

VOTE BUYING CONONUDRUM: EXPLORING LAW AND RELIGION IN CURTAILING ITS EFFECTS ON NIGERIAN DEMOCRACY

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ABSTRACT

The paper examines the crime of vote-buying within the context of the monetized Nigerian electoral process. It appraises the impact of vote buying on the election process that produces elected officers and its implication for good governance and national development. Vote buying is an electoral crime associated with money politics. Vote buying is prohibited in Nigeria and punishable under the law as stated in Article 130 of the Electoral Act as amended. Yet, in Nigeria, it is convenient for politicians to induce electorates and easy for electorates to sell their votes. Thus, the incident of vote buying has steadily grown with each passing election. The act of vote buying affects election outcomes significantly and has direct implications on the credibility and quality of political leadership and governance of the country. The paper finds that politics is an inclusive public participatory act, which produces good governance, and dividend of democracy. It is therefore only good politics, free of vote buying and inducement that can produce good government. Law and religious institutions are necessary to breed good political culture, free of vote buying. The paper concludes and intended to show that legal punishment may not be sufficient deterrence, thus the need to explore religious norms and values to control the actions of members of society and discourage the act of vote buying.

Introduction

The vote-buying phenomenon is fast destroying the democratic institution and the rate at which votes are traded for money exchange in Nigeria's political landscape is better described as "Cash and carry democracy". This situation is a grave danger for the future of the Nigerian political system if it is not urgently curtailed by religious groups and legal frameworks. The concept of vote buying often denotes/takes two dimensions; the giving of cash and material reward to a voter by a political party or candidate to cast a vote in the favour of the giver and/or the giving of money to a prospective voter to abstain from voting in a bid to increase the chances of success to that political party or candidate in the particular polling units. Thus, this arrangement amounts to a contract; an offer agreement between an offeror and an offeree.

However, it is an illegal contract which attracts punitive sanctions for both parties. The incidents of vote buying occur at different stages of an electoral system voter registration times, during primary elections/nominations, during campaigns and on the day of elections. The money for buying a vote is usually paid to the voter before or after the casting of the vote in the form of an open display of ballot paper or pictorial evidence taken with a phone. The margin expected from the voting areas to emerge as a winner often determines the value of every vote bought. The study seeks to appraise the menace of vote buying in the electoral system of Nigeria.

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Since the return of democratic governance on May 29, 1999, there has been public assertion and outcry that the electoral process has been inundated with claims and counterclaims of practice and perils outcomes of vote buying by political office seekers from a large number of electorates. This unwholesome practice is prevalent among the masses, many voters are bribed and, offered money to vote for a particular party or candidate contrary to their mindsets or wishes. Voting in periodic elections constitutes the most important instrument of political accountability in a democracy. This is how the popular sovereignty of the electorates is translated into reality¹. Voting is an expression of the fact that political power belongs to the voter and the people in a democracy.

The essence of the democratic system is in the participation of the people, especially through their votes. Therefore, free and fair elections are the credible means for the emergence of personnel of political leadership in a democracy². In Nigeria however, voting and periodic elections are yet to become established as a potent means of political accountability and determining who emerges as political leaders. This is because the culture of vote rigging and other electoral malpractices have made nonsense of periodic elections. Albeit, the political leaders that emerge from this fraudulent electoral process do not reflect the true choice of voters.

¹ Akinseye George, Yemi (2000). *Legal System, Corruption and governance in Nigeria*. Lagos: New Century Law.

² Ayoade, J.A. (1997). "Nigeria and the Squandering of Hope". *An inaugural lecture delivered at the University of Ibadan*, Ibadan: Vantage Publishers Limited Ibadan.

When the electoral mandate is purchased and not freely and creditably given by the people, it has negative implications on the psychology of the elected leaders. It undermines their capacity to deliver the dividends of democracy and drive national development while in office. Vote buying as part of the process of vote trading will produce bad political leaders and ultimately bad governance and thereby undermining national development.

Nigeria in recent times has witnessed an explosion in the use of the term “vote buying” in academic and media circles. It is often defined as “the exchange of private material benefits for political support”. Vote buying is also seen as a contract, or perhaps an auction in which the voter sells his or her vote to the highest bidder.⁴ Vote buying is defined here as any form of financial, material or promissory inducement or reward by a candidate, political party, agent or supporter to influence a voter to cast his or her vote or even abstain from doing so to enhance the chances of a particular contestant to win an election. Thus, any practice of immediate or promised reward to a person for voting or refraining from voting in a particular way can be regarded as vote buying. In most democracies, vote buying is considered an electoral offence. This is because ordinarily, an act of buying cannot constitute a crime, since it is a contractual term, however because of the negative practice of this act, the law has proscribed it as a crime. Furthermore, the paper intends to show how law and religion can help to curtail the persistent incidents of vote buying in Nigeria’s electoral process.

Statement of the Problem

Vote buying has become a recurrent decimal in the electoral system in Nigeria. It brings about a compromise of electoral results and truncates the wishes and aspirations of the people in achieving a change of government through constitutional and legal processes. The issue of vote buying is a clog in the wheel of the electoral system and democratic sustenance. There are a series of works that have been carried out on vote buying, this study attempts to interrogate how religion and law can effectively curb the menace of monetary inducements on the electoral process so that outcomes of elections will reflect the true intendments of the people. The consequences of vote buying far exceed the money received for costing votes. The politicians eventually recoup the money expended from the system on the assumption of office.

Aim and Objectives of the Study

The paper sets out to examine vote buying and its effect on sustaining the democratic process in Nigeria. The specific objectives of the paper are to examine the causes of vote buying in Nigeria; consider the effects of vote buying on democratic sustenance; analyse the causal link between vote-buying and reflection of the wishes of the people; and highlight acceptable ways of improving democratic processes to entrench democratic values and electoral integrity in Nigeria. The Research Questions comprise: What are the causes of vote buying in Nigeria, What are the effects of vote buying on the democratic system? What are the implications and consequences of vote buying on democratic change of

government? What are the relationship and causal link between vote buying, vote selling and democratic sustenance, Is the law a deterrent to vote buying and selling in Nigeria?, To what extent do religious values discourage vote buying and selling among adherents in Nigerian society? What are the suggested ways of improving the Nigerian political processes?

Clarification of Concepts

Vote buying: Vote buying is becoming a phenomenon and a permanent feature of elections in Nigeria. It is a crime because it is a violation of the Electoral Act. Vote buying is defined as “the exchange of private material benefits for political support”³. In its literal sense, vote buying is an economic sabotage. According to Schaffer⁴, candidates buy votes and citizens/electorates sell votes, as they buy and sell apples, shoes and oranges. Therefore, any practice of immediate or promised reward to a person for voting or refraining from voting in a particular way can be regarded as vote buying.

Crime: Crime is a public wrong. It is an act which violates the law of the state and is disapproved by the society. The act of vote buying is a crime in Nigeria, it is punishable by fine, imprisonment or both, as prescribed by the Electoral Act.

³ Etzion – Halevy, Eva (1989). “Exchange Material benefits for political support: A Comparative Analysis”, Dalam Heidenheimer, et al. (eds). *Political Corruption: A Hand own New Jersey*: Transaction Publishers, p.287.

⁴ Schaffer, C. (2020) “Vote buying, apathy reign as State awaits new helmsman Available” <https://m.guardian.ng/news/vote-buying-apathy-reign-as-state-awaits-new-helmsman/> (Accessed on June 06, 2021)

Law: Laws are set of rules imposed by authority and enforced through social and governmental institutions to regulate behaviour in society.

Religion: A unified system of beliefs and practices which unite into one moral community called church, and all those who adhered to them. Therefore, according to Laguda⁵, religion symbolises unity that calls people to believe in a supernatural entity and abide by its tenets and doctrine.

Social change: It is an event when institutions, systems and processes of society pass from one state or phase to another. This change may include alterations in social relations and behavioural patterns.

National development: According to Pearson⁶, development involves “an improvement qualitative and quantitative or both in the use of available resources in a country”. National Development therefore can be described as the overall development or a collective socio-economic, political as well as religious advancement of a country. Development is a process that creates growth, progress positive change that leads to a rise in the level and quality of life of the population of a nation. National development can be achieved through development planning which a country’s collection of strategies is mapped out by the political leadership of the country.

⁵ Laguda, D. O. (2001): *Religion, Man, and Society*. Lagos, Free Publishers.

⁶ Pearson, R. (2000) “Rethinking Gender Matters in Development”. In Allen, T and Thomas, A. (eds). *Poverty and Development in the Twenty-First Century*. Oxford: Oxford University Press.

Methodology

The study adopted the mixed approach of research which combined both qualitative and quantitative methods of research. The combination of the questionnaire methods of research and content analysis method was beneficial for the study. The study employed the questionnaire on purposively sought 120 research respondents from communities in the Akinyele Local Government Area of Oyo State. Also, the content analysis method was adopted for the study. It involves a broad survey of relevant literature to guide the research study. The literature sources include journals, newspapers, magazines, books, Electoral Act 2022 among others. According to Ahonsi and Soyombo⁷, content analysis is an unobtrusive but systematic qualitative research approach to the investigation of a special phenomenon through the analysis of message contents in such things as books, newspapers, transcripts, visual media and laws. The paper analyzed the literature and looked at deeper meanings and messages for the social construction of the act of vote buying in Nigerian society.

Literature Review

The United Nations Office on Drugs and Crime (UNODC) in its Corruption Survey of Nigeria, 2019 reported that one out of five citizens were offered a bribe for their votes in the 2019 elections. This represents 21 per cent of the adult population of Nigeria. Furthermore, 86 per cent of the population reported

⁷ Ahonsi, and Soyombo, O. (1996), *Readings in Social Research Methods and Applications*, Ibadan. Caltrop Publications.

that they perceived electoral fraud to happen either very frequently or fairly frequently in Nigeria; (UNODC, 2019).

Vote buying has assumed different forms and coinage of slogans and schemes such as ‘stomach infrastructure’, ‘vote and cook stew empowerment’, ‘hospitality’, ‘trader m, ‘bullion van’, ‘do or die, ‘pound for pound’, ‘dollar for dollar’, ‘I rejoice for you, ‘I rejoice for myself and so on. Implications of vote buying are manifold, according to Vande⁸, vote buying unduly raises the cost of elections, thereby shutting out contestants with little finances and thereby promoting political corruption. In his view, when victory is purchased rather than won fairly, it leads to state capture. Suffice it to say that vote buying equally compromises elections’ credibility, legitimacy and integrity.

Bratton⁹ affirms that in a democracy, a responsible citizen would refuse to enter a vote-buying agreement based on moral precepts He thinks that vote-buying is ethically and legally fraught. It also undermines the development of democratic citizenship. In a democracy or monocracy, perspective of vote buying and electoral integrity in Nigeria’s recent elections, Onuoha¹⁰ asserts that the practice of vote buying is not fundamentally new to Nigeria’s electoral politics, the

⁸ Vande, P. (2020); “Vote Buying and Credible Elections in Nigeria: An Opinion Survey of Voters in the 2019 General Elections in the Federal Capital Territory (FCT)”, Abuja in ir.nilds.gov.ng

⁹ Bratton, M. (2008): “Vote Buying and Violence in Nigerian Election”, *Campaigns in Electoral Studies* Vol. 27 Issue 4, December, Pages 621 – 631.

¹⁰ Onuoha, C. (2020). “Africa Insight” *Africa Institute of South Africa*, Vol. 49(4) March; <https://www.academia.edu>

phenomenon has assumed a worrisome dimension citing expenses in off-cycle elections conducted in the Ekiti, Anambra, Ondo, Osun and Edo States and also the 2019 general elections. Ugwu¹¹ posits that people of integrity and those who genuinely want to serve the people who have no money to buy votes may lose out in the electoral contest, while bad candidates with abundant financial resources or those with corrupt tendencies may get elected. The author postulates that money politics and vote buying are immoral and condemnable because these factors made election results have little or nothing to do with the performance in the office of politicians. In a report on Democracy, and Elections in Nigeria, vote buying is seen as a contract or action in which the voter sells his or her vote to the highest bidder¹².

Vote by buying the Electoral Process: Trends and Patterns

Vote buying is a major manifestation of the illicit use of money in Nigeria's electoral process¹³. Vote buying manifests prominently among other corrupt practices in elections, including after and receipt of bribes and other means of gratification or even mere attempts at any of these, aimed at inducing voters towards subverting the electoral will of the

¹¹ Ugwu, J. (2023) "Effect of Vote Buying on Democracy in Nigeria: A Review" in *IAA Journal of Management* 10 (1): 1 – 7, 2023; pp 1 – 7, ISSN; 2636 – 7300

¹² Ekpa, P. (2018); Practice & Perils of Vote Buying in Nigeria's Recent Elections.

¹³ Jonathan, Goodluck Ebele (2021). "We should Criminalise vote-buying, voter inducement". *The Punch Newspaper*, April 13, 2021, pp 25.

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public¹⁴. The crime element of the act of vote buying is aptly described by Section 130, of the Electoral Act 2010, as amended, which states that A person who – (a) corruptly by himself or by any other person at any time after the date of an election has been announced, directly or indirectly gives or provides or pays money to or for any person to corruptly influence that person or any other to vote or refrain from voting at such elections or on account of such person or any other person having voted or refrained from voting at such election; or (b) being a voter corruptly accepts or takes money or any other inducement during any of the period stated in paragraph (a) of this section, commits an offence and is liable on conviction to a fine of ₦100,000.00 or 12 months imprisonment or both.

Historical evidence from related literature shows that vote buying occurs at different stages of the electoral process in Nigeria. According to Maitambari¹⁵, during the 1999/2003 and 2007 elections, some political parties organized the purchase of voter's cards issued by INEC from their legitimate owners. During the elections proper, these cards were fraudulently used to vote for the candidates of the purchasing political party. Also, vote buying was reported during the presidential primary

¹⁴ Adekanye, B and Iyanda, R. (2011). "Security Challenges in Election Management in Nigeria: An Overview", Olurode L. and Jega, A. (eds). *Security Challenges of Election Management in Nigeria, Abuja*. Independent National Electoral Commission and Friedrich Ebert Stiftung.

¹⁵ Maitambari, Usman (2011). "Emerging Patterns of Security Challenges: Some Reflections on 1983 and 2007 Elections", Olurode, L. and Jega, A (eds). *Security Challenges of Election Management in Nigeria, Abuja*, Independent National Electoral Commission and Friedrich Ebert Stiftung.

elections of the social democratic party in Jos in 1993 Allegation of vote buying was one of the reasons arguably adduced by the General Ibrahim Babangida regime for the annulment of the June 1,193 presidential General elections. Thus, Vote buying has become a recurrent decimal in Nigeria’s elections conducted from 2003 to 2020. For example, the Edo State governorship election of 2016 was allegedly characterized by vote-buying as reported in detail by the Nigeria Civil Society Situation Room. Also during the Ondo State governorship election of 2015 and according to the election report of Youth Initiative for Advocacy, Growth and Advancement (YIAGA), there were widespread and coordinated acts of vote buying by agents of contending political parties in the election. The slogan “*Dibò kó o Sebè*”, vote and cook soup cannot be forgotten by voters.

The Ekiti State off-cycle governorship election of July 2018 and the Osun State Cycle Governorship election of September 2018 was very significant, politically for the two leading political parties in Nigeria, the All Progressive Congress of Nigeria (APC) and the People’s Democratic Party of Nigeria (PDP). The two successive off-cycle governorship elections were very close to the 2019 general elections. The performance of the political parties in these governorship elections could have a bandwagon effect on their political fortune in the February 2019 elections, especially in the South-West geopolitical zone of Nigeria. Therefore, the desperation to win at all costs by the APC and PDP was not unanticipated. Also, the Independent National Electoral Commission’s (INEC) substantial compliance with the use of the biometric card

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reader and the PVC for voter Identification in the Ekiti and Osun 2018 elections curtailed the possibility of many conventional electoral malpractices such as overvoting, voter identity theft and ballot box stuffing. Therefore vote buying was the only way out for desperate politicians.

In the Ekiti election, the agents of the political parties sought and paid voters with PVCs, to vote for the party they represent. The Ekiti state government was alleged to have offered ₦3,000 per vote through electronic financial transfer into the bank account of voters, the amount was paid into the bank accounts of Civil Servants and Pensioners in the State. Also, the People's Democratic Party was said to have offered ₦4,000 to willing voters. While the All Progressive Congress paid amounts up to ₦5,000 to each willing voter. The slogan for the vote-buying transaction was "See and buy". It is a situation where party agents stood close enough to the ballot box to see the ballot paper and the political party the voter is voting for. Another method adopted in the act of vote trading was for the voter contacted to snap the thumb-printed ballot paper to confirm compliance.

The September 2018 Osun State governorship election was characterized by voter inducement and vote buying. The leading political parties, the People's Democratic Party and the All Progressive Congress trade blame over allegations of vote buying, accusing each other of the crime. In the Edo State governorship election of September 2020, it was reported that the process was fraught with widespread voter inducement and

vote buying. Cloth materials and cash sums up to ₦5,000 were given to voters.

The Governor of Edo State and the candidate of the People's Democratic Party at the election commented. "What is happening is different from the assurances they gave us. They told us adequate security measures have been taken. But a lot of cash distribution has been going on, a lot of cash for votes". President Muhammadu Buhari of the All Progressive Congress (APC) was re-elected in February 2019, winning 53 per cent of the vote. His main opponent, Atiku Abubakar of the People's Democratic Party (PDP) won 39per cent of the votes. Other candidates shared 8per cent of the vote. The Joint Nigeria International Election Observation Mission of the National Democratic Institute (NDI) and the International Republican Institute (IRI) in its final report on the 2019 Nigerian elections. Which is a Comprehensive analysis of the electoral process and includes recommendations for Nigeria's 2023 general elections.

The NDI/IRI final report is built on the findings and recommendations of three pre-election assessment missions. The NDI/IRI observation mission concluded that the 2019 elections did not meet the expectations of any Nigerians. The last-minute postponement of the presidential and National Assembly elections on the morning of February 16 and the delay in opening pollinating units and other administrative challenges on February 23 undermined public Confidence in the Independent National Electoral Commission (INEC). While

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INEC distributed materials and opened polls in a more timely fashion for the March 9 gubernatorial and State House of Assembly elections, many serious irregularities occurred, including vote buying, intimidation of voters and election officials, and election-related violence. The 2019 general elections fell significantly short of standards set in 2015. Citizens' confidence in the election was shaken, Dr Daniel Twining IRI President. Election stakeholders should take concrete steps to address the concerns of citizens about polls to rekindle their faith in the power and possibility of credible elections.

Vote Buying: Implications for National Development

An indispensable requirement of multi-party democracy is the participation of the people through periodic democratic elections, but not just any kind of elections. It must be free and fair in every sense to be adjudged democratic. The act of vote buying impedes free and fair elections, it diminishes the credibility of the electoral process and of the government produced by the process. In the ideal situation, the people are the custodian of a democratic government. Democracy is the government of the people, by the people and for the people. However, voting to buy alienates the government produced by a faulty electoral process whereby the electorates have traded their democratic rights to good governance and development to political vendors for a ridiculous amount. The practice of vote buying undermines national development by giving easy access to the less capable in Society to the assumption of power and

influence in governance. After all no government can be better than the quality of the personnel that constitute it¹⁶.

Vote buying has made elections to become an expensive enterprise for everyone involved. This is aptly described by Ojo¹⁷, aspirants have to spend liberally to secure party nomination and in turn-up up to polls, when constituencies are visited, cash tips have to be made for one good cause or another. During electioneering, the candidates have to visit all nooks and crannies, accompanied by a large entourage of followers who have to be housed, fed and transported. The candidates usually greet the chiefs at every port of call, which typically involves the purchase of drinks and the presentation of cash and material gifts. The burden of financing the election process makes the elected official or officers prone to corruption on the assumption of political office that gives him access to public funds. In another pinion of Nwachukwu Orji, the resident electoral commissioner of Anambra State in August 2018, commented: “INEC cannot check the problem of Vote buying alone. It is a crime that Security agents, members of the public who collect money and politicians who buy the votes must come together to tackle”. Therefore vote buying is a problem in society that requires the effort of all and sundry.

¹⁶ Ayoade, J.A. (1997). “Nigeria and the Squandering of Hope”. *An inaugural lecture delivered at the University of Ibadan*, Ibadan: Vantage Publishers Limited Ibadan.

¹⁷ Ojo, J. and Onuola, F. (2018). “Practice and Perils of Vote Buying in Nigeria’s Recent Elections available” <https://accord.org.za>. (Accessed on June 06, 2021)

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Furthermore, vote buying disconnects performance from electoral outcomes as it has become potent enough to ensure electoral victory. Therefore performance and conduct in private and public capacities have become less influential. The incentive to perform well, while in office to get reelected is weakened. In a country where elected officials are not motivated to perform the duties of their office satisfactorily, national development gets sacrificed. Also, people of proven integrity and competence who want to serve the country but do not have money to buy votes lose out in electoral contests. While bad candidates with financial resources to buy votes get elected¹⁸. This is a compromise of the moral standard of the society. It is a deliberate violation of the moral string that should keep society on the path of order and progress.

Vote buying tends to perpetuate bad governance, democratic dictatorship and sit-tight rule money politics and vote buying systematically allows the same group of people to hold on to political power to the exclusion of the majority in the society for as long as they wish. The ruling political class accumulate enough resources before the next election to outspend the opposition and hold on to power. The political class that is perpetually excluded from power may experience group frustration due to prolonged exclusion from power and may attempt to seize it by force or violence. Therefore, for every sold vote during re-election, the present and the future society would suffer many unintended consequences, not for those that sold their votes alone but for many others who did not.

Theoretical Framework

¹⁸ Milbrath, L.W. (1965). *Political Participation*, Chicago, Rand McNally College Publishing Company.

The Elite Theory: The theoretical Framework for this study is the Elite theoretical view of power and politics by Vilfredo Pareto and Gaetano Mosca. The elite theory argues that all societies are divided into two main groups. The ruling minority group monopolises political power and enjoys the advantages that power brings and the ruled, who are the majority group.

The elites owe their privileged position to the Superiority of their characteristics i.e. organizational ability which qualifies them for leadership and a high degree of cunning and intelligence, qualities that qualify them for power. Furthermore, the elite is formed into a United and Cohesive minority in the face of an unorganized and fragmented majority.

The elite theory sees modern democracy as another form of elite domination. Although and unlike another closed systems such as caste and feudalism. There is a greater possibility of an elite drawn from a wide range of social backgrounds.

Gaetano Mosca concluded that democracy has made it possible for the interest of almost all social groups in society to be accommodated. He disagreed with Abraham's Lincoln definition of democracy as the government of the people, by the people and for the people. According to Mosca, democracy is the government of the people, it might even be a government for the people but it could never be governed by the people. "Democracy is government by the elite". In Nigerian democratic society, vote buying is a potent weapon to make democracy remain "a government by the elite".

Theories of Punishment: Punishment is the act of a legitimate authority depriving an offender of a good for which he is no longer worthy. Four purposes traditionally justify any punishment, these include protection from the criminal, deterrence, rehabilitation and retributive justice. The protection of the common good justifies removing criminals from situations in which they pose a threat. That such punishment deters others who may be tempted to act criminally likewise helps preserve and protect the tranquillity of society. According to Hart¹⁹, the definition of punishment must include the following:

- (i) It must involve pain or other consequences normally considered unpleasant.
- (ii) It must be for an offence against legal rules.
- (iii) It must be of an actual or supposed offender for his offence.
- (iv) It must be intentionally administered by human beings other than the offender.
- (v) It must be imposed and administered by an authority constituted by a legal system against which the offence is committed.

Also, the 2018 Revised Code of Conduct for Political Parties in section VIII (e) provides that, "... all political parties and their agents shall not engage in the following practice: buying of votes or offer any bribe, gift, reward, gratification or any other

¹⁹ Hart, H. L. A. (1963), *Punishment and Responsibility: Essay in Philosophy of Law* 1968, Oxford University Press. R v Olagbaiye 3; W.A.C.A. 81.

monetary or material considerations or allurements to voters and electoral officials”.⁶ Notwithstanding its prohibition, vote buying continues to be a widespread practice in Nigeria’s recent elections.

The nature of an offence

Before we consider any question of justification we must identify a preliminary question to which the answer is so simple that the question may not appear worth asking, yet it is clear that some curious ‘theories’ of punishment gain their only plausibility from ignoring it, and others from confusing it with other questions. This question is: Why are certain kinds of action forbidden by law and so made crimes or offences? The answer is: To announce to society that these actions are not to be done and to secure that fewer of them are done. These are the common immediate aims of making any conduct a criminal offence and until we have laws made with these primary aims we shall lack the notion of a ‘crime’ and so of a ‘criminal’. Without recourse to the simple idea that the criminal law sets up, in its rules, standards of behaviour to encourage certain types of conduct and discourage others we cannot distinguish a punishment in the form of a fine from a tax on a course of conduct. This indeed is one grave objection to those theories of law, which in the interests of simplicity or uniformity obscure the distinction between primary laws setting standards for behaviour and secondary laws specifying what officials must or may do when they are broken.

Purpose of Criminal Law

Crime has a popular usage and it also has a legal meaning. In the former, the word 'crime' connotes any antisocial behaviour, and in legal parlance, it is a conduct punishable by law. This is not to say that there is a real difference between the lay conception of crime and the lawyer's understanding of the word. Perhaps, the only difference between the two is that while the public regards immoral acts as crimes within the purview of law, not all immoral acts constitute a crime. To criminal law lawyers, the issue of immorality is a private affair of the individual and that should not be the concern of criminal law, rather, crime is a public wrong. The underlying philosophy behind the functions of criminal law is three-fold:

- (a) preserving public order and decency;
- (b) protecting the citizen from what is offensive and injurious; and
- (c) Providing sufficient safeguards against the exploitation and corruption of the most vulnerable members of society (e.g. the young, the weak in mind or body; the inexperienced).

Research Findings and Discussions

To broaden the discussion about vote buying in Nigeria's election. A field survey using the questionnaire was used to evaluate the questions and issues related to the research topic. Vote buying conundrum: Exploring law and religion in curtailing its effects on Nigerian Democracy. However, there can't be vote buying without vote selling, therefore the

research questionnaire intended to evaluate vote buying and vote selling as two sides of a coin.

To get information on vote buying, 120 respondents were purposively sought and the research questionnaire was administered to them. Respondents were women and men who are 19 years old and above, who voted in the 2023 elections and, or in previous elections. Respondents are from communities in the Akinyele Local Government area of Oyo State, Nigeria. The age, religion, ethnic, cultural and social economic status diversity of respondents from Amosun, Onidundu, Akinyele Eleelo, Akinyele Eleran, Moniya and Idi-Ose communities suits the research work.

Analysis of Responses from the rom Research Field.

Analysis of Responses from the Research Field

Table 1: Vote Buying and Selling occur during elections in Nigeria

Respondents Opinion	Frequency	Percentage
Agree	114	95.00
Disagree	06	05.00
None Response	00	00.00
Total	120	100.00

Source: Field Research 2023

The research finding as shown in Table 1 above shows that 114 respondents representing 95% agreed that vote buying and selling occur during elections in Nigeria. While 6 respondents, representing 5% of the total respondents disagreed. The field

data from the United Nations Office on Drugs and Crime Corruption Survey of 2019, states that over 21per cent of adults in Nigeria were offered a bribe for their votes in the 2019 elections.

Table 2: In your opinion indicate reasons for vote buying and selling during elections in Nigeria

S/N	Reasons for Vote Buying and Selling during Elections in Nigeria	Opinion of Respondents			Total
		Agree	Disagree	Non-Resp	
1	Poverty and the adverse economic situation of many Nigerians	96%	23%	01%	120
2	Crime of vote buying and selling is committed by many people without legally induced consequences or legal punishment.	101 84.20%	16 13.30%	03 2.50%	120.0 100.00%
3	Erosion of societal values i.e. moral and religious values.	108 90%	10 8.40%	02 2.60%	120.0 100.0%
4	Act of vote buying is not sufficiently and unanimously condemned by the society	95 79.16%	20 16.67%	05 4.17%	120 100%
5	The attitude of	111	08	01	120%

	politicians to win election into political office at all cost	92.50%	6.67%	0.83%	100%
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Source: Field Research, 2023.

As shown in Table 2 above, 101 respondents representing about 85 per cent of total respondents agreed that legal punishment alone is not sufficient to deter vote buying and vote selling. Also, 108 respondents representing 90 per cent of the total respondents Agreed that the erosion of societal values especially moral and religious values encourages vote buying and vote selling in Nigeria. Although 10 respondents representing 90 per cent of the total respondents disagreed. 95 respondents representing about 80 per cent of total respondents agreed that the act of vote buying is not sufficiently and unanimously condemned by society. While 20 respondents representing about 17 per cent disagreed.

Table 3: Does the law and fear of legal punishment discourage you from selling your vote during elections?

Respondents Opinion	Frequency	Percentage
Yes	24	20.00
No	92	76.70
None Response	04	3.30
Total	120.00	100.00

Source: Field Research, 2023.

As shown in Table 3 above, about a percentage of the total respondents stated that fear of legal punishment was

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insufficient to discourage them from selling their votes during elections. 20 per cent of total respondents agreed that law and fear of legal punishment deter them from selling their votes. Also, about 3 percent of respondents did not respond to the question. The data presented above shows that the law and legal punishment are not sufficient to discourage the crime of vote buying and voting to sell in Nigeria. Similarly, and as shown by the response to question 2 in Table 2, about 85 per cent of total respondents agree that the crime of vote buying and selling is committed in Nigeria, without legal punishment for offenders.

Table 4: Vote buying and vote selling are immoral and a sin against the commandments of the Christian, Islamic and African traditional religious faith in Nigerian society.

Respondents opinion	Frequency	Percentage
Agree	102	85.00
Disagree	15	12.50
Non-Response	03	2.50
Total	120.00	100.00

Source: Field Research, 2023

As shown in Table 4 above, 85 per cent of total respondents agreed that vote buying and vote selling are immoral acts and a sin against God's commandment. Also, about 13 per cent of the total respondents disagree and about 3 per cent did not respond to the question. This could have correlated to the response to question 3 in Table 2, whereby 90 per cent of total

respondents agreed that erosion of society’s values (moral and religious) is responsible for the rate of vote buying and selling during the election.

Table 5: Public education/orientation based on Christian/ Islamic and African traditional religious values could discourage acts of vote-buying and vote-selling adherents in Nigeria.

Respondents Opinion	Frequency	Percentage
Agree	106	88.30
Disagree	12	10.00
Non-Response	02	1.70
Total	120	100.00

Source: Field Research 2023

As shown in Table 5 above, about 89 per cent of total respondents agree that public education and orientation based on religious values would discourage acts of vote buying and selling among religious adherents in Nigerian Society. Although 12 per cent of total respondents disagree.

The Ineffectiveness of Criminal Sanction and the Imperativeness of Religion as a Solvent

Religion is the foundation of values in human society. After all, religious values provide the standard to determine whether human actions are right, good and acceptable or they are wrong, bad and unacceptable (Otite and Onigu, 2006). Values represent the beliefs of a person or society in which they have an emotional investment, either for or against something.

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Value is the core of every human culture, the understanding of values prescribes what is essential and inessential to the individual and society. It is an important determinant of the priorities of the individual and the society as a group. Value helps the individual and society make choices and lead them to actions to bring those choices to reality. Values and religion constitute an inextricable knot that acts together in unity of purpose.

The church in Europe since the middle ages is a large bureaucratic organization. In theory it ministers to all members of society but more to the higher status group of society. The church identifies with the state and is integrated with the social and economic structure of society. The Roman Catholic Church in the Middle Ages had important social, political and educational functions. The church generally accepts the norms and values of society and frequently regards itself as the guardian of the established social order.

Max Weber in his work, "The protestant ethic and the Spirit of Capitalism" discussed the important role of Religion as an agent of social change in the pre-western industrial capitalist society. Weber established the link between the rise of Calvinistic Ascetic Protestantism and the development of Western capitalism. Weber observed that ascetic Protestantism was a vital influence in the creation and development of the spirit and practice of Capitalism. Certain features of Capitalism were encouraged by Protestantism. The protestant uniformity of life immensely aids the capitalists in the standardization of production. The emphasis on the importance of a fixed calling provided an ethical justification for the modern specialised

division of labour. Also, the creation of wealth and restriction on spending which encourage saving and investment, encouraged the accumulation of investment capital. Weber noted that the protestant ethic a religiously based moral orientation towards the world was an important factor in the development of the spirit of capitalism.

According to Idowu²⁰ religion is very much and always with us. It is with us at every moment of life, in our innermost being and about the great or minor events of life. Religion provides ultimate answers which cannot be questioned by those who believe. For example, men observe that the sun rises every morning and in some societies, it is confirmed and explained by the idea that the sun is controlled by supernatural powers.

Religion also legitimate social institutions' it does this by locating social institutions within a sacred and cosmic frame of reference. In this sense, the legal social institution is located in religion when a legal offence such as vote buying in an election becomes a sin against God. The need for the law and religion to work together to combat vote buying and selling is clearly shown in the qualitative data presented in Table 4. Where about 85 per cent of the total respondents of the field study describe vote buying and selling as a crime, immoral and a sin. Furthermore, authority is located in religion when kings speak for the gods or become deified as gods, like many ancient emperors. In this way, religion legitimates and supports social institutions in society.

²⁰ Idowu, E. B. (1973), *African Traditional Religion. A Definition*, Ibadan, SCM Press.

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According to Allen and Thomas²¹, another important function of religion is that it gives strong backing to customs, norms and values of established society in their control of human behaviour in society. Religion gives man more reasons to be upright than the threat of punishment as prescribed by the law. When religion is not influential in a society or has ceased to be influential. The state inherits the entire burden of public morality, crime and intolerance. It then must use punishment and police. Yet this is unsuccessful as morality, integrity and self-respect not already inherent in the individual cannot be enforced with any great success. There must be more reason and more emotional motivation to be moral and law-abiding, than the threat of human discipline and that reason can only be found in religion and its values. The ineffectiveness of the threat of legal punishment and the need to incorporate religion to discourage crime in society was clearly shown by the data in question 2 in Table 2 of the field research. Whereby about 85 per cent of total respondents agreed that ineffective law is a reason for vote buying and selling in elections in Nigeria. Furthermore, about 92 per cent of respondents state that “fear of legal punishment” does not deter them from selling their votes during elections.

Furthermore, since there are many sinners and violators of rules in every society, religion is a potent method or agent of handling people of deviant behaviour. Religion prescribes rituals and processes in which guilt can be expiated and sinners

²¹ Allen, T and Thomas, A. (eds). *Poverty and Development in the Twenty-First Century*. Oxford: Oxford University Press.

released and reintegrated into society. Thus religions hallow the norms and values of society, contributing to social control and aiding order and stability and helping in the reconciliation of sinners.

Also, religion is the basis for the correction of deficient norms, rules and values of society. It provides a standard by which established norms, rules and values may be critically examined and corrected if found wanting. Therefore and as shown by field research results presented in Table 5, about 88 per cent of total respondents agreed that public education and orientation based on religious values would be needed to combat the crime of vote buying and selling in Nigerian society.

Another important aim of religion and its values is to promote good relationships and interaction between men the society²² and it's based on the assumption that if men could relate effectively with each other it will promote social order and peace in society and help them attain a good relationship with God. The religious belief of Africans is that God; the Supreme Being is the ultimate ruler and judge in all matters concerning men. His judgment is based on values and moral codes in the likeness of his nature as pure perfect and holy God. Therefore, the pure and holy God demands a moral response from man in the form of good character. In the opinion of Bolaji Idowu man's character is of supreme importance and it is this that Olódùmarè judges. Therefore, Olódùmarè demand from man good conduct. Maxwell-bingeing on earth and his place in the

²² Mbiti, John S. (1975): *An Introduction to African Religion*; London Heineman.

afterlife are predetermined by Olódùmarè as the searcher of the heart who sees and knows everything and whose judgment is sure and inescapable blessing and goodness of God, the religious values and moral codes that prohibit stealing, fraud, falsehood and hypocrisy are obeyed and ingrained in the heart of religious adherents to control their actions more effectively than written laws and legal punishment²³.

Recommendations

There is a need to increase the capacity of public institutions that are involved in election management to respond more proactively to the numerous challenges associated with the conduct of elections, including the challenge of vote buying. The Independent National Electoral Commission should collaborate with relevant state security institutions such as the Economic and Financial Crime Commission (EFCC) to develop an efficient monitoring framework to enforce the management of political parties' campaign funds and that of individual candidates.

Finally, beyond the arrest and prosecution of those involved in the act of vote buying among other electoral crimes. It is recommended that advocacy through religious persuasion to effect a revival of national values and morals should be increased to discourage the crime of vote buying in the society. Second, there should be increased advocacy for the arrest and prosecution of voters, politicians, and electoral and erring

²³ Laguda, D. O. (2001): *Religion, Man, and Society*. Lagos, Free Publishers.

Security officials involved in the act of vote buying. Deterrence through prosecution is desirable.

Third, the Independent National Electoral Commission should respond more effectively to the ever-changing dimensions and methods employed to commit the act of vote buying. Polling should be constructed and positioned in a way that makes it impossible for people to see how a voter cast their votes during elections. Also, voters should not be allowed to go into the polling cubicle with mobile phones and other photographic devices.

Conclusion

This paper concludes that politics is an inclusive public participatory act, which produces good governance, and dividend of democracy. It is therefore only good politics, free of vote buying and inducement that can produce good government. Albeit, no government can be better than the people who compose it. Accordingly, the paper concludes that for credible and capable political leadership to emerge, the election process that produces officeholders must take account of the good values and competence of the candidates. The multi-dimensional and widening nature of the problem of vote buying and its adverse effects, on national development, practice and sustenance of democracy in Nigeria justify the timely intervention of all concerned.

