

The Slow Adoption of Digital Transformation in the South African Judiciary

Students Name: Maletjatji Moagi

Student Number: 2097164

Supervisor Name: Dr Nomusa Mazonde

Students Email Address: 2097164@students.wits.ac.za

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ABSTRACT

In response to the COVID-19 pandemic, the Gauteng Division of the High Court introduced CaseLines and CourtOnline in 2020, marking the commencement of the SA judiciary's adoption of digital transformation. This qualitative study used the Technology Acceptance Model (TAM) to reflect that user resistance and spurning of technology delays the adoption of digital transformation. Literature indicated various barriers to adoption of digital transformation that can be classified under the two constructs of the TAM, namely Perceive Usefulness (PU) and Perceived Ease OF Use (PEOU) and suggested that a conscious effort to improve PU and PEOU will result in the acceptance and acceleration of the adoption of digital transformation. Thirteen in-depth interviews were conducted with Legal Practitioners (LPs), Advocates and Presiding Officers (POs) who are role players in the SA judiciary to obtain insights of their lived experience on the slow adoption of digital transformation in the Gauteng civil high courts. This study attributes the slow adoption of digital transformation to low levels of Perceived Usefulness (PU) and the absence of Perceived Ease of Use (PEOU). By using the TAM, the researcher was able to systematically address the factors that contribute to the slow adoption of digital transformation in the SA judiciary and to develop targeted strategies to enhance acceptance of digital transformation and thereby accelerate its adoption. The study recommends a comprehensive digital transformation plan that incorporates elements such as legislative reforms, stakeholder engagements, securing alternative financial resources, ongoing training and support and infrastructure investments as a way of increasing PU and PEOU, which will in turn result in accelerated adoption of digital transformation in the SA judiciary. The study concludes by indicating that accelerating digital transformation in the judiciary will improve effectiveness and efficiency, resulting in enhanced access to justice and will improve transparency and accountability, resulting in increased public confidence in the judiciary.

KEYWORDS digital transformation, digital technology, e -courts, civil courts, technology acceptance.

DECLARATION

I, Maletjatji Pheladi Moagi, declare that this research report is my own original work, where the work of others has been used, it will be indicated in the references. It is submitted in partial fulfilment of the requirements for the degree of Master of Business Administration in the Wits Business School. This report has not been submitted before for any degree or examination in this or any other university.

A handwritten signature in black ink, reading 'MBP MOAGI', is written over a horizontal line.

Maletjatji Pheladi Moagi

Signed at Johannesburg

15 September 2025

DEDICATION

I dedicate this research report to my children, my parents and my entire family who have supported me throughout my studies, by allowing me time away from family to focus on my studies. Their love and support carried me through this demanding yet fulfilling period.

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LIST OF ACRONYMS AND ABBREVIATIONS

AI	Artificial Intelligence
CMS	Case Management System
ECT Act	Electronic Communications and Transactions Act
ICT	Information Communication Technology
LP	Legal Practitioners
OCJ	Office of the Chief Justice
PEOU	Perceived Ease of Use
PO	Presiding Officers
PU	Perceived Usefulness
NCSP	National Cyber Security Policy
TAM	Technology Acceptance Model

CHAPTER 1: INTRODUCTION

1.1. Statement of purpose

This is a qualitative study on the slow adoption of digital transformation by the judiciary in the SA High Courts, resolving civil cases. The adoption of digital transformation in the African judiciaries, which includes the SA judiciary, has been found to be slow, from empirical evidence presented by literature, when considered alongside the adoption of digital transformation in international judiciaries.

1.2. Background and context of the study

The efficient functioning of the judiciary is critical for any state (Menell & Vacca, 2020; Hassan & Rupa, 2021). The successful and timeous adoption of digital transformation leads to improved effectiveness and efficiency of the courts, which results in enhanced access to justice (Drabo, 2021). In SA, access to justice is a fundamental right enshrined in the Constitution (Rabkin, 2023). Digital transformation also leads to transparency and accountability which increases public confidence in the judiciary. In this study, the function of the judiciary and the courts are used interchangeably.

Digital transformation can be adopted in the following functions of the judiciary:

- ❖ Court filing, which is the function of filing court documents and papers to initiate legal action, the digitalised function is known as e-filing (Shi et al., 2021)
- ❖ Case Management, which is the process of managing a case through the court system. It involves scheduling hearings, managing filed documents and records, coordinating with legal practitioners and litigants for a case to move forward and to finality (Reiling & Contini, 2022).
- ❖ Hearings, which are concerned with the appearance in court before a presiding officer, to present evidence and arguer the merits of the case. When digitalised, this function is known as virtual hearing, video conferencing or remote hearing (Rusakova, 2024).
- ❖ Decision making or court ruling, which is the process where the PO evaluates the arguments in view of evidence presented and applicable law and then makes a ruling. The digitalisation of this process is known as algorithm ruling (Rosili et al., 2021).

In January 2020, the SA judiciary introduced the use of digital technology in the Gauteng High Courts, dealing with civil cases through online Case Management System (CMS) known as CaseLines (Practice Directive, 2020). Following this introduction, CourtOnline which is an advanced cloud-based system that is aimed at providing an end-to-end E-Filing, Digital Case Management and Evidence Management system for the High Courts (SA Judiciary, n.d). Although these digital technology tools were introduced as a pilot in 2020, they are only being rolled out to the rest of the High Courts in the various provinces in 2025.

This qualitative study was aimed at obtaining insights from judicial role players of their lived experiences of the slow adoption of digital transformation in the SA judiciary. The study attributes the slow adoption of digital transformation to low levels of technology acceptance, resulting from low PU and low PEOU. The study recommends strategies for improving PE and PEOU to improve acceptance and accelerate the adoption of digital transformation.

1.3. Research Problem

Various countries have adopted digital transformation into their judicial services to improve service delivery and the transparency of judicial operations (Shabalin et al., 2024). This was a shift from the traditional paper-based functioning of the judiciary. Although the adoption of digital transformation came with multiple challenges, various literature indicated that it has also brought about a significant improvement in judicial functions (Campbell, 2023; Djuraev et al., 2025).

The SA judiciary has lagged in adopting digital transformation (Rusakova, 2024), with the use of digital tools being introduced in 2020 and being limited to the Gauteng High Courts (Mabeka, 2021). Digital technology in these courts was limited to the online CMS and excluded digital tools that would allow for virtual hearings, digital record keeping and online dispute resolution (Mokofe, 2023). Any other court that desired to use digital tools in its process had to do so at the discretion of the head of that court (Nir & Musial, 2022).

This study examined the lived experience of some judicial role players on the slow adoption of digital transformation in the SA judiciary and found the slowness to be rooted in low levels of technology acceptance in terms of the TAM. The study recommends strategies to promote

PU and PEOU and thereby accelerate the adoption of digital transformation in the SA judiciary.

1.4. Research Questions

- 1) What are the primary barriers to the adoption of digital transformation in the SA judiciary?
- 2) What is the value of engaging stakeholders and what key aspects need to be taken into consideration when engaging stakeholders?
- 3) What future trends are anticipated in the digital transformation of the SA judiciaries

1.5. Justification of the Study

Four years after introducing digital transformation in the SA judiciary as a pilot project, the digital platforms have not been rolled out to the rest of the high court's outside Gauteng Province. The successes of these pilots remain an issue of speculation (Abiodun & Lekan, 2020). SA has nine provinces, each with at least one division of the high court adjudicating civil matters. Until 2025, these courts remain traditional, physical, and paper based in their operation.

By understanding the factors behind the slow adoption of digital technology in the SA judiciary the study was able to provide meaningful insights and to identify opportunities for accelerating the adoption. The accelerated adoption of digital transformation will benefit the SA judiciary by enhancing access to justice and improving accountability and transparency.

1.6. Delimitations of the Study

The SA judicial structure is made up of four hierarchical levels of operation, namely the Constitutional Court, the Supreme Court of Appeal, the High Courts, and the Magistrates Courts.

This study was limited to the High Courts in as far as they adjudicate civil cases. This focus was driven by the introduction of digital transformation pilot project in the Gauteng High Court. This study also considered literature from four developed countries that are at advanced stages of digital transformation and weighed them against four African judiciaries that faced

socio economic challenges in the digital transformation to arrive at the conclusion that the adoption of digital transformation in the SA judiciary is slow.

1.7. Assumptions of the study

Assumptions are unproven facts, which have been accepted by researcher as real and plausible without verification (Pilcher & Cortassi, 2024). The first assumption of this study is that the selected literature on international jurisdictions suffice for purposes of understanding successful digital transformation and that the four African judiciaries also suffice to reflect slow digital transformation.

The second assumption of this study was that the participants reflected a normal perspective of the lived experiences of individuals playing the same role in the judiciary. The experience of the participants varied according to the role they play in the judiciary. The researcher elected to interview atleast three participants from each role to obtain a more balanced perspective from each category or grouping.

1.8. Operational Definitions

This study adopts the following operational definitions:

1.8.1 Digital Case Management

Case management systems (CMS)s are applications used by courts to facilitate the administration of justice and court proceedings. Such systems include functions like, the issuing and filing of court documents (Bulinski & Prescott, 2021).

1.8.2 Digital Transformation

Fadeev and Rudneva, (2021) explains that digital transformation is a necessary disruption that reimagines business models, operating models, and customer experiences using technology. In the context of the judiciary, digital transformation involves a shift from in person court proceedings to technology-based proceedings.

1.8.3 Virtual Courts

Virtual court is a concept aimed at eliminating the physical presence of litigants or lawyers in the court and adjudication of cases online, by using artificial intelligence techniques into the various stages of judicial process (Dneprovskaya & Abramov, 2020).

In this study, virtual courts were used to refer to the conducting of court proceedings from any location, using technological software and equipment.

1.8.4 Technology Acceptance Model (TAM)

TAM as developed by Davis in 1989, has been used in the place of a theoretical framework to explain how users come to accept new technologies through PU and PEOU as constructs. The TAM has already been used in qualitative legal studies to provide insights on how users accept new technologies (Ahmed, 2024; Fu & Mishra, 2022).

1.9. Conclusion

The study was concluded by attributing the slow adoption of digital transformation in the SA judiciary to low levels of technology acceptance and strategies for improving PE and PEOU to increase the acceptance and accelerate the adoption of digital transformation were discussed.

CHAPTER 2: SYSTEMATIC LITERATURE REVIEW

2.1. Introduction

The purpose of this literature review was to establish empirical evidence which indicates that various countries have adopted digital transformation into their judicial services with the aim of improving service delivery. The SA judiciary commenced its adoption of digital transformation by introducing CMS systems and E-Filing systems as a pilot project in 2020 (Mabeka, 2021). Literature indicated that this adoption of digital transformation is slow in comparison to international judiciaries (Djuraev et al., 2025).

Literature has identified various factors that delay the adoption of digital transformation. These factors relate to the perception of users on the usefulness and convenience of digital tools. The TAM is an effective model of addressing these barriers and driving positive perception of technology to improve its acceptance and accelerate its adoption (Paudel, 2023).

A systematic approach was employed to gather relevant literature from databases such as Google Scholar. Search terms included "judicial digital transformation," "Technology Acceptance Model in courts" and "digital courts." Inclusion criteria focused on studies from 2018 to 2025, addressing technological adoption in judicial contexts.

The following structure was followed in reviewing the literature: First, an overview of the concepts relating to slow adoption of digital transformation in the judiciary is outlined, which is followed by an outline of the challenges that judicial services encountered in the pre digitalisation era, then a consideration of international judiciaries that digitalised their court processes preceded the digitalisation of African judiciaries, to demonstrate the positive impacts of strategic digital transformation initiatives, offering valuable lessons for the SA jurisdiction.

The findings of literature were discussed through the lens of the TAM and its two constructs PU and PEOU. Concerted efforts of improving user perceptions and improving acceptance levels were identified from the adoption of digital transformation in international judiciaries, while the African judiciaries, including the SA judiciaries have neglected user perceptions, which resulted in resistance of technology and slow adoption of digital transformation.

The review was concluded by recommending strategies that focus on engaging the users of digital tools as the key stakeholders, to create an awareness around the utility of digital tools on the one hand and a recommendation to engage system developers who are also stakeholders to develop convenient and user centric digital tools. This will improve user acceptance and accelerate the adoption of digital transformation in the SA judiciary.

2.2. Concepts relating to slow adoption of digital transformation.

The below key concepts identified through thematic analysis of literature were used to identify factors involved in slow adoption of digital transformation. The analysis of these concepts and their interrelationships helped to identify opportunities for improving technology acceptance, accelerating the adoption of digital transformation and addressing the research problem.

Digital Literacy was used to refer to the ability, skills, and competency to use ICT tools, digital tools, and electronic systems software to enhance a particular function (Fadeev & Rudneva 2021).

Legal and Regulatory Framework refers to the legal requirements and standards that govern digital processes and data management in the judiciary (Kucina, 2022).

Cybersecurity refers to concerns about protecting sensitive court data and maintaining confidentiality (Waldron, 2021).

Stakeholder Engagement refers to the engagement of all role players in the judiciary including judges, court administrators' lawyers, and litigants who would utilise the digital systems (Izralovsky & Petrova 2025).

Resource Allocation refers to the budget requirements and financial investment essential for implementing digital solutions this also includes financial resources that are required to maintain and service these electronic systems (Basu & Jha 2024).

2.3. Challenges of the pre digitalisation era.

Prior to the adoption of digital transformation, judiciaries around the world faced various challenges that impacted the efficiency, effectiveness, accountability and transparency of their services (Xu, 2022; Yoon, 2023). Some of these challenges include:

Paper-Based Workflows Court process relied on manual filing case management and physical exchange of court papers which resulted in time-consuming filing, storage, and retrieval processes, leading to inefficiencies and delays (Drabo, 2021).

Limited Accessibility Physical presence requirements which restrict access to justice, especially for those living in remote areas or individuals with mobility issues (Rossner & McCurdy 2021).

Inefficient Case Management Manual tracking of cases which often led to errors, inconsistencies, and backlogs that affected case resolution times. Reiling and Contini (2022) found that without accurate and authentic records, justice cannot be administered, as a result, cases will be withdrawn and offenders will be set free, which results in travesty of justice.

Lack of Data Transparency Information about court decisions and how they are reached was not readily available, which increased levels of corruption amongst court officials and lawyers (Pernici et al., 2023).

Poor record keeping and Privacy Concerns Court records were primarily maintained on paper, making it difficult to store and susceptible to theft, loss, and unauthorised access of sensitive information (Hino & Cunha 2020).

Insufficient court officials Paudel (2023) indicated that many courts have a shortage of judges, which results in the available judges being overworked and delaying in finalising court cases. Funican, (2019) indicates that the judicial systems and officers find themselves having to do more with less mainly because they have not kept pace with changing ways of delivering services.

High operating costs the management of physical documents required more court staff to manage case files and schedule court cases, which increased the courts operating expenses. Lawyers also had to incur travelling costs for court attendance and incurred costs relating to printing papers, filing and arranging them (Moropa, 2023).

2.4. International adoption of digital transformation

Various international judiciaries adopted digital transformation to improve the quality of their service delivery and to overcome the challenges that they encountered with the traditional, physical, paper-based courts (Shabalin et al., 2024).

In China, the adoption of digital transformation started in 2014 by launching several online platforms that allowed for e-filing, digital CMS, online trials, and public access to court rulings (Papp et al., 2022). The Supreme People's Court unveiled its "Smart Court" plan in 2016 with the goal of using digital technology to further judicial reform (Shi et al., 2021). The first Internet Court was founded in Hangzhou in 2017 with the express purpose of handling cases pertaining to the internet crimes (Papp et al., 2022).

Currently, some judges use digital tools like blockchain to verify evidence, AI tools to help them analyse cases, do research and make decisions (Moropa, 2023). These virtual trial platforms that allow for video conferencing and online publication of court rulings and verdicts promotes openness and public confidence (Shi et al., 2021).

The goal of China's judiciary's ongoing investments in cutting-edge technology is to completely implement the idea of "Smart Courts," these initiatives show a persistent dedication to updating the judiciary to meet the intricacies of today's legal environments. (Izralovsky & Petrova 2025).

China attributes the advancement of digital transformation in its judiciary to their Smart Court Strategic plan, which ensured that digital tools are implemented in pilot programs, and in line with available financial resources (Papagianneas, 2024). The key contributor to the acceptance of the pilot projects was their stakeholder engagements and training that involved litigants, judicial officers and private ICT companies and the legal reforms to their laws to support digital transformation (Izralovsky & Petrova 2025).

In the United Kingdom, the judiciary's adoption of digital transformation commenced in 2005, marked by a witness testifying via video link in the case of Polanski Condé Nast Publications Ltd (Mabeka, 2021). In 2016, the Her Majesty's Courts and Tribunals Service (HMCTS) Reform Programme was launched to transform the administration of justice in England and Wales through the utilisation of digital technologies (Hasan & Fahmida, 2021).

By 2018 the implemented online services, included e-filing, online CMS, and digital portals for a range of case types, such as civil, family, and tribunal cases (Reynders, 2021). A significant progress was made in integrating technology into civil proceedings, exemplified by the Electronic Working Pilot Scheme governed by Practice Directive 510 and the establishment of Online County Courts (Mabeka, 2021).

During the COVID-19 pandemic the UK was already able to resolve 80% of their cases through remote hearing technologies and by 2021 over 3000 virtual hearings were taking place every month (Rossner et al., 2021). By 2024, the UK Supreme Court was engaging various role players to enhance digital literacy and introduce user friendliness to their digital CMS to enhance public access (Shabalin et al., 2024).

In 2024 the head of UK civil justice revealed a three year plan to introduce AI tools in the following judicial operations, (i) judicial decision making,(ii) assisting litigants in person in a manner similar to the way a lawyer would assist the litigant in court, (iii) summarising and simplify large volumes and complex case material to improve the productivity of judges (iv) transcription of court proceedings to improve accuracy(Djuraev et al., 2025). The plan was publicised through national and local television and radio, the judiciary also held various stakeholder engagements to conduct training and awareness.

In the **United States** adoption of digital transformation began in 2004 when the Federal Judiciary implemented the Case Management/Electronic Case Files (CM/ECF) system (Rule, C. (2020). This was followed by regulatory reforms to allow the virtual services.

With the rise of digital technology most federal courts adopted video conferencing platforms like Zoom to conduct virtual court proceedings. Access to court records and case information has been increasingly facilitated through online databases and court websites, improving transparency and public access (Pernici et al., 2023).

As of Nov 2024, some courts were implementing advanced technologies such as AI-based legal research tools, digital evidence management systems, and online dispute resolution platforms to further modernize their operations (Baryse,2025). There are ongoing discussions with various public and private stakeholders to invest in judicial literacy and infrastructure

across jurisdictions to ensure efficient and consistent court operations nationwide (Paudel, 2023).

More than 200 U.S. judges and court workers were interviewed for the State of the Courts Report (2023) to gain a better understanding of the difficulties facing the judiciary, particularly regarding hearings, evidence, caseloads, and the use of technology. The report showed that in 2022, more than 80% of courts did sessions virtually. According to 40% of respondents, most judicial proceedings are now held virtually. According to 74% of respondents, virtual hearings will either remain the same or grow in the future. Compared to 55% in 2021, more than three-quarters of respondents (76%) believe that virtual court options improve litigants' access to justice (Thomson Reuters, 2023).

In India the adoption of digital transformation began in the early 2007, with the launch of the E-Courts Mission Mode Project (MMP) as part of the National e-Governance Plan (Izralovsky & Petrova 2024). The plan was implemented in phases where Phase I (2007-2015) focused on computerising the district and subordinate courts, providing basic digital infrastructure, such as electronic CMS and training of court staff (Rattan & Rattan, 2021).

Phase II (2015- 2023) continued to build on the existing infrastructure, focusing on enhancing digitisation, implementing e-filing, and providing online services such as case status and judgments. This phase was also characterised by public private partnerships to fund the MMP to avoid overwhelming the government financial resources (Djuraev et al., 2025)

Phase III (2023- 2027) introduces various advanced digital tools, including the establishment of digital and paperless courts to conduct virtual proceedings (Nema, 2025). This phase also involves digitisation of court records using remote servers like Cloud-Storage for secure storage and efficient retrieval of digitised court records, expansion of video conferencing facilities by the implementation of software applications for live streaming and electronic evidence handling, integration of AI and its subsets like Optical Character Recognition (OCR) for case pendency analysis and forecasting future litigation trends (Izralovsky & Petrova 2024).

2.5. Digitalisation of African judiciaries.

Kenya introduced the adoption of digital transformation through the ICT Master Plan 2018-2022 which was aimed at aligning all ICT projects and developments within the judiciary to the priorities outlined in the Judiciary Strategic Plan (Meru & Kinoti 2022). The implementation of this plan was characterised by multiple failed attempts, due to poor infrastructure levels of digital literacy and resistance to the digital transformation until the Covid-19 necessitated the introduction of e-filing system and virtual court sessions in June 2020 (Ochieng, 2023).

The introduction of digital tools was implemented in phases of geographic location, starting in Nairobi in June 2020, followed by Mombasa in April 2021, with a nation-wide implementation target of February 2024 (Izralovsky & Petrova, 2025).

The Case Tracking System (CTS) was subsequently introduced in 2024 and offered real time case tracking, management of court cases, file review and evaluation, court fee collection and performance reports of judicial officers. As of the end of 2024, 93% of all court stations were using CTS, and two million cases had been recorded (Djuraev et al., 2025).

In Ghana digital transformation was adopted in 2020, during the Covid -19 Pandemic, through the launching of the e-Justice system as a pilot project (Adu, 2020). The E-Justice Project included the introduction of e-filing and the Public Legal Information Portal (PLIP) where litigants can file legal papers, track cases, and obtain legal information. The system has also enabled administrative staff to assign cases to judges, monitor case status, keep electronic copies of case dockets, and produce significant data (Anomah & Amoah, 2024).

The pilot did not progress much after 2020 due to challenges such as, limited internet access and digital literacy especially in rural areas, poor digital infrastructure, poor connectivity, and the exorbitant cost of internet access, which seems to be out of reach for the typical Ghanaian (Djuraev et al., 2025).

Recommendations for overcoming these challenges include the establish social media handles such as Twitter, Facebook, and LinkedIn, to inform the public about current events and to post and summarise a few court decisions of public interest in plain, non-legal language

so that the public can understand the decisions, their significance, and how they affect their businesses and livelihoods (Djuraev et al., 2025).

Nigeria began adopting digital transformation in the judiciary in early 2014 with the establishment of the National Judicial Council (NJC) and the implementation of the Judiciary Information Technology Policy (Drabo, 2021). By the mid-2019, various states began to adopt electronic CMS, e-filing, and digital record-keeping. Digitalisation efforts advanced to virtual court proceedings (Davies et al., 2024).

By 2024, several states had developed portals where the public can access case information and court schedules, improving transparency (Aidonojie et al., 2023). While Nigeria has made significant strides in digitalizing its judiciary, challenges remain, such as infrastructure limitations, cybersecurity concerns, and the need for training judicial staff, lack for legislative reforms and low engagement of stakeholders (Shabalin et al., 2024).

In South Africa the adoption of digital transformation in civil courts began in 2020 with the introduction of CaseLines CMS which was followed by CourtOnline System which is a cloud-based solution that enables E-filing, CMS and digital evidence management (Mokofe, 2023). These systems were introduced to enable the judiciary to operate during the Covid-19 pandemic as a pilot in the Gauteng High Courts (Mabeka 2018).

The Electronic Communication and Transactions Act 25 of 2002 (ECTA) was promulgated to complement the adoption of digital transformation, however, more legislative reforms are required to enhance the utilisation of these digital tools (Mabeka, 2021).

The adoption of digital transformation faced many obstacles such as resistance by judicial role players, insufficient training on the utilisation of the digital platforms, uneven implementation across Provinces due to budget constraints (Djuraev et al., 2025).

In 2022, one of the judicial functionaries fell victim to a cyber-attack that halted crucial judicial services to the public (Moropa, 2024). Although the digital platform was restored, this increased a negative attitude toward digital tools in the judiciary.

The OCJ strategic plan has a specific focus to roll out the digital platforms in the other Provincial High courts, however, various stakeholders still need to be engaged to reduce the level of resistance and investment in infrastructure is crucial (Mokofe, 2023).

The adoption of digital transformation is further compromised by power outages and load shedding, that results in connectivity interruptions and postponement of cases, especially in courts that have no generators for power backup (Rabkin, 2023).

Although the SA civil high courts have adopted digital transformation as a pilot project, the pilot continued longer than anticipated, resulting in the High Courts in the Gauteng Province benefited from digital platforms while, while other Provincial high courts still rely on manual processes (Zikalala, 2024).

2.6. Findings of Literature

Figure 1 below provides insights into how international judiciaries in developed countries adopted digital transformation successfully while the African judiciaries adopted digital transformation with multiple challenges.

ADOTON OF DIGITAL TRANSFORMATION IN INTERNATIONAL JUDICIARIES					
Judiciary	Comencement	Initial systems	Current Developments	Strategic Plan	Reason for success
China	2014	E-Filing; CMS & Online Trials	Blockchain for evidence Managanement, AI for decision maiking	smart court plan	Proper plaining & stakeholder engagements Legal reforms & investment in infrustructure
India	2007	E-Filing & CMS	Video Conferencing, Cloud Storage and AI Tools for decision making.	National e-Government Plan	Private Partnerships for funding
United Kingdom	2005	Video Conferencing; E-filing; CMS & Digital portals	AI for decision making, & measuring rperformance of digital tools.	Electronic Pilot Scheme	Key Focus on stakehlder engagements,training users and simplifying systems.
United States	2004	Efiling , CMS & Video Conferencing.	Online data bases & Websites for transparency, AI Tools, Evidence management	NA	Stakeholder engagements, investment in infrustructure and digital literacy
ADOTON OF DIGITAL TRANSFORMATION IN INTERNATIONAL JUDICIARIES					
Judiciary	Comencement	Initial systems	Current Developments	Strategic Plan	Adoption Challenges
Ghana	2020	E-Filing & Public Information Portal	Not Much	Electronic Project Plan	Poor Infrustructure, Lack of internet acess, Low digital literacy,Low access to internet.
Kenya	2018-2022	E-Filing and Virtual Courts	Case Tracking System for performance management	ICT Master Plan	Poor infrustructure, Resistance of users,
Nigeria	2004	E-Filing, CMS and Digital record keeping		the Judiciary Information Technology Policy	Poor Infrucstructure, cyber security
South Africa	2020	CMS	Virtual courts	OCJ Strategic Plan	Resistance by stake holders & Judicial Role players, inadequate system maintenace & support, Inadequate system training, Cyber security risk.

Table 1: Findings of Literature Review (Source: Researcher)

Literature indicates that international judiciaries in developed countries commenced their adoption to digital transformation prior to the Covid -19 pandemic while African countries

adopted digital transformation as a response to the need to provide judicial services during lock down periods.

Literature also indicated that the first step in both international and African judiciaries of adopting digital technology was the implementation of CMS and E-filing systems, followed by virtual court systems. These systems can be regarded as basic digital platforms.

Literature further indicated that international judiciaries advanced their adoption to digital transformation by using AI tools for decision making, Cloud Storage Systems, Block Chain and Evidence Management Systems. These systems can be regarded as advanced digital platforms.

Literature indicated that as at end of 2024, international judiciaries are making use of advanced digital platforms while African judiciaries are still using basic digital platforms. The international judiciaries succeeded in their adoption of digital transformation due to sufficient financial resources, proper planning, adequate training of judicial role players, abundant engagement of stakeholders, tracking the outcomes of digital transformation.

Literature further indicated that the adoption of digital transformation in African judiciaries has not advanced due to challenges such as, poor strategic planning, insufficient budget, poor infrastructure, low levels of digital literacy, poor connectivity, inadequate cyber security poor engagements of all stakeholders which results in resistance to the adoption. (Yavuz et al., 2022).

In addition to the above challenges experienced by African judiciaries, the SA judiciary is further challenged by power outages due to loadshedding and inadequate legislative reforms for adoption of digital transformation.

2.7. Recommendations

The following opportunities derived from the digitalisation of international judiciaries are recommended for the improvement of user acceptance and acceleration of digitalisation of the SA judiciary:

- (i) Revision of the current strategic digitalisation plan, so that it includes key measurable milestones.
- (ii) Partnerships between the government and private ICT companies to source alternative funding that will result in investing in proper and adequate infrastructure, ICT equipment and resources required for training and development.
- (iii) Abundant stakeholder engagements with court officials, lawyers, judges, litigants and the public at large in order to drive positive perception on the utility of digital tools.
- (iv) Development of current legislative framework to enhance the adoption of digital transformation.

2.8. Conclusion

The literature review is concluded by finding that the adoption of digital transformation in African judiciaries is not on par with international judiciaries. The challenges that emerged during the adoption of digital transformation led to low PU and PEOU which resulted in resistance of technology as the reason for delay. Financial constraints also play a role in African judiciaries not being able to adopt digital transformation at the same rate as international judiciaries.

2.9. Theoretical Framework

A theoretical framework is derived from theory in the literature that has already been tested or validated and is acceptable. It highlights the theoretical constructs that will be examined and analysed in the study (Varpio et al., 2020).

The Technology Acceptance Model (TAM) which was developed by Davis in 1989 is the most appropriate for this study because it helped the study to identify the barriers of adopting digital transformation, which barriers resulted in slow adoption. By considering these barriers through the lens of PU and PEOU, strategies for improving technology acceptance were

developed, to accelerate the adoption of digital transformation and address the research problem.

Although the TAM is not a theory per se, it has been applied in many studies to develop impeccable strategies for adopting digital transformation in the judiciary while eliminating resistance of users and role players (Nguyen et al., (2024). In some studies, the TAM was applied to perspectives of users with similar attributes such as, of a particular age, gender or legal experience, however critics argue this type of application of TAM focuses solely on PE & PEOU and might overlook important factors such as legal compliance, security concerns, and institutional resistance (Dhungel, & Beute, 2024). To remedy this, they argue that TAM may need a diverse user application and adaptation to reflect specific context of judiciary digitalisation (Barysè, 2022).

In this study, the TAM is applied to perspectives of users with various attributes to focus on addressing institutional constraints. The author's view is that diverse views that incorporate legal and organisational factors will provide better insights into acceptance of technology in the judicial domain. This can be confirmed by Guitton, (2025) who found that diverse application of TAM and its constructs is most frequently used theory to study AI adoption in justice contexts. According to Ahmed, (2024) TAM is essential for understanding digital transformation success in courts irrespective of the attributes of the diverse attributes of the users.

The TAM provided a framework for understanding the factors behind the slow adoption of digital transformation and informs the elements that can improve the acceptance of technology and accelerate the rate of adoption, which is the research problem.

2.10. Summary of Chapter 2

The above literature indicated the successful adoption of digital transformation in international judiciaries, from developed economies alongside the challenges of African judiciaries in adopting digital transformation resulting from socio economic factors as

developing countries. The challenges that are specific to the SA judiciary are highlighted and a conclusion is drawn that the adoption of digital transformation is slow and requires dire acceleration.

Recommendations of accelerating the adoption of digital transformation in the SA judiciary were also discussed. The conclusion is that the accelerated digital transformation will result in an effective and efficient judiciary, which translates to enhanced access to justice and a transparent and accountable judiciary which translates to public confidence in the judiciary.

CHAPTER 3: RESEARCH METHODOLOGY

3.1. Introduction

This chapter outlines the approach and methods that were employed in studying the slow adoption of digital transformation in the SA judiciary. The methodology aims to provide a systematic and rigorous framework for conducting research, collecting data, and analysing findings related to the digital transformation of the SA judicial system.

3.2. Research Approach

The research approach adopted in this study is qualitative research. Weyant (2022), defined qualitative research as one that is naturalistic and deals with non-numerical data. She further elaborates that its objective is to understand, explore, contextualise, and interpret collected data through the process of developing patterns.

A qualitative study is most appropriate for this study in that it explores the perspectives and experiences of various role players of the judiciary to elicit rich, detailed accounts of these perceptions and attitudes to contextualise the slow adoption of digital transformation and thereby answer the research questions to address the research problem. The researcher used literature to contextualise the impact of digitalisation of the judiciary in comparison to international judiciaries (Anand, 2024).

3.3. Research Paradigm

The research paradigm adopted in this study is constructivism, which emphasises the idea that reality is constructed through the experiences and interpretations of individuals (Mishra & Dey, 2022). Constructivism allowed the researcher to explore how different role players of the judiciary construct their meanings and perceptions of slow adoption of digital transformation. These perceptions and meanings can have a significant impact on the adoption of digital transformation.

A constructivist paradigm supports the selected data collection method, which is structured interviews, which helped to elicit deep insights and perspectives from the participants. It also allowed for a flexible and iterative approach to research, where the researcher adapted the methods and questions based on the data collected. This approach was highly beneficial in

answering the research questions through the insights gained from different perspectives and experiences of participants.

3.4. Research Design

According to Pilcher and Cortazzi (2023), a researcher must select a research design that is aligned to the research questions, aims and objectives. The design that aligns most with this study is a generic qualitative design, which focuses on lived experiences and perspectives of individuals and aims to understand the meaning that individual ascribe to their experiences without imposing preconceived theories.

The lived experiences of the participants who are role players in the judiciary is significant for the study because if there is any impact from slow adoption of digital transformation in the judiciary, the impact will best be experienced by the judicial role players. In the same way the research questions will best be answered by the experience of those who are in the judiciary daily.

3.5. Data Collections Methods

The data collection method of this study was semi structured interviews. Interviews have been found to be useful in getting a broader understanding of how and why certain things happen and what are the opinions, motivations, interests, feelings of the people involved (Roberts, 2020). The interviews are the most appropriate way to achieve this objective. The interviews were In-depth, guided by a semi structured interview guide which permitted the collection of rich data that answered the research questions (Nathan et al., 2019).

3.6. Population and Sampling

3.6.1. Population

The population of this study are the following court officials, which were categorised as LPs, Advocates, and POs. The criteria used to determine the eligibility of the participants, and the populations is based on the role that they play in the judicial system (Cilliers & Viljoen 2021).

3.6.2. Sampling and Sampling Method

According to Ahmed (2024), purposeful sampling in qualitative studies occurs where the researcher deliberately and purposefully selects the sample they believe can be the most

fruitful in answering the research question. The researcher was very intentional in selecting participants from LPs, Advocates and POs as judicial role players who are actively involved in the judiciary daily. The daily experiences and perspective are relevant for answering the research questions and demonstrating the required insights of adopting digital transformation slowly.

The sample size selected for this study was thirteen participants, who are categorised into three groups of role players of the judiciary. The sample size was sufficient to reflect the required experience of adopting digital transformation in the judiciary and in answering the research questions.

To justify a sample size, saturation is often used, even though there was lack of transparency in how it was assessed or determined (Anand, 2024). Billups (2021) identified a range of 9 to 17 interviews as an acceptable size for saturation.

3.7. Research Instrument

The research instrument that was used in this study is a semi structured interview guide attached as appendix A. This instrument was used to guide the researcher to gain a broader understanding of the perceived barriers to the adoption of digital transformation and the value that can be derived from engaging stakeholders in the digital transformation process in relation to the functioning of the judiciary (Roberts, 2020).

The interview guide consists of five questions that assist the researcher to get information that will answer the research questions. Question 1 to 3 answer research question 1. Question 2, 3 and 4 answer research question 2. Question 4 and 5 answer research question 3.

3.8. Procedure for data collection

The researcher initiated virtual meetings with the participants by emailing them. Court personnel's emails are in the public domain, on the website of the Department of Justice and Constitutional Development. This is how the researcher contacted the POs.

Advocates and LPs were identified through professional associations where contacts details were exchanged. The interviews were conducted on MS Teams, recorded and were later be

transcribed. The researcher also requested the consent of the participants prior to the recording of the interviews.

3.8. Data Analysis and Interpretation

The analysis process of qualitatively collected data is embedded in data reduction, data display, and interpretation (Mishra & Dey 2022). The researcher used thematic analysis to organise and summarise the data because it provides rich and detailed insights into the experiences of the participants (Anand, 2024). The researcher then analysed the data through the lens of TAM.

The below figure illustrates thematic analysis steps and heir meanings.

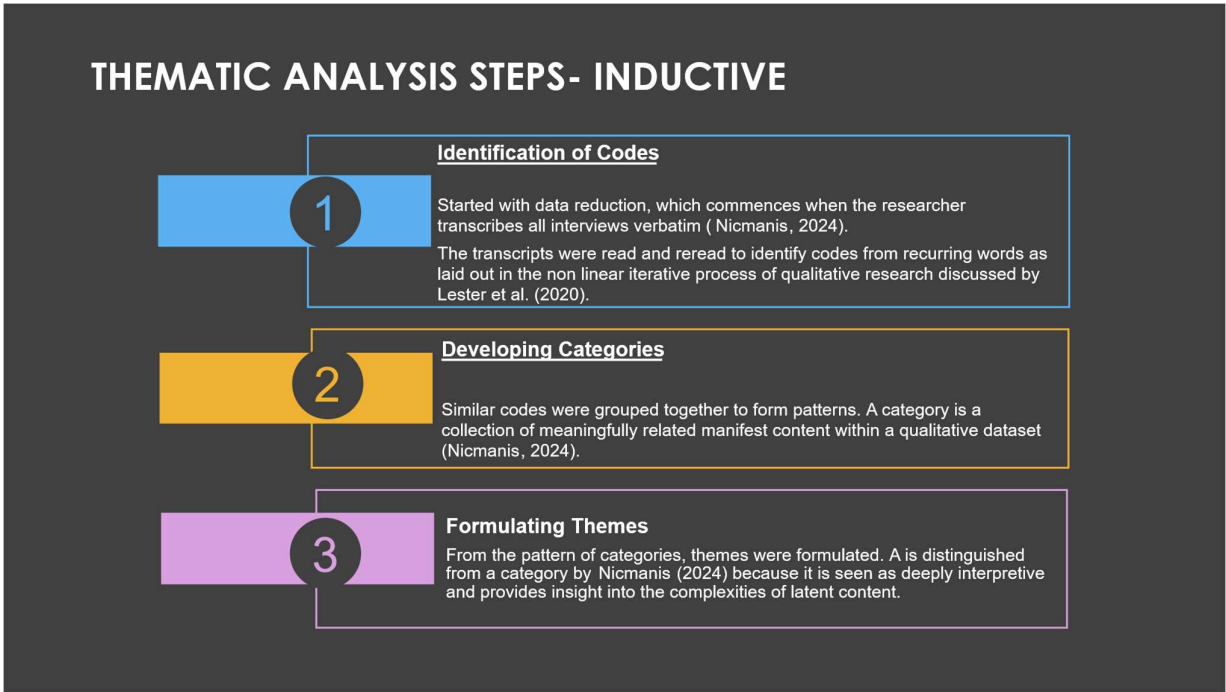


Figure 2: Thematic Analysis steps (Source: Researcher).

Data display refers to the many ways in which qualitative data is visually illustrated to make meaningful insights of the codes, categories, patterns, and themes (Anand, 2024). In this study, data display was done through charts and graphs, because this is the best way to illustrate complex data and lead to the drawing of conclusions.

According to Ahmed (2024), interpretation or drawing conclusions involves making meaningful statements about how your data illustrates your topic of interest. This step involves drawing meaning from displayed data. The above methods assisted the researcher

to avoid subjective judgment which is common when doing qualitative data analysis (Mishra & Dey 2022).

3.9. Limitations of the study

There following factors could potentially limit the study and thereby cause the findings to be weak:

- Limited access to participants: Access to participants who have knowledge and experience on the digitalisation of the judiciary was limited. Some participants were not available due to busy schedules. Scheduling prior appointment well in advance and sending email reminder the day before mitigated this limitation.
- Time constraints: Given the complex nature of the topic, the scope of the research is quite large, which posed time constraints that limited the depth and breadth of the study. This was mitigated by narrowing the study to High Courts, adjudicating civil matters only.

3.10. Trustworthiness

There are four ways to ensure trustworthiness in a qualitative study:

1. Credibility: This refers to the accuracy and completeness of the data. It evaluates the alignment between the findings and the interpretation of the data collected from the participants. Researchers can use triangulation and member checking to ensure credibility. In this study, data was collected through interviews, to verify the accuracy and completeness of their data. Analysed and interpreted responses were sent to the participants to ensure that their responses are well understood (O’Kane et al., 2019).
2. Transferability: This refers to the extent to which the findings of the current study can be applied to another settings or study in a different context. The researcher provided a detailed description of the study, the participants and circumstances surrounding the data collection to ensure transferability (Shiddike & Rahman, 2020).
3. Dependability: This refers to the consistency and stability of the findings over time. The researcher documented the data collections process, methods, and analysis in detail and consistently to achieve dependability (Weyant, 2022).

4. Confirmability: This refers to the accuracy, neutrality and objectivity of the research findings and interpretations from the data collected. The researcher recorded all interviews through an MS Teams recorder to allow for accurate data collection and transcribed the interviews word for word to achieve accurate interpretation (Billups, 2021). In this way, the research can be regarded as trustworthy and dependable.

3.11. Ethical Consideration

Ethical considerations are critical components of modern research. The following ethical considerations were adhered to:

Voluntary participation – All the participants in this study participated voluntarily, without any coercion or undue influence. They were further advised that they have the right to withdraw at any point or time during the interviews and study. The participants' autonomy to make decisions regarding their participation was also drawn to their attention and emphasised.

Informed consent: the qualitative nature of the study and elected data collection methods necessitates participants' informed consent. The participants were informed that they are being studied, they were informed of the purpose and objective of the study, and they were requested to sign consent forms which is attached as Appendix B. The consent form is simple to read and understand and indicated that there will not be any form of compensation for participating in the study. The researcher also undertook to inform all the participants of the impact that their responses may have to the study and to inform them of potential risks and benefits of participating in the study. Their unrestricted right to withdraw themselves and their consent was reaffirmed to all participants.

Anonymity – The researcher devised an analysis method that did not link any of the responses to a specific participant. This is to protect the identity of participants, especially judges and legal practitioners, and to eliminate potential prejudice that could arise and adversely impact their good standing in the profession.

Confidentiality – The researcher ensured that sensitive and confidential data such as personal identity information, court records, and other confidential information are not compromised

and adherence to privacy legislation is upheld (Cilliers & Viljoen 2021). Confidential information is kept in password protected spreadsheets and written records will be kept safe in a locked cabinet. The data collected is also not be shared with any unauthorised persons.

No harm to participants – The researcher reviewed the data to ensure that any potential harm to the participants is outlined and methods of eliminating these harms must be described in detail. The legal profession is overly sensitive and professional and career harm could easily arise from the responses provided by certain professionals in the industry.

Integrity – The researcher was sincere in her conduct when collecting and analysing the data. She adhered to all the commitments they made to participants regarding their confidentiality, privacy, and anonymity. The respondents serve as data sources and their integrity should be always protected through ethical analysis and reporting.

Objectivity – The research findings of this study were not impacted by the researcher's personal beliefs, opinions, or experiences (Resnik, 2020). The researcher eliminated all bias in the study providing the data in its raw form and using systematic methods to analyse the data.

Respect for others – The researcher was mindful of cultural, social, and personal differences, and avoided all forms of unfair discrimination. The researcher also avoided asking questions that could be interpreted as intrusive and aggressive. The researcher also requested permission of the participants before recording the interviews and engagements (Roberts, 2020). This creates a trusting and collaborative process between the researcher and participants and upholds the well-being and dignity of all individuals involved in the research.

Ethical approval: The researcher obtained Ethical Clearance for the study from the Ethical Committee at the University of Witwatersrand. This Ethical Clearance will also be shared with participants.

CHAPTER 4: RESEARCH FINDINGS

4.1. Introduction

The aim of this chapter is to present the findings that were obtained from engaging with the thirteen participants who provided insights on their lived experiences and perceptions of the slow adoption of digital transformation in the SA judiciary and how it can be cured.

4.2. Relevancy of data

Data was collected through in-depth semi-structured interviews with the participants; it was then transcribed verbatim. Codes were identified from frequently used words in the data; these codes were grouped into categories that form patterns. The patterns were then used to form themes. This aligns to the inductive, thematic analysis of the data, which was effective for answering the research questions.

Figure 3 below, reflects key concepts that were identified from the transcribed data:

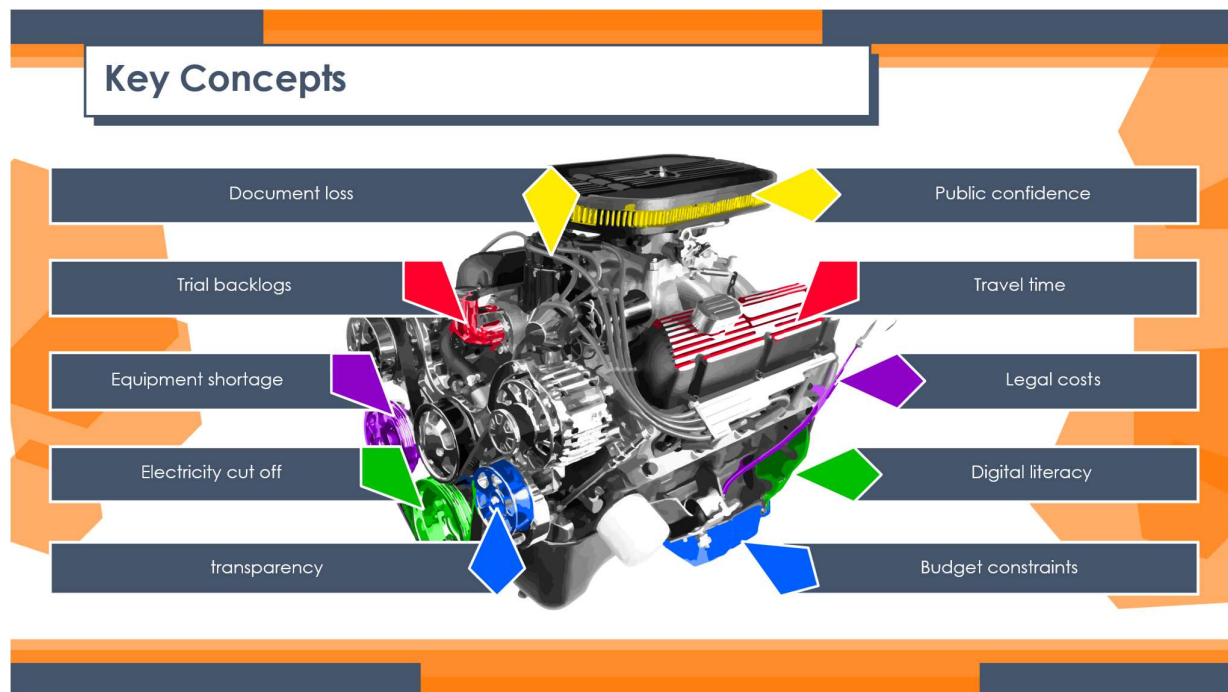


Figure 3: Key Concepts from Transcribed data. (Source: Researcher)

These key concepts were used to formulate themes that are further categorised into either PU or PEOU to reflect how the perception of users influence the acceptance of digital transformation in line with the TAM and to formulate strategies for enhancing user acceptance which will accelerate the adoption and thereby resolve the research problem.

4.3. Participants Profile

The thirteen (13) participants are all role players in the judiciary with the following roles, Legal Practitioners (LPs), Advocates and Presiding Officers (Pos). The number of participants per role is indicated together with a further description to clarify the relevance of the role in the judiciary in Table 2 below.

Participant Group (No)	Description of Role
Legal Practitioners (5)	Consult with litigators, open case files, prepare court documents and initiate the litigation.
Advocates (5)	Appear in the High court on behalf of the litigator.
Presiding Officers (3)	Hear and adjudicate on cases, and then hand down judgements

Table 2: Participants Roles & Responsibilities (Source: Researcher)

4.4. Findings from the data

The data analysis began by data reduction, which involved the transcribing of all thirteen interviews verbatim. The transcribed data was then read and reread to identify common and pertinent words, which could be termed “codes.” The codes were then grouped into categories, which will further be used to create themes. The themes were linked to each research question to address the research gap.

Figure 4 below shows the four themes that were developed from the data, together with the categories that were developed from the codes that were identified from common words. The themes are: 1) Enhanced access to justice, 2) Transparency and accountability, 3) Infrastructure and resources, 4) Legal framework and reform. These themes are then categorised into either one of the constructs of the TAM thereby assisting the researcher to gain understanding of the factors that requires change to improve user acceptance and accelerate the adoption of digital transformation.

DIGITILISATION OF THE JUDICIARY

IDENTIFIED THEMES AND CATEGORIES

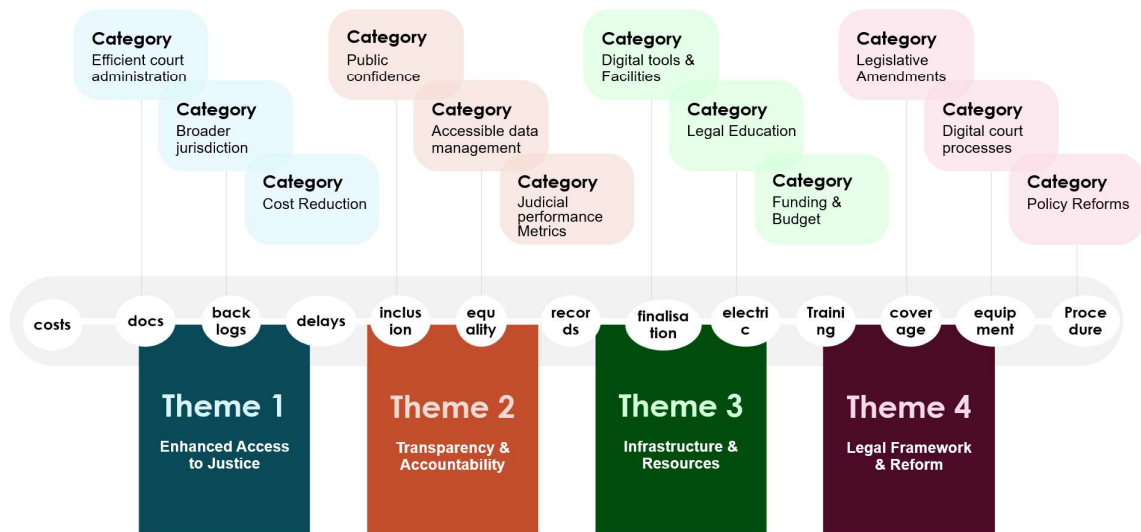


Figure 4: Themes & Categories. (Source: Researcher)

4.5. Research Questions (RQ)

4.5.1. RQ 1: What are the primary barriers to the adoption of digital transformation in the SA judiciary?

The aim of this research question was to identify and understand the specific obstacles that hinder the acceptance of technology and retards the pace at which the SA judiciary adopts digital transformation according to the experience of the participants. The guiding questions are question 1 to 3 from the research instrument which address this question. Below are the responses of the participants:

Lack of a Comprehensive Strategic Plan

The participants indicated that the SA judiciary had to come up with a plan of providing judicial services because of the lock down that was implemented during the Covid-19 Pandemic. As a result, the adoption of digital transformation was not preceded by a comprehensive strategic plan, with a clear framework and direction for implementation.

LP3 indicated that “although there is some form of a strategic plan, it is not specifically focused on digitalising the judiciary, but forms part of the overall strategy of the judiciary. The plan does not outline specific steps and timelines needed to accomplish digital transformation.” The participants further indicated that the current plan does not identify key

stakeholders, nor set implementation milestones and does not address the allocation of financial resources.

The participants also indicated that adoption of digital transformation comes with Change Management, which should be incorporated in the strategic plan. LP5 stated that “Underestimating the cultural shift required within the court system can lead to resistance among staff and users. Effective change management practices should be implemented to facilitate adoption.”

The participants also indicated that a strategic plan must include an evaluation criterion for each milestone, so that continuous improvements can be incorporated before the digitalisation process is completed. Accordingly, the ideal plan needs to communicate to all the role players so that they can be afforded an opportunity to make inputs.

Insufficient Financial Resources

The participants indicated that the judiciary is under financed and has been for a long time. PO3 stated that “we don’t even have adequate funds to hire sufficient judges, so the adoption of digital transformation is impeded by the lack of funds to acquire enough digital equipment, and to maintain and service these equipment”.

The participants also indicated that the maintenance of basic court systems is a challenge, because the courts can go for months, waiting for the repair of a simple, yet crucial system such as a transcriber. They described the current software as outdated and one that requires updates, however there is no budget. LP1 stated that “key initiatives like stakeholder engagements, training and awareness campaigns require financial resources, and the insufficient budget resulted in these initiatives being inadequately addressed”.

Inadequate training of users

The participants indicated that they did not get proper training, they had to learn from each other. LP1 stated that “I for one was not able to attend the training session, I had to teach myself how to use the system, at some point I would get frustrated and almost give up, but at the same time, I have clients that require a service.” They also added that the training that was offered was insufficient to enable the proficient use of the system.

The participants further indicated that even court officials like administrators sometimes did not know how to use the system and could not address questions that were posed to them regarding the utilisation of the system. LP1 stated that “if you closely consider the judges that refuse to conduct virtual hearings, they are mostly those who have limited digital literacy. So, if the judiciary cannot train their own, how much more with us lawyers or even members of the public?”

The participants indicated that even though the systems were introduced five years ago, there are still some uncertainties on the utilisation of these digital tools. They indicated that there is a need for ongoing training and support, however what is currently happening is some sporadic training sessions that are not well organised. The participants indicated that system support could also facilitate the training need.

Inadequate digital infrastructure and equipment

Participants indicated that court rooms that have sufficient digital equipment are limited, and even those that have equipment, they are loaded with outdated equipment's such as old docking stations, cameras with poor visual slow laptops. The participants also indicated that there is a challenge with internet access and reliable broad band connectivity which results in systems constantly being offline and online court proceedings having to be halted.

The participants also indicated that current server and data base systems do not have adequate cybersecurity software which opens judicial information to leaking of sensitive information. LP5 indicated that “the judiciary was greatly embarrassed in 2022 when the Masters Portal was hacked and could not provide service for over six months”.

The participants indicated that power outages that halt court proceedings and disrupt court operations are also a significant barrier. LP4 stated that “Loadshedding is a serious problem to court operations, none of the digital tools can be operated without electrical power supply.” The participants indicated that these power outages affect the entire judicial planning, and case schedules and sets us back to untimely administration of justice”.

Slow Development of the Regulatory Framework

The participants indicated that lack of legal reforms to facilitate the adoption of digital transformation is another barrier. PO1 stated that “the ECTA does make a good attempt of

facilitating digital transformation, by introducing electronic signatures and validating the exchange of certain electronic documents, however, it has its limitations and does not address important topics such as digital evidence management”.

The participants further indicated that current Court Rules and Practice Directives that regulate court proceedings in High Courts do not explicitly permit and regulate digital filing, virtual hearings, electronic service of documents, and digital evidence presentation. This is left to the discretion of judges which leads to inconsistencies and delays in advancing the use of digital tools.

The participants indicated that legal reforms that address how digital court systems handle personal information, ensuring compliance with other legislative provisions such as the POPIA are inadequate, leaving sensitive judicial data unjustifiably exposed.

4.5.2. RQ2: What is the value of engaging stakeholders and what key aspects need to be taken into consideration when engaging stakeholders?

The aim of this research question was to understand the importance of stakeholder engagement and its impact on technology acceptance. The answer to this research question was obtained through question 1 and 3 in the research instrument.

Identification of stakeholders and their needs

The participants indicated that the engagement of stakeholders is a critical component of successfully adopting digital transformation in that it involves identifying, understanding, and involving the various stakeholders with varying interests, concerns and digital backgrounds to participate in the end-to-end digital transformation process.

The participants further indicated that not all judicial stakeholders were engaged prior to the implementation of the current digital platforms, and that even those that were engaged, were not sufficiently engaged. LP4 stated that “we understand that urgent implementation was required as a result of the pandemic, the problem is that even after lockdown, stakeholder engagements did not occur, yet the use of digital tools continues, this is why some of the judges refuse to use digital tools”.

The participants identified the following stakeholders, LP Associations, who only received an email notification regarding the introduction of Caselines, and had one engagements session to discuss the implementation, however, those that could not attend the session did not have a further opportunity to be engaged and make inputs. The participants from LPs indicated that they did not know where this new system was going, how long it would be in use, and they were not sure an if alternative of manual CMS would be available after the pandemic.

The participants further indicated that the Legislator and Government are also a stakeholder that can advance the digital transformation process by developing laws that can optimise the use of digital tools, but they were not engaged. They added that IT officials, who are responsible for developing, implementing, and maintaining digital systems, worked in silos and did not consult users like the LP, advocates to understand user requirements and ways of simplifying functionality, finally private companies that have an interest in the judicial process were not engaged to obtain financial support and to provide alternative Funding.

Developing a stakeholder engagement plan

The participants indicated that it is imperative to develop a stakeholder engagement plan that outlines the key objectives of the adoption of digital transformation, the implementation strategies, the communication channels for each stakeholder, the frequency of the communications, the roles and responsibilities of each stakeholder, and how feedback will be collected from the various stakeholders.

The Participants indicated that a stakeholder engagement plan that outlines the objectives of the digital transformation as enhancing efficiency and transparency for the benefit of all judicial role players, will quickly gain the buy in of the various stakeholders. They added that the plan must elaborate on the structured approach that will integrate the digital tools into the judicial processes and describe the role of each stakeholder in the implementation strategy. PO3 stated that “Advisory Committees that include representatives from various stakeholder groups to provide input on implementation strategies and policies are not only essential but also critical to the success of the digital transformation”.

The participants also indicated that a stakeholder engagement plan must outline key strategies for engaging the various stakeholders such as focus groups and workshops to gather stakeholders with similar interests. They further indicated that social media platforms

such as WhatsApp groups, LinkedIn groups and Facebook groups are cost effective communication channels that can reach multiple role players and should form part of the stakeholder engagement plans. LP 3 stated that “these platforms were there in 2020, why they were not used in the first place is beyond comprehension”.

LP5 stated that “Surveys and Questionnaires can assist to collect data that can gauge stakeholder opinions and experiences regarding current practices while platforms such as Zoom, Google meet, teams and posting informative videos on YouTube that can provide feedback on the issued raised by the stakeholders and how these concerns have been addressed.

Monitoring and Evaluation methodology

Participants indicated that before the implementation of the adoption, there must be an evaluation and monitoring methodology that speaks to the success of the stakeholder engagements. “Advocate1 stated that “monitoring and evaluation methodologies will ensure that stakeholder engagement objectives as planned have been met and will make provision for necessary adjustments while fostering a sense of inclusion and ownership among the stakeholders”.

The participants further indicated that post-activity evaluations include metrics that rack attendance rates at meetings, workshops, and events compared to target numbers. They added that monitoring response rates to surveys, consultations, feedback requests and social media interactions will also guide on the effectiveness of the stakeholder engagements.

The participants concluded that the ultimate success of the engagements will be measured by increased buy in, a collaborative atmosphere, enhanced trust and smooth adoption of digital transformation with less resistance from stakeholders.

4.5.3. RQ3: What future trends are anticipated in the digital transformation of the SA judiciaries?

The aim of this research question was to gauge the awareness of the participants of emerging technologies that can further enhance access to justice, transparency and accountability of

the judiciary. The response to this question will further address the research gap in that it will reflect how far behind the SA judiciary is in adopting advanced digital tools. The question in the research instrument that address this are question 4 and 5.

Artificial Intelligence (AI) Tools

The participants indicated that there is an increase in utilisation of AI tools in various functions of the judiciary. They indicated that some jurisdictions such as China are already using AI tools to assist the judges in decision making which facilitates consistency of court decisions even where the decisions made by different judges.

LP2 stated that “AI tools can also be used for legal research. Some cases are complex, and the precedents are lengthy, with the use of AI, this research can be simplified and optimised”. The participants cautioned that the use of AI in citing precedent should be done cautiously to avoid incorrect citations.

The participants further indicated that AI tools can be used for data analytics and to gain insights into caseloads, patterns, and to allocate judicial resources more effectively. PO3 stated that “AI-driven chatbots are being utilised in other judiciaries to assist litigants by providing basic legal information, helping them understand court procedures, or guiding them through the e-filing process”.

Virtual Reality (VR) and Augmented Reality (AR) Tools

The participants indicated that Virtual Reality (VR) and Augmented Reality (AR) technologies which can be used to reconstruct crime scenes or present evidence in a more immersive format and helping judges better understand complex cases.

The participants further indicated that the use of Remote Video Hearings and Virtual Hearing tools which enable remote court appearances can be increased. LP3 stated “some of the Gauteng civil courts do have remote hearing devices, however they don’t use these tools.”

Digital Evidence Management Tools

The participants indicated that Digital Evidence Management Systems which are useful for managing digital evidence, such as videos, photographs, and electronic documents, enable courts to handle evidence effectively. LP4 stated that “The CourtOnline system does have a

digital evidence management component, however it's not being utilised because digital evidence is not admissible in terms of current laws".

The participants also indicated that digital evidence management tools can also be used to accurately present documented evidence, ensuring timely, fair, transparent, accountable and sustainable evidence for appeals and escalation of cases.

Block Chain Technologies

The participants indicated that Blockchain Technologies are amongst the emerging technologies that can benefit the SA judiciary. PO3 stated that "Block chain has been used to provide a secure tamper proof ledger for storing case records, court judgements and other legal documents, which ensures that records cannot be altered, enhancing the integrity of court documents."

The participants further indicated that block chain has been used internationally to integrate court systems with law enforcement systems so that information is shared safely and securely to provide real time data relating to the advancement of justice. PL 2 stated that "blockchain ensures encrypted and transparent management of case files, evidence submissions and procedural steps and can also be used to produce smart contracts and scientific reports.

The participants indicated that these advanced technologies could help to modernize SA court systems, improve access to justice, and enhance the overall efficiency of legal proceedings. PO2 stated that "technology is evolving, and the judiciary needs to adopt even more innovative solutions to meet the demands of a changing society".

4.6. Chapter Summary

This chapter presented a detailed analysis of each participant's lived experiences of the adoption of digital transformation in the Gauteng High Court according to the role they play in the judiciary. The study presented key insights of the factors that affect the rate of digital transformation.

The themes that emerged highlighted the complexities surrounding the slow adoption of digital transformation in view of user perceptions and displayed the benefits of focusing on user acceptance to accelerate digital transformation. The findings were also presented in line

with each research question and linked the responses from the research instrument into each research question to address the research gap.

The findings of the study presented the following themes: Theme 1: Enhanced access to justice; Theme 2: Transparency and accountability; Theme 3: Infrastructure and resources; Theme 4: Legal framework and reform. These themes were developed from responses to the research questions. The themes will be discussed through the lens of TAM in chapter 5 below.

CHAPTER 5: DISCUSSION OF RESEARCH FINDINGS

5.1. Introduction

The purpose of this chapter is to discuss the findings presented in chapter four, as they have become apparent from the in-depth interviews conducted with the participants. The findings are discussed in response to each research question to reflect the obstacles to adoption of digital transformation that emerged from the data analysis through the TAM, which obstacles contribute to the slow adoption of digital transformation and thereby address the research problem. The chapter will conclude by discussing the themes that were developed from the research findings, in line with the two constructs of the TAM.

5.2. Research Questions

5.2.1. RQ 1: What are the primary barriers to the adoption of digital transformation in the SA judiciary?

Lack of a Comprehensive Strategic Plan

The participants indicated that the lack of proper planning is the first barrier to adopting digital transformation. They indicated that although the adoption had to be implemented as an urgent remedy during the pandemic, the judiciary still had to develop a strategic plan that focuses on the adoption of digital transformation and how it's going to be rolled out.

Literature indicated that international jurisdictions such as the US, UK and China, planned their digital transformation prior to the Pandemic (Drabo, 2021; Shabalin et al., 2024). These jurisdictions were meticulous in their planning, and they address issues such as alternative funding, training, sourcing of infrastructure and equipment (Djuraev et al., 2025). The highlight of the plan is the evaluation and stage where the judiciary can evaluate current mechanism, identify gaps and address these gaps (Fadeev, 2021).

In this study, lack of strategic plan was found to affect the perceived PU of digital tools in that the plan should contain the details of each digital tool to be adopted, at what stage those tools will be adopted and outline their detailed benefits to the judiciary. Literature indicated that PU is the main driver of technology acceptance. The findings from the participants

indicated that users will be more inclined to accept digital tools they are fully aware of their benefits. And these benefits can be detailed in the strategic plan.

Insufficient Financial Resources

The participants indicated a strong concern of the financial constraints that the SA judiciary operates under. Literature also indicated that financial constraints is one of the factors that delays the adoption of digital transformation in the judiciary (Anomah & Amoah 2024). Financial resources are required to develop the best systems, to maintain those systems and keep them functional.

International judiciaries were able to procure alternative funding for through public private partnerships, where some of the ICT companies donated some skills through their IT officers, and the government was only faced with the task of financing the development of the systems (Ahmed et al., 2024).

In this study, the lack of financial resources is found to affect the PU in the acceptance of technology. Without adequate financial resources, simple things like newsletters and flyers that could update users on the available digital tools and their benefits will not occur. Financial resources are also required to gauge the perception of users during the roll out of digital tools through questionnaires and surveys.

Inadequate training of users

Participants indicated that some judges remain uninformed about the possible benefits of the digital tools, as a result, they are hesitant to conduct virtual hearings. Participants also indicated that current CourtOnline has digital management systems that cannot be used because users don't know how to use them.

Literature also indicated that inadequate training of users led to negative perceptions of digital tools because users got frustrated with systems that they could not operate (Aruleba & Jere, 2022). International judiciaries comprehensive training positively shaped user perceptions in that judicial role players were afforded the opportunity to familiarise themselves with digital tools prior to adoption, which created confidence on the functionality of the tools and the US went on to include digital literacy in their core judicial trainings (Cariolle & Carroll, 2022).

This study links the lack of proper training as a factor influencing PEOU which in undressed leads to resistance of digital tools. Although literature indicated that it is the PU that drives technology acceptance in the judiciary more than the PEOU (Izralovsky & Petrova, 2024), in the SA judiciary, the PEOU has been linked to negative user perception and resistance.

In China, various forms of training were adopted, including non-conventional training such as, online tutorials, webinars and mobile training apps that can be accessed anytime and anywhere (Papagiannenas, 2024). These trainings were tailor made to meet the needs of the various judicial role players, which is contrary to the SA judicial digital training which was a one size fits all type of training.

Inadequate infrastructure

Literature indicated that that international judiciaries have been investing in digital infrastructure for over two decades (Paudel, 2023). The available infrastructure supports the digital tools operated by the judiciary. In SA, the digital infrastructure remains a challenge, especially when coupled with the inadequate financial resources. It's important to keep in mind that four years of digital transformation can never equate to two decades of digital transformation.

The SA judiciary also faces socio-economic challenges of inequality where some members of the public, who are meant to benefit from some of the judicial digital tools still do not have basic access to the internet. African judiciaries also battle with limited internet access and unstable power connections which affects the utility of digital tools (Rusakova, 2024). Load shedding in SA has been indicated to be a serious problem for court operations especially where there is no power backup in the form of generators (Rabkin, 2023).

This study attributes insufficient infrastructure to negative user perception and low buy-in of digital transformation in that users view digital tools as unreliable and inefficient and a downgrade from traditional method of providing judicial services.

Slow Development of the Legal Framework

The participants indicated that the governing laws in SA are not being developed in line with the adoption of digital transformation. Literature also confirmed that outside the ECTA, current legal provisions do not complement or enable digital transformation in SA (Mabeka,

2021). These slow legal reforms have the effect that the full potential of digital tools is not being enjoyed by the SA judiciary. This can be seen in cases where digital evidence is not admissible despite the current digital tools containing a module on digital evidence.

In the US, the Federal Rules of Civil Procedure had to be changed to compliment the adoption of digital transformation as far back as 1984 when satellite litigation was included as part of the law (Djuraev et al., 2025). In the UK, the Constitution of the UK had to be updated to facilitate digital transformation by allowing digital evidence, providing for eservice of documents by the sheriff (Ahmed et al., 2024).

This study finds that unreformed laws have an adverse impact on user perception with regards to the usefulness of technology, while reformed laws compliment the usefulness of digital tools and facilitate the acceptance of technology.

5.2.2. RQ2: What is the value of engaging stakeholders and what key aspects need to be taken into consideration when engaging stakeholders?

Identification of stakeholders and their needs

The participants indicated that stakeholder engagements improve the acceptance of digital transformation by reducing resistance and driving positive perceptions through buy in. Literature indicated a similar view but went on to show that international judiciaries owe the successful and rapid adoption of digital transformation to their stakeholder engagement (Izralovsky & Petrova 2024). The stake holder engagement was able to establish valuable relationships among the various stakeholders and to consider the concerns of the stakeholders when making decisions, developing systems and building strategies for digital transformation, there was a concerted effort to accommodate the interest of all stakeholders as far as possible (Pernici et al., 2023).

This study found that to get stakeholder engagement right, the point of departure should be the identification of the various stake holders in the judiciary, their various roles, and their interests in the adoption of digital transformation.

Developing a stakeholder engagement plan

The findings of this study indicates that stakeholder engagements cannot be conducted randomly, they must be prudently planned and organised to ensure a systematic approach of

engaging the stakeholders, receiving their inputs, managing their expectations and working through their concerns and providing feedback. The participants attributed some of the delays and frustration in implementing the digital tools to unsystematic stakeholder engagements. Literature attributed the challenges faced by African judiciaries in implementing digital transformation to unmethodical engagements of stakeholders (Anomah & Amoah, 2024). China's successful implementation of digital transformation on the other hand is attributed to its meticulous planning prior to engaging stakeholders (Barysè, 2022).

This study found that stakeholder engagement plans, are essential to directing how to address both PU and PEOU in that these factors influence technology acceptance are identified and strategically addressed during stakeholder engagements to optimise the essence of these engagements.

Monitoring and evaluation methodology

The findings of this study indicate that measuring the effectiveness of stakeholder engagements results in meaningful engagements and cultivates a supportive environment where users feel informed, involved, and confident, leading to higher acceptance rates and more successful digital transformation in the judiciary.

The participants indicated that monitoring the effectiveness of the stakeholder engagements helps to align goals and to adjust implementation plans. Literature on the other hand indicated that monitoring the outcomes of stakeholder engagements is key in resolving conflicts and establishing trust (Yu & Xia, 2021). This study finds that monitoring and evaluation are guides for driving user perceptions and can improve acceptance of technology.

The monitoring methodology will highlight stakeholder concerns, doubts, and expectation and affords an opportunity for these to be proactively addressed, reducing fear of change and resistance. Literature supports this view by indicating that when stakeholders participate in decision-making and feedback processes, they feel a sense of ownership and responsibility, increasing their willingness to accept and use the technology (Ahmed et al., 2024).

This study also finds that evaluating the feedback from stakeholder aids in developing user-friendly systems, guides the training methodology, demystify the technology, alleviating uncertainties about its impact, security, and usability. Engagement efforts signal respect and

value for users' insights, fostering positive attitudes towards the change and mitigating scepticism. Satisfied and engaged stakeholders are more likely to advocate for the system, influencing broader acceptance among peers.

5.2.3. RQ3: What future trends are anticipated in the digital transformation of the SA judiciaries?

Artificial Intelligence (AI) Tools

This study finds that the participants demonstrated solid knowledge of emerging technologies that are currently being used by international judiciaries, which if adopted by the SA judiciaries, would advance the adoption of digital transformation. In this regard, the participants referred to AI tools that can aid the decision making of judges, enhance research and summarise court cases. This aligned with literature findings that also indicated the utilisation of AI tools in countries such as China, India and the UK (Djuraev et al., 2025).

Literature indicated that in China the utilisation of AI tools and algorithms, assists judges to remain consistent in court decisions by analysing large volumes of legal documents, summarising them and predicting case outcomes based on historic court decisions, boosting perceived usefulness for efficiency and accuracy.

The study finds further that AI tools can also assist the SA judiciary to accelerate the adoption of digital transformation by improving and automating administrative tasks and document processing. In this way, the PE of the current CMS will be enhanced and drive user acceptance.

This study concludes that AI tools can assist the SA judiciary with converting legal documents into multiple languages for accessibility in the same way that it's done in China. SA has eleven official languages, translating court cases and document will grant access to court cases many indigent people, further enhancing positive perception of citizen about the administration of justice.

Virtual Reality (VR) and Augmented Reality (AR)

The participants indicated that the use of VR and AR can assist judges in understanding evidence of crime scenes and will lead in to enhanced quality of court decisions and enhanced perceptions of proper administration of justice. This was augmented by literature which

indicated that in some countries, such as the US and UK, there have been instances where AR and VR have been used in courtrooms to present evidence and reconstruct crime scenes, where the judge can immerse himself in the VR simulation, to enable him to view the crime scene from the defendant's point of view, offering a unique perspective on a particular incident (Rusakova et al., 2024).

Literature indicated that in the US, AR has been used for evidence visualisation and 3D animations were created to allow for more engaging and understandable presentation of complex evidence. This study finds that these tools are still being explored at initial stages in the African judiciaries, however there is limited academic research specifically on the use of AR and VR in courtrooms, which is a testament to how new and emerging this application of the technology is.

The study finds that in many countries VR and AR tools are still at infancy, with most implementations being pilot programs or one-off cases rather than systematic adoption. Legal frameworks and standards for VR/AR evidence are still being developed in most jurisdictions.

Digital Evidence Management Tools

This study finds that the use of digital evidence management tools in the SA judiciary is not a novel technology, as it has been included in the development of the CourtOnline system, however, its utilisation is hampered by laws that do not allow for the presentation of digital evidence.

Literature on the other hand indicates that several countries have implemented digital evidence management systems in their judiciaries, with varying degrees of adoption and success (Ahmed et al., 2024). The US is dominating through advanced technological infrastructure and proactive government initiatives while the UK justice system has been actively investing in digital evidence management by stringent introduction of regulatory frameworks and cross-border electronic systems to improve judicial cooperation (Shablin et al., 2024).

This study found that digital evidence management systems provide integrity to digital evidence since, once it has been recorded it cannot be tampered with, however it remains susceptible to cyber threats and requires heightened cyber security in judicial systems.

Block Chain Technologies

Literature indicates that several countries have implemented blockchain technologies to ensure tamper-proof records and facilitate secure digital evidence handling, improving perceptions of system security and reliability (Mokofe, 2023). Literature further indicates that in 2018, China's Supreme Court established rules allowing internet courts to accept blockchain evidence which resulted in Chinese courts using blockchain as a cost-effective solution for evidence authentication (Rosili et al., 2021).

This study found that to effectively introduce blockchain in the judiciary, its benefits such as immutable records, enhanced security, and transparent processes must be emphasised to improve PE of users and convince sceptical legal professionals of its worth. China's smart courts can be used as examples that demonstrate the user friendliness of these tools.

This study found that the SA judiciary is still lagging when it comes to blockchain technologies and will require a gradual approach when it comes to its introduction to avoid user resistance. In sum, the future of digital transformation in the judiciary will likely hinge on balancing technological advancements with user-centric design, fostering acceptance by demonstrating clear benefits and ensuring ease of use.

5.3. Development of Themes

The below themes were developed from a thematic analysis of the data from the participants, together with the literature in line with the TAM:

Theme 1: Enhanced access to justice

The data indicated the ultimate result of adopting digital transformation in the judiciary is enhanced access to justice. This access to justice is enhanced by efficiencies that come from streamlined judicial processes, improved turnaround times of finalising cases and affordable legal services (Drabo, 2021; Nema, 2024). With judicial services being online, courts can broaden their jurisdiction and service more litigants (Hino & Cunha 2020). When access to justice is enhanced by the utilisation of digital tools, users' perception of the usefulness of

digital tools becomes apparent and thereby increasing the acceptance of digital transformation.

What remains is the apparent is the indication that although there is some level of user acceptance of technology, the SA judiciary's adoption of the digital transformation is not in line with international judiciaries (Aruleba & Jere 2022; Mokofe, 2023). There can be no doubt that four years is more than sufficient to complete the current pilot project.

Theme 2: Transparency and accountability

The data indicated that the adoption of digital transformation aids the judiciary in promoting transparency and accountability. African judiciaries have been raising issues of transparency as critical reforms in the judiciary (Rusakova et al., 2024; Aidonojie et al., 2023). This demonstrates the usefulness of digital tools and improves technology acceptance.

Online portals where court records, cases statuses and hearing schedules and virtual court hearings can be accessed by the public facilitates transparency and reduces information asymmetry, especially when it comes to case management (Wijaya & Nasran, 2021).

In international judiciaries digital performance metrics have been adopted to track and publish the performance of judges in relation to timelines for resolving cases volumes of cases managed and development of jurisprudence through precedents (Gomes et al, 2018; Pernici et al., 2024). This will improve the accountability of the judiciary and contributes to building positive user perceptions on the usefulness of digital tools.

Theme 3: Infrastructure and resources

There was a unanimous finding from the participants and literature that indicated that digital tools that are required in the judiciary come at an excessive cost (Ahmed, 2021; Basu & Jha 2024). Most judiciaries are underfunded, and they simply do not have the required budget to invest in digital tools (Yu & Xia, 2021; Shabalin, 2024). The costs of digital tools must be weighed against the PU of those tools to improve user acceptance.

In the SA context, digital infrastructure also includes availability of power and electricity, which is adversely impacted by the load shedding schedules implemented by the national

electricity supplier. According to Wiese and van der Westhuizen (2024), loadshedding severe adverse consequences for every consumer. The absence of reliable power supply can create a negative perception on the usefulness of digital tools.

Another indication from literature and participants was the need for training and awareness campaigns which require the availability of financial resources (Waseem et al., 2023). When users are well trained, the update of the digital transformation will be on the rise. Training informs the PEOU and improves user acceptance.

Many judiciaries are constrained by their budgets, especially in developing countries where the sole source of judicial funding is the national fiscus. In SA, the national fiscus is said to be heading for crisis (Brief, 2023). This means that the judiciary must look at alternative funding models to fund the adoption of Digital transformation.

Theme 4: Legal framework and reform

The judicial process is highly regulated by legislation and precedents. There can be no digital transformation without legislative amendments and judicial process alteration. The participants indicated that the Supreme Court Act 59 of 1959 requires major alterations to facilitate further digital transformation.

In certain courts, the participants indicated that manual processes are still required as a back up to e-filing systems. International judiciaries that advanced their digital transformation included Legal reforms in their digital transformation planning (Ahmed et al., 2021; Hassan & Mia 2021; Wijaya & Nasran 2021).

The participants emphasised that legislative reforms have already commenced to enable digital transformation in the form of ECTA, but there is a perception that the current reforms do not align to the TAM construct of PU in that they are insufficient. In this, the theme was developed in response to question 2 and 3.

5.4. Chapter Summary

The findings that were presented in chapter 4, were discussed in this chapter in consideration of each research question and in application of the TAM. This was aimed at addressing the research problem and identifying methods of improving user acceptance to accelerate the

adoption of digital transformation. The findings indicated a fair alignment of the responses from the participants with literature findings from African judiciaries, while international judiciaries indicated an advanced level of digital transformation.

Four themes were developed from the findings, and the themes were discussed line with the research objective of understanding what influences the rate at which the SA judiciary is adopting digital transformation in comparison to its international counterparts. The factors that contribute to technology acceptance were discussed in each of them to pave way for recommendations of accelerating digital transformation in chapter six.

CHAPTER 6: CONCLUSION AND RECOMMENDATIONS

6.1. Introduction

In this chapter the TAM is used to draw conclusions from the responses of participants and literature to address each research question and to address the research gap which is focused on the understanding of factors behind the slow adoption of digital transformation in the SA judiciary. Recommendation for improving user acceptance as a key factor for accelerating adoption of digital transformation are presented. The chapter will close with suggestion for future studies.

6.2. Conclusion to research questions (RQ)

Three research questions were drawn to address the research problem and to demonstrate the acceptance of technology as a potent tool to improving the rate of adopting digital transformation. Below are the answers to each research question, as drawn from the responses of the participants and the literature.

6.2.1. Conclusion to RQ1: What are the primary barriers to the adoption of digital transformation in the SA judiciary?

The findings indicate that that several lessons can be drawn from the judiciaries that went ahead of SA in adopting digital transformation. The most significant of these lessons is stakeholder engagements which advanced a cause for PU and PEOU of the adopted technological systems.

Adopting digital transformations involves various stakeholders whose perception can impede the process. To avoid resistance, stakeholders must be adequately engaged so that they are well informed of the usefulness of the digital tools. This engagement also includes training of these stakeholders and the end users of the judicial systems.

The findings also indicated various pitfalls that the SA judiciary can avoid having a seamless adoption of digital transformation. The most notable pitfall is neglecting the legal reforms and legislative amendments.

Judicial processes rely on legislation that sets out their mandate and how to carry out this mandate. These legislations are frequently referred to as empowering legislation. If the

legislation is not subjected to reforms and amendments, it will undermine the digital transformation.

6.2.2. Conclusion to RQ2: What lessons can be learnt from jurisdictions with faster adoption of digital transformation?

Several benefits were indicated by the participants and the literature from an international perspective. The Most notable benefit is the user perception that digital transformation enhances access to courts. Without access to courts, or even with inadequate access, citizen may have to resort to self-help measures which often results in violence and acts of criminality.

Access in this context is not only about reaching the courts, but it also extending to affording judicial services. The digitalised judicial services are expensive due to administrative inefficiencies. These administrative inefficiencies and hinder accessibility in that judicial resources are constrained by delays in finalising matters.

6.2.3. Conclusion to RQ3: What future trends are anticipated in the digital transformation of the SA judiciaries

Five steps are listed as proposals for accelerating digital transformation in the SA judiciary. International judiciaries like China, US and Europe that followed similar steps, were able to improve their user acceptance and thereby advanced their digital transformation and are now able to serve more citizens speedily.

The key to these steps is in meticulous planning which focuses on the perception of the judicial role players, organising, and monitoring the output of the adoption of each digital tool in view of the available financial resources. The infrastructural and physical resources also require constant servicing to remain effective. These steps are key in drawing the SA judiciary out of this four-year-old pilot.

6.2.4. Conclusions to the study

The findings of this study relate to the research problem which was aimed at examining the rate of adopting digital transformation in the SA judiciary and understanding whether adequate measure have been taken to bring the SA judiciary on par with its international counterparts.

The findings indicated that while the SA judiciary has commenced the adoption of digital transformation, low user acceptance has resulted in the rate of adoption being slow in comparison to international judiciaries. The judiciary has been piloting the adoption of digital transformation for over four years and has still not rolled the pilot out to the rest of the eight out of nine provinces in the country.

The findings indicate that the slow adoption of digital transformation hinders all the benefits of digital transformation, but most importantly, it hinders the access to justice, which in SA is a basic human right.

The slow adoption of digital transformation also impedes the functioning of the judiciary which is the application of the rule of law. A well-functioning judiciary is integral for the economic development of the state as it attracts business confidence and investments. Finally, the slow adoption of digital transformation has an adverse impact on the effectiveness and independence of the judicial system. When the judicial system is not optimal in its function it is the citizen that will suffer the most consequence.

6.3. Implications of the study

TAM has helped the researcher to identify the factors that attributed to the slow adoption of digital transformation in the SA judiciary. The PU and PEOU played a crucial role in hindering the acceptance and usage of digital tools by the judicial role players. The study recommends a comprehensive digital transformation plan that will increase PU and PEOU among the judicial role players, which will result in accelerated adoption of digital transformation in the SA judiciary. Accelerating the adoption of digital transformation will bring SA judiciary in line with international norms and standards in guaranteeing the effective application of the rule of law and advancing the right to access to justice.

6.4. Recommendations

This study has showed that while the SA judiciary has adopted digital transformation, the rate of adoption is not in line with international jurisdiction, at least as far as civil proceedings are concerned. The following recommendations have been identified in addition to the steps mentioned in chapter 4 and 5 above to improve user acceptance and promote rapid adoption of digital transformation in the SA judiciary:

6.3.1. A comprehensive strategic plan for digital transformation will assist the judiciary to identify how far they are with the adoption of digitalisation, since a lot of work has already gone into acquiring systems, developing legislation and identify the goal so that progress is made to in view of the goal.

6.3.2. Although the OCJ has already had a planning and a strategy around digitalisation, the strategy requires some revision and enhancement to bring the digitalisation in line with the international counterparts.

6.3.3. Clear and realistic goals must be set, strict timelines must be outlined and adhered to, and the various stakeholders must be engaged comprehensively. The digital strategy must be developed at national level to create consistency in the judiciary.

6.3.4. The strategy must be aligned to national policies so that it can be addressed in the national budget. This is because there will be significant costs of obtaining IT infrastructure to support the digital operations. Connectivity issues can also be improved to provide uninterrupted service.

6.3.5. The judiciary will have to work closely with other government agencies to promote digital access & literacy to the judiciaries in the various geographic areas especially the remote areas that so desperately require these services.

6.3.6. The judiciary will also need to engage private companies to source alternative funding for digitalisation. Reliance on the fiscal can delay the adoption of digital transformation.

6.3.7. Further developments include the enabling of submission of digital evidence and further simplification and clarification of the legal process. This also includes development of policies and guidelines that govern process and procedures.

6.3.8. The judiciary will have to offer continuous and regular training programs for judiciary staff and stakeholders like legal practitioners and advocates.

6.4. Suggestion for future studies

The study on digital transformation of the of the judiciary is extremely broad, due to time constraints the study was limited to the impact of slow adoption of digital transformation in the SA civil judiciary. The following are recommendations for future studies:

6.4.1. The study can be broadened to understanding the impact of adopting digital transformation in the SA criminal courts. A lot has been said about the challenges faced by criminal courts when it comes to accused attending court and the costs associated with efforts of getting the accused to court. A lot of caution must be exercised as the transportation of the accused can be seen as an opportunity to escape custody.

6.4.2. The study can also be broadened include sources of alternative funding for digital tools and infrastructure. This study has already indicated the constraints that come with the fiscus being the only source of funding for the judiciary. If digital transformation is to be accelerated. Alternative sources of funding are required.

6.4.3. Future studies can also be conducted on the utilisation of integrated state systems to deliver efficient justice. The various state departments use different systems that collect diverse types of information from citizens. Integrating the state systems can assist the judiciary in solving complex cases and in obtaining credible and secure information.

The list of future studies is not exhaustive, as the move to Industry 5.0 the fifth industrial evolution becomes more imminent, there will be more areas of study relating to the use of technology in the judiciary that can be explored.

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Appendix A: The Research Instruments

Semi-Structured Interview Guide

The following questions will be used to guide the researcher to obtain in depth insights from the participants; the responses will also assist the researcher to answer the research questions for the study.

1: What is your experience on the current traditional, physical paper-based operation of the court?

2: What are the current changes and how do they impact service delivery of the judiciary.

3: In your professional opinion, does technology have any role in the performance of judicial services, if so, what is your view of that role and how should technological tools be used in the function of the judiciary?

4: Are you familiar with the adoption of digital technology in international judiciaries, including African judiciaries?

If so, what benefits did those judiciaries derive from such adoption, and what were the challenges in adopting digital technology in those jurisdictions?

5: In your perspective, what are the key learnings from international jurisdictions when adopting digital transformation into the judiciary?

Appendix B: Consent Form

Full Name

Court Name

Designation

I hereby consent to participate in the research study conducted by Maletjatji Moagi in partial fulfilment of her Master of Business Administration (MBA) studies at the Wits Business School (WBS).

The research objective, goals, and purpose we explained to me thoroughly and I am aware that the topic is ““The adoption of digital transformation in the SA judicial system.”

I confirm that my participation is voluntary, without any form of duress and coercion. I also confirm that the researcher has explained to me that there will be no compensation for participating in the research.

I also confirm that my right to withdraw from the study at any time without any implications to me has been fully communicated to me.

Signed.....atondate.