

Navigating the Future of Law with Technology and Responsible AI in South Africa

South African Legal Frameworks: Cybercrime, Company Law, Contracts, and Delict

© Etienne Pretorius 2025

PBC Group (Pty) Ltd

WhatsApp: +27 82 513 6150

Email: aepretorius@pbcgroup.co.za

Friday, 11 July 2025

Word Count: 9 643 words

Reading Time: 32 minutes

Abstract

The white paper, "Navigating the Future of Law with Technology and Responsible AI in South Africa," explores the increasing importance of legal technology and Artificial Intelligence (AI) in the South African legal sector. It asserts that the adoption of these innovations is crucial for competitive advantage, efficiency, and increasing access to justice.

The document details various legal technologies, such as practice management software and e-discovery tools, as well as transformative AI applications like legal analytics and contract analysis. The paper also addresses the challenges and ethical considerations of AI integration, including data privacy, "hallucinations," and the need for robust governance and human oversight, particularly given strict South African regulations. The document concludes by positioning PBC Group as a key partner for law firms seeking to responsibly integrate AI, highlighting their expertise in providing strategic insight and governance frameworks to mitigate risks and ensure ethical compliance.

Executive Summary

The global legal landscape is undergoing a significant digital transformation due to the rapid adoption of Legal Technology (LegalTech) and AI. South Africa, identified as a leading tech frontier in Africa, is at a critical point where embracing these technologies is a strategic imperative for lawyers aiming to enhance efficiency, improve productivity, and expand access to justice. This white paper outlines the transformative potential of LegalTech and AI, details their specific applications and benefits within the South African legal sector, and analyses the unique opportunities and challenges in this evolving market, with a strong emphasis on responsible AI and robust governance frameworks.

Table of Contents

Abstract	1
Executive Summary.....	2
Introduction	3
Problem Statement: Artificial Intelligence (AI) in South Africa	4
Background and Challenges in Specific Legal Frameworks	5
Cybercrime and Data Governance.....	5
Company Law and Corporate Governance	5
Law of Contract	6
Law of Delict (Law of Damages)	7
Proposed Solution / Approach for Artificial Intelligence (AI) in South Africa.....	7
Approaches in Specific Legal Frameworks	9
Cybercrime and Data Governance.....	9
Company Law and Corporate Governance	9
Law of Contract	10
Law of Delict (Law of Damages)	11
Benefits and Value Propositions	12
For Artificial Intelligence (AI) and its Governance in South Africa	12
For Company Law and Corporate Governance	13
For Law of Contract	15
For Law of Delict (Law of Damages)	15
Understanding Legal Technology: Categories, Core Solutions, and AI Applications	16
Categories and Core Solutions	16

Key AI Technologies and Their Practical Applications	17
South Africa's Legal Sector: A Growing Tech Frontier.....	18
Market Overview and Growth Drivers	18
Opportunities and the Imperative for Adoption	18
Risk of Obsolescence and Market Relevance.....	19
Addressing the Access-to-Justice Gap	19
Navigating the AI Frontier: Responsible AI and Governance	19
Addressing Challenges: Ethical Considerations, Data Privacy, and "Hallucinations" 19	
Best Practices for Responsible AI Integration	20
The Role of Governance Frameworks and Specialized Providers.....	21
Real-world applications, success stories, and supporting data/testimonials	21
Artificial Intelligence (AI) and Sustainable Development Goals (SDGs)	21
AI and Legal Technology in South Africa	23
AI and Economic/Societal Development in Africa.....	24
Workforce Enablement and Skills Development.....	25
Corporate Governance and Financial Transparency	26
Conclusion: Charting a Responsible and Prosperous Future for South African Legal Practice.....	26
Call to Action	27
List of Acronyms	27
Bibliography	29
Resources	34

Introduction

The global legal landscape is undergoing an unprecedented **digital transformation**, driven by the rapid advancements in **Legal Technology (LegalTech)** and **Artificial Intelligence (AI)**. This paradigm shift is not merely a trend but a fundamental redefinition of legal practice, demanding proactive engagement from legal professionals worldwide. South Africa, a dynamic and rapidly evolving **tech frontier** on the African continent, stands at a pivotal moment. The strategic adoption of these **innovative technologies** is no longer optional; it is a **strategic imperative** for law firms and legal departments seeking to enhance **operational efficiency**, boost **productivity**, secure a **competitive advantage**, and significantly expand **access to justice** across the nation.

This white paper, "Navigating the Future of Law with Technology and Responsible AI in South Africa," delves into the transformative potential of LegalTech and AI within the unique context of the South African legal sector. We will explore the diverse applications and tangible benefits these technologies offer, from **practice management software** and **e-discovery tools** to **advanced legal analytics** and **AI-powered contract analysis**. Crucially, this document also addresses the inherent challenges and **ethical considerations** associated with AI integration, including critical issues such as **data privacy**, the phenomenon of AI "hallucinations," and the paramount need for robust **AI governance frameworks** and vigilant **human oversight**.

In an era defined by the **Fourth Industrial Revolution (4IR)**, where digital, biological, and physical spheres converge at an accelerating pace, AI has emerged as a **general-purpose technology (GPT)**, akin to electricity or the internet in its pervasive impact across industries. For South Africa, this era presents unparalleled opportunities for **economic growth** and **societal well-being**. However, realising this potential hinge on the careful consideration and astute management of the associated ethical, social, and economic implications. This paper aims to equip South African legal professionals with the essential insights required to **strategically integrate** LegalTech and AI into their practices, fostering **innovation** while strictly adhering to **ethical guidelines** and ensuring **regulatory compliance** within the evolving South African legal frameworks, including **cybercrime, company law, contracts, and delict**.

Problem Statement: Artificial Intelligence (AI) in South Africa

The "South Africa National Artificial Intelligence Policy Framework" explicitly articulates a **problem statement** using the "**Futures Triangle approach**", which aims to comprehensively analyse the **driving forces, aspirations, and historical constraints** influencing the development and implementation of AI in the country. Key challenges identified in the African context, relevant to South Africa, include:

- **Ethical and Bias Concerns:** AI models often trained on **non-African datasets** may **reinforce biases and fail to represent local contexts**, presenting a growing challenge to ensuring fairness and inclusivity in AI systems. There is a recognized need for **ethical AI frameworks to promote accountability** among developers and governments.
- **Limited Public Awareness:** A significant barrier to the adoption of governance frameworks is the **low awareness among many citizens and policymakers regarding AI risks and benefits**. This underscores the crucial need for public engagement and education to foster responsible AI use.

- **Lack of a Structured Data Ecosystem:** The effectiveness of AI projects is heavily dependent on the **quality and quantity of data** used for training AI systems. If this data does not accurately reflect the demographic characteristics of the intended population, the AI system may fail to serve its intended purpose. This also emphasizes the need for better data protection measures at both organizational and individual levels, addressing concerns like data breaches.

The policy formulation process for AI in South Africa focuses on **identifying problems that require government intervention** and analysing their underlying causes to develop targeted and effective solutions. This process relies on **research-based, practice-informed, and citizen evidence**.

Background and Challenges in Specific Legal Frameworks

Cybercrime and Data Governance

The Cybercrimes Act of 2020 establishes a framework for addressing cybercrimes, including provisions for a **designated Point of Contact** and rules for **evidence**. Electronic communications service providers and financial institutions have **reporting obligations** for certain categories of cybercrimes, requiring them to report offences without undue delay (ideally within 72 hours) and to preserve relevant information that may assist investigations. The Act also outlines procedures for obtaining and preserving data, such as **expedited preservation of data directions** and **disclosure of data directions**, which involve specific formats and affidavits to verify authenticity and integrity of data. The complexity is further compounded by requirements for **oral applications for search warrants** in urgent or exceptional circumstances. International cooperation is facilitated through mechanisms for mutual assistance, including the submission of traffic data to foreign authorities.

Company Law and Corporate Governance

The Companies Act aims to **promote compliance with the Bill of Rights** and **develop the South African economy**. **Corporate governance** is a core aspect, defined by systems that direct and control entities, underpinned by ethical values like **responsibility, accountability, fairness, and transparency**. The King Reports (King III, King IV, King V) guide corporate governance towards **integrated reporting** and considering broader stakeholder interests.

- **Financial Reporting:** Companies are required to prepare financial statements and summaries in **plain language**, indicating whether they have been audited or reviewed. The Financial Reporting Standards Council (FRSC) plays a key role in adapting international standards and advising the Minister. A challenge is ensuring that financial information, particularly in business rescue or

compromise proposals, is **accurate, complete, and up to date**, avoiding vagueness or mere speculation.

- **Business Rescue and Compromises:** The Act introduces procedures for financially distressed companies. **Uncertainty existed regarding the exact commencement of business rescue proceedings** and what constitutes a **"reasonable prospect of rescue"**, leading to judicial clarification emphasizing the need for concrete factual details in rescue plans. Similarly, the detailed information requirements for compromise proposals can lead to rigid and expensive processes, especially for non-trading companies, despite the intent for flexibility.
- **Shareholder Rights and Information:** Shareholders have statutory rights to access company records, including the securities register. Notices for shareholder meetings must provide sufficient information for informed decision-making.
- **Compliance and Enforcement:** Regulatory bodies like the Companies and Intellectual Property Commission and the Companies Tribunal are responsible for enforcing the Act and addressing contraventions through mechanisms like compliance notices.

Law of Contract

South African contract law rests on a **dual basis of actual subjective agreement (consensus)** and the **reliance theory**, meaning agreement can be established even if minds don't genuinely meet, provided one party reasonably believed consensus was reached. While formalities are generally not required, specific contracts may have legal requirements.

- **Interpretation Challenges:** Traditionally, courts distinguished between "background circumstances" and "surrounding circumstances" for admitting extrinsic evidence to interpret contracts, a distinction that proved difficult and has evolved towards a broader concept of "relevant and admissible context".
- **Consumer Protection Act (CPA):** The CPA mandates **plain language** in consumer-related documents and notices, raising questions about defining an "ordinary consumer" and assessing comprehension. It also addresses issues like misleading silence and limits on liability.
- **Underlying Values:** **Good faith, equity, and public policy** are crucial cornerstones, influencing contract enforceability, particularly where there is unequal bargaining power.

- **Breach and Remedies:** In cases of **breach of contract**, financial loss must be demonstrably caused by the breach, and the non-breaching party has a **duty to mitigate** damages.

Law of Delict (Law of Damages)

Damage is a fundamental element for a delictual claim, representing a **diminution or reduction in the utility of a legally recognized interest**, encompassing both **patrimonial and non-patrimonial loss**.

- **Assessment of Damage:** The **"sum-formula" approach** is a primary method for assessing patrimonial damage, involving a comparison between a plaintiff's actual patrimonial position after a damaging event and a hypothetical position had the event not occurred.
- **Causation:** A complex area, involving both **factual causation** (often determined by the "but-for" test) and **legal causation**. Courts favour a **flexible approach to legal causation** based on policy, reasonableness, fairness, and justice. A key problem is that the determination of damage and causation often **coincide**.
- **"Once and for All" Rule:** Generally, every damage-causing event gives rise to a single cause of action, although the precise application can vary depending on whether a "single cause" or "facta probanda" (elements of liability) approach is used.
- **Prospective Loss:** Future damages are accounted for, requiring a prognosis of expectancies and consideration of contingencies.
- **Contributory Fault:** While it can reduce damages, a defendant who intentionally caused harm generally cannot invoke the plaintiff's contributory negligence.
- **Onus of Proof:** The plaintiff bears the onus of proving the extent of damage and the amount of compensation on a balance of probabilities, though this burden can shift in certain contexts like mitigation.

Proposed Solution / Approach for Artificial Intelligence (AI) in South Africa

The approach to AI in South Africa is guided by a **National AI Policy Framework**, which strategically aims to harness AI technologies for economic growth, societal well-being, and to position the country as a leader in AI innovation. This framework is developed using a **"Futures Triangle approach"** to comprehensively analyse driving forces, aspirations, and historical constraints.

Key proposed solutions and approaches include:

- **Ethical AI Development and Responsible Deployment:**
 - **Prioritize fairness, transparency, and accountability** in the design and implementation of AI systems. This includes developing **ethical AI frameworks and guidelines** that align with human rights principles.
 - **Promote explainable AI (XAI)** to build public trust by ensuring AI systems provide clear and understandable outputs, allowing users and stakeholders to comprehend how decisions are made.
 - Implement **robust cybersecurity protocols** to safeguard AI systems and develop frameworks for **identifying and mitigating AI-associated risks**.
 - Companies, such as PBC Group, are positioned to provide **strategic insight and robust governance** to help organizations innovate with AI integrity and deploy AI responsibly, addressing concerns like "hallucinations" and potential for misleading the court.
 - **Integrate ethical training** into AI education and professional development, alongside creating a **code of conduct for AI professionals**.
- **Talent Development and Capacity Building:**
 - **"Incorporate AI into educational curricula** from basic to tertiary levels to ensure a robust AI talent pool." (Studocu)
 - Empower young people to participate in the digitally driven economy by providing **tech training outreach centres** to marginalized youth, fostering adaptable and flexible curriculums, and supporting innovative ideas. This also includes building a diverse skill set, beyond computer-related disciplines.
- **Data Governance and Ecosystem Enhancement:**
 - Prioritize **data governance** and the development of a **deeper, richer, and more accessible data pool** to enable effective problem-solving using AI solutions, while simultaneously ensuring data protection measures.
 - Ensure that AI models, especially those for African contexts, are trained on **African datasets to prevent biases** and adequately represent local contexts.
- **Innovation and Sustainable Development:**
 - Actively leverage **Generative AI to accelerate and amplify Sustainable Development Goal (SDG) actions** across various sectors, including green finance, product/service design, and sustainability research.

- Foster innovation that is needs-based and supports local solutions to promote self-reliance and cultivate a local AI ecosystem.
- **Multi-Stakeholder Collaboration and Policy Formulation:**
 - Encourage a **significant, committed, collaborative public-private effort** to guide AI development and ensure solutions align with African needs and priorities.
 - Policymaking should rely on **research-based, practice-informed, and citizen evidence** to develop targeted and effective solutions for identified problems.
 - The private sector should **actively participate in establishing clear, relevant, and enforceable standards** for AI use, ensuring alignment with SDGs and the common good.

Approaches in Specific Legal Frameworks

Cybercrime and Data Governance

The approach focuses on **strict adherence to, and enforcement of existing legal provisions** established by the Cybercrimes Act:

- **Data Preservation and Disclosure:** Electronic communications service providers and financial institutions must **comply with prescribed procedures for furnishing particulars** (e.g., electronic communications identity numbers, user details) via affidavit, as directed by the court. Procedures for expedited preservation of data and disclosure of data directions are outlined, with provisions for applications to amend or cancel directions if compliance is not timeous or reasonable.
- **Standard Operating Procedures (SOPs):** The Cabinet member responsible for policing, in consultation with relevant national authorities, must **issue SOPs** to be observed for effective implementation of cybercrime provisions.
- **International Cooperation:** The **establishment and operation of a designated Point of Contact** within the South African Police Service is crucial to facilitate mutual assistance with foreign states, including the provision and submission of traffic data as required by court orders. This point of contact ensures immediate provision of assistance and cooperation.

Company Law and Corporate Governance

The approach aims for **economic development and compliance with the Bill of Rights**, through robust corporate governance and efficient resolution mechanisms:

- **Corporate Governance Principles:** Entities should adhere to the "apply or explain" philosophy of King IV/V, which emphasizes **ethical and effective leadership**, integrated reporting, and governance of risk, IT, and stakeholder relationships. This involves ensuring board oversight of IT strategy and its integration with business processes.
- **Business Rescue and Compromises:**
 - The core approach is to **facilitate the rehabilitation of financially distressed companies** as an alternative to liquidation.
 - Business rescue can be initiated by a **voluntary board resolution** (a "low hurdle route" to encourage early intervention) or by **court order**.
 - The business rescue practitioner's primary function is to **prepare and implement a comprehensive business rescue plan**, consulting with affected persons (employees, creditors, shareholders). The plan must provide sufficient, concrete factual details to demonstrate a "reasonable prospect of rescue" rather than mere speculation.
 - The process should **minimise court involvement** to keep costs down.
 - Compromise proposals must contain all reasonably required information, like business rescue plans, with the aim of facilitating creditor decision-making. While ideally flexible, the detailed requirements may lead to rigid and expensive processes, indicating a need for pragmatic judicial interpretation (e.g., substantial compliance suffices).
- **Shareholder Rights and Enforcement:**
 - **Shareholders have extended standing** to apply for remedies, including the ability to propose resolutions, access company records, and exercise appraisal rights.
 - The Companies Act encourages the use of **Alternative Dispute Resolution (ADR)** methods (conciliation, mediation, arbitration) to alleviate the burden on courts, save costs, and preserve commercial relationships. The Companies Tribunal serves as a forum for ADR and adjudication.
 - The Companies Commission can issue **compliance notices** and initiate **consent orders** to resolve complaints, promoting expeditious resolution.

Law of Contract

The approach to contract law in South Africa is rooted in a **dual basis of actual subjective agreement (consensus) and the reliance theory**.

- **Clarity and Interpretation:** Contracts should be drafted with **clarity and plain language**, especially in consumer-related documents, to ensure accessibility and understanding by the "ordinary consumer". When interpreting contracts, courts adopt a **broader concept of "relevant and admissible context"** to ascertain meaning.
- **Underlying Values: Good faith, equity, and public policy** are crucial cornerstones that influence contract enforceability, particularly in cases of unequal bargaining power. The Constitutional Court has indicated a preference for incorporating African values, such as *ubuntu*, into a newly synthesised common law, or potentially through a new Contracts Code, to address inequality.
- **Remedies for Breach:**
 - The primary remedies are **specific performance or cancellation, coupled with a claim for damages** to compensate for financial loss.
 - The **innocent party has a duty to mitigate damages** arising from a breach.
 - **Interdicts** can be sought to prevent threatened or imminent breaches.
 - A **declaration of rights** can be used when there is uncertainty about contractual rights, especially in the context of a dispute.
 - For pre-emption agreements, the "Oryx mechanism" allows a party to "step into the shoes" of a third party to create a new contract, which is a more radical remedy than specific performance.

Law of Delict (Law of Damages)

The approach focuses on providing **just, logical, and practical rules for determining damage, damages, and satisfaction**.

- **Assessment of Damage:** The **"sum-formula" approach** remains a primary method, comparing the plaintiff's patrimonial position after the event with a hypothetical position had the event not occurred. A **concrete approach** can also be used, focusing on the diminution of a particular interest.
- **Causation:** The Appellate Division has adopted a **flexible approach to legal causation**, where there is no single criterion. This approach considers **policy considerations, reasonableness, fairness, and justice** to impute consequences to the wrongdoer, with existing theories like "direct consequences" and "reasonable foreseeability" playing a subsidiary role.

- **"Once and for All" Rule:** Generally, every damage-causing event gives rise to a **single cause of action**, requiring all damages (past and future) to be claimed in one action. However, there are considerations for legislative intervention to allow future damages (e.g., medical expenses or loss of income) to be paid in instalments in certain cases.
- **Patrimonial Loss and Mitigation:** Damages for patrimonial loss are intended to be compensatory, **eliminating past and future damage as fully as possible**, not punitive. The plaintiff bears the onus of proving the extent of damage and has a **duty to take reasonable steps to mitigate losses**.
- **Collateral Benefits:** The treatment of collateral benefits is a **normative problem** to be solved by policy principles and equity, balancing the interests of all parties. The general principle is that a plaintiff cannot recover damages more than their actual loss.

Benefits and Value Propositions

For Artificial Intelligence (AI) and its Governance in South Africa

- **Harnessing AI for Economic Growth and Societal Well-being:** The National AI Policy Framework aims to position South Africa as a leader in AI innovation, leveraging AI technologies for economic growth and societal well-being.
- **Strategic Insight and Robust Governance:** Companies like PBC Group provide strategic insight and robust governance to help organizations innovate with AI integrity and deploy AI responsibly. This directly addresses concerns such as "hallucinations" and the potential for misleading the court.
- **Efficiency and Innovation:** AI offers immense opportunities for efficiency and innovation within the legal sector.
- **Access to Justice and Market Expansion:** By making legal services more affordable and efficient, AI can help bridge the access-to-justice gap, potentially unlocking new market segments while enhancing public perception and social impact.
- **De-risking AI Adoption:** Specialized service providers are indispensable for de-risking the AI adoption process for law firms, providing frameworks, expert guidance, and oversight. This transforms AI adoption into a strategically sound, manageable, and ethically compliant investment.
- **Creating Business Value:** Generative AI (Gen AI) can create business value through its foundational capabilities as a Data Miner, an Insight Navigator, or a

Knowledge Amplifier. When combined with other business capabilities, Gen AI can help companies: (“Gen AI for the Global Goals | Accenture”)

- **Lower costs** through increased operational efficiency.
- **Streamline management** of complex value chains.
- **Increase revenue** through innovative new offerings.
- **Simplify reporting and compliance.**
- **Accelerating Sustainable Development Goals (SDGs):** Gen AI has the potential to accelerate and amplify SDG actions across various sectors, including green finance, product/service design, and sustainability research . AI can enhance crop yields, reduce resource usage, create new medical treatments, enhance patient care, reduce clinician burnout, and improve learning effectiveness and accessibility.
- **Bias Prevention:** Training AI models on African datasets helps prevent biases and ensures adequate representation of local contexts.
- **Ethical AI Development:** Prioritizing fairness, transparency, and accountability in AI system design and implementation. This includes developing ethical AI frameworks and guidelines aligned with human rights principles.
- **Talent Development:** Incorporating AI into educational curricula from basic to tertiary levels helps build a robust AI talent pool. Tech training outreach centres for marginalized youth foster adaptable and flexible curriculums.

For Company Law and Corporate Governance

- **Economic Development and Compliance with Bill of Rights:** The Companies Act aims to promote compliance with the Bill of Rights in the application of company law and promote the development of the South African economy.
- **Ethical and Effective Leadership:** Corporate governance, as per King V, is defined as the exercise of ethical and effective leadership, fostering an ethical culture, driving performance, ensuring conformance, and building legitimacy through responsible corporate citizenship and strong stakeholder relationships.
- **Sustainable Value Creation:** The governing body ensures that the organization's purpose, business model, and strategy result in sustainable value creation within its economic, social, and environmental context. This involves considering how resource availability and relationships affect opportunities and risks. Companies can create long-term value by aligning financial interests with positive social, economic, and environmental outcomes.

- **Integrated Thinking:** King V advocates integrated thinking, which considers the combination, connectivity, and interdependencies of factors affecting an organization's ability to create value over time, recognizing its embeddedness in the economy, society, and natural environment.
- **Investor and Stakeholder Confidence:** Good governance lowers the cost of capital and ensures efficient resource use. It fosters investor and stakeholder confidence through transparent engagement, recognition of legitimate expectations, and accountability.
- **Business Rescue (Rehabilitation):** The core approach of business rescue is to facilitate the rehabilitation of financially distressed companies as an alternative to liquidation. It aims to maximize the likelihood of the company continuing in existence on a solvent basis or, if not possible, to provide a better return for creditors or shareholders than immediate liquidation. This process minimizes court involvement and costs where possible.
- **Protection of Shareholder Rights:** Shareholders have extended standing to apply for remedies, including proposing resolutions, accessing company records, and exercising appraisal rights. Appraisal rights provide dissenting shareholders a means of exit or to challenge the adequacy and fairness of consideration in fundamental transactions.
- **Efficient Dispute Resolution:** The Companies Act encourages Alternative Dispute Resolution (ADR) methods like conciliation, mediation, and arbitration to alleviate court burdens, save costs, and preserve commercial relationships. The Companies Commission can issue compliance notices and consent orders for expeditious resolution.
- **Promoting Compliance:** The Act promotes a predictable and effective environment for the efficient regulation of companies, encouraging entrepreneurship, enterprise efficiency, flexibility, simplicity in formation, and maintenance of companies.
- **Ethical Conduct and Reputation:** Running a company ethically earns its "licence to operate" within a community and builds a reputable, sustainable, and successful business. Investing in a positive ethical reputation offers opportunities beyond avoiding misconduct penalties.
- **Improved Employee Well-being and Talent Availability:** Supporting employee health and well-being has become a top priority for increasing talent availability. Other promising practices include effective reskilling and upskilling opportunities and improving talent progression and promotion.

For Law of Contract

- **Ensuring Certainty and Enforceability:** The South African approach to contract law is rooted in actual subjective agreement (consensus) and the reliance theory, providing a dual basis for enforceability.
- **Clarity and Plain Language:** Contracts should be drafted with clarity and plain language, especially for consumer-related documents, to ensure accessibility and understanding by the "ordinary consumer".
- **Ethical Foundation:** Good faith, equity, and public policy are crucial cornerstones that influence contract enforceability, particularly in cases of unequal bargaining power.
- **Economic Function:** Contract forms the very basis of the free-market system, serving as a medium of voluntary exchange of goods and services.
- **Effective Remedies:** The law provides primary remedies such as specific performance or cancellation, coupled with a claim for damages to compensate for financial loss.
- **Dispute Resolution:** A declaration of rights can be used when there is uncertainty about contractual rights. Interdicts can prevent threatened or imminent breaches.

For Law of Delict (Law of Damages)

- **Just and Practical Rules for Compensation:** The law of delict focuses on providing just, logical, and practical rules for determining damage, damages, and satisfaction.
- **Full Patrimonial Compensation:** The primary object of damages is to eliminate past and future patrimonial loss as fully as possible, placing the innocent party in the position they would have occupied had the damage-causing event did not occur.
- **Addressing Non-Patrimonial Loss:** For non-patrimonial loss, while money cannot be a true equivalent, it can provide "imperfect compensation" to create happiness or overcome loss. Satisfaction, usually through a monetary award, also serves to effect retribution for the wrong suffered and uphold the plaintiff's and/or the community's sense of justice.
- **Flexibility in Causation:** The flexible approach to legal causation considers policy considerations, reasonableness, fairness, and justice to impute consequences to the wrongdoer.

- **Duty to Mitigate:** The innocent party has a duty to take reasonable steps to mitigate damages and can recover costs incurred in doing so.
- **Ethical and Societal Considerations:** The law of damages must consider its basic philosophy of compensation, which requires the fullest possible compensation, while also considering realities like the insurance industry and social care measures. It also involves a normative problem of balancing interests, employing principles of equity, reasonableness, and public benefit.

Understanding Legal Technology: Categories, Core Solutions, and AI Applications

Legal Technology encompasses a broad spectrum of software and services designed to support, enhance, or even replace traditional legal processes. Strategic adoption requires a clear understanding of its diverse applications and foundational elements.

Categories and Core Solutions

LegalTech solutions can be broadly categorised into three types:

- **Enabler technologies:** These form the foundational layer, providing platform infrastructure, **cybersecurity** measures, **cloud computing**, and connectivity. While not exclusive to the legal sector, they are indispensable for creating a secure and efficient digital environment within a law firm.
- **Support process solutions:** These streamline administrative and operational tasks, such as Legal Practice Management (LPM) software for case data, time tracking, billing, and invoicing. Document Management software also falls into this category, addressing the significant challenge of managing legal documents by improving organisation, storage, security, and remote access.
- **Substantive law technology:** This category includes tools that directly assist with legal work, such as AI-powered platforms for legal research.

Other critical LegalTech categories that legal professionals should be familiar with include:

- **E-discovery solutions.**
- **PDF and E-signature tools.**
- **Legal Analytics platforms.**
- **E-filing and Dockets systems.**

- **Knowledge Management tools:** Identified as one of the "most powerful yet underused tech tools", these offer a significant opportunity for law firms in a knowledge-intensive industry like law to gain a substantial **competitive advantage**.
- **Compliance Tech:** This category assists with adherence to various laws, rules, codes, and standards.

These solutions offer measurable improvements in **productivity, efficiency**, and operational capacity, demonstrating that LegalTech is a **strategic investment** that directly impacts profitability and lawyer productivity.

Key AI Technologies and Their Practical Applications

The integration of **Artificial Intelligence (AI)** promises to revolutionise legal workflows. Key AI technologies underpinning legal applications include:

- **Natural Language Processing (NLP):** This enables machines to understand and interpret human language, which is indispensable for analysing large volumes of legal documents.
- **Predictive Analytics:** This uses historical data to forecast future events and guide decisions, helping to develop optimal strategies for resolution.

The practical applications of AI across legal workflows are diverse and impactful:

- **AI-Powered Legal Research Platforms:** These platforms can sift through vast amounts of legal documents, enabling rapid identification of relevant cases, statutes, and legal precedents. This significantly accelerates legal research, enhancing **efficiency** and **accuracy**.
- **Document Review and Analysis:** AI can automate the review of large document sets for relevance and privilege, freeing up legal professionals for more complex tasks.
- **Due Diligence Automation:** AI tools can swiftly analyse agreements and records to identify potential risks and liabilities.
- **Contract Analysis and Generation:** AI can assist in drafting, reviewing, and managing contracts by identifying clauses, extracting data, and generating standard agreements.
- **Predictive Outcomes:** Leveraging historical data, AI can forecast potential litigation outcomes, informing strategic decision-making.
- **Intelligent Scheduling:** AI algorithms can optimise calendars and coordinate meetings, improving operational efficiency.

South Africa's Legal Sector: A Growing Tech Frontier

South Africa is rapidly emerging as a dynamic and growing hub for LegalTech on the African continent.

Market Overview and Growth Drivers

The LegalTech market in South Africa is projected to reach **US\$ 335.3 million by 2030**, demonstrating a robust **Compound Annual Growth Rate (CAGR) of 10.9%** from 2024 to 2030. This signifies a highly dynamic and expanding market, indicating a critical period for law firms to invest in technology to secure future relevance and for service providers to establish market leadership. South Africa is projected to lead the Middle East & Africa (MEA) regional market in terms of revenue by 2030 and is recognised as the fastest-growing regional market in MEA.

In terms of market segments, software constituted the largest revenue-generating solution in 2023, holding a **73.75% share**. However, the 'Services' segment is identified as the fastest growing and most lucrative solution segment for the forecast period. This distinction is crucial: while software provides foundational tools, the true value and future growth lie increasingly in the expertise required to effectively implement, manage, and optimise these tools. This creates a direct and growing demand for **service-oriented offerings** like strategic insight, robust governance, and responsible AI.

South Africa was ranked Africa's leading tech frontier in the 2021-2022 African Tech Ecosystem of the Future report, boasting one of the most advanced Venture Capital (VC) networks on the continent, which actively supports LegalTech start-ups. This supportive **digital ecosystem** fosters innovation and accessibility to new LegalTech solutions. A 2020 report indicated significant adoption rates, with **45% of law firms and 36% of in-house legal departments** in South Africa having purchased LegalTech in the preceding 12 months. Key drivers for LegalTech adoption in South Africa include:

- Increasing **efficiency** (cited by 38.2% of legal departments).
- The need to remain **competitive** (17.6%).
- The imperative to reduce **costs** (16.2%).

Opportunities and the Imperative for Adoption

The compelling reasons for South African legal professionals to adopt LegalTech and AI extend beyond mere competitive necessity; they address fundamental challenges within the legal system.

Risk of Obsolescence and Market Relevance

With significant adoption rates and a substantial CAGR, firms that delay or resist adoption risk falling significantly behind their technologically advanced peers. Competitors leveraging AI and LegalTech will be able to offer more efficient, cost-effective, faster, and potentially more accurate services, eroding the market share and client base of traditional firms. This creates a strong risk of **obsolescence**, transforming LegalTech adoption from an option into a **strategic necessity** for long-term viability, market relevance, and sustained growth in the South African legal landscape.

Addressing the Access-to-Justice Gap

Beyond internal efficiencies and cost savings, LegalTech and AI offer a profound pathway to address the significant **access-to-justice gap** in South Africa. A recent study by Law for All found that approximately **86% of South Africans** experience stress-related illnesses when dealing with a legal problem, and only **45% possess the resources** to enforce their legal rights. LegalTech tools can help bridge this gap by:

- Automating routine tasks, thereby reducing legal fees.
- Expanding the reach of legal services.
- Potentially unlocking entirely new market segments, while simultaneously enhancing a firm's public perception and **brand value**.

Navigating the AI Frontier: Responsible AI and Governance

While AI offers immense opportunities for efficiency and innovation, its responsible and ethical integration is paramount.

Addressing Challenges: Ethical Considerations, Data Privacy, and "Hallucinations"

The use of AI in legal settings raises significant ethical questions regarding **data privacy, security, accountability, transparency, bias**, and the potential erosion of professional judgment. A major concern is the tendency of some AI tools to generate false or fabricated information, commonly referred to as "**hallucinations**", which can lead to misleading the court or clients.

The South African judiciary has already voiced strong warnings regarding the uncritical reliance on AI. A judge in a South African case explicitly stated that "Relying on AI technologies when doing legal research is irresponsible and downright unprofessional" due to errors that misled opposing counsel and wasted court time, leading to punitive

cost orders. (Mavundla case). South African courts expect AI outputs to be treated with the same level of scrutiny as traditional research methods. This explicit judicial warning underscores the high stakes involved; unverified or erroneous AI output can lead to severe professional misconduct, legal repercussions, and reputational damage (Northbound Processing case).

Furthermore, South Africa has embraced new **Cybersecurity Regulatory Reforms**, which came into effect in 2021. These include the **Cybercrimes Act, 2020 (Act No. 19 of 2020)** and the **Protection of Personal Information Act, 2013 (Act No. 4 of 2013) (POPIA)**. These acts impose strict requirements on data handling and cybersecurity. This new, stringent regulatory landscape makes robust **data governance**, privacy protocols, and cybersecurity measures not just best practice but a legal imperative for any law firm integrating AI, adding a layer of mandatory **compliance** to the adoption process.

Best Practices for Responsible AI Integration

The strong judicial warning against unverified AI output, coupled with the explicit mention of AI "hallucinations" and the new South African Cybercrimes Act and POPIA, fundamentally transforms responsible AI from a 'good-to-have' best practice into a 'must-have' legal and ethical imperative for legal practitioners. To navigate the integration of AI responsibly, legal practitioners should adopt the following best practices:

- **Verification Is Key:** Always verify the output of AI tools against credible legal databases or primary sources. AI can generate plausible-sounding content but lacks the capacity to verify its own accuracy. Legal practitioners have an ethical obligation to ensure the accuracy and authenticity of all submissions, including those assisted by AI, to avoid misleading the court.
- **Confidentiality and Data Security:** Utilise AI tools that guarantee the confidentiality and security of client data, ensuring compliance with POPIA and other data protection laws.
- **Evidence Integrity:** Maintain meticulous records of how AI tools are used in processing evidence, upholding due diligence. Any role of AI in evidence processing should be disclosed, and results independently validated.
- **Ethical Use of Technology:** Familiarise oneself with ethical guidelines and professional standards regarding the use of technology in legal practice. AI use should not undermine client confidentiality or compromise the quality of representation. (“The Pitfalls of AI in Legal Research: A South African Perspective”)

- **Transparency:** Disclose the extent of reliance on AI tools to clients and, where appropriate, to the court. This builds trust and manages expectations.
- **Skills & Training:** Invest in continuous education to develop technical, legal, and ethical competencies for AI use. This ensures effective and responsible deployment, maximises benefits, and minimises risks.

The Role of Governance Frameworks and Specialized Providers

Effective AI governance in South Africa requires a context-aware and proactive approach. This involves not only adhering to existing legislation like POPIA but also considering principles from the **King IV Report on Corporate Governance** and the guidance of the **National Artificial Intelligence Policy Framework**. The King IV Report emphasises the board's role in applying governance principles and practices, moving beyond a "tick-box manner" to a nuanced application that best befits a company. It also highlights the importance of IT Governance, which is a new area in King III (a predecessor to King IV), explaining the board's responsibilities in relation to it. The National AI Policy aims to promote economic growth, societal well-being, and South Africa's leadership in AI innovation, explicitly committing to ethical AI development and use, with comprehensive guidelines for transparency, accountability, fairness, and bias mitigation.

Specialised service providers, such as PBC Group, are indispensable partners for the South African legal sector in navigating these complex ethical and governance challenges. Their services focus on empowering organisations through strategic insight, robust governance, and responsible AI frameworks. This directly aligns with the critical need for ethical frameworks, rigorous verification protocols, and compliance with South African laws and judicial expectations. By emphasising "AI integrity" and deploying AI "with conscience," such groups position themselves as crucial partners in mitigating risks like AI "hallucinations" and the potential for misleading the court.

Real-world applications, success stories, and supporting data/testimonials

Artificial Intelligence (AI) and Sustainable Development Goals (SDGs)

- **Testimonials and General Impact:**
 - **Mastercard's Chief AI and Data Officer, Greg Ulrich,** believes that **Gen AI, implemented with appropriate guardrails and principles, can directly impact sustainable development** in areas like increasing access to clean water and sanitation, reducing hunger and poverty,

enabling affordable clean energy, building sustainable cities and communities, and addressing overall climate action.

- **Beatriz Tumoine, Global Social Impact Director at Cemex**, highlights the **significantly enhanced value** leveraging AI brings when combined with robust data storage networks and codified data, improving service and delivery times. She also emphasizes that achieving systemic change in sustainability requires **collective effort** across the private and public sectors, and highlights Cemex's commitment to **addressing biases in AI models** through partnerships with technology developers to foster more objective and inclusive information.
- **Márcia Balisciano, Chief Sustainability Officer at RELX Group**, notes that **Gen AI's ability to scale information and analytics can help achieve global issues "farther faster"**. She also stresses the importance of **trusted and cited content** in Gen AI responses to increase traceability and trust, stating that "If people can't trust the content, it's not going to be good for business".
- **Vikram Nagendra, Director of Corporate Sustainability at SAP**, points out that AI can play a positive role at the intersection of maintaining economic growth and sustainable development by **increasing productivity**. He also indicates that initial Gen AI applications have focused on "low-hanging fruits" but anticipates more "high-value-added cases" moving forward.
- **Shamina Singh, Founder and President of Mastercard's Centre for Inclusive Growth**, emphasizes using Gen AI to **accelerate action and create a "flywheel effect"** towards the SDGs.
- **Specific Case Studies of Gen AI for SDGs:**
 - **SuperHumanRace (India)**: This company developed an app that uses **Gen AI alongside machine modelling** to provide doctors with **personalized recommendations for maternal health**, prioritizing states with the poorest outcomes. The app leverages large datasets, generates tailored questionnaires based on pregnancy stage and risk factors, identifies patterns in patient data, and offers **AI-enabled suggestions for actions** like recommended supplements, medications, and additional tests to **reduce preventable deaths during pregnancy or childbirth**.
 - **Accenture's N-Tier Supply Chain Navigator**: This tool is powered by Gen AI and assists sustainability and procurement managers in **analysing supply chain data** to provide **real-time insights** and facilitate **data-**

driven decision-making. It specifically helps **identify sustainability and human rights risks** by cross-referencing supply chain data with location and sector-level indicators, such as alignment to international conventions or regions with high child labour risk.

- **Salesforce's Net Zero Cloud with Einstein's Gen AI capabilities:** This ESG management platform helps companies **generate their ESG reports**, streamlining the process of creating framework-specific reports and **conserving valuable time and resources**. It uses a company's past ESG data, uploaded documents (e.g., 10K, impact reports), and other Net Zero Cloud data (e.g., emissions) as inputs to **automatically populate responses for written questions**, allowing companies to focus on new sustainability initiatives rather than just reporting.
- **Microsoft's Sustainability Insights Copilot template for Copilot Studio:** This tool utilizes Gen AI to **efficiently source and share tailored data and insights** regarding sustainability goals and progress. It analyses sustainability data, provides context-specific support to employees, and enables companies to **benchmark their sustainability progress** against industry peers, thereby spreading knowledge, reducing errors, and improving decision-making across the organization.
- **General Use Cases Identified for Gen AI and Sustainable Development:**
 - Resource Optimization
 - Efficient Code
 - Worker Effectiveness
 - Sustainability Reporting
 - Marketing Sustainability
 - Boosting Collaboration
 - Green Finance
 - Sustainable Product and Service Design
 - Cutting Edge Research

AI and Legal Technology in South Africa

- **Quantifiable Benefits and Data:**
 - Lawyers utilizing **Cloud-Based Practice Management (LPM) software** have reported an **average caseload increase of 38%** and gained at least

three billable hours per day due to the automation of key processes like invoice generation.

- **Document management software** directly addresses a significant challenge for **nearly 60% of surveyed lawyers** and has led to **94% of attorneys reporting a positive impact** on locating documents.
- AI in legal research can lead to **significantly reduced research time** and improved accuracy, with a specific mention of **60% reduced research time**.
- **Contract Analysis & Management** using AI can **dramatically speed up review (e.g., 80%-time reduction)**, flag issues, ensure compliance, and mitigate risks.
- **E-Discovery & Document Review** through AI automates document review, classifies relevant data, and **reduces manual burden (e.g., 50% cost reduction)**.
- **Predictive Analytics** can lead to **35% litigation strategy improvement** by forecasting case outcomes and identifying trends.
- **Real-world Applications and Value Proposition:**
 - AI offers immense opportunities for **efficiency and innovation within the legal sector**.
 - By making legal services more affordable and efficient, AI can help bridge the **access-to-justice gap**, potentially unlocking new market segments while enhancing public perception and social impact.
 - Specialized service providers like **PBC Group** are indispensable for **de-risking the AI adoption process** for law firms, providing strategic insight, robust governance, ethical frameworks, expert guidance, and oversight. This transforms AI adoption into a strategically sound, manageable, and ethically compliant investment, directly addressing concerns like "hallucinations" and ensuring responsible deployment.
 - AI is expected to augment, rather than diminish, the professional role of legal practitioners by allowing them to focus on **higher-value activities** requiring nuanced judgment, ethical reasoning, client interaction, and complex problem-solving.

AI and Economic/Societal Development in Africa

- **Local Initiatives and Impact:**

- **Nuru**, a Kenyan beta-stage AI tool, identifies and diagnoses crop diseases and has **benefited 28,000 Kenyan cassava farmers**.
- Kenya's AI-based agritech **Apollo Agriculture** uses AI to estimate the solvency of farmers and machine learning to assist in formulating better decisions concerning loans.
- The **National Tooling Initiative Programme (NTIP)** in South Africa is cited as an alternative learning model that helps workers **constantly evolve, up-skill, and broaden their expertise** in an age of rapid technological change.
- There is clear evidence of how AI can drive progress and development across the continent, with local initiatives assisting in developing AI solutions, showing positive signs despite AI being in its nascent stages in Africa.

Workforce Enablement and Skills Development

- **Examples of Experiential Learning and Reskilling:**

- **Tulip**, a manufacturing platform-as-a-service, helps production organizations involve their workers in co-design and implementation of new technologies. For instance, a Senior Process Engineer at a high-end boat manufacturer co-designed an easy-to-use app that provides **full transparency of working times by piece and average cycle time**, helping workers learn and improve and enabling leaders to customize training.
- **Upskill** uses augmented reality technologies to enhance the capabilities of the production workforce. At a high-tech electronic component manufacturer, a technician uses **smart glasses with Upskill's Skylight Platform** to monitor key performance indicators (KPIs) for production lines, receive automated error notifications, and **collaborate with offsite experts using streaming technology** to resolve complex issues.
- The **Experis Tech Academy in Emilia Romagna, Italy**, is a successful multi-stakeholder partnership (regional governments, local businesses, educational institutions) that re- and upskilled the local labour force. This program trains individuals for high-tech manufacturing roles like carbon-fibre laminators, CAD designers, and data analysts, addressing job displacement from the decline of the textile industry and the demand for skilled workers in the luxury car sector.

- **Testimonials on People-Centric Leadership:**

- **Bob Chapman, CEO and Chairman of Barry-Wehmiller Companies,** states that "true leadership is the '...big difference between understanding the value of the people inside an organization and making decisions that consider their needs'".
- The importance of foresight and collective action to equip workers, businesses, governments, educators, and civil society to navigate complex transitions is emphasized, with the principle of "putting people at the centre" being a key theme in Fourth Industrial Revolution leadership.

Corporate Governance and Financial Transparency

- **Example of Governance Application:**
 - **Media24** applies the King IV principle of ensuring effective control environment and integrity of information by following a **combined assurance model** that covers key risks through a combination of assurance service providers and functions, including internal and external auditors, and specialist compliance functions.
- **Challenges Highlighted:**
 - The sources mention instances in South Africa of **corporate collapse due to shortcomings in financial reporting and dubious business practices**, such as the disappearance of R689 million owed to mineworkers' widows and orphans in February 2007. This illustrates the critical need for compliance and reliable financial disclosures.

Conclusion: Charting a Responsible and Prosperous Future for South African Legal Practice

The shift towards embracing LegalTech and Artificial Intelligence is unequivocally an essential, rather than optional, component of modern legal practice, particularly within the rapidly expanding and strategically vital South African market. The future trajectory of law is intrinsically linked to technological innovation, propelled by an unwavering demand for enhanced efficiency, heightened competitiveness, and significantly improved access to justice. South African law firms are now presented with an unprecedented opportunity to fundamentally redefine their operational paradigms, elevate the quality of client services, and make a profound contribution to a more equitable and accessible legal system for all citizens.

While the opportunities presented by AI are undeniably vast and transformative, its responsible and ethical implementation remains paramount to unlocking its full

potential without incurring undue risks. The imperative for robust governance, rigorous verification protocols, and unwavering adherence to ethical principles cannot be overstated, particularly given the unique regulatory landscape and the explicit judicial scrutiny prevalent in South Africa. As highlighted by recent judicial warnings against the uncritical reliance on AI, the onus is on legal practitioners to ensure the accuracy and integrity of all AI-generated outputs.

Embracing AI responsibly in South Africa necessitates a context-aware and proactive approach to governance. This involves prioritising ethical AI development, ensuring stringent compliance with evolving legislation such as the Cybercrimes Act and POPIA, safeguarding data privacy, and thoughtfully navigating the inevitable workforce transformation. By doing so, the South African legal sector can collectively build a fairer, more efficient, and ultimately more human-centric future for all its stakeholders. Partnering with specialised providers, such as PBC Group, can provide the strategic insight, robust governance frameworks, and expert guidance necessary to integrate these innovations responsibly, ethically, and in full compliance with the evolving regulatory landscape, thereby enabling firms to unlock their full potential and maintain a leading edge in this dynamic market.

Call to Action

To confidently navigate this transformative era, South African legal practitioners are encouraged to actively explore and adopt LegalTech and AI solutions. Partnering with specialised providers can ensure that these innovations are integrated responsibly, ethically, and in full compliance with the evolving regulatory landscape, enabling firms to unlock their full potential and maintain a leading edge in the market.

Contact Etienne at PBC Group for further conversations.

List of Acronyms

- **4IR:** Fourth Industrial Revolution
- **ADR:** Alternative Dispute Resolution
- **AI:** Artificial Intelligence
- **XAI:** Explainable AI
- **ASASA:** Advertising Standards Association of South Africa
- **B-BBEE:** Broad-Based Black Economic Empowerment
- **CAGR:** Compound Annual Growth Rate

- **CAD:** Cash Against Documents
- **CO:** Compliance Officer
- **CPA:** Consumer Protection Act
- **ESG:** Environmental, Social, and Governance
- **EU:** European Union
- **FRSC:** Financial Reporting Standards Council
- **FMA:** Financial Markets Act
- **GPT:** General-Purpose Technology
- **IoDSA:** Institute of Directors of South Africa
- **IRBA:** Independent Regulatory Board for Auditors
- **ISPs:** Internet Service Providers
- **IT:** Information Technology
- **JSE:** Johannesburg Stock Exchange
- **KPI:** Key Performance Indicator
- **LPM:** Legal Practice Management
- **MEA:** Middle East & Africa
- **MPRDA:** Mineral and Petroleum Resources Development Act
- **NEDLAC:** National Economic Development and Labour Council
- **NLP:** Natural Language Processing
- **OECD:** Organisation for Economic Co-operation and Development
- **PDF:** Portable Document Format
- **POPIA:** Protection of Personal Information Act
- **SADC:** Southern African Development Community
- **SACU:** Southern African Customs Union
- **SARIPA:** South African Restructuring and Insolvency Practitioner Association
- **SDG:** Sustainable Development Goals
- **SOP:** Standard Operating Procedure
- **TIDCA:** Trade, Investment and Cooperation Agreement

- **UNCITRAL:** United Nations Commission on International Trade Law
 - **UNCLOS:** United Nations Convention on the Law of the Sea (“UNCLOS: United Nations Convention on the Law of the Sea”)
 - **VC:** Venture Capital
 - **WTO:** World Trade Organization
-

Bibliography

Ade-Ibijola, A. and Okonkwo, C. (2023) ‘Artificial Intelligence in Africa: Emerging Challenges’, in Eke, D.O. et al. (eds.) *Responsible AI in Africa*. Palgrave Macmillan.

Admi.ac.ke. (No Date) *How can creatives use AI in their work*. Available at: <https://admi.ac.ke/how-can-creatives-use-ai-in-their-work/> (Accessed: [Insert Date]).

Ademola, A. (2018) *Artificial Intelligence and the Future of Law Practice in Africa*. (“Artificial Intelligence and the Future of Law Practice in Africa”) Available at: <http://dx.doi.org/10.2139/ssrn.3301937> (Accessed: [Insert Date]).

Ajene, E. (2023) ‘Generative AI in Africa: How African startups are building for the new AI Revolution’. *Afridigest*, October. Available at: <https://afridigest.com/generative-ai-in-africa/>. (Accessed: [Insert Date]).

Alt Advisory. (2022) *AI Governance in Africa an Overview of Regulation and Policy Work on Artificial Intelligence in Africa* ALT Advisory. Available at: <http://ai.altadvisory.africa/> (Accessed: [Insert Date]).

American Bar Association. (No Date) *Model Rules of Professional Conduct Rule 1:1, eighth comment to rule 1:1 Competence*. Available at: https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_1_competence/comment_on_rule_1_1/ (Accessed: [Insert Date]).

BBC.com. (No Date) *The Nigerian AI artist reimagining a stylish old age*. Available at: <https://www.bbc.com/news/world-africa-64260739> (Accessed: [Insert Date]).

Boshoff Inc. (No Date) *The Emergence of Artificial Intelligence in South African Legal Firms*. Available at: <https://boshoffinc.co.za/the-emergence-of-artificial-intelligence-in-south-african-legal-firms/> (Accessed: [Insert Date]).

Cassim, F.H.I. (ed.) (2019) *Companies and Other Business Structures in South Africa*. 4th ed. Oxford University Press Southern Africa.

Centre for Intellectual Property and Information Technology Law (CIPIT). (2023) *The State of AI in Africa Report 2023*.

CIO. (No Date) 'African data breaches: A look at the evolving threat landscape'. Available at: <https://www.cio.com/article/201509/top-african-data-breaches-the-threat-landscape-changes.html> (Accessed: [Insert Date]).

ContractsCounsel. (No Date) *Privacy Policy*. Available at: <https://www.contractsounsel.com/t/us/privacy-policy> (Accessed: [Insert Date]).

Davis, T. et al. (2022) *AI Governance in Africa an Overview of Regulation and Policy Work on Artificial Intelligence in Africa ALT Advisory*. Available at: <http://ai.altadvisory.africa/> (Accessed: [Insert Date]).

Dazychain. (No Date) *The dynamic future of legal technology and innovation in South Africa*. Available at: <https://www.dazychain.com/reports-whitepapers/the-dynamic-future-of-legal-technology-and-innovation-in-south-africa/> (Accessed: [Insert Date]).

De Rebus. (No Date) *A Step Towards Advancing AI Governance in South Africa*. Available at: <https://www.derebus.org.za/a-step-towards-advancing-ai-governance-in-south-africa/> (Accessed: [Insert Date]).

Disrupt-Africa.com. (2019) *Egyptian ehealth startup, 7Keema to expand across Africa via quasi franchising model*. 15 July. Available at: <https://disrupt-africa.com/2019/07/15/egyptian-e-health-startup-7keema-to-expand-across-africa-via-quasi-franchising-model/> (Accessed: [Insert Date]).

dcdt.gov.za. (No Date) *SA National AI Policy Framework*. Available at: <https://www.dcdt.gov.za/sa-national-ai-policy-framework/file/338-sa-national-ai-policy-framework.html> (Accessed: [Insert Date]).

Eke, D.O. et al. (eds.) (2023) *Responsible AI in Africa*. Palgrave Macmillan.

Forbes.com. (2023) *How AI is Changing the Future of Creative Enterprise*. 27 March. Available at: <https://www.forbes.com/sites/forbestechcouncil/2023/03/27/how-ai-is-changing-the-future-of-creative-enterprise/?sh=7f56fd125e61> (Accessed: [Insert Date]).

Fuchs, C. et al. (2012) *Internet and Surveillance*. Routledge.

Grand View Research. (No Date) *South Africa Legal Technology Market Size & Outlook, 2030*. Available at: <https://www.grandviewresearch.com/horizon/outlook/legal-technology-market/south-africa> (Accessed: [Insert Date]).

Green, E.P. et al. (2019) "What is the best method of family planning for me?": a text mining analysis of messages between users and agents of a digital health service in

Kenya'. ("What is the best method of family... | Gates Open Research") *Gates Open Res*, 3:1475.

Harrisberg, K. (2022) 'The African software developers using AI to fight inequality'. *Reuters*, 16 February. Available at: <https://www.reuters.com/legal/government/african-software-developers-using-ai-fight-inequality-2022-02-16/> (Accessed: [Insert Date]).

Herbert Smith Freehills. (No Date) *The Pitfalls of AI in Legal Research: A South African Perspective*. Available at: <https://www.hsfkramer.com/notes/africa/2025-posts/the-pitfalls-of-ai-in-legal-research-a-south-african-perspective> (Accessed: [Insert Date]).

Hutchison, D. and Pretorius, C.J. (eds.) (2017) *The Law of Contract in South Africa*. 3rd ed. Oxford University Press Southern Africa.

Illara Health. (No Date) Available at: <https://www.ilarahealth.com/> (Accessed: [Insert Date]).

Jaldi, A. (2023) *Artificial Intelligence Revolution in Africa: Economic Opportunities and Legal Challenges*. Policy Center for the New South, July.

Kdhi.ag. (No Date) *An overview of AI technologies in African Agriculture*. Available at: <https://www.kdhi.ag/single-post/an-overview-of-ai-technologies-in-african-agriculture> (Accessed: [Insert Date]).

King, M. (2010) 'The synergies and interaction between King III and the Companies Act 71 of 2008'. ("The Different Worlds of Labour and Company Law: Truth or Myth?") *Acta Juridica*, 446.

KPMG Services (Pty) Limited. (2012) *Final Director's Toolkit*. KPMG South Africa.

Legal Tech Kenya. (No Date) *Artemis Legal AI*. Available at: <https://www.legaltechkenya.com/artemis> (Accessed: [Insert Date]).

Legalnaija.com. (No Date) *TIMI AI Companion for every young lawyer*. Available at: <https://legalnaija.com/timi-ai-companion-for-every-young-lawyer/02900951941647681314/> (Accessed: [Insert Date]).

Lexology. (No Date) 'Recent developments in African data protection laws - Outlook for 2023'. Available at: <https://www.lexology.com/library/detail.aspx?g=baef72ee-10bd-4eb9-a614-a990c236bb45> (Accessed: [Insert Date]).

Marrie, N. et al. (2023) 'South Africa and Artificial Intelligence'. *Boston Consulting Group*, 28 September. Available at: <https://www.bcg.com/publications/2023/south-africa-and-artificial-intelligence> (Accessed: [Insert Date]).

Media24. (2019) *King IV™ Application Report*. Media24.

Minohealth. (No Date) Available at: <https://www.minohealth.ai/> (Accessed: [Insert Date]).

Mondaq.com. (2023) *Egypt: Pioneers In Integrating Artificial Intelligence to Enhance The Efficiency of Lawyers and Tax Professionals*. Available at: <https://www.mondaq.com/new-technology/1297704/pioneers-in-integrating-artificial-intelligence-to-enhance-the-efficiency-of-law-yers-and-tax-professionals> (Accessed: [Insert Date]).

Moyo, S. et al. (2018) 'Application of machine learning models in predicting length of stay among healthcare workers in under-served communities in South Africa'. *Hum Resour Health*, 16, 68.

MyCase. (No Date) *2024 Guide to Utilizing AI in the Legal Industry*. Available at: <https://www.mycase.com/blog/ai/ai-in-the-legal-industry/> (Accessed: [Insert Date]).

MyCase. (No Date) *Legal Technology—Trends and Options to Choose From*. Available at: <https://www.mycase.com/blog/cloud-saas-for-lawyers/legal-technology/> (Accessed: [Insert Date]).

Navigating the AI Frontier: A Context-Aware Governance Framework for Responsible Innovation in South Africa. (No Date). [Source is an article, author not specified in excerpt].

Neethling, J. and Potgieter, J.M. (2015) *Law of Delict*. 7th ed. LexisNexis SA.

Okolo, C.T. (2023) 'The Promise and Perils of Generative AI: Case Studies in an African Context'. *AfriCHI: African Conference for Human Computer Interaction*.

PBC Group. (No Date) *Elevating Performance Through Strategy, Governance* Available at: <https://pbcgroup.co.za/> (Accessed: [Insert Date]).

Redress Compliance. (No Date) *Top 15 Real-Life Use Cases For AI In The Legal Industry*. Available at: <https://redresscompliance.com/top-15-real-life-use-cases-for-ai-in-the-legal-industry/> (Accessed: [Insert Date]).

Research ICT Africa. (2024) *Artificial Intelligence and Renewable Energy in Africa*. January. Available at: <https://researchictafrica.net/wp/wp-content/uploads/2022/02/Artificial-Intelligence-and-Renewable-Energy-in-Africa.pdf> (Accessed: [Insert Date]).

Robinson, J. (2023) *Internet Surveillance and how to keep your activity private*. 23 March. Available at: <https://www.privacyaffairs.com/internet-surveillance/> (Accessed: [Insert Date]).

Simon, M. et al. (2018) 'Lola v. Skadden and the Automation of the Legal Profession'. *Yale J.L & Tech*, 20, 234.

South Africa. (1973) *Companies Act, 1973 (Act No. 61 of 1973)*.

South Africa. (2002) *Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002)*. (“Acts Online”)

South Africa. (2008) *Companies Act, 2008 (Act No. 71 of 2008)*.

South Africa. (2021) *Cybercrimes Act, 2020 (Act No. 19 of 2020)*. Government Gazette, 1 June 2021.

South Africa. (No Date) *National Artificial Intelligence Policy Framework*.

South Africa's 4th Industrial Revolution: Final Version. (No Date). [Source is an article/report, general title used].

Strydom, H. (ed.) (2016) *International Law*. Oxford University Press Southern Africa.

Trust.org. (2024) *2024 AI Governance for Africa Toolkit*. Available at: <https://www.trust.org/resource/2024-ai-governance-for-africa-toolkit/> (Accessed: [Insert Date]).

UNCTAD. (No Date) *Data Protection and Privacy Legislation Worldwide*. Available at: <https://unctad.org/page/data-protection-and-privacy-legislation-worldwide> (Accessed: [Insert Date]).

UNDP Africa. (2024) *Africa Development Insights: AI Q2-2024*.

UNESCO. (2023) *UNESCO Launches the Findings of the Artificial Intelligence Needs Assessment Survey in Africa*. (“UNESCO Launches the findings of the Artificial Intelligence Needs”) 5 May. Available at: <https://www.unesco.org/en/articles/unesco-launches-findings-artificial-intelligence-needs-assessment-survey-africa> (Accessed: [Insert Date]).

United Nations Economic Commission. (2024) *Harnessing emerging technologies: the cases of artificial intelligence and nanotechnology*. 23 February. Available at: <https://repository.uneca.org/handle/10855/48302> (Accessed: [Insert Date]).

Wearetech.africa. (No Date) *Kenya AI based Agritech, Apollo Agriculture helps farmers maximize profits*. Available at: <https://www.wearetech.africa/en/fils-uk/solutions/kenya-ai-based-agritech-apollo-agriculture-helps-farmers-maximize-profits> (Accessed: [Insert Date]).

Webster's New World - Law dictionary. (No Date).

Werksmans. (No Date) *The National AI Policy Framework: A Step Closer to Aligning with International Trends*. Available at: <https://www.werksmans.com/legal-updates-and-opinions/the-national-ai-policy-framework-a-step-closer-to-aligning-with-international-trends/> (Accessed: [Insert Date]).

World Economic Forum. (2019) *Leading through the Fourth Industrial Revolution: Putting People at the Centre*. In collaboration with Accenture.

Write.law. (No Date) *18 Types of Legal Tech All Legal Professionals Should Understand*. Available at: <https://write.law/blog/getting-dangerous-with-tech-core-legal-tech> (Accessed: [Insert Date]).

Resources

<https://gemini.google.com/>

<https://notebooklm.google.com/>

Companies Act 61 of 1973

Companies Act 71 of 2008

Constitution of the Republic of South Africa, 1996

Consumer Protection Act 68 of 2008

Cybercrimes Act 19 of 2020

Draft White Paper on Audio, Audiovisual Media Services, and Online Safety (2025)

King III (2009)

King IV (2016)

King V (Expected and Draft 2025)

Mavundla v MEC: Department of Co-Operative Government and Traditional Affairs KwaZulu-Natal and Others (7940/2024P) [2025] ZAKZPHC 2 (8 January 2025)

Medium-Term Strategic Framework (MTSF) 2024–2029

National Artificial Intelligence (AI) Policy Framework of South Africa (2024)

National Cybersecurity Policy Framework (NCPF)

National Development Plan (NDP) Vision 2030

National Tooling Initiative Programme (NTIP)

Northbound Processing (Pty) Ltd v The South African Diamond and Precious Metals Regulator (Case Number: 2025-072038)

PBC Group (Pty) Ltd <https://pbcgroup.co.za/>

Promotion of Access to Information Act 2 of 2000 (PAIA)

Protection of Personal Information Act 4 of 2013 (POPIA)

