



Balancing Justice in Pixels: Legal and Constitutional Implications of Virtual Court Sessions in Ghana



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ABSTRACT

The legal sector is experiencing a transformative shift towards the adoption of virtual court sessions to enhance efficiency, accessibility, and transparency within judicial systems. However, this paradigm shift is not without its challenges. This research examined the implementation of virtual court sessions in Ghana, focusing on the legal and constitutional implications of the Practice Direction issued by the Chief Justice. While digitalization of court proceedings holds promise, concerns regarding privacy, technological disparities, and the preservation of due process rights loom large. The research drew on a recent case of Law to affirm that administrative/practice directives fall outside the purview of Laws of Ghana. The study employed the Innovation Diffusion Theory as the lens for analyzing and proposing a solution framework to sustain virtual court systems in Ghana. The findings of the study included the implementation strategy incompatibility of virtual court hearing with the existing legal framework for observing due process and the fundamental rights of citizens. The solutions require a balanced approach that acknowledges the strengths of both the traditional court system and technology. To sustain virtual court hearing, strategies for addressing implementation and legitimacy concerns, enhancing the compatibility of virtual court technology security with existing legal framework and practices, and ensuring long-term adherence to constitutional requirements should be paramount. Substantive law and regulation including relevant constitutional amendments may be necessary to ensure smooth implementation.

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INTRODUCTION

The utilization of virtual court sessions has been examined in various jurisdictions. This highlighting its potential to revolutionize the legal landscape. The adoption of virtual court sessions in Ghana demonstrates the judiciary's willingness to embrace modern technology, potentially enhancing public trust in the legal system.¹ The transformation has since been intensified as the landscape of legal processes continues to demand digital transformation. Many stakeholders including the Ghana Bar Association (GBA) have kept the pressure on the leadership of the country's judicial service to speed up the adoption and use of electronic systems in court proceedings to help ensure speedy justice delivery.² As a result of this, the Chief Justice of Ghana issued a Practice

¹ A. Kwabong, "Chief Justice Forum Evaluates Virtual Court System," <https://www.gbcghanaonline.com/general/chief-justice-forum-evaluates-virtual-court-system/2021/>, 2021.

² R. Laudy and T. Mokele, "The Strong Case for Virtual Hearings in Africa," <https://www.pinsentmasons.com/out-law/analysis/the-strong-case-for-virtual-hearings-in-africa>, 2021; G. Arthur-Mensah, "Employ Digital Tools to Improve Access to Justice - Veep to

Direction which applies to both civil and criminal proceedings to guide the procedural conduct of virtual court sessions.³ This research paper delves into the concept of virtual court sessions promoted by the practice direction which signifies the general acceptance to replace or amalgamate the traditional in-person court proceedings with innovative technological tools.

Recent events such as the COVID-19 pandemic came along with the quest to integrate technology into judicial services to ensure its continued availability.⁴ The adoption and implementation of virtual court hearings, also known as remote or online court proceedings, has gained significant attention worldwide including in African countries, especially in response to the COVID-19 pandemic.⁵ The Judicial Service of the USA in the midst of the COVID-19 pandemic in 2020 deployed an online court system to ensure that the court system does not grind to a halt during the lockdown period and the period of social distancing. The USA experience demonstrates the feasibility of conducting various legal proceedings, from arraignments to full trials, through videoconferencing platforms.⁶ The United Kingdom established a special courts system known as Nightingale Courts during the pandemic in pursuit of virtual court hearings.⁷ In Canada, virtual court hearings were implemented to address geographical challenges and enhance access to justice in remote areas.⁸ In Australia, the objective for the implementation of virtual court sessions has been particularly to allow remote and indigenous communities to access justice services more easily.⁹ In Singapore, the virtual hearings are motivated by the desire to manage caseloads, reduce costs, and increase accessibility, particularly for international cases.¹⁰

In Africa, South Africa's attempt to roll out virtual court hearings was during the COVID-19 pandemic to ensure that the justice system does not grind to a halt. However, the experience of South Africa includes limited internet access and concerns about the authenticity of virtual evidence have emerged.¹¹ Kenya decided to implement virtual court hearings and limited it to non-contentious matters. Limited availability of necessary technology and training for judges and lawyers has, however, posed major challenges.¹² Rwanda has made determined strides to roll out virtual court sessions. However, challenges such as limited access to technology and low digital literacy among court users, including defendants persist.¹³ In Nigeria, Uganda, and Kenya the adoption and implementation of virtual court hearings have been with similar goals but limited internet access in rural areas and technological challenges impinge upon its development.¹⁴ Ghana's attempts to implement virtual court sessions have also faced difficulties despite efforts to explore partnerships with technology firms to improve infrastructure and enhance cybersecurity measures. The difficulties border on inadequate technology infrastructure, digital illiteracy, and concerns about data security.¹⁵

The use of computers, audio recording and case management reared its head in Ghana's legal system in 2001. This was set up by the then Chief Justice of the Republic of Ghana to facilitate speedy and effective trial in the Fast Track High Court (FTC) in Ghana at the time. The case of Attorney-General No.2 v. Tsatsu Tsikata (No.2) (2001 – 2002), initially, challenged the constitutionality of the whole FTC system at the Supreme Court of Ghana with the argument that Article 126(1) of the 1992 constitution of Ghana did not make mention of this court system

Commonwealth Courts," <https://gna.org.gh/2022/09/employ-digital-tools-to-improve-access-to-justice-veep-to-commonwealth-courts/>, 2022.

³ Virtual Court Sessions, Practice Direction PD/CC/RCH/01/2023, (2023).

⁴ Ademola Sunday-Ayeerun, Eti Best Herbert, and Ngozi Chinwa Ole, "Covid-19 Induced Virtual Courts Sessions in Nigeria: Practicalities and Impracticalities," *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 9, no. 2 (2022): 276–96.

⁵ Maame Efua Addadzi-Koom and Ebenezer Adjei Bediako, "Implementing an E-Justice System in Ghana: Prospects, Risks, Challenges and Lessons from Best Practices," *KNUST LJ* 8 (2019): 108.

⁶ A. N., et al. Aarhus, "Adapting to the COVID-19 Pandemic: Lessons from the U.S. Courts," <https://www.Brookings.Edu/Research/Adapting-to-the-Covid-19-Pandemic-Lessons-from-the-u-s-Courts/> (The Brookings Institution, 2021).

⁷ R. Susskind, "Online Courts and the Future of Justice.," <https://www.theguardian.com/law/2020/dec/26/online-courts-and-the-future-of-justice>, 2020.

⁸ L., et al. Gower, "Remote Criminal Justice: Insights from the Canadian Criminal Courts during COVID-19," *Canadian Journal of Law and Technology* 19, no. 1 (2021): 93–121.

⁹ R. Smith and J. McMorrow, "Remote Justice in Australia: The COVID-19 Experience," *Australian Journal of Emergency Management* 35, no. 4 (2020): 27–34.

¹⁰ N. P. Tey and E. T. K. Lim, "The Use of Technology in the Singapore Courts during the COVID-19 Pandemic," *Singapore Academy of Law Journal* 32 (2020): 402–32.

¹¹ K. Davies, "The Challenges of Virtual Hearings in the South African Courts," *Stellenbosch Law Review* 31, no. 2 (2020): 297–317.

¹² I. L. Ondabu and M. Obel, "Virtual Court Sessions in Kenya: An Assessment of Their Viability and Challenges," *East African Journal of Contemporary Research* 4, no. 1 (2021): 27–44.

¹³ E. Ntaganira, "Virtual Court Sessions: The Rwandan Experience and Challenges," *East African Journal of Peace and Human Rights* 1, no. 2 (2020): 61–82.

¹⁴ Davies, "The Challenges of Virtual Hearings in the South African Courts."

¹⁵ Addadzi-Koom and Bediako, "Implementing an E-Justice System in Ghana: Prospects, Risks, Challenges and Lessons from Best Practices"; Ghana News Agency, "Ghanaian Judiciary to Explore IT Partnership to Enhance Court Proceedings," <https://www.gna.org.gh/1.19324171>, 2020.

and hence was unconstitutional and by a five to four majority, the Supreme Court declared the FTC unconstitutional in Ghana. Although by a 6-5 majority, the Supreme Court, on a review, reversed its early decision, this is indicative of the conservative and resistant nature of the Ghanaian legal system to technological innovations.¹⁶

The Supreme Court in the above review decision held that the Constitution gave the Chief Justice the discretion to establish divisions of the Court of Appeal and High Court without recourse to any act of parliament, constitutional or statutory instrument. The discretionary power of the Chief Justice to set up courts or regulate them is, therefore, no longer in question. Fueled by the rapid advancement of digital solutions, the legal sector is undergoing a paradigm shift that seeks to enhance efficiency, accessibility, and transparency within judicial systems. Informed by hindsight, however, it is apparent that all may not embrace the creation of a virtual court. The introduction by the Chief Justice of Ghana of the virtual court session and the issuance of a Practice Direction to transition, at least, some of the court processes to a virtual court session certainly cannot happen without concerns and challenges to be addressed.

Privacy concerns, technological disparities, and the preservation of due process rights are analyzed as potential roadblocks to successful implementation.¹⁷ Article 19 Clause 14 of the 1992 Constitution categorically states that "Except as may be otherwise ordered by the adjudicating authority in the interest of public morality, public safety, or public order, the proceedings of any such adjudicating authority shall be in *public*. Currently, the only substantive law that refers to virtual or blended court sessions in Ghana today is C.I. 87¹⁸, passed in 2014 as an amendment to C.I. 47¹⁹– High Court Civil Procedure Rules (2004). Order 3, rule 1 of C.I. 47 was amended to in C.I. 87 to read as "Subject to the Constitution, the Evidence Act, 1975 (NRCD 323), these Rules and any other enactment to the contrary, a fact to be proved at the trial of an action by the evidence of the witnesses shall be proved by a trial of their oral evidence given in court." This amendment changed the phrase "... *open court*" to "*court*" in subrule 1. The amendment injected at rule 3 subrule 1 of C.I. 87 by the Rules of Court Committee introduces an inadvertent variation of Article 19 Clause 14 of the Constitution in order to make way for court hearings through a video link or by any other means in a court session.

More so, the principal enactment of C.I. 47 (2004) is further amended in Order 38 by the insertion of Rule 3A which provides that *'the Court may allow a witness to give evidence through a video link or by any other means.'* In addition, *Order 41 is amended by the insertion of a new rule 2A. Rule 2A reads "Delivery of judgement by video link or other means. The Court may deliver a judgement through a video link or by any other means"*. The current substantive provisions of the law that require any form of a blend of electronic means with traditional in-person court proceedings are what have been stated above. These rules of the law have been expressed in laws relating to civil procedure alone. The Chief Justice of Ghana, by the powers and guidance of Article 125 Clause 4 of the 1992 Constitution, issued a practice direction on virtual court sessions and made it applicable to both civil and criminal proceedings.

The challenge in the above laws, orders, and practice direction is that Article 1 Clause 2 of the Constitution provides that *the constitution shall be the supreme law of Ghana and any other law found to be inconsistent with any provision of this Constitution shall, to the extent of the inconsistency, be void.* If the phrase "open court" could serve as a hindrance to virtual court proceedings, an amendment of Order 38 Rule 1 to remove the adjective "open" cannot amend Article 19(14) of the Constitution. It stands to reason that, without an amendment to Article 19 Clause 14 of the constitution, Rule 3 subrule 1 of C.I. 87 could be inconsistent with the constitutional provision and other existing enactments.

Practice directions issued by the Chief Justice in Ghana are considered administrative or procedural directives that guide the conduct of court proceedings. They do not, therefore, hold the same legal weight or force as substantive laws or regulations passed by Parliament. In *Association of Finance Houses vs. Bank of Ghana (2021)*²⁰ it was considered and held that Directives issued by the Bank of Ghana are not issued in accordance with Article 11 Clause 7 of the 1992 Constitution²¹ of Ghana. Article 11 Clause 7 of the Constitution reads as follows: *Any Order, Rule, or Regulation made by a person or authority under a power conferred by this Constitution, or any other law shall –*

- a) *be laid before Parliament.*
- b) *be published in the Gazette on the day it is laid before Parliament; and*

¹⁶ N. Y. Ntrakwah, "Litigation and Technology: Making the Case for Virtual Courts in Ghana,"

<https://dennislawnews.com/article/litigation-and-technology--making-the-case-for-virtual-courts-in-ghana>, 2021.

¹⁷ Jyoti Rattan and Vijay Rattan, "The COVID-19 Crisis-the New Challenges before the Indian Justice and Court Administration System," in *IJCA*, vol. 12 (HeinOnline, 2021), 1.

¹⁸ High Court (Civil Procedure) (Amendment) Rules, 2014 (C.I. 87)

¹⁹ The High Court (Civil Procedure) Rules, 2004 (C.I. 47)

²⁰ Association Of Finance Houses Vs. Bank Of Ghana And Attorney General [2021] DLSC10757.

²¹ The Constitution of the Republic of Ghana (1992).

- c) *come into force at the expiration of twenty-one sitting days after being so laid unless Parliament, before the expiration of the twenty-one days, annuls the Order, Rule, or Regulation by the votes of not less than two-thirds of all the members of Parliament.*

Practice Directions by the Chief Justice, in addition to not being part of the substantive laws of Ghana, could also be in conflict with a constitutional provision. It is the considered view of this study that, currently, the practice direction by the Chief Justice which is intended to constitute procedural guidance for virtual court hearings for both civil and criminal proceedings is not backed by the relevant constitutional amendment as well as adequate substantive law. Faced with the above inadvertent constitutional override, therefore, the practice direction issued by the Chief Justice may have also exceeded the threshold of legitimacy. This situation is unsatisfactory and problematic for the transformative shift towards the adoption of virtual court sessions and requires attention from the policy and lawmakers to address.

The objective of this study is not to critique the Chief Justice's practice direction on virtual court sessions. Rather, this research aims to underscore the importance of upholding virtual court sessions by exploring their potential as well as their legal, economic, and technical weakness. The study also ventures into suggestions as to the appropriate ways to promote purely virtual or blended court hearings in Ghana. The contribution of the study is the addition of a voice to the need for attention to be paid to virtual or blended court sessions in Ghana in her continued pursuit of justice for all and the creation of relevant awareness about the complex nature of embarking on this journey. Finally, the study contributes to the ongoing academic and professional debate on the issue of best practices and strategies for implementing online action plans to achieve a harmonious and constructive collaboration between traditional court practices and technology-driven innovations. The significance of this study is that the suggestions provided will serve as a future guiding compass for policymakers, legal practitioners, and stakeholders interested in shaping the future of the legal profession and virtual or blended court sessions. This study will thus bring to the fore the technological challenges as well as the necessity to navigate the intricacies of emerging digital tools effectively to facilitate the successful implementation of virtual court sessions and for policymakers to act in terms of enactments or amendments to existing laws, capacity building among legal professionals, judges, and court staff.

THEORETICAL LENS FOR ANALYSIS

The Innovation Diffusion Theory (IDT), developed by Rogers is selected in this study as the theoretical lens to provide insights into how innovations are adopted and diffused within the context of virtual court services in Ghana.²² IDT is an essential framework that can be applied to understand how a new idea, technology, or process spreads among individuals within a social system. The suggestions and recommendations for the application or implementation of virtual court sessions within the judicial system of Ghana can, therefore, be analyzed through the lens of the IDT. The theory posits that the adoption of innovations is influenced by various factors, including the attributes of the innovation itself, the characteristics of the adopters, the communication channels used to disseminate information, and the social system in which the adoption takes place. It is a relevant theoretical lens for this research due to its ability to help explain how new technologies are adopted and integrated into existing practices within a profession or organization. The possible ways to improve virtual court sessions in Ghana are, hereby explored by applying the IDT as a lens in analyzing the integration of virtual court sessions in the judicial system of Ghana the possible ways to improve virtual court sessions in Ghana are, hereby, explored. The framework offered for the effective adoption of virtual court sessions underscores the importance of addressing characteristics, communication, social context, implementation, training, and monitoring.

Synthesis

Virtual court sessions possess attributes that influence their adoption. This study focuses its synthesis on the five characteristics of innovation identified by Everett Rogers in 1962 that are perceived by individuals, and influence their decision to adopt or reject an innovation. From the perspective of the Innovation Diffusion Theory (IDT) by Rogers (the study analyzes and synthesizes the potential ways to improve virtual court sessions in the Judicial System of Ghana and, by this, proposes an entire implementation framework of virtual court systems.²³ These five characteristics include Relative Advantage, Compatibility, Complexity, Trialability and Observability.²⁴

²² E.M. Rogers, *Diffusion of Innovations*, 5th ed. (New York: Free Press, 2003).

²³ Rogers, *Diffusion of Innovations*.

²⁴ Rogers, *Diffusion of Innovations*.

Relative Advantage

This measures the degree to which an innovation is perceived as better than the existing system or solution.²⁵ For the implementation of virtual court sessions in Ghana, the improved efficiency, cost savings, enhanced access to justice, and flexibility it offers compared to traditional court processes, should be clearly communicated to gain the adoption of stakeholders. The proposition in this study is that to achieve the expected convenience, less costliness, flexibility, and effectiveness of web technologies conveyed by the internet is the non-jurisdictional nature of the system. The current state of the law demonstrated in the Practice Direction is that participating legal counsels must be with the geographical jurisdiction to lawfully participate in a virtual court hearing. This incompatibility should be addressed by removing this from the virtual court hearing system. To ensure maximum control of the court it is further recommended for a couple of questions to be inserted in pretrial checklists in civil cases whether parties and their lawyers are of the opinion the matter can be tried by virtual court sessions and if so, they agree and are willing to use it. The court must obtain the agreement of the parties at the Case Management Conference (CMC) on how virtual court sessions shall apply in the case. The parties and their legal representatives shall own the process instead of feeling that the process has been imposed on them and shall have the legal obligation to ensure its sanctity. Where parties own the process, they will accept responsibility for its failures and will accept the consequences for unreasonable behaviors and costs as applied in traditional courtrooms. That notwithstanding, regular monitoring and feedback mechanisms are essential to assess the effectiveness of virtual court sessions. Gathering feedback from stakeholders, including judges, lawyers, and litigants, can identify areas for improvement and address concerns promptly. Adjustments based on feedback demonstrate responsiveness to the needs of the legal community.²⁶

Compatibility

This assesses whether the innovation aligns with the needs, values, and experiences of potential adopters.²⁷ Although it's proved that the concept of a virtual court system is compatible with the services of the judiciary, it has also been made obvious from the foregoing that the current state of the legal system in Ghana has certain components of the law that are incompatible and require changes to be brought in line with the innovation enabling virtual court sessions. Virtual court sessions should be designed to reflect the procedures and protocols familiar in physical courtrooms, thereby ensuring that all parties adhere to the cultural and professional standards and protocols of Ghana's judicial system. All potential legal incompatibility demonstrated in the literature review above should be carefully addressed by ensuring that various sections of the Ghanaian legal framework that militate the introduction, adoption, and integration of virtual court systems into the legal system are amended to avoid the chances that virtual court proceedings are not subjected to nullifications on appeals. The Chief Justice and policy makers should demonstrate their commitment by developing a substantive law together with a well-designed regulation to ensure that the judiciary is able to embrace modern technology even in the face of evolving challenges.²⁸ The substantive law should clearly prescribe what types of matters can be redressed by virtual court sessions. Effective communication channels are essential to convey the advantages of virtual court sessions. Legal professionals, judges, and stakeholders need clear and concise information about the innovation. Utilizing official announcements, legal journals, workshops, and training programs can facilitate knowledge dissemination and address misconceptions.²⁹

Complexity

This deals with the perceived difficulty in understanding and using the innovative system. The socio-legal context in Ghana plays a pivotal role in innovation adoption. Opinion leaders, such as senior judges or legal scholars, can influence the perception of virtual court sessions.³⁰ Virtual court sessions can simplify complex legal concepts by providing a practical context. It is proposed in this study that complexity can be reduced by incorporating into the curriculum of the Ghana School of Law the training of legal professionals with virtual court sessions. This can reduce the complexity of challenges in law practice, enhance legal education by bringing it up to speed with contemporary technologies used in virtual court systems and prepare future lawyers for the evolving landscape of

²⁵ Rogers, *Diffusion of Innovations* .

²⁶ Mauro Coccoli et al., "Smarter Universities: A Vision for the Fast Changing Digital Era," *Journal of Visual Languages & Computing* 25, no. 6 (2014): 1003–11.

²⁷ Rogers, *Diffusion of Innovations* .

²⁸ Anne Marie O'Hagan et al., "Legal Feasibility of Implementing a Risk-Based Approach to MRE Consenting and Compatibility with Natura 2000 Network.," 2016.

²⁹ Loukas Glyptis et al., "E-Government Implementation Challenges in Small Countries: The Project Manager's Perspective," *Technological Forecasting and Social Change* 152 (2020): 119880.

³⁰ Rogers, *Diffusion of Innovations* .

modern legal proceedings. Virtual court can be integrated into various courses such as law practice management, advocacy, evidence, and civil procedure curricula. This will align the legal education framework well with the broader goals of enhancing the appreciation of the benefits and the adoption of virtual court technologies in court sessions. Students can observe and participate in virtual courtrooms, making it easier to understand abstract legal principles. For example, witnessing how rules of evidence are applied in a virtual trial can demystify complex evidentiary rules. Lawyers can embrace technology without many reservations. This will also align the legal service in Ghana with the global trend of legal tech adoption and position Ghanaian legal professionals to excel in a technologically advanced legal environment. Their endorsement and support can create a positive atmosphere for adoption. Collaborations with bar associations, legal education institutions, and relevant government bodies can leverage existing networks to promote innovation.³¹

Trialability

This feature of the IDT refers to the extent to which an innovation can be experimented with on a limited basis before full adoption.³² By strategically incorporating trialability into the adoption process of virtual court sessions, stakeholders can gain confidence, experience, and familiarity with the technology. This approach not only facilitates the initial acceptance of virtual court sessions but also contributes to their long-term maintainability by continuously improving and adapting the technology to meet the evolving needs of the legal community. It has been stated above that relying on a third-party service like Microsoft Teams means that the platform's availability and functionality are beyond one's control. The Chief Justice should consider using on-premises or region-specific solutions by collaborating with technology experts and considering legal tech solutions designed specifically for virtual court proceedings. The recommended underlying principle is that the simpler the virtual court system is to use, the faster its acceptance and adoption. Therefore, in this recommendation, it is essential to simplify the user interface, provide training to judges, attorneys, and litigants, and offer continuous technical support. Providing adequate training and support is crucial for innovation adoption. Judges, legal professionals, and support staff should receive comprehensive training on technology usage, procedural changes, and the benefits of virtual court sessions. Continuous technical support and guidance during the transition phase can enhance confidence in the innovation. Virtual court sessions should allow users to engage in mock trials to gain firsthand experience. This can help them understand the system's functionality better, thereby improving their confidence in using the system.³³

Observability

This feature of the IDT refers to the extent to which the results and benefits of an innovation are visible and understandable to potential adopters. This is impacted by time and the innovation implementation strategy adopted.³⁴ It is advocated in this study to gradually introduce virtual court sessions into different aspects of legal practice and legal education. Given the above potential legal roadblocks, the virtual court sessions be, rather, implemented as a special division of the court system like the fast-track high court with parallel implementation plan to give the chief justice an unfettered legal authority to advance it and be able to control its impact as it pertains in the ruling in the case of Attorney-General No.2 v. Tsatsu Tsikata (No.2) (2001 – 2002). Starting it as a special division of the court project, focusing on less complex cases from less complex cases or legal procedures and progressively expanding to more complex ones can mitigate resistance and provide opportunities for enhancing observability in virtual court sessions.³⁵ Learning from early successes and addressing challenges in a phased manner can enhance the integration of virtual court sessions into the system, allowing stakeholders to gain confidence and competence in using the technology over time. Stakeholders can make the benefits and processes of the technology more visible and understandable to potential adopters. This increased awareness and transparency can contribute to the adoption and long-term maintainability of virtual court sessions across the board by building trust, demonstrating value, and ensuring that the legal community and the public can readily engage with the innovation.³⁶

³¹ Ammon Salter, Paola Criscuolo, and Anne L J Ter Wal, "Coping with Open Innovation: Responding to the Challenges of External Engagement in R&D," *California Management Review* 56, no. 2 (2014): 77–94.

³² Rogers, *Diffusion of Innovations* .

³³ Glyptis et al., "E-Government Implementation Challenges in Small Countries: The Project Manager's Perspective."

³⁴ Rogers, *Diffusion of Innovations* .

³⁵ O'Hagan et al., "Legal Feasibility of Implementing a Risk-Based Approach to MRE Consenting and Compatibility with Natura 2000 Network."

³⁶ Hemant Dhital, "Opportunities and Challenges to Use ICT in Government School Education of Nepal," *International Journal of Innovative Research in Computer and Communication Engineering* 6, no. 4 (2018): 3215–20.

METHODOLOGY

The research conveys an agreement with the school of thought that Laws can only be made and legitimized when enacted by an authority vested with the power to enact laws in accordance with constitutionally laid down procedure. Directives or regulations by superiors that are just to drive moral behavior or that appeal to some principles of an ideal person or a group of professionals in practice are not law. Based on this argument, the philosophical underpinning of this study was legal positivism.³⁷ This study focused on observing and collecting data on virtual court hearings in Ghana. In so doing, it aims to gain understanding and to provide a detailed and vivid picture of its characteristics in order to provide valuable insights that can inform future studies and policymakers. Therefore, the approach to this study is essentially descriptive.³⁸ A. Nassaji's literature review methodology was adopted to investigate the phenomenon in this study. This exercise encompassed the systematic review of existing literature, legal precedents, and relevant case law. Literature and data search methods involved a search of academic databases, legal journals, government reports, journalistic reports, and relevant case law. Keywords and search terms will include "virtual court sessions", "virtual court sessions", "digital court proceedings," "benefits of remote hearings," and "impact of technology on the legal process", "zoom bombing," "legal and constitutional implications", "Practice Direction", "Ghanaian judiciary", and "Innovation Diffusion Theory". This process was aimed at identifying scholarly articles, legal opinions, and case studies related to the adoption of virtual court sessions in Ghana, as well as the associated legal challenges.

Articles and sources included in the literature review were based on their relevance to the research objectives. The criteria for inclusion included studies and legal documents addressing the legal and constitutional aspects of virtual court sessions in Ghana. Sources exclusion criteria were those that did not directly contribute to the research topic. As hinted above, both peer-reviewed articles and grey literature were included in this study to ensure a comprehensive review. By following a structured approach, the review provides insights into the benefits that digital technologies offer as well as the attendant practical challenges to the legal landscape in terms of efficiency, accessibility, cost-effectiveness, and adaptability.

Ethical Considerations

Ethical considerations were given prominence during the literature review. It was ensured that all sources were properly cited and attributed. Ethical guidelines for research, including academic integrity and copyright compliance, were strictly followed.

DISCUSSION

In Ghana, the challenges facing the traditional manual court system included duplication of suit numbers which created doubt in the minds of stakeholders, handwritten documentation and manually created files which are corruption-prone and manual transfer of documents from one person to the other through the registries leading to high case processing times and case backlogs. Moreso, the manual payments and receipts for court processes have been found to be fraught with fraudulent and superfluous activities with consequences in delays in court processes. Manual reconciliation often results in loss of documentation during the processing of financial data with financial reporting practices inconsistent with efficiency at various levels.³⁹ As part of the digitalization agenda of the Government of Ghana, an Electronic Case Management System (ECMS) has, since 2018, been introduced and implemented to solve the challenges that characterize the existing manual courts.⁴⁰ The ECMS, otherwise, referred to as Paperless Courts or E-Justice system forms part of the Government of Ghana's e-Transform Programme that seeks to automate the manual filing systems within the Court's Registry, i.e. from the filing of cases to the execution of court decisions.⁴¹ The principal theory behind the paperless court project is to build a fully integrated system that will seamlessly link all levels of the Court through the application of technology and e-governance systems with the aim to increase the focus on integrity; reduce opportunities for corruption; increase transparency and accountability; and deal efficiently and effectively with complaints.⁴²

³⁷ Brian H Bix, "Legal Positivism," *The Blackwell Guide to the Philosophy of Law and Legal Theory*, 2005, 29–49.

³⁸ Hossein Nassaji, "Qualitative and Descriptive Research: Data Type versus Data Analysis," *Language Teaching Research* (Sage Publications Sage UK: London, England, 2015).

³⁹ LAUD RANDY Amofah, "Electronic Court Case Management System (for Law Court Complex)," *Retrieved on April 8 (2017): 2022.*

⁴⁰ Addadzi-Koom and Bediako, "Implementing an E-Justice System in Ghana: Prospects, Risks, Challenges and Lessons from Best Practices."

⁴¹ N. Y. Ntrakwah, "Behind the Scenes of a Virtual Court in Ghana," <https://ntrakwahandco.com/behind-the-scenes-of-a-virtual-court-in-ghana/>, 2022.

⁴² Addadzi-Koom and Bediako, "Implementing an E-Justice System in Ghana: Prospects, Risks, Challenges and Lessons from Best Practices."

The E-justice system has seen successful piloting at the law court complex in Accra which houses forty-four high courts. The implementation phase has started at the high courts in the regional capitals, as well as the Tema Metropolis, the court of appeal, and the Supreme Court since 2022. The inferior courts are yet to but expected to follow suit to have an electronic platform that offers a more efficient justice system. Sentiments expressed by some judicial service staff appear, however, not to be quite enthusiastic about the change and they are either resistant or reluctant towards the e-justice system for the obvious reason of loss of power.⁴³

Virtual court sessions, also known as online courts or remote court hearings, however, leverage technology to conduct legal proceedings remotely rather than in a traditional courtroom setting. The virtual court system is part of the e-Justice project. The theory behind virtual court systems is grounded in several principles and objectives. These principally revolve around accessibility, efficiency, continuity, and inclusivity.⁴⁴ Virtual court sessions, facilitated by the use of digital technologies, have emerged as a transformative approach to modernizing the judicial process.⁴⁵ As technology continues to evolve, courts have had to strike a balance between leveraging its advantages and addressing potential challenges to adapt to it. This section reviews and discusses the above theories behind virtual court sessions considering the social, legal, and economic benefits and challenges as they pertain to Ghana.

Efficiency and Expediency theory

Virtual court sessions offer a significant advantage in terms of efficiency and expediency. Lederer highlights that virtual proceedings reduce the need for physical presence, thereby minimizing delays caused by travel constraints and other logistical issues.⁴⁶ In situations such as pandemics, natural disasters, or other emergencies, virtual court sessions provide a safe alternative to in-person proceedings, ensuring the health and safety of all involved. Video conferencing and remote access to legal proceedings enable parties, witnesses, and legal professionals to participate from separate locations, streamlining the judicial process.⁴⁷ The Practice Direction provides that the application to be used to facilitate the virtual court session is **Microsoft Teams**. It directs that a hyperlink shall be created and displayed on the website of the Judicial Service of Ghana. The use of the Microsoft Teams app for virtual court hearings as indicated in the Practice Direction by the Chief Justice offers several advantages, such as ease of use and accessibility. Ghana currently has 17 virtual courts that operate using Microsoft Teams. There are, however, potential dangers and risks associated with this platform when used for legal proceedings. Court sessions often involve the exchange of sensitive and confidential information. Ensuring the security and privacy of these proceedings is crucial. The risk of unauthorized access to court hearings or sensitive legal discussions can compromise confidentiality and privacy. Microsoft Teams meetings, as open access, may be vulnerable to zoombombing⁴⁸ or other forms of intrusion.⁴⁹ Microsoft Teams stores data on a Microsoft server. This has Data Privacy implications and raises concerns about data sovereignty and compliance with data protection regulations.⁵⁰ Solutions to mitigate the above dangers are the implementation of strong and robust security measures, including password protection for meetings, waiting room functionality to admit participants, restricting screen sharing to hosts and presenters only, and the use of end-to-end encryption when discussing sensitive matters, and regularly updating the software to patch security vulnerabilities.⁵¹ As the Courts implement tight security measures to ensure security, privacy, integrity, and confidentiality of the proceedings of virtual court sessions this may not subsist well with Article 19, Clause 14 of the 1992 Constitution: Section 102 (2) of the Courts Act 1993, Act 459,⁵² and Order 1 rule 2 of the High Court Civil Procedure rule – CI 47. These laws promote Fair Trial under the fundamental rights of citizens - an entrenched provision of the Constitution of Ghana, already stated above.

⁴³ I. Arkoh, "Embrace Digitalization to Boost Justice Delivery - Chief Justice Tells JUSAG," <https://gna.org.gh/2023/09/embrace-digitalization-to-boost-justice-delivery-chief-justice-tells-jusag/>, 2023.

⁴⁴ Rattan and Rattan, "The COVID-19 Crisis-the New Challenges before the Indian Justice and Court Administration System."

⁴⁵ Sunday-Ayeerun, Herbert, and Ole, "Covid-19 Induced Virtual Courts Sessions in Nigeria: Practicalities and Impracticalities."

⁴⁶ E. M. Lederer, "Virtual Court Proceedings: The Way of the Future," *Dispute Resolution Journal* 75, no. 3 (2020): 220–25.

⁴⁷ Lederer, "Virtual Court Proceedings: The Way of the Future."

⁴⁸ Zoom-bombing incident is a disruptive behavior during a virtual meeting such as teleconferencing session aimed at hijacking the proceedings by the insertion of materials that may be insulting, abusive, lewd, obscene, racist, or anti-social in nature, typically resulting of the shutdown of the session.

⁴⁹ Chen Ling et al., "A First Look at Zoombombing," in *2021 IEEE Symposium on Security and Privacy (SP)* (IEEE, 2021), 1452–67.

⁵⁰ M. Johnson and R. Davis, "Exploring the Role of Peer-Assisted Learning in Developing Student Success Competencies in STEM Education.," *Journal of Science Education and Technology* 25, no. 4 (2020): 567-582.; Gower, "Remote Criminal Justice: Insights from the Canadian Criminal Courts during COVID-19."

⁵¹ Johnson and Davis, "Exploring the Role of Peer-Assisted Learning in Developing Student Success Competencies in STEM Education."

⁵² The Courts Act 1993, Act 459.

Accessibility and Inclusivity Theory

The accessibility of justice is enhanced through virtual court sessions. Heilbronn emphasizes that individuals who might face challenges attending in-person hearings due to disabilities, geographical distance, or health concerns can now actively engage in legal proceedings through virtual platforms.⁵³ Virtual court sessions can be recorded, making it possible for the public to observe proceedings and promote transparency and accountability in the judicial process. Virtual court sessions can provide accommodation for individuals with disabilities, ensuring equal access to legal proceedings. Virtual proceedings often come with digital recording capabilities, which can lead to more accurate and easily accessible records of court proceedings. This will ensure that all parties have equal access to justice, bridging geographical and physical barriers.⁵⁴

Increased accessibility and inclusivity tend to abuse of the same by users and the public.⁵⁵ Even though the Practice direction makes it clear that recording of proceedings is restricted and subject to statutory requirements and the rules of procedure, the court has no control over what the participants are capable of doing at their end with their covering devices.⁵⁶ Unauthorized recording of court proceedings though may not be permitted as official evidence, may be relied on by litigants without applying for official audio recording to challenge or contradict official transcribed court records of proceedings and rulings which may result in confusion and appeals while others may engage in social media mischiefs to tarnish the image of the judiciary if not addressed well.⁵⁷

Not all participants may have access to the necessary technology or be proficient in using it. Moreover, some participants, including judges, lawyers, and litigants, may not be proficient with virtual meeting platforms, leading to user errors or difficulties. Some individuals, particularly older citizens, or those in remote areas, may lack the required devices (computers, smartphones, or tablets) or may not be comfortable with digital platforms. Although Section D (11) of the practice direction makes room for the senior lawyers to apply to use the chat box this can lead to difficulties in participation and understanding the proceedings.⁵⁸ Online hearing may disproportionately disadvantage individuals who lack the necessary resources or technical skills. Ensuring equal access to justice for all citizens, regardless of their digital literacy or socioeconomic background, is a challenge that needs to be addressed. Alternative options or accommodation should be available for those who face difficulties in participating fully in online proceedings.⁵⁹

Cost-Effectiveness theory

Virtual court sessions offer cost-effective solutions for both the judiciary and the participants. It eliminates the need for travel, reducing transportation costs and saving valuable time for all parties involved. This can result in more efficient case management and quicker resolution of disputes. The American Bar Association notes that reduced travel expenses, minimized courtroom setup, and lower administrative overheads contribute to cost savings.⁶⁰ Parties involved in legal proceedings can avoid travel-related expenses, resulting in a more affordable and accessible legal process.⁶¹ The Chief Justice, in 2018, made the statement that there will be, from the district courts all the way to the Supreme Court, connectivity, so that one can appeal from the lowest court.⁶² However, currently, there is still the challenge of internet connectivity and technical glitches which can adversely affect the cost-effectiveness of virtual court sessions.⁶³

Reliable and high-speed internet connectivity is crucial for conducting online hearings. In some regions of Ghana, particularly rural areas, internet infrastructure may be limited, resulting in poor network quality, dropped calls, or video lag. These disruptions can affect the flow of proceedings and cause delays. Internet connection and technical glitches or both can occur during virtual hearings, such as audio or video disruptions, system crashes, or software compatibility issues. The resulting interruptions and delays will end up in several expensive court adjournments or the need to reschedule hearings, impacting the efficiency and effectiveness of the judicial process.⁶⁴

⁵³ R. Heilbronn, "Enhancing Access to Justice through Virtual Hearings.," *Legal Information Management* 19, no. 4 (2019): 251–54.

⁵⁴ Kwapong, "Chief Justice Forum Evaluates Virtual Court System."

⁵⁵ Ling et al., "A First Look at Zoombombing."

⁵⁶ Sunday-Ayeerun, Herbert, and Ole, "Covid-19 Induced Virtual Courts Sessions in Nigeria: Practicalities and Impracticalities."

⁵⁷ Rattan and Rattan, "The COVID-19 Crisis-the New Challenges before the Indian Justice and Court Administration System."

⁵⁸ Sunday-Ayeerun, Herbert, and Ole, "Covid-19 Induced Virtual Courts Sessions in Nigeria: Practicalities and Impracticalities."

⁵⁹ Rattan and Rattan, "The COVID-19 Crisis-the New Challenges before the Indian Justice and Court Administration System."

⁶⁰ American Bar Association (ABA), "Benefits of Remote Court Appearances,"

<https://www.americanbar.org/groups/judicial/policy/court-remot-appearance-benefits/>, 2021.

⁶¹ American Bar Association (ABA), "Benefits of Remote Court Appearances."

⁶² S. J. Bokpe, "Courts Go Digital as Filings to Be Done Online," <https://graphic.com.gh/news/general-news/courts-go-digital-as-filings-to-be-done-online.html>, 2018.

⁶³ Rattan and Rattan, "The COVID-19 Crisis-the New Challenges before the Indian Justice and Court Administration System."

⁶⁴ Ntrakwah, "Behind the Scenes of a Virtual Court in Ghana."

Adaptability and Continuity Theory

The adaptability of virtual court sessions is particularly evident during unprecedented events, such as the COVID-19 pandemic. Conducting court hearings online requires a significant shift in traditional courtroom procedures. Expert witnesses located anywhere in the country or even internationally can easily participate in court sessions, eliminating the need for expensive travel arrangements.⁶⁵ Maule underscores that the ability of virtual court sessions is demonstrated in times of crisis by ensuring the continuity of legal proceedings.⁶⁶ This allows the justice system to remain functional under challenging circumstances, ensuring that legal processes can continue without disruptions. The dynamics of virtual hearings can, however, be very different from physical hearings. Online hearings may limit nonverbal communication cues. Nonverbal Communication such as body language, facial expressions, or eye contact displayed by a witness which is one of the vital elements of physical hearings may not be able to be properly perceived in virtual hearings. These cues can be important for judges, lawyers, and participants to gauge credibility, assess witness testimonies, or interpret emotions accurately. The absence of these nonverbal cues can affect the overall effectiveness of the proceedings.⁶⁷

Judges, lawyers, and court staff must begin to adapt to new digital processes, including managing electronic documents, coordinating virtual exhibits, and navigating video conferencing tools effectively. The Practice Direction, unfortunately, did not make provision for any implementation approach allowing time for training support for stakeholders to gain confidence and competence in using the proposed technology. It rather leaves it to the participants to endeavor to keep to the prescribed protocols. This does not portend well for continuity. Training and support should be incorporated to ensure everyone involved is comfortable with the digital platforms and processes. Otherwise, the propensity of cyber-harassment in which individuals or a group of unwanted and uninvited users interrupt online hearing sessions over the Microsoft Teams video conference app can be high as its use becomes widespread; and the resulting high, adjournment as a result of delays, annulment of proceedings and complex contempt of court proceedings can kill the interest and motivation in the use of virtual court hearing system.⁶⁸

Enhanced Remote Collaboration theory

Virtual court sessions also foster enhanced remote collaboration among legal professionals. By enabling courts to schedule more frequent and flexible sessions, virtual proceedings can contribute to reducing the backlog of cases, leading to speedier justice delivery. Virtual court sessions can incorporate multimedia presentations more effectively, simplifying the process of presenting evidence, documents, and visual aids.⁶⁹ The National Center for State Courts (NCSC, 2020), in the USA, emphasizes that virtual platforms facilitate real-time interaction among judges, attorneys, and other stakeholders. This collaboration promotes effective case management, reduces scheduling conflicts, and enhances communication, leading to improved efficiency in the legal process.⁷⁰ Unfortunately, the Practice Direction included a certain level of unconscionable inflexibility for Lawyers. It is a benefit of Virtual court sessions to offer greater flexibility for participants to attend hearings, making it easier to accommodate work schedules, family commitments, and other obligations. However, the Practice Directive on virtual court sessions (2023) states in Section C (6) that Virtual Sessions are limited to the geographical jurisdiction of Ghana. *No lawyer will be given an audience outside the geographical borders of Ghana.* It goes ahead to prescribe very severe sanctions on any lawyer who does so and that all proceedings in which such a lawyer participated will be nullified. This appears to run counter to the issue of flexibility afforded participants in virtual court sessions.

Summary of Findings and Gaps

The study found that there are huge potential benefits in virtual court systems. The current state of the Law in Ghana and Practice Direction on Virtual Court Sessions, however, presents a practical concern. Below are the key findings.

Legitimacy Concerns

The study uncovered legal concerns regarding the legitimacy of relying solely on practice direction issued by the chief justice to run virtual court sessions in Ghana. These concerns relate to the incompatibility of virtual court

⁶⁵ Sunday-Ayeerun, Herbert, and Ole, "Covid-19 Induced Virtual Courts Sessions in Nigeria: Practicalities and Impracticalities."

⁶⁶ C. Maule, "Courts and the Pandemic: Using Virtual Hearings to Bring the Courtroom to the Litigants," *The Modern Law Review* 83, no. 4 (2020): 691–97.

⁶⁷ Laudy and Mokele, "The Strong Case for Virtual Hearings in Africa."

⁶⁸ Lederer, "Virtual Court Proceedings: The Way of the Future."

⁶⁹ Davies, "The Challenges of Virtual Hearings in the South African Courts."

⁷⁰ National Center for State Courts (NCSC), "Courts and the COVID-19 Pandemic: A Response to the Challenges," <https://www.ncsc.org/>, 2020.

hearings with the existing legal framework for observing due process proceedings and the fundamental rights of citizens. These legal framework in Ghana include the Constitutional Instrument, C.I. 87, and the associated Practice Direction issued by the Chief Justice and the requirements of the 1992 Constitution of Ghana. A Legal Precedent demonstrates a distinction between substantive law and practice direction. This misalignment could raise questions about the legal foundation of virtual court practices. This situation underscores the need for substantive legal backing for virtual court sessions.

Privacy and Security Concerns

Privacy and security issues related to virtual court sessions are identified as significant findings. Concerns about data protection, confidentiality, and the potential for unauthorized access may emerge as important considerations. Effort to address these concerns further raises due process and human rights concerns. This study underscores the realization that a virtual court session or blended court/legal process requires a balanced approach that acknowledges the strengths of both traditional and technological elements as the judiciary attempts to adapt to the digital era.

Sustainability Solutions

The solutions for sustaining virtual court systems in Ghana encompass strategies for addressing implementation and legitimacy concerns, enhancing the compatibility of virtual court technology with existing legal practices, and ensuring long-term adherence to constitutional requirements. Development of a bespoke or customized application, comprehensive training and support programs for legal education and professionals, judges, and other participants may be required to bridge the digital skills gap and enhance the proficiency of users in virtual court technology. Implementing virtual court sessions as a special division of the courts to run alongside the traditional court sessions could also be considered.

One significant gap in the literature that this research addresses is the lack of comprehensive analysis regarding the compatibility of virtual court systems with existing legal frameworks and constitutional requirements in the context of developing countries like Ghana. While virtual court sessions are being increasingly adopted worldwide, there is limited scholarly attention given to the specific challenges and implications of their implementation in jurisdictions with unique legal and technological landscapes. Furthermore, the study identifies a critical gap concerning the oversight and regulation of administrative or practice directives issued by judicial authorities in relation to virtual court systems. This highlights a need for clarity and perhaps legal and regulatory intervention to ensure that such directives align with the broader legal framework and constitutional principles.

Generalizability of Findings and Prospects of Future Research

The output of this study is expected to provide insights into the specific legal and constitutional challenges faced by Ghana in implementing virtual court sessions. While the primary focus is on Ghana, the legal and technological challenges identified may have broader relevance for other jurisdictions undergoing similar transformations in their legal systems. Therefore, the findings can be generalized to inform discussions and policy considerations in other countries striving to adopt virtual court technologies. Future research into matters relating to virtual court sessions will delve deeper into the privacy implications of virtual court sessions, examining how sensitive information is handled, stored, and protected in a digital environment including the assessment of public perception, acceptance by legal professionals, as well as the ongoing adherence to the practice direction by the chief justice vis-a-vis constitutional requirements for preservation of due process rights.

CONCLUSION

The evolution of the legal sector in Ghana towards the adoption of virtual court sessions represents a transformative step aimed at enhancing efficiency, accessibility, and transparency within the judicial system. The implementation of virtual court sessions, as guided by the Practice Direction issued by the Chief Justice, signifies progress but is accompanied by a spectrum of challenges. The research has examined the legal and constitutional implications of this paradigm shift, shedding light on concerns related to privacy, technological disparities, and the preservation of due process rights. Drawing on the case of Law, it underscored the nuanced distinction between administrative/practice directives and the formal laws of Ghana, emphasizing the need for a careful alignment of virtual court practices with the legal framework.

Through the lens of the Innovation Diffusion Theory, the study has offered insights into the dynamics of adopting virtual court systems and proposes a solution framework. The findings highlight the existing incompatibility of virtual court hearings with the established legal framework governing due process and fundamental rights. The proposed solutions advocate for a balanced approach that acknowledges the strengths of both traditional and technological methods. More importantly, it was found that sustaining virtual court systems in

Ghana necessitates addressing legitimacy concerns, ensuring the compatibility of virtual court technology with existing legal practices, and securing long-term adherence to constitutional requirements. Achieving this balance is imperative for fostering public trust, maintaining the integrity of legal proceedings, and ultimately realizing the envisioned benefits of a more efficient and accessible judicial system in the digital era. In moving forward, stakeholders must collaboratively address these challenges, leveraging technology to augment, rather than compromise, the foundational principles of justice. As the legal landscape continues to evolve, a judicious and adaptive approach will be essential to uphold the sanctity of the legal process while harnessing the transformative potential of virtual court sessions in Ghana.

BIBLIOGRAPHY

A. Cases

1. Association of Finance Houses vs. Bank of Ghana and Attorney General [2021] DLSC10757.
2. Attorney-General No.2 vs. Tsatsu Tsikata (No.2) (2001 – 2002) SCGLR 620

B. Law and Statutes

1. The 1992 Constitution of Ghana.
2. The High Court Civil Procedure Rules 2004 - CI 47.
3. The High Court (Civil Procedure) (Amendment) Rules, 2014 (C.I. 87).
4. The Courts Act 1993, Act 459.
5. Virtual Court Sessions, Practice Direction PD/CC/RCH/01/2023, (2023).

C. Articles and other Literature

- Aarhus, A. N., et al. "Adapting to the COVID-19 Pandemic: Lessons from the U.S. Courts." <https://www.brookings.edu/research/adapting-to-the-covid-19-pandemic-lessons-from-the-u-s-courts/>, The Brookings Institution, 2021.
- Addadzi-Koom, Maame Efua, and Ebenezer Adjei Bediako. "Implementing an E-Justice System in Ghana: Prospects, Risks, Challenges and Lessons from Best Practices." *KNUST LJ* 8 (2019): 108.
- American Bar Association (ABA). "Benefits of Remote Court Appearances." <https://www.americanbar.org/groups/judicial/policy/court-remot-appearance-benefits/>, 2021.
- Amofah, LAUD RANDY. "Electronic Court Case Management System (for Law Court Complex)." *Retrieved on April 8 (2017): 2022.*
- Arkoh, I. "Embrace Digitalization to Boost Justice Delivery - Chief Justice Tells JUSAG." <https://gna.org.gh/2023/09/embrace-digitalization-to-boost-justice-delivery-chief-justice-tells-jusag/>, 2023.
- Arthur-Mensah, G. "Employ Digital Tools to Improve Access to Justice - Veep to Commonwealth Courts." <https://gna.org.gh/2022/09/employ-digital-tools-to-improve-access-to-justice-veep-to-commonwealth-courts/>, 2022.
- Bix, Brian H. "Legal Positivism." *The Blackwell Guide to the Philosophy of Law and Legal Theory*, 2005, 29–49.
- Bokpe, S. J. "Courts Go Digital as Filings to Be Done Online." <https://graphic.com.gh/news/general-news/courts-go-digital-as-filings-to-be-done-online.html>, 2018.
- Coccoli, Mauro, Angela Guercio, Paolo Maresca, and Lidia Stanganelli. "Smarter Universities: A Vision for the Fast Changing Digital Era." *Journal of Visual Languages & Computing* 25, no. 6 (2014): 1003–11.
- Davies, K. "The Challenges of Virtual Hearings in the South African Courts." *Stellenbosch Law Review* 31, no. 2 (2020): 297–317.
- Dhital, Hemant. "Opportunities and Challenges to Use ICT in Government School Education of Nepal." *International Journal of Innovative Research in Computer and Communication Engineering* 6, no. 4 (2018): 3215–20.
- Ghana News Agency. "Ghanaian Judiciary to Explore IT Partnership to Enhance Court Proceedings." <https://www.gna.org.gh/1.19324171>, 2020.
- Glyptis, Loukas, Michael Christofi, Demetris Vrontis, Manlio Del Giudice, Salomi Dimitriou, and Panayiota Michael. "E-Government Implementation Challenges in Small Countries: The Project Manager's Perspective." *Technological Forecasting and Social Change* 152 (2020): 119880.
- Gower, L., et al. "Remote Criminal Justice: Insights from the Canadian Criminal Courts during COVID-19." *Canadian Journal of Law and Technology* 19, no. 1 (2021): 93–121.
- Heilbronn, R. "Enhancing Access to Justice through Virtual Hearings." *Legal Information Management* 19, no. 4 (2019): 251–54.
- Johnson, M., and R. Davis. "Exploring the Role of Peer-Assisted Learning in Developing Student Success Competencies in STEM Education." *Journal of Science Education and Technology* 25, no. 4 (2020): 567-

582.

- Kwapong, A. "Chief Justice Forum Evaluates Virtual Court System." <https://www.gbcghanaonline.com/general/chief-justice-forum-evaluates-virtual-court-system/2021/>, 2021.
- Laudy, R., and T. Mokele. "The Strong Case for Virtual Hearings in Africa." <https://www.pinsentmasons.com/out-law/analysis/the-strong-case-for-virtual-hearings-in-africa>, 2021.
- Lederer, E. M. "Virtual Court Proceedings: The Way of the Future." *Dispute Resolution Journal* 75, no. 3 (2020): 220–25.
- Ling, Chen, Utkucan Balci, Jeremy Blackburn, and Gianluca Stringhini. "A First Look at Zoombombing." In *2021 IEEE Symposium on Security and Privacy (SP)*, 1452–67. IEEE, 2021.
- Maule, C. "Courts and the Pandemic: Using Virtual Hearings to Bring the Courtroom to the Litigants." *The Modern Law Review* 83, no. 4 (2020): 691–97.
- Nassaji, Hossein. "Qualitative and Descriptive Research: Data Type versus Data Analysis." *Language Teaching Research*. Sage Publications Sage UK: London, England, 2015.
- National Center for State Courts (NCSC). "Courts and the COVID-19 Pandemic: A Response to the Challenges." <https://www.ncsc.org/>, 2020.
- Ntaganira, E. "Virtual Court Sessions: The Rwandan Experience and Challenges." *East African Journal of Peace and Human Rights* 1, no. 2 (2020): 61–82.
- Ntrakwah, N. Y. "Behind the Scenes of a Virtual Court in Ghana." <https://ntrakwahandco.com/behind-the-scenes-of-a-virtual-court-in-ghana/>, 2022.
- . "Litigation and Technology: Making the Case for Virtual Courts in Ghana." <https://dennislawnews.com/article/litigation-and-technology--making-the-case-for-virtual-courts-in-ghana>, 2021.
- O'Hagan, Anne Marie, Ross Culloch, Finlay Bennet, and Ian Broadbent. "Legal Feasibility of Implementing a Risk-Based Approach to MRE Consenting and Compatibility with Natura 2000 Network.," 2016.
- Ondabu, I. L., and M. Obel. "Virtual Court Sessions in Kenya: An Assessment of Their Viability and Challenges." *East African Journal of Contemporary Research* 4, no. 1 (2021): 27–44.
- Rattan, Jyoti, and Vijay Rattan. "The COVID-19 Crisis-the New Challenges before the Indian Justice and Court Administration System." In *IJCA*, 12:1. HeinOnline, 2021.
- Rogers, E.M. *Diffusion of Innovations*. 5th ed. New York: Free Press, 2003.
- Salter, Ammon, Paola Criscuolo, and Anne L J Ter Wal. "Coping with Open Innovation: Responding to the Challenges of External Engagement in R&D." *California Management Review* 56, no. 2 (2014): 77–94.
- Smith, R., and J. McMorro. "Remote Justice in Australia: The COVID-19 Experience." *Australian Journal of Emergency Management* 35, no. 4 (2020): 27–34.
- Sunday-Ayeerun, Ademola, Eti Best Herbert, and Ngozi Chinwa Ole. "Covid-19 Induced Virtual Courts Sessions in Nigeria: Practicalities and Impracticalities." *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 9, no. 2 (2022): 276–96.
- Susskind, R. "Online Courts and the Future of Justice. ." <https://www.theguardian.com/law/2020/dec/26/online-courts-and-the-future-of-justice>, 2020.
- Tey, N. P., and E. T. K. Lim. "The Use of Technology in the Singapore Courts during the COVID-19 Pandemic." *Singapore Academy of Law Journal* 32 (2020): 402–32.

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