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# **THE IMPACT OF GLOBAL ICT ADVANCEMENT ON THE ADMINISTRATION OF JUSTICE IN THE JUDICIAL SYSTEM OF TANZANIA: LAW AND PRACTICE**

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## **ABSTRACT**

The sweeping progression of Information and Communication Technology (ICT) has fundamentally transformed the manner in which justice is administered throughout the world. Courts are increasingly moving from paper-based systems towards electronic filing, electronic case management, digital records, online publication of judgments, electronic payment, virtual hearings, electronic evidence and other forms of e-justice. Tanzania has similarly embarked upon judicial digitalization as part of wider judicial reforms intended to enhance access to justice, reduce delays, increase transparency and accountability, and lower the cost of litigation. The transformation is supported by the Constitution of the United Republic of Tanzania, the Electronic Transactions Act, 2015, the Evidence Act, the Judicature and Application of Laws (Electronic Filing) Rules, 2018, the Judicature and Application of Laws (Remote Proceedings and Electronic Recording) Rules, 2021, the Personal Data Protection Act, 2022 and institutional ICT strategies and programmes of the Judiciary. This article critically examines the impact of global ICT advancement on the administration of justice in Tanzania, with particular emphasis on the relationship between law and practice. It analyses the legal recognition of electronic transactions and evidence, electronic filing, remote proceedings, digital case management and electronic records. It further evaluates the practical contribution of ICT to access to justice, efficiency, case management, transparency, judicial accountability and reduction of litigation costs. At the same time, the article identifies challenges associated with inadequate infrastructure, unstable electricity and internet connectivity, limited digital literacy, shortage of ICT specialists, cybersecurity, personal-data protection, technological inequality and the possibility that digitalization may exclude litigants who lack technological resources. Recent Judiciary reports indicate substantial progress: by 2025, 205 court buildings had been connected to the Judiciary's MPLS network, while JoT-eCMS had been integrated with 13 justice-sector stakeholders. Nevertheless, technological transformation remains incomplete, particularly at lower levels of the justice system.

The article argues that ICT should not be viewed merely as an administrative convenience but as an instrument capable of advancing constitutional values of access to justice, equality before the law and timely administration of justice. However, technology cannot substitute for judicial independence, competent personnel, adequate funding, fair procedures and effective legal safeguards. The article concludes that Tanzania's next phase of e-justice should focus on inclusive digitalisation, interoperability, cybersecurity, data protection, digital literacy, integration of lower courts, reliable infrastructure and continuous review of procedural laws to ensure that technological innovation remains consistent with the right to a fair and effective judicial process.

**Keywords:** Information and Communication Technology, ICT, e-justice, digital courts, Tanzania Judiciary, electronic filing, electronic evidence, virtual courts, JoT-eCMS, access to justice, rule of law.

## 1. Introduction

Information and Communication Technology has become one of the most influential forces shaping contemporary governance. Government services that were traditionally provided through physical offices, paper documents and face-to-face interactions are increasingly delivered through digital platforms. The administration of justice has not remained outside this transformation. Courts around the world are using electronic filing systems, digital case management, electronic evidence, video-conferencing, artificial intelligence, digital transcription, online legal databases and automated systems for case tracking and publication. The global movement towards e-justice accelerated significantly during the COVID-19 pandemic, when courts in many jurisdictions were compelled to rely on digital technologies to maintain judicial operations while reducing physical contact.<sup>1</sup> The experience demonstrated both the potential and limitations of technology. ICT can enable courts to continue operating during emergencies, reduce travel, improve access to information and facilitate communication among judges, lawyers, litigants and court administrators. At the same time, digitalization can create new forms of inequality where users lack reliable internet, electricity, devices, technical skills or the financial ability to participate in digital proceedings. The United Nations Development Programme accordingly recognizes that digital tools can improve judicial efficiency, transparency and access to justice, while warning that technology may also

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<sup>1</sup> United Nations Development Programme, *Digitalization and e-Justice*, discussing the acceleration of judicial digitalization during and after the COVID-19 pandemic.

exacerbate existing inequalities and create new threats to rights and freedoms.<sup>2</sup>

Tanzania has progressively embraced this global technological transformation. The Judiciary of Tanzania has introduced electronic filing, electronic payment, electronic notification, electronic decisions, electronic publication, electronic case management, virtual courts, digital records, mobile applications and other digital systems. The Judiciary's 2023 performance report describes the e-Judiciary project as a major investment in e-justice, involving ICT infrastructure, new electronic systems and capacity-building for judicial officers and stakeholders.<sup>3</sup> The transformation has also been accompanied by legislative reform. The Electronic Transactions Act, 2015 formally recognizes electronic transactions and electronic records and amended the Evidence Act to provide expressly for the admissibility of electronic evidence.<sup>4</sup> The Judicature and Application of Laws (Electronic Filing) Rules, 2018 established a legal framework for electronic filing, while the Judicature and Application of Laws (Remote Proceedings and Electronic Recording) Rules, 2021 created rules for remote proceedings and electronic recording.<sup>5</sup>

The central issue, however, is whether the existence of ICT-related laws and digital systems has translated into effective administration of justice. This article therefore examines the relationship between law and practice. The central argument is that ICT has already had a significant positive impact on Tanzania's justice system, particularly in case filing, case management, communication, record keeping and transparency. Nevertheless, the transformation remains uneven. The benefits of digital justice can only be fully realized where legal reform is accompanied by reliable infrastructure, adequate financial resources, cybersecurity, data protection, digital literacy and equal access.

## 2. Conceptualizing ICT and E-Justice

ICT refers broadly to technologies used to create, collect, process, store, retrieve, transmit and

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<sup>2</sup> Ibid. The UNDP notes that digital tools can improve efficiency, transparency and access to justice but may also exacerbate injustice and threaten rights if poorly implemented.

<sup>3</sup> Judiciary of Tanzania, *Comprehensive Performance Report of the Judicial Functions – 2023*, Chapter Five, “Application of ICT in the Administration of Justice,” pp. 51–57. The report describes the e-Judiciary project as a major investment involving ICT infrastructure, new e-systems and capacity-building.

<sup>4</sup> United Republic of Tanzania, *Electronic Transactions Act, 2015*, Government Notice/Act Supplement No. 13 of 22 May 2015, pp. 27–28. The Act amended the Evidence Act by inserting s.64A on admissibility of electronic evidence.

<sup>5</sup> Judiciary and Application of Laws (Electronic Filing) Rules, 2018, G.N. No. 148 of 2018; Judiciary and Application of Laws (Remote Proceedings and Electronic Recording) Rules, 2021, G.N. No. 637 of 2021.

communicate information. In the context of the Judiciary, ICT encompasses computer systems, internet connectivity, electronic databases, case management systems, digital recording equipment, electronic filing platforms, video-conferencing facilities, mobile applications and electronic legal-information systems. On the other hand, E-justice refers to the application of ICT to judicial administration and adjudication. It is broader than simply using computers in court offices. It involves transforming judicial processes so that technological systems support or replace activities historically performed through paper and physical interaction. E-justice may include such things as electronic filing of cases and documents; electronic service of court documents; electronic payment of court fees; electronic scheduling and notification; electronic case management; electronic storage and retrieval of records; virtual or remote hearings; electronic recording and transcription of proceedings; electronic evidence; online publication of judgments; digital legal research; online access to case information; and interconnection of courts with other justice-sector institutions.

The significance of this transformation is that technology increasingly becomes part of the architecture of justice itself. E-justice platforms do not merely assist court personnel; they can determine how documents are filed, how information is accessed, how hearings are scheduled and how cases move through the judicial process.<sup>6</sup> This means that ICT governance has become a rule-of-law issue as much as an administrative issue.

### **3. Constitutional and Legal Foundations of ICT in the Administration of Justice**

#### **3.1 The Constitution of the United Republic of Tanzania, 1977.<sup>7</sup>**

The Constitution provides the fundamental legal foundation for the administration of justice in Tanzania. Article 107A establishes the Judiciary as an authority for the administration of justice and requires the courts to administer justice according to law.<sup>8</sup> Article 107A (2) sets out principles governing the exercise of judicial authority, including the obligation to dispense justice without undue delay, to apply rules of evidence consistently with the law, and to ensure that disputes are resolved without unnecessary technicalities.<sup>9</sup>

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<sup>6</sup> See generally Van Dijk, J., et al., discussion of e-justice platforms as systems that increasingly shape judicial workflows and procedural processes.

<sup>7</sup> Cap 2 R.E 2002.

<sup>8</sup> Art. 107A (1).

<sup>9</sup> Art. 107A (2).

These constitutional principles are directly relevant to ICT. First, the constitutional requirement of timely justice creates a justification for technological systems capable of reducing administrative delay. Second, the constitutional commitment to equality before the law requires that digitalization should not create discrimination against litigants who cannot access digital technologies. And third, the constitutional role of the Judiciary requires digital systems to respect judicial independence. ICT infrastructure should support judges and magistrates rather than determine judicial decisions. Thus, ICT should be viewed as a means of implementing constitutional judicial values, rather than as an objective in itself.

#### **4. The Electronic Transactions Act.<sup>10</sup>**

The Act is one of the principal pieces of legislation enabling Tanzania's digital legal environment. The Act recognizes data messages, electronic transactions, electronic signatures and electronic records. It also recognizes e-government services and permits certain services and communications to be undertaken electronically.<sup>11</sup> The importance of the Act to judicial administration is particularly evident in its treatment of electronic evidence. The Act amended the Evidence Act<sup>12</sup> by introducing section 64A, which provides that electronic evidence is admissible in legal proceedings. The admissibility and evidential weight of electronic evidence are to be determined in accordance with section 18 of the Electronic Transactions Act. The amended Evidence Act defines electronic evidence to include data or information stored electronically or retrieved from a computer system that can be presented as evidence.

Section 18 of the Electronic Transactions Act establishes criteria for determining the evidential weight of a data message. The court considers, among other matters, the reliability of the manner in which the message was generated, stored or communicated, the reliability of the method by which its integrity was maintained, and the manner in which its originator was identified. This represents a major transformation from a traditional paper-based conception of evidence to one that accommodates emails, computer records, electronic databases, audio-visual material and other digital information.

The practical importance of this framework has already appeared in Tanzanian judicial decisions. In *Amina Mohamed @ Fani Mohamed v Gulam Hussein Dewji Remtullah @*

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<sup>10</sup> Cap 442 R.E. 2023.

<sup>11</sup> Ss. 4–15, concerning recognition of data messages, electronic transactions, electronic signatures, electronic records and e-government services.

<sup>12</sup> Cap 6 R.E. 2023.

*Gulam*,<sup>13</sup> the High Court emphasized that section 18(2) provides special criteria for assessing electronic evidence and held that failure to comply with those criteria affected the admissibility of a USB-based electronic exhibit.<sup>14</sup> The case demonstrates that technological evidence does not become admissible merely because it exists electronically; courts must still examine authenticity, integrity and reliability. This is a significant example of the relationship between law and practice. The law recognizes electronic evidence, but judges must apply legal standards to determine whether particular electronic material is sufficiently reliable.

## 5. Electronic Filing and the Transformation of Court Registries

The Judicature and Application of Laws (Electronic Filing) Rules, 2018 constitute a major step in the digital transformation of Tanzania's courts. The Rules provide for an electronic filing system through which documents can be filed electronically and define concepts such as electronic filing, electronic case files and electronic service.<sup>15</sup> These Rules apply to proceedings in courts other than primary courts. Electronic filing changes the traditional relationship between litigants and court registries. Under a purely paper-based system, a litigant or advocate generally needs to travel physically to the court registry, prepare multiple copies of documents, submit them to registry officials and obtain physical acknowledgement. The process can involve significant expenditure of time and money. Electronic filing potentially removes many of these burdens.

The Judiciary's 2020 report observed that e-filing allowed advocates and litigants to access court registries and lodge cases electronically. It specifically described the system as reducing face-to-face contact and making court registries more accessible beyond ordinary working hours.<sup>16</sup> The scale of implementation is demonstrated by the Judiciary's 2021 performance report. During that year, 58,126 cases were filed electronically, while e-payment and e-notification systems were also used.<sup>17</sup> The report further stated that online access had increased transparency and accessibility to court services.<sup>18</sup> This represents a substantial improvement in

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<sup>13</sup> Appeal Case No. 5 of 2020, [2022] TZHC 14417.

<sup>14</sup> High Court of Tanzania, 30 September 2022, particularly pp. 13–14. The Court considered the statutory requirements for electronic evidence and expunged the disputed USB exhibit after finding the requirements had not been addressed.

<sup>15</sup> Notice (G.N.) No. 148 of 2018.

<sup>16</sup> Judiciary of Tanzania, *Comprehensive Performance Report of the Judicial Functions – 2020*, Chapter Three, “Application of ICT in the Administration of Justice,” p. 23.

<sup>17</sup> Judiciary of Tanzania, *Comprehensive Performance Report of the Judicial Functions – 2021*, section 5.1.1.1, “e-Filing, e-Payment and e-Notification,” p. 44. The report records 58,126 electronically filed cases in 2021.

<sup>18</sup> *Ibid.*, p. 44.

the administration of justice because filing is one of the first points at which a dispute enters the judicial system. If filing is faster and more accessible, the potential exists for the entire case-management process to become more efficient.

However, electronic filing also raises a critical issue: access to technology is becoming part of access to justice. A litigant without a smartphone, computer, internet connection, digital literacy or the financial capacity to obtain assistance may face difficulties that did not exist in the same form under the paper system. Digitalization therefore creates an obligation to maintain appropriate assistance mechanisms and alternative access points.

## 6. Electronic Case Management and JoT-eCMS

The development of electronic case management is arguably the most important technological transformation within Tanzania's Judiciary. The Judiciary has moved beyond isolated electronic services towards integrated systems designed to manage cases throughout their life cycle. The 2023 Judiciary report identified the e-Judiciary project and listed several digital systems, including e-Case Management System (e-CMS); mobile applications; e-Wakili; court broker and process-server management; e-Library; transcription and translation systems; Judiciary Portal; Judiciary Intelligence/data hub; Virtual Court; court mapping; and network management systems.<sup>19</sup> The significance of JoT-eCMS lies in its capacity to create a common digital environment for case information. Rather than maintaining fragmented paper files, an electronic case-management system can allow authorized users to access case information, track case progress, schedule matters, generate reports and monitor performance.

The transformation has continued. The Judiciary's 2025 Comprehensive Performance Report states that JoT-eCMS was further integrated with the Tanganyika Law Society, the Energy and Water Utilities Regulatory Authority, the Registration Insolvency and Trusteeship Agency and the Tanzania Prisons Service. With these additions, the system connected 13 justice-sector stakeholders, facilitating information exchange and expediting justice delivery.<sup>20</sup>

This is important because delays in justice administration often occur not only within courts

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<sup>19</sup> Judiciary of Tanzania, *Comprehensive Performance Report of the Judicial Functions – 2023*, Chapter Five, pp. 51–57.

<sup>20</sup> Judiciary of Tanzania, *Comprehensive Performance Report 2025*, section 2.7.1, “Electronic Case Management System,” p. 15. The report states that JoT-eCMS was integrated with additional justice-sector stakeholders and connected 13 stakeholders.

but at the boundaries between institutions. A criminal case, for example, may involve the police, prosecution, courts, prisons and other institutions. Interoperability can reduce duplication and improve the movement of information. However, interoperability also creates risks. The greater the number of interconnected institutions, the greater the importance of cybersecurity, access controls, authentication, data accuracy and privacy.

## 7. Virtual Courts and Remote Proceedings

The COVID-19 pandemic demonstrated the vulnerability of traditional court systems to physical disruptions. Tanzania responded partly through increased use of technology. The Judicature and Application of Laws (Remote Proceedings and Electronic Recording) Rules, 2021 were introduced to regulate remote hearings and electronic recording of proceedings.<sup>21</sup> The Judiciary's own performance report explains that the Rules were intended to embrace ICT in justice delivery and expedite civil trials through remote hearings and electronic recording.<sup>22</sup>

Remote proceedings can produce several advantages like reduction of travel, *i.e.*, parties, witnesses and advocates may participate without travelling long distances to the court; continuity of justice, *i.e.*, Courts can continue functioning where physical attendance is difficult because of health emergencies, geographical barriers or other disruptions; reduced litigation costs, *i.e.*, transport, accommodation and related expenses may be reduced; increased efficiency, *i.e.*, certain interlocutory matters can potentially be dealt with more quickly through virtual hearings; and, improved access to specialist participants. Remote technology can facilitate participation by experts, witnesses or professionals located far from the court.

Nevertheless, remote proceedings require careful judicial control. A virtual hearing must preserve procedural fairness, including the ability of parties to hear proceedings, communicate with counsel, present evidence and challenge opposing evidence. Technology must therefore serve the requirements of a fair hearing rather than undermine them.

## 8. Digital Records and Electronic Recording of Proceedings

Court records are fundamental to the administration of justice. Judicial decisions depend upon

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<sup>21</sup> *Judicature and Application of Laws (Remote Proceedings and Electronic Recording) Rules, 2021*, G.N. No. 637 of 2021, rr. 4–5.

<sup>22</sup> Judiciary of Tanzania, *Comprehensive Performance Report of the Judiciary*, discussion of the 2021 Rules, p. 27. The Judiciary states that the Rules were intended to embrace ICT in justice delivery and expedite civil trials.

accurate records of pleadings, evidence, submissions, orders and judgments. A poorly maintained record can undermine the ability to appeal and may affect the integrity of the judicial process. ICT enables courts to create electronic records that can be searched, copied, backed up and transmitted more easily than paper files. The Judiciary has introduced transcription and translation technologies as part of the e-Judiciary project.<sup>23</sup> Such technologies have the potential to improve the speed and accuracy with which proceedings are converted into usable records.

However, digital records create new obligations. Courts must protect records against unauthorized alteration, deletion, corruption and cyberattacks. They must also establish reliable backup systems and disaster-recovery mechanisms. The principle should therefore be that digitization must improve the reliability of judicial records, not merely change their physical format.

## 9. Electronic Evidence and Judicial Practice

The increased use of smartphones, CCTV systems, social media, emails, electronic banking and computer databases means that digital evidence is increasingly relevant to litigation. Tanzania's legal framework recognizes this reality. Section 64A of the Evidence Act makes electronic evidence admissible, subject to the requirements governing its admissibility and evidential weight.<sup>24</sup> The Electronic Transactions Act provides the relevant reliability criteria.<sup>25</sup>

The courts have begun to interpret these provisions. In *Amina Mohamed @ Fani Mohamed v Gulam Hussein Dewji Remtullah @ Gulam*,<sup>26</sup> the High Court considered electronic evidence stored on a USB flash disk and emphasized the requirements of section 18(2) of the Electronic Transactions Act. The Court concluded that the failure to properly address the statutory requirements justified expunging the disputed electronic exhibit.<sup>27</sup> This decision demonstrates important principle digital evidence is not a law-free form of evidence. The electronic nature of evidence does not eliminate the requirements of authenticity, integrity and reliability. Judges must therefore understand both legal doctrine and the technological characteristics of digital

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<sup>23</sup> Judiciary of Tanzania, *Comprehensive Performance Report of the Judicial Functions – 2023*, p. 51. The e-Judiciary project included Transcription and Translation Systems (TTS).

<sup>24</sup> The Evidence Act, s.64A, as amended by the Electronic Transactions Act, 2015.

<sup>25</sup> S.18(2).

<sup>26</sup> [2022] TZHC 14417.

<sup>27</sup> Pp. 13–14.

evidence.

This creates a growing need for judicial training in areas such as digital forensics; metadata; electronic signatures; cloud storage; mobile-phone evidence; CCTV; social-media evidence; artificial intelligence-generated material; blockchain records; cybersecurity; and authentication of electronic documents.

## **10. Electronic Publication and Transparency**

One of the most important benefits of ICT is the capacity to make judicial information publicly accessible. Historically, access to judgments could require physical attendance at court registries or reliance upon printed law reports. Digital publication allows lawyers, researchers, students and members of the public to access judicial decisions more efficiently. The Judiciary has developed its *e-Maktaba* and online legal-information infrastructure. The Judiciary's current digital platform provides access to legislation and judgments, including recent High Court decisions.<sup>28</sup>

Online publication contributes to transparency; consistency of judicial reasoning; legal research; professional education; public understanding of the Judiciary; and accountability. Digital access also makes it easier for lawyers to identify relevant precedents and for judges to research previous decisions. In this respect, ICT contributes directly to the rule of law because law becomes more accessible and predictable. However, publication policies must balance transparency with privacy. Cases involving children, sexual offences, medical information, family disputes and other sensitive matters may require protection of personal information.

## **11. ICT and Access to Justice**

Access to justice is broader than physical access to a courtroom. It includes the ability to understand legal rights, initiate proceedings, participate effectively, obtain information, receive a decision within a reasonable time and enforce judicial remedies.

ICT can improve access to justice in several ways like geographical accessibility, i.e., online services reduce the need for litigants to travel to court registries; financial accessibility, i.e., e-filing and remote hearings can reduce transportation and accommodation costs; information

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<sup>28</sup> Judiciary of Tanzania, *e-Maktaba*, digital legal-information platform containing legislation and judgments, including recent High Court decisions.

accessibility, i.e., online judgments, legislation and case-status information can make legal information easier to obtain; procedural accessibility, i.e., electronic notifications can inform litigants of filing, hearing dates and case developments; and, institutional accessibility, i.e., integrated systems can enable communication among courts and other justice-sector institutions. The Judiciary's 2025 report specifically identifies ICT as enhancing affordability, accessibility and transparency. It reported that by 2025, 205 court buildings had been connected to the Judiciary's MPLS network, while data-superhub bandwidth had increased from 200 Mbps to 1 Gbps and shared internet bandwidth from 250 Mbps to 500 Mbps.<sup>29</sup> These developments demonstrate that digital infrastructure is increasingly regarded as part of the basic infrastructure of justice.

## 12. ICT and Reduction of Case Backlogs

Case delay has historically been one of the major challenges facing justice systems. ICT cannot by itself eliminate case backlogs, but it can address some of the administrative causes of delay. An electronic case-management system can track case age; identify inactive cases; generate cause lists; monitor adjournments; facilitate scheduling; notify parties; monitor judicial workload; reduce loss of files; and provide management information. The Judiciary's performance reporting identifies case management as an important part of its technological transformation.<sup>30</sup> The use of electronic systems can therefore shift case management from a predominantly manual process towards one based upon real-time information.

Nevertheless, it would be incorrect to conclude that ICT automatically reduces backlogs. Cases may still be delayed by shortage of judges and magistrates; inadequate courtrooms; lack of advocates; witness availability; investigative delays; prosecution delays; interlocutory applications; appeals; inadequate legal aid; enforcement difficulties; and insufficient financial resources. ICT is therefore an enabler, not a substitute for judicial capacity.

## 13. ICT and Transparency and Accountability

Transparency is an important component of judicial legitimacy. Citizens must have confidence that judicial institutions operate according to law. ICT can improve transparency by allowing

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<sup>29</sup> Judiciary of Tanzania, *Comprehensive Performance Report 2025*, section 2.7 on Application of ICT in the Administration of Justice, p. 15.

<sup>30</sup> Judiciary of Tanzania, *Comprehensive Performance Report of the Judicial Functions – 2023*, Chapter Five, pp. 51–57.

publication of judgments; electronic tracking of cases; automated notifications; digital records; performance reporting; electronic payment; online access to legislation; and monitoring of case-processing times. The 2021 Judiciary report observed that online access to court services increased transparency and accessibility.<sup>31</sup>

Electronic payment can also reduce opportunities for informal financial transactions because payments can be recorded digitally. However, ICT can only improve accountability if the underlying data are accurate. A sophisticated system containing inaccurate or incomplete information may create a false appearance of transparency. The Judiciary's 2023–24 performance report accordingly identified the need for robust data-quality and data-integrity measures and interoperability among judicial systems.<sup>32</sup>

#### 14. Personal Data Protection and Privacy

Digital justice necessarily involves processing large amounts of personal information. Court records may contain names, addresses, telephone numbers, financial information, medical information, family information and other sensitive data. The Personal Data Protection Act,<sup>33</sup> therefore has particular importance for the digital Judiciary. The Act provides a legal framework for the protection and processing of personal data in Tanzania. The Personal Data Protection Commission identifies the Act as the principal statutory instrument governing personal-data protection.<sup>34</sup>

The challenge is to reconcile two important principles, which are justice must be transparent and that individuals have legitimate interests in privacy and protection of personal information. These principles are not necessarily contradictory. Courts can publish judgments while appropriately anonymizing or restricting sensitive information where legally justified. The digital environment, however, makes privacy risks more serious because information can be copied, searched, downloaded and redistributed almost instantaneously.

Thus, judicial digitalization must therefore incorporate access controls; encryption; secure

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<sup>31</sup> Judiciary of Tanzania, *Comprehensive Performance Report of the Judicial Functions – 2021*, p. 44.9

<sup>32</sup> Judiciary of Tanzania, *Annual Performance Report of 2023–24*, p. 66. The report recommends regular updating of ICT systems, system integration, adequate funding, training, data-quality measures, interoperability and cybersecurity.

<sup>33</sup> Cap. 44 [R.E. 2023].

<sup>34</sup> Personal Data Protection Commission, Tanzania, *The Personal Data Protection Act, 2022*, 42-page official publication.

authentication; audit trails; data minimization; controlled publication; secure backups; retention policies; and incident-response mechanisms.

## 15. Cybersecurity and the Digital Judiciary

As courts become increasingly digital, cybersecurity becomes a judicial-security issue. A cyberattack on a court could potentially destroy or alter court records; expose confidential information; disrupt hearings; prevent filing; interfere with case management; compromise evidence; or undermine public confidence. The Cybercrimes Act,<sup>35</sup> provides a criminal-law framework addressing offences involving computer systems and ICT and provides for investigation, collection and use of electronic evidence.<sup>36</sup> However, criminalization of cyber offences is only one aspect of cybersecurity. The Judiciary must also maintain strong internal security practices. The Judiciary's 2023–24 report specifically recommended robust cybersecurity policies and procedures to protect sensitive judicial data.<sup>37</sup> This demonstrates that cybersecurity is recognized as an institutional requirement rather than simply an external law-enforcement matter.

## 16. Digital Inequality: The Risk of Creating a Two-Tier Justice System

One of the greatest challenges of e-justice is the digital divide. A justice system can become more efficient for people who have smartphones; computers; reliable internet; electricity; digital literacy; access to lawyers; and money to obtain technological assistance. But the same system may become more difficult for people who lack these resources. Research on the adoption of digital court records at the Judiciary's Mbeya Zonal High Court found that staff regarded digital records as improving access to judicial information, accountability and transparency. However, the study also identified budget constraints, shortages of IT experts, unstable internet and electricity, and policy challenges as obstacles to effective digital-record management.<sup>38</sup> This is significant because Tanzania has a large geographical area and considerable differences in infrastructure between urban and rural areas. If e-justice becomes

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<sup>35</sup> Cap 443 R.E. 2023.

<sup>36</sup> Long title and substantive provisions concerning computer-related offences, investigation, collection and use of electronic evidence.

<sup>37</sup> Judiciary of Tanzania, *Annual Performance Report of 2023–24*, p. 66.

<sup>38</sup> Said Shaban Hassan, "Adoption and Use of Digital Court Records on E-Justice Service Delivery at the Judiciary of Tanzania – Mbeya Zonal High Court," *Journal of Public Sector Management*, Vol. 8 (2024), published 3 April 2025. The study identifies budget constraints, shortage of IT experts, unstable internet and electricity and policy deficiencies as challenges.

mandatory without appropriate support mechanisms, the technological divide can become an access-to-justice divide. The solution is not to reject digitalization. Instead, Tanzania should pursue inclusive digitalization.

Inclusive digitalization may involve service bureaus at courts; public access terminals; assistance by registry staff; mobile-based services; legal-aid support; digital literacy programmes; alternative physical filing mechanisms for vulnerable users; and investment in rural connectivity.

## 17. ICT and the Lower Courts

One of the most important questions for the future is whether digitalization can reach the lower levels of the judicial system. The 2018 Electronic Filing Rules expressly exclude primary courts from their application.<sup>39</sup> This creates an important structural issue because primary courts are often the first point of contact between ordinary citizens and the formal justice system. If superior courts become highly digital while primary courts remain predominantly manual, Tanzania risks creating two different models of justice, which are digital justice for higher courts; and paper-based justice for many first-instance users. A recent scholarly analysis similarly identifies the incomplete integration of lower courts into the electronic justice framework as a significant weakness in Tanzania's e-justice architecture.<sup>40</sup> The long-term objective should therefore be gradual integration of appropriate ICT tools across the judicial hierarchy, while recognizing that lower courts may require different technological solutions because of their users, resources and geographical circumstances.

## 18. Human Capacity and Judicial Training

Technology cannot function without people capable of using it. Judges, magistrates, registrars, court clerks, advocates, court brokers, process servers and other stakeholders must understand the systems they are expected to use. The Judiciary's 2023 report identifies capacity building for judicial officers and stakeholders as an important component of the e-Judiciary project.<sup>41</sup> The problem is not merely basic computer literacy. Modern judicial technology requires

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<sup>39</sup> The Judicature and Application of Laws (Electronic Filing) Rules, 2018, G.N. No. 148 of 2018, r.2(1). The Rules apply to courts except primary courts.

<sup>40</sup> Haule, M.C., *ICT Advancement and Administration of Justice in Tanzania: A Comparative Discussion of the Legal and Institutional Framework Governing E-Justice*, **East African Journal of Law and Ethics**, Vol. 9, No. 2 (2026), pp. 184–197, particularly pp. 191–197.

<sup>41</sup> Judiciary of Tanzania, *Comprehensive Performance Report of the Judicial Functions – 2023*, p. 51.

increasingly specialized knowledge. Judicial officers may need to understand electronic evidence; digital signatures; cybersecurity; data protection; virtual hearing protocols; electronic records; artificial intelligence; algorithmic decision-support systems; digital forensics; and technological reliability. Similarly, court clerks must understand how to maintain digital records and troubleshoot system failures. The Judiciary's 2023–24 report therefore recommended comprehensive training and reliable technical support mechanisms.<sup>42</sup>

## **19. The Impact of ICT on Lawyers and Litigants**

ICT has significantly changed the role of advocates. A modern Tanzanian advocate increasingly interacts with the Judiciary through digital systems rather than solely through physical registries. Lawyers may file documents electronically, make payments electronically, receive notifications electronically, conduct legal research online and participate in remote proceedings. This produces efficiency but also creates professional obligations.

Advocates must now possess adequate technological competence and ensure that documents are correctly formatted; electronic signatures are properly used; filing deadlines are observed; digital evidence is properly authenticated; confidential client information is protected; and electronic communications are securely handled. For litigants, the impact can be both positive and negative. The positive impact is greater convenience and potentially lower costs. The negative impact is that litigants may become dependent upon advocates or service providers where they lack technological knowledge. Legal aid programmes should therefore incorporate digital assistance into their services.

## **20. ICT and the Independence of the Judiciary**

Judicial independence must remain central to technological transformation. ICT systems should not interfere with the constitutional independence of judges and magistrates. Automated systems may organize cases, generate statistics or facilitate scheduling, but they should not improperly determine judicial outcomes. The governance of digital systems is therefore crucial. Questions arise concerning who controls judicial databases; who has access to case files; who can modify data; who can audit system activity; how algorithms are designed; who is responsible for technological errors; and how judges can challenge or override erroneous automated processes. The general literature on e-justice warns that digital platforms can

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<sup>42</sup> Judiciary of Tanzania, *Annual Performance Report of 2023–24*, p. 66.

become an additional layer of regulation because their workflows may constrain users in ways that traditional legal rules did not.<sup>43</sup> Therefore, digital systems must remain subordinate to law and constitutional principles.

## **21. Artificial Intelligence and the Future of Tanzanian Justice**

The next phase of global ICT development is increasingly associated with artificial intelligence (AI). AI may potentially assist the Judiciary through legal research; translation; transcription; case classification; document summarization; identification of relevant precedents; scheduling; statistical analysis; case-flow management; and administrative decision support. However, AI presents greater risks than conventional ICT because automated systems may influence legal reasoning or administrative decisions.

The use of AI in justice therefore requires safeguards concerning human oversight; transparency; explainability; accuracy; bias; data protection; cybersecurity; judicial independence; and the right to challenge automated processes. AI should not replace the judicial function of determining contested legal and factual questions. Its proper role should initially be supportive and administrative unless and until a clear legal and ethical framework is developed.

## **22. Law and Practice: A Critical Assessment**

The Tanzanian experience reveals a substantial but incomplete transition from law to practice.

### **22.1 Areas where law and practice are converging**

There is evidence of meaningful implementation in electronic filing; electronic payment; electronic notification; electronic case management; virtual courts; electronic records; digital publication; electronic evidence; mobile applications; and inter-agency integration. The Judiciary's 2025 report provides particularly strong evidence of institutional progress, including the connection of 205 court buildings to the Judiciary network and integration of JoT-eCMS with 13 justice-sector stakeholders.<sup>44</sup>

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<sup>43</sup> See generally discussion of governance challenges associated with e-justice platforms and the interaction between formal legal rules and technological workflows.

<sup>44</sup> Judiciary of Tanzania, *Comprehensive Performance Report 2025*, p. 15.

## 22.2 Areas where gaps remain

Nevertheless, significant gaps remain in infrastructure; electricity; internet reliability; lower-court integration; digital literacy; cybersecurity; data protection; ICT staffing; interoperability; technical support; and equal access. Research at the Mbeya Zonal High Court confirms that budgetary, technical and infrastructure constraints remain practical obstacles to digital justice.<sup>45</sup> Thus, the main problem is no longer whether Tanzania has recognized e-justice in law. The more difficult question is whether the State can provide the institutional capacity necessary to make digital justice universally functional.

## 23. Major Challenges

Despite the benefits as seen throughout this article, the following challenges require sustained attention.

23.1 Infrastructure: ICT requires computers, servers, networks, electricity, secure data centres and reliable connectivity.

23.2 Financial resources: Digital transformation requires continuous expenditure. ICT systems cannot be treated as one-off projects.

23.3 Human resources: Shortages of ICT specialists can delay implementation and maintenance.

23.4 Digital literacy: Users must understand both basic ICT and justice-specific technologies.

23.5 Cybersecurity: Increasing digitization increases the potential impact of cyber incidents.

23.6 Privacy: Court databases contain highly sensitive personal information.

23.7 Interoperability: Different justice-sector institutions must be capable of securely exchanging information.

23.8 Digital exclusion: Technology should not become a barrier for poor, rural or technologically disadvantaged litigants.

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<sup>45</sup> Hassan, M.C., *ibid.*, pp. 55–56.

23.9 Legal uncertainty: Procedural rules must continuously adapt to technological developments.

23.10 System reliability: A technological failure in the judicial system can have direct consequences for rights and legal deadlines.

## **24. Recommendations**

### **24.1 Develop a comprehensive post-2023 Judiciary ICT strategy**

The Judiciary should maintain a continuously updated ICT strategy addressing technological developments beyond the 2019–2023 strategic period. The strategy should integrate e-filing, eCMS, virtual hearings, digital records, cybersecurity, AI, data protection and lower-court digitalization.

### **24.2 Expand digitalization to lower courts**

Primary courts should progressively be integrated into suitable digital systems. This should be done through simplified and affordable platforms rather than simply transferring sophisticated higher-court systems to lower courts.

### **24.3 Establish permanent digital service centers**

Courts should maintain service points where litigants who lack technological resources can obtain assistance with filing, case-status inquiries and other electronic services.

### **24.4 Strengthen ICT infrastructure**

Investment should prioritize reliable electricity; internet connectivity; secure networks; data centers; backup systems; bandwidth; court recording equipment; and technical support. The Judiciary's 2025 expansion of network connectivity demonstrates that this investment is already occurring, but continued expansion is necessary.<sup>46</sup>

### **24.5 Strengthen cybersecurity**

The Judiciary should establish comprehensive cybersecurity policies covering authentication;

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<sup>46</sup> Judiciary of Tanzania, *Comprehensive Performance Report 2025*, p. 15.

encryption; access controls; intrusion detection; incident response; backups; staff awareness; and independent security audits.

#### **24.6 Integrate data protection into judicial digitalization**

Every digital justice project should undergo a data-protection assessment. Sensitive information should be protected while ensuring appropriate judicial transparency.

#### **24.7 Establish continuous ICT training**

Training should be mandatory and continuous for judges, magistrates, registrars, clerks, advocates and other users.

#### **24.8 Create clear rules for electronic evidence**

Although Tanzania already recognizes electronic evidence, continuous judicial guidance and procedural clarification are desirable because technologies evolve faster than legislation.

#### **24.9 Develop an AI governance framework**

Before artificial intelligence is widely incorporated into adjudication, Tanzania should establish rules concerning transparency, human supervision, bias, accountability, data protection and judicial independence.

#### **24.10 Maintain alternative access channels**

digitalization should not eliminate reasonable non-digital alternatives for vulnerable litigants. The principle should be digital by preference, not digital exclusion by necessity.

#### **24.11 Improve interoperability**

JoT-eCMS should continue to be integrated with relevant justice-sector institutions, but interoperability should be governed by clear standards concerning data accuracy, security and lawful access.

#### **24.12 Measure the actual impact of ICT**

The Judiciary should regularly publish indicators measuring whether digitalization actually

improves case-disposal time; cost of litigation; access to justice; user satisfaction; number of electronically filed cases; system availability; number of technical failures; digital-service usage by region; and backlog reduction.

## 25. Conclusion

Global ICT advancement has fundamentally altered the possibilities available to modern judicial systems. Tanzania has not remained outside this transformation. The country has developed a significant legal and institutional framework for e-justice, including recognition of electronic transactions, electronic evidence, electronic filing and remote proceedings. The Judiciary has also invested in e-filing, e-payment, e-notification, electronic case management, virtual courts, digital records, electronic publication and inter-agency connectivity. The practical evidence demonstrates substantial progress. The Judiciary reported 58,126 electronically filed cases in 2021. By 2025, 205 court buildings had been connected to its MPLS network, and JoT-eCMS had been integrated with 13 justice-sector stakeholders. These developments demonstrate that ICT is no longer a peripheral feature of Tanzania's Judiciary; it has become an important component of justice administration.<sup>47</sup> The impact of ICT is therefore broadly positive. It can reduce the physical burden of litigation, improve case management, facilitate communication, increase transparency, strengthen records, expand access to judicial information and enable courts to function more flexibly.

However, technology alone does not constitute justice. A technologically advanced court can still be inaccessible to a person who cannot afford internet access. An electronic case-management system can still produce delays if judicial personnel are insufficient. A virtual hearing can still be unfair if a party cannot participate effectively. A digital judgment can still be inaccessible where the user lacks the means to obtain it. A sophisticated database can still threaten rights if personal information is inadequately protected. The central lesson from Tanzania's experience is therefore that the success of e-justice depends upon the relationship between law, technology, institutions and people.

For Tanzania, the next stage of judicial digitalization should consequently move beyond simply acquiring technology towards building an inclusive, secure, interoperable and rights-based

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<sup>47</sup> Judiciary of Tanzania, *Comprehensive Performance Report of the Judicial Functions – 2021*, p. 44; Judiciary of Tanzania, *Comprehensive Performance Report 2025*, p. 15.

digital justice ecosystem. The ultimate test should not be how many computers the Judiciary possesses or how many cases can be filed electronically. The real test is whether ICT enables an ordinary Tanzanian—regardless of income, location or technological capacity to obtain justice more quickly, affordably, transparently, fairly and effectively. In that sense, the future of the Tanzanian Judiciary lies not in choosing between law and technology. It lies in ensuring that technology operates under law and serves justice.