SOCIO-CULTURAL AND STRUCTURAL FACTORS AFFECTING APPLICATION OF INFORMAL CRIME CONTROLS IN MANAGING SECURITY IN CHIAKARIGA WARD, THARAKA-NITHI COUNTY, KENYA

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A thesis submitted to the graduate school in partial fulfillment for the requirement of the Master of Arts degree in security management of Egerton University

EGERTON UNIVERSITY

MAY, 2019

DECLARATION AND RECOMMENDATIONS

DECLARATION

This research is my original work and has never been presented for a degree award in any other University.

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Gilbert M Maratu

DEDICATION

This thesis is dedicated to my family and friends for their support and encouragement during my Masters studies.

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ABSTRACT

This study on social, cultural and structural factors affecting application of informal crime controls in managing security was conducted in Chiakariga Ward, Tharaka-Nithi, Kenya. The study was motivated by the increasing number of crime incidents in the study area despite dominance of both formal and informal justice systems. This study sought to find out whether the practice of Kenyan legal codes, modernization, social structures and cultural processes in the study area has hampered application of informal crime controls. The study was guided by Social Bond Theory, Structural-Functionalism Perspective and Open Systems Theory. The study adopted qualitative research design, and targeted people aged between 20 and 60 years who were sampled through cluster, convenient and purposive sampling techniques. This study employed interview method and structured interview schedule as a tool to collect primary data from 100 respondents. The data collected was analyzed using Statistical Package for Social Science (SPSS version 20). The study established the following, hiked social disorders is due to the practice legal codes (92%), failure of informal controls to follow legal procedures when applied has affected their application (92.9 %), by learning how crimes are committed in other areas through media has motivated people into committing crimes, despite a wide spread conformity gospel by churches, this has not helped people adhere to informal crime controls (52%), new lifestyles due to urbanization has reduced social glue (92%), all respondents believed mushrooming of commercial centers has reduced neighborhood spirit, social structures have not promoted social cohesion (95%), increase of educated people has reduced social cohesion (59%), society has not taken care problems of its people as expected (93%) and respondents do not feel guilty when they do anything that offends the society (71%). It is clear that practice of legal codes, modernization and social structures largely have negated application of informal crime controls in the study area. For informal controls to contribute to security management properly, first, formal and informal justice systems need to work complimentarily. Secondly, traditional justice mechanisms, practices and institutions as platforms of implementing informal controls need to be popularized and made functional in the village. Thirdly, neighborhood spirit, social capital and conscience need to be enhanced in the village. These approaches will create an environment which will enable the informal controls to perform their basic functions effectively as a key component in social order. Once this is established, it will be an ultimate foundation in security management not only in the area but in the entire region.

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CHAPTER ONE
INTRODUCTION

1.1 Background to the study

All over the world, antisocial behaviors in any social set up are associated with weak social justice systems designated in maintaining social order. These social justice systems are formal and informal justice systems. Distilled information from several sources shows that social order is a key component in every person's life because it assures quality life. Gronewald and Peake (2004) noted that development and realization of quality life for any human society is dependent on indispensable requirements of peace, safety and security. According to him, they create an enabling environment for citizen to live and work towards social, economic and political development. Lubuva (2004) asserted that insecurity negatively impacts all citizens through loss of property, life and confidence from fear of crime or violence. On his part, Ondinkalu (2005) observed that safety and security brings human contentment and prosperity. It is against this view that every sensible and conscious human being will consider concluding that safety and security is a justifiable human race component and the very essence of the society wellbeing.

Formal and informal crime controls are commonly used to realize security in our society. Formal crime controls are implemented through formal structures while informal crime controls are implemented through informal institutions, that is, through individuals from the local communities who derive credibility and unofficial authority from the community. Societies have invariably used these informal crime controls since time immemorial to give invaluable security results. Even today, they are used to complement efforts of formal security arrangements to enhance security. They are mostly successful where respective communities show strong societal bonds to their communal values and traditions.

A study carried out in nonmetropolitan counties of the United States of America by Research Center for Promoting Civic Literacy Center for General Education on social structure and informal social control in rural communities, made a number of conclusions. First, due to family disruption, violent crimes increased, whereas higher socioeconomic status contributed to increased property crime and forcible rapes. Secondly, increased population sizes translated into higher rates of both

violent and property crimes while unemployment rate in nonmetropolitan counties was associated to high rates of both violent and property crimes. The study thus posited that social factors undermine social cohesion in a society and therefore using of social controls to reproach social evils.

This increasing trend of crime is not only in the U.S nonmetropolitan counties. In Kenya, many parts have reported cases of parents burning their family members in living rooms, young men raping extremely old women, executives involving themselves in massive corruption and spouses assaulting their partners. For example, in the morning of 24 July 2016, one, Jackline Mwende had her hand chopped off by her husband for alleged barrenness. In Meru region which comprises of nine sub-tribes, crime annual reports from police stations indicated rape cases increased from 2014 to 2016 in all sub tribes. Out of the rapes cases reported from Tharaka sub-tribe, Chiakariga ward registered the highest cases not only in the ward but also in the sub-county with 12 cases according to the January 2016 Police Report from Marimanti police station. It is surprising to learn 75% of these offenses were committed by teenagers and young adults. This has negatively affected livelihood of the residents.

Informal controls and sanctions are arrived at through unconstitutional means and are executed in a manner contrary to the Kenyan Legal Codes and Legislations which generally define and govern our interactions. This 'unconstitutionalism' has posed constitutional and legal challenges to the application of these informal crimes controls and sanctions.

Modernization as a social transition makes society develop from mechanical society to organic society. In organic society, social anomie occurs which may cause social pathology including crime, Durkheim (1964). In an organic society where social pathology is likely to be high, functional laws should be in place to regulate emerging interactions and other deviant behaviours due to the rapid social transitions.

Modernization is characterized by urbanization, globalization, religion and education. Through modernization, people have been civilized in rank and file leading to social mobility. Effects of modernization have hit the entire world including the scholastic aspects of the contemporary

society. This has made people to appreciate that new cultures and lifestyles and have different social orientations and approaches to issues. It has also helped people to abandon their traditional lifestyles, traditions and practices, and develop different world viewpoints on varied social issues. These varied world viewpoints and abandonment of traditional lifestyles, traditions and practices have weakened social capital and social efficacy. Social capital and social efficacy are hotbed variables for effective application of informal crime controls in a society in maintaining social order. Consequently, the responsibility of maintaining social order has fallen on the shoulders of formal justice system alone, consequently, overwhelming the system.

However, in less modernized societies, crimes committed within the community are still controlled by community members by use of informal crime controls as a primary measure. It was, therefore, important to identify factors that have hampered application of informal crime controls in preventing and fighting crimes in the study area. Thus, the broad objective of this study is to identify existing factors, conditions and circumstances that obstruct application of informal crime controls in managing security in the study area.

1.2 Statement of the problem

Despite Chiakariga ward supposedly relying on coherent informal crime controls for decades, many crimes have continued to be reported in the area. Crime annual reports from Meru police stations indicate that criminal cases increased in the years 2014 to 2016 in all Meru sub tribes, with Chiakariga ward taking the lead. The incidence of rising cases of crime in a community erstwhile historically known for its elaborate informal controls is a clear indicator inherent malfunctioning of the controls. The informal crime controls are implemented through informal institutions which derive unofficial authority from the community or from personal informed opinion without observing general legal procedures. This phenomenon has raised legal concerns that question the validity of the resolutions made. Modernization has introduced new values in the society which have not only negatively affected traditional value system and social capital but have also negated informal crime controls on social control. There was scanty literature showing how practice of legal codes, modernization and social structures has contributed to the underperformance of informal controls in the study area. It is against this reality that this study examined the socio-

cultural and structural variables in relation to the application of informal crime controls in managing security in Chiakariga Ward in Meru County, Kenya.

1.3. Broad objective

To determine whether the practice of the legal codes, modernization and social structures have hampered the application of informal crime controls in managing security in the study area.

1.3.1 Specific objectives of the study

(i) To examine the effects of the practice of legal codes on informal crime controls in managing security in the study area.

(ii) To explore the effects of modernization on informal crime controls in managing security in the study area as a contemporary society.

(iii) To assess the effects of social structures and cultural practices on informal crime controls in managing security in the study area.

1.4 Research questions

(i) What are the effects of the practice of legal codes in the application of informal crime controls in managing security in the study area?

(ii) How does modernization affect the application of informal crime controls in managing security in the study area as a contemporary society?

(iii) What are the effects of social structures and cultural practices in the study area on the application of informal crime controls in managing security?

1.5 Justification of the study

First, this study has given an understanding of social, cultural and structural factors that affect the application of informal crime controls in managing security in Chiakariga ward. The understanding of these factors aids in coming up with proposals of the best practices in overcoming them. The proposals are based on concrete knowledge from the research findings and not on haphazard personal experiences and traditional trends. Secondly, this study has facilitated a better understanding of the challenges experienced when applying informal controls. With this in mind, appropriate recommendations are made towards the most ideal model for crime control. . Thirdly,

this study has broadened the body of knowledge on informal social control, which can be used by scholars for academic purposes. The body of knowledge can also be used by policymakers on matters regarding security management. Fourthly, this study has opened up other areas for further research on informal crime controls, not covered in this study.

1.6 Scope and limitations of the study

This study was carried out in Chiakariga ward in Tharaka-Nithi County, Kenya. It was conducted between August-September 2017 using qualitative research design targeting Chiakariga ward population and key informants. This study has focused only on social, cultural and structural factors affecting application of informal controls in managing security in the study area. Structured interview schedule was employed to collect primary data while cluster, convenient and purposive sampling techniques were used to sample target population. The scope of this study was limited to the shortcomings of informal controls in relation to the practice of Kenyan legal codes modernization and social structures, and especially the extent to which these factors have downtrodden application of informal crime controls in managing security in the study area.

Ideally, this study should have covered all residents of Chiakariga ward. This was not possible because it was impractical due to time constraints. However the problem was minimized by ensuring theoretical saturation during data collection period.

1.7 Definition of terms

Informal crime controls: Informal crime controls in this study refers to traditional based negative rewards carried out by unofficial groups or individuals such as family, neighbors and peer groups based on moral rules to restore social order.

Formal crime controls: The phrase Formal crime controls is used in this study to refer legal standardized punishments or negative rewards implemented by officials of government mainly the police, judges and correction officers to maintain law and order in the society as prescribed by law.

Community: This term is used in this study to refer a group of people living in the same defined area sharing the same basic values, organization and interests.

Justice system: For the purposes of this study, the term justice system refers to the processes through which justice is dispensed as well as the people involved in these processes.

Security/social order: In this study, social order means an all-encompassing condition in which an individual citizen live in freedom, peace and safety; and inhabit an environment which is not detrimental to their health and wellbeing.

Management: For the purpose of this study this word refers maintaining control or influence over a person or situation.

Application: In this study, application means employment for a special purpose or use to accomplish an end.

Factors: In this study, factors refer to circumstances, facts or influences that contribute to a result.

Practice of legal codes: This phrase refer how dispensation of the Kenyan written down laws in the maintenance of social order. A legal code outlines procedures to be followed when solving conflicts.

CHAPTER TWO
LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

This chapter reviews the literature related to informal crime controls as a means in managing security, its components and importance in security sector.

2.2 The Effect of practice of Kenyan legal codes on informal crime controls

When the term crime is mentioned, the general notion of theft, murder, assault, rape, fraud and other deleterious behavior gets into people's mind Clifford, (1974). The scholar opined that these behaviors disrupts order, declines public security and contribute to a steady raise of other social chaos. They should be controlled to protect lives and property, and to safeguard the social order against such offences. He proposed, this is through social reaction to bring conformity to society's norms. He continued to point out that, this requires reasonable calculations and not just common sensible guessing so as to come up with effective working controls on the ground. For the controls to be effective, they must be accepted by the people as no control mechanism can be said to be effective unless people begin to accept and appreciate their functional effort Clifford (1974). Clifford's study was based on how community traditionally reacts to social disorders to restore order in their social set-ups. This is by carefully establishing locally acceptable social controls whose effectiveness can be measured by their respective functional efforts.

Social support strategies like the family, the age group, the council of elders and community meetings employ unseen/inanimate social control agencies which consist of the ancestral patronage and verbalization that cooperatively ensure good behavior Babatunde, (1987). Wood (1942), also noted that verbalizations such as proverbs, song, adages, idioms, wise saying and informal negative sanctions like, blame, moral disapproval, discrediting and exclusion from association are instrumental in warning, guiding and counseling people.

Crime control models are dedicated to efficiency of law enforcement as a safeguard for public order Johnson, (1973). Conklin (1989) defined informal control with regard to crime control as "the reaction of individuals and groups that bring about conformity to norms and laws which

include peer and community pressures, bystander intervention in crime and collective responses such as a citizen patrol group", although the role of bystander in this crime control process is not well perceived. Informal sanction such as group censure is more paramount in controlling crime Conklin, (1989). He explains that loss of esteem in the eyes of relatives and peer group may be a more significant cost for an offender. Clifford (1976) in his findings observed that individual's concern for the good opinion of friends, relatives and neighbors is also a strong force of controlling deviant behavior where the internal social police seems to induce conformity out of fear of losing face. Babatunde (1987), Wood (1942), Conklin (1989) and Clifford (1976) acknowledge that informal controls and sanctions are powerful in sanctioning and are therefore effective in checking social behavior. However, they did not work on how the practices of legal codes have contributed to the underperformance of these agencies. It was against this view that this study sought to examine how the practices of legal codes have undermined the performance of the informal social controls under study.

Many of conflicts that occurred in Africa in 1990s were mostly solved formally or conventionally. Consequently the resolutions made as controls did not work and as a result many of these conflicts became protracted and intractable Galadima & Konteh, (2006). Challenges associated with formal approaches calls for alternative approaches to bring final resolution to the conflict leading to insecurity in the continent Boege, (2006). Findings of Boege's (2006) research showed that many of conflicts were exacerbated by traditional causes and traditional social entities such as extended families, lineages, clans and tribes that were parties to the conflicts. This, they did by introducing their own agenda into the overall conflict setting.

Use of traditional methods with traditional resolution to resolve the conflicts formed part of Boege's (2006) recommendations. Another research Boege carried on conflicts in Ghana the same year gave similar results: most of the conflicts in Ghana were traditionally based, because many of them revolve around traditional quest for power (chieftaincy) intricately linked to land ownership. However Boege (2006) recommends, social issues should be handled informally by use of informal strategies in form of controls and sanctions, he was not suggesting either traditional or contemporary factors that could affect their application neither was he giving possible measures that could be undertaken to overcome their effects.

Galadima and Konteh (2006) research findings reveal that most of conflicts which occurred in Africa in early 1990s were formally handled. Consequently, instead of the conflict ending it became protracted and intractable. While research done by Boege (2006) in Northern Ghana indicated that conflicts there had a traditional origin. He recommends that such social concerns should be handled informally by use of informal strategies. These two researches are not indicating how the formal and informal justice systems influences each other in their respective mandates neither are they showing the kind of symbiotic relationship that should exist between the two in managing security considering they operates in the same social set up. These missing aspects of informal justice systems were closely examined in the current study.

2.3 The effect of modernization on informal crime controls

Increased rate of crime mostly in the urban communities is due to lack of shared values and beliefs among members of a community and the inability to solve common problems Bursik & Grasmick, (1993); Jobes *et al.,* (2004); Osgood & Chambers, (2000); Sampson & Groves, (1989). This is due to social disorganization witnessed in these social set ups as there are no shared values and beliefs amongst the residents. This situation creates a socially and culturally heterogeneous community where social cohesion is literally elusive. In situations where social cohesion is elusive, application of traditional informal controls is greatly impeded.

Effectiveness of social controls in any community is dependent on the community's ability to realize common values which unite its members Durkheim, (1897). Findings from Bursik and Grasmick (1993) and Durkheim (1897) concur that shared values and beliefs are key elements to a unified community - an important element for a homogeneous community. It is a crucial for a community to confront deviance by applying commonly accepted social controls as a common front. Addressing ethnic conflicts in Northern Ghana and elsewhere demands using local beliefs, values and attitudes as well as local contexts, procedures, actors and practices. These beliefs, values and practices engages an understanding of local cultures' goal of reconciliation based on African Traditional Region (ATR) (Kirby, (2006). It is true that people respect their beliefs, obey what they value and always embrace what they practise. This is especially true within environments of strong social capital which helps to bond people together. Under this environment,

people fear to do things which are contrary to the expectations of the rest; for example, engaging in a deviant behavior. This depends on other factors namely the extent to which people hold the beliefs, values and practices sustainably and how positively they apply these elements of social bonding. The studies cited in the foregoing were based on contributions of shared values and beliefs to social conformity. They did not, however, put into account how modernization has infiltrated into these values and beliefs and its cost to social conformity. The current study hence investigated this phenomenon through its first objective.

Osgood and Chambers (2000) in their study summarized three kinds of social relationships in a community that positively influence social control: private order, parochial networks and public order. First, the private order is based on intimate and informal primary groups capable of controlling unacceptable behavior. Second, parochial networks are the broader local interpersonal networks and their relationships to local institutions such as schools, churches and civic groups. Third, the public order is an external resource related to community-level norms which influences social control through citizens' reactions to prior criminal events which take place in a community. Lower rates of diverse crimes in several rural communities are due to predominance of strong social ties in the community Wilkinson, (1984a; 1984b). His finding was that many rural communities have dominant strong social ties which prevent crimes from increasing in the community even when the community is experiencing high rates of family disruption, poverty and other forces. The finding of Osgood and Chambers (2000) concurs that long standing relationships among and between community groups and institutions have embolden community members to reproach unacceptable behavior amongst themselves so as to bring social order. In summary, Wilkinson (1984a; 1984b) and Osgood and Chambers (2000) noted in their research that strong ties rural communities enjoy do not give room for crimes to occur in spite of adverse social circumstances. However, they did not research on whether this has been affected by modernization attributed to contemporary community and social lifestyles dynamics. This was examined and concluded by questions asked in regard to this theme.

Traditional society deals with crime through internal and external social controls. The internal social controls use processes of deterrence such as personal shame and fear of supernatural powers. External controls rely on sanctions associated with actions taken by others in relation

to behaviors that may be approved or disapproved Okrah, (2003). These findings are based on the fact that the controls are applied locally on the platform of shared values and beliefs among the local community. However, the study failed to capture the effects of modernization to these internal and external controls in controlling crime. In an effort to bridge this gap, this study sought to examine how modernization has affected application of informal crime controls.

Traditionally, social entities such as chiefs, community elders, extended families, lineages, clans, tribes, religious brotherhood, local institutions and ethno-linguistic groups remained important in handling criminal activities Pkalya, Adan & Masinde, (2004). Informal approaches are not merely about adjudication of who is right or wrong and the punishment of culprits, but the reconciliation of the parties to restore security. The main aim being transformation of crime in which both parties are satisfied and willing to "let go their pain and forgive each other" Castro & Ettenger, (1996). This is "restitutive reconciliation" Boege, (2006). These findings recognize the importance of traditional informal institutions in handling criminal activities and the role they play in reconciling aggrieved parties, by not trying to establish who is right or wrong, but rather to encourage forgiveness amongst themselves. However the cited study did not consider how modernization has affected this spirit of traditional informal institutions in ensuring there is peace not only between neighbours but also amongst community members through restorative reconciliation. This concern was addressed by the current study.

Communities have continued to use informal social controls to regulate their interactions and interrelations. This is because the locals have belief in them. Informal sanctions such as group censure are more paramount in controlling criminal activities since loss of esteem in the eyes of relatives and peer group has a more significant cost for an offender than a court's judgment that a crime has been committed Conklin, (1989). For example, white collar crime offenders have been found to be affected more by accusation and indictment than by a criminal conviction. This shows how informal controls tend to make offenders feel a sense of guilt most probably because they feel the act will make them lose a good title they hold to the society. However, there is little literature showing if this is the situation today in the study area considering the uncountable social changes experienced today. This opinion is informed by the outrageous public theft being witnessed not only in the Kenyan urban centres but also in the villages. This occurrence questions the effective

functioning endurance level of informal controls and sanctions in checking people's behavior. This study sought to get responses from respondents as to why the informal controls are not so functional today.

According to a research done by World Bank (2006) in Indonesia, a number of observations about informal justice system were made: one, that informal justice systems often reflects local social norms thus they are closely linked to the local community since community members often have a sense of ownership towards their respective system; and two, that actors in these judicial systems have local legitimacy and authority that are not always afforded to formal operators and they tend to work well where the community is relatively homogenous, linguistically, culturally and is bound by ties of mutual dependency. In this setting, one often defines one's identity as being inextricably part of networks: familial networks, cultural networks, religious networks and a strong sense of bounded communities. Informal justice actors often understand local problems and are capable of finding practical solutions to their problems. Sometimes they are believed to have supernatural powers and this enhances their capacity to resolve local disputes and ensure enforcement. For example, many people in rural communities in Maluku, Indonesia, believe that breaching faith-based sanctions relating to protection of the environment, known as *Sasi*, can lead to illness or even death. The observations point out that informal justice system will work well where the community is homogenous because the situation bounds people together hence a cohesive functioning of social controls. However, the report did not examine whether homogeneity and a sense of mutual dependency of the community have been downtrodden by modernization aspects rendering it less effective in managing security. This was sought through the second objective of the current study.

2.4 The effect of social structures and cultural processes on informal crime controls

Broad social structural forces and long-term change inhibits capacity of local institutions to control behavior of its members through their localized means; for example, social norms, social ties, and community identity, Anderson & Dyson, (2002); Jacoby, (1994). Findings of these researchers concur that varied existing forces among social structures incapacitate local institutions and organizations in checking behaviors of its members by use of local means. This, however, is a general observation which does not specify how it does this. The current study thus sought to

specify how these social structural forces inhibited local social means in controlling bad behaviors of the members through its third study objective.

Carcach (2000a), Kaylen and Pridemore (2011), Krannich *et al.* (1985), Lee, Maumee and Ousey (2003), Reisig and Cancino (2004), Spano and Nagy (2005) and Wells and Weisheit (2004) who are criminologists and rural sociologists observed in their researches a variety of ways that social cohesion and social control may be threatened in nonmetropolitan areas. Among others, they include rapid population and/or economic growth, growing urbanization, high levels of unemployment and persistent poverty, and a variety of other structural-level social and economic conditions. While other scholars like Fischer (1980) and Wilkinson (1984a) have found out that diffusion of urban culture and values, as a basic overtime issue that influences individual behavior change and the integration of individuals and groups in nonmetropolitan localities, threatens community cohesion and hence social controls. Findings of the above researchers indicates that variables like rapid population, economic and urbanization growth, high levels of unemployment, persistent poverty, diffusion of urban culture and values among rural people generally influences their behavior change. This puts social cohesion and integration in the nonmetropolitan localities at stake and therefore the social control. These conclusions highlight variables which can jeopardize basis of social controls; however, a similar study has never been done in the current study area to ascertain these variables..

In summary, the term crime generally applies to deleterious actions like rape, robbery and fraud. The members of the society frown at these actions because they cost them dearly in their lives. To make their lives at least comfortable, societies have approached the situation variably. They have developed formal and informal crime controls to handle the situation generally. Informal crime controls are implemented through informal institutions and social support strategies like family, age groups and council of elders who facilitate socialization and conformity to socially accepted behaviors in their community. Effective application of these informal controls depends on social cohesion of the community. Where social cohesion is loose, informal crime controls are not easily applied and therefore not effective and vice versa. Social cohesion is strong in societies which have commonly shared values and beliefs. Members continue to use informal crime controls because they have a belief in them and conform to socially accepted behavior because they fear to

lose their socially held position. However, this type of social control has been threatened by rapid population and economic growth, growing urbanization, high levels of unemployment, poverty and economic conditions.

In conclusion, the literature available regarding informal crime controls reveals how informal crime controls have historically been used to control social behaviours effectively. It continues to tell us the ideal social environments under which traditional informal controls gives best results. A few scholars have suggested the likely situations under which their performance can be threatened. Considering the important role informal crime controls play as primary deterrence in controlling anti-social behavior, and the current skyrocketing rates of crimes in the nonmetropolitan communities, it is important to study factors affecting application of informal crime controls in checking these behaviors. It is against this backdrop that this study examined factors which have affected functioning of informal crime controls in the study area as one of the areas which is known historically of applying informal crime controls and yet crime index continues to rise. These factors were interrogated through study questions posed to respondents by interviewing them and later by analyzing the data descriptively.

2.5 Theoretical framework

From the literature review it is evident that social controls are community owned and they are effectively applied where society is homogenous in terms of value system, beliefs, customs and traditions. Therefore, there was need to review social control theories in order to understand why members of society conform to society rules and why people may fail to adhere to the same. To explain these, this study adopted the social bond theory, the structural-functionalism theory and the open systems theories.

2.5.1 Social bond theory

The social bond theory was proposed by Travis (1969). He developed this theory to explain the skyrocketing delinquency in America during the time among the teenagers, a habit which could be transferred to adulthood. Whereas every member in the society is expected to conform to the society rules, Hirsch argued that this is not automatic. To him conformity depends on the level of personal bonds with the society. Travis (1969) noted that a person's conformity is not based on

fear of punishment prescribed for example in the criminal law and social norms but rather on concern with violating their group's norms and damaging personal image of them held by those groups. Travis (1969) assumed that lack of conformity and effective application of social controls in America was associated with a person's or a group's weakened or broken bond to the society, a situation which reduces a person's or group's stake in conformity. According to Travis (1969), the social bond has four components upon which the bond is anchored and which make the bonding strong: attachment, commitment, involvement and belief.

Attachment refers to one's interest in others. It includes the feeling for others; feelings of being attracted to socialization and other social aspects. It is out of this that a person will obey society's social norms and be conscious about them. When this happens, strong feelings towards the social norms are established such that if one feels a delinquent act will put relationship between him and the group into jeopardy, he quits it.

Commitment refers to the time and effort a person places on the conventional lines of action. Hirsch noted that those who support and partake in social activities like investment in life, reputation, property and others tie themselves to morals and ethical codes of the society and they do not engage in criminal activities which will jeopardize their social position.

Involvement is the preoccupation in activities which stresses or emphasizes convectional interests of society Travis (1969). This leaves no room for a person to involve in criminal acts. Those who involve themselves in these activities are said to worship them and that they encourage others to join them on board. Belief refers to individual's assent or approval to society's value system which includes respect for law, and people and institution which enforce those laws. Travis Hirsch observed that people who live in common social settings share similar human values unlike otherwise. If beliefs are weakened or absent, then one is likely to engage in antisocial acts. He continues to comment that if people believe those laws are unfair, this bond weakens and the likelihood of committing criminal acts rises.

Travis (1969) continues to say that if people believe that the laws and values in existence are not fair to them, then they have contrary opinion over them therefore behaving differently. According to Travis (1969), the stronger these components bonds are, the least likely one is to deviate from

the society value system as without controls one is free to deviate since deviants reject all social norms and beliefs. This study explored factors which have made these bonds weaken making them dysfunctional. Travis social bond theory is a micro approach theory explaining deviance. It does not tell us failures of society that can lead to deviance. This weakness was addressed by structural-functionalism perspective.

2.5.2 Structural functionalism theory

The structural-functionalism approach is a macro perspective that sees society as a complex system whose parts work together to promote solidarity and stability. A change in one part of the society leads to a consequent change in another part. This leads to dysfunctioning of the society. The theory asserts that our lives are guided by social structures (social systems/societies/parts), which are relatively stable patterns of social behavior. Social structures example, in families, the community, and through religious organizations give shape to our lives. Each social structure has social functions, or consequences for the operation of society as a whole. Education, for example, has several important functions in a society, such as socialization and learning. Thus, the biggest assumption in Structural Functionalism is that society is made-up of groups or institutions, which are cohesive, share common norms, and have a definitive culture.

Emile Durkheim originally viewed society as comprising of social institutions which originally is a shared way for individuals in society to meet their own biological needs. Durkheim (1964) noticed that division of labor in society brought solidarity among the societies. For example, in primitive societies, Durkheim argued that mechanical solidarity kept everyone together. Durkheim theorized that shared values, common symbols, and systems of exchange functioned as the tools of cohesion in these societies. In essence, members of the society performed similar tasks to keep the community running. This shared collective conscience allows social order to be maintained. According to Durkheim, collective conscience is the set of shared beliefs, ideas and moral attitudes which operate as a unifying force within society. In such society, Durkheim viewed crime as an act that "offends strong and defined state of the collective conscience. "Because social ties are relatively homogeneous and weak throughout a mechanical society, the law has to be repressive and penal has to respond to offences of the common conscience.

In more modern and complex societies, individuals are quite different and they do not perform the same tasks. However, the diversity actually leads to a different form of solidarity "interdependence." Durkheim referred to this as "organic solidarity". Organic solidarity leads to a strong sense of individuals being dependent on one another. The division of labor in society requires specialization, and the result is organic solidarity. This perspective tried to dig out where the social systems, institutions and structures have failed causing social "unsolidarity" hence social disorder. This perspective has referred society as a formation of social systems which each execute its roles and functions for the society to be solid. This solidarity is a symbol of collective conscience hence social order.

2.5.3 Open systems theory

A system is a set of interlocking elements that acquires inputs from the environment, transforms them, and discharges the outputs to the external environment in the form of goods and services Daft (2001). Thompson (1967) distinguished between closed and open systems. He underpinned that closed systems are relatively autonomous from the external environment, whereas open systems constantly interact with their environment. Morgan (1997) has likened open system organizations to organisms depending on both context and internal subsystems. The 1920s and 1930s Hawthome studies found that systems increasingly operate in complex and unpredictable contexts and demonstrate the importance of social needs and informal organizations in the workplace.

As an open system, the organizational structure and activities within justice system depend on these contextual and internal features within the entire justice system organizational context. The informal justice system can be likened to a subsystem within the overall criminal justice system; meaning that, if anything goes wrong within the justice as an organization, it will definitely affect all the subsystems, including the informal justice system. According to this theory, the problems facing informal justice subsystem can be traced back to the justice system as an organization. Therefore, for one to analyze and understand the problems, they need to examine the organizational context and compare with features of the environment under which the informal justice subsystem operate. The systems theory has shortcomings in that it does not specify when and how collaboration among the subsystems needs to take place, nor what to do

when the analysis suggests that there are existing or potential conflicts between the institutional/work environment, and structure of the concerned institutions. This is, however, inconsequential as per as this study was concerned

2.6 Conceptual framework

This study was guided by the conceptual framework below.

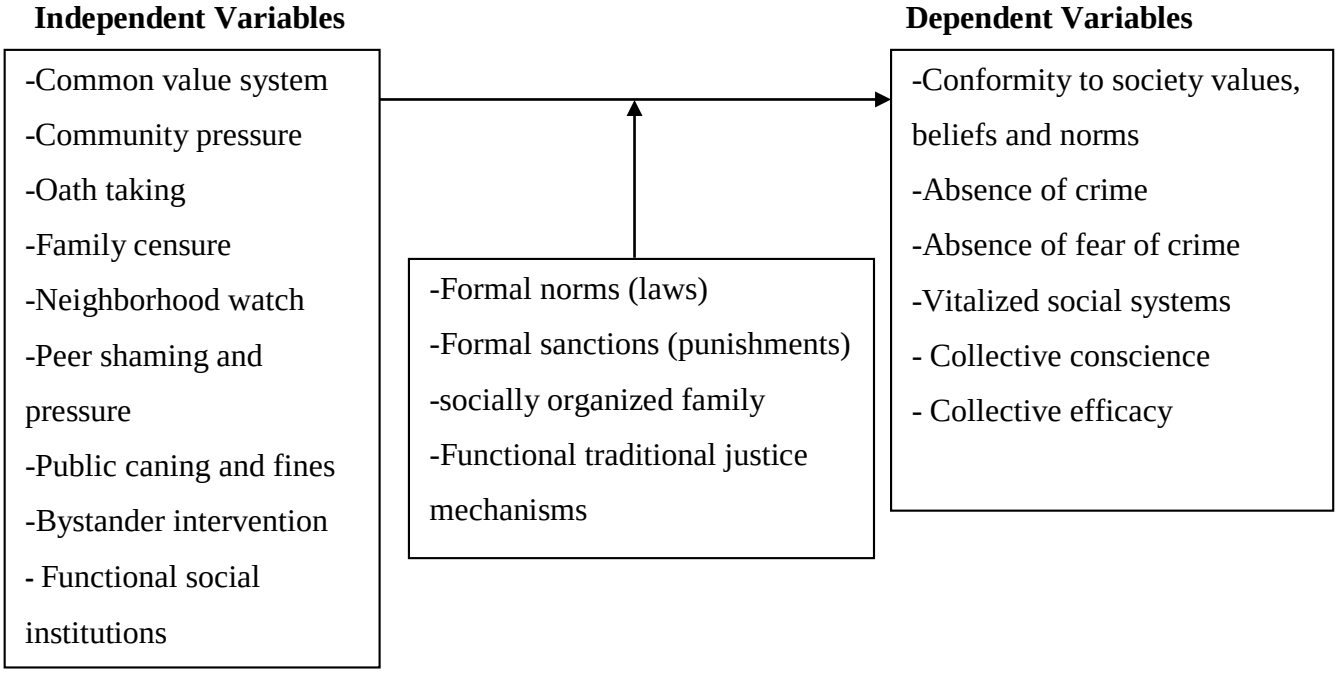


Figure 1: Conceptual framework

Informal crime controls in Tharaka community are mainly society common values, beliefs and norms while sanctions includes peer and community censure, oath taking, family censure, neighborhood watch, peer shaming and pressure, public caning and fines and bystander intervention. Crime control is characterized by conformity to society values, beliefs and norms, absence of crime, absence of fear of crime, vitalized social systems, concerted collective conscience and efficacy. When one is bound by these informal controls and sanctions, he is said to have conformed and vice versa. Social conformity can directly be caused by society common values, beliefs and norms as informal controls and peer shaming, public caning and fines, neighborhood watch, family censure, oath taking, community, and peer censure as community

informal sanctions. However, it can also be attributed to other factors like formal norms (laws) and sanctions (punishments), socially organized family and functional traditional justice mechanisms. For better application of informal controls and sanctions, social cohesion is key. Absence of social cohesion is a hotbed for society pathology like high crime rates, social violence and socio-economic breakdown.

CHAPTER THREE
METHODOLOGY

3.1 Introduction

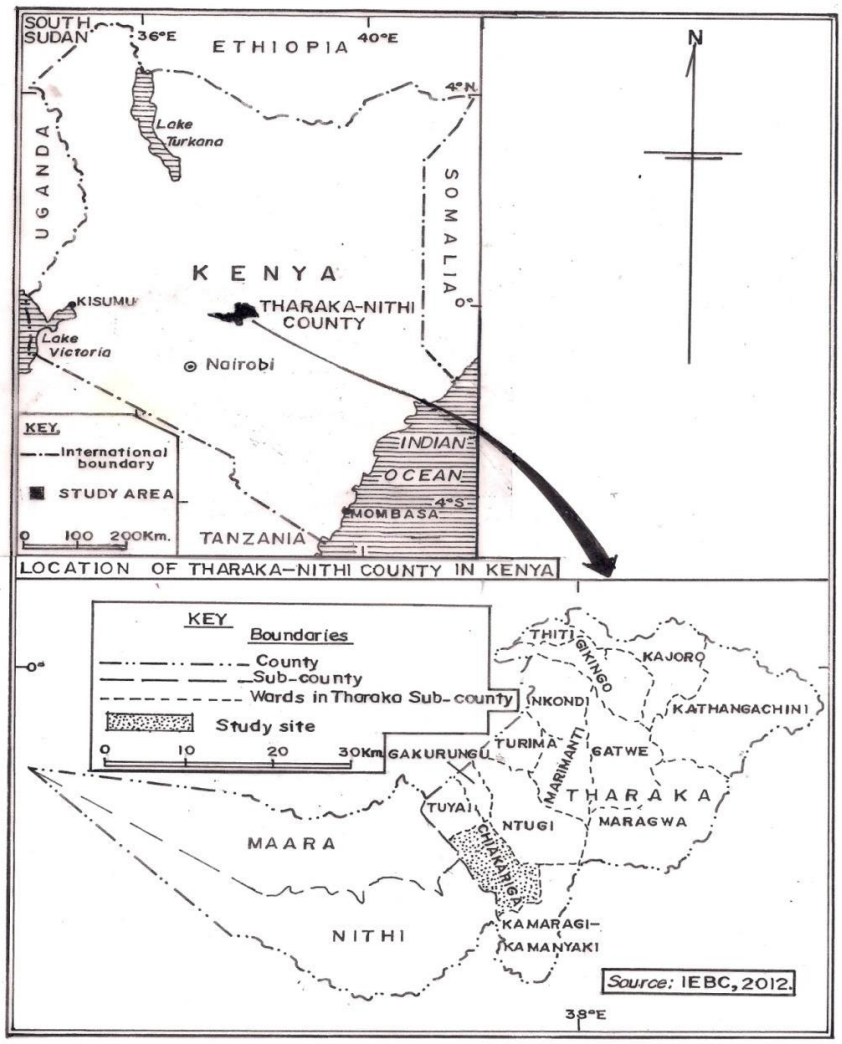
This chapter describes the research methodology that was used to meet the objectives of this study. The chapter describes research design, study area, target population, sample size and sampling procedure, methods and tools of data collection, and method of data analysis.

3.2 Research design

This study adopted a qualitative design to examine the problem under study. This is because qualitative design is ideal for gathering information about people's perception, attitude, opinions, habits and a variety of social issues, allow details to be obtained from multiple sources of information. While this design suffered from various factual inaccuracies due to the subjective nature of the respondents, it was still the ideal design for this study as the inaccuracies were checked during data collection.

3.3 Study area

This study was conducted in Chiakariga Ward, Tharaka-Nithi County, Kenya in the months of August-September 2017. Currently the ward is serving four locations: Chiakariga, Tunyai, Nkarini and Kamarandi. Chiakariga Ward borders Ntugi Ward to the North, Kamanyaki to the South and Maara and Nithi sub-counties to the West as indicated in the study area map in Figure 2. Chiakariga Town is both the headquarters of Chiakariga Ward and the largest commercial hub of the ward. The Tharaka sub-tribe dominates the area with one language spoken, the *kitharaka.* The ward enjoys substantially stable informal crime controls under the watch of Njuri Nceke council of elders. The area is dominantly Christian as witnessed with the presence of the oldest churches in the area. The area is semi-arid and farms drought resistant crops like finger millet, millet, sorghum and maize. Other commercial activities here are animal and shop keeping. Demographically, the study area has all social classes of people, young and old, illiterates, semi-illiterates, literates and highly educated, extremely poor, poor, semi-poor and the rich. Crimes here are mainly due to social and structural factors that influences their daily lives.



Source: (IEBC, 2012)

Figure 2: Map of Kenya showing Chiakariga Ward of Tharaka-Nithi County, the study area.

3.4 Target population, sample size and sampling procedure

3.4.1 Target population

The current Chiakariga ward has 6500 households (Kenya Bureau of Statistics, 2009) and four locations as administrative units as indicated below with their respective total households: Chiakariga, 1950; Nkarini, 1830; Tunyai, 1525 and Kamarandi 1195. This study targeted people aged between 20-60 years. This is because they either directly or indirectly take part in committing

crime and they have knowledge on the effects of the studied factors to the application of informal crime controls in managing security. Crime index increase in the ward, the study area having rich and coherent informal social controls where Njuri Nceke council of elders has roots of operation as well as its rural set up makes Chiakariga ward a good study area of this research topic.

3.4.2 Unit of analysis

Unit of analysis was adults irrespective of gender who fall within the bracket of 20-60 years, 2 pastors, 2 chiefs and 2 assistant chiefs, 2 head teachers, and 2 Njuri Nceke representatives from Chiakariga ward all who were estimated to be informed of factors affecting application of informal crime controls in the study area.

3.4.3 Sample size

Chiakariga ward has the following number of households between the ages of 20-60 per each location according to the Kenya Bureau of Statistics (KBS), 2009):Tunyai = 141, Nkarini =129, Chiakariga=170 and Kamarandi=202. To determine the sample size, the study was guided by Neuman (2003) concept that 20% of target population is appropriate in a descriptive study. The sample size was calculated per location based on the percent and distributed equally per age bracket. A total sample of 100 respondents and 10 key informants were selected to be interviewed.

3.4.4 Sampling procedure

Cluster, convenient and purposive sampling techniques were adopted in this study. The researcher adopted cluster sampling to group targeted study area into administrative units called locations. The technique was also used to group the target study group into year's interval of 20-30, 31-40, 41-50 and 51-60. Cluster sampling is where a sample is grouped based on its natural occurrence so as to make further sampling easier. Convenient sampling was employed by this study to select respondents from the targeted sample bracket. This is where respondents are selected based on his or her availability. This study adopted purposive sampling to select key informants. This is where sample is selected dependent on the knowledge the sample has in relation to research topic. This is informed by the expected sources of data for this study.

3.6 Methods of data collection

The researcher conducted interviews aided by an interview guide to collect primary data. Selection of this tool was guided by nature of data to be collected, amount of time available as well as the objectives of the study which were to collect views, opinions, and attitudes on social, cultural and structural factors affecting application of informal controls in managing security in the study area. This method enabled the researcher to balance between quality and quantity of data collected and at the same time provided the actual information required. This balance allowed for a better explanation of the phenomenon under examination.

3.7 Pilot testing

To check validity of instrument used, researcher conducted a pilot testing to identify deficiencies in the instruments. Issues such as unclear questions, insufficient space to write responses and wrong numbering were addressed.

To test reliability of instrument used, the researcher tested and retested them whereby researcher administered the test to a pilot group of similar characteristics as the study group. The researcher further re-administered the same test to the same group of individuals after two weeks. Piloting was done in the neighbouring Ntugi ward.

3.8 Data analysis

The data collected was cleaned, coded and analyzed under the broad categorization guided by the research objectives and questions. Data collected was analyzed using descriptive statistics through the Statistical Package for Social Science (SPSS version 20). Descriptive statistics involved the use of frequencies, tables and percentages. The data from the field was first analyzed by categorizing the instruments into their homogenous groups, coded and then synthesized to come up with thematic data. The primary data was synthesized to come up with integrated thematic issues in relation to the study objectives. This is because some respondents gave similar answers to particular questions. Research objectives were thematically based. Such data analysis methods met the expectations of the research design which is a qualitative research. Information from key informants was compiled and summarized into themes, and triangulated with findings from the public (main respondents). To harmonize conflicting field data corroboration with published works was done.

3.9 Ethical considerations

Several ethical measures were taken into consideration. First, this study ensured confidentiality of the study participants by ensuring names of respondents do not appear anywhere. This ensured their identities are not revealed. Secondly, respondents were assured of confidentiality of the data collected. This encouraged them to give data without fearing. Thirdly, approval to carry out research was sought from Board of Post Graduate Studies, Egerton University and from the National Commission for Science, Technology and Innovation (NACOSTI). Fourthly, the study was professionally conducted without inducing respondents to answer questions. Fifth, researcher assured participants that any benefits accruing from the research would reach them as the research recommendations will be submitted and discussed with the relevant authorities for action taking. Sixth, the study took utmost care to ensure that the research is original and involved no plagiarism. Seventh, the researcher showed respect to respondents and ensure that privileges accorded are not abused.

CHAPTER FOUR
RESULTS AND DISCUSSIONS

4.1 Introduction

This chapter presents the findings and interpretation of the results. The findings and interpretation are arranged according to the research objectives. In the first section, background information of the respondents is presented because it is pertinent in interpreting the data that they provided.

4.2 Respondents' demographic information

The research instruments solicited demographic information of the respondents. These included gender and age of the respondents.

4.2.1 Respondents' gender

Majority of the respondents were female (57%) while males accounted for 43 percent as shown in the Table 4.1 below.

Table 4. 1: Gender of respondents

	Frequency	Percent
Male	43	43.0
Female	57	57.0
Total	100	100.0

4.2.2 Respondents' age

The average age of respondents was 31 years with the youngest respondents recording 20 years while the oldest was 57 years as shown in Table 4.2 below.

Table 4.2: Respondents' age

	N	Minimum	Maximum	Mean	Std. Deviation
Age of the respondent	100	20	57	30.74	9.315
Valid N (list wise)	100				

Results

Responses to the questions asked were presented according to the objectives of this study. The results was described after every subsection then presented in tables. With the exception of Table 4:15 of this study, all other questions asked in this study received multiple responses therefore indicating percentages totaling above 100%.

4.3 Effects of the practice of Kenyan legal codes on informal crime controls

Social control may be enforced using informal sanctions, which may include shame, ridicule, sarcasm, criticism and disapproval. In extreme cases, sanctions may include social discrimination and exclusion. Informal sanctions can have a powerful effect; individuals internalize the norm, which becomes an aspect of personality. Social control may also be enforced using formal sanctions. Formal sanctions may be used in a large group in which an individual can choose to ignore the sanctions of other individuals. This form of control usually takes the form of government action. Government and organizations use law enforcement mechanisms and other formal sanctions, such as fines and imprisonment. In schools, formal sanctions may include detention, suspension, or other formal punishments.

4.3.1 Social disorders and practice of legal codes

This subsection sought to establish relationship between the increasing social disorders in the study area and the existing legal codes. When asked whether the witnessed increase in deviance and social disorders in the study area can be attributed in any way to the existing legal codes, 92 percent of the respondents said YES. When the respondents were asked how the legal codes have contributed to the deviant behavior, 46 percent reported that legal codes are too procedural, they are undermined by the practice of legal codes (38.0%), criminals are protected by human rights codes (31.5%), legal codes give small deterrence (27.2%), the legal codes do not give room for the

application of traditional controls (22.8%) and they do not give room for immediate correction of bad acts (18.5%) as shown in Table 4.3 below.

Table 4.3: How the legal codes have contributed to deviant behavior

	N	Percent of Cases
It is too procedural	43	46.7%
Traditional practices are undermined	35	38.0%
Criminals are protected by human rights	29	31.5%
Small deterrence	25	27.2%
Don't give room for the application of informal controls	21	22.8%
Legal codes do not allow room for immediate correction of bad acts	17	18.5%

4.3.2 Application of informal social controls and the legal procedures and provisions

This subsection aimed at finding out whether informal controls adhere to the procedures and provisions of the law when it is used to dispense justice. When asked if application of informal control follow procedures and provisions of the law, a great majority of the respondents (82%) reported that they do not follow the general provisions of legal codes while 18 percent held a contrary opinion. For those who said YES, 92.9 percent said this has affected their application while the rest said NO as shown in Table 4.4 below.

Table 4. 4: Application of informal crime controls and legal procedures and provisions

		Frequency	Percent
According to the way informal crime controls are applied here, does it follow the general provisions of legal codes?	Yes No	9 41	18.0 82.0
If no, does this affect their application?	Yes No	47 3	92.9 7.1

4.3.3 Practice of legal codes and optimal application of informal crime controls

The subsection sought to establish whether practice of Kenyan legal codes affects optimal application of informal crime controls. When asked whether practice of the legal codes affects optimal application of informal controls, all the respondents said YES. They cited, the codes implementers of Kenyan legal codes penalize enforcers of informal code (28 %) and people have the non-legality perception about the informal crime controls (25.6%). Moreover 23.2 percent asserted that Kenyan legal codes limit the application of informal crime controls, they have long procedures (19.5), the informal crime controls lacks credibility (18.3%), the informal controls have no common standard of application (17.1%) and they lack evidence when making resolutions (15.9%), while 13.4 percent had the view that the informal crime controls may not have ready mechanisms to deal with issues, as shown in the Table 4.5 below.

Table 4. 5: How practice of legal codes affects control of social disorder

	N	**Percent of Cases**
Legal codes implementers penalize enforcers of informal control	23	28.0%
Non legality perception	21	25.6%
Legal codes limit the application of informal controls	19	23.2%
Have long procedures	16	19.5%
Lack credibility	15	18.3%
It has no common standard of application	14	17.1%
The informal crime controls lacks evidence	13	15.9%
Informal crime controls may not have ready mechanisms to deal with issues	11	13.4%

When respondents were asked to give way forward to this effect, most of them recommended constitutional review to recognize traditional practices (60.6%), 35.1 percent would like the traditional practices, customs and traditional justice mechanisms such as *'kirimo', 'gaaru' muuma* and *'mwiriga'* to be reinstated and promoted. *Kirimo* is an initiation ceremony for young people before they are circumcised. During the ceremony, youths were taught on how to stay with parents and society in general. *Gaaru* was a central place where male adults could gather to discipline

errant male adults. *Muuma* was a justice finding event administered between two conflicting parties. It involves vow taking such, if the vow the party has taken is contrary to the truth, the party suffers predicament as vowed. *Mwiriga* is similar to *gaaru* but here even the female were punish. Moreover, 28.7 percent recommended popularizing of informal controls among the community members, promoting the local culture and practices. Other suggested ways include; Informal controls should be backed by legal provisions (16.0%) and that there should be integration between the legal codes and informal controls (5.3%) as shown in Table 4.6 below.

Table 4. 6: Ways to ensure optimum application of informal controls

	N	Percent of Cases
Review constitution and recognize traditional practices	57	60.6%
Promotion/ return of traditional practices, customs and traditions	33	35.1%
Informal controls should be popularized	27	28.7%
Using family heads to enforce justice on the affected parties	17	18.1%
Informal controls should be backed by legal provisions	15	16.0%
There should be integration between the legal codes and informal controls	5	5.3%

4.3.4 Possible applicability of informal controls today

When respondents were asked whether they believed in possible applicability of informal crime controls today, majority of the respondents (68%) reported they do NOT believe while 32 percent believed. For those who did not believe, 35% percent reported that informal crime controls are too much liberalized, it is hard to apply the controls (31.7%), there is social disorganization among the community members (25%), the society is not united to implement informal controls (23.3), the informal controls have been weakened (20%) and that the informal crime controls are unconstitutional (15 %) as shown in Table 4.7 below.

Table 4.7: Reasons why respondents do not believe in applicability of informal controls

	N	Percent of Cases
The informal social controls are too much liberalized	21	35.0%
It is hard to apply them	19	31.7%
Social disorganization among society members	15	25.0%
The society is not united to implement social controls	14	23.3%
The informal social controls are so weakened	12	20.0%
They are unconstitutional	9	15.0%

4.3.5 Respondents' attitude towards informal social controls

This subsection sought to understand as individuals, whether the respondents believed in the informal crime controls. When respondents were asked if they personally believe in the informal crime controls and sanctions, 70 percent indeed agreed. Out of those who believed in informal controls, 27.7 percent said the controls help in restoring respect in society, they promotes togetherness in the society (19.1%), brings social homogeneity (18.1%), they value peoples' lives (16%), causes prompt justice (14.9%), leads to organized societies(13.8), they help to build families, the controls create history (7.4%), and contributes to social cohesion (5.3%) as shown in Table 4.8.

Conversely, thirty percent of the respondents reported that they personally do not believe in informal crime controls and sanctions. 22.3 percent of the respondents reported the controls cause more harm than good, they are subjective (21.3%),they do not give offenders time to defend themselves (17%), they cause low esteem among individuals, they are not protected by law (10.6%) and they are not relevant today (9.6%) as shown in Table 4.8 below.

Table 4. 8: Reasons for believing/not believing in the social controls and sanctions

		N	Percent of Cases
Yes Responses	Helps in restoring respect in society	26	27.7%
	Promotes togetherness in the society	18	19.1%
	Encourages homogeneity	17	18.1%
	It values peoples' lives	15	16.0%
	They cause prompt justice	14	14.9%
	Leads to organized societies	13	13.8%
	Builds families	7	7.4%
	Creates history	7	7.4%
	Contributes to social cohesion	5	5.3%
No responses	They cause more harm than good	21	22.3%
	The informal social controls are subjective	20	21.3%
	People are not given time to defend themselves	16	17.0%
	Causes low esteem among individuals	10	10.6%
	They are not protected by law	10	10.6%
	They are not relevant today	9	9.6%

4.4 Modernization and application of informal crime controls

This objective tried to examine whether aspects of modernization has affected the application of informal crime controls in managing security in the study area. The modernization aspects tested under this objective were media, religion (churches), urbanization and globalization. These aspects have not only made many societies modernized, changed people's world view points but also it has negatively influenced application of informal crime controls in checking social order.

4.4.1 Media and social disorder

This section intended to assess contribution of media over the escalating criminality in the study area. When asked whether they believe by learning how crimes are committed in other areas through media can motivate people into committing crimes, all the respondents unanimously agreed.

This section was also interested to know whether media has helped in the application of informal crime controls. When asked whether they think media has helped application of informal controls, only 70 percent of the respondents reported NO, citing media has hampered socialization in the community (28.8%), through media people have learned bad behavior (23.8%), media exposes some informal controls that were supposed to be conducted secretly (18.8%), the media does not regulate what they show (17.5%) example, indecent dressing by musicians, indecent scenes in movies which has immensely contributed to erosion of morals, and that the media has changed the social orientation of people (11.3%) as shown in Table 4.9 below.

Table 4.9: How media has contributed to social disorder

	Frequency	**Percent**
Hampered Socialization in the community	23	28.8%
People learn bad behavior through it	19	23.8%
Media exposes some informal controls that were supposed to be conducted secretly	15	18.8%
It does not regulate what it shows	14	17.5%
Changed social orientation of people	9	11.3%

4.4.2 Christianity and informal crime controls

This heading intended to assess whether the conformity gospel commonly given in worship places has helped people to adhere to informal crime controls. When asked whether they believed wide spread of churches and their conformity gospel has helped the residents adhere to the informal crime controls and sanctions, 52 percent of the respondents expressed, it has not helped with only a minority 48 percent holding a contrary opinion. For those who said churches have not helped residents to adhere to informal crime controls, 28.8 percent reported that churches have their own doctrines that they believe in, the churches are liberalized (believe only God can judge) (23.1%), that churches are not practical in implementing conformity agenda (21.2%),they contradicts traditional values and practices (17.3%), some churches today are not genuine (15.4%)and churches have disowned traditional controls (13.5%) and as shown in Table 4.10 below.

Table 4. 10: Reasons why Christianity has not helped people to adhere to informal controls

	N	Percent
The churches have their own doctrines that they believe in	15	28.8%
The churches are liberalized as only God can judge	12	23.1%
Churches are not practical in implementing conformity agenda	11	21.2%
Contradicted traditional values and practices	9	17.3%
Some churches today are not genuine	8	15.4%
There have disowned traditional controls	7	13.5%

4.4.3 Urbanization and Social Glue

This section assessed whether urban lifestyles transferred to the rural areas due to urban rural migration have negatively impacted on social glue in the study area. When question was asked as to whether these urban lifestyles have negatively impacted social glue in the study area, 92% reported said YES. When asked if YES, how?, they said urbanization has spread urban life to rural areas (51.1%), urban values conflicts with the traditional culture (20.7%), they distorts traditional values and hampers seamless socialization (18.5%), and they erode local values and spirit of the application of informal controls (15.2%) as indicated in Table 4.11 below.

Table 4.11: Effects of Urbanization on Application of Informal Controls

	N	**Percent**
Spread of urban life, values to rural areas	47	51.1%
Limits socialization processes	21	22.8%
Conflicts with the traditional societal culture	19	20.7%
It distorts traditional values	17	18.5%
Erodes local values of the application of informal crime controls and sanctions	14	15.2%

To get remedy of YES responses, respondents suggested there is need to strengthen local values (45.2 %), ensure continuity of positive application of traditions (33.9%), illegalize urban characteristics (17.7%), recognize informal controls in the constitution (16.1%), and that people should take their children to the rural areas more often in order for them to learn their local traditions (those living in urban areas) (12.9%) as indicated in Table 4.12 below.

Table 4.12: Ways of Countering Urban Values and Promote Informal Controls

	N	**Percent**
Strengthening local values	28	45.2%
Positive application of traditions should continue	21	33.9%
Illegalize bad urban lifestyles	11	17.7%
Recognize informal controls in the constitution	10	16.1%
People should take their children to the rural areas more often	8	12.9%

4.4.4 Growth of Small Commercial Centers and Neighborhood Spirit

This section intended to test whether mushrooming of small commercial centers has reduced neighborhood spirit in the study area. When asked whether this has reduced neighborhood spirit, all the respondents agreed. This was by making residents to feel and think economically which reduces neighborhood spirit. This at individual level(owner) has made them become self-centered (75%), while 25 percent had contrary opinion.

Respondents were asked to suggest how to promote informal control at individual level. Responses were that, prioritize the need to popularize the importance of neighborhood spirit (51.4%), minimize situations where money is introduced to the young people (20.8%), ensure the accepted informal crime controls are applied but not in contradiction with the law (15.3%) and conduct a cost effect analysis of the reality and adopt less costly method (12.5) as shown in Table 4.13 in page 35.

Table 4.13: How to Promote Informal Social Controls

	Frequency	Percent
Popularize importance of neighborhood spirit	37	51.4
Minimize situations where money is introduced to the young people	15	20.8
applying accepted informal controls but not in contradicting law	11	15.3
Conduct a cost effect analysis of the reality and adopt less costly method	9	12.5

4.4.5 Globalization and Application of Informal Controls

Communication today has been made easier globally by the advanced media technology. This has caused diffusion of cultures from region to region. The objective of this section was to ascertain whether these global cultures have reached the study area. When they were asked whether this has happened, all the respondents reported YES. When they were asked to give examples of the emergent cultures witnessed, the emergent cultures included new shaving styles for males and new hairstyles for ladies (64.3%), wearing mini-skirts/ short dresses as well as new dress codes for both men and women (50%), piercing of ears (15.7%), new food preparation methods (14.3%), different circumcision methods (12.9%), body bleaching (12.9%) and new languages (10%) as shown in Table 4.14 below.

Table 4.14: Examples of Emergent Cultures

	N	Percent
Shaving styles/ hairstyles	45	64.3%
Wearing mini-skirts/ dress code	35	50.0%
Piercing of ears	11	15.7%
New food preparation methods	10	14.3%
Different circumcision methods that affect gender and age	9	12.9%
Body bleaching	9	12.9%
New languages	7	10.0%

4.4.6 Global Emergent Cultures and the Local Cultures

This subsection sought to establish whether global emergent cultures witnessed in the study area have conflicted with the local cultures and secondly whether the emergent cultures supported the application of informal crime controls. When asked whether they have conflicted with the local cultures, majority of the respondents (89%) reported YES and when asked whether they have been supportive to the application of informal controls, all the respondents indicated NO as shown in table4.15.According to respondents the new cultures have, helped in development of new behavior (51.4%), they do not adhere to the values of the local cultures (48.6%), they treat local informal crime controls as outdated (27.0%), and they have helped to promote social evils via social media (13.5%). The question had multiple responses.

Table 4.15: Effects of the Emergent Cultures

		Frequency	Percent
Whether the emerging cultures have conflicted with the local culture	Yes	89	89.0
	No	11	11.0
Whether the cultures have been supportive to the effective application of informal social controls	Yes	0	0.0
	No	100	100.0

4.5. The effect of Social Structures on Informal Crime Controls

The main aim of this sub-heading was to capture views of respondents as to the effects of social structures in the study area to the application of informal crime controls. Social structures tested under this objective were age difference and education levels. This is because they are obvious and common.

4.5.1 Social Structure and Social Cohesion

This subtitle sought to understand whether social structures in the study area have comprehensively promoted social cohesion in the area. When asked this question, majority of the respondents (95%) reported NO. This was attributed to people's different socialization (36.9%), people adopting

individualistic thinking (31.0%), varied civilization (20.2%), commercial thinking of people (15.5%), social structures based on myths and misconceptions (14.3%) and their hedonistic nature (6.0%) as shown in Table 4.16 below.

Table 4.16: How social structure Cause lack of social cohesion

	N	Percent
Different people's socialization	31	36.9%
Individualistic thinking of people	26	31.0%
Varied social civilization	17	20.2%
Commercial thinking of people	13	15.5%
Social structures based on myths and misconceptions	12	14.3%
Hedonistic nature of social structures	5	6.0%

4.5.2 Age Factor and Application of Informal Controls

This heading aimed to assess how old and new generations apply informal crime controls. When asked, whether old and new generations equally acknowledge informal crime controls; all the respondents reported NO. To identify which between the generations readily embraces the controls, respondents were asked a question to this effect. All respondents reported that it is the old generation that readily embraces informal social controls. When asked to give reasons for NO answer, responses were, unlike the new generation, the old generation understands the importance of social controls (51.1%), the old generation is more cohesive (24.4 %), the new generation people consider themselves as modern (21.1%), informal crime controls are incompatible to the new generation (13.3%), the old generation does not value the new values (12.2%), and old and new generations have different orientations and socializations (10.0%) as indicated in Table 4.17 below.

Table 4.17: Reasons why Old Generation readily embraces Informal Controls

	N	Percent
They understand the importance of social controls	43	51.1%
The old generation is more cohesive	22	24.4%
New generation people consider themselves as modern	19	21.1%

Informal crime controls are incompatible to the new generation	12	13.3%
The old generation do not value the new values	11	12.2%
Different generational orientations and socializations	9	10.0%

This section also sought to understand whether personally the respondents believed in the informal controls. This intended to establish personal attitude towards the informal controls. When respondents were asked whether they personally acknowledge and embrace informal controls, 90 percent of the respondents indicated YES. When asked why they acknowledge and embrace informal social controls and sanctions, they quoted, informal controls contribute to good conduct (38.9%), they ensured people maintained discipline (18.8%), they restores social order(22.2%), Cultivates good values in society (14.4%), Promotes social homogeneity (11.1%), Saves resources(7.8%) and they are authoritative (7.8%) as indicated in Table 4.18 below.

Those who seemed not to embrace informal controls said, this was because they are not fair to the new generation (21.1%), they are not considerate to personal issues (12.2%) and they are not consistent with the legal codes (10.0%) as shown in Table 4.18 below.

Table 4.18: Reasons for Embracing/Not Embracing Informal Social Controls

		N	**Percent**
Reasons for Embracing informal controls	Contributes to good conduct	35	38.9%
	Maintained discipline	29	32.2%
	Restores social order	20	22.2%
	Cultivates good values in society	13	14.4%
	Promotes social homogeneity	10	11.1%
	Saved resources	7	7.8%
	They are authoritative	7	7.8%
Reasons for not embracing informal controls	They are not fair to the new generation	19	21.1%
	Not considerate to personal issues	11	12.2%
	They are not consistent with the legal codes	9	10.0%

4.5.3 Education Level and Application of Informal Controls

This topic sought to establish how different education levels apply informal crime controls. The first test was on education and social cohesion. When asked whether increase of educated people in the study area has reduced social cohesion among people, 59 percent indicated YES while 41 percent had contrary opinion as shown in Table 4.19.

The second question was between the educated and non-educated people, which between the two levels are receptive to informal crime controls. The question intended to know which between the two distinct groups have positive attitude towards informal crime controls. When asked who between the two is more receptive, almost all the respondents (89%) indicated that the non-educated members of the society were more receptive to the informal crime controls and they readily apply the controls and sanctions to reproach social disorder than the educated members (11%) as indicated in Table 4.19.

The third test was, between the two groups which readily apply informal controls in combating anti-social behaviors. When the question was asked, 91 percent of the respondents indicated the non-educated contrary to the educated 9 percent as shown in Table 4.19 below.

Table 4.19: How various Education Levels Apply Informal Controls

		Frequency	**Percent**
Whether increase in number of educated people has reduced social cohesion	Yes	59	59.0
	No	41	41.0
The group which is more receptive to social controls	Educated	11	11.0
	Non educated	89	89.0
The group ready to apply the informal controls and sanctions to reproach social disorder	Educated	9	9.0
	Non educated	91	91.0

4.5.4 Education Levels and adherence to Informal Controls

This subsection assessed generally how various levels of educated people adhere to informal controls. Levels tested here were primary, secondary and higher (under and post graduate).

Table4.20 illustrates the trend of adherence to informal controls and sanctions by various education levels. As indicated in the table, the higher the level of education, the lower the adherence to these sanctions and controls. When the question was asked in relation to this subsection, responses were that those of primary education level (79%) tended to have a high adherence to these controls with secondary having an average adherence (85%), and higher education attracting very low adherence (81%) with alternate responses percentage respectively.

Table 4. 20: How People of different Education Levels adhere to Informal Controls

		Frequency	**Percent**
Primary education	High	79	79.0
	Very high	21	21.0
Secondary education	Average	85	85.0
	High	15	15.0
Higher education	Very low	81	81.0
	Very high	19	19.0

Respondents were asked to suggest way forward in the event of the above registered results. This was meant to get their opinion on the issue. When the question was asked, suggestions were, traditional practices, values and controls to be emphasized alongside education (63.3%), starting traditional programs,(36.7%), and creating interest for the educated people to learn various informal crime controls and values (26.7%) as indicated in Table 4.21 below.

Table 4.21: Ways of Promoting Informal crime Controls

	N	Percent
Traditional practices, values and controls to be emphasized alongside formal education	19	63.3%
Starting traditional programs	11	36.7%
Creating interest for the educated people to learn various informal social controls and values	8	26.7%

4.5.5 Respondents' Perception towards the Society

This subsection aimed to collect respondent's perception, view and opinion on whether society takes care of their problems. When asked whether the respondent felt the society has taken care of his problems as intended, most of the respondents (93%) reported NO. Further, the study sought to know from those who said the society has not taken care of their problems whether they feel guilty when they do something that offends the society. When asked the question in this regard, 71 percent of the respondents reported that they do not feel guilty as indicated in Table 4.22 below.

Table 4.22: Respondents' Perception towards the Society

		Frequency	Percent
Whether they personally feel the society has taken care of their problems	Yes	7	7.0
	No	93	93.0
Whether they feel guilty when they do something wrong that offends the society	Yes	29	29.0
	No	71	71.0

4.5.6 Utopian Society for the Respondents

This subsection aimed to get views about the ideal society the members of Chiakariga Ward wish to live in. when asked a question to this effect**,** majority indicated that they would like a society that is concerned for the people (58.3%), society that helps its members (31.3%), one that is caring (22.9%),society that is fair in solving issues (17.7%) society that is remorse when it fails in its mandate (15.6%), society that is united in common issues (14.6%), transparent (11.5%), empathetic (11.5%), good conduct (10.4%) and sensitive (9.4%) as shown in Table 4.23 below.

Table 4.23: Utopian Society for the Respondents

	N	**Percent**
Concerned	56	58.3%
Helpful	30	31.3%
Caring	22	22.9%
Fairness	17	17.7%

Remorseful	15	15.6%
United	14	14.6%
Transparent	11	11.5%
Empathetic	11	11.5%
Good conduct	10	10.4%
Sensitize	9	9.4%

Discussions

4.6 Effects of the Practice of Legal Codes on Informal Controls

This objective tried to establish whether the way laws are practiced to ensure social order limits application of informal controls in managing social order in the study area. Besides informal sanctions, formal sanctions may be used to achieve social order. This form of control usually takes the form of government action through government security agencies and organizations. Government security agencies and organizations use law enforcement mechanisms and other formal sanctions. The sanctions are effected through standardized procedures, a case not in the informal justice system.

4.6.1 Social Disorder and Kenyan Legal Codes

This topic was to establish perception of the residents of the study area on how the current social disorder experienced in the study area relates to the practice of Kenyan legal codes. After analyzing responses from the interviewed respondents the study revealed that 92 percent of the interviewed residents in the study area reported that deviance and other social disorders has been exacerbated by the practice of the existing legal codes although a small number of the respondents asserted that legal codes do not contribute in any way to the current social disorder. This indicates that residents of the study area believe that the practice of Kenyan legal codes instead of maintaining social order in the study area, it has facilitated the same. This is due to the fact that the practice Kenyan legal codes is too procedural, adopts bureaucratic form in its administration, do not fully support informal controls, over protects criminals through human rights laws, do not give room for the application of informal controls and they do not allow room for immediate correction of bad acts. As a justice mechanism, this does not give practice of legal codes an upper hand in the mind of respondents because they believe practice of Kenyan legal codes delays justice by not giving immediate deterrence power to a potential offender to deter him from doing a bad act.

The study established that practitioners of Kenyan legal codes not only undermines informal controls and sanctions but also regard them as illegal and unconstitutional in the realm of dispensing justice. This could be due to the way Kenyan legal codes practitioners handle cases already handled informally whenever presented to them which makes the implementers of informal value systems feel undermined. This confusion eventually results to deviant behavior to flourish among the residents.

Kenyan legal codes are a set of written down rules and regulations as discussed in the background. They stipulates how people in any social set up and gatherings should relate and interrelate with environments they interact with either static or dynamic. It also sets forth negative rewards that should be awarded those who transgress these coded norms. It is in this regard that residents of the study area expect that the Kenyan legal codes to regulate and check behaviors amongst the residents and award transgressors accordingly to bring everybody under mode of conformity. If this is realized, the legal codes will be said to be functional and effective in managing the society's social order. The legal codes need to be so functional that they are able to check any emerging anti-social behavior in an organic society, a concept that concurs with the opinion of Durkheim (1964), that organic society which is transiting from mechanical society requires functional laws to regulate emerging behaviors and other deviate acts due to rapid social transition because it experiences social pathologies". This involves among other things, the ability of the practice of legal codes work systematically with other justice systems to achieve a common goal of restoring social conformity a concept that is best explained by Open Systems Theory.

From the above findings, it can be explained that majority of respondents from the study area believe that practice of legal codes contributes to social disorder in the study area other than restoring it. This has lead respondents to have very little trust with the practice of Kenyan legal codes in controlling anti-social behavior therefore doubting its functional effectiveness. Functionality of the Kenyan legal codes in managing social order has also been tested in the lens of escalating rape cases in the study area among other crimes. The increasing number of rapes cases in the study area in a matter of fact indicates that Kenyan legal codes are not so effective to combat the menace in the study area.

This high percent (92%) response that practice of legal codes mainly contributes to deviant behavior may imply that respondents believe in informal controls as alternative controls in controlling social order in the study area. This could be due to the fact that, local conflicts are started by local causes which can best be solved by use of local informal justice systems to solve them as opined by Boege (2006). That traditional issue is permeated by traditional causes therefore requiring local and informal mechanisms like engagement of family, age groups and age sets, clans and tribes in handling them. However it should be noted that the informal justice system cannot work in isolation, as discussed above about legal codes, it will require working systematically with formal justice system to accomplish the mission. It is clear from the findings above that, the practice of Kenyan legal codes has facilitated skyrocketing of social disorders in the study area; therefore something must be done to check the abnormality.

4.6.2 Application of Informal Controls and Kenyan Legal Procedures and provisions

The aim of this topic was to establish whether informal social controls adhere to procedures provided for by legal codes when dispensing justice. On analyzing interview responses from the respondents interviewed from the study area, the study revealed that informal controls when applied do not adhere to the general procedures of the Kenyan legal codes. This could be due to the way informal controls are designed to be applied.

Ideally, measures used for public control should have a common standard measure generally known by interest groups which are internally used for internal control. This helps the measure to be applied objectively and checks subjective impulses when being applied which can cause justice not to be served. Now that informal controls do not have and adhere to standardized procedures which are generally known, it is subject to subjective application when dispensing justice.

4.6.3 Optimal Application of Informal Controls and Practice of Kenyan Legal Codes

This subsection wanted to identify whether optimal application of informal controls in maintaining security is affected by the practice of Kenyan legal codes. On analyzing responses from the interviewed respondents, the study identified that all the interviewed respondents agreed that practice of Kenyan legal codes totally impedes optimal application of informal controls. The

finding indicates that respondents are of the opinion that the practice of Kenyan legal codes have not given informal controls conducive operation environment to realize its intention, secondly, the residents of Chiakariga Ward have negligible trust with the informal controls in assuring them social order as per the time this study was conducted. This could owe to the unconstitutional environment under which informal social controls are applied as this brings forth the concern of legality of the resolution arrived at through them during conflict resolution.

Informal controls are those controls and sanctions which are informally applied by selected people from the community or from one's informed opinion to solve conflicts arising within community. Although, they do not follow general legal procedures, they follow informal procedures which are not anchored in law in solving conflicts. This could be due to the non-legality perception some respondents have over them. Due to this, one party involved in the conflict may feel short-charged by informal justice system. It is against this reality that many people are turning away from them. Although many people are against them, they are ideal in solving conflicts because most the conflicts have traditional origins therefore requiring informal approaches to solve them. As asserted by Boege (2006), traditional issues are permeated by traditional causes therefore requiring local and informal mechanisms to give permanent solutions. Formal mechanisms do not give permanent solutions in conflicts as witnessed in Galadima and Konteh (2006) findings on the conflicts which occurred in Africa in 1990s that they were formally solved and consequently the resolutions arrived at as controls did not work and instead the conflicts became protracted.

Informal controls and sanctions are measures used to instill and enforce social values so as to have harmonious and homogeneous society with common value system where informal controls can easily be applied. Part of the socialization process, the use of informal social control methods, involves comparisons with cultural norms and society expectations implemented through informal mechanisms to control crime and anti-social behavior. This breaches individuals' responsibilities and obligations to the community, especially the victim(s). Therefore, social control is needed to restore the status quo. In this regard, however inferior informal controls are in the view of legal codes practitioners, residents of the study area expects informal controls to be strengthened and empowered so as to support formal mechanisms in managing security. This is view is reflected in the literature review that many of conflicts have traditional origins therefore requiring informal

approaches to bring a permanent solution (Boege, 2006). This may include constitutional review to recognize informal controls both in existence and practice, legally recognize traditional justice instruments and mechanisms such as *'kirimo', 'gaaru'*, *'mwiriga'* and *muuma* for implementing justice and promoting them at local levels, popularizing the informal controls among the community members by having them taught in schools, promoting the local culture and practices through cultural events and front use of family heads to enforce justice on the affected parties.

'Kirimo', 'Gaaru', 'Mwiriga' and '*Muuma*are' are Tharaka traditional instruments and mechanisms which were used since immemorial to resolve disputes amongst community members and instill good morals to them. According to the respondents, generally when an adult person did something wrong, he would be taken to *'gaaru'* and be cautioned about the mistake. According to the respondents, *"Gaaru"* was a designated place where local male adults usually after circumcision were supposed to stay or reside. It was governed by elders but headed by an elder who commanded respect because of his good moral standing in the community. This place acted as an informal court where justice was adjudicated to those adults who were deemed to have gone against among other things, society norms, values, customs and traditions. The culprits were awarded punishments like severe canning, disapproval, shaming and in some cases fines of either a he goat or bull depending on the weight of the wrong committed.

'Mwiriga' also known as clan was used to restore social order and values. Here, according to respondents, senior and respectable members of a clan could gather and act as a local court to address issues affecting the clan, for example, marriage, land disputes and family conflicts. It also adjudicated on behaviors emerging within the clan members which seemed to go contrary to the society norms, values, traditions and customs. The members associated with the bad behaviors were shamed, fined, canned or subjected to other sanctions. One interviewed respondent remarked,

> *".....Mwiriga was so vital especially when resolving disputes. For example, in the event you married from your family lineage or even the same clan, one was called by their clansmen and was fined a he goat to cleanse and wash away the sin. In the event the person refused to comply with the fine or even change behavior after a fine, a more severe fine was given like public canning combined with a fine of a bull"*.

(Source: *Interviewee number ten, 2017)*

The above statement indicates that the respondent who in this case represents views of residents of the study area had trust and believes in the informal and traditional mechanism (*mwiriga*) to effect social conformity.

Similarly, the study established that at family level, family members used to punish errant members using familiar society controls and sanctions. The controls and sanctions were equated with the kind of misconducts and their impact not only to the family but also to the entire society. Mainly, these punishments as discussed in the literature review, were purposively reconciliatory and restitutive in nature than punitive. Castro and Ettenger's (1996) findings established that, the use of informal approaches are not merely about adjudication of who is right or wrong and the punishment of culprits, but the reconciliation of the parties to restore security. The main aim was to resolve the conflict in a manner which both parties are satisfied and willing to "let go their pain and forgive each other".

The above findings show that residents in the study area treat family and society as capable institutions which can be used to solve conflicts arising within their set up. The findings also reveal the approaches and goal of solving conflicts, that it is more reconciliatory, restitutive and transformative in nature and not punitive. This means its resolutions are people oriented and not victim oriented.

According to the respondents, *'Kirimo'* was a traditional justice mechanism used to young adults to bring conformity to community values and age group ideals. Ideally, it was an initiation stage of boys before circumcision. This was a single night ceremony where the graduands were taken through some rituals and teachings about personal conducts, good behavior, discipline and social ethics. Upon graduation one was expected to observe and adhere to the social values, mores, folkways, traditions, customs and practices failure to which the culprit could be subjected into disciplining mechanism to restore conformity. The respondents lamented, notably this practice is

not very common nowadays, a situation that has contributed to loss of society values and discipline among the young people. One old respondent commented,

> *"……When kirimo was functional and effective, indiscipline cases among the young people were minimal and in case there was any, it was appropriately handled. Young people had respect to their parents and seniors and there was harmony not only in the families but in the community at large. Due to absence of this practice, nowadays, we are equals, no respect from young adults to their seniors. In those past days no aging children could argue/quarrel with their parents because they feared to be disciplined through kirimo mechanism".*
>
> *(Source*: *Respondent number eight, 2017)*

The statement above shows that respondents relied heavily on *kirimo* as a practice to install, restore and maintain social order amongst the young people in the study area. This could owe to the perception and experience the respondents have over the practice due to the results the practice delivered amongst its youths and the old adults. Keen analyses of the above Tharaka traditional justice mechanisms reveals that they were geared towards ensuring common value system was installed and maintained in the study area. The ownership of the value system by the residents could give the value system legitimacy and authority to the community members since the community is socially homogeneous. This makes the members to believe on the values and therefore ideally making it easy to implement the local informal controls amongst the community members. This opinion is similar to the World Bank Indonesia (2006) findings that informal justice system actors have local legitimacy and authority. According to the Bank's findings, informal justice system tend to work well where the community is relatively homogeneous linguistically, culturally and bound by ties of mutual dependency.

Similarly, as depicted in the literature review, effective application of informal controls actually requires the controls to be generally known and embedded to all members of the community affected by it through whichever means. This is for the controls to be legitimate to the community and to have authority over their conducts. When this is achieved, the controls forms part of their values which acts as internal guards or police which members may not wish to go against and therefore conformity to their social value, a similar opinion which was held by Conklin (1989) and

Clifford (1976) in their findings. Conklin (1989) observed that informal sanctions such as group censure is more paramount in controlling crime as offender's loss of esteem in the eyes of relatives and peer group may be a more significant cost for an offender. Clifford (1976) in his findings observed that individual's concern for the good opinion of friends, relatives and neighbors is a strong force of controlling deviant behavior where an internal social police man seems to induce conformity out of fear of losing face. At this point, it can be inferred that the attachment of the community member to the control and sanction is so intimate that the member will feel much offended when he goes against it. This is best explained by the Social Bond Theory element called attachment which refers to one's interest in others. It includes the feeling for others; that is, feeling attracted to socialization and other social aspects. It is out of this that a person will obey society's social norms and be conscious about them. When this happens strong feeling towards the social norms are established such that if one feels a delinquent act will put relationship between him and the group into jeopardy, he quits it.

This study again found out that a section of respondents proposed that operations of informal mechanisms should be backed by legal provisions in causing justice. This finding portrays that respondents are opposed to the legal environment the informal mechanisms operates in the study area. This could be due to the unconstitutional context informal controls operate in therefore rendering them not fully functional and effective.

Despite formal justice system being supreme in terms of legality, its operations in effecting justice is contextually influenced. It is interesting to state that as Galadima and Konteh (2006) witnessed this in their findings, that conflicts in Africa in the 1990s were mostly solved formally or conventionally and consequently the conflicts became intractable, it is important to include informal justice mechanisms in resolving conflicts. Boege (2006) equally recommends that challenges associated with formal approaches in resolving conflicts, calls for alternative approaches to bring a lasting resolution to the conflict. As outlined in the literature review, informal controls observe cultural milieu of the conflict when handling the conflict to solve permanently because the conflict have traditional origins therefore requiring traditional approaches. Whichever the case, it is the expectation of the public to see they enjoy a peaceful and secure social environment where they go their business without negative interruptions from fellow

citizens to assure them social, economic and political development. This can easily be realized where the two justice systems (formal and informal) finds a formula of mutually working together to dispense justice to the public. The formula is constitutionally recognizing verdicts resolved informally. Informal justice mechanisms such as *mwiriga, gaaru, kirimo,* and family should be constitutionally valid so that all resolutions made by them are legally binding. This is because as already revealed through this study, they contribute to lasting solution to conflicts. Again they cause more harmony to the affected parties than formal justice system.

Peaceful and systematic marriage between formal justice system and informal justice system strengthens relations between the two which together will help ensure social order. This can be explained by the Open Systems Theory that assumes systems' functionality is affected by the external environment and so the best option is to accommodate it and work together for a common goal. This mutual relationship is important because the affected parties are made mutually inclusive and consequently they are made to believe in the norms propagated by the systems. When they believe in them they practice them mutually. This makes them to be involved in social activities which are socially acceptable.

4.6.4 Applicability of Informal Social Controls Today

This subtitle aimed to find out whether residents from the study area believe on possible applicability of informal controls and sanctions in the contemporary society. Data analyzes from responses got from respondents interviewed revealed that majority of the respondents (68%) do not agree in the possible applicability of informal controls and sanctions while the rest agreed. This study further revealed that it is hard nowadays to apply the informal controls and sanctions because the informal controls and sanctions are too much liberalized by factors like modernization, Christianity and practice of legal codes, modern societies are not socially homogeneous to facilitate implementation of social controls and sanctions, today communities lack common value system, the informal social controls are so weakened and finally informal social controls and sanctions are virtually unconstitutional. The findings above indicate that residents in the study area are opposed to the possible applicability of the informal controls and sanctions in the study area. This can be due to the current social context in the study area, likely, attributed to the state of social

affairs at the time of this study, which has made them so modernized forcing them to abandon traditional and unconstitutional ways of solving conflicts.

As indicated by the findings, it is hard currently to apply informal controls and sanctions because authority the informal controls used to have has been neutralized by modernization aspects, practice of legal codes and personal world view points. This has made the study area society more modernized, socially heterogeneous and lack common value system a hotbed for the non-applicability of informal controls and sanctions. Residents in the study area have shied away from applying the informal controls in fear of appraisals from the culprits as put by the following respondent.

> *"…now days it is hard to caution someone's child as was the case in the old days. In the old days children belonged to the community, a case not today. So it was the responsibility of every community member to correct deviate behaviors observed from the children. For example, one could cane, a shame and even disapprove the child. However nowadays this is not possible because you will not only face disgrace from the guardian but also from the child. The guardian will threaten you with court prosecution; court will promise you of jail term while the child will take you through a lesson of his rights".*
>
> *(Source*: *research respondent number four, 2017)*

> Another interviewee asserted,
>
> *"….we are born again; we are not bound by useless earthly forces. Instead of emphasizing on disciplining your offspring physically you need to show love to them. In return they will pay back by loving you and they will avoid doing anything that can hurt you".*
>
> *(Source*: *research respondent number eight, 2017)*

Another interviewee lamented during the interview,

> *"….as you know mechanisms used to effect informal controls are unconstitutional, because they are considered as "kangaruu" courts therefore lacking legal legitimacy".*
>
> *(Source*: *research respondent number seven, 2017)*

From the findings above and assertions from the respondents, it can be inferred that applicability chances of informal controls has contextually been compromised. This is because for the informal controls to be applicable, the community must realize common value system as this increases social capital as while as collective efficacy. As discussed in the literature review, *"*effectiveness of social controls in any community is dependent on the community's ability to realize common values which unite its members" (Durkheim, 1897). The same sentiment was echoed by Osgood and Chambers (2000) that "increased rate of crime mostly in the urban communities is due to lack of shared values and beliefs among members of the community."

Despite all these social contextual variations which makes applicability of informal controls difficult, society in the study area expects afforded peace and security amongst themselves assured by the justice systems. It is against this background that I state that informal controls need to be given conducive exercising environment to assure residents confidence in its applicability. This is by popularizing essence of the controls in form and content. This will make people readily apply them for common good of assured peace and security amongst the community members.

4.6.5 Respondents' Attitude towards Informal Controls

This subsection aimed at get personal attitudes of the respondents towards essence of informal controls. Upon analyzing responses from the interview, it was revealed that majority of the respondents had positive attitude towards the informal controls. This is because they help in restoring respect in society, causes unity in the society, promotes togetherness in the society, lead to organized societies, they serve justice, they build good families, they are valuable to the lives of people, they create history and lastly they contributes to social cohesion. These findings show that the respondents agree with the existence and use of informal controls and sanctions to maintain social order. This could be as a result of good livelihood the residents enjoyed from the existence and use of informal controls.

From the above findings, it can be inferred that residents of the study area enjoys the existence and use of informal controls because the controls affords them all the goodies of an ideal society. It is in this respect I state that informal controls must continue to be used in controlling social order for public utility.

Under the same study, it emerged that a number of respondents (30%) had negative attitudes towards the informal controls. Upon analyzing their responses, it emerged that their negative attitude was encouraged by their perception that informal controls are subjective, they cause more harm than good, they do not given offenders time to defend themselves, the informal justice system is autocratic, they cause low esteem among individuals, they are not protected by law and that they are not important and futuristic. These findings indicate that a good number of respondents in the study area have no faith with informal controls for reasons stipulated above in managing security. This could be exacerbated by negative outcomes the respondents experienced in their encounter with the controls. This by itself is an impediment towards the use of informal controls to restore social order. As explained in the literature review, this lack of believe can best be explained by the "belief" element of the Social Bond Theory by Hirsch Travis (1969). Belief is an individual's assent or approval to society's value system. If people believe that the laws and value system in existence are not fair to them, then the people are likely to have contrary opinion over them therefore behaving differently. This explains why this segment of people from the study area may exhibit the opinion they have over the informal controls. It is in this respect that I explain that informal controls must be streamlined to satisfy expectation of this segment of the residents. This could either by creating more awareness on areas of human rights, integrity issues, essence of humility when handling informal cases and the real essence of the existence of informal controls and sanctions, however it is generally known that there is no leadership that is be accepted by the ruled hundred percent.

4.7 Modernization and Application of Informal Controls

This is the second specific objective of this research. It aimed at examining whether modernization has hampered application of informal controls in controlling social order in the study area. This was measured through media, Christianity (churches), urbanization and globalization are viewed as modernization aspects. The objective is motivated by the fact that modernization contributes to civilization, an aspect that can easily change the worldview of people. This can easily limit application of informal controls in managing security.

4.7.1 Media and Social Disorders

This section intended to find out whether respondents of the study area believe through media people learns how crimes are committed in other parts of the world and thereafter motivating them into committing the crimes. Upon analyzing responses got after interviewing respondents, the study revealed that all the respondents interviewed believed that media helps people to learn how crimes are committed in other parts of the world thereby motivating them into committing them. This finding indicates that respondents have a strong believe that media has helped residents to learn criminal habits from other parts of the world and this has motivated them into these criminal habits. This view could be due to change of residents' conformity habits and increased crime index in the study area. The responses also revealed that media has hampered physical socialization in the community; it does not regulate what they release for public consumption, exposes some informal controls that were supposed to be conducted secretly and that the media has changed the social orientation of people.

Ordinarily, in the old days, communication was limited by nature because means and forms of communication were not so advanced in terms of relaying information. This made very few people get informed of what was going on around them. Information was classified that is, not all information was received by every section of the community, and some information was so excluded. There was information for the senior citizens, old adults, young adults and the children. This is how socialization and enculturation happened among the community members and whoever meddled with the order faced some cultural consequences a contrary situation today as it was reported by one respondent during interview.

> *".....in this technological advancement era, nikubaya (it is dangerous). Those rituals used to be practiced during kirimo initiation and gaaru places cannot be possible today. Utawekwa kwa mtandao kwa muda kidogo, (you will be captured and put into the social media in a twinkle of a second), utakuwa kwa shinda (you will be in trouble)".*

(Source: study area respondent number thirty, 2017)

This modernized and faster mode of relying information coupled with unconstitutionality of the informal controls has also made people not readily apply these informal controls in fear of reprisals as reported by an area *Njuri Nceke* representative during data collection,

> *"….although we award some punishments, we fear enforcing them to the fullest because they are unconstitutional and if we force them, this can lead to legal repercussions and the issue can easily be overstated by the media. When this happens definitely makes the council loose trust and social responsibility from the pubic it exists to serve. This has hampered effectiveness of the council nowadays in applying informal controls in the study area to manage security".*
>
> *(Source: Area Njuri Nceke representative number two, 2017)*

Normally, informal controls are applied and implemented through physical contacts because face to face experience is necessary for it to occur. It is against this backdrop that the findings of this study fall short of. The study has revealed that communication has been modernized enabling faster and cross border communication easier. For example, emergence of social platforms like Youtube, Facebook, WhatsApp, press and printed media has not only enabled people to get both regulated and unregulated information faster and easily locally and internationally but it has equally limited physical interactions amongst the residents. One respondent said,

> *"….the uncensored materials released to the public for consumption for instant, indecent dressing by musicians, indecent scenes in movies" affects some groups of people in the community, example, the youth by immensely eroding their morals.*
>
> *(Source: study area respondent number twenty, 2017)*

Response from this respondent clearly indicates how the study community has been polarized by the media therefore not sharing common values a requirement in applying informal controls according to Durkheim (1897) and Osgood and Chambers (2000) findings' and assertions. That "effectiveness of social controls in any community is dependent on the community's ability to realize common values which unite its members", and "increased rate of crime mostly in the urban

communities is due to lack of shared values and beliefs among members of a community" respectively. In this context, my assertion is that all forms of media have hampered application of informal controls and mechanisms originally meant to implement the controls in a greater percentage. This is because it has gone against its ideals and fundamentals. Therefore, the media needs to be brought to the cognizance of the importance of informal controls in managing security in our midst and so they have a duty to ensure this happens by having a responsible journalism which serves purpose of the public. This is by censoring information they release to the public.

4.7.2 Christianity and Informal Controls

This subsection was meant to assess whether the "conformity to good values", a philosophy behind Christianity or churches that has helped residents of the study area adhere to the informal controls and sanctions as a measure of reciprocal relationship. Data analysis of interview responses from the study area respondents revealed that despite various worship places immense preach on conformity to worshippers; almost half of the respondents agree (48%) while slightly above half (52%) of the respondents area opposed. This can be attributed to the respondents' personal knowledge and understanding due to individual perceived level of conformity.

The study further established that those who had a "NO" opinion, felt that churches have their own doctrines and believe that only God can judge people's conducts. Churches' doctrines are, however, not practical in implementing conformity unlike the informal controls, some churches today have no moral authority to effect conformity and churches have disowned informal controls thereby contradicting the traditional values and practices. One respondent said,

> *"….cultural practices and processes like kirimo rituals, traditional male circumcision and female clitoridectomy have faced harsh church criticisms and legal challenges. As you know, here is where traditional values of respective gender was properly ingrained and indoctrinated. It is here where this young generation was properly counseled because it was a pivotal point to adulthood. These practices and processes are fought by both the law and church and as a result you can see how people have become immoral. We need to go back to them even it means either anchoring it into the law or training professionals to minimize health risks".*

(Source: study area respondent number thirteen, 2017)

The findings above clearly show in the study area at the time this study was conducted, there were two groups having almost two equal view points, those who believe conformity gospel brings conformity and the other who believes social conformity can be realized through the use of informal controls. In essence, it is expected in a situation like this where social conformity is presented as a double-edged strong value system to be realized for a productive application of informal controls as Durkheim (1897) observed in his findings that informal controls are effectively applied where the community shares common values which unite them. The lack of shared values can best be explained by lack of believe and attachment by the churches to the informal controls, an aspect displayed by churches disowning the controls as it is put by Hirsch Travis (1969). From this stand, it is clear churches have not above board supported the application of Informal controls. Churches should stop being simplistic and systematically start supporting informal controls as a sign of respect to authority and an olive hand extension to them.

4.7.3 Urbanization and Application of Informal Controls

This section intended to know whether urban lifestyles urban-rural migrants come with to the rural areas, negatively impacts on social glue in the study area as a rural set up. Upon interpreting responses from the interviewed respondents, the study found out that majority of respondents reported that urban lifestyles in the rural areas have negatively impacted on local social glue. This finding implies that majority of the respondents agree that urban lifestyles negatively impacts on rural social glue. This may be attributed to the changed social capital and social efficacy in applying informal controls in the study area after many urban dwellers migrated to the study area. The study also discovered that spreading of urban lifestyles and values to the study area has conflicted and distorted traditional society values, hampered proper socialization processes, hindered application of informal social controls and finally, diminished social glue in the study area.

The findings above are true because usually urban values are known to be disorganized meaning there is no common values amongst urban dwellers and when they move to the rural areas, they move with these disorganized values which distorts the rural ones as the urban values are

considered to be superb by the local people. In this situation, the two do not interact mutually as urban dwellers consider themselves as superb to the rural dwellers. Urban dwellers also do not readily comply with informal controls and sanctions because controls do not form part of their culture, because each urban dweller has their own value as mentioned above.

So, from the above findings, it can be inferred that people moving from urban areas to rural areas have carried with themselves urban lifestyles and values to the rural areas. These lifestyles and values are incompatible and conflicts with the local values because the two are not homogeneous culturally and socially. This negatively impacts on the rural social glue. Social glue is hotbed in the application of informal controls as depicted by Fischer (1980) and Wilkinson (1984a) in their research. Fischer's (1980) and Wilkinson's (1984a) findings found out that diffusion of urban culture and values have basic over time issues. The culture and values have influences in individual behavior change. Integration of these individuals and groups in nonmetropolitan localities threatens community cohesion. Fischer (1980) and Wilkinson (1984a) findings indicated that variables like rapid population, economic and urbanization growth, diffusion of urban culture and values among rural people generally influences their behavior change. This puts social cohesion and integration in the nonmetropolitan localities at stake and therefore the social control. This makes such areas fertile for crime commission because the area does not enjoy even values.

The assertions above indicate that rural values are being invaded by urban values therefore putting them at stake. This is by replacing its value system homogeneity with heterogeneity value system of the urban areas a situation which makes application of informal controls difficult therefore encouraging commission of crimes in the rural areas. In this regard, I argue that rural values need to be strengthened and traditional values and traditions to be applied objectively. Major occasions or ceremonies where family members meet may be organized to ensure this. This will ensure that the community is culturally and socially homogenous, an important aspect for application of traditional controls.

4.7.4 Globalization and Application of Informal Social Controls

This section aimed at ascertaining whether effects of global communication characterized by the trend of cultural diffusion have hit the study area. It also sought to ascertain its effects on the application of informal controls in managing security in the study area. This study considered this

to be prudent because, today through agents of communication, world has been turned into a global village. This can negatively impact on the effective application of informal controls. On analyzing interview responses from the interviewed respondents, the study revealed that effects of global communication have hit the study area; manifested by emergence of new cultures. This finding indicates that respondents of the study area accept that effects of global communication have happened in the study area. This could be due to emergence of new traits witnessed in the study area in the process of people using social media. During data collection, it emerged from the respondents that, of late among the social media users, new cultures have developed. From the findings above it can be deducted that the study area has experienced cultural behavior change due to diffusion of culture globally through processes of globalization. One respondent said,

> *"....today things have changed, before the technology advanced people here were traditionally circumcised. However today male persons are circumcised in hospitals where traditional circumcision initiations, practices and processes cannot be done. Traditionally male and female circumcision was a ceremony where many things were learned. It is during this ceremony when society values and identity were ingrained and internalized. This is a valuable gesture that has been lost. It needs to be restored for the benefit of the society"*.
>
> *(Source: study area respondent number thirteen, 2017)*

From the citation above, it can be inferred people from the study area are not happy with the emerging cultures in the study area. This is because, to them, the global cultures are contaminating the purity of their dominant culture. When this prevails, the community is not able to realize common values so as to be able to apply informal controls effectively as put by Durkheim (1897), crimes and other forms of social deviance will be rampant due to lack of shared values and believes amongst community members; and an inability to solve common problems due to their social disorganization as cited by Sampson and Groves (1989).

4.7.5 Global Emergent Cultures and Local Cultures

This subsection aimed to assess whether cultures emerging as a result of global communication conflicts with the indigenous culture. This was important to establish cause-effect between the two

cultures. When responses from the interviewee were analyzed, the study showed that the emergent cultures from global communication have conflicted with the local culture. This result reveals that the respondent agrees that the emergent cultures do not conform to the local cultures. This can be due to witnessed change in the local cultures after interaction with the emergent cultures. From these findings it is evident that people from the study area have experienced conflict between the cultures. This conflict is due to the lack of shared values between the two cultures. The lack of shared values in a society causes social disorganization which makes the society socially heterogeneous. This makes the community not able to realize its goals, example, controlling crimes as Sampson and Groves (1989) findings revealed. That increased rate of crime mostly in the urban communities is due to lack of shared values and beliefs among members of the community and an inability to solve common problems due to their social disorganization.

During data collection it also emerged from the respondents that the emerging cultures have not been supportive to the application of local informal controls and sanctions. This assertion is a clear indication of how the respondents perceive the cultures in relation to the functionality of local cultures. It emerged that these emergent cultures help in development of new behavior, they do not adhere to the values of the local cultures, and they view local informal social controls as outdated. Generally, through globalization social evils have been promoted via social media. This could be because of the nature of its operation. Then it can be inferred that the respondents finds no positive implication of the emerging cultures to the application of informal controls. These emergent cultures are a form of social disruption which threatens social cohesion in the study area as a nonmetropolitan area. This concept also Spano and Nagy (2005) learned it in their research, that social disruptions example, rapid economic growth, growing urbanization, high levels of unemployment and persistent poverty, and other variety of structural-level social and economic conditions disrupts society cohesion and therefore social control may be threatened in nonmetropolitan areas.

4.8 Effect of Social Structures on Informal Controls

The main aim of this sub-heading was to capture views of respondents as to the effects of social structures in the study area to the application of informal crime controls. Social structures tested

under this objective were age difference and education levels. This is because they are obvious and common.

4.8.1 Social Structures and Social Cohesion

This section was interested to know how social structures have influenced social cohesion in the study area. This helped to estimate contribution social structures has made towards application of informal crime controls. Analysis of interview responses of study area respondents discovered that majority of the respondents were of the opinion that social structures have not comprehensively promoted social cohesion. According to the respondents, this is attributed to varied people's socializations in the study area; people's individualistic thinking, civilization, commercial and hedonistic thinking.

The findings above indicate that social structures in the study area have not positively contributed to social cohesion. This is a clear indication of how various social classes of people in the study area are perceived by the respondents. It is also an indication of opposing forces existing between the structures in the study area due to nature and form of the structure. Structures are formed and exist through processes which are full of antagonism. This disables society to develop mechanism and structures to control behavior of its people as Anderson and Dyson (2002) and Jacoby (1994) findings reveal. They argue that broad social structural forces and long-term change inhibits capacity of local institutions and organizations to control behavior of its members in their localized means; for example, social norms, social ties, and community identity". It is against this backdrop that my explanation lays, the study area must be turned into a 'structureless' society where every structure is made to bow to the forces of study area traditions. This is by not letting social ties loose through strict observance of social norms, values and strengthening local justice mechanisms.

4.8.2 Age Factor and Application of Informal Controls

This section intended to get views from respondents of the study area on between, the old and new generations, which between the two readily embraces and applies informal controls. This was considered important because it was assumed due to civilization which varies with generations may influence application of informal controls. Upon analyzing interview responses from respondents of the study area, the study discovered that only the old generation that readily

embraces the social controls. According to the respondents, this is attribute to the fact that unlike the new generation, the old generation know and understands the importance of informal controls, the old generation is more cohesive in applying the controls, the new generation consider themselves as modern, the young generation is new to the old culture and the old and new generations have different orientations and socializations towards the informal controls.

This finding spells out the distinction between the two generations in terms of perception and application of the informal controls. The old generation perceives themselves as who understands traditions better and more in applying them while new generation treats themselves as modern and therefore not interested with informal controls. This is a generational gap issue which has hampered application of the controls. This is because they are ideologically heterogeneous as they do not have common belief and value on informal controls application in managing security. As a result, social disorder flourishes as witnessed in the study area which can be explained as an attribute of lack of shared values between the generations. Sampson and Groves (1989) research findings outlined that crimes will increase mostly in urban communities due to lack of shared values and beliefs among members of the community. It is from this perspective I suggest that the two generations are supposed to work systematically by complimenting one another where one is not able to operate optimally in managing security in the study area. This is best explained by Open Systems Theory which underpins systems must mutually depend on each other in their operations. This can easily work where each of the generation recognizes and mutually respects opinion and ideology of each other in the informal justice system. This is because it is easy to notice that each has its own unique strengths which can complement weakness of the other.

The research also tested on individual's opinion on the informal controls. The objective was to establish whether despite the general generational gap in embracing informal controls, what was individual's perception on the same subject. Analyzing interview responses from the respondents of the study area, the study revealed that majority of the respondents was of the opinion that they personally acknowledge and embrace the informal social controls and sanctions. According to the respondents, this is because, the social controls contribute to good society conduct, they ensure that people maintain discipline, they restore social order, they are authoritative and powerful, they promote homogeneity in the society, cultivates good values in society and finally they save

resources that are currently used in formal justice system. This overwhelming response in acknowledgement and embracing of informal controls by the respondent's shows an overwhelming believe the locals have over the informal controls and sanctions.

From these deductions, respondents have expressed the much trust they have over the controls. The reasons they have given clearly portrays the real benefit they know of the controls, the much attachment and belief they have over them and therefore association they would enjoy when the controls are functional. When the informal controls are functional the residents will have peace, safety and security which will create an environment where the residents of the study area will peacefully live and work towards their social, economic and political development. This brings human contentment and prosperity. As discussed in Chapter Two, Gronewald and Peake (2004) and Ondinkalu (2005) in their research findings established that peace, safety and security enables people to develop and realize quality life because it enables them an environment to live and work towards social, economic and political development and therefore giving them contentment and prosperity respectively. This is because they work confidently away from fear of crime or violence Lubuva, (2004). It is in this regard I argue that everything possible must be done to ensure that at individual level, this spirit of believing and embracing of informal controls is maintained and enhanced. This will require the study area to realize common value system which is a fertile situation for the application of the subject which may translate to lowered social evils in the study area. Durkheim (1897) observed that effectiveness of social controls in any community is dependent on the community's ability to realize common values which unite its members. This can be achieved by putting programmes in place aimed at narrowing the generational gap identified in the study through bridging their ideological differences. When this is realized, the residents of the study area will have a crime free environment which assures them of their peace, security and safety where they can realize their social, economic and political development.

4.8.3 Education Levels and Application of Informal Social Controls

This subsection set to find out whether personal level of education affects ones willingness to apply informal controls. Data analysis and interpretation of interview responses of the study area respondents interviewed revealed that willingness to use informal controls decreased with increased education level. This finding indicates that generally, respondents from the study area

are of the opinion that education has negatively affected the willingness to apply informal controls and created generational disparity. This could be because of the willingness portrayed in applying the informal controls across various education levels. One educated youth interviewee asserted;

> *"….who has time with these old things, they are of no value. My behavior my choice. None should feel offended of my social stand".*
>
> *(Source: respondent number twelve, 2017)*

From the findings above, it is evident that various levels of education give respective person varied perceptions and viewpoints on informal controls and interpretations on the same. The research revealed that the higher the education level the lower compliance of individuals is to the informal controls. This difference wholesomely affects value system of the study area and consequently to the application of the informal crime controls. This is a clear indication on how slowly educations has made people from the study area loose attachment, commitment and believe with local informal crime controls. This is evident by the posted results that compliance decreases with increased education level.

According to Social Body Theory, this means those who are educated do not believe that attachment to the informal controls in their effectiveness in bringing social order today. In this case the respondents will not be committed in implementing them to bring social order and as a result crimes are likely to soar in the study area. Otherwise crimes can only be low if the study area enjoys strong social ties as put by Wilkinson (1984a 1984b), that lower rates of crimes in several rural communities is due to predominance of strong social ties in the community. The educated should embrace the spirit of togetherness, a philosophy of Open Systems Theory, in order to succeed in applying informal controls. This is a clear evidence of how education has not helped application of informal crime controls in the study area at the time this study was conducted.

It is clear from these findings that unless something is done, education as come with a lot of goodies and shortcomings in equal measure. The shortcoming is that after one becomes educated, he holds a contrary perception towards prudence of informal controls and sanctions in maintaining

social order. They either partially apply them or totally disown them. This is not useful at all to the entire community because it contributes to skyrocketing of crimes due to the interrupted application of informal controls and sanctions to reproach anti-social behavior.

As a way forward, respondents suggested that traditional practices, values and controls to be emphasized alongside formal education curriculum at the local level in all lower schooling levels, traditional programs should be started aimed to create interest to the educated people to learn traditional social controls, beep up education efforts on importance of good social values, sensitize locals on traditional values and reach to local leaders to support the idea. This is prudent because the approach will make sure traditional values are entrenched early enough to the community members. This will make the members homogeneous not only linguistically but also culturally, ideologically and socially. This is by sharing common values, beliefs, traditions and customs. When this happens, traditional informal controls used in the study area will be very effective as Durkheim (1897) observed that effectiveness of social controls in any community is dependent on the community's ability to realize common values which unite its members, failure to which social disorders will soar.

4.8.4 Growth of Small Commercial Centers and Neighborhood Spirit

This section aimed to know effects of the mushrooming of small shopping centers in the study area on neighborhood spirit. This was considered important because neighborhood spirit is a crucial aspect in the application of informal controls. On analyzing responses from interviewed respondents, responses revealed that all the respondents agreed the growth of small shopping centers has diminished neighborhood spirit. The finding implies that respondents of Chiakariga Ward are of the opinion that mushrooming of small shopping centers in the study area has negatively affected neighborhood spirit in the area. This finding could be motivated by the way residents of this study area behaved or the kind of relations that emerged after the coming up of these small shopping centers. This is because growth of small shopping centers being a commercial undertaking, has made people more self-centered thus suppressing the ideal of neighborhood spirit.

Commercial places like shopping centres are ideally expected to bring services closer to the public and bring people of all works of live together where they socialize mutually. However as it emerges

from the finding above, this is not the case, instead it cultivates commercial tendencies in the mind of shop owners a situation that overrides the general spirit of mutual neighborhood. Ideally, every person should intimately feel concern of a fellow neighbor. However this is not the case due to the development, as Arthur's (1991) findings indicate, that society cohesion may be threatened in nonmetropolitan areas by rapid economic growth, growing urbanization, high levels of unemployment and persistent poverty, and a variety of other structural-level social and economic conditions. This is not imaginable in a utilitarian mind. A society which holds its values dearly hurts the one who goes against it due to the great attachment he has over it. At this level, the society will not require any control to control people as the people will be controlled by an internal guard which acts as policeman. He fears going against the guard to avoid losing his social figure before the eyes of his friends in the process of being censured. Similar opinion is held by Conklin (1989) that informal sanction such as group censure is more paramount in controlling crime as the loss of esteem in the eyes of relatives and peer group may be a more significant cost for an offender.

Clifford (1976) in his findings observed that, individual's concern for the good opinion of friends, relatives and neighbors is a strong force of controlling deviant behavior where an internal social police man seems to induce conformity out of fear of losing face. This is the way to go to realize a friendly society. To realize this, resources needs to be pulled together to ensure importance of neighborhood is popularized, efforts are made not to introduce money early to children, conduct a cost effect analysis of the reality and implement the less costly method as well as ensure the accepted social controls are allowed but not in contradiction with the law.

4.8.5 Respondents' Perception towards the Society

This topic assessed how the respondents perceived the community's involvement in its affairs and how individually each member feels when he does something that offends the community. This was believed to be paramount because if the community is fully involved into the affairs of its people, the people will not be at will to go against the community wishes. This will force the people adhere to the community's values. Data analysis on interview responses from study area revealed that majority of the respondents personally felt the society has not taken care of their problems. This finding shows that the respondents of the study area are of the opinion that the community in general does no longer take care of their problems. This could owe to the way community today

approaches and handles issues affecting its people which are contrary to what used to be there before. The study further revealed that respondents do not feel guilty when they do something that offends the society members. This finding reveals the little attachment respondents of the study area have with the community. According to the respondents, this is because the offender is not concerned with the community, peer influence, society's low interest on its people and the acts of pleasure.

The findings above give a picture of how community of the study area is disintegrated. They portray a community which is irresponsible, not concerned and bother little with woes of its people. Community of this type cannot solve problems of its people and realize shared values which are pertinent in application of informal controls (Jobes *et al.,* 2004). The findings outline that increased rate of crime mostly in the urbanized communities is due to lack of shared values and beliefs among members of the community and an inability to solve common problems while Durkheim (1897) observed that effectiveness of social controls in any community depends on the ability of the community to realize common values which unite its members. It is out of this state of affairs in the study area that it can be inferred that it is due to lack of shared values witnessed in the study area that has contributed increase of rape cases and other crimes in the study area. This is because; it makes it hard for the residents to apply informal crime controls effectively.

Communities are supposed to be of value to its members by getting involved in issues affecting its members. This will make its members feel as part of the community and community as being concerned about their issues. This will build attachment between the community and its members. It is against this background that I argue that the study area community should follow this route so that its members will have more attachment with the community. This will make them feel offended when they do something that offends the community and this in essence is conformity. In this situation, the community will not require a lot of informal controls to ensure conformity.

4.8.6 Utopian Society for the Respondents

This topic intended to get views of respondents on the utopian society they would wish to live in. When interview responses were analyzed from respondents from the study area, the study discovered that the respondents would wish to live in a society that is concerned for its people, helpful and caring, remorseful, united in issues, transparent to its actions, fair and empathetic,

society with decent behavior, sensitive and collaborative. These findings illustrate the wishful society the respondents would wish to live in as their part. This is not the situation in the study area. This could be motivated by their bad experiences with the community or individual's wishful thinking. Naturally every human being wishes to have a better and assuring habitant, hence the above results from the respondents. This can easily be assured where residents of the community are socially and culturally homogeneous. Residents have to contribute to this so as to realize common value system as a sign of social organization. Sampson and Groves (1989) findings revealed that social evils in many communities are due to lack of shared values and beliefs among members of the community and an inability to solve common problems due to their social disorganization. It is against this my argument is based, that residents of the study area should mobilize themselves plus their resources through targeted program so as to have shared value system which is able to solve their problem.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter presents a summary of the findings, conclusions, recommendations, and suggestions for further research. The chapter summarizes the findings thematically guided by the three objectives of the study.

5.2 Summary

The study was based on three objectives. Findings for these objectives are summarized in the order in which they were presented in the previous chapter as evident in the subsequent subsections.

5.2.1 The Effect of the Practice of Legal Codes to Informal Crime Controls

Analysis of data collected pertaining this objective established that deviance and other social disorders in the study area have been contributed by the practice of Kenyan legal codes, informal controls do not follow the general provisions of the legal codes and that the unconstitutional application of informal crime controls have affected their application.

Further the study established that the practice of Kenyan legal codes has not enabled optimal application of informal crime controls. To functionalize informal controls, respondents suggested the following; constitutional review to recognize traditional justice mechanisms, promote the traditional justice mechanisms at local levels, popularize the informal controls among the community members by having them taught in lower classes in schools, promote the local culture and practices through cultural events and finally empower family heads to enforce justice on the affected parties at family level.

The research further established that despite majority of the respondents not believing in the possible applicability of informal crime controls and sanctions today, majority of them believe in them.

5.2.2 The Effect of Modernization on Informal Crime Controls

Data analyzed showed that media has made people to learn how crimes are committed in other areas, this has motivated them into committing crimes and media has changed social orientation of people while a section of respondents believe mass media has helped application of informal crime controls and sanctions.

Further, it established that despite the widespread conformity gospel in churches, this has not helped residents adhere to informal crime controls. The study also revealed that education has reduce impetus of applying informal crime controls among the educated class, increase in number of educated persons in the community has reduced social cohesion among people and non-educated members of the society are more receptive and readily apply the informal controls and sanctions to reproach social disorder than the educated.

The study discovered that urban rural migration has transferred urban lifestyle to the study area thereby negatively impacting its social glue, urban values have conflicted and distorted local values and this has hampered mutual socialization processes. It further established that to check urban lifestyles, there is need to strengthen local values, ensure continuity of positive application of informal controls, illegalize bad urban lifestyles and advise urban dwellers to take their children to the rural areas more often in order for them to learn their traditions.

Globalization has made new cultures emerge in the study area; the new cultures have conflicted with the local culture, the new cultures have not sufficiently supported the application of informal crime controls and sanctions and because instead they have helped development of new behavior, ignored local values and culture and regarded local informal social controls as outdated.

5.2.3 The Effect of Social Structures on Informal Crime Controls

This objective intended to assess contributions of various social groupings in the study area to informal controls towards realizing social order. This study observed that between new and old generations, the old generation readily embraces the social controls and majority of the respondents personally acknowledge and embrace the informal social controls and sanction. Secondly social structures have not comprehensively promoted social cohesion in the study area, they have caused different socialization, they have made people more hedonistic, individualistic and develop commercial thinking mind.

On analyzing data on growth of small shopping centers and neighborhood spirit, the data revealed that growth of small shopping centers has reduced neighborhood spirit and it has made business owners more self-centered. Further it established that, deteriorating neighborhood spirit can be restored by prioritizing the need to popularize the importance of neighborhood spirit, minimize situations where money is introduced to the young people early, conduct a cost effect analysis of the reality and implement the less costly method as well as ensure the accepted social controls are allowed but not in contradiction with the law.

This objective have also established that; majority of the respondents personally perceived the society has not taken care of their problems, they do not feel guilty when they do anything that offends the society and the respondent's utopian society is the one which is concerned for the people, helpful, caring, remorseful, united, transparent, fair, good conduct, empathetic, sensitive and collaborative.

Conclusions

The study empirically assessed factors affecting application of informal controls on the basis of data obtained. The study was guided by the following objectives: effects of the practice of legal

codes on informal crime controls, effects of modernization on application of informal crime controls and social structures and cultural practices in application of informal controls. The study also suggested appropriate measures to address the factors.

5.3 Theoretical Conclusion

5.3.1 The Effect of Practice of Kenyan Legal Codes on Informal Controls

The findings on this objective were that deviance and other social disorders have been brought about by the practice of legal codes and that informal controls do not follow the general provisions of legal codes when dispensing justice. The unconstitutional application of informal controls when dispensing justice has negatively rubbed with formal justice system. This aspect clearly shows formal and informal justice system does not work together towards realizing security prevail in the study area. This is against the assumption of open systems theory that, organizations needs to seamlessly work together because, no single system that can work without depending on others.

5.3.2 The Effect of Modernization on Informal Controls

This objective aimed at assessing consequences of modernization on the application of informal crime controls in controlling social order in the study area. This was motivated by the fact that modernization has an aspect of civilization can easily change world view point of people. Finding was that modernization has changed lifestyles of people in the study area. This has negatively affected the application of informal crime controls in the area.

Other findings were that through media, people have learned how crimes are committed in other parts of the world, it has limited physical socialization in the community and modernized communication has made it easier and faster to communicate within and across border with uncensored materials reaching unwarranted people. This has motivated people into committing crime as while as abandoning their traditional values. Preaching in churches has not made people submissive to informal crime controls and sanctions, willingness to use informal controls decreases with increased education level, globalization has brought new cultures and growth of small shopping centers in the study area has negatively impacted on the neighborhood spirit.

These findings clearly show outcomes of modernization. This is best explained by attachment and belief elements of social bond theory. Modernization has made people of the study area lose interest with their indigenous values as they do not believe they can serve them better. This is an element of people having no shared values. This is a fertile environment for crimes to thrive.

5.3.3 The Effect of Social Structures on Informal Controls

The study area has both old and new generations whom are expected to use informal controls to confront bad habits. However when it comes to the application of informal controls, only the old generation that readily embraces and use them to reproach bad habits. The study also established that growth of small shopping centers has reduced neighborhood spirit; compliance to informal controls has reduced with increased education level and that respondents felt that the society has not taken care of their problems. This is an indication of how institutions have failed. The systems are not performing their functions as expected. This is against the spirit of structural functionalism perspective that assumes that, when systems or institutions do their respective functions well, this creates an equilibrium that ensures conformity.

5.4 Empirical Conclusion

5.4.1 The Effect of Practice of Legal Codes on Informal Crime Controls

The way legal codes are practiced has enabled deviance and other social disorders to increase in the study area. This is through its characteristics of being too procedural when dispensing justice, regarding informal controls as unconstitutional in application and the nature of codes which give a lot of privilege to people of bad behavior. This state of Kenyan legal codes has not only allowed immediate deterrence to bad behaviors but has also encouraged social disorder to escalate.

The application of informal controls does not follow the general provisions and procedures of the law. This has not only conflicted with the general law, made people doubt resolutions made out of it but has equally made the entire process not objective. This ‘illegalism’ surrounding the design and application of informal crime controls has made residents of the study area to slowly move away from them, consider the controls inconsequential, incredible, ‘unstandardized’ and doubt credibility of their resolutions. This perception has consequently made the application of informal

crime controls difficult in the study area. Harmonious environment must be created for formal and informal justice systems to systematically work for the good of the society. This is through approaches like constitutional review to recognize informal justice mechanisms, local level promotion of informal justice mechanisms instruments such as *'kirimo', 'gaaru' muuma*and *'mwiriga'* to implement justice informally, popularize informal controls among the community members by having them taught in lower classes in schools, promote the local culture and practices through cultural events and finally empower family heads to enforce justice on the affected parties at family level.

Modernization, Christianity, practice of legal codes and lack of shared values among the study area communities has created a liberalized social environment. This environment has not only made informal controls weak but it has made it not possible to apply them to manage social order in the study area. It has also lead society to some losses because, informal controls helped in restoring and promoting respect, unity and togetherness in the society and created organized societies, built united families, perpetuated history and contributed to social cohesion.

5.4.2 The Effect of Modernization on Informal Controls

Media has exposed people to learn various behaviors, those of criminal nature included. The criminal behaviors learned have encouraged people into committing crimes. A part from this, media has also hampered physical socialization in the study area which assisted implementing some informal controls. Instead many people have turned to social platforms like Whatsapp, Facebook and Twitter for socialization. These platforms do not censor information they release for public consumption. This has changed people's social orientation ultimately world viewpoint.

Despite churches overwhelmingly preaching the gospel of conformity, this has not made people submissive to informal crime controls and sanctions. This is because nowadays churches lack moral authority to command moral conformity. This is because most of the church and their commanders are associated with the worst social immorality in the society. In the other hand, churches do not believe in the use of informal controls to maintain social order; they believe that only God can judge people's misconducts. In the midst of all these religious turmoil's, informal controls have to be promoted and valuable values and practices cultivated.

Urban-rural migration has helped urban lifestyles move to the study area. These lifestyles have no only negatively impacted on social glue but they have also conflicted with the local lifestyles and values. This has hampered socialization processes. It is hard to avoid urban lifestyles getting to the rural area, however to check them, local values needs to be strengthened, illegalize bad urban lifestyles and encourage urban dwellers to visit rural areas. This will ensure community share common values.

The ability to communicate across borders has made global cultures be borne in the study area. Men and women have adapted to new lifestyles like new hairstyles, wearing of mini-skirts in case of women, new dress codes, and new food preparation methods, body bleaching and piercing of ears. These emergent cultures have conflicted with the local culture due to their distinct orientations. The emerging cultures have not complimented informal controls in managing social order in the study area and instead it has helped to develop new behaviors and values.

5.4.3 The Effect of Social Structures on Informal Controls

Informal controls have been used since immemorial moving along with generations to maintain social order, however today only the old generation that readily embraces and uses them. It is also clear majority of the people from the study area acknowledges and embraces informal controls. This is because the controls generally contribute to good conduct, they restore social order, they are authoritative and they cultivate good values in the society. Despite this development, a section of the society members do not acknowledge and embrace informal controls because they believe the controls are not fair to the new generation, they are not considerate to personal issues and that they are not consistent with the legal codes.

The more people become educated the more they neglect traditional artifacts, informal controls included. This has caused generational disparity hence destabilizing social cohesion. The Non-educated members of the society are seen to be more receptive in applying informal controls and sanctions in reproaching social disorder than the educated. Adherence to the sanctions and controls gradually increases with lowered level of education. This is due to the developed varied personal opinions.

Growing of small shopping centers in the study area has made people become more self-centered by making them feel and think more commercially. This self-liking has overridden the general spirit of good neighborhood and instead self-interest has prevailed. Social structures in the study area have not comprehensively promoted social cohesion. Instead they have made people to be differently socialized.

Whereas communities are expected to take care for its people; communities of the study area have not taken care of problems of its people. For this reason majority of the residents do not feel guilty when they do anything that offends the society. The society members would like to have a society which is concerned for its people, helpful, caring, remorseful, united, transparent, fair, good conduct, empathetic, sensitive and collaborative.

5.5 Recommendations

The study came up with a number of recommendations:

1. Legal support for informal controls is necessary. For informal controls to contribute to security management properly, formal and informal justice systems need to work complimentarily. Informal justice system must be allowed legally to handle civil cases. This is because they are community in nature and based. In this situation, those handling the cases must have legal induction to avoid misuse of the process. If this happens, the resolution made out of the system will be legally binding, people will no longer treat informal controls and resolutions as inferior and they will have a future purpose to serve. This will allow for mutual support from each other. This is informed by the fact that it is in these mechanisms that errant members of the society can be effectively counseled and corrected. Because, crimes in rural are not committed by foreigners, but know people within the community.

2. Promotion and popularization of traditional justice mechanisms are needed. Traditionally, *garu, kirimo, mwiriga*and *muuma*were recognized by Njuri Nceke council of elders as traditional justice mechanisms in instilling discipline. During their time, they delivered

both civil and criminal cases to a lasting solution. Now that today they are not popular as established by the study, crimes and other social evils are many. They need to be promoted and popularized restore social sanity. This will make them revived and functional to perform their traditional purpose. These mechanisms are ideal for implementing informal controls because they are community formed, based and oriented. This makes them suitable in handling local social problems since most of local problems have traditional origin therefore requiring traditional approaches. This can be through mounting calculated campaign and targeted programs in the village of their revival. Their original organizational structure must be emphasized and their ultimate importance sensitized. This will help adults go back to their traditions and practices. Secondly, including their concepts in the local school curriculum right from pre-primary. This will enable their introduction early enough to children for internalization.

3. Local culture and practices should be strengthened. Today many local cultures and practices have been abandoned. Those performed like male circumcision are not conducted as per, while others are done secretly. They need to be fully operationalized considering adverse issues. Traditionally, these ceremonies acted as events for enculturation and socialization as they were very important in maintaining social order. This is because they ensured the society is socially and culturally homogenous, a hotbed for informal controls application. The society culture, values and practices can be strengthened by; holding seminars to emphasize their local importance, creating programs to promote their vitality so that their equal importance can well be perceived by the locals. This is by designing programs and radio shows in a manner the local culture, values and practices look important, attractive and entertaining to supersede the appeal got from social platforms like Whatsapps, Facebook and Twitter. The programmes and radio shows should be made to reach many people by engaging local radio stations like *Meru FM, Mwariama,* and *Muuga FM*. This is because many people old and young have turned to social platforms as socializing sites hence disabling physical socialization. When this is done and well anchored, foreign cultures will not have a place in the society. This is because it will create a bonded network which will be hard to penetrate.

4. Building of positive neighborhood spirit is crucial. Social structures in the study area have not promoted social togetherness optimally. Instead they have propagated individualistic and hedonistic thinking amongst the society members. This has made application of informal controls hard. This should be broken to enhance positive neighborhood spirit. This is by mobilizing and organizing residents towards common welfare undertakings; example, having social welfare organizations, self-help groups and community development projects. This will increase feeling for each other, build a society which is rankles and sharing common values. The members will equally feel the society cares for their problems and therefore avoid doing anything that offends it.

5. Working towards one society should be the ideal. With various educations levels, urbanization and globalization, people have differently been socially oriented with each group holding extreme value systems. This varied worldview has hampered application of informal controls. These value systems need to be bridged to create socially homogenous society for informal controls to be harmoniously and effectively applied. This can be possible if people regardless of social status partake in common activities like traditional dances, songs, debate shows and other teamwork activities. This enhances social bond amongst community members and helps in realizing common values amongst the members.

5.6 Area of Further Research.

This study recommends the following areas for further research:

1. The role of social structure in the function of maintaining social order. Family, education and religion are among the social structures in a society. A researcher can study one and its role in maintaining social order.
2. Broken family as a contributory factor to delinquency. A family can be broken, staying together, have few or many households. Researcher can study how broken family has been a factor to delinquency.
3. The relationship that exists between formal and informal controls in restoring social order.

4. The contributions of informal controls and sanctions in criminal justice system. The researcher can analyze how informal controls and sanctions have contributed in realizing social order.

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APPENDICES

APPENDIX I: RESPONDENT INTERVIEW GUIDE

Interviewee schedule number……

Respondent information

Name (optional)……

Gender

Male ☐

Female ☐

Designation/Occupation…….

Contact……

Section a: How practices of legal codes have influenced dysfuctioning of traditional informal crime controls in managing security

a) Today deviance and other social disorders are very high. Do you think this has been attributed in any way to the existing legal codes?

Yes ☐

No ☐

If Yes, how?

.....

.....

b) According to the way informal crime controls are applied here does it follow the general provisions of legal codes?

Yes ☐ No ☐

If NO does this affect their application?

……

……

c) Informal crime controls has been used since memorial to control social order; do you think their optimal application to control social disorder is affected by the practice of legal codes?

Yes ☐

No ☐

If yes, how does it affect the application?

……

……

……

What do you think should be done to ensure their optimal application midst the practice of legal codes?

……

……

……

d) Do you personally believe in possible applicability of informal social controls today in controlling social disorder?

☐ Yes ☐ No

If NO, why?

……

……

e) Do you personally believe in the utility of informal controls?

☐ Yes ☐ No

Give your account to the answer above.

……

……

Section b. Modernization and effective application of informal controls and sanctions

1) Mass media

Do you believe by mass population knowing how crimes are committed in other areas has motivated them into committing crimes?

Yes ☐ No ☐

Do you believe media has helped effective application of informal crime controls?

Yes ☐ No ☐

If NO, narrate how it has demotivated……...

……

2) Christianity

In various worship places conformity is a value widely preached. Do you believe the introduction and the wide spread of churches has helped people to adhere to informal social controls?

Yes ☐ No ☐

If NO, tell the reason……..

……

3) Urbanization

a) For various reasons urban habitants have found themselves in the rural areas therefore moving with their urban characteristics to the rural areas.

i) Has these characteristics impacted in any way to this area's social glue?

Yes ☐ No ☐

If the answer above is yes, how this has been caused.

……

……

Suggest way forward for answer above……..

……

b) Growth of small shopping centers in this area has made majority of residents here to feel and think commercially. Do you believe this has reduced neighborhood spirit?

Yes ☐ No ☐

If the answer above is yes, show how it has affected application of informal social controls individual level

……

Propose way forward at this level……..

……

4) Globalization

Communication today through social media platforms has been made easier both locally and internationally. This has caused diffusion of cultures form region to region.

a) Has this happened here?

Yes ☐ No ☐

Give examples of these cultures

……

……

b) Has this conflicted with the local culture?

Yes ☐ No ☐

If the answer above is yes, have these cultures have been supportive to the application of local informal social controls?

Yes ☐ No ☐

If NO, cite how they have not been supportive

……..

……

Section c. Social structure and effective application of informal social controls

a) People here are configured differently therefore forming distinct social structures. Have these social structures comprehensively promoted social cohesion in this area?

Yes ☐ NO ☐

If NO, why?

……

……

b) This society comprises of both old and new generations.

i) Do all these generations equally acknowledge operational importance of informal social controls?

Yes ☐ No ☐

ii) Which between the two from your own view readily embraces the informal social controls?

Old generation ☐ new generation ☐

Give your opinion on your answer……

……

c) Do you personally acknowledge and embrace the informal social controls?

Yes ☐ No ☐

Give an account of your position……

……...

d) The number of educated people here has increased tremendously.

i) Has this increased social cohesion amongst the residents?

Yes ☐ No ☐

ii) Who between the educated and non-educated is more receptive and readily apply informal controls to reproach social disorder?

a) More receptive to informal controls

Educated ☐ Non-educated ☐

b) Readily applies informal control

Educated ☐ Non-educated ☐

e) This area has people of various academic levels. How do you rate them in relation to adhering to informal controls and sanctions? Tick appropriately.

Academic levels	Very low	low	average	High	Very high
Primary level					
Secondary level					
Higher education level					

Give your comments on these level's responses……..

……

……

Propose your way forward ……

……

……

f) You as a resident of this area, do you feel this society has taken care of your problems as it is supposed?

Yes ☐

NO ☐

If your answer above is NO, do you feel guilty when you do something that offends the society?

Yes ☐

No ☐

Give your account for the answer above.

……

……

g) What is the ideal society you would wish to have around you?

……

……

APPENDIX II: KEY INFORMANTS GUIDE

Gender

Male ☐ Female ☐

Name:…… Date:……

Time……

The focus of this evaluation will be to better understand factors that affect effective application of informal controls in managing security in this area. Input from this examination will be shared with security managers in order to make improvements in security management policies.
My purpose in talking with you today is to learn more about your thoughts, feelings, and experiences in regard to the application of traditional informal crime controls.
Anything you tell me will not be personally attributed to you in any reports that result from this evaluation. All of the reports will be written in a manner that no individual comment can be attributed to a particular person.
Your participation in this interview is completely voluntary. Are you willing to be interviewed?
Do you have any questions before we begin?

What challenges do the local informal crime controls experience in its implementation from legal code practices.

……

Does the criminal justice system support the application of local crime controls?

……

How has modernization (globalization, urbanization, Christianity and media) negatively impacted application of informal crime controls?

……

How has social structures affected application of local social controls?

……

Because social structures were there even during the old days, how did they not affect application of local social controls ……..

APPENDIX III: RESEARCH PERMITS

CONDITIONS

1. The License is valid for the proposed research, research site specified period.
2. Both the Licence and any rights thereunder are non-transferable.
3. Upon request of the Commission, the Licensee shall submit a progress report.
4. The Licensee shall report to the County Director of Education and County Governor in the area of research before commencement of the research.
5. Excavation, filming and collection of specimens are subject to further permissions from relevant Government agencies.
6. This Licence does not give authority to transfer research materials.
7. The Licensee shall submit two (2) hard copies and upload a soft copy of their final report.
8. The Commission reserves the right to modify the conditions of this Licence including its cancellation without prior notice.

REPUBLIC OF KENYA

NACOSTI

National Commission for Science, Technology and Innovation

RESEARCH CLEARANCE PERMIT

Serial No.A 16250

CONDITIONS: see back page

THIS IS TO CERTIFY THAT:
MR. GILBERT MURIUKI MARATU
of EGERTON UNIVERSITY, 19284-501 Nairobi,has been permitted to conduct research in *Tharaka-Nithi County*

on the topic: *SOCIAL AND CULTURAL FACTORS AFFECTING EFFECTIVE APPLICATION OF TRADITIONAL INFORMAL CRIME CONTROLS IN MANAGING SECURITY IN CHIAKARIGA WARD, KENYA*

for the period ending:
30th October,2018

.....
Applicant's Signature

Permit No : NACOSTI/P/17/80568/19633
Date Of Issue : 30th October,2017
Fee Recieved :Ksh 1000

.....
Director General
National Commission for Science, Technology & Innovation

REPUBLIC OF KENYA

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P.O. BOX 113-60400
CHUKA

TNC/ED/GC/GEN/5 VOL.II/162

7th November, 2017

Gilbert Muriuki Maratu
Egerton University
P.O. Box 536-20115
EGERTON

RE: RESEARCH AUTHORIZATION

Your ref. No. NACOSTI/P/17/80568/19633 dated 30th October,2017 refers..

Your request to carryout research on "***Social and cultural factors affecting effective application of traditional informal crime controls in managing security in Chiakariga Ward,Kenya***" is hereby granted you for the period ending ***30th October,2018.***

On completion of the research, you are requested to give a copy of hard and soft copies in pdf of your research thesis/report to this office.

Best regards.

Paul M. Kairiba
For: County Director of Education
THARAKA NITHI

Copy to:

Regional Coordinator of Education
Eastern Region
EMBU

NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY AND INNOVATION

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NAIROBI-KENYA

Ref: No. **NACOSTI/P/17/80568/19633**

Date: **30th October, 2017**

Gilbert Muriuki Maratu
Egerton University
P.O. Box 536-20115
EGERTON.

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on ***"Social and cultural factors affecting effective application of traditional informal crime controls in managing security in Chiakariga Ward, Kenya"*** I am pleased to inform you that you have been authorized to undertake research in **Tharaka Nithi County** for the period ending **30th October, 2018.**

You are advised to report to **the County Commissioner and the County Director of Education, Tharaka Nithi County** before embarking on the research project.

Kindly note that, as an applicant who has been licensed under the Science, Technology and Innovation Act, 2013 to conduct research in Kenya, you shall deposit **a copy** of the final research report to the Commission within **one year** of completion. The soft copy of the same should be submitted through the Online Research Information System.

GODFREY P. KALERWA MSc., MBA, MKIM
FOR: DIRECTOR-GENERAL/CEO

Copy to:

The County Commissioner
Tharaka Nithi County.

The County Director of Education
Tharaka Nithi County.