

Democratic Governance in Nigeria and the Maicibi's Formula for Fighting Crime

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Abstract

The study assesses the democratic governance of Nigeria and questions the operationalisation of the democratic tenets of free and fair election, respect for the rule of law, accountability, transparency and control of corruption in the country's governance structure. The study also offers insights into and adapts Maicibi's (2015) generic formula for fighting crime (B1-4<C1-4) to the democratic governance of Nigeria; while revealing the motivation for undemocratic behaviours by public officeholders and offering strategic - preventive and combative - measures for electoral malpractice, corruption, political violence, mismanagement of funds and unaccountability in governance. Adam Smith's (1776) Rational Choice theory provides the theoretical base for the study. Geared towards strengthening democratic governance in Nigeria, the recommendations in the study are twofold: first, to address institutional loopholes that motivate actors' undemocratic actions in governance, and second, to strengthen the rule of law and the independence of institutions that prosecute offenders.

Keywords: *Democracy, Governance, Democratic governance, Maicibi formula*

Introduction

Democracy is seen as the best form of government around the globe and many have staked their lives to achieve it. It is seen as a catalyst for societal stability, peace, development, and participation of citizens in decisions and policies that affect their lives. Hence the institutionalisation of the judiciary, legislature, and executive arms of government, which are the hallmarks and institutions responsible for upholding democratic governance in a state. A democratic system advocates that a state is governed by the rule of law, separation of powers, free and fair elections, control of corruption, accountability, transparency and good governance. Accordingly, the Centre of Expertise (2019) states that good democratic governance should include the following 12 principles, namely - participation, representation, fair conduct of elections; responsiveness; efficiency and effectiveness; openness and transparency; rule of law; ethical conduct; competence and capacity; innovation and openness to change; sustainability and long-term orientation; sound financial management; human rights, cultural diversity and social cohesion; and accountability.

In a democracy, "the form of the government is representative and it is the people who lead. Government exists to serve the people and governance is more about meeting the needs of the people on an ongoing basis" (Udeh, 2017: 149). In contrast, however, is the democratic process and governance really for the people? Put simply, are elections, governance systems, policy formulation and implementation really the people's will or the will of a few? According to Schumpeter, Democracy 'does not and cannot mean that the people actually rule in any obvious sense of "people" and "rule"'. Instead, it 'means only that the people have the opportunity of accepting or refusing the men who are to rule them' (Schumpeter, 1942, as cited in Ingham, 2015). This calls into question the quality of personnel available to choose from during elections. Are they really the popular will of the people, are they the best or the strongest or they have worked out means and amassed so much power to manipulate the electoral and governance system in their favour?

Unlike top democracies such as the United States, United Kingdom and Australia, African countries face enormous challenges upholding democratic tenets. This has instigated civil wars, military coups and violent conflicts, affecting the growth, stability and development of the region. From 1960 Nigeria got its independence till 1999, the country has also experienced several downturns in its democratic governance, with violent military coups, civil war, years of military dictatorship, and the total suppression of democratic principles. Despite the transition from military rule to democratic rule in 1999 and 24 years of uninterrupted democratic governance, Nigeria still faces myriad challenges which have prevented it from benefiting optimally from the dividends of democratic governance.

Conceptual Clarification

Democracy

Democracy is a system of government that has garnered attention and support all over the world. Because the people are at the centre of governance, where they have the right to freely choose those who rule over them and the responsibility to make them function optimally. The term democracy is derived from two Greek words, ‘Demos’ meaning people and ‘Kratos’ meaning rule. Here, democracy means a form of government in which the people rule (Adejumo-Ayibiowu, 2015). Powley and Anderlini (2004) define democracy as a system of government in which power is vested in the people (the population) and exercised through representatives chosen in free and fair elections.

According to Udeh (2017), democracy ensures that the people name the one who makes the law and the one who implements it; the people also form the jury that punishes infringements of the law. Similarly, in a democracy, institutions are democratic in their principle and developments (Tocqueville, 2010, as cited in Udeh, 2017); people have rights as citizens, but they also have responsibilities to participate in the governance system. The process a country goes through in attempting to become more democratic is referred to as democratisation (Powley and Anderlini, 2004).

Accordingly, the principles of a democratic system include free, fair regular and competitive elections, the independence of the judiciary; freedom of the press and public opinions, effective civil society organisations; accountability, transparency; the separation of powers of the various arms of government; and respect for the rule of law. “In order for a country to be truly democratic, all of its citizens—men and women—must be empowered to participate fully in the governance process (as citizens, voters, advocates, civil servants, judges, elected officials, etc.)” (Powley and Anderlini, 2004: 37). This ensures that the citizens are not just used during elections to elect government officials, but they are at the centre of the governance and prosperity of the state.

Governance

The term governance has been defined by several authorities, however. Some definitions relevant to the study will be explored. Governance is seen by the World Bank (1992) as how power is exercised in the management of a country’s economic and social resources for development. Powley and Anderlini (2004) define governance as the process of decision-making and how decisions are implemented (or not). The United Nations Development Programme (UNDP) (1997) defines governance as the exercise of political, economic and administrative authority in the management of a country’s affairs at all levels.

The United Kingdom Department for International Development (DFID) (2006) defines governance as the capability of governments to get things done, how they respond to the needs and rights of their

citizens, and how, in turn, people can hold their governments to account. Here, the government is the major actor, but others can also influence the process. Non-state actors, such as religious or tribal leaders, civil society, trade unions, financial institutions, the military and community-based groups can play important roles (Powley and Anderlini, 2004).

For Udeh (2017) governance involves the dynamics of transforming societal needs into concrete programmes. That is, the development of governing styles in which boundaries between public and private sectors have become blurred and the needs of a society increasingly met (Udeh, 2017). Perhaps a comprehensive and working definition for the study is given by the Committee of Experts on Public Administration (2006, as cited in Udeh, 2017: 149) which sees governance as “the exercise of political and administrative authority at all levels to manage a country’s affairs. It comprises the mechanisms, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences” to make their government more effective and accountable.

Democratic governance

Democratic governance is used interchangeably with the term good governance. This is because democratic governance is ‘good’ and ‘good governance’ is and should be democratic. “The definitions of good governance have centred on what makes institutions and rules more effective and efficient, to achieve equity, transparency, participation, responsiveness, accountability, and the rule of law” (Udeh, 2017: 149), which are also the core elements of democratic governance. In democracies, power lies with the masses of the electorate, hence, democratic governance is expected to be more responsive to the demands and pressures of citizens (Adejumo-Ayibiowu, 2015).

In understanding democratic governance, two issues can be determined; “the first pertains to institutions of governance, including public administration and public services connected, in particular, with the sound management of resources, delivery of and equitable access to public services, responsiveness to the views of citizens and their participation in decisions that concern them. The second broad governance issue is concerned with concepts of democracy and the rule of law, including rights-based claims to equality before the law, judicial independence, participation in the conduct of public affairs, electoral integrity, political plurality, freedom of expression and media independence” (General Assembly Resolution 59/201, as cited in Udeh, 2017: 149).

Democratic governance is thus a state where the citizens participate fully in the governance process, from the election process where they choose their representatives through a free and fair election to being actively involved in the decisions made by these elected officials and importantly owning the implementation process. Democratic governance emphasises that those saddled with the responsibility of governance are subjected to the authority of those who gave them the power of governance. This is basically citizens’ control and participation in governance.

Among others, the key elements of democratic governance are participation and conduct of fair elections, accountability, transparency and the rule of law (Adejumo-Ayibiowu, 2015; Centre of Expertise, 2019; The World Bank, 2003). These elements are mutually contingent and crucial to strengthening democratic governance, improving and systematically ensuring societal peace and human development.

Free and Fair Election

In a democratic system, citizens have the power to choose their representatives through competitive elections (Adejumo-Ayibiowu, 2015). The conduct and participation of citizens in a free, fair and

periodic election are crucial to democratic governance. Elections offer the citizens the right and power to invest on people the authority of governance. An election is then the procedure by which citizens of a country choose their representatives and leaders and assign authority (Powley and Anderlini, 2004).

To remain responsible to the electorates, periodic elections - entrenched in a country's constitution - are conducted and if the elected do not uphold their responsibilities to the electorate, they can be voted out of office in the next election (Powley and Anderlini, 2004). Hence, an election is an effective tool used by the people to make the government responsive and accountable (Adejumo-Ayibiowu, 2015).

Essentially elections must be widely regarded and accepted, violence-free and democratic. According to Powley and Anderlini (2004: 37), "For an election to be truly democratic, it must be: universal, equal, secret, direct and there must be a wide choice. Therefore, all citizens of a country must have the right to vote and to be elected, without discrimination based on sex, race, language, religion or political affiliation; the value of each vote must be the same; the balloting must be private so that citizens can participate without being afraid, only the voter must know for whom she or he votes; the voters must be able to choose their leaders without an intermediary; and the voters must have the opportunity to choose from among several available candidates" respectively.

Rule of Law

Like elections, the rule and supremacy of law is another significant pillar of democratic governance. "Rule of law means that no one, including government is above the law, where laws protect fundamental rights, and justice is accessible to all. It implies a set of common standards for action, which are defined by law and enforced in practice through procedures and accountability mechanisms for reliability, predictability and administration through law" (OECD, 2013: 44). This means that the same constitution and set of laws govern and protect everyone and that all citizens are equal (Powley and Anderlini, 2004).

Cited in OECD (2013: 44), the World Justice Project (WJP), points out the following as four universal principles of the rule of law: "the government and its officials and agents are accountable under the law; the laws are clear, publicised, stable and fair, and protect fundamental rights, including the security of persons and property; the process by which laws are enacted, administered and enforced is accessible, efficient and fair; justice is delivered by competent, ethical, and independent representatives and neutrals, who are of sufficient number, have adequate resources, and reflect the makeup of the communities they serve." Hence, the rule of law entails that comprehensive laws are passed by the legislature, they are fairly interpreted and enforced by an independent judiciary and executive, respectively, and these laws are supreme and geared towards making everyone especially public office holders accountable.

In a democracy, the rule of law is thus essential to subjecting everyone especially those in governance to the dictates of the law. This is to prevent and curb electoral offences and violence, political maladministration, economic misappropriation and mismanagement of public funds, to ensure transparency and prevent corruption in governance and that those in governance are held accountable for their actions. To achieve this, Powley and Anderlini, (2004) aver that 'an independent judiciary is essential to protect the rule of law, ensure supremacy of the law, prevent those in governance from wielding arbitral powers', control corruption and importantly improve public confidence in the government.

Theoretical framework

The study adopts the rational choice theory propounded by Adam Smith (1776). Adam Smith formulated the basis of the theory using a metaphor known as the ‘invisible hand’. Rational choice theory proposes that “individuals work as 'rational actors' and base decisions on what makes the most sense economically and for their personal interests. It also suggests that people perform a cost-benefit analysis and make decisions based on their personal interests” (Lockert, 2022). Creel, (as cited in Lockert, 2022), states that the theory assumes that individuals will carefully evaluate all decisions, weighing the costs and benefits of each potential path forward, and then choose what they believe will maximise the benefit to themselves. Lockert explains further that “individuals consider monetary gains as well as losses in their decision-making. However, many people strive toward avoiding any losses rather than seek out gains in something referred to as "loss aversion" (Lockert, 2022). In governance, the theory is used to envisage why politicians act the way they do in the electoral and governance ecosystem, as those aspiring and in electoral and appointment positions in government evaluate the cost-benefit of engaging in undemocratic acts such as election rigging, corruption, mismanagement and misappropriation of funds, and unaccountability because it makes the most economic, social and psychological sense to do so.

Maicibi Formula (B1- 4 < C1- 4)

Proposed by Maicibi (2005), Maicibi’s formula is a generic formula for fighting crimes in society. It entails coping strategies in reducing and deterring all types of societal crimes including, financial crimes, cybercrimes, human trafficking, bribery and corruption, child labour, theft, money laundering, kidnapping, banditry, and terrorism. In combating societal crimes, among others, a major approach for governments to reduce and deter criminals from committing crimes is by instituting legislation for crime prevention. Maicibi (2015) states two reasons why crime prevention legislation is essential. First is due to the ‘growing sophistication in emerging trends of crime’ and ‘the soaring cost of crime prevention’. In Maicibi’s words:

Crime prevention strategies will continue to grow in dimension and intensity, consistent with the growing sophistication in emerging trends of crime... (and) the soaring cost of crime prevention. Understanding of crime will be a function of the law..., such legislation needs to involve legislation on penalties for committing crimes. Governments must go beyond mere law enforcement and criminal justice to (make legislation that) tackles the risk factors that cause crime because it is more cost-effective and leads to greater social benefits than the standard ways of responding to crime (emphasis added) (Maicibi, 2015: 45).

Maicibi’s (2005: 46) generic formula for fighting Crime is thus: B1- 4 < C1- 4

In:

B1 = Mb; B2 = Pb; B3 = Sb; B4 = Ec

And

C1 = Mt; C2 = Fa; C3 = Pc; C4 = Lo

Where:

B = Benefits

Mb - Monetary and economic benefits to the criminal

Pb – Psychological and physiological benefits to the criminal

Sb- Sociological benefits to the criminal

Ec- Ease and level of success in committing the crime

C = Costs

Mt –Monetary and time to commit the crime

Fa – Fear & probability of being apprehended and arrested

Pc – Probability of conviction and its harshness

Lo – Lost opportunities and stigmatisation

B(benefits) Vs C(costs)

$B > C$: $Mb+Pb+Sb+ Ec > Mt+Fa+Pc+Lo$ - means that benefits outweigh the costs.

$B < C$: $Mb+Pb+Sb+Ec < Mt+Fa+Pc+Lo$ - means that cost outweigh the benefits

$B > C$ has a slim chance of deterring crime to commit crime

$B < C$ has a high chance of deterring crime to commit crime

Maicibi's formula "addresses the questions of how and why criminals acquire criminal behaviour and what motivates them to commit crime. It also reveals appropriate deterrent penalties for people who are found on the wrong side of the law; thus, serving as an asset in helping to combat criminality" (Maicibi, 2015: 46). People are motivated to commit crimes when the benefits of doing so exceed the risks involved, the cost of planning and executing and the perceived penalties of committing the crime.

Criminals analyse the benefits and penalties of committing crimes because they are determinants for committing crimes and crime recidivism. As detailed by Maicibi, criminals depend on and focus on the contingencies and outcomes of the cost-benefit analysis of crimes to perpetrate crimes. The formula indicates that the benefits and cost/risk of committing crimes are economic, social and physiological. "The benefits referred to in the formula include financial accumulations and acquisition of property; psychological satisfaction derived from these acquisitions, including the feeling of conquest by the criminal on successfully accomplishing illicit programmes; and sociological benefits refers to the 'status' given to the criminal by the community regardless of how s/he acquired the wealth" (Maicibi, 2015: 47). While the costs are the lost economy and time imputed to committing the crime; the fear and high probability of being apprehended and arrested; high probability of conviction and its harshness; lost opportunities and social stigmatisation for the criminal.

Hence, the deterrence factor should be to make the benefits of committing crimes lesser by making it less attractive and difficult to attain, and also "making the costs/risks of committing crimes very frightening and higher than the benefits, thus: $B < C$ " (Maicibi, 2015: 47). When the benefits are lesser, and the costs higher, the motivation for committing crimes reduces, hence reducing the crimes in society.

Democratic Governance in Nigeria

Since Nigeria's independence in 1960, democratic governance in the country has experienced upheavals. The reason for this is not farfetched, not long into Nigeria's independence, the military intruded into Nigeria's political structure disrupting its nascent democracy. Between 1960 and 1999 (39 years), Nigeria went through 10 years of civil rule, while it endured 29 long years of military dictatorship.

With seven (7) circles of election and 24 years of uninterrupted democratic governance since 1999, Nigeria has evolved democratically. Looking back from 1999 when Nigeria had a transition from

military dictatorship to democratic governance, one could posit that Nigeria is not where it used to be as considerable progress has been made, but certainly, Nigeria is not where it ought to be. What then has weakened democratic governance in Nigeria?

Factors that undermine democratic governance in Nigeria

Weak Rule of law and institutions

The rule of law and strong institutions are one of the mechanisms that every democratic government uses to stabilize its governance structure and society. In Nigeria however, the rule of law is weak and selective, and so are the institutions established to uphold it. The political class have become very influential and powerful and has been able to undermine the rule of law and evade justice easily; also, the judiciary and enforcement agencies are weak and corrupt, making them lose their independence, impartiality, and according to USAID (n.d., as cited in Powley and Anderlini, 2004), it suspends the rule of law. These have consequently motivated undemocratic behaviours among those in governance who freely disregard the laws because of the weak laws and institutions in Nigeria.

In the West which seems to enjoy some level of order and growth, where democracy seems to be working, the principle of the rule of law and its institutions are very strong such that regardless of who one is and the level they occupy, they have to abide by what the law says. They are not exempted because they are a strong person in government. Therefore, the tendency to do the right thing is very strong, compared to where there is a weak rule of law. This is the case with Nigeria, where people both in government and outside government do things and get away with it. There is no way that democracy can function in such a scenario. So, what Nigeria's democratic governance needs to get right to function is to strengthen the principle of the rule of the law and the institutions that uphold and enforce it.

When there is a strong rule of the law, strong institutions to prosecute offenders and the sanctions against those who go against the law are very strong, the principle of deterrence is established. People will understand that the law is not just there, but the law is ready and able to go against them when they go against the law and when they do something wrong. Therefore, when Nigeria has a very strong rule of law, Nigeria will begin to gradually experience development, growth and advancement, and build a culture of law and order in the society.

Corruption

Corruption has been a significant threat to democratic governance in Nigeria. Corruption is not just financial, there are other forms of corruption - moral, political, and administrative corruption, where people in power take undue advantage of their positions to attain personal illegal benefits. Also, corruption is endemic in all of the arms and levels of government. "Corruption in government is the misuse of public goods, funds, or office for private gain. It includes behaviour such as embezzlement, fraud and the taking or requiring of bribes for the provision of public services" (Powley and Anderlini, 2004: 42). It has taken deep root in virtually every facet of Nigeria's governance structure, where people use money to gain undue advantage. Hence, due diligence has become weakened and capacity, disregarded, because a few people have the money to buy their way into appointments, into government and now into elective positions (as they buy voters). Also, corruption in elections and legislative bodies reduces accountability and representation in policymaking (USAID, n.d., as cited in Powley and Anderlini, 2004). In the 2015 and 2019 general elections in Nigeria, one of the key

problems that Nigeria's Electoral Body, the Independent National Electoral Commission (INEC) cited, was vote buying. Meanwhile, in the Nigerian electoral act, "buying and selling votes is an expressly prohibited and criminalised practice, and any person convicted of such an offence will be liable to pay a fine of ₦100,000 (equal to about US\$260) or be imprisoned for 12 months" (Onuoha & Okafor, 2020: 4).

Hence, whoever has the money, dictates what happens, corroborating Onuoha and Okafor's (2020) view of Nigeria operating as a 'moneyocracy' or 'cash-and-carry' democracy. Meanwhile, people who live within their honest income, find it difficult to get into government, they will not be able to contest elections, because, the process has been monetized. Corruption is endemic and therefore, those who are corrupt and ready to play the game will continue to run the system and the country. Corruption therefore weakens the rule of law and it weakens every principle that is associated with democracy that can make democracy function in Nigeria.

Lack of transparency and accountability

The fact that people cannot be held accountable and people do what they want to do and get away with it, is something that undermines democracy in Nigeria. Public officeholders who have been trusted with governance in the country would misappropriate, mismanage and loot so much public funds, and still be walking free in the country. This has over time set negative precedence for its practice, where people go into an office intending to loot as much as they can, because, no one questions their actions or holds them accountable. This undermines democratic governance in Nigeria.

Unaccountability is evident in every arm of the government – the judiciary, executive and legislature. In the legislature, for instance, budget padding has become a critical issue. Budget padding which came newly into the vocabulary of Nigeria's politics is the expansion, increase or addition of items to bills or budget proposals with misleading or fraudulent matters, to extort money for personal gains (Oloto, Nnamani, & Nnamani, 2019). Several Nigeria's budget was padded and up till now, nobody is held accountable. Also, it is being said that the Nigerian legislature is among the highest earning in the world, but up till now they are not open and transparent with whatever they are earning.

There is a need to begin to hold people accountable for what they have done or failed to do in government. Public officeholders mismanage funds, make policies that are endemic to the populace or do nothing to improve the well-being of the people they govern, yet they remain in government and give no account of their actions or inactions.

A lot of civil society organizations and pro-democracy individuals have been demanding accountable governance. Some of them are late now like the late Gani Fawehinmi and many more of them have been demanding accountability in government, but, up till now Nigeria does not have such. Until the government become transparent and people are held accountable for either performing or non-performance, Nigeria's democratic governance will remain weakened. This is because accountability and transparency are principles of democratic governance that can make Nigeria function more effectively. Without accountability, democracy is weak and democracy cannot function, and without the rule of law, accountability cannot be advocated for.

Lack of Inclusive Politics and the Monetization of Politics

The lack of inclusive politics is also a major issue that undermines democratic governance in Nigeria. Governance is being circulated among a clique and a few individuals and this has given them access

to money and made them very powerful. They monetize the electoral process, control all the mechanisms of access to power and determine who gets to it and how they get to it. Those in government “have perfected the art of brutal and inhuman politics with a desire to retain power and keep the citizens out of politics and constitutional development (Doorknobs, 2000, as cited in Olatomiwa & Olabode, 2021). Hence, people keep having to recycle a few that have hijacked and monetized the process, and illegally accumulated as much commonwealth as possible as their personal wealth, to have the needed financial muscle to muscle anybody interested in governance out.

So, in such a scenario, men, youths, women or persons with disability who are credible, cannot contest, because, they don’t have the money, regardless of how capable or knowledgeable they are, how well they have done for themselves, or the good intention they have for governing. The fact that the governance process has not been very inclusive undermines democracy because anyone with all the money but without good intentions can buy their way through.

High cost of governance

The high cost of politics and governance in Nigeria also weakens democratic governance in Nigeria. The cost of governance which is the “governments’ budget allocated to both capital and recurrent expenditures on maintaining government administrative structures (Drucker, 2007, cited in Okeke and Eme, 2015) is very high in Nigeria, making politics the most lucrative business in the polity (Okeke and Eme, 2015). Hence, some of the people who find themselves in positions of power, particularly those who contest elections, spend huge amounts of money to contest elections, rig or instigate violence and get into power, because they are assured to get more than they have spent or risked when they get into power. Hence, the benefits of getting into power far outweigh the risks or costs expended in the electoral process.

More so, the high cost of governance encourages corruption among public officeholders. Making them focus more on the benefits they will accrue from their office, rather than ensuring democratic governance. Public offices will continually attract the political elites until the cost of governance is drastically reduced. When the cost of governance is reduced, the funds can be channelled to crucial sectors of society that will improve the lives of the citizens.

Democratic governance in Nigeria and the Maicibi’s Formula

Democratic governance in Nigeria is in dire need of reforms to make it genuinely democratic. Maicibi’s formula provides a base for reform, legislation and strategy to make governance in Nigeria more democratic than it is. Hence, the structural factors that undermine democratic governance in Nigeria would have to be addressed, by fixing the causal and motivating factors. For instance, elections, one of the major tenets of democracy has to be reformed. During elections in Nigeria, political aspirants would rather expend so many resources to campaign, induce voters, rig the election or instigate electoral violence than lose the election they had invested so much in. This is because the cost of doing this falls short of the economic, social and psychological benefits of winning the election.

Hence, the benefits of attaining political office in Nigeria outweigh the cost of contesting elections, rigging or instigating electoral violence. And when public officeholders get into power, their governance is characterised by corruption, maladministration and mismanagement, misappropriation and looting of public funds, and they are not held accountable for their actions or inactions. Thus, the financial, social and physiological benefits of corruption by public officeholders surpass the risk

involved, the fear of being caught or prosecuted and the social embarrassment that follows. They also find means of not getting prosecuted for their actions by weakening the law and suppressing the judiciary and other enforcement institutions that should hold them accountable for their actions. Yet again, their actions undermine the principle of democratic governance.

The question then remains if Nigeria genuinely practices democratic governance. Where those in government are transparent and accountable for their actions and where the rule of law is supreme and punishment is meted out to offenders no matter how powerful or highly placed, they are. In Nigeria however, the benefits of becoming a public office holder surpass the cost/risk of getting there, also, the benefits of engaging in criminal undemocratic behaviours far outweigh the cost, risk and punishment of engaging in it. Hence, motivating undemocratic behaviours among public officers. In light of this, deterring undemocratic behaviours cannot be overemphasised for democracy to thrive in Nigeria. To do this, legislation will have to be made to make the financial, social and psychological risks, costs and penalties outweigh the benefits of engaging in criminal undemocratic actions.

Conclusion

To say that democratic governance in Nigeria is depraved in its entirety will be a false statement. The fact that Nigeria has been able to conduct by 2023, the 7th successive elections and transition of leadership from one civilian president to the other, is commendable. The fact that Nigeria has not reverted to Military dictatorship as has been evident in some countries in the West African sub-region and the African continent is something that could be celebrated. Although it does not call for celebration when one looks at the level of corruption in governance, the fact that successive government has not been able to deliver the dividends of democracy and all the opportunities for growth, development and advancement that have been lost.

Governance is made efficient when democratic tenets such as the rule of law, control of corruption, accountability, transparency and free, fair, credible and periodic elections are upheld. However, at the moment in Nigeria, the strength of the rule of law is very weak and elections are not credible. At the top level and the low level, there is a level of disorganization, unaccountability and lawlessness and there seems to be no control. More so, democratic governance in Nigeria is marred with high corruption, weak institutions, and a high cost of governance. These are motivational factors for public officeholders to engage in undemocratic behaviours. More so, the economic, social and psychological benefits accrued by public office holders when they get to the office or engage in undemocratic behaviours outweigh the risk, time and cost of perpetrating it or the penalty meted out when they are prosecuted.

It is therefore pertinent to discourage such undemocratic behaviours, since individuals usually assess the cost-benefit of their intended actions, by making the time, risk and cost of committing these crimes greater than the benefits to be amassed, hence the relevance of the Maicibi's generic formula for fighting crime ($B1 - 4 < C1 - 4$). Maicibi's formula "decries impunity and denies criminals any prospect of safe haven, prevents the glorification of illicit activities and enjoyment of proceeds of crime, and thus stresses that those who commit crimes on a large or systematic scale should be held accountable and face the full wrath of the laws" (Maicibi, 2015: 47). In governance, this will be done by instituting laws; strengthening the rule of law, the independence of the judiciary and enforcement institutions; and stiffening penalties, to deter and combat election rigging and violence, corruption, mismanagement and misappropriation of funds, money laundering, unaccountability and other undemocratic behaviours in Nigeria's governance system.

Recommendations

To deter and combat undemocratic and criminal behaviours that undermine Nigeria's governance ecosystem, it is important to reduce the benefits motivating individuals, increase the cost, time, risk and penalties of engaging in the acts and importantly strengthen laws and enforcement institutions in Nigeria. Hence, making governance financially unattractive by reducing the cost of governance and remuneration for public offices will be invaluable in achieving this. More so, strengthening, adequately financing and ensuring the independence of institutions such as the judiciary, enforcement institutions, financial and financial crimes institutions like the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices and Other Related Offences Commission (ICPC), is important to make every public office holder accountable for their actions. Also, making penalties for corruption, mismanagement of public funds, electoral anomaly/rigging and violence etc more severe and socially humiliating will entrench deterrence.

Importantly, deploying technology into Nigeria's governance and financial architecture will also be vital for deterring undemocratic actions. If entrenched, it will make election rigging, misappropriation of public funds, money laundering, and corruption in general almost impossible. Likewise, instituting the culture of selfless leadership in young ones from a tender age, by instituting 'Leadership Skills' in the curriculum of the educational sector from primary to tertiary level would also be invaluable.

Importantly, instituting the principle of fiscal federalism will improve democratic governance in Nigeria. This is a state where the components of the federation, the states and local governments are autonomous of the federal and are fully responsible and in charge of their governance and development. Hence, from the local government to the state, credible elections are conducted, they perform their responsibilities independently and are accountable to the people at the grassroots. This will make those in governance more responsible and the people more involved in governance than they are right now.

Importantly, one might argue that the recommendations above are impracticable since their enactment and implementation still fall within the confines and responsibilities of the same public officeholders, who would not enact laws or policies that will deter their undemocratic behaviours. To address this, citizens' involvement in the democratic process of Nigeria and the enactment of these recommendations is imperative. Citizens' active participation in democratic constitutional making/changes and implementation will ensure the enactment of the recommendations and the needed deterrence of the undemocratic and criminal behaviours that undermine Nigeria's democratic governance.

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