

The Role and Relevance of Administrative Tribunals in Modern Legal Systems

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ABSTRACT

Administrative tribunals have emerged as indispensable components of modern legal systems, designed to address the complex administrative machinery of contemporary governance. This doctrinal research paper critically examines the role and relevance of administrative tribunals through a comparative analysis of the legal frameworks in Nigeria, the United Kingdom, and the United States. Traditional court systems often lack the specialized expertise, speed, and procedural flexibility required to adjudicate specialized administrative disputes efficiently. Consequently, tribunals bridge the gap between administrative discretion and judicial oversight. In the United Kingdom, the Tribunals, Courts and Enforcement Act 2007 unified a historically fragmented system into a cohesive, independent judicial hierarchy. Similarly, the United States relies on a robust system of Administrative Law Judges governed by the Administrative Procedure Act 1946, ensuring procedural fairness within federal agencies. Conversely, Nigeria presents a developing jurisprudence where administrative tribunals, though prevalent in tax, electoral, and disciplinary matters, frequently face constitutional challenges regarding their jurisdiction and independence vis-a-vis regular courts established under Section 6 of the Constitution of the Federal Republic of Nigeria 1999. This paper finds that while tribunals universally offer the advantages of accessibility, cost-effectiveness, and expert adjudication, their success is heavily dependent on their structural independence and subjection to judicial review. The paper recommends statutory reforms in Nigeria to unify its tribunal system, drawing best practices from the structural integration seen in the UK, thereby safeguarding the rule of law while promoting administrative justice.

Keywords: Administrative, Tribunal, Constitution, Nigeria, Adjudication

INTRODUCTION

The evolution of the modern state from a laissez faire capitalist model to a welfare state has fundamentally altered the landscape of legal systems globally. In the traditional legal ordering, the primary functions of government were limited to the maintenance of law and order, defense of the realm, and the enforcement of contracts. However, the complexities of modern socio-economic life required the state to intervene actively in the lives of its citizens. This intervention birthed the administrative state, characterized by a massive proliferation of government departments, agencies, and regulatory bodies empowered to manage diverse sectors such as taxation, immigration, labor relations, environmental protection, and social security. As these administrative agencies executed their statutory mandates, disputes inevitably arose between the state and private citizens.

The traditional judicial system, hampered by rigid procedural rules, heavy dockets, and exorbitant costs, proved ill equipped to handle the sheer volume and technical specificity of these disputes. Consequently, administrative tribunals emerged as indispensable adjudicatory mechanisms designed to dispense administrative justice efficiently, expertly, and accessibly. This research paper undertakes a comparative doctrinal analysis of the role and relevance of administrative tribunals across three distinct legal jurisdictions: Nigeria, the United Kingdom, and the United States. The central problem this research investigates is the inherent tension between the necessity for administrative efficiency and the constitutional imperative of maintaining judicial independence and the rule of law.

In Nigeria, the jurisprudence surrounding administrative tribunals is continually developing, often fraught with constitutional frictions. The Constitution of the Federal Republic of Nigeria 1999 vests judicial powers exclusively in the regular courts. This creates recurring jurisdictional conflicts when tribunals, established by acts of the National Assembly or state houses of assembly, attempt to exercise quasi-judicial powers, leading to concerns regarding their independence and compliance with the fair hearing provisions enshrined in the Constitution. Conversely, the United Kingdom offers a highly structured model. Following the recommendations of the Leggatt Report, the UK unified its historically fragmented and chaotic tribunal system through the enactment of the Tribunals, Courts and Enforcement Act 2007. This monumental reform effectively integrated administrative tribunals into the formal judicial hierarchy, creating a two-tier system that guarantees judicial independence while preserving the specialized nature of tribunal adjudication. Meanwhile, the United States presents an entirely different paradigm governed primarily by the Administrative Procedure Act 1946. The US relies heavily on a system of Administrative Law Judges who preside over formal adjudications within the very administrative agencies whose actions they review. This internal agency adjudication model raises unique questions regarding the separation of powers and the extent of deference regular appellate courts should grant to administrative decisions. By critically examining these three models, this paper aims to identify best practices and propose viable reforms for the Nigerian legal system.

The research methodology adopted is strictly doctrinal. It relies extensively on primary sources of law including statutory enactments, constitutional provisions, and judicial precedents from the selected jurisdictions. Secondary sources such as scholarly textbooks, peer reviewed journal articles, law reviews, and institutional reports are also utilized to provide conceptual clarity and critical analysis. Ultimately, this paper seeks to demonstrate that while regular courts remain the ultimate guardians of the constitution, administrative tribunals are not merely appendages of the executive branch but are vital, specialized components of a holistic modern justice system.

Unpacking the Concept of Administrative Tribunals

Etymologically, the word tribunal is derived from the Roman official known as a *Tribunus*, who was a magistrate established to protect the rights of the plebeians. In modern legal jurisprudence, an administrative tribunal is defined as a specialized adjudicatory body established by a specific statute, situated outside the ordinary hierarchy of the regular court system, and expressly tasked with resolving specific categories of administrative or regulatory disputes.¹ Although tribunals perform functions that are characteristically judicial in nature, such as hearing evidence, determining facts, and applying the law to reach binding decisions, they are fundamentally classified as quasi-judicial bodies. They serve as the machinery through which the executive branch ensures that administrative policies are executed fairly and disputes arising from such policies are resolved efficiently. Invariably, administrative tribunals are specialised quasi-judicial bodies created to settle disputes between citizens of a state and the government or its agencies. Administrative tribunals exist as alternatives to traditional courts, providing more efficient, accessible, and professional resolution of administrative disputes. Through the blend of judicial elements and administrative expertise, these institutions function ultimately in modern governance systems by delivering robust administrative justice while relieving the conventional courts the burden of incessant litigation.²

Distinguishing Administrative Tribunals from Regular Courts

It is legally and structurally necessary to distinguish an administrative tribunal from an ordinary court of law. A regular court is an institution of general jurisdiction, inherently vested with the judicial powers of the state. For instance, in Nigeria, these inherent powers are constitutionally guaranteed under Section 6 of the Constitution of the Federal Republic of Nigeria 1999. Courts are strictly bound by complex rules of evidence and rigid civil or criminal procedural laws.

¹ Bryan A Garner (ed), *Black's Law Dictionary* (11th edn, Thomson Reuters 2019) 1813.

² Robert Thomas, *Administrative Law in Action* (Oxford: Hart Publishing, 2023) 2-6

In sharp contrast, an administrative tribunal possesses only limited and highly specialized jurisdiction, which is expressly conferred upon it by its enabling statute. A tribunal cannot look beyond its statutory mandate. Furthermore, the procedural rules governing tribunals are deliberately designed to be flexible, informal, and accessible. Tribunals frequently relax the rigid exclusionary rules of evidence that bind regular courts, allowing them to admit hearsay or documentary evidence that might be rejected in a traditional courtroom.³ This conceptual distinction was famously articulated in the United Kingdom by the Franks Committee Report on Administrative Tribunals and Enquiries of 1957. The Committee emphatically noted that tribunals are not ordinary courts, yet they must not be viewed merely as administrative appendages of government departments. Rather, they are independent adjudicatory organs established by the legislature to provide fair and impartial decisions.⁴ Furthermore, Administrative tribunals possess several unique features that distinguish them apart from the regular courts: they focus on specific areas of administrative law rather than general legal matters, they typically operate with less formal rules than regular courts, making them more accessible, Tribunal members often have specialized knowledge in the subject matter they adjudicate, Tribunals aim to resolve disputes more quickly and at lower costs than traditional litigation, and though created by the executive branch, they function with varying degrees of independence from it.⁵ Hence, Administrative tribunals are specialized adjudicatory bodies that operate outside the conventional court system. They are created by status to deal with disputes arising from administrative decisions and actions of government authorities. Unlike the conventional courts, administrative tribunals focus on specific areas of law and administration, allowing them to develop specialized expertise in their designated fields.⁶

The Concept of Administrative Justice

The concept of administrative justice represents the broader philosophical and institutional framework within which administrative tribunals operate. Administrative justice encompasses the entire system of legal principles, mechanisms, and institutions through which the administrative decisions of the state are made, reviewed, and corrected. It ensures that public authorities and administrative agencies exercise their statutory powers lawfully, rationally, fairly, and with profound respect for the fundamental human rights of citizens.⁷ While the regular courts provide judicial review to ensure administrative actions are legal, administrative tribunals represent the primary adjudicatory arm of this administrative justice system, offering a direct avenue for citizens to appeal the merits of an administrative decision. Therefore, administrative justice in Nigeria is the system through which government decisions are made, reviewed, corrected, and held accountable. It operates via conventional courts, tribunals, and ombudsman-kind bodies, making sure that government functionaries behave lawfully, fairly, and transparently. The Nigerian system combines constitutional principles, judicial oversight, and administrative complaint channels.

The Rationale for Administrative Tribunals

In line with the features of administrative tribunals previously explained in this work, the creation and sustained proliferation of administrative tribunals across the globe mainly rests on four basic rationales as explained Cain⁸: expertise, accessibility, cost effectiveness, and speed. Firstly, modern governance requires the operation and regulation of highly technical sectors. Regular judges trained strictly in general legal principles may lack the specialized knowledge required to adjudicate complex disputes concerning medical negligence, intellectual property, telecommunications licensing, or corporate taxation. Administrative tribunals easily solve this problem by incorporating subject matter experts, such as medical doctors, engineers, or chartered accountants, into the adjudicatory panel alongside legal professionals. Secondly, tribunals are designed to be accessible to the common citizen. The procedural informality of tribunal proceedings often permits litigants to represent themselves

³ HWR Wade and CF Forsyth, *Administrative Law* (11th edn, Oxford University Press 2014) 762.

⁴ Report of the Committee on Administrative Tribunals and Enquiries (Franks Report) (Cmnd 218, 1957) para 40.

⁵ Adefi Olong, *Administrative Law in Nigeria* (Malthouse Press Ltd, 2007)

⁶ *ibid*

⁷ MC Okany, *Nigerian Administrative Law* (Africana First Publishers 2007) 142.

⁸ Peter Cane, *Administrative Tribunals and Adjudication* (Hart Publishing 2009)

without the mandatory requirement of retaining expensive legal counsel, thereby demystifying the adjudicatory process. Thirdly, the financial cost of litigation in regular courts is notoriously prohibitive, creating a severe barrier to justice. Tribunals significantly reduce these costs through expedited prehearing procedures and simplified filing mechanisms. Finally, the speed of adjudication is a defining feature. The regular judicial system in jurisdictions like Nigeria is plagued by severe docket congestion and systemic delays, where simple disputes can languish for decades. Administrative tribunals bypass these procedural bottlenecks, delivering swift justice which is critically essential for dynamic sectors like taxation, immigration, and labor relations where delayed resolution can cause irreparable economic and social harm.⁹

The Evolution and Legal Framework of Administrative Tribunals in Nigeria

The development of administrative tribunals in Nigeria is deeply rooted in the country's colonial legacy and its subsequent transition to a complex modern administrative state. Following political independence, the Nigerian government assumed massive socio-economic responsibilities, leading to the creation of numerous statutory corporations, agencies, and regulatory bodies.¹⁰ As these bodies began to implement government policies, disputes arose naturally. It became immediately apparent that the regular courts, burdened by procedural technicalities and heavy dockets, could not efficiently handle the volume and specialized nature of these administrative disputes. Consequently, the legislature began establishing various administrative tribunals to provide specialized, speedy, and cost-effective adjudication.

Constitutional Basis and Jurisdictional Frictions

The legal framework governing administrative tribunals in Nigeria is predominantly statutory, yet it is profoundly shaped by constitutional constraints. The most significant jurisprudential challenge facing tribunals in Nigeria is the tension between their statutory mandates and the constitutional vesting of judicial powers. Section 6 of the Constitution of the Federal Republic of Nigeria 1999 vests the judicial powers of the Federation and the States exclusively in the regular courts established under that section.

This creates fundamental friction. When an administrative tribunal, established by an Act of the National Assembly, makes binding decisions that affect the civil rights and obligations of citizens, it exercises judicial or quasi-judicial powers. Aggrieved parties frequently challenge the constitutionality of these tribunals, arguing that they usurp the exclusive powers of the regular courts. However, Nigerian jurisprudence has resolved that the legislature can validly create tribunals to handle specific administrative matters, provided these tribunals do not completely oust the supervisory jurisdiction of the constitutionally established courts. The tribunals are seen as complementary bodies of first instance, subject to the appellate or supervisory review of the regular judiciary.¹¹

Another critical constitutional pillar is Section 36 of the 1999 Constitution, which guarantees the fundamental right to a fair hearing. Any administrative tribunal in Nigeria, regardless of its specialized nature, must strictly observe the twin pillars of natural justice. These are the right to be heard and the rule against bias. If a tribunal violates these principles, its decisions are null and void. The rule of fair hearing is not a technical doctrine; it is one of substance. The question is not whether injustice had been done because of lack of hearing. It is whether a party entitled to be heard before deciding had in fact been given the opportunity of being heard.¹² The Supreme Court of Nigeria affirms this in *Kotoye V. Central Bank of Nigeria and 7 Ors*¹³, "Fair hearing anticipated by the

⁹ Ibid 45

¹⁰ Oyelowo Oyewo, *Modern Administrative Law and Practice in Nigeria* (University of Lagos & Bookshop Ltd 2016) 8

¹¹ Ben O Nwabueze, *Constitutional Democracy in Africa* (Spectrum Books 2003) 112.

¹² A. Adegami and A. A Ganiyu, *Constitutional and Administrative Law in Nigeria: Are they Instruments of Governance?* (2023) 8 Public Governance, Administration and Finances Law Review 1. 56-9

¹³ (1989) 1 NWLR (Pt 98) 419

constitution implies that every reasonable and fair-minded observer who watches the proceedings should be able to come to the conclusion that the court or other tribunal has been fair to all parties concerned.”¹⁴

Judicial Attitude Toward Administrative Tribunals

The Nigerian judiciary jealously guards its constitutional jurisdiction and has consistently maintained a strict supervisory stance over administrative tribunals. The courts ensure that tribunals do not exceed their statutory boundaries or encroach upon matters reserved exclusively for regular courts, particularly matters of a criminal nature.

This principle was firmly established in the landmark Supreme Court decision of *Garba v University of Maiduguri*.¹⁵ In this case, several students were expelled by a university disciplinary panel for alleged riotous behavior, arson, and destruction of property. The Supreme Court held that the administrative panel lacked the competence to adjudicate the matter. The court reasoned that allegations of arson and malicious damage are serious criminal offenses under the penal code. Therefore, only a regular court established under Section 6 of the Constitution possesses the jurisdiction to try such criminal allegations, not an administrative tribunal or an academic disciplinary committee.

Similarly, the Supreme Court has emphasized the strict application of the rule against bias in tribunal proceedings. In *Legal Practitioners Disciplinary Committee v Fawehinmi*,¹⁶ a prominent legal practitioner was brought before a disciplinary committee whose members had previously expressed open hostility toward him. The Supreme Court nullified the proceedings, holding that the composition of the tribunal created a real likelihood of bias, thereby violating the constitutional guarantee of a fair hearing. These cases illustrate that while Nigerian courts recognize the utility of tribunals, they will firmly strike down any tribunal action that violates constitutional boundaries or principles of natural justice.

Notable Statutory and Constitutional Tribunals in Nigeria

To understand the practical application of this framework, it is necessary to examine specific examples of active tribunals in the Nigerian legal system.

The Tax Appeal Tribunal: Established pursuant to Section 59 of the Federal Inland Revenue Service Establishment Act 2007, the Tax Appeal Tribunal is a prime example of a specialized statutory tribunal. It was created to resolve disputes arising from the operations of federal tax laws. The regular courts often lack the accounting and financial expertise required to unravel complex corporate tax evasions or intricate transfer pricing disputes. The Tax Appeal Tribunal comprises legal practitioners and tax experts, ensuring that tax disputes are resolved with professional competence and commercial dispatch, before any subsequent appeal to the Federal High Court.¹⁷

The Code of Conduct Tribunal Unlike most administrative tribunals which are creations of ordinary statutes, the Code of Conduct Tribunal enjoys a special constitutional status. It is expressly established under Paragraph 15 of the Fifth Schedule to the 1999 Constitution. Its primary mandate is to adjudicate over breaches of the Code of Conduct for Public Officers, such as the failure to declare assets or the maintenance of foreign bank accounts by public officials. Because of its constitutional backing, it operates with a higher degree of independence compared to standard statutory tribunals.

Election Petition Tribunals Perhaps the most visible and politically significant tribunals in Nigeria are the Election Petition Tribunals. Established under Section 285 of the 1999 Constitution, these tribunals are constituted specifically to hear and determine petitions regarding whether a person has been validly elected to a

¹⁴ *ibid*

¹⁵ (1986) 1 NWLR (Pt 18) 550.

¹⁶ (1985) 2 NWLR (Pt 7) 300.

¹⁷ Federal Inland Revenue Service (Establishment) Act 2007, s 59.

political office. Given the strict constitutional timelines attached to election disputes, the regular courts could not possibly absorb election petitions without bringing all other civil and criminal litigation to a complete halt. These tribunals therefore serve a vital constitutional purpose by providing an expedited, specialized forum for electoral justice.¹⁸

The Structure and Operations of the UK Tribunal System

The United Kingdom provides the most compelling modern example of structural reform in the realm of administrative justice. Unlike Nigeria, where the tribunal system remains somewhat fragmented and continually battles constitutional friction regarding judicial powers, the United Kingdom has successfully integrated its administrative tribunals into a cohesive, unified, and independent judicial hierarchy. This transformation offers vital comparative lessons on how to balance specialized administrative adjudication with the strict demands of the rule of law and judicial independence.

Historical Fragmentation and the Pre Reform Era

To understand the current United Kingdom framework, one must examine its historical context. For much of the twentieth century, the tribunal system in the United Kingdom was notoriously chaotic and structurally fragmented. As the British welfare state expanded rapidly following the Second World War, various government departments created distinct administrative tribunals on an ad hoc basis to handle disputes arising from their specific policies.

By the late 1990s, there were over seventy different administrative tribunals operating independently of one another. Each tribunal had its own distinct procedural rules, administrative support staff, and appellate mechanisms. More troublingly, these tribunals were heavily reliant on the very government departments whose decisions they were supposed to review. For example, a tribunal adjudicating social security benefits was funded, staffed, and accommodated by the Department of Social Security. This structural dependency created a significant perception of bias. Citizens frequently felt that tribunals were merely administrative extensions of the government rather than independent adjudicatory bodies capable of delivering impartial justice.¹⁹

The Leggatt Review and the Demand for Independence

The turning point for the United Kingdom tribunal system occurred in 2001 when Sir Andrew Leggatt was commissioned to conduct a comprehensive review of the entire administrative justice framework. His landmark findings, published in the report titled *Tribunals for Users One System One Service*, exposed the systemic flaws of the fragmented regime.

Sir Andrew Leggatt concluded that tribunals lacked the institutional independence necessary to comply with modern human rights standards, particularly the right to a fair trial under Article 6 of the European Convention on Human Rights. He recommended a radical structural overhaul. His central thesis was that tribunals must be completely separated from their sponsoring government departments and consolidated into a single, independent tribunal service under the direct supervision of the judiciary. This would ensure that tribunals retained their specialized expertise while acquiring the indisputable independence of traditional courts.²⁰

The Tribunals Courts and Enforcement Act 2007

The British Parliament embraced the recommendations of the Leggatt Report by enacting the *Tribunals Courts and Enforcement Act 2007*. This watershed legislation fundamentally revolutionized administrative justice in

¹⁸ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 285.

¹⁹ HWR Wade and CF Forsyth, *Administrative Law* (11th edn, Oxford University Press 2014) 770.

²⁰ Andrew Leggatt, *Tribunals for Users: One System, One Service* (Department for Constitutional Affairs 2001) para 2.1.

the United Kingdom. It abolished the chaotic network of ad hoc tribunals and replaced them with a simplified, unified, and structurally independent statutory framework.

The 2007 Act effectively judicialized the tribunal system. It removed the administrative control of tribunals from individual government departments and transferred it to a newly created centralized body, which is now known as Her Majesty's Courts and Tribunals Service. Furthermore, it mandated that tribunal judges must be appointed by the independent Judicial Appointments Commission, like regular court judges, thereby insulating them from executive interference and political pressure.²¹

The Unified Two-Tier Structure

The operational genius of the Tribunals Courts and Enforcement Act 2007 lies in its creation of a highly organized two-tier judicial structure comprising the First-Tier Tribunal and the Upper Tribunal.

The First-Tier Tribunal serves as the primary adjudicatory body of first instance. To maintain the necessary specialized expertise, the First-Tier Tribunal is organized into distinct functional chambers. These include the Social Entitlement Chamber, the Health Education and Social Care Chamber, the Immigration and Asylum Chamber, and the Tax Chamber. When a citizen is aggrieved by an administrative decision, they file their initial case within the relevant chamber. The panels usually consist of a legally qualified judge sitting alongside subject matter experts, such as medical practitioners or chartered accountants, ensuring that technical disputes receive expert adjudication.²²

The Upper Tribunal functions primarily as an appellate body, hearing appeals from the First-Tier Tribunal strictly on points of law. Similar to the lower tier, the Upper Tribunal is also divided into specialized chambers, such as the Administrative Appeals Chamber and the Tax and Chancery Chamber.

Integration into the Formal Judicial Hierarchy

The most profound achievement of the United Kingdom model is the total integration of administrative tribunals into the formal judicial hierarchy without destroying their unique procedural advantages. The Tribunals Courts and Enforcement Act 2007 expressly designates the Upper Tribunal as a superior court of record, granting it a status equivalent to the High Court.

This equivalence means that the Upper Tribunal possesses the inherent power to enforce its own decisions and, in certain specialized circumstances, exercises the judicial review powers traditionally reserved for the High Court. If a party wishes to appeal a decision made by the Upper Tribunal, that appeal proceeds directly to the Court of Appeal, and ultimately to the Supreme Court of the United Kingdom.

By channeling administrative appeals directly into the senior appellate courts, the United Kingdom system eliminates the jurisdictional conflicts that frequently plague the Nigerian system. The supervisory jurisdiction of the regular courts is preserved, yet the traditional courts are not burdened with the preliminary fact finding and technical evaluations that are efficiently handled by the specialized chambers of the First Tier and Upper Tribunals.²³

The Administrative Law Judge System in the United States

The administrative tribunal system in the United States presents a radically different paradigm from both the Nigerian constitutional struggle and the unified judicial model of the United Kingdom. Instead of creating external standalone tribunals, the United States relies heavily on a system of internal agency adjudication. This

²¹ Tribunals, Courts and Enforcement Act 2007 (UK) c 15, pt 1.

²² Peter Cane, *Administrative Tribunals and Adjudication* (Hart Publishing 2009) 112.

²³ *R (Cart) v Upper Tribunal* [2011] UKSC 28, [2012] 1 AC 663.

model provides vital comparative lessons on how a modern legal system attempts to balance specialized administrative efficiency with the constitutional separation of powers.

Statutory Foundation and the Administrative Procedure Act

The cornerstone of the United States administrative justice framework is the Administrative Procedure Act 1946. Enacted to bring legal order and procedural fairness to the rapidly expanding American administrative state following the New Deal era, the Administrative Procedure Act serves as the procedural constitution for all federal regulatory agencies. It established formal, standardized procedures for both administrative rulemaking and administrative adjudication. The primary goal of the statute was to ensure that federal agencies observe the strict principles of due process whenever their administrative actions affect the civil rights, liberties, or property of citizens.²⁴

Unlike the United Kingdom which consolidated its tribunals into a single independent service, the United States mandated that each individual federal agency must conduct its own formal hearings internally, guided strictly by the procedural safeguards enshrined within the Administrative Procedure Act.

The Unique Position of Administrative Law Judges

At the absolute heart of this internal adjudicatory framework is the Administrative Law Judge. Originally termed hearing examiners, Administrative Law Judges are unique legal figures in modern jurisprudence. They are formally employed by the very executive agencies whose administrative actions they are tasked with reviewing. For example, an Administrative Law Judge adjudicating a complex environmental dispute is an employee of the Environmental Protection Agency, just as a judge hearing a securities fraud case is employed by the Securities and Exchange Commission.

This structural arrangement inherently raises profound constitutional concerns regarding institutional bias. How can a citizen receive a fair hearing when the judge is employed by the opposing party? To mitigate these concerns and guarantee impartiality, the Administrative Procedure Act provides robust statutory shields designed to protect the decisional independence of Administrative Law Judges.

For instance, an agency cannot directly dictate the salary of its Administrative Law Judges, nor can it subject them to standard performance appraisals, performance bonuses, or arbitrary dismissals. Any disciplinary action or removal must be established for good cause and must be formally adjudicated before an entirely separate and independent executive entity known as the Merit Systems Protection Board.²⁵ Through these rigid statutory protections, the United States attempts to insulate its administrative adjudicators from internal executive pressure, allowing them to function as impartial triers of fact while remaining embedded within the executive branch.

Judicial Review and the Shifting Landscape of Deference

While Administrative Law Judges exercise significant quasi-judicial authority and conduct trials that mirror regular courtroom proceedings, they are not constitutional judges appointed under Article III of the United States Constitution. Consequently, their decisions are not completely final and are always subject to judicial review by the regular federal appellate courts.

Historically, the relationship between administrative agencies and the federal judiciary was defined by a powerful legal doctrine known as Chevron deference. This doctrine stemmed from the landmark 1984 Supreme Court decision in *Chevron USA Inc v Natural Resources Defense Council Inc*.²⁶ Under this legal principle, if a statute administered by an agency was ambiguous or silent on a specific issue, regular federal courts were

²⁴ Richard J Pierce, *Administrative Law Treatise* (5th edn, Aspen Publishers 2010) 214.

²⁵ Administrative Procedure Act 1946, 5 USC s 7521.

²⁶ *Chevron USA Inc v Natural Resources Defense Council Inc* 467 US 837 (1984).

mandated to defer to the agency's reasonable interpretation of that statute. This doctrine massively empowered administrative tribunals across the United States, as their legal interpretations and specialized adjudications were rarely overturned by the regular appellate courts.

However, the landscape of United States administrative adjudication has very recently experienced a monumental and historic shift. In the 2024 landmark ruling of *Loper Bright Enterprises v Raimondo*,²⁷ the United States Supreme Court expressly overruled the Chevron doctrine. The Supreme Court held that the Administrative Procedure Act requires regular courts to exercise their own independent judgment when determining whether an administrative agency has acted within its statutory authority.

The federal courts may no longer defer to an agency's interpretation of the law simply because a statute is ambiguous. This seismic jurisprudential shift significantly reasserts the absolute supremacy of the traditional judiciary over administrative tribunals in the United States. It ensures that while tribunals handle the specialized fact finding and initial adjudication, only the constitutionally established Article III courts have the final authority to say what the law is.²⁸

Comparative Analysis: Jurisdiction, Independence, and Judicial Review

Having examined the individual structural frameworks of administrative tribunals in Nigeria, the United Kingdom, and the United States, it is imperative to synthesize these findings. This section conducts a direct comparative analysis across three critical pillars of administrative justice: the scope of jurisdiction, the degree of institutional independence, and the mechanisms of judicial review.

Comparative Jurisdiction: Scope and Specialization

The jurisdiction of an administrative tribunal defines its legal boundary and the specific subject matter it is authorized to adjudicate. Across all three jurisdictions, tribunals share the common characteristic of possessing specialized, rather than general, jurisdiction. However, the manner in which this jurisdiction is structured differs significantly.

In the United Kingdom, the jurisdiction of tribunals is broad but highly organized. The unified chamber system means that almost every conceivable administrative dispute, ranging from immigration asylum to complex corporate taxation, falls under the expansive jurisdiction of the First Tier Tribunal. This unified approach prevents the jurisdictional confusion that often arises when citizens do not know which specific tribunal to approach.²⁹

Conversely, the United States allocates jurisdiction strictly on an agency-by-agency basis. An Administrative Law Judge only possesses jurisdiction over matters directly related to the statutory mandate of their employing agency. There is no central tribunal that handles diverse matters. A judge at the Securities and Exchange Commission cannot hear an immigration dispute. This deepens the subject matter expertise but creates a highly fragmented adjudicatory landscape.

Nigeria occupies a middle ground that is heavily statutory and often ad hoc. The Nigerian legislature creates specific tribunals for specific national crises or ongoing administrative needs, such as the Election Petition Tribunals or the Tax Appeal Tribunal. The jurisdiction of these Nigerian tribunals is intensely scrutinized by the regular courts. If a Nigerian tribunal attempts to expand its jurisdiction to cover matters of general civil liability or criminal culpability, the regular high courts will immediately strike down the proceedings as a usurpation of constitutional judicial powers.³⁰

²⁷ *Loper Bright Enterprises v Raimondo* 144 S Ct 2244 (2024).

²⁸ Cass R Sunstein, *The End of Chevron Deference* (2024) 137 Harvard Law Review Forum 1.

²⁹ Peter Leyland and Gordon Anthony, *Textbook on Administrative Law* (8th edn, Oxford University Press 2016) 412.

³⁰ *Egolum v Obasanjo* [1999] 7 NWLR (Pt 611) 355.

Comparative Institutional Independence

Institutional independence is the bedrock of a fair trial. A tribunal must not only be impartial in fact but must also be structurally insulated from the executive branch it is designed to review. In this regard, the three jurisdictions present a striking contrast in their adherence to the rule of law.

The United Kingdom represents the gold standard for tribunal independence. Following the 2007 reforms, British tribunal judges are entirely severed from government departments. They are appointed by the independent Judicial Appointments Commission and are fully integrated into the national judiciary. An executive minister has no power to appoint, discipline, or remove a tribunal judge. This total separation guarantees that citizens receive a completely fair hearing uninfluenced by government policy.³¹

The United States adopts a more precarious structural approach. Administrative Law Judges are internal employees of the executive agencies. Structurally, this creates a profound risk of institutional bias. However, the United States mitigates this risk through rigid statutory shields embedded within the Administrative Procedure Act. The employing agency cannot dictate the judge's salary, conduct performance reviews, or terminate the judge without proving good cause before an entirely separate executive body. While they lack the absolute constitutional independence of regular federal judges, these statutory protections allow them to function with a high degree of decisional autonomy.³²

In Nigeria, institutional independence remains a significant challenge. Many statutory tribunals are created with appointment mechanisms heavily dominated by the executive branch. For instance, the members of various administrative disciplinary panels or specialized regulatory tribunals are often appointed directly by the President or state Governors, and they frequently lack the security of tenure enjoyed by regular high court judges. This structural vulnerability frequently invites allegations of executive interference, making the Nigerian tribunal system the least independent among the three comparative models.³³

Comparative Judicial Review and Appellate Structures

The ultimate safeguard against administrative tyranny is the supervisory jurisdiction of the regular courts. How the regular judiciary reviews the decisions of administrative tribunals reveals the balance of power between the administrative state and the constitution.

In Nigeria, the relationship between tribunals and the regular courts is primarily supervisory rather than strictly appellate. Because Nigerian tribunals are considered inferior quasi-judicial bodies, the State High Courts and the Federal High Court exercise supervisory jurisdiction over them through the issuance of prerogative writs. These include certiorari to quash an unlawful tribunal decision, prohibition to stop a tribunal from exceeding its jurisdiction, and mandamus to compel a tribunal to perform its statutory duty. While statutory appeals do exist for specific bodies like the Tax Appeal Tribunal, the predominant mechanism for controlling tribunals in Nigeria relies heavily on these traditional common law remedies.³⁴

The United Kingdom has streamlined this process by internalizing the appellate structure. The Upper Tribunal acts as the appellate body for the First-Tier Tribunal. Because the Upper Tribunal is designated as a superior court of record equivalent to the High Court, it handles its own judicial reviews. This internal appellate mechanism drastically reduces the docket congestion in the regular High Courts. Only complex appeals on points of law proceed from the Upper Tribunal to the regular Court of Appeal.

The United States model relies heavily on external judicial review by the regular federal appellate courts. However, the standard of review has recently undergone a historic transformation. For decades, American federal

³¹ Tribunals, Courts and Enforcement Act 2007 (UK) c 15, pt 2.

³² Stephen Breyer, *Administrative Law and Regulatory Policy* (8th edn, Aspen Publishers 2017) 205.

³³ Ben O Nwabueze, *Nigerian Land Law and Custom* (Spectrum Books 2002) 184.

³⁴ MC Okany, *Nigerian Administrative Law* (Africana First Publishers 2007) 210.

courts deferred to the legal interpretations of administrative agencies under the Chevron doctrine. This deference gave immense power to the agencies and their internal tribunals. With the recent Supreme Court decision in *Loper Bright Enterprises v Raimondo*, this deference has been abolished. United States federal courts are now mandated to apply strict independent judicial scrutiny to all administrative tribunal decisions. This aligns the United States closer to the Nigerian strict supervisory model, ensuring that the regular judiciary retains the absolute final word on the interpretation of the law.³⁵

Challenges and Limitations Confronting Administrative Tribunals

Despite the immense benefits of administrative tribunals in ensuring speedy and specialized justice, their operations are fraught with significant institutional and structural challenges. These limitations often threaten the core principles of administrative justice and the rule of law, particularly in developing jurisdictions like Nigeria.

Executive Interference and Lack of Institutional Independence

The most severe challenge confronting administrative tribunals is the persistent threat of executive interference. Because tribunals are fundamentally creations of statutory enactments sponsored by the executive branch, they frequently lack the deeply entrenched constitutional independence enjoyed by regular courts. In Nigeria, the executive branch often retains the statutory power to appoint, discipline, and remunerate tribunal members. This structural dependency creates a dangerous vulnerability. When a tribunal is tasked with reviewing the administrative actions of the very government that appoints its members, the likelihood of institutional bias becomes a stark reality. Without financial autonomy and absolute security of tenure, tribunal adjudicators may feel subtle pressure to align their decisions with government policy rather than the strict dictates of the law.³⁶

Procedural Inconsistencies and Evidentiary Chaos

Another major limitation is the lack of standardized procedural rules. While the flexibility of tribunals is widely praised as a virtue that promotes speed, this same flexibility often leads to procedural inconsistencies. In Nigeria, every administrative tribunal operates under its own distinct set of rules drafted by its establishing statute. This lack of uniformity creates immense confusion for legal practitioners and litigants who must navigate entirely different procedural landscapes depending on the specific tribunal they approach. Furthermore, the relaxation of strict evidentiary rules, while helpful for unrepresented laypersons, occasionally results in the admission of highly unreliable hearsay evidence, which can severely compromise the quality and fairness of the final adjudicatory outcome.³⁷

The Danger of Tribunalization and Ouster Clauses

The rapid proliferation of tribunals carries the inherent risk of tribunalization, a phenomenon where the state attempts to entirely bypass the regular constitutional courts by transferring all sensitive matters to executive controlled tribunals. In Nigerian legal history, particularly during periods of military governance, the state frequently utilized tribunals to bypass the regular judiciary, often inserting ouster clauses into the enabling decrees. These ouster clauses explicitly prohibited regular high courts from reviewing the decisions of the tribunals. Although the Constitution of the Federal Republic of Nigeria 1999 has largely nullified the validity of ouster clauses, the administrative tendency to create specialized regulatory bodies specifically to avoid the rigorous scrutiny of regular courts remains a potent threat to the constitutional separation of powers.³⁸

CONCLUSION AND RECOMMENDATIONS

³⁵ *Loper Bright Enterprises v Raimondo* 144 S Ct 2244 (2024).

³⁶ PA Oluyede, *Nigerian Administrative Law* (University Press Plc 1988) 250.

³⁷ MC Okany, *Nigerian Administrative Law* (Africana First Publishers 2007) 215.

³⁸ Ben O Nwabueze, *Military Rule and Constitutionalism in Nigeria* (Spectrum Books 1992) 16.

Conclusion

This doctrinal research has critically examined the role and relevance of administrative tribunals through a comparative lens focusing on Nigeria, the United Kingdom, and the United States. The central finding of this paper is that administrative tribunals are no longer optional appendages to the state apparatus but are absolute necessities for the efficient functioning of modern legal systems. The regular courts, bound by rigid procedures and overwhelming dockets, simply cannot dispense the specialized, technical, and speedy justice required in a highly regulated modern welfare state.

The comparative analysis reveals distinct structural approaches to achieving administrative justice. The United Kingdom stands out as the most progressive model, having successfully unified its historically fragmented tribunal system into a cohesive, independent judicial hierarchy under the Tribunals Courts and Enforcement Act 2007. The United States has demonstrated how internal agency adjudication can be effectively balanced through the strict procedural safeguards of the Administrative Procedure Act and the rigorous external review of the federal appellate courts. Conversely, Nigeria continues to operate a highly fragmented and ad hoc tribunal system. While Nigerian tribunals perform excellently in specialized areas like corporate taxation and election petitions, they continually struggle against constitutional frictions, jurisdictional overlaps, and a profound lack of institutional independence.

Recommendations

To elevate the Nigerian administrative tribunal system to the zenith of professional and scholarly excellence, and to ensure it delivers optimal administrative justice without compromising the constitution, the following specific recommendations are proposed.

First, the National Assembly should enact a comprehensive and unified Administrative Tribunals Act. Drawing direct inspiration from the successful United Kingdom model, this legislation should consolidate the numerous disjointed tribunals scattered across the country into a single structured national service. This unified body should feature a first tier for specialized preliminary adjudication and an upper appellate tier, thereby harmonizing procedural rules across all administrative disputes.

Second, to secure absolute institutional independence, the statutory power to appoint and discipline tribunal chairmen and legally qualified members must be entirely stripped from the executive branch. This authority should be transferred exclusively to the National Judicial Council. By integrating tribunal appointments into the constitutional judicial framework, adjudicators will be permanently shielded from political interference and executive victimization.³⁹

Third, the funding mechanism for all statutory tribunals must be radically restructured. Tribunals should not rely on the budgetary allocations of the very government ministries they are mandated to review. Instead, their funding should be drawn directly from the Consolidated Revenue Fund of the Federation, ensuring the total financial autonomy required for impartial adjudication.

Finally, while tribunals must retain their procedural flexibility, a standardized code of basic administrative procedure must be enacted. Similar to the United States Administrative Procedure Act, this Nigerian code would guarantee that all tribunals, regardless of their specific technical expertise, adhere strictly to a mandatory minimum threshold of fair hearing, natural justice, and transparent evidence evaluation.

³⁹ Constitution of the Federal Republic of Nigeria 1999 (as amended), pt I, sch 3.

By implementing these foundational structural reforms, Nigeria can successfully preserve the specialized efficiency and speed of administrative tribunals while firmly securing them within the protective embrace of the rule of law and constitutional supremacy.