



# Assessment of Adjudication as a Method of Dispute Resolution in the Construction Industry in Nigeria

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## Abstract

The construction business in Nigeria shows about 9.4% contribution to the GDP of that country. However, in Nigeria, long-lasting conflicts still discourage the realization of projects and economic growth. There are serious gaps in the traditional litigation mechanisms, which comprise excessive delays, prohibitive costs, and commercial conflict, which could take 5-15 years to close. Despite the wide acceptance of Alternative Dispute Resolution (ADR) methods, there is a wide disparity between the perceived benefits of this method and how they are being applied in the Nigerian legal and institutional environment. In this paper, the study determines the practicability of adjudication as a dispute resolution tool in the Nigerian construction sector through an analytical paradigm that consists of four important dimensions: timeliness, enforceability, accessibility, and legitimacy. Based on comparative research on the successful experience of statutory adjudication in the United Kingdom and Singapore, the paper considers the applicability to the legal, institutional, and economic context of Nigeria in terms of the benefits of adjudication, such as 28-day decision time, technical competency, and an interim binding decision. The systematic literature review and the comparative legal analysis are the methods through which the present study determines the systemic requirements to ensure the successful implementation of adjudication, and investigates the legislative gaps, institutional, and stakeholder constraints that restrict its application at the moment. The paper reveals that although adjudication has strong theoretical merits compared to the existing dispute resolution methods, the lack of a statutory facility, poor institutional infrastructure, and lack of capacity among the stakeholders make adjudication practically ineffective in Nigeria. These findings can be used to put in perspective the ways that emerging economies can adopt international best practices in dispute resolution, and also highlight the policy-coordinated interventions that are needed to realize the transformative potential of adjudication in the development of markets in developing economies.

**Keywords:** Construction Adjudication, Alternative Dispute Resolution, Nigeria, Statutory Framework, Dispute Resolution Reform.

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## 1. Introduction

### 1.1 Background and Context

Contractual issues, multi-party initiatives, technical ambiguity, and high financial involvement make construction industries across the globe predisposed to conflicts (Osifo et al., 2025). Stratified risk allocation, changes in scope, and performance contingency are common in construction contracts and can often raise conflicts in the areas of delay, defects, valuation, and payments (Ndekugri et al., 2014). There is also an adversariality of the traditional procurement systems, which also contributes to these conflicts, particularly in those jurisdictions where institutional dispute resolution systems are either slow or process-based.

Dispute resolution reform is especially urgent in the construction industry in Nigeria, where the economic contribution of this industry is high. It contributes to the national Gross Domestic Product (GDP) through

the industry alone by about 9.4%, and 12.9 trillion in the first three quarters of 2022 (Fagbohunlu, 2022). The construction activity is linked to the provision of infrastructure, employment, and confidence by the foreign investors (African Development Bank, Infrastructure Development and Capacity Building in Nigeria, 2024). However, such joint efforts are compromised by long-standing wrangles, failure of projects, an increase in costs, and unreliability in the supply chains (Shehu et al., 2011). Such construction disputes are expensive to the economy (Titus, 2023). The Federal Government paying Sunrise Power and \$200 million in its connection with the Mambilla Power Project worth 4.8 billion is a notable example, as it shows the size of the economic risk if the disputes escalate (Odoemenam, 2025). Beyond the problems that occur at the individual level, systemic delays in dispute resolution contribute to the cost of projects in general in terms of time and money lost on contingency pricing, attorneys, and the capital stood ready, waiting to be put into court.

The most common method of dispute resolution in the form of litigation still prevails in Nigeria. It is, however, commonly known to be time-consuming and procedurally heavy. The low score in the Enforcing Contracts indicator provided by the World Bank indicates that the process of commercial disputes resolution in Nigeria is still rather slow and costly compared to the rest of the world (World Bank, 2020). Cases that influence construction, such as those that require technical expertise and provision of interim relief, are incompatible with the litigation process, which at times can take decades before it can be completed. Such structural delays are unfavorable to the continuity of the project and diminish the contribution of this sector to the national economic development. This background highlights the need to have responsive and technically able dispute resolution systems.

## **1.2 Research Gap**

There has been more acceptance of alternative dispute resolution methods, especially of mediation and arbitration, in the construction sector in Nigeria. Arbitration is quite institutionalized, and new laws enacted in recent times have favored mediation. Conversely, adjudication is yet to be developed in terms of both academic output and practice. In contrast to other jurisdictions like the United Kingdom and Singapore, there is no detailed statutory framework of construction adjudication in Nigeria. Rather, adjudication is purely contractual and requires express inclusion in construction contracts (Siyaidon, 2023). This is a regulatory gap restricting the predictability of adjudication and its degree of acceptability.

Furthermore, there is low awareness and institutional infrastructures. There was no national system of accreditation of adjudicators, no special system of enforcement, and no standardized system of procedures that was comparable to mature statutory regimes. Although the institutional initiatives, such as Lagos Chamber of Commerce International Arbitration Centre (LACIAC) Adjudication Rules, managed to do so, there still exist some structured procedures, and practical application has not been thoroughly done, geographically. The existing body of literature is more likely to focus on arbitration and mediation, and pay insufficient attention to adjudication that depends on the institutional performance criteria of expediency, enforceability, availability, and legitimacy. Hence, there has been no systematic appraisal on whether adjudication can come in to address the architectural inadequacies experienced by the Nigerian dispute resolution.

## **1.3 Research Aim**

The paper seeks to establish whether adjudication can be effectively used in Nigeria as a dispute resolution technique, and assesses it based on four analytical levels, namely: timeliness, enforceability, accessibility, and legitimacy. The paper relies on the analysis of the doctrine and the comparative institutional assessment of whether adjudication can be effectively employed in Nigeria as a means of assisting in the elimination of the systemic constraints of litigation and whether fundamental changes are necessary to open the transformative potential of adjudication.

## **1.4 Research Questions**

To accomplish this objective, the research questions of the study are as follows:

**RQ1:** What is the effectiveness of adjudication in responding to the systemic flaws of litigation in the construction industry of Nigeria?

**RQ2:** What are the institutional and legal impediments to the effectiveness of adjudication?

**RQ3:** What lessons can Nigeria draw from statutory adjudication frameworks in the United Kingdom and Singapore?

**RQ4:** What reform model is most appropriate for Nigeria?

## **1.5 Structure of the Paper**

Seven sections are divided into this paper. Section 2 follows the introduction, a review of the literature on construction disputes in Nigeria, the disadvantages of litigation, the ADR environment, and the conceptual foundation of adjudication. Section 3 specifies the approach of doctrines and comparisons, which were employed in the study. Section 4 evaluates adjudication in Nigeria on the four institutional criteria, i.e., on timeliness, on enforceability, on accessibility, and on legitimacy. Section 5 is a comparative law on statutory adjudication in the United Kingdom against the Housing Grants, Construction and Regeneration Act and Singapore against the Building and Construction Industry Security of Payment Act. The findings and a context-sensitive model of reform in Nigeria are discussed in Section 6. The conclusion gets the summary of the key findings, policy implications, limitations, and future research directions.

## **2. Literature Review**

In this section, adjudication of construction cases is placed in the context of dispute resolution as it is practiced in Nigeria. It begins by identifying the underlying causes of construction disputes, proceeds to assess the shortcomings of litigation, the perceptions of the ADR landscape today, and concludes by theorizing adjudication as one possible institutional reaction. The review reveals a significant lack of research in the literature, thus placing the current paper in the current discussions of construction dispute reform.

### **2.1 Nature and Causes of Construction Disputes in Nigeria**

Technical complexity, ambiguity in the contract, financial instability, and lack of effective project governance systems are the main causes of construction disputes in Nigeria (Iroha et al., 2024). Empirical studies always find specification and design errors, improper use of the material, insolvency of the contractor, cost increase, and delays as the main causes of disputes (Alejo, 2018). These elements are indicative of a lack of systematic planning, control, and risk distribution.

Among the most significant ones is the disagreements connected with the contracts (Titus & Ali, 2023). Confusion by the use of unclear terms and conditions in the contract, inefficient contract management, and lack of variation management tend to escalate the conflict to an official claim (Olamaju & Olagoke-Salami, 2020). Tensions of inflationary pressures and regulatory bottlenecks increase the contractual tensions even more, especially in long-term infrastructure projects, where the economic instability resulted in changing the initial project assumptions (Gbahabo & Ajuwon, 2017)

Breakdown of communication and failure of coordination add to the conflict. It has been determined that the implications of poor communication between the stakeholders are enormous and affect the project performance and the likelihood of using the formal dispute resolution mechanisms (Olamaju & Olagoke-Salami, 2020). In a multi-party situation, with the involvement of clients, contractors, consultants, and subcontractors, small disputes easily turn into a complex legal challenge, whereby governance systems do not work.

One of the most common and economically impactful conflicts in the construction sector in Nigeria is the payment dispute (Silva et al., 2024). The problems with the cash flow of the contractor are caused by late interim payments, and valuation problems often result in suspension, variation claims, and termination disputes (Fagbohunlu, 2022). Since the industry affects the national GDP, the macroeconomic effects of these disruptions are experienced on employment, supply chains,

and infrastructure delivery schedules.

## **2.2 Limitations of Litigation**

The most common formal dispute resolution system in Nigeria is litigation, though literature has indicated several dysfunctions within the system that make it not fit to resolve a construction dispute (Ahatty, 2026). To start with, Nigeria does not have special construction courts or tribunals. The Type of construction dispute depends on the parties to the dispute and the subject matter, and may be subject to the jurisdiction of the State High Courts or the Federal High Court (Abuza, 2016). Lack of specialized judicial departments reduces technical skill and judicial uniformity, especially when it comes to difficult delay and valuation cases.

Second, civil litigation is procedural in nature. Formal procedural compliance, frontloading, and strict evidentiary rules are more likely to make the process lengthy and limit procedural flexibility (Oraegbunam & Onunkwo, 2022). Although they are well-intended to guarantee due process, these protections do not fit well with the high-speed pace of construction projects where interim determinations are a commercial necessity. Third, legal uncertainty also makes construction litigation complicated. The concurrent delay claims are not evidently guided by the authority in the Nigerian jurisprudence, and this raises doubts in the court proceedings. These uncertainties reduce commercial planning and put it under the threat of lawsuits (Osinachi, 2025).

There is empirical evidence supporting structural issues. Nigeria, according to the Enforcing Contracts indicator of the World Bank, shows the existence of long schedules and tremendous costs associated with commercial litigation in comparison to other countries of the world (World Bank, 2020). The multi-year court schedule is particularly inappropriate in construction disputes that may require them to make urgent decisions to sustain cash flow. Put together, the literature shows that litigation cannot meet the basic performance requirements of timeliness, technical expertise, and economic effectiveness in the construction environment of Nigeria (Lilian, 2025).

## **2.3 ADR Landscape in Nigeria**

ADR mechanisms have become popular in the construction industry of Nigeria, but they have not been adopted uniformly (Akeredolu, 2015). The most advanced ADR mechanism is arbitration. The existing literature of empirical research has shown that arbitration and negotiation are the dominant approaches used in resolving construction disputes, as this is familiar in the industry and developed through the institutions (IDOWU, 2015). Formality of arbitration, enforceability at international conventions, and perceived objectivity have increased the appeal of this arbitration to massive infrastructure projects.

However, arbitration is progressively becoming a reflection of the limitations of a court. Researchers note that construction arbitration is now more procedurally complicated, time-intensive, and expensive, especially when the case is characterized by high value (Wilcocks, 2017). In practice, this may be restricted by time-consuming arbitral proceedings and the cost of professionals, especially amongst the small and medium contractors. A more cooperative approach is mediation, but it is also problematic in terms of enforceability (Yiu et al., 2007). Its voluntary and consensual nature may work against its efficiency in situations of parties being strategic or done out of bad faith (Isa & Emuze, 2015). In the process of its enforcement, the settlement might need judicial interventions, though mediated settlements are obtained even in situations when the settlement is reached.

The outcome is an ADR environment dominated by arbitration, fairly backed by mediation, and mostly silent regarding adjudication (Rahman, 2023). As arbitration and mediation are institutionalized, both of them focus on advancing the issue of delayed interim payment disputes to the degree that they are institutional to construction projects (Deep et al., 2025).

## **2.4 Conceptualizing Construction Adjudication**

Construction adjudication became an international, interim-binding, fast-tracked, and narrow-focused process to settle construction contract payment and performance

disputes (CEDR. Construction Adjudication, 2024). The main characteristic of adjudication is a tight schedule. The decisions are usually made within a period of 28 days after the referral, which is a way of offering instant interim relief before the litigation or arbitration (Smith, 2025). Such a fast track directly responds to the vulnerability of the cash flows of construction projects.

This system is based on the principle of pay now, argue later, according to which the decision of adjudicators can be enforced on an interim basis, and is obligatory to be followed now (under the assumption that they may be reversed in the future by arbitration or by litigation) (Milligan, 2023). It is a methodology that emphasizes continuity and monetary viability of the projects rather than long-term process issues. Adjudication also requires technical competence (Bonnie, 2022). Adjudicators are professionals in the construction business or trained lawyers with experience in construction to be able to approach valuation techniques, delay evaluation, and interpretation of contracts in a technically skilled manner (Azzam et al., 2025).

In spite of these theoretical advantages, Nigeria does not have a detailed statutory adjudication system (Olele, 2018). It is an entirely contractual matter that needs to be clearly included in construction contracts (Siyaidon, J., 2024). The absence of legal support endangers some ambiguities in the enforcement, jurisdiction, and uniformity in procedures. The Nigerian adjudication process is not a cross-cutting and institutionally consistent process in contrast to the jurisdictions that have established adjudication rights legislatively (Badejogbin, 2017).

Hence, even though adjudication possesses systemic features that are in line with the demands of construction disputes, including speed, interim enforceability, and technical orientation, institutional underpinnings of adjudication in Nigeria are still in their infancy.

## **2.5 Literature Gap**

The available literature shows that arbitration and mediation in construction situations in Nigeria have been studied to a relatively well-theorized and empirical level. The shortcomings of litigation are widely written about as well. But adjudication has been given inadequate analysis, especially with reference to institutionalized performance standards. Little systematic testing of adjudication is based on the criteria of timeliness, enforceability, accessibility, and legitimacy in Nigeria (Ibiam et al., 2026). Nor has the proper comparative study been carried out to establish the effect that other jurisdictional statutory adjudication regimes would have on the Nigerian reform.

In this respect, the research paper addresses a significant gap by reviewing the adjudication as a tool of alternative, as well as the tool of institutional reform, which is assessed by the performance indicators and international experience.

## **3. Methodology**

### **3.1 Research Paradigm and Design**

This research adopts the qualitative approach, based on the doctrinal research paradigm and complemented by the comparative institutional analysis. The methodology of the doctrine allows for analyzing the legal rules, laws, judicial opinions, and institutional models in order to discuss the construction dispute resolution. Doctrinal legal analysis is a methodologically appropriate approach since the research questions are regarding the legal feasibility, enforceability, and institutional design of adjudication.

Further, the comparative institutional analysis has been utilized in the study to test the operations of the statutory adjudication regimes in the more established jurisdictions. It is a bipartisan approach to methodology that allows the study to transcend the descriptive exposition and engage in a systematic evaluation of institutional performance. As a result, the approach is a blend of normative logic of the law and functional comparison of the dispute resolution systems.

### **3.2 Jurisdictional Choice and Comparative Reason.**

The comparative analysis is done on the United Kingdom and Singapore. These jurisdictions have been chosen on three grounds: first, they both have statutory adjudication regimes specifically designed to handle construction disputes; second, both provide quantifiable information on the administration and performance of the institutions; and third, they portray opposite administrative models, with the United Kingdom having a decentralized infrastructure and Singapore having a centralized system.

Housing Grants, Construction and Regeneration Act (1996) is the regime of the United Kingdom, and the Building and Construction Industry Security of Payments Act is the regime of Singapore. Such regimes give benchmarks on which structural preconditions of a good adjudication may be observed. The aim is not the direct transplantation, but the discovery of transferable principles of the institutions to be applied in the legal and economic context of the Nigerian setting.

### **3.3 Data Sources and Materials**

The legal materials and statutes, case law, and institutional rules are analyzed, as well as the secondary scholarship and policy reports. These sources are primarily statutory, judicial decision-making through the interpretation of the provisions of adjudication frameworks and institutional procedural rules, as far as the construction dispute settlement is concerned. The case law and the regulation materials are examined within the framework of the Nigerian legal system in order to define whether the adjudication is legally recognized in the domestic practice.

A few secondary sources include peer-reviewed journal articles, construction law monographs, industry surveys, policy reports, and international governance indicators. These sources provide some background information on the effectiveness of dispute resolution, the quality of enforcement of such disputes, and institutional trust.

### **3.4 Analytical Framework**

In order to provide a clear and systematic assessment, this paper takes into consideration a four-dimensional analysis tool that is based on the theory of dispute system design and principles of access to justice. Effective dispute resolution organizations are not normally judged according to formal legality but to their capacity to deliver results that are enforceable, timely, accessible, and legitimate.

The first criterion, which is timeliness, measures the ability of adjudication to provide expeditious determinations as compared to litigation and arbitration. The second, enforceability, looks into the legal enforceability of the rulings of adjudicators and the suitability of the judicial support structures. The third criterion is accessibility, which assesses the practicality of adjudication to the stakeholders, particularly including the small and medium-sized contractors, geographically and financially. The fourth criterion is the legitimacy that considers the credibility of the institutions, protection of the neutrality, competency of the adjudicator, and confidence of the stakeholders in the achievement.

These criteria make it possible to conduct the systematic examination of the institutional viability of adjudication and make a direct correspondence between the research questions and the analytical framework.

## **4. Results**

This section evaluates the adjudication in the construction dispute systems of Nigeria by applying four criteria of analysis, namely: timeliness, enforceability, accessibility, and legitimacy. The analysis clearly addresses RQ1 and RQ2 by determining the effectiveness of adjudication as a solution to the inherent ills of litigation and whether adjudication has institutional limits.

### **4.1 Timeliness**

The main theoretical strength of adjudication is timeliness. Construction adjudication is established in such a manner that it is decided within 28 days of referral, which provides immediate interim dispute settlement. This procedural streamlining is essentially different from litigation timeframes in Nigeria, whereby business disputes may easily require several years at

first instance and may require several years of appeal. The delays that are endemic in the commercial court system in Nigeria can be traced back to the cases that have taken a very long time before they were completed, including the case *Obasi Brothers Ltd v. M.B.A.S. Ltd.*

On the contrary, the 28-day model attempts to maintain interim cash flow and continuity of the project using interim binding decisions. The pay now, argue later principle ensures that disputes do not stall the work going on, especially in conflicts relating to payment. According to this criterion, adjudication is a direct response to the most harmful flaw of litigation, its huge time wastage.

This is, however, negated by enforcement realities, which are specific to Nigeria. Without the support of the statutes, noncompliance demands new court hearings to implement the ruling. Considering the congestion in the courts, the enforcement litigation would probably defeat the speed advantage of adjudication. Thus, adjudication is better designed in comparison with litigation, but the effectiveness in Nigeria is determined by the quality of the enforcement systems. The adjudication is a technical way out of litigation delay, though the effectiveness of such a method depends on the strength of enforcement mechanisms.

#### **4.2 Enforceability**

The greatest regulatory gap that covers adjudication in Nigeria relates to enforceability. Nigeria does not have a statutory adjudication regime; everything is just on a contractual basis. This lack of statutory underpinning implies that the determinations of adjudicators are only binding in contract and not by operation of law. Such a contractual basis creates a number of structural issues. First, there is an easier avenue through which parties can appeal the jurisdiction of the adjudicator. Second, the violation should be addressed by addressing the courts with breach of contract claims. Third, the judicial review can be extended to procedural and substantive aspects, to the effect of undermining the interim binding effect in the process of procedural review.

This statutory vacuum creates a lot of enforcement ambiguity. In the jurisdictions that apply statutory adjudication, decisions that are determined are usually affirmed by the courts, unless there is a violation of natural justice or jurisdictional mistake. In Nigeria, such a statutory presumption is missing, thereby compromising the reliability and predisposing the possibility of the tactical opposition of losing sides. There is more uncertainty about relying on the court enforcement. As in any other litigation, systemic delay remains a possibility, even when it comes to the enforcement action in the case of non-compliance. Due to this, the enforceability deficit is not only technical. The inability to support adjudication legality and to rely on overcrowded courts are the fundamental constraints to the enforceability of adjudication in Nigeria.

#### **4.3 Accessibility**

Accessibility looks at the question of the availability of adjudication to players in the industry, especially small and medium-sized enterprises (SMEs), which prevail in the construction sector in Nigeria (Ali, 2021). Otherwise, the design of adjudication is theoretically biased towards SMEs, as it is much faster and less costly than arbitration. Firstly, the adjudication and institutional facilities expertise is concentrated in the metropolises, in this case, in Lagos. Contractors are hampered by geographic and informational obstacles in other regions.

Second, there is no national adjudicator registry/ standardized accreditation system, and this poses a challenge to the quality and supply of adjudicators. The fact that the number of trained adjudicators is limited hinders capacity and adds to costs. Third, SMEs that have no bargaining power cannot bargain effectively on the need to include the adjudication clauses in construction contracts since adjudication has a contractual nature. The big employers may protest against such provisions and, in effect, block the mechanism of the small contractors.

All of these are characteristics that compromise the accessibility of adjudication despite its inclusion in theory.

#### **4.4 Legitimacy**

The matters of legitimacy relate to the stakeholder trust in the neutrality of adjudicators, competence, and the credibility of the institutions. The issue of neutrality is identified when an appointment of an adjudicator happens contractually without any statutory protection (Somji, 2023). In the absence of the formalized laws of appointment, the parties may cast doubt on the impartiality, especially where there is an asymmetry in the contractual relationship.

There is also a wider mistrust of judicial support of adjudication (World Justice Project, Criminal Justice Nigeria: Translating Legal Framework to Practical Impact, 2023). The credibility of the courts, as an indirect factor in relation to the trust in adjudication, can be found in a scenario where the enforcement is indirectly dependent on the courts (Hoffmann, 2024). Lack of legitimacy is also complicated by the lack of proper training (Partners West Africa Nigeria, 2017). Without any mandatory set of accreditations and without any additional professional training, adjudicator competence may be quite different. Such inconsistency affects predictability and confidence in the stakeholders. Hence, the conceptual congruity between adjudication and technical dispute resolution remains on the one hand, but the applicability of this method is limited by the institutional framework of Nigeria, on the other hand.

#### 4.5 Summary of Findings

Theoretical capacity of adjudication to solve construction disputes in an effective manner is confirmed by the analysis, though the institutional constraints in Nigeria hinder its implementation.

**Table 1:** Evaluation of Adjudication in Nigeria

Criterion	Theoretical Strength	Nigerian Limitation	Reform Requirement
Timeliness	28-day resolution	Enforcement delay	Statutory backing
Enforceability	Interim binding effect	Court dependency	Specialized enforcement courts
Accessibility	SME-friendly design	Urban concentration	National adjudicator registry
Legitimacy	Technical expertise	Limited accreditation	Mandatory training framework

Altogether, adjudication is a sort of attempt to cope with the problem of delays in litigation on a systemic level, yet it cannot bring consistency to implementing and institutional credibility in the circumstances of the current situation in Nigeria.

#### 4.6 Comparative Analysis

This section addresses RQ3, which is how the administrative gap, found in Nigeria, can be resolved by mature statutory adjudication regimes.

##### 4.6.1 United Kingdom

In the United Kingdom, statutory adjudication is regulated by the Housing Grants, Construction and Regeneration Act (1996). The Act has created a statutory right to adjudication which is obligatory to all construction contracts, other than domestic, qualifying for adjudication, and which cannot be contractually excluded.

The UK paradigm, therefore, solves the issue of the lack of implementation reliability, which has been witnessed in Nigeria, in that it gives statutory authority, limited grounds of appeal, and judicial support in special cases.

##### 4.6.2 Singapore

The regime of Singapore is established based on the Building and Construction Industry (Security of Payment Act, 2004). Administrative structure is more centralized and there is a single Authorized Nominating Body, the Singapore Mediation Centre. Adjudicators need to settle controversies in 14 days, which again shortens the time as compared to the UK model (Wan, 2025). It is also incorporated with digital filing and electronic case management, which builds up the administration efficiency and transparency.

The problem of neutrality is reduced through the benefit of centralized appointment, and the enforcement of this is achieved with the help of statutory support. The court must exercise an intervention on a few

procedural grounds. The Singapore model demonstrates the design of statutes, institutional centralization, and digitalization improving the timeliness, enforceability and credibility of adjudication.

### 4.6.3 Comparative Insights

The drawback that is brought out in the comparison is the essential difference between the mature statutory systems and the Nigerian model of contract.

**Table 2:** Comparative Institutional Features

Feature	United Kingdom	Singapore	Nigeria
Statutory Right	Yes	Yes	No
Centralized System	No	Yes	No
Digital Platform	Limited	Advanced	No
Enforcement Support	Strong Courts	Strong Courts	Weak

The discussion shows that the efficiency of adjudication is predetermined by statutory power and judicial assistance. The comparator jurisdictions both nullify the enforcement risk in the design and institutional support of legislation. Three lessons should be learnt by Nigeria: it requires statutory adjudication rights, limited judicial review based on jurisdictional error is the mechanism to pursue, and systematic accreditation of adjudicators and administrative control are useful.

## 5. Discussion

This part explains the findings of the research questions and the literature in general on the design of the dispute system. Contrary to efforts to highlight the weaknesses of the adjudication in Nigeria as part of its flawed institutional design, the analysis places them in the context of flaws in institutional design. The discussion demonstrates the evaluative requirements and comparative knowledge that summarize the presentation to define a context-sensitive model of the reform.

### 5.1 Why Adjudication Fails Structurally in Nigeria

The results prove that the limitations of adjudication in Nigeria are not inherent in the process but rather the result of institutional factors. In its structure, adjudication is aimed at providing interim and speedy binding decisions to sustain cash flow and stop the paralysis of projects. It has been established by the case of the United Kingdom and Singapore that adjudication is effective where it is established in statutory and judicial systems. In Nigeria, adjudication is, on the contrary, contractual. Lack of legislative power implies that the decisions of adjudicators are not automatically binding, yet need the revitalizing of the judicial body. This dependency exposes adjudication to the same litigation procrastination to which it claims to protect itself. This is not the failure of the 28-day model per se, but due to the lack of statutory backing.

The other factor that contributes to the problem of stakeholder acceptance is institutional fragmentation. The absence of a central accrediting organ and a regulated procedure of appointing adjudicators implies that the competence and independence of adjudicators are not uniformly distributed. This is an institutional discontinuity that undermines the stakeholders and reduces adoption. On this, the adjudication system in Nigeria is problematic in terms of structure because the supporting ecosystem, such as legislative requirements, enforcement system, accreditation guidelines, and administration facilities, is underdeveloped. The theoretical strengths of the mechanism have not been achieved because of the lack of institutional support by the institution.

### 5.2 Institutional Preconditions for Success

The comparative study shows that effective adjudication regimes have recognizable institutional preconditions.

To start with, it must have a statutory basis. Under the Housing Grants, Construction and Regeneration Act of 1996, the United Kingdom offers an obligatory privilege of adjudication, as does the Building and Construction Industry Security of Payment Act in Singapore (Meliniotis, 2024). Legal support precludes the exclusion in the contract and limits the judicial review to either a

territorial or a procedural standard. This ensures that the decision of the adjudicator is presumptively enforceable. Second, accreditation mechanisms of this kind are organized and increase legitimacy. The presence of competence, impartiality, and efficiency in administration in Singapore is ensured by centralized appointment by a nominated body that has the mandate of the country. In the less centralized UK, the statutory regime of professional bodies standardizes the norms of procedures even in the less decentralized UK.

Third, the strong judicial support is a necessity. Both jurisdictions of comparators have courts where supportive enforcement postures are taken. The enforcement application is accelerated in expert judicial courts, such as the Technology and Construction Court of the UK, and this further supports the interim binding nature of an adjudicator's decision. Fourth, Web 2.0 has boosted accessibility and efficiency. The case management and electronic filing system in Singapore is used to reduce the friction of the processes and cover greater geographical boundaries. Online infrastructure fosters the transparency and predictability of governance.

### **5.3 Reform Model for Nigeria**

Resting upon the results and the comparative observations, a hybrid proposal of reform is proposed, which relies on the federal environment in Nigeria and institutional reality. The former aspect entails the embrace of a UK-type statutory entitlement to adjudication. The federal law should entitle a right to adjudication in a qualifying construction contract that should be compulsory; they should not be omitted in the contract, and the court should undertake the judicial review that is limited to the jurisdictional error or breach of natural justice. This reform takes into consideration the deficits in enforceability and expedition found in RQ1 and RQ2.

Singapore-style accreditation and administrative coordination make up the second component. Adjudicators should be trained and certified, and ethical requirements and methods of appointing adjudicators should be administered by a federally recognized adjudication council or a nominated body that has been authorized. Compulsory accreditation and lifelong learning would increase the credibility and trust of stakeholders. The third component is the implementation at the federal state level. Whereas the legislative power may be federally based, day-to-day administration may be availed by state-based registries or construction tribunals to ensure that it is geographically accessible. This strategy does not violate the constitution of Nigeria but promotes standardization within the nation.

Digital integration should be used to complement these reforms. Development of a web-based adjudication system through which it is possible to file, appoint, and track enforcement increases accessibility and reduce administrative stalemate. This institutionalized model is an integration of a statutory power, formal accreditation and judicial encouragement. It does not engage wholesale transplantation of foreign models but instead transplants principles of the legal environment in Nigeria. This would be best in the case of Nigeria with a hybrid statutory adjudication system, in which a legislative right is mandatory (UK model), in which accreditation and appointment regulation are centralized (Singapore model), and in which enforcement is regulated through a federal-state system using digital infrastructure.

### **5.4 Limitations of the Study**

It is a theoretical and institutional analysis, engaging less direct empirical field research as interviews or acquisition of survey data. As much as it limits the option of quantitatively determining the perception of the stakeholders, the approach is appropriate as far as the evaluation of the legal architecture and the institutional design is concerned. Rather, the study is founded on the existing statistics of enforcement, institutional reports, and scholarly interpretations to make conclusions about the performance of operations.

This discussion can be refined with future research that will involve empirical research of the practitioners' experiences and adjudication uptake rates in Nigeria.

## **6. Nigerian Policy Architecture of Statutory Adjudication.**

Here, the research findings are deduced into a viable and brief blueprint of a reform. It is not merely a recommendation of adjudication in principle, but it is about the mapping of the institutional architecture, which needs to be facilitated to achieve it in the construction industry of Nigeria.

### **6.1 Introducing a Draft Construction Adjudication Act.**

A federal Construction Adjudication Act should be the fundamental framework of reform, which creates a statutory right to adjudication when it comes to all qualifying contracts in the construction sector. The Act must also ban contractual exclusion of adjudication clauses and codify the principle of pay now, argue later to protect the cash flow of a project.

The legislation would also ensure that the judicial review is curtailed to the error of jurisdiction and breach of natural justice, and hence, a future suit of disputes would be preempted by the legislation at the enforcement level. To ensure the efficiency of the procedure, the Act ought to contain clear statutory time-frames of referral, response, and determination.

The statutory regime would bring Nigeria into the systems which are already in place, such as the United Kingdom in the Housing Grants, Construction and Regeneration Act (1996) and Singapore in the Building and Construction Industry Security of Payment Act (2004), though it would adapt to the constitutions of the local jurisdictions.

### **6.2 Introduction of a National Registry of Adjudicators.**

The creation of a federally recognized National Adjudicator Registry is necessary to regulate the accreditation, appointment, and professional standards. Primary nominating authority would be the Registry, which would take care of:

- Certifying adjudicators under technical and legal knowledge,
- Doing codes of ethics and conflict-of-interests, and
- Being able to have an open list of qualified practitioners.

The continuing professional development and training needs would be mandatory and would help to legitimize it and improve the institutional trust. The neutrality issues would be reduced by the centralized control, and the practice of the procedures would be standardized all over the country.

### **6.3 Establishment of Special Enforcement Courts or Special Judicial Division.**

In pursuit of maintaining the time-saving benefit of adjudication, applications of enforcement ought to be heard by special commercial or construction divisions of existing High Courts. The judges who have specialized knowledge in construction and commercial law would be employed in order to streamline the enforcement process.

Fast-track procedures and summary mechanisms of enforcement that are prescribed by statute must be introduced in order to prevent tactical delay. Specialization of the judiciary would increase coherence, predictability, and trust of the stakeholders.

### **6.4 Creation of a Digital Adjudication Platform.**

It should be done through a national digital platform by electronic filing, appointing adjudicators, submitting the documents and publishing decisions. Digital integration would:

- Grow geographical presence, effective coverage beyond big urban areas.
- Minimize administrative procrastination.
- Increase the level of transparency and data collection.

The platform would also be able to do statistical monitoring by using an online case management system to refine policy evidence-based in due course.

### **6.5 SME Inclusion and Access Policy.**

Since the construction industry in Nigeria has small and medium-

sized enterprises as the majority, the reform should be structured to include the inclusion of SMEs. These can involve the provision of a capped amount of adjudication fee for a dispute of lesser value, the use of the simplified templates for the process, and the sensitization of the contractors at the regional level.

It is particularly significant to SMEs because there is a statutory protection against contractual exclusion, which they are highly likely to lack because of their lack of bargaining power. Access to universal adjudication improves the equity and economic stability in the field.

## **6.6 Policy Synthesis**

To achieve successful adjudication reform in Nigeria, a thorough architecture is needed, including statutory power, institutional control, judicial support, digital architecture, and a non-discrimination policy. Independent reforms, such as introducing adjudication in the form of restructuring, would recreate the shortcomings that already exist.

The adjudication options would be turned into a contract option when a consistent policy package based on these pillars is in place, and would change it into an efficient, national, and accessible dispute resolution system, which can raise the efficiency and stability of the cash flows as well as investor confidence in the Nigerian construction industry.

## **7. Conclusion**

This paper has assessed the viability of adjudication within Nigeria's construction industry on four institutional levels, which include timeliness, enforceability, accessibility, and legitimacy. The results indicate that adjudication has structural benefits compared to litigation in addressing the most systemic weaknesses of the sector, especially unreasonable time and movement of cash. Its 28-day determination regime and interim binding impact are a set of dispute resolution structures that are specifically designed to address construction project realities.

But the analysis has also shown that adjudication is not institutionally possible in Nigeria. The fact that it lacks statutory authority, relies on overloaded courts to enforce, is not accredited, and is not equally accessible all reduce its efficiency. These are weaknesses that are not inherent to adjudication but are the result of the system context within which adjudication exists. On the other hand, in the experience of comparator jurisdictions such as the United Kingdom, with its Housing Grants, Construction and Regeneration Act (1996), and Singapore, with its Building and Construction Industry Security of Payments Act, adjudication proves to be effective with the help of consistent statutory and administrative provisions. The key among the conclusions made in this study is that the change must be systemic rather than gradual. Adjudication, introduced with no statutory backing, judicial specialization, no accreditation conditions, and digital infrastructure, would merely create a copy of the existing ambiguous enforcement issues. Reform needs to be coordinated in terms of the legislative mandate, institutions, and judicial support mechanisms.

Nigeria needs a local statutory adjudication paradigm - the paradigm, which is founded on comparative experience and the paradigm, which is also oriented towards the federal constitutional reality, regional inequalities, and preponderance of small and medium-sized businesses in the construction sector. The most contextually appropriate course of action is a hybrid system that includes the legally binding rights and systematic accreditation as well as the implementation by the federal-state. Finally, adjudication is not only an alternative dispute resolution approach but also a potential structural intervention that might contribute to raising the efficiency, commercial trust, and investor confidence in the Nigerian construction market. The success of it, however, is crucially dependent on a planned institutional design instead of a contractual experiment.

## **8. Recommendations**

It offers certain recommendations based on the findings of the study and specifies the areas of priorities of future research and institutional development.

### **8.1 Legislative Action**

The major legislative intervention must be the enactment of a federal Construction Adjudication Act that will provide a statutory right to adjudication in construction contracts. The Act needs to provide stringent statutory timelines of determinations, entrench the interim binding force of decisions, and restrict judicial review to grounds of jurisdiction and procedure. Without legal empowerment, the adjudication process will have a weak contractual basis and depend on enforcement.

The law-making should utilize the Housing Grants, Construction and Regeneration Act 1996 and the Building and Construction Industry Security of Payment Act, and will be required to tweak them to suit the Nigerian constitutional and business environment.

## **8.2 Institutional Development**

It is necessary to set up a National Adjudicator Registry that will regulate accreditation, training, ethical standardization, and appointment. Competence and credibility would be improved by making certification mandatory and continuing professional development. Statutory reform requires institutional control to establish homogeneity and certainty for stakeholders.

At the same time, specialized judicial divisions must be introduced, or special enforcement judges who will help to enforce. They should be fast-tracking mechanisms to retain the time performance advantage of adjudication.

## **8.3 Digital Integration**

Nigeria ought to invest on online adjudication system that will help in contributing to electronic filing, timing, submission and publication of decisions. Digital integration would help to increase access and transparency even in remote areas and generate reliable institutional data to track policies.

The platform ought to ensure that it has strong data gathering systems that can keep track of the implementation rates, the schedule, the rate at which the system is taken up by the sector, and how cost-effective it is.

## **8.4 SME Protection Measures**

Since SME contractors are structurally vulnerable, the reforms ought to comprise fee caps on smaller dispute values, principal templates of procedures, and awareness campaigns to encourage their use. Specific protection against the exclusion on contractual grounds should be offered in the law since stronger agents would tend to avoid the adjudication provisions.

## **8.5 Future Research Directions**

In this work, the methodologies used are the doctrinal and comparative. Subsequent studies must involve an empirical method, such as interview of practitioners, interview of adjudicators, and examination of the enforcing consequences, especially in Nigeria. Policy would be better developed through quantitative assessment of durations of disputes, differentials of costs, and compliance percentages.

The next research may look into the constitutional dimension of federal-state harmonization of adjudication legislation implementation and the impact of adjudication on the construction project delivery and investor confidence. In longitudinal studies, longitudinal studies would be useful in providing information about the adjustment of the institutions and regulatory efficiency in case statutory adjudication were adopted, as longitudinal studies would be based on the longitudinal studies of post-reform performance.

## **8.6 Concluding Perspective**

Nigeria should align its legislative, institutional and technological reforms in adjudication reform. The direction of future scholarship must be taken as theoretical advocacy should give way to performance in the institutions. Pillar status on adjudication of construction disputes can only be realized by long-term institutional development that will convert it into a contractual innovation.

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