

A Pragma-Linguistic Interpretation of Legal Communication:

A Study of Sections 133 and 134 of the Nigerian Constitutional Provisions for Presidential Election

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Abstract

Legal communication, particularly in constitutional texts, is said to be characterized by its precision, formality, and strategic use of language. However, this precision often coexists with ambiguities that invite diverse interpretations, particularly in highly charged political contexts. This study examines the pragma-linguistic features of Sections 133 and 134 of the 1999 Constitution of the Federal Republic of Nigeria, focusing on the presuppositions and implicatures embedded within these provisions. Using an utterance-by-utterance analytical approach, the study investigates how the linguistic nuances of these Sections formed the basis for legal arguments/tussles and political narratives across the nation during the 2023 Nigerian presidential election involving Tinubu and Obi. Drawing on theories of presupposition and implicature, the analysis uncovers the implicit assumptions and inferred meanings encoded in the constitutional language. The findings reveal how the stylo-linguistic choices in legal drafting, such as presuppositions, can form the interpretive basis in legal disputations. It also reveals how implicatures arising from legal texts can create rooms for legal contestation and generate political discourse in a nation. In general, the study further shows how the pragmatic elements of legal language may influence judicial interpretations, public discourse as well as the acceptability or rejection of an electoral outcome. This research underscores the interpretive inevitability of pragma-linguistic instrumentality to the analysis and interpretation of legal texts particularly in contexts where constitutional provisions intersect with political controversies. By illuminating the implicit dimensions of legal communication, the study contributes to a deeper understanding of how language mediates legal reasoning and democratic governance, offering insights for both linguistic scholarship and legal/constitutional endeavors.

Keywords

pragmatics, legal communication, presupposition, implicature, politics, constitutional interpretation

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1. Introduction

When language scholars affirm that the only instrument of thoughts and concepts is language, the idea they are articulating is the fact that language remains the only vehicle through which any form of idea, be it legal, political, economic, cultural, technological, medical, religious etc., can only be transmitted from its latent state of being into the object of common/shared knowledge between the communicator and the receiver (Tinuoye, 2003: 02). This does not only characterize language as a social artifact that permanently remains inexcusable in any human community, association and field of endeavor. The field of law is not an exception. This because without language as a social instrument and vehicle of thought, there may be no facilities through which facts and figures can be recorded, information stored, realities controlled, relationships established and social identities maintained (Balogun, 2012).

In law, while Lisina (2013: 07) has argued that “language is the main means that makes it possible for law to do its work”, Mellinkoff (1963) says that law is a profession of words, Trosborg’s (1997) is of the view that, in a very basic sense, law would not exist without language. Of course, when one sees that such activities as law making processes, law interpretations, law documentations, law reports, law briefs, law advocacy, law training, law communication, etc. may have no means of being mentioned or manifestations, it may be possible to place the importance of the roles of in law on a very high pedestal. It is in line with this reasoning that one may conclude that the language of legal texts, particularly those enshrined in national constitutions, plays a pivotal role in shaping political and legal processes.

However, in the case of Nigeria, Sections 133 and 134 of the 1999 Constitution outline the qualifications required for presidential candidates, explicitly specifying electoral requirements that include the need for a “majority of lawful votes” and securing “two-thirds of the states”. While these provisions are central to electoral integrity, their language is often subject to interpretation, creating opportunities for political disputes, particularly in cases of contested election results. In the aftermath of the 2023 Nigerian presidential election for example, the legal battle between Bola Tinubu, the eventual winner, and Peter Obi, who contested the outcome, exemplified how the linguistic features of these constitutional provisions can become focal points for heated legal battles. This shows that Legal language, especially in contentious political contexts, is not merely descriptive but performs critical functions of authority and dispute resolution. The 2023 presidential election, which was fraught with allegations of electoral malpractice and disputes over the meaning of constitutional terms, underscores the importance of understanding how presuppositions and implicatures embedded in legal texts influence legal outcomes. For instance, the term “lawful votes”, which appears in Section 134 of the Constitution, not only conveys a straightforward meaning but also presupposes a shared understanding of electoral validity, a concept that became a key point of dispute in the legal proceedings that followed the election (Nwabueze, 1982). Similarly, the phrase

“majority of the states” carries a presupposition about the geographical and political distribution of electoral power, which became central to the judicial interpretations of the election outcome.

This study employs a pragma-linguistic approach to explore the presuppositions and implicatures inherent in Sections 133 and 134 of the Nigerian Constitution, with a focus on how these linguistic features shaped the legal arguments in the 2023 election dispute. As Tiersma (1999) notes, legal texts often convey both explicit and implicit meaning, with implicatures playing a critical role in shaping the application of the law. The goal of this study is to identify how these linguistic elements may influence the administration of justice as well as interpretations of electoral provisions in Nigerian law, and how such interpretations in turn affect political outcomes.

The recent political uproar following the 2023 presidential election, marked by disputes over electoral legitimacy and the interpretation of constitutional provisions, demonstrates the urgent need for a clearer understanding of how language functions in legal contexts. According to Katz (1997), political language, especially in legal contexts, serves not only to communicate factual information but also to assert political power through the strategic use of linguistic ambiguity. In Nigeria, where political tensions are often high, the strategic use of presuppositions and implicatures in legal texts can determine the outcome of legal disputes and shape the political landscape. By analyzing the presuppositions and implicatures in these critical constitutional provisions, this study contributes to a deeper understanding of the intersection between language, law, and politics in the Nigerian context.

The election-related legal disputes in Nigeria also call attention to broader issues of constitutional interpretation. As Goldsworthy (2006) argues, the interpretation of constitutional texts must balance the need for clarity with the necessity for flexibility in addressing new legal and political challenges. In this case, the use of ambiguous terms such as “lawful votes” and “majority of the states” not only challenges legal practitioners but also serves as a fertile ground for legal contestation, as different political factions attempt to leverage language to their advantage. This research therefore examines how presuppositions and implicatures in Nigeria’s constitutional provisions impact legal decision-making processes in the context of electoral disputes. By focusing on Sections 133 and 134, the study provides a detailed analysis of how the interpretation of these provisions in the face of political conflict can influence both legal outcomes and public perceptions of electoral legitimacy. The research is to be executed through the following specific objectives:

- i. to identify and analyze the presuppositions and implicatures embedded in Sections 133 and 134 of the Nigerian Constitution.
- ii. to explore the interplay between legal language, political discourse, and the implications for governance and electoral integrity.

- iii. to evaluate the contribution of pragma-linguistic analysis to the understanding of legal communication in electoral disputes.

2. Literature Review

The study of legal language, particularly in constitutional texts, has long been an area of interest in pragma-linguistic scholarship. By exploring the interplay between linguistic form, implicit meaning, and legal interpretation, this review evaluates foundational works on presuppositions, implicatures, and the unique challenges posed by constitutional ambiguity in the context of electoral disputes.

Pragmatics examines how language conveys meaning in context, including what is implied or assumed rather than explicitly stated. Legal communication, being context-dependent, often relies on pragmatic elements to convey complex concepts (Gibbons, 2003).

Presuppositions are unstated assumptions that are taken as given within a discourse (Levinson, 1983). In legal texts, it is said that presuppositions frame the interpretation of statutory provisions and create a foundation for judicial reasoning. For instance, Sadock (2004: 75) argues that presuppositions in legal texts reflect normative expectations about societal and institutional structures. In the Nigerian context, terms like “lawful votes” presuppose an agreed-upon standard for electoral validity, yet this assumption often becomes a point of contention in disputes. Grice’s (1975: 44) concept of implicature, where meaning is inferred through adherence to conversational maxims, provides a useful framework for analyzing legal texts. Tiersma (1999: 88) observes that legal language often generates implicatures by virtue of its formal structure and reliance on precise but contextually variable terms. In contentious cases such as that of Tinubu vs. Obi election dispute, implicatures arising from phrases like “majority of the states” play a crucial role in judicial interpretations and public debates.

It is generally believed that the ability to comprehend the meaning of legal texts is beyond the reach of the legally un-initiated people in the society, their levels of education or domains of expertise notwithstanding. The belief is that the language of law can only be mutually comprehended in communication and intelligible when, and only when the ‘deep’ converse with the ‘deep’ within the confines of the legal profession – the world of the law. A number of reasons have been adduced for this. Very popular among these is the fact that constitutional language is often deliberately ambiguous, allowing flexibility for interpretation across changing societal contexts. However, this ambiguity can also lead to disputes over meaning, particularly in politically charged environments (Goldsworthy, 2006). Trosborg (1991) in his view, says that legal English “derives from language use in writing in which the level of formality can be characterised as frozen or

formal”. Edwin (2010: 85) asserts that “the most serious obstacles to the comprehensibility of legal language are not the vocabulary and sentence structures employed, but the unstated conventions by which the language operates”. Edwin believes that legal scholars refer to these unstated conventions as ‘the invisible discourse of the law’ probably because of the scholars’ conviction that “even where legal rules are crafted in clear, simple and precise form, non-law research students are still unlikely to fully understand them because they are unacquainted with the schemata on which they are based” (Edwin 2010: 81).

Ahdar and Leigh (2005: 215) argue that constitutional provisions, as performative texts, simultaneously assert authority and invite contestation. In the Nigerian Constitution for instance, one may say that such phrases as “two-thirds of the states” or “lawful votes” exemplify how linguistic ambiguity can result in multiple and divergent interpretations, as evidenced in the 2023 presidential election litigation. The resolution of electoral disputes often hinges on the interpretation of legal texts, where linguistic clarity is crucial. Katz (1997: 34) highlights how electoral laws define the boundaries of democratic processes, while Pildes (2004: 62) explores how legal language can be exploited to challenge or legitimize electoral outcomes. In Nigeria, Nwabueze (1982: 147) underscores the importance of clear constitutional provisions for electoral integrity. Jowitt (2021: 203) further elaborates on the challenges posed by the 1999 Constitution, particularly the interpretive disputes arising from its provisions on electoral thresholds, such as Sections 133 and 134. The Tinubu vs. Obi case illustrates how these ambiguities can escalate into high-stakes legal and political conflicts.

When one considers the contextual dependent nature of legal text, it is possible for one to argue that the Nigeria’s multilingual and multicultural landscape maybe part of what is responsible for the seemingly an additional layer of complexity to legal interpretation in Nigeria. Adebayo (2010: 98) argues that the linguistic diversity of Nigeria necessitates a pragma-linguistic approach to uncover implicit meanings in legal texts.. These studies emphasize the role of pragma-linguistic tools in clarifying ambiguities and resolving disputes. Empirical studies have demonstrated the role of language, particularly presuppositions and implicatures, in the interpretation of legal texts. These studies often focus on how linguistic nuances impact the resolution of legal disputes, especially in the realm of electoral law. This review examines the empirical findings from prior studies, with a focus on how pragma-linguistic features such as presupposition and implicature influence legal communication and electoral dispute resolution.

In legal communication, the pragmatic meaning of utterances is believed to also play a central role in determining the outcome of legal proceedings. For instance, Coulthard and Johnson (2007) explored how linguistic features such as presupposition and implicature shape legal discourse. They argue that legal texts often rely on presuppositions, which is the unstated assumptions that shape the interpretation of legal provisions. In their analysis of British legal proceedings, Coulthard and Johnson (2007) observed that presupposition triggers like “it is assumed” or “the law presumes” often undergird legal

arguments, influencing the direction of the case. This insight is crucial when analyzing Nigerian electoral law, where presuppositions about expressions such as “valid votes”, “majority of states” etc., may inform judicial interpretations as well.

Similarly, Tiersma (1999) provided empirical evidence on how legal language is inherently ambiguous and open to multiple interpretations. His analysis of U.S. electoral law highlighted how implicatures in legal language, such as references to “majority” or “validity of votes”, can lead to competing interpretations by different political parties or legal practitioners. Tiersma’s work suggests that electoral disputes are often a direct consequence of how language is understood, particularly when terms like “majority” or “lawful votes” are left undefined or open to subjective interpretation. This aligns with the Nigerian context, where these terms in Sections 133 and 134 of the Constitution play a central role in electoral disputes. In Ajenifari and Awolope (2023), there was the investigation into context as a pre-condition for meaning fixation in legal texts.

The paper explored the application of the relevant aspects of Lawal’s (2003) pragmatic theory to foreground the contextual inevitability to meaning processing of the treaty-based legislative text of the Universal Declaration of Human Rights document of 1948 as adopted by the United Nations. The scholars argued that the linguistic deployments in any communicative legal text is a function of non-linguistic factors of context such as sociological, historical, psychological, social and cosmological situations of the human parties to the ensuing legal contracts under the circumstance.

In the Nigerian context, several empirical studies have analyzed the role of legal language in electoral disputes. For instance, Adebayo (2010) analyzed the 2007 Nigerian presidential election dispute and argued that presupposition in the legal interpretation of the Constitution had significant implications for the electoral process. Adebayo found that phrases such as “majority of lawful votes” were used to justify legal decisions in favor of one candidate over another, with presuppositions about the legitimacy of certain votes forming the basis of judicial determinations. This study highlights the direct impact of legal language on the outcome of Nigerian elections and underscores the importance of clear, unambiguous legal provisions.

Comparative studies have also provided valuable insights into the role of language in electoral disputes. Pildes (2004) explored electoral disputes in the U.S., specifically the 2000 Bush v. Gore case, emphasizing how legal language regarding “majority” and “equal protection” led to competing interpretations. Pildes concluded that linguistic ambiguity in electoral laws, coupled with the strategic use of presuppositions and implicatures, resulted in divergent judicial rulings. When this is properly viewed, one sees that this finding mirrors the situation in Nigeria, where the lack of clarity around the interpretation of “majority of states” or “lawful votes” contributed to prolonged legal battles following the 2023 election. Goldsworthy (2006) examined the role of constitutional language in political disputes, particularly in countries with post-colonial legal systems like Nigeria. Goldsworthy argues that constitutional language in such systems often includes implicit assumptions about state structures, voter participation, and electoral fairness. It is noteworthy that the assumption that all states of the federation hold equal

electoral significance is a fundamental aspect of the Nigerian Constitution, which has contributed to difficulties in defining the true essence of electoral success, particularly in disputed elections.

Scholars believe that implications and presuppositions encoded in meaning are as significant in legal contexts as they are in everyday conversation. This is because the communicative obligations arising from the meaning of the expressions used are typically integral to legal provisions, even if the implicated content is not fully detailed within the legal statement itself (Stefan Höfler, 2014). For instance, empirical studies on presupposition in legal texts have emphasized its role in constructing the legitimacy of election results. In an empirical study on Nigerian legal discourse, Ahdar and Leigh (2005) argued that presuppositions about electoral legitimacy are often embedded in constitutional texts but may not be explicitly stated. They noted that in Nigeria's 2015 and 2019 presidential election disputes, presuppositions regarding the meaning of "majority votes" and "two-thirds of states" played a crucial role in shaping judicial reasoning (Ahdar & Leigh, 2005: 205). The ambiguity of these terms often became a battleground for political actors, leading to multiple interpretations by legal practitioners and courts. In the 2023 Nigerian presidential election, the contestation over these presuppositions, particularly concerning the meaning of "majority of lawful votes", reflects a broader pattern observed in prior studies. Adebayo (2010) emphasized that such presuppositions are essential for understanding legal arguments, as they create a framework within which electoral legitimacy is defined and contested.

Empirical studies on implicature in legal discourse have also shown how inferred meaning can affect the interpretation of electoral law. For instance, in a study on U.S. electoral disputes, Levinson (1983) demonstrated how implicatures about voter intent and vote counting methods influenced legal decisions, particularly in the 2000 Florida recount. In the Nigerian context, such implicatures are critical, as the meaning of "majority" or "valid votes" is often inferred rather than explicitly stated. The interpretation of these terms in Nigerian election petitions, particularly the 2023 dispute, reflects the strategic use of implicature to challenge the legitimacy of votes and the fairness of the election process.

2.1. Theoretical Framework

The theoretical foundation for this study is rooted in the fields of pragmatics and legal discourse analysis, specifically focusing on the concepts of presupposition and implicature. This framework is utilized to analyze how Sections 133 and 134 of the Nigerian Constitution, which address electoral qualifications for presidential candidates, may be interpreted given relevant linguistic theories and in the context of the Nigerian socio-political and legal atmospheres surrounding the presidential election, particularly the 2023 Tinubu vs. Obi as a case study.

It is noteworthy that Pragmatics, as a subfield of linguistics, investigates how language operates in context, considering both the explicit and implicit meaning of utterances (Levinson, 1983: 163). In legal communication, where language serves as a tool for societal regulation and political dispute resolution, understanding implicit meaning is crucial. Legal texts often contain presuppositions, background information that may be assumed to be known by both parties (Grice, 1975: 45). Like in any ordinary communicative exchanges, in any legal text also, such presuppositions are necessary for interpreting ambiguous or contested legal utterances/provisions, as they may guide the interpretation and application of the law (Tiersma, 1999: 102). Presupposition theory, as articulated by Levinson (1983: 167), is instrumental in understanding how certain facts or assumptions are taken as granted within legal discourse. In the context of the Nigerian Constitution, presuppositions embedded within the language of electoral qualifications — such as the presupposition that voters' rights are both valid and protected, form the baseline for legal interpretation.

Presupposition triggers, like “lawful votes” or “two-thirds of the states”, not only have a clear denotation but also carry implicit meaning that shapes the boundary of the discourse surrounding the interpretation of election outcomes (Sadock, 2004: 132). These assumptions are crucial for determining the eligibility of candidates in political contests, influencing the legal interpretations of constitutional provisions. Implicature, a concept introduced by Grice (1975), refers to meanings that are not directly expressed but are inferred from the context and the conversational maxims. In the context of legal language, implicatures are critical for understanding how legal professionals infer meaning from constitutional texts. Tiersma (1999) emphasizes that legal language, while formal and precise, often operates under the principle of relevance, where only certain aspects of the law are highlighted for interpretation in a given case. In election-related legal disputes, implicatures arising from terms such as “majority” or “lawful votes” can have a significant impact on judicial decisions, as these terms often leave room for multiple interpretations that can influence the course of legal proceedings.

For instance, the 2023 presidential election dispute between Tinubu and Obi was characterized by arguments over what constitutes a “majority” or “lawful votes”, terms that, while defined in the Constitution, possess inherent implicatures that could be interpreted differently depending on the context. These implicatures were critical in shaping the legal arguments presented in court and the resulting judicial rulings (Pildes, 2004: 62). In relation to the pragmatics of legal text language, it is noteworthy that Goldsworthy (2006) discusses the balance between precision and flexibility in constitutional language, acknowledging that legal texts are intentionally vague to accommodate evolving societal values and political dynamics (Goldsworthy, 2006: 119). In the case of Nigeria's 1999 Constitution, phrases such as “lawful votes” or “majority of states” carry both a formal, literal meaning and a pragmatic dimension that invites contestation and legal maneuvering. According to Ahdar and Leigh (2005), constitutional texts must remain sufficiently flexible to accommodate unforeseen situations while maintaining

clarity to avoid overburdening the legal system with ambiguous interpretations (Ahdar & Leigh, 2005: 202). This dual nature of legal texts, simultaneously rigid and flexible, forms the foundation of the pragma-linguistic analysis employed in this study.

The application of pragmatics to legal disputes is particularly relevant in cases of electoral conflict, where language plays a central role in the interpretation of constitutional provisions. Katz (1997) highlights that electoral law often involves competing interpretations, where the parties involved seek to “read” the law to their advantage. In Nigeria, the legal arguments in the Tinubu vs. Obi case reflected how language, especially presuppositions and implicatures, shaped the strategic use of legal discourse by both parties (Nwabueze, 1982: 174). Furthermore, Jowitt (2021) discusses how the linguistic features of the Nigerian Constitution contribute to legal debates, particularly around electoral thresholds, where presuppositions about “valid votes” and “majority” are often the subject of judicial scrutiny.

This study’s contribution lies in applying a pragma-linguistic approach to analyze Sections 133 and 134 of the Nigerian Constitution. While many legal scholars have explored the formalistic aspects of constitutional provisions (Nwabueze, 1982; Jowitt, 2021), fewer have focused on the pragmatic elements, presuppositions and implicatures, that inform judicial interpretations. This gap is addressed by examining how implicit meanings affect the outcome of electoral disputes, thereby offering new insights into the broader field of legal linguistics.

3.0. Methodology

This study adopts an utterance-by-utterance pragma-linguistic analysis to examine Sections 133 and 134 of the 1999 Constitution of the Federal Republic of Nigeria. The methodology is designed to systematically dissect and interpret the legal language to uncover presuppositions and implicatures that informed the legal and political debates during the Tinubu vs. Obi presidential election dispute. This approach is grounded in the principles of discourse analysis, with a specific focus on the pragmatic aspects of language use in legal texts.

The primary corpus for the study consists of the Sections 133 and 134 of the 1999 Constitution (as amended). This also takes into consideration of the various discourses in various contexts as they ensued around the 2023 presidential election. These included, among others the judicial rulings, legal briefs, and arguments presented by the parties in the Tinubu vs. Obi election dispute relevant commentaries and reports from legal experts, political analysts, and media coverages of the case. These texts are considered to provide a comprehensive basis for analyzing the interaction between legal provisions and their interpretations during the election controversy.

The analysis was at the level of individual utterances or clauses, isolating specific segments of the text for detailed examination. Each utterance was evaluated based on its pragmatic components, focusing on the following elements identification of presuppositions, examination of lexical and syntactic features that convey assumed meaning/truths, identification of background assumptions embedded in the provisions (e.g., “the candidate must win 25% of votes in two-thirds of the states”), the assessment of how these presuppositions were deemed to have influenced interpretative strategies during legal arguments. Furthermore, the application of Grice’s Cooperative Principle and maxims (quantity, quality, relevance, and manner) were considered in the identification of implied meanings. There was also the exploration of how implicatures were derived particularly in phrases like “lawful votes” or “two-thirds majority.” As well as the investigation of whether these implicatures led to ambiguity, strategic interpretations, or miscommunication.

Concerning the contextual analysis, each utterance was analyzed within its broader legal, political, and socio-cultural context. This involves linking textual analysis to the electoral framework established by the constitution, considering the historical and political significance of the 2023 presidential election, as well as how the parties’ legal teams leveraged the pragmatic features of the text to construct arguments or counter-arguments. The findings were synthesized to address the extent to which presuppositions and implicatures in Sections 133 and 134 shaped legal outcomes. How linguistic ambiguities in the Constitution contributed to the contentious nature of the election dispute and the implications of pragma-linguistic analysis for understanding legal communication and its role in democratic governance. The utterance-by-utterance approach was found to be particularly suitable for legal texts, where meaning often resides in the minutiae of language. By isolating and analyzing individual components of the text, this method ensures a thorough and nuanced examination of the pragmatic elements that underpin legal and political interpretations. Furthermore, this methodology allows for the systematic exploration of the intersections between linguistic form, legal reasoning, and political strategy, as these remains the core ideals for the study’s objectives’.

4. Data Presentation

Federal Executive A – The President of the Federation

133. A candidate for an election to the office of President shall be deemed to have been duly elected to such office where, being the only candidate nominated for the election –

(a) he has a majority of YES votes over NO votes cast at the election; and

(b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the Federation and the Federal Capital Territory, Abuja

134. (1) A candidate for an election to the office of President shall be deemed to have been duly elected, where, there being only two candidates for the election –

(a) he has the majority of votes cast at the election; and

(b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the Federation and the Federal Capital Territory, Abuja.

(2) A candidate for an election to the office of President shall be deemed to have been duly elected where, there being more than two candidates for the election –

(a) he has the highest number of votes cast at the election; and

(b) he has not less than one-quarter of the votes cast at the election each of at least two-thirds of all the States in the Federation and the Federal Capital Territory, Abuja.

(3) In a default of a candidate duly elected in accordance with Subsection (2) of this Section there shall be a second election in accordance with Subsection (4) of this Section at which the only candidate shall be

(a) the candidate who scored the highest number of votes at any election held in accordance with the said Subsection (2) of this Section; and

(b) one among the remaining candidates who has a majority of votes in the highest number of States, so however that where there is more than one candidate with majority of votes in the highest number of States, the candidate among them with the highest total of votes cast at the election shall be the second candidate for the election.

(4) In default of a candidate duly elected under the foregoing Subsections, the Independent National Electoral Commission shall within seven days of the result of the election held under the said Subsections, arrange for an election between the two candidates and a candidate at such election shall be deemed elected to the office of President if –

(a) he has a majority of votes cast at the election; and

(b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the Federation and the Federal Capital Territory, Abuja

(5) In default of a candidate duly elected under Subsection (4) of this Section, the Independent National Electoral Commission shall, within seven days of the result of the election held under the aforesaid Subsection (4), arrange for another election between the two candidates to which the Subsection relates and a candidate at such election shall be deemed to have been duly elected to the office of President, if he has a majority of the votes cast at the election.

4.1 Data Analysis

Utterance-by-Utterance Pragmatic and Linguistic Presupposition and Implicature Analysis.

This analysis breaks down the constitutional provisions into individual utterances and examines their pragmatic presuppositions (what is assumed by the speaker or text), linguistic presuppositions (grammatical or semantic assumptions embedded in the utterance), and implicatures (inferred meanings based on context).

Provision 133

Utterance 1: “A candidate for an election to the office of President shall be deemed to have been duly elected to such office where, being the only candidate nominated for the election –“

Pragmatic Presupposition: It assumes that there may be instances where only one candidate is nominated for the presidency, likely due to uncontested elections.

Linguistic Presupposition: The use of “shall be deemed” presupposes a formal evaluative process to determine election validity.

Implicature: The clause suggests that even in uncontested elections, certain thresholds must be met to legitimize the candidate's election.

Utterance 2: “(a) he has a majority of YES votes over NO votes cast at the election;”

Pragmatic Presupposition: A referendum-like vote is required even for a sole candidate, indicating that mere nomination is insufficient for legitimacy.

Linguistic Presupposition: The comparison of “YES” votes to “NO” votes presupposes the existence of a mechanism to register both affirmations and rejections during the election.

Implicature: The clause implies that public approval, even in uncontested scenarios, is critical to uphold democratic legitimacy.

Utterance 3: “(b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the Federation and the Federal Capital Territory, Abuja.”

Pragmatic Presupposition: National spread and representation are required even for a single candidate.

Linguistic Presupposition: The phrase “not less than one-quarter” presupposes that there are quantifiable votes across States and the FCT.

Implicature: The provision emphasizes inclusivity and prevents the emergence of a President who lacks broad-based acceptance.

Provision 134 (1)

Utterance 4: “A candidate for an election to the office of President shall be deemed to have been duly elected, where, there being only two candidates for the election –“

Pragmatic Presupposition: It assumes a scenario where only two candidates are contesting, typically a competitive election.

Linguistic Presupposition: The phrase “shall be deemed” presupposes a legal and procedural framework to evaluate electoral outcomes.

Implicature: The provision underscores the importance of clear, head-to-head electoral contests for democratic legitimacy.

Utterance 5: “(a) he has the majority of votes cast at the election;”

Pragmatic Presupposition: It presupposes that the election produces measurable results reflecting majority preferences.

Linguistic Presupposition: The phrase “majority of votes” presupposes that vote counting is transparent and verifiable.

Implicature: This clause implies that numerical superiority in votes is a fundamental requirement for victory in a two-candidate scenario.

Utterance 6: “(b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the Federation and the Federal Capital Territory, Abuja.”

Pragmatic Presupposition: National spread remains crucial, even in a binary contest.

Linguistic Presupposition: The reference to “not less than one-quarter” presupposes that votes are distributed across States and that the FCT holds special electoral significance.

Implicature: This clause implies that a winning candidate must demonstrate acceptability across a significant portion of the country, reinforcing national unity.

Provision 134 (2)

Utterance 7: “A candidate for an election to the office of President shall be deemed to have been duly elected where, there being more than two candidates for the election –“

Pragmatic Presupposition: The provision assumes a competitive, multi-candidate election scenario.

Linguistic Presupposition: The structure presupposes a method for comparing candidates based on votes.

Implicature: The clause implies that the competitive nature of multi-candidate elections necessitates additional legitimacy checks.

Utterance 8: “(a) he has the highest number of votes cast at the election;”

Pragmatic Presupposition: The clause assumes that a candidate may win by plurality rather than absolute majority.

Linguistic Presupposition: The phrase “highest number” presupposes a ranked comparison of candidates based on vote counts.

Implicature: A candidate with the most votes still needs additional validation, given the multi-candidate context.

Utterance 9: “(b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the Federation and the Federal Capital Territory, Abuja.”

Pragmatic Presupposition: The clause assumes the importance of geographical spread in multi-candidate elections.

Linguistic Presupposition: “Not less than one-quarter” presupposes measurable and distributed voter participation.

Implicature: The provision implies that winning the highest votes alone is insufficient; national acceptability is a parallel criterion.

Subsequent Provisions (3), (4), and (5).

Utterance 10: “In default of a candidate duly elected [...] there shall be a second election”

Pragmatic Presupposition: It assumes that inconclusive elections are possible and provides a mechanism for resolution.

Linguistic Presupposition: “Second election” presupposes the readiness of the electoral system for multiple rounds.

Implicature: This clause implies the importance of ensuring electoral conclusiveness through runoffs.

Utterance 11: “The only candidates shall be – (a)[...] the candidate who scored the highest number of votes [...] and (b) [...] one among the remaining candidates who has a majority of votes”

Pragmatic Presupposition: It presupposes fairness in narrowing the field to two top contenders.

Linguistic Presupposition: The use of “majority” presupposes a clear methodology for determining top candidates.

Implicature: This rule implies that legitimacy increases when the contest narrows to two clear frontrunners.

Utterance 12: “In default of a candidate duly elected [...] the Independent National Electoral Commission shall within seven days”

Pragmatic Presupposition: It assumes INEC's capacity to manage repeated elections efficiently.

Linguistic Presupposition: “Within seven days” presupposes urgency in resolving electoral disputes.

Implicature: The provision implies that prolonged electoral processes are undesirable for governance stability.

5. Findings and Discussion

This Section outlines the study's key findings on Nigeria's electoral provisions and their impact on democratic legitimacy. The discussion follows a structured empirical approach, focusing on core electoral principles, their consequences, and potential challenges.

The findings reveal that Nigerian electoral laws emphasize majority rule across different election formats. In single-candidate elections, a candidate must obtain more “YES” votes than “NO” votes to win. In contests between two candidates, the winner is determined by securing the majority of total votes. However, in multi-candidate elections, the candidate with the highest number of votes must also meet additional legitimacy requirements. These conditions ensure that the elected president has a strong electoral mandate, reinforcing public confidence in the system. Furthermore, this structure discourages political complacency and encourages active participation, even in elections that may seem predictable.

One of the study's key observations is the constitutional requirement that a candidate must secure at least one-quarter of the votes in two-thirds of Nigeria's states and the Federal Capital Territory (FCT) to win. This provision is designed to promote national representation by ensuring that victory is not based solely on regional support. Instead, it compels candidates to gain widespread acceptance across the country. By requiring broad-based support, this electoral framework fosters inclusivity and prevents the marginalization of minority groups in Nigeria's ethnically and religiously diverse society. The geographical distribution requirement helps to curb regional dominance and reinforces national unity.

If no candidate meets the winning criteria, the law mandates a runoff election between the top two contenders. This mechanism upholds fairness and electoral legitimacy by ensuring that the final winner enjoys substantial public backing. The Independent National Electoral Commission (INEC) plays a crucial role in overseeing these elections, ensuring they are conducted promptly and fairly to maintain democratic continuity. A well-functioning INEC is essential for political stability, as it guarantees credible electoral processes. Structured runoffs also help reduce uncertainty and ensure smooth leadership transitions through transparent and accountable procedures.

The study highlights the pivotal role of INEC in preventing electoral manipulation. The combined requirement for both majority votes and geographical spread makes it difficult for candidates to win by solely leveraging regional voter blocs. This system encourages a more holistic approach to campaigning, fostering national cohesion rather than sectional dominance. Additionally, INEC's responsibility to conduct runoff elections within a defined timeframe strengthens electoral integrity and supports democratic governance. Adhering strictly to electoral rules boosts public confidence in the process. The geographical spread requirement prevents candidates from winning through concentrated regional support alone, thus fostering inclusivity and reducing the risks of political fragmentation. Moreover, a well-structured electoral dispute resolution system helps to minimize prolonged political instability. By narrowing the contest to the top two contenders in runoff elections, the process ensures clear and fair outcomes while reducing electoral conflicts.

The Nigerian Constitution is designed to accommodate various electoral scenarios — single-candidate, two-candidate, and multi-candidate elections — demonstrating its adaptability in democratic governance. This flexibility is critical for maintaining the integrity of elections across diverse political contexts. The findings suggest that Nigeria's electoral provisions strengthen democracy by ensuring that leaders emerge with broad-based support, thereby enhancing public confidence in governance and reducing the likelihood of political unrest. By prioritizing geographical spread, the system guarantees that leadership decisions reflect the participation of all regions, preventing alienation and sectionalism while fostering national integration.

The reliance on INEC underscores the importance of having a strong and independent electoral institution. A transparent and impartial electoral commission is crucial for

sustaining democracy and preventing electoral crises. Additionally, the structured electoral process highlights the need for public awareness and education. Both voters and candidates must understand electoral rules and their implications to ensure compliance and encourage active participation.

While these electoral provisions promote inclusivity and stability, their complexity can present challenges in implementation. For instance, calculating the “two-thirds of all states” threshold in inconclusive elections requires precision, and any errors or lack of transparency could lead to disputes. A notable issue that arose during the 2023 presidential election was the debate over the FCT requirement. The situation where a candidate secures a simple majority nationwide but fails to obtain one-quarter of the votes in Abuja presents significant constitutional interpretation challenges.

The study finds that while a simple majority aligns with democratic norms, the FCT requirement emphasizes the importance of broad-based representation. This has sparked debate over how to balance national unity with democratic legitimacy. If a candidate fails to meet the FCT vote threshold, their legitimacy may be questioned. Since Abuja is a neutral political entity representing all Nigerians, its exclusion from a candidate’s support base can raise concerns about national acceptability.

Nigeria’s constitutional provisions ensure that electoral victories reflect the country’s federal structure. By preventing populous states from solely determining election outcomes, these laws promote nationwide representation and political inclusivity. However, the strict enforcement of the FCT requirement can lead to paradoxical outcomes — where a candidate with nationwide majority support risks disqualification due to insufficient votes in Abuja. This raises concerns about whether the provision unintentionally distorts the democratic process.

Overall, the findings highlight the sophistication of Nigeria’s electoral framework in balancing legitimacy, inclusivity, and stability. While these provisions play a crucial role in strengthening democratic governance, their practical implementation requires clarity and transparency to prevent electoral disputes. The FCT requirement, in particular, presents a constitutional dilemma that must be carefully addressed to uphold electoral fairness and democratic principles.

On the whole, the analysis highlights key pragmatic and linguistic aspects of the provisions, emphasizing their role in ensuring legitimacy, inclusivity, and electoral stability. Pragmatically, these provisions underscore the necessity of broad-based acceptance and procedural rigor, which are fundamental to sustaining Nigeria’s democratic framework. Linguistically, the use of precise thresholds and repetitive structures enhances legal clarity, reinforcing the provisions’ authoritative nature. Additionally, the implications within the text suggest an overarching commitment to transparency and procedural integrity, further strengthening the democratic process.

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