

Exploring Systemic Constraints Impeding Case Disposal Rates in Zambia's Superior Courts

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Abstract

Zambia's Judiciary has for many years been grappling with severe case backlogs, especially in the Superior Courts. The official performance reports from the Judiciary indicate that the number of pending cases has consistently been greater than the number of cases disposed of yearly, leading to the prolonging of the time taken to dispose of both civil and criminal cases. These obstacles have remained even after the implementation of various administrative and procedural reforms, indicating that there are underlying inefficiencies in the judicial system. The aim of this study is to assess the systemic constraints that impede the administration of justice in the Zambian Judiciary and to use the Theory of Constraints (TOC) as a basis for recommending actionable, evidence based, strategies to overcome the challenge of backlogs and enhance the efficiency of the judicial system. The specific objectives of the study were to measure case disposal performance in Zambia's Superior Courts using key throughput indicators, to evaluate whether systemic constraints, as conceptualized in the Theory of Constraints, contribute to case disposal delays, and to explore the lived experiences of judicial officers regarding the implementation and impact of the Performance Management System. document review and content analysis design are the basis for this study, together with a structured questionnaire. Document review will provide objective data regarding the timelines in cases, whereas content analysis will reveal the common patterns of delay. The questionnaire will gather the explanatory insights of judicial officers and personnel who are directly involved in the case disposal processes. The researcher adopted purposive sampling to select data entry clerks, court marshals, Assistant registrars, and Honorable Judges of the Judiciary of Zambia. The study used 34 respondents for research, selected using purposive sampling despite Yamane's formula indicating that at least 212 respondents were needed based on a total staff count of 450. Interviews were conducted with key stakeholders such as judicial officers, court administrators, and legal practitioners. A set of open-ended questionnaires were distributed to a broader group of judicial staff to capture diverse perspectives on the challenges and successes of the current performance management practices. Historical performance reports, National Budget Performance Reports, and other relevant policy documents from 2022 to 2024 were reviewed to contextualize the quantitative trends in case disposal rates and assess the impact of the PMS. From the findings, the study concludes that organizations have three primary limitations, which cause operational challenges because they lack sufficient staff members, their ICT systems face constraints, and their employees show unwillingness to adopt new procedures, and their communication systems function poorly. These factors do not restrict operational capacity according to the Theory of Constraints (TOC) model because they create a constraint loop that amplifies the system's main operational bottleneck. The combination of ICT gaps, change resistance, and weak communication leads to higher clerical demands while organizations face challenges with reform implementation, and staff members lack clear responsibility and mission understanding. The Superior Courts achieved only 58 percent case resolution in 2023 because of these factors, which created a backlog of more than 35000 pending cases. Survey results showed that frequent adjournments and poor calendar management were among the most cited causes of delay. Respondents explained that courts experienced scheduling issues because they kept delaying cases, which resulted in longer case processing times. The Judiciary of Zambia's 2023 Annual Report confirmed this, highlighting adjournments and weak enforcement of time standards as persistent challenges in the Superior Courts, which led to a backlog of more than 35000 unresolved cases.

Keywords: Systemic Constraints, Superior Courts, Judiciary, Case Disposal Rates

1. Introduction

The timely disposition of cases is universally acknowledged as a main indicator of the efficiency of the judiciary and the availability of justice. Judicial systems that face prolonged case dispositions face increased litigation costs, decreased public trust, and weakened rule of law (CEPEJ, 2023). Consequently, many Judiciaries have embraced performance-based management reforms aimed at enhancing accountability and increasing the productivity of courts.

Zambia's Judiciary has for many years been grappling with severe case backlogs, especially in the Superior Courts. The official performance reports from the Judiciary indicate that the number of pending cases has consistently been greater than the number of cases disposed of yearly, leading to the prolonging of the time taken to dispose of both civil and criminal cases (Judiciary of Zambia, 2023). These obstacles have remained even after the implementation of various administrative and procedural reforms, indicating that there are underlying inefficiencies in the judicial system.

In response to these challenges, the Zambian Judiciary came up with a Performance Management System (PMS) in December 2022, which would eventually lead to more accountability and better case disposal performance. The PMS set the standard of disposing off 80% or more of the cases registered each year (National Assembly of Zambia, 2024). The system has improved monitoring and report performance, but the statistics that are available still indicate that the disposal rates in the Superior Courts (Judiciary of Zambia, 2023) are still falling short of the targeted benchmark. This low performance in case disposal, along with the presence of a formal performance monitoring system, suggests that performance measurement alone is not sufficient to improve the throughput of the courts. Therefore, this suggests that the case backlog challenge of the Judiciary is not necessarily due to ineffectiveness in measurement of the performance but instead it may be due to deeper structural and operational limitations.

From the viewpoint of systems management, the Theory of Constraints (TOC) offers a useful framework for analyzing the issue of continuous underperformance. TOC asserts that the performance of every system is limited by one or a few constraints and that only after being identified and managed can these constraints lead to improvement that lasts (Goldratt, 1990). In the domain of courts of law, the constraints may be caused by procedural delays, practices related to the timing of trials, distribution of resources, restrictions set by policies, or the setup of decision-making in institutions.

Hence, this study utilizes the Theory of Constraints as the main theoretical framework to assess the factors that hinder case disposal performance in the Zambia Judiciary. The study aims to provide an evidence-based rationale for the Judiciary's persistent inability to achieve its case disposal targets and to suggest more efficient, reform strategies that concentrate on the constraints by linking the observed disposal statistics and backlog trends to the system constraints that can be identified.

1.2 Statement of the Problem

Despite the introduction of a Performance Management System in December 2022, Zambia's Judiciary is still struggling to reach its annual target of 80% case disposal. The Superior Courts in 2023 managed to dispose of only 58% of the cases while the Magistrate's Courts were able to clear 86%, leaving a backlog over 35,000 unresolved cases (Judiciary of Zambia, 2023; National Assembly of Zambia, 2024). Civil litigation can easily take up to three years or more to resolve which is above the international legal standards (CEPEJ, 2023).

The continuous poor performance is an indication of significant issues in the system like bottlenecks, frequent adjournments, inadequate staffing, and inefficiencies in the registry, and these all choke the throughput. The Theory of Constraints (Goldratt, 1990) provides a comprehensive guide that helps in determining these bottlenecks and raising them. If no such intervention is done, the PMS reforms will be superficial at best and the backlogs will continue to erode public trust and the rule of law will be weakened.

2. Literature Review

2.1 Previous Studies

The efficiency of a Judicial system is typically measured by using clearance rates, backlog ratios, and average time to disposition (CEPEJ, 2023). A clearance rate that exceeds 100% indicates that the backlog has been reduced, while rates that are below 100% signify an increase in pending cases (World Bank, 2022). In general, criminal courts are able to maintain higher clearance rates as a result of mandatory deadlines, while civil and administrative courts experience longer timeframes for settling cases (CEPEJ, 2023).

Zambia's judicial system has not shown a consistent performance. The Magistrate Courts were able to clear 86% of the cases that had been registered in 2023, whereas the Superior Courts, Supreme Court, Constitutional Court, and Court of Appeal, did not reach this level, resulting in large accumulations of cases (Judiciary of Zambia, 2023). The Commercial Division has been more or less successful due to the application of specialized procedures and active management of the cases, which draws attention to the impact of the institutional design on the volume of cases handled (Parliamentary Committee on Legal Affairs, 2022).

From the perspective of the Theory of Constraints, the differences point out the existence of systemic bottlenecks: the scarcity of judges, complicated procedures, and poor case management. The inability of Superior Courts to match the disposal rates of lower-level courts is a clear indication of the factors that limit the movement of the cases hence the need for reforms directed at the specific areas beyond just monitoring of the performance

2.2 Reasons for Case Disposal Delays

High Adjournment Rates and Scheduling Congestion.

Increased adjournments break up the hearings, add to the age of the cases, and make the demand for dates with hearings highly concentrated, hence cutting down the annual throughput and extending the lifecycles of cases (Judiciary of Zambia, 2023).

Insufficient Judicial and Support Capacity.

A continuous inconsistency between the number of cases and the resources allocated for judges, magistrates, and court sessions limits the yearly disposal of cases, especially for intricate Superior Court matters (Parliamentary Committee on Legal Affairs, 2022; Judiciary of Zambia, 2023).

Registry and Procedural Inefficiencies.

The use of paper documents for filing, the slow retrieval of records, the inconsistencies in the assignment of cases, and the delays in the processing of judgments result in the creation of choke points both upstream and downstream, which in turn prolongs the times of disposition (Ng'ambi, 2021; Kerrigan, 2022).

Partial or Uneven Digitization.

The reporting situation is improved by fragmented adoption of e-filing and case-tracking systems, yet it does not lead to similar throughput gains in all divisions (Poshai & Vyas-Doorgapersad, 2022; Chanda, 2022) in those cases where the business processes remain the same.

Poor Case Triage and Mixed Case Flows.

By not distinguishing between simple and complex matters in different tracks, the court system is allowing even the easiest cases to be stuck behind the most demanding ones, hence elongating the average time to disposition (CEPEJ, 2023).

Weak Enforcement of Time Standards and Accountability.

The reporting improved as a result of the performance measurement without aligned incentives, leadership commitment, or enforcement mechanisms, but there was also limited change in behavior, which allowed the delays to continue (Armstrong, 2021; Sinkamba, 2018).

Resource and Logistical Constraints.

Court hearings, expert witnesses' and witnesses' transport, and legal aid budgets are not only limited, but they also engage with internal process bottlenecks to prolong the trial and contribute to the backlog increase (UNDP, 2021; Mwansa & Phiri, 2024).

Institutional and Cultural Factors.

The consistent application of case management techniques is hindered by the slow-moving nature of the bureaucracy, the resistance to changes in the procedural aspects, and the varying uptake of reforms across different departments (Lusaka Times, 2022; Sinkamba, 2018).

Measures and Strategies Used to Mitigate Delay in Case Disposal

The literature and global practice have come up with a layered set of interventions that aim at not only making the courts run smoothly but also reducing the pending cases to a minimum number. The adoption of these strategies is of great significance for the Zambian Judiciary as it intends to achieve its disposal target of 80% of the total cases.

Case Flow Management and Pre-Trial Controls

Proactive case flow management, including early judicial review, fixed timelines, varied case assignment, and tight control of adjournments, has been successful in eliminating unnecessary delays. CEPEJ (2023) suggests measurable time goals and routine case-age reporting to pinpoint stagnant files. The Zambian Judiciary has started to apply cause lists and time standards for certain case types, but enforcement is still inconsistent (Judiciary of Zambia, 2023).

Specialized and Fast-Track Processes

The introduction of specialized dockets or fast-track courts for specific cases like gender-based violence (GBV) or commercial litigation, along with the allocation of correct resources and the provision of supporting services, can greatly shorten the time taken for disposal. For example, the UNDP-backed GBV courts in Zambia have not only cut down the trial durations significantly but also made the experience of the survivors better (UNDP, 2021). However, it is a point of caution that evaluations suggest the other divisions may not benefit from such improvements unless integrated into the broader case flow strategies (World Bank, 2022).

Digital Case Management and Information Systems

The introduction of electronic systems for filing, scheduling, and tracking improves the transparency of the entire process while simultaneously allowing real-time monitoring of the case. According to Ng'ambi (2021), training of the staff, data entry consistency, and the redesign of the underlying business processes are the three key factors that determine the success of the project. Judging technology in its own right has a very limited impact unless it is supported by changes in management. The Judiciary of Zambia has started the process of digitalization, but the integration in all Superior Courts is still not done (Judiciary of Zambia, 2023).

Performance Measurement and Leadership

An effectively planned Performance Management System (PMS) can minimize delay risk by establishing reasonable objectives, triangulating indicators (e.g., clearance rate, age distribution of cases), and correlating data with managers' actions. Armstrong (2021) stresses the need for leadership to be committed and for there to be safeguards against wrong incentives, like closing cases through technical dismissals instead of disclosing resolutions. The PMS of Zambia, implemented in 2022, incorporates these ideas but needs better enforcement and acceptance of the changes in attitude (Judiciary of Zambia, 2023).

Alternative Dispute Resolution (ADR) and Diversion

Encouraging mediation, plea bargaining, and other diversion tactics is a way to not only relieve the courts but also significantly decrease the average time taken for disposition, especially in civil and minor criminal cases. Odhiambo (2020) speaks about the critical role that ADR plays in offloading formal court systems and thus making access to justice easier. In Zambia, the use of ADR methods is progressively increasing in the areas of commercial and family law, though the rate of adoption differs from one area or court division to another.

The Theory of Constraints (TOC), put forward by Goldratt, provides a practical framework for the analysis and enhancement of court processes. TOC posits that every system has one or more constraints that cap its total output; once the constraint is recognized and handled, the overall output of the system is increased (Azaria et al., 2023). One of such constraints in judicial systems may be the number of adjournments, unavailability of judges, or the delay in post-trial procedures. The TOC was implemented in the Jerusalem District Court, where it was able to track its workflow and pinpoint the scheduling of trials as the primary bottleneck; after rearranging the case assignments and launching the pre-trial readiness screening, the trial times were reduced by 25 percent (Azaria et al., 2023).

Adopting TOC in Zambia might reveal similar hidden inefficiencies. The constraints may be registry-related, such as poor filing or insufficient interaction between magistrates and registrars, which could be the cause of very low throughput compared to insufficient staff. Courts can reach an increase in capacity that can be measured and still use little money by methodically recognizing and rectifying the slowest step in the processing chain. This theory enhances performance management by shifting the focus of reforms onto the most restrictive processes rather than the whole area of resource expansion.

The judicial performance study employs various designs to depict the nature of procedures and to yield quantitative outcomes. The case study designs provide the possibility of deep contextual analysis of the judicial process. Yin (2018) suggests multi-case methods to analyze the impact of institutional characteristics on performance; hence, this is apt for the comparison of various courts in Zambia. Mixed-methods designs bring together statistical data, such as clearance rates, and duration of cases, along with the qualitative insights derived from interviews, and hence offering a dual source of evidence, one that is measurable and explanatory (Creswell & Plano Clark, 2018).

When reform is evaluated, quasi-experimental designs such as before-and-after comparisons or differences-in-differences analysis are quite useful. The World Bank (2022) and CEPEJ (2023) have employed these to evaluate reforms like digitalization and re-engineering of the process. Time-to-event models relying on survival analysis to quantify the risk of case termination are being more frequently used in courts to determine the reasons for the delay (CEPEJ, 2023). In areas with limited resources, program evaluations typically mix descriptive statistics with process tracing to yield suggestions that can be directly implemented.

The best way for Zambia would be to use a mixed-method approach that combines document review, interviews with judges, and analysis of case disposal data to verify findings. This method not only measures disposal performance but also provides insight into the institutional and behavioral factors that contribute to it.

2.3 Theoretical frameworks

Theory of Constraints (TOC)

This research is based on the Theory of Constraints (TOC), which states that the performance of any system is restricted by its most critical bottleneck. With regard to the Zambian judiciary, the aforementioned bottlenecks are primarily comprised of systemic aspects such as scheduling inefficiencies, insufficient personnel, lack of technology, policy and procedural limitations, and resistance to change, all of which together form the single major constraint that slows down case disposal performance. TOC argues that the only case for unblocking this bottleneck is when it is pinpointed and raised, subsequently granting significant improvements in not only clearance rates, ratio of backlog to case disposed but also in time to disposition.

These three distinct approaches to the same issue, the Resource-Based View (RBV), Institutional Theory, and Performance Management Theory, while different, still serve to strengthen the main viewpoint.

The Resource-Based View (RBV) states that proper and timely distribution of limited judicial resources (human and technological) would increase the overall output when focused on that specific area, causing the bottleneck.

Institutional Theory brings to the forefront the influence of deeply rooted customs, strict rules, and resistance from within the organization that act as mediators in reform attempts, sometimes even making it worse unless the right technical solutions are applied.

Performance Management Theory, on the other hand, highlights the crucial role of leadership accountability and

performance management systems in determining whether reforms receive priority, resources, and continuity. Together, these theories, despite their differences, form a very strong explanatory framework to not only reveal why the Zambian judiciary frequently falls short of the target disposal rates but also how the performance outcome can be changed through interventions for a better result.

2.4 Conceptual Framework

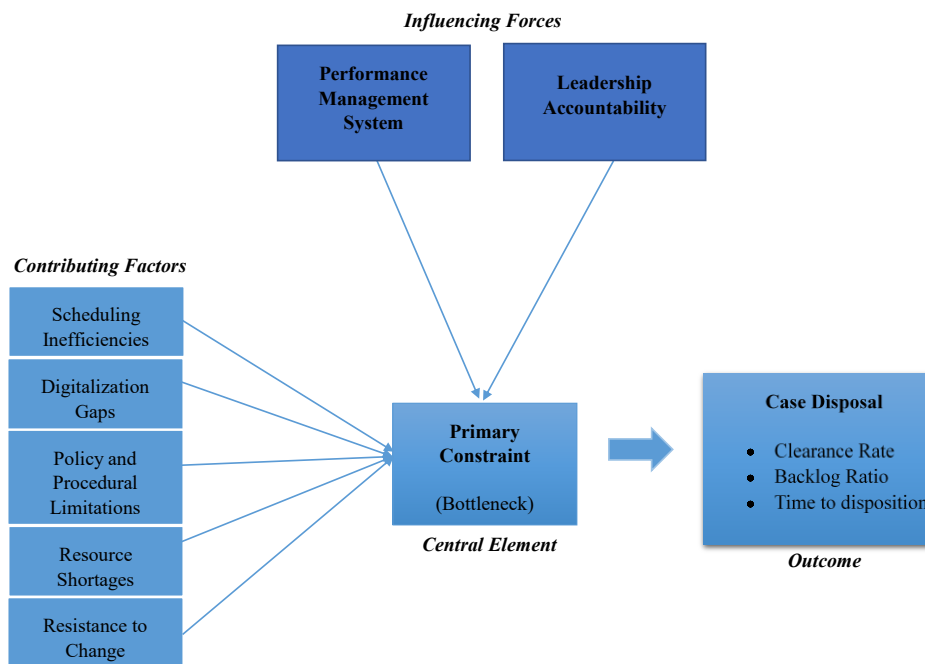


Figure 1: A TOC-Based Model illustrating how Systemic Constraints, Driven by Scheduling, Resource Shortages and Policy Gaps, Limit Case Disposal Performance, with Leadership and PMS as Moderating Influences.

This particular framework utilizes the Theory of Constraints (TOC) as a tool to examine and enhance the processing and resolution of cases in a system like a court, an administrative body, or a regulatory agency. It recognizes the central constraint that holds back total productivity, and then it demonstrates the various factors that affect that constraint.

Contributing Factors

Table 1: Contributing factors

Factors	Description
Scheduling Inefficiencies	Poor Calendar Management, Overlapping Hearings, Delay in date setting.
Human Resource Shortages	Insufficiency of support staff, clerks, and judges to adequately handle case volume.
Digitalization Gaps	Case filing, tracking, and data sharing are mainly done manually, making the processes more labor intensive.
Policy & Procedural Limitations	Holding on to dated policies and protocols that slow down progress
Resistance to Change	Holding on to cultural beliefs, thereby hindering new reforms and innovation.

Central Element: Primary Constraint (Bottleneck)

This is the principal restricting element in the case disposal procedure. As per TOC, enhancement of this constraint will lead to maximum improvement in total performance. It is the “weakest link” of the entire system. They act as leverage points as they do not directly cause the bottleneck but can accelerate or hinder its resolution.

Influencing Forces

These elements are referred to as influencing forces because they shape how the bottleneck is managed:

Performance Management System (PMS): It sets the rules for the metrics of the cases to be traced, reported, and employed for responsibility purposes.

Leadership Accountability: It is a measurement of who is accountable among the higher-ups for the postponements, the changes, and the distribution of resources.

Outcome: Case Disposal

Table 2: Outcome: Case Disposal

Metric	Meaning
Clearance Rate	The percentage of cases resolved compared to the number of cases filed during a certain period is used to measure the efficiency of case handling. An effective resolution of cases is indicated by a higher rate.
Backlog Ratio	It shows the share of the unresolved or pending cases concerning the capability of the system to handle them. A smaller ratio means an improvement in case management and a reduction in congestion.
Time to Disposition	The time span between the initiation of a case and its concluding decision.

3 Research Methodology and Design

A document review and content analysis design are the basis for this study, together with a structured questionnaire. Document review will provide objective data regarding the timelines in cases, whereas content analysis will reveal the common patterns of delay. The questionnaire will gather the explanatory insights of judicial officers and personnel who are directly involved in the case disposal processes. The study will be conducted at the Headquarters of the Judiciary in Lusaka and will consider data from the Superior Courts, including the Supreme Court, Constitutional Court, Court of Appeal and High Court. These courts handle high-volume and high-stakes cases, making them an ideal setting for analyzing the PMS's impact on case disposal. The research will examine PMS implementation within these courts to assess its effectiveness and identify challenges that hinder its success. The study will be conducted at the Headquarters of the Judiciary in Lusaka and will consider data from the Superior Courts, including the Supreme Court, Constitutional Court, Court of Appeal and High Court. These courts handle high-volume and high-stakes cases, making them an ideal setting for analyzing the PMS's impact on case disposal. The research will examine PMS implementation within these courts to assess its effectiveness and identify challenges that hinder its success. The study used 34 respondents for research, selected using purposive sampling despite Yamane's formula indicating that at least 212 respondents were needed based on a total staff count of 450. Performance Management System implementation at the organization involved only specific staff members because the library, typing pool, and court reporting units did not participate in case disposal activities. Specific HR showing how many support staff worked on PMS implementation could not be accessed. The research used stratified proportional allocation to distribute the available cadres among different divisions while maintaining sample size restrictions. Although smaller than the Yamane calculated sample, the 34 respondents proportionally represented all relevant cadres, and the consistency of their views with official statistics strengthens the validity of the findings.

Sampling is the act of finding a representative of a population in a study (Cooper, D, 2003). The study will use purposive sampling to select data entry clerks, court marshals, Assistant registrars, and Honorable Judges of the Judiciary of Zambia. Purposive sampling refers to a group of non-probability sampling techniques in which units are selected because they have characteristics that you need in your sample. In other words, units are selected on purpose. The researcher will use purposive sampling for easier identification and selection of information-rich cases related to the phenomenon of interest. Semi-Structured Interviews: Interviews were conducted with key stakeholders such as judicial officers, court administrators, and legal practitioners. These interviews will explore their experiences with the PMS, perceived barriers to efficient case disposal, and suggestions for improvement.

Questionnaires: A set of open-ended questionnaires were distributed to a broader group of judicial staff to capture diverse perspectives on the challenges and successes of the current performance management practices.

Document Analysis: Historical performance reports, National Budget Performance Reports, and other relevant policy documents from 2022 to 2024 were reviewed to contextualize the quantitative trends in case disposal rates and assess the impact of the PMS.

Collected data was analyzed using thematic analysis, which involves coding the data and identifying recurring patterns and themes. This method will allow the researcher to distil the key factors that hinder timely case disposal and to understand how the PMS interacts with these variables. The qualitative insights will be triangulated with the findings from document analysis to ensure a comprehensive understanding of the systemic challenges.

4 Results and Discussion

4.1 What are the emerging patterns of case disposal within the Superior Courts of Zambia?

The findings in Chapter 4 show that most respondents (44%) perceived their organizations as having low disposal rates, resolving less than half of their cases within expected timeframes. Only 12% reported high disposal rates. The perception matches official statistics which show that Superior Courts disposed of only 58% of registered cases in 2023, resulting in approximately 35,000 unresolved cases. This pattern functions as a diagnostic tool which identifies a system constraint according to the Theory of Constraints (TOC) framework. TOC establishes that system performance depends on its weakest link according to Goldratt who published his findings in 1990. The system operates under one restriction which research showed to be staffing according to the ongoing low disposal rates.

The finding presents a significant challenge to fundamental beliefs which exist within Performance Management Systems (PMS). International standards which include the European Commission for the Efficiency of Justice (CEPEJ, 2022) and the World Bank's Judicial Performance Indicators (2019) equate case backlog with inadequate supervision and insufficient responsibility. The Zambian situation proves that organizations need both operational capacity and organizational visibility to achieve successful performance outcomes. The PMS system has increased visibility of backlog data, yet human resource capacity remains the operational restriction because measurement systems operate without affecting any changes to throughput.

The difference between these two suggests the importance of the results. The CEPEJ standards require 100 percent clearance rates because they need to avoid backlog challenges, yet Zambia's Superior Courts do not meet this requirement because their system operations limit their capacity to assess case success. The solution to the issue requires structural changes because managers do not operate effectively together with system limitations.

The implication is clear: case disposal performance cannot be improved by reforms that ignore the constraint. The disposal rates will stay below benchmark levels until staffing shortages are solved. The system now views backlog as a systemic bottleneck that requires reforms that focus on constraints instead of measurement systems.

The research findings demonstrate that Superior Court divisions show different levels of case disposal efficiency.

Supreme Court: Judges and Registrars reported lighter dockets and fewer adjournments. The redistribution of jurisdictional responsibilities to the Court of Appeal for appeals and the Constitutional Court for constitutional matters has decreased the Supreme Court's workload. The court now achieves its disposal targets with greater regularity.

Court of Appeal: The clerks and registrars raised important issues about their work because of increased case traffic and additional responsibilities. The Court of Appeal has turned into a new bottleneck for High Court appeals because it handles most of those cases even though it has made appellate justice more accessible to users.

Constitutional Court: The judges and clerks experienced extended case processing times because constitutional cases involved intricate legal issues. The Supreme Court acquires more work capacity through specialization but experiences decreased performance speed.

High Court Divisions: The clerks and marshals identified three major system problems which included case adjournments and registry inefficiencies and staff shortages. The General List system handles multiple case types (General List, Commercial, Family, Industrial Relations) but still experiences case backlogs which affect the General List most severely.

Magistrates' Courts (comparative benchmark only): Magistrates' Courts achieved higher clearance rates (86%) according to official statistics, even though they did not belong to the research study because their operations required mandatory deadlines and handled less complex case types (Judiciary, 2023). The respondents recognized this operational efficiency but they explained that jurisdictional boundaries stop Magistrates' Courts from reducing case backlogs at Superior Courts.

Table 3: Emerging Patterns of Case Disposal

Division	Respondent Insight	Emerging Pattern
Supreme Court	Judges and registrars reported fewer cases and adjournment calls.	The reduced burden on the jurisdiction is why disposal targets have been met.
Court of Appeal	Clerks and registrars reported congestion and heavier workloads.	Absorbs High Court appeals, creating a new bottleneck.
Constitutional Court	Judges and clerks reported a much longer timeline due to case complexity.	Specialized caseload eases the Supreme Court but reduces throughput
High Court Divisions	Clerks and marshals reported adjournments, registry inefficiencies, and staffing shortages.	Persistent backlog, especially in the General List, remains the primary bottleneck.
Magistrates' Courts	Not part of the study; clearance rates drawn from the Judiciary Annual Report 2023.	Efficient but structurally limited in impact on Superior Court congestion.

4.2 Why is there delay in case disposals in the Zambian Judiciary?

Survey results showed that frequent adjournments and poor calendar management were among the most cited causes of delay. Respondents explained that courts experienced scheduling issues because they kept delaying cases, which resulted in longer case processing times. The Judiciary of Zambia's 2023 Annual Report confirmed this, highlighting adjournments and weak enforcement of time standards as persistent challenges in the Superior Courts, which led to a backlog of more than 35000 unresolved cases.

The process of adjournments functions as a TOC constraint, which increases existing staffing challenges for judicial systems. The judicial system faces reduced operational capacity because judges become unavailable when their hearings intersect with other proceedings, and their case scheduling remains unresolved. The Superior Courts reached a 58% case clearance rate for 2023, while the Magistrates' Courts achieved an 86% clearance rate because they applied stricter scheduling requirements.

The practice of adjournment culture misuses limited judicial resources, which leads to failures in judicial practice. The Superior Courts need to establish fixed timelines and implement stricter case management procedures together with accountability systems, to control their adjournment process, which currently prevents them from achieving their 80% case disposal target.

Registry and Procedural Inefficiencies

Survey results showed that respondents consistently pointed to registry delays and procedural bottlenecks as major contributors to slow case disposal. Issues with manual filing, slow record retrieval and inconsistent case assignment were identified, which caused extended case durations. The Judiciary of Zambia's 2023 Annual Report confirmed these findings, noting that despite partial digitization, the Superior Courts continued to rely heavily on paper-based processes, which restricted their ability to operate and maintained a backlog of more than 35000 unresolved cases.

Registry inefficiencies function as process barriers within TOC because they interact with staffing shortages, together with the culture of case postponement. The court system experiences operational bottlenecks through delays in filing and record management because its processes create these limitations, which reduce its operational capacity. The Superior Courts continue to operate below the 80% disposal benchmark because of PMS reforms, which have failed to create actual improvements.

The Superior Courts will maintain their current performance level until complete digital transformation brings efficiency improvements together with standardized case assignments and better record handling. The court system needs these efficiency improvements because they will work together with staffing changes to create better case processing which can boost operational capacity.

Digitalization Gaps and Reform Uptake

The survey results revealed that respondents identified partial and uneven digitization as an efficiency obstacle which they encountered during their work. Some divisions implemented e-filing and case-tracking systems while other divisions continued to use manual methods. The Judiciary of Zambia's 2023 Annual Report confirmed this uneven uptake, noting that digitization was underway but not yet fully integrated across Superior Courts, limiting its impact on case disposal.

The TOC framework identifies digitalization gaps as a support constraint that combines with staffing shortages and registry inefficiencies. The ICT reforms establish better transparency, but they create a bottleneck because organizations only partially adopt them. The manual processes of filing and retrieving records create delays that reduce operational efficiency, despite the existence of PMS monitoring systems.

The complete integration of ICT reforms requires training and change management support to prevent digitization from becoming a mere symbolic achievement, which enhances visibility but does not increase operational efficiency. The Superior Courts will fail to meet their 80% disposal benchmark until they implement digitalization methods throughout their operations at all times.

Institutional and Cultural Resistance

The survey results showed that most respondents considered institutional inertia and cultural resistance to be obstacles that prevented the successful implementation of reforms. They observed that judicial officers and staff members showed resistance to using PMS and ICT tools because they continued to depend on their existing manual procedures. The 2023 Annual Report of the Judiciary of Zambia verified that reform implementation varied between Superior Courts because certain divisions adopted new systems while other divisions continued to use established procedures.

TOC analysis suggests that cultural resistance works as a constraint that prevents progress. Staff members resist the adoption of new processes, which results in diminished effects from introduced reforms. The implementation of PMS and digitization solutions has improved visibility, yet it does not lead to increased throughput. The institutional system requires inefficient operations because it allows manual filing and adjournments to happen without proper handling, and it fails to establish strict accountability measures.

Technical solutions will not accomplish anything until reform strategies use training, change management, and leadership accountability to tackle cultural resistance. To achieve sustainable efficiency, institutions must develop their operational capabilities while transforming their organizational culture so that all reforms will be accepted.

Survey findings revealed that 35% of respondents identified staffing shortages as the most significant barrier to case disposal. The Judiciary of Zambia 2023 Annual Report indicates that 13 new judges and 224 support staff members were appointed, yet 18 judge vacancies remained unfilled while operational backlogs exceeded 35000 cases (Judiciary of Zambia 2023). The existing figures demonstrate that human resource capacity acts as the primary restriction that controls operational capacity in Superior Courts.

The Theory of Constraints (TOC) states that the system outputs depend on its weakest component according to Goldratt (1990). The processing core of Zambia's Superior Courts consists of judges, registrars, and clerks. The understaffed organization increases hearing delays and extends adjournments while it takes more time to complete documentation and judgment writing tasks. The PMS reforms and ICT initiatives have failed to increase disposal rates because the performance metrics depend on capacity instead of measurement.

The literature establishes this point. CEPEJ (2023) demonstrates that judicial staffing levels establish a strong relationship with clearance rates. The efficiency improvements in judicial systems of Kenya and South Africa depend on both judicial and clerical capacity expansion, according to their respective research studies (Maseko, 2019; Odhiambo, 2020). The experience of Zambia demonstrates that performance management systems (PMS) have enhanced organizational visibility, while insufficient staff levels continue to restrict operational capacity.

The present staffing shortages create more than operational difficulties because they serve as the main factor that determines all organizational results. The limitations decrease PMS adoption while they create difficulties in target

communication and increase workload demands. Superior Courts will not achieve their 80% disposal benchmark until the organization recruits new staff while developing existing staff through training and retention programs.

Secondary Constraints and Constraint Interaction Effects

Analysis of the findings reveal that staffing shortages served as the main restriction, while secondary constraints existed, which strengthened the operational inefficiencies. The respondents identified three main obstacles, which included restricted ICT systems, change resistance, and ineffective communication networks. The Judiciary of Zambia's 2023 Annual Report confirmed that uneven digitization across the Superior Courts and inconsistent reform adoption contributed to the backlog challenge, which already existed (Judiciary of Zambia, 2023).

From a Theory of Constraints (TOC) perspective, these secondary constraints do not independently cap throughput but interact with the primary bottleneck (staffing shortages) to intensify inefficiency.

- The ICT gaps result in increased clerical workload, which then causes delays in both registry operations and case tracking processes.
- The process of change resistance prevents organizations from implementing PMS and digital tools, which stops their operational improvements from achieving better efficiency results.
- Weak communication decreases understanding of targets and accountability, which results in poor behavioral alignment between team members.

The system forms a constraint loop, which allows secondary inefficiencies to maintain their existence while they increase the severity of the primary bottleneck. The introduction of new reforms results in decreased effectiveness because these four constraints work together to prevent their intended outcomes.

The Annual Report indicates that organizations proceed with digitization and decentralization because they need to implement reforms, but they have not succeeded in reaching complete digital transformation. The solution requires both technical solutions and institutional reforms to address the existing judicial reform Challenges. The implementation of ICT and PMS reforms will not achieve real results because organizations need to establish cultural acceptance and improve their communication methods.

The ongoing existence of additional restrictions prevents reforms from achieving their full potential. The organization needs to solve its staffing shortages, together with all existing ICT deficiencies, and its cultural and communication deficiencies. The organization needs to develop a comprehensive approach that requires multiple steps to implement effective reform. The organization needs to enhance its primary constraint by hiring new employees and providing training. The organization needs to implement ICT changes throughout all of its Superior Courts. The organization needs to establish stronger communication networks, which will enable it to distribute its objectives to all members. The organization needs to implement change management programs, which will help decrease employee opposition.

Scheduling Inefficiencies and Adjournment Culture

Survey results showed that frequent adjournments and poor calendar management were among the most cited causes of delay. Respondents explained that courts experienced scheduling issues because they kept delaying cases, which resulted in longer case processing times. The Judiciary of Zambia's 2023 Annual Report confirmed this, highlighting adjournments and weak enforcement of time standards as persistent challenges in the Superior Courts, which led to a backlog of more than 35000 unresolved cases.

The process of adjournments functions as a TOC constraint, which increases existing staffing challenges for judicial systems. The judicial system faces reduced operational capacity because judges become unavailable when their hearings intersect with other proceedings, and their case scheduling remains unresolved. The Superior Courts reached a 58% case clearance rate for 2023, while the Magistrates' Courts achieved an 86% clearance rate because they applied stricter scheduling requirements.

The practice of adjournment culture misuses limited judicial resources, which leads to failures in judicial practice. The Superior Courts need to establish fixed timelines and implement stricter case management procedures together with accountability systems, to control their adjournment process, which currently prevents them from achieving their 80% case disposal target.

Registry and Procedural Inefficiencies

Survey results showed that respondents consistently pointed to registry delays and procedural bottlenecks as major contributors to slow case disposal. Issues with manual filing, slow record retrieval and inconsistent case assignment were identified, which caused extended case durations. The Judiciary of Zambia's 2023 Annual Report confirmed these findings, noting that despite partial digitization, the Superior Courts continued to rely heavily on paper-based processes, which restricted their ability to operate and maintained a backlog of more than 35000 unresolved cases.

Registry inefficiencies function as process barriers within TOC because they interact with staffing shortages, together with the culture of case postponement. The court system experiences operational bottlenecks through delays in filing and record management because its processes create these limitations, which reduce its operational capacity. The Superior Courts continue to operate below the 80% disposal benchmark because of PMS reforms, which have failed to create actual improvements.

The Superior Courts will maintain their current performance level until complete digital transformation brings efficiency

improvements together with standardized case assignments and better record handling. The court system needs these efficiency improvements because they will work together with staffing changes to create better case processing which can boost operational capacity.

Digitalization Gaps and Reform Uptake

The survey results revealed that respondents identified partial and uneven digitization as an efficiency obstacle which they encountered during their work. Some divisions implemented e-filing and case-tracking systems while other divisions continued to use manual methods. The Judiciary of Zambia's 2023 Annual Report confirmed this uneven uptake, noting that digitization was underway but not yet fully integrated across Superior Courts, limiting its impact on case disposal.

The TOC framework identifies digitalization gaps as a support constraint that combines with staffing shortages and registry inefficiencies. The ICT reforms establish better transparency, but they create a bottleneck because organizations only partially adopt them. The manual processes of filing and retrieving records create delays that reduce operational efficiency, despite the existence of PMS monitoring systems.

The complete integration of ICT reforms requires training and change management support to prevent digitization from becoming a mere symbolic achievement, which enhances visibility but does not increase operational efficiency. The Superior Courts will fail to meet their 80% disposal benchmark until they implement digitalization methods throughout their operations at all times.

4.3 How are judicial officers and support staff experiencing case disposal and performance management in the Superior Courts?

Results showed that only 6% of respondents believed the Performance Management System (PMS) operated at full capacity, while most called it either partially developed or completely nonfunctional. This information supports the 2023 Annual Report of the Judiciary of Zambia, which reported that Superior Courts had only resolved 58% of their cases after the court system introduced PMS in December 2022, which required an 80% case resolution rate. The evidence establishes that PMS has not produced higher productivity because it operates as a reporting tool instead of a system that enhances operational efficiency.

Performance management theory assumes that measurement drives behavior by increasing accountability (Armstrong, 2021). However, Zambia's experience demonstrates the limits of this assumption. PMS has introduced reporting templates, dashboards, and accountability structures, yet disposal rates remain stagnant. This reflects what Pollitt (2006) terms the "performance paradox", where increased measurement does not necessarily yield improved outcomes.

From a Theory of Constraints (TOC) perspective, PMS is a non-binding constraint. TOC emphasizes that system performance is determined by its weakest link (Goldratt, 1990). Measurement systems cannot elevate throughput if the binding constraint lies elsewhere. In Zambia, the constraint is staffing shortages, not visibility. Thus, PMS has improved transparency but failed to address the bottleneck that governs case disposal.

International experience reinforces this critique. In South Africa, PMS adoption improved accountability but only produced efficiency gains when paired with capacity building reforms (Maseko, 2019). Similarly, CEPEJ (2023) cautions that performance indicators must be linked to resource allocation; otherwise, they risk becoming "measurement without movement." Zambia's PMS reflects this misalignment: reforms have strengthened performance visibility but ignored the throughput constraint.

The Judiciary depends on PMS as its main reform method, which focuses on monitoring instead of building institutional capacity. The system creates a false management perception because it shows performance results while the organization continues to experience operational issues. The main discovery demonstrates that staffing needs to be addressed because it restricts operations more than performance measurement systems need to be improved. The system will remain a superficial element that strengthens existing accountability systems while failing to increase disposal rates until the necessary reforms address the core operational constraint.

5 Conclusions and Recommendations

The present study discovered that organizations have three primary limitations, which cause operational challenges because they lack sufficient staff members, their ICT systems face constraints, and their employees show unwillingness to adopt new procedures, and their communication systems function poorly. These factors do not restrict operational capacity according to the Theory of Constraints (TOC) model because they create a constraint loop that amplifies the system's main operational bottleneck. The combination of ICT gaps, change resistance, and weak communication leads to higher clerical demands while organizations face challenges with reform implementation, and staff members lack clear responsibility and mission understanding. The Superior Courts achieved only 58 percent case resolution in 2023 because of these factors, which created a backlog of more than 35000 pending cases.

The study, therefore, suggests that performance measurement alone is insufficient. Sustainable improvement requires a comprehensive approach:

- The main limitation should be increased through the processes of hiring, keeping, and developing judges and their support staff.

- Complete secondary constraints should be eliminated through the implementation of complete ICT system integration, the establishment of enhanced communication networks, and the execution of change management programs, which will minimize opposition to these initiatives.

Superior Courts need to resolve both their staffing bottleneck and their secondary efficiency issues to achieve their target of 80% case disposal, which will help them rebuild public trust in the judicial system. The conclusion demonstrates that technical and cultural changes must be implemented to address fundamental efficiency challenges, which require more than typical performance tracking methods.

Recommendations

Expand Court Coverage

Future studies should include Magistrates' Courts and specialized divisions to compare disposal dynamics across the entire judiciary. The research will reveal all systemic limitations that affect the implementation of reforms.

Longitudinal Analysis of PMS Impact

Conduct multi-year studies to track how PMS reforms evolve over time. The extended period will show whether disposal rates improve after reform implementation or whether existing constraints continue to exist.

Comparative Regional Studies

Investigate case disposal performance in provincial courts or compare Zambia's judiciary with other Sub-Saharan jurisdictions. This would highlight whether identified constraints are uniquely Zambian or part of broader regional patterns.

Behavioral and Cultural Dimensions of Reform

Explore in greater depth the human factors, attitudes, resistance, and communication practices that shape reform uptake. Qualitative studies could uncover the cultural drivers behind why reforms succeed or fail.

The study was limited by its small sample size of 34 purposively selected respondents. The study obtained valuable knowledge from case disposal involved personnel who worked both directly and indirectly with the process but the smaller participant group restricted scientists from making statistical generalizations about their research outcomes.

Declaration of Competing Interests

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Ethical considerations

The article followed all ethical standards appropriate for this kind of research.

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