
Impact of Public Complaints Commission as A Viable Alternative Dispute Resolution Mechanism in the Administration of Justice in Nigeria

Amos Ojo Adedeji*

**Doctoral Student, Peace and Development Studies, Centre for Peace and Strategic Studies, University of Ilorin, Ilorin.*

*Corresponding Email: *amos_peace61@yahoo.com*

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Abstract: *The concept of ombudsman has become an international phenomenon. This study examined the impact of mechanism of dispute resolution with particular reference to Public Complaints Commission (PCC) which is the Nigeria version of ombudsman. The study explores quantitative analysis to address the task. It revealed that PCC has made positive impact in nation building such as checks and balances, timely and free cost of settlement, and watchdog of happenings in the society to mention a few. Despite the laudable achievements of the commission, the study noted inadequate funding, lack of adequate infrastructures, poor publicity, shortage of qualitative manpower and inadequate training, and poor salary scale for the staff as the obstacles militating against the effective delivery of the commission. The study concluded by recommending adequate funding of the commission, conducive office environment, intensive public enlightenment programme, qualified and well trained staff, and improvement of staff remuneration.*

Keywords: *Alternative Dispute Resolution, Justice, Nation Building, Ombudsman.*

1. INTRODUCTION

There is hardly any doubt that the administration of justice in Nigeria craves for serious reforms in order to cope with the challenges dictated by 21st century developments. This necessitated the rise in Alternative Dispute Resolution (ADR) and related mechanisms. Settlement outside of courts has been indigenous methods of resolving disputes in ancient African before the continent was balkanized by the colonialists. The colonialists introduced court system which invariably failed to meet up the expectation of its purpose.

The noticeable falling standard of public service in Nigeria and the fundamental failure of colonial system of formal dispute resolution (litigation) became a concern of the government



of Nigeria of the need to remedy decadence and unethical practices. Searching for the best solution to address the menace, the decision of government was influenced by the achievements recorded by the operation of ombudsman in parts of the world to setting up a similar commission for listening, receiving and resolving bureaucratic injustice as a sort of corrective measure (Onyema, 2013).

The development gave birth to institution of ombudsman under code name “Public Complaints Commission (PCC)” with decree no 31 dated 16th of October, 1975 by Gen. Murtala. Mohammed led government (Acheneje, 2001; Nwachukwu, 2008). In essence, Nigeria become the first West Africa countries to establish such institution. To strengthen the commission, it was incorporated into the Laws of the Federation of Nigeria (LFN) as the Public Complaints Commission Act, CAP P. 37, LFN, 2004. The government has also moved further to entrench the commission under Section 315, sub-section 5(b) of the 1999 Constitution of the Federal Republic of Nigeria (as amended). (PCC FCT Site).

The Commission is independent of government bureaucracy and at the same time has extensive powers regarding confidentiality and access to all government information which aid in obtain the necessary information. This power is vital to the Commission to help bring about impartial investigation in order to arrive at a fair and equitable decision (PCC site (About Us)). The Commissions services are readily available and easily accessible to all citizens and at no cost at all and at a very short period of time. The mandate of the Commission is created in such a way that the citizens, especially those at the grassroots of the society are the highest beneficiaries. It is believed that the commission will be able to raise the level of accountability and transparency of public servants and remove the barrier to its effective operation among others.

Objective of the Study

The specific objective of the study is interrogate the impact of Public Complaints Commission as a viable alternative dispute resolution mechanism in administration of justice in Nigeria

Conceptualise Alternative Dispute Resolution and Ombudsman

Alternative Dispute Resolution as a term generally refers to informal dispute resolution process in which the parties meet a neutral third party who helps them resolve their dispute in a way that is less formal and often more consensual than is done in the court system (Spangler,2003). ADR can also refer to a term often used to describe a wide variety of dispute resolution mechanisms that are short of or alternative to full scale court processes.

Further, ADR can be described as an effort to arrive at mutually acceptable decisions, which involves the application of methods, procedures and skills designed to achieve an agreement that is satisfying and acceptable to all parties. (Aina, 2005). Mediation, arbitration and conciliation stand as the most common forms of ADR in contemporary time. However, there are other vital forms of ADR amongst judicial settlement, conferences, fact-finding, ombudsmen, special investigations, etc.



An ombudsman is an official appointed to investigate individual's complaints about bad administration, especially that of public authorities. It has its root from the Swedish Constitution of 1809 (Ayeni, 1994). The version of version of the Ombudsman in Nigeria is known as the Public Complaints Commissioner (PCC) (Ngu, 1994). The commission is saddled with the responsibility of redressing complaints lodged by aggrieved citizens or residents in Nigeria against administrative injustice.

The Structure of Public Complaints Commission

The structure of Public Complaints Commission is the socially created pattern of roles and relationships that exist within it to achieve set goal. The primary role of the commission is to provide impartial investigation on behalf of the complainants who feel aggrieved by the action or inaction of the government or private companies. The Act establishing Public Complaints Commission stipulates that the commission shall be headed by a Chief Commissioner at the headquarters and a Commissioner in each state of the federation. The Commissioners are appointed and responsible to the National Assembly. (PCC Act).

The first Chief Commissioner of the Commission was Alh. Yusuf Maitama Sule 1976-1979, while the present Chief Commissioner is Mr. Abimbola Ayo-Yusuf 2021 – date The commission is mandated with the unique role of securing equity and justice for the ordinary citizens (General Information Pamphlet: PCC). Departments are linked to form the organizational structure, which aids the commission to fulfill its functions (Nelson and Quick, 2011). However, PCC is divided into the following departments:

Investigation Department: It is the core department in the Commission since the major role of PCC is to investigate and redress citizens grievances lodged before it. The officers in the department are called 'Investigation Officers' mandated to handle complaints which is expected to be resolved amicably and thereby produce reports for the relevant authority.

General Administration: The department is the backbone of any organization. The department is the link between the organizations various departments to ensure the smooth flow of information from one part to the other. The duty officers of the department are called "Administrative officers". They handle personnel issues like employment, records, filing and documentation, discipline, etc. The department also handle all the commission correspondence.

Finance Department: The department oversees financial planning and management activities, including budgeting and forecasting, reporting and compliance. The officers are ranked Accountants or Accounts officers. They prepare financial documents and final account for the official use and for reporting purposes to Headquarters.

Public Relations Department: This department is the image maker of the commission. It makes important contribution in helping to shape the commission's ideas about it nature, activities, and the expectation of the public from it. It functions in communication management, crisis management, issues management, relationship management, reputation or image management, strategic management, etc. The officers are ranked Information officers.



Legal Department: This department is responsible for providing legal services and advice to the commission. It also involved in documentation, preparation and drafting of legal issues. It advise the commission's employees on matters of law and legal protection in relation to conflict resolution. Officers are ranked Legal Officer and State counsel.

Of all the five groups of functional roles listed above, the most obviously peculiar one to the institution is investigation department. It is central to the whole purpose of the commission. The commission's investigation department is divided into four (4) sections each handling a specific area. These are Private sector; Pension; Public sector; and Banking and Financial Institutions. (Public Complaints Commission About Us).

Functions Performed By Investigators in Public Complaints Commission

Investigation is the backbone of complaints handling process by the Ombudsman. It includes inquiry, inspection, physical examination, testing, research, formal hearing, etc. The Ombudsman's investigation is a systematic and thorough attempt to learn all the facts about a complaint, a possible pattern of problem underlying and the issue behind it (Ayeni 1994). This role is carried out by Investigators popularly referred to as Investigation Officers. According to Ayeni (1994), investigators are required to perform at least four main functions within the system among investigation and handling complaints; ensuring appropriate implementation steps; record keeping and preparation of reports; and advising the Commissioner on the general activities of the office.

The investigation officer then must be a versatile person, informed about other functional roles and able to apply bits of their skills as appropriate. The complexity of our world, human nature, different backgrounds and upbringing makes it inevitable for people to complain. Experience has shown that many complaints occur simply because of poor communication or inadequate publicity in both public and private sector (Kadiri 1994).

The Ombudsman is essentially a 'citizen's defender' who gets citizens' complaints and work on them. PCC avails the citizen of a cheap and easy means of complaint-handling which carefully avoids the temptation of bureaucratic abuse. Investigator receives complaints from aggrieved persons and act on it. He is empower to investigate, criticize, and recommend corrective actions. His operation is line with objectivity of purpose, competence, efficiency and fairness. The commission uses fast, inexpensive and informal procedures to get things done (Barnes, 1994).

The Commission is unquestionably within the model of an institution of complaints investigation (Section 5(2) of the Commission's Act) as cited by Barnes (1994). Upon the authorization of a complaint, the Chief Commissioner or a Commissioner, or their designees, shall assign or cause to be assigned, the investigation of the complaint to a staff investigator who shall endeavour to gather promptly all information necessary and relevant to the making of a fair determination of the alleged complain, by correspondence or through personal interviews.



The Public Complaints Commission's Act CAP P.37 LFN 2004 (PCC Act) in Section 5(2) states that 'A Commissioner shall have powers to investigate either on his own discretion or following complaints lodged before him by any other person, any administrative action taken by any department or ministry of the Federal, State or Local Government; any Statutory Corporation or Public Institution set up by any Government in Nigeria; any Company Incorporated under or pursuant to the Companies and Allied Matters Act whether owned by any Government aforesaid or by Private individuals in Nigeria or otherwise howsoever, or any officer or servant of any of the aforementioned bodies. For clarity, below are some of the significant aspects of procedures of investigation:

1. The requirement of fairness to all parties at every stage of the investigation is apt. The duty of investigator is to represent his agency in an objective and judicious manner which requires consideration of fairness to all parties. The business of the investigator is to get the case settled or resolved. To get the require result, the Commissioner needs tact, gentle appeal, persuasion and the ability to negotiate settlement effectively.
2. The investigator is saddle with the responsibility of on-site investigation which include interviews with relevant officials, co-workers of complainants, inspection of necessary documents when appropriate.
3. For various reasons, a case may require two or more investigators. If so, an investigation strategy must be worked out among team members.
4. Investigator is advised to obtain as much information about complex issues of a complaint as possible before meetings with respondent officials.
5. A fact finding conference (case conference) between complainant, respondent and the investigation officer might be helpful.
6. Systematic investigation may be required during the course of investigating if an individual complaint, or when the investigation officer discovers that there are other persons who are, or likely to be victims of the same types of injustice (Barnes 1994).

The Commission has wide powers to look into complaints of wrongful termination of appointment; arbitrary dismissal from service; non-payment of gratuity; illegal detention; non-payment of pension and other terminal benefits; non-payment of contract and supplies fee successfully executed; non-payment of salary arrears and allowances; and non-remittance and non-payment of contributive pension. Others are deliberate delay of services by government and corporate organizations and its officials; abuse of power by the military and police personnel; abuse of court processes; outrageous billings by PHCN, water corporation, etc.; non-payment of dividends warrants; non-issuance of loss shares certificates; loss of money order, parcels, travelling luggage, etc.; and non-release of WAEC, exams certificates, testimonials, etc. (PCC Lagos Newsletter, 2012).

The investigative staff of the commission deals with people (complainants and respondents) who can be conveniently called 'clients'. A good sense of human relations is needed by the investigators, which will enable them to win the confidence of their clients and be able to obtain the most desirable and relevant information in respect of the case under investigation. He is also expected to display an important quality of sobriety and maintain a warm relationship or rapport between himself and his clients in the course of discharging his duties. Effective communication is also necessary to avoid distorted information or data. Accurate collation of

result of investigation on which the Commissioner bases his recommendation is needed to arrive at appropriate conclusions or recommendations. (Ngu, 1994).

2. METHODOLOGY

The research design used in carrying out this study is the survey method; consequently, the research design is analytical. The methods employed in the collection of data for this work are primary and secondary sources. The primary source includes personal investigation and administration of questionnaires while the secondary source involves use of journals, past research projects, newsletters, internet and publications of renowned scholars on the subject matter. Inferential statistics version of Statistical Package for Social Sciences (SPSS) was employed to quantitatively analyze the collated data which will foster a logical conclusion of result obtained.

3. RESULT

Presentation and Analysis of Data

The overall objective of this study was to examine the impact of Public Complaints Commission as viable Alternative Dispute Resolution mechanism in administration of justice in Nigeria. This section analyses and interprets the data collected in the field through instrument of structured questionnaire. One hundred (100) copies of questionnaires were distributed. The table below shows administered questionnaires

Table 1: Analysis of Questionnaires Administered

Questionnaire	Frequency	Percentage
Returned	80	80
Unreturned	20	20
Total	100	100

Source: Field Survey (2022)

The table above shows that eighty (80) copies of questionnaire out of one hundred (100) copies originally distributed were filled and returned. For accuracy and clarity, the analysis will base on the 80 copies returned.

Demographic Profile of the Respondents

The demographic profile of the respondents of the study was based on five demographic characteristics, namely Sex, Age, Marital Status, Educational Attainment and Occupation.

Table 2: Demographic Information of Respondents

Sex	Frequency	Percentage
Male	50	62.5
Female	30	37.5



Total	80	100
Age Group	Frequency	Percentage
18-30	12	15
31-40	28	35
41-50	29	36.25
51 and above	11	13.75
Total	80	100
Marital Status	Frequency	Percentage
Married	35	43.75
Single	30	37.5
Divorced	5	6.25
Widow/Widower	10	12.5
Total	80	100
Educational Attainment	Frequency	Percentage
Post Graduate	11	13.75
First Degree	28	35
HND/OND/NCE	33	41.25
Secondary School	08	10
Total	80	100
Occupation	Frequency	Percentage
Civil (Public)/ Private Service	39	48.75
Business	35	43.75
Student	06	7.5
Total	80	100

Source: Field Survey, 2022



According to the above table, 62.5% of the respondents were male while 37.5% were female. Also from the table 15% were between age brackets 18-30, 35% fall within age bracket 31-40, 36.25% were under the age bracket 41-50, while 13.75% fall within age bracket 51 and above. The breakdown of marital status shows that 43.75% married, 37.5% were single, 6.25% were divorced and 12.5% were either widow or widower. In addition, 13.75% of the respondents had post graduate qualifications, 35% had first degree, 4.25 had either HND or OND while 10% had first leaving school leaving certificate. Further, 48.75% of the respondent were Civil servants, 43.75% were in businesses related occupation while 7.5% were students.

Presentation of Data According to Variables

This section presents the major core of study as it interrogates the impact of Public Complaints Commission as a viable alternative dispute resolution mechanism in administration of justice in Nigeria. The analysis of the results is presented in table 3 below.

Table 3: Impact of Public Complaints Commission

SN	Impact of Public Complaints Commission	SA	A	SD	D	U
1	Public Complaints Commission activities are in line with ADR mechanisms	40	48.75	1.25	-	10
2	The roles played by ADR ensures peace and reconciliation in nation’s building.	26.25	61.25	-	1.25	11.25
3	The Public Complaints Commission investigators are committed to complaints handling.	25	56.25	7.5	6.25	5
4	Social justice is achieved when Public Complaints Commission is approached in dispute resolution.	57.5	22.5	10	8.75	1.25
5	Public Complaints Commission handling of complaints is always centred on the conscience & moralities of disputants.	35	48.75	6.25	2.5	7.5
6	Public Complaints Commission is a cost effective peaceful resolution mechanism.	80	15	1.25	2.5	1.25
7	Public Complaints Commission mediation efforts aid in decongestion of courts.	78.75	17.5	1.25	1.25	1.25
8	Public Complaints Commission creates a veritable platform in amicable settlement of disputes between parties.	35	51.25	3.75	1.25	8.75

Source: Field Survey, 2022

As depicted above, 40% and 48.75% of the respondents strongly agreed and agreed respectively that Public Complaints Commission activities are in line with ADR mechanisms while 1.25% and 10% were strongly disagreed and undecided with the statement respectively. It can also be deduced from the table that 26.25% of the respondents strongly agreed that roles played by ADR is enough to ensure peace and reconciliation in nation’s building while 61.25% agreed, 1.25% disagreed and 11.25% were undecided to the assertion. In addition, 81.25% of



the respondents affirmed that the Public Complaints Commission investigators are committed to complaints handling while 13.7.5% refuted the claim while 5% were undecided to the statement.

Similarly, the above table shows that 57.5% and 22.5% of the respondents strongly agreed and agreed respectively that social justice is achieved when Public Complaints Commission is approached in dispute resolution, 10% and 8.75% strongly disagreed and disagreed respectively while 1.25% were undecided. Also, the table shows that 35% of the respondents strongly agreed, 48.75 agree, 6.5% strongly disagreed, 2.5% disagreed and 7.5% were neutral to the claim that Public Complaints Commission handling of complaints is always centred on the conscience and moralities of disputants. In addition, 80% and 15% of the respondents strongly agreed and agreed respectively that Public Complaints Commission is a cost effective peaceful resolution mechanism, 1.5 % both strongly disagreed and undecided respectively while 2.5% disagreed to the assertion.

According to the above table, 96.25% of the total respondents validated the evidence that Public Complaints Commission mediation efforts aid in decongesting the courts as 2.5% disproved the evidence while 1.25% play neutrality. In addition, 35% and 51.25% of the respondents strongly agreed and agreed respectively that Public Complaints Commission creates a veritable platform in amicable settlement of disputes between parties, 3.75% strongly disagreed, 1.25% disagreed, as 8.75% were indifferent to the statement.

4. DISCUSSION

The Impact of Public Complaints Commission in Administration of Justice in Nigeria

There is a general acceptance and recognition that government exists to provide economic and social services to its citizenry. The achievements, failures and problems of government are measured in terms of the public bureaucracy. In awareness of this, Federal Government of Nigeria have come out with various devices for the public accountability of which the Ombudsman system (Public Complaints Commission) is one of such devices, and specifically meant to curb administrative malpractices. (Ngu, 1994). The Public Complaints Commission is an external administrative control device aimed at curbing maladministration in the society in view of the limitations of the internal administrative control device. The Ombudsman institution therefore has a very important and enormous role it plays in Nigerian towards administration of justice. Some of the noticeable impacts are highlighted below:

1. The Ombudsman institution in its constitutional role provides checks and balances in ensuring that Public and private sectors strictly adhere to the principles of prudence, due process and transparency in administrative processes.
2. Through PCC, disputes are settled with less stress and at no cost. The Commission has been involved in dispute resolution of all complaints brought by members of the public and such complaints are being resolved on a daily basis. Many people especially the indigents have explored this mechanism to settle their matters at no cost. By this simple act, courts are rid of those cases which would have devoid of settlement. This can be appreciated against the back drop that justice delayed is justice denied.



3. On the strength of the Public Complaints Constitutional mandate, regular visits to government owned institutions enables the Commission to indirectly propagate and measure workers' compliance to nation's building. The Commission interviews people on the quality of service delivery and this improve the standard of performance.
4. The Commission have also maintained good partnership with reputable media establishments in helping to educate the public on the importance of peaceful coexistence and harmonious relationship towards changing our society to an egalitarian one where justice, rule of law, mutual trust and love reign.
5. As a watchdog of happenings in the society, the Public Complaints Commission relies on its power of recommendation in Section (7) subsection (2) of its Act to advise the Executive Arm of government, National Assembly or makes Press releases against official recklessness of Ministries, Departments and Agencies.
6. The Commission partners with other government agencies to ensure maximum cooperation from them when matters relating to their institution is lodged. It is a fact that nobody could be an island unto himself; therefore PCC establishes and builds relationships in order to solicit for collaboration and co-operation of these identified bodies in a bid to successfully carry out its statutory functions.
7. In line with technological drive, the Public Complaints Commission has devised electronic ways of receiving complaints through email and telephone communication. Complainants can now access proper directives on how to lodge their complaints and other inquires through the internet. This medium is yielding fruitful results as volume of complaints received at the Commission has continued to soar, and many have been successfully resolved (PCC Lagos Newsletters, 2012-2015).

Challenges Hindering Public Complaints Commission From Achieving Her Lofty Goals

In every organisation, there are factors that constitute hindrances to its effective performance. However underlisted problems serve as impediment to the ombudsman system in Nigeria in performing her lofty role:

1. **Inadequate Funding:** Insufficient fund has been a major obstacle to the commission's ability to perform effectively. The problem has manifested in the commission poor and inadequate essential facility.
2. **Lack of Adequate Infrastructures:** This is manifested in poor office and mediation rooms. This is causing lack of privacy during mediation process. Units across the country are not spacious and they are mostly tenants to either their respective state or any government facilities available.
3. **Poor Publicity:** In more than forty seven (47) years of its establishment, large number of people in the country are unaware of the existence of the commission not to talk of its function and achievement.
4. **Shortage of Qualitative Manpower and Inadequate Training:** There is insufficient of manpower to adequately cope with the task of the commission. This is couple with inadequate training of the available staff. This has been grossly blame on inadequate funding.
5. **Poor Salary Scale for the Staff:** Staff are grossly underpaid and this did not give the staff the impetus to improve on their work.



5. CONCLUSION

With a clear mandate to promote reconciliation of parties encourage and facilitate the amicable settlement of disputes. The Public Complaints Commission is very well placed to provide the spring board for the amicable resolution of disputes as it enjoys and occupies a unique advantage over the judicial mechanism. One major strength of the commission is in blending admirably the formal and informal approaches of dispute settlement. The Ombudsman in his operations demands moral equity that expand and limits the language of the laws and construes them not always according to their strict letter but in accordance with and in the spirit of reason, fairness and justice. Taking views from the available fact, it can be deduced that PCC has a mutual relationship with modern peace and reconciliation. However, lack of awareness of the existence and role of the commission has made a lot of people to suffer from one injustice or the other. The study has shown that conflicts resolved amicably can create the required environment for the peaceful conduct of public affairs and thus help in nations building

Recommendations

The role of Peace and Reconciliation in nation's building most probably, cannot be overlooked, thus from deduction from the available facts, the following recommendations are made:

1. The commission should be well funded by the Federal Government so that it will be able to live up to its mandate. Through adequate funding of the commission, more operational vehicles will be purchased for effective discharge of investigation function across the country.
2. The general office environment should be made more conducive for clients to relax whenever they visit the office premises.
3. Intensive public enlightenment programme should be conducted regularly by the information unit of the commission. This could be through media, tours of towns and villages, attractive billboards across the country, handbills and general information handbooks. This is an effective way to arousing the consciousness and awareness of the generality of Nigerians about the activities, functions, responsibilities, powers, procedure of accessing the commission
4. The commission should be staffed with well trained and qualified individuals who can handle the daily challenges of the commission. This should be coupled with regular training and re-training of the staff of the commission most especially the investigative staff
5. Staff remuneration should be upgraded so that they will be financially and mentally stable to handle aggrieved citizens' complaints.

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