

A COMPARATIVE ANALYSIS OF NON-JUDICIAL REMEDIES FOR ADMINISTRATIVE ACTS IN NIGERIA AND THE UNITED KINGDOM

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Abstract: *This study conducts a comparative analysis of non-judicial remedies for administrative acts in Nigeria and the United Kingdom. Non-judicial remedies play a vital role in administrative law by offering accessible and efficient avenues for addressing grievances arising from administrative decisions. The research examines the legal frameworks, procedural mechanisms, and practical effectiveness of non-judicial remedies in both Countries. By comparing the systems in Nigeria and the United Kingdom, the study aims to highlight similarities, differences, strengths, and weaknesses in the implementation of non-judicial remedies. Through this comparative analysis, insights are provided into the capacity of these remedies to ensure fairness, accountability, and transparency in public administration. The doctrinal method for data collection, comprised of the analysis of numerous primary and secondary sources of data, is utilized in this study, with a view of offering insights into the effectiveness of Non-judicial remedies in these Countries. The study finds that despite differences in legal frameworks and procedural mechanisms, both Countries face challenges in ensuring the effectiveness of non-judicial remedies in practice. Issues such as delays, bureaucratic hurdles, and limited awareness among citizens impact the efficacy of these remedies in addressing administrative grievances. The findings contribute to a deeper understanding of administrative justice systems and provide valuable insights for policymakers, legal practitioners, and scholars in both countries. This paper recommends the following: Increase Public Awareness and Accessibility; Information Dissemination; Strengthen Institutional Capacity/Funding and Resources; Training Programs; Promote Alternative Dispute Resolution (ADR); Encourage Freedom of Information (FOI) Act Compliance; Regular Audits; Foster Collaboration and Exchange of Best Practices/International Collaboration; Workshops and Conferences; Implement Monitoring and Evaluation Mechanisms/Feedback Systems; Performance Metrics, Legal and Policy Reforms, Policy Updates, as crucial steps for improving the accessibility and effectiveness of non-judicial remedies in Nigeria.*

Keywords: *Non-Judicial remedies, Administrative Acts*

1. Introduction

In the realm of Administrative Law, non-judicial remedies serve as vital mechanisms for addressing grievances arising from administrative actions, providing accessible avenues for redress outside of traditional Court proceedings (Harlow 2013, P. 18). These remedies play a

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crucial role in ensuring fairness, accountability, and transparency in public administration by offering individuals and entities recourse against perceived injustices or errors in administrative decisions (Kabir 2012, 89). The comparative analysis presented in this study focuses on non-judicial remedies for administrative acts in Nigeria and the United Kingdom, two jurisdictions with distinct legal systems and administrative practices (Oluyede 2007, 308). By examining the legal frameworks, procedural mechanisms, and practical effectiveness of non-judicial remedies in these Countries, this research seeks to identify similarities, differences, strengths, and weaknesses in the implementation of such remedies. Through this comparative lens, the study aims to provide valuable insights into the capacity of non-judicial remedies to uphold administrative justice, promote good governance, and enhance public trust in governmental institutions (Adangor 2018, Pp. 73-91). The findings of this analysis offer insights for policymakers, legal practitioners, and scholars in both Nigeria and the United Kingdom, with potential implications for administrative law and practice globally (Ajayi & Nwaechefu 2019, Pp. 167-179). The fundamental research questions that are called to mind are: What are the primary non-judicial remedies available for administrative acts in Nigeria and the United Kingdom? How do the legal frameworks governing non-judicial remedies differ between Nigeria and the United Kingdom? What procedural mechanisms are in place for individuals to access non-judicial remedies in both countries? How effective are the non-judicial remedies in ensuring fairness, accountability, and transparency in public administration in Nigeria compared to the United Kingdom? What challenges do citizens face when seeking non-judicial remedies for administrative acts in Nigeria and the United Kingdom? What are the strengths and weaknesses of the non-judicial remedies systems in Nigeria and the United Kingdom? What lessons can Nigeria and the United Kingdom learn from each other's experiences with non-judicial remedies for administrative acts?

2. Conceptual Clarification

A thorough analysis of the subject reveals two essential concepts that necessitate clarification in this context: non-judicial remedies and administrative acts.

2.1 Administrative Acts

An "administrative act" refers to a decision or action taken by a Government body or official, within the framework of public law, impacting the rights or obligations of individuals or entities (Smarter, 2021). According to (Davis 1958, 79) administrative acts is defined as those actions undertaken by administrative agencies under the authority of statutes, which involve applying general rules to specific cases. Davis emphasizes the discretionary nature of these acts, distinguishing them from purely ministerial tasks. In a nutshell, Administrative Act is an official decision made by a Government authority or agency, in accordance with legal rules and regulations. These acts can include orders, decisions, rules, or regulations. It encompasses a broad spectrum of activities, from issuing licenses and permits to imposing taxes and enforcing regulations. Administrative act is a fundamental concept within the field of Administrative Law, as it forms the backbone of how public administrative bodies interact with the law and the general public.

2.2. Non-Judicial Remedies

The first term that comes to mind in addressing the above concept is “remedies”. The term “remedies” is defined by the Black’s Law Dictionary as “the field of law dealing with the means of enforcing rights and redressing wrongs” (Garner 2009, 1407). On the other hand, the concept “non- judicial remedies” is sometimes referred to as “extra-judicial remedies” or “Administrative remedies”. According to (Malemi 2013, P. 325) non judicial remedies or extra-judicial remedies are remedies outside the Court room. They are remedies which do not emanate from the Court, but are obtained outside the Court room, although with the help of Court sometimes, such as, negotiated settlement of a pending Court action, especially where there is a multi-door Court system, otherwise known as a multi-services Court system that provides services which include alternative dispute resolution and so forth, in addition to the normal hearing and decision of cases by judges. Ese Malemi stated further that in appropriate circumstances, instead of going to Court, the parties or people may explore other options available to resolve their differences or dispute with Government or administrative authority amicably. In a nutshell therefore, "Non-judicial remedies" refer to mechanisms and processes available for the resolution of disputes, grievances, or claims outside the traditional Court system. These remedies are designed to provide relief and resolution without the need for judicial intervention. Non-judicial remedies can include administrative procedures, arbitration, mediation, ombudsman services, and other alternative dispute resolution (ADR) methods.

2.3 Judicial Perspective for Non-Judicial Remedies in Nigeria and the UK

Nigerian Courts have increasingly recognized Non-Judicial Remedies and have on several occasions enforced ADR agreements. In the case of *M V Lupex v Nigerian Overseas Chartering and Shipping Ltd* (2003) the Supreme Court upheld an arbitration agreement, reinforcing the legitimacy and enforceability of non-judicial remedies. The UK Courts strongly recognizes Non-judicial Remedies and endorses ADR. In the case of *Halsey v Milton Keynes NHS Trust* (2004), the Court of Appeal emphasized that parties are encouraged to use ADR, and unreasonably refusing to do so could result in cost penalties, highlighting judicial support for non-judicial remedies.

The Commission handles complaints regarding injustice, corruption, abuse of office, and unfair treatment by public officers (Dada 2011, 118). Complainants can file their grievances directly with the Commission, which conducts investigations and makes recommendations. In relation to Internal Review Processes, various government agencies in Nigeria have internal review mechanisms where aggrieved individuals can seek redress. These processes often involve hierarchical appeals within the administrative body. Under this sub-head, we shall briefly consider the procedural mechanisms under the Ombudsman Services and Administrative Tribunals: Individuals can lodge complaints with various ombudsmen, such as the Local Government and Social Care Ombudsman and the PHSO, who have the authority to investigate and recommend remedies for administrative grievances (Oputa 1988, 57). Secondly, the UK has a well-structured Administrative Tribunals system, including the First-tier Tribunal and the Upper Tribunal, which handle a wide range of administrative disputes. These Tribunals offer a less formal and more specialized forum compared to traditional Courts.

The core principle of Nigerian law regarding rights and remedies can be succinctly summarized by the Latin maxim, *ubi jus ibi remedium* meaning wherever there is a right, there

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isn't remedy. Non-judicial remedies for administrative acts in Nigeria are mechanisms that allow individuals and organizations to address grievances against administrative decisions or actions without resorting to the Courts. These remedies are crucial in ensuring accountability, transparency, and fairness in administrative processes. In Nigeria, several non-judicial remedies are available to an aggrieved party who seeks redress and they are discussed hereunder.

2.4 Filing a complaint with the Ombudsman

Ombudsman also known as the Public Complaints Commission (PPC) was a body established in 1975 by the Public Complaints Commission Decree No. 31. It is constitutionally secured by Section 315 (5) (b) of the 1999 Constitution. According to the ex-President Olusegun Obasanjo, the Commission was established to create a platform through which everyday people in the society could be defended and secure justice. Where a person is aggrieved by the conducts/Acts of Government bodies/establishment, a complaint is filed with the Commission for redress. The Ombudsman has the purposes of serving as a check to known government activities, overseeing the investigation of complaints, circumventing the high cost of access to the Courts, saving time and serving as an organ for Government to receive feedback from the public. The Commission's powers have however been hindered by the provisions in Section 6-8 of the PCC Act. For instance, the Commission can only make recommendations after investigation, and also, complaints cannot be made public.

3. Domestic/Internal remedy mechanism- internal Administrative Remedy

Internal administrative remedies are mechanisms within Governmental or organizational structures that allow individuals to seek redress for grievances without resorting to external judicial processes. These remedies are designed to address issues internally, promoting efficiency and reducing the burden on the formal legal system. Recourse to domestic/Internal remedy mechanism may take various forms such as oral appeals, complain, visits, dialogue, negotiation, writing petition, arbitration etc. Again, resource to internal administrative remedy may be a statutory requirement before action may be filed in Court. Where internal administrative remedy is available in a public establishment with which one is dealing, doing business or working, it is usually advisable to resort or have recourse to the internal administrative remedy mechanism, and where one has tried it and it fails, or remedy is denied, the person can then proceed to Court. Failure to explore internal administrative remedy/mechanism before proceeding to Court would render the suit premature and incompetent. We rely on the case of *Nigeria Communications Commission v MTN Nig Comm. Ltd* (2008) where the Court of Appeal held that the suit was premature and incompetent, as the plaintiff respondent did not first have recourse to the internal administrative remedy available in the Commission as required by section 87-88 of the Nigerian Communications Commission Act 2003 as a precondition for application to Court for judicial review of the acts of the defendant appellant commission. See also the case of *Olaniyan v University of Lagos* (1985) where the Court highlighted the importance of exhausting internal administrative remedies.

3.1 Petition to Administrative Authority

A Petitioner is a formal written request made to a government authority or public body, seeking redress or action on a specific issue. According to Malemi (2013, p. 218) a Petition is a written request to a person who is in a position of authority to grant a request, favour, or redress a wrong. In a modern democratic society, any individual who is aggrieved or has suffered a wrong has the right to petition the appropriate authority for redress or remedy. In Nigeria, petitions serve as a significant non-judicial remedy, providing a structured way for citizens to voice their grievances and seek solutions without engaging in formal judicial proceedings. This position was supported in the case of *Bakare v Lagos State Civil Service Commission* (1992) which demonstrates the Judiciary's recognition of administrative remedies and the role of Petitions in addressing grievances within public service structures before seeking judicial intervention. Also, in the case of *Olaniyan v University of Lagos* (1985) the Court highlighted the importance of exhausting internal administrative remedies, such as petitions, before approaching the court for redress. Again, in the case of *Federal Civil Service Commission & Ors v Laoye* (1989) the Supreme Court in this case emphasized the need for aggrieved parties to utilize available administrative remedies, such as petitions, before escalating the matter to the judiciary. Furthermore, Section 36 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) guarantees the right to a fair hearing, which includes the right to seek redress through Petitions and other administrative channels before resorting to judicial processes.

3.2 Appeals to Executive/Legislative bodies

An Appeal generally, is a plea or request to a person in authority, Government or administrative authority for a decision, or act to be changed. It is a plea for a rethink to change a decision, or an act or to grant a favour. Appeals as a non-judicial remedy provide a mechanism for individuals to seek a review of decisions made by administrative or governmental bodies without resorting to Court proceedings. This process allows for the correction of errors, ensuring fairness and accountability within the administrative framework. There are several examples of Appeal, which include: an appeal to a superior Court against the decisions of lower Court with which the aggrieved parties are not satisfied; an appeal to the Government to release people who are detained for political reasons as evident in the case of *Uwazuruike v A G Fed* (2008).

3.3 Dialogue

Dialogue is an essential non-judicial remedy that involves open communication between disputing parties to resolve conflicts and reach mutually acceptable solutions without resorting to formal legal proceedings. According to Malemi (2013, 225) dialogue is discussion between parties to a dispute and an amicable resolution of the issue in dispute. Dialogue may be formal or informal, in the form of face to face discussion, round table conference, arbitration, mediation, conciliation etc.

3.4 Peaceful Assembly, Rally and protest

Peaceful assembly, rallies, and peaceful protests are important non-judicial remedies that allow individuals and groups to express their grievances, advocate for change, and draw attention to issues without engaging in formal legal actions. In a modern society or a constitutional democracy, every person or group of persons have a fundamental right to

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peaceful assembly (as contained in Section 40 of the 1999 Constitution) and to peacefully protest any decision, measure, or act of government or a public authority that is unfavourable. An example of a Government decision or measure which is usually protested by people in Nigeria is the increment of the prices of petroleum products. The Nigerian Labour Congress (NLC), Academic Staff Union of Universities (ASUU), non-governmental Organization (NGOs) etc. often lead the people in these peaceful rallies and protest. In the case of *IGP v All Nigerian Peoples Party and others* (2007) the Court in upholding the rights to a peaceful assembly and protect, held that the Public Order Act 1990 (now 2004) was wholly unconstitutional for requiring a police permit to exercise the fundamental right to peaceful assembly. See also, the case of *Police v Comrade Adams Oshiomhole & others* (2004) where the Court held the strike illegal on the ground that the NLC did not give the 21 days prior notice required under the labour Law. It is however important to state that this decision places a clear hindrance on the provisions of the 1999 Constitution which provides for the right to freedom of expression, the press and peaceful assembly.

3.5 Media coverage

Media coverage acts as a powerful non-judicial remedy by highlighting issues, amplifying voices, and holding authorities accountable through public scrutiny. Stake holders, persons and groups promoting change in a Country, and the media may work together to engage on a media blitz coverage of the issue at hand. By virtue of Section 39 (1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) the right to freedom of expression and the press are guaranteed. It allows individuals to hold opinions and to receive and impart ideas and information without interference. Section 22 specifically mandates the press, radio, television, and other agencies of the mass media to uphold the responsibility and accountability of the government to the people. Also, Freedom of Information Act 2011 provides for the right of access to public records and information, thereby promoting transparency and accountability in public affairs. It empowers the media and the public to seek and disseminate information about government activities. In the case of *Nwankwo v The State* (1983) the Supreme Court of Nigeria underscored the importance of freedom of expression, including the freedom of the press, as essential to the democratic process. Furthermore in the case of *Tony Momoh v Senate of the National Assembly* (1981) the Court affirmed the media's role in holding the government accountable, supporting the idea that the press serves as a watchdog in a democratic society (Okany 2007, p. 279).

3.6 Public opinion poll

A public opinion poll as a non-judicial remedy, involves gauging the views and preferences of a population on specific issues without resorting to formal legal or judicial processes. This approach can serve several purposes such as: Policy Guidance, Conflict Resolution, Transparency and Accountability etc. The media or other interest groups may conduct a public opinion poll on an issue to demonstrate public preferences or to highlight a decline in government popularity. This information can prompt the government or public authorities to take action to address the issues and improve their standing with the public.

3.7 Lobby

Lobbying is a non-judicial remedy that involves advocating for specific interests, policies, or changes within the Legislative and Executive branches of Government. This process is typically carried out by individuals, interest groups, or organizations seeking to influence public policy and decision-making. By way of a definition, the term “Lobbying” is the act of attempting to influence decisions made by Government officials, typically legislators or members of regulatory agencies. According to Malemi (2013 p. 334) the word “lobby” means to persuade, convince or influence someone or a group of persons, such as, parliament to act in a particular way, to do something, or to enact a law, for instance, by presenting information, facts and figures, reasons or a superior argument why they should do so. In the negative context, to lobby means to influence someone with cash or kind to make him or them do something which should not be done in the circumstance.

3.8 Referendum

Referendum is a non-judicial remedy that allows citizens to directly participate in the decision-making process on specific issues, laws, or policies by voting. This democratic tool empowers the electorate to make binding or advisory decisions on matters of public importance. By way of definition, a referendum is a direct vote in which the entire electorate is invited to accept or reject a particular proposal. This could be a new law, a constitutional amendment, or a specific government policy. The purpose of a referendum is to give citizens a direct voice in important legislative or policy decisions, thereby enhancing democratic participation and legitimacy. There are several types of referendums and they include mandatory Referendum: Required by law or constitution for certain decisions, such as constitutional amendments or significant policy changes. There is also optional referendum which is called at the discretion of the government or upon sufficient demand by the electorate, often through a petition process. There is the binding Referendum. The outcome must be implemented by the government. There is also advisory Referendum. The result serves as a recommendation and does not have the force of law, but it guides the government's actions.

Conclusively, Referendums serve as a powerful non-judicial remedy by allowing direct democracy to complement representative institutions, ensuring that citizens have a direct say in crucial decisions affecting their lives and society.

3.9 Alternative Dispute Resolution-Arbitration, mediation and conciliation

Alternative Dispute Resolution (ADR) encompasses various methods for resolving disputes outside the formal judicial system, including arbitration, mediation, and conciliation. These processes offers flexible, efficient and often less adversarial alternatives to litigation. We shall now briefly consider the above as follows. Arbitration is a process where disputing parties agree to submit their conflict to one or more arbitrators, whose decision is usually binding. The process involves parties selecting an arbitrator or a panel. The arbitrator listens to both sides, examines evidence, and makes a decision. The process is akin to a private Court proceeding but is generally faster and more flexible. The advantages include: Arbitration can be quicker and less costly than litigation. The parties have control over selecting the arbitrator, who often has specific expertise relevant to the dispute. The process is private, and the arbitrator's decision is typically final and enforceable.

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Mediation is a facilitated negotiation process where a neutral third party, the mediator, helps disputing parties reach a mutually acceptable agreement. The process involves the mediator assisting the parties in identifying issues, exploring solutions, and negotiating a settlement. Unlike an arbitrator, the mediator does not impose a decision. The advantages of Mediation are that it is highly flexible and can be tailored to the needs of the parties. It promotes collaborative problem-solving and preserves relationships. The process is confidential and less formal than arbitration or litigation.

Conciliation is similar to mediation but often involves a more active role for the conciliator in proposing solutions and guiding the parties toward a settlement. The process involves the conciliator meeting with the parties separately and together, suggests possible solutions, and helps them reach a resolution. The conciliator may provide an expert opinion on the matter. The advantages of Conciliation are that it can be particularly effective in disputes where the parties need expert guidance. It is less formal than arbitration and can lead to a faster resolution. Like mediation, it is confidential and aims to preserve relationships. Conclusively on this sub-head, ADR methods like arbitration, mediation, and conciliation offer valuable alternatives to traditional litigation, providing more flexible, cost-effective, and collaborative means of resolving disputes. They empower parties to find tailored solutions, often preserving relationships and ensuring confidentiality.

3.10 Sanctions

Ordinarily, sanction is a penalty which is imposed for the breach of law, and to discourage other persons from breaching the law. Sanctions as non-judicial remedies are imposed by countries, international organizations, or other entities to influence the behavior of individuals, organizations, or nations. By way of definition, “sanctions” are punitive or restrictive measures that aim to change the behaviour of the targeted entity by creating economic, political, or social pressure. The primary purposes include deterring violations of international norms, punishing wrongdoing, compelling compliance with specific demands, and signaling disapproval of certain actions. These measures are used to enforce compliance with international laws, uphold human rights, and maintain international peace and security without resorting to judicial proceedings or military action. There are several types of sanctions and they include Economic Sanctions. These include trade restrictions, asset freezes, and financial prohibitions. Economic sanctions can limit access to markets, restrict exports or imports, and freeze the financial assets of individuals, companies, or nations. There is also political sanctions these includes measures such as travel bans, diplomatic isolation, and visa restrictions fall under this category. Political sanctions aim to isolate leaders or key figures from the international community. There is also military sanctions which involve arms embargoes and restrictions on military cooperation. Military sanctions are used to prevent the escalation of conflicts and limit the military capabilities of the targeted entity. We also have cultural and sports sanctions: These can include bans on participation in international cultural or sports events. Such sanctions aim to exert social and reputational pressure.

The advantages of using sanctions as a non-judicial remedy include non-violent pressure, which entails that sanctions provide a means to exert significant pressure without resorting to military action. Secondly is flexibility, as the use of sanctions can be tailored to

target specific entities or sectors, minimizing broader harm. Thirdly, is International Solidarity and when same is implemented multilaterally, sanctions demonstrate a unified international stance against unacceptable behavior.

4. Non-Judicial Remedies for Administrative Acts in the United Kingdom

In the United Kingdom, administrative decisions made by government bodies, agencies, and local authorities impact individuals and communities. While judicial remedies through the Courts are available for challenging such decisions, non-judicial remedies offer alternative channels for addressing grievances, resolving disputes, and seeking redress. This paper explores some selected non-judicial remedies available in the UK for addressing administrative acts, highlighting their importance in promoting accountability, transparency, and fairness in public administration. They include:

4.1 Ombudsman Services

Ombudsman services in the United Kingdom serve as vital non-judicial remedies for addressing grievances related to administrative actions. They provide independent investigation and resolution of complaints against government bodies, ensuring accountability and fairness in public administration. There are mainly two key Ombudsman services in the UK and they are parliamentary ombudsman. The Parliamentary Ombudsman investigates complaints of maladministration by government departments and agencies. It ensures adherence to principles of fairness and transparency in administrative decision-making. There is also the health service ombudsman. This service deals with complaints regarding the National Health Service (NHS), ensuring the quality and standards of healthcare provision. It investigates issues such as medical negligence, treatment delays, and service failures. In the UK, Ombudsman services operate independently from government influence, ensuring impartiality in their investigations. They provide a neutral platform for resolving disputes between citizens and public authorities. Ombudsman findings in the UK can lead to recommendations for remedial action, including compensation for aggrieved parties, policy changes, and improvements in administrative processes. Ombudsman services in the UK are readily accessible to all citizens, offering a free and straightforward process for lodging complaints. They provide an alternative to costly and time-consuming legal proceedings.

4.2 Administrative Review

Administrative review provides a mechanism for reviewing administrative decisions internally within the relevant administrative body. It allows for errors to be identified and rectified without resorting to formal legal proceedings. Complaints procedures serve as essential non-judicial remedies for addressing grievances related to administrative actions in the United Kingdom. These procedures are established by government departments, agencies, and local authorities to provide individuals with an accessible and informal means of raising concerns and resolving disputes. Complaints procedures are designed to be accessible to all citizens, offering a straightforward process for lodging complaints without the need for legal representation. Unlike formal legal proceedings, complaints procedures are informal in nature, with a less intimidating environment. Government bodies aim to resolve complaints promptly and efficiently, typically within specified timeframes, to ensure timely resolution and alleviate

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distress for complainants. Complaints procedures promote transparency in administrative processes by requiring authorities to investigate complaints thoroughly and provide clear explanations for their decisions. Depending on the outcome of the investigation, complainants may receive various forms of redress, including apologies, corrective actions, and, in some cases, financial compensation. By providing a mechanism for holding public authorities accountable for their actions, complaints procedures help reinforce principles of good governance and public trust in the administration.

4.3. Public Inquiries

Public inquiries in the UK serve as non-judicial remedies for investigating matters of significant public concern. They are typically initiated by the government and are independent inquiries conducted by appointed experts, known as inquiry chairs. These inquiries have the power to summon witnesses, take evidence under oath, and produce detailed reports with recommendations for action. They are often convened to examine events such as disasters, scandals, or policy failures, aiming to identify causes, lessons learned, and areas for improvement in governance or legislation. Public inquiries play a crucial role in promoting transparency, accountability, and public trust in the UK's democratic system.

4.4 Alternative Dispute Resolution (ADR)

Alternative Dispute Resolution (ADR) serves as a non-judicial method for resolving conflicts in the UK. It encompasses approaches like mediation, arbitration, negotiation, and conciliation, providing parties with alternatives to traditional court proceedings. ADR offers benefits such as flexibility, confidentiality, and cost-effectiveness, making it an appealing option for resolving disputes across various sectors, including commercial, employment, and family matters. Courts in the UK often endorse ADR, sometimes mandating its exploration before litigation proceeds. This can be seen in the following cases: In *Halsey v Milton Keynes General NHS Trust* (2004) the Court of Appeal emphasized the importance of parties engaging in ADR. While not making ADR compulsory, the court indicated that parties who unreasonably refuse ADR may face cost penalties. Also, in *Dunnett v Railtrack Plc.* (2002) the Court's power to encourage parties to consider ADR was highlighted. The Court of Appeal suggested that parties should at least consider ADR and failure to do so might result in adverse cost consequences. Similarly, in *PGF II SA v OMFS Company 1 Limited* (2013), the Court of Appeal emphasized the importance of parties responding promptly and positively to invitations to participate in ADR. Failure to engage constructively with such invitations may result in cost penalties. More so, in *Gore v Naheed* (2013) this case demonstrates the Court's power to penalize parties for unreasonably refusing to engage in mediation. The Court ordered costs against the unsuccessful party who had refused to mediate. Furthermore, in the case of *Burchell v Bullard* (2005) the Court of Appeal reiterated the principle that while parties are not required to agree to mediation, they must at least give serious consideration to the proposal and respond in a reasonable manner.

4.5 Freedom of Information Requests

Freedom of Information (FOI) requests provide individuals with the right to access information held by public authorities in the UK. This non-judicial remedy allows individuals to request information about the operations, decisions, and policies of government bodies, local authorities, public institutions, and certain private organizations performing public functions. The Freedom of Information Act 2000 outlines the procedure for making requests and sets out exemptions that may prevent the disclosure of certain information, such as national security or personal data. FOI requests empower citizens to hold public authorities accountable, promote transparency and openness in government, and facilitate informed public debate.

5. Effectiveness and Accessibility of Non-Judicial Remedies in Nigeria and the United Kingdom

The effectiveness of non-judicial remedies in Nigeria is often hampered by limited resources, lack of public awareness, and bureaucratic challenges. The Public Complaints Commission, while established, sometimes struggles with enforcement of its recommendations due to its advisory nature. Internal review processes vary in efficiency and accessibility across different agencies. In contrast, the UK's non-judicial remedies are generally more accessible and effective. The Ombudsmen and Tribunal systems are well-publicized and user-friendly, with clear procedures for lodging complaints and appeals. The decisions and recommendations of UK ombudsmen are typically respected and implemented, contributing to higher public trust in these mechanisms.

The key challenges affecting the efficacy of Non-judicial remedies in Nigeria include: inadequate funding, limited public awareness, and the non-binding nature of the ombudsman's recommendations. To improve in this regard, Nigeria could enhance the authority and enforcement powers of the Public Complaints Commission, increase funding for administrative bodies, and conduct public awareness campaigns about available non-judicial remedies. While the UK system is robust, challenges include potential delays due to high caseloads and the complexity of navigating multiple bodies for different types of complaints. Streamlining processes and increasing the capacity of ombudsmen and tribunals can further enhance effectiveness. Having examined non-judicial remedies for administrative acts in Nigeria and the United Kingdom, several comparative findings emerge, including the following.

Institutional Maturity: The UK's non-judicial remedies are more mature and integrated into the administrative framework compared to Nigeria's. The UK's extensive experience with ombudsmen and ADR reflects a long-standing commitment to alternative dispute resolution mechanisms.

Accessibility and Awareness: In the UK, public awareness and accessibility of non-judicial remedies are higher. The UK public is generally more informed about their rights to seek redress through ombudsmen and FOI requests, partly due to better public education and outreach.

Effectiveness and Enforcement: The effectiveness of non-judicial remedies in the UK is supported by well-funded and autonomous bodies that can enforce their recommendations. In Nigeria, resource constraints, bureaucratic hurdles, and political interference often undermine the effectiveness of non-judicial remedies.

Transparency and Accountability: Both countries have Freedom of Information (FOI) laws, but the UK's implementation is more consistent and robust. Nigerian authorities

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frequently face criticism for non-compliance and lack of transparency, hindering the law's effectiveness.

Regulatory Framework: The UK's regulatory bodies are generally more independent and equipped with greater enforcement powers. Nigerian regulatory agencies often struggle with autonomy and enforcement, limiting their ability to provide effective non-judicial remedies.

In summary, while both Nigeria and the UK offer a range of non-judicial remedies for administrative acts, the UK's systems are more advanced, better funded, and more consistently enforced, providing a more reliable framework for citizens to seek redress outside the courts.

6. Conclusions and Recommendations

Non-judicial remedies are integral to modern legal systems, providing accessible, efficient, and less adversarial means of resolving disputes. Both Nigeria and the United Kingdom have established robust frameworks through statutory provisions and judicial endorsements to support these mechanisms, thereby enhancing access to justice and alleviating the burden on formal judicial processes. The comparative analysis conducted in this study reveals that while both Nigeria and the United Kingdom have established non-judicial remedies for administrative acts, the UK's system is more developed and effective.

Having examined non-judicial remedies for administrative acts in Nigeria and the United Kingdom, several recommendations come to mind, including:

Increase Public Awareness and Accessibility: Launch widespread public awareness campaigns to educate citizens on the availability and procedures of non-judicial remedies, such as the Public Complaints Commission (PCC) and the Freedom of Information (FOI) Act.

Information Dissemination: Utilize media, community outreach, and digital platforms to disseminate information about non-judicial remedies.

Strengthen Institutional Capacity/Funding and Resources: Provide adequate funding and resources to the PCC and other regulatory bodies to enable them to handle complaints efficiently and effectively.

Training Programs: Implement regular training programs for staff in these institutions to enhance their capacity to manage complaints and enforce decisions.

Promote Alternative Dispute Resolution (ADR): Create dedicated ADR centers across the country to facilitate mediation and arbitration in administrative matters and also train public officials and legal practitioners in ADR techniques to encourage its adoption and effective implementation.

Encourage Freedom of Information (FOI) Act Compliance: Strengthen the enforcement of the FOI Act by ensuring that all public institutions comply with information requests and are held accountable for non-compliance.

Regular Audits: Conduct regular audits and publish reports on the performance and compliance of public institutions with FOI requests. Also, There is the need to foster **Collaboration and Exchange of Best Practices/International Collaboration:** Facilitate partnerships and regular exchanges between Nigerian regulatory bodies and their counterparts in the UK to share best practices and successful strategies.

Workshops and Conferences: Organize workshops and conferences to discuss challenges and innovations in non-judicial remedies. Also, implement monitoring and evaluation mechanisms/feedback systems. Establish robust feedback mechanisms for citizens to report their experiences with non-judicial remedies, ensuring continuous improvement based on user experiences.

By implementing these recommendations, Nigeria can enhance the effectiveness, accessibility, and reliability of its non-judicial remedies for administrative acts, thereby improving administrative justice and public trust in governmental processes.

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