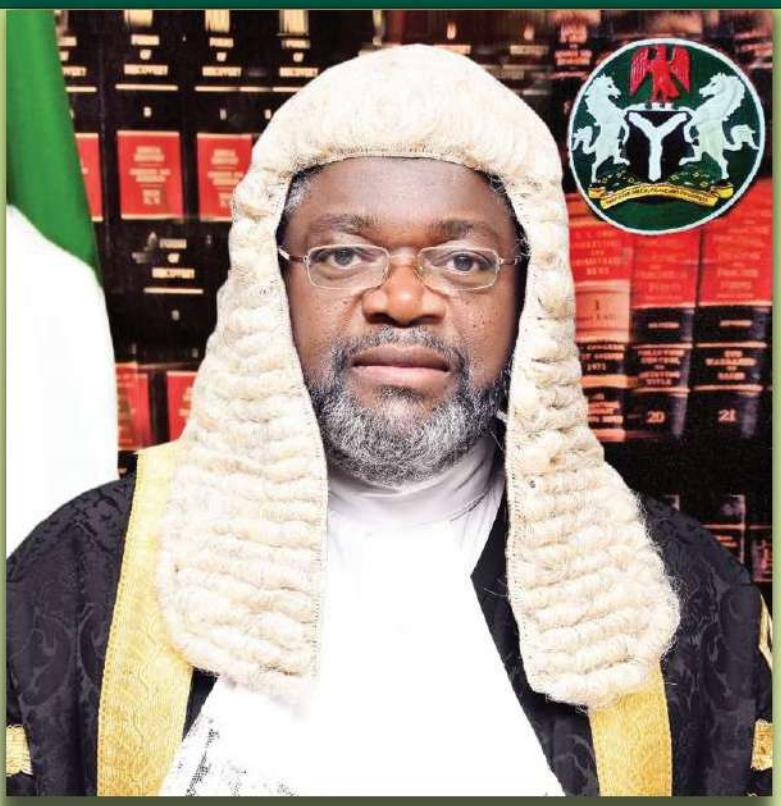
CRESCENT UNIVERSITY ABEOKUTA

Citadel of Academic and Moral Excellence

Founded by Judge Bola Ajibola, SAN, CFR (1934–2023)

www.cuab.edu.ng

18th CONVOCATION LECTURE



HON. JUSTICE

HABEEB ADEWALE O. ABIRU, JSC

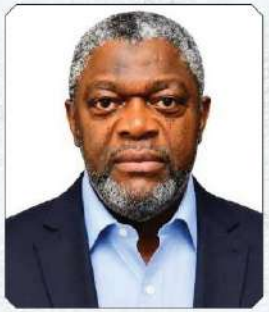
JUSTICE OF THE SUPREME COURT OF NIGERIA

TOPIC

ARTIFICIAL INTELLIGENCE AND THE FUTURE OF JUSTICE: BUILDING A FAIR SOCIETY IN THE DIGITAL AGE

Venue: Bola Ajibola College of Law Auditorium
Crescent University Campus
Date: Friday 16th October, 2026

PROFILE OF HON. JUSTICE HABEEB ADEWALE O. ABIRU, JSC
JUSTICE OF THE SUPREME COURT OF NIGERIA



Born on October 17, 1964, in Lagos State, Nigeria. His educational journey includes attending Ereko Methodist School, Lagos (primary school); Federal Government College, Warri, 1974-79 (secondary school); Baptist Academy, Lagos, 1979-80 (secondary school); University of Ife (now Obafemi Awolowo University), Ile-Ife, 1980-84 (LL.B); 1986-87 (LL.M); Nigerian Law School, Lagos, 1984-85, after which he was called to the Bar that year.

After completing his professional training at the Nigerian Law School, Lagos, he was called to the Bar in 1985. He further advanced his legal education by obtaining a Master of Laws (LL.M) degree from the same university in 1987. His dedication to professional development led him to become a Member of the Chartered Institute of Arbitrators (UK) in 2006 and a Fellow of the Nigerian Institute of Chartered Arbitrators in 2016.

Hon. Justice Abiru began his legal career as a Legal Officer with the Savannah Sugar Company Limited in Numan, Taraba State, during his National Youth Service Corps (NYSC) year. Upon completion of his service, he gained invaluable experience as a Junior Counsel at Messrs. G. O. Oduwole & Co., Lagos, before moving on to become a Senior Associate and Head of Chambers at Messrs. Bentley, Edu & Co. His expertise and leadership skills led him to establish Messrs. M. A. O. Abiru & Co., where he served as Managing Partner from 1997 to 2001. He also made notable contributions to legal education as a lecturer at the Lagos State University, Ojo, before his appointment to the Lagos State Judiciary as a Judge of the High Court in May 2001.

During his tenure on the High Court Bench, he presided over various divisions, including Lands and Chieftaincy Matters, General Civil, Family, Probate, and Criminal Divisions, across judicial divisions in Ikeja, Badagry, Lagos, and Ikorodu. His judicial acumen earned him appointments to several election tribunals, including the Governorship and Legislative Houses Election Tribunal in Abakaliki, Ebonyi State, and the Local Government Elections Appeal Tribunal in Lagos State.

In November 2012, he was elevated to the Court of Appeal, where he served in multiple divisions, including Akure, Kaduna, Jos, Kano, Yola and on the Sharia Panel of the Court of Appeal. His vast experience and unwavering commitment to justice led to his appointment as a Justice of the Supreme Court of Nigeria in February 2024.

Beyond his judicial duties, Hon. Justice Abiru has played an instrumental role in legal reforms and judicial administration. He has been a member of several committees, including the High Court of Lagos State Civil Procedure Rules Review Committee, the Public Complaints and Training Committee, the Committee on the Lagos Settlement Week, and the Committee on ICT for both the Lagos State Judiciary and the Court of Appeal. His expertise in asset recovery and financial crimes saw him contribute to the Working Group on Stolen Assets Recovery and the Management of Proceeds of Crime, set up by the Attorney General of the Federation.

A prolific writer and speaker, Hon. Justice Abiru has presented numerous papers on diverse aspects of law, ranging from judgment writing and interlocutory applications to fundamental rights enforcement and admissibility of evidence. His scholarly contributions include published works on jurisdiction, contempt of court, asset recovery, and public interest litigation.

His commitment to public service extends beyond the judiciary. He has been actively involved in several non-governmental organizations, including the Movement for Islamic Culture and Awareness (MICA), where he served as National President, and the Muslim Welfare Fund (MUWELF), where he is a member of the Executive Management Committee and Board of Trustees. He is also a member of the Consultative Group of the Muslims in South West Nigeria (MUSWEN) and the Nigeria Supreme Council for Islamic Affairs (NSCIA).

Hon. Justice Abiru's judicial philosophy is rooted in integrity, fairness, and the unwavering pursuit of justice. His extensive experience across various judicial levels, coupled with his scholarly contributions and commitment to legal reforms, continues to shape Nigeria's jurisprudence and strengthen the justice system.

Monday, 26th February 2024, marked the historic milestone as he took the oath of office as the Honourable Justice of the Supreme Court. He is the first indigene of Ikorodu to be appointed as a Justice of the Nigeria's apex court. This remarkable feat is not only a personal triumph for His Lordship, the Abiru family but also a momentous occasion for the entire Ikorodu Division, and Lagos State as a whole.

ARTIFICIAL INTELLIGENCE AND THE FUTURE OF JUSTICE: BUILDING A FAIR SOCIETY IN THE DIGITAL AGE

Convocation Lecture Delivered at Crescent University, Abeokuta

By

His Lordship, Honourable Justice Habeeb Adewale Olumuyiwa Abiru
Justice of the Supreme Court of Nigeria (JSC)

1. INTRODUCTION: JUSTICE AT THE THRESHOLD OF A NEW AGE

I am delighted to be invited to deliver the 2026 Convocation Lecture of Crescent University. A convocation is not merely a ceremony for conferring academic degrees. It is an occasion at which a university symbolically transfers responsibility from one generation to another. The institution has spent years cultivating knowledge, discipline and intellectual capacity in its students, and today it releases them into a world in which those qualities will be tested by circumstances that cannot always be predicted. The significance of that transition is more pronounced at this moment in history because the graduates before us are entering a world being transformed by artificial intelligence, automation, data-driven decision-making and technologies whose capabilities are developing with extraordinary speed.

Artificial intelligence is no longer a subject confined to computer laboratories or speculative discussions about the distant future. It has entered the ordinary structures of social, economic and institutional life. It is being used to analyse information, generate text and images, recognise patterns, assist medical diagnosis, detect financial anomalies, translate languages, support business decisions and perform increasingly sophisticated forms of knowledge work. It is consequently inevitable that AI will impact the legal profession and the administration of justice, both being information-intensive institutions. The pertinent question that arises therefore is under what legal and ethical conditions its use can be reconciled with the demands of justice.

My central proposition is that artificial intelligence presents neither an automatic threat nor an automatic solution to the problems of justice. It is an instrument whose social consequences depend upon the legal and institutional framework within which it is developed and deployed. Properly governed, AI can help reduce administrative burdens, improve access to legal information, assist with the management of judicial records, facilitate research and potentially make aspects of justice more accessible and efficient. Improperly governed, it may reproduce historical discrimination, undermine privacy, obscure the reasons for public decisions, magnify inequalities and encourage excessive deference to computational outputs. The appropriate response is therefore neither technological enthusiasm nor technological pessimism. It is constitutional

discipline: the insistence that technological innovation remain subject to law, human rights, institutional accountability and human judgment.

This constitutional starting point is important. The Constitution of the Federal Republic of Nigeria 1999, as amended, remains the supreme law of the land, and its provisions bind all authorities and persons throughout the Federation.[1] Section 36 guarantees fair hearing in the determination of civil rights and obligations and in criminal proceedings; section 37 protects privacy; section 39 protects freedom of expression; and section 42 prohibits discrimination on specified grounds.[2] None of these provisions contains an exception for decisions made by computers. The fact that an exercise of public power is mediated through software does not transform the constitutional character of that power. Indeed, the emergence of AI makes constitutional guarantees more - not less - important because technologically mediated decision-making can sometimes make the exercise of power less visible to the person affected by it.

The title of this lecture therefore deliberately refers to the future of justice, rather than simply to 'technology and law'. Artificial intelligence raises questions that are fundamentally jurisprudential. Who should decide? What evidence should be considered? How should reasons be given? How should equality be protected? When should an automated decision be reviewable? Who bears responsibility when an algorithm causes harm? These are not questions belonging exclusively to computer science. They concern the legitimacy of public power and the relationship between the individual and the State. The law must therefore remain capable of governing technology even as technology changes the conditions under which law operates.

In understanding the term '**Artificial Intelligence (AI)'** it is essential to appreciate that it is not a single technology, machine or software application. It is an umbrella term covering a range of computational techniques and systems designed to perform tasks that ordinarily require, or are associated with, aspects of human cognitive capacity. These include learning from data, recognising patterns, processing language, making predictions, generating content, reasoning, planning, classification and decision-making. The breadth of the concept is important because the legal questions raised by a simple automated calculation are obviously different from those raised by a system capable of generating legal arguments or making recommendations that materially affect an individual's rights.

There is no universally immutable definition of artificial intelligence. This is partly because the technology itself is developing rapidly. UNESCO, in its *Recommendation on the Ethics of Artificial Intelligence*, deliberately avoids prescribing a single permanent definition, observing that any fixed definition could become outdated as technology evolves. Instead, UNESCO approaches AI systems as information-

[1] Constitution of the Federal Republic of Nigeria 1999 (as amended) s 1(1)–(3)
[2] ibid ss 36, 37, 39 and 42

processing technologies capable of processing data and information in ways that resemble intelligent behaviour, including activities such as reasoning, learning, perception, prediction, planning and control.[3]

For our present purpose, its definition by the **Organisation for Economic Co-operation and Development (OECD)** provides a useful working formulation. Following its revision in 2023, the OECD defines an AI system as a

> *machine-based system that, for explicit or implicit objectives, infers from the input it receives how to generate outputs such as predictions, content, recommendations or decisions that can influence physical or virtual environments; different AI systems vary in their levels of autonomy and adaptiveness after deployment*.[4]

This definition captures several features that are central to the legal discussion before us. First, an AI system is machine-based. Secondly, it operates in pursuit of explicit or implicit objectives. Thirdly, it receives inputs and generates outputs. Fourthly, those outputs may take different forms, including predictions, content, recommendations or decisions. Finally, AI systems may operate with varying degrees of autonomy and may differ in their capacity to adapt after deployment.

2. FROM THE INDUSTRIAL REVOLUTION TO THE ALGORITHMIC REVOLUTION

Every major technological transformation changes the relationship between human beings, institutions and power. The industrial revolution transformed production; telecommunications transformed communication; the internet transformed access to information. AI represents a further stage because it increasingly affects activities associated with cognition itself. Earlier technologies generally enhanced the speed or physical capacity of human beings. Contemporary AI increasingly participates in the production of language, classification, prediction and analysis. This creates a new legal problem because the machine is no longer merely a passive instrument through which a human decision is executed; it may become an active participant in the process through which the decision is formulated.

The distinction matters enormously for the legal system because a database can store ten million judgments, but an AI system can search those judgments and identify patterns across them. A word processor can reproduce a lawyer's words more efficiently, but a generative AI system can produce the words. A spreadsheet can perform calculations, but a machine-learning system can identify statistical relationships within enormous datasets that a human being might never perceive. The

---

[3] UNESCO, *Recommendation on the Ethics of Artificial Intelligence* (adopted 23 November 2021) p2

[4] OECD, *Explanatory Memorandum on the Updated OECD Definition of an AI System* (OECD Artificial Intelligence Papers No 8, 5 March 2024) 4

movement is therefore from assistance with execution towards assistance with cognition. Once machines begin participating in cognitive processes, a central legal question emerges: when does assistance become influence, and when does influence become impermissible delegation?

The answer is important in adjudication because judicial decision-making cannot be reduced to statistical prediction. A court does not simply ask which outcome is most likely to occur based upon previous cases. It asks what the Constitution provides, what legislation requires, what facts have been established by admissible evidence, which authorities are binding, whether a precedent is distinguishable, and what remedy the law permits. The doctrine of precedent itself demonstrates why frequency cannot substitute for legal reasoning. A proposition does not become legally correct merely because it has appeared repeatedly in previous decisions. A later court may distinguish the earlier cases, recognise a constitutional development, apply a statutory amendment or correct an earlier error.

This is why computational sophistication should never be confused with legal objectivity. An algorithm is not an entity existing outside society. It is designed by human beings, trained on data generated or selected through human processes, optimised according to human objectives and deployed for institutional purposes. The absence of human emotion in computation does not mean the absence of human values. Those values may simply be embedded at a less visible level, in the choice of datasets, objectives, variables, thresholds and assumptions. AI therefore does not eliminate human judgment; it can conceal the location at which human judgment has been exercised.

3. JUSTICE IS NOT THE SAME AS EFFICIENCY

There is considerable justification for technological innovation in the administration of justice. Delay remains one of the most serious obstacles to effective justice. Cost, congested dockets, inadequate administrative processes and difficulties in accessing legal information can all undermine public confidence in the courts. Technology has already demonstrated its ability to reduce some of these burdens through electronic filing, digital case management, electronic access to authorities, transcription and remote participation. The digitalisation of judicial administration should therefore not be regarded as a departure from the judicial tradition. Courts have always adapted their procedures to technological developments where those developments assist the proper administration of justice.

Yet efficiency cannot become the definition of justice. A procedure can be faster and still be unfair. A system can process applications with extraordinary speed while systematically producing discriminatory outcomes. An automated procedure may dispose of thousands of cases rapidly while depriving affected persons of a meaningful opportunity to understand or challenge the decision. Constitutional justice

therefore requires us to distinguish efficient justice from efficient administration. The former is desirable; the latter is valuable only insofar as it serves the former.

The jurisprudence of the Supreme Court provides a useful foundation for this distinction. In *Igwe v State*,[5] the Supreme Court reaffirmed that fair hearing is fundamental to judicial proceedings and emphasised that it is a two-way principle requiring fairness to both parties. The Court further recognised that the absence of fair hearing may vitiate proceedings regardless of how well the proceedings may otherwise have been conducted. Similarly, in *Omoniyi v Alabi,* the Supreme Court treated the denial of an opportunity to address an issue raised by the court as a fundamental violation of fair hearing, rendering the resulting decision a nullity.[6] The significance of these cases in the AI context is not that they concern artificial intelligence, they do not, but that they demonstrate an enduring constitutional principle: procedural legitimacy cannot be reduced to the efficiency with which a decision is produced.

The same principle can be seen in *Ayoade v State,* where the Supreme Court explained that the decisive question in a complaint of denial of fair hearing is whether the party was afforded an opportunity to present his case, assessed objectively in the circumstances of the proceedings.[7] The lesson for automated decision-making is important. The introduction of technology cannot reduce fair hearing to a box-ticking exercise. If an automated system materially influences a decision affecting rights, the legal system must still ask whether the affected person had a meaningful opportunity to know the case against him, respond to relevant matters and have those representations genuinely considered.

4. ARTIFICIAL INTELLIGENCE AND ACCESS TO JUSTICE

One of the most promising applications of AI is in the field of access to justice. For many citizens, the first barrier is not necessarily the absence of legal rights but the difficulty of understanding and navigating the institutions through which those rights may be enforced. A person may have a legitimate grievance against an employer, landlord, public authority or commercial party and nevertheless have no idea which law applies, what procedure should be followed, what evidence should be preserved or which institution has jurisdiction. The law may exist, but its practical accessibility may remain limited.

AI-powered legal-information systems could potentially narrow this gap. A citizen could ask a system, in ordinary language, what steps might ordinarily be available in a particular dispute. Such a system could explain legal terminology, identify relevant

---

[5] Igwe v State (2021) LPELR-5048(SC); (2021) 15 NWLR (Pt 1796)
[6] (2015) 6 NWLR (Pt 1456) 572, 578–579 (SC)
[7] (2020) LPELR-49379(SC). See also Mohammed v Kano Native Authority (1968) 1 All NLR 424, 426; Akaninwo v Nsirim (2008) 4 NWLR (Pt 1077) 431.

public institutions, provide basic procedural information and direct users towards qualified legal assistance. For lawyers working in underserved communities, AI could assist with preliminary research and the retrieval of legislation and case law. In a country of Nigeria's geographical size and socioeconomic diversity, these applications have considerable potential.

But the distinction between legal information and legal advice must remain clear. Generative AI systems can produce plausible but incorrect statements, including fabricated case citations and distorted summaries of authorities. The responsibility of a lawyer does not disappear because an erroneous proposition originated with a machine. Indeed, the use of AI increases the importance of professional verification. Every case cited must be checked. Every quotation must be compared against the original judgment. Every statutory proposition must be tested against the current legislation. Every factual assertion must be independently verified.

The appropriate model is therefore not AI instead of lawyers but AI in support of lawyers and citizens. Used responsibly, technology can reduce repetitive work and make legal information more accessible. Used irresponsibly, it can create an illusion of legal assistance where none exists. The distinction is critical because justice requires more than information. It requires professional judgment, ethical responsibility and, in serious cases, representation by persons legally accountable for the advice they provide.

5. THE JUDGE AND THE ALGORITHM

The most sensitive issue concerns the role of AI in adjudication itself. There is obvious attraction in the possibility of systems capable of searching millions of authorities, organising voluminous records and identifying patterns across large bodies of judicial decisions. Such tools could save considerable time and assist judges faced with increasingly complex litigation. Yet there is a profound difference between AI-assisted judging and AI-determined judging. The first may be compatible with constitutional adjudication; the second raises fundamental questions concerning judicial responsibility.

A judicial decision is legitimate not simply because it reaches an empirically likely outcome. It is legitimate because it is reached through a constitutionally and legally recognised process by a judicial officer exercising independent judgment. Parties are entitled to know that their arguments were heard, their evidence considered and the applicable law applied. This institutional dimension of adjudication is essential. A computational output may be accurate in a statistical sense while nevertheless being constitutionally inadequate if no accountable decision-maker has independently assessed its relevance to the case.

Judicial independence therefore requires the capacity to reject an algorithmic recommendation. This point may appear obvious, but the phenomenon known as automation bias makes it practically significant. Human beings may attach excessive weight to technological outputs precisely because those outputs appear objective, data-driven and mathematically sophisticated. A judge presented with an algorithmic assessment based upon thousands of cases may be tempted, consciously or unconsciously, to treat the assessment as more authoritative than an ordinary piece of legal research.

This temptation must be resisted. A machine can identify similarity; the judge must determine legal relevance. A machine can identify statistical patterns; the judge must determine whether those patterns have legal significance. A machine can summarise authorities; the judge must read and understand the authorities necessary to determine the dispute. The judicial oath, to do right according to law without fear or favour, affection or ill will, cannot be transformed into an obligation to follow computational recommendations. The final decision must remain the decision of the court.

6. ALGORITHMIC BIAS AND CONSTITUTIONAL EQUALITY

One of the most serious dangers associated with artificial intelligence is algorithmic discrimination. It is tempting to assume that machines are objective because they do not possess human emotions. This assumption is incorrect. Machine-learning systems identify patterns from data, and data may reflect the inequalities, exclusions and prejudices of the societies from which they are generated. An algorithm does not need discriminatory intentions in order to produce discriminatory effects. It may simply treat historical patterns as predictors of future outcomes.

The constitutional significance is immediately apparent. Section 42 of the Constitution prohibits discrimination in the application of law and executive or administrative action on specified grounds.[8] If a public authority uses an algorithm that systematically disadvantages citizens on one of the constitutionally protected grounds, the fact that the discriminatory pattern was produced computationally cannot immunise the authority from constitutional scrutiny. Indeed, the technological character of the decision may make scrutiny more necessary because the affected individual may not know that discrimination occurred.

The problem is sometimes described as proxy discrimination. An algorithm may not explicitly use ethnicity, religion, sex or another protected characteristic but may rely upon variables strongly correlated with such characteristics. Geographic location, employment history, educational background or financial behaviour may operate as proxies. The resulting system may therefore produce differential outcomes while appearing facially neutral. Constitutional analysis must consequently look beyond the

[8] Constitution (n 1) s 42.

apparent neutrality of the software to the practical effects of the decision-making process.

This is where algorithmic auditing becomes important. High-impact systems should be tested for accuracy, disparate outcomes and reliability before deployment and periodically thereafter. Where a system is used by a public authority, the authority should know what the system does, what its limitations are and whether it produces systematically adverse results. The Constitution's guarantee of equality cannot be satisfied merely by instructing the machine to ‘treat everyone equally’. Equality in law is concerned with the practical operation of legal and administrative power, not simply with the formal language of the system through which the power is exercised.

7. THE RIGHT TO REASONS AND THE PROBLEM OF THE BLACK BOX

Reasoned decision-making is one of the principal safeguards against arbitrary power. A person affected by a decision should ordinarily be able to understand why it was made. Reasons enable review, appeal and correction. They allow courts to determine whether a decision-maker applied the correct legal principles, considered relevant matters, ignored irrelevant matters and remained within jurisdiction. Reasons also strengthen public confidence because they demonstrate that legal power has been exercised according to principle rather than personal preference.

Artificial intelligence complicates this principle because sophisticated systems may produce outputs that are difficult to explain even to technically sophisticated users. This is often described as the black-box problem. Suppose an applicant is told that an AI system has determined that the person is ineligible for a public benefit. The statement may identify the computational mechanism but not provide a meaningful legal explanation. What data were considered? Which factors materially influenced the outcome? Was the information accurate? Was the person treated differently from similarly situated applicants? Was the system operating within its permitted purpose?

The answer cannot simply be that the algorithm produced the result. That would transform technological output into an unchallengeable source of authority. Such an approach would be inconsistent with basic principles of administrative justice. Section 36(2) of the Constitution itself recognises, in the context of administrative determinations affecting civil rights and obligations, the importance of providing affected persons an opportunity to make representations and of preserving a mechanism through which the decision can be reviewed rather than made absolutely final.[9] The technological means through which the determination is made cannot reasonably be allowed to defeat these safeguards.

[9] ibid s 36(2)(a) and (b

This principle applies with even greater force to judicial decisions. A judgment is not merely an answer; it is a reasoned explanation of the court's resolution of a dispute. The reasons enable appellate review and contribute to the development of legal doctrine. AI may assist a judge in finding authorities or organising material, but it cannot supply the constitutional legitimacy of judicial reasoning. A machine-generated conclusion, however accurate, is not a judgment merely because it reaches the correct result.

8. DATA PROTECTION, PRIVACY AND THE AI STATE

Artificial intelligence is fundamentally dependent upon data, and this creates an intimate relationship between AI governance and privacy. Section 37 of the Constitution protects the privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications.[10] The Nigeria Data Protection Act 2023 provides a more contemporary statutory framework for the processing of personal data and the protection of data subjects.[11] The importance of these protections becomes clearer when we consider the extraordinary inferential capacity of modern AI systems.

A dataset containing financial transactions can reveal patterns of expenditure. Location information can reveal where a person lives, works, worships or associates. Communication records can reveal relationships. Educational records may reveal socioeconomic circumstances. Biometric data can enable identification across different systems. When multiple categories of information are combined, AI can sort them in such manner that no single item of data reveals. The privacy problem therefore extends beyond the question of what an institution knows. It increasingly concerns what an institution can infer.

The NDPA is significant in this regard. The Act establishes rights and obligations relating to the lawful processing of personal data and contains protections relevant to automated decision-making. The Nigeria Data Protection Commission's regulatory guidance also addresses the risks associated with technological processing, including the possibility of disparate outcomes and the need for data-protection impact assessments in appropriate circumstances.[12] These provisions provide a foundation upon which more detailed AI governance can develop.

The principle should be that technological capability does not automatically create legal entitlement. An institution should not collect information merely because it can. It should not infer sensitive characteristics merely because a computational system makes such inference possible. Nor should it deploy a high-impact AI system without

---

[10] ibid s 37

[11] Nigeria Data Protection Act 2023

[12] Nigeria Data Protection Commission, Nigeria Data Protection Act 2023: General Application and Implementation Directive (NDP Act-GAID)

considering the consequences for privacy, equality and other fundamental rights. In the AI age, privacy protection will increasingly require us to regulate not merely the collection of information but the uses, combinations and inferences that can be generated from it.

9. ARTIFICIAL INTELLIGENCE AND DIGITAL EVIDENCE

The law of evidence will face significant challenges as generative AI becomes more capable of creating synthetic content. Digital evidence has already transformed litigation, but AI introduces a new question: whether the digital object presented to the court corresponds to an actual event or is instead a synthetic creation. A photograph may appear authentic while having been generated entirely by software. A voice recording may sound genuine while containing no genuine recording of the person concerned. A video may depict an event that never occurred.

Nigerian evidence law has long demonstrated a willingness to accommodate technological developments. In *Esso West Africa Inc v Oyegbola*, the Supreme Court recognised, in the context of computer-generated records, that the law cannot remain ignorant of modern business methods and cannot simply shut its eyes to the realities of computer technology.[13] The Evidence Act 2011 subsequently established a statutory framework for computer-generated evidence, including the conditions governing admissibility under section 84, and subsequent legislative amendments have continued to develop the treatment of electronic evidence.[14] The statutory framework, however, was developed primarily around electronically stored or generated information; generative AI introduces the additional problem of synthetic creation.

The answer is not to treat all AI-generated or digitally stored material as inherently inadmissible. Rather, courts must develop increasingly sophisticated approaches to authenticity and reliability. Expert evidence may become important. Metadata, provenance, chain of custody, source files, device records, system logs and independent corroboration may all become relevant in determining whether digital material is authentic. The judicial task will be to distinguish between the existence of a digital record and the truth of what that record purports to depict.

The challenge will become especially acute with deepfakes. A fabricated video can create the appearance of incontrovertible visual evidence. Yet the law has never treated appearance alone as a substitute for proof. The increasing capacity of technology to manufacture convincing appearances simply makes the traditional judicial duty to test evidence more important. Courts must be prepared to ask not

[13] (1969) 1 NMLR 194 (SC)
[14] Evidence Act 2011, s 84; Evidence (Amendment) Act 2023.

merely ‘Does this look genuine?’ but ‘What evidence establishes its provenance, authenticity and integrity?’

10. AI, CRIMINAL JUSTICE AND THE PRESUMPTION OF INNOCENCE

The deployment of AI in criminal justice requires particular caution because the State's coercive powers are most pronounced in this field. Predictive systems may assist investigators in identifying patterns, but prediction must never be confused with proof. A system may predict that an individual belongs to a category statistically associated with offending; that does not establish that the individual committed a particular offence. The criminal justice system is concerned with legally established conduct and the satisfaction of the applicable burden of proof, not with computational assessments of personality.

This distinction is especially important in predictive policing. If historical policing data reflect disproportionate enforcement in particular communities, an algorithm trained upon those data may reproduce the historical pattern. The system may then recommend increased policing in precisely the communities that were historically over-policed. The resulting feedback loop can create the appearance of objective prediction while actually reinforcing historical institutional choices.

The danger is amplified by technological vocabulary. Terms such as ‘risk score’, ‘predictive classification’ and ‘probability assessment’ may appear scientific and neutral. But behind every classification is a human being whose liberty or reputation may be affected. The constitutional protections of personal liberty, presumption of innocence and fair hearing cannot be displaced by the use of sophisticated software. The appropriate principle is therefore that AI may assist the investigation and organisation of evidence but cannot itself establish criminal guilt. A prediction is not proof; a probability is not a conviction; and statistical correlation cannot replace the evidential process through which criminal responsibility is established. Where technology is used in criminal justice, the more serious the potential consequence, the stronger the requirement for independent human assessment.

11. ARTIFICIAL INTELLIGENCE AND THE LEGAL PROFESSION

The legal profession is undoubtedly changing as a result of AI. Routine drafting, document review, due diligence and aspects of legal research are becoming increasingly automated. This development should not be regarded solely as a threat. The profession has historically adapted to technologies that change the mechanics of legal work. The typewriter did not eliminate lawyers; electronic databases did not eliminate legal researchers; word processors did not eliminate advocacy. What changes is the relative value of particular tasks.

The future lawyer will need to combine legal knowledge with technological literacy. A lawyer advising a client on an AI-related transaction will need to understand data governance, intellectual property, contractual allocation of risk and regulatory requirements. A lawyer dealing with AI-generated evidence will need to understand digital provenance and authentication. A lawyer advising an employer using automated recruitment systems will need to understand discrimination and data protection. A lawyer appearing before a court where AI-assisted evidence or decision-making is involved will need sufficient technological knowledge to question the reliability of the system.

But technological literacy must not come at the expense of legal judgment. The lawyer's professional duty is not to reproduce information; it is to provide competent, independent and ethically responsible advice. If an AI system generates a fictitious authority and counsel presents it to the court without verification, the fact that the system generated the citation does not diminish counsel's responsibility. The duty to the court remains personal and professional.

This also has implications for legal education. Nigerian law faculties should increasingly expose students to artificial intelligence and law, data protection, cybersecurity, digital evidence, algorithmic accountability and technology regulation. At the same time, the traditional foundations of legal education, jurisprudence, legal reasoning, history, constitutionalism and ethics, must be preserved. As machines become more capable of processing information, the value of human judgment becomes greater, not smaller.

12. ARTIFICIAL INTELLIGENCE, AFRICA AND TECHNOLOGICAL SOVEREIGNTY

Nigeria must also confront the problem of technological dependency. Many of the world's most powerful AI systems are developed outside Africa, trained upon enormous datasets and supported by technological infrastructure controlled largely by multinational corporations. International cooperation is indispensable and there is no virtue in technological isolation. But a country cannot meaningfully regulate technologies it does not understand, and it cannot confidently protect citizens where it has no capacity to interrogate the systems upon which important public functions depend.

The problem is particularly acute in law because legal knowledge is jurisdiction-specific. A system trained predominantly on American or British law may produce an impressively worded but legally incorrect answer when asked a question about Nigerian law. Similarly, a system trained primarily on foreign social data may fail to recognise Nigerian linguistic, cultural and institutional realities. AI systems must therefore be evaluated not simply for computational performance but for contextual suitability.

Nigeria's National Artificial Intelligence Strategy 2025 provides an important national policy framework for the development and responsible adoption of AI.[15] The Strategy identifies the importance of AI for national development while recognising the need for responsible and ethical innovation. The National Centre for Artificial Intelligence and Robotics similarly identifies innovation, collaboration, inclusiveness and entrepreneurship among its strategic priorities.[16] These developments demonstrate that Nigeria is not approaching AI merely as a consumer technology; there is an emerging institutional commitment to developing national capacity.

The next step should be deeper integration between universities, government, industry and the justice sector. Nigerian universities should develop datasets and models reflecting local realities. Nigerian researchers should participate in AI governance debates. Nigerian law faculties should contribute to regulatory design. The development of local-language models is particularly important. Initiatives such as N-ATLaS, which seeks to develop multilingual and multimodal capabilities beginning with Nigerian languages and Nigerian-accented English, illustrate why African linguistic realities must form part of the architecture of African AI. It is gratifying to learn that Crescent University possesses well-equipped cyber security training Labs, software engineering Lab, a well-equipped robotics center as well as a state of the art CBT Centre.

13. ISLAMIC JURISPRUDENCE AND THE ETHICS OF ARTIFICIAL INTELLIGENCE

The location of this lecture at Crescent University provides an appropriate opportunity to consider the contribution of Islamic jurisprudence to the governance of emerging technologies. Islamic legal thought has historically engaged with questions of public welfare, harm, responsibility, evidence, property and social order. Its relevance to artificial intelligence does not lie in searching classical texts for direct technological answers. Rather, it lies in applying enduring principles of justice and public welfare to new technological circumstances.

The principle of *adl*, justice, provides an obvious starting point. Technology cannot be regarded as socially beneficial merely because it is efficient. Its legitimacy must also be assessed by reference to fairness, human welfare and the avoidance of unjust harm. The jurisprudential concept of maslahah, public welfare, similarly encourages consideration of the broader consequences of technological choices. An AI system that increases administrative efficiency while disproportionately harming vulnerable communities cannot be justified simply because it produces faster decisions.

---

[15] National Centre for Artificial Intelligence and Robotics, 'Forefront of Nigeria & Africa's Digital Evolution' (NCAIR)
[16] ibid

The maxim '*la darar wa la dirar*,' generally understood as prohibiting the infliction of harm and reciprocal harm, provides another useful ethical lens. The significance of the maxim in the AI context lies partly in the scale of technological consequences. A human official may make one erroneous decision. An automated system deployed nationally may reproduce the same error thousands of times. The capacity of technology to multiply consequences therefore increases the importance of preventive safeguards.

The Islamic ethical tradition also reinforces the principle of responsibility. Technology may be an instrument through which an act is performed, but the existence of an instrument does not eliminate moral responsibility for its use. This is consistent with the broader principle of legal accountability: those who design, deploy or control systems capable of affecting human rights must remain accountable for the consequences of those systems.

14. THE DIGITAL DIVIDE AND EQUALITY OF ACCESS

The promise that AI will democratise justice must be examined against the reality of the digital divide. A technologically sophisticated justice system may be extremely accessible to a lawyer in Lagos or Abuja with reliable broadband, modern hardware and subscription databases, while remaining almost inaccessible to a litigant in a rural community without reliable connectivity or digital literacy. If digital transformation proceeds without adequate safeguards, technology may reproduce existing inequalities rather than reduce them.

This is not an argument against digital justice. It is an argument for inclusive digital justice. Digital systems should supplement rather than prematurely eliminate physical channels of access. Courts and public institutions should continue to provide mechanisms through which citizens without sophisticated technology can access justice. Accessibility must also take account of persons with disabilities, persons with limited digital literacy and citizens whose principal languages are not adequately represented in technological systems.

The constitutional principle is straightforward. Section 36 does not guarantee fair hearing only to persons who can use digital platforms. It guarantees fair hearing to persons.[17] Technology must therefore be evaluated against the circumstances of the population that the justice system actually serves. A digital system that excludes the poor, elderly, rural or disabled may be technologically sophisticated but constitutionally deficient in practical effect. Similarly, to a technology that is bias against the blacks, the third world nations, minority religious organisations, cannot be

[17] Constitution (n 1) s 36

instrument of maintaining world peace but an instrument to oppress the already suppressed and intimidated in the world.

The development of Nigerian-language AI is consequently relevant to access to justice. If legal information systems operate exclusively through complex English-language interfaces, they may remain inaccessible to citizens whose strongest languages are Nigerian languages. Technology should reduce linguistic barriers rather than create another form of exclusion. The future of digital justice must therefore be inclusive not only technologically but linguistically and socially.

15. TOWARDS A NIGERIAN FRAMEWORK FOR AI AND JUSTICE

Nigeria should now move beyond general enthusiasm about AI towards a more specific governance framework for its use in justice institutions. Such a framework should distinguish between low-risk administrative applications and high-risk systems capable of affecting substantive rights. Case scheduling, transcription, document classification, and registry management may be comparatively low-risk. Systems influencing criminal justice, eligibility for public benefits, immigration, employment, policing, or other consequential decisions require a substantially higher level of scrutiny.

A judicial AI framework should establish clear standards for judges, registrars, lawyers and litigants. It should address the use of generative AI in legal research and submissions, verification of authorities, confidentiality and data protection, the handling of AI-generated evidence, judicial administration and the circumstances in which human review is mandatory. The framework should be developed collaboratively by judges, lawyers, academics, computer scientists, data-protection specialists and civil society. AI governance cannot be left exclusively to engineers because the central questions concern not only what systems can do but what institutions should permit them to do.

Transparency must also be carefully defined. It should not necessarily require disclosure of every line of source code, particularly where disclosure may create security or intellectual-property concerns. But it should require sufficient information to make consequential decisions intelligible and contestable. A person affected by an automated decision should, where appropriate, know that AI materially influenced the decision, understand the relevant factors, know how to challenge the outcome and have access to meaningful human review.

Most importantly, responsibility must remain traceable. A government institution cannot escape accountability by saying that ‘the algorithm decided’. A lawyer cannot avoid professional responsibility by saying that ‘AI generated the submission’. A judge cannot transfer judicial responsibility to software. Artificial intelligence may

distribute tasks, but it must not distribute responsibility so widely that no one remains accountable.

16. TOWARDS HUMAN-CENTRED DIGITAL JUSTICE

The ultimate objective should not be technological justice but human-centred digital justice. This means beginning with the individual who seeks justice and asking how technology can assist that person without compromising constitutional safeguards. AI should be used to reduce unnecessary administrative burdens, improve access to information, assist with case management, support research and enhance institutional capacity. But where fundamental rights are implicated, human oversight must remain substantive rather than ceremonial.

This approach is consistent with international developments. UNESCO's Recommendation on the Ethics of Artificial Intelligence places human dignity and human rights at the centre of AI governance and emphasises transparency, accountability, fairness, human oversight and non-discrimination.[18] The Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law similarly places AI within a framework of human rights, democratic governance and legal accountability.[18] The Council of Europe's Ethical Charter on AI in judicial systems identifies fundamental rights, non-discrimination, quality and security, transparency and user control as core principles.[19]

These international instruments do not dictate Nigerian law. Nigeria must develop a framework reflecting its own constitutional order and socioeconomic circumstances. Nevertheless, comparative experience is valuable. Nigeria should learn from jurisdictions that have confronted particular problems while avoiding the assumption that foreign solutions can simply be transplanted. The Nigerian framework must take account of our institutional capacity, digital infrastructure, linguistic diversity, socioeconomic inequality and distinctive constitutional structure.

A human-centred approach ultimately asks a simple question of every significant AI system: Would the process remain acceptable if I were the person subject to it? That question is as old as natural justice. Artificial intelligence does not make it obsolete. If anything, it makes it more important.

17. THE RESPONSIBILITY OF THE UNIVERSITY

Universities have an indispensable role in this transformation. They should not merely teach students how to operate within the technological world as it exists. They should

---

[18] Constitution (n 1) s 36

[19] European Commission for the Efficiency of Justice (CEPEJ), European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their Environment (Council of Europe, 2018).

help society determine what that world ought to become. Artificial intelligence therefore requires interdisciplinary scholarship involving law, computer science, philosophy, economics, sociology, ethics and, in institutions such as Crescent University, Islamic jurisprudence.

Crescent University is particularly well placed to contribute to this conversation. The combination of modern professional education and moral and ethical formation creates an opportunity to develop a distinctive approach to AI governance. Research should examine practical questions such as the authentication of AI-generated evidence, the use of algorithms by public institutions, automated decision-making and fair hearing, AI and criminal justice, AI and Islamic jurisprudence, data protection, algorithmic discrimination and the role of technology in expanding legal aid.

Legal education must also teach students to interrogate AI rather than merely use it. A student who can generate an answer but cannot determine whether the answer is accurate is not fully technologically literate. The graduate of the AI age must understand the difference between plausibility and truth, prediction and proof, efficiency and justice. Critical thinking, jurisprudence, ethics and independent reasoning therefore become more important precisely because machines are becoming more capable of generating information.

18. A MESSAGE TO THE GRADUANDS

To the graduands, I say that you are entering professional life at a remarkable moment. You will encounter technologies capable of producing information and content at a speed that earlier generations could scarcely have imagined. You will be able to use machines to assist with research, writing, analysis and problem-solving. But do not allow convenience to become intellectual dependency. The machine may help you answer a question; it cannot relieve you of the responsibility to determine whether the answer is correct.

If an AI system provides a legal authority, verify it. If it gives you a quotation, check the original. If it summarises a judgment, read the judgment where the matter is important. If it produces an argument, interrogate the reasoning. If it offers a prediction, understand the assumptions underlying the prediction. The fact that an answer is expressed confidently does not make it true. Indeed, one of the great dangers of generative AI is that error may be expressed with the same confidence as accuracy.

Your generation will therefore require a quality that may become increasingly valuable: judgment. Information will become abundant; the ability to distinguish reliable information from unreliable information will become more important. Drafting will become easier; the ability to determine what ought to be written will

become more valuable. Decisions may become faster; the ability to determine which decision is lawful and just will remain a human responsibility.
There is also a moral dimension to your professional lives. You will have access to technologies capable of influencing decisions affecting large numbers of people. Some of you will design systems; others will regulate them; some will challenge them in court; others will use them in medicine, business, government or education. In each case, remember that technological capability does not answer the moral question. The fact that something can be done does not establish that it should be done.

19. CONCLUSION

Distinguished ladies and gentlemen, artificial intelligence is not simply another technological innovation. It represents a transformation in the relationship between human beings and information, between institutions and citizens and, increasingly, between decision-makers and the decisions they make. Its consequences will be felt throughout the legal system - in legal practice, evidence, judicial administration, access to justice, privacy, equality and constitutional rights. Our response should therefore be one of disciplined optimism: embracing useful innovation while insisting that innovation remain subject to constitutional principle.

The central lesson is that technology does not determine justice. Human beings do and will continue to for a longer time to come. We decide what data are collected, what systems are developed, what purposes they serve, what risks are acceptable and what safeguards are required. We determine whether an individual has a meaningful opportunity to challenge an automated decision. We determine whether an AI-generated recommendation is treated as information or authority. And we determine whether institutions remain accountable when technological systems fail.

Nigeria stands at an important moment. The National AI Strategy provides a policy foundation for responsible AI development, and institutions such as NCAIR are building national capacity.[20] But policy documents alone will not determine the character of Nigeria's AI society. That character will be shaped by judges, lawyers, legislators, academics, regulators, entrepreneurs and the graduates now leaving our universities. The legal profession in particular must ensure that technological transformation does not become constitutional regression.

We must therefore preserve a hierarchy of values. Technology must remain subject to law. Law must remain subject to the Constitution. And constitutional law must continue to serve the dignity and freedom of the human person. If an algorithm is efficient but discriminatory, we must reject the discrimination. If an automated process is fast but denies fair hearing, we must protect fair hearing. If a system is

[20] European Commission for the Efficiency of Justice (CEPEJ), European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their Environment (Council of Europe, 2018).

profitable but compromises privacy, we must protect privacy. If technology can predict behaviour but cannot establish criminal guilt, we must preserve the presumption of innocence. Note that techno-science advancement does not translate to Constitution supremacy.

To the graduands of Crescent University, I leave you with this responsibility. You are not merely graduating into the digital age; you are becoming participants in determining what that age will mean. You will practise professions in which artificial intelligence will increasingly assist human judgment. You will work in institutions that must determine how technology should be regulated. Some of you will build technological systems; some will govern them; some will litigate about them; some will research their consequences. Whatever your profession, you will have a role in determining whether technology deepens inequality or expands opportunity.

Use the knowledge acquired here with courage, but temper courage with humility. Embrace innovation, but never surrender critical judgment. Learn to use artificial intelligence, but learn equally well when not to trust it. Remember that law is not simply an information system and justice is not merely an optimisation problem. The deepest purpose of law remains the protection of human dignity, the resolution of disputes according to principle and the restraint of arbitrary power.

The machines of the future may become extraordinarily intelligent. Our responsibility is to ensure that the human beings who design, deploy and govern them become extraordinarily wise. If we succeed, artificial intelligence may become one of the great instruments through which justice is made more accessible in our time. If we fail, the same technology may magnify inequality, conceal discrimination, compromise privacy and make the exercise of public power increasingly difficult to understand.

The choice is ours.

Let us therefore build a digital society in which technology expands the reach of justice rather than narrowing it; in which algorithms assist but cannot hide responsibility; in which courts are technologically capable but constitutionally grounded; and in which innovation is measured not simply by computational power but by its contribution to human dignity.

Perhaps, ultimately, that is the appropriate message for a university convocation: let knowledge be joined with wisdom, innovation with responsibility, and technological power with justice. The machines may become increasingly intelligent. Our task is to ensure that humanity becomes increasingly wise.

Thank you.

And to the graduands of Crescent University, congratulations.