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Digital Transformation of the Magistrate Courts in South Africa

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A research report submitted to the Faculty of Commerce, Law and Management, University of the Witwatersrand, in partial fulfilment of the requirements for the degree of Master of Management in the field of Digital Business

Johannesburg, 2024

ABSTRACT

Technology tools have been on the rise in multiple industries, and court administrators in South Africa can improve court service delivery by implementing more digital tools to manage court processes. To understand how digital transformation of court processes can enhance service delivery, a study was conducted with eight participants selected based on their roles and experiences within the Department of Justice (DOJ) and as users of the court services. The study involved face-to-face and virtual interviews and an analysis of the DOJ's strategy documents.

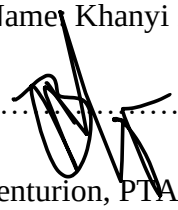
The manual administration of court processes in South Africa has increased corruption. This manual system permits the manipulation of court documents, resulting in unjust outcomes and unnecessary delays in court hearings. The findings revealed that digital transformation of court processes is necessary to improve service delivery, but internal and external challenges could impede the implementation of the digital transformation strategy. The DOJ's modernization plan provided a detailed execution plan, identified the challenges faced during the execution of the plan, and suggested mitigating action items to minimize the risks. Change management is essential for addressing internal barriers to successfully implementing the digital strategy, requiring management to give it priority. The lawyers representing the citizens advocated for those who do not have access to digital tools, stating that digital transformation would benefit both people with and without access to digital tools. The transformation would also reduce the number of cases held in court buildings, allowing more focus on less digitally developed areas.

The study underscores the imperative of digitizing court processes, not only for enhancing service delivery within the judicial system but also for upholding the right to impartial justice for all. The digitization of court processes will reduce instances of fraudulent cases and promote transparency within the broader legal framework, and the DOJ's modernization plan provides a detailed execution plan to overcome the challenges that could impede the implementation of the plan.

Keywords: Digitalization, Department of Justice and Constitutional Development, Digital Transformation, Court processes,

DECLARATION

I, Khanyi Zikalala (Mashapa), hereby attest that this research report is entirely my own work, apart from information referenced and acknowledged. This report is being submitted to partially fulfill the requirements for a Master of Management degree in the field of Digital Business at the University of Witwatersrand, Johannesburg. This report has not been submitted previously for any examination or degree at this or any other university. Name: Khanyi Zikalala (Mashapa)

Signature: ………….

Signed at: Centurion, PTA

On the **28** day of **February 2024**

DEDICATION

This research paper is dedicated to my children, Mbali, Tiisetso, and Katlego, who always believe in me and draw strength from my hard work, dedication, and achievements.

ACKNOWLEDGMENT

I am incredibly grateful to the Almighty for giving me the strength and wisdom to complete my studies despite facing many difficulties. I would like to express my heartfelt thanks to Dr Ayanda Magida for her invaluable guidance, unwavering support, constructive feedback, and infinite patience with me throughout the research process. I also want to thank my children, Mbali, Tiisetso, Katlego, and my sisters and brothers for their continuous support and belief in me.

"I am immensely grateful for the kind words of encouragement and unwavering support given by my dear partner, Ofentse Molapisi. Your constant encouragement during difficult times helped me complete my studies, which I greatly appreciate.

I also extend my heartfelt thanks to all the participants who took the time to engage in ongoing conversations with me about the subject matter. Your contributions were invaluable.

Finally, I would like to express my gratitude to all my friends who have been my cheerleaders and believed in me throughout. May God bless you all."

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LIST OF ACRONYMS

CM…….Court Master

DG…….. Director General

DOJ……Department of Justice

DOJ&CD……Department of Justice & Constitutional Development

ERM…….Enterprise Risk Management

MTP……..Mid-Term Plan

CMS……Case Management System

AI……..Artificial Intelligence

CRO…….Chief Risk Officer

CIO……..Chief Information Officer

DDG……Deputy Director General

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CHAPTER 1. INTRODUCTION

1.1 Purpose of the study

The study explores the perceived impact of manual processes on the service delivery of Magistrate courts. These endeavours align with the Department's dedication to upholding the right to access justice for all. Consequently, the study aims to address this issue.

1.2 Background of the study

Section 34 of the South African Constitution guarantees all citizens the right to access justice services through the courts. Unfortunately, the inability to provide effective justice services impedes this fundamental right. Digital transformation of the courts involves using technology to automate internal and external court processes, implement digital case management systems, streamline case and hearing management, and enhance data management capabilities. This study aims to showcase how South Africa, as a developing nation, can align with global standards by enhancing services that safeguard and uphold the Constitution and its values.

The failure to modernize court services has resulted in continuous postponements of cases, a lack of accountability for corrupt officials who manipulate manual processes, a culture of staff members' inability to adapt to new technologies, and poor data and records management. By introducing modern information and communication technologies in the judiciary, we can ensure that the judiciary is transparent, efficient, and open. This will improve the quality of court proceedings, making justice more accessible to all South Africans. Incorporating automated processes in the legal system is essential to uphold citizens' constitutional right to access justice fairly and transparently, regardless of their background (Humanity Conference, 2021).

While the digitalisation of services offers numerous economic and social benefits, it's important to recognize its drawbacks, which can exclude people without access to online platforms (De la Sierra, 2022). In Europe, investigations into the impact of new

technologies on communication and engagement across various industries have been conducted by the European Supranational Courts and Judicial Decision-Making to protect citizens' rights, especially those without access to new technologies (De la Sierra, 2022). Integrating AI into the judicial system and protecting citizens' right to a fair trial in the digital age are global imperatives, as evidenced by Cyber and Law's publication, which seeks to identify issues related to AI implementation (Papp et al., 2022).

A study by the University of Leicester delves further into the digitalisation of tribunal cases, which are dispute resolution bodies aimed at adjudicating disputes between individuals, citizens, and government bodies outside the official courts, with legally binding decisions (Cortes, 2016). The study highlights the importance of online submission of documents and case hearings in providing speedy services but also recognises that not all citizens have access to technology for virtual hearings and document submission, emphasising the need for maintaining manual processes for those without online capabilities (Cortes, 2016).

1.3 Research problem

The research problem is understanding the issues created by manual processes in delivering optimal court services to citizens. This requires evaluating the department's digital transformation strategy and assessing if it is aligned with the automation of processes that will ultimately deliver the required court service. Addressing ethical and legal consequences during the development stages of technical tools is also crucial to ensure the transparency of legal praxis. The importance of digitalising court services and automation of the processes has long been recognised in other countries (Lex, Humana, 2023); however, South Africa is still plagued by old manual ways of managing court services, resulting in various issues such as delays and postponement of cases, it takes longer for cases to be added on case rolls, increasing the risk of fraud because of missing documents and human errors escalates, infringing on the right to access to the justice system (Sec 7-39-The SA Constitution). The effects of load shedding in the justice delivery exacerbate the case hearing issues, causing additional delays. Most South African courts have no reliable generators to allow work to continue (Hugo, 2023). Up to

95% of courts in South Africa are unable to operate when there is load shedding; the case is continuously postponed, infringing on the right to access the justice system (Rabkin et al., 2023). Even though digitalization of the court services may not minimize the load-shedding impact, it can certainly improve the efficiencies, auto filling systems, and eLodgement platforms can increase accessibility and enhance timely dispute resolution engagements, outside the physical courtrooms (Allsop, 2019).

A study conducted in Canada to understand the state of digitisation of court processes produced a report that focuses on technologies being implemented in or by courts rather than looking specifically for information about electronic/digital issues between parties to litigation (Bailey, 2012). The research group encountered a series of challenges, including an asymmetry in online reporting between jurisdictions, a dearth of information about the specific software and hardware employed, and sometimes frustrating differences in the arrangements between courts and provincial/territorial/federal governments in terms of how technology decisions were made and who was responsible for carrying them out and reporting on them (Bailey, 2012). The findings above on the challenges faced in getting decisions from the different government levels are important for this study. Understanding the governance around decision-making from a South African government context will be critical.

An international conference on Humanity was held in London to discuss the peculiarities of introducing modern information and communication technologies (Humanity conf, 2021). The discussions centered on creating a modern information and communication infrastructure in the judiciary, developing information resources and information systems, introducing electronic document management systems, and providing interactive services to citizens through judicial websites, forming the basis of innovations in the judiciary. It was concluded that one of the main objectives of introducing modern information and communication technologies in the judiciary is to ensure its openness, transparency, and efficiency and improve the quality of court proceedings and access to justice. Introducing such technologies in the judiciary also allows citizens to conduct court cases quickly and conveniently, without unnecessary hassle, saving time for citizens who apply to the court (Humanity conf, 2021).

Research on digitalising court processes and services cannot be concluded without understanding the impact or the views of the lawyers, who will also be the beneficiaries and users of new technologies (Koulu, Hakkarainen, 2018). There is a requirement for lawyers to understand technology to support the implementation of new technologies. Shortcomings for lawyers could be the expectation to reduce legal fees as some applications can provide new tools to make access to the justice system cheaper. The concerns of transparency of legal praxis are stated as concerns, with the ethical and legal consequences needed to be addressed during technical tools development stages (Koulu, Hakkarainen, 2018).

Against this backdrop, the research problem is understanding the issues brought by the manual processes in delivering the optimal court services to the citizens. Evaluate the departments' digital transformation strategy and assess if the strategy is aligned with the automation of processes that will ultimately deliver the required court service and improve access to justice for the community.

1.4 Research Questions

- What is the perceived impact of manual processes in magistrate courts, and how do they impact court service delivery?
- What are the current barriers the Department of Justice and Constitutional Development faces in implementing automated Magistrate court processes?
- What is the desired outcome of the Digital Transformation strategy for court services?

1.5 Significance of the study

The government's court services are crucial in ensuring justice is accessible and unbiased for all South African citizens. The COVID-19 pandemic has hastened the adoption of digital transformation across various sectors, including global court services (Nazneen, 2020). However, implementing these strategies at the Magistrate court level has been slow. While the High Courts of South Africa have successfully implemented an online case management system that allows for paperless management of court documents (De

Rebus, 2020), there is still much work to roll out this technology to Magistrate courts promptly. Digital transformation will aid in providing access to justice to the public, reducing the delays and corruption associated with missing documents and manual human intervention in managing court processes (de Petropolis, de Janeiro, 2023).

As a Non-Executive Board member of the Department of Justice and Constitutional Development Risk Management Committee for over three years, I have played a key role in addressing the department's numerous internal and external risks. However, despite our best efforts to mitigate these risks, progress has been limited, and the citizens of South Africa, who are the primary beneficiaries of the department's services, have not reaped the benefits. The department's digital strategies have been primarily geared towards internal operations rather than enhancing services for citizens, resulting in negligible value from the digital transformation initiatives. Accessing the Department's strategy and implementation plan can help recognise comparable issue patterns that other countries encountered during their implementation phases. This information can help the Department prevent repeating the same errors or proactively minimise the impact of any challenges before they arise.

1.6 The Delimitations of Study

The research study will specifically focus on Magistrate Courts situated in Gauteng. South African High Courts will not be included in this research. To achieve its objectives, the study will adopt a face-to-face and virtual interview approach, engaging with Department of Justice and Constitutional Development officials, lawyers representing citizens in courts, and members of the public who have received services from the courts.

The study sought to gain insights into the obstacles posed by manual processes in delivering effective services, the challenges of implementing a digital strategy, and the expected outcomes of executing the digital strategy.

1.7 Definition of terms

Table 1–1

Term	Description
Researcher	The student conducting the research (Castillo, 2019).
Department of Justice and Constitutional Development	The South African government's Justice Department provides administrative and financial support to the court system and judiciary (Justice.gov, 2024).
Director General (DG)	The Chief Administrative Officer (Justice.gov, 2024).
Judicial System	The judicial system comprises the Supreme Court of Appeal, High Court, and magistrates' courts, including the special income tax courts and Land Claims Court (Civics Academy, 2024).
Constitution	A body of fundamental principles or established precedents according to which a state or organisation is governed. (Merriam-Webster, 2024).

Case Line	Electronic filing and case management systems are used at High Courts in South Africa (Mabeka, 2021).

1.8 Assumptions

The following assumptions have been made regarding this study:

- It is assumed that all participants are willing and available to share information.
- Any relevant documents, including the Digital Strategy document, can be requested and will be provided.
- The researcher will be promptly notified of any confidential information shared and informed in advance if any information cannot be disclosed.

1.9 Report Outline

- The first chapter of the report outlines the purpose and context of the study, drawing on relevant literature to inform the information presented. This includes the research problem and objectives and a section dedicated to defining key terms and acronyms and highlighting the study's significance in digital transformation in South African Magistrate Courts.
- Chapter 2 provides a theoretical review of previous studies on this topic, including research conducted in other countries and the challenges faced in implementing digital strategies in Court Services. The reviews offer valuable insights that inform the study's findings.
- Chapter 3 details the research process, including the methods used and the parties who will be interviewed for the study. This chapter provides important context for the research findings later in the report.

- In Chapter 4, the research findings derived from the data collected from participants and analysed documents from the DOJ are unpacked and explored in depth.
- Chapter 5 provides comprehensive conclusions based on the research findings, aligning the purpose of the study, research questions, and literature reviews with the data collected.
- Finally, Chapter 6 presents research conclusions, recommendations for each research question, and suggestions for further studies to support this research. The chapter highlights the limitations and constraints encountered during the research process.

CHAPTER 2. LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

This study evaluates the manual court procedures of the Department of Justice and Constitutional Development (DOJ&CD) and their digital transformation strategy aimed at automating these processes. Through a comprehensive literature review, we examine the consequences of non-automated court procedures, the difficulties encountered by other countries in implementing digital transformation strategies in their courts, and how the South African High courts successfully implemented their case line court system (De Rebus, 2020, 2023). The study's results and conclusions will be presented as the final output.

2.2 Manual processes, Barriers faced, and Digital Transformation strategy execution outcomes.

2.2.1 Manual processes

Manual processes refer to the tasks carried out by humans as part of the operational functions of a business. These tasks involve mundane and repetitive work that requires a longer timeframe to complete. Devarajan (2018) notes that manual processes are associated with increased expenses due to generated human errors. Marizer (2022) also highlights the proven loss of time and exposure to inefficiency and error associated with repetitive manual processes. The definition highlights the inefficiencies brought by manual processes. In the context of the courts' processes, the speed and accuracy in capturing hearing files and assigning timely court dates are compromised. Opening opportunities for corruption in terms of missing documents as there is limited or no audit trial when cases are administered manually, outside an automated system.

The right to access the justice system is grounded in the constitutional rights of citizens. According to Section 7-39 of the SA Constitution, every person has the right to a fair

public hearing before a court or other appropriate body for any dispute that can be resolved through legal means. As the process of digital transformation continues to embed technology tools in business processes, it cannot drive fundamental change alone. South Africa's gross national income measure, South Africa's national income per person, places the country among developing nations (News24, BI-Archive 2020). This status increases the pressure to digitize processes, especially those that provide citizens with services, to ensure digital human rights and balance law enforcement access to information with citizen confidentiality (Humana, 2023). While digitisation offers benefits such as increased efficiency, accessibility, speed, and profit, it also has the potential to colonise every aspect of human activity (Jansen, Schreiner, 2021). The literature quoted above is a selection of topics relevant to the study. The information will emphasise the right to access the justice system, which is fair and corrupt-free. The continuation of using manual processes increases the risks of corruption and loss of critical data, limiting the right to access to Justice.

Manual processes, which individuals manage, can lead to errors and corruption. This can cause significant delays in court services. To address these challenges and ensure efficient court service delivery, the Department of Justice and Constitutional Development should prioritise implementing a digital transformation strategy. The strategy should outline clear action items, timelines, and accountable action owners. Furthermore, senior management should oversee and manage the implementation plan to ensure its success, and consequences should be applied to actions that fail to meet established deadlines.

2.2.2 Digital transformation

In unlocking, benefits for both internal and external customers cannot be overstated. As organisations adopt transformation-driven emerging technologies, they can drive efficiencies and improve service delivery. This is particularly relevant in the case of court services, where digital transformation can bring about significant benefits. Understanding this critical path is essential for unlocking the full potential of digitalisation in court services (Tang, 2021). A developing country will also be explored in aligning the countries' capabilities with similarly ranked countries globally. Four barriers to

implementing an effective digital transformation strategy are listed as (i) Change resistance, employees not adapting to the new ways of work. (ii) Communication and collaboration silos, where each area in the organisation is driving a different strategy. (iii) Security concerns such as cybersecurity and data leakages. (iv) Evolving customer needs, the everchanging customer needs that require understanding when developing a digital solution to benefit customers (Guida,2023).

According to an insightful PECB article (2022), digital transformation can greatly enhance overall processes, culture, services, and customer experience. However, the article also acknowledges that new technologies can bring challenges, such as a lack of change management, skills shortages, evolving customer needs, staff resistance to change, security concerns, and budget constraints. Meanwhile, the Digitalization of Bangladesh Judiciary and Access to Justice report explores the potential impact of a technology-based judicial system on the administration of justice. It examines the connection between access to justice and digitalisation, analyses the current state of justice delivery and highlights the flaws of traditional systems. The report concludes by addressing the challenges and proposing solutions to accelerate access to justice for the masses through digitalisation (Hasen & Rupa, 2021). The definition outlines the barriers to strategy implementation, both in a general context and specifically in court services automation. The lack of a clear vision and a strategy encompassing people change management are cited as barriers to optimally implementing a strategy.

2.2.3 Digital Transformation Barriers

One of the biggest problems with non-automated processes is the backlog of cases that can go unheard for extended periods. This can lead to increased litigation costs and negatively impact society. The top priority for the judiciary should be to minimise court process delays and eliminate the backlog of cases (Hasan, Rupa, 2021). However, achieving this goal through the digital transformation of court services will require a substantial financial investment. In addition to financial concerns, ineffective manual processes can hinder the success of digital transformation efforts, as inefficiencies are often carried over to automated platforms. Furthermore, adopting automated processes by

the general public can be challenging, as it takes time for individuals to become familiar with digitalised court systems, which often require certain technical expertise. Other infrastructure-related issues, such as power shortages and low bandwidths, can also hinder the seamless implementation of digital transformation processes.

Information about automation is readily available on social media and other online platforms. However, educating citizens about the technology poses a challenge. The information available may not be tailored to local infrastructure and navigating country-specific platforms. Poor connectivity and high costs associated with internet access further impede progress. Significant investment in infrastructure is necessary to accommodate many users, while a change in mindset and willingness to adapt is crucial for both court personnel and citizens. With judges and staff accustomed to manual processes, proper training is necessary to upskill users, and consumer education is critical. The legal industry has relied heavily on paper-based work for years, making a transition to new methods of operation a lengthy process (Husan, & Rupa, 2021). In 2022, the South African justice department fell victim to a cyber-attack that had far-reaching consequences on all digital platforms. As a result, the department could not provide services to the public, and the information regulator (IR), which relied on the department's IT systems, was also adversely affected (Malinga, 2022). Although digitalisation offers many benefits, cyber-attack challenges are a significant limiting factor. According to Papp and Krausz (2022), digital platforms play a crucial role in digital transformation. To ensure a successful shift towards digitalisation, it is important to involve key stakeholders impacted by the change, including the IT department, which will support the new system. Neglecting to involve these stakeholders from the outset may lead to resistance and hinder the change process (Dabo, 2021).

Identifying the necessary technical tools for automation is crucial in formulating a digital transformation strategy. Often, the budget for implementing the strategy is centred around these tools. However, it is equally important to allocate funds for change management when creating a plan approved by the strategy. People have been identified as a crucial obstacle to successfully implementing the strategy. Therefore, investing in training

interventions and cultural change activities that clearly articulate the vision and purpose of the changes is essential.

2.2.4 Digitalization Outcomes

In their article, (Bughin, 2019) explore the concept of digital transformation outcomes as the ultimate goal of a service, program, or intervention. These outcomes exceed performance expectations and are identified at departure stages, providing clear themes for measuring intended business outcomes. The article notes that outcomes are evaluated at the end of the process and can be either expected or surprising. However, this study emphasises the importance of clear understanding and little to no surprises if the strategy implementation aligns with the intended goals. Automation of court processes and services is a global trend, with China leading the way in successfully implementing judicial automation and digitisation. The outcomes of this initiative include fairness, consistency, and protection of public rights, as noted by (Papagianneas, 2022).

The Constitution of the People's Republic of Bangladesh guarantees equality before the law and equal protection of the law to all citizens. It emphasises that every citizen has the inherent right to be treated and protected by the law. This affirmation holds the state accountable for ensuring that implementing their service-related strategies produces intended outcomes that support citizens' access to justice. It is crucial to note that these intended outcomes must cater to all districts and jurisdictions, especially the less accessible district courts in small towns and rural areas (Judicial Portal, 2016). Unfortunately, costs, corruption, and interference by more powerful members of society often hinder the poor and vulnerable from accessing justice (Moran, 2016; Hasan, 2021).

When citizens lack access to the justice system, the intended outcomes of the Department of Justice and constitutional development are compromised. This can lead to corruption and a backlog of cases, eroding people's trust in the formal system. Unfortunately, the legal maxim "justice delayed; justice denied" is no longer an exception. Citizens are increasingly aware of their constitutional rights and need timely court hearings. As Melcarne et al. (2023) point out in their article on the maxim, it's clear that gaps in the system are preventing the intended goal of improving access to justice for the public. The

prevalence of corruption, mismanagement, and irregularities in various levels of the judiciary can hinder the successful implementation of strategies, as noted by Morrison in 2023. This issue is exemplified by the disorder within the Master's office, which is a component of the DOJ. Similarly, in a study on the digitization of court services, the researcher emphasises the importance of prioritising the benefit of people in court and ensuring that courts keep up with the digital age (Allsop, 2019). The study highlights that the digitalisation of court processes can bolster public trust and confidence in the functioning of courts.

Digital transformation in the court service is multi-faceted and requires effective management to ensure success. Failure to do so can add unnecessary pressure to an already strained system. It is crucial to define the intended outcome at every stage of implementation. This includes identifying which processes will be automated at different stages and specifying the expected service outcome following the deployment of these automated processes.

2.3 Theoretical framework

For this study, we utilised the Technology-Organisation-Environment (TOE) framework as our choice theoretical framework. This framework incorporates the elements of technology, organisation, and environment, which were all relevant to our research (Chiu et al, 2017). After thoroughly reviewing the literature, interviewing participants, and analysing strategic documents, we determined that the TOE framework was the most appropriate approach. Its flexibility allowed us to not only focus on technology as a driver for strategy execution but also consider internal and external factors that affect technology adoption. This framework provided ample opportunities to assess technology adoption across various sectors, including private and government organisations and court services.

Using the TOE framework in this study enabled the researcher to take a more nuanced approach to examining the department's technology adaptation plans. Through a thorough analysis of existing documentation and relevant literature, the researcher gained valuable insights into the potential complexities that may impact the execution of the strategy. The

flexibility of the TOE framework allowed for a comprehensive exploration of the different technologies that will be deployed internally for department employees and externally for the community accessing court services.

The framework offers advantages in evaluating the internal uptake of technology among staff members by considering various factors that could potentially impact the adoption process. These include the organisation's technology infrastructure, top management's support, and financial backing from the organisation and the department. Additionally, the framework considers the environmental factors surrounding the South African Magistrate courts, particularly in terms of the regulations and guidelines that govern the implementation of digital strategies.

2.3.1 Technology Adoption

Technology tools are vital in supporting organisations' digital transformation strategy in today's digital age. By adopting new technologies, people and organisations can enhance their existing systems. However, it is important to note that while technology tools are critical, the skills needed to operate them are equally essential in successfully implementing a digitalisation strategy. As Mirthinti (2023) suggests, existing technology sets the tone for what specifications are required in developing more advanced systems, while Metritis (2009) underscores the importance of skilful operation.

Relative advantage

The benefits of new technology adaptation must be measured in terms of cost savings, automated processes that improve service delivery, and motivated staff members operating in an improved environment (Chiu, 2017).

Compatibility

A firm conviction that new technologies should integrate seamlessly with existing structures is typically conducive to successful adaptation. When management aligns with this belief, they can implement digital processes that elevate services while reducing operational costs. Furthermore, supporting the deployment of new technology through

the execution of a digital strategy can enhance the overall success of adopting new technologies (Adapted from Khemthong & Roberts, 2006 as cited by (Awa et al, 2017).

Complexity

The digital transformation process involves the implementation of intricate systems that require the involvement of various parties, technologies, goals, duties, undertakings, and resources. The numerous components involved can indicate the complexity of such projects. However, the TOE framework's perspective on complexity only considers organisational complexity and overlooks external factors such as regulations. Additionally, the internal organisational elements may hinder the adoption of new technologies, particularly if these technologies introduce complexity (Jia et al, 2023).

2.3.2 Organisation

The success of an organisation relies heavily on its structure, size, and communication channels. When the organisational structure is complex, change management becomes a more arduous task as it requires significant effort to persuade staff members to adopt new work methods (Wang, 2010, as cited by Awa et al., 2017).

Top management

The support of top management is crucial for staff and SMEs to effectively manage and implement new technologies through the digital strategy (Djatikusumo, 2014). By acknowledging that the benefits of the digital strategy outweigh the associated risks, top management can significantly expedite adoption throughout the organisation.

Financial resources

Insufficient financial resources and support have been identified as the primary hindrance to the adoption of new technology, according to Mpofu's research in 2023. Adequate funding for new systems and the initiative itself play a crucial role in the speed and effectiveness of implementation, as researched by Nguyen and Peterson (2017)

Knowledge of information and communication technology

Skills shortages in implementing digital strategies are found to be a barrier to effectively implementing a digital transformation strategy (Alshamaila,2013). Skilled employees are critical resources in ensuring the successful deployment of new technology (Hung, 2016)

Firm size

According to Nguyen and Peterson's (2017) study, there is a correlation between an organisation's size and its success in transitioning to a digitalised environment. The study found that small and medium-sized enterprises have better and quicker implementation results than larger organisations.

2.3.3 Environment

Government support

According to Corydon et al. (2016), modernising government-led institution processes through digitisation can yield numerous benefits, including improved public service delivery, cost savings, and enhanced quality of life for citizens. Muhammad (2023) notes that by digitising these processes and improving service delivery, governments stand to create trillions of dollars in economic value. Drabo (2021) and other researchers have also highlighted the advantages of digitalisation and automation in government institutions, including streamlined public record storage and seamless access to essential services.

Competitive pressure

The digitalisation of organizations and government institutions has taken a rise in many countries as part of their strategies to align with competing countries (Lex Humana, 2023)

External support

The regulations governing the adoption of digitisation and automation within organisations and service-oriented institutions warrant careful evaluation to ensure that they do not impede the implementation of digital strategies. These laws must be established as catalysts for progress, facilitating a smooth transition toward adopting digital strategies rather than hindering it (Drabo, 2021).

2.4 Conclusion of Literature Review

According to the literature, digitalising court services is crucial in upholding the human right to access the Justice system, regardless of background. The existing manual processes can infringe on this right, resulting in delays in court services and heightened corruption due to missing case documents with no means to hold accountable those responsible for the unauthorised removal of files. South African Magistrate courts face similar obstacles as described in the literature. Nevertheless, insights and best practices from other countries and organisations can help mitigate such risks in the South African context. According to the literature, it is crucial to establish a well-defined scope regarding the desired outcomes and expectations for staff and citizens when implementing a digital transformation strategy. These outcomes and measurements should be documented in the strategy document, and activities should be regularly monitored to ensure the successful execution of the strategy.

CHAPTER 3. RESEARCH METHODOLOGY

3.1 Introduction

The study's objective was to gain insights into the constraints associated with manual processes that hinder the delivery of services at Magistrate Courts. Additionally, the research aimed to identify the obstacles that may arise while implementing the digital strategy and the potential benefits of completely adopting automated processes.

3.2 Research Paradigm

A research paradigm serves as a framework for conducting research, encompassing a set of beliefs and ideas that guide the theories and practices utilised during data collection and analysis. This approach offers clear guidelines for conducting research legitimately and reasonably. Typically, research paradigms are based on either positivism or interpretivism methods (Abbadia, 2022). There are two distinct methodologies for gathering information on a particular topic: positivism and interpretivism. The key contrast between these two approaches is that positivism is grounded in factual data or scientifically established information. At the same time, interpretivism is more subjective and involves analysing the ideas and input provided by individuals (Study Smarter, Gmbh, 2024). The research study **utilised** the interpretivism methodology, which focused on **analysing** data collected from participants based on their roles and experiences in dealing with the magistrate courts. This approach relied on the thoughts and feelings of the participants to gain insights into their perspectives, rather than solely relying on objective measures.

3.3 Research approach

To address the research questions, the study opted for the qualitative research method, which involves analysing data gathered from fieldwork, interviews, and written documents. The resulting patterns and themes are then used to provide answers to the research questions (Percy, 2015. While some critics argue that qualitative research lacks rigour and fails to adopt established methodologies, others counter that established methodologies can be difficult to navigate without extensive knowledge of the relevant literature (Kahlke, 2014). Ultimately, the researcher's ability to recognise and navigate their own biases, as well as those of their participants, plays a key role in selecting appropriate research questions, instruments, and participants free from preconceived notions (Percy, 2015).

This study aimed to address the concerns surrounding inefficiencies in the delivery of court services resulting from manual processes. These impacts are both caused and felt by individuals. To better understand the experiences of those involved in delivering these services, a qualitative research approach was taken, which involved conducting interviews and engaging with individuals to obtain valuable insights that could be used to answer the research questions.

3.4 Research design.

To answer the research questions, a generic qualitative design was utilized in the study. This approach proved advantageous due to participants' varying levels and job responsibilities. The design allowed for creating questions tailored to each participant's unique operational level and experience. Additionally, the conversations were broad enough to collect a diverse range of data points, as noted by Kostere (2015).

In conducting the research, the interviewer employed qualitative methods and utilized a questionnaire as a tool to guide the interview. While this approach provided structure, the use of open-ended questions enabled the researcher to delve deeper into participants' experiences and perceptions, generating hypotheses that could be further explored to gain greater insights into the issue at hand. Through this approach, the researcher was able to

gather varying perspectives on the problem and the potential benefits of digitizing the process for both the department and the public.

The researcher effectively assessed the extent of participants' frustrations by analysing their tone and articulation of the issue. Unlike quantitative research, which relies heavily on numerical data, qualitative research permits participants to provide comprehensive descriptions of the problem and potential solutions.

3.5 Data collection methods

The researcher utilized both face-to-face and virtual interviews to gather data from the participants. To ensure efficiency, strategic and performance plans that were published on 21 February 2023 and 06 July 2023 were downloaded beforehand to avoid repetition of information already covered in the documents. The interview questions were shared with the participants in advance to facilitate preparation. By using these methods, the researcher was able to present the advantages and disadvantages of both in-depth interviews and pre-analysed data extracted from department strategy documents.

Advantages and Disadvantages of in-depth interviews

In-depth interviews offer the researcher the opportunity to delve deeper into discussed information and gain a more comprehensive understanding. However, it's important to note that this approach is subjective and allows for personal interpretations that may not necessarily be factual, but rather, a reflection of the participant's unique perspective.

Advantages and Disadvantages of pre-analysed data extracted from the department's strategy documents.

Utilizing the department's documents can provide a solid foundation for crafting interview questions that avoid redundancy and ensure thoroughness. Yet, there exists a

drawback in that the pre-existing knowledge may sway the researcher's perspective and lead to biased responses during the interview process.

3.6 Population and sample

3.6.1 Population

The study population comprised employees of the Department of Justice and Constitutional Development, which houses the administration and management of Magistrate courts. In addition, attorneys who represent citizens benefiting from the digitisation of court services and individuals who have previously used Magistrate court services were interviewed. They provided valuable insights into their experiences and expectations regarding digital transformation and its potential to enhance the delivery of court services. The department is developing a digital transformation strategy to automate processes and improve court service delivery, as stated on its website. The department's experience implementing an automated case management system at the High courts has provided valuable information on the challenges faced during implementation. This information can be utilised to minimize challenges and barriers to execution.

3.6.2 Sample and sampling method

The study utilised purposive sampling, a method that involves the researcher's judgment in selecting participants based on their expertise and understanding of department structures. This approach is known for being cost and time-efficient, although it may be susceptible to bias. Additionally, reaching senior executives identified as potential participants can be challenging. Despite these limitations, their roles are well-suited to the study's objectives (Dudovskiy, 2022).

The diversity of experience among the participants greatly enriched the data collection process. The senior leadership contributed insights based on their strategic responsibilities for devising and executing digital transformation strategies, while

operational-level participants shared their practical experience in implementing those strategies.

The research outcome was guided by the departments that play a crucial role in digitalising the department's processes. The sample population consisted of IT officers, Court officers, and employees from the judicial institution, including the Department of Justice and Representative of the Citizens.

In 2021, the Department of Justice faced a significant setback when they fell victim to a cyber-attack. This malicious and unauthorised access to the organisation's computer systems was intended to steal data or execute attacks such as malware, phishing, and ransomware. Following this unfortunate experience, the department implemented a new rule prohibiting staff members from sharing sensitive information about their strategies, particularly their plans for digital transformation. The aim was to prevent insider information from being used for another cyber-attack. As a result of this rule, researchers had limited access to internal stakeholders, with only department heads authorised to share information in line with their seniority. Consequently, the number of participants from the department was restricted (Li, Liu, 2021).

The study involved 5 department participants and 3 external stakeholders representing the community and attorneys using magistrate court services.

1. Office of the DG (Director General)
2. Director – Court Services
3. Chief Risk Officer
4. DDG – Corporate Services
5. Chief Information Technology (CIO)
6. Practicing Attorney
7. Law Student
8. Magistrate Court Service recipient (SA Citizen)

The participant considered various factors, including the seniority level within the department, the accountable officers in charge of the digital strategy, and staff members responsible for manual processes in providing court services. Attorneys who

frequently utilise these services were also considered, particularly those who have experienced digitally transformed processes at the High Courts and the traditional methods at Magistrate Courts in Gauteng.

3.7 The research instrument.

A comprehensive interview guide was utilised as the research tool for the study. This guide contained the same questions for all participants and was shared with them before the interview to allow for adequate preparation. The researcher probed further for details in areas that needed clarification by asking additional questions beyond the guide. Additionally, specific questions tailored to each participant's role were asked to obtain more detailed information. An automated recorder was used to capture the interview content. To ensure that the interview questions were informed and specific, the department's digital strategy document, strategic plans, and risk reports were downloaded and studied beforehand to avoid repeating any documented information. The interview guide has been included in the appendix for reference.

3.8 Procedure for data collection

The researcher first engaged with the study participants in an informal setting to introduce the study and obtain their interview approval. During this initial engagement, participants were asked about their preference for a virtual or in-person meeting and their availability. Ultimately, three participants chose to be interviewed virtually, while the remaining five preferred face-to-face interviews. Once this was established, the research team sent an official consent letter via email to all participants. In-person interviews were conducted at various Department of Justice offices in Pretoria, while virtual interviews were conducted via Microsoft Teams. Before recording any interviews, the researcher received explicit approval from participants.

The researcher received the department's strategy documents via email. From the outset, it was made clear to the participants that confidential information would not be disclosed or discussed outside of the interviews. The information was shared solely for understanding and providing context and not intended for inclusion in the final report.

3.9 Data analysis strategies and interpretation

Upon collecting the data, a thorough analysis and interpretation were performed to arrive at relevant conclusions. The study employed the six-phase guide for conducting thematic analysis as outlined by (Braun & Clarke, 2006). This analysis method focuses on identifying patterns within the data to uncover underlying meanings. During the discussions, the consistency of interview questions across all participants proved to be a valuable resource for identifying themes. The same thematic analysis process was also applied to the data collected from strategy documents, wherein the identified themes were categorised according to similarities of findings. Ultimately, the analysed information leads to the drawing of conclusions.

3.9.1 Steps followed to collect data:

Step 1: Become familiar with the data.

Comprehending the data fully is important to begin the analysis process. To achieve this, the researcher asked relevant clarification questions during the interview, carefully listened to the recording, and reviewed the transcript multiple times to ensure a thorough understanding.

Step 2: Coding.

In this crucial step, data is organised meaningfully and systematically through a process known as coding. The researcher condenses detailed information into commonly used words, allowing for further analysis that highlights similarities and commonalities in addressing each research question. These identified codes form the basis of the ultimate wording to answer each question.

Step 3: Search for themes.

According to Caulfield (2023), a theme refers to a cohesive and significant pattern derived from data that aids in examining data within the scope of a research inquiry. During this

phase, the codes are grouped into themes based on the patterns detected in response to each research question.

Step 4: Review themes.

During this step, the themes identified in step 3 are thoroughly reviewed and refined to address each research question effectively. This process involves narrowing down the themes to the most relevant and accurate data representations (Caulfield, 2023).

Step 5: Defining and naming themes.

During this step, the researcher names and defines the themes, gaining a deeper understanding of their significance in interpreting the data. It is crucial to simplify the themes for clear comprehension at this stage.

Step 6: Writing up.

The last stage involves composing the researcher's data analysis according to academic writing conventions. This step is referred to as section 3.13.

3.10 Quality Assurance

3.10.1 Transferability

The transferability of a research finding refers to its ability to be applied in various contexts and studies, also known as generalizability and external validity (Coghlan & Brydon-Miller, 2012). In qualitative studies, transferability is achieved through comprehensive detail, enabling other researchers to evaluate the extent to which the conclusions drawn can be used for other studies (Drabo, 2021). This study has achieved transferability by documenting its findings in the final report, which will be published for use by other researchers.

3.10.2 Credibility

To ensure the study's credibility, the researcher considered both the data's validity and reliability (Unsplash, 2020). The selection criteria for participants were carefully considered, with their professional roles and impact on the Department's digital strategy taken into account, as well as the impact of manual processes on court services. This rigorous selection process greatly strengthens the credibility of the data collected.

In addition, the researcher employed data source triangulation, which involves using various data sources in qualitative research to gain a comprehensive understanding of the data and test its validity (Carter, 2024). Strategy documents were used to inform interview probing questions and ensure alignment between documented information and participant responses. Questionnaires with similar questions were also used, particularly in collecting data from department employees, further supporting the analysis of data credibility.

3.10.3 Dependability

Research reliability is closely tied to qualitative research. It assesses the scope of the study and ensures that another researcher can reproduce the same results (Janis, 2022). In this study, the use of the digital transformation strategy document and other strategic risk reports to gather and analyse data bolsters the dependability of the findings. These documents are publicly available on government websites, allowing future researchers to easily reference and collect data.

3.11 Ethical consideration

- The research topic was thoroughly explained to participants during initial engagement.
- The study's purpose was communicated, and any concerns were addressed through the consent form before interviews.
- The identity of participants was kept confidential, and they were allowed to withdraw at any time.
- Information shared would not be used in the findings without their permission.

- Permission to publish the department's name was obtained beforehand.
- The researcher adhered to Wits University's ethics standard by submitting the ethics form.
- Data collection did not begin until approval was granted by WBS's Post Graduate Committee.

CHAPTER 4 FINDINGS OF THE STUDY

4.1 Introduction

This chapter delves further into the challenges surrounding citizens' access to the justice system, specifically focusing on the digitalisation of court services and administrative processes within the Magistrate courts of Gauteng. The paper outlines a qualitative research report in Chapter 3, which includes carefully selected interviews with participants from the Department of Justice, as well as lawyers and individuals representing service consumers. The research findings, gathered through structured interviews and analysis of departmental strategy documents, provide valuable context for the study. The research methodology is consistent throughout, with a literature review, research propositions, data analysis, and demographic profiling of participants leading to a conclusion.

The research objectives, which guided participant selection and data collection, were threefold:

I. To understand the impact of manual processes in delivering service to citizens within the Magistrate Courts.

II. To identify the Department of Justice's barriers and challenges in implementing its Digital Transformation strategy.

III. To explore the desired outcomes for the department and citizens in implementing this strategy.

A thematic analysis approach identified common themes, topics, and ideas across the participant interviews and departmental strategy documents.

The thematic analysis was carried out using the following steps:

- The researcher transcribed the audio.

- The researcher then carefully read the transcript and strategy document, taking summarised notes to understand the data better.
- Commonly recurring phrases and text sections were identified and used as codes.
- Patterns among the codes were recognised, and categories were formulated to fit them into broader themes.
- Some codes were deemed too vague or irrelevant and discarded.
- The researcher reviewed and compared the data set and themes, sometimes adjusting the terminology for greater accuracy.
- Finally, the themes were given easily understandable names to aid in their interpretation.

These steps were taken to ensure a thorough and accurate analysis.

4.2 Background information on the participants

A group of eight individuals, consisting of DOJ officials and lawyers/individuals, participated in structured interviews to determine the factors that could enhance their contribution during these interviews. The participants shared their perspectives and experiences regarding using and implementing automated processes. The sub-section includes participants' demographic information, such as gender, race, and involvement in implementing or receiving the service. The selection of participants was made intentionally, based on their seniority and role in developing and implementing the digital strategy.

Table 0-1 Participant profile

Participants	Gender	Race	Role/Position
Participant1	Male	African	DG, DOJ
Participant2	Male	African	DDG, DOJ

Participant3	Male	African	CRO, DOJ
Participant4	Female	Colored	Director, DOJ
Participant5	Male	African	CIO, DOJ
Participant6	Male	African	Lawyer
Participant7	Male	African	Law student
Participant8	Female	African	SA Citizen

The sample of participants comprised six black males and two black females. The selection criteria were based on their roles and comprehension of the research topic rather than aiming for an equal representation of gender and race. The participants were between 40 and 60 years old and collectively possessed over 40 years of experience in the department. The majority of participants held legal qualifications. The selection process also considered the senior-level positions held by department officials, enabling us to gain valuable insights into the accountability of digital strategy at an executive level.

4.3 Perceived impact of manual court processes in delivering service.

The initial goals of the study were to investigate how the existing manual procedures affect the delivery of court services in Gauteng Magistrate Courts and how they hinder South African citizens' ability to access the justice system. The research revealed the following themes:

4.3.1 Delays in court hearings

During our investigation into the impact of manual processes on service delivery, it became apparent that delays in conducting court hearings were a recurring theme among all participants. Specifically, the Department of Justice and Constitutional Development (DOJC) in Gauteng, which provides Magistrate court services, was criticized for its

inefficient manual processes. Even though accurately capturing case records is crucial for the courts to run effectively, all records are still kept on paper, and hard copy files and workflows between the administration office and the courts are managed manually. In one example, daily records must be captured identically from two separate offices; however, there is no consistency in capturing these records from both offices, which can compromise the information used to plan for court hearings.

> *"I have used both the High Court and Magistrate Court services for different cases in different time frames, my experience with the high court processes was the best. The automated filling system, that you are provided access to by your attorney provides access to all your case details, you can track your case at any time. That for me is a huge digital milestone achievement. The experience with the Magistrate court was completely different, everything was still managed on paper, tracking my case progress entailed going physically to the court offices, and I still experienced difficulties in getting assistance from anyone. Cases are postponed and delayed all the time due to missing documents that are floating all over. There is no transparency on your case, you are left to wait for a long period just to get an update of what is happening with your case, and no one takes accountability of anything in that office"* ***Participant 8***,

The participant's view above informs the inconsistencies the citizens face when dealing with different government departments. The researcher's further analysis of the data collected from the department's strategy documents excluded the management of the High courts' services and only dealt with Magistrate courts. Further probing during the interview with the accountable executive of the department revealed that the high courts are managed by the chief justice's office, not the Department of Justice. Further probing during the interview with the department's participants to understand the plans in place to minimize the impact of the manual processes in providing access to seamless justice services.

> *"As the Department's vision is to provide an accessible justice in a vibrant and evolving constitutional democracy, its modernization and digitalization direction is to enable the achievement of this vision through increased digital access to services by exploring ICT-enabled capabilities such as 4IR, Cloud Computing, and Mobile Technologies.* ***Participant 4***

The statement on the department's plans to digitalise digitalisation aligns with the data in the strategy and implementation plan documents. There are deadlines missed in the implementation plan, which was raised during the discussion with Participant 5, who heads up the technology department. There was no indication of who is responsible for the m and what consequence management is in place in Inis on such cases. The findings show a direct collation of the court hearing delays with compromised protection of the rights to access the justice system. The processes managed manually lack transparency, and ineffective data and record keeping are lacking, exposing the citizens to the risk of lost files and leaked personal data.

> *" The manual process does bring about elements of human errors, for example, we have an Integrated Case Management system (ICM), this is the system that houses the case details, criminal, and civil cases. We are currently dealing with discrepancies in terms of performance indicators, the number that we have from the manual register does not tie up with the actual number of cases. What we report and the OCG report are not the same, and this is because the manual system on our side is not adequately ratified, hence the discrepancies. The misaligned reporting data has a direct impact on the day-to-day management of cases, causing further delays on case hearings."* ***Participant 2***

> *" We need to fast track the deployment of digital processes internally first as the department, to be able to roll out a fully fleshed digital operating model that touches our courts. If we digitalize the front end first, there will be no capability to support from the backend if they are still at the backfoot of digital processes".* ***Participant 5***

4.3.2 Court hearings

Courts are structures housing the management and control of the justice system. They are used to resolve disputes and maintain the rule of law. This is done by hearing the cases held at the court. The court hearing theme was discussed in all interviews with all participants. During the thematic analysis process, reading to understand the data collected, the effectiveness of how the case hearing is held, and the processes leading to the hearings came across as the ultimate desired outcome for all participants. The court hearing theme emanated from data collected and categorised under service delivery. The following were the responses when asked why digital-led processes are better than manual processes in service delivery.

> *"The primary drive to implement digital strategies is to enhance the Department's Service Delivery capability". The Department will increase efficiencies and improve service delivery turnaround times. Automation and digitization will enable universal access to services provided by the Department to members of the public at any time and wherever they are. This will assist in the reduction of queues at service points, as well as the cost of receiving the service (e.g. transport costs). The cost of providing the service will be reduced (e.g. paper and printing costs). The enablement of an integrated criminal justice system will be supported."* ***Participant 4***

> *"The digital transformation of Justice services in South Africa, where all citizens can benefit from the opportunities offered by digital technologies to improve their justice service experience and digital channels brings the services closer to the people, this enhances the relationship with the public. Our mandate as the Department of Justice is to ensure equitable access to justice services, protecting and promoting the citizen's constitutional right to access justice through effective court services. So, we are fully accountable to continuously explore effective models to improve our court services, modernisation of our department through digitalization is the top strategic initiative that will ensure that the services provided in courts improve."* ***Participant 1***

" I studied law in my fifties, due to the perceived inconsistent service experience when dealing with the lawyers and courts of law. I concluded most of the time that the justice system is not fair for all, with all the difficulty I experienced in getting cases to the courts. I thought I could contribute better to improve the court hearing processes by being an attorney. Now that I just completed my studies recently and serving my articles, I realise that the issues were never aminating from the attorneys, but from the courts, it takes time to get hearing dates, and once you do get a date, cases are postponed due to incomplete records, leading to unfair justice for the citizen as they encore additional attorney costs when cases are postponed" ***Participant 7***

"The department must implement an automated case-filling system for the Magistrate courts. This will minimize the dependency placed on administration staff. Attorneys will be able to upload and download documents anytime, this will improve the service delivery as the case administration will be managed by an attorney, not manually by court administrators. During Covid, lockdown periods, the high court was able to have virtual court hearings, this shows that we do have that capability in our country. The load shading has added another pressure in getting timely court dates at the Magistrate courts, not all the courts in Gauteng are backed by generators, and cases are postponed almost daily. The heavy price for these delays is paid by the citizen through attorney fees, travel, and administrative costs." ***Participant 6***

All participants strongly agreed on the importance of implementing digital strategies to improve service delivery. The lack of service is attributed to the manual way of working, with human errors resulting in delays in scheduling court cases.

4.4 Digital Transformation Barriers

The study sought to understand the Department of Justice's challenges in implementing the Digital Transformation strategy that will ultimately improve service delivery. The participants acknowledged that there are various challenges in implementing the department's digital transformation strategy. They confirmed that there is a plan of execution that is constantly met with challenges during the implementation phases. The challenges cited by the participants are similar to those indicated in multiple literature reviews conducted and mentioned in the department's digital transformation strategy document.

The following barriers were mentioned:

4.4.1 Government central approval of initiatives and project budgets

"One thing that the public does not know about the challenges we face as the department in getting the required approval to run any initiative. The approvals are done by the Treasury, and requests for new initiatives or enhancements are sent to the Treasury for review and approval, that process may take up to six months causing delays in executing any strategic initiative, including digital transformation. I'll give you an example, a budget was approved for digital transformation activities by the Treasury office as the official mandated function to approve state budgets. The approval was based on a 5-year plan, with clear milestones to be achieved year-on-year. The next financial year the already approved budget was cut by the Treasury, citing reasons for cost-cutting across all state departments due to unavailability of state funds. That leaves the department in a difficult position as the work would have started, but now with possible halting we have to go back to the drawing board and re-prioritise based on the available financial support that is reduced. Internal barriers, red tape, and a central approval system are challenges faced by the department in deploying the required programs. ***Participant 1***

" The state does not have adequate funds to support the modernization strategy of the department. I am new in the space; I have inherited from my predecessor several projects to digitally transform the department's processes that went as far as six to seven years ago. These projects are all not completed as per committed timelines due to the unavailability of state funds. The department does not have its budget controlled by the accountable executive; all approvals of the budget are done centrally by the national government. This is a challenge as it

limits flexibility for the department to deploy necessary funds for projects that will improve services in our courts." ***Participant 3***

" The mismanagement of state funds from the National level is a direct result of the delays in implementing the automation strategies in the Magistrate courts. The Tressure is the national body to authorizes and releases project funds, funded for the automation of case lines for the high courts, which works well and has improved the high court processes. Why is there an issue with approving similar initiatives for the magistrate courts? The high levels of corruption in our country and unfruitful expenditures from the central mandated department is the largest barrier faced by the DOJ in implementing automation strategies." ***Participant 7***

4.4.2 Reluctance to change.

" I think the first thing I observed myself as challenges is the appreciation and reluctance to change to new technologies by internal staff. It has been difficult to influence the change, breaking the old-school mentality of manual work and paper-based administration. The other challenge is that we should as a department acknowledge that the change cannot be inward-looking only, we should equally convey the message to the public and explain the reasons for it. Limitations from both internal and external can be resolved by putting in place a proper change management process, that supports the change for staff and the public.

The communication and socialization of the change to digital platforms automated processes and the anticipated outcome in automating the processes have not been enough. A Mindshift cannot be expected to take place after one or two communications, it will require ongoing communication strategies to ensure embedment of the required culture. , where the department demonstrates why this is done and the benefits of digital transformation internally and externally. ***Participant 2***

The attitude of the officials in transitioning to digital platforms is a barrier. There are noticeable efforts from the department to get officials to gradually use digital platforms but met with despondent officials. I work closely with the judicial office, there were hundreds and hundreds of laptops that were distributed to the officials about 5-6 years back to use, replacing the manual filling system. 80% of those laptops were stored in drawers, no efforts were made to transition to the auto filing system. We can point out failures from the department side in terms of a slow pace of change, but nothing will work if there is pushback from officials. ***Participant 7****"*

" A magnitude project like the digital transformation of the courts requires a thought-through change management strategy that supports the change from internal structures and communication and education initiatives for the public. South Africa is not a developed country as yet, we are still developing, therefore the department cannot assume that all public members are fully equipped and ready to change to automated processes and court hearings. A plan to educate us as the public must form part of the department's strategy. The implementation of digital platforms for the community must start with the bigger cities, and then be slowly rolled out nationwide. Allowing adequate investment in educating the public in how to adapt to the new changes." ***Participant 8***

"Constant system downtime and service disruption, lack of ICT infrastructure maintenance and support. Lengthy procurement, shortage of required skills in the market, Poor participation by the court officials in changing from manual processes to digital processes are some of the barriers to implementing the digital strategy." ***Participant 3***

4.5 Digital Transformation Implementation Outcomes

The third research question aimed to understand what the end in mind is, the outcome of implementing digital transformation initiatives, and what value the implementation will add to DOJ and citizens. To digitally transform the DOJ manual processes is important

in improving the service delivery and protection of the citizen's right to seamless access to justice services. It is however important to understand the intended outcome and how the department will deal with citizens who do not have access to digital tools or are not ready for the transformation; their rights also need to be protected. The data patterns analysed yielded codes categorised in two categories, illustrated below:

4.5.1 Improve service delivery.

To deliver improved court services, two subthemes were identified to create an accurate representation of the data and a meaningful theme. The data from the participants on service delivery as the ultimate desired outcome suggests that there is a need for an internal solution for the value that will be derived from digital transformation for both the department and citizens to improve service delivery.

> *"The benefits to society will be increased access to justice, ensuring that there is a smoother connection between the public and the office of justice, the public will be able to access justice services anytime anywhere in the world. The justice office will benefit more from the increased operational efficiencies of the department and create measures of cost-cutting. The digitized department will also reduce dependence on hiring more people on functions that can be digitized."* ***Participant 2***

> *" Most of my bad experiences with the Magistrate court could have been avoided if the court services were automated, including virtual hearings. If the option of the virtual hearing was available, the hearing wouldn't have been postponed due to the unavailability of an interpreter, the function could have been performed virtually using digital platforms.*
> *Digital transformation will not only benefit digitally savvy individuals, it will free the traffic flow from the court flows, balancing it out from the people who use the automated services to allow a speedy service delivery on the court floors. It will also allow the administrative staff time to work on other critical functions*

with the lessoned flow of telephone and walk-in inquiries s most of the citizens will be using digital platforms for the inquiries." ***Participant 8***

"The amount of time the Magistrates have to use in going through piles of paper in preparation for their court hearings daily can be reduced by digital record storage, they can access the files automatically online, scanning through the documents easily. It will reduce the time spent by court administrators operating manually from capturing data from the files to the system. The data can be uploaded by the attorney directly on an interfaced platform". ***Participant 7***

"It is important that the department implement internal and external digital efficiencies' that are simple and integrate from internally to externally, for digital service support." ***Participant 6***

Participant 3's data provided a breakdown of the department's different services provided through courts and a view of the outcomes of digital transformation in different functional areas.

"Key Modernization of Business Services in the administration of digital Justice services. The focus is on improving the business value of ICT investment through, among others, the following key initiatives:

Guardians Fund Solution. *The Guardian's Fund Management Solution will be implemented to improve service delivery to beneficiaries of the Guardian's Fund.*

Courts Modernization. *Virtual Presence capabilities, Transacting Digitally and enabling the digital communication of information.*

Masters Modernisation. *Implement Online Channels to expand access to Justice services, using websites and portals for the viewing of the departmental processed information including the electronic exchange of documentation. Implement QR Codes and Queue management systems to improve efficiencies.*

State Attorneys Administration System (SAMS)*The State Attorneys Management Solution is aimed at modernizing the administrative and financial management processes in the State Attorney Offices.*

Integrated Case Management System Integration (ICMS). *Integration of the South African Police Service and National Prosecuting Authority into the Integrated Case Management System.*

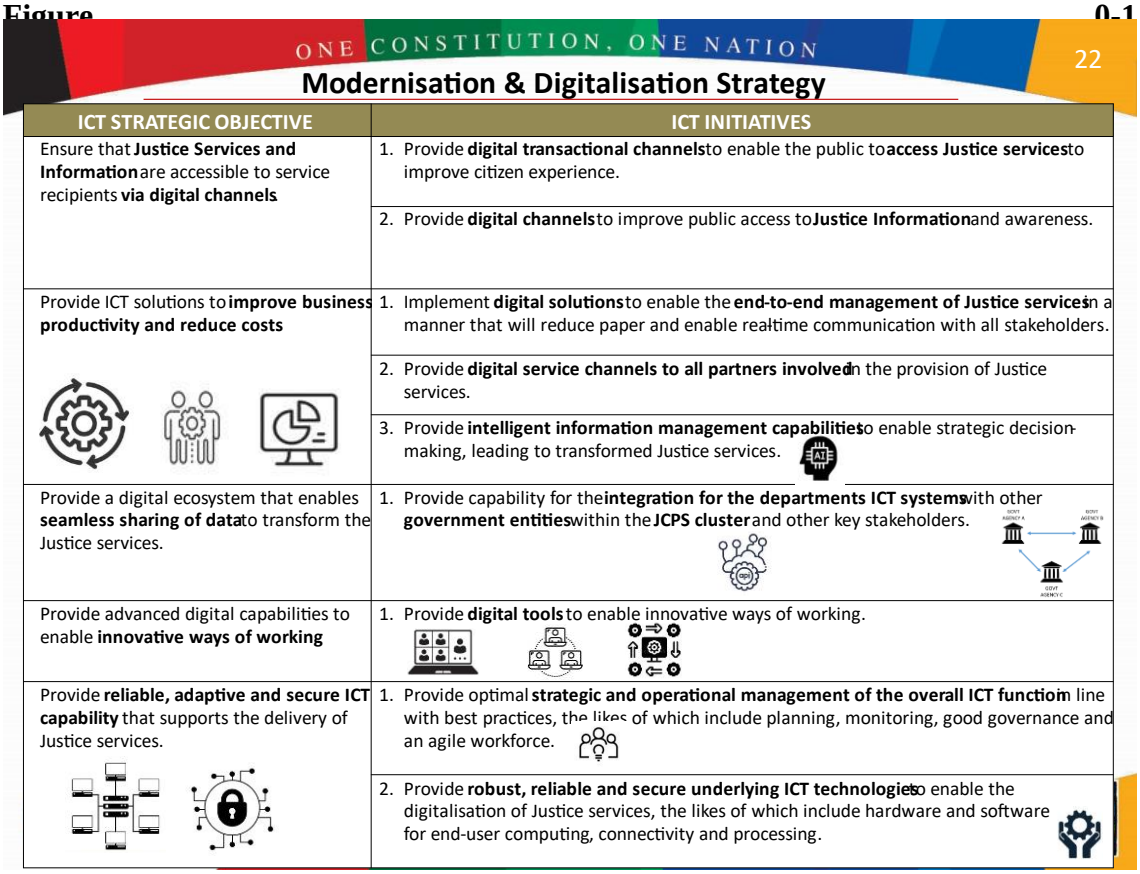
Expungement of Criminal Records. *The Expungement of Criminal Records system will enable and improve the overall workflow-driven nature of this service, from the registration of the application to the processing and communication of the application outcome.*

Audio Visual Solution. *The Audio Video Solution will incorporate all types of video testimony in a single converged solution, enabling the Department to have in place a single solution in Court or outside of Court"* ***Participant 3***

The primary drive is to enhance the Department's Service Delivery capability. Speedier turnaround times for finalizing cases and improved access to justice services." ***Participant 4***

The below DOJ Digitalisation strategy on a page is an extract from the DOJ strategy document that was analysed to collect data supporting the study. The top priority initiative listed is providing digital tools to protect the human right to access justice. Followed by the cost reduction outcomes anticipated by the Department of Justice. Data automation is also listed as the priority initiative, closing out with the key initiatives to create innovative working models and, lastly, to ensure a sustainable infrastructure to maintain the digital transformation initiatives deployed.

Figure 0-1



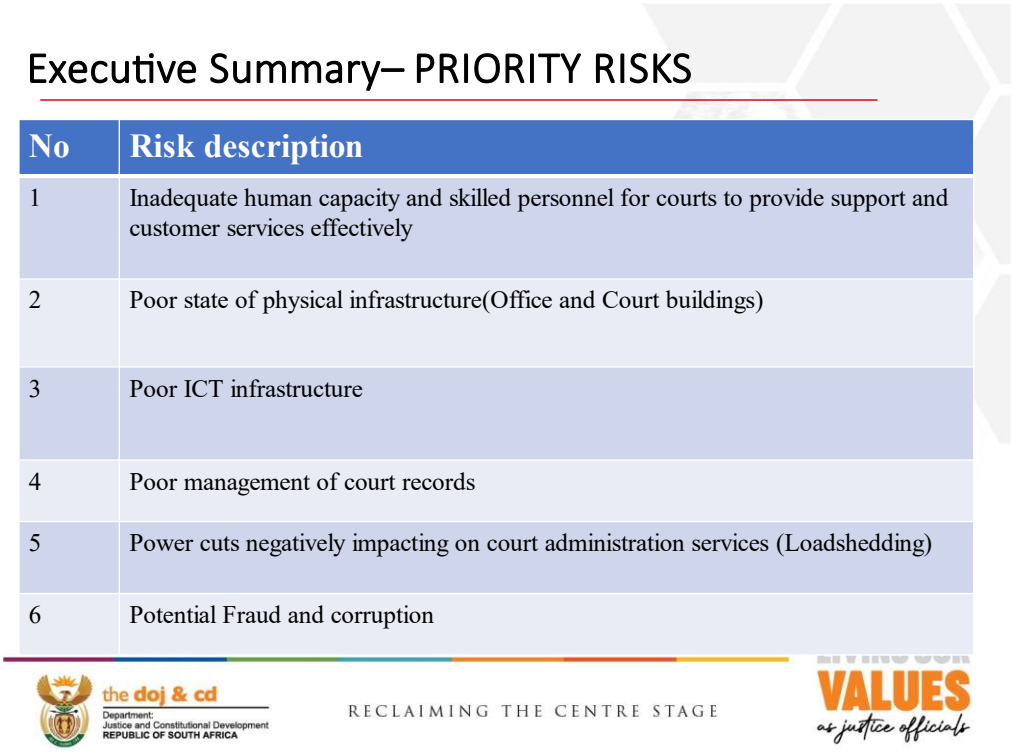
4.6 Conclusion of findings

Chapter 4 has presented qualitative research findings addressing the 3 research questions of the study. Thematic analysis was used to analyse and study the data collected from participants and relevant strategy documents from the DOJ. Patterns from the data were given short descriptions (codes) that informed the themes identified. There were overwhelming similarities in the participants' views, with each participant supporting the need to transform the Magistrate court processes digitally; Different reasons were provided. However, the common response from all participants was the need for digital transformation that will result in improved service provided in courts. The inefficiencies of the current manual processes have been cited as the key aspects impacting effective service delivery.

4.6.1 Additional data and insights collected from the department's strategic documents.

The following is an extract from the DOJ risk report included in the strategy document. The report summarises the DOJ's top risks, not only the digital transformation risks. Even though the researcher was looking for specific risks related to the challenges in implementing the digital transformation plan, it was interesting to see that the DOJ's overall risks in implementing the digital strategy are similar to the challenges identified by the participants.

Figure 4-2



The shortage of the required skills to implement the strategy is not only seen by multiple participants but also stated in the risks report as an issue across other functions in the department.

One of the risks is the unavailability of staff members to support service delivery in courts. This is an indicator that supports the participant's view that a change management plan is required to support the digital transformation strategy.

The lack of human capacity risk and the inability of court staff members to adopt digital platforms, indicated as the first risk above, are another indication of how critical change management is during the transformation process. The plan will identify the gaps, such as skills shortages and training required, that will inform the formulation of the change management plan. The participant saw the lack of service delivery due to administration errors, which an effective training plan could resolve.

> *"The issue of lack of service delivery is in most cases due to administration errors, processes that are still paper-based and dependent on human intervention. The sooner we make officials understand the importance of digitizing the process the better in achieving our mandate to provide seamless access to justice. Right now, there is double capturing that takes place, capturing of information at the court, that must be captured again at the back office. The back office does not see that as a necessity and in some cases do not capture the information, resulting in misaligned data captured when comparing the records."* ***Participant 2***

ICT infrastructure is the main infrastructure to house digital capabilities. The poor state of the infrastructure has been listed as one of the key risks in the department. Aligning to technology tools is one of the barriers to executing the strategy. The unavailability of the required digital tools further strains the already strained court service delivery.

> *"Enabling Justice Services via all available technological channels brings the services closer and quicker to the people.*
> *Services are accessible to the public recipients via digital channels and enable the citizens to transact anywhere at any time."* ***Participant 3***

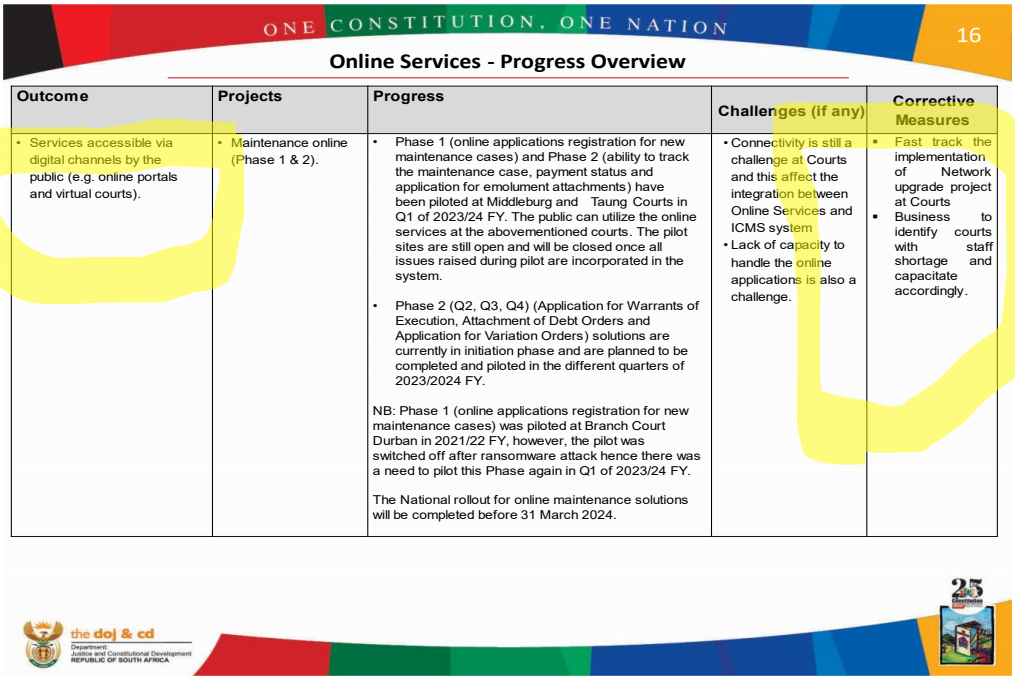
To assess the usefulness and accuracy of the themes identified from participants' findings, further data analysis was done to analyse the challenges in the DOJ digital strategy document. There is an overwhelming alignment on almost all challenges sighted by the participants as internal barriers impacting the department's operations. Even though the challenges sighted by the participants and data from the strategy document provide challenges primarily faced to refine employee processes, a deeper analysis of the data from the strategy document provided insights on challenges faced in deploying digital tools that will improve direct customer services and eliminate delays and continuous postponement of cases.

> *"I had a court hearing that was postponed five times due to incomplete records filled, load shading, and an interpreter not being available in the area. If the*

filling was done on a digital platform, I could have accessed the file before the hearing date to do my quality check on filed documents and avoid unnecessary postponement." ***Participant 8***

The information below is extracted from the DOJ Digital strategy document. The objective (highlighted) is to provide digital access to the public to access court services, faced by challenges (highlighted) 1. Infrastructure and personnel readiness: Talk about a lack of a change management plan.

Figure 0-3



ONE CONSTITUTION, ONE NATION 16

Online Services - Progress Overview

Outcome	Projects	Progress	Challenges (if any)	Corrective Measures
• Services accessible via digital channels by the public (e.g. online portals and virtual courts).	• Maintenance online (Phase 1 & 2).	• Phase 1 (online applications registration for new maintenance cases) and Phase 2 (ability to track the maintenance case, payment status and application for emolument attachments) have been piloted at Middleburg and Taung Courts in Q1 of 2023/24 FY. The public can utilize the online services at the abovementioned courts. The pilot sites are still open and will be closed once all issues raised during pilot are incorporated in the system. • Phase 2 (Q2, Q3, Q4) (Application for Warrants of Execution, Attachment of Debt Orders and Application for Variation Orders) solutions are currently in initiation phase and are planned to be completed and piloted in the different quarters of 2023/2024 FY. NB: Phase 1 (online applications registration for new maintenance cases) was piloted at Branch Court Durban in 2021/22 FY, however, the pilot was switched off after ransomware attack hence there was a need to pilot this Phase again in Q1 of 2023/24 FY. The National rollout for online maintenance solutions will be completed before 31 March 2024.	• Connectivity is still a challenge at Courts and this affect the integration between Online Services and ICMS system • Lack of capacity to handle the online applications is also a challenge.	▪ Fast track the implementation of Network upgrade project at Courts ▪ Business to identify courts with staff shortage and capacitate accordingly.

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"The department must invest in public education by rolling out digital tools. There are still people in South Africa who do not trust automated processes and still prefer to deal with a person. That will slow down the pace of digitalizing services. I also do believe that capacity should still be kept dealing with people with no access to digital platforms." ***Participant 8***

"The issue of lack of service delivery is in most cases due to the administration errors, processes that are still paper-based and dependent on human intervention. The sooner we make officials understand the importance of digitizing the process the better in achieving our mandate to provide seamless

access to justice. Right now, there is double capturing that takes place, capturing of information at the court, that must be captured again at the back office. The back office does not see that as a necessity and in some cases do not capture the information, resulting in misaligned data captured when comparing the records." ***Participant 2***

The red tape in the government department is viewed as an execution barrier, and the strategic initiatives and budgets are approved at the central Treasury office. The approval process causes delays in rolling out projects for the DOJ; it disempowers the accountable executive, who is accountable for deploying the strategic initiatives but not for approving the initiatives and budgets.

"Modernisation Projects are placed against the ICT Branch in the APP and AOP and do not feature under the Branch Programme who is ultimately responsible for the National Roll Out as ICT Technical Indicator limits the involvement of the ICT Branch to take the lead up until the pilot site implementation. Budgets are also centrally approved making it difficult for the department to make timely decisions and prompt execution of the strategy." ***Participant 2***

CHAPTER 5 DISCUSSION

5.1 Introduction

Chapter 5 provides conclusions based on research findings from data collected from the participants through interviews and the DOJ strategy documents. This chapter will review the purpose of the study, research questions, literature review, and findings. It will then present conclusions, a discussion of the conclusions, and recommendations for practice and future research. The study aims to understand and explore the digital transformation process and initiatives of the Magistrate Courts in South Africa.

Access to justice services through the courts is the right of all South African Citizens. *(Sec 34 of the SA Constitution).* The inability to provide effective justice services infringes on that right. Digital transformation of the courts refers to using technology to automate internal and external court processes, implement digital case management systems, streamline the management of cases and hearings, and enhance data management capabilities. The study highlights how South Africa, as a developing country (news 24, 2020), can align with global standards by enhancing services that safeguard and protect the Constitution and its values (De Janeiro, 2023). The inability to transform the court services hinders mitigation of known risks such as ongoing postponement of cases, compromised consequence management culture due to staff members' inability to adapt to new technologies, and poor data and records management **(**De Rebus, 2020/21). The study assessed the Department of Justice and Constitutional Development (DOJ&CD) manual court processes and the digital transformation strategy to automate the processes. The literature review provides information on the impact of non-automated court processes, the challenges other countries face in implementing the digital transformation strategy in courts, and how the South African High courts implemented their case line court system (De Rebus, 2020,2023).

5.2 The perceived impact of manual processes in magistrate courts

To address this research question, the participants were asked to confirm whether they agreed that the manual process impacts service delivery in courts. The follow-up question was then linked to the research question, discussing the impact on service delivery. The findings suggest a strong alignment and consistency in the participants' responses, with two themes emerging from data analysis.

5.2.1 Service Delays

There are constant delays in getting service from the Department of Justice and Courts; this is attributed to the paper-based processes, where records are still stored in hard copies with a lack of automated record-keeping tools. Transparency has been cited as a major concern, and most of the time, there is no explanation for certain delays in receiving the required services. There are no clear lines to escalate the issues the public faces; no official takes accountability for the ineffective processes. The impact of manual record-keeping results in the postponement of cases, causing unnecessary delays for the public. The participants' pain points indicate that a lack of efficient service delivery infringes the right to access justice. The findings support the digital transformation of manual court processes to improve service delivery. (Jansen, Schrener,21) His article confirms that digitization provides efficiency, accessibility, expansion, speediness, and profit accumulation, colonizing every human activity. In his article (De Rebus, 2020), he mentions the cost to the system as a result of continuous delays from various factors, including the manual processes that are still followed in managing the court services.

The data collected from the department’s participants suggest that the issues faced by the public are known to the department. The department acknowledges that delays and inefficiencies in service delivery are attributed to the old way of managing administrative processes. The DOJ Digitization Strategy is formulated to mitigate the known issues with an anticipated outcome to improve the service and protect the rights of the citizens. As stipulated in (sec 7-39-the SA constitution), Access to the justice system stems from the constitutional rights of the citizens, which clearly states that everyone has the right to have any dispute that the application of the law can resolve decided in a fair public hearing

before the court, where appropriate. Therefore, the DOJ is the mandated state institution to uphold citizens' constitutional rights by ensuring that efficiencies in their processes are applied.

The findings also suggest that the manual processes do not only impact the administration side of things but also the court hearings. The court administrators manage the process of enquiring about a case's dates or status; there is no automated case-filling system that can be used for self-service to minimize the traffic that flows in for inquiries. The inability to access case information digitally has financial implications for the public and transport costs to get to the relevant administrative office for service.

The common issue in non-automated processes is the backlog of cases left unheard for longer periods. Increasing litigation costs, and society suffers as a result. The biggest challenge for the judiciary in the country is to reduce the delay in the court process and remove the backlog of cases. (Husan, Rupa, 2021). In his article, Reuters mentions that "justice delayed is justice denied" for generations. He further refers to the efforts made by courts during the COVID-19 pandemic season to reduce delays and backlogs through investments made to use technology to deliver fair and efficient hearings (Reuters, 2023).

5.2.2 Court Hearings

The findings highlighted court hearing disruptions as one of the themes. The participants describe the disruptions in court hearings as the outcome of manual processes, the old business methods, and the lack of automation in court proceedings. Scheduled hearings are continuously postponed, and the data show different reasons for postponements, such as unavailability of interpreters in the area, missing records from the files, load shading, and duplication of bookings. The findings suggest that digitalizing the court hearings will minimize the issues, and the citizens can benefit from the digital filing system, where records can be uploaded and checked before the court date to ensure completeness. The virtual court hearing will also add value as the hearings can be held at anytime and anywhere, and the unavailability of interpreters in a specific area will be mitigated by holding virtual hearings. Citizens can stay informed of any changes beforehand by updates loaded on the automated case handling system.

The country was faced with the National State of Disaster, declared in March 2020; like other professions, the court hearings had to adopt virtual platforms; this move was seen as beneficial to clients, as it saved costs and ensured that the court hearings were continued. However, the continuation of the virtual hearing was halted due to issues faced with the stability of the technology. This is unfortunate, given that virtual court hearings saved costs for the public and the government. (Moosajee, 2022)

The data collected from the DOJ strategy documents suggest that the strategy has been mapped to cater for virtual court hearings, with clear outcomes of implementing the digital transformation strategy sighted as providing seamless processes to the public, fair justice, improved service delivery, and cost serving. This milestone is backed by the plans to stabilize the infrastructure that will sustain the use of technology. The suggestion from the findings is aligned with the (Bangladesh Judiciary Report, 2021), which describes a whole tech-based judicial system and what digitalization may bring in radical changes in the administration of justice. The report identifies the nexus between access to justice and digitalization, analyses the current pattern of justice administration, and upholds the loopholes of the traditional justice delivery system and core. The report concludes by supporting a digitalized judiciary to accelerate access to justice for mass people.

5.3 The current barriers faced by the Department of Justice and Constitutional Development in implementing automated Magistrate court processes.

This research question is intended to understand the challenges faced by the department in implementing the digital transformation strategy in courts relative to the challenges faced by other judiciaries, such as the South African High Court and other countries, when implementing their digital transformation strategies. The theme of the findings was accountability, which emerged from the category of internal barriers. This is because the data indicates that most of the barriers to implementing the digital strategy come from the department, less from external forces. Accountability is elevated as the key theme based on the internal barriers that can be resolved internally at the accountable executives' level as strategy owners.

Although the data shows that most of the barriers emanate from the department, there were other indications in the findings that suggest that there are external barriers, such as the public's inability to adopt digital platforms and limited or no access to digital tools by the public. Further analysis of the data indicates that there is acknowledgement from the department that the external barriers are because of the impact of the internal barriers, such as lack of communication. The data suggest there was inadequate socialisation of the digital strategy to the public, what it means, the purpose, impact, and the benefits to the public. The inadequate communication failed to address the issues of access to digital tools and the plans to address the public that may not have access to digital tools. The inadequate communication by the department is cited as the reason for the public not to adopt digital transformation initiatives. Internal barriers identified:

5.3.1 Budget constraints.

Implementing digital tools requires financial support; it is an investment that will yield benefits in the future; the department is faced with insufficient budgets to transform their processes to transform their processes digitally. The country’s Treasury controls the department’s budget at the center, which approves and sets parameters of what the department can use for all initiatives. The Treasury is also mandated to cut the already approved budget in line with the overall economic requirements. That is the challenge for the department as it entails halting a full rollout of the digital strategy. The issue of budget constraints as barriers to strategy implementation is not only a South African Government issue (Kelly,2024) but also cited in an article that limited budgets in the public sector impede digital transformation efforts.

5.3.2 Change management.

Digital transformation requires involving key stakeholders impacted by the change and stakeholders such as the IT department supporting the changes; failure to involve the key stakeholders upfront may result in resistance to change (Dabo,2021). The lack of change management is seen as one of the internal barriers impacting the internal stakeholders and the public. Communication and creating awareness to the public

must form part of the change management plans. Specific reference was made regarding state attorneys refusing to use laptops supplied to them because they are comfortable operating in line with old methods of operations, manual processes, and paper files. This resistance is attributed to the lack of change management and communication strategy to socialize the digital strategy purpose and the benefits for all stakeholders. To control change and help people to adapt to change, change management as a systematic approach dealing with the transformation of an organization is required (Lawton, Pratt, 2023).

5.3.3 Government approval process

Department initiatives are approved at a national enterprise development level. This approval process is seen as one of the internal barriers to speedily transforming the processes. Getting approval for any project from the enterprise development department takes time. There are back-and-front questions raised by enterprise development that take time to reach and are answered by the department, which impedes execution speed.

5.3.4 Technology tools

The constantly reduced budget by the treasury limits the acquisition of required technology tools to support the transformation. Reference was made to the delays in court hearings due to the unavailability of automated virtual tools to hold hearings. The provision of updated software is limited to a few officials due to insufficient funds, resulting in inconsistencies in the system, where other officials use an old software system and others migrate to the new software. The public service experience differs from region to region as a result.

5.3.5 Summary of the research results analysis.

Upon analyzing the aforementioned results, it is evident that the service delivery in the courts falls below the required standard for a developing country. This poses a significant challenge to our nation's progress in aligning with other developing countries. It represents a national obstacle to fostering relationships with other nations. The judicial system is pivotal in sustaining robust economic growth and overall development within the country. Barriers such as budget constraints, the government budget approval process, and the unavailability of necessary technical tools represent a national crisis affecting all government departments. Consequently, it is imperative to consider legislation enacting legislation to oversee budget management processes. This will ensure the sustainable national management of budgets across all departments and enforce policies prioritising critical economic requirements.

5.4 The Digital Transformation strategy for court services

The first research question addresses the limitation of the current manual administration processes that prevent the DOJ from protecting the citizen’s right to access justice and impede the department from providing improved and efficient service to the public. The department's digital transformation strategy aims to mitigate the issues presented by the old way of working, which is still heavily dependent on manual processes. However, implementing the strategy is faced with challenges and barriers to execute. The second research question addresses the department's barriers, which aligns with the initiatives drawn in the DOJ Digital transformation strategy.

The third research question unpacks the intended outcomes of implementing the digital strategy in the department. The main theme that came out strongly from the data collected is improved service delivery. The participants expressed the need for the department to digitalize its processes to improve service delivery.

5.4.1 Two sub-themes came out from the findings:

i) Internally focused outcome - process improvement.

Implementing simple processes that will translate to fast, efficient service delivery is sighted as the outcome of the digital transformation strategy.

ii) Externally focused outcome - value add.

The internal outcome will yield value-added benefits to the citizens; service will improve, and court hearings will be delivered according to plan with no delays in accessing the required services. The outcomes findings were matched back to the digital transformation strategy document deliverables to ascertain if the deliverables documented will provide similar outcomes as per the findings. Digitally transforming the processes entails the adoption of new technologies internally and externally.

5.5 The TOE framework is used in the research to understand the complex interplay between technology, organization, and environment in adopting new technologies.

In the section below, the researcher has linked the TOE framework principles to the study findings to understand the impact of technology, organization, and environment relative to the DOJ implementation of the digital transformation strategy.

5.5.1 The technology elements explored in the research are Relative advantage and Complexity.

(i) Relative advantage—the benefits of new technologies internally and externally can be measured by the outcome of improving service delivery. Automated processes will improve service delivery and minimize court hearing delays.

(ii) Complexity—The less complex the new technology in usage, the easier the adaptation rate will be for both officials and the public.

5.5.2 The research explored the organization elements of Top Management, knowledge of information and communication technology, and financial resources.

(i) Top management—Support must come from the top; management must minimize the impact of the challenges identified and support staff in managing and adopting new technologies.

(ii) Knowledge of information and communication technology – skills development and a communication strategy must be incorporated into the change management process with clear communication strategies for internal and external stakeholders. This will resolve the resistance to change by officials and the public.

(iii) Financial resources, measures of the ability to finance the new digital channels, lack of financial resources, and support from a budget perspective have been cited as the key reasons for the failure to adopt new technologies.

5.4 The Environmental elements explored in the research are Government and External support.

(i) Government support—The findings indicated the need to follow state processes when requesting the required financial support for projects. It is, therefore, important to get support from the government to execute the digital transformation initiatives successfully.

(ii) External support – an intended outcome is to digitalise the court hearings and deploy technologies to store and share data. The department must understand and adhere to the regulatory requirement to store and share data, and relevant disclosures to the public must be in line with the protection of customer data regulations such as POPIA (Protection of Personal Information Act). The Act provides guidelines on how to store, transfer, and share personal information. (Government Gazette, no 37067, 2023).

5.5 Conclusion of discussion

Access to justice services through the courts is the right of all South African Citizens. *(Sec 34 of the SA Constitution).* The inability to provide effective justice services infringes on that right. Digital transformation of the courts refers to using technology to automate internal and external court processes, implement digital case management systems, streamline the management of cases and hearings, and enhance data management capabilities.

The inability to transform court services hinders the mitigation of known risks such as ongoing case postponement, compromised consequence management culture due to staff members' inability to adapt to new technologies, and poor data and records management **(**De Rebus, 2020/21).

Digital transformation will provide public access to justice, reducing the delays and corruption associated with missing documents and manual human intervention in managing court processes (de Petropolis, de Janeiro, 2023). The DOJ is aware of the pain points experienced by the public; they have done a lot in identifying internal and external issues that impede providing the required service delivery and upholding their mandate to protect the public's right to access justice. Digital strategy development is a tool aimed at mitigating the issues identified.

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CHAPTER 6 CONCLUSIONS RECOMMENDATIONS

6.1 Introduction

The study explored the need for the digital transformation of court processes, focusing on the digitalisation of Magistrate courts in Gauteng. This chapter bestows the conclusion and recommendations in answering the research questions presented in chapter one. The participants were selected based on their role in providing court services to the public, such as employees of the Department of Justice, the users of the court services, the attorneys and students studying law, and the recipients of the court services, representing the public.

The study suggests a lack of service delivery in courts due to the lack of digital transformation and automation of court hearings. The participants provided insights from the implementer's perspective, sharing insights into the progress and the challenges faced by the department in digitally transforming the current manual processes. The users and recipients of the court services provided insights into the extent of the problem and their views on the benefits digitalisation will bring to the public based on their current experience dealing with the courts. The researcher collected data from the DOJ Digital Transformation strategy documents and various department reports that present risks and issues faced by the department in implementing digital strategies. The issues and risks identified are similar to those identified and experienced nationally and internationally, as indicated in the literature reviews presented. The similarities in the issues were explored to reach informed recommendations for the DOJ in the form of lessons learned and potential solutions to the challenges they face.

6.1.1 Conclusion about RQ1

The court processes are predominantly managed manually and highly dependent on human interventions with limited automated tools to conduct court hearings. The data collected indicates that the current manual processes are the main problem hindering the department from providing effective services to the public. The participants stated that digital transformation of the processes is the solution to the DOJ issues of providing

effective solutions. The researcher needed to unpack the first question to support digitalisation by asking the following research question.

> *What is the perceived impact of manual processes in magistrate courts, and do they impact the service delivery of court services?*

The findings suggest that the inefficiencies of the DOJ in providing effective court services are directly linked to the lack of automated case management systems, automated court scheduling software, and automated workflow tools to manage the end-to-end administrative processes. Automating manual court processes is highly supported as the ultimate solution to the departments' current issues in delivering the required services.

There has not been a contra argument in why the courts should not digitally transform their processes. There is an overwhelming body of literature supporting digitalisation. The data acknowledges that the digitalisation of court processes is a foundation to provide wider access to justice; there is also an appreciation that it has not been flawless to embed with data presenting the digital inequality gaps South Africa still faces between the wealthy and the poor. The inequality gaps are seen in concerns raised that many could be left behind in this digital transformation journey.

This view is more from the public concern in the adaptation of digital tools by everyone. There is a concern linked to the lack of adaptation of automation by internal staff who have always been accustomed to operating manually. These are department employees and attorneys emanating from old ways of doing things. They stall where they could take any initiative that suggests a shift to automated tools. This could be associated with an inability to adapt to change, or the digital tools are attributed to tools that will minimise corruption, which may not be welcomed by everyone accustomed to corrupt activities that are difficult to trace when processes are heavily reliant on people interventions. Automating the processes will speed up the management of case administration, reducing the delays in court hearings that have been presented as a critical concern by manual administration of case scheduling and postponements.

6.1.2 Conclusion about RQ2

Manual processes are seen as preventing the effective delivery of court services. There is an overwhelming consensus that the digital transformation of manual processes will yield positive results for all in the value chain of court services. However, digital transformation presents challenges that require attention when implementing a digital transformation strategy. The second research question sought to unpack and understand

> *What are the current barriers the Department of Justice and Constitutional Development faces in implementing automated Magistrate court processes?*

The South African government has a central budget system, and the accountable officers in the Department of Justice are responsible for planning and executing the plans, including digital transformation plans. However, the challenge they face is the lack of full ownership of the budgets to execute in line with their mandate. Budget constraints are not experienced only during the initial stages; they continue to be an issue when there is an additional ongoing budget for maintenance and user licensing. Therefore, it is important to understand the initial costs of implementing the digital strategy and consider the ongoing costs of sustaining the automation. Delays in obtaining budget approvals from the centre must be considered during the initial planning stages and annually during budget season to ensure seamless digitalised process maintenance.

6.1.3 Conclusion about RQ3

> *What is the desired outcome of the Digital Transformation strategy for court services?*

Digital transformation of court services can yield multiple positive outcomes, such as reducing DOJ operational costs, reducing the public's cost of accessing the justice system, streamlining the exchange of documents and information safely and securely, and ultimately reducing case postponements and backlogs. Technology can transform the legal process by improving communication between lawyers and clients and between lawyers and court administrators. It can simplify case management, enable data analytics

and risk management, and minimise errors brought by manual processes. The benefit of digital transformation supersedes the manual process outcomes. The literature reviewed indicates consistent benefits internationally, with the main outcome being protecting the public right to access the justice system.

6.2 RECOMMENDATIONS

6.2.1 Recommendations about RQ1

There is a need to transform manual and automated processes to provide effective court services. It is important to identify the critical processes that directly impact service delivery and prioritise those processes to be the first in line for digital transformation. The DOJ must also clearly articulate the problem statement and define digitalising processes for internal and external stakeholders. If digitalising the processes improves operational efficiencies internally and enables service delivery, a change management plan must be developed focusing on staff change management and support. However, suppose the outcome is to improve internal efficiencies, roll out the digitalised tools to the public, and enjoy the benefits of new technologies and improved service delivery. In that case, the DOJ must focus on internal change management and communication strategies for the public. The communication plan must serve as a plan to create the required levels of awareness for the public and transparency of why the changes are implemented and take the public through the benefits of digital transformation of the court processes. This will establish an understanding, buy-in, and support from the public. It is also important to articulate how the department will close the gap between the people who do not have access to digital platforms.

6.2.2 Recommendations about RQ2

The DOJ budget is seen as one of the key barriers to executing the digital transformation plan. The mandate to allocate budgets sits at the central Government portfolio committee for approvals, and in some cases, the budget is reduced from what it was initially approved for. Therefore, the accountable executive must have a mid-term budget illustrating the key deliverables per financial year and how much it will cost per milestone. The strategy

must be unpacked into a more detailed implementation plan, articulating exactly what processes will be transformed at a time or during a particular budget season. Breaking down the various stages of implementation in components will inform the financial support required for deployment. An MTP budget for about three to five years can be requested, broken down into yearly utilisation based on the priority plan, as illustrated in the example below.

Table 6-1 Example MTP budget:

MTP budget over 3 years		**R2.5Billion**	**100%**
Year 1	• Source 1000 laptops • Upgrade software • Auto-file documents • Change management - training	R500 Million	20%
Year 2	• Develop case management system (CMS) • Pillot CMS all branches • Pillot CMS - State attorneys • Full roll-out of CMS to the public • Communication plan and public education	R1Billion	40%
Year 3	• Develop virtual court hearing platforms in all Major Cities in Gauteng. • Change management – staff training. • Change management – Public communication	R1 Billion	40%

6.2.3 Recommendations about RQ3

Protecting the right to access justice, mitigating back locks to avoid court hearing delays, and providing effective and seamless service to the public are the main desired outcomes of digitalising the court processes. To unlock these benefits, which are largely externally focused, the department must ensure that there is an adequate understanding of what the public expects as service delivery. A communication plan must be developed to cater to

all involved in the value chain, i.e. internal staff members, Attorneys representing the public and the recipients of the service, the community of South Africa,

The development of virtual court hearings will mitigate the delays in obtaining court case dates and can be done remotely anywhere in the country with adequate access to digital tools. It is also important to preserve the option of face-to-face court hearings for the community that does not have access to digital tools to access virtual services. The public will all benefit from virtual hearings; those with access can engage timely on digital platforms, opening space for face-to-face hearings.

6.3 SUGGESTIONS FOR FURTHER STUDIES

6.3.1 Change Management in Digital Transformation

Digital Transformation of systems, process automation, electronic document filing systems, and virtual digital tools are some technology integrations into an organisation's operations. Introducing these tools entails changing human behaviour from the old ways of doing things to adopting new technology. It involves a fundamental shift that brings complications in people's lives that cannot be ignored when transforming the organisation. Change management becomes an instrumental part of the transformation process. Change management is a structured approach to introducing organisational change by taking the people along the change journey. It is a process that ensures that people, processes, and systems are aligned with the strategic objectives. Digital transformation involves new technology or the advancement of existing technologies; the objective is to improve the organisation's efficiencies. For the organisation to succeed in this goal, it is important to have initiatives to communicate effectively with all stakeholders, gather their thoughts and input, and involve them as part of critical players in this journey.

Studies on managing digital transformation change in the service delivery of court services will holistically explore all areas where the change is required, and the players

in each function, internally and externally. The study can explore how best to manage change resistance from staff who are the service providers and, equally so, how to manage resistance from the public, who are the service recipients. The change management study could potentially assist the department in aligning objectives between the department's and public objectives.

6.3.2 The importance of a communication plan in digital transformation

Communicating the changes with staff members and publishing the changes on the government website is not enough to align the objectives. A thorough study of communication methodologies to be adopted for digital transformation will support the ongoing engagement from internal and external stakeholders. The study can explore how to use feedback loops on an ongoing basis during the implementation stages to allow the necessary adjustments to the strategy based on the live feedback received by the users of the new technology and the recipient of the service through new technologies. The feedback loop could help to mitigate technology issues before they materialise.

6.3.3 Gaps between communities with access to digital platforms vs those who do not have access to digital platforms.

Understanding the inequalities in South Africa will help craft fit-for-purpose digital transformation strategies that cater to digitally savvy communities and enhance existing manual processes in less savvy areas on digitally transformed platforms.

6.4 LIMITATIONS

The data collected, particularly from the lawyers and individuals representing citizens, was limited to their experience in dealing with the courts. Their inputs on details about their cases were discussed, and reference was made to their experience, which may be limited to a few individuals representing a broader community with different views.

The researcher selected the participants who hold senior positions and are decision-makers in Government structures, which presented challenges regarding availability for interviews. Interview dates were continuously changed to accommodate and work around

the participant's schedules. The qualitative research method could be subjective and based on individual perspectives and experiences. The researcher used open-ended questions that allowed the free flow of the discussions and encouraged personal views to be miss-misinterpreted as facts.

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APPENDIX A – Cover Letter to Participants



Dear ############

My name is Khanyisile Mashapa, I am a master's student in the Faculty of Commerce, Law, and Management, at the University of the Witwatersrand, Johannesburg. My supervisor is Ms. Ayanda Magida. I am conducting a research study about the Digital Transformation of the Magistrate Courts in South Africa. The purpose of the study is to understand and explore the digital transformation process and initiatives of the Magistrate Courts in South Africa. Identify the gaps and the challenges faced by the Department of Justice and Constitutional Development in implementing digital strategies in the Magistrate courts.

I am inviting you to take part in an interview, I will be asking you questions about your role in the implementation of digital strategies in the department, the challenges you have faced as well as sharing your insights on what is required to ensure successful implementation of the digital strategy. If you decide to take part, I will share an interview guide/question with you a week before the interview, to allow time for you to prepare for the interview. The interview will take not more than an hour. The interview will take place virtually using Microsoft Teams at the time that both agree to.

I would like to audio record the interview if that meets your approval. This data will be stored on the Microsoft Teams interview link, which we both can access for the duration of the research until the end of February 2024, and deleted after the data has been interpreted and documented as findings.

With your permission, your professional capacity, name, and role will be published when I share the results of the research study. The report will be clear that the information provided is shared in your capacity as the ###############. With your further permission, other researchers may use the data collected from this research study, but your name and any personal information will not be used or passed on unless you provide me with permission to do so.

If you decide to take part in the research study, it should be because you want to volunteer. You do not have to take part unwillingly. You can stop participating in the study at any time. You do not have to answer any questions if you are not comfortable doing so. You will not get any direct benefits if you choose to join the research study. You will not lose any services, benefits, or rights you would normally have if you decided not to join. Taking part in the research study will not cost you anything. You will not be paid for being in this research study.

This research study will be written up as a research report. The report will be available on the university library website. If you would like to receive a summary of this report, I will be happy to send it to you.

If you have any questions during or afterward about this research study, feel free to contact me or my supervisor at the details listed below. If you have any concerns or complaints about the ethical procedures of this research study, you are welcome to contact the University Human Research Ethics Committee (Non-Medical), by telephone at +27(0) 11 717 1408, email hrecnon-medical@wits.ac.za.

Yours sincerely,

Researcher:

Ms. Khanyisile Mashapa, 2412177@wits.ac.za, 076 411 1083

Supervisor:

Ms. Ayanda Magida, ayanda.magida@wits.ac.za, 011 717 3953

APPENDIX B – Interview Instrument

Digital Transformation of the Magistrate Courts In South Africa – Interview Questionnaire

Interview Details

University Name: Wits Business School……Date…….Time…….
Interviewer Name: Khanyisile Mashapa……..

Interviewer Title: Student – Researcher ……

Interviewee Details

Interviewee Name: ……..
Interviewee Tittle:……..
Brief Description of the Participants Role…….

1.	What exactly is digital transformation in the context of your role?
2.	What does digital transformation mean for the department?
3.	What is driving the digital transformation of the court processes?
4.	What are the benefits to society of digitizing the court processes?
5.	What success/outcome are you expecting from digitizing court processes?
6.	How does digital transformation impact those who are non-technical in the society?
7.	What is your role in executing the digital transformation strategy?
8.	How will you describe your role in the digitization of court processes?
9.	Why is digitization important?
10.	What are the factors that should be considered when implementing the digital transformation strategy?
11.	What are the risks associated with the digital strategy that you have identified?
12.	What are the challenges you have experienced in executing the Digital Transformation strategy?
13.	Do you have a change management plan that supports employees in adopting the new ways of work?
14.	Do you have any further information you would like to share?

APPENDIX C – Consent form

STUDENT NO: 2412177

NAME OF RESEARCHER: Ms Khanyisile Zikalala (Mashapa)
TOPIC: Digital Transformation of the Magistrate Courts in South Africa

I, ……agree to participate in this research project. The research has been explained to me and I understand what my participation will involve.
Please circle the relevant options below.

I agree my participation will remain anonymous	Yes	No
I agree that the researcher may use anonymous quotes	Yes	No
I agree that the interview may be audio recorded	Yes	No

…….Signature

…….Name of the Participant

……..Date

APPENDIX D – Ethics Approval Form

