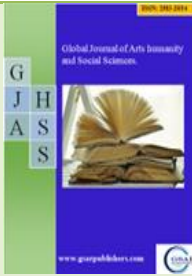


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A Spotlight on The Legal And Institutional Framework Governing Global ICT Advancement And Administration of Justice in Tanzania.

By

Ndeshidesia Leonald Shija



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Corresponding author
**Ndeshidesia Leonald
Shija**

Abstract

This Article contextualize the issues on the improvements in the effective and efficient adoption and use of digital courts for e-justice delivery in the Judiciary of Tanzania contrary to the previous study done by several scholars that e-records management systems used in the courts of Tanzania are not as effective as they are expected to be. The digital transformation of high courts in Tanzania through the IECMS triggers justice delivery more convenient, transparent, and cost-effective. The Article further address the existing legal framework structure in Tanzania and how it embraces the changes in the way judicial proceedings are handled in line with the ICT, the digitalization of court operations systems and prompt resolution to undertake. Thus, justice administration cannot be insulated from the digital revolution, especially with the technological expansion going on at the moment around the digital world. This Article further elucidate on the challenges that the court faces to the use of electronic documents instead of 'paper'; and how this change would be treated as inevitable issues of access to ICT-justice. Therefore, this Article will also recommends the best ways in which the Judiciary of Tanzania may put modern infrastructures by allocating enough budgets to cater to costs associated with the adoption and use of ICT, train its staff in both long and short courses as well as recruit those court clerks who are computer literate and get rid of all challenges revealed by this Article.

Key Words: ICT, Administration of Justice, legal framework, Judicial systems in Tanzania.

1. INTRODUCTION

1.1 General Overview: Position of Global ICT Advancement in the Administration of Justice in Tanzania.

Administration of justice refers to “the power to try suits and proceedings of civil as well as criminal nature irrespective of what are the parties to the suits and proceedings or what is the subject matter of the suit or proceedings.”¹ In the democratic country like Tanzania which respects the principles of rule of law and separation of power, the administration of justice is vested to the judiciary and the *quas* judicial bodies and tribunals as provided for under Article 107 of the Constitution².

To ensure the administration of justice is effective, the judiciary like other organs of the states has been adopting various strategies

according to the needs of the time to meet the ends of justice. One of them is the Information Communication Technologies to meet the contemporary computer revolution globally. The contemporary computer revolution has affected almost every aspect of human life therefore; adoption of ICT in the administration of justice is inevitable now. This is evidenced by human daily activities furnished by computer technologies. For instance, now people communicate by electronic means, the contracts are concluded online, the meeting are conducted online, the evidence are produced electronically, offences are committed online to the extent that now it is difficult to end the day without using electronic goods and services. Thus, due this development in technology the automation of judiciary is inevitable to facilitate the administration of justice in this information and communication technology era.

The global advancement of Information and Communication Technologies has the significant impacts towards the administration of justice which is referred to as e-justice. Like any

¹ Concise Dictionary of Law, p.31.

² *Of the United Republic of Tanzania of 1977 as amended from time to time.*



other forms of technology, information and communication technologies simplify communication process and increases the efficiency in the institutions including the judiciary which is simply referred to as ICT in judiciary. ICT in judiciary simplifies court processes by introducing, the electronic case management system (e-CMS), the transcription and translation system (TTS), the e-record management system as well as the publishing of the court decisions system (Tanzlii). All these are done by the judiciary in efforts to achieve e-justice.³

The administration of justice in Tanzania like other developing country is featured by limited number of judicial officers for administration of justice, insufficient judicial budget, the backlog of cases⁴, low level of science and technology, inability to access justice due to high costs of accessing justice, remoteness some areas especially the rural areas, improper record management, corruption⁵. In order to curb problems associated with low staffing and or infrastructures and access to administration of justice there is always a need to employ science and technology. Tanzania has devised means by using information and telecommunication technology developed globally in order to curb problems associated with administration of justice⁶

Tanzania being a member of the globe is not left behind by the advancement of science and technology more specifically information technology. Tanzania has witnessed increase in information technology usage which has resulted in the increase of interplay between the ordinary activities of citizens and information and communication technology in many spheres including but not limited to socio economic phenomenon such as business, medicine, manufacturing and culture to mention a few. Through information technology the Tanzania society has changed on all spheres of life necessitating the need to force the judiciary of Tanzania to open doors for the same in justice administration in order to avoid falling behind⁷. In order to embrace the changes in the way of life caused by the development of science and technology globally, more specifically in information technology and in order to attain efficient administration of justice for both civil and criminal justice, the judiciary in Tanzania was automated by integrating the Information and Communication Technologies in respect with the administration of justice in the judicial systems. The embracing of ICT was due to various recommendations from the law reform commission, judicial decisions and other conferences which triggered the automation of judiciary in Tanzania.

³ Mshana, J. A, (2017) *Effective use of Information and Communication Technology in Judicial Systems: Tanzania and Other Jurisdictions in Comparative Perspectives*, IJA Journal, Vol I, Issue No. I, 2017 pg 46

⁴ *The Law Reform of Tanzania, Delays in the Disposal of Civil Suits, Report number 01 of 1986*

⁵ *Judiciary of Tanzania, Comprehensive Performance Report of the Judicial Functions 2023*

⁶ *Ibid note 3*

⁷ *Ibid note 3*

2. DEFINITION OF KEY TERMS

2.2.1 Information

It can be understood as anything that has the power to inform, such as the communicated pattern. In the light definition the term information refer to the processed, organized data that has power to inform. It is to be noted that there is no single or certainly defined definition of the word information but the key point in this context is on having that power to inform.⁸ According to Oxford Dictionary the word 'Information' is defined to mean facts or details about someone or something that has been communicated (the power to inform).⁹ The power to inform could be on legal, economic, social and whatsoever. For instance in this study the information must target to inform majority on administration of justice.¹⁰

2.2.2 Communication

The legal profession relies heavily on written and oral communication; communication refers to the exchange of information between people. There is different forms communication verbal, non-verbal, written and visual communication. Law clerks, legal assistants, lawyers, advocate and paralegals all need effective communication skills to serve their client and provide effective legal service. Communication takes many forms in legal perspective such as writing a letter or an email to client or speaking with client face to face or on the phone. It also includes sometimes drafting other kinds of legal documents that communicate information to clients, courts, judges and opposing parties and their legal representatives.¹¹

2.2.3 Information and Communication Technology (ICT)

Information and Communication Technology (ICT) refers to the integration of computing, telecommunications, and software systems to collect, process, store, and transmit information. In judicial systems, ICT enables electronic case filing, online hearings, digital recordkeeping, and access to legal databases, thereby promoting efficiency, transparency, and accessibility. ICT is not merely a set of tools but a framework that shapes how justice is administered, influencing workflows and institutional practices. Its adoption reflects a shift from traditional manual processes to

⁸ Capurro (2003). *The concept of Information*, Annual review of information science and technology. Wiley Online library.

⁹ Filbuster, (2019). *Oxford English Dictionary*, Oxford university press, <http://oed.com/view/Entry/70179?redirectedFrom=filbuster#eid>. Accessed on 20th August, 2025

¹⁰ Mshana, J. A, (2017) *Effective use of Information and Communication Technology in Judicial Systems: Tanzania and Other Jurisdictions in Comparative Perspectives*, IJA Journal, Vol I, Issue No. I, 2017 pg 63-65

¹¹ <http://emond.ca>Sample-chapters>CLP2-01>. Accessed on 20th August, 2025



digitalized court systems, offering solutions to case backlog and inefficiency¹².

In Tanzania, the Electronic Transactions Act, Cap. 442, under section 9, recognize the legal validity of electronic records and signatures, thereby institutionalizing ICT within legal processes. Moreover, section 19 of the Act, provides that electronic records shall be admissible in evidence if they satisfy authenticity and reliability standards.¹³ This legislative recognition has paved the way for ICT adoption in judicial proceedings, including e-filing introduced in the High Court of Tanzania. Comparatively, India's National Judicial Data Grid and South Africa's Case Lines digital evidence platform illustrate how ICT has transformed litigation, making courts more transparent and efficient.

2.2.4 Justice

Justice is the principle of fairness, equity, and moral rightness, operationalized through legal institutions and processes.¹⁴ It encompasses substantive justice (fair outcomes) and procedural justice (fair processes). In ICT-enabled judicial systems, justice is enhanced when technology ensures timely access, transparency, accountability, and equitable treatment of all litigants, thereby strengthening the rule of law¹⁵. It involves upholding laws, rights and ethical principles to create a balanced society where people are treated equally and fairly.¹⁶ Justice is comprised of different elements such as fairness, equality and rule of law. Fairness demands that justice of individuals be treated without bias and decisions are made based on facts and fairness rather than favoritism or prejudice.¹⁷ Moreover, justice requires that the responsible authority should ensure that all people, regardless of their background, are treated equally under the law and in society.

2.2.5 Administration of Justice

The administration of justice encompasses the structures, procedures, and institutions through which laws are applied and disputes are resolved. It emphasizes fairness, transparency, impartiality, and timely enforcement of rights. ICT integration into judicial administration facilitates case management, scheduling, digital documentation, and access to justice, enhancing institutional efficiency. By modernizing judicial procedures, ICT supports

procedural fairness, accountability, and equitable dispute resolution.¹⁸

In Tanzania, Article 107A (1) of the Constitution affirms that judicial authority is vested in the judiciary, which must exercise its independence to secure justice.¹⁹ The importance of ICT in this framework lies in its ability to strengthen accountability, expedite case resolution, and improve public trust. Case law such as **Attorney General vs Lohay Akonaay and Another [1995] TLR 80** illustrates the judiciary's constitutional obligation to protect rights, while ICT enhances this by enabling wider access and reducing systemic inefficiencies.²⁰

2.2.6 Access to Justice

Access to justice is the ability of individuals to obtain legal remedies and enforce their rights through formal or informal legal mechanisms. Global ICT advancement improves access to justice by enabling online filing, virtual hearings, and digital legal information, particularly for individuals in remote or underserved regions. It ensures that justice is not hindered by physical distance, cost, or procedural complexity, aligning legal processes with human rights principles²¹.

2.2.7 Case Management System (CMS)

A Case Management System (CMS) is an ICT-enabled platform that organizes and monitors the lifecycle of legal cases, from filing to judgment²². CMS facilitates scheduling, document management, communication, and performance tracking, reducing backlog and enhancing efficiency. By centralizing case data, CMS ensures accountability, transparency, and timely resolution, which are core objectives of effective judicial administration.

2.2.8 Global ICT Advancement

Global ICT advancement refers to worldwide developments in digital technologies that influence governance and institutional operations, including the judiciary. Innovations such as cloud computing, AI, blockchain, and digital case management systems have transformed court practices globally²³. Adoption of global ICT trends ensures that judicial systems remain efficient, accessible, and in line with international best practices. Courts worldwide increasingly employ ICT to improve service delivery, as seen in Estonia's e-Residency and fully digitized courts, the European Union's e-Justice Portal, and India's Supreme Court e-filing system.⁸ In Africa, countries like South Africa and Kenya are

¹² Heeks, R. & Bailur, S. (2015). *Analyzing e-Government Research: Perspectives, Philosophies, Theories and Methods*. London: Springer.

¹³ Section 19 of the Electronic Transaction Act Cap 442 R.E 2023

¹⁴ Campbell, Tom and Tom Campbell. (1988) *What justice is about*. Macmillan Education UK

¹⁵ Rawls, J. (2016). *A Theory of Justice: Revised Edition*. Cambridge, MA: Harvard University Press.

¹⁶ Wright, Richard W. (1999) *Principle of Justice*. Notre Dame L. Rev. 75

¹⁷ Wright, Richard W. (1999) *Principle of Justice*. Notre Dame L. Rev. 75

¹⁸ Reimann, M. (2016). *The Administration of Justice in the Digital Age*. Oxford: Oxford University Press.

¹⁹ *The constitution of the United Republic of Tanzania, as amended 2005*

²⁰ [1995] TLR 80

²¹ Ghai, Y. & Cottrell, J. (2016). *Access to Justice in the Digital Era*. Nairobi: African Human Rights Publishers.

²² National Center for State Courts (2015). *Case Management Systems: Technology for Effective Courts*. Washington, DC: NCSC Publications.

²³ World Bank (2019). *Global ICT Development Report*. Washington, DC: World Bank Publications.

leading with digital evidence management and e-filing, respectively. Tanzania, through the Judiciary Strategic Plan 2020–2025, has aligned its reform agenda with these global advancements, particularly focusing on digital case management and video-conference hearings.

3. THE LEGAL IMPACT CREATED BY USING GLOBAL ICT ADVANCEMENT IN ADMINISTERING JUSTICE IN TANZANIA

3.1 Operational Mechanism of the Legal framework.

The integration of Information and Communication Technology (ICT) into judicial systems offers significant opportunities for enhancing efficiency, transparency, and accessibility. However, technological adoption must operate within a robust legal framework that safeguards human rights and ensures procedural fairness. In Tanzania, the legal framework regulating ICT in the administration of justice reflects a combination of constitutional guarantees, national legislation, procedural laws, institutional strategies, and international and regional instruments.

3.2 National Legal Framework

3.2.1 The Constitution of the United Republic of Tanzania

The Constitution of the United Republic of Tanzania (1977, as amended) forms the foundation of the nation's legal system and provides key safeguards relevant to ICT integration in the judiciary. Article 13(6) guarantees the right to a fair trial, Article 13(2) ensures access to justice, and Article 16 protects personal data and privacy, which are essential in digital proceedings²⁴. Article 107(2) establishes judicial independence, including the handling of electronic evidence and digital case management. While the Constitution predates modern ICT developments, these provisions implicitly support initiatives that enhance the efficiency, transparency, and accessibility of justice through digital technologies. By grounding ICT adoption in constitutional principles, Tanzania ensures that technological integration does not compromise fundamental rights.

3.2.2 Electronic Transactions Act, Cap 442 RE 2023

The Electronic Transactions Act, No. 13 of 2015 provides the statutory foundation for the legal recognition of electronic communications, digital signatures, and electronic records in judicial processes. Sections 3 and 6 validate electronic signatures, ensuring that electronic filings, virtual hearings, and electronic evidence submissions have full legal effect²⁵. Section 7 imposes requirements for secure electronic systems, guaranteeing authenticity, integrity, and confidentiality of transmitted data.²⁶ It criminalizes digital fraud and unauthorized manipulation of

electronic records, safeguarding the judiciary against ICT abuse. Together, these provisions facilitate the adoption of ICT within courts, providing legal certainty for both judicial officers and litigants.

3.2.3 Cybercrimes Act, Cap 443 RE 2023

The Cybercrimes Act, No. 14 of 2015 complements the Electronic Transactions Act by addressing offenses that threaten ICT systems, including those used by the judiciary. Sections 4–10 criminalize unauthorized access, interception of communications, identity theft, and dissemination of harmful digital content²⁷. Sections 12–15 empower law enforcement agencies to collect digital evidence and cooperate internationally. These provisions are vital in ensuring that the judiciary can handle cases involving cyber offenses while maintaining procedural fairness and respecting defendants' rights. The Act aligns Tanzania's cyber legal framework with international standards, including the Budapest Convention on Cybercrime and the Malabo Convention, reinforcing cross-border collaboration in ICT-enabled justice.

3.2.4 Civil Procedure Code (Cap. 33) RE 2023

Procedural laws such as the **Civil Procedure Code (Cap. 33)** allow courts discretion to regulate proceedings and accommodate ICT innovations. Civil Procedure Code enables courts to issue procedural rules that facilitate e-filing, virtual hearings, and digital records management²⁸. However, harmonization of procedural laws with ICT practices remains incomplete, creating challenges in fully realizing the benefits of e-justice. Strengthening these laws, alongside judicial training and infrastructure development, is crucial for bridging the gap between digital capabilities and procedural compliance.

3.2.5 Criminal Procedure Act, Cap 20 RE 2023

The Criminal Procedure Act (Cap. 20, R.E. 2023) establishes the legal framework for criminal trials in Tanzania, governing the investigation, prosecution, trial, and sentencing of criminal offenses. While the Act predates widespread ICT adoption, it provides essential procedural safeguards that intersect with the administration of justice in a digital context. For instance, Sections 10–12 outline the powers of police and investigators in obtaining evidence and arresting suspects, who are increasingly relevant as criminal investigations involve digital evidence such as emails, electronic records, and cybercrime traces²⁹. The Act mandates that evidence be collected and presented in a manner that respects the rights of the accused, ensuring that ICT tools do not compromise fair trial standards.

Criminal Procedure Act regulate the admission of documentary and secondary evidence, which can now include electronic evidence. Courts have discretion to accept digital records, emails, and other ICT-based evidence, provided they meet standards of authenticity, integrity, and reliability Furthermore, Sections 200–210 regulate

²⁴ *The Constitution of the United Republic of Tanzania, Articles 13(2), 13(6), 16, 107(2).*

²⁵ *Electronic Transactions Act, No. 13, Sections 3 and 6 Cap 442 RE 2023.*

²⁶ *Section 7 of the Electronic Transactions Act, Cap 442 RE 2023*

²⁷ *Cybercrimes Act, No. 14, Sections 4–15.*

²⁸ *Civil Procedure Code (Cap. 33) under Order IV Rule 1(1)*

²⁹ *Criminal Procedure Act (Cap. 20, R.E. 2023), Sections 10–12.*

trial procedures, including the examination of witnesses and submission of evidence. These sections provide a framework that allows adaptation to ICT innovations, such as video conferencing for witness testimony or virtual hearings, particularly in remote regions where access to courts is limited

Despite these provisions, challenges remain in harmonizing the Criminal Procedure Act with modern ICT applications. Many sections still assume paper-based filings and in-person procedures, requiring judicial interpretation or legislative amendment to fully accommodate e-filing, virtual trials, and electronic evidence. Bridging this gap is critical for Tanzania to align domestic criminal procedures with international best practices, including CAHAI guidelines on AI use in justice, the Malabo Convention on cyber security, and other global ICT standards, thereby modernizing criminal justice while maintaining fairness, transparency, and accountability.

3.2.6 The Evidence Act, Cap. 6 R.E. 2023

Establishes the legal framework for the admissibility, relevancy, and evaluation of evidence in Tanzanian courts, including both civil and criminal proceedings. With the integration of ICT in judicial processes, the Act has become pivotal in regulating the use of electronic and digital evidence. Section 70 recognizes the admissibility of electronic evidence, which now includes electronic records, emails, and other ICT-generated documents, provided authenticity and integrity are verified³⁰. Section 71 further governs secondary evidence, allowing certified digital copies when originals are inaccessible, thereby ensuring that technological challenges do not impede the administration of justice.³¹

Moreover, the Act aligns with international frameworks such as the Budapest Convention on Cybercrime (2001) and the African Union Malabo Convention (2014), which stress secure collection, authentication, and admissibility of digital evidence. Sections 115–120 of the Act mandate that evidence presentation preserves fairness, transparency, and cross-examination rights, providing a legal basis for integrating ICT tools like electronic filing systems, video conferencing, and AI-assisted document analysis. By harmonizing the Law of Evidence Act with ICT-specific legislation such as the Electronic Transactions Act and the Cybercrimes Act, Tanzania bridges the gap between technological advancement and judicial practice, ensuring that digital innovations enhance efficiency, accessibility, and procedural integrity without compromising constitutional rights³².

3.2.7 The e-Government Act, 2019 (Act No. 10 of 2019)

Establishes the legal and institutional framework for the adoption and implementation of ICT across Tanzanian public institutions, including the judiciary. Sections 15 up to 49 from part IV to part VIII of the Act create the **e-Government Authority (EGA)**,

tasked with coordinating, regulating, and monitoring e-Government services, ensuring that all government ministries, departments, and agencies implement ICT systems effectively and securely³³. By mandating standardized electronic processes, data management, and interoperability, the Act provides a statutory basis for digitizing court records, enabling electronic case filing, virtual hearings, and real-time access to judgments, thus enhancing judicial efficiency and transparency. Furthermore, regulate the security, privacy, and confidentiality of electronic data, directly supporting compliance with constitutional rights to privacy (Article 16) and fair trial (Article 13). In the context of your research, the e-Government Act demonstrates how legal frameworks can bridge the gap between global ICT advancements and the Tanzanian administration of justice, by creating a formal mechanism for integrating technology while safeguarding procedural integrity, data security, and equitable access to judicial services.

3.3 International Legal Framework

The adoption of Information and Communication Technology (ICT) within judicial systems has prompted the development of international legal frameworks to ensure technology enhances access to justice while safeguarding human rights.

3.3.1 Budapest Convention on Cybercrime (2001)³⁴

A primary instrument in this regard is the **Budapest Convention on Cybercrime (2001)**, which represents the first comprehensive international treaty aimed at combating cybercrime. The Convention obligates member states to harmonize national laws to criminalize cyber offenses such as unauthorized access, data interference, and computer-related fraud. Articles 1–3 define the scope of offenses, while Article 4 establishes mechanisms to safeguard human rights during cybercrime investigations, ensuring that ICT adoption does not compromise fair trial standards³⁵. Furthermore, the Convention provides for international cooperation through cross-border data exchange, mutual assistance in investigations, and standardization of electronic evidence protocols, which is essential for addressing the transnational nature of cyber threats³⁶. It also emphasizes the development of technical and institutional capacities within national law enforcement agencies, fostering expertise in digital forensics, cybercrime investigation, and ICT-enabled judicial processes³⁷.

The Convention and its Explanatory Report was adopted by the Committee of Ministers of the Council of Europe at its 109th Session on 8 November 2001. It was opened for signature in Budapest, on 23 November 2001 and it entered into force on 1 July 2004. As of August 2025, 81 states have ratified the

³⁰ The Evidence Act (Cap. 6, R.E. 2023), Sections 70.

³¹ Section 71 of the Evidence Act, Cap 6 RE 2023

³² COUNCIL OF EUROPE, 2021, *Artificial Intelligence, Human Rights, Democracy and the Rule of Law: A Primer*, Council of Europe, Strasbourg, Articles 1–10.

³³ The e-Government Act, No. 10 of 2019, Sections 3–26,

³⁴ Council of Europe. (2001). *Budapest Convention on Cybercrime*.

³⁵ Council of Europe, 2001, *Budapest Convention On Cybercrime*, Council Of Europe, Strasbourg, Articles 1–4.

³⁶ Council of Europe, 2001, *Budapest Convention On Cybercrime*, Articles 5–8.

³⁷ Council of Europe, 2001, *Budapest Convention on Cybercrime*, Articles 9–10.

convention, while a further two states (Ireland and South Africa) have signed the convention but not ratified it.

On 1 March 2006, the Additional Protocol to the Convention on Cybercrime came into force. Those States that have ratified the additional protocol are required to criminalize the dissemination of racist and xenophobic material through computer systems, as well as threats and insults motivated by racism or xenophobia.

The Convention is the first international treaty on crimes committed via the Internet and other computer networks, dealing particularly with infringements of copyright, computer-related fraud, child pornography, hate crimes, and violations of network security. It also contains a series of powers and procedures such as the search of computer networks and lawful interception.

Its main objective, set out in the preamble, is to pursue a common criminal policy aimed at the protection of society against cybercrime, especially by adopting appropriate legislation and fostering.

The Convention aims principally at harmonizing the domestic criminal substantive law elements of offenses and connected provisions in the area of cyber-crime, Providing for domestic criminal procedural law powers necessary for the investigation and prosecution of such offenses as well as other offenses committed by means of a computer system or evidence in relation to which is in electronic form, Setting up a fast and effective regime of international cooperation.³⁸

3.3.2The African Union Malabo Convention on Cyber-security and Personal Data Protection (2014)³⁹

Addresses the specific needs of African states regarding ICT in justice administration. Articles 1–5 underscore the harmonization of national legislation, cross-border collaboration, capacity-building initiatives, and the development of comprehensive cyber-security strategies⁴⁰. For Tanzania, the Malabo Convention provides a legal benchmark for aligning national ICT policies with regional standards, promoting interoperability of judicial ICT systems, and ensuring that technological adoption does not infringe human rights or procedural integrity. Additionally, Articles 6–10 encourage the development of training programs for judicial officers and ICT professionals, thereby enhancing institutional competence and public confidence in e-justice initiatives⁴¹.

Tanzania's national legal framework reflects many of the principles articulated in these international instruments. The

Electronic Transactions Act, 2015 grants legal recognition to electronic communications, digital signatures, and electronic records, providing a foundation for e-filing, virtual hearings, and electronic evidence submission⁴². Similarly, the Cybercrimes Act, 2015 criminalizes unauthorized access to ICT systems, identity theft, and cyber-related fraud, and establishes investigative procedures that align with international standards⁴³. Despite these legislative efforts, implementation challenges persist due to limited technical capacity, insufficient judicial training, and infrastructural constraints. Bridging these gaps requires harmonizing Tanzanian law with international and regional instruments, strengthening enforcement mechanisms, and building institutional capacity to ensure ICT adoption enhances transparency, efficiency, and equitable access to justice.

3.3.3Council of Europe – Ad Hoc Committee on Artificial Intelligence (CAHAI)

The Council of Europe's Ad Hoc Committee on Artificial Intelligence (CAHAI) represents a pivotal international initiative aimed at ensuring that the rapid integration of artificial intelligence (AI) in public and judicial institutions respects human rights, the rule of law, and democratic principles. CAHAI's mandate focuses on developing legal frameworks that guide the ethical deployment of AI in decision-making processes, including judicial contexts, thereby preventing algorithmic bias, ensuring procedural fairness, and promoting transparency in digital adjudication⁴⁴. Articles 1–5 of CAHAI explicitly emphasize the need for accountability mechanisms in AI systems, the protection of personal data, and the establishment of oversight bodies to monitor AI implementation within justice systems. From a Tanzanian perspective, CAHAI's principles are particularly instructive as the country seeks to modernize its judiciary through ICT initiatives such as electronic case management and e-filing, while mitigating risks associated with automated decision-making and digital evidence processing. By adopting the standards and guidelines proposed by CAHAI, Tanzanian judicial institutions can harmonize their ICT adoption with global best practices, ensuring that technological innovation strengthens efficiency and access to justice without compromising fairness or constitutional rights. Furthermore, CAHAI advocates international collaboration, knowledge-sharing, and the development of regional capacity-building programs, which can support Tanzania in bridging the gap between global ICT advancements and its national judicial administration⁴⁵. In essence, CAHAI provides a critical framework for balancing technological progress with the ethical, legal, and human rights obligations inherent in the administration of justice, underscoring the

³⁸ Retrieved from https://en.wikipedia.org/wiki/Budapest_Convention_on_Cyber_crime

³⁹ African Union. (2014). *Malabo Convention*. Retrieved from https://en.wikipedia.org/wiki/Malabo_Convention

⁴⁰ AFRICAN UNION, 2014, *Malabo Convention on Cybersecurity and Personal Data Protection*, African Union Commission, Addis Ababa, Articles 1–5.

⁴¹ AFRICAN UNION, 2014, *Malabo Convention on Cybersecurity and Personal Data Protection*, Articles 6–10.

⁴² *Electronic Transactions Act, No. 13, Sections 3–12.*

⁴³ *Cybercrimes Act, No. 14, Sections 4–15*

⁴⁴ Council of Europe, 2021, *Artificial Intelligence, Human Rights, Democracy And The Rule Of Law: A Primer*, Council of Europe, Strasbourg, Articles 1–5.

⁴⁵ Council of Europe, 2021, *Artificial Intelligence, Human Rights, Democracy And The Rule Of Law: A Primer*, Articles 6–10.

importance of governance, oversight, and continuous judicial training in AI-enabled environments.

4. To Examine Factors Affecting the Effectiveness of The Laws And Practices Governing Automated Systems In Accessing Justice In The Judiciary System In Tanzania

Adoption and implementation ICT system in the judiciary is truly a merger step towards enhancement of accessibility to justice in Tanzania. However, it is should know that any technological development come up its set of limitation to its users. Also, technology becomes sophisticated daily hence it is important for the use to stay updated over it and should not rely only one the model implemented but rather should take their time to researcher and have abilities to comprehend and apply technology in multi-diversity. The purpose of this study is to examine factors affecting the effectiveness of the Laws and Practices Governing automated systems in accessing justice in the judiciary system in Tanzania⁴⁶. Empirical literature review revealed that, the greatest approach to completely reduce the delay and better organization the judicial process is the adoption of ICT at every level of the judiciary, computerization of these records will not only save time and effort of court staff, it will provide an incredible improvement to the level of organization and help interlink the various layers of the judicial system.

The second aspect related to this observation is access to information sharing referred to one among the component of computer infrastructure that enables the transaction of certain selected significant files and relevant data, prepared so as to provide content and information services that can be used directly by the use. Access to justice information is basically the capacity to seek out and obtain a remedy through a formal or informal justice system and or institution. This kind of information is very significant to be accessed by all people of the country. Also assuring access to justice is essential to democratic country and the rule of law.⁴⁷

From an information systems perspective, judicial proceedings are the regulated exchanges of information required to deliver the information the judge required to make the decision and to make accountable the entire process. Judging cases on an individual basis is part of administering justice, and the judiciary also serves as a shadow role in setting social norms. However, courts and judges handle information regardless of the subject matter; party's present information to the court, changes occur during the process, and the result is also information. This means that, In order to

improve work performance all public organizations including Judicial must possess their own strong goals, through this opportunity our judicial can make strong ICT goals that emphasize transformation of manual systems to advanced Global ICT advancement⁴⁸. Moreover, the empirical review demonstrated that ICT can take many different forms.

Two common examples are image and speech recognition, which are developed through machine learning and natural language processing. Furthermore there is a need to start applying text recognition in the judicial system which can be very useful, for example, when organizing large quantities of cases or in multifarious cases that cover a lot of information. An example from the United States of America is e-Discovery, an automated investigation of electronic information for discovery, before the start of a court procedure. e-Discovery optimize machine learning AI, which learns through training what the best algorithm is that can extract the applicable parts from a large amount of information. The study which was conducted by the judiciary of Tanzania in 2024 indicated lack of knowledge in various judiciary staffs on how to use ICT in different activities of the court like typing proceeding, electronic office application, CMS, e-payment and other related specific functions. Similarly, the results of the findings explored that there is lack of ICT infrastructures machines to run the operation such as improving case hearing and improve large amount of data through Machine Learning (ML) model⁴⁹.

This Article concludes that; the transformation of Manual system to Advanced ICT does not cope with the improvement of various organization systems including Tanzanian judiciary. This is indicated by lack of competent administrators to run ICT infrastructure systems especially in duties like computer maintenance and troubleshooting. This challenge negatively affected the participation of the judiciary in using ICT techniques in case proceeding since to administrate ICT projects there is a need to have a strong ICT team which can perform different ML tasks properly.

5. To analyze the legal challenges facing the judiciary system in integrating of information and communication technologies in the administration of justice in Tanzania.

Based on the above cited information it's clear that despite some of staff of Judiciary of Tanzania have attended ICT training in previous years for updating their knowledge and skills there is lack of competent administrators to run ICT infrastructure systems

⁴⁶ Maseh, E., et al., (2015) Policy, legal and regulatory framework for records management in the Kenyan judiciary, *ESARBICA Journal*, 34(1), 21-34.

⁴⁷ Maseh, E., et al., (2015) Policy, legal and regulatory framework for records management in the Kenyan judiciary, *ESARBICA Journal*, 34(1), 21-37.

⁴⁸ Issa, M, et al., (2018) *The Role of Electronic Records Management in Promoting the Delivery of Justice in Tanzania: Perspectives from Dar Es Salaam Commercial Court, Information and Knowledge Management*. Vol. No. 2.

⁴⁹ Issa, M, et al., (2018) *The Role of Electronic Records Management in Promoting the Delivery of Justice in Tanzania: Perspectives from Dar Es Salaam Commercial Court, Information and Knowledge Management*. Vol. No. 2.

especially in duties like computer maintenance and troubleshooting hence creating a challenge especially in running ICT to handle matters in the judiciary system. Lack of technical know-how to the staff of the judiciary in line with using ICT has becoming a major challenge especially in executing legal matters⁵⁰.

This challenge negatively affected the participation of the judiciary in using ICT techniques in case proceeding since to administrate ICT projects there is a need to have a strong ICT team which can perform different ML tasks properly. The challenges could have been solved if there was a reliable and effective ICT team which could accommodate successfully in all related functions.

Hence advancement in training and fully utilization of ICT will enable the judiciary to achieve the following;

4.4.1 It Will Enable To Link Up All Courts Electronically, To Exchange Information About

Cases

It is understandable that the leadership of a court institution that operates through numerous court locations would want to have access to a computer network that is capable of providing information about any case at any location. It is difficult to dispute that there are advantages to be gained by linking up the case databases of different courthouses when they are each a part of some larger unitary system of courts. It would enable statistics to be quickly compiled about system-wide case management trends. And perhaps most conveniently, in cases where a decision of a lower court is appealed, networked information systems would allow the electronic record of the lower case to be readily accessed and re-used by the relevant appeal court.

Barry one of the Guru experts in ICT added that, improvements in performance of courts might not change at all, merely by being electronically linked, at least in terms of the speed at which cases might be disposed. Consider that in most court systems of middle income countries, the vast majority of cases filed in a single courthouse are processed to finality at the same courthouse, without reference to other parts of a court system. Even when there are high proportions of case decisions being appealed to other courts, the advantage of the appeal record being created electronically in a networked court system may have no impact at all on the speed at which the appeal is processed and heard.⁵¹ And while the capacity to see records at any point in a networked system may be attractive for a judicial council or judicial inspectors, it seldom offers much utility to a judge who is responsible for processing a single case.

It's clear that the benefits of reforming judicial systems in this

direction can be identified at different levels, from citizens involved in a court procedure, to lawyers, judges, prosecutors and finally court civil servants. The most important of these benefits is "time saving". Indeed, for a number of procedures physical interaction between a civil servant and a citizen is not needed. Similarly, documents can be exchanged outside regular office hours through electronic mails. Additionally, disabled persons are ensured better access to court proceedings. Also, reduced stationary consumption and fuel consumption to and from courts promotes environmental protection. Finally, these reforms contribute to the speedy the delivery of judgments and judicial proceedings in general.

4.4.2 It Will Give Electronic Filing, Which Will Help Speed Up the Disposition of Cases

Accepting a document electronically implies savings in time and effort, at least to the point of initiating a new case record in a court registry. But consider the limitations of e-filing when it is implied that it will speed up the duration of a trial or the production of a final judgment. The e-file as a means of providing the document to a court in an electronic form, either in lieu of a paper document or in addition to it. Many courts introduce e-filing facilities as a service to litigants, but do not necessarily relax the obligation either that the paper version also be filed or that the court itself prints a paper version from the electronic version that is lodged. It is still relatively rare for courts of general jurisdiction to abolish using a paper version of the original claim document that is lodged.

The court may still process paper in the old way, but use e-filing to speed up the registration process alone. E-filing allows a court to capture data from an original document to be used to create an electronic summary of the court case for future case tracking, thereby improving case management⁵². Those benefits, however, will not be the direct result of e-filing, as an electronic case record can be created by court registries regardless of whether initial filing is electronic or by paper alone. E-filing is good only to a certain point in time; a point that occurs well before a case is actually heard and determined. So it is misleading, if not incorrect, to suggest that e-filing will reduce case disposition times. It's always a better way to use e-filing system since it can produce better net benefits to the lodging party; but a corresponding benefit will accrue to the court only when the court also decides that it neither requires the filing of a paper document, nor later asks that the document be printed for use in court. But even in these cases of paperless lodgment, the direct benefit is limited to savings that accrue to the lodging party, i.e. the cost of printing the document and delivering it to the court registry, usually a small cost saving compared to the overall costs of litigation.

4.4.3 It will overcome the problem of errors being made in the court registry in recording the details of cases

⁵⁰ Mshana, J. A, (2017) *Effective use of Information and Communication Technology in Judicial Systems: Tanzania and Other Jurisdictions in Comparative Perspectives*, IJA Journal, Vol I, Issue No. I, 2017 pg 23-33, ISSN 2467-4680

⁵¹ Mshana, J. A, (2017) *Effective use of Information and Communication Technology in Judicial Systems: Tanzania and Other Jurisdictions in Comparative Perspectives*, IJA Journal, Vol I, Issue No. I, 2017 pg 23-35, ISSN 2467-4680

⁵² Mshana, J. A, (2017) *Effective use of Information and Communication Technology in Judicial Systems: Tanzania and Other Jurisdictions in Comparative Perspectives*, IJA Journal, Vol I, Issue No. I, 2017 pg 40, ISSN 2467-4680

One of the great benefits of electronic lodgment of new cases is that it provides the means for more accurately recording summary information about the case. Courts that do not have e-filing will need to transcribe summary information from a newly filed paper document to either a paper register book or to an electronic case tracking system (sometimes both)⁵³. This process can give rise to transcription errors, as it is ordinarily performed by court staff working from paper to computer screens. Where there is e-filing, on the other hand, it is the lodging party who would provide summary information about the case when lodging the electronic document; and that can be processed by software rather than by court staff.

4.4.4 It has the support of lawyers, who see the value of saving costs for their clients.

While lawyers are motivated to reduce costs for their clients, they are not necessarily motivated to reduce their own fees that they charge to their clients. In the case of costs of filing a document in a court or paying a court fee, these are costs that lawyers typically pass directly on to their clients. The filing of document electronically always minimize cost to the parties as many costs are eliminated like travelling expenses to the court, this will also spare the court's precious time. They naturally applaud innovations by courts that reduce court fees or reduce the costs associated with filing documents, a task that is normally performed by a legal secretary, rather than a lawyer. It is because those kinds of costs are small in comparison with the costs of a lawyer's advocacy services that lawyers are supportive of court efficiencies, as those savings have no impact on the primary sources of lawyer incomes.

4.4.5 It will overcome the problems in court registries, where staff sometimes

Deliberately go slow in registering cases and ask for bribes.

One of the greatest advantages of electronic case tracking systems, usually a core element of any e-judiciary innovation, is that it can provide a level of transparency and information quality control that is not available to the same degree in systems that lack computers. Computerized data is more likely to be recorded promptly, accurately, completely and transparently than otherwise. This has the advantage of preventing low level corruption in court registries where court staff may be in the habit of seeking additional and secret payments from lawyers and others to register documents. The IT guru Barry from Dar-es-Salaam stated that,

"Under electronically managed systems, it is harder for court staff to sustain corrupt practices that are based on their ability to lose records or otherwise restrict access to information about case files and documents. Again, however, as a justification for introducing computerization in courts, its role as an anti- corruption measure should be proportionate to the extent of the problem. If there is a problem of there

being corrupt judges willing to sell the outcome of a case to the highest bidder, then it is unlikely that computerization will have an impact on that problem."

4.5.6 It will overcome the problem of accurately recording what is said in court, by giving us an audio recording and a transcript.

Many court systems across the world suffer from a limited capacity to record formal court proceedings in the courtroom, either by verbatim records of what is said or by production of summarized minutes of the main events. In poorly developed systems, the judge will record minutes by pen in longhand, or there will be a stenographer using a keyboard or shorthand. The constraint imposed by these options is that each is vulnerable to human error arising from fatigue or prejudice. Most people readily recognize the likelihood that court proceedings recorded by pen and longhand are not likely to be very complete or very accurate. When court minutes are recorded exclusively by a presiding magistrate or judge who is corrupt or incompetent, then the lack of a more reliable form of independent recording is likely to facilitate that corruption. The introduction of audio visual technology will offer the prospect of improving reliability and completeness of court recording; and it will also speed up court proceedings. But the problem with this is that usually judges and lawyers will not be happy, just to listen or to look they almost always want to read the record as text.

6. The Recommendation to the Judiciary System on Using Advancement Global ICT in Administering Justice in Tanzania

This study recommends deliberate changes in legal provisions to allow intensive investment in technology to its court Staff, Officers, and Lawyers so as to shift to a new full 'paperless' model. It would certainly take time to get adept with the use of electronic system however this change should be treated as inevitable issues of access to ICT-towards embracing justice⁵⁴. Therefore, the study also recommends the following key points.

6.2.1 The judiciary should ensure that ICT system has an intuitive and user-friendly interface.

This study recommends to that the judiciary should ensure that ICT system has an intuitive and user-friendly interface, which makes it easy for lawyers, litigants and court staff to navigate and use. Also, the judiciary should conduct a usability testing and gather feedback from the user to identify areas for improvement.

6.2.2 The Compatibility and interoperability system between the Judiciary and ICT.

Moreover, the study also recommends on the compatibility and interoperability, this can be brought by ensuring that the ICT

⁵³ Mshana, J. A, (2017) *Effective use of Information and Communication Technology in Judicial Systems: Tanzania and Other Jurisdictions in Comparative Perspectives*, IJA Journal, Vol I, Issue No. I, 2017 pg 40, ISSN 2467-4680

⁵⁴ Mshana, J. A, (2017) *Effective use of Information and Communication Technology in Judicial Systems: Tanzania and Other Jurisdictions in Comparative Perspectives*, IJA Journal, Vol I, Issue No. I, 2017 pg 63-65

system is compatible with various devices and operating systems, allowing users to access and file documents from desktops, laptops, tablets and smartphones. Moreover, it is important to improve interoperability with other legal and government system to streamline data sharing.

6.2.3 Staff training should be given priority to ensure effective implementation and Utilization of ICTs in records management and administration.⁵⁵

The study also recommends for more training to the officials of the judiciary, that training should be provided to the judges, clerks and other court staff on the e-filing system's functionalities to ensure smooth handling and processing of electronic filing of cases. This will enable them to do away with minor challenges facing their performance and system used. The end of justice should always benefit the community hence it is important that e-filing is also recommended into the understanding of the community members.

6.2.4 Community members should encourage their attorney to use e-filing system

Therefore, it is recommending that community members should encourage their attorney to use e-filing system. Also, the public should be keen in reporting the challenges associated with e-filing of cases⁵⁶. This Article also recommends that community member should be patient since e-filing system is still developing in Tanzania hence, they should give it time to operate.

6.2.5 The Government should increase funding allocation to the Judiciary, and the Judiciary should outsource funds from development Partners.

This study further recommends that there should be a specific funding from the government to fund for more training and facilities for the ICT systems to be used in the judiciary systems. This will help in the executions of functions done by the judiciary hence proper functions towards fulfilling its goals.⁵⁷

Conclusion

This Article concludes that there are improvements in the effective and efficient adoption and use of digital courts for e-justice delivery in the Judiciary of Tanzania contrary to the previous study done by several scholars that e-records management systems used in the courts of Tanzania are not as effective as they are expected to be. The digital transformation of high courts in Tanzania

through the IECMS triggers justice delivery more convenient, transparent, and cost-effective⁵⁸. The system is likely to improve public trust in the judiciary and reduce all the lags in the processing of court cases and disposal of judgments. This requires a radical paradigm change in the existing structure. There is a need to embrace a change in the way judicial proceedings are handled, changes in the attitudes and mindset of judicial staff, and the way they have been conducting their affairs, going parallel with the fast-moving world through ICT advancements. The digitalization of court operations can likely handle cases more efficiently as they are cost-effective and provide a smooth and prompt resolution to undertake. Thus, justice administration cannot be insulated from the digital revolution, especially with the technological expansion going on at the moment around the digital world.

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⁵⁶ Lainie, R.W., et al., (2015) *Ready or Not Here We E-Come: Remaining Persuasive Amidst the Shift towards Electronic Filing*, 12 Legal Comm. & Rhetoric: JALWD 83 at pg 36.

⁵⁷ Lainie, R.W., et al., (2015) *Ready or Not Here We E-Come: Remaining Persuasive Amidst the Shift towards Electronic Filing*, 12 Legal Comm. & Rhetoric: JALWD 83 at pg 37

⁵⁸ Mshana, J. A, (2017) *Effective use of Information and Communication Technology in Judicial Systems: Tanzania and Other Jurisdictions in Comparative Perspectives*, IJA Journal, Vol I, Issue No. I, 2017 pg 46-48