

**FACTORS INFLUENCING IMPLEMENTATION OF PROJECTS  
IN THE KENYAN JUDICIARY: A CASE OF COURT HOUSE  
CONSTRUCTION AT KIGUMO LAW COURTS, MURANG'A  
COUNTY, KENYA**

**BY**

**LUMUMBA VICTOR ROGERS**

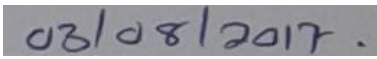
**A Research Project Report Submitted in Partial Fulfillment of the  
Requirements for the Award of the Degree in Master of Arts in Project  
Planning and Management of the University of Nairobi**

**2017**

## DECLARATION

This research project report is my original work and has never been presented for any Academic award in any other university.


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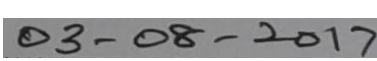
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## **DEDICATION**

This research project report is dedicated to my loving wife Christine Kerubo, daughter Bitutu Setura, Mum Julia Onyimbi, and Brothers Don Jacob Nandi and Japheth Nyaranga, whose love, support and encouragement has kept me focused and determined during my studies.

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## ABBREVIATIONS AND ACRONYMS

<b>ADR</b>	Alternative Dispute Resolution
<b>AFDB</b>	African Development Bank
<b>ADB</b>	Asian Development Bank
<b>DIEFP</b>	Department for Implementation of Externally Financed Projects
<b>EPRDF</b>	Ethiopian People's Revolutionary Democratic Front
<b>GIZ</b>	Gesellschaft Internationale Zusammenarbeit
<b>JPIP</b>	Judicial Performance Improvement Project
<b>JSC</b>	Judicial Service Commission
<b>ICT</b>	Information Communication Technology
<b>IMF</b>	International Monetary Fund
<b>IDB</b>	Inter-American Development Bank
<b>IFMIS</b>	Integrated Financial Management Information System
<b>IFA</b>	Integrated Fiduciary Agent
<b>JTI</b>	Judiciary Training Institute
<b>JTF</b>	Judiciary Transformation Framework
<b>NCLR</b>	National Council of Law Reporting of Kenya
<b>NGOs</b>	Non-Governmental Organizations
<b>PMU</b>	Project Management Unit
<b>USD</b>	United States Dollar
<b>UNDP</b>	United Nations Development Programme

## ABSTRACT

Performance improvement of the judicial system is vital to quality of justice, which is embodied in fairness, impartiality and equity, all of which are elemental to societal well-being and anchors the foundations of human civilization. The purpose of this study was to establish the factors that influence the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya. The objectives of the study were; to establish the influence organizational culture, leadership and organizational structure on the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya. The study design was descriptive survey in which data was collected using questionnaires from a sample size of 108 respondents, obtained from a target population of 150. The sample consisted of judicial officers judiciary staff members of Kigumo law courts as well as clients and members of the project team that have been contracted to construct the court house. The data was analyzed using SPSS while applying various inferential statistical tests to show the influences of the independent variables on the dependent variable. The findings have been presented in form of tables as well as in narrative form. The findings showed that three independent variables under study explained 67.25% of Implementation of court house construction at Kigumo law courts, Murang'a County. This implies that other factors other than those studied in this research contribute to 32.75 % of Implementation of court house construction at Kigumo law courts, Murang'a County, Kenya. The study established that majority of judiciary staff and clients were aware of the Institutions vision, mission, core values and specifically the court house construction indicating that the awareness levels among the staff and the clients was high. It also found that judiciary staff members are guided by institutional values and code of conduct in their day to day activities and they also care about the quality of services they provide showing that their commitment levels is high. Majority of the respondents also agreed that corruption, nepotism and use of vernacular were present in judiciary that the judiciary has put in place stringent measures to address these vices while fully embracing the culture of planning and has a distinctive corporate culture that one can easily identify with. The study findings showed that the suitable leadership style for implementing projects and the current style being practiced by the current management is participative style of leadership. The findings also showed that members of staff, directorates and courts stations have embraced team work and that objectivity and flexibility guides the undertaking of the judiciary management. Majority of the respondents agreed that Information that is needed for judicial officers and staff to do their job readily available, there is timely communication dissemination in the judiciary and the management of the judiciary provides timely feedback on inquiries. The study recommends continuous sensitization of the staff on the institutional vision, mission and core values through meetings and workshops to aid in raising the awareness level among the staff. The culture of planning should also be institutionalized further through capacity building while further strengthening the measures put in place to address vices like corruption, nepotism, sexual harassment and use of vernacular. The study also recommends mentoring programs coupled with training on leadership for all staff to help in succession planning and avoid leadership vacuum. There should also be periodical team building activities to help build cohesiveness and teamwork among the staff. There should also be an incubation center for all the new ideas that if proven to be working, should then be replicated throughout the court system

# CHAPTER ONE

## INTRODUCTION

### 1.1 Background of the study

Over the last two decades, there has been an extraordinary increase in the attention paid to the role that public institutions, specifically in Africa, play in promoting economic development. Indeed, the assertion that “institutions matter” has become commonplace rhetoric, perhaps even truism. This institutionalism revival in the development community has included a resurgence of interest in the role that legal and judicial institutions play, or ought to play, in promoting material improvements in the quality of life of the world’s poor. Academics and policy analysts have sought to better understand the relationship between legal institutions and economic performance, while the development community has promoted legal and judicial reform projects that range from modest efforts to improve court administration to ambitious attempts to eliminate judicial corruption, promote judicial independence, and craft better, more equitable, and more market-friendly legal systems (Mathiew,2007).

According to Lowendahl (2005) the diversity and complexity of the debate about legal and the myriad judicial performance improvement projects that have already been undertaken, put a comprehensive overview of the field under study. The backbone of court system operations is, like in all professional organizations, autonomous work of highly motivated and educated individuals.

In the court system, the judges also need to be completely independent and “beyond control” to ensure objective ruling. At the same time, the court system is a process with a set of sequential tasks and activities linked together, concerning different participants. In terms of operations management, judicial processes are, at first glance, quite simple and straightforward job-shops consisting of manufacturing units and buffers between them. Despite the apparent simplicity, almost every justice organization is facing difficulties to

manage improvement of process performance. It is obvious that the environment has different types of complexity, which are difficult to express with basic operations management terms (Adler et al., 2003).

The judicial process demands a continuous and coordinated flow of a very large number of individual and infinitely different types of cases, and it demands cooperation and coordination between multiple stakeholders. Even though every case is individual, the handling procedures cannot be completely individualized due to the great volume of cases, and the process still needs to be as standardized as possible (Mathiew, 2007).

It can be said that courts are organizations balancing between the needs and requirements of independent professional work and an effective mass-production process. Both these organizational features should be well functioning for the court to perform its basic task which is good quality rulings in a reasonable time. However, the tension and tug-of-war between time and quality has always been present in judicial processes and is still strong in the culture, attitudes and working methods of the courts. This tension is even referred to as “assembly line justice causing injustice”. The fact that both “assembly line” and high quality professional work requirements exist in the court system processes cannot be totally ignored, either. The global problems indicate that the issues of process and production effectiveness have not been fully recognized, accepted and given the attention they need in the different areas of justice organization operations. Some matters cause process ineffectiveness in justice systems all around the world, even though the legislation, court systems, resources and methods in judiciary vary from one country to another (Coolsen, 2008).

Rodríguez-Garavito, (2010) posits that performance improvement of the judicial system is vital to quality of justice. Justice that exemplifies fundamental notions of fairness, impartiality and equity, is elemental to societal well-being and is an anchor of the foundations

of human civilization. In the last half a century, recognition of the significance of this central role has grown. The field of judicial performance improvement in international development assistance has developed substantially and rapidly in various recapitulations. Beginning with the rebuilding of post-war Europe, judicial reform contributed to the law and development movement of international assistance in Latin America in the 1960s and 1970s. It also played a central role during the Washington Consensus-era of support to market economies in the post world war two era.

The World Bank has often been considered the leader of the so called *neoliberal* economic vision of law. Furthermore, the design of World Bank projects has not always sought and integrated input from the many legal think tanks neither the non-governmental organizations (NGOs) interested in judicial matters or the global community of courts and its stakeholders. Despite all these criticisms, the bank has placed a lot of values in the role that the judiciary plays in economic development of any democracy hence the need to support projects and programs that improve performance of Judiciaries around the world (Moustafa, 2007).

Many projects have been supported by different development partners in different parts of the world. On January 26, 2006, the Romanian Government and the International Bank for Reconstruction and Development signed the Loan Agreement no. 4811-RO regarding the implementation of the Justice Reform Project, in view of supporting the judicial system reform process in Romania. According to the Loan Agreement provisions, the project was to be implemented through the Department for Implementation of Externally Financed Projects (DIEFP) established within the Ministry of Justice in view of ensuring the integrated project management. The project's development objectives included: increasing efficiency of the Romanian courts and improving accountability of the judiciary resulting to reduced corruption and more transparent act of justice. Some of the projects outcomes included:

increased capacity of the court system to adjudicate disputes (in terms of fairness, speed and ability to enforce decisions), improved court facilities (in line with international standards), enhanced competence, professionalism and integrity of judges and court staff; resulting to improved public image of the Romanian judiciary (Hammergren, Linn 2007).

Latin America has not been left behind in the quest to improve the performance of their judiciaries. In the last two decades, most countries in this region made efforts to renew or modernize their judiciaries and nearly one billion dollars has been invested. For the World Bank, the core of a judicial performance improvement projects typically consists of measures to strengthen the judicial branch of government and related entities .These measures aim to: make the judicial branch independent or strengthen its independence; speed the processing of cases; increase access to dispute resolution mechanisms; and professionalize the bench and bar (DeShazo and Vargas, 2006).

Judicial reform has been deemed necessary for both democracy and economic development in Latin America. For the World Bank, judicial reform is part of a larger effort to make the legal systems in developing countries and transition economies to more market friendly. Most judicial reform projects sponsored by the World Bank around the world are solely aimed at enhancing a nation's economic performance (Messick, 2002).

Despite lower levels of violence, Ecuador suffered greater economic and political instability partly because of the presence of and the need to integrate an important indigenous population. Judicial performance improvement and reform efforts in the country began as part of a state modernization agenda, and the World Bank together with other international donors played a leading role both in the assessment of the judiciary and in the design of the national judicial reform. The proposed project aimed at increasing efficiency, effectiveness and transparency in the judicial process by improving case administration procedures and the

infrastructure, expanding the use of alternative dispute resolution (ADR) mechanisms within the court system, improving access to justice by the public and women in particular, and pursuing court reform and research as well as legal education. Although the main objective to reduce court case load appears to have only been achieved in one province, the objective of increasing access to justice through alternate dispute resolution processes and through the smaller components was fully achieved. Overall, achievement of development objective is assessed to be substantial (World Bank, 2010).

The impact of the project in the reduction of pending cases was not conclusive and is still considered transitory. However, the project was acknowledged to being useful in rationalizing management, human resources allocation and even the quality of judicial decisions. Although there was no baseline with which to compare results attained, alternative dispute resolution mechanisms were considered a success under the project. The mediation centers are helping to relieve congestion and delays in the ordinary courts and people prefer them because they settle disputes in two weeks, in contrast with the courts' eight months. The program to help increase women's access to justice not only exceeded initial expectations with regard to the number of users and services offered, but it also improved access to justice for poor women in a sustainable manner. Women who used the legal aid centers are better off legally, economically, and feel reassured, as reflected in qualitative and quantitative measures. The majority of the women polled considered that the services accessed under the project had helped reduce ill-treatment by their partners. The project implementation agency has distinguished itself for its professionalism and for having survived after the project closed. It is also a well-accepted organization, and serves as an effective buffer from the political instability in the formulation of projects and programs for the judicial system (World Bank, 2010).



Guatemala, another Latin America nation, ended a forty-year-long armed conflict in 1996 and had to reconstruct its economy and build a state that has the ability to take account of the claims of the groups involved in the conflict. Judicial reform was considered to be essential to promote post-conflict reconstruction, social stability, and economic growth. The project development objective was to create a more effective, accessible and credible judicial system that would foster public trust and confidence in it and improve consistency and equity in the application of law. According to results deriving from a survey carried out in 2007, the overall, achievement of development objective in Guatemala is considered to be substantial. As regard judicial effectiveness, performance was limited. Only a small percentage of the users thought that cases took less time to complete than ten years prior (World Bank, 2010).

One small project component that dealt with the Office of Criminal Records was, however, very successful and is currently serving more than 600,000 users a year. Judicial reach and suffrage increased with a significant regional reallocation in favor of departments least well served by the justice system. There was also an increase in coverage per capita, and a favorable regional redistribution, targeting those regions that had the largest proportion of indigenous communities. Finally, the increase in the number of mediation centers has been steady, particularly since 2005, especially in provinces with a high proportion of indigenous groups, while the launching of mobile courts was a welcome initiative (World Bank, 2010).

Achievements toward a credible judicial system as a result of this project included a higher level of confidence of users in the justice system as well as a favorable perception about the performance of justice throughout the last ten years from internal and external users. In both groups a significant majority believed that the judiciary was working better than it did ten years before, mainly because of improved physical infrastructure, the way the courts are equipped, the quality of the system of criminal records, and the coverage of the courts. The

survey concluded that credibility in the judiciary was higher today than a decade ago and that mobile courts have facilitated access to justice as well as decentralization in the administration of justice. Out of the 82 mediators currently serving in Guatemala, 56 percent were women, and 63 percent came from the indigenous communities. Almost two thirds of the centers were under the responsibility of indigenous mediators. The coordination of official justice and indigenous customary law is taking place, and progress has been made in the appointment of indigenous judges (World Bank, 2010).

In both the Ecuador and the Guatemala project, preparation was done through a lengthy and participatory process of discussion with stakeholders. This was a process that was supported both by the executive and the judiciary. The interest of both the executive and the judiciary in the objectives of their respective projects was maintained throughout the execution. Also, there was adequate dissemination and continuation of the essence of the project after its closure (World Bank, 2010).

In Asia, between 1990 and 2007, the Asian Development Bank (ADB) conducted some four hundred technical assistance projects, valued at approximately USD 420 million, many of which involved aspects of judicial and legal reform, in addition to numerous program loans. These activities have delivered some significant outcomes across the region, visible in terms of improvements to court performance, training and related benefits, though these outcomes are not yet demonstrable in terms of ADB's end-goal of poverty reduction or its intermediate goal of improved governance. In its emerging conceptualization of good governance, judicial reform occupies the central stage. This larger governance dimension of development was hinged on notions of transparency and accountability. This approach to governance was grounded in the vision of the capable and enabling state, articulated in the Bank's World Development Report of 2002 which highlighted the role of institutions in reform endeavors.

It articulated a convergence of governance and institutionalism; more particularly, the governance rationale of institutionalism. The Asian Development Bank conceptualized the institutional role that the judiciary plays in development as playing an important role in development of market economies by resolving disputes between private parties and public parties. The judiciary also provides a backdrop of the code of conduct for individuals and organizations outside the formal systems which consequently affect the evolution of the society as well as its norms (Armytage, 2011).

As the colonial powers started pulling out from Africa in the 1950s and 1960s, efforts were made to develop and strengthen local capacity to operate each country's legal system. The efforts were mainly driven by each country's former colonial power; i.e. the UK in Southern and East Africa, France in Central and West Africa, and Belgium in Central Africa. The USAID was also running some judicial reform programmes in selected countries. This first wave of judicial reform seems to have stalled as the new African states assumed one-party regimes and became puppets of one or the other superpower of the Cold-War often with violent conflict as a result (Conner, 2003).

Like in Latin America, the renewed interest in African judiciaries in the 1990s thus coincided with the end of the Cold War, when one-party states were dismantled and civil wars came to a close in a number of countries. In line with the trend in Latin America, many donors placed assistance to the judicial sector on their aid agenda for Africa. Though the support in monetary terms has been much smaller than that for Latin America, there is still a marked shift in the concern with the judiciary as an institution. The prime motivation has been the wish to support democratization by strengthening the rule of law and institutional development. Aid to the judicial sector frequently forms part of a larger 'good governance'

agenda, which also includes strengthening other state institutions and electoral processes (Pilar and Sieder, 2001).

By contrast, the process of economic liberalization seems to have been much less of a driving force for judicial reform in Africa than in Latin America. A main reason for this seems to be that Africa is less economically developed as a region and thus less interesting for donors concerned with promoting international trade and foreign investment. The structural adjustment programmes advocated in the region by the IMF and the World Bank from the 1980s onwards have been directed at introducing basic market economy principles, yet as a general rule have not been coupled with assistance to judicial reform. Nevertheless, there has been an increasing concern with the need for a more efficient and transparent judiciary in order to speed up the process of economic development. It is also interesting to note that while the Inter-American Development Bank (IDB) placed judicial reform on its agenda for Latin America already in 1993, the African Development Bank (AfDB) has only recently started to be interested in judicial reform issues. The AfDB's efforts have focused on court reform, training, access to justice, transparency, and the building of legal infrastructure, e.g. the establishment of a legal database on African law (Yves and Garth, 2002).

To the extent that the AfDB has been involved, it has engaged in projects in North Africa rather than in sub-Saharan African countries. The first projects in sub-Saharan Africa appear to have been initiated only in 2003 – ten years after the IDB started its judicial reform work in Latin America. The other funding agency that has taken time to get involved in judicial projects is the United Nations Development Programme (UNDP). It has for a long time been involved in development work and poverty reduction in many African countries for a number of years. But only relatively recently, and on a limited scale, has judicial reform become part of the UNDP's agenda for sub-Saharan Africa. UNDP assistance to the judicial sector has

typically formed part of its efforts to promote democratic governance. For example, the UNDP has helped launch a judicial reform process in Equatorial Guinea, Guinea-Bissau and Ethiopia; assisted in the training of prosecutors in Mauritius and has also been involved in strengthening the administration of justice in Angola (Gloppenand Skaar, 2004).

In Africa, beyond the colonial dynamic, there are also a range of bilateral donors that do not seem to be motivated by a history as colonial power. Some examples include Germany's GTZ that has supported constitutional reforms (Eritrea), reform of administrative and criminal law (South Africa), reform of courts and the prosecutor's office (Zambia), and legal information campaigns and NGO networks both in West Africa and Namibia. The other non-colonial donor is the USAID that is involved in 'democracy and governance' programmes in 26 African countries, and has focused its assistance in the field of judicial reform to support for legal advice centers. The other is Denmark's Danida which has been supporting the justice sector since the early the 1990s in a handful of African countries, including Uganda. Finally, Norwegian involvement is quite extensive too. The Norwegian Ministry of Foreign Affairs have since 1999 assisted legal and judicial development in roughly a dozen African countries, including Ethiopia, Kenya, Malawi, Mozambique, Nigeria, Rwanda, South Africa, Sudan, Tanzania, Uganda, Zambia, and Zimbabwe (Gyimah-Boadi, 2004).

Judicial performance improvement efforts in Africa have, like in Latin America, been quite diverse. In Africa, though, an overall aim has been to strengthen the rule of law, that is, to get the judiciaries to a point where they can effectively deal with dispute resolution and safeguard the rule of law without external assistance. For instance, substantial efforts have been made to strengthen judicial independence in various common law countries. Like most developing countries worldwide, Ethiopia has also received extensive external assistance to its judicial reform efforts since the mid-1990s.

The Ethiopia People's Revolutionary Democratic Front (EPRDF) dominated government, which won the subsequent 1995 and 2000 elections, launched a major restructuring of the country's centralized political system. In essence, this restructuring transformed Ethiopia into a federation of ethnically based regional states. The federal structure was entrenched in a new Constitution adopted in 1994, which guarantees full independence of the judiciary (Banks et.al. 2001).

The justice system in Ethiopia since 1994 was plagued by: Shortage of human and material resources, and lack of institutional capacity; Delays and inefficiencies in law enforcement and judicial administration; Discrepancy between existing laws and the new constitution; obstacles in the promotion of human rights. In 2001, Norway through its ministry of justice implemented a relatively minor initiative in support of court administration and the legal community in Ethiopia. The project enabled the production and distribution of a book outlining the code of conduct for lawyers. The Norwegian government also funded projects that primarily focused on training of legal professionals in human rights. It included the following initiatives: of training of judges and prosecutors, as well as some police staff; in conjunction with the Save the Children alliance, conducted studies and technical advice on the need for legal reform and to facilitate the integration of the 1989 Convention of the Rights of the Child in Ethiopian legislation; setting -up of 'child protection units' in police stations; finally, in collaboration with Federal Supreme Court, Save the Children Sweden, and the British Embassy, implementation of the 'justice juvenile reform' project, that aimed at making the justice system more accommodating to children and youth (European Commission, 2004).

### **1.1.1 Project Description**

Judicial Performance Improvement Project ( JPIP), is a World Bank funded project whose main objective is to improve the performance of the Judiciary to provide its services in the project areas in a more effective and accountable manner. According to World Bank (2012), the project commenced in November 2012 and will terminate in December 2018 and consists of four components. The first component is the Court Administration and Case Management. Under this component, a myriad of activities are being implemented with the aim of strengthening the Judiciary's court administration and case management systems and processes, with specific emphasis on improving performance, accountability, access to justice and the expeditious delivery of judicial services. This component also hopes to improve judiciary's organizational structure, functions and culture.

The second component is the Judiciary Training and Staff. This component aims at strengthening the administrative and training capacity of the Judiciary Training Institute (JTI). It will also support the delivery of training in support of the Judiciary's transformation agenda and its expanding workforce. In particular, the component will strengthen the capacity of the JTI to carry out its education and training mandate and conduct impact evaluation of selected training programs. It will also provide a structure for defining the critical competencies of Judiciary officers and for their on-going training toward those competencies.

The third component which is the focus of this study, is Court Infrastructure .Over the six-year period, the project will support the construction of eight High Court buildings, the refurbishment of approximately 30 magistrates courts, the construction of two magistrate courts and the supply of at least 20 demountable or temporary courts. The focus on refurbishing courthouses will provide an early capacity to accommodate Kenya's rapidly growing number of serving magistrates and the need to extend services to areas that are

presently under-serviced. The project's funding will be directed to courts that are most likely to produce early and significant improvements in services and improved physical access to courts in those localities that are far from public transport. It will also support establishment of a unit responsible for design, supervision, maintenance and management of judicial buildings (World Bank, 2012).

The fourth and the final component is Project Management. This component is to assist the Judiciary in managing and coordinating project activities, including environmental and social impacts of the project. It will also build the capacity of Judiciary personnel in procurement, managing financial resources, and monitoring and evaluation. Specifically, the component will support the function of a Project Management Unit (PMU); finance an Integrated Fiduciary Agent (IFA) responsible for the financial management and procurement functions of the project during the initial two years of project implementation; support M&E and the collection of data to facilitate impact evaluation, and implement environmental and social safeguard requirements. This component will also support development and implementation of an information, education, and communications strategy for the project (World Bank, 2012).

At its termination, the project aims to have achieved a number of key results in tandem with the project development objective of improving the performance of the Judiciary to provide its services in the Project areas in a more effective and accountable manner. The expected results include ; reduction in the average time it takes to dispose of cases in courts; use of the IPMAS for assessing staff performance; reduction in the backlog of cases; and improved user satisfaction with the delivery of court services in project courts. Additionally, the project aims to have an increased numbers of Judiciary staff who are satisfied with the knowledge and skills acquired from training coupled with improved impact of training on personnel



trained. It also aims to reduce the average distance to courts as a result of constructing new courts; completion of constructing new courts to improve access to courts and renovation of existing courts to improve quality and access to judicial services (World Bank, 2012).

It is against this background that this study seeks to establish the factors that influence the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya.

### **1.3 Statement of the problem**

The success that has been achieved by the Judicial Performance Improvement project cannot be ignored albeit myriad of challenges that have hindered its implementation. Specifically, the court house construction at Kigumo law courts in Murang'a County has taken longer than planned and its completion date keeps moving owing to a number of reasons. The many World Bank supervision teams that have visited the project have raised concerns with the absorption rates of the funds as well as the organizational culture. The culture of the judiciary has always been inward-looking and noxious according to the general public. This has according to the Bank; greatly hampered the implementation of the different project components and the construction of the court house at Kigumo law court is not exempted (World Bank, 2012).

The other concern that has been raised is the leadership styles being employed by the top management as they implement the project. This being a donor funded project with a complete different set of rules from the government rules known to most top management in the judiciary, there has been some hesitation by the leaders to freely implement the project. This can be attributed to the little knowledge about the specific activities of the project that most top managers possess hence the hesitation to fully take charge. The Kenyan Judiciary's organizational structure that encompasses both the judicial and the administrative functions has also been perceived as hindrance to the effective implementation of the project. The

different reporting lines that currently exist in the judiciary have hampered the free flow of information as well as accountability within the judiciary (World Bank, 2012). Additionally, the World Bank has its own procedures and process that are unique to standard procedures in different countries and organizations. For any country or organization to implement a project that is funded by bank, there is need for the implementing agencies to fully understand and appreciate the banks standard procedures. This therefore brings to fore the technical knowledge and skills set that exist among the staff of the judiciary in line with the banks standard procedures and processes of project implementation. This study focused only focus the organizational culture, leadership and organizational structure of the Kenyan judiciary and their influence on the implementation of the court house construction at Kigumo law courts.

#### **1.4 Purpose of the study**

The purpose of this study was to establish the factors that influence the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya.

#### **1.5 Objectives of the study**

This study was guided by the following general objectives on the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya.

- i. To establish the influence of organizational culture on the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya.
- ii. To determine the influence of leadership on the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya.
- iii. To investigate the influence of organizational structure on the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya.

## **1.6 Research questions**

- i. To what extent does organizational culture influence the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya?
- ii. How does leadership influence the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya?
- iii. To what extent does organizational structure influence the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya?

## **1.7 Research Hypotheses**

1. **H<sub>1</sub>** There is significant relationship between organizational culture and the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya.
2. **H<sub>1</sub>** There is significant relationship between leadership and the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya.
3. **H<sub>1</sub>** There is significant relationship between organizational structure and the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya.

## **1.8 Significance of the study**

The rationale for World Bank support for legal and judicial reform as an ingredient to engender investment and jobs is that laws and legal institutions must provide an environment conducive to economic activity. This requires the entire legal sector to function effectively, transparently, and with due process. Specifically, the judiciary must be independent, impartial, and effective. Although Kenya scores well on voice, regulatory quality, revenue mobilization, public administration, and macroeconomic management, Kenya is still considered weak on government accountability, rule of law, and control of corruption.

According to the 2010 Worldwide Governance Indicators, Kenya scored a rating of 18.6 for control of corruption, compared to 70.8 for Rwanda and 37.3 for Tanzania. Reforming and strengthening Kenya's Judiciary and the rule of law will improve the investment climate and create an enabling environment for sustainable growth.

This study helped to assess whether the project of court house construction at Kigumo law courts, Murang'a County, Kenya is being implemented on time as scheduled albeit a myriad of challenges within the judiciary .The study is timely, given that presently, the entire judiciary reform process is under review and scrutiny from both within and without the government. This is also coupled with the recent allegations of mismanagement and embezzlement of funds within the Judiciary as well as the leadership wrangles.

The study is significant to the management of the Judiciary, the other government agencies, the development partners as well as the people of Kenya from whom the judiciary draws its judicial authority. The management of the Judiciary is expected to benefit from this study in tandem with the monitoring and evaluation of the project and the challenges that have hindered the implementation of the project. The study also identified areas and gaps that need to be addressed and prioritized based on the feedback that was collected during the data collection. This will reduce the reactive approach of implementation of ad hoc activities that delay the process of the projects implementation and improve the planning of the project. The other government agencies will be provided with a window of opportunity to effectively engage with the judiciary and impact some of the knowledge that might be missing within the judiciary. This will also present them an opportunity to have an objective understanding of the judiciary and make informed decision when engaging with the judiciary.

This study is also very useful to development partners and specifically the World Bank who are providing the facility for the projects' implementation. This will inform their future

engagement with the judiciary and the appropriate strategies that will be employed in those future engagements. The other development partners will be provided with information on the gaps that exists in the judiciary and identify the specific areas that they might want to support with the aim of improving performance of the judiciary. Additionally ,the citizens of the republic of Kenya from whom the judiciary draws its judicial authority and whom through their taxes , fund the activities of the judiciary, are owed an explanation on the challenges facing the attempts to improve the performance of the judiciary. This brings to the fore some of these issues that might inform public discourse about the effective ways of implementing projects in the entire government.

### **1.9 Delimitation of the study**

This study was restricted to the period between June 2015 and June 2016. It focused on establishing the factors that influence the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya. For the purpose of this study, other factors that might influence the implementation of this project were held constant.

### **1.10 Limitations of the study**

Due to the Judiciary's workload, it was difficult to conduct in-depth interviews with judicial Officers and judiciary staff to gain relevant feedback and data on the implementation of project. There also exists a perception of the inward-looking nature of the legal profession which alienates the so called outsiders, especially when conducting such assessments. However, there exists a project management unit specifically charged with managing the implementation of the project. This unit provided valuable information about the project. Attempts were also be made to collect data not available from the Judiciary, from other stakeholders.

### **1.11 Assumptions of the study**

The assumption of the study was that all respondents involved in this study gave accurate and honest responses, and were available and prepared to give it. Additionally, the study strived to maintain confidentiality and anonymity while giving the respondents freedom of participation and withdrawal at will without ramifications. The study also assumed that there will be political stability as well as security to allow for the collection of data from respondents.

### **1.12 Definitions of Significant Terms Used in the Study**

**Organisational Culture;** This is the behaviour of humans who are part of an organization and the meanings that the people attach to their actions. Culture includes the organization values, visions, norms, working language, systems, symbols, beliefs and habits. It is also the pattern of such collective behaviors and assumptions that are taught to new organizational members as a way of perceiving, and even thinking and feeling. It affects the way people and groups interact with each other, with clients, and with stakeholders.

**Leadership;** This is the act of guiding a group of individual by establishing a clear vision and sharing the vision with others so that they follow willingly, and providing the information knowledge and methods to realise that vision. It also involves coordinating and balancing the conflicting interests of all members and stakeholders.

**Organizational structure;** This shows activities such as task allocation, coordination and supervision are directed towards the achievement of organizational aims

**Project Implementation:** This is the process whereby project inputs are converted to project outputs

**The Kenyan Judiciary;** This is one of the three co-equal arms of government with the constitutional mandate to resolve disputes in a just manner with a view to protecting the rights and liberties of all resulting to the ideal of attaining the rule of law.

**Judicial Performance Improvement Project ( JPIP);** This is a World Bank funded project whose main objective is to improve the performance of the Kenyan Judiciary to provide its services in the project areas in a more effective and accountable manner.

### **1.13 Organization of the Study**

This research report is organized into five chapters. Chapter One of the study introduces the topic of the study, gives its background, statement of problem, the study's purpose, objectives of the study, research questions, hypotheses and the significance of the study. Chapter two discusses the factors that are likely to influence the implementation of projects in the judiciary and specifically, court house construction at Kigumo law courts, Murang'a County, Kenya based on existing literature. Chapter three does an in-depth analysis of the discussed factors on the influence that they may have on the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya. Chapter four displays the findings of the data collected. Chapter five summarises, discusses chapter four and concludes, provides recommendation and suggests further areas of study.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

This chapter reviews the studies and other literary materials available on the subject of the study; “Factors influencing implementation of projects in the Kenyan Judiciary, a case of court house construction at Kigumo law courts, Murang’a County, Kenya “. In addition, this section entails the review of literatures on the various themes or objectives of the study. It also contains the theoretical and conceptual frameworks on which the study was based on besides outlining the concept of the paper and the gap identified in the review literature that the study intends to fill.

##### **2.1.1 Kenyan Judiciary**

Kenya’s independence gained in 1963 heralded self-rule under the Lancaster Constitution. This was milestone in the history of the country albeit the inadequacies that existed. Fifty seven years later, the country promulgated a new constitution that granted the judiciary full autonomy and independence. According to Moustafa (2007), the important role that the Judiciary plays in advancing and stabilizing modern democracies is not in dispute. The rule of law plays an important role in determining the socio-economic development of any country or democracy.

The Judiciary is one of the three co-equal arms of government. Its mission is to resolve disputes in a just manner with a view to protecting the rights and liberties of all resulting to the ideal of attaining the rule of law. These functions are performed by the judiciary through providing independent, accessible and responsive forum for dispute resolution. In lieu of the societal transformation envisioned by the constitution, the Kenyan judiciary bears the responsibility of doing more than just resolving disputes. It must deliberately reposition itself



to protect the constitution, foster both social and political stability while promoting the nation's socio-economic development agenda. All of these it does by interpreting and implementing the Constitution in a manner that promotes the national values and principles of governance (Judiciary, 2012).

Kenya's Judiciary, which is emerging from decades of chronic neglect and ineffective delivery, must progressively remain conscious of its constitutional responsibilities, particularly in administering a new but still fragile social, political and economic transition prompted by the Constitution. The Kenya Judiciary was filled with a memory of historical injustices, declining confidence in the system from both internal and external publics, and a difficult generally unpleasant experience for the country as a whole. The Judiciary lacked the moral authority to be the objective arbiter to the Kenyan people as guided by the constitution and was instead unjustly predisposed to unethical internal and external forces. To effectively fulfill its constitutional mission and mandate, respond to the public's high expectations and demands for expeditious delivery of justice as well as command the public's respect, it must improve its performance in arbitrating disputes between litigants (Judiciary, 2012).

While giving a progress report 120 days after taking office, the Chief Justice stated,

*We found an institution so frail in its structures; so thin on resources; so low on its confidence; so deficient in integrity; so weak in its public support that to have expected it to deliver justice was to be wildly optimistic. We found a Judiciary that was designed to fail. The institution was such that the office of the Chief Justice operated as a judicial monarch supported by the Registrar of the High Court. Power and authority were highly centralized. Accountability mechanisms were weak and reporting absent. When we put people on a pedestal it is based on negative power and authority. That is the old order. (Mutunga, 2012,)*

According to Mbote and Akech, (2011), Kenya's Judiciary has until recently travelled from low public trust and confidence. Kenya's judicial system today comprises the Supreme Court, the Court of Appeal, the High Court, the Magistrates courts, and the Kadhi Courts for the application of Muslim personal status law. It also includes an expanded and reconstituted Judicial Service Commission (JSC). The structural and capacity problems of the Kenya Judiciary date back to colonial times when it administered a dual system of justice, one for indigenous Kenyans and another for the settlers. This system was predominantly penal, marginalized the indigenous systems of justice, and discriminated against Kenyans. Since the executive held the power to appoint judicial officers and to determine the judicial budget, the Judiciary remained an instrument of the executive. Judicial authority was also highly centralized featuring successive chief justices who wielded unchallenged authority within the Judiciary. With the attainment of independence in 1963, Kenya eradicated the dual system of justice, but the Judiciary was still faced with a myriad of challenge including lack of financial independence and a highly centralized system of administration and judicial authority.

According to Gyimah-Boadi, (2004), about twenty reviews conducted over the past twenty years have described persistent aptitude and integrity problems in the Judiciary. These review described the Judiciary's failure to deliver timely justice, case backlogs, ineffective case management systems, poor work environment and conditions of service for its officers and dilapidated physical infrastructure. The reviews further describe the Judiciary as inaccessible, rigid, and corrupt. As stated in the reviews, it also lacked the capacity to carry out its core administrative functions, including budgeting, performance evaluation and monitoring, financial and procurement management. Although these reviews correctly assessed the problems and proposed some solutions, just a few of their recommendations were implemented, due to the lack of commitment both within and without the Judiciary. The

implemented recommendations however, had very little impact on the public main concerns like case delays, corruption and inefficiencies.

In 2003, the Judiciary's Integrity and Anti-Corruption Committee Report led to the compulsory retirement of nearly half of the judges of the High Court and Court of Appeal, and over 70 magistrates. Critics of this exercise noted that while this was a "radical surgery", it failed to address the underlying problems, many of which were highlighted in the earlier reports. Follow-up work in 2006 carried out by the Judiciary's Committee on Ethics and Governance, along with a subsequent forensic audit, confirmed that the Judiciary's fiduciary systems were extremely weak and were causing substantial financial losses to the Judiciary's budget. Low public confidence in the Judiciary and other features of Kenyan state governance came into stark focus in December 2007, when violence erupted following the disputed results of the presidential elections. Most of the disputes about the election results and the street violence that followed were not referred to the courts for resolution, demonstrating the lack of trust and confidence in the Judiciary. The Independent Review Commission led by Judge Kriegler, looked into the disputed elections while the Commission of Inquiry led by Judge Waki, looked into the post-election violence. Both commissions made radical recommendations for judicial reforms, echoing many recommendations contained in earlier reports (Republic of Kenya, 2009).

In an effort to deal with the political crisis, a National Accord was concluded in 2008 which included the establishment of the William Ouko led Task Force on Judicial Reforms in 2009. The Accord led to the reconciliation process and emphasized the need for reforming the Judiciary and the police while pointing out public's lack of confidence and trust in the Judiciary's impartiality to adjudicate the disputes had contributed to the violence. The

subsequent Task Force on Judicial reforms reached the same conclusion (Republic of Kenya, 2009).

Kenya's current Constitution has been appraised as one of the most progressive not only in the continent but in the entire world due to its robust chapter on human rights. It provides a window of opportunity for the Judiciary, and for the judicial performance improvement project to address concerns raised in the many reviews. This window of opportunity has already heralded landmark developments, such as: the open and transparent recruitments of judicial officers; a vetting process to remove judicial officers found unsuitable; a large-scale recruitment to meet the needs of a greatly expanded Judiciary, and a program that is actively building public participation in judiciary services. The project will help to build and enhance these efforts. The opportunity has also brought forward strong champions of reform such as the new leadership of the Judiciary, the newly constituted Judicial Service Commission (JSC), the Supreme Court, Non-Governmental Organizations (NGOs), and many other stakeholder supporters who appear to wield influence on key decisions, and are already demonstrating to non-reformers that progressive systems can be put in place. These developments are strengthening public support for judicial reforms and the window of opportunity presented (World Bank, 2012).

## **2.2 Organizational culture and implementation of projects**

According to the Business Dictionary, organizational culture entails the values and behaviors that contribute to the unique social and psychological environment of an organization. It includes an organization's expectations, experiences, philosophy, and values that hold it together, and is expressed in its self-image, inner workings, interactions with the outside world, and future expectations. It is based on shared attitudes, beliefs, customs, and written and unwritten rules that have been developed over time and are considered valid.

Also referred as the corporate culture in some circles, it is exhibited in many different ways. First, the ways the organization conducts its business, treats its employees, customers, and the wider community. Secondly is the extent to which freedom is allowed in participating in decision making, developing new ideas, and personal expression. Thirdly is how power and information flow through an organizations hierarchy, and finally is how committed employees are towards collective objectives and goals. An organization's culture affects the organization's output, productivity and performance, and provides guidelines on customer care and services, product quality and workplace safety, attendance and punctuality, and concern for the environment. It also extends to production methods, marketing and advertising practices, and to new product creation. Organizational culture is unique for every organization and one of the hardest things to change (Business Dictionary 2012).

Bratton, (2010) posits that organizational culture is the personality of the organization and is comprised of the assumptions, values, norms and tangible signs of organization members and their behaviors. He suggested that a distinguishing characteristic of a highly successful organization is a very strong and well developed culture. Additionally, Waltor (2009) defines work culture as the combination of attitudes, relationships, developed capabilities, habits and other behavioral patterns that characterize the dynamics of an organization. On the other hand, Sinha (2000) has described the work culture as the resultant effect of information or organizational and growth factors which are reflected in established roles, norms and values pertaining to work. Such attempts at definition point to the fact that culture develops through the mutual interactions of different people playing different roles in a collective system which calls for mutual co-operative behavior.

The culture of an organization is strongly linked to its management style and processes. Management patterns, sets the "tone" of an organization, establishes the rhythm for operation, influences the process of decision making and creates action impulses etc. The culture created through the influences of these management patterns influences the ways in which managers and employees play their roles in approaching problems, serving customers, reacting to the environment and carrying out their various activities to satisfy themselves and other stakeholders. The culture sets the norms for the whole organization and provides a sense of direction which governs how to behave, what to do, where to place organizational priorities, etc. Culture shapes the willingness of people to exert high levels of effort in creating a vision of the future directed towards the attainment of organizational goals, and is conditioned by people's ability, behavior and values (Waltor 2009).

The persona of any organization's culture must be unwavering and in tandem with what is necessary to drive new decisions. The complementarity between the project and the culture needs to be beyond reproach. If the culture and project have a diminutive relationship, then the probability of success of the project is reduced. Whenever incongruence exists between the existing culture and the objectives of the project, the culture will more often than not be triumphant. The effective management of corporate culture is an essential contributor to the implementation process of any project. If an organization's cultural environment is not managed well, people will feel that changes are coming in bigger quantities, speed and complexity that they can adequately assimilate. These feelings hinder the process of absorbing project for many organizations. A key element to enhancing resilience and minimizing the chance of dysfunctional behavior is to actively manage the organizational culture (Conner, 2003).

Thompson, Strickland and Kramer (2003), posits that rather than changing culture directly, management must work with and through the existing culture to transform the organization into effective entities. However, Kotter (1995) argues that culture comes at the tail end, not at the inception, most alterations in norms and shared values come at the end of the change process. This is dependent on results since new approaches usually sink into a culture only after it's very clear that they work and are superior to old methods.

Organizational culture has a strong impact on organization and management, which emerges from its nature and its content. Organizational culture is defined as a system of assumptions, values, norms, and attitudes, manifested through symbols which the members of an organization have developed and adopted through mutual experience and which help them determine the meaning of the world around them and how to behave in it (Huczynski and Buchanan, 2003). Assumptions, values, norms, and attitudes that the members of an organization share significantly shape their interpretative schemes. Through interpretative schemes the members of an organization assign meanings to occurrences within and outside the organization and understand the reality that surrounds them within the precincts of the project (Kanter, 2006).

The behavior, actions, and interactions of the members of an organization emerge from the meaning that the reality of that organization has for them. Organizational culture is a form of collective interpretative scheme shared by the members of an organization, due to which they assign meanings to occurrences, people, and events within and outside of the organization in a similar way and treat them similarly (Sinha, 2000). For this reason the culture of an organization implies that all the members of the organization similarly understand the organization, as well as a suitable way of its functioning, managing, and changing. The character of different components of management and organization, such as strategy,

structure, leadership style, organizational learning, system of rewards, and motivation, emerges precisely from the way in which employees and management understand organizational reality and behave in it (Herscovitch, 2002).

Thus, organizational culture, through its influence on the interpretative schemes and behavior of the members of an organization, participates in shaping other components of organization and management. Depending on the values and norms contained by the organizational culture, top management selects strategy and designs organizational structure, managers shape their leadership style, employees define their motives and needs, and the human resource manager designs the compensation system in a company. A concrete form of the impact of organizational culture on an organization and management is observed in the fact that components of an organization and management differ in different kinds or types of organizational culture. In other words, different types of culture in organizations imply different strategies, organizational structure models, compensation systems, leadership styles, etc. (Herscovitch, 2002).

Fair mindedness is the balance in which to weigh proposals; upright harmoniousness is the line by which to measure them, where laws exist, to carry them out; where they do not exist, to act in the spirit of precedent and analogy. To show favoritism and partisan feeling and be without any constant principles - this is the worst you can do. It is possible to have good laws and still have disorder in the state. This brings out how despite the existence of the law, an organization needs also define its culture, so much so, that it not only fits the society's approval but is able to enforce the principles of the law effectively (Hsun Tzu, circa 312 BC - eminent Chinese elder and respected magistrate).



### **2.2.1 Organizational culture of the Kenyan Judiciary**

The philosophical and cultural history of the Kenyan Judiciary is laden with dominance, power, prestige and remoteness as opposed to service and equality. Further, its architecture, rules, dress code and other rituals uprooted it from social reality. There has been a claim of a silent acceptance to deviant vices creeping through the corridors, with norms of nepotism and favoritism, lack of communication, poor planning, sluggish behavior towards work, use of vernacular language to gain advantage over others, and none existence of an active code of conduct, which when combined or on their own give room to various forms of corruption within the Judiciary. As a result, the public perceive the Judiciary to be alien and insensitive (Judiciary, 2012).

According to Sinha (2000), the primary tool that the Kenyan judiciary employed in an attempt to institutionalize culture change was the Judiciary Transformation Framework (JTF). Using this framework, the Judiciary sought to provide clear and acceptable cultural values and norms that are well informed by the both the Country's supreme law, the Constitution and the social context. He posits that the Judiciary must be eternally conscious of its 'near-sacred' role as a the temple of justice and, in dealing with the public, must realize that the people are not only the source of its authority but also the target of its service while bearing the social realities in mind.

The framework also makes it imperative for the Judiciary to adopt modern management practices driven by a clear focus on results and a reliable accountability, monitoring and evaluation. It is the framework that will undergird an institutional design with the values of integrity, openness, results and humility. The judiciary envisages further strengthening of the judicial processes to eliminate unethical practices and corruption by setting up an integrity assurance mechanism, revising the Judiciary Code of Ethics and Conduct and establishing

effective ways of education Judiciary staff, where values and ethics will be accentuated into implementation programs (Judiciary, 2012).

When the framework was officially launched, among the first activities to take place to implement culture change, were the trainings dubbed "Transformation Workshops" where the entire Judicial Officers and Staff were sensitized on the contents of the framework. These workshops heralded a new culture of sharing information and communicating the Judiciary's vision to the personnel, a practice that had never existed and provided an all-inclusive approach in achieving the strategic plan. The trainings were conducted by a Transformation Secretariat which is headed by a Judge of the high court. The culture change workshops led the philosophical positioning of the institution that has enabled it to appreciate it needed to change how it treated its own employees if it was to obtain value for money. This approach encouraged the personnel to feel as though they are part and parcel of the plan and feel a real sense of ownership of the process, where they can identify themselves with as a Judiciary employee (Olasolo, 2012).

Unpalatable vices like nepotism and favoritism have been a common place practice in the Judiciary. These have been exploited to gain advantage in hearing of cases, getting employed, unfair transfers and unmerited promotions. Given the large number of employees from around the country, the Human Resource Directorate is likely to find some related employees already in service. An approach that can be taken is to ensure then, that they are not in the same station to avoid any form of negative influence that will be adverse to the station. Where favoritism is concerned, the performance contract that is yet to be institutionalized will be a good means of measuring one's contribution to the institution and will inform the rewards and sanction mechanism. The delay in implementing the performance contract is giving the advantaged, time to position themselves in a suitable place or rather attempt to

cover up their ways to avoid being implicated with the contracts. This needs to be acted on fast, to ensure the wrongdoers are identified and weeded out of the system (Wendoh, 2010).

This study therefore sought to establish how organizational culture will influence the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya

### **2.3 Leadership and implementation of projects**

Leadership means different things to different people around the world, and different things in different situations. Leadership is the art of getting someone else to do something you want done because he or she wants to do it. Leaders help themselves and others to do the right things. They set direction, build an inspiring vision, and create something new. Leadership is about mapping out where you need to go to "win" as a team or an organization and it is dynamic, exciting, and inspiring. Additionally, while leaders set the direction, they must also use management skills to guide their people to the right destination, in a smooth and efficient way. Transformational leaders should also be able to; create an inspiring vision of the future; motivate and inspire people to engage with that vision; manage delivery of the vision and coach and build a team that it is more effective at achieving the vision (Dwight D. Eisenhower 1960).

Leadership is the art or process of influencing people so that they will strive willingly and enthusiastically toward achievement of group goals. It entails the ability of management to induce subordinates to work towards group goals with confidence and keenness. Leadership is imperative as it can make a difference to organizational performance. It provides the flicker that can raise morale of employees. It is a human characteristic which lifts a person's vision to highest heights, raises performance to higher standards and builds personality beyond its normal situations. Leadership can be said to be pivotal in many ways. Leaders not only direct, but offer a psychological shield to their followers as the common person prefers to be led by

an efficient and effective leader. The existence of a leader has a domino effect on the subordinates having a consistent behavior and high morale, thus high quality of work. It also creates and sustains teamwork and groups. The will to work and accomplish a task is influenced by effective leadership. The lack of leadership in a group can result to the disintegration, destruction of the team spirit and fritter away its energy. Leaders are role models who set examples and create confidence in workers. They promote morale which leads to high productivity and organizational stability. Through effective leadership, the unity, cohesiveness and discipline of the group are assured (Peter F. Drucker, 1992).

The bazaar within which most organizations operate in is fast changing and becoming more competitive and complex raising the need for the organization to be flexible and alert at all times while engaging customers. Any laxity on the part of the leaders and managers and staff of the organization can result to boredom and inertia. This can lead to gradual nose dive in relation to financial performance hence the need for urgent revitalization to increase the survival chance of these organizations in the market place. This can only be achieved if the leadership is effective. Effective and enigmatic leaders are often capable of communicating a vision and mobilizing the energy necessary for a turnaround. Many organizations are also creating teams of employees to accomplish work goals. These companies give increasing amounts of responsibility to these teams by allowing them to be self-managed or assigning them the authority to plan and implement project implementation (Emery & Purser, 2006).

Another school of thought posits that different leaders have different characteristics and the leader should be complemented to the organization's needs. These approaches are explained in Fiedler's Contingency Theory of Leadership Effectiveness and in many other incident models. These contingency or situational theories propose that effective leadership depends

on the situation and that some complementarily between the leader's behavior and the situational characteristics of the organization and followers is ideal (Fiedler, 1967).

The focus in situational approaches to leadership is on pragmatic behavior, not on any theoretical innate or acquired ability or prospects for leadership. The prominence is on the behavior of leaders and their group members and various situations (Hersey & Blanchard, 1997).

According to Thompson et al (2003), top management leadership is one of the most critical factors of success in any organizations endeavours to achieve the desired outcome in any project. If the leader aspires for success, prioritize it and focus all energy towards its achievement, then the desired success will be achieved. The ambiguity and uncertainty is removed from the minds of the team members when the commitment of the top leadership to the project is unquestionable. Additionally, Mintzberg et al (1999), posits that for any well-established organization or institution to be invigorated, there has to be commitment from the top management and specifically the chief executive. This however, they argue, needs a concerted effort from a team of top managers to ensure sustainability and continuity and avoid personalization of organizational or institutional projects.

Another school of thought postulated by Johnson et al (2005) gives prominence to foreigners. They argue that notwithstanding the important role being played by the existing managers, foreigners are equally important and critical to the success of the project process. The foreigners can come inform of new chief executive officers or consultants who have a different perspective from those shared by the project team members. These new perspectives are free of the limitations, past experiences in the project or the day-to-day customs of the project team. The foreigners also come with diverse ideas, viewpoints and deductions that

will interrupt the practices and might help increase the robustness of the experiences and consequently improve efficiency towards the achievement of the project goals.

### **2.3.1 Leadership styles**

Leadership style is the comportment and approach of providing direction, implementing plans, and motivating people. From the perspective of the employees, it includes the sum pattern of explicit and implicit actions performed by their leader (Newstrom&Davis, 1993).

According to a study, that has remained quite significant, conducted in 1939 by a team led by Kurt Lewin, there are three major categories of leadership styles. These styles are based on the behaviorist approach that focuses on the individual behaviors of leaders. The first style is the authoritarian or autocratic leadership. Under this style, the leader instructs his or her employees on what to do and how to do it, without getting their input or advice. Some of the merits of this style include decisions are made speedily as leader does not have to obtain group's approval; it's useful where decision is unfavorable and in cases where followers are incompetent. However this style has negative effect on group morale and may lead to decisions that are not be supported by the employees. It also runs the risk of creating a 'yes' mentality among group members.

The second style of leadership is the participative or democratic leadership. In this style, the leader includes a number of employees in the decision making process, but the leader more often than not maintains the final decision making power. This style is credited with increased morale of members; support for final decision and quality decisions through shared ideas. It however risks slowing the decision making process, dilute accountability for the decisions and opens a door of compromises that is designed to please all sundry leading to poor quality of decisions. Delegative or laissez-fair is the third leadership style where the leader allows the employees to make the decisions through delegation. This the leader does

despite still being responsible for the decisions that are made by the employees. This leadership style is characterized by increased opportunity for individual development, freedom of expression granted to all persons to express themselves and function independently. It however is criticized for lack of group cohesion and unity toward organizational goals, lack of direction and control and inefficiency and chaos. Good practice demands that good leaders use all three styles albeit one of the styles being dominant. This however rarely is the case as most leaders tend to stick with the one style, which more often than not is always autocratic (Lewin, Lippit and White, 1939).

### **2.3.2 Leadership in the Kenyan Judiciary**

According to the Constitution of Kenya (2010), under article 73(b), the authority assigned to a state officer vests in him, the liability to serve the people, rather than the supremacy to rule them. This is emphasized further by the Judiciary in the Judiciary Transformation Framework, which spells clearly the means of how this directive of the Constitution is to be implemented. The Chief Justice of the republic of Kenya personifies this by his transformative leadership style where he demonstrates his active engagement with other staff members both vertically and horizontally, to create a link that increases motivation and probity in both the judges, judicial officers and judiciary staff. This is in contrast to the previous regime, where the leadership style focused on the leaders' own interest rather than the interests of the judicial officers and Judiciary staff, culminating to poor workmanship and a weak support system in fulfilling the leader's vision. Additionally, the current leadership's approach has been more appealing and readily embraced by the formerly demoralized Judiciary Staff and Judicial Officers, who have provided the unquestionable acceptance and affection towards the current Chief Justice (Judiciary, 2012).

The impact of the CJ's approach has been coupled with trust and belief in his ideology, obedience and need of the people to identify with their leader. This connection to the CJ has enabled him to elevate the Judiciary to a point where the judicial officers and staff have become visionary of the aspired goals. The devolution of duties has further empowered the leaders in the various positions, be it directorate or court, who feel encouraged and confident to make relevant decisions without tedious consultations with the headquarters on a daily basis. One of the strategic objectives of the Transformation Framework is to promote and enhance good governance in the Judiciary where the action required here involves empowering the judicial officers and staff with the Judiciary's institutional philosophy and core values. This objective must be operationalized first by the highest managerial positions that lead the entire institution. For the Judicial officers and staff to embody this objective, the persons who hold the offices of the CJ and CRJ as well as those in position at the JSC, must present themselves as role models worth fashioning ( Judiciary, 2013).

This study therefore sought to establish how the leadership will influence the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya.

#### **2.4 Organizational structure and implementation of projects**

According to Jacobides (2007) an organizational structure defines how activities such as task allocation, coordination and supervision are directed towards the achievement of organizational aims. It can also be considered as the lenses or perspective through which individuals see their organization and its environment. Organizations can be structured in many different ways, depending on their objectives. The structure of an organization will determine the modes in which it operates and performs. It allows the expressed allocation of responsibilities for different functions and processes to different entities such as the branch, department, workgroup and individual. Organizational structure affects organizational



operations in two main ways. First, it provides the foundation on which standard operating procedures and routines rest. Secondly, it determines which individuals get to participate in which decision-making processes, and thus to what extent their views shape the organization's actions. Additionally, De Wit and Meyer (2004) defines organizational structure as the clustering of tasks and people into smaller groups. The way labour is divided within an organization influences how project implementation will be implemented. Therefore organization structure is of operational advantage in project management.

The history of organizational structures can be traced back to the ancient times of hunters and collectors in tribal organizations through highly royal and clerical power structures to industrial structures and today's post-industrial structures. In ancient Indian mythology it reflects everywhere that the King being selected from the merits and he further selected his ministers or darbari, they all participated in their respective specialized field in delivering judgment and making policies for the welfare of the state. The early theorists of organizational structure, Taylor, Fayol, and Weber emphasized the importance of structure for effectiveness and efficiency and assumed without the slightest question that whatever structure was needed, people could fashion accordingly. Organizational structure was considered a matter of choice. When in the 1930s, the rebellion began that came to be known as human relations theory, there was still not a denial of the idea of structure as an artifact, but rather an advocacy of the creation of a different sort of structure, one in which the needs, knowledge, and opinions of employees might be given greater recognition." However, a different view arose in the 1960s, suggesting that the organizational structure is "an externally caused phenomenon, an outcome rather than an artifact (Mohr, 1982).

In the 21st century, organizational theorist are once again proposing that organizational structure development is very much dependent on the expression of the strategies and

behavior of the management and the workers as constrained by the power distribution between them, and influenced by their environment and the outcome (Lim, Griffiths, and Sambrook ,2010).

Huczynski and Buchanan (2003) stated that organizational structure is a strategic imperative. Organizations must be able to respond rapidly to external changes if they are to survive, and that the necessary internal restructuring is likely to be strategic or 'mould breaking'. The mould that needs to be broken is the rigid, autocratic, bureaucratic approach to organization and management. The new organizational framework required appears to be one that emphasizes flexibility, creativity and participation. Flexibility has further been emphasized as essential in dealing with many uncertainties in the environment. Mintzberg, Quinn & Ghosal (1999) observe that successful organizations actively create flexibility. This requires active horizon scanning, creating resource buffers, developing and positioning champions, and shortening decision lines.

Companies need to be innovative to ensure their existence. Most established companies can afford falling into the classic traps that stifle innovation by widening the search for new ideas, loosening overly tight controls and rigid structures, forging better connections between innovators and mainstream operations, and cultivating communication and collaboration skills. Innovations involve ideas that create the future. But the quest for innovations is doomed unless the managers who seek it take time to learn from the past. Getting the balance right between the highest returns from current activities and exploring requires organizational flexibility and a great deal of attention to relationships (Kanter, 2006).

Hill and Jones (2000) argue that managers also turn to restructuring as a means of implementing project implementation aimed at improving performance. They further note that when organizations rely on innovation as the source of their competitive advantage,

they need to adopt flexible structures such as matrix or cross-functional team structures, which give people the freedom to experiment and be creative.

### **2.4.1 Types of organizational structures**

According to Hill and Jones (2000) there are three main types of organizational structures namely; functional, divisional and matrix. These are discussed further below.

#### **2.4.1.1 Functional structure**

A functional organizational structure consists of activities such as coordination, supervision and task allocation. The organizational structure determines how the organization performs or operates. The term organizational structure refers to how the people in an organization are grouped and to whom they report. One traditional way of organizing people is by function. Some common functions within an organization include production, marketing, human resources, and accounting. This organizing of specialization leads to operational efficiency where employees become specialists within their own realm of expertise. The most typical problem with a functional organizational structure is however that communication within the company can be rather rigid, making the organization slow and inflexible. Therefore, lateral communication between functions becomes very important, so that information is disseminated, not only vertically, but also horizontally within the organization. Communication in organizations with functional organizational structures can be rigid because of the standardized ways of operation and the high degree of formalization (Hill and Jones, 2000).

As a whole, a functional organization is best suited as a producer of standardized goods and services at large volume and low cost. Coordination and specialization of tasks are centralized in a functional structure, which makes producing a limited amount of products or services efficient and predictable. Moreover, efficiencies can further be realized as functional

organizations integrate their activities vertically so that products are sold and distributed quickly and at low cost. For instance, a small business could make components used in production of its products instead of buying them. Even though functional units often perform with a high level of efficiency, their level of cooperation with each other is sometimes compromised. Such groups may have difficulty working well with each other as they may be territorial and unwilling to cooperate. The occurrence of infighting among units may cause delays, reduced commitment due to competing interests, and wasted time, making projects fall behind schedule. This ultimately can bring down production levels overall, and the company-wide employee commitment toward meeting organizational goals (Hill and Jones, 2000).

Under this structure, firms are organized into functional divisions based on primary functions such as engineering, human resources, finance, IT, planning and policy. Each different functional division operates independently and isolated groups of workers in a division report to a functional manager. The functional manager generally both allocates and monitors the work and carries out tasks such as performance evaluation and setting payment levels. In this model project managers have very limited authority. Functional organizations are set up for on-going operations rather than projects and so this organizational structure is often found in firms whose primary purpose is to produce standardized goods and services (Hill and Jones, 2000).

#### **2.4.1.2 Divisional structure**

This is also commonly referred to as product structure. It consists of self-contained divisions. A division is a collection of functions which produce a product. It also utilizes a plan to compete and operate as a separate business or profit centre. According to Zainbooks.com, divisional structure in America is seen as the second most common structure for organization

today. Employees who are responsible for certain market services or types of products are placed in divisional structure in order to increase their flexibility. The divisions may also have their own departments such as marketing, sales, and engineering. The advantage of divisional structure is that it uses delegated authority so the performance can be directly measured with each group. This results in managers performing better and high employee morale. Another advantage of using divisional structure is that it is more efficient in coordinating work between different divisions, and there is more flexibility to respond when there is a change in the market. Also, a company will have a simpler process if they need to change the size of the business by either adding or removing divisions. When divisional structure is utilized more specialization can occur within the groups (Hill and Jones, 2000).

When divisional structure is organized by product, the customer has their own advantages especially when only a few services or products are offered which differ greatly. When using divisional structures that are organized by either markets or geographic areas they generally have similar function and are located in different regions or markets. This allows business decisions and activities coordinated locally. The disadvantage of the divisional structure is that it can support unhealthy rivalries among divisions. This type of structure may increase costs by requiring more qualified managers for each division. Also, there is usually an over-emphasis on divisional more than organizational goals which results in duplication of resources and efforts like staff services, facilities, and personnel (Hill and Jones, 2000).

#### **2.4.1.3 Matrix structure**

The matrix structure groups employees by both function and product. This structure can combine the best of both separate structures. A matrix organization frequently uses teams of employees to accomplish work, in order to take advantage of the strengths, as well as make up for the weaknesses, of functional and decentralized forms. An example would be a

company that produces two products, "product a" and "product b". Using the matrix structure, this company would organize functions within the company as follows: "product a" sales department, "product a" customer service department, "product a" accounting, "product b" sales department, "product b" customer service department, "product b" accounting department. Matrix structure is amongst the purest of organizational structures, a simple lattice emulating order and regularity demonstrated in nature (Hill and Jones, 2000).

In a matrix organization control is shared. The project manager shares responsibility for the project with a number of individual functional managers. Shared responsibilities can include assigning priorities and tasks to individual team members. But functional managers still make the final decisions on who will work on projects and are still responsible for administration. Project managers take charge of allocating and organizing the work for the designated project team. In this type of structure there is a balance between on-going operations and projects, so it is a common structure for organizations that have these dual roles. For instance, local body organizations that are responsible for both maintaining existing infrastructure (on-going operations) and commissioning the construction of new infrastructure (projects) often have matrix structures (Hill and Jones, 2000).

#### **2.4.2 Organizational structure of the Kenyan Judiciary**

The constitution of Kenya provides that the judiciary is made of courts and the tribunals. The courts are comprised of superior courts and subordinate courts. The superior courts include the Supreme Court, Court of Appeal, High Courts, Employment and Labour relations court and Environment and land court. The subordinate courts include the Magistrates and the Kadhi courts. The administrative structure of the Judiciary comprises of registries and directorates. The current organizational structure of the judiciary is highly centralized and concentrated. The structural and operational relationship between the judges, magistrates,

registry, and administrative staff is dense, unclear and incomprehensible. There is a lack of clarity in reporting lines; there are no terms of reference/ job descriptions for officers upon recruitment nor are there induction programmes. Vertical and horizontal accountability systems are also lacking; judicial and administrative functions are fused. The Judiciary's organizational structure is convoluted in form and outlook thus impairing quality decision making and location of authority and responsibility (Republic of Kenya, 2010).

There is therefore need to decentralization of both judicial and administrative offices and functions, where appropriate. For example, the Judiciary has devolved the human resources and budgeting and finance functions to seventeen identified regions throughout the country. Similarly, the Court of Appeal has now been established sub-registries in some major towns. In the same vein, the Judiciary is re-engineering its organizational structure to establish clear units of responsibility, clear reporting lines and clear demarcation of territory and accountability. Every staff recruited, from judges and magistrates, to judicial staff, must undergo a formal induction process and will have formal job descriptions. In this area, the Judiciary proposes operational structures that will define the roles and mandates of organizational units of the Judiciary – Courts, Court Stations, Divisions, and Directorates - to facilitate effective steering, designing and implementation of the transformation and other ordinary programs and projects. The focus under this result area is to establish clear governance structures and practices that facilitate access to and expeditious delivery of justice to all (Judiciary, 2012).

This study therefore sought to establish how organizational structure will influence the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya

## **2.5 Theoretical framework**

The maxim is that change is as good as rest. However, the reality of life is the stark opposite. Resistance to change is one vice that needs careful management for any project to have any meaningful impact and achieve the desired goals and objectives. Whether a small change to one or two processes is being considered, or a system wide change to an organization, it's common for it to feel uncomfortable and daunting by the scale of the challenge. When change needs to happen, the questions that arise include the delivery of the project, where one should start, which stakeholders should be involved and how to see it through to the end. (Kotter's 8 - Step Change Model: Implementing Change Powerfully and Successfully, 1995)

This study is based on change management theory. This is due the fact that the implementation of the court house construction in Kigumo law courts is dependent on set of rules of the World Bank that most staff of the judiciary might find different from what they are used to. Change management is a structured approach for ensuring that changes are thoroughly and smoothly implemented, and that the lasting benefits of change are achieved. (Kotter's 8 - Step Change Model: Implementing Change Powerfully and Successfully). In his book *Leading Change*, Kotter (1995) demystifies change management through his 8 - step change model which helps to provide an understanding on change management. The change model comprises eight overlapping steps. Each stage acknowledges a key principles he identified that relate to people's response and approach to change, in which people see, feel and then change. The steps are; to create urgency amongst the employees; Form a powerful coalition - get the right people in place with the right emotional commitment, and the right mix of skills and levels; Create a vision for change - get the team to establish a simple vision and strategy, focus on emotional and creative aspects necessary to drive service and efficiency; Communicate vision - Involve as many people as possible, communicate the essentials, simply, and to appeal and respond to people's needs; Remove Obstacles - enable



constructive feedback and lots of support from leaders - reward and recognize progress and achievements; create short-term wins - Set aims that are easy to achieve and provide a quick wins to the employees who get motivated after attaining; Build on the change - Foster and encourage determination and persistence - ongoing change - encourage ongoing progress reporting - highlight achieved and future milestones; Anchor the changes in corporate culture - the corporate culture often determines what gets done, Weave change into culture. The first three are all about creating a climate for change. The next is on engaging and enabling the organization. And the last, implementing and sustaining change.

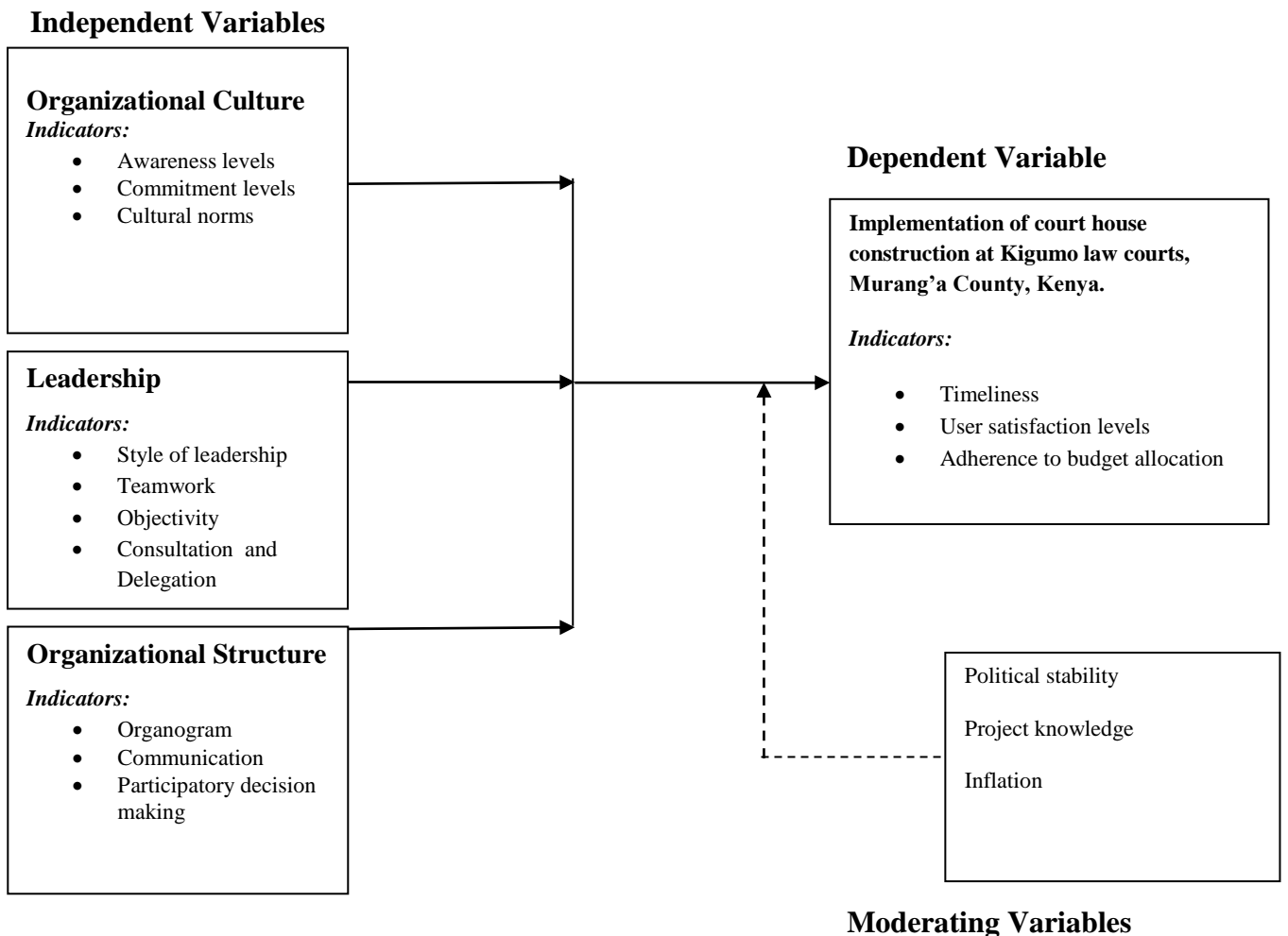
Embracing Kotter's approach to change management provides the Kenyan judiciary with a platform to ensure that all necessary structures are put in place to ensure timely implementation of the project and ensure that the relevant parties are involved in the change process and have a buy-in of the project goals and objectives. This should effect the actual change that is aimed at being achieved. This puts in focus the structure, culture and leadership styles that currently exist in the Kenyan judiciary. Hence the need to carefully carry out a study on how these three variables affects the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya.

## **2.6 Conceptual framework**

According to Miles and Huberman, (1994), a conceptual framework is a written or visual presentation that “explains either graphically, or in narrative form, the main things to be studied i.e. the key factors, concepts or variables as well as the presumed relationship among them”.

The independent variables in this study were organizational culture, leadership and organizational structure. The dependent variable is the Implementation of court house

construction at Kigumo law courts, Murang’a County, Kenya and its success factors. These include timeliness, user satisfaction levels and adherence to budget allocation. The moderating variables are political stability, project knowledge and Inflation in the Kenyan economy. This is illustrated in the Figure 1;



**Figure 1: Conceptual framework**

## 2.7 Knowledge Gaps

Prior the Constitution, the Kenyan Judiciary was a close knit community that most people knew anything about since it had not allowed access by the public on its modus operandi. Information on how the Judiciary works, its structure, its funding was not in the public domain. Therefore very little literature is available and thus, this can be identified as a knowledge gap.

## **2.8 Summary of the reviewed literature**

This chapter gave an in-depth insight into the independent variables of this study by basing the literature on published works by Judiciary as well as various researchers. The literature captures information on the influence of organizational culture, leadership and organizational structure of the Kenyan Judiciary on the Implementation of court house construction at Kigumo law courts, Murang'a County, Kenya.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1 Introduction**

This chapter gives an explanation and justification on the choices of methodology approaches that were used and adapted in order to answer the research questions posed. It also outlines the project's research design, the targeted population, and the sampling procedure, methods of data collection and justification of the validity and reliability of the process and finally how the data collected was analyzed.

#### **3.2 Research Design**

According to Kothari (2004) a research design is the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to research purpose with economy in procedure. The research design constitutes a blueprint for the collection, measurement and analysis of data (Cooper and Schinder, 2006).

This study employed the descriptive survey design, where questionnaires were used to collect data. It also relied on a qualitative approach by seeking to capture detailed information about the perceptions that the staff of judiciary and customers of Kigumo law Court had about the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya. According to Mugenda and Mugenda (1999), a descriptive survey design determines and reports the way things are or answers questions concerning the current status of the subjects in the study. Kothari (2004) describes descriptive surveys as fact-finding enquiries, involving asking questions (often in the form of a questionnaire) of a large group of individuals, adding that the major purpose is description of the state of affairs as it exists at present and represent the findings/ information statistically.

### **3.3 Target Population**

According to Mugenda and Mugenda (2008), a defined population is an entire group of individuals, events or objects having a common observable characteristic. The ideal target population for this study consisted of judicial officers and judiciary staff members of Kigumo law courts as well as members of the project team that have been contracted to construct the court house. It also included the litigants based on initiated cases. The entire population therefore consisted of one hundred and fifty respondents (Judiciary, 2012).

### **3.4 Sample Size and Sampling Procedures**

The study was based on as large a sample as possible to help achieve high degree of similarity between the findings of the study and the population.

#### **3.4.1 Sample size**

Based on the target population of one hundred and fifty respondents, confidence level of 3.841 and confidence interval of 0.05 the study's target sample size was one hundred and eight respondents. The sample size was determined using Krejcie and Morgan Table for Sample Size Determination. The table is built on a formula that accounts for the table value of chi-square for 1 degree of freedom at 3.841 confidence level, the population size, and population proportion of 50 and 0.05 degree of accuracy.

#### **3.4.2 Sampling Procedure**

Mugenda and Mugenda, (2008) posits that a sample is the number of units selected from the population for investigation. The main principle behind sampling is to seek knowledge about population and then extend the inference about the sample to the entire population where all elements are given an equal chance of being was probability sampling, which offered each member of the sample an equal chances of selection from the target population. Probability sampling was ideal for the study since Kigumo law courts serves a large population who come from different parts of Murang'a County. Through random probabilistic sampling, it

was possible to capture the heterogeneity in the target population and the subsequent generalization of the findings to a larger population. Simple random sampling was used to pick the respondents for this study.

### **3.5 Research Instruments**

The study used questionnaire to collect data and information from the targeted population identified. The data collection method was via structured questionnaires developed by the researcher to gather data from the sample population according to the objective of the study. According to Kothari (2004) structured questionnaires are those questionnaires in which there are definite, concrete and pre-determined questions. The questions were presented with exactly the same wording and in the same order to all respondents. The form of the questions was both open and closed. The questionnaire was divided into four sections. The first section focused on the demographics of the respondent, whereas the preceding three sections were geared towards getting the respondent's feedback on their views of the variables that were being studied.

#### **3.5.1 Pilot Testing of the Instruments**

Once developed, the questionnaire were tested in the field using a sample with features similar to the actual target sample, using the exact that were used in the study. However, the subjects used in the pre-test were not used in the actual study. In the pretest, the respondents had a chance to comment on the questionnaire's clarity and relevance. Vague questions that would have attracted grossly different interpretations and answers were then rephrased. Unclear direction, lack of writing space, untidiness and poor numbering are the other issues that were identified during pre-testing. The likert, nominal and ordinal scales were used in the questionnaire.

### **3.5.2 Validity of the instrument**

Instrument validity is the defensibility of the inference researchers make from the data collected through the use of an instrument (Fraenkel and Wallen, 2006). Validity is concerned with whether the findings are really about what they appear to be about. It refers to the degree to which a specific research method measures what it claims to measure. According to Best and Kahn (2006) validity is a unitary concept and hence the term validity evidence may be used rather than the traditional terms of construct, content and criterion related validity. To enhance content, validity, appropriate and adequate was consulted as well as experts in the field of the Judiciary context. Experts comprising experienced professionals in the governance, judicial sector were also consulted to judge the content of the study's adequacy using Best and Kahn's two-step method of demonstrating evidence of validity, i.e. first, defining the universe of content that could be included in the test, and secondly, ensuring that the test's items that were representative of the universe. Documents and literature on the subject were also used as sources of evidence. However, such documents and literature will were not included in the analysis but were used extensively as complementary sources.

### **3.5.3 Reliability of the instrument**

According to Mugenda and Mugenda, (2008) reliability is a measure of the degree to which research instrument yields consistent results or data after repeated trials. The reliability of a research instrument refers to the extent to which the instrument yields stable and consistent results on repeated trials. Although unreliability is always present to a certain extent, there will generally be a good deal of consistency in the results of a quality instrument gathered at different times; and the tendency toward consistency found in repeated measurements is referred to as reliability (Best and Kahn, 2006).

For purposes of reliability, the study strived to ensure the findings are consistent, if it were to be repeated. Thus, random errors were avoided at all stages of the study to eliminate deviations from the true findings of the study. Coding was accurate and questionnaire instruction drafted as unambiguously as possible. To achieve reliability, respondent fatigue, interviewer fatigue and bias was avoided in the administration of the questionnaire. In addition, random errors caused by instrument inaccuracy, scoring inaccuracies and unexplained choices were eliminated by splitting the sets of the instruments administered to a sample of people into two. The total score was then calculated for each half. The correlation between the scores gave the split-half reliability estimate, the split half coefficient score of 0.667277.

### **3.6 Data Collection Methods**

Prior to the actual collection of data from the participants, the proposal was presented to the supervisor for approval. Upon approval of the proposal, letter of introduction from the university will be obtained as well as a permit from the National Commission for Science, Technology and Innovation (NACOSTI) for the research to be conducted.

The questionnaires were administered through self-administration, researcher administration and the internet depending on each respondent's circumstances and references. In self-administration, the questionnaire was mailed or hand-delivered to the respondents. In research-administration, the researcher interviewed the respondents in cases of interpretation or reading challenges. For internet-administration, the questionnaires were sent to respondents in their email addresses to be returned through the same method upon completion. To support the questionnaire, the research relied on documents obtained from project owners or key informants knowledgeable on specific aspects of the projects such as the budgeted costs and time plan.



### **3.7 Methods of Data Analysis**

Data analysis involves the ordering of data into consistent parts in order to obtain answers to research questions (Ahuja, 2003). Codes were assigned to the open ended questions, which enhanced the processing and tabulation. Quantities from the close ended questions were analyzed using Microsoft Excel and Statistical Package for Social Scientists (SPSS) software. The software is commonly used for analyzing survey data and its choice is underpinned on its numerous advantages ranging from user friendliness, ability to analyze multi-response questions, cross section and time series analysis, and cross tabulation to capability to be used alongside Microsoft Excel and Word. SPSS was used to generate frequencies and percentages.

Tables have been used to present the data collected for ease of understanding and analysis. The use of percentages is important as it reduced all the numbers to range between 0 - 100. The quantitative data was organized, sorted and analyzed using themes reflecting the research objectives. This data was used to reinforce and enhance descriptive data drawn from close ended questions.

### **3.8 Ethical issues**

MacDonald and Headlam, (2008) posits that any research should be designed, reviewed and undertaken while ensuring integrity and quality of the research itself. This involves informing the research staff and subjects about the purpose, methods and intended possible uses of research, what their participation in the research entails and what risks, if any, are involved; the confidentiality of the information supplied by research subjects and the respect of anonymity of respondents. The research participants must participate in a voluntarily free from any coercion and harm.

This proposed study adhered to the ethical issues bearing in mind that the researcher interacted with the respondents through interview questions to get their opinion on the subject of the study. Any ideas borrowed from other authors and researchers have been acknowledged. Additionally, the researcher did not use his connections and technical capacity associated with his level of training, experience and legal authority to undertake the study. The researcher did not abuse the trust that was gained from the participants. The seclusion and the confidentiality of the respondents were upheld and their permission sought and voluntary participation assured to prevent any bodily or psychological harm to the respondents. Anonymity was also upheld by not revealing respondents' identity.

The findings of the study will be shared, the conformity or contradiction and expectations of the respondents notwithstanding. This research has endeavored to uphold academic freedom by ignoring any relatable issue that comes up, regardless of how controversial it was. Finally, the requisite approvals from the relevant authorities was sought and obtained prior to the commencement of the study.

### **3.9 Operational Definitions of Variables**

Operational definition is a description of a variable, term or object in terms of the specific process or set of validation tests used to determine its presence and quantity. Properties described in this manner must be publicly accessible so that persons other than the definer can independently measure or test for them at will (MacDonald and Headlam, 2008). One primary way in which operational definitions varied will be in the extent to which they were able to capture the concepts/ variables the researcher had defined. This correspondence will be the "validity" of the operational definition or the extent to which it actually will be able to measure the variables it is intended to measure. The operational definitions of variables were generally designed to model the conceptual definitions as illustrated by Figure 1- the

conceptual framework. Table 3.1.1 illustrates and summarizes the operational definitions that were used in this study.

**Table 0.1:Operational definition of variables**

Research objectives	Variables	Indicators	Measurement	Measurement Scale	Data collection Instrument	Data presentation
<b>Objective 1:</b> To establish the influence of organizational culture on the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya.	<b><i>Independent Variable; Organizational Culture</i></b>	Awareness levels Commitment levels Cultural norms	Evidence for acceptable practices	Nominal Ordinal	Interview Guide Questionnaire	Computation of frequencies and percentages and qualitative statements
<b>Objective 2:</b> To determine the influence of leadership on the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya.	<b><i>Independent Variable; Leadership</i></b>	Style of leadership Teamwork Objectivity Consultation and Delegation	Evidence for efficiency and effectiveness	Nominal Ordinal	Interview Guide Questionnaire	Computation of frequencies and percentages and qualitative statements
<b>Objective 3:</b> To investigate the influence of organizational structure on the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya.	<b><i>Independent Variable ; Organizational Structure</i></b>	Organogram Communication Participatory decision making	Evidence for structured mode of operations	Nominal Ordinal	Interview Guide Questionnaire	Computation of frequencies and percentages and qualitative statements
	<b><i>Dependent variable</i></b> Implementation of court house construction at Kigumo law courts, Murang'a County, Kenya.	Timeliness User satisfaction levels Adherence to budget allocation				

## CHAPTER FOUR

### DATA ANALYSIS, PRESENTATION AND INTERPRETATION

#### 4.1 Introduction

This chapter presents data analysis, presentation, interpretation and discussion of findings on the influence of in service training on employee performance in Judiciary's Lower Courts in Nairobi County. The data was analyzed with the help of the SPSS software. Results have been presented in frequencies, percentages and summarized using tables. The chapter is divided in two sections, namely results and discussion of the findings.

#### 4.2 Questionnaire return rate

The target population was one hundred and fifty respondents. Using the Krejcie and Morgan Table for Sample Size Determination, the questionnaire was administered to a sample of one hundred and eight respondents which consisted of the judicial officers, judiciary staff, project team members and clients of the court station. There was 100% response rate, which was possible since the questionnaires were personally administered by the researcher.

#### 4.3 Demographic characteristics

The research required respondents to indicate their responses on various demographic aspects ranging from: gender, age, duration of interaction with the judiciary either directly or indirectly as well as position in relation to the judiciary. The study findings are presented in the following sub sections.

##### 4.3.1 Gender of the respondents

The study findings in Table 4.1 shows the gender of the respondents

**Table 4.1: Distribution of the respondents by Gender**

<b>Gender</b>	<b>Frequency</b>	<b>Percent</b>
Female	32	29.6
Male	76	70.4
<b>Total</b>	<b>108</b>	<b>100</b>

The study established that out of the 108 respondents, 32 (29.6 %) were female while 76 (70.4 %) were male. This shows the percentage participation by both genders in the research.

#### 4.3.2 Distribution of Respondents by age brackets

The respondents were also requested to indicate the age bracket within which they fall. Table 4.2 shows the distribution of respondents according to age brackets

**Table 4.2: Distribution of the respondents age bracket**

Age bracket	Frequency	Percent
18 - 29	21	19.4
30 - 45	60	55.6
45 – 60	27	25.0
<b>Total</b>	<b>108</b>	<b>100</b>

From the study findings on table 4.2, majority of the respondents 60 (55.6 %), were aged between 30 and 40 years, 27 (25.0%) were aged between 45 and 60 years, while 21 (19.4 %) were aged between 18 and 29 years.

#### 4.3.3 Distribution of respondents by position in relation to the Judiciary

Table 4.3 depicts the position of the respondents in relation to judiciary.

**Table 4.3: Distribution of respondents by position in relation to the Judiciary**

Position	Frequency	Percent
Judicial Officer	2	1.9
Head of unit/ Department	4	3.7
Judiciary Staff	14	13.0
Project team/ Contractor	37	34.3
Client/Litigant	51	47.2
<b>Total</b>	<b>108</b>	<b>100</b>

From the study findings on Table 4.3, 2 (1.9%) respondents were judicial officers, 4 (3.7%) were heads of units, 14 (13.0%) were judicial staff and 37(34.3%) were members of the contractors' team. Majority of the respondents, 51 (47.2%) were clients who came to seek different services from the court. This implies that majority of the respondents were those clients seeking services from the judiciary hence the reliability of the final results.

#### **4.3.4 Distribution of respondents by years of interaction with the Judiciary**

The study findings in Table 4.4 show the distribution of respondents by years of interaction with the judiciary either directly or indirectly.

**Table 4.4: Distribution of respondents by years of interaction with the Judiciary**

<b>Years</b>	<b>Frequency</b>	<b>Percent</b>
4 - 7	47	43.5
8 - 11	12	11.1
12 and above	49	45.4
<b>Total</b>	<b>108</b>	<b>100</b>

The study established that out of the 108 respondents, 47 (43.5 %) had interacted with the judiciary for between 4 and 7 years while 12 (11.1%) had interacted with the judiciary for between 8 and 11 years. Majority of the respondents, 49 (45.4%) had interacted with the judiciary for between 12 years and above. This implies that majority of the respondents had interacted with the judiciary for long hence the reliability of the final results.

#### **4.4 Organizational culture**

The study sought to establish in what ways organizational culture influences the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya.

##### **4.4.1 Awareness levels**

In order to understand the awareness level on vision, mission, core values and court house construction project at Kigumo law court, respondents were asked to rank their level of agreement or disagreement with awareness levels of these standards. The results are depicted below on Table 4.5

**Table 4.1: Distribution of level of agreement with awareness levels of standards**

Response	Vision		Mission		Core Values	
	Frequency	%	Frequency	%	Frequency	%
Disagree	22	20.3	11	10.2	26	24.0
Agree	56	51.9	67	62.0	56	51.9
Strongly Agree	30	27.8	30	27.8	26	24.1
<b>Total</b>	<b>108</b>	<b>100</b>	<b>108</b>	<b>100</b>	<b>108</b>	<b>100</b>

The study established that 86 (79.7%) of the respondents either strongly agreed or agreed that Judiciary staff and clients are aware of the vision of the institution while 22(20.3%) disagreed with the statement. Additionally, 97(89.8%) of the respondents either strongly agreed or agreed that Judiciary staff and clients are aware of the Mission of the institution with 11(10.2%) disagreeing with the statement. Furthermore, 82 (76.0%) of the respondents either strongly agreed or agreed that Judiciary staff and clients are aware of the core values of the institution with 26 (24.0%) of the respondents disagreeing with the statement. To further probe on the awareness level, respondents were asked whether they were aware of Judicial Performance Improvement Project and specifically the court house construction at Kigumo law court as depicted in Table 4.6

**Table 4.2: Distribution of level of awareness of the Judicial Performance Improvement Project**

Years	Frequency	Percent
Disagree	4	3.7
Agree	41	38.0
Strongly agree	63	58.3
<b>Total</b>	<b>108</b>	<b>100</b>

The study established that 63 (58.3%) respondents strongly agreed while 41 (38.0%) agreed that they were aware of the Judicial Performance Improvement Project and specifically the court house construction at Kigumo law court. This shows that the respondents were aware of the ongoing project of court construction at Kigumo law court. Additionally, 97 (89.8%) respondents agreed that Judiciary Vision, Mission and Core Values are clear and objective enough while 104 (96.3%) agreed that these judiciary standards and ethics are clearly communicated.

#### 4.4.2 Commitment levels

In order to understand the commitment levels, the study sought to assess if judiciary staff are guided by the institution values in their day to day activities, if the code of conduct is clearly communicated

and if judicial officers and staff care about the quality of services they provide. The results are shown in Table 4.7.

**Table 4.3: Level of agreement with commitment levels**

Statement	Disagree		Agree		Strongly Agree	
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
The staff of the judiciary are guided by these values in day to day activities at the work place	0	0	84	77.8	24	22.2
The code of conduct of the judiciary employees is clearly communicated	0	0	80	74.1	28	25.9
Judicial officers and staff care about the quality of services they provide,	0	0	52	48.1	56	51.9

Majority of the respondents 84 (77.8 %) agreed that the members of staff of the judiciary are guided by the institutional values in day to day activities at the work place with 24 (22.2 %) strongly agreeing as well. On whether the code of conduct of the judiciary employees is clearly communicated, 108 (100 %) of the respondents either strongly agreed or agreed with the statement. A majority of the respondents 56 (51.9 %) strongly agreed that judicial officers and staff care about the quality of services they provide.

#### 4.4.3 Cultural norms

In order to understand cultural norms that exist in the judiciary that might influence implementation of projects in the judiciary, the respondents were asked about their perception on the presence of vices like nepotism, corruption, sexual harassment and use of vernacular within the institution. The respondents were also asked if strong and stringent measures have been put in place to address these vices, if the culture of planning has been embraced favorably in the judiciary and if the Judiciary has a distinctive corporate culture. The responses were rated on a four point Likert scale where: 1- Strongly Disagree, 2-Disagree, 3- Agree, 4- Strongly Agree. The mean and standard deviations were generated from SPSS and are as illustrated in Table 4.8.



**Table 4.4: Level of agreement with cultural norms**

Statement	Strongly Disagree		Disagree		Agree		Strongly Agree	
	F	%	F	%	F	%	F	%
Corruption is present in the Judiciary	8	7.4	23	21.3	54	50.0	23	21.3
Nepotism/ Favouritism is present in the Judiciary	8	7.4	27	25.0	61	56.5	12	11.1
Sexual harassment is present in the Judiciary	60	55.6	25	23.1	15	13.9	12	11.1
Use of vernacular is present in the Judiciary	12	11.1	33	30.6	40	37.0	23	21.3
The judiciary has put in place strong and stringent measures to address these vices	0	0	0	0	60	55.6	48	44.4
The culture of planning has been embraced favorably in the judiciary	0	0	10	9.3	34	31.5	64	59.3
The Judiciary has a distinctive corporate culture	0	0	10	9.3	53	49.1	45	41.7

On the questions of the presence of vices like corruption, nepotism, sexual harassment and use of vernacular, the study revealed that 77 (71.3%) of the respondents either agreed or strongly agreed that corruption is present in the judiciary. It also found that only 35(32.4 %) of the respondents either disagreed or strongly disagreed that nepotism was present in the judiciary. Under the use of vernacular within the Judiciary, 12(11.1%) respondents strongly disagreed, 33(30.6%) respondents disagreed, whereas 40(37.0%) respondents agreed and 23(21.3%) respondents strongly agreed that it was present in the judiciary. Additionally, the study revealed that all the respondents either agreed or strongly agreed that the judiciary has put in place strong and stringent measures to address these vices. This implies that efforts have been put in place to address these vices.

Further, respondents were asked whether the judiciary has a distinctive corporate culture and has embraced the culture of planning. Majority, 98 (90.8%) respondents either agreed or strongly agreed that indeed the judiciary has embraced the culture of planning favorably. The study also showed that 10(9.3%) respondents disagreed while 98 (90.7%) respondents either agreed or strongly agreed that that the judiciary has a distinctive corporate culture.

Respondents were also asked if the judiciary has a code of conduct for its employees and the study found that 100 (92.6%) of the respondents agreed that the judiciary has a code of conduct for its employees as shown in Table 4.9.

**Table 4.5: Judiciary having a code of conduct for its employees**

<b>Response</b>	<b>Frequency</b>	<b>Percent</b>
Yes	100	92.6
No	8	7.4
<b>Total</b>	<b>108</b>	<b>100</b>

## 4.5 Leadership

The study sought to establish how leadership influences the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya.

### 4.5.1 Style of leadership

The respondents' view on the suitable leadership style that would be ideal for implementing the project as well as their view on the leadership style being practiced currently is depicted in Table 4.10

**Table 4.1: Leadership style**

<b>Statement</b>	<b>Authoritarian /Autocratic</b>		<b>Participative / Democratic</b>		<b>Delegative laissez-fair</b>	
	<b>F</b>	<b>%</b>	<b>F</b>	<b>%</b>	<b>F</b>	<b>%</b>
Leadership style suitable for implementing the court house construction successfully	10	9.3	64	59.3	34	31.5
Leadership style currently being practiced	11	10.2	60	55.6	37	34.3

The study established that 64 (59.3%) of the respondents said that the suitable leadership style for implementing the project should be participative also referred to as democratic leadership. Additionally, 60 (55.6%) of the respondents viewed the current leadership to be practicing participative style of leadership.

#### 4.5.2 Teamwork, Objectivity, Consultation and Delegation

In order to further assess the leadership of the Judiciary and the existence of good management practices that exist in the judiciary that might influence implementation of projects in the judiciary the respondents were requested to indicate their view on teamwork, objectivity, consultation and delegation between and among the management, directorates, courts and judiciary staff members. The responses were rated on a four point Likert scale where: 1- Strongly Disagree, 2-Disagree, 3- Agree, 4- Strongly Agree. The mean and standard deviations were generated from SPSS and are as illustrated in Table 4.11:

**Table 4.2: Teamwork, Objectivity and Consultation & Delegation**

Statement	Mean	Standard Deviation
Judicial officers, judiciary staff and clients work as team	3.000	0.000
All the directorates and courts stations in the Judiciary work as a team	2.770	0.427
The management of the judiciary is always objective in all its undertaking	2.770	0.425
The management of the judiciary has made sure that all judicial officers, staff and clients are conversant with the objectives of the court house construction project	2.780	0.417
The management of the judiciary is flexible enough to incorporate new ideas from all judicial officers, staff and clients	3.000	0.000
The management of the judiciary frequently consults with judicial officers, staff and clients concerning the day to day activities	2.920	0.267
The management of the judiciary practices delegation of duties and responsibilities	2.810	0.398
There is an impending change in leadership style in the near future that will affect the staffs' input in the implementation of court house construction	1.900	0.577
The style of leadership employed by the judiciary management affects the implementation of projects in the judiciary to great extent	2.500	0.624

From the study findings, the majority of the respondents agreed that Judicial officers, judiciary staff and clients work as team (Mean=3.000) as well as all the directorates and courts stations in the Judiciary work as a team (Mean= 2.770). On objectivity, majority of the respondents agreed that the management of the judiciary is always objective in all its undertaking (Mean= 2.770) as well as

the management of the judiciary making sure that all judicial officers, staff and clients are conversant with the objectives of the court house construction project ( Mean= 2.780). The research findings further showed that majority of the respondent also agreed that the management of the judiciary is flexible enough to incorporate new ideas from all judicial officers, staff and clients(Mean= 3.000). On consultation and delegation, the research findings showed that majority of the respondents agreed that the management of the judiciary frequently consults with judicial officers, staff and clients concerning the day to day activities ( Mean= 2.920) and that the management of the judiciary practices delegation of duties and responsibilities ( Mean= 2.810). This implies that leadership of the judiciary management influences the implementation of projects in the judiciary.

#### 4.6 Organizational structure

The study sought to establish how organizational structure influences the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya. In order to further assess the organizational structure of the Judiciary and how it might influence implementation of projects in the judiciary, the respondents were requested to indicate their view on the existence of reporting lines, communication and participatory decision making in the judiciary. The responses were rated on a four point Likert scale where: 1- Strongly Disagree, 2-Disagree, 3- Agree, 4- Strongly Agree. The mean and standard deviations were generated from SPSS and are as illustrated in Table 4.12

**Table 4.1: Organizational Structure**

<b>Statement</b>	<b>Mean</b>	<b>Standard Deviation</b>
The roles and responsibilities of both judicial officers staff and clients are clearly defined	3.000	0.000
The judiciary has clear reporting lines in relation to both judicial and administrative functions	3.000	0.000
Judicial officers and staff have a clear idea of what is expected of them at work towards the implementation of projects.	3.000	0.000
Information that is needed for judicial officers and staff to do their job readily available	3.000	0.000

There is timely communication dissemination in the judiciary	3.000	0.000
The management of the judiciary provides timely feedback on inquiries	2.587	0.496
There exists a constant communication between the directorates and the court stations in the Judiciary	2.788	0.412
New ideas and contributions are encouraged and appreciated in the Judiciary	3.000	0.000
Judiciary's management involves staff in problem solving and decision-making	2.520	0.742
Judiciary's management involves staff in the decision making process in the implementation of projects in the Judiciary	2.582	0.591

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From the study findings, the majority of the respondents agreed that the roles and responsibilities of both judicial officers staff and clients are clearly defined (Mean=3.000) as well as that the judiciary has clear reporting lines in relation to both judicial and administrative functions (Mean= 3.000). Majority of the respondents also agreed that judicial officers and staff have a clear idea of what is expected of them at work towards the implementation of projects (Mean= 3.000).

On communication, majority of the respondents agreed that Information that is needed for judicial officers and staff to do their job readily available (Mean= 3.000) as well as that there is timely communication dissemination in the judiciary (Mean= 3.000) and the management of the judiciary provides timely feedback on inquiries (Mean= 2.587). Majority of the respondents also agreed that there exists a constant communication between the directorates and the court stations in the Judiciary (Mean= 2.788). The research findings further showed that on participatory decision making majority of the respondent agreed that new ideas and contributions are encouraged and appreciated in the Judiciary (Mean= 3.000) as well as that judiciary's management involves staff in problem solving and decision-making (Mean= 2.520). On involvement in decision making, majority of the respondents agreed that judiciary's management involves staff in the decision making process in the implementation of projects in the Judiciary (Mean= 2.582). This implies that organization structure of the judiciary management influences the implementation of projects in the judiciary.

## 4.7 Inferential statistics

Inferential statistics deduces from the sample under study in relation to the general population. They determine possibility of characteristics of population based on the unique characteristics of the sample under study. This helps to assess the forte of the relationship between the independent (causal) variables, and the dependent (effect) variables. They also help one to determine whether the results observed are either due to chance or are significant statistically.

### 4.7.1 Regression analysis

A multiple regression analysis to test the relationship between the dependent and the independent variable was conducted by coding and capturing data using Statistical Package for Social Sciences (SPSS). One of the statistic that was computed was coefficient of determination which explains the extent to which changes in a dependent variable (Implementation of court house construction at Kigumo law courts, Murang'a County, Kenya) can be elucidated by change in an independent variables ( Organizational culture, leadership and Organizational structure).

**Table 4.1: Summary of the Model**

Model	R	R Square	Adjusted Square	R	Std. Error of the Estimate
1	.791a	.6725	.710		.71226

Table 4.13 shows that the three independent variables that were under study, explained 67.25% of Implementation of court house construction at Kigumo law courts, Murang'a County, Kenya as shown by R squared. This implies that other factors other than those studied in this research contribute to 32.75 % of Implementation of court house construction at Kigumo law courts, Murang'a County, Kenya. The other statistic that was analyzed was Analysis of Variance (ANOVA) which consists of calculations that provide information

about levels of variability within a regression model and forming a basis for testing of significance. ANOVA helps in comparing the means of two or more samples.

**Table 4.2: Analysis of Variance of the Regression**

Model	Sum of Squares	df	Mean Square	F	Sig.
1Regression	1.421	5	.331	5.521	.008
Residual	4.187	17	.242		
Total	5.508	22			

Table 4.14 shows that the significance value was 0.008 which is less than 0.05 hence the model that was used was statistically significant in determining how Organization culture, leadership and organizational structure affect the Implementation of court house construction at Kigumo law courts, Murang'a County, Kenya.

#### 4.8 Variable analysis

The results of regression analysis were deduced based on; t, statistic which is the coefficient divided by its standard error; p which is the probability of getting an extreme result as the one captured in a collection of random data in which the variable have no effect and is determined by t statistic, and finally is the  $\beta$  (Beta) which is a measure of how strongly each independent variable influences the dependent variable. These are shown in Table 4.15

**Table 4.1: Coefficient of determination**

Model	Standardized Coefficients	t	Sig.
	Beta		
(Constant)		5.132	0.000
Organizational culture	.089	2.531	.000
Leadership	.243	4.692	.000
Organizational structure	.232	4.682	.000

#### **4.8. 1 Organizational Culture and its effects on the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya.**

The regression analysis showed that organizational culture influences the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya as shown by the regression analysis statistics in Table 4.15  $\beta=0.089$ ,  $t= 2.531$ , and standards as  $p=<000$ .

#### **4.8.2 Leadership and its effects on the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya.**

The regression also showed that leadership influences the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya as shown by the regression analysis statistics in Table 4.15  $\beta= 0.243$ ,  $t= 4.692$ , and standards as  $p=<000$ .

#### **4.8.3 Organizational Structure and its effects on the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya.**

The regression also showed that organizational structure influences the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya as shown by the regression analysis statistics in Table 4.15  $\beta= 0.232$ ,  $t= 4.682$ , and standards as  $p=<000$ .



## **CHAPTER FIVE**

### **SUMMARY OF FINDINGS, DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS**

#### **5.1 Introduction**

This chapter presents the summary of the key findings, the discussion, conclusion, recommendations, and suggestions for further research for contribution to the body of knowledge. The research sought to establish factors influencing implementation of projects in the Kenyan Judiciary, a case of court house construction at Kigumo law courts, Murang'a County, Kenya

#### **5.2 Summary of findings**

The first objective of the study was to establish the influence of organizational culture on the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya. The study established that 86 (79.7%) of the respondents agreed that Judiciary staff and clients are aware of the vision of the institution. Additionally, 97(89.8%) of the respondents either agreed that Judiciary staff and clients are aware of the Mission of the institution. The study also established that 104 (96.3%) respondents agreed that they were aware of the Judicial Performance Improvement Project and specifically the court house construction at Kigumo law court. This shows that the respondents were aware of the ongoing project of court construction at Kigumo law court. Additionally, 97 (89.8%) respondents agreed that Judiciary Vision, Mission and Core Values are clear and objective enough while 104 (96.3%) agreed that these judiciary standards and ethics are clearly communicated.

Majority of the respondents 84 (77.8 %) agreed that the members of staff of the judiciary are guided by the institutional values in day to day activities at the work place. Furthermore 56 (51.9%) of the respondents strongly agreed that judicial officers and staff care about the

quality of services they provide. On vices like corruption, nepotism, sexual harassment and use of vernacular, the study revealed that 77 (71.3%) of the respondents agreed that corruption is present in the judiciary. It also found that only 35 (32.4 %) of the respondents disagreed that nepotism was present in the judiciary. Moreover, the study found that 35 (41.7%) respondents disagreed that the use of vernacular was present in the judiciary. Additionally, the study revealed that all the respondents agreed that the judiciary has put in place strong and stringent measures to address these vices. This implies that efforts have been put in place to address these vices.

Under the use of vernacular within the Judiciary, 12 (11.1%) respondents strongly disagreed, 33 (30.6%) respondents disagreed, whereas 40 (37.0%) respondents agreed and 23 (21.3%) respondents strongly agreed that it was present in the judiciary. Further, the study revealed that all the respondents agreed that the judiciary has put in place strong and stringent measures to address these vices. This implies that efforts have been put in place to address these vices. Further, 98 (90.8%) of the respondents agreed that indeed the judiciary has embraced the culture of planning favorably with 10 (9.3%) respondents disagreeing that the judiciary has a distinctive corporate culture.

The second objective of the study was to determine the influence of leadership on the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya. Majority of the respondents, 64 (59.3%) agreed that participative also called democratic style of leadership is the most suitable for implementing the project at Kigumo and the judiciary at large. Additionally, 60 (55.6%) of the respondents viewed the current leadership to be practicing participative style of leadership implying that the top leadership is consulting while implementing projects hence enhancing ownership leading to successful completion of the projects. To further evaluate the leadership of the Judiciary and the existence of good management practices in the judiciary, teamwork, objectivity, consultation and delegation

between and among the management, directorates, courts and judiciary staff members was assessed. Majority of the respondents (Mean=3.000) agreed that Judicial officers, judiciary staff and clients work as team and that all the directorates and courts stations in the Judiciary also work as a team (Mean= 2.770). Majority (Mean= 2.770) of the respondents also agreed that the management of the judiciary is always objective in all its undertaking. ). On consultation and delegation, the research findings showed that majority of the respondents agreed that the management of the judiciary frequently consults with judicial officers, staff and clients concerning the day to day activities ( Mean= 2.920) and that the management of the judiciary practices delegation of duties and responsibilities ( Mean= 2.810).

The third objective was to investigate the influence of organizational structure on the implementation of court house construction at Kigumo law courts, Murang'a County, Kenya. Majority of the respondents (Mean=3.000) agreed that judicial officers, judicial staff and clients have clearly defined roles and responsibilities implying that the judiciary has an organizational structure with clear reporting lines. From the study findings, the majority of the respondents agreed that the roles and responsibilities of both judicial officers staff and clients are clearly defined (Mean=3.000) as well as that the judiciary has clear reporting lines in relation to both judicial and administrative functions (Mean= 3.000). Majority of the respondents also agreed that judicial officers and staff have a clear idea of what is expected of them at work towards the implementation of projects (Mean= 3.000). Majority of the respondents also agreed that there exists a constant communication between the directorates and the court stations in the Judiciary (Mean= 2.788). The research findings further showed that majority of the respondent agreed that new ideas and contributions are encouraged and appreciated (Mean= 3.000) as well as that judiciary's management involves staff in problem solving and decision-making (Mean= 2.520). On involvement in decision making, majority of the respondents agreed that judiciary's management involves staff in the decision making

process in the implementation of projects in the Judiciary (Mean= 2.582).This implies that organization structure of the judiciary management influences the implementation of projects in the judiciary.

### **5.3 Discussions of findings**

This section focuses the discussion of the findings of the variables of the study and relates them to relevant empirical literature.

#### **5.3.1 Demographic characteristics**

Demographic characteristics of the respondents revealed that the gender distribution was lopsided towards the male gender that constituted 70.4% as compared to the female gender that were 29.6% of all the respondents. Majority of the respondents constituting 75.0% were aged between 18 and 40 years which are considered the most productive years of a human being. This implies that most of clients of the judiciary are in their productive years hence are prone to continue interacting with the judiciary for some time. Majority of the respondents, 51 (47.2%) were clients who came to seek different services from the court. This implies that majority of the respondents were those clients seeking services from the judiciary. Additionally, 2 (1.9%) respondents were judicial officers, 4 (3.7%) were heads of units, 14 (13.0%) were judicial staff and 37(34.3%) were members of the contractors' team. This implies that majority of the respondents were those clients seeking services from the judiciary hence the reliability of the final results.

#### **5.3.2 Organizational culture**

According to Walton (2009), culture sets the norms for the whole organization and provides a sense of direction which governs how to behave, what to do, where to place organizational priorities, etc. Culture shapes the willingness of people to exert high levels of effort in

creating a vision of the future directed towards the attainment of organizational goals, and is conditioned by people's ability, behavior and values.

The assessment of the influence organization culture has on the implementation of projects in the judiciary and specifically court house construction at Kigumo law courts, focused on various aspects. One of the aspects was the level of awareness among the respondents about the institutional vision, mission, core values and most importantly, the on-going court house construction at Kigumo law courts. The study established that majority of judiciary staff and clients were aware of the Institutions vision, mission, core values and specifically the court house construction indicating that the awareness levels among the staff and the clients was high. Additionally, majority of the respondents agreed that Judiciary vision, mission and core values are clear and objective enough and that these judiciary standards and ethics are clearly communicated.

The other aspect was the level of commitment which assessed if members of judiciary staff are guided by the institution values in their day to day activities, if the code of conduct is clearly communicated and if judicial officers and staff care about the quality of services they provide. According to the study findings, judiciary staff members are guided by institutional values and code of conduct in their day to day activities and they also care about the quality of services they provide showing that their commitment levels is high. The third aspect of organization culture that was assessed is cultural norms. This looked at perception on the presence of vices like nepotism, corruption, sexual harassment and use of vernacular within the institution; measures taken to address this vices and embracing of the culture of planning. Majority of the respondents agreed that corruption, nepotism and use of vernacular were present in judiciary. They also agreed that the judiciary has put in place stringent measures to address these vices implying that efforts have been put in place to address these vices and that

the judiciary fully embraced the culture of planning and has a distinctive corporate culture that one can easily identify with.

Smith, (2004) posits that implementation of projects have stagnated due to the prevailing culture of an organization hence the need to have a distinctive culture that is in tandem with the objectives and goals of the project.

### **5.3.3 Leadership**

Leadership means different things to different people around the world, and different things in different situations. Leadership is the art of getting someone else to do something you want done because he or she wants to do it. Leaders help themselves and others to do the right things. They set direction, build an inspiring vision, and create something new. The study sought to establish how leadership influences the implementation projects and specifically the court house construction at Kigumo law courts by looking at style of leadership, teamwork, objectivity consultation and delegation. The study findings showed that the suitable leadership style for implementing projects and the current style being practiced by the current management is participative style of leadership. The findings also showed that members of staff, directorates and courts stations have embraced team work and that objectivity and flexibility guides the undertaking of the judiciary management. The management, according to the findings, frequently consults with judicial officers, staff and clients concerning the day to day activities and practices delegation of duties and responsibilities. This implies that leadership of the judiciary management influences the implementation of projects in the judiciary through these practices.

According to Peter F. Drucker, (1992), lack of leadership in a group can result to the disintegration, destruction of the team spirit and fritter away its energy. Leaders are role models who set examples and create confidence in workers. They promote morale which

leads to high productivity and organizational stability. Through effective leadership, the unity, cohesiveness and discipline of the group are assured.

#### **5.3.4 Organizational structure**

Jacobides (2007) posits that an organizational structure defines how activities such as task allocation, coordination and supervision are directed towards the achievement of organizational aims. It can also be considered as the lenses or perspective through which individuals see their organization and its environment. Organizations can be structured in many different ways, depending on their objectives.

The study sought to establish to what extent does organizational structure influence the implementation projects and specifically the court house construction at Kigumo law courts by examining the existence of an organ gram with clear reporting lines, communication channels and participation in the decision making process. The study finding showed that respondents agreed that the roles and responsibilities of both the judicial officers, staff and clients are clearly defined and that they know what is expected of them towards the implementation of projects in the judiciary. Majority of the respondents agreed that Information that is needed for judicial officers and staff to do their job readily available, there is timely communication dissemination in the judiciary and the management of the judiciary provides timely feedback on inquiries. Constant Communication between and among the directorates and the court stations in the Judiciary is being practiced. The research findings further showed that on participatory decision making majority of the respondents agreed that new ideas and contributions are encouraged and appreciated in the Judiciary and judiciary's management involves staff in the decision making process in the implementation of projects in the Judiciary. This implies that organization structure of the judiciary management influences the implementation of projects in the judiciary.

The structure of an organization will determine the modes in which it operates and performs. It allows the expressed allocation of responsibilities for different functions and processes to different entities such as the branch, department, workgroup and individual. Organizational structure affects organizational operations in two main ways. First, it provides the foundation on which standard operating procedures and routines rest. Secondly, it determines which individuals get to participate in which decision-making (Jacobides, 2007).

#### **5.4 Conclusion of the study**

Based on research findings and summary, the following conclusions were made on the factors influencing implementation of projects in the Kenyan Judiciary, a case of court house construction at Kigumo law courts, Murang'a County, Kenya. Organizational culture has influenced the implementation of projects in the Kenyan Judiciary, a case of court house construction at Kigumo law courts, Murang'a County, Kenya. The awareness levels on the institutional vision, mission and core values as well as the commitment levels to the delivery of quality service are high according to the finding of the research. The judiciary has also embraced the culture and has a distinctive corporate culture that one can identify with. However, all these have been negated by the presence of vices like corruption, nepotism, sexual harassment and use of vernacular. The judiciary has made sure that these vices don't take root within the institution by putting stringent measures to address them which will ensure that the strong corporate culture is not eroded neither is the image dented.

Leadership has also been noted in the findings of this study as having influence on the implementation of projects in the Kenyan Judiciary, a case of court house construction at Kigumo law courts, Murang'a County, Kenya. The leadership style that was preferred for the implementation of the project was participative also referred to as democratic leadership which according to the findings, was the style being employed currently hence increasing the prospects of the project being accepted and embraced after completion. The study also found



that teamwork; objectivity, consultation and delegation between and among the management, directorates, courts and judiciary staff members are being practiced. This helps in sharing of ideas and constant flow of information within the different levels of management and staff cadres.

The study also found that organizational structure influences the implementation of projects in the Kenyan Judiciary, a case of court house construction at Kigumo law courts, Murang'a County, Kenya. Majority of the respondents agreed that roles and responsibilities of both judicial officers and staff are clearly defined thus avoiding conflicts during execution of duties. This according to the study finding is coupled with clear reporting lines within both the judicial and administrative functions giving clarity to staff on what is expected of them. Availability of required information on time as well as provision of timely feedback was found to be the norm. The research also found that there exist constant communication between the directorates and the court stations in the Judiciary and that new ideas and contributions are encouraged and appreciated as well as that judiciary's management involves staff in problem solving and decision making hence encouraging participation

### **5.5 Recommendations of the study**

The study recommends continuous sensitization of the staff on the institutional vision, mission and core values through meetings and workshops to aid in raising the awareness level among the staff. There should also be a constant audit of the values through surveys. This should be coupled wide distribution of the booklet on code of conduct. The study also recommends that the institution should organize motivational and peer talks for staff to help build morale amongst them. The culture of planning should be institutionalized further through capacity building while further strengthening the measures put in place to address vices like corruption, nepotism, sexual harassment and use of vernacular. The study recommends organizing sensitization workshops, provision of suggestion boxes and swift and

objective handling arising complaints. The study also recommends mentoring programs coupled with training on leadership for all staff to help in succession planning and avoid leadership vacuum. There should also be periodical team building activities to help build cohesiveness and teamwork among the staff. The management should also endeavor to consult as wide as possible while continuously practicing delegation to enhance ownership and build capacity among staff. The judiciary should also initiate tailor made in-service programmes aimed at developing particular skills and abilities of the employees and enhancing employee performance.

The study further recommends the publishing and wider distribution of the code of conduct and the scheme of service to raise awareness among staff. This should include the organizational organogram that clearly defines the reporting lines and career progression paths for all cadres of staff. The judiciary should also continue with the practice of timely dissemination of accurate information to aid in timely decision making, reduce resource wastage. There should also be an incubation center for all the new ideas that if proven to be working, should then be replicated throughout the court system. Participatory decision making should always be practiced to enhance ownership of projects and programs.

### **5.6 Suggestions for further research**

This study recommends further an empirical study on vices like nepotism, corruption, sexual harassment, use of vernacular language and what specific measures have been put in place to address these vices. The study also recommends further research on what the distinctive corporate culture of the judiciary that one can identify with entails.

A study on the existing channels of communication within the judiciary and their effectiveness and acy is also

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**APPENDICES**

**APPENDIX 1: LETTER OF TRANSMITTAL**

August, 2016

Dear respondent,

**RE: REQUEST FOR RESEARCH DATA**

I am a master’s student at University of Nairobi, pursuing a course leading to degree on Masters of Arts (Project Planning and Management). In partial fulfillment of the requirements of the stated degree course, I am conducting a research project entitled, factors influencing implementation of projects in the Kenyan judiciary, a case of court house construction at Kigumo law courts, Murang’a County, Kenya

To achieve this, you are invited to participate in this academic research study being conducted. You are part of a carefully selected group that has been asked to participate in this academic research study and I greatly appreciate your assistance.

Please note that;

1. The responses are anonymous and confidential;
2. Approximately 15 minutes will be required to complete the questionnaire
3. Participation in the study is voluntary and important;
4. Your responses will be used for academic purposes only;
5. The findings can be availed on request only;
6. Should you have any difficulties in responding, please contact me at the e-mail address; vlumumba85@gmail.com or call me at +254 721 174 960.

Please sign the form to indicate that;

1. You read the information and
2. You have given your consent.

Thank you for your participation

Respondent’s signature:..... Date:.....

## APPENDIX 1I: QUESTIONNAIRE

### IMPLEMENTATION OF COURT HOUSE CONSTRUCTION AT KIGUMO LAW COURTS.

Questionnaire No (OFFICIAL USE )	
Date:	

**Dear respondent,**

I am a post-graduate student at University of Nairobi conducting research on the factors influencing implementation of court house construction at Kigumo law courts, Murang'a County, Kenya. Your response to this questionnaire is crucial to the successful completion of this research project. Individual responses will be anonymous. Your time and participation in this study will be greatly appreciated. Thank you.

#### SECTION A: DEMOGRAPHIC CHARACTERISTICS

1. Gender- Male  Female
2. Age bracket (years)  
18 - 29 ; 30 - 45 ; 45 - 60 ; 60 and above
3. What is your position in relation to the Judiciary?  
Judicial officer ; Head of Unit/ Department  Judiciary Staff  Project Team/  
Contractor  Judiciary Client
4. How many years have you interacted with the judiciary either directly or indirectly?  
0 - 3 ; 3 - 6 ; 6 - 9 ; 9 and above

Please tick (✓) the appropriate box the extent to which you are agree or disagree with each of the statements. Use a four-point Likert-type scale where:

1 = Strongly Disagree 2 = Disagree 3 = Agree 4= Strongly Agree

#### SECTION B: ORGANISATIONAL CULTURE

S.N	STATEMENT	Strongly Disagree (1)	Disagree (2)	Agree (4)	Strongly Agree (5)
5.	Judiciary staff and clients are aware of the vision of the institution				
6.	Judiciary staff and clients are aware of the Mission of the institution				
7.	Judiciary staff and clients are aware of the core values of the institution				



S.N	STATEMENT	Strongly Disagree (1)	Disagree (2)	Agree (4)	Strongly Agree (5)
8.	Judicial officers, staff and clients are aware of the Judicial Performance Improvement Project and specifically the court house construction at Kigumo law court				
9.	Judiciary Vision, Mission and Core Values are clear and objective enough				
10.	The ethics and standards expected in the judiciary are clearly communicated;				
11.	The staff of the judiciary are guided by these values in day to day activities at the work place				
12.	The code of conduct of the judiciary employees is clearly communicated				
13.	Judicial officers and staff care about the quality of services they provide,				
14.	Below are some of the vices that the judiciary has been accused of tolerating. Kindly tick appropriately your perception on their presence in the Judiciary				
	<b>a) Nepotism/Favoritism</b>				
	<b>b) Corruption</b>				
	<b>c) Sexual Harassment</b>				
	<b>d) Use of Vernacular</b>				
15.	The judiciary has put in place strong and stringent measures to address these vices				
16.	The culture of planning has been embraced favorably in the judiciary				
17..	The Judiciary has a distinctive corporate culture				

18. Does the judiciary have a code of conduct for its employees? **Yes** [ ] **No** [ ]

19. If yes, have you seen a copy of the code of conduct? **Yes** [ ] **No** [ ]

### SECTION C: LEADERSHIP

20. Which leadership style do you think is suitable for implementing the court house construction successfully? (Tick your answer from the list below)

**The authoritarian or autocratic leadership;** under this style, the leader instructs his or her employees on what to do and how to do it, without getting their input or advice.

**The participative or democratic leadership;** in this style, the leader includes a number of employees in the decision making process, but the leader more often than not maintains the final decision making power.

**Delegative or laissez-fair is leadership;** this style is where the leader allows the employees to make the decisions through delegation. This the leader does despite still being responsible for the decisions that are made by the employees.

21. From the above leadership style, which do you think is currently being practiced?

- The authoritarian or autocratic leadership
- The participative or democratic leadership
- Delegative or laissez-fair is leadership

S.N	STATEMENT	Strongly Disagree (1)	Disagree (2)	Agree (4)	Strongly Agree (5)
22.	Judicial officers, judiciary staff and clients work as team				
23.	All the directorates and courts stations in the Judiciary work as a team				
24.	The management of the judiciary is always objective in all its undertaking				
25.	The management of the judiciary has made sure that all judicial officers, staff and clients are conversant with the objectives of the court house construction project				
26.	The management of the judiciary is flexible enough to incorporate new ideas from all judicial officers, staff and clients				
27.	The management of the judiciary frequently consults with judicial officers, staff and clients concerning the day to day activities				
28.	The management of the judiciary practices delegation of duties and responsibilities				
29.	There is an impending change in leadership style in the near future that will affect the staffs' input in the implementation of court house construction				
30.	The style of leadership employed by the judiciary management affects the implementation of projects in the judiciary to great extent				

**SECTION D: ORGANIZATIONAL STRUCTURE**

S.N	STATEMENT	Strongly Disagree (1)	Disagree (2)	Agree (4)	Strongly Agree (5)
31.	The roles and responsibilities of both judicial officers staff and clients are clearly defined				
32.	The judiciary has clear reporting lines in relation to both judicial and administrative functions				
33.	Judicial officers and staff have a clear idea of what is expected of them at work towards the implementation of projects.				
34.	Information that is needed for judicial officers and staff to do their job readily available				
35.	There is timely communication dissemination in the judiciary				
36.	The management of the judiciary provides timely feedback on inquiries				
37.	There exists a constant communication between the directorates and the court stations in the Judiciary				
38.	New ideas and contributions are encouraged and appreciated in the Judiciary				
39.	Judiciary's management involves staff in problem solving and decision-making				
40.	Judiciary's management involves staff in the decision making process in the implementation of projects in the Judiciary				

41. In your opinion, are there any other factors that you think affect the implementation of projects in the judiciary?

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