

Effective management of e-justice system will improve justice delivery: a focus study in Tamale Metropolis of Ghana

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Abstract: One hundred and twenty (120) respondents were interviewed to obtain information on the contribution of e-justice system in courts within the Tamale Metropolis. Most of the respondents were court users (45%), mainly males (68.3%), had some level of education (97.5%) and within the age group of 38-47 years (41.7%). Majority of the people interviewed were at the high court (55.8%). 92.5% (111) of the respondents admitted that the various courts have up to date e-justice equipment/devices and 60% indicated that they were installed in the past 1-3 years. Forty two respondents (35%) said that the e-justice system in the various courts are not always functioning whilst 31(25.8%) reported that the devices were always functioning. 75% of the respondents admitted that most of the e-justice devices in the various courts are obsolete and need to be replaced with modern ones. Civil, land and criminal cases in the high and district courts within four-year period (January 2009-January 2012), before the introduction of the e-justice system and the post-e-justice era were analyzed; and the results revealed that, there have been a dramatic improvement in absolute proportions of the number of high and district courts cases filed and disposed off during the post-electronic justice era than in the pre-e-justice era across all categories of cases within Tamale Metropolis. Therefore, effective management of e-justice system within the Metropolis will improve justice delivery.

Keywords: Courts, court users, e-justice system, management, Tamale Metropolis.

INTRODUCTION

Judicial Institutions across the world play a central role in the legal system, governance, democracy and other related services. In Ghana, the Judiciary is the third arm of government empowered by the constitution and the laws of the Republic of Ghana, autonomous and vested with the Judicial Power of the nation, Ghana. It has the sole responsibility of interpreting the Constitution and Laws, administering justice and providing other related services. In order to ensure the effective and efficient management, and the achievement of the mandate and mission of the Judicial Service and other public sector departments in Ghana, there have been series of on-going reforms since the establishment of the formal legal system and after independence in 1957. An example of such a reform is the Ghana Public Sector Management Reform Programme (PSMRP), which was introduced in 1994 to address the problems of oversized, inefficient, ill-equipped, grossly under paid, demoralized, unmotivated, uncommitted and unresponsive public service that were products of the civil wars, state terror, lawlessness, corruption and mismanagement that the

country underwent during the 1960s and early 1980s [1].

The Judicial Service of Ghana has continued to introduce several reform initiatives, under the umbrella of a Judicial Reform and Modernisation Programme (JRMP) housed in the Ministry of Justice and Attorney General's Department. The Judicial Service of Ghana has also made increased efforts at reforms on its own initiative, including the promotion of greater access to information about the courts throughout the nation. Amongst the highest profile innovations and reforms since 2001 have been the introduction of 'fast-track' automated courts, the creation of a new Commercial Division of the High Court and other special courts, the creation of Monitoring and Evaluation Department with redesigned procedures aimed at reducing delays in the administration of justice and ensuring customer satisfaction. These innovations have helped to expedite cases for litigants with adequate resources and information to use them [2].

E-Justice system is a body which uses information and communication technology (ICT) for its proceedings to provide justice to all manner of persons across an entire country and beyond irrespective of their tribes, sex, race and location and background [3]. The interest in using electronic Justice (e-Justice) systems in the Judicial Service of Ghana has grown enormously over the last ten years. For this reason, the power of the Judicial Service, with the support of international organizations such as Millennium Development Authority, World Bank, United Nations Development Programme, Danish International Development Agency, United States Agency for International Development, among others - have started a process of institutional reforms oriented towards the improvement of its management in both the administrative and other important areas within the Judicial Service using e-Justice systems [4]. Since the introduction of the e-Judiciary system, there has not been any research conducted in assessing the extent to which it has contributed to effective and efficient management of case and information in Ghana. Therefore, this study was carried out to investigate the contribution of e-Justice systems in improving justice administration in the Tamale Metropolis.

RESEARCH METHODOLOGY

Sampling technique

Various sampling techniques (simple random, systematic and convenience) were employed in gathering data from the various respondents. Simple random technique was used to select Judges/Magistrates, Registrars, and Court Recorders. Court Users were selected using systematic sampling (by using the register of cases book as sampling frame by choosing at regular interval of the first and the fourth cases mentioned in court room) and convenience sampling technique was used to interview 20 respondents from the general public.

Sample size

A total of one hundred (120) respondents, comprising of 9 Judges/Magistrates, 14 Registrars, 35 Court Recorders, 54 Court Users and 8 other respondents such as Bailiffs, Court Clerks and Ushers within the Judicial Service of Ghana were surveyed.

Data Collection

The procedure used to collect data took three forms: documentary evidence, structured questionnaire, and personal interviews. Thus both secondary and primary data collection tools were used during the research. Secondary data sources were accessed and review where possible and were involve but not limited to newspapers, the 1992 Republican constitution of Ghana, Annual Reports of Judicial Service, and other valuable documents on the e-Justice system and the extent to which it contributes to the administration and management of Justice in Ghana. Under primary data

collection method, structured questionnaires and personal interviews were used to gather data.

Data analysis

The data obtained from the study were analysed using Analysis of Variance (ANOVA) of the Statistical Package for Social Science (SPSS), Version 17. The results (frequencies and tables) were presented in tables and graphs.

RESULTS AND DISCUSSIONS

Socio-demographic characteristics of respondents

In this study, a total of 120 respondents constituting 45% Court Users, 29.2% Court Recorders, 11.6% Registrars, 7.5% Judges/Magistrates, and 6.7% others within Tamale Metropolis were surveyed. This indicates that majority of the people that visit the Court are Court Users rather than Court staffs. In the category of Court Users, their occupation varies from students, business men/women, lawyers, police, farmers, politicians, teachers, health workers among others - thus Court Users were of varied background. Figure 1 shows the composition of the respondents.

Most (68.3%) of the respondents were males as shown in Table 1. 41.7% of the respondents were within the age group of 38-47 whilst 5.8% were above 58 years. Majority of the respondents representing 82.5% were educated to the tertiary level whilst the rests were SHS (10.8%) and JHS (4.2%). Only 2.5% of the respondents were illiterates or without any formal education. With respect to the employment status of respondents, 85.0% (102) were employed whilst 15% (5) of them were unemployed. This result suggest that more males are found within the Court premises or have more Court issues to settle, and the Court is used by more educated and employed citizens.

Availability, status and functionality of ICT devices in Courts within the Tamale Metropolis

The availability, status and functionality of e-justice equipment (computers and accessories, internet, intranet, extranet, automation systems among others) in the various Courts and Registries for which respondents were attached to or had ever visited for the first time as Court Users was assessed. Most of the respondents representing 55.8% (67) were either attached to the High Court as staff or Court Users (that is either they were Police Officers, Students, Farmers, Teachers, Lawyers etc.) whilst 29.2% (35) and 13.3% (16) of same were attached to the District and Circuit Courts, respectively (Table 2). In all the Courts, 92.5% (111) of the respondents admitted that the various Courts and Registries have up to date e-justice equipment or devices installed in them. Majority (60%) of the respondents also said that these e-justice devices were installed in these Courts within the past 1-3 years whilst 1.7% said these devices were installed for the past 9 years preceding the study. Table 2 shows the

availability and periods of installation of e-justice devices in the various Courts.

The views of the Registries heads of the various Courts were sought as to how these devices are maintained, stored and effectively managed for effective administration of justice within the Tamale Metropolis. All the registrars 14 (100%) admitted that the maintenance culture of these e-justice devices/equipment have been poor since there were many computers, printers and other networking systems have been down in most of the Courts and have not been attended to for closed to four months now. The Registrars also said most of these equipment are left in the computer rooms of the various registries. Most of these Registries are already congested and dilapidated; there is therefore the need for much spacious offices to be created in the various offices for safe keeping and usage of these devices.

Majority (42) of the respondents admitted that though most of the Courts within the Tamale Metropolis are under the e-justice systems, nonetheless there is the need for the various Courts to procure and install more modern and up-to-date e-justice equipment/devices in order to effectively serve more clients or court users at a time and to avoid unnecessary adjournments and delay in the filing, disposal and execution of cases (Table 3). Thirty one (31) of the respondents said that they agreed with the assertion that the courts should be provided with modern e-justice devices whilst 12 of them said that they disagree with that assertion. There were 14 respondents who neither agree nor disagree with the assertion that the Courts have modern electronic justice devices installed in them.

Regarding the functional state of the e-justice system in the various Courts and Registries within the Tamale Metropolis, as many as 42 (35%) of the respondents said that the e-justice system in the various Courts are not always functioning whilst 31(25.8%) reported that the devices were always functioning (Table 3). Fourteen (14) (11.67%) of the respondents said that they did not know whether the e-justice devices were always functioning or non-functional. About 75% of these respondents admitted that most of these devices in the various Courts are obsolete and need to be replaced with modern ones immediately. They therefore urged many of the development partners like DANIDA, UNDP, MiDA and other stakeholders not to give up in ensuring that the Judicial Service is supplied with modern and up-to-date e-justice services equipment/devices so as to ensure effective functioning of the entire system.

Effect of electronic justice system on court performance: comparative analysis of cases filed and disposed off from Jan 2009 to Jan 2012

The research analyzed the civil, Land and criminal cases in the High and District Courts within

four-year period (January 2009-January 2012), before the introduction of the e-justice system and the post-e-justice era. In the case of the High Courts, the study revealed that, there have been dramatic improvements in absolute proportions of the number of High Courts cases filed and disposed off during the post-electronic justice era than in the pre-e-justice era across all categories of cases within Tamale Metropolis. For instance, in the civil cases, whilst the proportions of cases disposed against filed in the pre-e-justice system was about 34.4% in absolute terms, in the post electronic justice system, it increased to 72.9% (Table 4). In the criminal cases a proportion of 28.6% was recorded during the pre-automation or e-justice periods as against 68.8% during the post-electronic justice periods for all the High Courts within Tamale Metropolis.

In the District Courts, whilst the proportion of cases disposed in the criminal cases in pre-electronic justice from January 2009 to January, 2012 era was 38.9%, this increased to 70.8% in post-electronic justice system (Table 5). Similarly, civil cases (increased from 42.3% to 70.5%) and land cases (increased from 28.5% to 67.5%) pre and post-justice era, respectively.

Quality and the level of satisfaction provided by the e-justice services

The quality of e-justice services such filing of cases, distribution system, production of proceedings, writing of judgments, rulings, orders, execution among others using the e-justice system was also assessed and analyzed as shown in Figure 2. Majority 83(69.2%) of the respondents said that e-justice services in the courts were good by their own independent assessment of the system. Also 33 (27.5%) of the respondents were of the view that the quality of services rendered by the e-justice system was very good. For many of these respondents they no longer waste time in court as was always the case, they are satisfied with the services that are provided. Only 3 people said that the e-justice service was bad.

The views of respondents were also sought about the level of satisfaction that they derive from the e-justice services. Considering all the services that are provided under the e-justice system, from filing through to final judgment and execution, 87(72.5%) of the respondents expressed that they were satisfied with all the categories of services received from the court. About 13(10.8%) of them said that they were dissatisfied with the e-justice services. Figure 3 represents respondents' satisfaction level with the e-justice services.

Bivariate analysis of e-justice systems to effective justice delivery with some factors

Bivariate analysis was carried out to identify the benefits and requirements for e-justice systems.

Table 6 shows the cross-tabulation of the benefits and requirements of e-justice systems to efficient justice delivery within the Tamale Metropolis. The analysis showed that e-justice system significantly ($P < 0.004$) serve more people at a time when sustained and managed well with all the needed and up-to-date ICT equipment/devices and qualified staff put in place to handle and manage the system coupled with regular training of staff, good maintenance culture and appropriate place of housing these equipment. The respondents were also of the view that e-justice is good for Judges and Magistrates in performing their functions ($P < 0.001$). The assertion that e-justice system would eliminate delays in the administration of justice was not statistically significant ($P < 0.79$), however, most

of the respondents tended to say that it does eliminated delay. About 85% of the respondents were of the view that e-justice system could be functioning properly in all the courts, but other factors such as filing the wrong document or delay in filing, a judge, lawyer, plaintiff or defendant taking ill or not being ready for other reasons could be other factors that may delay a case in court. For the effective utilization of e-justice systems, most of the respondents said that staff of the Judiciary should be equipped and trained with ICT knowledge and also, court users should have a good understanding of the concept and operation of e-justice systems. In general, the respondents attested to the fact that e-justice system has positive effect ($P < 0.003$) in the delivery and administration of justice as shown in Table 6.

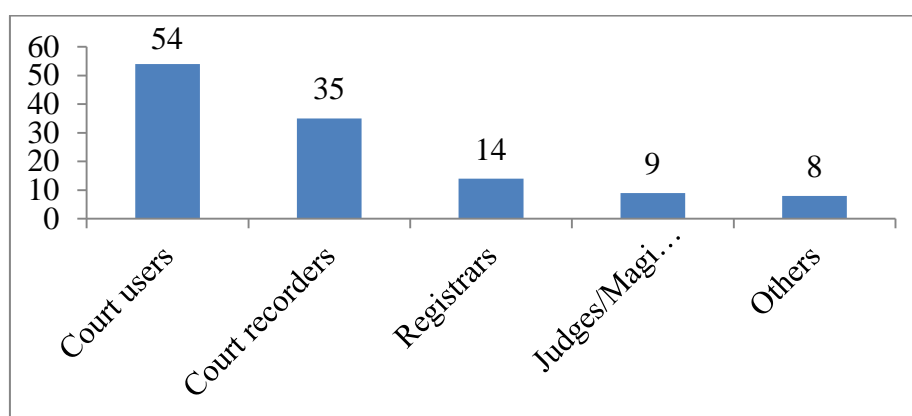


Fig-1: Composition of respondents

Table-1: Socio-demographic characteristics of respondents

Variable	Frequency (120)	Percentage (%)
Sex of respondents		
Males	82	68.3
Females	38	31.7
Age of respondents		
18-27	9	7.5
28-37	34	28.3
38-47	50	41.7
48-57	20	16.7
58 and above	7	5.8
Educational level of respondents		
Tertiary	99	82.5
SHS	13	10.8
JHS	5	4.2
None	3	2.5

Table 2: Presence of ICT devices in courts

Variable	Frequency (120)	Percentage (100%)
Court currently attached to or visited the first time		
Court		
High Court	67	55.8
Circuit Court	16	13.3
District Court	35	29.2
Others	2	1.7
Presence of electronic justice devices/equipment		
Yes	111	92.5
No	9	7.5
Period for which e-justice devices are installed in courts		
1-3	70	60.0
4-6	35	29.2
7-9	4	3.3
Above 9	2	1.7
Missing system	9	7.5

Table 3: Status and functionality of the electronic justice system

Attribute	Status	Functional state
Strongly disagree	12	12
Disagree	42	42
Neither agree nor disagree	14	14
Agree	31	31
Strongly agree	12	12

Table 4: Comparative analysis of court performance: High courts (January 2009-January 2012)

Type of cases	Pre-electronic justice era			Post-electronic justice era		
	Number filed	Number disposed	Percentage	Number filed	Number disposed	Percentage
Criminal	105	30	28.6	565	389	68.8
Civil	480	165	34.4	720	525	72.9
Land	235	88	37.4	605	390	64.5

Table 5: Comparative analysis of court performance: District courts (January 2009-January 2012)

Type of cases	Pre-electronic justice era			Post-electronic justice era		
	Number filed	Number disposed	Percentage	Number filed	Number disposed	Percentage
Criminal	193	75	38.9	480	340	70.8
Civil	390	165	42.3	570	402	70.5
Land	375	107	28.5	590	398	67.5

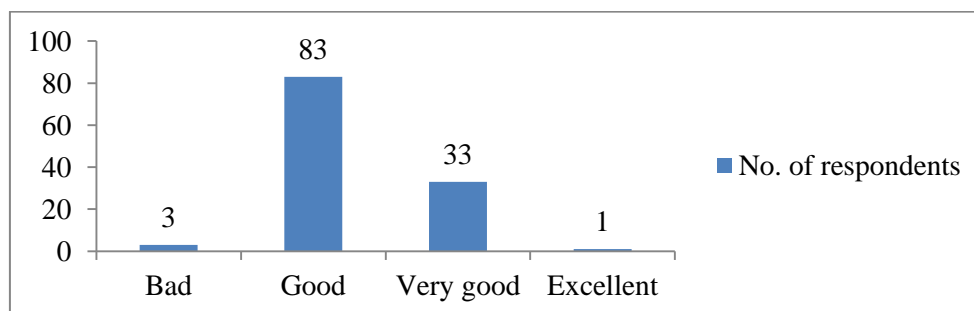


Fig- 2: Quality of services provided using the electronic justice system

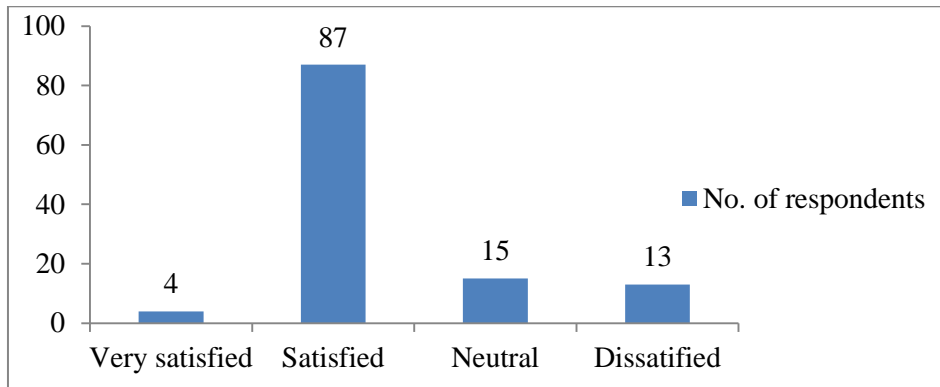


Fig-3: Satisfaction from electronic justice services

Table 6: Cross tabulation of benefits and requirements of e-justice to efficient justice delivery

Variable	E-justice helps efficient justice delivery		Probability
	Disagree (n/%)	Agree (n/%)	
Serving more people			
Disagree	0(0.0)	3(100)	
Neither agree/disagree	0(0.0)	4(100)	
Agree	1(1.4)	73(98.6)	
Strongly agree	6(20)	24(80)	P<0.004
Equip entire staff			
Strongly disagree	0(0.0)	0(0.0)	
Disagree	0(0.0)	0(0.0)	
Neither agree/disagree	0(0.0)	2(100)	
Agree	2(5.6)	34(94.4)	
Strongly agree	6(7.7)	72(92.3)	P<0.003
Good for magistrates and judges			
Strongly disagree	0(0.0)	0(0.0)	
Disagree	0(0.0)	1(100)	
Neither agree/disagree	0(0.0)	2(100)	
Agree	3(6.3)	45(93.8)	
Strongly agree	5(7.7)	60(92.3)	P<0.001
No delays			
Strong disagree	0(0.0)	4(100)	
Neither agree/disagree	0(0.0)	1(100)	
Agree	3(5.3)	54(94.7)	
Strongly agree	5(10)	45(90)	P<0.79
Court users should have understanding			
Strongly disagree	0(0.0)	0(0.0)	
Disagree	0(0.0)	1(100)	
Neither agree/disagree	0(0.0)	1(100)	
Agree	2(3.2)	60(96.8)	
Strongly agree	6(12.5)	47(87.5)	P<0.39
E-justice has positive effect			
Strongly disagree	0(0.0)	31(100)	
Disagree	1(2.9)	33(97.1)	
Neither agree/disagree	0(0.0)	1(100)	
Agree	2(7.1)	26(92.1)	
Strongly agree	5(26.3)	14(73.7)	P<0.003

CONCLUSION

Respondents (120) made of Court Users (54), Court Recorders (35), Registrars (14), Judges/Magistrates (9) and others (8) were surveyed in this study. Respondents were males (68.3%) and females (31.7%), their age ranged from 18-57 years and were mostly educated. Most of the respondents worked or were attached to the high court, 92.5% of the various Courts and Registries have up to date e-justice equipment/devices and most e-justice systems have been installed within 1-3 years. The e-justice systems (35%) in the various Courts are not always functioning, 25.8% of the devices are always functioning and 11.67% is unknown. Comparative analysis of the performance of the High and District Courts within the tamale Metropolis from January 2009 to January 2012 revealed an increase in the civil, criminal and land cases in the post-e-justice system era as compared to pre- e-justice system era. The quality of the e-justice services in the courts were good (69.2%) and respondents (72.5%) expressed that they were satisfied with all the categories of services received from the court. E-justice system significantly serve more people at a time when

sustained and manage well with all the needed and up-to-date ICT equipment/devices and qualified staff put in place to handle and manage the system.

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