IMPACT OF TECHNOLOGY ON THE LAW AND COURT PROCESS

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BY JUSTICE M. D. ABUBAKAR,NPOM

Introduction:

The digital wikipedia dictionary defines Technology as the collection of techniques, skills, methods and processes used in the production of goods, in the provision of services or in the accomplishment of objectives.

Technology has become inevitable part in the day-to-day life of the society and the more societies come to know about technological development, the more they become able to take advantage of it. Whenever an innovation reaches certain level after it has been presented and promoted, it becomes part of the society. Digital technology has entered each process and activity made by the social system. In fact, it constructed another worldwide communication system in addition to its origin.

What readily comes to mind on modern day technological advancement is Information and Communication Technology (ICT). Computer is the pivot of ICT and computer simply put is a device that is used to perform tasks and stores and retrieves information and data. Computer simply follows instructions given to it hence the adage in computing parlance 'garbage-in-garbage-out". Information and Communication Technology (ICT) refers to processing of data via computer: the use of technologies from computing, electronics, and telecommunications to process and distribute information in digital and other forms. Computer literacy is the ability to use computer and have a good understanding and working with a computer or computer systems also referred to as computer appreciation. ICT is increasingly becoming indispensable in all fields of human endeavour and in all facets of life. ICT is applied from the most complex operation of mega organisations and governments to the simplest mode of transaction as booking an appointment with a doctor, or purchase of recharge card. This is what is referred to as E-transaction.

Impact of Information and Communication Technology on the Law and Court Process

In deciding cases, judges weigh the record, the briefs, and the arguments of counsel, mixed with an independent view of law and policy. In the past two decade, Judges and Lawyers had pondered over the application of Information and Communication Technology in the judicial and legal processes and have asked questions on whether ICT could apply and work in a court of law. The judicial process, in particular the courtroom, has

traditionally been a bastion of decorum, resistant and conservativeness and if not immune to the extremes of change, could find itself in the midst of a technological revolution.

The Legal and Judicial Process essentially entails various levels of information gathering and communication between stakeholders and the conventional practices and procedures are prone to causing undue delays in justice dispensation. Given the work load and volumes of information and data in the judicial process, applying ICT in the judicial and legal process will increase efficiency, promote easy research and allow for easier information retrieval and in the long run reduce stress and enhance the health of judicial officers. Applying ICT will reduce if not eliminate inefficiency, inaccuracy, lack of transparency and integrity, the major causes of delay in justice dispensation. The advent of court room technology as a means for putting evidence before everyone in the court room has put to fore the inevitability of technological revolution in the justice process and system. It has therefore become imperative for the Nigerian Judiciary and the entire legal system to embrace ICT in its service delivery.

With the ever increase in litigation across the hierarchy of courts, our judges, their supporting staff and lawyers have to contend with voluminous records, the preparation and filing of which takes time, prone to loss and abuses and space consuming. IT solutions could be deployed in a variety of ways to ensure efficiency, minimise delays, engender transparency and integrity in the system. Areas where lT solutions could be deployed include but are not limited to the following;

Case Management System can be created where administrative and judicial process could be integrated in case flow the management, case tracking, court schedule and instant transcript. Deployment of Court Room Technology through the use of court recording and transcribing system will reduce the work load and stress of judges taking proceedings long hand and will make the life of judges healthier and saves time.

Through Electronic Data/information exchange system, lawyers can file documents electronically, similarly, evidence could be electronically presented. The Centralized Information Access, for instance, would allow the Head of Court access to information and data of all courts instantly and this could ease case distribution and assignment as well as track case

disposition of all courts. Customized soft wares and systems such as online library, research tool kits, judgment wizard etc. could be developed to meet general and specific needs of judicial officers and support staff.

Some Challenges of ICT in the Judicial Process:

There are numerous challenges to contend with in the application of ICT to the Judicial Process in Nigeria. The major challenges are;

Review of Legislations; Most our statutes both substantive and subsidiary are not ICT proactive. In fact some laws and rules of procedure run counter to ICT regime. These have to be reviewed before electronic and computer-generated evidence can be admissible in our courts.

Commercial transactions that are electronically conducted will be difficult to establish under the Evidence Act because of noncompliance with some provisions of the Act. For instance, it would not be possible under the Act to prove PIN number as representing signatures in a transaction that was conducted electronically.

Rules of Procedure have to be reviewed to accommodate Digital Evidence Presentation System (DEPS).

The ICT revolution has brought along Computer Crimes (cybercrimes) which poses a serious challenge to the Judiciary. Issues of Criminal Trespass into another computer, theft of computer data, the use of internet to commit or aid in the commission of fraud could hardly be established through the conventional standards of evidence.

Other areas of challenges include privacy laws, intellectual and copy right laws that have to be brought in conformity with IT regime.

Increased inflow of foreign investors and development partners whose systems are wholly lCT based would compel the Nigerian. Courts to embrace IT, otherwise confidence of these investors and partners may be eroded.

Provision and maintenance of lCT infrastructure and equipment is capital intensive. The Nigerian Judiciary, particularly in the States, lack the resources to undertake the venture. Added to this is the problem of our maintenance culture, erratic power supply and poor capacity building.

Some Disadvantages of ICT in the Judicial Process:

As time progresses and technology advances, information about the law that had hitherto been preserve of lawyers is now readily accessible to everyone due to the advent of the Internet. People can now access and read judgments from different courts, news reports of cases, constitutions and other laws, as well as case notes and opinions published by various law firms. This, in my opinion, is a major disadvantage of the internet in the judicial process, as Shakespeare once said, "too much of a good thing."

News reports can be misleading and prejudicial

Traditional media outlets usually report on cases from the court; these articles are also usually published online. The benefit of having media professionals cover cases dealing with matters of public importance is indisputable. This is in the public's interest and is a hallmark of a modern democracy. However, journalists are only human and are subject to error; they may misconstrue or confuse facts or legal concepts. Worse still, if professional journalists do not cover the story a "citizen journalist" may use social media to "feed a narrative that often grossly distorts reality". Either situation would result in the public being given imperfect legal information.

Prejudicial reporting has had detrimental effects on numerous cases, particularly on high-profile cases. The more connected we are to information, the harder it becomes to ensure that judges avoid seeing and reading things which may be prejudicial to the case they are hearing; as a result of this, there is a suggestion that the most appropriate course of action is for judges to strictly adhere only on the evidence they hear in court while trying such cases.

Additionally, non-traditional media commentators, such as 'arm-chair lawyers' on social media platforms, have sprung up in abundance. These individuals comment and report on legal issues and cases under the guise of reportage. No doubt they're exercising their rights to free speech and

wish to make their views known after reading about the law online. Unfortunately, their views are usually skewed because of a misunderstanding of the law due to the risks of those views being developed through the incomplete legal information found online. Their interest is to report only on legal issues that would generate "hits" on their blog thereby sewing their personal interests rather than for public good and public interests. Contrary to investigative journalism, this method of reporting is more likely to be detrimental to the public who may subsequently use this potentially biased and unreliable information.

Prospect of ICT deployment in the judicial process

With the new trend in efficient service delivery, deployment of ICT in the Judicial Process will help change the stereo-typed perception of our courts being conservative, slow, rigid and secretive. Application of ICT in the Judicial Process will help in making the justice delivery more efficient, faster,transparent and more user friendly thereby building more confidence in the judicial system. The deployment of ICT by the Federal Courts and few State Courts has shown the difference in service delivery, efficiency and transparency, it is therefore most appropriate to deploy ICT to all levels of courts for such positive impact to be felt. IT compliant judiciarywill help Judicial Officers to access current global trends, share experiences and reach out globally. With the deployment of ICT, there is the possibility of establishing a Judicial Research Centre and Data Base. This would allow for easy research, access to legal authorities and interactive reach out along the court hierarchy in Nigeria.

The advent of online legal research outlets such as LexisNexis, LegalPediaand Law Pavilion has reduced the rigours of research as legal resources can easily be accessed on the Internet.

Conclusion:

There is no doubt that Computers present difficult problems and challenges to the legal system which has to do more with failure of the profession to fully embrace IT and direct for the development of ICT jurisprudence. With the world becoming a global village as a result of ICT revolution, the Nigerian Judiciary cannot afford to be left out of this village. Though the

challenges of ICT deployment in the judicial process are enormous, they are not all together insurmountable.

The first step is to ensure the provision of ICT infrastructure and equipment to all jurisdictions. The adoption of National Judicial Policy on Information Technology has made it possible to commence E-judiciary and this needs collaboration with all stake-holders in the justice sector. The National Communication Commission, the main regulatory body on ICT, must understudy the operation of E-judiciary of other countries and adopt it with modifications that would suit our circumstances.

It is the view of this writer that applying ICT to the legal and judicial process will reduce if not eliminate inefficiency, inaccuracy, lack of transparency and integrity, the major problems of justice dispensation in Nigeria.

For the Nigerian Judiciary to catch up with IT revolution, it is imperative for all of us in the Judiciary to be ready, determined and committed to be computer literate and embrace the ICT regime. This is the only way we would remain relevant in the ever-changing world of communication super highway.