

Adoption and Use of Digital Court Records on E-justice Service Delivery at the Judiciary of Tanzania- Mbeya Zonal High Court (JoT-MZHC)

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Abstract

The study investigated adoption and use of digital court records on e-justice service delivery at the Judiciary of Tanzania- Mbeya Zonal High Court (JoT-MZHC). It focused on staff perception on the contribution of digital court records in promoting e-justice service delivery; the organizational capacity on managing digital court records and; establishing the challenges facing management of digital court records. The study employed the descriptive research design with both quantitative and qualitative research approaches however quantitative approach dominated the study. Data were collected through questionnaires and interviews from the sample of 36 respondents who were purposively selected. The study found that, staff perceive that digital court records effectively facilitate access of judicial information and proceedings, enhances accountability and transparency. The study indicates the organizational capacity in enhancing management of digital court records to increase efficiency in judicial service delivery. However, the study realized challenge of budget constraints, shortage of IT experts, instability of internet and electricity, and lack policies on managing digital courts. It was concluded that there are improvements on effective and efficient adoption and use of digital courts for e-justice delivery in Judiciary of Tanzania. The study recommends on allocating adequate budget for adoption and use of ICT, increase internet and bandwidth, capacity building to improve digital court records management for e-justice service delivery.

Keywords: Access to justice, digital court records, e-justice, e-filing, service delivery, electronic records.

1.0 Introduction

Justice service delivery is the core function of the judiciary worldwide. In the modern era of advanced information and communication technology (ICT), judicial institutions are continuously transitioning from traditional to digital operations to enhance justice delivery. Governments across the globe have made significant strides in digitizing their courts to improve efficiency (Poshai & Doorgapersad, 2023). Matongo and Jacobs (2022) define e-justice as an electronic records management system designed to improve the accessibility of court records and facilitate justice delivery. Similarly, Hasan and Rupa (2021) describe court digitalization as encompassing both records and court processes. The application of ICTs in court systems enables automation, improves case management,

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and enhances judicial operations (Saman, 2014). As innovation advances, sophisticated electronic records can only be effectively managed digitally (e-GA Report, 2022). Poshai and Doorgapersad (2023) emphasize that public sector institutions worldwide are adopting ICT to expedite service delivery, and judicial systems are no exception as they transition from analog to digital governance.

Court digitalization ensures that electronic records are accessible and secure. Proper regulation of digital court systems is crucial to restricting modifications to authorized personnel, thereby preventing online fraud (Gopal, 2018). Digital justice systems enhance efficiency, accountability, integrity, and citizen engagement (United Nations, 2018). Platforms such as the Integrated Electronic Case Management System (IECMS) have facilitated the digital transformation of courts, enabling online case management and virtual hearings (Poshai & Doorgapersad, 2023; Jamila *et al.*, 2021).

Many developed countries have adopted digital court platforms to enhance public trust in their judiciary. In England, digital reforms include virtual courtrooms, improving access to legal proceedings (Poshai & Doorgapersad, 2023; Donoghue, 2017; Wiggins, 2006). Similarly, Australia has implemented initiatives such as the Access to Justice Innovation Fund and the Victorian Legal Services Grants Program, both of which focus on leveraging technology to improve access to justice (Toohey *et al.*, 2019). Brazil has also introduced ICT solutions in its judiciary to enhance operational efficiency (Filho, 2009).

In Africa, several countries are striving for digital justice transformation. Egypt introduced economic courts in 2008, marking the beginning of its e-justice initiatives (Kadry, 2023). Zimbabwe adopted the IECMS in 2022 to digitize litigation processes (Poshai & Doorgapersad, 2023), while Nigeria has integrated ICT from its Magistrate Courts to the Supreme Court to enhance efficiency (Bob, 2009).

East African countries are also progressing toward digital justice services. Rwanda implemented the IECMS between 2015 and 2016 to automate court documentation and improve accessibility for litigants (Nkusi, 2017; Dutton, 2021). Kenya adopted a similar system in 2011, enabling electronic case management through a web-based platform (Murungi, 2011).

In Tanzania, the government has introduced several public sector reforms to improve service delivery, including the adoption of ICT in judicial processes (e-GA, 2022). The Judiciary of Tanzania (JoT) operates under its Strategic Plan 2020/21 – 2024/25, which aims to enhance justice accessibility through digital solutions. The JoT-Mbeya Zonal High Court, like other public institutions, requires an efficient information management system to handle routine operations and generate reports. However, challenges such as misfiling, delayed evidence retrieval, budget constraints, and weak management support hinder effective service delivery (Issa & Wamukoya, 2018; Mkandya, 2011).

Former Tanzanian Chief Justice Ramadhani (2010) emphasized that ICT is a key driver of judicial efficiency, helping to reduce case backlogs, improve transparency, and boost public confidence in the justice system. Systematic and efficient management of digital court records is crucial in facilitating e-justice service delivery.

2.0 Literature Review

This section presents a review of the literature on the adoption and use of digital court records in e-justice service delivery. The section discusses; the overview of e-justice and its objectives such as the contributions of digital court records in e-justice service delivery, organizational capacity in managing digital court records, and the challenges associated with the effective management of digital court records

2.1 Overview of digital courts records and e-justice service delivery

Records management is the key success factor in judicial systems in any country in the world. Matongo and Jacobs (2022) define e-justice as an electronic records management system aimed at enhancing the availability of electronic court records to support the discharge of justice. Ntengenyane and Khayundi (2021) postulate that “there is a strong relationship between records management and justice delivery. Poor records management results in justice being delayed or denied. Justice delayed or denied results in subversion of the justice delivery system”. Systematic, efficient, and organized records management system provides comprehensive information for courts to guarantee unbiased decisions (Saman & Haider, 2012). Judicial Council of California (2011) defined a court record as any document or other material that is received or maintained by the court to or in connection with judicial proceedings. Ntengenyane and Khayundi (2021) contended that electronic court records are important in the judiciary system to facilitate decision-making; therefore, courts need to determine what records should be captured to boost efficient and effective justice service delivery and retained as evidence in case of legal and other challenges. Motsaathebe and Mnjama (2007), argued that, within the legal context, records provide evidence of every course of action and enhance accountability in governments as well as in organizations hence, they should be identified as evidence of how the organization conducts its business, useful in defending the organization or in prosecutions claims on the court’s behalf, the records which document the legal bases of the court’s operations for service delivery. Digital records play a significant role in the successful prosecution of crimes, hence the need for them to be regarded as admissible evidence in courts of law (Aljneibi, 2014). In support of that, Tion (2014) added that digital records in courts can aid the investigation and resolution of crimes by law enforcement agents as most of the things that are done manually are now done on computers, computer-like devices, or with the aid of computers and computer networks.

2.2 The contributions of digital court records in e-justice service delivery

Worldwide, the advent of the technological age has had a tremendous effect on litigation practice, particularly in the area of evidence gathering and presentation in court in the form of records. In Czech, Šínová, and Hamuláková (2023) noted that the purpose of digitalization is to facilitate access to information concerning the judiciary and proceedings, to reduce the administrative burden for courts and litigants, to make proceedings more efficient and easier for both litigants and courts, to speed up and increase transparency and to reduce the costs of court proceedings. On the other hand, in Austria, the electronic justice system is technologically advanced using open standard web technology such as XML, web services, or SOAP. ELC is secured by SSL. The implementation of the electronic justice system has resulted in significant cost reductions in the justice sector particularly savings in postage

and staff costs. Furthermore, users of the electronic justice system such as court staff, parties, and lawyers benefit from the reduced duration of legal proceedings, time saved through (fully) automated types of legal proceedings, etc (Tikhanovich *et al.*, 2021).

In Africa, Huni and Dewa (2019) when investigating the admissibility of digital court records as evidence in a court of law in Zimbabwe revealed that, digital records are more like real-time communication, and as such they should be considered admissible sources of evidence when passing judgments in court. In support of the above scholars, Ngoepe and Makhubela (2015) state that records and justice are inseparable as they can serve as critical proof that a particular action or transaction took place.

In Tanzania, Issa and Wamukoya (2018) in their study about the roles of electronic records management in promoting the delivery in Tanzania from Dar es Salaam commercial courts contented that, “the explosion of sophisticated ICTs globally has resulted in the migration of government to an online environment where services like health, education, water and the work of courts are provided”. They further added, “The court has been striving to create a conducive environment for efficient and effective delivery of justice through the utilization of ICT and electronic records management”. Applying information and communication technologies (ICT) in the administration of justice in Tanzania is essential in improving e-justice delivery. Investment in ICT has eased and enhanced access to judicial services by the public (JoT, 2022).

2.3 Organizational capacity for managing digital court records

The use of Information and Communication Technology (ICT) is considered one of the key elements to improve justice administration around the world. The adoption of new information and communication technologies (ICT) has been one of the main strategies in the search for improvements in the judicial administration services of several countries. For instance, in Brazil, courts have invested heavily in ICT through the acquisition of modern equipment, the development of software (solutions) for specific problems, the digitization of judicial processes, the creation of electronic portals developing online queries in processes and registries, and in the sharing of databases (Gomez *et al.*, 2018). In Bangladesh, the investment in digitalization of court services, aimed to remove the backlog of cases, make the justice process swift, and keep abreast with the fast-moving world (Hasan and Rupa, 2021). Hassan *et al.* (2012) stated that “South Korea began using electronic court systems in its Master Plan in 2001 with an electronic case filing system (ECFS) as the backbone of the e-court system in 2003 announced e-filing to serve court documents by the end of 2004. The construction of the EFCS was fully completed and implemented for civil cases later on in 2010 for patent cases”. A study by Zhurkina *et al.* (2020) shows that, in the Netherlands, the Internet court on civil disputes was created and operated in 2011. Parties that have accepted the terms of a dispute by an online court recognize the validity and binding nature of the decisions made by that court.

In Africa, Wanjiku (2015) in her study of evaluating electronic records management on delivery of court services in Nairobi opined that the judiciary of Kenya has embarked on a massive transformation initiative supported by four pillars with the fourth pillar being harnessing technology as an enabler of justice with plans for a country wide roll out of the Electronic Case Records Management System. Katuu (2013) suggests that within the strategies to improve the management of records, the education and training strategies

should be given priority to ensure that the people responsible for the recordkeeping infrastructure have the requisite knowledge, skills, and ability to manage these records. To ensure court capabilities for effective management of digital records in South Africa, Ntengenyane and Masenya (2022) recommended the training of records managers and archivists in High Courts to equip them with the skills and knowledge required to manage records in this technology-driven era go in line with the improvement of the existing digital records management programme.

In Tanzania, capitalization in ICT is taken seriously. In 2022, the Judiciary made a mega investment towards e-justice as presented as has updated bandwidth for each court level to maximize efficiency (JoT, 2022). Dotto and Mwantimwa (2022) in their study of electronic records management in Tanzanian courts said that “e-records management is still in its infancy stage in the courts studied, since the majority of records are still managed using manual systems. However, their findings revealed that the adoption of e-records is ineffective, but staff perceives it positively. Also, their study displayed the ineffectiveness of e-records management was a result of inadequate qualified staff and training on e-records management, shortage of technical staff to support the use of e-records management systems, inadequate funds, ineffective e-records management legal frameworks, and poor implementation strategies. Therefore, after the capitalization of ICT made by JoT from 2022 to current, this study aimed to investigate the adoption and use of digital court records in e-justice service delivery

2.4 Challenges for effective management of digital court records

Most courts around the world continuously strive for good performance in the timely delivery of just and fair court decisions and other judicial services to all who need them. At the same time, many courts face challenges in reaching this goal and receive criticism from different government actors, the media, or various constituency groups for not performing well enough or not sharing performance information (Mendez *et al.*, 2016). Information and communication technology has introduced huge enhancements to organization around the world. In the same vein, ICT produced several complexities and difficulties in the authenticity and reliability of electronic records, escalating costs of managing records and decentralization of information, loss of security and privacy, and the need for experts (Asogwa, 2012).

In Bangladesh, Hasan and Rupa (2021) noted several challenges in implementing digital court records such as the e-judicial setup demanding a high level of fund infusion into the programme; quality infrastructure bottlenecks like power shortages, low bandwidth, etc. hamper sustained e-justice. In Russia, the lack of digitalization is due to a lack of funding, insufficient equipment in the courts, and the possible reluctance of some judges and court staff to incorporate digital technologies into their daily work. (Šínová and Hamuláková, 2023).

In Africa, Dewa and Mutula (2016) through their study on the relationship between good record keeping and its impact on the delivery of justice and human rights in Zimbabwe indicated that the Bulawayo Magistrates' Court uses a range of records to administer justice, for upholding individual rights but in some situations due to missing or incomplete records, citizens have been denied the right to a fair trial, right to entitlement, right to freedom of movement as well as right to association. Mosweu and Bwalya (2017) when

studying the factors for the adoption and usage of electronic document and records management systems in Botswana noted technophobia, negative attitudes to system use, perceived system complexity, and incompatibility with existing information systems as key factors contributing to low adoption and usage of the system. Also, Chuma and Teffo (2022) said that, in South Africa, the management of electronic records has been a burning issue in many sectors, particularly the justice sector such as courts and ministries of justice, which suffer from inadequate management of court records, courts are overburdened with backlogs, delays, and corruption due to poor electronic record management which undermines the legal and judicial systems.

In Tanzania, the study by Kamatula and Kemoni (2018) noted that records personnel had inadequate knowledge and skills on issues related to e-records management systems, including metadata identification and procedures for e-records storage, distribution, and disposition. On the other hand, Dotto and Mwantimwa (2022) in their study of electronic records management in Tanzanian courts revealed that the adoption of e-records is ineffective, but staff perceive it positively. Also, their study displayed the ineffectiveness of e-records management was a result of inadequate qualified staff and training on e-records management, shortage of technical staff to support the use of e-records management systems, inadequate funds, ineffective e-records management legal frameworks, and poor implementation strategies.

3.0 Methodology

This study was conducted at the Judiciary of Tanzania- Mbeya Zonal High Court in Mbeya City located in Southern Highland of Tanzania. This study employed the descriptive research design with both quantitative and qualitative research approaches as the former approach dominated the study which entails having subjects respond to questions through questionnaires, interviews, and describing their responses. It was used because the objective of the study was to investigate the adoption and use of digital court records on e-justice service delivery at the Judiciary of Tanzania-Mbeya Zonal High Court (JoT- MZHC). The study engaged 36 respondents who were purposively and conveniently selected because in one way or another are dealing with operations related to digital records creation. The sample involved 1 respondent from the Registrar's Office, 2 Magistrates, 4 Human Resources and Officers, 1 ICT Officer, 18 Records Personnel, 7 Secretaries, and 3 Office Assistants from a population of 81 employees. Others were left behind because they were Drivers and Security Guards.

The study collected data from both primary and secondary methods. Primary sources of data were collected through structured and semi-structured questionnaires from Records Personnel, Secretaries, Magistrates, Human Resources Officers, and Office Assistants. The study interviewed 1 Registrar, 2 Senior Human Resources Officers, and 3 Records Personnel. The secondary sources of data for this study included; journals, textbooks, internet materials, government documents, publications, etc. The data collected in this were organized and presented quantitatively in descriptive ways and an Excel spreadsheet facilitated the analysis of data in tabular form. The qualitative data were thematically analyzed and narratively presented. The pilot test was administered through a questionnaire supplied to a small number of professionals from Tanzania Public Service College to ensure

its validity and reliability. The study observed all required ethical considerations from the management and obtained informed consent from the participants.

4.0 Findings and Discussions

This part presents findings collected at JoT-MZHC about the adoption and use of digital court records for e-justice service delivery. The sub-sections below present;

4.1 Demographic information

Respondents were requested to provide their demographic information related to gender, and working experience in terms of years at the court. Table 1 below shows respondents' demographic information.

Table 1: Demographic information of respondents (n=36)

Demographic information		Frequency	Percentage (%)
Gender	Male	17	47.2
	Female	19	52.7
Working Experience (years)	1-5	08	22.2
	5-10	18	50
	10-20	06	16.7
	20 and above	04	11.1

Source: Field Data (2024)

Table 1 above shows females were the most (52.7%) of respondents compared to males (47.2) of the respondents. This status inferred that the collected information was almost equally represented by both genders as this perhaps influenced greatly the information provided by the respondents. On the other hand, the results showed that respondents working experience varied as the majority 18 (50%) respondents had 5-10 years of working experience at the court, 8 (22.2%) of respondents had 1-5 years of working experience, 6 (16.7%) respondents had 10-20 working experience b and 4 (11.1%) had 20 and above years of working experience.

4.1 Contribution of digital court records in justice service delivery

This section aimed to gain the responses of MZHC Staff on the contribution of digital records in the justice service delivery since their inception. The respondents were asked to state the contributions of digital court records on service delivery in connection to the work of the MZHC in terms of evidence for justice delivery, facilitating unbiased decisions, accountability and transparency, defending prosecution claims, access to judicial information/proceedings, reduction of the burden of courts and litigants, and cost reductions on postage and staff costs.

Table 2: The contributions of digital court records on e-justice service delivery (n=36)

Contributions of digital court records	Agree		Not Agree		Not Sure/ Neutral	
	F	%	F	%	F	%
Evidence for justice delivery	36	100	0	0	0	0
Facilitate unbiased decision	28	78	02	6	06	16
Accountability and transparency	34	94	0	0	02	6
Defending prosecutions claims	32	88	02	6	02	6
Access to judicial information/proceedings	36	100	0	0	0	0
Reduces the burden of courts and litigants	26	72	06	17	04	11
Cost reductions on postage costs and staff time	36	100	0	0	0	0

Source: Field Data (2024)

Table 2 above shows that, all 36 (100%) respondents agreed that digital court records provide justice delivery in the conduct of court service including delivery of justice, facilitate access to judicial information and proceedings, and also, reduce postage costs and staff time. In the same vein, 34 (94%) respondents agreed that digital court records enhance accountability and transparency. Some 32 (88%) respondents counted digital court records to defend prosecutions, claim. On the other hand, 26 (72%) respondents agreed that digital court records reduce the burden of courts and litigants.

Investment in ICT has eased and improved the public's access to judicial services through e-justice as a result of the effective monitoring and evaluation of the inspection findings, training, improvement of infrastructure, and the increase in the use of ICT. One of the respondents in the interview said that;

"ICT has greatly increased the transparency and accountability of the court; makes access and use of data and information easily, alleviates judicial backlogs, bringing convenience, saves time, reduces the burden of courts and cost savings to the average litigant" (R1)

Another respondent when interviewed claimed that;

"The adoption of ICT and the generation of digital court records realized that the prosecution claims are highly defended now since there are no lost files hence the rights of the parties are preserved" (R7)

And also the other respondent added that;

"The digital court records enable the provision of timely judgment because it helps Judges to focus and observe the proceedings better than concentrating on writing" (R 2)

From the above results, it is revealed that digital court records enhance the delivery of justice, facilitate access to judicial information and proceedings as well reduce postage costs and staff time in courts. Digital technology especially in courts of law provides evidence for justice services delivery. The results indicated that the judiciary and its staff

through the adoption and use of digital court records are more responsive and accountable when discharging their duties to the public. These results are related to Issa and Wamukoya (2018) study in the High Court-Commercial Division, which noted that there was a positive relationship between electronic records management and delivery of justice in the court by promoting fast retrieval of court records, enhanced fast and informed decision making and reduced unnecessary delays. The results also are corroborated by Juma (2023) who examined the legal framework governing the electronic filing of cases in Tanzania and reported that e-filing of cases has enabled the courts to adopt the growth of science and technological developments as new cases and documents can be filed vide electronic system something which facilitates dispensation of justice timely. Also, the results are related to a study by Mosweu (2019) when reviewing literature in some selected countries about electronic management systems by insisting that, the use of technologies in courts reduces delays, improves the economy, efficiency, and effectiveness, and promotes confidence in the justice system. Furthermore, the results are evidenced by the JoT (2023) marked that the use of ICT in the areas of filling court registers, issuance of cause lists, hearing of cases, backlog, and feedback handling in the administration of justice plays an essential tool in the improvement of justice delivery in the country.

Therefore, the results above of the first objective realized that improving access to justice is paramount in the discharge of its mandates of the Judiciary of Tanzania. Through the strategic plan of 2023, the Judiciary continued to put together deliberate measures designed to enhance timely access to e-justice and cost-effectively including breaking physical proximity barriers, the use of ICT, simplification of rules of procedures, and innovations in case management and justice delivery techniques.

4.2 Organizational capacity for managing digital court records

In this question, respondents were told to select the strategy that indicates the capacity of MZHC in the whole exercise of managing digital court records by indicating their acceptance of several capacities/strategies in relation to the court activities. They were supposed to agree, not agree, or remain neutral/not sure about the one that he/she was not aware of.

Table 3: Organizational capacity on managing digital court records (n=36)

Organizational capacity	Agree		Not Agree		Not sure/ neutral	
	F	%	F	%	F	%
Computer Hardware and software	35	97	01	3	0	0
Education and training on IT	33	92	03	8	0	0
Reliable internet and bandwidth	35	97	01	3	0	0
Adequate funds	36	100	0	0	0	0
Technical Staff to support the use of digital records	30	83	06	17	0	0
Legal frameworks	18	50	05	14	13	36
Appropriate implementation strategies	25	69	7	19	04	11

Source: Field Data (2024)

The results from Table 3 above show that, all 36 (100%) of respondents agreed that adequate funds are the cornerstone for the court to manage digital records. 35 (97%) of respondents the management of digital court records is enhanced through the court by having computer hardware and software, reliable internet, and bandwidth respectively. 33 (92%) respondents agreed that education and training of staff are among the capacity of the court to manage digital court records while the remaining 3 (8%) did not agree. Also, 30 (83%) of respondents said technical staff support the use of digital records. 25 (69%) of the respondents agreed the court has appropriate strategies to manage digital court records while 7 (19%) of the respondents did not agree on the strategies and the other 4 (11%) remained neutral. Further, 18 (50%) of respondents agreed that legal frameworks also play a part in managing digital court records while 5 (14%) disagreed about the legal frameworks, and the last 13(36%) of respondents remained neutral.

From the above findings, the study revealed that the allocation of adequate funds to ICT infrastructures to enhance the e-justice service delivery has a great impact on the adoption and use of digital records and facilitates the smooth running of the court's operations. Funds can overwhelm the other aspects such as computer hardware and software, training on ICT, reliable internet and bandwidth, and allocation of budget for technical staff to be employed to support the digital records usage. The results are related to the study of Kuhimbisa (2024) experience and the impact of digital transformation in the administration of Justice in Uganda, he stressed that "The Administration of Judiciary Act was designed to create a more efficient and effective court system in Uganda through improved among other things are structural governance, performance management, the welfare of judicial officers, and addressing funding constraints that have plagued judicial function over the years".

Also, the results are in line with the report made by REPOA (2023) regarding improvements made by the Judiciary of Tanzania in the form of the purchase of court vehicles and computers, regardless of the need as 73 % of the interviewed staff admitted to the purchase of computers in their workstations in the last 5 years. The results are further pinned by the former Chief Justice Ramadhani (2010) when addressing the South African Chief of Justices Forum that,

"Phase 1 project has provided the Judiciary of Tanzania with modern ICT in the form of equipment (computers and digital court recording) and appropriate training in computer knowledge and skills for judges and support staff". (R3)

On the other hand about education and training on IT to enhance e-justice delivery in JoT, the study results are also confined to the JoT Report, (2023) Strategic Plan by adhering that, skills development is a key to improvement in justice delivery as the Judiciary continued to enhance the capacity of its employees to improve the quality of justice delivery to the citizens. For instance, in 2023 a total of 33 judicial officers were admitted

to long terms courses, which were 4 for PhD programmes; 21 for masters programmes, and 8 for a postgraduate diploma in legal practice. The report further postulated that "The Judiciary of Tanzania has also continued to collaborate with the regional and international organizations on sharing skills and experiences towards enhancement of justice delivery including include Southern and Eastern Africa Chief Justices Forum (SEACJF), Commonwealth Magistrate Association (CMJA), East Africa Judges Association

(EAMJA), African Court of Human and Peoples Rights (ACHPR), World Intellectual Property Organization (WIPO) and AfricanLII and laws of Africa”.

One respondent when interviewed added that;

“The Judiciary of Tanzania has improved court services by having infrastructures such as computers, audio recorders, and transcribers but deliberate efforts should be taken to train court clerks on proper using equipment because most of them are computer illiterate” (R5)

4.3 Challenges for effective management of digital court records

In this question, respondents were asked to select the challenge that was deemed prevalent in the management of digital court records at MZHC by selecting the Likert scale whether they strongly agree, agree, remain neutral, strongly disagree, or disagree on the appropriate challenge impeding the effective management of digital court records for e-justice service delivery.

Table 4: Challenges in managing digital court records (n=36)

Challenges	Strongly Agree		Agree		Neutral		Strongly Disagree		Disagree	
	F	%	F	%	F	%	F	%	F	%
Cost of managing digital records	34	94	02	6	0	0	0	0	0	0
Security and privacy	0	0	0	0	0	0	26	72	10	28
Shortage of IT Experts	9	25	26	72	1	3	0	0	0	0
Internet and low bandwidth	0	0	11	31	0	0	0	0	25	69
Insufficient equipment	0	0	0	0	0	0	31	86	5	14
Incompatible existing systems	0	0	0	0	3	8	0	0	33	92
Corruption	0	0	0	0	0	0	36	100	0	0
Legal framework	6	17	0	0	0	0	30	83	0	0
Inappropriate implementation strategies	0	0	0	0	5	14	31	86	0	0

Source: Field Data (2024)

The results from Table 4 above show that, all 36 (100%) of the respondents strongly disagreed that corruption is not a challenge in the court in the course of justice delivery. 34(94%) of the respondents strongly agreed that management of digital court records is high cost while 2 (6) agreed with the former. 33 (92%) of the respondents disagreed that incompatibility of existing systems was a challenge while 3(8%) of the respondents remained neutral. 31 (86%) of the respondents strongly disagreed that insufficient equipment and inappropriate implementation strategies are challenges for digital court records to enhance e-justice service delivery. 26 (72%) of the respondents strongly disagreed that security and ad privacy as challenges for e-justice service delivery while 10

(28) of the respondents the same disagreed. 26 (72%) of the respondents agreed that the shortage of IT experts is a challenge and 9 (25%) of the respondents strongly agreed that IT experts is a challenge while 1(3) of the respondents remained neutral. 33(92%) of the respondents reported that incompatibility of the system was not a challenge while the rest 3 (8%) reported it as a challenge. 30 (83%) of the respondents, strongly disagreed respectively that legal frameworks were not a challenge and on the other hand, 6(17%) strongly agreed that legal frameworks were a challenge to the adoption and use of digital court records for e-justice service delivery.

From the above findings, the study revealed that the adoption and use of digital court records for e-justice delivery prevents corruption practices when the court executes its services to the citizens. The results are related to that of Nwebo (2022) in Nigeria, who found that the use of digital court service is not only crucial but also imperative as opposed to the traditional one. He further noted that the old paper-based system, manually processed and manually carried from one desk to the other is a major factor in the delay of justice usually abused to the advantage of the corrupt judiciary staff who even negotiate bribes and collect same with impunity. The results are also seconded to the findings of Manyerere and Manyerere (2018) about the contribution of effective electronic-record management systems to fight corruption in Tanzania, particularly in hospitals, the judiciary, and the police force to ensure effective and efficient delivery of services concluded that, to fight corruption, there is a need to establish and promote the use of electronic record management systems (digital records) not only in hospitals, judiciary, police force, but also in all sectors of the economy within both public and private domains. One respondent added that;

“Running court operations online helps to reduce corruption because everything now is on the system that prevents direct contact between court staff and the courts’ clients, and even the system itself selects the Judges and Magistrates for judicial proceedings” (R 3)

In terms of costs, internet and bandwidth, and insufficient equipment reported by the majority being the challenges of adoption and use of digital court records for e-justice delivery, the results are related to Hassan and Rupa’s (2021) study on the digitalization of Bangladesh Judiciary and Access to Justice, noted that “infrastructural bottlenecks like power shortages, low bandwidth, poor connectivity or even no electricity sometimes, etc. hamper sustained e-justice. The results are also contrary to the JoT report (2023) which stipulated that in the year under review, the Judiciary has embarked on an e-judiciary mega project towards e-justice through the improvement of necessary ICT infrastructure by purchasing ICT tools, developing and improving new E-Systems, and providing capacity building to judiciary officers and stakeholders on the use of E-Systems. However, during the interview, one respondent said that;

“Sometimes low internet, even the speed of the internet bandwidth and power cut- off posed the big challenge and caused a delay in registering cases, or even uploading of the judgments online on time as per judicial service client charter requirements” (R 5)

On the other hand, results show that the shortage of IT Experts is a challenge in the adoption and use of digital court records needed for e-justice delivery. These results are related to Matongo and Jacobs (2022) study of the E-Justice to Bridge the Records Management Gap at The High Court in Namibia, their findings linked to resources requirements towards an improved e-justice system, when emphasizing the importance of expanding ICT infrastructure, staff capacity, especially on IT, matters and other infrastructure resource as a means of overcoming a shortage of IT Experts.

One respondent when interviewed said that;

"ICT systems posed a big challenge to court clerks and officers because they are computer illiterate; they sometimes forgot to switch on the mic hence miss some important proceeding recordings or even switch off the mic after the judge finishes the proceedings etc." (R 6)

Another respondent added that;

"Computer literacy is not a challenge to internal court staff only but also extended to court officers such as Advocates; some of them failed to register their clients' cases because they don't have judicial accounts" (R 8)

The results also revealed that security and privacy were not a great challenge at the court for e-justice delivery as important and sensitive information should be protected. The results are related to that of Matongo and Jacobs (2023) in Namibia by advising the Judiciary to timely access to records and information must be provided to authorize users to promote the discharge of justices' meanwhile adequate protection of sensitive information and ensure that records are classified according to their level of security at a particular time. Moreover, one respondent when interviewed said that;

"The security of information and records in digital form guarantees the confidentiality, authenticity, and validity of the information because not everything the court should be put on online for any access due to security or evidential weight" (R 9)

In terms of legal frameworks, the findings revealed the majority 83% of respondents strongly disagreed with those legal frameworks as a challenge to e-justice delivery. The results are related to the strategies of the Judiciary as was noted by the study of Juma (2023), that, the government has legally prepared and set for e-filing through various legal and regulatory frameworks such as the Constitutional of the United Republic of Tanzania 1977, the Civil Procedure Code Cap 33 RE 2019, the Judicature and Application of Laws Act (Electronic Filing) Rules, 2018 GN. No 148 of 2018, the Law of Evidence Act, Cap 6 RE 2019, the Electronic Transaction Act [CAP 442 RE 2011], and the Electronic and Postal Communication Act [Cap 306 RE 2020]. In the same vein, the results are realized by the Judiciary of Tanzania, by formulating a records retention and disposition schedule in 2023. On the other hand, one respondent when interviewed said that;

"The Judiciary lacks its policy on managing its records, and then I urge the judiciary to have it in place" (R 10)

5.0 Conclusion and recommendations

The study observed 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 by Dotto and Mwantimwa (2022) 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 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.

This study recommends deliberate changes in legal provisions to allow intensive investment in technology to its objectives are met. Court Staff, Officers, and Lawyers are required to shift to a new full 'paperless' model. It would certainly take time to get adept with the use of electronic documents instead of 'paper'; however this change should be treated as inevitable issues of access to e-justice. Therefore, the study also recommends the Judiciary of Tanzania 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 study.

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