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# AN ASSESSMENT OF THE EFFECT OF POVERTY ON ELECTION, RULE OF LAW AND CRIMINALITY IN NIGERIA**

## I. INTRODUCTION

In any decent society the world over, there should be a system that allows for descent existence. In such a system, there must exist a government that is responsive and accountable to the people. Democracy seems to provide the type of society envisaged by this demand of modernity. For any system to be described as being democratic, there must be a mechanism for the operation of rule of law and the existence of free and fair elections. But poverty, which has now assumed the status of a global menace eating deep into the fabric of third world countries stand tall above these good variables. Electoral violence which is one of the intractable issues in Nigeria, perpetrated by acts of thuggery sustained by the high level of poverty in the country, which in turn increases criminal activities in the society.

From the foregoing, it is obvious that there is an interface between poverty, criminality and subversion of rule of law in our polity; with poverty being the dominant and common denominator to all.

The basic principle of rule of law as propounded by A.V. Dicey,[1] envisages an ideal situation where there is the existence of equality before the law entrenched into the consciousness of a nation; supremacy of the law[2] recognized as paramount in the nation and the recognition of fundamental right[3] as the basis for the existence of modern society. These good virtues that had been instrumental to the political, social and economic development of modern civilized nations have suffered greatly in Nigeria, consequent upon the scourge of poverty.

The Constitution of the Federal Republic of Nigeria 1999 provides for elective offices. It also provide for the qualification of persons to be elected into various elective offices. The Electoral Act[4] stipulates the procedure for election and other activities incidental thereof. These legal and some

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[1] Dicey, A.V., *Introduction to the Study of the Law of the Constitution*, 10th edition.
[2] See for instance, Section 1(1) Constitution of the Federal Republic of Nigeria, 1999.
[3] See for example Chapter IV, Constitution of the Federal Republic of Nigeria, 1999.
[4] Electoral Act, 2006.

institutional[5] framework for election is to enhance the smooth conduct of election in Nigeria.

Regretfully, the monster poverty has a commanding height above the entire electoral processes in particular and a monstrous grip on the entire political system in general. The dominance of poverty and its subversion of the mentality of Nigerians have a serious negative consequence on the sustenance of true democracy and the entire electioneering processes. Electorates and electoral officials have subordinated their conscience by engaging in all known forms of electoral malpractices to at least loosen the tight grip of poverty.

In any society not destined to tread the route of destruction and anarchy, there must exist an institutionalized system of Criminal Justice administration. This is to guard against acts that are of criminal nature, protect individuals in the society and uphold the values and moral sanctity of the society. In Nigeria, various laws[6] and institutions[7] are responsible for the regulation of crime and criminality. Criminality has to do with the act of committing offences which falls within the realm of public law or better still criminal law.[8] Many reasons exist to explain criminality although they are varied.[9] For the purpose of this paper, we shall seek to examine the interface of poverty and criminality with a birds eye view on the impact of poverty in fanning the evil embers of criminality and its consequences on electioneering processes. In its entirety, this paper shall assess the impact of

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[5] The Institution overseeing election in Nigeria is the Independent National Electoral Commission (INEC)

[6] *Criminal Code Act* Cap C 38 LFN 2004; *Penal Code Law* Cap 89 Laws of Northern Nigeria; *Sharia Penal Code Laws* of various States (eg *Sharia Penal Code Law* 2000 Laws of Zamfara State) *Armed Forces Act* Cap A 20 LFN 2004, *EFCC Act, ICPC Act* etc.

[7] Some of the institutions for the Regulation of crime and criminality in Nigeria include:

i. Nigeria Police Force;
ii. The Court System;
iii. Economic and Financial Crime Commission;
iv. Independent Corrupt Practices Commission;
v. The Prison System;
vi. Code of Conduct Bureau.

[8] Obarisiagbon, E.I., and Akhigbe, E., "Criminality and Poverty in Nigeria" in Edeko, S.E., *Law, Security and interdisciplinary Issues,* 2007 P. 59 – A production of Dept of Public Law, Ambrose Ali University Ekpoma - Nigeria

[9] *Ibid.*

poverty on the electoral processes; the impact of poverty on the observance of rule of law and the impact of poverty on electoral crime and criminality.

## II. Meaning of Poverty

Poverty has been defined as the state of being poor, necessity, want, lack and deficiency.[10] The Black's law Dictionary defines poverty as "the condition of being indigent; the scarcity of the means of subsistence".[11]

According to Kankwande[12] "poverty is the state of deprivation or denial of the basic choices and opportunities needed to enjoy a descent standard of living; live a healthy and constructive life in a community". However defined, poverty is basically a state of want and deprivation of the basic necessities of life. Basic necessities of life in the context of poverty could be viewed broadly, from the primary needs of life that is food, shelter and clothing to other necessaries of life that makes life worth living. Like Kankwanda rightly observed in his definition of poverty above, the inability to live a healthy constructive life and to participate in the cultural life of the community because of want of resources to do that could also be described as poverty even though such persons may have the primary needs (food, shelter and clothing) of life.

Poverty could also manifest in a different forms. Aside from economic poverty which is the most common and the one which this work is based, one of these other forms of poverty is moral poverty[13] which was described as the major causes of crime in developed countries.[14]

## III. Poverty and Election

Election is always discussed in relation to representative democracy. Danziger defined representative democracy as a situation whereby citizens elect people to represent them in a political process and to allocate values on their behalf for the society.[15] We are sure that most issues of democracy will be decided on the so-called 'representative institutions, especially

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[10] *Chambers English Dictionary* 7th edn. p. 1145.

[11] *Black's Law Dictionary*, 8th edn.

[12] Kankwande, cited in Edoh, T., "Poverty and survival of Democracy in Nigeria" (2003) Vol 1 No.4 *Nigeria Journal of Political and Administrative Studies*, Makurdi. P. 68.

[13] Dambazau, A.B., *Criminology and Criminal Justice* (Kaduna: N.D.A. Press, 1999) p. 77

[14] *Ibid.*

[15] Danziger, J.N., *Understanding the Political World*, (Benin City: Longman publishers 1996) p. 186.

legislature and parliaments. There are however, alternatives that permit the public to choose laws directly and to dismiss incumbent officials.[16] Direct democracy has appeal for many theories of democracy, but it is difficult to make it work in practice. The complexities in modern political systems and the complexities of the issue they deal with, makes the assumption of direct democracy primarily that citizens can and should make policy choices through voting in referenda is increasingly questionable.[17] The readily available alternative in say, Nigeria is the general election, where individual members of the society express their individual choices in an election.

Even though election is often discussed in relation to representative democracy or as a product of representative democracy, it is imperative to appreciate the meaning of election. Election is defined as "the process or act of choosing people for office, especially political offices, by taking a vote."[18] The Black's Law Dictionary sees election as "...the process of selecting a person to occupy an office (usually a public office), membership, award or other title or status..."[19] Election was also defined as "a procedure that allows members of an organization or community to choose representatives who will hold positions of authority within it."[20] However defined, election is primarily a method for the selection of persons to fill certain offices through choices made by electorates. Election is universally a means of choosing representatives, though other functions of election vary with the type of political system. One feature of recent elections in Nigeria is general increase in electoral choice.[21]

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[16] *Ibid.*

[17] *Ibid.*

[18] *Chambers 21st Century Dictionary* (reversed edn.) p. 423.

[19] 8th ed. p.557.

[20] Kurfi, A., *Election Context: Candidate's Companion.* (Ibadan: Spectrum Books Limited, 1989).

[21] The increase in electoral choice is consequent upon the practice of multi – party system in Nigeria. There is no limit of the political parties to be registered for the purpose of contesting election. S.78 of the Electoral Act 2006 empowers the electoral commission to register any political association which complies with the provision of the constitution and the Act to be registered as a political party. This section implies that any association no matter the number that are qualified will be registered as political parties for the purpose of contesting election, without any inhibition as to the number of the parties to be registered.

No matter how we look at election, its advantages far outweigh the disadvantages. Election is better than 'lottery system' because when citizens contest in an election, they openly put their reputation on line, as such they have a duty to behave well.[22] Other than choice and accountability of representatives in governments, election also allows a degree of communication between the ruler and the ruled; the latter can educate the former on what are perceived as main political issues. Above all, elections are means of legitimizing the right of the rulers to govern. Even in one party regimes with the little choice available to the voter, the authorities tend to exaggerate the actual number who take part in the election to demonstrate popular support for their regimes.[23]

Through elections, citizens have the power to change the government if they are wronged. On their own part, political office holders would know the extent to which their policies are popular amongst the populace. Therefore, election also serves as the litmus paper for testing not only government programmes but also the popularity of candidates or contestants. The assumption is that in an ideal election, the best candidate will emerge. However, experience has shown that in most states, election managers usually substitute meritocracy by way of perpetrating electoral fraud.[24] Electoral frauds include the following:-

- Sale of surplus ballot papers to the highest bidder
- Substitution of ballot boxes
- Deliberate invalidation of ballot paper
- Pre-stamped papers.[25] etc

The electoral malpractices listed above are not near exhaustive. In Nigeria, political practitioners adapt to inventing all sort of rigging devices in order to defeat the attempt of the people to elect a candidate of their choice.[26] The manipulation of the electoral process to the advantage of a particular candidate or candidates can be perpetrated at each level of

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[22] Brumi, cited in Manin, B., *Principle of Representative Government,* (Cambridge: Cambridge University Press, 1995) p. 23.

[23] Harrop, M., and Miller, W.L., *Election and Voters: A Comparative Introduction* (London: Macmillan, 1987) p.21 – 24.

[24] Olaniyi, J.O., "The Political Considerations of Election Rigging", in Saliu, H.A., et al (eds) *Democracy and Development in Nigeria, Conational issues and Democratic Practice* (Lagos: Concept publications, 2006) p.68.

[25] *Ibid.*

[26] Kurfi, A., *Election Contest: Candidate's Companion;* (Ibadan: Spectrum Books Limited 189)P. 44 -45.

election process, from the delimitation of constituencies to adjudication of election dispute; even the promulgation of electoral laws can be subject to abuse by a partisan administration or bureaucracy.[27]

We shall use election rigging here for clear understanding of malpractice in election. Kurfi,[28] a political commentator equates rigging with unfree and unfair election. He identified three methods of making election unfair, viz: 'bribery' 'corruption' and illegal practices; intimidation or fraud. According to him, bribery may affect the counting of votes and even adjudication of disputes regarding the validity of certain election results.[29] The other forms he identifies include Gerry menderring; scrutiny of nominations to reject some candidates; the stuffing of ballot boxes, bribing of voters to purchases their votes and bribing of opponent to withdraw from contest. These methods commonly constitute electoral malpractices and they represent different forms f rigging.[30] Rigging is the manipulation of an election result in favour of a particular candidate irrespective of his votes in an electoral contest. For rigging to sail smoothly, the role of money is very crucial. Rigging can hardly take place by mere rhetorics. Instead, naira or other currencies usually change hands between either the contestant or his agents and the electorates. In fact, most contestants usually look for 'god fathers' who will bank roll their electioneering expenses.[31] In some other cases some contestants do sell their property or in some extreme cases take cooperative loans to contest elections.

The quest for money for the purposes of contesting election are numerous, one of which is to take advantage of the wretchedness of the system, the economic and social poverty of the people. Clearly, the growing scale of poverty in the country has created an ever wide pool of people who for fear of poverty are hirable to commit all forms of electoral malpractice, commit

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[27] *Ibid.* p.51.

[28] Kurfi, A., cited in Olanyi, J.O., *supra* note 24, p.78.

[29] *Ibid.*

[30] *Ibid.*, p.179.

[31] Godfatherism has become a serious issue in Nigerian Politics. It has incapacitated State functions consequent upon face off between the 'godfathers' and their 'sons' at the helm of affairs. The Anambara State 'Saga' that almost paralyzed all state functions are still fresh in the heart of Nigerians. Nbadiniju's face off with his 'godfather' Emeka Ofor turned Anambara State to a mini warfront. The more recent disagreement between the former Governor of Anambara State Chris Ngige and his supposed godfather Chris Uba and all the political gymnastics can not be forgotten easily by the people of Anambara State in particular and Nigeria, in general.

arson, carryout assassinations, and cause general mayhem or destruction of other innocent citizens' property. Meanwhile ethnic militias with membership recruited mainly from poverty stricken jobless youths and other individuals with different axes to grind against the society are today available in virtually all parts of the country.[32]

From the foregoing, it is clear that poverty is a major force militating against free and fair election, either directly or indirectly. The excruciating effect of poverty has in no small measure suppressed man's conscience in favour of economic relief.

## IV. Poverty and Rule of Law

Poverty remains one of the greatest threats to democracy and rule of law in Nigeria and the entire third world countries. As stated earlier in this paper, poverty is a state of want and deprivation of the basic necessities of life.

The concept of rule of law has a long history as a principle or doctrine of English constitution which is an unwritten one.[33] It dates back to the middle age; where the struggle between the king and parliament in England was in the final analysis over the paramountcy of the rule of law.[34] First, there was the doctrine that the king is under God and the law. Thereafter, it was combined in the 17th century with the doctrine of supremacy of the parliament. The law was then seen as supreme but parliament could change the law.[35] The next stage was the bill of Right of the Glorious Revolution of 1688, as a result of which the law as made by the parliament and as interpreted and developed by an independent judiciary was supreme.[36] According to Professor Chukwurah, the last stage in the historical development of the concept of Rule of Law Came with Professor Albert Verin Dicey's lecture on rule of Law, published in 1885 under the title: "introduction to study of the constitution".[37]

A.V. Dicey,[38] postulated three basic concept of rule of Law viz:

i. Absence of arbitrary powers;

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[32] Olaniyi, J.O *supra* note 24, p.180.
[33] Edoh, T., *supra* note 12, p.75.
[34] Chukwurah, A.O., *Anarchism and Anarchist Tendencies in Nigeria;* (Abuja: Sir Kuf ventures, 2004) p.36.
[35] *Ibid.*
[36] *Ibid.*
[37] *Ibid.*
[38] *Ibid.*

ii. Equality before the law; and
iii. The principles of individual liberty.

By absence of arbitrary powers, Dicey means the absolute supremacy or predominance of law as opposed to influence of arbitrary power.[39] This means that people should be ruled or governed by law alone and not by the whims and caprices of the arbitrary power of any ruler.

By equality before the law, Dicey means the subjections of all classes of persons to the ordinary law courts. The rule of law in this sense excludes the idea of any exemption of officials or others from the duty of obedience to the law which governs other citizens.[40] This conception of the rule of law as propounded by A.V. Dicery means that in an ideal political entity, no man should be above the law of the land. All men, whatever status, should be subject to law and jurisdiction of courts created by the laws of the land.

The third basic principle of rule of law as propounded by A.V. Dicey seeks to instill in the consciousness of nations the way to enshrine individual liberty or freedom into their individual domestic laws.[41] In all known modern civilized states the basic principles of rule of law as envisaged by A.V. Dicey have become part of their laws. It has also been enshrined in all major international human rights instruments. The fact of these principles of the concept of rule of law being enshrined into our laws is one thing; whether these principles are being rightly observed is a different thing entirely.

Looking at the nature and character of the relationship between poverty and the rule of law, one will realize that the inequality inherent in the nature of our society has continued to manifest in almost every aspect of life. The basic principles of rule of law as enshrined in the constitution of the Federal Republic of Nigeria is to guarantee equal rights for every citizen. Unfortunately, the right of Nigerians has been threatened by successive leadership based on several factors such as class, or property ownership. As Oshiomhole rightly observed, "the law on private property and private wealth, for instance, has given the owners of the property or wealth better advantage to realize their survival rights than those without property in a

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[39] *supra* note 1.
[40] Chukwurah, A.O., *supra* note 34, p.37.
[41] *Supra* note 3.

money-order such as Nigeria".[42] What formal right does a job-seeker have for instance, over the terms of possible employment? Given the serious inequalities of income in Nigeria under both the first, second, third and fourth republic, survival rights remain a mirage for majority of the citizens. These rights are embedded in the constitution, being the basic law. The point is that, the rule of law, though closely linked with democracy, may not necessarily guarantee its sustenance, more so, when the laws are far from being just and fair. Oshiomhole observed :

> The stains which eventually contributed to the demise of the second republic were exacerbated by government, poverty, food crises and the increasing gap between the rich and the poor.[43]

The doctrine of equality of all people before the law means that every body, of whatever rank or status, is subject to the ordinary law of the land and is amenable to the jurisdiction of ordinary court. In theory, all men and women rich and poor, educated and illiterate, whether of high or low rank are under the same legal responsibility for their action or inactions, and must be tried in ordinary courts. In practice all people are not equal before the law. The doctrine does not hold in a society which is stratified as to class, ethnic group and religious orientation.[44]

In fact, the erosion of the rule of law in Nigeria today can be noticed in many ways, such as the instruments on the rights of the people. Research has shown that such instruments arise from many circumstances such as the existence of inequality in our social life which permits a few people to lead a life of luxury while millions of people live below the poverty line and therefore become victims of death through malnutrition and diseases such as malaria, diarrhea, typhoid, etc.[45]

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[42] Chapter 14, 1999 Constitution of the Federal Republic provides for Fundamental Rights with Dicey, A.V., proposition.

[43] Oshiomhole, A. *Political and Economic Dimension of the Practice of Democracy and Rule of Law;* (Ibadan: Spectrum Books Limited, 1996) p.78.

[44] *Ibid.*, p.79.

[45] See: Section 308 1999 Constitution which exempts the President, Vice President, Governors and Deputy Governor from Criminal Proceedings while in office. It should also be noted that the *Sharia Penal Codes* of various northern States is applicable only to resident Muslims. It does not apply to resident non Muslims. In the circumstance, it can hardly be asserted that every body is equal before the law.

Deliberate violation of rule of law also occurs through acts of political thuggery. It is well known that some political leaders who pose as representatives of parties or ethno/religious groups often seek to acquire or retain political power by organizing and using thugs to kill their opponents. Violation of rule of law has also developed on a large scale partly as a result of the attempts of the poverty stricken unemployed and alienated people to avenge the deprivation imposed on them by acts of exploitation perpetrated by the elite groups in the society.

The most intractable limit to the practice of democratic government and the application of the rule of law is found in the minds of members of the society. The full meanings of liberty are: freeing of the individual from ignorance, poverty, disease, and debilitating tradition and customs; i.e. being able to meet one's basic needs food, shelter, clothing etc. and creating an enabling environment for citizens to participate actively in all relevant decision making process in the society; as an American jurist rightly stated that liberty lives in the heart of men, when it dies there, no constitution, no law can save it".[46]

From the foregoing analysis, it is safe to state that the problem of endemic poverty which manifest in all forms of inequalities is responsible for the impracticability of rule of law to a large extent in Nigeria as this has a lot of negative consequences on the entire democratization process. Commenting on these, Muhammed forcefully asserted as follows:

> Nigerian democratic experience has neither served the purpose of political emancipation nor led to economic betterment of the citizens especially in the face of endemic poverty, hunger, unemployment and progressive disempowerment of a large chunk of the population.[47]

The above view could better be appreciated when it is realized that the necessity for enthronement of democracy and rule of law in Nigeria, as

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[46] Awa, E., "Adherence to Democracy and Rule of Law: The Role of Political and Military Elite" in Ayo, M.A., (ed) *Nigeria Democracy and Rule of Law;* (Ibadan: Spectrum Books Limited, 1996) p.18.

[47] Muhammed, A.A., *Reflection on the Victory and Crisis of Democracy in Nigeria. Conceptual issues and Democratic Practice,* (Lagos: Concept Publications, 2006) p. 209.

elsewhere in Africa, has received much of its impetus from the failure of economic management and its consequent life threatening situation of poverty and crisis, amongst others. The prospect of escaping this life – threatening situation and achieving sustainable growth and development is therefore linked to democratization. Unfortunately, this goal has never been achieved in Nigeria, as it is estimated that over seventy percent of the population is currently living below the poverty line of one dollar per day and Nigeria is ranked as one of the twenty-five poorest nations in the world.[48] While some growth indices are often paraded, there is a mismatch between it and existing realities, as the country still exhibits large symptoms of under development in its social, political and economic life. Atoyebi and Mobolaji[49] agreed that, a situation of growth does not represent a qualitative change in the living conditions of the people. The implication therefore is that mass poverty coupled with great violation of rule of law and with unemployment, creating alienation, insecurity, frustration and divisiveness amongst citizens, all of which makes the practice of true democracy and rule of law problematic and counter productive.

## V. Poverty and Criminality

Poverty or as some scholars are apt to put it, stratification by social class was the first sociological variable ever looked into as a possible cause of criminality.[50] An American Scholar, Clark described poverty as the mother of crime.[51] It was argued that inequality affects social relationships especially in a situation in which while the income of the rich rises, the poor feel relatively more deprived. Such deprivation, it is argued, can lead to alienation and subsequent crime.[52]

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[48] *Ibid.*, p.209.

[49] Atoyebi, G., and Mobolaji, H.I., "Corruption, Accountability and Governance", in Saliu, H.A., (ed) *Nigeria Under Democratic Rule (1999 - 2003) vol. 1*(Ibadan: University Press Plc., 2004)P. 202.

[50] Obarisiagbon, E.I. and Akhigbe, E., *supra* note 8, p.58.

[51] Clark, R., *Crime in America,* (New York: Simon and Schuster, 1970); cited in Dambazau, A.B., *Criminology and Criminal Justice;* (Kaduna: NDA Press 1999) p.76.

[52] Susan E. Mayer "The Consequences of Inequality: The State of Current Research" Joint Centre for Poverty Research News, Vol.11, No3, Summer 1998, cited in Dambazau, A.B., *Ibid.*

Criminality which is the act of committing crime can only be appreciated in the context of crime. It is therefore imperative to assess the meaning of crime.

Any attempt to present a universal definition of crime will have some difficulty.[53] Dambazau observed that the reason for such difficulty is proffering a universal accepted definition of crime is that, the acts defined as criminal vary with time and space. It is his further observation that an act may be a crime in one society but not in another. It is equally important to know that there are conflicting views on the definition of crime amongst jurists and social scientist, there differences mostly boarders on ethical and ideological orientation.[54]

The chambers English Dictionary sees crime as an illegal act, which is punishable by law; deplorable and shameful act which is gravely wrong in moral sense.[55] The Black's Law Dictionary on the other hand define crime as "an act that the law makes punishable; the breach of legal duty treated as subject matter of criminal proceeding".[56] To Ocheme, "Crime is an active or inactive act in violation of penal law".[57] Appreciating the difficulty in the definition of Crime, Chukkol,[58] prefers to view crime from two approaches. The sociological approach, and the strict legal approach. The sociological approach he says, defines crime as an "anti – social behaviour and includes in its purview many acts the conventional lawyer may not regard as anything more than minor deviant behaviour", while the strict legal approach treats crime as "essentially a legal concept which must be understood in reference to law". Bohm and Haley[59] also gave a social and legal definition of crime from the social view point, they see crime as "a behaviour that violates the norms of the society or more simply, anti – social behaviour''. From a typical legal perspective, Bohm and Haley see crime as "an intentional violation of criminal law or penal code committed without defense or excuse and penalized by the state"[60] statutorily, offence

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[53] Dambazau, A.B., *Ibid.* p.32.
[54] *Ibid.*
[55] *21st Century Chambers Dictionary*, p. 319.
[56] Garner, B.A., (ed) *Blacks Law Dictionary* 8th Edition.
[57] Ocheme, P.A., *The Nigeria Criminal Law*, (Kaduna: Liberty Publications limited, 2006) p.1
[58] Chukkol, K.S., *The law of Crimes in Nigeria*, (Zaria: A.B.U Press, 1988) p.1.
[59] Bohn, R.M., and Haley, K.N., *Introduction to Criminal Justice*, Glencoe, 1997, p.23.
[60] *Ibid.*

(crime) is define as acts or omissions which render the person doing the act or making the omission liable to punishment.[61]

From all the definitions of crime proffered by eminent jurists and writers above, it is safe to state that crime simply means acts or omissions which violate the norms and values of the people that has seen incorporated into written laws of that society and punishable as stipulated by such laws.

As stated earlier in this paper criminality which is the act of doing an act or making an omission which the law recognizes as a crime could be enhanced by the scourge of poverty. A lot of persons have become culprits of criminal acts driven by the effect of need. Electoral offences have been committed by a lot of people. These electoral offences are of criminal nature, which make them punishable under our criminal laws[62] and Electoral Act[63] it is therefore submitted that poverty which may be the product of unemployment in our system, leads to extreme deprivation, ignites the feelings of rejection and personal failure. These may have the effect of making our youths available tools, for all sought of criminal activities, especially in our fragile democracy where thuggery and other acts of criminality determines a candidate political might.

## VI. Concluding Remarks

The centrality of free and fair election, rule of law and security (criminality at minimal level) in evolving a decent society cannot be overemphasized. This is more so, since they are the touch-off points of participatory democracy which seem to be the preferred form of government in today's world.

If the system fails to satisfy the economic aspiration of the people, there will not be a reasonable harmony between the various classes of the society, which is so necessary to give the system its legitimacy and sustainability for growth and development.

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[61] Section 2, *Criminal Code Act*, Cap 38 Laws of the Federation of Nigeria (LFN) 2004.

[62] If a person commits murder, arson assault etc. in the course of participating in thurgery during election. Such person will be tried under our substantive criminal laws (i.e *Criminal Code Act, Penal Code Law* or *Sharia Penal Code*), depending on the place where the crime was committed.

[63] *Supra* note 4.

Citizens participate in decision making in a democracy through voting; here lies the essence of credible election; the sovereignty in a democracy rest with the people. We are aware that in a poverty endemic society like Nigeria, where unemployment, lack of basic necessities of life, lack of qualitative and affordable health care, collapsed educational system and many more indicators of social and economic decay which are our lots in today's Nigeria, can be anything but not democratic sustainable.

The above position is predicated on the simple fact that credible election, rule of law, which are core tenets of democracy would not be obtainable in a society whose political culture had been battered by the military and has over 70% of her citizens wallowing in abject poverty. There are many postulations and theories that explain causes of criminality, but poverty and its implication on the citizens stands tall above others. This monster which denies citizens all the rights that are necessary to galvanize the society for productive and meaningful life, breeds criminality, which in contrast destroys all well known freedom and injects into the society anarchy and its consequences as we have in Nigeria today. The implication is that poverty to a large extent creates an environment unsuitable for true democracy to thrive.

For a sustainable system that will take the country to her rightful position amongst committee of nations using democracy as its launching pad; where rule of law, accountability, responsive, effective and efficient governance, inclusive and participatory democracy reigns, which shall be predicated on free and fair election. Corruption, mismanagement and embezzlement of our common wealth are the forceful allies that brought us face to face with this level of poverty.

It is therefore suggested that for a society to attain positive growth, all known vices that are incidental to the creation of poverty must be eschewed, by so doing, rule of law will have a pride place in our polity and criminality will certainly be reduced to the barest minimum.