

**ALGORITHMIC GOVERNANCE AND CONSTITUTIONAL RIGHTS IN
NIGERIA: RECONCILING ARTIFICIAL INTELLIGENCE WITH RELIGIOUS
FREEDOM AND DEMOCRATIC ACCOUNTABILITY**

Adewole Ishola Adewoyin *

Abstract

The increasing deployment of artificial intelligence in governance and commercial decision-making processes presents significant constitutional challenges, particularly within pluralistic societies such as Nigeria. This article examines the implications of algorithmic governance for fundamental rights under the Constitution of the Federal Republic of Nigeria 1999 (as amended), with specific focus on the rights to privacy, freedom of religion, and protection from discrimination. The study argues that existing regulatory frameworks, including the Nigeria Data Protection Act 2023, are insufficient to address the broader constitutional risks posed by automated decision-making systems. It introduces the concept of algorithmic orthodoxy to explain how seemingly neutral computational models may embed normative assumptions that conflict with Nigeria's socio-religious realities. To address this gap, the article proposes a novel regulatory framework-Value-Based Algorithmic Impact Assessment (VBAIA), which integrates constitutional values, socio-cultural context, and accountability mechanisms into the design and deployment of artificial intelligence systems. Drawing on Nigerian constitutional jurisprudence and comparative international approaches, the article demonstrates the need for a context-sensitive model of algorithmic governance. The article concludes that effective regulation of artificial intelligence in Nigeria requires not only legislative reform but also active judicial oversight and a deliberate effort to align technological innovation with the normative foundations of the constitutional order.

Keywords: Algorithmic Governance; Artificial Intelligence; Constitutional Rights; Religious Freedom; Nigeria; Data Protection

* LL.B (HONS), LL.M, M.PHIL. (IFE), BL Lecturer & Ag. Head: Department of Common and Islamic Law Faculty of Law, University of Ilesa, Ilesa, Osun State, Nigeria. E-Mail: adewole_adewoyin@unilesa.edu.ng, aiadewoyin@gmail.com Orcid: 0000-0002-6498-3363

1. Introduction

The rapid expansion of artificial intelligence has fundamentally altered the architecture of governance across the world.¹ Increasingly, both public institutions and private organisations rely on algorithmic systems to guide decisions relating to credit allocation, employment screening, security surveillance, and public service delivery.² This phenomenon—commonly described as algorithmic governance—represents a shift from traditional forms of administrative decision-making toward technologically mediated processes that rely on data-driven predictive models.³ While such systems promise efficiency, speed, and administrative rationality, they also raise profound legal and constitutional questions regarding accountability, transparency, and the protection of fundamental rights.

Within the Nigerian context, the gradual integration of artificial intelligence into governance structures presents both opportunities and challenges. Digital lending platforms, biometric identity systems, and data-driven administrative mechanisms are increasingly shaping the interaction between citizens and institutions. For example, the expansion of the National Identity Number system administered by the National Identity Management Commission has created one of the largest biometric identity infrastructures in Africa. Similarly, automated verification systems used by financial institutions increasingly rely on digital identity datasets to authenticate customers and evaluate financial risk.

Despite these developments, the normative implications of algorithmic governance remain underexplored within Nigerian legal scholarship. Artificial intelligence systems are capable of influencing decisions that directly affect citizens' access to credit, employment opportunities, social services, and even law enforcement outcomes. When such decisions are made through automated processes that lack transparency, individuals may be unable to understand, challenge, or correct potentially harmful outcomes.

¹ Nick Bostrom and Eliezer Yudkowsky, 'The Ethics of Artificial Intelligence' in Keith Frankish and William Ramsey (eds), *The Cambridge Handbook of Artificial Intelligence* (Cambridge University Press 2014) 316, 320-322.

² Mireille Hilderbrant, *Law for Computer Scientists and Other Folk* (Oxford University Press 2020) 45-47.

³ Karen Yeung, 'Algorithmic Regulation: A Critical Interrogation' (2018) 12(4) *Regulation & Governance* 505, 507-509.

Nigeria's socio-legal landscape further complicates this technological transformation. As one of the most religiously diverse societies in Africa, Nigeria operates within a constitutional framework that must continually balance secular governance with deeply embedded religious and cultural practices. Financial behaviour, social responsibility, and communal cooperation are frequently influenced by religious obligations. These practices may not easily fit the behavioural assumptions embedded within algorithmic systems developed in different cultural environments.

Contemporary scholarship increasingly recognises that algorithmic systems are not merely technical instruments but governance mechanisms that structure power relations within modern societies.⁴ Scholars in the field of digital governance have argued that algorithmic systems possess the capacity to shape social behaviour, allocate opportunities, and influence access to public goods in ways that were previously associated with traditional administrative institutions. For example, Karen Yeung conceptualises algorithmic regulation as a form of governance in which behavioural outcomes are steered through automated decision-making systems rather than conventional legal commands.⁵ Similarly, Frank Pasquale warns against the rise of opaque —black box— systems that obscure the reasoning behind algorithmic outcomes and thereby undermine democratic accountability.⁶

African scholarship has also begun to interrogate the governance implications of digital technologies within the continent. Nanjala Nyabola argues that digital infrastructures in Africa have expanded more rapidly than the regulatory frameworks required to safeguard citizens' rights.⁷ In a similar vein, the African Union has emphasised the need for context-sensitive data governance frameworks capable of balancing technological innovation with the protection of fundamental rights.⁸

This article therefore examines the intersection between algorithmic governance and constitutional rights in Nigeria. It argues that while artificial intelligence may enhance

⁴ Lawrence Lessig, *Code and Other Laws of Cyberspace* (Basic Books 1999) 6-9; Shoshana Zuboff, *The Age of Surveillance Capitalism* (Profile Books 2019) 8-15; Frank Pasquale, *The Black Box Society: The Secret Algorithms that Control Money and Information* (Harvard University Press 2015) 3-5.

⁵ Ibid 510-512.

⁶ Fran Pasquale, *The Black Box Society: The Secret Algorithms that Control Money and Information* (Harvard University Press 2015) 3-5.

⁷ Nanjala Nyabola, *Digital Democracy, Analogue Politics* (Zed Books 2018) 78-82.

⁸ African Union, *Data Policy Framework* (African Union Commission 2022) 12-15.

administrative efficiency and economic innovation, its deployment must be carefully regulated to ensure compatibility with the constitutional principles of equality, human dignity, and religious freedom.

2. Conceptual Framework

Algorithmic governance operates through interconnected stages involving data collection, computational processing, and decision output. Each stage presents potential implications for the protection of constitutional rights. The increasing reliance on data-driven systems in decision-making processes has transformed the nature of governance by embedding predictive analytics into administrative and commercial structures.⁹

First, algorithmic systems rely heavily on large datasets that are used to train machine-learning models. Where such datasets reflect historical inequalities or incomplete social representations, the resulting models may reproduce discriminatory patterns.¹⁰ This phenomenon is particularly concerning in jurisdictions such as Nigeria, where socio-economic disparities and cultural diversity may not be adequately represented within global datasets used to train artificial intelligence systems.

Second, algorithmic decision-making frequently operates through complex computational models that are difficult to interpret even by their developers. This phenomenon, commonly referred to as algorithmic opacity, creates serious accountability challenges.¹¹ When individuals are unable to understand the reasoning behind algorithmic outcomes, the ability to challenge administrative or commercial decisions becomes significantly constrained. This undermines core principles of procedural fairness and due process that are fundamental to constitutional governance.

Third, automated systems may gradually replace human discretion in decision-making processes. While automation may improve efficiency and consistency, it may also reduce the capacity of institutions to consider contextual, cultural, or humanitarian factors. In the Nigerian context, where social and economic relations are often shaped by informal institutions and communal practices, the displacement of human judgment may lead to outcomes that fail to reflect local realities.

⁹ Cathy O'Neil, *Weapons of Math Destruction* (Crown Publishing 2016) 21-25

¹⁰ Solon Barocas and Andrew D Selbst, 'Big Data's Disparate Impact' (2016) 104 *California Law Review*

¹¹ Jenna Burrell, 'How Machine Thinks: Understanding Opacity in Machine Learning Algorithms' (2016) 3(1) *Big Data & Society* 1, 3-5.

Furthermore, the interaction between algorithmic systems and constitutional rights may be understood through the concept of normative embedding, whereby the values and assumptions of system designers become encoded within computational models. These embedded norms may influence how individuals are classified, evaluated, and treated by automated systems. Where such norms are inconsistent with constitutional principles, the resulting decisions may produce outcomes that conflict with legally protected rights.

The implications of this interaction are particularly significant in relation to rights such as privacy, equality, and freedom from discrimination. Algorithmic systems often require extensive data collection, thereby raising concerns regarding informational privacy. At the same time, predictive models may generate differential outcomes across population groups, potentially resulting in indirect discrimination. These risks underscore the importance of developing regulatory frameworks capable of ensuring that algorithmic systems operate in a manner consistent with constitutional safeguards.

In light of these challenges, it becomes necessary to conceptualise algorithmic governance not merely as a technological phenomenon but as a legal and constitutional issue requiring structured regulatory intervention. Without such intervention, the increasing reliance on automated decision-making systems may gradually erode the normative foundations of the Nigerian constitutional order.

3. The Constitutional and Legal Landscape: NDPA 2023 and the Nigerian Constitution

Nigeria has taken important steps toward regulating digital technologies through the enactment of the Nigeria Data Protection Act 2023.¹² The Act establishes principles governing the collection, processing, and storage of personal data, including transparency, fairness, accountability, and purpose limitation. These principles represent a significant advancement in Nigeria's data governance framework and align with emerging global standards on data protection.

However, the regulatory scope of the Act primarily focuses on data protection rather than algorithmic governance. While the legislation provides safeguards for personal data and outlines the rights of data subjects, it does not comprehensively regulate automated

¹² Nigeria Data Protection Act 2023

decision-making systems or mandate systematic algorithmic impact assessments. As a result, important constitutional questions relating to the use of artificial intelligence remain insufficiently addressed within the existing legal framework.

The constitutional implications of algorithmic governance must therefore be examined within the broader framework of fundamental rights contained in Chapter IV of the Constitution of the Federal Republic of Nigeria 1999 (as amended).¹³ Several constitutional provisions are particularly relevant in this regard. Section 37 guarantees the right to privacy, which may be implicated where algorithmic systems rely on extensive data collection and surveillance mechanisms. Section 38 protects freedom of thought, conscience, and religion, thereby safeguarding individuals' ability to practise their religious beliefs without undue interference. Section 42 further prohibits discrimination on the basis of religion, ethnicity, or other protected characteristics.

Judicial interpretation has consistently reinforced the importance of these rights within the Nigerian constitutional order. In *Medical and Dental Practitioners Disciplinary Tribunal v Okonkwo*,¹⁴ the Supreme Court emphasised the centrality of personal autonomy and religious freedom, holding that individuals are entitled to make decisions consistent with their beliefs without undue interference from authorities. This decision underscores the constitutional protection afforded to religious practices and personal convictions, which may be indirectly affected by algorithmic decision-making systems.

Similarly, the Court of Appeal in *Uzoukwu v Ezeonu II*¹⁵ affirmed that fundamental rights occupy a superior position within the hierarchy of Nigerian law and must be given a broad and purposive interpretation. This judicial approach suggests that any governance mechanism—whether human or algorithmic—that affects fundamental rights must be subject to strict constitutional scrutiny.

Further reinforcement of this principle can be found in *Director of State Security Service v Agbakoba*,¹⁶ where the Supreme Court reiterated that constitutional rights are essential to democratic governance and must be protected against arbitrary interference. Likewise, in

¹³ Constitution of the Federal Republic of Nigeria 1999 (as amended) ss 37, 38, 42.

¹⁴ *Medical and Dental Practitioners Disciplinary Tribunal v Okonkwo* (2001) 7 NWLR (Pt 711) 206, 240-242.

¹⁵ *Uzoukwu v Ezeonu II* (1991) 6 NWLR (Pt 200) 708, 761.

¹⁶ *Director of State Security Services v Agbakoba* (1999) 3 NWLR (Pt 595) 314, 350-352.

Fawehinmi v Abacha,¹⁷ the Court held that constitutional rights remain enforceable even in circumstances where executive actions attempt to curtail them. These authorities collectively establish that the Nigerian judiciary adopts a robust and rights-oriented approach to constitutional interpretation.

Despite these strong constitutional safeguards, the application of these principles to algorithmic decision-making remains underdeveloped. The absence of explicit statutory provisions regulating artificial intelligence creates a regulatory gap in which automated systems may operate without adequate oversight. This gap is particularly significant in contexts where algorithmic decisions may produce indirect discriminatory effects or interfere with constitutionally protected freedoms.

In this regard, the interaction between the Nigeria Data Protection Act 2023 and the Constitution reveals a critical limitation within Nigeria's current legal framework. While the Act addresses issues of data privacy and protection, it does not sufficiently engage with the broader constitutional implications of algorithmic governance. This disconnect highlights the need for a more comprehensive regulatory approach capable of integrating data protection principles with constitutional safeguards.

4. Socio-Religious Dissonance and the Risk of Algorithmic Orthodoxy

Nigeria's socio-legal environment is characterised by deep religious diversity and strong communal structures that influence economic and social behaviour. Religious obligations frequently shape financial decisions, patterns of consumption, and systems of mutual support.¹⁸ In many communities, these practices are not merely personal choices but constitute integral aspects of social identity and moral responsibility.

When algorithmic systems trained on datasets derived from different socio-economic environments are deployed within such a context, there is a risk that they may misinterpret behaviour that deviates from the assumptions embedded within their training data. This phenomenon may be described as algorithmic orthodoxy; whereby automated systems implicitly enforce normative behavioural standards that do not reflect the cultural and religious realities of the society in which they operate.

¹⁷ *Fawehinmi v Abacha* (2000) 6 NWLR (Pt 660) 228, 289-292.

¹⁸ Abdulmumini A Oba, 'Religious Freedom under the Nigerian Constitution' (2002) 1 *Journal of African Law* 25, 30-33.

This challenge is particularly evident in Nigeria's rapidly expanding financial technology sector. Digital lending platforms increasingly rely on machine-learning algorithms to assess creditworthiness and make lending decisions. Companies such as Carbon and FairMoney utilise automated systems that analyse user data, including transaction histories, spending patterns, and digital behaviour, in order to generate credit scores and determine loan eligibility.

While these systems have significantly improved financial inclusion by providing access to credit for individuals who might otherwise be excluded from traditional banking systems, they also introduce new risks of indirect discrimination. Algorithmic models trained on datasets that reflect predominantly Western financial behaviours may interpret certain culturally embedded practices as indicators of financial instability.

For instance, regular financial contributions associated with religious obligations—such as Christian tithing or Islamic zakat—may appear as recurrent outflows within financial data.¹⁹ Similarly, participation in informal savings schemes, cooperative societies, or community-based lending arrangements may not align with formal financial indicators typically used in algorithmic credit assessment models. Where such behaviours are not properly contextualised, algorithmic systems may classify individuals as high-risk borrowers, thereby limiting their access to financial services.

The implications of such outcomes extend beyond economic disadvantage. Where algorithmic systems systematically produce adverse outcomes for individuals whose behaviour reflects religious practices, such systems may indirectly interfere with constitutionally protected rights. In particular, the constitutional guarantee of freedom of religion under section 38 of the Constitution may be implicated where individuals are effectively penalised for engaging in religiously motivated financial practices. Similarly, section 42,²⁰ which prohibits discrimination on the basis of religion, may be engaged where algorithmic decision-making produces disproportionate adverse effects on particular religious groups.

Although algorithmic systems may not explicitly classify individuals based on religion, the indirect effects of their operation may produce outcomes that are functionally equivalent to

¹⁹ Cathy O'Neil (n 8) 45-48

²⁰ Constitution of the Federal Republic of Nigeria 1999 (as amended) s 38, 42.

discriminatory treatment. This raises important questions regarding the adequacy of existing legal frameworks in addressing forms of discrimination that arise through technologically mediated processes rather than intentional human action.

Furthermore, the opacity of algorithmic systems compounds this problem. Individuals affected by adverse decisions may be unable to identify the underlying reasons for such outcomes or to demonstrate that discrimination has occurred. This lack of transparency undermines the ability of affected persons to seek legal redress and challenges the effectiveness of constitutional protections in the digital age.

In this context, the concept of algorithmic orthodoxy provides a useful analytical lens for understanding how automated systems may inadvertently impose normative assumptions that conflict with local socio-religious realities. Without appropriate safeguards, the increasing reliance on algorithmic governance may result in the gradual erosion of constitutional values through seemingly neutral technological processes.

These challenges underscore the need for a regulatory framework that goes beyond traditional data protection principles to address the broader socio-legal implications of algorithmic decision-making. It is this gap that the proposed Value-Based Algorithmic Impact Assessment (VBAIA) framework seeks to address.

5. The Value-Based Algorithmic Impact Assessment (VBAIA) Framework

In light of the constitutional and socio-cultural challenges identified above, this article proposes a novel regulatory framework described as Value-Based Algorithmic Impact Assessment (VBAIA). The VBAIA model is designed to ensure that algorithmic systems deployed within Nigeria operate in a manner consistent with constitutional guarantees, socio-cultural realities, and democratic accountability.

Algorithmic impact assessments are not entirely new within global regulatory discourse. Several jurisdictions have introduced frameworks aimed at evaluating the risks associated with automated decision-making systems prior to their deployment. However, these models often focus primarily on technical risk, efficiency, and data protection considerations, without sufficiently integrating constitutional and socio-cultural dimensions.

The VBAIA framework addresses this limitation by incorporating normative constitutional values into the assessment process. It is grounded in the premise that algorithmic systems

are not neutral tools but normative instruments that shape social outcomes and must therefore be subjected to constitutional scrutiny.

The framework consists of six interrelated components.

First, Identification of Constitutional Values. At this stage, developers and regulators must identify the specific constitutional rights that may be affected by the deployment of an algorithmic system. These may include rights to privacy, equality, human dignity, and freedom of religion. By foregrounding constitutional considerations at the outset, this stage ensures that fundamental rights are treated as central rather than incidental to technological governance.

Second, Socio-Cultural Context Analysis. This component requires an evaluation of whether the assumptions embedded within an algorithmic system align with the social, cultural, and religious practices of the target population. In a pluralistic society such as Nigeria, this step is particularly important in preventing the imposition of external normative standards that may conflict with local realities.

Third, Bias and Discrimination Testing. Algorithmic systems must be subjected to rigorous testing to determine whether their outputs produce disproportionate adverse effects on particular groups. Such testing should go beyond technical accuracy and include an assessment of indirect discrimination, particularly in relation to constitutionally protected characteristics such as religion.

Fourth, Transparency and Explainability Mechanisms. Institutions deploying algorithmic systems must ensure that affected individuals are able to understand the basis of automated decisions. This includes providing meaningful explanations and ensuring that decision-making processes are not entirely opaque. The absence of explainability undermines accountability and limits the ability of individuals to challenge adverse outcomes.

Fifth, Human Oversight and Review. While automation may enhance efficiency, critical decisions affecting individual rights should remain subject to human review. This ensures that contextual factors, moral considerations, and equitable principles can be taken into account in ways that purely automated systems may not accommodate.

Sixth, Continuous Monitoring and Accountability. Algorithmic systems must be subject to ongoing evaluation to ensure that they continue to operate in a manner consistent with

constitutional standards. This includes periodic audits, regulatory oversight, and mechanisms for addressing grievances arising from algorithmic decisions.

The VBAIA framework is informed by, but distinct from, existing international regulatory approaches. The European Union Artificial Intelligence Act adopts a risk-based model that categorises artificial intelligence systems according to their potential impact on fundamental rights and imposes regulatory obligations on high-risk applications.²¹ Similarly, Canada's Algorithmic Impact Assessment requires public institutions to assess the potential social and legal implications of automated decision systems prior to deployment.²²

While these frameworks provide valuable guidance, they do not fully account for the socio-religious complexities characteristic of the Nigerian context. The VBAIA model therefore extends these approaches by explicitly integrating religious pluralism, cultural diversity, and constitutional norms into the governance of algorithmic systems.

By embedding constitutional values into the lifecycle of algorithmic development and deployment, VBAIA offers a context-sensitive regulatory approach capable of reconciling technological innovation with the normative foundations of the Nigerian legal order. It provides a practical mechanism through which policymakers, regulators, and institutions can ensure that artificial intelligence systems operate not only efficiently but also justly.

6. Judicial Oversight of Algorithmic Decision-Making

The increasing reliance on algorithmic systems in governance raises critical questions regarding the role of the judiciary in safeguarding constitutional rights. Courts have traditionally functioned as the primary guardians of fundamental rights, ensuring that legislative and executive actions remain consistent with constitutional norms. As algorithmic decision-making becomes more embedded in administrative and commercial processes, judicial oversight assumes heightened importance in preventing the erosion of constitutionally protected liberties.

One of the principal challenges associated with algorithmic governance is the difficulty individuals may encounter when attempting to challenge automated decisions. Many

²¹ European Union Artificial Intelligence Act, arts 6-9.

²² Treasury Board of Canada Secretariat, *Directive on Automated Decision-Making* (Government of Canada 2019) 6-9.

artificial intelligence systems operate through complex computational models that lack transparency and are difficult to interpret.²³ This opacity may hinder affected individuals from understanding the basis of decisions that significantly impact their rights or interests, thereby undermining access to justice and effective remedies.

Nigerian constitutional jurisprudence provides a strong foundation for judicial intervention in such contexts. The courts have consistently adopted a liberal and purposive approach in interpreting fundamental rights provisions. In *Director of State Security Service v Agbakoba*,²⁴ the Supreme Court emphasised that constitutional rights must be interpreted broadly in order to protect citizens against arbitrary state action. Similarly, in *Fawehinmi v Abacha*,²⁵ the Court reaffirmed that constitutional protections remain enforceable even where governmental actions appear to restrict or undermine such rights.

These decisions suggest that Nigerian courts possess both the authority and the institutional responsibility to scrutinise the legality of algorithmic decision systems where such systems affect constitutionally protected interests. For example, where automated credit scoring systems systematically disadvantage individuals based on patterns associated with religious practices or socio-economic behaviour, affected persons may invoke the constitutional guarantee against discrimination under section 42 of the Constitution.²⁶

Judicial oversight may also play a crucial role in ensuring procedural fairness in automated decision-making. Administrative law principles require that decisions affecting rights must be taken through fair procedures and must not be arbitrary, unreasonable, or ultra vires. Where decision-making authority is effectively delegated to algorithmic systems, courts may need to adapt these principles to ensure that automated processes remain subject to standards of fairness, transparency, and accountability.

In practical terms, this may require courts to insist on a degree of algorithmic explainability. Institutions deploying automated systems may be required to provide intelligible explanations of how decisions are reached, particularly where such decisions

²³ Jenna Burrell, 'How Machine Thinks: Understanding Opacity in Machine Learning Algorithms' (2016) 3(1) *Big Data & Society* 1, 3-5.

²⁴ *Director of State Security Services v Agbakoba* (1999) 3 NWLR (Pt 595) 314, 350-352.

²⁵ *Fawehinmi v Abacha* (2000) 6 NWLR (Pt 660) 228, 289-292.

²⁶ Constitution of the Federal Republic of Nigeria 1999 (as amended) s 42.

have significant legal or economic consequences. Without such explanations, the ability of individuals to challenge adverse decisions would be severely compromised.

Comparative developments in other jurisdictions demonstrate an emerging judicial willingness to engage with these issues. Courts have increasingly recognised that automated decision-making systems must not operate beyond the reach of legal accountability. This trend reflects a broader understanding that technological innovation must remain subordinate to fundamental legal principles.

In the Nigerian context, judicial oversight of algorithmic governance could take several forms. First, courts may require regulatory bodies and institutions to demonstrate that adequate impact assessments have been conducted prior to the deployment of high-risk algorithmic systems. Second, courts may scrutinise whether such systems have been tested for discriminatory outcomes that disproportionately affect constitutionally protected groups. Third, courts may insist on the availability of effective remedies for individuals adversely affected by automated decisions.

The proposed Value-Based Algorithmic Impact Assessment (VBAIA) framework may serve as an important tool in this regard. By providing a structured method for evaluating the constitutional and socio-cultural implications of algorithmic systems, VBAIA can assist courts in determining whether such systems comply with constitutional standards. Where institutions have failed to conduct adequate assessments, courts may be justified in subjecting algorithmic decisions to heightened scrutiny.

Ultimately, the effectiveness of Nigeria's emerging framework for artificial intelligence governance will depend not only on legislative and regulatory developments but also on the willingness of the judiciary to extend established constitutional principles to the domain of algorithmic decision-making. Through proactive judicial engagement, courts can ensure that the evolution of technological governance remains firmly anchored within the rule of law.

7. Conclusion and Policy Recommendations

The emergence of algorithmic governance represents a transformative development in contemporary legal and administrative systems. While artificial intelligence offers significant opportunities for enhancing efficiency, accuracy, and access to services, it also

introduces complex challenges that directly implicate constitutional rights and democratic accountability. In the Nigerian context, these challenges are further intensified by the country's socio-religious diversity and the central role that cultural practices play in shaping economic and social behaviour.

This article has demonstrated that the deployment of algorithmic systems within Nigeria cannot be treated as a purely technical or administrative matter. Rather, it must be understood as a constitutional issue requiring careful legal scrutiny. The analysis has shown that existing regulatory frameworks, particularly the Nigeria Data Protection Act 2023, provide important safeguards in relation to data privacy but do not adequately address the broader implications of automated decision-making systems.

By examining the interaction between algorithmic systems and constitutional rights—particularly the rights to privacy, freedom of religion, and protection from discrimination—this article has highlighted the risk that seemingly neutral technological processes may produce outcomes that are inconsistent with constitutional guarantees. The concept of algorithmic orthodoxy has been introduced to explain how automated systems may inadvertently impose normative assumptions that fail to reflect Nigeria's socio-cultural and religious realities.

The central contribution of this article is the development of the Value-Based Algorithmic Impact Assessment (VBAIA) framework. This model provides a structured and context-sensitive approach to regulating artificial intelligence systems by integrating constitutional values, socio-cultural considerations, and principles of accountability into the lifecycle of algorithmic development and deployment. Unlike existing regulatory approaches, VBAIA explicitly recognises the importance of aligning technological innovation with the normative foundations of the Nigerian constitutional order.

In addition, the article has emphasised the critical role of the judiciary in ensuring that algorithmic governance remains subject to constitutional oversight. Nigerian courts, drawing on established principles of fundamental rights enforcement and administrative law, are well-positioned to extend constitutional protections to the domain of automated decision-making. Through proactive judicial engagement, the courts can ensure that technological advancements do not undermine the rule of law.

Policy Recommendations

In light of the foregoing analysis, the following recommendations are proposed:

First, there is a need for comprehensive legislation on artificial intelligence governance in Nigeria. Such legislation should go beyond data protection to address issues relating to automated decision-making, algorithmic accountability, and impact assessment.

Second, regulatory authorities should adopt the Value-Based Algorithmic Impact Assessment (VBAIA) framework as a mandatory requirement for high-risk algorithmic systems. This would ensure that constitutional and socio-cultural considerations are integrated into the design and deployment of artificial intelligence technologies.

Third, institutions deploying algorithmic systems should be required to implement transparency and explainability mechanisms. Individuals affected by automated decisions must have access to meaningful explanations that enable them to understand and, where necessary, challenge such decisions.

Fourth, there is a need to strengthen judicial capacity in the area of digital governance and artificial intelligence. This may involve specialised training for judges and legal practitioners to enable them to effectively engage with the technical and legal complexities of algorithmic systems.

Fifth, policymakers and regulators should prioritise the development of locally grounded datasets and models that reflect Nigeria's socio-economic and cultural realities. This would reduce the risk of algorithmic bias arising from the use of foreign or non-representative data.

Finally, there is a need for multi-stakeholder engagement involving government agencies, private sector actors, civil society organisations, and academic institutions in the development of artificial intelligence governance frameworks. Such collaboration would promote inclusivity, legitimacy, and public trust in emerging technologies.

Final Closing Statement

In conclusion, the future of algorithmic governance in Nigeria will depend on the ability of legal institutions to adapt to the challenges posed by artificial intelligence while preserving the core values of the Constitution. By adopting a value-based and context-sensitive

approach to regulation, Nigeria can harness the benefits of technological innovation while ensuring that fundamental rights, religious freedom, and democratic accountability remain firmly protected.

Ultimately, the legitimacy of algorithmic governance in Nigeria will depend on its fidelity to constitutional values rather than mere technological efficiency. A failure to embed such values risks the emergence of a technologically sophisticated but normatively deficient governance order, incompatible with the ideals of justice, pluralism, and democratic accountability.