

The Influence of Politics over Law: Electorates' Perception of the Akwa Ibom State Election Petition Tribunal and Court Verdicts

Emmanuel E. Etim¹, Augustine Akah², Dickson D. Agbaji³

¹Department of Peace Studies and Conflict Resolution, Faculty of Social Sciences,
National Open University of Nigeria, Lagos, Nigeria

²Department of Public Administration, ³Department of Political Science,
^{2,3}University of Calabar, Calabar, Nigeria

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ABSTRACT

One of the major factors affecting democracy in Nigeria is the loss of confidence by the masses on the judiciary and its rulings when there is an infringement on individual or collective rights and privileges. This research examines the influence of politics over law; specifically electorates' perceptions of the Akwa Ibom State election petition tribunal and courts verdicts. The survey research design was utilized in this study for the collection of factual data that are measurable and quantifiable. Data were collected using questionnaires as well as the aggregated observation of the researchers. The study also relied on systematic qualitative content analysis of secondary sources of data. Two hypotheses were generated and tested using Chi-square (X²) at 0.05 level of significance. This paper argues that the judiciary's handling of the case has been one that shows the pursuit of equity and justice rather than one which clings to the whims and caprices of political juggernaut, and at such, the court decisions have been independent of political preferences. It is recommended that political parties and powerful individuals should refrain from all illegal means to attain public positions which are the basis for election petitions. Also, if a re-run election would be conducted, INEC officials are expected to be politically neutral, and security agencies must be on the look-out to ensure peace and order.

KEYWORDS: Consolidation, Court verdicts, Democratic, Election petition, Law, Politics

1. INTRODUCTION

Justice constitutes an important phenomenon in the human society. It is a core value in social, economic and political interactions and entails a fair and proper administration of laws that guarantee that all people, irrespective of ethnic or political affiliations, gender, possessions, race, religion or social status, are entitled to fair treatment without prejudice (Bos, Miedem, Vermunt and Zwenk, 2011). Going by the amount of money expended on the 2015 general elections in Nigeria, it is supposed to make a landmark in terms of participation, electoral process and overall result. However, irrespective of the aforementioned and the level of participation by Nigerians, the 2015 general elections, like other elections in Nigeria, was besmirched by some challenges especially in the South. This resulted to the filing of several election petitions at which the tribunals' and appellate courts' rulings, to some extent, tend to display the triumph of justice and democracy. Conversely, some elements of political ascendancy persevered.

This paper summarizes the result of a survey on political influence and control over the exercise of court hearings of the 2015 general elections petitions, as well as considering

the various court's rulings. Indeed, the relationship between the concept of independent judiciary, widely recognized as an essential condition for democratic consolidation, and politics as a functional premise of achieving individual ends poses one of the major challenges to the present day concept of independent, free, fair and credible electoral process. Onyishi (2007) noted that in order to consolidate democracy in Nigeria, there must be a ready institutional framework and actions targeted at internalizing the principles of democracy in the country. To this end, political actors must discharge their duties in the interest of the nation, without any form of ethnic, religious or party sentiments. It is against the aforementioned that this paper undertakes an objective assessment of electorates' views about the Akwa Ibom State Election Petition and court verdicts; to know whether the judicial rulings have some political underpinnings or preferences, or whether they involve some quasi-methodology of legal reasoning. Hence, the study attempts to examine how respondents feel about the impacts of the judicial rulings on the preservation of democracy in Akwa Ibom State.

1.1. Statement of the Problem

Seeking for redress in the court of law whenever an infringement has been made on someone's rights and privileges is supposed to be the ideal system in every (democratic) state. This system also calls for the effectiveness and efficiency of the judiciary in carrying out trials as well as its capacity to override unprecedented and unnecessary politicking by the top echelon of the political strata and the delivery of judgment without bias especially vis-à-vis the political power or social status of the litigant(s), but with some rational and highly objective legal methodology. Akwa Ibom State, however, is wallowing in a judicial miasma. This may be as a result of the fact that there have been different arguments/claims from different quarters on the supposed judiciary's inability to prosecute certain high profile cases with outmost objectivity. This is, as it is also usually argued, because there is a gargantuan array of political influence over legal outcomes in Akwa Ibom State. This appalling situation is an aggregated albatross for the consolidation of democracy and makes individuals loss confidence in the judiciary. This unhealthy situation has shown it gangrenous head again regarding the election petition case and court verdicts in Akwa Ibom State. There have been conflicting views held by electorates regarding the objectivity of the court judgment, and if this is not attended to with the most coordinated and legitimate process ever imagined, especially by the Supreme Court, the peace of the State would be hampered and it would make a mockery of the people's efforts to vote their leaders of choice into public offices, and subsequently, drag the democratic principle of freedom of the judiciary into the mud. To that extent therefore, the problem of this study can be summarized in two basic questions; what are the electorates' perceptions regarding the claim that the court judgments were influenced by political party pressures? Does the court judgment ensure the consolidation of democracy and peace in Akwa Ibom State?

1.2. Objectives of the Study

This study is specifically interested in the following;

- A. to examine the influence of politics over law in line with court verdicts in the Akwa Ibom State 2015 general election petition cases; and
- B. the ascertain the implications of court judgments on the consolidation of democracy and peace in Akwa Ibom State.

1.3. Statement of Hypothesis

- A. H_{01} : The court verdicts of the 2015 Governorship Election petition case in Akwa Ibom State are not independent of political influence.
- B. H_{02} : There is no significant relationship between the court judgments and the consolidation of democracy in Akwa Ibom State.

2. LITERATURE REVIEW

2.1. Politics

Scholars have always been in conflict regarding the availability of a universally acceptable definition of the term, "politics". Politics has often been defined as "the art of the possible" (Lord Bismarck, cited in Wasby, 1970). Selecting the most worthwhile among whatever policies are possible- implying that politics is about what people or "politicians" can do if they use their power skillfully rather than about what people should do (Eminue, 2001). Politics to Harold Lasswell refers to "who gets what, when and how" (and one

may add why). It can also be seen as the allocation of, the struggle for, the seizure of, the consolidation of, and/or the use of state power and responsibility. This relates to that of Lasswell because it is only those who control state power that determine who gets what, when, how and why. Politics is a feature common to human society; it is a natural phenomenon that arises from human diversity. To that extent, therefore, it is very much needed in society to ensure peace, the existence and conformity to laws/rules and for the all-round development of the human society (at all levels). Millett (1969) further stresses that politics as a term can be used to describe an arrangement where a person or group of people control others. From the Marxist perspective, politics is a struggle between social groups; in particular, social classes. Here, every class struggle is a political struggle.

2.2. Law

To Glanville Williams (1956) "the meaning of the word 'law' depends on the context in which it is used." It can be deciphered from the preceding line that law defies satisfactory definition and delimitation. Now, when one talks of law, it is pertinent to inquire into what sort of law one is talking about, because there are a number of them available. The first distinction, however, that can be made, as Agi (2015) notes, is between the "laws of the physical universe" and "normative laws". The former govern the behavior of all entities, animate and/or inanimate e.g. law of gravity. The latter, which is the concern of this study, are legal, moral, or any kind which lay down norms of human conducts. They condition human relationships only. Law means rule established to regulate the behaviours of people residing in a community or country. Appadorai (2004) sees law as a body of rules or canon to guide human actions or whereby actions are framed. It defines what can and what cannot be done, hence, law has an objective character, i.e., it is a social fact (Heywood, 2007). Laws are binding customs or practices of a community; this rule is controlled by an authority and it controls human social behavior. Martin Slann (1998) has this to say, "law serves complementary functions: they are intended to protect each of us from the predatory actions of others and form outrageous acts the government may commit. In this vein, laws must not only exist, they must possess integrity, and they are useless unless the ruler and the ruled voluntarily and steadfastly accept and obey them.

2.3. Democratic Consolidation

According to the Oxford Advanced Learner's Dictionary (8th Edition), democracy is "a system of government in which all the people of a country can vote and elect their representatives". Though supreme power is vested in the people, these representatives take decisions mainly for those they represent. In a more precise form, democracy is a political system that grants every adult citizens the right to participate in decision making, especially in issues concerning their welfare (Dahl, 1995). Going by this therefore, any citizen that is 18 years and above is recognized by the Nigerian constitution should be given an opportunity to participate. Democracy is the antithesis of dictatorial or tyrannical form of government (Falaiye, 1998). In a democratic system of government, there must be free, fair and credible elections, equality before the law as well as due process of law. Democratic consolidation, therefore, connote the grooming of a new democracy to maturity. Unconsolidated democracies suffer from formalized but intermittent elections and clientelism (Wikipedia.org, 2016). Democratic consolidation follows three basic dimensions:

the capacity to conduct credible elections; deepening of democracy, i.e. election results should reflect the actual votes casted; and the possibility of power change.

2.4. Election Petition

Election petition can be seen as the formal/legitimate process for challenging or contesting the validity of the elections of public office holders on the basis of certain important premises of irregularities or maladministration. These petitions are heard by a judge of one of the common law divisions of the high court (thelawdictionary.org, 2016). The Nigerian electoral act allows for individuals and parties to challenge the conduct of an election through the election petition tribunal and this petition must be filed within 21 days of the declaration of the result of the election. Going by the provisions of the electoral act, an election may be questioned on the following grounds:

- A. That a person whose election is questioned was, at the time of the election, not qualified to contest the election;
- B. That the election was invalid by reason of corrupt practices or non-compliance with the provisions of the Electoral Act;
- C. That the Respondent was not duly elected by the majority of lawful votes cast at the election; or
- D. The petitioner or its candidate was validly nominated but unlawfully excluded from the election.

3. OVERVIEW OF THE 2015 AKWA IBOM STATE GOVERNORSHIP ELECTION.

The April 11, 2015 governorship election in Akwa Ibom State, Nigeria, as conducted by Independent National Electoral Commission (INEC), raised some controversies in the state which if unattended to will impact negatively on democracy, peace and security in the State. The result of the Akwa Ibom State gubernatorial election as officially announced by INEC's Returning Officer, Professor James Ekpoke, showed that the People's Democratic Party (PDP) candidate, Mr. Udom Emmanuel Gabriel, was the winner. Mr. Udom had 996,071 votes as against Obong Umana Okon Umana of All Progressive Congress (APC) who had 89,865 votes. To that extent, therefore, the result showed that Udom Emmanuel is the governor-elect of Akwa Ibom State. However, this declaration by INEC is alleged to be the most controversial in the history of elections in the country. This declared result, nevertheless, has been challenged by the main opposition party, All Progressive Congress (APC), as well as local and international observers have also queried the conduct and outcome of the result noting that it was smeared by violence, buying of votes, harassment of voters, hijacking of election materials, over-voting, announcement of results in polling units where no elections were conducted,

massive election rigging, etc, which were all in a bid to install the well-known and carefully adorned bride, Udom Emmanuel, by former governor Godswill Akpabio and the Akwa Ibom Consolidated Alliance (ACA), as Idongesit Ashameri (2015) has noted. The aforementioned led to the petition filed by Umana Umana (APC) seeking the cancellation of the election.

One fundamental issue of concern in the Akwa Ibom State Gubernatorial Election Tribunal was the claim by PDP and INEC that over 7 bags of incident forms were used for manual accreditation in the 31 Local Government Areas (LGAs), but then again the duo failed to tender the incident forms. The Election Tribunal cancelled election in 18 LGAs and ordered INEC to conduct a re-run. Later, the court of appeal reversed the tribunal judgment and nullified elections in the entire Thirty-one (31) L.G.As of the State and ordered for re-run elections. The former ruling went in sharp contrast to the decision of the National and State Houses of Assembly Election Tribunal that sat in Enugu State on Monday, October 12, 2015 between Chimaroke Nnamani and Gilbert Nnaji, which nullified the entire Enugu East Senatorial election that produced Gilbert Nnaji (PDP) as the winner, based on the failure of the respondent to tender incident forms which it had pleaded as having been used for accreditation. In line with the foregoing, the is need to consider this very important issue; section 179(2)(b) of the Nigerian Constitution states that a person can only be duly elected as the governor of a state if "he has not less than one-quarter of all votes cast in each of at least two-third of all the LGAs in the state" (Ashameri, 2015). From this therefore, the tribunal should explain why Udom Emmanuel's election which does not give effect to section 179(2) (b) of the Constitution still upheld.

4. METHODOLOGY

This study is basically a survey research. The instrument for the collection of data was questionnaire. Data from secondary sources were from journals, magazines, internet, textbooks and newspapers. The area of study was Akwa Ibom State. Stratified random sampling technique was adopted to aid all Local Government Area's participation in the sample. The sample size consisted of One Hundred and Fifty (150) respondents. One Hundred and Twenty-nine (129) copies of the distributed questionnaires were collected and analyzed, while Twenty-one (21) were not returned. Data collected were analyzed using appropriate statistical techniques such as percentage and tabular presentation. Chi-square (X^2) was used in testing the hypotheses of the research as well as for the analyses of the data collected.

Fig. 1: Study Area



Source: Naijaspeed.com (2019).

5. FINDINGS/RESULTS

Hypothesis 1: The court verdicts of the 2015 Governorship Election case in Akwa Ibom State are not independent of political party influence.

Table 1: Chi-Square computation on electorates' views of the court verdicts being independent of political party influence

Response	Fo	Fe	Fo-Fe	(Fo-Fe) ²	(Fo-Fe) ² /e
Independent	69	43	26	676	15.72
Not independent	54	43	11	121	2.81
No comment	6	43	-37	1369	31.84
Total	129	129	0		50.37

Source: Field data (2016)

Since the calculation X^2 50.37 is greater than the critical value 3.84, at 0.05 level of significance, the null hypothesis is rejected and the alternate hypothesis is accepted. To that extent, therefore, it is revealed that the electorates perceived that the court verdicts of the 2015 Governorship Election case in Akwa Ibom State are independent of political influence.

Hypothesis 2: There is no significant relationship between the court judgment and the consolidation of democracy in Akwa Ibom State.

Table 2: Chi-Square computation on the degree of electorates' views on courts judgment and the consolidation of democracy

Response	Fo	Fe	Fo-Fe	(Fo-Fe) ²	(Fo-Fe) ² /e
Yes	69	43	26	676	15.72
No	39	43	-4	16	0.37
No comment	21	43	-22	484	11.26
Total	129				27.35

Source: Field data (2016)

Since the calculated X^2 27.35 is greater than the critical value 7.82, at 0.05 level of significance, the null hypothesis is rejected and the alternate hypothesis is accepted. Therefore, it is revealed that the respondents believe that the court judgment will significantly ensure the consolidation of democracy and peace in Akwa Ibom State.

5.1. Discussion of Findings

The study reveals that the court verdicts of the 2015 Governorship Election petition case in Akwa Ibom State are independent of political party influence. This led to the rejection of the proposition that the court verdicts of the 2015 Governorship Election petition case in Akwa Ibom State are dependent on political influence. This lends credence to the submission from different quarters that the judiciary's decision especially the Appeal court was objective and free from bias. That is to say that one can now place a lot of confidence in the judiciary's handling and peaceful resolution of disputed cases on their merits.

On a very important note, it was observed from the survey that some respondents believed that the court judgments were politically fledged. Amongst those - 54 respondents (41.86%) - who believed that the court judgment were influenced by political party pressures/preferences, 66.7% believed that the All Progressive Congress (APC) influenced the court judgments because the APC controls the power from the central - the presidency - as well as the party wanting to create a one-party state. On the other hand, 33.3% of the respondents believed that the People's Democratic Party (PDP) influenced the court verdicts.

It was observed from the test of the second hypothesis that there is a significant relationship between the court judgment and the consolidation of democracy in Akwa Ibom State. To that extent, therefore, the null hypothesis which states that there is no significant relationship between the court judgment and the consolidation of democracy in Akwa Ibom State is rejected. The interpretation of this result is that, the degree of objectivity of the court re-assured the

electorates of their constitutional right to choose whosoever they desire to give the mandate to lead them, without irregularities in the (electioneering) process so to speak. The finding agrees with the observation of the PDP Chieftain, Otuekong Idongesit Nkanga, that “in building democracy we must also encourage the judiciary because the rule of law is a very important aspect of democracy. It is not every time you lose election you start talking about compromise of the judiciary, it is bad; it is not good sportsmanship”. As such, the electorates are already looking forward to a re-run in the state rather than necessitated violence.

Also, it must be noted that it is observed from the data obtained that majority of the respondents who experienced different forms of electoral irregularities/challenges during the elections at their different polling units supported the cancellation of elections in all 31 Local Government Areas of Akwa Ibom State. The most recorded election malpractices were: over-voting; hijacking of election materials; and violence (in this order). This finding is in line with the observation of the APC Publicity Secretary, Mr. Ita Awak, after the appeal court judgment. Mr. Ita Awak posited that INEC record shows that only 437,128 voters were accredited for the governorship elections in Akwa Ibom State and there is no way this number of accredited voters can produce over a million votes. This also shows that the respondents hope for a re-run of the governorship election.

6. CONCLUSION

It has been the purpose of this study to show the aggregated views of Akwa Ibomites pertaining to the Akwa Ibom State Governorship election petition and court decisions, as well as to ascertain the consequences of such judgments for the consolidation of democracy and for fostering peace in Akwa Ibom State. An analysis of politics and law was undertaken in the study, and added to this was an expatiation of democratic consolidation and election petition. Also, an overview of the April 11, 2015 gubernatorial election in Akwa Ibom State was looked into where it was noted that electoral irregularities during the electioneering process necessitated the election petition filed by the APC and its candidate Umana O. Umana.

There have been different claims that the tribunal and appeal court rulings over the petitions were influenced by either of the two major political parties – APC and PDP. But from the data generated, as well as the cumulative observation of the researchers, it is therefore concluded that the judiciary’s handling of the case has been one that shows the pursuit of equity and justice rather than one which clings to the whims and caprices of the political juggernaut, and at such, the courts decisions have been independent of political preferences. It must be noted that as at the time of this research, the Supreme Court is yet to take its decision on the issue. To that extent, therefore, it may not be out of place when one realizes later on that the Supreme Court judgment differs from those of the lower courts. Hence, the aforementioned may lead to a drastic change of the electorates’ perceptions of the election petition and court verdicts.

It is, therefore, recommended that political parties and powerful individuals should refrain from all illegal means (e.g. rigging, violence, hijacking of election materials, etc) to attain public positions which is one of the basis for election petitions in the first instance. It is also recommended that if

the Supreme Court rules for a re-run election, INEC officials must be alert and politically neutral so as to avoid any form of electoral fraud which may be perpetrated. The security agencies must also be on a look out to ensure that peace and order is maintained during the electioneering process so as to forestall violence, thuggery, harassment of voters, hijacking of election materials and INEC officials, etc., which may blight the entire process.

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