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CONSUMER PROTECTION IN DIGITAL LENDING IN TANZANIA: AN ASSESSMENT OF THE EFFECTIVENESS OF THE LEGAL FRAMEWORK AND REGULATORY CHALLENGES

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Abstract

The expansion of digital lending has changed the way individuals access credit in Tanzania. Through mobile applications, mobile money platforms and other technology-based services, borrowers can obtain loans without visiting a physical financial institution. Although these services have improved the convenience and accessibility of credit, they have also raised concerns about the adequacy of consumer protection, particularly in relation to disclosure of loan terms, transparency of charges, personal data protection, debt collection practices and access to effective remedies. This article examines the effectiveness of the legal framework governing consumer protection in digital lending in Tanzania. It adopts a qualitative approach combining doctrinal legal analysis with a review of findings from research involving stakeholders in the digital lending sector. The article examines the relevant legislation, regulatory instruments and institutional arrangements, while assessing how far these measures protect consumers in practice. It argues that Tanzania has established a legal foundation for consumer protection, but the practical effectiveness of that protection remains affected by fragmented regulation, enforcement difficulties, limited consumer awareness and challenges in accessing complaint and redress mechanisms. The article recommends clearer requirements for digital lending, stronger coordination among regulatory institutions, improved protection of personal information and more accessible mechanisms for resolving consumer complaints.

Keywords: Consumer protection; digital lending; Tanzania; financial consumer protection; personal data protection; regulatory framework.

1. INTRODUCTION

Digital lending has become an important part of the changing financial services landscape in Tanzania. Unlike conventional lending, which commonly involves direct interaction between a borrower and a financial institution, digital lending allows individuals to apply for, receive and repay loans through mobile phones, applications and other electronic platforms. This development has made borrowing more convenient and has created opportunities for people who may face difficulties accessing credit through traditional banking channels. However, the convenience of obtaining a loan through a digital platform does not necessarily mean that borrowers fully understand the conditions attached to that loan or can easily enforce their rights when a problem arises.[1]

One of the main concerns associated with digital lending is the relationship between technological convenience and the protection of borrowers. A consumer may receive a loan within a short period, yet have limited time or practical opportunity to understand the total cost of borrowing, the applicable charges, the repayment period and the consequences of default. Concerns may also arise where personal information is collected or used without adequate

[1] Matunda Mpogole, "The Examination of Consumer Protection and Digital Lending Law and Practice in Tanzania," East African Journal of Law and Ethics, vol. 7, no. 1 (2024), pp. 172-183; R. Mazer and K. McKee, Consumer Protection in Digital Credit, CGAP Focus Note No. 108 (2017), pp. 1-12.

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transparency, or where debt recovery practices expose borrowers to embarrassment or pressure. These concerns demonstrate that consumer protection in digital lending must extend beyond the mere availability of credit. It must also address the fairness of the lending process, the clarity of contractual information and the availability of effective remedies when consumer rights are infringed.[2]

Tanzania has adopted several laws and regulatory measures that are relevant to the protection of consumers in digital lending. The Fair Competition Act provides a framework addressing unfair market conduct, while the National Payment Systems Act governs matters relating to payment systems and associated services. The Personal Data Protection Act is relevant to the collection and processing of borrowers' personal information. In addition, the Bank of Tanzania (Financial Consumer Protection) Regulations, 2019 establish requirements concerning the treatment of financial consumers, disclosure of information, transparency and complaint handling. The Microfinance Act and other applicable regulatory instruments also form part of the wider legal framework governing financial services and digital lending.[3]

Nevertheless, the existence of these laws does not, by itself, establish that consumers are adequately protected in their everyday dealings with digital lenders. The legal framework operates through different statutes, regulations and regulatory institutions, each addressing particular aspects of financial services and consumer protection. This arrangement raises questions about coordination, the identification of regulatory responsibility and the consistency of enforcement, particularly where a digital lending service involves financial transactions, telecommunications technology and the processing of personal information.[4]

The central concern is therefore not simply whether Tanzania has laws that are relevant to digital lending. Rather, it is whether those laws provide sufficiently clear and effective protection when borrowers encounter problems such as undisclosed charges, misuse of personal information, unfair debt collection or difficulties in obtaining redress. This distinction is important because a right recognized in legislation may offer limited practical protection if consumers do not know how to exercise it, if complaints are difficult to pursue, or if the relevant authorities face challenges in enforcing the applicable requirements. Against this background, this article assesses the effectiveness of the legal framework governing consumer protection in digital lending in Tanzania. It examines the relevant legal and institutional arrangements, evaluates the extent to which they protect borrowers in practice, and identifies the principal challenges affecting their implementation. It also considers reforms that could strengthen consumer protection without disregarding the importance of digital financial innovation and access to credit.[5]

The article argues that the principal challenge lies in ensuring that existing legal protections operate effectively within the particular conditions of digital lending. Achieving this requires more than the adoption of additional legal rules. It also calls for clear obligations on digital lending providers, effective regulatory coordination, responsible handling of consumer information, greater public awareness and accessible mechanisms through which borrowers can raise complaints and obtain appropriate remedies.

2. THE LEGAL AND INSTITUTIONAL FRAMEWORK FOR CONSUMER PROTECTION IN DIGITAL LENDING IN TANZANIA

2.1 An Overview of Consumer Protection in Digital Lending

Consumer protection in digital lending concerns the legal and institutional measures intended to safeguard individuals who obtain credit through electronic platforms. It seeks to ensure that borrowers receive understandable information about loan products, are treated fairly by service providers, have their personal information handled lawfully and can seek assistance where a lending transaction gives rise to a dispute. These protections are particularly important because the digital lending process may be completed without face-to-face communication between the borrower and the lender.

In a conventional lending arrangement, a borrower may have an opportunity to ask questions, seek clarification from a loan officer or obtain a physical copy of the relevant documents. Digital lending can reduce these opportunities because applications, acceptance of contractual terms and loan disbursement may take place through a mobile interface. As a result, the information provided on the platform and the manner in which it is presented become important to the consumer's ability to make an informed decision.[6]

Consumer protection in this context should not be understood as preventing individuals from borrowing or limiting the legitimate provision of credit. Its purpose is to ensure that the lending relationship operates fairly and transparently. Borrowers remain responsible for complying with lawful contractual obligations, while lenders are expected to provide the information and treatment required by the applicable legal framework. Effective protection therefore depends on a reasonable balance between access to credit, the legitimate interests of service providers and the

[2] Mazer and McKee, Consumer Protection in Digital Credit, pp. 1-12; Issango Jackline Shadrack, Legal Assessment on the Effectiveness of Consumer Protection Laws in Digital Lending in Tanzania (LL.M dissertation, St. Augustine University of Tanzania, 2026), findings and discussion chapters.

[3] Fair Competition Act, Cap. 285, R.E. 2023; National Payment Systems Act, Cap. 437, R.E. 2023; Personal Data Protection Act, Cap. 44, R.E. 2023; Microfinance Act, Cap. 407, R.E. 2023; Bank of Tanzania (Financial Consumer Protection) Regulations, 2019.

[4] Ibid.

[5] Ibid.

[6] Mazer and McKee, Consumer Protection in Digital Credit, pp. 1-12; Shadrack, Legal Assessment on the Effectiveness of Consumer Protection Laws in Digital Lending in Tanzania, Chapter Two.

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rights of consumers. In Tanzania, this protection is addressed through a combination of legal instruments rather than a single statute devoted exclusively to every aspect of digital lending. The relevant rules concern, among other matters, financial consumer protection, competition, payment systems, personal data and the regulation of microfinance services. The effectiveness of this arrangement depends not only on the substance of the individual laws, but also on how they operate together and how consistently their requirements are implemented.

2.2 The Relationship Between Digital Lending and Consumer Protection

Digital lending and consumer protection are closely connected because the technology that makes borrowing faster and more accessible can also create difficulties for borrowers. The use of electronic platforms may reduce the time and effort required to obtain credit, but it can also make it harder for a consumer to assess the full terms of a loan before accepting them. Similarly, the collection and processing of personal information may support credit assessment, while also raising questions about privacy, transparency and the proper use of that information. The relationship is particularly significant where borrowers have limited knowledge of the terms governing a digital loan or are unfamiliar with the procedures for making a complaint. In such circumstances, the practical value of legal protection depends on whether the consumer can understand the transaction, identify conduct that may be unlawful and access an appropriate remedy.[7]

Accordingly, an assessment of consumer protection in digital lending must consider both the legal rules and the conditions under which those rules are applied. A framework may recognize important consumer rights, but its effectiveness can be weakened where the responsibilities of regulators are unclear, compliance is inconsistent or the procedures for obtaining redress are difficult to use. This provides the basis for examining Tanzania's legal framework and determining whether it responds adequately to the risks associated with technology-based lending.

3. THE EFFECTIVENESS OF THE LEGAL FRAMEWORK IN PROTECTING CONSUMERS IN DIGITAL LENDING IN TANZANIA

The effectiveness of consumer protection in digital lending should be assessed by examining whether the rights recognized by law provide meaningful protection to borrowers in practice. The existence of legislation is an important starting point, but it does not, on its own, establish that consumers are adequately protected. Effective protection also depends on compliance by digital lenders, regulatory supervision, consumer awareness and access to remedies when disputes arise.[8]

The Tanzanian legal framework addresses several aspects of consumer protection through legislation and regulatory instruments governing financial services, competition, payment systems and personal data. However, the research findings identify continuing concerns relating to disclosure of loan terms, personal data protection, debt collection, consumer awareness and access to complaints and redress. These concerns provide a basis for evaluating the practical effectiveness of the existing framework.[9]

3.1 Disclosure of Loan Terms and Transparency of Charges

Disclosure of loan information is a fundamental element of consumer protection because borrowers need to understand the financial consequences of a lending transaction before accepting the loan. Relevant information includes the amount borrowed, interest, applicable fees, repayment dates and the consequences of default. Where this information is incomplete or difficult to understand, a borrower may accept contractual obligations without fully appreciating the cost of the credit.[10]

This concern is particularly significant in digital lending, where applications and acceptance of contractual terms may take place through mobile phones without direct interaction between the borrower and the lender. The convenience of obtaining credit electronically should not reduce the consumer's opportunity to understand the terms of the transaction. As literature on digital credit consumer protection indicates, transparency is important because borrowers may have difficulty assessing the total cost of a loan when charges and repayment conditions are not clearly presented.[11]

In Tanzania, the Bank of Tanzania (Financial Consumer Protection) Regulations, 2019 provide an important regulatory basis for financial consumer protection, including requirements concerning disclosure, transparency and consumer information.[12]The Fair Competition Act is also relevant where a lender's representations or conduct fall within the statutory prohibitions against misleading or deceptive practices. These instruments provide legal grounds for addressing aspects of inadequate disclosure, although the applicable provisions must be considered in light of the particular transaction and service provider.[13]

The dissertation findings identify inadequate disclosure of loan terms and charges as one of the challenges affecting consumer protection in digital lending. This finding raises an important

[7] Shadrack, Legal Assessment on the Effectiveness of Consumer Protection Laws in Digital Lending in Tanzania, Chapter Four.
[8] Issango Jackline Shadrack, Legal Assessment on the Effectiveness of Consumer Protection Laws in Digital Lending in Tanzania (LL.M dissertation, St. Augustine University of Tanzania, 2026), Chapter Four.
[9] Ibid., sections 4.3-4.4.
[10] Bank of Tanzania (Financial Consumer Protection) Regulations, 2019.
[11] R. Mazer and K. McKee, Consumer Protection in Digital Credit, CGAP Focus Note No. 108 (2017), pp. 1-12.
[12] Bank of Tanzania (Financial Consumer Protection) Regulations, 2019.
[13] Fair Competition Act, Cap. 285, R.E. 2023, particularly sections 15, 16, 19, 24 and 25.

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distinction between making information available and presenting it in a way that enables consumers to understand it. A lender may technically display terms on a digital platform, but borrowers may still struggle to identify the total amount repayable, the applicable charges or the consequences of late payment. The effectiveness of the framework should therefore be assessed not only by the existence of disclosure obligations but also by their practical implementation. Digital lending providers should present the total cost of credit, repayment obligations and default consequences clearly before a borrower accepts the loan. Regulators should ensure that the relevant requirements are enforced consistently and that the information supplied through digital platforms enables consumers to make informed decisions.[14]

3.2 Protection of Personal Data and Privacy

The collection and processing of personal information form part of many digital lending transactions. Lenders may request information from borrowers to assess applications, verify identity and administer credit. Although some data processing may be necessary for legitimate lending activities, it must comply with the applicable legal requirements governing personal information.[15]

The Personal Data Protection Act provides the domestic legal framework for protecting personal information in Tanzania. Its relevance to digital lending arises because borrowers' details are collected and processed during the provision of digital credit. The protection of such information is important not only during the application process but also throughout the lending relationship, including repayment and debt recovery.

A practical concern arises where borrowers do not clearly understand what information an application collects, why the information is needed or how it may be used. The dissertation's findings indicate that respondents recognized the importance of personal data protection, while some expressed concern that borrowers might not sufficiently understand the nature and extent of the information collected through digital lending applications or the purposes for which it may subsequently be used. These findings suggest that the effectiveness of data-protection rules depends partly on whether consumers receive understandable information and whether service providers comply with their legal obligations. The presence of a statutory framework is significant, but its protective value may be weakened if consumers cannot identify improper data practices or access an effective procedure for raising concerns.[16]

Privacy concerns may also arise during debt recovery. A borrower's failure to repay does not, by itself, justify the unrestricted use or disclosure of personal information. Where a lender's conduct involves the processing or disclosure of personal data, the relevant legal requirements must be considered alongside the lender's legitimate interest in recovering the outstanding debt. Accordingly, digital lending providers should handle borrowers' information responsibly and provide clear explanations of relevant data practices. Regulatory institutions should also ensure that complaints involving personal information are dealt with under the applicable legal framework. These measures would help maintain a fair balance between the use of technology in credit assessment and the protection of consumers' privacy.

3.3 Fair Treatment and Debt Collection Practices

Fair treatment is another important measure of effective consumer protection. A borrower who obtains credit assumes an obligation to repay in accordance with the applicable contractual terms. However, the existence of that obligation does not remove the lender's responsibility to conduct debt recovery in accordance with the law. Consumer protection must therefore recognize both the legitimate interests of lenders in recovering outstanding loans and the rights of borrowers to lawful and fair treatment.[17]

Debt collection becomes a consumer-protection concern where the methods used to obtain repayment are intimidating, humiliating or otherwise inconsistent with applicable legal standards. Such conduct may have consequences beyond the financial obligation itself, particularly where a borrower's financial difficulties are disclosed to other people or where communications become intrusive.

The Fair Competition Act contains provisions relevant to misleading or deceptive conduct and certain forms of conduct affecting consumers in commercial transactions. The Bank of Tanzania (Financial Consumer Protection) Regulations, 2019 also provide a relevant framework for assessing the treatment of financial consumers. Where debt collection involves the use or disclosure of personal information, the Personal Data Protection Act may also be relevant. The precise legal position depends on the nature of the conduct and the provisions applicable to the lender and transaction.[18]

The dissertation's field findings indicate that repayment-related concerns become particularly significant after a loan has been disbursed. Some borrower respondents reportedly described communications concerning overdue loans as frequent and, in certain circumstances, intrusive. These findings illustrate why consumer protection cannot be assessed solely by examining the formation of a loan agreement. It must also consider how the contractual relationship is managed when repayment difficulties arise.[19]The central issue is not whether lenders may pursue repayment, but whether they do so through lawful and appropriate methods. Effective protection requires clear expectations concerning debt collection, proper handling of borrowers' information and accessible channels through which consumers can

[14] Shadrack, Legal Assessment on the Effectiveness of Consumer Protection Laws in Digital Lending in Tanzania, section 4.3.
[15] Ibid., section 4.3.
[16] Shadrack, Legal Assessment on the Effectiveness of Consumer Protection Laws in Digital Lending in Tanzania, section 4.3.
[17] Fair Competition Act, Cap. 285, R.E. 2023, sections 15, 16, 19, 24 and 25.
[18] Bank of Tanzania (Financial Consumer Protection) Regulations, 2019.
[19] Ibid.

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challenge potentially improper conduct. Regulators should ensure that complaints are considered under the relevant legal framework and that enforcement action is taken where a violation is established.

3.4 Consumer Awareness and Access to Complaints and Remedies

Consumer awareness is essential to the practical enforcement of legal rights. Even where the law provides protection, borrowers may struggle to benefit from it if they do not know which institution to contact, how to submit a complaint or what steps are available when a dispute arises. The effectiveness of consumer protection therefore depends partly on whether legal procedures are accessible and understandable to the people they are intended to protect.

The Bank of Tanzania (Financial Consumer Protection) Regulations, 2019 provide a formal framework for handling complaints in financial services. Such mechanisms are important because they offer consumers an avenue for raising concerns about the conduct of service providers. Nevertheless, the existence of a complaint procedure does not necessarily mean that consumers can use it effectively. Its practical value depends on awareness, accessibility and the ability to obtain an appropriate response.[20]

The dissertation's findings indicate that awareness of complaint and redress mechanisms among digital lending borrowers is not uniform. The majority of borrower respondents reportedly indicated that they were not fully aware of the appropriate procedure or institution to approach when they encountered problems with digital lenders. Some regulatory respondents similarly identified consumer awareness as relevant to the practical operation of consumer protection mechanisms. This finding points to a gap between the formal recognition of rights and the ability to exercise them. Where a borrower is uncertain whether a complaint should be directed to a financial regulator or another relevant institution, the process of obtaining assistance may become more difficult. The involvement of different regulatory authorities in matters concerning financial services, communications, competition and personal data makes clear public guidance particularly important.[21]

Improving consumer awareness should therefore form part of the broader strategy for strengthening digital lending protection. Consumers need understandable information about their rights, loan obligations and complaint procedures. Service providers and regulatory institutions should make this information readily accessible and explain the appropriate channels for addressing different types of complaints. These measures should complement effective supervision rather than substitute for it.

3.5 Overall Assessment of Effectiveness

The preceding analysis shows that Tanzania has established a legal foundation for protecting consumers in digital lending. The relevant framework addresses important matters, including disclosure of financial information, fair treatment, personal data protection and complaint handling. The Fair Competition Act, National Payment Systems Act, Personal Data Protection Act, Microfinance Act and Bank of Tanzania (Financial Consumer Protection) Regulations, 2019 form part of this broader framework. However, the dissertation's findings indicate that the practical effectiveness of these protections remains affected by inadequate disclosure, data-related concerns, unfair debt collection practices, limited consumer awareness and difficulties in accessing redress. Respondents also identified differences in compliance among digital lending providers and the importance of regulatory supervision and enforcement.

It would therefore be inaccurate to conclude either that Tanzania has no consumer protection framework for digital lending or that the existence of legislation automatically guarantees adequate protection. A more balanced conclusion is that the framework provides important safeguards, but the practical value of those safeguards depends on implementation, compliance, coordination among regulatory institutions and consumers' ability to exercise their rights. The principal challenge is consequently to ensure that the existing legal protections operate effectively within the particular conditions of digital lending. This requires consistent enforcement, clearer obligations for service providers, stronger consumer awareness and accessible mechanisms for resolving complaints. These concerns lead to the next question: what legal and institutional challenges prevent the current framework from providing more consistent protection to digital lending consumers?

4. LEGAL AND INSTITUTIONAL CHALLENGES IN PROTECTING CONSUMERS IN DIGITAL LENDING IN TANZANIA

4.1 Fragmentation of the Legal Framework

Consumer protection in digital lending is governed by several laws, including the Fair Competition Act, National Payment Systems Act, Personal Data Protection Act and Microfinance Act.[22] Although these laws address different aspects of consumer protection, the absence of a single comprehensive law specifically addressing digital lending may create uncertainty about applicable requirements and regulatory responsibilities. This challenge becomes more apparent where a single transaction involves unclear loan charges, misuse of personal information and unfair debt collection. Such situations may require the involvement of different regulatory institutions. Strengthening coordination and clarifying regulatory responsibilities would therefore help improve the consistent application of consumer protection requirements.[23]

4.2 Regulation and Supervision of Digital Lenders

[20] Bank of Tanzania (Financial Consumer Protection) Regulations, 2019.
[21] Ibid., Sections 3.5 and 4.4.
[22] Fair Competition Act, Cap. 285, R.E. 2023; National Payment Systems Act, Cap. 437, R.E. 2023; Personal Data Protection Act, Cap. 44, R.E. 2023; Microfinance Act, Cap. 407, R.E. 2023.
[23] Ibid.

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The Microfinance Act establishes licensing requirements for regulated microfinance activities. However, the dissertation identifies difficulties in determining the regulatory status of some digital lending providers and supervising services offered through mobile applications. These difficulties may affect consumers' ability to identify authorized providers and know where to submit complaint. Effective supervision should therefore include clear information about approved providers, monitoring of digital lending activities and appropriate action against providers operating contrary to applicable licensing requirements.

4.3 Disclosure, Personal Data and Debt Collection

The dissertation identifies inadequate disclosure of loan terms, concerns about personal data and intrusive debt collection practices as important consumer-protection challenges. Some borrowers reportedly found it difficult to understand the full cost and repayment conditions of digital loans. Other concerns involved the collection and use of personal information and communications concerning overdue payments. These findings demonstrate that consumer protection requires more than formal legal obligations. Digital lenders must communicate loan conditions clearly, handle personal information responsibly and recover debts in accordance with applicable law.

4.4 Regulatory Coordination and Access to Remedies

The involvement of different regulatory institutions may make it difficult for consumers to identify the appropriate authority when a complaint concerns several legal issues. The dissertation also indicates that some borrowers were not fully aware of the procedures for seeking redress. Stronger cooperation among the Bank of Tanzania, Tanzania Communications Regulatory Authority and Fair Competition Commission, together with clearer complaint procedures, would help consumers access available remedies more effectively.

5. RECOMMENDATIONS

The legal framework should be strengthened through clearer requirements governing digital loan charges, contractual terms, responsible lending, personal data and debt collection. Regulatory institutions should improve coordination and supervision, while digital lenders should provide understandable loan information and comply with applicable consumer-protection requirements.

Consumer education should also be improved, particularly concerning borrowers' rights, repayment obligations and complaint procedures. Finally, complaint and redress mechanisms should be accessible, clear and responsive to consumers' concerns.

6. CONCLUSION

Tanzania has established a legal foundation for protecting consumers in digital lending. However, the dissertation findings indicate that fragmented regulation, supervision difficulties, inadequate disclosure, data-protection concerns and limited access to remedies continue to affect the practical effectiveness of that protection. Strengthening the framework therefore requires coordinated enforcement, clearer obligations for digital lenders and improved consumer awareness.

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