

Legal Reliability of AI-Generated Evidence in Criminal Justice Systems in Nigeria

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ABSTRACT

The integration of AI in criminal investigations has revolutionised the collection, analysis, and prosecution of criminal cases in contemporary criminal justice systems. The use of AI-generated evidence, which includes facial recognition technology, predictions, digital forensics, and automated surveillance evidence among others, holds a great deal of promise in enhancing criminal investigations in Nigeria. However, concerns about algorithmic biases, lack of transparency, authentication, admissibility, and constitutional violations raise questions about its legal reliability. This study investigates the legal reliability of AI-generated evidence in Nigeria's criminal justice system through the adequacy of the current laws and institutions responsible for determining its legal validity. The study employs the doctrinal approach, making use of legal statutes, court judgments, policy papers, and other scholarly material in analyzing the issue. The findings show that even though Nigeria has some legal provisions on electronic evidence, it lacks comprehensive legislation to address issues related to AI-generated evidence, causing inconsistency in judicial application and accountability. It is the conclusion of the study that legislative changes are needed to develop the criteria for AI transparency, authentication, expert validation, and judicial oversight.

Keywords: AI-Generated Evidence, Criminal Justice, Justice Systems, Legal, Nigeria

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1. INTRODUCTION

Evidence forms the basis for criminal trials in Nigeria since it is used to determine if the prosecution has proved beyond reasonable doubt that an accused is guilty. In Nigeria, the criminal justice process is regulated by the Constitution of the Federal Republic of Nigeria 1999 (as amended)¹, the Evidence Act 2011², the Administration

¹ Constitution of the Federal Republic of Nigeria 1999 (as amended)

² Evidence Act 2011

of Criminal Justice Act (ACJA) 2015³, and others. Traditionally, the evidence in a criminal case includes oral evidence, documentary evidence, real evidence, expert opinion evidence, and electronic evidence. The enactment of the Evidence Act 2011 has been quite revolutionary in the area of rules governing evidence since it recognises the admissibility of electronically generated evidence in section 84, hence adapting to technological advancements in the criminal justice process⁴. According to the UNODC, the evolution of cybercrimes, financial crimes, terrorist acts, and organized crimes has led to greater use of digital evidence in criminal investigations by law enforcement agencies (UNODC, 2023). As a result, Nigerian law enforcement agencies such as the Nigeria Police Force, EFCC, and ICPC have come to rely on digital forensics to aid their criminal investigations⁵.

AI technology has revolutionized the process of criminal investigation through automation of the gathering, analysis, interpretation, and forecasting of evidential information. Some examples of AI-based evidence include results of facial recognition technologies, biometric verification systems, smart surveillance cameras, voice recognition systems, predictive policing technologies, automated fingerprint analysis system, digital forensics software, and AI applications that can analyze large volumes of electronic information⁶. Globally, AI technologies have made the investigation process faster through the identification of criminal patterns, reconstruction of crime scenes, and detection of financial crimes faster than the traditional way of investigation. As indicated by the International Criminal Police Organization (INTERPOL, 2024), AI-powered forensic technologies have greatly improved the pace of digital investigations, especially for cybercrimes and organized crimes across borders. In Nigeria, organizations like the EFCC, the Nigeria Police Force National Cybercrime Centre, and the Nigerian Financial Intelligence Unit have been using AI-powered digital forensics tools to conduct investigation of crimes involving internet fraud, money laundering, identity theft, and any other cybercrime⁷. Therefore, with the growth of digital governance and e-transactions, there has been an increase in the generation of electronically created information used in court as evidence in criminal trials.

Although the process of using AI-generated evidence is very helpful for investigating crimes, it still poses a number of legal problems connected with its reliability, transparency, explainability, accountability, and procedural fairness. The machine learning algorithm is usually considered "black-box technology", the process

³ Administration of Criminal Justice Act (ACJA) 2015

⁴ Alayoku Abayomi Anthony, Omoniyi Bukola Akinola, and Temitope Daniel Bamidele, "Analysis of the Admissibility of the Artificial Intelligence Generated Contract Agreement and Its Legal Implications," *African Journal of Legal Research* 2, no. 1 (2026).

⁵ Feranmi Adeoye, "The Role of Artificial Intelligence in Revolutionising Criminal Justice: Opportunities and Challenges for Nigeria," *Benue State University Law Journal* 12, no. 2 (2023): 350-370.

⁶ Blessing Efeoghene Agbonghae, Jude Uchenna Okoye, and Odinakachukwu Emmanuel Okeke, "Artificial Intelligence: A Catalyst for Advancing the Nigerian Judicial System," *Nnamdi Azikiwe University Journal of Public Law* 2, no. 1 (2025).

⁷ Joshua Oluwagbenga Ajayi, Edima David Etim, Iboro Akpan Essien, Emmanuel Cadet, Lawal Abdulmutalib Babatunde, Eseoghene Daniel Erigha, Ehimah Obuse Akinleye, Samuel O. Jinadu, Chinedu N. Onwusi, Anthony Omachi, and O. M. Ijiga, "AI-Driven Digital Forensics: Automating Evidence Gathering and Analysis" (2023).

of decision-making of which cannot be comprehended and verified by judges, lawyers, and accused people⁸. As a result, there are doubts about the authenticity, precision, reproducibility, and integrity of such outputs used in criminal trials. NIST researchers found that several algorithms of face recognition show demographic disparities in error rates and, thus, make it more possible to wrongly identify someone under certain circumstances (NIST, 2019). This is quite an important factor that has to be taken into consideration by the criminal justice systems, as the freedom of individuals strongly depends on their reliability. In the case of Nigeria, there is no adequate legislation about AI-generated evidence that allows for determining judicial criteria of admissibility, expert review, algorithm accountability, and obligations to disclose information⁹. Therefore, courts in Nigeria use the general law about electronic evidence without taking into account the special features of autonomous AI-generated evidence¹⁰.

There are various legislative provisions relating to electronic evidence in Nigeria despite the lack of one that covers AI-generated evidence in criminal cases. These include the Constitution of the Federal Republic of Nigeria 1999 (as amended), Evidence Act 2011, specifically section 84 on electronically generated evidence, Administration of Criminal Justice Act 2015, Cybercrimes (Prohibition, Prevention, etc.) Act 2015 (as amended), Nigeria Data Protection Act 2023, and the Nigerian Data Protection Regulation 2019. Although these legislations help in managing and admitting electronic evidence, they have not set any legal standard for validating the AI algorithms, analyzing the reliability of machine learning, ensuring explainability, establishing liability in case of errors by algorithms or protecting the accused from any decision-making bias by automation¹¹. Therefore, the courts in Nigeria will face a lot of uncertainties in deciding on the evidentiary value and reliability of AI-generated evidence. In cases where there are no statutory regulations to validate algorithmic errors and protect the accused from being convicted without being able to challenge any bias in the automated processes, there is a risk of undermining the constitutional provision for fair hearing, equality before the law and due process¹².

While the current Nigerian literature has discussed electronic evidence, cybercrime regulation and digital forensics investigation in detail, very little scholarly attention has been paid to the issue of legal reliability of AI-based evidence during criminal proceedings¹³. Most of the prior research has focused on the admissibility of electronic evidence as per Section 84 of the Evidence Act 2011 but does not provide

⁸ Ibid

⁹ Paul Atagamen Aidonojie, Hassan Ismaila, Eregbuonye Obieshi, Michael Inagbor, and Collins Ekpenisi, "Workforce Displacement and Labour Transformation in the Age of Artificial Intelligence in Uganda: Legal Response as a Panacea," *Lex Humana* 18, no. 3 (2026): e3555.

¹⁰ Isaac Akpomoshi and Philip Yakubu, "Regulatory and Ethical Implications of Artificial Intelligence in Nigerian Legal Practice," *Impact International Journals and Publications* 2, no. 1 (2026): 811–825.

¹¹ Muwaffiq Jufri, Paul Atagamen Aidonojie, Saiful Abdullah, Obieshi Eregbuonye, and Collins Ekpenisi, "Legal and Socio-Economic Issues of Islamic Banking System in Uganda: Learning from the Indonesian Experience," *Al-Mazaahib* 14, no. 1 (2026): 1–28.

¹² Olumide Babalola, *Cyber Security in AI-Driven Justice Systems: The Bar, the Bench and Other Ethical Concerns* (September 23, 2025).

¹³ Julius Chukwudi, "The Practice of Law and Administration of Justice in the Artificial Intelligence Era: A Nigerian Perspective," *SSRN Electronic Journal* (2024).

any critical analysis of the unique legal issues associated with autonomous AI systems such as algorithmic bias, explainability, validation standards, transparency and judicial oversight¹⁴. Thus, the novelty of the present study is that it provides a comprehensive legal analysis of AI-generated evidence as a distinct evidential category that requires specific reliability standards within Nigeria's criminal justice system. Furthermore, the contribution of this study consists of analyzing whether the current Nigerian evidentiary laws are sufficient to cover new AI technologies through applying comparative international standards for identifying possible reforms. Hence, this research aims to analyse the legal reliability of AI-generated evidence in Nigeria's criminal justice system and to determine whether the current statutory and judicial approaches to its admissibility and evidential value are adequate, or whether legal reform is necessary.

2. METHOD

The current study is anchored on the doctrinal legal research design to assess the legal reliability of artificial intelligence-generated evidence in the criminal justice system of Nigeria. A doctrinal research analysis will be applied in this research through the systematic interpretation and analysis of legal rules, judicial decisions and other scholarly materials in relation to criminal evidence and artificial intelligence technology. Primary doctrinal sources shall include: the Constitution of the Federal Republic of Nigeria 1999 (amended), Evidence Act 2011, Administration of Criminal Justice Act 2015, Cybercrimes (Prohibition, Prevention, etc.) Act 2015 (amended) and Nigeria Data Protection Act 2023. The secondary doctrinal sources shall consist of: textbooks, scholarly peer-reviewed articles, law reports, conference papers, reports and other reputable organisations. The data will be analyzed through doctrinal content analysis and legal critical analysis in order to assess the adequacy of existing legal frameworks in Nigeria regulating AI-generated evidence, highlight legislative weaknesses and come up with recommendations for improvement.

3. RESULTS AND DISCUSSION

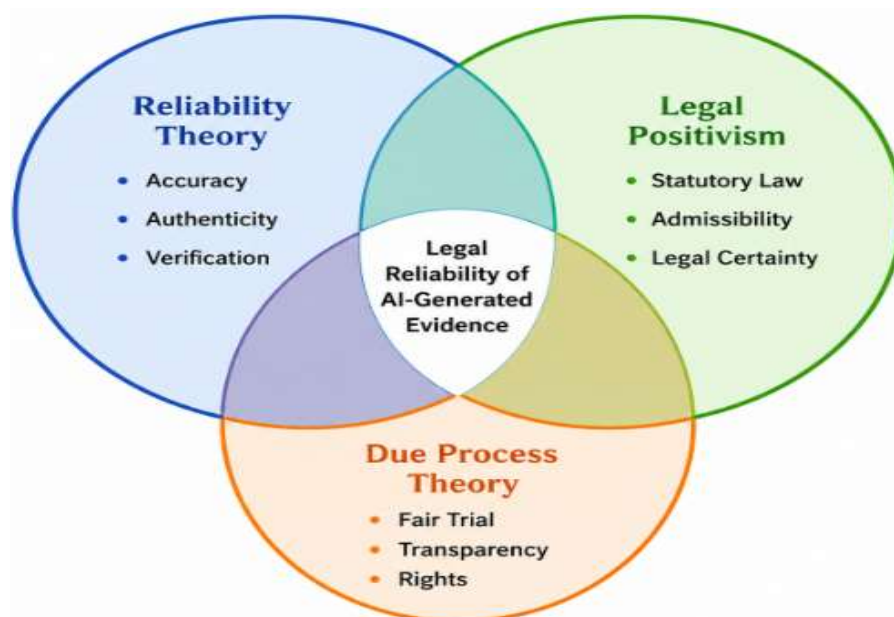
3.1. Theoretical Framework

The admissibility of evidence generated by AI in the criminal justice system of Nigeria can be analyzed in the context of jurisprudential theories which attempt to analyze the correlation between technology, law, and judicial process¹⁵. The research is based on the Reliability Theory of Evidence, Legal Positivism Theory, and Due Process Theory. Overall, these theories will offer a complete framework for analysis regarding whether evidence generated by AI meets all legal requirements concerning admissibility, authenticity, fairness, and reliability of evidence in the criminal justice process of Nigeria.

Figure 1: Theories on AI-Generated Evidence

¹⁴ Chiji Longinus Ezeji, "Evaluating the Responsive Uses of Artificial Intelligence in Criminal Sentencing in the Criminal Court: A Comparative Perspective," *International Journal of Business Ecosystem & Strategy* 8, no. 1 (2026): 83–104.

¹⁵ Okorie Hagler, "Interrogation of the Legal Effect of Artificial Intelligence on Legal Research in Nigeria," *Journal of Private and Property Law, Rivers State University* 24, no. 2 (2026): 274–293.



Source: Design by authors based on data obtained

The Reliability Theory of Evidence is the major jurisprudence that would serve as the foundation for the evaluation of AI-generated evidence in the criminal justice process since it advocates that only evidence which is accurate, reliable and verifiable should affect the judicial process¹⁶. The theory states that the admissibility and probative value of evidence are contingent on their ability to accurately establish factual truth. In applying this theory to artificial intelligence, courts need to determine whether the machine learning algorithms, facial recognition technology, biometric technology, predictive analytics, and other technologies produce accurate results and can be verified to rely on them in the criminal process¹⁷. This theory supports the principle of independent verification, technology processes' transparency, expert verification of the technologies used, and appropriate documentation of the processes of the algorithms used to ensure that there will be no doubts about the reliability and integrity of the evidence¹⁸. The theory is applicable in Nigeria because the Evidence Act of 2011 requires electronic evidence to meet certain criteria for reliability and authenticity in order to be admitted.

The Legal Positivism Theory, which is mainly founded on ideas proposed by Jeremy Bentham, John Austin, and H.L.A. Hart, is based on the concept that laws are valid and binding because of their creation through the process of formalization by competent legal authorities rather than through morality¹⁹. According to this theory, judicial decisions ought to be based on existing statutes and recognized legal processes

¹⁶ B. E. Ewulum and Damian O. Obiejesi, "Identification Parade and the Foibles of Artificial Intelligence in Nigeria: A Critical Legal Analysis," *Journal of Refugee Law and International Criminal Justice* 4, no. 1 (2026).

¹⁷ Abubakar Muhammad Jibril, Rabiul Abdulmudallib Bello, and Abbas Abubakar, "AI-Enhanced Criminal Investigations and Hudud Offenses: A Shari'ah Compliance Framework," *Alauddin Law Development Journal* 7, no. 2 (2025): 137–150.

¹⁸ David Chukwuebuka Mkpo, "Is Truth and Integrity of Justice on Trial in the Age of Artificial Intelligence (AI)? Re-Assessing Digital Evidence in the Context of AI-Generated Evidence Such as Deepfakes," *International Review of Law and Jurisprudence* 7, no. 1 (2025).

¹⁹ Ibid

rather than personal opinions concerning justice and desirability from technological perspectives. In the context of AI-generated evidence, Legal Positivism entails that Nigerian courts need to consider issues of admissibility of evidence based on the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Evidence Act 2011, the Administration of Criminal Justice Act 2015, and other applicable laws. As Nigerian law currently does not contain comprehensive statutes regulating AI-generated evidence, courts will have to interpret rules concerning electronic evidence while being limited by legislative intentions²⁰. This means that the Legal Positivism Theory emphasises the need for legislative changes in order to regulate algorithmic transparency, validation processes, certification by experts, liability, and judicial supervision²¹.

Due Process Theory is a fundamental constitutional approach through which one can measure the legality of evidence generated by artificial intelligence since the theory emphasizes procedural fairness, equality before the law, and rights of individuals throughout the criminal process²². Due to its foundation on constitutionalism and natural justice, the theory demands that every accused person gets a fair chance to test any evidence presented against him/her before an unbiased court. Considering artificial intelligence, Due Process Theory raises questions regarding the independence of the algorithmic evidence, how defendants can challenge automatic decisions, and how machine-learning algorithm systems jeopardise the constitutional right to fair hearing provided for in section 36 of the Constitution of the Federal Republic of Nigeria 1999 (as amended)²³. In addition, the theory highlights the significance of transparency, explainability, accountability, and human supervision when using AI technologies in criminal investigations and trials²⁴. Where algorithmic systems are used in criminal investigations as inaccessible "black boxes," the accused persons may lack a chance of challenging the accuracy of evidence, thus jeopardising procedural justice.

3.2. AI-Generated Evidence in Criminal Justice Systems in Nigeria

AI generated evidence is the new frontier in criminal investigation and adjudication that entails the utilization of machine learning technology, automated forensic software, facial recognition technology, predictive analytics, deep fake detection systems and algorithmic creation of digital evidence in criminal cases²⁵.

²⁰ Ibid

²¹ Godwin Obinna Okeoma, "Predictive Justice and Sentencing Algorithms in Nigeria: Legal Reliability, Evidentiary Weight, and Fair Trial Concerns, The Status Quo and What It Could Be" (2025).

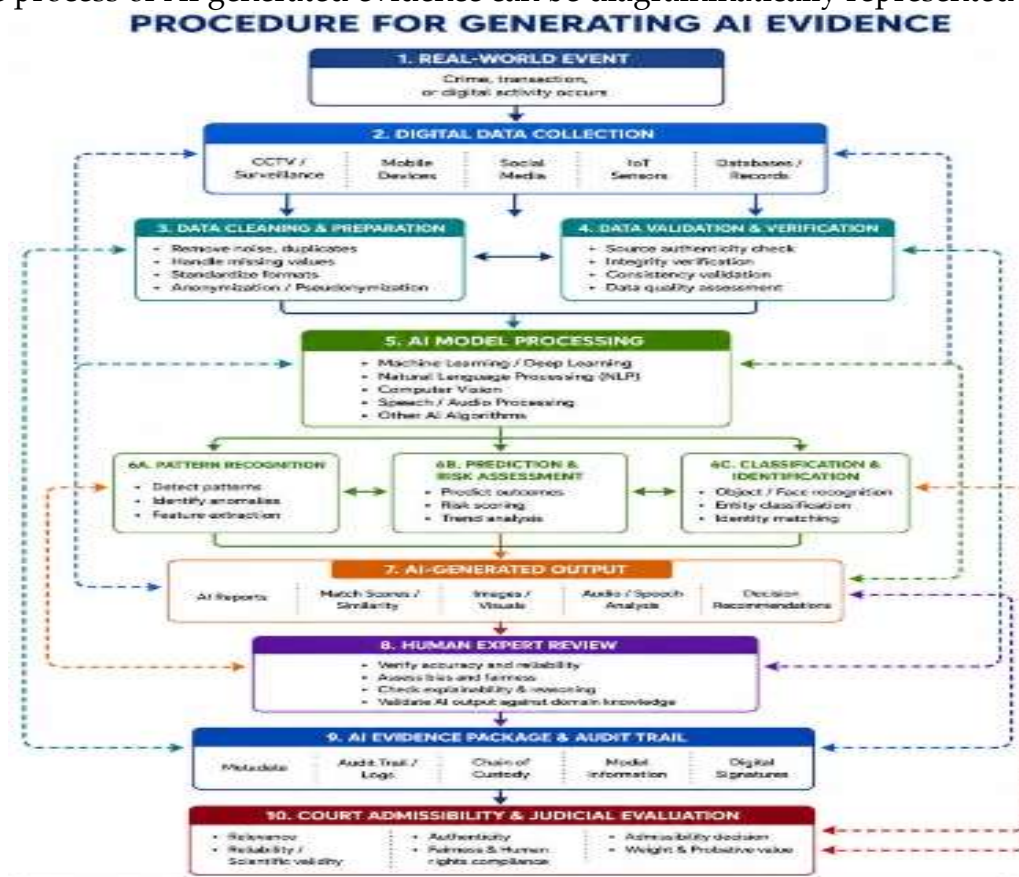
²² Ibid

²³ Nzubechukwu Anthony Orji, "Admissibility of AI-Generated Evidence under the Nigerian Evidence Act, 2023," *SSRN Electronic Journal* (2024).

²⁴ Sahibpreet Singh and Lalita Devi, "Reliability and Admissibility of AI-Generated Forensic Evidence in Criminal Trials," *arXiv preprint arXiv:2601.06048* (2025).

²⁵ C. J. Ubanyionwu, "Potential Benefits of Artificial Intelligence in Improving Efficiency and Accuracy in Legal Proceedings in the Nigerian Legal System," *International Review of Law and Jurisprudence* 6 (2024): 150.

The process of AI generated evidence can be diagrammatically represented below.



The emergence of evidence generated by AI in Nigeria is directly tied to the overall digitalisation of law enforcement and judiciary proceedings in light of the increased recognition of the use of electronic evidence in line with the Evidence Act 2011 (as amended). Section 84-84D of the Evidence Act establishes legal grounds for the admissibility of computer-generated evidence, yet these provisions were intended for electronic records and not independent AI-generated information²⁶. Therefore, it remains questionable if evidence generated and/or processed through AI technologies could meet the requirements of evidential materiality, credibility, relevance, and continuity²⁷. The recent legal literature on the subject in Nigeria has observed that although courts have gained some experience in working with electronic evidence, there is no known judicial ruling in Nigeria on the admissibility and weight of evidence generated by AI.

There seems to be an enormous potential for AI-generated evidence in improving the criminal justice process in Nigeria, especially in tackling problems related to crime investigation, forensic investigation, and case management²⁸. Nigeria continues to face numerous challenges related to its criminal justice system, including terrorism,

²⁶ Ibid

²⁷ Ibrahim Yusuf and Lilian Ogechi Okpara, "The Influence of Technological Advancement on Nigeria's Administration of the Criminal Justice System," *Sokoto Journal of Geographical Studies* 2, no. 1 (2025): 69–93.

²⁸ Aderomola Adeola, *Artificial Intelligence and Human Rights Law in Africa* (Abingdon: Taylor & Francis, 2025).

cybercrime, financial fraud, kidnapping, and organized crime, which may not be solved via conventional methods of investigation. Technologies of AI can facilitate evidence collection through automation of pattern recognition, digital forensics, biometric recognition, and data analysis. For instance, AI-based forensic systems of forensics are capable of analyzing video recordings, detecting digital manipulation of files, identifying unusual financial transactions, and helping investigators connect pieces of evidence²⁹. The relevance of developing forensic capacities is emphasized by scholarly research indicating that practices of collecting and presenting evidence in Nigeria are still hampered by a lack of proper infrastructure, lab accreditation, expertise, and adequate evidence management systems. Thus, if validated appropriately, AI-generated evidence can help improve the accuracy of investigations³⁰. Nevertheless, technical efficiency does not automatically mean legal reliability because for the conviction of crimes there must be evidence that is scientifically sound and legally acceptable.

While there are several strengths associated with this type of evidence, the reliability of the evidence generated by artificial intelligence in the Nigerian criminal justice process poses various concerns regarding algorithm transparency, biases, manipulation and accountability³¹. Contrary to traditional forms of evidence which result from human observation and conventional forensic examination, AI-generated evidence usually requires complex algorithms with a decision-making process that may not be easy to comprehend by judges, lawyers and defendants. This challenge, known as the black-box problem, makes it hard for one to cross-examine the AI system and determine whether an algorithm has produced reliable or biased evidence³². In the context of criminal cases, the possibility of using inaccurate evidence can lead to wrongful conviction or even violation of constitutional principles of fair hearing. Nigerian experts have highlighted the problems with AI-generated material in connection with the challenge of authentication because of the possibility of using highly realistic fake images, audio recordings and videos unless the material undergoes advanced verification. According to the International Review of Law and Jurisprudence, the Nigerian laws of evidence need to evolve to deal with new problems like hallucination, manipulation and validation of AI output³³.

For AI-generated evidence to acquire legal reliability within the context of Nigeria's criminal justice process, certain institutional reforms, capacity building within the judiciary and the setting up of particular standards for the assessment of the evidence are necessary. The Nigerian Judiciary, the prosecution agencies, law enforcement institutions and the forensic agencies need training to understand AI

²⁹ Eloghene E. Adaka and Ifeoluwa A. Olubiyi, "Lessons for Nigeria: Determining Authorship and Inventorship of Artificial Intelligence Generated Works," *Journal of Intellectual Property and Information Technology Law* 2 (2022): 15.

³⁰ Mohammad Airout, "AI-Enabled Misconduct and Corporate Criminal Liability in Arab Jurisdictions: Offence Design, Evidence, and Cross-Border Enforcement," *Corporate Law & Governance Review* 8, no. 1 (2026).

³¹ Ibid

³² Ibid

³³ Abiodun Amuda-Kannike, Florence Nemi-Clover, Samuel Oguiche, and Gloria Oluchi Jude-Akaraonye, "Artificial Intelligence in Legal Practice: Threat or Tool for the Future Lawyer in Nigeria?" *KWASU Law Journal* 4, no. 1 (2025).

technology and assess its evidentiary reliability³⁴. Moreover, AI-generated evidence cannot be accepted because of its production through advanced technology alone. The courts need to consider the reliability of the algorithms used, the training data sets used, the accuracy levels of the algorithms, the maintenance and calibration of the tools and the qualifications of the experts introducing the evidence³⁵. Lessons learned from other countries which have put in place AI regulation frameworks reveal that transparency and human oversight of the use of AI are very important. For Nigeria in the future to regulate the use of AI in the criminal justice process, there might be a need to amend the Evidence Act or introduce AI-generated evidence guidelines.

3.3. Legal Reliability of AI-Generated Evidence in Criminal Justice Systems in Nigeria

The legislation for evidence within the criminal justice process in Nigeria is set out in the Evidence Act 2011, where computer-generated information was initially set out under Section 84. The traditional standard of reliability depended on human-based evidence, but with the emergence of new technology, there is a need for a strong legal standard to regulate evidence from computers³⁶. Furthermore, the Administration of Criminal Justice Act (ACJA) 2015 assisted in the process by providing that notes of evidence could be made electronically. The key concern with regard to reliability remains that of ensuring that the information generated by AI or a computer indeed represents the facts in issue without any alterations. To make the information admissible, Section 84 of the Evidence Act 2011 provides the necessary conditions, requiring that the computer was functioning correctly at the time when the data was created³⁷. This implies a very stringent standard for the reliability of evidence, since the party offering the evidence would have to prove the correct functioning of the device. With increasingly complex AI technology, this statutory condition of "regularly fed information" forms the core of reliability.

The first substantial change in terms of improving the credibility of technology-driven evidence has been achieved through the passing of the Evidence (Amendment) Act 2023. The Act explicitly focuses on global technology improvements in terms of widening the list of admissible evidence³⁸. In particular, section 2 of the Evidence (Amendment) Act 2023 alters the provisions of Section 84 of the Principal Act by carefully adding the concept of "electronic records" in addition to "documents" and "statements." Such a linguistic move is crucial since it implies that data generated by any AI or algorithms is a unique type of record that needs to be recognized. Substituting Section 84(2)(b) with a new one, the law allows recognizing the fact that

³⁴ Matthew Izuchukwu Anushiem and Uchenna Maryjane Anushiem, "Artificial Intelligence and Digitalisation of Legal Practice in Nigeria," *Nnamdi Azikiwe University Journal of Law and Clinical Legal Education* 2, no. 2 (2025).

³⁵ Ibid

³⁶ Ibid

³⁷ Angelo Kevin Brown, "Law and the Criminal Justice System: A Framework for the Effective and Equitable Use of Artificial Intelligence," in *AI Influence on Governance and Law in the Digital Age* (2026), 75–102.

³⁸ Paul Dawap, Ayodele Adewole, and Jamila Nasir, "The Legal Status of AI-Created Trademarks in Nigeria: Prospects and Challenges," *PLASU Journal of Law* 4 (2026).

information can be regularly fed into a computer in an ordinary course of activities³⁹. This change helps to understand that the data needs to be seen as a process rather than a set of documents. Hence, AI-generated logs or records cannot be perceived narrowly but rather as regular electronic records only when their systemic functional reliability can be proven to the court.

Reliability of electronic records in criminal cases depends entirely on their authentication. New Sections 84A to 84D are introduced by the 2023 Amendment, and offer a specialised approach to the issue of digital signatures⁴⁰. Namely, Section 84C states that an individual can authenticate an electronic record through a digital signature if the technique is recognized as reliable or specified by the Act. Section 17 of the Cybercrimes (Prohibition, Prevention, Etc.) Act 2015 requires electronic signatures used in transactions to be legally binding. To provide for the reliability of the signature, the law stipulates that the burden of proof is placed on anyone arguing about its lack of "genuineness" (amended in 2024 to the Cybercrimes Act). Furthermore, Section 84D clarifies that a digital signature can be considered "secure" only when it was exclusively controlled by the signatory at the time of affixing⁴¹. Such provisions are extremely important in the case of AI-generated evidence, since they ensure there is a way to prove that the evidence was created by a specific individual or even a system⁴².

Reforms relating to affidavits and depositions of evidence have further improved the quality of evidence provided in Nigeria. The 2023 Amendment Act, through its Section 5, replaces Section 108, which provides for the deposing of affidavits through electronic means in front of duly authorised officers. These reforms are further extended to Sections 109 and 110, which provide for the use of "audio-visual means" in swearing of affidavits. To make these depositions legally valid, Section 119(2)(ba) mandates the provision of the electronic document indicating the audio-visual means and the exact date of its use⁴³. Provisions for such procedural clarity prevent fraud and guarantee that the court can confirm the conditions under which the evidence was sworn⁴⁴. Additionally, the provisions of the Administration of Criminal Justice Act 2015 under Section 362 allow the taking of technical or expert evidence using

³⁹ Uzoma Okwara Donatus, Victor Obiagwu Obinna, Ugochukwu Obasi Samuel, Cosmas Udogu Odera, and Fidelia Okorie Nkechi, "Artificial Intelligence and Its Societal Legal Implications," *IAAJAH-Igwebuike: An African Journal of Arts and Humanities* 10, no. 2 (2024).

⁴⁰ *Ibid*

⁴¹ Uche Divine Ogbonna, Kene-Unwana Trenchard Ibia, Joseph B. Igwe-Okomiso, and Ayodele Adetokunbo Olambo, "Artificial Intelligence, Paternity Fraud, and Legal Integrity: Enhancing Family Law and Economic Stability in African Societies," *Journal of Crime and Criminal Behavior* 6, no. 1 (2026): 167–192.

⁴² *Ibid*

⁴³ Ademola Elubode and Tolulope O. Fateropa, "The Impact of Artificial Intelligence on Legal Practice in Nigeria: Opportunities and Challenges," *The Obafemi Awolowo University Law Journal* 6, no. 1 (2025): 1–16.

⁴⁴ Yasein Hassan M. Osman, Damina Joshua John, Dalia Abass Ahmed, Rowaida Musa Abdelazez Mohamed, and Rasheeda Mahmoud Said Ahmed Ali, "Criminal Responsibility in the Age of AI: Rethinking Legal Accountability," *African Journal of Law and Justice System* 4, no. 3 (2025): 179.

electronic means of recording⁴⁵. Thus, the combination of all these reforms guarantees that even when witnesses are not available physically, their testimony can be obtained through electronic means.

Another measure which ensures the integrity of evidence generated through artificial intelligence technology is the Cybercrimes Act because it makes it illegal to manipulate any information. Section 13 of the 2015 Act makes it illegal for anyone to alter or suppress data with the intention of generating information which is not genuine⁴⁶. It is important to note that this measure will protect the integrity of evidence by preventing the actions which make evidence unreliable and lack genuineness. Also, section 14 makes forgery of computer-related fraud illegal through the suppression of the data for economic gains. Furthermore, the 2024 Amendment to the Cybercrimes Act seeks to protect the integrity of artificial intelligence technology by using consequential words such as "genuineness", which replaces "geniuses" in section 17 of the Act. Additionally, section 38 of the Cybercrimes Act provides for the retention of two years' traffic and subscriber information by the service providers. This provision will provide a digital trail which can trace the source and route of the communication evidence generated through artificial intelligence technology⁴⁷.

Nevertheless, despite the advancements above, the burden of weighing the significance of AI-based information still lies in the discretion of the judiciary. For instance, Section 92 of the Evidence Act provides that in weighing the weight of the statements in a document, the court should determine whether the statements were made at the time the stated facts occurred and whether the declarer has an interest in misrepresenting the said facts⁴⁸. This section is particularly important for AI since algorithms could have been programmed to have biases which are not evident to the eye. Further, the inclusion in the 2023 Amendment of clear definitions of words such as "cloud computing" and "digital signature" in Section 258 of the law offers a dictionary for judges to interpret this technology. As has been noted in recent legal analyses, however, the success of the above laws will be dependent on the continuous training of legal professionals in the use of electronic devices and documents. In other words, without proper knowledge about technology, the reliability of the above laws in the legal process is questionable⁴⁹. Nigeria has developed a sound statute base for AI use in criminal justice, but much more is expected to succeed.

Table 1: Major Reforms Regarding AI and Electronic Evidence in Nigeria

Reform Act	Key Provisions for AI/Electronic Evidence	Legal Impact
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⁴⁵ Ebrima Hydera, Masato Kikuchi, and Tadachika Ozono, "Empirical Assessment of Deepfake Detection: Advancing Judicial Evidence Verification through Artificial Intelligence," *IEEE Access* 12 (2024): 151188–151203.

⁴⁶ Dandy Chidiebere Nwaogu and Peculiar Ebehiremen Osahon, "The Efficacy of Forensic Evidence in the Prosecution of Sexual Violence Cases in Nigeria: Challenges and Prospects," *Western Delta University Law Journal* 3, no. 1 (2025).

⁴⁷ Ibid

⁴⁸ Joseph Nwobike, Maryann Nwosu, and Omotayo Johnson, "The Utility of Artificial Intelligence in the Pursuit of Justice through Judicial Precedent in Nigeria," *Beijing Law Review* 15 (2024): 2445.

⁴⁹

Evidence (Amendment) Act 2023	Broadens definition of documents to include "electronic records" in Section 84.	Establishes AI-generated data as a distinct, admissible class of evidence.
Evidence (Amendment) Act 2023	Insertion of Sections 84A-84D regarding digital signatures and authentication.	Provides a legal framework for authenticating AI and computer outputs.
Evidence (Amendment) Act 2023	Amendment of Section 108 to allow electronic affidavits and audio-visual depositions.	Enables remote, verifiable testimony through technological means.
Cybercrimes Act 2015	Section 13 (Computer Related Forgery) and Section 14 (Computer Related Fraud).	Protects the reliability of digital evidence by criminalizing data tampering.
Cybercrimes (Amendment) Act 2024	Corrects Section 17 to use the term "genuineness" regarding electronic signatures.	Clarifies the standard for authenticating digital signatures in court.
Admin. of Criminal Justice Act 2015	Section 362 (Electronic recording of expert evidence) and Section 364 (Electronic notes).	Modernizes court record-keeping and the collection of technical evidence.

3.4. Challenges and Gaps in Existing Legal Frameworks

One of the challenges of the existing legislative framework in this area is that Section 84 of the Evidence Act was framed around linear computer outputs which may not properly account for the non-linear nature of AI. Although the Evidence (Amendment) Act 2023 extended the reach to "electronic records", the statutory criterion for such evidence to be "regularly fed" to the computer in the "ordinary course of activities" still refers to the predictable human process of data input. AI systems often use the principles of deep learning and self-learning data scraping, making it difficult to prove to the court that the "kind of information" was processed systematically in accordance with the above criterion⁵⁰. In addition, the Cybercrimes Act 2015 provides for the fast-track preservation of computer data for a mere ninety days under Section 55. Such timeframe is usually not enough for the forensic experts to trace the decisions taken by the algorithm in cases of complex AI crimes.

The authentication framework set out in Section 84A-D of the Evidence (Amendment) Act 2023 presents a major difficulty for autonomous AI systems. For instance, in Section 84D(2), a digital signature can only be described as "secure" when it was under "the exclusive control of the signatory"⁵¹. As far as AI-generated reports or transactions are concerned, it would be difficult to identify an individual

⁵⁰ Chidinma Felicia Nwosu, "Emerging Frontiers of Insecurity: Implications of AI-Driven Deepfake News for National Security in Nigeria," *International Journal of Sub-Saharan African Research* 4, no. 2 (2026): 406–422.

⁵¹ Moses U. Okocha, *Perceptions of Journalists on the Impact of AI-Powered Deepfake Technology on the Authenticity and Misinformation in Health-Related Content in Nigerian Journalism* (master's thesis, University of Kansas, 2024).

"signatory" who was in "exclusive control" as there is no human involvement in the process. In case the algorithm generates a record on its own accord, the proponent may find it difficult to meet the burden of proof in establishing the "genuineness" of the signature in light of the Cybercrimes (Amendment) Act 2024. Additionally, in Section 84C(3), any alteration made to the electronic record should be able to be detected. Nevertheless, the complex nature of AI technology ensures that "hallucinations" within the system do not amount to "alterations" and, therefore, defeat the purpose of authentication.

Criminal law on this matter is provided for under the Cybercrimes (Prohibition, Prevention, Etc.) Act 2015 (amended 2024), which provides for the criminalization of data alteration and computer forgery. Nonetheless, there are no specific provisions in the Act concerning forensic procedures unique to AI, such as auditing of the dataset and neural network weights. Under section 45 of the Act, law enforcement agencies have powers to issue a warrant for "electronic evidence." Nevertheless, such procedures fall short in providing necessary procedures to deal with AI cases when data is processed through the cloud⁵². The Amendment to the Evidence Act in 2023 provides the legal definition for "cloud computing"; however, it does not provide protocols for handling the investigation of such data. The evidence collected from AI may be found in virtual environments not covered by the law. Without the provision for forensic procedures for dealing with issues such as algorithmic bias and data poisoning in the Cybercrimes Act, the process of determining the data stream admissible in court will be challenging⁵³.

There is a key omission in the assessment of the weight accorded to AI evidence through Section 92 of the Evidence Act. The court must assess if the maker of a particular statement had the necessary incentive to lie. In the case of a "black-box" AI, determining "incentive" becomes extremely difficult without expert testimony about the training parameters of the algorithm⁵⁴. Even though Section 362 of the Administration of Criminal Justice Act (ACJA) 2015 provides for taking expert evidence by means of an electronic device, ultimately the interpreter of the same becomes the Judge. As has been observed from the legal analysis that came along with the amendment in 2023, there is a great necessity for ongoing training of legal practitioners and judges regarding "audio-visual communications" and "electronic records". Failure to gain such technical knowledge would result in a situation wherein the judge either becomes overly dependent on AI output or discredits it because of ignorance.

4. CONCLUSION AND RECOMMENDATION

Nigerian legal framework has taken considerable steps towards its modernization as evidenced by the Evidence (Amendment) Act 2023 that introduced concepts such as "electronic record," "cloud computing," and "digital signatures." Through

⁵² Samuel Tolu Olumide and Ibrahim Hassan Umar, "Analysis of the Legal and Institutional Frameworks for Combating Cybercrimes in Nigeria," *Law and Social Justice Review* 6, no. 1 (2025).

⁵³ Deborah Oluwadamilola Shajobi Oseghale and Gloria Shajobi-Ibikunle, "Artificial Intelligence and Corporate Criminality: Emerging Challenges in Liability and Accountability," *LexScriptio: A Journal of the Department of Jurisprudence and Public Law* 2, no. 2 (2025): 150–165.

⁵⁴ Chukwuekwu Nordi Okonta and Chiamogu Anselm Nnamdi, "Forensic Investigation and Fraud Detection in Nigeria: Leveraging on Artificial Intelligence," *Review of Ethics in Sustainable Finance and Accounting* 1, no. 1 (2025): 31–38.

amendments to Section 84, the parliament has facilitated an important step forward for establishing the admissibility of information created by a computer in criminal cases. Furthermore, the Administration of Criminal Justice Act 2015 also provides for the admissibility of electronic recordings of court proceedings and expert depositions. Nevertheless, the heart of the matter lies in the reliability and authenticity of autonomous systems. Currently, the laws continue to operate on the assumption that evidence is human-generated and, thus, require the "exclusive control" and "regular feeding" of information into the system, which is far from being sufficient in the case of AI. Therefore, although there have been some improvements in the area of the framework for admissibility, there is still a lack of criteria for assessing the probative value of AI evidence. The Nigerian legal system has created an adequate foundation, yet it needs to go beyond the semantics.

To fill these current gaps, there is a need for the Attorney-General of the Federation to exercise the powers conferred under Section 255 of the Evidence (Amendment) Act 2023 to make necessary regulations on how AI evidence can be admitted in court. Such regulations should contain a specialised "AI Forensic Standard" which will give guidance on training data audit and algorithmic transparency rather than the general definition of an "electronic record". In addition, the National Assembly may need to amend the Cybercrimes Act again to incorporate the provisions requiring the mandatory disclosure of AI model parameters when there is an investigation of a crime involving algorithmic fraud. According to recent legal analysis, there is a need for concerted efforts towards ensuring that judicial officers have necessary training on how to assess the "genuineness" of digital signatures and cloud-based documents. It is important for partnerships between the Office of the National Security Adviser and the private sector under Section 41 of the Cybercrimes Act to create a list of AI expert witnesses that can testify in courts.

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