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Sociological Evaluation of Laws and Administration of Juvenile Justice System: A Study of Kaduna Borstal Institution

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Annotation: Juvenile laws were made both locally and internationally to manage issues related to minors in that regard. This study seeks to evaluate the Laws and administration of the juvenile justice system in Kaduna State, Nigeria. The objectives of the study include discovering the existence of Juvenile laws, evaluating the application of Juvenile laws in the apprehension of suspected delinquents, application of Juvenile laws in the pre-hearing custody of suspected offenders, application of Juvenile laws in the hearing and disposition of suspected delinquents, application of Juvenile laws in the rehabilitation of juvenile offenders. Relevant literature materials were reviewed, and Rehabilitation theory and the theory of Reintegration were employed in this study. A quantitative method of data collection was adopted. The study found the existence of Juvenile Laws used in juvenile justice administration in Kaduna State, and most of the personnel are not familiar with juvenile laws, and they have not had any specialised training on issues concerning delinquent children; in conclusion, there are disagreements between the juvenile laws (CRA, etc.) and the practices of juvenile justice administration in Kaduna State because of the action or inaction of the agencies and personnel involved. The study recommended training all personnel in juvenile justice institutions on understanding juvenile laws. The government should provide adequate juvenile courts and employ judges trained to handle juvenile matters/cases in Kaduna State. The government should also provide an enabling environment for the rehabilitation of Juvenile Delinquents that will not give room for recidivism.

Keywords: Juvenile, delinquency, minor, administration

Background to the Study

The Juvenile Justice System is a structure of a legal system responsible for the apprehension, pre-hearing custody hearing of juvenile suspects, and rehabilitation of juvenile delinquents. The Juvenile Justice System focuses on intervention at all stages of the formal justice process, including apprehension, hearing, judicial proceedings, and disposition, to correct, rehabilitate, and reintegrate young persons with legal problems. Juvenile Justice Systems differ among countries, and these differences are based on theories, objectives, and principles (Hoffman & Baerg, 2011). The Juvenile Justice System consists of laws, policies, guidelines, customary norms, systems, professionals, institutions, and treatment specifically applicable to children in conflict with the Law (Defense for

Children International, 2007). "The juvenile justice system is complex, involving a variety of government bodies, agencies, departments, organisations, and institutions, such as the police, prosecutors, lawyers, the judiciary, social welfare bodies, education bodies, probation services, detention facilities, after-care bodies, and community-based non-governmental organisations" (Hamilton, 2011). It is recognised as distinct from the criminal justice system, and international and national laws have supported separating juvenile treatment from adults (Hoffman & Baerg, 2011).

In Kaduna State, the Juvenile Justice System found expression mainly in the activities of the Remand Home and Borstal Institution. This is after the Police and the Court have concluded intervention at appropriate stages. The relevant section of the law influences each of the stages. This is besides the practices of the Borstal and Remand homes.

Frequently, children in conflict with the law are victims because they are forced into illegal activities by poverty and hunger **(**Muncie, 2005). The Convention for the Rights of Children (CRC) document guides members–states on how children's special needs should be considered. This is because juvenile laws are enacted and implemented to rehabilitate and reintegrate juvenile offenders as their primary goal (Dauda, 2016). Therefore, adequate child protection is fundamental to avoid child exploitation; it can only be ensured with adequate interventions of juvenile protection and rehabilitation institutions at different levels (Save the Children, 2016).

The 1985 United Nations Standard Minimum Rules for the Administration of Juvenile Justice and the 1990 Guidelines for the Prevention of Juvenile Delinquency (also referred to as "the Riyadh Guidelines") established basic actions to prevent children and young people from engaging in delinquent activities, as well as to protect the human rights of children already found to have broken the law (United Nations, 1990). The United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child are dedicated to Juvenile Justice. Fortunately, both have been adopted in Nigeria by the Child's Rights Act of 2003 (Okoye, 2005).

The juvenile justice system consists of laws, policies, guidelines, customary norms, systems, professionals, institutions, and treatment specifically applicable to children in conflict with the law (Defense for Children International, 2007). The goal is to prevent and control juvenile delinquency while respecting human and children's rights (Crégut, 2016).

In Nigeria, the conferences on Juvenile Justice Administration held in 2002 defined a child as a person between the ages of 1-17. A child under 7 is not criminally responsible for any act or omission. A child between the ages of 7 and 12 will not usually be held responsible for their actions unless it can be proved that at the time of committing the offence, the child could know they ought not to commit it. A child below the age of 12 years is incapable of committing an offence involving carnal knowledge. However, a child above 12 is fully responsible for their actions but must be tried in a juvenile court until the age of 18 (Penal et al., 2003).

In line with National and International Human Rights Treaties, Conventions and procedures, Kaduna State has established Juvenile courts, Remand homes, and Borstal institutions for Juvenile Justice Administration. The objectives of these provisions are to rescue, keep in conducive custody, and reform Juvenile offenders rather than punish them (Munice 1999, in Alemika & Chukwuma, 2001).

Statement of the research problem

Children are vulnerable by their nature, and therefore, they need special protection (International NGO Council on Violence against Children 2013). Juveniles, therefore, require a system that offers protection to them by ensuring that their rights are protected. The Convention for the Rights of Children (CRC) established juveniles as bearers of rights essential to freedom, justice, and peace in every country. The making of laws in the juvenile justice system, as well as putting these laws into practice, is very crucial if children's rights are to be protected. Investing in them, protecting and safeguarding their interest, means that the law safeguards the entire community's interest. Moreover, we would have a healthy society.

This study identifies the existing juvenile laws and their applicability concerning apprehension, pre-hearing custody, hearing and disposition, and whether offenders are being reformed in Kaduna State.

Conceptual Clarification

This section emphasises literature related to Legal Backing of the Juvenile Justice System/Administration, The Juvenile Laws in Kaduna State: i. The Nigeria Constitution and Juvenile Administration, ii. Children and Young Persons Act (CYPA) iii. Child Rights Act (CRA) iv. Convention on the Rights of the Child (CRC) v. United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) vi. United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) vii. African Union Charter on the Rights and Welfare of the Child (AUCRWC).

Legal Backing of Juvenile Justice Administration

The foundation of juvenile justice was solidified and given strong international legal backing in 1997. In 1997, the United Nations adopted resolution 1997/30 on the administration of juvenile justice (United Nations Economic and Social Council, 1997), which requested the Secretary-General to consider the creation of a "coordination panel on technical advice and assistance in juvenile justice. United Nations Interagency Panel on (Juvenile Justice, 2016).

The Nigeria Constitution and Juvenile Administration

The juvenile justice system/administration laws in Nigeria include the Constitution of the Federal Republic of Nigeria (1999; 2011), the Children and Young Persons Law (CYPL, 1958), the Convention on the Rights of the Child, and the Child Rights Act, 2003. Before the 2003 Child Rights Act, Nigerian child protection was defined by the Children and Young Persons Law (CYPL).

Nigeria is trying to reform the juvenile justice system; tensions between the constitution and diverse religious laws, customs, and cultures have posed a significant challenge confronting the harmonisation and implementation of laws affecting children in Nigeria. Thus, the protection of children's rights has largely been left to non-state actors, especially civil society organisations that work with women, youth, and children.

Children and Young Persons Act (CYPA)

The Children and Young Persons Act was introduced to make provision for the welfare of the young, the treatment of young offenders, and the establishment of juvenile courts. Before the 2003 Child Rights Act, Nigerian child protection was defined by the Children and Young Persons Act

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(CYPA), a law relating primarily to juvenile justice. Initially passed by the British colonial government in 1943, the CYPA was later revised and incorporated into Nigeria's federal laws in 1958 (formerly Chapter 32 of the Laws of the Federation of Nigeria and Lagos.) However, its legal provisions fell short of the rights afforded by the African Charter on the Rights and Welfare of the Child (ACRWC), the United Nations Convention of the Rights of the Child (CRC), and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice. The CYPA (L) was thus thought to be outdated and no longer in conformity with international conventions that Nigeria had signed (IRIN, 2011).

Child Rights Act (CRA)

The Child Rights Act was passed into law by the Federal Government of Nigeria in 2003. The Act was necessary because the Nigerian Constitution of 1999, under chapters two and four on fundamental human rights and fundamental objectives and directive principles of State policy, respectively, are not specific to child rights. Also, the various States' CYPLs were essentially juvenile justice administration biased and not necessarily child rights and responsibilities specific (Ladan, 2007). Twenty-four federation states have domesticated the CRA, but some core Northern States are yet to do so because of cultural issues (International Federation of Women Lawyers, 2013). Mainly, Islamic Scholars have raised concerns that the CRA's provisions are contrary to Islamic law, which gave rise to its rejection even though the Federal Government can apply the Act at the federal level (UNICEF, 2011; Ladan, 2007).

The Child Rights Act is the most inclusive of all the legislations in Nigeria that deal with all matters relating to children in juvenile justice administration. Its complete application is, however, limited to the Federal Capital Territory, while States are allowed to adopt it with recognition of their peculiar background. Kaduna State, among other few, adopted the Act in 2010. Interestingly, the CRA introduced a juvenile justice administration system known as child justice administration with a very striking law of the Act that stands out from the provisions of CYPA because it explicitly removes a child from the paraphernalia of the criminal justice process. It provides that non-subjection of the child to the criminal justice process or criminal sanctions (Section 204). It also provided for establishing a Family Court at the High and Magistrate Court" levels (Sections 149 and 150). At the same time, the procedures for administering juvenile justice are stated in Section 217 (CRA, 2003). These courts are conferred with unlimited jurisdiction to hear and determine, among others, any delinquent proceeding involving punishment or other liability regarding a delinquent act committed by a child against a child or the child's interest (Section 151). Furthermore, Parents or Guardians are expected to be informed immediately (about the offence and or arrest) of the juvenile and consider releasing him without delay (Section 217). Sections 211 and 214 provide that the juvenile offender be handled with dignity by respecting his legal status and promoting his well-being and best interest during adjudication to avoid harming him regarding the child's situation and the case circumstances.

The CRA (Section 206) emphasises the competence, training, and professionalism of all personnel (Judges, Police, Supervisors, and Social Welfare Officers) dealing with suspected/convicted offenders to guarantee and protect their interests. Because of the significance of the Police in juvenile justice administration (JJA), the Act emphasised establishing a particular section to deal with children specifically and to prevent them from committing offences. In addition,

the section or unit is to apprehend and investigate child offenders and any other function that may be referred to the unit by the Act (Section 207).

The Act also provides that cases could be settled through supervision, guidance, restitution, and compensation of victims if the offence is not severe. The Act advocates for reconciliation, taking into account the disposition of the family, school institution, or where the Police deem it necessary or appropriate in the interest of the child offender and the parties involved, while detention be used as a last resort and only for the shortest period (Section 212).

Convention on the Rights of the Child (CRC)

According to Oduwole (2010), most provisions in the Rights of the Child are relevant to juvenile justice. If all were respected, promoted, and protected, juveniles would not be involved in crime. The Convention encourages the family to play a vital role as caregivers and the prevention of institutionalisation whenever possible. Articles 37, 39, and 40 (of CRC) are the most appropriate sections for administering child justice. Article 37 prohibits unlawful or arbitrary arrest of juveniles. Arrest, detention, or imprisonment will be applied only as a last resort and for the shortest period.

In contrast, cruel treatment, torture or punishment, capital punishment, or life imprisonment are prohibited. Furthermore, Article 40 demands that all rights for children alleged as accused of or recognised as having infringed the penal law should be granted. Lastly, Article 39 recommends rehabilitation and social reintegration of children, victims of neglect, exploitation, and abuse. Despite the laudable provisions made by the Convention, some difficulties, including Nigeria's diverse ethnic groups, complex socio-economic cultures, and the persistence of certain harmful traditional practices and customs, had negatively affected the enjoyment of the rights guaranteed under the Convention (UNICEF, 2006). These inadequacies have compounded matters by turning the juvenile justice channels into punitive rather than correctional and rehabilitative fortresses (UNICEF, 2006).

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules).

The Beijing Rules were the first to state juvenile justice system administration comprehensively. The Beijing Rules were adopted in Beijing, China, in 1985. The rules aimed at a system that would be fair and humane, emphasising the well-being of the juveniles by providing for a separate juvenile justice system and advocating for recognisance and incorporation in any legislative change. It demands a proportionate reaction of authorities to the offender's circumstances and the offence.

United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines)

The Riyadh Guidelines were adopted by the U.N. General Assembly one year after the CRC, emphasising the holistic nature of the administration of juvenile justice. The guidelines advocate for promoting adolescents' well-being and harmonious development with respect for and promoting their personality from early childhood. The guidelines also believe youthful behaviour contrary to societal norms and values to be part of the maturation and growth process, which will disappear spontaneously with the transition from childhood (Oduwole, 2010). It prohibits labelling a young

person because it will lead to a consistent pattern of undesirable behaviour. Thus, it calls for community-based services and programmes to prevent juvenile delinquency and formal agencies of control to be used as a last resort.

With all these provisions, there have been obstacles to the full implementation of the laws by the juvenile justice system. According to Ayua and Okagbue (1996) and Alemika (2001), corruption, protracted military rule, repressive criminal laws, law enforcement agencies, and penal practices have subjected offenders, including juveniles, to torture, inhuman and degrading treatment by the Police and prisons. Again, the inadequate funds for equipment leading to delays in trials of suspects, overcrowding, and unhygienic and inhuman conditions in police cells and prisons are yet a limitation.

African Union Charter on the Rights and Welfare of the Child (AUCRWC).

The African Charter on the Rights and Welfare of the Child (ACRWC) is a regional instrument comprising member States of the African Union adopted in 1990. The Charter adheres to the principles of the rights and welfare of the child as contained in the CRC. The Charter explicitly recognises the position of an African child and advocates for "cultural heritage, historical background and the values of African Civilization which should inspire and characterise the concept of the rights of the child" (Babaji, 2008).

The Application of Juvenile Laws in the Arrest of Juvenile Suspects

In Tonga, Kuli (2007) found out that there was no difference between the arresting procedure of a juvenile and that of an adult offender before the introduction of the juvenile justice system. He said one common feature of the practice of juvenile corrections is that the Police, even for minor offences, exhibit rudeness and arrest children arbitrarily (Bohm, 1999; Haley, 2002; Alemika & Chukwuma, 2001; UNICEF, 2006; Ijaiya, 2009). The UNICEF (2006) confirms that there is no particular police unit that was given requisite training on custody of juvenile suspects. Instead, Police have broad powers to apprehend children arbitrarily for different reasons, including status offences. In respect of the above assertion, Oduwole, Atere, Yesufu, and Adegoke (2010) added that the Children and Young Person's Law (CYPL) (1958), which was the legal instrument primarily used in juvenile justice administration in almost all countries in African is silent about custody procedures of juvenile suspects and Child Right Law (CRL) at state's level did not provide procedures for the custody of a juvenile offender. Furthermore, because some juvenile delinquents are truants and no longer live together with their families, it is usually difficult to trace the families and inform them about their children.

Meanwhile, the 1999 Constitution (of Nigeria) prohibits torture and inhuman or degrading treatment. It requires that every person be informed in writing and within 24 hours of the truth and reason for his arrest.

However, in practice, most of the constitutional provisions are not followed, particularly those related to time requirements, as found in the study headed by Godswill (2013); they revealed that 60% of children in custody stated that their arrest involved the use of threat or physical force and they were not informed about the custody nor told the reason of their apprehension, while about 45% stated that they were subjected to various forms of pressure to admit to the offence they were charged with. Nevertheless, Police have the authority to release juvenile suspects on bail. However, they refuse to release them, claiming that the child may be more exposed to moral danger if released or

on the allegation that he has not said what he knew about the offence he committed. Thus, it is expected to find juvenile suspects suffering in Police or any other custody.

The Application of Juvenile Laws in Pre-Trial Detention of Suspected Offenders.

In most cases, pre-trial detention is ordered based on the gravity of the child's offence without considering other grounds (such as the likelihood that the offender may escape from the investigator or commit another delinquent act). In the case when the family does not have a place of permanent residence (internal migrants), pre-trial detention is ordered even for petty crimes because of the risk that the child may escape (Azerbaijan Young Lawyers Union, 2015).

The Child Rights Act/Law (CRA/L) and Children and Young Person's Law (CYPL) set out principles that guide the treatment of juvenile offenders during pre-trial detention. Sub-section 3 of the CYPL prohibits the detention of juveniles "except on serious cases like murder, and it shall be used as a measure of last option and for the shortest period". To this end, some scholars, Alemika and Chukwuma 2001; UNICEF, 2006 Ijaiya, 2009 posited that juvenile suspects are not only arrested but are detained for a period longer than required and are forced to confess their delinquent act and physically abused while in police custody. UNICEF (2006) and Alemika (2002) also observed that Juvenile suspects are held together in the same cells as adult inmates, and their parents are not necessarily notified of their child's offence.

Financial bonds beyond parental means are frequently required to guarantee a child's release like an adult. As a result, children on the street and those from destitute families, or even those whose parents are not located and therefore not contacted, fall victim to pre-trial detention. They fall victim not because of the severity of the offence they committed but because their parents cannot be located, cannot afford to pay for their release, or have been deemed as weak by the Police (UNICEF, 2006). It is also a common sight, according to Amnesty International (2008), to see suspected offenders subjected to pre-trial detention in closed facilities (to preserve their evidence) and left to suffer for months or even years waiting for their cases to be completed due to delays in the juvenile justice system in addition to the failure of police prosecutors and judges to prioritise cases involving children.

Alemika (2001) states that Sections 11-14 of CYPL emphasise punishing children and young persons. Section 11(1) prohibits the imprisonment of a child. However, Section 11(2) provides that a young person shall be put into a correctional institution only if he cannot be suitably dealt with in any other way, including probation. Section 11(3) states that where there is imprisonment, young offenders will not be associated with adult prisoners. However, although Section 11(1) prohibits the imprisonment of a child (offender), Section 11(2) allows it, though sparingly and only when other forms of non-custodial punishment or correctional orders are not feasible. Section 12 prohibits the pronouncement of the death sentence against a juvenile below the age of 17 years, although he may be committed to custody "at the pleasure of the Head of State. "Section 14, on the other hand, provided various disposition options for juvenile suspects. The various dispositions include the following;

i. Dismissing the charge,

ii. Discharging the offender on his entering into a recognisance,

iii. Discharging the offender and placing him under the supervision of a probation officer,

iv. Committing the offender using a corrective order to the care of a relative or other fit person, sending the offender using a corrective order to an improved institution, or

v. To be whipped, pay a fine of the damages or costs or order the parents/guardian of the offender to pay a fine of the damages or costs or order the parents/guardian of the offender to give security for his good behaviour. Other sanctions are committing the offender to custody in a place of detention under the ordinance, ordering him to be Corrected if he is a young person, or dealing with the case in any other manner in which it may be legally dealt with.

The Application of Juvenile Laws in the Rehabilitation of Juvenile Offenders

In Queensland, there is a Children's Court, a special court that deals with Magistrates Court matters involving juveniles. Suppose a juvenile is found to have breached the conditions of a juvenile justice order (i.e. conditional release, probation, community service, and good behaviour orders). In that case, he will appear in court for re-sentencing the offence for which the order was initially made (Youth Justice Act & Nyantakyi, 2013). In 2015, 16 438 defendants appeared in Queensland courts for breach of juvenile justice orders compared with 6,774 appearing for criminal offences (Court's Annual Report, 2016).

Similarly, juvenile laws were applied in the 1960s to take care of delinquents in the United States of America. In consideration of a defendant's youthfulness at sentencing, in 1950, the Youth Corrections Act (YCA) was passed to guide federal judges when sentencing a "young offender" under the age of 22 and a "young adult offender" between the ages of 22 and 26, that included segregation from adult offenders in prison and alternatives to imprisonment, such as rehabilitation and treatment (United States Sentencing Commission, 2017). Under the sentencing guidelines, an offender's delinquent history score may include points attributed to offences committed before the age of 18, regardless of whether the offence was prosecuted as a criminal conviction (where the defendant was prosecuted as an adult under state law) or as a juvenile adjudication of delinquency treatment (United States Sentencing Commission, 2017).

In support of the above argument, Richards (2011) posited that putting young offenders behind bars may not deal with the kind of factors that caused their recorded delinquencies. In most cases, it merely removes these youth from their homes. Hagan and Holly (2001) argued that in North America, one of the problems of correcting juvenile offenders in correctional institutions is recidivism. This means the rate of re-offending among juvenile offenders, which is a cause for concern for those involved in Juvenile justice agencies around the world. For example, the recidivism rate for young people leaving custody has been reported to be as high as 96 per cent. In another study, 88 per cent of British males between 14 and 16 years re-offended within two years of release from custody. Re-offending among juveniles following community orders appears to be much lower.

In line with the above assertion, in Australia, a Victorian government study into recidivism among juvenile justice clients reported that nearly half (41%) of a sample of more than 1,500 juvenile justice clients re-offended, with this rate rising to 61% for those who had previously been on supervised orders. Such statistics provide a strong rationale for juvenile justice services to scrutinise

their service delivery models and maximise the effectiveness of their rehabilitation programs (Andrew, 2004).

Article 37(a) of the CRC prohibits the torture, cruel, inhumane, or degrading treatment of a juvenile, as well as capital punishment and life imprisonment of a juvenile. Article 37(b) prohibits the arbitrary arrest and detention of juveniles and further states that deprivation of liberty shall only be used as a measure of last resort and for the shortest appropriate period. Article 37(b) implies that alternative measures of arrest and detention must be used at all stages of the juvenile justice procedure. This principle aims to restrict institutionalisation about the quantity concerning the term "last resort" and time concerning the term "shortest period" (Sloth-Nielson, 2008). Article 37(c) of the CRC states that every child deprived of liberty shall be separated from adults, and children who committed a personal offence should also be separated from other children who committed a status offence and states the right of the juvenile to maintain contact with their family while deprived of liberty.

Adenwalla (2006) also observed that in India, despite existing juvenile legislation, persons below the age of 18 years are treated as adults and deprived of the benefits of the statute. It is the Police who, at the first instance, incorrectly depict a juvenile in conflict with the law to be an adult. After that, the Magistrates and Judges treat the juvenile to his detriment. Due to this apathy, children are incarcerated in prisons and sentenced to life imprisonment in absolute violation of the law. The Police are known to deliberately portray a juvenile as an adult to retain his custody.

In line with the above observation, Hoffmann and Baerg (2011), in their studies in Azerbaijan and Ghana, respectively, concluded that there are several laws and constitutional guarantees for the protection of the rights of children accused or convicted of delinquent conduct in reality, they are seldom upheld. Immediately after disposition, children suffer in correctional custody, and they are sometimes maltreated by authorities seeking confessions. They are sometimes denied access to relatives and not kept separate from adults. In line with the above observation, Joy Online (2011) argued that While in correctional institutions, children are often subjected to degrading and inhuman punishment. They face problems such as extreme overcrowding, malnutrition, physical, mental, and sexual abuse, and lack of medical care or legal advice. When convicted, sentences often violate the critical principles of juvenile justice: rehabilitation and the importance of the well-being of the child. In line with the above arguments, the 2007 report of the National Prison Rape Elimination Act Commission said that juveniles are at highest risk of being sexually abused while in confinement. Children housed in adult facilities are at an even higher risk of being victims of sexual abuse than children retained in juvenile facilities (Department of Social Welfare and UNICEF, 2011).

Application of Juvenile Law in Rehabilitation of Juvenile Offenders in Kaduna State

Juvenile suspects who are convicted in court turn out to become offenders. They are taken into juvenile institutions (Borstal Institution, etc) for reformation and rehabilitation. This is in line with Article 39 of the Child Rights Act, which recognises the right to rehabilitation and social reintegration of delinquent children and those who may be victims of neglect, exploitation, and abuse. However, parents are made to pay some money (for bedding) in the Borstal Institution for the children to be admitted for correction. A parent who does not have money will have their children have been taken to adult prison, where penal laws are being used on the delinquent inmates.

Theoretical Framework

Theories interpret reality uniquely by providing frameworks/perspectives in which observations are logically ordered.

The Rehabilitation Theory

The rehabilitation theory was formulated around the 18th century, during the Age of Enlightenment, with the reformed movement that stressed the dignity and imperfections of the human condition. It pointed out the primitiveness of criminal law and procedure and the brutality associated with many sentences and conditions of confinement (Siegel, 2005). The proponent of rehabilitation, Williams Penn (as reported by Sutherland & Cressey, 1978), saw imprisonment as a sufficiently severe penalty and insisted that offenders or delinquents should be rehabilitated. Not long before rehabilitation began to draw adherents like Jean Hampton (1954-1996), who argued that" even if offenders wrong the society, they are still due the autonomous rights guaranteed by the state. The state must uphold the moral education of the delinquents.

Rehabilitation theory assumes that people are not naturally delinquents and that it is possible to restore a delinquent to a useful life, to a life in which they contribute positively to the development of themselves and society. According to Packer, as cited in Dambazau (2007, p.310),

The rehabilitation theory teaches us to treat each offender as an Individual whose special needs and problems must be known … to enable us to deal effectively with him". Analysing rehabilitation as a justification for punishment, Packer further noted that the rehabilitative idea might be used to prevent delinquency by changing the behaviour of that offender, that punishment, in theory, is forward-looking, that the inquiry is not into how dangerous the offender is but instead into how agreeable to the treatment he is. However, Packer also noted that the gravity of the offence committed might not give us a clue as to the intensity and duration of the measures needed to rehabilitate the offender.

In addition, Siegel (2005, p.371) affirmed that rehabilitation embraces the notion that by giving the proper care and treatment, delinquents can be changed into productive, law–abiding citizens. The rehabilitation school is, therefore, suggesting that people commit delinquency through no fault of their own. Instead, delinquents themselves are victims of social injustice, poverty, and prejudice; their acts are a response to a society that has betrayed them, and because of their disturbed and poor upbringing, they may be suffering psychological problems and personality disturbances that further enhance their committing capacities. Similarly, Ugwuoke (2000, p.56) asserted that "rehabilitation requires that the offenders be treated humanely with dignity and respect, be shown love, kindness, and compassion, not cruelty, contempt and hate". The belief is that by "changing the attitude and behaviour of delinquents, they will be able to choose lawful means in satisfying their needs" (Dinitz & Dine, 1979).

The Theory of Reintegration

The reintegration theory of criminology is credited to John Braithwaite and his theory of 'reintegrative shaming' (1989). Reintegration is concerned with the process of accepting ex-convicts back into the society. According to Braithwaite (2000), the rehabilitated offender is made to denounce his delinquent action publicly and apologise to society and the victims of their delinquent exploit. In

this way, Braithwaite believed that the offender could be reintegrated into society with full Community support.

The reintegration process encourages bonds of love and respect; it maintains and strengthens forgiveness between the reintegrating individuals, the society, and the victims. Today, reintegration is providing the needed ingredients for the establishment of victimology. Reintegration believes that "forgiveness", which may include restoration (giving back to society and victims what was stolen), can bring mutual respect. This is because the people closest to the offender and whom the offender cares most about are more likely to produce remorse than a judge or corrections officer who, according to Braithwaite, is viewed by the offender as separated from their social context. Likewise, gestures of forgiveness and acceptance will be more beneficial since they come from the offender's family, friends, and community than from an outside source (McAlinden, 2005).

Reintegration creates room for social re-labeling as it enhances the individual's internal transition from offender to citizen and thus supports their commitment to resistance from delinquency.

Juvenile Laws

The Kaduna State Juvenile Laws are domesticated from the Nigerian Child Rights Act 2003. The laws "(Child Rights Law, Children and Young Person's Law (CYPL), the United Nations Convention on the Rights of the Child (CRC), and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)" were made for proper and successful rehabilitation and reformation of delinquent offenders. This study finds out that the above laws exist in Kaduna State.

According to Oduwole (2010), the provisions of these laws for delinquent children are very relevant to the needs of juvenile justice. However, protecting delinquents' rights can only be realised if these laws are respected, promoted, and protected. However, this study found contrary to what these laws stated on handling delinquent children in Kaduna State because most of the staff in juvenile justice institutions are not conversant with the laws. The findings of this study align with that of UNICEF (2006), which says that the laudable provisions made by these Laws for the correction of juvenile delinquents in Nigeria are reasonable. However, the provisions were not applied correctly because most correctional institution personnel are ignorant of the laws.

Application of Juvenile Laws in the Apprehension of Juvenile Suspects

In discussing the findings relating to the application of Juvenile laws in the apprehension of suspected offenders, the study finds out that the majority of the officers had no specialised training on the technicalities of juvenile apprehension, and they were also not conversant with juvenile laws on apprehension. In this context, many juvenile suspects are subjected to violence and abuse of rights during apprehension. This finding, therefore, agrees with Alemika and Chukwuma (2001), UNICEF (2006), and Sa'ad's (2008) earlier observation that juveniles are apprehended not only arbitrarily but also tortured during interrogation. Amnesty International (2008) also cited how juveniles are arbitrarily apprehended when the Police carry out raids. Given this circumstance, the study suggests that the provision for using the principle of discretion by personnel authorised by the juvenile laws is often abused. Thus, Ijaiya (2009) and Godswill (2013), in their respective works, observed that Nigerian police officers exhibit brutality and incivility in their relationship with juvenile suspects by

subjecting them to all kinds of abuse during arrest and interrogation. Accordingly, this study confirmed that during the arrest of juvenile suspects, personnel have continued to treat them at variance with the juvenile laws.

Application of Juvenile Laws in the Pre-Hearing Custody of Juvenile Suspects.

Concerning the application of juvenile laws in the pre-hearing custody of Juvenile suspects, the study revealed that while some suspects (awaiting hearing) stayed less than a month, others stayed over two months while some stayed up to a year. Many juvenile delinquents are detained in either police custody or adult prison even though they are not above the age limit of 18 years eligibility in remand homes. This may be attributed to the closure of Remand Home in Kaduna State in 2014 because of a lack of personnel and essential learning and training facilities. Meanwhile, in the only Borstal institution, the parent must pay some money for bedding before their children can be admitted for pre-hearing custody or correction. For that reason, the Children whose parents could not afford to pay the money are taken to adult prison or left in police custody. Only those who have committed status offences were granted bail to their parents. This has exposed fellow younger residents to abuse in various forms of corporal punishment by older ones. As Ijaiya (2009) earlier observed, such practice exposes new and younger juvenile suspects to abuse by fellow inmates and personnel. Alemika and Chukwuma (2001), UNICEF (2006), and Sa'ad (2008) also added that juveniles are detained for more than 24 hours in an unconducive environment and sometimes with adults.

The duration of the detention is based on the nature of the suspected offence, which ranges from murder, drug, theft, aiding criminals, sexual acts, and thuggery. Alemika and Ijaiya (2009) posited that personnel have been using the ambiguity of the provision of CYPL "where the officer has a reason to believe that the release of a juvenile suspect would defeat the ends of justice" to deny them bail unnecessarily.

The use of Juvenile Laws in the Hearing and Disposition of Suspected Offenders

Concerning the usage of juvenile laws in the hearing and disposition of suspected offenders, the study found that most juvenile suspects are heard in the magistrate courts. This is because the juvenile courts are very few and insufficient for juvenile suspects hearing. The fact that most juvenile cases are heard in the magistrate court suggests that the Magistrates concerned use Penal laws (applicable to adults) in adjudicating juvenile cases because they are not conversant with the current Laws since they are adult court judges. They were not given any training on how to handle the cases of juvenile delinquents. This finding is corroborated by Uwakwei (2011), who observed that "the lack of juvenile court and judges has dramatically affected the administration of juvenile justice.

Application of Juvenile Laws in the Rehabilitation of Juvenile Offenders

Regarding the Application of Juvenile laws in the rehabilitation of juvenile offenders, even though the law requires actions that involve correction, rehabilitation, and reformation of all juvenile delinquents in the correction centres, the study discovered that not all juvenile delinquents get admitted into the Borstal Institution for correction in Kaduna State. This is because, in Borstal's institution, the parent needs to pay some money for bedding before their children can be admitted for correction. Disadvantaged parents who cannot afford to pay the money leave their children at the mercy of adult prisons where penal laws are being used on delinquent inmates. This is against the provision of the Child Rights Act. As attested by UNICEF (2001), "all juvenile delinquents must be

admitted into correction centres to correct, rehabilitate and reform them through formal education, moral teachings, and vocational training. However, the goals are not realised in Kaduna State due to a lack of proper juvenile offender correction and delinquency prevention policy. This shows that juvenile laws are not used here because the policy in the Borstal institution favours only those who can pay for bedding.

Summary of Major Findings

The study's primary focus is on the Sociological evaluation of laws and administration of the juvenile justice system: a study of Kaduna borstal institution. The study was structured to assess the juvenile laws and how they are applied in the administration of juvenile justice from apprehension to committal.

Conclusion

The study has found Juvenile laws guiding the administration of juvenile justice in Kaduna State. However, there seems to be inconsistency between the laws and practices because some of the offenders/suspects held in Borstal Institution are above juvenile age.

The study also discovered the collapse of non-custodial measures, particularly the participation of private individuals and NGOs in rehabilitating juvenile offenders, as mentioned in Section 235 of CRA (2003), given the constraints faced by the lack of facilities for offenders' rehabilitation in some correctional institutions.

Recommendations

Given the findings of this study, the following recommendations are made:

i. The training of all personnel in the juvenile justice system on understanding juvenile laws should be prioritised.

ii. The government should give the police personnel handling juvenile matters the requisite training to handle juvenile suspects during apprehension and interrogation.

iii. The government should revamp the closed-down Remand Home in Kaduna and put it to use to save juvenile suspects awaiting hearings from being taken to adult prison for custody. Accordingly, the government should fund the Home's expansion and provide facilities for proper custody of juvenile suspects awaiting hearings. Furthermore, the government should employ adequate personnel and give them the requisite training to handle juvenile suspects awaiting hearing in the Remand Home.

iv. The government should provide adequate juvenile courts and employ judges trained to handle juvenile matters/cases.

v. The government should give directives to the Management of the Borstal Institution to stop collecting money for bedding because it is frustrating the efforts of courts and many parents who want their children to be rehabilitated but cannot afford to pay the money. After that, proper policies should be made for juvenile offender correction and delinquency prevention in Kaduna State. The government should also support and encourage individuals and NGOs willing to manage juvenile offenders through diversion measures since the correctional institutions are not optimally utilised. Finally, delinquents who have committed personal offences should be separated from those who have committed status offences.

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