

**AN INVESTIGATION OF THE INFLUENCES OF OPERATIONS OF KADHI
COURT IN KENYA: A CASE OF SELECTED KADHI COURTS**

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ABSTRACT

Several countries in Africa and the Commonwealth that have a significant population of Muslims have accommodated the Kadhi court system in their Constitutions and laws to cater for the regulation of the personal status of their Muslim citizens. Islamic Kadhis' Courts in Kenya enjoy a constitutional mandate and only have limited jurisdiction over select cases in which both parties must be Muslim. Despite the apparent simplicity, almost every justice organization is facing difficulties to manage the work flow and through put times of the process. It is obvious that the environment has different types of complexity, which are difficult to express with basic operations management terms. The judicial process demands a continuous and coordinated flow of a very large number of individual and infinitely different types of cases, and it demands cooperation and coordination between multiple stakeholders. This study aimed at investigating influences of operations of Kadhi Court in Kenya with reference to selected Kadhi Courts. The study was guided by the following research objectives, that is, to investigate whether gender inequality, power structure, staffing and court culture influence operations of Kadhi Court across the country and their jurisdiction. The target population of this study was staffs working in the Kadhi Court in selected Kadhi courts. The study relied mostly on primary data sources. The study employed a simple random sampling technique in coming up with a sample size of 109 respondents. Data was collected using questionnaire and interview for kadhi and staffs. Only interview was conducted to clients because of literacy factor. The study generated both qualitative and quantitative data where quantitative data was coded and entered into SPSS Version (17) and analyzed using descriptive statistics. Presentations of the findings were done in form of tables and figures where interpretation was done in prose. Based on the study objectives, the study found that most senior staff are male while females occupy majority of support positions such as filing clerks and typists which contravene the constitution requirement. The study also found that any decision made by the Kadhi if appealed, the final judgment is based on initial judgment based on 1st Kadhi file case. Most of Kadhi court had 1-2 staff with most of the Kadhi court having no security personnel where the court is exposed to a great risk. Delay of judgments and slow case flow management reduces public confidence.