

496 Jamhuri Jumanne Machu 17, 2026

Stendi ya mabasi Magufuli inakimbiwa!

DAR ES SALAAM

NA KULWA KARELIA

Stendi ya mabasi ya Magufuli iliyopo Ubungo, jijini Dar es Salaam inaanza kunipa mawazo mengi, licha ya kujengwa na serikali kwa gharama kubwa ili kupunguza msongamano wa mabasi na huduma mbalimbali.

Stendi hii ilijengwa kwa gharama ya Sh bilioni 50 chini ya utawala wa marehemu Rais John Magufuli, ina uwezo wa kuchukua mabasi 1,000 kwa wakati mmoja, teksi 280, bajaji na bodaboda. Stendi hii ilionekana kuwa mwarobaini wa kupunguza kero ya mabasi makubwa yanayokwenda ndani na nje ya nchi. Stendi hii inaitwa ya kimataifa na kuwa bora kuliko nyingine katika nchi za Afrika Mashariki.

Ujenzi wake ulikuja baada ya serikali kuamua kuhama eneo la Ubungo ambako sasa kumejengwa kituo cha kimataifa cha biashara. Hili lilikuwa jambo jema, kwa sababu eneo hilo tayari lilikuwa limeelemewa kutokana na wingi wa mabasi na shughuli mbalimbali.

Wapo waliolalamika kuwa inajengwa mbali, lakini tangu mwaka 2021, eneo hilo limekuwa kitovu kikuu cha uchumi ambacho kinaingiza mapato mengi kwa mwaka na kutoa huduma mbalimbali za usafiri, malazi na nyinginezo.

Leo nimelazimika kuandika haya kutokana na uongozi wa Mkoa wa Dar es Salaam kukaa kimya na kuruhusu wamiliki wa mabasi kujenga ofisi zao nyingi eneo la Shekilango ambako sasa kumeanza kubadilika taswira yake.

Natambua lengo kuu la stendi ni pamoja na mabasi yote yanayofika kituoni hapo kushusha abira, lakini kuna abiria wanaoingia Dar es Salaam wanahitaji mabasi hayo yawafikishe mjini kwenye vituo vya mabasi vilivyojengwa na sekta binafsi.

Kitendo cha serikali kutoa mwanya wa aina hii kumesababisha mabasi mengi kuacha kutumia stendi hii, hasa yale yanayokwenda mkoa ya kaskazini na maeneo mengine.

Hali hiyo imesababisha eneo la Shekilango kugeuzwa stendi ndogo ya mabasi baada ya uongozi wa Kiwanda cha Urafiki kutoa maeneo yake kujengwa ofisi mbalimbali za mabasi. Leo eneo hili limeanza kuwa kero kubwa na kupoteza taswira yake ya miaka mitano au zaidi iliyopita.

Najiuliza maswali mengi ninakosa majibu. Kama serikali ilitumia mabilioni ya fedha, kwa nini uongozi wa Mkoa wa Dar es Salaam umeamua kufumbia macho suala hili? Sasa kuanzia Shekilango hadi Magomeni

Mwembechai ni mwendo wa kampuni kufungua ofisi kila kukicha.

Hivi ni kweli wamiliki hawa wanaweza kuwa na nguvu kubwa kuliko serikali? Mambo haya ndiyo yanasababisha malalamiko mengi kwa jamii kuwa mabasi mengi ni ya wakubwa ambao hawagusiki.

Kama wangukuwa wanagusika, tungeshuhudia mara moja hatua ikichukuliwa, maana pamoja na malalamiko kutoka kwa wananchi kuwa kushushwa Mbezi ni mbali, umefika wakati watu waheshimu sheria za nchi au jiji ambalo ndilo linamiliki stendi hii.

Wamiliki wa mabasi wamekuwa na nguvu kubwa kuliko hata Mamlaka ya Udhhibiti Usafiri Ardhi (LATRA), ambayo kwa namna moja au nyingine inaonekana kusalimu amri kuhusu stendi bubu hizi.

Kwa nini LATRA na uongozi wa mkoa wameshindwa kukaa meza moja na wadau wengine ili kukubaliana na kuweka utaratibu utakaorahisisha utoaji wa huduma bora bila kuleta shida katika Stendi ya Magufuli?

Ni wazi bila kificho kuwa hata malengo ya serikali ya kujenga kituo hiki yanaweza yasifikiwe, kwa sababu wamiliki wa mabasi wanaonekana kuwa na nguvu kuliko serikali katika suala hili.

Hii ndiyo nchi ambayo inatumia fedha za walipa kodi kujenga kitu cha mabilioni ya fedha lakini kinashindwa kutimiza malengo yake.

Malengo yake kama yangetimbia vizuri, tusingeona mabasi yanaendelea kuota kama uyoga katika maeneo ya Shekilango na Magomeni Mwembachai.

Katika stendi hii huduma zote za msingi zinapatikana. Kuna maeneo ya maegesho ya kutosha, maeneo ya matengenezo ya magari (gereji), hoteli na mengine mengi, kwa nini tunashindwa kusimamia?

Ushauri wangu, umefika wakati wa serikali kuonyesha ipo na inathamini fedha za walipa kodi zilizotumika kujenga kituo hiki cha mabasi ili kiendeleo kuleta manufaa kwa mkoa na taifa.

Serikali itafute njia sahihi ya kukaa meza moja na wamiliki hawa wapange utaratibu mpya wa mabasi yao kuingia ndani ya kituo. Natambua kutakuwa na kelele nyingi kuhusu eneo hili.

Ukweli ni kwamba duniani kote serikali haijawahi kushindwa katika jambo lake, kwa nini katika hili inalegeza kamba? Ina masilahi gani? Uongozi wa Mkoa wa Dar es Salaam utoke kwenye usingizi wa pono. Stendi ya mabasi ya Magufuli inakimbiwa! Ni lini wamiliki hawa wataacha kuwa juu ya mamlaka za serikali?

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MAONI & UCHAMBU

Nipashe

KIWANGA WA JASO

Bodaboda ni ajira muhimu lakini usalama usipuuzwe

USAFIRI wa pikipiki, maarufu bodaboda, umekuwa tegemeo kubwa kwa maelfu ya vijana nchini, hasa katika Jiji la Dar es Salaam na miji mingine inayokua kwa kasi.

Kwa vijana wengi ambao hawajapata ajira rasmi, kuendesha bodaboda kumekuwa njia ya kujipatia kipato cha kila siku, kusaidia familia na kupunguza kwa kiasi fulani tatizo la ukosefu wa ajira.

Hata hivyo, nyuma ya mchango huo mkubwa wa kiuchumi na kijamii, kuna changamoto nzito zinazohitaji kutazamwa kwa jicho la karibu zaidi.

Utafiti uliofanywa na Profesa Emmanuel Munishi, mtaalamu wa maendeleo na sera kutoka Chuo cha Biashara (CBE), umeibua taswira inayotia wasiwasi kuhusu uhusiano kati ya huduma za bodaboda na vitendo vya uhalifu katika maeneo ya mijini.

Utafiti huo unaonesha kuwa madereva wa bodaboda hawako salama kama ambavyo wengi wanaweza kudhani. Wengi wao hukumbana na hatari kubwa wanapotekeleza kazi zao za kila siku.

Baadhi yao huibiwa pikipiki, kuvamiwa na kuporwa fedha au kudanganywa na abiria wanaowapeleka katika maeneo yaliyopangwa kwa ajili ya kuwavamia.

Mbinu zinazotumiwa na wahalifu pia zinaonekana kuwa za kupanga kwa ustadi mkubwa. Kuna matukio ambapo dereva huombwa kumpeleka abiria mahali fulani, lakini anapofika hukuta tayari kuna kundi la watu waliopanga kumshambulia.

Katika matukio mengine, madereva hushambuliwa katika maeneo wanayopakiki pikipiki zao au wanapokuwa wakisubiri wateja.

Kwa upande mwingine, utafiti huo pia unaonesha kuwa bodaboda zimekuwa zikitumiwa kama chombo cha kurahisisha vitendo vya uhalifu.

Wahalifu hutumia pikipiki kukimbia kwa haraka baada ya kufanya uporaji simu, mikoba au mali nyingine. Kasi na uwezo wa pikipiki kupita katika barabara nyembamba au zenye msongamano umeifanya kuwa chombo kinachotumiwa sana katika uhalifu wa aina hiyo.

Kinachotia wasiwasi zaidi ni kwamba katika baadhi ya matukio, madereva wachache wa bodaboda wamekuwa wakitajwa kushirikiana na wahalifu.

Ushirikiano huo unaweza kuwa wa kuwatorosha wahalifu au

kutoa taarifa za walengwa wa uporaji. Ingawa si madereva wote wanaohusika na vitendo hivyo, kuwapo wachache wanaojihusisha na uhalifu kunachafua taswira ya sekta nzima.

Wakati huohuo, wanawake wametajwa kuwa miongoni mwa waathirika wakubwa wa uhalifu unaotumia pikipiki. Baadhi yao wamekuwa wakinyang'anywa mikoba na simu na watu waliopanda pikipiki, huku wengine wakikumbwa na vitisho au unyanyasaji wakati wa matukio ya uporaji.

Pamoja na hatari hizo, madereva wengi wa bodaboda wameanza kuchukua hatua za kujilinda. Baadhi yao wameanza kutumia teknolojia kama mfumo wa GPS kufuatilia pikipiki zao, huku wengine wakiamua kufanya kazi kwa makundi hasa nyakati za usiku.

Pia wapo waliojiunga na vikundi vilivyosajiliwa vinavyoshirikiana na polisi katika mfumo wa polisi jamii.

Hatua hizo ni nzuri, lakini hazitoshi peke yake kumaliza tatizo. Serikali na wadau wengine wanapaswa kuchukua hatua madhubuti zaidi za kudhibiti sekta hii ambayo imekua kwa kasi kubwa bila kuwa na udhibiti unaolingana na ukuaji wake.

Moja ya hatua muhimu ni kuanzisha mfumo madhubuti wa usajili na utambuzi wa pikipiki zote zinazotoa huduma za usafiri wa abiria.

Mfumo huo unaweza kusaidia kutambua madereva halali na kurahisisha ufuatiliaji pikipiki zinazohusishwa na uhalifu.

Vilevile, ni muhimu kudhibiti biashara ya vipuri vya pikipiki vilivyotumika, kwani mara nyingi pikipiki zinazoibwa huvunjwa na vipuri vyake kuuzwa sokoni. Bila udhibiti wa biashara hiyo, vita dhidi ya wizi wa pikipiki vitaendelea kuwa vigumu.

Elimu ya usalama kwa madereva wa bodaboda inapaswa kuimarishwa ili watambue vihatarishi vinavyoweza kujitokeza katika kazi zao. Mafunzo hayo yanaweza kuwasaidia kuepuka mitego ya wahalifu na kuongeza usalama wao pamoja na wa abiria.

Bodaboda ni sekta muhimu kwa uchumi na ajira za vijana nchini. Hata hivyo, ili sekta hii iendelee kuwa msaada kwa jamii badala ya kuwa chanzo cha uhalifu, ni lazima kuwe na usimamizi thabiti, ushirikiano wa wadau na kuimarishwa kwa mifumo ya usalama.

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HAZARD The rapid expansion of the bodaboda industry is increasingly putting riders, passengers and other road users at risk as road safety rules are violated with impunity



From January to June 2024, a total of 259 motorcycle accidents were reported in the country compared with 216 accidents during the same period in 2023, representing an increase of 43 accidents, or 19.9 percent, according to government statistics. PHOTO FILE

Challenges persist in enforcing road safety laws and ensuring riders consistently comply with traffic regulations

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How bodaboda madness exposes road safety gaps

Dar es Salaam. Despite the government approving motorcycles as a means of public transport, the rapid expansion of the bodaboda industry has increasingly put riders, passengers and other road users at risk.

While the bodaboda business remains an important source of income for many young people and provides a convenient mode of transport for the public, challenges persist in enforcing road safety laws and ensuring riders consistently comply with traffic regulations.

A cross-cutting survey conducted recently by *The Citizen* across Dar es Salaam revealed widespread violations of the Road Traffic Act [Cap. 168 R.E. 2023].

These included carrying more than two passengers, failing to wear protective gear, especially helmets and ignoring road signs, notably zebra crossings.

Failure to respect zebra crossings has become a chronic problem, with many pedestrians, particularly women and children, reportedly being hit while attempting to cross roads, resulting in severe injuries, fatalities and long-term disabilities.

The survey further found that bodaboda riders frequently flout traffic rules, including running red lights, with observers noting a growing practice of removing side mirrors from motorcycles.

Many riders said removing side mirrors allows them to manoeuvre more easily through narrow streets in suburban areas and perform "lane splitting". This involves riding between lanes of slow-moving or stationary vehicles during congestion on major highways.

Investigation shows that side

mirrors are widely available at bodaboda parking stations, selling for between Sh15,000 and Sh20,000 per pair.

However, road safety experts warn that removing such safety features significantly increases the risk of accidents, as riders lose visibility of vehicles approaching from behind.

Despite traffic police being assigned to enforce regulations on many roads in Dar es Salaam and other parts of the country, these violations have become increasingly common.

The situation has alarmed road safety stakeholders, who say the trend exposes motorists, pedestrians and commuters to preventable accidents.

The Crime and Traffic Incidents Statistics Report for January-June 2024, jointly prepared by the National Bureau of Statistics (NBS) and the Tanzania Police Force (Tanpol), shows that motorcycles remain among the leading contributors to road traffic accidents.

The report notes that although the government authorised motorcycles for public transport to ease mobility challenges, the sector has been increasingly linked to rising accident rates.

"From January to June 2024, a total of 259 motorcycle accidents were reported in the country compared with 216 accidents during the same period in 2023, representing an increase of 43 accidents, or 19.9 percent," the report states.

Statistics also show a rise in fatalities. "During the same period, road accident deaths increased by 32, from 191 deaths between January and June 2023 to 223 deaths in the same period of 2024, equivalent to 16.7 per-

cent," it adds.

Data from the Home Affairs ministry's 2025/26 budget speech indicates that between July 2024 and April 2025, 1,322 incidents were reported at police stations, down from 1,463 in the same period of 2023/24, a reduction of 141 cases, or 9.6 percent.

Similarly, 1,275 people died in accidents during the same period, compared with 1,408 fatalities in 2023/24, reflecting a decrease of 133 deaths, or 9.4 percent.

"Some 2,278 people were injured in accidents between July 2024 and April 2025, compared with 2,166 in the same period of 2023/24, an increase of 112 people, or 5.2 percent," the budget speech notes, highlighting the need to address the challenge despite some improvements.

The document highlights police strategies to curb road accidents, including public education, driver training, infrastructure improvements, strengthened law enforcement and investment in ICT and technology.

The development has intensified concerns among policymakers and road safety advocates, who say urgent interventions are needed to enforce traffic laws, improve rider training and promote the use of protective gear.

They also stress the importance of broader urban transport solutions, including expanding the bus rapid transit (BRT) system and adopting digital traffic management tools, to tackle congestion while improving safety.

The Muhimbili Orthopaedic

Institute (MOI) head of research and development, Dr Joel Bwemelo, said the hospital continues to receive large numbers of road crash victims annually, many of whom are involved in motorcycle accidents.

"Our emergency unit receives between 7,500 and 8,000 patients each year. Nearly 60 percent of these cases are related to road traffic crashes," he told *The Citizen* during a visit.

Of these, approximately 36 to 40 percent involve motorcycles, including riders, passengers and pedestrians struck by the two-wheelers.

Dr Bwemelo explained that injuries from motorcycle accidents are often more severe than those from other types of collisions.

"When a rider or passenger falls from a motorcycle, the head usually strikes the ground first. This makes head protection crucial," he said.

He emphasised that wearing helmets is vital to reducing injury severity.

"Patients who wear helmets may still suffer fractures to their arms or legs, but their heads and necks are generally protected. Those without helmets often sustain severe head trauma, which can be fatal or permanently disabling," Dr Bwemelo warned.

According to him, the most common injuries among motorcycle crash victims are fractures of the arms and legs, as well as head injuries, with 38 to 40 percent requiring surgical treatment.

"Many patients need operations to repair broken bones or manage internal bleeding in the brain. Some require orthopaedic

surgery, while others need neuro-surgical procedures. The complexity of these cases strains hospital resources," he said.

Road Safety Ambassadors (RSA) chairperson Godfrey Mlai said despite awareness campaigns, traffic violations among bodaboda riders remain widespread.

"It is not unusual to see a rider ignoring traffic lights or crossing a zebra crossing at the wrong time," he said.

Mr Mlai explained that motorcycles are a government-approved mode of transport for those without private vehicles, stressing, however, that the service must operate within the framework of traffic laws.

"There are clear regulations governing motorcycle transport. These rules protect both riders and passengers. Non-compliance significantly increases the risk of accidents," he said.

He noted that the main challenge lies in the behaviour of some riders, who fail to apply knowledge gained during training.

"Many attend training and demonstrate understanding in class, but on the road, they revert to unsafe habits learned from peers," said Mr Mlai.

Passengers can exacerbate the problem by pressuring riders to travel faster or take unsafe routes to reach destinations quickly.

"Passengers sometimes instruct riders to speed up, take shortcuts, or squeeze through congested traffic. Because riders rely on passengers for income, they often comply," he said.

As a result, riders frequently ignore red lights or other road signs, raising the risk of collisions and severe injuries.

Mr Mlai said RSA ambassadors engage riders daily, providing guidance on proper road conduct and urging the consistent use of protective gear, including helmets, gloves and suitable footwear.

"Despite these efforts, some riders revert to unsafe behaviour once back on the road. Nevertheless, we remain committed to promoting road safety so that Tanzania becomes safer for all," he added.

He also expressed concern over a growing trend of removing side mirrors from motorcycles.

"Motorcycles are built to strict safety standards. Side mirrors allow riders to detect vehicles approaching from behind. Removing them reduces awareness and heightens accident risk," he said.

Mr Mlai warned that a single mistake while riding can have life-changing consequences, including death, disability, or property loss.

Reached for comment, the Police Force said it is strengthening awareness campaigns and inspections to ensure compliance among all road users, including bodaboda riders.

"Providing education is part of our continuous duty to different groups that use the roads. However, as law enforcers, we are also responsible for enforcing various laws, including the insurance law," said Deputy Commissioner of Police, Mr Lucas Mkondya, insisting that educating road users remains the police's ongoing top priority.

Ni uhujumu uchumi au vita ya hisa UDA-RT?

DAR ES SALAAM

NA JOE BEDA

Desemba 22, 2023 ilimalizika kwa hukumu nzito katika Mahakama Kuu Divisheni ya Rushwa na Makosa ya Uhujumu Uchumi maarufu kama 'Mahakama ya Mafisadi' iliyopo Dar es Salaam.

Siku hiyo, aliyekuwa mmiliki wa Kampuni ya Mabasi Yaendayo Haraka (UDART), Robert Kisena na wenzake wawili; Charles Newe na Tumaini Kulwa walikutwa na hatia ya makosa ya uhujumu uchumi na kuhukumiwa kifungo cha miaka mitatu jela pamoja na faini ya mamilioni ya shilingi.

Kwa mara nyingine sheria kali za uhujumu uchumi zilionekana kufanya kazi dhidi ya tuhuma za ufisadi katika taasisi zinazohudumia umma.

Lakini sasa, miaka miwili na nusu baadaye, Machi 2026, mambo yamebadilika.

Jopo la majaji watatu wa Mahakama ya Rufani Tanzania—Augustine Mwarija, Pantrine Kente na Zainab Muruke—limebatilisha hukumu hiyo na kuwaachia huru Kisena, Newe na Tumaini.

Nyuma ya uamuzi huo, kumbaki swali moja zito linaloendelea kuzungumwa katika duru za sheria na biashara nchini; je, kesi hii ilikuwa kweli ya uhujumu uchumi — au mgogoro wa umiliki wa kampuni uliosukumwa kwenye mfumo wa jinai?

Msingi wa kesi

Kwa mujibu wa hati ya mashitaka (nakala tunayo), Kisena, aliyekuwa pia Mtendaji wa Simon Group na wakati huo huo Mkurugenzi Mkuu wa Shirika la Usafiri Dar es Salaam (UDA) pamoja na Newe na Tumaini, walishitakiwa kwa makosa 15 ya uhujumu uchumi ikiwemo utakatishaji fedha.

Makosa hayo yalidaiwa kutendwa kati ya Mei na Julai mwaka 2016 wakati wakitekeleza majukumu yao katika kampuni ya UDART—kampuni iliyokuwa ikisimamia uendeshaji wa mabasi yaendayo haraka (BRT) maarufu kama 'Mwendokasi' jijini Dar es Salaam.

Mahakama Kuu iliwatia hatiani Kisena na Newe katika makosa kadhaa yanayohusiana na utakatishaji fedha na kusababisha hasara, huku Tumaini akipatikana na hatia katika baadhi ya mashitaka.

Katika hukumu yake, Jaji Elinaza Luvanda alidai kuwa ushahidi uliotolewa uliithibitisha kesi ya upande wa mashitaka bila kuacha shaka, hukumu ambayo imedumka kwa muda.

Rufaa iliyobadili kila kitu

Katika rufaa yao, washtakiwa waliwasilisha sababu 12 kupinga hukumu ya Mahakama Kuu.

Sababu mbili za mwanzo nzito zaidi zilikuwa; kwamba kesi yote imejengwa juu ya mgogoro wa umiliki wa hisa za UDA a UDART kati ya Simon Group na Serikali kupitia Msajili wa Hazina (TR).

Kwa maneno mengine, hoja ya msingi ya utetezi ilikuwa kwamba kilichokuwa kinaonekana kama makosa ya jinai lilikuwa kwa hakika mgogoro wa kibashara na kimbata.

Mawakili wa warufani, Deuseddit Luteja na Nduruma Majembe, walieleza Mahakama ya Rufani kwamba mahakama ya jinai haina mamlaka ya kuamua mgogoro wa umiliki wa hisa.

Wakadai kuwa kama kulikuwa na mzozi wa umiliki wa kampuni, hilo lilipaswa kushughulikiwa kwanza katika mahakama ya madai.

Kwa upande wake, Jamhuri kupitia wakili Patrick Mwitwa, ilisisitiza kuwa hapakuwepo mgogoro wa umiliki wa UDART, na kwamba suala lililokuwa mbele ya mahakama lilikuwa ni hasara iliyosababishwa kwa kampuni hiyo.

Lakini majaji wa Mahakama ya Rufani waliona mambo tofauti, na kudai kuwa kulikuwepo na mzozi wa hisa.

Katika hukumu yao, jopo la majaji lilibainisha kuwa ushahidi uliotolewa katika kesi ulionyesha wazi kuwa mgogoro wa umiliki wa hisa ulikuwa sehemu ya msingi ya mzozi uliokuwa mbele ya mahakama.

Walieleza kuwa mahakama ya chini ilipaswa kuzingatia ukweli huo na kuona kuwa suala hilo lililhitaji kwanza kutatuliwa kwa njia ya madai kabla ya kuendelea na kesi ya jinai. Lakini majaji wa Mahakama ya Rufani unaoonyesha kutokubaliana juu ya umiliki wa hisa kati ya Simon Group na Serikali kupitia Msajili wa Hazina.

Kutokana na hali hiyo, mahakama ya Rufani ilihitimisha kuwa msingi wa kesi haukuwa thabiti.

Hatimaye majaji walibatilisha hukumu ya Mahakama Kuu, kufuta adhabu zote na kuamuru warufani waachiwe huru.

Vita ya umiliki ndani ya UDA, UDART

Katika moyo (kiini) wa kesi hii kulikuwa na swali la nani hasa anamiliki nini?

Upande wa mashitaka ulijenga hoja kwamba Serikali ndiyo mmiliki kamili wa UDA na hivyo fedha zinazohusika katika UDART zilipaswa kuonekana kama mali ya umma.

Lakini upande wa utetezi ulisisitiza kuwa UDA ilikuwa ni ubia kati ya Serikali na Simon Group.

Kwa mujibu wa msimamo wa utetezi, Simon Group ilikuwa na hisa asilimia 51 wakati Serikali kupitia Msajili wa Hazina ilikuwa na asilimia 49.

Tofauti hiyo ya tafsiri ya umiliki ndiyo iliyokuwa kiini cha mgogoro.

Na ikiwa mgogoro huo ulikuwa haujatatuliwa, basi swali lilikuwa:

Je, hatua za jinai zilipaswa kuchukuliwa kabla ya mgogoro wa kibashara kutatuliwa?

Mikataba na fedha zilozua mzozi

Sehemu nyingine iliyochochea kesi hiyo ilihusu mikataba kati ya UDART na kampuni ya Longway Engineering Limited iliyohusishwa na warufani.

Upande wa mashitaka ulidai kuwa hapakuwepo mkataba halali kati ya UDART na Longway huku upande wa utetezi ukisisitiza kuwa shughuli zilifanyika zilikuwa sehemu ya uhusiano wa kimbata wa kawaida katika biashara.

Tofauti hiyo ya tafsiri ya mikataba ilichangia kuifanya kesi hiyo kuwa tata zaidi.

Somo kwa mfumo wa sheria

Uamuzi wa Mahakama ya Rufani umeacha maswali mazito kuhusu namna mgogoro ya biashara inavyoshughulikiwa nchini.

Katika miaka ya karibuni, sheria za uhujumu uchumi zimekuwa zikitumika sana katika kesi zinazohusisha fedha za umma au taasisi za umma.

Lakini kesi ya Kisena inaonyesha hatari inayoweza kujitokeza pale mgogoro wa kimbata au umiliki wa kampuni unapochanganywa na mashitaka ya jinai.

Kwa wataalamu wa sheria za biashara, tofauti kati ya mgogoro wa kiraia na kosa la jinai ni muhimu sana.

Mgogoro ya biashara mara nyingi hutokana na tafsiri tofauti za mikataba au umiliki wa kampuni.

Mgogoro hiyo inaweza kuwa mikubwa na yenye fedha nyingi, lakini si kila mgogoro wa kibashara unapaswa kuwa kesi ya jinai.

Athari kwa biashara na uwekezaji

Kesi ya Kisena pia inaangazia changamoto pana zaidi katika mazingira ya biashara nchini.

Wawekezaji wengi wanahitaji uhakika wa kisheria—uhakika kwamba mgogoro wa kibashara itatatuliwa kwa utaratibu sahihi wa kisheria.

Iwapo mgogoro wa umiliki au mikataba itageuzwa kuwa mashitaka ya jinai, kuna hatari ya kuathiri imani ya wawekezaji katika mfumo wa sheria.

Kwa upande mwingine, Serikali ina wajibu wa kulinda mali ya umma na kuhakikisha hakuna mtu anayenufaika kwa njia isiyohalali.

Changamoto ni kupata uwiano sahihi kati ya kulinda mali ya umma na kuheshimu mipaka ya sheria za jinai.

Maswali ambayo bado hayajajibiwa

Pamoja na hukumu ya Mahakama ya Rufani, bado kuna maswali kadhaa ambayo hayajajibiwa kikamilifu.

Kwanza, mgogoro wa umiliki wa hisa kati ya Simon Group na Serikali ulifikia wapi na utiwahi kutatuliwa kwa njia ya madai?

Pili, iwapo kulikuwa na mgogoro huo, kwa nini kesi ya jinai iliendelea kusikilizwa bila kusubiri suluhu ya suala la umiliki?

Na tatu, je, mfumo wa uchunguzi na uendeshaji mashitaka uliangalia kwa kina tofauti kati ya mgogoro wa biashara na kosa la jinai?

Mwisho wa kesi — au mwanzo wa mjadala?

Kwa Kisena na wenzake, hukumu ya Mahakama ya Rufani imefungua mlango wa uhuru baada ya miaka ya kesi nzito ya uhujumu uchumi.

Lakini kwa mfumo wa sheria na biashara nchini, kesi hii inaweza kuwa mwanzo wa mjadala mpana zaidi.

Mjadala kuhusu mipaka kati ya jinai na mgogoro wa kibashara.

Na mjadala kuhusu namna bora ya kulinda mali ya umma bila kugeuza kila mgogoro wa kampuni kuwa kesi ya uhujumu uchumi.

Kwa sasa, ukweli mmoja unabaki wazi; kesi ya Kisena haikuwa tu kesi ya watu watatu waliokuwa wakikabiliwa na mashitaka mazito.

Ilikuwa pia dirisha linaloonyesha jinsi mgogoro wa biashara, siasa za umiliki wa kampuni na mfumo wa sheria vinavyoweza kukutana na kuzalisha kesi na kutikisa sekta nzima ya uchumi.

Ni vyema ieleweke kwamba uamuzi wa Mahakama ya Rufani ulihusu hukumu iliyotolewa na Mahakama Kuu katika kesi mahsusi.

Hata hivyo, warufani hao bado wanakabiliwa na mashauri mengine mahakamani ambayo bado hayajafikia uamuzi wa mwisho.



Mabasi Yaendayo Haraka