E-JUDICIARY IN NIGERIA: OPPORTUNITIES AND CONSTRAINTS

By

Olumide Babalola, PhD

(Chair, NBA Data Protection Committee; Founder, Data Privacy Lawyers Association of Nigeria (DPLAN); Author, Privacy and Data Protection Law in Nigeria, Casebook on Privacy and Data Protection in Nigeria) being the text of a keynote paper delivered at the Ogun State Bar and Bench Forum on the 14th day of May 2026.

Acknowledgments!

PROLOGUE

Outside the courtroom, it is evident that the judiciary is showing a growing and deliberate interest in technology as a tool for improving justice delivery. I can personally confirm this shift, having been honoured on 23 September 2025 to present a keynote paper at the Lagos Judiciary New Legal Year Summit on *Cyber Security in AI-Driven Justice Systems: The Bar, The Bench* (Accessible at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5532564)

Again, in April 2026, I had the privilege of serving as a facilitator at a training programme organised by Witness, an international non-governmental organisation, for the Kwara State Judiciary. The session brought together Honourable Judges of the High Court as well as a cross-section of Magistrates and focused on the emerging role of *Artificial Intelligence in court proceedings.*

Here, I am equally privileged to have been invited by the Ogun State Judiciary to deliver a similar paper on the evolving concept of the digital judiciary. The invitation reflects a continued engagement with ongoing conversations around how technology is reshaping judicial processes, and it provides another valuable opportunity to contribute to the growing discourse on the modernisation of court systems.

The themes of all these engagements, as selected by the learned Judges, mirror a clear and steady recognition within the judiciary that technology is no longer something that can be

kept at arm's length in the administration of justice. Rather, it is becoming an unavoidable and necessary part of modern court processes.

This growing awareness has also been strongly reinforced by the Chief Justice of Nigeria, My Lord, Justice Kudirat Kekere-Ekun, CJN, whose paper titled *"Justice in the Digital Age: Leveraging Technology for an Efficient and Accessible Judiciary"*, delivered at a special public lecture at the University of Lagos in June 2025, further underscores the judiciary's commitment to embracing digital transformation.

Having laid this foundation, I now proceed to the substantive issues of this paper.

1. INTRODUCTION

In recent years, Nigerian courts have increasingly demonstrated an awareness of how technology influences modern justice delivery, particularly in relation to digital evidence and courtroom procedures. For instance, in *Kubor v. Dickson (2013) 4 NWLR (Pt. 1345) 534*, the Supreme Court formally recognised computer-generated evidence such as emails, website printouts, and other digital records as admissible in court. This marked an important step in aligning Nigerian evidence law with technological realities.

Similarly, in *Omisore v. Aregbesola (2015) 15 NWLR (Pt. 1482) 205*, the Court made a distinction between internet-generated evidence and general computer-generated evidence.

This distinction subtly reflects the Court's appreciation that a standalone computer is different from one connected to the internet, and that both may produce different categories of evidence. In Abubakar v. I.N.E.C. (2020) 12 NWLR (Pt. 1737) 37**,** the Supreme Court went further by describing a "website" in a rather unconventional way as a computer connected to the internet. While that definition has been debated academically, it nonetheless reflects the Court's attempt to grapple with evolving digital concepts within legal reasoning.

The judiciary's gradual shift toward technological integration also became more visible during constitutional disputes on virtual hearings. In *Attorney General of Lagos State v. Attorney General of the Federation* and *Attorney General of Ekiti State v. Attorney General of the Federation (SC/CV/260/2020 and SC/CV/261/2020*), although the cases were withdrawn and struck out, the Supreme Court's disposition suggested a growing openness to

the use of virtual platforms in court proceedings. This is often viewed as an indirect endorsement of digital justice mechanisms in Nigeria.

At the Court of Appeal level, technology-related issues for court proceedings have also been addressed. In *Brilla Energy Ltd. v. F.R.N. (2018) 16 NWLR (Pt. 1645) 305* and *Rowaye v. F.R.N. (2018) 18 NWLR (Pt. 1650) 21*, the court dealt with the admissibility and evidential value of emails. These decisions further reinforced the legal standing of electronic communications in litigation. More recently, the courts have also embraced modern methods of service. The Court of Appeal has permitted service of hearing notices via email and telephone, a practice that has been consistently upheld by the Supreme Court in cases such as A.P.C. v. Nduul (2018) 2 NWLR (Pt. 1602) 1 and C.M. & E.S. Ltd. v. Pazan Services Nig. Ltd. (2020) 1 NWLR (Pt. 1704) 70**.**

Taken together, these decisions reflect a gradual but clear shift in Nigerian jurisprudence: an increasing willingness by the courts to accommodate technology in both evidence evaluation and courtroom procedure, signalling a steady move toward a more digitally responsive justice system.

Across Nigeria, the administration of justice is steadily evolving under the influence of modern technology. Court processes that were once heavily paper-based are increasingly being reshaped by digital tools such as electronic filing systems, e-affidavits, and virtual court hearings. These innovations are gradually changing not only how cases are filed and processed, but also how justice will be accessed and delivered.

A clear example of this shift can be seen in recent introduction of e-affidavit systems in the Federal High Court. This development reflects a conscious and strategic effort, at the federal level, to modernise court operations and reduce the inefficiencies associated with manual documentation. By enabling litigants to generate, depose and swear to affidavits electronically, the system helps streamline procedures, improve record management, and enhance overall accessibility to justice services.

However, while these advancements signal an encouraging move toward a more technology-driven justice system, they also raise important questions that cannot be ignored. This paper, therefore, critically explores both the opportunities and the challenges that accompany the

digitalisation of the Nigerian judiciary. Particular attention is given to key components of this transformation, including Artificial Intelligence (AI) in legal processes, electronic filing systems, e-affidavits, and the growing use of virtual hearings.

Ultimately, the discussion situates Nigeria's digital justice journey within a broader context of reform, one that promises greater efficiency and accessibility, but also demands careful consideration of issues such as infrastructure gaps, digital literacy, data security, and the preservation of procedural fairness.

2 DEFINING A DIGITALISED JUDICIARY

For semantic convenience, in this paper, I use the terms 'e-judiciary, 'digital judiciary', 'digital justice' and 'digitalised judiciary' interchangeably.

Digital judiciary has been elaborately defined as: "the authority of a specialized group of regular judges to adjudicate cases and conduct judicial procedures using modern electronic means within an integrated judicial information system, encompassing all parties and tools, relying on the methodology of international networking technology and electronic computer file programs, to adjudicate cases, render judgments, and execute them, with the aim of achieving swift case resolution and facilitator procedures for litigants" (See *Hazem Mohammed Al-Shara'a, Electronic Litigation and Electronic Courts (Amman, Jordan: Dar Al-Thaqafa for Publishing and Distribution, 2010) and Mohamed Hussien Mohamed Hela et al, The Contribution of Digital Transformation to the Development of the Judicial Procedural System' (2025(3) Science of Law, 58–65.)*

Therefore, digitalised judiciary means a judicial system in which court processes (such as filing, case management, hearings, evidence presentation, communication, and judgment delivery) are carried out or supported using digital and information communication technologies (ICT), including the Internet and electronic platforms. It is a court system that integrates technology into the electronic filing of cases, automated case assignment and management, electronic evidence handling and presentation, remote adjudication and digital tools providing judicial system support. In more advanced systems, digitalisation extends to data-driven case scheduling, automated transcription, intelligent legal research, and predictive analytics.

Going by the above definitions, for the Nigerian judiciary, adoption of technology has largely been incremental rather than systemic, but the trajectory is clear that our judiciary is moving from paper courts to hybrid digital courts. This was confirmed by some past Chief Justices of Nigeria as well as the tech-savvy honourable Chief Judge of Borno State – Justice Kassim Zannah (see Ikechukwu Nnochiri, 'From Analogue to Digital: The Judiciary's slow but steady push' Accessible at <https://www.vanguardngr.com/2026/04/from-analogue-to-digital-the-judiciarys-slow-but-steady-push/>)

3. CORE COMPONENTS OF JUDICIAL DIGITALISATION

The idea of an e-judiciary goes beyond simply putting a few court processes online. It is not enough, for instance, for a court system to allow lawyers or litigants to upload documents remotely and then describe itself as "digitalised." That kind of partial e-filing is only a small step, not a transformation of the system itself. A truly digital judiciary involves a more complete rethinking of how justice is delivered, one where technology is embedded across the entire judicial process, from case initiation and management to hearings, adjudication, and even enforcement. It is this broader integration, rather than isolated digital tools, that signals a genuinely digitalised court system. In this section, the paper therefore examines the core building blocks that define a digital judiciary in its full sense.

3.1 Artificial Intelligence (AI) in Judicial Processes

Here, it is essential to first dispel the myth that technology will replace judges anywhere in the world. The work of a judge is judicial and judicious, while AI can assist the judicial part, it is incapable of performing the judicious expectations which are marked by discretion, wisdom and good sense. Not even in China or Estonia, where they have Internet courts, have AI replaced their judges. (see World Economic Forum Report of 26 March 2019 titled 'Estonia is building a 'robot judge' to help clear a legal backlog' accessible at *https://www.weforum.org/stories/2019/03/estonia-is-building-a-robot-judge-to-help-clear-legal-backlog/*)

Interestingly, the report confirms that: "The artificial intelligence-powered "judge" is supposed to analyze legal documents and other relevant information and come to a decision. Though a human judge will have an opportunity to revise those decisions, the project is a striking example of justice by artificial intelligence." In my paper before the Lagos State

judiciary, I advise that: "To deliver justice that is both timely and accessible, Nigeria must not only digitize existing processes but also integrate AI into the key judicial functions or services" (See Olumide Babalola, *Cyber Security in AI-Driven Justice Systems: The Bar, The Bench and Other Ethical Concerns* (Keynote Paper, Lagos State Judiciary New Legal Year Summit, Lagos, 23 September 2025), available at SSRN: https://ssrn.com/abstract=5532564)

On integration of AI into judicial systems, Hon. Justice Peter Akhimie Akhihiero of Edo State Judiciary in a paper titled 'The New Frontiers in Artificial Intelligence in The Legal Profession in Nigeria' notes that:

"The Nigerian judiciary has made strides in digitalization, particularly during the COVID-19 pandemic when virtual court sittings became necessary. Recently, discussions have intensified the approach of leveraging on AI for legal research, judgment drafting assistance, and case management systems. Nigeria's judiciary is under mounting pressure to clear backlogs and improve efficiency. The Chief Justice of Nigeria and senior judges have increasingly acknowledged that technology, including artificial intelligence, must be part of the solution. The Chief Justice of Nigeria has hinted at the use of AI to reduce case backlogs and improve judicial efficiency, howbeit with caution" (See *Hon. Justice Peter Akhimie Akhihiero, 'The New Frontiers in Artificial Intelligence in The Legal Profession in Nigeria' accessible at: https://edojudiciary.gov.ng/wp-content/uploads/2025/10/THE-NEW-FRONTIERS-IN-ARTIFICIAL-INTELLIGENCE-IN-THE-LEGAL-PROFESSION-IN-NIGERIA.pdf?utm_source=*)

AI has the potential to support a wide range of functions within the judiciary. However, when this is considered against Nigeria's current economic realities, its level of socio-technological development, and the understandably cautious attitude of many judicial officers toward technology, it is more practical to begin with targeted, incremental applications. Rather than attempting a full-scale transformation at once, AI can first be deployed where it is most likely to gain acceptance and deliver immediate value. In this regard, attention should be directed toward what may be described as the "low-hanging fruits" - specific, less contentious areas where AI can assist in improving efficiency, reducing administrative burden, and supporting judicial processes without undermining judicial discretion or public confidence in the courts.

3.1.1 *Assignment of cases*

In jurisdictions such as Lagos, available UN data indicates that over 11,000 civil cases are filed annually, while similar reports show that the Ogun State judiciary also handles a substantial volume of cases each year. These figures reflect a justice system under significant administrative pressure, particularly at the stage of case filing and assignment. (*See* United Nations Office on Drugs and Crime, *Assessment of the Integrity and Capacity of the Justice System in Three Nigerian States (Lagos, Kano and Enugu)* (Technical Assessment Report, UNODC Regional Office for West and Central Africa, Abuja 2013); The Hague Institute for Innovation of Law (HiiL), *Civil Justice Transformation in Ogun State: Supporting Data and Know-How* (HiiL, The Hague 2019).

Ordinarily, the Chief Judge bears responsibility for the allocation of cases, a function that is often delegated to administrative judges. In practice, however, the sheer volume of incoming matters in many jurisdictions makes timely and efficient case assignment increasingly difficult. This administrative bottleneck can result in delays, uneven workload distribution, and inefficiencies in case progression.

This is one area where AI could provide meaningful support. An AI-assisted case management system could be designed to allocate cases based on clearly defined parameters such as urgency, subject matter, court division, judicial expertise, and each judge's existing workload. By doing so, the system would not replace judicial discretion but rather enhance administrative efficiency in the background.

To preserve institutional trust and accountability, such an AI-driven allocation system should not operate independently. Instead, it ought to function under the supervision of a designated judicial officer, who retains ultimate oversight and responsibility for final assignment decisions. This hybrid model ensures that technology supports, rather than displaces, human judicial authority.

Importantly, a transparent, AI-supported allocation process could also help reduce concerns around judge-shopping. When all stakeholders operate within a unified digital case management portal, where assignments are traceable and decisions are systematically

recorded, it strengthens transparency, promotes fairness, and enables real-time monitoring of case distribution across the judiciary.

3.1.2 AI-assisted Research

Existing electronic law reporting platforms such as LawPavilion, NWLR Online, Legapedia, LawCare, and CLRN already demonstrate how digital tools, and increasingly AI-assisted features, can significantly improve the speed, accuracy, and efficiency of legal research. They allow practitioners and judges to access relevant authorities within seconds, reducing the traditional burden of manual case retrieval and comparative analysis.

In a related discussion on the role of technology in judicial work, Justice Rahman Oshodi of the High Court of Lagos State, in his paper titled 'The Practice and Research of Law with Artificial Intelligence: The Limits, Liabilities and Benefits' highlights the growing relevance of digital legal tools in enhancing judicial efficiency and research capacity. He underscores how such platforms are gradually reshaping the way legal information is accessed and applied within the justice system.

In particular, platforms like LawPavilion have further demonstrated that technology is no longer limited to simply retrieving cases on a given legal issue. Beyond basic search functions, these systems increasingly assist users in identifying relevant precedents, tracking related authorities, and improving the overall quality of legal research.

More importantly, AI-enabled legal research tools can go beyond case retrieval to provide real-time information on the procedural status of cases, including whether a judgment is subject to appeal, has been affirmed, varied, or overturned. This added layer of intelligence is particularly valuable in practice, as it reduces the time spent manually distinguishing authorities and verifying the current legal position of cases.

In this way, artificial intelligence can assist courts and practitioners in minimising reliance on outdated or overruled authorities, thereby improving the quality and reliability of legal reasoning. It also has the potential to reduce the incidence of conflicting judicial interpretations, especially at the appellate level, by making the procedural history and authoritative status of cases more transparent and immediately accessible.

3.1.3 *Generative AI (GenAI)*

Generative Artificial Intelligence (GenAI) refers to a subset of artificial intelligence systems designed to learn patterns from existing data and generate new, original, and contextually relevant content, such as text, images, audio, code, or video. Unlike traditional AI systems that primarily classify or analyse data, GenAI models are built to produce novel outputs that resemble human-created content through probabilistic and deep learning techniques. (See *Bordas, A., Le Masson, P., Thomas, M. et al. What is generative in generative artificial intelligence? A design-based perspective. Res Eng Design* ***35****, 427–443 (2024).*

Common examples of GenAI include large language models such as ChatGPT, DeepSeek, Gemini, Claude, Co-pilot and similar systems that generate human-like text responses; image-generation tools like DALL·E, Midjourney, and Stable Diffusion that create original visual content from prompts; audio and music generators such as Suno and OpenAI's Jukebox that produce songs or soundtracks; code-generation systems like GitHub Copilot that write and complete programming code; and video-generation tools that can produce synthetic or animated video content from textual descriptions. Collectively, these systems illustrate the core function of GenAI, which is the creation of new, contextually relevant content across different media formats based on learned patterns from large datasets.

A study titled *"Judicial Use of Generative AI: Lessons Learned"* conducted by the National Centre for State Courts in the United States suggests that while generative AI has clear value in supporting judicial work, it is not a substitute for the core responsibilities of judges. The findings indicate that early adopters in that jurisdiction are already using these tools to streamline routine tasks, save time, and enhance access to justice. At the same time, these users remain conscious of the associated risks and limitations, and they deliberately adapt their use of the technology in cautious and structured ways to reduce potential errors and ensure responsible deployment within judicial processes. (Accessible at https://www.ncsc.org/resources-courts/judicial-use-generative-ai-lessons-learned)

For judicial research, Gen AI tools are generally more expansive in their capabilities than traditional search engines such as Google, Bing, or Yahoo, which primarily retrieve and rank existing web pages. In contrast, GenAI systems can synthesise information across multiple

sources, generate structured summaries, and support deeper, more contextual research, including identifying relevant cases, journal articles, and other academic materials that may not be easily accessible through conventional search methods.

Beyond legal research, these tools can also assist judges in routine administrative and drafting tasks. For example, they may be used to prepare initial drafts of judgments, refine written reasoning, or assist with proofreading and error correction. When used appropriately, this can help improve efficiency and clarity in judicial writing while allowing judges to focus more on substantive legal reasoning and decision-making.

3.1.4 *Tech-assisted Record of Proceedings*

Tech-assisted transcription is gradually transforming how court proceedings are recorded in Nigeria. Traditionally, court records have been kept through verbatim handwritten notes taken by judges or court registrars during proceedings. While this method has long been the standard practice, it is often physically demanding, time-consuming, and can significantly slow down the pace of hearings. In many instances, judges are required to divide their attention between listening, evaluating arguments, and simultaneously writing down proceedings, which can contribute to fatigue and procedural delays.

To address these challenges, some courts have begun adopting transcription technologies that record, transcribe, and reproduce proceedings in real time or shortly after hearings conclude. These tools help ensure more accurate and complete records while freeing judges from the burden of continuous manual note-taking. In addition, certain judicial officers have started experimenting with digital applications and smart devices capable of converting spoken words directly into text, further improving speed and reliability.

Overall, these innovations enhance judicial efficiency by reducing delays associated with manual recording, improving the accuracy of court records, and allowing judges to focus more fully on the substance of cases rather than the mechanics of documentation.

3.2 Electronic affidavits (e-Affidavits)

E-affidavits are sworn statements of fact that are created, signed, and filed in electronic form through a secure digital platform, and are admissible for use in legal proceedings. Traditionally, affidavits require a deponent to appear physically before a commissioner for oaths to swear to the contents of a paper document. While this conventional process is well

established, it is often time-consuming, resource-intensive, and inconvenient, particularly where parties are located far from the court registry or even outside the jurisdiction.

With the introduction of e-affidavits, this process has become significantly more flexible. Deponents are now able to swear to the truth of their statements remotely, from virtually any location in the world, provided they are using an authorised digital system. This development has already been adopted in jurisdictions such as Lagos and Rivers States, with Ogun State, the Federal High Court, and several other jurisdictions gradually following suit. (See https://fhc.gov.ng/e-affidavit-client-portal/?utm_source=chatgpt.com)
However, the true value of e-affidavits lies not merely in the ability to swear remotely, but in the full digitisation of the process. This includes the electronic filing of the sworn document itself without any requirement to later submit a physical hard copy. When fully implemented, this system removes the need for paper-based verification and manual registry processes.

In practical terms, this innovation significantly reduces congestion and long queues traditionally associated with commissioners for oaths and court registries. It also lowers costs for litigants, who no longer need to travel physically to court premises merely to complete affidavit formalities. Ultimately, e-affidavits represent a meaningful step toward a more efficient, accessible, and technology-enabled justice system.

3.3 Electronic filing (e-Filing) Systems

Electronic filing, also referred to as e-filing, is the digital process through which legal documents, such as motions, petitions, pleadings, and evidence, are submitted to the court through an electronic platform. According to the National Judicial Council, e-Filing refers to "the process of submitting legal documents (such as court filings, motions, petitions, or evidence) to the relevant authority, such as a court, electronically via a secure online portal or system". (see *Dahiru Muhammed Abubakar, 'Court Automation System: Streamlining Court Procedures With Advanced Technologies' 2025 accessible at https://nji.gov.ng/assets/publication/Session-4-Court-Automation-System-Streamlining-Court-Procedures-with-Advanced-Technologies.pdf)*

For full measure, I define 'e-filing' as the automated initiation, transmission and processing of court processes and attached documents between litigants, their lawyers and the court

using an electronic platform where such documents are initiated, recorded, time stamped, paid for and integrated into the court's management system.

In jurisdictions with heavy workload, filing of cases could be cumbersome, time-consuming, convoluted and frustrating. The registries open at 9am and close at 4pm or earlier for courts with power outage issues. In the Lagos State High Court, a temporary suit number is a provisional identifier assigned to a case upon filing, pending its full processing and the subsequent issuance of a permanent suit number. While this system facilitates preliminary case tracking, it has been criticised for introducing delays in case assignment and judicial workflow.

With e-filing, counsel and litigants do not need to physically visit the court registries; it will not only save time and resources but also speed up the administration of justice process. The process effectively replaces or fundamentally supplements traditional paper-based filing procedures.It must be emphasised that the e-filing process must necessarily commence with remote or automated initialing hence a system that still requires litigants and their lawyers to physically bring court processes for initialling is not substantially e-filing since 'initialling' is the commencement of the process.

The adoption of e-filing fundamentally transforms this landscape by removing the need for physical presence at court registries. Lawyers and litigants can initiate and complete filing processes remotely, thereby reducing delays, costs, and administrative pressure on court staff. Rather than replacing the traditional system in a sudden or absolute manner, it functions as a more efficient alternative or supplement that gradually replaces paper-based procedures with digital workflows.
Realistically, we cannot say that any court in Nigeria has implemented the e-filing system until litigants and their lawyers can begin and end the filing process from the comfort of their homes and offices in real time anytime of the day regardless of whether the registry has physically closed. Any process that still requires litigants or counsel to physically present documents for initial processing or validation falls short of full digitalisation, as it interrupts the continuity of the electronic workflow. In a strict sense, therefore, it is difficult to describe any current Nigerian jurisdiction as having fully implemented e-filing if physical steps remain necessary to complete the filing cycle.

The advantages of e-filing are substantial. It improves speed, enhances efficiency in document transmission, and eliminates the long queues traditionally associated with court registries. It also enables 24-hour access to filing services, ensuring that legal processes are not restricted by office hours or registry limitations. Additionally, it reduces delays caused by manual stamping and physical document handling.

Contrary to concerns about job displacement, registry personnel are not rendered redundant by this system. Instead, their roles are reoriented toward more administrative, supervisory, and quality-control functions, thereby improving overall productivity. E-filing also reduces bureaucratic bottlenecks, minimises the need for physical travel to court premises, and enhances access to justice for practitioners operating outside major urban centres.

Beyond efficiency, the system strengthens case management and judicial administration. It enables real-time tracking of cases, automated docket updates, and more balanced distribution of workloads among judges. Furthermore, digital filings generate reliable audit trails, ensuring that every document submitted is time-stamped and traceable, thereby reducing the risk of missing files, document tampering, or procedural irregularities (see *Dr. Oyedele Omodele & Prof. Olubukola Olugasa*, *Pros and Cons of Technology in Judicial Administration' (2023) 13(1) African Journal of Humanities and Contemporary Education Research, 329-340*).

3.4 Virtual Hearings

Interestingly, the National Industrial Court of Nigeria, per Justice E. D. Subilim defines virtual hearing in the decision in Suit No. NICN/ABJ/314/2024 between Okafor Chidi Justin and NLNG Shipping and Marine Services Ltd as:

"For a good appreciation of the issue formulated, we need to understand what is a virtual hearing in the context of our court system. The concept of virtual hearing is neither defined in the 1999 Constitution nor the Practice Directions and Guidelines for Court Sitting, 2020 issued by the President of this Court. However, to my mind a virtual hearing can be explained to be a court hearing or proceedings conducted by video or audio-visual devices. It is variously referred to as 'remote court sitting', 'virtual court sitting' or 'online court sitting' in the Practice Direction of this court."

Also, in another paper titled '*Virtual Court Hearings: Towards a Purposive Interpretation of Statutes',* Justice Akhihiero defines virtual hearing as: "a court hearing conducted by audio-visual means, where cases are conducted without the need for participants to attend the Court in person" (See *Hon. Justice Peter A. Akhihiero (Jugde, Edo State High Court), Virtual Court Hearings: Towards a Purposive Interpretation of Statutes* (*Paper presented at a legal forum / published Edo State Judiciary legal materials, 2020), Edo State Judiciary. Available at: https://edojudiciary.gov.ng/wp-content/uploads/2020/06/virtual-court-hearingstowards-a-purposive-interpretation-of-statutes.pdf*)

From an aggregate of judicial interventions, virtual hearing is thus a form of court proceedings in which the court sits and conducts hearings through audio-visual or digital communication systems, enabling parties to appear, present their cases and tender evidence from different locations while maintaining judicial oversight and procedural fairness.

While it is not the objective of this paper to analyse the constitutionality or otherwise of virtual hearing, it is imperative to note that in *Attorney-General of Lagos State v Attorney-General of the Federation & the National Assembly* (Unreported Suit No. SC/CV/260/2020, ruling delivered by Rhodes-Vivour JSC on 14 July 2020), the Lagos State Government approached the Supreme Court to determine the constitutional validity of virtual court hearings, particularly in light of sections 36(1), (3), and (4) of the 1999 Constitution (as amended), which guarantee fair hearing and require that court proceedings be conducted in public. The concern was whether hearings conducted through virtual platforms in the Lagos State High Court and other courts could satisfy the constitutional requirement of open justice.

Similarly, in *Attorney-General of Ekiti State v Attorney-General of the Federation & 2 Others* (Unreported Suit No. SC/CV/261/2020, ruling delivered on the same date), the Ekiti State Government challenged a directive issued by the Attorney-General of the Federation on 20 April 2020, which encouraged the use of virtual hearings across courts in Nigeria. The applicant argued that the directive was inconsistent with several provisions of the Constitution, including sections 1(3), 4(6), 5(2), 6(2), 36(3) and (4), 272, and 274.
In resolving both matters, the Supreme Court held that the claims were speculative and premature, as there was no evidence of an actual violation of any party's constitutional rights arising from virtual proceedings. The Court further affirmed that virtual hearings, in

themselves, are not unconstitutional. Following this clarification, the matters did not proceed to full determination and were effectively withdrawn, leaving judicial approval of virtual hearings intact within constitutional bounds.

Since the COVID-19 pandemic, Nigerian courts have increasingly embraced virtual hearing systems, either through practice directions issued by heads of courts or through legislative reforms at the state level. A notable example is the deliberate reform effort led by Isaiah Bozimo, SAN (former Attorney-General of Delta State), who played a key role in the enactment of the *Delta State Administration of Civil Justice Law 2022*. Section 47 of law expressly empowers courts to conduct proceedings through electronic or virtual means, providing that the court may, where appropriate, proceed using remote hearing mechanisms.

The advantages of virtual hearings are considerable and continue to reshape the administration of justice. Beyond convenience, they significantly reduce the time and financial burden associated with physical court attendance, particularly for lawyers and litigants who would otherwise have to travel long distances. They also enhance access to justice by making court proceedings more accessible to individuals located outside major urban centres or outside the jurisdiction altogether.

In addition, virtual hearings promote efficiency in case management by reducing adjournment delays caused by logistical challenges such as transport issues, overcrowded court dockets, or security concerns. They also improve transparency and accountability by enabling proceedings to be recorded, monitored, and reviewed where necessary. In practical terms, this contributes to better documentation of court processes and reduces disputes over what transpired during hearings.

Furthermore, virtual court systems can enhance the overall speed of adjudication, improve judicial productivity, and support continuity of proceedings even during emergencies or disruptions. As noted by Ibrahim Sule et al in *"Virtual Court Proceedings in Nigeria: Some Legal Matters," (2024) 3(3) European Journal of Law and Political Science, 17-22,* these developments reflect a gradual but important shift toward a more technology-enabled justice system that is responsive to modern realities.

4. PROSPECTS OF A DIGITALISED JUDICIARY IN NIGERIA

In their paper *"Pros and Cons of Technology in Judicial Administration"* Dr Omodele and Prof Olubukola Olugasa identify several key benefits of a digitalised judiciary, particularly in improving the overall efficiency and responsiveness of justice delivery systems. These include increased efficiency in court administration, reduced financial and logistical costs for both the courts and court users, and a significant minimisation of procedural delays that often characterise traditional litigation processes.

They further highlight improved access to justice, especially for litigants in remote or underserved areas, as well as enhanced transparency in judicial processes - an important factor in addressing and reducing opportunities for corruption within the justice system. The authors also note that digitalisation strengthens legal research capabilities, particularly where centralised databases of case law are developed, allowing for quicker and more reliable access to judicial precedents. (see *Dr. Oyedele Omodele & Prof. Olubukola Olugasa*, *Pros and Cons of Technology in Judicial Administration' (2023) 13(1) African Journal of Humanities and Contemporary Education Research, 329-340*).

In addition to the benefits stated above, technology supports the effective operation of alternative dispute resolution mechanisms, particularly within multi-door courthouses, by making mediation and arbitration processes more accessible and streamlined.
Beyond these specific advantages, a digitalised judiciary broadly transforms the entire justice delivery ecosystem. Routine administrative tasks such as case filing, assignment of matters, and service of court processes can now be carried out electronically through emails, SMS notifications, and secure digital platforms, thereby reducing reliance on physical movement and manual documentation. Similarly, judicial research, case management, and even aspects of courtroom proceedings are increasingly supported by technological tools that enhance speed, accuracy, and coordination across different stages of litigation.

Ultimately, technology contributes to a more efficient allocation of judicial resources by reducing the administrative burden on judges, registrars, and court staff, allowing them to focus more on substantive adjudication rather than procedural bottlenecks. In reflecting on these developments, Hon. Justice M.D. Abubakr in his paper titled 'Impact of Technology on the Law and Court Process' observes that:

"With the new trend in efficient service delivery, deployment of ICT in the Judicial Process will help change the stereo-typed perception of our courts being conservative, slow, rigid and secretive. Application of ICT in the Judicial Process will help in making the justice delivery more efficient, faster,transparent and more user friendly thereby building more confidence in the judicial system. The deployment of ICT by the Federal Courts and few State Courts has shown the difference in service delivery, efficiency and transparency, it is therefore most appropriate to deploy ICT to all levels of courts for such positive impact to be felt. IT compliant judiciary will help Judicial Officers to access current global trends, share experiences and reach out globally. With the deployment of ICT, there is the possibility of establishing a Judicial Research Centre and Data Base." (Accessible < https://edojudiciary.gov.ng/wp-content/uploads/2018/04/IMPACT-OF-TECHNOLOGY-ON-THE-LAW-AND-COURT-PROCESS-BY-JUSTICE-M.-D.-ABUBAKAR-NPOM.pdf>

Taken together, these perspectives underscore that the shift toward a digitalised judiciary is not merely a technological upgrade, but a structural reform aimed at making justice delivery faster, more transparent, and more responsive to the needs of modern society.

5. CHALLENGES FACING DIGITAL JUDICIAL TRANSFORMATION

Despite the significant strides made in the adoption of digital tools within the Nigerian judiciary, the implementation of a fully functional e-judiciary system continues to face a number of practical and institutional challenges. These challenges cut across human capacity, infrastructure, institutional culture, and emerging risks associated with artificial intelligence. In this section, I examine these constraints in turn.

5.1. **Lack of Digital Literacy**

A major challenge is the issue of limited digital literacy and inadequate training among judicial staff. Many personnel within the judiciary are not sufficiently skilled in the use of computers and advanced digital applications. Unlike skills that are acquired incidentally through routine exposure, technological competence often requires structured and continuous training. Unfortunately, such training is not consistently prioritised within the judiciary, largely due to limited budgetary allocation for capacity development in ICT-related areas.

Even where theoretical training is provided, there is often a gap in practical, hands-on exposure where staff are guided through simulations and real-time use of judicial technologies. Recognising this gap, the National Judicial Council (NJC) has emphasised that: "Continuing judicial education and training is indispensable to efficient and qualitative justice delivery. Judicial Education must be holistic, practical and supported by essential tools, such as library and use of the latest Information Technology. Judicial Education and Training can only have the desired impact if it is continuing at all levels and sectors of the judicial system." (see *The National Judicial Policy accessible at <https://njc.gov.ng/national-judicial-policy?utm_source>*)

5.2. **Digital Divide**

Beyond formal training, a number of court users and even judicial actors still lack basic familiarity with digital tools and platforms. This creates inequality in access to justice services and limits the effectiveness of e-judiciary reforms. The National Information Technology Development Agency (NITDA), in a paper titled *"Enhancing Public Access to Digital Services"* presented by A.A. Dahiru, PhD (Assistant Director, ITPC), has also acknowledged the existence of unequal access to digital services, particularly in developing environments where digital literacy and infrastructure remain unevenly distributed. (See *Enhancing Public Access to Justice Through Digital Tools: Empowering Citizens with Technology-Driven Legal Services*' Paper presented at the National Judicial Institute ICT Workshop (7–9 April 2025. Accessible at https://nji.gov.ng/assets/publication/Session-5-Enhancing-Public-Access-to-Justice-Through-Digital-Tools_NJI_by_AADahiru.pdf)

5.3 **Institutional Resistance and Distrust of Technology**

Some judicial officers, particularly from older generations, understandably remain cautious about the use of digital systems in court administration due to concerns about reliability, security, and vulnerability to manipulation. This resistance is not without historical precedent. For example, the transition from traditional paper-based law reports to electronic legal databases such as LawPavilion was initially met with hesitation within parts of the judiciary. Although LawPavilion was introduced in 2007, it reportedly took several years before it gained full judicial acceptance, including eventual citation in Supreme Court decisions. This reflects the gradual and sometimes reluctant nature of technological adoption within the legal system.

5.4 **Infrastructural limitations**

In 2026, issues such as unstable electricity supply, weak internet penetration, and poor connectivity continue to undermine the smooth operation of digital platforms. These infrastructural gaps directly affect system reliability and continuity, both of which are essential for effective digital justice delivery. In addition, inadequate provision and maintenance of ICT infrastructure within court environments further compounds the problem. As noted by Archibong et al in "Invigorating the E-Judicial System in Nigeria: Challenges and Improvement Strategies to Achieve SDGs*"*, infrastructure remains a central bottleneck in judicial digital transformation.

5.5 **Algorithmic bias**

Algorithm bias refers to the systematic and repeated errors in a computer system that can produce unfair outcomes, often reflecting the limitations or prejudices embedded in the data on which the system is trained. In the context of a digitalised judiciary, this becomes particularly sensitive, as judicial decisions must not only be fair but must also be perceived as fair. If AI tools are used in case assignment, legal research, or predictive analytics, there is a risk that biased datasets could inadvertently influence outcomes, thereby undermining judicial neutrality. This raises important concerns about accountability, transparency, and the need for strict human oversight in any AI-assisted judicial process.

5.6 **Privacy and Data Protection**

The increasing reliance on technology in judicial administration inevitably involves the processing of vast amounts of personal data belonging to litigants, legal practitioners, and in some instances, third parties who are not directly involved in proceedings. This raises significant privacy concerns, as these individuals become "data subjects" whose information must be properly safeguarded throughout its collection, storage, and use within digital court systems.

Key data protection concerns typically revolve around transparency, fairness, storage limitation, data integrity, and confidentiality. In particular, transparency requires that data subjects are adequately informed about how their personal data is being processed. In this regard, section 27 of the Nigeria Data Protection Act (NDPA) 2023 is instructive, as it mandates that privacy policies be presented in a manner that is "clear, concise, transparent, intelligible and easily accessible." This underscores the need for judicial digital platforms to

adopt user-friendly and legally compliant data governance frameworks. However, many court websites and e-filing or e-affidavit platforms are not compliant in this regard.

5.7 Cybersecurity Threats and Attacks

Another major challenge confronting the e-judiciary is the increasing exposure to cyber threats and security breaches. In recent times, both public and private institutions in Nigeria (including Remita, the Corporate Affairs Commission, Zenith Bank, Sterling Bank, and even the Economic and Financial Crimes Commission) have reportedly experienced cyber-attacks at different points between March and April 2026.

These incidents highlight the vulnerability of digital infrastructure and underscore the risks associated with increased reliance on electronic systems. Similar concerns have been documented internationally. A 2025 report on cybersecurity in judicial systems notes that the United States judiciary also experienced multiple cyberattacks between 2024 and 2025, reinforcing the reality that courts are not immune to digital security threats. (See *Cybersecurity Measures Strengthened in Light of Attacks on Judiciary's Case Management System Accessible at* < *https://www.uscourts.gov/data-news/judiciary-news/2025/08/07/cybersecurity-measures-strengthened-light-attacks-judiciarys-case-management-system>)*. These developments demonstrate that cybersecurity remains one of the most pressing challenges to the sustainability of digitalised justice systems.

6. **MY RESPECTFUL RECOMMENDATIONS**

In light of the benefits and attendant challenges associated with the adoption of an e-judiciary system, it is respectfully submitted that certain targeted reforms are necessary to ensure its effective implementation and sustainability within the Nigerian judicial system.

6.1 **Adoption of Tech-responsive Rules and Practice Directions**

For digital justice to be fully realised, heads of courts should issue updated rules of court and practice directions that expressly accommodate and regulate technology-driven judicial processes. These should provide clear legal backing for virtual hearings, electronic filing, and

digital service of court processes through approved communication channels such as email, SMS, and secure messaging applications where appropriate.

In this regard, there is also a need to critically review and amend existing procedural provisions that are no longer aligned with technological realities. For example, provisions such as Order 6 Rule 20 of the Federal High Court (Civil Procedure) Rules 2019, which requires service on foreign companies through diplomatic channels, as well as similar provisions under Order 8 Rule 5 of the Ogun State High Court (Civil Procedure) Rules 2024 and Order 10 Rule 5 of the Lagos State High Court Rules, appear unnecessarily cumbersome in an era of instantaneous electronic communication. Such provisions risk slowing down justice delivery and may be regarded as inconsistent with modern principles of efficient and accessible justice administration.

6.2 Full end-to-end electronic filing systems

For e-filing to achieve its true purpose, it must be implemented as a fully integrated, end-to-end digital process. This means that litigants and legal practitioners should be able to initiate, process, and complete filings entirely online, from commencement to final submission, without any requirement for physical intervention at the registry stage.

Accordingly, judicial e-filing platforms should be designed to support seamless digital initiation of processes, including automated case registration, electronic payment, digital time-stamping, and instant integration into court case management systems. This would allow parties to access filing services remotely, at any time of the day, thereby eliminating geographical and temporal barriers to justice delivery.

6.3 Continuous judicial and legal training

There is a pressing need for structured and continuous training of judicial officers, registrars, and legal practitioners on the use of emerging technologies in the justice system. Such training should go beyond basic computer literacy and include specialised areas such as electronic evidence, digital case management systems, cybersecurity awareness, and the use of artificial intelligence in legal research and judicial decision support. Regular refresher programmes and capacity-building workshops will ensure that judicial actors remain adequately equipped to engage with evolving technological tools in a competent and informed manner.

6.4 Adequate budgetary allocation for digital infrastructure

Effective implementation of an e-judiciary system cannot be achieved without sustained financial commitment from government. It is therefore essential that adequate budgetary provisions are made for the development, deployment, and maintenance of judicial ICT infrastructure. This includes investment in reliable internet connectivity, stable power supply solutions, secure servers, modern courtroom technologies, and technical support systems. Without these foundational enablers, digital reforms risk being fragmented and unsustainable.

6.5 Strengthening privacy, data protection, and cybersecurity frameworks

Given that judicial digitalisation necessarily involves the processing of sensitive personal data, the judiciary must place heightened emphasis on data protection, privacy compliance, and cybersecurity resilience. Courts are not immune to cyber threats, and the integrity of judicial systems depends heavily on the security of their digital infrastructure.

Accordingly, robust safeguards should be implemented to ensure compliance with applicable data protection laws, including secure data storage systems, controlled access protocols, encryption standards, and regular cybersecurity audits. In addition, judicial institutions should adopt proactive risk management strategies to prevent data breaches and ensure the confidentiality and integrity of court records.

7. CONCLUSION

This paper has examined the emerging concept of an e-judiciary within the Nigerian legal system. It has demonstrated that while the adoption of digital tools such as e-filing systems, virtual hearings, electronic law reports, and tech-assisted transcription has introduced significant improvements in judicial efficiency, access to justice, and administrative effectiveness, the transition remains gradual and uneven.

The analysis further reveals that the benefits of a digitalised judiciary are substantial. These include faster case management, reduced operational costs, improved transparency, enhanced legal research capacity, and broader access to justice services. When effectively implemented, technology has the capacity to reduce procedural bottlenecks, minimise delays, and strengthen accountability within the justice system.

However, the paper also underscores that the realisation of a fully functional e-judiciary in Nigeria is constrained by several interrelated challenges. These include inadequate digital literacy among judicial personnel, infrastructural deficits such as unstable power supply and weak internet connectivity, institutional resistance to technological change, concerns around cybersecurity, and emerging risks associated with algorithmic bias and automated decision-making. These challenges highlight the fact that technological adoption in the judiciary is not merely a technical exercise, but also an institutional and human capacity issue.

Accordingly, the study concludes that the future of judicial digitalisation in Nigeria lies in a balanced and incremental approach, one that integrates technology into judicial processes without undermining judicial independence, human oversight, and procedural fairness. Technology should be viewed as an enabler of justice rather than a replacement for judicial reasoning and discretion.

Ultimately, a sustainable e-judiciary system in Nigeria will require coordinated reforms involving updated legal frameworks, continuous judicial training, improved infrastructure, robust cybersecurity systems, and strong institutional commitment. When these elements are effectively aligned, digitalisation has the potential to significantly transform the administration of justice, making it more efficient, transparent, and responsive to the needs of society.