Invigoration of E-Judicial System in Nigeria: Challenges and Improvement Strategies to Achieve SDG 2030

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Abstract

Over the years, judicial system in Nigeria has been known for its conservatism and conventional methods of administering justice. Considering the realities of the global socio-economic vicissitudes, there is urgent need to improve the effectiveness and efficiency of the judicial system in Nigeria. Therefore, this paper examines the e-judicial system in Nigeria, challenges and improvement strategies to achieve Sustainable Development Goal (SDG) 16 of the United Nations agenda 2030. The paper explored scholarly works focused on judiciary system to dissect the concept of e-judiciary system and identified the challenges faced by the judiciary system in Nigeria to include inadequate availability of ICT facilities and maintenance, inadequate availability of stable electricity, lack of ICT skills by judicial personnel, poor network system and unauthorized access to web portal by hackers. From the findings of the study, strategies to invigorate e-judicial system in Nigeria include, provision of adequate ICT facilities by federal and state government, regular appraisal and upgrading of the available ICT facilities, provision of stable electricity, monitoring of telecommunication industry activities by Nigerian Communications Commission (NCC) to ensure maximum efficiency, development of a Unified E-judicial Security Portal in form of encryption keys to provide strict access to courts' websites, organization of workshop, seminar and conferences to train judicial personnel on utilization of e-judiciary system in the administration of justice. The study further recommends that the Nigerian Bar Association should advocate the need for e-judicial system in various programmes they organize.

Keywords: *Nigeria judiciary, SDG 16, E-judicial system, Challenges, Improvement Strategies*

Introduction

Nigeria is the most populated country in Sub-Saharan Africa with multi-religious society of over 250 ethnic groups and tribes. According to the United Nations Development Programme (UNDP, 2016), this diversity makes it one of the most complex societies in Africa, with consequences of political instability, ethnic and tribal clashes, and a high level of corruption, among other problems that hinder sustainable development in Nigeria. In the view of Brundtland (1987), sustainable development is a form of development that meets the needs of the present without compromising the ability and capacity of future generations to meet their needs. Hence, the adoption of the 2030 Agenda for Sustainable Development Goals (SDGs) by 193 member States of the United Nations, together with members of the civil society, academic and private-sector stakeholders, in September 2015 provides governments with directions for developing institutions that are more responsive to the needs of the society (UNDP, 2016). The United Nations General Assembly (UNGA, 2015) posited that the goal is aimed at significantly reducing cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates.

According to UNDP (2016), the SDGs set out new and comprehensive 17 goals and 169 expectations, aspirations and priorities of the international community for 15 years. The UNDP (2016) further stated that goal 16 of the SDG aims at promoting peaceful and inclusive societies for sustainable development, access to justice for all and build effective, accountable and inclusive institutions at all levels. The goal 16 can be described as the bedrock upon which all the other goals are built, hence the commitment to achieving this goal may lead to the attainment of all the other goals with ease. The goal gives new approaches on how to promote a transparent and accountable judiciary system to deliver justice for all. In the view of Bárcena, Cimoli, García-Buchaca, Yáñez and Pérez (2018), to achieve SDG 16, wide-ranging efforts are needed in relation to assessment of capacities and resources of different kinds, development of new strategies and the design of institutional framework. Hence, Okafor and Ibietan (2019) stated that the goal is quite critical to Nigerian judiciary system in the light of prevailing issues such as terrorism, insecurity, corruption, weak governance, poor enforcement of justice and human rights.

In Nigeria, the judicial system refers to the collective body of judges and court systems, the branch of government which is responsible for the administration of justice based on the provisions of the law (Abdullahi, 2014). According to Baker (2016), Ogwezzy (2018), Sule, Mohamad, and Mohd (2021), the judiciary denotes the courts, adjudicators, magistrates, justices who enforce and interpret the law, resolve disputes and penalize law breakers in accordance with the provisions of the constitution. Research conducted by Ayim (2019), revealed that the Nigerian judiciary system is confined to the four walls of the courthouse with spaces such as lawyers' units, reception areas, lounge, conference rooms, law libraries filled with copies of books and other printed resources, and areas set aside for administrative assistants and paralegal offices. Ayim further stressed that the conventional Nigerian judiciary system has led to the rapid accumulation of cases, slow disposal rate of pending cases and increased the burden of effective access to judicial administration.

Public access to judiciary administration and fundamental freedoms, in accordance with national legislation and international agreements has become an important issue in Nigerian judicial system. According to Olubiyi, Olaniyan and Odiaka (2015), access to judicial system in developed countries is becoming more proficient, and efficient with the help of modern technological advancements. Unfortunately, Blair (2014) noted that technology relating to the

provision of legal services is slow in developing countries. In the view of Murungi (2011), the judiciary system in developing countries needs to integrate e-judiciary system which will facilitate access to e-case management, e-court session, systematically archiving and tracking records and amendments. According to Amofah (2017), e-judiciary system is a potential facilitator of access to justice, particularly in terms of improving judiciary system efficiency.

Currently, Nigerian judiciary system that handles cases running into thousands every year do not have adequate modern technological framework (Oluwajobi and Omoyajowo, 2020). Ozekhome (2013) also stated that very few law offices are connected to the internet. In addition, Vilquin and Bosio (2018) and Matthew (2021), noted that quality online skills training are not usually free and funding required to subscribe to sites are not readily available in Nigerian judiciary system for staff development. Hence, considering the need to facilitate legal proceedings that start long before a case reaches the courtroom, it is necessary to invigorate e-judiciary system in Nigeria towards achieving SDG 16 agenda 2030 of United Nations.

Concept of E-judicial System

The term e-judicial system is already a part of the litigation lexicon which is referred to a web-based court system that provides remote online access to case management, records and information (Oluwajobi and Omoyajowo, 2020). In the view of Haider (2011), e-judiciary system is systematic, efficient and provides comprehensive information for courts to guarantee unbiased decision and transparency in case management as well as hinder the misuse of power, corruption, case postponement and delays in decision making. Also Odoh (2015) and Amofah (2017), maintained that e-judiciary system facilitates indexing, abstracting, exchange of legal documents, automated processing of high-volume cases, audio and virtual court session capabilities, storage, retrieval and dissemination of information such as court calendars, filing and makes it possible for courts to adhere strictly to published standard schedule, track cases, control the use of resources and deliver court decisions electronically without physical court sessions. Research conducted by Ayaim (2019) and Olubiyi, Olaniyan and Odiaka (2015) revealed that with e-judiciary system, legal documents can be accessed from any internet-enabled device and lawyers can meet with clients at any location in cyberspace. In the same vein, Prakash, Mohanty, and Jain (2011) stated that:

> *The e-judiciary system has features including role based access to authorized users, uploading of scanned files/evidence, adding appropriate metadata, Judges access to recording of proceeding for review, reasons for rescheduled cases, record backup enabler and live webcast of proceedings that can be used by court reporters that missed a word or statement.*

According to Black (2015) and Gurbanov (2021), the main elements of the e-judiciary system include e-registration, e-filing, e-scheduling, e-tracking, validation of events, e-statistics, e-management, e-timing, automated random allocation of cases, independence of judges, e-signing and publication of the judgments. The e-court session is shown in figure 1 and 2.



Figure 1: E-court Session



Figure 2. A Lawyer during e-court session

E-judiciary System in Nigeria

In Nigeria, policy on adoption of information and communication technology (ICT) was initiated in 1999, when the civilian government came to power (Heathcoth, 2000). Recently, several reform efforts to improve access to judiciary system have continued in Nigeria. In 2012, the Chief Justice of Nigeria and Chairman, National Judiciary Council inaugurated Judicial Information Technology Policy Committee (JITPO) to outline a policy for the application of information technology in the day-to-day running of the courts, to improve productivity and boost confidence of the public in Nigerian judiciary system (Dahiru, 2012). The purpose of the policy was to ensure that ICT is used to effectively improve the function and activities of justice administration and dispensation by enabling optimal development, deployment and management of ICT within the Nigerian judiciary. According to Sule, Mohamad, and Mohd (2021), the adoption of e-justice had not gained much prominence in Nigeria until the outbreak of Covid-19 in 2020.

To meet the yearning of member States, the community court of Justice of the Economic Community of West African States (ECOWAS), holden at Abuja, Nigeria issued practice directions on electronic case management and virtual court sessions on March 11, 2020 which came into effect on 22nd May, 2020 (Asante, 2020). The practice directed parties and lawyers to lodge their legal processes electronically rather than physically. The community court of ECOWAS directed that before virtual hearing, the Registry and the IT Division of the Court shall liaise with all Counsels on record to ensure the suitability of facilities available. In the same vein, the Chief Justice of Nigeria on April 8th, 2020, suspended court proceedings indefinitely, except for cases that are urgent, essential or time bound (Oluwajobi and Omoyajowo, 2020). The closure of courts generated issues and concerns regarding the administration of justice and backlog of cases pending at Nigerian courts with limited number of judges. This constituted a very serious setback to the efficiency of the Judiciary system in Nigeria.

To attend to high-volume cases, the Borno State High Court held the first virtual court proceedings in Nigeria on 27th April, 2020 in a session hosted on Zoom, a video teleconference platform, and was presided over by Justice Fadawu Umar of High Court No. 13 (Oluwajobi and Omoyajowo, 2020). In the same vein, the Chief Judge of Lagos State on 27th April, 2020 issued a practice direction for remote hearing which came into effect on 4th May, 2020 that virtual proceedings could be held with the consent of parties and their counsel (Oluwajobi and Omoyajowo, 2020). Furthermore, Matthew (2021) stated that the Court of Appeal Rules in

2021 adopted legal technology in Nigeria. The Rules contained in Order 2 Rule 1 provides that a notice of appeal may be served by electronic mail especially if the party gave email address during the proceedings at the lower court. Order 20 Rule 1 stipulates that there shall be established a 24-hour electronic filing system in the Registry of the Court, functional in all the Judicial Division of the Court, for the electronic filing of Court processes and documents by parties. Order 21 Rule 1 permits the court to conduct its proceedings virtually where it deems fit. Order 21 Rule 2 provides that the virtual hearing shall be by means of any audio-visual platform approved by the Court and a link should be provided to enable the public access to the virtual proceedings.

According to Oluwajobi and Omoyajowo, (2020), the Federal High Court and the Lagos State High Court has adopted virtual proceedings via Zoom, Skype and other audiovisual platforms approved by the court. The Federal High Court's Practice Directions now specifically provides that, where parties and lawyers in a case agree to virtual proceedings, they shall liaise with the registrar to schedule the hearings. No doubt, the future of legal practice in Nigeria is anchored on the use of legal technologies as the legal landscape has radically changed with the disruptions engendered by the worldwide pandemic, and reliance on the use of technological tools and appliances in the delivery of basic legal services is now the new norm. Unfortunately, despite Nigeria's interest to achieving Agenda 2030 and the huge benefits conferred by the use of modern technology, there are some challenges that hinder its effective utilization (Okafor and Ibietan, 2019). Consequently, Asonibare and Akaje (2020) stressed that the challenges resulting from non-availability of infrastructures affects the smooth usage of modern technology for e-judiciary system. Hence, the challenges limit the administration of justice to the courtroom.

Challenges Facing E-judiciary System in Nigeria

The major challenges hindering the improvement of e-judiciary system in Nigeria are:

1. Inadequate availability of ICT facilities and maintenance: The inadequate availability of modern ICT facilities due to high procurement cost and maintenance is responsible for the low utilization in Nigeria for e-judiciary system (Vilquin and Bosio, 2018).
2. Non-availability of Stable Electricity: The non-availability of stable electricity has affected the use of technology for e-judiciary system in Nigeria. Almost all the ICT infrastructures depend on electricity to function.
3. Poor Network System: This is also a major setback to the effectiveness e-judiciary system in Nigeria. A large proportion of the Nigerian populace has access to internet through telecommunication industries. Unfortunately, some mobile networks are unavailable or not good in certain locations.
4. Unauthorized access by hackers: There are more than fifty thousand different types of computer viruses, internet malicious program and Trojans (Goyal, 2012). Software like Trojan horses can easily take up password on the web browser. These viruses can be introduced into the website with the intention to destroy vital information stored on the site.
5. Lack of Skills to utilize e-judiciary facilities: Most judiciary personnel and lawyers lack adequate ICT skills to effectively utilize e-judiciary facilities as a result of non-functional staff development programme.

Improvement Strategies to Achieve SDG 2030

Based on the findings of this study, the following strategies are recommended to invigorate e-judicial system in Nigeria towards achieving sustainable development goal 16 of the United Nations agenda 2030.

1. Government at all levels should ensure adequate provision of modern ICT facilities in judicial system. Also, regular appraisal and upgrading of the available ICT facilities should be carried out to bridge critical needs of e-judiciary system in Nigeria.
2. Electricity is one of the driving forces and backbone of modern ICT applications, government at all levels should connect all Nigerian judiciary system to stable electric grid.
3. The government through Nigerian Communications Commission (NCC), should provide internet service as basic amenity and monitor the activities of telecommunication industries by putting up a robust mechanism to control the standard of service they provide as this will make embracing e-judiciary system attractive to judiciary personnel.
4. Develop a Unified E-judicial Security Portal in form of encryption keys should to restrict unauthorized access to courts' website and powerful antivirus software should be put in place to prevent virus attack.
5. Workshop, seminar and conferences should be organized to train judges, lawyers and paralegal personnel on utilization of e-judiciary facilities in the administration of justice.
6. The Nigerian Bar Association should advocate the need for e-judiciary system in various programmes they organize.

Conclusion

The e-judiciary system has revolutionized the speed and nature with which judiciary personnel perform their functions. Whereas, conventional method of justice delivery practiced in Nigeria makes it practically difficult to speedily compile a valid record of judicial processes within a stipulated time as a result of administrative lapses. Considering the workload, volumes of information and cases in Nigerian judiciary, applying e-judiciary system will increase efficiency, accuracy, transparency, integrity, information retrieval, promote research and reduce stress. Risks such as loss of documents, cases of missing files and archives destruction will be significantly reduced or eliminated and this will lead to fast justice delivery needed to be achieved under SDG16 of the United Nations Agenda 2030.

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