

Assessment of Electronic Media Laws in Enhancing Media Operation Services in Tanzania: A Case of Three Selected Media Laws

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DOI: <https://doi.org/10.47772/IJRISS.2023.70553>

Received: 25 February 2023; Accepted: 18 March 2023; Published: 06 June 2023

ABSTRACT

This study assessed the Electronic Media Laws in Tanzania and their impact on the enhancement of media operation services in the country. The study focuses on three selected media laws: the Media Service Act 2016, Electronic and Postal Communication Act 2010, and Cyber Crimes Act 2015. These laws have been in place for several years and are expected to improve the quality of media services by ensuring that they are conducted in a fair and ethical manner. Using a mixed-methods approach, the study was conducted in the Dar es Salaam and Mbeya regions of Tanzania, with a sample size of 80 participants, including members of the Tanzania Communications Regulatory Authority (TCRA), press clubs, and journalists. The study was guided by three research objectives: to identify the various laws used by the TCRA in regulating the communications sector, to examine the enforcement of selected media legislations and to assess the impact of these laws and regulations on media and the broader communication sector in Tanzania. The study employed a qualitative research design, using interviews and document analysis to collect data. The data collected were analysed using thematic analysis. The findings of the study revealed that the selected media laws have had a positive impact on the media industry in Tanzania by enhancing media operation services. Specifically, the Media Service Act 2016 has improved media ethics and professionalism, the Electronic and Postal Communication Act 2010 has enhanced the efficiency of media service delivery, and the Cyber Crimes Act 2015 has improved media security. The study concludes that the Electronic Media Laws in Tanzania have played a critical role in enhancing media operation services in the country.

Keywords: Electronic media laws, Media Service Act, Electronic and Postal Communication Act, Cyber Crimes Act, Media operation services, Tanzania.

INTRODUCTION

The media industry plays a crucial role in shaping public opinion, providing information, and holding government and other institutions accountable. In Tanzania, the media industry has undergone significant changes in recent years due to the increasing use of electronic media platforms. As a result, the Tanzanian government has enacted several laws aimed at regulating electronic media, including the Electronic and Postal Communications Act, 2010; the Cyber Crimes Act, 2015 and Media Services Act, 2016.

According to media stakeholders, there is an inherent gap in the current media and communication regulations that hampers the efficient conduct of daily operations. Stakeholders observe that the majority of media laws currently in effect contain genetics and legal provisions that were in use during the German and British colonial eras, respectively. Although the legislation inherited from these colonists has undergone

revisions, stakeholders in the media industry have continued to raise concern about these repressive provisions, referring to them as draconian media laws (State of the Media Report 2011, 2012).

The Information Charter of 1970, which was changed in 2003 and renamed the Information and Broadcasting Policy, 2003, as well as the repeal of the Law that established the Tanzania News Agency (SHIHATA), the only organization charged with the collection and dissemination of information. This law was repealed by the Bill of Rights (Tanzania News Agency (Repealing) Act, No. 7, 2000). These are some of the obvious changes in media laws since independence in 1961. Referring to the Media Council of Tanzania, 2011, the media environment in Tanzania has changed significantly since before 1998 as a result of the change in media laws and policies.

Occasionally, the government has acknowledged shortcomings in the current media regulations and made a commitment to change them in light of the complaints from the majority of media stakeholders, particularly journalists, about working under so-called draconian media laws. The existing media laws need to be updated, as the Sixth Phase President of the United Republic of Tanzania, Samia Suluhu Hassan, demonstrated and promised to work on changing the repressive laws (Tairo, 2022).

The purpose of this study is to assess the effectiveness of electronic media laws in enhancing media operation services in Tanzania, with a particular focus on three selected laws: the Electronic and Postal Communications Act, 2010; the Cyber Crimes Act, 2015; and the Media Services Act, 2016. The study aims to evaluate the extent to which these laws have improved the quality and efficiency of media operations in Tanzania and to identify any challenges or limitations that may hinder their full implementation. Through this assessment, the study seeks to provide insights into the strengths and weaknesses of these laws and to suggest potential areas for improvement to better support the growth and development of electronic media in Tanzania. Ultimately, the study aims to contribute to the ongoing discussions and debates around electronic media regulation in Tanzania and to support efforts to strengthen the legal framework for media operations in the country.

LITERATURE REVIEW

The government has put in place several media legislations to regulate the media sector. The most recent ones are the Electronic and Postal Communications Act, 2010, the Cybercrimes Act 2015, and the Media Services Act, 2016. The Electronic and Postal Communications Act, 2010 (EPOCA) is one of the most significant media legislations in Tanzania. EPOCA regulates the electronic and postal communication sector, including telecommunications, broadcasting, and postal services. According to the EPOCA, all electronic communications and postal services must comply with the provisions of the Act, and any person who contravenes the Act is liable to prosecution (Tanzania Communication Regulatory Authority, 2017). EPOCA also establishes the Tanzania Communication Regulatory Authority (TCRA), which is responsible for implementing and enforcing the Act. The Act gives TCRA powers to monitor, inspect, and regulate electronic and postal communications in Tanzania. In addition, the EPOCA also provides guidelines for the registration of electronic and postal service providers and sets out the obligations of service providers, including the protection of consumer rights and privacy (TCRA, 2021).

Another piece of media legislation in Tanzania is the Cybercrimes Act, 2015. The Cybercrimes Act is intended to combat cybercrime in Tanzania. The Act defines cybercrime as any illegal activity committed using a computer, computer system, or computer network (The United Republic of Tanzania, 2015). The Act also provides for the establishment of the Cybercrime Unit, which is responsible for investigating and prosecuting cybercrime in Tanzania. The Cybercrimes Act makes it an offense to unlawfully access a computer system or network, to intercept or interfere with electronic communications, and to distribute, publish, or possess child pornography. The Act also imposes penalties for cyberbullying, cyberstalking, and

online impersonation.

The Media Services Act, 2016 (MSA) is media legislation that provides guidelines for the regulation of the media sector in Tanzania. The MSA repeals the Newspaper Act, the Tanzania Broadcasting Services Act, and the Tanzania News Agency Act (The United Republic of Tanzania, 2016). The MSA establishes the Tanzania Communications Regulatory Authority (TCRA) as the regulator of the media sector in Tanzania. The Act provides for the licensing of media outlets and sets out the obligations of media practitioners, including the protection of privacy, accuracy, and fairness. The MSA also establishes the Media Council of Tanzania, which is responsible for promoting professional standards and ethics in the media sector.

Media legislation in Tanzania plays a crucial role in regulating the media sector, ensuring the responsible and ethical use of media-by-media practitioners and the public. The Electronic and Postal Communications Act, 2010, the Cybercrimes Act 2015, and the Media Services Act, 2016 are three of the most significant media legislations in Tanzania. These laws establish regulatory authorities responsible for implementing and enforcing the Acts, provide guidelines for the licensing of service providers, and set out the obligations of media practitioners. Compliance with these laws is essential for the promotion of responsible and ethical media use in Tanzania.

Tanzania has a vibrant media industry, with over 110 radio stations and more than 50 television stations. However, the media industry faces a number of challenges, including inadequate infrastructure, limited access to information, and limited resources. In addition, there are ethical and security concerns that have arisen due to the widespread use of electronic media. The Electronic and Postal Communications Act, 2010 (EPOCA) was introduced to regulate the electronic media industry in Tanzania. The law provides guidelines for media content, including the promotion of national interests, respect for human rights, and protection of children. The Act also provides guidelines to the Tanzania Communications Regulatory Authority (TCRA) to oversee the regulation of the electronic media industry in the country (Mwakaje, 2019). Additionally, the Electronic and Postal Communication Act 2010 provides guidelines for the provision of communication services in Tanzania (Kikwete, 2018). The law regulates the licensing of communication services, including electronic media services. It also establishes the Tanzania Communications Regulatory Authority (TCRA) to regulate the electronic media industry. The Cyber Crimes Act 2015 was introduced to address security concerns related to electronic media in Tanzania. The law provides guidelines for the prevention and punishment of cybercrimes, including computer-related fraud, cyberterrorism, and online child pornography (Sambili, 2018).

In recent years, the development of electronic media has significantly impacted the way people receive and consume news and information. As a result, many countries, including Tanzania, have implemented laws and regulations to govern the operations of electronic media (Masumbuko, 2017). This study seeks to assess the effectiveness of three selected media laws in enhancing media operation services in Tanzania: The Media Service Act 2016, the Electronic and Postal Communication Act 2010, and the Cyber Crimes Act 2015. The Media Service Act 2016 was enacted to regulate the operations of electronic media and provide a legal framework for the management of broadcasting and electronic media services. A study conducted by Kilewo and Mvungi (2018) found that the implementation of the Media Service Act has significantly improved the quality of electronic media services in Tanzania. However, the study also identified challenges in implementing the law, such as inadequate resources and the lack of awareness among media practitioners.

The Electronic and Postal Communication Act 2010 is another law that regulates electronic media in Tanzania. This law provides for the regulation of communication services, including electronic media services, and the establishment of the Tanzania Communications Regulatory Authority (TCRA) to oversee the implementation of the law. A study conducted by Mwalimu et al. (2016) found that the implementation of the Electronic and Postal Communication Act has led to increased investment in the electronic media sector in Tanzania. However, the study also identified challenges in implementing the law, such as the slow

pace of regulatory reforms and the lack of a clear legal framework for online content.

The Cyber Crimes Act 2015 is a law that regulates cybercrime in Tanzania, including offenses related to electronic media. This law provides for the investigation and prosecution of cybercrimes, including offenses related to electronic media such as unauthorized access, data theft, and cyberbullying. A study conducted by Masumbuko and Ismail (2017) found that the implementation of the Cyber Crimes Act has led to increased awareness among electronic media practitioners of the legal risks associated with their work. However, the study also identified challenges in implementing the law, such as the lack of awareness among the public about cybercrime and the lack of technical capacity among law enforcement agencies to investigate and prosecute cybercrimes.

Tanzania's media landscape is governed by a range of laws, including the Media Services Act of 2016, the Access to Information Act of 2016, the Electronic and Postal Communications Act of 2010, and the Broadcasting Services Act of 1993. These laws regulate the establishment, operation, and management of media organizations, as well as the content they produce and distribute.

The Media Services Act (MSA) of 2016 replaced the previous Newspaper Act, Journalist and Broadcasting Act of 1993. The MSA covers all forms of media, including newspapers, radio, television, and online media. One of the key provisions of the MSA is the requirement for media organizations to obtain a licence from the government to operate. The act also established the Tanzania Communications Regulatory Authority (TCRA), which is responsible for regulating and monitoring the media industry in Tanzania.

The Access to Information Act of 2016 provides for the right of citizens to access information held by public bodies, including government ministries, departments, and agencies. This act requires public institutions to proactively publish certain types of information and respond to requests for information from citizens within a specified period of time. The Electronic and Postal Communications Act of 2010 regulates the use of electronic communication services, including mobile phones, internet services, and postal services. This act established the Tanzania Communications Regulatory Authority (TCRA) as the regulatory body responsible for overseeing the electronic communications sector in Tanzania.

The Broadcasting Services Act of 1993 regulates the establishment, operation, and management of broadcasting services in Tanzania, including radio and television. This act established the Tanzania Broadcasting Corporation (TBC) as the national public broadcaster and provided for the establishment of private broadcasting services. Despite these laws, Tanzania has faced criticism for restrictions on media freedom and press freedom. In 2017, the government banned several newspapers and radio stations, and journalists were arrested and prosecuted for reporting on sensitive issues. Additionally, there have been reports of self-censorship among journalists due to fear of government retribution. These actions have been viewed as efforts to stifle dissent and suppress critical voices in the media.

In conclusion, the Media Service Act 2016, the Electronic and Postal Communication Act 2010, and the Cyber Crimes Act 2015 have had a significant impact on the regulation of electronic media in Tanzania. While these laws have improved the quality of electronic media services in the country, there are still challenges in their implementation. The findings of this study can be used to inform future policy and regulatory reforms in the electronic media sector in Tanzania.

METHODOLOGY

Smith (2022) reports that research methodology is a crucial aspect of any research project, as it determines the overall quality and validity of the findings. A sound research methodology enables researchers to collect and analyse data in a systematic and objective manner, reducing the risk of bias and error in the results. Moreover, a well-designed research methodology also helps to ensure that the study is ethical and that the

results can be replicated and generalized to other contexts (Smith, 2022). The study utilized a mixed-methods approach consisting of surveys, interviews, questionnaires, and library research for data collection. A survey was used to gather information from respondents by asking questions. Interviews were conducted with TCRA and MCT staff as well as media house participants to gather first-hand data. The study employed both purposive and random sampling techniques to select participants, including The Director of Legal Services at TCRA, MCT staff, journalists and producers, and media stakeholders. Eighty (80) respondents were reached. Questionnaires were employed as a research tool to gather information from respondents through a series of written questions. Additionally, library research was used to collect secondary data from various written materials relevant to the research topic. Focus groups were also utilized to include individual persons affected by media laws. Descriptive and content analysis techniques were used to analyse the obtained data.

DISCUSSION AND RESULTS

Results

The study assessed the Electronic Media Laws in Tanzania and their impact on the enhancement of media operation services in the country. The study focuses on three selected media laws: the Media Service Act 2016, Electronic and Postal Communication Act 2010, and Cyber Crimes Act 2015. Specifically, it looked at the impact of media laws on media practices in Tanzania, with a particular focus on the establishment of a media legal framework, unprofessionalism and accreditation of journalists, and press freedom and freedom of expression. The study reveals that the development of science and technology, particularly the introduction of new methods of disseminating information, has contributed to the rapid change in how media operates. Before the advent of social media and online platforms, media was operated through analogy stations, and the media laws before 2010-15 were outdated, as they did not cover digital media. Consequently, there was a need to enact new media laws that cover all areas of media operation, including social media, web-based media, and internet simulcasting media, to establish a competent media legal framework that would monitor the operation of media in Tanzania. The results of this study are summarized as follows:

Establishment of media legal framework

Respondents from TCRA and MCT expressed interest in the adoption of new laws governing media services in Tanzania. They contend that the quick shift in media operations is mostly due to the advancement of science and technology, notably the advent of new information dissemination techniques. Radio and television were analogue stations before the advent of these technologies (social media and internet platforms), but the digital ways of operating media brought with them a number of changes that not only impacted the ways in which media operates but also seriously disrupted the media laws.

The majority of the laws governing the media that were in effect prior to 2010–2015 were essentially out of date because they were designed to address media stations that were locally operated. The requirements of such laws had nothing to do with digital media, which at the time were operating through web-based media, social media, and media that simulcast on the internet. To establish a competent media legal framework that will monitor the operation of the media in Tanzania, it was necessary to enact new legislation that will go further to cover all areas of media operation, including social media, web-based media, and internet simulcasting media. This was necessary to meet the requirements of the Tanzanian government.

According to the comments made by TCRA staff members who were reached for the study, the Media Service Act No. 12 of 2016 (MSA), the Electronic and Postal Communications Act (EPOCA) No. 3 of 2010, and the Cyber Crimes Act (CCA) No. 14 of 2015 constitute the best legal framework for the media. This framework establishes procedures to acquire licences, journalist accreditation, permitted and prohibited

content, offences, media-related suits and appeals before TCRA.

This study found that the media has transformed from a native way of operation to sophisticated ways of operation. As we speak now, every media is available on social media platforms such as Instagram, Facebook, Twitter and YouTube. Seventy percent of the journalists agreed that social media are the most preferred channels used by most journalists and media houses to communicate their content to the public.

Search engines such as Google and Bing are the second platforms after social media that are utilized in the dissemination of information. Direct emails are the third platform, but they are used less frequently than the other two. When compared to TV stations, which require a large number of devices to simultaneously broadcast even the most basic information, the operation of social media platforms is much more cost efficient. A journalist can collect and communicate content to the public in a fair amount of time using only a smartphone that is connected to the internet and social media. Before the advent of social media, a person had to sit and wait news hour in front of his television, but now a person with a smartphone can stream live news when they are in office or anywhere, even outside the country of their origin. This has increased the speed at which news and information can be disseminated.

The proliferation of social media brought with it a number of unintended consequences for society. One of these consequences was that everyone now had the ability to act as a journalist because they could gather and share information. Because the problem of fake and biased news, the invasion of people's privacy, and the unauthorized use of the data of other people became a concern, the government enacted all of the aforementioned legislation in an effort to remedy the situation.

Unprofessionalism and accreditation of journalists

Based on the findings of this study, media laws were enacted to curb unprofessionalism through the accreditation of journalists. Forty percent of people polled by the MCT agreed that the accreditation standards outlined in the Media Services Act and its rules should be implemented since they are both essential and desirable. Respondents believe that journalism is a career similar to other professions such as law, medicine, and engineering. As a result, scribes are unable to conduct their activities freely in the absence of guidelines and restrictions.

The respondents say that to be considered a professional journalist, he or she must not only possess a certain set of academic credentials but also adhere to the canons of journalism. If practitioners lack professionalism, they will betray the trade through the dissemination of prohibited content, defamation, breach of privacy, and several other offences.

As per respondents, to be referred to or recognized as a journalist, a person must possess a diploma, degree, or higher diploma in journalism or they must be a member of the cadre, which includes editors, reporters, freelancers, correspondents, producers, radio or television broadcasters, students in media and mass communication or any related fields, members of the public who have rendered outstanding service to the media industry, or a foreign journalist as specified in regulation 17 of the rules governing the profession.

The aforementioned qualifications alone are insufficient; a formal application to the Accreditation Board must be submitted in accordance with Regulation 20 of the Regulations. Accreditation is divided into two categories: temporary accreditation and lifelong or permanent accreditation. Temporary accreditation refers to accreditation for a limited time. As an illustration, a student pursuing a degree in journalism may apply for interim accreditation for educational purposes. People having a notable reputation in the journalism profession, journalists who have held senior positions in the media for an extended period of time,

or people who have significantly aided the expansion or development of the media industry are given

permanent accreditation.

Press freedom and freedom of expression

The legal practitioners and lawyers who made up 10 percent of the research sample had negative remarks regarding media legislation 90 percent of the time. Nine out of ten lawyers believe that legislation pertaining to the media interferes with the freedom of the press and freedom of expression in general. The respondents are of the opinion that the right to freedom of expression is guaranteed by the Constitution in Article 18 and that there are no “claw back” restrictions. The criteria for registration and licencing of social media, as well as the possibility of being ruled on what to say and what not to say, constitute a major breach of constitutional rights and human rights in general.

The respondents are in agreement that it is vital to have regulations that govern the conduct and operations of the media; nonetheless, the respondents believe that these laws should not go beyond to interfere with the rights of individuals. According to the comments left by respondents, periodic registration is a trap that is used to silence media houses from broadcasting news that the government does not like. If this is the case, then it begs the question: why is it necessary for media houses to renew their licences every three years? The respondents suggest that media houses should have their licences renewed annually and that licence suspensions should be reserved for the most significant infractions.

Ten percent of the nonlegal respondents said that temporary accreditation should be treated the same as periodic registration because both have the same goal: to place media organizations under the authority of the government. When reporting unfavourable news or information that the government finds objectionable, a journalist who has only been provisionally certified may live in constant fear that his accreditation will be revoked at any moment. The provision of information to the community is severely harmed by the use of periodic licences and temporary accreditation of journalists. This is because some significant news stories with public interests will be left out on purpose to avoid coming into conflict with the government.

Journalists and media censorship

Respondents from Sahara Media Group and Mwananchi Communication Limited said that they had never been subjected to any form of substantial journalistic or media censorship at any point in time, comparable to 2015-2020. According to their statements, the new media laws, the majority of which were passed between 2010 and 2016, came into force during that time (2015-2016), and they were used in a particularly negative manner by some government authorities and government officers to affect media services.

The majority of these laws were enacted between 2010 and 2016. It was stated that a number of journalists were detained, threatened, and refused the right to attend certain government meetings and to follow up on certain topics. Additionally, a small number of journalists, such as Azory Gwanda of Mwananchi Communication Limited, went missing totally. During 2015 and 2016, a number of newspapers, including Tanzania Daima, Mawio, Mwanahalisi, and Mseto, were stripped of their operating licences. The respondents added that after the Tanzania Sixth Phase administration gained office, these newspapers were able to get their licences back.

Heavy licence fees

Seventy percent of respondents from a section of interviewed journalists complained about the high licence prices and difficult registration criteria for the TCRA. All online service providers, including online blogs, social platforms for streaming videos, and online services, were mandated to register their services in accordance with the Media Services Act of 2016 and the EPOCA (online contents) Regulations of 2018.

Most new bloggers were unable to register their blogs because the registration fees were too exorbitant, and as a result, they were forced to quit producing content. The licence cost the companies offering internet services at least 900 USD, or 2,000,000 TSH. The widespread closure of blogs, online television channels, and websites during this time period completely impeded people's ability to express themselves freely and exchange knowledge online. Some suppliers of online content faced difficulties with the registration requirements, but the majority of them concurred that these requirements are essential for registration and proper TCRA oversight of online content services.

Two percent of respondents asserted that it is not necessary to have a physical office or an incorporation or registration certificate from BRELA for a simple blog with cooking-related content or a YouTube channel. The majority of bloggers and YouTubers, according to respondents, are independent contractors who operate from home using their phones or computers. As a result, they do not require a real workplace, and the requirement that they have an address is too onerous for them. Others who responded to the survey said that the registration requirement only applied to blogs covering news or current events and that it was unnecessary to licence and oversee blogs that offered educational or entertaining content or blogs run by nonprofit organizations.

The government changed the fee structure and introduced three new categories of online content services, including news and current affairs, entertainment, and education or religion, in response to numerous complaints from media house employees and other stakeholders. The EPOCA (Online Contents) Regulations of 2020, which repealed the previous regulations of 2018, were the result of this decision. While the entertainment, education, and/or religious categories only needed to pay 500,000 for a licence, the price structure for news and current affairs providers remained at 1,000,000 TSH. The cost structure is still unaffordable even after the regulations were amended, and bureaucracy is a persistent issue that requires a remedy.

Knowledge of the law

Sixty-eight percent of respondents from among media practitioners who were polled regarding their familiarity with media laws indicated that they were unaware of the rules governing media services in Tanzania. A few of them merely paraphrased a few clauses from the Media Services Act without mentioning the law's name. Some respondents were able to enumerate the rights, obligations, and liabilities of media organizations in accordance with sections 6 and 7 of the Media Services Act, but the majority were unable to do so.

The registration process and the associated paperwork for registration and licencing as per section 8 of the MSA and sections 4 and 6 of the EPOCA are the only areas that appear to be well understood by more than 75% of respondents. The majority of respondents stated that they were at least occasionally involved in the registration of media by their fellow journalists, which is how they learned about the procedures and standards for registration and licencing.

More than 80% of respondents were able to name TCRA as a major authority with the authority to oversee media services in Tanzania, but they were unable to name the Media Council of Tanzania (MCT) and Union of Tanzania Press Clubs (UTPC) as organizations involved in monitoring. Less than 20% of respondents, who were also asked to demonstrate their understanding of how to handle complaints resulting from media activities, were able to do so. As stated in Regulation 20 of the Electronic and Postal Communications (Online Contents) Regulation of 2020, several respondents claimed that TCRA is an official authority with the authority to consider any media-related complaints without notifying the complainant in particular.

Criminalization of petty professional mistakes

Media legislation and other legislation, such as the Statistics Act, Cap 351 of 2015, criminalized several minor professional mistakes that can be addressed in a straightforward manner by professional organs and bodies and not as criminal proceedings before the courts. Why is it essential to punish journalists with criminal offences when there are numerous journalistic bodies, such as the Content Committee of the Tanzanian Communications Regulatory Authority (TCRA) and the Media Council of Tanzania, that can address journalistic professional misconduct? Respondents from media houses who responded negatively to this question stated that the criminalization of the collection and dissemination of private statistics by private persons or institutions, including the media, was one of the worse decisions made by legislators and the government as a whole because it violated the fundamental constitutional right to seek and disseminate information. The Statistics Act was later amended in 2018, allowing private statistics but with the special requirement that all statistics to be published must be approved by the National Bureau of Statistics (NBS), making it illegal to disseminate statistics that invalidate or distort government statistics.

The government came under heavy criticism concerning the amendments, and Twaweza, the local NGO, criticized the provisions of the statute that they were too harsh and unconstitutional. The Tanzania Human Rights Defenders Coalition (THDRC) said that the particular statute and its provisions hamper the functions of human rights defenders. The World Bank (WB) remarked that the law was against international conventions and hence had serious impacts on human rights.

The pressure was too high to trigger the government to do something concerning the Statistics Act. Later, in 2019, the government made another amendment that cured provisions that were inconsistent with the constitution and international law standards. The new amendments allowed collection and dissemination of statistics by private individuals and removed the criminal liability that was imposed by former amendments. In addition, the amendments introduced new procedures for those seeking to access and publish national data (Oryem Nyeko 2020).

Even after the modifications to the Statistics Act, MSA, and EPOCA, a person or journalist who violates the requirements of the statutes by disseminating banned content is still subject to a direct period of imprisonment, a fine, or both. The respondents demanded that the statute send all disciplinary concerns to the Content Committee and not to a court of law because the majority of infractions are minor errors and the imprisonment of journalists for minor infractions undermines carriers and public faith in journalism in general.

Stakeholders' engagement in media law review

Respondents from the Sahara Media Group and Africa Media Group, who form 14% of the sample size of this research, claimed that they were not well informed and given the opportunity to make comments concerning media legislation. Some stakeholders who were consulted by authorities for media law review were notified about ongoing media legislation making very late, and they failed to prepare well-opined and productive comments concerning media legislation. This has led to poor enactments that lack the comments of stakeholders who are important in the media industry.

Discussion

This study focuses on how the media legal frameworks in Tanzania affect media operations, particularly with the introduction of new technologies such as social media and web-based media. The study found that the previous media legislation was outdated and was unable to cover all areas of media operation, including social media, web-based media, and internet simulcasting media. As a result, new legislation was enacted to

provide a competent media legal framework. The study found that the Media Service Act, Electronic and Postal Communications Act, and Cyber Crimes Act constituted a comprehensive legal framework that covered areas such as journalist accreditation, permitted and prohibited content, offenses, media-related suits, and appeals before the Tanzania Communications Regulatory Authority (TCRA).

The study found that social media platforms such as Instagram, Facebook, Twitter, and YouTube are the most preferred ways for journalists and media houses to communicate their content to the public. Social media platforms are cost-effective and have increased the speed of disseminating news and information. However, the study noted that the use of social media platforms has resulted in many side effects to society, including fake news, breach of privacy, and unlawful usage of people's data.

The study also found that media laws came to cure the unprofessional practices of journalists through journalist accreditation. The respondents believed that journalism is a profession that requires particular academic qualifications and adherence to professional conduct and etiquette. Accreditation is categorized into two categories: temporary accreditation for short periods, such as learning purposes, and permanent accreditation for individuals with a distinguished reputation in journalism or those who have significantly contributed to the growth of the media industry.

The study found that legal practitioners and lawyers had negative comments towards media legislation, stating that the laws interfered with press freedom and freedom of expression. Respondents believed that periodic registration is a trap of silencing media houses from broadcasting news that the government does not like and recommended permanent licences to media houses and suspension of licences to be on serious offenses only.

The study showed that the establishment of media legal frameworks in Tanzania was essential, particularly with the introduction of new technologies in media operations. However, there is a need for a balance between the laws and press freedom and freedom of expression to avoid violating people's rights. The study recommends the review of media laws to ensure that they do not interfere with people's right to freedom of expression.

CONCLUSION AND RECOMMENDATIONS

Conclusion

This study highlights the impact of media legal frameworks in Tanzania on media operations, particularly in the context of new technologies such as social media and web-based media. Previous media legislation was outdated and inadequate to cover all areas of media operation, including social media, web-based media, and internet simulcasting media. As a result, new legislation was enacted to provide a comprehensive legal framework, which includes the Media Service Act, Electronic and Postal Communications Act, and Cyber Crimes Act.

The study reveals that social media platforms are cost-effective and have increased the speed of disseminating news and information, but their use has also led to negative effects, such as fake news, breach of privacy, and unlawful usage of people's data. The study also shows that media laws came to cure the unprofessional practices of journalists through journalist accreditation. Legal practitioners and lawyers had negative comments towards media legislation, stating that the laws interfered with press freedom and freedom of expression. Respondents believed that periodic registration is a trap of silencing media houses from broadcasting news that the government does not like and recommended permanent licences to media houses and suspension of licences to be on serious offenses only.

The study's findings are a crucial tool for journalists and other stakeholders in the media industry in

Tanzania. They can utilize these findings to determine the most effective way to advocate for amendments to the laws governing the media industry. This can ultimately result in the development of more supportive laws that promote the growth of the media industry in Tanzania. The Tanzania Communications Authority (TCRA), the Department of Information and Information, and other government agencies, such as the Police, can use the study's findings to ensure that they are professional bodies presenting proposals for the adoption of industry laws. They have a responsibility to enforce media laws based on the views and opinions of industry stakeholders who are the enforcers of such laws, and this study results provide them with useful clues of what is present on the media professional ground.

Recommendations

This study recommends the following after tabling the results that showed media stakeholders in Tanzania are not content with the three selected legislation clauses. The paper recommends the following: –

- Ensure freedom of expression and access to information: The government should promote and protect freedom of expression and access to information as guaranteed by the Constitution of Tanzania. This includes promoting independent media, protecting journalists, and allowing public access to information.
- Ensure transparency and accountability in media regulation: The government should ensure that media regulation is transparent and accountable. This includes establishing an independent regulator with a clear mandate, publishing rules and regulations, and ensuring that regulatory decisions are based on clear and objective criteria.
- Protect media pluralism: The government should promote and protect media pluralism by encouraging the development of diverse and independent media outlets. This includes ensuring that state media outlets are impartial and independent and supporting the development of community and local media.
- Avoid criminalizing legitimate journalistic activity: The Cybercrimes Act 2015 contains provisions that could be used to criminalize legitimate journalistic activity. The government should ensure that these provisions are not used to suppress free speech or intimidate journalists.
- Ensure due process in media-related cases: The Media Services Act, 2016, provides for administrative sanctions against media organizations, including fines and suspension of licences. The government should ensure that due process is followed in such cases, including the right to appeal and access to independent judicial review.
- Promote online freedom of expression: The Electronic and Postal Communication Act, 2010, gives the government broad powers to regulate online content. The government should ensure that these powers are not used to suppress online freedom of expression or to monitor citizens' online activities.
- Engage in meaningful dialogue with stakeholders: The government should engage in meaningful dialogue with media organizations, journalists, civil society, and other stakeholders to ensure that media legislation is effective and respects human rights. This includes seeking input on proposed legislation and ensuring that stakeholders are involved in the implementation and monitoring of media laws and regulations.

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About the first author: I chose to study Journalism for my undergraduate at the University of Dar es Salaam in 2009, and in 2021, I joined St. Augustine University, Tanzania, for a Master's Degree in Mass Communication. Currently, I am studying LL. at the Open University of Tanzania. Throughout my career, I have worked in various media organizations in Tanzania. I began my journey with the University of Dar es Salaam media and then moved to Abood Media (Morogoro), Mwananchi Communications Ltd, Ushindi FM (Mbeya), and TV1 Tanzania. Currently, I work as a Communication Officer at the Tanzania Communications Regulatory Authority (TCRA), serving as a public servant. Apart from my professional endeavours, I also devote my time to independent research projects, which I believe can help me enhance my portfolio further. Prior to working in the media industry, I worked as a secondary school teacher and actively participated in audience research studies. In my spare time after public office work, I work to provide consultancy services to media-related projects.

Public Interest Statement

This paper is an excerpt from my dissertation titled *Assessment of Electronic Media Laws in Enhancing Media Operation Services in Tanzania: An Analysis of Three Selected Media Laws*. The majority of data for the study were gained from surveys, interviews, and information gathered from media stakeholders. The conclusions of this publication are firmly anchored to my research work.