ANALYSIS OF THE ADMISSIBILITY OF THE ARTIFICIAL INTELLIGENCE GENERATED CONTRACT AGREEMENT AND ITS LEGAL IMPLICATIONS

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Abstract

The study examined the transformative influence of artificial intelligence (AI) on contract agreement. This paper explores how AI may affect conventional contracting procedures, emphasizing the opportunities and problems associated with automated contracting. The analysis extends to legal position of AI generated contracts, enforceability, and the subjective nature of some contractual duties using AI technologies. Surveying the regulatory frameworks and ethical dimensions, the paper strives to provide a comprehensive understanding of the dynamic interplay between AI and contract law. The paper aims to compare the

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legal framework of artificial intelligence generated agreement in other jurisdictions like US, South Africa, England and Wales. In the end, this paper promotes a fair-minded strategy that acknowledges the benefits of artificial intelligence in contracting while tackling the inherent difficulties and dangers involved in its application.

Keywords: Contract Law, Artificial Intelligence, Admissibility, Legal implications

1.1 Introduction

Artificial Intelligence (AI) is changing contract law, especially in the areas of contract negotiation and implementation. The use of AI technologies by businesses is growing, and this has important ramifications for conventional contracting procedures.

This article looks at how AI affects contract law, emphasizing the opportunities and problems that automated contracting brings.[1] Artificial Intelligence possesses the capability to optimize contract implementation and boost productivity, providing noteworthy advantages to commercial enterprises. But it's impossible to ignore worries about the absence of human control and the difficulties in integrating AI with current legal frameworks.[2]

The fact that technology is always changing and having an impact on

[1] Xudaybergenov, A. (2023). Toward legal recognition of artificial intelligence proposals for limited subject of law status. International Journal of Law and Policy, 1(4). https://doi.org/10.59022/ijlp.55

[2] Wang, J., Mao, W., & Wenjie, W. (2023). The ethics of artificial intelligence: sociopolitical and legal dimensions. Interdisciplinary Studies in Society, Law, and Politics, 2(2), 27-32. https://doi.org/10.61838/kman.isslp.2.2.6

contract management highlights the necessity for an all-encompassing legal framework that can handle the special requirements of AI-driven contracts. It is crucial to guarantee that each party's rights are upheld as AI develops and to promote creative contract practices[3]. Embracing the benefits of AI in contracting while also addressing the inherent difficulties and risks involved with its implementation is the goal of this article, which advocates for a balanced approach. Artificial Intelligence technologies have the ability to completely transform contract negotiation by automating a number of process steps. AI, for example, can evaluate enormous volumes of data to determine the best terms and conditions, forecast the results of negotiations, and recommend tactics based on past data[4].

In addition to enhancing efficiency, this skill also minimizes the amount of time and resources that are necessary for the negotiation process. But the use of AI in this situation begs concerns about the transparency of the decision-making procedures and the possibility of bias in the AI algorithms[5].

Furthermore, the roles played by legal practitioners need to be reevaluated in light of the usage of AI in contract negotiation. In order to collaborate with AI systems efficiently, lawyers may need to modify their skill sets as

[3] D. Schiff, Borenstein, J., Biddle, J. B., & Laas, K. (2021). Ai ethics in the public, private, and ngo sectors: a review of a global document collection. IEEE Transactions on Technology and Society, 2(1), 31-42. https://doi.org/10.1109/tts.2021.3052127

[4] B. G., Celik, Abraham, Y. S., & Attaran, M. (2024). Unlocking blockchain in construction: a systematic review of applications and barriers. Buildings, 14(6), 1600. https://doi.org/10.3390/buildings14061600

[5] Nguyen, C. T., Hoang, D. T., Nguyen, D. N., & Dutkiewicz, E. (2022). Metachain: a novel blockchain-based framework for metaverse applications. https://doi.org/10.48550/arxiv.2201.00759

these systems assume greater responsibility. This change may result in a change in the legal profession where lawyers put less emphasis on routine work and more emphasis on strategic oversight[6]. Contract negotiation could undergo a revolution thanks to artificial intelligence (AI) technology, which can automate many steps in the process. AI, for example, can evaluate enormous volumes of data to determine the best terms and conditions, forecast the results of negotiations, and recommend tactics based on past data[7]. This capacity not only increases productivity but also minimizes the amount of time and money needed for negotiations. Organizations may expedite their negotiation processes and make more informed decisions more quickly by utilizing AI.

However, the implementation of AI in this situation raises serious concerns about the transparency of the decision-making procedures and the possibility of bias in the AI algorithms. Concerns regarding the decision-making processes of AI systems and the data they use are critical as these systems become more and more integrated into contract discussions. AI systems may reinforce current disparities or produce unjust results in negotiations if they are taught on biased data[8]. Thus, it is crucial to guarantee transparency and accountability in AI decision-making in order to preserve confidence in the bargaining process.

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[6] O. Calik, "Blockchain for Organ Transplantation: A Survey," Blockchains, vol. 2, no. 1, pp. 1-15, 2024. doi:10.3390/blockchains2020008

[7] W. J., Becker, Belkin, L. Y., Tuskey, S., & Conroy, S. A. (2022). Surviving remotely: how job control and loneliness during a forced shift to remote work impacted employee work behaviors and well-being. Human Resource Management, 61(4), 449-464. https://doi.org/10.1002/hrm.22102

[8] Yeti, Y. (2024). Optimizing work-life equilibrium: a case study of work-life balance strategies and employee well-being at brain academy (ruangguru). Management Studies and Business Journal (PRODUCTIVITY), 1(2), 198-210. https://doi.org/10.62207/w0c1aa53

In addition, the incorporation of artificial intelligence into the process of contract negotiation opens up potential for the enhancement of collaboration between human and artificial intelligence. Organizations can create a more productive negotiation atmosphere by combining the strengths of both. While human negotiators may apply emotional intelligence and sophisticated grasp of complicated issues, artificial intelligence is better at handling data analysis and predictive modeling[9]. Better negotiating outcomes and more satisfying agreements for all parties involved can result from using this cooperative strategy.

Despite the fact that artificial intelligence has the ability to dramatically improve the processes of contract negotiation, it also creates key difficulties that need to be solved. To maximize its potential while reducing risks, AI in negotiations must be used ethically and with transparency, accountability, and openness. Legal practitioners must embrace new technology and modify their abilities as the legal profession develops in reaction to these developments in order to successfully negotiate the intricacies of AI-driven contract negotiations.

The article's goal is to add to the current discussion on the relationship between contract law and artificial intelligence by examining these aspects and offering views that may guide future legislative initiatives and industry best practices.

2.3 Conceptual Clarification

[9] Kanapathipillai, K., Anuar, A. B., Hamzah, I. M. B., & Zulkiply, M. N. H. B. (2023). Workplace without walls: an investigation into remote working and employee well-being at maybank, malaysia. European Journal of Management and Marketing Studies, 8(2). https://doi.org/10.46827/ejmms.v8i2.1541

2.3.1 The Concept of Artificial Intelligence

Artificial Intelligence (AI) has been discussed since the 1950s. Recently, it has gotten more attention due to many debates on big data, data analytics, and supercomputing. This makes it relevant, and it has been highly deployed for several activities[10]. With the recent developments in AI technologies, such as deep learning, image recognition, machine learning, and natural language processing, it is evident that AI will continue to impact everyday life activities, similarly as digitalization keeps impacting every human activity. Likewise, AI will transform business activities more than social media did recently[11].

Scientists are still working on AI and their efforts will make AI emotionally, cognitively, and socially intelligent. Hence, in the next few years, AI is expected to be an integral part of all fields. Such progress is noted in the literature as scholars are investigating how AI has been applied in the different fields.

However, the definition of AI remains confusing. One of the causes is that there are many definitions presented by experts. Each expert has framed it according to his or her thoughts and experiences[12]. Similarly, each attempt of defining AI makes it more complicated. For instance, some scholars tried

[10] Z. Zhuo, F. O. Larbi, E. O. Addo, "Benefits and Risks of Introducing Artificial Intelligence into Trade and Commerce: The Case of Manufacturing Companies in West Africa". *Amfiteatru Economic, vol.*
23, no. 56, pp. 174-194, 2021.

[11] M. Haenlein, A., Kaplan, "A Brief History of Artificial Intelligence: On the Past, Present, and Future of Artificial Intelligence", *California Management Review*, vol. 61, no. 4, pp. 5–14, 2019.

[12] S. Legg, M. Hutter, "A collection of definitions of intelligence", Frontiers in Artificial Intelligence and Applications, Vol 157, no 17, 2007.

to categorize it as a specific function, while others tried to incorporate many features to it[13]. Some scholars have created further confusion for many in the public by focusing on "intelligence"[14]. Consequently, using the concept of intelligence to define AI has been queried. The scholars have debated that the concept needs to be clarified in terms of what type of, depth of, and scope of intelligence is required for AI to be considered as such[15].

All these situations make the definition of AI lack a fundamental understanding (Martinez, 2019). The situation is further complicated because AI often changes as new technologies emerge. What was once considered AI might no longer qualify as an AI due to new advancements of the technology[16].

Artificial Intelligence (AI) is a branch of Science which deals with helping machines finding solutions to complex problems in a more human-like fashion. This generally involves borrowing characteristics from human intelligence, and applying them as algorithms in a computer friendly way. A more or less flexible or efficient approach can be taken depending on the requirements established, which influences how artificial the intelligent

[13] R. Martinez, "Artificial intelligence: Distinguishing between types & definitions". *Nevada Law Journal*, vol. 19, no 3, pp 9, 2019

[14] D. Monett, C. W. Lewis, "Definitional Foundations for Intelligent Systems, Part I: Quality Criteria for
Definitions of Intelligence". Proceeding of the 10th Anniversary Conference of the Academic Conference Association, AC 2020At: Prague, Czech Republic, 2020

[15] M. Negrotti, (Ed.), "Understanding the artificial: on the future shape of artificial intelligence", Springer
Science & Business Media, 2012.

[16] R. Martinez, "Artificial intelligence: Distinguishing between types & definitions". *Nevada Law*
Journal, vol. 19, no 3, pp 9, 2019.

behaviour appears. AI is generally associated with Computer Science, but it has many important links with other fields such as Maths, Psychology, Cognition, Biology and Philosophy, among many others. Our ability to combine knowledge from all these fields will ultimately benefit our progress in the quest of creating an intelligent artificial being. AI is one of the newest disciplines. It was formally initiated in 1956, when the name was coined, although at that point work had been under way for about five years.

However, the study of intelligence is one of the oldest disciplines. For over 2000 years, philosophers have tried to understand how seeing, learning, remembering, and reasoning could, or should, be done. The advent of usable computers in the early 1950s turned the learned but armchair speculation concerning these mental faculties into a real experimental and theoretical discipline. Many felt that the new ``Electronic Super-Brains'' had unlimited potential for intelligence. ``Faster Than Einstein'' was a typical headline. But as well as providing a vehicle for creating artificially intelligent entities, the computer provides a tool for testing theories of intelligence, and many theories failed to withstand the test. AI has turned out to be more difficult than many at first imagined, and modern ideas are much richer, subtler, and more interesting as a result. AI currently encompasses a huge variety of subfields, from general-purpose areas such as perception and logical reasoning, to specific tasks such as playing chess, proving mathematical theorems, writing poetry, and diagnosing diseases. Often, scientists in other fields move gradually into artificial intelligence, where they find the tools and vocabulary to systematize and automate the intellectual tasks on which they have been working all their lives. Similarly, workers in AI can choose to apply their methods to any area of human

intellectual endeavour. In this sense, it is truly a universal field.[17]

2.3.2 The Concept of Admissibility as it relate to law of evidence contract agreement

Before a discussion on the admissibility of documents under the Nigerian law of evidence is undertaken, for the purpose of precision in presentation and clarity in understanding, it is apposite to define what evidence is howbeit passively. According to Amupitan,[18] the word "evidence" is not capable of exact definition because it belongs to procedural aspect of law. Unlike substantive law where the legal rules are well established and visible, procedural or adjectival laws are not based on any concise certainty as the rules are objects of contest between parties in a trial. Thus, evidence fluctuates in its application while its scope is too encompassing leading some authors to avoid the definition of evidence altogether.[19]

This notwithstanding, Tapper in defining evidence opines thus, *the evidence of a fact is that which tends to prove it something which may satisfy an inquirer of the fact's existence. Court of law usually have to find that certain facts exist before pronouncing on the rights, duties and liabilities of the parties, and such evidence as they will receive in*

[17] https://physicalsciences.abu.edu.ng/ <accessed 6th of November 2025>

[18] Amupitan, J. O., *Evidence Law Theory and Practice in Nigeria*, Lagos, Innovative Communication, 2013, P. 1. See also Dada, J. A., *Law of Evidence in Nigeria*, 2nd ed., Calabar, University of Calabar Press, 2015, P.1 - 2

[19] Uglow, S., *Evidence: Text and Materials*, 9th ed., London, Sweet and Maxwell, 1997, P. 1 asserts that "the law relating to evidence is a strange and unruly beast. It is unruly because, first, it refuses to fit into any easy structure for analysis and exposition and second, it often adopts the characteristics of an uncharted minefield, by which is meant that any set of facts has the potential of throwing up evidential problems, not just of one but of several types, often unforeseen". See also Babalola, A., *Law and Practice of Evidence in Nigeria*, Ibadan, Sibon Books Limited, 2007, P. 1

furtherance of this task is described as 'judicial evidence.[20] Hon[21] is of the opinion that, the term evidence in its ordinary sense, signifies that which makes apparent the truth of a matter in question. It is no doubt more frequently applied to proof by a judicial tribunal, but it is not necessarily confined to this sense[22] According to Dada,[23] judicial evidence is the means by which facts are proved, by excluding inference and arguments. It is common knowledge that a fact can be proved by the oral testimony of persons who perceived the fact, or by the production of documents, or by the inspection of things and places – all these come within the meaning of judicial evidence.[24] The Supreme Court of Nigeria in the case of *Akintola & Anor. v. Solano*[25] gave a noteworthy judicial attempt as to the meaning of evidence when it held that "if a thing is evident, it does not require evidence. What therefore is evidence? Simply put, it is the means by which any matter of fact the truth of which is submitted to investigation may be established or disproved. Evidence is therefore necessary to prove or disprove an issue of fact." A further judicial insight into the meaning of evidence was elucidated in the case of *Onya v. Ogbuji*[26] by the Court of Appeal thus, *the term evidence has been aptly described as any specie of*

[20] Tapper, C., *Cross and Tapper on Evidence*, 9th ed., London, Butterworth, 1999, P. 1; See also Howard, M. N., *Phipson on Evidence*, 5th ed., London, Sweet and Maxwell, 2000, P. 1; Nwandialo, F., *Modern Nigerian Law of Evidence*, Benin City, Ethiope Publishing Corporation, 1981, P. 2; Aguda, A. T., *The Law of Evidence in Nigeria*, 4th ed., Lagos, Spectrum Books Limited, 2009 (Reprint), P. 11

[21] Hon, S. T., *S.T. Hon's Law of Evidence in Nigeria*, Vol. 1, 2nd ed. Port-Harcourt, Pearls Publishers, 2013, P. 1

[22] *Ayarga v. Queen*, 1 LR 4 Mad. 393 at 395; *Okin Biscuits Limited v. Oshe* [2011] All FWLR (Pt. 556) 493 at 517 C.A.

[23] Dada, J. A., *Law of Evidence in Nigeria*, 2nd ed., Calabar, University of Calabar Press, 2015, P. 83.

[24] Nwandialo, F. op. cit. P. 14.

[25] (1986) 4 S.C. 141 at 184 per Oputa JSC (of blessed memory).

[26] [2011] All FWLR (Pt. 597) 725.

proof, or probative matter legally presented at the trail of any issue, by the parties and through the medium of witnesses, records, documents, exhibits, concrete objects, etc. for the purpose of inducing belief in the mind of the court or jury as to their contentions. The above expositions show that anything whether documentary, oral or real (object) which a party to a dispute before a court of law or tribunal calls in aid of his or her claim before the court or tribunal to substantiate the existence or non-existence of an allegation or assertion is evidence.

The general principle governing the law of evidence is that with some specific exceptions, all evidence which is sufficiently relevant to an issue before the court is admissible and evidence that is not relevant is inadmissible.[27] Put differently, all irrelevant facts are inadmissible but not all relevant facts are admissible.[28] This fact is clearly demonstrated by the provision of section 1 of the Evidence Act[29]which provides that evidence may be given in any suit or proceeding of the existence or non-existence of every fact in issue and of such other facts as are hereafter declared to be relevant, and of no others.[30] Therefore, it can be argued and rightly so that, for any fact to be admissible it has to be relevant.

2.4 Theoretical Framework

2.4.1 Theories of Artificial Intelligence

Generally, there are two types of theory:

[27]*Okonji v. Njokanma* [1999] 12 S.C. (Pt. 11) 150 at 157; *Abubakar v. Chucks* [2007] 12 SC 1 at 12 – 13; *Oguntayo v Adelaja & 8 Ors.* [2009] 6 – 7 S.C (PT. III) 91 at 111.
[28] *Agunbiade v. Sasegbon* [1968] NMLR 223 at 226.
[29] Evidence Act, 2011.
[30] Babalola, Afe., op. cit. P. 15.

Descriptive theory: Such a theory starts with certain observations in the field. The theory provides a generalization and explanation of the observations, as well as predictions for future events, so as to guide people's behaviors. The theories in natural science are the best examples of this type. Normative theory: Such a theory starts with certain assumptions, then derives conclusions from them. When the assumptions are accepted as applicable in a field, all the conclusions should also be accepted as true. Mathematics and engineering theories are the best examples of this type[31] Though it is possible for these two types of theory to interweave (in the sense that parts of a theory may belong to the other type), for a theory as a whole its type is still usually clear. For example, modern physics uses a lot of mathematics in it, but it does not change the overall descriptive nature of the theories in physics. On the contrary, computer science is mainly based on normative theories on how to build and use computer systems, even though empirical methods are widely used to test the systems.[32] What makes a "Theory of AI" special on this aspect is that it needs to be both descriptive and normative, in a certain sense.

AI studies the similarity and the difference between "The Computer and the Brain", as suggested by the title of von Neumann (1958). This research is directly driven by the observation that though the computer systems can

[31] aIn fields like economics and law, a "normative" theory or model specifies what people should do, often for ethical
reasons. It is not what the word means here. Instead, in this chapter a "normative" theory specifies what people
should do for rational reasons. This usage is common in the study of human reasoning and decision making, for
example see Gabbay and Woods (2003).

[32] Newell and Simon's opinion on "Computer science as empirical inquiry" [Newell and Simon (1976)].

take over human's mental labor in many situations (and often do a better job), there are nevertheless still many features of the human mental activities that have not been reproduced by computers. An AI theory should provide a bridge over this gap between "the Brain" and "the Computer", so as to guide the designing and building of computer systems that are similar to the human mind in its "mental power". "Intelligence" is simply the word whose intuitive meaning is the closest to the capability or property to be duplicated from the brain to the computer, though some people may prefer to use other words like "cognition", "mind", or "thinking". The choice of word here does not change the nature of this problem too much.

Given this objective, an AI theory must identify the (known or potential) similarities between two entities, "the Brain" and "the Computer", which are very different on many aspects. Furthermore, human intelligence is an existing phenomenon, while computer intelligence is something to be built, for which an accurate description does not exist at this moment. Consequently, an AI theory should be descriptive with respect to human intelligence (not in all details, but in basic principles, functions and mechanisms), and at the same time, be normative to computer intelligence. That is, on one hand, the theory should summarize and explain how the human mind works, at a proper level and scope of description; on the other hand, it should guide the design and development of computer systems, so as to make them "just like the human mind", at the same level and scope of description. A theory for this field is surely centered at the concept of "intelligence". Accurately speaking, there are three concepts involved here:
Human Intelligence (HI), the intelligence as displayed by human beings;
Computer Intelligence (CI), the intelligence as to be displayed by computer systems;

General Intelligence (GI), the general and common description of both HI and CI.

For the current discussion, HI can also be referred to as "natural intelligence", CI as "artificial intelligence", and GI simply as "intelligence", which also covers other concepts like "animal intelligence", "collective intelligence", "alien intelligence", etc., as special cases[33].

Roughly speaking, the content of the theory must cover certain mechanisms in the human mind (as the HI), then generalize and abstract them (to be the GI), and finally specify them in a computational form (to become the CI). No matter what names are used, the distinction and relationship among the three concepts are necessary for an AI theory, because the theory needs to identify the common properties between human beings and computer systems, while still to acknowledge their differences in other aspects.[34]

Now it is easy to see that in an AI theory, the part about HI is mostly descriptive, that about CI is mostly normative, and that about GI is both.

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[33] Wang, P. (2010). A General Theory of Intelligence, An on-line book under development. URL:
http://sites.google.com/site/narswang/EBook.

[34] cSome people may argue that AI researchers are only responsible for the CI part of the picture, because the HI
part should be provided by psychologists, and the GI part should be covered by a "theory of general intelligence",
contributed by philosophers, logicians, mathematicians, and other researchers working on general and abstract
systems. Though there is some truth in this argument, at the current time there is no established theory of GI
that we AI researchers can accept as guidance, so we have to work on the whole picture, even though part of it is
beyond our career training

The human mind is a phenomenon that has been studied by many branches of science from different perspectives and with different focuses. There have been many theories about it in psychology, neuroscience, biology, philosophy, linguistics, anthropology, sociology, etc. When talking about HI, what AI researchers usually do is to selectively acquire concepts and conclusions from the other fields, and to reorganize them in a systematic way. As a result, we get a theory that summarizes certain observed phenomenon of the human mind. Such a theory is fundamentally synthetic and empirical, in that its conclusions are summaries of common knowledge on how the human mind works, so it is verified by comparing its conclusions to actual human (mental) activities. Here the procedure is basically the same as in natural science. The only special thing is the selectivity coming from the (different) understandings of the concept "intelligence": different researchers may include different phenomena within the scope of HI, which has no "natural" boundary.

On the contrary, a theory about CI has to be normative, since this phenomenon does not exist naturally, and the main function of the theory is to tell the practitioners how to produce it. As a normative theory, its basic assumptions come from two major sources: knowledge of intelligence that describes what should be done, and knowledge of computer that describes what can be done. Combined together, this knowledge can guide the whole design and development process, by specifying the design objective, selecting some theoretical and technical tools, drawing a blueprint of the system's architecture, planning a development roadmap, evaluating the progress, and verifying the results. Here the procedure is basically the same as in engineering. The only special thing is the selectivity coming from the (different) understandings of the concept "intelligence": different

researchers may define the concept differently, which will change everything in the following development.

As the common generalization of HI and CI, a theory of GI is both descriptive and normative. On one hand, the theory should explain how human intelligence works as a special case, and on the other hand, it should describe how intelligence works in general, so as to guide how an intelligent computer system should be designed. Therefore, this theory should be presented in a "medium-neutral" language that does not assume the special details of either the human brain or the computer hardware. At the same time, since it is less restricted by the "low-level" constraints, this part of the theory gives the researchers the largest freedom, compared to the HI and the CI part. Consequently, this is also where the existing theories differ most from each other — the differences among the theories are not much on how the brain, mind, or computer works, but on where the brain and the machine should be similar to each other[35].

In the work by Russell and Norvig[36], different approaches toward AI are categorized according to whether they are designed to be thinking or acting "humanly" or "rationally". It seems that the former is mainly guided by descriptive theories, while the latter by normative theories. Though such a difference indeed exists, it is more subtle than what these two words suggest. Since the basic assumptions and principles of all models of rationality come from abstraction and idealization of the human thinking

[35] Wang, P. (2008). What do you mean by 'AI', in Proceedings of the First Conference on Artificial
General Intelligence, pp. 362–373.
[36] Russell, S. and Norvig, P. (2010). Artificial Intelligence: A Modern Approach, 3rd edn. (Prentice
Hall, Upper Saddle River, New Jersey).

process, "rationally" thinking/acting is actually a special type of "humanly" thinking/acting. For example, though the "Universal AI" model AIXI by Hutter[37] is presented in a highly abstract and mathematical form, its understanding of "intelligence" is still inspired and justified according to certain opinions about the notion in psychology[38]. On the other extreme, though Hawkins' HTM model of intelligence is based on certain neuroscientific findings, it is not an attempt to model the human brain in all aspects and in all details, but to selectively emulate certain mechanisms that are believed to be "the crux of intelligence"[39]. Therefore, the difference between AIXI and HTM, as well as among the other AGI models, is not on whether to learn from the human brain/mind (the answer is always "yes", since it is the best-known form of intelligence), or whether to idealize and simplify the knowledge obtained from the human brain/mind (the answer is also always "yes", since a computer cannot become identical to the brain in all aspects), but on where to focus and how much to abstract and generalize.

From the same knowledge about the human mind, there are many meaningful ways to establish a notion of HI, by focusing on different aspects of the phenomena; from the same notion of HI, there are many meaningful ways to establish a notion of GI, by describing intelligence on different levels, with different granularities and scopes; from the same notion of GI, there are many meaningful ways to establish a notion of CI,

[37] Hutter, M. (2005). Universal Artificial Intelligence: Sequential Decisions based on Algorithmic Probability
(Springer, Berlin).
[38] Legg, S. and Hutter, M. (2007). Universal intelligence: a definition of machine intelligence, Minds &
Machines 17, 4, pp. 391–444.
[39] Hawkins, J. and Blakeslee, S. (2004). On Intelligence (Times Books, New York).

by assuming different hardware/software platforms and working environments. The systems developed according to different notions will surely have different properties and practical applications, and are "similar to the human mind" in different senses. Unless one commits to a particular definition of intelligence, there is no absolute standard to decide which of these ways is "the correct way" to establish a theory of AI.

The current collection to which this chapter belongs provides a concrete example for this situation: though the chapter authors all use the notion of "intelligence", and are explaining related phenomena, the theories they proposed are very different. It is not necessarily the case that at most one of the theory is "correct" or really captures intelligence "as it is", while all the others are "wrong", since each of them represents a certain perspective; nor can the issue be resolved by pooling the perspectives altogether, because they are often incommensurable, due to the usage of different concepts. This diversity is a major source of difficulty in theoretical discussions of AI

2.5 Legal framework for Admissibility of documents under Nigeria Law

In section 258(1) of the Evidence Act 2011, a document is defined as follows:

a. Books, maps, plans, graphs, drawings, photographs and also includes any matter expressed or described upon any substance by means of letter, figures or marks or by

more than one of these means, intended to be used or which may be used for the purpose of recording that matter;

b. Any close, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced from it; and

c. Any film negative, ape or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced from it; and
d. Any device by means of which information is recorded, stored or retrieved including computer output.

The above definition of documents provides for a long range of items that can be admitted in evidence as a document. One would agree that the era of typewriting machines, manual drawings and analogue cameras have long gone, thereby making the use of computer and other sophisticated devices possible. Most of the above mentioned documents (if not all) can only be produced, stored and reproduced through the aid of a computer. It is based on this development that the makers of the Evidence Act, 2011 inserted Section 84 to accommodate admissibility of computer generated evidence. It should be noted that in every proceeding, the court is not bothered by issues that are of remote connectivity with the facts in issue in the case, rather the court is concerned with facts directly in issue in the case and other relevant facts. Relevant facts include any fact from which either by itself or in connection with other facts, the existence, non-existence, nature or extent of any right liability or disability asserted or denied in any suit or proceeding necessarily follows[40]**.** The purport, therefore is that every relevant document is admissible, however, not all documents are legally admissible. A document, though relevant may not be admissible by reason of acts done or omitted to be done for the purposes of making the document admissible. It certainly depends on the type of document.

Types of Documents

[40] *Koiki v Magnusson* (2001) FWLR (pt. 63) 167 SC

There are two types of documents under the Evidence Act. They are public documents and private documents. In respect of public documents, Section 102 of the Evidence Act, 2011 provides as follows:
The following documents are public documents:
a. Documents forming the acts or records of the acts of
i. The sovereign authority
ii. Official bodies and tribunals and
iii. Public officers, legislative, judicial and executive whether of Nigeria or elsewhere; and
b. Public records kept in Nigeria of private documents.[41]

Section 103 provides that all documents other than public documents are private documents[42]**.** The provisions of the Evidence Act recognise the place of affidavit evidence in our jurisprudence. The Act has made provisions as to the making of affidavits and restrictions as to the content of such affidavits. The Evidence Act, 2011 makes provision in Section 115 as follows:
1. Every affidavit used in the court shall contain only a statement of fact and circumstances to which the witnesses depose, either of his own personal knowledge or from information in which he believes to be true.
2. An affidavit shall not contain extraneous matters by way of objection, prayer or legal argument or conclusion.
3. When a person deposes to his belief in any matter of fact, and his belief is derived from any source other than his own personal knowledge, he shall

[41] Ukana vs. C.O.P (1995) 8 NWLR (pt. 416) 705 CA; Adoyefa vs. Bangboye (2013) 54 (pt. 1) NSCQR at p. 336-337 per Olu Ariwoola, JSC; Aromolaran vs. Agoro (2014) 18 NWLR (pt. 1438) 153 at pp 191-192 paras H-A, SC
[42] *Agbai v I.N.E.C* (2011) 8 NWLR (pt. 1249) 345 CA

set forth explicitly the facts and circumstances forming the ground of his belief.

4. When such belief is derived from information received from another person, the name of his informant shall be stated, and reasonable particulars shall be given respecting the informant and the time, place and circumstance of the information.[43]

By the foregoing provisions, one can only depose to facts and facts in issue only, in an affidavit. One cannot depose to extraneous matters, neither can one raise objections, make prayers legal arguments make conclusions in an affidavit.

The fact that the particular case is to be proved by affidavit evidence necessarily precludes the need to tender documents through a witness in the witness box in proof of the case. The rule allows such document(s) to be attached to the affidavit in support of the originating process at the time it is filed in court. Bearing in mind that Section 115 (2) of the Evidence Act, 2011 makes restriction on the content of an affidavit, the striking question then is, what happens where a party intends to challenge a particular document or piece of evidence accompanying an affidavit. This is against the backdrop of the fact that documents attached to affidavits, whether in the court's file or service copies are usually as a matter of practice, photocopies and there is no way of confirming the authenticity or veracity of such document(s).

[43] See Abiodun v C.J. *Kwara State (2007) 18 NWLR (pt. 1065) 109 CA; Orji v Zaria Ind. Ltd. (1992) 1 NWLR (pt. 216) 124 SC.*

Currently, there is no existing provision in the Nigeria law of evidence that expressly provides for testing the authenticity of such document sought to be tendered through an affidavit accompanying an originating summons or motion. Such document as attached being photocopy, there is no room for providing the original copies of the documents for inspection. Does this lapse in our jurisprudence not impinge on the right to fair hearing of parties in these circumstances? What then is the remedy there to?

2.6 Condition for admissibility of documents under Nigeria Law of evidence

The contents of a document can be proved in two ways by primary evidence or by secondary evidence see Section 85 of the Evidence Act 2011. Each of these methods is more amenable to either public or private documents as stated earlier. Thus, private documents are as a general rule are proved by primary evidence while public documents are invariably proved by secondary evidence, though the primary evidence of same is not precluded from admissibility if it can be produced[44].

Primary Evidence:

The best and most reliable means of proving the contents of a document is to bring the document itself before the court for it to be read and construed as to the contents and its meaning. See Section 86 (1) of the Evidence Act, 2011. Where a document has been executed in several parts, each part shall be primary evidence of the document. See Section 86 (2) of the Evidence Act, 2011. Also Section 86(3) and (4) of the Act further made provisions for where the document was made in counterparts and where a number of documents have all been made by one uniform process. All these are

[44] *Ogu v M.T & M.C.S Ltd* (2011) 8 NWLR (pt. 1249) 345 CA.

primary evidence of each other[45]. The court in this circumstance can only ascertain such authenticity where the document, in its original copy is brought before the court for evaluation. It cannot do so where a photocopy is attached to an affidavit with no means of determining whether that document is genuine or craftily put together by an imposter to deceive the court.

Secondary Evidence:

This is resorted to where primary evidence of a document is not available or where it is not convenient to produce same. It is generally a documentary or oral version of the contents of the original that is produced in evidence as an alternative[46]. Section 87 of the Evidence Act, 2011 provide as follows: Secondary evidence includes:

a. Certified copies given under the provisions hereafter contained in this Act

b. Copies made from the original by mechanical or electronic process which in themselves ensure the accuracy of the copy and copies compared with such copies;

c. Copies made from or compared with the original

d. Counter parts of documents as against the parties who did not execute them and

e. Coal accounts of the contents of a document given by some person who has himself see it. See also Section 89 of the Evidence Act which makes a provision for how and under what circumstance the original document can be proved by secondary evidence.

[45] *IMB (Nig.) Ltd v Dabiri* (1998) NWLR (pt. 533) 284 CA; see further *Aja vs. Odin* (2011) 5 NWLR (pt. 1242)509.

[46] *Onochie v Ikem* (1989) 4 NWLR (pt. 116) 458 CA

Although admissibility is not defined under the Act, the courts have defined the concept in a plethora of cases. In *Faramoye v The State*, admissibility was defined to mean the rule of evidence that determines whether evidence can be received in court.[47] Therefore, for a piece of evidence to be admissible, it must be allowed in a court of law, automatically rendering admissibility a question of law.[48] Moreover, in any proceeding, only evidence the law deems admissible will be admitted in court. The implication of this principle of law is that the exclusionary rules set out under Section 1 of the Amended Act will apply at any point in time the issue of admissibility arises in court and where inadmissible evidence had been erroneously admitted, the appellate court is charged to expunge such evidence upon notice.[49] This may also the case even when evidence has been admitted upon consent of the parties or in the absence of any objection.[50] Additionally, the Supreme Court in *Udoro v Governor of Akwa Ibom State* reaffirmed this position, stating that a document shall only be admissible when it has been pleaded, relevant to the fact in issue, and is admissible by law.[51] In summary, for a piece of evidence to be admissible in a criminal trial, the following requirements must be complied with:

i. Evidence must be relevant
ii. Evidence must be pleaded
iii. Necessary foundation must be laid as a precondition for its validity.
iv. The Evidence is not excluded by the provisions of the Act or any other statute in Nigeria.
v. The Evidence complies with all requirements of the law for its

[47] (2017) LPELR-42031 (SC).
[48] Fidelis Nwailo, Modern Law of Evidence (4th Edn) University of Lagos Press 1999.
[49] Agagu vs Mimiko (2009) All FWLR (pt. 462) 1 22.
[50] Ibid
[51] (2008) LLJR-CA.

admissibility.[52]

2.7 Brief Discussion on Computer Generated Evidence

Computer generated evidence is generally governed by *Section 84* of the 2011 Act. The Section is divided into 5 sub-sections, with each sub-section containing distinct provisions of law on computer-generated evidence. This paper will systematically explore each subsection *seria tim*.

Section 84(1)

Section 84(1) of the Act states that in any proceeding where a statement contained in a document is produced by a computer, such statement shall be admissible as evidence of any fact stated in it of which direct oral evidence would be admissible. In other words, admissibility is contingent on whether direct oral evidence of such AI generated document is admissible from the outset. Again, direct oral evidence under the act will be admitted in the following cases:

i. if oral evidence of a fact which could be seen was given by the evidence of a witness who says
he saw that fact;[53]

ii. if oral evidence of a fact which could be heard was given by a witness who says he heard that
fact;[54]

[52] Dr. David C.O. Okoye & Anor. v Christopher N. Obiaso & Ors. (2010) 8 NWLR (Pt. 1195) 145, 168. See also:
Onah, C.O, Evidence Law in Action (Eunis Educational Publishers 1996)
[53] Section 126 (a) of the 2011 Act
[54] Section 126 (b) of the 2011 Act.

iii. if oral evidence of a fact which could be perceived by any other sense or in any other manner was given by a witness who says he perceived such fact by that sense or in that manner.[55]

In summary, the document generated by the relevant AI system must be of such a nature that
satisfies the requirements above.

Section 84(2)

In this section, the relevant party seeking to tender the AI-generated document as evidence must
prove the following:

i. The document containing the statement was produced by the computer system during a period over which the system was used regularly to store or process information for the purposes of any activities regularly carried on over that period, whether for profit or not, by anybody, whether corporate or not, or by any individual;[56]

ii. Over that period, there was regularly supplied to the computer in the ordinary course of those activities information of the kind contained in the statement or of the kind from which the information so contained is derived;[57]

iii. Throughout the material part of that period, the computer was operating properly or, if not, that in any respect in which it was not operating properly or was out of operation during that part of that period was not such as to affect the production of the document or the accuracy of its contents[58]; and

[55] Section 126 (c) of the 2011 Act.
[56] Section 84 (2) (a) of the 2011 Act.
[57] Section 84(2) (b) of the 2011 Act.
[58] Section 84(2) (c) of the 2011 Act.

iv. The information contained in the statement reproduces or is derived from information supplied to the computer in the ordinary course of those activities.[59]

Evidence that the above mentioned requirements have been satisfied may established through tendering a certificate containing the matters above, signed by a person occupying a responsible position in relation to the operation of the relevant device or the management of the relevant activities, as the case may be.[60] The Act also adds that the provisions of Section 84(2) will be satisfied even when person states the matters under Section 84(2) to the best of his knowledge and belief.[61]

Section 84 (3)

The Act provides that where over a period, the function of storing or processing information for the purposes of any activities regularly carried on over that period as mentioned in subsection (2)

(a) was regularly performed by computers, whether:

(i) by a combination of computers operating over that period;

(ii) by different computers operating in succession over that period:

(iii) by different combinations of computers operating in succession over that period; or

(iv) in any other manner involving the successive operation over that period in whatever order of one or more computers and one or more combinations of computers, the Act shall consider all the computers used for that purpose during that period, as a single computer.

[59] Section 84(2)(d) of the 2011 Act.
[60] Section 84(4)(b) of the 2011 Act.
[61] Ibid

Section 84(4)

As earlier mentioned, the Act states that a signed certificate by a person occupying a responsible position in relation to the operation of the device (or management of the activities as the case may be), which deals with the matters under Section 84 (2) of the Act that identifies the computer-generated document , giving particulars of the device used in generating the document, shall be evidence of the matter stated in the certificate.[62] The Act adds that it is sufficient for the matter to be stated to the best of the knowledge and belief of the person stating it.[63]

Section 84(5)

For the purpose of complying with the requirements under the 2011 Act for computer-generated evidence, the information shall be deemed to have been supplied to a computer system if such information is supplied to it in any appropriate form whether it is supplied directly or indirectly (with or without human intervention) by means of any appropriate equipment.[64]

Under Section 84 (5) (b), the Act provides that where in the course of activities carried on by an individual or body, information is supplied with a view to its being stored or processed for the purposes of those activities by a computer operated otherwise than in the course of those activities, that information, if duly supplied to that computer, shall be taken to be supplied to it in the course of those activities. Lastly, in Section 84(5) (c), a document shall be taken to have been produced by a computer whether it was produced by it directly or (with or without human intervention) by means of any appropriate equipment.

[62] Ibid
[63] Ibid
[64] Section 84(5) (a) of the 2011 Act.

In conclusion, admissibility of an AI generated document is contingent the intending party's ability to satisfy the requirements under the Act as mentioned above.

2.6.1 Rights of court to expunge a document not admissible

The general principle of the law is that the admissibility of any piece of evidence in judicial proceeding, civil and criminal, before courts or tribunals is governed by relevancy under the provisions of section 1 of the Evidence Act. The test to be applied in considering whether evidence is admissible therefore is its relevance to the facts in issue in a case. Thus, relevancy is the basis of admissibility. The general principle governing the law of evidence is therefore that all evidence which is sufficiently relevant to an issue before the court is admissible and evidence that is not relevant is not admissible. Relevancy of a piece of evidence is the relationship it has with the facts or issues in the case or matter, which governs its admissibility. What is relevant is judged by the provisions of section 4 – 13 of the Evidence Act. Admissibility on its part is dependent on the law and principles of practice and so a piece of evidence may be relevant but depending on the position of the law, may not be admissible in evidence, though admissibility itself is based on relevancy generally. The law is that what is not relevant is not admissible in evidence as it would be of no use in a case. Therefore, for a piece of evidence to be admissible before the court, it must first and foremost pass through the crucible of relevancy.[65]

Admissibility and relevancy, therefore, constitute the cynosure of all trials, whether civil or criminal, as they have the capacity of determining the

[65] Examination Of The Effect Of Wrongful Admission And Rejection Of Evidence Under The Nigerian Evidence Act 2011 -By Habeeb Lawal Olayinka - BarristerNG.com accessed 8 November 2025

outcome of a case. Amupitan describes the concepts as 'the foundational topic in the law of evidence'. They are the heart-beat, centre-pin and pivot of the law of evidence. What is admissible is a question of law. While what is relevant is a question of fact declared by the Evidence Act to be relevant.[66]

Therefore, it is the law that a document received in evidence without objection from the opposing counsel, where the court finds out that the said document is not relevant and inadmissible, the proper order to make is to EXPUNGE such inadmissible document from the record of the court and this issue can be raised suo moto by the trial court or the appellant court as the case maybe[67] A trial court is under an onerous duty to admit and act upon only on an evidence which is properly admissible within the purview of the provisions of the Evidence Act and other relevant statutory provisions. Where, however, the trial court inadvertently admits such an inadmissible evidence, the court is under duty not to act on it as seen in Ezeugo v. State[68]

It is not within the competence of the parties to a case to admit by consent or otherwise a document which by law is inadmissible. Therefore, where such evidence is in error or otherwise admitted in evidence, then it behoves the trial court to expunge it in the course of the judgment. And where the trial court fails to do so, then the Appeal Court has the duty to reject such evidence, and accordingly consider the case in the light only on the legally

[66] Ibid
[67] Whether A Document Wrongly Admitted Without Objection Can Be Expunge From The Record Of The Trial Court Or On Appeal By Adedayo Samuel Adesheila - TheNigeriaLawyer accessed 8 November 2025
[68] (2013) LPELR – 199984 (CA).

admitted evidence[69] as seen in the case of Midokun Owoniyi vs. Omotosho[70]

The Law is clear on the fact that where an inadmissible document is admitted by the trial Judge, it can be expunged by an appellate court, without ado or qualms. This is because a document which is inadmissible under the Evidence Act cannot be allowed to stay in the record of the court for whatever purpose[71] as seen in Pator J. Akinlolu Akinduro v Alhaji Idris Akaya[72]

2.7 Comparative Analysis of Artificial Intelligence Generated Agreement in other Jurisdictions

Rules of evidence are in place in every country to help courts out their difficult responsibility of administering justice in an effective and efficient manner. The evidence presented by parties must be relevant to the issues under trial. The evidence must also not offend any rule of admissibility. Once any piece of evidence is relevant, and does not offend any admissibility rule, it is admitted in evidence by court and relied on in adjudicating or determining the case being tried. Evidence could be oral, documentary or real. With the emergence of computer and the internet age, the meaning of document has been extended in several jurisdictions to include digital documents. Video tape, Digital Video Recorder (DVR), Compact Disks (CDs), Digital Versatile Disks (DVDs), Subscriber Identity Module (SIM), Compact Flash (CF), Digital Audio Player (MP3) are now interpreted by courts as documents. The sources of digital evidence are

[69] Ibid (n 65)
[70] (1961) ALL NLR 304
[71] Ibid (n 65)
[72] (2007) LPELR – 344 (SC)

complex, while their nature is malleable. This implies that special procedure should govern how to collect and handle digital evidence so as to be seen as credible and admissible by courts in legal proceedings. Several countries including Nigeria, the United Kingdom (UK), South Africa, the United States of America (USA) and Canada have developed various and varied rules to govern the admissibility of digital evidence, all geared towards ensuring that the ends of justice are met in legal proceedings.
Having considered Nigeria in this paper, it is apposite that other countries like US, South Africa, England and Wales be put into consideration

The United States of America

In the Federal Courts of the USA, authentication of evidence is governed by Rule 901(a) of the Federal Rules of Evidence, which provides that to satisfy the requirements of authenticity or pinpointing a piece of evidence, the advocate must generate evidence sufficient to support a conclusion that the piece of evidence is what the advocate claims it is[73]. Authentication is a prerequisite antecedent to the admission of evidence, and evidence must be proved to be authentic in order to be admitted[74].

The most helpful authentication guidelines under rule 901(b) for digital evidence are: 1. 901(b)(1) - a witness who has firsthand knowledge that the evidence is what it claims to be; (ii) 901(b)(3) - a comparison of the evidence with a specimen that has been verified by an expert witness or a fact-finder; 2. (iii) 901 (b) (4) -the item of evidence's appearance, details, substance, internal patterns, or other distinctive qualities, along with all the circumstances; 3. (iv) 901(b)(5) for audio recording, an opinion identifying

[73] Federal Rules of Evidence 2023 r 901 (a).
[74] United States v Vayner F. 3d WL 4942227 (2d Cir. 2014).

a person's voice, whether heard directly or via electronic transmission or recording, based on hearing that voice previously; and 4. (v) 901(b)(9) - evidence describing a procedure or system of demonstrating that it yields accurate results.

Federal Rule of Evidence 902 gives examples of self-authentication, in which testimony or other external evidence is not required for authentication. These examples include: 1. 902(5) - a book, pamphlet, or other document that appears to have been published by a government agency; 2. 902(6) - printed items posing as a magazine or newspaper. The 'online edition' of the majority of newspapers and magazines may be accessible for self-authentication; 3. 902(11) and (12) - verified copies of documents of routinely conducted activities, both domestic and foreign[75].
Few cases of the USA will be considered to buttress the multi-faceted rules of authentication of electronic evidence. In Anderson v United States[76], the defendant witness admitted that the disputed document included emails he provided to an undercover agent in accordance with Rule 901(b)(1). The whole email discussion between him and the undercover agent was included in the document, which was sent from his email address. The court determined that this was adequate evidence of genuineness. Emails that were difficult to identify on their own were authenticated in United States v Safavan[77], using Rule 901(b)(3) which stipulates that the trier of facts may authenticate evidence using 'specimens which have been authenticated'— in this case, emails that have undergone independent authentication. In United States v Simpson[78], chat-room log, in which user

[75] Ibid
[76] U.S. Dist. Lexis 166799 (N.D. G9. 2014).
[77] 435 F. Supp 2d.36 40 (D. D. C 2006).
[78] 152 F. 3dd 124 (10th Cir. 2014).

'stavron' revealed his email address and identified himself as the defendant, was utilised to verify later emails sent from that account in accordance with rule 901(b)(4). The government attempted to authenticate text messages sent from two Skytel pages, each belonging to a defendant in the case of United States v KilPartick[79]. This was because text messages transmitted from the defendant's devices are automatically saved on Skytel's systems without editing capabilities, a Skytel record-custodian confirmed that the government-provided text message had not been and could not be altered in any way. According to rule 901(b)(9), the court determined that this demonstration was adequate.

A number of cases were cited in Williams v Long[80] suggesting that posts on official websites are self-authenticating. The United States Court of Appeals for the 4th District ruled in United States v Hassan[81] that Facebook posts that included YouTube videos were self-authenticating under rule 902(11) provided that they were accompanied by a certificate from Google and Facebook custodians confirming that the Facebook page and YouTube videos had been maintained as business record in the course of regularly conducted business activities. The Huntsville Times website (Al. Com) news stories 'could be found self-authenticating at trial' as held by the court sua sponte in White v City of Birmingham[82]. Authenticity is what is meant by trustworthiness in this decision. Such evidence must be genuine in order for the court to accept it. According to the court, when it comes to electronic documents, the circumstances surrounding the record's preservation during the retention period should be prioritised in order to guarantee that the

[79] U. S. Dist. Lexis 110166 (E. D. Mich. 2012).
[80] 585 F. Supp. 2d.679, 686- 88 n. 4 (D. Md 2008).
[81] 742. F. 3d. 104, 132-134 (4th Cir. 2014).
[82] U.S. Dist. Lexis 39187 (ND Ala. Mar. 27, 2015).

authenticated document is identical to the one that was initially created. Also, logical questions go beyond identifying the specific computer hardware and software that are being used. It is crucial to follow the organisation's policies and procedures when using the equipment database and programs. The question of whether records have changed since they were created is relevant to the structure and implementation of backup systems and audit procedures for ensuring the database's ongoing integrity, as well as how changes are logged or recorded in the database and how access to the relevant database is controlled[83]. In the USA, certification is increasingly used to verify the authenticity of electronic evidence. On December 1, 2017, the new Federal Rules of Evidence amendment went into effect. Regulation 902, the self-authentication regulation, now has two more sub-divisions. The first clause permits machine-generated data to be self-authenticated if a certificate created by a qualified individual is submitted. For a copy of data extracted from an electronic device, media, or file, the second clause offers a comparable certification process. These regulations are comparable to Federal Rules of Evidence Rules 901(11) and 901(12), which allow a foundation witness to certify that a business record is authentic[84].

South Africa

Even though it has been proposed that the relevance of the evidence should be the determining factor in whether it should be admitted or rejected, South Africa continues to use an exclusionary approach to evidence. This implies that even relevant evidence in civil and criminal cases may be eliminated if

[83] Osipitan T., 'Admissibility of Electronic Evidence: The Imperatives of Oral Evidence and Certificate of Authentication' being a Paper delivered at the National Judicial Institute Workshop on 21 May 2018.
[84] Ibid

it is problematic in the sense that the time lost by requesting a court to consider it or the potential prejudice from revealing it during a trial exceed its value as evidence. A court can save time by using an exclusionary strategy, which avoids requiring it to consider evidence that it cannot rely on. Electronic evidence is undeniably problematic. According to Schmidt and Zeffertt, '...in leaving paper, we have also left almost all guarantees of authenticity and reliability'[85]. Hofman supports Schmidt and Zeffertt's argument that, like other types of evidence, a court must account for intentional or unintentional human error when using electronic evidence[86]. Defective software and device breakdown are additional risks associated with electronic evidence. Additionally, compared to traditional documents, electronic evidence may be more difficult to detect for tampering. The African Law Commission has been experimenting with electronic evidence since 1976, when the Appellate Division refused to accept computer-generated bank records as evidence in Narlis v South African Bank of Athens[87], it was decided that the admission of computer printouts was not covered by section 34 of the Civil Proceedings Evidence Act 25 of 1965. Although the clause allowed for the acceptance of a statement made by a person in a document under certain conditions, a computer is not regarded as a person. To control the admissibility of digital evidence, the Computer Evidence Act 57 of 1987 was passed[88]. The law has failed to accomplish its goal mainly because of an unduly cautious approach that places too much weight on authenticity and dependability[89]. Therefore, a number of

[85] Ibid
[86] Ibid
[87] 1976 (2) SA 573 (A) at 575.
[88] Watney, M. 'Admissibility of Electronic Evidence in Criminal Proceedings: An Outline of the South African Legal Position (2009) (1) Journal of Information, Law & Technology (JILT) accessed 8 November 2025.
[89] Ibid

conditions must be fulfilled before admissibility is attained. Additionally, the Computer Evidence Act did not control criminal trials; it solely applied to civil procedures. Therefore, immediate legislative action was needed. The Electronic Communication and Transaction Act (ECT) Act of 2002 (ECT Act), which entered into effect on August 30, 2002, provided statutory relief. Before the ECT Act, South Africa had no laws pertaining to electronic evidence[90]. However, the law of evidence is only specifically addressed in section 15 of the ECT Act. It is recommended that a South African court interpreting the ECT Act's provisions with regard to electronic evidence do so as a functional equivalent of the legislation controlling other forms of evidence, even though section 15 of the Act does not necessarily extend outside of the commercial realm. The South African common and statutory laws govern admissibility of electronic evidence. No special rules of evidence govern electronic evidence in criminal proceedings. The admissibility of electronic evidence in criminal proceedings is the functional equivalent of traditional evidence.

England and Wales

In England and Wales, court considers computer as a matter of law to have been working correctly, unless there is evidence to the contrary[91]. Therefore, evidence produced by computer is regarded as authentic, unless there is evidence to the contrary. This manner of treating evidence is known as a 'rebuttable presumption'. A court will presume a computer to be working perfectly, unless a person can prove otherwise. The aim of a presumption which allocates the onus of proof[92], is to alleviate the need of

[90] Hofman J., 'South Africa' in S. Mason ed. Electronic Evidence: Disclosure, Discovery and Admissibility (Butterworth, 2007) 459.
[91] Criminal Justice Act 2003 s 129 (2).
[92] Cross R., and Tapper C., On Evidence (13thedn, Oxford University Press, 2018).

proof of every item of evidence adduced in court or to reduce the need for evidence in relation to some issues[93]. This assumption presents a challenge to those challenging evidence generated by a computer system. The challenge is insurmountable, especially when a large institution operates the system. The Post Office Horizon scandal clearly exposes the problem and harm that may result. From 1999, the Post Office prosecuted hundreds of postmasters and Post Office employees for theft and fraud, based on evidence produced by the Horizon Computer System, showing shortfalls in their branch account. In these trials, the Post Office relied on the presumption that the computers were working properly. Hundreds of postmasters and others were convicted, sentenced to prison, fined, or had their assets confiscated. In the December 2019 judgment of the trial of these postmasters and others, - Bates v The Post Office Ltd (No. 6 Horizon Issues)[94], Mr. Justice Fraser concluded that it was possible that software errors in Horizon could have caused apparent deficits in the branch account rather than being due to theft or fraud. Following this decision, the Criminal Cases Review Commission referred an unprecedented number of convictions to the Court of Appeal, based on the alleged shortfalls in Horizon's accounts. Appeal Courts have overturned more than 70 convictions as at 2024. More convictions are set to be overturned in what is likely to be the biggest miscarriage of justice in British history. Without the group litigation, the fundamental unreliability of the software in the Post Office's Horizon computer system software, would not have been discovered, because previous challenges to Horizon's accuracy, were unable to rebut the presumption of reliability of digital evidence. The legal presumption applied in practice, is widely misunderstood as to the nature

[93] Mason S., 'England and Wales' in S. Mason (ed) Electronic Evidence: Disclosure, Discovery and Admissibility (1st edn, LexisNexis Butterworth, 2007) 210.
[94] Bate's case (n 28).

of computer failures. The presumption has been the cause of widespread injustice. It is urgent that the presumption be realistically assessed, to avoid any further or continuing injustice[95].

2.8 Summary of Findings

In this paper, we have been to observed that AI-generated documents are a relatively new phenomenon in the Nigerian Courts, leading to uncertainty regarding the admissibility of such evidence. Despite the absence of judicial precedents on AI admissibility, the position of this paper is that AI generated evidence will be classified as a computer generated evidence capable of admissibility, as long as the conditions under the 2011 Act are satisfied. However, satisfying the requirements of the Act raises significant hurdles for litigants seeking to rely on AI generated evidence. While England and Wales, Nigeria, and South Africa belong to the liberal school of thought that treat authenticity as a post admissibility matter, the United States belongs to the conservative school of thought, which treat authenticity as a pre-admissibility matter.

2.9 Conclusions and Recommendations

The emergence of artificial intelligence (AI) has significant implications for contract law, posing both opportunities and challenges in terms of how contracts are drafted and carried out. Through process automation, artificial intelligence can improve productivity and optimize contract management by cutting down on the time and resources needed for negotiations. But this technical development also brings up important issues like responsibility, enforcement, and the need for a thorough regulatory framework. Legal

[95] Gaze B., 'The Legal Rule that Computers Are Presumed to be Operating Correctly-Unforeseen and Unjust Consequences' accessed 8 November 2025.

professionals and regulators must work together to create best practices that take advantage of AI's benefits while addressing the risks that come with implementing it, as businesses continue to use these technologies. Guidelines that encourage accountability and transparency in automated processes, for example, are necessary when integrating AI into contract law so that stakeholders are aware of how AI systems make choices and the data they depend on. In order to protect the interests of all parties concerned, regulatory organizations must also take the consequences of AI on conventional legal principles into account. Stakeholders may make sure that the legal system changes to reflect the changing nature of contracts in the era of artificial intelligence by encouraging a balanced approach. This entails addressing worries about potential biases in AI algorithms and making sure legal experts have the necessary training to handle the intricacies of contracts driven by AI. In the end, a clear legislative framework will promote confidence in automated contracting procedures while also facilitating the responsible application of AI in contract management. In a nutshell although artificial intelligence (AI) has considerable advantages for contract drafting and implementation, it is critical to tackle the related issues by means of careful regulation and cooperation between legal experts, technologists, and legislators. All parties' rights and interests will be safeguarded while utilizing contract law's full potential thanks to this proactive approach.

Recommendations

A crucial nexus between technology and law is discussed in this study, especially as it relates to the creation and enforcement of contracts. Businesses and legal professionals alike must comprehend how AI technologies affect contract law as they become more and more incorporated into corporate operations. In order to contribute to the

continuing discussion on the need for regulatory frameworks that can keep up with these developments, this study attempts to shed light on the various potential and challenges that AI presents in the field of contract law. This study's main driving force is the realization that, especially in cases of automated contracting, traditional contract law may not be sufficient to handle the complications brought about by AI. There are serious concerns about enforcement and consumer protection when it comes to the legal standing of AI-generated contracts, especially smart contracts. Wang points out that comprehensive regulatory frameworks that can adjust to the special features of AI technologies—which frequently function across national borders and involve complex ethical considerations—are desperately needed[96]. Furthermore, as Xudaybergenov discusses, responsibility and liability concerns that emerge in automated contracts are made more difficult by the absence of legal recognition for AI as a subject of law[97].

Sequel to the foregoing, it is recommended, that Nigerian courts give vent to the real essence of section 84 of the Evidence Act and treat authenticity of digital evidence as pre-admissibility matter, as obtains in the USA.

It is, also, recommended that the Evidence Act of 2011 be further modified to include a self-authentication rule, which would eliminate the necessity for external testimony or evidence to authenticate, as is the case in the USA[98]. Lastly, it is recommended that the best way to guarantee the acceptance of digital evidence in different countries is to standardise digital forensics procedures.

[96] Wang, J., Mao, W., & Wenjie, W. (2023). The ethics of artificial intelligence: sociopolitical and legal dimensions. Interdisciplinary Studies in Society, Law, and Politics, 2(2), 27-32. https://doi.org/10.61838/kman.isslp.2.2.6

[97] Xudaybergenov, A. (2023). Toward legal recognition of artificial intelligence proposals for limited subject of law status. International Journal of Law and Policy, 1(4). https://doi.org/10.59022/ijlp.55.

[98] Federal Rules of Evidence 2023 r 902 (5-12).