THE FACTS AND MIRAGE OF INTEGRATING ARTIFICIAL INTELLIGENCE INTO THE JUDICIAL SYSTEM OF NIGERIA

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ABSTRACT
The creation of machines that are able to learn, reason and perform activities in typical ways of human intelligence is becoming the state-of-the-art application in almost all human endeavour. It is acceptable as a means of relieving excessive workloads on human. The intrigue of these machines is that they are imbued with human intellect and are referred to as Artificial Intelligence (AI) due to the fact that they mimic human capabilities in reasoning, discovering meaning and or learning from past experiences. Their employment is revolutionizing all sectors of the world including the judicial sector. The doctrinal research approach is adopted in this study. It is manifest that the integration of AI in the complex Nigeria judicial system is feasible with identifiable benefits ranging from easy and quick access to justice, accurate legal research, efficiency and accuracy in legal processes and reduction of backlog cases while creating ample time for legal professionals to handle more strategic legal tasks. A technological framework to interface AI with judicial functions is what is required. Despite these benefits, the mirage of AI technology manifests in surmountable set-backs, such as lack of technological infrastructure, inadequate regulatory framework, societal and cultural acceptance, fear of job displacement, vulnerability to cyber-attacks and AI algorithms biases among others. However, fusing AI technology in Nigeria's judicial system is an acceptable choice when compared to the benefits therefrom. It is recommended that a formidable legal and regulatory framework be developed in fulfilment of the provision of section 18 (2) of the Constitution of the Federal Republic of Nigeria to achieve a seamless AI integration in the justice system of Nigeria.

Introduction

In recent times, the influence and advancement in human modes of carrying out routine economic and social chores with the aid of advanced technology, such as computers and other machines that are able to mimic human capabilities is undeniable. These machines according to Sharma (2009), have the capabilities of exhibiting a human kind of intelligence with the aid of algorithms in a computer friendly coherence. They have built-in resources that activate capabilities like humans, to reason, discover meaning and or learn from past experiences. These capabilities have, in the assertion of Aigbokhaevbo (2024), revolutionized all sectors of the economy and society at large, including the judicial sector. It is expected that its integration into the judicial system of Nigeria, will bring about easy, effective and efficient justice delivery system.

This paper seeks to explore the feasibility of integrating AI technologies into the Nigerian Judicial System and their impact on the Nigerian judicial terrain. It examines both the potential enhancements to judicial processes and the ethical dilemmas that emerges while attempting to comprehend AI's role in fostering fairness and efficiency in justice delivery. However, the impact of the digital evolution and how it would align with Nigeria's socio-political dynamics is paramount in order not to become a slave to it. It should be a tool for empowerment and not a driver to the existing inequalities in the judicial system. The paper is in eight segments: an introduction; insight to Artificial intelligence; the benefits inherent in integrating AI to Nigeria's judicial system and challenges thereto. Segments seven and eight are the conclusion and recommendations respectively.

Artificial Intelligence

The word 'artificial' according to Kehinde, Oyedeji and Awonuga (2024), suggests something unnatural, a man-made thing with a semblance of a natural thing while the ability of this unnatural thing to acquire and use information like humans suggests 'intelligence' In other words, the cloned ability of the unnatural machines to emulate human intelligence makes them have artificial intelligence. In the same vein Russel and Norvig (2021) stressed that Artificial Intelligence connotes a man-made technology fabricated to imitate the intelligence of man in performing simple and complex tasks with minimal supervision by man. As Copeland (2024) explained, AI basically points to a computer-controlled robot, programmed with human intellect to execute tasks like humans. Artificial Intelligence is also known as machine intelligence. It is, according to Sultan, an aspect of computer science where machines are manipulated through programmes to solve difficult tasks in ways humans cannot. This is plausible by use of computational models of human intelligent processes that enable machines learn to take independent decision and carry out tasks on behalf of humans. However, Schatsky, Muraskin and Gurumurthy (2014), conceptualized AI as not just a built-up programme that attempt to behave like humans but one that does it even better like humans with ease. The revolutionized conventional norms of handling tasks is a fit achieved in AI innovations and have inspired a paradigm shift in technology, making it a necessity rather than a novelty.

AI has made progressive and effective in-road into the fields of health, financial services, commerce, insurance, the hospitality industry, legal practice and the justice delivery sector etc. Legal research and case management has been made easy and affordable through AI's ability to analyse vast amounts of legal data far more efficiently than the traditional methods, due to its algorithm and data analytics.

Historically, Artificial Intelligence has, according to Sharma (2009), been in vogue since the 1950s. However, the phrase "Artificial intelligence" as stated by Frankenfield (2024), was first used by John McCarthy in 1956 at a conference titled "The Darthmont Summer Research Project on Artificial Intelligence". Since then, tremendous advancement in AI technology has been witnessed with unparalleled innovations in all facet of human endeavours. Machines are now programmed with simple simulation of human intelligence causing it to think like humans and mimic human actions.

Artificial Intelligence as described by Marr (2020), may be classified based on their level of sophistication and modes of operation, such as: (a) Reactive AI which is designed for predictable output relying on the data input; (b) Limited Memory AI, which is programmed to predict and perform complex tasks using programmed information on historical observed data. This type of AI is used in cars to observe speed, road and detect direction; (c) Theory of mind AI. This type of AI humanizes robots to behave like humans in ways that it expresses emotions and takes decision with the theory of mind; (d) the self-aware AI, also known as Artificial Super Intelligence (ASI). It represents AI of the future, programmed to be self-aware and able to make decisions based on emotional responses from environmental stimuli. Bostrom (2003) describes this AI as a hypothetical variant with intelligence that surpasses that of the best human brains in every aspect including general knowledge, social skills and scientific innovation.

It is worthy of note that robot algorithms significantly differ from the conventional computer algorithms. The conventional computer algorithms take full control over, and perfects access to the data they use. That way, the inherent problems of floating-point arithmetic is managed. On the other hand, Tsianos et al (2009), explained that robot algorithm applies to physical objects in the real world. Despite the fact that these objects are subject to the independent and imperfectly

modelled law of nature, they still control them. In other words, Robot algorithms present ability to observe, recognise and control. These are not present in computer algorithms. The whole gamut of AI is that it is in vogue to assist human efforts in handling tasks even better than humans would do.

The Nigerian Judicial System

The judicial system encompasses, according to Nigerian Law Dictionary (2022), to "the network or hierarchy of courts in a country; the jurisdiction, powers and functions of the courts". It inherently refers to the judicial branch of government comprising courts of law that has constitutional powers to administer justice. In any democratic government, as held in the case of *AG Abia State v AG Federation (2007) 2 SC 146 at 1338*, a fair and independent judicial system hosts the rule of law and its legitimacy while guaranteeing human rights and justice for citizens of the nation. Furthermore, it was held in *Gadi v Male (2010) 7 NWLR (Pt. 1193) 225* that judicial functions are conferred on the courts in Nigeria by the Constitution of the Federal Republic of Nigeria (CFRN) (as amended). The section 6 (5) of the CFRN details the composition, character and status of the judiciary as federal and state courts including the hierarchy of courts.

Flowing from the latter, Sourdin and Zariski (2013), opined that the judicial system embodies judicial officers who interact with people in the course of dispute resolution, judicial activism, case management, public education and commentary. Therefore, the independence of the judiciary and her administrative role in justice delivery play pivotal role in judicial functionality and existence. The independence of the judiciary, as put forward by Bello and Ogufere (2024), assures an unmediated separation of powers and gives the courts unfettered leverage to render impartial decisions free from the influence of other arms of government. In *Inspector General of Police v Eko Ejembi Eko,* SC/CV/268/2023, the Supreme Court of Nigeria held that section 84 of the Sheriff and Civil Process Act (SCPA) which mandated a judgment creditor to obtain the consent of the Attorney General of the Federation or the Attorney General of a State before enforcing judgment against government funds is in direct conflict with sections 1, 3, 6, and 287 of the Constitution of Nigeria (as amended) and undermines the independence of the judiciary and so ordered the striking down of the offending section from the statute books. The court further stressed in its ruling that the requirement for the AGFs consent undermines the judiciary's independence and the rule of law as it subjects the enforcement of courts judgment to the discretion of the executive arm of government. More so, Maduagwu (2017), expressed that it is the Court's responsibility to administratively ensure that judicial matters, management of courts, appointment and conduct of judges, case handling and court operations which exhibits the full proof of efficient justice delivery, run without friction. It is therefore trite to reiterate the Supreme Court decision in AG *Abia State v AG Federation (2007)1 CCLR SC, 104 at 131,* that the government is kept constitutionally focused to the goals of democracy and good governance to her citizens by the functionality of the court.

The Judicial System and Artificial Intelligence

The functions of the judiciary in justice delivery is tasking. It spans from clerical work to legal decision-making which require precedents, predictions and references to volumes of national and international legal authorities in order to arrive at an informed decision. It is often breath-taking for a clerk to manually search out case files from amongst thousands heaped or filed, in order to prepare a cause list. On the other hand, it may take a judge late nights, like a student, to conduct legal research on a pending case due for determination, having to manually search for relevant laws and precedents from among millions of decided cases.

In the western world, like the United States of America and others, as expressed by Jorge and Andrade (2014), AI has long been introduced to replace the manual methods of court duties including aiding judges in judicial decision-making. Its introduction, as stated by Schurbarth (2016), has been seen to reduce search time and analysis of large amounts of legal data. It is also seen that AI integration has simplified legal research, decision-making and access to justice and introduced predictive analytics, enabling predictions to litigation outcomes. Interestingly, Liptak (2017), stressed that Chief Justice John G. Roberts Jr., affirmed that the day "when smart machines, driven with artificial intelligence will assist with courtroom fact-finding or more controversially even, judicial decision-making" is already here and has revolutionized how the judiciary functions. The introduction of the AI

lawyer, Ross, is a confirmation and a game changer. Kehinde, Oyedeji and Awonuga (2024), agrees that Ross has the capability and is actually able to assist lawyers search through thousands of cases, turning out relevant results within seconds. Its capability in analysing difficult legal issues and detecting connections which humans would ordinarily not detect is amazing. Ross is able to write legal memos and other legal documents like any human lawyer, they stated.

Furthermore, the novel case of Loomis v State of Wisconsin 881 N.W. 2d 749 (Wis.2016) is on target about the prowess of AI. In this case, Eric L. Loomis was sentenced to a six-year jail term for evading La Crosse WIS Police. The trial Judge, in part, arrived at his decision, using the assessment of COMPAS, a secret algorithm software operational in the Wisconsin Justice System. COMPAS's assessment was that Loomis had a "high risk of violence, high risk of recidivism, high pre-trial risk". Even though Loomis appealed the decision of the lower court on the grounds that using the evaluation of AI to determine his case was an infringement of his fundamental human rights. The US Supreme Court upheld the decision of the lower court.

In Argentina, an Artificial Intelligence called PROMETEA, developed in 2017, is used by the District Attorney in complex decision writing on cases. Judges, however, have the freedom to either accept, rewrite or reject it. The main fact is that it is convenient and less cumbersome to use PROMETEA because it provides the district attorney's digital library data base with over 2000 rulings most relevant and related to matters in issue. The State of Columbia cashed in on this prototype in 2019 because "The 'intelligent' tool according to Hernmandeza (2024), automatically reads information from the judgments and selects priority cases for study". In the same spirit, according to Allsop (2021), Australia embraced the AI technology.

In all intent and purpose, Ashley (2017) opined that AI stands out as a potential catalyst for transformative change; providing an interface for predictive coding, predictive analytics and machine learning and provides easy mode for legal practitioner's to present materials to judges even in the face of criticisms, though arising out of jurisdictional development.

The Benefits of AI in the Judicial System

The AI technological revolution, once a novelty is now a necessity within the judicial system, to the extent that it minimizes delays in handling cases even from the overwhelming volumes of legal information. Agbakoba (2024), posits that it enhances the efficiency of judicial processes and reduces human error while promoting fairer judicial outcomes. The benefits enjoyable from integrating AI into the judicial system may be summed up as follows:

Affordable, Quick and Easy Legal Research:

AI technology has revolutionized legal information search. It turns out in seconds, any legal information needed from a vast database or volumes of legal documents, case laws and statutes in less time and cost than any legal practitioner, searching manually can. Pavon (2020), maintains that the accurate capability of AI to intelligently execute legal researches, eases and quickens the search time a law librarian or legal practitioner would waste in searching for such information manually. In agreement, Ogoniba (2023), posits that the deployment of AI to the justice system makes it easier and quicker for a judge or a legal practitioner to access relevant precedents, analyse their similarities and differences and arrive at a balanced opinion to support legal arguments and decision-making. Furthermore, the use of AI by judicial officers minimizes delays in judicial proceedings by prioritizing cases for accelerated hearing and quick determination.

i. Access to justice Delivery:

AI search features eliminate human errors and enhances precision when handling large amount of conflicting documents or court rulings. It is the view of Waisberg (2021), that the cost associated with manual search methods are avoided, giving room for underprivileged persons to affordably have easy access to high quality legal services. More so, the characteristic AI Predictive analytics software, data analysis tools, speech to text transcription features equip judges and legal practitioners for better results in enhancing access to justice. For instance, the use of Zoom, Michrosoft Team, Chatbots and virtual assistance platforms have made video conferencing, consultation with clients and court proceedings possible. The divide to legal services for those who would otherwise not have access to justice due to distance, fear of victimization and financial constraint is bridged by AI technology. It is, in fact, a development to be

adopted in aid to quick and easy judicial processes in Nigeria.

ii. **Efficient and Accurate Legal Processes:**

Automating routine judicial tasks using the AI technology enhances efficient and accurate access to judicial precedents. It streamlines, according to Fell et al (2012), workflows and reduces backlog of cases in courts. The risk prediction algorithms feature of AI improves decision-making consistency. It is however warned that care must be taken to avoid the potential application inconsistencies.

1. Feasibility of Integrating AI to Nigeria's Judicial System

The benefits accruable from the use of AI in the Judicial System of Nigeria, such as automated legal tasks, easy and affordable access to legal advice and efficient mode of dispute resolution and ease of access to legal authorities pummelled Adekoya (2022), to call for the deployment of Artificial Intelligence in Nigeria's justice system. This clarion call is apt, considering the benefits derivable from deploying AI assistance to Nigeria's judicial system. However, the feasibility of achieving this fit would require the understanding of the level of development and set-back of the judicial system of Nigeria. The endemic set-back, according to Agbakoba (2024), generally manifests in striking a balance between a moribund manual system bedevilled by gap in knowledge, inadequate legal framework, and poor access to justice and system inefficiencies. These set-backs are briefly x-rayed thus:

i. There is an endemic bureaucratic bottleneck creating a clog to the efficient operation of the judicial system in Nigeria. In the view of Ayuba (2007), this is as a result of an age-long paper-based administrative procedures and obsolete laws including unwieldy piles of backlog cases. These accounts for the unending delays and inability of courts to effectively dispense cases under Nigeria's judicial system.

ii. The support staff of the judiciary in Nigeria are largely untrained for the specialized work. As such, there are more interested in material benefits for sustenance than what the job genuinely offers. This heightens bribery and corruption as exemplified where processes filed in court attracts extra fees for it to be treated at every stage until the case is assigned to a court. This attitude, according to Adisa and Alabi (2021), undermines the very essence, integrity and fairness of the judicial system and erodes public trust, as the high and mighty in society use the instrument of bribery to buy justice to their favour and turning justice into a commodity for the highest bidder. This translates to justice inequality.

iii. In the view of Gwunireama (2022), there is a manifested marginalized and restricted access to justice for the poor and rural dwellers who make up about 70 percent of the population of the country. This restricted access to justice is a result of lack of legal awareness, poverty and access to capable legal representation. It is an unfortunate set-back to a fair and efficient justice delivery in Nigeria.

iv. The fear and reluctance to integrate AI technology into the judicial system of Nigeria for the fear of the unknown, according to Ajayi (2022), is another set-back. This attitude stems from an inherited Common Wealth conservative approach to legal practice. There is the fear that AI innovations would distort the nature of the legal practice in Nigeria especially when there is no formidable legal framework.

v. The power generating system in Nigeria is a great set-back as well. AI technology rely heavily on power for sustainability and internet connectivity**.** Power generation is at its lowest ebb in Nigeria. Unless it is improved, integrating AI into the judicial system will remain a mirage.

Integrating AI to the Nigeria's Judicial System

In consideration of the discourse above relating to the benefits of AI in the Judicial System and also considering the set-backs akin to the Nigerian Judicial System, it is clear that the benefits of integrating AI into the judicial system of Nigeria out-weighs the set-backs. In that wise, a little tune-up would be necessary to bring the desired interface in line with other developed countries.

Firstly, there is need for an elaborate specific legislative and regulatory platform in the judicial system of Nigeria for AI technology to strive and to avert the dangers concomitant to its use. This same view, according to Neuwirth (2023), pushed the European Union (EU) to press for the enactment of the Artificial Intelligence Act to assure the safety, legal compliance and ethical use of AI within their region. A comprehensive legal framework to accommodate the use of AI in Nigeria Legal Space is paramount. Such broad legislation should accommodate issues relating to Privacy and Data Protection. The reason is that the complex nature of the country and its judicial system harbours intricacies which may not be detected timeously. Succinctly, Ibidapo-Obe and Olabode (2023), rightly expressed that Nigeria judicial system lacks comprehensive data protection laws. This may give room for inappropriate data sharing and breach of privacy and intellectual property rights violation. It is therefore suggested that the AI systems should be built in conformity with existing privacy laws, intellectual property rights and data protection regulations. It is vital to prioritize the mitigation of this risk on ethical consideration to achieve a robust AI legislation to save the situation.

The provision of section 18 (2) of the Constitution of the Federal Republic of Nigeria, 1999 as (amended), entrenched the platform upon which the AI technology would strive by stating that "Government shall promote science and technology". It is heart-warming, according to Michael (2023) that steps are already being taken towards achieving it by the formulation of the National Artificial Intelligence Policy (NAIPS) to partner with the National Information Technology Department Agency (NITDA), even though the National AI strategy is yet to be formulated. However, the establishment of the National Centre for Artificial Intelligence and Robotics (NCAIR), commissioned in Abuja, November 13 2020 as captured by Effoduh (2021), is a great mile stone.

The courts in Nigeria are subtly amending their court rules to accommodate the use of AI in electronic filing of court processes and remote virtual court sittings, while law firms and judicial officers alike are boldly embracing AI technology in legal searches. A comprehensive AI legislation will harmonize and advance AI integration in the Nigerian judicial system. Secondly, it will be necessary to improve upon the technological and infrastructural facilities of Nigeria's judicial system in order to embrace the AI technology. At the moment, the requisite AI operational infrastructure is lacking in Nigeria's judicial system. There is need for a reliable and constant power supply and high-speed internet connectivity, significant processing power, high performance processors, data management capabilities and a right environment for data storage as Olaniyan and Folorunso (2021), opined. This, invariably suggests little renovations and innovations to Nigeria's court buildings to accommodate the new technology as well as sustain it. As at date and in the view of Agbakoba (2024), in Nigeria, "the law struggles to keep up" due to the rapid speed AI technologies move. In this wise, Okocha and Edafewotu (2022), asserts that the lack of infrastructural facilities exposes judges and legal practitioners to the struggle of meeting up with the speed of AI technology. This is as a result of a glaring digital divide with unequal access to technology and internet facilities. This situation creates limitation to accessing online facilities necessary for AI to operate. If improved upon, Nigeria will be on the second lap of integrating AI to its judicial system.

Thirdly, Integrating the AI technology into the Nigerian judicial system calls for technical expertise. Such expertise is minimal or lacking in the judicial system depending on the jurisdiction. This is a colossal set-back to AI application. Agbakoba (2024) insists that there is a clear disconnect between rapid evolution of AI and the lack of requisite technical crew and framework to run it. If the lack of technical expertise in the judicial system is addressed, the third huddle of integrating AI in the judicial system is scaled through. It is heart-warming to note that AI has been introduced into the Law School Curriculum. This is commendable as Cohen et al (2020), sees it as a way to equip future legal professionals with requisite AI skills to strike a balance at the point of leveraging AI technologies and maintaining the essential skills and expertise of legal practitioners.

Fourthly, the issue of job displacement, societal and cultural acceptance has to be mindfully handled to avert total rejection of the AI technology in the judicial system. The reason is that AI has the capability to automate several manually performed tasks. This may lead to unemployment. It is estimated, according to Sil et al (2020) that about 23 to 39 percent of legal tasks are automatable and may lead employers in the judicial system to cut down on their human workforce. It would therefore be imperative to reassure employees of their job safety and for them to have the understanding

that the deployment of AI does not serve as a replacement but a veritable assisting tool to the workforce in the judicial system.

Also, it should be known that the integration of Artificial Intelligence into the judicial system may not be easily acceptable as a feasibility by those who may prefer natural human judgment to automated processes. It becomes important therefore, to integrate AI in such a convincing way that it assists human expertise rather than controlling it in order to respect the set cultural and social norms. This ploy is achievable with the proliferation and use of smart phones by the same people.

Fifthly, ethical considerations come into play at this point for a smooth integration of AI into the Nigerian judicial system. The AI algorithms come with existing legal biases that hamper judicial fairness in automated decision-making. It therefore needs a practically sound platform to achieve the best potentials in the judicial system according to Akindele and Adewuyi (2023). The systemic biases so mentioned above, would raise issues relating to intellectual property law in Nigeria, especially where non-human creators/ inventors/authors were not contemplated. This definitely will lead to contentions on AI generated legal works as Adaka and Olubiyi (2022), opined. This challenge is surmountable in Nigeria, according to Akindele and Adewuyi (2023), if stakeholders in the legal profession are able to chart a common regulatory platform for AI integration in the judicial system.

Also, there will be need to re-evaluate the level of the AI biases in accountability and judicial process transparency in order to evade systemic inequalities that will result to different outcomes endemic in a biased AI algorithms when it attempts to imitate a complex human behaviour. In situations like this, Fell, (2012), suggests that a re-evaluation is important because similar cases are bound to have different outcomes as a result of an inconsistency prediction algorithms. These biases must be eradicated, otherwise, legal practitioners will find it extremely difficult to decipher ambiguous AI decision in equitable handling of cases in the judicial process. This situation will amount to judicial unaccountability.

Another ethical concern to be handled is regulatory transparency. This can be properly handled by a comprehensive AI legislation. A legislation providing for who should be held liable for inconsistencies emanating from AI biases in judicial decision-making. This consideration arises from the fact that the developers of AI technologies are non-legal professionals and the opaque nature of AI technologies inhibits unknown biases that affect decision-making processes. It therefore would be impossible to hold developers and users responsible for any adverse results. Therefore, in integrating AI into the Nigerian Judicial System, stakeholders must conduct a regular monitoring and evaluation of the system for optimal performance to reduce any risks therefrom.

Conclusion

The discourse above delineates the feasibility of integrating AI technology into the judicial system of Nigeria based on the inherent benefits therefrom which outweighs its shortcomings. It is advisable, following the global trend in AI technological advancement and information management *vis-à-vis* the traditional or manual uses, that the judicial system of Nigeria and indeed the legal practitioners embraces it in full as it promises a lee-way out of the lingering inefficient set-backs crippling the entire Nigerian Judicial System.

It is feasible to integrate AI into the judicial system of Nigeria while still maintaining the integrity of the judicial processes. All infrastructural and legislative defects should be effectively upgraded as a matter of urgency while ethical issues relating to AI integration, addressed properly to align with approved oversights, devoid of inconsistencies, to achieve accuracy, efficiency and accessibility, speed and quality of legal services particularly in the Nigerian judicial system long characterized by conventional methods.

Recommendations

The emergence of Artificial Intelligence technology and its integration to the Nigeria judicial system would offer immense benefits in providing easy and affordable access to justice, quick and accurate legal research and predictive analytics in decision-making jncluding efficiency and accuracy. However, for the sustainability of these benefits, it is recommended that:

i. Policy makers should comprehensively evaluate the challenges inherent in AI technologies discussed in paragraph 4 above, in order to come up with an all-

inclusive policy that would guide the enactment of a specific and elaborate localized AI legislation and regulations for the nations' judicial system.

ii. The software and hardware developers should tailor the AI technologies to suit Nigeria's complex judicial system while ensuring that AI related biases are minimized. Also the developers should, in collaboration with stakeholders, train or recruit the requisite support manpower to understudy the complexities associated with AI technologies.

iii. A continuous and intensive training courses on the requisite skills in using the AI system should be made paramount for the judges and legal professionals and the support staff of the judiciary. The requisite software and hardware should be put in place and the end users trained on it for better results.

iv. Consideration should be given to providing independent power sources to ensure an uninterrupted power supply and high speed internet connectivity even to the remote areas in order that the AI technology would strive.

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