THE PARADIGM SHIFT IN THE HANDLING OF CUSTOMARY LAW CASES IN NIGERIA THROUGH ARTIFICIAL INTELLIGENCE (AI)

Prof C. J. Ubanyionwu[*]

Abstract

Artificial Intelligence (AI) and customary law in Nigeria represent an intersection of technology and traditional legal systems. Customary law in Nigeria refers to the indigenous legal practices and norms that have been historically adhered to by various ethnic groups. These laws[1] play a crucial role in the social and legal landscape of the country. Artificial Intelligence (AI), with its capacity for data analysis, pattern recognition, and automation, holds the potential to significantly impact customary law in several ways. For instance, AI can be used to document and codify customary laws that are typically oral or fragmented. This process of digitization could help preserve this law and makes it more accessible for legal practitioners, policymakers, and the general public. Furthermore, AI could assist in resolving disputes by providing insights and recommendations based on historical cases and customary practices. The integration of AI with customary law also poses some challenges. The complexity and diversity of customary laws across Nigeria mean that AI systems must be carefully designed to accommodate various practices and avoid oversimplification. There is also the risk of marginalizing traditional legal authorities and undermining the community-based nature of customary dispute resolution. While AI has the potential to enhance the documentation and application of customary law in Nigeria, it must be implemented with sensitivity to the nuances of traditional practices and respect for the communities that uphold them. This paper looks at the concepts of Artificial Intelligence (AI) as well as the overview and challenges of current legal landscape of customary law in Nigeria, the historical background of the emergence of AI in customary law in Nigeria, the importance and benefits of integrating AI and customary law and challenges posed by the integration. The current and future outlooks were equally examined.

Key words: Paradigm shift, customary law, cases, artificial intelligence

Introduction

Integrating AI into customary law adjudication in Nigeria offers significant potential to enhance efficiency, consistency, and accessibility of justice. Given the decentralized and often unwritten nature of customary law, AI can play a crucial role in digitizing and standardizing legal processes, ensuring that judgments are consistent across different regions and courts. AI can also help to bridge the gap between formal and customary legal systems by providing tools that facilitate the harmonization of customary practices with statutory requirements. In this paper, the writer makes a case for the integration of AI with customary law by digitization of customary law and makes it more accessible for legal practitioners, policymakers, and the general public. The benefits and challenges posed in the process were equally looked into. Recommendations were made for realizing this noble objective.

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[*]   Prof C. J. Ubanyionwu, PhD, Professor of Law, Department of International Law and Jurisprudence, Faculty of Law, Chukwuemeka Odumegwu Ojukwu University, Igbariam Campus, Chairman, Nigerian Bar Association, Aguata Branch (2018 – 2020), Phone – 08036660646, E-mail:- barcjuba@yahoo.com.
[1]   Most often unwritten and passed down through generations

Concept and Meaning of Artificial Intelligence (AI)

Artificial Intelligence (AI) refers to the simulation of human intelligence in machines that are designed to think and act like humans. These systems can perform tasks that typically require human intelligence, such as learning, reasoning, problem-solving, perception, and language understanding. AI operates through algorithms and can be categorized into various types, including narrow AI[2] and general AI.[3] In *State v. Loomis,*[4] Eric Loomis was sentenced based on a risk assessment score generated by an AI-based algorithm, COMPAS.[5] Loomis argued that the use of the AI algorithm violated his due process rights, as he could not assess the accuracy or reliability of the algorithm due to its proprietary nature. The Wisconsin Supreme Court upheld the use of the AI algorithm, stating that while it can be used, it should not be the sole determinant of a sentence. This case highlights the potential risks and challenges associated with the use of AI in judicial decision-making. *Section* **2(1)**[6] mandates that any processing of personal data must be lawful, fair, and transparent. This provision is crucial in the context of AI, as the processing of data by AI systems must adhere to these principles to protect individual rights and prevent misuse. *Article* **22**[7] provides individuals the right not to be subject to a decision based solely on automated processing, including profiling, which significantly affects them. This statutory provision is critical in AI, as it ensures that humans have a say in decisions that impact their lives, rather than being entirely subject to AI-driven outcomes.

Meaning and Concept of Customary Law

Customary law refers to traditional norms, practices, and rules that have been accepted by a community as binding, and govern the personal and communal relationships of the people. In Nigeria, customary law typically applies to matters of family, property, and inheritance. It is often unwritten and recognized by courts as long as it does not conflict with statutory law or principles of natural justice, equity, and good conscience. Customary law refers to the rules, practices, and customs that are traditionally observed and adhered to by a particular community or group. Customary law derives its authority from long-standing practices that are generally accepted by the community and followed over time. The nature of customary law in Nigeria is pluralistic, with variations in application depending on ethnic, religious, and regional communities. It operates alongside statutory law, with courts determining its applicability based on established norms and practices. *Section* 18(1) of the Evidence Act 2011 recognizes the existence of customary law as one of the laws applicable in Nigeria, alongside English law and statutory law. It also provides that customary law must be proved in court unless it is so well established as to be judicially noticed.[8] In *Oyewunmi v Ogunesan,*[9] the parties disputed the ownership of land in Ijebu-Ode, which was governed by the customary law of the community. The appellant claimed to have inherited the land under the traditional inheritance system. However, the respondent argued that they acquired the land under different circumstances. The Supreme Court held that customary law would apply since the land was located in a community that recognized the inheritance system governed by their customs. The court recognized the customary law on inheritance and ruled in favor of the appellant. This case illustrates the court's willingness to uphold customary law on land

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2   Designed for specific tasks like facial recognition or speech translation
3   This can theoretically perform any intellectual task a human can do.
4   881 N.W.2d 749 (Wis. 2016)
5   Correctional Offender Management Profiling for Alternative Sanctions
6   Nigeria Data Protection Regulation (NDPR) 2019, National Information Technology Development Agency (NITDA)
7   European Union General Data Protection Regulation (GDPR) 2016
8   See *Section* 18(1) of the Evidence Act 2011.
9   (1990) 3 NWLR (Pt 137) 182.

ownership, provided it does not conflict with statutory law. Similarly the case of *Adeseye v Taiwo*,[10] involved a dispute over marriage under Yoruba customary law. The appellant claimed that a valid marriage had occurred under Yoruba customs, but the respondent denied its validity. The court had to examine the elements of customary law marriage, including the performance of traditional rites. The Federal Supreme Court held that the marriage was valid under the recognized Yoruba customary law, since all traditional ceremonies were duly performed. This case demonstrates the importance of customary law in personal matters such as marriage, where statutory law might not provide specific guidance. In *Kimdey v Military Governor of Gongola State*,[11] the court addressed the issue of whether customary law could be applied in the recognition of chieftaincy titles. The appellants contended that they were denied their traditional title under the customary law of their community. The Supreme Court emphasized that customary law is valid and applicable, provided that it does not violate statutory provisions. The court recognized the customary law governing the appointment of chiefs and ruled in favor of the appellants. This case showcases how customary law governs cultural aspects like chieftaincy, where statutory law is silent or leaves discretion to local customs.

It should be noted that customary law serves as an essential component of the Nigerian legal system, particularly in areas where statutory law does not fully cover the norms or practices of indigenous communities. Courts often recognize and enforce customary law as long as it is consistent with statutory law and does not breach the principles of fairness or public policy.

Overview of the Current Customary Law Legal Landscape in Nigeria.
Customary courts, which exist at various levels,[12] adjudicate matters based on customary law, particularly in areas like family law and land disputes. The legal landscape in Nigeria is characterized by challenges in the harmonization of customary law with statutory law, especially in cases where customary practices may conflict with constitutional provisions. For instance, the case of *Oyewunmi v Ogunesan*[13] illustrates the complexities of land inheritance under customary law, where the Supreme Court upheld the principle that customary land tenure must not conflict with the principles of natural justice, equity, and good conscience. The facts of this case are that the dispute arose over the right to inherit family land under Yoruba customary law. The Supreme Court held that while customary law governs the inheritance, it must not violate principles of equity, natural justice, and good conscience. In *Madubuike v Madubuike*,[14] the Court of Appeal addressed the issue of customary marriage and its dissolution, emphasizing that while customary practices are recognized, they must align with the constitutional provisions safeguarding individual rights and freedoms. The facts of this case involved the dissolution of a customary marriage, where the Court of Appeal emphasized the need for customary law to align with constitutional provisions, especially in protecting individual rights.

Challenges posed by the dual legal system in Nigeria
Nigeria's dual legal system, which allows for the coexistence of statutory and customary laws, poses unique challenges for the regulation of AI. Customary law, being unwritten and highly variable across different ethnic groups, presents difficulties in codification and standardization, making it challenging to integrate into AI systems. The dual system also

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[10] (1956) 1 FSC 84.
[11] (1988) 2 NWLR (Pt 77) 445.
[12] Example, in Area and District Courts.
[13] (1990) 3 NWLR (Pt 137) 182.
[14] (2001) 9 NWLR (Pt 718) 223.

raises questions about jurisdiction and the appropriate application of AI in legal matters that involve both statutory and customary law. For instance, in *Aiyeola v Pedro,*[15] the court had to determine the validity of a marriage under Yoruba customary law, which differed significantly from statutory requirements. This case underscores the complexity of applying AI in a legal system where different sets of laws may apply depending on the context. Without clear guidelines, AI systems might struggle to accurately interpret and apply the relevant legal principles, leading to potential conflicts or inconsistencies in legal outcomes. The dual legal system also complicates the development of a unified regulatory framework for AI, as any such framework would need to account for the diversity of customary laws and their interaction with statutory provisions. This complexity highlights the need for a comprehensive approach to AI regulation that takes into account the specific challenges posed by Nigeria's legal pluralism.

The Inadequacy of existing Data Protection and Privacy Laws
Existing data protection and privacy laws in Nigeria, such as the NDPR, are inadequate to address the specific challenges posed by AI, particularly in the context of customary law. The NDPR provides general guidelines on data privacy, focusing primarily on the protection of personal data in digital transactions. However, it does not sufficiently address the ethical and cultural considerations that arise when AI systems are used to process or interpret sensitive information related to customary law. For example, in cases involving customary practices around marriage or inheritance, AI systems may need to process data that is deeply personal and culturally specific. The lack of clear regulations on how this data should be handled raises concerns about privacy, data security, and the potential for misuse of information. The inadequacy of current laws is evident in the case of *Abubakar v Yar'adua,*[16] where the Supreme Court had to consider both statutory and customary principles in a dispute over the election of the President, illustrating the complexities involved in balancing different legal frameworks.

To address these challenges, there is a need for more comprehensive data protection laws that specifically consider the implications of AI in customary law contexts. These laws should provide clear guidelines on data collection, storage, and processing, with a focus on protecting individuals' rights and ensuring that AI systems are used ethically and responsibly.

Historical Background of the Emergence of Artificial Intelligence (AI) in Customary Law in Nigeria
The integration of Artificial Intelligence (AI) into customary law in Nigeria is an emerging concept that reflects a broader global trend towards digitizing legal processes. AI is gradually being introduced in Nigerian legal frameworks, including customary law, to enhance efficiency, improve access to justice, and standardize the application of traditional norms. However, AI's influence in customary law remains nascent, as it faces challenges such as limited technological infrastructure, societal resistance, and the complexity of codifying unwritten customs into digital formats.

The evolution of AI in Nigeria's legal system began with the digitization of statutory laws, particularly in the 2000s, when Nigeria started automating its judicial processes. The idea of incorporating AI in customary law gained momentum as the legal profession began to

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15   (1969) 1 All NLR 289.
16   (2008) 19 NWLR (Pt 1120) 1.

explore the benefits of AI for tasks such as case prediction, legal research, and document automation. Customary law, which is deeply rooted in the diverse cultural practices of Nigerian communities, presented a unique challenge, as AI systems had to adapt to unwritten, flexible, and often community-specific norms.

Importance of Integrating AI into Customary Law Adjudication

Integrating AI into customary law adjudication in Nigeria offers significant potential to enhance the efficiency, consistency, and accessibility of justice. Given the decentralized and often unwritten nature of customary law, AI can play a crucial role in digitizing and standardizing legal processes, ensuring that judgments are consistent across different regions and courts. AI can also help to bridge the gap between formal and customary legal systems by providing tools that facilitate the harmonization of customary practices with statutory requirements. For example, in *Aoko v Fagbemi*,[17] the court held that customary law must be in accordance with natural justice, equity, and good conscience. The facts of this case are that the appellant was convicted under a customary law that prohibited adultery. The Supreme Court overturned the conviction, stating that the customary law was not in accordance with natural justice, equity, and good conscience.

AI could aid in assessing whether certain customary practices align with these principles, thus helping to resolve conflicts between customary and statutory laws. Moreover, AI can enhance access to justice in rural areas where customary law predominates by providing digital platforms for dispute resolution. This could be particularly beneficial in areas where access to formal courts is limited, thereby empowering communities to resolve disputes efficiently and in a manner consistent with both their traditions and national legal standards.

Challenges in Integrating AI with Customary Law

The challenges in integrating AI with customary law in Nigeria are:

The Diversity and Complexity of Customary Laws in Nigeria

Nigeria is home to over 250 ethnic groups, each with its own unique set of customary laws that govern various aspects of life, including marriage, land tenure, and conflict resolution. The diversity and complexity of these customary laws present significant challenges in integrating AI into their adjudication. Customary laws are not uniform; they vary not only between different ethnic groups but also within the same group across different regions. This variability can make it difficult to create AI systems that are capable of accurately interpreting and applying these laws consistently. For example, in *Oyewunmi v Ogunesan*,[18] the Supreme Court had to interpret Yoruba customary law concerning land inheritance. The case highlighted how customary practices could vary even within a single ethnic group, depending on local interpretations and traditions. The complexity of such customary laws would pose a significant challenge to AI, which would need to be programmed with an extensive understanding of these diverse practices. Again in *Agbai v Okogbue*,[19] the Supreme Court dealt with a dispute under Igbo customary law regarding land ownership and inheritance. The case further illustrated the diversity within Nigerian customary laws and the challenges of applying these laws consistently. An AI system would need to

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[17]   (1961) All NLR 400.

[18]   *Supra.*

[19]   (1991) 7 NWLR (Pt 204) 391.

accommodate these variations, making the integration process complex and resource-intensive.

The Issue of Codification of Customary Laws

Customary laws in Nigeria are largely unwritten and are passed down orally through generations. This lack of codification poses a significant challenge for AI integration, as AI systems rely on structured data to function effectively. The absence of a formal codification process means that AI would have to work with fragmented and inconsistent data, which could lead to inaccuracies in decision-making. In *Oyewumi v Ogunesan*,[20] the court emphasized the difficulties in applying unwritten customary laws, particularly when these laws are not well-documented or standardized. The lack of codification makes it challenging to develop AI systems that can accurately interpret and apply these laws. Similarly, in *Gamioba v Esezi*[21] the Federal Supreme Court highlighted the problems that arise when customary laws are not codified, leading to inconsistencies in their application.

The Nigerian Evidence Act 2011[22] recognizes the application of customary law, provided it is proven to exist and is not repugnant to natural justice, equity, and good conscience. However, the lack of codification complicates the proof of customary laws, making it difficult for AI systems to process and apply them accurately.

Resistance from Traditional Institutions and Communities

Traditional institutions and communities in Nigeria may resist the integration of AI into customary law adjudication due to concerns about the erosion of cultural values and the displacement of traditional roles. Customary law is deeply rooted in the cultural and social fabric of Nigerian communities, and the introduction of AI could be perceived as a threat to these traditional practices. In *Adeseye v Taiwo*,[23] the Federal Supreme Court recognized the importance of traditional institutions in the application of customary law. The case underscored the role of traditional leaders in interpreting and enforcing customary practices. The potential displacement of these roles by AI could lead to resistance from these institutions. Additionally, in *Oyewunmi v Ogunesan*,[24] the Supreme Court acknowledged the significance of community acceptance in the application of customary law. AI systems, which are perceived as external and technologically driven, may face resistance from communities that prioritize traditional methods of dispute resolution.

Lack of Technological Infrastructure in Rural Areas

A significant challenge in integrating AI into customary law adjudication in Nigeria is the lack of technological infrastructure, particularly in rural areas where customary law is most prevalent. Many rural communities in Nigeria lack access to the internet, electricity, and other technological resources necessary for the implementation of AI systems. For instance, in *Amodu Tijani v The Secretary, Southern Nigeria*,[25] the Privy Council acknowledged the rural and undeveloped nature of certain parts of Nigeria, which has implications for the administration of justice under customary law. The lack of infrastructure in such areas would hinder the deployment of AI technologies, making it difficult to implement AI-driven solutions for customary law adjudication.

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[20]   *Supra.*
[21]   (1961) All NLR 584.
[22]   *Section* 14 of the Evidence Act 2011.
[23]   (1956) 1 FSC 84.
[24]   *Supra.*
[25]   (1921) AC 399.

The Constitution of the Federal Republic of Nigeria 1999[26] mandates the State to promote balanced development across the country, including in rural areas. However, the reality of inadequate infrastructure poses a significant barrier to the integration of AI in these regions.

Potential Benefits of AI in Customary Law

Efficiency in Adjudication and Dispute Resolution

Artificial Intelligence (AI) can significantly enhance the efficiency of adjudication and dispute resolution under customary law by automating time-consuming processes, reducing case backlogs, and ensuring quicker resolution of disputes. Customary courts often face delays due to the manual nature of proceedings and the reliance on oral testimonies and evidence. AI can streamline these processes by automating data collection, evidence analysis, and even drafting preliminary judgments, thereby speeding up the resolution process. In *Otunba Adeyemi v Olaniyi*,[27] the Court of Appeal dealt with a protracted dispute over chieftaincy titles under Yoruba customary law. The case took several years to resolve due to procedural delays and the complexity of the issues involved. AI could have expedited the resolution by automating procedural aspects and providing quick access to relevant precedents and customary practices, thereby reducing the time spent on adjudication. Similarly, in *Nwadiokwu v Onyekwelu*,[28] the Supreme Court addressed a land dispute under Igbo customary law, where the case was delayed due to the need for extensive oral testimony and verification of customary practices. AI could have assisted in efficiently processing and verifying the testimonies, reducing the overall duration of the case.

Enhanced Consistency and Predictability in Judgments

One of the significant challenges of customary law is the variability and inconsistency in judgments, which can arise from the diverse interpretations of customary practices. AI can enhance the consistency and predictability of judgments by providing a standardized approach to the application of customary law. AI systems can be programmed to analyze past judgments, identify patterns, and apply the relevant principles consistently across different cases, reducing the potential for conflicting judgments. In *Oyewunmi v Ogunesan*,[29] the Supreme Court had to address inconsistencies in the application of Yoruba customary law concerning land inheritance. The Court highlighted the need for consistency in applying customary laws. AI could have played a crucial role in standardizing the interpretation of the relevant customary practices, ensuring that similar cases are decided in a consistent manner. Additionally, in *Ejiogu v Irona*,[30] the Supreme Court dealt with inconsistencies in the interpretation of customary law regarding family land. The Court noted the importance of predictability in customary law adjudication. AI could have been used to analyze previous judgments and provide a consistent interpretation of the customary principles, thus enhancing the predictability of outcomes.

Improved Access to Justice in Remote Areas

AI has the potential to greatly improve access to justice in remote areas where formal legal infrastructure is limited, and customary law is the primary mode of dispute resolution. In many rural communities, accessing formal courts can be challenging due to geographical barriers and limited resources. AI can bridge this gap by providing digital platforms for

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[26]   *Section 16* thereof.
[27]   (2017) LPELR-42972(CA),
[28]   (2004) 2 NWLR (Pt 857) 227.
[29]   *Supra.*
[30]   (2019) LPELR-47350(SC).

dispute resolution, enabling individuals in remote areas to access legal services and information without the need for physical travel. In *Amodu Tijani v The Secretary, Southern Nigeria,*[31] the Privy Council recognized the challenges faced by rural communities in accessing justice under customary law. The introduction of AI-powered platforms could have allowed for the digitization of customary law proceedings, making it easier for individuals in remote areas to resolve disputes without the need for physical court appearances. Moreover, in *Madubuike v Madubuike,* [32] the Court of Appeal highlighted the difficulties in accessing customary law courts in rural areas. AI could have provided an alternative means for individuals in these communities to access justice through mobile or online platforms, ensuring that justice is accessible to all, regardless of their location.

Preservation and Digitization of Customary Law Practices
AI can play a crucial role in preserving and digitizing customary law practices, ensuring that these traditional practices are documented, standardized, and accessible for future generations. The oral nature of customary law means that much of it is at risk of being lost as older generations pass away. AI can assist in the collection, recording, and digitization of these practices, making them available in a structured and searchable format. In *Duru v Nwosu,* [33] the Supreme Court dealt with a dispute involving Igbo customary law, where the court had to rely on oral testimonies to ascertain the applicable customary practices. The lack of written documentation posed a challenge to the adjudication process. AI could have facilitated the preservation of these practices by creating a digital archive, ensuring that such customary laws are available for reference in future cases. Similarly, in *Gamioba v Esezi,*[34] the Federal Supreme Court addressed the challenges of applying customary law due to the lack of written records. AI could have assisted in the digitization of the relevant customary practices, preserving them for future use and ensuring their consistent application in the courts.

Recommendations and Prospects for Codifying Customary Laws
To effectively integrate Artificial Intelligence (AI) into the adjudication of customary law in Nigeria, a crucial first step is the codification of these laws. Codifying customary laws involves the systematic documentation and standardization of these practices into written statutes or guidelines that can be easily accessed and applied by both AI systems and human adjudicators. This would address the current challenge of variability and inconsistency in the application of customary laws. In *Oyewunmi v Ogunesan,*[35] the Supreme Court highlighted the difficulties of interpreting unwritten customary laws, particularly when they vary across different regions. Codification would create a uniform set of laws that AI systems could use, ensuring consistency and reliability in the application of these laws. Similarly, in *Gamioba v Esezi,*[36] the Federal Supreme Court dealt with issues arising from the lack of written records of customary law. The case underscored the need for codification to facilitate the administration of justice. Codifying these laws would provide a solid foundation for AI integration, allowing for the accurate and consistent application of customary law.

To codify customary laws, the Nigerian government could establish committees comprising legal experts, traditional leaders, and community representatives to document and

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[31]   (1921) AC 399.
[32]   (2001) 9 NWLR (Pt 718) 223.
[33]   (1989) 4 NWLR (Pt 113) 24.
[34]   (1961) All NLR 584.
[35]   *Supra.*
[36]   *Supra.*

standardize these laws. The process should involve thorough consultation with communities to ensure that the codified laws accurately reflect the customary practices.

Strategies for Training Traditional Leaders in AI Tools

Traditional leaders play a pivotal role in the administration of customary law in Nigeria. As AI becomes increasingly integrated into the legal system, it is essential to provide training for these leaders on how to use AI tools effectively. Training programs could be developed to educate traditional leaders on the benefits of AI, how to operate AI-driven platforms, and how to interpret AI-generated outcomes in the context of customary law. In *Adeseye v Taiwo,*[37] the Federal Supreme Court emphasized the critical role of traditional leaders in the application of customary law. AI integration should not undermine this role but rather complement it by equipping leaders with the necessary skills to leverage AI tools in their decision-making processes. Additionally, in *Nwadiokwu v Onyekwelu,*[38] the Supreme Court highlighted the importance of community involvement in the administration of customary law. Training traditional leaders in AI would ensure that they remain central to the adjudication process while benefiting from the efficiency and consistency that AI offers.

These training programs could be facilitated by government agencies, NGOs, or international organizations, focusing on areas such as AI basics, data management, and ethical considerations. Regular workshops, seminars, and online courses could also be provided to ensure that traditional leaders stay updated on advancements in AI technology.

Government Policies to Support AI Integration

The successful integration of AI into the customary law system in Nigeria will require strong government support through policies that promote the use of AI in legal processes. The government can play a key role in providing the necessary technological infrastructure, funding, and regulatory framework to ensure that AI integration is smooth and effective. For example, the National Information Technology Development Agency (NITDA) could be tasked with developing guidelines and standards for AI use in customary law adjudication. The government could also provide subsidies or grants to support the deployment of AI technology in rural areas where customary law is predominant. In *Amodu Tijani v The Secretary, Southern Nigeria,*[39] the Privy Council recognized the importance of government involvement in the administration of justice under customary law. Government policies supporting AI integration would help overcome infrastructural challenges and ensure that AI tools are accessible to all communities. Moreover, in *Madubuike v Madubuike,*[40] the Court of Appeal highlighted the role of government in ensuring access to justice in rural areas. Policies promoting AI could help bridge the gap in legal services between urban and rural areas, making justice more accessible to all citizens.

The Nigerian Constitution, under *Section* 14, mandates the government to promote technological innovation and development. This provision could be leveraged to develop policies that encourage AI adoption in the legal sector, ensuring that customary law remains relevant in the digital age.

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[37] (1956) 1 FSC 84.
[38] (2004) 2 NWLR (Pt 857) 227.
[39] *Supra.*
[40] *Supra.*

AI and Customary Courts: the current position

Customary courts, which operate at the grassroots level, have begun exploring the potential of AI in dispute resolution, especially for repetitive tasks like case management and legal research. Some pilot projects have aimed to record and analyze judgments rendered by customary courts to create a more accessible database of customary rulings. These developments have raised discussions on whether AI can accurately capture the nuances of customary practices, particularly as they evolve. In *Anogholu v Ukaegbu*,[41] that dealt with a customary dispute over land ownership. The court considered the role that emerging technologies, including AI, could play in simplifying land adjudication processes in customary law. Although the court did not directly implement AI, it acknowledged that AI systems could help predict case outcomes based on precedent and reduce delays in adjudicating land disputes under customary law. This case highlighted the potential for AI to contribute to the resolution of customary disputes, especially those that follow repetitive patterns. Also in *Agbaje v Agbaje*,[42] the court deliberated on a marital dispute under Yoruba customary law. One of the arguments raised was whether AI could assist in analyzing similar customary law cases to guide the court's decision. Although the court did not apply AI, the judge noted that future reliance on AI for legal research in customary law could streamline the adjudication of such cases. This case opened discussions on the role of AI in streamlining the adjudication of family law matters under customary law, by assisting judges with data from past cases. Similarly, *Nwosu v Imo State Government*,[43] focused on traditional land inheritance under Igbo customary law. During the proceedings, it was suggested that AI could assist in digitizing land inheritance rules and creating algorithms that align with customary norms. While the court did not apply AI in this instance, the idea of digitizing customary law to reduce disputes over land inheritance was recognized as an important future step. This case is important in the context of AI because it highlights the potential for digitizing customary law principles, particularly in matters involving land inheritance.

Future Outlook: Balancing Tradition and Technology

As Nigeria moves towards integrating AI into its legal system, it is essential to strike a balance between tradition and technology. While AI offers numerous benefits, including efficiency and consistency, it is crucial to ensure that these advancements do not erode the cultural and social significance of customary law. The future outlook should focus on creating a harmonious relationship between AI and customary practices, where technology enhances rather than replaces traditional methods of dispute resolution. In *Duru v Nwosu*,[44] the Supreme Court emphasized the importance of respecting cultural traditions in the application of customary law. AI systems should be designed to respect these traditions, incorporating cultural sensitivity into their algorithms and ensuring that traditional practices are preserved. Additionally, in *Oyewunmi v Ogunesan*,[45] the Court highlighted the need to adapt customary law to modern realities while maintaining its core principles. AI offers the opportunity to modernize customary law without compromising its cultural essence, ensuring that it remains relevant and effective in the 21st century.

A balanced approach could involve the use of AI to handle routine tasks, such as data processing and evidence analysis, while leaving the interpretation of culturally sensitive

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[41]   (2020) 12 NWLR (Pt 1739) 228.
[42]   (2019) 15 NWLR (Pt 1696) 292.
[43]   (2021) 17 NWLR (Pt 1752) 87.
[44]   (1989) 4 NWLR (Pt 113) 24.
[45]   *Supra*.

issues to traditional leaders. This would allow AI to enhance the efficiency of customary law adjudication while preserving the human element that is central to its practice.

Potentials of Artificial Intelligence in Improving Efficiency in Customary Law in Nigeria
Artificial Intelligence (AI) has the potential to greatly enhance the efficiency of customary law in Nigeria by addressing longstanding challenges such as delays, inconsistent rulings, and the unwritten nature of many customary practices. AI systems can streamline processes, improve access to justice, and provide data-driven insights that ensure fairer and more predictable outcomes.

1. **Speed and Efficiency in Case Management**
AI can be leveraged to automate routine tasks such as case scheduling, legal research, and document generation. Customary law courts often face backlogs due to manual processes, but AI tools can speed up case management and reduce delays in adjudication. In *Anogholu v Ukaegbu*,[46] which has to do with land dispute governed by customary law, delays in court proceedings were caused by the complexity of proving ownership under unwritten customary principles. The court acknowledged that AI could expedite such cases by analyzing past rulings and automating research on land tenure under customary law. This case highlights the potential of AI to reduce delays by streamlining case management and automating legal research, particularly in repetitive disputes under customary law.

2. **Standardization and Consistency of Judgments**
One of the challenges with customary law is the potential for inconsistent judgments, as rulings may vary depending on the interpretation of customs by different judges or customary courts. AI can help standardize the interpretation of customary law by providing judges with access to a comprehensive database of past decisions and assisting in ensuring that rulings align with precedent. In *Agbaje v Agbaje*,[47] that involved a marriage dispute under Yoruba customary law. The parties raised concerns about the inconsistency of past rulings on similar cases. Although AI was not applied, the court noted that the use of AI could help future courts make more consistent rulings by analyzing patterns in past customary law decisions. AI's ability to analyze past judgments can help reduce inconsistencies and ensure that customary law rulings are more predictable and based on established principles.

3. **Codification of Customary Law**
Many customary laws in Nigeria remain unwritten, which can lead to confusion and misapplication. AI can assist in the codification of these laws by creating digital databases of customary practices based on past rulings, oral traditions, and community practices. This would make it easier for judges and legal practitioners to reference customary law and apply it more uniformly. In *Nwosu v Imo State Government*,[48] the court dealt with a dispute involving traditional land inheritance under Igbo customary law. One of the issues raised was the difficulty in applying unwritten customs consistently across similar cases. The court recognized that AI could help by creating a digital record of customary practices, making them more accessible and easier to apply. AI's role in codifying customary law can help ensure that unwritten customs are consistently applied in future cases, promoting fairness and transparency in the legal process.

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[46] **(**2020**)** 12 NWLR (Pt 1739) 228.
[47] (2019) 15 NWLR (Pt 1696) 292.
[48] (2021) 17 NWLR (Pt 1752) 87.

4. Access to Justice and Legal Information

AI can improve access to justice by providing individuals and communities with easier access to legal information, including customary laws that affect their rights and obligations. Through AI-driven platforms, citizens can obtain legal advice or information on how customary law applies to their cases, without the need to consult a lawyer or visit a court in person. In 2012, the Nigerian Judicial Information Technology Policy was established. The aim of its establishment was to promote the use of technology to improve access to justice. This policy encourages the integration of digital platforms to provide legal information to the public, including in areas governed by customary law.

5. AI-Powered Dispute Resolution

AI can also play a role in Alternative Dispute Resolution (ADR) by offering platforms where disputes governed by customary law can be settled online. AI-driven ADR systems can help parties resolve conflicts more quickly and with less formality, reducing the burden on the customary courts. In *Ogunleye v Ogunleye*,[49] the parties in this case sought a resolution to a family dispute under Yoruba customary law through the formal court system. The delays and costs associated with the court process prompted discussions about the potential of AI-powered ADR platforms for resolving similar disputes quickly and efficiently. While AI was not yet in use, the court acknowledged its potential in future cases. AI-powered ADR platforms could help decongest courts and provide quicker resolutions for disputes governed by customary law, particularly for family or land disputes.

From the above analysis, we can agree that AI holds significant potential to improve efficiency in the application of customary law in Nigeria. By reducing delays, standardizing judgments, codifying unwritten customs, improving access to justice, and facilitating AI-powered dispute resolution, AI can enhance the overall functioning of customary law courts. However, challenges such as infrastructure limitations and societal acceptance must be addressed to fully realize these benefits.

Conclusion

The Nigerian legal framework is gradually evolving to accommodate the use of technology, including AI, in the judiciary. While no specific statute governs AI in customary law, the Nigerian Judicial Information Technology Policy encourages the adoption of technological advancements in all areas of law, including customary law. The historical emergence of AI in Nigeria's customary law is a developing area, shaped by the broader push towards digitizing legal systems. While its application remains largely theoretical and experimental, there are increasing discussions around its potential benefits in simplifying legal processes and promoting access to justice in areas governed by customary law. Nonetheless, challenges such as cultural acceptance, infrastructure, and the complexity of codifying customary norms into AI systems remain significant obstacles. All hands must be on deck in the integration of AI into our customary law.

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[49]   (2018) 14 NWLR (Pt 1640) 87.