

Disputed Elections and Public Trust in Nigeria: Evidence from the 2023 Presidential Election

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This study examines the disputes that followed Nigeria's 2023 presidential election and their implications for public trust in the Independent National Electoral Commission (INEC), the judiciary, and the Tinubu administration. Situated within the broader history of contested presidential elections in Nigeria's Fourth Republic, the study adopts a qualitative case study approach, drawing on secondary data including official reports, observer missions, media accounts, and scholarly literature. Findings show that although the 2023 election introduced procedural innovations under the Electoral Act 2022, the process was marred by logistical failures, technological breakdowns, allegations of malpractice, and disputes over result transmission. These controversies triggered litigation that ultimately upheld the declared winner but deepened perceptions of institutional bias and judicial partiality. The study argues that the recurring pattern of disputed presidential elections and judicial validation of outcomes has widened the trust gap between citizens and key democratic institutions. It concludes that declining public trust in electoral and judicial institutions poses significant challenges to democratic legitimacy, governance stability, and political accountability in Nigeria.

Keywords: Disputed election, INEC, Nigeria, presidential election, public trust

Introduction

One of the hallmarks of a functional democracy is the blend between a fair electoral process and voters' trust in the process. A citizen's perception of the integrity of an election is an important source of legitimacy for political participation in a democracy (Birch, 2010). Of importance to election trust are institutional factors such as the impartiality of the electoral management body, the efficiency of the voting process, and the power of voters' idiosyncratic characteristic (Hernández-Huerta & Cantú, 2022). As part of the electoral process, there is the provision to challenge the election outcome in a case where any party feels cheated (Hernández-Huerta, 2020). However, the process of challenging an electoral outcome is not without consequence on voters' election trust. Particularly, studies have shown that disputed electoral outcomes widen the 'winner-loser gap' in election trust (Birch, 2010). The effect of the disputed election outcome is more widespread among voters on the losing side, as the tendency is

higher for them to believe that they were cheated. The Nigerian presidential election held in February 2023 was marred by irregularities (Acheampong, 2023). Yiaga Africa noted that all the concerns anticipated in the Election Manipulation Risks Index (EMRI) played out in the process of the election (Itodo, 2023). Some of the concerns relate to the inability of the Independent National Electoral Commission (INEC) to keep to its promises and curb political mischiefs. The election was marked by manifest electoral malfeasance such as the late arrival of voting materials and INEC officials, attacks on voters, ballot box snatching, the destruction and breakdown of the Bimodal Voter Accreditation System (BVAS), flagrant manipulation of results, and the INEC Result Viewing Portal (IReV) shut down due to a technical glitch. For instance, the cases of voters' intimidation, violence and voter suppression in the cities of Lagos and Port Harcourt stood out (Folorunsho-Francis *et al.* 2023). These irregularities could serve as an

indication that the election outcome might have been altered, contrary to the unprecedented promise made by INEC, the energy from the youths that accompanied the campaigns, and the unpredictable number of votes won by the three leading candidates across the country. Although INEC declared the APC candidate as the winner of the election, leading in 12 of Nigeria's 36 states, the first and second runners-up – the People's Democratic Party (PDP) and the Labour Party (LP) – won in 24 states. The outcome of the election was challenged by the runners-up and the 15 million voters (62% of voters), who voted for them. Together, this has further widened the trust gap against President Tinubu's administration and the INEC, raising concern about citizens' compliance and cooperation with the government and governance. Therefore, this study was designed to examine the disputes that followed the 2023 presidential election and the trust implications for INEC, the judiciary and Tinubu's administration.

Statement of the Problem

Nigeria's election outcomes in the fourth republic have been questioned and disputed by election losers and their supporters. Occasionally the disputes take a legal dimension, while in some cases, it has taken a violent and extrajudicial dimension. At the foundation of the disputes is the trust deficit both the losers and their supporters have in the process. Studies have shown that supporters of a losing candidate will have lower levels of trust in the election (Anderson, 2005). The 2023 Nigeria's presidential election was followed by a long tussle of dispute both within and outside the court which has ramifications on the political system. While there have been studies that addressed the disputed outcome of the 2023 presidential election (CDD, 2023; Eboh, 2023; Enebehi, 2023; Fasakin, 2023; Godwin, 2023), there are scanty studies on the trust gap between the citizens and the institutions that presided over the election. Therefore, this study is designed to undertake and examine public distrust that erupted with the 2023 presidential elections as well as its implications for INEC, the judiciary and President Tinubu's administration.

Methodology

The study adopts a qualitative case study approach relying on secondary sources. This is appropriate for exploratory and interpretive research of this nature. The qualitative case study approach allows us to examine the nature of the dispute that marked Nigeria's 2023 presidential election and the implication of that on citizen trust in the entire process. The secondary data were sourced from reports released by the Independent National Electoral Commission (INEC), reports of independent and international election observers, media reports, journal articles, and related internet sources, among others. The study was restricted to the three main political parties, the People's Democratic Party, the All Progressives Congress and the Labour Party – which were the leading parties in the 2023 presidential election. Materials and sources used for the study were strictly on the 2023 presidential election.

Definition of Concepts

Under this section, we shall discuss briefly the concepts of disputed election and public trust.

What is disputed election?

In this study, disputed election is taken to represent any election where the winner is not clear and the outcome is within the margin of litigation (Hasen, 2005). Elections that question candidate eligibility, voter eligibility, the ballot, and the vote counting process are fused in the concept of a disputed election. Disputes are inherent in elections. There are pockets of election disputes everywhere, whether in developed or developing democracies (WANEP, 2011). This claim is premised upon the fact that elections are organised within an adversarial framework or in a winner-take-all context. Disputed elections have a long history beginning with the United States Hayes-Tilden election of 1876 (Haworth, 1906). Perhaps the most famous disputed election in the history of United States democracy is the presidential election between George W. Bush and Al Gore held in 2000 (Batra, 2012). Africa is not an exemption. Africa's elections have been characterised by disputes. These disputes are fuelled by malpractice and violence.

What is public trust?

Public trust is used interchangeably with concepts like 'confidence in government' or 'political trust' (Anderson, 2010). It is usually measured by the extent to which citizens have confidence in the government to act on their interest (Thomas, 1998). The concept of public trust was defined by Hetherington (1999) as the rudimentary evaluative orientation of the people towards their government, while Miller and Listhaug (1998) defined it as an evaluation of whether or not the government is performing according to the normative expectations of the public. If democracy is the government of the people, then trust should be the hallmark of democracy. Public trust is widely believed to be a major ingredient that promotes good governance in a political system (Zhao & Hu, 2017). Governments that enjoy public trust tend to run more effectively compared to the ones that do not. However, there has been a rapid decline in public trust in government. For instance, in the United States, studies have shown that there has been a consistent decline in public trust for the past three decades (Cooper *et al.*, 2008). This decline has been experienced in both developed and developing democracies (Kim, 2010; Kumagai & Ilorio, 2020). The study therefore adopted Thomas' (1998) definition of public trust as a working definition.

Election Dispute and Public Trust: A Nexus Literature Review

Trust in elections is central to the survival of every democracy, as it legitimises democratic governance, prevents political conflict, and promotes peaceful coexistence (JørgenElklit *et al.*, 2024). The trust built on the electoral process improves the credibility and the acceptability of the outcome. Indeed, the higher the trust in an electoral process, the higher the legitimacy of the electoral outcomes and the winners that emerge (Aluko, 2017).

Nonetheless, institutional processes and dynamics such as electoral processes, reforms, and the role of election management bodies (EMBs), may enhance or undermine public trust in political institutions and processes, including electoral processes. For instance, institutionalising post-election audit as a part of the election management process may improve trust in the election process

and outcome. Alvarez *et al.* (2023) note that an election audit reviews the electoral process in compliance with electoral law and standards. It ensures that election outcomes are accurate and reliable. This enhances people's confidence in the electoral process. Jaffe *et al.* (2024) argue that while post-election audits improve trust in the electoral process, what is more important for voters' confidence and trust is the structural features of the auditing process, such as who conducts the audits and how the results are announced. Issues such as miscounted votes do not matter much as long as the audit can certify the electoral outcome and is done transparently. Boudreau *et al.* (2014) aver that exposing citizens to a visual summary of the post-election audit can boost their confidence in the process.

Election management bodies (EMBs) are crucial to the perceived integrity of elections and public trust. Studies have shown that both de facto and formal autonomy of EMBs positively affect trust in the election. Kerr and Lührmann (2017) advance that the more de facto autonomy expressed by EMBs, the more likely the citizens are to express trust in elections. In addition, Rosa (2010) argues that EMBs that are formally autonomous from the political process not only increase citizen trust in the electoral process but also increase the trust and confidence of political elites in the electoral process. Frank and Farran (2017) also add that many factors contribute to electoral integrity; however, the most important is the impartiality of the election administrators. In short, when EMBs are impartial and not accountable to the political elites, it improves confidence in the electoral process.

Election fraud can undermine public trust in elections and other political processes (Wellman *et al.*, 2018; Higashijima *et al.*, 2024). However, Daxecker *et al.* (2019) argue that the perceived electoral fraud, as opposed to actual electoral fraud, may force citizens to dispute election outcomes through protest, especially when this perception is widespread within community networks. Similarly, claims of fraud also harm public trust in the election. Sometimes, political elites attempt to dispute the election by claiming electoral fraud with little or no evidence. Claims of fraud reduce the people's confidence in electoral integrity, especially among the supporters

of those who made the claims. The damage such claims and accusations have on public confidence is enormous to the extent that such damages cannot be remedied with corrective messages or fact-checking (Berlinski *et al.*, 2021). Justwan and Williamson (2022) note that citizens exposed to fraud claims show more negative attitudes towards elections and democracy.

The outcomes of elections can also influence the level of public trust in the electoral process. Spina (2025) argues that voters who voted for the losing candidate are likelier to express a decline in trust (see also Cantú & García-Ponce, 2015). Thus, the perception of fairness of an election depends on whether the candidates of a group of voters win or lose. Additionally, political losers are more likely to express political distrust in elections if there are electoral malpractices. In contrast, political winners express less distrust because they are content with the election outcome (Mauk, 2022). Distrust among the losing camps increases when a losing candidate disputes the election's result and refuses to concede. In this case, when the supporters of a losing candidate know that their candidates reject the election results, they immediately conceive a bad perception of the election, increasing their distrust in the electoral process (Hernández-Huerta & Cantú, 2021).

While acknowledging that contentious elections marred with fraud and manipulations undermine citizen trust in political institutions, Wellman *et al.* (2018) note that a turbulent election that is resolved democratically may improve citizens' confidence in the electoral process. Specifically, the confidence of voters who supported a candidate who eventually won increased, while the confidence of those who supported the candidate who lost did not decrease. This study underscores the importance of effective election dispute resolution mechanisms.

Petite (2000) adds that election dispute is an integral feature of elections. Challenging the results and conduct of elections may be a sign of openness and strength of a political system instead of weaknesses. It may also result from an increase in the public understanding of the election dispute resolution process. Ultimately, the reliability of electoral outcomes depends on the electoral laws' robustness, the electoral administrators' integrity, the process of resolving election disputes, and the level of public trust in electoral institutions and

other political institutions (Darnolf *et al.*, 2015; Godwin & Oluwalogbon, 2024).

Disputed Presidential Election Outcomes in Nigeria's Fourth Republic: Nature and Pattern

What makes democracy enticing is the provision for the people to choose their leaders via periodic elections (Aneke, 2021). Since the re-emergence of multiparty democracy in Africa, especially in Nigeria, in the 1990s, elections have been reasserted as a central feature of Nigerian politics. However, these elections, especially presidential elections, have been fiercely contested, often resulting in violence, due to the covetous nature of the position of the president (Kaaba & Fombad, 2021). Additionally, presidential elections in Nigeria have been marred with malpractices and irregularities such as fraud, forgery, ballot box theft, tampering with election results, and improper vote counting and announcement, among others (Nkansah, 2016; Enebeli, 2023). These irregularities throw doubt on the integrity of election outcomes and prepare the grounds for a legitimate cause for election disputes, especially from the candidates and political parties that are dissatisfied with the outcomes.

Disputes may emerge at any stage of an election. While some may explore unconstitutional means (e.g., violence) to express dissatisfaction, others may explore constitutional means, such as the court of law (Nkansah, 2016; Aneke, 2021). The 1999 Constitution (as amended) and the Electoral Law 2022 serve as the legal framework for election disputes and petitions in Nigeria. The Court of Appeal has the original jurisdiction to hear and adjudicate on presidential election petitions and disputes, while the Supreme Court has the appellate jurisdiction to entertain appeals from the Court of Appeal (See Sections 233 & 239 of the 1999 Constitution; See also Aneke, 2021).

The 1999 presidential election ushered in the 4th Republic after years of military rule and turbulent democratic transition processes. The election was held on 27 February, and it was won by Olusegun Obasanjo of the People's Democratic Party (PDP), in a contest between him and Olu Falae of the Alliance for Democracy-All People's Party (AD-APP). Dissatisfied with the outcome, Falae approached the Presidential Election Tribunal (i.e., the Court of Appeal) with a petition to annul the election (Ebenezer, 2014; Aneke,

2021). The petition was based on many contested issues, including accusation that Obasanjo was ineligible to be elected president because he was a member of a secret society; that a tribunal has found Olusegun Obasanjo guilty of treason or a treasonable offense; Obasanjo was ineligible to run for office since he was a public official by his membership in the National Council of States as a former head of state; that Obasanjo and his party engaged in vote-buying to induce the electorate; and that Obasanjo was not eligible to be elected as the president due to noncompliance with Decree No. 6 and INEC Guidelines (Ebenezer, 2014; Aneke, 2021). However, the Court delivered a judgment against the petitioner, citing that the petition lacked merit and ought to be dismissed (Adeduyite, 2023).

The 2003 presidential election was held on April 19, and Olusegun Obasanjo, the incumbent, was re-elected. But Muhammadu Buhari of the All Nigeria People's Party (ANPP) petitioned the Court of Appeal to challenge the election outcome. Discontented with the conduct of the election, he asked the court to nullify the entire election due to noncompliance with the Electoral Act of 2002. He also claimed that Olusegun Obasanjo was ineligible to run for office during the election (Aneke, 2021). The petition was based on the following issues, including INEC's disregard for its thumb printing guidelines; INEC's inability to administer an oath of national loyalty to all of its officers; INEC's bias in support of the incumbent party; non-certification of election-related materials; and deliberate imputation of inaccurate votes cast for candidates by INEC officials (Ebenezer, 2014). The Court of Appeal nullified the election held in Ogun for malpractices, but stated that this is insufficient to nullify the entire presidential election. The petitioner appealed to the Supreme Court, but the Court upheld the decision of the Court of Appeal (Ebenezer, 2014; Adeduyite, 2023).

The 2007 presidential election, held on April 21, was won by the PDP's candidate, Umaru Musa Yar'Adua. Muhammadu Buhari of the ANPP and Atiku Abubakar of the Action Congress (AC) were both unhappy with this outcome and challenged Umaru Musa Yar'Adua's win in a petition (Aneke, 2021). The court accepted the petitions submitted by Atiku and Buhari as a

single consolidated petition because they pertain to the same election, following the provision of Section 164(46) of the Electoral Act of 2006's first schedule. The petitions were based on the following concerns: Atiku, one of the petitioners, was unlawfully excluded from the poll; the Electoral Act of 2006 was not followed by INEC as it refusal to serialise ballots; INEC employees were not given the oath of neutrality; many of the petitioners' supporters were unable to cast ballots because INEC failed to register millions of voters; elections were conducted at various times in numerous polling places which violates electoral laws; and the Inspector General of Police participated in corrupt activities that negatively impacted the petitioners' election results (Ebenezer, 2014).

The 2007 presidential election was deemed flawed across the board. Umar Musa Yar'Adua, the winner, admitted that the election "had shortcomings" (*Daily Trust*, 2007), and Atiku called it "the worst election ever in Nigeria". Both local and international observer groups corroborated this assertion. Transition Monitoring Group, a local observer, noted that the election umpire announced the new president with a result from half of the country. US-based International Republican Institute noted that the election fell below an acceptable standard (Quist-Arcton, 2007). Also, the European Parliament suspended 500 million dollars in aid due to the conduct of the election (*Daily Trust*, 2007). Despite this, the Presidential Election Tribunal ruled against the petitioners. Unsatisfied with the ruling, the petitioners appealed in the Supreme Court. However, the Court also ruled against them, citing that the appellant failed to prove that the election was greatly hampered by the noncompliance with the Electoral Act (Aneke, 2021).

Goodluck Jonathan of the PDP won the 2011 presidential election. However, Muhammad Buhari of the Congress for Progressive Change (CPC) was disappointed with the election outcome and filed a petition contesting the PDP's victory. The primary focus of this petition was the purported violation of the Electoral Act and section 134(2) of the 1999 Constitution, which required that a candidate must win popular vote but also win at least one-fourth of votes in each of the two-third of all states of the federation,

including the Federal Capital Territory, to be declared as the winner of the presidential election (Aneke, 2021). The Court of Appeal ruled in favour of PDP. The Supreme Court also upheld the Court of Appeal's judgement, citing that the appeal lacked merit (Ijaseun, 2023).

The 2015 presidential election remains undisputed in Nigeria's 4th Republic. Held on March 28 and 29, the election recorded the loss of an incumbent for the first time in the history of Nigeria. Muhammadu Buhari of the All Progressive Congress (APC) won this election over Goodluck Jonathan. Before the final result was announced, Jonathan had called his opponent to congratulate him on his victory (Associated Press, 2015). The Presidential Election Petition Tribunal was established by the President of the Court of Appeal, Justice Zainab Bulkachuwa, but Jonathan did not approach the Tribunal to contest the election outcome (Aneke, 2021).

The 2019 presidential election followed a similar pattern to the previous elections, except for the 2015 election. As the Muhammadu Buhari of the APC was declared the winner, Atiku Abubakar of the PDP was dissatisfied and petitioned the election tribunal, challenging the conduct and outcome of the election as being marred by malpractices and violence (Oluwadayisi & Olowoloni, 2021; Ijaseun, 2023). The petition was filed on two major issues: first, the petitioner accused Buhari of lacking the minimum educational requirements to run in the election. Second, the petitioner claimed that Buhari did not receive the majority of legitimate votes in the election, and many irregularities and violations of electoral laws hampered the election (Oluwadayisi & Olowoloni, 2021). Ultimately, the tribunal dismissed the petition, citing the petitioner's inability to substantiate their allegations against the declared winner. The tribunal also ruled that Muhammadu Buhari was legitimately elected. The petitioner's appeal to the Supreme Court was also denied due to their inability to prove their claims (Oluwadayisi & Olowoloni, 2021).

All presidential elections in Nigeria's 4th Republic have been disputed except the 2015 election. This indicates some recurring features in Nigeria's presidential elections. First, allegations of corruption, malpractices, rigging, violence, among others, have been a permanent feature of Nigerian elections and election disputes. Claims of

malpractices are also consistent with criticisms of poor election standards and conduct from local and international election observers. As a result, political losers often legally challenge election outcomes, and in some cases, mobilise public protests and instigate violence, as in the case of the 2011 post-election violence that destroyed hundreds of lives and property (Human Rights Watch, 2011). Second, the process and outcomes of the election petitions have also been consistent. For instance, the courts often dismiss petitions due to technicalities and insufficient evidence, and the incumbent party always wins at the tribunal. Challenging the declared winner is also tricky because the Supreme Court always uphold the rulings of the Court of Appeal (no single case of overturn). Lastly, specific candidates, Atiku and Buhari, have always disputed election results (for example, 2003, 2007, 2019, and 2023), suggesting distrust in election processes.

The 2023 Presidential Election Outcome: Dispute, Contest, and Litigation

The 2023 presidential election was conducted on 25 February 2023, and it was a fervent contest among three candidates and parties: Bola Ahmed Tinubu of the APC, Atiku Abubakar of the PDP, and Peter Obi of the Labour Party. On 1 March 2023, the INEC declared Bola Tinubu the winner with a total vote of 8,794,726 (36.61%), followed by Atiku Abubakar with 6,984,520 votes (29.07%) and Peter Obi with 6,101,533 votes (25.40%) (See Stears Elections, 2023). However, on 27 February 2023, the PDP and the LP had staged a walkout from the National Collation Centre because of dissatisfaction over alleged irregularities in the electoral process, especially in their supposed strongholds in the South East and South South (European Union Election Observation Mission, 2023). The following day, the two parties called for the cancellation of the election and the resignation of the INEC chairman, claiming that the results were distorted, and the votes recorded at the polling units were inconsistent with the votes uploaded to the INEC's Result Viewing Portal (IREV) (Bwala *et al.*, 2023).

Bola Ahmed Tinubu however commended INEC's effort in his acceptance speech and stated that there were a few challenges that were inconsequential to the final election result. He called for a reconciliation and healing process

(European Union Election Observation Mission, 2023). However, this did not persuade the PDP, LP, and their candidates from contesting the election outcome at the Presidential Election Petition Tribunal (PEPT). The PEPT granted the parties' request for all documents and data in possession of INEC. However, INEC argued for the privacy concerns, stating that providing access to ballots and data kept in the Bimodal Voter Accreditation System (BVAS) may expose the voters' identities and who they voted for. After INEC refused to provide such data, the PDP submitted a motion requesting INEC's compliance with the PEPT's order. This motion was later withdrawn after the INEC chairman assured the party the data would be provided (International Republican Institute & National Democratic Institute, 2024).

On March 21, 2023, Peter Obi of LP, Atiku Abubakar of PDP, and other parties submitted petitions challenging the result of the presidential election. Peter Obi asked the Tribunal to declare him the winner of the election while Bola Tinubu and his running mate, Kashim Shettima, be disqualified for invalid nominations. Obi claimed to have scored the highest lawful votes cast in the election based on three contending issues: (a) Tinubu was not qualified to contest; (b) the election was invalid due to malpractices and non-compliance with the Electoral Act 2022; and (c) Tinubu was not validly elected by the majority of legal vote cast at the election. Particularly, Obi claimed that Tinubu was not a qualified candidate because he was fined \$460,000 by the United States District Court, Northern District of Illinois, Eastern Division, for a crime involving narcotic trafficking. Alternatively, he asked the court to cancel the election and order INEC to conduct a new election without the participation of the APC, Tinubu, and his running mate, Shettima, or the court should declare the election unconstitutional and unlawful; thus, null and void. Atiku's petition was similar to Obi's, claiming that the process that led to the emergence of Tinubu as president is unlawful (Ijaseun, 2023). The petitioners also claimed that Tinubu's win is invalid because he failed to win 25% of the vote in the Federal Capital Territory, Abuja, which they alleged to be a constitutional requirement (Eboh, 2023). Other issues they contested are the failure of INEC to

transmit results electronically and to upload copies of polling unit results in the IREV portal in real time (BBC News, 2023).

On September 6, 2023, the Tribunal declared Tinubu the lawful winner, citing that the petitions lacked merit. Specifically, the Tribunal noted that the petitioners did not specify the polling units where alleged rigging occurred; they did not provide sufficient evidence of voter suppression in their strongholds; INEC was not under compulsion to transmit votes electronically; INEC's failure to upload copies of polling units results in real time did not invalidate the election outcomes (BBC News, 2023). Unsatisfied with the judgment, the petitioners appealed to the Supreme Court. On 26 October 2023, the Supreme Court upheld the decision of the Tribunal and the victory of Bola Tinubu, ending months-long election dispute. The PDP stated that the ruling was alarming and disappointing, in that it has hampered the confidence people have in the judiciary. The issue of electronic transmission of results and the concern with winning 25% of the vote in FCT, Abuja, were all dismissed by the Supreme Court (Eboh, 2023).

The 2023 presidential election dispute follows the path of previous presidential election petitions and disputes. First, the incumbent party got a favourable judgement, like in the previous disputes. Second, the election outcome and the declared winner were upheld by both the PEPT and the Supreme Court, like in the previous dispute. The implication, therefore, is that political parties, candidates, and voters will lose faith in the judiciary to ensure justice in the face of perceived injustice. These judgments will only imprint in the minds of political actors that the declared winner in a presidential election will remain the winner regardless of petitions submitted before the courts. This portends that these actors will be more desperate to win at the polls by any means necessary because the courts cannot be relied on to correct perceived injustice.

2023 Presidential Election Outcome: INEC and Public Trust

Nigeria's electoral umpire, INEC, is bedevilled with an institutional credibility crisis stemming from the preparation and conduct of general elections in Nigeria (Godwin, 2024). The

organising principle of every electoral body in a democracy is to engender credible elections grounded in the processes and conduct of regular, free, fair and transparent elections, which is fundamental to deepening democratic values and resilience. The 2023 general election in Nigeria attracted euphoria from different commentators and pundits as highly planned and methodically designed since 1999 (Yiaga Africa, 2024). The 2023 general election was orchestrated under a new electoral act. The 2022 Electoral Act empowered INEC to improve on electoral procedures, guidelines, results transmission and adoption of advanced technologies to enhance voter accreditations. The Act incentivised public confidence and trust stemming from the perspective of its content, as it received positive assessment from the critical stakeholders in election management in Nigeria. For instance, it allows for 360 days for election preparation and conduct, which contributed to the early release of election guidelines and the relative financial autonomy by making election funds available at a specific time.

Records show that the administration of the 2023 presidential election, held on February 25, was challenged by inadequate logistical planning, technological failures, voter suppression, violent disturbances and poor communication engagement from the commission (Godwin, 2024; Ita & Ibanga, 2025). The difficulties elicited mixed reactions from the electorates. While some watchers attributed these inadequacies to INEC, some questioned the sanity of the electoral law, tracing that the Electoral Act of 2022 created some ambiguities that gave room to misapplication of procedure and confusion that negatively impacted the results. These noticeable shortcomings affected the quality and credibility of the election. These acting together undermined the public trust embedded in INEC's institutional integrity (Ita & Ibanga, 2025). The trajectory of unprofessionalism by INEC during elections has imaged it as acting in preference to the ruling party and its candidates (Fasakin, 2023). It is noticeable that people with partisan affiliations have been appointed into INEC by the president or senior figures in the ruling party. This kind of act undermines the constitutional requirements of neutrality and impartiality as stated in section 156(1)(a) and the

third schedule, part 1 of the constitution (Yiaga Africa, 2024).

For instance, according to a recent figure from the Afrobarometer survey, confidence in electoral institutions has waned across most African states; Nigeria's data has declined considerably. The surveys' distribution indicates that only 23% of Nigerians trust INEC, while the previous record in 2020 was 31% (Yiaga Africa, 2023). The decline in trust could be predicated on the unfulfilled expectations witnessed in the 2023 general election, underscored by procedural flaws and technological pitfalls in result transmission and the entire electoral process. The citizen's trust in INEC diminished by its lack of urgency in addressing and engaging the citizens on the challenges and plans to resolve them. The elections were marred by the incidence of pre-filled results sheets voting, the discarding of the use of the Bimodal Voter Accreditation System (BVAS) in some polling units and the lack of legal enforcement against electoral culprits, primarily INEC officials, which fundamentally weakened citizens' trust in INEC.

2023 Presidential Election Outcome: the Judiciary and Public Trust

The judiciary constitutes a cardinal institution that establishes and sustains electoral democracy in a democratic government. The judiciary is saddled with the constitutional responsibility of interpreting the laws governing electoral litigation that challenge the electoral sanctity that produced winners and losers at the pre-election and post-election stages. As Odhiambo (2009) argued, an election petition emanates when the electoral processes that underpinned the election failed to meet minimum internationally acceptable standards or requirements. In Nigeria, constitutional empowerment of the judiciary to resolve election disputes has been characterised by underlying challenges of debilitating independence, outdated court facilities, nepotism, and corruption, depicting the hallowed institution as compromised (Salahu, 2022). The 2023 presidential election in Nigeria was reported to be as litigious as previous ones, alluding to the fact that determining electoral victory has been transferred from the electorate to a *minoritarian* body of selected few judges. Records have shown that the 2023 general election had 3,102 filled

election petitions in the cycle. The figures indicate that 1,893 were pre-election cases having their genesis from the party primaries conducted by political parties between April 4th and June 3rd, 2022. The breakdown of the litigations showed that the presidential election had five petitions, and the final pronouncement on who was the bona fide winner of the 2023 presidential race became the decision of the court (Yiaga Africa, 2024). Evidence shows that public trust in the judiciary has deteriorated over time. A poll conducted by NOIPoll (2020) shows that 88% of Nigerians believe the judiciary is corrupt, while 67% lack confidence in the judicial system. Similarly, an Afrobarometer survey on trust in public institutions (2021-2023) shows that only 28% of Nigerians reported having trust in the courts of law, while reporting most trust in religious leaders (Afrobarometer, 2024).

2023 Presidential Election Outcome: the Tinubu's Administration and Public Trust

The 2023 Nigerian presidential election was conducted according to the calendar released by INEC. It was a departure from the three previous cycles of elections which were postponed. The 2023 presidential election was somehow significant because it was a transitional election that ushered in a new president; the incumbent, President Muhammadu Buhari, had completed his two terms in office. The election was held in the face of prevailing national challenges like insecurity, fuel scarcity and the Central Bank of Nigeria's decision in November 2022 to redesign the nation's currency. The later led to currency shortages with dire consequences on the operational plans of the Independent National Electoral Commission, INEC (CDD 2, 2023). The Centre for Democracy and Development identified four critical themes that shaped the outcome of the 2023 presidential election in Nigeria, which include operational challenges and the use of technology, violence and voter suppression, voter behaviour and the influence of money, and online falsehoods (CDD 1, 2023). Together, these factors influenced the outcome of the presidential election. INEC admitted that it experienced logistical problems and technology failures. Worth of note are the challenges associated with the Bimodal Voter Accreditation System (BVAS) and

the poor functionality of the INEC results viewing portal (IREV). The main idea behind IREV was to enhance transparency by displaying electronically signed copies of result sheets online. Incidentally, as of when the winner of the election was announced, data on the IREV portal was incomplete (Bwala *et al.*, 2023). This action was interpreted to suggest that the process has been compromised, further creating room for distrust in the outcome. Again, distrust was fuelled by the fact that the outcome of the presidential election was different from most of the opinion polls, whose predictions were contrary to the outcome.

Most public institutions and politicians in Nigeria have a very low score when it comes to public trust (Fasakin, 2023). One of the burdens that have continued to erode citizens' trust in INEC is the way and manner it has historically managed elections in Nigeria. INEC as an umpire has consistently failed to win people's trust by engendering public confidence in the electoral process (Agbaje & Adejumobi, 2006; Godwin, 2016; Ibeanu, 2022). This antecedent followed INEC to the 2023 general elections, where its integrity to conduct the 2023 presidential election was questioned by some sections of Nigerians, raising concern about the legitimacy of the process that produced Bola Tinubu of the APC as the winner of the election. The process was marred by violence and intimidation that affected voter turnout. This was contrary to the youth's energy and support that characterised campaigns as well as registration. The youths constitute more than 70 per cent of more than 9 million newly registered voters before the 2023 elections. The overall turnout for the election was 27 per cent, the lowest in the Fourth Republic. Following the share of votes cast, President Tinubu emerged with less than 10 per cent of the votes. This has implications for support, legitimacy and trust for his administration. In addition, on his inauguration day, President Tinubu declared an end to the oil subsidy regime, heralding a beginning of economic reforms that will follow in the days ahead. In the past two years, Tinubu has twice devalued the naira and slashed electricity subsidies, in addition to the petrol price subsidy removal (Welle, D., 2025). These reforms have generated mixed reactions from the public. While the government has consistently argued that it has

stabilised the economy and the prospect for growth is now feasible, the reality is that Nigeria continues to face high food inflation, standing at 39.2% in October 2024 and worsening security challenges (NBS, 2024).

Other items such as high fuel prices, food inflation and rising electricity costs have frustrated the citizens and have sparked some level of disenchantment against Tinubu's administration in the last two years. To drive home their displeasure, Nigerians in the last two years have taken to protests. In some cases, like the *#EndBadGovernanceinNigeria* protests, has turned violent, with the Tinubu government arresting protesters and charging them with treason. Admittedly, there have been growing concerns about radical economic reforms in the country; the Tinubu administration's approach to fuel-subsidy removal and exchange-rate harmonisation in a country that lacks a reliable social security system prompted a cost-of-living crisis that affected household incomes and purchasing power of the citizens (Oyadeyi *et al.*, 2024).

The Tinubu administration in the last two years has witnessed rising cases of violent attacks and kidnappings of citizens by Boko Haram members and bandits, respectively. The activities of these groups under the watch of Tinubu have led to several deaths and an unquantified number of people have been displaced. For instance, Amnesty International reported that 10,217 people have been killed in Nigeria by jihadis and armed groups in the last two years (Amnesty International, 2025). These prevailing economic and security realities have further worsened the already low level of public trust and confidence in the Tinubu administration. A recent report from Chatham House revealed that not less than 60 per cent of Nigerians distrust President Bola Tinubu's administration (Hoffmann, 2025). This report highlighted the growing dissatisfaction of Nigerians with the Tinubu administration. The report further cited a study it has done in partnership with Nigeria's National Bureau of Statistics that revealed public scepticism toward political institutions in Nigeria such as the presidency, the federal government, the judiciary, and the police. The finding revealed that public trust for government remains low, with the police ranking as the most distrusted institution at 71 per cent and the federal government at 58 per cent.

Conclusion

The post-1999 presidential elections in Nigeria have been marked by fierce contests, often resulting in violence due to manifest malpractices and irregularities such as fraud, forgery, ballot box theft, tampering with election results, and improper vote counting and announcement, among others. These irregularities have served as legitimate grounds for election dispute and distrust. However, challenging the results of an election may be a sign of openness and strength of a political system if the level of citizens' trust in public institutions is high. Incidentally, Nigeria's presidential election held in 2023 was shrouded with several controversies, beginning with the contest over Tinubu's qualification, the manifest malpractices and non-compliance with the Electoral Act 2022, and the validity of the number of votes that produced Tinubu as president. The outcome of the disputes showed that the incumbent party got a favourable judgement; both INEC and the Supreme Court favoured the party in government, like in previous presidential election disputes. The implication, therefore, is obvious. Citizens' level of trust for the judiciary, INEC and the Tinubu administration has declined tremendously. The INEC declaration of Tinubu as the president-elect, upheld by the court, has imprinted in the minds of Nigerians that the declared winner of any presidential election will remain the winner regardless of the level of dispute that follows the election. While the study acknowledged the possible contribution of factors such as economic hardship, partisan polarisation, and media framing as areas for further interrogation, the study recommends that there is an urgent need for improved transparency through the use of technology; independent oversight through the media and civil society organisations; the need for accountability and specific punitive sanctions for lack of adherence; as well as civic education for election stakeholders.

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