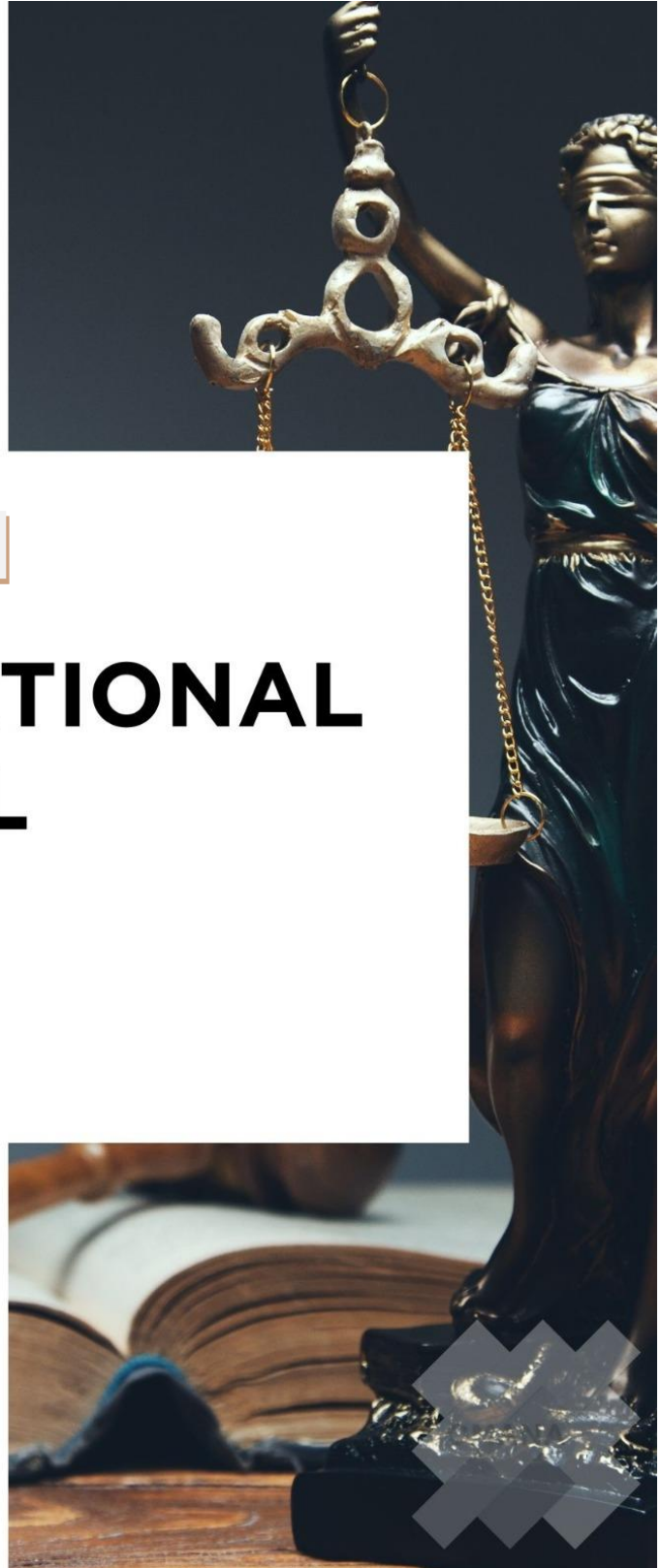
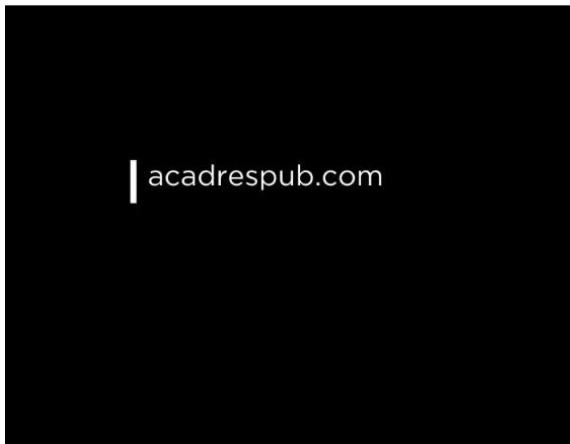


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DISOBEDIENCE TO COURT JUDGEMENTS AND ORDERS: A FORMIDABLE CHALLENGE TO ENFORCEMENT OF COURT JUDGMENTS AND ORDERS IN NIGERIA: WAY FORWARD

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ABSTRACT

Conflict is universally accepted as a necessary part of human interactions. This is more pronounced in commercial dealings. Actors in the business sphere having this in mind require a level of assurance that when this occurs, there is in place, adequate legal machinery for settling such disputes. And more importantly, that whatever verdict is handed down can be enforced.¹ Enforcement of court judgments and orders in Nigeria is “bedevilled” and fraught with a lot of challenges. “Among” these challenges, disobedience to court “judgments” or “orders” is arguably, the most formidable and virulent. This article discussed some selected cases of disobedience to court judgments and orders in Nigeria with particular focus on the executive, legislative and judicial arms of government. Judicial response to issues of disobedience to court judgments and orders through pronouncements of judicial officers, was also discussed, with a view to underscoring the negative effects of disobedience to court judgments and orders and how strongly, it is viewed. In conclusion, the article noted that disobedience to court judgments and orders is tantamount to dashing the last hope of the common man which the courts represents and recommends measures such as setting up of court judgments monitoring and compliance committee, review of legal framework governing the enforcement of court judgments in Nigeria to upscale penalty sections dealing with disobedience to “court judgments or orders” etc.

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

Introduction

One of the major challenges confronting enforcement of court's judgments and orders in Nigeria is disobedience to court judgments and orders. This intractable hydra headed menace has rendered so many court judgments and orders as mere academic exercise and, in that way, deprived judgment creditors from enjoying the fruit of their victory in court. Both the executive and the legislative arms of government, have in no particular order contributed to this ugly trend. The judiciary has also contributed through its conflicting orders, but it shall be given to it that it has also through the courts, responded negatively to the condemnable practice of disobedience to court orders.

Disobedience to court judgments and orders in Nigeria, causes disenchantment and disaffection by the members of the public towards members of the judicial arm of government who most of the times, are erroneously, believed to be the cause of all the unenforced judgments and orders of courts in Nigeria. This article is of the view that, through measures such as holistic review of legal framework for enforcement of court orders such as Sheriffs and Civil Process Act Cap S6 LFN 2004, by upscaling of penalties for disobeying court orders, setting up of committee to enforce compliance etc.; disobedience to court orders will drastically be reduced.

Conceptual clarifications of key words

The Court: A Court is a government institution with authority to settle legal disputes between parties and carry out the administration of justice in a civil, criminal or administrative matter according to the rule of law.² Courts in Nigeria are creation of the Constitution and the judicial powers are vested in them by the Constitution. Section 6(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), vested the judicial powers of the Federation in the Courts established by the constitution for the Federation. The Constitution also in section 6(2) thereof, vested the judicial power of the State in the Courts to which the section relates, being Courts established, subject as provided by the Constitution for a State.

The courts in Nigeria are categorized into superior and inferior courts. The superior courts are the courts established by the Constitution of the Federal Republic of Nigeria 1999³ (as amended) and those

Courts as listed in section 6(5) (a) to (k) are, the Supreme court, Court of Appeal, Federal High Court, the High Court of the Federal Capital Territory, Abuja, the Sharia Court of Appeal of the Federal Capital Territory, Abuja, the Customary Court of Appeal of the Federal Capital Territory, Abuja, the High Court of a State, Sharia Court of Appeal of a State, Customary Court of Appeal of a State, the National Industrial Court of Nigeria. The inferior courts are the magistrate courts and other courts that are established under the different States laws and instruments.⁴

Court Order: Court Order means any judgment, decision, consent decree, injunction, ruling or order of any federal, state or local court or governmental agency, department or authority that is binding on any person or its property under applicable law⁵ It is also defined as an order issuing from a competent court that requires a party to do or abstain from doing a specified act.⁶ Oxford *Advanced Learner's Dictionary*⁷ defined court order as a decision that is made in a court of law about what must happen in a particular situation.⁸ *Blacks Law Dictionary*⁹ also defined it as a written direction or command delivered by a court or judge. A Court Order is a legal directive issued by a judge that requires individuals or entities to act or refrain from acting in a certain way.¹⁰

Judicial power: The power of the courts and judges to hear cases, make decisions, and interpret and apply the law to types of cases not previously decided upon is judicial power. The power of the Court to make Court Judgements and Orders is derived from the judicial power which is vested in it by Section 6 of the 1999 Constitution of the Federal Republic of Nigeria¹¹ (as amended). Judicial Power has been variously defined by the Courts using the

⁴ Ibid.

⁵ Preston Clark, Law Insider Dictionary, *Court Order Definition*. Available at < <https://www.lawinsider.com/court> > accessed on 20th February, 2024.

⁶ G&C Merriam, Merriam-Webster Dictionary. Available at < <https://www.merriam-webster.com> > accessed on 20th February, 2024.

⁷ Albert Sydney Hornby, Oxford Advanced Learner's Dictionary 6th edn. p. 1035.

⁸ Ibid.

⁹ Bryan A. Garner, *Black's Law Dictionary*, 9th edn. p.1206.

¹⁰ Nicole Madison, *What is a Court Order? The Essential Key to Legal Compliance and Enforcement*. Available at < <https://www.mylawquestions.com> > accessed on 20th February, 2024.

¹¹ Section 6 of the CFRN (as amended).

² Bryan A. Garner, *Black's Law Dictionary*, 9th edn. P. 405.

³ CFRN (as amended) chapter VII, Part I and II

instrumentality of Court's judgements. The Court in the case of *Ikechukwu v Nwoye*¹² adopting *Giwa v IGP*¹³ defined the phrase Judicial Power in section 6 (1) of the constitution as "The powers of the court to decide and pronounce a judgement and carry it into effect between persons and parties who brings a case before it for decision." In *Abacha v FRN*¹⁴ the Court defined Judicial Power as "The authority of the Court to adjudicate upon and decide any matter before it which is within its jurisdiction."

Judgement: The word "judgment" or "Order" denotes the judgment rendered by a court on any question or issues between the parties involved in the proceedings.¹⁵ In the case of *Saraki & Anor v. Kotoye*¹⁶ the Supreme Court defined "Judgment" as "a binding, authentic, official, judicial determination of the court in respect of the claims and actions before it." Judgement is the final decision of the court resolving the dispute and determining the rights and obligations of the parties.¹⁷ The Supreme Court also in the case of *Attorney-General of Oyo State v. Fairlakes Hotels Ltd*¹⁸ defined judgement as the sentence of law pronounced by the court upon the matter contained in the order. A judgement is the decision in law reached by court of competent jurisdiction after due consideration of issues in controversy by the parties to dispute before the court for proper adjudication.¹⁹ While most court orders may not necessarily pass as judgements, especially those orders made on interlocutory applications to maintain status quo ante bellum pending the final determination of the substantive suit, most judgements involve order of court to be complied with. Section 95 of the Sheriffs and Civil Process Act²³ specifies Judgement as any verdict, order or decree issued by a court in legal proceedings that requires payment for an action or obligation other than payment."

Enforcement: The act of mandating the application or compliance with a law, rule, or obligation is known as enforcement. In Kaananswi and Duson's view,²³

enforcement is the process of enforcing compliance with a law or other mandate. In the words of an eminent jurist Boma Gordon Diepiri in his paper, *Enforcement of Judgment and Orders of Court: Role of Judicial Administrators*,²⁰ the execution and enforcement of judgment and orders is the process of impelling and compelling compliance with the judgment and orders of court of competent jurisdiction.

The most important stages in the litigation process are three, namely: (a) deciding the appropriate cause of action; (b) the trial of the action; and (c) enforcement of interlocutory and final orders and or judgment.²¹ To any litigant, the joy of any victory recorded in the judicial process becomes meaningful only and only when orders granted in his favour are enforced successfully.²² The constitution in section 287 thereof, 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 and that other courts as the case may be.

Selected cases of disobedience to court judgments and orders in Nigeria by the executive, legislative and judicial arms of government

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.²³ In many occasions, concerned citizens in Nigeria have expressed worry about the spate of disobedience to court orders in spite of democratic governance.²⁴ 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.²⁵ The consequences of disobedience to court order by government was stated in the case of

¹² (2014) ALL FWLR (pt. 7240) 101 at 109 S.C.

¹³ (1985) 6 NCLR 369 at 385

¹⁴ (2014) 6 NWLR (pt. 1402) 43 at 118 S.C

¹⁵ Afe Babalola, *Enforcement of Court Judgments* (1st edn. Intec Printers Limited 2003) p. 4.

¹⁶ (1992) 9 NWLR (PT. 264) P.154

¹⁷ Ernest Ojukwu and Chudi Ojukwu, *Introduction to Civil Procedure* (Helen-Robers Nigeria 2002) P. 248.

¹⁸ (1998) 12 SCNJ (Pt.1) 1 at 13

¹⁹ Boma Gordon Diepiri, *Execution and Enforcement of Judgment and Orders of Court*, A paper presented on the occasion of the Refresher course for the chief Registrars, Deputy chief Registrars, Directors and Secretaries of Judicial Service Commissions/Committee at NJI Abuja <<https://nji.gov.ng>> accessed on 20th February, 2023.

²⁰ Kaananwwi and Duson, Practical Challenges to the Enforcement of Judgments in Nigeria. *International Journal of Innovative Legal Studies* 2020 (Vol. 8 (2) 1-12. Available at <https://www.se.ahipi.org> accessed on 20th March, 2025.

²¹ Afe Babalola, *Injunctions and Enforcement of Orders* (1st edn. Obafemi Awolowo University Press Limited Ile-Ife 2000) P.260.

²² Ibid.

²³ Obike Ukoh, *Addressing the rate of disobedience to court orders*. Available at <<https://www.thenationonline.net>> accessed on 31/10/2022.

²⁴ Ibid.

²⁵ Ibid.

Olmstead v USA,²⁶ where the Supreme Court of the United States of America explained the position as follows: "If the government becomes a law breaker; it breeds contempt for the law; it invites everyman to become a law unto himself; it invites anarchy."²⁷

In the case of *Louis B. Ezekiel Hart v. Chief George I. Ezekiel Hart*.²⁸ The Supreme Court of Nigeria, Per Nnaemeka Agu, J.S.C. aptly captured obedience and disobedience to order of courts and their respective consequences in the following statement: Obedience to orders of court is fundamental to the good order, peace and stability of the Nigerian Nation. The ugly alternative is a painful recrudescence of triumph of brute force or anarchy-a resort to our old system of settlement by means of bows and arrows, machetes and guns or, even more "sophisticated" weapons of war. Disobedience to an order of the court should, therefore be seen as an offence directed not against the personality of the judge who made the order, but calculated act of subversion of peace, law and order in the Nigerian society. Obedience to every order of court is therefore a duty which every citizen who believes in peace and stability of the Nigerian state owes to the Nation.

The Judiciary cannot be said to be truly independent in order to ensure due administration of justice where factors that guarantees its independence are not in place or are being wantonly disregarded. One of these important factors which unfortunately is missing in Nigeria, is obedience to Court Orders. According to Socio-Economic Rights and Accountability Projects (SERAP),²⁹ as at February, 2022, there were eight cases decided by court in favour of SERAP against the Federal government with various orders which the Federal government has refused to obey. Some of the cases which were decided at various times starting from 2016 to 2020 are as follows: *Socio-Economic Rights and Accountability Project v Minister of Information & Federal Ministry of Information and Culture*³⁰. This matter came before Hon. Justice

Hadiza Shagari of the Federal High Court Lagos. The date of the Judgment was on the 5th July, 2017. In this case, the Court ordered the Federal government to immediately release to Nigerians, information about the names of high-ranking public officials from whom public funds were recovered and the circumstances under which funds were recovered, as well as the exact amount of funds recovered from each public official. This court order was not obeyed.

In *SERAP v The Federal government*,³¹ Hon. Justice Chuka Obiozo in a judgment delivered on the 4th of July, 2019, ordered the Federal government to release details of payment of billions of Naira to all corrupt electricity contractors who disappeared with public funds without executing any project from 1999 to date of the judgment. Again, this order was observed in breach.³² The flagrant and shameful disobedience to court orders by the Nigerian government is not confined to the territory of the Nigerian courts alone, the condemnable act was also brought to the door step of the ECOWAS Court of Justice. In *SERAP v Federal Republic of Nigeria & Anor No. 1*³³ 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 the 27th October, 2009, held that every Nigerian child is entitled to the right to education and ordered the Federal government to provide education as a matter of right and address corruption in the education sector. This was not done, the prolong strikes by ASUU and other unions in the tertiary institutions can attest to that fact.³⁴

*SERAP v Attorney-General of the Federation*³⁵ is another instant case of disobedience to court orders judgment obtained by SERAP against the federal government. In this case which came before Hon. Justice Oluremi Oguntoyinbo of the Federal High Court Lagos, the court in its Judgment of 26th November, 2019, ordered the Federal government and Mr. Abubakar Malami, former Attorney-General of the Federation (AGF), to challenge the legality of state's life pension laws and to recover pensions

(*Suit No: FHC/CS/964/2016 Federal High Court Lagos Judicial Division 5th July, 2017*).

³¹*SERAP v The Federal government. (Suit No: FHC/L/CS/105/2019 Federal High Court Lagos Judicial Division 4th of July, 2019).*

³² Ibid.

³³*SERAP v Federal Republic of Nigeria & Anor No. 1 (Suit No: ECW/CCJ/APP/08/08 27th October, 2009).*

³⁴ Emphasis is mine.

³⁵*SERAP v Attorney-General of the Federation (Suit No: FHC/L/CS/1497/2017 Federal High Court Lagos Judicial Division 26th November, 2019).*

²⁶ 277 USA 438 (1928) cited in Ese Malami, *Administrative Law*, 5th edition 2022. Princeton & Associates Publishing Co Ltd. P.112.

²⁷ Ibid.

²⁸ (1990) 1NWL (Pt. 126) 276 at 279.

²⁹ Source, Adelanke Aremo, Senior Legal Adviser SERAP via <adelankearemo@serap-nigeria.org>

³⁰*Socio-Economic Rights and Accountability Project v Minister of Information & Federal Ministry of Information and Culture*

collected by ex-governors now serving as ministers and members of the National Assembly. This order was not obeyed. Also, in *SERAP v Federal government*³⁶ 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 was disobeyed.

Disregard for court orders has been a stock in trade for the Nigerian governments. For instance, in the case of *Attorney-General of Lagos State v. Attorney-General of the Federation*,³⁷ the Supreme Court inter alia held that the President has no right vested in him to suspend or withhold for any period whatsoever, the statutory allocation due and payable to Lagos State government in respect of the 20 Local Government Area Councils recognized in part 1 of the first schedule to the Constitution of the Federal Republic of Nigeria 1999 (as amended) and ordered the federal government to release the accumulated funds to the Lagos State government. In spite of the fact that this order was made in 2004, the federal government under the then President Obasanjo refused to obey the order and did not release the funds until 2007 when they left and the funds was released by the former President Yar'adua's government that took over from "them"-that government.

Sheikh Ibraheem El-Zakzaky and his wife who were arrested in December, 2015 following an altercation between members of the Nigerian Army and the Islamic Movement in Nigeria (IMN) in Zaria Kaduna State.³⁸ They were subsequently charged to court by the Kaduna state government over allegations of culpable homicide, unlawful assembly and disruption of public peace. On December, 2 2016, Justice Kolawole of the Federal High Court in Abuja made two specific and unambiguous orders; one ordering the release of the leader of the Islamic Movement in Nigeria sheikh El-Zakzaky and his wife Zeenat from the custody of the Department of the State Service (DSS) and payment of the sum of fifty million naira (#50,000,000) to the couple. El-Zakzaky and his wife were only released on a fresh Court Order in July, 2021 by the DSS,³⁹ while the compensation sum is yet to be paid.

³⁶ *SERAP v Federal government* (Suit No: ECW/CCJ/APP/10/2020 9th July, 2021).

³⁷ *Attorney General. of Lagos State V. Attorney. General of the Federation* (2004) SC 70/2004/2019.

³⁸ Oluwakemi Abimbola, *Six times Buhari has disobeyed court orders*, Punch Newspaper online 29th September, 2019 < [Punchng.com/six-times-buhari-has-disobeyed-court-order/](https://punchng.com/six-times-buhari-has-disobeyed-court-order/) accessed on 4th February, 2020.

³⁹ Ibid.

Col. Sambo Dasuki, former National Security Adviser (NSA).⁴⁰ Dasuki was picked up by operatives of the Department of State Service on the 29th of December, 2015. He was accused of illegal possession of firearms and diversion of \$2.1 billion from the arms deal contract. Amongst several court orders granting him bail from the DSS custody, which were disobeyed, were that of Economic Community of West African States Court of Justice which ordered his release from illegal custody on 4, 2016 and that of the Federal High Court in Abuja which also ordered his release on July 2, 2018.⁴¹ In the case of Dorothy Njemanze & 3 ors v. The Federal Republic of Nigeria (unreported).⁴² The women by name, Dorothy Njemanze, Edu Ene Okoro, Justina Etim and Amarachi Jessyforth were abducted and assaulted sexually, 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.⁴³ 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 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.⁴⁴ In its usual practice of disobeying court orders, the sum of Six Million Naira damage awarded to the plaintiffs was not paid by the federal government of Nigeria⁴⁵

In case of Magodo phase 2 estate in Lagos State.⁴⁶ The crises started in 1984 through 1986 when the

⁴⁰ Rtd. Col. Sambo Dasuki was the National Security Adviser to the Former President Goodluck Ebele Jonathan from 2010 to 2015.

⁴¹ Oluwakemi Abimbola, *Six times Buhari has disobeyed court orders*, Punch Newspaper online 29th September, 2019 < [Punchng.com/six-times-buhari-has-disobeyed-court-order/](https://punchng.com/six-times-buhari-has-disobeyed-court-order/) accessed on 4th February, 2020.

⁴² Media Centre African Women's Development Fund, *ECOWAS Court makes first pronouncement on Maputo Protocol: Rules in favour of plaintiffs in case of Dorothy Njemanze 3 Ors v Federal Republic of Nigeria* (Suit No. ECW/CC/JUD/08/17) 13th October, 2017. Available at < <https://awdf.org> > Accessed on 5th January, 2020.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ *Chief Adebayo Adeyiga and Six (6) others vs. Military Governor of Lagos State and four (4) others* Suits No. ID/795/88. Cited in Ifeoluwa Adediran, *Why Shangisha Landlords Moved To Take Over Magodo* available at <<https://www.premiumtimesng.com>> Accessed on 24th January, 2022.

Lagos State government forcefully took over the parcels of land belonging to Shangisha Landlords Association, owners of Magodo phase 2 estate under the disguise of building an international standard hospital.⁴⁷ According to the reports, the landlords after being evicted from the land, discovered to their utter chagrin and dismay that the government instead of putting the land to public use by building an international standard hospital as claimed, had proceeded to convert the land for their personal use, allotting the said lands in plots to their friends and cronies including some highly placed people in the society such as judges in the Lagos State judiciary and members of executives.⁴⁸ Aggrieved by this sudden change of plan, they approached the government and held a meeting where it was resolved that its members would be given plots of land from the then new scheme known as Magodo scheme 2. It was when the government failed to abide by the resolution of the meeting, that the association was constrained to sue them in June 1988 in suit ID/795/88 in Lagos State High Court Ikeja. While the case was pending, the Lagos State government refused to obey the order to maintain status quo and instead continued to intensify construction activities on the land. However, this situation continued until 1993 when the trial court held in the association's favour and gave a mandatory injunction order for the state to allocate 549 plots of land in dispute to the association. The government however appealed this decision and lost.⁴⁹ The matter later went up to the Supreme Court which affirmed the judgments of the lower courts on February 10, 2012. The judgment was not obeyed, forcing the Supreme Court to voice out its displeasure in March, 1 2016 over the failure of Lagos State Government and the chief Judge of Lagos State to execute its decision. The implication is that over 37 years, Lagos State government disobeyed lawful orders of the three most important courts in Nigeria including the Supreme Court.⁵⁰

Disobedience to court orders by legislative arm of government: Disobedience to court orders though rampant in case of the executive arm of government, the legislative arm is involved, both at the "national" and "sub-national" levels. There are instances where the legislative arm of government both at the national and subnational levels have refused to obey court orders. In the case of *Hon. Iliasu Ibrahim v. Kwara State House of Assembly*⁵¹, a suspended Peoples

Democratic Party member representing Ipaye/Malete/Olooru constituency in the Kwara State House of Assembly challenged his suspension by the State House of Assembly. On the 13th of June, 2014, the State High Court declare his suspension null and void and ordered his reinstatement with payment of all his entitlements within the time he was on suspension.⁵² The House of Assembly, instead of obeying the court order, through its solicitors, Saka and Co filed an appeal and motion for stay of execution of the judgment. But the Court of Appeal Ilorin 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, 2014.⁵³

This court order to reinstate the suspended member was not obeyed by the Kwara State House of Assembly, at least not up to the time this alarm was made on the 29th April, 2015, close to one year after the order was given. In the case of *Chief Sabastine Hons v National Assembly & 2 Ors*⁵⁴. the National Industrial Court Abuja per Hon Justice Osatohanmwem Obaseki-Osaghae on the 15th of July, 2022 delivered a judgment and ordered the National Assembly, the Revenue Mobilization, Allocation and Fiscal Commission (RMAFC), and the Attorney-General of the Federation (AGF) to initiate and put in place measures that will ensure upward review of the salaries and allowances of judicial officers in Nigeria. According to the judgment, the stagnation of the salaries and allowances of the nation's judicial officers since 2008 when they were last increased is not only embarrassing but an

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Suit No: KWS/41/2014, (Unreported) Subject of an article by 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.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ *Chief Sabastine Hons v National Assembly & 2 Ors* Suit No. NICABJ/142/2022 (Unreported).

injustice, deliberately done to judicial officers, who work daily to ensure justice for all. The court was particular about the amount to be paid to each justice, from the Chief Justice of Nigeria to all judges of the various High Courts in Nigeria.⁵⁵ The order was ignored as usual until when, according to a report by the Vanguard Newspaper,⁵⁶ President Bola Tinubu decided to send an executive bill to the National Assembly proposing new structure of salaries and allowances for judicial officers in the country. The bill which according to the report, sought to end the prolonged stagnation of the remuneration of judicial officers,⁵⁷ has now been finally assented to and is now an Act of the National Assembly of Nigeria.

The National Assembly's inglorious role in disobedience to court orders was also captured in an article titled "*Saraki's disobedience to court order Embarrassing-Senator Isaac Alfa.*"⁵⁸ In that article, the former Chief of Air Staff and Senator who represented Kogi East Senatorial District in the 8th Assembly apparently frustrated by the refusal of the former Senate President Bukola Saraki's leadership of the Senate to swear him in, declared that Dr. Saraki's disobedience to court orders is embarrassing to the nation. According to him, the Supreme Court Judgment delivered on the 23rd January, 2019 which affirmed him as the Senator passed through 31 judges, yet the former Senate President Dr. Saraki refused to swear him in because of his preference for Senator Atai Aidoko his opponent.⁵⁹

In the build up to the Ondo State Governorship election held on October, 10, 2020, the Ondo State House of Assembly, ostensibly because of his defection from All Progressive Congress (APC) to Peoples Democratic Party (PDP) moved to impeach the former deputy governor Hon. Agbola Ajayi.⁶⁰ The impeachment process however later failed after the Chief Judge of the State, Justice Olanrewaju Akeredolu turned down the directive to constitute a seven-man impeachment panel to probe the allegation of misconduct against the former deputy governor, citing lack of two-third majority quorum on the part of the Assembly and the matter being sub-

judice.⁶¹ The leadership of the House of Assembly however in an obvious act of frustration suspended four members of the House namely; the Deputy speaker, Hon. Ogundeji Iroju, Mrs. Favour Tomomowo, Wale Williams, and Tomide Akinribido who declined to sign the impeachment notice against the deputy governor, citing gross misconduct and indiscipline.⁶² The four lawmakers challenged their suspension at the Ondo State High Court Akure. In his judgment, Justice Ademola Bola stated that the suspension is illegal, null and void and of no effect.⁶³

According to the Judge, the House of Assembly has no power to suspend any member of the Assembly. He ordered that the lawmakers be reinstated into their positions with immediate effect with payment of five million naira to each of the lawmakers as damages.⁶⁴ The leadership of the House of Assembly instead obeying the court order went to Court of Appeal with application for stay of execution which the Court of Appeal instantly dismissed and reinstated the suspended lawmakers.⁶⁵ However, both the orders of the State High Court Akure and that of the Court of Appeal were not obeyed until barely 72 hours before the leadership of the Assembly would have been charged to court for contempt having been served form 49 (contempt of court committal) by the Ondo State High Court over their failure to obey the courts ordered to reinstate the suspended lawmakers.⁶⁶

In the case of *Igbeke v. Emordi*⁶⁷ the Court of Appeal Enugu per Olukayode Ariwoola, J.C.A (as he then was) in his lead judgment delivered on the 25th of March, 2010 set aside the judgment of the National Assembly Governorship and Legislative Houses Election Petition Tribunal, Anambra State holden at Awka delivered on the 17th day of June, 2008 in petition No. EPT/AN/NAE/11/2007. The court declared Hon. Alphonsus Uba Igbeke the winner of the Anambra North Senatorial election held on the 28th of April, 2007. The court ordered INEC to withdraw certificate of return from the Senator Joy Emordi who was earlier declared winner by the Tribunal and issue another one to Hon. Alphonsus Uba Igbeke to enable him be sworn in by the Senate. This order was complied with by INEC but it took two months and out of so much pressure before the Senate leadership under the former Senate President, Senator David Mark could agree to swear in Hon.

⁵⁵ Ibid.

⁵⁶ Vanguard Newspaper, Thursday, 21st March, 2024 P.6.

⁵⁷ Ibid.

⁵⁸ Samson Atekojo Usman, *Saraki's Disobedience to court orders Embarrassing-Senator Alfa*. Daily Post Nigeria Online News, February 6, 2019 Available at < <https://dailypost.ng> > Accessed on 28th October, 2022.

⁵⁹ Ibid.

⁶⁰ Dayo Johnson, *Ondo Speaker bows to court order, reinstates suspended lawmakers*. Vanguard Online News. 14th December, 2020. Available at < vanguardngr.com > Accessed on 7th November, 2022.

⁶¹ Ibid.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ *Igbeke v. Emordi* (2010) 11 NWLR (Pt. 1204) 1 @ 35 paras B-F.

Igbeke on the 25th of May, 2010 after disobeying the order of the Court of Appeal.⁶⁸

Disobedience to Court Orders by Court Itself: The Judiciary represented by the courts has also contributed to the problem of violation of its orders and by extension its independence.⁶⁹ One of the ways through which the judiciary has done this, was by issuing of conflicting orders especially ex parte orders by courts of coordinate jurisdiction. A conflicting court order is an order of courts of coordinate jurisdiction on the same subject matter which contradict each other.⁷⁰ Conflicting judgments which have constituted an enormous clog in the wheel of progress of administration of justice system in Nigeria, was also described as inconsistent or incompatible final decisions/opinions of courts of coordinate jurisdictions on the same or similar facts in dispute.⁷¹

Conflicting court orders has been a challenge to the judiciary especially as it affects obedience to valid court orders. However, thanks to the National Judicial Council (NJC), this trend is being checkmated. In 2021 it was reported in one of the daily newspapers⁷² that three High Court Judges were barred from promotion for five years for giving conflicting court orders in the cases involving the former national chairman of Peoples Democratic Party (PDP) Uche Secondus.⁷³ In that report, the council 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 council 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 processes in Suit No. HC/240/2021 between Mr. Enang Wani v. Uche Secondus, as it was evident that,

⁶⁸ Sam Nzeh, *Emordi vs Igbeke-Senate Has No Right to Disobey Court Order-Adesina (Interview)*, 10th May, 2010. Available at < <https://go.gale.com> > Accessed on 10th January, 2021.

⁶⁹ Conflicting court orders earlier discussed in this paper is one of the contributing factor to disobedience to court judgments and orders.

⁷⁰ Mamman Mike Osuman, *Conflicting orders and decisions of courts on political matters*. Available at <<https://www.guardian.ng/features/law/conflicting-orders-and-decisions-of-courts-on-political-matters/>> accessed on 18th November, 2022.

⁷¹ Ezebuoro Anthony U, Ogbodo Ignatius I and Ogu Uche K, *Conflicting Judicial Judgements 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 18th November, 2022.

⁷² Daily SUN, Friday, 17, 2021 p.6

⁷³ Ibid.

in granting the ex parte orders of the High Courts of Rivers and Kebbi states, being courts of coordinate jurisdiction with his. For a duration of two years, the council placed him on its watch-list.⁷⁷

Also recently, the NJC at its 108th Meeting held on 29th and 30th of April, 2025, asserted its authority and put a stop to the on-going spate of impunity in the judicial sector, when it directed the governor of Imo State to reverse the appointment of Hon. Justice Theophilus Nnamdi Nzeukwu as Acting Chief Judge of the State, in view of the fact that it was done without following due process and in non-conformity with section 271 (4) of the constitution of the Federal Republic of Nigeria 1999 (as amended) with regard to seniority. The directive which was given through a press release dated 30th April, 2025,⁷⁴ also directed the Acting Chief Judge to show cause within 7 days why disciplinary action should not be taken against him for taken the appointment. The President of the Customary Court of Appeal of Imo State Hon. Justice V.U. Okorie was also directed to show cause within 7 days why disciplinary action should not be taken against him for presiding over the JSC meeting that recommended the Acting Chief Judge's appointment, contrary to the provisions of the constitution. Also at that meeting, the NJC wielded big sticks on two judges for various acts of judicial misconduct. The Justices are: Hon. Justices Inyang Ekwo of the Federal High Court Abuja Division, who was suspended for one (1) without pay, placed on watch-list for five (5) years and barred from elevation for five (5) years and Hon. Justice Aminu Baffa Aliyu of the Federal High Court, Zamfara Division was also suspended for one (1) year without pay and placed on a watch-list for three (3) years within which period he is barred from elevation.

Other petitions were stepped down for further investigations and pending the outcome of decisions of the Court of Appeal on them. These includes petitions against Hon. Justices Othman A. Musa of the High Court of the Federal Capital Territory, Hon. Justice Abubakar Babashani of the High Court of the Federal Capital Territory and Hon. Justice Isaac Essien of the National Industrial Court.

Earlier, 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 (as amended) sections 29(5) and 84(14) of the Electoral Act 2022 (as amended) and all other powers enabling him in that behalf, issued a new practice

⁷⁴ NJC directs Imo State Governor to reverse the appointment of the Acting Chief Judge <<https://www.njc.gov.ng>> accessed 17th May, 2025.

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, 2022⁷⁵ 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.

Also in 2023, during the Rivers State House of Assembly crises, the Rivers State High Court presided over by Honourable Justice Danagogo, while ruling on an *ex parte* application filed by the factional speaker of the House, Hon. Edison Ehie, declared him the authentic speaker of the RSHA, ordered that he and the other three members of his faction be allowed to do their legislative business without interference. This order enabled the speaker to declare the seat of the 27 members led Mr. Amaewhule vacant pending when elections are conducted by INEC.⁷⁶

However, few days later, in a conflicting order, a Federal High Court in Abuja, presided over by Honourable Justice Donatus Okorowo, barred INEC from organising elections into the 27 seats declared vacant by the Speaker RSHA, Hon. Edison Ehie. The order also restrained the Inspector-General of Police and the DSS from refusing to provide security to the RSHA faction comprising of Hon. Amaewhule and 26 other members.⁷⁷ The two courts, Rivers State High Court and the Federal High court in Abuja are both courts of coordinate jurisdictions, therefore it is difficult to enforce their conflicting decisions on the same matter.

In Kano State, the emergence of conflicting judicial rulings has led to significant uncertainty regarding the legitimate authority over the esteemed traditional position of the Emir of Kano, Alhaji Muhammadu Sanusi II. On one side, the Federal High Court in Kano, presided by Justice S.A. Amobeda has issued an eviction order against Emir Muhammadu Sanusi II from the Kofar Kudu Palace, thereby affirming the authority of the 15th Emir of Kano, Aminu Ado Bayero. This ruling further prohibits all the involved parties

from inviting, arresting, detaining, threatening, intimidating, or harassing the applicant, Ado Bayero, or violating his rights. In a divergent decision, the Kano State High Court, under the authority of Hon. Justice Amina Adamu Aliyu, issued an injunction meant to shield Muhammadu Sanusi II and other significant figures from potential harassment by the state authorities. This ruling also ensures that the Emir's independence remains intact and that critical symbols of his authority are not seized. An interim injunction was granted to restrain the respondents from intimidating or harassing the Emir, with a directive that the status quo be maintained.

Following these two court orders, numerous additional rulings have been made by both the Federal High Court in Kano and the Kano State High Court concerning the same matter. One of the rulings from the Kano State High Court requires the 15th of Kano, Ado Bayero along with the Emirs of Rano, Karaye, Gaya and Bichi to relinquish their thrones, despite an earlier order from the Federal High Court presided over by Hon. Justice Liman which directed for maintenance of status quo ante bellum.

Conflicting court orders in the Kano Chieftaincy matter, got so bad that at time, the Chief Justice of Nigeria (CJN), Hon. Justice Olukayode Ariwola, had to summon the Chief Judge of the Federal High Court, John Tsoho and Chief Judge of Kano State, Dije Aboki to an urgent meeting with a view to finding solution to the embarrassing situation.⁷⁸ He also while lamenting on the issue of conflicting orders, described the situation as Nigeria being treated to an unpalatable cocktail of misleading and conflicting judgments as well as frivolous interlocutory orders emanating from courts of coordinate jurisdictions which have made mockery of Nigeria's judicial system and flagrantly desecrate the revered Temple of Justice.⁷⁹ The Court of Appeal has however ruled that the Federal High Court has no jurisdiction in chieftaincy matters. The Supreme Court final position that will lay the Kano matter to rest is being awaited.

Judicial response to disobedience to court judgments and orders in Nigeria

The courts have in a plethora of cases tried to discourage disobedience to its judgments and orders

⁷⁵ Sunday Ejike, *CJ issues sweeping directive on pre-election cases: Approves only two adjournments* (Nigerian Tribune 30 November, 2022) p. 25

⁷⁶ Ameh Ejekwonyilo, *A factional Speaker of Rivers State House of Assembly, Edison Ehie, Last Wednesday declared vacant the seats of 27 Lawmakers who defected from the Peoples Democratic Party (PDP) to All Progressives Party (APC)* <<https://www.premiumtimes.com.news>> December 18, 2023. Accessed on 28TH December, 2023.

⁷⁷ Ibid.

⁷⁸ Emmanuel Agbo, *Kano Emirate Tussle: CJN summons two Chief Judges over conflicting court orders*. PREMIUMTIMES, May 29th, 2024. Accessed on 17th July, 2024.

⁷⁹ Tunde Oyesina, *Conflicting Orders: NJC to deal with erring Judges*. New Telegraph Newspaper, Thursday, 11th July, 2024. P. 2.

which is one of the major challenge to enforcement.⁸⁰ This has been done through citing for contempt and meting out punishments such as sentencing to pay fine or going to jail.⁸¹ It is also gratifying to note that successive Chief Justices of Nigeria have utilized every opportunity they had to call for absolute respect to court orders and judicial independence. The Courts usually responds to disobedience to court orders by refusing to grant discretionary prayers by persons who disobeys its orders, citing for contempt of court and committal to prison custody. Courts also declines to hear cases brought before it by persons who are in defiant disobedience of its orders.⁸²

The Court of Appeal ruled in *Ibrahim v Emein*,⁸⁶ that individuals who violate valid court orders may be subject to certain penalties, including the following. 1. To be committed for contempt 2. Have his actions which he carried out in contravention of the court order reversed. the court reversed his actions that went against a court order”.

In *Benue State Hospital Management Board and Ors v. Kpum*⁸³ the court per Oguinya J.C.A stated thus: “It is settled law, that a party who disobeys an order of court is not entitled to another order from a higher court while relishing in his contempt.⁸⁴

In the case of *Olowe & Anor v. Aluko*⁸⁵ the Court of Appeal, per Danjuma, J.C.A. on the effects of disobedience to court orders had this to say: “A party who disobeys a clear court order, does so at his own peril.

That a court order ought to and must be obeyed has never been in doubt as far as the Nigerian courts are concerned. In the case of *FCDA & Anor v. Koripamo-Agary*⁸⁶ the court of Appeal per Mary Peter Odili, in this regard stated thus: “The Court frowns at disobedience of its orders; particularly by the executive branch of government, and has used rather harsh language such as ‘executive lawlessness,’ in describing such acts as disobedience.⁸⁷

On the issue of citing and punishing for contempt as a means of protecting its authority, the Judiciary through the courts has never pretended about its displeasure over disobedience to court orders and its readiness to wield the big hammer where necessary. In 2012, the Court of Appeal in Ilorin Kwara State Capital sentenced one Joshua Aina the deposed monarch of Etan town in Ekiti Local Government Area of the state to three months imprisonment. His offence was that he continued parading himself as the traditional ruler of the town after his deposition. Justice George Mbata, who read the lead judgment condemned the unrepentant posture of the respondent in disobeying the order of the court despite the pendency of his appeal. According to him, the respondent ought to have “lied low and soberly pursued his appeal, praying for the decision to be overturned before he bounces back.”⁸⁸ The committal order ended by stating “That Joshua O. Aina is accordingly committed for contempt and hereby sent to prison, where he shall remain for a period of three months or until he purges himself of the contempt.”⁸⁹

Also, in another bold move to show its unwillingness to condone disobedience to court orders in all its ramifications especially from government agencies, an Abuja High Court sitting in Maitama ordered the committal of the former chairman of the Economic and Financial Crimes Commission, EFCC, Mr. Abdulrasheed Bawa to prison custody following the Commission’s disobedience to a valid court order.⁹⁰

The court also rose to the occasion on the issue of wanton disobedience to court orders by wielding another big stick on the former IGP Usman Alkali Baba by sentencing him to three months imprisonment for disobeying a valid court order. According to the report⁹¹ Justice Olajuwon in his ruling, held that the IGP should be committed to prison and detained in custody for a period of three months or he obeys an order made since October, 21, 2011. The court’s action was as a result of a suit No: FHC/ABJ/CS/637/2009 filed by CSP Okoli alleging unlawful retirement from the police force in 1992.

⁸⁰ See the cases of *Ojukwu v Governor of Lagos state* (1986) 1 NWLR (Pt. 18) 621 at 633, *APC & Ors v Karfi & Ors* (2015) LPELR-41857 (CA)P. 59 Para D. *FCDA & Anor v Koripamo-Agary* (2010) LPELR-4148 (CA) P. 17-18 PARAS D.

⁸¹ Ibid.

⁸² *Ojukwu v Governor of Lagos State* (1986) 1 NWLR (pt. 18) 621 at 633.

⁸³ (2016) LPELR-42912 (CA) Pp. 7-8 paras A

⁸⁴ Ibid.

⁸⁵ (2014) LPELR-24235 (CA)Pp.20-21 paras. F.

⁸⁶ (2010) LPELR-4148 (CA) Pp. 17-18 paras D

⁸⁷ Ibid.

⁸⁸ Mustafa Abubakar, *Deposed Monarch Jailed for Impersonation*. Daily Trust Online News, Saturday, 17th March, 2012. Available at < <https://dailytrust.com> > Accessed on 10th November, 2022.

⁸⁹ Ibid.

⁹⁰ Ikechukwu Nnochiri & Levinus Nwabughio, *Court remands EFCC boss in prison over seizure of N40M Range Rover*, *Vanguard Newspaper* (Abuja, 9 November, 2022).

⁹¹ 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 Away of Court Order*, *Blueprint* (30th November, 2022).

In another impeachment move by the Ondo State House of Assembly, the Judiciary also shown its unwillingness to condone disobedience to court orders in any form.⁹² In the present case, the Chief Judge of Ondo State, wrote to the State House of Assembly declining the Assembly's directive for him to constitute seven man panel to probe the allegations of gross misconduct levelled against the then Deputy Governor, Hon. Lucky Aiyedatiwa now His excellency the Governor of Ondo State. According to the Hon. Chief Judge, the vacation of the restraining order against the impeachment moves by the Federal High court Abuja presided over by Hon. Justice Emeka Nwite is a necessary precondition for the Assembly's directive to be carried out.

Conclusion and recommendation

This paper examined the disobedience to court's judgments and orders as a formidable challenge to enforcement of court judgments and orders in Nigeria. It equally analysed the role of both the executive, legislative and judicial arms of government in disobedience to court orders. In conclusion, it is observed that disobedience to court judgment and orders poses a great challenge to its enforcement and while all arms of government are guilty of disobedience to court orders, the executive arm of government is more-guilty, giving the number of cases cited above to that effect. In view of the foregoing, this paper therefore recommend as follows:

1. A court judgments and orders compliance monitoring committee be set up under the office of the Attorney General of the Federation and the States as the case may be. This committee should monitor and ensure compliance with court orders especially by the executive and legislative arm of government.
2. The affidavit of non-multiplicity of cases in similar subject be made mandatory and part of court rules across the various courts in Nigeria. This will help in curbing the menace of conflicting and contradictory court judgments and orders. NJC to also be encouraged to host an online platform where all court judgments of courts of coordinate jurisdiction shall be regularly uploaded to enable judges have prior knowledge of judgments already given in similar matter before them.
3. Review of legal framework governing the enforcement of court judgments and orders such SCPA to upscale the penalties stipulated for disobedience to court orders.
4. Lawyers that are involved in the disobedience of court judgments and orders should be referred to NBA disciplinary committee for sanction.
5. Public should be encouraged to report anticipated wrong doings to NJC, provided that petitions that lacked merits should be sanctioned by appropriate authority to discourage bringing up of frivolous and unmeritorious petitions.

⁹² Hakeem Gbadamosi, Deputy Governor's Impeachment: Ondo CJ writes Assembly, Nigerian Tribune, Thursday 12 October, 2023. P28.