

Effect of Leadership Independence on Perceived Levels of Corruption in the Procurement Department in the Judiciary of Kenya

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ABSTRACT

Corruption is a major obstacle to the development of any nation because it distorts markets, encourages crime, discourages investment, creates inequality, and destroys values. The aim of this study was to examine the effects of leadership independence on perceived levels of corruption in procurement departments in the judiciary of Kenya. It utilized the concurrent triangulation design and targeted the population of 278 heads of procurement committees in 278 court stations of the Kenyan judiciary and key informants from six oversight organizations. From this population, a sample of 164 heads of procurement committees was selected using the stratified proportionate random sampling technique, while 12 key informants were selected purposefully. Quantitative data was collected from the heads of procurement committees using questionnaires, while qualitative data was collected by interviewing 12 key informants. Quantitative data was analyzed using descriptive statistics as well as cross-tabulation with the chi-square method. Qualitative data was analyzed using thematic content analysis and presented using illustrative quotes. The study found leadership independence has a statistically significant and negative effect on levels of corruption in the procurement departments in the Kenyan judiciary ($\chi^2 = 63.384$, $df = 2$, $sig. = .000$). Based on the findings, the study concludes that leadership independence reduces levels of corruption in government procurement. It recommends the formulation of laws, policies, and strategies aimed at improving the independence of leaders in government procurement departments.

Keywords: Corruption, Government, Independence, Leadership, Procurement

I. INTRODUCTION

Transparency International (2010) defines corruption as the abuse of entrusted power for private gain, while Kimemia (2013) defines it as any practice in any public institution whose purpose is to promote undue personal or group advantage and that generates public damage. Corruption is an issue of concern in both developed and developing countries because of its adverse effects on economic outcomes such as economic growth, investment, and per capita income (Jha & Sarangi, 2018). Transparency International (2010) found that globally, six out of 10 people say corruption has increased in their country over the past 3 years. Procurement corruption is one of the most prevalent forms of corruption globally.

Public procurement is highly vulnerable to corruption, with losses estimated to be between 10% and 20%, even in countries with high levels of integrity (Abdou et al., 2022). The most common forms of corruption in government procurement include kickbacks, bid rigging, and the use of shell companies. Bosio et al. (2021) estimate that between 8% and 25% of the value of goods, services, and projects procured by different governments across the globe are lost through corruption. Taiye (2009) observed that in Nigeria, abuse of government privileges and positions had become a common phenomenon. Ntayi et al. (2013) noted that in Uganda, approximately \$107 million is lost annually to corruption, mainly through public procurement-related transactions. Over 90% of corruption complaints received by the inspector general of government in Uganda relate to procurement (Ntayi et al., 2013). AfriMAP

(2015) observed that African nations lose over USD 50 billion each year through corruption-related activities. These statistics highlight how corruption on the African continent has led to the loss of colossal sums of money that belong to the public.

In Kenya, a report by the Ethics and Anti-Corruption Commission (EACC) (2015) estimated that the total amount of kickbacks paid on government contracts amounted to Kshs 36 billion. The report further revealed that firms that do business with government entities in Kenya allocate 4% of the value of their sales towards bribe payments. The EACC also estimates that the country loses Kshs 608 billion every year through procurement corruption. Graycar (2022) argues that most cases of corruption in government procurement result from failure by individuals around the corruptors, particularly their supervisors, to fulfill their responsibility of applying existing procurement regulations and procedures. This failure is often linked to a lack of independence emanating from the pressure to meet deadlines or pressure from senior government officials.

It is the responsibility of the procurement leader to exercise independence when making procurement decisions. Adera and Senelwa (2019) observed that the effectiveness of public procurement units is highly dependent on the level of autonomy that the units have to make purchasing decisions. Effectiveness is achieved when procurement officers are given the autonomy to make decisions without political interference. However, many public procurement officers receive directives from senior officers or high-ranking political figures on who to give specific tenders and which payments to process.

The judiciary is one of the three arms of the Kenyan government. Of the three arms, the judiciary is the most sacred because it has the mandate of upholding the rule of law in the country (Mwithi, 2017). It is a key pillar of governance that is expected to protect fundamental freedoms and basic human rights, safeguard the rule of law, and promote integrity. Consequently, the conduct of the judiciary as a whole has to be above board. Just like in any other institution, public procurement is essential to service delivery in the judiciary because it enables the development of critical infrastructure and the acquisition of essential materials.

Procurement in the Judiciary of Kenya is governed by the Public Procurement and Disposal Act (PPDA) of 2015 (Kanyaru & Moronge, 2017). Procurement follows a decentralized structure where each court station procures the basic goods and services needed to run its operations. As of April 30, 2023, the judiciary had a total of 278 court stations, comprising 127 magistrate courts, 12 tribunals, 46 kadhi courts, 44 high courts, 35 environment and land courts, nine employment and labor relations courts, four courts of appeal, one small claims court, and one supreme court (Judiciary of Kenya, 2023). Each of these court stations has a procurement committee that consists of the chair and several members.

The study by Mesa (2018) established that procurement in the judiciary was characterized by poor cost estimation for works and services, high use of non-competitive methods of procurement, and the application of poor sourcing strategies. Onyango (2018) found that the Mombasa law courts were characterized by weak procurement planning, extravagant expenditures, and poor budget absorption. In addition, Okello et al. (2021) observed that out of the 63 judicial performance improvement projects, only 10 were completed successfully and handed over to the judiciary within the stipulated time. Delay in the delivery of these infrastructural projects has had a negative implication on the delivery of justice, as the buildings would have taken courts closer to the people. These studies highlight the presence of some deficiencies in the procurement process of the judiciary that warrant systematic investigation. It is in this regard that the study examined the effect of leadership independence on perceived levels of corruption in government procurement.

II METHODOLOGY

The study employed the concurrent triangulation design. It is a mixed-method research design that entails collecting quantitative and qualitative data at the same time (Johnson et al., 2017). Quantitative data was collected from the population of 278 heads of procurement committees from the 278 court stations in the Kenyan judiciary (Judiciary of Kenya, 2023). The sample size was determined using the Yamane (1973) sample size formula:

$$N = N / (1 + N(e)^2)$$

Where: N= Population size (278), e= Margin of error (5% or 0.05). When fitted, a sample of 164 was obtained.

The study adopted the stratified sampling method to select the 164 respondents. The 278 court stations were grouped into nine strata in line with the court type. The strata include magistrate court stations, high court stations,



courts of appeal stations, Supreme Court stations, kadhi courts stations, environment and land courts, employment and labor relations courts, small claims courts, and tribunal stations. The questionnaire consisted of three sections. The first section had demographic questions; the second section had a set of questions assessing perceived levels of corruption in the procurement stations; and the final section comprised a set of questions assessing the independence of the procurement stations’ leadership.

Qualitative data was used to triangulate and cross-validate the information collected through questionnaires. Qualitative data was collected from key informants using a structured interview guide. Twelve key informants were selected from six oversight organizations, with two informants per organization. These oversight organizations were: EACC, the Judiciary Ombudsman; the Office of Public Prosecutor; the Auditor General’s Office; Transparency International; and the Open Society Foundation.

Quantitative data was analyzed using descriptive and inferential statistics. Descriptive statistics were used to summarize the prevalence and trends of corruption as well as leadership independence in the procurement stations. The cross-tabulation with chi-square was used to test the relationship between leadership independence and perceived levels of corruption in the procurement stations.

III. RESULTS & DISCUSSIONS

3.1 Demographic Characteristics

Out of the 164 questionnaires that were distributed, 153 were completed accordingly and returned to the researcher. Ninety-nine respondents, representing 64.7% of the sample, were male, while the remaining 54 (35.3%) were female. Most of the respondents (66%) were between the ages of 41 and 50. About half of the respondents (52.3%) had a bachelor’s degree of education, 29.4% had a master’s degree, 16.3% had a diploma, and 2% had a PhD degree

3.2 Levels of Corruption in the Procurement Department of the Judiciary

Levels of corruption in the procurement department were measured by presenting respondents with a list of questions to which they were to respond with a “yes” or “no” answer. Because it is often difficult to get information regarding actual cases of corruption that take place in an institution, the statements assessed the presence of red flags that create loopholes for procurement corruption. Table 1 presents the results of the analysis:

Table 1

Levels of Corruption in Procurement Department of the Judiciary

Statement	No N (%)	Yes N (%)
Does your station have a clear procurement plan?	1(0.7)	152 (99.3)
Is the plan followed to the letter?	75 (49.0)	78 (51.0)
Are bidders notified as they should?	82 (53.6)	71 (46.4)
Do all committee members declare any conflict of interest in the procurement process?	87 (56.9)	66 (43.1)
Do you often use non-open tender procedures to procure goods or services?	94 (61.4)	59 (38.6)
Would it be correct to say that most of your suppliers are firms registered in foreign countries?	151 (98.6)	2 (1.4)
Are there instances where you felt that a member of the procurement committee has disclosed confidential information to bidders?	127 (83.0)	26 (17.0)
Are there instances where you felt that a member of the committee had received bribes to influence the award of a procurement contract?	98 (64.1)	55 (35.9)
Are there instances where you felt that a member of the committee has influenced the process of paying suppliers?	92 (60.1)	61 (39.9)
Are there instances where you felt that procurement funds have been diverted to unauthorized use?	129 (84.3)	24 (15.7)
Are there instances where you felt that a tender has been awarded at exaggerated prices?	84 (54.9)	69 (45.1)
Are there instances where you felt that suppliers have been paid for good or services that are not delivered satisfactorily?	80 (52.3)	73 (47.7)

The findings in Table 1 illustrates that 152 of the sampled procurement committees, representing 99.3% of the sample, have a procurement plan. This is consistent with the Public Procurement and Asset Disposal Regulations of

2020, which stipulate that Article 227 of the Constitution binds all procurement activities by government entities (Government of Kenya, 2020). However, the results in Table 2 show that only 51% of the procurement stations follow the procurement plan to the letter. This finding implies that there are violations of public procurement procedures in almost half of procurement stations in the judiciary. One of the violations entails failure to adequately notify bidders regarding opportunities to supply goods or services.

Results in Table 1 show that less than half of the procurement stations (46.4%) notify potential bidders about procurement opportunities. This finding is congruent with Njeri and Getuno (2016), who found that the judiciary often publishes procurement opportunities on print media, which is usually accessible to a select few in Kenya. Failure to advertise procurement opportunities in highly accessible media is often intended to limit these opportunities to a few known bidders (Mariz et al., 2014).

Another violation that is common in public procurement is a conflict of interest. Findings in Table 1 show that declarations of conflict of interest happen in less than half of the procurement committees (43.1%). This implies that in the remaining 56.9% of the stations, committee members with vested interests continue to serve and make decisions on a procurement transaction, which gives them the chance to tilt decisions to favor their interests. About 38.6% of respondents admitted that their station uses non-open tendering procedures to procure goods and services often. Although this is not corruption per se because the law allows the use of non-competitive procedures in certain circumstances, such as during emergencies, Abdou et al. (2022) opined that frequent use of non-open tenders is a red flag that could signal the presence of corruption within a procuring entity.

On the other hand, only 1.4% of the respondents agreed that most of their suppliers are firms registered in foreign countries. Abdou et al. (2022) also opines that having a large share of foreign suppliers is a red flag, as this is a strong indication that a procuring entity is trying to evade oversight. Current findings indicate that this practice is minimal within the judiciary procurement department. Results in Table 1 further show that 17% of the respondents experienced instances where they felt that a member of the procurement committee had disclosed confidential information to bidders, such as estimated prices. This finding is consistent with EACC (2015), which found that 7% of the surveyed suppliers had access to the procuring entity's estimated price to be used in tender evaluation before submitting their bids. According to Pimenta and Rezai (2016), providing all interested parties with equal access to pre-tendering information, such as selection and evaluation criteria, is critical to leveling the playing field for bidders and increasing competition. Allowing some bidders to have greater access to this information gives them an undue advantage that may end up reducing the competitiveness of the tendering process. Halonen (2016) also opined that releasing information relating to contract award procedures in a way distorts competition and thus amounts to unethical conduct.

Results in Table 1 reveal that 35.9% of the respondents had experienced instances where they felt that a member of the committee had received bribes to influence the award of a procurement contract.

These findings imply that bribing officials in order to get favorable bid evaluations is one of the forms of corruption that are visible in the procurement department of the judiciary. This position is reinforced by qualitative data, where several interviewees alluded to the fact that it is a common occurrence for bidders to offer bribes for their companies to be accorded favorable evaluation:

Some public officials receive bribes in order to manipulate bids, leading to the exclusion of qualified bidders. The bid process is manipulated in different ways, such as failure to make certain bidding documents available, giving short notices to bidders who have not paid bribes, and prolonging the contract negotiation or award in order to discourage other bidders. All these forms of manipulation are designed to give undue advantage to the firm paying the bribes or kickbacks (Interviewee 1, 2022).

Collusion between public officials and private firms is a common form of corruption in public procurement. There are many incidents where firms collude with officials to have their bids receive favorable considerations while competitors' bids are dismissed without good reason. At times, compromised public officials tailor the specifications of a given tender to suit suppliers with whom they have arrangements, while in other cases, public officials leak contract specifications to preferred suppliers, giving them an undue advantage over other bidders (Interviewee 5, 2022).

Bribing to get your bid accepted is a common feature of many public institutions in Kenya. This has become so rampant in some institutions to the point where firms compete to pay bribes. The firm that offers the most lucrative bribe gets the tender. Because of this, firms that are value-driven and most SMEs have been driven away from doing business with the government (Interviewee 11, 2022).

From the excerpts, it is clear that bribery in the bid evaluation process is a pervasive form of corruption in Kenyan public institutions. When private firms bribe public officials, they receive certain treatment that tilts the tendering process in their favor and disadvantages other bidders. Such treatment includes getting favorable bid evaluations, getting tender specifications tailored to suit their products or services, or getting information regarding the specification of a given tender.

Results in Table 1 also demonstrate that 39.9% of the respondents experienced instances where they felt that a member of the procurement committee had influenced the process of paying suppliers. The finding is congruent with the report by EACC (2015), which found that 79% of suppliers of government institutions have given gifts to public officials to get things done. The report also mentioned that public officials used the delay in payment as a strategy to open doors for bribe requests in order to speed up payment processing. Qualitative data, where interviewees elaborated that payment delays have become a major avenue through which public officials extort money from businesses, further supports this position.

Another factor that has become a major driver of corruption in the Kenyan public sector is the delay in payment of suppliers. Public officials have exploited this loophole to extort money from firms that have delivered goods or services to the government. The firms are compelled to pay bribes in order to have their contract payments processed within a short time frame. Those who do not pay bribes wait for ages (Interviewee 6, 2022).

Although it is wrong to pay bribes, sometimes suppliers have no option but to part with some money in order to get their dues. These suppliers have really suffered. The county and national government have pending bills, some of which are from ten years ago. These bills have created fertile ground for corruption to take place (Interviewee 9, 2022).

From the excerpts, it is evident that delays in supplier payments are a major problem in the Kenyan public sector. This issue has opened up avenues for public officials to demand bribes from suppliers. The OECD (2016) observed that bribe payments diminish the value that taxpayers get for money that public institutions spend because private firms recover their money by inflating pricing, failing to meet performance standards, billing for work not done, and reducing the quality of goods or services.

In addition, 15.7% of the respondents reported that there are instances where they feel that procurement funds have been diverted towards unauthorized use. This finding is congruent with the study by Jarso (2010), who documents numerous cases of misappropriation of funds by different government institutions. The study mentions misappropriation of funds allocated by donors towards the Free Primary Education (FPE) program and overpayment for a parcel of land meant for a cemetery by the Ministry of Local Government, leading to a loss of Kshs 200 million. The issue of fraud and misappropriation of funds was also captured during the interview, with one respondent reporting that some public officials tend to include some items in their budget but fail to purchase them when funds are allocated. Another respondent elaborated on how some officials steal funds by falsifying and duplicating documents.

Some government officials steal funds by inserting certain items into their budgets and fail to purchase these items once funds have been allocated. Instead, they pocket the funds. Some of the leaders in these institutions pocket funds for essential items such as staff training and fuel, leading to disruptions in the normal operations of the organizations. Even those in sensitive institutions, such as hospitals, pocket money for drugs and equipment (Interviewee 3, 2022).

Exaggerating the prices of goods and services procured is a low-hanging fruit for most public officials. This is done in order to obtain illegal kickbacks from the suppliers once the supplier is paid. The bribe paid by suppliers in order to get contracts also leads to an exaggeration of prices in order for the supplier to recover the bribery money (Interviewee 1, 2022).

We have encountered many reports of corruption in public institutions. Some of the cases are shocking. We often find tenders whose prices have been inflated by up to ten times the prevailing market prices. This is a major haemorrhage of public resources (Interviewee 7, 2022).

The second excerpt indicates that some price inflation cases are usually very exorbitant, leading to significant losses of public resources. These findings are congruent with a report by the EACC (2015), which showed that a total of Kshs 36 billion was paid as kickbacks on government contracts in the year 2012. The EACC report also showed that bribes paid by suppliers increase the total cost of public procurement contracts by 10–20%. These findings highlight how corrupt practices exert pressure on public resources and create inefficiencies.



Lastly, 47.7% of respondents had experienced instances where they felt that suppliers had been paid for goods or services that had not been delivered satisfactorily. This practice amounts to corruption, especially when the leader is aware that goods or services have not been delivered or that the delivery does not meet minimum standards. The prevalence of this practice was also captured in the qualitative data. One of the interviewees explained that not only do some government institutions pay for goods and services not delivered, but some of these institutions also purchase goods and services that they do not need or are not essential just to create avenue to siphon public funds.

Another form of corruption in our institution entails paying for goods or services that have not been delivered or that do not meet expected standards. This is especially common in infrastructure projects where a contractor is paid for a poorly done road or where work has not been done at all. Some institutions also incur expenditures for goods or services that are not necessary. You would find an organization spending millions on something like tea or travel (Interviewee 2, 2022).

The study obtained a composite corruption score by giving every “yes” response a score of 1 and every “no” response a score of 0. However, questions 1 to 4 were reverse coded, where “no” responses were given a score of 1 and “yes” responses were given a score of 0, because these questions assessed the existence of measures that reduce corruption. Since there were 12 questions assessing corruption, the highest corruption composite score was 12, while the lowest was zero. The score was then recoded into categorical data by grouping all institutions that had scores of 6 and below in the “low corruption level” category and those that had scored 7 and above in the “high corruption level” category. The purpose of this recoding was to enable the use of cross-tabulation and chi-square, which are nonparametric tests that are not hampered by many assumptions. Table 2 summarizes the distribution of the 153 sampled procurement stations across the two categories.

Table 2

Distribution of Sampled Stations by Levels of Corruption

Corruption level	Frequency	Percent
High corruption levels	65	42.5
Low corruption levels	88	57.5
Total	153	100.0

Table 2 illustrates that 65 procuring stations, constituting 42.5% of the sample, had corruption scores of 6 and above and thus were classified as having high levels of corruption. This finding implies that corruption is highly prevalent in over 40% of procuring stations in the procurement department of the judiciary. The finding is consistent with the study by Kamau et al. (2022), who found that less than 50% of Kenyans felt that the government had done enough to fight corruption.

3.2 Leadership Independence in the Procurement Stations of the Judiciary

The study assessed leadership independence by presenting a set of seven statements and asking respondents to indicate whether each was true or false. Table 3 presents the findings.

Table 3

Respondents rating of the Level of Independence

Statement on Leaders Independence	True N (%)	False N (%)
I always approach every procurement transaction with scepticism	97 (63.6)	56 (36.4)
I am always given enough time to make decisions as the chair of procurement committee	111 (72.7)	42 (27.3)
I emphasize on critical assessment of all information available to the committee before making any decision	93 (60.6)	60 (39.4)
When exercising my duties as the committee chair, I have never felt pressured to make decision in favour of a particular bidder	28 (18.2)	125 (81.8)
I try as much as possible to avoid establishing personal relationship with directors of companies that are prequalified to supply goods or services to our stations.	42 (27.3)	111 (72.2)
I always ensure that I am free from any interest that could interfere with my ability to act in the best interest of my station	133 (86.9)	20 (13.1)
I have undertaken a professional course on supply chain or procurement management	52 (34.3)	101 (65.7)

Table 3 shows that 63.6% of respondents confirmed that they always approach every procurement transaction with skepticism. This finding implies that professional skepticism is a leadership independence quality that is practiced by almost two-thirds of the procurement committees in the judiciary. According to Tahir et al. (2014), professional skepticism is an attitude that encompasses being alert to prevailing circumstances in order to detect possible risks. It is an attitude that drives individuals to dig deeper rather than accept the information presented to them at face value. The importance of this quality for the independence of the procurement process was emphasized during the interview. One of the interviewees stressed that procurement officers ought to exercise the highest level of due diligence because wrong decisions could result in significant losses.

When handling high-value transactions, public procurement officers have a duty to conduct independent investigations on bidders with the aim of gathering objective information regarding the technical and financial capability of each. They cannot make a decision based on the information provided by bidders alone. (Interviewee 7, 2020).

Similarly, 72.7% of respondents reported that they are always given enough space and time to make decisions as the chairs of the procurement committee. This finding suggests that over two-thirds of the procurement committees in the judiciary make decisions when free from time pressure. According to Handoko and Pamungkas (2020), if the decision-makers experience time pressure, they tend to shift their attention from critical issues to meeting deadlines, which decreases their independence. Time pressure is likely to reduce the professional skepticism of the procurement committee chair and other committee members, leading to less informed decisions. Current findings suggest that most committees are free from time pressure. The findings are consistent with Kanyaru and Moronge (2017), who reported that procurement in the judiciary is guided by PPDA, which has clear timelines for each step of the tendering process, such as the invitation of bidders, the opening of tenders, the evaluation of bidders, and the prequalification of successful bidders.

Moreover, 60.6% of respondents affirmed that they emphasize critical assessment of all information available to the committee before making any decision. This finding relates to due diligence when making procurement decisions. It suggests that over 60% of procuring stations in the judiciary conduct effective due diligence before making decisions. On the other hand, only 18.2% could confirm that they have never felt pressured to make decisions in favor of a particular bidder when exercising their duties as chairs of the procurement committees. This finding suggests over 80% of the heads of the procurement committees encounter some pressure to make decisions in favor of certain bidders.

Furthermore, 27.3% admitted that they try as much as possible to avoid establishing personal relationships with directors of companies that are prequalified to supply goods or services to our stations. This implies that over 70% of the leaders of the procurement committees have established relationships with suppliers of goods and services. Although cordial relationships with suppliers can be beneficial to an organization, according to Downe et al. (2016), such behaviors drastically diminish the independence of a public official in making procurement decisions on behalf of the members of the public by creating familiarity between the official and directors of supplying companies. This familiarity tends to cloud the judgment of the procurement officer.

On the other hand, 86.9% of the respondents affirmed that they always ensure that they are free from any interest that could interfere with their ability to act in the best interest of their station. On the contrary, only 34.3% of respondents divulged that they have undertaken a professional course on supply chain or procurement management. These findings imply that leaders on more than two-thirds of the procurement committees in the judiciary have not received appropriate training on procurement issues. Most are paralegal officers with an educational background in law. This finding is congruent with the study by Mesa (2018), where 33.3% of the respondents reported that the court station does not provide regular training programs to staff on procurement procedures.

In addition, 42.6% of the respondents refuted the claim that the judiciary has competent and qualified procurement staff. According to Barrett & Fazekas (2020), independence is unattainable where the officers undertaking procurement work do not have adequate knowledge and skills to undertake or oversee procurement transactions. Fazekas and Blum (2021) identified a lack of professional capacity as one of the primary hindrances to effective public procurement reforms. Improving the professional capabilities of public procurement officers will improve independence by enhancing these officers' comprehension of basic rules, even for maintaining compliance.

A composite leadership independence score was computed by summing the score on each of the seven items in the scale. Every "true" response was coded as 1, while a "false" response was coded as zero. The computation created a composite score that ranged from zero to seven. This composite score was later recorded as a categorical variable by classifying scores of 2 or below as low independence, 2 to 5 as moderate independence, and scores that

were above 5 as high independence. Table 4 shows the distribution of the 153 court stations across the three categories of leadership independence.

Table 4

Distribution of Procurement Stations across Leadership Independence Categories

Leadership independence categories	Frequency	Percent
Low	63	41.2
Moderate	36	23.5
High	54	35.3

The low leadership independence category had 63 entities, making up 41.2% of the sample; the moderate category had 36 (23.5%); and the high independence category had 54 (35.3%). The findings imply that most of the procurement stations have leadership with low independence.

3.3 Leadership Independence and Level of Corruptions

To assess the relationship between leadership independence and levels of corruption in the procurement stations of the judiciary, the leadership independence categories were cross-tabulated with the level of corruption categories. Table 5 presents the results.

Table 5

Cross-Tabulation of Corruption Levels by Leadership Independence

		Levels of Corruption		Total
		Low N (%)	High N (%)	
Leadership Independence categories	Low	8 (12.7)	55 (87.3)	63 (100.0)
	Moderate	10 (27.8)	26 (72.2)	36 (100.0)
	High	45 (83.3)	9 (16.7)	54 (100.0)
Total		63 (41.2)	90 (58.8)	153 (100.0)

Chi-square $X^2 = 63.384$, $df = 2$, $sig. = .000$

Results in Table 5 show that the proportion of procuring stations with high levels of corruption is decreasing from 87.3 in the low leadership independence category to 72.2% in the moderate leadership category and decreasing further to 16.7% in the high leadership independence category. This pattern suggests that there is a negative relationship between levels of corruption and leadership independence. Levels of corruption tend to decline when leadership independence increases. The chi-square tests show that this relationship is statistically significant ($X^2 = 63.384$, $df = 2$, $p < .001$). These findings are consistent with Downe et al. (2016), who opined that independent leadership entrenches ethical conduct within public sector organizations. This finding is supported by qualitative data, where one of the interviews narrated the kind of pressure with which leaders of government institutions make independence a very important trait.

Leaders in government departments experience pressure to engage in corrupt practices from different quotas, including politicians, friends and family, and superiors. Consequently, a leader must have a very strong spine not to curve under this pressure. Unfortunately, not many leaders have the courage to resist (Interviewee 9, 2022).

The findings are also congruent with Gros and Henke (2019), who found that public institutions that had independent directors had lower levels of corruption. The findings are also consistent with those of Ibrionke (2019), who found that the independence of auditors was linked to reduced corruption in the public sector in Nigeria. Current findings suggest that, just like the independence of auditors, the independence of procurement leaders plays a major role in diminishing the levels of corruption in government procurement. The findings are also consistent with Bandiera et al. (2017), who found that increasing the autonomy of public procurement officers in Pakistan reduced the levels of corruption in procurement transactions. Increasing the decision-making autonomy of the procurement officers led to a 9% reduction in the prices of goods and services procured without any reduction in quality.

IV. CONCLUSIONS & RECOMMENDATIONS

4.1 Conclusions

Based on the findings, the study concludes that leadership independence has a significant and negative effect on levels of corruption in the procurement department of the judiciary. This means increasing the levels of leadership independence is likely to reduce the levels of corruption in government. The findings provide evidence regarding the relationship between leadership practices and the level of corruption in government procurement. It creates a case for enhancing the independence of leaders of procurement stations within government entities.

4.2 Recommendations

To enhance independence, the Judicial Service Commission (JSC) should recruit procurement committee leaders with high levels of integrity. JSC should also develop a policy that stipulates the conduct of the procurement committee chair and members. In addition, JSC should provide training to the procurement committee members on matters related to procurement and supply chain management. Independence can also be enhanced by creating platforms and incentives that encourage employees to report practices that compromise leaders' integrity, such as receiving gifts or compensation from suppliers. For instance, the USA has a whistleblower program that gives monetary awards to individuals who provide information that enables law enforcers to discover fraud and save taxpayers money. Such a program can be replicated in Kenya to improve reporting of misconduct that compromises leadership integrity. Reward programs for public officials that resist bribes and turn-in firms that attempt to give bribes should also be created.

The current study confined its analysis to procuring stations within the judicial procurement department. Since Kenya has three arms of government, it is difficult to tell whether current findings reflect the situation in the legislative and executive arms of government. Future studies should replicate this study in the legislative and executive arms to enhance the generalizability of the findings. Similarly, since the country has two levels of government, national and county, it is difficult to tell whether these findings reflect the situation in entities run by the county government. Future studies should consider replicating this study in county government entities to enhance the generalization of findings.

This study also measured corruption using data that was self-reported by the research participants. This implies that the study measured corruption as perceived by the respondents, which may or may not reflect actual levels of corruption. Future studies should consider utilizing documentary evidence that illustrates cases of corruption that have been reported within a government procurement department.

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