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Artificial Intelligence in the Administration of Justice: A Normative Framework for Assisting Lawyers, Assisting Judges and Automated Adjudication Under the Right to Fair Hearing in Nigeria

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ABSTRACT

Courts in many jurisdictions face growing backlogs, and artificial intelligence (AI) is increasingly presented as a remedy. In Nigeria, where the Constitution guarantees a fair hearing within a reasonable time but delay is endemic, the temptation to automate is strong. Yet adjudication draws its legitimacy from impartiality, reasoned decision-making and accountability, qualities that some uses of AI may erode. Existing scholarship has tended to debate whether "robot judges" are desirable, leaving the more common and less visible uses of AI in justice systems under-examined, and Nigeria has received little attention. This study addresses that gap. Its objectives were to distinguish the roles AI can play in the administration of justice, to evaluate each against the requirements of fair hearing and to derive a framework of safeguards for Nigeria. The study adopted a doctrinal and normative research design with a comparative element. It analysed primary legal sources, including the Nigerian Constitution, the African Charter on Human and Peoples' Rights, the Evidence Act, the European Union's Artificial Intelligence Act and leading foreign decisions on AI in courts, together with a purposive sample of 28 peer-reviewed journal articles published between 2023 and 2026, each verified against its Crossref publisher record and screened for retractions. The analysis distinguishes three roles: assisting the lawyer, assisting the judge and deciding in place of the judge, and tests each against fairness, explainability and the right to a human decision. Lawyer-facing assistance is broadly compatible with fair hearing if duties of verification are enforced, given evidence that legal AI tools hallucinate frequently. Judge-facing assistance is acceptable only with safeguards, because automation bias and institutional pressure can turn recommendations into de facto decisions while the judge's signature conceals the shift. Automated adjudication fails all three standards except possibly in narrow, consensual and low-value matters. The study recommends practice directions on AI for lawyers and judges, a statutory prohibition on solely automated judicial decisions, and investment in case management, transcription and digital publication of judgments before any adoption of decision-support tools.

Keywords: artificial intelligence; administration of justice; fair hearing; judicial decision- making; explainability

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1. INTRODUCTION

Courts are slow almost everywhere, but in some systems delay has become a defining feature of justice rather than an occasional failure of it. Nigeria is one such system. Litigants wait years for civil claims to be resolved, criminal defendants spend long periods awaiting trial and judges carry dockets that no reasonable allocation of time could clear. The Constitution of the Federal Republic of Nigeria 1999 promises a fair hearing within a reasonable time, and requires courts to deliver judgment within ninety days of final addresses. The gap between those promises and the reality of the courtroom is wide and well known (Wunti et al., 2026).

Artificial intelligence (AI) is increasingly offered as part of the answer. Generative tools can draft pleadings, summarise records and retrieve authorities in seconds. Decision-support systems can estimate a defendant's risk of absconding or reoffending. Some jurisdictions have gone further. China has integrated AI deeply into case handling (Chen, 2026; Wu & Lin, 2025), and comparative work shows that the administrative burden on courts, measured by the time taken to reach trial, is one of the factors that predicts whether a country announces plans to adopt AI in its judiciary (Guitton et al., 2025). The appeal for an overburdened system such as Nigeria's is obvious.

Yet the administration of justice is not a service like any other. A judgment is an exercise of public power that binds the parties, often deprives one of them of liberty or property and claims legitimacy precisely because it is reasoned, impartial and given by an authority the parties can hold to account. Tools that are harmless or even beneficial in commerce may, when placed in a courtroom, threaten the qualities that make adjudication legitimate. The question is therefore not whether AI should be used in justice systems, which it already is, but which uses are compatible with the requirements of a fair hearing and on what conditions.

This article answers that question by distinguishing three roles that AI can play: assisting the lawyer, assisting the judge and deciding in place of the judge. It evaluates each role against three standards drawn from the right to fair hearing, namely fairness, explainability and the right to a human decision. It then applies the resulting framework to Nigeria, where the pressure of backlog makes the temptation to automate strongest and the institutional safeguards against its risks are weakest.

2. LITERATURE REVIEW

2.1 CONCEPTUAL REVIEW

AI in this article refers to computational systems that perform tasks associated with human reasoning, including machine-learning systems that generate predictions from data and generative models, such as large language models, that produce text in response to prompts. Administration of justice refers to the processes by which courts resolve disputes and determine criminal liability, from the filing of a claim to the enforcement of a judgment, together with the work of the lawyers who participate in those processes.

The three roles require definition. In the first, AI assists the lawyer: it supports legal research, drafting, document review and case preparation, and its outputs reach the court, if at all, only through the lawyer's own submissions. In the second, AI assists the judge: it supports judicial work by summarising records, retrieving authorities, drafting parts of judgments or offering recommendations, such as a risk score, that the judge may accept or reject. In the third, AI decides: it produces a determination that takes effect without a human judge exercising independent judgement on the merits. The boundary between the second and third roles is not always sharp. A recommendation that judges routinely adopt without scrutiny may function, in practice, as a decision.

The three standards also require definition. Fairness here includes impartiality, equality of arms between

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the parties and freedom from unjustified discrimination. Explainability refers to the capacity of a decision to be accompanied by reasons that the parties can understand and challenge, and which an appellate court can review. Hendrickx (2025) shows that the judicial duty to state reasons, though central to the rule of law and the right to a fair trial, has been little studied in the context of AI. The right to a human decision refers to the claim that certain determinations must be made by a human being who is accountable for them and who can exercise judgement in the particular case.

2.2 THEORETICAL REVIEW

Two theoretical perspectives frame the analysis. The first is procedural justice, which holds that the legitimacy of a decision depends not only on its outcome but on the fairness of the process by which it was reached. On this view, parties are entitled to be heard, to understand why a decision was made and to be treated with dignity. Experimental work supports the importance of reasons in particular. Henning and Langenbach (2026), drawing on data from 4,250 participants, found that providing reasons enhanced the perceived fairness of both human and automated decisions, and that individualised reasons narrowed the gap between them. Procedural justice thus suggests that automation is not inherently illegitimate but that it must preserve the conditions under which parties experience a process as fair.

The second perspective is the rule of law, understood as a set of formal and institutional virtues including generality, publicity, reasoned decision-making and accountability. Kaplina (2026), responding to Postema's account of the rule of law, argues that predictive and generative AI threaten several of these virtues through opacity, bias and the risk that legal reasoning withers into statistical prediction, and concludes that while there is a place for AI in law, the cost of AI in place of law is too high. Anastasopoulos (2026), writing about public administration more broadly, argues that transferring discretion to algorithms threatens accountability, fairness, individual consideration and reason-giving, because algorithms decide by statistical regularity and therefore fail anomalous cases and diffuse responsibility. Anastasopoulos proposes a "centaur" model in which AI supports rather than replaces human officials.

The two perspectives converge on a distinction between support and substitution. Both accept that AI can legitimately assist human decision-makers. Both regard the replacement of human judgement in consequential decisions as a different and more troubling matter. This article builds on that distinction but argues that it is not enough, because support can slide into substitution through the mechanisms of automation bias and institutional pressure.

2.3 EMPIRICAL REVIEW

Empirical work on AI that assists lawyers shows both promise and danger. Nielsen et al. (2024), in an experiment with 206 law students, found that AI-generated highlighting of legal complaints reduced task completion time by 30% without loss of quality. The danger lies in hallucination, the generation of false information presented as fact. Dahl et al. (2024) found that public-facing large language models hallucinated in at least 58% of legal queries in their study and often accepted users' incorrect legal assumptions. Magesh et al. (2025), in the first preregistered evaluation of commercial legal research tools, found that even products marketed as reducing or eliminating hallucinations produced false information between 17% and 33% of the time. Blanket assurances that AI legal research is reliable are therefore unwarranted. The consequences have already reached courts. In *Mata v Avianca, Inc.* (2023), a United States federal court sanctioned lawyers who had filed a brief citing non-existent cases produced by ChatGPT, and in *Ayinde v London Borough of Haringey* (2025) the Divisional Court of England and Wales warned that placing fictitious authorities before a court may amount to contempt and will be referred to professional regulators.

Work on AI that assists judges raises the problem of automation bias. Álvarez and Matute (2026) found that mock jurors shifted their judgements in the direction suggested by an algorithmic recommendation even when it conflicted with the evidence, although warnings about AI errors reduced the effect. Wu and Lin (2025), studying Shanghai's AI-assisted criminal case handling system, found that it may strengthen anchoring effects, compress defendants' procedural participation and encourage judicial officers to avoid accountability. Chen (2026) argues that although the Chinese judiciary describes

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AI as merely auxiliary, performance evaluations and accountability mechanisms may push judges to rely on it excessively, producing mechanical adjudication. Research on pretrial risk assessment in the United States adds evidence of bias. Hochstedler Webb et al. (2026) found that the sensitivity of the Virginia pretrial instrument differs by defendant race and that judicial decisions also show evidence of racial bias, while Knes et al. (2025) found that the surrounding practices, such as the presence of counsel at first appearance and traditional bail systems, shaped release decisions more than the provision of structured guidelines.

On attitudes, Martinho (2025) surveyed judges and found them hesitant about changes to their profession, of the view that automation leads to fair outcomes only in the earlier phases of adjudication and concerned about a drift towards "techno-legal positivism". Kim and Peng (2025) found a general public aversion to AI judicial decision-making, though minorities expressed somewhat more approval than the majority group, and Fine and Marsh (2024) found that public comfort with AI in criminal courts depended partly on perceptions of judges' trust in it, with more willingness to accept AI for financial calculations than for decisions on bail or sentence. Tamošiūnienė et al. (2024) conclude that AI cannot replace the judge in the delivery of justice, though it can assist. Dhungel (2025) notes that judges in several jurisdictions have already used large language models such as ChatGPT in preparing verdicts, often without clear rules, and Altobelli et al. (2024) anticipate that AI-assisted judgment writing may become ordinary in family courts within a generation.

Several authors propose frameworks. Cheng (2026) proposes four tests for responsible AI in courts: law accuracy, judge control, litigant contestability and public transparency. Zeleznikow (2023) argues that ethical concerns can be reduced by better explanation, careful data selection and human review, and suggests that machine learning is especially useful for self-represented litigants. Hastings et al. (2026) caution that tools designed to widen access to justice must reflect the capabilities and structural disadvantages of the people they serve. Katsh et al. (2025) argue that AI may transform the stages of disputing, including through a new emphasis on prevention.

Nigerian scholarship has focused on court technology more broadly. Anozie and Wingate (2023) examine the constitutional debate over virtual court sittings during the COVID-19 period. Davies et al. (2024), surveying 353 legal practitioners in Lagos and Abuja, found that adoption of virtual court proceedings had increased only slightly between 2020 and 2023, that most respondents believed virtual courts could improve efficiency, and that poor infrastructure, fear of technology, lack of technical skill and difficulty in tendering documentary evidence were the main obstacles. Wunti et al. (2026) examine the prospects of generative AI for Nigerian justice delivery, identifying backlog, delay and inadequate personnel as the problems to be addressed and confidentiality, bias, transparency and accountability as the principal risks. No study, however, has offered a normative framework that distinguishes the roles of AI in justice and tests each against the requirements of fair hearing in the Nigerian context.

3. MATERIALS AND METHODS

The study adopts a doctrinal and normative research design with a comparative element. It does not collect primary empirical data. Doctrinal analysis establishes the requirements of fair hearing under the Nigerian Constitution, the African Charter on Human and Peoples' Rights and selected foreign instruments. Normative analysis evaluates whether each role of AI can satisfy those requirements.

Two kinds of material were analysed. The first comprised primary legal sources: sections 36 and 294 of the Constitution of the Federal Republic of Nigeria 1999; articles 7 and 26 of the African Charter; the Evidence Act 2011 as amended in 2023; the Administration of Criminal Justice Act 2015; the European Union's Artificial Intelligence Act; and a small number of foreign judicial decisions and guidance documents on AI in courts. These are listed after the reference list. The second comprised a purposive sample of 28 peer-reviewed journal articles published between 2023 and 2026, identified through Google Scholar, Crossref, Wiley, ScienceDirect, Springer and the databases available through a university library.

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Each article was verified against its Crossref publisher record for authorship, title, journal, volume, issue, pagination or article number and digital object identifier, and screened for retractions, corrections and expressions of concern. No retracted or corrected article was used. Articles without an available abstract are cited only for propositions evident from their titles and metadata.

The analysis proceeded in three steps. First, the three roles of AI were defined and their characteristic risks identified. Second, each role was evaluated against the standards of fairness, explainability and the right to a human decision. Third, the resulting framework was applied to the Nigerian justice system, with attention to its institutional capacity and the pressures created by backlog.

4. RESULTS AND DISCUSSION

4.1 RESULTS

The evaluation of the three roles against the three standards is summarised in Table 1.

Table. 1. Evaluation of the three roles of AI against the standards of fair hearing

Role of AI	Fairness and explainability	Right to a human decision
Assisting the lawyer	Can improve equality of arms; hallucinated authorities may mislead the court; output reaches the court only through the lawyer's reasoned submissions	Preserved; the lawyer remains accountable
Assisting the judge	Risk of embedded bias and automation bias; reasons are incomplete where opaque recommendations are relied on	Formally preserved but may become nominal
Deciding instead of the judge	No individual consideration of anomalous cases; produces correlations, not legal reasons	Absent by definition

AI that assists the lawyer poses the least direct threat to fair hearing. Its outputs do not bind anyone. They pass through the professional judgement of a lawyer who owes duties to the court and who signs the submissions. Where AI helps under-resourced lawyers or self-represented litigants prepare their cases, it may even improve equality of arms. Nielsen et al. (2024) show the scale of potential efficiency gains. The risk is that the lawyer's judgement fails to filter the output. When fabricated authorities reach a court, the harm is not only to the client but to the court, which must spend time exposing the error and may, if it does not, decide on a false basis. The research of Dahl et al. (2024) and Magesh et al. (2025) shows that this risk is not marginal. It is built into the technology. The response, however, lies within existing professional duties: the lawyer who submits an authority vouches for it. What AI changes is the need to make that duty explicit, to require verification and, where courts consider it appropriate, to require disclosure of AI use.

AI that assists the judge is more troubling, and the degree of concern depends on the task. Administrative support, such as transcription, scheduling, translation and case management, raises few issues of principle and may address some of the delays that most damage Nigerian justice. Research support, such as summarising records or retrieving authorities, raises the same hallucination risk as for lawyers, but with higher stakes, because there is no opposing judge to catch the error. Recommendation, such as a risk score for bail, raises the deepest concerns. Here the AI's output bears directly on the outcome, and the evidence of automation bias suggests that judges will often follow it. Álvarez and Matute (2026) show that even participants presented with contrary evidence shift towards the algorithm. Wu and Lin (2025) and Chen (2026) show that institutional incentives, such as performance metrics and the wish to avoid personal responsibility, can turn a recommendation into a de facto decision. Hochstedler Webb et al. (2026) show that the recommendations themselves may be biased. A judge who adopts a biased recommendation does not cure the bias by signing the order.

Explainability is a particular problem for AI that assists judges. If the judge relies on a

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recommendation whose basis cannot be explained, the reasons given in the judgment are incomplete. The parties cannot challenge what they cannot see, and an appellate court cannot review it. Hendrickx (2025) argues that generative AI systems threaten the judicial duty to state reasons and, with it, the legitimacy of judicial decisions. The concern is sharpened where the system is proprietary and its developer resists disclosure. In *State v Loomis* (2016), the Supreme Court of Wisconsin upheld the use of a proprietary risk assessment at sentencing even though the defendant could not examine how it weighed the factors, relying on written warnings to judges about its limitations. The decision illustrates how readily courts may accept a tool whose reasoning no party can test, and why warnings alone are a weak safeguard. Söderlund (2025) shows that even the European Union's AI Act relies on qualified transparency mandates for oversight bodies, which give regulators access but not necessarily the parties to a particular case.

AI that decides in place of the judge fails all three standards in most contexts. It fails the standard of a human decision by definition. Law-Smith (2026) raises the related question whether algorithmic sentencing is compatible with human dignity at all. It fails explainability because statistical models do not produce reasons in the legal sense, only correlations, and post hoc explanations generated by a separate system are not the reasons for which the decision was made. It is likely to fail fairness because, as Anastasopoulos (2026) argues, algorithms deciding by statistical regularity cannot give individual consideration to anomalous cases, and the anomalous case is often the one in which justice matters most. Kaplina (2026) reaches the same conclusion from the perspective of the rule of law. There may be narrow exceptions: uncontested, high-volume and low-value matters, such as some small debt claims or the calculation of statutory sums, where the parties consent to automated determination and retain an unconditional right to a human hearing. Even there, the safeguards must be robust.

From this evaluation, the study derives a framework of graduated safeguards. Table 2 sets it out.

Table. 2. Graduated safeguards for AI in the administration of justice

Role of AI	Required safeguards
Assisting the lawyer	Duty to verify all authorities; court power to require disclosure of AI use; sanctions for fabricated material; training
Assisting the judge (administrative and research)	Verification of outputs; confidentiality of case data; approved tools only
Assisting the judge (recommendations)	Prior approval and audit; disclosure of the tool and its basis to parties; record of reliance in the judgment; no performance metrics rewarding deference
Deciding instead of the judge	Prohibited, save for prescribed consensual low-value matters with an unconditional right to a hearing before a judge

The framework yields four propositions.

Proposition 1. *The legitimacy of AI in the administration of justice depends on the role it plays, so that a single rule for "AI in courts" is inadequate; lawyer-facing assistance, judge-facing assistance and automated adjudication require distinct safeguards.*

Proposition 2. *The decisive risk in judge-facing assistance is not that AI will replace judges openly but that automation bias and institutional pressure will turn recommendations into decisions while the judge's signature conceals the shift.*

Proposition 3. *Automated adjudication is incompatible with the right to fair hearing under section 36 of the Nigerian Constitution and article 7 of the African Charter, except possibly in narrowly defined, consensual and low-stakes matters with an unconditional right to human review.*

Proposition 4. *In Nigeria, the most valuable and least risky uses of AI are administrative and lawyer-facing, and these should be prioritised over decision-support tools until the judiciary has the*

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infrastructure, skills and governance capacity to manage the risks of the latter.

4.2 DISCUSSION

The first finding is that the role matters more than the technology. Much public debate about AI in courts asks whether "robot judges" are desirable, a question to which most commentators answer no (Tamošiūnienė et al., 2024; Kaplina, 2026). That answer is correct but incomplete, because it leaves unexamined the far more common and less visible uses of AI that fall short of replacement. Martinho's (2025) finding that judges themselves regard automation as acceptable mainly in the earlier phases of adjudication supports a graduated approach. So does Cheng's (2026) four-test framework, which places judge control and litigant contestability alongside accuracy. The framework offered here adds to these by tying each safeguard to a specific role and a specific standard of fair hearing.

The second finding concerns automation bias, which deserves to be placed at the centre of regulatory attention. Formal rules that require a human to make the final decision are common, and the EU AI Act classifies AI used to assist judicial authorities in researching and interpreting facts and law as high-risk. But a rule requiring human decision is satisfied on paper even when the human merely ratifies the algorithm. The evidence of Álvarez and Matute (2026), Wu and Lin (2025) and Chen (2026) shows that this is a realistic danger, not a speculative one. Effective safeguards must therefore address the conditions under which judges rely on AI: they must ensure that judges have time to scrutinise recommendations, that their performance is not measured in ways that reward deference, that they are trained to recognise AI's limitations and that the parties can see and challenge what the judge relied on. Warnings, as Álvarez and Matute (2026) found, can reduce algorithmic influence. Disclosure to the parties is likely to reduce it further.

The third finding concerns the right to a human decision. Some argue that this right reflects mere attachment to the familiar and that, if an AI system were demonstrably more accurate and less biased than human judges, insisting on human decision would be irrational. The argument has some force, particularly given evidence that human judges are themselves biased (Hochstedler Webb et al., 2026). But it misunderstands what adjudication is for. A court does not only produce correct outcomes; it holds public power to account, applies law to particular facts with attention to their particularity and gives reasons that participants can contest. Kim and Peng (2025) and Fine and Marsh (2024) show that public acceptance of AI judging remains limited, especially for decisions affecting liberty. In a society where trust in public institutions is fragile, replacing human judges with systems that most people do not trust would risk the legitimacy on which the courts depend. The right to a human decision is better understood as a right to be judged by someone who can be held responsible.

The fourth finding concerns Nigeria. The temptation to see AI as a solution to backlog is understandable, and Wunti et al. (2026) rightly identify its potential for legal research, summarisation, transcription and case management. But the Nigerian experience with virtual courts offers a cautionary lesson. Davies et al. (2024) show that a less ambitious technology, video hearings, struggled with poor electricity supply, unreliable internet, limited skills and fear of technology, even though most lawyers supported it. Anozie and Wingate (2023) document the constitutional uncertainty that accompanied its introduction. Decision-support AI would face all these obstacles and more: it would require reliable digital records, which many Nigerian courts lack; it would be trained on data that may encode existing inequalities; and it would be supplied, in all likelihood, by foreign vendors whose systems are not designed for Nigerian law or open to Nigerian scrutiny. Cheng's (2026) insistence that AI systems be trained on accurate and current legal datasets is particularly pertinent where, as in Nigeria, many judgments are not systematically published in digital form.

The implication is that Nigeria should invest first in the uses of AI that are both most valuable and least risky: digital case management, transcription and recording of proceedings, translation into Nigerian languages, and lawyer-facing research tools governed by clear professional rules. These uses address real causes of delay without threatening the core of judicial decision-making. Decision-support tools for bail or sentencing should await a governance framework, including impact assessments, disclosure

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obligations and independent auditing, which does not yet exist.

It might be objected that this approach is too cautious for a system in crisis and that the cost of delay is itself a denial of justice. The objection is serious. Delay does deny justice, and the constitutional right to a hearing within a reasonable time is as much a part of fair hearing as the right to reasons. But the response to delay should not create new forms of injustice. Administrative AI can reduce delay considerably without the risks of decision-support AI. Where the latter is introduced, it should be piloted, evaluated and subject to safeguards, not deployed at scale in response to pressure.

The analysis has limitations. It is doctrinal and normative and does not measure the actual use of AI in Nigerian courts, which remains limited and poorly documented. The comparative evidence comes mainly from the United States, Europe and China, whose institutional contexts differ from Nigeria's. The framework would benefit from empirical testing, including surveys of Nigerian judges and lawyers on their use of AI tools.

5. CONCLUSION AND RECOMMENDATION

AI can help relieve the pressure on overburdened justice systems, but its legitimacy depends on the role it plays. AI that assists lawyers is broadly compatible with fair hearing, provided professional duties of verification are enforced. AI that assists judges is compatible only with safeguards against automation bias, opacity and embedded bias. AI that decides in place of judges is incompatible with the right to fair hearing in all but the narrowest cases.

The study makes five recommendations. First, the National Judicial Council and the heads of courts should issue practice directions on AI that require lawyers to verify every authority they cite, allow courts to require disclosure of AI use in the preparation of submissions and provide for sanctions where fabricated material is filed. Second, the National Judicial Council should issue guidance for judicial officers that permits administrative and research uses of AI subject to verification and confidentiality, and prohibits reliance on AI recommendations in decisions affecting liberty unless the tool has been approved, its basis disclosed to the parties and its use recorded in the judgment. Third, the legislature should provide that no judicial decision may be made solely by an automated system, except in prescribed consensual and low-value matters with an unconditional right to a hearing before a judge. Fourth, investment should prioritise digital case management, recording, transcription and the systematic digital publication of judgments, which are prerequisites for any responsible use of AI. Fifth, the Nigerian Bar Association, the Council of Legal Education and the National Judicial Institute should integrate training on the capabilities and limitations of AI into professional and judicial education.

6. CONTRIBUTION TO EXISTING KNOWLEDGE

The study makes three contributions. First, it offers a normative framework that distinguishes three roles of AI in the administration of justice and evaluates each against fairness, explainability and the right to a human decision, showing that a single rule for AI in courts is inadequate. Second, it identifies automation bias and institutional pressure as the mechanism by which judge-facing assistance can slide into de facto automated adjudication, and proposes safeguards directed at that mechanism. Third, it applies the framework to Nigeria, drawing on evidence from the country's experience with virtual courts to argue for a sequenced approach that prioritises administrative and lawyer-facing uses over decision-support tools.

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