

ELECTORAL GOVERNANCE AND INSTITUTIONAL TRUST IN THE DEMOCRATIC REPUBLIC OF THE CONGO: CONTRIBUTION TO THE STUDY OF DEMOCRATIC CONSOLIDATION

LOFANDJA KITOKO FISTON^{1&2*}, MICHEL ILUME MOKO³, PATTY LONGOLI MAKOMBOLI³ & ANGE RIDJA MALI³

¹Learner in the D.E.S. program at the University of Kisangani,

²Lecturer at the Higher Institute of Commerce in Kisangani

³University of Kisangani, Democratic Republic of Congo

<https://doi.org/10.37602/IJREHC.2026.7329>

ABSTRACT

This study examines electoral governance and institutional trust in the Democratic Republic of the Congo during the period 2006–2023. It aims to analyze the determinants of democratic legitimacy in a context where the legal framework governing the right to vote coexists with deficits of trust in electoral institutions. Using a combined methodology based on the legal-dogmatic method and the sociological method, and drawing on empirical data collected from 466 respondents across six geographical zones, the research reveals that 54.11% of citizens believe that the Independent National Electoral Commission (CENI) does not guarantee the effective exercise of the right to vote, 48.63% have no confidence in the institution, and 84.25% have never filed an electoral appeal. Political influence (29.45%), lack of transparency (26.71%), and poor organization (13.70%) are identified as the main causes of distrust. The study concludes that institutional trust remains weak despite the existing legal framework, due to structural deficiencies affecting electoral governance mechanisms. It recommends strengthening transparency, modernizing digital tools, and enhancing civic awareness.

Keywords: electoral governance, institutional trust, CENI, democratic legitimacy, right to vote, Democratic Republic of the Congo.

1.0 INTRODUCTION

The right to vote is one of the fundamental pillars of the democratic state. It legally translates the principle of popular sovereignty by allowing citizens to participate in the appointment of their representatives and, more broadly, in the orientation of political life. As such, it is not limited to a simple formal prerogative recognized by the texts, but implies effective conditions of exercise guaranteeing its accessibility, sincerity and credibility [1].

In the Democratic Republic of Congo (DRC), the Constitution of 18 February 2006 enshrines the right to vote as a fundamental right, enshrined in the institutional architecture resulting from the democratic transition [16]. This normative framework is reinforced by a set of electoral laws as well as international and regional commitments on political rights. Taken as a whole, these instruments reflect a desire to legally guarantee the expression of universal suffrage [17, 18].

However, the existence of normative guarantees is not sufficient to ensure the effectiveness of the right to vote. An analysis of the various electoral cycles organised since 2006 reveals a recurrent gap between the legal requirements and their concrete implementation [13, 14, 15]. This discrepancy is manifested in particular through dysfunctions related to the registration of voters, the reliability of the electoral lists, the material organization of the election or the perception of the credibility of electoral institutions. It is in this context that this study is inscribed, which proposes to examine electoral governance and institutional trust in the DRC over the period 2006-2023.

The central issue is as follows: Why, despite the existence of an electoral legal framework, does institutional trust in the CENI remain low in the Democratic Republic of Congo? This question can be broken down into two hypotheses: the practices adopted by the managers of the electoral process and the material constraints explain the low institutional trust in the CENI; and the effectiveness of the right to vote is a determining factor in institutional trust and democratic legitimacy.

2.0 MATERIALS AND METHODS

The present research employs a methodological approach combining the legal dogmatic method and the sociological method. This approach allows for a simultaneous analysis of the legal framework and practices observed in the Congolese electoral process [9, 10, 11].

2.1 Legal dogmatic method

The legal dogmatic method, also known as the exegetical or doctrinal method, is defined as a field of research devoted to the interpretation and systematization of the norms in force [9]. According to Bergel (2022), the dogmatic method is essentially based on the various schools of thought, history, general principles and legal dogmatics to seek the meaning and scope of the applicable rules. This method made it possible to analyse the Constitution, electoral laws and international instruments ratified by the DRC.

2.2 Sociological method

The sociological method complements this approach by making it possible to study legal phenomena in their social environment. According to Carbonnier (2001), the purpose of legal sociology is the study of law in society, with an emphasis on the relationships between legal norms and the social realities that influence their implementation [3]. Similarly, Durkheim (1982) established that law is a social fact whose effectiveness depends on the degree of integration of individuals into the community and their trust in the institutions responsible for applying legal rules [2].

2.3 Data Collection and Sampling

Empirical data were collected from 466 respondents in six geographical areas of the DRC, using a questionnaire administered via the KoboToolbox platform. The determination of the sample size was carried out according to the formula of Cochran (1977) [4], leading to a minimum sample of 384 surveys, increased to 466 to improve representativeness.

Data collection is based on a combination of complementary techniques. The documentary technique made it possible to analyse legal sources (Constitution, electoral laws, international instruments) as well as doctrinal work and institutional relations. The questionnaire survey, administered to 466 respondents via KoboCollect, collected quantifiable data on the perceptions and experiences of Congolese voters [12].

2.4 Data Analysis

Data processing was carried out using the SPSS software, which is used to produce statistical tables, frequencies, percentages and cross-referencing of variables. Descriptive analysis was used to present the data in tabular form, while analytical analysis examined the relationships between the different variables.

3.0 THEORETICAL FRAMEWORK

Our analysis is based on three complementary theories that offer a comprehensive perspective for understanding the dynamics between electoral governance and institutional trust in the DRC.

3.1 Kelsen's Pure Theory of Law

Hans Kelsen's pure theory of law considers that the validity of a legal norm does not depend directly on its effective application, but on its conformity to a higher norm within the normative hierarchy [1]. However, the author recognizes that effectiveness is a necessary condition for maintaining the validity of the legal order considered as a whole. This theory provides the fundamental framework for understanding how the Congolese electoral legal framework, while formally robust, requires effective implementation to maintain its legitimacy.

3.2 Carbonnier's legal sociology

Jean Carbonnier's approach goes beyond an exclusively normative conception of law to understand it as a social phenomenon [3]. According to this author, the existence of a legal rule does not necessarily guarantee its effective application in society. It makes a fundamental distinction between written law and lived law, demonstrating that the gap between formal norms and practical reality is particularly pronounced in contexts of institutional fragility.

3.3 Durkheim's sociology of law

For Emile Durkheim, law is a social fact whose effectiveness depends on the degree of integration of individuals into the community and their trust in the institutions responsible for applying legal rules [2]. This theoretical framework is particularly relevant to understanding how the breakdown of trust between citizens and electoral institutions can undermine the very foundation of democratic legitimacy in the DRC.

4.0 RESULTS

This section presents the results obtained from the survey of 466 voters in six geographical areas of the DRC. The data analyzed mainly concern citizen trust in the Independent National

Electoral Commission (CENI), electoral appeal mechanisms, irregularities observed on election day, the assessment of the security climate in polling centers, as well as citizen proposals for improvement for future electoral cycles.

4.1 Guarantee of the effectiveness of the right to vote by the CENI

The results relating to citizens' perception of the role of the CENI in guaranteeing the right to vote reveal a mostly critical perception. 54.11% of respondents believe that the CENI does not guarantee the effectiveness and freedom of the right to vote, compared to 33.56% who think the opposite.

The CENI guarantees the right to vote	Frequency (n)	Percentage (%)
No	271	54.11%
Yes	168	33.56%

Table 1: Guarantee of the effectiveness and freedom of the right to vote by the CENI

4.2 Overall level of citizen trust in the CENI

The results reveal a significant erosion of institutional trust, marked by a predominance of mistrust. 48.63% of respondents say they have no confidence in the CENI, 32.19% have partial confidence, and only 10.96% express total confidence.

Level of confidence	Frequency (n)	Percentage (%)
None	243	48.63%
Partial	161	32.19%
Total	55	10.96%

Table 2: Overall level of citizen trust in the CENI

4.3 Reasons for the lack of confidence in the CENI

The data reveal a complex explanatory structure in which political and institutional factors largely dominate. Political influence (29.45%) and lack of transparency (26.71%) are the main reasons for the lack of trust, followed by poor organisation (13.70%) and suspicions of fraud (10.96%).

Reasons given	Frequency (n)	Percentage (%)
Political influence	147	29.45%
Lack of transparency	134	26.71%
Poor organization	69	13.70%
Suspicious of fraud	55	10.96%

Table 3: Main reasons for the lack of confidence in the CENI

4.4 Electoral Redress Mechanisms

The analysis highlights a very low level of ownership of formal redress mechanisms by citizens. 84.25% of respondents have never lodged an appeal or litigation with the CENI. The reasons given mainly include ignorance of the procedure (3.42%), administrative complexity (0.68%), too short a time frame (0.68%) and lack of trust (0.68%).

Action brought	Frequency (n)	Percentage (%)
No	421	84.25%
Yes	41	8.22%

Table 4: Filing of appeals with the CENI

4.5 Irregularities and Voting Security

The results of the irregularities observed on election day and the assessment of the security environment reveal worrying trends. Corruption (28.08%), intimidation (18.49%) and violence (18.49%) are the main irregularities reported. Regarding the security climate, 55.48% of respondents believe that the polling centers were not secure.

Irregularities observed	Frequency (n)	Percentage (%)
None	185	36.99%
Corruption	140	28.08%
Intimidation	92	18.49%
Violence	92	18.49%

Table 5: Major irregularities observed by citizens on election day

Security climate	Frequency (n)	Percentage (%)
Not secure	277	55.48%
Partially secured	113	22.60%
Secure	72	14.38%

Table 6: Assessment of the general security climate in polling centres

4.6 Citizen proposals for improvement

With a cumulative sample of 928 occurrences (185.62%), these data reveal a strong multi-dimensionality in respondents' expectations. Strengthening transparency is at the top of the priorities (74.66%), followed by voter awareness (50.00%), logistical improvement (35.62%) and training of agents (25.34%).

Proposals	Frequency (n)	Percentage (%)
Enhancing transparency	373	74.66%
Voter Outreach	250	50.00%
Logistics improvement	178	35.62%
Officer Training	127	25.34%

Table 7: Citizens' proposals for improvement for future electoral cycles

5.0 DISCUSSION

The present discussion aims to compare the results obtained with the research hypotheses as well as the theoretical and scientific analyses of the authors who have addressed the issues relating to the effectiveness of fundamental rights and political participation.

5.1 Discussion in the light of Kelsen's theory

The results of this study reveal the existence of a relatively developed normative framework guaranteeing the right to vote in the DRC. This situation confirms Kelsen's teachings according to which the legal order is based on a hierarchical set of norms whose validity derives from their conformity with the higher norm [1]. The Constitution, electoral legislation and international instruments ratified by the DRC formally enshrine the right to vote and organize the mechanisms to ensure its exercise [16, 17, 18].

However, the empirical data collected show that the legal validity of the norms is not sufficient to guarantee their full effectiveness. Thus, 54.11% of respondents believe that the CENI has not guaranteed the effectiveness and freedom of the right to vote, while 48.63% have no confidence in the institution. These results illustrate the limits of an exclusively normative approach to the law and confirm that, despite the existence of solid legal guarantees, the effective exercise of the right to vote remains dependent on the effectiveness of the mechanisms responsible for implementing the standards [1].

5.2 Discussion in the light of Carbonnier's legal sociology

The survey data significantly corroborate Jean Carbonnier's theory of the gap between written law and lived law [3]. While legal texts guarantee all citizens access to registration operations and elections, the results show that many obstacles continue to affect the practical exercise of this right. The corruption (28.08%), intimidation (18.49%) and violence (18.49%) observed on election day, as well as the prevailing feeling of insecurity (55.48%), testify to inadequacies in the operational functioning of the electoral system.

These observations perfectly illustrate the distinction made by Carbonnier between the legal rule as it is conceived by the legislator and the way in which it is experienced in social reality [3]. The right to vote legally exists, but its effective exercise comes up against administrative, organizational and security constraints that limit its full realization. The results obtained thus demonstrate that the effectiveness of the law does not depend solely on its inclusion in the texts, but also on the capacity of the institutions to ensure its concrete implementation.

5.3 Discussion in the light of Durkheim's sociology of law

The results of the survey also make it possible to mobilize the sociology of law of Emile Durkheim. For this author, the law is a social fact whose effectiveness depends on the degree of integration of individuals into the community and their confidence in the institutions responsible for applying legal rules [2]. However, the difficulties identified in the course of

this research reveal that the exercise of the right to vote is influenced by several social and institutional factors.

The fact that 48.63% of respondents say they have no confidence in the CENI and that 84.25% have not lodged an appeal reflects a certain fragility of the bond of trust between citizens and the electoral administration. In Durkheim's approach, such a situation can affect citizens' adherence to democratic institutions and reduce their participation in the electoral process. Conversely, an efficient, transparent and accessible electoral administration contributes to strengthening social cohesion and consolidating the legitimacy of public institutions [2].

5.4 Discussion in the light of Fayol's administrative theory

Henri Fayol's administrative theory, which puts forward the principles of hierarchy, equity, staff stability and remuneration as recognition of merit, constitutes a relevant framework for assessing the managerial practices observed in the Congolese electoral administration [5]. The results of the study reveal that the principles of fairness and transparency are far from being fully realized in the management of the electoral process. Political influence (29.45%), lack of transparency (26.71%) and poor organisation (13.70%) reflect shortcomings in the application of the principles of good administration.

6.0 CONCLUSION

Electoral governance and institutional trust in the Democratic Republic of Congo continue to face many challenges. However, reforms at the national level and local initiatives offer opportunities for improvement. An effective modernization of the electoral administration will significantly improve the management of the electoral process and the performance of institutions.

This study was conducted using a combined methodology articulating the legal dogmatic method and the sociological method, supported by documentary techniques and questionnaire surveys. The main results obtained are as follows:

Most respondents say that it is political and institutional factors that affect trust in the CENI in the DRC. These indicators show that decisions to organize the vote are often based on logistical constraints, some polling stations are not opened in time and voters have difficulty accessing registration centres. These findings confirm that domestic administrative practices have a strong influence on the application of normative guarantees.

The data collected show that the effectiveness of the right to vote is a determining factor in institutional trust. The majority of voters surveyed consider the right to vote to be a recognition of citizenship, strengthens democratic engagement and improves political satisfaction.

The results show that a computerized system will enable the Independent National Electoral Commission to: regularly and automatically monitor the electoral process, reduce administrative errors, and improve the traceability of decisions.

Thus, we can say that in the Democratic Republic of Congo, institutional trust in the CENI remains low despite the legal framework for the right to vote. In light of this conclusion, we

confirm our hypotheses that: the practices adopted by the managers of the electoral process and the material constraints explain the low institutional trust in the CENI in the DRC; and the effectiveness of the right to vote is a determining factor in institutional trust and democratic legitimacy.

To remedy this situation, we suggest the following: to the CENI authorities to strengthen transparency in the management of the electoral process and to regularly publish information on electoral operations; the national authorities to provide the CENI with digital tools that will automatically manage the electoral process and promote the computerized monitoring of operations; civil society to intensify programmes to raise awareness among citizens about their electoral rights and the mechanisms available for redress.

BIBLIOGRAPHICAL REFERENCES

1. Kelsen, H. (1967). *Pure Theory of Law* (M. Knight, Trans.). University of California Press. ISBN: 978-0520017559.
2. Durkheim, E. (1982). *The Rules of Sociological Method* (W. D. Halls, Trans.). Free Press. ISBN: 978-0029079409. DOI: 10.1007/978-1-349-16939-9.
3. Carbonnier, J. (2001). *Legal sociology*. Presses Universitaires de France. ISBN: 978-2130514942.
4. Cochran, W. G. (1977). *Sampling Techniques* (3rd ed.). John Wiley & Sons. ISBN: 978-0471162407.
5. Fayol, H. (1916). *Industrial and general administration*. Dunod. ISBN: 978-2100044238.
6. Hart, H. L. A. (1994). *The Concept of Law* (2nd ed.). Clarendon Press. ISBN: 978-0198761228.
7. Bobbio, N. (1994). *General theory of law*. G. Giappichelli Editore. ISBN: 978-8834830710.
8. Vunduawe te Pemako, F. (2020). *Congolese and comparative administrative law*. Editions l'Epithème.
9. Bergel, J.-L. (2022). *Outline of a methodological approach to legal research*. Centre for Legal Methodology, University of Aix-Marseille.
10. Grawitz, M. (2001). *Methods of the Social Sciences* (11th ed.). Dalloz. ISBN: 978-2247041138.
11. Barraud, B. (2018). *Methodology of law*. LexisNexis. ISBN: 978-2711037865.
12. Babbie, E. (2013). *The Practice of Social Research* (13th ed.). Wadsworth Cengage Learning. ISBN: 978-1133049791.
13. Carter Center. (2007). *Final Report: International Election Observation Mission to the Democratic Republic of the Congo, 2006*. Atlanta: Carter Center.
14. Carter Center. (2011). *Presidential and Legislative Elections in the Democratic Republic of the Congo: Final Report*. Atlanta: Carter Center.
15. Carter Center. (2018). *Democratic Republic of the Congo 2018 Harmonized Elections: Expert Mission Report*. Atlanta: Carter Center.
16. *Constitution of the Democratic Republic of the Congo*. (2006). Kinshasa: Journal Officiel de la RDC.

17. Law No. 06/006 of March 9, 2006 on the organization of presidential, legislative, provincial, urban, municipal, and local elections in the Democratic Republic of Congo. (2006). Official Journal of the DRC.
18. Law No. 17/013 of December 24, 2017 amending and supplementing Law No. 06/006 of March 9, 2006. (2017). Official Journal of the DRC.
19. Afrobarometer. (2024). Africans' Trust in Key Institutions and Leaders Is Weakening. AD891 Policy Paper.
20. Higashijima, M., Kadoya, H., & Yanai, Y. (2024). The Dynamics of Electoral Manipulation and Institutional Trust in Democracies. *Public Opinion Quarterly*. DOI : 10.1093/poq/nfae022.