

Election Law and Democratic Integrity: Safeguarding Free and Fair Electoral Processes

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ABSTRACT

Free and fair elections are vital to democratic rule because they are the primary means by which citizens exercise their civil liberties. However, the integrity of democratic procedures is increasingly under threat from societal, judicial, and technological problems. This article examines how election law upholds democratic integrity by ensuring that electoral processes are unbiased, open, and responsible. Using a doctrinal and analytic approach, the article evaluates contemporary election-related legal frameworks, focusing on significant elements such as electoral administration, election regulation, voter protection rights, and judicial conflict resolution processes. It highlights significant problems such as voter intimidation, election fraud, misinformation, misuse of public funding, and the growing influence of new technologies on elections. The findings demonstrate that while election laws provide a basic foundation for democratic functioning, their effectiveness is undermined by shortcomings in regulatory oversight, enforcement, and adaptability to new problems. The research emphasizes the need for continued legal reforms, greater institutional autonomy, and the integration of technical measures to counter evolving threats to the electoral process. The paper offers a comprehensive framework for enhancing election law that includes measures for openness, robust monitoring systems, and widespread involvement strategies. By strengthening institutional and legal frameworks, this study highlights how important it is to safeguard election processes in order to preserve parliamentary legitimacy and popular trust.

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1. INTRODUCTION

Election fraud and misconduct seriously impede the development of legal, unrestricted, polls as well as the strengthening of democratic norms in Nigeria, which consistently undermines

government confidence and fosters poverty in the country. Nigeria's electoral history includes both civilian and military regimes [1], colonial rule, and independence. Throughout its history, Nigerian elections have been marred by irregularities, violence, and dishonest tactics. Since this pervasive problem affects the fundamental foundation of constitutional government [2,3] the establishment of an accepted government at the center, particularly through free and impartial elections, is a persistent worry. Among the numerous elements that promote electoral malfeasance and corruption in Nigeria are political groups and politicians, whose acts are often personalized, localized, and ethnicized. As a result, tribal beliefs have a greater influence on voting behavior than national interests or ideology. There is a major lack of internal transparency inside parties, which allows wealthy and influential "fathers" to influence decision-making and candidate nominating. To control the framework for their personal gain, they employ violence, money, thugs, and the governmental apparatus. Unchecked fundraising methods restrict political participation to the powerful and politicians [4] use of divisive tactics like religion, tribe, and race is motivated by their desire for wealth and power.

Furthermore [5,6,7], by providing material and financial incentives to poor voters, politicians exploit widespread socioeconomic issues like as impoverishment, avarice, ignorance, corrupt behavior, and a lack of loyalty among election participants. Electoral malpractices include, but are not limited to, subversion or rigging of the electoral process, ballot snatching, stuffed ballot boxes, deception of results, intimidation of voters and opposition, direct assault, announcing results in cases where elections were not held, vote buying, illegal teen voting, double/multiple voting, and abuse of electoral laws. Others involve, but are not limited to, misusing official vehicles and state media to assist ruling groups, exceeding campaign expenditure limitations, making unreported input, using disparaging language during campaigns, and carrying out elections outside of allotted time frames.

The police's failure to provide adequate security during political events is another infringement [8]. These actions have severe and far-reaching consequences, such as undermining the legitimacy of elected governments, reducing public confidence and voter participation, establishing and maintaining poor governance, leading to the inappropriate management of state resources, obstructing the growth of political organizations, causing political instability [9], and resulting in assault, deaths, and property loss, all of which hinder the development of the country. Giving INEC complete autonomy, ensuring the electoral commission's tenure and funding under the law, restricting the number of political parties, controlling party funding, promoting internal party a republic, urging partisan incumbents to resign from their traditional roles if they wish to join politics, requiring civic education, implementing policies to reduce poverty [10], establishing electoral mobile courts for the efficient prosecution of electoral offenders, and prioritizing electronic voting and result transmittal are some of the suggested reforms.

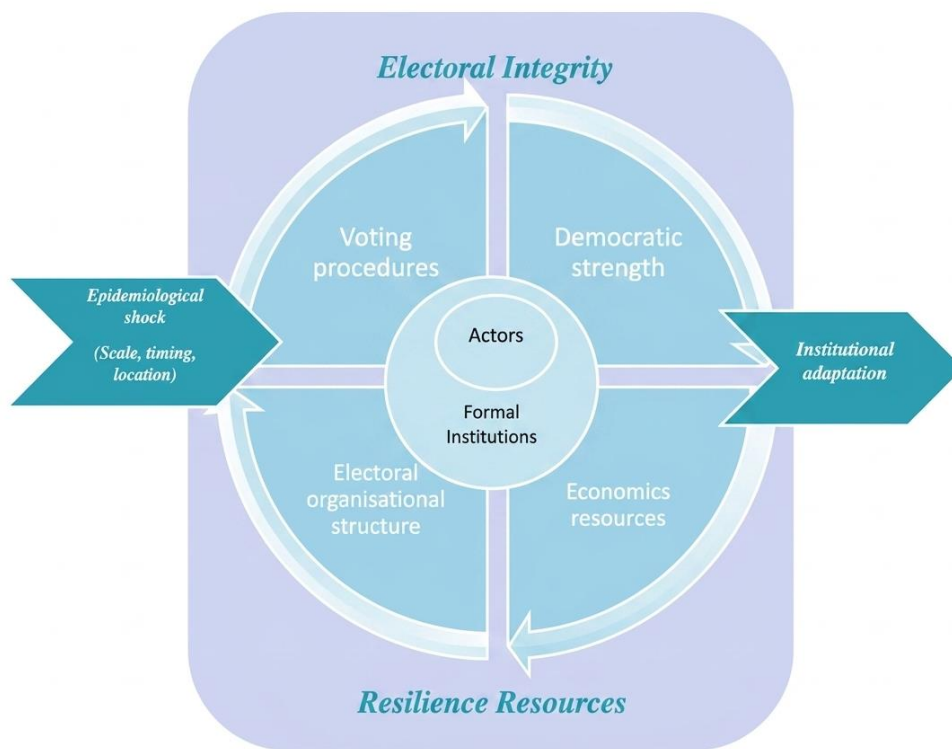


Figure 1. Conceptualizing electoral integrity resilience

The theoretical model shown in Figure 1 [11] may be more broadly applicable to other election-related concerns (such environmental shocks). On the left is the first epidemiologic shock. The shock's features will include its size, execution, and placement. When a pandemic affects a huge number of people, the scale may be high. If the shock occurs near voting day or another crucial electoral event, like voting registration day, it may have greater significance [12]. The placement could be more important if it is near central electoral offices, which could make election coordinating more difficult.

2. LITERATURE REVIEW

The authors contend that the rule of law concept and the preservation of human rights must be prioritized and considered as a "holy" trinity in order to guarantee free and fair elections, particularly in nations with less developed democratic traditions. The authors argue that in order to provide the necessary safeguards against the infringement of free and equal election procedures within member nations and addition countries, the current EU institutions are insufficiently clear and socially coherent. The EU organizations may [13] "turn a blind eye" in certain situations, such as the 2023 Serbian elections, which continue to wait for the official EU Commission's reply, as a result of their noted flaws. The authors aim to address these issues by suggesting ways to create a more thorough legislative and methodological structure for guaranteeing free and fair elections, particularly for acceding nations but also within the EU.

The system must be guided by values and norms, ensuring the independence and impartiality of election administration, transparency, accessibility, inclusivity, and the right to an effective remedy for violations [14]. Election law enforcement is crucial for maintaining the credibility of elections, providing legal certainty, and fostering trusts in the election process. This research explores the Election Supervisory Board's role in resolving electoral disputes through

quasi-judicial mechanisms. It examines the legal framework for resolving election-related disputes, emphasising the importance of an effective electoral justice system in maintaining free and fair elections. The research method involves doctrinal legal analysis, focusing on laws and regulations, particularly Law No. 7 of 2017 on General Elections. By examining adjudication processes and administrative efforts in electoral disputes, the study highlights the evolving role of the Election Supervisory Board in strengthening Indonesia's democratic processes.

This article examines how political rights, electoral pluralism, and the rule of law have affected free and fair elections between 2006 and 2023 [15]. The study examined the predictive potential of political rights, electoral pluralism, and the rule of law on free and fair elections to gauge electoral integrity using wavelet quantile on the quantile Granger causality and ordinary least squares analysis. The findings demonstrate that, at various levels, the three variables predict free and fair elections. At all a decrease of free and fair elections, the rule of law was important; at moderate and higher levels, both the rule of law and political diversity were important.

This article examines the fundamental role that election rules play in upholding majority rule norms, protecting voter rights [16], ensuring accountability, and promoting political stability. Additionally [17], it looks into the difficulties that election laws face, such as voter hiding, appointive extortion, and the influence of money on legislative matters, as well as how these laws are changing in various political and social contexts. The paper highlights the importance of ongoing reforms to strengthen the zeal and inclusiveness of the legislative process by examining the connection between election rules and majority rule administration. Pakistan has a volatile history of majority rule, alternating between military and elected governments since 1947. A practical and workable political structure will, in a sense, ensure Pakistan's prosperity and stability.

Through an analysis of Indonesia's legal framework, institutional structures, and electoral dispute resolution processes [18], this paper investigates the role of election law in guaranteeing regional political justice and security. In order to evaluate the efficacy of election laws in preventing fraud, guaranteeing fairness, and upholding democratic stability, this study examines constitutional clauses, election laws, and prior scholarly findings using a type of qualitative study with a literature study methodology. The results show that although Indonesia has a solid legislative framework for elections, there are still issues with law enforcement agencies, resolving electoral disputes, and the impartiality of election management organizations.

The study used a mixed methods approach using a case study research methodology. The study used positivist and interpretive paradigms based on ontological and epistemological viewpoints [19]. While the interpretive paradigm concentrated on the understanding of concepts to comprehend the main issues on EMB freedom and the operating environment by using qualitative methods, the positivist paradigm permitted the collection of data through simple observation, which required the use of quantitative methods. While the interpretive paradigm concentrated on the understanding of concepts to comprehend the main issues on EMB freedom and the operating environment by using qualitative methods, the positivist paradigm permitted the collection of data through simple observation, which required the use of quantitative methods.

3. METHODS AND MATERIALS

3.1 Election

The positivist model allowed for the gathering of information through straightforward observation [20], which necessitated the use of quantitative techniques, whereas the interpretive

paradigm focused on understanding concepts to comprehend the primary issues on EMB liberty and the operating system using qualitative methods.

3.2 Electoral Process

All of the steps required to prepare for and carry out an election are included in the voting process [21]. Such a procedure must include fundamental architectural and operational components in order to be considered trustworthy. These stipulate the statutory creation of governing bodies, constituency boundaries, voter and political party registration, hiring and training electoral personnel, material acquisition and distribution, voter accreditation, voting, vote tallying, results announcement, and the provision of procedures for resolving electoral disagreements.

3.3 Electoral Malpractice

One of the biggest risks to Nigeria's democracy and progress is electoral fraud. It involves people, organizations, or organizations purposefully undermining or manipulating the election process in order to obtain an unfair political gain. Money, propaganda, violence, thuggery, state resources, or the media can all be used to accomplish this. In addition to breaking the law, electoral corruption also violates the moral standards that support free and fair elections [22]. Any action or inaction that compromises the legitimacy and impartiality of the electoral process is considered electoral malpractice. These actions are frequently carried out with the goal of skewing election results in favor of particular candidates or political parties. Election fraud in Nigeria has taken many different forms over time. Among them is the manipulation or blatant distortion of election laws, in which regulations are either disregarded or changed to serve political objectives.

Additionally, vote buying is widespread, with politicians taking advantage of economic fragility and poverty to sway voters with material or monetary rewards. Ballot box stealing, juvenile voting, duplicate or repeated voting, and result fabrication are more prevalent kinds. Another common strategy that is frequently encouraged or backed by political thugs or partisan security agencies is the use of intimidation and violence to obstruct voting or force voters. During elections [23], it is not unusual for state resources, such as the media, official cars, and security guards, to be used in favor of incumbents. Losses of life and property frequently result from law enforcement authorities' incapacity or refusal to provide sufficient security during political demonstrations and elections.

3.4 Elections under Colonial Rule (1922–1959)

The Clifford Constitution of 1922 [24], which established limited elective representation, marked the beginning of Nigeria's electoral processes. Four electoral seats—three in Lagos and one in Calabar—were permitted by the legislative council. This signaled a turn towards political engagement and ignited early political awareness despite its elitist constraints, such as a twelve-month residence and a yearly gross income of £100. By establishing regional Houses of Assembly and giving political parties more power, the 1951 Macpherson Constitution extended elective principles across the country. Influence was obtained by the Nigeria National Democratic Party (NNDP) and the northern Elements Progressive Union (NEPU).

But the 1951 elections also saw state-influenced results and purposeful departures (cross-carpeting), solidifying electoral anomalies as a political tactic. By establishing a bicameral national legislature, the Littleton Constitution of 1954 advanced federalism. Even though each region used a distinct system for the elections, problems like desertion and improper influence from Native Authority persisted. These actions contributed to the regional establishment of political identities and undermined democratic values. The general elections held in 1959 were crucial in bringing

about Nigeria's independence. The elections were tainted by ballot box stuffing, harassment, and the exclusion of opposing nominees, despite being noteworthy for high voter turnout and the establishment of a federal electoral body. These shortcomings demonstrated the difficulties that would persist after statehood.

4. REASONS AND FACILITATORS OF ELECTION FRAUD

With an emphasis on the functions of political groups and legislators, the electoral body (INEC), ancient rulers, and socioeconomic effects, we will look at the main elements that enable fraud and misconduct inside Nigeria's election system.

4.1 Role of Political Parties and Politicians

Nigeria's election system revolves around political parties and politicians, who have played a major role in electoral corruption. Any action or omission by people, organizations, political parties, or institutions that compromises the electoral process through violence, bribery, manipulation, or abuse of the state infrastructure to obtain an unfair advantage is considered electoral corruption. The public's trust in the democratic process has been damaged by historical and current patterns of abuse by political actors. Prominent examples of misconduct include:

- Manipulation and Subversion of Procedures.
- Weakening of Opposition.
- Direct Electoral Fraud.
- Violation of Electoral Laws.
- The Godfather Phenomenon

4.2 Role of the Electoral Body

Nigeria's democratic process depends on the Independent National Electoral Commission's (INEC) integrity. But INEC has come under fire for permitting election fraud through:

- **Lack of Independence:** INEC officials' independence and neutrality are jeopardized by the President's authority to nominate and remove them. Election commissioners have been dismissed in the past for resisting manipulation.
- **Political Appointments and Minority Disqualification:** INEC has appointed people with political links. Concerns regarding fairness have been raised by the commission's disqualification of opposition applicants.
- **Funding and Procedure Agreement:** The music is determined by the person who pays the pipe! Because the administration controls INEC's finances, it is susceptible to manipulation. As seen in 2003 and 2011.23, electoral procedures have been altered to serve political goals.
- **Operational Failures:** INEC has frequently carried out badly organized elections with a high failure rate of the much-heralded technological devices, despite being in charge of overseeing voter registration, materials, and elections. In certain instances, polling places were located in private homes, and the results were manipulated.
- **Rigging at Collation Centers:** There have been reports of significant rigging at collation centers, which frequently lack foreign observers. There have been claims of inflated statistics and the announcement of illegitimate winners, particularly in the General Elections of 2023.

INEC's ability and willingness to conduct trustworthy elections are called into question by the organization's ongoing operational flaws.

4.3 Influence of Traditional Rulers

Traditional rulers in Nigeria have significant political influence, particularly during elections, although being constitutionally prohibited from participating in party politics. Among their roles are:

- **Historical Alliances:** In the First Republic, traditional rulers collaborated with political elites to influence electoral outcomes, particularly in the North.²⁵
- **Patronage by Restriction of Competitors:** Traditional authorities have discouraged or blocked rival candidates from contesting elections, ensuring easy wins for favoured candidates.
- **Patronage by Mobilisation of Electorate:** Where PRC fails, rulers mobilise subjects to support their preferred candidates, using their moral authority and influence.
- **Campaign Hosting and Symbolism:** Political candidates often seek endorsements by visiting traditional rulers, who are seen as custodians of culture and public trust. However, perceived partisanship can backfire, as observed in the 2011 elections.

The symbolic power and grassroots influence of traditional rulers continue to play a critical role in electoral mobilization.

4.4 Socio-Economic Factors

Deep socio-economic challenges provide fertile ground for electoral malpractice. These include:

- **Poverty:** Widespread poverty makes voters susceptible to material inducements. Many are willing to sell their votes in exchange for money or goods, and even promises.
- **Illiteracy and Civic Ignorance [25]:** A lack of political awareness impedes voters from understanding the importance of their choices, leaving them vulnerable to manipulation, bolstered by high level of inability to lead or identify the various political party logos.
- **Greed and Corruption:** Many politicians enter politics for personal enrichment. This self-interest promotes vote buying, thuggery, and other forms of malpractice.
- **Belief in Impunity:** The perception that electoral fraud can be committed without consequence fuels further abuses.

5. CONCLUSION

The greatest way to demonstrate democracy as a form of government based on popular will is to have regular, clear, free, and fair polls. It is the process by which people give their leaders legitimacy and guarantee orderly handovers of power. However, widespread electoral malpractices have continuously undermined Nigeria's electoral history, from the historic 1922 elections to the current democratic regime under the Fourth Republic, undermining public trust in democratic governance while also casting doubt on the legitimacy of politicians. This paper's conclusion is that political parties frequently lack internal freedom, with elite supporters and godfathers controlling nominations and campaign tactics. For electoral purposes, politicians take advantage of incumbency to control public funding, security forces, and the media.

Politics has been turned to a commercial endeavor by this patron-client mentality, which is more motivated by the desire for self-enrichment than public service. Autonomy, credibility, and

operational effectiveness have been issues for the Independent National Electoral Commission. INEC's capacity to operate impartially and uphold electoral rules is continuously undermined by its structural reliance on the executive for funds and personnel.

Systemic vulnerability is highlighted by reports of politicized appointments, ballot paper leaks, and lax enforcement. Despite the fact that traditional leaders are supposed to be apolitical guardians of social norms, many have taken on partisan roles, supporting candidates, rallying supporters of favored parties, or helping rival candidates drop. Their impartiality is compromised, and their conventional moral authority is undermined. Citizens are susceptible to manipulation due to widespread poverty, mass poverty, joblessness, and a lack of civic awareness. In this setting, vote buying, thuggery, and the monetization of electoral support flourish. The public's lack of political knowledge and patriotism makes electoral fraud even worse.

These systematic election flaws have far-reaching and extremely detrimental effects. These include the institutionalization of poor governance and unaccountable leadership; the entrenchment of illegitimate regimes, which results in the waste of public resources; the deterioration of democratic culture and citizen involvement; Political instability, electoral violence, increased voter apathy and disenfranchisement, military coups that have historically ended democratic regimes, and persistent underdevelopment due to the diversion of limited public monies to pay electoral fraud rather than developmental requirements. Nigeria's democratic evolution and socioeconomic development are impeded by the cumulative effect of a cyclical erosion of trust in democratic procedures and institutions.

REFERENCES

- [1] Luís, C. (2021). Free and Fair Elections to Electoral Integrity: Trends, Challenges, and Populism. In *Peace, Justice and Strong Institutions* (pp. 271-283). Cham: Springer International Publishing.
- [2] Norris, P. (2022). Challenges in electoral integrity. In *Routledge handbook of election law* (pp. 87-100). Routledge.
- [3] Ćorić, V., & Rabrenović, A. (2024). How to ensure free and fair elections in the EU and beyond: a need for rule of law, democracy and human rights principles to stand together. *EU and comparative law issues and challenges series (ECLIC)*, 8, 974-1008.
- [4] Ikoko, M. O., & Latif, D. (2025). Analysis of factors impacting electoral integrity in Africa between 2006–2023-Examining the association between free and fair election and rule of law. *Plos one*, 20(10), e0334505.
- [5] Arshad, S. A., Ullah, M. R., Butt, M. F., Hussain, M., & Haider, M. (2025). The role of electoral laws in promoting good governance and ensuring true democracy. *The Critical Review of Social Sciences Studies*, 3(1), 3727-3743.
- [6] Obodo, C. A. (2022). Free and Fair Election: A Sacrosanct Principle of Democracy?. *AJLHR*, 6, 192.
- [7] Von Spakovsky, H. A. (2012). Protecting the integrity of the election process. *Election Law Journal: Rules, Politics, and Policy*, 11(1), 90-96.
- [8] Pradipta, A. M. (2025). The position of election law in ensuring regional political justice and stability. *Journal of Law and Humanity Studies*, 2(1), 15-22.
- [9] Noor¹, F., & Marlina, L. (2023, December). Establishing elections with integrity in Indonesia: Purposes, problems, and solutions. In *Proceedings of the International Conference for Democracy and National Resilience (ICDNR 2023)* (Vol. 795, p. 223). Springer Nature.

- [10] Chigudu, D. (2016). A Critical Review on the Determinants of a Free, Fair and Credible Election. *International Relations*, 4(8), 508-518.
- [11] Mahammad, S. N. (2025). A study on the assessment of election procedure and the role of election commission in maintaining electoral integrity in contemporary indian context. *IJSAT-International Journal on Science and Technology*, 16(1).
- [12] Firmansyah, R. (2024). Reconstruction of Constitutional Law to Realize Democracy with Integrity. *Journal of Law and Humanity Studies*, 1(1), 19-25.
- [13] Purnama, T. Y., & Nugroho, S. S. (2023). Elections integrity: Realizing ultimate concern and electoral justice. *Journal of Transcendental Law*, 5(2), 107-122.
- [14] Hussien, M. A. (2018). Building Integrity, Reliability and Trust in Electoral Governance: Normative Perspectives. *Leveraging Electoral Governance in Africa*, 33.
- [15] Judge, E. F., & Korhani, A. M. (2020). Disinformation, digital information equality, and electoral integrity. *Election Law Journal: Rules, Politics, and Policy*, 19(2), 240-261.
- [16] UGBO, N. (2026). Enforcing Credible Elections to Uphold Democracy, Good Governance, And Global Peace and Security.
- [17] Nou, J. (2008). Privatizing Democracy: Promoting Election Integrity Through Procurement Contracts. *Yale LJ*, 118, 744.
- [18] Monsiváis-Carrillo, A. (2022). Perception of Electoral Integrity, Trust in Elections, and the Conditional Role of the Understanding of Democracy: Addressing the “Mexican Paradox”. *Colombia Internacional*, (110), 89-121.
- [19] Alaki, A. J. (2025). ELECTORAL INTEGRITY AND DEMOCRATIC CONSOLIDATION IN NIGERIA: A REVIEW OF THE 2023 GENERAL ELECTIONS. *INSTITUTIONS, GOVERNANCE AND SOCIAL CHANGE IN AFRICA*, 308.
- [20] Iriani, D., Fauzan, M., Puspitasari, S. H., & Budiono, A. (2023). Citizen Guarantees in Determining National Leaders Through Elections and Democratic Integrity. *Jurnal Dinamika Hukum*, 23(1), 53-69.
- [21] Nmor, S. O., & Onochie, A. U. (2024). Electoral Integrity in Nigeria: Challenges, Strategies and Pathways to Reform. *LASJURE*, 5, 76.
- [22] Birch, S., & Van Ham, C. (2017). Getting away with foul play? The importance of formal and informal oversight institutions for electoral integrity. *European Journal of Political Research*, 56(3), 487-511.
- [23] Fahmi, K., Isra, S., Muchtar, Z. A., & Hilaire, T. (2019). The role of the law in safeguarding electoral democracy in Indonesia. *J. Legal Ethical & Regul. Issues*, 22, 1.
- [24] Nurmansyah, G., & Erman, E. (2025). PARTICIPATORY MONITORING OF ELECTORAL INTEGRITY: PERSPECTIVES OF INDEPENDENT MONITORS AND CIVIL SOCIETY. *PRANATA HUKUM*, 20(2), 203-218.
- [25] Fundisi, E., & Atanga, R. A. (2023). Towards strengthening electoral democracy in Africa: A review of trends, challenges, and future prospects. *Africa Insight*, 53(3), 67-83.