



## RULE OF LAW, POLITICS AND GOVERNANCE IN NIGERIA'S FOURTH REPUBLIC

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**Abstract:** *The place of rule of law in politics and governance of any country cannot be overemphasized. This is because politics and governance being human activities are prone to crisis and abuse. As a result, it becomes very imperative for law to guide the activities of actors in the political and governance spheres. The rule of law also ensures that those in government positions act in a way that can and should bring about the welfare and well-being of the governed. This paper found out that since the return of democracy in Nigeria in 1999 after long period of military rule there is less adherence to the rule of law. This is due to the presence of strong individuals rather than strong governmental institutions. These institutions more often than not are manipulated by the strong individuals in a way that serve their personal interest instead of general interest. This explains why corruption is very rampant in the country and elections are hardly free, fair and credible. Virtually all election results in the country are contested in the court because of obvious cases of electoral malpractices. Electoral malpractices have been the bane of good governance in Nigeria. This paper made use of the secondary method of data collection. In this case, data for the paper were collected and gathered from textbooks, journals, newspapers, magazines as well as internet materials. Analysis of the data collected was done through analytical, historical and descriptive methods. The theoretical framework adopted in this paper is the separation of power theory. The paper recommended among other things that there should be constitutional and electoral act amendment that would guarantee free, fair and credible elections in the country and the governmental institutions should be strengthened to be able to discharge their duties and responsibilities objectively without fear or favour.*

**Keywords:** *Governmental institutions; Election; Good governance; Democracy; Politics*

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## 1. Introduction

Politics and governance are human activities and expected to be regulated by Law. It is important to note that politics and governance from time immemorial are designed to serve positively the interest of the masses. Politics and governance can only serve the interest of the people when they are done in accordance with the law. This is because in a democratic setting, no law is meant to be made that would be detrimental to the welfare and well-being of the people. This is because democracy is a form of government that allows for popular participation. This explain why it is said that in democracy power belongs to the people, this means to a large extent that people under normal condition through their representatives are expected to determine the pace and trajectory of politics and governance. If they determine the pace and trajectory of politics and governance it means they are expected to benefit from not only politics but also governance.

The Fourth Republic in Nigeria came into existence in May 29, 1999, after the military regime led by General Abdul-Salam Abubakar handed over power to President Olusegun Obasanjo. That once again ushered in democratic governance in Nigeria. Events in the country ranging from electoral malpractices, violation of rules and regulations, abuse of power, misappropriation of public funds, denial of people from enjoying fundamental human rights, nepotism and favouritism made some scholars and analysts to opine that Nigeria is not practising democracy but just mere civil rule.

From 1999 to date, Nigeria has been oscillating from one form of bastardization of democracy and its tenet to another. This condition has made politics and governance not to be in the pedestal of benefiting the masses, the political class are the only ones benefitting from the form of democracy practiced in Nigeria. At the beginning of the Fourth Republic, there was still some semblance of the existence of strong democratic institutions such as the electoral body – Independent National Electoral Commission (INEC), the judiciary, the legislature, civil society organizations, the labour unions represented by the Nigerian Labour Congress, among others. The activities and influence of these institutions to a very large extent checkmated the powerful segment of the political class to the extent that they had to listen and dance to the tune of the citizens; but as time went on, Nigeria started to witness the destruction of virtually all known democratic institutions. Some elements of the political class shifted from politically motivated killings to total annihilation of democratic institutions. In the early period of the Fourth Republic, some politicians resorted to politically motivated killings of opponents to have their ways politically because there was the existence to a large extent of strong democratic institutions

but as time went on, some dominant elements of the political class reduced incidences of politically motivated killings to the destruction of virtually all known democratic institutions. For example, the 2007 Presidential Election that ushered in late President Umaru Musa Yar'adua was adjudged to be massively rigged which even the beneficiary of the rigging, late President Umaru Musa Yar'adua acknowledged.

From then till now, Nigeria has witnessed total clampdown and destruction of democratic institutions, including the judiciary; there are incidences of judgement without justice particularly in political cases. Prior to the 2023 General Elections, INEC promised to transmit election results electronically to the servers but midway they abandoned the idea claiming there was technical glitch particularly in the Presidential Election. Politicians and their agents go to polling units with cash to pay voters in order for them to cast their votes for them, the police will be at the polling units without taking much action to curb actions inimical to the electoral process. Currently, opposition parties are in disarray, the government of the ruling party, All Progressive Congress has been accused to be behind the destruction of opposition parties and the defection of opposition leaders to the ruling party. This situation if left unchecked can turn the country to a one-party state. The implication of one-party state is grave not only to politics but also governance. This can throw the country to the worst form of authoritarianism, tyranny and bad governance in all its ramifications.

## **2. Conceptual Clarification**

Clarification of major concepts in this paper to a very large extent helps in the understanding of the subject matter of the paper. The concepts and terms to be clarified are: Rule of Law, Politics and Governance. These concepts are central and germane in democracy as a form of government.

### **2.1. The Concept of Rule of Law**

Rule of law is central to democracy and its practice. Democracy cannot be said to be practiced without the existence and adherence to the rule of law. Rule of law can be said to be the bastion of democracy. What then is rule of law? According to A.V. Dicey cited in Enemuo (2015:151) rule of law is "the absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power, and excludes the existence of arbitrariness, or prerogative or even of wide discretionary authority on the part of government". This shows that rule of law simply means rule

according to the law; it implies not only of rules according to the law but also actions should be taken by both government and the citizens according to the law. It also means that there is sanction against those who act in defiance of the law. There is no gainsaying the fact that when actions are taken in accordance with the law by both the government and citizens, there will be peace, good governance and development in such society. This is because in a democratic setting where there is popular participation in politics, no law is expected to be antithetical to citizens' welfare and well-being. The components of the rule of law include but not limited to the following: (i) the supremacy of the law including judicial decisions over all persons and authorities in a state; (ii) the supremacy of the constitution; (iii) the independence of the judiciary; (iv) the right to personal liberty; (v) observance of democratic practices including: the freedom of the press, thought, association and regular, free and fair elections as the bases for assuming power in government (Enemuo 2015:152).

The above is what the rule of law entails in its total form, no doubt when all these elements of rule of law are in place in a polity, politics and governance are carried out in a way that they can contribute not only to citizens' well-being but also societal development. Citizens' well-being and societal development are part of the reasons why democratic governance is desirable and regarded as the best form of government. Democracy cannot be said to be in place without the rule of law in proper operation. Democracy in Nigeria's Fourth Republic is fast becoming a mirage because the rule of law and its adherence can be said to be absent to a very large extent.

## **2.2. The Concept of Politics**

The centrality of politics to modern governance cannot be overemphasized. It is impossible to have a discourse in modern state and governance without featuring politics. This explains why it is stated that politics is the vehicle through which power is captured and used. The term politics has been defined by several scholars. David Easton sees politics as the authoritarian allocation of values while Harold Lasswell opines that politics has to do with who gets what, when and how. According to Anifowose (2015:2), the Greek concept of politics more accurately refers to a process by which men debate matters concerning the 'polis' that is, the political community, and take actions in an attempt to realize the public interest or the common good.

Politics is associated with governance in the sense that politics precedes governance and it is also involved in the governance process. It means therefore that politics and

governance are intricately intertwined. Politics can also be seen to be a game people who want to capture political power and govern engage in. The citizens also engage in politics by belonging to political parties, joining political party activities like rallies, campaigns, voting in party primaries and general elections, all these are political activities.

### **2.3. The Concept of Governance**

Governance as a concept has attracted the attention of scholars across the globe as well as international organizations such as United Nations, African Union, ECOWAS, African Development Bank, etc. The great and serious attention given to governance is because of its place in the well-being of the citizens as well as the development of the society, states and the international community.

The attention revolves around the need to have a governance system that would ensure overall development of a country, a condition that is desired by all and sundry. According to Egugbo (2016:43), "the centrality of governance in the affairs of men has made it to occupy a pride of place in academic as well as political discourse within a nation and at international level. Governance plays a critical role in the development and underdevelopment of nations". While good governance contributes to the development of nations bad governance brings about underdevelopment. The dimensions of good governance according to Diamond (2004:22) include:

- (i.) The capacity of the state to function in the service of the public good;
- (ii.) Commitment to the public good;
- (iii.) Transparency, the openness of state business and conduct to the scrutiny of other state actors and of the public;
- (iv.) Rule of law;
- (v.) Mechanism of participation and dialogue that enable the public to provide input to the policy process, to correct mistakes in policy design and implementation and to promote social inclusion; and
- (vi.) It also breeds social capital, in the form of networks and associations that draw people together in relations of trust, reciprocity, and voluntary cooperation for common ends.

It is important to state that governance is meant to serve the best interest of the people. In other words, governance is expected to ensure the greatest happiness of

the greatest number according to Jeremy Bentham. The welfare and security of the people are meant to be guaranteed through governance. This explains why it is said that the essence of government is to do for the people what the people cannot do for themselves and this explains the reason for the formation of the state according to the social contract theory postulated by Thomas Hobbes, John Locke and J.J. Rousseau. Governance can only bring about security and welfare of the people when the dimensions to good governance as opined by Diamond are in place.

World Bank (1994) sees governance as “the manner in which power is exercised in the management of a country’s economic and social resources for development”. Governance from the perspective of the public sector means activities of government at all levels in a given country as well as at the international level. In other words, governance has to do with what government does in relation to the citizen and society as a whole. This explains why it is often said that government has responsibility to satisfy the wishes and aspirations of the citizens.

### **3. Theoretical Framework**

The theoretical framework adopted in this paper is the theory of separation of powers. The theory of separation of powers is traceable to Jean Bodin, a French writer who pointed in the *Republic* (1576) that some separation was essential. According to him as cited in Appadorai (2004:516), “The prince ought not to administer justice in person, but should leave such matters to independent judges. The theory of separation of powers as it is presently was clearly formulated by Montesquieu in the *Spirit of Laws* (1748). This theory is of the view that the powers and functions of government should be shared among the organs of government which are the Executive, Legislature and Judiciary. As a result, the executive arm of government is saddled with the responsibility of execution of laws as well as making and implementing policies among others, the legislature is to make laws and the judiciary is to interpret the laws. Corollary to separation of power is the principle of checks and balances; it is expected that when different arm of government is assigned different functions, each organ is expected to be specialist in the assigned functions and therefore expected to discharge and perform their functions more effectively and efficiently which invariably leads to the satisfaction of the citizens in terms of service delivery. Apart from this, they are expected to check the activities of one another so that the organs of government will not tilt towards tyranny and authoritarianism. According to Montesquieu cited in Appadorai (2004:516), “when the legislative and executive powers are united in the same person, or in the same

body of magistrates, there can be no liberty, because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner”.

Separation of powers is very imperative and paramount in a democratic governance system. This is because the different organs of government exist to perform specific functions and each is not expected to allow the other to act outside and beyond its power. This arrangement is put in place to ensure that government act in a way that can satisfy the wishes and aspirations of the citizen. It is important to state that separation of powers is meaningful when it is enshrined in the constitution of every country. One thing is to have a constitution; another is to ensure the application and effective use of such constitution. It is only when the constitution is adhered to that the principles of separation of powers can be made efficient and effective.

#### **4. Relationship between and among Rule of Law, Politics and Governance**

It is very germane and imperative at this juncture to state that there exist a relationship between and among rule of law, politics and governance. This is because politics and governance are human activities and as such are meant to be guided by law. Rule of law simply means rule or governance that is guided by law. Politics and governance are dependent on the laws of the land. It is only when politics and governance are done in accordance with the law that there can be peace and development in any country. In a country where politics and governance activities are carried out without adherence to rule of law, there cannot be peace and development in that country. In this vein, Egugbo (2014:23) opined that “Political interaction can only be peaceful and free from rancour and acrimony if the principles of rule of law are strictly adhered to”. According to Dudley (1973:14), “Politics like a game, is governed by rules, the types of rules determines the firm permissible moves of the game”. Politics just like every other game has rules and regulations and the practitioners are expected to play the game of politics according to the rules of it. This is to ensure peace development.

Over the years, politics in Nigeria has been played with a do-or-die mentality. It has been played with little or no adherence to the rule of the game and this has resulted over time in the use of thugs to carry ballot boxes and stuffing them with ballot papers, bribery of electoral officers to announce wrong results. Recently, Professor Peter Ogban has been convicted by both the High Court and the Appeal Court for rigging election in 2019; the country has also witnessed politically motivated

killings. This made Ake (1996:7) to opine that “it is easy to see that the political environment at independence was profoundly hostile to development. The struggle for power was so absorbing that everything including development was marginalized”.

On the relationship between politics and governance, it is important to state that both have mutual and symbiotic relationship. In the first place, politics is the vehicle through which people capture power for the purpose of governance. For people to engage in governance they are meant to engage in politics. This explains why politics is seen as a game people who want to capture power engage in. Many of those in governance position in Nigeria are those who belong to political parties and engaged in political activities and voted into offices and those voted in turn appoint officials to assist in governance. It is important to state that there could be very few who got appointment without necessarily belonging to political parties or engage in politics but it is important to state also that one might not have participated in political parties activities before securing appointment but once appointed they are meant to one way or the other participate in politics by offering one form of support or the other to the ruling party. For example, the governor of Akwa-Ibom state, Pastor Umo Bassey Eno, recently asked his appointees to join him in decamping from the People’s Democratic Party to the All Progressive Congress (APC). This shows that certain conditions will propel an appointee to participate in politics and political activities.

The nature of politics determines the nature of governance and vice-versa. A condition or environment where politics is played with a do-or-die mentality, where the rule governing politics are not obeyed and elections are won based on electoral malpractice; good governance cannot be achieved in that environment. This is because the people will be alienated from the governance process because they are to be seen by those in government as irrelevant because they are not needed largely to win elections. In a similar vein, a governance system produced through flawed election can hardly be interested in genuine electoral reforms that can usher a political process that can guarantee political activities that would be devoid of rancour, acrimony and electoral malpractices. Though, the 2007 Presidential Election that ushered in the late President Umaru Musa Yar’adua was adjudged by many local and international observers as flawed; a fact that even the late President alluded to and later set machinery in motion to reform the electoral process. After his death, his successor, President Goodluck Jonathan continued with the electoral reform process but was ousted in 2015. From 2015 to date, the country has not witnessed genuine electoral reform because the governments that came in after 2015



can be said to be afraid of electoral defeat hence the lukewarm attitude to electoral reform.

It should be noted that if there is no genuine and sincere political and electoral reforms to ensure rancour-free political activities as well as free and fair elections, Nigeria cannot witness the much needed development. Because when the power of leadership recruitment is taken-off the citizens as a result of electoral malpractices, the leaders that would be emerging would care less about the people because they know they do not need the masses to win elections and retain their leadership positions.

### **5. Challenges facing Rule of Law, Politics and Governance in Nigeria's Fourth Republic**

Rule of law, politics and governance have faced and still facing serious challenges. These challenges have made it difficult to achieve good governance and development. Development in Nigeria is at a very low level and this explains the high level of poverty, unemployment, insecurity, as well as low level of infrastructural development. It was stated that as at 2023, the poverty rate in Nigeria was estimated to be 38.9% and about 87million Nigerian living below the poverty line. According to the World Bank Report (2023), 30.9% of Nigerians survive on less than \$2.15 a day. In the areas of unemployment, figures from the National Bureau of Statistics (NBS) show that Nigeria's unemployment rate was 5.30% in the first quarter of 2024. The figure showed that there was an increased from 5.0% recorded in the third quarter of 2023. For over fifty year of independence, the level of development in Nigeria should have been higher than what it is now if there had been good governance. This explains why Ake opined that what is developing in Nigeria is underdevelopment.

On the rule of law, there is high level of non-adherence to the principle of rule of law in Nigeria. This explains the impunity that pervades the political landscape; institutions of the state are manipulated in such a way that they serve personal interest rather than public interest. The Independent National Electoral Commission has been accused of not making elections to be free and fair. The judiciary also is known to be engulfed in corruption to the extent that judgements no longer reflect justice but for the highest bidder. There are conflicting judgements from different courts. The police are not exempted from manipulation and serving more personal than public interest particularly of the political class in power, they have been

fingered in electoral malpractice because they offer protection and guide to thugs loyal to the ruling party. They are also involved in arresting and even firing tear gas at peaceful protesters.

Issue of corruption is also adversely affecting governance in Nigeria. Billions of naira has been siphoned from the public treasury by a segment of the public office holders. The Economic and Financial Crimes Commission and the Independent Corrupt Practices and other Related Offences Commission stated that they have recovered Billions of naira and dollars from looters. Money meant for the provision of infrastructural facilities for the benefit of the people is being mindlessly siphoned; leaving the people to wallow in penury and abject poverty. The extremely poor citizens are also targeted by a section of the politicians for exploitation during elections; they are given peanut just to buy their votes. This is also a big challenge for the country's politics and governance.

## **6. Conclusion**

Rule of law, politics and governance are central to the development of any country. They are expected to be practiced the way they ought to particularly in accordance with the law. Politics and governance are dependent on laws, it is only when politics and governance are practiced according to the law, they can engender development and citizen's well-being. The high level of poverty, unemployment, insecurity and general level of underdevelopment in Nigeria can be traced to non-adherence to the principles of rule of law, do-or-die attitude to politics and bad governance. Because of the high value placed on politics, as it has become a source of livelihood and easiest way to amass wealth, some members of the political class are doing everything to manipulate the public institutions that can help them to win elections without popular votes. Financial inducement has become the order of the day for election rigging as well as vote buying, thugs are also deployed to cart away ballot boxes and papers and also chase away voters with weapons. All these acts no doubt make governance to be in crisis.

## 7. Recommendations

Nigeria is in dire need of development, as a result, deliberate and concerted efforts need to be made to achieve it. This is because developmental issues are not one man affair. There should be adherence to the principles of rule of law by all and sundry. Laws must be obeyed and violators have to be sanctioned to serve as deterrent to others. Institutions of state should be allowed to function independently without interference from any quarters and they should be made to operate without fear or favour no matter whose ox is gored. It is only when public institutions are allowed to operate without intimidation and interference that they can deliver efficient and effective services to all and sundry.

Politics should be made to be less lucrative, this can be done partly by reducing the remuneration and other perquisites of political office holders to reduce the do-or-die attitude to politics by some members of the political class. The citizens are not expected to be docile on politics and governance issues. They are supposed to take active part in politics and be ready to vote out those who are not satisfying their wishes and aspirations. The citizens should try as much as possible to stop collecting money to cast vote. In fact, the security agencies should be mandated to arrest those buying and selling votes. There should be a mechanism in place that can make stealing of government fund to be difficult – corrupt acts are better prevented. It is very expensive and difficult to fight corruption when it has occurred.

## 8. References

- Ake, C. (1996a). *Democracy and Development in Africa*. Washington, D.C.: The Brookings Institutions.
- Ake, C. (1996b). *Is Africa Democratizing?* Lagos: Malthouse Press Ltd.
- Anifowose, R. (2015). The Nature and Scope of Political Science. In Anifowose, R. & Enemu, F. (Eds.). *Elements of Politics*. Lagos: Sam Iroanusi Publication.
- Appadorai, P. (2004). *The Substance of Politics*. New Delhi: Oxford University Press.
- Diamond, L. (2004) Building a System of Comprehensive Accountability to Control Corruption. In Agbaje A.B. (Ed.). *Nigeria's Struggle for Democracy and Good Governance*. Ibadan: Ibadan University Press.
- Dudley, B.J (1973). *Instability and Political Order*. Ibadan: Ibadan University Press.

Egugbo, C.C. (2014) The Rule of Law and Democratic Consolidation in Nigeria. *UniiUyo Journal of Politics and Administration*, 1(1):23-31.

Egugbo, C.C. (2016). Governance and Sustainable Peace in Nigeria. *African Research Review: An International Multi-Disciplinary Journal*, Bahir Dar, Ethiopia, 10(4):41-55.

Egugbo, C.C. and Abang, S.O. (2018) Politics and Sustainable Development Goals in Nigeria. *Ife Social Sciences Review*, Journal of the Faculty of Social Sciences (Special Issue) pp. 420-426.

Enemuo, F. (2015). Democracy, Human Rights and the Rule of Law. In Anifowose, R. and Enemuo, F. (Eds.). *Elements of Politics*. pp. 141-155. Lagos: Sam Iroanusi Publication.