JUDICIAL ETHICS, INTEGRITY AND INSTITUTIONAL ACCOUNTABILITY: STRENGTHENING PUBLIC CONFIDENCE AND EFFECTIVE JUSTICE DELIVERY IN A DIGITALIZED WORLD

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Abstract

Judicial power ultimately depends upon public confidence that courts exercise their constitutional authority independently, impartially, with integrity. Judicial ethics is not merely a matter of personal morality or disciplinary compliance; it is an institutional condition for the legitimacy of adjudication, the rule of law, and effective justice delivery. This paper examined the relationship between judicial ethics, integrity, and institutional accountability within Nigeria's constitutional and judicial frameworks. Drawing upon comparative experience and emerging 2024–2026 international guidance, the paper argued for a preventive and educational model of judicial integrity alongside effective disciplinary accountability. It proposes an integrated Judicial Ethics, Integrity and Accountability Framework for Nigeria built around ethical competence, institutional safeguards, continuing judicial education, transparent accountability, digital integrity and public confidence. It concludes that sustainable judicial integrity cannot be secured by disciplinary sanctions alone: it requires an institutional culture in which independence is protected, ethical competence is continuously developed, accountability is fair and credible, and technology remains subordinate to human judicial responsibility.

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1.0 INTRODUCTION

1.1 Background and Context

The administration of justice rests upon an unusual constitutional arrangement. Judges exercise considerable public power, yet the legitimacy of that power depends substantially upon their insulation from the ordinary mechanisms of political control. Judicial officers determine rights and obligations, review exercises of governmental power, interpret legislation, adjudicate criminal responsibility and, in constitutional democracies, may invalidate governmental action that exceeds constitutional limits. Such authority necessarily requires independence. But independence cannot mean absence of responsibility. The legitimacy of judicial power depends equally upon the confidence that it will be exercised competently, impartially, honestly and according to law. Judicial independence and judicial accountability are therefore not inherently antagonistic concepts; properly understood, they are mutually reinforcing conditions of legitimate adjudication.[1]

"Justice must be rooted in confidence."

1.2 Statement of the Problem

Nigeria possesses a substantial constitutional and institutional framework for judicial accountability. Judicial power is constitutionally vested in the courts; the National Judicial Council performs important constitutional responsibilities relating to judicial appointment and discipline; and the Code of Conduct establishes standards governing propriety, impartiality, integrity, diligence and

[1] See generally Christopher Phiri, 'Judicial Independence Through Accountability: Why and How to Remove Judges in Zambia' (2025) *Journal of African Law*, examining the relationship between judicial independence and accountability in an African constitutional context; Matthew C Stephenson, 'Judicial Independence: What It Is, How It Can Be Measured, Why It Occurs' (2008) 58 *World Politics* 153.

related aspects of judicial behaviour. The National Judicial Policy goes further by contemplating a Judicial Ethics Committee responsible, among other things, for elaborating ethical standards, promoting continuing judicial accountability and probity, measuring public perceptions of ethical compliance and monitoring lapses in observance of ethical standards.[2]

1.3 Objectives of the Paper

Against this background, the paper examines the conceptual and jurisprudential foundations of judicial ethics, integrity and institutional accountability; analyses the Nigerian constitutional, regulatory and judicial framework; and evaluates how judicial independence may be reconciled with credible accountability. It further interrogates recurring ethical challenges in judicial practice and the emerging ethical implications of digitalisation, social media, cybersecurity and artificial intelligence.

1.4 Methodology

The paper adopts a doctrinal and comparative methodology principally. It analyses the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Code of Conduct for Judicial Officers, the National Judicial Policy, Nigerian judicial decisions and relevant institutional materials. These are examined alongside the Bangalore Principles, United Nations standards, selected comparative judicial-ethics frameworks, and contemporary academic literature.

1.5 Scope and Significance

Although the primary focus is the ethical responsibility of judicial officers, the paper adopts an institutional conception of integrity. The ethical quality of justice delivery is also affected by Heads of Courts,

[2] National Judicial Council, *National Judicial Policy* (2016) paras 2.3.1–2.3.4, especially para 2.3.3.

registrars, judicial researchers, administrative personnel, ICT officers and other court staff who handle records, information, public funds, digital systems and court users. Institutional accountability must consequently extend beyond the individual judge while preserving the distinctive constitutional protections attaching to adjudicatory independence.

2.0 CONCEPTUAL AND JURISPRUDENTIAL FOUNDATIONS

Judicial ethics, integrity, independence, impartiality and accountability are closely related concepts, but they are not interchangeable. Their proper distinction is important because imprecision may produce two opposite errors: treating judicial independence as insulation from legitimate accountability or treating accountability as a licence for external control of judicial decision-making. A coherent conception of judicial office must avoid both. At its foundation lies the proposition that judicial power is entrusted to judges for the administration of justice according to law, and that the ethical obligations attaching to that power are therefore constitutional and institutional as well as personal.

2.1 Judicial Ethics

Judicial ethics may broadly be understood as the body of principles, values and standards governing the conduct expected of persons exercising judicial power. It extends beyond obedience to positive law. The law ordinarily establishes minimum enforceable obligations; professional regulation prescribes standards attaching to office; ethics asks what conduct is appropriate to the character and responsibilities of that office; while institutional culture determines whether those standards become embedded in everyday judicial practice. Judicial ethics therefore occupies the space between what a judge may legally do and what a judge ought properly to do consistently with the dignity, independence and responsibilities of judicial office.

2.2 Judicial Integrity

Integrity is related to ethics but conceptually distinct from it. If ethics supplies the standards, integrity describes fidelity t**o** those standards. Judicial integrity encompasses honesty, consistency between principle and conduct, incorruptibility, intellectual honesty and fidelity to the responsibilities of judicial office. The Bangalore Principles accordingly declare integrity to be essential to the proper discharge of judicial office and require judicial conduct to be above reproach in the view of a reasonable observer.[3]

2.3 Judicial Independence

Judicial independence is the indispensable structural condition within which ethical adjudication becomes possible. The United Nations Basic Principles on the Independence of the Judiciary require that judicial independence be guaranteed by the State and respected by governmental and other institutions, while courts must decide matters impartially on the basis of facts and law, without improper influences, pressures, threats or interference.[4] The Bangalore Principles similarly describe independence as a prerequisite to the Rule of Law and a fundamental guarantee of a fair trial.[5]

2.4 Judicial Impartiality

Independence concerns freedom from improper influence; impartiality concerns the disposition and appearance with which judicial power is exercised in a particular proceeding. The ancient principle *nemo judex in causa sua* remains foundational: no person should adjudicate a

[3] ibid, Value 3, especially principles 3.1–3.2; UNODC, *Commentary on the Bangalore Principles* paras 101–110.
[4] UN Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August–6 September 1985 and endorsed by UNGA Res 40/32 (29 November 1985) and 40/146 (13 December 1985), principles 1–2.
[5] Bangalore Principles (n 8), Value 1 and principle 1.1.

cause in which his or her interest or circumstances reasonably compromise impartiality.

2.5 Judicial Accountability

Judicial accountability means that the exercise of judicial power is subject to legitimate standards, procedures and consequences. It must, however, be distinguished from political control, executive supervision, popular approval and appellate disagreement. A judge is not accountable to government for deciding a case against government, nor to public opinion for reaching a legally correct but unpopular conclusion. Neither does reversal on appeal ordinarily establish ethical misconduct. Appellate correction is itself one form of institutional accountability within the judicial process.

2.6 Public Confidence and Judicial Legitimacy

The concepts considered above ultimately converge upon public confidence. Courts ordinarily possess neither control of the public purse nor direct command of coercive governmental machinery. Their authority depends substantially upon institutional legitimacy: the expectation that judicial decisions are made independently, impartially, competently and according to law.

3.0 NORMATIVE AND LEGAL FRAMEWORK OF JUDICIAL ETHICS AND INSTITUTIONAL ACCOUNTABILITY

The ethical obligations of judicial office in Nigeria do not rest upon a single legal instrument. They emerge from an interconnected normative architecture comprising the Constitution, the constitutional authority of the National Judicial Council (NJC), the Code of Conduct for Judicial Officers, the National Judicial Policy and relevant international standards. These instruments perform different but complementary functions. The Constitution establishes judicial power, independence, appointment and disciplinary structures; the Code translates broad constitutional values into standards of conduct; the

National Judicial Policy provides an institutional framework for implementing and developing those standards; while international instruments supply broader principles against which national arrangements may be evaluated.

3.1 Constitution of the Federal Republic of Nigeria 1999

The starting point is the Constitution of the Federal Republic of Nigeria 1999 (as amended). Section 6 vests the judicial powers of the Federation and the States in the courts established for them.[6] Judicial ethics must therefore be understood within a constitutional setting: judges do not exercise private authority but the judicial power of the State. The ethical obligations attaching to adjudication consequently derive part of their normative force from the constitutional character of the power exercised.

3.2 The National Judicial Council

The NJC occupies the central constitutional position in Nigeria's institutional architecture of judicial accountability. Paragraph 21 of Part I of the Third Schedule confers upon the Council substantial responsibilities relating to judicial appointments, removal and disciplinary control. In relation to specified federal judicial officers, the Council may recommend removal to the President and exercise disciplinary control; corresponding responsibilities apply to State judicial officers through recommendations to the Governors.[7]

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[6] See generally Mauro Cappelletti, 'Who Watches the Watchmen? A Comparative Study on Judicial Responsibility' (1983) 31 *American Journal of Comparative Law* 1; Martin Shapiro, *Courts: A Comparative and Political Analysis* (University of Chicago Press 1981) 1–64. Reasoned judgments subject judicial power to legal, appellate, professional and public scrutiny without making the judge politically answerable for the result reached.

[7] CFRN 1999, Third Schedule, pt I, para 21(b) and (d). See also National Judicial Council, National Judicial Policy (2016) para 1.1.

3.3 Code of Conduct for Judicial Officers

The Code of Conduct for Judicial Officers of the Federal Republic of Nigeria provides the most detailed ethical framework applicable to judicial behaviour. Its Preamble recognises that an "independent, strong, respected and respectable judiciary" is indispensable to the impartial administration of justice and places upon every judicial officer a responsibility to maintain standards capable of preserving the integrity and independence of the judiciary.[8] Significantly, the Code describes its provisions as minimum standards and provides that violation may constitute judicial misconduct or misbehaviour attracting disciplinary action.

3.4 National Judicial Policy

The National Judicial Policy broadens the regulatory framework from individual conduct to institutional governance. Adopted as a policy framework for the Nigerian judiciary, it addresses judicial appointments, discipline, ethics, administration, performance, access to justice, information management and other dimensions of judicial institutional development.[9]

3.5 Bangalore Principles of Judicial Conduct

The Bangalore Principles of Judicial Conduct provide the leading international normative framework for judicial ethics. Developed through an international judicial process and subsequently endorsed by the United Nations Economic and Social Council in Resolution 2006/23, they organise judicial conduct around six values: independence, impartiality, integrity, propriety, equality, and competence and diligence.[10]

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[8] National Judicial Council, Code of Conduct for Judicial Officers of the Federal Republic of Nigeria (24 February 2016), Preamble and 'Application of the Code'.
[9] National Judicial Council, National Judicial Policy (2016).
[10] The Bangalore Principles of Judicial Conduct (2002), Values 1–6; ECOSOC Res 2006/23, 'Strengthening Basic Principles of Judicial Conduct' (27 July 2006).

3.6 UN Basic Principles on the Independence of the Judiciary

The UN Basic Principles on the Independence of the Judiciary provide the broader institutional foundation. They require States to guarantee judicial independence and prohibit inappropriate or unwarranted interference with the judicial process. Judges are to decide matters impartially on the basis of facts and law without restrictions, inducements, pressures, threats or interference.[11]

3.7 Commonwealth and Other International Standards

The Commonwealth (Latimer House) Principles similarly recognise both judicial independence and accountability. They emphasise appropriate procedures for appointment, security of tenure and protection against improper influence, while accepting properly constituted mechanisms for addressing judicial misconduct.[12] The Commonwealth framework thus reinforces the central proposition that institutional accountability should safeguard rather than erode judicial independence.

4.0 JUDICIAL ETHICS AND INTEGRITY IN PRACTICE: THE NIGERIAN JURISPRUDENCE

4.1 Independence and Institutional Integrity

Judicial independence in Nigerian jurisprudence is not conceived merely as freedom enjoyed by individual judges. It is an institutional requirement arising from the constitutional separation and allocation of governmental powers. Courts must be capable of performing their

[11] UN Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August–6 September 1985 and endorsed by UNGA Res 40/32 (29 November 1985) and 40/146 (13 December 1985), principles 1–4.

[12] Commonwealth (Latimer House) Principles on the Three Branches of Government (2003), especially Principle IV on the independence of the judiciary and the provisions concerning judicial accountability and discipline. See also Commonwealth Secretariat, Latimer House Guidelines for the Commonwealth on Parliamentary Supremacy and Judicial Independence (1998).

constitutional functions without executive, legislative or private interference.

4.2 Bias, Apparent Bias and Recusal

Few areas demonstrate the relationship between ethics and adjudicative legitimacy more clearly than judicial bias. The constitutional guarantee of fair hearing requires not only an opportunity to present one's case but adjudication before an independent and impartial tribunal.

Similarly, in *Abiola v Federal Republic of Nigeria*, the Supreme Court insisted that allegations of bias must rest upon circumstances capable of supporting the requisite objective inference rather than upon subjective suspicion.[13] The ethical standard consequently requires balance. A judge should not sit where circumstances create a legally sufficient appearance of partiality; equally, judicial responsibility should not be surrendered merely because a party would prefer another judge.

4.3 Fair Hearing as an Ethical and Constitutional Requirement

Section 36(1) of the Constitution transforms procedural fairness into a constitutional right. Nigerian jurisprudence has consistently treated the principles *audi alteram partem* and *nemo judex in causa sua* as fundamental components of fair adjudication.

4.4 Ex Parte Orders, Conflicting Orders and Abuse of Judicial Process

The judicial power to grant urgent interim relief is indispensable. Without it, property may disappear, rights may be irreversibly prejudiced and the subject matter of litigation may be destroyed before

[13] *Abiola v Federal Republic of Nigeria* (1995) 7 NWLR (Pt 405) 1 (SC). Allegations of bias must be evaluated objectively and cannot rest upon mere suspicion or subjective apprehension unsupported by the relevant circumstances.

the opposing party can be heard. Yet precisely because an ex parte order is made without hearing the affected party, it constitutes an exceptional exercise of judicial power demanding particular restraint.

4.5 Delay, Diligence and Judgment Delivery

Justice may be compromised not only by partiality but by delay. The Constitution recognises this expressly. Section 36(1) requires determination within a reasonable time, while section 294(1) requires every court established under the Constitution to deliver its decision in writing not later than ninety days after conclusion of evidence and final addresses.[14]

4.6 Judicial Language, Temperament and Courtroom Conduct

Judicial authority carries an asymmetry of power. A judge controls proceedings and exercises coercive authority while litigants, witnesses and advocates ordinarily cannot respond to judicial criticism on equal terms. Judicial temperament is therefore an aspect of ethical responsibility.

4.7 Administrative Ethics and Institutional Responsibility

The ethical responsibilities of a judicial officer do not end when the court rises. Judges - and particularly Heads of Courts - may exercise substantial administrative authority over personnel, case allocation, registries, judicial resources and institutional processes.

Rule 11 of the Code therefore requires judicial officers to discharge administrative responsibilities diligently, maintain professional competence in judicial administration, require staff under their direction to observe standards of integrity and diligence, report reliable

[14] CFRN 1999, ss 36(1) and 294(1).

evidence of unethical conduct and avoid nepotism and favouritism. It also prohibits participation in tenders boards and contract awards.[15]

5.0 JUDICIAL INDEPENDENCE AND INSTITUTIONAL ACCOUNTABILITY: COMPLEMENT OR CONTRADICTION?

The relationship between judicial independence and accountability presents an apparent constitutional paradox. Judges must be sufficiently independent to decide disputes without fear, favour, affection or ill-will; yet the possession of independent public power cannot mean freedom from ethical standards or responsibility for misconduct. The difficulty lies in designing accountability mechanisms capable of addressing wrongdoing without becoming instruments through which political authorities, disappointed litigants or other powerful interests may intimidate judges for decisions lawfully made.

5.1 The Independence - Accountability Paradox

Judicial independence exists principally for the benefit of society and litigants rather than for the personal advantage of judges. The Bangalore Principles accordingly describe independence as both a prerequisite to the Rule of Law and a fundamental guarantee of a fair trial.[16] A judge must be free from inappropriate connections with, and influence by, the executive and legislative branches and must exercise judicial functions independently on the basis of the judge's assessment of the facts and understanding of the law.

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[15] National Judicial Council, Code of Conduct for Judicial Officers r 11(i)–(vi). Rule 11 addresses professional competence in judicial administration, staff integrity and diligence, reporting of unethical conduct, nepotism and favouritism, sexual harassment, and participation in tenders boards or contract awards.

[16] The Bangalore Principles of Judicial Conduct (2002), Value 1, principles 1.1–1.6; ECOSOC Res 2006/23, 'Strengthening Basic Principles of Judicial Conduct' (27 July 2006).

Yet the same judicial officer exercises coercive public power: liberty may be restricted, property transferred, governmental action invalidated and legal rights conclusively determined. Such power cannot credibly exist without responsibility. As comparative experience demonstrates, judicial accountability differs from ministerial or electoral accountability precisely because judges must remain insulated from political retaliation for their decisions. [17] Accountability appropriate to elected office may therefore be destructive when mechanically transferred to judicial office.

5.2 Why Judicial Independence Does Not Mean Immunity

Judicial independence does not confer a general immunity from the law. Its protective purpose is functional: it enables judges to adjudicate without improper interference. It cannot reasonably be transformed into protection for bribery, corruption or other conduct falling outside the legitimate exercise of judicial functions.

The difficult Nigerian authority in this context is *Federal Republic of Nigeria v Nganjiwa*.[18] Because the decision is sometimes compressed into the proposition that a serving judicial officer cannot be prosecuted until disciplined by the National Judicial Council, its constitutional reasoning requires careful qualification.

The principle emerging from *Nganjiwa* may therefore be expressed more accurately as follows:

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[17] See Shimon Shetreet and Christopher Forsyth (eds), The Culture of Judicial Independence: Conceptual Foundations and Practical Challenges (Martinus Nijhoff 2012); Steven Lubet, 'Judicial Discipline and Judicial Independence' (1998) 61 Law and Contemporary Problems 59. The essential difficulty is that mechanisms intended to secure responsibility may themselves threaten decisional independence if disciplinary consequences are attached to legitimate judicial outcomes.

[18] *Federal Republic of Nigeria v Nganjiwa* (2022) 17 NWLR (Pt 1860) 407 (SC); (2022) LPELR-58066(SC), SC.794C/2019, judgment delivered 27 May 2022.

This interpretation also brings *Nganjiwa* into coherence with *Elelu-Habeeb v Attorney-General of the Federation*, where the Supreme Court insisted upon observance of the NJC's constitutionally prescribed role in disciplinary proceedings affecting a State Chief Judge.[19] Both decisions protect institutional jurisdiction rather than judicial impunity.

5.3 Why Accountability Must Not Become Political Control

The opposite danger is equally serious. Accountability becomes constitutionally destructive when used to punish judges because political actors disagree with judicial outcomes.

The constitutional architecture examined in *Elelu-Habeeb* is therefore important not merely because it allocates disciplinary power to the NJC but because it interposes an institutionally protected process between judicial tenure and political dissatisfaction.[20] Accountability is legitimate only where the institution imposing it possesses appropriate authority and where the procedure preserves independence and fairness.

5.4 Forms of Judicial Accountability

Judicial accountability is broader than discipline. At least seven forms may be identified. Reason-giving accountability requires judges to justify decisions through publicly intelligible legal reasons.

5.5 Disciplinary Accountability and Procedural Fairness

Discipline is nevertheless indispensable where credible allegations of misconduct arise. The constitutional protection of judicial

[19] *Elelu-Habeeb v Attorney-General of the Federation* (2012) 13 NWLR (Pt 1318) 423 (SC); (2012) LPELR-15515(SC). The Court held that disciplinary proceedings for removal of a State Chief Judge could not validly bypass the constitutionally assigned role of the NJC.

[20] ibid. See also CFRN 1999, s 158(1), insulating the NJC, in exercising its relevant appointment and disciplinary powers, from the direction or control of other authorities or persons.

independence cannot require disciplinary institutions to ignore corruption or serious ethical violations. Indeed, ineffective discipline may itself weaken independence by destroying the moral authority upon which judicial autonomy depends.

5.6 Transparency and Reasoned Judgments

One of the least coercive yet most powerful forms of judicial accountability is the obligation to give reasons.

5.7 Public Criticism and Judicial Restraint

Judges occupy an unusually difficult position in public discourse. Their judgments may attract intense criticism, particularly in politically sensitive or socially controversial cases, yet judicial ethics ordinarily requires restraint in responding publicly.

Independence protects the judicial decision; accountability governs the responsible exercise of judicial office.

That task becomes substantially more complex in a digital and interconnected world. Social media, electronic communications, cybersecurity vulnerabilities and generative artificial intelligence increasingly blur the boundaries between judicial conduct, private activity, information security and adjudicatory responsibility. The next section therefore examines the emerging ethical responsibilities of the digital judge.

6.0 THE DIGITAL JUDGE: ETHICS, INTEGRITY AND ACCOUNTABILITY IN THE AGE OF ARTIFICIAL INTELLIGENCE

Digital transformation is changing not merely how courts administer justice but the ethical environment within which judicial power is exercised. Electronic filing, virtual hearings, digital case-management systems, social media, instant messaging, cloud computing and generative artificial intelligence offer substantial opportunities for

improving efficiency, access and judicial research. Yet each innovation also creates vulnerabilities that conventional judicial ethics rules did not expressly anticipate.

6.1 Digital Transformation as an Ethical Question

It is tempting to treat judicial technology principally as an administrative question concerning efficiency. That approach is incomplete. Technology affects who has access to judicial information, how decisions are researched and prepared, how litigants interact with courts, how evidence is evaluated and potentially how judicial reasoning itself is influenced.

6.2 Social Media and Judicial Conduct

Social media creates a distinctive ethical difficulty because it collapses boundaries between private expression and public judicial identity. A comment made from a personal account may be copied, redistributed and permanently associated with judicial office.

The traditional ethical principles remain applicable. A judicial officer must avoid conduct capable of compromising or appearing to compromise independence, impartiality and the dignity of judicial office. [21] Accordingly, social-media activity concerning political controversies, pending litigation, lawyers appearing before the court or contentious social questions may generate reasonable perceptions of predisposition even where no actual bias exists.

6.3 Electronic Communications and Ex Parte Contact

Email, WhatsApp and other messaging applications have transformed professional communication. Their informality and immediacy,

[21] National Judicial Council, Code of Conduct for Judicial Officers of the Federal Republic of Nigeria (24 February 2016), especially rr 1–3 and the provisions concerning extra-judicial activities, propriety, independence and impartiality. See also Bangalore Principles of Judicial Conduct (2002), Values 1–4.

however, can obscure ethical boundaries that would be obvious in conventional court settings.

6.4 Confidentiality and Judicial Data

Digitalisation creates unprecedented quantities of judicial data. Electronic case files may contain personal information, commercial secrets, medical records, security information, draft judgments, internal research and confidential deliberative material.

6.5 Cybersecurity as an Ethical Responsibility

Cybersecurity is similarly no longer merely an information-technology issue. A compromised judicial email account may permit unauthorised access to draft judgments, communications and case information. Weak passwords, phishing attacks, insecure personal devices or careless handling of digital credentials may consequently produce ethical and institutional consequences.

The CEPEJ framework's principle of quality and security recognises that judicial data should be processed in secure technological environments. [22] Security is essential because the integrity of adjudication increasingly depends upon the integrity of the information systems through which judicial work is conducted.

6.6 Generative Artificial Intelligence and Judicial Work

Generative AI represents perhaps the most significant contemporary technological challenge to judicial ethics. Large language models can summarise documents, generate text, translate material, organise information and assist research at extraordinary speed. These capacities may help courts manage increasing workloads.

The attraction is therefore understandable. UNESCO's global work demonstrates that judicial use is no longer hypothetical: its survey

[22] CEPEJ, European Ethical Charter, Principle III (quality and security). See also Principle IV concerning transparency, impartiality and fairness.

preceding the 2025 Guidelines found that 44 per cent of surveyed judicial operators had already used AI tools in their work, while only 9 per cent had received AI-related training or information. [23] This disparity between adoption and competence presents a significant integrity risk.

The October 2025 England and Wales guidance specifically warns about AI hallucinations, misleading information, bias in training data and confidentiality. Crucially, it reiterates the **personal responsibility** of judicial office-holders for all material produced in their name.[24]

6.7 Non-Delegation of Judicial Responsibility

Artificial intelligence may assist judicial work; it cannot assume judicial office.

UNESCO's 2025 Guidelines accordingly adopt a human-centred framework in which AI should function as an assistive rather than substitutive tool, subject to meaningful human oversight.[25] The CEPEJ principle of user control similarly requires that judicial users remain

[23] UNESCO, Guidelines for the Use of AI Systems in Courts and Tribunals (UNESCO 2025) and UNESCO, 'AI in the Courtroom: UNESCO's New Guidelines for the Judiciary' (3 December 2025). UNESCO reported from its 2024 global survey that approximately 44 per cent of surveyed judicial operators had used AI tools in their work whereas only 9 per cent had received AI-related training or information; 73 per cent considered that mandatory regulations and guidelines for judicial AI use were required.

[24] Courts and Tribunals Judiciary, Artificial Intelligence (AI): Guidance for Judicial Office Holders. The updated guidance expressly addresses hallucinations and bias in training data, cautions against entering private information into public AI tools and emphasises the personal responsibility of judicial office-holders for material produced in their name.

[25] UNESCO, Guidelines for the Use of AI Systems in Courts and Tribunals. The Guidelines establish fifteen universal principles, including transparency, accountability, human-rights protection, information security, auditability and human oversight and decision-making, and conceive AI as assistive rather than substitutive in judicial work.

informed actors in control of technological choices rather than becoming subordinate to prescriptive algorithmic outputs.[26]

6.8 Transparency and Disclosure of Judicial AI Use

A more difficult question is whether judicial use of AI should be disclosed.

6.9 Deepfakes, Synthetic Evidence and Evidential Integrity

AI creates challenges not only for judicial work but for the evidence judges receive. Deepfake video, synthetic audio, AI-generated photographs and manipulated digital documents may increasingly enter litigation.

6.10 AI Literacy as an Ethical Competency

The emerging international consensus strongly supports judicial AI education. UNESCO's 2025 Guidelines combine governance principles with capacity-building and expressly address the responsibilities of both judicial organisations and individual members of the judiciary.[27] The scale of the training deficit identified in its global survey demonstrates why general technological awareness is no longer sufficient.

Algorithmic and training-data bias;

7.0 INSTITUTIONAL ACCOUNTABILITY AND THE JUDICIAL INTEGRITY ECOSYSTEM

Judicial integrity is often discussed principally in relation to the individual judge. That focus is understandable because adjudicatory authority is ultimately exercised by identifiable judicial officers. It is

[26] CEPEJ, European Ethical Charter, Principle V (‘under user control’). The principle seeks to avoid a prescriptive approach and ensure that judicial users remain informed actors capable of controlling their choices.

[27] UNESCO, Guidelines for the Use of AI Systems in Courts and Tribunals. See also UNESCO, AI Essentials for Judges (UNESCO 2026), developed within UNESCO's continuing AI and Rule of Law capacity-building programme.

nevertheless incomplete. Contemporary justice is delivered through institutions comprising judges, Heads of Courts, registrars, administrative personnel, judicial researchers, ICT personnel, lawyers and other actors who manage information, records, finances, technology and access to judicial processes. Integrity must therefore be understood as an ecosystem rather than merely an attribute of individual character.

7.1 From Individual Ethics to Institutional Integrity

Institutional integrity concerns the capacity of the judicial system as a whole to operate consistently with the values governing judicial office. It asks not only whether judges are honest, but whether appointments are credible, cases are assigned fairly, court records are secure, staff act professionally, disciplinary procedures are trustworthy, judicial resources are properly managed and institutional practices minimise opportunities for improper influence.

7.2 The National Judicial Council

The National Judicial Council occupies the principal constitutional position in Nigeria's judicial accountability architecture. Its responsibilities concerning appointment, discipline and institutional policy place it at the intersection between independence and accountability.

Even more important from a preventive perspective, the National Judicial Policy envisages a Judicial Ethics Committee responsible for elaborating ethical standards, explaining and reinforcing the Code, maintaining continuing standards of accountability and probity, monitoring ethical compliance and conducting periodic surveys of public perceptions.[28]

[28] National Judicial Council, National Judicial Policy paras 2.3.3–2.3.4. The contemplated Judicial Ethics Committee is assigned functions including elaboration and amendment of ethical standards, promotion of accountability and probity,

7.3 The National Judicial Institute

If the NJC represents the regulatory and accountability dimension of the integrity system, the National Judicial Institute should occupy a complementary preventive and educational position.

7.4 Heads of Courts and Ethical Leadership

Institutional culture is substantially influenced by leadership. Heads of Courts possess administrative responsibilities affecting case allocation, personnel, court resources, judicial performance and institutional priorities. Their conduct therefore sends powerful signals concerning what behaviour is tolerated, discouraged or expected.

7.5 Chief Registrars and Court Administrators

Chief Registrars, registrars and court administrators occupy strategically important positions because they manage the operational infrastructure through which justice is delivered. Filing, service, custody of exhibits, access to records, scheduling, financial administration, and increasingly digital case-management systems all create points at which institutional integrity may either be protected or compromised.

7.6 The Legal Profession

Lawyers are not external observers of judicial integrity. They are participants in its creation or erosion.

7.7 Court Staff

Court staff may possess access to information and processes of considerable sensitivity. They may encounter litigants before the judge does, control access to records, handle exhibits, process orders and interact with lawyers and members of the public.

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monitoring compliance and periodic measurement of public perceptions of judicial ethical performance.

7.8 Media, Civil Society and Public Scrutiny

Media and civil society perform legitimate accountability functions by reporting judicial proceedings, analysing decisions, identifying systemic problems and facilitating informed public scrutiny. Open justice necessarily permits criticism.

7.9 Whistleblowing and Reporting Misconduct

An integrity system ultimately requires mechanisms through which misconduct can be reported safely and credibly.

8.0 COMPARATIVE BEST PRACTICES AND LESSONS FOR NIGERIA

Comparative experience demonstrates that judicial integrity is most effectively protected not by disciplinary sanctions alone but by an institutional combination of clear ethical standards, judicial ownership, preventive education, fair disciplinary mechanisms, transparency, advisory guidance and continuing adaptation to technological change. The institutional forms differ among jurisdictions, but the underlying principles reveal substantial convergence.

8.1 United Kingdom: Institutional Separation and Practical Guidance

The judicial conduct system in England and Wales illustrates the value of separating complaints concerning judicial conduct from appellate disagreement. The Judicial Conduct Investigations Office (JCIO) supports the Lord Chancellor and Lady Chief Justice in considering complaints concerning the personal conduct of judicial office-holders.[29] The disciplinary framework does not provide an alternative

[29] Judicial Conduct Investigations Office, Judicial Conduct Rules 2023 and associated disciplinary guidance. The JCIO supports the Lord Chancellor and Lady Chief Justice in the exercise of their statutory responsibilities concerning judicial discipline. Its jurisdiction concerns personal conduct rather than the correctness of judicial decisions, which remains a matter for appeal.

appeal against judicial decisions: disagreement with a judgment must ordinarily be pursued through the appellate process.

8.2 United States: Detailed Standards, Disclosure and Advisory Ethics

The United States federal judiciary provides another useful model. The *Code of Conduct for United States Judges* is organised around five Canons requiring judges to uphold judicial independence and integrity, avoid impropriety and its appearance, perform judicial duties fairly and diligently, regulate extra-judicial activities and refrain from political activity.[30]

8.3 Canada: Ethical Principles as Education and Guidance

The Canadian approach places substantial emphasis upon judicial ownership of ethical standards and the educational function of ethical principles. The Canadian Judicial Council's *Ethical Principles for Judges* treats judicial ethics not simply as a catalogue of disciplinary offences but as a framework intended to assist judges in resolving ethical and professional questions.[31]

8.4 South Africa: Constitutional Accountability and a Judicial Code

South Africa provides a valuable African comparison because judicial independence and accountability operate within a transformative constitutional framework. The Judicial Service Commission performs significant functions concerning judicial appointments and complaints,

[30] Judicial Conference of the United States, Code of Conduct for United States Judges, Canons 1–5. Canon 1 addresses integrity and independence; Canon 2 impropriety and its appearance; Canon 3 fair, impartial and diligent performance of judicial duties; Canon 4 extra-judicial activities; and Canon 5 political activity.

[31] Canadian Judicial Council, Ethical Principles for Judges (2021). The Principles are organised principally around judicial independence, integrity and respect, diligence and competence, equality and impartiality and are intended to provide ethical guidance to federally appointed judges.

while the Judicial Code of Conduct provides standards relating to independence, impartiality, integrity, propriety and extra-judicial activities.[32]

8.5 Kenya: Integrating Independence, Accountability and Education

Kenya provides an especially useful comparator because article 172 of the Constitution expressly requires the Judicial Service Commission to "promote and facilitate the independence and accountability of the judiciary and the efficient, effective and transparent administration of justice." [33] The constitutional formulation is noteworthy because independence and accountability are presented not as competing objectives but as elements of the same institutional mandate.

8.6 Singapore: Ethical Competence and Digital Governance

Singapore offers particularly useful lessons concerning the relationship between judicial competence, institutional leadership and technological change. The Singapore Judicial College's Judicial Competency Framework expressly identifies Judicial and Legal Ethics as a core competency, requiring adherence to independence, impartiality, integrity and courage. It also includes lifelong learning and competence concerning technological developments.[34]

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[32] Constitution of the Republic of South Africa 1996, ss 165, 174, 177 and 178; Code of Judicial Conduct, adopted under s 12 of the Judicial Service Commission Act 9 of 1994. The constitutional and statutory framework combines judicial independence with institutionally structured accountability.

[33] Constitution of Kenya 2010, arts 171–172, especially art 172(1). The constitutional mandate expressly joins judicial independence, accountability and efficient, effective and transparent administration of justice.

[34] Singapore Judicial College, Judicial Competency Framework, especially the competencies concerning 'Judicial and Legal Ethics', judicial temperament, decision-making, lifelong learning and competence in related fields, including keeping abreast of technological advancements.

8.7 Comparative Lessons for Nigeria

Across these jurisdictions, differences of constitutional structure conceal substantial convergence in the principles underlying successful judicial-integrity systems.

9.0 A JUDICIAL ETHICS, INTEGRITY AND ACCOUNTABILITY FRAMEWORK (JEIAF) FOR NIGERIA

The preceding analysis demonstrates that Nigeria does not lack constitutional provisions, ethical standards or institutions concerned with judicial integrity. The Constitution protects judicial independence and establishes the National Judicial Council; the Code of Conduct prescribes standards of judicial behaviour; the National Judicial Policy provides an institutional framework for ethics and accountability; and the National Judicial Institute possesses an established mandate for judicial education. The principal challenge is therefore not simply the creation of additional rules. It is the integration of existing standards, institutions, education, accountability and emerging digital responsibilities into a coherent integrity system.

The JEIAF rests upon six interconnected pillars.

9.1 Pillar I - Ethical Competence

The first pillar is **Ethical Competence**. Knowledge of ethical rules is necessary but insufficient. Judicial officers must possess the practical capacity to recognise ethical risks, identify competing values and make principled decisions where the Code does not provide an immediately obvious answer.

Ethical competence should therefore be treated as a dimension of judicial competence itself. The Bangalore Principles connect competence and diligence with the proper performance of judicial

duties, while comparative experience increasingly integrates ethics within judicial professional development.[35]

9.2 Pillar II - Judicial Independence and Impartiality

The second pillar protects the constitutional environment within which ethical judging is possible.

9.3 Pillar III - Integrity and Professional Conduct

The third pillar concerns fidelity to the standards and responsibilities of judicial office.

9.4 Pillar IV - Fair Institutional Accountability

The fourth pillar addresses accountability while preserving the constitutional protections analysed in Section 5. Accountability should be lawful, institutionally appropriate, transparent, consistent and procedurally fair. The constitutional disciplinary authority of the NJC must be respected, particularly where alleged misconduct arises from judicial functions. At the same time, judicial independence must not be misinterpreted as immunity from disciplinary or, where legally applicable, criminal responsibility. [36] The Framework therefore distinguishes three questions. This distinction protects both accountability and independence.

9.5 Pillar V - Digital Integrity

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[35] The Bangalore Principles of Judicial Conduct (2002), Value 6; UNODC, Commentary on the Bangalore Principles of Judicial Conduct (United Nations 2007), especially the discussion of competence and diligence. See also Singapore Judicial College, Judicial Competency Framework, integrating judicial and legal ethics, judicial temperament, lifelong learning and technological competence within the broader conception of judicial professional capacity.

[36] CFRN 1999, ss 153(1)(i), 158(1) and Third Schedule, pt I, para 21; Elelu-Habeeb v Attorney-General of the Federation (2012) 13 NWLR (Pt 1318) 423 (SC); Federal Republic of Nigeria v Nganjiwa (2022) 17 NWLR (Pt 1860) 407 (SC); (2022) LPELR-58066(SC). As argued in Section 5, Nganjiwa is more accurately understood as protecting the constitutionally assigned disciplinary jurisdiction and appropriate sequencing where alleged misconduct is connected with judicial functions, rather than conferring substantive criminal immunity upon judicial officers.

The fifth pillar responds directly to the transformation examined in Section 6.

9.6 Pillar VI - Public Confidence and Institutional Learning

The sixth pillar recognises public confidence as both an outcome and a measure of judicial integrity.

The National Judicial Policy already provides a foundation for monitoring public perceptions of ethical compliance and improving communication concerning judicial processes.[37] The JEIAF would strengthen this through periodic judicial-integrity assessments, anonymised ethics surveys, analysis of recurring complaint patterns and structured feedback from court users and justice-sector institutions.

9.7 Operationalising the JEIAF

The six pillars should not operate as isolated programmes. Their value lies in integration.

INDEPENDENCE
↓
ETHICAL COMPETENCE ↔ INTEGRITY ↔ ACCOUNTABILITY
↓
DIGITAL RESPONSIBILITY
↓
PUBLIC CONFIDENCE
↓
RULE OF LAW AND EFFECTIVE JUSTICE DELIVERY

The arrows should not be understood as merely linear. The system is recursive. Accountability reveals ethical risks; identified risks inform education; education improves conduct; improved conduct strengthens

[37] National Judicial Council, National Judicial Policy (2016) paras 2.3.1–2.3.4. The Policy envisages institutional mechanisms concerned with elaborating ethical standards, maintaining continuing accountability and probity, monitoring compliance and periodically measuring public perceptions concerning judicial ethical performance.

public confidence; and public confidence reinforces the legitimacy necessary for judicial independence.

The practical recommendations necessary to translate this Framework into action are considered below.

10.0 RECOMMENDATIONS

The analysis in this paper demonstrates that strengthening judicial integrity in Nigeria does not principally require the multiplication of ethical rules or institutions. The essential foundations already exist in the Constitution, the National Judicial Council, the National Judicial Institute, the Code of Conduct for Judicial Officers and the National Judicial Policy. The priority should be to integrate these mechanisms within the preventive, educational and accountability architecture proposed under the Judicial Ethics, Integrity and Accountability Framework (JEIAF). The following recommendations are therefore institution-specific.

10.1 National Judicial Institute: Institutionalise Continuing Ethical Competence

The National Judicial Institute should develop a structured Judicial Ethics and Digital Integrity Curriculum forming part of induction and continuing judicial education for all categories of judicial officers. This falls squarely within the Institute's statutory mandate to provide continuing education through courses, lectures, seminars, workshops and conferences designed to improve judicial knowledge and performance.[38]

10.2 National Judicial Council: Strengthen Preventive Ethical Governance

[38] National Judicial Institute Act, Cap N55, Laws of the Federation of Nigeria 2004, s 3. The Institute is empowered, among other things, to conduct courses for judicial officers and supporting staff and to provide continuing judicial education through study courses, lectures, seminars, workshops and conferences. See also National Judicial Council, National Judicial Policy (2016) paras 1.10–1.11.

The NJC should strengthen the operational role of its Judicial Ethics Committee consistently with the National Judicial Policy. The Committee should periodically review ethical guidance, elaborate difficult provisions of the Code, monitor recurring ethical risks and conduct periodic assessments of public perceptions of judicial integrity.[39]

10.3 Adopt National Judicial Digital Ethics and AI Guidance

The NJC, working with the NJI and relevant technical expertise, should adopt a National Judicial Digital Ethics and Artificial Intelligence Guidance applicable to judicial officers and, where appropriate, court personnel.

10.4 Heads of Courts: Make Ethical Leadership an Administrative Responsibility

Heads of Courts should be required to implement periodic Ethics and Integrity Risk Assessments within their jurisdictions. These should examine case assignment, registry practices, staff access to records, conflicts of interest, confidentiality, procurement interfaces, cybersecurity, and other areas vulnerable to manipulation or favouritism.

10.5 Chief Registrars and Court Staff: Extend Integrity Beyond the Courtroom

Court staff should receive mandatory training on confidentiality, gifts, unofficial payments, records integrity, conflicts of interest, cybersecurity and responsible access to judicial information.

[39] National Judicial Council, National Judicial Policy (2016) para 2.3.3. The Policy assigns the Judicial Ethics Committee functions including elaborating the Code, maintaining continuing standards of accountability and probity, conducting periodic surveys of public perceptions and monitoring laxity in ethical compliance. See also National Judicial Council, 'Committees of NJC', listing the Judicial Ethics Committee among the Council's committees.

10.6 Strengthen Reporting, Transparency and Institutional Communication

The judiciary should maintain accessible and credible mechanisms for reporting judicial and administrative misconduct while simultaneously protecting judicial officers against malicious, frivolous or politically motivated allegations.

10.7 Establish an Ethics Risk and Learning Cycle

Finally, the NJC and NJI should institutionalise the Ethics Risk and Learning Cycle developed in this paper:

11.0 CONCLUSION

The strength of a judiciary ultimately rests not merely upon the constitutional powers it possesses, but upon the confidence that those powers will be exercised independently, impartially, competently and with integrity. Judicial authority is distinctive because courts frequently depend less upon coercion than upon society's acceptance of the legitimacy of their decisions. Public confidence is therefore not peripheral to the administration of justice; it is one of the conditions upon which effective judicial authority depends.

This paper has argued that judicial ethics must consequently be understood as more than a catalogue of disciplinary prohibitions. It represents a constitutional and institutional conception of judicial office. Independence protects the judge from improper influence; impartiality requires neutrality in the exercise of adjudicatory power; integrity demands fidelity to the standards of judicial office; and accountability provides assurance that the protection of judicial independence cannot be converted into impunity.[40] Properly designed, these principles reinforce rather than contradict one another.

[40] The Bangalore Principles of Judicial Conduct (2002), Values 1–6; UNODC, Commentary on the Bangalore Principles of Judicial Conduct (United Nations 2007). See also UN Basic Principles on the Independence of the Judiciary, principles 1–4

This is particularly important in the digital and interconnected environment in which contemporary judges now operate. Social media, electronic communications, digital case-management systems, cybersecurity risks and generative artificial intelligence have expanded the ethical terrain of judicial office. Technology can improve research, efficiency and access to justice, but it can also generate fabricated authorities, expose confidential information, reproduce algorithmic bias and obscure responsibility for judicial work. The enduring principle must therefore remain that artificial intelligence may augment judicial intelligence; it cannot assume judicial responsibility. Judicial authority is constitutionally entrusted to human judicial officers, and responsibility for the judgments, rulings and orders issued in their names must remain human.[41]

Accountability must equally remain fair, credible and constitutionally structured. Judicial independence cannot mean immunity from responsibility for misconduct, but accountability cannot become political control or punishment for unpopular decisions. The proper objective is protected responsibility: strong institutional safeguards for judges who decide according to law, combined with credible and procedurally fair mechanisms for addressing genuine misconduct.[42]

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and 17–20, which combine protection of judicial independence with institutionally appropriate and procedurally fair mechanisms for discipline.

[41] UNESCO, Guidelines for the Use of AI Systems in Courts and Tribunals (UNESCO 2025); Courts and Tribunals Judiciary, Artificial Intelligence (AI): Guidance for Judicial Office Holders (October 2025); CEPEJ, European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their Environment (Council of Europe 2018), principles I–V. These instruments converge upon meaningful human oversight, verification, security and continuing human responsibility in judicial uses of artificial intelligence.

[42] Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 153(1)(i), 158(1) and Third Schedule, pt I, para 21; Elelu-Habeeb v Attorney-General of the Federation (2012) 13 NWLR (Pt 1318) 423 (SC); Federal Republic of Nigeria v Nganjiwa (2022) 17 NWLR (Pt 1860) 407 (SC); (2022) LPELR-58066(SC). The constitutional structure protects the institutional role of the NJC in judicial discipline