

**| RESEARCH ARTICLE****A Discourse Analysis of the Nigerian Supreme Court Judgements on Gubernatorial Election Petitions in Southwestern Nigeria between 1999 and 2023****Gift Ngozi Okata<sup>1</sup>, Samuel Akinmusuyi<sup>1</sup>, Ayoola Sanmi Ojo<sup>2</sup>, Adeleke Fakoya<sup>13</sup>**<sup>1</sup>*Department of Languages and Literary Studies, Babcock University, Ilishan-Remo, Nigeria*<sup>2</sup>*Department of English and Literary Studies, Federal University, Oye-Ekiti, Nigeria*<sup>3</sup>*Department of English, Lagos State University, Lagos, Nigeria***Corresponding Author:** Samuel Akinmusuyi, **E-mail:** [akinmusuyi0174@pg.babcock.edu.ng](mailto:akinmusuyi0174@pg.babcock.edu.ng)**| ABSTRACT**

With the return of civilian rule in 1999 to the Nigerian democratic landscape, electoral litigation has become an integral part of Nigerian history. The advent of Electoral litigation has become a defining feature of Nigeria's democratic landscape since the return to civilian rule in 1999. This study investigates the generic structure potential of Nigerian Supreme Court judgements on gubernatorial election petitions from Southwestern Nigeria between 1999 and 2023. With systemic functional linguistics as theoretical framework, this study analysed ten Supreme Court judgements in this context to arrive at ten distinct elements. These elements are divided into the obligatory elements, namely: Case Overview, Review of Court of Appeal Proceedings, Reference to Law, Application of Law, and Appeal Verdict, and the optional elements, namely: Production of Issues, Grounds of Appeal, Assessment of Preliminary Objection, Analysis of Cross Appeal Issues, and Summary and Conclusion. The elements formed the generic structure potential formula as:  $[CO^ \wedge RCAP^ \wedge (PI) \bullet (GA)^ \wedge (APO)^ \wedge \{RL^ \wedge AL\}^ \wedge AV^ \wedge \{(ACAI)^ \wedge (SC)\}]$ . This study contributes to legal literacy by bridging a communication gap by crafting a road map for individuals outside the legal profession to understand these judgements and contribute to democratic conversation.

**| KEYWORDS**

Supreme Court judgements, gubernatorial election petitions, electoral petition, legal discourse, generic structure potential

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The Nigerian electoral landscape of 1999 saw political evolution characterised by a competitive multiparty structure and, by extension, numerous electoral disputes (Omotola, 2010). These numerous electoral disputes carried petitions to Nigerian courts with different parties challenging the outcomes of presidential, gubernatorial and legislative elections. With its final and binding authority, the Supreme Court saw the end of majority of these cases as the apex court in the Nigerian judicial system (Ibeau & Momoh 2008). From 1999 up until the most recent Nigerian elections in 2023, the judgements from these cases have determined the holders of political offices as well as electoral practices and democratic laws in the country.

Southwestern Nigeria, housing Lagos, Ogun, Oyo, Osun, Ondo and Ekiti states, saw most of these numerous cases reaching the Supreme Court between 1999 and 2023. This could be attributed to the level of politically sophisticated electorates and competitive party politics in these states (Egwu 2015). The frequency and significance of these cases birthed the need to bridge the communication gap between the legal profession and the general populace, who are equally important stakeholders in electoral matters. This goal is to enhance public understanding of judicial reasoning in making nation-building decisions.

Essentially, this communication gap affected how well the general populace comprehended judicial pronouncements. This has led to the criticism of Legal English for its opacity, technicality and inaccessibility to individuals outside the profession (Tiersma

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2008; Butt 2001). The problem rests in the complexity of these legal documents, limiting the citizens' understanding and capacity to meaningfully engage and contribute to judicial decisions that determine their democratic rights and political representation (Crystal & Davy 1969).

This divide in communication and comprehension has led to multiple studies in applied linguistics to explore various means of analysis of legal discourse. One of these approaches is genre analysis, particularly through the lens of systemic functional linguistics. Genre analysis offers an insightful process for breaking down the structure of legal documents (Halliday & Hasan 1989). By doing this, genre analysis or generic structure potential (GSP) provides readers with various levels of understanding with a road map to navigate, break down and fully comprehend complex legal documents. This analytical approach has been applied to various legal texts internationally with successful outcomes, including civil judgements in China (Han 2013), jury trial discourse in England (Heffer 2005) and quasi-judicial hearings in Nigeria (Unuabonah 2012).

## **2. Literature Review**

Various studies have been carried out by different scholars aimed at breaking down the complexity and enhancing the understanding of legal documents from the perspective of genre analysis.

Durant and Leung (2016) dedicated chapter three of *Language and Law*, a resource book for students, to *Genre Analysis of Legal Discourse*. This chapter discussed previous works in legal genre analysis before moving on to explain the synchronic and diachronic methods of analysing legal genres. The authors implored the use of law reporting as a case study for this analysis. The diachronic analysis highlighted the history of law reports and its modern structure before moving into the synchronic analysis, which set out the structure of the modern law report with nine key elements. This current study differs with a focus on the optionality and obligatoriness of these key elements, specifically in Supreme Court judgements.

Daniel (2021) carried out an in-depth analysis of lead judgements of the Nigerian Supreme Court on substance-based cases. The study focused more on substance-based judgement to highlight the significant differences between this type of judgement and other types. The goal was to identify the contextual and regional variations present in the selected judgements that highlight them as substance-based. Fifteen (15) judgements were selected and analysed for this study using the generic structure potential approach and the transitivity system. The findings of this study posit that a substance-based judgement has thirteen macro-structural elements, unlike the eight microstructures found in procedure-based judgements of the Nigerian Supreme Court. This current study follows a similar method of analysis; however, the difference between both studies lies in the data analysed and the purpose of the studies. This study will focus on election-related judgements with the aim of bridging the communication gap between the legal field and the general public.

Ogoanah and Emenike (2022) worked quite differently, using generic structure potential analysis on Nigerian appellate court judgements. With three judgements selected for this study, the research was able to arrive at the conclusion that these appellate judgements have six move structures with recognizable steps. The major gap between Ogoanah and Emenike (2022) and this current study stems not only from the defined scope of analysis but also from the pedagogical aim of the previous study and the communication-driven aim of this current study. Hence, the former focuses on both the composition and interpretation of these judgements for English teaching in the legal domain, while the current one focuses on composition for basic understanding for non-legal audiences.

Bamgbose and Akpomerha (2023) carried out strikingly similar research to this study. The authors analysed selected Supreme Court rulings on human rights violations in Nigeria for the purpose of bridging communication gaps. Using the generic structure potential approach and nine carefully selected excerpts of different judgements, the study concluded with five obligatory and four optional elements found in the chosen data. This current study bridges a research gap by digging into an equally relatable yet different area of law, the election petition, which essentially affects the general populace and builds a need for complexity breakdown.

Diaba and Bersah (2024) investigated diversity in legal text focusing on comparing two closely related legal genres – Statement of Claim and Statement of Defence. The authors defined the core elements of both genres, stating their usefulness in Civil cases, of two individuals, and not in criminal cases, of the state vs. individuals. With the genre theory, the study arrived at the conclusion, noting the different but dependent communicative roles of both legal genres. This comparative approach differs from the current study, as well as the lack of definition of the legal cases in which these genres analysed are used.

Agbeleoba et al. (2025) used the generic structure potential approach to analyse Nigerian presidential election petition tribunal judgements for the sole purpose of examining and defining the specialised communication patterns. Using the recent

presidential election petition cases from the 2023 presidential elections, the researchers looked to develop the GSP equation of these judgements, which they highlighted as critical to the Nigerian democratic landscape. The study arrived at seven obligatory elements and three optional elements of these judgements. This current study has a different scope opposed to that of Agbeleoba et al. (2025). While the latter spotlights the recently concluded presidential elections, the former is more focused on gubernatorial elections that have spanned twenty-four years.

On the one hand, these reviewed studies prove extensive research done on legal documents on their language components. On the other hand, this current study moves towards analysis performed on a specific type of legal documents, gubernatorial election petition cases, addressing an understanding gap for the citizens and residents of south-western states who are directly affected by the outcomes of these different elections.

### 3. Theoretical Framework

This study makes use of systemic functional linguistics (SFL), specifically as propounded by Michael Halliday. SFL is primarily concerned with the grammatical structure of language, mainly from the sets of rules that make up the language. This relates to Halliday and Matthiessen's (1999, p. 3) explanation of language as "semantically motivated or 'natural'" as opposed to the "semantically artificial" structure of language. The former prioritises language meaning over its social function.

#### 3.1 Genre in Systemic Functional Linguistics

The study of genre within SFL originated from the work of J.R. Firth, influenced by Malinowski (Hood, 2013 as cited by Bamgbose & Akpomerha, 2023) and further developed by Malliday, Hasan, Martin and others in the Sydney School tradition (Hood, 2013).

Following the observation of Matthiessen, Teruya and Lam (2010, p. 107) that "genre is close to situation type... corresponds to text type", it can be deduced that structural patterns and similarities are first drawn from recurrent situational contents which give rise to recurrent text types. The Supreme Court of Nigeria has election judgements that show a recurrent situation of review of appellate court proceedings, found in texts, leading to highlighting a distinct genre with specific structural components.

#### 3.2 Generic Structure Potential

Generic structure potential (GSP), introduced by Hasan (1978), is used to analyse the variations of structural possibilities that could be arrived at within a genre instead of a single prescribed structure. As propounded by Halliday and Hasan, Generic Structure Potential (GSP) can determine the obligatory elements (what must occur), the optional elements (what may occur), the sequencing of elements (where each element must and may occur) and the iteration of the elements (how often they can occur) within a particular genre. Notably, the Generic Structure Potential (GSP) is a flexible framework that can be applied to different discourse genres. This lies in describing the typical sequence of stages and choices which characterise discourse situations to define and distinguish these various communication forms (Osisanwo & Alugbin, 2019). With this framework, analysis can be done to ascertain the regular and various relationships that can be found among elements of a genre. With this, election judgements can be analysed based on their exhibition of structural consistency in case-specific scenarios.

An integral aspect of GSP analysis is contextual configuration, coined by Halliday and Hasan (1989). Contextual configuration examines the combination of the field, mode and tenor of discourse as parts of a communicative process. The goal is to break down any genre with a proper understanding of these three key aspects. The field relates to the subject matter of the genre, tenor discusses the relationship between the participants involved in communication, while mode answers the question, "how are they communicating?". Elements of GSP are represented using a symbolic notation system that indicates structural relationships (see Table 1).

**Table 1:** GSP Symbolic Notation (Adapted from Halliday & Hasan, 1989)

Symbol	Meaning	Example
$\wedge$	Fixed sequence	$A \wedge B$ means A occurs before B
$\bullet$	Unordered elements	$A \bullet B$ means A and B occur but not in fixed order
$()$	Optional element	$(A)$ means A may or may not occur
$[]$	Fixed position	$[A]$ means A is restricted to that position
$\{ \}$	Elements occurring together	$\{A \wedge B\}$ means A and B function as a unit

This table can serve as a dependable guide in understanding the generic structure potential derived in this study as the structural breakdown of supreme court election judgements of election petitions in southwestern Nigeria between 1999 and 2023.

#### **4. Methodology**

This study adopts a mixed-methods design, integrating both quantitative and qualitative analytical procedures to investigate the Generic Structure Potential (GSP) of Nigerian Supreme Court judgments on gubernatorial election petitions delivered between 1999 and 2023. The data for this study consist of ten Supreme Court judgments on gubernatorial election petitions from Southwestern Nigeria. These judgments were purposively selected because they fall within the period (1999–2023) marking Nigeria's uninterrupted Fourth Republic. These excerpts are retrieved from cases that are presented on Law Pavilion (<https://www.lawpavilion.com/>). Law Pavilion is a digital legal research platform designed to provide legal professionals, students and even members of the general public with the legal resources for research and reference.

This study is conducted on the premise of quantitative and qualitative methods. Quantitatively, these court rulings are analysed based on the frequency of the different elements to help ascertain the obligatory and optional elements. Qualitatively, the different patterns and characteristics that occur in the excerpts of this study are researched and described.

Bordering on the generic structure potential of systemic functional grammar, the method for analysis in this study involves:

- Determining the various components of the election rulings.
- Grouping these components based on their obligatoriness or optionality.
- Organising the different obligatory and optional elements in order to form the generic structure potential.
- Deriving the generic structure potential to encapsulate the structure of the election rulings.

#### **5. Analysis and Discussion**

##### **5.1 Obligatory Elements**

Halliday and Hasan (1989, p. 62) define an obligatory element as a means to "define the genre to which a text belongs". They went ahead to state that the completeness of a text is dependent on the presence and order of the obligatory element. For instance, considering the hierarchy of the Supreme Court, it is safe to explicitly say that the absence of judgements of the lower courts in the Supreme Court judgement will largely affect the completeness of the judgement. The following are obligatory elements found in the Supreme Court judgements of gubernatorial election cases from 1999 to 2023:

###### **5.1.1 Case Overview**

This element highlights the beginning of the judgement where the judge decides to set a foundation for the legal reasoning and analysis that would follow until the point where the final verdict is provided. It provides a background to the dispute currently in question. The judge starts by providing a summary of the case. The summary outlines the parties involved and the events that led to the case being presented in court. This could involve an in-depth overview of the facts that surround the events leading up to the case. This is an obligatory element because it not only sets the tone for the judgement to be delivered, but it is also very important in refreshing the memory of all present in the court sitting.

Excerpt 1:

*This is an interlocutory appeal against the ruling of the Presidential Election Petition Tribunal (hereinafter referred to as the Tribunal) delivered on 27/05/2003. The appellants had by Motion on Notice prayed the Tribunal for "An order of this Honourable Court restraining the 1st & 2nd Respondents from presenting themselves for any swearing-in ceremony towards the commencement of the 2003-2007 tenure as the President and Vice-President of the Federal Republic of Nigeria respectively on the 29th May, 2003, or any other date pending the determination of the substantive petition." The Tribunal was addressed by the parties on the merit or otherwise of the appellants' application. In its ruling, the Tribunal dismissed the appellants' application. Dissatisfied with the ruling, the appellants have appealed to the Supreme Court.*

-BUHARI & ORS v. OBASANJO & ORS (2003) LPELR-813(SC)

###### **5.1.2 Review of Court of Appeal Proceedings**

In the Nigerian legal system, the Supreme Court ranks the highest in the court hierarchy. This means that cases are not directly taken to the Supreme Court. They only get to the Supreme Court after they have been treated in the lower courts, but the parties involved are not satisfied with the outcome of the lower court. In the case of election petitions, the Nigerian Court of Appeal is usually the first court of contact after the case has been treated by the gubernatorial election tribunal. Revering the authority of this lower court, the judge of the Supreme Court is under an obligation to consider the reasoning of the judge of the Court of Appeal in arriving at the verdict of the lower court. This works alongside the case overview to state why there is currently a court sitting on the matter.

Excerpt 2:

*The appellant relied on his petition and written statements on oath by witnesses in which his case is stated in detail. After a number of interlocutory applications, the matter was heard and the Court of Appeal dismissed the petition. That Court declared the 4th and 5th respondents winners of the election. Fabiyi, JCA, in his leading judgement, said at page 2747 of the record: "In sum, I come to the conclusion that all the issues raised in the petition have not been established. Accordingly, it is hereby dismissed. Since the two consolidated petitions have failed, it follows that Alhaji Umaru Musa Yar'Adua and Dr. Goodluck Jonathan remain the elected President and Vice-President respectively of the Federal Republic of Nigeria."*

-BUHARI v. INEC & ORS (2008) LPELR-814(SC)

### **5.1.3 Reference to Law**

At this point in the judgement, the justice must make reference to the particular laws that guide the final verdict that is to be arrived at. This could involve statutes, other similar cases or general principles of the law. This is important and obligatory because it legitimises the claims of justice, making it acceptable and irrefutable.

Excerpt 3:

*It is our view that in most countries with common law jurisdictions such as Nigeria, it is generally accepted that it is the function of the judiciary to interpret the law with the minimum of direction from the legislature as to how they should set about this task. Thus, nearly all the principles, precepts and maxims of statutory interpretation are judge-made. Here are some examples. A statute should always be looked at as a whole; words used in a statute are to be read according to their meaning as popularly understood at the time the statute became law; a statute is presumed not to alter existing law beyond that necessarily required by the statute.*

*Some of these "canons" of interpretation take the form of broad general principles only. Consequently, a common feature of most of them is that they are of little practical assistance in settling doubts about interpretation in particular cases. This is partly due to vagueness, but also because, in many cases, where one canon appears to support a particular interpretation, there is another canon, often of equal status, which can be evoked in favour of an interpretation which could lead to a different result.*

*It is for the above reason that Maxwell's authoritative book on Interpretation of Statutes is not always of much assistance. Indeed, the work contains every conceivable interpretation to suit practically every point of view. We think that is why the learned author of the twelfth edition aptly observed in the Preface:*

*"Maxwell might well be sub-titled 'the practitioner's armory'; it is, I trust not taking too cynical a view of statutory interpretation in general, and this work in particular, to express the hope that Counsel putting forward diverse interpretations of some statutory provision will each be able to find in Maxwell dicta and illustrations in support of his cases."*

*In the context of Nigeria, where the rate of promulgation of Decrees has been prolific during the last few years, it would be safe to adhere to the view once expressed by the late Lord Evershed, M. B., that*

*"The length and detail of modern legislation has undoubtedly reinforced the claim of literal construction as the only safe rule."*

-AWOLOWO v. SHAGARI & ORS (1979) LPELR-653(SC)

### **5.1.4 Application of Law**

This element puts the justice under an obligation to explicitly state how the laws that have been referenced align with the case in question. There is also the need to explicitly state how these references will be applied to certain instances in the case. This is to draw similarity in a way that makes complete sense to the court that the referred law is valid in determining the verdict of the case.

Excerpt 4:

*I shall now apply the above principles, to the petitioners' case:*

*"(i) Valid Nomination By Action Congress: This issue is not in dispute. The 1st petitioner was validly nominated by Action Congress as its Presidential flag bearer sometime in December, 2006 and he campaigned in that capacity until his initial disqualification by INEC and eventual clearance to contest by the judgment of this Court on the 16th April, 2007.*

(ii) That An Election Was Conducted: All the parties agreed that an election into the Office of President took place on the 21st April, 2007.

(iii) That A Winner Was Declared: In the petition challenging the 1st respondent's return as winner, the 1st petitioner admitted that 1st respondent was declared winner with 24,678,063 votes against 2,637,848 votes scored by him.

(iv) That Petitioner's Name Was Not Included In The List Of Contestants: This issue is the most important fact to be established by a petitioner alleging valid nomination but unlawful exclusion.

The 1st petitioner however failed to establish same because:

(a) In paragraphs 16, 18(a)(xxii), 18(a)(xxiii), 18(a)(xxiv) and (20) of the petition facts clearly showing acts of participation in the election were clearly pleaded.

(b) Facts in these paragraphs clearly showed that Alhaji Atiku Abubakar was a candidate in the said election held on 21st April, 2007. See paragraph 8 of the petition where this fact was admitted.

(c) His nomination was processed as a candidate of the Action Congress by INEC and he went ahead to participate in the said election.

(c) Despite alleged hurdles placed on his path prior to the election, the 1st petitioner took part in the election and came a distant 3rd with 2,637,648 votes.

-ABUBAKAR & ORS v. YAR'ADUA & ORS (2008) LPELR-51(SC)

#### **5.1.5 Appeal Verdict**

This is an obligatory element as it states the final decision of the justice on that case, considering the issues, grounds of appeal and laws referred to in the course of the entire proceedings. This is the final element that closes the judgement, and it is obligatory because without it, the judgement is left hanging and no legal decision is made or course of action is enforced. This verdict is the last legal say on the case, as after the Supreme Court has ruled, no other legal body has the power to deliberate and give legal opinions on the case.

Excerpt 5:

*In sum, this petition is devoid of any merit and I agree that it is an attempt to trivialise the judicial process. The appeal is accordingly dismissed. I affirm the decision of the Court of Appeal and award N10,000.00 costs to each set of the respondents.*

-OJUKWU v. OBASANJO & ORS (2004) LPELR-2400(SC)

#### **5.2 Optional Elements**

Optional elements are the elements that may occur in a text. Although not compulsory, Halliday and Hasan (1989), as cited in Bamgbose and Akpomerha (2023), posit that these elements are definite. This means that not any random element can be fixed as optional in a text. An obligatory element is still within the premise of the text in question; however, it does not define the wholeness of the text. The following elements are optional elements found in selected supreme court judgements on gubernatorial election cases in Southwestern Nigeria from 1999 to 2023:

##### **5.2.1 Production of Issues**

This element relates to the efforts by the judge of the Supreme Court to dig up the issues of the case as they were first presented to the gubernatorial election tribunal. This is an optional element as it is a matter of preference depending on the judge ruling over the case. The analysis of the issues will require the judge to gather the issues as they were recounted by the different parties involved at the beginning of the case. Then, the justice takes out time to rephrase these issues, seeing as there are now clearer details and evidence in the case. After rephrasing the issues, the justice now performs an analysis of the issues.

Excerpt 6:

*The issues for determination in respect of the main appeal, that is, the Petitioner's appeal, are two-fold. They are, as set out in the Appellant's Brief.*

"1. Whether a Petitioner who is admittedly entitled to present a petition under **Section 50(1)(a) of Decree No.6 of 1999** and who states the basis of that entitlement or right to do so in the body of the petition, has not satisfied the provisions of **paragraph 5(1)(b) of Schedule 4 of the Decree**.

2. Whether the Court of Appeal was right in holding that evidence cannot be led in respect of some paragraphs of the petition in which allegations of misconduct are made where the electoral or other officials of the Independent National Electoral Commission, concerned are not joined as parties."

*The issues set out in the Brief of the 1st Respondent are not dissimilar. They are just variants of the issues as formulated in the Appellant's Brief but raise substantially the same questions. In the case of the cross-appeal the following two questions are raised in the Cross-Appellant's Brief:*

"1. Was the lower court right in not holding that the petitioner/1st respondent's petition was fundamentally defective and therefore, incompetent for non-compliance with the mandatory provisions of **paragraphs 5(4) and (5) of Schedule 4 to Decree No.6 of 1999**.

2. Whether or not the lower court correctly interpreted the provisions or **paragraph 50(1) of Schedule 4 to Decree No.6 of 1999** when it held that the said paragraph 50(1) of the said Schedule 4 to Decree No.6 of 1999 enables it to overlook the petitioner/1st respondent's non-compliance with **paragraph 5(4) of Schedule 4 to Decree No.6 of 1999**."

-EGOLUM v. OBASANJO & ORS (1999) LPELR-1046(SC)

### **5.2.2 Grounds of Appeal**

In the case that the justice has clearly outlined all of the issues in the case, it is optional to point out the grounds of appeal in the Supreme Court. The grounds of appeal are the specific issues arising from the proceedings of the Court of Appeal. Usually, the case is taken up to the Supreme Court following an issue from the Court of Appeal proceedings, such as whether the Court of Appeal held that a testimony or a document tendered by either of the parties is considered inadmissible. The point being that there must be a ground of appeal for any of the parties to decide to take a case up to the Supreme Court after the Court of Appeal has ruled. In the case that either of the parties outrightly states that they are satisfied with the outcome of the Court of Appeal proceedings, the grounds of appeal highlight why the verdict of the judge of the Court of Appeal should be rebutted.

Excerpt 7:

*Against this ruling an interlocutory appeal was lodged in this Court on 6th June, 2003, the grounds of appeal attached to the Notice of Appeal complain of.*

1. *Error in law by the Court of Appeal in refusing to grant the injunction sought against 1st and 2nd respondents in that the election of the two respondents was in issue in the petition before trial Court. At the competence of 3rd respondent, the Independent National Electoral Commission's competence was being questioned and that the person returned could not in law be sworn to office until the election tribunal had decided one way or the other.*

2. *Error by Court of Appeal in not advertiring to decision of Supreme Court in similar cases, especially Collins Obih v. Sam Mbakwe (1984) 1 SCNR 192, 202 paragraph E whereby, according to the grounds' particulars, a returned candidate should and could not lawfully be sworn-in unless the Election Tribunal or Court seized with jurisdiction to determine such issue had pronounced on the rightful candidate returned.*

*12 The appeal therefore prayed that the swearing-in that took place on 29th day of May, 2002, be set aside and 1st and 2nd respondents shall continue in office in accordance with S. 135 (1) (a) of the Constitution providing as follows: "135(1) Subject to the provisions of this Constitution, a person shall hold the office of President until*

*(a) When his successor in office takes the oath of that office;"*

*By the time this appeal was lodged on 6th of June, 2003, the 1st and 2nd respondents had been sworn-in as President and Vice-President respectively by the Chief Justice of Nigeria at ceremony on 29th May, 2003. Then one wonders what the appellants were pursuing from that day up to now. The issues formulated by them in this appeal seem to portray their mission, to wit;*

"(1) Whether the 1st and 2nd Respondents whose qualification, election and return as the President and Vice President of the Federal Republic of Nigeria was being challenged in a competent court can validly be sworn into office before the determination of the Appellants' Petition before the lower court.

(2) Whether the Court of Appeal was right in holding that the Res will not be destroyed if the 13 application is not granted."

-BUHARI & ORS v. OBASANJO & ORS (2003) LPELR-813(SC)

#### **5.2.3 Assessment of Preliminary Objection**

A preliminary objection is an issue raised before the issues of a case are considered. This is often done to prevent unnecessary delays or expenses related to hearing the entire. In the case that the objection is successful, the case or parts of it may be struck out or dismissed without getting into the substantive issues or claims. This preliminary objection is strictly based on legal principles, not necessarily with evidence on certain grounds such as improper parties, abuse of court process, failure to disclose a cause of action, lack of jurisdiction, etc. This element is optional as not all cases have preliminary objections. The assessment would be followed by an analysis of the preliminary objection to determine whether it is successful or overruled. The justice can also decide whether he wants to give the ruling of the preliminary objection immediately or that would come at the end of the judgement.

Excerpt 8:

*The 4th and 5th respondents have also raised a Preliminary Objection as follows: "TAKE NOTICE that before or at the hearing of this appeal, 4th and 5th respondents... will by way of Preliminary Objection pray the Court to strike out the entire appeal and or the grounds of appeal hereinunder identified or referred to?"*

*The respondents have relied on seven grounds of objection. I will return to the Preliminary Objection later in this judgment. Let me for now take the Briefs of the parties.*

-BUHARI v. INEC & ORS (2008) LPELR-814(SC)

#### **5.2.4 Analysis of Cross Appeal Issues**

Considering the finality of the Supreme Court, a respondent in an appeal has noted aspects of the court's decisions that should be addressed on the grounds that they were either wrongly decided or they adversely affect their interest. Although it is still related to the main appeal, it is treated as an independent appeal procedurally, including the obligatory and possible optional element of a court ruling before it ends in a cross-appeal verdict. This is an optional element as it only arises in the case that there is a cross appeal and it is filed within the timeframe specified by procedural rules after the notice of appeal has been served.

Excerpt 9:

*The petitioners have also cross-appealed against the ruling of the tribunal. They have submitted only one (1) issue for determination in the cross-appeal. The issue reads: Whether paragraphs 13 & 17 of the amended petition were wrongly struck-out in line thereby occasioning a miscarriage of justice."*

*It was contended that the two paragraphs of the petition were *prima facie* competent in law as they constitute the backbone of the case. That paragraph 13 complains of statutory illegalities in the conduct of the election, while paragraph 17 complains of disqualification of 3rd respondent rendering the votes cast for him invalid and void. It was also contended that the facts pleaded in the two paragraphs struck-out were such that, the petition may likely succeed upon their proof alone and so the decision to strike them out has occasioned a miscarriage of justice. That the tribunal had refused to follow the decision of this. ... [Several paragraphs omitted] ... It is very important for counsel to bear in mind always, that a case is the only authority for what is actually decided. In other words, it is only the "*ratio decidendi*" of a Supreme Court judgment that binds the Court and the lower Courts, and not "*obiter dicta*" in concurring judgments. (See for example *Odiase & Anor. v. Agho & Ors.* (1972) 1 All NLR 170.*

*The cross-appeal therefore fails. It is hereby dismissed.*

-OBASANJO & ORS v. YUSUF & ANOR (2004) LPELR-2151(SC)

#### **5.2.5 Summary and Conclusion**

Based on the discretion of the justice, the ruling could close with an overview of all that has been discussed through the judgement process, and a conclusion could be drawn from this overview. It is an optional element because not all justices make the decision to do this, and it does not affect the verdict of the justice or the closing of the case.

Excerpt 10:

*Summary and Conclusion*

1. *Complaints against breaches of the Constitution and Companies and Allied Matters Act (or any other law) are not cognizable in an election petition based, founded or rooted in Section 239(1)(a) of the Constitution. Accordingly, paragraphs 10 & 11 of the petition are struck-out being incompetent.*
2. *Paragraphs 12, 14 & 16 of the petition herein are competent for non-joinder of unassigned, unnamed or unidentified Police and Army personnel, politicians and or political party agents and or thugs, not being necessary parties in the petition. In fact, the 1st respondent against whom these allegations are directed is already a party in the petition.*
3. *The 5th - 39th, and 42nd - 56th respondents cannot be struck-out on the application of the 1st respondent alone. These respondents are ably represented by counsel in Court and none of them has applied to be struck-out. The petitioners have not also applied for any of them to be struck-out.*
4. *The reliefs claimed in paras. 18, 19 & 20 of the petition can only be determined by the tribunal at the end of trial in its judgment.*
5. *The dismissal of the 1st respondent/appellant's motion on notice by the tribunal with the exception of the striking out of paragraphs 13 & 17 of the petition which succeeded was a proper order.*
6. *Paragraphs 13 & 17 of the petition which respectively failed to comply with Section 134 of the Electoral Act and directed against people who are no longer parties to the petition, were properly struck out and has not occasioned any miscarriage of justice.*
7. *The appeal by the 1st respondent/appellant succeeds and allowed in part issue (1) only. It is dismissed in all other respects.*
8. *The appeal by the 2nd respondent/appellant succeeds and allowed in part issue (1) only. It is dismissed in all other respects."*
9. *The parties are to bear their own costs.*

-OBASANJO & ORS v. YUSUF & ANOR (2004) LPELR-2151(SC)

Frequency of occurrence of the obligatory and optional elements in the ten Gubernatorial Election Rulings:

i.	Case Overview	-	100%
ii.	Review of Court of Appeal Proceedings	-	100%
iii.	Production of Issues	-	50%
iv.	Grounds of Appeal	-	30%
v.	Assessment of Preliminary Objection	-	10%
vi.	Reference to Law	-	100%
vii.	Application of Law	-	100%
viii.	Appeal Verdict	-	100%
ix.	Analysis of Cross Appeal Issues	-	10%
x.	Summary and Conclusion	-	10%

From the above analysis, the generic structure potential of these rulings can be formulated as:

[CO<sup>^</sup> RCAP<sup>^</sup> (PI) • (GA)<sup>^</sup> (APO)<sup>^</sup> {RL<sup>^</sup> AL<sup>^</sup> AV<sup>^</sup> {(PCAI)<sup>^</sup> (SC)}}]

**5.3 Discussion**

The Supreme Court judgements of Gubernatorial elections have ten elements. The obligatory elements include CO, RCAP, RL, AL, and AV. The other elements are optional, and they include PI, GA, APO, PCAI, and SC. The generic structure potential analysis of these rulings derived above is simplified as thus:

- All the optional elements are enclosed in round brackets ()
- The caret sign ^ found between the elements is used to indicate their occurrence in that particular sequence.
- The square bracket [] indicates that all the ten elements occur in that fixed position.
- The elements are followed strictly by each other except PI and GA, which occur together but allow for two different sequences, as anyone may follow the other in different cases, hence, the use of the dot • between them.
- RL and AL occur together, and the occurrence of one demands the occurrence of the other. This accounts for why they are enclosed in braces {}.
- The above also applies to PCAI and SC, which occur together, but the presence of one must be complemented by the presence of the other.

## **6. Conclusion**

This study has clearly denoted that generic structure potential (GSP), with deep roots in systemic functional linguistics (SFL), is a strong tool for breaking down the content of legal documents. With the clear definition of the elements that constitute the judgements of these different election cases, as well as the functional relationship between these elements, a clear roadmap has been formed to help the citizens of these states, and non-legal professionals concerned with these judgements, to navigate these texts.

The derived GSP formula being [CO^ RCAP^ (PI) • (GA)^ (APO)^ {RL^ AL}^ AV^ {(ACAI)^ (SC)}] state the five obligatory and five optional elements of the analysed judgements and the iteration and sequence of these elements.

The GSP formula [CO^ RCAP^ (PI) • (GA)^ (APO)^ {RL^ AL}^ AV^ {(ACAI)^ (SC)}] encapsulates decades of judicial practice and institutional convention, revealing the underlying logic that structures Supreme Court reasoning in electoral matters. This formula will enhance legal literacy, encouraging the increased participation of the non-legal populace in judicial decisions that shape the overall democratic landscape of Nigeria. As Nigeria's electoral democracy matures, such linguistic investigations will continue to play a vital role in strengthening transparency, accountability, and public comprehension of the judicial processes that safeguard electoral integrity.

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**ORCID iD:** <http://orcid.org/0000-0002-7678-4708>

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