

JUSTICE IN THE DIGITAL AGE: LEVERAGING TECHNOLOGY FOR AN EFFICIENT AND ACCESSIBLE JUDICIARY.

By

Izuoma Egeruoh-Adindu, PhD*

Ebele Gloria Ogwuda**

Prudence Okparavero***

Andy O. Mmakwe****

Abstract

The Nigerian judiciary continues to face persistent challenges of delay, case backlogs, limited access to justice, inadequate infrastructure, and uneven adoption of digital technologies, undermining public confidence in the administration of justice. This paper examines how emerging digital technologies can enhance judicial efficiency and accessibility while evaluating the adequacy of Nigeria's legal and institutional framework for supporting digital justice. Using a doctrinal legal research methodology complemented by qualitative desk analysis of statutes, judicial decisions, court rules, policy documents, and relevant scholarly literature, the study analyses key technologies including electronic filing, virtual court proceedings, digital recording and transcription, court case management systems, judicial websites and portals, online dispute resolution, and artificial intelligence. It further evaluates the constitutional, statutory, and policy frameworks governing digital justice, including the Constitution of the Federal Republic of Nigeria 1999 (as amended), the

*. Associate Research Professor of Law, Head of Department of Public Law, Nigerian Institute of Advanced Legal Studies (NIALS), LL.B, B.L, LL.M, PhD (University of Jos)

** Senior Research Fellow, Nigerian Institute of Advanced Legal Studies (NIALS), LL.B, BL, LL.M (University of Abuja)

*** Senior Research Fellow, Nigerian Institute of Advanced Legal Studies (NIALS), LL.B, BL, LL.M

**** Research Fellow, Nigerian Institute of Advanced Legal Studies (NIALS), LL.B, BL, LL.M (University of Jos);;Email: andyozo2016@gmail.com

Evidence Act, the Administration of Criminal Justice Act, the Nigeria Data Protection Act, the Cybercrimes Act, and relevant judicial policies. The study finds that although Nigeria has established a significant legal foundation for judicial digitalisation, implementation remains constrained by infrastructural deficits, cybersecurity concerns, funding limitations, and inadequate digital capacity. The paper concludes by proposing a coherent legal and policy framework for achieving an efficient, inclusive, and technologically responsive judiciary in Nigeria.

Keywords: *Access to Justice, Digital Age, Artificial Intelligence, Digitalisation, Nigerian Judiciary*

1.0 Introduction

The dawn of the digital age has ushered in profound transformations across every sector of society, redefining how people interact, communicate, and access services. The judiciary, as a central pillar of democratic governance and the rule of law, has not been immune to these sweeping changes. The increasing penetration of technology presents both an opportunity and a necessity for judicial systems worldwide to embrace innovation in the pursuit of justice. The notion of justice as timely, impartial, and accessible is being re-examined in light of technological advancements, calling for a recalibration of how judicial processes are conceptualized and delivered.¹

In recent years, the Nigerian judiciary has stood at a crossroads, confronted by a growing crisis of credibility, inefficiency, and inaccessibility. The digital age offers an unprecedented opportunity to transform this narrative. As the world embraces the possibilities of digital innovation, the Nigerian judicial System long characterized by procedural delays, limited infrastructure, and unequal access must now respond to a critical imperative: leveraging technology to build a judiciary that is efficient, transparent, and accessible to all. The pursuit of justice in the 21st century can no longer rely solely on physical courtrooms and paper-based processes. The realities of Nigeria's legal environment demand a paradigm shift that embraces digital transformation as both a tool for reform and a safeguard for constitutional rights.

Persistent structural challenges underscore the need for a digitalized judiciary in Nigeria. Court backlogs, delayed rulings, missing case files, and physical constraints have continued to erode public confidence in the justice

1 Use of Digital Technologies in Judicial Reform and Access to Justice Cooperation
<https://www.hiil.org> accessed 12 April 2026

system. According to the National Judicial Council (NJC), the average time to conclude high-profile civil and criminal cases can span several years, leading to systemic inefficiencies and prolonged detention without trial, especially in criminal matters.² Furthermore, the COVID-19 pandemic served as a stark reminder of the vulnerabilities inherent in a system overly reliant on physical infrastructure. During the lockdown, the Judiciary had to innovate by embracing technology,³ however, many courts across Nigeria especially in the rural areas were unable to function, leading to increased pendency and disrupted access to justice.⁴ Technology offers viable solutions to many of these challenges. Innovations such as electronic filing systems (e-filing), virtual hearings, digital court records, and case management software are already being adopted across federal and state courts in Nigeria. The Supreme Court, the Court of Appeal, the Federal High Court, as well as the Lagos State Judiciary, for instance, have pioneered digital reforms with their electronic filing platform, remote hearings through Zoom, and digital payment of court fees, setting a model for other States yet to fully embrace technology.⁵ Integration of digital technologies in the apex courts, signals an institutional willingness to evolve and to ensure efficient and accessible judiciary in Nigeria. These developments mark significant progress, yet they remain unevenly distributed and fraught with infrastructural and regulatory challenges.

A major concern is the digital divide between urban and rural populations, which continues to exclude significant segments of the Nigerian populace from benefiting fully from digital justice initiatives. Additionally, the judiciary is aware of emerging technologies like Artificial Intelligence (AI) and the absence of a comprehensive legal framework to regulate the application of Artificial Intelligence (AI) in the Nigerian Judiciary System. Moreover, the legal profession in Nigeria must contend with low levels of digital literacy among judges, lawyers, court staff, and litigants, which may undermine the effective use of available technologies. The imperative now is for a coordinated, inclusive, and sustainable digital transformation strategy for the judiciary. Such a strategy must be rooted in constitutional values, prioritize access for marginalized and underserved communities, and be driven by stakeholder collaboration between the judiciary, executive, the Nigerian Bar Associations, civil society, and the tech sector. The role of the NJC and state judicial councils in setting minimum digital standards and

2 National Judicial Council (NJC), Annual Judicial Performance Report, 2022.

3 National Judicial Council Covid-19 Policy Report: Guidelines for Court Sittings and Related Matters in the Covid-19 Period < <https://njc.gov.ng> > accessed 11 April 2026

4 Akinseye-George, Y., 'Justice in the Time of COVID-19: Lessons and Policy Directions,' *Judicial Review Journal*, Vol. 12, 2021.

5 Lagos State Judiciary, Judiciary Innovation Report, 2022.

enforcing compliance will be critical to achieving national uniformity in the application of technology in the Nigerian Judiciary. Similarly, investment in digital infrastructure, continuous capacity-building for judicial officers, and the enactment of enabling laws and practice directions that address the application of Artificial Intelligence in the judiciary are essential to entrenching a functional digital justice ecosystem. The integration of technology into the Nigerian judiciary is not simply a matter of administrative efficiency; it is a democratic necessity. It is a response to citizens' demands for transparency, accountability, and timely justice. By embracing digital innovation, the judiciary has the potential to reaffirm its constitutional mandate and restore public trust in the rule of law. Justice in the digital age must be inclusive, rights-respecting, and resilient a goal that Nigeria can achieve through deliberate reform, strategic investment, and visionary leadership.

The paper is divided into six parts to ensure a flow of the arguments canvassed, the section after this introduction is an overview of the Nigerian Judiciary, part three will examine the need to leverage technology for efficient and accessible judiciary, part four will discuss the legal and policy frameworks, part five will examine the challenges, thereafter conclusion and recommendations in part six.

2.0 Overview of the Nigerian Judiciary

It is pertinent to understand the Nigerian judiciary before examining the application of technology in the judiciary. The Judiciary will be examined from the perspective of the legal and court systems. Britain found Nigeria following the amalgamation of the northern and southern protectorates in 1914.⁶ Before the coming of the colonial masters, the Nigerian people existed as different, independent and unrelated entities. Muslims constitute the majority population in the northern part of the country while Christians constitute the majority of the Southern part. Colonialism and British occupation, which took place between 1914 to 1960⁷ shaped the current Nigerian legal and judicial System. Nigeria has a mixed legal system comprising of English Common law, Sharia and customary law.⁸ It has been said that all the laws in a legal system are based on a fundamental norm from which they get their validity. This is referred to as the grundnorm. The grundnorm is the *fons et origo*, the source of every other law and authority in

6 Sylvia Ngu, The Amalgamation of Northern and Southern Protectorates of Nigeria: Issues and Challenges, JORAS, 4 (2014) pp. 1-1

7 Toyin Falola and Matthew M. Heaton, A History of Nigeria, Cambridge University Press 2008.

8 Obilade, A. O., 'The Nigerian Legal System. (1979, Ibadan) Spectrum Books Ltd' p.11.

the legal System. The grundnorm in colonial Nigeria was the queen of England while the grundnorm after independence became the constitution⁹ as it is the most basic law in the country from which all other laws gain their validity. The 1999 constitution of the Federal Republic of Nigeria (as amended) states in section 1(1) that it is supreme, and its provisions shall have binding force on every authority and person and it states in section 1(3) states that any law which is inconsistent with the constitution is void to the extent of its inconsistency. The current legal System being practiced in Nigeria is a mixture of common law mostly adopted from the legal System of England, customary law which is influenced by the tradition of the people and mostly applied in the southern part of Nigeria and sharia law which is shaped by the predominant religion (Islam) in the northern part of Nigeria.¹⁰ In order to function properly and allow for the unique features of Nigeria like its customary laws and military rulership in the past, the Nigerian legal System possesses some unique characteristics. Some of the characteristics are as follows.

a. Pluralised Legal System: Nigeria has a pluralized legal system which is due to the nature and sources of its law. Following the amalgamation of the northern and southern protectorates in 1914 by the British Colonial administration, the entity Nigeria came into being. Before the coming of the colonial administration, Islamic law applied in most of the states of the northern part of Nigeria especially Kanem Borno Empire and the Sokoto Caliphate. In the Southern part of the country, customary law applied, and each community was governed by its custom or tradition. After Nigerian became an independent state, the body vested with the power to make law made laws for the good governance of the country. Foreign laws equally form part of the body of laws that form the sources of the Nigerian law in addition to the English law, Islamic law, customary law and the local legislations.¹¹

b. Volume of External Influence: The Nigerian legal System has been greatly influenced by international law.¹² One easy point of reference is the Islamic law which has supplanted the customary law in a lot of Northern communities. Furthermore, a large part of the legal System was inherited from the English system. The Criminal Code and the Matrimonial Causes are modeled after those of Queensland in Australia while the Penal Code,

9 The Constitution of Federal republic of Nigeria, 1999 (as amended).

10 *Ibid* (n. 10)

11 *Ibid* (note 10)

12 Learn Nigerian Law, The Nigerian Legal System <<https://www.learnnigerianlaw.com>> accessed 10 November 2025.

applicable in the north, is fashioned after the Sudanese Penal Code.¹³ Foreign authorities may be cited in Nigerian courts as having persuasive influence. All of these contribute to the extent of external influence.

c. Diversity: There is a diversity amongst the laws in the Nigerian legal System.¹⁴ Two neighbouring communities may have different laws guiding them, and this is owing to the various and diverse ethnic groups of the country. Each of the over 350 ethnic groups in the country have their own customary laws. Even amongst the same ethnic group, two tribes might have different laws. The major differences in ethnic laws are in marriage, inheritance and property ownership.

d. The System of precedents: The principle of stare decisis is one which is followed by the Nigerian courts, and it provides that earlier decisions of courts should be binding on lower courts. Such decisions may also serve as persuasive authority for courts of equal standing and superior courts. Even when lower courts are inclined by good reason to depart from binding precedents, they are still bound to follow them. It has been stated that judicial precedents ensure the certainty and predictability of laws.¹⁵

e. Order of judicial hierarchy: It is necessary for the following of judicial precedents that there is an established judicial hierarchy. The hierarchy determines which decisions are binding on which courts and those that are persuasive. The Supreme Court of Nigeria is the highest court and its decisions are binding on all courts inferior to it.¹⁶ Below it is the court of appeal. Below the court of appeal, on coordinate jurisdictions, are the Federal High Court, State High Courts, High Court of the Federal Capital Territory, Sharia Court of Appeal of the Federal Capital Territory, Sharia Court of Appeal of the states, Customary Court of Appeal of the Federal Capital Territory and the Customary Court of Appeal of the states. There are also the magistrates' courts, Area courts and Customary courts.

¹³ *Ibid*

¹⁴ Dr. US Abbo Jimeta and others, Nature and sources of the Nigerian Legal System: An Exorcism of wrong Notion, *International Journal of Business, Economics and Law*, (2014)5 (4), p.552.

¹⁵ *Ibid*

¹⁶ Gideon Okeke, Judicial Precedent in The Nigerian Legal System and A Case For its Application Under International Law <www.climatestrategy.ecowas.int> accessed 10 December, 2024

f. Fusion of the legal profession: In Nigeria, legal practitioners practice as both solicitors and barristers as opposed to what is obtainable in England where legal practitioners are either solicitors or barristers. Nigerian legal practitioners are admitted to the bar as solicitors and advocates of the Supreme Court of Nigeria.¹⁷

g. Accusatorial and Adversarial System: Nigeria, as a common law country, has its courts applying an adversarial or accusatorial system as opposed to the inquisitorial System applied by civil law countries. The judge in an accusatorial system is to be an unbiased umpire and is never to descend into the arena. Both parties are to present their cases and prove it without any assistance or inquisition by the judge. In *Adetoun oladeji v. Nigerian Breweries Ltd.*,¹⁸ the court took notice of a bailment issue which was not presented by either of the parties. The supreme court reversed the decision and restated that courts were not to help parties present issues.

h. Military Influence: The repeated occurrences of coups in the past has left the legal System influenced by the military. There were decrees and edicts which were made and are still in force.¹⁹

2.1 Sources of Nigerian Law

We cannot discuss the Nigerian judiciary without discussing the sources of laws. The Judiciary is saddled with the mandate to interpret the law, it is therefore pertinent to examine the sources of these laws. The source of anything refers to where it is gotten from. The expression “sources of Nigerian law” is capable of several meanings, depending on the context in which it is used. It may refer to the formal source, the material source, the historical source and the legal source.²⁰ The formal source of law is the very foundation of the entire legal order, the ultimate fountain from which a particular rule derives its binding authority as law. An example of this is the Nigerian constitution which is the grundnorm. The material source refers to the written text in which it can be gotten. This may come in the form of statute books, law reports, etc. The historical source refers to the historical situation which led to the creation of laws. The legal sources are the accepted processes through which rules are validated as having the binding force of law. The main concentration of this chapter would be placed in the legal sources and

17 Whyte Ibidapo, 'Nigerian Legal Profession in the 21st Century'
< <https://www.academia.edu> > accessed 18 December, 2024.

18 (SC 91/2002) [2012] NGSC 1

19 *Ibid* (n.10)

20 *Ibid*(n.10)

they are as follows:²¹

- a. The Local statutes in force- This includes the Constitution and all other Laws enacted by the National and the various Houses of Assembly in Nigeria .
- b. Case Law- This refers to judicial precedents or decisions of courts especially superior courts which have been judicially noticed.
- c. English law- comprising extended English law which are Acts or Orders-in-council applying to Nigeria and received English law which is made up of statutes of general application, the common law, and doctrines of equity.
- d. Customary law- which is based on the tradition and customs of the people and Sharia Law which is the religious beliefs of the people.

As stated above, the Nigerian legal System is pluralistic due to the diversity of its people, with different cultures and beliefs. The colonial administration succeeded in redefining the nature and concept of the Nigerian legal System as well as customary law and sharia law. These sources of Law shaped the legal System as well as court system. The local statute in force, especially the Constitution established the hierarchy of courts and their jurisdictions.

2.2 Background of the Nigerian Court System

Before colonialism and the amalgamation of the northern and southern protectorates in 1914. Nigerians relied on the Indigenous court system and customary law to settle disputes,²² Though, foreigners often felt like they rarely obtained justice and so there was a need for the justice administration system to be improved. In 1849, the British government appointed the first consul in Nigeria. The consuls were to settle trade disputes between the indigenous people and foreigners, and they established the first formal courts known as the equity courts and the consular courts. The British government made Lagos a colony in 1862, introducing English laws which were to be administered by some established courts. The first Supreme Court was established in 1863 by the Supreme Court Ordinance 1863.²³ Other courts that were established were the Court of Civil and Criminal Justice which replaced the Supreme Court and the West African Court of Appeal. Several other courts were established before 1874 and in 1876, the Supreme Court

21 Anthony. Park, *The Sources of Nigerian Law* Malaya Law Review, Vol. 6, No. 1 (July 1964), pp. 221-224 (4 pages)

22 Oluwatosin Ogwezzy, History and Organization of Courts System in Nigeria <AGORA International Journal of Juridical Sciences, <http://univagora.ro/jour/index.php/aijs>> accessed 15 September 2024.

23 Supreme Court of Nigeria <<https://supremecourt.gov.ng>> accessed 16 September 2025

Ordinance 1876 established a new supreme court which was to administer the common law of England, the doctrines of equity, and the statutes of general application in force in 1876. The Supreme Court was made up of the Full Court which served as a court of appeal, the Divisional Courts with both original and appellate jurisdiction, and the District Commissioners' Courts. Appeals from the District Commissioners' Court went to the Divisional Courts while the appeals from the decisions of the Divisional Courts went to the Full Court. The received English law was in force simultaneously with the customary laws.²⁴

In 1899, southern Nigeria were amalgamated by the Southern Nigeria Order in Council which took effect on the 1st of January 1900. The Order provided for the appointment of a high commissioner who was empowered to make laws for the protectorate through proclamations. The high commissioner established a Supreme Court through the Supreme Court Proclamation 1900, and the Supreme Court was to administer the common law of England, the doctrines of equity and the statutes of general application in force in England on 1st of January 1900. Courts were established through the Native Courts Proclamation 1900 to administer the customary laws which the indigenous courts previously administered. In any jurisdiction where a native court had been established, no indigenous court could be in force as the native courts exercised their jurisdiction exclusively. The native court system failed in southern Nigeria. The Northern part of Nigeria was not left out as a High Commissioner was also established for the protectorate of Northern Nigeria established a Supreme Court, provincial courts and cantonment courts through the Protectorate Courts Proclamation 1900. The Native Courts were established by a separate proclamation which was the Native Courts Proclamation 1900. It should be noted that the native court system fared better in the north than it did in the south because the indigenous people were allowed to appoint the heads of their native courts, a privilege that was not extended to the Southern part of Nigeria.²⁵

In 1914, the colony and protectorate of southern Nigeria was amalgamated with the protectorate of northern Nigeria to form the colony and protectorate of Nigeria. Three types of courts were established for the country, which were the Supreme Court, the Provincial courts and the native courts.²⁶ The Supreme Court was similar to the one established in both the North and south in 1900, applying the common law of England, doctrines of equity and the statutes of general application in force in England on the 1st of January

24 Learn Nigerian Law, History of Nigerian Legal System.
<https://www.learnnigerianlaw.com> accessed 18 September 2024

25 *Ibid*

26 *Ibid*

1900. It had civil and criminal jurisdiction.²⁷ The provincial courts had civil and criminal jurisdiction, with appeals from its civil decisions going to the Supreme Court while there was no opportunity to appeal its decision in criminal cases. The provincial courts were widely criticized as it did not make provision for legal representation and the courts were manned by administrative personnel instead of judicial personnel and they could hardly be expected to deliver justice properly. While the government claimed that it was to enable litigants to get justice cheaply, there is no point in it being cheap if justice cannot be gotten, especially since the decision of the provincial courts could not be appealed in criminal cases.

The judicial System attracted so much criticism that in 1933, the Protectorate Courts Ordinance 1933 established a High Court and Magistrates' courts for the protectorate.²⁸ The High Court had the same jurisdiction as the Supreme Court, except that only the Supreme Court had jurisdiction in probate, divorce, and matrimonial cases, admiralty cases, and proceedings under specified Ordinances.²⁹ The High Court and Supreme Court decisions could be appealed to the West African Court of Appeal. The jurisdiction of the native courts was also increased until 1954, when the first truly federal constitution was enacted, with Nigeria being a federation consisting of three regions. A Federal Supreme Court was established. There was also a High Court for each region and Lagos. A magistrates' court was established for each region and appeals from the courts went to the High Court of that region. There were also statutory courts which were known as Customary Courts in the eastern and western regions and native Courts in the northern region. The northern region had a customary court of appeal which was known as the Moslem Court of Appeal and was to entertain appeals from the native courts in civil and criminal cases where Islamic law was applied. The Sharia Court of Appeal was established in 1960 to handle appeals from the Muslem Court of Appeal.³⁰

However, the hierarchy of courts we have in Nigeria today is from the 1963 Constitution.³¹ This means that despite gaining independence in 1960, the Privy Council remained the highest court of the country, entertaining appeals from the Federal Supreme Court. It was in 1963 that a new difference

27 *Ibid*

28 *Ibid*

29 Yusuf Ali, SAN, The Evolution of Ideal Nigerian Judiciary in the New Millennium<<https://yusufali.net>> accessed 10 December, 2024

30 Abdulmumini Adebayo Oba, The Sharia Court of Appeal in Northern Nigeria: The Continuing Crises of Jurisdiction, The American Journal of Comparative Law, Vol. 52, No. 4 (Autumn, 2004), pp. 859-900

31 Adenike Adetifa, Hierarchy of Courts in Nigeria< <https://legalnaija.com> > accessed 18 November 2024

was introduced, with the federal supreme court abolished to establish a new court known as the Supreme Court of Nigeria to be the highest court in the country. This hierarchy was transferred to the 1979 and 1999 constitutions respectively. This Supreme Court exists till the present, headed by the Chief Justice of Nigeria.³² There are also other courts like the Court of Appeal,³³ Federal High Court,³⁴ The National Industrial Court,³⁵ High Courts of States,³⁶ High Court of the Federal Capital Territory,³⁷ High Court of the Federation, Sharia Court of Appeal, Customary Court of Appeal, National Industrial Court, Magistrate courts, Customary Courts, Sharia Courts. Before now, these courts have operated manually resulting in delays in the administration of justice despite having in place practice and procedure rules that guide operations.

With the advent of technology, most of these Court procedural rules have been amended especially to accommodate innovations and disruptions and to mitigate risks associated with technology.³⁸ The courts especially at the federal level have embraced technology because of the huge benefits and its usefulness in fast-tracking justice delivery. Lack of necessary infrastructures that will enhance the enjoyment of not only technology but application of AI in our courts has stalled full application of technology in Nigerian Courts. The reason is not farfetched as the judicial sector is yet to attain full independence. Section 17(2) (e) and 36 (1) of the Constitution guarantees independence and impartiality of the judiciary. Despite being a distinct and separate arm with the existence of safeguards and guarantees, the independence of the judiciary is yet to be fully achieved especially at the State level. Though efforts are being made to ensure the realization of judicial independence to improve the administration of justice, embrace innovations and also put in place the necessary infrastructures that are necessary for application of technology in the judiciary especially the courts. The need for the judiciary to leverage on available technology and AI tools can certainly not be exaggerated. In various sectors across the country especially the telecommunication sector, the use of information technology and AI has been embraced to good effect and the Nigerian judiciary cannot be left out as conflicts arising from these sectors find their way to the

32 Constitution of Federal Republic of Nigeria 1999, Section 230

33 Constitution of Federal Republic of Nigeria 1999, Section 237

34 Constitution of Federal Republic of Nigeria 1999, Section 249

35 Constitution of Federal Republic of Nigeria 1999, Section 254A

36 Constitution of Federal Republic of Nigeria 1999, Section 270

37 Constitution of Federal Republic of Nigeria 1999, Section 255

38 High Court of Cross Rivers States (Civil Procedure) Rules, 2022, Order 1 Rule 2, Tax Appeal Tribunal (Procedure) Rules 2021, Order XI Rule 4

courtrooms.³⁹ It is important for the judiciary to leverage technology especially in the 21st century to ensure efficient dispensation of justice.

3.0 Leveraging Technology for Efficient and Accessible Judiciary

Accessing justice in Nigeria has historically been a challenge for many citizens due to several factors ranging from inefficiencies in the legal System, lack of awareness of rights, and geographical barriers. With the rapid advancement of technology and innovation, there is however an unprecedented opportunity to transform access to justice. Through the thoughtful integration of technology into legal processes and the promotion of innovative solutions, individuals across the country can now navigate the legal System more efficiently, affordably, and equitably than ever before.⁴⁰

The Nigerian judiciary has for a long time been associated with a conservative approach and traditional methodologies of justice administration. This has over time proved to be unfavourable to the judiciary given the volume of cases before courts that need to be expeditiously dealt with and other socio-economic challenges affecting the dispensation of justice. Leveraging technology to achieve an efficient and accessible judiciary has increasingly become of utmost importance in today's world. This is because technology can potentially streamline judicial processes, improve accessibility for citizens, and enhance the transparency and fairness of legal systems.⁴¹ Nigeria as a developing country has benefited immensely from the advancement of digital technology, especially in the legal field. Modern digital technologies are being rapidly adopted in Nigeria's judicial processes for effective justice administration.⁴² This has become imperative in order to enhance the efficiency and efficacy of Nigeria's court proceedings. Integrating virtual court proceedings and other evolving technologies into the judicial System of Nigeria consequently offers a pathway to enhanced access to electronic case management and court sessions.⁴³

The use of technology in court proceedings offers numerous advantages

39 Olisa Agbakoba, Artificial Intelligence(AI) and the Legal System in Nigeria: Navigating the Evolving AI regulatory Concerns , Ethical Considerations and Challenges to the Legal System <[tps://www.mondaq.com](https://www.mondaq.com)> accessed 10 November 2025.

40 Tomisin Farinola, 'Empowering Nigerians to Access Justice' <<https://www.linkedin.com/pulse/leveraging-technology-innovation-empowering-7cbmf>> accessed 7 April 2025.

41 T Muparadzi, R M Mukonza, 'Prospects for Implementing Digital Technologies in the Administration of Justice in Zimbabwe' <<https://www.lawjournal.digital/jour/article/view/483>> accessed 6 April 2025.

42 P A Aidonojie, S A Wakili, D Ayuba, 'Effectiveness of the Administration of Justice in Nigeria under the Development of Digital Technologies' <<https://www.lawjournal.digital/jour/article/view/314>> accessed 7 April 2025.

43 *Ibid.*

which include increased efficiency, faster case processing, enhanced security and, improved accessibility. It also streamlines processes and reduce paperwork which diminishes administrative bottlenecks and delays. Also, electronic filing systems, digital case management, and virtual courtrooms can enhance access to justice, improve scheduling efficiency, and facilitate remote participation.⁴⁴

The National Judicial Council (NJC) in Nigeria plays a pivotal role in promoting the adoption of technology in court proceedings. This it does by developing and implementing policies, providing training, and ensuring that courts are equipped with the necessary ICT infrastructure. The NJC's efforts are driven by a commitment to improve the efficiency and effectiveness of the justice delivery system.⁴⁵ In 2012, the NJC through the instrumentality of the National Judicial Policy, recommended the use of ICT by all Courts in Nigeria. Pursuant to the policy, the Chairman of the NJC inaugurated the Judicial Information Technology Policy Formulation Committee that was charged with the responsibility of developing a comprehensive, pragmatic information technology policy for the Nigerian Judiciary. This culminated in the Judicial Information Technology Policy ("the JIT Policy") with several recommendations on the deployment and management of ICT within the Nigerian Judiciary. Also, in response to the disruption occasioned by the COVID-19 pandemic, the NJC in May 2020 released "Guidelines for Court sittings and related matters in the COVID-19 period" (the Guidelines").⁴⁶ The various heads of Courts swung into action and also issued Practice Directions for remote hearing of cases during the pandemic amongst other issues. A

44 Vikash Kumar Singh, 'Leveraging Technology to Accelerate the Criminal Justice System: A Comprehensive Analysis' <<https://www.ijcrt.org> > papers accessed 11 April 2025> accessed 11 April 2025.

45 Benita Ezumezu, 'A Letter to National Judicial Council: Technology for the Future of the Nigerian Court System' <<https://1828.org.uk/2023/12/22/a-letter-to-national-judicial-council-technology-for-the-future-of-the-nigerian-court-system/>>. Even though the NJC played an important role in driving technological adoption in Nigerian courts, particularly with virtual court proceedings (VCP) during the COVID-19 pandemic, it wasn't however the first initiator. The reason being that electronic filing and service which pre-dated 2020, and the use of audio-visual links (AVL) for expert and vulnerable witnesses existed even earlier than that but was not fully implemented. The NJC is a regulatory body for the Judiciary created by the 1999 Constitution of the Federal Republic of Nigeria. Amongst other functions, it is responsible for the Appointment, Promotion and Discipline of Judicial Officers. For further reading see, 'National Judicial Council' <<https://njc.gov.ng/>> accessed 12 April 2025.

46 Agba Eimunjeze, 'Technology as a Tool for Enhancing Legal Services and Delivery of Justice in Nigeria' <<https://aarndalelaw.com/technology-as-a-tool-for-enhancing-legal-services-and-delivery-of-justice-in-nigeria/>> accessed 11 April 2025. See also 'National Judicial Council, The National Judicial Policy' <<https://www.njc.gov.ng/national-judicial-policy>> accessed 10 April 2025.

prominent feature of these Guidelines and Practice Directions is the implementation of virtual Court sittings/remote hearings.⁴⁷ Some of the key technologies employed in Nigeria's court proceedings are discussed hereunder:

a. Remote or virtual Court Proceedings

The remote court proceeding was recommended by the then Chief Justice of Nigeria by way of circular NJC/CIR/HOC/II/656 in April 2020 to mitigate the suspension of courts activities during Covid-19 pandemic as stated earlier. The Heads of Courts thus issued Practice Directions for a remote court sitting pursuant to powers granted by the Constitution following the recommendation.⁴⁸ The Practice Directions issued for instance by Lagos, Ogun, and Abuja Judiciaries in respect of Remote Court Proceedings (RCP) allow electronic filing of cases and payment of assessment fees which may be done by email, WhatsApp or Dropbox. This incidentally happens to be the trend in African country like Kenya where filing is permissible either via email, e-lodgment or fax. This means of electronic filing i.e. via email, WhatsApp or Dropbox leverages available free media which is inexpensive to implement.⁴⁹ In virtual proceedings, the audience or the general public is expected to have access to and observe the court proceedings without any hindrance to avoid encroaching upon the guaranteed rights under the Constitution. The entire trial, including applications, examination of witnesses, tendering of documents, presentation of addresses, and even judgments, is to be done remotely without any physical contact whatsoever between the counsel, the court officials, the parties, and the audience.

The implementation of virtual sittings/remote hearings has, however, not been without controversy. The use of technology with respect to remote or virtual hearings though laudable may or faces underlying constitutional

47 Ibid.

48 See Sections 236, 248, 254, 259, 264, 269, 274, 279, and 284 of the 1999 Constitution of the Federal Republic of Nigeria (as amended 2010) which empower the Heads of all superior courts of records to make Rules and Procedures for their Courts. Apart from Lagos, Ogun, and Abuja (FCT) state judiciaries, Borno, Edo, and Ekiti state judiciaries have also issued practice directions for remote court proceedings. Some other states are also considering adopting virtual court hearings. For further reading see, Ibrahim Sule and Others, 'Virtual Court Proceedings in Nigeria: Some Legal Matters Arising' <<https://ej-politics.org/index.php/politics/article/view/91> accessed 12 April 2025> accessed 11 April 2025. Remote court proceedings simply refers to court proceedings where the court officials, the judge, the parties, and their counsel interact and conduct the court's business virtually.

49 Olubukola Olugasa, Abimbola Davies, 'Remote Court Proceedings in Nigeria: Justice Online or Justice on the Line' <<https://iacajournal.org/articles/10.36745/ijca.448>> accessed 12 April 2025.

criticism which could disrupt this approach. The most nagging question that surrounds this development is the constitutionality of virtual sittings and whether it satisfies the requirements of sections 36(3) and (4) of the 1999 Constitution of the Federal Republic of Nigeria which requires court proceedings to be heard in public.⁵⁰ There are arguments that virtual/remote hearings are alien and unconstitutional and unless pertinent sections of the Constitution are amended, the unconstitutionality of virtual hearings could be used as grounds to set aside a judgment on appeal.⁵¹ In fact, there has already been a challenge to the constitutionality of RCP where the Attorneys General of Lagos and Ekiti States approached the Supreme Court of Nigeria in order to determine the constitutionality of RCP.⁵² The Supreme Court threw out two suits challenging RCP and merely held that remote court proceedings are not illegal in Nigeria. This however in the opinion of some leaves a grey area when it comes to the adoption of RCP as the law is trite that only the *ratio decidendi* (reason for decision) made by the Court when dealing cases before it actually forms binding precedents for future cases.⁵³

Notwithstanding the foregoing, it is important to point out that the word ‘public’ is not defined by the courts. The Black’s Law Dictionary defines it as ‘open or available for all to use, share or enjoy’.⁵⁴ In *Kosebinu & Ors v. Alimi*,⁵⁵ the Court of Appeal per Muhammad JCA stated as follows “It is my firm and considered view that a place qualifies under S.36 (3) of the 1999 Constitution to be called “public”, and which a regular Court room is, if it is outrightly accessible and not so accessible on the basis of the “permission” or “consent” of the Judge”. The problem here is that the word ‘public’ is mistaken for the word ‘physical’. Public when used in that context does not in any way mean physical but means unconditional general accessibility. This could be virtual or physical. Additionally, the Constitution does not suggest that for a hearing to have been carried out in public, it must be heard in a

50 Agba Eimunjeze, ‘Technology as a Tool for Enhancing Legal Services and Delivery of Justice in Nigeria’ <<https://aarndalelaw.com/technology-as-a-tool-for-enhancing-legal-services-and-delivery-of-justice-in-nigeria/>> accessed 11 April 2025.

51 *Ibid.*

52 See the cases of *Attorney General of Lagos State v. Attorney General of the Federation & Anor* (Suit No. SC/CV/260/2020, unreported) and *Attorney General of Ekiti State v Attorney General of the Federation* (Suit No SC/CV/261/2020, unreported). See also, Felix Omohomhion, ‘Supreme Court dismisses Suits against Virtual Hearing’ <<https://businessday.ng/news/article/supreme-court-dismisses-suits-against-virtual-hearing/>> accessed 13 April 2025

53 Olubukola Olugasa, Abimbola Davies, ‘Remote Court Proceedings in Nigeria: Justice Online or Justice on the Line’ <<https://iacajournal.org/articles/10.36745/ijca.448> > accessed 12 April 2025.

54 Bryan A Garner, (ed.) 9th ed. 2009.

55 (2005) LPELR-11442 (CA) PP 20-24, Paras. C-F.

b. Digital Recording and Transcription

One of the technologies adopted by some courts is digital audio and video recording systems for court proceedings. The judiciary in Lagos and Abuja for example have brought in the use of technology to aid in the recording of proceeding. The FCT (Abuja) Courts launched a digital speech recording machine and video transcription system in 2020 which will accurately record and convert speech made in the Courtroom to text as well as generate a text document.⁵⁷ In Lagos, verbatim recorders/reporters are put in place in some Court rooms. They supposedly capture Court proceedings accurately using a stenotype machine. The usage of these alternative means of taking Court records has however not yielded great success due to inaccuracies in the transcripts produced by verbatim reporters. This has made judges to still rely on their longhand writing.⁵⁸

c. Case Management Systems (CMS)

Courts have also begun using Court Case Management Systems (CCMS) to streamline administrative tasks. This particular technological device improves data management, workflow efficiency, collaboration, document handling, case tracking and scheduling, managing court dockets and ensuring timely updates. The Court case management software is a digital solution for organizing, tracking, and automating case handling for law firms and courts.⁵⁹ The Court Case Management System (CCMS) has so far been implemented in the Supreme Court, the Court of Appeal, and the High Court.⁶⁰

56 Agba Eimunjeze, 'Technology as a Tool for Enhancing Legal Services and Delivery of Justice in Nigeria' <<https://aarndalelaw.com/technology-as-a-tool-for-enhancing-legal-services-and-delivery-of-justice-in-nigeria/>> accessed 11 April 2025.

57 O M Atoyebi, 'The Exigency of Digital Recording in Courts' <<https://omaplex.com.ng/the-exigency-of-digital-recording-in-courts/>> accessed 12 April 2025.

58 *Ibid.*

59 'How Court Case Management Software Transforms Legal Operations?' <<https://www.matellio.com/blog/court-case-management-software-development/>> accessed 12 April 2025.

60 'Nigeria: Installation of Court Case Management System at Supreme Court' <<https://www.ncscinternational.org/where-ipd-works/africa/2015/nigeria-installation-of-court-case-management-system-at-supreme-court>> accessed 12 April 2025> accessed 13 April 2025. The Enugu State Judiciary is additionally utilizing a case management system as part of a broader initiative to improve court operations and enhance efficiency. This System is developed with support from the British Council and PRAWA (Prisoners Rehabilitation & Welfare Action). See 'New Case Management System for Enugu State Judiciary' <<https://prawa.org/2013/03/21/new-case-management-system-for-enugu-state-judiciary/>> accessed 13 April 2025.

d. Judicial Websites and Portals

Many courts and judicial bodies like the Nigerian Judiciary Information Technology Policy (NJITP) initiative have now launched websites where necessary information on court judgments, case updates, forms and legal materials can be accessed. For instance, the website of the Supreme Court is <http://supremecourt.gov.ng>. This according to Justice Ajileye should be the minimum requirement for any court that is prepared for the current ICT revolution.⁶¹

e. Online Dispute Resolution (ODR)

ODR is simply the use of technology particularly the internet to resolve disputes. It involves the adaptation of technological tools and systems for the resolution of offline and online disputes.⁶² ODR has been said to encompass many forms of Alternative Dispute Resolution (ADR) incorporating the use of the Internet, websites, e-mail, communications, streaming media and other information technology as part of the dispute resolution process. These ODR platforms allow individuals to resolve disputes without litigation, making the process faster, cheaper, and more convenient.⁶³

f. AI in Courts

Artificial Intelligence (AI) is fast becoming integral to enhancing operational efficiency and client service delivery. There are diverse AI solutions, virtual assistants, and data analytics tools to optimise workflows and elevate the overall quality of legal services. These innovations range from standalone platforms to advanced features embedded within existing legal software and practice management systems.⁶⁴ While the incorporation of AI into Nigerian

61 Alaba Ajileye, 'Upcoming Trends on ICT in the Judiciary (as amended)' <https://www.researchgate.net/publication/262181516_Upcoming_Trends_on_ICT_in_the_Judiciary_as_amended> accessed 13 April 2025

62 Morenike Obi-Farinde, 'Online Dispute Resolution (ODR): A Viable Solution to Speed and Efficiency Issues in ADR' <<https://mediate.com/online-dispute-resolution-odr-a-viable-solution-to-speed-and-efficiency-issues-in-adr/>> accessed 13 April 2025. See also the Arbitration and Mediation Act, 2023, which expands on dispute resolution methods, including mediation, which could be utilized in an online format. Specifically, Part II of the new Act focuses on mediation, potentially offering a framework for online dispute resolution.

63 *Ibid.* ODR does not challenge ADR but complements it and it is inevitable that technology will be increasingly integrated into the dispute resolution process.

64 Connor Goodwin, 'AI in Legal Case Management' <<https://safelinkhub.com/blog/ai-in-legal-case-management>> accessed 13 April 2025. AI-powered tools can also be utilized to search legal databases for relevant case precedents, thus making research faster, more accurate and reducing the cost of legal services. It can additionally help in predicting case outcomes (predictive analytics) based on historical data. This goes a long in assisting judges and lawyers in making informed decisions.

courts is still evolving, there are existing tools that could be employed. For instance, ModulawAI, (a new legal technology platform) was recently launched on 10 April 2025 in Nigeria. The platform combines AI-powered legal research with an integrated case management system that is specifically tailored for Nigerian legal professionals. The platform allows users to query over 10,000 Nigerian judgments, including Supreme Court, Court of Appeal, and National Industrial Court rulings using a custom-trained legal language model.⁶⁵

From the foregoing discussion it becomes quite glaring the integration of technological devices in the Judiciary has long term benefits that will streamline court processes, reduce cumbersome paperwork and improve efficiency in justice delivery.

4.0 Legal Frameworks

The advent of the digital age has profoundly transformed the landscape of governance, commerce, and social interaction, and the administration of justice is no exception. As technology becomes increasingly embedded in legal processes, from e-filing systems and virtual courtrooms to artificial intelligence in case management and blockchain in evidence handling.⁶⁶ It has become imperative to identify the legal frameworks that govern justice delivery in the digital age. The core values of the justice system, fairness, accessibility, transparency, and efficiency are now being tested against the demands and challenges of digital innovation.⁶⁷

This part of the paper will identify the existing legal framework that enable justice delivery in the digital age. It is a reflection of how traditional legal doctrines, statutory regimes, procedural rules, and institutional mechanisms have evolved, or ought to evolve, to accommodate new modes of legal engagement. As issues such as virtual court proceedings, data protection, cybersecurity, digital evidence, and algorithmic decision-making now occupy central concern in legal discourse.

Companies like Lex Machina use machine learning and predictive analytics to draw insights on individual judges and lawyers, as well as the legal case itself, to predict behaviors and outcomes. For further reading see, 'AI in Legal Practice' <https://lawpavilion.com/blog/ai-in-legal-practice/> accessed 14 April 2025.

65 Chisom Micheal, 'ModulawAI launches to transform legal research and case management in Nigeria' <<https://businessday.ng/technology/article/modulawai-launches-to-transform-legal-research-and-case-management-in-nigeria/> > accessed 13 April 2025.

66 Townend, Judith, and Lucy Welsh, *Justice System Modernisation, Digitalisation and Data In Observing Justice*, (Bristol University Press, 2023) pp. 40-64

67 Shimon Shetreet, "Fundamental Values of the Justice System" (2012) 23 Eur. Bus. L. Rev. 61 (2012)

Setting rules and standards of conduct that provide mechanisms for enforceability, the existing legal framework for digital technology in the justice sector has created a foundation for related policies such as:

- a. Judicial Information Technology Policy of the Nigerian Judiciary 2012
- b. National Policy on Justice (2017)
- c. Nigerian Bar Association (NBA) Digital Policy Proposals

Nigeria has done well to put in place a fair legal framework for enforceability as identified below.

4. 1 The Constitution of the Federal Republic of Nigeria 1999 (as amended)

The Constitution vests judicial powers in the courts.⁶⁸ This goes without saying that courts play a crucial role in Nigeria's justice delivery. These are listed in Sec. 6(5) Constitution as superior courts of record. However, there are scenarios where non judicial actors, such as administrative bodies, have obligations to adopt judicial approach and comply with basic requirements of justice by exercising quasi-judicial powers.⁶⁹

Recognising the evolving nature of governance and the proper administrative function of the judiciary, the Constitution empowers the judicial heads of courts of records to make rules for regulating the practice and procedure of the courts.⁷⁰ This has bridged the gap that may have been created in procedures and administrative issues in the judiciary, particularly with the evolving trend of technology. Some rules that have emerged as a result of this include:

4.1.1 National Industrial Court (Civil Procedure) Rules 2017⁷¹

The National Industrial Court of Nigeria (NICN), through its Civil Procedure Rules 2017, represents one of the most progressive examples of how judicial institutions in Nigeria have embraced technological innovation.

The National Industrial Court of Nigeria (NICN) has distinguished itself as a pace-setter in judicial reform through the adoption of its 2017 rules,⁷² which embed various technology-driven provisions. These Rules reflect a paradigm shift in judicial philosophy away from rigid formalism toward a more user-

68 Sec. 6 Constitution.

69 Sule Tomkinson , Hubert Brulotte , Dorothee Cormier , Nicolas Desnoyers , Katy Faye, Catherine Lanouette & Jeremy Trudel, 'Judging Administrative Judges: Oversight, Accountability, and Citizen Complaints' (2024) 40 Windsor YB Access Just 38

70 Sec. 236, 248, 254, 259, 264, 269, 274, 279, 283, 284 of the Const.

71 Constitutionally empowered by sec. 254 of the Const. to exercise jurisdiction over labour disputes

72 Made pursuant National Industrial Court Act 2006, which grants the President of the Court the authority to regulate procedural rules

centered, technology-enabled justice system. There is established an Electronic Centre where an officer of the court, referred to as the Electronic Filing Manager, sees to the filing and service of court processes.⁷³ Service of court process is deemed good and proper upon the sending and acknowledgement by the Electronic Filing Manager.⁷⁴

The beauty of this provision is that the onus is not on the party serving the process to prove that indeed the mail has been delivered but that of the designated court official. Furthermore, a printed copy of the electronically served process may serve as proof of service and tendered as same.⁷⁵ The rules also leave no room for dispute as to whether hearing notice has been served or not. It provides under O.7 R. 8 that the delivery of a hearing notice via electronic mail is good and proper service as long as it was delivered to the to the contact address provided by a party.

4.1.2 NICN Practice Direction and Guidelines for Court Sitting 2020

Though passed in the heat of the Coronavirus (COVID-19) pandemic, the objective of this practice direction is to, amongst others, ensure that remote hearing is conducted in accordance with the Constitution even after the pandemic. Sec. 4 of the practice direction permit the electronic filing of cases and payment of assessment fees as this may be done by email, WhatsApp or Dropbox.⁷⁶

Section 6 NICN Guidelines further includes the use of Legal Mail as an option for electronic service of court processes. The proof of delivery of such mail is deemed as proof of service.⁷⁷ Though a welcome development. It may not serve as full proof of service because such mail may not be in use by the practitioner thereby putting its delivery in doubt. This is very important because proper service of process goes to the foundation of a case.

With regards to court sittings, the National Industrial Court of Nigeria has provided for virtual court hearings through various video conferencing platforms such as Zoom, Microsoft Teams, etc.⁷⁸ The Supreme Court has

73 O 6A R 1 and 2

74 O 6A R 12

75 O. 7 R. 5

76 This is also provided for by Section 6-10, of the Practice Direction for Remote Hearing of Cases in the Lagos State Judiciary 2020, Section 4 Ogun State Practice Direction No. 2 of 2020, Part C (1) Federal High Court Practice Direction for Covid-19 Period 2020.

77 See Section 6 (6), of the NICN Practice Direction and Guidelines for Court Sitting 2020, Part D Federal High Court Practice Direction for Covid - 19 Period 2020, Section 5 Ogun State Practice Direction No. 2 of 2020.

78 Section 7 of the NICN Practice Direction and Guidelines for Court Sitting 2020, Section 4(b) High Court of River State Practice Direction No. 2 of 2020, Part F Federal High Court Practice Direction for Covid - 19 Period 2020, Section 6-7 Ogun State Practice Direction No. 2 of 2020

affirmed the validity of same in *Attorney General of Lagos State v. Attorney General of the Federation & Ors*⁷⁹ holding that virtual court proceedings in Nigeria do not violate Section 36 of the 1999 Constitution (right to fair hearing), provided the proceedings are conducted in accordance with fair trial principles. This is accompanied with various challenges such as to lack of skill by the judges and legal practitioners in navigating technological devices and conferencing platforms which will in turn affect tendering of evidence and evaluate the credibility of witnesses.

4.1.3 Court of Appeal Practice Directions, 2014

The main objective of this practice direction is to fast-track the procedures in the Court of Appeal through technology. Paragraph 14 provides for and acknowledges the need for electronic signatures. A document is deemed signed if the signature is printed by computer or other mechanical means.⁸⁰

4.1.4 Federal High Court (Civil Procedure) Rules 2019

The Federal High Court (Civil Procedure) Rules 2019, which replaced the 2009 version, were designed in part to confront challenges by incorporating technology-driven processes into the administration of civil justice such as electronic service of process, electronic evidence and digital admissibility, technology-assisted case management, and virtual hearings.⁸¹

4.2 Cybercrimes (Prohibition, Prevention, Etc) Amendment Act, 2024

This legislation not only strengthens the nation's cybersecurity infrastructure but also integrates technological innovations to enhance the efficiency and accessibility of the judiciary in the digital era. Section 17 of the Amendment Act clarifies the legal standing of electronic signatures. It stipulates that electronic signatures can now be legally verified through Certified True Copies, providing a solid framework for authentication in digital transactions. This provision aligns with the Evidence Act, which formally recognizes electronic records and digital signatures, thereby facilitating the admissibility of electronic evidence in judicial proceedings. Section 38 of the Act intersecting with the NDPA '23 ensures that data privacy and protection are maintained and in effect ensuring that the judiciary safeguards same. However, because of the technical nature of the cybercrime, awareness and training for the stakeholders will be well in place.

4.3 Nigeria Data Protection Act (NDPA) 2023

⁷⁹ (2021) LPELR-53588(SC)

⁸⁰ Paragraph 14(1)

⁸¹ Federal High Court (Civil Procedure) Rules 2019

The NDPA provides a legal foundation that empowers the judiciary to integrate technology into its operations while safeguarding personal data. This alignment ensures that the judiciary can meet contemporary demands without compromising the rights of individuals. Confidentiality of personal data is key, and section 39 of the NDPA mandates controllers and processors to put measures in place to ensure this. A much-needed provision that is crucial for the judiciary, as it handles sensitive information in digital formats. In the event of data breach, the Nigerian Data Protection Commission (NDPC) is informed by the data controller within 72 hours.⁸² This provision is commendable and effective for remedial purposes in the event of any data breach.

By virtue of sec. 41 and 43 respectively, the judiciary now has legal backing and is rest assured that data transferred outside jurisdiction, particularly cases with international parties, maintains its protection standards.

4.4 Administration of Criminal Justice Act (ACJA) 2015

One of the most notable technological provisions of this Act is Section 15(4) of the ACJA:

“Where a suspect who is arrested with or without a warrant volunteers to make a confessional statement, the police officer shall ensure that the making and taking of the statement is recorded electronically on a retrievable video compact disc or such other audiovisual means.”

This provision addresses Electronic Recording of Confessional Statements which will address a long-standing concern about the admissibility and voluntariness of confessions, particularly in cases of alleged coercion or torture. The courts have interpreted these requirements to be directory, and it sets a substantial policy standard for technological compliance⁸³ The ACJA provides that the Attorney-General of the Federation shall establish an electronic and manual database of all records of arrests at the Federal and State level.⁸⁴ It further requires that notes of evidence during trials should be recorded electronically.⁸⁵ Most courts have taken a leave from this and now maintain a case file register and record of proceedings which is increasingly being digitized in many jurisdictions. The automation of court records and scheduling systems aligns with the need for real-time tracking of criminal matters and integration with case monitoring platforms developed under

82 Sec. 40 (2) NDPA

83 See *Charles v FRN* (2018) LPELR – 43922(CA); *Nnaji for v FRN* (2018) LPELR–43926(CA)

84 Sec. 29(5) ACJA

85 Sec. 364 ACJA

judicial reform projects (e.g. by the Nigeria Police, the Ministry of Justice, and the Judiciary).

By the interpretation of Sec. 490 ACJA, the courts are allowed to regulate its processes and procedures to align and adopt innovations such as: service by electronic mail, particularly in notices or administrative communication, use of court websites or portals for publishing cause lists and adjournments.⁸⁶ In certain exceptional circumstances, where the evidence of a technical, professional or expert witness would not ordinarily be contentious as to require cross-examination, the court may grant leave for the evidence to be taken in writing or by electronic recording device, on oath or affirmation of the witness, and the deposition shall form part of the record of the court.⁸⁷

4.5 Evidence Act 2011 (as amended)

The Evidence Act 2011 (as amended) introduced significant reforms to accommodate electronic evidence, digital records, and computer-generated documents in judicial proceedings.

The Act has laid a strong statutory foundation for digital justice and marks a watershed in Nigeria's evidential framework by providing for the admissibility of electronically generated evidence a recognition of the central role that technology plays in modern litigation. The central technological provision in the Evidence Act is Section 84, which governs the admissibility of documents produced by a computer or digital device.

Section 84(1) provides: *"In any proceedings, a statement contained in a document produced by a computer shall be admissible as evidence of any fact stated in it of which direct oral evidence would be admissible..."*

This framework provision enables parties to tender emails, CCTV footage, text messages, and digital logs, etc. This no doubt fosters speed and reliability in litigation, particularly in commercial and cybercrime matters. In *UBA PLC v Ezumazu*⁸⁸ the court emphatically stated and identified that evidence generated from ATMs kept by the bank is a computer or electronically generated evidence under sec. 34(1)(b), 84 and 258(1) of the Evidence Act. However, the admissibility of this evidence is subject to the satisfaction of certain conditions⁸⁹ Section 93, as amended, further reinforces digital evidential standards stating:

86 This has been practiced in courts like the Federal Capital Territory High Court, Lagos, and Kaduna, in line with the National Judicial ICT Policy (2021)

87 Sec. 362(1) ACJA

88 (2017) LPELR – 50924 (CA)

89 Sec. 84(2) EA: The computer was used regularly, It was functioning properly, the information supplied to the computer was input in the ordinary course of activities, the output document reflects the information fed into the computer, the party tendering such evidence must provide a certificate of compliance, as stated in Section 84(4), which

"Where a rule of evidence requires a signature or provides for certain consequences if a document is not signed, an electronic signature satisfies that rule of law."

This provision highlights the validity of digital and electronic signatures before the court by aligning with the UNCITRAL Model Law on Electronic Commerce and placing Nigeria on a strong footing for cross-border digital litigation. Despite its strengths, cybersecurity concerns pose a challenge. The Act does not contain provisions on safeguarding digital evidence from tampering or breaches.

4.6 Freedom of Information (FOI) Act 2011

The Freedom of Information (FOI) Act 2011 was enacted to institutionalize transparency, accountability, and public participation in governance. While the Act primarily applies to public institutions, its relevance to the judiciary lies in its role in guaranteeing access to public records, promoting openness in judicial processes, and leveraging technology to democratize legal information. To promote transparency and accessibility to key information, section 2(4) FOI mandates that such information be disseminated widely and in an accessible form, including on a website or other digital format:

"A public institution shall ensure that information referred to in this section is widely disseminated and made readily available to members of the public through various means, including print, electronic, and online sources..."

This provision supports the development of judiciary websites, online publication of judgments, cause lists, rules of court, judicial statistics, and other relevant records. These initiatives are all supported by the FOI Act's mandate for digital access and proactive disclosure, which has advanced the integration of technology in the Nigerian judiciary.⁹⁰ Though integration of technology in the Nigerian judiciary is not without challenges, however addressing the challenges with promote efficiency of the judicial processes.

5.0 Challenges

The integration of technologies so far introduced into the Nigerian courts, signals an institutional willingness to evolve and ensure efficient and accessible judiciary in Nigeria. The developments mark significant progress,

must be signed by someone responsible for the operation or management of the computer system.

90 Supreme Court maintains an online repository of decided cases, cause lists, and court sittings; Court of Appeal publishes judgments and some practice directions online; Lagos State Judiciary operates a comprehensive web portal for cause lists, digital filing, and e-payment; National Judicial Council (NJC) hosts guidelines, policy documents, and judicial statistics online.

yet they remain unevenly distributed and fraught with so many challenges such as:

5.1 Constitutionality of Digital Technologies

As laudable as the development and introduction of digital technology is in permeating all fields of endeavor including the Nigerian Judiciary, its constitutionality has become a subject of contention in Nigeria. Some scholars have argued that the extant provision of the Constitution of the Federal Republic of Nigeria 1999 (as amended) which demands public trials though with some exceptions, is not given full expression as stated under section 36(1), (3) and (4) of the CFRN, 1999,⁹¹ unless the Constitution is amended, virtual proceedings cannot be accommodated.⁹² The proponents of digital virtual court proceedings, on the other are of the view that constitutional amendment is unnecessary considering that the provisions of section 36(3) and (4) relate to the validity of digital virtual court proceedings of a court or tribunal. Section 36(3) states that the proceedings of a court or any tribunal shall be held in public while section 36(4)(a) provides that a person charged before the court or tribunal shall be heard in public. According to this argument the combined effect of the above sub-sections reveals that the major requirement for any proceedings to be valid or term court proceedings under the Nigerian Constitution is that such proceedings are held 'in public.' They argue that though the Constitution does not expressly mention or provide for digital virtual court proceedings, it impliedly permits it, since a digital virtual platform can be considered an even better public forum for court proceedings. They have cited the Supreme Court case of *Anyeabosi v R.T. Briscoe Ltd*⁹³ reiterating the principle that 'what is not prohibited is permitted.' There is also the issue of whether or not the Practice Direction made by the chief judges of the states on digital virtual court proceedings in their respective states is inconsistent with the provisions of Section 36(3) and (4) of the Nigerian Constitution as to render it null and void according to section 1 (3)⁹⁴ and by virtue of the provisions of Section 274 of the Constitution among others. It should be noted that by virtue of Sections 236, 248, 254, 259, 264, 269, 274, 279 and 284 of the Nigerian Constitution, heads and president of various courts are empowered to make rules known as the rules of court for the

91 P.A. Aidonjje, S A Wakili, D. Ayuba, 'Effectiveness of the Administration of Justice in Nigeria under the Development of Digital Technologies' <<https://doi.org/10.21202/jdtl.2023.48>> accessed 15 April 2025.

92 *Ibid*

93 (1987) 3 NWLR (Pt. 59) 108

94 By virtue of s1(3) CFRN 1999, If any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail, and that other law shall, to the extent of the inconsistency, be void.

practice and procedures to be observed in their respective courts as it seems best to them to achieve justice. This is one challenge that needs to be addressed.

5.2 Data Privacy

The introduction of digital virtual court sittings/remote hearings in Nigerian courts has thrown up the challenge of data privacy and accessibility. This is because of the major challenge posed by absence of data banks and non-enforcement of data protection laws and regulations in Nigeria.⁹⁵

5.3 Limited Infrastructure and unequal access

Infrastructural challenge capable of hindering the Nigerian judiciary from leveraging on the numerous benefits of technology is one of the most important issues to address. The infrastructural challenges include, but limited to the following; Poor electricity supply; lack of decent internet facility; deficient IT infrastructure and basic equipment to conduct VCP; and challenges with the deployment of technology in courts in rural areas. It is quite obvious that poor or limited infrastructure could constitute a clog in the wheel in the progress of these technological innovations in the Nigerian Judiciary.

5.4 Cost of Deployment

The cost of deployment and management of technology is quite capital-intensive due to the high cost of technological equipment. As expensive as the project is, the judiciaries in other jurisdictions have leveraged the numerous benefits accruing from the technological advancement and have moved ahead in their implementation and Nigeria should not be an exception. Insufficient funding is a clog on the deployment of technology in the Nigerian judiciary.

5.5 Lack of Capacity

Technology offers viable solutions to many of these innovations such as electronic filing systems (e-filing), virtual hearings, digital court records, and case management software are already being adopted across federal and state courts in Nigeria. The Supreme Court, the Court of Appeal, the Federal High Court as well as some state Judiciary, for instance, have pioneered digital reforms with electronic filing platform, remote hearings through Zoom, and digital payment of court fees, setting a model for other states yet to fully

95 Patrick Aloamaka, 'Data Protection and Privacy Challenges in Nigeria: Lessons from other Jurisdictions' UCC Law Journal vol 3 Issue 1 Jul 2023, pp. 281-321 DOI:10.47963/ucclj.v3i1.1259
<<https://www.researchgate.net/publication/373343733>> accessed 15 April 2025

embrace technology.⁹⁶In spite of the above technological development, the challenge of lack of digital/computer literacy among the judges, lawyers, court staff and litigants may undermine the effective use of these available technologies if urgent step is not taken to invest in the capacity-building of these stakeholders. The lack of skill by judges and legal practitioners in navigating technological devices is also a challenge that must be addressed.

6.0 Conclusion and Recommendations

The integration of technology into Nigeria's judicial processes is no longer a futuristic aspiration but a present-day imperative. As demonstrated through the existing legal and policy frameworks including the Constitution of the Federal Republic of Nigeria 1999 (as amended), the National Industrial Court (Civil Procedure) Rules 2017, the Federal High Court Rules 2019, the Administration of Criminal Justice Act 2015, the Evidence Act 2011, and the Freedom of Information Act 2011 the foundation for a digital judiciary has been firmly laid. These instruments have facilitated the adoption of e-filing systems, virtual hearings, digital evidence handling, and proactive publication of judicial information, thereby enhancing transparency, efficiency, and access to justice. However, legal provisions alone cannot guarantee effective implementation. Infrastructural investment, digital literacy, institutional readiness, and sustained funding are equally vital. As Nigeria continues its journey toward a technologically empowered judiciary, it must remain committed to strengthening these frameworks, harmonizing relevant laws, and fostering a judiciary that is not only digitally equipped but also constitutionally responsive to the evolving demands of justice in the 21st century.

To Achieve this, it is Recommended that:

- a. The Nigerian Judiciary should leverage on technology to build a judiciary that is efficient, transparent, and accessible to all. Every court of record in Nigeria should endeavour to have a dedicated and efficient portal for filing processes. This will speed up the wheel of the justice administration as relying solely on physical courtrooms and paper-based processes is a setback for the System.
- b. Courts in the rural areas or grassroots should be carried along in the technological upgrade of the judiciary, this is because they form an important, if not more important, part of the judiciary.
- c. The constitutionality of virtual proceedings should be clarified by amending Sections 36(3) and (4) of the 1999 Constitution (as amended) or providing judicial interpretation through a binding decision of the

⁹⁶ Lagos State Judiciary, Judiciary Innovation Report, 2022.

- Supreme Court that conclusively affirms that “public” includes virtual access, there is need for more public interest litigation on this area to engender an interpretation and clear the controversy on the constitutionality of virtual proceedings.
- d. There should be enacted a Judicial Digitalization Act to consolidate the legality and procedural framework for related matters.
 - e. Courts of records may have to adopt hybrid proceedings, allowing for both virtual and physical participation to expand access.
 - f. With the legal framework provided above, infrastructural challenges (such as stable internet and electricity, electronic devices and requisite knowledge of operation) still pose a challenge to their proper adoption. Requisite infrastructure should be made available. For states that are yet to adopt or provide a legal framework, the infrastructure available or assessable should be considered before delving into it.
 - g. The need for capacity building cannot be overemphasized, thus members of the bench, the bar should be tech savvy and equip themselves with ICT and AI tools that will aid in the total implementation of the existing legal framework. Frequent specialized training should also be organized to bridge digital literacy gaps.
 - h. Technological or ICT tools and devices are capital-intensive and require adequate funding. The Judiciary should be adequately funded to meet this and other needs that will facilitate quality justice delivery.
 - i. The various laws and court rules especially in States yet to incorporate technology in their laws should be amended to accommodate digital technology.
 - j. Harmonize the ACJA with the Evidence Act and Data Protection laws to ensure the admissibility and privacy of electronic data.
 - k. Judicial ICT systems must comply with the Nigeria Data Protection Act 2023 and Cybercrimes (Prohibition, Prevention, etc.) Amendment Act 2024. Judicial Data Protection Officers (JDPOs) should be appointed in all courts to oversee compliance, train staff, and implement cybersecurity protocols, as well as ensure ethical use of technology and AI in judicial processes.