
EVALUATION OF CONSTRUCTION DISPUTE RESOLUTION MECHANISMS IN ENUGU STATE, NIGERIAN

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ABSTRACT

This study provides an in-depth evaluation of construction dispute resolution mechanisms (DRMs) within the dynamic construction industry of Enugu State, Nigeria. The overarching aim was to systematically assess the level of awareness among various construction professionals, identify the specific DRMs currently employed, and ascertain the most effective and recommended methods for mitigating and resolving conflicts. Employing a robust survey research design, primary data was meticulously collected from a representative sample of 135 construction professionals, encompassing architects, engineers, project managers, quantity surveyors, and site workers. Key findings reveal a generally high level of awareness regarding DRMs among professionals, yet a notable disparity exists in their consistent application and understanding across different professional groups, particularly among site workers and electrical engineers. The study highlights that while traditional litigation remains a frequently utilized method, there is a pronounced professional inclination towards Alternative Dispute Resolution (ADR) techniques, with arbitration, mediation, and negotiation being highly recommended. The research concludes that the prevailing reliance on adversarial methods contributes to project delays and abandonment, underscoring the critical need for enhanced education, proactive implementation of structured ADR mechanisms, and stronger ethical enforcement within the industry. Recommendations include targeted training programs, mandatory inclusion of ADR clauses in contracts, and the establishment of a dedicated construction dispute resolution center to foster a more collaborative and efficient project environment.

KEYWORDS: Construction Industry, Dispute Resolution, Alternative Dispute Resolution (ADR), Arbitration, Mediation, Negotiation, Litigation, Enugu State, Project Management.

1. INTRODUCTION

The construction industry stands as a pivotal sector in Nigeria's economic landscape, contributing significantly to its Gross Domestic Product (GDP) and providing substantial employment opportunities. This industry is inherently complex, characterized by multi-party involvement, intricate contractual relationships, long project durations, and exposure to numerous unpredictable variables such as fluctuating material costs, labor issues, and regulatory changes. These inherent complexities, coupled with the diverse interests and objectives of various stakeholders—including clients, contractors, consultants, and suppliers—make the occurrence of disputes almost inevitable.

Historically, disputes in the Nigerian construction sector have been a persistent challenge, often leading to project delays, cost overruns, quality compromises, and, in severe cases, outright project abandonment. The traditional reliance on adversarial methods, particularly litigation, has proven to be time-consuming, expensive, and detrimental to long-term business relationships. This context underscores the critical importance of effective dispute resolution mechanisms (DRMs) that can address conflicts efficiently, maintain project momentum, and preserve collaborative working environments. The evolution of DRMs, particularly the rise of Alternative Dispute Resolution (ADR) methods, offers promising avenues for the industry to navigate these challenges more constructively.

Despite the recognized importance of efficient dispute resolution, the construction industry in Enugu State, like many other regions in Nigeria, continues to grapple with a high incidence of unresolved conflicts. These disputes manifest in various forms, ranging from disagreements over contract terms, payment schedules, and quality of work to issues arising from tendering processes and unforeseen site conditions. The consequences of these unresolved disputes are far-reaching, impacting not only the financial viability of projects but also the professional reputations of firms and the overall development trajectory of the state.

Existing literature and anecdotal evidence suggest a gap between the theoretical availability of DRMs and their practical, consistent, and effective application within the local construction context. Specifically, there is a lack of comprehensive understanding regarding: (a) the actual level of awareness of various DRMs among different tiers of construction professionals, (b) the specific mechanisms that are predominantly applied in practice, and (c) the preferred or most recommended DRMs that could foster more harmonious and productive

project outcomes. This research aims to bridge this knowledge gap by providing an empirical evaluation of these aspects, thereby informing policy and practice to enhance dispute resolution efficacy in Enugu State's construction industry.

2. METHODOLOGY

This study adopted a descriptive survey research design. This approach was chosen for its ability to systematically describe the characteristics of a population or phenomenon, in this case, the perceptions and practices related to construction dispute resolution mechanisms among professionals in Enugu State. The survey design allowed for the collection of quantitative data through structured questionnaires, enabling statistical analysis to identify patterns, frequencies, and relationships within the data. This design is particularly suitable for assessing awareness levels, identifying prevalent practices, and gauging preferences within a defined professional group. The target population for this study comprised all construction professionals operating within Enugu North, Enugu State, Nigeria. This included individuals from consultancy firms offering construction services, consultants working in public offices, and suppliers of building materials.

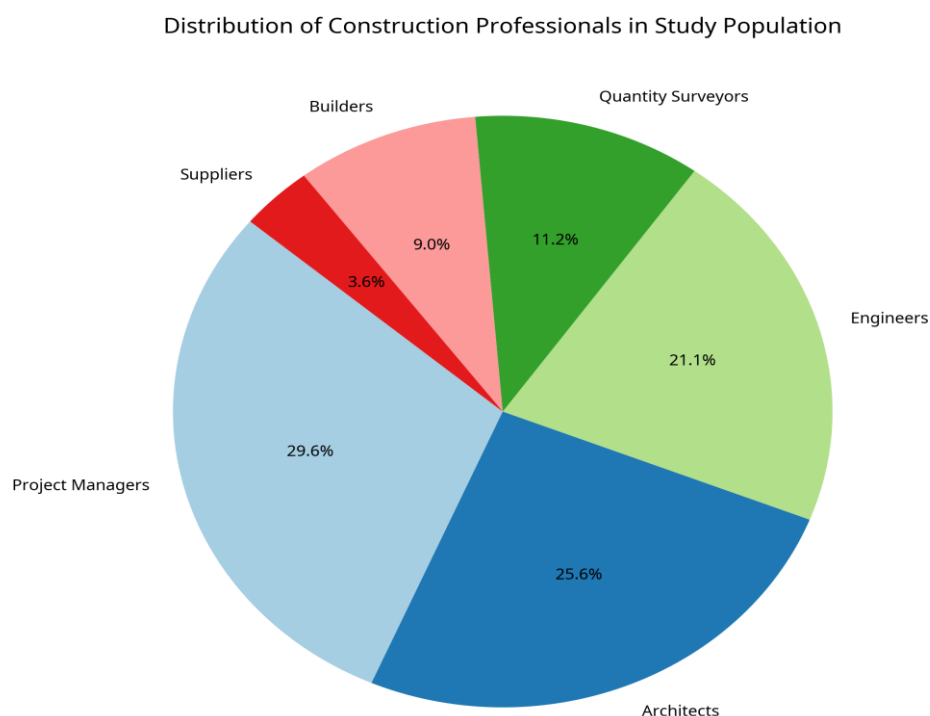


Figure 1: Distribution of Construction Professionals in Study Population.

The collected data was analyzed using Statistical Package for Social Sciences (SPSS) and Microsoft Excel. Descriptive statistics, including frequencies, percentages, and mean item scores (MIS), were primarily used to present and interpret the findings. The Mean Item Score (MIS) was calculated using the formula: $MIS = \Sigma(F \times S) / \Sigma F$, where "F" represents the frequency of respondents for each rating, and "S" denotes the score given to each factor on a 5-point ordinal scale. A criterion mean of 3.0 was established, whereby any item with a mean score above 3.0 was considered "Accepted" or significant by the respondents. This quantitative approach allowed for robust analysis and the derivation of meaningful conclusions from the numerical data.

3. RESULTS AND DISCUSSIONS

This section delves into a detailed discussion of the findings, integrating the quantitative results with qualitative insights from the literature to provide a comprehensive understanding of construction dispute resolution in Enugu State.

3.1 Awareness and Adoption of Dispute Resolution Mechanisms

The study's findings regarding the level of awareness and adoption of DRMs among construction professionals in Enugu State present a nuanced picture. As illustrated in Figure 2 (Dispute Awareness), the grand mean rating of 3.5 indicates a generally acceptable level of awareness across the professional spectrum. However, a closer examination reveals significant variations:

Table 1: Level of Awareness and Adoption of DRM among Construction Professionals In Enugu.

Professional Group	Mean Score	Interpretation
Electrical Engineers (Knowledge)	4.2	Highest awareness/knowledge, suggesting strong engagement or exposure to DRMs.
Site Workers (Familiarity)	3.7	Acceptable familiarity, but potentially less in-depth understanding compared to other professionals.
Structural Engineers (Informed)	3.7	Well-informed, indicating a good grasp of DRMs.
Engineers (Adoption)	3.5	Actively adopting DRMs in their practice.
Project Managers (Implementation)	3.5	Aware but may not consistently implement DRMs proactively.
Contractors (Awareness)	3.3	Basic awareness, but potential for improvement in practical application.

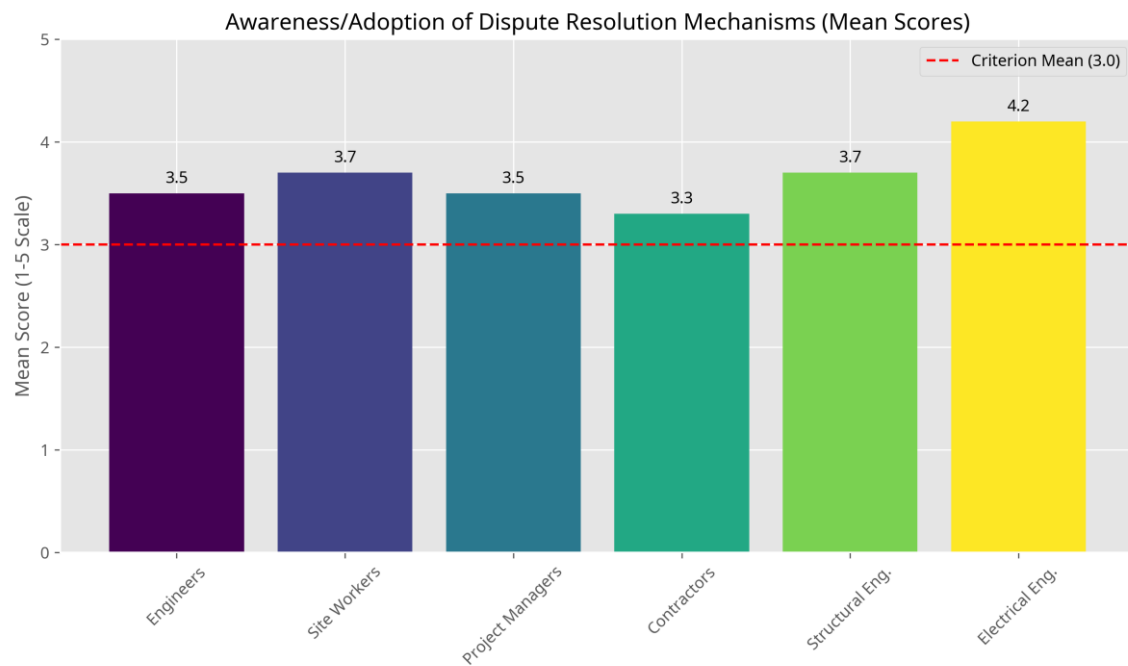


Figure 2: Awareness/Adoption of Dispute Resolution Mechanisms. (Mean Scores)

The high mean score for Electrical Engineers (4.2) and Structural Engineers (3.7) suggests that these specialists, perhaps due to the technical complexities and potential for high-stakes errors in their work, are more attuned to the need for formal dispute resolution processes. Conversely, while site workers show acceptable familiarity (3.7), the original document noted they are "not familiar with dispute resolution mechanism" in the detailed findings, which might indicate a superficial awareness rather than a practical understanding. This gap is critical because site workers are often at the forefront of where disputes originate (e.g., execution errors, material shortages).

Furthermore, the finding that "Project managers do not always remember to adopt dispute resolution mechanism while resolving construction dispute" (Mean 3.5) and "The contractors are aware of dispute resolution mechanism but do not implement it" (Mean 3.3) highlights a significant implementation gap. This suggests that while theoretical knowledge exists, the practical, proactive integration of DRMs into project management workflows is lacking. This aligns with the observation by Cheung & Suen (2019) that many stakeholders still view conflict as something to avoid rather than manage constructively.

3.2 Application Frequency of Dispute Mechanisms

The analysis of the different dispute mechanisms applied in Enugu State's construction industry reveals a strong reliance on traditional methods, despite the availability of

alternatives. As shown in Figure 3 (Applied Mechanisms), the grand mean rating is 3.4, indicating that various mechanisms are in use.

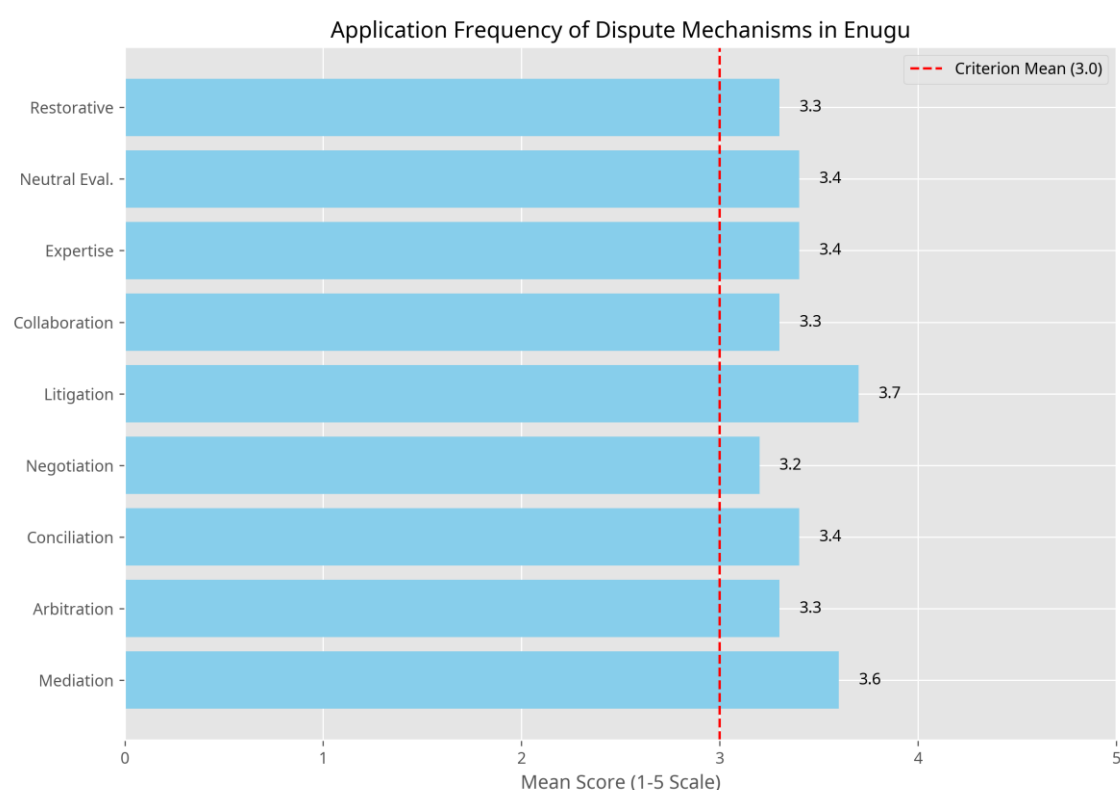


Figure 3: Application Frequency of Dispute Mechanisms in Enugu.

Notably, Litigation (3.6) emerged as the most frequently applied mechanism, closely followed by Mediation (3.6). The high reliance on litigation is concerning given its well-documented drawbacks in the construction context, high costs, lengthy delays and the adversarial nature that often destroys business relationships. This finding suggests that when disputes escalate, parties in Enugu State still default to the courts, possibly due to a lack of confidence in the enforceability of ADR outcomes or a deeply ingrained adversarial culture. Other ADR methods like Conciliation (3.4), Expertise/Expert Determination (3.4) and Neutral Evaluation (3.4) show moderate application. Interestingly, Arbitration (3.3) and Negotiation (3.2), which are often considered primary ADR tools globally, scored lower in application frequency. This could indicate a need for greater institutional support and education regarding these specific methods within the local industry.

3.3 Recommended Alternative Dispute Resolution Mechanisms

The study's findings on the most recommended dispute resolution mechanisms provide a clear contrast to the application frequencies, highlighting a strong professional desire for change. The grand mean rating for recommended mechanisms was 3.5.

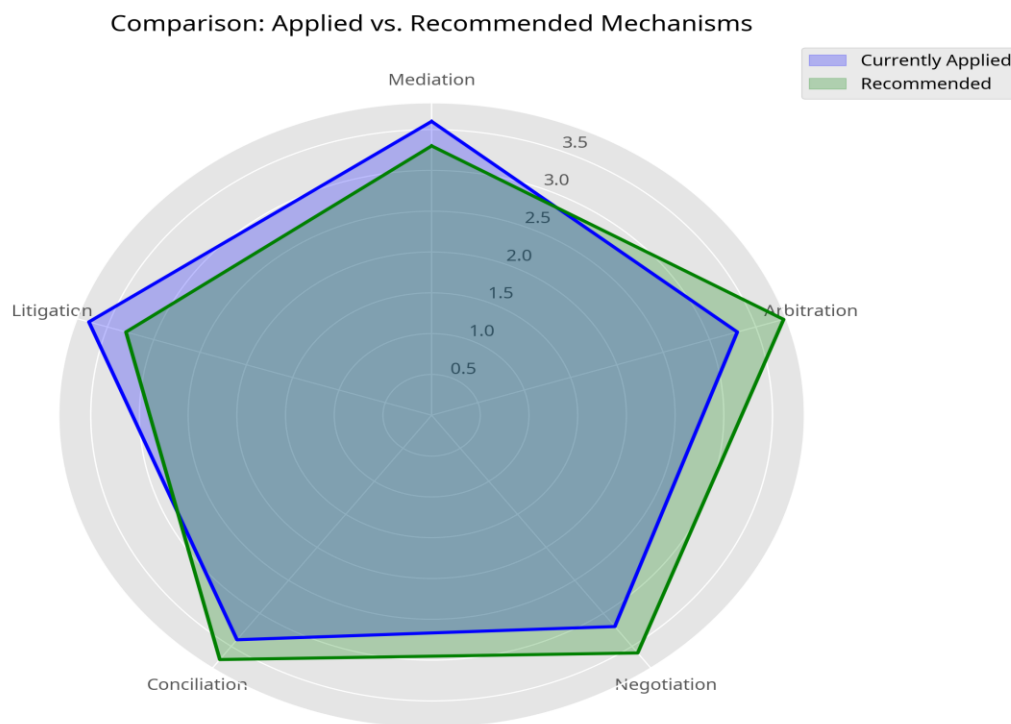


Figure 4: Comparison: Applied vs. Recommended Mechanisms.

The radar chart (Figure 4) vividly illustrates this contrast. While Litigation is the most applied (3.7), it is tied for the least recommended (3.3) among the top five methods. Conversely, Arbitration (3.8) is the most highly recommended mechanism, despite its lower application score (3.3). This indicates a strong professional consensus that Arbitration, with its binding decisions and expert involvement, is the preferred path forward for resolving complex construction disputes.

Similarly, Conciliation (3.7) and Negotiation (3.6) are highly recommended, suggesting a preference for methods that preserve relationships and allow parties more control over the outcome. The recommendation for Mediation (3.3), while still acceptable, is lower than its application frequency, perhaps reflecting some frustration with its non-binding nature in high-stakes disputes.

These findings strongly support the argument that the construction industry in Enugu State is eager to transition away from adversarial litigation towards more collaborative and efficient ADR methods. The challenge lies in bridging the gap between this professional preference and current industry practices.

4. CONCLUSION AND RECOMMENDATION

This comprehensive evaluation of construction dispute resolution mechanisms in Enugu State has illuminated several critical aspects of industry practice. The study concludes that while there is a commendable level of general awareness regarding various dispute resolution mechanisms among construction professionals, this awareness does not consistently translate into proactive and effective implementation. A significant implementation gap exists, particularly among project managers and contractors, who often fail to integrate these mechanisms into their standard operating procedures. Furthermore, there is a concerning disconnect in understanding at the site worker level, where many disputes originate.

The research also concludes that the industry remains heavily reliant on traditional litigation for resolving disputes, despite its well-known disadvantages of high cost, extended duration, and adversarial impact on business relationships. However, there is a clear and strong professional consensus recommending a shift towards Alternative Dispute Resolution (ADR) methods, particularly Arbitration, Conciliation, and Negotiation. This indicates a readiness within the professional community to embrace more efficient, expert-led, and relationship-preserving methods of conflict resolution. The transition from the current litigation-heavy practice to a more ADR-centric approach is essential for reducing project delays, minimizing costs, and fostering a more collaborative and sustainable construction industry in Enugu State.

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