

## EMBRACING ICT AS AN EFFECTIVE TOOL IN LEGAL EDUCATION AND ADMINISTRATION OF JUSTICE IN NIGERIA\*

### Abstract

*The transfer of knowledge in the classrooms from teacher to students, and the administration of justice are heavily reliant on communication and the information that goes along with it. Since the beginning of the 21<sup>st</sup> Century, there has continued to be technological developments that have impacted the availability and transfer of information used in the classrooms and in the administration of justice in the judicial system. This article adopted the doctrinal method by analyzing both primary and secondary materials. The article examines the application of Information and Communications Technology in legal education and the administration of justice in Nigeria. It also examines the benefits of ICT in both legal education and the administration of justice. The findings are that challenges militating against the use of ICT are enormous, consequent upon this, the work recommends its full implementation and the revision of Laws and Rules of Court to maximize the benefits of Information--and--Communications--Technology—in Nigeria.*

**Keywords:** Information Communication Technology (ICT), Legal Education, Administration of Justice, Revision of Laws, Technology.

### 1. Introduction

Technology, especially ICT, has changed the way people conduct their activities. With the current improvements and sophistication of ICT<sup>1</sup> globally, the spread of information is faster and more efficient than previously. By just a click of a button or a single dial, information can be made readily available to anyone around the world with absolutely little stress and almost no restrictions by either distance, time or even international boundaries and geographical locations. By using smart-phones, internet enabled computers/laptops and tablet devices, it is no longer necessary to be glued behind a desk or wait on long queues in order to use landlines, telegrams or fax machines to be able to communicate with people, family, students, teachers, the courts, etc. The use of post offices has been greatly diminished as more sophisticated e-mail facilities like Gmail and Yahoo mail are available to transmit information between people more quickly and at almost no cost. With the innovation of Skype and other video conferencing services, teachers can deliver their lectures while being thousands of miles away. Lawyers and clients can also have consultations without physically meeting and even witnesses can appear in court without also being physically present. In the case of *Ranjit Kumar Chandra v Canadian Broadcasting Corporation*,<sup>2</sup> before the Ontario Superior Court, Canada, the defendants requested that five of their witnesses who lived outside Canada in the United Kingdom and the United States of America be allowed to testify via video-conference at the trial. The Plaintiff opposed the request which led to argument. The Court granted the request and gave its reasons after the trial. In making its decision, the Superior Court referred to a Supreme Court of Canada decision of *Hryniak v Mauldin*<sup>3</sup> in which the Court stated that the conventional trial no longer reflects the modern reality and needs to be readjusted. After referring to the Hryniak decision, the Superior Court went on to state as follows:

While the general principle that trial evidence should ordinarily be presented orally is clearly and unequivocally articulated by rule 1.08(5)(a) it is appropriate, particularly in light of the culture shift advocated by the Supreme Court of Canada, to take 21<sup>st</sup> century view of the use of video conferencing (and similar technologies) ... The use of video or similar technologies does not now represent a significant deviation from the general principle favoring oral evidence in court. Such evidence is given orally, under oath or affirmation, and is observable 'live' as it would be with the witness present in the courtroom. Questions are asked and answers are given in the usual way. The witness can be closely observed and most if not all of the visual and verbal cues that could be

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<sup>1</sup> Information and Communications Technology

<sup>2</sup>2015 ONSC 5385

<sup>3</sup>2014 SCC 7, [2014] 1 SCR 87

seen if the individual was physically present can be observed on the screen. The evidence is received by the court and heard and understood by counsel and any members of the public who may be present in the courtroom at the time

Students have also employed similar ICT facilities in attending lectures, doing assignments, research and other activities critical to their educational pursuits. There have been instances where students with certain challenges that prevent them from being physically present in class use video conferencing facilities to attend their lectures from where ever they are. For example, a student recovering from the flu, chicken pox or any other contagious illness can attend classes from the comfort of their homes or hospital beds. In the light of the recent Coronavirus disease (Covid-19), ICT facilities such as Skype and the internet are being used to deliver lectures to students while they stay at home to minimize the spread of the deadly virus amongst teachers and students while meeting their commitments.

Despite the availability of the modern and highly sophisticated information communication technologies for several decades now, Nigeria is yet to fully embrace them. The Federal Government in 2004 through the Federal Ministry of Education launched the Ministerial initiative making E-Education one of the initiatives for the attainment of Education for All (EFA) and the Millennium Development Goals (MDG). Also, the Federal Executive Council in 2010 approved for implementation, the National Policy on Information and Communication Technologies (ICT) in Education to guide stakeholders such as tertiary institutions, on the integration of ICT in education to provide speedy transformation of teaching, learning and educational administration in Nigeria.<sup>4</sup>In 2007, the first electronic LawPavillion law report was launched and is heavily utilized by the Nigerian judiciary.<sup>5</sup> Produced by Grace Info Tech Limited (GIT), the LawPavillion is Nigerian Electronic Law Report and research software for use by law teachers, judges, magistrates, lawyers and even law students.<sup>6</sup>LawPavillion makes conducting legal research easier than before. It helps researchers search for authorities on any subject and get results in seconds, rather than the traditional methods that took days, weeks and even months of manual search. The Law Pavilion provides an e-library of over 9,000 e-books of Law Reports (both Supreme Court and Court of Appeal from 1970 till date), a 43-years consolidated index and law-digest of over 70,000 issues covering all areas of law, selected Laws of the Federation, 48-hour law reporting system with automatic updates, a case management system for law firms and court management system.<sup>7</sup> Law Pavilion law reports are not just searchable electronically online, but installed as software on computers, laptops, smartphones and tablet devices with round the clock access to numerous law reports from all jurisdictions in Nigeria. The Supreme Court under the leadership of Hon. Justice Dahiru Musdapher, GCON constituted the Judicial Information Technology Policy Formulation and Implementation Committee on 30<sup>th</sup> January, 2012 to design and develop a comprehensive and pragmatic information technology policy which could be effectively implemented in all jurisdictions.<sup>8</sup> On April 16, 2018, the Former CJN, Hon. Justice Walter Onnoghen, announced that the Supreme Court had adopted the use of ICT to address delays in the nation's justice system and would as from July 2018, no longer accept court processes in paper form.<sup>9</sup>He said the Supreme Court would only accept fillings through the Nigerian Legal E-mail system. He also affirmed that case management tools could now be accessed electronically, twenty-four hours a day and that hearing notices would be emailed to lawyers once the ongoing enrolment on the Nigerian Legal E-mail system was fully achieved.

This article therefore examines the concept of Information and Communications Technology as a useful tool in legal education and administration of justice in Nigeria. The benefits of Information and

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<sup>4</sup> National Implementation Guidelines for ICT in Education: <http://education.gov.ng> accessed 8<sup>th</sup> March, 2020

<sup>5</sup>The LawPavillion Chronicles: Unveiling Our Decade of Achievements-Part One. <https://lawpavillion.com/blog/the-lawpavillion-chronicles-unveiling-our-decade-of-achievements-part-one/> accessed 8<sup>th</sup> March, 2020

<sup>6</sup>A. I. Olubiyi, A. J. Olaniyan, and N. Odiaka.; The Role of Technology in the Advancement of Legal Education and Practice in Nigeria (2015). <https://www.researchgate.net/publication/28056346> accessed 8<sup>th</sup> March, 2020

<sup>7</sup> *ibid*

<sup>8</sup>Nigerian Judiciary Information Technology Policy Document, (July 2012) available at <https://nji.gov.ng> accessed 3<sup>rd</sup> February, 2020

<sup>9</sup><http://admin.supremecourt.gov.ng> accessed 8<sup>th</sup> March, 2020

Communications Technology (ICT) are considered, the challenges inhibiting its effective implementation are also undertaken. The work concludes by making recommendations and suggestions to surmount the challenges.

## 2. Conceptual Clarifications

### ICT (Information and Communications Technology)

ICT refers to technologies that provide access to information through telecommunications.<sup>10</sup> Wikipedia defines ICT as an extensional term for information technology (IT) that stresses the role of unified communications and the integration of telecommunications (telephone lines and wireless signals) and computers, as well as necessary enterprise software, middleware, storage, and audiovisual systems that enable users to access, store, transmit and manipulate information.<sup>11</sup> In plain and simple terms, ICT includes devices or objects used in information and Communication technology which include, but not limited to computers, cell phones/smart-phones, cell phone towers, video conferencing, software, radio, television, laptops, etc.<sup>12</sup>

### Legal Education

Legal education is the preparation for the practice of law.<sup>13</sup> It is the process which equips the future lawyer, judge, administrator, counselor and legal scientists to know how legislative, executive and judicial organs of government are designed and how they operate.<sup>14</sup> In Nigeria, the education of a lawyer properly begins at the Faculties of Law of NUC (Nigerian Universities Commission) approved Universities within the country. The content of the course of study leading to the award of a law degree; be it from a Nigerian University or Foreign University, must be approved by the Council of Legal Education. Foreign universities approved by the Council of Legal Education in Nigeria are those located in common law countries or teaching common law courses. Upon successful graduation from the University, law graduates seeking to practice as lawyers in Nigeria must attend the Nigerian Law School. Admission into the Nigerian Law School is also open to persons who have passed the Bar final examinations of the English, Scottish or Irish Bar or the Solicitor's final examinations of England, Scotland or Ireland. After the course of study at the Nigerian Law School, those students who pass the Bar final are given certificates from the Council of Legal Education and then called to the Bar by the Body of Benchers as provided by the Legal Practitioners Act. This is followed by an enrolment as a legal practitioner at the Supreme Court of Nigeria.

### Administration of Justice

The Administration of justice is the process by which the legal system of a government is executed.<sup>15</sup> The Administration of justice is a crucial part of any democracy with the goal to prevent and control crime, shield the public from harm, provide detention and rehabilitation services, and finally ensures equal justice for all citizens through the judicial system. The administration of justice includes those who work to investigate crimes, those who work in the trial process of the alleged crimes, laws that govern investigative and courtroom activity and the courts themselves. The police, prosecutors, lawyers, the judiciary and the support staff as well as the prison officials, are all part of the administration of justice.

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<sup>10</sup><https://techterms.com/definition/ict>. See also *Adopting the Clinical Principles of Andragogy in Developing Adequate Curriculum for Legal Education in Nigeria Today*. MEd Thesis, African Institute for Creative, Critical, and Caring Community of Inquiry (AICCACCOI) Enugu, An Affiliate of the Institute of Advanced Philosophy for Children (IAPC), Montclair State University, New Jersey, USA, 2013.

<sup>11</sup>[https://en.m.wikipedia.org/wiki/information\\_and\\_communications\\_technology](https://en.m.wikipedia.org/wiki/information_and_communications_technology) accessed 8<sup>th</sup> March, 2020

<sup>12</sup>Lemesh Ku. Pandey: ICT Tools. <https://www.slideshare.net/mobile/lemeshpandey/ict-tools-49910305> accessed 8<sup>th</sup> March, 2020

<sup>13</sup><https://www.britannica.com/topic/legal-education> accessed 8<sup>th</sup> March, 2020

<sup>14</sup>M.R. Bura, and V.N. Madasu, Importance of Internet Facility in Support of Legal education and Legal Research as cited in Olubiyi (n 7)

<sup>15</sup>[https://en.m.wikipedia.org/wiki/Administration\\_of\\_justice](https://en.m.wikipedia.org/wiki/Administration_of_justice) accessed 8<sup>th</sup> March, 2020

### **3. Application of ICT in Legal Education**

The Legal profession is considered a noble one; it is therefore necessary to have the best Educational system in law.<sup>16</sup> Until recently, the use of ICT in legal education has not been much of an issue. However, with the world becoming increasingly reliant on technology, it is important that Nigerian Universities integrate ICT and other relevant technologies into its system. Some of the applications of ICT in legal education include;

#### ***Electronic Books***

E-books are digital versions of printed books. The Internet has a huge collection of e-books useful to both law students and teachers. Many authors have taken advantage of this technology to make their published works available in electronic formats in order to make them more available to readers worldwide. Legal education is heavily reliant on books, some of which are rare but very valuable to students and teachers. E-books accessible through the Internet make these valuable books available for study and research purposes. In addition, e-books consist of hyperlinks, search facilities, and multi-media capabilities. E-books compilers also compile the source files into an easy one to distribute like format like HTML, PDF, and RTF files.<sup>17</sup>

#### ***E-journals***

An e-journal is a periodical publication which is published in electronic format, usually on the internet.<sup>18</sup> Similar to e-books, e-journals can be accessed via internet. Students and teachers can access specific articles on these journals for research or assignment purposes. The advantage of e-journals is that they can be accessed online from anywhere without physically going to the library or possessing hardcopies of the Journals.

#### ***Online Academic forums***

ICT tools like the internet, social media amongst others, bring people together. Besides ICT tools being popular for entertainment purposes, they can also be used for academics. Online academic forums or groups bring law students and teachers from the immediate locality and all over the world to discuss topics and share ideas on issues that are beneficial. Students can use these forums to better understand their topics and teachers have the opportunity of further explaining concepts to students outside of the classroom. Online academic forums exclusive to law teachers brings law teachers from other jurisdictions together to exchange ideas and new methods.

#### ***Online Publications***

Many individuals and academic bodies now utilize ICT tools to publish copies of their journals, research articles and even books. The universality of the Internet makes e-publishing very desirable and lucrative. Besides the advantage of reaching a broader audience, individuals and institutions can make profit off their works by making their publications accessible after payment of a fee or membership registrations/subscriptions.

#### ***Electronic library***

Electronic library, E-library for short, can also be referred to as virtual library, digital library, community network, library without walls or library of the future.<sup>19</sup> Electronic library is a library with computerized information storage and retrieval systems connected to computers and most times the Internet.<sup>20</sup> There is usually little or no physical presence of books, periodicals, reading space or support staff in the case of electronic libraries. However, information is disseminated directly to users, usually

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<sup>16</sup> K. M. Pandya, (2013) 'The Concept of ICT Application in Legal Field' [2013] *Paripex- Indian Journal Of Research*, 2

<sup>17</sup> A. Singh, Role of Information and Communication Technologies in Transforming Legal Education, *International Journal of Research and Analytical Reviews*, 973

<sup>18</sup> *ibid*

<sup>19</sup> Madhumay, Gaurav, R. Ravi, (2013). Evolution of Digital Libraries, Problems and Prospects. *IJLTEMAS* [2013] 2(3), 9-21.

<sup>20</sup> J. O. Oforidile, N. A. Agbanu, G. N. Nwankwo (2019). The Use of E-library Resources as a Correlate of User Satisfaction in University Libraries in Anambara State, Nigeria. *International Journal of Social Sciences and Humanities Reviews*. 9 (1) 103-112

electronically. E-libraries are fully digital or automated meaning that it can be accessed from anywhere at any time.

### ***Research***

ICT tools such as the World Wide Web (www) and the Internet are a very huge source of information and materials for teachers and students research or for assignment purposes, making it a formidable research tool.

### ***Open and Distance Education***

Commonwealth of learning defines open and long distance learning as a way of providing learning opportunities that is characterized by the separation of teacher and learner in time or place or both in time and place; learning that is certified in some way by an institution or agency; the use of variety of media including print and electronic; two way communications that allow learners and tutors to interact; the possibility of occasional face to face meetings and a specialized division of labour in the production and delivery of courses.<sup>21</sup> Distance education denotes an educational experience where the teacher and the student are not face-to-face during the teaching and learning process. Distance education, is a way of providing education for those who cannot attend a traditional classroom based course or are unable to continue their education for one reason or the other. With advancements in technology, especially ICT, open and distance education is made more efficient, flexible, enjoyable, and less tedious by facilitating access to experts, resource persons, researchers, professionals, mentors, business leaders and peers all over the world.

### ***Teaching***

Teaching is fundamentally a tedious process that involves planning, implementation, evaluation and revision. Use of ICT in the teaching process not only simplifies the process but makes it more enjoyable. There are numerous applications of ICT in the teaching process. ICT is applied in research for valuable teaching materials, the actual dissemination of knowledge to students in the class rooms and finally in the evaluation or assessment phase of the students. ICT makes the gathering of materials easier than it was pre the ICT era. There is abundance of material online and on different ICT platforms with the biggest problem being that of choice. The use of audio-visual materials and other tools enhances students understanding of their lectures. Instead of the traditional methods of using pen and paper, assessments, assignments and examinations can be administered online under exam conditions and scored using software without stress to the lecturer.

## **4. Application of ICT in the Administration of Justice**

Countries around the globe have employed the use of technology, especially ICT, in the administration of justice within their borders. This has improved the efficiency, increased accessibility, and promoted public confidence in the justice system of those countries. These countries have embarked upon basic reforms in order to accommodate the adoption of the relevant technologies that promote the rule of law and strengthen democratic principles. The applications of ICT in the administration of justice are numerous and vary depending on those involved. The following are considered;

### **ICT in Policing**

#### ***Closed Circuit Television (CCTV) Cameras:***

CCTV is a TV system in which signals are not publicly distributed but are monitored, primarily for surveillance, and security purposes.<sup>22</sup> It is a self-contained surveillance system comprising cameras, recorders and displays for monitoring activities in a store or company.<sup>23</sup> CCTV relies on strategic placement of cameras and observation of the camera's input on monitors somewhere. Because the cameras communicate with monitors and or video recorders across private coaxial cable runs or wireless communication links, they gain the designation 'closed circuit' to indicate that access to their content

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<sup>21</sup>www.col.org accessed 22<sup>nd</sup> February, 2020

<sup>22</sup> M. Rouse, <https://whatis.techtarget.com> accessed 2<sup>nd</sup> February, 2020

<sup>23</sup><https://www.pcmag.com/encyclopedia/term/cctv>. accessed 2<sup>nd</sup> February, 2020

is linked by design only to those able to see it.<sup>24</sup> CCTV systems have gone through significant technological improvements since its introduction several decades ago. The older CCTV systems used small and poor resolution black and white monitors that had no interactive capabilities.<sup>25</sup> On the other hand, modern CCTV systems have color displays with high resolution and the capability to zoom in on images and even rotate. There are now modern CCTV systems that allow an overseer to speak to people within range of the camera's associated speakers.<sup>26</sup> CCTV is installed in locations where there is a possibility of crime such as shopping malls, financial institutions, hospitals and any other important public place. CCTV is also used to monitor and control traffic. They are used in conjunction with facial recognition software and other data bases to identify violators of traffic laws, criminals, and suspects. CCTV cameras generally aid in investigations. Improvements to CCTV cameras that allow live feeds have made it possible for the police to prevent crimes even before they occur, and to respond promptly to emergency situations. The positive impacts of CCTV use in policing amongst nations that have embraced it have been remarkable and widely publicized. The United Kingdom (UK) government has described CCTV as 'vital' for detecting offenders,<sup>27</sup> while the Washington, DC, Metropolitan Police Department argued that it is often 'invaluable to police investigations'.<sup>28</sup>

### ***Electronic Data Base:***

Electronic data base is any collection of data or information that is specifically organized for rapid search and retrieval by any computer.<sup>29</sup> The term database is often used in two senses; one refers to the organized collection of data that is created, maintained and searched while the other refers to the software that is used to create and maintain the data.<sup>30</sup> There are numerous types of databases maintained and used by law enforcement agencies to make their tasks easier, faster and more effective. These databases include finger prints, DNA profiles, and facial recognition.<sup>31</sup> Other important data maintained and used by the police include criminal data bases that contain the information of convicted criminals, details of their crimes for profiling purposes and known associates. Criminal databases also include information from numerous security agencies, sex offenders' registry, fugitive lists, and stolen properties, amongst others.<sup>32</sup> The police also maintain records on vehicle registrations, licenses and other related information. The police data base also includes information on law enforcement officers of the various security agencies which is selectively accessible. Databases are used in investigations to identify suspects, criminals and aid in their apprehension. Some databases are available to members of the public for their information and protection.

### ***Biometrics (Finger Prints Scanners):***

Biometrics is one of the numerous applications in image processing that uses physiological and behavioral characteristics of the human body for user identification.<sup>33</sup> Popular biometric identifiers include; finger prints, palm prints, iris and facial patterns, hand geometry and retina...etc., which form the physiological identifiers used while voice or typing cadence, keystroke and signature scan comprise the behavioral characteristics utilized in biometrics.<sup>34</sup> The most popularly used biometric is finger

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<sup>24</sup><https://www.whatis.techtargget.com> accessed 2<sup>nd</sup> February, 2020

<sup>25</sup> *ibid*

<sup>26</sup> *ibid*

<sup>27</sup> T. Porter, Surveillance Camera Commissioner's IFSEC Speech <https://www.gov.uk/government/speeches/surveillance-camera-commissioners-ifec> accessed 2<sup>nd</sup> February, 2020

<sup>28</sup> Metropolitan Police Department, (2007). Closed Circuit Television (CCTV) 2007 Annual Report. Washington Dc: Metropolitan Police Department <https://mpd.dc.gov>. See also Ikenga K.E. Oraegbunam, 'The Nigerian Police and Problems of Cybercrime Investigation: Need for Adequate Training', *The Nigerian Law Journal*, Vol. 18 No. 1, 2015, pp. 1-28.

<sup>29</sup> [www.britannica.com/technology/database](http://www.britannica.com/technology/database)

<sup>30</sup> <https://www.encyclopedia.com/media/encyclopedias-almanacs-transcripts-and-maps/databases> accessed 2<sup>nd</sup> February, 2020

<sup>31</sup> <https://www.interpol.int/en/how-we-work/databases/our-18-databases> accessed 2<sup>nd</sup> February, 2020

<sup>32</sup> <https://www.verifiedcredentials.com/national-criminal-database-search/> accessed 2<sup>nd</sup> February, 2020

<sup>33</sup> A. Mouad, et al., Over View of Fingerprint Recognition System, Conference Paper at 2016 International Conference on Electrical, Electronics and Optimization Techniques (ICEEOT),

[https://www.researchgate.net/publications/3109372\\_overview\\_of\\_fingerprint\\_recognition\\_system](https://www.researchgate.net/publications/3109372_overview_of_fingerprint_recognition_system) accessed 2<sup>nd</sup> February, 2020

<sup>34</sup> *ibid*

prints. The biometric authentication system is based on two modes; enrollment and recognition.<sup>35</sup> In the enrollment mode, the biometric data is acquired through a sensor (finger print scanner) and stored in a database along with the person's identity for the recognition. In the second mode, which is referred to as the recognition mode, the biometric data is reacquired from the sensor and compared to the stored data in the data base to determine the user identity.<sup>36</sup> Biometrics recognition is based on two principles; uniqueness and permanence.<sup>37</sup> Every individual has fingerprints unique to them, even identical twins, and these fingerprints do not change over a lifetime or due to ageing. Finger print data bases accessible through electronic devices and internet by the police are useful tools in the identification and confirmation of identities of criminals and in the elimination of suspects during investigations.

### ***Tamper and Burglary Alarm Systems:***

Tamper and burglary alarm systems are commonly used in commercial facilities, homes and any place or facility needing top level security to secure an object or area against the intrusion of unauthorized third parties.<sup>38</sup> The alarm systems can be used for control functions to close doors or open windows, or for notification services. These are implemented in wired and wireless technology, and modern systems that provide the ability to supervise and control the system from the level of mobile devices.<sup>39</sup> External elements of the system which include detectors (infrared, microwave, reed contacts, breakage and vibrating detectors, PIR or panic detectors), that detect unwanted actions or intrusions.<sup>40</sup> The activated detector sends a signal to the control modules that control the executive systems in the programmed manner.<sup>41</sup> In short the digital alarm systems detect intrusions and alert the appropriate authorities of the intrusion for quick and appropriate action.<sup>42</sup> These alarms have been proven to be one of the most efficient in preventing crime and are currently used in many houses to prevent burglaries.

### **ICT in the Judicial System**

Section 6, subsection 1 of the Constitution of the Federal Republic of Nigeria, provides that the judicial powers of the Federation shall be vested in the judicial courts to which this section relates, being courts established for the federation.<sup>43</sup> These courts include, the Supreme Court of Nigeria, the Court of Appeal, the Federal High Court, the National Industrial Court, the High Court of the FCT Abuja, the High Courts of the 36 states, the Customary Court of Appeal of the FCT, the Sharia Court of Appeal of the FCT, the Customary Court of Appeal of the states and the Sharia Court of Appeal of the states. The exercise of these judicial powers (the power of the court to decide and pronounce judgments and carry it into effect between any parties before it), is a huge responsibility with tremendous pressure from the public that increasingly demands an effective, sharp and impartial judicial system that can meet the demands of a modern democratic society.<sup>44</sup> It is for this and many other reasons that the Judiciary under the leadership of Hon Chief Justice Dahiru Musdapher, formulated the Nigerian Judiciary Information Technology Policy Document (July 2012), to ensure that ICT is used to effectively support the functions and activities of justice administration and dispensation by enabling optimal development, deployment and management of ICT within the Nigerian judiciary.<sup>45</sup> The ICT policy document of the Judiciary, identified key functional areas for ICT intervention and implementation within the judicial system. The functional areas identified include;

- i. Litigation: Use of ICT to manage records and documents, court e-mails and SMS solution to enhance effectiveness, neatness and promote better communication in the judicial system.

<sup>35</sup> *ibid*

<sup>36</sup> *ibid*

<sup>37</sup> *ibid*

<sup>38</sup> <https://www.tekarm.com.pl/en/ict-systems> accessed 2<sup>nd</sup> March, 2020

<sup>39</sup> *ibid*

<sup>40</sup> *ibid*

<sup>41</sup> *ibid*

<sup>42</sup> Adigun et al., (2012) Fortification of Policing in Nigeria Using ICT Backbone Model: Trends, Challenges and Prospects. [https://www.researchgate.net/publication/32823816\\_fortification\\_of\\_Policing\\_in\\_Nigeria\\_using\\_ICT\\_backbone\\_model\\_Trends\\_challenges\\_and\\_prospects](https://www.researchgate.net/publication/32823816_fortification_of_Policing_in_Nigeria_using_ICT_backbone_model_Trends_challenges_and_prospects) accessed 2<sup>nd</sup> March, 2020.

<sup>43</sup> 1999 (as amended)

<sup>44</sup> H. Doma, (2016) Enhancing Justice Administration in Nigeria Through Information and Communications Technology, 32 J.MarshallJ. info.Tech. & privacy L.89.

<sup>45</sup> Nigerian Judiciary Information Technology Policy Document, July 2012, available at <https://nji.gov.ng>

- ii. Courtrooms: This includes e-court (electronic filling, receiving evidence or testimonies remotely, etc), court records and documents management, and to provide court security (CCTV, electronic alarms).
- iii. Chambers: Use of ICT for communications amongst judges, to staff or from the judges office to Counsel, Internet facilities for research and access to information and emails, records and documents maintenance, video conferencing, IP telephoning; use of packet-switched voice over IP (VoIP), or internet telephone, to transmit telephone calls over the internet<sup>46</sup> which is a cheaper way of communicating over regular phone system, and security for Judges' Chambers.
- iv. Central Administration: Records and documents management, intranet, internet, e-mail, video conferencing, IP telephoning and security.

## **5. The Benefits of Information and Communications Technology (ICT)**

### **Legal Education**

The drive to simplify, modernize and make daily activities of life more efficient, enjoyable and less stressful is what has given birth to the ICT tools we now utilize. The improvements in technology and the many inventions we have today are as a result of man's quest to make things as comfortable and efficient as possible. Application of ICT and relevant technologies in the legal educational system would ensure that the founding objectives behind those technologies are met. The benefits of ICT and technology to Legal education include;

#### ***Research:***

ICT has the ability of making the knowledge gathering process easy and enhancing resource development. As such, it is an important tool for law teachers to research on their topics to assist in preparation of lecture notes and materials for students. Since learning is a continuous process, Lecturers can use these ICT tools for their personal research, education and updates. The Legal profession is dynamic with new practices springing up from time to time. The use of ICT will ensure that teachers are abreast with the latest practices and adopt them accordingly. Similarly, students can make use of ICT tools to aid in their assignments, research and Long Essay research, and the acquisition of supplementary knowledge to those already gotten in the classroom from their teachers. ICT enables researchers gather information from multiple sources simultaneously and effectively manage that information.

#### ***Ease of Teaching:***

Teaching is a huge task often stressful for the Lecturers themselves, particularly in Nigeria where most Public Universities are understaffed. Employing the relevant ICT tools by Law Teachers is bound to significantly reduce the related stress. Marking of scripts remains a very stressful aspect of the job especially with the large numbers of scripts involved. There are now grading software and machines that can assist in the marking of scripts.

#### ***Enhanced Collaboration:***

The use of ICT will enhance better collaboration and knowledge sharing amongst Law Teachers and students in their localities and internationally through membership of online educative forums, websites and groups.

#### ***Enhanced Learning:***

It is proven that students at all levels understand/learn better when illustrations are used. The Internet has numerous audio-visual illustrations and materials that could help teachers better explain certain concepts. For further understanding of lectures, students can also download materials pertinent to their studies online using the Internet.

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<sup>46</sup><https://www.webopedia.com/Term/I/ip-telephone-system.html> accessed 4<sup>th</sup> March, 2020



***Improving Teacher-Student relationships:***

The conventional teaching model existing in Nigeria limits teacher and student interactions to just the classroom. Most times, there is no bond or further interaction between the teachers and their students. With the use of ICT tools like the popular social media sites, websites, online forums, etc, students can have more access to their teachers for learning purposes while the teachers can provide more assistance to their students using similar mediums. Beyond the educational benefits, lecturers and students can have better personal relationships between each other. The exposure and the ability to gather and share knowledge with students and teachers even from other jurisdictions without the limitations of distance is a notable achievement of the ICT era.

**Judicial System*****Reduce delays in cases:***

Given the huge case load of the courts and the volume of information processed by the courts on a daily basis, the application of ICT is needed to reduce case delays, promote efficiency, increase public trust and eliminate corruption within the judiciary. Case delay is one of the major issues confronting the Nigerian judiciary, contributing to huge backlogs of undecided cases and significant delay in providing the necessary justice for citizens. The consequences of case delays are numerous, ranging from increased financial costs on the part of the Judiciary and the parties involved, defendants and suspects disappearing, witnesses dispersing, reduced credibility of witnesses, hardships on suspects in criminal cases and even corruption could be promoted as a result of case delays. ICT use by the judiciary will effectively tackle the issue of case delays by enhancing better case management through case tracking, court schedule, and instant transcripts. Case delays also occur when judges have to take notes during proceedings in long hand. Court room technologies such as recording and transcribing systems will enable quick recording that will eliminate the time spent by Judges taking notes during proceedings. Filing of documents by lawyers is in itself, time consuming; especially when done manually. With the use of computers (Microsoft word), it will take a shorter amount of time to formulate documents. E-filing of court documents using e-mail facilities and other relevant data/information exchange systems is bound to reduce delays associated with filing documents with the court.

***Improved Efficiency:***

An Efficient Judiciary is fast, organized and reliable. Due to the manual handling of huge volumes of litigations and information and records by the courts on a daily basis, the Nigeria judiciary is not as efficient, reliable and fast as expected. The employment of ICT tools to handle data storage and retrieval in the Judiciary will certainly improve its speed, effectiveness and reliability. A centralized information access system would allow the Head of Court access to information and data of all courts under their jurisdiction instantly, and could eventually ease case distribution and assignment as well as track case disposition of all courts, improving the efficiency of the Judiciary in the process.<sup>47</sup> Use of databases and other relevant software to store documents and other information would enhance the efficiency and organization of the Judiciary in records keeping and file retrieval. This also saves time especially when records are requested for. Customized software and systems such as online library, research tool kits, judgment wizard and Internet facilities could be developed to meet the general and specific needs of judicial officers and support staff.<sup>48</sup>

***Promote trust and transparency in the Judiciary:***

The main function of the judiciary is to hear and determine cases in a fair and timely manner at reasonable cost.<sup>49</sup> As such, it is open to public scrutiny. However, the Judiciary has come under increasing scrutiny in recent time especially as a result of the increase in highly political and divisive cases. Now more than ever, it is exigent for the Judiciary to be as transparent as possible and portray

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<sup>47</sup>M. D. Abubakar, *NPOM Nigeria: Impact of Information Technology on the Law and Court Process*  
<https://allafrica.com/stories/201804100661.html>

<sup>48</sup>*ibid*

<sup>49</sup> (n 9)

same to the public; which can be achieved through adequate communication and openness with the public. Court websites and verified social media accounts are few ways to reach the public.

**Improved health of Judicial Officers and Staff:**

The use of ICT in the judiciary will make tasks easier, enjoyable and more effective. This will invariably have an impact on the health and well-being of Judicial Officers and Staff, keeping them healthier by reducing related stress.

**6. Challenges of ICT use in Legal Education and the Administration of Justice in Nigeria**

The first challenge is the apparent unwillingness by the older generation of Law Teachers, Students, Judicial officers, staff and law enforcement officers in embracing technology especially the use of computers and the Internet. Many of these individuals are satisfied with the old and manual ways of doing things and are unwilling to learn basic computer or IT skills which makes it near impossible to implement ICT use in these areas. The older individuals also have distrustful opinions on technology and are unwilling to make that leap to include it in their work or daily routines.<sup>50</sup> There was a case of an older generation lawyer who referred to himself as ‘BBC’ meaning ‘Born Before Computer’ and that he was not ready to learn. Another apparent issue is the high cost of obtaining, establishing and maintaining the necessary ICT for use in Law Faculties of Universities, the Police, and the Judiciary. The hardware and software programs required are often very expensive to acquire and maintain. The poor funding of Law Faculties by the Government makes it difficult to implement ICT use.<sup>51</sup> Nigeria has an epileptic electric power supply system. Since most technological devices require electricity to function,<sup>52</sup> implementing ICT use in Law Faculties, Law Enforcement Agencies and the Judiciary may be problematic and not as efficient as initially hoped. Use of alternative source of power to augment the public power supply will be an expensive addition to an already expensive setup.

Use of ICT in the judiciary will have to follow important reviews of legislations. Most statutes in Nigeria, both substantive and subsidiary, are not ICT proactive. In fact, some laws and rules of procedure run counter to the ICT era. In order for electronic and computer-generated evidence to be admissible in our courts, such laws must be reviewed in favor of ICT use.<sup>53</sup> It is however gratifying to note that Hon’s Law of Evidence in Nigeria<sup>54</sup> has dedicated Chapter seven on computer and electronically generated evidence. This will go a long way as a guide in helping the courts on issues of admissibility of computer-generated evidence in courts of Nigeria. Quality legal research tools such as Nigeria’s Law Pavilion, academic journals and publications are only made available to users upon the payment of subscription fees which are often very high and sometimes unaffordable for students, teachers, judicial officers and their staff.<sup>55</sup> Plagiarism is one of the biggest and toughest issues faced by law teachers as a result of students’ access to the Internet and software copies of intellectual properties.<sup>56</sup> Students copy and paste directly works of others while claiming it to be theirs or without reference to the original author. In some worst cases, students obtain soft copies of research done by others, make minor changes like personal information and then submit such works as theirs.

**7. Conclusion and Recommendations**

From the foregoing discourse, it is obvious that technology is the present and the future. Considering the fact that the world is becoming increasingly reliant on technology, it is not just important but mandatory that Nigeria quickly embraces these technologies, so that it does not fall awfully behind the rest of the world. It would be in our best interest to become technology savvy to remain viable or relevant in an increasingly technological world. This work proffers recommendations and suggestions

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<sup>50</sup>J. Jenkins, ‘What Can Information Technology Do for Law?’ (2008) 21 No. 2 *Harvard Journal of Law & Technology* 589, 606

<sup>51</sup>J.E. Owoeye, ‘Information Communication Technology (ICT) Use as a Predictor of Lawyers’ Productivity’ (Library Philosophy and Practice, Paper 662) <http://digitalcommons.unl.edu/libphilprac/662> accessed 8th March, 2020.

<sup>52</sup> J. Jenkins (n 51)

<sup>53</sup> (n 46)

<sup>54</sup> S. T. Hon, (2019) *S. T. Hon’s Law of Evidence in Nigeria* (PEARL Publishers International Ltd.) 444-525

<sup>55</sup> (n 54)

<sup>56</sup> *ibid*

herein on how this can be achieved in Nigeria. Against the backdrop of the foregoing discourse, the following recommendations are proffered;

The first step is to intimate law teachers, students, law enforcement agencies, and judiciary officers on the numerous benefits of ICT use. ICT use is not harmful, instead it improves efficiency, reduces work related stress, work and learning is made easier and more enjoyable amongst other incredible benefits. This can be achieved through organizing conferences, seminars, and workshops where experts in ICT use educate students, law teachers, law enforcement agents and judiciary officers and support staff on the vast applications of ICT and how to use these technologies. Secondly, ICT courses should be made mandatory in schools for students while proficiency in ICT should be made a requirement for hiring and promotions of law teachers. Same strategy should be applied in the Judiciary to ensure that judicial officers and their support staff are proficient in ICT use. Thirdly, government participation is absolutely necessary in the realization of an ICT proficient Nigeria. Governments at all levels should actively engage in funding of ICT projects at law faculties of the various public universities in the country. Government can also donate ICT facilities or equipment to these Institutions to assist them. In addition, the government should adopt policies and legislations that would enhance ICT use in our tertiary institutions across the country. Government assistance is also invaluable if the Judiciary is to become ICT compliant. The participation of the government in various ways will tackle the issue of huge costs of ICT establishment and maintenance. Also recommended is a revision of laws and rules of court that do not permit ICT use in the courts. This should be undertaken with urgency. This will pave the way for ICT use in the judiciary. For instance, in the United States of America, Canada, amongst other countries, have Rules of Civil Procedure that permit trial evidence by telephone or video conferencing. Fourthly, collaborations between the Judiciary, NBA (Nigerian Bar Association) and law faculties with the ownership of LawPavilion law reports to subsidize their subscription fees for members will go a long way in making access to their services more affordable. Lastly, although plagiarism is a huge problem arising from ICT use by students, there are numerous software and applications available that detect plagiarized works. This will help in ensuring that ICT tools are not abused by law students.