

MASTERS OF CONSTITUTIONAL LAW  
EXPENSIVE JUSTICE PROCESS

KAUME ADAMS KUBAI 2024

ATLANTIC INTERNATIONAL UNIVERSITY MIAMI-FLORIDA- USA

# ATLANTIC INTERNATIONAL UNIVERSITY

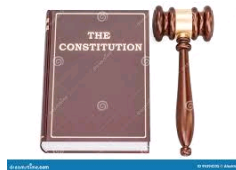
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**THESIS:**

**CONSTITUTIONAL LAW**



**EXPENSIVE JUSTICE POLICIES**

**1963-2022**

**CASE STUDY**

**TIGANIA EAST-MERU COUNTY-KENYA**

**2024**



KAUME ADAMS KUBAI  
THESIS: CONSTITUTIONAL LAW 2024

## THESIS

**THIS RESEARCH WORK IS FOR THE PARTIAL FULFILLMENT OF DEGREE  
AWARD IN MASTERS OF LEGAL STUDIES**

**IN**

## **CONSTITUTION LAW**

**FROM ATLANTIC INTERNATIONAL UNIVERSITY.**

**MIAMI**

**FLORIDA**

**UNITED STATES OF AMERICA**

**15<sup>TH</sup> NOVEMBER 2024**

## **DECLARATION**

This research is my original work and has not been presented for a degree in any other university



or institution of higher learning.

Signature.....KAUME ADAMS KUBAI..... Date...15/11/2024.....

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This Thesis has been submitted for approval to AIU supervisor

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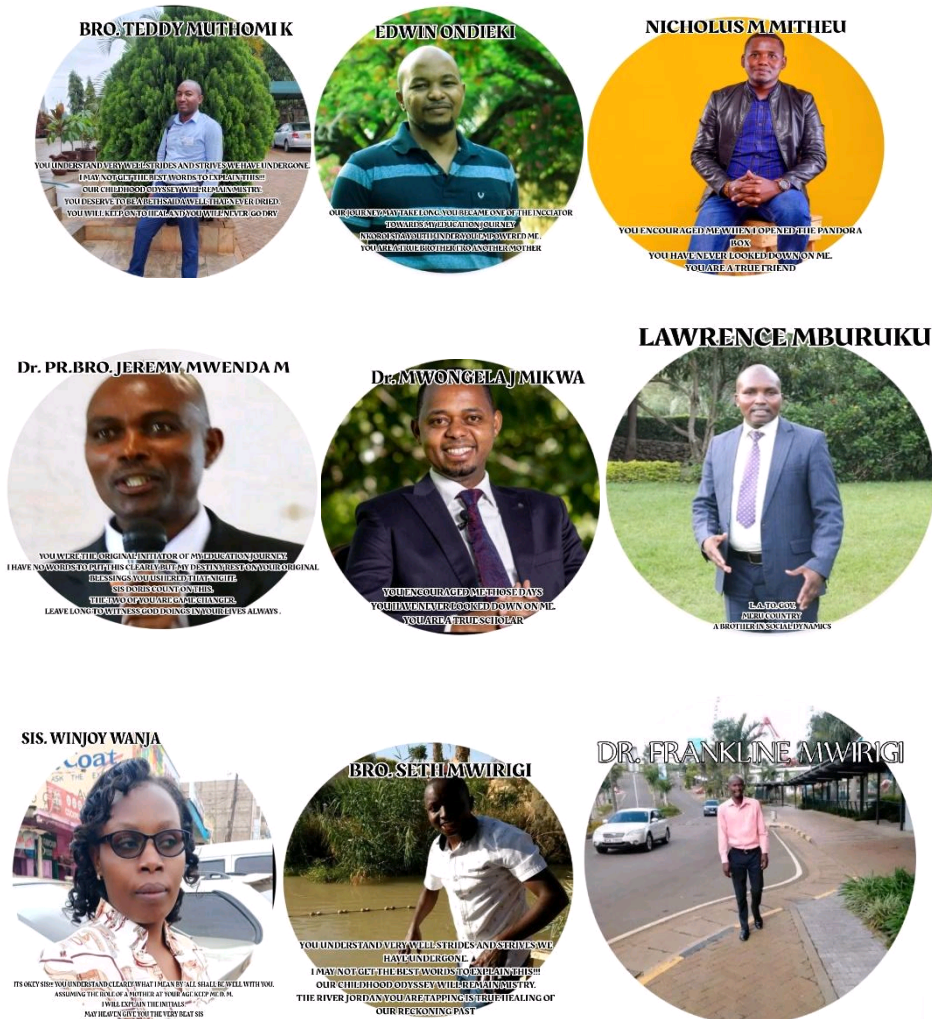
**Dr. EDWARD LIMBERT**

**APPRECIATION**

**I EXTEND MY WARM APPRECIATIONS TO THESE DISTINGUISHED ANGLES FOR THE IMMERSE ALL WAY  
ROUND SUPPORT THEY HAVE BEEN GIVING ME FROM THE BEGINNING OF MY LONG ACADEMICS  
JOURNEY.**

**I RECOGNIZE THEM WITHIN THE GLOBAL SCHOLARS ARENA.**

**MAY GOD REWARD KEEP YOU ALWAYS.**



**ABBREVIATIONS**

DOJ-Department of Justice

TG/ TE- Tigania East



TW- Tigania West

MC- Meru County

EJS- Expensive Justice System

NCAJ-National Council on the Administration of Justice

PNP-Philippine National Police

ICT- Integrated Computer Technology

NBI-National Bureau of Investigation

UK- United Kingdoms

UJ- Universal Jurisdiction

USA- UNITED STATES OF AMERICA

JSC- Judicial Service Commission

NCAJ - The National Council on the Administration of Justice

CUC- Court Users' Committees

OSIEA- Open Society Initiative for Eastern Africa

AfriMAP- Africa Governance Monitoring and Advocacy Project

UJAR- Universal Jurisdiction Annual Review

## **OPERATIONS AND DEFINITION OF TERMS**

**Ncagi-** it is a local term referring to people who chew khat among Ameru and Tigania people.

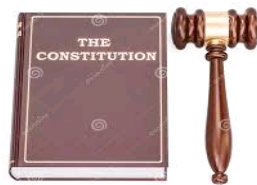
**Miraa-** it is local tree herbs that is grown and chewed by Meru residents and Kenyans of

Somali culture and origin. It is one of the key revenue contributors to Tigania East residents, county governments of Meru and the National Government.

**Duthi**- refers to people who drive motorcycles.

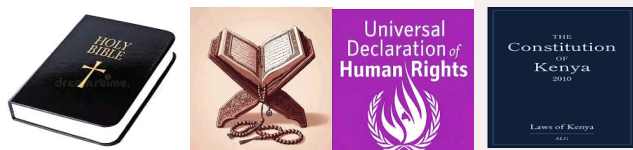
**Mbogi** -refers to people of the same age set who associates in most of their related activities

## ABSTRACT



**THE BREACH OF CONSTITUTIONAL LAW CAN PROMOTE ANARCHY IN SOCIETY THUS LEADING TO UNHEALTHY SOCIETY.**

Of all living beings/ creatures, man's uniqueness is exceptional, divine and has a source and purpose. The religion philosophy and various classical patriarchs' jurisprudence hold on the same accounts. Holy bible, (Genesis 1:26-28), The concept of society starts within the social doctrines of divinity, holiness and purposes. Social order principle was the key binding notch God instituted as his first ever constitution for a symbiosis of eternal coexistence with man. (Genesis 2:16-17). The violation of the very first divine Theological Constitution plunged the entire human race into a Conflicting state of the world of democracy, dictatorship, totalism, pluralism, capitalism among many other forms of political, social and economic arrangements across all global societies. All global governments including governments of Kenya through the judiciary arm of the government plays the role in instituting all legal means to ensure justice is served to Kenyan people and nurturing a culture of social order. The government has done a lot through building well equipped modern courts and staffing human personnel in different cadres of justice for ensuring that justice is served to Kenyan people but not yet to all parts of the country. From independence (1963) to date, Tigania East residents in Kenya have had no public judicial institution/court and even after the dispensation of the new constitution of 2010, the situation remains the same. As TE residents seek other avenues to pursue order and justice, there is an urgent need for other governments' apparatus to be enforced for controlling and taming Crimes such as murder, burglary, cattle rustling, teen pregnancy and school dropout among children that has been on rise. The application of this work will be within the Global Context on the importance of Affordable Justice Systems in all global societies. Key stakeholders in Justice Order dispensation like Kenya parliaments, Developments authority of Kenya and Judicial Service Commission will benefit through applying recommendations in restoring and creating affordable Justice mechanisms in various parts of Kenya.



**THE GLOBAL FUNDAMENTALS AND DOCTRINES OF PEACEFUL COEXISTENCE AND ATTAINING OF SOCIAL-POLITICAL AND ECONOMIC PROSPECTS ARE BASED ON THE ABOVE LITERATURES THAT CONTAINS WIDE INSPIRING HERALDS FROM ANCIENT, CLASSICAL, MODERN AND POSTMODERN WORLD SCHOLERS TO MAKE WORLD A BETTER PLACE.**

**TABLE OF CONTENTS**

**COVER 2.....ii**  
**THESIS..... iii**  
**DECLARATION..... iv**



**APPRECIATION..... v**

**ABBREVIATION.....vi**

**OPERATIONS AND DEFINITIONS OF TERMS.....vii**

**ABSTRACTS.....viii**

**TABLE OF CONTENTS.....ix**

**CHAPTER ONE**

INTRODUCTIONS.....1

DEFINITIONS.....1

UNIVERSAL JUSTICE POLICY .....2

AFRICAN JUSTICE POLICY .....4

US JUSTICE POLICY .....6

UK JUSTICE POLICY .....8

CHINA JUSTICE POLICY .....10

PHILIPPINES JUSTICE POLICY .....11

IRAQ JUSTICE POLICY.....13

TANZANIA JUSTICE POLICY .....13

SCHOLARS JUSTICE POLICY VIEWS.....15

KENYA JUSTICE POLICY .....18

**CHAPTER TWO**

INTRODUCTION OF LITERATURE REVIEW .....22

UNIVERSAL JUSTICE POLICY REVIEW .....23

AFRICA JUSTICE POLICY REVIEW .....24

OTHER REVIEW.....27

THEORETICAL FRAMEWORK.....38

TIGANIA EAST CONSTITUENCY.....40

TIGANIA EAST FIVE WARDS.....42

STATEMENT OF THE PROBLEM.....48



STATEMENT OF OBJECTIVES.....49

RESEARCH QUESTIONS.....49

RESEARCH PREMISES.....51

JUSTIFICATION AND SIGNIFICANCE.....51

SCOPE AND LIMITATION.....54

**CHAPTER THREE**

RESEARCH DESIGN AND METHODOLOGY .....55

INTRODUCTION.....55

TARGETED POPULATION.....55

RESEARCH DESIGN AND METHODOLOGY .....56

DATA SIZE SAMPLE.....56

RESEARCH QUESTIONNAIRES.....57

**KEY FINDINGS FROM ALL TABLE SUMMARY.....78**

**RESEARCH RELATED VARIANCES.....79**

**RECOMMENDATIONS.....80**

**CONCLUSION.....81**

**REFERENCE.....82**

## **CHAPTER ONE**

### **1.0 INTRODUCTION**

Of all universal living beings/ creatures, man's uniqueness is exceptional, divine and having a source. The religion philosophy and various classical patriarchs' jurisprudence hold on the same accounts. Holy bible, (Genesis 1:26-28). The concept of society starts within the social doctrines of divinity, holiness and purposes. Social order principle was the key binding notch God instituted as his first ever constitution for a symbiosis of eternal coexistence with man. (Genesis 2:16-17). The violation of the very first divine Theological Constitution plunged the entire human race into the modern world of democracy, dictatorship, totalism, pluralism, capitalism among many other forms of political, social and economic arrangements across all global societies.

Thus, the divine objectives were taken over by man and through eschatological predictions of increase in Knowledge and science (Exodus 35:31, 2 Chronicles 1:10, Proverbs 1:7, Ecclesiastes 9:10, 12:9, Daniel 12:4), man developed own self-governing rules/ laws/ commandments/ procedures/ policies and orders for peaceful coexistence. Through human agencies such United Nations (2023) a society Without peace, societies are often plagued by genocide, murders, conflict, violence, and instability, which can hinder progress and result in the loss of lives and resources thus breaching and violating not only Devine Theological purpose but also human beings' rationale Living social order hypothesis. To ensure adherence to social orders thus protecting the divine human life, all global institutions have embraced and fully committed to having laws/ policies/ statues/ penal/ codes that all aim in achieving one main objective (Protecting this Divine Creature "MAN"). Goal 16 is about promoting peaceful and inclusive societies, providing access to justice for all and building effective, accountable and inclusive institutions at all levels. People everywhere should be free of fear from all forms of violence and feel safe as they go about their lives whatever their ethnicity, faith or sexual orientation.

According to the United Nations global umbrella for justice, on its 16<sup>th</sup> report review is nurturing peaceful coexistence of all people, races, languages, nations and kingdoms. United Nations (2023) proposes on avoiding any violent conflicts that may be derailing the global peace and achievement of Goal 16 of peaceful coexistence. Thus, the violations of these universal peaceful laws/ policies will attract attention for justice to the affected victims with global and local jurisdiction in the justice context. According to United Nations Organisations, Access to justice for all citizens has long been recognized as a cornerstone of democracy and good governance. United Nations, (2016)

#### **1.1 Definitions**

In Bioethics definition of justice (2024), justice is one of the basic principles, meaning fairness, impartiality, equity. According to Allen on Access to Justice (2017) Access to justice refers to the right of an individual to have effective access to the courts, so that they have the means to resolve legal disputes. According to American bar of legal professionals, Access to justice is described broadly as the ability of citizens to "seek and obtain remedies" (American Bar

Association, 2012) justice is preventions of civilian’s rights “and to prevent the abuse of their rights and obtain r

According to Brian Duignan (2024) justice, In philosophy context, is the concept of a “ proper proportion between a person’s deserts (what is merited) and the good and bad things that befall or are allotted to him or her. Brian Duignan (2024) asserts that the Aristotle’s discussion of the virtue of justice has been the starting point for almost all Western accounts, “justice is treating like cases alike, an idea that has set later thinkers the task of working out which similarities (need, desert, talent) are relevant”.

Brian Duignan (2024) state that there are various types of justice according to Aristotle “Aristotle distinguishes between justice in the distribution of wealth or other goods (distributive justice) and justice in reparation, as, for example, in punishing someone for a wrong he has done (retributive justice). Brian Duignan (2024) on the importance of justice is essential for just state for attainment of desired centralized social order. Brian Duignan (2024)

According to the English dictionary (2024) justice is the ideal of fairness and impartiality with regard to the punishment of wrong doing. For that reason, Justice and fairness are central embodiment concerns that define how societies, people and communities interact.

## 1.2 Universal Justice policy

According to United Nations Organisations, Access to justice for all citizens has long been recognized as a cornerstone of democracy, (United Nations, 2016), good governance, and effective and equitable development. On societies social, political and economic developments, it’s the game charger in antialignment’s of all these. Affordable and accessible justice promotes peaceful and inclusive societies for sustainable development. It also provides access to justice for all and builds effective, accountable and inclusive institutions at all levels. (United Nations, 2016). The United Nations Development Programme (2004) has even described



access to justice as a basic human right.

Expensive justice process is an issue that needs to be well researched and addressed accordingly. JSTOR (2017) asserts that it is impossible to deliver access to justice for all litigants without widely available legal aid, and broader claims that the state is failing in its duty to provide access to justice for all. JSTOR (2017) further argues that the level of public subsidy and the balance between public and private funding for civil justice systems is a question of distributive justice.

JSTOR (2017) cites the need to review private funding models demonstrates that some have been denied access to justice like the case of TE residents. However, on the need to incur expenses to

legal counsel is necessary: JSTOR (2017) asserts that some cost needs to be incurred in access to justice, (requiri

Wikipedia (2024) on the access to justice is based on some fundamentals “The most fundamental principle of justice that has been widely accepted since it was first defined by Aristotle more than two thousand years ago is the principle that "equals should be treated equally and unequal unequally” thus failure to adhere to these principals, the justice process is rendered impartial and expensive.

In a African publication (2008-2010), “Case Studies in Justice Sector Development in Sub-Saharan Africa” on justice noncompliance and poor governance lapses, many were found in the poorest parts of Africa, in countries suffering from the least optimal standards of governance or judicial independence. VOLUME II 2008 - 2010 Case Studies in Justice Sector Development in Sub-Saharan Africa.

Center for public safety and justice (2013), assert that, “To have legitimacy, policing organizations must not only act with fairness and, indeed, impartiality, but just as importantly they need to be *seen* to be acting in this way. Center for public safety and justice 2013 on the importance of creating affordable justice culture noted that, when it comes to policing, ‘Perceptions of fairness are not only driven by outcomes. They may also be influenced by the fairness and consistency of the process used to reach those outcomes. Center for Public Safety and Justice, (2013).

According to Universal Jurisdiction (2018), the report asserts that, various democracies have come clearly on issues of justice and the justice process. Within the universal jurisdiction, justice has been considered in dramatic terms, sometimes tragic. UJ (2018) The meeting was seen as the most successful because the focus was on oppressed “It has been the story of the heroes of justice against the slaves of politics, unpunished criminals against innocent victims, privileges and immunities against equality and dignity—in short, oppressors against the oppressed”.

UJ (2018) Though the focus was on previous issues of injustice and impunity, the UJ recognized the effort that was realized in the fight for justice in all societies “But there are also significant and valuable results and a constant determination in the fight against impunity. UJ (2018) It has not been the path of rise and fall, as argued by some doctrine, but rather that of the definitive assertion of a principle and the progressive determination of its scope and limits”. Universal Jurisdiction [Margarita Robles](#). LAST REVIEWED: 28 March 2018, LAST MODIFIED: 28 March 2018

According to UJ formation structure and operating principles, it clearly shows that it was established. UJ (2018) established a principle located in the intersection between international and domestic law whose main objective is the fight against impunity. According to the Princeton Principles, UJ (2018) criminal jurisdiction based solely on the nature of the crime, without regard to where the crime was committed, the nationality of the alleged or convicted perpetrator, the nationality of the victim, or any other connection to the state exercising such jurisdiction.

On the rise of criminals and dictators. UJ (2018) is worried that a culture of accusation of the dictatorship of judges conceals the discomfort or displeasure with the independent exercise of

judicial power. UJ reviews show the justice process being subverted through attacks of the judicial process in favor of

On compromising justice at UJ level, Remiro Brotóns 1999, Kissinger 2001, Robles Carrillo 2014, Langer 2015 point that: “sometimes the justice process may be swayed through dynamics of universalization and regionalization of UJ, while exploring its evolution through two different paradigms. For UJ affordability and creating precedent for affordable justice Viking (1963) it is essential to understand the historical, political, and philosophical background surrounding the universalization of justice”. Arendt, Hannah. *Eichmann in Jerusalem*. New York: Viking, 1963.

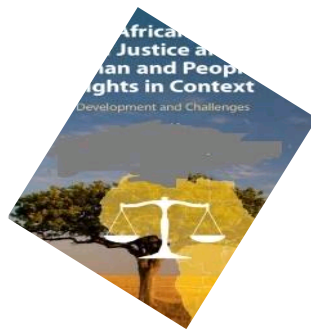
On the importance of states to serve justice UJ (2018) it is individual responsibility in prosecuting criminals within local jurisdiction while states have an interest and the jurisdiction to prosecute and punish any war criminal unless such prosecution is prohibited by international law.

On growing concern about achieving the global justice agenda, the review shows a wrong trend being witnessed UJ (2018) Dangerous Precedent attempts to show the incongruity of Spain as prosecutor taking into account its former dictatorship. Finally, it refers to international courts and includes some proposals to avoid UJ.

According to online material on the state of justice in Africa, the situation needs to be well incorporated within African country constitutions. The justice concept is friendly and justifiable. What is the concept of justice in Africa 27 Jun (2017) Justice in the African conception is also non-discriminatory, ensures a fair hearing for parties in a dispute, advances the rights of individual members of the community, and does not depend on the volume of evidence.

### **1.3 Justice Policy in Africa Continent**

In Africa, access to justice is full of challenges. Shivji, (2004); Kamau Kuria, (2004), Citizens report a number of serious barriers to access to justice. Most significantly, the perception that cases move too slowly through the courts is widespread.



Getting justice may be a dream that may take a long time in the corridors of courts due to anti justice schemes. Shivji, (2004); Kamau Kuria, (2004). But other hurdles include costs, corruption, the complexity of legal processes, lack of legal counsel, and concerns about court.

In some countries, justice policies and programs are fairly responding to the needs of accessible and affordable justice. Shivji, (2004); Kamau Kuria, (2004). There are vast differences between

the relatively high performance observed in countries such as Botswana, Cape Verde, and Lesotho and the disma

The perception of getting justice in court with no corruptions effects is on average. Shivji, 2004; Kamau Kuria, (2004). On average, citizens in democracies report higher levels of trust in the courts, lower levels of bribe-paying and perceived corruption, and greater ease of obtaining assistance than those living under more autocratic regimes.

To accommodate the surging need of affordable and accessible justice, some improvements need to be made. Shivji, (2004; Kamau Kuria, (2004). But there is still substantial room for improvement even in most of the best performers.

In war torn countries, access to justice is at a crossroads. Afrobarometer (2017), Conflict, on the other hand, appears to severely undermine access to justice. The importance of access is often felt especially acutely in post-conflict countries.

According to recent research on violation of human rights in Africa continents and countries plunged into chaos, justice is a dead dream for most victims of injustices. (United States Agency for International Development, 2016), violations, violence and war crimes, displacement, and contested property claims can all generate high demand for justice services.

In prolonged wars, justice may be faced with wide influences from different anti justice quarters. (United States Agency for International Development, 2016), At the same time, prolonged conflict can degrade the credibility of legal systems as they lose capacity or become polarized or politicized, driving away potential users and making extra post-conflict caseloads difficult to manage.

#### **1.4 US Justice Policy Program**

In the USA, the Judiciary is well organized for justice dispensation that is affordable and equally accessible to the public. Online 3 Jun (2021) The federal court system has three main levels: district courts (the trial court), circuit courts which are the first level of appeal, and the Supreme Court of the United States, the final level of appeal in the federal system. Online 3 Jun (2021) American system of justice has evolved from the English common law into a complex series of procedures and decisions.

Merlo, A. V., & Benekos, P. J. (2010)According to USA justice policy basic agendas is prevention and punishment of criminal behavior, which is critical for the stability and safety of communities. Additionally, Merlo, A. V., & Benekos, P. J. (2010)the system is responsible for rehabilitating offenders, offering them opportunities for reform and reintegration into society.

According to US policy of justice on equality, “All individuals have the same claim as human beings to natural rights and treatment under the law regardless of political order that protects the rights of all equally and treats everyone equally under the law. Merlo, A. V., & Benekos, P. J. (2010). Is punitive juvenile justice policy declining in the United States? A critique of emergent

initiatives. *Youth justice*, 10(1), 3-24.



In the USA, the future cost of accessing justice is facing a paralegal challenge Deborah L (2018) United States does a shamefully inadequate job of making legal services available to individuals who need those services most. Kevin Eaton (2018) according to the World Justice Project, the United States ranks 94th of 113 countries in the accessibility and affordability of civil justice.

Anna Porto (2018), One response to this justice gap has been limited legal assistance programs, which provide services to individuals short of full representation. Although such programs have become the dominant form of civil aid to the poor in the United States, relatively little research has assessed their effectiveness.

Accessing justice is expensive, challenging and full of handles according to ACCESS TO JUSTICE Deborah L. Rhode, Kevin Eaton, and Anna Porto, Access to Justice Through Limited Legal Assistance, 16 Nw. J. Hum. Rts. (2018) At the request of the federal Legal Services Corporation [LSC], Stanford law school researchers evaluated the limited legal assistance program for family law cases at one of the legal services offices that the LSC funded.

Challenges of accessing justice are multiple, J. Hum. Rts. (2018) Part I explores the challenges of access to justice in the United States, and limited legal assistance as one commonly proposed response. Among the most important findings are that limited legal assistance programs can often be cost-effective means by which to secure legal services for low-income individuals, and that some forms of assistance, such as hands-on help with form completion, are more successful than others.

On getting justice before the court of law, Neil M. Gorsuch (2016), Most everyone agrees that in the American civil justice system many important legal rights go unvindicated, serious losses remain uncompensated, and those called on to defend their conduct are often forced to spend too much. On delays and pretrial cost Neil M. Gorsuch (2016) Eighty percent of the members of the American College of Trial Lawyers report that pretrial costs and delays keep injured parties from bringing valid claims to court.

Neil M. Gorsuch (2016) Seventy percent also say attorneys use the threat of discovery and other pre-trial costs as a means to force settlements that aren't based on the merits. On the expensive justice process, Neil M. Gorsuch (2016) Legal services in this country are so expensive that the United States ranks near the bottom of developed nations when it comes to access to counsel in

civil cases. Another impending future problem in searching for Justice is the lack of advocates/lawyer

A huge gap in access to justice exists in the USA Deborah L. Rhode (2018) The Justice Gap, the exact extent of unmet legal need in the United States is unknown, but estimates suggest that the numbers are staggering. Deborah L. Rhode (2018) 2013 American Bar Foundation survey found that two-thirds of adults had experienced at least one “civil justice situation” in the previous eighteen months. Unsurprisingly, poor people were the most likely group to report these situations and them, according to Neil M. Gorsuch (2016) Legal Education, the skyrocketing costs of legal education are no secret. Since the 1980s, private law school tuition in the United States has increased by 155.8 percent and public law school tuition by 428.2 percent (yes, in real, inflation-adjusted terms.

The government commitment in the affordable justice process is well outlined. Neil M. Gorsuch (2016) Mandatory Disclosures In 1993, the federal rules committees experimented with a rule requiring parties to disclose evidence and documents both helpful and harmful to their respective causes at the outset of discovery.

Future legal practitioners are in great danger due to a compromised state by Legal Practitioners and other bureaucrats. Neil M. Gorsuch (2016) As the committees reasoned, lawyers and parties are rightly expected to fight over the merits but that doesn’t necessarily mean they should be permitted to fight on the merits, so too civil parties should have to disclose the good and the bad of their evidence before proceeding to litigate.

Neil M. Gorsuch (2016) Civil Procedure Reforms the Federal Rules of Civil Procedure aim to shepherd parties toward “the just, speedy, and inexpensive determination of every action and proceeding.” Neil M. Gorsuch (2016) But as the American College of Trial Lawyers’ survey suggests, it seems the rules sometimes yield more nearly the opposite of their intended result: expensive and painfully slow litigation that is itself a form of injustice.

On delays that lead to affordable justice its need to be avoided to reduce unnecessary cost: Neil M. Gorsuch (2016), It tightened discovery deadlines and so shortened the opportunities for delay. And it sought to reduce costs by increasing certainty about parties’ obligations to preserve electronically stored information.

Government commitments on Early and Firm Trial Dates. Neil M. Gorsuch (2016) A RAND study of the federal judicial system in the 1990s found (perhaps to no litigator’s surprise) that setting a firm and early trial date is the single “most important” thing a court can do to reduce time to disposition.

Neil M. Gorsuch (2016) And in light of so much data like these all-justice institutions led by the National Conference of Chief Justices have all recently endorsed the setting of an early and firm trial date as a best practice in civil litigation. Neil M. Gorsuch (2016) Yet, despite this mounting evidence, and while some federal districts today adhere to the practice of setting a firm and early trial date in every case (e.g., the Eastern District of Virginia), systemwide in our federal courts over 92 percent of motions to continue trial dates are granted and fewer than 45 percent of cases

that go to trial do so on the date originally set by the court.

### 1.5 United Kingdom's Justice Policy

According to The UK Justice Policy by Richard Garside, Roger Grimshaw, Matt Ford and Helen Mills (2017 and 2018) the government's commitments towards the justice process are on upper gear according to the review. The policy documents assert the following “series also aims to provide a second important function; access to robust data about criminal justice.



Recently a serious access to justice meeting was called, Jack Simson Caird, Jacqueline Beard &Grahame Allen on Access to Justice (2017), A Westminster Hall debate on the subject of access to justice has been scheduled for 1430 hrs on Wednesday 11 January 2017. The Member in charge of this debate is Rob Marris MP. Jack Simson Caird, Jacqueline Beard &Grahame Allen on Access to Justice (2017 Recent changes to the justice system, in particular increases in court fees and court closures, have led many prominent commentators on the justice system, including MPs and the senior judiciary, to raise concerns over their impact on access to justice.

Jack Simson Caird, Jacqueline Beard &Grahame Allen on Access to Justice (2017 The Government has argued that such changes ensure that the courts and tribunal service is sustainably funded, which in turn will enable access to justice to be protected.

In a consultation titled Transforming our Justice System, Jack Simson Caird, Jacqueline Beard &Grahame Allen on Access to Justice (2017 the Government has stated that it is committed to pursuing reforms to the courts and tribunal system to provide the public with a justice system that “is affordable, intelligible and available for use by all, convenient for those who cannot easily attend in person, and supportive of those not comfortable with the law or technology”

Reviews of the 2012 Act the Government, Jack Simson Caird, Jacqueline Beard &Grahame Allen on Access to Justice (2017 The current Government has reiterated a commitment originally made by the Coalition Government to review the operation of Parts 1 and 2 of the 2012 Act (i.e. the Parts relating to legal aid) within three to five years of their implementation. This would ease the process of accessing justice.

On the legal aid system's recent review, Jack Simson Caird, Jacqueline Beard &Grahame Allen on Access to Justice (2017), The Bach Commission published an interim report in November 2016 on the wider issue of access to justice. The Commission identified six key features of the justice system which it said undermine its ability to provide justice for all.

The provision of legal aids is important in accessing affordable: Jack Simson Caird, Jacqueline Beard & Grahame Allen on Access to Justice (2017 “Three of these relate specifically to legal aid: Fewer people can access financial support for a legal case, Exceptional case funding has failed to deliver for those in need & Bureaucracy in the Legal Aid Agency is costly and time-consuming”).

Affordable justice cannot be attained if courts and other tribunal are being closed. The UK government in reopening all courts and tribunal is on upper gear: Court and tribunal closures, CBP 7346, 21 March (2016), Ministry of Justice also published a schedule of potential implementation dates of when the courts will cease to provide a public service. There is great need to prioritize reforms in UK courts; Lord Justice Briggs (2016) Lord Leveson’s (2015), aims to improve access to justice by both modernizing the court and tribunal estate and by making greater use of technology.

UK government is also revamping judiciary through huge financial deal for accessible and affordable justice: Lord Justice Briggs (2016) Lord Leveson’s (2015) In September 2016, the Lord Chancellor, the Lord Chief Justice and the Senior President of the Tribunals launched Transforming Our Justice System, a report which outlines a range of proposed changes designed to modernize the justice system in England and Wales using the £700 million allocated by the Treasury in the Budget of 2016.

On personal injuries matters, UK judiciary intend to create a scheme for affordable justice: Appendix 6 Number CDP-2017-0001, 9 January, Proposed changes to personal injury law and soft tissues claims by having Defended cases in the civil courts assigned to one of three tracks, one of which is the small claims track.

On other small claims, various resolutions methods will be encouraged and fully supported by judiciary, Access to Justice Jack Simson Caird, Jacqueline Beard & Grahame Allen (2017) The small claims track is supposed to provide a simple and informal way of resolving disputes. Although lawyers may be instructed, in most cases, the court will not order legal costs to be paid by the losing party.

## **1.6 China Justice System**

In China the justice system is well anchored on Chinese laws and the judicial structure is well enriched to offer affordable justice. China's Supreme Court has created “the term smart court implies a homogenous group of courts that can be considered “smart.” On the contrary, since the circulation of the Supreme People’s Court (SPC) “Opinion on Speeding Up the Construction of Smart Courts” (Supreme People’s Court, 2017, hereinafter “2017 SPC Opinion”), many different courts across China have launched initiatives that fall under “building smart courts,” despite being significantly different.



According to China Judiciary Structure, (Stern et al., 2021). Smart courts are not a separate circuit of courts. Instead, the term refers to different initiatives to automate and digitize the judicial process. Therefore, what the term smart court entails is incredibly diverse and fragmented.

The Chinese judiciary has embraced technology for the purpose of creating affordable justice by using robots. Despite the widespread association of smart with an intelligent and autonomous agent (often called robots), with “smart,” this review refers to the use of software programmers with learning algorithms that are capable of pattern recognition, meaning that these programmes get better at their task with experience (Hildebrandt, 2015: 22–36).

The journey of restoring public confidence is one of the main China government agendas, “The restoration of public confidence in and authority of the Chinese legal and governance system is one of the main ambitions” Xi Jinping (Biddulph et al., 2017). China’s courts are suffering a crisis of demeaning public confidence caused by Hu Jintao’s policy that prioritized mediation over formal law and court adjudication (He, 2007; Minzner, 2011).

The government of China has purely motivated judiciary through creating of independent judiciary far from the communism culture and tradition of alternative disputes resolutions Supreme People’s Court, 2016), The decision recognized that the judiciary had to “improve the judicial administration system and the operating mechanism of judicial power, standardize judicial conduct, strengthen supervision of judicial activities, and strive to make the people feel fairness and justice in every case.”

This indicated an orientation of judicial reform towards better and stricter procedures. Other authoritative documents, such as the SPC Opinion on the Development of Digital Archives, further guided court digitization (Supreme People’s Court, 2016), laying the fundamentals for smart courts.

On efficiency, (Reiling, 2010) China Efficiency is the relation between input and output: “in this case, how much funding, judges, hardware, and so on, are needed to process and decide a given number of cases”. Processing more cases with the same number of judges or the same amount of funding would increase efficiency.

More on improving the operationalization, (Biddulph, 2017) Improving the efficiency of courts is one of the cornerstones of the current judicial reform agendas. The issue has primarily been addressed in a purely quantitative manner by simplifying procedures, reducing time limits, and personnel reforms (Biddulph et al., 2017). This is supposed to help improve the governance

capacity of courts.

Despite all that, China Judicial System has not offered the best affordable justice. (Clarke, 2003), Courts in the People's Republic of China (PRC) do not fulfill the same role as they do in the liberal rule of law systems Courts are one of many governance institutions with the power to resolve disputes. The main reason for this is minimal power (Liebman, 2007) Their power to check and balance other state organs is minimal When officials discuss how to make courts more efficient, the understanding is that they also need to be more efficient at fulfilling their political tasks.

These challenges of affordable justice are as results of political interference to judiciary ( Trevaskes et al., 2014b; Trevaskes, 2017) "These are ensuring proper implementation of central party-state policies and maintaining social stability, and ensuring party survival. Therefore, the concept of efficiency also entails how automation and digitisation enhance the role of courts as agents of the central party-state". (Nesossi and Trevaskes, 2017).

### **1.7 Philippines Justice Policies**

In the Philippines, affordable justice is one of the judicial impending issues, Dioso, Jona Mae M. (2014) Most people in every part of the world are seeking justice which is delayed by the clogging of court dockets or lack of court.

In response to the situation, 'Justice on Wheels' Program was implemented. Societies are considering alternative disputes resolution mechanisms Rio, Irving Domingo (Center for Promoting Ideas (CPI), 2016-02) Settling disputes is of utmost importance in the maintenance of social order.

Regardless of the forms of governments, its nature of existence is to regulate conflict. Access to justice in rural villages is far from reach. Rio, Irving Domingo (2021-07) In remote villages in Central Panay (Philippines), the presence of government institutions is not yet institutionalized and some traditional practices are still dominant in their way of life.

The nature of court cases is worrying, Jalbuena, Ed Amante (2014) Clogged cases in court dockets have been a perennial problem in the Philippines. This has been brought by factors such as unfilled vacancies of the positions of judges, misuse of the due process and the abuse of law.

In recent times in some parts of the Philippines, the judicial system was offering affordable justice MARIO GARCIA (2019) it reveals that the first level system the Barangay Justice performs better than the regular court in terms of settling disputes and maintaining peace to the community.

Apart from judiciary, the involvement of traditional justice mechanisms helped in easing the justice process. MARIO GARCIA (2019) It was also revealed that the Indigenous justice processes of Kalinga known as the "Bodong" performs more than enough in settling disputes since it covers all crimes and required the parties thereto decided to settle it through the intervention of the tribal larders "pangat", its resolution is recognized by the regular court as a

jurisprudence. MARIO GARCIA (2019) Hence, it shows that the effect of mediation, conciliation and arbitration

Involvements of traditional conflict resolution mechanisms have supported the Judiciary system in the Philippines, IJMRAP, (2024). The effectiveness of the Barangay Justice System (BJS) in Zamboanga City, a highly urbanized city in the southern part of the Philippines.



The BJS employs a community approach to assist in the prevention and management of local disputes, thereby alleviating the burden on the formal judiciary system and court processes. IJMRAP, (2024 seeking justice through Barangay officials and mediators, and secondary data from the BJS and other formal courts are raw society deals.

### **1.8 Iraq Justice System**

Accessible justice is a two-way path on contradictions. The status has created a worrying phenomenon in the Millenium era. Mohammad & Joris (2021) Balancing justice and long-term security in a post conflict context is already complex in a secular state.

Justice policies and systems are integrated with Religion Laws and Islamic culture. Mohammad & Joris (2021) it is the religious states in which both state and non-state actors contrive their responses based on religious or ideological prescriptions towards accessible Justice to Victims.



needs an

Due to the lack of affordable, accessible and procedural fair justice centralized institutions, citizens consider accessing justice through revenge as a religious fundamental doctrine. Mohammad & Joris (2021) A sense of revenge among victims post conflicts, justice, violence and other futile alternative transitional justice mechanisms.

The adoption of Sharia Laws through Islamic jurisprudence interpretation, bringing the course of Accessible and Affordable justice to dead bed and only intentionally centered to un-tried, prosecuted but only victims of atrocities and crimes. Mohammad & Joris (2021) Justice These judicial policies have been mainly taken in regard to (detained) suspected IS affiliates or captured fighters accused of atrocity crimes and terrorism.

The justice process is characterized by global crimes such as terrorism, atrocities, drugs and drug abuse, illegal fires trading, linking with militia groups, and attacks to innocents' publics. Avenues to access free and fair process is the only wish and dream for thousands of youth's suspects and mass incarcerated in prisons in justice course. Mohammad & Joris (2021) solutions to all these claims, fabrications, allegations in Iraq justice policies are repenting and later death or pardoning if weak mortal men grace carry the day. The principle of justice courses here are harsh, brutal and crimsoned of bloodshed.

### **1.9 Tanzania Justice Policy**

In the justice dispensing order in Tanzania, the system of governance and key actors in the legal system and the fundamental law of the United Republic of Tanzania is the 1977 Constitution.

The 3 arms of the government, the executive, the legislature and the judiciary operate under The Law Reform Commission of Tanzania through the Law Reform Commission Act, no.11 of 1980.

In the list of priorities for the Commission work in the improvement of "the flow of justice" has been found to be a subject of immense importance since it encompasses the whole society of Tanzania. It is common knowledge that the various laws regulating lives of Tanzanians have not had much change. Tanzania Constitution (1977).

The judiciary system in Tanzania is divided between courts with jurisdiction over Tanzania

mainland and courts with jurisdiction over Zanzibar. For the mainland of Tanzania there are 4 levels of the judiciary.

Highest is the Court of Appeal of Tanzania (CAT), which only has jurisdiction in appeal cases. Below this court a High Court is established, which has 14 sub-registries. The High Court relies on 3 specialized divisions: The Commercial Division, the Land Division and the Labour Division. The court level below the High Court is referred to as Subordinate Courts, which include the Resident Magistrate Courts and the District Courts. Tanzania Constitution (1977).

District Courts are located in all the districts of Tanzania mainland, and Resident Magistrates Courts are located in major towns, municipalities and cities that serve as the regional (provincial) headquarters. The Primary Courts make up the lowest level of the court system. These courts deal with criminal cases as well as civil cases which concern property and family law matters, and can apply customary law as well as Islamic law. Tanzania Constitution (1977).

Beyond these 4 court levels, a number of specialized tribunals are established, including the District Land and Housing Tribunals, the Tax Tribunal and the Tax Appeals Tribunal, the Labor Reconciliation Board, the Tanzania Industrial Court and Military Tribunals for the Armed forces. Appeals from these specialized tribunals are referred to the High Court. Tanzania Constitution (1977).

Tanzanian laws need review in order to ensure coherence and further development of the laws; and the Tanganyika Law Society (TLS), mandated to maintain and improve the standards of the legal profession in Tanzania, to assist the government. Tanzania Constitution (1977).

Tanzania interiors advocates for mediations and other alternatives methods of conflict resolutions. Access to Justice (2017) As is the case in the other East African countries, Tanzania mainland also promotes ADR mechanisms. Such mechanisms are provided for in the constitution (art. 107A), and a number of ADR mechanisms have since been created, including a Commission for Mediation and Arbitration (CMA), which deals with labor disputes in a less formal and more reconciliatory manner than the ordinary courts, and a Ward Tribunal which deals with small land disputes, marital disputes and minor offenses using customary law which emphasizes reconciliation.



Justice is a universal law that needs to be well grounded on people, cultures and mostly children. Evelina Hans Sanga (2014), Having access to justice in obtaining legal assistance and representation is a fundamental right of every child without bias and discrimination of any kind.

The state of street children in Tanzania has been caused by lack of proper justice dispensation system Evelina Hans Sanga (2014), However, premised on several factors that push children into the streets and the prevalence of violence against them, obtaining legal assistance and legal representation seem crucial to access justice when their rights are being violated.

When human rights are violated and access to justice is unaffordable, a serious unbalanced society is created, Evelina Hans Sanga (2014) Street children who are victims of violence are entitled to legal assistance for the purpose of justice attainment in rights violation (OHCHR 2011:20), which indicates that street children deserve equal right in obtaining access to justice.

Unaffordable justice process is the main cause of all these troubles in societies, Evelina Hans Sanga (2014), But the lack of access to justice in respect of having adequate legal assistance and representation for street children when encountered with physical violence remains questionable in Tanzania as the observed gap in child protection laws unintentionally limits their access in obtaining legal assistance and representation.

### **1.10 Scholars Views on Global and Local Justice processes and Policies**

When justice is expensive, societies will be subjected to unethical states that may grow into a serious and uncontrollable state, Evelina Hans Sanga (2014), The growing number of street children is concern in the society and the violence surrounding their daily survival deserves a deeper insight which underlines the street children as people who deserve equality in access to justice. That clearly points to a serious justice gap between children.

There is need to offer affordable justice process to avert these, Evelina Hans Sanga (2014), policy makers and stakeholders in order to enhance a fair and just environment for all without discrimination or bias as children living in the street are worthy citizens whose rights need to be protected through provision of legal assistance to ensure their access to justice.

When accessing justice, there is a need of affordable legal services but Tanzania the situation is different and worsening, Evelina Hans Sanga (2014) Accessing Justice through the Provision of Legal Assistance for Street Children Access to justice can be defined as the ability to obtain a just and timely remedy, the word remedy is very broad which however includes appropriate free legal assistance and representation especially for the victims of violations of rights as put in national and international standard including conventional on the rights of children.

Children need free legal representation for the cause of justice, (Hamilton et al. 2011: 7-9). The provisions of both legal assistance and legal representation for the children are the most appropriate measure to promote their access to justice in general access to justice refers to the equity for which every individual from different backgrounds can enjoy.

Still on children, Under the international law, all individuals have the right to be treated equally before the law. (

International communities assert that “UNDP, access to justice improves an individual’s access to legal representation in which children living in the street are included (UNDP 2004:6). Poor people, the less fortunate in society need justice and affordable justice, (Kuehn 2006:1039 Provision of legal assistance is crucial to access justice to all especially the poor who are more prone to societal misdemeanor) In addition legal assistance is means to gain access to justice

A society that justice affordability is far from reach is a society of un-equals. Sage et al. (2008: 168) Access to justice is necessary to bring equal opportunity among children whose rights are violated. According to Michael Anderson who argued that there are two determinant factors for an individual. Sage et al. (2008: 168) to access justice which are the economic status of an individual and capability in understanding the legal system, these are among the important factors necessary in accessing justice especially for the developing nations including Tanzania included.

Economic status, poverty are among hindrances to justice. Scholar Michael Anderson's assertion on justice is “on access to justice supports this on the basis that economic status of an individual is a determinant factor in obtaining justice (Anderson 1999: 18) In other words it can be a hindrance for poor children in accessing justice.

According to Johnson in his study about access to justice (Johnson 2000:2) “there can be no justice for all, unless their lawyers for all” which implies that the poor people require free legal assistance and representation to obtain effective access to justice. (Anderson 1999: 18). Personal capability of understanding the legal system is another factor that determines individual access to justice. A person who seeks justice in a designated institute needs to understand all procedures and jargons used by the magistrates and other court staff.

Various classical global Scholar have weighted the Justice Policy program and process by asserting the following. In a recent reflection on her 2009 piece on interdisciplinarity and the field hood of transitional justice, Bell (2022), writes that “we best make sense of the field by understanding transitional justice debates as attempts to examine the *political* and *legal* spaces in which societies can ‘contend with the past’ his idea creates mixed reactions “This statement draws our attention to the political and legal ways of “dealing” with the past, inclusive of policies, laws, norms, and the politics that surround them. As such, it is reflective on the state of the field, at least the most immediately visible one”. (Bell 2022, 96; our emphasis).

According to Nagy (2008) and Gissel (2022), when responding to justice system, they assert that the following “20 years ago, the most common way to conceptualize transitional justice has been through a set of mechanisms (trials, truth commissions, reparations, vetting, etc.) that states in different types recommended to embrace to deal with their violent pasts and, it is argued, ensure non-repetition of mass human rights violations. According to Bell (2022), In particular transitional justice, he asserts that “anxieties about the coherence and effectiveness of transitional justice sustain an impression that much of the field remains contested as it lacks a single, coherent discourse.

This, in turn, makes it more compelling to lean into the “pull” toward the political and legal aspects of transition.

In such ordering of knowledge, we identify an emerging canonization of transitional justice scholarship, that is, the emergence of a central body of valuable, important, and seemingly “inevitable” knowledge. (Bell 2022). (Bell 2022) questions the rationale behind some judgements, precedents and judicial orders “What emerges from our examination is that highly cited knowledge is characterized by certain questions and methods privileged by the disciplines of law, political science, and international relations (IR) (hereinafter political science).

The desire to keep the boundaries of the field rigid helps maintain the canon yet it paradoxically also enhances the uncertainties that surround the conceptual and existential aspects of the field. By continuing to pull back toward pillars, mechanisms, and underpinning legal regimes, legal and political scholarships are in fact policing the boundaries of the field and resisting the decolonizing impulse whereby other, non-canonical knowledge may be perceived as a “threat.” (Bell 2022).

Patricia Kameri Mbote and Migai Akech (2011) on access to justice report that “This report assesses Kenya’s justice sector with a view to pointing out ways in which it promotes the attainment of the rule of law ideal. It is carried out in the context of growing interest in issues of good governance, democracy, human rights and the rule of law in African countries and has been prepared for the Open Society Initiative for Eastern Africa (OSIEA) and the Open Society Foundations’ Africa Governance Monitoring and Advocacy Project (AfriMAP).

The duo show that the research was based on African Union on governance policy issues “Established in 2004 by the African foundations of the Open Society Foundations, AfriMAP has been monitoring the compliance of African states with the new commitments undertaken by the African Union since 2000 in the field of good governance, democracy, human rights and the rule of law”. Patricia Kameri Mbote and Migai Akech (2011). Patricia Kameri Mbote and Migai Akech A review by AfriMAP and the Open Society Initiative for Eastern Africa March 2011

Susan Lee 2023 on her research about the justice system, state that “we need to put people at the center of justice systems and move from words and planning to action and implementation. The Pathfinders’ Grand Challenge on Justice acts as an impact hub, convening countries, civil society, and multilateral and regional organizations to close the justice gap by accelerating action on people-centered justice”. (Susan Lee (2023)

The Grand Challenge is an initiative of the Pathfinders for Peaceful, Just and Inclusive Societies, a cross-regional impact hub of 46 member states, as well as partners across international organizations, civil society, and the private sector committed to advancing the Sustainable Development Goal targets for peace, justice, inclusion, and equality (SDG16+). Susan Lee (2023)

In Access to justice, Erick Mutua (2018) states “justice is a fundamental right which no person should be denied as per the Constitution of Kenya 2010. However, access to justice cannot be realized if the people do not know if they have any rights that can be violated.

Erick Mutua (2018) asserts that “judiciary is playing in the cure of this misfortune through legal aid and awareness”

### 1.11 Kenya Justice Process and Policies

In Kenya access to justice is well anchored in the Kenya constitution. The constitution of Kenya on access to justice is in chapter 4 article 47, 48 and 49 states that “47. (1) Every person has the right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair. (2) If a right or fundamental freedom of a person has been or is 31 likely to be adversely affected by administrative action, the person has the right to be given written reasons for the action. (3) Parliament shall enact legislation to give effect to the rights in clause (1) and that legislation shall— (a) provide for the review of administrative action by a court or, if appropriate, an independent and impartial tribunal; and (b) promote efficient administration. On article 48 in access to justice, the constitution states “The State shall ensure access to justice for all persons and, if any fee is required, it shall be reasonable and shall not impede access to justice”. (Constitution of Kenya, 2010)

To prove the government commitments on ensuring justice to all, article 49 reflects on rights of arrested persons state that “ (1) An arrested person has the right— (a) to be informed promptly, in language that the person understands, of— (i) the reason for the arrest; (ii) the right to remain silent; and (iii) the consequences of not remaining silent; (b) to remain silent; (c) to communicate with an advocate, and other persons whose assistance is necessary; (d) not to be compelled to make any confession or admission that could be used in evidence against the person; (e) to be held separately from persons who are serving a sentence; (f) to be brought before a court as soon as reasonably possible, but not later than— (i) twenty-four hours after being arrested; or ii) if the twenty-four hours ends outside ordinary court hours, or on a day that is not an ordinary court day, the end of the next court day; (g) at the first court appearance, to be charged or informed of the reason for the detention continuing, or to be released; and(h) to be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released. (2) A person shall not be remanded in custody for an offence if the offence is punishable by a fine only or by imprisonment for not more than six months. Constitution of Kenya, (2010)

### INSTITUTIONS OF ADMINISTERING JUSTICE IN KENYA



Kenyan scholars when responding to accessible and affordable justice, Isaiah Nyambariga Ndege & John Ngugi Kariuki (2022) assert that access to criminal justice is a basic principle of the rule of law. Article 48 of the Constitution of Kenya now recognizes access to criminal justice as a fundamental human right available to all citizens.

*Navigating Challenges for An Independent Judiciary*, February 2, (2024) Kenyans need to effectively assert their legal rights in face of affordable justice. Barriers such as poor knowledge of rights and the law, personal and institutional lack of financial resources, the absence of legal representation, or being a member of a vulnerable group are just some of the obstacles to effective access to justice that people face today. To address and overcome such barriers different solutions have been tested, including a more proactive role for civil society in providing legal support, advice and representation, public-private partnerships in financing judicial services, the use of artificial intelligence, and, more generally, IT tools.

Dr. Justine N. Stefanelli (2020) and Dr. Julinda Beqiraj (2020) on *Welcome to this Special Issue of Laws and Understanding and Overcoming Barriers to Access to Justice in the Modern Era* state that importance of access to justice cannot be overstated. “Access to justice enables people to have their voices heard and to exercise their legal rights enshrined in constitutions, statutes, common law, or international instruments.

Access to justice is an indispensable factor in promoting empowerment, securing access to equal human dignity, and achieving social and economic development”.

On facing public resistance, the judiciary is focused on access to justice and some international efforts are put in progress aimed at ensuring that everyone has effective access to justice. When responding to mechanisms of accessing justice Kariuki Muigua (2012) access to justice entails, the provision of dispute resolution mechanisms which are affordable, proximate and ensure speedy justice and whose processes and procedures are understood by users need to be more explored before pursuing other corridors of justice.

Access to justice in a wider context according to Kariuki Muigua (2012) access to justice includes issues to do with accessibility of courts (including other judicial and quasi-judicial fora), language of court proceedings including interpretation services, court fees, public participation in administration of justice, accessibility to persons with disability and availability of information. According to the Kenya constitution, Judicial Service Commission (JSC) The National Council on the Administration of Justice (NCAJ) is established under the (Judicial Service Act 2011) as a high-level policymaking, implementation and coordinating body. The overarching mandate of the NCAJ is to coordinate the administration of justice and reforms in the justice system.

In dispensing justice, The Judiciary consists of the Supreme Court, Court of Appeal, Environment and Land Court as well as the Employment and Labor Relations Court which are courts of equal status as the High Court. The Environment and Land Court is established under the Environment and Land Court Act 19 of 2011. Constitution of Kenya, (2010)

The Employment and Labor Relations Court is established under Article 162 (2) (a) of the

Constitution of Kenya 2010. The Court is operationalized under the Employment and Labor Act No.20 of 2011.

The Kenya JSC and its justice council NCAJ strategic reports show various plans, reforms and achievements it has undergone through creating affordable justice processes and policies to Kenyans. Proving Judiciary independence, calling off the 2017 presidential General Election and ordering a repeat was historical in Kenya judiciary presidency and politics: Judicial Resilience and Resistance: Navigating Challenges for An Independent Judiciary February 2, (2024). On commitment to fight corruption, Charles Jaika (2023) asserts that the judiciary has also been actively involved in the fight against corruption, displaying resistance against this pervasive issue.

On corruptions matters, Government and judiciary commitment is clear, Charles Jaika (2023) Establishing specialized anti-corruption courts and prosecuting high-profile individuals, including judges as violations of the Judicial Code of Conduct can lead to disciplinary action, underscore the judiciary's commitment to eradicating corruption within its ranks. On courts buildings and offices, for access to affordable justice, the judiciary is committed to putting up court buildings. Dara June 17, (2021) Counties, Editor Picks, Legal, Meru 0 "The construction of the Court of Appeal in Meru is one of the efforts by the Judiciary to bring services closer to the people and to see to it that justice is served expeditiously in the shortest time possible.

On government commitments to affordable justice, ISALIAH NYAMBARIGA NDEGE & JOHN NGUGI KARIUKI (2022), The Government has made appreciable efforts towards facilitating access to criminal justice in the country through a number of policy, institutional and legislative initiatives and reforms. These initiatives and/or reforms are geared towards empowering people to seek criminal justice and securing the mechanisms to deliver it.

On challenges, the duo asserts that, "On challenges public are facing on access to justice, ISALIAH NYAMBARIGA NDEGE & JOHN NGUGI KARIUKI (2022) states that many Kenyans face many challenges including, delays in completion of cases, inability to afford legal fees, corruption, among others in accessing criminal justice. Consequently, there is a need to establish the veracity of these claims".

When responding to constitution duty to justice progression, ISALIAH NYAMBARIGA NDEGE & JOHN NGUGI KARIUKI (2022) assert that: The Constitution anticipates a criminal justice system that is not only accessible, affordable, and comprehensible to the ordinary citizens; but also, that dispenses justice fairly, speedily and without discrimination, fear, or favor. The nature of accessing affordable justice is facing multiple hindrances. These are creating a web of draconic policies and programs making expensive justice policies not only in Meru but in Kenya as a whole. On corruption matters ISALIAH NYAMBARIGA NDEGE & JOHN NGUGI KARIUKI (2022) The foremost challenge impeding access to criminal justice highlighted was corruption. This was distantly followed by delays in the processing and completion of cases and investigation gaps.

On lack of proper knowledge of law from public, Dr. Justine N. Stefanelli (2020) and Dr. Julinda Beqiraj (2020), point out that Barriers such as poor knowledge of rights and the law, personal and institutional lack of financial resources, the absence of legal representation, or being a

member of a vulnerable group are just some of the obstacles to effective access to justice that people face today.

Navigating Challenges for An Independent Judiciary, February 2, (2024), some judges who actively pursued corruption cases have faced intimidation and threats. Despite this, the judiciary's resolve to maintain its independence in the battle against corruption remains a crucial aspect of Kenya's evolving legal landscape. On multi challenge response to affordable and accessible justice, "Support the wide range of court failures in providing affordable justice", Kariuki Muigua (2012) point that: access to justice in Kenya has been bedeviled by myriads of challenges including high court fees, geographical location, complexity of rules and procedure, use of legalese, understaffing, lack of financial independence, lack of effective remedies, a backlog of cases that delays justice, lack of awareness on ADR and traditional dispute resolution mechanism.

## CHAPTER TWO

### LITERATURE REVIEW AND THEORETICAL FRAMEWORK.

#### 2.0 INTRODUCTION

A lot of literature on justice matters have been written by Kenyans and global scholars and all responding to justice policies, process and institutions in different approaches. Various literature review includes: VOLUME II 2008 - 2010 Case Studies in Justice Sector Development in Sub-Saharan Africa), Constitution of Kenya, (2010), Administration of Justice Annual Report (2021-2022), Center for Public Safety and Justice, (2013), Universal Jurisdiction Margarita Robles, LAST REVIEWED: 28 March (2018), LAST MODIFIED: 28 March (2018), Merlo, A. V., & Benekos, P. J. (2010), By Richard Garside, Roger Grimshaw, Matt Ford and Helen Mills 2017 and (2018), To contemporary criminal justice in Tanzania (2018), Access to Justice in Kenya by Erick Mutua (2018), Nagy (2008), Gissel (2022), Olsen, Payne, and Reiter (2009), Skaar (2012) Ang and Nalepa (2019), (Bell 2022), Susan Lee (2023), Patricia Kameri Mbote (2011) and Migai Akech (2011). Walsh, Barry (World Bank, 2012-03-19) In Search of Success: Case Studies in Justice Sector Development in Sub-Saharan Africa, Arican Union Development Agency Harnessing Digital Innovations To Revolutionize Justice Aug 29, (2023). Universal Jurisdiction Annual Review 2024, 15 Apr 2024, Justice Department Releases Report on Recommendations for Law Enforcement Agencies Facing Recruitment and Retention Challenges: Tuesday, October 17, 2023, For Immediate Release; Office of Public Affairs. The Justice Department today announced the release of a new publication, *Recruitment and Retention for the Modern Law Enforcement Agency*, Justice Department Releases Report Based on Critical Response Review of Columbus, Ohio, Division of Police. Friday, August 9, 2024 For Immediate Release, Office of Public Affairs. The Justice Department today announced the release of a new report. USA JUSTICE POLICE REVIEW, Symposium – 2023 – Access to Justice, Civil Justice at the Crossroads, Should Courts Authorize Nonlawyers to Practice Law? Bruce A. Green. A

Transformative Year: 2023 UK Justice System Review, Evelyn Woodland Feb 27, 2024 *Join us for Modernising*

## 2.1 Universal Review

According to United Nations Organizations, Access to justice for all citizens has long been recognized as a cornerstone of democracy, (United Nations, 2016), good governance, and effective and equitable development.

On societies social, political and economic developments, it's the game changer in anti-alignment's of all these. United Nations, (2016), United Nations' Sustainable Development "promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels" (United Nations, 2016). The United Nations Development Programme (2004) has even described access to justice as a basic human right.

The latest review shows UJ commitments on accessible justice. Universal Jurisdiction Annual Review 2024, 15 Apr 2024 showcase the increasingly important role of universal jurisdiction in the fight against impunity.

The review sees positive progress that has seen several crimes investigated and convicted. UJ REVIEW (2024) pointing to convictions with 36 new investigations opened in 2023 and 16 convictions, the past year confirms this positive trend. The review sees the need for more nations to bound in for purposes of avoiding specific jurisdictions. AUDA (2023), However, the use of universal jurisdiction is not expanding evenly across countries. As long as cases continue to be concentrated in a few specific jurisdictions, the truly universal nature and potential impact of universal jurisdiction will remain unexploited.

The nature of cases on the latest review have been put in global juri due to their nature, UJIR (2023), The present report reviews cases brought under three grounds of extraterritorial jurisdiction: the principle of universal jurisdiction and the principles of active and passive personality. Most cases included in this report have been launched under the principle of universal jurisdiction, hence the title of this report.

The review shows the fundamentals and operationalization on all matters brought in UJ court. UJIR (2023), Extraterritorial jurisdiction refers to cases in which crimes have been committed outside the territory of the prosecuting country. In such cases, universal jurisdiction applies when neither the suspects nor the victims are nationals of the prosecuting country, while active and passive personality apply when suspects and victims are nationals of the prosecuting country, respectively.

The review of un-limited jurisdiction on UJ is applicable here, UJIR (2023), The term "universal jurisdiction" is used in the report according to this definition, even when it is not labeled as such within the national legislation of the relevant prosecuting country. The review UJ using its own

fresh independent investigation, prosecuting and upholding privacy of victims on high profile cases UJIR (2023)

The review sees adoptions of new models of accuracy, courts team and security features in the course of pursuing justice in a global context. UJIR (2023), International is grateful to all the civil society organizations, lawyers, prosecutors and investigative judges who assisted in collecting the information compiled in this report. While every attempt was made to ensure accuracy, information is subject to change without notice.

The review sees more crime reports are from Europeans continents against other continents with very few cases being reported. UJIR (2023), Despite the incorporation of provisions related to international crimes in the legal frameworks of the majority of countries globally, only 13 domestic jurisdictions, ten of which are European, currently have officially open extraterritorial cases.

The review sees more countries not bonding with the ICC courts resulting in a narrowing justice trajectory. UJIR (2023), The practice is therefore rather exceptional in the global picture, as most countries worldwide have not launched any national proceedings on international crimes committed abroad. Narrowing down this scope further, a substantial 86% of all suspects mentioned in this report are currently being investigated or prosecuted in just six out of the 13 countries.

The review sees Africa, Asia, America continents absent from UJ courts while European countries dominate all crimes being prosecuted. UJIR (2023), France leads with around 29% of the total number of suspects publicly targeted by criminal proceedings, followed by Argentina (16%), Sweden (13%), Germany (12%), Belgium and the United Kingdom (8% each). On the other side of the spectrum, Austria and Finland each have only one ongoing case, and have been joined this year by Australia.

On review of the increase of crimes on a global level, the trend is worrying because the list is becoming bigger day by day. UJIR (2023), Regarding the countries where the crimes investigated have been committed, the list has grown larger and more diverse in 2023.

The review on access to universal justice sees the military leading in violation of human rights followed by business and companies and few women. UJIR (2023), Cases detailed in this report pertain to international crimes committed in 35 countries – six more than in 2022 (see cases regarding Colombia, p. 19, Venezuela, p. 24, Palestine, p. 44, Ukraine, p. 66, Eritrea, p. 110 and Angola, p. 109). With respect to the profiles of the suspects, 54% of them are current or former state officials, 18% are former members of rebel armed groups, 5% are former members of paramilitary groups and 15% are economic actors (business people and companies). Women constitute 10% of the total suspects.

### **2.3 African Review**

In access to affordable justice, African Union Development Agency Harnessing Digital Innovations to Revolutionize Justice Aug 29, (2023) mission is Ensuring access to justice for all African citizens has long been recognized as a crucial element within democracy, effective

government, and inclusive development.

The review on affordable justice was based on upholding the constitution and principle of democracy and human rights. AUDA (2023) asserts that, from the establishment of states to the constitutional establishment of democratic principles, and from safeguarding human rights to regulating economic interactions, legal systems play a pivotal role in shaping societal advancement.



The main aims of these reviews are geared towards communal cohesion through binding to the rule of law to social-political and economic developments. African Union Development Agency Harnessing Digital Innovations to Revolutionize Justice Aug 29, (2023), importance of justice has gained renewed attention in the African Union's (AU) Agenda 2023, particularly in the 3rd aspiration which envisions an “Africa of Good Governance, Democracy, Respect for Human Rights, Justice, and the Rule of Law, This aspiration underscores the integral connection between access to justice, enhanced socio-economic opportunities, gender equality, and individual financial stability – all essential for equitable and sustainable development and progress”.

The reviews see the employment of laws to govern full attainments of various social welfare basics needs. AUDA (2023), The law governs every aspect of an individual's life, spanning health, employment, education, housing, and business. However, widespread barriers to economic involvement arise due to discrimination and unequal access to these domains, particularly impacting marginalized groups.

The review sees the involvement of individuals in access to justice. AUDA (2023) When individuals have access to justice, they can confront these inequalities and engage in legal procedures that foster inclusive development. Broad issues on access to justice need to be respected and highly accorded, AUDA (2023) As such, access to justice encompasses a broad spectrum of issues, spanning fair treatment of litigants, the fairness of outcomes, the efficiency of case handling, and the system's responsiveness to users.

The review is on a communal basis seeking legal address and avoiding exploitation that the majority of Africans are not aware of. AUDA (2023) access to justice signifies the impartiality through which individuals of diverse backgrounds can avail themselves of the legal process that billions of individuals, notably in sub-Saharan Africa (SSA), lack crucial access to justice, which

is essential for safeguarding fundamental rights and combating exploitation to promote overall welfare.

The review on applying technology in pursuing justice was not forgotten AUDA (2023), The justice gap persists due to the inaccessibility of relevant technologies, chronic poverty and marginalization, disproportionately affecting the most vulnerable who struggle to uphold rights such as education and clean water access and seek aid against gender-based violence, thereby exacerbating their impoverishment.

The review sees multiple hindrances regardless of effort put. AUDA (2023), Pervasive obstacles include extended court case delays, high costs, corruption, intricate legal processes, inadequate legal representation, and concerns about judicial equity, all of which have hindered access to justice.

The review on use of modern technology is well recognized and recommended, AUDA (2023), The African Union High-Level Panel on Emerging Technologies (APET) envisions that the incorporation and integration of emerging technologies, such as machine learning (ML), blockchain and artificial intelligence (AI), can yield a favorable outcome by expediting the dispensation of justice across the continent.

What is the importance of this technological review? AUDA (2023), These innovative technologies are reshaping the landscape of legal administration and practice, offering avenues for heightened efficiency, transparency, and inclusivity.

The important emphasis of this technological review in Africa continents as a whole is for affordable justice. AUDA (2023), To achieve this goal, APET emphasizes that African governments should allocate resources to emerging technologies while ensuring robust privacy measures to protect the personal data of case participants.

The review on marginalized communities and IT compliance towards justice is AUDA (2023), Enhancing the internet and technological infrastructure is vital, alongside facilitating access to these resources for marginalized populations, such as reducing internet costs for underserved communities.

The review will see justice being eased in court proceedings AUDA (2023), This approach optimally harnesses emerging technologies, bridges the potential digital divide arising from their integration in court proceedings, and advances equitable access to justice. Moreover, comprehensive training for court personnel in operating digital equipment within courtrooms is imperative.

On review of incorporating artificial intelligence, will help in identifying, and general easing of all court proceedings and serving affordable justice. AUDA (2023), AI-driven document assessments expedite the discovery phase of litigation, rapidly identifying pertinent documents and highlighting areas of concern. Such advancements enhance precision and work quality by reducing manual review duration and mitigating human errors.

The review on the importance of AI, is for security purposes, transparency and trust. AUDA

(2023), In addition to AI tools, APET advocates for the use of blockchain technology by AU Member States to e

On important documents of evidence and their security is guaranteed through AI. AUDA (2023), Essential records, such as property deeds or wills, can be securely stored and validated through blockchain technology, thereby, establishing an immutable record that can be easily accessible and verifiable. This innovation could streamline the process of establishing ownership and resolving legal matters related to such documents.

On review to use of online court cases is also in upper gear for accessible justice AUDA (2023), Virtual reality applications can simulate courtroom environments, enabling legal professionals and judges to engage in simulated trials and refine their expertise within authentic contexts. The need to use AI is important in conflict resolutions. AUDA (2023), These applications also utilize algorithms and automated decision-making procedures to aid in conflict resolution, thereby reducing the reliance on traditional litigation for dispute settlement.

The review on use of video link is on upper gear. AUDA (2023), Through a video link from Kenya, the children provided crucial testimony that contributed to Mr. Harris' conviction. Justice in global arena through use of video link is good idea that court should embrace for access to justice: AUDA (2023), This international video link ensured that even young victims, some as young as 9 years old, could provide testimony in a safe and comfortable environment, thereby, avoiding confrontation with Harris in court.

The summary review of adopting Artificial Intelligent in Africa Coutts towards accessible and affordable justice should be embraced and encouraged AUDA (2023), APET advocates for the comprehensive adoption and integration of digital technology within African courts. The global justice panel review on use of Artificial Intelligent for easy and accessible justice needs to be stamped in our judicial court. AUDA (2023), The panel asserts that when thoughtfully developed and effectively implemented, digital tools can offer courts the potential to optimize internal processes, elevate user interactions, and democratize justice accessibility.

The review also recommends various service providers for easy access to justice. AUDA (2023), Leveraging cloud and other technological resources, courts can refine internal workflows, broaden the reach and availability of justice, and enhance the transparency and accountability of court proceedings.

## **2.3 OTHER REVIEWS**

### **USA Review**

The recent review, pointing to sound judgements and making fair judgment from influence, Bruce A. Green (2023) pointed out that the court of appeals had the opportunity to implement its own view of sound regulatory policy. As an opinion of New York's high court, a respected court in a large state with many lawyers, those policy decisions would likely influence the bench and bar nationally.

The review of extending professional monopoly by relying on more institutions because of

preoccupied lawyers. Bruce A. Green (2023) Expanding the Professional Monopoly. The State contended that pr

The review on statutory implementation that should not exclude the public. Bruce A. Green (2023) As an exercise of statutory interpretation, the State's argument was far from compelling. Since the court of appeals was interpreting a penal law, the rule of lenity supported the narrower reading, as the dissenting judge noted.

The review on unifying through professionals' legal practitioners apart from those who engage on other matters apart from court need to be relooked well for justice. Bruce A. Green (2023): Unifying the Legal Profession. righting that drafting certain transactional documents might require a skilled professional's hand, it did not follow that only lawyers could do this work.

The review of attaching court advocates can help the public on access to affordable justice. Bruce A. Green (2023) Other professionals with different training from courtroom advocates might prepare legal documents as well. The intermediate appellate court recognized that, outside the United States, other professionals, including notaries throughout Europe and scribes in England, drafted legal documents.

The review to use notaries for drafting not only in New York was good with set exceptional qualifications. Bruce A. Green (2023) New York law, in its view, allowed notaries to do what they did in other countries. If special qualifications were needed to do this work, the court said, the state legislature should.

The review to change the course through regulating legal practitioners, noncompliance court language and court environment was pinpointed for access to quality justice. Bruce A. Green (2023) Time to Change Course, one question was whether to expand legal professionals' monopoly beyond courtroom advocacy to include law-related work conducted outside the courtroom. The other was whether to unify the legal profession by rejecting the English model of professional stratification.

The review on practicing lawyers and qualification needs to be done carefully for offering affordable and quality legal services to the public. Bruce A. Green (2023) The court did both, holding that only legal professionals could practice law as a business in any respect, including by charging a fee to prepare routine commercial papers, and that only lawyers, not notaries, were authorized legal professionals.

The review on the public to have knowledge about law and personal representation was important. Bruce A. Green (2023) But the restriction hardly ensures that legal work is done competently when people must represent themselves. Some people might competently represent themselves, but it is a given that most cannot, even with available legal information, simplified procedures, or help from court personnel.

The review on civil matters that touches on family estates poor people need to be relooked and be provided with public lawyers or advocates for equal and affordable justice. Bruce A. Green (2023): In most civil legal matters, for example, in debt-collection, eviction and family law lawsuits, low-income people are unrepresented, in part, because lawyers are unaffordable and

there are not enough government-funded legal services lawyers and pro bono lawyers.

The review on the sensitivity of ignoring nonlawyers professionals should be well thought of. Bruce A. Green (2023) rules are overbroad, because nonlawyer professionals and other nonlawyers *can* learn to do some discrete legal tasks competently.

The review on Practicing license as a qualifying factor, incompetence and professional misconduct need to be relooked for quality justice and representation. Bruce A. Green (2023) law license does not inoculate legal practitioners from incompetence and misconduct, as any attorney disciplinary authority could attest to.

Laws and legal procedures cannot become simple enough or be made accessible enough by legal websites and other sources of legal information to eliminate people's need for personal legal assistance with their individual legal problems.

The review on allowing non lawyers to train to advocate level for offering affordable and quality service is of importance. Bruce A. Green (2023): The best response is to let nonlawyers train less expensively and less extensively than lawyers so that they can competently perform discrete aspects of the work currently reserved to attorneys.

The review of training the non-lawyers for affordable justice is of great value to the common public. Bruce A. Green (2023) That would create a corps of competent legal practitioners who can affordably assist low-income clients, whether at no charge or a reduced fee, whether incidental to their other work or as a business. Bruce A. Green (2023) This solution recognizes the obvious: low-income clients with civil legal problems will be far better served receiving help from trained nonlawyers than proceeding unassisted, as most do today.

The review on licensing lawyers, paralegal and creating a regulatory authority is important for affordable justice. Bruce A. Green (2023) Instead of impeding nonlawyers from helping unrepresented people with their legal problems, as courts have done for more than a century, courts should use their regulatory authority to let certified paralegals, social workers, and other nonlawyers train to do legal work that they can capably do.

The review on adopting technology for easy and affordable justice is the real issue in the United Kingdom. Evelyn Woodland (2024) From legislative changes to technological advancements, each development significantly impacted the landscape of justice. The review of having laws on children born under rape circumstances on top gear. 2024The year commenced with a groundbreaking decision, introducing a law that officially recognizes children born as a result of rape as victims for the first time.

The review centers on ensuring providing to children and accessing children rights. Evelyn Woodland (2024). This progressive move reflects a commitment to a more victim-centric approach, ensuring that these children receive the support they need. The initiative aims to address the unique challenges faced by these children, marking a crucial step towards a more compassionate justice system.

The review on safe mode of transport from courts to prison was necessary. The linking of the electric train to pri

Through parliamentary review, the necessary review to justice is necessary and needed adjustments. Evelyn Woodland (2024), This legislative milestone signifies a commitment to rectifying systemic imbalances, fostering empathy, and ensuring justice is served with a human touch. The review on prison officers' safety and ensuring justice to prisoners and their fundamental rights is necessary. Evelyn Woodland (2024) Boosting safety measures within prisons, April saw the implementation of body-worn video cameras for every prison officer on shift. This technological enhancement aimed to improve safety and security within correctional facilities, fostering a safer environment for both inmates and staff.

The review sees contracting ex-prisoners who serve as reference personnels in great rehabilitation programs. Evelyn Woodland (2024), May brought a major drive to boost employment among ex-prisoners, resulting in thousands more re-entering the workforce. This initiative aligns with broader goals of rehabilitation and reintegration, showcasing the commitment to reducing recidivism and promoting a more inclusive society.



The review on justice reforms were underway through freeing prisoners, solving backlogging and delayed cases in courts. Evelyn Woodland (2024) new justice reforms were introduced to free up vital court capacity, addressing the persistent issue of backlog and delays. This reform aimed to streamline court processes, ensuring a more efficient and accessible judicial system.

A review of technology and the criminal common platform system is necessary as an urgent matter in accessing affordable justice. Evelyn Woodland (2024), A significant milestone was achieved in August as every criminal court became connected to the Common Platform system for the first time. This integration aimed to enhance communication, streamline processes, and ensure a more cohesive and interconnected justice system. The review on introducing prison education was necessary towards boosting justice in society. Evelyn Woodland (2024), To address the root causes of criminal behavior, September witnessed the introduction of a new Prison Education Service. This service, designed to cut crime, underscores the importance of education in the rehabilitation process.

### **UK Justice Policy Review**

The review of justice systems and corrections among prisoners has seen UK great compliance on

legal matters. Evelyn Woodland (2024) The UK showcased its leading legal expertise on the global stage in Oct

The review of the justice system was addressed by king himself and government commitment on seeing reform in the justice sector through putting initiatives necessary. Evelyn Woodland (2024), The King's Speech provided a comprehensive overview of the crime and justice priorities for the year. This key document outlined the government's strategies and legislative agenda, shaping the direction of the UK justice system in the coming months.

Root and Branch (2023) review of the Criminal Justice System are urgently needed says Crown Prosecution Service Inspectorate. The duo asserts that “review of the criminal justice system is needed to restore victim confidence the prosecution inspectorate has said today as it calls on the Government to establish a Royal Commission”. Cassia Rowland Nick Davies (2024) review point on the need of Fixing public services and the entire criminal justice system, “Police, criminal courts, prisons and probation are all struggling to cope, with major performance problems and demand set to keep growing”.

The review sees huge and surging numbers in prisons. Cassia Rowland Nick Davies (2024) shows the challenges of achieving its objectives “The criminal justice system is failing to cope with demand. In the police service, capacity and experience that were lost during the 2010s have been partially rebuilt, and some first steps to do the same have been made in the criminal courts. Cassia Rowland Nick Davies (2024) review shows poor human personnel in recent past and failure to resolve caseload crisis. “Repeated restructures and staff cuts in probation from the late 2000s to mid-2010s<sup>1</sup> have left the service with high caseloads, few experienced practitioners and struggling either to meet offenders’ needs or to manage risk.

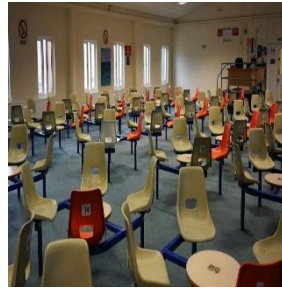
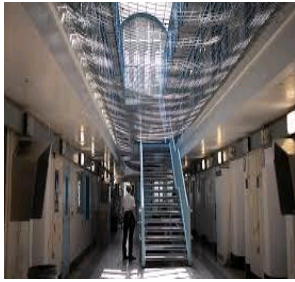
The review on probation through courts and depopulation are necessary. Cassia Rowland Nick Davies (2024) review points out that interventions need to be put to address various issues including “In prisons, policy changes and challenges in courts and probation have led to a spiraling population, which the estate can no longer accommodate, requiring emergency measures. Worse, any substantial improvement in performance for policing or the courts would only deepen the crisis for prisons”.

The review sees blame on various institutions and their failure in performance. Cassia Rowland Nick Davies (2024), Poor performance has contributed to falling public confidence and trust in the police, Workforce shortages and growing inefficiency mean criminal courts still cannot meet demand, despite rising capacity, Backlogs in criminal courts are growing, The courts system is running less efficiently than before the pandemic.

Cassia Rowland Nick Davies (2024) review asserts that “From 2021, Conservative governments attempted to ramp up capacity again, with some success. Removing the cap on the number of sitting days funded and successfully recruiting new judges have led to a large increase in sitting days, which are now at their highest level since then” On some injustices in courts and prisons, Cassia Rowland Nick Davies (2024) review shows serious justice pandemic through judicial backlogs and delays “Backlogs are causing substantial delays, worsening the quality of justice.

On trial matters the tread is worse, Cassia Rowland Nick Davies (2024), Trials being rearranged

worsens this, because limited advocate and judge availability makes it extremely difficult to reschedule them. Th



The review saw victims who later withdrew from the court process due to delays of injustices. Cassia Rowland Nick Davies (2024) Victims are more likely to withdraw from the process the longer cases are delayed, particularly for serious or sensitive offenses

Cassia Rowland Nick Davies (2024) review shows serious concern on probation “Probation performance is declining the high vacancy rate and large caseloads result in poor-quality supervision. In 2022/23, His Majesty’s Inspectorate of Probation (HMIP) rated nearly half of the 31 probation delivery units as ‘inadequate’, while only one was ‘good’ and none was ‘outstanding’. The reflection is of failing correctional services that need interventions. Cassia Rowland Nick Davies (2024) review shows that “HMIP highlighted that performance across all categories of need had deteriorated since reunification. The most successfully met need was around accommodation, but this was still only delivered to a high enough standard in 43% of cases”.

### **China Justice Policy Review**

The review has pointed to new regulations for both local and central government. Xinhua (2024), Chinese Premier Li Qiang has signed a State Council decree to unveil a set of rules for the recording and reviewing of regulations and rules of local governments and central authorities for strengthening its supervision.

The review needed to be compliant with communist party and other government key agencies. Xinhua (2024), Meanwhile, items listed for review include whether the regulations and rules comply with the key decisions and arrangements of the Communist Party of China Central Committee and the State Council, major national reform direction, legislative purpose and the real situation. According to the judiciary in China, justice dispensation was facing multiple handles. Judicial was optimistic of new reviews. Chinese media (2024), The new year will be here soon! Typically, it’s a great time for a fresh start. But not always. And today I want to talk about something that’s unfortunately moving in the wrong direction: transparency in China’s judicial system.

The review pointing on uploading of judgements on national database Chinese media (2024) leaked document s

The review sees the supreme court's uploads being accessed online by internal staff. Chinese media (2024), This database is to come online in January and will only be accessible to internal staff. The document's authenticity has since been.

On the public dissatisfaction, the review points to a new online portal replacing a free public accessible platform. Chinese media (2024), Building an internal digitized system isn't inherently bad. But this development caused alarm because academics and other experts believe it is likely to replace a similar resource that was free and open to the public. The review on judges to avoid lame excuses and working hard to deliver justice was not spared. Chinese media (2024), There was even a follow-up regulation in 2016 that instructed judges to avoid finding excuses not to upload their cases.

### **Review of Justice Policy in the Philippines.**

The recent review of justice is characterized by violations of human rights. REUTERS/Eloisa Lopez (2022) Among these are the continued "harassment, threats, arrests, attacks, red-tagging against civil society actors, as well as the continued drug related killings by police." The report also noted that "access to justice for victims of human rights violations and abuses remained very limited."

The review sees the president of the Philippines committing to the United Nations on observing human rights to the victims of injustices. REUTERS/Eloisa Lopez (2022) His officials, speaking before the United Nations Human Rights Council in October, highlighted several steps that they intended to take, while asserting that the human rights situation in the Philippines has improved. Human rights and civil society groups, however, debunked these claims with reports to the council of continuing human rights violations. The review on exhibitions and fighting drug abuse was on top notch. REUTERS/Eloisa Lopez (2022) anti-drug campaign by focusing on the rehabilitation of drug users, the unlawful use of force by the police and government agents continued.

The review point on killing injustices that should be stopped and victims or criminals be prosecuted. REUTERS/Eloisa Lopez (2022). The government reported that members of the Philippine National Police and the Philippine Drug Enforcement Agency killed 6,252 individuals during anti-drug operations from July 1, 2016, to May 31, 2022. After Marcos took office, the government stopped releasing these statistics.

The review points on justice policy revolving on the main area of drugs and drug traffic. REUTERS/Eloisa Lopez (2022) The official death toll does not include those killed by unidentified gunmen whom Human Rights Watch and other rights monitors have credible evidence to believe operate in cooperation with local police and officials. The review of un-prosecuted people is rising leading to several justice related questions. REUTERS/Eloisa Lopez (2022) that the death toll was at least 8,663. Domestic human rights groups and the government-appointed Philippines Commission on Human Rights state that the real figure of "drug war" killings is possibly triple the number reported in the OHCHR report.

The review sees the international community like ICC of justice to be involved in the justice process. REUTERS/Eloisa Lopez (2022) In June, the prosecutor of the International Criminal Court (ICC) requested authorization from the court’s judges to resume an investigation into possible crimes against humanity committed in the context of Duterte’s “drug war.” The review sees the commitments of the Philippines government shunning from international watchdog through forming its own tribunal on extra judicial killings. REUTERS/Eloisa Lopez (2022) This is a great threat threat to justice In November 2021, the Philippine government had requested a deferral of the ICC’s probe under the principle of complementarity, claiming that it had begun its own investigations into cases of extrajudicial killings attributed to the police during “drug war” operations.

The review sees a failure system in offering justice. These have created a keen international watchdog observance to focus on the accounts of the mass murder and offering justice. REUTERS/Eloisa Lopez (2022) The ICC prosecutor’s office determined that the Philippine government failed to demonstrate it was taking steps to investigate several of the killings and hold perpetrators to account; it is now awaiting judicial review of its request to move forward with the investigation.

The review points to the Philippines facing several condemnations from international communities for violation of human rights and failure to offer justice to its citizens. REUTERS/Eloisa Lopez (2022), the European Parliament adopted a resolution condemning the Philippine government’s abuses and urging the European Commission to set “clear, public, time-bound benchmarks” for the Philippines to comply with its human rights obligations under the EU’s GSP+ scheme, which is a condition for the country to keep its unilateral trade benefits.

### **Review of Iraq Justice Process.**

Justice system in Iraq is facing serious challenges from both local and international communities. The review to end detaining suspects of atrocity crimes and terrorism and explores possibilities in Islamic law to balance justice and long-term is the top agenda and pressure from both local and international communities. Human Rights Watch, (2024)

### **Mass incarceration in Iraq prison**



The review of non-blood shedding to justice through local authorities is under way. Human Rights Watch, (2024) the law provides opportunities to adopt non-retributive alternatives, if this allows the government to more swiftly handle the security crisis, re-establish public harmony and prevent further bloodshed in the future. The review of marriage bills is underway for purposes of saving women from the yolk of marriage slavery. Human Rights Watch, (2024)

Other issues of concern that are keenly under review for proper justice dispensation are: a. impunity and a lack of justice b. accountability for serious crimes, c. review of shrinking civic space, d. review of flaws in the justice system that deny defendants due process and a fair trial e. review of discriminatory legal norms disproportionately impacting LGBT people, women, children, and minorities, and inadequate provision of government services. Human Rights Watch, (2024) all these justice impending issues are on top priority for review for purposes of creating justice to Iraq people.

### **Review of Tanzania Justice Process.**

The recent review by The Law Reform Commission of Tanzania is aiming at various reforms to achieve a better justice comprehensive policy by 2025 Comprehensive Performance Report of the Judicial Functions for the Year (2023), Nation's Development Vision 2025. In the list of priorities for the Commission work the improvement of "the flow of justice" has been found to be a subject of immense importance since it encompasses the whole society of Tanzania.

The review on the justice sector has seen involvement of Integrated Technology. Comprehensive Performance Report of the Judicial Functions for the Year (2023), access to justice has been brought into reality by enhancing the use of ICT in justice dispensation.

On the timely access to justice, the review confirms tremendous achievements on reducing delays that previously affected the justice process. Comprehensive Performance Report of the Judicial Functions for the Year (2023), The achievements attained in this year have affected the Judiciary's Vision, which is "Timely and Accessible Justice for All", and its Mission, which is "Administer justice to all through timely provision of quality, fair, transparent and impartial decision".

On public confidence in judiciary, justice process, access to justice information, the review has achieved objectives on the justice system. Comprehensive Performance Report of the Judicial Functions for the Year (2023), The public has monitored these achievements and those attained in previous years and, as a result, its satisfaction level on court services has increased from 78% in 2019 to 88% in this year.

### **Review on Kenya Justice Process.**

In Kenya access to justice is well anchored in the Kenya constitution of (2010). The latest Kenya New Constitution of which underwent several reviews. In access to justice state responsibility is

a key partner (Constitution of Kenya, 2010) In article 48 in access to justice, the constitution states “The State Justice attainments need to be having some landmarks of consultations. The recent justice policy review sees civil societies, public and the entire judiciary folding together for a common justice journey. A Blueprint for Social Transformation through Access to Justice (2023). The journey involved public consultations and engagement with every segment of the Kenyan society in an intentional effort of judges, judicial officers, Judiciary staff, and stakeholders in the justice sector, to the everyday experiences of our fellow citizens.

The review pointed to the judiciary facing multiple challenges in providing justice and of which the judicial service commission is keenly resolving. A Blueprint for Social Transformation through Access to Justice (2023). The Judiciary acknowledges that in order to achieve this goal, the institution must address existing barriers to access to justice be they geographical, economic or structural.

Adopting to Integration Technology is a topnotch issue being incorporated in the justice sector in the review. A Blueprint for Social Transformation through Access to Justice (2023), As the world moves towards a digital future, it is incumbent upon the Judiciary to harness technology to make justice not just expeditious but also widely accessible.

The involvement of multi-dimensional approaches to justice are still embraced, encouraged and recommended by the judiciary on the review. A Blueprint for Social Transformation through Access to Justice (2023), The blueprint adopts the multi-door approach to the delivery of justice, which means that courts shall be organized to perform the multiple roles of the Judiciary as arbitrator, Convenor and facilitator, among others.

The review on delays was assured to the public. A Blueprint for Social Transformation through Access to Justice (2023). Our courts and tribunals will exemplify efficiency, delivering justice promptly and without undue delays. The review on striving for the super quality services was not left. A Blueprint for Social Transformation through Access to Justice (2023). We will strive for high standards in the quality of justice delivered, including the quality of care experienced by court users.

On culture of shared leadership, the review points on judiciary willingness to be an institution learning towards creating confidence in the public. A Blueprint for Social Transformation through Access to Justice (2023). The Judiciary will therefore aspire to be an institution that is committed to fostering a culture of shared leadership, and continuous learning inclusive institution that mirrors the beautiful diversity of our nation, where every individual feels represented, respected, and valued.

According to the National Council of Administration of Justice, the review points to the formation of departments and sub committees for effective delivery of justice. NCAJ (2021/2022) According to the report, to Strengthen the coordination in administration of justice the council has formed a structural subcommittee “the Council formed four sub-committees; the Executive, Finance and Administration, Communication and Information Management, and Administration of Justice and Implementation.

The reviews on criminal justice policy reforms have been incorporated and with the face of human international look. The threshold meets the affordability, accessibility and accountability to the universal justice process. According to the National Council of Administration of Justice, NCAJ (2021/2022) When responding to criminal justice reforms the council highlighted the following “Deepening criminal justice reforms The NCAJ successfully organized and hosted the second national conference on criminal justice reforms, The report also highlighted the commitments on ensuring adherence to human rights by adopting technology among other issues that polarize criminal activities “The conference focused on; enhancing human rights, leveraging technology, ensuring free and fair elections, safeguarding the rights of vulnerable groups using a rights-based approach to sentencing, and addressing corruption”.

The review on the petty offender justice process, the NCAJ has revealed the new guidelines that are wide ranging to all parties. According to the National Council of Administration of Justice, NCAJ (2021/2022) council report shows various methods of responding to issues related to justice “Guidelines on the Management of Petty Offenders, Fair Trial Guide and Checklist, Witness Protection Regulations, National Correctional Policy, Paralegal Policy, and Child Care Policy. On corruption matters that influence the justice process, the review sees a new committee that is gazetted to the public. According to the National Council of Administration of Justice, NCAJ (2021/2022) A Working Committee on anti-corruption was gazetted.

The review on settling land injustices and cases is doing well and mostly favoring vulnerable groups of people. According to the National Council of Administration of Justice, NCAJ (2021/2022), The Commission of Administrative Justice resolved 2,093 complaints, while the National Land Commission determined 126 historical land injustices claims.

The commission has reviewed curriculum centered on protection of children and opening offices in various parts of the country. According to the National Council of Administration of Justice, NCAJ (2021/2022). Law Schools in Kenya developed a curriculum on Online Child Sexual Exploitation and Abuse and a report on budgetary needs for the child justice sector.

## THEORETICAL FRAMEWORK

Due to public outcry on justice related issues and making the process expensive while no solution from institutions responsible for taking responsibility, the course of justice is not debatable and cannot be compromised. The intersection of justice reconstruction and the public through use of Utilitarianism theory of morality and creating happiness in conjunction with Theory of Egalitarianism that emphasis on equality of all people will be applied in my research work. Example application of Utilitarianism theory, in my research works is based on various circumstances including: Investing a borrowed bank loan to a business only to find out that during one-night heavy rain, the shop, premise or enterprise roofing was torn and heist carried left a death blow of paying loans. It is a trend commonly reported and under probes by security detectives at Mikinduri Town.

The culture of fear among young school girls cannot continue any more. School children living in fear due to recent attack to a teenage girl that was raped and later chopped of eyes and head is

a dehumanizing experience not only to parents, students, pupils and community at large. Through serving justice

Corruption dragon is affecting the justice order in TE from all directions. To slain and reclaim the glory, the court needs to stamp its authority through judicial conservatory or precedent orders. A repeated tea Farmers demonstrations in Kiguchwa ward due to collisions between a corrupt syndicate web of Tea Factory Directors, officials from Kenya Tea Development Authority and Ministry of Agriculture that has led to loss of millions of shillings by farmers is an example of corruption multi syndicates that need proper justice mechanisms.

A wave of teenage girls dropping from schools and some getting married are on rise. The state remains Constants and un-investigated. Early state of motherhood, pregnancy, adapting to new status remain a threat to society and public. Urgent need to investigate, prosecute as the only course of justice TE resident needs.

TE residents in Upper Muthara need to leave in peace. The regular occurrences of cattle rustling, killing of dozens of herders in upper areas of Muthara Ward and Karama Wards need to be stopped immediately through a clear justice scheme. Necessary measures need to be put in place for ensuring safety of herders, animals and community at large. For community social order and adherence to the rule of law, the Court is needed to stamp its authority.

In TE, a wave of Boda-boda heists in various parts of TE has been on the rise. Complaints from residents point to no actions of justice and compensations that may be instituted with fruitful results. Residents lament the corruption dungeon from the time the matter is reported to the police station till the complainer decides to withdraw the matter. The pattern has become the order in frustrating justice in TE and needs to be stopped immediately for governable Tigania East.

Most of the residents find it unworthy to report criminal matters for prosecutions. Why? The complaint is based on immediate release of criminals/ crooks/ jailed after the prosecution team becomes compromised or fails to prove a justifiable reason for prosecuting. After a while, the victims and accused find themselves on the same society causing more psychological threat and torture to the complainer.

The Injustice story of the arrest of innocent people by security police officers along Mikinduri Meru Highway who fail to give bribes to police. It is a situation that has been order of the day and well working and carried by governments security personnel through the same government leniency and protection. To which police stations will the Goat report Wolve when the real deal is cooked, served and eaten by Wolves themselves!!!

The theory of Egalitarianism is of great importance in the study of justice courses in TE. The social, political and economic dynamics have been contributed by the shared values of equalities across the whole Constituency. In TE, students/ scholars or academicians share equal education and Schooling facilities. Students travel across the constituency for education purposes at all levels. This brings the attention of creating a more stable society that is free from political, economic or social wrangles that can disrupt society order and disrupting peaceful coexistence links.

It is through the constitution of Kenya and Kenya Security Laws that requires all Kenyans to be

provided with reliable security. Therefore, TE residents need to be provided with adequate security personnel, m

In ensuring the social order through adhering to the rule of law. The governments of Kenya as sole responsibility of equalizing all institutions Trading centers, Equal business opportunities to all residents, Equal political representations, Equal to no accessible roads across all wards, balanced accessible justice institutions in the whole constituency, Regular changes of political class for purposive representations across the constituency and wards, friendly residents' integrations from around the nomadism sub areas and farmers during dry season to combat famine for a health society. It's my belief that the equality doctrine that "all people are equal" and deserve equal rights and opportunities, e.g. courts service, police stations, community policing, education and good social working environment is necessary for social order and abiding to the rule of law.

The research aims to examine the developments that have been attributed to cases of justice being expensive and developments of criminal related crimes. Public unrest, crimes, murder of school children, animal rustling, teenage pregnancies and school dropouts are all clear convincing reasons that need to be well explored. It's through the opinion above I assert that the Expensive Justice Process affects society in all its operations either socially, politically or economically. It's through that desire I feel that as a scholar, there is great need for great transformation through creating a conducive environment for school children, business community, community, public institution and restoring the society's dignity. The research work "Expensive Justice Process" that affects all residents of TE people is corrected urgently. All these situations have been a demotivating factor towards pursuing justice among various TE residents. The matters are in the public domain and a true justice course will serve justice one day. (TE residents Views).

### **HISTORY OF TIGANIA EAST**

The history of Tigania East on all matters of Affordable and Accessible Justice has not been well researched and documented. Most recent and classical scholars have concentrated much on the Igembe area and Meru as whole. The report about TE is scarce in public libraries and online library databases. The few reports the mention Tigania includes the "The point of departure for this paper is Rodney Needham's article" in this article, Rodney describes about the symbol of Ameru people through Mugwe "The left Hand of the Mugwe: an analytical Note on the Structure of Meru-symbolism' (Needham, 1960: 20–33).

He denies providing more information due to various Meru sub classes "I will not try here to give further evidence for the system of dual classification which he presents in that article in order to prove or disprove it, but will dwell on his suggestion that it might be possible to draw conclusions about the origin of the Meru of Kenya by examining their symbolic structure (ibid: 27)". While ending his research he reveals his intention on providing information about Tigania of which he did not. "My argument will lead not so much to conclusions about the origin of the Meru, but to conclusions concerning the 'making' of a society, particularly that of Tigania, a subtribe of the Meru people. My conclusions are based on a discussion of the theoretical and historical implications of the allocation of distinctive rights and duties to different divisions within Tigania". The point of departure for this paper is Rodney Needham's article

The history of TE people can only be traced from the whole accounts of Ameru people of which reveal the follow

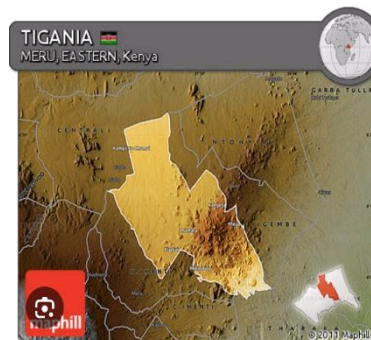
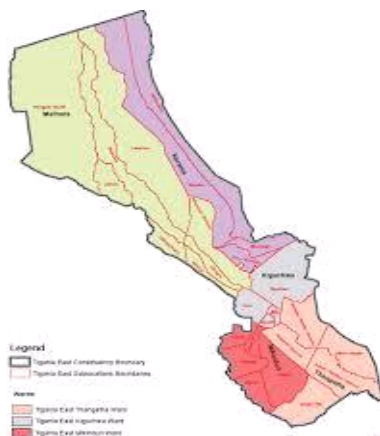
Tigania East constituency, is located in Meru County-Kenya. The constituency was under Eastern Province during the regional government era. In 1997 the area was part of Meru North district that included Tigania and Igembe residents before the introduction of a devolved government in 2013. In the wake of the struggle for liberation and governance, MN was further divided between Tigania people and Igembe people. The Ameru people comprise nine subgroups with Tigania people in the list “Igoji, Imenti, Tigania, Mitine, Igembe, Mwimbi, Muthambi, Chuka and Tharaka”. Early History of the Meru of Mt Kenya, published online by Cambridge University Press: 22 January 2009 Fadiman, Jeffrey A. (1993) When We Began, There Were Witch men: An Oral History from Mount Kenya. Berkeley: University of California Press.

Mauta, Thurania. (2010). Retracing The Footsteps of Ameru and Their Sub-tribal differences. Nkubitu Publishing Co. Mwenemeru Kinyua.

### TIGANIA EAST CONSTITUENCY

Tigania East Constituency is an electoral constituency in Kenya. It is one of nine constituencies of Meru County. The constituency has five wards, all of which elect councilors for the Nyambene County Council. The constituency was established for the 1997 elections. It was one of four constituencies of the former Meru North District.

Map of TE



Free Physical Map of TIGANIA, darken

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The 1997 Review Act had provided for district forums ‘to mobilize communities at the local level for the purpose of civic education in preparation for the Commission’s work and to perform such other duties as the Commission may assign’ - (sec. 12A (6). The District Forums were to consist of members elected to represent locations, religious organizations, and the disabled, in addition to MPs and members of every local authority in the district. The Act contained several provisions prescribing minimum qualifications for membership and regulating the operations of the District Forums. 1997 Matthew Adams Karauri, 2002-2007 Peter Munya, 2013, 2022 Lawrence Mpuru and 2017 Josphat Gichunge Kabeabea. Locations Ankamia, Antuanduru, Buuri, Ankamia, Buuri, Karama, Kiguchwa, Miciimikuru, Mikinduri West, Mikinduri East, Thangatha,

Muthara and 5 Wards Karama, Kiguchwa, Mikinduri, Muthara and Thangatha, (Tigania East Constituency from

**TIGANIA EAST FIVE WARDS**

**MUTHARA WARD**



**KIGUCHWA WARD**



**THANGATHA WARD**



**MUTHARA MARKET**

**MEETING AT KIGUCHWA MARKET**

**KUNATI MARKET**

**MIKINDURI TOWN IN MIKINDURI WARD**



**KARAMA WARD**



**MIKINDURI TOWN AERIAL VIEW**

**KARAMA RESIDENTS FROM HERDING LIVESTOCK**

**3.1.4 LANGUAGE**

TE residents speak the common “Kimeru” dialectic Language called “Kitigania”. The language is full of “kimeru” dialectic pronunciations with few linguistic pronunciations that distinguishes them from the rest of Ameru sub tribes.

### 3.1.5 CULTURE AND FAMILY TRADITIONS

TE residents, just like the rest of Bantu people and Ameru, have culture and traditions that are similar to the rest of Bantu people and Ameru people. Ameru and mostly TE have been governed by elected and hierarchical councils since the 17th century. These extend from the clan level up to the supreme Njuri Ncheke council. Membership of the Njuri Ncheke is the highest social rank to which a Meru man can aspire. With TE, having many shrines and headquarters in Tigania West Nciru, opposite Meru University of Science and Technology, this brings TE, people closer through this traditional institution.



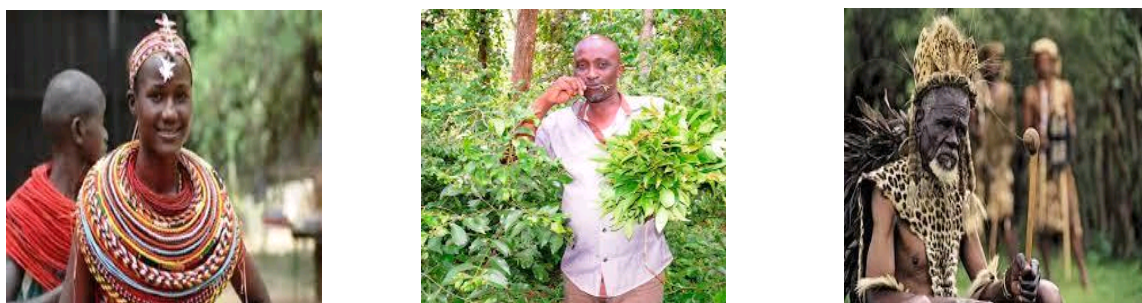
**NJURI NCHEKE ELDERS**

**NJURI NCHEKE SHRINE**

**LOCAL DANCERS PERFORMING IN LOCAL COSTUMES**

The functions of the Njuri Ncheke among TE residents are similar to those offered in the entire Ameru community “execute community laws, to hear and settle disputes, and to pass on community knowledge and norms across generations in their role as the custodians of traditional culture. Dispute settling is procedural. It commences from lower ranks of the elders (Kiama), then the middle rank (Njuri) and finally the Njuri Ncheke.

However, the Njuri Ncheke does not handle matters involving non-Meru people, or those that are expressly designated as being under Kenya's common law. The determination of cases by the Njuri Ncheke, just like is for common law, relies a lot on case law and precedence. A lesser known, yet important function of the Njuri Ncheke, is overseeing and enforcing the rules and regulations controlling the use and conservation of open grasslands, salt-licks and forests. Their work as conservators extends to the preservation of the Sacred Sites”.



**TIGANIA YOUNG LADY IN TRADITIONAL ATTIRES**

**A YOUTH CHEWING(GUCHAAGA) MIRAA**

**ELDER IN CEREMONY ATTIRES**

Most of the youths or “nchagii” in TE chew Khat “miraa” commonly known in local language as “gucaaga”. Nowadays, miraa consumption permeates most of Tigania and Igembe society:

even those with respectable government positions or teaching jobs often chew. Miraa has much resonance for M

**His Excellent Deputy President Republic of Kenya Rigathi Gachagua Chewing Khat**



"2019 Kenya Population and Housing Census Volume IV: Distribution of Population by Socio-Economic Characteristics". Kenya National Bureau of Statistics. Retrieved 24 March 2020.  
 Marete Gitari. "CONCEPTS OF GOD IN THE TRADITIONAL FAITH OF THE MERU PEOPLE OF KENYA" (PDF). Jenkins, Orville Boyd; Fowlkes, Dane (August 1996). "The Meru of Kenya". orvillejenkins.com. Retrieved 16 September 2009. Journal of African Cultural Studies Vol. 17, No. 2 (Dec., 2005), pp. 201-218 (18 pages), Published By: Taylor & Francis, Ltd.

**EDUCATION**

TE is home to many learning institutions of basic education to tertiary learning institutions. Primary and school are spread across the constituency for purposes of offering basic education. The education is offered by the government of Kenya in collaboration with the County Government of Meru, Ministry of Education and Teacher Service Commission. Hollie Nielsen Education Articles 27 January 2024



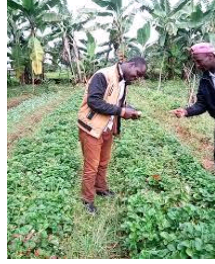
**3.1.7 ECONOMY**

The economic history of TE people can only be copied to that of the entire Meru community. Meru are primarily agrarian, growing a variety of crops and keeping livestock. Greater Meru is endowed with soils and climatic conditions that allow for the production of a variety of commodities including wheat, barley, potatoes, millet, sorghum and maize. High grade tea, coffee, bananas and miraa (khat) are the key cash crops. The Meru were the first Africans to grow coffee in Kenya, which they began in the early 1930s. Maize is among the main cereal

crops providing staple food to large number of people in Tigania Sub-County in Meru County, Kenya. Food safe



Banana Farming



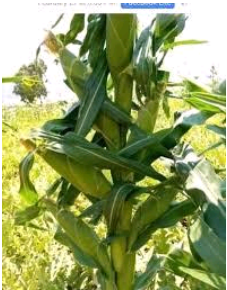
Sweet potatoes farming



Miraa harvesting



coffee Farming



Maize farming



Livestock keeping



Tea Farming



Traders in Open air Market

## POLITICS

In politics, TE has been on the lead providing leaders in Meru as a whole and Kenya at large. In forefront is:

### **Peter Munya Gatirau**



He was the former Cabinet Secretary, former governor of Meru, assistant Minister of Education and East Africa Community and chairperson of Council of Governor. Also, the chairman of the PNU party.

### **Mathew Adams Karauri**



He was the first Member of parliament for the whole of Tigania for 20 years. He is also the chairperson of the Wembe Party.

### **Josphat Gichunge Mwirabua Kabebea**



He was the member of parliament for TE from 2017 to 2022. Right now, he is the chairperson of Kenya Bureau of standard.

### **Lawrence Mpuru Aburi**



He is the sitting member of parliament and chairperson of the NO PEU party.

### **Florence Kajuju**

She was the first Meru County Woman representative and later served as chairperson of the Kenya office of Ombudsman Kenya on justice matters. She is a well renowned lawyer who advocates for children and women rights.



### **JULIUS MUTABARI MIRITI (KAIMBO)**

He is the current sitting member of Meru County Assembly representing Mikinduri Ward and a shining future po



Meru Daily News, September 29, 2021 - Updated on March 14, (2022), in Ameru Leaders

### **ACADEMIA AND RESEARCH**

TE is home to many scholars including:

- a) Peter Munya – Lawyer
- b) Florence Kajuju- Lawyer
- c) Dr. Mwangela Mikwa
- d) Dr. James Kirimi Kiramana
- e) Dr. Patrick Kinyua Mbaabu
- f) Dr. Esther Gakii Mbaabu
- g) Prof. Muthaa George

### **RELIGION**

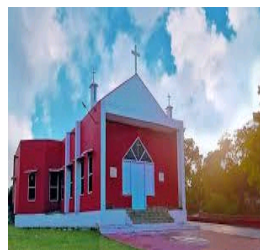
The recent review done on “According to research done on disunity of the churches, it clearly shows that the majority of TE residents Christian. The journal reads ‘The aim of this study was to determine the causes of disunity among Churches in the Tigania east sub-county, Meru County, Kenya. The Churches have struggled to come together and establish a shared stance on certain outdated traditional beliefs and practices that no longer contribute positively to people's lives. tables and pie charts. The study found that Churches in Tigania East need to invest towards the unity of the church. Journal of philosophy and religion on courses of disunity among churches in Nyambene, Tigania East 2023.



**ST MASSIMO CATHOLIC CHURCH**



**MWANIKA METHODIST CHURCH**



**MUTHARA METHODIST CHURCH**

### **STATEMENT OF THE PROBLEM**

When Kenya got independence in 1963, the three arms of the governments (Executive, Legislature and Judiciary) were to foresee Kenya developments and transformation socially, politically and economically. According to Kenya constitution Chapter 10 “The Judiciary is one of the three State organs established under Chapter 10, Article 159 of the Constitution of Kenya. It establishes the Judiciary as an independent custodian of justice in Kenya. Its primary role is to exercise judicial authority given to it, by the people of Kenya in matters of fair administration of justice, formulation and implementation of judicial policies and Compilation and dissemination of case law and other legal information for the effective administration of justice. (Judicial Review 2023), Constitution of Kenya of 2010.

While the judiciary is discharging its constitutional mandate of creating all necessary human personnels, physical buildings for affordable, equal and fair justice process. On achieving these objectives, some areas in Kenya like Tigania East Constituency were left with no reliable means through which residents would rely on for accessing equal justice like the rest of other parts of the country.

Various factors that contribute to the expensive justice process include long distances to court facilities, cases lagging in courts for long times, corruption among judicial officers and affordability of some court’s fees. The residents of TE in MC Kenya, are experiencing a very Expensive Justice Process.

The residents of the area have to go to other constituencies, counties in search of justice because that is where courts are. Residents have to expensively pay for transport fees, provide witnesses with whatever is needed during the trial process and sometimes are badly affected during bad weather. The nearest court around the constituency is in Tigania, West Kianja.

The court is characterized by having a huge piled up case that makes the justice process more expensive. This is because a court simple matter can take even five years before full delivery of final judgment that worsens the situation more. While the judiciary is dispensing its mandates, it partners with various institutions of which some are nearly accessible while others are far behold reach. Judicial Review (2023).

In 2022, when chief justice of republic of Kenya Martha Karambu Koome visited MC, she outlined various projects and commitments the judiciary was putting towards creating enabled environments for access to justice. She asserted the following “The Judiciary has kicked-off the process of constructing a Court of Appeal in Meru County at a cost of Sh630 Million. Speaking during the handover of the one-acre site to the contractor, Meru Law Courts Presiding Judge, Edward Murithi, said the Court is meant to serve the entire Mount Kenya and some parts of Eastern regions”. She also pointed out that “The construction of the Court of Appeal in Meru is one of the efforts by the Judiciary to bring services closer to the people and to see to it that justice is served expeditiously in the shortest time possible,” Justice Murithi said.

Responding to solving simple matters chief justice rolled out small claims' courts "Chief Justice Martha Koome The Small Claims Court is informal, simple, straightforward and is not wholly guided by rules of evidence. The county appreciates the establishment of a Small Claims Court in Meru as it is an efficient way of expeditiously delivering justice". The Chief Justice of the Republic of Kenya ended the justice tour by offering no solution to the biting issue of the expensive justice process to TE residents.

### **STATEMENT OF OBJECTIVES**

The key objective is to seek, explore and find final alternatives solutions to all situations that have been making the Justice Expensive and judicial System for TE residents. To achieve its objectives, this study is going to explore:

- a) The depth and breadth through which TE people have been undergoing through expensive justice process
- b) Means that has been affecting their wellbeing when seeking justice
- c) Social challenges that have been affecting the society
- d) Economic challenges that have been affecting residents of TE
- e) Political challenges that residents of TE have been undergoing in access to the justice system.

The study will make various recommendations to governments, judicial arm of the governments and general public on mechanisms, resolutions and alternative means of disputes resolutions while accessing justice.

### **RESEARCH QUESTIONS**

The research is centered on two designs

#### **a) RESEARCH QUESTIONNAIRES**

1. In case judiciary decides to build court facilities in TE, and with knowledge of all TE wards, for equal access to justice, which place/town/market would you recommend the court to be built?
2. For more than 3 decades, TE residents have been accessing justice services on Meru courts, Kirindine court in TW and Maua law court. What could be your view on affordable and equal justice to all?
3. Do you support the view that establishing a near court facility could be one of the crimes control measures?

#### **b) RESEARCH CLOSED INTERVIEW QUESTIONS**

1. Of the three areas, which one has been a thorn in access to justice
  - a. Far distance
  - b. Un accessible roads during bad weather
  - c. Unreliable means of transport

2. Keeping all factors constants (roads, housing, water, transport, communication, security and central p
  - a. Kiguchwa
  - b. Karama
  - c. Kunati
  - d. Mikinduri
  - e. Muthara
3. What should be done to solve the problem of unaffordable justice in TE?
  - a. Build accessible roads to courts
  - b. Build permanent court in TE
  - c. Establish more mobile courts in TE
4. Of the five wards of TE, which ward has been highly disadvantaged in the course of pursuing justice?
  - a. Kiguchwa Ward
  - b. Muthara Ward
  - c. Thangatha Ward
  - d. Mikinduri Ward
  - e. Karama Ward
5. On the three vices, which one has highly affected the justice process among TE residents?
  - a. Corruption through the entire process
  - b. Delays and adjournments
  - c. Courts fees/penalties/all other financial orders to be complied to.
  - d. Release of criminals after a short period.
6. Apart from court, which facility can highly support and ease the justice process and tame crimes in TE?
  - a. Prison facility
  - b. Corrections and rehabilitation center.
  - c. More security/ administrations facilities
7. Of all crimes, which one regularly occurs and with purging effects?
  - a. Burglary /theft
  - b. Livestock's rustling
  - c. Teenage pregnancies/ school dropout
  - d. Drug abusing
8. What is the justice position process in TE?
  - a. Need to be improved
  - b. The process has/and it good
  - c. The process has been poor, unaffordable and needs to be relooked afresh.
  - d. None of the above.
9. Do you agree with the research topic "Expensive Justice Process"
  - a. Strongly agree
  - b. Agree
  - c. Not true

- d. None of the above
10. How can you rate the justice process in TE?
- Poor
  - Very poor
  - Okey
  - Excellent
  - None of the above.

## RESEARCH PREMISES

The study is premise on the following assumptions

- TE residents have been undergoing an unaffordable justice system.
- The judiciary arm of the government has the sole responsibility to provide lasting solutions on all these matters.
- Through the judiciary providing necessary solutions, the crime rates witnessed in TE will be put under control.
- The residents and the entire TE will henceforth start developing socially, politically and economically.

## JUSTIFICATION AND SIGNIFICANCE

As the background demonstrates the scholarly literature that across all races of the world, the most sensitive and disturbing issue is justice and its affordability and accessibility fundamentals. We are living in a time when violence and crimes are glorified at expense of what is right and what needs to be fundamental justice doctrine to the younger generations. The government commitment in the affordable justice process is well outlined. Neil M. Gorsuch (2016) Mandatory Disclosures In 1993, the federal rules committees experimented with a rule requiring parties to disclose evidence and documents both helpful and harmful to their respective causes at the outset of discovery.

UJ (2018) Though the focus was on previous issues of injustice and impunity, the UJ recognized the effort that was realized in the fight for justice in all societies “But there are also significant and valuable results and a constant determination in the fight against impunity. UJ (2018) It has not been the path of rise and fall, as argued by some doctrine, but rather that of the definitive assertion of a principle and the progressive determination of its scope and limits”. Universal Jurisdiction [Margarita Robles](#). LAST REVIEWED: 28 March 2018, LAST MODIFIED: 28 March 2018

Scholars have not keenly researched on the Affordable and Accessible Justice process and judicial response on justice in TE. All these have not been well researched and documented. Most recent and classical scholars have concentrated much on the Igembe area and MC as a whole. The report about TE is scanty in public libraries and online library databases. The few

reports that mention Tigania includes the “The point of departure for this paper is Rodney Needham's article” in

The history of the justice process in TE has never been researched and the little information available is on the judiciary website where the Tigania cases cause list is mentioned. The study is of great importance because of the huge justice unaffordability gap in TE that should be resolved. TE suits the study because since 1963 when Kenya became independent the area has no established judiciary for easy access to justice. Residents have been forced to travel far distances seeking justice truce from other constituencies like Maua Courts in Igembe South Constituency, Kirindine Court in TW and Meru Law Court in Meru North Constituency. The study is of great importance because it forms the basis through which unaffordable justice related processes can be addressed locally and globally.

Due to public outcry on justice related issues and making the process expensive while no solution from institutions responsible for taking responsibility, the course of justice is not debatable and cannot be compromised. The intersection of justice reconstruction and the public through the use of Utilitarianism theory of morality and creating happiness in conjunction with Theory of Egalitarianism that emphasis on equality of all people will be applied in my research work. Investing through borrowed bank loans to a business only to find out that during one heavy rain night, the roofing was torn and heist carried left a death blow of paying loans. It’s a trend under probes by security detectives in Mikinduri Town.

**BELOW ARE IMAGES OF INSECURITY AND VIOLENCE FROM VARIOUS MEDIA OUTLETS IN KENYA.**



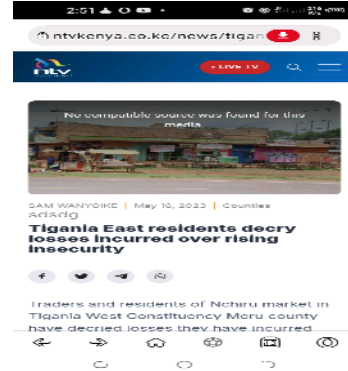
Security meeting at Muthara



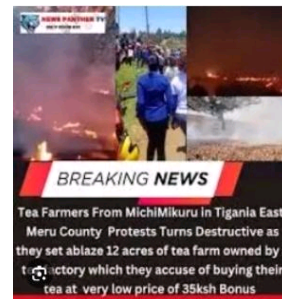
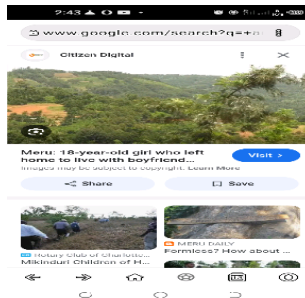
Opening the roads to combat crimes



Bodaboda man lynched to death



Security meeting in Mulwa Security National level discussing the issue TE decry of insecurity



Tea farmers demonstrations Girl chopped head found NTV Media Kenya reports on insecurity wave

School children living in fear due to recent attacks to a teenage girl that was raped and later chopped of eyes and head. Endless illegal drugs peddling with no lawful apprehensions and prosecuting the pedals dues to a network web with security personnel

A repeated tea Farmers demonstrations in Kiguchwa ward due to collisions between a corrupt syndicate web of Tea Factory Directors, officials from Kenya Tea Development Authority and Ministry of Agriculture. Constants state of school teenage pregnancies in public schools and the matters remain un-investigated, prosecuted and no course of justice taken. Regular cattle rustling in upper Areas of Muthara Wards were caused by the rustling carrying dozens of animals while killing herders and security agencies.

Boda-boda heists in various parts of TE and no actions of justice and compensations that may be instituted with fruitful results. Immediate release of criminals/ crooks/ jailed after prosecutions leading to no justifiable reason of prosecuting while the convicted will be released in few days and cause you more psychological threat and torture. Arresting of innocent people by security police officers along Mikinduri Meru Highway who fail to give bribes to police, a situation that has been order of the day and well working and carried by governments security personnel through the same government leniency and protection. All these situations have been a demotivating factor towards pursuing justice among various TE residents. The matters are in the public domain and a true justice course will serve justice one day. (TE residents Views).

## **SCOPE AND LIMITATION**

The study focuses on the Expensive Justice Process in TE, Meru County and will be focusing on the period 1963-2022. 1963 is significant to start this study because the period marks when Kenya became independent and under its first ever constitution that recognized the Judiciary Arm of the government in providing Justice to all Kenyans. The study will however not confine to the period 1963-2022, where necessary, the research will stretch beyond the period so as to bring out the necessary information to support the study. The year 2022 marks the historical period to end the study because it's when Kenya general elections was lastly held and the winning side promised to address all matters of Judiciary including appointing of judges and creating better avenues in accessing justice. It's therefore significant to examine the changing dynamics on justice progress in TE. The study will be limited to Tigania East (TE). These include all TE wards (Mikinduri, Kiguchwa, Muthara, Karama and Thangatha). One of the major challenges anticipated by the researcher is traveling and covering such wide areas and bad weather. However, this will be delimited by use of four-wheel vehicle that will be able to adapt to different weather patterns.

## **CHAPTER THREE**

## RESEARCH DESIGN AND METHODOLOGY

### INTRODUCTION

For reliable facts, understating of Expensive Justice Process in Tigania East (TE), in Meru County- Kenya, I conducted a Legal Studies Education Research from 22<sup>nd</sup> September to November 2024 on the entire Tigania East Constituency that has five Wards administrative center to ascertain the fact. Throughout the research period, I was lucky to meet qualified professionals, victims and of injustices who revealed some vital information to ascertain the whole truth.

### TARGETED POPULATION

Among the qualified respondents I met were areas chiefs of whom plays a very integral role in affordable justice process through discharging their duties of arresting criminals/ suspects, witness and admissible evidence and getting the complains or abstracts reports from the victims before adding them over to the police for further arraignments in courts of law. I was later lucky to have time with security officers, mostly the Kenya police who have a constitutional mandate of arranging victims of committing crime before the courts of law. Security officers are of importance in creating a reliable link between the victims, accused, witness, prosecution team throughout the process.

Meeting professionals like Doctors, Teachers, Lawyers was of importance because the truth revelation of actual crimes in relation to Kenya constitution, human rights violations and general understanding of constitution breach was clearer to them. The data from them was weightier and more reliable. The business community and residents from the ward's centers and market were of great importance. The information on the existing justice gaps, regulars' crimes from the areas and effects was clearly understood and provided by them.

The political class was of importance because they play fundamental roles in justice policies formulations to all levels of the governments and with the wide, reliable and true reflections of the justice needs, crime levels and injustices people from their wards level goes through. Meeting the victims of the unaffordable justice process was not only for my research work but also the wide experience they have undergone to create a reliable scenario on my topic of research. Youths above 18 years old are important because of meeting constitution maturity age threshold. Old people in society were also necessary because they could relate a wide history from past to present that could help in linking and compiling reliable findings, facts and recommendations to all levels and key Stakeholder AIU. Privacy was agreed to all injustice's victims while contacts for people who could help us were provided.

### RESEARCH DESIGN AND METHODOLOGY

Due to limited time, resources and the criteria needed on the topic of research and subjects matters, I employ a qualitative and quantitative approach. The target was all TE chiefs from the 5 wards. On security officers, 3 in a sample of 5 officers was reliable. With professionals, our target was of 20 Person per ward in a sample size of 100 professionals per ward totaling to a

maximum of 100 professionals in totality. With the business community and residents, our target was to 20 people

### 3.4 DATA SIZE SAMPLE

1. Chiefs:  
Sublocation= All Sub chiefs Respondents.  
30 locations= All Chiefs Respondents.  
Senior Chief= All Chiefs Respondents.

PROJECTED NUMBER    **Total Chiefs= 68 Respondents.**

2. Police Stations Mikinduri Ward 4= 3x4=12 Respondents.  
Kiguchwa Ward 3= 3x3= 9 Respondents.  
Thangatha Ward 7= 3x7=21 Respondents.  
Muthara Ward 3= 3x6= 18 Respondents.  
Karama Ward= 3x3= 9 Respondents.

PROJECTED NUMBER    **Total Security Officers= 69 Respondents.**

3. Business C/R Mikinduri Ward= 10 males + 10 females= 20 Respondents.  
Kiguchwa Ward = 10 males + 10 females= 20 Respondents.  
Thangatha Ward= 10 males + 10 females= 20 Respondents.  
Muthara Ward = 10 males + 10 females= 20 Respondents.  
Karama Ward= 10 males + 10 females= 20 Respondents.

**Total Business C/R= 100 Respondents.**

4. Professionals Mikinduri Ward = 10 males + 10 females =20 Respondents.  
Kiguchwa Ward= 10 males + 10 females =20 Respondents.  
Thangatha Ward= 10 males + 10 females =20 Respondents.  
Muthara Ward = 10 males + 10 females =20 Respondents.  
Karama Ward = 10 males + 10 females =20 Respondents.

**Total Professionals= 100 Respondents.**

5. Victims/ Old Age/ Informants Mikinduri Ward= 5 Respondents.  
Kiguchwa Ward = 5 Respondents.

Thangatha Ward = 5 Respondents.

Muthara Ward = 5 Respondents.

Karama Ward = 5 Respondents.

**Total Victims/ Old Age/ Informants = 25 Respondents.**

6. Political Class Elected and non-Elected = Mikinduri Ward = 5 Respondents.

Kiguchwa Ward= 5 Respondents.

Thangatha Ward = 5 Respondents.

Muthara Ward = 5 Respondents.

**Political Class Elected and non-Elected= 25 Respondents.**

7. Youths = Mikinduri Ward = 10 males + 10 female =20 Respondents.

Kiguchwa Ward= 10 males + 10 female =20 Respondents.

Thangatha Ward = 10 males + 10 female =20 Respondents.

Muthara Ward = 10 males + 10 female =20 Respondents.

**Youths= 100 Respondents. TOTAL RESPONDENTS= 487 Respondents**

## RESEARCH QUESTIONNAIRES

### c) RESEARCH OPEN QUESTIONS

#### **A. Incase judiciary decides to build court facilities in TE, and with knowledge of all TE wards, for equal access to justice, which place/town/market would you recommend the court to be built?**

Of all 48 chiefs who responded on neutral/ central town or markets that Judiciary could establish public court, 32 chiefs supported the construction of Judiciary offices at Mikinduri Market, of which was 66.6% while 12 chiefs were in favor of Muthara Market representing 25% Market 3 chiefs favored Kiguchwa Market representing 6.25% and 1 chief was in favor of Amugaa Village Market representing 2 %.

On a security personnel target of 69, we were lucky to meet and interview 59 security personnel representing 85.5% of our targeted sample size. On neutral/ central town or markets that Judiciary could establish public court, 48 security officers supported the construction of Judiciary offices at Mikinduri Market, of which was 83% while 3 security officers were in favor of Muthara Market representing 5%, 2 security officers favored Kiguchwa Market representing 3% and 5 security personnel favored of Kunati Market Village Market representing 8 %.

On Business Community and Town/ Market residents 100 respondent targets, we were lucky to

meet and interview 100 % respondents. On neutral/ central town or markets that Judiciary could establish public

With political class 25 respondent targets, we could manage to engage 20 respondents representing 80% targeted respondents. On neutral/ central towns or markets where the Judiciary could establish a public court, 14 respondents supported the construction of Judiciary offices at Mikinduri Market, of which was 70% while 5 respondents favored Muthara Market representing 25%, and 1 respondent favored Kiguchwa Ward representing 5%.

With youths, 100 respondent targets were captured and surging numbers remained un-interviewed. On neutral/ central towns or markets where the Judiciary could establish a public court, 14 respondents supported the construction of Judiciary offices at Mikinduri Market, of which was 70% while 5 respondents favored Muthara Market representing 25%, and 1 respondent favored Kiguchwa Ward representing 5%.

Victims/ Old Age/ Informants, 25 respondent targets were far beyond reach. 5 respondents representing 20% could be traced and interviewed. On neutral/ central towns or markets that Judiciary could establish public court, 3 respondents supported the construction of Judiciary offices at Mikinduri Market, of which was 60% while 1 respondent favored Muthara Market representing 20%, and 1 respondent declined to comment due to old age.

**ALL RESPONDENTS OPINIONS ACROSS ALL GROUPS IN ESTABLISHMENTS OF JUDICIAL OFFICES FOR ACCESSIBLE AND AFFORDABLE JUSTICE.**

**MOST PREFERRED MARKETS/TOWN**

TE Wards	Kiguchwa Market	Muthara Market	Mikinduri Town	Favored Other Towns/ Market	T%R
Muthara Ward	2%	54%	43%	1%	100%
Thangatha Wards	0%	3%	97%	0%	100%
Kiguchwa Ward	12%	4%	83%	1%	100%
Mikinduri Ward	3%	4%	92%	1%	100%
Karama Ward	4%	8%	87%	1%	100%

TOTAL IN %	21%	73%	402%	4%	TOTAL. % R=50
PREFERED T/M IN %	4.2 %	14.6%	80.4%	0.8%	TF%=100
RESEARCH FINDING SUITABLE AREA			MIKINDURI TOWN		

**B. For more than 3 decades, TE residents have been accessing justice services on Meru courts, Kirindine court in TW and Maua law court. What could be your view on affordable and equal justice to all?**

Breakdown: On accessing justice services from other constituencies, across the 5 categories, 418 respondents interviewed representing 87% of the target population give a similar opinion related to oppression, unfair, expensive process, punitive and harsh injustice process. Residents who 90% to 100% supported those varied opinions were from Mikinduri ward, Thangatha Ward, Kiguchwa ward. Those who slightly had varied opinions but still holding on to the wide opinion above are residents from Muthara Ward and Karama Ward who cited reasons for the near and accessible court near the constituency boundary.

**ALL RESPONDENTS OPINIONS ACROSS ALL GROUPS IN ACCESSIBLE AND AFFORDABLE JUSTICE PROGRAM.**

**DESCRIBED STATUS/NATURE**

TE Wards	POOR/PUNITIVE	FAIR SLIGHTLY	OKEY	OTHER VIEWS	T/%
Muthara Ward	40%	33%	24%	3%	100%
Thangatha Wards	98%	1%	0%	1%	100%
Kiguchwa Ward	89%	5%	4%	2%	100%
Mikinduri Ward	94%	3%	1%	2%	100%

Karama Ward	70%	18%	5%	7%	100%
TOTAL IN %	391%	60%	34%	15%	T%=500
STATUS/NATURE IN %	78%	12%	6.8%	3%	T%=100
RESEARCH TRUE FINDING	TRUE NATURE				

**C. Do you support the view that establishing of Court facility could be one of the crimes control measures?**

Do you support the view that establishing a near court facility could be one of the crimes control measures?

Breakdown: On establishments of court facilities as one of crime control mechanisms, 418 respondents, representing 86.8% from all categories and wards, supported the move and with various and varied positive responses.

**ALL RESPONDENTS OPINIONS ACROSS ALL GROUPS IN ESTABLISHMENTS OF COURT AS ONE OF THE CRIMES CONTROL MEASURES.**

**GENERAL EXPECTED VIEWS YES/ NO/ NOT TRUE/ SLIGHTLY**

TE Wards	SLIGHTLY	NO	NOT TRUE	YES	T%
Muthara Ward	10%	4%	6%	76%	100%
Thangatha Wards	5%	3%	2%	90%	100%
Kiguchwa Ward	7%	4%	2%	87%	100%
Mikinduri Ward	2%	2%	1%	95%	100%

Karama Ward	8%	3%	3%	86%	100%
<b>TOTAL V.P.W IN %</b>	34%	18%	14%	434% % FAVOUR=86.8%	500%
<b>STATUS/NATURE URGENCY IN %</b>				TRUE	
<b>RESEARCH TRUE FINDING</b>				COURT IS NEEDED	

### 3.6 B) RESEARCH CLOSED QUESTIONNAIRES

Of the three areas, which issue is contributing highly and has been a thorn in access to justice?

A) Far distance b) Un accessible roads during bad weather c) Unreliable means of transport

On the main and thorny issues to affordable justice, of all 50 chiefs who responded representing 84%. 44 chiefs supported far distances of which was 74.5% while 5 chiefs representing 8% and 1 chief representing 1.6% voted in favor of following options accordingly as main thorny issues.

On Business Community and Town/ Market residents 100 respondent targets, we were lucky to meet and interview 100 % respondent. 87 respondents supported far distances of which was 87% while 10% respondents cited unreliable means of transport during bad weather and 3 respondents supported the other options all representing 3%.

With political class 25 respondent targets, we could manage to engage 20 respondents representing 80% targeted respondents 56 respondents supported far distances of which was 90% while 5 respondents cited unreliable means of transport during bad weather representing 20% and 1 respondent supported the other option all representing 4%.

With youths, 100 respondents targeted and interviewed 100 respondents. 84 % respondents supported far distances of which was 84% while 11 respondents cited unreliable means of transport during bad weather representing 11% and 5 respondents supported the other options all representing 5%.

On a security personnel target of 69, we were lucky to meet and interview 62 representing 89.8 %. 56 respondents supported far distances of which was 90% while 3 respondents cited unreliable means of transport during bad weather and 3 respondents supported the other options

all representing 4.8%.

On a professional's target of 100, we were lucky to meet and interview 94 respondents at that percentage. 67 respondents supported far distances of which was 74% while 12 respondents cited unreliable means of transport during bad weather representing 12.7% and 15 respondents supported the other options all representing 15%. Victims/ Old Age/ Informants could not be traced.

**ALL RESPONDENTS OPINIONS ACROSS ALL GROUPS CONCERNING THORNY ISSUES AFFECTING ACCESSIBLE AND AFFORDABLE JUSTICE.**

**AREA:**

**FAR DISTANCES/ INACCESSIBLE ROADS DURING BAD WEATHER/ UNRELIABLE MEANS OF TRANSPORT**

<b>TE Wards</b>	<b>FAR DISTANCES</b>	<b>UN ACCESSIBLE ROADS</b>	<b>UNRELIABLE MEANS OF TRANSPORT</b>	
Muthara Ward	34%	30%	36%	100%
Thangatha Wards	94%	2%	3%	100%
Kiguchwa Ward	78%	18%	4%	100%
Mikinduri Ward	68%	17%	15%	100%
Karama Ward	46%	35%	20%	100%
<b>TOTAL V.P.W IN %</b>	320	102%	78%	T%=500
<b>FAVORED BY % MARGIN</b>	64%	20.4%	15.6%	T%=100
<b>STATUS/NATURE URGENCY IN %</b>	<b>MAIN CONTRIBUTING FACTORS</b>	<b>LESS CONTRIBUTING FACTORS</b>	<b>LIST CONTRIBUTING FACTORS</b>	
<b>RESEARCH TRUE FINDING</b>	<b>ACCESS TO AFFORDABLE JUSTICE IN FACING SERIOUS THORNY</b>	<b>ACCESS TO AFFORDABLE JUSTICE IN FACING SERIOUS</b>	<b>ACCESS TO AFFORDABLE JUSTICE IN FACING SERIOUS</b>	<b>ACCESS TO AFFORDABLE JUSTICE IN FACING</b>

	ISSUES	THORNY ISSUES	THORNY ISSUES	SERIOUS THORNY ISSUES

**B. Keeping all factors constants (roads, housing, water, transport, communication, security and central point) which town/market suits establishment of court facilities in TE?**

- a. Kiguchwa b. Karama c. Kunati, d. Mikinduri e. Muthara

All respondents relied 100% on their previous opinion on Judiciary setting court facility on Equal and Accessible Justice. Of all 48 chiefs who responded on neutral/ central town or markets that Judiciary could establish public court, 32 chiefs supported the construction of Judiciary offices at Mikinduri Market, of which was 66.6% while 12 chiefs were in favor of Muthara Market representing 25% Market 3 chiefs favored Kiguchwa Market representing 6.25% and 1 chief was in favor of Amugaa Village Market representing 2 %.

On a security personnel target of 69, we were lucky to meet and interview 59 security personnel representing 85.5% of our targeted sample size. On neutral/ central town or markets that Judiciary could establish public court, 48 security officers supported the construction of Judiciary offices at Mikinduri Market, of which was 83% while 3 security officers were in favor of Muthara Market representing 5%, 2 security officers favored Kiguchwa Market representing 3% and 5 security personnel favored of Kunata Market Village Market representing 8 %.

On Business Community and Town/ Market residents 100 respondent targets, we were lucky to meet and interview 100 % respondents. On neutral/ central town or markets that Judiciary could establish public court, 70 respondents supported the construction of Judiciary offices at Mikinduri Market, of which was 70% while 18 respondents favored of Muthara Market representing 18%, 10 respondents favored Micimikuru Market in Kiguchwa Ward representing 10% and 2 respondents favored of Karama Market representing 2 %.

With political class 25 respondent targets, we could manage to engage 20 respondents representing 80% targeted respondents. On neutral/ central towns or markets where the Judiciary could establish a public court, 14 respondents supported the construction of Judiciary offices at Mikinduri Market, of which was 70% while 5 respondents favored Muthara Market representing 25%, and 1 respondent favored Kiguchwa Ward representing 5%.

With youths, 100 respondent targets were captured and surging numbers remained un-interviewed. On neutral/ central towns or markets where the Judiciary could establish a public court, 14 respondents supported the construction of Judiciary offices at Mikinduri Market, of which was 70% while 5 respondents favored Muthara Market representing 25%, and 1 respondent favored Kiguchwa Ward representing 5%. Victims/ Old Age/ Informants, 25 respondent targets were far beyond reach. 5 respondents representing 20% could be traced and interviewed. On neutral/ central towns or markets that Judiciary could establish public court, 3 respondents supported the construction of Judiciary offices at Mikinduri Market, of which was 60% while 1 respondent favored Muthara Market representing 20%, and 1 respondent declined

to comment due to old age.

**ALL RESPONDENTS OPINIONS ACROSS ALL GROUPS CONCERNING NEUTRAL POINT FOR EQUAL ACCESS TO JUSTICE**

**OPINIONS OF AREAS PREFARED MOST:**

**MUTHARA MARKET/ MIKINDURI TOWN/ KIGUCHWA MARKET/OTHER AREAS**

<b>TE Wards R. OP</b>	<b>MUTHARA MARKET</b>	<b>MIKINDURI TOWN</b>	<b>KIGUCHWA MARKET</b>	<b>OTHER TOWNS/MARKET</b>	<b>T%P =100%</b>
Muthara Ward	67%	32%	0%	1%	100%
Thangatha Wards	8%	91%	1%	0%	100%
Kiguchwa Ward	12%	80%	7%	1%	100%
Mikinduri Ward	6%	87%	4%	3%	100%
Karama Ward	54%	41%	3%	2%	100%
<b>TOTAL V.P.W IN %</b>	147%	331%	15%	7%	500%
<b>IN FAVOR BY % MARGIN</b>	29.4%	66.2%	3%	1.4%	100%
<b>NEUTRAL POINT FAVOR BY MERITS</b>		<b>MIKINDURI TOWN</b>			
<b>RESEARCH TRUE FINDING</b>		MIKINDURI TOWN CAN BE A NEUTRAL JUSTICE CENTER FOR ACCESSIBLE & AFFORDABLE JUSTICE TO THE RESIDENTS			

### **C. What area to address to fix the problem of unaffordable justice in TE?**

#### **a. Build accessible roads to courts b. Build a permanent court in TE c. Establish more mobile courts in TE**

On the permanent solution to affordable, accessible and friendly justice policies, of all 50 chiefs who responded representing 84%. 48 chiefs supported building a permanent court in TE 96% while 2 chiefs representing 4 % were in favor of establishing more mobile courts in TE.

On Business Community and Town/ Market residents 100 representing 100% turnout, 78 respondents supported Build permanent court in TE 78% while 18 responded representing 18 % were in favor of Establishing more mobile courts in TE and 4 respondents supported building/upgrading/ all necessary links to court facilities.

With political class 25 respondent targets, we could manage to engage 23 respondents representing 92 % targeted respondents. 19 respondents supported Build permanent court in the 82.6% while 3 responded representing 13 % were in favor of Establishing more mobile courts in TE and 1 respondent supported building/upgrading/ all necessary links to court facilities representing 4%.

With youths, 100 respondents targeted and interviewed 84 % respondents supported 71 respondents supported Build permanent court in TE 71 % while 19 responded representing 19 % were in favor of Establishing more mobile courts in TE and 1 respondent supported building/upgrading/ all necessary links to court facilities representing 10%.

On security personnels target of 69, we were lucky to meet and interview 62 representing 89.8 %. 52 respondents supported Build permanent court in TE 76 % while 8 responded representing 11.7 % were in favor of Establishing more mobile courts in TE and 2 respondents supported building/upgrading/ all necessary links to court facilities representing 2.9 %. On professionals, a target of 100 was interviewed: 90 respondents representing 90 % supported Building permanent court in TE while 7 respondents at 7% were in favor of Establishing more mobile courts in TE and 3 respondents supported building/upgrading/ all necessary links to court facilities representing 3 %.

respondents at that percentage. 67 respondents supported far distances of which was 74% while 12 respondents cited unreliable means of transport during bad weather representing 12.7% and 15 respondents supported the other options all representing 15%. With Victims/ Old Age/ Informants, we managed to interview 6 respondents of whom their sample size was very low. They were all in favor of having a permanent court.

ALL RESPONDENTS OPINIONS ACROSS ALL GROUPS ON PERMANENT SOLUTION TO AFFORDABLE JUSTICE.

OPINIONS OF AREAS PREFARED MOST:

BUILD ACCESSIBLE ROADS TO COURTS/ HAVE A PERMANENT COURT/ ESTABLISH MORE MOBILE COURTS

TE Wards	BUILD ACCESSIBLE ROADS TO COURTS	HAVE A PERMANENT COURT IN TE	ESTABLISH MORE MOBILE COURTS	TV=100%
Muthara Ward	31%	40%	29%	100%
Thangatha Wards	8%	90%	2%	100%
Kiguchwa Ward	16%	78%	6%	100%
Mikinduri Ward	11%	84%	5%	100%
Karama Ward	31%	34%	35%	100%
<b>TOTAL V.P.W IN %</b>	97%	326%	77%	GTFV=500%
<b>IN FAVOR BY % MARGIN</b>	19.4%	65.2%	15.4%	TFM=100%
<b>SOLUTION FAVORED BY MERITS</b>		<b>BUILD A PERMANENT COURT IN TIGANIA EAST</b>		
<b>RESEARCH TRUE FINDING</b>		<b>THERE IS AN URGENT NEED OF COURT OFFICES IN TIGANIA EAST</b>		

**D. Of all the five wards of TE, which ward do you support to have been highly disadvantaged in the course of pursuing justice?**

- a. Kiguchwa b. Muthara c. Thangatha d. Mikinduri e. Karama

Responding on the ward highly disadvantaged on the course of pursuing justice, of all 50 chiefs who responded representing 84%. 40 chiefs favored Thangatha Ward representing 80% while 8 chiefs representing 4 % were in favor of Muthara Ward and 2 chiefs were in support of Karama Ward. The respondents cited nearby jungle and desert as the main reasons.

On Business Community and Town/ Market residents 100 representing 100% turnout, 74 respondents favored Thangatha Ward representing 74 % while 23 respondents representing 23% favored Muthara Ward and 3 respondents representing 3% favored Karama Ward.

With political class 25 respondent targets, we could manage to engage 23 respondents representing 92 % targeted respondents. 19 respondents favored Thangatha Ward representing 82.6 % while 3 respondents representing 13 % favored Muthara Ward and 1 respondent representing 4% favored Karama Ward. With youths, 100 respondent targets and interviewed 84 % respondents favored Thangatha Ward representing 84 % while 10 respondents representing 10 % favored Muthara Ward and 6 respondents representing 6% favored Karama Ward

On security personnels target of 69, we were lucky to meet and interview 64 representing 92.7 %. 51 respondents favored Thangatha Ward representing 79.6 % while 9 respondents representing 14% favored Muthara Ward and 5 respondents representing 7.8 % favored Karama Ward.

On professionals, the target of 100 was interview 100, 78 respondents favored Thangatha Ward representing 78 % while 22 respondents representing 22 % favored Muthara Ward and 2 respondents representing 2% favored Karama Ward. With Victims/ Old Age/ Informants, we managed to interview 10 respondents of whom their sample size was very low. 6 respondents favored Thangatha ward while 4 and 1 respondents followed on other proceeding preferred two wards.

**ALL RESPONDENTS OPINIONS ACROSS ALL GROUPS ON WARDS HIGHLY DISADVANTAGED ON JUSTICE COURSE IN TIGANIA EAST.**

**OPINIONS BASED ON ALL WARDS LEVELS**

<b>TE Wards ROP</b>	<b>KIGUCHWA WARD</b>	<b>MUTHARA WARD</b>	<b>MIKINDURI WARD</b>	<b>THANGATHA WARD</b>	<b>KARAMA WARD</b>	<b>T %=100</b>
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Muthara Ward	14%	25%	11%	39%	11%	100%
Thangatha Wards	6%	12%	8%	65%	9%	100%
Kiguchwa Ward	8%	23%	9%	45%	15%	100%
Mikinduri Ward	4%	13%	6%	73%	4%	100%
Karama Ward	5%	21%	9%	41%	24%	100%
<b>TOTAL V.P.W IN %</b>	37%	94%	43%	263%	63%	GTFV=500%
<b>IN FAVOR BY % MARGIN</b>	7.4%	18.8%	8.6%	52.6%	12%	TFM=100%
<b>RESEARCH TRUE FINDING EFFECTS POSITION</b>	<b>POSITION 5</b>	<b>POSITION 2</b>	<b>POSITION 4</b>	<b>THANGATHA WARDS RESIDENTS ARE THE MOST DEMERITED ON THE COURSE OF AFFORDABLE JUSTICE IN TIGANIA EAST</b>	<b>POSITION 3</b>	

**E. On the three vices, which one do you assert to have highly affected the justice process among TE residents**

- a. Corruption through the entire process
- b. Delays and adjournments
- c. Courts fees/penalties/all other financial orders to be complied to
- d. Release of criminals after a short period.

Responding on the ward highly disadvantaged on the course of pursuing justice, of all 56 chiefs who responded representing 94.9%. 16 chiefs favored Corruption through the entire process

representing 28.6%, while 10 chiefs favored Delays and adjournments representing 17.8%. 14 chiefs in favor of

On Business Community and Town/ Market residents 100 representing 100% turnout were interviewed. 36 respondents favored involvement of Corruption through the entire process representing 36%, while 23 favored Delays and adjournments representing 23 %. 24 in favor of Courts fees/penalties/all other financial orders to be compiled to represent 24 % while 17 favored Releasing of criminals after a short period stood at 17%.

With political class 25 respondent targets, we could manage to engage 24 respondents representing 96% targeted respondents. 10 respondents favored involvement of Corruption through the entire process representing 41.6%, while 5 favored Delays and adjournments representing 20 %. 6 respondents were in favor of Courts fees/penalties/all other financial orders to be complied to representing 25 % while 3 respondents favored Releasing of criminals after a short period stood at 12.5%.

With youths, 100 respondent targets were interviewed 100 % respondents. 34 respondents favored involvement of Corruption through the entire process representing 34%, while 26 favored Delays and adjournments representing 26 %. 22 in favor of Courts fees/penalties/all other financial orders to be compiled to represent 22 % while 18 favored Releasing of criminals after a short period stood at 18%.

On security personnels target of 69, we were lucky to meet and interview 54 respondents. 8 respondents favored involvement of Corruption through the entire process representing 14%, while 23 favored Delays and adjournments representing 42.5 %. 11 in favor of Courts fees/penalties/all other financial orders to be compiled to represent 20 % while 12 favored Releasing of criminals after a short period stood at 22%.

One professional's target of 100 was interview 100, 40 respondents favored involvement of Corruption through the entire process representing 40 %, while 24 favored Delays and adjournments representing 24 %. 20 favored Courts fees/penalties/all other financial orders to be complied to representing 20 % while 16 favored Releasing of criminals after a short period at 18%.

**ALL RESPONDENTS OPINIONS ACROSS ALL GROUPS ON VICES SUPPRESSING JUSTICE COURSE IN TIGANIA EAST.**

**VICES MOSTLY VOTED; CORRUPTIONS/ DELAYS / FINANCIALS OBLIGATIONS/ CRIMINAL RELEASE**

<b>TE Wards ROP</b>	<b>CRIMINAL RELEASE</b>	<b>DELAYS</b>	<b>CORRUPTIONS</b>	<b>FINANCIALS OBLIGATIONS</b>	<b>T %=100</b>
Muthara Ward	14%	25%	39%	11%	100%
Thangatha	6%	12%	65%	9%	100%

Wards					
Kiguchwa Ward	8%	23%	45%	15%	100%
Mikinduri Ward	4%	13%	73%	4%	100%
Karama Ward	5%	21%	41%	24%	100%
<b>TOTAL V.P.W IN %</b>	<b>37%</b>	<b>94%</b>	<b>263%</b>	<b>63%</b>	<b>GTFV=500%</b>
<b>IN FAVOR BY % MARGIN</b>	<b>7.4%</b>	<b>18.8%</b>	<b>52.6%</b>	<b>12.%</b>	<b>TFM=100%</b>
<b>RESEARCH TRUE FINDING EFFECTS POSITION</b>	<b>POSITION 4</b>	<b>POSITION 2</b>	<b>POSITION 1</b> <b>CORRUPTION IS THE MAIN CAUSE PROBLEM IN JUSTICE COURSE IN TE</b>	<b>POSITION 3</b>	

**F. Apart from court, which other facility do you commend to be put up to support and ease the justice process and tame crimes in TE?**

- a. Prison facility b. Corrections and rehabilitation center c. More security/ administrations facilities**

On possible facilities apart from judiciary that can be of importance in easing and improving justice, respondents' opinions varied. of all 54 chiefs who responded representing 91.5 %. 19 chiefs favored putting up Prison facilities representing 35 %, while 23 chiefs favored establishments of Correctional and rehabilitation centers representing 42.5 % while 16 chiefs representing 29.6% favored putting up of More security/ administration's facilities.

On Business Community and Town/ Market residents 100 representing 100% turnout were interviewed. 34 respondents favored putting up Prison facilities representing 34 %, while 52 respondents favored establishments of Correctional and rehabilitation centers representing 52% while 13 respondents representing 13% favored putting up of More security/ administration's facilities.

With political class 25 respondent targets, we could manage to engage 21 respondents representing 84% targeted respondents. 9 respondents favored putting up Prison facilities representing 42 %, while 11 respondents favored establishments of Correctional and rehabilitation centers representing 52% while 1 respondent representing 4.7% favored putting up of More security/ administration’s facilities.

With youths, 100 respondent targets were interviewed meeting 100 % respondents. 24 respondents favored putting up Prison facilities representing 24 %, while 60 respondents favored establishments of Correctional and rehabilitation centers representing 60% while 16 respondents representing 16% favored putting up of More security/ administration’s facilities.

On security personnels target of 69, we were lucky to meet and interview 60 respondents representing 86.9%. 28 respondents favored putting up Prison facilities representing 46.6 %, while 18 respondents favored establishments of Correctional and rehabilitation centers representing 30% while 14 respondents representing 23% favored putting up of More security/ administration’s facilities.

The professional's target of 100 was interview 100. 14 respondents favored putting up Prison facilities representing 14 %, while 67 respondents favored establishments of Correctional and rehabilitation centers representing 67% while 19 respondents representing 19% favored putting up of More security/ administration’s facilities. The 7<sup>th</sup> group missed completely.

**ALL RESPONDENTS OPINIONS ACROSS ALL GROUPS ON FACILITY TO SUPPORT CRIME TAMING:**

**VICES MOSTLY VOTED: PRISON FACILITY/CORRECTIONS AND REHABILITATION CENTERS/ MORE SECURITY AND ADMINISTRATION CENTERS.**

TE Wards ROP	PRISON FACILITY	CORRECTIONAL & REHABILITATION CENTRES	SECURITY & ADMINISTRATION CENTRES	T%=100
Muthara Ward	12%	75%	13%	100%
Thangatha Wards	31%	40%	29%	100%
Kiguchwa	32%	49%	19%	100%

Ward				
Mikinduri Ward	08%	70%	22%	100%
Karama Ward	12%	65%	23%	100%
<b>TOTAL V.P.W IN %</b>	95%	299%	106%	GTFV=500%
<b>IN FAVOR BY % MARGIN</b>	19%	59.8%	21.1%	TFM=100%
<b>RESEARCH TRUE FINDING EFFECTS POSITION</b>	<b>LIST NEEDED</b>	<b>CORRECTION AND REHABILITATION FACILITY CAN HELP IN TIMING CRIMES</b>	<b>LESS NEEDED</b>	

**I. Of all crimes, which one can you assert to be regularly occurring and with purging effects?**

- a. Burglary /theft, b. Livestock’s rustling c. teenage pregnancies/ school dropout d. Drug abuse.**

Of all crimes that occur regularly and with purging effects 434 respondents interviewed representing 90.7%. Across all categories of respondents from wards levels, crimes occurrence and effects varied. varied positive responses. The worst crime was drug abuse with 34 respondents representing 34%, burglary/ theft with 27 respondents representing 27%, livestock rustling with 24 respondents representing 24% and lastly was teenage pregnancies and school dropout with 15 respondents representing 15%.

**ALL RESPONDENTS OPINIONS ACROSS ALL GROUPS ON CRIMES OCCURANCE AND PURGING EFFECTS**

**CRIMES MOSTLY VOTED:**

<b>TE Wards ROP</b>	<b>BURGLARY/THEFT</b>	<b>CATTLE</b>	<b>TEENAGE PREGNANCIES</b>	<b>DRUGS AND</b>	<b>T %=100</b>
			&		

		RUSTLING	SCHOOLS DROPPING	POV ABUSING	
Muthara Ward	10%	65%	13%	12%	100%
Thangatha Wards	22%	28%	32%	18%	100%
Kiguchwa Ward	30%	07%	23%	40%	100%
Mikinduri Ward	44%	06%	8%	42%	100%
Karama Ward	15%	53%	14%	18%	100%
<b>TOTAL V.P.W IN %</b>	<b>121%</b>	<b>159%</b>	<b>90%</b>	<b>130%</b>	<b>GTFV=500%</b>
<b>IN FAVOR BY % MARGIN</b>	<b>24%</b>	<b>31.8%</b>	<b>18%</b>	<b>26%</b>	<b>TFM=100%</b>
<b>RESEARCH TRUE FINDING EFFECTS POSITION</b>	<b>POSITION 3</b>	<b>POSITION 1</b> <b>OF ALL CRIMES, CATTLES RUSTLING OCCURRENCE RESULTS ARE DEVASTATING</b>	<b>POSITION 4</b>	<b>POSITION 2</b>	

**H. Of all the options below, what is the status of the justice process in TE?**

- a. Need to be improved b. The process has/and its good c. The process has been poor, unaffordable and needs to be relooked afresh d. None of the above.

**Responding to the justice position in TE**, 444 respondents were interviewed representing 92%. Across all categories of respondents from ward levels, the respondent's position was similar across the five wards. 18 respondents supported the Need to be improved representing 18%. 8 respondents supported that the process has/and it's good representing 8% respondents. 64 respondents supported that, the process has been poor, unaffordable and need to be relooked afresh representing 64% respondents while d. None of the above.

ALL RESPONDENTS OPINIONS ACROSS ALL GROUPS ON STATUS OF JUSTICE IN TIGANIA

PREFERED OPTIONS: NEED TO BE IMPROVE/ OKEY STATUS/ POOR AND NEED TO BE FRESHLY RELOOKED AT/NONE OF THE ABOVE

TE Wards ROP	NEED TO IMPROVED	OKEY STATUS	POOR AND NEED OF URGENT RE-LOOK	NONE OF THE ABOVE	T %=100
Muthara Ward	14%	25%	59%	2%	100%
Thangatha Wards	8%	1%	89%	2%	100%
Kiguchwa Ward	12%	13%	74%	1%	100%
Mikinduri Ward	6%	12%	76%	6%	100%
Karama Ward	18%	9%	67%	6%	100%
<b>TOTAL V.P.W IN %</b>	58%	60%	365%	17%	GTFV=500%
<b>IN FAVOR BY % MARGIN</b>	11.6%	12%	73%	3.4%	TFM=100%
<b>RESEARCH TRUE FINDING EFFECTS POSITION</b>	<b>POSITION 3</b>	<b>POSITION 2</b>	<b>POSITION 1</b> <b>JUSTICE STATE</b> <b>NEED</b> <b>IMMEDIATE</b> <b>INTERVENTIONS</b>	<b>POSITION 4</b>	

**I. Do you agree with the research topic “Expensive Justice Process”**

- a. Strongly agree b. Agree c. Not true d. None of the above

**Rating the research topic “Expensive Justice Process” 444 respondents interviewed**

representing 92 %. %. Across all categories of respondents from ward levels, the respondent’s position was sim

**ALL RESPONDENTS OPINIONS ACROSS ALL GROUPS ON RESEARCH TOPIC**

**PREFERED AND VOTED OPINIONS: STRONGLY AGREE/ AGREE/ NOT TRUE/ NONE OF THE ABOVE**

TE Wards ROP	STRONGLY AGREE	AGREE	NOT TRUE	NONE OF THE ABOVE	T %=100
Muthara Ward	43%	49%	3%	5%	100%
Thangatha Wards	96%	2%	1%	1%	100%
Kiguchwa Ward	80%	10%	4%	6%	100%
Mikinduri Ward	80%	10%	6%	4%	100%
Karama Ward	49%	43%	6%	2%	100%
<b>TOTAL V.P.W IN %</b>	348%	114%	20%	18%	GTFV=500%
<b>IN FAVOR BY % MARGIN</b>	69.6%	22.8%	4%	3.6%	TFM=100%
<b>RESEARCH TRUE FINDING EFFECTS POSITION</b>	<b>POSITION 1</b>  <b>SUITABILITY OF THE THESIS TOPIC IS EXCELLENT</b>	<b>POSITION 2</b>	<b>POSITION 3</b>	<b>POSITION 4</b>	

## KEY FINDINGS FROM ALL TABLE SUMMARY.

Tigania East residents in Meru County Kenya, have a serious problem on Accessing Affordable Justice Service. Across all 5 wards, little appreciation on Judicial performance has been evident and with confidence shrinking from one ward to the other due to displeasure on the course of justice.

On accessing justice in far areas such Maua Court, Kirindine Court and Meru Court, residents' approach to this is punitive in the course of justice. The correlation displeasure ranges from 78% pointing to poor state related to oppressions while 12% applies to the state of the process and with 6% okay with the process. Most of the residents have shown confidence that Mikinduri Town can be a neutral town keeping all factors constant to establish Court Facilities. The confidence level of nominating Mikinduri stood at 80.4% followed closely by Muthara Market at 14.6% and Kiguchwa Market at 4%.

The view of established Courts in controlling crimes stood well with overwhelming support of 86%, followed by 8% with slight support while no and non-respondents stood at 3% each.

On the thorny area in the course of pursuing justice, far distances are key contributors with a whopping 64% followed by accessible and unreliable means of transport at 20.4% and 15.6% respectively. Though all areas play a role in deplorable state of justice, far distances are thornier to TE residents.

On a permanent solution on the course of affordable justice, TE residents show confidence with permanents at 65.2%, while improvements of infrastructures to courts stood at 19.4% and establishments of mobile court came last with 15.4%. Among the 5 wards, Thangatha Ward remains more affected on jaws of pursuing justice at 52.6%, followed by Muthara Ward at 18.8% and Karama Ward at 12% while the rest falls below the margin of 10%.

On the other hand, suppressing the course of justice in TE, corruption carries the day with a whopping 52.6% followed by delays at 18.8% while financial matters compliances 12% and releases of criminals after a while close at 7.4%. On the course of control measures, TE residents have total confidence in Corrections and Rehabilitations facilities at 59% while more security institutions and prisons came last at 21% and 19% respectively.

Of all the crime and devastating results upon occurrence, livestock rustling is the worst at 31% followed by drugs and drug abuse at 26%. Theft/ burglary and teenage pregnancies and school dropouts close in the area by 26% and 24% respectively. On the status of justice, the state is poor at 74% followed by okay status at 13%, needing to be improved at 12% and 1% on no opinion. On the suitability of research topic, the suitability of okay topic and true topic stood at 69.6% and 22.8% summing up to 89.6% of suitability.

## RESEARCH RELATED VARIANCES

The research work could/ may or cannot not portray, satisfy, please or meet the 100% threshold of our respondents, viewers, readers because of the following areas on integrations in Tigania East.

TE constituency is large, wide, populous and covers the entire area, meeting all respondents in all areas of social, political and economic circles is a great challenge. Thus, the need to develop the sample size used in our research studies was endorsed, weighed and fully found necessary.

TE is divided in five Wards and with different social, economic and political needs compared to others. The needs of one Ward were different from the needs of other wards. Factors ranging from the interior, vulnerability to violence, access to transport and communications contributed a lot.

TE has two main economic, political and social developed towns. These towns control the entire systems of governance and administrations. Mikinduri Town in Tigania Central is preferred as the most Developed and the Heart of the entire Constituency While Muthara Town emerges from behind with all crowns of administrations responsibilities and former constituency headquarters.

TE residents are divided into three economic models. There are nomadic on the far eastern sides of Muthara and Karama wards of which covers a long Wildlife desert bordering Isiolo County and Igembe Constituencies. There are mixed farmers in Lower Muthara near towns/markets of Karama, Mbaranga and Kandebe. The two Wards are Muthara and Karama Wards. The Lower Tigania Central boost the title “Real Farmers” due to favorable weather patterns that grace the area to grow coffee, tea, maize, beans, Miraa and do all general farming practices. These words include Kiguchwa Ward, Mikinduri Ward and Thangatha Ward. The trading model transverses across the whole area stretching to Isiolo Counties and other market centers.

TE residents are not all disadvantaged within the course of pursuing justice. Those living near Muthara and Karama have access to a court that is 7 km from them at Kirindine Kianja. Still other access court services at Maua Town 19 km from Muthara and Karama Market. The lower Tigania East are the most disadvantaged with only few livings near Mikinduri town and those close to transport services can take a dawn transport service to the courts they are required to appear for hearing. Thus, all these factors contributed to variances of which in my opinion are far beyond my control.

## RECOMMENDATIONS

The first three research questions on pursuing justice from other areas far beyond their constituency bound

Throughout the research, it has been established that, Affordable and Accessible institutions of Justice not only in Tigania East in Meru, Kenya, but across the world, plays one main role in creating and instilling society order.

The order created supports societies social, political and economic developments of which is the main Global Millenia Goal.

The punitive nature, environments towards un accessible and unaffordable should be resolved and lapses sealed for society integrations and cohesion.

Governments key stakeholders need to prioritize its development agenda and focus on the most urgent need of the society for equality, cohesion and preventions of incidents that may fuel chaos in society thus destroying historical foundations of social order.

There is great need to develop all possible links and networks for Affordable and Accessible justice services. With the most important on the list, Courts Facilities, Roads and Transports systems and Mobile Courts need to be established and with ease of access.

There is a great need to come up with institutions to support justice and social orders in societies. Rehabilitations and corrections centers feature the best facilities within the global Social Protections and Corrections Centers.

A society that is well grounded on foundations of good social order will not require prisons and surging security facilities. Thus, the doctrine of protection is better than cure. There is an urgent need for functional Court and Rehabilitation centers for the course of desired society in TE.

## CONCLUSION

The governments, judiciary arm of the government and all key stakeholders have a responsibility of ensuring that societies that are friendly for social, political and economic developments. The attainments of sanity and order depend on social institutions and court being the most important one. Tigania East people need to be well provided with all the institutions that governments deem

fit to the residents and create confidence in its residents and investors. Volatile places filled with breach of law a

In society, not all matters that will require Alternative Dispute Resolutions. Some matters will need the full force of the law and proper constitution interpretations for fair, admissible and creating justice precedents through proper, recognized and legitimate institutions. For an affordable justice system and process, it is a fundamental responsibility that governments and institutions responsible can do for. Upholding and embracing the principles of Constitutions through Courts is creating a society of live and happy people.

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