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Judicial Delays and Prolonged Electoral Litigation in Nigeria: Urgent Need for Legislative Intervention

Authors:

Patrick N. Udefuna, Hassan Yerima, Ph.D & Oche Okoh Samson

Department of Democracy and Governance (NILDS)

Executive Summary

Electoral litigation in Nigeria has become a persistent challenge, with delays in the resolution of election petitions undermining the credibility of electoral outcomes and weakening democratic stability. Although the Constitution of the Federal Republic of Nigeria (1999, as amended) and the Electoral Act 2026 prescribe timelines for filing, adjudication, and appeals, practical challenges such as procedural bottlenecks and interlocutory applications have prevented timely resolution. Under the Constitution of the Federal Republic of Nigeria, legislative authority is vested in the National Assembly (Sections 4 and 58), including the power to make laws regulating elections and judicial procedure. Prolonged litigation creates governance uncertainty, erodes public confidence in electoral institutions, and fosters political tension.

To address judicial delays and prolonged electoral litigation, this brief, therefore, recommends the following:

1. The National Assembly, through the Senate and House Committees on Judiciary, and the Committee of Electoral Matters, may consider undertaking effective oversight of the **National Judicial Council** in order to ensure that the courts/ tribunals adhere to procedural timelines for election petitions, including filing, adjudication, and appeals. This may be done through the office of the Attorney-General and Minister of Justice to ensure that all electoral disputes are conclusively resolved before the inauguration of elected officials. This reform should establish clear deadlines for each stage of the process, limit opportunities for frivolous or dilatory motions, and provide statutory mechanisms for enforcement.
2. The National Assembly through Senate and House Committees on Electoral Matters should strengthen their oversight of the Independent National Electoral Commission (INEC) to ensure timely release of relevant electoral materials required by litigants to effectively pursue their cases. This is because the bureaucratic bottlenecks and high cost of accessing these materials constitute serious impediment to effective pursuit of cases especially as the onus of prove rests on the plaintiff.

1. Background:

Since the return to civilian rule in 1999, following the transition under Olusegun Obasanjo, Nigeria has progressively institutionalised formal legal mechanisms for resolving electoral disputes. The

Constitution of the Federal Republic of Nigeria establishes election tribunals and appellate procedures as the primary avenues for challenging electoral processes and outcomes.¹ Complementing this framework, the Electoral Act 2022 provides

¹ Constitution of the Federal Republic of Nigeria. (1999, as amended). Sections 4, 36, 58, 285. [Nigeria 1999 \(rev. 2011\) Constitution - Constitute](#)



detailed procedural rules governing the filing and determination of election petitions.² Under this regime, election petitions must be filed within twenty-one (21) days from the date results are declared, thereby limiting undue delay at the commencement stage (CFRN, 1999, as amended, s. 285(5)). The Constitution further mandates that election tribunals deliver their judgments within one hundred and eighty (180) days from the date of filing (CFRN, 1999, S. 285(6)). Appeals arising from such decisions are required to be determined within sixty (60) days, ensuring expedited finality (CFRN, 1999, S. 285(7)). Although these timelines were designed to guarantee the swift resolution of disputes ideally before the inauguration of elected officials, practical challenges such as procedural bottlenecks, interlocutory applications, and judicial capacity constraints have often undermined the realisation of timely electoral justice in Nigeria (Nwabueze, 2013)³.

2. Issue

The persistent delays in the adjudication of electoral disputes continue to undermine democratic consolidation and weaken opposition politics in Nigeria. Protracted litigation, conflicting judgments, and extended post-election legal battles weaken opposition politics and erode public confidence in the electoral process and create governance uncertainties. These delays not only erode the credibility of mandates but also strain judicial capacity and institutional legitimacy (Okoye, 2019)⁴.

Similarly, the bureaucratic bottlenecks and costs associated with accessing relevant election materials required by litigants/ plaintiffs to effectively pursue their cases constitute a huge barrier to speedy dispensation of justice. INEC is particularly complicit in this area as it is usually listed as a defendant in most post-election cases. There is an urgent need for legislative intervention to reform procedural timelines, strengthen electoral adjudication frameworks, enhance judicial capacity, and ensure strict compliance with constitutional deadlines. Proactive legislative action is essential to safeguard electoral integrity, promote timely justice delivery, and reinforce democratic stability.

3. Rationale for National Assembly Action:

Under the Constitution of the Federal Republic of Nigeria, legislative authority is vested in the National Assembly (Sections 4 and 58), including the power to make laws regulating elections and judicial procedure. The Constitution itself already prescribes timelines for electoral petitions under Section 285, demonstrating that procedural control over electoral adjudication is a legitimate area of legislative competence. The Electoral Act 2022 further operationalizes these constitutional provisions by detailing filing procedures, evidentiary rules, and appeal processes⁵. However, such intervention must not encroach upon judicial independence guaranteed under Sections 6 and 36 of the Constitution. The legislature cannot dictate how judges decide cases or interfere with

²Electoral Act, 2022 (Act No. 13 of 2022). Federal Republic of Nigeria. <https://inecnigeria.org/wp-content/uploads/2023/02/Electoral-Act-2022.pdf>

³ Nwabueze, B. O. (2013). *Electoral law and democratic governance in Nigeria*. Nigerian Institute of Advanced Legal Studies.

⁴ Okoye, J. (2019). Judicial delays and electoral justice in Nigeria: Challenges and prospects. *Journal of Nigerian Law and Public Policy*, 11(2), 45–62.

⁵ Electoral Act, 2022 (Act No. 13 of 2022). Federal Republic of Nigeria. <https://inecnigeria.org/wp-content/uploads/2023/02/Electoral-Act-2022.pdf>



pending matters, but it can validly amend procedural timelines, provide funding, and case-management frameworks, Section 4 of the 1999 Constitution (as amended). Legislative action is crucial to remedy the procedural weaknesses that continue to delay the resolution of electoral disputes in Nigeria.

4. Recommendations to the National Assembly:

To address judicial delays and prolonged electoral litigation, this brief, therefore, recommends the following:

- i. The National Assembly, through the Senate and House Committees on Judiciary, and the Committee of Electoral Matters, may consider undertaking effective oversight of the National Judicial Council in order to ensure that the courts/ tribunals adhere to procedural timelines for election petitions, including filing, adjudication, and appeals. This may be done through the office of the Attorney-General and Minister of Justice to ensure that all electoral disputes are conclusively resolved before the inauguration of elected officials. This reform should establish clear deadlines for each stage of the process, limit opportunities for frivolous or dilatory motions, and

provide statutory mechanisms for enforcement.

- ii. The National Assembly through Senate and House Committees on Electoral Matters should strengthen their oversight of the Independent National Electoral Commission (INEC) to ensure timely release of relevant electoral materials required by litigants to effectively pursue their cases. This is because the bureaucratic bottlenecks and high cost of accessing these materials constitute serious impediment to effective pursuit of cases especially as the onus of prove rests on the plaintiff.

5. Conclusion:

Judicial delays and prolonged electoral litigation continue to undermine the credibility of elections and democratic stability in Nigeria. Targeted legislative interventions, including the review of procedural timelines, establishment of specialized electoral divisions, and provision of adequate resources and case-management systems, are essential to ensure the timely and fair resolution of disputes. By implementing these reforms, the National Assembly can strengthen public confidence, uphold the rule of law, and consolidate democratic governance in the country.

Contact

National Institute for Legislative and
Democratic Studies
National Assembly
Plot 307 Cadastral Zone
Umaru Musa Yar'adua Expressway, Airport
Road
Abuja Nigeria
E-mail: info@nils.gov.ng
Website: <http://nils.gov.ng>

NILDS Liaison Office

Suite 214 Senate Wing
National Assembly Complex
Mobile: +234 806 694 5075