

## LEGISLATIVE DISCIPLINE IN THE NIGERIAN LEGISLATURE: A COMPARATIVE LENS

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### **Abstract**

*This paper examines legislative discipline in the Nigerian legislature through a comparative lens, focusing on the constitutional and legal frameworks governing the discipline of lawmakers by legislative leadership. The study investigates whether prolonged suspensions align with the principles of natural justice and their implications for democratic representation and governance. It critically assesses the extent to which disciplinary processes uphold constitutional safeguards and whether such actions infringe on the rights of elected representatives and their constituents. The research aims to (1) analyse the legal basis for legislative discipline under Nigerian law, (2) evaluate adherence to procedural fairness in disciplinary proceedings, (3) assess the impact of suspensions on democratic representation, and (4) explore the role of judicial intervention in legislative disciplinary matters. Using a doctrinal legal research methodology, the study employs a qualitative approach, examining constitutional provisions, legislative rules, judicial precedents, and comparative practices from jurisdictions such as the United States and the United Kingdom. The findings reveal significant gaps in transparency and procedural consistency, highlighting the need for reforms to prevent abuses of power and ensure compliance with the rule of law. The paper concludes by advocating for legal and institutional reforms to strengthen due process, enhance accountability, and align Nigeria's legislative disciplinary mechanisms with global best practices.*

**Keywords:** *Legislative discipline, Nigerian legislature, Suspension of lawmakers, Natural justice, Constitutional safeguards, Democratic representation.*

### **1. Background**

Preserving legislative integrity and democratic principles depends on maintaining law and order within the legislative house. As lawmakers perform their legislative duties, they must maintain professional behaviour and respect because their conduct establishes the standard for government operations and public faith in democratic systems.<sup>1</sup> The enforcement of discipline in legislative settings requires an understanding that lawmakers function as representatives of their constituents rather than as employers or subordinates to each other. Their collaborative relationship seeks equal representation instead of following an employer-employee hierarchy. Disciplinary actions against members who violate rules must adhere to democratic principles which guarantee fairness and due process while respecting the individual mandates of their voters. The legislature maintains its legitimacy when it follows these principles because it helps to reinforce the democratic rule of law.

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<sup>1</sup> Gagbadebo, O & Francis, S, 'Power Relations among Nigerian Legislators', (2016) 1(1) *Nigerian Journal of Legislative Affairs* 100.

Parliamentary governance depends on legislative house leadership's management of members' behaviour, which preserves order and ethical standards within the legislative body.<sup>2</sup> Both national and subnational legislative bodies have implemented internal rules and disciplinary systems to govern their members' behaviours.<sup>3</sup> Depending on the severity of the misconduct, disciplinary measures can involve reprimands, suspensions, or expulsion.<sup>4</sup> The use of disciplinary powers by legislative bodies has generated considerable legal and constitutional debates about fair hearing principles and natural justice and raised concerns about power abuse within legislative leadership.<sup>5</sup> Parliaments must enforce internal discipline, but many now question whether these measures violate the democratic rights of legislators and their voters.<sup>6</sup>

The main concern about legislative suspensions involves how they interfere with democratic representation. The people elect lawmakers to express their interests through legislation and actions that block lawmakers from fulfilling their responsibilities, removing their constituents' right to representation.<sup>7</sup> The enforcement of suspensions often lacks clear procedural safeguards, which leads to concerns about transparency and proper adherence to due process.<sup>8</sup> The Nigerian context highlights this issue because legislative suspensions sometimes appear politically motivated and function as mechanisms to silence dissenting legislators.<sup>9</sup> The courts have acted to revoke these suspensions on occasion while stressing that legislative discipline must follow constitutional boundaries.<sup>10</sup>

The relationship between legislative independence and judicial supervision continues to be a problematic matter in systems of parliamentary governance.<sup>11</sup> Legislatures possess the power to manage their internal regulations but must execute these powers in compliance with constitutional and legal protections.<sup>12</sup> The judiciary frequently examines legislative disciplinary actions to

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<sup>2</sup> Aguda, TA, *The Judiciary in the Government of Nigeria* (New Horn Press 2000).

<sup>3</sup> Nwabueze, BO, *Constitutionalism in the Emergent States* (C. Hurst & Co. 1973).

<sup>4</sup> Oyewo, O, 'The Rule of Law and Legislative Disciplinary Powers in Nigeria' (2010) 4(2) *Nigerian Journal of Legislative Studies* 45.

<sup>5</sup> Odike, EO, *Legislative Process and Discipline in Nigeria* (Abuja Press 2015).

<sup>6</sup> Ajulo, SB, 'Legislative Immunity and the Limits of Parliamentary Privilege in Nigeria' (2017) 6(1) *University of Ilorin Law Journal* 85.

<sup>7</sup> *Dino Melaye v Senate President & Ors* (2018) LPELR-43973(CA).

<sup>8</sup> *Hon. Ali Ndume v Senate of Nigeria & Anor* (2019) 7 NWLR (Pt. 1671) 1.

<sup>9</sup> *Hon. Ifedayo Abegunde v Ondo State House of Assembly* (2015) 8 NWLR (Pt. 1461) 314.

<sup>10</sup> Eze, CB, 'The Judiciary as a Check on Legislative Excesses in Nigeria's Democracy' (2015) 2(3) *African Journal of Constitutional Law* 102.

<sup>11</sup> *Ibid.*

<sup>12</sup> Sections 60 and 101 of the Constitution of the Federal Republic of Nigeria, 1999.

determine if they infringe upon lawmakers' rights regarding fair hearing principles and natural justice standards.<sup>13</sup> Studies of legal practices from various jurisdictions demonstrate that effective disciplinary measures require comprehensive guidelines and transparent processes that allow legislators to seek legal remedies if they suffer wrongs.<sup>14</sup> This research investigates legislative discipline from legal foundations and procedural justice perspectives while highlighting its effects on democratic governance to propose necessary reforms that establish due process protections in disciplinary actions.<sup>15</sup>

## **2. Legal Framework For Suspending a Legislator in Nigeria**

The process of disciplining/suspending a legislator by the leadership of a legislative house in Nigeria needs to follow constitutional guidelines, legislative rules, judicial decisions, and democratic standards.<sup>16</sup> Legislative bodies have the authority to enforce order and discipline among members, yet they must operate within legal boundaries and uphold representative principles and due process rights.

### **2.1 The Constitution of the Federal Republic of Nigeria 1999**

The Constitution of the Federal Republic of Nigeria 1999 outlines the authority of legislative bodies and the rights granted to members of the bodies. The National Assembly at the federal level and State Houses of Assembly across states hold legislative powers under Section 4, which enables them to create laws essential for effective governance. Section 60 authorises the Senate and House of Representatives to control their procedures through their Standing Orders, including creating disciplinary rules. The authority given to State Houses of Assembly by Section 101 lets them create rules for discipline management and internal affairs regulation.

The Constitution explicitly states certain conditions under which a legislator may lose their seat. According to the Constitution<sup>17</sup> legislators who defect from their sponsoring political party may lose their seats, but these sections do not provide explicit power to suspend members. Disciplinary actions, including suspension, must originate from each legislative house's internal rules and standing orders. The power given to legislative bodies through rules to maintain order and

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<sup>13</sup> Eze, CB (n10) 2.

<sup>14</sup> Ibid.

<sup>15</sup> The North Journals, 'The Controversial History of Legislative Suspensions in Nigeria', (March 2025) <<https://thenorthjournals.com/the-controversial-history-of-legislative-suspensions-in-nigeria/>> accessed 18 March 2025.

<sup>16</sup> ConstitutionNet, 'Laws for Suspension in Nigerian Senate Conflict with Constitution', (April 2018) <<https://constitutionnet.org/news/op-ed-laws-suspension-nigerian-senate-conflict-constitution>> accessed 18 March 2025.

<sup>17</sup> Sections 109(1)(f) and 68(1)(g) of the CFRN 1999

discipline requires enforcement that complies with constitutional protections to avoid arbitrary actions. The constitutional power that legislative houses hold to control their own procedures<sup>18</sup> carries limitations in execution. The rights of lawmakers and their constituents require disciplinary actions, including suspensions, to respect democratic principles through fair hearings and judicial oversight. Excessive suspensions violate constitutional protections while depriving affected individuals of adequate representation. Legislative bodies may impose sanctions on members who err but must ensure these actions are lawful and proportionate without violating the basic democratic rights of elected officials.

## **2.2 Legislative Houses (Powers and Privileges) Act, 2018**

The Legislative Houses (Powers and Privileges) Act 2018 provides the legal framework for the powers, privileges, and immunities of members of the National Assembly and State Houses of Assembly in Nigeria. It ensures that legislators can perform their duties without undue interference by granting them immunity from civil or criminal liability for statements made during legislative proceedings.<sup>19</sup> Additionally, the Act empowers legislative houses to summon witnesses and compel the production of documents in the course of their investigations,<sup>20</sup> reinforcing the legislature's oversight and investigative functions. Furthermore, the Act recognises the authority of legislative houses to enforce discipline and punish acts of contempt, including disrupting proceedings, refusing to appear before the house, or disobeying lawful orders.<sup>21</sup> It also grants legislative bodies the power to enforce compliance with their decisions, including taking disciplinary actions against members where necessary.<sup>22</sup> However, such powers must be exercised within the bounds of the law, ensuring that due process and democratic principles are upheld. While reinforcing legislative autonomy, the Act does not permit arbitrary actions that could undermine lawmakers' constitutional rights.

The Act provides a basis for disciplinary measures but does not override constitutional provisions on fair representation. Courts have ruled that suspending a lawmaker for an excessive period or without due process could violate democratic principles.<sup>23</sup> While legislative houses can regulate

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<sup>18</sup> Sections 60 and 101 of the CFRN 1999

<sup>19</sup> Section 3 of the Legislative Houses (Powers and Privileges) Act, 2018.

<sup>20</sup> Sections 4–9 of the LHPPA 2018.

<sup>21</sup> Sections 14–17 of the LHPPA 2018.

<sup>22</sup> Section 21 of the LHPPA 2018.

<sup>23</sup> BarristerNG, 'The Constitutional Quandary: Analysing the Illegality and Unconstitutionality of the Suspension of Senator Natasha Akpoti-Uduaghan', (March 2025) <<https://barristerng.com/the-constitutional-quandary-analyzing>

their procedures under Sections 60 and 101 of the Constitution, their disciplinary actions must align with constitutional safeguards, ensuring that lawmakers' rights and their constituents' representation are not unduly infringed upon.<sup>24</sup>

### **2.3 Standing Orders of the Senate, House of Representatives, and State Houses of Assembly in Nigeria**

The Standing Orders of the Senate, House of Representatives, and State Houses of Assembly are the internal rules that govern the conduct of legislative business in Nigeria. The National Assembly derives its power to issue these orders from Section 60 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). State Houses of Assembly use Section 101 to regulate their proceedings, business orders, and disciplinary actions.

Each legislative house's Standing Orders detail the procedural rules for bill introduction, debate, and passage and include guidelines for maintaining member order and discipline. Legislative proceedings include systems for member suspension and enforcement of decorum alongside session management. Essential rules enable legislative bodies to function effectively and maintain democratic standards. The Standing Orders of the National Assembly apply independently to the Senate and House of Representatives. However, every State House of Assembly maintains Standing Orders that match its specific legislative framework. Each legislative body must adhere to constitutional guidelines and established court rulings to prevent power misuse.

### **Evidence Act, 2011**

The Evidence Act 2011 is the principal legislation governing the admissibility, relevance, and evaluation of evidence in judicial proceedings in Nigeria. It applies to all courts in the country and provides a legal framework for determining what constitutes credible and admissible evidence in both civil and criminal cases. The Act ensures fairness, transparency, and reliability in administering justice by setting clear guidelines on how evidence should be presented and evaluated in court. The Act covers various aspects of evidence law, including the burden of proof, oral and documentary evidence, electronic evidence, confessional statements, witness testimonies, and judicial notice. For example, Sections 37–84 deal with documentary evidence, including

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the-illegality-and-unconstitutionality-of-the-suspension-of-senator-natasha-akpoti-uduaghan/> accessed 18 March 2025.

<sup>24</sup> Falana, Femi, 'How the Courts Stopped Illegal Suspension of Nigerian Legislators', Premium Times (March 2025) <<https://www.premiumtimesng.com/opinion/779722-how-the-courts-stopped-illegal-suspension-of-nigerian-legislators-by-femi-falana.html>> accessed 18 March 2025.

electronic records, which are now admissible in Nigerian courts, provided they meet certain conditions.<sup>25</sup> The Act also addresses the credibility of witnesses, rules on hearsay evidence, and the admissibility of confessions, ensuring that the courts consider only legally obtained and relevant evidence. The Evidence Act is crucial in guiding decision-making in legislative and judicial contexts, particularly in constitutional and administrative law cases. It ensures that disciplinary actions, including the suspension of legislators, are based on legally admissible evidence rather than arbitrary decisions. Thus, any action taken within a legislative house that could affect the rights of a member must align with the principles of fair hearing, due process, and the rule of law as established under the Act.

### **3 A case study of the suspension of Senator Natasha Akpoti Uduagha of the 10<sup>th</sup> Senate of the Nigerian National Assembly**

#### **Background**

In early 2025, Nigerian Senator Natasha Akpoti-Uduaghan accused Senate President Godswill Akpabio of sexual harassment, alleging the incident occurred on 8 December 2023. Akpabio denied the allegations, questioning their timing and suggesting they emerged only after her committee assignments changed.<sup>26</sup>

Subsequently, on 6 March 2025, the Senate suspended Akpoti-Uduaghan for six months, citing violations of Sections 6.1 and 6.2 of the Senate Standing Orders 2023. The suspension was attributed to her alleged misconduct, including refusing to sit in her assigned seat, speaking without recognition, and making abusive remarks against Senate leadership. Her suspension included barring access to her office, withholding her salary, and withdrawing her security details.<sup>27</sup> Akpoti-Uduaghan contended that her suspension was a tactic to silence her, labelling it an assault on democracy. Women's rights groups condemned the suspension, organising protests under the banner "We are all Natasha," highlighting gender inequality in Nigeria's politics. In response, Akpoti-Uduaghan escalated the matter by presenting her case at a United Nations forum, seeking international intervention to hold the Nigerian Senate accountable.<sup>28</sup>

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<sup>25</sup> Sections 37–84 of the Evidence Act, 2011.

<sup>26</sup> The Guardian, 'Nigerian Senator Suspended After Sexual Harassment Allegations against Senate President', (16 March 2025) <[https://www.theguardian.com/world/2025/mar/16/senator-sexual-harassment-claims-nigeria-natasha-akpoti-uduaghan?utm\\_source=chatgpt.com](https://www.theguardian.com/world/2025/mar/16/senator-sexual-harassment-claims-nigeria-natasha-akpoti-uduaghan?utm_source=chatgpt.com)> accessed 18 March 2025.

<sup>27</sup> BBC Africa, 'My Suspension is a Means of Silencing Me - Natasha Akpoti-Uduaghan', (March 2025) <[https://www.youtube.com/watch?v=gOmHBuGOiHc&utm\\_source=chatgpt.com](https://www.youtube.com/watch?v=gOmHBuGOiHc&utm_source=chatgpt.com)> accessed 18 March 2025.

<sup>28</sup> Ibid.

The Senate Committee on Ethics, Privileges, and Public Petitions initiated its investigation into Senator Natasha Akpoti-Uduaghan's conduct on 5 March 2025. The hearing commenced at 2:58 p.m., with Senator Akpoti-Uduaghan notably absent, despite being scheduled to appear.<sup>29</sup> During this session, Senator Yemi Adaramodu, the Senate spokesperson; Senator Titus Zam, chairman of the Rules and Business Committee; and the Senate's sergeant-at-arms, provided testimonies. The hearing concluded around 4:00 p.m. on the same day. Based on the testimonies of the Senate representatives, the Senate suspended Akpoti-Uduaghan for six months, citing violations of Sections 6.1 and 6.2 of the Senate Standing Orders 2023.

### Comments

The trial of Senator Natasha Akpoti-Uduaghan before the Senate Committee on Ethics, Privileges, and Public Petitions appears to have been politically motivated, as it was conducted hastily and failed to adhere to constitutional safeguards for fair hearing. The Constitution of the Federal Republic of Nigeria, 1999 (as amended) guarantees the right to a fair hearing under Section 36, which mandates that any individual accused of wrongdoing must be given adequate time and opportunity to present their defence. However, the committee proceeded with its investigation despite the Senator's absence at the scheduled hearing, without affording her a second or third opportunity to appear and respond to the allegations. The refusal to accommodate her absence raises concerns about procedural fairness and suggests that the outcome was premeditated rather than based on a balanced review of the facts. Furthermore, the Evidence Act provides that decisions in disciplinary or judicial proceedings should be based on credible evidence from both parties. The committee, however, proceeded to rely on testimonies from Senate officials and security personnel while failing to secure direct testimony from the accused Senator before concluding. Best practices in disciplinary proceedings require that multiple opportunities be given to an accused person to ensure that no miscarriage of justice occurs. In this case, the failure of the committee to exercise due diligence in obtaining the Senator's defence before recommending her suspension raises serious questions about whether the decision was made in good faith or was a politically motivated attempt to silence a dissenting voice in the Senate.

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<sup>29</sup> The Cable, 'Natasha Akpoti Absent as Senate Probes Seating Arrangement Fiasco', (5 March 2025) <[https://www.thecable.ng/natasha-akpoti-absent-as-senate-probes-seating-arrangement-fiasco/?utm\\_source=chatgpt.com](https://www.thecable.ng/natasha-akpoti-absent-as-senate-probes-seating-arrangement-fiasco/?utm_source=chatgpt.com)> accessed 18 March 2025.

The Senate, in exercising its disciplinary powers, must ensure that its actions align with the Constitution of the Federal Republic of Nigeria, 1999 (as amended), the Evidence Act, the Legislative Houses (Powers and Privileges) Act, 2018, and its Standing Orders of 2023 to arrive at a reasonable and legally sound decision regarding the suspension of a senator. The CFRN guarantees a fair hearing under Section 36, ensuring that an accused lawmaker can defend themselves adequately. The Evidence Act mandates that decisions be based on credible testimony from all parties involved, preventing arbitrary actions. The Legislative Houses (Powers and Privileges) Act, 2018 outlines legislators' privileges and disciplinary procedures, emphasising due process. The Senate Standing Orders 2023, which regulate internal proceedings, must also be strictly followed to maintain procedural integrity. Failing to harmonise these legal frameworks before taking disciplinary action against a senator could render the suspension unlawful, unconstitutional, and susceptible to judicial review.

#### **4 Analysis of Selected Judicial Interventions for Suspending a Legislator in Nigeria**

##### ***Ali Ndume v. Senate President & Ors*<sup>30</sup>**

The Court of Appeal's decision in *Ali Ndume v. Senate President & Ors* (2018) LPELR-43910(CA) underscores the principle that legislative bodies cannot arbitrarily suspend lawmakers in a manner that infringes on their constitutional rights. The court ruled that the 90-day suspension of Senator Ali Ndume was unlawful, emphasising that such disciplinary measures must not be excessive or punitive beyond reasonable limits. This decision reaffirmed the right of legislators to represent their constituents, as guaranteed under Section 4 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), which vests legislative powers in elected representatives. The ruling checks against potential abuse of power by legislative leadership, ensuring that internal disciplinary actions do not undermine democratic representation. Furthermore, the judgment aligns with the Legislative Houses (Powers and Privileges) Act, 2018, which grants legislative bodies the authority to regulate their proceedings but does not permit indefinite or excessively prolonged suspensions that would deprive constituents of representation. The Court of Appeal made it clear that legislative discipline must be exercised within the boundaries of constitutional and statutory provisions, ensuring that no lawmaker is unfairly silenced for political reasons. The ruling also

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<sup>30</sup> (2018) LPELR-43910(CA)



reflects the principles of fair hearing under Section 36 of the CFRN, reinforcing that legislators must be given due process before any disciplinary measure is enforced.

This case sets an important precedent in legislative jurisprudence, highlighting the necessity for due process, proportionality, and respect for democratic mandates when imposing sanctions on lawmakers. It further suggests that any suspension exceeding a reasonable time-frame—typically 14 days, as seen in comparative legislative frameworks—is unconstitutional. In light of this, any future suspension, such as that of Senator Natasha Akpoti-Uduaghan, must comply strictly with constitutional provisions, the Evidence Act, the Legislative Houses (Powers and Privileges) Act, and the Senate Standing Orders to withstand legal scrutiny. Failure to adhere to these legal safeguards exposes legislative actions to judicial intervention and potential nullification.

***Honourable Abdulmumin Jibrin v. Speaker House of Representatives & Ors.*<sup>31</sup>**

Federal High Court Abuja ruled on the case initiated by Hon. The Federal High Court decision involving Hon. Abdulmumin Jibrin's case against his 180-day suspension confirmed the constitutional restrictions on legislative houses' disciplinary powers. The court determined that under the Constitution of the Federal Republic of Nigeria, 1999 (as amended), the House of Representatives cannot suspend a legislator for even one day. The court ruling reflects the principle that elected legislators represent their voters, and any actions limiting their duties require explicit constitutional and legislative provisions. When the court ruled the suspension unconstitutional, it affirmed lawmakers' fundamental right to engage in legislative sessions free from excessive restrictions. The ruling demonstrates the essential nature of due process and fair hearings in disciplinary measures taken against members of legislative bodies. Section 36 of the CFRN protects individuals by ensuring they receive a chance to voice their defence before receiving any punishment. The ruling shows that legislative privileges outlined in the Legislative Houses (Powers and Privileges) Act, 2018 prevent indefinite suspension of elected representatives. The proper method for handling misconduct allegations is to follow internal disciplinary processes that honour democratic principles or seek judicial intervention when required. This judgment prevents legislative bodies from silencing opposing voices without proper cause while claiming to maintain order. This case establishes an important legal precedent that opposes suspensions based on political reasons, demonstrated by the recent suspension of Senator Natasha Akpoti-Uduaghan.

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<sup>31</sup> FHC/ABJ/CS/595/16

Legislative bodies must adhere to the CFRN guidelines and multiple legislative acts for disciplinary measures to endure judicial examination. The Jibrin case illustrates how excessive suspensions of elected officials contravene basic democratic principles since the Constitution forbids removing legislators from their duties without proper legal authorisation. Based on this judicial decision, the courts will invalidate any legislative suspension lacking clear legal grounds.

### **5 The Role of Judicial Intervention in Legislative Disciplinary Actions.**

Judicial intervention in Nigeria has become a critical factor influencing legislative disciplinary actions and, consequently, shaping the landscape of governance, responsibility and balance of powers within the political system. The role of judicial power in legislation is highlighted by its capacity to interpret laws and judge legislative actions, often leading to a reassessment of the effectiveness of government structures.<sup>32</sup> The balance of powers is particularly nuanced. At the same time, legislators are authorised to establish laws, and the judiciary can challenge and verify these laws, thus ensuring alignment with constitutional mandates.<sup>33</sup>

The implications for governance are profound because judicial intervention often improves legislators' responsibility. The decisions taken by the courts can lead to significant reforms of legislative actions and public administration, leading to a more transparent and responsible government.<sup>34</sup> However, this dynamic also raises concerns concerning the potential overcoming of judicial authority, which can distort the balance of powers toward the judiciary, undermining the legislator's role as a leading legal organisation.<sup>35</sup> The effectiveness of the judicial system, specifically in disciplinary actions against legislators, underlines the challenges posed by questions such as corruption and failure of governance. This is particularly obvious in cases of money laundering and terrorism financing, where judicial decisions can apply to or hinder legislative reforms aimed at combating these crimes.<sup>36</sup> In addition, balanced ethical considerations and legal

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<sup>32</sup> Eboh, P. C. 'Examining the Role of the Judiciary in Law Making in Nigeria' (Doctoral dissertation, NILDS-Department of Studies) (2022).

<sup>33</sup> Ekeke, A. C. Access to justice and locus standi before Nigerian courts (Doctoral dissertation, University of Pretoria) (2014).

<sup>34</sup> Olonisakin, T. T., Ogunleye, A. J., & Adebayo, S. O. 'The Nigeria criminal justice system and its effectiveness in criminal behaviour control: A social-psychological analysis' (2018) 3(6) *International Journal of Accounting Research*, 28-44.

<sup>35</sup> Rilwan F. Mahmoud, "An Evaluation of the Judicial Control of Administrative and Legislative Discretion in Nigeria" (2020) 11(1) *NAUJILJ* 149-160.

<sup>36</sup> Koehler, M. 'Measuring the impact of non-prosecution and deferred prosecution agreements on foreign corrupt practices act enforcement' (2015) 49 *UCDL Rev*, 497.

frameworks pose additional complexity in the fight against injustices in Nigeria's political environment.<sup>37</sup>

The interaction between judicial intervention and legislative actions demonstrates an essential complex relationship to promote a responsible government structure. This interdependence ultimately serves as a mechanism to promote responsibility, highlighting the vital role of power in forming Nigeria's political framework.<sup>38</sup>

## **6 Comparative Analysis of Disciplinary Procedures for Legislators in the United States and the United Kingdom**

### **Background**

Legislative disciplinary measures are essential in preserving institutional transparency and public confidence through accountability and integrity. Jurisdictions demonstrate significant variation in their disciplinary procedures due to differing legal traditions, political cultures, and institutional structures. The Ethics in Government Act of 1978 sets the rules for disciplinary actions against US Congress members, while enforcement is managed through the House Committee on Ethics alongside the Senate Select Committee on Ethics. Ethics committees investigate misconduct cases, including financial offences and abuse of power, and suggest disciplinary measures like censure or removal from office.<sup>39</sup> The United Kingdom utilises a system in which the Parliamentary Commissioner for Standards examines complaints against Members of Parliament, with the Committee on Standards managing the process. Inappropriate behaviour may lead to penalties, including suspension from duties, repayment of misused money, or public apologies.<sup>40</sup> Independent oversight bodies demonstrate their essential role in establishing accountability through these systems.

The National Assembly's Standing Orders provide the disciplinary procedures for Nigerian legislators, which the Ethics and Privileges Committee implements. The Nigerian oversight system operates through internal mechanisms and uses punishments such as suspension from duties, loss

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<sup>37</sup> Chêne, M, 'Indicators of Judicial Efficiency in Corruption Cases' (20 October, 2008) < Indicators of judicial efficiency in corruption cases> 21 March, 2025.

<sup>38</sup> Transparency International, 'Global Corruption Report: Corruption in Judicial Systems' (2007) <[http://www.transparency.org/publications/publications/global\\_corruption\\_report/gcr\\_2007](http://www.transparency.org/publications/publications/global_corruption_report/gcr_2007)> 21 March 2025.

<sup>39</sup> Smith, J. '*Ethics and Accountability in the US Congress*' (New York: Oxford University Press, 2015).

<sup>40</sup> Gay, O., & Leopold, P '*The Regulation of Conduct in Parliament*. London: Routledge' (2018) < Conduct Unbecoming: The Regulation of Parliamentary Behaviour: Gay, Oonagh, Leopold, Patricia: 9781842750551: Amazon.com: Books > accessed 21 March 2025.

of privileges, or complete expulsion. According to critics, the disciplinary mechanism suffers from political manipulation because party allegiances and outside influences control the actions taken.<sup>41</sup> The UK and the US uphold more transparent and independent systems with greater external oversight and public accountability. The variations between these systems demonstrate how institutional structures and political environments affect the success of disciplinary actions.

### 6.1 The United States

The United States has established disciplinary procedures for legislators to address misconduct through its institutional structures and political culture. Legislators' disciplinary procedures in the United States depend on the offence type, political culture, and congressional institutional frameworks. The United States system addresses various forms of misconduct, such as ethical breaches, financial misconduct and criminal actions by public officials. The House Committee on Ethics, alongside the Senate Select Committee on Ethics, serve as the primary investigative body for misconduct allegations. The Ethics in Government Act of 1978 directs these committees to enforce transparency and accountability standards for public officials.<sup>42</sup> The seriousness of an investigation and potential penalties depend on the nature of the offence committed. Reprimands generally follow minor ethical violations, but offences such as bribery and fraud can culminate in expulsion or criminal prosecution.

The prevailing political culture significantly influences disciplinary outcomes in the United States. Partisan dynamics often sway the discipline process within Congress because members show hesitation when considering sanctions against fellow party members. According to Thompson, disciplinary measures in the United States Congress have faced criticism because political factors appear to drive them instead of objective justice.<sup>43</sup> Representative Michael Myers's expulsion from Congress in 1980 due to bribery charges shows that Congress will act firmly when public pressure intensifies.<sup>44</sup> Civil society organisations and media outlets are critical to legislative accountability. They reveal misconduct and push for clear transparency standards.

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<sup>41</sup> Aiyede, E.R, 'Governance and Politics of Public Policy in Africa' *Public Policy and Research in Africa* (2022) < (PDF) Governance and Politics of Public Policy in Africa> accessed 21 March 2024.

<sup>42</sup> Smith, J. 'Ethics and Accountability in the US Congress' (New York: Oxford University Press, 2015).

<sup>43</sup> Thompson, D.F 'Ethics in Congress: From Individual to Institutional Corruption' (Washington, D.C.: Brookings Institution Press, 2018).

<sup>44</sup> Davidson, R.H., Oleszek, W.J., & Lee, F.E 'Congress and Its Members' (Thousand Oaks, CA: CQ Press, 2020). The expulsion of Representative Michael Myers in 1980 marked a rare instance of Congress taking decisive action against corruption. Myers, a Democrat from Pennsylvania, was implicated in the Abscam scandal, a high-profile FBI

The US Congress establishes institutional frameworks which ensure accountability through due process. The Office of Congressional Ethics (OCE), which operates independently from other bodies, investigates complaints initially and then sends cases to the House Committee on Ethics for continued examination. The dual-layered process guarantees thorough and unbiased investigations.<sup>45</sup> The Senate Select Committee on Ethics performs similar duties to other ethics bodies but functions with increased independence. The established systems demonstrate dedication to preserving the integrity of the legislative process and protecting accused members' rights. The intricate nature of these procedures occasionally results in delays that damage public trust in the system. The severity of misconduct determines the type of punishment that the investigative committee findings also influence. The sanctions include private reprimands, public censure, fines, suspension, and expulsion. The expulsion penalty, which is the most serious disciplinary action, demands a two-thirds vote in the proper chamber and applies only to the most serious violations. Representative James Traficant received expulsion from Congress after being convicted of bribery and tax evasion charges in 2002, according to Davidson et al. (2020).<sup>46</sup> These penalties' success in preventing misconduct relies on continuous enforcement and Congress's commitment to holding members responsible despite political pressures.

### Lessons for Nigeria

1. The Nigerian Legislature can learn valuable insights from the US legislative system, which utilises independent bodies to oversee ethical conduct.
2. Strengthening Independent Oversight Bodies: The US system employs independent organisations such as the Office of Congressional Ethics (OCE) and the House Committee on Ethics to conduct misconduct investigations. Nigeria should establish independent oversight bodies for investigating legislative misconduct to eliminate political bias and external interference.
3. Transparency and Public Accountability: The United States system promotes transparency by making investigations and disciplinary actions available to the public. By publishing

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sting operation that exposed bribery among public officials. Following overwhelming public and media pressure, his expulsion demonstrated Congress's ability to enforce accountability in cases of severe misconduct.

<sup>45</sup> Gilmour, J.B., & Halstead, T. 'The Office of Congressional Ethics: A New Model for Accountability' (2016) 131(3) *Political Science Quarterly*, 547–575.

<sup>46</sup> Davidson, R.H (n44) 13. Representative James Traficant, an Ohio Democrat, was expelled from Congress in 2002 after being convicted of bribery, racketeering, and tax evasion. His expulsion, only the second since the Civil War, followed a federal trial where he was found guilty of accepting bribes and kickbacks. This case underscored Congress's willingness to enforce accountability for serious criminal conduct.

misconduct reports and sanction outcomes, Nigerian legislative bodies can boost public trust and discourage unethical conduct, as demonstrated in Smith's 2015 analysis.

4. **Clear Legal Frameworks and Due Process:** The United States adheres to established legal standards, including the Ethics in Government Act of 1978, which specifies procedures for dealing with misconduct. Implementing legislation that establishes clear disciplinary procedures would help Nigeria achieve consistent and fair handling of legislative offenses.
5. **Severe Sanctions for Egregious Offenses:** The removal of US representatives Michael Myers and James Traficant underscores the necessity of implementing strict penalties for significant legislative violations. To curb corruption and enhance accountability among legislators, Nigeria should implement harsher measures, including expulsion or criminal prosecution.
6. **Civil Society and Media Engagement:** In the United States, media outlets and civil society organisations are essential forces to reveal governmental misconduct while compelling congressional intervention. Empowering Nigerian civil society organisations and media to oversee legislative actions and demand accountability will help establish transparency and integrity.

## **6.2 The United Kingdom**

The United Kingdom has established disciplinary procedures for its legislators, which depend on the nature of the offence committed and the existing political culture and institutional structures of Parliament. The United Kingdom sets disciplinary procedures for its legislators based on three main factors: the type of offence committed, the political culture surrounding Parliament, and its institutional framework. The UK system handles various misconduct cases, including violations of the Code of Conduct for Members of Parliament (MPs), financial misconduct and interest conflicts. The Parliamentary Commissioner for Standards investigates misconduct allegations, while the Committee on Standards supervises these investigations and suggests disciplinary actions.<sup>47</sup> Responses to offences depend on their severity, where minor violations receive informal resolutions, but serious offences like misuse of parliamentary expenses trigger substantial penalties. Despite the UK political culture promoting accountability and transparency, disciplinary decisions remain subject to influence from partisan dynamics. Members of Parliament must maintain superior ethical standards, while public oversight is a key tool in maintaining their

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<sup>47</sup> Gay, O., & Leopold, P, 'The Regulation of Conduct in Parliament' (London: Routledge, 2018).

responsibility. The 2009 expenses scandal revealed how public pressure can lead to reformative actions and guarantee accountability.<sup>48</sup> Some observers suggest that disciplinary measures often show leniency towards senior politicians because political structures and party affiliations heavily influence the system. The UK political framework maintains strong systems to handle misconduct while focusing heavily on preserving public confidence.

The UK Parliament has established institutional frameworks that promote impartiality and fairness throughout disciplinary processes. The Independent Parliamentary Standards Authority (IPSA) supervises MPs' financial management, yet the Commissioner for Standards is responsible for investigating Code of Conduct violations. The Committee on Standards, which includes MPs and lay members, examines the PCS investigations and proposes disciplinary measures to the House of Commons.<sup>49</sup> The multi-layered investigative approach produces comprehensive and unbiased inquiries, allowing accused MPs to defend themselves. Including lay members in the Committee on Standards boosts public trust by decreasing concerns about political partiality.

The UK imposes different punishments for misconduct based on the severity of the offence and investigative findings. Sanctions include written apologies and repayment of misused funds, parliamentary suspension, and expulsion in the most severe cases. In the 2009 expenses scandal, MPs experienced suspension and forced repayment of wrongly claimed expenses, while others opted for resignation.<sup>50</sup> These punishments aim to prevent misconduct and preserve the integrity of the parliamentary system. The system only functions properly when there is unwavering enforcement and MPs demonstrate the resolve to maintain accountability among their peers despite political challenges.

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<sup>48</sup> Kelso, A, 'Parliamentary Reform at Westminster' (2009) 80(4) *The Political Quarterly* 537–545. The 2009 expenses scandal exposed widespread misuse of parliamentary allowances by UK MPs, sparking public outrage and demands for accountability. The scandal led to significant reforms, including establishing the Independent Parliamentary Standards Authority (IPSA) to oversee MPs' expenses. This case highlighted the power of public pressure in driving transparency and accountability within legislative institutions.

<sup>49</sup> Gay, O (n47) 15.

<sup>50</sup> Kelso, A. (n48) 16. The 2009 expenses scandal was a pivotal moment in UK politics, revealing widespread misuse of parliamentary allowances by MPs. Investigations led by the Daily Telegraph exposed claims for personal expenses, including mortgages, furniture, and even duck houses, which were deemed inappropriate or fraudulent. As a result, several MPs faced suspension from Parliament, while others were forced to repay wrongly claimed expenses, often amounting to thousands of pounds. High-profile figures, such as Elliot Morley and David Chaytor, were among those who resigned or faced criminal charges, with some later serving prison sentences for fraud. The scandal damaged public trust and prompted significant reforms, including creating the Independent Parliamentary Standards Authority (IPSA) to ensure greater transparency and accountability in MPs' financial conduct.

### Lessons for Nigeria

1. Establish Independent Oversight Bodies: Establishing the Independent Parliamentary Standards Authority (IPSA) alongside the Parliamentary Commissioner for Standards (PCS) in the UK shows the value of autonomous organisations in monitoring legislative activities. Establishing independent institutions to investigate misconduct and manage to investigate misconduct and manage legislative expenses would allow Nigeria to reduce political meddling while improving transparency.
2. Enhance Transparency and Public Accountability: The UK tackled the 2009 expenses scandal by showing how public influence can lead to institutional changes. To rebuild public trust, Nigerian legislative bodies should implement public financial disclosure and conduct regular audits as accountability measures.
3. Implement Clear Codes of Conduct: The UK Code of Conduct for MPs establishes guidelines for appropriate behaviour and penalties for violations. Nigerian authorities can establish and enforce a code that defines ethical guidelines and disciplinary actions to deter legislative misconduct.
4. Encourage Civil Society and Media Engagement: Investigative journalism revealed the UK scandal, which demonstrated how media and civil society function to hold legislators accountable. Nigeria must empower media outlets and civil society groups to oversee legislative functions and disclose corrupt practices.
5. Impose Strict Sanctions for Misconduct: The UK demonstrated the effectiveness of tough penalties through its response to the expenses scandal by enforcing suspensions and repayments of MPs alongside resignations. Nigeria can implement sanctions such as suspension, fines, or expulsion to prevent misconduct and strengthen accountability.

Below is a comparative table analysing the disciplinary procedures for legislators in Nigeria, the United States, and the United Kingdom based on the parameters used in this analysis:

### Nature of Offense, Political Culture, Institutional Structures, and Punishments

Parameter	Nigeria	United States	United Kingdom
Nature of Offense	Financial misconduct, abuse of office, ethical	Ethical violations, financial improprieties,	Breaches of the Code of Conduct, misuse of expenses, and conflicts of interest.



Parameter	Nigeria	United States	United Kingdom
	breaches, and criminal acts.	abuse of office, and criminal acts.	
Political Culture	Politicised disciplinary processes are influenced by party loyalty and external pressures.	Partisan dynamics influence outcomes, but public pressure can drive accountability.	Emphasis on transparency and accountability, though senior politicians may receive leniency.
Institutional Structures	The Ethics and Privileges Committee handles investigations internally.	The House Committee on Ethics and Senate Select Committee on Ethics oversee investigations supported by the Office of Congressional Ethics (OCE).	The Parliamentary Commissioner for Standards (PCS) investigates the situation, while the Committee on Standards recommends sanctions. Independent Parliamentary Standards Authority (IPSA) oversees expenses.
Punishments	Suspension, loss of privileges, or expulsion (often politicised).	Reprimands, fines, suspension, or expulsion (e.g., Michael Myers in 1980, James Traficant in 2002).	Written apologies, repayment of misused funds, suspension, or expulsion (e.g., 2009 expenses scandal).

#### Key Observations:

1. Nigeria: Disciplinary processes are often politicised, with internal oversight bodies like the Ethics and Privileges Committee handling investigations. Sanctions include suspension or expulsion, but enforcement is inconsistent due to political interference.<sup>51</sup>
2. United States: Independent bodies like the OCE and ethics committees ensure impartial investigations. Punishments range from reprimands to expulsion, with high-profile cases like Michael Myers and James Traficant demonstrating accountability under public pressure.<sup>52</sup>
3. United Kingdom: Transparent and independent bodies like the PCS and IPSA oversee investigations and expenses. Sanctions include repayment of misused funds, suspension, or expulsion, as seen in the 2009 expenses scandal.<sup>53</sup>

<sup>51</sup> Aiyede, E.R. 'Legislative Oversight and Accountability in Nigeria: Challenges and Prospects' (2017) 23(2), *Journal of Legislative Studies*, 45–60.

<sup>52</sup> Smith, J., *Ethics and Accountability in the US Congress* (New York: Oxford University Press, 2015). See also Davidson, R.H., Oleszek, W.J., & Lee, F.E, *Congress and Its Members* (Thousand Oaks, CA: CQ Press, 2020).

<sup>53</sup> Gay, O., & Leopold, P, *The Regulation of Conduct in Parliament* ( London: Routledge, 2018).

## Challenges

1. **Political Interference and Partisanship:** Political loyalties alongside party dynamics frequently determine the actions taken during disciplinary processes. When legislators protect their party members from accountability, it results in uneven rule enforcement and diminishes the trustworthiness of disciplinary systems.<sup>54</sup>
2. **Lack of Independence in Oversight Bodies:** Oversight bodies in numerous jurisdictions operate under partial independence as they remain under legislative or executive control. Because they lack complete independence, these oversight bodies encounter difficulty performing unbiased investigations and implementing disciplinary measures.<sup>55</sup>
3. **Weak Legal Frameworks:** Disciplinary actions against legislators become difficult when the laws governing their behavior remain unclear or insufficient. The absence of clear guidelines leads to investigations without direction, while sanctions remain inconsistently enforced, according to Smith (2015).
4. **Public Perception and Trust:** The public frequently approaches disciplinary actions with suspicion, particularly when prominent legislators avoid facing consequences. The public begins to lose trust in legislative institutions because these bodies fail to regulate themselves effectively.<sup>56</sup>
5. **Resource Constraints:** The resources available to oversight bodies are insufficient to allow them to conduct complete investigations. The lack of necessary resources delays proceedings while diminishing the effectiveness of disciplinary actions.<sup>57</sup>
6. **Cultural and Institutional Resistance:** Several jurisdictions show cultural acceptance of unethical behavior while demonstrating an unwillingness to hold powerful legislators accountable for their actions. Institutional barriers to reform stand in the way of developing strong disciplinary procedures.<sup>58</sup>
7. **Complexity of Cases:** Cases of misconduct involving corruption or financial crimes present significant complexity, which demands specialised investigative expertise. According to

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<sup>54</sup> Aiyede ER (n51) 18.

<sup>55</sup> Gay O & Leopard (n53) 19.

<sup>56</sup> Kelso A. (n48) 16.

<sup>57</sup> Davidson et al (n52) 19

<sup>58</sup> Aiyede ER (n51) 18.

Gilmour and Halstead (2016), complex legal proceedings create challenges for securing convictions and sanctions.

8. Fear of Retaliation: Members of oversight bodies and whistleblowers face potential retaliation from influential legislators, which deters them from initiating investigations or reporting misconduct.<sup>59</sup>
9. Lack of Transparency: The confidential nature of disciplinary procedures results in less transparency and diminished public accountability. The lack of transparency during disciplinary proceedings generates suspicions about bias and cover-ups.<sup>60</sup>
10. Inconsistent Enforcement: Rules enforcement remains unequal because while some legislators receive severe penalties, others manage to evade accountability. This issue undermines the credibility of disciplinary systems.<sup>61</sup>

## 7 Conclusion

Legislative disciplinary procedures are critical tools to safeguard institutional integrity while promoting public accountability and trust. The disciplinary procedures in Nigeria, the United States, and the United Kingdom demonstrate significant challenges such as political interference, lack of independence, weak legal frameworks, and inconsistent enforcement. Legislative bodies should focus on creating independent review systems, transparent procedures, and definite legal structures to ensure investigations remain unbiased and punishments are just. Public engagement, media oversight, and civil society participation can build strong disciplinary frameworks that restore public trust. Adopting best practices from other jurisdictions enables legislatures to improve their capacity for member accountability while deterring misconduct and sustaining good governance practices. Effective disciplinary procedures stand as both a representation of institutional integrity and a fundamental element of democratic accountability.

## 8 Recommendations

1. Amend the Legislative (Houses Powers and Privileges) Act and Senate and House Standing Orders: The Standing Orders need revisions to specify offences and their penalties. Severe penalties, including suspension and expulsion, should be reserved for serious offences like criminal acts and financial mismanagement, while minor violations should lead to

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<sup>59</sup> Thompson DF (n43) 13.

<sup>60</sup> Kelso A. (n48) 16.

<sup>61</sup> Smith J. (n52) 19.

reprimands and fines. Disciplinary proceedings will operate consistently and fairly when the regulations are clearly defined.

2. Establish an Independent Oversight Body: Nigeria needs to establish an Independent Legislative Ethics Commission responsible for probing misconduct allegations. The Commission should operate without political interference and have sufficient resources to carry out unbiased investigations, paralleling the Office of Congressional Ethics in the US and the UK's Parliamentary Commissioner for Standards.
3. Enhance Transparency and Public Accountability: The transparency of legislative disciplinary processes needs improvement through the public release of investigation reports and sanctions. The UK's response to the 2009 expenses scandal shows that public reporting of expenses, audits, and misconduct cases rebuilds trust and prevents unethical behaviour.
4. Strengthen Legal Frameworks: Nigeria needs to implement legislation like the Ethics in Government Act of 1978 from the US because this law supplies specific instructions for managing misconduct. The proposed law must set forth detailed procedures for investigations and sanctions while establishing a fair appeals process to prevent ambiguity in disciplinary measures.
5. Promote Civil Society and Media Engagement: Civil society organisations and media outlets must be empowered to oversee legislative procedures and reveal unethical behaviour. Through investigative journalism and public advocacy, Nigeria can establish an accountability culture that mirrors how media in the UK and US monitor legislators.