

The synergy between law and politics: An overview of 2019 elections in Nigeria

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Abstract

The connection between law and politics is sometimes taken for granted within the Nigerian electoral system. Law, particularly the judiciary represented by the courts underlies the ground in which elections are carried out and determined the outcome of results. Legal decisions are as a rule determined by political considerations rather than by legal interpretations and guidance, there must always be a clearly defined line or marked distinction. The increased apprehension in recent times following the outcome of the 2019 Nigeria Presidential Elections, between Atiku and Buhari, the two major contenders and their political parties, the PDP and the APC has aroused tension between the political branches and public legal institutions in Nigeria which has prompted calls for legal and political reforms from several quarters. This is because the outcome has been said to likely affect the vigor of Nigeria's nascent democracy. Through a survey of extant literature and documents (qualitative desktop work) on themes related to law and politics and the 2019 Nigeria Elections, the paper analyzed Nigeria's public legal institutions, their pivotal role in collective decision making after elections and their relationship with the political branches of government. The theory adopted for the paper is game theory. The theory is being used in carrying out day-to-day administration globally. Game theory is the study of mathematical models of strategic interaction among rational decision-makers. Beaming focus on the 2019 Nigeria Presidential Election, the synergy between law and politics is also examined and ensuing problems and areas of conflict when it came to establishing legal and political order at the end of the elections and its implication for future elections was established.

Keywords: law, politics, elections, presidential election, judiciary, courts

Introduction

The connection between law and politics has been an important theme of research in various contexts and dimensions since the establishment of government ^[1]. The intensity and inexorableness of link of these two concepts reveals a mostly reciprocal contact. This is because it has been acknowledged, that politics cannot exist without law, since the latter develops and maintains it within the operational limitations. The same way, law cannot exist without politics, since politics gives to law substance, which law adapts to its autonomous framework and develops its final form, expressed in the specific normative manner ^[2].

As a result of the elemental connection between law and politics, the study of the concepts and ensuing parameters have been of great interest to scholars, primarily because of its impact on political systems and modern statism. The interest could be traced to the early philosophers; Aristotle in particular, explicates the relationship in his work titled *Politics* where he asserted that the constitution (law) is inevitable in the political life of a society. This has been established by many scholars who have also contributed substantially to the study of the place of law courts in politics ^[3]. These scholars built on earlier case studies on the connection between law and politics and analyze a structural descriptive context of the relationship ^[4]. The relationship in recent times has become very distinctive within the context of the judiciary and is often regarded as the *sine qua non* of the political system due to the fact that, it seeks to mediate processes of "authoritative allocation of values within the society" ^[5].

The relationship between law and politics has also been considered as either interaction or competitive relationship

and it is reciprocal in nature ^[6]. In addition to establishing the reciprocal nature of interaction between law and politics, researchers tend to apply different approaches to their investigations. These investigations covers both national and international context, examining topics such as "*judicialization of politics / politicization of law*" ^[7]. *Judicialization of politics* within such a context is characterized by like "the reliance on courts and judicial means for addressing core moral predicaments, public policy questions, and political controversies within national systems / contexts" ^[8]; and covers a wide range of issues and controversies like electoral processes and outcome core executive prerogatives, legitimacy of regime change, transitional justice, defining the nation via court ^[9]. These features and ranges of investigations can be used to explicate political events and occurrences and beam focus on instances where there have been conflicts between law and politics, such as instances where there are court challenges and political legitimacy crises resulting from election disputes within a political system.

Within the context of elections, which ensures the sustenance of political systems and the guarantee of political order, many nations across the globe at a point often experience instances where the *judicialization* of law or the politicization of law must have affected political order. In Nigeria for instance, over the years, there has been a rising tide of contentious elections, however, the 2019 Presidential Election whose major candidates Retired Major General Muhammadu Buhari and Alhaji Atiku Abubakar, the two major contenders and their political parties, the PDP and the APC, was one of the most keenly and closely contested in the history of Nigerian Presidential Elections. The increased

apprehension following the outcome of the 2019 Nigeria Presidential Elections, aroused a great deal of tension between the political branches and public legal institutions in Nigeria and has prompted calls for legal and political reforms from several quarters. This is because the outcome has been said to likely affect the vigour of Nigeria's nascent democracy.

Rising above the judicial perspective of the 2019 Nigeria Presidential Elections, it can be inferred that the interaction of law and politics functions in three basic aspects, namely as a 'goal', a 'mean' or an 'obstacle' ^[10]. When there is reciprocal interaction between the two, it becomes a goal or a mean. However, when there is a significant antipathy between the two, it becomes an obstacle. Such obstacle tends to weaken the capabilities of law and politics as combined mechanisms for strengthening political processes, and can constrain the effectiveness of law and politics as a means of ensuring political order, guaranteeing that government or political systems are effectively structured, regulated and controlled.

Drawing from the context of the Atiku vs. Buhari 2019 Presidential Elections, the dynamics of the elections, the ensuing legal tussles and the political brouhaha that followed, the paper seeks to explicate the effectiveness of law and politics in ensuring political order, and its ineffectiveness in guaranteeing political order when both concepts are at conflict within the context of modern statism. Through a survey of extant literature and documents on themes related to law and politics and the 2019 Nigeria Presidential Elections, the paper analyzes the synergy between law and politics by studying Nigeria's public legal institutions, their pivotal role in collective decision making after elections and their relationship with the political branches of government. Beaming specific focus on the 2019 Nigeria Presidential Election, the synergy between law and politics is also examined and ensuing problems and areas of conflict when it came to establishing legal and political order at the end of the elections and its implication for future elections were established.

Methodology of the Paper

The article is based on qualitative desktop research. It employs a systematic review of literature on the synergy between law and politics with emphasis on the 2019 Nigeria Presidential Elections. The article focuses on already collected and recorded information or data relating to law and politics and the Atiku vs. Buhari 2019 Presidential Elections from secondary sources in relevant literature, reports, journals, books, unpublished works and monographs. Other related sources on the internet in various contexts were also used to critically review the research theme; establish existing connections and areas of divergence between law and politics.

Using the above source materials, the article also critically assesses the synergy between law and politics within the context of modern statism and political institutions by exploring the case of Atiku vs. Buhari 2019 Presidential Elections, the dynamics of the elections, the ensuing legal tussles and the political rumpus that followed. This was done with the intent of establishing how law and politics can work together to ensure strengthened political systems or weakened political systems which might eventually have far reaching implications for governance, democratic institutions or state order.

Literature Review

In this section a thorough critical review of some issues related to the subject theme of the articles study are discussed using some selected sub-themes that are most relevant to the theme. In specific terms, the paper conceptualizes law and politics and considers the relationship between law and politics and how both can be used to guarantee political order and how it can be ineffective when both concepts are at conflict especially when there are cases of judicialization of politics which lead to a range of issues and controversies like electoral processes and outcomes. In specific terms, law is defined, its purposes and practices within the context of modern-day political systems. Politics is also discussed as well its practice in modern day statism, and how a consideration of both law and politics can be used to establish uniform standards of behaviour and social stability when it comes to ensuring political order.

The Concept of Law

The meaning of law is one topic that has attracted significant jurisprudential and scholarly work. This is because defining the concept law is not an easy task as the concept is fluid, changing from time to time, with different scholars giving it different definitions or connotations. The many definitions advanced by scholars are often guided by the types of purposes sought to be achieved or the context that is to be described.

The Black's Law Dictionary ^[11] for instance describes law as consisting of rules governing actions or conduct within society. These rules are issued by authority. In addition, these rules have binding force and are obeyed and followed by citizens with sanctions or other legal consequences contained in the rules so as to ensure that citizens abide with the law ^[12]. Law has also been defined as "a principle or rule of conduct established so as to justify a production with reasonable certainty that it will be enforced by the courts if its authority is challenged ^[13]."

Law has additionally been defined as a set of rules aimed at regulating human conduct within the society, are indispensable to the well-being of the society and at most times are backed by sanctions ^[14]. Sanctions are used as an instrument for prescribing or prohibiting certain modes of behaviour and are usually termed as "reward" and heavily linked to observance or non-observance. Salmond ^[15] pointed out that sanctions are used by the state to punish law-breakers as an effective way of maintaining the law. "States enforce the law, not only by imprisoning the thief, but by depriving him of his plunder and restoring it to the true owner; and each of these applications of the physical force of the state is equally a sanction" ^[16]. These sanctions aspire to be as general and as constant as possible so as to apply equally to all members of the society. Law also discounts individual particularities and the uniqueness of any given situation ^[17].

Drawing from the enumerations above, it can be seen that law has different strands of definition and connotations. Irrespective of whatever definition, any description to the concept of law must encompass an attempt to clarify some legal concepts and must have some key features, such as acceptability and universality. It must also contain provisions for sanctions and must apply to all categories of citizens within the society. It is based on this that Freeman explicates that "the requirements of a good definition of law

should therefore (a) include what is generally accepted as properly within this sphere; (b) exclude which is universally regarded as not being law (e.g. the rules of a rubber band)...”^[18] Laws are relevant to various contexts and apply across vast ranges of time, space, causation, and agency; indeed, the very foundation of common law in every society is *stare decisis*^[19]. One fundamental notion of any law is that it seeks to regulate the affairs of persons and accordingly creates a peaceful coexistence within a polity. This presupposes an idea of having a just and equitable society.

Notwithstanding the various strands of definition for the concept law, for the purpose of this paper, the concept law refers to a body of rules of human conduct that emanates from a source recognized as competent by the legal order and involves an idea of responsibility with consequential sanctions if they are violated or in the event of disobedience. In Nigeria, bodies of rules of human action or conduct include “customs as well as English Common laws, equity and Statutes, Local Legislations, interpretations based thereon, Law Reports, Law textbooks and monographs and judicial precedents”^[20]. Recognized sources of law in Nigeria include statutes passed either by the National Assembly or State House of Assemblies or Bye laws by the Local Government Councils or delegated legislation where appropriate^[21]. It also comprises customary law which is recognized as a source of law, albeit subject to certain rules, as well as Islamic Law. All these sources trace their competence or otherwise to the Constitution of the Federal Republic of Nigeria, 1999 (as amended)^[22].

Within the context of political systems, law is also the means by which government itself is structured, regulated and controlled. It is no surprise, then, that law is an important prize in the political struggle and that law shapes how politics is conducted. “And the purpose of law in the society is to produce either of two things: (a) an idealistic society or (b) a practical society more tolerable than what has been labeled by some philosophers as the state of nature, in which there are no formal ties between mankind and no civil or statutory law”^[23]. The importance of law is such that it is difficult or impossible for a society to exist without law^[24]. Law functions as an integral part of the society and so occupies a core place in the society as all systems within the society are guided by law, from its political, economic, and social to cultural systems. Another obvious role of the law in the society is the resolving of disputes over limited resources; this majorly being a part of the functions of the judiciary, to adjudicate upon disputes amongst persons and institutions.

Concept of Politics

Politics is a vague term; in fact, scholars and pundits cannot agree on a common definition of politics. The term includes so many concepts that it could mean almost anything (or everything). Its vagueness made it readily associable to “deception, manipulation and corruption”^[25] so that its modern-day meaning might encompass various connotations. From this perspective, definitions of politics will always be contestable. However, a number of definitions have been drawn to explicate what politics is and the role it seeks to serve in modern human societies or governance systems.

In its most basic term, *politics has been defined as the science of government*. As a science, “it is a systematic body

of knowledge (for the most part, practical) that deals with the government and regulation, maintenance and development, and defense and augmentation of the state”^[26]. “It also deals with the protection of the rights of citizens, safeguarding and enhancement of morals, and harmony and peace of human relations”^[27].

Politics can also be defined as the process by which a society or group of people make decisions in response to the particular problems or crises encountered. The term is generally applied to behaviour within civil governments, but politics has been observed in all human group interactions, including corporate, academic, and religious institutions and mainly consists of social relations involving authority or power, the regulation of political units, and the methods and tactics used to formulate and apply social policy^[28].

Ponton and Gill^[29], define politics as the *way in which social affairs are understood and ordered, and by which people acquire greater control over the situation*. The definition puts to light the different political ideologies and philosophies that underlie societal structures. “Order” and the “understanding of reality” are shaped by the political orientation of the people, and the way by which people view and organize the world is said to be politics^[30]. Without politics, there is anarchy and a state of constant war. But its existence establishes order in various forms. It gives rise to different kinds of governments: monarchy, aristocracy and democracy^[31]. “That the society should be ruled by a single individual, by a selected few, or by all is a matter of preference that depends on the temperament of the affected group of people. What is important is that politics helps the people acquire greater control over the vagaries of their existence.”

From the foregoing definitions, it could be inferred that politics is associated with a “place”, and it is a “process”^[32], and an integral aspect of every society’s decision-making processes. As an integral aspect every society’s decision-making processes, politics is used to achieve and exercise organize control over a human community, particular a state. Following this line of thought, politics is defined as an appropriate course of action formulated to deal with specific situations that tally with the main goals social order, its preservation and the furtherance of a society’s values and interests^[33].

Within the context of human diversity, governance systems and interaction in societies, politics is seen to entail *conflict and cooperation*. Conflict is seen as important within politics because people disagree in almost every conceivable aspect of life because they differ in the way they perceive things. Cooperation on the other hand is motivated by men’s common goal of achieving a happy life. “While it is true that men argue and fight, it is undeniable that they desire for peace”, consequently, they often seek ways or means of overcoming conflict and establishing order in the society and it is the basis of Law. The process of achieving this is known as politics^[34]. What can be inferred from this is that politics is “the *creation, maintenance, and amendment of societal norms or rules (law)*”^[35]. It is this law or rules that serve as the undisputed order-establishing institution and modern states and international organizations rely on the adequacy and efficacy of these laws to meet the demands of the people to attain domestic and international peace^[36].

Relationship between Law and Politics

Law and politics have for long entertained close but fraught

relations. The relationship between law and politics has been a subject of jurisprudential discussions and political discourses since time immemorial. While the distinction between the spheres of law and politics was imprecise for early philosophers, notably Plato and Aristotle in the West, Ibn Khaldun in North Africa and Kautilya and Confucius in the Far East^[37], the inextricable link between the two spheres has remained, this is despite disciplinary separation which has been occasioned by the move towards specialism in recent times, and has remained a source of scholarly inquest. This is because in reality, the relationship or link between law and politics is symbiotic^[38].

Reasons why the relationship between law and politics is seen as symbiotic can be adduced to the fact that law determines rules and constitutional principle which shape the course and pattern of political relations; while politics often determines law and its various parameters in any jurisdiction. Law is made by the political authority and it is a product of political negotiations, hence the contents of legal rules are as a rule laced with politics^[39]. In addition, politics and all its parameters especially the process which involves governance exists only within the regulatory framework of the law^[40].

The symbiotic relationship between law and politics has further been explicated by Antonin Scalia in the maiden edition of the *Journal of Law & Politics* where it is argued that “there is no clear demarcation between law and politics because laws are made, and even interpreted and applied ... through a political process; and politics are conducted under the constitution and statutory constraints of the law”^[41]. This relationship nevertheless, there have been jurisprudential disputations on whether, or the extent to which, the spheres of law and politics converge in judicial decisions. The issue is brought to the fore in discourses about the role of the courts of law in the political life of the society^[42]. For the advocates of separation, the role of the judge is *jus decreet et non jus dare* (i.e., to declare but not to make the law). Such a view clearly denies the judiciary, an arm of government, any policy-making role in governance. This view dominated the intellectual space for a considerable period of time until scholars began to face the reality of the fact that the umbilical cord that ties politics and law may not be easily severed without some serious consequences for our governance systems. Both spheres are sub-systems of the larger society, and each shapes and is shaped by developments within the society^[43].

What can be inferred from the above enumerations and elucidations is that one of the main interactions which law and politics should share is that every definition of law is channeled towards a notion corresponding to politics within human societies. This is because law informs politics, in the same way which politics informs law. This interaction notwithstanding, in the converse, it must be noted that “law is one of the central products of politics and the prize over which many political struggles are waged”^[44]. This line of thought was explicated by an early American jurist James Wilson who observed that law is the “great sinew of government”. It is the major mechanism used by government to exert its will on society, and as such it is often thought to lie (almost indirectly) close to the heart of the study of politics. Law is also the means by which the government organizes itself. “This means is sometimes called public law, and has attracted independent attention. Here law is not only the product of politics but also

constitutive of politics^[45].

From the perspective of modern statism and governance systems / structures it can be argued that law and politics cannot be separated and both spheres represent the antagonistic and complementary modes of governing society. Antagonistic because law aims to establish uniform standards of behaviour and social stability, submits action to pre-ordained rules within the society. Politics on the other hand is the improvisation of a riposte to a specific, unforeseen event. Law and politics oppose each other as singular versus general. The two are nevertheless complementary, since their relationship is one of mutual dependence. Law encases and constrains politics at least in the case of those systems that have some respect for legal conventions and rights, but it is politics that makes the law, and as it might be demanded can remake it. Adopting a new law is one of the responses politics makes to an event and neither law nor politics can pretend to a monopoly over society. Law governs politics, and the law is the product of the political process. Politics is the product of negotiation, bargaining, persuasion, and ultimately majority preference, which is expressed through the ballot box. Judges and justices interpret and apply laws, and in doing so, they invariably shape and limit political and public policy. In reverse, “a society wholly without law would be either anarchic or despotic; in either case it if the society’s political system is not built on established workable laws, it would be subject to permanent instability, totally unpredictable for its members and its neighbours, rapidly becoming intolerable for both. Like hostile brothers, politics and law are both implacable and inseparable^[46].

Despite this interrelationship, the fields of law and politics operate in different ways; they use different languages and are limited by different goals. The problem, then, is to allow each its proper part in government, to trace a line of demarcation between, as that will permit us to distinguish what should pertain to each, in any given case^[47]. And giving the contribution to active players of politics, one may also find the causes of rapprochement of law and politics lay in the increasing fragmentation of power within the political branches. When political branches cannot act within the ambit of legal provisions, due to incongruity, people seek resolution to conflicts resulting to the *judicialization of politics* which has features like the reliance on courts for addressing political issues within national systems and covers a range of issues such as electoral processes and outcome, like in the case of the Atiku vs. Buhari 2019 Presidential Elections imbroglio.

An Analysis of the Atiku vs Buhari 2019 Presidential Elections

The 2019 Nigeria Presidential Election which was held on 23rd of February 2018 was heralded with tension, campaign of calumny, threats, blame games and anticipated violence and ended in a litany of court cases. The eve of the election saw the registering of 70 parties to contest, with about seventy-three (73) candidates fielded for the election. Despite the many candidates who were fielded for the elections, the battle was mostly between two major strong contenders; Alhaji Atiku Abubakar of the People’s Democratic Party (PDP) and President Muhammadu Buhari of the All Progressives Congress (APC). Both candidates emerged from the North and both of them were from the Hausa / Fulani ethnic group^[48].

The ability of the judiciary to work independently of politics was put to question when three weeks before the scheduled Election Day, the Chief Justice of Nigeria, Walter Onogie was suspended by the president. The suspension had an inhibiting effect on the judiciary. It did not follow due process, was divisive, and to some extent undermined confidence in the electoral process and opportunity for remedy after the elections. The case was also strongly criticized by the legal community. This is because the Chief Justice of Nigeria has a key role to play in deciding the Supreme Court bench that hears final appeals on pre-election matters, as well as governorship and presidential petitions ^[49].

Following the conduct of the 2019 Nigerian Presidential election, which was keenly contested, the APC candidate President Buhari was crowned as president after garnering 15,191,847 of the total votes cast, as against the Atiku gained 11,262,978 votes gained by Alhaji Atiku, the PDP candidate. However, the results of the elections did not go down well with the PDP candidate, who filed a petition before the Presidential Election Petitions Tribunal. The PDP candidate alleged that he actually won the election with 1.6 million votes more Buhari according to an internal compilation of results he claimed was obtained from INEC's server ^[50]. The claim was however refuted by the Independent National Electoral Commission (INEC), which failed to adhere to the legal requirements to provide electoral documents for the petition process and accused Atiku and the PDP of producing fake results to prove his case ^[51]. The case was dismissed by the tribunal which ruled that the petitioner (Alhaji Atiku Abubakar and the PDP) relied on information from a third party (and) the evidence is unreliable because it is hearsay and inadmissible ^[52].

During the course of the tribunal from the lower to the appellate courts, many other contentious issues were raised. Among them was the allegation that the candidate of the PDP, Alhaji Atiku Abubakar was an alien, a foreigner and as such not eligible to contest elections in Nigeria. Analyzing this development some analysts were of the opinion that this account and allegation was thrown up to deride the image and person of the PDP presidential candidate, who hitherto had held office as Vice President and custom officer in Nigeria where he rose to a high rank and was never accuse of being a foreigner ^[53]. As if to break the resolve and frustrate Atiku from pursuing his case at the judiciary, Mr. Abdulahi Babalele, son-in-law to Waziri Atiku Abubakar and Finance Director of Atiku's Group of Companies, was arrested by the Economic and Financial Crimes Commission (EFCC) for financial misconduct. Analysts opine that the moves were meant to intimidate and harass Atiku by crippling his personal investments and put pressure on him to negotiate and withdraw his petition ^[54].

The APC candidate Muhammadu Buhari who was declared winner of the 2019 election by INEC on the other hand was accused by the PDP candidate of not having the required qualifications to contest the election as he had no credentials. In its petition, Atiku and the PDP alleged that President Buhari did not secure the majority of votes cast, committed malpractices, that his re-election was invalid by reason of non-compliance with the Electoral Act, and hence lacked the qualification to be a candidate for not having the school certificate. To this allegation, the counsel of the defendant (President Buhari) claimed that his credentials were taken from him during recruitment into the army ^[55].

The issue became controversial and was further brought to the front burner during the tribunal and was called to question. Many witnesses were invited, during the course of the tribunal to support both parties - Alhaji Atiku Abubakar and Muhammadu Buhari.

Those, who spoke at the tribunal as key witnesses, presented by President Buhari, exposed the controversial development behind the credentials. However, political analysts, the witnesses did more harm than good during cross-examination at the tribunal ^[56]. One of the witnesses, Major Gen. Paul Tarfa (Rtd), who was admitted into the army with Buhari, debunked President Buhari's position that his credentials were taken from him during recruitment. Tarfa, who was a mate of President Buhari in the Nigerian Army, had told the tribunal that it was not true that their academic credentials were taken from them during recruitment. He had also told the Tribunal that the claim that he and members of his set were asked to hand over their school certificates to the Nigerian Army while being enlisted in 1962 was false. When asked by the INEC's lawyer to confirm if, he and other course mates were asked to hand over their certificates to the Nigerian Army during their enlistment, Tarfa, said, "there was nothing like that ^[57]."

Another major dent to the President's defense was the West African Examination Council (WAEC) Deputy Registrar, Mr. Oshindehinde Adewumi, who told the court during the tribunal that the Cambridge Assessment International Education certified statement of results presented to the court by President Buhari was not issued by WAEC and that WAEC did not issue any certificate to President Buhari. Adewumi, who was one of the star witnesses of President Buhari, denied issuing WAEC certificate to the president. He told the court that he only certified President Buhari's statement of result and not certificate. When asked during cross-examination to certify exhibit R21 (Cambridge Assessment International Certified Statement), Adewumi said, "This document is not bearing my name or signature. You cannot expect me to certify a document that is not from WAEC ^[58]. This document is bearing Cambridge Assessment International Certified Statement. It is not a document from the WAEC." He said that he could not confirm Buhari's Cambridge Assessment International Certified Statement of West African School Certificate issued in 1961 ^[59]. Despite this conspicuous evidence, the court dismissed the petition.

Other glaring issues that were made known during the election tribunal and raised by Atiku Abubakar and the PDP were over voting in some states; numbers of votes cast not tallying with result; use of state powers, security agents to intimidate voters on election day; snatching of ballot boxes, and replacing same with thump printed ballot papers; beating of voters at polling units by thugs loyal to a particular party; burning of ballot boxes, papers, stuffing of ballot and host of other electoral malpractices during the elections which were condemned by local and international observers ^[60]. However, the Tribunal dismissed the allegations. According to the lead judge of the tribunal, "The petitioners have a duty to prove all the allegations which are criminal in nature beyond reasonable doubt". He said that there is nothing to show there were malpractices in the presidential election. "The evidence put forward by the witnesses called by the petitioners is not sufficient to prove the monumental allegation of electoral malpractices pleaded ^[61]."

Overall, the 2019 Nigerian Presidential Election result, was challenged by Atiku Abubakar and the PDP, alleging irregularities, but the petitions were swept away by the tribunal due to lack of merit. In saner climes, such allegations will not be taken lightly and will be critically assessed and capable of sending one to jail or might lead to cancellation of the election results. However, since the members of the courts (and the election tribunal) are appointed politically, they might not really want to get on the bad side of the APC led government of Buhari. Following the outcome of the tribunal, observers in their assessment called for electoral reforms to change the narrative in future elections in the country and the development portends a very bad antecedent for democracy in Nigeria and for the functionality of the law courts and Nigeria's judiciary as a whole.

The Atiku vs Buhari 2019 Presidential Elections in Retrospect: Changing the Paradigm

Law and politics are meant to work together to ensure the smoothness of governance systems or structures. However, the results and outcome of the Atiku vs. Buhari 2019 Presidential Election which was characterized by credibility deficiency generated a great deal of petitions and litigations, raising a number of critical issues within the ambit of law and politics.

What the Atiku vs. Buhari 2019 Presidential elections portrays is that law as expressed by the judiciary and within the purview of the law courts cannot be isolated from the politics, since it is a creation of gladiators of the political class who have developed the proclivity to subject almost every leading issues to political controversy and test of judicial determination. As individual and institutional actors become more conscious of the courts' pronouncements in their political behaviour, the tendency towards judicialisation of politics or politicization of law under the rule of law, presents for the Nigerian courts an opportunity for operational dynamism and expansion^[62]. However, reverse has been the case. There is a need for a rethink of the dynamics surrounding issues, which might affect the synergy between law and politics especially as it concerns electoral processes and outcomes.

From the perspective of law and politics within modern statism and especially what it portends for governance systems (electoral processes and outcomes), the relationship between both spheres must be seen as both progressive and a safeguarding function. Law and politics separately or in concert both promote and suppress the development of societal relations, while they both also function to bring about justice and order^[63]. The essence of their "separate and connected" but not integral existence is to help set each other's borders. These borders prevent excessive one-sidedness in politics or the law, similar to a "checks and balances" mechanism^[64]. It must however be stressed that for law to be effective, an especially emphasized *conservative function* is important, despite the fact that it can sometimes function in a developmentally progressive or creative manner, the dynamics of law should not be exaggerated^[65]. Rather, it is better to encourage existing mechanisms through which the law reacts quickly and effectively, so that it will meet emerging social circumstances and prevents the possibility of one-sidedness or exaggerated aspirations of politics^[66].

Drawing from electoral processes and outcomes from the

study of the Atiku vs. Buhari 2019 Presidential Election, it can be inferred that the synergy between law and politics ideally is meant to ensure fairness and equity in the overall process. Elections in democratic institution are meant to afford the candidates the opportunity to canvass for the votes of the eligible voters in a free and fair contest. Failure by misguided elements to pay credence to the law, especially the overarching role of courts, more often than not, leads to a state of anomie or normlessness with cataclysmic consequences for the entire polity. The reason for this is obvious, law is the glue that holds the political system together and when this fact is ignored, the tendency is for a reversion to the state of nature.

Within the constitutional framework, the 1999 Constitution of the Federal Republic of Nigeria, has vested in the Nigerian courts the operational framework to perform their adjudicative functions free from interference from politics, as well as for them to play a proactive role in regulating the patterns of exchanges between law and politics so as to ensure parity of functions. Unfortunately, electoral justice remains a big challenge in Nigeria from independence to date. The arm of government responsible for upholding the judicial system is inefficient due to acts incongruity between the spheres of law and politics. This aberration is devastating and leaves the common person wandering if the law actually works. There is the need for reforms in Nigeria's electoral processes. Such reforms can come in two ways, the design of an efficient, effective nonpartisan synergy between law and politics; second, the re-orientation of the country's political culture so that the political elite and general public will show a genuine commitment to the rules and regulations governing the electoral process in Nigeria hence ensure credible and acceptable elections.

Conclusion

The relationship between law and politics is intertwined, complex and inseparable. The two spheres are conjoined fields of study, which, like any attempt at disambiguation of "Siamese twins", cannot but remain phenomenal. The courts, particularly when exercising constitutional jurisdictions, are politically significant institutions of governance, democratic or otherwise, and, hence, incapable of being insulated from the vagaries of day-to-day practical politics. The inextricable link between politics and law is never static but rather fluid, responding at different times and climes to the dominant issues and ideas of the days. Thus, rather than seeking to detach the judiciary from politics or remove politics from the judiciary, which our experiences show has been impossible to achieve in reality, we should rather accept the fact and seek mutual accommodation. That is the only way the anarchy and disorderliness of politics could be "punctuated by justice, fairness and orderliness"^[67].

Additionally, it must be noted that politics cannot exist without the law, since the law forms it and keeps it within certain limits that are dictated above all by the ideas of justice and social order. However, law could not exist without politics, since politics gives law its driving force and its substance, which law then adapts to its autonomous framework and develops its final form, expressing it in a specific normative manner. Thus, one of the most demanding tasks of every society is to continuously attempt to establish and maintain an appropriate balance between politics and law.

Drawing from the Atiku vs. Buhari 2019 Presidential Elections from the aspect of maintaining a balance between law and politics, what remains is how to construct patterns of relationships between law and politics that no one of them could render the other prostrate. The path of political stability and economic prosperity lies not in crack isolationism but rather constructive engagement between law and politics, with the full awareness that for each one of them the law is as relevant as the politics in their mutual and unavoidable interactions.

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