

Access to Administrative Justice and the Exhaustion of Remedies Doctrine in Nigeria's Ombudsman System: A Comparative Islamic Law Perspective

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Abstract

Nigeria established the Public Complaints Commission (PCC) in 1975 as a statutory ombudsman, promising citizens swift, informal, and accessible redress against administrative injustice. 50 years after the establishment of the PCC, this promise is undermined by Section 5 (2) (b) of the Public Complaints Commission Act, which imposes a compulsory exhaustion of remedies requirement. This provision mandates complainants to exhaust all legal and administrative procedures before approaching the Commission. The procedural barrier imposed by Section 5 (2) (b) of the Act was in conflict with the Commission's mandate of accessibility and it systematically excluded the poor, vulnerable and marginalized from benefiting from the services of the Commission. The paper relies on doctrinal legal research to examine the origins, application and effects of the exhaustion clause with the Nigeria's ombudsman framework. The paper traces the development of the exhaustion – of – remedies doctrine to the English administrative law, analyses its adoption into Nigeria's statutory architecture and evaluate its consequences on access to administrative justice. The paper explores a comparison of the Saudi Arabia's Diwan al-Mazalim (Board of Grievances) and Iran's General Inspection Organisation (GIO). The paper review various Islamic legal principle, adl (justice), maslahah (public interest), hisbah (accountability), and the prohibition of haraj (undue hardship), the paper finds that Nigeria's rigid exhaustion requirement is defective ad inconsistent with Islamic principles of accessible grievance redress. The paper proposes several reforms which include amendment of Section 5(2)(b) to grant the PCC discretion to waive the exhaustion requirement, issuance of binding guidelines, conferral of binding remedial powers, and constitutional entrenchment to insulate the Commission from political interference. The paper concludes that without these reforms, Nigeria's ombudsman will remain procedurally inaccessible, perpetuating the very administrative injustice it was established to remedy.

Keywords: Administrative Justice, Exhaustion of Remedies, *Hisbah*, *Maslahah*, Ombudsman, Public Complaints Commission

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1.0 INTRODUCTION

When public servants abuse their offices, citizens must have accessible avenues to challenge such conduct. Governments worldwide have established ombudsman institutions to provide swift, informal redress.¹ Yet there is a profound irony at the heart of Nigeria's ombudsman system: Section 5(2)(b) of the *Public Complaints Commission Act* provided that complainant must exhaust all available legal or administrative procedures or remedies before approaching the Public Complaint Commission.² The clause in Section 5 (2) (b) of the Act fundamentally contradicts the ombudsman's core mandate of provision of accessible justice and timely remedies to administrative inefficiency.

The United Nations General Assembly has expressly recognised the important role of ombudsman and mediator institutions in “the promotion and protection of human rights, good governance and the rule of law.”³ The Assembly has affirmed that these institutions serve the public through “free and accessible complaints mechanisms” and has urged member states to strengthen such institutions and ensure their independence.⁴ Yet Nigeria's *Public Complaints Commission Act*, through its mandatory exhaustion requirement under Section 5(2)(b), erects precisely the kind of procedural barrier that contradicts these international standards.

The paper examines origins, application, and effects on access to administrative justice within Nigeria's ombudsman framework. It traces the doctrine to English administrative law, analyses its statutory embodiment in Nigeria, and evaluates its consequences on access to administrative justice. This paper provides a detailed comparison with Saudi Arabia's *Diwan al-Mazalim* (Board

¹ UN Department of Economic and Social Affairs, *Rethinking Public Administration: An Overview* (United Nations 1998) 160-161; International Ombudsman Institute, 'UN General Assembly Recognises the Role of Ombudsman Institutions in Promoting Human Rights, Good Governance, and the Rule of Law' (15 January 2025) <https://www.theioi.org/ioi-news/current-news/un-resolution-underlines-important-role-of-ombudsman-in-achieving-the-sdgs> accessed 10 April 2026.

² *Public Complaints Commission (PCC) Act*, Cap P37, Laws of the Federation of Nigeria, 2004, s 5(2)(b).

³ See United Nations General Assembly, 'The Role of Ombudsman and Mediator Institutions in the Promotion and Protection of Human Rights, Good Governance and the Rule of Law', UN Doc A/RES/77/224 (15 December 2022) <<https://digitallibrary.un.org/record/3993560>> accessed 20 May 2026; United Nations General Assembly, 'The Role of Ombudsman and Mediator Institutions in the Promotion and Protection of Human Rights, Good Governance and the Rule of Law', UN Doc A/RES/79/177 (17 December 2024). <https://digitallibrary.un.org/record/4071980> accessed 20 May 2026.

⁴ UNGA Res 77/224 (n 3)

of Grievances) and Iran's General Inspection Organization (GIO), and through the lens of Islamic legal principles, the paper argues that the rigid exhaustion requirement is defective and inconsistent with accessible grievance redress. The paper concludes by proposing reforms to make Nigeria's ombudsman genuinely accessible to all citizens.

2.0 THE EXHAUSTION DOCTRINE IN ADMINISTRATIVE LAW

The exhaustion of administrative remedies doctrine requires that a person aggrieved by an administrative decision must pursue all available internal grievance mechanisms within the administrative hierarchy before seeking judicial review or, in some contexts, approaching an ombudsman.⁵ The doctrine's classic formulation is traced to *R v Commissioners for Special Purposes of Income Tax*, a late nineteenth - century English case in which Lord Esher MR articulated that the principle that parties must exhaust statutory remedies before invoking the supervisory jurisdiction of the courts.⁶ Through the reception of English common law, the doctrine found its way into Nigeria's legal landscape.

As Olong puts it, “exhaustion means the chance of not getting any judicial relief until the complainant has exhausted all provided administrative remedies”.⁷ In other words, the courts will simply turn you away if you have not first given the administrative system a chance to sort itself out. The doctrine does not travel alone; it operates alongside related principles of ripeness and *locus standi*, all of which function as pre-enforcement mechanisms designed to prevent premature judicial intervention in administrative matters.⁸

The policy justifications for all this are not without merit. There is, first, the concern for judicial economy where courts are not being burdened by matters that an administrative body could resolve. Second, there is the argument from agency expertise with administrative bodies have specialised knowledge, and it is only fair to let them correct their own errors before a judge steps

⁵ See generally Adefi M Olong, *Administrative Law in Nigeria: An Introduction* (2nd edn, Malthouse Press 2007).

⁶ (1888) 21 QBD 313.

⁷ Olong (n 5).

⁸ Illias B Lawal and Sunday A Fagbemi, 'An Appraisal of the Doctrines of Exhaustion, Ripeness and Locus Standi as Means to Preventing Frivolous Action against Administrative Decisions in Nigeria' (2015) 6(1) *Ebonyi State University Law Journal* 1.

in. Third, there is the value of finality, allowing administrative processes to run their course promotes certainty and reduces the risk of piecemeal, fragmented litigation. Fourth, there is the simple principle of non-interference. Courts should not interrupt administrative processes that are still unfolding.⁹

The above are persuasive rationales, in the context of judicial review. But they become considerably less persuasive when transplanted to the ombudsman context. The ombudsman is not a court. It exercises no judicial power. Its recommendations are not binding. The policy reasons that justify requiring exhaustion before judicial review simply do not translate to requiring exhaustion before an ombudsman investigation. To insist on exhaustion before approaching the ombudsman is to apply a remedy designed for one problem to an entirely different one, and, in doing so, to undermine the very purpose for which the ombudsman was created.

In the United States, the exhaustion of administrative remedies doctrine is a well-established judicial rule. As the US Court of Appeals for the Fifth Circuit emphasised in *In Re Donald J. Willy*, “no one is entitled to judicial relief for a supposed or threatened injury until the prescribed administrative remedy has been exhausted.”¹⁰ The primary purpose of the doctrine is to avoid premature interruption of administrative proceedings and to preserve agency autonomy and judicial efficiency.

The exhaustion doctrine applies “where a claim is cognizable in the first instance by an administrative agency alone, but judicial interference is withheld until the administrative process has run its course.” However, the doctrine is not absolute. As the Ohio Court of Appeals held in *Salvation Army v. Blue Cross* that a complainant is not required to exhaust administrative remedies where the claim falls outside the administrative agency's jurisdiction, such as a tort claim for defamation, which the agency had no power to adjudicate.¹¹

In Nigeria, the exhaustion doctrine has been applied across various administrative contexts. The doctrines of exhaustion, ripeness, and *locus standi* function as pre-enforcement remedies, while

⁹ Olong (n 5)

¹⁰ See *In Re Donald J. Willy*, 831 F.2d 545, 549 (5th Cir. 1987).

¹¹ See *Salvation Army v. Blue Cross & Blue Shield of N. Ohio*, 92 Ohio App.3d 571, 636 N.E.2d 399, 577 (1993)

doctrines like certiorari, declaration, and ultra vires operate as post-enforcement remedies.¹² The doctrine requires that a regulation must have been made and must have affected a party's interest before judicial relief can be sought. In Odunsi's view, the ordinary courts, despite being the primary channel for challenging administrative actions, often provide justice that is “slow and wanting”, and this fundamental inadequacy is precisely why a robust and accessible ombudsman system, free from procedural barriers like a rigid exhaustion clause, is necessary to provide effective redress.¹³ However, Nigerian courts have also recognised exceptions to the exhaustion requirement. Where administrative remedies are inadequate, futile, or would cause irreparable harm, courts may permit direct judicial intervention.¹⁴

3.0 THE EXHAUSTION CLAUSE IN THE PUBLIC COMPLAINTS COMMISSION ACT

Section 5 of the *Public Complaints Commission Act* sets out the powers and duties of Commissioners. Subsection (2)(b) provides that the Commission shall not investigate any complaint “in which the complainant has not, in the opinion of the Commissioner, exhausted all available legal or administrative procedures.”¹⁵ This provision imposes a mandatory exhaustion requirement, subject only to the Commissioner's opinion. The clause is not discretionary in the sense that the Commissioner may choose to investigate despite non-exhaustion; rather, the Commissioner forms an opinion as to whether exhaustion has occurred. If the Commissioner determines that exhaustion has not occurred, the Commission is barred from investigating.

The qualification, “in the opinion of the Commissioner”, provides a limited degree of flexibility. In theory, a commissioner could determine that a complainant has exhausted all available remedies even if some technical remedies remain, where those remedies are futile or inadequate. However, in practice, this discretion is rarely exercised. Commissioners have tended to apply the exhaustion requirement rigidly, requiring complainants to pursue every available administrative and legal avenue before approaching the Commission. This rigidity is compounded by the non-binding status of the Act. Section 7 of the *Public Complaints Commission Act* provides that after

¹² Ese Malemi, *Administrative Law* (3rd edn, Princeton Publishing Co 2008); Lawal and Fagbemi (n 8) 1

¹³ Bennett A Odunsi, *The Role of the Ombudsman in Nigeria: Redress of Grievances* (Edwin Mellen Press 2007).

¹⁴ Olong (n 5).

¹⁵ *PCC Act* (n 2), 2004, s 5(2)(b).

investigation, the Commissioner may “recommend” remedies such as action reversals, regulatory changes, or other corrective measures.¹⁶ These recommendations are purely advisory and carry no binding force. The combination of a rigid exhaustion requirement and non-binding recommendations creates a doubly burdensome process: complainants must navigate complex administrative hierarchies, only to receive non-binding recommendations that public authorities may ignore with impunity.

There is paucity of Nigerian case law interpreting Section 5(2)(b) of the PCC Act. Chief Gani Fawehinmi famously described the National Human Rights Commission as a “toothless bulldog set up to serve the interest of its master”.¹⁷ This characterisation has been used for the Public Complaints Commission (PCC) by analogy and reflects the broader perception that the PCC, while institutionally present, lacks the teeth to enforce its recommendations or to provide meaningful redress to complainants who have navigated the exhaustion requirement. The Court of Appeal reaffirmed that the Act cannot override judicial decisions or encroach on the powers of regular courts.¹⁸

The absence of robust judicial interpretation of the exhaustion clause is itself revealing. It suggests that few complainants who have been barred by the exhaustion requirement have pursued the matter to court, perhaps because they lack the resources to do so, precisely the problem the exhaustion clause creates. As the Hague Institute for Innovation of Law has documented, approximately 140 million Nigerians lack meaningful access to justice, with barriers such as distance to courts, high legal costs, and complex procedures making it difficult for many Nigerians to seek justice.¹⁹

4.0 WHY EXHAUSTION FAILS THE NIGERIAN *OMBUDSMAN'S* MANDATE

4.1 The Exhaustion Clause and the Redundancy of the “Last Refuge”

¹⁶ *ibid*, s 7.

¹⁷ 31 years after, FG moves to strengthen National Human Rights Commission' *Vanguard* (26 March 2026) <https://www.vanguardngr.com> accessed 25 April 2026;

¹⁸ *Public Complaints Commission v Adekunle* (2021) LPELR-56688(CA)

¹⁹ Hague Institute for Innovation of Law, *Justice Needs and Satisfaction (JNS) Nigeria 2023 Report* (April 2023) <<https://www.hiil.org/research/justice-needs-and-satisfaction-in-nigeria/>> accessed 20 May 2026.

Section 5 (2) (b) of the *Public Complaints Commission Act* establishes the exhaustion clause, providing that the Commission “shall not investigate any complaint” where the complainant “has not exhausted all other legal or administrative remedies available to him”²⁰ This provision was intended to prevent the Commission from being overwhelmed by complaints that could be resolved through existing channels and to ensure that the Commission operates as a complementary, rather than competing, mechanism for redress.²¹ Yet the exhaustion clause creates a fundamental paradox when considered alongside the Commission's stated purpose. The Public Complaints Commission was established as the “last refuge outside the courtroom” for citizens aggrieved by administrative injustice.²² It was designed to provide an accessible, informal, and cost-free avenue for redress, precisely because administrative and legal procedures are often inaccessible, expensive, and slow.²³ The statutory requirement that complainants must exhaust other remedies before approaching the PCC creates a procedural paradox, once those remedies are exhausted, the Commission's investigative function serves little or no al purpose.²⁴

The statutory language of section 5(2)(b) transforms the Commission from a first or early resort into a final resort, available only after all other avenues have been exhausted. This defeats the very purpose of establishing the Commission in the first place. The PCC was created precisely because existing administrative and judicial remedies were inadequate. Requiring complainants to exhaust these very procedures before approaching the Commission places them in a procedural Catch-22 situation and must navigate the very system the Commission was designed to bypass before the Public Complaints Commission can intervene.²⁵

Moreover, once a complainant has successfully exhausted all other legal or administrative remedies, the Commission's investigative function serves little practical purpose. The complainant has already obtained a determination from a court or other competent body, and the Commission

²⁰ Public Complaints Commission Act (n 2) s 5(2)(b).

²¹ Odunsi (n 13)

²² *ibid*

²³ Hague Institute for Innovation of Law (n 19).

²⁴ *See* PCC Act, (n 2), s 5(2)(b); *Public Complaints Commission v Adekunle* (n 18); Odunsi (n 13).

²⁵ Joseph Heller, *Catch-22* (Simon & Schuster 1961). The term has become a standard metaphor in legal discourse for a self-contradictory rule or procedural paradox that traps individuals in a no-win situation.

lacks the power to override judicial decisions or administrative determinations.²⁶ The Court of Appeal has affirmed this limitation, holding that the Commission cannot encroach upon the powers of regular courts. In effect, the exhaustion clause ensures that the Commission is available only when it is no longer needed, rendering its role as a “last refuge” largely redundant.²⁷

4.2 Exclusion of the Poor, Vulnerable and Marginalised

This problem is compounded by the Public Complaint Commission's limited physical presence, with offices only at state capitals, forcing rural populations to travel significant distances to access the Commission.²⁸ The procedural Catch-22 created by the exhaustion clause is further compounded by the Commission's limited physical presence. While the Commission maintains offices in all 36 states of the Federation and the Federal Capital Territory, with five zonal offices in each state, this geographical footprint falls short of genuine accessibility for Nigeria's predominantly rural population.²⁹

The Commission's stated policy is to establish its presence in all 774 Local Government Areas (LGAs) in Nigeria, but this remains an aspiration rather than a reality.³⁰ This geographical barrier is not merely an inconvenience; it is a fundamental exclusionary mechanism. The Commission was created precisely to serve as a “last refuge” for citizens who lack the resources to pursue justice through the courts. Its services are entirely free, a feature designed to ensure that every citizen, regardless of socio-economic status, can access justice without financial burden.³¹ However, this promise of free service is hollow for a rural farmer or an urban poor resident who cannot afford

²⁶ Odunsi (n 13); *See Salvation Army v. Blue Cross* (n 11)

²⁷ *Public Complaints Commission v Adekunle* (n 18).

²⁸ Joseph Erunke, 'PCC Celebrates 50 Years, Says It Has Resolved Over 1.2m Cases' (*Vanguard*, 16 October 2025) <https://www.vanguardngr.com/2025/10/pcc-celebrates-50-years-says-it-has-resolved-over-1-2m-cases/> accessed 29 April 2026.

²⁹ Hague Institute for Innovation of Law (n 19); Public Complaints Commission, Commonwealth Governance <https://www.commonwealthgovernance.org/partners/public-complaints-commission/> accessed 20 May 2026.

³⁰ *See also* 'PCC receives 4,652 complaints, resolves 767 in Kano' *Vanguard* (16 October 2025) <https://www.vanguardngr.com/2025/10/pcc-receives-4652-complaints-resolves-767-in-kano/> accessed 20 May 2026

³¹ 'Kano PCC Vows Free Justice for All, Extends Services to Remote Communities' *Daybreak* (17 October 2025) <https://daybreak.ng/kano-pcc-vows-free-justice-for-all-extends-services-to-remote-communities/> accessed 20 May 2026

the transport fare to the state capital, let alone the cost of lost wages and accommodation during the visit.

The consequence is a profound disconnect between the Commission's mandate and its operational reality. The Commission has acknowledged this challenge, with state commissioners promising to intensify rural outreach to rural communities, create public enlightenment campaigns and focus rural communities.³² The Commission's reliance on outreach campaigns and complaint boxes in local government areas, rather than permanent, fully staffed offices, reveals the structural limitation.³³ The scale of the access deficit was illustrated by the Commission's own budgetary requests. In 2021, the Chief Commissioner of the Public Complaints Commission, Abimbola Ayo-Yusuf, submitted a fresh budgetary proposal of ₦23 billion to the National Assembly, explaining that the funds would enable the Commission to establish offices in all the wards and local government headquarters in the country.³⁴ As he observed:

The problems we are having in Nigeria would have been significantly addressed if the people at the grassroots have access to the Public Complaints Commission within their locality to air their grievances. We are in a mess right now in Nigeria because people could not complain to the government. Everybody is agitated because people are not listening to them.³⁵

This statement, made in the context of a plea for additional funding, underscores the reality that for most Nigerians, particularly those who are illiterate, uninformed about their rights, or unable to bear the cost of travel, the PCC remains a distant, abstract institution rather than an accessible avenue for redress. The promise of a free, informal, and accessible ombudsman is betrayed by a physical infrastructure that effectively excludes the very citizens it was designed to serve.

³² 'PCC receives 4,652 complaints, resolves 767 in Kano' (n 30); 'Kano PCC Vows Free Justice for All' (n 31)

³³ 'PCC Celebrates 50yrs of Service, Pledges fairness in Public Administration' *Radio Nigeria* (16 October 2025) <https://radionigeriaabuja.gov.ng> accessed 20 May 2026

³⁴ 'PCC seeks N23bn to tackle agitations, corruption from grassroots' *The Punch* (14 November 2021) <https://punchng.com/pcc-seeks-n23bn-to-tackle-agitations-corruption-from-grassroots/> accessed 20 May 2026; *See also* 'Nigeria needs to tackle agitations before leading to crises – PCC' *Daily Trust* (14 November 2021) <https://dailytrust.com/nigeria-needs-to-tackle-agitations-before-leading-to-crises-pcc/> accessed 20 May 2026.

³⁵ *ibid*

The exhaustion clause imposes significant delays on complainants. Administrative processes in Nigeria are notoriously slow, with grievances often taking months or years to resolve. By the time a complainant has exhausted all available remedies, the motivation to pursue the matter through the PCC is often exhausted as well. Research on PCC's operations has documented that complainants often abandon their grievances due to the complexity and length of the exhaustion process.³⁶

The exhaustion clause does not prevent complainants from pursuing multiple remedies simultaneously. In practice, complainants may file complaints with multiple agencies, hoping that one will act. This forum-shopping wastes administrative resources and creates confusion about which agency has jurisdiction. Moreover, the exhaustion requirement can lead to duplication of effort. If a complainant has pursued a matter through an administrative process, the PCC may need to re-investigate the same facts, duplicating the work of the administrative agency. This is inefficient and wasteful, particularly given the PCC's limited resources.

5.0 OMBUDSMAN SYSTEM IN SAUDI ARABIA AND IRAN

Saudi Arabia and Iran have structured their ombudsman or grievance institutions. While both jurisdictions incorporate elements of exhaustion into their, their institutional designs differ significantly from Nigeria's model, offering important comparative insights.

5.1 Saudi Arabia: The *Diwan al-Mazalim* (Board of Grievances)

5.1.1 Historical and Constitutional Foundation

The Kingdom of Saudi Arabia established the Diwan al-Mazalim (Board of Grievances) pursuant to Royal Decree No. M/51 of 17 Rajab 1402 (10 May 1982) as an independent administrative judicial committee directly responsible to the King.³⁷ The institution draws its historical inspiration

³⁶ Odunsi (n 13).

³⁷ Royal Decree No M/51, 17 Rajab 1402 (10 May 1982) (Saudi Arabia); 'The Saudi Board of Grievances' (Fenwick Elliott International Quarterly, Issue 11, 2014) <<https://www.fenwickelliott.com/research->

from the classical Islamic *Diwan al-Mazalim* of the Abbasid era (750–1258 CE), which adjudicated grievances against administrative abuse.³⁸ The classical *Diwan al-Mazalim* was an institution of Islamic governance designed to address "issues and cases that normal jurisdiction cannot handle which generally occur between people from the government and the public."³⁹ Its purpose was to guarantee that those who have been victims to injustice are being given their rights and that those who have practiced injustice are punished.⁴⁰ The Saudi Board represents a modern adaptation of this classical Islamic institution to suit modern administrative machinery.

The Board operates under the direct supervision of the King and derives its authority from the Basic Law of Governance, which mandates that adjudication be based on the Qur'an and Sunnah.⁴¹ In 2007, the Board was restructured under Royal Decree No. M/78, which abolished the 1982 Decree and established Administrative Courts of the Grievance Board with expanded jurisdiction.⁴² Contemporary Saudi scholarship confirms that Islamic jurisprudence provides a comprehensive framework for administrative oversight, grounded in primary sources and applicable to modern administrative systems.⁴³

Under Article 13 of the Royal Decree 2007, the Administrative Courts have jurisdiction to decide: disputes involving government agencies; cases for revocation of final administrative decisions; tort cases against administrative authorities; cases related to contracts to which the administrative authority is a party; disciplinary cases; other administrative disputes; and requests for execution of foreign judgments and arbitral awards.⁴⁴ Contemporary Saudi scholarship has affirmed that Islamic

insight/newsletters/international-quarterly/11/saudi-board-grievances> accessed 18 April 2026; Board of Grievances, 'Law of the Board of Grievances' (Kingdom of Saudi Arabia, Ministry of Justice) art 1 <http://www.moj.gov.sa/adl/ENG/attach/40.pdf> accessed 18 April 2026.

³⁸ Board of Grievances, 'About the Board' (Kingdom of Saudi Arabia, Ministry of Justice) <https://www.moj.gov.sa> accessed 20 May 2026

³⁹ Mohammed Hassan Al-Qahtani, *The Role and Jurisdiction of the Board of Grievances in Saudi Arabia* (PhD Thesis, Newcastle University, 2010) <https://theses.ncl.ac.uk> accessed 18 April 2026;

⁴⁰ Siham Hamdan Muhammad Dababreh, *Complaints in Islamic Political Life* (MA Thesis, An-Najah National University, 2010) <<https://scholar.najah.edu/content/complaints-islamic-political-life>> accessed 18 May 2026

⁴¹ Basic Law of Governance, Royal Decree No A/90, 27 Sha'ban 1412 (1 March 1992) (Saudi Arabia).

⁴² Royal Decree No M/78, 19/9/1428 H (1 October 2007) (Saudi Arabia).

⁴³ Nasser bin Mohammed bin Mishari Al-Ghamdi, 'Oversight of Administrative Actions and Its Types in Islam with Application in the Saudi System' (2020) 11(46) *Anbar University Journal of Islamic Sciences* 357 https://jauis.uoanbar.edu.iq/article_170808.html. accessed 30 April 2026.

⁴⁴ Royal Decree No M/78, Art 13 (Saudi Arabia).

jurisprudence contains a comprehensive framework for administrative oversight, grounded in primary sources and applicable to modern administrative systems.

5.1.2 The Mandatory Grievance Procedure and Exhaustion Doctrine in Saudi Law

Saudi law requires individuals to pursue internal grievance procedures before approaching the Board of Grievances. The procedural rules provide those complaints must be lodged within 60 days of the administrative decision, and internal grievance within the government agency must be exhausted first. As the Saudi Ministry of Justice explains, “you can file a complaint through the Board of Grievances website or go to them in person, provided that you have exhausted the grievance procedure within the government agency.”⁴⁵ This requirement is formally similar to Nigeria's exhaustion clause. However, there are critical differences in how the requirement operates and the consequences of non-compliance. The Board of Grievances Law of Pleadings prescribes the doctrine of exhaustion as a procedural requirement. The mandatory grievance procedure requires individuals to approach the administrative authority that made the decision before initiating proceedings before the Board.

However, the Saudi system differs from Nigeria's in several important respects. First, the Board of Grievances is a judicial body, not merely an investigative commission. Article 1 of the relevant law emphasises that the Courts of the Grievance Board apply Islamic shariah law to disputes before them and are bound by the provisions of the Procedural Law.⁴⁶ Second, the Board issues binding and enforceable decisions, unlike the PCC's non-binding recommendations. Third, the Board has administrative supervision over all facets of government activities, including revenue collection and administrative decisions.⁴⁷

5.2 Iran: The General Inspection Organization (GIO)

5.2.1 Constitutional Foundation

In the Islamic Republic of Iran, the General Inspection Organization (GIO) was established under Article 174 of the Iranian Constitution which provides as below:

⁴⁵ Board of Grievances Law of Pleadings, Art 1 (Saudi Arabia).

⁴⁶ *ibid*

⁴⁷ Royal Decree No M/78, Art 13 (n 44).

In accordance with the right of the nation to supervise, the supervision of the implementation of laws shall be carried out by the General Inspection Organization. This organization shall be attached to the Judiciary and shall inspect and supervise the performance of all government organs, institutions, companies, and other organizations and entities, as well as the performance of officials and employees of the government and other organs.⁴⁸

This constitutional foundation provides a striking contrast to Nigeria's Public Complaints Commission. The GIO is a non-judicial authority and a modern monitoring mechanism on the performance of administrative and governmental organizations, functioning as a similar institution to the ombudsman.⁴⁹ Its attachment to the Judiciary under Article 174 affords it institutional independence from the executive branch and enables it to refer violations directly to judicial authorities for enforcement.⁵⁰ Critically, the GIO's recommendations carry binding force; failure to implement them can result in criminal liability for the responsible authorities, regardless of whether they agree with the recommendations.⁵¹ The GIO also enjoys the power to act on its own motion (*suo motu*), investigating irregularities without first requiring a complaint from an aggrieved party.⁵²

These features fundamentally alter the nature of the exhaustion inquiry. In Iran, the mandatory grievance procedure is justifiable because the GIO's binding powers provide complainants with effective redress. The exhaustion requirement serves a gatekeeping function, directing complaints to the appropriate administrative channels before GIO's binding intervention. In Nigeria, the PCC's non-binding recommendations under Section 7 of the *Public Complaints Commission Act* mean that complainants who have exhausted other remedies receive only advisory findings that public authorities may disregard with impunity.⁵³

⁴⁸ *Constitution of the Islamic Republic of Iran* 1979, Art 174.

⁴⁹ Constitution of Iran (n 48); *See also* ANDCI, 'Difensore Civico in Iran' (2023) <<https://www.andci.it/>> accessed 20 May 2026.

⁵⁰ Constitution of Iran (n 48); *See also* 'The Supervisory Role of the General Inspection Organization in Ensuring the Proper Conduct of Affairs' (2024) *Journal of Public Law* <https://jplsq.ut.ac.ir/article_97382.html?lang=en> accessed 20 May 2026.

⁵¹ 'The Supervisory Role of the General Inspection Organization' (n 50).

⁵² *Ibid.*

⁵³ PCC (n 2) s 7.

The GIO's international integration further reinforces its institutional credibility. The GIO has become a permanent member of the International Ombudsman Institute, demonstrating its integration into the global ombudsman community.⁵⁴ It is also a member of the Asian Ombudsman Association and the International Association of Anti-Corruption Authorities, and has signed memoranda of understanding with international ombudsman institutions, including the Danish Parliamentary Ombudsman.⁵⁵ Nigeria's PCC, by contrast, has struggled to achieve similar institutional recognition. A 2025 Nigerian legislative proposal aimed to strengthen the PCC by granting it binding enforcement powers and clarifying its constitutional status, but the bill has not yet been enacted.⁵⁶ The absence of such reforms has left the PCC dependent on the goodwill of public authorities for compliance with its recommendations.

5.2.2 Nature and Functions of GIO

The GIO is mandated to "inspect and supervise all government authorities in order to fulfil its duties in order to protect the rights of the nation."⁵⁷ It has the right to "investigate the violator and then refer the case to the judicial authority."⁵⁸ The GIO plays an important role in the prevention and in addressing violations through its legal capacities, including the Islamic Penal Code and the Administrative Violations Investigation Law. As Tehrani and Zarebidoki have observed, the General Inspection Organisation (GIO) of Iran is a constitutionally mandated supervisory institution that "can remove corruption and lack of agility from the laps of institutions and administrative organizations with its authority," functioning as a non-judicial monitoring

⁵⁴ International Ombudsman Institute, 'Members Directory' (2024) <<https://www.theioi.org/ioi-members/asia/iran-general-inspection-office/>>. accessed 20 May 2026.

⁵⁵ Ibid. See also 'General Inspection Office (Iran)' (International Ombudsman Institute) <https://www.theioi.org/ioi-members/asia/iran-general-inspection-office/> accessed 20 May 2026; ANDCI, 'Difensore Civico in Iran' (2023) <<https://www.andci.it/>> accessed 20 May 2026.

⁵⁶ 'Senate advances Bill to strengthen Public Complaints Commission' *Vanguard* (7 July 2026) <https://www.vanguardngr.com/2026/07/senate-advances-bill-to-strengthen-public-complaints-commission>. accessed 10 July 2026.

⁵⁷ Ibid.

⁵⁸ Ibid.

mechanism attached to the judiciary that investigates violations and refers cases to judicial authorities for enforcement.⁵⁹

The GIO's functions are explicitly grounded in Islamic principles of accountability (*hisbah*) and the supervision of public affairs. As one Iranian legal commentary explains, the GIO "can remove corruption and lack of agility from the laps of institutions and administrative organizations with its authority."⁶⁰

5.2.3 Exhaustion Doctrine in Iranian Administrative Law

Iranian administrative law recognises the doctrine of "Exhaustion of Administrative Remedies." According to this doctrine, "which indicates the necessity of administrative proceedings before judicial proceedings, all possible administrative steps must be completed to deal with the requests of individuals before the case is submitted to the judicial authorities."⁶¹

However, the GIO operates differently from a judicial body. As a supervisory and inspection organisation, it can investigate complaints and refer matters to judicial authorities without requiring complainants to exhaust all other remedies first. The GIO's constitutional status under Article 174 provides it with institutional independence and authority that Nigeria's PCC lacks.

5.3 Comparative Insights for Nigeria

The comparative analysis of Saudi Arabia's *Diwan al-Mazalim* and Iran's General Inspection Organisation reveals three fundamental insights for Nigeria's ombudsman system. First, constitutional status matters: both Saudi Arabia and Iran have accorded their oversight institutions constitutional or equivalent status, insulating them from political interference and budgetary neglect.⁶² Second, binding powers mitigate exhaustion burdens: in Saudi Arabia, the exhaustion

⁵⁹ Mohamad Javaheri Tehrani and Mohammad Zarebidoki, 'Review of the General Inspection Organization of the country: judicial or non-judicial?' (2025) 17(1) *Administrative Health Research* 5.

⁶⁰ *ibid*

⁶¹ Comparative comparison of Article 174 of the Constitution of the Islamic Republic of Iran with the International Ombudsman (2023) <https://sanad.iau.ir> accessed 20 May 2026

⁶² Constitution of Iran(n 48); 'The Saudi Board of Grievances' (Fenwick Elliott International Quarterly, Issue 11, 2014) <https://www.fenwickelliott.com/research-insight/newsletters/international-quarterly/11/saudi-board-grievances/>. accessed 29 April 2026.

requirement is justifiable because the Board of Grievances issues binding, enforceable decisions.⁶³ Third, and most fundamentally, exhaustion without efficacy is unjust: requiring citizens to exhaust remedies is only defensible when the institution that follows provides meaningful, effective redress. Nigeria's Public Complaints Commission, with its non-binding recommendations and institutional weakness, does not meet this standard.⁶⁴

The Saudi and Iranian models demonstrate that Islamic law jurisdictions can have effective oversight institutions, with stronger powers, binding decisions in Saudi Arabia and referral to judicial authorities in Iran, that mitigate the burden of exhaustion. Nigeria's PCC, with its non-binding recommendations only, is uniquely deficient. The combination of an exhaustion requirement and non-binding powers is unjust and contrary to Islamic principles of accountability.

6.0 ISLAMIC LEGAL CRITIQUE OF NIGERIA'S EXHAUSTION CLAUSE

The comparative analysis of the Saudi and Iranian models establishes that Islamic legal tradition provides a robust foundation for accessible and effective grievance mechanisms. Drawing on classical juristic principles and contemporary scholarship, the analysis demonstrates that the mandatory exhaustion requirement under section 5(2)(b) of the Act is not merely procedurally defective but substantively inconsistent with foundational Islamic norms of justice, public welfare, and the prohibition of undue hardship.

6.1 The Exhaustion Clause as a Violation of '*Adl* (Justice)

The Qur'anic conception of '*adl*' (justice) is both comprehensive and uncompromising. The believer is commanded to “stand out firmly for justice, as witnesses to Allah, even against yourselves”.⁶⁵ This obligation admits no exception based on personal interest or social standing. Justice, in the Islamic legal imagination, is not a formal or procedural concept but a substantive and equitable one, it requires that the weak, the poor, and the vulnerable enjoy the same access to redress as the powerful and the wealthy.

⁶³ Board of Grievances Law of Pleadings, Royal Decree No. M/78 (2007), art 1.

⁶⁴ PCC, (n 2), s 7.

⁶⁵ Qur'an 4:135.

Nigeria's exhaustion clause offends this principle at its core. By requiring complainants to navigate complex administrative and legal hierarchies before approaching the Public Complaints Commission, the clause imposes a procedural barrier that is disproportionately burdensome on those who lack the resources, literacy, or social capital to satisfy its demands. The poor and the marginalised are effectively excluded from the PCC's services, not because their grievances lack merit, but because they cannot afford the cost, time, or complexity of the exhaustion process. This is a denial of substantive justice, contrary to the Qur'anic injunction that procedural technicalities must not defeat the ends of equity: "let not the hatred of a people swerve you away from justice."⁶⁶

Classical Islamic jurists were alive to this danger. Imam Ibn Qayyim al-Jawziyya articulated the principle that the Shari'ah is built upon justice and wisdom, and that "the purpose of the Shari'ah is to establish justice, and any rule that leads to injustice is contrary to the Shari'ah."⁶⁷ A procedural rule that systematically excludes the most vulnerable members of society from accessing grievance mechanisms cannot be reconciled with this foundational maxim. The exhaustion clause, by its very operation, produces injustice; it must therefore be regarded as inconsistent with the Shari'ah's ultimate purpose.

6.2 The Exhaustion Clause as Contrary to Maslahah (Public Interest)

The Islamic legal principle of *maslahah* (public interest or welfare) holds that all governance and legal rules must be directed towards the realisation of the public good. Imam al-Ghazali, defined *maslahah* as the preservation of five essential values: *dīn* (religion), *nafs* (life), *'aql* (intellect), *nasl* (lineage), and *māl* (property).⁶⁸ Any rule that undermines these fundamental interests is, by definition, contrary to the objectives of the Islamic law.

Accessible grievance mechanisms serve the public interest in multiple ways. They enable citizens to seek redress for administrative wrongs, deter public officials from misconduct, and maintain public confidence in the integrity of governance. The PCC was established precisely to serve these public interest objectives. The exhaustion clause, however, subverts them. By making the

⁶⁶ Qur'an 5:8.

⁶⁷ Ibn Qayyim al-Jawziyya, *I'lam al-Muwaqqi'in 'an Rabb al-'Alamin* (Dar al-Kutub al-'Ilmiyyah, nd) vol 3, 15-20.

⁶⁸ Imam al-Ghazali, *Al-Mustasfa min 'Ilm al-'Usul* (Dar al-Fikr, nd) vol 1, 286-287.

Commission inaccessible to the majority of citizens, the clause allows administrative abuse to go unchecked, erodes public trust in the oversight system, and perpetuates the very injustices the PCC was designed to remedy.

Moreover, the exhaustion clause creates perverse incentives that are contrary to the public interest. It encourages forum-shopping, as complainants pursue multiple remedies simultaneously in the hope that one will yield a result. It promotes duplication of effort, as administrative agencies and the PCC may investigate the same facts independently. These outcomes waste scarce public resources and reduce the overall efficiency of the grievance system. From the perspective of *maslahah*, a rule that produces such consequences cannot be justified.

6.3 The Exhaustion Clause as Imposing *Haraj* (Undue Hardship)

The Qur'an declares that "God has not placed hardship in religion".⁶⁹ This principle, known in Islamic jurisprudence as the rule of *lā ḥaraj* (negation of hardship), establishes that legal and religious obligations must not impose excessive or unbearable burdens on believers. The principle is closely related to the maxim "*al-mashaqqah tajlib al-taysīr*" (hardship brings ease), which permeates Islamic legal reasoning across all schools of thought.⁷⁰

Nigeria's exhaustion clause imposes precisely the kind of hardship that Islamic law prohibits. The poor, the illiterate, and the geographically isolated must navigate complex administrative hierarchies, often at significant personal cost in terms of time, money, and emotional energy, before the PCC will even consider their complaint. For a rural farmer who cannot afford transport to the state capital, or an urban poor resident who cannot take time off work to pursue a grievance, the exhaustion requirement is not merely inconvenient, it is prohibitive. It effectively bars access to justice for those who need it most.

Classical Islamic jurists recognised that where a procedural requirement imposes undue hardship, it should be relaxed or waived. The principle of *ikhtilāf al-madhāhib* (differences of opinion)

⁶⁹ Qur'an 22:78.

⁷⁰ *Majallat al-Ahkam al-'Adliyyah* (The Ottoman Civil Code), art 17 ("Difficulty begets facility; that is to say, difficulty is the cause of facility and in time of hardship consideration must be shown"). For the text of Article 17, see AL-MAJALLA AL AHKAM AL ADALIYYAH (The Ottoman Courts Manual (Hanafi)), ch 1, art 17.

accommodates flexibility and leniency where rigidity would cause hardship. The PCC's exhaustion clause, by imposing a rigid and uncompromising requirement without any meaningful provision for waiver or exception, violates this foundational Islamic norm.

6.4 The Exhaustion Clause as a Violation of *Hisbah* (Accountability) and the *Muhtasib* Model

Hisbah is the Islamic doctrine of accountability, grounded in the Qur'anic command to “enjoin what is right and forbid what is wrong”.⁷¹ It constitutes an individual and collective duty to intervene against injustice and to maintain the norms of *Shari'ah*. The office of the *muhtasib* was the institutional embodiment of this principle. The *muhtasib* functioned as a market inspector, public morals enforcer, and, critically, as a grievance officer who could investigate complaints and intervene directly to correct injustice. According to Imam al-Ghazali, any act injurious to the welfare of society must be taken to notice and set right.⁷² The classical *muhtasib* model did not require complainants to exhaust other remedies before investigation. The *muhtasib* could act *suo motu* (on his own motion) and enforce the law without first requiring a complaint from an injured party.⁷³ This proactive, accessible model stands in stark contrast to Nigeria's reactive, procedurally burdened Public Complaints Commission. The exhaustion clause represents a regression from the classical Islamic model of accessible grievance redress.

Contemporary scholarship has recognised the *muhtasib* as a precursor to the modern ombudsman. As Olalekan and Mohamed observe, the ombudsman, known as *muhtasib* in Islamic tradition, serves as independent, impartial, and confidential handler of complaint who serves as an alternative means of dispute resolution.⁷⁴ The principle of *hisbah* imposes a duty of accountability on public officials and a corresponding right of citizens to seek redress. This duty cannot be fulfilled if citizens are barred from accessing grievance mechanisms by procedural hurdles such

⁷¹ Qur'an 3:104.

⁷² Imam al-Ghazali, cited in 'Islamic Concept of Ombudsman (احتساب عمل کا اسلامی تصور)' (Academia.edu, 2012) <<https://www.academia.edu>> accessed 20 June 2026.

⁷³ See generally 'Muhtasib' in *Encyclopaedia of Islam* (2nd edn, Brill) vol 7. The entry confirms that the *muhtasib* had authority to enforce the law and supervise public conduct, including investigating grievances without prior complaint.

⁷⁴ Sodiq Omoola Olalekan and Nurah Sabahiah Mohamed, 'Ombudsman (Muhtasib) in Business Regulation: A Cross Cultural Analysis' (2017) 7(2) *Journal of Islamic Thought and Civilization* 18, 18-19.

as the exhaustion clause. The PCC, as Nigeria's primary ombudsman institution, embodies the Islamic principle of *hisbah* in its function of investigating complaints. The exhaustion clause fundamentally undermines this function by making the Commission inaccessible to precisely those citizens who most need its services.

6.5 The Exhaustion Clause as Contrary to *Shūrā* (Consultation) and Fiduciary Duty

The Qur'an commands believers to conduct their affairs by consultation.⁷⁵ Good governance requires that citizens have a voice in the decisions that affect them and that their grievances be heard and addressed. The exhaustion clause, by requiring complainants to navigate complex administrative hierarchies before the PCC will even consider their complaint, effectively silences the voices of the poor and vulnerable. This is contrary to the Qur'anic command of consultation. The prophetic tradition that “every one of you is a shepherd and each of you is responsible for his flock” underscores the fiduciary duty of public officials to those they serve.⁷⁶ This duty cannot be fulfilled if citizens are barred from accessing grievance mechanisms. The exhaustion clause, by making the PCC inaccessible to citizens, enables public officials to evade accountability. When citizens are unable to access grievance mechanisms, public officials are not held responsible for their misconduct. This violates the prophetic command that every leader is responsible for his flock.

The Islamic legal principles of *'adl*, *maslahah*, the prohibition of *haraj*, *hisbah*, *shūrā*, and fiduciary duty, provide a coherent and compelling framework for critiquing Nigeria's exhaustion clause. The mandatory exhaustion requirement violates each of these principles in its own way. It denies justice to the vulnerable, undermines the public interest, imposes undue hardship, subverts accountability, silences citizen voices, and enables official misconduct.

Reform of the exhaustion clause is therefore not merely a matter of administrative efficiency or procedural convenience. It is an Islamic imperative, grounded in the foundational texts and juristic traditions of the faith. A genuinely Islamic approach to administrative justice requires that

⁷⁵ Qur'an 42:38.

⁷⁶ Sahih al-Bukhari, hadith no. 893. See also Sahih Muslim, hadith no. 1829.

grievance mechanisms be accessible, equitable, and responsive to the needs of all citizens, especially the weakest and most vulnerable. Nigeria's exhaustion clause falls far short of this standard.

7.0 PROPOSED REFORMS

The analysis above has demonstrated that Nigeria's exhaustion clause is procedurally defective, contrary to Islamic principles of justice, and inconsistent with comparative best practices. The following reforms are imperative.

7.1 Amendment of Section 5(2)(b) of the PCC Act

Section 5(2)(b) of the PCC Act should be amended to grant the Commission discretion to waive the exhaustion requirement. The amendment should provide that: "The Commission may investigate a complaint notwithstanding that the complainant has not exhausted all available legal or administrative procedures, where the Commissioner is of the opinion that pursuing such remedies would be futile, cause unreasonable delay, impose disproportionate hardship on the complainant, or is otherwise in the public interest."

This amendment would transform the exhaustion requirement from a mandatory barrier into a discretionary tool. The PCC would be empowered to investigate complaints even where other remedies have not been exhausted, ensuring that the Commission remains accessible to all citizens.

7.2 Criteria for Waiver

The futility exception applies where pursuing other remedies would serve no practical purpose, such as where the administrative process is dysfunctional or the remedy is unavailable. This reflects the Islamic principle that procedural requirements should not be followed where they are meaningless. The unreasonable delay exception applies where pursuing other remedies would cause excessive delay, such as where administrative processes are notoriously slow. This is consistent with the Islamic principle that justice delayed is justice denied. The disproportionate hardship exception applies where pursuing other remedies would impose excessive burdens on the complainant, particularly where the complainant is poor, illiterate, elderly, disabled, or otherwise vulnerable. This reflects the Islamic prohibition of *haraj*. The public interest exception applies

where investigating the complaint reveals patterns of institutional misconduct or addresses matters of significant public concern. This reflects the Islamic principle of *maslahah*.

7.3 Binding Guidelines on the Exercise of Discretion

In addition to the statutory amendment, the PCC should issue binding guidelines on the exercise of the waiver discretion. These guidelines are essential to ensure consistency, transparency, and accountability in the exercise of the discretion, preventing arbitrary or discriminatory decisions that could undermine public confidence in the Commission.

The guidelines should specify the procedure for applying for a waiver, including the form and manner of application, the supporting documentation required, and the channels through which applications may be submitted. The procedure should be simple and accessible, particularly for vulnerable complainants who may lack legal representation or formal education. The guidelines should clearly articulate the factors the Commissioner will consider in deciding whether to grant a waiver, elaborating on the statutory criteria of futility, unreasonable delay, disproportionate hardship, and public interest. This would ensure that complainants understand the basis on which their applications will be assessed and can provide relevant evidence in support of their applications.

The guidelines should prescribe a reasonable time frame within which the Commissioner will decide on waiver applications, ensuring that the waiver process itself does not become a source of delay. The time frame should be sufficiently short to preserve the urgency of the complaint while allowing the Commissioner adequate time for proper consideration. The guidelines should also provide for the right of the complainant to seek review of a refusal, whether through internal review mechanisms or through judicial review. This right of review is essential to ensure accountability and to provide complainants with recourse where they believe the discretion has been improperly exercised.

The guidelines should be developed through a consultative process involving civil society organisations, legal practitioners, Islamic legal scholars, and representatives of vulnerable

communities. This consultative approach would ensure that the guidelines reflect diverse perspectives and are sensitive to the needs of different communities. The guidelines should be publicly available in multiple languages and accessible formats, ensuring that all citizens can understand their rights and the procedures for accessing the Commission's services. They should be regularly reviewed and updated to reflect emerging challenges, lessons learned from experience, and evolving best practices in ombudsman administration.

The issuance of binding guidelines would bring Nigeria's ombudsman system into line with the practices of leading ombudsman institutions worldwide, which typically issue detailed guidance on the exercise of their discretionary powers. It would also reinforce the constitutional principles of popular sovereignty and participation enshrined in Section 14(2)(a) and (c) of the Constitution, by ensuring that citizens understand their rights and the procedures for accessing the Commission's services. Furthermore, it would demonstrate the PCC's commitment to transparency, accountability, and the rule of law, enhancing public confidence in the Commission and encouraging greater utilisation of its services.

7.4 Binding Remedial Powers

The amendment of the exhaustion clause should be accompanied by the conferral of binding remedial powers on the PCC. Section 7 of the PCC Act should be amended to empower the Commission to issue binding directives, subject only to judicial review by the Federal High Court. The non-binding nature of the PCC's recommendations has been judicially affirmed. The Court of Appeal reaffirmed that the PCC cannot override judicial decisions or encroach on the powers of regular courts.⁷⁷ This limitation underscores the need for conferring binding remedial powers on the Commission.

The conferral of binding powers would address the "toothless bulldog" problem and make the exhaustion requirement more justifiable. If complainants can receive binding redress from the PCC, the burden of exhausting other remedies is more acceptable. Conversely, requiring exhaustion for non-binding recommendations is unjust. This reform is consistent with the Saudi

⁷⁷ *Public Complaints Commission v Adekunle* (n 18).

model, where the *Diwan al-Mazalim* issues enforceable decisions. It would bring Nigeria's ombudsman into line with best practices in Islamic jurisdictions.

7.5 Constitutional Entrenchment

The PCC should be constitutionally entrenched through an amendment to the 1999 Constitution. A new chapter or section should establish the Commission as an independent body with guaranteed funding and protected tenure. Constitutional entrenchment would insulate the PCC from political interference and ensure its independence. It would also protect the Commission from the threat of abolition or emasculation by a simple legislative majority. This reform is consistent with the Iranian model, where the GIO is established under Article 174 of the Constitution.

7.6 Integration of Islamic Legal Expertise

In states that have established Shari'ah Courts of Appeal under Section 275 of the 1999 Constitution, the PCC should develop specialised expertise in Islamic legal principles of administrative justice. The Commission should recruit commissioners and staff trained in both conventional administrative law and Islamic jurisprudence. This reform would enhance the PCC's cultural competence and enable it to handle complaints from Muslim communities in a *Shari'ah*-compliant manner. It would also align Nigeria's ombudsman model with global best practices in Islamic jurisdictions such as Saudi Arabia and Iran.

7.7 Establishment of an Exhaustion Review Mechanism

The PCC should establish a mechanism for reviewing the application of the exhaustion requirement. This mechanism would monitor the exercise of the waiver discretion, identify patterns of exclusion, and recommend further reforms. The review mechanism could take the form of an annual report to the National Assembly, a dedicated research unit within the PCC, or an independent advisory committee. The mechanism should include representatives of civil society organisations and Islamic legal scholars.

8.0 CONCLUSION AND RECOMMENDATIONS

The PCC was established to provide Nigerians with accessible redress against administrative injustice. Yet fifty years after its establishment, the Commission remains procedurally inaccessible

to the very citizens it was designed to serve. Section 5(2)(b) of the PCC Act, which requires complainants to exhaust all available legal and administrative procedures before approaching the Commission, is the primary source of this inaccessibility. This paper has demonstrated that the exhaustion clause is fundamentally inconsistent with the ombudsman's core mandate of accessibility, informality, and speed. It imposes a procedural barrier that excludes the poor, the vulnerable, and the marginalized, who are least equipped to navigate complex administrative hierarchies. It imposes delays that defeat the purpose of the ombudsman and encourages forum-shopping that wastes public resources. It compounds the "toothless bulldog" problem by requiring complainants to exhaust remedies only to receive non-binding recommendations that public authorities may disregard.

The comparative analysis with Saudi Arabia and Iran has revealed that Islamic law jurisdictions can have effective oversight institutions. However, Nigeria's model is uniquely deficient because it combines an exhaustion requirement with non-binding powers. The Islamic legal critique has demonstrated that the exhaustion clause is inconsistent with Islamic principles of *'adl* (justice), *maslahah* (public interest), and the prohibition of *haraj* (undue hardship). The classical *Muhtasib* and *Diwan al-Mazalim* models provide a foundation for accessible grievance redress that Nigeria's exhaustion clause undermines.

The reforms proposed in this paper, amendment of Section 5(2)(b), issuance of binding guidelines, conferral of binding remedial powers, constitutional entrenchment, integration of Islamic legal expertise, public awareness campaigns, and establishment of an exhaustion review mechanism are essential to making Nigeria's ombudsman genuinely accessible to all citizens. Without these reforms, the PCC will continue to be a well-intentioned but ineffective institution, serving primarily those who least need its services.

The paper concludes that the exhaustion doctrine, as applied in Nigeria, has become a barrier to, rather than a facilitator of, administrative justice. Its reform is not merely a technical adjustment but a fundamental imperative for the realisation of the PCC's statutory mandate and Nigeria's constitutional commitment to justice and equality.

By way of recommendation, the paper proposes amendment of Section 5(2)(b), issuance of binding guidelines, conferral of binding remedial powers, constitutional entrenchment, integration of Islamic legal expertise, public awareness campaigns, and establishment of an exhaustion review mechanism.