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Artificial Intelligence and the Right to a Fair Hearing Within Nigerian Judicial Proceedings: Navigating the Line Between Efficiency and Justice

[Sztuczna inteligencja a prawo do rzetelnego rozpatrzenia sprawy w nigeryjskich postępowaniach sądowych – balansowanie między wydajnością a sprawiedliwością]

Abstract

Artificial Intelligence (AI) has become a transformative technology in various aspects of human activities, and the judicial system is no exception. In the meantime, AI is increasingly being deployed in the administration of the justice system in Nigeria, ranging from e-filing systems, digital case management, and virtual court proceedings to prospective applications in predictive judgment. While AI undoubtedly promises efficiency, reduced case backlogs, and cost-effectiveness, it also poses significant legal and ethical challenges, which include its impact on the infringement of the right to a fair hearing—a right primarily protected under Section 36 of the Nigerian Constitution and several other laws, including the Evidence Act 2011, Administration of Criminal Justice Act 2015, state Administration of Criminal Justice Laws, Fundamental Rights (Enforcement Procedure) Rules 2009, among others. This paper adopts a doctrinal method of legal research to critically examine the integration of AI into the judicial proceedings and whether it enhances or threatens the right to a fair hearing in Nigeria. It further interrogates whether algorithmic decision-making, lack of transparency, data bias, and other factors associated with computerization nature of AI compromise the procedural guarantees of fairness, impartiality, and the doctrine of the rule of law. Through doctrinal and comparative analysis, this paper considers the compatibility of AI-driven reforms with Nigerian constitutional and human rights jurisprudence to meet the global best practices. The paper concludes that AI should serve as a tool for justice and not a substitute for it for assurances of a credible, fair, and equitable judicial proceeding in Nigeria. The introduction of a continuous legal education module on AI for judges, lawyers, and court staff is recommended to ensure a cautious application through the enactment of an AI and Justice Regulation Bill.

Keywords: Artificial Intelligence (AI), fair hearing, judicial proceedings, Nigerian Constitution, human rights, and rule of law.

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Introduction

The cornerstone of democratic governance and the rule of law is the judiciary, as it remains resolute, *inter alia*, to function as the ultimate arbiter in disputes and the protector of fundamental human rights. Hence, its effectiveness, independence, and impartiality are crucial and sacrosanct not only for the dispensation of justice but also for the assurance of sustaining public confidence in the institutions (Nwakodo & Ubani, 2023). Recently, the rapid evolution of Artificial Intelligence (AI) has brought several significant transformations in the justice sector. The evolution has informed profound legal and ethical questions regarding the compatibility of AI with the principles of due process and human rights, which are core to an effective justice system (Dymytruk, 2019).

In Nigeria, the evolution of technology in the judicial section is gradually taking a laudable shape through the digitization of court procedures, driven in part by the necessities of the COVID-19 pandemic, which informed a “social distance” policy and the inevitable desire to reduce case backlogs (Sule et al., 2024). Accordingly, these innovations include the introduction of electronic filing systems, platforms for online court sessions, remote hearings via video-conference, and electronic service of court processes. For instance, the Lagos State Judiciary, Federal High Courts, and National Industrial Courts of Nigeria have deployed court automation technologies, which reflected interesting reliance on digital systems to enhance judicial efficiency.

No doubt that these revolutions in the technology system hold great promise for enhancing access to justice and procedural efficiency. Adversely, they simultaneously raise critical concerns about the potential circumvention of constitutionally guaranteed rights, particularly the right to a fair hearing, as enshrined in the Nigerian Constitution under Section 36(1), which provides that:

“In the determination of his civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality.”

This constitutional provision is non-derogable, as it forms part of Nigeria’s determination to uphold the rule of law. It is echoed in Article 7 of the African Charter on Human and Peoples’ Rights (Ratification and Enforcement) Act, which further guarantees the right to a fair trial before a court of competent jurisdiction or tribunal. In this vein, Nigerian courts have long emphasised that the right to a fair hearing encapsulates not just the opportunity to be heard but the right to be heard by an impartial court, tribunal, or panel within a reasonable time and in accordance with pro-

cedural guidelines. For instance, the Supreme Court in *Legal Practitioners Disciplinary Committee v. Fawehinmi* (1985) raised the question of whether a private individual like Gani Fawehinmi could file a complaint of professional misconduct against another legal practitioner with the Legal Practitioners Disciplinary Committee. The court held that any member of the public who has a complaint with regard to professional misconduct can address it through the disciplinary committee. The ruling highlighted the importance of upholding the principles of natural justice and fair hearing in disciplinary actions. Similarly, *Adeniyi v. Governing Council of YABATECH* (1993) related to the circumstance where the appellant was unfairly granted an opportunity to defend himself before disciplinary actions against him. The court held that the action touched on his civil rights and obligations; hence, rules of fair hearing had to be strictly adhered to. Accordingly, the disciplinary decision was set aside on the ground of failure to provide the appellant with a fair hearing. For emphasis, both rulings solidified the application of section 36 of the Nigerian Constitution, ensuring that nobody should be a judge in their own cause (*Nemo iudex in causa sua*), both sides must be heard (*Audi alteram partem*), and statutory or administrative bodies exercising disciplinary powers cannot act arbitrarily, regardless of their internal autonomy.

However, as AI technologies become embedded and recognized in judicial proceedings (including scheduling systems, automated document review, or predictive adjudication) across the globe, questions about whether these systems preserve the constitutional doctrine of the rules of law, encapsulating fairness, transparency, and impartiality in Nigeria or otherwise, have prevalently arisen. This is because, if AI technologies are improperly deployed, they risk introducing algorithmic bias, undermining effective judicial discretion, and diminishing litigants' confidence in the adjudicatory process (Citron, 2018). In addition, the cloudiness of many AI algorithms, especially those built on proprietary data, raises concerns about accountability, transparency, and the right to know how decisions affecting human rights are made. In a study by Kehinde et al. (2024), it is vividly underscored that AI has a transformative potential in enhancing the efficiency of Nigeria's judicial system. According to them, the integration of AI can streamline legal research, case management, and decision-making processes, which resolves the perennial issues of delays and backlogs in the adjudication system in Nigeria. However, the study cautions that, notwithstanding the integration of AI technologies, a well-defined regulatory framework to guard against potential infringements on fundamental human rights is imperative, especially the right to a fair hearing. Thus, a balanced approach that leverages the benefits of AI is suggested for the sustainment of justice without compromising the principles of justice and equity.

This paper therefore examines the complex interface between the increasing use of AI in judicial processes and the right to a fair hearing in Nigeria. It interrogates whether AI tools, despite their potential in efficiency enhancement, are aligning with established legal doctrines and human rights norms in Nigeria. This is carried out through a doctrinal methodology supported by a comparative analysis of global best practices and emerging jurisprudence in European Union, United States, and South Africa. The rationale is to assess how Nigeria can responsibly navigate the critical line between technological innovation and the preservation of the right to a fair hearing as enshrined in the Nigerian Constitution.

Methodology

The type of methodology adopted by this study is purely a doctrinal legal research methodology. In the opinion of this study, the doctrinal legal research methodology is appropriate for evaluating the interface between Artificial Intelligence (AI) and the constitutional right to a fair hearing within the Nigerian judiciary context. The doctrinal approach to legal research of this nature is all-encompassing of the analysis of statutes, constitutional provisions, judicial decisions, and scholarly literature. The adoption is in a bid to determine the extent to which AI deployment aligns with or threatens established legal principles.

The particular sources of data for this study include both the primary and secondary sources. The primary sources include the Constitution of the Federal Republic of Nigeria 1999 (as amended), particularly Section 36(1) on the right to a fair hearing, relevant legislation affecting AI and digital governance (especially the Nigeria Data Protection Act 2023), international instruments on data protection, and judicial decisions (including *Legal Practitioners Disciplinary Committee v. Fawehinmi* [1985] and *Adeniyi v. Governing Council of YABATECH* [1993]). The secondary sources encapsulate peer-reviewed journals, textbooks, etc.

In the end, the study employs content analysis to examine the content of existing statutes, policies, and case law relating to AI and fair hearing. Secondly, it adopts comparative analysis to draw lessons from the selected jurisdictions (the European Union, the United States, and South Africa) regarding the use of AI in judicial proceedings. And, finally, it employs normative evaluation to assess whether the extant Nigerian laws provide sufficient protection against potential violations arising from AI adoption in the judiciary.

Scope and Limitations

While the scope of the study is barely on AI applications in judicial processes (e.g., case management, virtual hearings, predictive analytics), it is limited to the Nigerian legal system while drawing insights from selected jurisdictions (European Union, United States, and South Africa) for comparative purposes.

Conceptual clarifications

Artificial Intelligence

The term “artificial” describes something that is not natural, whereas intelligence describes the capacity to gather and process information, store it for later use as memory-enhanced knowledge, and use this knowledge to do permanent actions (Umeh & Umeh, 2024). AI, according to Russell & Norvig (2020), is a field within computer science that focuses on creating algorithms and systems that can perform activities that usually need human intellect. Accordingly, it has become a worldwide revolutionary technology. Artificial Intelligence (AI) is a broad technology that describes computer systems’ ability to carry out tasks that normally require human intelligence. AI encapsulates perception, language comprehension, problem-solving, data-driven decision making (such judicial decisions), Intelligent tutoring systems, reasoning, and e-learning (machine learning). In this legal discourse, artificial intelligence (AI) is viewed as a socio-legal technology that questions conventional ideas, liability, and accountability, rather than only as a technical tool (Calo, 2015 & European Commission, 2018). AI’s rapid adoption in Nigeria raises concerns about its unregulated nature and potential conflict with local data governance traditions.

Fair Hearing

Scholars define “fair hearing” in several but related ways. According to Bielu (2018), a fair hearing means that the other person will be accorded an opportunity to be heard and that one will not be a judge in his own case. Hence, a fair hearing is founded on the joint doctrines of *audi alteram partem* (hear the other side) and *nemo iudex in causa sua* (no one should be a judge in his own cause), both of which safeguard justice, impartiality, and the right to be

heard. Similarly, it has been observed that “the right to a fair hearing is a basic human right. A hearing can only be fair when all the parties to a dispute are accorded equal opportunity to be heard regardless of demographical status, such as age, race, religion, tribe, or political affiliation.” (Oni, 2023).

In the Nigerian context, this principle is entrenched under Section 36(1) of the 1999 Constitution (as amended), which guarantees that no person shall be denied a fair hearing before a competent and impartial tribunal. In *Ar-iori v. Elemo* (1983), the court established that the fundamental rights that are for the benefit of the litigant and the public cannot be waived. Similarly, in *Adigun v. Attorney-General of Oyo State* (1987), the court emphasised that once a fair hearing is breached, the entire proceeding is rendered a nullity, irrespective of whether injustice was occasioned or otherwise. In the same vein, the principle in the United Kingdom is embedded in both common law and the European Convention on Human Rights (Article 6), incorporated into domestic law through the Human Rights Act 1998. The decision in *Ridge v. Baldwin* (1964) also illustrates and entrenches that no adverse decision should be made without giving the affected party an opportunity to be heard. Moving further, in the United States, the concept is, under the Fifth and Fourteenth Amendments, constitutionally expressed as “due process of law”. The U.S. Supreme Court in *Mathews v. Eldridge* (1976) established that the principle is a balancing test that considers individual rights, governmental interests, and the risk of wrongful deprivation.

A fair hearing, in the opinion of this study, is a principle of law that is universally recognized as a fundamental element of justice. Thus, the absence of a fair hearing in a given cause of action undermines justice.

Efficiency

There is no universal definition of efficiency. However, Efficiency is generally defined as the ability to achieve maximum output with minimum wasted effort, time, or resources for attainment of a desired result (Höber, 2024). In legal and judicial contexts, efficiency refers to as how quickly and cost-effectively a process, such as adjudication or case management can deliver justice without unwarranted delays or expenses.

Some representative definitions are in place to discuss efficiency in the context of AI-driven judicial proceedings. On this note, Tahura & Selvadurai (2022) define efficiency in the judicial sector as one which arises from AI tools for administrative tasks of e-filing, document handling, etc.; decision-recommendation systems; and case management. Accordingly, efficiency is construed to mean cost-effectiveness, time savings, reducing delays, and managing backlogs, while considering fairness, transparency, and accountability.

In addition, Mansour and Rajput (2025) construe judicial efficiency in the AI context to mean the extent to which AI tools reduce judicial backlogs, foster consistency in decision-making, and reduce resource costs, as it takes ethical standards into cognisance. Moving further, efficiency in the AI judicial proceedings is described as enabling faster access to justice for a larger population by reducing case backlogs.

Examining the concept from case law perspective, In *Pyrrho Investments Limited v MWB Property Limited* (2016), a landmark case in which predictive coding (using technology-assisted review, AI and e-disclosure) was approved in the process of electronic disclosure of documents on the basis of proportionality, fairness, and cost. The court held that predictive coding was permissible when its use is proportionate in terms of cost and necessary to deal with large document sets. Hence, electronic review of documents targeted efficiency and was of the justifications to navigate fairness. Moving further, in *Brown v. BCA Trading Ltd* (2016), the court allowed predictive coding in electronic disclosure despite objections. The court recognized that using such technology could reduce the burden, cost, and onetime involved in reviewing huge volumes of documents. Thus, efficiency was a factor considered in the court's decision to allow AI-technology-assisted review in document disclosure. From case laws' Perspectives, this paper mirrors the spirit of law in *Pyrrho Investments Limited v MWB Property Limited* and *Brown v BCA*, by defining efficiency in the context of AI-driven judicial proceedings as the ability of the justice system to deliver decisions more quickly and at a lower cost, using technology innovations. By implication, efficiency elucidates the saving of time and cost.

In all, this study views efficiency in AI-driven judicial proceedings as referring to the ability of the justice system, using AI tools and processes, to resolve cases in less time and at a lower cost (concomitantly in terms of human and financial resources), to reduce procedural delays and backlogs, and to better manage resources better, without compromising fairness, accountability, transparency, or the rights of the parties.

Justice

Within the perspective of philosophy and law, justice has long been conceptualized. From the philosophical perspective, Aristotle's definition conceptualized justice as giving each person what is due to them, distinguishing between distributive justice (including fair allocation of resources) and corrective justice (including rectifying wrongs). He argues that justice is that virtue which assigns to each his due (Aristotle, ca. 350 B.C.E./2009). Rawls, in his modern philosophy, advances the idea of justice to mean fairness. He argues

that justice should be understood through principles chosen behind a veil of ignorance, ensuring fairness and impartiality in societal arrangements (Rawls, 1971). It is pertinent to note that the societal arrangements mentioned include the judiciary. According to him, fairness and impartiality emphasize equal basic rights for all to benefit the vulnerable. The judicial definition, on the other hand, courts have also shaped the meaning of justice through various interpretations. In *Legal Practitioners Disciplinary Committee v. Fawehinmi* (1985), the Nigerian Supreme Court declared that justice is not a cloistered virtue but one that must be unequivocally seen to be done. Hence, this decision aligns justice with transparency, fairness, and trust in adjudication. In addition, Lord Hewart CJ in *R v. Sussex Justices, ex parte McCarthy* (1924) famously held that justice should not only be done but should undoubtedly be seen to be done.

However, this discourse on justice remains relevant in the perspective of AI-driven judicial proceedings. For example, from Aristotle's definition, algorithms must ensure fairness and avoid misplacement of outcomes when distributing rights or responsibilities. Rawls' fairness theory of justice also provides a framework for evaluating whether AI systems are impartially well designed or otherwise, particularly in the area of access to justice for the vulnerable. Furthermore, judicial interpretations underscore that justice must be seen to be done, which by implication means that AI systems must be transparent, explainable, and accountable to midwife public trust.

In the total sum, one germane takeaway is the articulation from the Institute for Research on Public Policy, which argues and underscores that efficiency and justice are inextricably intertwined (IRPP, 2023). For example, policies and technological-based innovations, such as AI-driven judicial proceedings, are meant to improve judicial proceedings' efficiency and enhance the justice system in Nigeria. Conversely, it is not an understatement that the policy innovation focuses majorly on efficiency while being blind to equity, which may exacerbate injustice or reduce the integrity of the judiciary eventually.

Legal and Theoretical Frameworks

This section provides the conceptual and normative ground for interrogating and informing the compatibility of AI with the right to a fair hearing enshrined in the Nigerian Constitution. It situates the discourse within the binding provisional scope of Nigerian law and relevant international instruments. Theoretical approaches, on the other hand, discuss technology (AI-driven systems) and law.

Legal Framework

The relevant legal framework includes:

1. The Nigerian Constitution

In Nigeria, Section 36(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), guarantees the right to a fair hearing. Going by this constitutional provision, disputes are determined by a competent, impartial, and independent court or tribunal within a reasonable time. The provision is widened by Section 46 thereof, which allows individuals to seek judicial redress where any of the fundamental rights under Chapter IV of the Constitution are violated. For emphasis, Nigerian courts have consistently upheld the sanctity of a fair hearing as a cardinal principle of justice. Of course, this is why the Supreme Court held in *Legal Practitioners Disciplinary Committee v. Fawehinmi* (1985) that denial of a fair hearing provided by the Constitution renders proceedings null and void, at the expense of merits.

Moving further, S. 36(3) & (4) provides for both public places hearing for proceedings and procedural requirements of substantive justice. Subsection 3 holds that any person charged with a criminal offence must be tried and heard in public to ensure transparency and in avoidance of secret trials except in rare situations (e.g., if a minor is involved, for national security, to maintain public order, and if justice requires the restrictions from the public), while subsection 4 mandates that any person charged must be given adequate time to prepare their defence, the trial must commence within a reasonable time, and such person(s) must be allowed to have legal representation of their choices. These subsections are to ensure procedural fairness and substantive justice. The whole of Section 36 and the embodied subsections are very momentarily relevant to this study. Conversely, the Virtual Court Proceedings, which are AI-driven innovations, are being criticized by some quarters of the legal profession on the premise that such trials are not carried out in public and are too quick, thereby denying accused persons adequate time, while relying on the decision of the Supreme Court of Nigeria in *Edibo v. State* (2007), which declared such secret trials null and void. This question remains: how do we navigate the benefits of VCPs, with the constitutional principle of a fair hearing? This paper aims to answer this question.

2. Other Nigerian Laws

Aside from the right to a fair hearing in Nigeria, as primarily guaranteed under Section 36 of the Constitution of the Federal Republic of Nigeria 1999

(as amended), the right is also protected by several other laws. These include the Evidence Act 2011, particularly sections 214–216, which guarantee examination-in-chief, cross-examination, and re-examination of witnesses; the Administration of Criminal Justice Act 2015, particularly sections 1 and 6, which promote fair, efficient, and rights-based criminal justice administration and require that a suspect be informed of the reason for arrest and his rights; state Administration of Criminal Justice Laws; the Fundamental Rights (Enforcement Procedure) Rules 2009, made pursuant to section 46(3) of the Constitution, particularly the Preamble/Objectives in Paragraph 3, which mandate courts to advance and protect fundamental rights; the National Industrial Court Act 2006, particularly section 36, empowering the court to regulate its proceedings in accordance with the rules of natural justice; the Electoral Act 2022; the Investment and Securities Act 2007; the Legal Practitioners Act governing disciplinary proceedings before the Legal Practitioners Disciplinary Committee; and public service disciplinary regulations requiring that affected officers be notified of allegations and given an opportunity to defend themselves. Hence, these laws collectively ensure that individuals are given adequate notice of allegations against them, an adequate opportunity to present their cases, legal representation (where applicable), and an impartial hearing before decisions affecting their rights or interests are made. It is in the spirit of implementing these laws that Nigerian courts, panels of enquiry, and tribunals have been consistently committed to adhering to a fair hearing in judicial, administrative, and quasi-judicial proceedings, as the case may be.

3. International and Regional Instruments

Apart from Section 36 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), the right to a fair hearing is also guaranteed under several international and regional human rights instruments to which Nigeria is a state party. The enforcement of the charter and other international and regional instruments in Nigeria is guaranteed by virtue of Section 12 of the Nigerian Constitution, which provides that ratified treaties require domestic incorporation before they can be applicable to Nigeria

At the international level, the Universal Declaration of Human Rights (UDHR) guarantees the right to a fair and public hearing before an independent and impartial tribunal under Article 10, while Article 11(1) provides for the presumption of innocence and other minimum guarantees in criminal proceedings (United Nations, 1948). It is pertinent to underscore that the UDHR has not been domesticated; hence, it does not directly enforceable in Nigeria, but Nigerian courts have frequently relied on its provisions as persuasive authority in interpreting the constitutional guarantee of fair hearing under Section 36 of the Constitution (United Nations, 1948).

In the same vein, the International Covenant on Civil and Political Rights (ICCPR), to which Nigeria acceded in 1993, comprehensively protects the right to a fair trial under its Article 14. Accordingly, the rights therein include equality before the courts, the right to a competent, independent and impartial tribunal, the presumption of innocence, adequate time and facilities to prepare a defence, legal representation, and the right of appeal. In addition, Article 9(3)–(4) guarantees the right to be promptly brought before a judge and to challenge the legality of detention. Although the ICCPR has not been domesticated pursuant to Section 12 of the Constitution, Nigerian courts have utilised its provisions as interpretative guides in giving effect to the constitutional right to fair hearing, particularly where domestic law is ambiguous or where constitutional provisions admit of a broad human rights interpretation (United Nations, 1966).

At the regional level, the African Charter on Human and Peoples' Rights (1981) occupies a unique position in Nigerian law because it has been domesticated through the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap. A9, Laws of the Federation of Nigeria 2004. Consequently, its provisions are directly enforceable before Nigerian courts. Article 7(1) guarantees the right to have one's cause heard, including the right to appeal, the presumption of innocence, the right to defence by counsel of one's choice, and the right to be tried within a reasonable time by an impartial court or tribunal. Article 26 further obliges States Parties to guarantee the independence of the courts (African Commission on Human and Peoples' Rights, 1981). Nigerian courts have repeatedly applied these provisions in enforcing fundamental rights. Thus, In *Abacha v. Fawehinmi* (2000), the Supreme Court held that the African Charter, is already domesticated by an Act of the National Assembly; hence, it forms part of Nigerian law and is enforceable in Nigerian courts. similarly, in *Gbemre v. Shell Petroleum Development Company Nigeria Ltd. & Ors* (2005), the Federal High Court relied on the African Charter on human and people's rights alongside the Constitution to protect fundamental human rights.

Generally, the right to a fair hearing is also reinforced in some specialised international instruments, such as the Convention on the Rights of the Child (CRC), which safeguards the fair trial rights of children in conflict with the law under Article 40(2)(b). Nigeria has thus, for emphasis on application, adopted these obligations in the Child Rights Act 2003, especially the conditions that provide for child justice administration and for children to have a fair hearing (United Nations 1989). Likewise, the principles of fair hearing rights of children are incorporated in the African Charter on the Rights and Welfare of the Child, which has been enshrined in Article 17, and its principles have been reflected in the Child Rights Act and equivalent State Child Rights Laws (African Union, 1990).

Moreover, the 2006 Convention on the Rights of Persons with Disabilities (CRPD) provides the right to equality of access to justice for persons with disabilities as enshrined in Article 13 and the right to equality of recognition before the law in Article 12. Nigeria has significantly fulfilled these commitments in its Discrimination Against Persons with Disabilities (Prohibition) Act 2018, where access to justice is guaranteed for persons with disabilities in public institutions, which includes courts (United Nations, 2006). Likewise, the 1951 Refugee Convention, supplemented by its 1967 Protocol is a Convention relating to the status of refugees. It provides for access to the court under article 16 and judicial independence under article 11. Similarly, the United Nations Convention against Corruption (UNCAC) further confirms judicial independence under article 11 and due process guarantees in criminal proceedings under article 30 (United Nations, 1951; United Nations, 2003). These values have been projected in Nigerian law, e.g., the Administration of Criminal Justice Act 2015, the Economic and Financial Crimes Commission (Establishment) Act, etc., which are procedural laws that highlight ‘fair trial’ and ‘judicial integrity’.

In this regard, some international human rights instruments, e.g., the UDHR and ICCPR, are not domesticated and therefore have only persuasive value but the African Charter has force of law in Nigeria and is directly enforceable (*Abacha v. Fawehinmi*, 2000). These instruments, along with domesticated treaties and implementing statutes, have had a significant impact on the evolution of fair hearing in Nigeria and still play a role in the interpretation and application of the constitutional right to fair hearing.

4. Nigerian Data Protection and Technology Laws

Laws under this section include the Nigeria Data Protection Act (NDPA) 2023, which provides a statutory foundation for protecting personal data and regulating automated decision-making. The Act establishes the Nigeria Data Protection Commission (NDPC) as an authority with the mandate of interrogating anomalies and enforcing the Act. Key features under the Act include data subject rights, protection of sensitive personal data, and legal bases for processing (Modilim et al. (2024) & Sections 34–38 of NDPA, 2023). Moving forward, Section 5 of the Act empowers the NDPC to promote awareness of obligations, advises the government on data policy, and provides principles for processing personal data. In all, Section 48(1) of the Act also establishes a more robust enforcement and penalty regime, empowering the NDPC to impose administrative fines and sanctions (as the case may be) on data controllers and processors who violate its provisions. Additionally, the Cybercrimes (Prohibition, Prevention, etc.) Act 2015 is another relevant statute that addresses issues of integrity, responsibility, and security in electronic systems

that could intersect with judicial digitisation. For emphasis, Section 24 of the Act addresses cyberstalking and online harassment, while Section 38 protects Nigeria's critical national information infrastructure, including transmission facilities, Treasury Single Account (TSA), Biomedical Verification Number (BVN), National Identification Number (NIN), Electronic Payment Gateways (EPG), e-government platform, and data centres.

Other laws that are relevantly pivotal and instrumental to AI-based judicial proceedings in Nigeria include The National Information Technology Development Agency (NITDA) Act. The Act establishes NITDA (the Agency) with a mandate to ensure unrelenting compliance with the Act. Moving further is the Nigerian Communications Act (NCA), 2003 the regulatory authority is Nigerian Communication Commission (the Commission). The Commission mandates telecom operators in Nigeria to protect subscriber data through the NCC Consumer Code of Practice Regulations 2007.

In all, the laws discussed under this section are critical in the Nigerian context of AI deployment in judicial processes. They actually introduce obligations for transparency, accountability, and safeguards against discriminatory profiling. Thus, this paper posits that all laws relevant to the AI judicial proceedings in Nigeria do not expressly address a fair hearing. Rather, they establish a regulatory and criminal regime for data technology (including AI), data protection and privacy, and cybercrime.

Theoretical Framework

The theoretical landscapes include:

1. Technological Determinism

The theory suggests that technology shapes social structures and jealously guides cultural values. Applying the theory to judicial proceedings in Nigeria suggests that the adoption of AI-driven judicial proceedings will inevitably reshape the pattern of the justice delivery system in Nigeria (Winner, 1980). Hence, the technology determinism theory underscores potentially accelerating efficiency while risking depersonalisation and algorithmic bias.

2. Socio-Legal Theories of Law and Technology

Socio-legal theorists argue that technology should not be examined in isolation but in relation to its alignment with legal norms and societal values (Murray, 2011). Accordingly, the rationale is that the technology deployment

is for human benefits and should not violate human rights. Thus, the theory underscores that AI adoption in Nigeria's judicial proceedings ought to be contextualised within the socio-political realities of access to justice, digital literacy, and infrastructural capacity.

3. Inner Morality of Law Theory

Lon Fuller's theory of the "inner morality of law" does require that legal processes be unequivocal, consistent, and transparent to uphold legitimacy. But these are part of his broader concept of the "Eight Desiderata", or principles of legality. The "Eight Desiderata" principles of legality include ensuring a general, publicly promulgated, non-contradictory, feasible, clear, stable, prospective, and congruent legal system (Fuller, 1969). Hence, if AI systems in judicial proceedings are opaque ("black-box algorithms"), they could undermine the principles of generality, non-retroactiveness, legality, accountability, and fairness central to the rule of law as encapsulated by the broader concept of the "Eight Desiderata" or principles of legality.

4. Rule of Law Theory

The rule of law theory is also applicable to this paper. According to Dicey (1959), the supremacy of law is fundamental to any democratic society. Accordingly, no individual – regardless of rank or position – is above the law; hence, both government and citizens are subject to it. He moves forward to assert that individual rights and liberties are best protected via legally established courts of law rather than by the exercise of discretionary or arbitrary power. Similarly, Nwabueze (1977), while building on this foundation, offers a broader perspective by contextualizing the rule of law within emerging constitutional democracies. Thus, he views the theory as a system in which governmental powers and those of public authorities are within their legal boundaries while upholding citizens' rights and liberties. Nwabueze's position on the rule of law complements Dicey's theory by underscoring its application to governance and public authorities.

However, the implication of this theory for judicial proceedings is that it resonates with the need to adhere to the doctrine of a fair hearing clearly enshrined in the Constitution as sacrosanct during judicial processes.

5. Human Rights-Based Approach (HRBA)

The HRBA pinpoints that all new technological devices, including AI, must be evaluated through the lens of human rights standards (Paliwala, 2020). Accordingly, an AI-driven system must stand to support non-derogable rights

like a fair hearing. Hence, applying this approach to the Nigerian context suggests that AI-driven judicial proceedings, as a technological modernism, should be designed to enhance accessibility, impartiality, and equality before the law.

In a nutshell, the paper opines that the Nigerian legal framework, reinforced by international human rights obligations, establishes a fair hearing as a constitutional and non-negotiable right. Thus, it demonstrates the inevitability of a fair hearing proceeding. Theoretical perspectives, on the other hand, demonstrate that while AI adoption in the judiciary may also be inevitable, it cannot operate in a legal vacuum. Rather, its deployment must be moderated and informed by human rights principles, judicial discretion, and the rule of law to ensure that the efficiency of AI does not supplant justice.

Current Applications of “AI” in the Nigerian Judiciary

The judiciary in Nigeria, albeit traditionally conservative in embracing technological-driven change, has recently adopted digital innovations in line with global advocacy reforms in the judiciary. These technological innovations were greatly accelerated by the COVID-19 pandemic and the pressing need to reduce case backlogs in Nigeria during that memorable and critical time. Thus, such innovations (as AI-assisted case and court process management tools) include court management systems and case process automation, enhanced e-filing systems, and virtual court hearings. While Nigeria is at the nascent stages of synthesizing a full AI-driven system, the first wave of digitalization is yielding significant lessons with reflections of challenges and opportunities, though (Adediran et al., 2024).

Court Management Systems and Case Process Automation

In Nigeria, Judicial automation has also extended to case management. For a caption, Lagos State Court Management Information System (LagosCoMiS) simplifies certain functions, including suit number generation, case assignment, e-notifications, and affidavit processing. Rivers State’s RIVCOMIS has also, within its first year, improved transparency through the synthesis of online filings, payments, and virtual hearings into its judicial system, which is not only efficient but also goes a long way to reducing document loss and manipulation (Godwin, 2021).

According to Ubanyionwu (2024), AI-driven case management systems are the core to reducing delay and enhancing consistency through predictive analytics and precedent monitoring; however, he stresses that judicial discretion and oversight remain indispensable to avoid over-reliance on algorithms which might be inapplicable in some cases. On this note, this paper opines that AI can optimize case timelines, automate routine tasks, and minimize backlog, yet infrastructural deficits and weak regulatory frameworks hinder full-scale adoption. These, through the lens of the underlined opinion, prove the need to navigate a line of balance between efficiency and justice has become so pertinent, as the judicial integrity must be sacrosanct.

Enhanced E-Filing and Digital Document Handling

The Nigerian judiciary is equally, in recent times, adopting e-filing and handling documents digitally. For instance, the Judiciary Information System (JIS) is in place in the Lagos State judiciary, which provides an e-filing service that facilitates and entrenches room for legal practitioners to file cases remotely, track fees, upload forms and court processes, and make payments online. For emphasis, LagosCoMiS was developed by Cinfores Limited (a software company in Port Harcourt, Nigeria), which incorporates features such as e-filing, e-affidavit generation and validation, case-number allocation, and case automation. Accordingly, the practice has since been extended to cover other jurisdictions within Nigeria (Umeh, 2023). Similarly, the Federal High Court (Lagos Division) has declared that from June 23, 2025, all new filings will be processed exclusively through its e-filing portal, and innovation has since then started (Musa, 2025; Iwuchukwu, 2025).

However, scholars note both prospects and pitfalls. Prof. Ojo Emmanuel Ademola, while emphasizes that AI-driven tools, including automated case filing, e-affidavits, etc., can significantly reduce administrative delays and human error, argues that their effectiveness depends on cybersecurity safeguards and adequate training to prevent systemic breakdowns (Adesewo, 2025). Likewise, Prof. Charles Olufemi Adekoya argues that AI tools in legal practice, including precedent-search databases, legal drafting aids, etc., could reduce the time required for judgments. The innovation is potentially shortening delivery periods to just a week if court databases are consistently updated and integrated with AI platforms (Oduwole, 2022). The scholars' views align with uptake reports showing increasing registrations by legal practitioners, albeit challenges, including unreliable electricity, internet disruptions, unprepared registries, etc. (Adediran, 2024).

Virtual Court Proceedings (VCPs)

The National Judicial Council (NJC) came up with guidelines for VCPs in the year 2020 (during COVID-19). The NJC prescribes platforms for proceedings and regulates the virtual delivery of orders and judgments. With the NJC's guidelines during that period, the Lagos State Judiciary rolled out e-affidavits, CoMis, and virtual platforms for court proceedings as part of Practice Directions to tackle the urgent and time-bound matters (Lagos Judiciary, 2020 & Davies et al., 2024). For illustration, In May 2020, the Lagos State Judiciary held its maiden virtual court proceedings (VCPs) session due to COVID-19 pandemic restrictions. A driver called Olalekan Hameed was tried for reckless driving that caused a passenger's death. Conducted online through VCP (an AI-assisted technology), the trial marked Nigeria's first virtual sentencing. The Lagos High Court convicted Hameed of murder and sentenced him to death by hanging. The case highlighted the judiciary's adaption of technology for justice while sparking debates over the constitutionality and ethical virtue of virtual trials for such capital punishment (Egbe, 2020). Albeit, VCPs face legal experts' Critiques despite it benefit, they argued that VCPs may be unconstitutional. On this note, a legal icon, Chief Adegboyega Awomolo, SAN, argued that VCPs was unconstitutional under Section 36 (3) & (4) of the 1999 Constitution, which guarantees a fair hearing in public. While interpreting the Constitution, a public hearing meant one which is physically open to everyone without restriction, whereas virtual hearings limited access only to those with smartphones, computers, stable internet, and power supplies (Ige, 2023). Accordingly, with less than half of Nigerians having internet access at the time, he feared many citizens were being excluded from justice. He drew attention to earlier Supreme Court decisions, such as *Edibo v. State* (2007) and *Oviasu v. Oviasu* (1973), where judgments delivered in judges' chambers were declared null and void for not meeting the test of openness or public place. While acknowledging the benefits of VCPs, his critique focuses on the "cohesive distinctiveness" of in-person legal hearings.

However, scholars provide critical reflections on the court's AI-driven innovations. Sule et al. (2021) assert that virtual court sittings ensured continuity during the pandemic; however, they raised constitutional questions, particularly regarding the public hearing and court in session requirements of Section 36 of the Constitution of the Federal Republic of Nigeria (as amended). They contend that while NJC guidelines and practice directions are helpful, innovative, and effective, their legitimacy requires amendments to rules of court. In the same vein, Davies et al. (2022) acknowledge that virtual hearings reduce delay; however, they warn that digital evidence verification, fairness in cross-examination, and bandwidth inequities continue to undermine procedural justice. No doubt those outcomes confirm both the advantages of

continuity and efficiency, as well as persistent challenges, including platform costs, internet instability, and difficulties ensuring open public access (Sule et al., 2021).

Applying AI-driven innovations into judicial proceedings in Nigeria, this paper concurs that the innovations demonstrate the prospect of AI in expediting justice delivery, mitigating corruption-prone manual processes, and promoting transparency. As Ubanyionwu argues, a properly deployed AI can improve consistency in outcomes and reduce human error. However, persistent challenges include digital exclusion of rural litigants, unresolved constitutional questions about VCP in relation to the doctrine of a fair hearing, potential algorithmic bias in relation to ethical requirements, and inadequate data safeguards, opined by Sule et al. (2021). In the total sum, without a robust legal framework and equitable infrastructural development, AI-driven innovations risk entrenching inequalities rather than delivering justice in Nigeria.

Implications of AI for the Right to a Fair Hearing

The reception of AI in judicial proceedings in Nigeria relatively carries both considerable benefits and serious risks for the constitutional right to a fair hearing under Section 36 of the 1999 Constitution (as amended). The concept of technological due process, formulated by Danielle K. Citron, provides a useful theoretical architecture to evaluate the way AI might impinge on or enhance procedural fairness (Citron, 2008). Thus, AI deployment has its benefits and serious risks associated with its implication for the right to a fair hearing. These are for discussion alongside relevant case laws on the doctrine of a fair hearing.

Benefits

1. Efficiency and Reduced Backlog

AI-driven judicial proceedings can help automate routine tasks, ranging from document sorting to case assignment to legal research. It, therefore, supports robust case management systems, thereby saving cost and time (Fine et al., 2025). A study by Eze (2024) points out that AI has the potential to transform how justice is being administered by cutting through legal service delays and improving turnaround times for adjudication. Accordingly, AI-driven proceedings reduce delays/backlogs, one of the most persistent obstacles to a fair hearing in Nigeria.

2. Access to Justice

Another benefit of AI-driven judicial proceedings is having smooth access to justice. On this note, AI tools can reduce barriers, such as availing litigants who live far from major courts or who are resource constrained to access the justice system online. A study by Bello & Ogufere (2024) underscores improved access to justice as among the key benefits of integrating AI into Nigeria's judicial system. Thus, using VCP platforms reduces the cost of travel and allows more people to engage with the judicial system.

3. Accuracy and Support in Decision Making

AI tools for legal research, predictive analytics, and document analysis potentially reduce human error. They assist judges to identify efficiency in relevant precedents; and thus potentially lead to more consistent judgments. On this point, Ubanyionwu (2023) in a study explicitly affirmed that AI could enhance accuracy in legal decisions and reduce inconsistencies.

Risks

Despite the highlighted key benefits, the following risks are associated with the AI-driven judicial proceedings:

1. Bias

Bias is discriminatory in nature, as it threatens the equality and impartiality components of a fair hearing. Scholars warn against bias, particularly in predictive tools and risk assessment algorithms. Bello & Ogufere (2024) note that while AI has key benefits, even when there are no proper safeguards, there is a risk of reinforcing existing inequalities. Thus, AI-based judicial processes are only as fair as the data they are trained on. For emphasis, if data reflect societal, institutional, etc., biases, AI can perpetuate or even amplify them if not squarely monitored. However, Retreating the cases of *Legal Practitioners Disciplinary Committee v. Fawehinmi* (1985) and *Adeniyi v. Governing Council of YABATECH* (1993) is a concomitant effect which provides benchmarks against which AI's compatibility with fair hearing must be measured. Hence, any AI process used in judicial proceedings must preserve impartiality, adequate hearing notice, opportunity to be heard, and transparency in reasoning to avoid bias.

2. Opacity

Under the doctrine of technological due process, according to Citron (2008), procedural fairness requires transparency, including how decisions are made, what data is used, what algorithmic logic is applied, etc. The Black-box systems, proprietary algorithms, or opaque decision rules attributed to AI-driven judicial proceedings can deny litigants the Where-withal to challenge or understand decisions or verdict affecting them. Citron emphasizes that Inadequacy of access to the internal logic of automated systems of black-box system in the VCP undermines foundational procedural rights.

3. Reduced Discretion and Judicial Independence

Over-reliance on AI-driven recommendations or advice may deskill judges as well as other decision-makers (Schemmer et al., 2023). It may reduce judicial discretion over a particular decision and compromise judicial independence. While AI provides decision support, if courts or judges defer too much to AI outputs, they may be at risk of abdicating their responsibility to reason, assess credibility, and apply justice in individual cases. In a study by Kehinde et al. (2024), AI is viewed as a double-edged sword, useful in curbing arbitrary discretion and reinforcing judicial independence, but risky if poorly designed or politically captured. However, they caution that discretion while adopting AI should not be eliminated since it is vital for fairness, contextual interpretation, and human empathy in judicial decision-making. Thus, AI-driven proceedings should incorporate judges' discretion rather than reducing it.

4. Data Privacy, Security, and Procedural Rights

AI involves processing large amounts of sensitive personal data. Without strong legal and technical safeguards, litigants may have their private information exposed, misused, or handled in ways incompatible with privacy or fair hearing norms. Also, automated profiling or decision-making without meaningful human oversight or right to challenge can violate due process norms. Bello & Ogufere (2024) discuss ethical considerations and data privacy as among the top risks.

Comparative Perspectives

European Union (GDPR and the AI Act)

In the European Union, a strong data-protection regime is combined with an emerging risk-based AI regulatory model. The General Data Protection Regulation (GDPR) is in place with a mandate to strictly regulate automated decision-making (Article 22). It protects individuals from decisions based solely on profiling and imposes transparency and fairness obligations on data controllers. While building upon the GDPR, the European Commission's 2021 proposal for an Artificial Intelligence Act sets out a tiered risk framework (including transparency, documentation, and conformity with). The high-risk AI uses are those touching on justice, law enforcement or fundamental rights. Thus, this approach treats AI as socially beneficial but legally risky, particularly where it affects core rights, thereby prioritising safeguards, explainability, and human-in-the-loop requirements for judicial applications (Anesu, 2025).

United States (COMPAS and State v. Loomis U.S.)

In the United States, experience illustrates the risk associated with deploying opaque, proprietary models in life-changing judicial processes, including VCPs. The Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) to predict risk of recidivism. It is a risk assessment algorithm that assists judges, paroles officers, and correctional authorities to evaluate the potentiality and possibility that an offender will recidivate. Despite its benefits, it has raised controversial issues about its transparency, accuracy, etc. Investigative work exposing its disparate impacts. highlighted that commercial risk tools can produce disparate error rates across groups and are difficult to interrogate due to the fact that their internal logic is often trade-secreted. In *State v. Loomis* (Wis. 2016), Eric Loomis challenged the use of the COMPAS risk assessment tool during his sentencing, arguing that the algorithm was proprietary, lacked transparency, and potentially biased. However, the Wisconsin Supreme Court permitted the use COMPAS as an algorithmic risk score in sentencing while cautioning strongly against uncritical reliance: courts must treat such scores as assistance, rather than as determinative proof, and must be mindful of transparency limitations and due process. By implication, the U.S. AI-driven regulatory regime shows that algorithmic tools can be used, but only within strict procedural constraints

which permit disclosure, limitation of weight, judicial warnings, and ability to contest inputs (Administrative Conference of the United States [ACUS], 2024).

South Africa (Digital Court Reforms and Human-Rights Emphasis)

Digital court reforms and human rights protection concerns have made South Africa emerge as a leader in judicial digitalisation, particularly through the Court Online initiative, which encapsulates end-to-end e-filing, digital case management, and electronic evidence systems (Obi-Farinde, 2025). There is no doubt that this platform allows the courts, legal practitioners, and litigants to file documents, track cases, and access evidence electronically, thereby reducing cost, saving time, and streamlining judicial workflows (Judge President Mlambo, 2020). For emphasis, the COVID-19 pandemic midwived these reforms, as directives required that new High Court matters be filed electronically by July 2022, and the platform was still retained post-pandemic. The Electronic Communications and Transactions Act further supports these reforms by granting legal recognition to electronic signatures in South Africa. Another momentous innovation is CaseLines, a cloud-based evidence management system introduced at the Gauteng High Court. The system enables remote filing, retrieval of documents, and hybrid hearings, which reduces backlogs in urban courts such as those in Johannesburg and Pretoria.

However, challenges remain: insufficient ICT infrastructure, low level of digital literacy, concerns for data privacy, and cybersecurity risks, etc. On this note, Masenya and Ntengenyane (2022) found that High Courts often struggle with fragile record systems, a shortage of skilled staff, and limited technical support, undermining the efficiency of digital justice. Moreover, recent cases, such as *Parker v. Forsyth N.O.* and *Mavundla v. MEC*, illustrate South African courts' cautious stand towards AI, where courts warned legal practitioners against uncritical reliance on generative tools like ChatGPT and emphasizing the need for human verification in legal practice.

Lessons for Nigeria

Thus, Nigeria's stance is to learn the following lessons:

1. Adopting a risk-based regulatory approach, as obtainable in the EU model. Nigeria should learn to classify judicial AI uses by risk (administrative triage versus sentencing support) and impose progressively stricter controls for high-risk systems, including conformity assessment, documentation, and

mandatory concerns for human rights. This minimises harm where stakes are highest while permitting lower-risk innovation.

2. Lessons from the U.S. include protecting procedural rights through explainability and limits on evidential weight. Echoing Loomis, algorithmic outputs should be admissible only as assistive evidence, accompanied by disclosure of inputs. Parties must have meaningful opportunities to challenge algorithmic evidence which informs an explanation in intelligible form.

3. Nigeria's AI judicial proceedings regime can be strengthened through judicial digitization by taking into cognisance adequate records management, cybersecurity and digital inclusion (South African lesson). Invest in resilient court IT infrastructure, secure electronic records management, and nationwide capacity building (judges, registrars, lawyers, and litigants), as failure will compromise privacy or access to justice.

Recommendations

For assurances that AI enhances the right to a fair hearing in judicial proceedings in Nigeria, as prescribed under Section 36(1) of the Nigerian Constitution, strategic, legal, and ethical safeguards/concerns must be put in place. Thus, this paper recommends the following in line with the international and jurisdictional best practices:

1. Establish a Comprehensive AI Regulatory Framework for the Judiciary in Nigeria

The absence of a judiciary-based specific legal framework for AI-driven judicial processes in Nigeria creates inconsistency and potential abuse. Hence, there is a need for enacting a law to be named "Judicial Artificial Intelligence Regulation Act (JAIRA)," with a mandate to define permissible AI to be applicable in judicial proceedings. In addition, it should encapsulate the setting of algorithmic transparency and accountability standards. Furthermore, the proposed law will be AI tool-independent-driven audits and ensure compliance with constitutional provisions on the principle of a fair hearing. This proposed law will align Nigeria's AI-driven judicial proceedings with global trends.

2. Strengthen Data Protection and Privacy Measures in Nigeria

The NDPA's scope should be expanded to include provisions for algorithmic data processing within the judiciary. These include:

- i. mandatory litigants' data privacy;
- ii. restrictions on cross-border transfer of judicial data; and
- iii. routine evaluations of the court's digital infrastructure for potential weaknesses.

Thus, the principle laid down in *Digital Rights Lawyers Initiative v. National Identity Management Commission (NIMC)* [2021], where the Court of Appeal underscored that data protection and privacy are constitutional rights enshrined in Section 37 of the Nigerian Constitution, is resonate with this recommendation.

3. Mandate Algorithmic Transparency and Explainability

Judges, counsel, and litigants should have the right to demand explanations for AI-generated decisions. These are done through:

- i. judicial rules requiring AI tools to provide explainable outputs;
- ii. periodic certification of AI systems by the National Judicial Council (NJC); and
- iii. sanctions for use of unverifiable AI systems.

Such measures would operationalize the principles established in *Ariori v. Elemo* (1983), where reasoned and transparent judgments were underscored by the Supreme Court as essential for a fair hearing.

4. Capacity Building for Judicial Officers and Court Staff

AI literacy and training among judges, magistrates, and court staff are advised to be critical for responsible deployment point. Therefore, the National Judicial Institute (NJI) should introduce:

- i. mandatory AI training modules for judicial officers;
- ii. regular Workshops on the ethical implications of algorithmic decision-making; and
- iii. Collaborative programmes with international bodies such as the OECD and the Council of Europe to advance a more robust AI-driven judicial proceedings in Nigeria.

5. Promote Adequate Access to AI-Powered Legal Services

To promote such access, policies ought to prioritize:

- i. provision for AI-assisted judicial services in different Nigerian languages, which reduces digital exclusion;
- ii. government subsidies for impoverished litigants' access to AI-powered legal tools; and
- iii. expansion of e-court infrastructure to cover underserved and rural areas.

This recommendation is in line with Nigeria's commitment to Goal 16 of the Sustainable Development Goals of the UN (SDGs 16).

Conclusion

There is no doubt that AI-driven innovations for judiciary proceedings in Nigeria are momentous at this time, considering their invaluable benefits, such as time-saving and cost reduction. Conversely, the fact remains that such innovations (e.g., VCPs) are still nascent in Nigeria, thereby making them likely unconstitutional if not absolutely so. Perhaps that is why such virtual court proceedings stalled immediately after the COVID-19 pandemic lockdowns in Nigeria. On this note, Nigeria is required to grasp the fantastic and robust benefits associated with AI-driven innovations in the judiciary, particularly in the judicial proceedings.

Moving forward, AI innovations are fundamentally momentous to advance substantive justice in the judiciary, but must operate within the purview of the constitutional principle of a fair hearing. Adherence to the principle and its doctrines is sacrosanct. Thus, navigating the balance between efficiency and justice in AI-driven judicial proceedings is sacrosanct for piloting the innovations. This makes the enactment of an AI-specific statute a requirement that specifically takes into cognizance the constitutional provisions under Section 36(1), (3), and (4) as well as ethical considerations.

On the whole, the decline of Virtual Court Proceedings (VCPs) in Nigeria is less about inadequacy in the digital infrastructure and more about inadequacy in the law and policy. Without constitutional amendments to align with the global trend and significant investment in digital infrastructure, virtual hearings remain on shaky ground.

Abstrakt

Sztuczna inteligencja (AI) stała się technologią wprowadzającą przełomowe zmiany w różnych aspektach działalności ludzkiej, a system sądowiczy nie stanowi tu wyjątku. Jednocześnie AI jest coraz częściej wdrażana w administracji wymiaru sprawiedliwości w Nigerii – od systemów elektronicznego składania dokumentów, cyfrowego zarządzania sprawami i wirtualnych postępowań sądowych po potencjalne zastosowania w zakresie orzeczeń opartych na prognozach.

Chociaż AI niewątpliwie obiecuje zwiększenie wydajności, zmniejszenie zaległości w rozpatrywaniu spraw oraz oszczędność kosztów, stwarza ona również poważne wy-

zwania prawne i etyczne, w tym wpływa na naruszenie prawa do rzetelnego procesu sądowego – prawa chronionego przede wszystkim na mocy art. 36 konstytucji Nigerii oraz kilku innych aktów prawnych, w tym: ustawy o dowodach z 2011 r., ustawy o wymiarze sprawiedliwości w sprawach karnych z 2015 r., stanowych ustaw o wymiarze sprawiedliwości w sprawach karnych, reguł postępowania w sprawach dochodzenia praw podstawowych (z 2009 r.) i innych.

Niniejszy artykuł wykorzystuje metodę badań doktryny prawnej w celu krytycznej analizy włączenia sztucznej inteligencji do postępowań sądowych oraz oceny, czy wzmacnia ona prawo do rzetelnego procesu sądowego w Nigerii, czy też temu prawu zagraża. Artykuł bada ponadto, czy algorytmiczne podejmowanie decyzji, brak przejrzystości, stronniczość danych oraz inne czynniki związane z komputerowym charakterem sztucznej inteligencji naruszają proceduralne gwarancje rzetelności, bezstronności oraz doktrynę praworządności. Na podstawie analiz doktryny oraz prawnoporównawczej rozważono zgodność reform dotyczących AI z nigeryjskim orzecznictwem konstytucyjnym oraz dotyczącym praw człowieka – pod kątem dostosowania do najlepszych światowych praktyk. Stwierdzono, że sztuczna inteligencja powinna służyć jako narzędzie sprawiedliwości, a nie jej substytut, tak aby móc zapewnić Nigerii wiarygodne, sprawiedliwe i równe dla wszystkich postępowania sądowe. Zaleca się wprowadzenie modułu ustawicznego kształcenia w zakresie AI dla sędziów, adwokatów i pracowników sądów, które umożliwiłoby ostrożne stosowanie tej technologii. Drogą do tego jest uchwalenie ustawy regulującej sztuczną inteligencję i wymiar sprawiedliwości.

Słowa kluczowe: sztuczna inteligencja (AI), rzetelne rozpatrzenie sprawy, postępowania sądowe, konstytucja Nigerii, prawa człowieka i praworządność.

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