

# Digital Justice And Civil Procedure Reform In Nigeria: A Critical Analysis Of Electronic Filing And Service Under The Taraba State High Court (Civil Procedure) Rules 2026

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## Abstract

The administration of civil justice in Nigeria has historically relied on paper-based filing systems, physical service of court processes, and in-person court proceedings. While these traditional mechanisms have ensured procedural certainty, they have also contributed to delays, high litigation costs, congestion in court registries, and barriers to access to justice. The emergence of digital technologies and the experience of the COVID-19 pandemic accelerated demands for judicial modernization across Nigerian courts. The Taraba State High Court (Civil Procedure) Rules 2026 represent a significant innovation in this regard by introducing mandatory electronic filing through the Nigerian Case Management System (NCMS), electronic service of court processes, electronic proof of service, virtual court sittings, and other digital justice mechanisms. This article critically examines the legal, procedural, and constitutional implications of these innovations. Employing doctrinal and comparative legal methodologies, the study analyses the provisions of the Taraba State High Court (Civil Procedure) Rules 2026 in light of constitutional guarantees of fair hearing, access to justice, due process, and judicial efficiency. The article argues that while digitalization promises faster and more efficient dispute resolution, significant concerns remain regarding digital exclusion, cyber-security risks, evidentiary challenges, infrastructure deficits, and the constitutional validity of certain forms of electronic service. The article further compares the Taraba model with developments in Lagos State, the National Industrial Court of Nigeria, England and Wales, Kenya, and South Africa. It concludes that the Taraba reforms represent a progressive step towards a modern judiciary but require robust technological infrastructure, legislative harmonization, judicial training, and procedural safeguards to achieve sustainable digital justice. The article proposes a framework for balancing efficiency with procedural fairness in Nigeria's evolving e-justice ecosystem.

**Keywords:** Digital Justice, E-Filing, Electronic Service, Virtual Courts, Civil Procedure, Access to Justice,

## INTRODUCTION

The administration of civil justice has traditionally depended upon procedural mechanisms designed to ensure fairness, certainty, and the orderly determination of disputes. Among the most fundamental of these mechanisms are the filing of originating processes and the service of such processes on opposing parties. Filing formally invokes the jurisdiction of the court, while service guarantees that parties whose rights may be affected are afforded notice and an opportunity to be heard in accordance with the principles of natural justice and fair hearing.<sup>1</sup>

For decades, Nigerian civil procedure has been characterized by a paper-based system in which court processes are physically prepared, manually assessed, and filed at court registries. Similarly, service of originating processes has largely depended upon physical delivery by court bailiffs or other authorized officers.<sup>2</sup> Although these traditional methods have played a significant role in safeguarding procedural regularity, they have also been criticized for contributing to delays, excessive litigation costs, registry congestion, loss of court records, and inefficiencies in the administration of justice.<sup>3</sup> The increasing penetration of information and communication technology (ICT) across public institutions has generated renewed interest in the digital transformation of judicial systems worldwide. Courts in several jurisdictions have adopted electronic filing systems, electronic service of process, virtual hearings, electronic case management platforms, and artificial intelligence-assisted judicial administration.<sup>4</sup> These innovations seek to enhance efficiency, reduce costs, improve access to justice, and facilitate speedy resolution of disputes.

The COVID-19 pandemic accelerated this global transition towards digital justice. Lockdowns and restrictions on physical gatherings disrupted conventional court operations and compelled many judicial systems to experiment with remote hearings and electronic filing mechanisms.<sup>5</sup> In Nigeria, courts responded through various practice directions permitting virtual proceedings and remote filing of court processes.<sup>6</sup> Against this backdrop, the Taraba State High Court (Civil Procedure) Rules 2026 represent one of the most comprehensive procedural reforms in contemporary Nigerian civil justice administration. Unlike earlier procedural regimes that merely accommodated limited digital practices, the 2026 Rules establish electronic filing through the Nigerian Case Management System (NCMS), recognize electronically generated documents, permit electronic service of processes, and authorize virtual court sittings.<sup>7</sup>

Order 6 Rule 1 of the Rules provides that originating processes shall be filed through the NCMS e-filing platform, while Order 7 Rule 5 expressly empowers courts to order substituted service through electronic or digital means.<sup>8</sup> Furthermore, Order 9 Rule 8 authorizes virtual court sittings through appropriate video conferencing technology, thereby institutionalizing online adjudication within the State's judicial system.<sup>9</sup> These innovations raise significant doctrinal and constitutional questions. While electronic filing and service promise greater efficiency, they simultaneously challenge traditional assumptions concerning jurisdiction, proof of service, procedural fairness, and access to justice. Questions arise as to whether

<sup>1</sup> Fidelis Nwadiaro, *Civil Procedure in Nigeria* (2nd edn, University of Lagos Press 2000) 217–223.

<sup>2</sup> Fidelis Nwadiaro, *Civil Procedure in Nigeria* (2nd edn, University of Lagos Press 2000) 217–223.

<sup>3</sup> D I Efevwerhan, *Principles of Civil Procedure in Nigeria* (2nd edn, Chenglo Ltd 2020) 56–61.

<sup>4</sup> Richard Susskind, *Online Courts and the Future of Justice* (OUP 2019) 34–48.

<sup>5</sup> M Ogwezzy, 'Impact of the COVID-19 Pandemic on the Transformation of the Judicial System in Nigeria: From Traditional to Digital Justice' (2025) 3 *Journal of Digital Technologies and Law* 255.

<sup>6</sup> National Judicial Council, *Guidelines for Court Sittings and Related Matters in the COVID-19 Period* (2020).

<sup>7</sup> Taraba State High Court (Civil Procedure) Rules 2026, Orders 6, 7 and 9.

<sup>8</sup> Taraba State High Court (Civil Procedure) Rules 2026, Order 6 Rule 1 and Order 7 Rule 5.

<sup>9</sup> Taraba State High Court (Civil Procedure) Rules 2026, Order 9 Rule 8.

electronic service adequately satisfies constitutional requirements of fair hearing, whether digital methods can effectively replace personal service, and whether mandatory electronic procedures may inadvertently exclude litigants who lack technological capacity or internet access.<sup>10</sup>

This article therefore critically examines the legal implications of electronic filing and service under the Taraba State High Court (Civil Procedure) Rules 2026. It evaluates the extent to which these reforms promote judicial efficiency while preserving constitutional guarantees of due process and fair hearing. The article further situates the Taraba reforms within broader developments in Nigerian and comparative jurisprudence on digital justice.

## 1. BACKGROUND TO THE STUDY

Civil procedure serves as the framework through which substantive legal rights are enforced. As Lord Denning famously observed, procedural law constitutes the machinery through which justice is administered.<sup>11</sup> Consequently, procedural reforms often determine the effectiveness of judicial institutions as much as substantive legal rules. Historically, Nigerian civil procedure developed from the English common law tradition inherited during colonial administration. Following independence, various states adopted High Court Civil Procedure Rules largely modelled after English procedural practice.<sup>12</sup> These rules emphasized personal filing, physical service of process, and face-to-face courtroom adjudication. Service of process occupies a particularly significant position within Nigerian procedural jurisprudence. The Supreme Court has repeatedly held that service of the originating process is fundamental to the exercise of jurisdiction.<sup>13</sup> Failure to properly serve an originating process renders proceedings a nullity regardless of the merits of the underlying claim.<sup>14</sup> In **Skenconsult (Nig.) Ltd v Ukey**, the Supreme Court stated that service of process is a condition precedent to the exercise of judicial authority over a defendant.<sup>15</sup> Similarly, in **Mark v Eke**, the Court reaffirmed that a defendant who has not been properly served cannot be bound by judicial proceedings.<sup>16</sup>

The traditional insistence on physical service evolved in an era where personal delivery represented the most reliable means of ensuring notice. However, technological developments have significantly altered modes of communication. Email, electronic messaging platforms, social media applications, and digital communication systems have become integral components of daily commercial and social interactions.<sup>17</sup> Consequently, many jurisdictions have begun to recognize electronic methods of service. In England and Wales, the Civil Procedure Rules permit service through electronic means subject to specified conditions.<sup>18</sup> Similar developments have occurred in South Africa, Kenya, Singapore, Australia, and Canada.<sup>19</sup>

Nigeria has gradually followed this trend. The National Industrial Court of Nigeria has introduced electronic filing and service mechanisms through practice directions requiring parties to provide electronic contact information.<sup>20</sup> The Lagos State Judiciary has similarly adopted electronic filing platforms and virtual hearing systems.<sup>21</sup> The Taraba State High Court Rules 2026 constitute a significant advancement

<sup>10</sup> P Agunia, 'Balancing Speed and Safeguards: Rethinking Electronic Service and the Right to be Heard in Nigeria' (2026) *SSRN Electronic Journal*.

<sup>11</sup> Lord Denning, *The Due Process of Law* (Butterworths 1980) 7.

<sup>12</sup> T A Aguda, *Practice and Procedure of the Supreme Court, Court of Appeal and High Courts of Nigeria* (2nd edn, Heinemann 1989) 1–5.

<sup>13</sup> *Skenconsult (Nig) Ltd v Ukey* (1981) 1 SC 6.

<sup>14</sup> *Craig v Kanseen* [1943] KB 256.

<sup>15</sup> *Skenconsult (Nig) Ltd v Ukey* (1981) 1 SC 6, 26–27.

<sup>16</sup> *Mark v Eke* (2004) 5 NWLR (Pt 865) 54.

<sup>17</sup> Chukwuma Onuzulike, 'Social Media and Substituted Service of Court Processes in Nigeria' (2019) *SSRN Electronic Journal*.

<sup>18</sup> Civil Procedure Rules 1998 (England and Wales), Part 6.

<sup>19</sup> Richard Susskind (n 4) 121–143.

<sup>20</sup> National Industrial Court of Nigeria Civil Procedure Rules 2017 and relevant Practice Directions.

<sup>21</sup> A Omodele and A Olubukola, 'The Pros and Cons of Technology in the Judicial Process in Lagos State, Nigeria' (2024) *African Journal of Humanities and Contemporary Education Research*.

within this evolving framework. The Rules expressly define electronic filing as filing through the NCMS Portal and recognize electronically generated documents as valid court documents.<sup>22</sup> More importantly, they move beyond mere accommodation of technology to establish digital procedures as a central feature of civil litigation. Order 7 Rule 13 further provides for proof of service generated through Legal Mail systems, while Order 9 Rule 8 expressly validates virtual court sittings conducted through video conferencing platforms.<sup>23</sup> These provisions reflect an emerging judicial philosophy that seeks to balance procedural integrity with technological efficiency.

Notwithstanding these advantages, concerns remain regarding the constitutional implications of digital justice. Nigeria continues to face significant infrastructure challenges, including unreliable electricity supply, inconsistent internet connectivity, cyber-security vulnerabilities, and unequal access to digital technology.<sup>24</sup> These realities raise important questions regarding whether the benefits of judicial digitalization can be realized without undermining constitutional guarantees of equality, access to justice, and fair hearing. The Taraba reforms therefore provide a unique opportunity to examine the interaction between technological innovation and procedural justice within the Nigerian legal system.

## 2. CONCEPTUAL AND THEORETICAL FRAMEWORK

### 2.1 Meaning of Digital Justice

Digital justice refers to the integration of information and communication technologies (ICTs) into judicial administration and dispute resolution processes to improve access, efficiency, transparency, and effectiveness in the delivery of justice.<sup>25</sup> It encompasses the deployment of electronic filing systems, electronic service of court processes, virtual court proceedings, electronic case management systems, online dispute resolution mechanisms, and digital evidence management platforms.<sup>26</sup>

The concept emerged as part of the broader movement towards e-governance and digital transformation within public institutions. While traditional justice systems rely primarily on paper-based documentation and physical courtroom interactions, digital justice seeks to modernize these processes through technological innovation.<sup>27</sup> Richard Susskind argues that digital justice is not merely the automation of existing court procedures but represents a fundamental rethinking of how judicial services should be delivered in the twenty-first century.<sup>28</sup>

The concept gained significant prominence during the COVID-19 pandemic, when courts worldwide were compelled to adopt remote hearing technologies and electronic filing mechanisms to ensure continuity of judicial functions.<sup>29</sup> In Nigeria, the pandemic accelerated the adoption of virtual court proceedings, electronic filing systems, and digital communication platforms within the judiciary.<sup>30</sup> The Taraba State High Court (Civil Procedure) Rules 2026 embody the principles of digital justice by institutionalizing electronic filing through the Nigerian Case Management System (NCMS), recognizing electronic documents, permitting electronic service, and authorizing virtual court sittings.<sup>31</sup> These innovations reflect

<sup>22</sup> Taraba State High Court (Civil Procedure) Rules 2026, Order 1 rule 5 and Order 6 rule 1.

<sup>23</sup> Taraba State High Court (Civil Procedure) Rules 2026, Order 7 Rule 13 and Order 9 Rule 8.

<sup>24</sup> K. Sabit, 'Technology and Its Use in Nigerian Courts' (2022) *SSRN Electronic Journal*.

<sup>25</sup> Richard Susskind, *Online Courts and the Future of Justice* (Oxford University Press 2019) 34–56.

<sup>26</sup> Paul Aidonjio, Samaila Wakili and Daniel Ayuba, 'Effectiveness of the Administration of Justice in Nigeria Under the Development of Digital Technologies' (2023) 4 *Journal of Digital Technologies and Law* 702.

<sup>27</sup> Kemi Sabit, 'Technology and Its Use in Nigerian Courts' (2022) *SSRN Electronic Journal*.

<sup>28</sup> Susskind (n 1) 41.

<sup>29</sup> Mike Ogwezzy, 'Impact of the COVID-19 Pandemic on the Transformation of Judicial System in Nigeria: From Traditional to Digital Justice' (2025) 6 *Journal of Digital Technologies and Law* 255.

<sup>30</sup> National Judicial Council, *Guidelines for Court Sittings and Related Matters in the COVID-19 Period* (2020).

<sup>31</sup> Taraba State High Court (Civil Procedure) Rules 2026, Order 1 rule 5; Order 6 rule 1; Order 9 rule 8.

a deliberate shift from traditional paper-based justice administration towards technology-driven adjudication.

However, digital justice extends beyond technological efficiency. It also encompasses concerns regarding fairness, accessibility, procedural integrity, cybersecurity, and protection of constitutional rights. Consequently, any evaluation of digital justice must balance technological innovation with the fundamental objectives of judicial administration.<sup>32</sup>

## 2.2 Meaning of Electronic Filing

Electronic filing (e-filing) refers to the submission, processing, storage, and management of court documents through electronic platforms rather than through physical filing at court registries.<sup>33</sup> Traditionally, litigants commenced actions by physically submitting originating processes and accompanying documents to court registries where filing fees were assessed and paid manually.<sup>34</sup> E-filing replaces this process with digital platforms that enable users to upload documents electronically, make payments online, and receive immediate confirmation of filing.

The Taraba State High Court Rules 2026 define e-filing as the electronic filing of court processes or documents on the NCMS Portal and mandate that originating processes shall be filed through the NCMS e-filing platform.<sup>35</sup> This represents a significant procedural innovation within Nigerian civil justice administration. Electronic filing offers numerous advantages. It facilitates twenty-four-hour access to filing systems, reduces registry congestion, improves record management, and enables litigants to initiate proceedings from any location with internet access.<sup>36</sup> Furthermore, e-filing systems generate electronic audit trails that enhance transparency and reduce opportunities for manipulation of court records.<sup>37</sup>

From a jurisprudential perspective, e-filing may be viewed as an instrument for advancing access to justice by eliminating geographical and administrative barriers that impede litigation. Nevertheless, concerns remain regarding digital exclusion, technological reliability, and cybersecurity vulnerabilities.<sup>38</sup>

## 2.3 Meaning of Electronic Service

Electronic service (e-service) refers to the delivery of court processes, notices, orders, and other judicial communications through electronic means rather than through conventional physical methods.<sup>39</sup> Such methods may include email, electronic court portals, designated legal mail systems, text messaging platforms, and other digital communication technologies recognized by law. Service of process occupies a fundamental position within civil procedure because it ensures compliance with the constitutional requirement that no person should be condemned without being afforded notice and an opportunity to be heard.<sup>40</sup> Consequently, the validity of judicial proceedings frequently depends upon proper service of originating processes.

Historically, service was effected through personal delivery by court bailiffs or authorized process servers.<sup>41</sup> However, technological developments have prompted increasing recognition that electronic

<sup>32</sup> Peace Agunia, 'Balancing Speed and Safeguards: Rethinking Electronic Service and the Right to Be Heard in Nigeria' (2026) *SSRN Electronic Journal*.

<sup>33</sup> Adebayo Omodele and Adeola Olubukola, 'The Pros and Cons of Technology in the Judicial Process in Lagos State, Nigeria' (2024) *African Journal of Humanities and Contemporary Education Research*.

<sup>34</sup> Fidelis Nwadialo, *Civil Procedure in Nigeria* (2nd edn, University of Lagos Press 2000) 215–223.

<sup>35</sup> Taraba State High Court (Civil Procedure) Rules 2026, Order 1 rule 5; Order 6 rule 1.

<sup>36</sup> Aidonojie, Wakili and Ayuba (n 2).

<sup>37</sup> Susskind (n 1) 102–117.

<sup>38</sup> Agunia (n 8).

<sup>39</sup> Chukwuma Onuzulike, 'Social Media and Substituted Service of Court Processes in Nigeria: An Analysis of Contemporary Trends' (2019) *SSRN Electronic Journal*.

<sup>40</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended), s 36(1).

<sup>41</sup> D I Efevwerhan, *Principles of Civil Procedure in Nigeria* (2nd edn, Chenglo Ltd 2020) 56–67.



communication may provide more effective notice than traditional methods in certain circumstances. The Taraba State High Court Rules 2026 expressly authorize substituted service through electronic or digital means where personal service cannot be promptly effected.<sup>42</sup> The Rules further recognize electronic proof of service generated through Legal Mail systems.<sup>43</sup> The theoretical justification for electronic service lies in the principle that procedural rules should focus on actual notification rather than rigid adherence to outdated formalities. As Onuzulike observes, service through digital platforms may often be more effective than newspaper advertisements traditionally used for substituted service because contemporary communication increasingly occurs through electronic channels.<sup>44</sup>

## 2.4 Meaning of Virtual Court Proceedings

Virtual court proceedings refer to judicial hearings conducted through digital communication technologies that permit judges, legal practitioners, litigants, witnesses, and members of the public to participate remotely without physical attendance in a courtroom.<sup>45</sup> Such proceedings are typically facilitated through video conferencing technologies including Zoom, Microsoft Teams, Webex, and other approved platforms. Virtual hearings enable participants to present arguments, examine witnesses, tender documents, and receive judicial decisions through electronic means.<sup>46</sup> The concept gained widespread acceptance during the COVID-19 pandemic when physical court operations became severely restricted. Courts worldwide increasingly relied upon remote hearing technologies to ensure continuity of judicial services while complying with public health measures.<sup>47</sup>

In Nigeria, various courts adopted virtual hearing mechanisms through practice directions and administrative guidelines.<sup>48</sup> The constitutional validity of such proceedings was subsequently reinforced by amendments recognizing the legality of virtual court sittings. Order 9 Rule 8 of the Taraba State High Court Rules 2026 expressly authorizes virtual court sittings and recognizes online proceedings conducted through appropriate video conferencing software.<sup>49</sup> Virtual hearings offer several advantages, including reduced travel costs, enhanced accessibility, flexible scheduling, and improved efficiency.<sup>50</sup> However, they also raise concerns regarding technological reliability, witness credibility assessment, confidentiality, public access, and procedural fairness.<sup>51</sup>

## 2.5 THEORIES UNDERPINNING JUDICIAL DIGITALISATION

Adopting digital justice mechanisms may be explained and evaluated through several theoretical frameworks. These theories provide analytical tools for understanding the objectives, benefits, and challenges associated with judicial digitalization.

### 2.5.1 Access to Justice Theory

Access to Justice Theory provides one of the most influential justifications for judicial digitalization. The theory is principally associated with Mauro Cappelletti and Bryant Garth, who argue that legal systems should ensure effective and meaningful access to judicial remedies for all persons regardless of socioeconomic status, geographical location, or institutional barriers.<sup>52</sup> According to Cappelletti and Garth,

<sup>42</sup> Taraba State High Court (Civil Procedure) Rules 2026, Order 7 rule 5.

<sup>43</sup> Taraba State High Court (Civil Procedure) Rules 2026, Order 7 rule 13(2).

<sup>44</sup> Onuzulike (n 15).

<sup>45</sup> Ogwezzy (n 5).

<sup>46</sup> Sule Ibrahim, Faith Olorunyomi, Joseph Ajah and Abubakar Usman, 'Virtual Court Proceedings in Nigeria: Some Legal Matters Arising' (2024) 3 *European Journal of Law and Political Science* 91.

<sup>47</sup> Susskind (n 1) 121–143.

<sup>48</sup> Taraba State High Court (Civil Procedure) Rules 2026, Order 9 rule 8.

<sup>49</sup> Sule, Olorunyomi, Ajah and Usman (n 22).

<sup>50</sup> Ogwezzy (n 5).

<sup>51</sup> Mauro Cappelletti and Bryant Garth, *Access to Justice: A World Survey* (Sijthoff and Noordhoff 1978).

<sup>52</sup> Cappelletti and Garth (n 28) 6–9.

access to justice constitutes the most fundamental requirement of any legal system because rights become meaningless if individuals cannot effectively enforce them.<sup>53</sup>

Digital justice initiatives seek to advance this objective by reducing costs, eliminating geographical barriers, and simplifying procedural processes. Electronic filing enables litigants to commence actions remotely, while virtual hearings facilitate participation without extensive travel.<sup>54</sup> The Taraba State reforms can therefore be viewed as attempts to enhance access to justice through technological innovation. By permitting electronic filing and virtual proceedings, the Rules reduce practical barriers that may impede access to judicial remedies. However, Access to Justice Theory also highlights potential dangers associated with digitalization. Where technological resources are unevenly distributed, digital justice may inadvertently exclude vulnerable populations lacking internet access or technological competence.<sup>55</sup>

### 2.5.2 Procedural Justice Theory

Procedural Justice Theory focuses on the fairness of decision-making processes rather than merely the substantive outcomes produced by those processes.<sup>56</sup> The theory is most closely associated with Tom Tyler, who argues that public confidence in legal institutions depends significantly upon perceptions of procedural fairness.<sup>57</sup> According to Tyler, individuals are more likely to accept judicial decisions—even unfavorable ones—when they perceive the procedures leading to those decisions as fair, transparent, impartial, and respectful.<sup>58</sup>

Within the context of digital justice, Procedural Justice Theory requires that technological innovations preserve fundamental procedural guarantees such as notice, participation, equality, transparency, and impartiality. Electronic filing, electronic service, and virtual hearings must therefore operate in a manner consistent with constitutional fair hearing requirements.<sup>59</sup> The theory is particularly relevant to the Taraba Rules because it provides a framework for assessing whether digital procedures enhance or undermine procedural fairness.

### 2.5.3 Technology Acceptance Theory

Technology Acceptance Theory (TAM) was developed by Fred Davis to explain factors influencing the adoption and use of technological innovations.<sup>60</sup> The theory identifies two principal determinants of technology acceptance:

- a. perceived usefulness; and
- b. perceived ease of use.<sup>61</sup>

According to Davis, individuals are more likely to adopt a technological system where they believe it will improve performance and where it is relatively easy to use. Applied to judicial digitalization, the theory suggests that judges, lawyers, court staff, and litigants will embrace electronic filing and virtual hearing systems only where such systems are perceived as beneficial and user-friendly.<sup>62</sup>

The theory therefore highlights the importance of training, user support, technological reliability, and system design in ensuring successful implementation of digital justice reforms. In the Nigerian context,

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<sup>53</sup> Susskind (n 1) 89–117.

<sup>54</sup> Agunia (n 8).

<sup>55</sup> Tom R. Tyler, *Why People Obey the Law* (Princeton University Press 2006).

<sup>56</sup> *ibid* 115–124.

<sup>57</sup> *Ibid*

<sup>58</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended), s 36.

<sup>59</sup> Fred D Davis, 'Perceived Usefulness, Perceived Ease of Use and User Acceptance of Information Technology' (1989) 13 *MIS Quarterly* 319.

<sup>60</sup> *ibid* 320–321.

<sup>61</sup> National Judicial Council (n 6).

<sup>62</sup> Aidonojie, Wakili and Ayuba (n 2).

Technology Acceptance Theory helps explain why resistance to digital justice may occur among legal practitioners unfamiliar with technological platforms.<sup>63</sup>

#### 2.5.4 Judicial Efficiency Theory

Judicial Efficiency Theory emphasizes the importance of resolving disputes promptly, economically, and effectively while minimizing unnecessary expenditure of judicial resources.<sup>64</sup> The theory is grounded in the principle that delays in adjudication undermine public confidence in the judiciary and may amount to denial of justice. The well-known maxim that “justice delayed is justice denied” encapsulates this concern.<sup>65</sup>

Digital justice reforms seek to enhance efficiency through automation, electronic communication, and improved case management. Electronic filing reduces administrative delays, electronic service accelerates notification processes, and virtual hearings minimize scheduling difficulties.<sup>66</sup> The Taraba State reforms reflect a strong commitment to judicial efficiency. Mandatory NCMS filing, electronic proof of service, digital communication mechanisms, and virtual court sittings are all designed to reduce delays and improve productivity.<sup>67</sup>

### 3. THE TRADITIONAL SYSTEM OF FILING AND SERVICE IN NIGERIA

#### 3.1 Historical Development

The Nigerian civil justice system developed largely from the English common law tradition introduced during the colonial period. Prior to colonial rule, dispute resolution among indigenous communities was primarily conducted through customary institutions, including traditional rulers, family heads, village councils, and community tribunals.<sup>68</sup> These institutions emphasized reconciliation, communal harmony, and restorative justice rather than the highly formalized procedures that characterize modern courts. With the establishment of British colonial administration, English procedural rules were gradually introduced into Nigeria through various reception statutes and ordinances.<sup>69</sup> The Supreme Court Ordinance of 1876 and subsequent judicial reforms established formal courts operating in accordance with English legal principles.<sup>70</sup> Consequently, Nigerian civil procedure evolved around concepts such as writs of summons, pleadings, personal service, affidavits, and oral trials conducted in open court.

Following independence in 1960, Nigeria retained much of the inherited procedural framework. Various High Court Civil Procedure Rules adopted by the states continued to emphasize paper-based filing systems, physical service of processes, and in-person court proceedings.<sup>71</sup> Although amendments were periodically introduced to improve efficiency, the fundamental structure of civil litigation remained largely unchanged for decades.

The traditional model operated effectively in an era when paper documentation represented the primary means of communication and record keeping. However, technological developments, population growth, increasing commercial activity, and expanding litigation volumes gradually exposed significant weaknesses within the system.<sup>72</sup>

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<sup>63</sup> Sabit (n 3).

<sup>64</sup> Roscoe Pound, *The Causes of Popular Dissatisfaction with the Administration of Justice* (American Bar Association 1906).

<sup>65</sup> Susskind (n 1) 102–117.

<sup>66</sup> Omodele and Olubukola (n 9).

<sup>67</sup> Taraba State High Court (Civil Procedure) Rules 2026, Orders 6, 7 and 9.

<sup>68</sup> E I Nwogugu, *Family Law in Nigeria* (HEBN Publishers 2014) 3–7.

<sup>69</sup> T A Aguda, *Practice and Procedure of the Supreme Court, Court of Appeal and High Courts of Nigeria* (2nd edn, Heinemann 1989) 1–5.

<sup>70</sup> A O Obilade, *The Nigerian Legal System* (Sweet & Maxwell 1979) 23–41.

<sup>71</sup> Fidelis Nwadialo, *Civil Procedure in Nigeria* (2nd edn, University of Lagos Press 2000) 1–18.

<sup>72</sup> D I Efevwerhan, *Principles of Civil Procedure in Nigeria* (2nd edn, Chenglo Ltd 2020) 56–67.



### 3.2 Manual Filing Procedures

Under the traditional Nigerian civil procedure system, commencement of actions depended almost entirely upon manual filing processes. A litigant or legal practitioner was required to prepare originating processes in hard-copy form and physically present them at the court registry for assessment and filing.<sup>73</sup>

The filing process ordinarily involved several stages. First, court officials examined the documents to ensure compliance with procedural requirements. Secondly, filing fees were assessed and paid physically at designated payment points. Thirdly, evidence of payment was presented to registry officials before the documents were formally accepted and assigned suit numbers.<sup>74</sup> This system required substantial interaction between litigants, legal practitioners, and court personnel. In many instances, the process involved multiple visits to court registries before filing could be completed.

The manual nature of the system generated various administrative difficulties. Registry officials were required to handle large volumes of paper documents, maintain physical files, and manually record case information.<sup>75</sup> The risk of misplaced documents, inaccurate record keeping, and delays in processing filings was therefore considerable.

Moreover, the requirement for physical presence imposed significant burdens upon litigants residing far from court locations. Such persons frequently incurred substantial transportation and accommodation expenses merely to commence proceedings.<sup>76</sup>

### 3.3 Physical Service of Originating Processes

Service of the originating process constitutes one of the most fundamental requirements of civil litigation. It ensures that a defendant receives notice of proceedings and is afforded an opportunity to defend the action.<sup>77</sup> Traditionally, service was effected through personal delivery by court bailiffs, sheriffs, or other authorized process servers.<sup>78</sup> The originating process was physically delivered to the defendant, who was required to acknowledge receipt where possible.

The preference for personal service was based upon the belief that direct delivery constituted the most reliable means of ensuring actual notice. Consequently, courts generally insisted upon strict compliance with service requirements. Where personal service could not be effected, courts occasionally authorized substituted service. Such service typically involved newspaper publications, posting notices at the defendant's last known address, affixing processes to conspicuous locations, or delivering documents to responsible adults residing at the relevant premises.<sup>79</sup> Although substituted service was recognized as a practical necessity, courts traditionally treated it as an exceptional measure requiring judicial authorization. The physical service model reflected communication practices prevailing before the widespread use of electronic technologies. However, increasing reliance upon digital communication has prompted questions regarding whether traditional service methods remain the most effective means of providing notice to litigants.<sup>80</sup>

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<sup>73</sup> Nwadialo (n 4) 215–223.

<sup>74</sup> Ibid

<sup>75</sup> Efevwerhan (n 5) 61–67.

<sup>76</sup> Mauro Cappelletti and Bryant Garth, *Access to Justice* (Martinus Nijhoff 1978) 9–17.

<sup>77</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended), s 36(1).

<sup>78</sup> Sheriffs and Civil Process Act, Cap S6 Laws of the Federation of Nigeria 2004.

<sup>79</sup> Nwadialo (n 4) 233–240.

<sup>80</sup> Chukwuma Onuzulike, 'Social Media and Substituted Service of Court Processes in Nigeria: An Analysis of Contemporary Trends' (2019) *SSRN Electronic Journal*.

### 3.4 Jurisdictional Nature of Service

Perhaps the most distinctive feature of Nigerian procedural law is the jurisdictional significance attached to service of the originating process. The Supreme Court has consistently held that service of the originating process constitutes a condition precedent to the exercise of judicial authority over a defendant.<sup>81</sup> Failure to properly serve an originating process deprives the court of jurisdiction and renders subsequent proceedings a nullity irrespective of the merits of the case.<sup>82</sup>

The leading authority remains *Skenconsult (Nig.) Ltd v Ukey*, where the Supreme Court emphasized that service of process is fundamental because it provides notice and ensures compliance with constitutional fair hearing requirements.<sup>83</sup> Similarly, in *Mark v Eke*, the Court reaffirmed that a person cannot be bound by judicial proceedings of which he has not received proper notice.<sup>84</sup> The jurisdictional character of service derives from section 36 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), which guarantees every person the right to fair hearing.<sup>85</sup> Since notice is indispensable to meaningful participation in litigation, defective service undermines the constitutional legitimacy of judicial proceedings.

### 3.5 Challenges of the Traditional System

Despite its historical significance, the traditional filing and service system has attracted sustained criticism for generating delays, increasing costs, and undermining efficient administration of justice.

#### 3.5.1 Delay

Delay constitutes one of the most persistent criticisms of traditional civil procedure in Nigeria. Manual filing procedures often involve lengthy administrative processes before actions are formally commenced. Delays may arise from registry congestion, inadequate staffing, bureaucratic inefficiencies, and difficulties in effecting service of processes.<sup>86</sup> Service itself frequently contributes to prolonged litigation. Bailiffs may experience difficulties locating defendants, particularly where parties reside outside the jurisdiction or deliberately evade service.<sup>87</sup> The cumulative effect of these delays is a justice system in which disputes often remain unresolved for extended periods. Such delays undermine public confidence and may effectively deny access to justice. As Lord Denning famously observed, “justice delayed is justice denied.”<sup>88</sup>

#### 3.5.2 Registry Congestion

Traditional filing systems generate substantial congestion within court registries. Large volumes of physical documents require storage, classification, retrieval, and preservation.<sup>89</sup> As litigation volumes increase, registry facilities frequently become overwhelmed by growing quantities of paper records.

Congestion may result in misplaced files, delays in retrieving documents, and inefficiencies in case management.<sup>90</sup> The problem is particularly acute in courts with limited storage facilities and inadequate administrative resources. Registry congestion also contributes indirectly to judicial delay by impeding efficient processing of court records.

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<sup>81</sup> *Skenconsult (Nig) Ltd v Ukey* (1981) 1 SC 6.

<sup>82</sup> *Craig v Kanseen* [1943] KB 256.

<sup>83</sup> *Skenconsult (Nig) Ltd v Ukey* (1981) 1 SC 6, 26–27.

<sup>84</sup> *Mark v Eke* (2004) 5 NWLR (Pt 865) 54.

<sup>85</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended), s 36.

<sup>86</sup> Efevwerhan (n 5) 89–101.

<sup>87</sup> Nwadialo (n 4) 234–240.

<sup>88</sup> Lord Denning, *The Due Process of Law* (Butterworths 1980) 58.

<sup>89</sup> Efevwerhan (n 5) 92–95.

<sup>90</sup> Richard Susskind, *Online Courts and the Future of Justice* (OUP 2019) 77–92.

### 3.5.3 High Cost of Litigation

The traditional filing and service system imposes significant financial burdens upon litigants. Expenses associated with transportation, photocopying, printing, filing fees, service fees, courier charges, and repeated court appearances may substantially increase litigation costs.<sup>91</sup> For litigants residing in rural or distant locations, these costs may constitute a significant barrier to access to justice. The financial burden is often exacerbated where repeated attempts at service are required. Consequently, traditional procedural mechanisms may discourage legitimate claims and undermine the constitutional objective of equal access to judicial remedies.<sup>92</sup>

### 3.5.4 Technical Defects and Nullification of Proceedings

Perhaps the most controversial aspect of traditional civil procedure is the extent to which technical procedural defects may invalidate judicial proceedings. Nigerian courts have historically attached considerable importance to compliance with procedural requirements relating to filing, signing, endorsement, stamping, and service of court processes.<sup>93</sup> In several cases, proceedings have been nullified because of seemingly minor procedural irregularities notwithstanding the substantive merits of the dispute.<sup>94</sup> The Supreme Court decision in *Okafor v Nweke* illustrates the judiciary's strict approach to procedural compliance, particularly regarding the signing of court processes.<sup>95</sup> Similarly, defective service of the originating process has frequently resulted in the nullification of otherwise valid proceedings.<sup>96</sup>

Critics argue that excessive reliance upon procedural technicalities may undermine substantive justice and frustrate the constitutional objective of resolving disputes on their merits.<sup>97</sup>

## 4. DIGITAL INNOVATIONS UNDER THE TARABA STATE HIGH COURT (CIVIL PROCEDURE) RULES 2026

### 4.1 Mandatory Electronic Filing through NCMS

The most significant innovation introduced by the Taraba State High Court (Civil Procedure) Rules 2026 is the establishment of mandatory electronic filing through the Nigerian Case Management System (NCMS). This innovation represents a fundamental departure from the traditional filing model that has historically characterized civil litigation in Nigeria. Order 6 Rule 1 of the Rules provides that every originating process shall be filed electronically through the NCMS E-Filing Platform.<sup>98</sup> The provision effectively replaces the long-standing requirement for physical submission of documents at court registries and introduces a digital mechanism for initiating civil proceedings. Traditionally, filing involved multiple administrative stages, including physical presentation of documents, assessment of filing fees, manual payments, registry endorsement, and allocation of suit numbers.<sup>99</sup>

The introduction of mandatory electronic filing addresses many of these challenges. Through the NCMS, legal practitioners and litigants may prepare, upload, and submit court processes electronically from any location with internet access.<sup>100</sup> The system also permits electronic payment of filing fees and automatic generation of case records. The significance of this reform extends beyond administrative convenience. By reducing dependence on physical court registries, electronic filing promotes efficiency, transparency, and

<sup>91</sup> Cappelletti and Garth (n 9) 13–17.

<sup>92</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended), s 17(2)(e).

<sup>93</sup> Nwadialo (n 4) 245–252.

<sup>94</sup> *D I Efevwerhan* (n 5) 101–108.

<sup>95</sup> *Okafor v Nweke* (2007) 10 NWLR (Pt 1043) 521.

<sup>96</sup> *Skenconsult (Nig) Ltd v Ukey* (1981) 1 SC 6.

<sup>97</sup> Ogbu O, *Civil Litigation in Nigeria* (Malthouse Press 2018) 122–130.

<sup>98</sup> Taraba State High Court (Civil Procedure) Rules 2026, Order 6 rule 1.

<sup>99</sup> Fidelis Nwadialo, *Civil Procedure in Nigeria* (2nd edn, University of Lagos Press 2000) 215–223.

<sup>100</sup> Taraba State High Court (Civil Procedure) Rules 2026, Order 6 rule 1.

accessibility. It also facilitates twenty-four-hour access to filing services, thereby eliminating geographical and temporal barriers associated with traditional litigation practices.<sup>101</sup>

## 4.2 Recognition of Electronic Documents

The Rules further modernize judicial administration through the formal recognition of electronic documents. Order 1 Rule 5 defines documents broadly to include electronically generated or scanned materials.<sup>102</sup> This provision removes any uncertainty regarding the procedural validity of electronic court documents and aligns the Rules with contemporary commercial and technological realities. Historically, litigation was heavily dependent upon paper documentation. Original copies, manually signed pleadings, and physically certified records constituted the primary means of proving legal rights and obligations.<sup>103</sup>

The increasing digitization of commercial transactions and communications has rendered such assumptions increasingly obsolete. Businesses, government institutions, and individuals now routinely generate and store information electronically. Consequently, judicial systems must adapt to these realities if they are to remain relevant and effective. The recognition of electronic documents under the Taraba Rules complements the provisions of the Evidence Act 2011, particularly sections 84 and 258, which recognize computer-generated evidence and electronic records.<sup>104</sup> By this innovation therefore, it facilitates seamless integration between procedural law and evidentiary principles while promoting efficiency in document management and judicial administration.

## 4.3 Electronic Service of Court Processes

Service of process remains one of the most critical components of civil litigation because it ensures that parties receive notice of proceedings affecting their legal rights.<sup>105</sup> The Taraba Rules significantly modernize this area by recognizing electronic methods of service in appropriate circumstances. Unlike traditional procedural regimes that relied almost exclusively on physical delivery, the Rules acknowledge that modern communication increasingly occurs through digital channels.<sup>106</sup> Electronic service offers several practical advantages. It enables rapid transmission of court processes, reduces service costs, and facilitates communication across geographical boundaries.<sup>107</sup> The adoption of electronic service reflects a broader shift within global procedural law from formalistic notions of service towards approaches focused on actual notification. The objective is no longer merely to comply with procedural formalities but to ensure that litigants receive effective notice of proceedings.

## 4.4 Electronic Proof of Service

The effectiveness of any service regime depends upon the existence of reliable mechanisms for proving that service has been effective. Traditionally, proof of service required affidavits sworn by bailiffs or process servers detailing the circumstances under which service occurred.<sup>108</sup> Such affidavits frequently became subjects of dispute, particularly where defendants denied receiving court processes. The Taraba Rules introduce a modern alternative through electronic proof of service. Order 7 Rule 13(2) provides that proof of service generated by Legal Mail upon service of a legal practitioner shall constitute sufficient proof of service without the necessity of a supporting affidavit.<sup>109</sup> By this innovation there's a significant

<sup>101</sup> Richard Susskind, *Online Courts and the Future of Justice* (OUP 2019) 89–117.

<sup>102</sup> Taraba State High Court (Civil Procedure) Rules 2026, Order 1 rule 5.

<sup>103</sup> D I Efevwerhan, *Principles of Civil Procedure in Nigeria* (2nd edn, Chenglo Ltd 2020) 56–67.

<sup>104</sup> Evidence Act 2011, ss 84 and 258.

<sup>105</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended), s 36(1).

<sup>106</sup> Peace Agunia, 'Balancing Speed and Safeguards: Rethinking Electronic Service and the Right to Be Heard in Nigeria' (2026) *SSRN Electronic Journal*.

<sup>107</sup> Paul Aidonjio, Samaila Wakili and Daniel Ayuba, 'Effectiveness of the Administration of Justice in Nigeria Under the Development of Digital Technologies' (2023) 4 *Journal of Digital Technologies and Law* 702.

<sup>108</sup> Nwadiaro (n 2) 233–240.

<sup>109</sup> Taraba State High Court (Civil Procedure) Rules 2026, Order 7 rule 13(2).

reduction in administrative burdens while enhancing efficiency. Electronic systems generate timestamps, delivery confirmations, and digital records that may be more reliable than traditional testimonial evidence.

The rule also reflects growing judicial confidence in digital communication technologies as reliable mechanisms for documenting procedural events. Nevertheless, disputes may still arise regarding system failures, incorrect addresses, unauthorized access, and other technological challenges.

#### 4.5 Service through Digital Means

One of the most progressive aspects of the Rules is the authorization of substituted service through digital means. Order 7 Rule 5 empowers a Judge to order substituted service through electronic or digital means where prompt personal service cannot be effected.<sup>110</sup> Similarly, Order 8 Rule 8 permits service outside Nigeria through electronic or digital means where appropriate.<sup>111</sup> Traditionally, substituted service often involved newspaper advertisements, publication in official gazettes, or affixing notices to designated locations.<sup>112</sup> While these methods satisfied procedural requirements, they frequently failed to provide actual notice to defendants. The digital service provisions recognize contemporary communication realities. Many individuals now maintain active email accounts, social media profiles, and mobile communication platforms. In such circumstances, service through digital channels may be considerably more effective than traditional substituted service methods.<sup>113</sup>

#### 4.6 Online Court Sittings and Virtual Hearings

Perhaps the most visible aspect of judicial digitalization under the Taraba Rules is the recognition of virtual court proceedings. Order 9 Rule 8 expressly authorizes virtual sittings of the Court through video conferencing platforms approved by the Court.<sup>114</sup> The emergence of virtual hearings was significantly accelerated by the COVID-19 pandemic, which compelled judicial systems worldwide to adopt remote hearing technologies.<sup>115</sup> In Nigeria, various courts introduced virtual proceedings through practice directions issued by the National Judicial Council and heads of courts.<sup>116</sup> Virtual hearings provide several advantages. They reduce travel costs, facilitate participation by distant litigants, improve scheduling flexibility, and enhance judicial efficiency.<sup>117</sup> However, concerns remain regarding technological reliability, witness credibility assessment, public access, confidentiality, and procedural fairness.<sup>118</sup>

#### 4.7 Electronic Case Management

The Nigerian Case Management System extends beyond electronic filing and constitutes a comprehensive case management platform. Electronic case management refers to the use of digital technologies to monitor, organize, store, and manage case information throughout the litigation process.<sup>119</sup> The NCMS enables courts to track filings, schedule hearings, monitor compliance with procedural timelines, generate reports, and maintain digital case records.<sup>120</sup> This innovation promotes transparency and accountability by providing accurate and accessible information regarding case progression. It also reduces the likelihood of

<sup>110</sup> Taraba State High Court (Civil Procedure) Rules 2026, Order 7 rule 5

<sup>111</sup> Taraba State High Court (Civil Procedure) Rules 2026, Order 8 rule 8.

<sup>112</sup> Sheriffs and Civil Process Act, Cap S6 Laws of the Federation of Nigeria 2004.

<sup>113</sup> Chukwuma Onuzulike, 'Social Media and Substituted Service of Court Processes in Nigeria: An Analysis of Contemporary Trends' (2019) *SSRN Electronic Journal*.

<sup>114</sup> Taraba State High Court (Civil Procedure) Rules 2026, Order 9 rule 8.

<sup>115</sup> Mike Ogwezzy, 'Impact of the COVID-19 Pandemic on the Transformation of Judicial System in Nigeria' (2025) 6 *Journal of Digital Technologies and Law* 255.

<sup>116</sup> National Judicial Council, *Guidelines for Court Sittings and Related Matters in the COVID-19 Period* (2020).

<sup>117</sup> Sule Ibrahim, Faith Olorunyomi, Joseph Ajah and Abubakar Usman, 'Virtual Court Proceedings in Nigeria: Some Legal Matters Arising' (2024) 3 *European Journal of Law and Political Science* 91.

<sup>118</sup> Richard Susskind (n 4) 121–143.

<sup>119</sup> Adebayo Omodele and Adeola Olubukola, 'The Pros and Cons of Technology in the Judicial Process in Lagos State, Nigeria' (2024) *African Journal of Humanities and Contemporary Education Research*.

<sup>120</sup> Paul Aidonjje, Samaila Wakili and Daniel Ayuba (n 10).



misplaced files, missing records, and administrative errors. Electronic case management has become a central feature of modern judicial administration due to its enhanced institutional efficiency.

#### 4.8 Comparative Assessment with the Taraba State High Court Rules 2011

The contrast between the Taraba State High Court Rules 2011 and the 2026 Rules illustrates the extent of procedural transformation. The 2011 Rules were largely designed around traditional litigation practices. Filing depended upon physical submission of documents, service was predominantly effected through personal delivery, and hearings were conducted exclusively in physical courtrooms.<sup>121</sup> By contrast, the 2026 Rules institutionalize digital justice through mandatory electronic filing, recognition of electronic documents, electronic service, electronic proof of service, virtual hearings, and electronic case management.<sup>122</sup> The transition reflects more than procedural amendment; it signifies a paradigm shift in judicial administration. Whereas the 2011 Rules were premised upon paper-based justice delivery, the 2026 Rules embrace technology as an essential component of modern civil procedure.

### 5. CONSTITUTIONAL AND PROCEDURAL IMPLICATIONS

#### 5.1 Section 36 CFRN and Fair Hearing

The constitutional validity of digital justice reforms in Nigeria must ultimately be assessed against the provisions of section 36 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), which guarantees the right to fair hearing.<sup>123</sup> Section 36(1) provides that in the determination of civil rights and obligations, every person shall be entitled to a fair hearing within a reasonable time by a court or tribunal established by law.<sup>124</sup> The provision embodies the twin principles of *Audi alteram partem* (hear the other side) and *Nemo iudex in causa sua* (no person should be a judge in his own cause).<sup>125</sup>

The Supreme Court has consistently held that fair hearing constitutes a fundamental constitutional requirement that cannot be waived or compromised by procedural convenience. In *Adigun v Attorney-General of Oyo State*, the Court observed that fair hearing requires that every person whose rights may be affected by judicial proceedings must be afforded adequate notice and a genuine opportunity to present his case.<sup>126</sup> Similarly, in *Newswatch Communications Ltd v Atta*, the Supreme Court held that the essence of fair hearing lies not merely in formal compliance with procedural rules but in ensuring substantial justice through meaningful participation in the adjudicatory process.<sup>127</sup> The introduction of electronic filing, electronic service, and virtual court proceedings under the Taraba Rules raises important constitutional questions regarding whether digital procedures provide litigants with adequate opportunities to participate in proceedings affecting their legal rights.

Proponents of digital justice argue that technological innovations enhance fair hearing by facilitating faster communication, improving accessibility, and reducing procedural delays.<sup>128</sup> Electronic filing allows litigants to initiate proceedings without geographical constraints, while virtual hearings enable participation from remote locations. Critics, however, contend that technological barriers may impair effective participation by persons lacking internet access, digital literacy, or adequate technological resources.<sup>129</sup> Meanwhile, the constitutional validity of digital justice depends upon whether such systems

<sup>121</sup> Taraba State High Court (Civil Procedure) Rules 2011.

<sup>122</sup> Taraba State High Court (Civil Procedure) Rules 2026, Orders 1, 6, 7, 8 and 9.

<sup>123</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended), s 36.

<sup>124</sup> *ibid*.

<sup>125</sup> B O Nwabueze, *Constitutionalism in the Emergent States* (C Hurst & Co 1973) 211–216.

<sup>126</sup> *Adigun v Attorney-General of Oyo State* (1987) 1 NWLR (Pt 53) 678.

<sup>127</sup> *Newswatch Communications Ltd v Atta* (2006) 12 NWLR (Pt 993) 144.

<sup>128</sup> Richard Susskind, *Online Courts and the Future of Justice* (OUP 2019) 89–117.

<sup>129</sup> Peace Agunia, 'Balancing Speed and Safeguards: Rethinking Electronic Service and the Right to Be Heard in Nigeria' (2026) *SSRN Electronic Journal*.

provide practical and meaningful opportunities for participation. The proper constitutional approach should therefore focus not on the technological medium employed but on whether the procedure adopted effectively preserves the essential requirements of notice, participation, equality, and impartial adjudication.

## 5.2 Service of Process as a Jurisdictional Requirement

One of the most significant constitutional issues arising from electronic service concerns the long-established doctrine that service of originating process constitutes a condition precedent to jurisdiction. The Supreme Court has consistently maintained that proper service of the originating process is indispensable to the exercise of judicial authority over a defendant.<sup>130</sup> The leading authority remains *Skenconsult (Nig) Ltd v Ukey*, where the Court held that service of process is fundamental because it provides notice to the defendant and confers jurisdiction upon the court.<sup>131</sup> Failure to properly serve the originating process renders proceedings a nullity irrespective of the merits of the substantive dispute.<sup>132</sup>

This principle has been reaffirmed in numerous subsequent decisions including *Mark v Eke*, where the Court emphasized that no person can be bound by proceedings of which he has not received proper notice.<sup>133</sup> The jurisdictional significance attached to service derives directly from constitutional fair hearing requirements. Since meaningful participation in litigation depends upon notice, service occupies a unique position within procedural law. The emergence of electronic service therefore raises a fundamental doctrinal question: can digital communication satisfy a requirement traditionally associated with physical delivery? The answer depends largely upon whether electronic service achieves the underlying constitutional objective of providing effective notice rather than merely complying with procedural formalities.

## 5.3 Whether Electronic Service Satisfies Due Process

Due process requires procedures reasonably calculated to provide actual notice and meaningful opportunity to be heard.<sup>134</sup> Historically, personal service was regarded as the most reliable means of satisfying this requirement because physical delivery created a strong presumption that the defendant had received notice.<sup>135</sup> However, contemporary communication practices challenge this assumption. Many individuals communicate primarily through email, electronic messaging platforms, and social media rather than through traditional postal systems.<sup>136</sup>

The Taraba Rules recognize this reality by authorizing substituted service through electronic and digital means.<sup>137</sup> The critical constitutional issue is whether such methods satisfy due process requirements. In evaluating this question, courts should focus on the likelihood that the chosen method will bring the proceedings to the defendant's attention. Where evidence demonstrates that a defendant actively uses a designated email address or digital platform, electronic service may be more effective than traditional substituted service through newspaper advertisements.<sup>138</sup>

Comparative jurisprudence supports this approach. Courts in England, Canada, Australia, South Africa, and Kenya increasingly recognize electronic service where it is likely to provide actual notice.<sup>139</sup>

<sup>130</sup> *Skenconsult (Nig) Ltd v Ukey* (1981) 1 SC 6.

<sup>131</sup> *Ibid* 26-27; *Craig v Kanseen* [1943] KB 256.

<sup>132</sup> *Mark v Eke* (2004) 5 NWLR (Pt 865) 54.

<sup>133</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended), s 36(1).

<sup>134</sup> Fidelis Nwadialo, *Civil Procedure in Nigeria* (2nd edn, University of Lagos Press 2000) 233-240.

<sup>135</sup> Chukwuma Onuzulike, 'Social Media and Substituted Service of Court Processes in Nigeria' (2019) *SSRN Electronic Journal*.

<sup>136</sup> Chukwuma Onuzulike, 'Social Media and Substituted Service of Court Processes in Nigeria' (2019) *SSRN Electronic Journal*.

<sup>137</sup> Taraba State High Court (Civil Procedure) Rules 2026, Order 7 rule 5.

<sup>138</sup> Onuzulike (n 14).

<sup>139</sup> Richard Susskind (n 6) 121-143.

## 5.4 Admissibility and Reliability of Electronic Evidence

Digital justice systems inevitably generate electronic evidence concerning filing, service, communication, scheduling, and case management activities. The admissibility of such evidence is principally governed by the Evidence Act 2011. Section 84 recognizes the admissibility of computer-generated evidence subject to specified conditions concerning reliability and authenticity.<sup>140</sup> Section 258 further defines electronic records and related technological concepts.<sup>141</sup>

The Supreme Court has repeatedly acknowledged the growing significance of electronic evidence within contemporary litigation.<sup>142</sup> The principal challenge lies not in admissibility but in reliability. Electronic records may be vulnerable to alteration, manipulation, unauthorized access, and technological failures.<sup>143</sup> Consequently, digital justice systems must incorporate adequate safeguards to ensure the integrity and authenticity of electronic records. Electronic proof of service generated through Legal Mail systems under the Taraba Rules represents an attempt to address these concerns by creating verifiable digital records capable of demonstrating service events.<sup>144</sup>

## 5.5 Digital Exclusion and Equality Before the Law

One of the most serious criticisms of judicial digitalization concerns the risk of digital exclusion. The Constitution guarantees equality before the law and equal protection of legal rights.<sup>145</sup> Digital justice reforms may undermine these principles where access to judicial services depends substantially upon technological resources unavailable to significant segments of the population.

Nigeria continues to experience considerable disparities in internet access, digital literacy, electricity supply, and technological infrastructure.<sup>146</sup> These disparities are particularly pronounced between urban and rural communities. Where electronic filing becomes mandatory, litigants lacking technological competence or internet access may encounter substantial obstacles in pursuing legal remedies.<sup>147</sup>

Access to Justice Theory emphasizes that procedural reforms should eliminate barriers to justice rather than create new ones.<sup>148</sup> Therefore, digital justice initiatives must incorporate safeguards designed to protect vulnerable populations. Hybrid systems that permit both electronic and traditional procedures may therefore provide an appropriate transitional mechanism until technological accessibility becomes more widespread.

## 5.6 Open Justice and Virtual Proceedings

The principle of open justice constitutes a foundational aspect of constitutional democracy and judicial legitimacy.<sup>149</sup> The doctrine requires judicial proceedings to remain accessible to the public so that courts may be subject to scrutiny and accountability. Public observation promotes transparency, deters abuse, and enhances confidence in judicial institutions.<sup>150</sup> The classic statement of the principle appears in *Scott v Scott*, where the House of Lords emphasized that justice must ordinarily be administered in public.<sup>151</sup>

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<sup>140</sup> Evidence Act 2011, s 84.

<sup>141</sup> Ibid s 258.

<sup>142</sup> *Kubor v Dickson* (2013) 4 NWLR (Pt 1345) 534.

<sup>143</sup> Kemi Sabit, 'Technology and Its Use in Nigerian Courts' (2022) *SSRN Electronic Journal*.

<sup>144</sup> Taraba State High Court (Civil Procedure) Rules 2026, Order 7 rule 13(2).

<sup>145</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 17(2)(a) and 42.

<sup>146</sup> World Bank, *Digital Economy for Africa Initiative Report* (2024).

<sup>147</sup> *Agunia* (n 7).

<sup>148</sup> Mauro Cappelletti and Bryant Garth, *Access to Justice* (Martinus Nijhoff 1978) 6–17.

<sup>149</sup> Sir Jack Jacob, *The Fabric of English Civil Justice* (Stevens & Sons 1987) 290–294.

<sup>150</sup> Ibid

<sup>151</sup> *Scott v Scott* [1913] AC 417.

Virtual proceedings raise important questions regarding compliance with this principle. While remote hearings improve accessibility for litigants, they may simultaneously restrict public observation where appropriate technological arrangements are unavailable. The Taraba Rules attempt to address this challenge by recognizing public access through electronic means and virtual participation.<sup>152</sup> Meanwhile, courts must ensure that technological arrangements do not inadvertently undermine transparency.

### 5.7 Cyber-Security and Confidentiality Concerns

Cyber-security represents one of the most significant challenges confronting digital justice systems. Electronic filing platforms, virtual hearing systems, and digital case management databases contain highly sensitive information relating to litigants, witnesses, judicial officers, and pending proceedings.<sup>153</sup> These systems may be vulnerable to hacking, unauthorized access, ransomware attacks, identity theft, and data breaches.<sup>154</sup> Such risks threaten not only individual privacy but also the integrity and credibility of judicial institutions. Confidentiality concerns are particularly significant in commercial litigation, family proceedings, election disputes, and matters involving sensitive personal information.<sup>155</sup>

Therefore, the implementation of digital justice requires comprehensive cyber-security measures, including encryption technologies, secure authentication systems, access controls, and continuous monitoring protocols. The constitutional obligation to protect personal information and preserve procedural fairness requires courts to adopt robust safeguards capable of maintaining public confidence in digital judicial processes.

## 6. COMPARATIVE ANALYSIS

### 6.1 Lagos State E-Filing Regime

Lagos State remains the most technologically advanced judicial jurisdiction in Nigeria and provides an important benchmark for assessing the Taraba State High Court (Civil Procedure) Rules 2026.

Long before the adoption of the Taraba Rules, the Lagos State Judiciary had commenced significant judicial digitalization initiatives through electronic filing platforms, virtual hearing procedures, online payment systems, and electronic case management mechanisms. The Lagos E-Filing System permits legal practitioners to file court processes electronically, make online payments, monitor case progress, and receive electronic notifications concerning judicial proceedings. The Lagos model demonstrates how technology can improve judicial efficiency by reducing registry congestion and administrative delays. According to Omodele and Olubukola, digital innovations within Lagos courts have enhanced transparency, facilitated record management, and improved access to justice.<sup>156</sup>

The Taraba Rules adopt a similar approach through the Nigerian Case Management System (NCMS). However, whereas Lagos developed its electronic systems incrementally through administrative reforms and practice directions, Taraba has embedded digitalization directly within its procedural rules.<sup>157</sup> The distinction is significant because statutory incorporation provides stronger legal certainty and enhances institutional sustainability.

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<sup>152</sup> Taraba State High Court (Civil Procedure) Rules 2026, Order 9 rule 8.

<sup>153</sup> Paul Aidonjio, Samaila Wakili and Daniel Ayuba, 'Effectiveness of the Administration of Justice in Nigeria Under the Development of Digital Technologies' (2023) 4 *Journal of Digital Technologies and Law* 702.

<sup>154</sup> Kemi Sabit (n 21).

<sup>155</sup> Richard Susskind (n 6) 145–162.

<sup>156</sup> Omodele and Olubukola (n 1).

<sup>157</sup> Taraba State High Court (Civil Procedure) Rules 2026, Orders 1, 6, 7 and 9.

## 6.2 National Industrial Court Digital Practices

The National Industrial Court of Nigeria (NICN) provides another important point of comparison. Among Nigerian superior courts of record, the NICN has been at the forefront of judicial digitalization. Through its Civil Procedure Rules and Practice Directions, the Court has embraced electronic filing, electronic communication, virtual hearings, and digital case management practices.<sup>158</sup> The NICN requires parties to provide electronic addresses and telephone numbers for communication purposes and recognizes electronic transmission of court documents in appropriate circumstances<sup>159</sup>. During the COVID-19 pandemic, the Court further strengthened its commitment to digital justice by facilitating virtual proceedings and remote case management.<sup>160</sup>

The experience of the NICN demonstrates that electronic justice systems can operate effectively within the Nigerian legal environment. It also illustrates the importance of judicial leadership and institutional commitment in ensuring successful implementation of technological reforms.

## 6.3 England and Wales Civil Procedure Rules

The Civil Procedure Rules (CPR) of England and Wales provide one of the most developed examples of judicial digitalization within common law jurisdictions. Part 6 of the CPR recognizes electronic service of court documents under specified conditions, while Practice Direction 51O establishes the CE-File system for electronic filing and case management in the Rolls Building Courts.<sup>161</sup>

The English approach is particularly instructive because it balances technological innovation with procedural safeguards. Electronic service is generally permitted where parties have indicated willingness to accept service through electronic means.<sup>162</sup> This ensures that digital communication is employed in a manner consistent with due process requirements. England has also expanded the use of virtual hearings and online dispute resolution mechanisms. The reforms championed by Lord Justice Briggs and supported by Richard Susskind seek to transform civil justice into a more accessible and efficient system.<sup>163</sup> The principal lesson for Nigeria is that judicial digitalization should be accompanied by clear procedural rules governing authentication, service, and participation.

## 6.4 South African E-Justice Reforms

South Africa has emerged as one of Africa's leading jurisdictions in judicial digitalization. The South African judiciary utilizes systems such as Case Lines and Court Online, which permit electronic filing, digital case management, electronic document sharing, and remote participation in proceedings.<sup>164</sup> The reforms gained momentum during the COVID-19 pandemic when courts increasingly relied upon digital platforms to ensure continuity of judicial services.<sup>165</sup> South Africa's experience demonstrates the importance of integrated case management systems capable of supporting filing, service, evidence presentation, and judicial decision-making within a unified technological environment. The Taraba NCMS shares similar objectives by providing a centralized platform for filing and case management. However, South Africa's experience also highlights the importance of sustained technological investment and institutional support.

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<sup>158</sup> Ibid

<sup>159</sup> Ibid

<sup>160</sup> National Industrial Court of Nigeria, Practice Directions on Virtual Proceedings (2020).

<sup>161</sup> Civil Procedure Rules 1998 (England and Wales), Part 6; Practice Direction 51O.

<sup>162</sup> Civil Procedure Rules 1998 (England and Wales), r 6.23.

<sup>163</sup> Sir Michael Briggs, *Civil Courts Structure Review: Final Report* (Judiciary of England and Wales 2016); Richard Susskind, *Online Courts and the Future of Justice* (OUP 2019).

<sup>164</sup> South African Judiciary, Court Online and CaseLines Implementation Framework (2021).

<sup>165</sup> South African Judiciary, Directive on Court Operations During COVID-19 Pandemic (2020).



## 6.5 Kenyan Electronic Court System

Kenya provides perhaps the most successful example of judicial digitalization within Africa. The Kenyan Judiciary's E-Filing System permits litigants and legal practitioners to file documents electronically, pay court fees online, monitor case progress, and receive electronic notifications concerning proceedings.<sup>166</sup> The system significantly improved judicial efficiency and reduced administrative burdens associated with paper-based litigation. According to reports issued by the Kenyan Judiciary, electronic filing has substantially reduced case-processing times and improved access to justice.<sup>167</sup>

Kenya's success illustrates that digital justice reforms can be effectively implemented within developing jurisdictions facing challenges similar to those experienced in Nigeria. The Kenyan experience is particularly relevant because it demonstrates that technological innovation can coexist with constitutional guarantees of due process and fair hearing.

## 6.6 Lessons for Nigeria

The comparative analysis reveals several important lessons for Nigerian judicial reform.

- First, successful judicial digitalization requires a clear legal framework expressly recognizing electronic filing, electronic service, and virtual proceedings.<sup>168</sup>
- Secondly, technological infrastructure must be supported by adequate funding, reliable internet connectivity, and effective cybersecurity measures.<sup>169</sup>
- Thirdly, judicial officers, court personnel, and legal practitioners require continuous training to ensure effective utilization of digital platforms.<sup>170</sup>
- Fourthly, digital justice must remain compatible with constitutional guarantees of fair hearing, due process, and access to justice.<sup>171</sup>
- Finally, the experiences of Lagos, the NICN, England, South Africa, and Kenya demonstrate that judicial digitalization should be implemented gradually through a combination of legal reform, technological investment, and institutional capacity building.

## 7. BENEFITS OF DIGITAL JUSTICE UNDER THE TARABA MODEL

### 7.1 Faster Commencement of Actions

One of the most immediate benefits of the Taraba digital justice framework is the acceleration of litigation commencement. Under the traditional system, litigants were required to physically attend court registries, submit documents manually, pay filing fees physically, and await administrative processing before proceedings could commence.<sup>172</sup>

The NCMS eliminates many of these delays by permitting electronic filing and digital processing of court documents.<sup>173</sup> Electronic filing enables litigants to commence actions promptly from any location with internet access. The resulting reduction in administrative delays contributes significantly to timely dispute resolution and promotes public confidence in judicial institutions.

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<sup>166</sup> Judiciary of Kenya, E-Filing System Operational Guidelines (2020).

<sup>167</sup> Judiciary of Kenya, Annual Judiciary Performance Report (2023).

<sup>168</sup> Richard Susskind (n 10) 89–117

<sup>169</sup> K Sabit, 'Technology and Its Use in Nigerian Courts' (2022) *SSRN Electronic Journal*.

<sup>170</sup> National Judicial Institute, Judicial Education and Capacity Development Framework (2023).

<sup>171</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended), s 36.

<sup>172</sup> Fidelis Nwadialo, *Civil Procedure in Nigeria* (2nd edn, University of Lagos Press 2000) 215–223.

<sup>173</sup> Taraba State High Court (Civil Procedure) Rules 2026, Order 6 rule 1.

## 7.2 Reduction in Administrative Costs

Digital justice substantially reduces administrative costs associated with litigation. Traditional filing systems require extensive expenditure on paper, printing, photocopying, transportation, storage facilities, and physical record management.<sup>174</sup> Electronic filing and digital record management significantly reduce these costs by replacing paper-based processes with electronic alternatives. Virtual hearings further reduce expenses associated with travel, accommodation, and physical attendance in court.<sup>175</sup>

## 7.3 Improved Access to Justice

Access to justice constitutes one of the principal objectives of judicial digitalization. The Taraba Rules improve access to justice by reducing geographical barriers and enabling litigants to interact with the judicial system remotely.<sup>176</sup> For individuals residing in remote communities, electronic filing and virtual hearings reduce the need for extensive travel and associated costs.

## 7.4 Increased Judicial Efficiency

Judicial efficiency refers to the ability of courts to resolve disputes promptly while utilizing available resources effectively. The Taraba digital justice framework promotes efficiency through electronic filing, electronic service, virtual hearings, and digital case management.<sup>177</sup> Automated processes reduce administrative delays and facilitate effective monitoring of case progression. Electronic systems also improve compliance with procedural timelines and reduce opportunities for procedural abuse.

## 7.5 Better Case Management and Record Keeping

Case management constitutes a critical aspect of effective judicial administration. Traditional paper-based systems are vulnerable to misplaced files, damaged records, and delays in retrieving information.<sup>178</sup> The NCMS addresses these challenges through electronic storage and management of case information. Digital records are easier to retrieve, preserve, monitor, and analyses.

## 7.6 Reduction of Corruption and Human Interference

Digital justice also possesses significant anti-corruption potential. Traditional filing systems frequently involve extensive interaction between litigants and court personnel, thereby creating opportunities for unofficial payments, manipulation of records, and administrative misconduct.<sup>179</sup> Electronic filing and automated case management reduce discretionary human involvement in procedural processes. Digital systems generate verifiable audit trails capable of documenting every procedural step. While digitalization cannot eliminate corruption entirely, it significantly reduces opportunities for administrative abuse and enhances institutional transparency.

## CHALLENGES OF IMPLEMENTATION

### 8.1 Inadequate ICT Infrastructure

Notwithstanding the transformative potential of the Taraba State High Court (Civil Procedure) Rules 2026, the practical implementation of digital justice remains dependent upon the availability of adequate information and communication technology (ICT) infrastructure.<sup>180</sup> Electronic filing, virtual hearings,

<sup>174</sup> D I Efevwerhan, *Principles of Civil Procedure in Nigeria* (2nd edn, Chenglo Ltd 2020) 61–67.

<sup>175</sup> Mike Ogwezzy, 'Impact of the COVID-19 Pandemic on the Transformation of Judicial System in Nigeria' (2025) 6 *Journal of Digital Technologies and Law* 255.

<sup>176</sup> Mauro Cappelletti and Bryant Garth, *Access to Justice* (Martinus Nijhoff 1978) 6–17.

<sup>177</sup> Paul Aidonjio, Samaila Wakili and Daniel Ayuba, 'Effectiveness of the Administration of Justice in Nigeria Under the Development of Digital Technologies' (2023) 4 *Journal of Digital Technologies and Law* 702.

<sup>178</sup> Richard Susskind, *Online Courts and the Future of Justice* (OUP 2019) 102–117.

<sup>179</sup> Transparency International, *Corruption and Judicial Integrity Report* (2022).

<sup>180</sup> K Sabit, 'Technology and Its Use in Nigerian Courts' (2022) *SSRN Electronic Journal*.

electronic service, and digital case management require sophisticated technological systems, including secure servers, data storage facilities, software applications, computer hardware, and reliable communication networks.<sup>181</sup>

Unfortunately, many courts in Nigeria continue to operate within environments characterized by inadequate technological infrastructure. Numerous judicial divisions lack sufficient computer equipment, dedicated internet facilities, digital record management systems, and cybersecurity protections.<sup>182</sup> The absence of adequate infrastructure may significantly undermine the effectiveness of the Nigerian Case Management System (NCMS) introduced by the Taraba Rules. Where technological facilities are unavailable or unreliable, litigants and legal practitioners may experience difficulties accessing digital judicial services. The challenge is particularly significant because digital justice systems are only as effective as the technological infrastructure supporting them.

## 8.2 Electricity and Internet Challenges

Reliable electricity supply and internet connectivity constitute indispensable prerequisites for effective digital justice. Nigeria continues to experience persistent challenges relating to power generation, electricity distribution, and internet accessibility.<sup>183</sup> Frequent power outages and unstable internet connections frequently disrupt digital activities across both public and private sectors. The implications for judicial digitalization are substantial. Electronic filing systems become inaccessible during power failures, virtual hearings may be interrupted by connectivity problems, and digital case management systems may experience operational difficulties.<sup>184</sup>

In rural communities, internet coverage remains limited, thereby restricting access to online judicial services. This challenge is particularly relevant within geographically dispersed jurisdictions such as Taraba State.

## 8.3 Digital Literacy Deficits

The successful operation of digital justice systems requires users to possess adequate technological competence. Judges, court personnel, legal practitioners, litigants, and witnesses must be capable of navigating electronic platforms, participating in virtual proceedings, and utilizing digital communication systems effectively.<sup>185</sup> However, significant disparities exist regarding digital literacy levels within Nigeria. While younger practitioners may adapt relatively easily to technological innovations, some users may encounter difficulties operating electronic filing systems and participating in virtual hearings.<sup>186</sup> Digital literacy deficits may generate delays, procedural errors, and underutilization of available technologies. They may also undermine confidence in digital justice initiatives. Accordingly, effective implementation requires comprehensive training programs designed to improve technological competence among all categories of court users.

## 8.4 Resistance to Change by Legal Practitioners

Institutional resistance frequently accompanies significant procedural reforms. Many legal practitioners have developed professional routines and litigation strategies based upon traditional filing and service

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<sup>181</sup> Richard Susskind, *Online Courts and the Future of Justice* (OUP 2019) 89–117.

<sup>182</sup> Paul Aidonjio, Samaila Wakili and Daniel Ayuba, 'Effectiveness of the Administration of Justice in Nigeria Under the Development of Digital Technologies' (2023) 4 *Journal of Digital Technologies and Law* 702.

<sup>183</sup> World Bank, *Digital Economy for Africa Initiative Report* (2024).

<sup>184</sup> Mike Ogwezzu, 'Impact of the COVID-19 Pandemic on the Transformation of Judicial System in Nigeria' (2025) 6 *Journal of Digital Technologies and Law* 255.

<sup>185</sup> National Judicial Institute, *Judicial Education and Capacity Development Framework* (2023).

<sup>186</sup> A Omodele and A Olubukola, 'The Pros and Cons of Technology in the Judicial Process in Lagos State, Nigeria' (2024) *African Journal of Humanities and Contemporary Education Research*.

mechanisms. Consequently, some may perceive digital justice initiatives as disruptive, complex, or unnecessary.<sup>187</sup> Resistance may arise from concerns regarding technological reliability, unfamiliarity with digital systems, increased compliance obligations, or fears that automation may alter traditional professional practices.

The experience of judicial digitalization in various jurisdictions demonstrates that technological reforms often encounter initial resistance before eventual acceptance.<sup>188</sup> Addressing this challenge requires stakeholder engagement, professional education, and demonstration of the practical benefits associated with digital justice.

### 8.5 Cyber-Security Threats

Cyber-security represents one of the most significant risks associated with judicial digitalization. Digital justice systems routinely process sensitive information relating to litigants, judicial officers, witnesses, commercial transactions, and pending proceedings.<sup>189</sup> Such information may become vulnerable to cyber-attacks, hacking, ransomware, identity theft, unauthorized access, and data breaches.<sup>190</sup> Cyber-security incidents may compromise confidentiality, undermine public confidence, and threaten the integrity of judicial proceedings. The importance of cybersecurity within judicial administration cannot therefore be overstated. Effective digital justice requires robust encryption technologies, multi-factor authentication mechanisms, access control systems, regular security audits, and comprehensive incident response strategies.<sup>191</sup> Failure to adequately address cybersecurity concerns might undermine the credibility and legitimacy of digital judicial systems.

### 8.6 Absence of Uniform National Standards

Another significant challenge confronting judicial digitalization in Nigeria is the absence of a harmonized national framework governing electronic filing, electronic service, virtual hearings, and digital case management. Different courts currently employ varying procedural approaches and technological systems.<sup>192</sup> While some jurisdictions have embraced electronic filing and virtual proceedings, others continue to rely primarily upon traditional paper-based procedures. The resulting inconsistency creates uncertainty regarding procedural requirements and complicates efforts to establish interoperable digital justice systems.

A litigant operating across multiple jurisdictions may therefore encounter differing procedural standards relating to filing, service, authentication, and participation. The absence of uniform standards undermines predictability and may impede nationwide implementation of digital justice reforms.

### 8.7 Digital Divide Between Urban and Rural Litigants

Perhaps the most significant social challenge associated with judicial digitalization is the digital divide between urban and rural populations. Urban residents generally enjoy greater access to internet services, electricity, digital devices, and technological support than persons residing in rural communities.<sup>193</sup> Where access to judicial remedies becomes increasingly dependent upon technological resources, disadvantaged populations may encounter substantial barriers to participation. The challenge raises serious constitutional concerns because the right of access to justice should not depend upon geographical location or

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<sup>187</sup> K Sabit (n 1).

<sup>188</sup> Richard Susskind (n 2) 121–143.

<sup>189</sup> Paul Aidonjje, Samaila Wakili and Daniel Ayuba (n 3).

<sup>190</sup> Ibid

<sup>191</sup> International Bar Association, *Cybersecurity Guidelines for Courts and Tribunals* (2022).

<sup>192</sup> National Judicial Council, *Guidelines for Court Sittings and Related Matters in the COVID-19 Period* (2020).

<sup>193</sup> World Bank (n 4).

technological capacity.<sup>194</sup> Consequently, digital justice initiatives must incorporate safeguards designed to prevent exclusion of vulnerable populations.

## **9. TOWARDS A UNIFIED DIGITAL JUSTICE FRAMEWORK FOR NIGERIA**

### **9.1 Need for National Harmonization**

The long-term success of judicial digitalization in Nigeria requires the development of a harmonized national framework capable of promoting consistency across jurisdictions. Currently, digital justice initiatives are implemented largely on a court-by-court basis. While such experimentation encourages innovation, it also creates fragmentation and inconsistency.<sup>195</sup> A national framework would establish common standards governing electronic filing, electronic service, virtual hearings, digital evidence management, and cybersecurity. Such harmonization would improve predictability, enhance interoperability, and facilitate nationwide adoption of digital justice systems. The National Judicial Council is particularly well positioned to coordinate this process through the development of national standards and implementation guidelines.

### **9.2 Reform of the Sheriffs and Civil Process Act**

The Sheriffs and Civil Process Act remain one of the most important statutory instruments governing services of process in Nigeria.<sup>196</sup> However, many of its provisions were drafted within a procedural environment premised upon physical service and paper-based communication. Although modern court rules increasingly recognize electronic service, the absence of corresponding statutory reforms may generate uncertainty regarding the legal status of digital notification mechanisms. Legislative amendment is therefore necessary to expressly recognize electronic service, digital proof of service, and technologically enabled substituted means. Such reforms would provide statutory support for innovations already emerging within contemporary procedural rules.

### **9.3 Uniform Rules on Electronic Service**

A harmonized digital justice framework should establish uniform national standards governing electronic service of court processes. The framework should specify approved methods of electronic service, requirements for proof of delivery, procedures for substituted electronic service, and mechanisms for resolving disputes concerning service.<sup>197</sup> Uniform standards would enhance procedural certainty and reduce inconsistency among jurisdictions. The objective should be to ensure that electronic service operates according to transparent and predictable principles consistent with constitutional fair hearing requirements.

### **9.4 Digital Authentication Standards**

The reliability of digital justice systems depends substantially upon the existence of effective authentication mechanisms. Electronic signatures, digital certificates, encryption technologies, and verification procedures play crucial roles in ensuring the authenticity and integrity of electronic records.<sup>198</sup> Without reliable authentication standards, digital systems may become vulnerable to fraud, impersonation, and document manipulation. A national framework should therefore establish minimum standards governing authentication, verification, and preservation of electronic judicial records. Such standards would complement existing provisions of the Evidence Act 2011 concerning electronic evidence.

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<sup>194</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 17(2)(a), 36 and 42.

<sup>195</sup> Richard Susskind (n 2) 145–162.

<sup>196</sup> Sheriffs and Civil Process Act, Cap S6 Laws of the Federation of Nigeria 2004.

<sup>197</sup> Peace Agunia, 'Balancing Speed and Safeguards: Rethinking Electronic Service and the Right to Be Heard in Nigeria' (2026) *SSRN Electronic Journal*.

<sup>198</sup> Evidence Act 2011, ss 84 and 258.



## 9.5 Judicial and Legal Practitioner Capacity Building

Technological reform cannot succeed without corresponding human capacity development. Judges, court personnel, legal practitioners, and other court users require continuous education regarding electronic filing systems, digital evidence, virtual hearing management, cybersecurity, and emerging technologies.<sup>199</sup> Capacity building should therefore constitute a central component of any national digital justice strategy. The National Judicial Institute and Nigerian Bar Association can play important roles in providing specialized training programs designed to enhance technological competence within the legal profession.

## 9.6 Establishment of a National E-Justice Policy

The most effective mechanism for coordinating judicial digitalization in Nigeria would be the adoption of a comprehensive National E-Justice Policy. Such a policy should articulate national objectives, establish implementation standards, define technological requirements, regulate cybersecurity measures, and identify funding priorities.<sup>200</sup>

# 10. CONCLUSION AND RECOMMENDATIONS

## 10.1 Conclusion

This article has examined the transformation of civil justice administration in Nigeria through the lens of the Taraba State High Court (Civil Procedure) Rules 2026. It has demonstrated that the Rules represent one of the most ambitious attempts at judicial digitalization within the Nigerian legal system, introducing mandatory electronic filing through the Nigerian Case Management System (NCMS), electronic service of court processes, electronic proof of service, virtual court proceedings, and digital case management mechanisms.<sup>201</sup> The study established that the traditional Nigerian civil procedure framework was developed within a historical context characterized by paper-based communication, physical court attendance, and manual record management. While these mechanisms served important procedural purposes, they increasingly became associated with delay, registry congestion, excessive litigation costs, administrative inefficiency, and technical procedural obstacles.<sup>202</sup>

The emergence of digital justice reflects broader global developments in judicial administration. Comparative analysis of the experiences of Lagos State, the National Industrial Court of Nigeria, England and Wales, South Africa, and Kenya demonstrates a growing international consensus that technology can significantly improve the efficiency, accessibility, and transparency of judicial systems.<sup>203</sup>

The article further established that the innovations introduced under the Taraba Rules are broadly consistent with contemporary trends in judicial reform. By facilitating electronic filing, electronic service, virtual hearings, and digital case management, the Rules seek to improve access to justice, reduce delays, lower litigation costs, and strengthen institutional accountability.<sup>204</sup> However, the study also identified significant constitutional and practical challenges. While electronic service and virtual proceedings offer considerable advantages, their implementation must remain consistent with section 36 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), which guarantees the right to fair hearing.<sup>205</sup>

The analysis revealed that digital justice cannot be evaluated only in terms of efficiency. Its legitimacy ultimately depends upon its ability to preserve procedural fairness, provide effective notice, protect

<sup>199</sup> National Judicial Institute (n 6).

<sup>200</sup> National Judicial Council, *Strategic Policy Framework on Judicial Reform* (2023).

<sup>201</sup> Taraba State High Court (Civil Procedure) Rules 2026, Orders 1, 6, 7, 8 and 9.

<sup>202</sup> Fidelis Nwadiolo, *Civil Procedure in Nigeria* (2nd edn, University of Lagos Press 2000) 215–240.

<sup>203</sup> Richard Susskind, *Online Courts and the Future of Justice* (OUP 2019) 145–162.

<sup>204</sup> Paul Aidonjio, Samaila Wakili and Daniel Ayuba, 'Effectiveness of the Administration of Justice in Nigeria Under the Development of Digital Technologies' (2023) 4 *Journal of Digital Technologies and Law* 702.

<sup>205</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended), s 36.

equality of access, and maintain public confidence in judicial institutions.<sup>206</sup> Particular concerns arise regarding digital exclusion, inadequate technological infrastructure, cybersecurity vulnerabilities, inconsistent procedural standards, and the continuing relevance of statutory provisions drafted for a paper-based era.<sup>207</sup>

The article therefore argues that while the Taraba State High Court (Civil Procedure) Rules 2026 constitute a commendable and progressive reform, their long-term success depends upon broader institutional, legislative, and technological developments capable of supporting sustainable digital justice. The central contribution of this study lies in demonstrating that the future of Nigerian civil procedure is increasingly digital. Nevertheless, technological innovation must remain subordinate to constitutional values. Digital justice should enhance access to justice, not restrict it; facilitate fair hearing, not undermine it; and strengthen public confidence, not erode it.

Accordingly, judicial digitalization should be understood not as an end in itself but as a means of advancing the fundamental objectives of the justice system.

## 10.2 Recommendations

### a. Electronic Filing and Service Should Be Formally Recognized in All Nigerian High Court Rules

One of the most important lessons emerging from the Taraba experience is the need for nationwide recognition of electronic filing and electronic service.

At present, procedural approaches vary significantly among jurisdictions. While some courts have embraced digital innovations, others continue to rely almost exclusively upon traditional paper-based mechanisms.<sup>208</sup>

To promote consistency and legal certainty, all High Court Civil Procedure Rules in Nigeria should expressly recognize electronic filing and electronic service as valid procedural mechanisms.

### b. The National Judicial Council Should Develop a National Digital Justice Framework

The National Judicial Council (NJC) should develop a comprehensive National Digital Justice Framework capable of providing strategic direction for judicial digitalization throughout Nigeria.<sup>209</sup>

The framework should establish minimum standards governing electronic filing, virtual hearings, electronic service, cybersecurity, authentication procedures, and digital case management.

### c. The Sheriffs and Civil Process Act Should Be Amended to Accommodate Electronic Service

The Sheriffs and Civil Process Act remain largely premised upon physical service and traditional modes of communication.<sup>210</sup> Although contemporary court rules increasingly recognize electronic service, the absence of corresponding statutory reforms may create uncertainty regarding the legal status of digital notification mechanisms. The National Assembly should therefore amend the Act to expressly recognize electronic service, electronic proof of service, and digitally enabled substituted service.

<sup>206</sup> Tom R Tyler, *Why People Obey the Law* (Princeton University Press 2006) 115–124.

<sup>207</sup> Peace Agunia, 'Balancing Speed and Safeguards: Rethinking Electronic Service and the Right to Be Heard in Nigeria' (2026) *SSRN Electronic Journal*.

<sup>208</sup> A Omodele and A Olubukola, 'The Pros and Cons of Technology in the Judicial Process in Lagos State, Nigeria' (2024) *African Journal of Humanities and Contemporary Education Research*.

<sup>209</sup> National Judicial Council, *Strategic Policy Framework on Judicial Reform* (2023).

<sup>210</sup> A Omodele and A Olubukola, 'The Pros and Cons of Technology in the Judicial Process in Lagos State, Nigeria' (2024) *African Journal of Humanities and Contemporary Education Research*.

**d. Government Should Invest in Digital Infrastructure and Cyber-Security**

Judicial digitalization cannot succeed without adequate technological infrastructure. Federal and State Governments should increase investment in internet connectivity, electricity supply, digital court facilities, secure servers, data protection systems, and cybersecurity mechanisms.<sup>211</sup> The integrity and reliability of digital justice systems depend significantly upon the quality of the technological infrastructure supporting them. Therefore, infrastructure development should be treated as a priority component of judicial reform.

**e. Courts Should Adopt Hybrid Systems to Prevent Exclusion of Digitally Disadvantaged Litigants**

While digital justice offers considerable benefits, it also creates risks of exclusion for persons lacking technological resources or digital literacy. To address this concern, courts should adopt hybrid procedural systems that combine electronic and traditional mechanisms during the transitional period.<sup>212</sup> Such systems would enable technologically disadvantaged litigants to continue accessing judicial remedies while gradually adapting to digital processes.

**f. Continuous Judicial and Legal Practitioner Training Should Be Institutionalized**

Technological innovation requires corresponding human capacity development.

The National Judicial Institute, the Nigerian Bar Association, and other relevant institutions should establish continuous training programs focusing on electronic filing systems, virtual proceedings, digital evidence, cybersecurity, and emerging technologies.<sup>213</sup> Institutionalizing such programs would improve technological competence and facilitate effective implementation of digital reforms.

**g. Uniform Standards for Electronic Proof of Service Should Be Developed Nationwide**

The effectiveness of electronic service depends substantially upon the reliability of proof-of-service mechanisms. National standards should therefore be developed governing delivery confirmations, electronic receipts, timestamps, authentication requirements, and procedures for resolving disputes concerning service.<sup>214</sup>

**h. Establishment of Judicial Cyber-Security Units**

Given the increasing threat posed by cybercrime, specialized cyber-security units should be established within judicial institutions. These units should be responsible for monitoring digital systems, preventing unauthorized access, responding to security incidents, and protecting confidential judicial information.<sup>215</sup>

**i. Periodic Review of Digital Justice Rules**

Technology evolves rapidly. Consequently, digital justice regulations should be reviewed periodically to ensure continued relevance and effectiveness. Periodic review mechanisms would enable courts to respond to emerging technologies, evolving cybersecurity threats, and changing communication practices.<sup>216</sup> Continuous adaptation is essential for maintaining an effective and constitutionally compliant digital justice system.

<sup>211</sup> National Judicial Council, *Strategic Policy Framework on Judicial Reform* (2023).

<sup>212</sup> Sheriffs and Civil Process Act, Cap S6 Laws of the Federation of Nigeria 2004.

<sup>213</sup> National Judicial Institute, *Judicial Education and Capacity Development Framework* (2023).

<sup>214</sup> Taraba State High Court (Civil Procedure) Rules 2026, Order 7 rule 13(2)

<sup>215</sup> International Bar Association, *Cybersecurity Guidelines for Courts and Tribunals* (2022).

<sup>216</sup> Richard Susskind (n 3) 163–176.

Conclusively, the Taraba State High Court (Civil Procedure) Rules 2026 provide a valuable model for judicial modernization in Nigeria. If supported by appropriate legislative reforms, institutional commitment, technological investment, and constitutional safeguards, the Rules have the potential to significantly influence the future development of civil procedure and access to justice throughout the Federation.

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