DRIVERS OF JUDICIAL GOVERNANCE REFORMS ON SERVICE DELIVERY IN KENYA

Kimari, M. M., Gathenya, J., & Kihoro, J.

DRIVERS OF JUDICIAL GOVERNANCE REFORMS ON SERVICE DELIVERY IN KENYA

Kimari, M. M., [*1] Gathenya, J., [2] Kihoro, J.[3]

[*1]Ph.D Scholar, Jomo Kenyatta University of Agriculture and Technology [JKUAT], Nairobi, Kenya

[2]Ph.D, Lecturer, Jomo Kenyatta University of Agriculture and Technology [JKUAT], Nairobi, Kenya

[3]Prof, Lecturer, Jomo Kenyatta University of Agriculture and Technology [JKUAT], Nairobi, Kenya

ABSTRACT

In any given society conflict is inevitable and hence the need to have institutions in place to deal with dispute resolution. The legal culture is important for how people perceive not only the judiciary but the political system at large. The Judiciary is regarded as the guardian of laws and societal integrity and therefore critical in the guarantee of good governance. The way the judiciary operates in terms of service delivery also has an impact on the country's economic and development performance. This research examined and documented the drivers of judicial governance reforms on the delivery of services in Kenya. This study adopted a descriptive survey design which was aimed at collecting qualitative and quantitative data using a two stage sampling method. The data that was collected was analyzed using SPSS version 23. The tabulated quantitative data was analyzed using multiple regression analysis and presented in tables, figures and graphs while the qualitative data was analyzed using content analysis technique to come up with themes that were presented in tabular form. The findings revealed that the drivers of judicial governance reforms (Policy Framework and Funding of Judiciary) significantly influenced judicial service delivery in Kenya. The study therefore concluded that none of them (Policy Framework and Funding of Judiciary) could be ignored as each played its role significantly in influencing judicial service delivery. However, there were a few areas that could be improved on and as such this study made several recommendations for improvement some of which included; updating of outdated policies; make justice affordable to everyone; and vetting out corrupt judges.

Key words: Policy Framework, Funding, Judicial service Delivery in Kenya

INTRODUCTION

According to Ball (2010) strengthening accountability is a fundamental objective for achieving effective service delivery. Accountability in security and justice sector reform is often conceived as primarily focusing on human rights, holding providers accountable for abuses and strengthening rights protection. From this perspective, donor assistance often concentrates on external oversight bodies, such as parliamentary committees, complaints commissions and ombudsman offices. It also leads to institutional reform of internal mechanisms within the police, judiciary and prisons, such as disciplinary procedures and professional standards systems. Ensuring that security and justice providers not only respect, but are the principal defenders of human rights as a key part of strengthening service delivery (Therkildsen & UNRISD, 2001).

According to Ginsburg (2010), virtually every developing country has some program of legal reform focused on the judiciary, and billions of dollars have been spent on promoting independence. Many developing countries across the world are giving priority to judicial reform as a necessary precondition for encouraging new investment. Judicial independence has become like freedom: everyone wants it but no one knows quite what it looks like, and it is easiest to observe in its absence. We know when judges are dependent on politicians or outside pressures, but have more difficulty saying definitively when judges are independent. Still, the normative consensus suggests that there is indeed something important about the concept. And the normative consensus is clear. The General Assembly of the UN supports it, as do governments both democratic and authoritarian. All this suggests that there is indeed a consensus that judicial independence is important, but also that the concept risks dilution into one as thin as to be meaningless.

According to Fombad *et al.* (2013), an overview of developments in Africa over the last two decades reveals a growing commitment by governments to the principles of human rights, to rule of law, to the ideals of transparent, accountable and democratic governance, and to a properly functioning justice system – in short, to constitutionalism. However, the pace of change has been slow, and in the last few years there have been ominous signs of a reversal: a return to the dark era of dictatorship with authoritarianism looming on the horizon. The reforms of the 1990s saw new or revised constitutions which, for the first time, provided some prospects for constitutionalism. Most of these constitutions in diverse ways recognized and protected human rights and also provided for independent courts. As a result, the quantum of human rights protection in most African countries increased somewhat after 1990. There has, however, been a decline in the quality of human rights protection enjoyed in recent years. Nevertheless, pressure on African governments to adopt and conform to certain minimum human rights standards has arisen from the new human rights and democracy framework adopted by the African Union (AU), international treaty commitments, and the use of universal jurisdiction to deal with grave human rights abuses such as crimes against humanity and war crimes.

According to Mueller (2014) Kenya's courts had enormous backlogs, estimated as high as one million cases, and it is not unusual for litigants to wait years for hearing dates, let alone decisions. Cumbersome procedures dragged out the process of getting to trial, and judges and magistrates and lawyers regularly adjourned hearings for dubious reasons. Records often disappeared, typically because of haphazard procedures but sometimes because of deliberate efforts to delay cases (Mueller, 2014).

Accountability has been weak (Gathii, 2010) notes, in part because the judiciary is a mystery to many Kenyans. The population does not understand how

courts work, or why they work the way they do. Citizens do not have the knowledge to demand quality services, and the judiciary lacks systems to track the status of cases and hold judicial officers accountable for delays. Mueller (2014) observes that the 2010 constitution's measures for restructuring the judiciary included a vetting process, in which an independent board of Kenyan lawyers, civil society leaders, and foreign judges reviewed the record of each judicial officer serving before the adoption of the constitution and determined whether he or she was suitable to remain on the bench.

Statement of the Problem

The Judiciary is regarded as the guardian of laws and societal integrity and therefore critical in the guarantee of good governance. The Constitution of Kenya 2010 provides for the independence of the judiciary. Its independence is vital in the administration of justice, the fight against bad governance and corruption (National Anti-Corruption Plan, 2008; Harrison & Sidwell, 2011). Yet people's experiences in many countries fall far short of this expectation. Corruption and unethical conduct have been seen as a main impediment to the independence of the Judiciary in implementing its mandate.

The Judicial reform implementing actions widely impacted upon the organization of the judicial systems of recipient countries. Indeed, judicial reforms contribute to change the legal and political legacies imbued in nondemocratic institutions and thus contribute to legitimate the new regime, instilling in the state a mechanism of self-restraint (Gargarella & Skaar, 2004). As a matter of fact, this raises the immediate questions of the extent to which judges that served nondemocratic regimes are able to become part of that usable and functioning democratic State apparatus and how political and institutional changes may affect their ability (Guarnieri & Magalhles, 2006). In particular, recruitment, appointment, and career policies can deeply reshape

the situation of action of judges. Due to these premises, democratizing elites face the crux of reshaping mechanisms of judicial appointment, promotion, evaluation, and training in order to come to terms with the past and pave the way to a legitimate liberal state (Russell & O'Brien, 2001).

In Kenya, the situation has not been any different The National Enterprise Survey by the Commission (2006) indicated that 73.6 percent of the respondents believe that the courts are never quick to resolve disputes while 28 percent believe that the courts are not accessible. In addition the Public Officers' Integrity Survey (2007) indicated that 62 percent of respondents thought that the Judiciary is not effective as stakeholder in the fight against corruption.

The National Enterprise Survey of 2007 indicated that 74 percent of respondents reported that there was excess time taken by proceedings and another 57.3percent cited legal costs involved in accessing justice as a constraint in court process. In addition, most judicial staff were perceived to be involved in corrupt practices. The Survey further indicated that 34.8 percent of the firms that participated had no confidence in the court system regarding legal system upholding contract and property rights in business disputes. Further, an analysis of the National Corruption Perception Survey (2010) indicates that 40 percent of judicial officers, 39 percent of court clerks and 47 percent judges/magistrates were also thought to be most involved in corruption.

The period prior to 1998 the Kenya Judiciary has been experiencing various problems that have resulted from and into inefficiency, incompetence and corruption. Chronic problems have infiltrated the Kenyan Judiciary including, lengthy procedural processes, inordinate case delays and backlog; limited access by the public; lack of adequate facilities; allegations of corrupt practices; cumbersome laws and procedures; questionable recruitment and promotional procedures; general lack of training; weak or non-existence of sanctions for unethical

behavior and inequitable budget. The inefficiency, incompetence and corruption in the Judiciary has resulted into loss of public confidence in the institution. A six member committee of Judges from the Court of Appeal was appointed to carry out the task of reforming the judicial system. At the end of its work the committee came up with various recommendations and proposals for implementation. Under the administration of justice, time and cost effectual mandate, the committee recommended among other things, the splitting of the High Court in Nairobi. Although these reforms have been undertaken, there is still a lot of hue and cry about judicial performance and independence by our Judiciary. This study therefore aimed to address the drivers of judicial governance reforms on the delivery of services in Kenya.

Objectives of the Study

The aim of the study was to establish the drivers of judicial governance reforms and their influence on judicial service delivery in Kenya. The study sought to be guided by the following specific objectives:

- To examine how policy framework affects judicial service delivery in Kenya
- To establish how funding influences judicial service delivery in Kenya

Hypotheses of the Study

The study sought to be guided by the following hypotheses:

H_{01}: There is no significant relationship between policy framework and judicial service delivery in Kenya

H_{02}: There is no significant relationship between funding and judicial service delivery in Kenya

LITERATURE REVIEW

Theoretical Review
Governance Theory

Governance theory is concerned with steering actions of political authorities as they deliberately attempt to shape socio-economic structures and processes (Myantz, 2003). According to Harris, J. (1990), Governance signals how the informal authority of networks supplements and supplants the formal authority of the government by exploring the changing boundary between the state and the society. The theory assumes that the government should focus on the formulation of public policy and leave the implementation to other bodies, private organizations or non-profit organizations, hence encouraging privatization, outsourcing, agentification and a stronger emphasis on market mechanism (Kickert, 1997).

The World Bank (1991) defined governance as the exercise of political authority and the use of institutional resources to manage society's problems and affairs. UNDP (1999) Defines governance as the way in which a society makes and implements decisions achieving mutual understanding, agreement and action. The policy paper on governance states that governance comprises the complex mechanisms, process and institutions, through which citizens and groups articulate their interests, mediate their differences and exercise their legal rights and obligations. As such governance has social, political and economic dimensions. The term governance is used, generally speaking, to reflect that the conditions for governing society have changed thus rendering the forms of governance invalid. (Rhodes, 1997). According to Rhodes, two analytical distinctions can be made: First, the state either has to drastically reduce or abandon its ambitions to govern the society or find new forms of governance. The first ambition could be achieved through deregulation and the second through ambition and the creation of new prerequisites for governing depending on new forms of coordination.

Second, Rhodes (Rhodes, 1997) suggests two approaches that he explains can lead to the attain-

ment of good governance. They include: the minimal state and the good governance approach. In expounding Rhodes minimal state approach, (Wathana, 1997) in his writings on the 'the new democratic governance paradigm' points out that the socio-economic, political and technical changes that we will meet in the21st century will make the public bureaucracies of today obsolete. The public bureaucracies have become too large and too expensive, therefore there are not enough resources left for other activities. Public bureaucracies are also shown to be inefficient in providing public services and reforms are therefore necessary, suggesting a new governance pattern.

Resource Based Theory

Penrose (1959) provided initial insights of the resource perspective of the firm. However, the resource-based view of the firm (RBV) was put forward by Wenerfelt (1984) and subsequently popularized by Barney's (1991) work. Many authors for example Nelson and winter (1982); Dierick and Cool (1989); Mohoney and Pandian (1992); Eisenhardt and Martin (2000); Zollo and Winter (2002); Zahra and George (2002) and Winter (2003) made significant contribution to its conceptual development. The theory emphasized the importance of organization resources and their influence on performance and competitive advantage in the market. According to RBV, every organization has its own unique resources that enable it to remain competitive in the market, by addressing the rapidly changing environment (Helfat, 2007). These resources may be financial, human, physical, technological and information. These may be valuable, rare and non-substitutable (Crook, Ketchen, Combs & Todd, 2008). Critiques of the RBV have pointed out that some resources contribute to competitive advantage while others do not; hence, not all resources of an organization have the ability to contribute to competitive advantage. Secondly, the

mere availability of resources is not enough unless the resources are well coordinated and integrated (Lopez, 2005). To effectively deliver judicial services, there is need to have informed professionally trained and experienced staff in the field of judicial reforms.

A dynamic theory of service management

Forrester invented dynamic theory in 1961.According to Forrester (1961), structure and the behavior of the participants can cause the "service jungle" the first positive feedback loops arise from the ability of firms to invest in differentiation. As firms increase their revenue and sales, they can invest more in activities that improve the attractiveness of their solutions. Most products or services can be differentiated from those of competitors through enhanced features, functionality, reliability, and suitability to the current and latent needs of the customers. We call this product or service quality. That means quality includes the degree of suitability to the current and latent needs, features, functionality and reliability. There is always a discrepancy between attractiveness and perceived attractiveness. But nevertheless, the attractiveness has a positive impact on the perceived attractiveness. Higher perceived attractiveness leads to higher market share boosting sales and revenue and enabling companies to invest more money in quality. Other ways to strengthen the differentiation are entirely new products and services.

An increasing number of new services and products generate higher market potential leading to more sales enabling even more investments. The extent of these investments increases differentiation in the eyes of customers. The development of investments involves a substantial time delay (Forrester, 1961). This theory supports funding on judicial reforms to improve judicial service delivery.

Theory of Change

The theory of change model was developed by International Network on Strategic Philanthropy (2005). According to INSP, this tool was designed for use by organizations such as Foundations, Trustees, NGOs, and individuals such as donors, philanthropists or consultants to facilitate development. A theory of change is the articulation of the underlying beliefs and assumptions that guide a service delivery strategy and are believed to be critical for producing change and improvement. Theories of change represent beliefs about what is needed by the target population and what strategies will enable them to meet those needs. They establish a context for considering the connection between a system's mission, strategies and actual outcomes, while creating links between who is being served, the strategies or activities that are being implemented, and the desired outcomes."

A theory of change has two broad components. The first component o f a theory of change involves conceptualizing and operationalizing the three core frames of the theory. These frames define: Populations: who you are serving, Strategies: what strategies you believe will accomplish desired outcomes, Outcomes: what you intend to accomplish. The second component of a theory of change involves building an understanding of the relationships among the three core elements and expressing those relationships clearly. The theory of change expounds the need to have a change of the delivery service in judiciary.
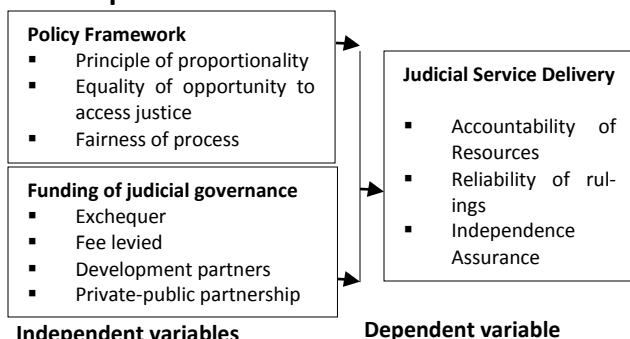
Conceptual Framework

Figure 1: Conceptual framework

Empirical Review
Policy Framework

According to Laibuta (2012) in a research on access to civil justice in Kenya, an appraisal of the policy and legal frameworks, a diverse range of international human rights instruments prescribe minimum standards and essential elements of equal access to civil justice. Those ratified by Kenya form part of the Article 2(6) of the Constitution of Kenya (2010). The Constitution guarantees the right of access to justice and establishes a hierarchy of national tribunals that exercise judicial authority in the adjudication of competing claims. It forms the foundation for the extant policy, legal and organizational frameworks for the administration of civil justice. The threefold purpose of Laibuta (2012) study which formed the specific objective of the study was to conduct an appraisal of the policy and legal frameworks in Kenya, to evaluate the level of consumer satisfaction in the civil justice system with particular reference to the principles of proportionality, party autonomy, expedition, fairness of process, extent and equality of opportunity to access; and to recommend appropriate policy and legislative reform strategies for expeditious claim adjudication and the augmentation of equal access to civil justice. The study establishes that the current Kenya's policy and legal frameworks are not well suited to guarantee the effective delivery of, and equal access to, civil justice, and that the system of procedural justice is not well suited to deliver quality outcomes and effective remedies. In response to these inadequacies, the study addresses pertinent conceptual issues and recommends various reform measures founded on what it considers as the conceptual imperatives for the efficient delivery of civil justice. The proposed reform strategies draw from beneficial examples of international best practices and from strategic interventions undertaken in other jurisdictions.

Funding of Judicial Governance

The judicial service is funded by the government by ensuring sufficient budgetary allocation from the Ministry of Finance where the exchequer releases funds while striving to maximize on revenue collection from the fees levied by the courts for services rendered by enhancing proper accounting systems. The other source of funding is by Development Partners and Private-Public partnership. These continue to be the main sources for funding the Plan. The Judiciary will ensure that there is transparency and accountability in the use of all funds availed to it.

The Judiciary has historically faced inadequate funding from the Government. The Constitution now grants it financial autonomy through the creation of the Judiciary Fund. This fund will be operationalised and an internal capacity created to manage it competently. The Judiciary will also institutionalize results-based budgeting, and establish a financial management and accountability system. It will also strengthen its procurement and accounting capacity in order to meet regulatory standards and customer needs. Specifically, the Judiciary will develop and operationalize value-for-money standards, trails and indicators for forensic audit; training of procurement committees at the devolved units; and develop an annual procurement plan. Whereas the Judiciary plans to mobilize additional resources from development partners, especially in the short run, the objective of this Framework is to wean the Judiciary off development aid. Kenya's justice system should, in the medium and long-term, be entirely funded by the taxpayer.

Judicial Service Delivery

Armstrong (2006) states that reforms are unfolding processes that enables organizations to progress from a present state of understanding and capability to a future state in which higher level skills, knowledge and competencies are required. It takes the form of learning activities that prepare people in such organizations to exercise wider or increased responsibilities for the greater good of the citizens. From the viewpoint of business administration, service quality is an achievement in citizen service. It reflects at each service encounter. Citizens form service expectations from past experiences, word of mouth and advertisement. In general, Customers compare perceived service with expected service in which if the former falls short of the latter the customers are disappointed (Burgess & Ratto, 2003).

In this paper the quality of service delivered will be assessed using the SERVQUAL model. SERVQUAL service quality model was developed by a group of American authors (Parasuraman, Valarie & Len, 1988). It highlights the main components of high quality service. The SERVQUAL authors originally identified ten elements of service quality, but in later work, these were collapsed into five factors - reliability, assurance, tangibles, empathy and responsiveness - that create the acronym RATER.

According to Davis (2014) the prevalence of informal payments for public service delivery in Indian cities, and payments to junior staff of judicial agencies by household members were indeed common among the cases investigated. Such payments were made in exchange for expediting applications for new application; quick fixing of cases; the falsification of bills; and the provision or ignoring of illegal service rendered. The payments reportedly made most frequently—bribes given for falsified case interpretation or readings—were also of the least value (US$0.45 in a typical transaction). Among legal clients interviewed, 41% said they had made such payments within the past six months; 73% of judicial staffs interviewed said that bribes given in exchange for wrong readings or false interpretation of law happened about half the time or virtually all the time in their institutions. Falsified interpretation of law require collusion that is difficult to detect in many legal institutions because of both chronic technical problems with judicial oversight of jurists.

From Deininger and Mpuga (2012) study it was realized that in many developing countries, the low quality of public services and governance limit the scope for poverty reduction and growth. Empirical micro-level evidence on the scope for improved accountability to help reduce corruption and improve the quality with which critical public services are provided is, however, limited. Using a large data set from Uganda to address this issue, we find that household knowledge on how to report inappropriate behaviour by bureaucrats and unsatisfactory quality of services does help to not only reduce the incidence of corruption but is also associated with significant improvements in service quality.

RESEARCH METHODOLOGY

The study adopted a descriptive survey design. A survey design as described by Mugenda and Mugenda (2008) is an attempt to collect data from members of a population in order to determine the current status of that population with respect to one or more variables. The researcher adopted this design since it is an efficient method of collecting descriptive data regarding characteristic of a sample of a population, current practices, conditions or needs (Babbie, 2009). The study adopted the positivism approach which advocates for application of the methods of the natural sciences to the study on social reality and more. Target population is defined as the entire aggregation of respondents that meet the designated set of criteria (Kothari, 2004). To get in-depth analysis this study targeted to collect data from 14,542 advocates, and 160 Judges, 419 Magistrates and 5070 other Paralegals. To get a clear perspective on service delivery the study further targeted court users where data was collected using an interview schedule. The sampling frame consisted of the list of all the advocates, judges, magistrates and paralegals in the judicairy of Kenya. The respondents were randomly selected from the following research locations purposively identified; Nairobi, Thika, Machakos, Mombasa, Nyeri, Nanyuki,

Tharaka Nithi, Kitui, Kajiado, Nyamira, Kisumu, Siaya, Migori, Bomet, Taita Taveta, Turkana, Marsabit, West Pokot, Baringo, Tana, Meru. The study used probability sampling. Probability sampling methods are those in which every item in the entire population has a known chance of being included in the study sample.

The study collected primary data using a structured interview guide and a questionnaire. The study used an interview guide to collect data from random court users at different court levels. Both qualitative and quantitative data analysis methods were used. Qualitative data from the structured interview guide provided insights and understanding and were analyzed by use of content. The collected data was coded and entered into SPSS Version 23.0.

RESEARCH FINDINGS

Diagnostic Tests

Factor Analysis

The study conducted factor analysis to select a subset of variables from a larger set, based on the original variables with the highest correlations with the principal component factors. Factor analysis is the name given to a group of statistical techniques that can be used to analyze interrelationships among a large number of variables and to explain these variables in terms of their common underlying dimensions (factors). The approach involves condensing the information contained in a number of original variables into a smaller set of dimensions (factors) with a minimum loss of information (Baets, 2002).

A factor analysis was carried out to determine how various factors would load on each of the variables. Leech, Barrett and Morgan (2014) offered that variable items should be retained if they are consistent with the theoretical labels and have factor loadings greater than or equal to 0.3, while Garson (2012) proposed intercorrelations among items at values ranging between 0.3 and 0.5. The findings were presented under the sections that follow.

Factor Analysis on Policy Framework

The study carried out a factor analysis on policy framework and the findings were summarized in Table 1. According to Mabert et al, (2013), factor loading values that are greater than 0.4 should be accepted and values below 0.4 should lead to collection of more data or help the researcher to determine the values to include. From the table, none of the factors scored below the threshold of .4 and therefore none was dropped from the analysis. This concurred with Orodho (2009) that an alpha coefficient higher than 0.40 indicated that the gathered data had relatively high internal consistency and could be generalized to reflect opinions of all respondents in the target population on policy framework and service delivery.

Table 1: Factor Analysis on the Independent Variable (Policies)

Component Matrix[a]

	Component
	1
The policies are substantially sufficient.	.728
I have a problem with the clarity of most of the policy documents	.725
I have access to the policy documents at any time	.709
I am required to familiarize myself with our policies on a regular basis	.701
I find it challenging implementing the policies.	.682
The existing policies are adequate in my line of work	.673
The policies are relatively outdated	.570

Extraction Method: Principal Component Analysis.

a. 1 components extracted.

Factor Analysis on Funding of Judicial Governance

The study carried out a factor analysis on funding of judicial governance and the findings were summarized in Table 2. According to Mabert et al, (2013), factor loading values that are greater than 0.4 should be accepted and values below 0.4 should lead to collection of more data or help the researcher to determine the values to include. From the table, none of the factors scored below the threshold of .4 and therefore none was dropped from the analysis. This concurred with Orodho (2009) that an alpha coefficient higher than 0.40 indicated that the gathered data had relatively high internal consistency and could be generalized to reflect opinions of all respondents in the target population on funding of judicial governance and service delivery.

Table 2: Factor Analysis on Funding of judicial governanace

Component Matrix[a]

	Component
	1
To the financially challenged, I find the process to access justice too costly.	.858
My performance could have been better with more funds/resources	.814
Funds are always available to support legal aid clinics.	.808
I have adequate resources to execute my terms of reference.	.779
Post 2010 my remuneration/fees is adequate.	.733
I feel adequately compensated for the rendered services.	.553
Given more funds, there are immediate systems changes I would recommend.	.490

Extraction Method: Principal Component Analysis.

a. 1 components extracted.

Factor Analysis on Service Delivery

The study carried out a factor analysis on training and the findings were summarized in Table 3. According to Mabert et al, (2013), factor loading values that are greater than 0.4 should be accepted and values below 0.4 should lead to collection of more data or help the researcher to determine the values to include. From the table, "My performance rarely attracts complaints' item was dropped since it had value of .325 and others were retained since their values were above .4.This concurred with Orodho (2009) that an alpha coefficient higher than 0.40 indicates that the gathered data had relatively high internal consistency and could be generalized to reflect opinions of all respondents in the target population on service delivery.

Table 3: Factor Analysis on Service Delivery

Component Matrix[a]

	Component	
	1	
All court users are satisfied with my work.	.704	
I am rarely absent from work.	.640	
I treat all the court users with respect.	.594	
I perform all my tasks on time.	.576	
My objective is always to be fair/equitable/juast.	.562	
I am always approachable by court users.	.509	
I always appreciate and conform to performance timelines.	.503	
I always ensure that communication is effective in my line of work.	.424	
My performance rarely attracts complaints	.325	Dropped from analysis

Extraction Method: Principal Component Analysis.

a. 1 components extracted.

Descriptive Statistics for Policy Framework

The study carried out a descriptive analysis by generating a descriptive statistics table using SPSS Software. The results were summarized in Table 4. From the table, 42.5% agreed that the existing policies were adequate in their line of work, 40.7% agreed that they had access to the policy documents at any time, 39.3% strongly agreed that they had no problem with the clarity of most of the policy documents, 42.9% agreed that the policies were relatively outdated, 38.6% agreed that they were required to familiarize themselves with their policies on a regular basis, 44.6% agreed that the policies were substantially sufficient, while 38.9% agreed that they found it challenging implementing the policies. From the findings, a majority (42.5%)

agreed that the existing policies were adequate in their line of work, and another majority of 40.7% agreed that they had access to the policy documents at any time. However, a majority (42.9%) agreed that the policies were relatively outdated while other majority (38.9%) found it challenging implementing the policies. In a similar finding, Laibuta (2012) established that the current Kenya's policy and legal frameworks were not well suited to guarantee the effective delivery of, and equal access to, civil justice, and that the system of procedural justice was not well suited to deliver quality outcomes and effective remedies. From this findings, the study observed that policy framework had an impact on judicial service delivery in Kenya that any stakeholder could not afford to ignore as it would negatively affect the delivery of service.

Table 4: Descriptive Statistic for Policy Framework

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
The existing policies are adequate in my line of work	2.5%	4.6%	13.6%	42.5%	36.8%
I have access to the policy documents at any time	1.4%	6.8%	17.1%	40.7%	33.9%
I have no problem with the clarity of most of the policy documents	1.1%	3.6%	17.9%	38.2%	39.3%
The policies are relatively outdated	2.9%	10.4%	26.8%	42.9%	17.1%
I am required to familiarize myself with our policies on a regular basis	3.9%	9.6%	22.5%	38.6%	25.4%
The policies are substantially sufficient.	0.7%	10.0%	23.2%	44.6%	21.4%
I find it challenging implementing the policies.	5.0%	12.1%	27.5%	38.9%	16.4%

Descriptive Statistics for Funding of the Judicial Governance

The study generated a table of Funding from SPSS data and the findings were summarised in Table 5. From the table, 37.9% agreed that Post 2010 their remuneration/fees was adequate, 40.0% agreed that they had adequate resources to execute their terms of reference, 46.4% agreed that funds were always available to support legal aid clinics, 36.1% agreed that to the financially challenged, they found the process to access justice too costly, 38.2%

agreed that their performance could have been better with more funds/resources, 48.6% agreed that they felt adequately compensated for the rendered services, while 43.2% agreed that given more funds, there were immediate systems changes they would recommend. The study found that a majority (40.0%) agreed that they had adequate resources to execute their terms of reference and 48.6% agreed that they felt adequately compensated for the rendered services. However, majority of 36.1% agreed that to the financially challenged, they found the process to access justice too costly while other ma-

jority of 43.2% agreed that given more funds, there were immediate systems changes they would recommend.

Therefore, the study noted that funding influenced judicial service delivery in Kenya positively meaning that more funds would lead to improved delivery of service. In a similar study, He (2009) found out that the court-funding structure under which the courts heavily relied on the local government for expenses, together with the unbalanced development of local economy, remarkably affects the courts' behavioral pattern in different ways. Mbote and Akech (2011) in their study found that the lack of adequate financial resources for the Judiciary had affected the effective and efficient administration of justice. Most administrative issues which the JSC dealt with required funding and these included construction of courts, stationery, recording equipment, libraries, transcribers, computers, transport and furniture.

Table 5: Descriptive Statistics for Funding of the Judicial Governance

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Post 2010 my remuneration/fees is adequate.	1.4%	9.3%	24.6%	37.9%	26.8%
I have adequate resources to execute my terms of reference.	1.1%	8.9%	24.3%	40.0%	25.7%
Funds are always available to support legal aid clinics.	2.9%	9.6%	27.1%	46.4%	13.9%
To the financially challenged, I find the process to access justice too costly.	3.6%	11.1%	30.0%	36.1%	19.3%
My performance could have been better with more funds/resources	3.2%	6.1%	28.2%	38.2%	24.3%
I feel adequately compensated for the rendered services.	0.7%	8.9%	23.2%	48.6%	18.6%
Given more funds, there are immediate systems changes I would recommend.	3.6%	8.2%	23.9%	43.2%	21.1%

Descriptive Statistics for Service Delivery

The descriptive statistics for the dependent variable (Service Delivery) were generated from SPSS software and the results were presented in Table 6. The table showed that a majority (39.3%) agreed that they always appreciated and conformed to performance timelines, 45.4% agreed that they always ensured that communication was effective in their line of work, 43.6% agreed that they treated all the court users with respect, 41.8% agreed that they were rarely absent from work, 37.1% agreed that they performed all their tasks on time, 41.8% agreed that all court users were satisfied with their work, 48.6% agreed that their objective was always to be fair/equitable/just, while 43.2% agreed that they were always approachable by court users. The findings revealed that a majority (36.8%) agreed that the judiciary had embraced technological advancements. However, another majority of 48.9% agreed that that they did not have sufficient ICT equipment/Machines/gadgets to aid them implement the technological advancement, while other majority (41.1%) agreed that they always found it challenging keeping up with the technological advancements.

In similar findings, Odera-Kwach (2011) noted that very few judicial officers had embraced the principles and acquired skills in information technology. This was despite various efforts by other stakeholders in supporting the initiative either financially or

through supply of equipment. From this findings, the study noted that despite a few shortcomings of technology such as insufficient equipment and slow systems sometime, technological advancements had impacted on the judicial service delivery in Kenya positively. This was in line with the assertions of Cabral *et al.* (2012) that today, information technology forms an integral part in the operations of any sector and its application in the Judiciary will without a doubt enhance delivery of justice, since matters will be dispensed off faster and there will be good track of judiciary records including case files.

Table 6: Descriptive Statistics for the Dependent variable (Service Delivery)

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
I always appreciate and conform to performance timelines.	1.1%	6.4%	33.2%	39.3%	20.0%
I always ensure that communication is effective in my line of work.	1.1%	5.0%	18.9%	45.4%	29.6%
I treat all the court users with respect.	4.3%	11.8%	23.2%	43.6%	17.1%
I am rarely absent from work.	4.3%	11.1%	24.6%	41.8%	18.2%
I perform all my tasks on time.	0.7%	6.8%	25.4%	37.1%	30.0%
All court users are satisfied with my work.	5.4%	12.1%	20.7%	41.8%	20.0%
My objective is always to be fair/equitable/just.	0.7%	8.9%	23.2%	48.6%	18.6%
I am always approachable by court users.	3.6%	8.2%	23.9%	43.2%	21.1%

Opinions of Court Users about judge/magistrate and Judicial Service Delivery

The study generated a descriptive statistics on opinions of court users on judicial service delivery. From the findings summarized in Table 7, a majority (27.0%) agreed that their experience with the judge/magistrate was professional, 27.8% agreed that the communication channels between them and the judge/magistrate was effective in their experience, 36.3% disagreed that they had registered complaints against the judge/magistrate, 30.1% agreed that if they understood the complaints process they would lodge a complaint against the judge/magistrate, 26.0% agreed that they had found the judge/magistrate always available during office hours, 34.3% disagreed that the judge/magistrate had dealt with their issues on time, and 37.1% strongly disagreed that the judge/magistrate had served them fairly.

Table 7: Opinions of Court Users on Judicial Service Delivery

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
My experience with the judge/magistrate is professional	17.7%	23.0%	11.9%	27.0%	20.3%
The communication channels between me and the judge/magistrate is effective in my experience	22.9%	23.5%	13.3%	27.8%	12.5%
I have registered complaints against the judge/magistrate.	21.2%	36.3%	13.0%	11.8%	17.7%
If I understood the complaints process I would lodge a complaint against the judge/magistrate	14.3%	17.6%	13.1%	30.1%	25.0%

I have found the judge/magistrate always available during office hours.	24.6%	20.2%	17.1%	26.0%	12.1%
The judge/magistrate has dealt with my issues on time.	27.9%	34.3%	11.7%	15.2%	10.9%
The judge/magistrate has served me fairly.	37.1%	23.2%	12.9%	17.4%	9.4%

Opinions of Court Users about advocates on Judicial Service Delivery

The study generated a descriptive statistics on opinions of court users about advocates on judicial service delivery. The findings were summarized in Table 8, a majority (36.4%) agreed that their experience with the advocate was professional, 26.4% agreed that the communication channels were effective in their experience, 42.4% disagreed that they had registered complaints against a judicial officer, 29.0% agreed that if they understood the complaints process they would lodge a complaint against the advocate, 33.6% disagreed that they had found the advocate always available during office hours, 31.8% disagreed that the advocate had dealt with their issues on time, while 26.3% disagreed that the advocate had served them fairly.

Table 8: Opinions of Court Users about advocates on Judicial Service Delivery

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
My experience with the advocate is professional	16.0%	11.9%	14.4%	36.4%	21.3%
The communication channels are effective in my experience.	16.9%	24.2%	19.4%	26.4%	13.1%
I have registered complaints against a judicial officer.	20.9%	42.4%	13.8%	10.6%	12.2%
If I understood the complaints process I would lodge a complaint against the advocate.	14.8%	27.4%	10.4%	29.0%	18.3%
I have found the advocate always available during office hours.	17.3%	33.6%	16.3%	24.4%	8.5%
The advocate has dealt with my issues on time.	18.5%	31.8%	20.4%	17.2%	12.1%
The advocate has served me fairly.	18.3%	26.3%	15.7%	21.2%	18.6%

Opinions of Court Users about Paralegals on Judicial Service Delivery

The study generated a descriptive statistics on opinions of court users about paralegals on judicial service delivery. From the findings, a majority (40.1%) agreed that their experience with the paralegals was professional, 34.6% agreed that the communication channels were effective in their experience, 50.6% disagreed that they had registered complaints against the paralegals, 29.9% disagreed that if they understood the complaints process they would lodge a complaint against the paralegals, 33.4% agreed that they had found the paralegals always available during office hours, 25.8% agreed that the paralegals had dealt with their issues on time, and 30.6% agreed that the paralegal had served them fairly.

The study sought to find out from the court users if their expectations were met. From the findings, a majority of 87.44% felt that their expectations were not met while 12.56% felt that their expectations were met.

The study sought to highlight some of the areas in which court users either felt that their expectations were met or not met. From the findings, 12.5% of the court users said they had been accorded fair trial, a majority (50%) said they expected a fair trial with less time, 9.4% said their lawyer was not coordinative, 12.5% cited corruption as the impediment to a fair trial, 6.3% said that justice had not been served, 3.1% said there was distortion of facts, an-

other 3.1% cited lack of funds, while another 3.1% mentioned reduction of cash bail.

The study sought the recommendations of the court users so as to help in the continuous objective of improving judicial service delivery. The findings showed that 21.1% recommended proper communication skills, 5.3% recommended that appeal should have time frame, 5.3% recommended they should take care of files because many files were dismissed, 5.3% recommended that proceedings should be recorded, a majority (42.1%) recommended that there should be accountability and honesty, 5.3% recommended that all proceedings should be automated, while 15.8% recommended radicalization to vet out corrupt judges.

The study asked court users to rate performance of judges/magistrates. From the table, 39.9% of the respondents rated their performance as poor, 10.8% rated their performance at below average, 22.4% said it was fair, 9.0% rated it at good while 17.9% rated the judges/magistrates performance as excellent.

The study asked the court users to rate advocates' performance. From the findings, 36.1% of the respondents rated the advocates' performance as poor, 12.6% rated at below average, 15.5% rated it at fair, 13.4% rated at good, while 22.3% rated it at excellent.

The study sought to find how the court users would rate performance of the paralegals. From the study findings, 29.2% of the respondents rated the performance of paralegals as poor, 15.2% rated at below average, 20.6% rated it at fair level, 11.1% rated at good and 23.9% rated it at excellent.

The study sought to establish from the respondents the difference in the judicial service delivery in the last one year. The purpose of the study was to come out with the best service delivery as influence by the judicial governance reforms model to be adopted to enhance judicial service delivery in Kenya. The indicators used to measure judicial service delivery were on a continuous scale and included number of cases filed, number of cases concluded and timely delivery of cases in the last one year (2017). On the traditional form before the implementation of the judicial service reforms, the judicial service delivery measures were analyzed with the mode as the measures of central tendency. The first indicator for the dependent variable required to know the judicial service delivery in terms of number of cases filed, 55% of the respondents indicated less than 10%, 15% posited 10%-30%, 10% stated 31%-40%, 10% indicated 41%-50%, 10% indicated over 50%. The mode was found to be 1 which implied that on average the number of cases filed in the traditional form that before implementation of the judicial governance reforms was less than 10%. The next indicator required the respondents to state level of judicial service delivery in terms of number of cases concluded, 65% of the respondents indicated less than 10%, 25% posited 10%-30%, 5% stated 31%-40%, 0% indicated 41%-50%, 5% indicated over 50%. The mode was found to be 1 which implied that on average the number of cases concluded in the traditional form that before implementation of the judicial governance reforms was less than 10%. When the respondents were asked what the level of for the dependent variable required to know the judicial service delivery in terms of timely delivery of concluded cases, 50% of the respondents indicated less than 10%, 20% posited 10%-30%, 5% stated 31%-40%, 10% indicated 41%-50%, 15% indicated over 50%. The mode was found to be 1 which implied that on average the timely delivery of cases filed and concluded in the traditional form that before implementation of the judicial governance reforms was less than 10%. The study findings implied that there was poor service judicial delivery before the implementation of judicial governance reforms.

The study findings conformed to the findings According to Mueller (2014) Kenya's courts had enormous backlogs, estimated as high as one million cases, and it is not unusual for litigants to wait years for hearing dates, let alone decisions. Cumbersome procedures dragged out the process of getting to trial, and judges and magistrates and lawyers regularly adjourned hearings for dubious reasons. Records often disappeared, typically because of haphazard procedures but sometimes because of deliberate efforts to delay cases (Mueller, 2014).

The study sought to establish from the respondents the difference in the judicial service delivery in the last one year after the implementation of judicial governance reforms. The purpose of the study was to come out with the best service delivery as influenced by the judicial governance reforms model to be adopted to enhance judicial service delivery in Kenya. The indicators used to measure judicial service delivery were on a continuous scale and included number of cases filed, number of cases concluded and timely delivery of cases in the last one year (2017). After the implementation of the judicial service reforms, the judicial service delivery measures were analyzed with the mode as the measures of central tendency. The first indicator for the dependent variable required to know the judicial service delivery in terms of number of cases filed, 10% of the respondents indicated less than 10%, 1520% posited 10%-30%, 45% stated 31%-40%, 15% indicated 41%-50%, 10% indicated over 50%. The mode was found to be 3 which implied that on average the number of cases filed in the after implementation of the judicial governance reforms was between 31%-40%. The next indicator required the respondents to state level of judicial service delivery in terms of number of cases concluded, 25% of the respondents indicated less than 10%, 25% posited 10%-30%, 5% stated 31%-40%, 40% indicated 41%-50%, 5% indicated over 50%. The mode was found to be 4 which implied that on

average the number of cases concluded in the after the implementation of the judicial governance reforms was between 41%-50%.

When the respondents were asked what the level of for the dependent variable required to know the judicial service delivery in terms of timely delivery of cases, 50% of the respondents indicated less than 10%, 45% posited 10%-30%, 15% stated 31%-40%, 15% indicated 41%-50%, 15% indicated over 50%. The mode was found to be 2 which implied that on average the timely delivery of cases filed and concluded after the implementation of the judicial governance reforms was between 10%-30%. The study findings implied that there was tremendous improvement on judicial service delivery after the implementation of judicial governance reforms in Kwenya. The study findings conformed to the findings by The National Enterprise Survey by the Commission (2006) indicated that 73.6 percent of the respondents believed that the courts were never quick to resolve disputes while 28 percent believe that the courts were not accessible. In addition the Public Officers' Integrity Survey (2007) indicated that 62 percent of respondents thought that the Judiciary was not effective as stakeholder in the fight against corruption. The National Enterprise Survey of 2007 indicated that 74 percent of respondents reported that there was excess time taken by proceedings and another 57.3percent cited legal costs involved in accessing justice as a constraint in court process. In addition, most judicial staff were perceived to be involved in corrupt practices. The Survey further indicated that 34.8 percent of the firms that participated had no confidence in the court system regarding legal system upholding contract and property rights in business disputes. Further, an analysis of the National Corruption Perception Survey (2010) indicated that 40 percent of judicial officers, 39 percent of court clerks and 47 percent judges/magistrates were also thought to be most involved in corruption. According to Gargarella and Skaar (2004) the Judicial reform implement-

ing actions widely impacted upon the organization of the judicial systems of recipient countries. Indeed, judicial reforms contribute to change the legal and political legacies imbued in nondemocratic institutions and thus contribute to legitimate the new regime, instilling in the state a mechanism of self-restraint. As a matter of fact, this raised the immediate questions of the extent to which judges that served nondemocratic regimes were able to become part of that usable and functioning democratic State apparatus and how political and institutional changes may affect their ability (Guarnieri & Magalhles, 2006). In particular, recruitment, appointment, and career policies can deeply reshape the situation of action of judges. Due to these premises, democratizing elites face the crux of reshaping mechanisms of judicial appointment, promotion, evaluation, and training in order to come to terms with the past and pave the way to a legitimate liberal state (Russell & O'Brien, 2001).

Correlation between Policy Framework and Service Delivery

The study sought to find out correlation between policy framework and service delivery in Kenya. The

findings were summarized in Table 9. From the table, it was observed that there was a positive Pearson correlation of .321 (or 32.10%) between policy framework service delivery. These findings concur with recommendations by Dalehite (2008) and Melkers and Thomas (1998) that involving citizens in policy making improved the quality of services. The findings also confirmed the conclusion held by Holder and Zakharchenko (2002) that citizens who are involved in policy development are able to make government officials more accountable for their decisions. Therefore, individuals must be involved in policy and decision making process because their input can help create useful solutions for service delivery problems and thus enhance overall government performance. The findings also echoed suggestions by Lang (1986) and Mitchell (1987) that multiple perspectives emphasise an essential feature of integrated resources planning in policy analysis processes. These includes; sharing and coordinating the values and inputs of a broad range of agencies, publics, and other interests when conceiving, designing and implementing resource policies programmes or projects in the judiciary.

Table 9: Correlation between Policy Framework and Service Delivery

		Policy Framework	Service Delivery
Service Delivery	Pearson Correlation	1	.321[**]
	Sig. (2-tailed)		.000
	N	336	336
Policy Framework and Service Delivery	Pearson Correlation	.321[**]	1
	Sig. (2-tailed)	.000	
	N	336	336

**. Correlation is significant at the 0.05 level (2-tailed).

Correlation Between Funding of Judicial Governance and Service Delivery

This study sought to establish whether there was any form of correlation between judicial governance and service delivery. The findings are summarized in Table 10. From the table, a positive correla-

tion coefficient of .523 (or 52.30%) existed between Citizen Empowerment and Performance of devolved governance System. These findings supported literature reviewed in a study by (Hughes, 2011) that for effective service delivery in governance matters, the judiciary require adequate funding. The findings also upheld arguments by Erickson, *et al.*, (2003) who held the view that funding of the judiciary activities is significantly and meaningfully applicable to improve service delivery. The Constitution grant-

ed it financial autonomy through the creation of the Judiciary Fund. This fund would be operationalised and an internal capacity created to manage it competently. The Judiciary would also institutionalize results-based budgeting, and establish a financial management and accountability system. It would also strengthen its procurement and accounting capacity in order to meet regulatory standards and customer needs.

Table 10: Correlation between Funding of Judicial Governance and Service Delivery

		Funding of Judicial Governance	Service Delivery
Service Delivery	Pearson Correlation	1	.523**
	Sig. (2-tailed)		.000
	N	336	336
Funding of Judicial Governance and Service Delivery	Pearson Correlation	.523**	1
	Sig. (2-tailed)	.000	
	N	336	336

**. Correlation is significant at the 0.01 level (2-tailed).

Bivariate Analysis between Policy Framework and Service Delivery

The research sought to establish whether policy framework and service delivery had a linear relationship between them. A scatter plot was generated from SPSS data and presented in Figure 2. The figure showed that the scatter dots fell within a linear line which implied that there was a positive linear relationship existing between policy framework and service delivery. The figure presented that all the plots appear in the first quadrate and the line of

best of fit indicated an estimate line that is increasingly positively upwards. The study generated a curvillinear to ascertian if policy framework and service delivery had any linear relationship between them. From the findings presented in Figure 2, there was an observed strong positive linear relationship between policy framework and service delivery. The study findings conformed by Hughes (2011) who investigated the relationship between policy framework and service and established that there is a positive correlation between policy framework and service delivery.
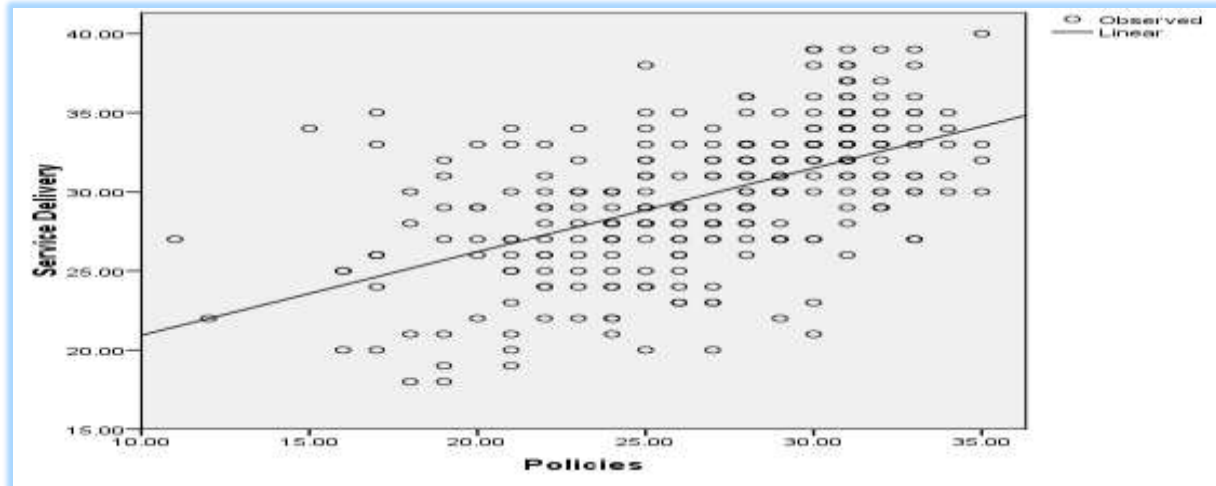
Figure 2: Linearity between Service Delivery and Policy Framework

The researcher carried out a regression analysis between policy framework and service delivery. The findings were presented in Table 11. This Model Summary Table presents an R^2 result of .306 or 30.60%, meaning that the independent variable, policy framework alone can explain up to a total of 30.60% of the total variability in the dependent variable, service delivery. The remaining 69.40% of the variation in the dependent variable was unexplained by this one predictor model but by other factors not included in the model

Table 11: Model Summary (Policy Framework and Service Delivery)

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.553[a]	.306	.304	3.72838

a. Predictors: (Constant), Policy Framework

Analysis of Variance, ANOVA is a statistical procedure used to test the degree to which two or more groups vary or differ in an experiment. ANOVA tests splits the aggregate variability found inside a data set into two parts: systematic factors and random factors (Jaccard *et al.,* 2006). Analysts use the analysis of the variance test to determine the result that independent variables had on the dependent variable amid a regression study (Keith, 2006). An ANOVA test was performed on the variable, policy framework and the results obtained were presented in Table 12. From the ANOVA Table 12, the model is statistically significant as the p-value was less than .05. The values of F (1, 278) = 122.612, P < 0.05, showed that policy framework statistically and significant predicted the service delivery (that is the regression model is a good fit of the data) and that policy framework significantly influenced the service delivery. This meant that alternative hypothesis that policy framework had a statistically significant influence on service delivery in Kenya was accepted.

Table 12: ANOVA for Policy Framework and Service Delivery

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	1704.407	1	1704.407	122.612	.000[b]

Residual	3864.418	278	13.901
Total	5568.825	279	

a. Dependent Variable: Service Delivery

b. Predictors: (Constant), Policy Framework

To compliment the ANOVA findings policy framework and service delivery in Kenya presented in Table 12, Person's correlation coefficients were also generated. These results show that policy framework contributed a statistically significant value (p-value = .000) of .528 to the regression model. The value of policy framework was statistically significant (t=11.073, p< .05). Policy framework and service delivery in Kenya contributes a statistically significant value (p-value = .000) of .528. Using the summary presented in Table 13, a linear regression model of the form,

$Y = \beta_0 + \beta X_1 + \varepsilon_i$ can be fitted as follows:

Y=15.652 +0.528X **..............Equation 1**

The model showed that policy framework positively affects the service delivery in Kenya, that is an increase in mean index of policy framework increases the service delivery in Kenya by a positive unit mean index value of 0.528. This finding agreed with an empirical research done by Barnes, Newman & Sullivan (2007) that the policy framework is the key element in a judiciary, which joins the separated activities and it influences the service delivery hugely. The findings also conformed to the study done in developed countries by (Fox, 2014; Muriu & O'Melly, 2015, Craig, 2007), which indicates that policy framework enhances service delivery.

Table 13: Coefficients of Policy Framework and Service Delivery

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	15.652	1.295		12.089	.000
	Policies	.528	.048	.553	11.073	.000

a. Dependent Variable: Service Delivery

Bivariate Analysis between Funding of Judicial Governance and Service Delivery

The research sought to establish whether funding of judicial governance and service delivery had a linear relationship between them. A scatter plot was generated from SPSS data and presented in Figure 14. The figure showed that the scatter dots fell within a linear line which implied that there was a positive linear relationship existing between funding of judicial governance and service delivery. The figure presented that all the plots appear in the first quadrate and the line of best of fit indicated an estimate line

that is increasingly positively upwards. The study generated a curvillinear to ascertian if funding of judicial governance and service delivery had any linear relationship between them. From the findings presented in Figure 3, there was an observed strong positive linear relationship between funding of judicial governance and service delivery. The study findings were in agreement with literature review by Delehite (2008) who investigated the relationship between funding and performance of devolved governance systems and found out that there is a

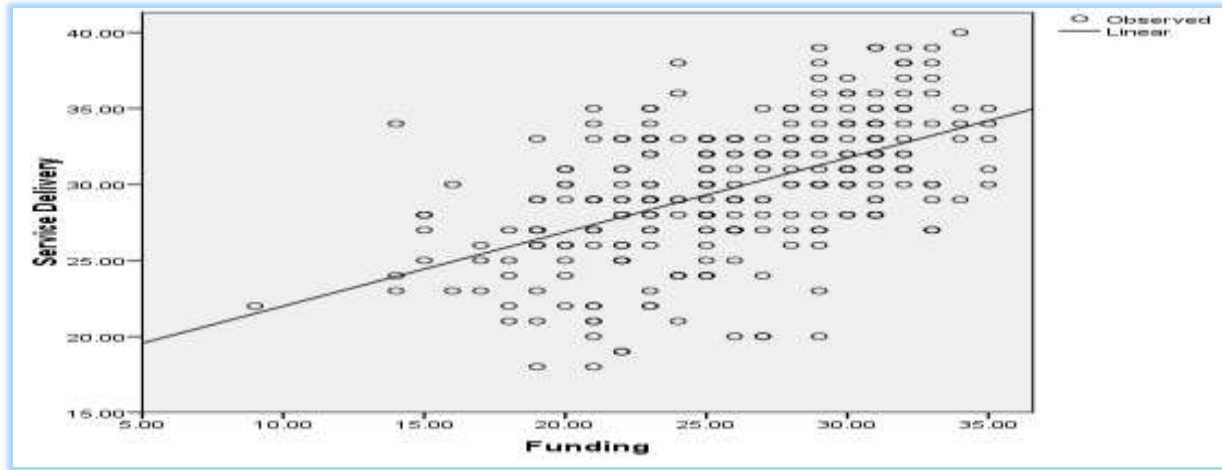positive correlation between funding and service delivery.

Figure 3: The linearity between Service Delivery and Funding

The researcher carried out a regression analysis between funding of judicial governance and service delivery. The findings were presented in Table 14. This Model Summary Table presents an R^2 result of .290 or 29.00%, meaning that the independent variable, funding of judicial governance alone can explain up to a total of 29.00% of the total variability in the dependent variable, service delivery. The remaining 71.00% of the variation in the dependent variable is unexplained by this one predictor model but by other factors not included in the model.

Table 14: Model Summary (Funding of Judicial Governance and Service Delivery)

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.539[a]	.290	.288	3.77098

a. Predictors: (Constant), Funding of judicial governance

An ANOVA test was performed on the variable, funding of judicial governance and the results obtained were presented in Table 15. From the ANOVA Table 15, the model was statistically significant as the p-value was less than .05. The values of F (1, 278) = 113.611, P < 0.05, showed that funding of judicial governance statistically and significant predicted the service delivery (that is the regression model is a good fit of the data) and that funding of judicial governance significantly influenced the service delivery in Kenya. This meant that alternative hypothesis that funding of judicial governance had a statistically significant influence on service delivery in Kenya was accepted.

Table 15: ANOVA for Funding of Judicial Governance and Service Delivery

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	1615.578	1	1615.578	113.611	.000[b]
	Residual	3953.247	278	14.220		
	Total	5568.825	279			

a. Dependent Variable: Service Delivery

b. Predictors: (Constant), Funding of judicial governance

To compliment the ANOVA findings funding of judicial governance and service delivery in Kenya presented in Table 16, Person's correlation coefficients were also generated. These results showed that funding of judicial governance contributed a statistically significant value (p-value = .000) of .488 to the regression model. The value of funding of judicial governance is statistically significant (t=10.659, p< .05). From the coefficient Table 16, funding of judicial governance and service delivery in Kenya contributed a statistically significant value (p-value

= .000) of .488. A linear regression model of the form,

$Y = \beta_0 + \beta X_1 + \varepsilon_i$ can be fitted as follows:

Y= 17.117 + .488X$_2$**.................Equation 2**

The model showed that funding of judicial governance positively affects the service delivery in Kenya that is increases in mean index of funding of judicial governance increases the service delivery in Kenya by a positive unit mean index value of 0.488.

Table 16: Coefficients of Funding of Judicial Governance and Service Delivery

Model		Unstandardized Coefficients		Standardized Co-efficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	17.117	1.209		14.161	.000
	Funding	.488	.046	.539	10.659	.000

a. Dependent Variable: Service Delivery

Hypotheses Testing

According to ANOVA Tables, the study performed individual tests of all independent variables to determine which regression coefficient may be zero and which one may not. The conclusion was based on the basis of p-value where if the alternative hypothesis of the p-value was rejected then the overall model was insignificant and if alternative hypothesis was not rejected the overall model was significant. In other words if the p-value was less than 0.05 then the researcher concluded that the overall model was significant and had good predictors of the dependent variable and that the results were not based on chance. If the p-value was greater than 0.05 then the model was not significant and could be used to explain the variations in the dependent variable. This indicated that there was a significant correlation (relationship) between the independent variable and dependent variable.

H$_{a1}$: Policy framework significantly influences service delivery in Kenya.

Since the P-value was 0.000 which was less than 0.05, the hypothesis was accepted and it was concluded that there is a significant correlation between policy framework and service delivery in Kenya.

H$_{a2}$: Funding of judicial governance significantly influence service delivery in Kenya.

Since the P-value is 0.000 which was less than 0.05, the hypothesis was accepted and it was concluded that there is a significant correlation between funding of judicial governance and service delivery in Kenya.

Table 17– Summary of Hypotheses Testing

Hypothesis	Coefficient P- Values	Conclusion
H$_{a1}$: There is significant relationship between policy framework and service delivery in Kenya	P=0.000<0.05	**Accept H$_a$**
H$_{a2}$: There is significant relationship between funding of judicial governance and service delivery in Kenya	P=0.000<0.05	**Accept H$_a$**

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

In the first objective, the study sought to examine how policy framework affects judicial service delivery in Kenya. From the findings, a majority agreed that the existing policies were adequate in their line of work, and that they had access to the policy documents at any time. However, a majority felt that the policies were relatively outdated while other majority found it challenging implementing the policies. Correlation and regression analysis showed that there was significant relationship between policy framework and judicial service delivery in Kenya. This therefore led the study to conclude that policy framework had an impact on judicial service delivery in Kenya that any stakeholder could not afford to ignore as it would negatively affect the delivery of service.

The study found that a majority agreed that they had adequate resources to execute their terms of reference and that they felt adequately compensated for the rendered services. However, majority agreed that to the financially challenged, they found the process to access justice too costly while others agreed that given more funds, there are immediate systems changes they would recommend. From the correlation and regression analysis, the study found that there was statistically significant relationship between funding and judicial service delivery in Kenya. Therefore, the study concluded that funding influenced judicial service delivery in Kenya positively meaning that more funds would lead to improved delivery of service.

Recommendations

The study derived various recommendations from the results, findings and conclusion. First the judiciary of Kenya can use the findings of this study to introduce key drivers or they can significantly improve the service delivery with respect to their characteristics or intended uses to boost judicial service delivery. Secondly the judiciary should embrace policy framework and stakeholders involvement to maximize judicial service delivery. The stakeholders within judiciary influence strategy and consequently influence the judiciary purpose that result in formal expectations in terms of achievement. The findings also revealed that to the financially challenged, they found the process to access justice too costly. This also came out from the court users who cited lack of funds as one of the reasons they could not be accorded fair trial. On this the study recommends that judiciary come up with a ceiling for all legal charges so as make justice affordable to everyone.

Contribution of the study to the Body of Knowledge Theory and Practice

The study contributes to the body of knowledge in methodology, theory and practice. To derive more valuable and broader conclusions, the study adopted methodology involving administering questionnaires across a wide range of judicial officers cadres in various sectors to enable the researcher increase the generalizability of the results. Lack of policy

framework leads to poor judicial service delivery. This study is therefore of scholarly importance as it has introduced other factors that influence judicial service delivery. However recent studies have not investigated the influence of policy framework, judicial funding and judicial service delivery relationship model. This study identified policy framework and judicial funding as the main drivers of judicial service delivery.

The findings and the results of this study suggest that the judiciary in Kenya needs to enhance judicial funding to enhance in their operations as policy framework is a very influential factor in improving judicial service delivery. This study has made key important contributions to drivers of judicial reforms and judicial service delivery. The study has confirmed the existing literature in terms of positive influence of the drivers and service delivery.

Recommendations for Further Studies

This study aimed at establishing the drivers of judicial governance reforms and their influence on judicial service delivery in Kenya. Therefore, a similar study can be carried out outside the stated realm of geographical location. Further, a similar study can be carried out in specific courts within Kenya or outside Kenya. The study used Policy Framework and Funding of Judiciary as its drivers of judicial governance reforms. Therefore, a similar study can be done using different variables/drivers of judicial governance reforms. The study concentrated on only four sub-variables, as it was not possible to study all factors that influence judicial governance reforms to enhance judicial service delivery in Kenya. Without a doubt other factors come into the interplay and provide perceptive results to the issue of judicial governance reforms influencing the judicial service delivery in Kenya. Future studies should explore other factors that influence judicial service delivery in Kenya. The study was only limited to the Kenyan context and hence similar studies should be conducted in other developing countries as well.

REFERENCE

Akech, M. (2010). Institutional reform in the new constitution of Kenya. *International Center for Transitional Justice*.

Anseel, F., Lievens, F., Schollaert, E., & Choragwicka, B. (2010). Response rates in organizational science, 1995–2008: A meta-analytic review and guidelines for survey researchers. *Journal of Business and Psychology*, *25*(3), 335-349.

Augustin, N. H., Sauleau, E. A., & Wood, S. N. (2012). On quantile quantile plots for generalized linear models. *Computational Statistics & Data Analysis*, *56*(8), 2404-2409.

Baker, B., &Scheye, E. (2007). Multi-layered justice and security delivery in post-conflict and fragile states: Analysis. *Conflict, Security & Development*,*7*(4), 503-528.

Ball, N. (2010). The evolution of the security sector reform agenda. *The Future of Security Sector Reform*, 29.

Bariti, F. K. (2009).*Management perception of stakeholders' involvement in reform and modernization programme at Kenya Revenue Authority*(Doctoral dissertation, University of Nairobi).

Baruch, Y., & Holtom, B. C. (2008). Survey response rate levels and trends in organizational research. *Human relations*, *61*(8), 1139-1160*.*

Cabral, J. E., Chavan, A., Clarke, T. M., & Greacen, J. (2012). Using technology to enhance access to justice. *Harv. JL & Tech.*, *26*, 241.

Cooper, D. R., & Schinder, P. S. (2010). *Business research methods. 11th Ed.* New York: McGraw-Hill.

Cooper, D. R., & Schindler, P. S. (2003). *Business research methods (8thed.).*United States of America: Tata McGraw-Hill.

Cooper, D., & Schindler, P. S. (2011). *Business research methods (8th ed).* New Delhi: Tata: McGraw-Hill Publishing Company. India.

Cousineau, D., & Chartier, S. (2010). Outliers detection and treatment: a review. *International Journal of Psychological Research*, *3*(1).

Creswell, J. W. (2003). *Research design: Quantitative, qualitative, and mixed methods approaches.* Thousand Oaks, CA: Sage

Daron, A. Simon, J. James, A. Robinson, J. (2001);*The Colonial Origins of Comparative Development: An Empirical Investigation. The American Economic Review*, Vol. 91, No.5, pp. 1369-1401 Published by: American Economic Association Stable.

Davis, J. (2014). Corruption in public service delivery: experience from South Asia's water and sanitation sector. *World development*, *32*(1), 53-71.

Deininger, K., & Mpuga, P. (2012). Does greater accountability improve the quality of public service delivery? Evidence from Uganda. *World development*, *33*(1), 171-191.

Field, A. (2005). *Discovering statistics using SPSS* (2nd Ed.). London: Sage.

Fortes, M., & Evans-Pritchard, E. E. (2015). *African political systems*. Routledge.

Garg,g., & Kothari,C. r.(2014).Research Methodology. Methods and Techniques. *New Age International Publishers.New Delhi-110002.*

Garson, G. D. (2012). Testing statistical assumptions. *Asheboro, NC: Statistical Associates Publishing*.

Garson, G. D. (2012). Testing statistical assumptions. *Asheboro, NC: Statistical Associates Publishing*.

Gathii, J. T. (2010). Kenya's piracy prosecutions. *American Journal of International Law*, *104*(3), 416-436.

Golafshani, N.(2003).Understanding Reliability and Validity in Qualitative Research.*The Qualitative Report,8(4),597-606.*

Gujarati, D. (2014). *Econometrics by example*. Palgrave Macmillan.

Hair, J.F., Black, W.C., Babin, B.J., & Anderson, R.E. (2010). *Multivariate Data Analysis*. Seventh Edition. Prentice Hall, Upper Saddle River, New Jersey.

Hardy, S. E., Allore, H., & Studenski, S. A. (2009). Missing data: a special challenge in aging research. *Journal of the American Geriatrics Society*, *57*(4), 722-729.

He, X. (2009). Court finance and court responses to judicial reforms: a tale of two Chinese courts. *Law & Policy*, *31*(4), 463-486.

Kaniaru, D. W. (2011). Environmental Courts and Tribunals: The Case of Kenya. *Pace Envtl. L. Rev.*, *29*, 566.

Kothari, C. R. (2004). *Research methodology: Methods and techniques.* New Delhi: New Age International (P) Limited Publishers.

Laibuta, K. I. (2012).*Access to Civil Justice in Kenya: An Appraisal of the Policy and Legal Frameworks*(Doctoral dissertation, University of Nairobi).

Leech, N. L., Barrett, K. C., & Morgan, G. A. (2014). *IBM SPSS for intermediate statistics: Use and interpretation*. Routledge.

Lin, J. G., Zhu, L. X., & Xie, F. C. (2009). Heteroscedasticity diagnostics for t linear regression models. *Metrika*, *70*(1), 59-77.

Maingi, G. (2011). The Kenyan constitutional reform process: A case study on the work of FIDA Kenya in securing women's rights. *Feminist Africa 15 Legal Voice: Special issue*.

Mbote, P. K., & Akech, M. (2011). *Kenya: justice sector and the rule of law*. African Minds.

Mellahi, K., & Harris, L. C. (2016). Response rates in business and management research: An overview of current practice and suggestions for future direction. *British Journal of Management*, *27*(2), 426-437.

Mendelski, M. (2012). EU-driven judicial reforms in Romania: a success story?. *East European Politics*, *28*(1), 23-42.

Mnjama, N. (2013). Corruption, court records and justice administration in Kenya.

Montgomery, D. C., Peck, E. A., & Vining, G. G. (2015). *Introduction to linear regression analysis*. John Wiley & Sons.

Mose, R. M. (2007). *Factors affecting implementation of Kiswahili curriculum reforms in public secondary schools in Ngong Division, Kajiado District, Kenya* (Doctoral dissertation).

Mueller, S. D. (2014). Kenya and the International Criminal Court (ICC): politics, the election and the law. *Journal of Eastern African Studies*, *8*(1), 25-42.

Mugenda, O.M and Mugenda, A.G.(2008), *Research Methods. Quantitative and Qualitative* Approaches. Nairobi: ACTS Press

Mugenda, O.M and Mugenda, A.G.(2012), *Research Methods Dictionary.*

Mutua, K. B. (2013).*The influence of judicial reforms on effectiveness of Kenyan courts the case of the Milimani commercial courts, Nairobi* (Doctoral dissertation, University of Nairobi).

Odera-Kwach, B. A. (2011). *The impact of external quality assurance on University libraries in Kenya* (Doctoral dissertation).

Orodha, J. A. (2004).Techniques of writing research proposals and reports in education and social sciences. *Nairobi: Masola Publishers.*

Pallant, J. (2010). SPSS survival manual: A step by step guide to data analysis using SPSS. Maidenhead.

Park, H. M. (2015). Univariate analysis and normality test using SAS, Stata, and SPSS.

Piana, D. (2009). The Power Knocks at the Courts' Back Door: Two Waves of Post communist Judicial Reforms. *Comparative Political Studies*.

Rawal, K. (2013, August). Constitutional and Judicial Reforms: The Kenya Experience. In *Paper delivered at the Southern African Chief Justices' Forum Annual Conference, Zambia* (Vol. 2).

Rosenbloom, D. H. (2014). *Federal service and the constitution: The development of the public employment relationship*. Georgetown University Press.

Rothstein, L., & Johnson, S. F. (2009). *Special education law*. Sage.

Seber, G. A., & Lee, A. J. (2012). *Linear regression analysis* (Vol. 936). John Wiley & Sons.

Shutt, Russell .K (2006). Investigating the social world: The process and practice of research -5th ed.

Tabachnick, B. G., & Fidell, L. S. (2007). Profile analysis: the multivariate approach to repeated measures. *Using multivariate statistics*, 311-374.

Therkildsen, O., & United Nations Research Institute for Social Development (UNRISD). (2001). *Efficiency, accountability and implementation: public sector reform in East and Southern Africa*. Geneva: United Nations Research Institute for Social Development.

Wambuzi, J. W. (2015) Law Ministers and Attorneys-General of Commonwealth Countries

Williams, M. N., Grajales, C. A. G., & Kurkiewicz, D. (2013). Assumptions of multiple regression: correcting two misconceptions.

Ginsburg, T. (2010). Judicial Independence in East Asia: Implications for China.

Minzner, C. F. (2011). China's turn against law. *The American Journal of Comparative Law*, *59*(4), 935-984.

Sen, A. (2006). What is the role of legal and judicial reform in the development process?. *The World Bank Legal Review*, *2*(1), 21-42.

Fombad, C. M., Warigia R., Shaw, M., Reitano, T., Sing'Oei, A. K. & Laura, A. Y. (2013). Rethinking The Role of Law and Justice in Africa's Development.

Ellett, R. (2016). Rethinking Law and State Building in Sub-Saharan Africa. *Law & Social Inquiry*, *41*(2), 471-479.

Laver, R. (2011). The World Bank and Judicial Reform: Overcoming Blind Spots in the Approach to Judicial Independence. *Duke J. Comp. & Int'l L.*, *22*, 183.

Igbanugo, H. A. (2013). *The Rule of Law, Judicial Corruption, and the Need for Drastic Judicial Reform in Sub-Saharan Africa's Nation.* Retrieved from, https://www.americanbar.org/publications/international_law_news/2013/summer/the_rule_of_law_judicial_corruption_need_for_drastic_judicial_reform_sub_saharan_africas_nation.html

Pourhoseingholi, M. A., Vahedi, M., & Rahimzadeh, M. (2013). Sample size calculation in medical studies. *Gastroenterology and Hepatology from bed to bench*, *6*(1), 14.

Singh, A. S., & Masuku, M. B. (2014). Sampling techniques & determination of sample size in applied statistics research: An overview. *International Journal of Economics, Commerce and Management*, *2*(11), 1-22.

Dawson, R. (2011). How significant is a boxplot outlier. *Journal of Statistics Education*, *19*(2), 1-12.