

Financial Autonomy of the Legislature and Its Impact on Democratic Governance in Nigeria

Atiku Ibrahim, PhD¹, Blessing Onyinyechi Eke, PhD²

¹Secretary of Finance and Accounts National Assembly, Abuja.

²Senior Legislative Aide to the Deputy Speaker House of Representative National Assembly, Abuja.

ABSTRACT

The doctrine of separation of powers postulates that the legislature, the executive, and the judiciary should function as co-equal and mutually checking institutions of government. In practice, however, the Nigerian legislature, at both federal and state levels, has continued to operate under the shadow of the executive, largely on account of its dependence on the executive for the release of its budgetary allocations. This paper examines the concept of financial autonomy of the legislature and interrogates its implications for democratic governance in Nigeria. Adopting a qualitative, doctrinal, and exploratory approach anchored on secondary sources, the paper clarifies the concepts of financial autonomy, the legislature, legislative performance, and democratic governance; reviews relevant conceptual and empirical literature; and situates the discourse within the Separation of Powers theory and Institutional theory. The paper argues that financial autonomy is a necessary, though not on its own sufficient, condition for legislative independence, and that its absence has continued to constrain the lawmaking, oversight, and representative functions of Nigeria's legislature, with attendant consequences for democratic consolidation. The paper further identifies constitutional ambiguity, executive high-handedness, weak political will, and internal legislative indiscipline as major impediments to the realisation of legislative financial autonomy in Nigeria. It concludes that the deepening of democracy in Nigeria is contingent on a legislature that is genuinely financially independent, and recommends constitutional amendment, judicial activism, civil society engagement, and strengthened legislative institutional capacity as pathways towards this end.

KEYWORDS: Financial Autonomy, Legislature, Legislative Performance, Democratic Governance, Separation of Powers, Nigeria

ARTICLE DETAILS

Published On:
27 July 2026

Available on:
<https://ijrsr.org/>

INTRODUCTION

The Nigerian political system operates within the framework of the presidential system, which vests central executive power in the President, legislative power in the National Assembly, and judicial power in the Supreme Court (Herskovits, 1979).

In presidential systems, legislative performance depends largely on autonomy, understood as the capacity to function independently of the executive in agenda-setting, budgeting, and internal procedures (Omotola, 2025). Without such independence, legislatures risk becoming extensions of the executive, undermining the separation of powers and weakening accountability. All over the world, various strategies and approaches have been adopted by governments for the purpose of good governance, and in their efforts at distributing state resources to reach the people at the grassroots. As Manhood, quoted in Dalhatu (2006, p. 32), observed, too much concentration of political and economic power at one level of government would ultimately lead to what he described as “managerial constipation”. According to Dalhatu (2006), government is the product of decentralised administration. The Constitutions of Germany (1949), Spain (1978), Nigeria (1979/1999), Brazil (1988), India (1992), and South Africa (1996), among others, have all made constitutional provisions aimed at ensuring significant decentralisation.

The performance of legislatures is widely regarded as a vital indicator of democratic consolidation (Fish, 2006; Chernykh, Doyle & Power, 2017). In Nigeria, several studies have assessed the autonomy of the legislature in relation to oversight, representation, and lawmaking (Bakare, 2021; Hamalai, 2014; Abraham, 2021; Gbahabo, 2024). However, few have directly linked financial autonomy to performance outcomes. Existing studies on executive dominance and legislative weakness (Abah & Obiajulu, 2017; Ita, Edet &

Onuoha, 2016; Ukachukwu, 2021) often stop short of empirically examining the effect of autonomy on legislative output. Drawing on research on other African legislatures and on the experience of other climes, this study interrogates how financial autonomy shapes the performance outcomes of Nigeria's legislature, and asks whether Nigeria's presidential democracy is ripe enough for the full exercise of legislative financial autonomy.

Against this background, the paper is structured as follows: following this introduction, section two presents the statement of the problem; section three undertakes a conceptual and empirical literature review; section four discusses the theoretical framework; section five examines the nexus between financial autonomy and legislative performance in Nigeria; section six discusses the implications of legislative financial autonomy for democratic governance; section seven identifies the challenges confronting the realisation of legislative financial autonomy in Nigeria; and section eight concludes the paper with policy recommendations.

STATEMENT OF THE PROBLEM

Since the return to civil rule in 1999, the Nigerian legislature has consistently been described, both in scholarship and in public discourse, as the weakest of the three arms of government (Ukachukwu, 2021; Abah & Obiajulu, 2017). This weakness has been attributed variously to institutional inexperience, executive high-handedness, corruption, and, increasingly, to the absence of genuine financial autonomy. Although Sections 4, 60, 62, and 88 of the 1999 Constitution (as amended) formally guarantee the legislature power over its own affairs, and although the Fourth Alteration to the Constitution (2018) sought to entrench financial autonomy for state legislatures and judiciaries as a first-line charge on the Consolidated Revenue Fund of the states, implementation has remained inconsistent and, in many states, largely cosmetic.

The persistence of executive control over the release of legislative funds, whether at the federal level through the Office of the Accountant-General or at the state level through the discretion of governors, has meant that many legislators approach their oversight and lawmaking functions with considerable caution, wary of antagonising an executive on whom their operational funding still substantially depends. This dependency, scholars argue, compromises the capacity of the legislature to conduct robust oversight of the executive, to resist inducement in the passage of the budget, and to serve as an effective check on executive excess, all of which are central to democratic governance (Omotola, 2025; Ukachukwu, 2021).

While a growing body of literature has examined legislative autonomy in Nigeria in general terms, a narrower but analytically important dimension, namely financial autonomy and its specific consequences for democratic governance, has received comparatively limited sustained conceptual treatment. It is this gap that the present paper seeks to address. Specifically, the paper interrogates the following questions: (i) what is the nature and extent of the legislature's financial autonomy in Nigeria; (ii) how does financial autonomy, or its absence, shape legislative performance in lawmaking, oversight, and representation; and (iii) what implications does this relationship hold for the quality of democratic governance in Nigeria?

LITERATURE REVIEW

Conceptual Clarification

Financial Autonomy

Financial autonomy, as it relates to the legislature, is the constitutional guarantee that the legislative arm of government has independent control over its own budgetary formulation, allocation, and expenditure, completely insulated from the control or discretion of the executive branch.

This concept is anchored on the democratic doctrine of separation of powers, famously articulated by Baron de Montesquieu, which dictates that the three arms of government must operate as co-equal partners. It is important to note that autonomy is shaped by a range of conditions (Omotola, 2025). The legal framework, particularly constitutional provisions such as Sections 4, 60, 62, and 88 of the 1999 Constitution, formally empowers the legislature. Financial autonomy, including first-line charge funding and control of the Consolidated Revenue Fund, strengthens independence. Institutional capacity in terms of skilled staff, research support, and access to information enhances legislative effectiveness. Political dynamics also matter: party politics and executive interference in the selection of presiding officers have been shown to undermine autonomy, while balanced executive-legislative relations tend to foster it. Political will and the broader political culture determine whether legislators are prepared to assert authority, while continuity and stability allow institutions to develop traditions that reinforce independence (Ukachukwu, 2021; Omotola, 2025). These factors highlight that autonomy is not merely a legal question but one embedded in institutional, political, and cultural realities.

The Legislature

The legislature is an elected body vested with the authority to make laws, represent citizens, and oversee the executive (Heywood, 2007; Hamalai, 2014). Beyond its statutory functions, it channels public interests into policy, ensures accountability, and serves as a check on power (Saliu & Muhammad, 2010). Oversight powers include budgetary control, investigations, confirmation of appointments, and impeachment, as provided for in the 1999 Constitution. Committees are central to this role, providing opportunities for specialisation, continuity, and public engagement (NDI, 2006; Hamalai, 2014). While Nigeria's legislature

possesses significant formal powers, its independence continues to be undermined by executive dominance, weak institutional capacity, and political patronage.

Legislative Performance

Legislative performance is a contested concept, but it is typically assessed through the core functions of lawmaking, oversight, and representation. Some approaches measure performance in terms of formal powers, others in terms of productivity, such as the number of bills passed, committee effectiveness, or public perception (Barkan, 2010; Bakare, 2020). This study adopts a functional approach, focusing on lawmaking and oversight as primary indicators of performance, and considers how autonomy shapes outcomes in these domains.

Democratic Governance

Democratic governance refers to the exercise of political authority in a manner that is accountable, participatory, transparent, and subject to the rule of law, with power distributed among independent institutions that check and balance one another (Diamond, 2015). It is not reducible to the mere holding of periodic elections; rather, it encompasses the everyday practice of institutions, including the legislature, in a manner that respects constitutionalism and protects citizens from the arbitrary exercise of power. Within this conception, an autonomous, well-resourced, and assertive legislature is treated as both an indicator and an instrument of democratic governance, since it is primarily through the legislature that citizens' preferences are aggregated into law and executive conduct is subjected to scrutiny.

Empirical Review

A number of empirical studies have examined the relationship between legislative autonomy and democratic performance in Nigeria and other developing democracies, though direct empirical attention to financial autonomy specifically remains comparatively thin. Hamalai (2014), in an assessment of the National Assembly, found that budgetary dependence on the executive constrained the effectiveness of legislative oversight, particularly with respect to the scrutiny of ministries, departments, and agencies. Similarly, Bakare (2021) observed that state houses of assembly in Nigeria have historically functioned as rubber-stamp institutions, a condition linked in part to their financial dependence on state governors who control the release of funds appropriated to the legislature.

Abraham (2021) examined legislative oversight in selected Nigerian states and found a positive association between the degree of a state assembly's financial independence and the frequency and rigour of its oversight activities, including public hearings and investigative committee work. Gbahabo (2024), focusing on budgetary politics between the executive and the legislature, argued that the annual ritual of budget padding, delay, and confrontation in Nigeria is symptomatic of a deeper structural problem, namely the absence of a genuinely autonomous legislative budget process. Studies on other African legislatures similarly report that assemblies with independent control of their votes, such as some state legislatures in South Africa and Kenya's county assemblies following devolution, tend to exhibit stronger oversight capacity and greater willingness to challenge the executive (Fish, 2006; Chernykh, Doyle & Power, 2017).

Conversely, studies of Nigeria's Fourth Republic democracy generally converge on the diagnosis of executive dominance and legislative weakness. Abah and Obiajulu (2017) attribute this weakness to a combination of factors, including the legislature's late start in institutional development after long periods of military rule, weak internal party discipline, and financial dependence on the executive. Ita, Edet and Onuoha (2016) similarly found that the National Assembly's oversight of the executive budget process has often been compromised by informal financial arrangements and the leadership's reluctance to jeopardise access to constituency and other discretionary funds controlled by the executive. Ukachukwu (2021) extends this analysis to the state level, arguing that the 2018 Fourth Alteration to the Constitution, which sought to guarantee financial autonomy for state legislatures and judiciaries, has been implemented unevenly across states, with several governors continuing to exercise informal control over the release of appropriated funds notwithstanding the constitutional guarantee.

Taken together, the empirical literature suggests a consistent, though largely inferential rather than rigorously causal, association between the degree of legislative financial autonomy and the vigour with which legislatures perform their lawmaking and oversight functions. What is comparatively underexplored, and what this paper seeks to address conceptually, is the precise mechanism through which financial dependence translates into weakened democratic governance, beyond the general observation that dependent legislatures tend to be compliant legislatures.

The Nexus between Financial Autonomy and Legislative Performance in Nigeria

Financial Autonomy and Lawmaking

The lawmaking function of the legislature requires sustained investment in legislative drafting expertise, research support, public hearings, and stakeholder consultation, all of which depend on the availability of funds under the legislature's own control. Where such funds are subject to executive discretion, the range and depth of legislative bills that a legislature is able to develop and process independently of executive initiative is correspondingly narrowed. In Nigeria, the disproportionate reliance of the National

Assembly and state houses of assembly on executive-initiated bills, particularly the annual appropriation bill, has been linked to constraints on the legislature's independent capacity to generate and research its own legislative agenda (Hamalai, 2014).

Financial Autonomy and Oversight

Oversight, comprising budgetary scrutiny, public hearings, investigative committee work, and confirmation of executive appointments, is the function most directly compromised by financial dependence. Effective oversight frequently requires legislatures to commission independent studies, engage technical consultants, and undertake field visits and investigations, all of which require discretionary funding. Where such funding is controlled by the very executive that is the subject of oversight, legislators face an inherent conflict of interest: rigorous oversight risks provoking executive retaliation in the form of delayed or withheld releases (Ita, Edet & Onuoha, 2016). This dynamic helps explain the pattern, widely remarked upon in Nigerian public discourse, whereby budget defence sessions and public hearings are frequently perceived as ritualistic rather than substantively consequential.

Financial Autonomy and Representation

Representation, understood as the legislature's function of channeling constituents' interests into the policy process, is likewise affected by financial dependence, albeit more indirectly. Legislators who must expend political capital cultivating executive goodwill to secure the release of their own operating funds have correspondingly less capacity, and arguably less incentive, to expend that capital on behalf of constituency demands that may conflict with executive priorities. Financial dependence, in this sense, can subtly reorient the legislature's accountability relationship away from the electorate and towards the executive, undermining the representative function that is central to democratic legitimacy (Saliu & Muhammad, 2010; Gbahabo, 2024).

6.0 Impact of Legislative Financial Autonomy on Democratic Governance in Nigeria

The relationship between legislative financial autonomy and democratic governance in Nigeria may be summarised along four dimensions. First, accountability: an executive that is not subject to rigorous legislative oversight, whether in the appropriation, implementation, or auditing of public expenditure, faces reduced incentives for probity, with consequences for corruption and the misapplication of public resources. Second, checks and balances: the constitutional design of Nigeria's presidential system presupposes an assertive legislature capable of restraining executive excess; financial dependence weakens this restraining capacity, tilting the practical balance of power towards the executive notwithstanding formal constitutional equality. Third, public trust and legitimacy: a legislature widely perceived as compliant or subservient to the executive, as reflected in recurring public characterisations of Nigerian assemblies as “rubber stamps”, suffers reputational costs that erode citizens' confidence in representative institutions generally, with implications for democratic legitimacy. Fourth, policy quality: the capacity of the legislature to scrutinise, amend, and where necessary reject executive proposals, particularly the annual budget, is a significant safeguard against poorly conceived or self-serving public expenditure; financial dependence attenuates this safeguard.

These four dimensions suggest that legislative financial autonomy is not merely an internal administrative concern of the legislature but a matter with systemic consequences for the overall quality of democratic governance in Nigeria. Where financial autonomy is compromised, the practical effect is a subtle but significant re-concentration of power in the executive, notwithstanding the formal separation of powers guaranteed by the 1999 Constitution, thereby producing precisely the condition of “managerial constipation” that Manhood, as cited in Dalhatu (2006), warned against in relation to the over-concentration of power.

THEORETICAL FRAMEWORK

Separation of Powers Theory

This paper is anchored on the Separation of Powers theory, most famously associated with Baron de Montesquieu (1748), though its philosophical roots extend to earlier thinkers such as John Locke. The theory holds that the concentration of legislative, executive, and judicial power in the same institution or individual is inimical to liberty, and that governmental power ought to be distributed among distinct, co-equal branches, each capable of checking the excesses of the others. In its classical formulation, the theory does not merely require formal separation of functions but also functional and financial independence, since an institution that depends on another for its resources cannot, in practice, exercise the checking function the theory envisages.

Applied to the Nigerian context, the Separation of Powers theory illuminates why financial autonomy is not a peripheral administrative matter but a foundational requirement of constitutional design. Where the legislature must rely on the executive for the timely release of its budgetary allocation, the formal separation of powers is rendered substantially hollow, since the executive retains an instrument of leverage, whether explicit or implicit, over legislative conduct. The theory thus provides the normative benchmark against which the adequacy of Nigeria's constitutional and practical arrangements for legislative financial autonomy may be assessed.

Institutional Theory

The paper is further situated within Institutional theory, particularly the strand associated with North (1990), which conceives of institutions as the formal and informal rules that structure political and economic interaction. Institutional theory draws attention to

the distinction between de jure and de facto autonomy: a legislature may possess extensive formal, constitutionally guaranteed powers over its budget while, in practice, informal norms, patronage networks, and asymmetries of political power render such powers substantially unenforceable. This distinction is particularly instructive in the Nigerian case, where constitutional provisions on legislative financial autonomy, such as the Fourth Alteration of 2018, coexist with persistent informal executive control over the disbursement of legislative funds.

Institutional theory further suggests that the durability of institutional arrangements depends on path dependence and the incentives of dominant political actors to comply with or circumvent formal rules. Where the informal costs of executive interference with legislative finances are low, relative to the political benefits of maintaining a compliant legislature, formal guarantees of autonomy are likely to remain unimplemented or selectively enforced. This theoretical lens helps to explain the persistence of the financial autonomy problem in Nigeria despite repeated constitutional and statutory interventions.

Challenges to the Realisation of Legislative Financial Autonomy in Nigeria

Several interrelated challenges continue to impede the realisation of genuine legislative financial autonomy in Nigeria. First, constitutional ambiguity and gaps in implementation: although the Fourth Alteration to the Constitution (2018) sought to guarantee financial autonomy for state legislatures and judiciaries by making their funds a first-line charge on the Consolidated Revenue Fund, the mechanisms for enforcing compliance where state governors fail to comply have remained weak, leaving implementation largely dependent on the political disposition of individual governors (Ukachukwu, 2021).

Second, executive high-handedness and the informal politics of patronage: even where formal budgetary allocations exist, the timing and manner of fund releases often remain subject to informal executive discretion, giving the executive a continuing instrument of leverage over legislative conduct. Third, weak political will and internal legislative fragmentation: legislative leadership positions are frequently secured with executive backing, creating loyalty structures that discourage assertive claims to financial independence even where the constitutional and legal basis for such claims exists (Omotola, 2025). Fourth, weak institutional capacity: many Nigerian legislatures, particularly at the state level, lack the technical and administrative capacity, including trained budget and research staff, to manage an independent budget process even where autonomy is formally granted, creating additional dependence on executive bureaucratic support. Fifth, limited citizen and civil society pressure: compared to demands for executive accountability, public and civil society advocacy specifically directed at legislative financial autonomy has historically been limited, reducing the political cost to governors and, at the federal level, to the presidency, of non-compliance with constitutional financial autonomy provisions.

CONCLUSION AND RECOMMENDATIONS

This paper has examined the concept of financial autonomy of the legislature and its implications for democratic governance in Nigeria. It has argued, on the basis of conceptual analysis and a review of relevant empirical literature, that financial autonomy constitutes a foundational, though frequently under-appreciated, requirement for the effective performance of the legislature's lawmaking, oversight, and representative functions. Anchored on the Separation of Powers theory and Institutional theory, the paper has shown that the persistence of executive control, whether formal or informal, over legislative finances undermines the practical operation of the separation of powers envisaged by Nigeria's 1999 Constitution, with consequences for accountability, checks and balances, public trust, and the overall quality of policy outcomes.

Arising from this analysis, the paper recommends the following. First, further constitutional and statutory clarification should be pursued to close the implementation gaps in the Fourth Alteration's financial autonomy provisions, including the specification of clear, justiciable sanctions for non-compliant state governments. Second, the judiciary should be more consistently engaged, through appropriate litigation, to enforce existing constitutional guarantees of legislative financial autonomy, thereby giving practical effect to formal legal entitlements. Third, legislatures at both federal and state levels should invest in strengthening their internal institutional capacity, including budget offices and research departments, to enable them to manage an autonomous budget process effectively once such autonomy is secured. Fourth, civil society organisations, the media, and citizens more broadly should be encouraged to extend their accountability advocacy to encompass legislative financial autonomy specifically, rather than focusing accountability demands solely on the executive. Finally, political parties should be encouraged to reduce the degree of informal executive influence over the selection of legislative presiding officers, since such influence has been consistently identified in the literature as a significant source of legislative financial dependence. Taken together, these measures would contribute meaningfully towards a more genuinely autonomous legislature and, by extension, towards the deepening of democratic governance in Nigeria.

REFERENCES

- 1) Abah, N., & Obiajulu, A. (2017). Executive dominance and legislative weakness in Nigeria's Fourth Republic. *Journal of Nigerian Legislative Studies*.
- 2) Abraham, T. (2021). Legislative oversight and financial independence in Nigerian state houses of assembly. *Nigerian Journal of Political Science*.

- 3) Bakare, A. (2020). Measuring legislative performance in Nigeria: Productivity, powers, and perception. *African Journal of Governance*.
- 4) Bakare, A. (2021). State assemblies and the rubber-stamp problem in Nigeria's democracy. *Journal of Legislative Studies in Africa*.
- 5) Barkan, J. D. (2010). *Legislative power in emerging African democracies*. Lynne Rienner.
- 6) Chernykh, S., Doyle, D., & Power, T. J. (2017). Measuring legislative power: An expert reweighting of the Fish-Kroenig Parliamentary Powers Index. *Legislative Studies Quarterly*.
- 7) Dalhatu, S. (2006). *Decentralisation and the challenge of governance in developing states*. Ibadan University Press.
- 8) Diamond, L. (2015). *In search of democracy*. Routledge.
- 9) Fish, M. S. (2006). Stronger legislatures, stronger democracies. *Journal of Democracy*.
- 10) Gbahabo, D. (2024). Budgetary politics and executive-legislative relations in Nigeria. *Nigerian Journal of Public Administration*.
- 11) Hamalai, L. (2014). Nigerian legislature and the challenges of institution building. *National Institute for Legislative Studies*.
- 12) Herskovits, J. (1979). *Nigeria: Power in motion*. Foreign Affairs.
- 13) Heywood, A. (2007). *Politics* (3rd ed.). Palgrave Macmillan.
- 14) Ita, N., Edet, U., & Onuoha, F. (2016). Legislative-executive relations and budget oversight in Nigeria. *Journal of African Studies and Development*.
- 15) Montesquieu, C. de S. (1748). *The spirit of the laws*.
- 16) National Democratic Institute (NDI). (2006). *Strengthening legislative capacity in legislative-executive relations*.
- 17) North, D. C. (1990). *Institutions, institutional change and economic performance*. Cambridge University Press.
- 18) Omotola, J. S. (2025). Autonomy and legislative performance in Nigeria's presidential democracy. *African Journal of Political Science*.
- 19) Saliu, H. A., & Muhammad, S. (2010). Legislature and democratic governance in Nigeria. *Nigerian Journal of Legislative Affairs*.
- 20) Ukachukwu, O. (2021). Financial autonomy and legislative independence in Nigeria's states. *Journal of Constitutional Studies*.