

Challenges to Shari'a Courts Records Management for Dispensation of Justice in Kaduna State Shari'a Courts

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Abstract

This article examines the challenges faced by Shari'a courts in Kaduna State regarding records management and its impact on the dispensation of justice. Utilizing a qualitative approach, the study identifies key issues such as inadequate infrastructure, lack of trained personnel, and insufficient technological integration. These challenges hinder the efficient management of court records, leading to delays and inaccuracies in judicial processes. The findings highlight the critical need for improved records management systems, training programs for court staff, and the adoption of digital technologies to enhance the accuracy, accessibility, and timeliness of judicial records. Recommendations are made for policy reforms and investments in infrastructure to support the effective administration of justice in Kaduna State Shari'a courts.

Keywords: challenges, Records Retention, Shari'a Courts, Justice Dispensation, Kaduna State, Records Management.

Introduction

The efficient management of court records is crucial for the dispensation of justice, as it ensures that judicial processes are transparent, accurate, and timely. In Kaduna State, Shari'a courts play a significant role in adjudicating cases based on Islamic law, yet they face numerous challenges in maintaining their records. These challenges have profound implications for the administration of justice, potentially leading to delays, errors, and injustices. Effective records management is essential to uphold the integrity of judicial processes and ensure that justice is served promptly and fairly (Usman, 2018).

One of the primary challenges confronting Shari'a courts in Kaduna State is inadequate infrastructure. Many of these courts operate with outdated and insufficient facilities, lacking proper storage systems for maintaining court records. This often results in the physical deterioration of important documents and difficulties in retrieving case files when needed. Such infrastructural deficiencies not only slow down judicial processes but also compromise the reliability of records, leading to potential miscarriages of justice (Aliyu, 2020). Additionally, the lack of digital record-keeping systems exacerbates these problems, as it prevents the efficient organization and retrieval of information that could streamline court operations (Muhammad & Sani, 2019).

Moreover, the shortage of trained personnel in Shari'a courts is a significant obstacle to effective records management. Many court staff lack the necessary skills and training to handle records properly, resulting in errors and inconsistencies. This lack of expertise undermines the accuracy and integrity of judicial records, which are critical for making informed legal decisions.

Addressing these challenges requires comprehensive training programs and the integration of modern technologies to enhance the capacity of court personnel. By investing in these areas, the Shari'a courts in Kaduna State can improve their records management practices, thereby enhancing the overall efficiency and fairness of the justice system (Abdullahi, 2021).

Statement of the Problem

It was evident that certain Court Clerks responsible for recording proceedings exhibited poor handwriting, leading to difficulties in reading the records. This research aims to thoroughly investigate these irregular situations and their impact on the organization and accessibility of Shari'a Court records. The ultimate goal is to mitigate or eliminate these challenges, thereby enhancing the efficient management of Shari'a Court records. Consequently, this study intends to uncover the challenges employed by Shari'a Courts in Kaduna State to effectively handle their records, contributing to the improved administration of justice.

Research Question

What are the challenges of Shari'a Courts Records management for dispensation of justice in Kaduna State Shari'a Courts?

Hypothesis

There is no significant difference among Shari'a Courts in Kaduna State in the challenges faced in maintaining Shariah Court Records.

Literature Review

The records in most Nigerian Shari'a Courts especially in Kaduna state has been facing some numbers of problems; these had affected the accessibility and utilization of recorded information, as information needed on each Court verdict is not being accessible on time or is not even available. These constraints are as follows:

Bolshakov (2006) observed that the main problems being faced by Courts in preservation and management of records in most developing countries include: Use of outdated forms: Need of constant revision; Shortage of experienced personnel: Need of trained personnel; Lack of planning in storage of inactive records: Need of effective storage and control of in- active records; Lack of determination of records retention period: Need of determination of records retention period. The unwanted records should be destroyed to save the time and resources; also, Delay in transfer of records: transfer of record entail two stages i.e., dating of unimportant records for destructions and ultimate disposal and moving the records from active to in-active files and from there to the storage area. These challenges are directly on the record personnel.

According to Erima and Wamukoya (2012), organizations face various challenges in the management of records. Lack of records management guidelines act as the cause of challenges facing records management in institutions. The study further cited lack of a record management program, unqualified records professionals, and strained record management budgets as challenges facing management of records. In developing countries, there has been a rise in the deterioration of management of records over years. This has greatly affected the efficiency, effectiveness, accountability service provision, and violation of human rights and legislations (IRMT 2009).

According to Mnjama (2004), most countries in Africa experienced major problems in the management of records which included untidiness in the record storage areas, misplacement of file, and lack of file control tools. The study also indicated other problems were lack of retention

and disposal schedules and lack of proper supervision of staff. Ngoepe (2008) indicates that there are various risks associated with the poor management of records. Lack of proper records management in organizations would lead to the following:

1. Loss of assets
2. Litigation risks
3. Loss of legal rights and failure to comply with legislation
4. Time wastage in retrieval of records and location of misplaced documents
5. Compliance risks

Many organizations are faced by numerous challenges in managing records that include; traditional records practices, the exponential growth of information, knowing what to keep, lack of disposal procedures, improper policies and procedures and unskilled personnel. To overcome these factors, organizations should; extend record management practices, conduct appraisal regularly, identify records to retain, proper disposition, implementation of records management policies and training in records management (Cox, 2000).

According to Mnjama and Wamukoya (2004), East and Southern Africa member countries experience major challenges in the preservation of records. The challenges pointed out include lack of organizational plans in the management of records, low awareness of the importance of records management for efficiency and accountability in organizations, lack of proper handling of records. Lack of records retentions and disposal policies and absence of budgets devoted for records management.

The poor state of the management of records in Kenya is aggravated by; failure by top management to establish proper records management objectives and practices, failure to hire qualified staff for the management of records and archives, lack of proper supervision in their registries lack of training in records & archives management and failure to provide adequate storage facilities in the registries (Mnjama, 2003). The maintenance and preservation of records includes a series of activities in place to enhance long term preservation and accessibility to the information they contain. Organizations face major challenges in the management of electronic records. According to Wamukoya and Mutula (2005), problems of managing electronic records include:

1. Lack of policies and guidelines in managing e-records;
2. Lack of skills and knowledge on management of e-records;
3. Lack of know-how on management of e-records among records personnel;
4. Lack of long-term preservation methods for e-records; and lack of know-how in selecting appropriate hardware and software for management of electronic records.

Records management practitioners are facing challenges in the need to destroy vast amounts of paper rather than systematically managing information circulation in the society. With the vast volumes of records produced by organizations records management has become a challenge. According to National Archives of Australia (2000), poor storage conditions of records would lead to destruction of information and records that lead to significant expenses in conservation and preservation programs. Implementation of information technology in the management of records is another challenge facing information managers in this decade. Information technology has a great value in managing documents but most organizations have not fully embraced the concept due to the changes it brings and the diverse organizational culture.

Methodology

The implementation of records retention schedules in Shari'a courts is crucial for effective judicial administration, ensuring that legal documents are systematically managed, preserved, and

accessible for the dispensation of justice. The study focused on a target population of 259 staff members responsible for Shari’a Courts Records across the Local Government Areas of Kaduna State. Using a stratified sampling technique, a representative sample of 143 staff members, or 40% of the total population, was selected. Data collection was conducted via a closed-ended questionnaire. To ensure the reliability of the instrument, a pilot study was conducted over three weeks at Upper Shari’a Courts in Kano State, resulting in a Cronbach's alpha coefficient of 0.98. Data analysis included both descriptive and inferential statistics, with descriptive statistics such as frequency, percentages, means, and standard deviation used to address research questions. Inferential statistical techniques, specifically one-way ANOVA, were used to test the research hypothesis.

Descriptive analysis

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Challenges are simply the encumbrances to management of Shari’a courts records in Kaduna State. It is crucial that these encumbrances are noticed and therefore addressed to aid swiftly but in the steady dispensation of Shari’a justice in Kaduna State. Table 4.9 carries the challenges to the records management.

Table 4.9: Shari’a Courts Records Management Challenges in Kaduna State

s/n	Challenges to Management of Sharia Records	Zone I			Zone II			Zone III		
		SG	M	Z	KN	G	KS	J	K	Kg
1	Creation of new records	26	7	11	22	7	10	7	6	4
2	Lack of adequate storage facilities	20	8	26	30	8	6	5	8	6
3	Damages caused by human, termites, rodents and whether.	22	5	22	30	9	7	5	4	6
4	Difficulty in retrieval of Shari’a Courts record	20	6	11	21	11	4	3	4	4
5	Poor maintenance culture	22	6	24	24	10	17	8	5	6
6	Inadequate record keeping policies.	25	8	26	29	9	17	8	5	6
7	Corruption	20			21	10	15	7	5	6
8	Inadequate skills and competencies in Managing Records	23	4	1	26	11	11	8	8	5

Key: SG=Sabon Gari, M=Makarfi, Z=Zaria, KN=Kaduna North, G=Giwa, KS=Kaduna South, J=Jamaa, Kg=Kagarko, K=Kachia, T=Total, %=Percentage, M=Mean, SD=Standard Deviation

Table 4.9 shows the challenges records management in Shari’a courts in Kaduna State is confronted by which invariably impede dispensation of justice. In an order of mean magnitude, Poor maintenance culture with Mean value of 2.843(SD=1.943) is first followed by lack of adequate storage facilities with Mean value of 2.726(SD=1.863). The least challenge is inadequate record keeping policies with Mean value of 0.352(SD=2.183). Other notable challenges are

inadequate skills and competencies in managing records with Mean value of 2.703(SD=1.847), corruption with Mean value of 2.073(SD=1.417) and creation of new records with Mean value of 2.033(SD=1.592).

The finding that the challenges of Shari’a Courts Records management for dispensation of justice in Kaduna State Shari’a Courts are huge is consistent with existing literature. The challenges of inadequate record-keeping policies, lack of adequate storage facilities, and damages caused by human, termites, rodents, and weather are major obstacles to effective record management in Shari’a Courts. Addressing these challenges will require concerted efforts by relevant stakeholders to improve the administration of justice in the courts.

The finding that the challenges of Shari’a Courts Records management for dispensation of justice in Kaduna State Shari’a Courts are huge is supported by literature. Several studies have highlighted the importance of proper record-keeping in the administration of justice and the challenges associated with record management in Shari’a Courts.

For instance, a study by Mohammed and Erah (2018) on the challenges of record management in Nigerian Shari’a Courts found that inadequate record-keeping policies and lack of proper storage facilities were major challenges facing the courts. Similarly, a study by Bello and Abubakar (2016) on the effectiveness of Shari’a Court records management in Kano State, Nigeria, revealed that the poor state of records management affected the delivery of justice in the courts.

Furthermore, a study by Alade and Omotoso (2017) on the challenges of record-keeping in Nigerian courts identified inadequate storage facilities, lack of standard record-keeping policies, and damages caused by environmental factors as some of the challenges faced by court records management.

The finding that inadequate record keeping policies is the main challenge faced by Shari’a Courts in Kaduna State is also supported by literature. According to a study by Umar (2019) on the challenges of record-keeping in Shari’a Courts in Nigeria, the lack of standard record-keeping policies was a major challenge faced by the courts.

There is no significant difference among Shari’a Courts in Kaduna State in the level of challenges faced in maintaining Sharia court records

This table Analysis of Variance (ANOVA) statistics on difference among Shari’a Courts in Kaduna State in the level of challenges faced in maintaining Sharia court records

ANOVA					
Challenges_of_keeping_Court_Records	Sum of Squares	df	Mean Square	F	Sig.
Between Groups	1.626	8	.203	.134	.998
Within Groups	202.528	134	1.511		
Total	204.154	142			

Descriptives

Challenges_of_keeping_Court_Records

	N	Mean	Std. Deviation	Std. Error	95% Confidence Interval for Mean		Minimum	Maximum
					Lower Bound	Upper Bound		
Sabon Gari	26	4.1154	1.14287	.22414	3.6538	4.5770	1.00	6.00
Makarfi	8	3.8750	1.55265	.54894	2.5770	5.1730	1.00	6.00
Zaria	27	4.1111	1.12090	.21572	3.6677	4.5545	1.00	6.00
Kaduna North	31	4.0968	1.24779	.22411	3.6391	4.5545	1.00	6.00
Giwa	11	3.8182	1.32802	.40041	2.9260	4.7104	1.00	6.00
Kaduna South	18	4.1111	1.23140	.29024	3.4988	4.7235	1.00	6.00
Jama'a	8	4.1250	.99103	.35038	3.2965	4.9535	3.00	6.00
Kagarko	8	4.0000	1.51186	.53452	2.7361	5.2639	1.00	6.00
Kachia	6	4.3333	1.21106	.49441	3.0624	5.6043	3.00	6.00
Total	143	4.0769	1.19904	.10027	3.8787	4.2751	1.00	6.00

Post Hoc Tests

Homogeneous Subsets

Challenges_of_keeping_Court_Records
Scheffe^{a,b}

Sharia_Courts	N	Subset for alpha = 0.05
Giwa	11	3.8182
Makarfi	8	3.8750
Kagarko	8	4.0000
Kaduna North	31	4.0968
Zaria	27	4.1111

Kaduna South	18	4.1111
Sabon Gari	26	4.1154
Jama'a	8	4.1250
Kachia	6	4.3333
Sig.		.998

Outcome of the Analysis of Variance (ANOVA) statistics showed that there is no significant difference among Shari'a Courts in Kaduna State in the challenges faced in maintaining Sharia court records. . Reasons being that the calculated p value of 0.998 is above the 0.05 alpha level of significance and the computed F value of 0.134 is below the 3.00 F critical value at df 8. The mean level of opinion on the the level of challenges faced in maintaining Sharia court records are 4.115, 3.875, 4.111, 4.096, 3.818, 4.111, 4.125, 4.000 and 4.333 for sharia courts of Sabon Gari, makarfi, Zaria, Kaduna North, Giwa, Kaduna South, Jama'a, Kagarko and Kachia respectively. The Post hoc mean comparison Scheffe test showed that all the mean were put in one subset indicating that statistically they have the same level of opinion on the challenges faced in maintaining Sharia court records irrespective of the sharia courts location within the state. Therefore, the null hypothesis which state that there is no significant difference among the Shari'a Courts in Kaduna State in the level of challenges faced in maintaining Sharia court records, is hereby accepted and retained.

Conclusion

The effective management of records in Kaduna State's Shari'a courts is fundamental to the fair and timely dispensation of justice. The challenges identified, including inadequate infrastructure, lack of trained personnel, and insufficient technological integration, significantly impede judicial efficiency and accuracy. Addressing these issues through strategic investments in infrastructure, comprehensive training programs for court staff, and the adoption of digital technologies is essential. Such measures will enhance the reliability and accessibility of court records, thereby improving the overall administration of justice in the Shari'a courts of Kaduna State. To ensure sustainable progress, it is imperative that policymakers prioritize these reforms and allocate the necessary resources to support their implementation.

Recommendation

The challenges to management of Shari'a records for dispensation of justice in Kaduna State Shari'a were Poor maintenance culture, lack of adequate storage facilities, inadequate record keeping policies, inadequate skills and competencies in managing records, corruption and creation of new records.

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