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Impact of the COVID-19 Pandemic on the Transformation of Judicial System in Nigeria: from Traditional to Digital Justice

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Keywords

access to justice,
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digital technologies,
digital transformation,
electronic justice,
judicial system,
law,
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virtual hearings

Abstract

Objective: to identify the key technological solutions implemented in the country's judicial system under quarantine restrictions and to assess their long-term impact on the administration of justice.

Methods: the study uses an integrated approach that includes an analysis of legal acts regulating the digitalization of the legal sphere in Nigeria. The work provides a comparative study of practical guidelines from federal and state courts for conducting virtual hearings, and a systematization of data on the introduction of electronic case management and trial management systems. The author uses a doctrinal method of analyzing court decisions and the practice of using digital technologies in various jurisdictions of the country.

Results: the author showed that the COVID-19 pandemic became a catalyst for the accelerated transition of the Nigerian legal system from traditional paper-based document management to digital platforms. The main technological solutions are identified: online case management systems, virtual courtrooms, electronic filing systems, and digital legal research tools. The article lists advantages of digitalization, including increased productivity, ensuring security when reviewing cases, as well as disadvantages associated with depersonalization of document management, threats to confidentiality and the potential loss of jobs.

Scientific novelty: the work presents a comprehensive analysis of the transformation of legal practice in Nigeria under the influence of the COVID-19 pandemic with a focus on the impact of digitalization on access to justice. The study contributes to understanding the peculiarities of adaptation of legal systems in developing countries to extraordinary

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circumstances through the prism of technological innovations. The author developed the concept of the relationship between the judicial system's digital transformation and ensuring the constitutional right to a fair trial under the social distancing.

Practical significance: the study results can be used to improve the legal framework for the legal sphere digitalization in Nigeria and other developing countries. The conclusions are important for shaping policy in the field of modernizing judicial systems, developing ethical standards for virtual legal proceedings and creating effective mechanisms for ensuring access to justice in the digital age. Practical recommendations can be applied by judicial authorities to optimize the processes of administration of justice and to improve the quality of legal services.

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Introduction

The justice sector experienced a great revolution in the use of digital tools in dispensing justice by judges and legal practitioners who are plying their trade to earn a living. The emergence of the Covid 19 disease has plunged the entire world into a catastrophe of monumental proportion. Every aspect of human endeavour has been adversely affected by the pandemic. Economic, political, religious and social activities have been disrupted. However, many of the key players in these sectors have risen up to the challenges with pragmatic measures. The pandemic forced many professionals to consider digital options for service delivery including those practicing the practicing legal profession, lawyers, barristers and solicitors.

The legal system worldwide has become dependent on information technology, which has necessitated the transformation from the traditional usage of paper to the electronic recording and registration filing of legal documents and records. This development is not limited to other fields but extends to legal practice. In the current legal practice trend, many rely extensively upon digitization for information about cases, and the law is promptly accessible from estimators (Ufua et al., 2020). However, despite all that is happening digitally in current legal practice, Nigeria is still clinging to the ancient mode of justice administration by leaving out several aspects of digitalized practices.

The advent of the COVID-19 pandemic has necessitated the fast-tracking of the digitalization of legal practice globally. This is to enable the continuous provision of legal services via virtual and remote contact with clients and judicial officers. This paper examines the new approaches and technologies in legal practice as a result of the pandemic in Nigeria, defined by hybrid virtual court sittings, web-based communication applications, practice directions, and protocols for remote hearings. Virtual hearings, remote online witness conferencing and electronic and online filing of court processes are being deployed to replace physical courtroom hearings (Aidonojie, 2021).

This paper discusses the legal provisions, regulations, and guidelines at national and state levels on court-annexed and mediation schemes, legal aid providers and in-absentia hearings. The consequences of digitalization for legal practice and access to justice, such as overcrowded and unreliable internet connectivity in many parts of the nation, lack of computers, smartphones, modems, and cameras in legal aid offices and courts, the threat to privacy and cybersecurity due to lack of clear rules, potential hacking, and denial of service attacks, the heavy reliance on just one or two

international video-conferencing applications, data theft and manipulation, abuse and addiction to social media, etc., are also identified. The paper likewise underlines the importance of training and retraining of counsel, support staff and judicial officers in using new tools and provision of infrastructure facilities to facilitate the continuous digitalization of legal practice. The paper concludes by making suggestions on how digital legal practice in Nigeria can be optimized to guarantee the promotion of the rule of law and efficient delivery of the justice system.

During the pandemic, the courts in Nigeria had to embrace digital devices to promote the business of the courts and ensure access to justice by all those that needed and can afford it. The judicial sector and practicing lawyers adopted different digital tools in the administration of justice. This development could represent a turning point for the justice delivery and the judicial sector in Nigeria.

Nigeria, like other nations of the world, has embarked on efforts to contain the further spread of the Covid-19 pandemic by adopting policies and regulations targeted at social distancing and work from home, which involves digitalization of legal practice. Against this backdrop, a need arises to examine how the digitalization of legal practice and other contemporaneous legal aid services affect access to justice in Nigeria. Considering the complexity of the issues highlighted, this paper aims to establish the impact of the digitalization of legal practice on the judiciary in Nigeria.

1. Legal Framework for Digitalisation in Nigeria

At the bedrock of digitisation is the Nigerian Constitution 1999 which guarantees the right to privacy by providing in its section 37 that «the privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected”¹. This means that in all the digitization process, the privacy of persons involved or that may be affected must be considered at all times in order not to violate their fundamental human rights.

Also, the National Information Technology Development Agency Act 2007 (NITDA Act) establishes the National Information Technology Development Agency (NITDA) which is an agency responsible for regulating all information technology matters in Nigeria. The NITDA is the main regulating body in Nigeria for online services that let users transmit text, photo, or video messages to one another via the internet. It is the organization in charge of overseeing internet platforms that permit both professionally and amateurly generated material to be created and shared. The NITDA Act gives NITDA the authority to create rules and guidelines for the advancement, supervision, assessment,

¹ TNigeria Constitution 1999. <https://clck.ru/3MBoND>

and control of information technology practices, activities and systems in Nigeria, as well as any issues pertaining to or serving that objective². NITDA is also empowered to develop guidelines for electronic governance and to monitor the use of electronic data interchange and other forms of electronic communication transactions³. NITDA also provides support for the development of local content and the growth of the ICT industry in Nigeria.

In furtherance of its mandate, in 2019, the NITDA issued the Nigerian Data Protection Regulations (NDPR) 2019 and the NDPR Implementation Framework 2019 with the objectives to protect the rights of natural persons to data privacy, to foster safe conduct for transactions involving the exchange of personal data and to prevent manipulation of personal data⁴. The NDPR governs all transactions involving the intended processing of personal data, regardless of the method used to process the data in relation to natural persons in Nigeria. It also applies to natural persons who live in Nigeria or to Nigerian citizens who live abroad. Nonetheless, no Nigerian or natural person is prevented from exercising their right to privacy under the NDPR from any law, rule, policy, or contract that is now in effect in Nigeria or in any other country. The NDPR sets out the rights of individuals with respect to their personal data and the obligations of organisations processing such data and it provides for the establishment of a Data Protection Commission to oversee compliance with the regulation. Also, the Cybercrimes (Prohibition, Prevention etc) Act was enacted in 2015 to tackle the menace of cybercrimes which are crimes carried out primarily by means of a computer on the internet.

As regards the legal practitioner and digitalization, the Legal Practitioners Act (LPA) provides that for requirements for the qualifications for the admission into the legal practice in Nigeria. Persons desiring to become legal practitioners in Nigeria are required to obtain a qualifying certificate from an accredited University after which they pass the Bar examinations and be called to the Nigerian Bar. The LPA empowers the Body of Benchers to make regulations or modify the qualifying requirements laid down in the legal profession of any category of legal service. It also establishes the Rules of Professional Conduct for the legal profession (Udemezue, 2022). Rapid digitization of law education and practice, unique as it is, has challenges as it offers opportunities. The ability of the lawyer to grasp the subject matter of his advice and of which he is speaking leaves him with great influence and access to power. By analogy to functional plasticity, the lawyer can pivot to play a radical role regarding changes to the justice system, arguing for a wider range of solutions than have traditionally been enculturated. This is an area that offers the

² NITDA Act, section 6(a).

³ Ibid, section 6(c).

⁴ NDPR, paragraph 1.1.

opportunity of a wider role for digitisation in legal work. It is also an area which challenges the education of lawyers and there is room for much more focus on this in law schools (Bello & Ogufero, 2024).

Apart from these key legislations, the National Broadcasting Commission Act and the National Broadcasting Commission Code are relevant for the regulation of online platforms that deliver professionally produced editorial content to consumers in video and picture format.

It is clear from the foregoing that despite the global responses to legislations to incorporate digitisation into all spheres of life brought by the realities of the pandemic, Nigeria still has a lot to do in codifying these legislations and updating them to meet up with the minimum standards that could permit several services, including quality legal services to be delivered without physical presence. Given that not all the laws mentioned above recognise basic aspects of legal practice such as electronic signature, the implication of this for the Nigeria's legal system and other sectors is the limited scope of the legislations. Apart from the limited scope that may arise as a result of electronic signature, these laws were not tailored according to pressing matters inclusive to digital justice administration. The role of the laws in justice administration and legal practice may need further examination and amendment to respond to the society's need, including the possibility of voting in elections, access to justice, acting as a legal practitioner during a virtual hearing (Aidonojie et al., 2021).

This is not to say that Nigeria is entirely a stranger to digitized justice delivery system. Among the various digitization initiatives of the Nigerian justice administration are the Judiciary web portal, Judicial Performance Evaluation System, the E-justice Electronic Case Management System, Nigeria Case Management Software, Nigeria Electronic Filing Portal, and the e-filing. Furthermore, some Federal, State High, and customary Courts in Nigeria also have facilities to support video and teleconferencing for the hearing of matters. The National Industrial Court (NIC) in Nigeria recently piloted the remote/virtual hearing of its matters by its rules and guidelines issued in response to the COVID-19 pandemic (Ibekwe & Onwuatiegwu, 2021). However, there is a need to reinforce the importance of digitisation of the legal profession and practice in these laws.

2. Impact of Covid-19 on the Legal Sector

Like a recurring decimal, the Covid-19 pandemic disrupted societies. There was a disruption of every facet of society. People and organizations had to adjust to a new way of life predicated primarily on fancy technologies. This disruption was not only limited to the general population, but it also included professionals such as lawyers who traditionally have their print of foot obstructed by the law. All over the world, the pandemic ushered in an era of remote legal practice, supplemented by digital justice. Consequently, legal professionals who are notorious for being conservative and reluctant

to embrace digital technologies reluctantly embraced digital technologies to carry out legal practice. Consequently, a multitude of procedures and process were adapted into digital justice processes to accommodate virtual hearings and electronic filings during the pandemic (Karim, 2021).

The pandemic has also had several unintended effects on the Bar and Bench, affecting the furtherance of smooth justice delivery due to the non-implementation of statutory and functional responsibilities, especially the shutdown of the courts and the Bar from the public during the lockdown period (Arinze-Umobi, & Okonkwo, 2021). In the end, the impact of the pandemic has influenced access to justice with particular difficulty for disputant individuals and corporate entities and enforced a trial period for the legal system, in particular on matters that warrant urgent judicial decisions such as petitions for interim injunctions and police actions, long-term criminal and civil matters with inherent problems, among others (Olugasa & Davies, 2022).

With the change in lifestyle all over the world, there was invariable changes and adjustments in the modus operandi in Nigeria's justice sector. The Nigerian judiciary and the legal profession adopted some necessary adjustments to keep up with the times. This is where the deployment of information technology in the administration of justice has become a sine quanone.

In order to minimize the spread of the COVID 19 virus the Chief Justice of Nigeria (CJN), Ibrahim Tanko Muhammad on the 23rd of March, 2020, issued Circular No. NJC/CIR/HOC/11631. The essence of the directive was to initially suspend courts activities for an initial period of two weeks, save for urgent or time-bound cases. Furthermore on 6th April, 2020, His Lordship the CJN gave another directive, this time suspending court sittings sine die. His Lordship, however, noted again that courts were expected to sit particularly in respect of matters that are urgent, essential or time-bound.

In a bid to mitigate the dire consequences of the shutdown of the Courts, on the Nigerian justice system, notable voices in the legal profession made compelling and well-intentioned arguments for the courts to take advantage of the ease and efficiency offered by modern technology in order for the Courts to adopt virtual sittings. Subsequently the judiciaries of some states of the Federation started to issue some practice directions to introduce the practice of virtual hearing into the court proceedings. The Lagos State judiciary was among the initiators of this pragmatic innovation. The Chief Judge of Lagos State signed the "Lagos State Judiciary Remote Hearing of Cases (COVID-19 Pandemic Period) Practice Direction" which came into effect on the 4th of May, 2020. The essence of the Practice Direction is to make sure that hearing and determination of urgent and time-bound cases through digital platforms like Zoom, Skype or any other video and audio conferencing platforms approved by the Court.

Then, the Lagos State judiciary had its first virtual sitting in a criminal matter in line with the Practice Direction. The Borno State judiciary has also recorded its first virtual sitting wherein a Judge delivered a judgment in a criminal matter. The Federal High Court and some other State judiciaries have equally issued similar Practice Directions on virtual court proceedings and this is how the judicial sectors commence virtual court hearing and other forms of legal practice using the digital platforms were adopted. It is imperative to note that the Nigeria Evidence Act of 2011 was amended in 2023 for adopting electronic signature and other forms or processes through which legal documents can be authenticated and sent through a digital platform.

The legal consequences of the pandemic have led to innovative techniques for delivering legal services. The relevance of legal technology has received widespread acknowledgment at a level of importance commensurate with software developers and e-commerce entrepreneurs. Non-adoption or refusal to adopt relevant legal technologies risks dooming the legal profession to extinction. Consequently, there has been a tension of legal technology feeding on itself. Legal tech experts believe that more efficient, skillful, accurate, and affordable productions would be available through the outer limits of technology. Meanwhile, like offsetting colours, other stakeholders are pushing back and resisting such an embrace for reasons such as the value of human intervention, privacy concerns, unauthorized practice of the law, client access to lawyers, bandwidth issues, human touch in the decision-making process, technology cost effectiveness, and the real or perceived flaws in artificial intelligence algorithms (Eboibi & Mac-Barango, 2020).

In many ways, the Nigerian legal profession was in a state of suspended animation regarding its attitude to technology adoption in legal practice, i.e., until the advent of Covid-19, which forced many legal professionals to move work from the office to home. Thereafter, they had to embrace and use technology in their practice in no small measure. Such technologies were those that supported the efficient operation of judicial functions such as the remote appearance of legal counsel at court and the filing of court processes electronically, including enabling the court to entertain and deliver judgments in electronic format.

The pandemic has caused widespread disruption and pushed the legal industry into a massive, unpredicted transformation. The Bar and Bench are combating the effect of the pandemic head-on with the support of several Justice Sector partners by taking apparently quick steps to introduce virtual technology through webinar platforms, online meetings, remote working tools, etc., to ensure the safety and wellbeing of legal practitioners and staff. In Nigeria during the lockdown period, most law firms operate remotely while specific legal matters such as adjournment may be treated through remote video support, where possible. Thus, the legal industry has significantly accelerated its processes of digital transformation (Nwaiwu, 2021).

3. Technological Solutions for Legal Practice

Electronic exchange of judicial assistance documents and a bundle of electronic notices are some examples of digital capacity, in addition to judicial registries, designed to support, secure and enhance the new era of the legal profession, facilitating the conducting of business in a safe, flexible and contemporary digital context. Generally, it is expected that the investment in information technology can provide specific technology measures for procedural and organizational improvement. This section discusses specific interventions for technological advancement in legal practice and judicial activities in Nigeria.

3.1. Online Case Management Systems

In 2020, in response to the negative consequences of the pandemic on the administration of justice, various judges in Nigeria established individual virtual court sessions. For example, the Chief Judge of Lagos, which holds 117 of Nigeria's 255 non-Federal courts, issued guidelines setting out proceedings that could be conducted virtually, such as directions hearings, applications, and meetings in ongoing cases on the 'personally recorded' audio/video platform Zoom. Currently, both the High and Supreme Courts have individual virtual court appearances and some magistrates' and customary courts have held urgent matters via telephone and/or email. The Federal Courts also have ad-hoc or individual virtual hearings with limited provisions for court reporters, and limited security or enforceability of remote court orders where, being testimony, they cannot be cross-examined by opposing counsel (Olugasa & Davies, 2022).

There have been several attempts by private lawyers and public legal institutions in Nigeria to use digital technologies to improve litigation and case management in the courts. These include the launch of public access websites for the High and Supreme Courts, an online information portal for the justice sector produced through a World Bank-funded project entitled the 'Legal Information Management System' (LIMS), and the development of courtroom technology pilot projects, including the digitisation of case tracking, the installation of full audio-visual recording equipment, and electronic filing for bail. For example, Lagos has reported that some of its courts have prioritised urgent matters through virtual proceedings, conducted bail applications via email, and granted virtual marriage licences enabled through video calls (Nwebo, 2023).

3.2. Virtual Courtrooms

As opposed to the traditional court setting which is to have the judge, counsel, parties, witnesses, court officials, and audience in a physical courtroom, virtual courtrooms administers justice and trial processes online means and dispenses with the physical presence of these parties in the same place (Jimoh, 2021). The hearing is conducted through the format of a virtual conference. This is a digital procedure which enables

remote participants to access live online meetings and events from their computers across the globe. A virtual conference is hosted on the internet. Participants have no need to get together in a conference room in order to partake in deliberations at the conference. They can access the meeting through a conference website or video conferencing tools designed specifically for the virtual experience. In addition to the live events, virtual conference includes discussion forums, networking opportunities, a conference resource center, the ability to search for and chat with other conference participants, and other features. All of these are specifically designed to give virtual participants the same opportunity to get the same meeting experience as onsite attendees. The process is made easy by the adoption of witnesses' statements on oath, tendering of documents, presentation of argument and delivery of judgment are done electronically⁵. This method is known for its speedy trial, flexibility, effectiveness and adaptability to emergency situations (Jimoh, 2021).

It is important to note that in alternative dispute resolution cases, a virtual courtroom can simply be utilized in situations where the two disputing parties agree to meet online to settle a matter, as well as involve an impartial third party who will assist in mediating between the disputing parties with the aim of reaching a mutual understanding and/or settlement between them (Walker, 2020). Arbitration is another online dispute resolution mechanism that is utilized as a virtual courtroom. It is utilized when parties approach a neutral arbitrator to give an arbitral award, that is, a decision that is made by an arbitrator upon a disputed issue after considering the evidence provided by both parties. Disputes resolved through arbitration can be enforced in a similar manner to court judgments (Walker, 2020).

A virtual courtroom requires the following for effective virtual hearing:

1. A device you can access an internet connection (PC, MAC, Laptop, Smart Phone, Tablet, etc.);
2. The device must have a video conferencing software already installed.
3. A fast and stable internet connection.
4. A webcam or a built-in camera on your device that will allow the Judge to see you during the virtual hearing and a microphone to enable audio communication with other parties.
5. You must also have a valid email address to send and receive invitation links, meeting ID, password and other relevant details.

A virtual courtroom comprises online alternative dispute resolution services/means, which include mediation and arbitration. Mediation and arbitration are forms of ADR that provide the parties in a dispute with the opportunity to resolve their dispute without resorting to litigation. Furthermore, these mechanisms are effective, less costly, speedier, and confidential. Disputes conducted in these forums are usually resolved within weeks.

⁵ Harris Scarfe v. Ernst and Young [2005] SASC 443.

The method selected by the parties to resolve a dispute determines if the method used is arbitration or mediation. If the decision is binding, it is referred to as arbitration, but if it is not binding upon the party, it is referred to as mediation (Arinze-Umobi, & Okonkwo 2021).

Virtual courtroom could be conducted in three major forms – video conferences, teleconference and web conference. A video conference allows participants to hear and see each other during a meeting with a computer video camera and microphone or the built-in camera of a mobile device. There are various kinds of video conference providers in the current market, such as Skype, Zoom, Webex and EzTalks. This type of virtual conference is often used for interviewing job candidates in faraway locations or delivering group online meetings for business. It is also used for meetings with employees who work at home and telecommute, as well as to connect to long-distance clients. Video conference is additionally beneficial in online training, for holding brainstorming sessions or for project-planning sessions.

A teleconference connects meeting participants via phone lines. This can be accomplished through landlines or cellular devices, which allows numerous people to connect simultaneously from multiple locations. The downside of teleconferencing is that there is no visual reference for meeting participants, and people have no access to identify who is speaking and cannot see each other. This format can be more effective if all teleconference participants are introduced beforehand, and if each person identifies himself before commenting.

Web conference is an umbrella term used to describe the process of using the internet and a web browser to connect individuals or groups together from separate geographic areas for educational or training webinars, collaborative online meetings, video conferencing, or live presentations in real time. Web conference allows real-time point-to-point communications as well as multi communications from one sender to many receivers. It offers data streams of text-based messages, voice, and video chat to be shared simultaneously, across geographically dispersed locations.

However, the constitutionality of virtual hearings have been questioned in the light of the right to public trial as required by section 36(4) of the Nigerian Constitution and this right has been upheld in a number of cases where trials were held in Judges' chambers⁶. It is unsure how decisions, especially in criminal cases, made virtually during the lockdown will stand appeal processes should such decisions be appealed to the Supreme Court. Although, the term 'public trial' was not expressly defined in the Constitution, it would suffice as public trial if members of the public have unhindered right of ingress and egress without the requirement of any special consent⁷. Scholars have

⁶ See the cases of *Manakaya v. Manakaya* (2001) 43 WRN 138; *Oviasu v. Oviasu* (1973) 1 ALL NLR 73; *Edibo v. The State* (2007) 13 NWLR (Pt. 1051) 306; *Nuhu v. Ogele* (2003) 18 NWLR (Pt. 852) 251.

⁷ *Nigeria-Arab Bank Limited v. Barri Engineering Nig. Ltd* (1995) 8 NW LR (Pt. 413) 257.

however argued that even if virtual trials are made open with the link to attend publicly available, it will still fail the test of the requirement of public trial because many Nigerians cannot afford the cost of internet and devices to enable them attend the virtual trials.⁸ Apart from being able to afford the means of participating in virtual trials publicly, many Nigerians also lack the technical knowhow around virtual meetings. Should this then suffice as a reason to condemn virtual courtrooms which stands a chance to solve the challenge of slow justice dispensation in Nigeria? It is on this basis that it is pertinent to rule in the context of whether access to participate in virtual trials are made open without restrictions like passwords. Since the court has no business in how persons interested in attending proceedings in physical courtrooms get to the courtrooms, the burden of affordability and technical knowhow of virtual trials should not be placed on the court as well.

3.3. Legal Research

Legal practitioners, law students, researchers and judges' assistants can obtain pertinent statutes, case law, and regulations more quickly and accurately thanks to online databases and artificial intelligence. While sole reliance should not be placed on artificial intelligence, it helps in pointing the researchers in the direction to look in researching for a legal problem. This, in the end, saves a lot of time that would be spent in physical libraries and sourcing for information manually.

4. Merits and Demerits of Digitilisation of the legal practice in Nigeria

The digitilization of the legal practice has been met with mixed reaction with some embracing it and advocating for more digitalisation while others condemn it on the basis that the very nature of legal practice cannot make digitalisation to be an effective tool. It is noteworthy that the digitalisation of legal practice in Nigeria comes with advantages and disadvantages. This section outlines briefly the merits and demerits of digitalisation of legal practice in Nigeria.

4.1. Merits of Digitalisation of Legal Practice

The merits of digitalisation of legal practice includes among others: Increased productivity, enhanced clients service, decision in sensitive cases using zoom application, competitive advantage, improved work-life balance. These merits shall be expatiated hereunder:

⁸ Benson, H. (2020, 8 May). COVID-19: The Legality of Virtual Court Proceedings in Nigeria. <https://clck.ru/3M6CVy>

4.1.1. Increased productivity

By streamlining processes using digital tools, legal professionals can complete tasks more efficiently and with fewer resources. Increased efficiency allows lawyers to focus on higher-value tasks, boosting their overall productivity. Also, the cost savings associated with reduced overhead expenses can be passed on to clients or reinvested into the firm to fuel further growth and innovation.

4.1.2. Enhanced client service

Clients will appreciate the cost effect of digitalising too and will come to embrace the cost savings and convenience technology creates. Through digitilisation, lawyers can provide clients easy access to documents, case updates and billing information. And by collecting and analysing data about clients, lawyers can offer customized solutions that meet their unique needs and preferences.

4.1.3. Decision in Sensitive Cases using Zoom application

The decision of courts in sensitive cases like election petitions that are usually accompanied by violence can be delivered virtually to ensure security of persons and properties. By so doing, the risk of large gatherings in and outside the courtrooms erupting in conflicts can be avoided.

4.1.4. Competitive advantage

Legal practitioners that harness the power of technology can offer innovative services, respond more quickly to market changes and differentiate themselves from competitors who are slow to adopt digital solutions. By staying at the forefront of legal tech, your firm will be better positioned to attract and retain clients who value speed, convenience and innovation. In the same way. Judges that embrace digitalisation can clear backlog of cases easily provide faster justice to the public.

4.1.5. Improved work-life balance

Legal professionals can use tools like video conferencing and cloud-based document storage to stay connected with colleagues and clients while working remotely. This offers opportunities to improve work-life balance and as a result, contribute to increased job satisfaction, stress reduction and overall improved well-being for your employees.

4.2. Demerits of Digitalisation of Legal Practice

The demerits of digitalisation of legal services includes: impersonal documents, threats to privacy, job displacement, regulatory challenges.

4.2.1. Impersonal Documents

It may be challenging for lawyers to develop a personal, emotional bond with their clients as a result of generic, impersonal records produced by automated document drafting and filing systems. In the African setting, it is expected that there is a level of involvement in the case that makes the client to be convinced that the lawyer has delivered. Digitalisation will rob the legal practice of this essence.

4.2.2. Threats to Privacy

The centralization of power over personal data exposes sensitive information of persons that seek legal services. There is the risk of losing control of assets when there is no guarantee of adequate safekeeping of information exchanged in the course of legal processes. Even though technology eliminates human mistake, humans are still in charge of ensuring that the data are not compromised. Giving up control to technology exposes legal practitioners and clients to cybercriminals such as hackers, whose destructive abilities are unknown.

4.2.3. Job Displacement

Automation and digitization have the potential to eliminate jobs since they make some tasks outdated or automatable. This may lead to job loss or the requirement that employees retrain for different positions.

4.2.4. Regulatory Challenges

Complex legal and regulatory issues pertaining to cybersecurity, online content, data protection, and intellectual property rights are brought up by digitization. Keeping up with changing legislation may be quite difficult for both individuals and corporations.

5. Access to Justice in Nigeria

Access to Justice means different things to different people. In its narrowest sense, it represents only the formal ability to appear in court. Broadly speaking, it engages the wider social context of our court system, and the systemic barriers faced by different members of the community. Access to Justice is concerned solely with the protection of human rights by ensuring easy and non-discriminatory access to courts of law, the transparency of judicial functionaries and the promotion of a worldwide jurisprudence on human rights. It is important to say that the use of different digital platform formats as explained in this paper allowed people access to justice despite the restrictions and lockdown in peoples' movement during the COVID 19 Period in Nigeria. See Section 36 of the CFRN 1999 on fair hearing

This article does not aim to provide an extensive analysis of access to justice in Nigeria. Instead, it analyses the challenges and opportunities digitalization practices have represented for access to justice in Nigeria during and after the Covid-19 pandemic. This is known as technology-assisted litigation, which has permitted law firms, corporate legal departments, and courts to operate more effectively during the coronavirus pandemic. The digitalisation of the judicial process, also known as cloud court technology, has allowed the judicial process to continue mostly unimpeded even with courts physically closed and ensures disputes are still resolved within an acceptable timescale. However, reflecting on the merits and demerits of digitalisation of courtrooms and legal practices, it is essential to be mindful of the short-term and long-term challenges and opportunities these practices present for developing countries such as Nigeria, both in the context of the current pandemic and post-pandemic times (Otey, 2022).

Access to justice speaks of an open and transparent justice accessible to all. The phrase «access to justice» means access for everyone, without discrimination, at least cost, to a range of effective remedies (Adelakun-Odewale & Ogwezzzy, 2016). The justice system is available; it avoids discrimination against vulnerable or disadvantaged individuals, and outcomes are predictable and consistent so that dispute processes are just, non-discriminatory, and fair. Access to justice is fundamental to the maintenance of the rule of law as it ensures adequate protection of rights of the citizenry. Access to justice is an integral element of a fair society, enabling the marginalized to have their voices heard and their rights enforced. Concerning Nigeria, to access justice for the citizens effectively and efficiently, there must be physical access to open, independent courtrooms, judicial officers, and support staff. To ensure continuous access to justice, Nigeria must also accelerate the adoption of digital technologies in courtrooms (Olugasa & Davies, 2022).

5.1. Role of Technology in Enhancing Access

Concurrency is required in suggesting the use of IT while simultaneously identifying and advising on the management of areas of concern that potentially escalate access to justice, though, at the detriment of some interests inherent in physical court appearances. It is pertinent to highlight at this juncture that, in the spheres of COVID-19 jurisprudence and legal practice, IT being an enabler for remote hearing is not an entirely new phenomenon; prior to the pandemic, judicial authorities in Nigeria had issued practice direction rules authorizing the hearing of certain categories of matters by teleconference and videoconference⁹.

Access to justice has always been an issue both locally and internationally, long before the outbreak of COVID-19. Various impediments existed that hindered easy

⁹ Schmitz, A., Shapiro, St., & Lalani, Sh. (2023, August 20). Arbitration Conversation No. 88. <https://clck.ru/3MBp4k>

access to the courts such as the nature of the courtrooms, financial implications, and so on. However, the issue has reached an astronomical level in Nigeria as a result of the COVID-19 pandemic. The suggestion is on the use of information technology as an enabler for enhanced access to justice in Nigeria is situated within the context and background of certain preexisting salient features of legal practice in Nigeria. It is suggested that the uptake of information technology in this manner would result in greater efficiency and effectiveness of the administration of justice in the legal system (Uwaegbute & Unachukwu, 2022).

6. Ethical and Regulatory Considerations

The integration of modern technologies by the legal community encourages the use of enterprise tools while simultaneously implying constraints and duties defined by a branch of regulation specifically designed to meet the peculiarities inherent in the profession: legal ethics. This area of regulation aims to guarantee that lawyers act within a framework aimed at ensuring the security requirements of citizens, the fairness of the judicial process, the general public interest, or that particular interest that requires the collaboration of a legal expert. The impact of these special provisions creates an interesting regulatory diversification scenario that requires a doctrinal, systematic and comparative legal approach in order to align the three legal elements that jointly govern the crucial role of the lawyer in his/her relationship with communication technology (Tabatabai, 2020).

The activities of legal practice are shrouded with official secrecy owing to the confidential nature of the information with which lawyers are entrusted by their clients. Similarly, lawyers must exercise high professional standards while upholding ethical principles. Thus, the introduction of digital platforms in legal systems appears to be faced with a degree of resistance. The major challenge of the addition of digitalisation to the legal landscape, aside from issues of cost, is the guarantee of protection of client-lawyer privilege in the face of further eavesdropping or e-interceptions by highly skilled computer hackers and third-party intruders. Laying the foundation of digital applications in the legal sector upon secure platforms is vital to achieve end-to-end communication encryption (Purcell & Brook, 2022).

6.1. Data Privacy and Security

There is no doubt about the potential gains and, in some cases, existing gains to be made from the use of legal technology. However, ensuring that the growth of legal tech, particularly when technology becomes the new normal or a permanent part of the legal practice, is not only protected and secure but also compliant with legal and regulatory requirements is important. Other areas that must be looked at, particularly where legal tech targets the layman and not just the legal practitioner, would include consumer protection in legal tech products and services and legal malpractice as it relates to legal

technology. The interface between legal technology as it concerns the administration of justice and societal requirements and expectations is also important.

While the absence of enabling legislation is identified as a major factor preventing the growth of online legal practice, the increase in internet usage, a significant drop in the price of data, increased acceptability of online sessions, and technologically savvy younger generations appear to have propelled the growth of online legal services internationally. In the UK, where there are corresponding challenges around data privacy and security as it affects legal tech development, the security of data in the criminal justice system, data protection rights, and the combined effects of Brexit and the COVID-19 pandemic on data privacy and security in the legal tech sector cannot be overlooked. While the NDPR is aimed at regulating data privacy and security as a major legal framework of data protection enforceable directly in Nigeria, the law has been criticized for its lack of enforceability, lack of legal backing, and its overreaching provisions. Despite concerns about data privacy and security in Nigeria, a shift in data responsibility for cloud services and guidelines for using internet services effectively was proposed (Babalola, 2022).

6.2. Professional Conduct in Virtual Proceedings

One major challenge that professional conduct presents in virtual proceedings is the fact that the traditional methods used to obtain and maintain high levels of ethical and respectful behaviour, including various forms of policing and punishment, may not work as effectively in virtual space. In a physical courthouse, a judge can see, and if necessary, reprimand lawyers who are behaving badly. In a virtual courthouse, that same degree of visual monitoring may be difficult or impossible. Moreover, the physical isolation associated with most virtual proceedings could attenuate both the sense of community among the participants and the social constraints traditionally imposed by the physical presence of lawyers, judges, and clients in a real courtroom. This social and community constraints could also lead lawyers to adopt inappropriate informal tactics for courtroom advocacy, such as speaking more loudly, using contemptuous evidentiary objections, or acting inappropriately towards opposing counsel (Tiamiyu, 2022).

7. Future Directions and Recommendations

One of the significant impacts of the global health crisis hurried to our doorsteps at the speed of lightning of a thousand thunderbolts that revved the world into a frenzy was the pre-eminence of digitalisation. This paper recommends that in the event of future surges or pandemics, technological measures should be given pre-eminence in court registries not only as practicable contingency measures in addressing the safety concerns of litigants and legal practitioners, but also for the purpose of entrenching the objectives and reasonings behind digitalisation in court practice. All that this approach may lead

qualified officials in charge of court registries to do is to raise the antennae on the recurrent security and life-threatening hazards of individual technological solutions and conduct routine analyses on their ability to be integrated into the framework of our justice system.

The Covid-19 pandemic has only served to vindicate millennia of knowledge and wisdom enunciated by ancient Greek physicians. Epidemiologists have informed us thus far that the potential of a wider spread of Covid-19 is still far from abating. While there are already measures put in place for countries to mitigate the second wave of the Covid-19 pandemic, where is now the opportune time for legal practitioners to put in place some form of contingency plausibility measure so that litigants, particularly those seeking a day in a court of law, may not further have their means unwittingly snatched. The increasing use of digital technology and gadgets has been argued as integral to the access to justice project of conceptualising the meaning of «the court» to mean «any mode of dispute resolution» for litigants to have an outlet as disputes are always bound to come up from time to time.

Other follow-up discussions and implementations should include consideration of remote trial hearings using virtual Court Rooms, developing policy on deployment of E-filing protocols, secure videoconferencing, and the overall digital transformation of the criminal justice system. Key proactive policy changes and innovative measures such as those recently adopted during the pendency of the current pandemic must be further entrenched and sustained post-pandemic, which is where legislations and policy reforms come in. The advantage of timely coordinated measures such as those that have been recently adopted by a wide stakeholder audience in response to the Covid-19 pandemic is that potentially contentious issues such as the adoption and introduction of national, state, federal, and local law for use of technology in legal practices and across sectors were promptly debated, even if essentially at the level of moral suasion, rationale, and advisories. Consequently, when policies and laws are passed in Nigeria, there will hopefully be fewer hiccups in order for the legal practitioners to meaningfully contribute to sustainable development by exploiting the new digital tools of legal practice, performing effectively in the various sectors, as well as ensuring improved access to justice – economically for themselves and by extension society as a whole.

Furthermore, as the impact of access to telecommunication services cannot be overemphasized, training programs can also focus on advocacy, with the hope that legal professionals will encourage telecommunications providers to expand their coverage and reduce the cost of their services. Similarly, training sessions should be held for court registrars and personnel given the results that emerged with the digitalization of the judiciary. Such training can be carried out by government agencies, local non-governmental organizations, and international organizations, as these will not only help the judiciary system, but also enhance the image of the country as a fast-growing economy in Africa. Participants can be awarded certificates at the end of such workshops to encourage active participation and demonstrate the level of expertise.

Conclusion

It is an indisputable fact that the COVID 19 pandemic has changed the landscape of the entire world including legal practice in Nigeria through the use of digital technology. The protracted periods of lockdowns, social distancing and all forms of restrictions took a negative toll on all spheres of human endeavour. Digitalisation of legal practice in Nigeria has been accelerated due to the Covid-19 pandemic. This has resulted in a contactless environment where courts and other judicial bodies have been physically shut down. As a result, legal practitioners have had to find alternative ways to manage their work. While there are benefits to this digitalisation, there are also challenges. Initial discomfort and resistance to change are normal but can be addressed with the help of guidelines. Autonomy, integrity, familiarity, integration, trust, and quality are factors that contribute to the discomfort with new technologies and digitalisation.

These challenges pose new obstacles for the Nigerian legal profession and the implementation of legislation. The Nigerian Bar Association is therefore tasked to engage with stakeholders to find ways to mitigate these effects. But in the face of such rigid measures, we must be determined to forge ahead. There is the saying that when the going gets tough, the tough get going. These are extraordinary times and extraordinary times require extraordinary measures. We cannot insist on only physical court hearings at a time in summery Nigeria has come into terms with the use of digital technology in the practice of law where by the judges citing at the bench or the legal practitioners at the bar which includes their solicitorship jobs.

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Влияние пандемии COVID-19 на трансформацию судебной системы Нигерии: от традиционного к цифровому правосудию

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Ключевые слова

виртуальные слушания, доступ к правосудию, законодательство, пандемия COVID-19, право, суд, судебная система, цифровая трансформация, цифровые технологии, электронное правосудие

Аннотация

Цель: определение ключевых технологических решений, внедренных в судебную систему страны в условиях карантинных ограничений, и оценка их долгосрочного воздействия на отправление правосудия.

Методы: в исследовании применен комплексный подход, включающий анализ нормативных правовых актов, регулирующих цифровизацию правовой сферы в Нигерии, сравнительное изучение практических руководств федеральных судов и судов штатов по проведению виртуальных слушаний, систематизацию данных о внедрении электронных систем ведения дел и управления судебными процессами. Использован доктринальный метод анализа судебных решений и практики применения цифровых технологий в различных юрисдикциях страны.

Результаты: установлено, что пандемия COVID-19 стала катализатором ускоренного перехода нигерийской правовой системы от традиционного бумажного документооборота к цифровым платформам. Выявлены основные технологические решения: системы онлайн-ведения дел, виртуальные залы судебных заседаний, электронные системы подачи документов и цифровые инструменты правовых исследований. Определены преимущества цифровизации, включающие повышение производительности, обеспечение безопасности при рассмотрении дел, а также выявлены недостатки, связанные с обезличенностью документооборота, угрозами конфиденциальности и потенциальной потерей рабочих мест.

Научная новизна: проведен комплексный анализ трансформации юридической практики в Нигерии под воздействием пандемии COVID-19 с фокусом на влияние цифровизации на доступ к правосудию. Исследование вносит вклад в понимание особенностей адаптации правовых систем развивающихся стран к чрезвычайным обстоятельствам через призму технологических инноваций. Разработана

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авторская концепция взаимосвязи между цифровой трансформацией судебной системы и обеспечением конституционного права граждан на справедливое судебное разбирательство в условиях социального дистанцирования.

Практическая значимость: результаты исследования могут быть использованы для совершенствования законодательной базы цифровизации правовой сферы в Нигерии и других развивающихся странах. Выводы работы имеют значение для формирования политики в области модернизации судебных систем, разработки этических стандартов виртуального судопроизводства и создания эффективных механизмов обеспечения доступа к правосудию в цифровую эпоху. Практические рекомендации могут быть применены судебными органами для оптимизации процессов отправления правосудия и повышения качества юридических услуг.

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