

TECHNOLOGY LAW

Technological innovation and the transformation of dispute resolution paradigms from alternative dispute resolution to online dispute resolution

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Introduction

Dispute resolution refers to the various methods through which conflicts and disagreements are settled. Traditionally, this has been achieved through litigation, which involves a formal judicial process before a court of law. However, over the past few decades, there has been an increasing shift towards Alternative Dispute Resolution (ADR) mechanisms, which include arbitration, mediation, and conciliation. ADR offered a flexible and cost-effective alternative to court proceedings. In recent years, a newer paradigm has emerged known as Online Dispute Resolution (ODR). ODR leverages digital platforms and technology to resolve disputes, often without requiring physical presence in the courtroom. It encompasses a wide array of tools such as video conferencing, e-filing systems, AI-based negotiation systems, and digital documentation to facilitate mediation, arbitration, and negotiation over the internet. The shift to ODR was accelerated by the demands of the digital economy and further intensified by the inadequacies of the traditional method of dispute resolution such as litigation, particularly its lengthy processes and high costs. Apalando noted that “many reasons are responsible for the adoption of online dispute resolution (ODR) but chief among them is the ease with which disputes can be resolved between parties who may be separated in time and space.”¹ Hall calls this transition to better avenues and tools, including technology for addressing disputes ‘a turn’ in our thinking about conflict resolution.²

The emergence of ODR has attracted considerable attention from scholars around the world. Yet, the existing literature on the state of ODR in Nigeria is very scarce. A contribution by Ayinla and Oniyide³ focuses on the regulation of ODR within Nigeria’s legal framework and explores the current absence of specific legislation regulating ODR in Nigeria. Adeleke and Saludeen discuss the role of ODR as an important mechanism during the COVID-19 pandemic in Nigeria and its potential to enhance the overall arbitration landscape in Nigeria.⁴ A more recent study by Adelodun and Nurudeen discusses how ODR has transformed access to justice in Nigeria in the aftermath of the COVID-19 pandemic and discusses the evolving legal and institutional landscape needed to support the integration of ODR into the Nigerian justice system.⁵ These studies, though valuable, focus on the absence of explicit legislation and regulatory frameworks tailored specifically for ODR in Nigeria and overlook the institutional and policy developments in ODR, as an alternative and complement to traditional dispute resolution mechanisms, across different jurisdictions. This oversight defines the critical research gap this study addresses.

This article argues that ODR represents the next frontier in the evolution of dispute resolution—an inevitable response to the demands of a digital economy. By conducting a comparative

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¹ Ishaq Obashola Apalando, *Legal Tech in Nigeria: Applications and Implications* (An Independent Report, August 2019) 20–21.

² Stuart Hall, ‘Stuart Hall and Sarat Maharaj: Modernity and Difference’ in S Campbell and G Tawadros (eds), *IV Annotations 6* (Institute of International Visual Arts, London 2001) 9.

³ LA Ayinla and T Oniyide, ‘Juridical Perspective on the Regulation of Online Dispute Resolution in Nigeria’ (2020) 7(2) *Islamic University Multidisciplinary Journal* 71–79.

⁴ Lateef A Adeleke and Suliati O Saludeen, ‘Online Dispute Resolution: Another Voice In’ (2023) 13(1) *University of Ibadan Law Journal* 255–282.

⁵ Yunus Adelodun and Mubarak Nurudeen, ‘Navigating the New Normal: Exploring the Impact of Online Dispute Resolution on Access to Justice in Post-COVID Nigeria’ (2024) 20(2) *Ohio State Technology Law Journal* 387–404.

analysis of ODR models in developed and developing jurisdictions, this study situates Nigeria's experience within the global discourse on digital justice transformation, identifying best practices and contextual challenges. The research adopts a doctrinal and methodology, examining legal frameworks, judicial reforms, and international policy instruments governing ODR. This study contributes to the ongoing discourse on Nigeria's judicial reform, particularly in light of the accelerating digital transformation in justice delivery precipitated by the COVID-19 pandemic.

A technological transition in dispute resolution

Nowadays, litigation which has hitherto been the traditional and principal method of resolving disputes is now being complemented by other methods of dispute resolution. Over time, litigation has become more time consuming, expensive, and an increase in the number of cases in courts have led to congestion and delay in the resolution of disputes. All these together with increasing globalisation have led to the development of more flexible means of resolving disputes which provide alternatives to court-based litigation: Alternative Dispute Resolution (ADR) and Online Dispute Resolution (ODR).

ADR refers to a set of practices, techniques, methods, or mechanisms utilised to resolve disputes without resort to costly adversarial litigation. According to Mnookin,⁶ It encompasses mediation, arbitration, and a variety of 'hybrid' processes by which a neutral facilitates the resolution of legal disputes without formal adjudication. Generally, ADR are methods and procedures used to resolve disputes either as alternatives to the traditional dispute resolution mechanism of the court or in some cases, as supplementary to such mechanism.⁷ In *Hasley v Milton Keynes General NHS Trust*,⁸ ADR was defined as a collective description of the methods of resolving disputes other than the normal trial process. These methods include negotiation, conciliation, mediation, arbitration, neutral evaluation, mini-trial, expert determination, and mediation-arbitration, otherwise known as Med-Arb. Each of these methods has its own specific procedural and enforcement regulations. In Nigeria, ADR enjoys constitutional backing as a means of settlement of disputes. The Constitution of the Federal Republic of Nigeria 1999 (as amended)⁹ provides for the settlement of international disputes by arbitration, mediation, conciliation, negotiation, and adjudication. The key statute governing ADR in Nigeria is the Arbitration and Mediation Act 2023 which repealed the Arbitration and Conciliation Act.¹⁰ This Act provides legal effect to arbitration agreements, sets rules for arbitration procedures, and ensures enforceability of arbitral awards. There is also the National Policy on Arbitration and Alternative Dispute Resolution 2024, which promotes the growth and practice of mediation, conciliation, and other ADR methods as viable alternatives to litigation in Nigeria. Furthermore, the Court Civil Procedure Rules in some jurisdictions now require parties to resort to some type of ADR, usually in the form of mediation, before permitting the parties' cases to be tried. The High Court (Civil Procedure) Rules of various Nigerian states also provide for reference of cases to ADR.¹¹ More so, the Rules of Professional Conduct for Legal Practitioners¹² mandates lawyers to attempt ADR before bringing any matter before the court for hearing. It suffices to mention that dispute resolution outside of courts is not new; traditional societies world-over have long used non-judicial, indigenous methods to resolve conflicts. What is new is the extensive promotion and proliferation of ADR models, wider use of

⁶ Robert H Mnookin, 'Alternative Dispute Resolution' (1998) *Harvard Law School John M. Olin Center for Law, Economics and Business Discussion Paper Series*, Paper 232, 1.

⁷ OJ Orojo and AM Ajomo, *Law and Practice of Arbitration and Conciliation in Nigeria* (Mbeyi & Associates (Nigeria) Limited 1999) 4.

⁸ (2004) EWCA Civ 576 (CA).

⁹ Constitution of the Federal Republic of Nigeria 1999 (as amended) s 19(d).

¹⁰ Cap A18, Laws of the Federation of Nigeria 2004.

¹¹ See High Court of the Federal Capital Territory (Civil Procedure) Rules 2018, Order 19; Lagos State High Court (Civil Procedure) Rules 2019, Order 28; and Imo State High Court (Civil Procedure) Rules 2017, Order 3 Rule 12; Order 25 Rule 6.

¹² Rules of Professional Conduct for Legal Practitioners 2023, r 15(3) (d).

court-connected ADR, and the increasing use of ADR as a tool to realise goals broader than the settlement of specific disputes.¹³

Although ADR is popular and has typically been the preferred alternative to litigation, ODR is a fast-emerging dispute resolution option. A virtual world where people interact and transact without meeting physically has been made possible by the internet and this led to the emergence of ODR. ODR has been explained as the link between the traditional ADR mechanisms such as arbitration, mediation, negotiation etc. and technology.¹⁴ The Organisation for Economic Co-operation and Development (OECD) Online Dispute Resolution Framework defines ODR as the use of digital technologies and data to support dispute settlement within and beyond the court system.¹⁵ In other words, ODR refers to all methods of resolving disputes using internet technologies without the need for the parties to be present for in-person court proceedings, effectively eliminating geographical and spatial barriers. To Arun, ODR involves the use of information technology to facilitate the application of traditional alternative dispute resolution mechanisms in cyberspace.¹⁶ In other words, it is ADR in an online format. However, the goal of ODR is not to create new ADR methods, but to transfer traditional approaches such as negotiation, mediation, and arbitration to a virtual environment.¹⁷ Thus, it is a modernised form of ADR and, as Mishra *et al* noted, may be considered to be the developed stage of ADR processes that involves technology to settle disagreements between disputants.¹⁸ Explaining this, Valchuk noted that a characteristic feature of ODR is the inclusion of a ‘fourth party’ in the resolution of the dispute: technology.¹⁹ One of the main advantages of ODR is that it encourages the use of recently developed technology, such as artificial intelligence (AI), in the legal sector, which could eventually help us to decrease the backlog of pending cases in our courts.²⁰

The role of technology in mediating communication between parties is seen as the main difference between ODR and other methods of dispute resolution. Thus, the idea of ODR emerged from the synergy involving ADR and ICT as a method of resolving disputes arising online and for which the traditional physical means of dispute resolution were inefficient or unavailable.²¹ It is important to note that ODR was not developed for the specific purpose of challenging or replacing an existing legal process; rather it began as a response to a growing number of disputes that originated in the online space and the subsequent need for a mechanism by which to resolve these disputes.²² ODR was initially used in commercial settings, such as disagreements between buyers and sellers on websites like eBay. In recent years, however, it has been adopted by courts to assist in processing cases.²³ Today ODR is being used in both the private and the public spheres, resolving diverse conflicts. It is being used to resolve consumer complaints, family law disputes, tax law matters, and insurance claims, with different

¹³ Scott Brown, Christine Cervenak and David Fairman, *Alternative Dispute Resolution: Practitioners Guide* (Center for Democracy and Governance March 1998) 5.

¹⁴ Aashit Shah, ‘Using ADR to Resolve Online Disputes’ (2004) 10(3) *Richmond Journal of Law and Technology* 1-14, 8.

¹⁵ OECD, *OECD Online Dispute Resolution Framework* (2024) 10.

¹⁶ Arun Raghu, ‘The Legal Challenges Facing Online Dispute Resolution: An Overview’ *Galexia* (August 2006) <http://www.galexia.com/public/research/articles/research_articles-art42.html> accessed 3 November 2025.

¹⁷ Nazarii Valchuk, *Potential and Challenges of Online Dispute Resolution for Courts* (An unpublished master’s Thesis, Department of Private Law, Vilnius University Faculty of Law 2023) 8.

¹⁸ Ashutosh Mishra, Madhuri Kharat, Ajay Sonawane, Shruti Shukla and Suraj Kumar Maurya, ‘Online Dispute Resolution: A Modern Art of Adjudication’ (2024) 5(1) *ShodhKosh: Journal of Visual and Performing Arts* 2236–2242, 2237.

¹⁹ Nazarii Valchuk (n 17) 8.

²⁰ Muhammad Sohail Asghar, Hafsa Naz, Hamid Mukhtar and Kashif Mahmood Saqib, ‘Online Dispute Resolution (ODR) in Pakistan’ (2023) XI (4) *Russian Law Journal* 787-793, 788.

²¹ Ethan Katsh, ‘The Online Ombuds Office: Adapting Dispute Resolution to Cyberspace’ <<https://www.umass.edu/dispute/ncair/katsh.htm>> accessed 3 November 2025.

²² Ethan Katsh, ‘Online Dispute Resolution: Some Implications for the Emergence of Law in Cyberspace’ (2007) 21(2) *International Review of Law, Computers & Technology* 97-107, 97.

²³ American Bar Association, ‘Online Dispute Resolution in the United States’ <https://www.americanbar.org/groups/centers_commissions/center-for-innovation/online-dispute-resolution-in-us/> accessed 3 November 2025.

jurisdictions choosing to use it in different ways. ODR is finding use in private and public institutions, being recognised by companies, governments and international organisations.²⁴ Importantly, ODR covers a multiplicity of techniques. Lipsky and Avgar²⁵ noted that “ODR is not a single phenomenon but in fact an umbrella term for a wide array of dispute resolution procedures and technological tools.”

Evolution and integration of online dispute resolution into formal legal systems

The history of online dispute resolution can be traced back to the early 1990s, with the rise of e-commerce and the increased use of the internet for communication and transactions. As more and more people began to interact and conduct business online, disputes inevitably arose. Traditional dispute resolution mechanisms, such as courts and arbitration, were often slow, expensive, and complex, and were not well-suited to resolving low-value and cross-border disputes.²⁶ In the first few years of ODR, platforms, such as eBay and PayPal, learned to utilise forms or structured templates to collect cases from users, and then developed software to process the data and manage the conversation as the dispute progressed.²⁷

The first-ever ODR platform was introduced by eBay (originally called Auction Web) in March 1999. eBay was founded in 1995 as an online marketplace. As soon as the company began operating, complaints began to come in about the transactions and eBay founder Pierre Omidyar was unwilling to resolve these disputes on his own. When receiving complaints via email, Omidyar himself responded to the buyer and seller, encouraging them to figure it out on their own. This approach, as Serhii noted, was very primitive and did not meet the needs of the participants in trade relations.²⁸ Due to the lapses, a ‘feedback rating’ system was created, where the parties to the transaction could leave positive feedback or criticise each other. This allowed users to gain a reputation by establishing a level of trust in the use of this online platform, reducing the risk of unfair and fraudulent trading transactions and, as an effort, reducing the number of disputed transactions.²⁹ Unfortunately, these actions did not lead to the desired result. In response to the growing number of disputes between vendors and purchasers, eBay, which already had 700,000 users and 1.5 million products, developed a simplistic ODR platform in mid-March 1999. A link was posted on eBay’s customer service page informing users that they could get help with transaction-related disputes by clicking on the link and filling out a complaint form that was sent to an experienced mediator.³⁰ The ODR platform was an early form of online mediation which involved one party filling in text boxes, selecting choices from drop-down menus, and ranking options generated by the system, which was then emailed to the other party for that party to do the same.³¹ If the dispute was not resolved automatically through the choices selected and the ranking of the options, the dispute was referred to a human mediator who would use typical mediation techniques via asynchronous email to attempt to resolve the conflict.³² Thus, the initial form of ODR adopted by eBay was a hybrid ODR system which used a mixture

²⁴ Robin Cupido, ‘Online Dispute Resolution as Legal Disruption: What Effect Could It Have on the South African Dispute Resolution Landscape?’ (2024) 27 *PER / PELJ* 1–33, 17.

²⁵ David B Lipsky and Ariel C Avgar, ‘Online Dispute Resolution through the Lens of Bargaining and Negotiation Theory: Toward an Integrated Model’ (2006) 38 *University of Toledo Law Review* 47–88, 48.

²⁶ Unnaty & Aaryushi Goyal, ‘The Evolution and Effectiveness of Online Dispute Resolution (ODR) Platforms: A Comprehensive Analysis of ADR in the Digital Age’ (2023) 3(5) *Indian Journal of Integrated Research in Law* 1–26, 3.

²⁷ Darin Thompson, ‘The Growth of Online Dispute Resolution and Its Use in British Columbia’ <<http://darinthompson.ca/about/the-growth-of-online-dispute-resolution-and-its-use-in-british-columbia/>> accessed 5 November 2025.

²⁸ Kravtsov Serhii, ‘Online Dispute Resolution—From Origins to the Present’, (2024) 14(2) *Juridical Tribune – Review of Comparative and International Law* 243–259, 246.

²⁹ Adam Cohen, *The Perfect Store: Inside eBay* (Back Bay Books 2003) 27.

³⁰ Ethan Katsh, Janet Rifkin and Alan Gaitenby, ‘E-commerce, e-disputes, and e-dispute resolution: in the shadow of “eBay Law”’ (2000) 15 *Ohio State Journal on Dispute Resolution* 705–735, 705. <<http://www.umass.edu/cyber/katsh.pdf>> accessed 5 November 2025.

³¹ Robert J Condlin, ‘Online Dispute Resolution: Stinky, Repugnant, or Drab’ (2016) *Francis King Carey School of Law Legal Studies Research Paper No 2016–40, University of Maryland* 8.

³² *Ibid.*

of text-based mediation and blind bidding designed to resolve online disputes.³³ The eBay system allows buyers and sellers to resolve their disputes online, without having to go to court. Through ODR, eBay successfully resolved 50 per cent of their registered consumers' disputes. According to a study,³⁴ eBay's ODR service now settles approximately 60 million disputes per year. Inspired by the success of eBay's ODR, many other tech-driven companies such as Alibaba, PayPal, and Amazon also took such initiatives.

These early forms of ODR were relatively simplistic, largely constrained by the limited abilities of artificial intelligence (AI), technological capability, and human familiarity with the internet. The early ODR systems can be said to be 'first generation' systems, with technology merely used as equipment, without having autonomy or a major role in the dispute resolution process.³⁵ As technological capabilities increased, ODR also expanded in ability and reach.³⁶ Second generation ODR systems moved beyond primarily using the internet as a communication tool, and towards using ODR as a method of dispute resolution that uses a virtual location, and proactively assists parties to resolve disputes in ways that goes beyond facilitating the exchange of information.³⁷ Second generation ODR can go beyond solving disputes that arose online to address disputes that originated offline. In the initial stages of the development of ODR, the main emphasis was placed on online ADR, but in modern times online litigation is also gaining importance. Today, we are witnessing the emergence of second-generation online courts, which do not just adapt the traditional court process to the online environment, but create innovative, hybrid dispute resolution systems.³⁸ For clarity, the term 'online courts' do not refer to traditional courts which integrate technology such as video witness reports or e-discovery into their usual court processes, but rather courts which operate fully online, without a physical presence.

With the growth of internet technologies, online courts have grown. Australia, for instance, has had an e-Courtroom system since 2001, which allowed parties to send documents and exchange information online. In Great Britain, the 'Money Claim Online' service was launched, which allowed online filing of lawsuits for the collection of monetary debts. One of the pioneering initiatives in this direction is Canada's Civil Resolution Tribunal (CRT), a fully online tribunal for low-value civil claims, launched in 2015 and regulated under the Civil Resolution Tribunal Act 2012.³⁹ The tribunal has jurisdiction over claims under 25,000 Canadian dollars related to debt, damages, and recovery of personal property, and uses a three-tier ODR service from negotiation, through to mediation and finally adjudication. The main purpose of the CRT is to facilitate the peaceful resolution of the dispute by the parties at the early stages; but if this is not achieved, the court enters to consider the case.⁴⁰ The CRT has been described as "the first full integration of ODR into a formal court system."⁴¹

Initially used for resolving e-commerce disputes on platforms like eBay, ODR has evolved into a sophisticated ecosystem, capable of handling commercial, consumer, family, and even civil disputes. Today, countries are integrating ODR into formal legal systems, a move accelerated by

³³ Charlotte Austin, *Online Dispute Resolution: An Introduction to Online Dispute Resolution (ODR), and Its Benefits and Drawbacks* (Report for the Government Centre for Dispute Resolution, Victoria University of Wellington, New Zealand, February 2017) 4.

³⁴ Online Dispute Resolution Advisory Group, *Online Dispute Resolution for Low Value Civil Claims* (Report by the UK Civil Justice Council, February 2015) 11.

³⁵ Davide Carneiro, Paulo Novais, Francisco Andrade, John Zeleznikow, and José Neves, 'Online Dispute Resolution: An Artificial Intelligence Perspective' (2014) 41(2) *Artificial Intelligence Review* 211-240, 215.

³⁶ Charlotte Austin (n 33) 5.

³⁷ Davide Carneiro, Paulo Novais, Francisco Andrade, John Zeleznikow, and José Neves, 'Using Case-Based Reasoning and Principled Negotiation to Provide Decision Support for Dispute Resolution' (2013) 36(3) *Knowledge and Information Systems* 789-826, 814.

³⁸ Nazarii Valchuk (n 17) 9.

³⁹ Online Dispute Resolution Advisory Group (n34) 12

⁴⁰ Nazarii Valchuk (n 17) 10.

⁴¹ Noam Ebner and John Zeleznikow, 'No Sheriff in Town: Governance for Online Dispute Resolution' (2016) 32(4) *Negotiation Journal* 297-323, 300.

the COVID-19 pandemic.⁴² Following the outbreak of COVID-19, one of the measures put in place to reduce the widespread of the disease was a full lockdown, which led to the closure of public places, including churches, hospitals, schools, markets, and ultimately, the courts—only urgent matters were heard. The pandemic, however, served as a catalyst for the digital transformation of justice delivery. For instance, in response to the COVID-19 pandemic, the Chief Judge of Lagos State, Justice Kazeem Alogba introduced the Lagos State Judiciary Remote Hearing of Cases (COVID-19 Pandemic Period) Practice Direction, which took effect on 4 May 2020. This directive enabled the remote hearing of urgent and time-sensitive cases via electronic platforms such as Zoom, Skype, Google Meet, or other approved video conferencing tools. The growing reliance on technology in justice delivery has inspired international recognition and regulation of ODR. The United Nations Commission on International Trade Law (UNCITRAL), in its 49th session in 2017, adopted the Technical Notes on Online Dispute Resolution. This model involves three stages with the use of the ODR platform: negotiation, settlement, and the final verdict on the dispute by a neutral arbitrator. Similarly, the Association of Southeast Asian Nations (ASEAN) has encouraged member nations to introduce ODR platforms to resolve e-commerce related disputes among member nations that could be resolved more efficiently and quickly.⁴³ In Latin America, Brazil developed an ODR platform as part of its effort to modernise dispute resolution.⁴⁴ Likewise, the American Arbitration Association (AAA), the largest organisation in the United States for business-to-business dispute resolution, has established its Electronic Commerce Group project to provide dispute resolution in online marketplaces globally in response to the expansion of ODR and e-commerce disputes. China is the latest to unveil a fully online ‘cyberspace court’ with three locations in Beijing, Hangzhou, and Guangzhou. These courts use technology for virtual proceedings to resolve a range of internet-based disputes, such as those involving e-commerce, online contracts, and copyright infringement. The jurisdiction of the internet courts has been expanded to include data ownership, privacy protection, virtual property infringement, and unfair competition in cyberspace.⁴⁵ These internet courts leverage technology for virtual hearings and to process cases entirely online, from filing to judgment.

Mechanisms and modalities of online dispute resolution

ODR mechanisms are digital versions of traditional ADR methods, adapted to use information and communication technology. While ODR uses the traditional methods of ADR, it modifies this with the needs of the present times thereby making them more effective.⁴⁶ ODR mechanisms consist of the following:

Online negotiation

Online negotiation is the first and simplest form of ODR where parties use electronic means to negotiate directly without face-to-face interaction, saving time and costs. It involves parties communicating via e-mail or other online platforms to reach a settlement themselves. It basically covers an exchange of views and proposals regarding the dispute, when parties want to settle disputes outside the court.⁴⁷ The process is informal, and there is no need or intervention of the third party unless the negotiation fails. Instead of the third-party role played by a human, it is technology that plays an important role in the resolution of disputes among the parties. The technology helps by asking the parties various questions and also suggesting answers and sends reminders as well.⁴⁸ E-commerce platforms like eBay and Amazon use automated negotiation

⁴² Tejas Gupta, ‘Dispute Resolution in a Digital Age: Challenges and Opportunities’ (2025) *Social Science Research Network*, 2 <<https://ssrn.com/abstract=5339274>> accessed 5 November 2025.

⁴³ ASEAN, *ASEAN Strategic Action Plan on Consumer Protection (ASAPCP) 2016-2025* (2025).

⁴⁴ <https://consumidor.gov.br>.

⁴⁵ Cao Yin, ‘New Regulation Adjusts Jurisdiction of Internet Courts’, *China Daily* (October 2025)) <https://www.chinadaily.com.cn/a/202510/11/WS68ea1b16a310f735438b46c5.html> accessed 7 November 2025.

⁴⁶ Dev Sareen, ‘Online Dispute Resolution: Application and Challenges’ (2018) 1(5) *International Journal of Law Management & Humanities* 1-6, 2.

⁴⁷ Ashutosh Mishra (n18).

⁴⁸ Dev Sareen (n46).

systems that help buyers and sellers resolve complaints such as non-delivery or defective goods. Negotiation is fast, inexpensive, and convenient. However, it may fail if parties are not cooperative or lack negotiation skills, leading to escalation into mediation or arbitration.

Online mediation: Online mediation or facilitated settlement is a voluntary mediation proceeding conducted over the internet with the assistance of a human third party. Online mediation has similarities and differences with conventional mediation. For instance, as in traditional forms of mediation, the online mediator is a neutral, impartial third party who works with the disputants facilitating communication between them and assists them in reaching an amicable settlement. The mediator has no decision-making power but acts only as a facilitator for the dispute resolution. In ODR, the process is conducted entirely or partially online. Parties need not meet physically which makes the process very fast, and they have no link with the mediator personally or physically which ensures that the mediator remains neutral and impartial.⁴⁹ Online mediation may be synchronous (e.g. real-time video conferencing) or asynchronous (e.g. email exchanges over time). Presently, mediation services are rendered by a number of online service providers globally. Square Trade, the world's leading service provider has solved a number of disputes through e-mediation across 120 countries and conducted procedures in five different languages.⁵⁰ This has led to online mediation becoming a headway in all countries of the world. Some notable online mediation platforms for dispute resolution include eBRAM Online Mediation Platform,⁵¹ JAMS Virtual Mediation Services,⁵² and Immediation.⁵³ Similarly, many national ODR centres, such as the Singapore Mediation Centre and ODReurope, conduct online mediation sessions for commercial and consumer disputes. Over and above the advantages of ODR like convenience, cost-effectiveness, and time efficiency, online mediation offers a number of unique benefits. One significant advantage is that parties can easily engage the services of mediators or experts from any part of the world who possess specialised knowledge relevant to their dispute. This global accessibility is rarely possible in traditional, face-to-face mediation. It is more dynamic and flexible, aligning with the demands of the digital age. A major drawback of this method is technological disruptions like poor internet connectivity, which can disrupt communication, and potential breaches of confidentiality due to the challenges in controlling the remote environment. These factors can reduce the effectiveness of the mediation compared to in-person sessions.

Online arbitration

Arbitration is a process in which a matter is referred to an arbitrator or tribunal, which gives a decision after hearing the parties' case and examining evidence produced by parties to support their case. Online arbitration is the most formal type of ODR, closely resembling traditional arbitration but with the additional feature that all communications and procedures are conducted electronically. In other words, it is an arbitration proceeding conducted over the internet with the assistance of a human third party. In ODR, the focus is how to utilise the ICT in arbitration, replacing physical presence with digital communication. During online arbitration, evidence, submissions, and hearings are exchanged and conducted through secure electronic platforms. As with traditional arbitration, the parties must have an express agreement to arbitrate, and the online arbitrator must be a neutral, impartial third party in order to direct the proceedings and settle the dispute by delivering an award, which is binding on the parties. Online arbitration is gaining prominence. The AAA and International Chamber of Commerce now provide online arbitration services for commercial and cross-border disputes. Mishra *et al*⁵⁴ provided two major reasons online arbitration remains promising. The first is due to the ineffectiveness of offline arbitration. Secondly, because adjudication in court systems is not often operative because of the clash between the territoriality of courts and the global nature of cyberspace. Yet, its limitation lies in

⁴⁹ Ashutosh Mishra (n18) 2238.

⁵⁰ Ibid.

⁵¹ eBRAM Online Mediation Platform: <https://www.ebram.org/>.

⁵² JAMS Virtual Mediation Services: <https://www.jamsadr.com/>.

⁵³ Immediation: <https://www.immediation.com/>.

⁵⁴ Ashutosh Mishra (n 18) 2239.

the fact that it may be costly compared to other ODR forms, and confidentiality or enforcement of the award may raise jurisdictional questions.

Online dispute resolution mechanisms generally fall into three main types discussed above. However, these methods are sometimes combined in a hybrid approach, where disputes proceed from negotiation to mediation and then to arbitration if it remains unresolved.

International policy instruments governing online dispute resolution

International policy instruments governing ODR are legal and regulatory frameworks designed to provide legitimacy, enforceability, and procedural clarity for resolving disputes online. The key international frameworks are discussed below.

OECD guidelines for consumer protection in the context of electronic commerce

The Organisation for Economic Cooperation and Development (OECD) published the *Guidelines for Consumer Protection in the Context of Electronic Commerce* in 1999. The Guidelines were developed by the OECD Committee on Consumer Policy to protect consumers engaged in electronic commerce. They provide a comprehensive framework to assist bodies such as governments, businesses, consumer groups, and self-regulatory bodies in promoting effective consumer protection in electronic commerce.⁵⁵ These Guidelines encourage businesses, consumer representatives and governments to work together to provide consumers with meaningful access to fair and timely alternative dispute resolution and redress, without undue cost or burden.⁵⁶ Special attention is given to cross-border transactions and to the innovative use of information technologies in implementing ADR systems. The OECD's Guidelines were later adopted by the G8 in the Okinawa Charter on the Global Information Society, 2000, which says that extra-judicial dispute resolution mechanisms are a way of solving problems related to consumer recourse in cyberspace. Additionally, the European Union and the United States renewed their support for the OECD's Guidelines at the 2000 Summit.⁵⁷

The OECD Guidelines were officially updated and replaced by the *Recommendation of the Council on Consumer Protection in E-commerce* published in 2016 to reflect developments and new challenges in e-commerce since 1999. Special emphasis was placed on out-of-court dispute resolution mechanisms to ensure meaningful access to fair, easy-to-use, transparent and effective mechanisms to resolve domestic and cross-border e-commerce disputes in a timely manner and obtain redress, as appropriate, without incurring unnecessary cost or burden.⁵⁸ The Recommendations specifically provide that consumers should have access to ADR mechanisms, including online dispute resolution systems, to facilitate the resolution of claims over e-commerce transactions.⁵⁹

OECD online dispute resolution framework

This is a more recent policy paper released in 2024. Recognising the potential for ODR to transform justice services towards increased accessibility and people-centredness, the OECD ODR Framework offers comprehensive guidance to countries on integrating ODR and improving the seamless transfer of information across various dispute resolution mechanisms.⁶⁰ It considers opportunities associated with ODR for access to justice. The Framework is built on three pillars:

⁵⁵ Kananke Chinthaka Liyanage, 'The Regulation of Online Dispute Resolution: Effectiveness of Online Consumer Protection Guidelines' (2012) 17(2) *Deakin Law Review* 251-282, 256.

⁵⁶ Sree Krishna Bharadwaj H. A, 'Comparative Analysis of Online Dispute Resolution Platforms' (2017) 2(3) *American Journal of Operations Management and Information Systems* 81-85, 85.

⁵⁷ Ibid.

⁵⁸ Recommendation on Consumer Protection in E-commerce 2016, para 43.

⁵⁹ Recommendation on Consumer Protection in E-commerce 2016, para 45.

⁶⁰ OECD, *OECD Online Dispute Resolution Framework* (OECD Publishing 2024) 5
<<https://doi.org/10.1787/325e6edc-en>> accessed 7 November 2025.

governance, policy levers, and ethics and safeguards. According to the OECD,⁶¹ governance focuses on the need for a strategic approach to dispute resolution to create a more cost-effective, efficient system that is agile and responsive to the evolving needs of people and businesses, which should embed digital technologies and data throughout all stages of the dispute resolution continuum. Policy levers provide an in-depth overview of the foundational aspects of ODR, emphasising the need to develop a robust legal and regulatory framework to govern ODR and its implementation while ethics and safeguards highlight the fundamental importance of ethical standards and safeguards for ODR to ensure fairness, accountability and transparency on the use of data in justice. Altogether, the three pillars provide a foundation to guide countries in implementing ODR coherently across the justice system and in improving the seamless transfer of information between various dispute resolution mechanisms.⁶² Some OECD countries have taken concrete steps to implement ODR for in-court and out-of-court dispute settlement.

UNCITRAL Technical Notes on Online Dispute Resolution

The UNCITRAL Technical Notes on Online Dispute Resolution are a set of non-binding, descriptive guidelines adopted by the United Nations Commission on International Trade Law (UNCITRAL) at its 49th session in 2016. UNCITRAL is the core legal body of the United Nations in the field of international trade law. Its mandate is to remove legal obstacles to international trade by progressively modernising and harmonising trade law. The Technical Notes on ODR are designed to contribute to the development of ODR systems, so as to enable the settlement of disputes arising from cross-border low-value sales or services contracts concluded using electronic communications without physical hearings.⁶³ It explains that this is because traditional judicial mechanisms for legal recourse may not offer an adequate solution for cross-border e-commerce disputes.⁶⁴ UNCITRAL noted that it adopted the Technical Notes as a result of “the sharp increase in online cross-border transactions has raised a need for mechanisms for resolving disputes that arise from such transactions, and recognizing also that one such mechanism is online dispute resolution.”⁶⁵ The Notes emphasise principles like impartiality, transparency, efficiency, and data security while outlining three key stages: negotiation, mediation, and arbitration.

Although non-binding, the UNCITRAL Technical Notes on Online Dispute Resolution have influenced laws in over 50 countries by encouraging the adoption of technology-driven dispute resolution systems tailored to low-value cross-border sales or service contracts.⁶⁶ UNCITRAL’s initiative underscores the importance of developing accessible ODR platforms that cater to both developed and developing economies while addressing issues like enforceability and neutrality in international disputes. This global framework has significantly advanced the adoption of ODR worldwide.

Comparative analysis of online dispute resolution implementation in selected jurisdictions

ODR is gradually becoming an indispensable part of the legal landscape. The focus of this section is to examine how the concept and practice of ODR have evolved across selected jurisdictions, illustrating its impact on modern legal systems.

⁶¹ OECD (n60) 7.

⁶² OECD (n 60) 8.

⁶³ UNCITRAL Technical Notes on Online Dispute Resolution 2017, para 5.

⁶⁴ UNCITRAL Technical Notes on Online Dispute Resolution, para 8.

⁶⁵ UNCITRAL Technical Notes on Online Dispute Resolution, vii.

⁶⁶ Dhatri Singh and Kalpana Devi, ‘Online Dispute Resolution (Odr): A Paradigm Shift in Access to Justice’, (2025) 7(2) *International Journal for Multidisciplinary Research* 1-10, 5.

Online dispute resolution in the United States

Online Dispute Resolution has gained significant traction in the United States (US). Building on the momentum toward digitisation, US courts have joined the bandwagon by adopting ODR and developing e-courts. Many jurisdictions in the US are experimenting with ODR, with some launching ambitious small claims e-courts seeking to replace in-person hearings. Several states, like Texas, New York, and Utah mandate or encourage ODR for certain disputes, like consumer complaints.⁶⁷ Over 100 federal district and bankruptcy courts have adopted online filing and dispute resolution systems. According to the Federal Court Management Statistics for March and June 2025 published by the United States Courts, extensive use of electronic case filing and management systems spans all 94 US district courts and numerous bankruptcy courts, confirming widespread ODR adoption in the federal judiciary.⁶⁸ At the same time, groups such as the American Bar Association, the International Council for Online Dispute Resolution, and the National Center for Technology and Dispute Resolution are developing standards and best practices to institutionalise ODR.

The AAA has resolved over 1.1 billion cases with ODR.⁶⁹ These cases span across multiple industries and sectors, including consumer and commercial disputes, workplace and employment issues, debt and financial claims, insurance and healthcare matters, and traffic, family, property, monetary, and civil cases. The NCTDR issued the first Online Dispute Resolution Standards in 2009 and in 2016, it presented a set of Ethical Principles for ODR. The ICODR issued updated ODR Standards in 2017, which were based on the NCTDR 2009 Standards and Ethical Principles. The iteration of these ODR Standards was collaboratively developed by NCTDR and ICODR in April 2022 in response to the developments in technology, ODR, and their application expansion. The aforementioned developments reveal that ODR has moved beyond experimental use in the United States and its expanding role as a credible complement to traditional dispute resolution mechanisms.

Online dispute resolution in India

India's justice system faces a crisis of delay, with approximately 53.4 million cases pending nationwide across all levels of courts as of September 2025. This includes about 47 million cases pending in district and subordinate courts, around 6.38 million cases pending in High Courts, and about 88,000 cases pending before the Supreme Court of India.⁷⁰ As a matter of fact, India has one of the largest number of pending court cases in the world.⁷¹ Traditional courts, designed for physical adjudication, struggle to meet modern demands, prompting a shift towards ADR. Within this framework, ODR has gained prominence, especially post-COVID-19.⁷² The COVID-19 pandemic served as a catalyst for ODR's growth in India. Courts turned to virtual hearings to avoid systemic collapse during lockdowns.⁷³ The Supreme Court of India has been instrumental in carving out space for ODR. Indian judicial precedents bolster ODR's legitimacy. In *Shakti*

⁶⁷ Olamiji Ogun, 'The Rise and Rise of Online Dispute Resolution (ODR) in a Post-Pandemic World: Short Lessons for Nigeria' *LinkedIn* (12 February 2024) <<https://www.linkedin.com/pulse/rise-online-dispute-resolution-odr-post-pandemic-world-olamiji-ogun-hpe1f>> accessed 7 November 2025.

⁶⁸ See United States Courts, Federal Court Management Statistics, March 2025 <<https://www.uscourts.gov/data-news/reports/statistical-reports/federal-court-management-statistics/federal-court-management-statistics-march-2025>> and Federal Court Management Statistics, June 2025 <<https://www.uscourts.gov/data-news/reports/statistical-reports/federal-court-management-statistics/federal-court-management-statistics-june-2025>>

⁶⁹ The American Arbitration Association, 'Online Dispute Resolution', <<https://www.adr.org/odr/>> accessed 10 November 2025.

⁷⁰ Pradeep Thakur, 'Why Are 5.3cr Cases Pending in Indian Courts? Missing Lawyers & Witnesses, Long Stays...' *The Times of India* (New Delhi, 28 Sep 2025) <<https://timesofindia.indiatimes.com/india/why-are-5-3cr-cases-pending-in-indian-courts-missing-lawyers-witnesses-long-stays/articleshow/124187297.cms>> accessed 10 November 2025.

⁷¹ NDTV, 'India Has World's Largest Backlog of Court Cases: PM' (16 August 2009) <<https://www.ndtv.com/india-news/india-has-worlds-largest-backlog-of-court-cases-pm-399857>> accessed 10 November 2025.

⁷² Vidhi Centre for Legal Policy, *ODR: The Future of Dispute Resolution in India* (2020) 12.

⁷³ Dhatri Singh (n 66) 2.

*Bhog v Kola Shipping*⁷⁴ and *Trimex International v Vedanta Aluminium Ltd*,⁷⁵ the Supreme Court upheld online arbitration, signalling judicial acceptance of digital processes. In the case of *State of Maharashtra v Praful B. Desai*,⁷⁶ the court upheld the validity of videoconferencing as a mode for taking evidence and testimony of witnesses, remarking that virtual reality is the actual reality.

In a more recent case, *M/S Meters and Instruments Pvt. Ltd. v Kanchan Mehta*,⁷⁷ the Supreme Court observed that there was a need to consider categories of cases which can be partly or entirely concluded ‘online’ without physical presence of the parties and recommended the resolution of simple cases like those concerning traffic challans and cheque bouncing. This followed its earlier decision in *Grid Corporation of Orissa Ltd. v AES Corporation*⁷⁸ where the court held: “When an effective consultation can be achieved by resort to electronic media and remote conferencing, it is not necessary that the two persons required to act in consultation with each other must necessarily sit together at one place unless it is the requirement of law or of the ruling contract between the parties.”

The Indian judiciary’s efforts in setting the foundation for ushering in ODR into the country is augmented by technology-enabling statutes, though no standalone ODR legislation exists as of November 2025. Instead, ODR is supported and regulated indirectly through existing laws that facilitate electronic transactions, ADR, and consumer protection. Section 43(d) of the Arbitration and Conciliation Act 1996, amended in 2019, explicitly recognises electronic arbitral proceedings in line with UNCITRAL Model Law standards. The Information Technology Act, 2000 further accords recognition to digital records and signatures under sections 4, 5, 10(a), and 11–15 to provide validity to electronic contracts.⁷⁹ Similarly, the Evidence Act⁸⁰ allows electronic records as evidence before a court. On the policy front, NITI Aayog’s ODR Policy Plan 2023 proposes a transformative three-tiered ecosystem to scale dispute resolution. Tier 1 focuses on AI-driven negotiation for low-value disputes (e.g. e-commerce refunds), tier 2 employs human-assisted mediation for complex cases (e.g. contractual disagreements), and tier 3 utilises arbitration with enforceable awards for high-stakes commercial disputes.⁸¹ This framework aims to integrate technology at every stage, from dispute avoidance to resolution. Generally, India’s legal and legislative frameworks are largely ODR-conducive. The Online Consumer Mediation Centre, of National Law School of India University, which was sponsored by the Ministry of Consumer Affairs, targets resolution of consumer disputes both through physical as well as online mediation. Independent private ODR service providers have also been set up in India for the development of technology and increase in capacity to resolve disputes online. Their services currently range from online consultation to online arbitration and mediation.⁸² Organisations such as Sama, Centre for Online Resolution of Disputes, Presolv360, Centre for Alternative Dispute Resolution etc. provide dedicated ODR services. Further, organisations like Centre for Mediation and Conciliation set up by Bombay Chamber of Commerce have been conducting remote mediations before and during the pandemic.⁸³ India has also ratified the UN Convention on Mediation 2018 towards passing mediated settlement agreements, a step that is set to enhance the legitimacy of online mediation.⁸⁴

⁷⁴ (2009) 2 SCC 134.

⁷⁵ (2010) 1 SCALE 574.

⁷⁶ (2003) 4 SCC 601.

⁷⁷ (2018) 1 SCC 560.

⁷⁸ (2003) 4 SCC 601.

⁷⁹ Vidhi Centre for Legal Policy (n72) 26.

⁸⁰ Indian Evidence Act 1872, s 65(a) (b).

⁸¹ Dhatri Singh (n66) 5. See also Ananta Chopra, ‘Revolutionizing Justice: NITI Aayog’s ODR Blueprint for India’, *NLIU LAW REVIEW* (23 October 2024) <<https://nliulawreview.nliu.ac.in/blog/revolutionizing-justice-niti-aayogs-odr-blueprint-for-india/>> accessed 10 November 2025.

⁸² Vidhi Centre (n72) 28.

⁸³ Ibid.

⁸⁴ Narendra Kumar, ‘Online Dispute Resolution (ODR) in E-Commerce: Effectiveness and Challenges’, *Vintage Legal* <<https://www.vintagelegalvl.com/post/online-dispute-resolution-odr-in-e-commerce-effectiveness-and-challenges>> accessed 12 November 2025.

Online dispute resolution in the United Kingdom

In recent years, the UK legal system has undergone a quiet but far-reaching transformation. Traditional courtrooms are no longer the only venue for resolving civil disputes; instead, ODR has emerged as a viable and increasingly preferred alternative. The UK has fully embraced the use of ODR through its court system as an alternative to resolving disputes through the internet in a bid to modernise the justice system. Initiatives such as the HM Courts and Tribunals Service (HMCTS) Reform Programme, supported by legislation like the Courts and Tribunals (Online Procedure) Act 2019, have laid the groundwork for digital transformation. The Act enables the creation of online rules for certain civil, family, and tribunal proceedings, paving the way for digital-first services.⁸⁵ It has also adopted the Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015 of the European Union (EU), which amend the original Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 to implement and align with Regulation (EU) No 524/2013 on ODR for consumer disputes.

ODR is currently being deployed in several areas of UK civil justice, particularly: money claims under £10,000, family law cases (in non-complex disputes), landlord and tenant matters, employment tribunal case management, and debt recovery actions.⁸⁶ An early milestone in the UK's broader transition to digital dispute resolution was the launch of the first ODR platform for divorce and separation cases in 2016 by Relate, one of the UK's largest support providers.⁸⁷ The aim was to provide couples going through divorce or separation with an accessible, technology-facilitated negotiation and settlement tool to reduce court pressure and adversarial disputes. Additionally, the UK government has implemented a digital divorce application process through HMCTS. The shift to online divorce in the UK has transformed what was once a paper-heavy, time-consuming process, with physical court visits and administrative delays, into a streamlined digital experience that most people can complete from home. As of October 2025, the online divorce system now processes over 850,000 cases with remarkable efficiency and user satisfaction.⁸⁸ The adoption of ODR in the UK is growing exponentially because of "the presence of efficiency, lowered costs and ease of access to the public", according to Lord Justice Briggs.⁸⁹

Online dispute resolution in Nigeria

There is currently limited adoption of online dispute resolution in Nigeria in comparison to other countries, particularly countries in the West. Adelodun and Nurudeen⁹⁰ noted that this is due to a variety of factors, including a lack of awareness of ODR, a lack of trust in the technology, and a lack of understanding of the benefits of ODR. There have, however, been some efforts in recent years to promote the adoption of ODR in Nigeria. These efforts include the Lagos Multi-Door Courthouse ODR platform, the Institute of Chartered Mediators and Conciliators ODR platform, and the establishment of the Nigerian Online Dispute Resolution Centre, established in 2017 to promote the use of ODR in Nigeria and raise awareness of the benefits of ODR. Notwithstanding that the use of ODR in Nigeria is growing, there is no specific legislation on the regulation of ODR in Nigeria till date, which has slowed down its adoption rate.⁹¹

Despite the lack of formal legislation governing ODR, Nigeria is legally prepared to adopt ODR. The current legal framework for ADR offers a favourable environment for the use of information and communications technology and the internet to resolve disputes. For example, the Arbitration

⁸⁵ Axis Solicitors, 'The Rise of Online Dispute Resolution in the UK Courts', <<https://axis.lawyer/online-dispute-resolution/>> accessed 12 November 2025.

⁸⁶ Ibid.

⁸⁷ Terence Trainor, 'UK to Get Online Dispute Resolution in Spring', *The Divorce Magazine* (29 February 2016) <<https://www.thedivorcemagazine.co.uk/online-dispute-resolution/>> accessed 12 November 2025.

⁸⁸ Jess Knauf, 'Online Divorce – A Complete Guide to Digital Divorce in England and Wales', *MediateUK* (8 October 2025) <<https://www.mediateuk.co.uk/online-divorce-a-complete-guide-uk/>> accessed 12 November 2025.

⁸⁹ Briggs, LJ, *Civil Courts Structure Review: Final Report* (Judiciary of England and Wales 2016) 44.

⁹⁰ Adelodun Nurudeen (n 5) 396.

⁹¹ Ayinla and Oniyide (n 3) 74.

and Mediation Act 2023 ('the AMA'), which repealed the 35-year-old Arbitration and Conciliation Act of 2004,⁹² first enacted in 1988, accommodates ODR. While the AMA does not specifically provide for ODR, it contains provisions on ADR and dispute resolution generally that appears to support the use of technology to resolve disputes and may in the long run, serve as guide on the implementation and application of ODR in Nigeria. It recognises written agreements in the form of 'letters, telex, telegrams, or other modes of communication'⁹³ and goes a step further to introduce the concept of 'electronic communication' defined as any communication made through data messages, which includes information generated, sent, received, or stored by electronic, magnetic, optical, or similar means.⁹⁴ This definition covers various forms of electronic communication, such as email, text messages, social media chats, and more.⁹⁵ The 2023 amendment⁹⁶ of the Evidence Act 2011 introduced notable innovations by making provisions for electronic records, digital signatures, admissibility of electronic records, and more in order to bring the provisions of the Principal Act in accordance with global technological advancements.

Hence, it can be concluded that the Nigerian law is ultimately ODR friendly.⁹⁷ The decision of the Court of Appeal per Ogunwumiju JCA, in *Continental Sales Ltd. v R. Shipping Inc.*⁹⁸ further lends credence to this. In this case, the contention was whether communication by email was permissible communication under the English Arbitration Act, 1996, which stipulated that a notice or other document may be served on a person 'by any effective means.' It was contended that communication by email was not one of such 'effective means.' In dismissing this argument, his Lordship in his lead judgment held thus: "Since the intention of the e-mail messages and correspondence from the respondent, the solicitors, Philip A. Bush, and the arbitrator, Mr David Aikman to the appellant was to achieve the result of communicating the fact that the arbitration proceedings had been initiated, and the various stages of the process, I am of the view that there has been effective service of the whole arbitration process on the appellant. The spurious argument that the service of notice was not in writing cannot fly. E-mail is a form of communication that is set down in writing. It is not oral. The fact that it is electronic is immaterial, it is not in the thin air. It can be downloaded and (is) as real as a hard copy of the letter or mail in your hand."⁹⁹

Additionally, there have been successful virtual court hearings which prove that tech-driven approaches are reshaping the landscape of dispute resolution in Nigeria. The first virtual court session in Nigeria¹⁰⁰ was held at Ikeja High Court of Lagos State where Olalekan Hameed was sentenced to death by hanging for the murder of a 76-year-old woman, Mrs Jolasum Okunsanya. Justice Mojisola Dada of Ikeja High Court blazed the trail,¹⁰¹ and other states soon followed Lagos' lead, adopting similar remote hearing practices to mitigate the pandemic's impact on the justice system. Justice Fadawa Umaru of the Borno State High Court, for instance, delivered a judgment virtually in *State v Ali Mohammed*¹⁰² on 27 April 2020, finding the defendant not guilty of murder.

⁹² CAP A18 Law of the Federation of Nigeria 2004.

⁹³ Arbitration and Conciliation Act 2004, s 9 (1) (a)–(c).

⁹⁴ Arbitration and Mediation Act 2023, s 91.

⁹⁵ Tiwalade Aderoju, 'The Nigerian Arbitration and Mediation Act 2023: A Comparison with the Arbitration and Conciliation Act 2004 and Global Practices, *International Bar Association* (20 December 2023) <<https://www.ibanet.org/the-nigerian-arbitration-and-mediation-act-2023>> accessed 12 November 2025.

⁹⁶ Evidence Act (Amendment) Act, 2023.

⁹⁷ Adeleke and Saludeen (n 4) 276.

⁹⁸ (2012) All FWLR (Pt 630) 1377 CA.

⁹⁹ Ibid, 1393.

¹⁰⁰ *The State v Olalekan* ID/9006C/2019.

¹⁰¹ PC Aneke, 'The Legality of Virtual Court Hearing in Nigeria: The Way Forward' (2021) 2 *Madonna University Faculty of Law Journal* 56–61, 57.

¹⁰² Suit BOHC/MG/CR/115/19.

Benefits of online dispute resolution over traditional litigation

One of the most significant advantages of ODR is its cost effectiveness. Traditional litigation often involves substantial financial expenditure, including filing fees, travel costs, legal representation, and administrative expenses. ODR minimises or eliminates many of these logistical costs by allowing parties to participate in the sessions remotely and by streamlining procedures through digital platforms. Furthermore, ODR utilises digital document sharing and online communication to minimise the need for physical resources, such as paper and printing materials, further lowering costs. Austin noted that ODR is more cost effective than litigation, both for parties to a dispute and to the dispute resolver, be that a lawyer, a mediator, or a member of the judiciary.¹⁰³ Similarly, ODR ensures a speedy resolution of disputes. Litigation has become infamous for its lengthy timelines. Court cases can drag on for months or even years, delaying resolution and creating uncertainty for the parties. The court system is often backlogged, and procedural delays and the appeals process can further extend the time frame of the resolution. ODR, on the other hand, offers a faster path to settlement. It significantly reduces the time required to resolve disputes by streamlining procedures and eliminating the need for physical appearances. Parties can schedule hearings flexibly, leading to faster resolution of cases. Using cutting-edge audio and video conferencing technologies, the disputing parties can conduct meetings and hearings remotely. Using asynchronous communication, parties can also exchange information, present evidence, and upload and review pleadings, papers, and evidentiary submissions.¹⁰⁴ This expedites the procedure and the resolution of the dispute within the shortest time possible.

The flexibility of ODR is another major improvement over litigation. ODR provides a level of flexibility that is rarely found in the rigid structure of litigation. Parties involved in ODR can choose their mediator or arbitrator, select the venue, and even set the rules and procedures for resolving the dispute. This autonomy ensures that the resolution process aligns more closely with the specific needs and preferences of the parties involved. Moreover, ODR allows for creative solutions that might not be possible in a court ruling, fostering mutually beneficial outcomes. Another advantage of ODR over litigation is convenience. Litigation offers limited flexibility in procedures and substantive laws. Consequently, parties have little autonomy in choosing the time and place of the dispute resolution. Since ODR processes are conducted entirely online, it allows parties greater freedom in choosing the procedure, time, and place of the resolution. The internet enables parties to agree on convenient times for resolution, uses online forms instead of face-to-face meetings, and communicate through email, video, or voice calls as needed to facilitate dispute resolution. Unlike the challenges that may be occasioned in litigation about scheduling of hearings, ODR has no such difficulties as parties may arrange or participate in a meeting whenever they are ready and at a convenient time. The ability to access fast and efficient dispute resolution services from anywhere, at any time, is one of the main benefits of ODR.¹⁰⁵

Furthermore, ODR enhances confidentiality and privacy as proceedings are typically conducted on secure digital platforms rather than in open court. ODR processes are typically confidential, protecting the privacy of the parties involved and allowing them to resolve disputes without the risk of damaging public exposure. This feature makes it particularly appealing for commercial entities and individuals seeking to resolve sensitive matters discreetly unlike litigation, which exposes details of the conflict to public scrutiny. In addition, ODR preserves relationships. Litigation, by its adversarial nature, can strain or even sever relationships. ODR, however, emphasises collaboration and communication. Online mediation, for instance, involves a neutral third party helping the disputants reach a mutually agreeable solution, which can preserve and even strengthen their relationships. By fostering a cooperative atmosphere, ODR helps parties

¹⁰³ Charlotte Austin (n 33) 10.

¹⁰⁴ Mostafa Al Dirani, 'The Value of Electronic Arbitration in Today's Legal System' (2023) 10(2) *Journal of Research in International Business and Management* 1-4.2 <<https://www.interesjournals.org/articles/the-value-of-electronic-arbitration-in-todays-legal-system.pdf>> accessed 12 November 2026.

¹⁰⁵ Charlotte Austin (n 33) 11.

resolve conflicts without burning bridges. From an institutional perspective, ODR also contributes to judicial efficiency by reducing the number of cases that reach courtrooms, thereby easing the burden on judicial officers and improving overall system productivity.

Conclusion

This article has discussed the integration of ODR into our formal legal system in an effort to modernise our legal system in line with the rapid rate of technology advancements. The evolution from ADR to ODR marks a defining moment in the history of dispute resolution, signalling the intersection between law and digital innovation. From eBay's early mediation platform to the rise of online courts and AI-assisted arbitration, technology has transformed how dispute is settled. This demonstrates how far technology has come in terms of the dispute resolution process. At present, we can assert that ODR is no longer a science fiction fantasy. In this article, we have presented and examined the landscape of ODR, recognising it as an efficient, cost-effective, and flexible alternative to traditional courtroom proceedings. Across jurisdictions like the United States, United Kingdom, and India, ODR has matured into a credible complement to traditional mechanisms, demonstrating that justice need not be confined to physical spaces. In Nigeria, however, ODR is still in its early stages and has great potential strengths, some of which it has already begun to realise, including its efficiency and its capacity to contribute to the expansion of the country's digital economy. Eventually, ODR may be the way we resolve most of our disputes as it is becoming increasingly integrated with traditional legal systems. The question, therefore, is not whether ODR will redefine the future of dispute resolution, but how long this transformation will take to play out, especially as law, as a tool of social engineering, grows or develops at par with societal developments.