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DIGITALISING JUSTICE: LEGAL FOUNDATIONS, EMERGING TRENDS AND IMPLEMENTATION CHALLENGES OF ONLINE DISPUTE RESOLUTION IN NIGERIA

AUTHORED BY - MRS. ADEJUMOKE^{1*},
DR. KINGSLEY ONU^{**} & PROF. JEMILOHUN ^{***}

Abstract

The fast commercial and judicial digitalisation has redefined Online Dispute Resolution (ODR) as an important tool to increase justice accessibility in modern legal frameworks. In Nigeria, the adoption of technological dispute resolution innovations has fastened after the COVID-19 pandemic and the general judicial reform efforts. This paper critically discusses the conceptual basis, legal and regulatory framework, new practices and the challenges of implementation of ODR in Nigeria.

The paper adopts a doctrinal and analytical approach, and investigates the Arbitration and Mediation Act 2023, the Evidence Act 2011, cybersecurity and data protection laws, and institutional practices in the Nigerian courts. It discovered that though Nigeria has a legal basis of technology-based dispute resolution, the fragmentation of regulation, infrastructural gap, complexity in enforcing, and digital literacy gap negatively affect the effective use of technology.

The paper concluded by suggesting a consistent national ODR policy framework, regulatory harmonisation and strengthening institutional capacities to modernise the architecture of digital justice in Nigeria to the global best practice.

Keywords: Online Dispute Resolution; Access to Justice; Arbitration and Mediation Act 2023; Digital Justice; Nigerian Judiciary.

* Mrs. Omoniyi, Adejumoke Ayoade, Department of Public Law & Legal Studies, Faculty of Law, Adeleke University.

** Dr. Onu Kingsley Osinachi, Department of Public Law & Legal Studies, Faculty of Law, Adeleke University.

*** Prof. Bernard Jemilohun, Department of Public Law & Legal Studies, Faculty of Law, Adeleke University.

1. Introduction

Digitization of the justice systems has greatly changed the dispute resolution structure in different jurisdictions. Originally viewed as an extension of Alternative Dispute Resolution (ADR), which is a technology-enabled means of settling disputes, Online Dispute Resolution (ODR) has turned out to be an independent system of dispute settlement that may be carried out online and does not imply face-to-face interaction. ODR has been incorporated into judicial systems, consumer protection systems and cross border commercial dispute frameworks in many jurisdictions around the globe, especially in the European Union and North America.²

The rate of technology use in dispute resolution processes in Nigeria has increased in the recent years especially after disruptions that occurred due to COVID-19 pandemic. Remote arbitral proceedings, virtual court sittings and electronic filing systems have become more and more frequent.³ Nigeria has remained modernising its ADR framework by enacting the Arbitration and Mediation Act 2023 that recognised electronic communications and enhancing the independence of parties in processes that were mediated by technology.⁴ Also, Evidence Act 2011 has statutory foundation of the admissibility of the electronically created evidence, which supports the procedural legitimacy of the ODR processes.⁵

In spite of these developments, Nigeria does not have a national policy or any specific regulatory framework of ODR. The current legal bases are still piecemeal and are scattered in arbitration law, evidence law, cyber-security law, and judicial practice guidelines. Such fragmentation poses the issues of enforcement, data protection, jurisdictional competence, and institutional coordination. Moreover, lack of infrastructural provision, internet illiteracy and disproportionate coverage remain an obstacle to the successful application of ODR mechanisms.

This paper critically assesses the law underpinning, institutional trends, and structural issues that ODR is facing in Nigeria. As much as Nigeria has the given legislative tools that can be used to facilitate ODR, the lack of an aligned regulatory framework and harmonised policy base weakens its transformative potential. The article places Nigeria into the wider global

² Pablo Cortés, *Online Dispute Resolution for Consumers in the European Union* (Routledge 2011).

³ Richard Susskind, *Online Courts and the Future of Justice* (OUP 2022).

⁴ Arbitration and Mediation Act 2023, LFN

⁵ Evidence Act 2011

digital justice context and hence adds to the scholarship on the topic of technology-based dispute resolutions within new legal orders and offers reform directions with various avenues to enhance access to justice and business predictability.

1.1 Literature Review Framework

Online Dispute Resolution literature can be categorised into five major thematic strands:

(a) Theoretical Foundations of ODR.

Early theories of ODR regarded it as technological extension of ADR. Katsh and Rifkin define ODR as the third party in dispute resolution but in this case technology is a very active mediator and not a passive communication device.⁶ In this theory, focus is placed on automation, asynchronous communication and algorithmic facilitation.

Susskind goes further to support the larger thesis of online courts, which suggests justice systems have to transform into digitised and platform-based systems to stay accessible and efficient.⁷ The access-to-justice scholars also argue that digital dispute resolution can decrease the cost, and procedural delays.⁸

Critics have however cautioned against techno-optimism by pointing out that digital systems will likely make people more excluded in the case of any remaining infrastructural and literacy disparities.

The ODR Regulation of the European Union provides a centralised arena to cross-border consumer disputes, which is a supranational regulatory approach.⁹ ODR has become a part of the state court systems in the United States, especially in small claims and traffic cases. Singapore has implemented an e-litigation and digital mediation model of the judicial system that has integrated into the e-litigation system.

Comparative scholarship has observed that ODR implementation needs regulatory clarity, institutional capacity and strong digital infrastructure that conditions have not been equally

⁶ Ethan Katsh and Janet Rifkin, *Online Dispute Resolution: Resolving Conflicts in Cyberspace* (Jossey-Bass 2001).

⁷ (n 2)

⁸ Hazel Genn, 'What Is Civil Justice For?' (2012) 24 *Yale Journal of Law & the Humanities* 397

⁹ Regulation (EU) No 524/2013 on Online Dispute Resolution for Consumer Disputes.

distributed in the majority of developing jurisdictions.

Researchers of developing countries focus on the structural limitations of the lack of reliable power supply, low prevalence of broadband access, and insufficient cybersecurity measures. ODR discourse in Africa is underdeveloped, and most changes involve the traditional ADR instead of entirely digital ADR.

The focus of scholarship in Nigeria has concentrated greatly on ADR and Multi-Door Courthouse model, specifically the Lagos Multi-Door Courthouse (LMDC) and little doctrinal scrutiny of entirely online dispute mechanisms.¹⁰ This indicates a loophole in long-term analytical interest in ODR as a specific regulatory phenomenon.

The most prominent topics of regulation issues include enforceability of online arbitral awards, admissibility of digital evidence, confidentiality rules, and cross-border jurisdictional issues. Another weakness of digital proceedings is data protection compliance and cybersecurity threats. These issues overlap with the Evidence Act 2011 and cybersecurity laws in Nigeria, but there is no single statutory tool that regulates the ODR practice.

While global literature is extensive, Nigerian scholarship has not comprehensively examined:

- i. The adequacy of the Arbitration and Mediation Act 2023 for ODR
- ii. The regulatory fragmentation in the context of digital dispute resolution.
- iii. The implementation difficulties of online proceedings only.
- iv. ODR and the development of the digital economy in Nigeria.

This paper will fill that gap by providing a doctrinal and policy-based report on the changing ODR landscape in Nigeria.

1.3 Problem Statement

All the provisions notwithstanding, Online Dispute Resolution is normatively underdeveloped and institutionally disjointed, despite the fact that Nigeria has modernised its arbitration regime and has moved towards virtual judicial processes more and more. The lack of an explicit ODR framework raises some level of uncertainty on the enforceability, compliance with data protection, procedures, and integrity between institutions.

¹⁰ Emilia Onyema, 'The Lagos Multi-Door Courthouse and the Growth of ADR in Nigeria' *University of Lagos Law Review* (2023) 1(1)

Moreover, there are also infrastructural gaps and digital disparity that amplify the risk of disrupting the access-to-justice argument upon which ODR is based. Failure to achieve intentional harmonisation of regulation and capacity building is likely to result in Nigeria being stuck in parallel systems of dispute resolution that are not coherent or trusted by the people.

2. Conceptual and Theoretical Framework.

2.1 Definition and Evolution of Online Dispute Resolution

The term Online Dispute Resolution (ODR) is a term used in reference to the utilization of information and communication technologies (ICT) to facilitate, administer, or resolve disputes. It is a technology-enabled expansion of Alternative Dispute Resolution (ADR), specifically mediation and arbitration, although this has since been redefined into a semi-autonomous system of dispute resolution that can work without physical legal infrastructure.¹¹ Initial conceptualisations understood ODR as online ADR. Ethan Katsh and Janet Rifkin (in) notoriously wrote technology is the fourth party in the location of dispute, the other two being disputants and the neutral and opined that digital technology does not just relay communication but actually influences the nature of negotiation, exchange of information, and procedural architecture.¹² ODR, in that way, is not digitised ADR but instead restructures the process of dispute resolution by adding asynchronous communication, automated negotiation software, artificial intelligence, and case management based on the platform.

ODR development can be subdivided into three phases. The initial stage (late 1990s-early 2000s) was formed during the growth of e-commerce, specifically to address the low-value cross-border consumer disputes.¹³ The second stage was the institutional experimentation, where the courts embraced online filing system, virtual hearing and case triaging technologies.¹⁴ The third and modern stage entails comprehensive digital justice systems that have end-to-end dispute management such as automated negotiation, online mediation, and binding determinations.¹⁵

¹¹ Pablo Cortés, *Online Dispute Resolution for Consumers in the European Union* (Routledge 2011).

¹² Ethan Katsh and Janet Rifkin, *Online Dispute Resolution: Resolving Conflicts in Cyberspace* (Jossey-Bass 2001).

¹³ Colin Rule, *Online Dispute Resolution for Business* (Jossey-Bass 2002).

¹⁴ Richard Susskind, *Online Courts and the Future of Justice* (OUP 2019).

¹⁵ Ibid

ODR has indirectly been built up in the Nigerian context through more extensive reforms of ADR and various court digitization projects. Arbitration has been modernised and technological (Arbitration and Mediation Act 2023) to modernise Nigeria and safeguard autonomous electronic communications and enhance party autonomy, leaving arbitration in its new form.¹⁶ Although it is not explicitly ODR specific, the Act offers statutory assistance to proceedings that are technologically enabled. The Evidence Act 2011 also validates the electronic evidence, hence enhancing the procedural validity of the online processes.¹⁷

Nevertheless, Nigerian model is facilitative but not platform-based. In contrast to other jurisdictions where ODR has a centralised portal, digital dispute practices in Nigeria are spread across arbitral institutions, non-arbitration platforms and ad hoc virtual actions. Therefore, at the moment, ODR in Nigeria is evolutionary and not systemically institutionalised.

2.2 Access to Justice Theory

One of the main normative purposes of ODR is access to justice. Historically, access to justice indicates the capacity of people to access effective, fair, and time-sensitive adjudication of disputes either by a formal or informal means of law. The seminal waves theory of access to justice by Mauro Cappelletti and Bryant Garth has focused on procedural reform, collective representation and structural innovation to eliminate points of entry barriers to justice. ODR can be theorized as a fourth wave of technological innovation-led access-to-justice reform.¹⁸

Hazel Genn has an argument that civil justice systems should provide substantive results that strengthen both social stability and economic participation.¹⁹ This role is undercut by delays, complexity of procedures and high litigation expenses. ODR provides possible solutions by decreasing geographical obstacles, diminishing transaction expenses, and asynchronous involvement. ODR can offer a relative system of delivery of small-value commercial and consumer disputes, which the traditional courts are incapable of delivering effectively, and which are prevalent in the digital marketplace.

¹⁶ Arbitration and Mediation Act 2023

¹⁷ Evidence Act 2011 (Nigeria), s 84.

¹⁸ Mauro Cappelletti and Bryant Garth, 'Access to Justice: The Newest Wave in the Worldwide Movement to Make Rights Effective' (1978) 27 Buffalo Law Review 181. Hazel Genn, 'What Is Civil Justice For?' (2012) 24 Yale Journal of Law & the Humanities 397.

¹⁹ Hazel Genn, 'What Is Civil Justice For?' (2012) 24 Yale Journal of Law & the Humanities 397

Richard Susskind goes on to argue that the digital transformation has to be welcomed by the courts to stay available and valid in the twenty-first century.²⁰ Susskind believes that digital processes and online courts can reach out further and maintain procedural fairness with structured digital interfaces. The normative argument is that, justice must be fit purpose in technologically mediated societies.

However, access-to-justice theory has risks of exclusion as well. Digital justice systems assume access to the internet, technological literacy and confidence in online institutions. Technological reforms can also unwillingly introduce new obstacles in situations where the infrastructural drawbacks are observed and digital inequality is present.²¹ The infrastructural and educational aspects of the digital divide hold some concerns that ODR could be biased towards urban and digital literate communities and disfavor the rural or poor community.

Access-to-justice issues are particularly acute in Nigeria: court congestion, delays in the process and litigation costs are all endemic factors. ODR is one of the ways to reduce these loads. But ODR can instead of diminishing inequalities in the delivery of justice, recreate them unless it is actively coordinated as a policy agenda and the necessary infrastructure is invested. Therefore, it can be regarded as access-to-justice theory offering the normative explanation of ODR and a critical perspective on assessing its distributive effects.

2.3 Digital Justice Framework

There is the broader notion of digital justice beyond the discourse of access-to-justice. Digital justice is the change of legal institutions by utilizing technology-based systems that incorporate case management, artificial intelligence, automation, and platform governance in judicial and non-judicial procedures.²² Digital justice involves the re-conceptualisation of adjudication as an information-processing system mediated by technological architecture compared to the traditional procedural reform.

Katsh and Rabinovich-Einy suggest that technology does not only enhance the efficiency of dispute resolution, but it transforms the procedural relationships by changing the power distribution, openness, and engagement.²³ Digital platforms have the ability of standardising

²⁰ (n 2).

²¹ Julie Macfarlane, *The New Lawyer* (UBC Press 2008).

²² (n 2).

²³ Ethan Katsh and Orna Rabinovich-Einy, *Digital Justice* (OUP 2017).

processes, automatising decision paths and integrating normative values into algorithmic design. This fact raises certain concerns with procedural fairness, accountability, and oversight. The interaction between the digital justice framework and data governance and cybersecurity is also present. The dispute resolution platforms handle sensitive commercial and personal information, a factor that requires a strong adherence to the data protection principles. In Nigeria, the Nigeria Data Protection Act 2023 provides a protection in areas of data minimisation, security, and accountability.²⁴ In a digital justice paradigm, regulatory consistency between the dispute resolution law and the data protection law becomes essential. On top of that, digital justice creates issues of legitimacy and trust. Conventional courts are based on constitutional and institutional bases of power. ODR systems, especially those founded on platforms, need to develop legitimacy in terms of transparency, enforceability, and regulation.²⁵ In the history of digital dispute mechanisms, they are likely to lose public trust in the event that oversight mechanisms are weak or disjointed.

Regarding the theoretical perspective, digital justice can be perceived as a transition instead of a twofold paradigm. The systems go as far as being as basic as video-mediated hearings or completely automated resolution mechanisms. Nigeria currently is in a middle ground of adopting virtual hearings and electronic communications and has no established digital justice infrastructure in place.

The digital justice paradigm provides a structural view of the ODR process in Nigeria; it looks at whether the practice is legal or not, but also the institutionally embedded, technologically progressive and normatively viable state of the system. The main analysis question is whether the changing dispute resolution ecosystem is an instance of intentional digital transformation or a response to changing processes of procedure in Nigeria.

The conceptualisation of ODR exudes digitised ADR to technologically imbued justice systems. The access-to-justice theory explains ODR as a method of minimizing procedural obstacles, and the digital justice theory questions both its structural and distributive implications and its legitimacy.

ODR in Nigeria is experiencing the process of modernisation of the legislation and institutional

²⁴ Nigeria Data Protection Act 2023.

²⁵ UNCITRAL Technical Notes on Online Dispute Resolution (2016)

experimentation, which is not yet consolidated in terms of regulation. The theoretical perspectives of ODR allow critically evaluating the transformative capabilities and structural constraints of ODR in the context of the Nigerian legal order.

3. Jurisdictional and Law during Online Dispute Resolution in Nigeria.

3.1 The 2023 arbitration and mediation act.

This is being accomplished by adoption of the Arbitration and Mediation Act 2023 (AMA 2023), which is one of the key recent modernizations of the ADR system in Nigeria. The Act is pro-enforcement in nature, and it is in line with the global best practices and is largely in line with the UNCITRAL Model Law.²⁶ The statutory recognition of electronic communications during arbitral proceedings is of particular concern to Online Dispute Resolution (ODR). The Act confirms electronically concluded agreements in arbitration and continues to provide technologically supported proceedings, thus creating a legal basis of the e-arbitration.²⁷

Nevertheless, the AMA 2023 endorses digital communications but does not directly govern entirely online platforms of dispute resolution or prescribe procedural requirements of virtual hearings. The fact that there are no specifics about ODR creates interpretation loopholes in cybersecurity standards, authentication measures, data storage, and cross-border online enforcement. Therefore, the Act is not technically restrictive, but ODR-specific.

Moreover, application of arbitral awards is also not beyond judicial validation by law (Nigeria).²⁸ The issues of enforcement enforced in ODR can occur when all the proceedings are made online, especially regarding the evidence of procedural fairness and authenticity of online records. The regime of enforceability, despite its strong theoretical foundation, is susceptible to both evidentiary and jurisdictional objections in entirely on-line action.

3.2 Evidence Act 2011: Electronic Admissibility.

Evidence that is electronically generated is given statutory recognition by the Evidence Act 2011. Sub-clause 84 provides guidelines according to which computer-generated evidence can be admissible in Nigerian courts.²⁹ This is the key to the lawfulness of the results of ODR

²⁶ UNCITRAL Model Law on International Commercial Arbitration (1985, amended 2006).

²⁷ Arbitration and Mediation Act 2023, ss 2–3.

²⁸ *ibid*, enforcement provisions.

²⁹ Evidence Act 2011, s 84.

because digital communications, electronic signatures, and video recordings of the hearings constitute the backbone of online hearings as evidence.

However, Section 84 has been criticised as requiring technical certification which can make it difficult to enforce the approvals of digital arbitral awards.³⁰ Courts have sometimes proved to be overly strict on admissibility requirements and thus caused procedural uncertainty. Although the Supreme Court has shed light on the facets of admissibility of electronic evidence,³¹ the evidentiary framework is litigation based, as opposed to platform based.

Strict evidentiary formalism can also prevent efficiency, which is the purpose that ODR is aimed at supporting in its context. This strife presents the necessity of balancing digital dispute procedures and evidentiary procedures.

3.3 Cybersecurity and Data Protection Regulation.

The topic of digital dispute resolution directly involves cybersecurity and the protection of personal data. In Nigeria Data Protection Act 2023 sets out principles of processing, storage, and transfer of personal data.³² The Act requires ODR platforms, especially the ones dealing with commercial and consumer disputes to abide by data minimisation, purpose limiting and security precautions.

Moreover, unauthorised access to computer systems and interference of data are criminalized by the Act on Cybercrimes (Prohibition, Prevention, etc.) 2015.³³ As much as this offers a general protection of the digital security, procedural protection of the virtual hearings or encrypted arbitral communications is not formed.

This is a fractured regulatory environment of the arbitration law governing the procedure; the evidence law governing the admissibility; the cybersecurity law governing the digital protection; but no specific statutory instrument brings these together in an ODR framework. This decentralisation introduces the threat of regulatory confusion, as well as disillusionment of users in digital dispute mechanisms.

³⁰ Stanley Alieke, 'Admissibility of Electronic Evidence in Nigeria' (2015) 9 Nigerian Juridical Review 45.

³¹ *Dickson v Sylva* (2017) LPELR-41257(SC).

³² Nigeria Data Protection Act 2023

³³ Cybercrimes (Prohibition, Prevention, etc.) Act 2015.

3.4 Institutional and Judicial Reformed Digitally.

Nigerian judiciary has been embracing virtual proceedings especially in the wake and throughout the COVID-19 pandemic. Remote hearings and electronic filing were approved by Practice Directions in different jurisdictions.³⁴ These changes show how institutions are open to digital justice.

Nevertheless, these reforms are mostly in a reactive and administrative form as opposed to being integrated in a national ODR policy. In contrast to jurisdictions where ODR systems that are institutionally entrenched are in place, the digital transformation in Nigeria is decentralised and skewed by state. This lack of consistency restricts national generalizability and predictability of ODR practice.

4. European Union and Nigeria Comparative Analysis.

4.1 Regulatory Architecture

The Regulation (EU) No 524/2013 by the European Union has created a centralised platform of cross-border consumer disputes, the ODR platform.³⁵ The Regulation provides a system of mutual dependability between the consumers, traders and authorized bodies of ADRs via a full digital platform. It involves procedural openness, deadlines, multilinguality and control.

Conversely, Nigeria does not have a centralised ODR regulatory structure. Although the AMA 2023 is modernising the arbitration law, it does not create a national digital platform and accreditation system of the ODR providers. The EU strategy is that of proactive supranational integration; the Nigerian model is permissive yet decentralised.

4.2 Consumer Protection and Digital Commerce.

ODR is explicitly incorporated in the consumer protection policy of the EU model.³⁶ ODR is not a process but internal market regulation. In comparison, the national ODR portal has not yet been integrated into the consumer protection regime in Nigeria, although the e-commerce and fintech industries are expanding rapidly.

Since Nigeria is experiencing an increasing digital economy, a lack of a coordinated consumer

³⁴ Various State High Court Practice Directions on Remote Hearings (2020).

³⁵ Regulation (EU) No 524/2013 on Online Dispute Resolution for Consumer Disputes.

³⁶ Pablo Cortés, *Online Dispute Resolution for Consumers in the European Union* (Routledge 2021).

ODR system is a lost regulatory opportunity.

4.3 Enforcement and Institutional Oversight.

Member States of the EU must also make sure that the quality of the ADR entities is ensured and that they are regulated.³⁷ This increases trust and credibility. Nigeria, in turn, depends mostly on the general arbitration enforcement systems without the specialised online compliance monitoring.

Besides, the single market has a simplified enforcement of cross-border through the EU platform. The implementation regime in Nigeria is still court-based, and it may be vulnerable to procedural challenges on online hearings.

4.4 Digital Inclusion and infrastructure.

Though EU member countries tend to be highly broadband penetrated and digitally literate, Nigeria has been struggling with infrastructural shortages and imbalanced penetration of the internet.³⁸ Digital divide has a direct impact on the viability of fully online dispute systems. Comparative analysis can therefore show that regulatory sophistication should be balanced by infrastructural preparedness which is a field that Nigeria still suffers systemic limitations.

4.4.1 Online Dispute Resolution Practice in Nigeria Emerging Trends.

The history of the Online Dispute Resolution (ODR) in Nigeria has not taken a one law route; instead, it has developed as a result of judicial innovations and statutory modernisation, adaptation by the commercial sector, and the headlong growth of online business. The absence of a unified national ODR framework in Nigeria is notwithstanding the fact that the development of practice indicates a gradual but noticeable trend towards the technology-mediated dispute resolution. This part examines four key trends, including court-related ODR, online proceedings, FinTech and e-commerce dispute resolution, and the emergence of alternative digital platforms.

4.4.2 Court-Connected ODR

Court-related ODR These are those dispute resolution systems that are embedded within or overseen by courts but realized via online systems. This model has been popular in many

³⁷ Directive 2013/11/EU on Consumer ADR

³⁸ International Telecommunication Union, *Measuring Digital Development* (2022).

countries throughout the world as courts aim at clearing up the backlog of cases and improving justice access.³⁹ In Nigeria, despite the fact that a completely centralised online court system has not been institutionalised so far, some significant strides towards court-related digital dispute processes are noticeable.

The Lagos Multi-Door Courthouse (LMDC) was one of the most prominent institutional innovations in the ADR field of Nigeria, which was formed to offer court-annexed ADR services.⁴⁰ Although the LMDC has traditionally been organization based on physical mediation and arbitration sessions, it has been embracing virtual mediation practice. The shift is indicative of an overall judicial appreciation that informal court supervision can be consistent with formal digital facilitation.

Virtual mediation which is linked to the court has worked especially well in business and family conflicts with flexibility in the timing and geographical limitations contributing to increased participation. Court-annexed ADR can be conducted in a hybrid format as the adoption of digital case management tools, email communication, and video conferencing platforms prove that ADR is effective in this case.

Nigeria however has not adopted a fully automated online triage or online filing portal as is the structured online court systems discussed by Susskind.⁴¹ The modern situation is still video-conference oriented instead of platform integrated. In this way, although court-related ODR is becoming a reality, they are still in a transitional phase where systems are being adapted and not redesigned.

The growth of the court digital processes, institutionally, means that the judiciary is willing to experiment with technological reform. However, sustainability will be based on the documented procedural standards, investment in the technological infrastructure, and the harmonisation of national guidelines.

4.4.3 Remote Hearings and Virtual Proceedings.

The most apparent face of ODR in Nigeria has been the spread of virtual hearings especially during and after the COVID-19 pandemic. In 2020, a number of courts published Practice Directions which allowed remote hearings and electronic filing of processes.⁴² These steps

³⁹ Richard Susskind, *Online Courts and the Future of Justice* (OUP 2019).

⁴⁰ Emilia Onyema, 'The Lagos Multi-Door Courthouse and the Growth of ADR in Nigeria' (2013) 1(1) University of Lagos Law Review 1.

⁴¹ (n 2)

⁴² Various State High Court Practice Directions on Remote Hearings (2020).

were a historic change in the culture of the Nigerian judicial system that traditionally was based on physical courtroom attendance.

Virtual proceedings have also been applied in arbitration, mediation and in some court cases. This trend is further strengthened by the Arbitration and Mediation Act 2023, which gives parties the right to decide the procedural modalities and as such, authorising remote hearings.⁴³ Virtual hearings in the arbitral settings have also enabled cross-border participation, lowered traveling expenses, and enhanced the efficiency in scheduling.

The benefits of the virtual proceedings are huge. They minimise logistical obstacles especially in commercial conflicts between parties who may be found in other jurisdictions. They also alleviate the infrastructural pressure of the overworked court dockets. Access-to-justice In remote hearings, procedural inclusivity may increase when physical court access is restricted. But still there are practical difficulties. The problem of connectivity instability, interruption of power supply and low levels of digital literacy among litigants and legal practitioners have remained a problem in the context of procedural smoothness. Moreover, the issues of witness coaching, identity checking, and confidentiality have raised the demands of more precise technological procedures.

Irrespective of such shortcomings, virtual proceedings have been normalized in the dispute resolution culture in Nigeria. What started as a provisional measure to address the inconvenience of public health has become a semi-permanent procedural attribute. This normalisation is a starting point of the integration of digital justice.

4.4.4 FinTech and E-Commerce Disputes ODR.

The fast-growing digital economy of Nigeria has produced novel types of conflicts, especially in the field of financial technology (FinTech) and e-commerce. Due to the growth of online transactions, there is also the growing need of fast, cost efficient and technology adaptable dispute resolution systems.

The most frequent cases of FinTech conflicts include failed online payments, reversal of payments, fraud claims, or technical failures. Financial transactions are time sensitive and hence traditional litigation is usually ineffective. As a result, several FinTech operators have their own digital complaint resolution systems, which look similar to ODR processes. These systems include internet based complaint submission, automatic response systems, and well-organized ways of escalation.

⁴³ Arbitration and Mediation Act 2023 (Nigeria).

On the same note, e-commerce websites are now using internal dispute resolution portals as a way of handling complaints on defective products, failure to deliver or dispute over refunds. Such mechanisms typically work on organized web-based applications such that users post evidence, converse inesthetically and get decisions within stipulated time frames.

Although these mechanisms aid efficiency, they increase regulatory issues. In contrast to formal arbitration, platform-based rulings can be not transparent, not independent, or not binding. Also the awareness of the consumer in terms of the right to appeal or external recourse might be low.

Lack of a centralised national consumer ODR portal in Nigeria is contrary to an organised ODR platform by the European Union in Regulation (EU) No 524/2013.⁴⁴ In Nigeria, privately administered basis, digital commerce dispute resolution is mostly decentralised.

Nevertheless, the fact that ODR has been integrated into FinTech and e-commerce is an objective indication that the area of dispute resolution is becoming embedded into the digital transaction ecosystems. Due to the growth of the digital economy in Nigeria, the need to introduce formal regulations to align the consumer protection law with the ODR practice will probably increase.

4.4.5 ODR Initiatives by the private and platforms.

In addition to court-based and industry-specific ODR systems, there is one more emerging trend of private ODR systems. To support domestic and cross-border litigation, the digital case management systems and virtual hearing infrastructure have been embraced in the private mediation centres and arbitral institutions.

The end-to-end digital services are also likely to be provided through the services of privately-owned platforms, i.e., electronic filing, automated scheduling, online document exchange, and remote award issuance. These services make the services flexible and minimize the administrative overhead.

Expansion of the private ODR depicts market sensitivity to the commercial need. Companies that deal in international trade are finding it more appealing to use digital arbitration to evade logistical expenses. In this respect, Nigeria is not an exception as the global trends have shown that in many cases, statutory consolidation follows the innovation of the private sector.⁴⁵

Nonetheless, the ODR privately brings about concerns of accreditation, monitoring, and standardisation. Nigeria does not have any statutory framework relating to the certification of

⁴⁴ Regulation (EU) No 524/2013 on Online Dispute Resolution for Consumer Disputes.

⁴⁵ Ethan Katsh and Orna Rabinovich-Einy, *Digital Justice* (OUP 2017)

platforms or technology standards. Such a gap in regulation can make parties vulnerable to unequal service quality or lack of data security.

Also, entirely privative ODR systems might be devoid of institutional legitimacy which is typically linked with judicial or court-connected ADR procedures. Digital dispute mechanisms rely on transparency and procedural fairness and enforceability protection to build trust.

However, the culture of digital dispute in Nigeria has been expedited by the private innovation. It shows that there is demand of ODR without the legislative compulsions.

4.4.6 Analytic Summation of new Trends.

The forthcoming ODR environment in Nigeria can be described as having four overlapping characteristics:

- i. Judicial Adaptation in the absence of a Full Digital Integration- Courts and ADR centres have embraced the use of virtual mechanisms, but fail to maintain centralisation of digital architecture.
- ii. Digital Commerce FinTech and e-commerce participants use Sector- Driven ODR as an element of transaction platforms.
- iii. Innovation in the private sector -Arbitral institutions and mediation centres go more and more digital.
- iv. Regulatory lag- Modernisation of laws has taken place (especially the Arbitration and Mediation Act 2023) but no overall regulation of ODR takes place.

All of these trends represent a digital justice transition phase. Nigeria is not as digitised or technologically stagnant. Rather, ODR practice is gradually evolving institutionally as well as commercially.

The main policy issue is to bring together all these scattered efforts into a unified national system. Nigeria will end up having a fractured system of digital dispute systems without harmonisation and equal procedural protections and regulatory restrictions.

Nevertheless, the trend is encouraging. The presence of court-linked virtual ADR, digital commerce dispute system, and individual ODR platform all suggest that the use of technology in mediating disputes is no longer theoretical but rather, gaining more normativity in the dispute resolution ecosystem within Nigeria.

5. Online Dispute Resolution Implementation Problems in Nigeria.

Even though the practice of Online Dispute Resolution in Nigeria is evolving towards a progressive approach, structural and systemic risks still limit its efficiency. Although the

Arbitration and Mediation Act 2023 and other related acts offer a legal basis on which ODR can be operationalised, there are major regulatory, infrastructural, socio-economic, as well as institutional barriers to the practice of ODR. Five major implementation issues were addressed: regulatory loopholes, implementation complexities, infrastructural issues, the digital divide and trust and confidentiality concerns.

5.1 Fragmentation of the Normative/Regulatory Gaps.

One of the major issues faced by ODR in Nigeria is the lack of a fully integrated and cohesive regulatory framework. Even though the Arbitration and Mediation Act 2023 updates the law of arbitration and allows using electronic communications,⁴⁶ it does not directly govern fully online arbitration or create a framework of digital platforms. Similarly, the Evidence Act 2011 regulates admissibility of electronic records, but was not drafted in consideration of integrated ODR systems.⁴⁷

It is a regulated environment that lacks a harmonised ODR governing tool, and is split into various laws of arbitration law, evidence law, cybersecurity legislation, and data protection regulation. Such fragmentation creates ambiguity in a number of ways. To start with, virtual hearings, digital authentication measures, cybersecurity standards of platforms of dispute do not have codified procedural standards. Second, private ODR providers are not statutorily accredited and are not supervised.

In contrast to the systems of the jurisdictions that have developed the centralised ODR portal and specific structures of oversight, Nigeria has a permissive framework where procedural specifics are left to the freedom of parties or institutional choice. As much as flexibility is a plus, too much decentralisation can destroy uniformity and predictability.

Furthermore, the lack of regulatory and policy actions on the issue of artificial intelligence-assisted dispute resolution or automated decision-making does not consider the future of technological integration. In Nigeria, the legislative system might be out of touch with reality as digital dispute systems become more than video-conferencing to algorithmic triage and automated negotiation.

⁴⁶ Arbitration and Mediation Act 2023.

⁴⁷ Evidence Act 2011, s 84.

Therefore, a lack of an organized ODR policy framework is a structural regulatory void that prevents systemic consolidation.

5.2 Enforcement and Jurisdictional Sophistication.

One of the most important factors of ODR legitimacy is still enforcement. The Arbitration and Mediation Act 2023 offers a pro-enforcement regime that is in line with the international standards, which enforce arbitral awards and availed them to other nations with minimal grounds of refusal.⁴⁸ Nevertheless, the application of the awards based on the fully online proceedings can be challenged in a practical and evidentiary matter.

One of the problems is the evidence of procedural fairness. Challenges to enforcement can be based on inappropriate notice, absence of the opportunity to submit their case, or a technological failure in the operation of the process. In online spaces, it might be necessary to supply extra evidentiary records when proving that due process was adhered to.

Additional complexity is witnessed where the dispute platforms are situated in different jurisdictions. The issues related to the seat of arbitration, location of server, or the law of procedure can create a jurisdictional ambiguity. Although the courts of Nigeria have tended to use a pro-arbitration approach,⁴⁹ entirely online cases present new realities of facts which might not have been specifically considered when drafting statutes.

Admissibility conditions by the section 84 of the Evidence Act 2011 can also become an obstacle in the enforcement of digital records.⁵⁰ Technical certification may extend enforcement processes and undermine the effectiveness of ODR.

Also, the online settlements which were mediated should be enforceable according to the existing law. In spite of the fact that the Arbitration and Mediation Act 2023 has already provided certain provisions that acknowledge the mediated settlements, the actual implementation might still require a court verification of the provision in the case of a dispute occurrence.

⁴⁸ Arbitration and Mediation Act 2023, enforcement provisions.

⁴⁹ *Dickson v Sylva* (2017) LPELR-41257(SC).

⁵⁰ Evidence Act 2011 (Nigeria), s 84.

So, in the presence of mechanisms of enforcement of doctrines, the operationalisation of law enforcement in the digital realm is prone to procedural challenge.

5.3 Infrastructure Constraints.

ODR requires sound digital infrastructure. Nigeria has still been riddled with infrastructural shortages, such as unreliable electricity, low broadband connectivity in the rural regions, and fluctuating internet connectivity speeds.⁵¹ These structural concerns have a direct impact on the feasibility of virtual hearings and electronic case management systems.

Unstable connections may cause interruption of proceedings, disruption of the flow of witness testimonies or postponement of records. Disruption of power supply may hamper the participation, especially to those who have no power backup mechanisms. This kind of infrastructural constraints gives some issues about equality of arms and procedural fairness.

Besides, the lack of digital infrastructure in certain jurisdictions leads to unequal access to ODR services. Cities like Lagos and Abuja can have a reasonably developed connection, and the rural communities are under-catered. This imbalance constrains the nationalization of ODR.

Institutional capacity is also influenced by infrastructure limitations. Digital operations need safe servers, case management software and trained technical staff to make decisions that maintain court and arbitral institutions operations. Technological adoption without long-term investment will be ad hoc and not systematic.

Therefore, an infrastructural constraint is one of the underlying barriers to implementation. Beyond legal permissibility is the inability to fill in structural technological deficits.

5.4 Access Inequality and the Digital Divide.

The more widely-known problem that is closely tied to infrastructure is the digital divide. Digital justice assumes that not only are people connected, but also digitally literate and technologically capable. In Nigeria, income, education, and geographic inequalities are some of the factors that result in unequal access to the digital.⁵²

⁵¹ International Telecommunication Union, *Measuring Digital Development* (2022).

⁵² Julie Macfarlane, *The New Lawyer* (UBC Press 2008).

ODR procedures can simply isolate the people who do not yet have any experience dealing with digital interfaces, online documentation processes, or video conferencing systems. The weak sections of society such as the elderly, disadvantaged groups as well as rural residents might find it difficult to use online dispute systems.

The digital divide has normative implications, especially on an access-to-justice view. Although ODR is intended to make processes accessible, it can also introduce other exclusionary conditions in the event that digital competence is established as a condition of successful participation.

Furthermore, language diversity and limited access characteristics can also discriminate against some groups. In the absence of inclusive design ideas, ODR mechanisms will favor those who are more technologically advanced than their less digital illiterate counterparts.

In this way, digital justice reform should be supported with digital inclusion policies in order to avoid structural inequality reproduction in the online dispute system.

5.5 Trust, Confidentiality and Data security Concerns.

Trust is one of the pillars of dispute resolution legitimacy. The conventional ADR mechanisms rest on the trust that can be established by the institution, their confidentiality standards and the protection of enforcing the norms. Cybersecurity resilience and compliance with data protection should also be considered as the elements of trust in the digital setting.

ODR sites handle delicate individual and business data. The legal protection of the personal data processing is not a recent activity as the Nigeria Data Protection Act 2023,⁵³ but the monitoring of compliance is an emerging regulatory role. Breach of data or unauthorized access may potentially compromise the trust on digital dispute mechanisms.

There are other complexities of confidentiality. Although arbitration was traditionally a privacy right, a virtual hearing on third-party sites can subject proceedings to the risks of interception. Confidentiality guarantees can be undermined in the absence of specific encryption guidelines and safe in the technological protocols.

⁵³ Nigeria Data Protection Act 2023

Furthermore, procedural integrity perception may also be affected by the problems of identity verification, witness coaching, or off-camera intrusion. Despite the availability of technological solutions to the problem including multi-factor authentication, their adoption is still not a matter of standard in the Nigerian ODR practice.

It is also possible that lack of trust is due to a perceived cloudiness of the determinations made on the platform privately. In instances where dispute resolution is done in commercial platforms that are not overseen by independent parties, the impartiality may be doubted by users.

Therefore, faith in ODR rests not only on the legal enforceability but technological reliability, transparency, and regulation. Unless there are strong security measures, people can still be remnant.

5.6 Implementation Barriers Synthesis.

The challenges in the ODR implementation of Nigeria can be summarised into three structural axes:

- i. Normative Fragmentation - There is no single framework of ODR, which creates a state of uncertainty in regulations.
- ii. Operational constraints- The lack of infrastructure and digital inequity restricts scalability and inclusiveness.
- iii. Legitimacy Issues - issue of complexity in enforcement, cybersecurity risks, and vulnerability to confidentiality compromise the aspect of trust.

These difficulties do not make the transformative potential of ODR any less important. Instead, they emphasize the need to have coordinated reform. Modernisation of the law should be accompanied by infrastructural investment, digital literacy and harmonisation of the regulations.

The path of digital justice in Nigeria is yet to be fully achieved. Unless this institutional consolidation is undertaken deliberately, ODR will end up being an extraneous addition to the traditional approach of ADR as opposed to being part of the national justice system.

6. Reform Imperatives: Nigeria to a Consistent Digital Justice Architecture.

As it is shown in the above analysis, Online Dispute Resolution (ODR) has already developed operational momentum in Nigeria, but its normative and institutional bases are still disjointed. To achieve long-term sustainability in incorporating ODR into the justice system of Nigeria, structural governance gaps need to be mitigated by making changes in Nigeria that are beyond the scope of technological adoption. Reform imperatives can fall in three interrelated categories, namely, (1) a national regulatory framework, (2) institutional and professional capacity development, and (3) regulatory harmonisation.

6.1. Institutionalizing a National ODR Framework.

There is currently no detailed statutory or policy tool that is specifically focused on ODR in Nigeria. In the present legislation, the law is divided into the Arbitration and Mediation Act 2023, the Evidence Act 2011, the Nigerian Data Protection Act 2023, and the judicial practice directions. Although such tools partially grant legal status to electronic procedures, they fail to state principles of accreditation of ODR platforms, technological protection, jurisdictional qualification, and cross-border enforcement guidelines.

An ODR structure on the national level, whether as a freestanding statute or as an integrated policy, enacted by the Federal Ministry of Justice together with the National Judicial Council would have a number of purposes:

First, it would shed some light on the legal validity of purely online proceedings, such as electronic filing, digital signatures, algorithm-based settlement applications, and platform-mediated mediation.

Second, it would put minimum technological and cybersecurity requirements on ODR providers. The given standards are necessary to reduce the risks of data breaches, identity fraud, and manipulation of the procedures.

Third, it would allow regulatory oversight mechanisms such as accreditation standards and complaint processes with the ODR providers. The absence of supervisory control over the operation of the private platforms would put them in a normative vacuum, which would compromise procedural fairness.

Fourth, it would establish the interface point of court-connected ODR and privately-based ODR measures, especially enforcement and appellate review.

Notably, reform should not be seen as over regulation which will restrict innovations. A principles model, centered on fairness, transparency, access, and data security and enforceability would be more practical to the technological change than strict codification of procedures.

6.2 Professional and Institutional Capacity Development.

A technological reform cannot be successful without human capacity. Limited digital competence by judicial actors, legal professionals, and dispute resolutions practitioners has remained a perennial weakness in the justice system in Nigeria.

The capacity building has to work on three tiers:

(a) Judicial Training

The National Judicial Institute ought to institutionalise organised training programmes on the digital evidence evaluation, computer security awareness, online case administration, and procedural fairness within online settings. Scepticism in the judiciary of the electronic processes is usually an indicator of poor exposure than an opposition of principle.

Besides, court officials will need to prepare their practice in assessing jurisdiction, consent, and diligence in cross-border digital litigation, especially that caused by e-commerce and fintech dealings.

(b) Professional Accreditation for ODR Neutrals

Although in Nigeria there is mediation and arbitration training, ODR specialised certification is scarce. Institutions of dispute resolution, including the Lagos Court of Arbitration and Multi-Door Courthouses ought to create compulsory online competency courses on how neutrals can manage online proceedings.

The skills to organize virtual hearings, to provide equality between parties during online hearings, and to protect confidentiality should become the professional norm instead of the optional ones.

(c) **Technological Infrastructure within Courts**

The judicial digitalisation efforts should not be confined to buying video conferencing devices on a case-by-case basis. Physical proceedings should be digitalised by institutionalising digital justice through integrated case management systems making it possible to file electronically, schedule, exchange documents, and provide real-time transcription.

It is important to have sustained budgetary allocation. Rhetoric of reform that is not followed by financing is a danger of instilling shallow digital change.

6.3 Regulatory Harmonisation and Inter-Agency Co-ordination.

ODR touches upon various areas of regulations, including justice administration, telecommunications, data protection, cybersecurity and financial services regulation. Today, the supervisory functions are distributed among various bodies such as the National Judicial Council, Nigerian Data Protection Commission and regulating bodies that are industry oriented.

There is a lack of regulatory dialogue. To illustrate, consumer protection regulations, financial regulation, and data protection requirements are all involved in a dispute related to fintech solved through an ODR platform.

Co-ordination between agencies needs to be structured in regulatory harmonisation. By means of a national task force or inter-ministerial committee on digital justice, it is possible to assist:

- i. Standard-setting collaboration,
- ii. Data-sharing protocols,
- iii. Equalized cybersecurity compliance,
- iv. Crossover of coherence in dispute resolution in cross-border.

There is also a necessity to harmonise to resolve the conflicts between the federal and state-level judicial reforms. Partially decentralisation of the justice administration means that inconsistent adoption of ODR practices among states will lead to inequality in access to digital justice.

6.4 Bridging the Digital Divide

Reform must confront the infrastructural inequality in Nigeria. ODR fails to fulfill its potential of providing more people with access to justice when the rural population lacks a good internet connection or is not digitally literate.

The responses of the policy should include:

- i. The court has Digital Justice kiosks that are available to the general population.
- ii. Reduced user interfaces of ODR court-linked systems,
- iii. Platform that is multi-linguistic and accommodates linguistic differences,
- iv. Collaboration with telecommunication providers to increase the coverage of the broadband.

ODR also has an ability of helping to disenfranchise vulnerable groups unless it has deliberate policies to incorporate them.

6.5 Development of Public Trust and Procedural Legitimacy.

The most subtle issue of ODR sustainability is the legitimacy issues. The perceptions of neutrality, confidentiality, and enforceability rely on the influence of perceived neutrality, confidentiality, and enforceability on the confidence that the public has in dispute resolution processes.

Reform should mandate:

- i. Clear procedural guidelines of ODR platforms,
- ii. Obvious data compliance disclosures,
- iii. Awareness campaigns on the processes of ODR and protection,
- iv. Released anonymous performance measures to increase accountability.

The establishment of trust measures cannot be done away with to avoid resistance based on fear of technological obscurity.

7. Conclusion

The development of Online Dispute Resolution in Nigeria shows wider trends in the world towards the digitalisation of the legal process. ODR has shifted to a more practical need rather than an experimental innovation, especially in commercial and fintech, and court-related situations. COVID-19 transformed this shift, and the sustainability of digital justice processes is now based on further institutionalization.

This paper has shown that the current situation in the ODR in Nigeria is marked by incomplete legal recognition, institutional experimentation and huge structural constraints. Although the Arbitration and Mediation Act 2023 and the associated law offer a regulatory framework of electronic proceedings, it is not a complete ODR regime. The lack of control, ambiguity in

policing, structural obstacles and disparity in digital literacy continue to inhibit the achievement of success.

ODR however, has great prospects. When well institutionalised, it will help to reduce case backlog, reduce transaction costs, promote commercial certainty and increase access to justice. It has a special potential in a jurisdiction where there has become chronic congestion of the courts and growing commercial activity in digital form.

The main issue is, thus, not the existence of ODR in Nigeria but the governance of it.

To turn ODR into a consistent element of Nigerian justice architecture, there is need of a credible national framework, institutional capacity-building, harmonisation of regulations, and infrastructural investment to make ODR more important as a reactive innovation than a stable element of the justice architecture. Reform should strike a balance between the innovation and procedural protection and that efficiency in technology should not be at the expense of fairness, transparency and accountability.

Finally, the legitimacy of the digital justice transformation in Nigeria will be determined by the capacity of ODR to be a principled extension of the rule of law and not just a technological Band-Aid to the structural flaws. When properly managed and applied inclusively, ODR can play a significant role in the modernisation of the Nigerian system of dispute resolution and the enhancement of the overall trust of people in the law governmental bodies.

8. Recommendation

In light of the doctrinal analysis, comparative insights, and identified implementation challenges, this study advances five comprehensive recommendations designed to reposition Online Dispute Resolution (ODR) as a coherent and sustainable component of Nigeria's digital justice architecture.

1. Enactment of a Comprehensive National ODR Framework

Nigeria should adopt a unified national ODR framework either as a standalone statute or as a consolidated regulatory instrument under the supervision of the Federal Ministry of Justice and the National Judicial Council. While the Arbitration and Mediation Act 2023 and the Evidence

Act 2011 provide indirect legal support for technology-enabled proceedings, they do not constitute a systemically integrated ODR regime.

A national framework should:

- Define and legally recognise fully online dispute processes, including digital filing, remote hearings, algorithm-assisted negotiation, and electronic awards.
- Establish minimum procedural guarantees for fairness, notice, consent, and equality of arms in virtual environments.
- Create accreditation standards and supervisory mechanisms for private and court-connected ODR providers.
- Clarify jurisdictional rules relating to seat of arbitration, applicable law, and cross-border enforcement in online settings.

Importantly, the framework should adopt a principles-based regulatory model grounded in transparency, due process, data security, and enforceability, thereby ensuring adaptability to future technological developments such as AI-assisted dispute resolution.

2. Harmonisation of ODR with Data Protection and Cybersecurity Governance

Given the sensitive nature of digital dispute processes, regulatory harmonisation between dispute resolution law and data governance regimes is imperative. The Nigeria Data Protection Act 2023 and the Cybercrimes (Prohibition, Prevention, etc.) Act 2015 provide general safeguards, yet they do not articulate ODR-specific compliance standards.

Reform should therefore:

- Mandate cybersecurity protocols for ODR platforms, including encryption, multi-factor authentication, and secure data storage.
- Require data protection impact assessments for accredited ODR providers.
- Establish reporting obligations in cases of data breach affecting dispute proceedings.
- Develop compliance guidelines jointly issued by the Nigerian Data Protection Commission and justice-sector regulators.

Such harmonisation would strengthen procedural legitimacy and reduce trust deficits associated with digital adjudication.

3. Institutional Digital Infrastructure and Integrated Case Management Systems

Sustainable ODR requires more than permissive legislation; it demands robust technological infrastructure. Judicial digitalisation should transition from ad hoc video-conferencing arrangements to integrated, end-to-end digital justice systems.

Accordingly:

- Federal and State judiciaries should institutionalise secure electronic case management systems incorporating e-filing, automated scheduling, digital document exchange, and virtual hearing modules.
- Budgetary allocations for digital justice should be ring-fenced to ensure continuity beyond emergency reforms such as those triggered by COVID-19.
- Court-connected ADR institutions, including the Lagos Multi-Door Courthouse, should be technologically upgraded to operate hybrid and fully online models supported by secure digital architecture.

Infrastructure investment is not merely administrative reform; it is foundational to ensuring equality of participation, procedural reliability, and scalability of ODR across jurisdictions.

4. Professional Capacity Building and Specialised ODR Accreditation

Human capital development is indispensable to digital justice reform. Judicial officers, arbitrators, mediators, and legal practitioners must acquire specialised competencies in managing online proceedings.

Reform initiatives should include:

- Institutionalised training programmes through the National Judicial Institute on digital evidence evaluation, cybersecurity awareness, and procedural fairness in virtual hearings.
- Mandatory ODR certification schemes for mediators and arbitrators, focusing on online hearing management, digital ethics, and confidentiality safeguards.
- Development of bench books and practice guidelines addressing evidentiary compliance under section 84 of the Evidence Act in fully online proceedings.

Without sustained professional development, technological adoption risks superficial implementation and inconsistent procedural quality.

5. Digital Inclusion Strategies to Safeguard Access to Justice

From an access-to-justice perspective, ODR must not reproduce structural inequalities. Nigeria's digital divide marked by disparities in connectivity, digital literacy, and geographic access poses a normative challenge to the inclusiveness of online justice.

To mitigate exclusionary risks:

- Digital justice kiosks or assisted ODR centres should be established within court premises to support litigants lacking personal digital access.

- ODR interfaces should be simplified, multilingual, and accessible to users with limited technological proficiency.
- Public legal awareness campaigns should educate citizens on ODR rights, procedures, and enforcement mechanisms.
- Collaboration with telecommunications providers should be explored to enhance broadband penetration in underserved regions.

A digitally transformative justice system must be accompanied by inclusive design principles that ensure equitable participation.

