

JURISDICTION AND TRIAL OF DISORDERLY CONDUCT AT ELECTIONS IN NIGERIA*

Abstract

Jurisdiction is the authority by which a court of law has to decide matters that are litigated before it. The limits of this authority are imposed by the statute, charter or commissions under which the court is constituted and may be extended or restricted by similar means. Courts are set up under the Constitution, Decrees, Acts, Laws and Edicts. They cloak the courts with the powers and jurisdiction of adjudication. Any Judgment delivered by a court in a matter which it has no jurisdiction to decide is of no consequence and is a nullity. Before a court assumes jurisdiction over any matter, it must satisfy itself of the statute establishing the court; the subject matter of the case; the parties before the court; the procedure by which the case is initiated; the territory where the cause of the action arose or where the defendant resides; and composition of the court. Trial is a formal examination of evidence in court by judge and often a jury, to decide if somebody accused of a crime is guilty or not. Disorderly conduct at elections refers to any actions or behaviour that disrupts the peaceful and orderly conduct of elections, thereby affecting the integrity, fairness, or smooth running of the electoral process. It encompasses a range of activities, including violence, intimidation, unauthorized demonstrations, destruction of election materials, and any other acts that hinder voters from exercising their rights or disrupt the operations of election officials. . In this article, the writer looks at the jurisdiction of various courts and outlining the trial procedures as it relates to disorderly conduct at elections. This work shall definitely provoke further discussions on the topic. It will go a long way in maintaining the integrity of our electoral process and will equally help in strengthening our democratic institution.

Key words: Jurisdiction, trial, disorderly conduct and elections

Introduction

Elections ought to be conducted so that the electorates have reasonable opportunity to vote, with each vote given same effect. The Electoral Act, 2022 specifies certain prohibited acts that constitute disorderly conducts during elections. They include such conducts like fighting, physical assault, use of offensive weapons, unauthorized public demonstrations, and any other forms of violence or threats intended to disrupt the electoral processes. Such conducts abound in Nigerian elections. Jurisdiction and trial procedures for disorderly conduct at elections are critical components of the Nigerian electoral justice system. The legal framework provided by the Constitution, the Electoral Act 2022, and relevant case laws ensures that electoral offences are handled by appropriate courts, following due process and ensuring fair trials. In this article, the writer looks at the jurisdiction of various courts and outlining the trial procedures as it relates to disorderly conduct at elections. This will help to maintain the integrity of the electoral process and uphold the principles of rule of law.

Jurisdiction Defined

Tons of Nigerian statutes¹ and court decisions² are dotted with the twelve-letter word, jurisdiction. Those who employ it, more often than not, make a meal of its nature and

* **Prof C. J. Ubanyionwu**, PhD, Professor of Law, Department of International Law and Jurisprudence, Faculty of Law, Chukwuemeka Odumegwu Ojukwu University, Igbariam Campus, Chairman, Nigerian Bar Association, Aguata Branch (2018 – 2020), Phone – 08036660646, E-mail:- barcuba@yahoo.com.

¹ See sections 232, 233, 239, 240, 251, 257, 262, 272, 277, 282, 285 and 286 of the 1999 Constitution; sections 39 and 41 of Land Use Act, cap. 202, LFN, 1990; section 14 Examination Malpractices Act, Section 9(2) of the Pre-shipment Inspection of Imports; Section 19 of the Admiralty Jurisdiction Act, 1991; section 7 of the National Industrial Act, 2006; section 39 of the Factories Act; section 5(2) and 4(1) of the Workmen’s Compensation Act; section 142 of the Nigerian Minerals and Mining Act, 2007.

² In Section 318(1) , Interpretation section of the Constitution of the Federal Republic of Nigeria, 1999, “decision” means, in relation to a court, any determination of that courts and includes judgment, decree, order, conviction, sentences or recommendation. See *Yusuf v Obasanjo* (2003) 15 NWLR (Pt 843) 293; *Awuse v Odili*

importance and down play its meaning.³ But jurisdiction, the linchpin and touchstone of judicial process, deserves to be, first and foremost, appreciated. According to Halbury's Laws of England,⁴ jurisdiction means the authority which a court has to decide matters that are litigated before it, or to take cognizance of matters presented in a formal way for its decision. That illuminating definition of jurisdiction has received the imprimatur of the Nigerian courts, including the Supreme Court, in a myriad of cases.⁵ A paradigm of that approval is found in *Ajomale v. Yaduat (No.1)*⁶ where the court held that jurisdiction is the right in the court to hear and determine the dispute between the parties. Jurisdiction is the power or authority of a court of law or tribunal to go into a matter and deliver a binding judgment.⁷

The synergy sprouting out from these succinct definitions is that jurisdiction, in legal parlance,⁸ consists in the competence, authority or power of a court, including a tribunal, to deal with matters in controversy, whether civil or criminal or hybrid of both of them, submitted before it by parties thereto from inception to judgment.

What is Trial?

Trial is a formal judicial examination of evidence and determination of legal claims in an adversary proceeding.⁹ Trial is a formal examination of evidence in court by judge and often a jury, to decide if somebody accused of a crime is guilty or not.¹⁰

Meaning of Election

Election is the corner stone of democracy.¹¹ Election is a means through which people make choice of leadership.¹² It is the process of electing one person or more for leadership positions in both public and private establishment. Election offers a medium through which citizens in a polity choose their representatives and political leadership.¹³ It also allows a degree of communication between the rulers and the ruled and further provides a means of legitimizing the rights of the rulers to govern.¹⁴

(2002) 18 NWLR (Pt 815) 116; *Ihesi v Arinze* (2007) 5 NWLR (Pt 1027) 241; section 277(1) of the 1979 Constitution; *Alor v Ngene* (2007) 17 NWLR (Pt 1062) 163.

³ O. F. Ogbuinya, *Understanding the concept of Jurisdiction in the Nigerian Legal System*, Snaap Press Ltd, Enugu, 2008, p. 1.

⁴ Vol. 10, 4th Edition, para. 715.

⁵ See *Mobil Prod. (Nig.) United v LASEPA* (2002) 18 NWLR (Pt 798) 1; *Ndaeyo v. Ogunnaya* (1977) 1 IMSLR 300; *N.B.N. and anor v. Shoyeye & Anor* (1977) NSCC (vol. II) 301; *Ebhodagbe v Okoye* (2004) 18 NWLR (Pt 905) 472; *ANPP v BSIEC* (2006) II NWLR (Pt 992) 585; *Odukwe v Achebe* (2008) 1 NWLR (Pt 1067) 40. *S.P.D.C. (Nig.) Ltd. v Sirpi-Alusted Const. Ltd* (2008) INWLR (Pt 1067) 128; *Zabusky v Israeli Aircraft Ind.* (2008) 2 NWLR (Pt. 1070) 109; *Christaben Group Ltd. v. Oni* (2008) 11 NWLR (Pt. 1107) 294.

⁶ (1991) 5 SCNJ 172 at 176. As per Karibi-Whyte, JSC.

⁷ BO Igweanyi, *Modern Constitutional Law in Nigeria*, Nwamazi Printing & Publishing Co. Ltd, Abakaliki, 2006 p. 282.

⁸ In Legislative and Executive usages, it means, "the Power which every sovereign authority must possess to enable it settle and decide controversies between its subjects and itself, it also co - exist with the power of the State to administer public justice and again with the powers of the State to make laws and execute same as well." See also *Babaola v. Obaoku-Ote* (2005) 8 NWLR (Pt 927) 386 at 403.

⁹ BA Garner, *Black's Law Dictionary*, 8th Edition, Thomson West, USA, 2004, p. 1543.

¹⁰ AS Hornby, *Oxford Advanced Learner's Dictionary of Current English*, International Student's Edition, 7th Edition, Oxford University Press, Oxford, 2005, p. 1637.

¹¹ T Osipitan, "Problems of Proof under the Electoral Act 2002," in *Judicial Excellence, Essays in Honour of Hon. Justice Anthony Iguh JSC CON*, Enugu, Snaap Press Ltd, 2004.

¹² <http://www.Internationalpeaceandconflict.org/profiles/blogs/election...> (accessed on 18 June 2012).

¹³ *Ibid.*

¹⁴ *Ibid.*

The Electoral Act¹⁵ is the law which currently regulates elections in Nigeria. Applying a broad interpretation, the Court of Appeal in *Progressive Peoples' Alliance (PPA) v. Sariki*¹⁶ interpreted the word "election" as used in section 137(1) (b)¹⁷ to mean the "process of choosing by popular votes a candidate for a political office in a democratic system of government. It cannot refer exclusively to the polls. The casting of votes by the electorates on the day of the polls is just part of the electoral process.¹⁸ By the provision of the Electoral Act¹⁹ the word 'election' is a generic term comprising *inter alia* submission of list of candidates and their affidavit by political parties, nomination of candidates, conduct of the polls etc. In this article, the term election will be used in a broad manner.

What is Electoral Offence?

The Electoral Act, 2022 did not define electoral offences. It is therefore necessary to search for its meaning elsewhere. Oxford Advanced Learner's Dictionary²⁰ defines offences as "an illegal act or a crime," and it²¹ equally defines crimes as "activities that involves breaking the law" or "an illegal act or activity that can be punished by law." Offences in this perspective are synonymous with crimes.²² Henry Campbell Black defines "offence" as "a felony or misdemeanor; a breach of the criminal laws; violation of law for which penalty is prescribed ... an act clearly prohibited by the lawful authority of the State, providing notice through published laws."²³ According to Black's Law Dictionary,²⁴ "offence is the violation of the law." The term "crime," "offence," and "criminal offence" are all said to be synonymous and ordinarily used interchangeably. Offence may comprehend every crime and misdemeanor, or may be used in a specific sense as synonymous with "felony" or with "misdemeanor," as the case may be, or as signifying a crime of lesser grade, or an act not indictable, but punishable summarily or by the forfeiture of a penalty.²⁵ In the electoral system, such offences abound. The specifications of offences in the Electoral Act 2022 are in obedience to section 36 (12) of the Constitution.²⁶

Accordingly, any act or omission which is not provided for in the Electoral Act cannot constitute an electoral offence. These offences are prescribed in Part VII of the Electoral Act, 2022. Offence of disorderly conduct at elections is the subject matter of this work. In *Daggash v Bulama*²⁷ the court emphasized the seriousness of electoral offences and upheld strict penalties to deter such conduct.

The Concept of Disorderly Conduct during Elections

Disorderly conduct during elections refers to actions that disrupt the peace, order, or fairness of the electoral process. This may include violent behaviours, intimidation of voters,

¹⁵ Electoral Act 2022.

¹⁶ (2007) 17 NWLR (Pt. 1064) 456.

¹⁷ Constitution of the Federal Republic of Nigeria 1999 (as amended).

¹⁸ *Ibid* per Ogunwumi JCA who read the lead judgment.

¹⁹ Electoral Act 2022.

²⁰ AS Hornby, Oxford Advanced Learner's Dictionary, 7th Edition, Oxford University Press, 2005,439.

²¹ *Ibid*, at page 363.

²² B Nwakanma and N.Olehi, Laws governing Elections and Election Petitions, Edu – Edy Publications, Owerri, 2007, 187.

²³ *Ibid*, at p. 1081.

²⁴ BA Garner, Black's Law Dictionary, 8th Edition, Thomson West, USA, 2004, p.1110.

²⁵ *Ibid*.

²⁶ Constitution of the Federal Republic of Nigeria 1999 (as amended).

²⁷ (2004) 14 NWLR (Pt. 892) 144.

obstruction of the electoral process, or any actions that create an atmosphere of fear and insecurity at polling stations. Disorderly conduct at elections refers to any actions or behavior that disrupts the peaceful and orderly conduct of elections, thereby affecting the integrity, fairness, or smooth running of the electoral process. It encompasses a range of activities, including violence, intimidation, unauthorized demonstrations, destruction of election materials, and any other acts that hinder voters from exercising their rights or disrupt the operations of election officials. Under the Electoral Act,²⁸ disorderly conduct is specifically addressed in Section 125. This section criminalizes actions that are intended to disrupt the peaceful conduct of elections, including but not limited to engaging in physical violence, obstructing voters or election officials, and other forms of disruptive behavior. The Act²⁹ provides that any person found guilty of disorderly conduct during elections is liable to imprisonment for a term not exceeding one year or a fine, or both; depending on the severity of the offence. The Act outlines specific penalties to ensure deterrence and the maintenance of law and order during elections. The Act provides for the protection of electoral officials and materials. Any act of violence or intimidation against electoral officials, or the destruction of electoral materials, is considered a severe offence under disorderly conduct. This is crucial to ensure the integrity and smooth conduct of elections. In *Nwankwo v. Yar'adua*³⁰ the court emphasized the importance of maintaining public order during elections, holding that any conduct that disrupts the voting process or intimidates voters constitutes a violation of electoral law. The court reiterated that such actions could lead to the annulment of the election results in affected areas if the disorder significantly impacted the election's outcome. In *PDP v. INEC*³¹ the court stressed that maintaining order during elections is paramount to the democratic process. It held that candidates or parties found to have encouraged or engaged in disorderly conduct could face disqualification, fines, or other penalties as stipulated by the law. *Eze v. INEC*³² highlighted the judiciary's role in addressing disorderly conduct during elections. The court held that any election marred by significant disorderly conduct, such as violence or voter intimidation, could be invalidated if it is proven that the conduct affected the election's fairness and transparency.

Courts in Nigeria have consistently interpreted disorderly conduct at elections broadly, encompassing any action that undermines the democratic process. The judiciary has upheld that the presence of disorderly conduct can be grounds for challenging the validity of an election if it is shown to have affected the outcome substantially.³³

The Electoral Act³⁴ empowers security agencies, such as the police and other law enforcement officers, to maintain order and prevent disorderly conduct at election venues. These agencies are authorized to arrest and prosecute individuals engaged in activities that disrupt the electoral process. The Act³⁵ also provides for the protection of electoral officials and materials. Any act of violence or intimidation against electoral officials, or the destruction of electoral materials, is considered a severe offence under disorderly conduct. This is crucial to ensure the integrity and smooth conduct of elections. These prohibited acts

²⁸ Electoral Act 2022.

²⁹ *Ibid.*

³⁰ (2010) 12 NWLR (Pt 1209) 518.

³¹ (2012) 3 NWLR (Pt 1287) 355.

³² (2005) 12 NWLR (Pt 941) 531.

³³ *PDP v INEC(Supra)*.

³⁴ Electoral Act, 2022.

³⁵ *Ibid.*

and the corresponding legal provisions are crucial in ensuring that elections in Nigeria are conducted fairly, transparently, and without undue influence or coercion.

Theories behind the Trial of Disorderly Conduct during Elections in Nigeria

The trial of disorderly conduct during elections in Nigeria is governed by several legal theories aimed at ensuring the integrity of the electoral process, promoting justice, and maintaining public order. These theories are grounded in statutory provisions such as the Electoral Act,³⁶ and the Constitution³⁷ as well as judicial precedents. The key theories are:

1. Theory of Electoral Offences and Fair Trial

The theory of electoral offences emphasizes that disorderly conduct during elections is a crime that undermines democratic processes. The Electoral Act³⁸ criminalizes disorderly conduct, which includes violence, disruption of voting, and unruly behavior at polling stations. The fair trial principle, as enshrined in the Constitution,³⁹ ensures that accused individuals are given due process before being convicted of electoral offences. In *Fayemi v Oni*,⁴⁰ that has to do with the Ekiti State gubernatorial election, several incidents of violence and disorderly conduct were reported at polling stations, allegedly orchestrated by party agents. The court had to determine whether these actions affected the election's integrity. The court emphasized the need to uphold the rule of law and the protection of the electoral process from disruptions. It reinforced that individuals who engage in disorderly conduct must be held accountable through fair trials. Also in *PDP v INEC*,⁴¹ that has to do with the Rivers State governorship election, allegations of widespread violence and disorderly conduct were raised. The trial focused on the extent to which these actions impacted the outcome. The court determined that violent conduct during elections is an electoral offence, but noted that the principle of substantial compliance must be considered in assessing the overall validity of the election.

2. Theory of Deterrence and Electoral Malpractice

This theory posits that strict penalties for disorderly conduct during elections serve as a deterrent to potential offenders. The Electoral Act⁴² imposes penalties ranging from fines to imprisonment for individuals convicted of electoral offences. The goal is to discourage behavior that compromises the electoral process. In *Abiodun v The State*,⁴³ the defendant was involved in disrupting the voting process during a local election. He was charged with disorderly conduct and assaulting electoral officers. The Court of Appeal affirmed the conviction and highlighted the need for deterrence in electoral offences. The judgment reinforced the theory that strict penalties are essential to preserve electoral integrity. In *Ojukwu v Yar'Adua*⁴⁴ that has to do with the presidential election petition, allegations of violence, intimidation, and disorderly conduct were brought forward. The court addressed how these issues affected the overall election. The court acknowledged that while disorderly

³⁶ Electoral Act, 2022.

³⁷ Constitution of the Federal Republic of Nigeria, 1999 (as amended).

³⁸ Under Section 125.

³⁹ Constitution of the Federal Republic of Nigeria, 1999 (as amended).

³⁹ Under Section 125.

⁴⁰ (2010) 17 NWLR (Pt 1222) 326.

⁴¹ (2015) 9 NWLR (Pt 1463) 55.

⁴² Electoral Act, 2022.

⁴³ (2018) LPELR-44797(CA).

⁴⁴ (2008) 12 NWLR (Pt 1100) 95.

conduct occurred, it was not widespread enough to invalidate the election, emphasizing the deterrent role of punitive measures in electoral law enforcement.

3. Theory of Public Order and National Security

Elections are considered critical to national security, and any form of disorderly conduct threatens the stability of the State. This theory emphasizes the importance of maintaining public order during elections to prevent civil unrest. Prosecution of disorderly conduct is seen as part of maintaining national security and preserving democracy. In *Garba v The State*,⁴⁵ that has to do with the aftermath of the general elections, several individuals were arrested for engaging in violent behaviour and disrupting the electoral process in Kano State. They were charged with disorderly conduct and incitement to violence. The Court of Appeal upheld their conviction, stressing that such actions threaten public order and national security. The court reiterated that electoral offences have far-reaching consequences beyond the immediate elections. In *Buhari v Obasanjo*,⁴⁶ allegations of widespread violence, ballot box snatching, and intimidation were made during the 2003 presidential election. The trial focused on the effect of these actions on the credibility of the election. The court noted that while there were instances of disorderly conduct, they did not affect the overall outcome. However, it emphasized the need for public order during elections to protect national security. Section 45(1)⁴⁷ allows for the restriction of certain rights, including those related to public order and national security, to ensure a peaceful electoral process.

4. Theory of Accountability and Justice

This theory revolves around ensuring that individuals who engage in disorderly conduct during elections are held accountable. The judiciary plays a crucial role in enforcing laws and ensuring that offenders are prosecuted to prevent a culture of impunity. Trials for disorderly conduct ensure justice is served, contributing to the credibility of elections. In *Nwobodo v Onoh*,⁴⁸ during the Anambra State gubernatorial election, allegations of widespread violence and electoral misconduct were made. The court had to determine whether the election could be annulled due to the disorderly conduct. The Supreme Court emphasized that accountability is critical in electoral offences. The court found that the disorderly conduct significantly undermined the election's credibility and annulled the results. Also in *Eze v INEC*,⁴⁹ the petitioner alleged that disorderly conduct by political thugs affected the outcome of the election. The trial court examined the evidence and whether the conduct justified the annulment of the results. The court held that electoral offences must be adequately punished to ensure accountability and discourage future offences. The Electoral Act, 2022 outlines the accountability measures for individuals involved in electoral misconduct, including disorderly conduct.

5. Theory of Human Rights and Non-Discrimination

The theory of human rights ensures that during the trial of disorderly conduct, the rights of both the accused and the electorate are protected. The Constitution⁵⁰ guarantees the right to life and security, and the prosecution of electoral offenders seeks to protect the electorate's right to participate in elections without fear of violence or intimidation. In *Omoworare v*

⁴⁵ (2020) LPELR-51177(CA).

⁴⁶ (2005) 2 NWLR (Pt 910) 241.

⁴⁷ Constitution of the Federal Republic of Nigeria, 1999 (as amended).

⁴⁸ (1984) 1 SCNLR 1.

⁴⁹ (2016) 7 NWLR (Pt 1510) 197.

⁵⁰ Section 33 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

*Oshinowo*⁵¹ that involved a dispute over disorderly conduct and violence during the Osun State elections, which allegedly disenfranchised voters. The court held that electoral offences violate the fundamental human rights of voters to participate in free and fair elections. The trial of those accused was necessary to safeguard these rights. In *Dikko v INEC*⁵² that involved allegations of electoral misconduct, including violence and disorderly conduct, during a local government election in Kaduna State. The court emphasized the importance of protecting the human rights of voters, stating that any form of disorderly conduct that infringes on these rights must be prosecuted.

This comprehensive framework reflects the multi-faceted approach to the trial of disorderly conduct during elections in Nigeria, balancing the need for deterrence, accountability, human rights, and public order.

Disorderly Conduct during Elections: The Nigerian Experience

The history of general elections in Nigeria since independence in 1960 has been characterized by disorderly conducts. During the 2003 general elections the sub-station of the Federal Radio Corporation of Nigeria in Markudi (Benue State) was burnt down.⁵³ At Oji River in Enugu State, the office of INEC was burnt down following violent protest on alleged falsification of electoral results.⁵⁴ In its report on the 2003 general elections, the Transition Monitoring Group (TMG) maintained that the desperation to capture power by member of the political class intensely heated up the political process. Political office holders utilized the power of incumbency to intimidate the opponents. This began with the stage managing of the registration of political parties to give advantage to political incumbent. It further observed that even pre-election campaigns were characterized by political violence including the assassination of prominent political figures such as Chief Bola Ige, Harry Marshal, Victor Nwankwo and Chief Dikibo.⁵⁵

The 2007 general elections in Nigeria were also flawed. The elections were marred by pre and post Electoral violence. In Ekiti State, on the day of the election at least two persons were killed in Ikere-Ekiti and Ise-Ekiti while eight others received gun shots in the violence that ensued in the course of voting. There was massive snatching of ballot boxes in virtually all local government areas.⁵⁶ In Ondo State, about eight people were arrested while about five others were wounded during the Presidential and National Assembly elections held on 21/4/07. In Bauchi State, thugs virtually took over the street even before the announcement of the governorship result. Because of the deteriorating situation occasioned, curfew was imposed in the State. In Delta State, INEC office at Obiaruku was burnt down on the morning of the election. Election in the State was characterized by intimidation, arson, destruction of lives and properties in several parts of the State accompanied by hijack of electoral materials. As a result of the violence in some parts of the State, a dusk to dawn curfew was imposed on Ekpan and Effurun in Uvwie local government.⁵⁷

⁵¹ (2011) 3 NWLR (Pt 1234) 568.

⁵² (2008) 4 NWLR (Pt 1078) 455.

⁵³ <http://www.internationalpeaceandconflict.org/profiles/blogs/elections...> (accessed 18/6/2012).

⁵⁴ *Ibid.*

⁵⁵ Report of the Transition Monitoring Group on 2003 General Elections cited in Michael Oddih, Electoral fraud and the democratic Process: Lessons from the 2003 Elections; in Attahiru Jega and Okechukwu Ibeanu (eds), "Elections and the Future of Democracy in Nigeria," A publication of the Nigerian Political Science Association, 2007.

⁵⁶ CJ Ubanyionwu, "Fight against political corruption in Nigeria: The journey so far" *Public and Private Law Journal*, Vol.4, 2011.

⁵⁷ *Ibid.*

The 2011 general elections were also characterized by disorderly conduct. About 7 people were arrested in Nasarawa, apart from the one in Bayelsa State where a sitting Senator was involved in an attempt to snatch ballot boxes.⁵⁸ At Oporoma, headquarters of Southern Ijaw local government area, it was gathered that ex-militant commander, Eris Paul (alias Ogun boss) and his boys were also said to have hijacked election materials from INEC officials.⁵⁹ At Odoni and Agbere communities in Sagbama local government area, the special adviser to the governor on security matters, Richard Kpodoh also allegedly hijacked election material to unknown destination while the Senatorial result sheet was also carted away at Adagbabiri community in the same local government area by a group of youths.⁶⁰ JTF impounded a car loaded with ammunition in the house of a House of representative aspirant in Kwale, Ndokwa West local government area of Delta State. The politician was said to be distributing guns to his boys when the military personnel invaded the house and shot sporadically to scare the residents who were said to have escaped leaving the car behind.⁶¹

Jurisdiction and Trial of Disorderly Conduct at Elections

The jurisdiction and trial of disorderly conduct at elections are governed by the Nigerian Constitution, the Electoral Act 2022, and various case laws. These legal frameworks define which courts have the authority to hear cases involving electoral offences and outline the procedures for the trial of such offences. Understanding the jurisdictional aspects is essential for ensuring that justice is served efficiently and fairly in cases of disorderly conduct during elections.

Section 285 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), alongside the Electoral Act 2022, primarily confers jurisdiction over electoral matters to Election Petition Tribunals and Federal High Courts. These courts have the authority to hear cases related to electoral offences, including disorderly conduct at elections. However, the Magistrate Courts also have jurisdiction over certain electoral offences, especially where such offences are minor and fall within their criminal jurisdiction. In *Modibbo v Usman*,⁶² the court clarified that Election Petition Tribunals have exclusive jurisdiction over disputes arising from the conduct of elections, while criminal cases related to electoral offences, including disorderly conduct, can be tried in regular criminal courts such as the Federal High Court and Magistrate Courts, depending on the gravity of the offence.

The Electoral Act 2022 provides detailed procedures for the trial of electoral offences. Section 145(1)⁶³ stipulates that an offence under this Act shall be triable in a Magistrate court or a High court of a State, in which the offence is committed, or the Federal Capital Territory, Abuja. The standard criminal procedure applicable in Nigeria should be followed in the trial process. The trial process involves the filing of charges, arraignment of the accused, presentation of evidence, and delivery of judgment. In *Okereke v INEC*,⁶⁴ the court emphasized the importance of adhering to due process in the trial of electoral offences. The

⁵⁸ Oguwike Nwachukwu, "PDP loses in Sambo, Obasanjo, Bankole units, *Sunday Independence*, April 10, 2011, p.2.

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

⁶¹ *Ibid.*

⁶² (2020) 15 NWLR (Pt 1747) 318.

⁶³ Electoral Act, 2022.

⁶⁴ (2015) 18 NWLR (Pt 1491) 145.

court noted that the accused must be afforded a fair trial, with the opportunity to present his or her defence, and that any deviation from the prescribed legal procedures could result in the dismissal of the charges. In *Ladoja v. INEC*⁶⁵ the Supreme Court addressed a jurisdictional challenge where the appellant argued that the wrong court had tried an electoral offence. The court held that jurisdiction is fundamental to the validity of a trial, and any trial conducted without proper jurisdiction is a nullity.

The Federal High Court has exclusive jurisdiction over certain serious electoral offences, particularly those involving federal offences such as the manipulation of voter registers, large-scale electoral fraud, and other offences that transcend State boundaries.⁶⁶ A High Court of a State mentioned in that section⁶⁷ includes the Federal High Court. In *INEC v. Musa*⁶⁸ the Federal High Court was called upon to adjudicate a case involving widespread electoral fraud. The court's ruling reinforced the Federal High Court's jurisdiction over complex electoral offences, particularly those that require extensive investigation and involve multiple jurisdictions.

Magistrate Courts have jurisdiction over minor electoral offences, including less severe instances of disorderly conduct, such as public disturbances at polling stations that do not involve serious violence or significant disruption of the electoral process. The Magistrates' Courts Law in various States often outlines their specific jurisdiction over such offences. In *Egwuh v. Duru*⁶⁹ the court held that Magistrate Courts are competent to try certain electoral offences, particularly those involving less severe misconduct, but must refer more serious cases to higher courts such as the Federal High Court or Election Petition Tribunals.

Appeals Processes

The appeals process for convictions related to disorderly conduct at elections follows the standard appellate procedure in Nigerian criminal law. Section 241 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) provides that appeals from the decisions of Election Petition Tribunals and Federal High Courts can be taken to the Court of Appeal, and subsequently to the Supreme Court, if necessary. In *Awolowo v Shagari*,⁷⁰ the Supreme Court addressed the appellate jurisdiction over electoral disputes, noting that appeals must be filed within the statutory time limits, and that appellate courts have the authority to overturn, modify, or uphold lower court decisions related to electoral offences.

Conclusion

Jurisdiction and trial procedures for disorderly conduct at elections are critical components of the Nigerian electoral justice system. The legal framework provided by the Constitution, the Electoral Act 2022, and relevant case laws ensures that electoral offences are handled by appropriate courts, following due process and ensuring fair trials. By clearly defining the jurisdiction of various courts and outlining the trial procedures, these legal provisions help to maintain the integrity of the electoral process and uphold the rule of law.

⁶⁵ (2007) 12 NWLR (Pt 1047) 115.

⁶⁶ Section 145(1) of the Electoral Act, 2022.

⁶⁷ *Ibid.*

⁶⁸ (2003) 3 NWLR (Pt 806) 72.

⁶⁹ (2002) 8 NWLR (Pt 768) 584.

⁷⁰ (1979) 6-9 SC 51.