

## Legal Challenges and Prospects of Digital Trial Systems in Nigeria's Justice Administration

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### ABSTRACT

In Nigeria, the delivery of justice is usually carried out through physical court processes, paper-based documentation, and manual processes in courts. However, the fast pace of technological growth as well as experiences from the COVID-19 period have expedited the use of digital trial processes such as virtual hearing of cases, electronic filing of documents, digital management of evidence, and online case management in the country. Despite all these developments, the lack of a legal framework, poor technological infrastructure, cybersecurity issues, procedural issues, and unequal access to digital technologies are still some of the challenges facing the implementation of digital trial systems. This study seeks to assess the legal challenges and prospects of digital trial systems in the administration of justice in Nigeria. In this regard, the objective of this research is to analyze the legal framework for digital trials in the country, identify implementation challenges, and recommend legislative changes. Doctrinal methodology is employed in the analysis of constitutional provisions, laws, court judgments, practice directions, and secondary sources such as journals, books, and articles. Findings show that the use of digital trials would greatly increase access to justice, minimize case backlogs, increase transparency, and enhance judicial efficiency.

**Keywords:** Digital, Trial Systems, Justice Administration, Legal, Nigeria

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## 1. INTRODUCTION

The judicial administration in Nigeria operates in a framework guided by the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Administration of Criminal Justice Act (ACJA) 2015, the Evidence Act 2011, and other procedural rules of courts<sup>1</sup>. Historically, judicial proceedings occur through physical presence before

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<sup>1</sup> Desmond ON Agbor and Chioma Stanley Amaehule, "A Concise Legal Review of Digital Rights under the Nigerian Legal System: The Evolving Frontier," *Journal of Jurisprudence, International Law and Contemporary Legal Issues* 21, no. 1 (2026): 48–59.

judges, wherein the parties, lawyers, witnesses, and other court personnel physically appear to testify verbally, submit written evidence and make legal submissions. This traditional method helps uphold the constitutional concepts of fairness, openness, judicial independence, and due process<sup>2</sup>. However, the rising number of litigations, delays in procedural matters, lack of adequate court facilities and inefficiency in administrative matters have greatly contributed to long delays in case disposal in courts in Nigeria<sup>3</sup>. According to the National Judicial Council and other judicial performance reports, thousands of civil and criminal cases remain pending annually owing to congestion and inadequate judicial resources. The above mentioned difficulties have led to increasing demands for technologically driven innovations that would help improve judicial administration, increase procedural efficiency, reduce costs of litigation, enhance record management, and increase access to justice<sup>4</sup>.

The digital trial system refers to the adoption of information technology and communication technology into the process of trial for purposes of electronic filing, virtual hearings, electronic serving of court processes, digital case management, electronic recording of proceedings, and online access to judicial information<sup>5</sup>. The importance of digitalisation of justice has become more apparent in the face of the disruptions caused by the COVID-19 pandemic on the court systems. In this regard, various Nigerian courts have been implementing virtual hearing system under practice directions issued by superior courts coupled with the interpretations of the Constitution that accept technology-based processes<sup>6</sup>. In addition, the digital trial system has enabled the judges to hold hearings in virtual courts with the aid of video conference, lawyers filing cases electronically and litigants being able to monitor their case proceedings using the digital platform<sup>7</sup>. The use of digital technology in courts has also led to better preservation of documents, minimised administrative errors and increased procedural speed. Moreover, technology adoption has brought the Nigerian courts in line with other jurisdictions that have embraced the trend of e-justice across the globe<sup>8</sup>.

Despite having quite a number of benefits, the use of digital trial processes in Nigeria faces a lot of problems when it comes to implementing this initiative on a

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<sup>2</sup> 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).

<sup>3</sup> 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.

<sup>4</sup> Paul Atagamen Aidonojie, Oluwaseye Oluwayomi Ikubanni, Nosakhare Okuonghae, and Adefisayo Ifeoluwa Oyediji, "The Challenges and Relevance of Technology in Administration of Justice and Human Security in Nigeria: Amidst the COVID-19 Pandemic," *Cogito* 13, no. 3 (2021): 149–171.

<sup>5</sup> Paul Atagamen Aidonojie, Saminu Abacha Wakili, and David Ayuba, "Effectiveness of the Administration of Justice in Nigeria under the Development of Digital Technologies," *Journal of Digital Technologies and Law* 1, no. 4 (2023): 1105–1131.

<sup>6</sup> Benjamin Okorie Ajah, Uzochukwu Chukwuka Chinweze, Ifeyinwa Angela Ajah, Dominic Chukwuemeka Onyejebu, Aloysius C. Obiwulu, Emeka M. Onwuama, and John Thompson Okpa, "Behind Bars but Not Sentenced: The Role of Computerized Central Repository in Addressing Awaiting-Trial Problems in Ebonyi State, Nigeria," *SAGE Open* 12, no. 1 (2022): 21582440221079822.

<sup>7</sup> 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.

<sup>8</sup> Aaron Anyanabia and Alex Omojo Okoru, "Criminology, Penology, and the Criminal Justice System in Nigeria," *FUOYE Journal of Criminology and Security Studies* 4, no. 1 (2025).

national scale. These problems include poor internet coverage, electricity power supply, funding, lack of digital skills among the judges and court officers, and issues relating to cybersecurity among others<sup>9</sup>. There are also issues relating to the violation of constitutional requirements for fair hearing, witness interrogation, confidentiality, verification of electronic documents, and access to justice by people living in technologically challenged areas<sup>10</sup>. Although the Evidence Act of 2011 recognizes electronic evidence and the Administration of Criminal Justice Act of 2015 supports efficient use of technology, most of the rules relating to procedures for conducting court sessions are written for traditional court cases making them difficult to understand for purely digital trials. Inconsistencies in the adoption of the system among different courts of the country are also an issue that needs to be addressed.

The legality of digital trial systems in Nigeria is informed by several legislations and regulations. Section 36 of the Constitution of the Federal Republic of Nigeria 1999 (as amended)<sup>11</sup> provides for fair hearing. The Evidence Act 2011<sup>12</sup> also permits electronically generated evidence to be admitted under the appropriate provisions that deal with electronic evidence. The Administration of Criminal Justice Act 2015 also seeks to enhance procedural efficiency by incorporating technology innovations in criminal proceedings. Moreover, the superior courts have issued Practice Directions allowing the use of electronic filings, virtual hearings, and case management. Also, the Nigeria Data Protection Act 2023<sup>13</sup> has put in place appropriate measures on the handling of personal information in digital judicial processes. Despite all these legal developments, Nigeria does not have any comprehensive statutory law regulating digital trials. Legal frameworks for digital trials are scattered across several Acts and Practice Directions. There is therefore no clarity on procedural uniformity, cybersecurity measures, authentication of electronic files, digital file preservation, jurisdiction, and technological responsibility. Harmonisation of legislation on digital trials is therefore necessary in order to overcome inconsistencies, inadequate technological capacity in the various courts, and access to justice<sup>14</sup>.

The novelty of this study comes from its exhaustive legal analysis of digital trial systems going beyond the conventional analysis of virtual courts by taking into consideration the governance structure needed for justice administration based on technology in Nigeria. In contrast to other research that mainly addressed the emergency judicial response to the pandemic caused by the COVID-19 virus or the admissibility of digital evidence<sup>15</sup>, this study provides an in-depth analysis of the interplay between constitutional protection, procedural law, cybersecurity legislation, digital infrastructure, judicial accountability, and innovative technologies within a unified legal context. In addition to identifying legal gaps related to the

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<sup>9</sup> Caroline Mbafan Ekpendu, "Embracing ICT as an Effective Tool in Legal Education and Administration of Justice in Nigeria," *International Journal of Comparative Law and Legal Education Practice* 3 (2021): 32.

<sup>10</sup> Francis Ekene Ikebundu, "Evolving Legal Systems in Era of Artificial Intelligence," *Western Delta University Law Journal* 4, no. 2 (2026).

<sup>11</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended)

<sup>12</sup> The Evidence Act 2011

<sup>13</sup> Nigeria Data Protection Act 2023

<sup>14</sup> Yewande Fatoki and Divine Anyasi, "A Legal Prognosis of the Significance of Forensic Evidence in Criminal Investigation in Nigeria and South Africa," *AGORA International Journal of Juridical Sciences* 19 (2025).

<sup>15</sup> Ibid

institutionalization of digital justice, the study proposes a harmonized regulatory framework that can enable sustainable judicial transformation<sup>16</sup>. Therefore, the research objectives include the analysis of the legal regime of digital trials in Nigeria, the identification of major legal, technological, and institutional barriers in implementation, the analysis of prospects of digital trials for improving the efficiency, transparency, and accessibility of justice administration<sup>17</sup>, the comparative legal analysis of relevant international trends for judicial reform in Nigeria, and the provision of recommendations for legislative, institutional, and technological reforms to establish an efficient, secure, and constitutionally compliant digital justice system.

## 2. METHOD

This study uses the doctrinal method of legal research to conduct an analysis of the legal issues and prospects associated with digital trials in the administration of justice in Nigeria. The use of the doctrinal methodology is appropriate for this study because it will provide a systematic study, interpretation, and evaluation of legal principles in relation to digital justice and judicial technological innovation. Qualitative and analytical methodologies are adopted for this research, which will depend on the interpretation of statutory laws, case law, constitutional principles, and legal developments in other jurisdictions. The sources of primary legal materials are the Constitution of the Federal Republic of Nigeria 1999 (amended), the Evidence Act 2011, the Administration of Criminal Justice Act 2015, the Nigeria Data Protection Act 2023, Rules of Court, Practice Directions on virtual proceedings, and decisions of Nigerian appellate courts. Sources of secondary legal materials are textbooks, peer-reviewed journal articles, law reports, conference papers, policy documents, reports of the National Judicial Council, publications of international organisations, and comparative legal literature.

## 3. RESULTS AND DISCUSSION

### 3.1. Courtroom Trial in Nigeria Justice System

Trial in court continues to be the key tool used in administering justice in Nigeria in recognition of the principles of the rule of law, fair hearing, judicial independence, and due process<sup>18</sup>. The justice dispensation in Nigeria is undertaken through the existence of the hierarchy of courts that include the Supreme Court, Court of Appeal, Federal High Court, State High Courts, National Industrial Court, and Sharia and Customary Courts in addition to other lower courts provided for under federal and state legislations. Historically, trials have been conducted using the physical courtroom system where judges hear cases, lawyers make submissions, witnesses give oral testimony, and documentary evidence is heard and considered using existing

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<sup>16</sup> Elizabeth Aiwekhoe Iyamu-Ojo and Andrew Imeafo, "Forensic Science, Public Trust and Criminal Justice Administration in Nigeria: A Procedural Justice Perspective," *NIU Journal of Legal Studies* 12, no. 2 (2026): 79–96.

<sup>17</sup> 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).

<sup>18</sup> Felix Daniel Nzarga, Musa Kasim Bello, and Paul Ali Bobai, "Prospects and Challenges of Leveraging on Information Technology for Effective Justice Delivery in Nigeria," *African Journal of Law, Ethics and Education* 7, no. 4 (2024).

procedural norms<sup>19</sup>. Trial in court is meant to ensure that there is proper adjudication through the presentation of cases to the independent judiciary. Nonetheless, the conventional court system in Nigeria has over the years been facing problems that include lengthy litigation processes, poor infrastructure, backlog of cases, and inefficiency<sup>20</sup>. These challenges have brought about much concern about judicial reform through technology and innovations in order to increase efficiency and effectiveness of the process.

The conventional trial process in Nigeria is usually described as being a highly structured one with an emphasis on formality, oral presentation of cases and evidence, presence of judges, litigants, legal practitioners and witnesses in person at the proceedings<sup>21</sup>. The process typically involves originating processes, issuance and serving of processes, preliminary applications, examinations and cross-examinations of witnesses, tendering of documentary and expert evidence, final arguments of counsel, and the issuing of judgments<sup>22</sup>. Although such processes ensure high levels of transparency and allow for the judge to assess the credibility of the witness firsthand, they have been known to come with inherent problems of delay and inefficiency. According to reports of the National Judicial Council (NJC), there have always been reports of case backlogs in the Nigerian courts, with thousands of cases, both civil and criminal, waiting to be determined. The World Bank's justice sector assessment has similarly identified delays<sup>23</sup>, limited institutional capacity, and poor case management as key obstacles to accessing justice in many developing countries. In addition, the dependency on physical courtrooms makes it extremely difficult to undertake any judicial process during emergencies like the coronavirus pandemic, which limited court operations<sup>24</sup>.

Perhaps one of the major problems associated with courtroom trials in Nigeria is the constant delay in justice delivery. The constitutional maxim that "justice delayed is justice denied" has always been an issue due to the prolonged period of litigation, adjournments, shortage of judges, and inefficiency of the process of administration<sup>25</sup>. Through the performance review of judges by the National Judicial Council, it has been found that the Nigerian courts are still experiencing high workload, especially in the urban areas where the increase in population and business activities leads to

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<sup>19</sup> Oluwafemi Alexander Ladapo, "Effective Investigations, a Pivot to Efficient Criminal Justice Administration: Challenges in Nigeria," *African Journal of Criminology and Justice Studies* 5, no. 1 (2011): 7.

<sup>20</sup> Motese Emmanuel Macarthy, "Court Process Management and Access to Justice in Nigeria" (master's thesis, University of Greater Manchester, 2024).

<sup>21</sup> Emeka E. Obioha, "Challenges and Reforms in the Nigerian Prisons System," *Journal of Social Sciences* 27, no. 2 (2011): 95–109.

<sup>22</sup> Olubukola Olugasa, "Utilising Technology in Making the Nigerian Administration of Criminal Justice Act Effective for Criminal Trials," *International Journal of Comparative Law and Legal Education Practice* 11, no. 1 (2020).

<sup>23</sup> Adeyemi Oyedele Omodele and Olubukola Olugasa, "The Pros and Cons of Technology in the Judicial Process in Lagos State, Nigeria," *African Journal of Humanities and Contemporary Education Research* 13, no. 1 (2023): 329–340.

<sup>24</sup> Uchenna C. Okeke, "Enhancing Access to Justice Through Technology in Developing Countries: Technology-Based Initiatives, Challenges and Emerging Technologies," *International Journal of Comparative Law and Legal Education Practice* 16, no. 1 (2025).

<sup>25</sup> Ibid

more litigation<sup>26</sup>. The issue is experienced in the criminal and civil judicial systems, where accused persons end up spending long periods of time in detention before trial, and litigants take longer periods in trying to resolve their issues. In the report done by the African Development Bank and the assessment by other institutions on the justice system in Africa, poor court infrastructure, inefficiency in the application of technology, and ineffective case management practices have been attributed to judicial delays<sup>27</sup>. Also, the need to physically attend court makes litigation costly as the litigants are forced to make repeat trips to the courts.

Courtroom trial in Nigeria is regulated by a well-structured legal system meant to ensure fairness, transparency, and constitutional rights. Section 36 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) guarantees the right to fair hearing within a reasonable time from an independent and impartial court. This provision affects the way evidence is offered, parties participate, and judgements are delivered. The Evidence Act 2011 governs evidence presentation and consideration, whereas the Administration of Criminal Justice Act (ACJA) 2015 brought about reforms meant to address delays, efficient management of criminal cases, and efficient trials<sup>28</sup>. Likewise, rules of court regulate pleadings, process service, hearing processes, and judgement-making. Most of these legal instruments have been created under the premise of traditional physical courts without taking into consideration the realities brought about by technology. Problems such as electronic filing, virtual testimony, digital authentication, cybersecurity, and security of electronic court records need to be clarified through legislation<sup>29</sup>. Therefore, while Nigeria has a very good legal foundation for physical courtroom trial, technology requires appropriate legislation as well.

The increased complexities of modern-day disputes, the population increase, technological progress, and the need for efficient public service provision have led to the creation of an urgent need for reform of the Nigerian courtroom trial system. Although judicial processes and procedures are necessary for the maintenance of due process and fairness, they require complementary processes that will solve the problems of delay, bureaucracy, and access problems<sup>30</sup>. The advent of digital justice provides an excellent chance to revolutionize the courtroom processes using e-filing, virtual hearings, e-document management, automated schedules, and e-court data access. Jurisdictions like Singapore, the United Kingdom, and Canada are examples of nations where technology use is evident in improving judicial process efficiency without affecting procedures<sup>31</sup>. In Nigeria, efforts by some courts to integrate electronic filing and virtual hearing systems show the willingness to recognize the potential of technology use in justice administration. Nevertheless, the

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<sup>26</sup> Olubukola Olugasa and Abimbola Davies, "Remote Court Proceedings in Nigeria: Justice Online or Justice on the Line," *International Journal of Comparative Law and Legal Education Practice* 13, no. 1 (2022).

<sup>27</sup> Carolyn Oghenevwe Uwuseba, Peter Gasiokwu, and Beauty O. Alloh, "Comparative Analysis and Insights into the Criminal Justice Systems of Nigeria and Ghana," *Advances in Law, Pedagogy, and Multidisciplinary Humanities* 4, no. 2 (2026): 91–114.

<sup>28</sup> Ibid

<sup>29</sup> Ibid

<sup>30</sup> Yewande Fatoki Oyedele, Tunji O. Oyelade, and Tobiloba Opeyemi Awotoye, "Assessing the Efficiency of Judicial Response to Terrorism in Nigeria," *Nnamdi Azikiwe University Journal of Public Law* 2, no. 1 (2025).

<sup>31</sup> Ibid

implementation of digitalization must be done under strict regulation to prevent exclusion of the vulnerable members of society, breach of data confidentiality<sup>32</sup>, and reduction of constitutional provisions. The future of Nigeria's justice system must, therefore, be a combination of the benefits of courtroom trial procedure and a digital justice system.

### 3.2. Incorporating Digital Trial Systems in Nigeria's Justice Administration

A digital trial system refers to the use of information and communication technologies in the holding of judicial trials through electronic channels such as virtual hearings, electronic filing, digital presentation of evidence, online case management, electronic transmission of court process, and automated judicial case management systems<sup>33</sup>. The introduction of digital trial systems in Nigeria can be attributed to international trends in the evolution of e-justice services alongside increased pressure for effective and efficient justice institutions. The outbreak of the Coronavirus disease 2019 (COVID-19) pandemic accelerated technological adoption within the Nigerian Judiciary since court activities were greatly hampered by public health restrictions<sup>34</sup>. UN DESA states that the digitalization of public sector institutions has increasingly been considered a global strategy towards enhancing accessibility and transparency of service delivery. To mitigate the operational challenges of court activities due to the public health restrictions, the Nigerian courts have established virtual hearing systems through practice directions allowing some judicial processes to be conducted electronically<sup>35</sup>. For example, the Supreme Court and some state courts have established guidelines for remote hearing and electronic case filing processes.

Indeed, the use of digital trial systems provides great possibilities to increase the effectiveness of the justice administration in Nigeria. An electronic filing system will help to eliminate delays related to the manual filing of court papers<sup>36</sup>. Moreover, using a digital case management system, judges and court staff will be able to follow the course of proceedings, schedule their workload, and track the case progress. Virtual hearings could help to cut unnecessary physical presence, especially in procedural cases, which would help to reduce the cost of litigation for the disputing sides and the burden on court facilities<sup>37</sup>. The Worldwide Governance Indicators and justice sector assessments carried out by the World Bank have pointed out the importance of institutional effectiveness, digitization, and administrative reform as factors contributing to improvements in the performance of public sectors. At the same time, the UN e-government survey has recognized the role of digital government platforms in increasing access, accountability, and citizen participation<sup>38</sup>. In this regard, it should

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<sup>32</sup> 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.

<sup>33</sup> 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.

<sup>34</sup> Ibid

<sup>35</sup> Ibid

<sup>36</sup> Afolalu Sunday Adeniran, Adaora Osondu-Oti, Ifeoluwa A. Olubiyi, Omolola Olarinde-Olomola, Abraham Adeniran, and Adetola Adesina, "Contemporary Issues in Nigerian Law: Essays in Honour of Professor Elisabeta Smaranda Olarinde, FCAI, FCARB," *Journal of Sustainable Development Law and Policy* 15, no. 3 (2024): 550–566.

<sup>37</sup> Ibid

<sup>38</sup> Ibid

be mentioned that for Nigeria, where court congestion is one of the major problems of the justice system, the implementation of digital trial systems is a good way to shorten the period of delays and increase productivity.

However, while there are various benefits associated with the use of digital trial systems, their adoption by the Nigerian judiciary presents numerous legal and institutional challenges<sup>39</sup>. First, the challenges relate to the genuineness, integrity, and admission of evidence presented via virtual trials. While the Evidence Act 2011 acknowledges electronic evidence, issues regarding the authentication of digital evidence, its preservation, chain of custody, and prevention of manipulation persist<sup>40</sup>. Another crucial challenge that needs to be taken into account is the one related to cybersecurity since the judicial system deals with highly sensitive information. There is the Nigeria Data Protection Act 2023 in place to regulate the processing of personal information, but a judicial cybersecurity framework is needed to deal with new technological challenges<sup>41</sup>. According to reports published by cybersecurity organizations like ITU, cyber threats are growing continuously across the globe due to digital connections among institutions. Similarly, the development of the digital economy in Nigeria has raised cybersecurity challenges in the country. Finally, the uneven availability of high-quality internet services and devices may pose an inequality problem for litigants in urban and rural areas<sup>42</sup>.

Implementation of digital trial systems in Nigeria will depend largely on institutional preparedness, technology infrastructure, and capacity building, among others. While some courts in Nigeria have adopted electronic systems, adoption of the same at the national level still faces challenges due to variation in funding, technology capabilities, Internet access, and administrative preparedness in federal versus state courts<sup>43</sup>. In its digital transformation, NITDA and other similar technology organizations have stressed the significance of developing infrastructure capabilities, cybersecurity awareness, and capacity building. International Telecommunications Union also points out broadband Internet availability, cost of access, and digital capability as key elements in digital governance<sup>44</sup>. Among the judiciary, continuous training of judges, lawyers, court registrars, and administrative staff members will be important to effectively make use of digital platforms in managing proceedings. Funding for the creation of secure data centers, Internet connectivity, electronic filing systems, and courtroom technologies will be important. Lack of proper institutional preparedness will result in fragmented outputs and deepening of inequalities. Digital transformation of Nigeria's justice system will therefore depend on concerted efforts

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<sup>39</sup> Adiele-Chi Emejuru, Adekunbi Imosemi, and John Alade Ayodele, "Juvenile Safeguard and Culpability in Nigeria: Reconciling Rights, Accountability, and Rehabilitation in a Digital Age," *Nigerian Law and Practice Journal* 14, no. 1 (2026): 84–102.

<sup>40</sup> Jake Okechukwu Effoduh, "From Colonial Judicial Legacy to Algorithmic Justice: Preparing Africa's Judiciary for the Algorithmic Courtroom," *Computer Law & Security Review* 62 (2026): 106380.

<sup>41</sup> Ibid

<sup>42</sup> Ibid

<sup>43</sup> Ibid

<sup>44</sup> Gloria D. Shajobi-Ibikunle, "Challenges of Imprisonment in the Nigerian Penal System: The Way Forward," *American Journal of Humanities and Social Sciences* 2, no. 2 (2014): 94–104.

by judicial institutions, government bodies, legal practitioners, and technology stakeholders<sup>45</sup>.

There is a lot of room for improvement in relation to the use of digital trial systems in Nigeria as a means of facilitating an accessible, efficient, and open judicial process. First of all, such a system will enable greater accessibility, as well as faster access to information on court activities<sup>46</sup>. At the same time, digital justice can help in making the judicial process more efficient due to better management of records, automation of the processes, and higher transparency of case handling. It has been proven in the experience of technologically developed countries that a digital court system can be used effectively as a complementary tool to the traditional justice administration system if the appropriate legal regulation exists<sup>47</sup>. Therefore, the introduction of the digital trial system in Nigeria is not only a technological solution but also a judicial reform, which is targeted at increasing trust in the judicial system and reinforcing the rule of law <sup>48</sup> . Nevertheless, sustainable digital justice needs a comprehensive regulatory framework regarding the conduct of electronic processes, evidence in electronic form, cybersecurity, data protection, and access equality. Introduction of artificial intelligence, blockchain technology, and other advanced solutions for record management and analytics can further improve judicial services.

**Table 1: Prospects of Digital Trial Systems in Nigeria’s Justice Administration**

| Prospect Area              | Current Challenge in Traditional System                                                                         | Digital Trial Solution                                                     | Expected Impact on Justice Administration                   | Required Legal/Institutional Measures                                                  |
|----------------------------|-----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|-------------------------------------------------------------|----------------------------------------------------------------------------------------|
| Reduction of Case Backlog  | Long delays, frequent adjournments, and inefficient case management contribute to accumulation of pending cases | Electronic filing, automated scheduling, and digital case tracking systems | Faster disposal of cases and improved judicial productivity | Amend procedural rules and establish nationwide electronic court management frameworks |
| Improved Access to Justice | High transportation costs, geographical                                                                         | Virtual hearings and online court services enable                          | Greater accessibility for litigants,                        | Ensure affordable internet access and protect vulnerable                               |

<sup>45</sup> Nlerum S. Okogbule, “Access to Justice and Human Rights Protection in Nigeria: Problems and Prospects,” *Sur: Revista Internacional de Direitos Humanos* 2 (2005): 100–119.

<sup>46</sup> Roberts Ndukwe Eke, “Adopting Artificial Intelligence-Based Predictive Policing in Nigeria: Prospects and Difficulties,” *African Journal of Advances in Science and Technology Research* 18, no. 1 (2025): 142–164.

<sup>47</sup> Ibid

<sup>48</sup> Ibid

| Prospect Area                                | Current Challenge in Traditional System                                                | Digital Trial Solution                                                               | Expected Impact on Justice Administration                             | Required Legal/Institutional Measures                                                   |
|----------------------------------------------|----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
|                                              | barriers, and difficulty attending physical hearings                                   | remote participation                                                                 | witnesses, and lawyers                                                | users from digital exclusion                                                            |
| Enhanced Evidence Management                 | Risk of lost physical documents, poor record preservation, and slow retrieval of files | Digital evidence storage, electronic records, and secure document management systems | Improved accuracy, transparency, and preservation of judicial records | Develop clear standards for electronic evidence authentication and cybersecurity        |
| Increased Judicial Transparency              | Limited public access to court information and manual administrative processes         | Online case tracking, digital judgments, and electronic court databases              | Greater accountability and public confidence in judicial institutions | Establish data governance policies and protection mechanisms under digital justice laws |
| Cost Reduction and Administrative Efficiency | High operational costs of paper-based procedures and physical hearings                 | Electronic filing, online services, and automated administrative processes           | Reduced litigation expenses and improved court resource allocation    |                                                                                         |

### 3.3. Legal Framework concerning Digital Trial Systems in Nigeria's Justice Administration

Section 36(3) of the 1999 Constitution (as amended)<sup>49</sup> lays down the fundamentals on which the judicial procedure in Nigeria is anchored, and this includes the stipulation that all court proceedings should be conducted in public. In light of a

<sup>49</sup> 1999 Constitution (as amended)

critical review of the legal framework, there emerges a conflict between the public aspect stipulated in the Constitution and the virtual nature of the digital trials. Nevertheless, the Administration of Criminal Justice Act (ACJA) of 2015<sup>50</sup> presents a strong statutory objective for modernization in that section 1(1) aims to enhance "efficient management and speedy dispensation of justice." Such objectives present justification for embracing digital trial procedures as a way of "drastically reducing" the congestion in courts. While the Constitution guarantees a "fair hearing within a reasonable time," such trials will have to be conducted in line with the judicial principles stated in Section 259 of the ACJA<sup>51</sup>. Nonetheless, one of the major legal barriers at the moment is the provisions in Section 266 of the ACJA which demand the "presence of the defendant" at trials.

The ACJA 2015 explicitly provides for digital documentation, pointing to an attempt towards modernizing the justice administration process. The provision of section 364(1), which permits that "court proceedings may be recorded electronically and verbatim," gives way for an important opportunity towards accurate documentation as a result of shifting from the tedious method of manually taking down handwritten notes by judges<sup>52</sup>. In addition to this, Section 364(2) shows that manual note-taking is only required when there is no electronic recording in place, hence giving a clear indication of preference for a digital transcript. In order to establish authenticity of this document, Section 364(3) provides that it must be either signed or any other way of authenticating the document by the presiding officer. Also, Section 15(4) states that confessional statements can be "recorded electronically on a retrievable video compact disc<sup>53</sup>." This helps to alleviate the problem of voluntariness of statement and reliable evidence. However, Section 364(4) creates an obstacle of non-transparency by providing that "no person shall be entitled as of right" to access or duplicate these electronic documents unless specified under any rule.

Evidence Act<sup>54</sup> provides the structure required to admit digital evidence in terms of the laws relating to documentary evidence<sup>55</sup>. The law allows the contents of documents to be proven by either primary or secondary evidence, according to Section 93. For purposes of a digital trial, Section 95(b) of the Evidence Act defines "copies made from the original by mechanical processes" as secondary evidence<sup>56</sup>. This is an important consideration in a system where there could not be physical copies of paper. However, there is an important issue that needs to be considered under Section 91, where the maker of a statement in a document must have "personal knowledge" of the matters dealt with. This might be hard to fulfil in cases of digital records whose content was entered automatically. In addition, Section 114 provides for "presumption as to the genuineness of certified copies." This provision allows for use of digital records if they are authenticated. Nevertheless, this framework still faces the issue of

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<sup>50</sup> Administration of Criminal Justice Act (ACJA) of 2015

<sup>51</sup> Ibid

<sup>52</sup> Ibid

<sup>53</sup> Collins Ekpenisi, Amos Godfrey Atim, Paul Atagamen Aidonojie, Kelechi Uzoho, and Eregbuonye Obieshi, "Constitutional, Legal, and Procedural Perspectives on Witness Protection: A Comparative Study of Nigeria, India, and the United States," *International Journal of Constitutional and Administrative Law* (2026): 75–92.

<sup>54</sup> Evidence Act

<sup>55</sup> Ibid

<sup>56</sup> Ibid

"integrity and authenticity of data" as provided by the Cybercrimes Act. This means that judges need to be "skilled in the examination" of digital documents according to Section 97.

Specialized procedures provided by the ACJA provide a somewhat limited, yet crucially valuable gateway to digital trials via video link technology. Section 232(3)(a) provides the court with an express authority to "receive evidence by video link", when such action is required to safeguard victims or witnesses. It has huge potential to ensure safety at trial, as it makes it possible for vulnerable people to give their statements without undergoing the pain of confrontation. In addition, Section 232(3)(b) authorizes witnesses to be "screened or masked", which is an easy task to perform remotely via digital filters. Nevertheless, one of the biggest legal obstacles is that digital technologies are currently available only in sensitive crimes, such as rape or terrorism, listed in Section 231. It seems that the current legal framework is not ready to embrace a universal digital trial system applicable to any kind of crime. Although Section 232(3)(d) states "any other measure the court considers appropriate", it still needs certain procedural changes. The expansion of the use of such measures to general trials should include the revision of court rules to avoid violation of the constitutional rights of the accused.

Considerations relating to security and privacy are brought by the Nigeria Data Protection Act (NDPA) 2023<sup>57</sup> and the Cybercrimes Act 2015<sup>58</sup>. The provisions of section 2(1) of the NDPA relate to the processing of personal data by "automated means," which is directly relevant to how the courts handle their digital trial system. Section 24 principles dictate that personal data be processed in a way that is "fair, lawful and transparent" and "kept up to date." It creates a legal requirement that the judiciary ensures digital trial platforms remain secure and that they have "integrity and confidentiality" as per Section 39<sup>59</sup>. The Cybercrimes Act complements this by making it mandatory to protect "critical national information infrastructure," which should ideally include judicial databases. The challenge comes from Section 3(2)(a) of the NDPA that provides an exemption for processing data for "adjudication of a criminal offence." It creates a delicate balance between judicial efficiency and protection of the privacy of data subjects. The hope is to establish "trusted use of personal data" that would enhance the digital economy in Nigeria.

The success of digital trials lies squarely on the use of the rule-making authority of Section 490 of the ACJA. This is because the Chief Judge has the mandate to create rules concerning the "method of issue of process" and "forms to be used" in court proceedings. This is the most likely way of formalising e-filing and digital hearing. In the current rules, the existence of the template of documents such as the Form 21 for subpoenas can only be adapted for digital use. The possibility of using the "registered courier companies" for service according to the provisions of ACJA Section 382(2) and Section 392 can be extended to the use of digital means of service. It is imperative to have a way around the "non-compliance" clause of Section 491, where the failure to perform is considered misconduct. If the mandatory use of a digital system fails to work due to inadequate infrastructure, there would arise the issue of the liability of

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<sup>57</sup> Nigeria Data Protection Act (NDPA) 2023

<sup>58</sup> Cybercrimes Act 2015

<sup>59</sup> Ibid

the court official. Section 492(3) offers the most flexible solution in this regard, where the court uses "any procedure that will meet the justice of the case".

### **3.3. Legal Challenges on Digital Trial Systems in Nigeria's Justice Administration**

In essence, the main legal problem that exists is that of contradiction between the need for "public" hearings under Section 36(3) of the Constitution of 1999 and the private character of virtual trial. Even though there may be an advantage in using digital devices, Section 36(3) provides that the proceedings of any court must take place in public. There is therefore the legal problem of meeting the public hearings provision through the virtual link<sup>60</sup>. Moreover, the Administration of Criminal Justice Act (ACJA) 2015, Section 266, states that "the defendant shall be present in court during the trial". It has not been defined in existing legislations what is meant by "presence," and it raises the issue of the violation of right to fair hearing in the case of conducting virtual trial without defining the term "presence." In addition, the lack of adequate infrastructure to facilitate general public access into the virtual rooms makes the trial process private in nature, which is unconstitutional according to the existing provision.

Evidentiary challenges exist in relation to the Evidence Act on the question of whether the electronically generated evidence will qualify as admissible. In accordance with Section 91, personal knowledge about the matter involved in a document is needed by the maker of the statement, which cannot always be provided due to automation of the process in a digital environment. While Section 93 provides for the provision of contents by use of primary and secondary evidence, complete removal of physical papers in the court proceeding complicates the identification of the "original" document<sup>61</sup>. Mechanical copies according to Section 95 fall into secondary evidence; however, in the case of a paperless trial, there are blurred boundaries between the original document and its computer screen representation. Besides, under the Cybercrimes Act 2015 in Section 13, it is emphasized that there is a danger of "computer-related forgery" when data is changed to look inauthentic. The judges need to be "skilled in the examination" of such records as per Section 97 of the Evidence Act, which creates a competence gap among current judges. Absence of compliance with "integrity and authenticity" standards makes the digital evidence vulnerable to legal objections<sup>62</sup>.

The statutory limitations contained in the ACJA 2015 create an opening that does not facilitate the worldwide application of the concept of digital trial. For instance, according to Section 232, there is a provision of "evidence by video link" but only for particular offences including terrorism and other sexual crimes mentioned in Section 231. There is thus a legal contradiction in that digital trials would be legal for cases like rape but would remain illegal for others such as theft and economic offenses. Extending it will require more than judicial decisions and will need an amendment of the rules of court. Sections 93 to 96 of ACJA provide the definition of "place of trial"

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<sup>60</sup> Michael Kehinde Osadare and Olusola Akinluyi, "Examination of Legal Protection Accorded Suspects Experiencing Prolonged Detention in the Nigerian Correctional Centres," *African Journal of Legal and Human Rights* 9 (2025): 63.

<sup>61</sup> Angela Obidimma and Amara Joy Muojeke, "An Appraisal of Electronic Recording of Confessional Statements in Nigeria," *Unizik Law Journal* 19, no. 3 (2023).

<sup>62</sup> Ibid

depending on the geographical position of either the crime scene or the suspect's abode. In the case of virtual trials, defining venues would be challenging since the "room" where the trial will take place is a non-spatial one. Where a judge sits in one state and the defendant in another, "local limits of jurisdiction" may become a legal issue.

The issue of security and privacy of the trial data can be seen as a modern problem under the Nigeria Data Protection Act (NDPA) 2023. According to Section 24 of the Act, data should be "processed lawfully and in a transparent manner." Moreover, data controllers shall ensure the integrity and confidentiality of personal data by taking appropriate measures as stated in Section 39. The judiciary is responsible for being a data controller and securing the sensitive personal data of defendants and witnesses. Nevertheless, Section 3(2)(a) of the NDPA gives limited exceptions in terms of data processing in the interests of the "adjudication of a criminal offence,"; hence, there is a possibility that security measures may be neglected. That would be extremely hazardous considering the fact that, according to the provisions of the Cybercrimes Act, the "unauthorized modification" of personal data is punishable in Section 16. In case when courts do not declare databases as "critical national information infrastructure" in accordance with Section 3 of the Act, the decisions made by the courts become susceptible to breaches. There is no legal procedure for handling "personal data breaches" in Section 40 of the NDPA.

#### **4. CONCLUSION AND RECOMMENDATION**

In summary, whereas digital trials present a possibility of "speedy dispensation of justice" as stated in Section 1 of the ACJA 2015, the current legal framework is constrained by inflexible traditionalist interpretations of the law. The mismatch between constitutional "public" demands and virtual means, combined with the stringent evidentiary requirements, presents notable legal dangers. As a way to address this challenge, there is a need to reform the Evidence Act to include wide presumptions of electronic documents, beyond the categorization as secondary evidence as provided in Section 95. Also, there is a need for Chief Judges to exercise their rule-making authority under Section 490 of the ACJA to formulate virtual hearings provisions to cover all offenses and not only those in Section 232. Judicial officers need to be included in the "critical national information infrastructure" framework as provided by the Cybercrimes Act to demand improved security. Finally, a "trusted use of personal data" as proposed by the NDPA 2023 is imperative for establishing a strong digital trial system that will withstand constitutional criticism and reduce court congestion.

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