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Party Defections and the Electoral Mandate in Nigeria: A Human Rights and Human Security Analysis

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Abstract

This paper critically analyses party defections in Nigeria through the lens of human rights and human security, with emphasis on democratic representation and political stability. Incessant defections significantly undermine voters' rights to political participation and representation guaranteed by international human rights standards, while contributing to governance disruptions, policy discontinuities, and diminished public trust. Employing doctrinal and comparative methodologies, the paper examines Nigeria's constitutional provisions, statutory frameworks, and judicial decisions on defections, juxtaposed with comparative perspectives from South Africa, Europe, and Indonesia. Findings reveal that Nigeria's constitutional framework and enforcement mechanisms are inadequate and frequently manipulated, leading to a climate of pervasive impunity and political instability. The article recommends

constitutional amendments to close existing loopholes, transferring enforcement responsibilities to impartial bodies, instituting automatic by-elections, enhancing internal party democracy, and launching civic education initiatives to reinforce democratic norms.

Keywords: *Anti-defection laws, Democratic representation, Human rights, Human security, Political stability.*

1. Introduction

Tracing its origins to pre-independence Nigeria, political party defection, often termed "cross-carpeting", continues to be a provocative issue that undermines both democratic representation and the stability of governance. In 1941, Samuel Akinsanya and other Ijebu Yoruba members of the Nigerian Youth Movement defected after Ernest Ikoli, an Ijaw man,⁶¹⁴ won a legislative election, prompting Nnamdi Azikiwe to form the National Council of Nigeria and the Cameroons (NCNC).⁶¹⁵ In 1951, Chief Obafemi Awolowo persuaded NCNC members in Western Nigeria to defect to the Action Group (AG), thereby denying Azikiwe the premiership despite NCNC's electoral victory.⁶¹⁶ These early cases show how ethnic rivalry and personal ambition became embedded in Nigeria's party politics.

Since independence, defections have continued to shape Nigeria's political development.⁶¹⁷ During the First Republic, Samuel Ladoke Akintola's break from the AG after his conflict with Awolowo destabilised the Western Region,⁶¹⁸ while K.O. Mbadiwe's departure from the NCNC

⁶¹⁴ AC Akpunonu, 'Incessant Cross – Carpeting in Nigerian Politics Under the Fourth Republic And Its Implications On the Development of the Necessant Democracy' (2021) 6 *Chukwuemeka Odumegwu Ojukwu University Law Journal* 127.

⁶¹⁵ Christopher Alexander Udofia and Andrew F Uduigwomen, 'Political Defections in Nigeria: Implications for Our Nascent Democracy' (2022) 8 *Texas Journal of Multidisciplinary Studies* 32.

⁶¹⁶ Gbenga Sola Ayedogbon and Bunmi A Falade, 'Legislative Defections and Democratization in Nigeria' (2025) 3 *Kashere Journal of Politics and International Relations* 428.

⁶¹⁷ Ogechi Jessica Megbele, Ejiro Tessy Kore-Okiti and Kingsley Omote Mrabure, 'Defections without Consequences? Rethinking the Legal Gaps in Nigeria's Executive Political Migration' (2025) 4 *European Journal of Law and Political Science* 15.

⁶¹⁸ Udeuhele Godwin Ikechukwu, 'Political Nomadism and Its Implications on Political Development in Nigeria: A Critical Analysis' (2015) 9 *International Journal of African and Asian Studies* 75.

further illustrated the role of personal disputes in party switching.⁶¹⁹ In the Fourth Republic, defections have become even more frequent and damaging, as seen in Atiku Abubakar's repeated movement between the PDP and APC;⁶²⁰ the 2018 defection of 14 senators and 37 House of Representatives members from the APC;⁶²¹ and the 2023 defection of 27 Rivers State legislators loyal to Nyesom Wike from the PDP to the APC.⁶²² These developments have deepened political instability and undermined accountability, while also creating human rights issues related to the fundamental rights of citizens to representation and political involvement.⁶²³

Although sections 68(1)(g) and 109(1)(g) of the 1999 Constitution require legislators who defect to vacate their seats unless there is a division or merger in their party, these provisions are often undermined by vague claims of "division."⁶²⁴ The framework is also silent on executive defections, as illustrated by Governor Dave Umahi's 2021 defection, which attracted no legal consequence.⁶²⁵ Scholars such as Barrow⁶²⁶ and Carothers⁶²⁷ argue that defections are more common in nascent democracies where parties are weak and personalistic, while Edet⁶²⁸ links Nigeria's experience to ideological emptiness and patronage. Conversely, in mature democratic systems, instances of party switching are rarer and

⁶¹⁹ Udofia and Uduigwomen (n 2).

⁶²⁰ Babayo Sule, 'Nigerian Parties and Party Switching in the Fourth Republic' *Nigerian Political Parties in the Fourth Republic: Evolution, Characteristics and Dynamics of Transformation* (Springer Nature Switzerland 2024) 267-290.

⁶²¹ Charles A OBIORA and Amobi P CHIAMOGU, 'The 2019 General Elections and Intra-Party Conflicts in Nigeria: A Cross Sectional Analysis of APC, APGA and PDP' (2020) 5 *Socialscientia: Journal of Social Sciences and Humanities* 23.

⁶²² Babayo Sule, 'Party Politics and Internal Crises' *Nigerian Political Parties in the Fourth Republic: Evolution, Characteristics and Dynamics of Transformation* (Springer Nature Switzerland 2024) 215-241.

⁶²³ Ugochukwu Godspower Ehirim and others, 'Constitutional Safeguard for Preservation of Democratic Political Culture and the Legitimacy of Political Porting in Nigeria' (2025) 9 *Udayana Journal of Law and Culture* 1.

⁶²⁴ *Constitution of the Federal Republic of Nigeria 1999* (as amended) ss 68(1)(g) and 109(1)(g).

⁶²⁵ Khalid Idris Nuhu, 'The Legal Implication of Political Defection on Nigeria's Democracy' (2021) 5 *Sriwijaya Law Review* 247; Megbele, Kore-Okiti and Mrabure (n 4).

⁶²⁶ Lynda K Barrow, 'Party On? Politicians and Party Switching in Mexico' (2007) 27 *Politics* 165.

⁶²⁷ Thomas Carothers, *Confronting the Weakest Link: Aiding Political Parties in New Democracies* (Carnegie Endowment For International Peace 2006).

⁶²⁸ Lawrence Edet, 'Politics of Defection and Its Implications on Nigeria's Democracy' (2017) 17 *Global Journal of HUMAN-SOCIAL SCIENCE: F Political Science* 1.

are generally motivated by sincere policy disagreements instead of political opportunism.⁶²⁹

Debates on the effectiveness and desirability of anti-defection laws remain contentious. Khosla, Vaishnav,⁶³⁰ and Desposato⁶³¹ argue that defections distort the voter's mandate, weaken accountability, and justify strong anti-defection rules. Similar reasoning informed South Africa's constitutional debates on floor-crossing. Critics, however, maintain that strict anti-defection laws undermine legislators' autonomy and create an imperative mandate that favours party leadership over voters.⁶³² The Venice Commission⁶³³ and scholars such as Janda⁶³⁴ warn that such laws may suppress legitimate dissent within parties. Spain's Anti-Defection Pact (*Pacto Antitransfuguismo*) also shows that political and normative mechanisms, rather than strict legal sanctions alone, can help manage defections,⁶³⁵ though their success depends on party discipline and democratic culture.

The research is important because unchecked defections erode electoral mandates, reduce public confidence in democratic institutions, and threaten the political stability necessary for human security and development. It therefore critically examines party defections in Nigeria through a human rights and human security lens, using doctrinal and comparative methods to analyse constitutional provisions, statutory rules, and judicial decisions, alongside lessons from South Africa, Europe, and

⁶²⁹ Raimondas Ibenskas and Allan Sikk, 'Patterns of Party Change in Central and Eastern Europe, 1990–2015' (2016) 23 *Party Politics* 43.

⁶³⁰ Madhav Khosla and Milan Vaishnav, 'Democracy and Defections' (2024) 22 *International Journal of Constitutional Law* 400.

⁶³¹ Scott W Desposato, 'Parties for Rent? Ambition, Ideology, and Party Switching in Brazil's Chamber of Deputies' (2006) 50 *American Journal of Political Science* 62.

⁶³² Clemens Spiess and Malte Pehl, 'Floor Crossing and Nascent Democracies – a Neglected Aspect of Electoral Systems? The Current South African Debate in the Light of the Indian Experience' (2004) 37 *Verfassung und Recht in Übersee* 195.

⁶³³ European Commission for Democracy through Law (Venice Commission), *Report on the Imperative Mandate and Similar Practices* (CDL-AD(2009)027, 16 June 2009) paras 32, 39.

⁶³⁴ Kenneth Janda, 'Laws Against Party Switching, Defecting, or Floor-Crossing in National Parliaments' (2009).

⁶³⁵ Ministerio de Política Territorial y Función Pública, 'Acuerdo sobre el Transfuguismo (Acuerdo sobre un código de conducta política en relación con el transfuguismo en las corporaciones locales)' (7 July 1998) 2, available at: https://mptmd.gob.es/content/dam/mpt/politica-territorial/local/sistema_de_informacion_local_SIL-/comision_de_seguimiento_del_pacto_antitransfuguismo/Acuerdo98.pdf (accessed 18 February 2026).

Indonesia. The paper identifies legal gaps, enforcement weaknesses, and ideological deficits in Nigeria's party system and proposes reforms to strengthen democratic representation and political stability.

2. Research Method

This study employs a doctrinal legal research methodology, also described as library-based or normative research. This approach is appropriate because the central inquiry focuses on legal rules governing party defections, particularly constitutional and statutory provisions and their judicial interpretation. Rather than relying on empirical fieldwork or statistical analysis, the study examines legal texts and case law through close interpretation and logical reasoning.

This study also adopts a functional comparative approach. South Africa, selected European jurisdictions, and Indonesia were chosen because they represent distinct constitutional and institutional responses to party defections. South Africa offers an African comparator, having moved from regulated floor-crossing to its eventual abolition. Europe represents the free-mandate model, where legislators generally retain their seats despite party switching. In contrast, Indonesia demonstrates a more robust model of party discipline, primarily enforced through mechanisms that allow parties to initiate the recall of legislators. These jurisdictions were selected because they provide useful contrasts for assessing the strengths and weaknesses of Nigeria's anti-defection regime.

The primary sources for the study are constitutional provisions, statutes, and case laws from the jurisdictions examined. For Nigeria, the key provisions are Section 68(1)(g) and Section 109(1)(g) of the Constitution of the Federal Republic of Nigeria 1999 (as amended),⁶³⁶ which regulate the loss of seats by federal and state legislators who defect from their parties. Relevant Nigerian judicial authorities, including *Abegunde v. Ondo State House of Assembly*⁶³⁷ and other decisions involving legislative defections, are analysed to determine how these provisions have been interpreted and applied.

For South Africa, primary sources include the Constitution of the Republic of South Africa,⁶³⁸ particularly the amendments enacted in

⁶³⁶ Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 68(1)(g) and 109(1)(g).

⁶³⁷ (2015) 8 NWLR (Pt 1461) 314 (SC); (2015) LPELR-24588(SC).

⁶³⁸ Constitution of the Republic of South Africa, 1996 (South Africa).

2002⁶³⁹ and 2003 that introduced and regulated floor-crossing,⁶⁴⁰ and the subsequent Constitutional Fifteenth and Sixteenth Amendment Acts of 2008, which repealed those provisions.⁶⁴¹ Additionally, the study considers the South African Constitutional Court's judgments, such as *United Democratic Movement v. President of the Republic of South Africa*,⁶⁴² which addressed the constitutionality of floor-crossing legislation.

The European perspective is examined through selected national constitutional arrangements and broader regional legal principles. Since Europe does not operate under a single anti-defection regime, the study considers examples such as the United Kingdom and Germany, where the free-mandate doctrine generally allows legislators to retain their seats after party switching.⁶⁴³ Official documents from the Council of Europe (e.g., the Venice Commission's report on the imperative mandate and party switching) provide authoritative guidance on European standards and comparative data on various countries.

The inclusion of Indonesia highlights a model of high party discipline, where the threat of party-initiated recall serves as a deterrent against legislative defection. The study therefore considers relevant constitutional and legislative provisions on legislative tenure, party discipline, and recall, together with judicial and institutional materials where necessary. Indonesia is particularly valuable because it offers a useful contrast to the European free mandate model and helps illuminate whether Nigeria should adopt stricter or more balanced controls.

In addition to primary materials, the research draws on secondary sources such as books, journal articles, and scholarly reports. These sources provide context, critique, and comparative insight into anti-defection laws and their practical implications across jurisdictions. Finally, the study employs human security as an analytical lens. This is because party defections affect not only constitutional interpretation but also

⁶³⁹ Constitution Eighth Amendment Act 2002 (Act 18 of 2002) (South Africa); Constitution Ninth Amendment Act 2002 (Act 21 of 2002) (South Africa).

⁶⁴⁰ Constitution Tenth Amendment Act 2003 (Act 2 of 2003) (South Africa).

⁶⁴¹ Constitution Fourteenth Amendment Act 2008 (South Africa); Constitution Fifteenth Amendment Act 2008 (South Africa); Proclamation No R 21 of 2009 (Commencement of the Constitution Fourteenth Amendment Act of 2008) *Government Gazette* 32130 (16 April 2009) (South Africa); Proclamation No R 22 of 2009 (Commencement of the Constitution Fifteenth Amendment Act of 2008) *Government Gazette* 32130 (16 April 2009) (South Africa).

⁶⁴² [2002] ZACC 21, 2002 (11) BCLR 1179 (CC); 2003 (1) SA 495 (CC).

⁶⁴³ such as the Spanish anti-defection pact, or the Serbian Constitutional Court decision of 2003 striking down a party-imperative mandate law.

political stability, institutional legitimacy, and the effective enjoyment of democratic participation. In this article, human security is used not as an empirical method but as a normative framework for evaluating how recurring defections may destabilise governance, weaken public confidence in democratic institutions, and undermine political representation. This complements the human rights framework by showing that party defections threaten both individual political rights and the broader security of democratic governance.

3. Results And Discussion

3.1 Defections as a Human Rights Issue: Eroding Democratic Representation

Democratic representation is fundamentally a human rights issue. International covenants like the International Covenant on Civil and Political Rights (ICCPR) recognise citizens' right to participate in public affairs and elections, which implies the right to have one's vote respected through the elected official's tenure.⁶⁴⁴ In Nigeria, party defections undermine this right by allowing politicians elected on one party's platform to switch allegiance mid-term, thereby distorting the mandate given by voters. Ozuo⁶⁴⁵ argued that elected representatives have a moral obligation to remain consistent with the principles on which they were elected. When they defect, they transfer an electoral mandate from one platform to another without voter consent, breaching the trust and social contract created during elections.⁶⁴⁶ When a candidate is elected on a particular party platform but later switches sides, the constituents' right to effective representation is undermined as their chosen political ideology is no longer reflected.

Party switching also implicates the right to political participation more broadly. When defections become rampant, the integrity of elections is put

⁶⁴⁴ (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 art 25; UN Human Rights Committee, 'General Comment No 25: Article 25 (Participation in Public Affairs and the Right to Vote)' (12 July 1996) UN Doc CCPR/C/21/Rev.1/Add.7 paras 7, 9, 16 and 19.

⁶⁴⁵ Izunna Isdore Ozuo, 'Defection from One Political Party to Another under the Nigerian Constitution: When the Band Begins to Play' (2015) 1 Journal Of Current Issues In Nigerian Law 1.

⁶⁴⁶ Daniel Godwin and Leke Oluwalogbon, 'Political Party Defection in Nigeria's Fourth Republic: An Analysis of Normative and Political Implications' (2024) 17 African Journal of Politics and Administrative Studies 477; Godspower Ehirim and others (n 10).

into question, and questions like why vote on party lines if those lines won't be respected in office? Frequent defections in Nigeria's Fourth Republic have blurred policy distinctions and weakened opposition parties, tilting the playing field and diluting voters' choices.⁶⁴⁷ Opposition voices that citizens voted for can be co-opted or neutralised by ruling party gains through defection, effectively disenfranchising those voters. Godwin & Oluwalogbon,⁶⁴⁸ found that such defections severely undermine party institutionalisation and democratic governance. In short, the human right to take part in governance is hollowed out when election outcomes are routinely altered mid-stream by politicians pursuing personal gain or survival.

At the same time, a countervailing rights concern must be acknowledged. Defecting politicians often rely on their individual rights to freedom of association and expression, arguing that they should be free to align with parties that reflect their conscience or the changing interests of their constituents.⁶⁴⁹ While this argument has some democratic relevance, it carries less weight in the Nigerian context, where defections are more commonly linked to opportunism, weak party ideology, poor internal party democracy, and factional struggles rather than genuine policy disagreement.⁶⁵⁰ For that reason, restrictions on defections may be justified to protect the democratic order and the rights of voters.⁶⁵¹ The real challenge is to strike a balance between preserving legislators' legitimate freedoms and preventing defections from undermining democratic representation.

3.2 Political Instability and Human Security Implications

The UNDP Human Development Report 1994 frames human security as a broad and interdependent concept encompassing seven dimensions, namely economic, food, health, environmental, personal, community, and

⁶⁴⁷ *ibid*; Megbele, Kore-Okiti and Mrabure (n 4).

⁶⁴⁸ *ibid*.

⁶⁴⁹ As discussed later in South Africa's case, it was meant to let politicians "express their views freely" by joining a new party.

⁶⁵⁰ Eberechukwu Faith Obani, 'Party Defection and Good Governance In Nigeria' (2020) 2 Makurdi Owl Journal of Philosophy 159.

⁶⁵¹ Godspower Ehirim and others (n 10); Ufuoma Veronica Awhefeada, Edward O. Okumagba and Patrick Chukwunonso Aloamaka, 'Legal Regulation of Internal Party Democracy In Nigeria' (2023) 9 Journal of Liberty and International Affairs, Institute for Research and European Studies_Bitola 476 <<https://doi.org/10.47305/JLIA2392476a>>. For example, reasonable political party discipline.

political security.⁶⁵² Among these, political security is particularly pertinent to the issue of frequent party switching, as it involves safeguarding against political repression and preserving a stable, rights-respecting political system.⁶⁵³ Repeated and large-scale defections by legislators and governors generate institutional instability, distort electoral mandates, and create uncertainty in governance, thereby weakening the political environment necessary for the enjoyment of other aspects of human security.

Nigeria's experience illustrates these dangers clearly. Waves of defections, especially after elections or contentious party primaries, often disrupt governance and intensify political tension. A notable example occurred in 2018,⁶⁵⁴ when, before the National Assembly went on recess on 25 July, 14 senators and 37 members of the House of Representatives defected from the ruling All Progressives Congress (APC) to opposition parties, including the Peoples Democratic Party (PDP) and the African Democratic Congress (ADC).⁶⁵⁵ Such large-scale defections altered legislative balances, unsettled party alliances, and heightened partisan conflict. In this way, defections compromise governance by creating instability and uncertainty within the political system, thereby undermining the political security necessary for the protection of human rights.

From a human security perspective, a stable democratic order is essential for safeguarding all other rights and developmental needs. When defections weaken opposition parties and virtually collapse checks and balances,⁶⁵⁶ the result is often a democratic deficit in which governance becomes less accountable and more vulnerable to corruption or authoritarian tendencies. Defections also undermine policy continuity, as shifting political loyalties may abruptly redirect legislative priorities and government programmes. In Nigeria, frequent party realignments have blurred policy distinctions and made it more difficult to sustain coherent strategies on economic development, security reform, and human rights

⁶⁵² United Nations Development Programme (UNDP), *Human Development Report 1994: New Dimensions of Human Security* (Oxford University Press 1994) 24–25.

⁶⁵³ *ibid* 32.

⁶⁵⁴ Sule (n 9).

⁶⁵⁵ John Ameh and others, 'Drama as 14 APC Senators, 37 Reps Defect to PDP, ADC' *Punch* (25 July 2018) <<https://punchng.com/drama-as-14-apc-senators-37-reps-defect-to-pdp-adc/>> accessed 19 February 2026; Premium Times, 'UPDATED: 37 House of Reps Members Dump APC' (24 July 2018) <<https://www.premiumtimesng.com/news/headlines/277596-breaking-36-house-of-reps-members-dump-apc.html>> accessed 19 February 2026; Policy and Legal Advocacy Centre (PLAC), 'Political Defections: In Whose Interest' (PLAC Legist) <<https://placng.org/Legist/political-defections-in-whose-interest/>> accessed 19 February 2026.

⁶⁵⁶ Khosla and Vaishnav (n 17).

protection.⁶⁵⁷ The resulting uncertainty reduces public confidence in government and may fuel protests, unrest, and broader threats to human security.

3.3 Nigeria's Legal Framework on Defections: Rights and Stability at Risk

Nigeria recognized the dangers of party switching early in the Fourth Republic and attempted to curb it through constitutional law. Section 68(1)(g) of the 1999 Constitution, mirrored by section 109(1)(g) for state legislatures, provides that a lawmaker who defects from the party under whose platform he or she was elected must vacate the seat before the end of the term.⁶⁵⁸ In principle, this treats defection as a forfeiture of the electoral mandate and seeks to protect voters' choices. However, the Constitution creates an exception where the defection results from a division in the political party or from a merger involving that party.⁶⁵⁹ The provision was designed to allow for legitimate instances of party splitting or broader shifts in political realignment.

In practice, however, these provisions have proved weak because of loopholes and poor enforcement. Politicians frequently rely on the "division" clause to justify defections, even where the disagreement is only minor or localised. Nigerian courts have interpreted the exception narrowly. In *Hon. Ifedayo Sunday Abegunde v. Ondo State House of Assembly*,⁶⁶⁰ the Court of Appeal held that the division must affect the entire national structure of the party, not merely a state or local branch, and the Supreme Court has likewise indicated that minor factional disputes do not justify defection. The enforcement of these rules is frequently compromised, as presiding officers—tasked with declaring seats vacant—often hesitate to penalise defectors to avoid undermining their own party's legislative strength.⁶⁶¹ As a result, the constitutional sanction is rarely applied,⁶⁶² creating a culture of impunity and allowing politicians to defect with little restraint.⁶⁶³

⁶⁵⁷ Godwin and Oluwalogbon (n 33).

⁶⁵⁸ Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 68(1)(g) and 109(1)(g).

⁶⁵⁹ Section 68(1)(g) of the 1999 Constitution.

⁶⁶⁰ (2015) 8 NWLR (Pt 1461) 314 (SC); (2015) LPELR-24588(SC).

⁶⁶¹ see Section 68(2) of the 1999 Constitution.

⁶⁶² Ozuu (n 32).

⁶⁶³ Godwin and Oluwalogbon (n 33).

A further weakness is that the anti-defection provisions apply only to legislators and not to elected executives such as the president, vicepresident, or governors.⁶⁶⁴ This gap became clear in the case of Governor Dave Umahi's 2021 defection from the PDP to the APC. Although a Federal High Court initially attempted to remove him for betraying the voters' mandate, that decision was overturned on appeal because the Constitution does not expressly extend the anti-defection rule to governors.⁶⁶⁵ This lacuna allows executive office holders to defect without legal consequence, despite the major political disruption such moves can cause.

The net effect of Nigeria's current framework is a failure to effectively safeguard democratic representation.⁶⁶⁶ Loopholes, selective enforcement, and limited constitutional coverage have made party switching a recurring feature of Nigerian politics,⁶⁶⁷ weakening accountability and undermining the very stability the law was designed to protect.⁶⁶⁸ Ozu⁶⁶⁹ bluntly concludes that the framework requires reform to close these gaps, strengthen enforcement, and align constitutional practice with the protection of voters' mandates.

3.4 Comparative Perspectives: South Africa, Europe, and Indonesia

3.4.1 South Africa: From Floor-Crossing Experiments to Strict Party Discipline

South Africa provides a cautionary tale of initially permitting defections under controlled conditions, then reversing course to uphold democratic representation. In the early 2000s, South Africa, which was a nascent democracy at the time, introduced legislation to allow floor-crossing in all levels of government (national, provincial, and local) during designated

⁶⁶⁴ Ayedogbon and Falade (n 3).

⁶⁶⁵ Chinedu A Onah and Chukwubikem JS Azoro, 'Legal and Socio-Political Dynamics of Party Defection in Nigeria: An Appraisal of the Decision of the Federal High Court Removing the Governor and Deputy Governor of Ebonyi State' (2022) 4 *International Journal of Comparative Law and Legal Philosophy* 130.

⁶⁶⁶ Godspower Ehirim and others (n 10); Megbele, Kore-Okiti and Mrabure (n 4).

⁶⁶⁷ Ehiyamen Osezua and Omodunbi Olumide, 'Cross-Carpeting and Party Alignment: Obstacles to Democratic Consolidation in Nigeria' (2023) 11 *Covenant University Journal of Politics and International Affairs* 13.

⁶⁶⁸ Godwin and Oluwalogbon (n 33).

⁶⁶⁹ Ozu^o (n 32).

“window periods.”⁶⁷⁰ Following constitutional amendments in 2002, members of Parliament or provincial legislatures were permitted to retain their seats if they switched parties during a specific 15-day window, provided that at least 10% of their current party caucus defected simultaneously.⁶⁷¹ The reform was intended to accommodate political realignments in the young democracy and to respect legislators’ freedom to follow their conscience. However, this experiment quickly revealed the downsides of defections. In a proportional representation system, floor-crossing led to legislatures no longer reflecting the choices voters made at the ballot box, creating disproportionality between votes cast and seats held.⁶⁷²

The legality of this floor-crossing policy was challenged in the case of *United Democratic Movement v. President of the Republic of South Africa*.⁶⁷³ The United Democratic Movement (UDM) contested the amendments, arguing that allowing legislators to defect undermined proportional representation and democratic accountability, thereby distorting electoral outcomes.⁶⁷⁴ However, the Constitutional Court upheld the amendments, ruling that they were within Parliament’s legislative competence.⁶⁷⁵ The Court reasoned that the policy did not inherently violate the Constitution, as the electorate votes for parties rather than individual candidates in South Africa’s proportional representation system.

Despite the Court’s ruling, the practical consequences of floor-crossing soon became evident. The practice led to significant disruptions in party structures, weakened electoral mandates, and increased political opportunism. Steyn-Kotze and Raga⁶⁷⁶ observed that allowing individual public representatives to cross the floor undermines the will of the electorate because voters cast ballots for a party, not just an individual.

⁶⁷⁰ South African Constitution Eighth Amendment Act 18 of 2002, sch 6A item 4 (later renumbered sch 6B by the Constitution Tenth Amendment Act 2 of 2003); Constitution Tenth Amendment Act 2 of 2003, sch 6A item 4.

⁶⁷¹ Eric S McLaughlin, ‘Did FloorCrossing Alienate South African Voters? Evidence from Municipal Legislatures’ (2014) 41 *Politikon* 289.

⁶⁷² Susan Booysen, ‘The Will of the Parties Versus the Will of the People?: Defections, Elections and Alliances in South Africa’ (2006) 12 *Party Politics* 727.

⁶⁷³ (*African Christian Democratic Party and Others Intervening; Institute for Democracy in South Africa and Another as Amici Curiae*) (No 2) [2002] ZACC 21, 2003 (1) SA 495 (CC), 2002 (11) BCLR 1179 (CC) paras 13–17, 35 and 51.

⁶⁷⁴ *ibid* para 37.

⁶⁷⁵ *ibid* paras 108, 114 and 121.

⁶⁷⁶ Joleen Steyn-Kotze and Kishore Raga, ‘Floor Crossing and Representative Democracy: An Assessment of a Procedural Democratic Dilemma in South Africa’s Electoral Past’ (2009) 28 *Politica* 59.

When post-election coalitions were reshuffled by defections, it eroded voter confidence in the democratic process. Also, Malebeswa⁶⁷⁷ pointed out that the Constitutional Court of South Africa in the *United Democratic Movement* case acknowledged the right to defect but also recognized the potential harm to democratic stability.

Floor-crossing in South Africa also generated instability, especially at the local government level. Municipal councils saw shifts in majority control after floor-crossing windows, sparking protracted legal battles and governance crises at the community level. There were reports of increased political bribery and inducements to lure councillors to defect, undermining governance ethics.⁶⁷⁸ Over time, a bipartisan consensus emerged that the costs to democracy outweighed the benefits. By 2008, there was a growing chorus of discontent from politicians and members of the public about the impact of floor-crossing.⁶⁷⁹ The South African Parliament responded by abolishing floor-crossing entirely through constitutional amendments passed in 2008. The repeal restored the norm that any elected representative who leaves the party that nominated them loses their seat, with no more special windows or thresholds.

Today, in South Africa, legislators are prohibited from defecting, meaning that if a representative resigns or is expelled from their party, they must vacate their seat to be replaced by the next candidate on the party's original list.⁶⁸⁰ This reflects the view that, in a proportional representation system, the seat belongs primarily to the party and the voters who supported it, not to the individual officeholder. Therefore, South Africa's experience shows that, although controlled defections may appear to promote flexibility and freedom of association, they can also undermine electoral mandates, weaken democratic legitimacy, and destabilise governance. Its eventual rejection of floor-crossing demonstrates how anti-defection rules can be used to protect democratic representation and political stability.

⁶⁷⁷ Tendekani E Malebeswa, 'Floor Crossing And Elective Office: Freedom Of Choice Or Betrayal Of Trust? – The Case Of Botswana' (2020) 28 *University of Botswana Law Journal* 81.

⁶⁷⁸ Annette Christmas, 'The End of an Era: The Abolition of Floor-Crossing' (2008) 10 *Local Government Bulletin* 10.

⁶⁷⁹ *ibid.*

⁶⁸⁰ Constitution of the Republic of South Africa, 1996 ss 47(3)(c) (National Assembly) and 106(3)(c) (provincial legislatures); Electoral Act 73 of 1998 sch 1A item 23 (filling of vacancies from the relevant party list).

3.4.2 Europe: Emphasis on Free Mandate and Political Accountability

In contrast to more rigid systems, most European democracies avoid formal anti-defection legislation, preferring to manage party switching through established political norms and direct accountability to the electorate.⁶⁸¹ The dominant constitutional principle in Europe is the "free mandate", which is the notion that once elected, legislators are free to act according to their conscience and are not bound by imperative mandates from either voters or their parties.⁶⁸² This principle, widely regarded as fundamental to parliamentary democracy, protects individual political rights and legislative independence.⁶⁸³ Consequently, across Western Europe and many emerging European democracies, party switching is legally permissible and does not automatically trigger the loss of an elected representative's seat.⁶⁸⁴

A comparative review by the Council of Europe's Venice Commission emphasises the rarity of constitutional or legal mechanisms designed to penalise party switching in Europe, as these are often viewed as incompatible with democratic principles.⁶⁸⁵ Illustratively, the Constitutional Court of Serbia, on 27 May 2003, struck down anti-defection provisions, specifically paragraphs 1 and 9 of Article 88, ruling that termination of membership in a political party cannot justify revocation of an elected deputy's mandate.⁶⁸⁶ A similar position is reflected in Article 38(1) of Germany's Basic Law,⁶⁸⁷ which provides that members of parliament represent the whole people and are bound only by their

⁶⁸¹ European Commission for Democracy Through Law (Venice Commission), *Report on the Imperative Mandate and Similar Practices* CDL-AD(2009)027, adopted at its 79th Plenary Session (Venice, 12–13 June 2009) paras 2, 17 and 39.

⁶⁸² Basic Law for the Federal Republic of Germany 1949, art 38(1).

⁶⁸³ *Constitution of the Italian Republic* 1947, art 67.

⁶⁸⁴ *Constitution of 4 October* 1958 (France), art 27.

⁶⁸⁵ European Commission for Democracy through Law (Venice Commission), *Report on the Imperative Mandate and Similar Practices* (CDL-AD (2009)027, 16 June 2009) paras 32, 39.

⁶⁸⁶ Serbia, *Law on the Election of Members of Parliament* (Official Gazette of the Republic of Serbia, no 35/2000, as amended) art 88(1), (9); Samuel Issacharoff, 'Constitutionalizing Democracy in Fractured Societies' (2004) 58 *Journal of international affairs* 73.; see also *Paunović and Milirojević v Serbia* App nos 41683/06 and 41688/06 (ECtHR, 24 May 2016) paras 22 and 34.

⁶⁸⁷ Federal Returning Officer (Bundeswahlleiterin), Basic Law for the Federal Republic of Germany – Extract (version as promulgated 23 May 1949, last amended 28 June 2022) art 38(1) <https://www.bundeswahlleiterin.de/en/dam/jcr/7c479610-68e2-4c5e-b724-9e8a9930d543/grundgesetz_auszug_engl.pdf> accessed 19 February 2026.

conscience, not by party directives. These examples illustrate the broader European view that forcing an elected representative to lose office for changing party affiliation may infringe both the representative's independence and the voter's choice.

Therefore, European model prioritises the political rights of elected officials, especially freedom of expression, association, and legislative independence.⁶⁸⁸ It assumes that accountability is best secured politically rather than legally.⁶⁸⁹ In a situation where voters regard a defection as a betrayal, they can sanction the politician at the next election. His approach is sustained by relatively stable party systems, strong democratic institutions, and confidence in the electorate's capacity to discipline political behaviour through the ballot box.⁶⁹⁰ Although party switching does occur, it has generally not produced systemic instability in established European democracies.⁶⁹¹ Even in Italy, where nearly a quarter of members of the Chamber of Deputies switched parties between 1996 and 2001, democratic institutions remained resilient, supported by mechanisms such as no-confidence votes and early elections.⁶⁹²

However, Europe is not entirely uniform. Portugal is a notable exception, as Article 160(c) of its Constitution provides that a member of parliament loses the seat upon leaving the party under whose platform he or she was elected.⁶⁹³ Similarly, Ukraine also briefly enforced an imperative mandate provision between 2004 and 2010, although this measure was eventually repealed due to criticisms regarding democratic representation.⁶⁹⁴ The prevailing European approach is built on the assumption that strong political accountability and stable institutions can

⁶⁸⁸ European Court of Human Rights, Guide on Article 11 of the European Convention on Human Rights: Freedom of Assembly and Association (updated 31 August 2025) paras 118–120, 127 and 184.

⁶⁸⁹ This is an inference from the European free-mandate model and the preference for political rather than automatic legal sanctions. See Venice Commission, *Report on the Imperative Mandate and Similar Practices* CDL-AD (2009) 027 para 39; European Court of Human Rights, *Guide on Article 11 of the European Convention on Human Rights: Freedom of Assembly and Association* (updated 31 August 2025) paras 118–120 and 184.

⁶⁹⁰ European Commission for Democracy Through Law (Venice Commission), *Report on the Imperative Mandate and Similar Practices* CDL-AD(2009)027, adopted at its 79th Plenary Session (Venice, 12–13 June 2009) paras 11, 37 and 39.

⁶⁹¹ *ibid.*

⁶⁹² William B Heller and Carol Mershon, 'Party Switching in the Italian Chamber of Deputies, 1996–2001' (2005) 67 *The Journal of Politics* 536.

⁶⁹³ *Constitution of the Portuguese Republic* (1976, as amended) art 160(1)(c) <https://www.parlamento.pt/sites/EN/Parliament/Documents/Constitution7th.pdf> accessed 19 February 2026.

⁶⁹⁴ Janda (n 21).

accommodate defections; however, this logic may be less applicable in contexts with higher political volatility.

3.4.3 Indonesia: Strong Anti-Defection Rules and the Tension with Voter Sovereignty

Indonesia represents a stricter anti-defection model through its recall mechanism known as "hak recall."⁶⁹⁵ Under Indonesian law, particularly Law No. 2 of 2008 concerning Political Parties⁶⁹⁶ and Law No. 17 of 2014 governing the legislature,⁶⁹⁷ political parties have broad authority to remove legislators from the People's Representative Council (DPR) and Regional People's Legislative Assemblies (DPRD). Specifically, Article 239 paragraphs (1) and (2) of the MD3 Law⁶⁹⁸ clearly provide that legislators may lose their seats if they resign, violate party rules, or join another political party, while Article 16(3) of Law No. 2 of 2008 makes dismissal from party membership a ground for automatic loss of legislative mandate.⁶⁹⁹

The concept of recall rights, or "hak recall", has historical roots and remains a controversial issue in Indonesian politics.⁷⁰⁰ Historically, recall practices date back to President Sukarno's and Suharto's authoritarian regimes, when recall powers were extensively used to maintain strict control over legislative members.⁷⁰¹ Critics, including Muhammad Hatta,

⁶⁹⁵ *Indonesia*, Law of the Republic of Indonesia No 17 of 2014 on the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council and Regional People's Representative Councils (MD3 Law) (as amended) arts 239(2)(d), 239(2)(h) and 242(1).

⁶⁹⁶ Law of the Republic of Indonesia No 2 of 2008 on Political Parties (as amended by Law No 2 of 2011) arts 12(g)–(h), 16(3).

⁶⁹⁷ Law of the Republic of Indonesia No 17 of 2014 concerning the MPR, DPR, DPD and DPRD (MD3 Law) arts 239(2)(d), 239(2)(h).

⁶⁹⁸ Law No. 17 of 2014 concerning the People's Consultative Assembly, House of Representatives, Regional Representative Council, and Regional House of Representatives

⁶⁹⁹ Law of the Republic of Indonesia No 2 of 2011 on the Amendment to Law No 2 of 2008 on Political Parties, art 16(3)

⁷⁰⁰ Jenigho Philip Esavwede, Peter Ikechukwu Gasiokwu and Godswill Owoche Antai, 'Legal Reform in Political Party Financing in Nigeria: Strengthening Frameworks and Enhancing Enforcement Mechanisms' (2025) 6 *Journal of Law and Legal Reform* 1483.

⁷⁰¹ Sulton Fikri, I Gde Sandy Satria and Rizky Bangun Wibisono, 'The Power to Remove: A Comparative Inquiry into Recall Mechanisms in Indonesia and the Philippines' (2024) 10 *International Comparative Jurisprudence* 203 <<https://doi.org/10.13165/j.icj.2024.12.003>>; Malicia Evendia and others, 'The Legal Politics of Recall Right of Political Parties Relevance with the System of

argued that such powers undermine democracy by transferring effective control from voters to party elites.⁷⁰² Although recall provisions were briefly relaxed following the fall of Suharto in 1998, they were subsequently restored on the basis that they assist in preventing misconduct such as corruption, disloyalty, and vote trading.⁷⁰³

However, these rules have also led to significant tension with the principle of popular sovereignty enshrined in Article 1(2) of Indonesia's 1945 Constitution, which holds that sovereignty belongs to the people. Evendia and others⁷⁰⁴ argue that recall powers effectively transfer a substantial measure of sovereignty from voters to political parties, enabling party elites to dismiss representatives based on internal party dynamics rather than direct voter preference. The 2016 dismissal of Fahri Hamzah, then deputy chairman of the House of Representatives, illustrates how party interests can overshadow democratic representation.⁷⁰⁵ The Indonesian Constitutional Court has addressed these tensions in decisions such as No. 008/PUU-IV/2006 and No. 38/PUU-VIII/2010, affirming the legitimacy of recall in principle while also insisting that party discipline must not override the democratic source of legislative mandates.⁷⁰⁶

For Nigeria, Indonesia offers an important contrast. It demonstrates that very strict anti-defection rules can effectively prevent party switching and promote political stability, policy continuity, and stronger party discipline. However, it also shows the danger of giving excessive power to party elites at the expense of voter sovereignty and representative independence. Nigeria's excessive freedom to defect contrasts with Indonesia's opposite risk, where overbearing control may similarly weaken democratic integrity. The more balanced solution for Nigeria may therefore lie between these two extremes.

Having reviewed each jurisdiction, we can now draw comparative insights. Table 1 below summarizes the key features of the anti-defection frameworks in Nigeria, South Africa, Europe, and Indonesia:

Popular Sovereignty In Dynamics of the Constitution of Indonesia' (2020) 5 Pattimura Law Journal 20 <<https://doi.org/10.47268/palau.v5i1.477>>.

⁷⁰² Evendia and others (n 88).

⁷⁰³ Fikri, Satria and Wibisono (n 88).

⁷⁰⁴ Evendia and others (n 88).

⁷⁰⁵ *ibid.*

⁷⁰⁶ *ibid.*

Table 1: Comparative Overview of Anti-Defection Frameworks

Country/Region	Legal Framework on Defection	Consequence of Defection	Exceptions/Notes
Nigeria	Constitutional anti-defection clauses (1999 Constitution, Section 68(1)(g) & 109(1)(g)). Applicable to national and state legislators.	Legislator <i>loses seat</i> upon defection to another party.	<i>Exception:</i> if the legislator's original party has a division or merger . Interpreted strictly by courts—division must be significant (national factional split). Not applicable to president/governors (gap in law).
South Africa	Party-list PR system originally implied loss of seat for leaving party. 2002/2003 constitutional amendments allowed floor crossing during designated windows. Repealed by 2009 amendments to restore strict anti-defection.	Under the 2003-2009 law: legislators <i>kept seats</i> if they defected during the window (with conditions). After 2009: <i>lose seat</i> if they leave the party (no more floor crossing).	<i>Conditions (2003-2009):</i> defections only in 2 window periods per term; a minimum percentage (10%) of the caucus had to defect together for small parties. Post-2009, any defection leads to loss of seat (party fills vacancy).
Europe (general)	No explicit anti-defection laws in most countries; guided by “free mandate” principle (e.g., Germany Basic Law Art. 38) preventing binding mandates. Some informal arrangements (e.g., Spain's pact against floor-crossing).	<i>No legal penalty:</i> Legislator retains seat upon switching or becoming independent.	<i>Notes:</i> Political consequences instead – defectors may face voter backlash or loss of party career. Parties may internally discourage or ostracize defectors. Some nations constitutionally ban the imperative mandate, making anti-defection laws impossible.
Indonesia	Statutory provisions (Party Law 2008/2011, Electoral Laws) grant parties power to recall (PAW) legislators who leave the party. The constitution doesn't explicitly mention defection but allows party discipline.	Legislator <i>loses seat</i> if party formally expels them for defection (party nominates a replacement from its electoral list).	<i>Exceptions:</i> Constitutional Court rulings (2013, 2023) stipulate no removal if (a) the original party is gone/non-participant, (b) the party doesn't exercise recall, or (c) there is no substitute on the party list. These provide limited safe harbour for some defectors.

3.5 Effectiveness of Comparative Approaches: Lessons for Human Rights and Security

Looking across these jurisdictions, different legal approaches to defections yield different outcomes for human rights and political stability. Both the rigorous anti-defection measures in South Africa and the recall mechanism in Indonesia are designed to safeguard the electoral mandate and ensure political stability, reflecting the principle that floor-crossing undermines democratic integrity. Voters in those systems can be more confident that the outcome of an election will not be unduly altered by mid-term horse-trading. The will of the electorate is more faithfully preserved, which is a boon for political participation rights. Additionally, governance is more stable as governments change only via scheduled elections or, in South Africa's case, also via formal confidence votes, not via gradual defections. This stability supports human security by providing a consistent political environment for policy implementation and reducing factional conflict.

However, the comparative analysis also highlights potential downsides. In South Africa, one could argue that banning floor-crossing might trap an elected official in a party even if that party fundamentally changes character or policies, raising a question of the representative's freedom of conscience. In Indonesia, the power of recall arguably shifts accountability upward to party bosses rather than downward to voters, which can hinder democratic development and internal party democracy.⁷⁰⁷ European practices remind us that political credibility and mature institutions can sometimes manage defections without legal prohibitions. Established democracies mitigate the impact of defections through strong political norms and voter backlash against defectors, rather than through constitutional mandates. They prioritize the human right of political actors to change affiliation if they sincerely feel it necessary, trusting the system to self-correct.

For Nigeria, simply transplanting a European-style free mandate approach would likely be counterproductive given current realities. The Nigerian political system, characterized by weak party ideologies and patronage-driven politics, would suffer severe instability if defections were completely unchecked (indeed, this is what we observe in practice under the weak enforcement regime). On the other hand, Nigeria can draw positive inspiration from South Africa's reforms. The South African journey demonstrates that legal reform, pushed by public opinion and civil

⁷⁰⁷ Evendia and others (n 88).

society, can recalibrate the system in favour of voters' rights. It further shows that concerns about legislator rights can be addressed through alternative mechanisms, such as enhancing internal party democracy to ensure politicians do not feel compelled to defect to have a voice. From Indonesia, Nigeria can learn the importance of clarity and enforcement: the rules must be unambiguous and enforced by neutral bodies to be effective. Yet Nigeria should be wary of over-centralizing power in party machinery to avoid replacing one problem with another.

3.6 Recommendations

To address incessant party defections in Nigeria, legal and institutional reforms must protect the electorate's mandate while preserving political stability. First, sections 68(1)(g) and 109(1)(g) of the Constitution should be amended to narrowly define, or altogether remove, the vague "division" exception that has enabled opportunistic defections. The anti-defection regime should also be extended to executive officeholders so that no elected official can change party affiliation without constitutional consequence.

Second, enforcement should no longer depend on partisan legislative leadership; the authority to determine whether a defection has triggered loss of a seat should be vested in an independent body such as INEC or a constitutionally established tribunal.

Third, a legislator who defects outside any lawful exception should either face an automatic by-election or lose the seat to the party under which the mandate was originally secured. Finally, sustainable reform requires stronger internal party democracy, credible dispute-resolution mechanisms, and civic education that promotes political accountability and discourages unprincipled party-switching. Together, these measures would better align Nigeria's anti-defection framework with the protection of democratic representation and the broader demands of political security.

4. Conclusion

Party defections in Nigeria undermine both democratic representation and political stability by distorting the electoral mandate, weakening accountability, and destabilising governance. As this article has shown, the problem is not merely one of political convenience but one that engages both human rights and human security, since recurrent defections erode

citizens' right to meaningful political participation while generating uncertainty within the constitutional order. The comparative analysis of South Africa, Europe, and Indonesia reveals that while legal systems vary in their response to party switching, Nigeria's framework is hindered by constitutional ambiguity, selective enforcement, and a lack of robust institutional safeguards. A balanced reform approach is therefore necessary: one that protects the electorate's mandate, ensures fair and independent enforcement of anti-defection rules, strengthens internal party democracy, and promotes political accountability without suppressing legitimate democratic realignment. Such reforms would reinforce Nigeria's constitutional democracy by making representation more faithful to the people's choice and governance more stable, legitimate, and secure.

References

- Akpunonu AC, 'Incessant Cross – Carpeting in Nigerian Politics Under the Fourth Republic And Its Implications On the Development of the Necessant Democracy' (2021) 6 Chukwuemeka Odumegwu Ojukwu University Law Journal 127
- Awhefeada UV, Okumagba EO and Aloamaka PC, 'LEGAL REGULATION OF INTERNAL PARTY DEMOCRACY IN NIGERIA' (2023) 9 Journal of Liberty and International Affairs, Institute for Research and European Studies - Bitola 476
- Ayedogbon GS and Falade BA, 'Legislative Defections and Democratization in Nigeria' (2025) 3 Kashere Journal of Politics and International Relations 428
- Barrow LK, 'Party On? Politicians and Party Switching in Mexico' (2007) 27 Politics 165
- Booyesen S, 'The Will of the Parties Versus the Will of the People?: Defections, Elections and Alliances in South Africa' (2006) 12 Party Politics 727
- Carothers T, *Confronting the Weakest Link: Aiding Political Parties in New Democracies* (Carnegie Endowment For International Peace 2006)
- Christmas A, 'The End of an Era: The Abolition of Floor-Crossing' (2008) 10 Local Government Bulletin 10
- Desposato SW, 'Parties for Rent? Ambition, Ideology, and Party Switching in Brazil's Chamber of Deputies' (2006) 50 American Journal of Political Science 62

- Edet L, 'Politics of Defection and Its Implications on Nigeria's Democracy Politics of Defection and Its Implications on Nigeria's Democracy' (2017) 17 *Global Journal of Human-Social Science: F Political Science* 1
- Esavwede JP, Gasiokwu PI and Antai GO, 'Legal Reform in Political Party Financing in Nigeria: Strengthening Frameworks and Enhancing Enforcement Mechanisms' (2025) 6 *Journal of Law and Legal Reform* 1483
- Evendia M and others, 'The Legal Politics of Recall Right of Political Parties Relevance with the System of Popular Sovereignty In Dynamics of the Constitution of Indonesia' (2020) 5 *Pattimura Law Journal* 20 <<https://doi.org/10.47268/palau.v5i1.477>>
- Fikri S, Satria IGS and Wibisono RB, 'The Power to Remove: A Comparative Inquiry into Recall Mechanisms in Indonesia and the Philippines' (2024) 10 *International Comparative Jurisprudence* 203
- Godspower Ehirim U and others, 'Constitutional Safeguard for Preservation of Democratic Political Culture and the Legitimacy of Political Porting in Nigeria' (2025) 9 *Udayana Journal of Law and Culture* 1
- Godwin D and Oluwalogbon L, 'Political Party Defection in Nigeria's Fourth Republic: An Analysis of Normative and Political Implications' (2024) 17 *African Journal of Politics and Administrative Studies* 477
- Heller WB and Mershon C, 'Party Switching in the Italian Chamber of Deputies, 1996–2001' (2005) 67 *The Journal of Politics* 536
- Ibenskas R and Sikk `Allan, 'Patterns of Party Change in Central and Eastern Europe, 1990–2015' (2016) 23 *Party Politics* 43
- Ikechukwu UG, 'Political Nomadism and Its Implications on Political Development in Nigeria: A Critical Analysis' (2015) 9 *International Journal of African and Asian Studies* 75
- Issacharoff S, 'Constitutionalizing Democracy in Fractured Societies' (2004) 58 *Journal of international affairs* 73
- Janda K, 'Laws Against Party Switching, Defecting, or Floor-Crossing in National Parliaments' (2009)
- Khosla M and Vaishnav M, 'Democracy and Defections' (2024) 22 *International Journal of Constitutional Law* 400
- Malebeswa TE, 'Floor Crossing And Elective Office: Freedom Of Choice Or Betrayal Of Trust? – The Case Of Botswana' (2020) 28 *University of Botswana Law Journal* 81
- McLaughlin ES, 'Did Floor-Crossing Alienate South African Voters? Evidence from Municipal Legislatures' (2014) 41 *Politikon* 289

- Megbele OJ, Kore-Okiti ET and Mrabure KO, 'Defections without Consequences? Rethinking the Legal Gaps in Nigeria's Executive Political Migration' (2025) 4 *European Journal of Law and Political Science* 15
- Nuhu KI, 'The Legal Implication of Political Defection on Nigeria's Democracy' (2021) 5 *Sriwijaya Law Review* 247
- Obani EF, 'Party Defection and Good Governance In Nigeria' (2020) 2 *Makurdi Owl Journal of Philosophy* 159
- OBIORA CA and CHIAMOGU AP, 'The 2019 General Elections and Intra-Party Conflicts in Nigeria: A Cross Sectional Analysis of APC, APGA and PDP' (2020) 5 *Socialscientia: Journal of Social Sciences and Humanities* 23
- Onah CA and Azoro CJS, 'Legal and Socio-Political Dynamics of Party Defection in Nigeria: An Appraisal of the Decision of the Federal High Court Removing the Governor and Deputy Governor of Ebonyi State' (2022) 4 *International Journal of Comparative Law and Legal Philosophy* 130
- Osezua E and Olumide O, 'Cross-Carpeting and Party Alignment: Obstacles to Democratic Consolidation in Nigeria' (2023) 11 *Covenant University Journal of Politics and International Affairs* 13
- Ozuo II, 'Defection from One Political Party to Another under the Nigerian Constitution: When the Band Begins to Play' (2015) 1 *Journal Of Current Issues In Nigerian Law* 1
- Spieß C and Pehl M, 'Floor Crossing and Nascent Democracies – a Neglected Aspect of Electoral Systems? The Current South African Debate in the Light of the Indian Experience' (2004) 37 *Verfassung und Recht in Übersee* 195
- Steyn-Kotze J and Raga K, 'Floor Crossing and Representative Democracy: An Assessment of a Procedural Democratic Dilemma in South Africa's Electoral Past' (2009) 28 *Politeia* 59
- Sule B, 'Nigerian Parties and Party Switching in the Fourth Republic' *Nigerian Political Parties in the Fourth Republic: Evolution, Characteristics and Dynamics of Transformation* (Springer Nature Switzerland 2024)
- , 'Party Politics and Internal Crises' *Nigerian Political Parties in the Fourth Republic: Evolution, Characteristics and Dynamics of Transformation* (Springer Nature Switzerland 2024)
- Udofia CA and Uduigwomen AF, 'Political Defections in Nigeria: Implications for Our Nascent Democracy' (2022) 8 *Texas Journal of Multidisciplinary Studies* 32