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Relationship between Record Management and Administration of Justice in Bungoma County Law Court, Kenya

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Abstract:

The purpose of the study was to investigate the relationship between record management and administration of justice in Bungoma County Law Courts in Kenya. The study was anchored on open system theory. The study employed correlational research design. The target population comprised of 340 court users in five county law courts in Bungoma County. Stratified and simple random sampling techniques were employed to select a sample 180 respondents. Self-administered questionnaire was used as the data collection instrument. Data collected was analyzed in descriptive and inferential statistics. Multiple regression was used to test the hypothesis. The study established that there was a positive and significant relationship between record management at ($P=0.000<0.05$ and $\beta=0.419$) and administration of justice in Bungoma County Law Courts, Kenya. The study concluded that there was positive and significant relationship between record management and administration of justice. The study recommended that the courts should integrate ICT in the management of record to reduce paper work and ease management of record in the courts.

Keywords: Record management, administration of justice, records, county law courts

1. Introduction

Records Management encompasses vital records safeguarding which is one of the key to prompt delivery of justice. By ignoring records management policies, employees and companies can potentially end up facing criminal penalties due to inappropriate shredding of records which are supposed to be self-retained. Coopers and Hybrand (2014) established that forty to sixty percent of office workers' working time was spent handling paper, which translates to 20-45 percent of an organization's labour costs and 12-15 percent of organization's expenses. Lack of appropriate documentation of evidence and court records had led to discontinuation of Criminal cases and in some cases dangerous criminals were set free. This was because of case files or records being lost. The innocent have been jailed and denied justice because evidence has been interfered with (Kerrigan, et al, 2010).

Despite the palpable optimistic reputation of, and significant evolution in jurisdictional and legal reforms, there remained robust mixed sentiments concerning the consequences and expediency of these accomplishments to the court users. Administration of justice entails provision of dispute resolution mechanisms which are affordable, proximate and ensure speedy justice. To ensure administration of justice, the processes and procedures are supposed to be understood by court users. The courts are also supposed to be accessible, court users understand the language of court proceedings including interpretation services, the court fees are affordable, there is public participation and the court rooms are accessible to persons with disability.

In the United States, Sparks (2012) established that public perceived justice to be too slow and costly. The study highlighted that there was favoritism in the courts where African-American citizens were treated less fairly as compared to European-Americans and English-speaking Americans. The findings were supported by Lowry (2011), who highlighted that there were many sources of dissatisfaction with the judicial system in United States National Center for State Courts (USNCSC). According to Lowry (2011) justice was too slow, costly, there was favoritism in the courts and the judicial decisions were sometimes influenced by political considerations.

Another study that was conducted in India the judiciary had emerged as one of the most trusted organs of the state. Kranton and Swamy (2013) noted that even though India had the largest and most complex judicial systems, the courts were still plagued by many challenges, including chronic delays, inadequate infrastructure, and shortages of judges to administer timely justice to the clients' and the public at large. In Latin America, there was lack of widely accepted and consistent indicators to measure judicial reforms. This was attributed to the fact that the judicial reforms that had taken place were inadequate and counterproductive set of assumptions (Wilson, 2011). In Mexico, judicial system had also been noted to be inefficient, inoperative, and unable to meet societal expectations (Shirk 2012). This was in the light of concern that criminal procedures in the courts took long periods of time and were slow, unfair and had no respect of human rights

(Shirk, 2012). Judicial systems were viewed as impermeable, prone to corruption, outdated, authoritarian, extremely costly, and largely unfair (Reyes, 2013). Such mistakes had added to the negative general public perception of judicial system.

In Thailand according to Ngondi and Houghton (2010) majority of people were hindered from access justice due to unavailability of physical legal infrastructure and unafford ability of the adjudication engagement. There was lack of cultural appropriate and favorable environment within the judiciary system, timely processing of claims and enforcement of judicial decisions. The findings in Thailand could not be generalized to Kenyan situation because they have different political and cultural difference thus prompting the current study. The study also investigated whether the challenges in Thailand were the same in Kenyan judicial systems. In the legitimate circumstance, records serve numerous functions such as support for legal rights and obligations within the legal system. They provide evidence and proof that a specific activity took place, and contribute to accountability in organizations and in government offices. In Africa, according to Twining and Quick (2014) many judicial systems had serious problems of administration of justice. Majority of the judicial systems were either faced by poor record management (Roper and Miller, 2009) or corruption (Iruoma, 2015).

In Uganda, poor record management strategies were cited to lower access to justice. Corruption did not only invade judicial seats but that it had also found bountiful ground in the court registries (Nsambu, 2008). The study highlighted that without a tip (some form of inducement) a file could get lost and never make its way to a hearing. The study also established that bribery at courts of law in Uganda had not only made justice unaffordable but ruined the capacity of the justice system to fight corruption and to serve as a beacon of independence and accountability. The debate about public involvement was noted to become more pronounced as administrative agencies took a more active role in program management and policy development. Lowry (2011) noted that public participation was expected to go beyond periodic voting. This aspect improved the responsiveness and transparency of un-elected government officials such as judges and magistrates. Public participation in judicial reforms implementation was structured to simply provide members of the public with a forum to state existing preferences and to ensure that experts know and consider relevant facts, leading to qualitatively sound decisions (Williams and Matheny, 2015).

Mutungu (2012) accredited that case backlog constituted the single most important source of public frustration with Judiciary. Case backlogs opened a door for absconders from justice to seek refuge in the courts by turning them into a playground for the rich and corrupt. This was attributed to inefficiencies in judiciary's case management system and shortage of Judges and Magistrates. The huge backlog cast doubt on the confidence and trust of the country's judicial system. In the High Court alone in 2016, there were 2015 pending criminal appeal cases, some of which had not been heard for as long as 20 years. This was because the files were missing, or the records were incomplete. The problems were exacerbated by increases in the volume of records produced, storing records in inappropriate places and preserving records for far too long.

According to a study conducted by Mnjama (2013) on courts records and administration of justice in Kenya, despite the efforts made by judiciary to help promote access to justice, records management in court registries were in deplorable state. The study noted that incidences of court files and records missing, mutilated, stolen, hidden and being misfiled were a common feature in Kenya law courts. The study established that case records were not produced on time which resulted into the cases adjournments. This caused the accused persons to remain incarcerated without trial because case records could not be found. This delayed administration of justice. The findings were supported by Musembi (2015) study which pointed out that poor records management at courts of law compromised administration of justice.

According to Thurston (2015) dysfunctional records management undermined administration of justice. For example, decisions were made without full information about the case. Also absence of systematic record keeping and control left opportunity for corruption or collusion between court officials and lawyers, court time was wasted, delays were created, and the judiciary's standing was lowered. A State of Judiciary annual report (2017) proposed that in order to improve case file tracking systems in Judiciary basic records tracking tools such as file location cards, file movement sheets, file transfer slips, and records census forms should be used. The researcher of this current study sought to investigate the record management adopted in Bungoma County law courts and their current state in prompting administration of justice.

In Kenyan Judiciary, case backlog and delays in delivery of justice had been one of the main hindrance to justice (Otieno, 2017). Cases have been piling up between the time of filing and the time of determination; as a result of which billions of shillings continue to sink in case backlog and delays. Many people languish in prison as cases remain unheard. This happens in spite of having a well-established judicial system and a democratic government that believes in the Rule of law and application of administrative justice system. It against this background that the study was conducted the relationship between record management and administration of justice in Bungoma County Law courts.

1.1. Statement of the Problem

In ideal situation access to justice entails provision of dispute resolution mechanisms which are affordable, proximate and ensure speedy justice and whose processes and procedures are understood by users. Administration of justice should include accessibility of courts by the court users, use of easy to understand language in court proceedings, flexibility of the court fees, public participation, and accessibility of the courts by persons with disability. Bungoma County Law courts however recorded the highest of cases backlog during the 2016/2017 fiscal year. During the State of Judiciary report 2016/2017 fiscal year Bungoma County Law Courts had a total of 10,443 cases that had not been heard over the last 15 years.

The slow dispensation of the cases was attributing to misplacement of files and other important evidence in the court registries. Dysfunctional records management in Bungoma County was also known to undermined administration of justice. Nonexistence of systematic record keeping and control left opportunity for corruption or collusion between court officials and lawyers, court time was wasted, delays were created, and the judiciary's standing was lowered. A State of Judiciary annual report (2017) proposed that in order to improve case file tracking systems in Judiciary basic records tracking tools such as file location cards, file movement sheets, file transfer slips, and records census forms should be used but this recommendation was yet to be realized in Bungoma County Law Courts. Therefore the study was conducted to investigate the relationship between record management and administration of justice in Bungoma County Law Courts, Kenya.

1.2. Research Questions

The study was guided by the following research question;

- What is the relationship between record management and administration of justice in Bungoma county Law Courts?

1.3. Research Hypotheses

The study hypothesized the following:

- H₁: There is a relationship between record management and administration of justice in Bungoma law courts.

1.4. Theoretical Framework: System Theory

The study was based on the open Systems Theory by Ludwig von Bertalanffy of 1950. The theory was used to explain and predict behaviour of the complete organization that is its people, structure and environment. According to Schemerhorn (1993) a system is a collection of interrelated parts that function together to achieve a common purpose. For example to ensure administration of justice there should be provision of adequate physical facilities, financial resources, proper record management and there is public participation. Owens (1981) viewed judiciary as an open system that receives resources (inputs such, physical facilities, financial resources and records) from the government and transforms them into products administration of justice in the judicial systems.

As an open system, the courts receives inputs in form of litigants, physical facilities, and financial allocation from the government, which it utilizes in order to process and bring out the end products which is administration of justice which are then released back into the larger society. The products or outputs are in this case is the administration of justice based on the provided evidence and proof. Inputs from the government are transformed through the court process to outputs in form of justices. A system is composed of sub-systems or sub-units that work together in a division of labour so that the entire organization can achieve its goals. The ultimate goal is for all sub-systems to perform in ways that facilitate high productivity for the whole organization. According to the systems theory, if one sub-system fails, the whole system is put in jeopardy. In this study, if there is inadequate allocation of financial resources, lack of physical infrastructures and there is poor record management, administration of justice would be hindered. The theory is relevant to this study because it is conceptualized that judiciary need to have adequate inputs in terms of physical facilities, financial resource allocation, proper record management and public participation in order to realize optimal administration of justice. This theory has been used in this study because judicial systems works as system with various sub-systems that are supposed to work concurrently to influence administration of justice.

North (1990) builds on this work to propose that economic performance hinges on institutions, such as functioning courts of law, that protect property and contractual rights. He defines institutions as 'the rules of the game' in a society that structure the human environment in order to reduce uncertainties in interaction. This thinking provides the theoretical justification for framing the instrumentalist approach to judicial reform as a neoliberal strategy for poverty reduction through market liberalization, enterprise privatization, and state deregulation. This has characterized the approach of the World Bank, the International Monetary Fund (IMF) (North, 1990).

Biebesheimer and Bhansali (2006) argued that there are significant improvements to the courts through the provision of technical assistance, infrastructure, and information technology. They argued that on the weight of this evidence it is possible to measure some positive changes made by criminal justice reforms to a variety of due process indicators that is preventative detention; speed of trials and structural reform through lawmaking and organizational change. Hammergren (2006) argued that the provision of financial resources, physical infrastructure and proper record management brought great improvements to the courts and more so in the administration of justice. They argued that changes to laws and procedural frameworks; measures to improve access to the poor; creation of new organizations, such as public defense, human rights ombudsman and anti-corruption offices; case-flow management led to improve administration of justice in the courts. Judicial reform often coexists with legal reform, and makes up a package of three core components involving changing substantive laws; focusing on law-related institutions; and addressing the deeper goals of governance compliance with the law, particularly in the area of judicial independence (Jensen, 2003). Many donors have focused on making formal judicial institutions more competent, efficient, and accountable.

2. Literature Review

Nabombe (2012) conducted an assessment of 54 registry clerks of records management at the courts of law in Zambia: the case of court registries' contribution towards access to justice. The study assessed records management and how it contributed towards the process of accessing justice in the courts of law in Zambia. Specifically, the research's objectives were to assess records management infrastructure and facilities; to examine court registries compliance with records management legislation, policy, and standards; assess the quantity, quality, and job satisfaction of registry staff;

and to investigate risk factors in managing court records. Primary data relating to research objectives was collected using the triangulation method (comprising of a survey questionnaire, focus group discussions, face-to-face interviews, participant observations, and secondary sources).

The study established that general lack of infrastructure development in the courts of law had contributed to the congestion in court registries. Secondly, court registries' failure to comply with regulations stipulated in the National Archives Act of Zambia had contributed to bad records management in the court registries. The findings also showed that court registries lacked guidance on how to manage records due to lack of a records management policy and the failure to apply internationally recognized records management standards. Research findings also showed that over staffing in registries, lack of a clear policy on in-service training, and dissatisfaction with work context factors might have influenced poor work culture and morale among registry clerks. Lastly, research results showed that while administrative risks in the court registries had negatively affected the records management function, reputation risks had eroded public confidence in the courts of law and court registries in particular.

The study recommended that the judicial service commission should adopt ICT in the management of record in the registries. The reviewed study was conducted in Zambia and focused on assessment of records management at the courts of law in Zambia: the case of court registries' contribution towards access to justice while the current study was conducted in Kenya and focused on the relationship between judicial reforms and administration of justice and more specifically the relationship between record management and administration of justice. The reviewed study employed purposive sampling technique while the current study employed stratified and simple random sampling techniques. Both studies employed questionnaire as data collection techniques.

Wamukoya (2012) conducted a study to investigate the effect of record management on administration of justice in Botswana. The was in the light of concern that records tracking systems, applied in majority of the African countries to manage records were outdated and inconsistent with modern systems of managing records. The purpose of the study was to investigate factors of record management that could affect administration of justice. The study employed cross sectional survey research design. The study target all the court registries in Botswana. The study established that there was a likelihood that there was accidental removals or transfer of active court case files might have occurred where such movements were not properly recorded in the court registries. Secondly, failure to document case file movements might have resulted in the misplacement of the case files or records.

Thirdly, lack of guidance on decisions to transfer or move closed case files or records from registries might have contributed to the congestion seen in most court registries because closed case files had continued to occupy storage space meant for active files. It was, therefore, imperative that court registries took measures to establish procedures for the appraisal and transfer of closed case files from registries to designated secondary storage areas, for permanent disposal, or transfer to the National Archives as stated National Archives Act.

In addition to the failure to document the movement of closed case files from registries to secondary storage areas, research findings showed that courts of law did not have strategies for managing closed case files after they have been removed from registries. There was a strong possibility that the lack of strategy to properly manage closed case files could have also contributed to the congestion that had built up in court registries and the cost associated with storing closed case files in registries (For example, more records storage equipment would be required to accommodate both active and closed case files). Therefore, there was need for court registries to keep active and closed case files in separate rooms in order to minimize the congestion in registries and to reduce the cost of storing closed case files. Thurston (2013) mentioned that most African countries practiced bad records management and that the absence of good records management systems often slowed down information flow and caused records to pile up in offices, corridors, store rooms and registries.

Muneeni (2011) conducted a study to investigate challenges faced by the judiciary in the implementation of its strategic plans in Kenya. The Judiciary does not exist in isolation. It exists in an environment hit by competition and competitive forces where only the one with competitive advantage survives. Effective strategic management creates a productive alliance between the nature and demands of the environment, the organization's culture and values, and the resources that is at its disposal. One must prepare for change otherwise change will change one as change is the only variable that is constant. One way of gaining competitive advantage is through strategic planning. A firm needs to formulate a plan on how to succeed in its mission and vision; two mandatory components in any organization worthy its existence. This is reflected in strategic plans. The Judiciary boasts of two such plans to wit Strategic Plans 2005- 2008 and 2009-2012.

Despite these plans, the Judiciary has not fully realized its vision of "to be the best Judiciary Africa, setting the highest standards in the delivery of quality justice and leading in the development of jurisprudence ". One of the main problems lies in the implementation of the strategic plans. This is the focus of this study. Strategy implementation is very critical to the success of either public or private undertaking and can pose a number of challenges. The challenges arise from sources that are both internal and external to the organization and will depend on the type of strategy, type of organization and prevailing circumstances.

The study targets the challenges the Judiciary faces and how it copes with the same.

These are the two objectives of this study. A Case study was conducted targeting judges, magistrates and other senior officials of the Judiciary. Secondary data was also relied on. The main problems were lack of adequate resource allocation, absence of a well formulated strategy and lack of leadership and direction. Some of the mechanisms adopted to cope with the challenges were allocation of adequate resources, change of top leadership, team work and improved

communication channels. In conclusion, there is need for the Judiciary to address the challenges it faces through the in-pup of all the stakeholders. It must be ready to embrace change for it to remain relevant now and in the future.

Mnjama (2015) conducted a study to investigate the effect of record management and administration of justice in Kenya. The purpose of the study was to investigate the record keeping practices at the Kenyan court. This was in light of concern that there had been frequent cases of loss and misplacement of courts case files in the country. The study employed cross sectional survey research design. The target population included all the registries in judicial service commission in Nairobi. The study established that file misplacement was related to corruption practices. Majority of the person in the heinous act made deliberate decision to destroy the documents. The study concluded that despite the effort made by the government to curb misplacement of file, the ghost has continued to haunt the corridors of judiciary. The study recommended that computer should be reduce the mischief of file losses in the registries. The study also recommended that access of registries should be limited to court staff only

Ikunda (2016) conducted a study to explore factors influencing dismissal of criminal cases in Kenyan Courts, with a specific focus on Mavoko Law Courts. This is due to a general feeling among Kenyans that Courts have failed the Criminal Justice System by arbitrarily dismissing criminal cases, thus, contributing to the perceived high crime rates in the county. The aim of the study was to find out why dismissal of criminal cases at Mavoko Law Courts can be attributed to corruption of witnesses by the accused persons, lengthy trials due to frequent court adjournments; and inefficiencies by the law enforcement Agency. The study therefore adopted a descriptive study design, in order to establish the factors responsible for dismissal of criminal cases. A sample size of 86 dismissed cases in the year 2013 at the Mavoko Law Courts was targeted by this study. Of the dismissed cases 70 victims who were contacted on phone availed themselves for the study.

Of those that availed themselves, 14 cases were considered spoilt. As such, only 56 cases were valid for the present study. In addition 10 Key Informants (KI) namely magistrates, Advocates, Court Prosecutors, Police investigation officers and Court Clerks were interviewed. Descriptive statistics was used to present data in tables and figures. The study findings identified several in-inefficiencies in the criminal justice system namely; lack of witnesses and lack of evidence; poor investigations, ineffective prosecutions and illegal confinement by the arresting agency. It was therefore concluded that the main cause of prosecution malpractices was inadequate training as well as delay in the criminal process. The study therefore recommends that prosecutors should be recruited from law graduates who are well versed in legal prosecution.

2.1. Research Design

The study adopted correlational research design to explore the perception of courts users on the relationship between judicial reform implementation and administration of justice in Bungoma County Law Courts. According to Neuman (2000), a correlational research design examines the relationship between two or more variables. The design is considered to be suitable for this study because it is appropriate to investigate the relationship between the independent and dependent variables. The method is preferred since it enables gathering of data from the respondents in natural settings. In order to understand how each variable was used in this study, each variable was accurately defined. This method allowed generalizations to be made about experiences, characteristics, views and attitudes of the entire population being studied.

2.2. Target Population

Target population is the population marked for the study. It refers to all the units of whatever nature that a researcher intends to study (Leedy, 2005). A population element is therefore the subject on which the measurement is being taken. The study targeted court users in Bungoma County Law Courts that is Bungoma Law courts, Sirisia law court, Kapsokwony Mobile court, Kimilili law courts and Webuye law court. The target population of three hundred and forty (340). It also included the Magistrates/Judges who were handling cases within Bungoma County Law Courts as well as judicial staff within the Bungoma County Law Courts. This category of people were assumed to have the ability to answer questions and discuss relationship between judicial reforms implementation and administration of justice in Bungoma law courts. Table 3.1 summarizes the distribution of the target' population in the study area.

| Classification | Respondents |
|------------------------|-------------|
| Court users committee | 105 |
| Advocates | 67 |
| Magistrates and Judges | 21 |
| Judicial Staff | 124 |
| Prosecutors | 23 |
| Total | 340 |

Table 1: Target Population
(Source: Survey Data, 2018)

2.3. Description of Sample Size and Sampling Procedures

Sampling is a process of selecting a part of population on which research is conducted in order to ensure that conclusions from the study would be generalized to the entire population. The sample size was determined from Krejcie & Morgan (1970) table. A minimum of 180 court users were selected to be involved in the study. The study employed stratified and simple random sampling techniques. Stratification was employed to select court users in the different

department that is advocates, court users committees, magistrates and judges, judicial staff and prosecutors. Then simple random sampling technique was employed to select the courts users in each departments. This involved writing "Yes" and "No" on small pieces of paper. All the court users in the different department were allowed pick the small papers at random. All the courts who picked "Yes" were allowed to participate in the study.

| Statement | Target Population | Sampling Procedure | Sample Size |
|------------------------|-------------------|--------------------|-------------|
| Court users committee | 105 | 105/340*180 | 56 |
| Advocates | 67 | 67/340*180 | 35 |
| Judicial staff | 144 | 144/340*180 | 76 |
| Magistrates and judges | 21 | 21/340*180 | 11 |
| Prosecutors | 3 | 3/340*180 | 2 |
| Total | 340 | | 180 |

Table 2: Sample Size of Respondents
Source: Survey Data, 2016)

2.4. Description of Data Collection Instruments

The researcher used self-administered questionnaires for collecting data. The questionnaire was divided into five sections. The items in the questionnaire were rated on a five-point Likert-type scales, anchored on "1= to strongly disagree, 2= disagree, 3=undecided, 4=agree, and 5= strongly agree." Section A focused on demographic characteristics of the respondents in relation to their age, gender, working experience and educational qualifications. Section B focused on the relationship between public participation and administration of justice in Bungoma County Law Courts. Section C focused on the relationship between adequacy of finance and administration of justices. Section D focused on the relationship between physical infrastructure adequacy and administration of justice in Bungoma County Law Courts. Section E focused in the relationship between record management and administration of justice while the last section focused the relationship between judicial reforms implementation and administration of justices.

2.5. Validity and Reliability of the Data Collection Instruments

2.5.1. Validity of Research Instruments

Validity is defined as the extent to which the instrument measures what it purports to measure. This study used both construct validity and content validity. For construct validity, the questionnaire was divided into several sections to ensure that each section assesses information for a specific research question, and also, to ensure that the same closely ties to the conceptual framework for the study. To ensure content validity, the questionnaire was subjected to thorough examination by three randomly selected law experts. They were asked to evaluate the statements in the questionnaire for relevance and whether they are meaningful, clear and not offensive. On the basis of the evaluation, the instrument was adjusted appropriately before subjecting it to the final data collection exercise. Their review comments were used to ensure that content validity was enhanced.

2.5.2. Reliability of the Data Collection Instruments

Reliability refers to the extent of the consistency in result from the repeatability of measurements; high reliability means high consistency, hence checking of the reliability between different variables is in the same way of checking the survey's internal consistency. Reliability refers to the stability, accuracy, and precision of measurement. In this study, a pilot study was done at Kitale law courts a location different from where the actual study was carried. A Cronbach alpha was used to check for reliability of the Likert scale.

2.6. Description of Data Collection Procedures

The researcher secured a letter from the Catholic University of Eastern Africa, Gaba Campus, granting permission to go to the field. Then, letter was used to apply for a research permit from National Commission for Science, Technology and Innovation (NACOSTI). After obtaining the research permit the researcher proceeded to data collection. Permission was sought from the Bungoma County Law Courts and court users committee. The researcher then visited the study area before hand for familiarization and acquaintance with targeted respondents. During this visit, the researcher informed the targeted respondents about the purpose of the intended study and booked appointments for the data collection.

The researcher also informed the participants that the data collected were to be treated with privacy and confidential as much as possible. The purpose of the study was explained to participants before data collection. The respondents were allowed to decide to participate in the study or not. Besides, the study was conducted at the convenience of the respondents to avoid inconveniencing their schedule. The researcher also assured the respondents of anonymity of their responses. Finally, all literature from other authors was duly acknowledged to avoid plagiarism of any kind.

2.7. Description of Data Analysis Procedures

This study tested the effect on the independent variables and the depended variable. It is often characterized by the selection of random samples from large populations. The data collected for the study was adopted and coded for completeness and accuracy of information at the end of every field data collection day and before storage. Statistical

Package for Social Sciences (SPSS) version 21.0 helped to generate frequency distribution tables and calculation of the type of relationship either positive or negative and give the magnitude of the relationship.

Data was analyzed both in descriptive and inferential statistics. Descriptive statistics were analysed in form of frequencies, percentages, means and standard deviations. For inferential statistics, correlation analysis was utilized to determine the relationship between independent variable and dependent variables and also to test the hypothesis using the standard level of confidence of 0.05. The coefficient of 0.05 was utilized to infer correlations, and possibly causation, from the data and also to indicate the strength of the correlation between the combination of the predictor variables and criteria variables.

Multiple regression was used to test the hypotheses. The regression model was:

$$Y = \beta_0 + \beta_1 X_1 + \epsilon$$

Y = the dependent variable (administration of justice)

β_0 = Y intercept (constant)

β_1 = regression coefficient

X_1 = record management

ϵ = error term

3. Findings

3.1. Respondents Demographic Characteristics

The demographic information of the respondents is considered very crucial not only for subsequent discussions of the findings but also for the authenticity and generalization of the results. This section, therefore, presents respondents' background information which is considered crucial for discussions in this study such as gender, age, level of education and working experiences in the law courts. The results are as shown

| Statement | Frequency | % |
|-----------|-----------|------|
| Male | 126 | 78.8 |
| Female | 34 | 21.2 |
| Total | 160 | 100 |

Table 3: Gender of the Court Users

Source: Survey Data, 2017

Majority of the respondents were male as they comprised 78.8% of the total respondents while female were 21.2% of the court users. The findings indicated that majority of the court users in Bungoma law courts were male.

| Statement | Frequency | Percentage |
|--------------------|-----------|------------|
| 18-25 years | 20 | 12.5 |
| 26-35 years | 74 | 46.4 |
| 36-45 years | 17 | 10.4 |
| 46-55 years | 20 | 12.4 |
| 56 years and above | 29 | 18.3 |
| Total | 160 | 100 |

Table 4: Age Brackets Court Users

Source: Survey Data 2017

The findings revealed that 12.5% of the court users were aged between 18-25 years, 46.4% of the court users were aged 26-35 years, 10.4% of the court users were aged 36-45 years, 12.4% were aged 46-55 years while 18.3% of the courts users were aged 56 years and above. From the findings it was revealed that majority of the court users were aged 26-35 years implying that they were young and productive thus they were capable of implementing the judicial reforms to help promote the administration of justice in Bungoma Law Courts.

| Statement | Frequencies | Percentage |
|-------------------|-------------|------------|
| Diploma | 34 | 21.1 |
| Bachelor's degree | 56 | 35.1 |
| Master's degree | 53 | 33.3 |
| PhD | 17 | 10.5 |
| Total | 160 | 100 |

Table 5: Educational Qualification of the Court Users

Source: Survey Data, 2017

The study also sought to investigate the educational qualification of the court users. The findings indicated that majority 35.1% of the court users had attained a bachelor's degree, 33.3% had a master's degree, 21.1% had a diploma while only 10.5% had attained a doctorate degree. The findings indicated that majority of the courts users were

knowledgeable of the relationship between record management practices and administration of justice in Bungoma law courts. The findings also revealed that majority of the respondents would provide insightful information on how record management influences administration of justice in Bungoma Law Courts.

3.2. Relationship between Record Management and Administration of Justice in Bungoma Law Courts

The study sought to investigate the relationship between record management and administration of justice. To determine the relationship between record management and administration of justice a set of a set of seven items were formulated. The respondents were asked to indicate the extent of agreement with each of statements. The statements were anchored on a five-point Likert-type scales ranging from 1-Strongly disagree, 2-disagree, 3-Neutral, 4-Agree, 5-Strongly agrees. Descriptive measures included percentage, frequency and mean. The pertinent results are presented in Table 6.

| Statement | SA | A | U | D | SD | Mean |
|---|-----------|-----------|-----------|-----------|-----------|------|
| Bungoma laws courts have adopted internationally recognized records management standards ISO standards that court registries could use in managing their records. | 6 (3.5%) | 65(40.4%) | 2(1.8%) | 17(10.5%) | 70(43.9%) | 2.50 |
| Misplacement and misfiling of court record has hindered administration of justice. | 95(59.6%) | 39(24.6%) | 8(5.3%) | 17(10.5%) | 0(0.0%) | 4.31 |
| There is corruption court officials and lawyers which result into court time wastage and delays. | 45(28.1%) | 70(43.9%) | 22(14.0%) | 22(14.0%) | 0(0.0%) | 3.84 |
| Bungoma law courts have adopted ICT in the management of record in the courts which has ease retrieval and thus promoting administration of justice | 6(3.5%) | 79(49.1%) | 8 (5.3%) | 28(17.5%) | 39(24.6%) | 2.91 |
| Bungoma law courts have adequate and suitable record storage facilities. | 42(26.3%) | 25(15.8%) | 11(7.0%) | 65(40.4%) | 17(10.5%) | 3.06 |
| Bungoma law courts have established case file tracking such as file location cards, file movement sheets, file transfer slips, and records census forms which has reduced file losses and ease of retrieval | 36(22.8%) | 28(17.6%) | 17(10.5%) | 34(21.1%) | 45(28.1%) | 2.85 |

Table 6: Relationship between Record Management and Administration of Justice in Bungoma Law Courts
Source: Survey Data, 2017

On whether Bungoma laws courts had adopted internationally recognized records management standards that court registries could use in managing their records such as ISO standards. The study established that 43.9% of the court users agreed, (1.8%) of the court users were undecided while 52.4% of the courts users disagreed that Bungoma law courts had adopted internationally recognized record management stand in the court registries that helps in the

management of records. Further, on whether there is misplacement and misfiling of court record. The study established that majority of 84.2% of the court users agreed, (5.3%) were undecided while 10.5% of the court users disagreed that there was misplacement and misfiling of the courts record in Bungoma Law courts.

The study also sought to investigate whether there was corruption among court officials and lawyers which result into court time wastage and delays in the administration of justice. The findings indicated that 72.0% of the court users agreed, (14.0%) of the court users were undecided while 14.0% of the court users disagreed that there was corruption among the court officials and lawyers which result into court time wastage and delays in administration of justice. The study also sought to investigate whether Bungoma law courts had adopted ICT in the management of records in the courts. The study established that majority 51.6% of the courts users agreed, (5.3%) of the court users were undecided while 44.1% of the court users disagreed that Bungoma Law Courts adopted ICT in the management of records in the court. The study also sought to investigate whether Bungoma law courts had adequate and suitable record storage facilities. The findings indicated that 42.1% of the court users agreed, (7.0%) of the court users were undecided while majority 50.9% of the court users disagreed that Bungoma law court had adequate and suitable record storage facilities. The study also sought to investigate whether Bungoma law courts have established case file tracking such as file location cards, file movement sheets, file transfer slips, and records census forms which has reduced file losses 40.4% of the court users agreed, 10.5% of the court users were undecided while majority 49.2% of the court users disagreed that Bungoma law courts had established case file tracking to help prevent file losses.

From the findings it was deduced that misplacement and misfiling of court record has hindered administration of justice as indicated by (mean=4.30), corruption among court officials and lawyers which result into court time wastage and delays (Mean=3.84), lack of adequate and suitable record storage facilities and indicated by (mean=3.06), lack of ICT adoption in the management of record in the courts which has ease retrieval and thus promoting administration of justice (Mean=2.91), lack of case file tracking system such as file location cards, file movement sheets, file transfer slips, and records census forms which has reduced file losses and ease of retrieval (Mean=2.85) and lack of internationally recognized records management standards such as ISO standards that court registries could use in management of records were among record management aspects that affected administration of justice in Bungoma law courts.

3.3. Multiple Regression Results

Multiple Linear Regression analysis on the relationship between judicial reforms and administration of justice was done. This is ideal in coming up with the coefficients of the study model as well as R square of the study. The results are as shown in Table 7 and Table 8.

| Model Summary | | | | | | |
|---------------|--------------------|----------------|-------------------------|----------------------------|-------|-------|
| Model | R | R ² | Adjusted R ² | Std. Error of the Estimate | F | Sig. |
| 1 | 0.930 ^a | 0.865 | 0.863 | 0.17102 | 8.827 | 0.000 |

Table 7: Regression Analysis of Independent Variable and Administration of Justice

a. Predictors: (Constant), Record Management

b. Dependent Variable: Administration of Justice

In Table 7 the findings indicated that there is linear relationship between record management and administration of justice are positive and significant. This showed that record management has significant positive relationship with the administration of justice in Bungoma law courts. The coefficient of determination (r^2) of 0.863 shows that 86.3% of the variations in the administration of justice can be explained by the record management and the remaining 13.7% of the variations in administration of justice is explained by other factors not captured in the model.

| Model | Coefficient ^a | | | | t | Sig. |
|-------------------|-----------------------------|------------|---------------------------|------|--------|-------|
| | Unstandardized Coefficients | | Standardized Coefficients | Beta | | |
| | B | Std. Error | | | | |
| 1 | 0.46 | 0.128 | | | 3.05 | 0.003 |
| Record management | 0.423 | 0.018 | 0.419 | | 13.445 | 0.000 |

Table 8: Multiple Regression Model

a. Dependent Variable: Administration of Justice

The regression equation based on the regression model was as follows;

$$Y = \beta_0 + \beta_1 X_1 + \epsilon$$

$$\text{Administration of justice} = 0.460 + 0.419 (\text{record management}) + 0.128 (\text{Error rate})$$

From the regression equation, it can be deduced that record management contributing 0.419 to administration of justice.

From the table 8, record management carried a positive and predictive power this implies that if record management is held at zero administration of justice will be at 0.460, $p=0.003$. This implies that, the administration of

justice would have been positive and significant. Nonetheless this is not the case because Bungoma law courts have adopted record management practices

- H_1 : There is no significant relationship between record management and administration of justice in Bungoma law courts

The study findings ($P=0.000<0.05$ and $\beta=0.419$) indicated that there was a positive and significant relationship between record management and administration of justice in Bungoma law courts. The study findings indicated from the multiple linear regression that record management had a significant relationship with administration of justice in Bungoma Law Courts. With a correlation of $R=0.836$, $P=0.000$ and coefficient of determination $r^2=0.863$.

The findings were in support of Nabombe (2012) study on the assessment of records management at the courts of law in Zambia on access to justice which established that there was general lack of infrastructure development in the courts of law had contributed to the congestion in court registries. The study also highlighted that court registries' failed to comply with regulations stipulated in the National Archives Act of Zambia which had contributed to bad records management in the court registries. The findings also showed that court registries lacked guidance on how to manage records due to lack of a records management policy and the failure to apply internationally recognized records management standards.

The findings concurred Nsambu (2008) study in Uganda which established that poor record management strategies lowered access to justice. The study established that despite the fact that courts of law had been in existence for a long time, the court registries still lacked appropriate file or records tracking systems. Inadequacies in the records tracking systems in court registries meant that registry staff encountered difficulties in locating case files charged out of the registries at any given time. The situation has been made worse when it comes to tracking closed case files because of the lack of most basic tracking systems in registries or 'storerooms'. Therefore, it was most likely that the failure to track and locate charged out files has often resulted in courts failing to proceed with some appeal cases or cases before courts of law thereby causing adjournments and increased backlog of court cases.

The findings also supported Mnjama (2015) study on the effect of record management and administration of justice in Kenya which established that file misplacement due to corruption practices was the main hindrance to administration of justice. Majority of the person who conducted the heinous act made deliberate decision to destroy the documents. The study concluded that despite the effort made by the government to curb misplacement of file, the ghost has continued to haunt the corridors of judiciary.

The findings also concurred with Motsaathe be and Mnjama (2014) who mentioned that in Botswana High Court, court cases would not be sent for trial because files were either misplaced or lost due to the failure to properly document file movements from the registries to court officials. The study also highlighted that there was lack of records transfer system with majority of the closed cases closed case files simply being removed from registries without following any procedure and dumped on top of filing cabinets or left lying scattered all over the floor in store rooms. Similarly, Wamukoya (2012) observed that records tracking systems, applied to records management in African countries, were often outdated and inconsistent with modern systems of managing records. The study established that there was a likelihood that there was accidental removals or transfer of active court case files might have occurred where such movements were not properly recorded in the court registries. Secondly, failure to document case file movements might have resulted in the misplacement of the case files or records.

The study also highlighted that lack of guidance on decisions to transfer or move closed case files or records from registries might have contributed to the congestion seen in most court registries because closed case files had continued to occupy storage space meant for active files. It was, therefore, imperative that court registries took measures to establish procedures for the appraisal and transfer of closed case files from registries to designated secondary storage areas, for permanent disposal, or transfer to the National Archives as stated National Archives Act.

The findings were also in support of Thurston (2013) mentioned that most African countries practiced bad records management and that the absence of good records management systems often slowed down information flow and caused records to pile up in offices, corridors, store rooms and registries.

4. Conclusion and Recommendation

The study concluded that there was positive and significant relationship between record management and administration of justice. The study recommended that the courts should integrate ICT in the management of record to reduce paper work and ease management of record in the courts.

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