

## Analysis of the Legal Regime for Consumer Complaints in Nigeria

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**ABSTRACT:** The rapid expansion of commercial activities, technological advancement, and increased consumer participation in Nigeria's marketplace have significantly heightened the incidence of customer and consumer complaints. Consumers frequently encounter unfair trade practices, defective goods, poor service delivery, misleading representations, and breaches of contractual obligations. These developments underscore the necessity for an effective and responsive legal framework to protect consumer interests and ensure accountability in commercial transactions.

This paper aims to examine the legal regime governing customer and consumer complaints in Nigeria. The objectives are to analyze the statutory framework for consumer protection under Nigerian law, particularly the Federal Competition and Consumer Protection Act 2018; to assess the roles of regulatory institutions such as the Federal Competition and Consumer Protection Commission and sector-specific regulators; and to evaluate the mechanisms available for resolving consumer complaints, including administrative, judicial, and alternative dispute resolution processes. Examining the administrative and operational difficulties as well as the challenges and prospects of competition and consumer protection law can help policy

makers address the numerous difficulties accompanying the implementation of competition policies.

This paper adopts a doctrinal research methodology, relying primarily on the analysis of statutory provisions, judicial decisions, regulatory guidelines, and relevant academic literature. Secondary sources such as textbooks, journal articles, law reports, and policy documents are examined to provide a comprehensive understanding of the legal principles governing consumer protection and complaint resolution in Nigeria.

This research finds that while Nigeria possesses a comprehensive legal framework for consumer protection, enforcement challenges persist due to low consumer awareness, regulatory constraints, delays in dispute resolution, and imbalance of bargaining power between consumers and service providers. This research concludes that effective implementation of competition law in Nigeria will help protect consumers and create a conducive environment for economic growth, development and protection of consumers from anti-competitive practices. It concludes that strengthening institutional efficiency, enhancing consumer education, and promoting alternative dispute resolution mechanisms are essential for improving the effectiveness of the legal regime for customer and consumer complaints in Nigeria.

## **1. Introduction**

Individuals regarded as customers and consumers in commercial transactions often bear the brunt of arbitrary excesses in the marketplace. This situation is largely attributable to the increasing complexity of commercial and consumer transactions in modern societies, particularly with the expansion of markets, services, and digital commerce. In Nigeria, consumers frequently encounter issues such as defective goods, poor service delivery, unfair pricing, misleading advertisements, and breach of contractual obligations.

This vulnerability of customers and consumers has necessitated the intervention of law as a regulatory mechanism to balance the unequal bargaining power between traders and consumers. In Nigeria, the legal regime for customer and consumer complaints is anchored on statutory, regulatory, and institutional frameworks

designed to protect consumers from unfair trade practices, defective goods and services, misleading representations, and other exploitative conduct in commercial transactions. These frameworks provide avenues for redress through administrative, judicial, and quasi-judicial mechanisms, thereby promoting fairness, accountability, and confidence in the marketplace.

The principal legislation which regulates and protects the rights of consumers in Nigeria is the Federal Competition and Consumer Protection Act, 2018 (“FCCPA”) (“the Act”). The FCCPA established the Federal Competition and Consumer Protection Commission (“FCCPC”) (“the Commission”) to protect the interests and welfare of consumers by providing consumers with a wider variety of products at competitive prices and to prohibit unconscionable business practices.

The Act is applicable to all commercial activities within or having effect in Nigeria, on all government departments and state-owned corporations, and indeed all commercial activities aimed at making profit and targeted at satisfying demand from the public. It is applicable extraterritorially to any prohibited conduct by a Nigerian citizen or a person ordinarily resident in Nigeria, a corporate body registered in Nigeria or carrying on business within Nigeria, any person supplying or acquiring goods or services into or within Nigeria, any person in relation to the acquisition of shares or assets outside Nigeria which results in the change of the business, part of the business or any asset of the business in Nigeria.

Prior to the enactment of the Act, the Consumer Protection Council Act 2004 (“CPA”) protected the rights of consumers in Nigeria and established the Consumer Protection Council (“CPC”). The FCCPA repealed the CPA and the FCCPC assumed all the rights, powers and functions of the CPC. To aid the FCCPC in discharging its functions and duties, the FCCPA empowered the FCCPC to make rules and regulations for the effective implementation and operation of the provisions of the Act.

This paper examines the legal framework governing customer and consumer complaints in Nigeria, with emphasis on the applicable laws, regulatory institutions, complaint resolution mechanisms, and challenges facing enforcement.

## 2. Conceptual Clarification: Customer and Consumer

A consumer refers to an individual who purchases or uses goods or services for personal, domestic, or household purposes and not for resale or commercial exploitation. This definition is consistent with section 167 of the Federal Competition and Consumer Protection Act 2018 (FCCPA).

However, a definition of the consumer, according to Akomolede and Oladele (2006) is

“... any person who purchases or is supplied goods or uses or consumes goods and services at the end of a chain of production”.

Two salient features can be pointed out from this definition. First is that the consumer is a buyer and/or user of a product or service, and the second is that the consumer is a member (in fact, at the end) of the production chain. These features underscore the importance of the consumer in both economics and marketing theories. That is, without the consumers (consumption) there can be no basis for production, and hence, no market. It is on this premise that the consumer is seen as the pivotal point of not only marketing, but of all business activities<sup>7</sup> and whose interests must be served and always protected.

A customer, on the other hand, is a broader concept encompassing any person or entity that purchases goods or services, whether for personal consumption or business use. The FCCPA does not provide a distinct statutory definition of “Customer.” In commercial practice, a customer generally means any person or entity that purchases goods or services, whether for personal use or for business purposes. However, not every customer is necessarily a “consumer” under the FCCPA. While Nigerian consumer protection legislation primarily focuses on consumers, customers may still enjoy protection depending on the nature of the transaction and the applicable regulatory or contractual framework.

### **3. Legal Framework Governing Consumer Complaints in Nigeria**

#### **3.1 Statutory Framework: Federal Competition and Consumer Protection Act 2018 (FCCPA)**

The principal statute governing consumer and customer complaints in Nigeria is the Federal Competition and Consumer Protection Act 2018 (FCCPA). The Act repealed the Consumer Protection Council Act and established a more robust legal and institutional framework for consumer protection and competition regulation in Nigeria.

*Under Part XV of the Act, consumers are entitled to several statutory rights, including:*

- i. the right to safe and high-quality goods and services;
- ii. the right to adequate and accurate information;
- iii. the right to fair, honest, and responsible trade practices;
- iv. protection against unfair, unjust, or unreasonable contract terms;
- v. the right to redress, including repair, replacement, refund, or compensation.

The Act expressly guarantees key consumer rights and provides both administrative and judicial mechanisms for enforcing these rights, thereby strengthening consumer access to justice.

Section 120 of the FCCPC provides for the right to safe and quality goods and services, while section 122 protects consumers against false, misleading or deceptive representations. Furthermore, section 125 guarantees the right to fair, reasonable, and just terms and conditions, thereby addressing contractual imbalances that often disadvantage consumers in commercial transactions.

#### **3.2. Federal Competition and Consumer Protection Commission (FCCPC)**

Section 1 of the FCCPA establishes the Federal Competition and Consumer Protection Commission (FCCPC) as the primary enforcement agency responsible for the administration and enforcement of consumer protection laws in Nigeria.

*The functions of the FCCPC include:*

- i. receiving and investigating consumer complaints;

- ii. facilitating dispute resolution between consumers and service providers;
- iii. issuing compliance directives and imposing administrative sanctions;
- iv. ordering refunds, replacements, or compensation where necessary.

The Commission provides an accessible platform for consumer redress without immediate recourse to the courts.

### **3.3 Judicial Interpretation and Case Law**

Although consumer protection jurisprudence in Nigeria is still developing, the courts have consistently affirmed the duty of traders and service providers to act fairly and with due care toward consumers.

In *Okonkwo v Guinness (Nig.) Plc*, the court held that manufacturers owe a duty of care to consumers to ensure that products released into the market are safe for consumption.

Similarly, in *Afolayan v Ogunrinde*, the court recognized the principle that a consumer is entitled to remedies where goods supplied are defective or unfit for their intended purpose. These judicial pronouncements align with the consumer rights provisions under the FCCPA and reinforce the legal basis for consumer complaints and redress in Nigeria.

Also, the decision in *Best (Nig.) Ltd v Blackwood Hodge (Nig.) Ltd* underscores the importance of contractual fairness and good faith in commercial transactions, a principle now statutorily reinforced under section 125 of the FCCPA.

Furthermore, in *Anene v. MTN (Nig.) Communications Plc (2025)* The Supreme Court of Nigeria affirmed that telecommunications subscribers are not at the mercy of network providers, condemning unfair practices like unsolicited services and arbitrary airtime deductions.

*Tochukwu Odo v. Peace Mass Transit (2025)* The Enugu High Court ruled that a “no refund after payment” policy is illegal and void under Sections 120,104, and 129(1)

of the FCCPA. The Court ordered a refund and awarded #500,000 in damages for an incomplete trip.

*Ben Onuora v, Multichoice/DSTV (2025)* The Lagos High Court awarded #5 million in general damages for wrongful disconnection of an active subscription, citing Sections 130, 136, and 142-145 of the FCCPA.

*FRN v. Dr. Anuoluwapo Funmilayo Adepoju and Med-Contour Services Limited (2022)* The Federal High Court rejected a “no case submission” in a criminal case regarding consumer health, affirming that service providers are accountable for dangerous or substandard services.

#### **4. Sector-Specific Regulatory Bodies**

In addition to the FCCPC, several sector-specific regulators address consumer complaints within their respective industries, including:

- i. the Central Bank of Nigeria (CBN) for banking and financial services;
- ii. the Nigerian Communications Commission (NCC) for telecommunications;
- iii. the National Agency for Food and Drug Administration and Control (NAFDAC) for food, drugs, and cosmetics;
- iv. the Nigerian Electricity Regulatory Commission (NERC) for electricity services;
- v. the Securities and Exchange Commission (SEC) regulates capital market transactions.

Consumers are generally required to exhaust internal complaint mechanisms provided by service providers before escalating disputes to these regulatory bodies.

#### **5. Mechanisms for Resolving Consumer Complaints**

##### **5.1 Internal Complaint Resolution**

The first step in resolving consumer complaints is usually through the service provider’s internal dispute resolution system. This allows businesses the opportunity to address complaints directly.

Based on the provisions of section 146 of the FCCPA, a consumer who is dissatisfied with the quality of a product or service provided is expected to first refer their complaint to the company that supplied the goods or services and refer the complaint directly to the industry regulator before filing a complaint against the company or service provider to the FCCPC. The FCCPC's decision can be subject to an appeal before the Competition and Consumer Protection Tribunal (CCPT), while the decisions of the CCPT shall lie with the Court of Appeal.

It is instructive to note that section 146 (2) of the FCCPA allows a dissatisfied consumer to directly approach a court with appropriate jurisdiction to seek redress to its complaints. However, a consumer may not simultaneously initiate a complaint before the Commission and approach a court on the same complaint.

In relation to redress mechanisms, section 147 of the FCCPA empowers the Commission to issue orders for refunds, repairs, replacements, or compensation where a consumer has suffered loss or injury

## **5.2 Regulatory Intervention**

Where internal mechanisms fail, consumers may escalate complaints to the FCCPC or the relevant sector regulator, which may investigate and impose sanctions pursuant to statutory powers.

## **5.3 Alternative Dispute Resolution (ADR)**

The FCCPA encourages the use of ADR mechanisms such as mediation and conciliation. ADR provides a faster, less technical, and cost-effective means of resolving consumer disputes.

## **5.4 Judicial Remedies**

Consumers may also seek redress through the courts by claiming damages, refunds, injunctions, or enforcement of statutory rights. Nigerian courts have affirmed the duty of service providers to act fairly and responsibly in commercial dealings.

## **6. Consumer Redress**

At its core, consumer redress refers to the means available to a consumer to obtain a remedy for a wrong or a loss suffered in a commercial transaction. It is the system

that allows an individual who has purchased a defective product, been subjected to fraudulent service, or been treated unfairly by a business to seek and obtain justice. This is not a mere complaint mechanism, but as an essential enforcement arm of consumer rights, the process that transforms theoretical rights into tangible, real-world outcomes. This remedy can take various forms, including:

- i. A refund of the purchase price
- ii. Repair or replacement of a faulty product.
- iii. Compensation for damages or losses incurred.
- iv. A formal apology or correction of misleading information.

In essence, redress is what closes the loop. A consumer's right to safety, information, and choice means little without the right to redress, the guaranteed ability to seek a fair settlement when those other rights are violated.

## **7. Complaint Handling Procedure**

In accordance with sections 17 (h) and (s) of the FCCPA 2018, the Commission has developed a web-based automated complaint resolution portal to replace the outmoded paper-based system for receiving and handling consumer complaints.

The new platform allows the Commission and businesses that are plugged-in to seamlessly receive, assign, investigate, track, resolve and conclude consumer complaints in a timely and efficient manner. Additionally, it enables the consumer to complain about dissatisfaction with a product or service from the comfort of his or her home.

To file a complaint, a consumer can sign up to the portal through the FCCPC website or a dedicated mobile App (FCCPC Consumer Complaint App) on the Google Play Store and the iOS App Store.

After signing up and creating a complaint account on the portal, the consumer could submit a complaint and attach relevant documents (receipts, agreements, correspondences, etc.). As soon as the consumer submits a complaint, a tracking code

is generated and sent to the complainant's registered e-mail. The tracking code could be used to monitor the progress of the resolution process and engagement with the caseworker.

Once created, a complaint account will continue to exist even after the instant case is resolved, and could be used for future complaints. Regardless of the portal, consumers can still submit complaints to the Commission through other means (email, walk-in, letters, etc.).

A complaint could be resolved immediately or may take more time, depending on its nature. Some require collaboration with other stakeholders, such as sector regulators, while others do not.

While the Commission is committed to providing speedy redress to valid complaints, the provision of accurate information and documentation by the complainant makes this easier and reduces the timelines. It takes anything between one (1) day and forty-five days (45) days to get redress. However, some exceptions may exist beyond this time-frame.

## **8. Challenges in the Consumer Complaint Regime**

Despite a comprehensive legal framework, consumer protection in Nigeria faces challenges, including:

- i. Low consumer awareness: many consumers are unaware of their rights or the procedures for lodging complaints, leaving violations unreported.
- ii. Weak enforcement of tribunal and FCCPC decisions as some companies fail to comply promptly with orders for refunds or compensation.
- iii. Bureaucratic delays in dispute resolution.
- iv. An imbalance of bargaining power between consumers and large corporations.
- v. Limited access to justice.

- vi. Overlapping mandates with sector regulators such as the NCC, CBN, and NERC often result in jurisdictional conflicts, fragmented enforcement, and inconsistent outcomes.
- vii. Increase in E-commerce fraud and online misrepresentation.

These challenges undermine the effectiveness of the consumer complaint regime, limiting the FCCPA's ability to deliver timely and effective justice to consumers.

## **9. Conclusion**

Nigeria has made significant progress in strengthening its consumer protection framework through the enactment of the FCCPA 2018 and the establishment of the FCCPC.

Collectively, the provisions of the FCCPA 2018 and judicial authorities demonstrate Nigeria's commitment to protecting consumers from arbitrary and exploitative commercial practices by providing both administrative and judicial avenues for complaint resolution. Therefore, businesses are encouraged to proactively develop and implement robust consumer protection policies in their operations. This will help to prevent violations and ensure compliance with regulatory standards, thereby avoiding potential penalties and ultimately contributing to a fair and transparent marketplace.

## **10. Recommendation**

Looking to the future, there is potential for further improvement in consumer protection in Nigeria. No doubt, the legal regime seeks to restore balance in commercial relationships and promote confidence in the Nigerian marketplace. However, effective consumer protection requires robust legislation. Below are listed recommendations alongside identified challenges for the betterment of consumers and the protection in commercial transactions

### **1. Strengthening Enforcement Powers and Sanctions**

One major weakness is weak or inconsistent enforcement.

**Recommendation:**

- i. Increase in administrative penalties for repeat corporate offenders.
- ii. Mandate public naming of non-compliant companies.
- iii. Establish fast-track consumer protection tribunals under the FCCPC framework.

Stronger sanctions will deter exploitative market practices and enhance compliance culture.

2. Establishment of Specialized Consumer Protection Courts

Judicial delay undermines effective redress.

**Recommendation:**

- i. Creation of specialized consumer protection divisions within the Federal High Court or State High Courts.
- ii. Introduction of simplified procedure rules for small consumer claims.

This will reduce delays and make justice more accessible.

3. Improved Public Awareness and Consumer Education

Low awareness is one of the biggest barriers.

**Recommendation:**

- i. FCCPC should conduct nationwide awareness campaigns.
- ii. Consumer protection education should be integrated into school curricula.
- iii. Regulators should simplify complaint procedures and publish them widely.

An informed consumer is better positioned to assert statutory rights.

4. Strengthening Institutional Collaboration

There is regulatory overlap between FCCPC and sector regulators (CBN, NCC, NERC, NAFDAC).

**Recommendation:**

- i. Develop clear jurisdictional guidelines between FCCPC and sector regulators.
- ii. Create an inter-agency consumer protection coordination committee.
- iii. Establish shared complaint databases.

This will reduce duplication and improve enforcement efficiency.

5. Promotion of Alternative Dispute Resolution (ADR)

Litigation is expensive and slow.

**Recommendation:**

- i. Institutionalize mandatory pre-litigation mediation for consumer disputes.
- ii. Expand the FCCPC mediation framework.
- iii. Encourage online dispute resolution (ODR), especially for digital commerce disputes.

ADR promotes faster, cheaper, and less technical resolution.

6. Digital Commerce Regulation Enhancement

E-commerce fraud and online misrepresentation are increasing.

**Recommendation:**

- i. Strengthening regulations on digital platforms and online marketplaces.
- ii. Require e-commerce platforms to assume shared liability for defective or fraudulent listings.
- iii. Introduce clearer rules on data protection and digital consumer rights.

This aligns consumer protection with modern commercial realities.

7. Legal Aid and Access to Justice

Consumers often lack resources to pursue claims.

**Recommendation:**

- i. Lack of resources often hinders consumers from pursuing claim, an extension of Legal Aid Council services to consumer disputes can serve as encouragement to a vulnerable consumer to pursue claim and ultimately gain access to justice.
  - ii. Introduce small-claims consumer compensation schemes.
  - iii. Allow consumer associations to bring representative or class actions, this will reduce the imbalance of power between consumers and corporations.
8. Legislative Clarification of “Customer” vs “Consumer”

Ambiguity can limit protection.

**Recommendation:**

Amendment of the FCCPA to clarify whether certain small-scale business purchasers qualify for consumer protection. Provision of clearer interpretative guidelines under section 167. This will prevent restrictive judicial interpretations.

Effective consumer protection in Nigeria requires not merely robust statutory provisions but deliberate institutional reform, regulatory coordination, public education, and improved access to justice. Without proactive enforcement and systemic strengthening, the objectives of the FCCPA may remain largely aspirational. It is opined that above listed recommendations will further enhance the legal regime for customer and consumer complaints in Nigeria.

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