Vilnius University Faculty of Law

Department of Private Law

Synthia Arrey Tambe Jennet

2nd study year, International and European Law Study Programme Student

Master's Thesis

Digital Divide and Access to Justice: Bridging Inequalities in the Age of E-justice

Skaitmeninė atskirtis ir teisė kreiptis į teismą: nelygybės mažinimas elektroninės teisingumo eros sąlygomis

Supervisor: Assist.Dr. Victor TEREKHOV

Reviewer: Assist. Prof. Dr. Jurgis Bartkus

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ABSTRACT

With the rise of Information Communication and Technology systems, access to justice has become digitalised through the use of e-justice in the digital age. e-justice systems such as e-filing, electronic case management has been used by individuals to seek redress from court. Despite the presence of e-justice, it has led to digital divide as not all persons are capable of accessing the administration of justice using the e-justice system in the digital age. The problems of the digital divide are the various inequalities that are been faced by individuals who seek redress but are not able to use the digital technologies. There is lack of digital literacy, lack of broadband infrastructure, the presence of poverty and economic hardship, structural inequalities between women and men, especially in the rural areas. This digital divide has been bridge thanks to certain measures such as digital literacy training and infrastructural development and connectivity so as to guarantee access to the administration of justice using the e-justice system. With the rise of digital technologies, there have been the rise of the use of artificial intelligence in the court system which have been used to facilitate legal procedures. This use of artificial intelligence in the court system have been implanted in certain countries such as China and Russia while developments are still being carried out in certain countries such as the African States and the France.

Key words: e-justice, access to justice, digital divide, artificial intelligence

SANTRAUKA

Didėjant informacinių ryšių ir technologijų sistemų reikšmei, teisingumo prieiga tapo skaitmenizuota naudojant e. teisingumo priemones skaitmeniniame amžiuje. E. teisingumo sistemos, tokios kaip elektroninis bylų pateikimas ir elektroninis bylų valdymas, yra naudojamos asmenų, siekiančių teisinės gynybos teisme. Nepaisant e. teisingumo egzistavimo, jis sukėlė skaitmeninę atskirtį, nes ne visi žmonės geba naudotis teisingumo administravimu per e. teisingumo sistemą skaitmeniniame amžiuje. Skaitmeninės atskirties problemos – tai įvairios nelygybės, su kuriomis susiduria asmenys, siekiantys gauti teisinę gynybą, tačiau negalintys naudotis skaitmeninėmis technologijomis. Trūksta skaitmeninio raštingumo, nėra pakankamos plačiajuosčio interneto infrastruktūros, egzistuoja skurdas ir ekonominiai sunkumai, struktūrinė nelygybė tarp moterų ir vyrų, ypač kaimo vietovėse. Ši skaitmeninė atskirtis buvo mažinama taikant tam tikras priemones, tokias kaip skaitmeninio raštingumo mokymai ir infrastruktūros plėtra bei ryšio gerinimas, siekiant užtikrinti teisingumo administravimo prieinamumą naudojant e. teisingumo sistemą. Didėjant skaitmeninių technologijų naudojimui, teismų sistemoje pradėta taikyti dirbtinį intelektą, siekiant palengvinti teisines procedūras. Dirbtinis intelektas teismų sistemoje jau įdiegtas tokiose šalyse kaip Kinija ir Rusija, o plėtra vis dar vykdoma kai kuriose Afrikos valstybėse ir Prancūzijoje.

Raktažodžiai: e. teisingumas, prieiga prie teisingumo, skaitmeninė atskirtis, dirbtinis intelektas

INTRODUCTION

REVEVANCE OF THE TOPIC:

With the presence of ICT tools, there have been a shift from the traditional or formal access to justice through the formal state courts to the use of E-justice as a method of access to justice in the digital world. E-justice is an umbrella term that captures any effort to administer, deliver, strengthen, or monitor justice services using digital technologies. It includes efforts like courts, governments and human rights institutions, individuals like lawyers and human rights defenders, private and civil society entities like technology providers and community partners.[1] E-justice broadly covers all types of digital technologies, from complex case management to innovative apps to information technologies and use of online communications.[2] It includes the tools and processes used by justice professionals and those used by the public and media.   E-justice includes the strategies, process re-engineering, automation, data collection, integration of systems as well as online disputes resolutions, remote court processes and technologies used to digitalise, store and provide access to legal documents and evidence.

As technology continue to transform how people interact with governments, media, businesses and with each other, it has brought digital divide as far as access to justice in the digital era is concerned. In fact, access to justice using e-justice has caused digital divide. digital divide is defined as the gulf between those who have ready access to computers and the internet, and those who do not.[3] Within systems, the digital divide often creates a barrier to accessing essential services, including the administration of justice.[4] digital divide matters to the court system especially during the pandemic of COVID-19 where court system shifted from entirely in person to virtual hearings. system as there has been an expanded reliance on technology which provided greater access to justice for some court users, but

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[1] UNDP 'e-justice: digital transformation to close the justice gap',2022 pp 10
[2] ibid
[3] 'digital divide and access to justice', comments by Kristin Brown. Available online at www.nycourts.gov accessed on 28/09/2025
[4] ibid

created significant new barriers to others.[5] This significant barriers are for particularly individuals from low income communities, individuals having linguistic problems, and equally other marginalised communities. digital divide impacts those living near the poverty line . One of the countries that are effectively using digital technologies in their courts system is China and United States of America. There are three regions that will be studied, there is the American region, the Asian region with focus on China, and the European Region.

AIM

The aim of the study is to clearly examine the factors that leads to digital divide with regards to access to justice using the e-justice system in state courts. This thesis seeks to assess the why there is a wide range of inequality that exist amongst citizens in a country when it comes to the use of e-justice as a means of access to justice.

TASKS

To achieve the aim of this thesis, the following task have been identified.

1. To analyse and define the concept of access to justice and its various components in the digital or technological age
2. To examine and evaluate the relationship between the traditional access to justice and e-justice
3. To critically examine the digital divide which hinders individual access to justice using the e-justice system
4. To determine the various inequalities that promote the digital divide in the age of e-justice
- By looking at the social and economic inequalities
- By looking at the technological and digital inequalities
- By looking at the cultural and ideological inequalities
5. To propose adequate solutions in order to mitigate the various inequalities that leads to digital divide as far as access to justice is concerned using the e-justice system.

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[5] ibid

OBJECTIVE

The objective of this thesis is to provide a comprehensive analysis of the societal inequalities that leads to digital divide within the terminology of access to justice. It is to bring out how e-justice functions within the range access to justice. It is equally having as an objective to analyse the country, class of people and society (represented and unrepresented class of people and society) which are considered unequal in the enjoyment of their human right access to justice using e-justice. It is equally having as objective the analyses of the ideals that can be use in order to bridge the gap of the digital divide and enable more people to access to the administration of justice using the e-justice system.

METHODS

In order to complete, the task, goals and objective of this thesis, the following research methodology was adopted

- The method of linguistic analysis: this method is used to analyse the various language that have been used in order to bring forth the various framework relating to access to justice in a traditional setting and those incorporating e-justice system. It is equally useful when applying precedent set out in case law.
- The logical analysis method: this method is employed to analyse the logical applicability of access to justice using the e-justice system. It analyses the way people behave when it comes to access to justice using the e-justice and how such access affects the enjoyment of their rights to justice in a traditional or onsite state law courts.
- The systematic analysis method: this method is used in order to evaluate the impact or effect of the various inequalities that leads to digital divide within access to justice using the e-justice system
- The synthesis method: this method is used to demonstrate the collective issues that deals with inequalities and how to bridge the gap of digital divide in access to justice.
- The comparative method: this is the method that is use to compare different approach used by different legal systems in the access to e-justice in the administration of justice. it equally compares the use of digital justice in major legal systems.

- Descriptive method: this method is used to describe the way people behave when it comes to access to justice using the e-justice system. It describes not just the behaviour of people towards ICT, but equally the behaviour state governments when it comes to e-justice in the digital world.

SOURCES AND ORIGINALITY OF THE WORK

Although there are literatures that have been written on the topic at hand, the work is original in the sense that it seeks to bridge the gap on digital divide and equalities that exist in our society which hinders access to justice. The originality of the work is based on its originality as a contemporal topic that deals with people rights to seek justice plague with the advancement of digital technology. With the presence of these digital technology, access to justice has a new face which is e-justice and this e-justice is has a lot of difficulties with people accessing it using the ICT tools. It is based on the difficulties that people are having accessing e-justice that the notion of digital divide arise and this notion of digital divide is due to various inequalities which are at the same time, cultural, socio-economic, ideological and digital itself. That is why the topic is original in that it seeks to redress the digital divide by proposing ideals that may help bridge the digital divide and secure a more environment for access to justice using the e-justice system. There are a varied important sources that are applicable to the topic under consideration. There ae legislations of international, regional and national character that consecrates the human right of access to justice. There are equally books, articles and reports that are important sources to the topic under consideration. One of such literature include; Marco Segati 'equal access to justice: on the duty to pause, cool down and listen' (2024), Oksana Shcherbanyuk 'access to justice through the prism of judicial practice and legal theory' (2023) and UNDP E-justice Report 'e-justice, Digital transformation to close the justice gap' (2022) are amongst some of the few literatures.

Access to the internet represents a fundamental enabler of inclusion and empowerment. It is essential for accessing information, participating in education, engaging in civic life and engaging with the digital economy. One of the countries

that are effectively using digital technologies in their courts system is China and United States of America. There are three regions that will be studied, there is the American region, the Asian region with focus on China, and the European Region, the reasons for chosen these regions they are fast integrating ICT and artificial intelligence in their courts system. Internet access is a critical lever for social justice. Recognising it as basic human right is essential. Just as access to health care, education, and housing are protected rights, so too there should be the equitable access to digital infrastructure, resources, and skills.[6] Digital inclusion in the 21st century is very important for the daily running of human activities. Beyond education, internet plays a growing role in shaping employment opportunities. Remote freelancing and digital entrepreneurship have become viable paths to economic participation. Governments around the world are also accelerating the digital transformation of public services, relying on digital platforms for tax filing, health appointments, social benefits, and civic engagements. One of such government digital transformation of public is the access to justice through the use of digital technologies.[7] Looking at the relevance of the topic, one can say that digital divide is an important barrier towards the access to the administration of justice using the e-justice system. This divide which is due to so many factors as listed above have to be bridged in order to permit an affordable digital access to the administration of justice.

1.THE LEGAL FRAMEWORK GOVERNING ACCESS TO JUSTICE

Access to justice as defined above is one of the key elements of rule of law in which the state needs to upheld. It is fundamental for both the state, individuals and business to seek redress from the justice for damages and interest that have been done against them. That is why access to justice is the core element to understand the way that e-justice needs to function and how to bridge the various inequalities that leads to digital divide. That is why it will be important to look at access to justice by first examining the principles of access to justice and later on the elements of access to justice so as to understand the e-justice system and digital divide has influence access to e-justice systems.

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[6] ibid
[7] ibid

1.0 DEFINITION OF ACCESS TO JUSTICE

Access to justice is the core element of the rule of law. The United Nations Secretary General talks of access to justice as a principle of governance in which all persons, institutions, and entities public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated and which are consistent with international human rights norms and standards.[8] The United Nations Development programme UNDP defines access to justice as the ability of people to seek and obtain a remedy through formal and informal institutions of justice, and in conformity with human rights standards and noted that access to justice is more than improving individual access to courts or guaranteeing legal representation and must be defined in terms of ensuring that legal and judicial outcomes are just and equitable'.[9] According to OECD, access to justice is defined as the ability of individual and businesses to seek and obtain a just resolution of legal problems through a wide range of legal and justice services[10]. These services include legal information, counsel and representation, formal (courts) and alternative disputes resolution, and enforcement mechanisms.[11]

1.1 THE NORMATIVE FRAMEWORKS GOVERNING ACCESS TO JUSTICE

The normative frameworks governing access to justice are those that have been consecrated by international legal instruments. These normative frameworks are equally those that are having constitutional value, meaning most of constitutions of the world have adopted them as fundamental in order to guarantee a better rule of law.

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[8] United Nations Security Council, 2004. According to Kofi Annan, the former UNSG '*the United Nations has learned that the rule of law is not a luxury and that justice is not a side issue. We have seen people lose faith in a peace process when they do not feel safe from crime. We have seen that without a credible machinery to enforce the law and resolve disputes, people resorted to violence and illegal means. And we have that elections held when the rule of law is too fragile seldom lead to lasting democratic governance, we have learnt the rule of law delayed is lasting peace denied, and that justice is a handmaiden of true peace. We must take a comprehensive approach to justice and the rule of law. It should encompass the entire criminal justice chain, not only police but lawyers, prosecutors, judges and prison officers, as well as many issues beyond the criminal justice. But a 'one size-fits-all' does not work. Local actors must be involved from the start. The aim must be to leave behind strong local institutions when we depart'.* UNDP 'Access to justice', practice note, 2004

[9] Practice Note: Access to Justice (New York: UNDP Democratic Governance Group: Bureau for Development Policy, 2004. According to UNDP the capacities needed in order to achieve access to justice include: legal protection, legal awareness, legal aid counsel, adjudication, enforcement of oversight. UNDP: Strengthening judicial integrity through enhanced access to justice, UNDP Regional Centre for Europe and the CIS, 2013

[10] OECD (2021), 'Access to justice, in Government at a glance 2021, OECD Publishing Paris

[11] ibid

these normative frameworks are those that have been consecrated by the Universal Declaration of Human Rights 1948, the International Covenant on Civil and Political Rights 1966, the International Covenant on Economic and Social Rights 1966. These normative frameworks include the following;

The international covenant on civil and political rights enshrines the principles of equality before the law and the right to a fair and public hearing by a competent, independent and impartial tribunal established by a court o tribunal.[12]

The independence of the judiciary is addressed in the Basic principles on the independence of the judiciary.[13] This legal instrument requires that the independence of the judiciary be guaranteed by the national law and prohibits the unappreciated and unwarranted interference with the judicial process, further, it protects the due process through established legal procedure that are fair and respect the rights of the parties. It also obligates states to provide adequate resources to enable the judiciary to properly perform its functions, and sets forth principles for selection, training and conditions of service and discipline of the judiciary.

The Basic principles on the independence of lawyers[14] requires governments to ensure that efficient procedures and responsive mechanisms for equal access to lawyers are provided,　including the provisions of sufficient funding and other resources for legal services to the poor and other disadvantaged persons

The Guidelines on the role of prosecutors identify the responsibility of prosecutors in protecting human dignity and upholding human rights and ensuring due process.[15]

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[12] Article 14 of ICCPR '*the right to equality before the law....*' and equally article 13 of the Equa.Guinea constitution, article 12 of the DRC constitution, article 1 of the preamble of the Cameroon's constitution
[13] UN Basic Principles on the independence of the judiciary of 1985. It was endorsed by the General Assembly resolution 40/32 of 29 November 1985 and 40/146 of 13 December 1985 on the Seventh United Nations Congress on the prevention of crime and the treatment of offenders. See the 'report on the independence of judges and lawyers' at the UNGA 2019 available online at https://documents-dds-ny,un.org/doc accessed on the 02/04/2024
[14] General Assembly Resolution A/HRC/50/36 on the international principles and standards on the independence of the legal profession and its free exercise
[15] The guidelines also strictly separate judicial functions from the office of the prosecutor. Guideline on the role of the prosecutors adopted on the 07 September 1990 at the Eighth United Nations Congress on the prevention of crime and the treatment of offenders.

The code of conduct for law enforcement officials[16] requires amongst others, officials of the law to uphold the human rights of all persons and to provide particular assistance to those who, by reasons of their social, economic, personal or other emergencies are in need of immediate aid. It applies to law enforcement officials, including military authorities that exercise police powers

The Basic principles for the treatment of prisoners[17] address the rights of prisoners and detainees which prohibits discriminations. Insist on respect for human rights as contained in international instruments and calls for the reintegration of ex-prisoners into society under the best possible conditions and with due regard to the interest of the victims.[18]

Access to justice is, therefore much more than improving an individual's access to courts or guaranteeing legal representation. It must be defined in terms of ensuring that legal and judicial outcomes are just and equitable.[19] At such, what are the requirements or elements for access to justice? It is important since these requirements represent the basic principles of access to justice and the guarantee of the judiciary in its implementation of international law norms in the various domestic courts.

1.2 THE REQUIREMENTS, METHODS OR BASIC PRINCIPLES FOR ACCESS TO JUSTICE

These requirements or basic principles of access to justice are those that give individuals and businesses the go ahead in order to seek redress from justice, including the use of e-justice in order to obtain redress from the justice sector. The requirements include the following.

Firstly, there must be legal protection; access to justice requires legal protection. The justice system must provide and guarantee legal standing for disadvantaged persons and groups in order to ensure that their rights to remedies

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[16] Resolution 34/169 of 17 December 1979, adopted the code of conduct for law enforcement officials from the fifth United Nations congress on the prevention of crime and the treatment of offenders

[17] General Assembly resolution 45/111 on 14th December 1990 on the Basic Principles for the treatment of Prisoners '*all prisoners shall be treated with the respect due to their inherent dignity and value as human beings*' '*there shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other statues*' (article 1 and 2 of the Basic Principles for the treatment of prisoners)

[18] UNDP 'Access to justice', practice note, 2004

[19] *Ibid* pp 6

through either formal or traditional mechanisms are recognised.[20] Legal protection determines the legal basis for all other support areas on access to justice and can be established through ratification of treaties and their implementation in the domestic law, constitutional law, national legislations, administrative orders and regulations, traditional and customary law. The formal justice system should serve the needs of all persons, not just settlement of disputes between the powerful and the rich. The key actors who are involve in the legal protection are; the parliament, ministries of Foreign Affairs, Ministries of Law and Justice, national human rights commissions, legislative commissions, judges especially the appellate judges whose decisions are binding on lower courts or under the law, traditional council, community leaders civil society organisations.

Secondly, there is legal awareness in which disadvantage people must have ready access to information that will help them understand their right to seek redress through the justice system, the various officials and institutions entrusted to protect their access to justice and the steps involved in starting a procedure.[21] Public legal education and awareness programs should be established and supported by adequate resources. The key actors involve in legal awareness include; the Ministry of Justice, Ministry of Education or higher education, schools and universities, Quasi-judicial bodies such as human rights commissions, anti-corruption commissions and electoral commissions, NGO's such as Bar Associations, communities and Labour Unions.[22] Strategies to undertake legal awareness should be undertaken by both government and non-government actors. These legal awareness can be done by; supporting communication policies, regulations and mechanisms in government departments for dissemination of legal information, supporting training of government officials on legal awareness and access to information to breakdown institutional resistance to openness, adopt a demand-driven orientation and focus on the information needs of poor and disadvantaged groups, use information and communication technology for expanding scale and use existing social networks to mobilise community members around access to legal information.[23]

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[20] Alan S. Gutterman, what is access to justice?, 2022 available online at https://www.researchgate.net/publication/359033682 accessed on the 02/04/2024
[21] Op.cite
[22] UNDP 'Access to justice', practice note, 2004
[23] *ibid*

Thirdly, there is legal aid and counsel. This involves access to technical expertise and representation tools and service that would under privilege individuals to initiate and pursue justice procedures from professional lawyers, that is public defender services and pro bono representation, paralegals, alternative lawyering and development legal aid[24]. Legal aid should be affordable, available, and adequate and provided through a good balance support from government services.[25] The institutions involve in the implementation of legal aids program include the ministry of justice, ministry of education or higher education, National Human Rights Commissions, Police and the prison system, Bar associations N.G.O's. on 20 December 2012, the UNGA adopted principles and guidelines on access to legal aid in criminal justice systems in its principle 1(art.14) stated as the right to legal aid *'recognising that legal aid is an essential element of a functioning criminal justice system that is based on the rule of law, a foundation for the enjoyment of other rights, including the right to a fair trial, and an important safeguard that ensures fundamental fairness and public trust in the criminal justice system, states should guarantee the right to legal aid in their national legal systems at the highest possible level, including, where applicable, in the constitution.* In its principle 2 (article 15), it states that *'states should consider the provision of legal aid their duty and responsibility. To that end, they should consider, where appropriate, enacting specific legislations and regulations and ensure that a comprehensive legal aid system is in place that is effective, accessible, sustainable and credible. States should allocate the necessary human and financial resources to the legal aid system'.*[26]

Another requirement for the access to justice is that of adjudication. Adjudication involves the process of determining the most appropriate type of remedy or compensation[27]. The mechanisms involve in adjudication involves judicial and quasi-judicial mechanisms. A strong and impartial judiciary is a cornerstone of access to justice. Judicial independence is crucial for an effective judiciary.[28] The judiciary

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[24] Resolution 2012/15 of July 2012

[25] Alan S. Gutterman, what is access to justice?, 2022, pp 13 available online at https://www.researchgate.net/publication/359033682 accessed on the 02/04/2024

[26] United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice System. The sixty-seventh session of the Third Committee on Crime prevention and criminal justice system 3rd October 2012. See equally the High Level Meeting of the General Assembly on the Rule of Law at the National and International Levels, September 2012. Resolution A/67/L1

[27] UNDP 'Access to justice', practice note, 2004 pp 13

[28] General Assembly Resolution A/HRC/50/36 on the international principles and standards on the independence of the legal profession and its free exercise

roles and functions differ from country to country especially due to differences in legal systems. The judiciary should share basic principles in the settlement of disputes, interpretation of laws, constitutional checks on the exercise of power by the executive and the legislative branches of government[29]. Independence is manifested in impartiality in the application of the law, security of tenure and transparency, the authority to govern itself on issues concerning its independence, as well as probity and integrity.[30] Quasi and non-judicial avenues like national human rights institutions and alternative dispute mechanisms, anti-discriminations commissions (also referred to as affirmative action commission), and the Ombudsman office can help poor or disadvantaged people reach remedies that would be otherwise be non-accessible to them. The realisation of these quasi and non-judicial institutions potentials requires that they should be equipped with a clear mandate, independence, adequate funding, capacity and public legitimacy. Alternative disputes resolution mechanism can be regulated or backed by formal or traditional law. Formal alternative disputes resolution mechanism can be attached to the courts or to a government agency, such as land and labour boards although they should function independently from the executive.[31] The key actors or institutions involved in the requirement of adjudication are the courts, National Human Rights Institutions (Human rights commissions and Ombudsman office), ADR mechanisms attached to court system or administrative bodies.[32]

To continue, another requirement for access to justice is that of enforcement of justice. Many crucial problems in the justice system, both formal and traditional, can be traced back to deficient systems of enforcement. The performance of prosecution departments in government influences the effectiveness of the justice system. Prosecutors file cases in courts and provide arguments for conviction. In some, legal systems, prosecutors can also supervise the works of the police forces. The police play a fundamental role in ensuring access to justice, especially since it is the point of first contact in the criminal and civil justice systems.[33] Police performance

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[29] This is the role of the constitutional council as established by the national constitutions of the cemac sub-regional countries.
[30] UNDP 'Access to justice', practice note, 2004 pp 13
[31] UNDP 'Access to justice', practice note, 2004 pp 14
[32] *ibid*
[33] See the one-day workshop organised by the department of criminal law and criminal justice administration on 'the role of police in criminal justice system', on February 2023 by The Tamil Nadu Dr. Ambedkar Law University India. Available online on Https://www.tndalu.ac.in accessed on the 05/04/2024

can be affected by poor investigation and forensic capacities, weak oversight, corruption and a widespread culture of violence, which may have been inherited from autocratic regimes or past violent conflict. Strategy to enhance police performance includes strengthening investigative capacities, institutional structures of control, developing crime prevention strategies, changing and upgrading recruitment standards and improving police-community relations. Prison systems are also very important in access to justice, especially issues that concerns delays in execution or unreasonable incarceration. The key actors or institutions to implement enforcement mechanisms include: prosecution departments of formal justice systems, formal institutions such as the police and prisons, administrative enforcement agencies, traditional systems of enforcement.[34]

The last requirements for access to justice or principles are civil society and parliamentary oversight. Civil society and parliamentary oversight are necessary to strengthen overall accountability in justice system. Developing monitoring and watchdog capacities in civil society and parliament is not only beneficial for disadvantages groups, but equally for the justice institutions themselves. By ensuring that remedies are adequately provided and official misconduct properly investigated, these mechanisms are an important source of information to alert senior officials on misconduct and the steps they should take to curb corruption and discriminatory or abusive practices.[35] Strategies for civil society and parliamentary oversight may include creating civic oversight mechanisms, supporting civil society in monitoring public appointments and law implementation, developing research capacity, enhancing skills for investigative journalism and human rights reporting, and involving civil society in the establishment of access to justice indicators and baseline.[36] Assistance should also be taken to strengthening parliamentary committees such as public petitions committees, oversight committees relating to the justice sector, also to make sure the legislative respect the principle of the independence of judiciary namely in terms of judicial and prosecutorial powers.[37] The key actors involve in the implementation of civil society and parliamentary oversight so as to guarantee access to justice are NGO's working on monitoring and advocacy, media, parliamentary

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[34] UNDP 'Access to justice', practice note, 2004 pp 14
[35] *Ibid* pp 16
[36] *Ibid*
[37] *Ibid*

select and permanent committees.[38] After looking at access to justice, the basic elements, principles and normative frameworks, it will be important to analyse E-justice, its forms and procedure that individuals and businesses can use in order to access the administration of justice.

- **1.3 POLITICAL OBJECTIVES OF ACCESS TO JUSTICE IN JUSTICE SYSTEMS**

The political objectives of access to justice includes the flowing: it upholds the rule of law and human rights, it promotes social and economic equality and it strengthens democratic institutions.

Firstly, one of the political objectives of access to justice is the fact that access to justice helps to uphold the rule of law. this is done by the equal application of the rule of law which ensures that no one is above the law as the law applies to all citizens.[39] Equally access to justice helps in the promotion of human dignity and safeguards by ensuring that people can seek redress for harm, fight against discrimination and held perpetrators of crime accountable to the law for the acts they have committed. It helps to contain violence, conflict and crime.[40]

Secondly access to justice promotes social and economic equality. This is done by reducing inequality by addressing the justice gap which affects marginalised communities and systemic inequalities. It helps in economic participation and helps individuals to have basic needs like food and housing which can be jeopardised by legal crisis.[41]

Thirdly, access to justice helps to strengthen democratic institutions. This is done by building public trust in the justice system and democrats that the government works for everyone, not just the wealthy or the well connected. It equally helps to promote government accountability by making the justice system more accessible and transparent. It helps citizens to participate in the drafting of laws through the ability to use the justice system.[42]

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[38] *Ibid*
[39] National Centre for Access to justice. available online at www.ncaj.org consulted on the 27/10/2025
[40] Mark Weston 'the benefits of Access to justice for Economies, Societies and the Social Contract: a literature review', Pathfinders, 2022 pp 14-27
[41] ibid
[42] ibid

Rule of law and access to justice play crucial role in restoring trust, ensuring respect of democratic values and supporting inclusive recovery. Citizens expert access to justice, in line with the Riga Justice Agenda, which focused on developing an integrated and interdisciplinary justice responds to present and future global crises. The key role of access to justice is recognised to enable democracies to deliver on people's expectation, as improving access to justice is a key part of accessible government.in line with SDG Agenda to leave no one behind.[43]

- **1.4 THE USE OF ARTIFICIAL INTELLIGENCE IN COURTS SYSTEMS**

artificial intelligence (AI), the ability of a digital computer or computer-controlled robot to perform tasks commonly associated with intelligent beings. The term is frequently applied to the project of developing systems endowed with the intellectual processes characteristic of humans, such as the ability to reason, discover meaning, generalize, or learn from past experience. How can the judiciary adopt artificial intelligence in its day to day running of the justice? can equally the use of artificial intelligence guarantee the rule of law? this is because in a changing environment marked by the huge presence of technology, the traditional method of rendering services especially in the justice sector has to change in an adaptable situation. It is to be noted that e-justice are generally artificial intelligence tools that are being used to access to justice. as such it will be important to determine how will such tools affect the work of the judges who are in charge of rendering justice to those who seek justice.[44]

ARTIFICIAL INTELLIGENCE IN PREDICTIVE POLICING IN COURTS AND THEIR CHALLENGES.

Predictive policing is one of the most prominent artificial intelligence in the criminal justice systems. It aims to enhance efficiency and effectiveness of law

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[43] www.oecd.org accessed on the 27/10/2025
[44] Sahat Maruli tua Situmeang (2024) 'the role of Artificial Intelligence in Criminal Justice', *Global Journal of Innovative Research* 2(8) p 1966-1981

enforcement by predicting potential criminal activities and allocating resources accordingly. AI predictive policy models analyse vast amounts of historical crime data. This data-driven approach allows law enforcement agencies to proactively deploy officers in high risk areas, potentially preventing crimes before they happen.

As a challenges, the use of AI in predictive policing has raised ethical concerns particularly regarding bias and discrimination. Algorithms used in predictive policing are often trained on historical crime data that they may reflect systemic biases against certain communities, leading to bias prediction and discriminatory policing practices.[45] Predictive policing tools can disproportionately target minority communities, perpetuating existing inequalities and contributing to over policing and social distrust.

There is equally the problem of transparency and accountability in predictive policing. AI algorithms often operate as black boxes making it difficult for law enforcement agencies, policy makers and the public to understand how predictions are generated and decisions are made. This lack of transparency can undermine trust in the criminal justice system and complicate efforts to hold law enforcement accountable for their actions. Furthermore, the effectiveness of predictive policing is contingent upon the quality and representative of the data used to train AI models. If the data is incomplete, outdated or biased, the predictions generated by the algorithms may be inaccurate or misleading and unjust. By addressing these challenges, predictive policing can be a valuable tool for enhancing public safety and promoting justice in a fair and equitable manner.

ARTIFICIAL INTELLIGENCE IS USED IN JUDICIAL DECISION MAKING

AI technologies is being used in digital decision making processes such as sentencing bail, and parole decisions, to enhance efficiency and consistency. Machine learning model analyse historical case data to predict the likelihood of reoffending, providing judges with data driven insights to inform their decisions. Proponents argue that AI tools can reduce human error, eliminate inconsistencies, and improve the fairness of judicial decisions by providing objective assessments based on empirical evidence.[46] By automating routine tasks and streamlining workflow, AI can also

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[45] ibid
[46] ibid

reduce the workload of judges and courts staff, allowing them to focus on more complex cases and ensuring timely and effective justice.

Despite the potential benefit, the use of AI in judicial decision making has been criticised for its potential to perpetuate existing biases and inequalities. Just like predictive policing algorithm, AI models used in judicial decision making are often trained on historical data that may reflect systematic biases against certain groups, such as racial minorities and low income individuals/ this can result in biased predictions and unjust outcomes, reinforcing disparities in the criminal justice system and undermine the principle of equal treatment under the law. others argue that relying on   AI for judicial decision making can exacerbate rather than mitigate biases, particularly if the models are not carefully designed and rigorously tested for fairness.

Moreover, the use of AI in judicial making raise concerns about the loss of human judgement and discretion. The use of AI may lead to over reliance on data driven insights at the expense of human empathy and moral reasoning, technically leading to decisions that are accurate but lack compassion and understanding. Equally, the use of AI in judicial decision making pose the challenge of accountability, transparency and due process. Just like predictive policing AI algorithms used in judicial making are often opaque, making it difficult for defenders, attorneys and the public to understand how decisions are made.[47] This lack of transparency can result to the loss of trust in the justice system and violate the principles of procedural fairness and due process. To mitigate the risk, scholars and practitioners have advocated for the development of transparent and interpretative AI model as well as the establishment of guidelines and safeguards to ensure accountability and protect the rights of individuals.

ARTIFICIAL INTELLIGENCE IN CORRECTIONAL MANAGEMENT

AI technologies are also being deployed in correctional facilities to enhance security, monitor inmate behaviour and support rehabilitation. AI driven surveillance system such as the use of facial recognition and behavioural analysis algorithms to identify potential security threats and prevent incidents of violence or escape. By automating the monitoring of a large population, AI can reduce the burden

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[47] ibid

on correctional staff, improve situational awareness and enhance overall safety and the security of correctional facilities.

Nevertheless, the use of AI in correctional management is not without its challenges and ethical consideration. The deployment of AI driven surveillance technology raises concerns about privacy, autonomy and potential abuse. It can lead to feelings of powerlessness and mistrust, potentially undermining the efforts to promote rehabilitation and reintegration.

AI FACILITATES LANGUAGE TRANSLATION DURING COURT PROCEEDING

As is known, legal proceedings and paperwork in courts are conducted in the state language of a particular state. If necessary, persons participating in the case are given the opportunity to speak in court in their native language, or a freely chosen language of communication, and use the services of an interpreter. [48]AI will allow participants in the process to submit documents to the court or speak during court hearings in any language (multilingualism of legal proceedings) thanks to existing speech recognition programs and translating it into text. AI can also recognize the emotional and psychological components of a speaker's speech in court. We are talking about speech polygraphs[49] allowing a human judge to assess the integrity, reasonableness, awareness or presence of abuse of rights in the behaviour of participants in public relations.

Intellectual processing of the speech language and texts of documents presented by the participants in the process will significantly reduce the time required for translating this information into the official language of legal proceedings of the state, and will also reduce the legal costs of the parties, since it will eliminate the need to involve a translator in the case.

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[48] Application of Artificial Intelligence in Justice: Current Trends and Future Prospects | Human-Centric Intelligent Systems. Available online at www.link.springer.com/article/10 accessed on the 12/10/2025

[49] a technological means of psychophysiological research for assessing the reliability of reported information a lie detector. A similar system has already been developed in the USA and detects perjury from video recordings with an accuracy of 92% of cases based on changes in facial expressions, tone of voice and other parameters, the Dare AI system

AI HELPS IN DIGITAL WRITING DURING COURT PROCEEDING

With the development of electronic justice in court hearings, along with a paper protocol written by hand or using technical means (typewriter, computer and others), an audio protocol is kept in digital format (audio recording). In the Russian arbitration process, audio recording is recognized as the main means of recording information about the course of a court hearing, as well as a means of ensuring the openness of court proceedings; the material medium of the audio recording is attached to the protocol.[50] The protocol of the court hearing is an additional means of recording the completed procedural action (Part 2 of Article 155 of the Arbitration Procedure Code of the Russian Federation). The development of telecommunication technologies and machine intelligence make it possible to record court hearings exclusively in electronic form—in the form of a "digital record" of a court session, without duplicating them on paper. Thus, audio recording, enabled automatically by artificial intelligence, will optimize the court's time in recording protocol definitions and even provide consistent shorthand recording of the court hearing.

1.5 THE INTEGRATION OF ARTIFICIAL INTELLIGENCE IN CHINA AND THE UNITED STATES OF AMERICA

China

The integration of AI into the Chinese judicial system has been ongoing since 1990. Thus, the transformation of China's judicial system took place in three stages. The first phase began after the "National Conference on Judicial Communication and Computers" in 1996 formally called the 1996 Conference and ended in 2003 when all courts in China completed the digitization of their files and website links. The second stage of transformation of China's courts took place between 2004 and 2013 and was characterized by the conduct of court hearings using the Internet. The first full hearing via videoconferencing in China took place in 2007 in a criminal theft case in Shanghai. During this period, judicial openness was

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[50] clause 16 of the resolution of the Plenum of the Supreme Arbitration Court of the Russian Federation dated 02/17/2011 No. 12 "On some issues of application of the Arbitration Procedural Code of the Russian Federation as amended by the Federal Law dated 07/27/2010 No. 228-FZ "On Amendments to the Arbitration Procedural Code" Russian Federation". equally in Russia, the composition of the court for consideration of each case, including with the participation of arbitration assessors, is formed taking into account the workload and specialization of judges through the use of an automated information system (Article 18 of the Arbitration Procedure Code of the Russian Federation, Article 14 of the Code of Civil Procedure of the Russian Federation, Article 28 of the CAS of the Russian Federation, Art. 30 Code of Criminal Procedure of the Russian Federation)

facilitated by the live broadcast of court hearings to the public. In 2014, Chinese courts entered the third stage of transformation with the introduction of the "smart courts" initiative, which supported the use of more sophisticated technologies.[51] Thus, according to the concept of "smart court", it is assumed that all court services are available and carried out online. In addition to these platforms, a special type of court called "Internet Court" has been created in China. The Internet Courts of Beijing, Guangzhou, and Hangzhou have jurisdiction to hear a number of cases related to the Internet, such as disputes over online payments in online stores, the provision of Internet services, domain names of websites, liability for content posted on the Internet information that violates human or public rights, in case of copyright infringement on the Internet (Hangzhou Internet Court). Using the web platform "Hangzhou Internet Court Litigation Platform", all legal proceedings can be completed online (from filing a case and serving court documents to exchanging and examining evidence, online hearing and adjudication). if necessary, the court may switch to the in-person format of the trial. In September 2019, the Beijing Internet Court released a White Paper on the Application of Internet Technologies in Judicial Practice, which included provisions for the creation of an "intelligent online court". Thus, this document described how courts use various technologies (mainly related to AI) in the administration of justice, including facial recognition technology to confirm the identity of the parties, as well as machine learning technology to automatically make court decisions. Blockchain technology has been used in Internet courts for the purpose of preserving evidence, and in 2018, the Hangzhou Internet Court became the first court in China to recognize blockchain technology as a means of storing evidence to aid in copyright infringement cases. A pilot program has been launched in Shanghai and a number of other regions of China, which, based on the use of a large array of data contained in verdicts in previous cases, helps judges understand the issue of proof of charges and suggests the optimal type and amount of punishment. AI recognizes speech, identifies contradictions in testimony, as well as written evidence, and alerts the judge about it. The algorithm analyses information about the defendant's personality and, comparing it with data contained in other sentences, proposes the punishment that judges most often impose in similar circumstances. This makes it possible to unify justice in a country with the largest population and number

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[51] Vasily A Laftev 'Application of Artificial Intelligence in Justice: Current Trends and Future Prospects', Human centric intelligence system, volume 4 pp 394-405, 2024

of judges (more than 100 thousand) in the world. Thus, it can be noted that in China, AI technology does not replace the judge, but only helps him in analysing cases and making decisions, including determining relevant laws and precedents. However, AI technology is used by Chinese judges not only to administer justice, but also to conduct legal research.

United States of America

The main US regulatory act in the field of AI is the National Artificial Intelligence Initiative Act of 2020. according to the provisions, the initiative in the field of AI should ensure the continued leadership of the United States in the field of research and development of AI. It aims to maintain the US leading position in the world with regard to the development and use of reliable AI systems in the public and private sectors. The use of AI technology in the judicial sphere seems to be very popular in the United States, which has freely invested money in the development of this technology in both civil and criminal proceedings. Thus, in the United States, several initiatives related to the use of AI in justice have been implemented. The main purpose of AI is to help judges make fair and unbiased decisions, as well as assess the risks when making a decision. For example, the PSA (Public Safety Assessment) system is used by judges when making decisions on choosing a preventive measure against the accused, on early release and on determining the amount of bail. The following system, COMPAS (Correctional Offender Management Profiling for Alternative Sanctions), assesses the risk of reoffending on a scale of 1 to 10. The assessment is carried out based on the analysis of personal data on 137 factors, such as gender, age, education, criminal record, social environment, etc. Based on this assessment, the system provides a forecast of the likelihood of a suspect (convict) committing a recidivism. Thus, this system helps judges determine fair punishment for various crimes. The next system based on AI technology is Ravel Law. This system allows you to determine the outcome of a case based on relevant precedents, judges' decisions and reference statements from more than 400 courts. This has allowed lawyers, in combination with other AI applications, to have a very real and pragmatic picture of the likelihood of success of certain legal arguments in certain courts and before certain judges depending on the type of case. Also in the United States, AI-powered chatbots (such as ROSS) have been created to provide the public

with information about common issues related to the judicial system, thereby reducing the burden on court staff and ensuring public access to information.

2. E-JUSTICE AND ACCESS TO JUSTICE; OBJECTIVES AND PROCEDURAL ASPECTS.

It is important to look at the concept of e-justice and the procedure through which individuals can access the administration of justice through the e-justice system. That will be important to look at the objectives of e-justice and the procedural aspects of e-justice before looking at the digital divide and the inequalities face by the various actors of justice who wants to access justice administration using the e-justice system. We shall equally look at the different country specific cases where e-justice is an efficient device used in order to access the administration of justice.

2.0 DEFINITION OF E-JUSTICE

E-justice is an umbrella term that captures any effort to administer, deliver, strengthen, or monitor justice services using digital technologies. It includes efforts like courts, governments and human rights institutions, individuals like lawyers and human rights defenders, private and civil society entities like technology providers and community partners.[52] E-justice broadly covers all types of digital technologies, from complex case management to innovative apps to information technologies and use of online communications.[53] It includes the tools and processes used by justice professionals and those used by the public and media. E-justice includes the strategies, process re-engineering, automation, data collection, integration of systems as well as online disputes resolutions, remote court processes and technologies used to digitalise, store and provide access to legal documents and evidence.

2.1 OBJECTIVES OR ARGUMENTS IN FAVOUR OF E-JUSTICE AS A MEANS OF ACCESS TO THE ADMINISTRATION OF JUSTICE

As it has been announced, the objective of e-justice as a means of access to the administration of justice are diverse. These objectives are the arguments in favour of e-justice as a means of access to justice to the administration of justice. The United

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[52] UNDP 'e-justice: digital transformation to close the justice gap',2022 pp 10
[53] ibid

Nations Development Program calls some of these objectives access to justice initiatives while the European union e-justice strategy[54] talks of certain objectives which led to the creation of e-justice courts. As such, in order to analyse the objectives of e-justice, one will talk of e-justice initiatives as concluded by the report of UNDP and equally that recommended by the European Union EU.

2.1.1 THE OBJECTIVES OF E-JUSTICE ACCORDING TO THE EU E-JUSTICE STRATEGY

In title V of the Treaty on the functioning of the European Union provides [55] for the creation for the creation of an area of freedom, security and justice, where the application of the charter of the European Union is of particular relevance. As part of the area of freedom, security and justice, access to justice is a core right in the European Union, enshrined in both article 6 of the European Convention of Human Rights and article 47 of the charter which guarantees a right to an effective remedy and a fair trial.[56] The use of technological means and tool has increased in our societies have been accelerated by the Covid-19 pandemic, resulting in growing expectation the right to access digital services. The justice system as a provider of essential public services, embraces digitalisation and the associated challenges. The digitalisation of the justice system aims to facilitate and improve access to justice, make the justice system more effective and efficient, while facilitating, while facilitating the work of justice professionals and brings it closer to citizens thereby offering justice services. The 2019-2023 e-justice strategy and action plan encompassed three strategic objectives which are access to justice within the justice domain, electronic communication between judicial authorities and interoperability between judicial applications and domains.[57] The communication from the European union commission on digitalisation of justice in the European Union emphasise that access to justice and facilitating cooperation amongst members states are amongst the main objectives of the European union area of freedom, justice and security. The council of the European union, the European commission and the European parliament have made significant efforts to speed up the digitalisation procedure and

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[54] The European e-justice strategy 2025-2028. It is available on the official journal of the European Union
[55] Articles 68-89
[56] The European e-justice strategy 2024-2028 C/202/437
[57] ibid

to foster up the use of digital services in order to achieve these goals, as such the objective of the European union to enable the procedure of e-justice is that there should be the more access to justice to remote areas by citizens and the provision of a better and enhanced justice system.

2.1.2 THE OBJECTIVES OF E-JUSTICE ACCORDING TO UNITED NATIONS DEVELOPMENT PROGRAM UNDP

The objectives of e-justice according to the United Nations Development Program are fivefold. There are leave no one behind objectives, human rights protection, maintaining public services, accountability and anti-corruption, data and user needs.

2.1.2.1 *"THE LEAVE NO ONE BEHIND INITIATIVE"*
Justice system assert equal access to justice in principle, but the reality is very different. No matter the inequalities that promotes the digital divide, such as economic barriers, gender stereotypes, social standing, literacy level, or remote locations, not everyone has an equal access to justice. Digital technology offers the possibility of addressing many of these individual and systemic exclusion. Technology also offer practical solutions for remote or rural users and allows courts to offer alternatives to-in person appearances, reducing the geographic and economic barriers to access to justice[58] legal documents and processes that use standardised forms and automated inputting generate meaningful data about who is affected by different legal issues or changes in the law. the cost of legal services drops when people do not have to pay a lawyer to fill in forms or can atomically receive documents, eliminating the need to formally serve, swear or authenticate documents. Legal services available outside business hours through online portals can reduce the cost to users who would otherwise need to take time off to get to a courthouse or a lawyer office.[59] Online dispute resolution for transactional disputes removes the need for expensive legal representation entirely and can allow a court or government to provide a fast reliable and predictable resolution option for specific kinds of disputes. Digital technologies can be a tool to identify, call out and respond to the ways that legal services and justice system have not been available to everyone. E-justice

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[58] UNDP E-Justice Report Op cite
[59] ibid

initiatives, when well designed, can effectively expand access to justice for individuals and communities that have historically been left behind.

2.1.2.2 "*E-JUSTICE IS MEANT FOR HUMAN RIGHTS PROTECTION*"

The protection of human rights in the context of technology is multifaceted. The UN High Commissioner for Human Rights had concern for the relationship between artificial intelligence and human rights in the basis of the resolution 48/4 on the right to privacy in the digital age adopted by the Human Right Council in 2021. The resolution acknowledges critical human rights and privacy concerns in the context of and emerging technologies, calling on member states centre privacy rights and maintain rigorous attention to the laws and practices relating to data surveillance, data collection, profiling, automated decision-making, biometrics and other technologies.[60] The resolution also highlights the obligation of states to prepare judges and lawyers to understand how technologies impact rights and deal with data in order to adjudicate cases about privacy rights. Technology assisted services in remote areas and in multiple language allow for the widespread registration of births, marriages and deaths, increasing access to government services and participation in the digital economy. Specialised digital tools are designed to help victims of violence or abuse record evidence, report to police and access justice for the protection of their rights. The complexity of human rights analysis of e-justice is a high priority on examining the explicit and unintended impacts of digital tools on individuals and groups. Judges, court staff and lawyers will need training on the intricacies of these technologies and on data storage protocols.

2.1.2.3 *E-JUSTICE HAS AS OBJECTIVE THE MAINTENANCE OF PUBLIC SERVICES*

e-justice can be part of a risk mitigation plan to make public dispute resolution resilient to upheaval or disruption. The COVID 19 pandemic has forced justice systems around the world to review and update their contingency planning for different kinds of disruption. Being ready for future pandemics, whether at large or local scale should be a standard part risk planning for all legal services, protocols for maintaining uninterrupted, secure access to legal advice, dispute resolution and court

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[60] United Nations General Assembly, Human Rights Council, 48th session, right to privacy in the digital age. Resolution A/HRC/RES/48/4 adopted on the 7 October 2021. Available online at www.undocs.org access on the 01/10/2025

processes to support family and economic health.[61] E-justice equally has as objective to secure legal documents online especially during periods of natural catastrophe such as climate change issues. Floods, hurricanes, and earthquake all risks not only to the operation of the courts but equally to the storage of courts files and documents and evidence and the security of individuals and institutions data. After a natural disaster, people rely on a steady functioning justice system to help them establish their rights and protect themselves. E-justice looks at how a natural disaster can shift the demand on courts and legal services to help people stabilise in the wake of the event. E-justice plays a role in risk mitigation, not just in obvious adaptations like virtual hearings, but also in planning for secure filing and data storage systems, cloud based file storage, judicial access to court files and security of evidence hearing.[62] Having a combination of digital and analog processes with tested protocols for switching seamlessly between in person and online is part of preparing for risk and the maintenance of public judicial administration.

2.1.2.4 *THE LAW OF E-JUSTICE IN ACCOUNTABILITY AND THE FIGHT AGAINST CORRUPTION*

Discriminatory or corrupt public officials undermine people's human rights and the transparency of the justice system as a whole. Technology is a powerful tool to strengthen the rule of law and increase anti-corruption and accountability initiatives. Courts are a critical institution to redress rights violations and yet can also be the site of further corruption and discrimination. The impact of abuses of power within the justice sector is two-fold, failing to rectify rights violations and further undermining public confidence in the justice system. Technology can transform administrative processes to restrict opportunities for corruption.[63] When documents are automatically generated, court cases manage on a predefined timeline and documents records show who has accessed files, there are fewer opportunities for an official to request a bribe or engage in sextortion. Automated process can be programmed to create alerts for cases that may be delayed or diverted by someone taking a bribe. E-justice initiative can strengthen accountability frameworks and target corruption, both financial abuse

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[61] ibid

[62] ibid

[63] Judicial integrity Network ASEAN, Emerging Technologies and judicial integrity, UNDP, 2021. Available online at www.undp.org/publications/emerging-technologies-and-judicial-integrity-asean accessed on the 01/10/2025

of power and the discriminatory expectations of sexual attention-while also promoting efficiency and simplifying court processes[64]

2.1.2.5 *E-JUSTICE HELPS IN DATA STORAGE AND DATA NEEDS IN THE ADMINISTRATION OF JUSTICE*

One of the objective of e-justice is the storage of data since justice systems have been so slow to adopt data collection and analyses. Court administration on data about users, cases is notoriously unavailable or inconsistent between levels of court, courthouse, or region. Data about the full extent of public legal needs is only just starting to be collected.[65] Data in the legal sector also comes from auxiliary institutions like the police, lawyers associations, civil society and human rights defenders, prison and governments. Each of these entities tends to track different data, using different metrics or collection tools. E-justice projects that work across institutions or facilitate collaboration between different parts of the justice system have the potential to create common reporting templates across the system and between sectors or countries to better understand and react to changes in legal service delivery. User data has also been a long-ignored avenue for understanding what people need from the justice system and not only what the justice system wants.[66] User data includes direct information from people who are using the legal system and equally those who are not using the legal system. Some court conduct user satisfaction surveys, listening to those who access he formal dispute resolution to hear about whether they understand and navigate the process both with and without legal representation.[67]

2.2 PROCEDURAL ASPECTS OF E-JUSTICE AS REGARDS ACCESS TO THE ADMINISTRATION OF JUSTICE

The procedures involve in e-justice is what can generally be termed e-justice umbrella. The e-justice umbrella refers to a number of electronic services that have as objective to promote the rule of law by allowing individuals to access justice using digital technologies. These e-justice umbrellas include e-filing, complex case management, apps and direct to user communications, automation and data collection, authentication and security of legal documents, online dispute resolution.

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[64] ibid
[65] ibid
[66] Op cite
[67] See HIL. Use of digital technologies in judicial reforms and access to justice cooperation, 2021 P 62. Available online at www.hill.orh/wp-content/upload/2021/11/HIL accessed on the 01/10/2025

Electronic court filing or e-filing refers to technological solutions facilitating access to justice by establishing a digital channel that enables the interaction and exchange of data and e-documents between courts and court systems.[68] Electronic document means any content stored in any electronic form, in particular text or sound, visual or audio-visual recordings. Others that are related to e-filing include e-signature and e-identification. E-signature means data in electronic form which is attached to or logically associated with other data in electronic form and which is used by the signatory to sign. E-identification means the process of using person identification data in electronic form uniquely representing either a natural or legal person representing a legal person.[69] The procedure of e-filing can be used either by internal users or external users of court systems. The internal users of are judges, prosecutors and other judicial bodies involved in the administration of judicial proceedings.[70] External users refers to parties to the proceeding, be they private citizens, companies, public institutions, lawyers or legal practitioners, witnesses and or other actors involved in the judicial proceedings. An e-filing system should facilitate access to judicial information, hence to justice and provide for accountability, while balancing between access and protection of personal data, and where applicable, between access and protection of professional secrecy. It should be able to endure institutional changes and should be constantly adaptable with the circumstances at hand.

Complex case management or electronic case management is the judicial system that allows case documents, such as pleadings, motions and petitions to be filed with the court online. It is an electronic case management that is a digital suit that provides professional teams with the tools to work on many projects simultaneously.[71] Generally, it involves using a central data base to store client information, track case schedule, manage documents, and facilitate communication between team members. law firms use these software tools to great efficiency and boosting customer satisfaction. Electronic case management system is advantageous as it improved organisation and efficiency, better collaboration, improved accuracy

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[68] European commission for the efficiency of justice: guidelines on electronic court (e) filing and digitalisation of courts. Adopted on the 37th plenary session of the CEPEJ (Strasbourg 8-9 December 2021) p 8

[69] ibid

[70] ibid

[71] www.assemblysoftware.com accessed on the 02/10/2025

and compliance, user friendly interface, customizable works, document management and collaboration tools, data security, mobile access, analytical and reporting.

Applications and direct to user communication involves simply the use of online applications that can facilitate communications between professionals in the justice domain and equally during judicial proceedings. This involve the use of applications such as WhatsApp, Facebook messengers and other digital user application platform to communicate about the follow up of judicial proceedings. It may equally involve the use of Email accounts to communicate and share information amongst the judicial professionals. Automation involves the use of online content generation applications that can be used to inquire real time information. This involve the use of A.I chatbots, automated workflow and schedule messaging. Once this is done, it can be referred to as automated data collection as most of these online generating content creation can directly collect user information and give feedback on user preferences and behaviour which can be used to enhanced access to justice.

Online dispute resolution ODR is another form of e-justice umbrella. It is the application of information and communications technology to the prevention, management and resolution of disputes. ODR originally emerged in the mid 1990's as a response to disputes arising from the expansion of e-commerce. During that time the web was extending into commercial uses, becoming an attractive, creative, growing and lucrative space. Such an environment, with significant numbers of transaction and interactions where relationships are easily built and easily broken seemed likely to generate disputes. It was equally clear that disagreement emerging from online activities could not be resolved through traditional offline channels. With parties likely to be in distance and incapable of meeting face-to-face, these new disputes could only be resolved online.[72] This means that new tools and resources that exploited the capabilities of digital communication and information processing by computers had to be developed. It is from this logic that ODR had to be developed and it forms a major aspect of the e-justice umbrella and which permits access to the administration of justice so as to guarantee the rule of law. other forms of e-justice umbrella are the authentication and security of legal documents. There is equally virtual hearing and virtual conferences that make up e-justice umbrella. It will be

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[72] Ethan Katsh (2016), 'what we know and need to know about online dispute resolution' *South Carolina law review,* volume 67, Iss.2, Article 10. Available at www.scholarcommons.sc.edu/sclr/vol67/iss2/10 accessed on the 02/10/2025

important under this study to look at a comparative analyse of the development and advancement of e-justice as a means of access to the administration of justice in the European countries, American system and equally the African system.

2.3. COMPARATIVE ANALYSIS OF EUROPEAN, AMERICAN AND AFRICAN SYSTEM OF E-JUSTICE

It will be important as aforementioned to analyse the comparative use and implementation of e-justice in certain legal system as a means of access to the administration of justice. we shall look at an analysis of the use and implementation of e-justice in the European system, with country in focus England and France, in the American system and equally in the African system.

2.3.1 THE COMPARATIVE USE OF E-JUSTICE IN THE EUROPEAN SYSTEM OF ACCESS TO JUSTICE

In Europe, the use of e-justice as a means of administration of justice is assured by the European e-justice portal. The European e-justice portal currently allows individuals to file cross-border individual claims or payment orders electronically with relevant EU secondary legislation. The portal equally helps people, companies, lawyers and judges to find answers to legal questions.[73] In accordance with EU regulation No 861/2007, the European e-justice portal can also be used to make claims in the European small claim procedure. This procedure aims to improve and simplify procedures in civil and commercial matters involving claims that do not exceed 2000 euros. It is a written procedure-unless the court deems an oral hearing necessary. It sets deadlines for the parties and the court to expedite the process and applies to both monetary and monetary claims. A court decision issued under this claim must be automatically be recognised and enforced in another member state.[74] Article 12 (4) of the 2007 European union regulation which deals with the use of video conferences, it provides that telephone and video conferencing may be used if the issuing member state is required by national law to hear the suspect before modifying the surveillance measures or issuing an arrest warrant. The use of videoconferencing for hearings is also encouraged by other EU instruments. In the United Kingdom, the UK Ministry of Justice was recognised at the International Visual Communications Awards for an interactive guide to help people understand

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[73] Luca Brocca, towards e-justice: European and National Experiences, 2022, available online at www.just-access.de/towards-e-justice-european-and-national-experience accessed on the 05/10/2025
[74] ibid

judgements called *you be the judge[75]*. This online tool makes justice more accessible by familiarising people with court procedures outside actual courtroom. In England, there is the **Money Claims Online** which is an online portal for initiating simple court proceedings. It is an alternative to the traditional method of filling civil lawsuit, although this has also been simplified in recent years. France has taken an important step in developing a system for the electronic filing and exchange of documents between lawyers and the ordinary courts in the administration of justice. the system is called **e-Barreau**. E-Barreau is intended as an electronic equivalent to traditional procedures and as a way to do the same things more efficiently using technological tools. This system transfers all traditional objects and activities into a digital format. In Italy, there is the **online civil trial** which has been developed by the Ministry of Justice is one of the most important e-government projects in Italy. It allows an interoperability between court actors through a highly secure infrastructure that guarantees the reliability of transmissions, authenticity, integrity, non-repudiation and confidentiality. Lawyers have online access to reliable and up to date information managed in the court management system, as well as to legal acts and documents stored in the file system.

2.3.2 THE COMPARATIVE USE OF E-JUSTICE IN THE AMERICAN SYSTEM OF ACCESS TO THE ADMINISTRATION OF JUSTICE

In the United States, where the legal system is decentralized and has a variety of approaches in different states, digitalization is of particular importance. The digitalization of the judicial process and justice in some states of America can be analysed using the example of the states of New York, Texas, Florida, Arizona, Pennsylvania, Oregon, Montana, Minnesota, etc. the two e-justice system that is variedly used in the American justice is Case Management/Electronic Case Files CM/ECF and Public Access to Court Electronic Records PACER systems are key elements in the digitalization of the U.S. federal judiciary.[76] They provide electronic management of court cases and provide public access to court documents. These systems play an important role in increasing the transparency, efficiency and

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[75] ***You be the judge*** is an interactive online sentencing tool that puts you in the judges' chair. You choose from eight real court cases, hear the facts of the case, the aggravating and mitigating factors, and then decide on the sentence. You also get to know how your sentence compares' to the judge in real case. Finally, you are invited to give your opinion on the sentencing again after the case is closed
[76] Grudtsina Ludmila Yu, 'Digitalization of Justice in the United States: Case Management Electronic Case Files (CMECF) and Public Access to Court Electronic Records (PACER), *international journal of multidisciplinary research and analysis,* Volume 08 Issue 04 April 2025, pp 1551-1556

accessibility of justice system in the United States of America. The leader in digital justice is Washington DC which has hosted the United States Digital Service since 2014, which provides consulting services to federal IT agencies. Its objectives included improving and simplifying digital services as well as federal sites. Washington uses the Washington Courts e-filing system for electronic filing and case management. This system allows attorneys and litigants to file, track the status of cases, and receive notifications online. Washington also implemented the Online Dispute Resolution (ODR) system to settle minor civil disputes. This program is especially useful for residents of remote regions where access to courts is limited. California has implemented an e-filing system that allows lawyers and litigants to file documents over the Internet. New York State has implemented an electronic case management system (e-courts), which includes electronic filing (e-filing) and automated case assignment. This system is used in both civil and criminal cases. In the New York Supreme Court, e-filing has been mandatory for all attorneys since 2018. The state of Texas uses the eFileTexas system for electronic filing. The State of Pennsylvania has implemented PACFile for electronic filing in appellate courts and eDocket for case management in general courts. These systems allow attorneys and litigants to file, track the status of cases and receive online notifications. This shows that e-justice has been well implemented in the American justice system. During the COVID-19 pandemic, Pennsylvania actively used video conferencing for hearings. For example, the Pennsylvania Supreme Court has held more than 500 remote hearings in 2020, allowing cases to proceed without delay. Pennsylvania also implemented the Online Dispute Resolution (ODR) program to settle minor civil disputes.[77]

2.2.3 THE COMPARATIVE USE OF E-JUSTICE IN THE AFRICAN SYSTEM OF ACCESS TO THE ADMINISTRATION OF JUSTICE

The implementation of e-justice in the African system of access to the administration of justice is been undergone by the African Union High Level Panel on Emerging Technologies APET. It envisions that the incorporation and integration of emerging technologies, such as machine learning (ML), blockchain and artificial intelligence (AI), can yield a favourable outcome by expediting the dispensation of

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[77] ibid

justice across the continent.[78] Within the Gauteng division of the High Court of South Africa, the integration of a digital case management system named "case lines" has facilitated electronic pleading submissions, improved document accessibility, and elevated overall case administration and management. Beyond countries like Ghana, Egypt, Rwanda, and Kenya, numerous African countries have also implemented computerised case management systems like "case lines". In real-world scenarios, African countries have actively adopted these technologies to expedite and achieve justice. A notable instance occurred in 2015 when a British national, Chris Harris, was convicted of child abuse without necessitating the children's presence in the United Kingdom, where he was located. Through a video link from Kenya, the children provided testimony crucial testimony that contributed to Mr. Harris' conviction.[79] As such, it will be important to look at feasible inequalities that impede access to e-justice to individuals who seek justice.

Taking into consideration the comparative done above, it is important to state that e-justice is more used in the continental Europe and in the American system of access to justice rather than in the African system. The African system of e-justice is still too slow to adapt the changing realities in the digital and technological age. That is why more of the digital divide is witnessed African system of e-justice rather than in the other countries that are advanced in the use of their e-justice system.

3. FEASIBILE INEQUALITIES OF DIGITAL DIVIDE IN THE FACE OF ACCESS TO E-JUSTICE IN THE ADMINISTRATION OF JUSTICE

It will be important to look at the various digital divide that leads to the various inequalities in the access e-justice in the administration of justice. These digital divide are the factors which hinders access to justice by preventing those that are lacking ICT tools or digital literacy from using online legal services or e-justice umbrella's as numerated above. It makes the disconnected from the court system thereby unable to resolve legal issues. As earlier said, access to the internet today represents a fundamental enabler of inclusion and empowerment. However, the benefits of digital connectivity remain unevenly distributed. significant disparities

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[78] Harnessing Digital Innovations to revolutionaries justice system in Africa, prepared by APET Secretariat, 2023. Available online at www.Harnessing Digital Innovations To Revolutionise Justice Systems In Africa | AUDA-NEPAD accessed on the 05/10/2025

[79] https://www.bbc.com/news/uk-england-31599524 accessed on the 05/10/2025

exist and persist between urban and rural areas, across socio-economic classes and amongst gender and age groups. This existing and persisting inequalities is commonly referred to as digital divide. It is important to look at the factors that leads to digital divide, the population that are affected by digital divide, and lastly the consequence of digital divide.

3.1 THE FACTORS LEADING TO THE CREATION OF DIGITAL DIVIDE WHICH HINDERS ACCESS TO E-JUSTICE

It is important to looks at the various factors that leads to the creation of digital divide before looking at the elements of digital divide. This will be called the doing of unrepresented status leading to digital divide. The percentage of unrepresented group has risen rapidly in case categories where human needs are at stake, including evictions, family law, and debt collection. Many unrepresented persons are members of racially and socially disadvantaged groups. The presence of and vast percentage of unrepresented persons within our justice system is not a fixed, natural or inherent quality of that system. These factors that lead to the creation of digital divide are the nature of the case requirement e-justice. the jurisdiction or court handling the case and the option chosen by the litigant to access the administration of justice.

One of the factors that leads to digital divide is the nature of the case that have to be treated by the court of law. in a law suit, there are three types of cases that can be administered justice. there is civil claim, a criminal claim and an administrative claim. Generally, it is easier to access the administration of justice through the use of e-justice by adopting civil claims. Most claims that are being entertained by the courts of law are mostly small civil claims that the court uses e-justice. when it comes to criminal claims by individuals seeking redress from the justice sector, it will be difficult to use e-justice. the reason is that according to the general principles of criminal law, criminal actions are actions in which the state is involved as the prosecutor and for the state to carry out its prerogative of public powers, all criminal cases needs to be onsite. Equally, when certain cases of administrative character such seizure of certain instances such as the constitutional courts and council, which are generally special courts and tribunals, it will be difficult to access such types of courts through the use of e-justice. as such when it comes to e-

justice, chosen the nature of the case in which e-justice can be accessed can be a factor that leads to digital divide.

It is very important to take into consideration the court or the jurisdiction to which the litigant is requesting through the use of e-justice. not all tribunals can be seized through the use of e-justice as there are certain special courts and tribunals that require that the litigant to be onsite to fill certain paper formalities. This is the case of courts such as constitutional councils of states, the supreme courts of states and military courts and special high courts. These courts are essential because the litigant must be present in order for the proceedings to be carried out. Once the litigant is present, it will not be necessary to know whether or not the litigant can access e-justice or not.

Apart from the nature of the case, the nature of the jurisdiction, it is important to equally understand that another factor that leads to digital divide is legal action that is being undertaken by the litigant. A litigant that wishes to use but the traditional system of access to justice will normally forgo the use of e-justice despite his knowledge of e-justice or not. It will be important to take into consideration the fact certain cases require that a litigant should choose between filing a case online or onsite. Where a litigant is beside the case the court system where the case is to be heard, the litigant can choose paper filing thereby contributing to digital divide, especially where data automation will not be available, an element of e-justice system. These are some of the factors that may lead to digital divide through the access to e-justice.

3.2 THE ELEMENTS OF DIGITAL DIVIDE WHICH LEADS TO INEQUALITIES IN ACCESS TO E-JUSTICE SYSTEMS.
The elements of the digital divide include lack of access to internet, lack of access to hardware, lack of digital literacy, socio-economic and cultural inequalities, psychological and technical inequalities of digital divide.

3.2.1 LACK OF ACCESS TO INTERNET IS ONE OF THE MAJOR CAUSES OF DIGITAL DIVIDE.
The lack of internet access is one of the major causes of digital divide. According to the world economic forum, about 2.3 billion people lack internet access. In an increasing digital world, connectivity creates possibilities for people everywhere. Yet despite mobile network coverage extending to 92% of the world, more than 2.5

billion people still lack internet access.[80] The International Telecommunication Union, the United Nations specialised agency for information and communication technologies release important ICT indicators. According to the report, it stated that while almost two-third of the world population is now online, there is a lot more to do to get everyone connected to the internet. The report showed about 2.9 billion people are still to connect to the internet, who are still left behind.[81] These people have never, ever, used the internet. The digital divide is more like a chasm, both within and between countries. H advanced economies like the United States, France, Germany, the UK and Canada, have the highest access rates. Big emerging economies show large disparities in the proportion of internet users in their populations, range from about two third in Brazil and Mexico to about one-third in India. Countries in sub Saharan Africa, followed by many emerging and developing economies in Asia, are amongst those with the lowest access to the internet despite being world leaders in mobile money transaction. There is a large variation in internet connectivity by firms in sub-Saharan African. Only 60 percent of businesses use email compared to about 85 percent in Europe and Central Asia[82] the lack of universal and affordable internet may widen inequality and lead to a barrier towards access to e-justice in the administration of justice. within countries, lack of access to internet may widen inequality as disadvantageous groups and people who live in rural areas have more limited access and a limited access to e-justice. the disparity between men and women on their labour force participation, wages and access to financial services may increase where there is a gender gap in access to the internet. This is seen especially in emerging and developing countries.[83] Between countries, low access to internet might depress productivity in emerging and developing countries. COVID 19 pandemic demonstrates that having reliable access to internet allows some businesses to continue operations amidst lockdowns, which keeps economies running and access to e-justice functional.

3.2.2 LACK OF ACCESS TO DIGITAL HARDWARE

Lack of access to computer hardware is a significant reason for digital divide. Computer shortage has no single answer, there a mix of factors that come into play. Some of these factors include increase for technology during the pandemic, the

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[80] www.weforum.org accessed on the 06/10/2025
[81] www.un.org accessed on the 06/10/2025
[82] www.imf.org/en/low-internet-access-driving-inequality accessed on the 06/10/2025
[83] ibid

COVID-19 related production interruptions, and the restriction on certain countries such as China to manufacture computers. One of the major reasons for the lack of computer hardware is the lack of computer components. Computer component is not limited to the central processing unit CPU or the graphic processing unit GPU.[84] Instead it is actually being referred to as the computer microchip. A computer microchip or a computer chip is a low tech components used in large number of products like phones, tablets, refrigerators, and thermostats. even car manufacturers using technology add chip to produce the cars.[85] With such a chip in high demand, chip makers have had difficult time keeping up with orders. As a consequence, computer manufacturers have been unable to fill their own orders, causing laptops shortages. In addition, there is equally the blockage of major supply line transporting computer hardware to different locations of the world. A lot of company have been impacted by the ship shortage such as Apple who lost 6billion dollars in the quarter of 2021. In the global economy, the United States only produces 12% of all computer chips. Most of the factories in the United States responsible for their production actually closed early during the pandemic and as such, the US relies heavily on outsourcing the production of computer chips. Even, a vast majority of world's computer chips are produced by Samsung and TSMC and these companies were equally shut down during the pandemic and most containers full of chips became idle. In reality, chips are difficult to produce and a crucial part of chip manufacturing involves water, and the water shortage can ruin the production of chips. As such, with these shortage of computer chips, it becomes harder for people to access computer hardware. Even, there are also transportation problems that may affect access to computer and can hinder access to e-justice.

3.2.3 LACK OF DIGITAL LITERACY

Digital illiteracy is the lack of basic knowledge and skills to use digital tools and technologies, such as computers, smartphones and the internet, to effectively obtain information, communicate and participate in modern society. It is a problem that have created the digital divide. Digital illiteracy is a problem that affects the most vulnerable and it affects 17% of the population, or nearly 13 million in France according to the French national statistical office. The main causes are social, regional and generational. 50% of non-internet users live in towns with fewer than twenty

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[84] www.upfrontcs.com accessed on the 07/10/2025
[85] ibid

thousand inhabitants and 34% of low skilled or unskilled people are affected by the problem.[86] Digital illiteracy can increase the digital divide leading to deepening inequalities and reinforcing the exclusion of those who are already vulnerable since they affect 16% of low-income household and just 4% of the wealthiest household. Digital illiteracy goes beyond the ability to use or operate the computer system to type and print documents. Somebody may know how to type and print documents with the computer system, yet b digitally illiterate. Digital illiteracy encompasses a wide range of inability to manipulate online data in order to achieve advancement in science, technological, commercial and governance.[87] Digital illiteracy is the lack of knowledge and understanding of using digital technology to locate, organise, evaluate and create data for information and communication. This involves the lack of skills in online data management. For instance, lack of skills in e-learning, videoconferencing, online shopping which are all auspices of online data management which are digital illiteracy.[88] Hence, the ability to possess these skills in this present digital world is a clear state of digital illiteracy which leads to digital dive and limits access to e-justice.

3.2.4 SOCIO-ECONOMIC INEQUALITIES

Social and economic inequality is a phenomenon of growing concern around the world. It refers to the unequal distribution of income, wealth, educational opportunities. Access to healthcare, and other basic rights amongst different groups in the society.[89] Social and economic inequality refers to the unequal distribution of resources, opportunities. Rights and influence within a society. Social inequality refers to differences in access to public services such as education, health, employment and other basic rights experienced by certain groups or individuals based on certain factors such as social class, gender, ethnicity, and age group location. Economic inequality on the other hand relates to disparities of income., wealth, employment opportunities, and living standards that can lead to significant differences in the quality of life among different groups in society.[90] These two types of inequality are often intertwined and reinforce each other, creating a cycle that is

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[86] Break poverty foundation 'Digital illiteracy, a phenomenon that affects the most vulnerable, 2021. Available online at www.breakporvety.com/en/digital-illiteracy accessed on the 07/10/2025

[87] Reagan Robinson, Anthony NADUM, 'Digital illiteracy: a constraint to technology education advancement in south-south regions of Nigeria', *international journal of research GRANTHAALAYAH.* Volume 6 issue 11 p. 307-314

[88] ibid

[89] Loso Judijanto (2025), 'social and economic inequalities in a global perspective: a literature review of policies and interventions', *international journal of economic literature, vol 3 No 1* p 74-81

[90] ibid

difficult to break. For example, economic inequality can lead to social inequality when concentrated wealth allows exclusive access to quality education and the best healthcare, while also exacerbating social inequality when discrimination and social exclusion limit economic opportunities for certain groups. In the long run, high social and economic inequality can hamper social mobility, reinforcing injustice, and threaten social stability and healthy economic development.[91] Within the last two decades, global inequality has increased in both developing and developed countries, resulting in social, economic and political instability. In developed countries, despite fruitful economies and living standards, the gap between the rich and the poor continue to widen. On the other hand, developing countries are usually plagued by acute poverty and a sharp gap of handful wealthy elites and the poor majority of the population. This phenomenon is often exuberated by factors such as corruption, unfair economic policies and unequal education systems. The globalisation factor has a double impact. While globalisation opens up new economic opportunities and accelerate growth in some regions, it also exacerbates inequality by concentrating wealth in the hands of a few individuals and multinationals corporation. As a result, different regions of the world experience inequalities like low access to opportunities, economic resources and policies and unequal educational systems. This socio economic inequalities have equally led to low access of individuals to the use of e-justice umbrella creating a digital divide. This is due to the fact that socio-economic inequalities do not favour the poor who may lack the means to access ICT tools necessary for access to e-justice.

3.2.5 CULTURAL INEQUALITIES

Cultural inequalities are one of the causes of digital divide that hamper the access to e-justice umbrella. Cultural inequalities refer to the disparities in cultural capital and appreciation that arise from differences in socialization. Cultural inequalities undoubtly play a part in shaping spatial variations in access to and the use of ICTs. Increasing attention has thus been paid in particular to the inequalities in the access and use of ICTs by men and women. The international Telecommunication Union, for example notes that in 2017, the proportion of women using the internet was 12% lower than the proportion of men using it worldwide, where as it had been

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[91] ibid

only 11% in 2013.[92] While this gap has slightly narrowed in many parts of the world since 2013, it has been actually widened in Africa, where the proportion of women using the internet was 25% lower than of men in 2017 compared with 20.7% in 2017. In least developed countries in general, gender digital inequality had also increased from 29.9% in 2013 to 32.9% in 2017. The broader picture is equally discouraging. not only are women generally less connected in most parts of the world, but they frequently benefit less from digital literacy skills and to be underrepresented throughout the technology sector, despite the numerous initiatives across the world, especially by civil society organisation, to tackle the challenges of gender digital equality.[93] Recognition of the failure of such measure to reduce gender inequality at a global scale led to the creation of the United Nations led-EQUALS global partnership in 2016.

 Social and cultural attitudes towards people with disabilities also play an important role in furthering the inequalities experienced by them in an increasing digital world. Those with greater disabilities can benefit far more from appropriate ICTs than those with fewer inabilities. Digital technologies in general was not designed with the interest of people with disabilities in mind. Instead, they have had to pay higher amounts for specialized assistive technologies to enable them to benefit from the opportunities that the ICTs are to offer. If digital technologies were all designed to be universal and accessible to everyone, thus including those with visual or impaired hearings equipment's, as well as with those with physical disabilities, then these inequalities would not be as great they are today. Assistive technologies remain important for those with specific requirements but they need to be made affordable so that people with disability from poor background can indeed afford them. A woman with disability, living in a rural area of a patriarchal society, and from an ethnic minority is therefore likely to be amongst the most disadvantaged of all. One can equally include as a form of a drawback to the access to e-justice is cultural psychology, which determines human behaviour towards access to ICTs tools, class and standards that increase the digital divide.

[92] Tim Unwin (2020),'digital inequalities', *international encyclopaedia of Geography.* Available online at www.sciencediret.com accessed on the 08/10/2025
[93] ibid

3.3 CONSEQUENCES OF DIGITAL DIVIDE AS REGARDS ACCESS TO THE ADMINISTRATION OF JUSTICE THROUGH THE E-JUSTICE SYSTEMS

After looking at the causes of the digital divide that limits access to the administration of justice using the e-justice system, it will be important to analyse the consequences that are being faced by the justice sector but equally the people seeking redress from the application of the rule of law, while the next chapter of the study under consideration will examine the measures that can be undertaken in order to ameliorate the consequences of the inequalities causing the digital divide. The consequences of digital divide are far reaching and are not just been felt by the courts of law as far as access to the administration of justice is concerned. As far as the access to the administration of justice is concerned using the e-justice system, the consequences of feasible inequalities of digital divide include the following; social isolation and exclusion, limited access to public service in general, barriers to innovation and economic growth which are the general inconveniences of digital divide. There are equally consequences on the justice sector which are threaten due process of law, restrict access to legal remedies and weaken trust in justice system.

3.3.1 CONSEQUENCES OF DIGITAL DIVIDE ON THE ADMINISTRATION OF E-JUSTICE

Digital divide as it has been defined above is the separation between those who are able to access the tools of ICTs and use them and those who are unable to access those tools. Within the 21st century where there is an increase in use of internet services, which is usually referred to as the digital revolution. This period led to the rise of the use of internet as a means of access to justice, especially after the rise of the covid-19 pandemic which led to the shutdown of many public services, especially justice services. Due to the pragmatic inequalities, it is difficult for everyone to access e-justice system in which the reasons for this digital divide are listed above. As such, the consequences of digital divide on the administration of justice include the following; threaten due process, restrict access to legal remedies and weaken trust in the justice system.

3.3.1.1 THREATENS THE DUE OR EQUITABLE PROCESS OF THE LAW.

One of the consequences of the inequalities of digital divide on the administration of e-justice system is that it leads to the non-respect of due or equitable process of the law. Due process of law refers to the requirement that legal matters are

resolved according to established rules and principles and that individuals be treated fairly.[94] Due process applies to both civil and criminal matters and it protects individuals from government or state actors and not from other individuals. The origins of due process are often attributed to the Magna Carta of 1215 and in the U.S A, due process are outlined in both the fifth and fourteenth amendments.[95] There are two important aspects of due process of law; there is the substantive due process and procedural due process. Substantive due process is the fundamental legal guarantee as far as individual liberty and property are concerned. Procedural due process is that which is relative to the fundamental procedural guarantee of such individual and property rights. The procedural due process designs the procedural subjections which is placed on the public powers when they are to take measures be it restrictive or privative of liberty or propriety of designated individuals, while substantive due process refers to the obligation of public powers to not interfere in the life, the liberty or the property of an individual except on the legitimate reason and the proportionality of the motive desired.[96] Digital divide can easily lead to the non-respect of due process of law especially issues that deals with the procedural due process of the law. this is because individuals who are not digitally literate will found it difficult to engage in e-justice especially when it comes to e-filling, complex case management and virtual or videoconferencing. As such digital divide will make the rights of the litigants not to be respected.

3.3.1.2 INEQUALITIES IN DIGITAL DIVIDE RESTRICTS ACCESS TO LEGAL REMEDIES

One of the consequences of the inequalities of digital divide on the administration of justice is that it restricts access to legal remedies. A legal remedy which is also known as a judicial relief or judicial remedy, is the means through which a court of law, usually in the exercise of a civil law jurisdiction, enforces a rights, imposes a penalty, or make another court order to impose its will in order to

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[94] Will Kenton 'due process defined and how it works, with examples and types', 2012, available online at www.investopedia.com accessed on the 08/10/2025

[95] The Fifth Amendment says to the federal government that no one shall be deprived of life, liberty, or property without due process of law. The fourteen amendments ratified in 1868, uses the same eleven words, called the Due Process Clause to describe the legal obligations of all states.

[96] Pascal MBONGO 'Proces equitable et Due Process of Law', *Nouveaux Cahiers du Conseil constitutionnel No 44, Juin 2014*, available online at www.conseil-constitutionnel.fr accessed on the 7/07/2024

compensate for the wrongful act inflicted upon an individual or corporation[97] under common law jurisdiction, there are three types of common law remedy. There are damages which include compensatory damages, consequential damages, punitive damages, incidental damages, nominal damages, liquidated damages and statutory damages. The second category of damages in common law is equitable damages which include injunction, accounting for profits, constructive trust, equitable lien, subrogation specific performance, reformation and equitable rescission. The last type of remedies is the declaratory remedies or declaratory judgements although they do not belong to the category of damages or equity. They are legal determinations made by the court to address ambiguity or disputes without sanctioning an action or practice against the parties involved. They are preventive judgements. It is when there is inequalities in digital divide, especially those that deals with socio-economic and cultural divide, access to these legal remedies through the use of e-justice becomes difficult.

3.3.1.3 DIGITAL DIVIDE WEAKENS TRUST IN THE JUSTICE SYSTEM.

Inequalities that leads to digital divide weakens the justice system and people are no longer willing to trust the justice and its institutions because of lack of access to justice through the use of the e-justice system. Justice system is not one of the most trusted institutions in the United Kingdom. While most citizens consider it fair, others think it is out of touch in specific cases and many consider it relatively inefficient. The lack of trust is reignited with every minor scandal or heavily mediatised case. A number of grievances within the justice system recur. Judges are often seen as being out of touch with ordinary people's lives, and there appears to be a perception that the justice system works better for the rich than for the poor. They may think it is inefficient, or unfair, or slow, or out of touch with realities.[98] Users of e-justice system may not trust the justice system equally due to the fact lack of an affordable internet provider may hinder effective running of the justice system.

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[97] Judicial Remedy-National Action Plan on Business and Human rights. Available online at www.globalnaps.org accessed on the 08/10/2025

[98] Steven Van de Walle, 'trust in the justice system, a comparative view across Europe. *Prison service journal.* See equally Anhuli Van damme 'Explaining and Preventing distrust in the criminal justice system: a combined quantitative and qualitative approach', *eleven international publishers*, 2022 p.257-272

3.3.2 CONSEQUENCES OF DIGITAL DIVIDE ON SOCIO-ECONOMIC, CULTURAL AND INDIVIDUAL PERSONS

There are educational disparities, social isolation exclusion, exacerbation of existing inequalities and barriers to innovation and economic development.

3.3.2.1 DIGITAL DIVIDE LEADS TO EDUCATIONAL DISPARITIES AS REGARDS E-JUSTICE

One of the most significant consequences of the digital divide is its impact on education. The digital divide exacerbates existing educational inequalities, particularly in low-income and rural areas. During the COVID-19 pandemic, for example, schools around the world shifted to online learning, but millions of students in underserved communities were unable to participate because they lacked access to reliable internet connections or digital devices.[99] As a result, students in these areas were left behind, unable to continue their education in the same way as their peers in more affluent areas with better access to technology.

This educational disparity is not limited to the ability to access online learning. Students who lack digital skills are at a disadvantage in today's increasingly technology-driven world. Without access to the internet and digital tools, students miss out on important educational resources, research materials, and opportunities for online collaboration. Over time, these disparities can lead to long-term academic underachievement and diminished opportunities for higher education and future employment.

3.3.2.2 DIGITAL DIVIDE LEADS TO ECONOMIC INEQUALITIES

The digital divide also plays a critical role in widening economic inequality. As more jobs and economic opportunities move online, individuals without internet access or digital skills are excluded from these opportunities. In today's job market, many positions require basic digital literacy, such as the ability to use email, work with spreadsheets, or manage data using digital platforms. People who lack access to these skills or the necessary technology find themselves at a significant disadvantage, limiting their career prospects and earning potential.

In rural or economically disadvantaged areas, the lack of access to high-speed internet further limits opportunities for remote work, which has become

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[99] MD Ashikuzzaman 'digital divide, causes, consequences and solutions',2025, available online at Digital Divide: Causes, Consequences, and Solutions - Library & Information Science Education Network accessed on the 09/10/2025

increasingly common, especially after the pandemic.[100] For individuals in low-income communities, this exclusion from the digital economy contributes to a cycle of poverty, where lack of access to technology and skills keeps them from obtaining well-paying jobs or advancing in their careers. Additionally, small businesses in underserved areas may struggle to reach customers or operate efficiently without access to e-commerce platforms or digital marketing tools, further hindering local economic development.

3.3.2.3 DIGITAL DIVIDE LEADS TO SOCIAL ISOLATION AND EXCLUSION

The digital divide also contributes to social isolation and exclusion. In an increasingly connected world, the internet has become a primary means of communication, social interaction, and engagement. Individuals without access to digital technologies are often cut off from the social networks, online communities, and cultural resources that are vital for staying connected with family, friends, and society. This isolation can be particularly severe for elderly individuals who may not have the digital skills to use social media or video conferencing tools, further distancing them from their social support systems.[101] Moreover, marginalized groups, such as those living in rural areas or those with low incomes, may find themselves excluded from essential online services, including healthcare consultations, government services, and social welfare programs. In times of crisis, such as during natural disasters or public health emergencies, those without access to digital technologies are often the last to receive critical information and updates, leaving them vulnerable to additional risks.

3.3.2.4 EXACERBATION OF EXISTING INEQUALITIES

The digital divide does not exist in a vacuum; rather, it reinforces and exacerbates existing social and economic inequalities. People from marginalized backgrounds, including those in low-income households, rural areas, and developing countries, are already disadvantaged in numerous ways. The digital divide compounds these challenges, further entrenching systemic inequalities. Individuals who already face barriers in terms of education, healthcare, and employment are disproportionately

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[100] Yitong Liu 'Analyzing the Impact of the Digital Divide on Individuals, Families, and Society: A Technological Perspective', *journal of applied economics and policy studies*, 14(1) p. 44-51
[101] Op cite 87

impacted by the lack of access to digital technologies.

For example, women and girls in certain regions may face additional challenges when it comes to accessing digital tools and education due to cultural or societal norms that limit their access to technology. [102]This gendered aspect of the digital divide further limits opportunities for women and girls, particularly in developing countries, where access to education and technology may be restricted based on gender.

3.3.2.5 DIGITAL DIVIDE HAMPERS INNOVATION AND ECONOMIC GROWTH

The digital divide also stifles innovation and economic growth. When large segments of the population are excluded from digital advancements, societies as a whole miss out on the potential benefits of widespread technological adoption. Digital technologies are essential for driving innovation, fostering new industries, and improving productivity across sectors. When individuals and communities lack access to these technologies, their ability to contribute to and benefit from these advancements is limited, which can slow down overall economic growth.

For instance, small businesses in underserved areas may be unable to take advantage of digital marketing tools, e-commerce platforms, or other technological innovations that could help them grow. Similarly, individuals without access to digital technologies are less likely to develop the skills needed to participate in emerging industries, such as artificial intelligence, data analysis, and software development.

3.3.2.6 POLITICAL DISENGAGEMENT AND DEMOCRATIC EXCLUSION

The digital divide also has significant political consequences. As more governmental processes and political engagement move online, individuals without access to the internet are excluded from participating in democratic processes. Voting systems, public policy debates, and civic engagement activities are increasingly conducted through digital platforms. For example, online voter registration, access to government services, and public consultations are now common. People without digital access or digital literacy are less likely to engage in these activities, resulting in lower levels of political participation among underserved groups. This exclusion undermines the democratic principle of equal representation, as the voices of

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[102] ibid

marginalized communities may not be heard in political decision-making processes.[103] Moreover, limited access to information can prevent people from staying informed about political issues and current events, reducing their ability to make informed decisions during elections or advocacy efforts.

After looking at the feasible inequalities to access to e-justice in the administration of justice caused by digital divide, and their consequences of such digital divide, it will be important analyse the measures of bridging the gap. These measures of bridging the gap will be analysed in the following chapter.

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[103] ibid

4- MEASURES AND POLICIES OF BRIDGING THE GAP IN THE FACE OF INEQUALITIES LEADING TO DIGITAL DIVIDE IN THE ACCESS TO E-JUSTICE.

This present chapter will analyse the different measures that can be used by the state justice system in order to bridge the gap taking into consideration the inequalities that are being faced to access e-justice. bridging the gap means the use of tools, policies and institutions, laws that can put in place in order to reduce the inequalities that causes digital divide which hampers access to the administration of justice using the e-justice system. these measures of bridging the gap include Infrastructure development, affordable technology and public access, promoting digital literacy, adopting a universal public internet services, ICT regulation and legislation. We shall equally analyse the role artificial intelligence in the justice system. That is to say how does the tools of artificial intelligence help in the promotion of justice, or helps the judge in the promotion of justice.

4.1 MEASURES THAT ARE RELATED TO THE USE OF DIGITAL TECHNOLOGY AS A MEANS OF ACCESS TO E-JUSTICE

These measures that are related to the use of digital technology as means of bridging the gap so as to access to justice include the following.

4.1.1 PROMOTION OF DIGITAL LITERACY SO AS TO BRIDGE THE GAP.

As analysed above, digital literacy is one of the main causes of the inequalities that leads to digital divide which hampers access to the administration of justice through the use of the e-justice system. As such, in order to bridge the digital gap, it is important to promote digital literacy. Digital literacy can also be used in another term as information literacy. Others include computer literacy, IT literacy, information technology literacy, electronic literacy, media literacy, internet or network literacy, and digital information literacy. For there to be the promotion of digital literacy, there must the access to technology, digital skills training, information search skills, and the presence of digital tools and software.

Providing access to technology is a significant role of the state in promoting digital literacy. There are certain digital libraries that offer public access to computers, internet connectivity, and other technology tools, enabling individuals to

explore and develop digital skills.[104] Libraries play a crucial role in bridging the digital divide by providing access to technology for individuals who may not have their own devices or internet connectivity at home. This helps to mitigate disparities in access to justice and ensure that everyone has the opportunity to develop digital literacy skills. By offering technology access, libraries help level the playing field and provide equal opportunities for individuals to engage in digital activities, access online resources and acquire essential digital skills. they provide public computers workstations with internet access, allowing patrons to browse the web, use productivity software, access online databases and engage in digital learning activities.[105] This access helps individuals to gain computer literacy skills and gain familiarity with digital tools. Some libraries usually offer free Wi-Fi connectivity, enabling individuals to connect their personal devices and access the internet. This access empowers them to explore online resources, engage in online learning and develop literacy skills thereby reducing the digital divide and permitting an equal access to the administration of e-justice system. This initiative provides opportunities for individuals to explore technology and digital resources in their own time and space.

The next form of promoting digital literacy is the provision of digital skills and training. Digital skills and training is also a crucial as libraries offers various programs, workshops and resources to help individuals develop necessary skills to navigate the digital world effectively. Libraries provide training programs that cover basic digital literacy skills. including computer basic skills, internet navigation, email usage, and online safety. These programs aim to familiarise individuals with essential digital tools and empower them to confidently engage with digital technologies. Libraries also offer training opportunities for more advanced digital skills, such as using productivity software, conducting online research, utilising multimedia tools and programming. These programs help individuals develop higher level skills that are increasing important in the digital age. Libraries often collaborate with community organisations, educational institutions, and technology providers to enhance digital skills. they provide access to online learning platforms, tutorials and resources that individuals can access at their convenience.

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[104] Okwoli Enefu (2023) 'the role of libraries in promoting digital literacy skills in digital age, available online at www.researchgate.net/ accessed on the 10/10/2025
[105] ibid

There are equally information search skills that can be used to promote digital literacy skills. it is important to teach individuals how to effectively use information from digital sources. They equally need to be taught how to search information using digital resources such as online database, search engines, and library catalogues. They teach users to critically assess websites, articles, and other online content, promoting skeptism and discernment in the digital environment. They provide guidance on understanding and evaluating various digital content types, such as websites, e-books, online articles, multimedia resources and the social media.[106] They are equally to educate about copyrights laws, and intellectual property rights in the digital age and raise awareness about the responsible use and citation of digital information, promoting ethical behaviour in accessing and sharing digital content. They educate users about issues such as issues such as data privacy, online security, digital footprints, cyberbullying, and the ethical use of information. By fostering ethical digital practices, libraries contribute to creating responsible and informed digital citizens.

Lastly, there is the use of digital tools and software in order to promote digital literacy so as to reduce the digital divide and ensure the access to e-justice. digital tools and software play a significant role to promote digital literacy skills. librarians provide access to a range of digital tools and software applications, empowering individuals to develop proficiency in using technology. Librarians offer a variety of computer software and applications to help individuals develop digital literacy skills. this can include productivity software like word processors, spreadsheet program and presentation tools. Librarians may provide specialised software training for graphic designs, video editing, coding and other digital creative endeavours such as digital storytelling, podcasting, video production, music composition, and image editing. By offering these tools, they foster digital creativity and digital literacy. Librarians offer access to digital tools and database that enable individuals to explore and analyse information effectively. This can include academic databases, online research portals, data visualisation tools, and citation management software.

4.1.2 DEVELOPING BROADBAND INFRASTRUCTURE.

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[106] ibid

the presence of a stronger broadband infrastructure is important to bridge the digital gap and promote access to e-justice in the administration of justice. without access to the internet, people lose economic, educational and social opportunities. Many of the communities that are affected by the digital divide reside in areas with limited broadband infrastructure. Without the robust fiber optic and backhaul necessary to communicate with the global internet, users are not able to gain as much value from computing devices.[107] Additionally, these communities need access and middle mile networks that help connect the backhaul to more remote locations. Just like electrical grids or natural gas production, internet access is vital to the functioning of modern society. Unfortunately, many entities still view digital access as a privilege instead of a necessary tool. To reduce the digital divide, the mindset will need to change. It is important for government entities to develop solutions that not only increase connectivity for rural and remote areas but ensure strong access for many years to come. Society's reliance on the internet is not likely to decrease. Developing a solution that is only viable for a few years will cause more harm ion the long term. As a result, governments and organisation will need to look unto building stronger. Longer-lasting networks and architecture. This may involve investing in higher performance power grids, renewable energy and maintenance as well as foundational infrastructure. This equally means that the infrastructure should be adaptable to the locality to which the internet access is meant. The should be the construction of electric dams, the installations of fibre optics that are necessary to capture internet, the sending of satellites to space, and even the construction of modern road networks to bridge the digital divide and facilitate access to justice.

4.1.3 AFFORDABLE INTERNET SERVICES AND PUBLIC CONNECTIVITY.

To bridge the digital divide, there must be the provision of an affordable internet services and public connectivity. This means that there must be public access for an affordable internet services. The cost of internet services makes it difficult for many people to gain relevant skills, heightening the digital divide. For unconnected groups to gain digital technology proficiency, they need affordable access to the internet. According to UNESCO, nearly 45% of global household do not have access to the internet, a report from UNICEF estimates that 1.3 billion children between the ages of three and seventeen lack internet access at world's school age children.

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[107] www.ctu.ieee.org/blog/2023 article published by IEEE Connecting the Unconnected

During the Covid-19 Pandemic, the digital divide became more apparent than ever. As millions of schools and jobs moved online, lack of connectivity made it difficult for students to participate in remote learning/ adults who could not perform their jobs virtually were often subject to layoffs or reduced work hours.[108] A major solution to reducing the digital divide is to increase the connectivity in all communities. Providing widespread internet access can help previously unconnected users take advantage of economic and learning opportunities. Access to computer services can help increase connectivity. Additionally, equitable broadband access and strong, future proof architecture is also important. With these investments, government and organisations can help connect as many as people as possible. Equally, many free or low cost initiatives provided by the private sector can help exacerbate the divide. For example, Facebook free Basics program provided data light access to websites and services in developing countries like Colombia, Pakistan and the Philippines.[109] Internet access must not only be affordable-it has to be equitable. Lower income users must be able to engage with the same websites, content, and platforms as higher income communities. This access can help user gain modern technical proficiency and help in bridging the gap of digital divide.

4.2 MEASURES THAT ARE PUBLIC POLICY ORIENTED TO REDUCE THE DIGITAL DIVIDE

the measures that are government oriented solution in order to reduce the digital divide are measures of public policy initiatives. They include the ICT regulation and legislation, adopting a universal internet services and funding community led initiatives on digital literacy and inclusion.

4.2.1 ADOPTING AN ICT POLICY REGULATIONS AND LEGISLATIONS

In the digital age, the development and effective implementation of Information and Communication Technology ICT policies is critical for countries to harness the full potential of ICT in driving inclusive and sustainable development in promoting universal access to information, internet, good governance, e-commerce, equitable quality education and other important enablers of social and gender justice

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[108] ibid

[109] However, Facebook Free Basics did not serve contents in local languages, prevented users from accessing websites outside of its paywalls, and did not include important websites that local users wanted to access. Users were not able to fully participate in the open internet; instead, they became passive consumers of the content that was made available to them by Facebook.

and socio-economic development.[110] It is argued that globally, the digital divide is widening between the digital haves and the digital 'have-nots' and closing the gaps be it locally, nationally, and globally requires creative pro-people policies that focus on national priorities, an area that will have a positive impact on people lives. The term ICT policy regulations generally refers to a wide range of different policies that impacts the access and use of ICTs. This can include for example, a broadband policy infrastructure in a country should be rolled out, accessed and used. It can also include an e-government policy which defines how government services should be made accessible online, or a cyber-security policy which defines the measures and procedures by which public assets can infrastructure can be protected against malice cyber-attacks.[111] Traditionally, ICT policy have typically dealt with four broad categories of ICT related fields; there is computing and information technology, broadcasting including radio and television, telecommunications, including telephone and data communication through fixed and wireless networks, the internet and internet related services. As innovation progresses and network technology continues to fundamentally shape how society is organised, the scope of ICT policy expands beyond the ICT sector itself and the services it offers. And intersects with and influences other areas of public policy. In practice, ICT policy can take different forms depending on the public institutions enacting it. A country ICT policy matters in the articulation in the combination of the laws enacted by the legislative sphere of government, the policies and the proclamation enacted by the executive sphere as well as the regulatory instrument enacted by specifically designated bodies such as communication regulators.[112] ICTs which include the internet, are transforming the society and transforming how society is organised in all their forms. They are powerful tools in facilitating the gathering and the transmission of information between and ideals between persons. For delivering goods and services, as well as for facilitating effective governance and service delivery. The impact of ICT policy on all areas of life is far reaching, making it all the more important for all aspects mechanisms through which ICT policy is developed.[113] It is from this reason that it is important for the government to make legislations that will enable how these ICT tools will be utilised in order to bridge the gap in the access to e-justice.

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[110] Sekoetlane Phamodi *'making ICT policy in Africa' an introductory Handbook'*, Friedrich Ebert Stiftung
[111] ibid
[112] ibid
[113] ibid

4.2.2 ADOPTING A UNIVERSAL INTERNET SERVICES (INTERCONNECTION)

It is important in order to bridge the gap in digital divide to adopt a universal internet service. the concept of universal service' is generally seen as originating in the United States, the Communication Act of 1934, an important element of F.D Roosevelt New Deal/ the Act in fact does not use the expression, but the preamble to the Act of Congress uses the phrase... 'to make available, so far as possible, to all the people of the United States, a rapid, efficient, Nation-wide and world-wide wire and radio communication service with adequate facilities at reasonable charges'. Theodore Weil, the founder of the Bell monopoly and erstwhile President of AT & T coined the phrase 'universal service' in 1907, although he was referring to what would now be called interconnection. Universal service came to mean a basic, but ubiquitous telephone service subsidised by a system of transfer charges.[114] The concept has its roots equally form the US telecommunication regulatory practice from the 1960s onward. The precise content of Universal Service was defined in basic terms

- A connection to the fixed network able to support voice telephony and low data speed and fax transmission
- The option of a more restricted service package at low cost
- Reasonable geographic access to public call boxes across the UK at affordable prices.

As part of the establishment of the common regulatory framework for electronic communications network and services, Directive 2002/22/EC on universal service and user's rights relating to electronic networks and services states that 'the concept of universal service should evolve to reflect advances in technology. It also states that the obligation to provide a single narrowband connection to support transmission of speech and data communications at data rates sufficient to permit functional internet access, taking into account prevailing technologies used by the majority of subscribers and technological feasibility. This reinforces the policy that public telephone access should be fast enough to support access to the public internet, although it does not mandate a specific transmission rate for member states to comply with. Universal

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[114] Huntley John, McKerrell Nick 'universal service, the internet and access deficit', *SCRIPT* ed 1(2), June 2004

internet service simply means that the internet rates that is to be charged should be moderate in order to allow users to cheaply access the internet. That is why in order to bridge the gap of digital divide, it is important to provide internet services that are cheaper and accessible universal to all segments of the society but especially to rural areas where the digital divide is been felt.

4.2.3 FUNDING COMMUNITY LED INITIATIVE ON DIGITAL INCLUSION

In an increasing digital world, the concept of digital inclusion has emerged as a critical focus for governments, corporations and non-profit organisations. Digital inclusion refers to the efforts made to ensure that all individuals, regardless of their socio-economic status, geographic location, or physical ability have access to the internet and the skills necessary to use it effectively. Connectivity grants are financial resources aimed at bridging the digital divide, providing funding for initiatives that enhance access to technology and internet services.[115] The importance for digital inclusion cannot be overstated. In todays' society, access to the internet is not merely a luxury, it is necessity for education, employment and civic engagement. Without reliable access to the internet, individuals may find themselves at a significant disadvantage, unable to participate fully in modern life. Digital inclusion and connectivity grants play a pivotal role in addressing these disparities by funding projects that provide infrastructure, training, and resources to underserved populations.[116] The funding of community led initiative for digital inclusion can be derived from the government grants for digital inclusion and connectivity, corporate grants or digital inclusion, and non-profit grant.

Governments grants are often the backbone for funding for digital inclusion initiatives. For instance, the US Federal Communications Commission has launched initiatives like the E-rate program, which provides discount to schools and libraries for internet access and telecommunication services. This program has been instrumental in ensuring that educational institutions can provide students with the necessary tools to succeed in a digital world. These governments grant not only provide financial support but also encourage collaboration amongst various

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[115] www.fundsforngos.org accessed on the 11/10/2025
[116] ibid

stakeholders, including local businesses and community organisations, to create sustainable solutions for digital inclusions.[117]

Corporate grants represent another significant source of funding for digital inclusion initiatives. Many companies recognise the importance of digital inclusion and have made programs that align with their corporate social responsibility objectives. Tech giants like Google and Microsoft have launched initiatives aimed at increasing internet access in low-income communities.[118] By leveraging their resources and networks, corporation can amplify the impact of their grants and contribute to long-term solutions for digital inclusions.

Non-profit organisations equally play a crucial role in advancing digital inclusion efforts through targeted programs and initiatives. Many foundations and philanthropic organisations offer grants specifically designed to support non-profits working in digital inclusion. Non-profit have unique insights into the needs of communities, allowing them to design programs that addresses specific barriers to digital inclusion. By applying for grants with foundations that share their mission, these organisations can secure the necessary funding to implement innovative solutions. The impact of digital inclusion and connectivity grants is that there is the transformation of communities through access to technology, fostering social cohesion through digital inclusion and bridging the digital divide for improved outcomes. There is equally community based grants which are essential for fostering grass root initiatives that promote digital inclusion at the local level. These grants are provided by local governments, community foundations or regional organisations that understand the unique challenges faced by their communities.

4.3 BRIDGING DIGITAL DIVIDE THROUGH THE HUMAN CENTRIC APPROACH AND CIVIL SOCIETY APPROACH

The gap of digital divide can be bridge using the human centric and civil society initiative approach or community centric approach

Through the use of the human-centric approach, attracting early users to the e-justice system platform proved extremely challenging. By changing the approach to invest more time and resources in understanding the real needs of the local population,

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[117] ibid
[118] There is the Google 'Grow with Google' program that provide digital training skills and equally Microsoft 'Airband Initiative' that focuses on expanding broadband access in rural areas.

the justice sector could gain local credibility and interest. They found that more than an interest in increasing their digital skills, some of the key challenges for the population were access to computers and lack of knowledge on how access to connectivity could help them increase their earnings. Enabling the population to express their voice led to the creation of local language content, which is more responsive to everyday needs and helps drive awareness of ICT benefits beyond entertainment.[119]

Civil society stakeholders include third sector entities, community partners, or citizen groups. Social enterprises are classified in this stakeholder group and not in the private sector due to their mandate to pursue social purpose over profit. Digital divides are always intrinsically tied to the characteristics of their location. As those best placed to understand the complexities of a local issue, build trust with target audiences or to help adapt a scaling project to a specific reality, local civil society partners are key to the successful delivery of any project. Addressing problems that are perceived as such, instead of imposing top-down "solutions" with little grasp of demand, can motivate citizens to participate in initiatives. Often, such motivation is not directly linked with technology, but with other social and economic reasons: getting a job, accessing education, launching a business, communicating with relatives elsewhere, preserving local knowledge, or accessing low-tech alternatives to expensive equipment or medicines. Once the problem is framed together with the community, then public and private actors can collaborate on implementing the co-created solution, in constant dialogue with international organisations and research institutions so as to increase technological connectivity. This community-centric approach optimises the multi-stakeholder digital collaboration framework and avoids recurring flaws.

CONCLUSIONS

To conclude looking from the task of our study under consideration of the present topic.

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[119] Digital future society, 'bridging digital divide: a framework for digital cooperation', 2019 p 30. Available online at Bridging_digital_divides_A_framework_for_digital_cooperation.pdf accessed on the 12/10/2025

1. Task one was to analyse and define the concept of access to justice and its various components in the digital or technological age. One can conclude from this task that access to justice is to guarantee the respect of the rule of law by allowing enabling individuals who suffer to have redress from the courts systems. The components of access to justice in the digital era are e-filing, electronic case management, automation, virtual hearing and e-conferences amongst others are the components of access to justice in the digital era.

2. Task two was to examine and evaluate the relationship between the traditional access to justice and e-justice. it can be concluded that the relationship between access to justice and e-justice is that access to justice per say is the use of the formal procedures as stipulated by the various legal court procedures while e-justice is accessing the same court but by using digital means and technology to obtain redress in a remote manner.

3. Task three was to critically examine the digital divide which hinders individual access to justice using the e-justice system. It can be concluded that the digital divide which hinders individual access to justice using the e-justice are the inequalities that exist in the society which are digital illiteracy and economic and social conditions such as poverty.

4. Task four was to determine the various inequalities that promote the digital divide in the age of e-justice. it can be concluded that there are technological inequalities, economic and psychological inequalities. These technological inequalities are mostly lack of digital literacy, and lack of ICT tools. Economically there is poverty and poor infrastructural development that creates the digital divide in the face of digital justice.

5. The last task was to propose adequate solutions in order to mitigate the various inequalities that leads to digital divide as far as access to justice is concerned using the e-justice system. to conclude on this particular task, these measures the involves amongst others the training of individual on digital literacy and skills, the promotion of digital cooperation, the building of infrastructural connectivity, adopting an ICT regulation and legislation etc. despite these measures, there is equally the presence of artificial intelligence in the court system. This artificial intelligence in the court system involves the use of judicial decision making, predictive policing and correctional facilities amongst others.

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RESEARCH SUMMARY

Synthia Arrey Tambe Jennet

The integration of Information Communication and Technology (ICT) into judicial systems has significantly transformed access to justice in the modern era. This transformation, often referred to as e-justice, encompass the digitalization of legal processes through mechanisms such as electronic filing, virtual court hearing. Despite the presence of e-justice, it has led to digital divide as not all persons are capable of accessing the administration of justice using the e-justice system in the digital age. The problems of the digital divide are the various inequalities that are been faced by individuals who seek redress but are not able to use the digital technologies. There is lack of digital literacy, lack of broadband infrastructure, the presence of poverty and economic hardship, structural inequalities between women and men, especially in the rural areas. This digital divide has been bridge thanks to certain measures such as digital literacy training and infrastructural development and connectivity so as to guarantee access to the administration of justice using the e-justice system. With the rise of digital technologies, there have been the rise of the use of artificial intelligence in the court system which have been used to facilitate legal procedures. This use of artificial intelligence in the court system have been implanted in certain countries such as China and Russia while developments are still being carried out in certain countries such as the African States and the France. Bridging the digital divide requires a multidimensional approach. Infrastructure development is fundamental, high speed internet must be made available and affordable in underserved regions. Equally, is the provision of devices and platforms that are both accessible and user friendly. Digital literacy must be promoted as a core component of lifelong learning policies, targeting all social groups and social segments. Public-private partnership can play a crucial role in delivering training, support and resources to marginalised communities. Legal and regulatory frameworks must also be established to ensure data protection and safety, online security, and equitable platform governance. Cultural and linguistic consideration must be overlooked. Digital divide is not only shaped by income and geography, but also by gender norms, cultural restrictions and language barrier. Women in certain societies face social limitations on digital

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participation, while speakers of minority language may find little or no content online in their native tongues.

The presence of Information Communication and Technology tools have led to another paragrithm when it comes to access to justice both for individuals and for businesses. ICT have profoundly reshaped societies worldwide. These technological transformation extends far beyond hardware and software but have redefined the ways individuals learn, work, communicate and engage with one with governance systems. Access to the internet represents a fundamental enabler of inclusion and empowerment.