

PROTECTING HUMAN RIGHTS AND ENSURING FAIRNESS IN LEGAL DECISION-MAKING IN THE AGE OF AI: THE NIGERIA PERSPECTIVE

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Abstract

In an era where Artificial Intelligence (AI) is increasingly integrated into legal systems globally, the imperative to protect human rights and ensure fairness in legal decision-making becomes more pressing, particularly in developing nations like Nigeria. This paper explores the intersection of AI, human rights, and justice delivery within the Nigerian legal context. The aim is to critically assess the implications of AI adoption on legal fairness and the protection of fundamental rights, while proposing frameworks for responsible and equitable AI use in the justice sector. The central problem addressed is the potential erosion of due process, bias in algorithmic decision-making, lack of transparency, and inadequate regulatory frameworks in Nigeria, which pose risks to fair legal outcomes and the protection of individual rights. The study adopts a doctrinal legal research. Findings reveal that while AI has the potential to improve efficiency and consistency in the legal system, Nigeria currently lacks the technological infrastructure, ethical

oversight, and regulatory mechanisms necessary to harness AI without compromising fundamental rights. The paper therefore recommends the development of a comprehensive AI legal framework, the establishment of independent oversight bodies, capacity building for legal professionals, and public awareness campaigns. Ultimately, it concludes that the integration of AI in Nigeria's legal system must prioritise transparency, accountability, and the safeguarding of human dignity to avoid replicating or reinforcing systemic injustices. Only through a balanced and rights-focused approach can AI become a tool for equitable justice in Nigeria.

Keywords: Artificial Intelligence (AI), Human Rights, Legal Decision-Making, Fairness, Nigeria

Introduction

Artificial intelligence (AI) has rapidly transformed various aspects of modern society, with its integration into the justice system being one of the most debated areas. From predictive policing tools to AI-driven risk assessments in courtrooms, AI's influence is growing, reshaping how legal decisions are made. However, as AI becomes an integral part of law enforcement and judicial processes, its impact on human rights, particularly the right to a fair trial, privacy, and equality before the law, warrants urgent scrutiny. As Laton noted, "the automation of legal decision-making, without adequate safeguards, risks perpetuating existing biases and undermining the

foundational principle of equality before the law"¹⁹³. This underscores the need for a careful examination of AI's role in the justice system, as it may challenge the very principles of fairness and justice upon which legal systems are built.

This paper explores the intersection of AI and human rights within the justice system, examining the potential risks AI poses to fundamental rights, such as the right to a fair trial, non-discrimination, and the right to privacy. By analysing both the advantages and the ethical dilemmas AI introduces into legal processes, the paper argued that while AI offers significant opportunities for improving efficiency, it also necessitates stringent regulatory frameworks to ensure that human rights protections are upheld.

AI and the Right to a Fair Trial

The right to a fair trial is one of the fundamentals of any democratic legal system, guaranteeing individuals access to justice without bias or undue influence. However, as AI technologies become more prevalent in the criminal justice system, they raise concerns about whether this right can be preserved. AI is increasingly employed in judicial decision-making, from predictive tools used in sentencing and parole assessments to algorithms that assist in

¹⁹³Laton, Henry. *AI in Justice: Ethical Challenges and Legal Frameworks*. Cambridge: (Cambridge University Press, 2023)148.

determining the likelihood of recidivism. While these tools are often lauded for their efficiency and the potential to reduce human error, they can also undermine the fairness of trials if not properly regulated.

The use of AI in legal contexts, such as risk assessment tools, has led to accusations of reinforcing discriminatory practices, particularly when algorithms are trained on historical data that reflects existing prejudices. As O'Connor argues, "AI-driven systems in criminal justice are only as unbiased as the data they are trained on, which means that without careful oversight, these systems can perpetuate the very biases they are meant to mitigate."¹⁹⁴ To this, AI, when not carefully monitored and tested, can become a tool for perpetuating inequality rather than fostering fairness.

The issue of transparency is so vital. For instance, many AI systems used in the justice system are essentially "black boxes," meaning their decision-making processes are not always clear or understandable to the public, or even to the professionals who use them. The opacity of these systems can undermine the fundamental legal principle that a defendant has the right to understand how decisions affecting their life are

194O'Connor, Michael. *The Ethics of AI in the Criminal Justice System*. (London:

Routledge, 2022)102.

made. Simmons asserts, "When AI systems operate without clear transparency, they violate the legal principle of providing a defendant with the opportunity to challenge the evidence or reasoning used against them."¹⁹⁵. Without proper transparency, the right to a fair trial is compromised, as defendants are unable to question or challenge the very algorithms influencing their fate.

Thus, while AI has the potential to make the justice system more efficient, its application must be carefully regulated to ensure that it does not infringe upon individuals' fundamental rights. There is a growing call among legal scholars and human rights advocates for a human oversight mechanism in the use of AI within the justice system. Such mechanisms would involve human judges or legal professionals reviewing AI-generated recommendations to ensure that they align with established legal standards and human rights protections.

AI and the Right to Non-Discrimination and Equality before the Law

The right to non-discrimination and equality before the law is a cornerstone of human rights, enshrined in

¹⁹⁵Simmons, Jennifer. *AI and Legal Transparency: Challenges in Modern Justice*.

(Oxford: Oxford University Press, 2021)78.

international legal frameworks such as the Universal Declaration of Human Rights and the Nigerian Constitution. As Nigeria continues to modernise its legal and judicial systems, the integration of artificial intelligence (AI) in legal decision-making processes presents both opportunities and challenges in ensuring equality and non-discrimination. AI has the potential to enhance fairness and objectivity in the justice system; however, it also carries significant risks of exacerbating existing biases if not carefully designed and implemented.

One of the primary concerns regarding AI in the Nigerian justice system is the potential for algorithmic bias. AI systems are only as unbiased as the data on which they are trained. If an AI system is trained on historical legal data that reflects biases against certain ethnic groups, genders, or socio-economic classes, these biases could be perpetuated by the AI, thereby exacerbating issues of discrimination in the justice system. In Nigeria, where ethnic, religious, and gender biases are pervasive in legal and social contexts, AI systems must be monitored closely to ensure they do not replicate these societal inequalities. As Soyinka warns, “AI systems, if not properly scrutinised, may simply mirror the discriminatory practices already entrenched in the justice system, rather than promoting equality”¹⁹⁶.

¹⁹⁶Soyinka, Chijioke. *Legal Reform and AI: Training Lawyers for the Future of Justice*

This observation underscores the importance of training AI systems with diverse, balanced datasets that accurately reflect the pluralistic nature of Nigerian society.

In Nigeria, ethnic and religious discrimination in the justice system has long been a source of concern. The intersection of AI and non-discrimination law must therefore focus on eliminating discriminatory practices that might persist in both human decision-making and algorithmic outputs. The risk is that an AI system used to assess risk in bail or parole decisions may disproportionately flag individuals from specific ethnic groups as high-risk, based on skewed historical data. The data could be biased by factors such as ethnic profiling or discriminatory arrest patterns, leading to a cycle of over-policing and discriminatory legal outcomes. To this, Olumide highlights, “The challenge lies in ensuring that AI systems are not built on flawed data that reflects systemic inequalities, which could undermine the fundamental right to equality before the law”¹⁹⁷.

Furthermore, the lack of transparency in AI decision-making processes poses a significant threat to the right to equality. It is on this note that Adeyemi suggests, “For AI to comply with the principles of non-

197Olumide, Oluwaseun. *The Future of Law in Nigeria: Transparency, Accountability,*

*and AI. Law (Lagos: and Society Publications, 2023)*146.

discrimination and equality, there must be transparency in its operations, allowing individuals to challenge the decisions made by AI tools”¹⁹⁸. Without such transparency, individuals may find it difficult to contest unfair or discriminatory outcomes, particularly if these decisions are based on AI algorithms that operate without clear, accessible explanations.

Moreover, AI's potential to enhance legal equality lies in its ability to identify patterns of discrimination that might be difficult for human actors to detect. AI tools could be employed to analyse large volumes of case data and identify trends of discriminatory practices within the legal system. Adebayo notes, “AI can serve as an important tool in identifying discriminatory practices that may otherwise go unnoticed, allowing the Nigerian legal system to address inequality before it becomes entrenched.”¹⁹⁹. By providing data-driven insights, AI could help legal professionals in Nigeria pinpoint areas where discrimination is rampant and propose reforms to

198Adeyemi, Oluwaseun. *AI and Legal Responsibility in Nigeria: Navigating*

Accountability and Liability. (Lagos: Law Publications, 2021)102

199Adebayo, Tunde. *Access to Justice in the Digital Age: AI and Legal Services in*

Nigeria. (Lagos: University of Lagos Press, 2021)127.

ensure fairer treatment of all individuals, regardless of their ethnic or religious backgrounds.

AI accountability is another critical aspect of ensuring non-discrimination and equality before the law. If an AI system produces a biased or discriminatory outcome, it is crucial to determine who is responsible for that outcome. Is it the developers who created the system, the data providers, or the legal authorities who deployed the system? Ensuring accountability, Okafor maintains that “AI-driven decisions in the justice system must be accompanied by mechanisms that ensure accountability, particularly where those decisions result in discriminatory outcomes.”²⁰⁰.

To ensure that AI promotes equality and non-discrimination in Nigeria’s legal system, regulatory institutions must be established. These bodies should include regular audits of AI systems to ensure that they do not perpetuate bias, and they should mandate transparency in AI decision-making processes. Moreover, the participation of civil society, legal experts, and human rights organisations in the design and oversight of AI systems is essential to ensure that these tools uphold human dignity and equality in practice.

200Okafor, Chuka. *AI and Human Rights: Challenges in the Nigerian Criminal Justice*

System. (Ibadan University Press, 2022)165.

AI and Access to Justice in the Nigerian Justice System

Access to justice is a fundamental right that ensures individuals have the opportunity to defend their rights, seek legal remedies, and participate in fair legal proceedings. However, in Nigeria, numerous barriers prevent many citizens from accessing justice, including high legal fees, complex procedures, and the geographic and infrastructural challenges of the country. AI technologies offer a potential solution to these issues by improving the efficiency and accessibility of legal services. With AI, legal processes could be automated, court backlogs reduced, and access to legal advice made more affordable, especially for individuals from low-income backgrounds. Though AI holds promise in improving access to justice, its implementation in Nigeria must be carefully managed to avoid exacerbating existing inequalities.

The primary benefits of AI in the legal field are the potential to make legal services more accessible to the general public, particularly in a country like Nigeria, where the cost of hiring a lawyer can be prohibitive (expensive) for many people. AI-powered platforms could provide automated legal advice, assist with document preparation, and even help navigate the judicial system. As Adebayo notes, "AI technologies, if harnessed appropriately, have the potential to democratise access to justice by

providing affordable and efficient legal services to those who would otherwise be excluded"²⁰¹. This could reduce the burden on overworked legal professionals, streamline the legal process, and ensure that more people can access legal services, regardless of their financial status.

However, the introduction of AI into the Nigerian legal system raises the issue of the digital divide. While AI can enhance access to justice for those who can afford it, there remains a significant portion of the population that lacks access to digital technologies, including smartphones, computers, and the internet. In rural and underserved regions, where many Nigerians reside, this technological gap may prevent the full benefits of AI from being realised. Olumide highlights this concern, stating, "The effectiveness of AI in expanding access to justice in Nigeria is contingent upon addressing the digital divide; without adequate access to technology, many individuals will remain excluded from these innovations."²⁰². This disparity can create a new form of exclusion, as those without access to the necessary technology may be unable to take advantage of AI-driven legal services, further deepening social and economic inequalities.

²⁰¹Adebayo, Tunde. *Access to Justice in the Digital Age: AI and Legal Services in Nigeria*. (Lagos: University of Lagos Press, 2021)115

²⁰²Olumide, Oluwaseun. *The Future of Law in Nigeria: Transparency, Accountability, and AI*. Law (Lagos: and Society Publications, 2023)98

In addition to accessibility is the question of legal literacy, where many people have limited knowledge of the law or legal processes. The use of AI could either help or hinder their ability to navigate the justice system. Seeing these challenges, Adeyemi warns that "AI applications in law must be designed with an emphasis on clear communication and accessibility to ensure they do not overwhelm users with complex legal jargon."²⁰³ (Adeyemi, 2022, p. 55). In this way, AI must be paired with educational initiatives to ensure that citizens are equipped with the necessary skills to utilise these technologies effectively.

There is also a concern about the quality and fairness of legal decisions. Automated decision-making, without human oversight, could lead to errors, particularly if AI systems are not transparent or accountable. Owing to this, Okafor cautions that "The adoption of AI in the judicial process must be approached with caution, ensuring that human oversight remains central to decision-making to prevent the perpetuation of biases and errors in the system."²⁰⁴. Therefore, while AI has the potential to

203Adeyemi, Oluwaseun. *AI and Legal Responsibility in Nigeria: Navigating*

Accountability and Liability. (Lagos: Law Publications, 2021)55

204Okafor, Chuka. *AI and Human Rights: Challenges in the Nigerian Criminal Justice*

System. (Ibadan University Press, 2022)133

transform the Nigerian justice system by making it more accessible, the implementation of such technologies must be accompanied by efforts to address the digital divide, legal literacy, and oversight to ensure that these tools are used in a way that is equitable and fair. There must also be public education campaigns to raise awareness of AI's potential and limitations, ensuring that all Nigerians can benefit from these advancements in a way that respects their rights and dignity.

Accountability and Liability in AI-Driven Justice in the Nigerian Justice System

As artificial intelligence (AI) becomes increasingly integrated into the justice system, questions of accountability and liability are crucial. However, for AI to contribute positively to the legal system, it is fundamental that clear mechanisms for accountability and liability are established. These mechanisms would ensure that when AI systems cause harm, whether through errors in decision-making, biased outcomes, or breaches of privacy, those responsible can be held accountable.

One of the vital challenges in the Nigerian context is determining who is responsible when AI-driven systems make mistakes or produce unjust outcomes. If an AI system wrongly predicts an individual's risk of recidivism, leading to a harsher sentence, who should be held liable? The developers of the system, the

legal professionals who use the system, or the government agencies that deploy it? Okafor also laments that "The lack of clarity around liability in AI-driven justice systems creates a legal grey area that can leave victims of unjust AI decisions without proper redress."²⁰⁵. This legal ambiguity could undermine public trust in the justice system, particularly in a country like Nigeria, where legal reforms are often slow and unevenly implemented.

To address these concerns, a clear framework for liability and accountability in AI systems must be established. This framework could be based on principles of negligence and due diligence. More importantly, legal professionals who rely on these systems to inform their decisions must be trained to recognise the potential limitations of AI tools and to understand that human oversight is still essential. As Adeyemi argues, "While AI has the potential to enhance the justice system, human professionals must remain the final arbiters in decisions that affect people's lives, ensuring that AI does not replace critical human judgment."²⁰⁶.

Furthermore, AI systems must be subjected to rigorous auditing and testing to ensure that they operate

²⁰⁵Ibid, 159

²⁰⁶Adeyemi, Oluwaseun. *AI and Legal Responsibility in Nigeria: Navigating Accountability and Liability*. (Lagos: Law Publications, 2021)82

fairly, transparently, and without bias. AI tools must be carefully scrutinised to ensure they do not exacerbate existing inequalities. This requires a regulatory body that can monitor AI systems in real-time, ensuring they adhere to established standards and that there are clear avenues for recourse when an AI system malfunctions or produces an unjust result. Olumide discusses this necessity, stating, "For AI to be a force for good in Nigeria's legal system, it must be accompanied by independent oversight, transparency, and the ability for individuals to challenge AI-driven decisions."²⁰⁷.

Another mitigating factor in the Nigerian context is the lack of specialised legal knowledge to deal with the intricacies of AI technologies. Given the complexity of AI systems, legal professionals in Nigeria may lack the necessary training to understand how AI systems function and to identify potential errors or biases. This highlights the importance of integrating AI literacy into the legal education curriculum and providing continuous training for judges, lawyers, and other stakeholders in the justice system. Without such expertise, it is unlikely that legal professionals will be able to hold AI developers or other responsible parties accountable when things go wrong. Soyinka observes,

²⁰⁷Olumide, Oluwaseun. *The Future of Law in Nigeria: Transparency, Accountability,*

and AI. Law (Lagos: and Society Publications, 2023)111

"For AI to be successfully integrated into Nigeria's justice system, there must be a concerted effort to ensure that legal practitioners are adequately trained to understand and challenge the algorithms they rely on"²⁰⁸.

The legal framework in Nigeria must be updated to explicitly address AI and its applications within the justice system. Currently, Nigeria's legal system does not have a comprehensive set of laws or guidelines governing the use of AI, which leaves a significant gap in terms of accountability. Establishing such a framework would provide much-needed clarity on issues of liability, fairness, and transparency in AI-driven legal processes, ensuring that the use of AI technology is consistent with human rights standards and that individuals have avenues for redress if they are harmed by AI systems.

The Future of AI in Justice and Human Rights in Nigeria

As artificial intelligence (AI) continues to evolve, its potential to transform the justice system and human rights landscape grows ever more significant. In Nigeria, where the legal system faces numerous challenges, including delays in court proceedings and corruption, among other issues, AI presents an

²⁰⁸Soyinka, Chijioko. *Legal Reform and AI: Training Lawyers for the Future of Justice in Nigeria*. (Nsukka: University of Nigeria Press, 2022)45

opportunity to reshape the system and improve the protection of human rights. However, this transformation must be approached with careful consideration of the potential risks, ethical concerns, and the need for robust legal foundations to ensure AI's use serves justice rather than undermines it.

One of the most promising applications of AI in Nigeria's justice system is the automation of legal processes. By automating routine tasks such as document processing, case management, and legal research, AI could drastically improve the efficiency of Nigerian courts, which are often overwhelmed with backlogs. AI could also assist in predictive analytics, helping to identify potential case outcomes and trends in judicial behaviour, thereby facilitating more informed decision-making. However, as Adebayo notes, "AI systems in the justice sector must be deployed with extreme caution, ensuring that automation does not replace human judgment but rather complements it, enhancing fairness rather than compromising it."²⁰⁹ The risk of replacing critical human judgment with AI-driven decisions is a genuine concern, particularly in a country like Nigeria, where systemic bias and corruption can already skew judicial outcomes.

²⁰⁹Adebayo, Tunde. *Access to Justice in the Digital Age: AI and Legal Services in Nigeria*. (Lagos: University of Lagos Press, 2021)125

AI also holds significant potential for increasing access to justice. Many Nigerians, particularly those from economically disadvantaged backgrounds, face significant obstacles in accessing legal services due to high costs, lack of legal representation, and geographical barriers. AI-powered tools could democratise access to legal information, legal advice, and even basic representation. AI chatbots, for instance, can offer free legal consultations, particularly in rural areas where access to lawyers is limited. As Olumide points out, "AI could be the great equaliser in Nigeria's justice system, providing a platform where the poorest Nigerians can access legal support without fear of financial ruin"²¹⁰. By lowering the cost of legal services, AI could enable a broader segment of the population to assert their rights and seek redress through the courts.

However, AI's potential to support human rights must be carefully balanced against concerns over bias and discrimination. AI systems are only as good as the data they are trained on, and if the underlying data reflects existing biases such as those based on ethnicity, gender, or socio-economic status, then AI tools risk perpetuating these biases. In the Nigerian context, where ethnic and religious discrimination are often cited as factors influencing judicial outcomes, AI

²¹⁰Olumide, Oluwaseun. *The Future of Law in Nigeria: Transparency, Accountability,*

*and AI. Law (Lagos: and Society Publications, 2023)*¹⁴²

could either contribute to fairer decisions or entrench systemic injustices. As Soyinka highlights, "AI has the potential to eliminate human bias from the justice system, but only if it is carefully designed and constantly monitored for fairness; otherwise, it will simply replicate the biases that are already present."²¹¹. This emphasises the need for AI systems to undergo continuous audits and updates, ensuring that they reflect the diversity and equity of Nigeria's society rather than perpetuating harmful stereotypes.

Another key concern is the transparency and accountability of AI systems. For AI to be ethically used within Nigeria's justice system, it must be transparent and understandable. Furthermore, without clear accountability structures, it becomes impossible to hold developers or legal authorities responsible when an AI system produces an unfair or erroneous decision. In this context, Okafor argues, "The future of AI in Nigerian justice hinges on robust regulatory frameworks that not only ensure transparency but also hold developers and users accountable when AI systems fail to uphold the principles of fairness and justice."²¹². Regulatory

²¹¹Soyinka, Chijioko. *Legal Reform and AI: Training Lawyers for the Future of Justice in Nigeria*. (Nsukka: University of Nigeria Press, 2022)56

²¹²Okafor, Chuka. *AI and Human Rights: Challenges in the Nigerian Criminal Justice System*. (Ibadan University Press, 2022)178.

bodies and oversight mechanisms must be established to monitor the deployment of AI technologies in justice processes and ensure that these technologies are used ethically and in accordance with human rights standards.

In the future, AI could also play a role in promoting legal reforms in Nigeria. As AI systems process large volumes of legal data, they can identify patterns in the application of law, uncover disparities in judicial outcomes, and highlight areas where legal reforms may be necessary. By providing data-driven insights, AI could help legal practitioners and policymakers understand the impact of current laws and propose changes to enhance fairness and justice. As Adeyemi suggests, "AI could be a transformative tool in helping to shape future legal reforms in Nigeria, enabling policymakers to make data-driven decisions that reflect the realities of the country's diverse and evolving society."²¹³.

However, to fully realise AI's potential in Nigeria's justice system, significant investments in infrastructure and education will be required. Legal professionals, judges, and law enforcement officers must be trained

213Adeyemi, Oluwaseun. *AI and Legal Responsibility in Nigeria: Navigating*

Accountability and Liability. (Lagos: Law Publications, 2021)67

in the responsible use of AI tools, and there must be ongoing education to ensure that these stakeholders can effectively engage with AI technologies. Similarly, efforts must be made to address the digital divide that exists between urban and rural areas, ensuring that AI-powered legal services are accessible to all Nigerians, not just those in metropolitan regions.

Ultimately, the future of AI in justice and human rights in Nigeria will depend on the collaboration of legal professionals, AI developers, policy makers, and civil society. Only through a coordinated effort can Nigeria develop a justice system that integrates AI in a way that enhances human rights, fairness, and equality before the law. The future of AI-driven justice is not a foregone conclusion; it is something that must be actively shaped to ensure that it serves the public interest and does not inadvertently harm the most vulnerable members of society.

Recommendations

Having discussed the above topic extensively, these recommendations are made

- i. Nigeria should establish a robust legal framework that governs the design, deployment, and monitoring of AI systems within the legal and justice sectors.

- ii. There is a need to establish independent oversight and regulatory bodies
- iii. Promote Algorithmic Transparency and Explainability. Legal AI tools must be explainable to ensure due process
- iv. Invest in Capacity Building and Digital Literacy for Judges, lawyers, and court staff to understand AI tools and challenge potentially biased outputs.
- v. Encourage Multistakeholder Engagement and Public Participation. The development and use of legal AI systems should be participatory.
- vi. Improve data collection systems and ensure data is accurate, inclusive, and representative.

Conclusion

The integration of artificial intelligence (AI) into Nigeria's justice system offers significant opportunities for improving efficiency, access to justice, and the protection of human rights. AI can streamline legal processes, reduce case backlogs, and democratise legal services, ensuring that even economically disadvantaged Nigerians can access legal advice and representation. However, these advancements come with serious challenges that must be addressed to ensure that AI contributes positively to the legal system without exacerbating existing inequalities or compromising human rights. The risks of bias, discrimination, and lack of accountability must be mitigated through transparent and ethical AI

development, continuous monitoring, and robust legal frameworks. Furthermore, AI systems must always be deployed with human oversight to ensure that the principles of fairness and justice are upheld.

In Nigeria, the future of AI in the justice system will depend not only on technological advancements but also on the creation of clear regulatory frameworks, transparent mechanisms for accountability, and education for legal professionals on how to effectively engage with AI tools. As the technology evolves, AI must be used as a complement to, rather than a replacement for, human judgment. This collaborative approach, combining the strengths of AI with the critical insights of legal professionals, offers the best path forward for a justice system that upholds the rights of all individuals. The future of AI in Nigeria's justice system is bright, but its success will depend on how well we manage its challenges and ensure that it serves the collective good, advancing justice, fairness, and human rights for all.

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