from pecuniary, personal, or institutional conflicts. In elections, these guards against INEC officials or tribunal members influenced by political affiliations, ensuring decisions reflect merit rather than prejudice.[38] In Nigerian electoral jurisprudence, these principles are invoked to safeguard the electorate's rights against criminalized politics and violence. Courts have applied them rigorously in election petitions, where non-compliance with natural justice vitiates proceedings. For instance, in *Aregbesola v Oyinlola*[39] the Court of Appeal nullified the Osun governorship election due to widespread violence and intimidation that denied voters a fair opportunity to express their will freely, effectively breaching audi alteram partem by subverting genuine participation.

Similarly, in *Buhari v INEC,*[40] the Supreme Court emphasized that substantial non-compliance with electoral laws, including irregularities enabling coercion or bias, warrants invalidation to uphold fairness and impartiality inherent in natural justice. In pre-election cases, such as challenges to candidate screening or disqualification, courts have quashed decisions where parties were denied hearings, as seen in instances where late notifications prevented effective objections, violating reasonable opportunity under audi alteram partem.[41] These principles intersect with constitutional protections under sections 14(2)(c) (popular sovereignty) and 40 (freedom of association), as well as article 13 of the African Charter on Human and Peoples' Rights,

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36 CFRN S. 36(1).

37 Salawu Busari Morufu, Moronkeji, Foluke Dorcas and Salawudeen, Maimunat Dunmade, 'A consideration of the question of fair hearing in administrative adjudication in Nigeria' *Adeleke university law journal* (2024) (IV) (1) 10-25.

38 *R v Sussex Justices, Ex parte McCarthy* [1924] 1 KB 256.

39 (2010) 19 NWLR (Pt. 1226) 1.

40 (2008) 19 NWLR (Pt. 1120) 246.

41 *Sule Katagum v Federal Electoral Commission* (1987) 1 NWLR, (Pt. 49) 175 SC.

requiring free participation without intimidation. Electoral violence and malpractices contravene natural justice by replacing voluntary choice with coercion, rendering processes unfair and biased toward powerful actors. Despite robust application in some judgments, gaps persist due to time-bound election petition timelines and enforcement challenges, often limiting full realization of these safeguards. Nonetheless, natural justice remains a critical lens for assessing whether electoral processes in Nigeria uphold voter dignity, impartiality, and democratic legitimacy.

6. Criminality And Electoral Violence In Nigeria's 2023 General Elections

The 2023 Nigerian general elections, held on 25 February (presidential and National Assembly) and 18 March (gubernatorial and state assemblies), exemplified entrenched patterns of criminality and political violence, perpetuating cycles of intimidation, disruption, and impunity. Manifestations included voter suppression, attacks on electoral infrastructure, assassinations, thuggery, vote-buying, and ethnic-targeted violence, often orchestrated by political actors, godfathers, cult groups, and criminal gangs. These acts not only distorted electoral outcomes but also violated constitutional protections under sections 40 (freedom of association) and 42 (prohibition of discrimination) of the 1999 Constitution (as amended), as well as article 13 of the African Charter on Human and Peoples' Rights, which guarantees free participation in governance.

Patterns of violence revealed regional variations and escalation during campaign periods. Armed Conflict Location & Event Data Project (ACLED) data indicated that political violence in the run-up to 2023 aligned with 2019 levels but intensified near election day, with over 170 incidents of election-related violence recorded between October 2022 and March 2023, including clashes between party supporters, attacks on candidates, and targeting of Independent National Electoral Commission (INEC) officials.[42] The North-West emerged as a hotspot due to banditry and kidnappings influencing voter turnout, while the South-East faced disruptions from secessionist groups like the Indigenous People of Biafra (IPOB) and its Eastern Security Network (ESN), who enforced sit-at-home orders and attacked INEC facilities

[42] ACLED, *Political Violence and the 2023 Nigerian Election* (2023).

to sabotage polls.[43] In the South-West, particularly Lagos, ethnic tensions fueled voter intimidation, with Yoruba-dominated All Progressives Congress (APC) supporters targeting Igbo communities perceived as Labour Party (LP) strongholds.[44] Criminal gangs and regional security outfits, such as Amotekun in the South-West and cult groups in Rivers State, were co-opted for political enforcement, blending criminal markets, e.g., oil theft, kidnapping with electoral violence.[45]

Manifestations of criminality included godfatherism, where influential patrons sponsored thugs to secure victories, as seen in Kano and Rivers, where gangs like the 'Yan Daba' and cultists engaged in ballot snatching and attacks on rivals.[46] Vote-buying was rampant, with reports of cash inducements ranging from N1,000 to N10,000 per voter, criminalized under the Electoral Act.[47] Hate speech and fake news proliferated, inciting violence, while abductions and killings targeted politicians and security personnel. Case studies illustrate these dynamics. In Enugu State (South-East), on 22 February 2023, gunmen assassinated LP senatorial candidate Oyibo Chukwu and eight supporters in an arson attack, highlighting targeted eliminations to eliminate competition.[48] In Lagos (South-West), during the 18 March gubernatorial election, APC thugs intimidated Igbo voters in areas like Ojo, Eti-Osa, and Amuwo-Odofin, destroying property, blocking access to polls, and attacking journalists, with police allegedly failing to intervene, acts constituting voter suppression and breaching section 128 of the Electoral Act.[49] In Rivers State, cult clashes linked to political rivalries resulted in over 20 deaths during campaigns,

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43 CLEEN Foundation, *2023 Election Security Threat Assessment.*

44 US Department of State, *Nigeria 2023 Human Rights Report* (2024).

45 Global Initiative Against Transnational Organized Crime, *Gangs, Elections, Political Violence and Criminality in Kano and Rivers, Nigeria* (2023).

46 ibid.

47 Electoral Act 2022, S. 127.

48 Global Rights, *situation report of incidents of pre-election atrocities connected with #NigeriaDecides 2023* (2023).

49 U.S. Department of State. (2024). 2023 Country Reports on Human Rights Practices: Nigeria. https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/nigeria/ (or the PDF version: <https://www.state.gov/wp-content/uploads/2024/02/528267_NIGERIA-2023-HUMAN-RIGHTS-REPORT.pdf)> accessed June 16, 2026.

exemplifying how criminal networks sustain violence.[50] Nationwide, at least 89 politically motivated killings and 18 abductions were documented pre-election, including 30 security personnel, with 13 attacks on rallies and seven arson incidents on INEC offices.[51] These patterns underscore institutional vulnerabilities, such as INEC's logistical challenges and security agencies' complicity, exacerbating impunity. Judicial responses, as in post-election petitions scrutinizing violence (e.g., in Lagos and Enugu tribunals), have occasionally nullified results but rarely deter future acts. Overall, the 2023 elections highlight how criminality and violence entrench elite capture, disenfranchising the electorate and undermining natural justice principles of fairness and impartiality.

7. Implications For Human Rights Of Voters And Democratic Participation

The implications of criminality and political violence in Nigerian politics extend far beyond immediate casualties, profoundly undermining the human rights of voters and the broader framework of democratic participation. These phenomena create an environment of fear, coercion, and exclusion that directly contravenes core constitutional and international protections, eroding the legitimacy of elections and perpetuating cycles of disenfranchisement and democratic erosion.

At the heart of these violations is the infringement on the right to vote freely and without intimidation.[52] Political violence through voter suppression, threats, assaults, and targeted attacks, renders these rights illusory by instilling fear that deters participation. In the 2023 elections, incidents of intimidation in Lagos, Rivers, and other states led to reduced turnout in affected areas, with voters in opposition strongholds facing ethnic-based threats and physical barriers to polling units, effectively disenfranchising segments of the electorate. This constitutes a breach of the right to participate freely in government

[50] Kingsley Madueke and Other, 'Do Not Come Out to Vote': Political Violence and Criminality in Kano and Rivers, Nigeria (Global Initiative against Transnational Organized Crime, October 2023).

[51] Global Rights Nigeria, Incident Centre for Election Atrocities (ICEA) Report: Election-Related Violence and Atrocities in Nigeria's 2023 General Elections (March 2023).

[52] CFRN Ss. 14(2)(c), 40.

under article 13 of the African Charter on Human and Peoples' Rights which requires genuine, periodic elections free from coercion.

Internationally, Nigeria's obligations under article 25 of the International Covenant on Civil and Political Rights (ICCPR) guarantee citizens the right to genuine periodic elections by universal suffrage and secret ballot, without unreasonable restrictions, including violence or undue influence.[53]Electoral violence and criminal practices like vote-buying and thuggery violate this by subverting voluntary choice, leading to secondary effects such as voter apathy, low turnout and eroded trust in democratic institutions.[54] Reports highlight how impunity for perpetrators exacerbates these violations, creating a "thick veil of violence" that undermines the fundamental right to vote and exposes vulnerable groups, women, ethnic minorities, and youth, to heightened risks, including gender-based threats and displacement.[55]Beyond individual rights, these practices contravene principles of natural justice by replacing impartial, merit-based competition with coercion and bias, denying voters the opportunity to express their will fairly (*audi alteram partem*) and allowing powerful actors to act as both players and referees (*nemo judex in causa sua*). Judicial interventions, such as in election petitions scrutinizing violence in 2023, have occasionally addressed specific breaches but rarely deliver systemic accountability, perpetuating impunity.

The cumulative impact includes societal fragmentation, reduced civic engagement, economic instability from investor flight, and diminished international credibility. Violence fosters a culture where power is seized through force rather than consent, weakening democratic consolidation and exposing the electorate to ongoing human rights abuses. Restoring voter rights requires addressing root causes like godfatherism and institutional weaknesses to ensure elections reflect genuine popular sovereignty rather than elite coercion.

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[53] International Covenant on Civil and Political Rights (ratified by Nigeria 29 July 1993), art 25.

[54] Hamza Shehu Mohammed and Yusufu Ali Zoaka, 'Political Thuggery and its implication on elections and electoral policies in Nigeria: an analysis Of 2015 - 2023 general elections in Bauchi metropolitant kwararafa *Security Review* (2025) (3) (4) 187-201.

[55] Amnesty International, *Nigeria: Authorities must uphold human rights ahead of elections* (15 February 2023).

8. Institutional Failures, Impunity, and Contributing Factors

Institutional failures in Nigeria's electoral and security architecture, coupled with a pervasive culture of impunity, constitute primary enablers of criminality and political violence, allowing violations of voters' human rights to persist unchecked. These failures manifest across key institutions: the Independent National Electoral Commission (INEC), security agencies, and the judiciary, exacerbated by systemic weaknesses such as inadequate coordination, resource constraints, and political interference. INEC's operational and logistical shortcomings, such as delays in result transmission, failure to upload polling unit results in real-time as required by the Electoral Act 2022, and inadequate protection of electoral materials, have undermined credibility and created opportunities for malpractices.[56] The Commission's reliance on security agencies for investigation and enforcement of electoral offences limits its prosecutorial effectiveness, as probes often stall due to partisan influences or lack of follow-through.[57]Security agencies, including the Nigeria Police Force and military deployments during elections, have been implicated in partisan conduct, selective enforcement, and occasional complicity in violence. Partisan abuse of deployment rules, failure to intervene in intimidation incidents, and reports of extra-judicial actions foster distrust and enable perpetrators to operate freely.[58] This contributes to a cycle where early warning systems disconnect from rapid response mechanisms, allowing threats to escalate without deterrence.[59]

The judiciary, tasked with resolving election petitions, faces accusations of technical dismissals, delays, and perceived bias, eroding public confidence. Post-2023 petitions were often resolved on procedural grounds rather than substantive evidence of violence or irregularities, reinforcing perceptions of institutional capture.[60] Time-

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[56] European Union Election Observation Mission, *Nigeria 2023 General Elections: Final Report* (2023).

[57] Human Rights Watch, *Nigeria: Impunity, Insecurity Threaten Elections* (6 February 2023).

[58] CLEEN Foundation, *Policing Nigerian Elections: Violence, Institutional Weaknesses and Remedial Trajectories* (2025).

[59] NS Okonkwo and TA Akanji, 'Political violence in Nigeria: examining dynamics, impacts, and sociopolitical realities' (2025) (3) *Journal of world affairs* 346–364.

[60] Policy and Legal Advocacy Centre (PLAC), (2023) *Nigeria Annual Human Rights Report 2023*.

bound election petition processes further constrain thorough adjudication, limiting remedies for affected voters.

Impunity arises from the near-absence of accountability for perpetrators of electoral violence, with few prosecutions despite documented killings, assaults, and destruction. This stems from weak investigative capacity, political patronage protecting influential actors, and a historical legacy of unpunished abuses that normalizes criminal behavior.[61] The failure to enforce sanctions as provided for under the Electoral Act 2022 perpetuates a deterrent vacuum, encouraging repeat offences. Contributing factors include elite manipulation of identity politics (ethno-religious tensions), godfatherism that instrumentalizes thugs, socioeconomic grievances fuelling recruitment into criminal networks, proliferation of small arms, and inadequate voter education on rights and processes. These intersect with governance deficits, corruption, marginalization, and exclusion, creating fertile ground for violence while weakening institutional resolve to intervene.[62] Such dynamics breach constitutional imperatives as well as international standards, demanding genuine elections free from undue restrictions. Addressing these requires reforms to strengthen institutional autonomy, enhance inter-agency coordination, and enforce accountability to break the impunity cycle and safeguard democratic participation.

9. Towards The 2027 General Elections: Prevention Of Criminality And Electorate Human Rights Violation

As Nigeria approaches the 2027 general elections, the persistent threat of criminality, political violence, and associated human rights violations demands proactive, multi-stakeholder strategies to safeguard electoral integrity, voter rights, and democratic participation. Building on lessons from previous cycles, particularly the 2023 elections, the focus must shift to prevention through legal reforms, institutional strengthening, security coordination, and societal engagement to avert recurrence of intimidation, vote-buying, thuggery, and impunity that undermine constitutional and international instruments on election standards.

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[61] Centre for Social Justice, (2022) *Impunity in Nigeria: Knowledge, Attitude and Perception*.

[62] Global initiative against transnational organized crime, (2023) *gangs, elections, political violence and criminality in Kano and Rivers, Nigeria*.

Central to prevention is expediting electoral reforms before the polls. The harmonized version of the Electoral Act 2022 should prioritize establishing an independent Electoral Offences Commission to investigate and prosecute crimes such as voter intimidation, ballot snatching, and undue influence under sections 127–129 of the Electoral Act 2022. Strengthening campaign finance regulation, including transparent party funding and limits on expenditures, would curb godfatherism and money politics that fuel violence. Mandatory real-time electronic transmission of results (e-transmission) and full implementation of technological safeguards could reduce manipulation opportunities, while addressing ambiguities in the Electoral Act to eliminate enforcement gaps.[63] Delays in constitutional amendments, such as those for independent candidacy, reserved seats for women, or restructuring, risk perpetuating centralization and exclusion if not concluded timely.[64]

Security coordination must be enhanced through early planning. The Independent National Electoral Commission (INEC) has initiated engagements with security agencies to review past failures, emphasize early warning systems, and enforce strict warnings against vote-buying and violence.[65] State-level directives, such as in Delta, exemplify proactive measures like arresting firearm possessors and disrupting peace threats ahead of polls.[66] A multi-agency approach integrating community alerts, rapid response grids in high-risk areas, e.g., North-West banditry zones, South-East secessionist disruptions, and arms interdiction would mitigate regional patterns of criminality.[67] The Annotated National Peace Accord, recently enhanced and endorsed by political parties, civil society, and stakeholders, provides a preventive framework with clear penalties for misconduct, vote-buying, and violence, promoting issue-based campaigns and respect for outcomes.[68] INEC's calls for the National Peace Committee to rebuild trust underscore the need for sustained civic

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63 Guardian Nigeria, *Electoral Act: Gaps in e-transmission, vote-buying sanctions spark calls for reform* (21 January 2026).

64 Guardian Nigeria, *Constitution amendment delay fuels anxiety ahead of 2027 elections* (recent 2026 report).

65 PRNigeria, *INEC Seeks National Peace Committee's Support to Rebuild Voter Confidence Ahead of 2027 Elections* (3 March 2026).

66 YouTube/News Central, *ahead of 2027 Poll: Delta Moves to Prevent Election Violence* (28 January 2026).

67 Tonie Iredia, Vanguard, *Nigeria 2027: Preventing the return of violence,* (22 February 2026).

68 The Nation, *National Peace Committee, INEC, stakeholders outline path for credible elections* (2026).

education, voter mobilization, and internal party discipline to reverse declining turnout and apathy.[69] Broader societal interventions include capacity-building for electoral officials, grassroots monitoring by civil society, and addressing socioeconomic drivers like youth unemployment that feed recruitment into thug networks. International partnerships, aligned with UNODC's Strategic Vision for Nigeria, focusing on violence prevention and criminal justice reform, could support resilience-building.[70]

These measures, if implemented decisively, would uphold natural justice principles by ensuring impartial, coercion-free processes and protect electorate rights under article 25 of the ICCPR. Failure to act risks deepening cynicism, low participation, and potential instability, but concerted prevention offers a pathway to credible, violence-free elections that reflect genuine popular will and advance democratic consolidation.

10. A Critique of the Electoral Act 2026: Implications For Nigeria's Democratic Integrity Ahead Of 2027 Elections

The Electoral Act 2026, hurriedly signed into law by President Bola Tinubu on February 18, 2026, represents a significant overhaul of Nigeria's electoral framework, repealing and re-enacting the 2022 Act with amendments aimed at refining timelines, procedures, and party processes.[71] Officially titled the Electoral Act, 2022 (Repeal and Re-Enactment) Bill 2026, it was assented amid intense debate, with the president emphasizing its role in "closing gaps, strengthening procedures, and providing greater clarity" in electoral conduct.[72] This critique evaluates the Act's provisions, highlighting strengths, shortcomings, and broader implications for criminality in politics, voters' human rights, and natural justice principles, particularly in the context of persistent electoral violence and malpractices.

10.1 Positive aspects: streamlining and adaptability

Proponents argue that the Act introduces practical adjustments to enhance efficiency. Notably, it reduces the election notice period from 360 to 300 days, allowing for more flexible scheduling and potentially shifting the 2027 presidential and National Assembly elections to January to avoid overlapping with Ramadan, thereby mitigating voter apathy in Muslim-

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69 PRNigeria (2026); The Nation (2026).
70 UNODC, *2030 Strategic Vision for Nigeria* (2024).
71 BBC News Pidgin (2026).
72 Thursday 19th February (2026).

majority regions.[73] This change aligns with section 14(2)(c) of the 1999 Constitution (as amended), promoting broader participation in governance. Additionally, by restricting political parties to direct primaries and consensus methods, the Act seeks to curb intra-party godfatherism and indirect manipulations that often breed violence during nominations.[74] The Independent National Electoral Commission (INEC) has already revised its timetable in response, demonstrating the Act's adaptability to legal shifts.[75] These reforms could, in theory, reduce pre-election criminality by minimizing protracted disputes and fostering more inclusive party processes.

10.2 Criticisms: erosion of transparency and safeguards

Despite these merits, the Act has drawn sharp criticism for regressive provisions that undermine electoral transparency and heighten risks of manipulation. Most controversially, it retains manual transmission of results while only permitting electronic viewing, effectively diluting the 2022 Act's emphasis on real-time electronic transmission under section 60(5), a move decried as a "step backwards" by civil society groups like the FixPolitics Initiative.[76] This regression creates loopholes for fraud, such as result falsification and ballot stuffing, which have historically fuelled post-election violence, as seen in 2023.[77]

Opposition leaders from parties like the PDP and LP label it "anti-democratic," accusing the APC-led administration of hastening assent to consolidate power ahead of 2027.[78] The haste in signing within a day of National Assembly transmission raises concerns over

[73] Saheed Oyelakin, 'Ramadan: Senate cuts Electoral Act election notice requirement by 60 days' The Punch Newspaper (Feb 17 2026).

[74] Bayo Sule, 'Political party financing and electoral politics in Nigeria's fourth republic' Lexington Lanham (2023) 69-96.

[75] INEC Fixes January 16 for Presidential, National Assembly Elections, Governorship, Assembly February 6.

[76] YouTube/FixPolitics Initiative (2026).

[77] Oyekanmi Abdullahi, Moliki Ahmed Olawale, Adenuga Ademolu Oluwaseun and other, 'Electoral Violence and Malpractices: navigating obstacles to strengthening democracy in Nigeria's fourth republic' (2024) (3) (1) *Ethiopian journal of governance and development* 01-24.

[78] Sunday 1st March 2026 by Thisday Newspapers Ltd, 'Opposition Leaders' Belated Agitation against Electoral Act. It ... Act as "anti-democratic' <https://www.issuu.com › thisdaylive › docs › sunday_1st_mar.com.> accesses 21 March 2026.

inadequate scrutiny, potentially breaching natural justice principles of fairness and impartiality.[79]

10.3 Implications for human rights and democratic participation

The Act's flaws pose direct threats to the electorate's human rights, including the right to free and fair elections under the African Charter on Human and Peoples' Rights and article 25 of the ICCPR. By weakening electronic safeguards, it could perpetuate voter intimidation and suppression, particularly in volatile regions, eroding trust and deepening apathy, evidenced by the 28.71% turnout in 2023.[80] This aligns with patterns of criminality, where manual processes enable thuggery and godfather-sponsored disruptions, violating sections 40 and 42 of the Constitution against coercion and discrimination. On natural justice, the Act's ambiguities may lead to biased adjudications in petitions, contravening *audi alteram partem* by limiting evidence of electronic irregularities. Overall, it risks entrenching impunity, as seen in unprosecuted 2023 violence, potentially escalating conflicts in 2027.

10.4 A call for reversal and genuine reform

While the Electoral Act 2026 offers minor efficiencies, its regressions on transparency and inclusivity outweigh benefits, positioning it as a setback for Nigeria's democracy.[81] To mitigate these risks, stakeholders should advocate for immediate amendments, establishing an Electoral Offences Commission and reinstating robust electronic transmission.[82] Without such, the Act may inadvertently amplify the wrong elements in politics, further violating electorate rights and undermining natural justice ahead of 2027.

11. Conclusion

Nigeria's persistent struggle with criminality and political violence in its electoral politics since 1999 has revealed a deeply entrenched pattern of

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[79] Usman Bugaje, 'When law is not law: Paucity of legitimacy of the Electoral Act 2026' (Daily Trust 12 March 2026)

[80] C Nwambuko Temple and Others, 'Voter apathy in Nigerian electoral democracy: an insidious enigma to national development' (2024) (7) (3) *International journal of current science research and review* 1769-1779.

[81] E Omoregie, 'the challenges and opportunities of electoral reforms in strengthening voter inclusiveness and democratic engagement in Nigeria's fourth republic'(2025) (5) (6) *International Journal Of Humanities Social Science And Management* 62-69.

[82] S Udemezue, 'Real-Time E-Transmission in Nigeria without e-Voting: Clarifying the Law, the Technology, and the Misconceptions.

impunity, institutional weakness, and elite manipulation that continues to undermine the human rights of the electorate and the core principles of natural justice. From the targeted assassinations and thuggery of the early 2000s to the widespread voter intimidation, ballot snatching, and ethnic-targeted suppression witnessed in the 2023 general elections, these phenomena have systematically eroded the constitutional guarantee of popular sovereignty under section 14(2)(c) of the 1999 Constitution (as amended), the freedom of association protected by section 40, and the right to participate freely in government enshrined in article 13 of the African Charter on Human and Peoples' Rights. The right to genuine periodic elections without unreasonable restrictions, as affirmed in article 25 of the International Covenant on Civil and Political Rights, remains largely aspirational rather than realized.

This article has demonstrated that electoral violence and criminalized politics do not merely constitute isolated incidents but represent structural breaches of democratic legitimacy. They substitute coercion for consent, replace merit-based competition with force and patronage, and contravene natural justice by denying voters the impartiality *(nemo judex in causa sua*) and fair opportunity to be heard (*audi alteram partem*) essential to free expression of political will. Judicial interventions, though occasionally effective in nullifying tainted results as in *Aregbesola v Oyinlola* have proven insufficient to deter recurrence due to enforcement gaps, time constraints, and perceived institutional capture.

The recent Electoral Act 2026, while introducing minor procedural efficiencies, regrettably retreats on critical transparency safeguards, particularly the dilution of mandatory electronic result transmission, thereby heightening risks of manipulation and violence ahead of 2027. Such regressions, combined with ongoing impunity for perpetrators and weak inter-agency coordination, threaten to perpetuate voter disenfranchisement, apathy, and democratic backsliding. The path forward lies in deliberate, sustained reform. Establishing an independent Electoral Offences Commission, reinstating robust technological safeguards, enforcing campaign finance transparency, strengthening security impartiality, and intensifying civic education represent urgent imperatives. These measures, if implemented decisively, would restore public confidence, protect vulnerable groups from intimidation, and align Nigeria's electoral practice with its constitutional and international human rights obligations. Ultimately, a truly democratic Nigeria requires elections that reflect the genuine will of the people rather than the coercive power of political elites and criminal networks. Only through

victim-centered, rights-based electoral justice, upholding fairness, impartiality, and accountability, can the country break the cycle of violence, fulfill the promise of popular sovereignty, and consolidate its democracy for future generations.

To effectively address criminality, political violence, and violations of voters' human rights in Nigerian elections, comprehensive, multi-pronged reforms are essential. These recommendations draw from lessons of past cycles, particularly 2023, and ongoing discussions around the Electoral Act amendments (including the 2026 updates), INEC proposals, and stakeholder calls for action ahead of 2027. They aim to strengthen institutional autonomy, enforce accountability, enhance security, and promote inclusive participation, aligning with constitutional imperatives under sections 14(2)(c) (popular sovereignty) and 36 (fair hearing) of the 1999 Constitution (as amended), as well as article 25 of the International Covenant on Civil and Political Rights.

An Independent Electoral Offences Commission should be created as a dedicated, autonomous body to investigate and prosecute electoral crimes, including voter intimidation, thuggery, vote-buying, and violence, independent of INEC's prosecutorial limitations. This would address impunity gaps, with clear mandates for swift trials and stiffer penalties under sections 127–129 of the Electoral Act (as amended in 2026). INEC has repeatedly advocated for this to separate adjudication from administration.

There is also the need to strengthen electoral legal framework and technology through the passage and implementation of pending amendments to mandate real-time electronic transmission of results, expand voter identification options, e.g., digital/QR codes alongside PVCs, and introduce computer-generated voting slips to reduce manipulation. Clarify ambiguities in results collation and enforce mandatory use of technology to minimize manual interference and fraud.[83] Reject regressions in recent amendments that diluted transparency provisions. There is also the need to enhance election security architecture; reform police and security deployments to ensure impartiality, with early warning systems, rapid response mechanisms, and arms control in high-risk areas. Integrate community-based alerts, inter-agency coordination via the Inter-Agency Consultative Committee on

[83] Citizens' Memorandum on Electoral Reform (2024); EU Election Observation Follow-up Mission recommendations.

Election Security (ICCES), and strict enforcement against complicity. Prioritize non-partisan professional conduct and condition deployments on accountability benchmarks.

Promote transparent campaign finance and curb godfatherism. Enforce stricter limits on donations and expenditures, mandate full disclosure of funding sources, and establish a Political Party Regulatory Agency to monitor compliance and reduce money-driven violence. Address godfather influence through transparent primaries and penalties for undue influence. Expand voter inclusion and special voting mechanisms: Implement early/special voting for essential workers (security, INEC staff, journalists), inmates, and diaspora Nigerians to prevent disenfranchisement. Reserve constituencies or quotas for women and persons with disabilities to foster broader participation and reduce exclusion-based tensions. Bolster judicial and dispute resolution processes by streamlining election petition timelines while ensuring substantive review of violence and malpractices claims. Strengthen alternative dispute resolution (EADR) and judicial independence to avoid technical dismissals, promoting natural justice principles of fairness and impartiality.[84] Intensify civic and voter education through nationwide campaigns on rights, peaceful conduct, and consequences of violence, partnering with civil society, media, and the National Inter-Agency Consultative Committee on Voter Education. Sustain the Annotated National Peace Accord with enforceable commitments from parties and stakeholders.

Foster accountability and impunity reduction through prosecutions for perpetrators, including influential figures, through dedicated funding and independent oversight. Encourage civil society monitoring, early warning tools (e.g., Election Manipulation Risk Index), and international support for capacity-building. These reforms, if enacted promptly and enforced rigorously, would mitigate risks, restore public trust, and safeguard electorate rights for credible, violence-free 2027 elections, advancing democratic consolidation in Nigeria.

[84] Electoral Alternative Dispute Resolution mechanisms; judicial reform calls post-2023.