AN EXAMINATION OF THE LEGAL AND INSTITUTIONAL CHALLENGES TO ENFORCEMENT OF COURT JUDGMENTS AND ORDERS IN NIGERIA

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Abstract

The enforcement of court judgments and orders is a fundamental and integral aspect of the administration of justice and the rule of law. A judicial decision only achieves its purpose when it is effectively enforced. In Nigeria, however, the enforcement of court judgments and orders continues to face significant and formidable legal and institutional challenges. Despite the existence of statutory mechanisms under the Sheriffs and Civil Process Act, Cap. S6 LFN 2004 and other procedural rules, such as Judgment Enforcement Rules, many successful litigants experience difficulty in enjoying the fruits of their judgments. This study examines the major legal and institutional challenges affecting the enforcement of court judgments and orders in Nigeria. These challenges include ill-motivated applications for stay of execution, bureaucratic requirements such as the consent of the Attorney General of the Federation in garnishee proceedings against government funds, weak enforcement mechanisms, corruption among enforcement officers, and the reluctance of judgment debtors—particularly government institutions-to comply with court orders. The paper argues that the persistent failure to enforce court judgments erodes public confidence in the judiciary, weakens the rule of law, and encourages impunity among individuals and public authorities. The paper concludes that strengthening enforcement mechanisms, reforming relevant laws, improving the efficiency of court enforcement units, and ensuring accountability for disobedience of court orders are necessary steps toward ensuring that court judgments and orders are respected and effectively implemented in Nigeria.

Keywords: Enforcement, Court Order, Judgment, Judicial Power, Disobedience to Court Order.

Introduction

The importance of enforcement of court judgments and orders cannot be overemphasized. The enforcement of court judgments and orders is of global importance because a judgment has little value if the successful party cannot obtain the remedy ordered by the court. Globally, the recognition and enforcement of foreign judgments facilitate cross-border trade, protect international obligations and encourage cooperation among states, especially in a world were commercial transactions and legal disputes frequently cross-national boundaries.

Obtaining judgment from any court in Nigeria is not a final indication that the victorious party will automatically reap the fruits of judgment. It is incumbent on a judgment creditor to initiate the legal machinery for the enforcement of judgments to claim the fruits of judgment. The legal duality and complexities involved in the enforcement of judgments in Nigeria is not only gargantuan; enforcement of judgments in Nigeria is very fluid and nebulous,[1] and filled with uncertainties.[2]

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[1] Olabanjo O. A., Itunu Kolade-Faseyi and Temidayo, A. "*Enforcement of Judgments in Nigeria: Laws and Challenges* (Global Journal of Politics and Law Research Vol. 9, No. 7, pp.1-15 2021) <https://www.eajournal.org/>and<https://doi.org/10.37745/giplr.2013>accessed on 31st January, 2025.

[2] These uncertainties are similar to what obtains in the Nigerian oil and gas sector - See Odoeme, C.V. "Corporate accountability in the Nigerian oil and gas sector: coping with uncertainties." Commonwealth Law Bulletin Vol. 39, No. 4, Dec 2013, p 741 - 765.

The smooth enforcement of court judgments and orders in Nigeria is often hampered by a lot of legal and institutional challenges. These challenges that have made most of the court judgments an academic exercise have not only brought agony to the successful litigants who could not enjoy their victory in court, but also contributed immensely to the violation of the human rights of the citizens. Some of these multiple challenges include the provisions of the Sheriffs and Civil Process Act, Cap. S6 2004 (SCPA), which are not only obsolete and unsuitable considering the current realities, but also create hardship to the judgment creditors in the process of enforcement. Section 84 of SCPA which stipulates that money in the custody of a public officer cannot be attached without the consent of the Attorney-General is a good example in this regard. Other challenges include the order of stay of execution that is being indiscriminately used to frustrate judgment creditors from enjoying the fruits of their judgment instead of its original intendment for the preservation of the Res, conflicting court judgments by both appellate and courts of coordinate jurisdiction, disobedience to court orders, lack of funds for execution of court judgments, lack of a fully armed enforcement unit directly answerable to the judiciary, immunity clause, lack of judicial independence, corrupt practices by court officials etc.

Although extensive scholarship exists on judicial independence and access to justice in Nigeria, limited attention has been given to the institutional mechanism responsible for translating judicial decisions into practical outcomes.

The research questions which this article answered include the following:

1. What are the major legal barriers affecting enforcement of court judgments and orders in Nigeria?
2. How does institutional weakness contribute to ineffective enforcement of judicial decisions?
3. What reforms are necessary to strengthen judgment enforcement mechanisms in Nigeria.

The focus of this article is to examine and analyze the range of issues surrounding the challenges to the enforcement of court judgments in Nigeria, ranging from some statutory provisions, many of which are obsolete and not in sync with the current realities, to some institutional challenges to the seamless enforcement of court judgments and orders in Nigeria.

Conceptual clarification of key words

The Court: Court is a governmental body consisting of one or more judges who sit to adjudicate disputes and administer justice.[3] Court could also be referred to as a judge or judges who sit on such a governmental body or the building where the judge or judges convene to adjudicate and administer justice.[4] The court is the organ of government that issues orders for the maintenance of law and order in the society. The judicial powers of the federation are vested in the courts by virtue of section 6(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

Court Order: Court order is an order issuing from a competent court that requires a party to do or abstain from doing a specified act.[5] According to Oxford Advanced Learner's Dictionary[6] court order is a decision that is made in a court of law about what must happen in a particular situation. Blacks Law Dictionary[7] defined it as a written direction or command delivered by a court or judge. Court order is an official proclamation by a judge (or panel of judges) that defines the legal relationships between hearing, a trial, an appeal or other court proceedings.

The power of the Court to make Court Orders otherwise known as Judgments is derived from the judicial powers that is granted to it by section 6 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

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[3] Bryan A. Garner, *Black's Law Dictionary,* 7th Edn. 1999.P.356
[4] Ibid
[5]< https://www.merriam-webster.com>
[6] 6th edition
[7] 7TH edition

Judgment: The Supreme Court in the case of *Saraki & Anor v Kotoye*[8] defined "Judgment" as "a binding, authentic, official, judicial determination of the court in respect of the claims and actions before it." According to the learned authors, Ernest Ojukwu and Chudi Ojukwu in their book, *Introduction to Civil Procedure*, "Judgment is the final decision of the court resolving the dispute and determining the rights and obligations of the parties."[9] Section 95 of the Sheriffs and Civil Process Act[10] defined Judgment as "including any judgment, decree or order given or made by a court in a suit whereby any sum of money is made payable, or any person is required to do or not to do any act or thing other than payment of money."

Enforcement: Enforcement is the legal process compelling observance with a law, rule, obligation or an order made by a court of competent jurisdiction. Court orders create a legal obligation on the person against whom it is made. Failure to comply with Court Orders, entitles the successful party to use legal enforcement procedure to enforce compliance. According to Kaananwi and Duson,[11] enforcement means the act or process of compelling compliance with a law, mandate, command, decree or agreement. Boma Gordon Diepiri in his paper, *Enforcement of Judgment and Orders of Court: Role of Judicial Administrators*,[12] described execution and enforcement of judgment and orders as the process of impelling and compelling compliance with the judgment and orders of a court of competent jurisdiction.

Section 287 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) provides that the decisions of the Supreme Court of Nigeria and other courts listed in the Constitution shall be enforced in any part of the Federation by authorities and persons and by courts with subordinate jurisdiction to the Supreme Court.

Apart from the Constitution, the process of enforcement of judgments and orders in Nigeria are governed by the following legal framework, Sheriff and Civil Process Act Cap S6 Laws of the Federation of Nigeria LFN 2004 and Judgments Enforcement Rules made pursuant to it, Reciprocal Enforcement of Judgment Act, Cap 175 Laws of the Federation of Nigeria LFN 1958, and Foreign Judgments (Reciprocal Enforcement) Act Cap. 35 Laws of the Federation of Nigeria LFN 2004.

Legal framework for enforcement of court judgments and orders

The 1999 Constitution of the Federal Republic of Nigeria (as amended): The 1999 Constitution of the Federal Republic of Nigeria as a grundnorm[13] and first legal framework for enforcement of judgement is replete with provisions that centers on the enforcement of court judgements and orders in Nigeria.

First, section 1 (1) of the Constitution states thus: "This Constitution is supreme and its provisions shall have binding force on all authorities and persons throughout the Federal Republic of Nigeria." Section 1 (3) states that: "If any other law is inconsistent with the provisions of this constitution, this constitution shall prevail, and that other law shall to the extent of the inconsistency be void." A court of law cannot enforce a judgement or order that it has no power to give. The judicial powers of the Federation which enables the court to adjudicate over a matter, make a pronouncement and enforce the decision thereafter, if need be, is vested in it by section 6 (1) (2) and (3) of the constitution. The power of the Court to make Court Judgements and Orders is derived from the judicial powers that is granted to it by section 6 of the 1999 Constitution of the Federal Republic of

[8] (1992) 9 NWLR (PT. 264) P.154

[9] Ernest Ojukwu and Chudi Ojukwu, *Introduction to Civil Procedure* (Helen-Roberts Nigeria 2002) p.248

[10] Cap.S6 LFN 2004 Vol. 14

[11] Kaananwi and Duson, Practical Challenges to the Enforcement of Judgments in Nigeria. International Journal of Innovative Legal Practical Studies 2020 (Vol. 8 (2) 1-12. Available athttps://www.se.ahipj.org accessed on 20th October, 2025.

[12] Boma Gordon Diepiri, Execution and Enforcement of Judgment and Orders of Court, A paper presented on the occasion of the refresher course of the Chief Registrars, Deputy Chief Registrars, Directors and Secretaries of Judicial Service Commissions/Committee at NJI Abujahttps://nji.gov.ng accessed on 20th February, 2026.

[13] Grundnorm is the law from which all other laws in a society drive.

Nigeria (as amended). According to B.O. Nwabueze in his book[14] Judicial Power is "The power for the determination of the civil rights and obligations of persons in cases of controversies brought before the Courts by such regular proceedings as are established or recognized by law and customs."

Section 287 of the constitution required that the decisions of courts in Nigeria ranging from the Supreme Court down to the last court established by the constitution shall be enforced in any part of the Federation by courts below. Section 287(1) (2) and (3) of the 1999 Constitution (as amended) provides as follows:

> **287**(1) The decision of the Supreme Court shall be enforced in any part of the Federation by all authorities and persons, and by court with subordinate jurisdiction to that of the Supreme Court.
> (2) The decision of the Court of Appeal shall be enforced in any part of the Federation by all authorities and persons, and by court with subordinate jurisdiction to that of the Court of Appeal.
> (3) The decision of the Federal High Court, a High Court and all other courts established by this Constitution shall be enforced in any part of the Federation by all authorities and persons, and by other courts of law with subordinate jurisdiction to that of the Federal High Court, a High Court and those other courts, respectively.

Also, item 57 of the exclusive legislative list in the second schedule of the constitution provides for service and execution in a state of the civil and criminal processes, judgments, decrees, orders and other decisions of any court of law outside Nigeria or any court of law in Nigeria other than a court of law established by the House of Assembly of that state. These service and execution are regulated through the provisions of the Sheriffs and Civil Process Act.

Sheriffs and Civil Process Act Cap S6 LFN 2004 and Sheriffs and Civil Process Laws of the States

Apart from the constitution which is the grundnorm, the Sheriffs and Civil Process Act, Cap S6 LFN 2004 is another major legal framework for the enforcement of judgment and orders of court in Nigeria. According to the preamble, SCPA is an Act to make provision for the appointment and duties of sheriffs, the enforcement of judgments and orders, and the services and execution of civil process of the Courts throughout Nigeria. In furtherance of this object, it made copious provisions that deals with enforcement of court judgments and orders in Nigeria though mostly obsolete and not in sync with current realities.

Some of the provisions of SCPA that deals with the execution of court judgments and orders includes section 12 which provides that "where sentence of death has been pronounced upon any person and the President or Governor, as the case may be, has ordered that the sentence shall be carried into execution, the same shall be carried into execution by the sheriff or a deputy sheriff or by some person appointed by the sheriff or deputy sheriff."

Provided that if it appears to the President in the case of the Federal Capital Territory Abuja or to the Governor in charge of a State that the attendance of the sheriff or a deputy sheriff at the place at which the execution is to be carried out cannot be obtained without undue delay or inconvenience, the President or Governor may detail any other officer in the Territory or in the State, as the case may be, to perform the duties of the sheriff in relation to such execution.

On the seizure of goods and securities and custody thereof, section 25 of the Act provides that "Every sheriff or officer executing any writ of execution issued from a court against the goods or chattels of any person may by virtue thereof seize:

a. Any of the goods and chattels of that person, except the wearing apparel and bedding of that person or his family and the tools and implements of his trade,

[14] B.O. Nwabueze, Judicialism in Commonwealth Africa (London C. Haurst & Co 1977) P.1-2 cited in Jacob Abiodun Dada, Judicial Remedies for Human Rights Violation in Nigeria.P4.

to the value of ten naira, which shall to the extent be protected from seizure; and

b. Any money, bank notes, bills of exchange, promissory notes, bonds, specialties or securities for money belonging to that person.

Also, on the execution of court order for committal to prison custody, section38 (1) and (2) provides thus:

> **38** (1) Whenever any order or warrant for committal of any person to prison is made or issued by a court, whether in pursuance of this or any other Act or Law or of Rules of Court made under this Act, the order or warrant shall be directed to the sheriff, who shall thereby be empowered to take the body of the person against whom the order is made or warrant issued, and deliver him to the officer in charge of the prison mentioned in the order or warrant.
> (2) The officer in charge of the prison mentioned in any such order or warrant shall be bound to receive and keep the person therein mentioned until he is lawfully discharged.

The Act also in section 66 provides amongst other things that a judgement debtor who has the power of complying with a judgment of the court or neglects to do so can be arrested and detained in a custody or where he is already in detention, an order for his continued detention given by court.

Judgment (Enforcement) Rules

Another very important legal framework for enforcement of court judgments and orders in Nigeria is Judgments (Enforcement) Rules made pursuant to Sheriffs and Civil Process Act Cap S6 Laws of the Federation of Nigeria 2004. It contains various rules for the implementation of the provisions of the Act.

Order IV rule 9(1) (d) and order 5 of the Judgments Enforcement Rules are of the same effect with section 84 of the SCPA. Order IV rule 9(1) amongst other things, provides that leave of court must be obtained where a party is entitled to execution against a public officer. Order V rule 5 specifically stated thus:

> Property in the custody or under the control of any public officer in his official capacity shall be liable to attachment in execution of a judgment with the consent of the Attorney-General, and property in custodial legis shall be liable also to attachment by leave of court. In such cases, the order or notice of the attachment must be delivered to such public officer, or to the registrar, as the case may be.

Arbitration and Conciliation Act Cap A18 LFN 2004

According to the preamble to the Act, Arbitration and Conciliation Act, Cap A18 Law of the Federation of Nigeria 2004 is an Act to provide a unified legal framework for the fair and efficient settlement of commercial disputes by arbitration and conciliation; and to make applicable the Convention on the Recognition and Enforcement of Arbitral Awards (New York Convention) to any award made in Nigeria or in any contracting State arising out of international commercial arbitration.

Arbitration and Conciliation Act is one of the legal frameworks for Enforcement orders and Judgments in Nigeria. Decisions arrived by arbitration tribunal is akin to judgments of court and are binding on the parties. In *Okpuruwu v Okpokum*[15] the Court of Appeal held that the decision of the arbitration is binding on the parties and the Supreme Court will enforce it.

Section 31(1) (2)(a)(b) and (3) on Recognition and Enforcement of Awards provides as follows:

> **31** (1) An arbitral award shall be recognized as binding, and subject to this section and section 32 of this Act, shall, upon application in writing to the court, be enforced by the court.

[15](1988) 4 NWLR P. 55

(2) The party relying on an award or applying for its enforcement shall supply-

(a) the duly authenticated original award or a duly certified copy thereof; and

(b) the original arbitration agreement or a duly certified copy thereof.

(3) An award may, by leave of the court or a judge, be enforced in the same manner as a judgment or order to the same effect.

Section 51(1) of the Act also stated thus: "An arbitral award shall, irrespective of the country in which it is made, be recognized as binding and subject to this section and section 32 of this Act, shall, upon application in writing to the court, be enforced by the court."

Institutional Theory of Judicial Effectiveness

Institutional theory of judicial effectiveness explains why some courts make decisions that governments and citizens obey, while others struggle to enforce their judgments. The theory explains that, rather than judges' personal qualities, the legal, political, and organizational institutions surrounding the judiciary largely determine a court's effectiveness.

A court's capacity to decide cases independently, produce credible judgments, protect rights, resolve disputes fairly, and ensure that its orders are implemented means judicial effectiveness. A court may have formal powers on paper, but it is not effective if government officials ignore its rulings. The main argument of institutional theory is that courts depend on their environment. Courts have neither purse nor sword. They therefore rely on other institutions—such as legislatures, executive agencies, lawyers, the media, civil society, and the public—to respect and implement their decisions. The judiciary is effective when these institutions support legal authority.

The theory also highlights the importance of legitimacy. People are more likely to accept court decisions when they believe that judges are impartial, procedures are fair, and judgments are understandable. Public confidence gives courts moral and political authority, particularly in cases where they must review actions of powerful government officials.

Political support and compliance are equally important. A court may issue a legally sound ruling, but the decision has limited practical value if the executive refuses to carry it out. In conclusion, institutional theory presents judicial effectiveness as the result of a functioning legal and political system rather than the work of judges alone.

Challenges to the enforcement of court judgments and orders in Nigeria

Government Debts and Section 84 of the Sheriffs and Civil Process Act (SCPA): The Sheriffs and Civil Process Act (SCPA) Cap. S6 Law of the Federation of Nigeria (LFN) 2004 is to a large extent, the law that regulates the enforcement of court judgments in Nigeria. However, this law and the Judgments Enforcement Rules made pursuant to it have enshrined in them some provisions that constitute a clog in the wheel of seamless enforcement of court judgments in Nigeria. For instance, in Garnishee proceedings, a major challenge that faces judgement creditors trying to satisfy their judgement debts from governments and their agencies is section 84 of SCPA which makes it compulsory for the consent of the appropriate officer to be sought and obtained before money in the custody or under the control of a public officer in his official capacity or in Custodia Legis will be attached. Similar provisions can also be found in order IV rule 9(1) (d) and order 5 of the Judgments Enforcement Rules, which are of the same effect in their respective provisions. Order IV rule 9(1), amongst other things, provides that leave of court must be obtained where a party is entitled to execution against a public officer. Order V rule 5 specifically stated that:

> Property in the custody or under the control of any public officer in his official capacity shall be liable to attachment in execution of a judgment with the consent of the Attorney-General, and property in Custodia Legis shall be liable also to attachment by leave of court. In such cases, the order or notice of the attachment must be delivered to such public officer, or to the registrar, as the case may be.

The requirement for the Attorney-General's consent before a monetary judgment can be enforced against the government and its agencies is not limited to the federal government by virtue of section 84 of the SCPA. Some State Proceedings Laws also have similar provisions. For instance, the State Proceedings Law of Rivers State[16] stipulates that: "if there is an order for the payment of money, the Attorney-General shall direct the payment of the amount awarded by the order and in the case of any other order, he may take such measures necessary to cause the order to be carried into effect." He may also direct the filing of an appeal against any order. In practical terms, what this means is that, in Rivers State, no execution shall be issued against the government unless a copy of the order is sent to the Attorney-General, who shall then direct the payment in case of monetary judgment or may decide to appeal against the order.[17]

The supremacy of the Constitution of the Federal Republic of Nigeria 1999[18] is undermined by section 84 of the SCPA. Apparently alluding to the potency of this constitutional provision in section 1(3), the Supreme Court of Nigeria in the case of *A.C.B. v Losada (Nig) Ltd*[19] held that "It has never been the case in our laws that the provisions of any ordinary statute would render nugatory the relevant provisions of the constitution. Therefore, if any law of the state, including subsidiary legislation… is inconsistent with the provision of the constitution, the provision of the constitution prevails, and the state law is to the extent of inconsistency void."

The provisions of section 84 of SCPA are also manifestly inconsistent with the provisions of the constitution in section 287(1)(2) & (3), which provides as follows:

> (1) The decision of the Supreme Court shall be enforced in all parts of the Federation by all authorities and persons, and by a court with subordinate jurisdiction to that of the Supreme Court.
> (2) The decision of the Court of Appeal shall be enforced in all parts of the Federation by all authorities and persons, and by a court with subordinate jurisdiction to that of the Court of Appeal.
> (3) The decisions of the Federal High Court, a High Court, and of all other courts established by this Constitution shall be enforced in any part of the Federation by all authorities and persons, and by other courts of law with subordinate jurisdiction to that of the Federal High Court and those courts, respectively."

The courts have, however, in some cases held that the provisions of section 84 of the SCPA and its similar laws at the State level are not inconsistent with the Constitution. This position was taken in the case of *Onjekwu v Kogi State Ministry of Commerce and Industry,*[20] where the Court of Appeal held that the provisions of section 84(1) of the Sheriffs and Civil Process Act, which require the consent of the Attorney-General before garnishee proceedings can be commenced, are not against the Constitution of the Federal Republic of Nigeria 1999 (as amended). The position was maintained in the case of the Government of *Akwa Ibom State v Powercom Nig. Limited*[21] where the Court of Appeal also held that the provisions of section 84 of the Sheriffs and Civil Process Act were not inconsistent with the provisions of the CFRN 1999 (as amended). According to the court in that case, obtaining the fiat from the Attorney-General is a condition precedent. Despite these decisions, the fact remains that section 84 of the SCPA has been weaponized by the government and its agencies, especially the Central Bank of Nigeria, which often uses this provision to frustrate the judgment creditors and escape paying the judgment sum.

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[16] Cap. 127, LRSN 1999 Vol. 624 Cited in Kaananwi P. Luke and Nuleera A. Duson, *Practical Challenges to the Enforcement of Judgements in Nigeria*: *International Journal of Innovative Legal & Political Studies* 2020 8(2) p.1-12 < www. Seahipaj.org> accessed on 10th March, 2025.
[17] ibid
[18] Section 1(1)
[19] (1995) 7 NWLR (Pt. 405) P.26
[20] (2003) 10 NWLR (Pt. 827) P.40
[21] (2005) ALL FWLR (Pt.246) 1353

In the case of *Purification Techniques Nigeria Limited v Attorney-General of Lagos State*,[22] the court stated that money of a public officer in the hands of a commercial bank does not fall into the categories of monies in the hands of a public officer, and the consent of the Attorney-General is not required to attach such money. The question to ask is, in this era where all monies belonging to the Federal Government are required as a policy to be kept in the Treasury Single Account (TSA) domiciled in the Central Bank of Nigeria, how much of the government money, especially the federal government, is still being kept in the commercial banks? In so far as government money kept in the Central Bank of Nigeria cannot be attached without the consent of the Attorney-General, there is still a problem.

In the case of *CBN v Interstella Communications Ltd,*[23]The court held that the requirement of the Attorney-General's consent in section 84 of SCPA is not applicable and unnecessary if the Attorney-General of the Federation or of a state is a party to the proceeding leading to the judgment debt or has admitted or made part-payment of the judgment debt.

These recent decisions, despite seeming to have provided some sort of succour and respite to the judgment creditors, did not totally address the legal challenges posed by this section in the SCPA to judgment creditors in the effort to realize the fruits of their victory after litigation. The rationale behind section 84 of SCPA include protection of public funds; prevention of disruption of government functions and ensuring accountability before attachment. However, while section 84 serves legitimate public interest objectives, its application has sometimes resulted in undue protection of judgment debtors who are public institutions. Therefore, in the opinion of this author, section 84 of the SCPA should be amended to state that a mere notice of order nisi to the Attorney-General, which will be delivered to his office, is enough for the funds in the custody of a public officer to be attached. This notice, just like any other pre-action notice, will address the concern being raised about possible embarrassment to the government by not giving it notice before attachment, which is the underlying reason given for this law. This will also save the judgment creditors from unwarranted hardship encountered in the process of having to beg for the Attorney-General's consent in order to realize the fruits of their victory in court.

Abuse of Order of Stay of Execution of Court Judgment: Another legal challenge to the enforcement of court judgments and orders in Nigeria is the reckless issuance of Stay of Execution orders. Stay of Execution is an order by a court to temporarily or in the interim suspend the execution of another court's order or judgment. Power to grant Stay of Execution is one of the inherent and discretionary powers of the courts of law, and the effect, according to the Supreme Court per Olabode Rhodes-Vivour, JSC in the case of *SPDC (NIG) Ltd v Amadi& Ors*[24] is to temporarily stop the beneficiary of the judgment from enjoying the fruits of the judgment while the appeal is being heard. The court in that case also maintained that the aim is to protect the RES from destruction, thereby avoiding a situation where the court hearing the appeal is presented with fait accompli.[25]

In the case of *Nnamani BE Nnnaji Nwobodo v Okida Akkah,*[26] The Court of Appeal stated that an order for Stay of Execution is a discretionary matter and as with all exercises of discretion, it must be done judiciously and judicially. The courts in some Nigerian locus classicus cases, such as *Vaswani Trading Co. Ltd v. Savalakh & Co.*[27] *Ajomale v Yaduat,*[28]*Akilu v Oduntan & Ors,*[29] laid down a principle to the effect that a special or exceptional circumstance that would warrant a stay of execution should involve a consideration of some collateral circumstances, in which, unless a stay is granted,

[22] (2004) ALL FWLR (Pt.)211, 1479
[23] (2017) ALL FWLR (Pt. 930) 442, (2018) 7 NWLR (Pt. 1617) 294 (SC).
[24] (2011) LPELR-3204 (SC).
[25] Fait accompli according to Bryan A. Garner's Black's Law Dictionary Ninth Edition p.676, is "a deed accomplished," which is not merely legal, is related to this word.
[26] (2016) lcn/8172(CA).
[27] (1972) ALL NLR 922; (1972) 12 SC 50.
[28] (1991) 5 NWLR (Pt. 191) p. 266.
[29] (1991) 2 NWLR (Pt. 171).

the subject matter of the proceeding will be destroyed, or the court will be foisted with fait accompli. Any circumstances which will render any order or orders of an appellate court nugatory or in one way or the other inhibit the litigant from exercising his constitutional right of appeal or generally produce a situation in which whatever outcome of the appeal even if the appellant wins, means there could not be return to status quo ante is a special circumstance for stay of execution according to the principle.

The Court of Appeal in the case of *Zenith Intl Bank Ltd v. Alobu*[30] stated that an appeal does not operate as a stay. According to the court in that case, "An appeal where lodged does not operate as a stay of execution. Until a prayer for stay of execution is made and obtained, the judgment creditor is entitled to enforce the judgment." The court has also maintained that a person who is in continuous disobedience to court orders is not entitled to have the discretion of stay of execution exercised in his favour. In this regard, the Supreme Court in the case of *Onwochei Odogwu v Otemeoku Odogwu*[31] maintained that[32] **"**Stay of execution of an order of court poses a challenge to the enforcement of court judgments and orders of court, especially when it is predicated on frivolous applications with a sinister intention to delay enforcement." In order to confront the challenge to the seamless enforcement of court judgments and orders by an inordinate order of stay of execution, courts should ensure that the principles for granting an order of stay of execution are being followed strictly, as was done in the case of *Hon. Iliasu Ibrahim v. Kwara State House of Assembly*[33] where the Court of Appeal Ilorin Division, per Hon. Justice Uchechukwu Onyemenam on March 15th 2015, dismissed the motion for stay of execution, stating that the House of Assembly did not give sufficient reason for the court to grant it. In dismissing the application, the court stated thus:

> In my humble opinion, therefore, the applicants have failed to show the untold hardship they will suffer, which could be avoided without damage to the respondent by the grant of a stay. They have failed to satisfy the court by showing exceptional circumstances to warrant the preservation of the res and maintenance of status quo and; a resultant grant of stay of execution of the part of the judgment that is executory or injunction restraining the respondent from giving effect to the judgment of the High Court of Kwara State in Suit No: KWS/41/2014, delivered on June 13, 2014.

Conflicting Court Judgments: Conflicting court orders are another impediment to the enforcement of court judgments and orders in Nigeria. A nebulous, ambiguous, and imprecise order coming out of different courts on the same subject matter, especially courts of coordinate jurisdiction, will no doubt be difficult to enforce. Most of the Judges of courts of coordinate jurisdiction

[30] (2017) 4NWLR (Pt.1554) p. 135

[31] (1992) Legalpedia (SC) 81461

[32] The grant of stay of execution is entirely within the discretion of the court making the order. For an applicant to be entitled to the exercise of the discretion he must bring his conduct within the legitimate scope of the exercise of discretion. –See Leavis v. Leavis (1921) P.299. Hence, where he is in continuing disobedience of the order of the court, I do not conceive it legitimate to consider the exercise of discretion in his favour. -See Gower v. Gower (1938) P. 106. The contumacious behavior is more egregious and censorious where the Applicant seeks the discretion of the court to endorse such a behavior. The courts guard its powers and images jealously. It should therefore be extremely wary in the manner it exposes such image, the diminution of its powers and the enforcement of its authority to public ridicule. In my respectful opinion as no court has an inherent jurisdiction to set aside the exercise of discretion of another except where such exercise has been capricious, or based on extraneous factors, and not following the accepted principles so will the valid exercise of discretion to stay execution not be interfered with.

[33] *(Suit No:KWS/41/2014) (Unreported)* available at Umar Bayo Abdulwahab, Kwara Assembly Leadership Disobeying Court order, suspended member says, Blueprint newspaper, April 29, 2015 https://www.blueprint.ng accessed on 01/11/2022

sometimes, despite being aware of subsisting judgments and orders of courts on similar matters, issue conflicting orders that make enforcement difficult.[34]

Conflicting court orders, especially *ex parte* orders, often by a court of coordinate jurisdiction, is another way through which the judiciary willfully and/or inadvertently encourages disobedience to its orders, hence making enforcement difficult. Conflicting court orders are final or interim orders or decisions of courts of coordinate jurisdictions or of different divisions in the same court hierarchy, both of which contradict each other in respect of the same subject matter.[35] Conflicting judgments, which have constituted an enormous clog in the wheel of progress of the administration of justice system in Nigeria, especially the enforcement of court judgments, were also described as inconsistent or incompatible final decisions/opinions of courts of coordinate jurisdictions on the same or similar facts in dispute.[36]

Obedience to court orders depends a lot on the certainty and finality of the orders, subject to the rights of appeal. Conflicting court orders, especially of courts of coordinate jurisdictions, are a veritable recipe for disobedience to court orders. This situation occasions erosion of confidence in the judiciary and its ability to maintain law and order in society.

According to Ezebuiro Anthony U. et al [37] "There is no gainsaying that the Nigerian judiciary is currently being threatened by incessant contradictory and conflicting court judgments, which not only causes problems among and for legal officers, but also raises serious concern and suspicions for those outside the bench; thereby questioning the authenticity and justiciability of legal justice in Nigerian courts." Also commenting on the issue of erosion of people's confidence in the judiciary due to conflicting judgments, E. Q. Okolie, in his article[38] stated thus:

> The conflicting judgments of courts, even in election matters, can in effect destroy the very foundation of the Rule of Law, democracy, and any decent society. It erodes the confidence of people in the judiciary, especially when judgments are alleged to emanate under very questionable circumstances. This, as a matter of fact, hinges on judicial precedents. Rather than our courts providing solutions to conflicts, they are now embroiled and enmeshed in confusion and conflicts emanating from contradictory and/or conflicting decisions of the appellate courts, especially the Court of Appeal where we have a notorious fact of an avalanche of conflicting judgments by different Divisions or Panels on election matters.

Conflicting court orders are no doubt one of the means through which the judiciary either advertently or inadvertently orchestrates disobedience of its own orders, thereby trammeling the smooth process of the enforcement of its judgments. This anomaly, which is mostly prevalent in election matters, is not of recent occurrence. In 1993, precisely on the eve of the June 12 presidential election, a group called Association for Better Nigeria (ABN) under the leadership of late Senator Arthur Nzeribe got late Justice Bassey Ikpeme of the FCT High Court to issue an ex parte order

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[34] Ezebuiro Anthony U, Ogbodo Ignatius I and Ogu Uche K, Conflicting Judicial Judgments in the Nigerian Legal System: A Lesson from David Hume's Denial of Causation in Law. Available at <https://www.researchgate.net/publication >Accessed on 19th April, 2026.

[35] Mamman Mike Osuman, *Conflicting orders and decisions of courts on political matters*<https//www.guardian.ng/features/law/conflicting-orders-and-decisions-of-courts-on-political-matters/> accessed on 18th November, 2022.

[36] Ezebuiro Anthony U, Ogbodo Ignatius I and Ogu Uche K, Conflicting Judicial Judgements in the Nigerian Legal System: A Lession from David Hume's Denial of Causation in Law <https://www.researchgate.net/publication/356535881_CONFLICTING JUDICIAL-JUDGEMENTS-IN-THE-NIGERIAN-LEGAL-SYSTEM-A-LESSION-FROM-DAVID-HUMES-DENIAL-OF…>

[37] Ezebuiro Anthony U, Ogbodo Ignatius I and Ogu Uche K, Conflicting Judicial Judgements in the Nigerian Legal System: A Lession from David Hume's Denial of Causation in Law <https://www.researchgate.net/publication/356535881_CONFLICTING JUDICIAL-JUDGEMENTS-IN-THE-NIGERIAN-LEGAL-SYSTEM-A-LESSION-FROM-DAVID-HUMES-DENIAL-OF…>

[38] E.Q.Okolie, A Critical Review of Conflicting Judgments of Appellate Courts in Election Matters p. 1-9 <https://www.globalacademicgroup.com/journals/knwledge> accessed on 30th November, 2025.

restraining Professor Humphrey Nwosu's National Electoral Commission from proceeding with the conduct of the presidential election. While this order was still pending, there were other subsequent counter-court orders from other parts of the country directing NEC to continue with the election, a situation that brought chaos in the country and eventually culminated in the eventual annulment of the election by General Babangida's military government. Owing to the seriousness of the issue of conflicting court orders, Professor Mahmood Yakubu, chairman of INEC, during his courtesy visit to the former CJN Walter Onnoghen in 2018[39], called on the former CJN to address the spate of conflicting judgments on electoral cases in the country.[40]

Conflicting court orders have become a major problem for the judiciary, especially as it affects obedience to valid court orders. In 2021, in a bid to checkmate the ugly trend, it was reported in one of the daily newspapers that three High Court Judges were barred by the NJC from promotion for five years for giving conflicting court orders in cases involving the former national chairman of the Peoples Democratic Party (PDP), Prince Uche Secondus. In that case, the NJC came very hard on one of the judges, Hon. Justice Edem Ita Kooffreh of the High Court of Cross River State. According to the report, the NJC decided that "Hon. Justice Edem Ita Kooffreh of the High Court of Cross River State will not be promoted to higher Bench for five years for allowing himself to be used as a tool for "forum shopping" and abuse of court process in between Mr. Enang Kanum Wani and Uche Secondus,[41] as it was evident that, in granting the ex parte order, he was seised of earlier orders of the High Courts of Rivers and Kebbi states, being courts of coordinate jurisdiction with his. "He is also to receive warning letter to be circumspect in granting such ex parte orders in the future. The council also placed him on its watch-lists for a period of two years."

In 2022, the Chief Judge of the Federal High Court, Justice Tsoho, exercising the powers conferred on him by sections 254,285 (9), (10) and (14) of the Constitution of the Federal Republic of Nigeria 1999, sections 29(5) and 84(14) of the Electoral Act 2022 and all other powers enabling him in that behalf, issued a new practice direction, one of the main focus of which was to tame the endemic problem of conflicting court orders due to multiplicity of cases on similar issues. According to the practice direction conveyed in a circular dated 7th July, 2022[42] and signed by the Assistant Director of Information, Federal High Court, Dr. Catherine Christopher, litigant's lawyers are now compelled to file an affidavit of non-multiplicity of action on the same subject matter. This is a commendable step by the Chief Judge of the Federal High Court, and it is recommended to the Chief Judges of State High Courts where these conflicting court orders are also a menace.

Conflicting court judgments continue to rear their ugly head as a formidable challenge to the enforcement of court judgments and orders in Nigeria. In a recent PDP leadership tussle, many court orders were issued on the same subject matter (Holding of PDP Convention) by courts of coordinate jurisdiction, one court approving and another court stopping the convention. According to This Day Newspaper,[43] on October 31, 2025, Justice James Omotosho of the Federal High Court Abuja, stopped PDP from going ahead with the convention. He said evidence before the court showed that the party failed to hold valid state congresses contrary to the 1999 Constitution, INEC guidelines as well as the PDP's Constitution. But in a dramatic twist, on November 4, an Oyo State High Court presided over

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[39] Source, <inecnigeria.org/news-all/inec-seeks-cjns-intervention-over-conflicting-court-judgments/> accessed on 18th November, 2022

[40] According to him, the commission was worried about the recurring decimal among courts of coordinate jurisdiction on the same subject-matter, especially in cases related to pre-election and leadership crises in political parties. He gave example of a certain leadership crises in one political party, where the commission was served with six conflicting judgments and orders from courts of coordinate jurisdictions within a short period of three months (May-July 2016). He lamented that in a similar way, the commission was confronted by conflicting pronouncements by the lower courts on matters already decided by the superior courts, including the Supreme Court, thereby making the work of the commission difficult.

[41] Suit No: HC/240/2021

[42] Sunday Ejike, *CJ issues sweeping directive on pre-election cases: Approves only two adjournments* (Nigerian Tribune 30 November,2022) p. 25

[43] THISDAY ONLINE EDITORIAL of 16th November 2025, *Endless Conflicting Orders from Courts* <https://www.thisdaylive.com> accessed on 14th May, 2025.

by Justice A.L Akintola, ordered the PDP and the acting National Chairman, Umar Damagum, to proceed with the convention. He issued the order following an ex parte application filed by Folahan Malomo Adelabi.

Another dramatic twist was also added to the imbroglio when Justice Peter Lifu of the Federal High Court, Abuja, also issued an order barring INEC from supervising, monitoring, or recognizing the outcome of the Oyo convention if held. Justice Lifu issued the order while delivering a ruling on an application filed by a former Governor of Jigawa State, Sule Lamido, who sued the party for allegedly being denied an opportunity to buy a chairmanship nomination form that would enable him to participate in the convention. All these three conflicting court orders were issued by courts of coordinate jurisdiction on the same subject matter, thereby making their enforcement very challenging, if not totally impossible.

Institutional Disobedience to Court Judgments and Orders: One of the major challenges confronting the enforcement of court judgments and orders in Nigeria is disobedience to court judgments and orders. Both the executive, the legislative, and litigants themselves have, in no particular order, contributed to this ugly trend. The judiciary has also contributed through its incessant issuing of nebulous orders that are capable of misinterpretation.

***Disobedience to Court Orders by The Executive Arm of Government*:** Disobedience to court orders in Nigeria by the executive arm of government, especially the law enforcement agencies, is a recurring decimal that has defied all public outcry. On many occasions, concerned citizens in Nigeria have expressed worry about the spate of disobedience to court orders in spite of democratic governance.[44] They observed that some elements saddled with the responsibility of protecting the law are somewhat found to be aiding and abetting disobedience to court orders in some cases.[45]

In the case of *Olowe & Anor v Aluko*[46] The Court of Appeal, per Danjuma, J.C.A., on the effects of disobedience to court orders had this to say:

> A party that disobeys a clear court order does so at its own peril. In the case of *Ibafon Co. ltd v Nigerian Ports Plc* (2000) 8 NWLR (pt. 667) 86 @ 111, this court, per Aderemi, JCA (as he then was) had this to say regarding disobedience to court orders, thus: "Generally, orders of the court must always be seen to be obeyed if the authority and administration of the court are not to be brought into disrepute, scorn or disrespect. So, disobedience of the court's order is a matter to be viewed seriously; It is tantamount to contempt of court. It must be remembered that the principles enshrined in the law of contempt are there to uphold and ensure the effective administration of justice. They are the means by which the law vindicates the public interest in the administration of justice.

In the case of *APC & Ors v. Karfi & Ors*[47] Wambai J.C.A. was emphatic when he stated thus:

> I abide by all the orders, therein made, in particular, all the consequential orders which are necessary to protect the sanctity and authority of the court as well as the administration of justice. Disobedience to court order is a very serious matter which should not be condoned, glossed over, or treated with kid gloves, but must be seriously frowned upon and appropriately handled before it erodes the very foundation of adjudication and stultifies the administration of justice. When we allow the very foundation of adjudication to be eroded with disdain, then we should be ready to say "goodbye" to the Rule of Law, peace, and orderliness, and welcome "Anarchy" and "Chaos", and the whole society suffers for it.
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> Obedience to orders of the court is fundamental to the sustenance of the rule of law and the promotion of good governance. Section 6 of the Constitution of the Federal

[44] Obike Ukoh, *Addressing the rate of disobedience to court orders*<https://www.thenationonlineng.net> accessed on 31st October, 2025.
[45] Ibid.
[46] (2014) LPELR-24235 (CA)Pp.20-21 paras. F.
[47] (2015) LPELR-41857 (CA) Pp. 45-46 paras. D

> Republic of Nigeria 1999 (as amended) vests judicial powers in the courts, empowering them to interpret the law and make binding orders. These judicial orders are not mere suggestions; they are mandates that ensure the supremacy of law over arbitrary actions and safeguard democratic principles.
> Furthermore, subsidiary legislation enacted by the National and State Assemblies supplements the constitutional framework by granting specific powers to the courts to issue various types of orders. The expectation is that these orders, whether derived from the Constitution or other enabling statutes, are to be obeyed by all persons and authorities. Disobedience undermines the authority of the judiciary, erodes public confidence in the legal system, and threatens the very foundation of governance based on the rule of law.

Obedience to orders of the court guarantees the rule of law and good governance. In addition to section 6 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), which granted judicial powers to the Courts, which includes the power to make orders, other subsidiary legislations made by the National and State Assemblies also enable Courts to make orders that are expected to be obeyed. In this regard, section 79 of the Criminal Procedure Act[48] on compelling appearance of an accused person stated thus: "A magistrate may issue a summons or warrants as hereinafter provided to compel the appearance before him of any person accused of having committed an offence in any place, whether within or without."

The judiciary cannot be considered truly independent or capable of delivering justice to all unless the foundational elements that guarantee its autonomy are firmly established and respected. Among these elements, adherence to court orders stands out as paramount. Regrettably, both federal and state governments have consistently failed to demonstrate exemplary leadership or uphold the rule of law in this regard, undermining the credibility and effectiveness of the judicial system. Cases abound where the agencies acting on behalf of the federal and state governments have refused to obey court orders, especially with respect to the release of detainees and payment of judgment debts.

According to the Socio-Economic Rights and Accountability Project (SERAP)[49], as of February 2022, eight court cases had been decided in favor of SERAP against the Federal Government, resulting in various court orders that the Federal Government has refused to comply with. Some of these cases, which were adjudicated at different times between 2016 and 2020, are as follows:

> *SERAP v Attorney-General of the Federation*[50] It is a notable case illustrating disobedience to court orders obtained by the Socio-Economic Rights and Accountability Project (SERAP) against the federal government. In this matter, which was heard before Hon. Justice Oluremi Oguntoyinbo of the Federal High Court in Lagos, the court delivered its judgment on 26th November 2019. The court ordered the Federal Government and the Attorney-General, Mr. Abubakar Malami, to challenge the legality of state laws granting life pensions to former governors and to recover pensions already collected by ex-governors currently serving as ministers or members of the National Assembly. To date, this court order has not been complied with.

In *SERAP v Attorney-General of the Federation*[51]Hon. Justice Mohammed Idris of the Federal High Court, Lagos, in his well-considered judgment delivered on 1st March, 2016, ordered the Federal government to prosecute principal officers and lawmakers suspected of padding and stealing N481 billion from the 2016 budget. The court also ordered publication of the report on the alleged 2016 budget padding. This order was not obeyed.

The flagrant and shameful disobedience to court orders by the Nigerian government is not confined to the territory of the Nigerian courts alone. This condemnable act was also brought to the

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[48] CAP 41 LFN 2010 Vol. 4
[49] Source, Adelanke Aremo, Senior Legal Adviser SERAP via <adelankearemo@serap-nigeria.org>
[50] (Suit No: FHC/L/CS/1497/2017 Federal High Court Lagos Judicial Division 26th November,2019).
[51] (Suit No: FHC/IKJ/CS/248/2011 Federal High Court Lagos Judicial Division 1ST March,2016).

doorstep of the ECOWAS Court of Justice. In *SERAP v. Federal Republic of Nigeria & Anor (No. 1),*[52] before their lordships Hon. Justice Hansane N. Donli, Hon. Justice Anthony Alfred Benin, and Hon. Justice Soumana D. Sidibe, the ECOWAS Court of Justice, in its judgment delivered on 27th October 2009, held that every Nigerian child is entitled to the right to education. The court ordered the Federal Government to provide education as a matter of right and to address corruption in the education sector. Regrettably, this judgment is yet to be implemented. The prolonged strikes by ASUU and other unions in tertiary institutions stand as clear evidence of this ongoing neglect.

Also, in *SERAP v Federal government*[53] Another ECOWAS Judgment delivered on 9th July, 2021, the court ordered the federal government to pay a journalist, Agba Jalingo, N30 million as compensation for ill-treating and torturing him while in detention in Cross River State. Again, this order is yet to be obeyed to date. Apart from the above-cited cases in which SERAP was involved, there are numerous other cases of disobedience to court orders by both the Executive branch of government. For instance, in the case of *Sgt Mikah & 243 Ors v FRN*[54] which came before their lordships Hon. Justice Edward Amoako Asante (Presiding), Hon. Justice Dupe Atoki and Hon. Justice Keikura Bangura, the ECOWAS court in its judgment delivered on the 15th of May, 2019 having agreed with the Applicant's counsel Femi Falana SAN that the dismissal of the Applicants from the services of the Nigerian Army without due process coupled with the withholding of their salaries and allowances for seven months is a violation of their fundamental rights to work and fair hearing, ordered the Respondent (Nigerian Army) to pay the sum of Two Million (N2,000,000) as cost of action and the sum of Two Million (N2,000,000) each to the Applicants as damages for unlawful dismissal. This order was also ignored.

One of the instances of show of shame and brazen display of the Nigerian law enforcement agencies' penchant and proclivity for disobedience to court orders is the case of the suspended Central Bank Governor, Godwin Emefiele. On July 25, 2023, at the Ikoyi Federal High Court in Lagos, the suspended former Central Bank Governor of Nigeria, Godwin Emefiele, appeared on charges of illegal possession of firearms and ammunition. Despite being granted bail and ordered to be remanded in the Nigerian Correctional Service Centre, operatives of the Department of State Services (DSS) defied the court order, attempting to rearrest Emefiele and refusing to release him to Correctional Service officials. This led to a physical altercation between DSS and Correctional Service personnel, resulting in chaos within the court premises.

In the case of *Dorothy Njemanze & 3 Ors v The Federal Republic of Nigeria* (Unreported),[55] the women by name, Dorothy Njemanze, Edu Ene Okoro, Justina Etim, and Amarachi Jessy forth were abducted and sexually assaulted, physically, verbally, and unlawfully detained at different times between January 2011 and March 2013 in the hands of the Abuja Environmental Protection Board (AEPB) and other government agencies, such as the police and the military. They arrested and accused of being prostitutes simply on the grounds that they were found on the streets at night. In its judgment, the ECOWAS court of justice in a case filed on the behalf by a group of NGOs, held that the arrest of the plaintiffs was unlawful and violated their right to freedom of liberty, as the Defendant state had submitted no proof that these women were indeed prostitutes. The court also found that branding the women prostitutes constituted verbal abuse, which violated the right of these women to dignity. Further, the court held that the arrest violated the right of these women to be free from cruel, inhuman or degrading treatments and also constituted gender-based discrimination. The court after examining the processes filed before it agreed and held that there were multiple violations of articles 1,2,3 and 18 (3) of the African Charter on Human and Peoples Rights; articles 2,3,4,5,8 and 25 of the Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol); articles2,3,5 (a) and 15(1) of the Convention on the Elimination of Discrimination against Women (CEDAW); articles

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[52] (Suit No: ECW/CCJ/APP/08/08 27TH October,2009).

[53] *(Suit No: ECW/CCJ/APP/10/2020 9th July, 2021)*

[54] (*Suit No: ECW/CCJ/APP/19/16, Judgment No: ECW/CCJ/JUD/21/19*15th May, 2019)

[55] Media Centre African Women's Development Fund, ECOWAS Court makes pronouncement on Maputo Protocol: Rules in favour of the plaintiffs in case of Dorathy Njamenze 3 Ors v Federal Republic of Nigeria(Suit No: ECW/CC/JUD/08/17) 13TH October,2017. Available at <https://awdf.org > Accessed on 20th April, 2026.

2(1), 3,7 and 26 of the International Covenant on Civil and Political Rights (ICCPR); articles 10,12,13 and 16 of the Convention against Torture (CAT); and articles 1,2,5.7 and 8 of the Universal Declaration of Human Rights (UDHR) and consequently awarded damages in the sum of Six Million Naira against the federal government of Nigeria in favour of the 1st ,3rd and 4th Plaintiffs.

The claim of the 2nd plaintiff was dismissed for being statute barred under the protocol creating the court. In its usual practice of disobeying court orders, the sum of Six Million Naira damage awarded to the plaintiffs has not been paid by the federal government of Nigeria till date.

Disobedience to Court Orders by government agencies is not limited to refusal to release from custody persons ordered to be released by the courts but also cut across the broad spectrum of all the areas that our courts have had to intervene in our national life. For instance the Nigerian Immigration Service (NIS) also joined the fray of the bandwagon of the government agencies that has the proclivity of disobeying court orders when it flagrantly refused to obey the Justice Inyang Ekwo of the Federal High Court Abuja Order delivered on the 18th October, 2021 asking it to release the former governor of Rivers State, Peter Odili's international passport.

Obedience to Court Orders is not only sine qua non for safeguarding of fundamental human rights of the citizens but also necessary for enthronement and entrenchment of the rule of law generally. For the rule of law to flourish, the executive, the police, the prison and other government agencies must respect orders of court even if they do not agree with them. They are also duty bound to prevent erosion of the orders and decisions given by the Judiciary. [56] Unfortunately, this is not the case in Nigeria. Disobedience to court orders by the agencies and commissions under the executive arm of government is restricted to only the law enforcement ones among them. Independent National Electoral Commission has the penchant for refusal to issue certificate of returns to rightful candidates after election contest when ordered to do so by the court. Disobedience to court orders is an on-going despicable act which needs concerted efforts of both the Bench, the Bar and the general public tackle.

In the case of the leader of the Indigenous People of Biafra (IPOB), Nnamdi Kanu, disobedience to court order played out yet another time. On October 13, 2022, the Court of Appeal in Abuja delivered a landmark judgment. The court quashed the remaining seven charges against Kanu, discharged him, and ordered his immediate release from the custody of the Department of State Services (DSS). This decision was based on the Federal Government's failure to adhere to proper procedures in Kanu's extradition from Kenya to Nigeria.

Despite the clarity of the court's order, the Federal Government refused to comply, arguing that Kanu had only been discharged, not acquitted[57]. This reasoning, however, misses a crucial point: being "not acquitted" may allow for future charges, but it does not grant the government the liberty to ignore a direct court order for release. Such defiance undermines public confidence in the legal system and raises serious questions about the government's respect for judicial authority. Of further concern is the fate of the three justices who presided over the case. Immediately after delivering their judgment, all three were transferred out of the Abuja division.[58] This move is widely seen as an attempt to intimidate the judiciary and interfere with its independence, representing one of the most blatant forms of judicial interference in recent times.

The Nnamdi Kanu case thus exemplifies the broader challenges facing Nigeria's justice system: the need for government accountability, respect for court decisions, and protection of judicial independence. Until these issues are addressed, the rule of law will remain under threat, with profound implications for democracy and justice in the country.

Another notable example is the recent case involving the former Inspector-General of Police, who, on Tuesday, 29th November 2022, was sentenced to three months' imprisonment by a Federal

[56] Kolawole Olaniyan, PREMIUM TIMES NEWS (allafrica.com/stories/201911210022.html) accessed on 4/5/2020

[57] Ikechukwu Nnochiri, Nnamdi Kanu: 3 Justices on Appeal Court Panel Transferred as Supreme Court Hears FG'S Appeal Today. Available at< https://www.vanguardngr.com >Accessed on 19th April, 2026.

[58] Ibid.

High Court in Abuja for disobeying a valid court order. According to reports[59], Justice Olajuwon ruled that the IGP should be committed to prison and detained for three months, unless he complies with an order made as far back as October 21, 2011.

This judicial action resulted from Suit No: FHC/ABJ/CS/637/2009, filed by CSP Okoli, who alleged he was unlawfully retired from the police force in 1992. The Police Service Commission recommended Okoli's reinstatement—a decision affirmed by the court—but the former IGP refused to comply, leading to the court's committal order. In expressing his displeasure, the judge remarked, "It is unfortunate that the chief enforcer of the law is one who has deliberately refused to comply with the same law."

Disobedience to court orders by legislative arm of government: Disobedience to court orders is a recurring challenge within Nigeria's governance, notably among the executive arm. However, the legislative arm is not entirely exempt from this trend. There have been significant instances where legislative bodies, both at the national and subnational levels, have failed to comply with binding judicial decisions. An illustrative example is the case of Chief Sabastine Hons v National Assembly & 2 Ors[60] In this landmark case, the National Industrial Court, Abuja, presided over by Hon. Justice Osatohanmwem Obaseki-Osaghae, delivered judgment on July 15, 2022. The court ordered the National Assembly, the Revenue Mobilization, Allocation and Fiscal Commission (RMAFC), and the Attorney-General of the Federation (AGF) to take immediate action to review and increase the salaries and allowances of judicial officers in Nigeria. The judgment highlighted a troubling fact: the salaries and allowances of judicial officers had remained stagnant since their last review in 2008, a situation the court described as embarrassing and unjust, especially considering the critical role judges play in upholding justice.

The court's decision specified the new salary structure in clear terms. The Chief Justice of Nigeria was to receive a monthly salary of Ten Million Naira (₦10,000,000). Other Justices of the Supreme Court and the President of the Court of Appeal were to receive Nine Million Naira (₦9,000,000) monthly. Justices of the Court of Appeal, Chief Judges of the Federal High Court, State High Courts, Federal Capital Territory High Court, President of the National Industrial Court, Grand Kadis of Sharia Courts of Appeal, and Presidents of Customary Courts were to receive Eight Million Naira (₦8,000,000) monthly. Judges of the Federal High Court, State High Courts, National Industrial Court of the FCT, Sharia Courts of Appeal, and Customary Courts of Appeal were to be paid Seven Million Naira (₦7,000,000) monthly.

To enforce compliance, the court issued a mandatory injunction, compelling the National Assembly, RMAFC, AGF, and the National Judicial Commission to immediately set in motion the legal and administrative processes required to implement the new salary structure. Despite the clarity and urgency of the court's order, compliance has yet to be achieved as of the time of writing, several months after the judgment was delivered.

This case underscores the persistent issue of institutional disregard for judicial authority in Nigeria, not just by the executive but also by the legislative arm. Such disobedience undermines the rule of law, erodes the credibility of governance, and perpetuates injustice against judicial officers who are themselves at the heart of the justice delivery system. Addressing this challenge is crucial for strengthening Nigeria's democracy and upholding the rule of law.

The National Assembly's disturbing record of disobeying court orders was highlighted in an article titled "Saraki's disobedience to court order embarrassing—Senator Isaac Alfa."[61] In the piece, Senator Isaac Alfa, a former Chief of Air Staff who represented Kogi East Senatorial District in the 8th Assembly, voiced his frustration at the refusal of then-Senate President Bukola Saraki to swear him in, despite clear judicial directives.

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[59] Kehinde Osasona and Ahmid Lawal, 30 Years After CSP Okoli's Sack..Judge slams 3 months Jail Term on IGP, Police say We are not aware of Court Order, Blueprint Newspaper (30th November, 2022) P. 6.

[60] (Suit No:NICABJ/142/2022) (Unreported).

[61] Samson Atekojo Usman, Saraki's Disobedience to Court Orders Embarrassing-Senator Alfa. Daily Post Nigeria Online News, February 6, Available at< https://dailypost.ng > Accessed on 20th April, 2022.

Senator Alfa emphasized that the Supreme Court judgment delivered on January 23, 2019, which affirmed his position as Senator, had passed through 31 judges. Nevertheless, Dr. Saraki refused to comply, allegedly due to his preference for Alfa's political opponent, Senator Atai Aidoko.[62]

Expressing his dismay, Senator Alfa stated: "I would like to explain the behavioral relationship of the Nigerian Senate with the judiciary to let the whole world know about the embarrassing and selective obedience of court orders in the National Assembly by the Senate President, Dr. Bukola Saraki, and the Clerk of the National Assembly[63]. The Senate President, Dr. Bukola Saraki, decides which orders to obey and which ones to disobey. In my case, the Federal High Court ordered on June 13, 2018, that I should be sworn in as Senator representing Kogi East Senatorial District. This order was affirmed by the Supreme Court, yet the leadership of the National Assembly refused to obey." This episode underscores ongoing concerns about the rule of law in Nigeria's legislative branch, raising questions about separation of powers and respect for judicial authority.

The case involving the President of the National Association of Nigerian Students (NANS) Comrade Tony Nwoye. In that case, Tony Nwoye v. Mr. Ameke Chriscato Ikechukwu & Ors[64] is another example of the disobedience to court order by the National Assembly. In that case, despite the Tribunal order that Comrade Tony Nwoye be immediately sworn in by the leadership of House of Representatives in the National Assembly,[65] that court order was flagrantly ignored and disobeyed and Nwoye was not sworn till the end of that 7th National Assembly. All efforts to get the House leadership under the former Speaker Rt. Hon. Aminu Tambuwal to obey the court order proved abortive.[66]

Prior to the Ondo State Governorship election on October 10, 2020, the political climate in Ondo State was marked by significant tension. This tension intensified when the Ondo State House of Assembly initiated impeachment proceedings against the former deputy governor, Hon. Agbola Ajayi[67], following his defection from the All Progressive Congress (APC) to the Peoples Democratic Party (PDP). This action was widely regarded as politically motivated rather than grounded in substantive allegations of misconduct.

Despite the efforts of the Assembly, the impeachment process failed after the State's Chief Judge, Justice Olanrewaju Akeredolu, refused to form a seven-man panel to investigate the allegations against the former deputy governor. The Chief Judge cited the Assembly's failure to secure the constitutionally required two-thirds majority and noted that the matter was sub judice,[68] being before a court of law.

In an apparent act of frustration, the Assembly leadership suspended four lawmakers—Deputy Speaker Hon. Ogundeji Iroju, Mrs. Favour Tomomowo, Wale Williams, and Tomide Akinribido—who declined to endorse the impeachment notice. The official reason given was gross misconduct and indiscipline.[69]

Challenging their suspension, the four lawmakers approached the Ondo State High Court in Akure. Justice Ademola Bola ruled that the Assembly lacked the constitutional authority to suspend its members, declaring the action illegal, null, and void, and ordering the immediate reinstatement of the lawmakers along with compensation of five million naira each. Rather than comply, the Assembly leadership sought a stay of execution at the Court of Appeal, which was swiftly dismissed. Both the High Court and Court of Appeal orders were ignored until the Assembly leadership faced imminent contempt proceedings, having been served with a Form 49 (contempt of court committal) by the Ondo

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[62] Ibid.
[63] Ibid.
[64] (2011) CA/E/EPT/36/2011, (2011) LCN/4902 (CA) LCN/4902 (CA).
[65] Ibid.
[66] Ibid.
[67] Dayo Johnson, Ondo Speaker bows to Court Order, reinstates suspended lawmakers. Vanguard Online News, 14th December, 2020. Available at <vanguardngr.com> Accessed on 20th April, 2026.
[68] Ibid
[69] Ibid.

State High Court. Only then did the Assembly reinstate the suspended members, just 72 hours before the leadership would have been formally charged with contempt of court.[70]

This episode highlights the complex interplay between politics and the rule of law in Nigeria, demonstrating both the limits of legislative power and the critical role of the judiciary in upholding constitutional rights.

Weak Enforcement Institutions: One of the major challenges to the seamless execution of court orders and judgments in Nigeria is the absence of a legal framework establishing a fully armed enforcement body specifically charged with the enforcement of court orders and judgments. Unlike what obtains in the United States of America, where there is the United States Marshals Service charged with executing Federal court orders, the Nigerian courts largely depend on the police for the execution of their judgments and orders. Section 15 of the Sheriffs and Civil Process Act provides that: "It shall be the duty of every police officer to assist in the execution of process of the court."

The problem associated with relying on the police for execution of the court's judgments and orders is that the reliance on the police, as an agency under the executive arm of government, creates institutional concerns where enforcement involves government agencies or officials. In view of this, the present study will recommend a review of the present legal framework, especially the Sheriffs and Civil Process Act, to strengthen the enforcement unit of the courts consisting of the sheriffs, by making provision for arms, uniforms, communication gadgets, and other necessary logistics that will enhance their work. The unit should have direct reporting line to the heads of courts through their unit head. This is to ensure that their job is not hampered by the usual civil service bureaucratic bottlenecks. The unit should have power of arrest and handing over to the police for onward prosecution or presentation to court for contempt proceeding as the situation may require.

Funding and Corruption Issues: Generally, the Nigerian Judiciary's lack of power to determine how it is funded is among the factors that could be said to be the bane of the administration of justice in Nigeria. Hon. Justice Dahiru Musdapher[71]JSC, while paraphrasing the statement of Frankfurt J. in the case of *Barker v. Carr,* 369 U.S 186 (1962), stated that "the judiciary's authority is supported by neither the purse nor the sword. It commands no armies and collects no taxes. Its authority rests squarely on the public perception of its propriety. This means confidence in its Impartiality, fairness, and ethical standards*."*

Apparently displeased with how improper funding is subjecting judicial independence to question, the former Chief Justice of Nigeria, Justice Tanko Muhammad, called for full financial independence of the judiciary, saying the current situation whereby the judiciary goes cap in hand begging for funds has put the independence of the judiciary in doubt. According to him, the annual budget of the judiciary is still a far cry from what it ought to be. The figure is either stagnated for a long period or it goes on a progressive decline.[72]

Ordinarily, the cost of execution is supposed to be deducted from the proceeds of execution before the balance is paid over to the judgment creditor. What is envisaged under these costs are minor expenditures such as fueling and payment of stipends to non-judicial administrators in cases where extra hands are hired, such as professional auctioneers for the execution.[73]

However, this is not the case; execution often involves huge expenses that cannot be managed within the statutory overhead of the court, thereby placing unnecessary financial burden on the judgment creditors who, in most cases, abandon the pursuit for the execution of their judgment because of a lack of funds. This study recommends a separate body to be funded from the consolidated revenue fund that will enable it to address the issue of the execution of court judgments without hitches.

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[70] Ibid.

[71] Dahiru Musdapher, 'Towards Strengthening Judicial Integrity: The Nigerian Experience' [2009] in *National Judicial Institute Law Journal NJI*

[72] Hon Justice Mohammed Tanko CJN, at the special session to mark the beginning of the 2019 to 2020 legal year and inauguration of 38 Senior Advocates of Nigeria (SAN) NIGERIAN TRIBUNE, Tuesday, 24th September, 2019, P. 2.

[73] Boma Gordon Diepiri Op.Cit

The attitude of some court officials who, despite getting their salaries and statutory allowances, still go ahead to demand money from judgment creditors in order to execute judgments is also a big challenge to the enforcement of court judgments in Nigeria. Some court officials also go as far as to alert the judgment debtor over the plan of execution, thereby aiding him in removing from jurisdiction the subject of execution. For instance, money in the bank ordered to be attached may be found to have been withdrawn due to information divulged to the judgment debtor by court officials for a fee.

Comparative Lessons

The most fundamental comparative lesson is in the area of post judgment asset discovery in the Nigeria and United States of America jurisdictions. In the United States, Rule 69(a) of the Federal Rule of Civil Procedure which governs the enforcement of money judgment provides that a money judgment is enforced by a writ of execution unless the court directs otherwise.

Rule 69 (a) (2) provides that a creditor may obtain discovery from judgment debtor or another person to assist in enforcing the judgment. The mechanism such as interrogatories and depositions can be used in this regard. The creditor can investigate the debtor's assets and use the information obtained to pursue execution.

In Nigeria, garnishee proceedings governed by SCPA allows a judgment creditor to attach money belonging to a judgment debtor but held by a third party such as a bank. This involves two significant stages which are the order nisi, that mandates the garnishee to show cause why the attached debt should not be paid to the judgment creditor, followed by an order absolute that forfeits the judgment debt and orders its release by the third party.

The distinction between Nigeria and United States of America in this respect is that while United States of America's approach combines execution with information gathering in relation to assets, such as looking out for banks where judgment sum is warehoused, using interrogatories and depositions from the debtor as tools, Nigeria law does not allow that approach. The problem with Nigeria approach is that it inadvertently gives opportunity for the judgment debtors to conceal the judgment sum and makes it impossible for the creditor to attach.

The comparative lesson is that Nigeria statutory procedure should be strengthened to include post judgment examination and discovery of assets to be in line with that of United States of America where the n judgment creditor is able to determine what assets the judgment debtor has, where those assets are located and who is in possession of them. This could drastically reduce the issue of concealment of assets to stall enforcement of court orders.

Conclusion

This paper analyzed the legal challenges to the enforcement of court judgments and orders in Nigeria. The importance of obedience to court judgments and orders in Nigeria cannot be overemphasized, as it is inextricably interwoven with order and good governance. Law and order cannot be maintained in society if court judgments and orders are flouted and treated with disdain and disregard, as is often the case. Enforcement of court judgments and orders is key to compelling obedience to court orders. To achieve this goal, the government must make deliberate efforts to address all the legal and institutional challenges to the enforcement of court judgments and orders in Nigeria including revision of Fines for Disobedience to Court Orders; Amend all sections prescribing fines of N100 or N200 for contempt or disobedience to court orders to reflect amounts commensurate with current economic realities and that serve as effective deterrents; Amendment of Section 84 to remove the requirement for prior consent of the Attorneys-General of the Federation and States before funds in government custody may be attached; Provide that submission of notice of order nisi shall be sufficient for the attachment process, thereby reducing hardship for judgment creditors; Establishment of an Armed Enforcement Unit with coercive authority to compel compliance with court orders; Insert provisions to establish an armed enforcement unit within the Sheriffs and Civil Process Divisions of the High Courts to ensure effective enforcement of court judgments; Introduce a special provision making it mandatory for Sheriffs to deliver the body of any person committed to prison directly to the

relevant correctional service centre; Increased and sustained funding for the enforcement divisions of the courts to ensure seamless, efficient, and effective enforcement of court judgments.

Introduction of an Electronic Judgment Enforcement Management System (EJEMS) -Digitally register all judgments delivered by the courts; Assign unique enforcement identification numbers; Track execution stages; Record applications for writs of execution; Monitor attachment orders; Generate enforcement performance reports; Provide limited access portals for judgment creditors and lawyers; and Digital track of court orders and compliance monitoring.