LEADERSHIP PRACTICES AND PERCEIVED LEVELS OF CORRUPTION IN THE PROCUREMENT DEPARTMENT WITHIN THE JUDICIARY OF KENYA

Victor W. Ndururu
PDSLMR550420

A Thesis submitted to the School of Education and Social Sciences in Partial Fulfilment of the Requirements for the Award of the Degree of Doctor of Philosophy in Development Studies of St Paul's University

NOVEMBER 2023

LEADERSHIP PRACTICES AND PERCEIVED LEVELS OF CORRUPTION IN THE PROCUREMENT DEPARTMENT WITHIN THE JUDICIARY OF KENYA

Victor W. Ndururu
PDSLMR550420

A Thesis submitted to the School of Education and Social Sciences in Partial Fulfilment of the Requirements for the Award of the Degree of Doctor of Philosophy in Development Studies of St Paul's University

Supervisors:
Dr. Paul Gesimba
Dr. Daniel Muasya

NOVEMBER 2023

DECLARATION

This thesis is a product of my own work and is not the result of anything done in collaboration. It has not been previously presented to any other institution. I agree that this thesis may be available for reference and photocopying, at the discretion of the University.

Signature:…… Date: ……

Victor Wakumile Ndururu

Reg No: PDSLMR550420

Word Count:53,564

1/we confirm that the work presented in this thesis has been done by the student under my/our supervision.

Signature:…… Date:……

Dr. Paul Gesimba

Department of Business

St. Paul's University Limuru

Signature:……. Date: …….

Dr. Daniel Muasya

Department of Social Sciences

St. Paul's University Limuru

ACKNOWLEDGEMENT

I would like to express my gratitude to the Almighty God for His sufficient grace, mercies, and good health throughout the course work and thesis writing.

Special thanks to my supervisors, Dr. Paul Gesimba and Dr. Daniel Muasya for their enormous contribution, knowledge, patience, energy, and devotion in guiding me through the thesis writing process. Your competence, knowledge, and expertise have really enriched my work.

I am also sincerely grateful to other faculty members at St. Paul's University who helped shape and refine this thesis through their contribution during the proposal and thesis presentations. Your input has significantly improved this work. I am also grateful to non-teaching staff at St. Paul's University including the librarians, administrative staff at the Postgraduate department, and many others for their assistance during the completion of this thesis.

I would also like to thank the staff at the procurement departments in the Judiciary of Kenya and the leaders of the procurement committees within the court stations for agreeing to participate in this study. I also cannot forget individuals from the various oversight bodies that participated in the interviews. Without your contribution, the entire thesis would have stalled.

Gratitude also goes to my fellow students in the Doctor of Philosophy in Development Studies class for their great and enormous contribution in this thesis. Your contribution, encouragement, and support will forever be treasured. You were really instrumental in the completion of this thesis through sharing of ideas and other resources.

May the Almighty God continue to bless you abundantly.

Thank you.

DEDICATION

I dedicate this thesis to my beloved wife, Flora Nasirumbi, my dear children, Leroy Ndururu, Liana Kibone and many friends who encouraged me to soldier on inspite of the many challenges I faced.

A special gratitude to my loving parents, the late Augustine Ndururu s/o Mungoma and the late Mayi Jenevive Kibone d/o Kimono whose words of encouragement and push for tenacity keep ringing in my ears.

To Miriam Mutave and Daniel Mule, I salute you for your immense contribution.

TABLE OF CONTENT

DECLARATION ..... **iii**

ACKNOWLEDGEMENT ..... **iv**

DEDICATION ..... **v**

LIST OF TABLES ..... **ix**

LIST OF FIGURES ..... **x**

ABBREVIATIONS ..... **xi**

ABSTRACT ..... **xii**

CHAPTER ONE INTRODUCTION **1**

1.0 Chapter Overview 1

1.1 Background of the Study 1

1.2 Statement of the Problem 11

1.3 Purpose of the Study 13

1.4 Specific Research Objectives 13

1.5 Research Questions 13

1.6 Justification of the Study 14

1.7 Significance of the Study 15

1.8 Scope of the Study 15

1.9 Assumptions of the Study 16

1.10 Limitations and Delimitations of the Study 16

1.11 Definition of Key Terms 17

1.12 Organization of the Study 18

CHAPTER TWO LITERATURE REVIEW **19**

2.1 Introduction 19

2.2 Theoretical Literature Review 19

2.2.1 Principal-Agent Theory 19

2.2.2 Risk Aversion Theory 21

2.2.3 Institutional Theory 22

2.2.4 Human Development Theory 25

2.2.5 Dependency Theory 27

2.3 Empirical Literature Review 28
2.3.1 Levels of Corruption in Government 28
2.3.2 Institutional and Policy Frameworks for Dealing with Corruption 32
2.3.3 Corruption in Government Procurement 36
2.3.4 Leadership Independence and Levels of Corruption in Procurement 39
2.3.5 Leadership Transparency and Levels of Corruption in Procurement 42
2.3.6 Leadership Accountability and Levels of Corruption in Procurement 44
2.3.7 Leadership Fairness and Levels of Corruption in Procurement 48
2.3.8 Leaders Gender, Leadership Practices and Levels of Corruption in Government . 50
2.3.9 Government Bureaucracy, Leadership Practices and Levels of Corruption in Government Procurement 57
2.6 Conceptual Framework 59
2.5 Summary and Research Gap 61
CHAPTER THREE RESEARCH METHODOLOGY 63
3.1 Introduction 63
3.2 Research Philosophy 63
3.3 Research Design 64
3.4 Target Population 64
3.5 Sampling Design and Procedure 65
3.6 Data Collection Instruments 67
3.6.1 Questionnaires for Heads of Procurement Committees 67
3.6.2 Interview Guides for Key Informants 68
3.7 Pilot Testing 68
3.7.1 Validity of the Research Instruments 69
3.7.2 Reliability of the Research Instrument 69
3.8 Data Collection Procedure 70
3.9 Data Analysis 70
3.9.1 Quantitative Data Analysis 70
3.9.2 Qualitative Data Analysis 72
3.10 Ethical Considerations 73
CHAPTER FOUR DATA ANALYSIS, PRESENTATION AND INTERPRETATION 75

4.1 Introduction 75
4.2 Response Rate 75
4.3 Profile of the Study Sample 75
4.4 Levels of Corruption in the Procurement Department of the Judiciary 77
4.5 Leadership Independence and Levels of Corruption 83
4.6 Leadership Transparency and Levels of Corruption 89
4.7 Leadership Accountability and Levels of Corruption 95
4.8 Leadership Fairness and Levels of Corruption 101
4.9 Leadership, Gender and Levels of Corruption 105
4.10 Leadership, Government Bureaucracy and Levels of Corruption 107
CHAPTER FIVE SUMMARY, CONCLUSIONS AND RECOMMENDATIONS 113
5.1 Introduction 113
5.2 Summary of Findings 113
5.2.1 Leadership Independence and Levels of Corruption 113
5.2.2 Leadership Transparency and Levels of Corruption 113
5.2.3 Leadership Accountability and Levels of Corruption 114
5.2.4 Leadership Fairness and Levels of Corruptions 114
5.2.5 Leadership, Gender and Levels of Corruption 115
5.2.6 Leadership, Government Bureaucracy and Levels of Corruption 115
5.3 Conclusions of the Study 115
5.4 Recommendations of the Study 117
5.5 Suggestions for Further Studies 118
REFERENCES 120
APPENDICES 133
Appendix I: Research Questionnaire for Procurement Heads 133
Appendix II: Interview Guide for Key Informants 137
Appendix III: Operationalization of Research Variables 139
Appendix IV: Letter from the University 141
Appendix V: NACOSTI Permit 142

LIST OF TABLES

Table 2.1: Summary of Research Gaps 61
Table 3.1: Sampling Plan 65
Table 3.2: Key Informants 66
Table 3.3: Cronbach Alpha Reliability Test Results 69
Table 4.1 Distribution of Respondents by Select Background Characteristics 76
Table 4.2: Levels of Corruption in Procurement Department of the Judiciary 77
Table 4.3: Distribution of Sampled Stations by Levels of Corruption 83
Table 4.4: Respondents rating of the Level of Independence 84
Table 4.5: Cross-Tabulation of Corruption Levels by Leadership Independence 88
Table 4.6: Respondents rating of their Level of Transparency 90
Table 4.7: Cross-Tabulation of Corruption Levels by Leadership Transparency 94
Table 4.8: Respondents rating of their Accountability Levels 95
Table 4.9: Cross-Tabulation of Levels of Corruption by Leadership Accountability 100
Table 4.10 Respondents rating of their Leadership Fairness 102
Table 4.11: Cross-Tabulation of Levels of Corruption and Leadership Fairness 105
Table 4.12: Gender of Procurement Committee Leader 106
Table 4.13: Moderating Effect of Gender on Leadership-Level Corruption Relationship ... 106
Table 4.14: Respondents views on Levels of Bureaucracy in their Station 108
Table 4.15: Moderating Effect of Bureaucracy on Leadership- Corruption Relationship 111

LIST OF FIGURES

Figure 2.1: Relationship between leadership practices and perceived levels of corruption in the procurement department in the Judiciary of Kenya 59

ABBREVIATIONS

ACS	Anti-Corruption Squad
ANOVA	Analysis of Variance
CoK 2010	Constitution of Kenya 2010
CPI	Corruption Perception Index
EACC	Ethics and Anticorruption Commission
GDP	Gross Domestic Product
IFMIS	Integrated Financial Management System
KACA	Kenya Anti-Corruption Authority
KANU	Kenya African National Union
NACOSTI	National Commission for Science, Technology and Innovation
OECD	Organization for Economic Cooperation and Development
OECD	Organization for Economic Co-operation and Development
POCA	Prevention of Corruption Ordinance Act
PPADA	Public Procurement and Asset Disposal Act
PPOA	Public Procurement Oversight Authority
SPSS	Statistical Packages for Social Science
SSA	Sub-Saharan Africa
UNCC	United Nations Convention against Corruption
USA	United States of America

ABSTRACT

The aim of this study was to examine the effects of leadership practices on perceived levels of corruption in procurement department in the judiciary of Kenya. Also, the study sought to establish the moderating role of the gender of the procurement committee leader on the relationship between leadership practices and perceived levels of corruption. In addition, the study examined the extent to which bureaucracy moderates the relationship between leadership practices and perceived levels of corruption in the procurement department of the judiciary. The study was guided by the principal-agent theory, risk aversion theory, institutional theory, human development theory and dependency theory. It utilized the concurrent triangulation design and targeted a 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. Quantitative data was collected from the heads of procurement committees using questionnaires while qualitative data was collected by interviewing 12 key informants that were purposively selected from the six oversight organizations. Quantitative data was analysed using descriptive statistics such as percentages, frequencies, means and standard deviation. The data was further analysed using inferential statistics including cross-tabulation with chi-square and the multiple linear regression method. Qualitative data was analysed using the thematic content analysis and presented using illustrative quotes. The study found that leadership independence, leadership transparency, leadership accountability, and leadership fairness have a statistically significant and negative effect on levels of corruption in the procurement departments in the Kenyan judiciary. Findings further showed that there were high levels of bureaucracy within the procurement departments, and that bureaucracy significantly alters the effect of leadership practices on levels of corruption in the procurement departments. However, the gender of procurement committee heads did not have a significant moderating effect on the relationship between leadership and levels of corruption in the judiciary procurement department. Based on the findings, the study concludes that leadership independence, transparency, accountability, and fairness reduce levels of corruption in government procurement. The effect of leadership practices on corruption in government procurement is subject to levels of bureaucracy in the government institutions. The study also recommends formulation of laws, policies and strategies aimed at improving the independence, transparency, accountability, and fairness of leaders in government procurement departments. It also recommends a reduction in the levels of bureaucracy within the procurement departments.

CHAPTER ONE
INTRODUCTION

1.0 Chapter Overview

This chapter presents background issues related to the subject of leadership and corruption that informed the study. It also states the problem that the study intended to address, purpose of the study, specific research objectives, and research questions. It further discusses reasons that justify the study, the significance of the study, scope, assumptions, and limitations of the study. Key operational terms are also defined in this chapter.

1.1 Background of the Study

Corruption is a major obstacle to the development of any nation because it distorts markets, encourages crime, discourages investment, creates inequality, and destroys values. Corruption undermines the rule of law, weakens institutions, and erodes social trust (AfriMap, 2015). It diverts resources from public services such as healthcare, education, and infrastructure projects, and channels them towards private gain. This can lead to a lack of access to basic amenities, and contribute to poverty, illiteracy, and poor health outcomes. Corruption also skews competition, as companies that engage in bribery and other illegal practices gain an unfair advantage over those that play by the rules (Rose-Ackerman, 2017). This can lead to market distortions, decreased productivity, and reduced innovation, ultimately dampening economic growth and development. Furthermore, corruption can threaten internal stability by fueling criminal activity, political instability, and violence (Bosio et al., 2020). It can undermine the legitimacy of governments; create disillusionment among citizens, and lead to social unrest. Effective efforts to combat corruption require a multi-faceted approach that includes robust legal frameworks and enforcement mechanisms, political will and leadership, transparency and accountability mechanisms.

Transparency International (2010) defines corruption as the abuse of entrusted power for private gain while Kimemia (2013) defined it as any practice in any public institution whose purpose is promote undue personal or group advantage and that generates public damage. Corruption is not just one single act; the term refers to an assortment of practices carried out by different people in different ways. Pervasive forms of corruption include bribery, nepotism, and misappropriation (Transparency International, 2020A). Corruption can also be classified in terms of magnitude as either petty or grand corruption. Petty corruption entails exchange of small amounts of money for minor favours such as receiving service in a

hospital or evading arrest from law enforcement officers (Kimemia, 2013). It is the kind of corruption that is experienced by the majority of citizens in the day-to-day activities. Conversely, grand corruption involves huge sums of public fund and occurs at high levels of government.

Corruption is an issue of concern in both developed and developing countries because of adverse effect on economic outcomes such as economic growth, investment, and per capita income (Jha & Sarangi, 2014). Transparency International (2010) found that globally, 6 out of 10 people say corruption has increased in their country over the past 3 years. It also found that 129 out of 180 nations that were reviewed had a corruption perception index of less than 5 on a scale of 0-10, with 10 indicating the least corrupt. In the 2019 Corruption Perception Index (CPI) survey, Transparency International (2020B) found that two-thirds of the 180 countries that were involved scored below 50 in the CPI scale that spans from 0 to 100 with 0 indicating high levels of corruption and 100 indicating high level of integrity. Transparency International (2020B) also found that corruption was more prevalent in countries where large sums of money easily flow into electoral campaigns and where governments only listen to the voices of well-connected and wealthy individuals.

Procurement transaction is one of the most prevalent forms of corruption globally. Bosio et al. (2020) 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. Marquette and Peiffer (2018) observed that European countries have been exploring mechanisms for reducing opportunistic behaviours among public officials in a bid to reduce corruption in government. This approach is informed by the principal-agent theory, which opines that corruption in government is driven by opportunistic behaviours by people working in government institutions or their affiliates. Italy for example, has mafia-like groups that have infiltrated government institutions influencing public procurement and even the elections national and local government officials (Dagnes et al., 2020). The collusion between the mafia-like organizations and public officials has perpetuated anomalies in the public tendering system in Italy. The number of bidders in some government institutions has decreased to the point that there is no competition because the mafia-like groups have enforced barriers for entry (Fazekas et al., 2021). Other anomalies created by mafia infiltration include use of non-competitive tendering procedures, and inflation of prices of goods and services procured by government entities.

India is another country that has been grappling with corruption. The country scored 41 out of 100 in the 2019 Transparency International survey. According Han (2023), corruption is not just a way of life in India but has also become the only way to get things done. Corruption leads to three to ten percent hike in the prices of government transaction leading to loss of close to 50% of taxpayers' money. Corruption has also contributed to uneven distribution of resources in the country. Corruption in India is driven by a wide variety of factors including lack of transparency among government officials, high levels of bureaucracy in government, and government monopoly in certain industries. It is estimated that 44.7% of the budget allocated to health and 10.68% of budget allocated toward education in India are squandered (Singh, 2022). Institutions responsible for property registration and land issues emerged as the most corrupt with 26% of citizens reporting to have encountered corruption in these institutions during the 2019 Indian corruption poll (Kartika, 2020). The police and municipal corporations jointly held the second position at 13% while the tax department was third at 9%.

On the other hand, Singapore has managed to minimize corruption in the country since its independence in 1959. The 2021 Transparency International survey ranked Singapore as the fourth most transparent country with a CPI score of 85 out of 100 (Waal, 2020). Literature attributes lower levels of corruption in Singapore to the leadership of Lee Kuan Yew, who was the first prime minister of Singapore. Corruption in Singapore was rampant during the British colonial rule. Police corruption was rampart due unfavourable working conditions, low salaries, low risk of detection, ample opportunities for corruption, and lenient punishment for the corrupt (Quash, 2016). Corruption was further reinforced by the gift giving culture where civil servants and politicians were allowed to receive gifts from members of the public. Back then, corruption was a low risk and highly rewarding practice in Singapore. Yew took over the reign of the country with a deep sense of mission to establish a clean and effective government (Waal, 2020). He had a lot of disdain for corruption and believed in meritocracy. He implemented a raft of measures including forming an anticorruption body and allocating adequate budget and personnel, paying competitive salaries to civil servants, and punishing corrupt offenders regardless of their position. Yew zero-tolerance policy against corruption helped to transform Signapore from a Third World country with a gross domestic product (GDP) per capital of USD 400 to a First World country with a GDP per capita of USD 59,798 (Quash, 2022). Lower levels of corruption in Singapore helped the country to attract foreign direct investments into the country despite the

fact that the country has a small population, which translates to a smaller market and smaller labour force.

Sub-Saharan African (SSA) countries had the lowest average score of 32/100 in 2019 CPI (Transparency International, 2020b). This score indicates that the SSA region bears the greatest burden of corruption. The corruption problem in SSA has also been documented in numerous independent studies. Taiye (2009) observed that in Nigeria, abuse of government privileges and positions had become a common phenomenon. The creation of democratic regimes and policies has not been effective in addressing this problem. Ntayi *et al.* (2013) noted that in Uganda, approximately $ 107 million is lost annually to corruption, mainly through the public procurement-related transactions. Ntayi *et al.* (2013) also observed that there is limited detection of corruption due to high private returns from the act and little or no consequences when corruption is detected. According to the Ntayi *et al.* (2013), over 90% of corruption complaints received by the inspector general of government in Uganda relate to procurement. Ntayi *et al.* further argued that public servants in Uganda have been on record for having been involved in false accounting on matters pertaining to public duty, escaped detection and punishment.

Zucman (2015) through his study that examined capital flight from 33 African countries between 1970 and 2008 established that these countries had sent US $ 735 billion to offshore tax havens during the period. The study further established that this hidden sum belonged to a few wealthy individuals within the African nations. Afrimap (2015) observed that African nations lose over USD 50 billion each year through corruption related activities. These statistics highlight how corruption in the African continent has led to the loss of colossal sums of money that belongs to the public. The corruption menace continues unabated even though most countries have formulated anticorruption laws and policies. Lack of political will on part of African top leadership is partly to blame for the failure of anti-corruption measures. Corruption in Africa is mostly a product of bad leadership that has seen people in power commit the severest acts of corruption.

Kenya had a CPI score of 28/100 in 2019, which is below the global average of 43/100 as well as below the average for SSA of 32/100 (Transparency International, 2020B). These statistics suggest that the country has performed below average in terms of combating corruption. This score ranks Kenya at position 137 out of 180 countries in terms of ability to combat corruption. The score was however an improvement to the 2018 score (27/100) and

the joint highest in the last 10 years (Transparency International, 2020B). Kempe (2014) noted that corruption has become entrenched in the Kenyan society. Institutions that were designed to control the relationship between the State and citizens are being used for the enrichment of politicians and bureaucrats and corrupt private agents. A report by EACC (2015) approximated that the total amount of kickbacks paid on government contracts amount 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 sale towards bribe payment.

Persson, Rothstein and Teorell (2010) observed that in the University of Nairobi main campus compound and just outside the Ministry of Water and Irrigation premises, there were signs stating that, "This is a corruption-free zone." The authors opine that while the message on the signboard is not necessarily truthful, it gives a strong indication about the magnitude of the corruption problem in the country. The authors expressed that the urge to state that a government institution is a corruption-free zone says a lot about how endemic corruption is perceived to be in the Kenyan society. Noor (2018) also observed that despite having a legal framework that is designed to fight corruption, this vice remains to be a significant challenge in the country. Similarly, many government institutions have structures that can help in the fight against corruption, but in spite of that, corruption has diffused and taken root in almost all organs and institutions of government.

Corruption in the Kenya government also varies from one institution to another. The 2018 National Ethics and Corruption Survey ranked the Ministry of Interior and Coordination of National Government as the most corrupt ministry with 47.5% of respondents citing that this was the ministry where one is most likely to encounter unethical conduct (EACC, 2019). The Ministry of Health (17.9%) and the Ministry of Agriculture and Irrigation (13.8%) came second and third respectively. When it comes to specific departments and agencies within the Ministries, the Kenya Police Service in the Ministry of Interior and Coordination of National Government was rated as the most corrupt public institution in Kenya with 39.6% of respondents pointing out this organization as corrupt (EACC, 2019). The Kenya Power (12.9%), National Hospital Insurance Fund (11.1%) and National Youth Services (9.5%) came second third and fourth respectively (EACC, 2019). The survey however found that the number of times that bribes were demanded from members of the public declined from 1.57 times to 1.33 times between 2017 and 2018.

Corruption has increased inefficiency in the delivery of public services. Many lives have been lost because of medical staff withholding medical equipment and drugs, patients not being able to give bribes to the medical staff, and money allocated to hospitals being embezzled (Kimemia, 2013). It has encouraged a culture of gift giving that has generated favouritism and patronage in the delivery of services. Noor (2018) also observed that corruption in the country has perpetuated high cost of living, injustice and unemployment. Law enforcement officers receive bribes of as low as $10 to forsake their role leading to the subversion of justice. Omar (2020) also observed that corruption in Kenya has undermined the growth of service sectors such as education, health water supply, electricity, and infrastructure. Corruption has diverted a significant amount of resources aimed at developing these sectors leading to slowed growth.

Corruption in the police service has also exposed the country to the threat of terrorism and other perils such as road accidents. Hope (2014) observed that corruption had become endemic in the Kenya Police Service to the extent of turning the institution into a criminal enterprise where bribery, favouritism, and tribalism thrive. This situation has increased the rate of crime and has contributed to the rise of organized crime. In addition, corruption has become a hindrance to development and has caused citizens to lose faith in the government. Corruption has also created a lack of transparency in government processes such as procurement of goods and services that tend to alienate ordinary citizens (Kimemia, 2013). It has also hampered the process of recruiting public servants resulting in further alienation of ordinary Kenyans as positions are largely allocated to connected individuals. Hope (2014) argues that the entrenchment of corruption signifies the existence of deficiency in governance.

This study is concerned with corruption within government procurement and its link with leadership. In this study, the term refers to individuals entrusted with the authority to make decisions on behalf of an institution or members of the public (Kichamu, 2015). Dialoke et al. (2020) defines leadership as the process of rallying people to understand and accept what needs to be done and how to do it effectively. It is the process of facilitating collective action that is geared towards the realization of shared goals. Fagbadebo and Dorasamy (2021) identified three features of leadership: power, the pursuit of collective good, and innovation. The authors contend that leadership is about acquiring power to pursue collective good by deploying innovative mechanisms and measures. However, leaders can manipulate the

leadership features to severe their own interests. The unquenchable coupled with expansive unchecked power and contempt for the rule of law make leaders vulnerable to unethical practices.

According to Manara et al. (2020), leadership is a major determinant of the conducts of other members of the organization. Ethical leadership can reduce corruption and unethical behaviour within an organization and reduce followers' corruption. Leaders influence corruption in their institutions by acting as role models and by making decisions that are ethical. Peng and Kim (2020) observed that when leaders behave in an ethical manner, other members of the organization feel the need to reciprocate the positive behaviour. On the other hand, when leaders exhibit corrupt behaviours other members of the organization tend to replicate the unethical behaviours. The author argue that followers learn from their leaders through vicarious experience; a learning process that occur through observing other people's behaviour. Graycar (2022) argues that most cases of corruption in government procurement result from failure by individuals around the corruptors, particularly their supervisors, to fulfil their responsibility of applying existing procurement regulations and procedures. This failure is often linked to negligence, incompetence, pressure to meet deadlines or pressure from senior government officials.

Leaders can also influence levels of corruption in their organizations by exercising good governance. According to Rose-Ackerman (2017), good governance refers to legitimate, effective, and accountable ways of obtaining and utilizing resources and power with the aim of delivering socially accepted goals. It is a practice that is founded on a number of principles including the rule of law, accountability, transparency, independence, responsiveness, fairness/ equity, and efficiency. Rule of law is the tendency to use published standards and social values to guide decision and actions (Fukuyama, 2013). Good governance follows all laws, rules, regulations, and policies that apply in the line of work. Rule of law is also an important principle in the fight against corruption. When members of the organization adhere to laws including procurement laws, policies, and procedures, levels of corruption diminish.

Independence is the capacity to overcome pressure (both internal and external) when making decisions (Ibironke, 2019). It is the capacity of an actor to conduct his or her duties in a fashion that is free from biases. It is the responsibility of the procurement leader to exercise independence when making procurement decision. Independence enables a leader to make sound decision by allowing him or her to overcome undue influence from own and other

people's interests (Rantelangi et al., 2017). It is also an important trait in the fight against corruption. An independent leader is more likely to resist bribery and other attempts that seek to influence his or her decision especially those that relate to awarding of opportunities.

Accountability is the principle of being responsible for own action (Matei & Drumasu, 2015). It entails being ready to explain and justify own actions to members of the public and other stakeholders. Leaders can use different governance mechanism to promote accountability including codes of conduct and codes of ethics. Accountability is also a vital tool for combating corruption. When leaders and their institutions develop mechanisms that make them answerable to stakeholders, they gain an incentive to conduct their business in an ethical fashion (Fagbadebo & Dorasamy, 2021). The quality of leadership is vital to the promotion of accountable governance. Graycar (2022) observed that lack of an accountability system is responsible for half of procurement corruption cases in Australia. These cases occurred because there were no substantive procurement rules in place, which provided opportunities for official to engage in misconduct. There were few clear policies and guidelines for checking procurement activities.

Transparency is the willingness to allow and facilitate scrutiny of own decisions and actions (Rose-Ackerman, 2017). Good leaders promote transparency by availing information to members of the public. Good leaders also provide information to monitoring and watchdog institutions such as auditors, parliamentary committees, the civil society, and judicial officers. Transparency is yet another principle that can be instrumental in stopping corruption (Pratiwi & Sari, 2017). Giving stakeholders access to information regarding the operations of a government entities acts as strong deterrence for unethical conduct. This is because transparency makes it easy for stakeholders to detect irregularities within an organization.

On the other hand, responsiveness is the capability and willingness to meet citizens' needs in a timely and appropriate manner (Fukuyama, 2013). It is a leaders' capability to match the service provision with the needs and wishes of the target audience. It also entails being sensitive to discriminatory practices that affect minority groups such as women, youths, and persons with disability. Good leaders deploy mechanism for enhancing responsiveness such as service charter that define the standards of service that citizens should expect, hotlines for responding to queries, and staff dedicated to receiving and handling complaints. According to Tolcal and Christmann (2021), responsiveness reduces corruption by ensuring services are delivered appropriately thus eliminating the need for bribes.

Fairness or equity is the tendency to accord equal opportunity to everyone (Carcaba et al., 2017). It entails taking all members of society into consideration when awarding opportunities such as jobs and tenders. It may also entails giving preferential attention to marginalized groups such as women, youths, and persons living with disability. It is the sacred duty of leaders to ensure fairness within society. In their social contract theory, Hobbes and Locke described leadership is a mechanism for promoting justice by creating a well-ordered society that caters for the interest of all (Fagbadebo & Dorasamy, 2021). Fairness reduces corruption by resisting attempt to influence the process of awarding opportunities for personal gain. Efficiency is the tendency to use resources in a manner that produce the best possible results (Fukuyama, 2013). Good leaders prioritize conservation of public resources. Consequently, they implement mechanisms and measures that seek to ensure that all members of their organization utilize resources optimally. Examples of these measures include reducing bureaucracy, simplifying government procedures, using appropriate technology, and ensuring appropriate coordination of activities.

In Africa, the nature of political leadership reinforces the appetite for abuse of power (Fagbadebo & Dorasamy, 2021). There are entrenched vested interest among the political elite that have encouraged corrupt practices and abuse of power as the tools of governance. These stakes have also diminished requisite statutory institutional oversight structures rendering ineffective. The crisis of governance created by mismanagement of public resources by political leadership has propagated poverty across most African societies while the political elite live in opulence (Fagbadebo (2019). Despite the continent having vast natural resources, leaders have been unable to transform this wealth into a decent standard of living for the citizens. Citizens in most parts of the continent are suffering from poverty, high unemployment, security challenges, heightened criminal activities, and infrastructural decay. This crisis is likely to persist because citizens continue to support unethical practices by political leaders. Khan (2006) opines that African countries ought to learn the right lessons from international experience and pick out reform agendas that are feasible to their own circumstances. It is also paramount for African nations to monitor their progress in terms of instituting good leadership and governance, identify gaps and endeavour to reduce them. This why research on leadership and its nexus with corruption is timely within the African continent.

In Kenya, the role of leadership in combating corruption in recognized by Chapter Six of Constitution of Kenya (CoK) 2010, which enshrines values that leaders who hold public office ought to exhibit (Republic of Kenya, 2010). The Leadership and Integrity Act of 2015 operationalizes Chapter Six of the CoK 2010 by prescribing procedures and mechanism for entrenching good leadership in public service (Okiri et al., 2019). The Act requires all public officers to uphold the values of independence and objectivity and not to propagate nepotism, favouritism, cronyism, tribalism, and religious bias. The act also bars public officers from engaging in unethical and corrupt practices, violating fundamental freedom and right of any person. In addition, the act requires all public officers to fulfil their duties in the most honest, efficient, professional, accountable, and transparent manner.

The judiciary is one of the three arms of the Kenyan government. Of the three arms, 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 judiciary as whole has to be above board. However, this has not been the case as out of 37 institutions, the Kenyan Judiciary was ranked ninth in terms of likelihood of encountering bribery by the East African Bribery Index 2017 (Transparency International, 2017). Just like in any other institution, public procurement is essential to service delivery in the judiciary because it enables development of critical infrastructure and acquisition of essential materials.

For public procurement to deliver the desired value, proper regulation that promotes competitiveness, fairness, and transparency are paramount (Graycar, 2022). 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 basic goods and services needed to run its operations. As at 30th April 2023, the judiciary had a total of 278 court stations comprising of 127 magistrate courts, 12 tribunals, 46 kadhi courts, 44 high courts, 35 environment and lands courts, nine employment and labour 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 comprises of the chair and several members. However, procurement for large-scale projects and expensive equipment is done centrally by the Judiciary Tender Committee at the Judiciary headquarters.

Having procurement regulations in place is not enough to guarantee efficiency and value in public procurement. The level of compliance with these regulations also matters. The study by Mesa (2018) established that procurement in the Judiciary were characterized by poor cost estimation for works and services, high use of non-competitive methods of procurement, application of poor sourcing strategies. About 50% of the respondents also agreed that lack of professionalism was a major point of concern that was leading to non-compliance with procurement laws while 38.9% of the respondents said there are usually delays in service delivery by suppliers. Onyango (2018) found that the Mombasa law courts was characterized weak procurement planning, extravagant expenditure, and poor budget absorption. These studies highlight presence of some deficiencies in the procurement process of the judiciary that warrant systematic investigation.

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. This delay is an illustration of deficiency in the system of procuring construction services and supervising contracts. Delay in the delivery of these infrastructural projects has had a negative implication on delivery of justice, as the buildings would have taken courts closer to the people. Kakai and Mokono (2022) also observed that the judiciary often receives meagre financial allocation from the national treasury making efficient and prudent utilization of funds is a top priority for this arm of government. The judiciary has ensured that the funds they receive take them as far as possible and this means ensuring that the funds are not misused or misappropriated.

1.2 Statement of the Problem

Corruption is an endemic problem in the African continent. Statistics from Transparency International indicate that corruption is most prevalent in the African Continent (Transparency International, 2020b). Endemic corruption has had an adverse effect on development within the continent by diverting resources that would have been used for development towards personal aggrandisement (Dimant et al., 2013). African countries lose over over USD 50 billion each year through corruption related activities (Afrimap, 2015). Corruption has also suppressed democratic systems, eroded citizens' trust in government, hampered economic development through diversion of resource and biased decision making, propagates (Transparency International, 2020; Frank et al., 2011). It has also reduced investment in African countries, suppressed capital inflow, discouraged foreign trade and aid,

slowed official growth in the economy, created inequality between different social groupings, deteriorated government services, and led to the creation of shadow economy (Enste & Heldman, 2017). It has also perpetuated the challenges of illiteracy, diseases, violence, displacement of populations, and refugees through weakening of institutions, diversion of funds, undermining of social units, and disenfranchisement of citizens. Corruption has also led to brain drain by the skewed awarding of opportunities based on bribery, patronage, or favouritism (Dimant et al., 2013).

The Republic of Kenya has developed a number of legal mechanisms aimed at curbing corruption including creation of the Ethics and Anticorruption Commission (EACC) and entrenchment of ethical principles for governing the conduct of public officials in the CoK 2010 (Noor, 2018). Despite such interventions, corruption remains a prevalent malaise within the Kenyan society. This phenomenon calls for exploration of new, non-legal strategies and approaches for addressing this scourge. According to Quash (2022), one of the critical variables for enhancing the eradication of corruption from government is the will of leaders heading government institutions to change the culture of corruption. Leadership ought to implement policies and practice that are aimed at combating corrupt practices. Leadership and corruption are closely related because leaders have immense power and influence and can use that power either to promote ethical conduct or engage in corrupt practices. However, the role of leadership in the fight against corruption within the African context has not been given adequate attention in the literature. The few studies conducted in the African context (Abah & Nwoba, 2016; Ibrahim & Adams, 2020; Voronov & Pleshko, 2013) have focused on the effect of political leadership mainly presidency and legislature. This study sought to correct this deficiency by examining the effect of leadership practices in public institutions on levels of corruption with a specific focus on the procurement departments in the Judiciary of Kenya.

The study also takes note that leadership is a multidimensional concept that comprises of many dimensions and practices (Fagbadebo & Dorasamy, 2021). Consequently, studies ought to identify specific leadership practices that have an impact on corruption. It is in this regard that the study examined the effect of leadership independence, transparency, accountability, and fairness affects levels of corruption in government procurement. It also sought to determine how leaders' gender and government bureaucracy shapes the relationship between the four leadership traits and levels of corruption in the procurement department of the

Judiciary. This knowledge will be useful in the development of specific intervention for addressing corruption in government institutions.

1.3 Purpose of the Study

The purpose of this study is to determine the effect of leadership practices on perceived levels of corruption within the procurement department in the Judiciary of Kenya.

1.4 Specific Research Objectives

i. To determine the effect of leadership independence on perceived levels of corruption in the procurement department in the judiciary of Kenya.
ii. To examine the effect of leadership transparency on perceived levels of corruption in the procurement department in the judiciary of Kenya
iii. To analyse the effect of leadership accountability on perceived levels of corruption in the procurement department in the judiciary of Kenya.
iv. To establish the relationship between leadership fairness and perceived levels of corruption in the procurement department in the judiciary of Kenya.
v. To ascertain the moderating effect of leaders' gender on the relationship between leadership practices and perceived levels of corruption in the procurement department in the judiciary of Kenya.
vi. To assess the moderating effect of government bureaucracy on the relationship between leadership practice and perceived levels of corruption in the procurement department in the judiciary of Kenya.

1.5 Research Questions

i. What are the effects of leadership independence on perceived levels of corruption in the procurement department in the judiciary of Kenya?
ii. How does leadership transparency affect the perceived levels of corruption in the procurement department in the judiciary of Kenya?
iii. How does leadership accountability affect the perceived levels of corruption in procurement department in the judiciary of Kenya?
iv. How does leadership fairness affect the perceived levels of corruption in the procurement department in the judiciary of Kenya?
v. What is the moderating effect of leaders' gender on the relationship between leadership practices and perceived levels of corruption in the procurement department in the judiciary of Kenya?

vi. What is the moderating effect of government bureaucracy on the relationship between leadership practices and perceived levels of corruption in the procurement department in the judiciary of Kenya?

1.6 Justification of the Study

This study was justified by the reason that it would improve our understanding of the nexus between leadership and corruption in government. The research enables us to gain a nuanced and comprehensive understanding of the nature and extent of the relationship between leadership and corruption in government. Through this research, policymakers can make informed decisions that are founded on evidence rather than assumptions.

Most studies examining the relationship between leadership and corruption have largely focused on examining elective leadership such as presidency and law-making organs. These elective positions only constitute a fraction of government positions in most countries. In Kenya, there were a total of 2,987 members of legislative organs at both the national and county levels of government after the 2017 General Election against a civil service workforce that had about 790,000 workers in the same year (Kenya National Bureau of Statistics, 2018). These statistics imply that elective positions constitute less than one percent (0.38%) of all government positions. There is need for evidence regarding how leadership in other government positions contributes to the management of corruption. This study sought to add this new knowledge by examining how leadership in the procurement department within the Judiciary of Kenya relate to levels of corruption in procurement transactions.

This study also takes note that most studies examining the link between leadership and corruption have focused on country level data. It also observed that even in the most corrupt countries, the level of corruption is not uniform across government institutions. In Kenya, a 2018 survey conducted by the EACC confirmed that corruption is pervasive in some government institutions such as Kenya Police, Kenya Power, and National Health Insurance Fund than in others with 39.6%, 12.9%, and 11.1% of survey respondents reporting experience corruption in these institutions respectively (EACC, 2018). By assessing the relationship between leadership practices and corruption at the level of government institutions, this study has eliminated the effect of other country level variables that influence corruption levels such as socioeconomic conditions, democratic structures and laws, and national culture. This study therefore enriches the discourse on how leadership practices and corruption in government are related.

1.7 Significance of the Study

This study contributes to the body of knowledge on the link between leadership and corruption in government. It sheds light on the underlying aspects of leadership that shape perceived levels of corruption including leadership independence, transparency, accountability, and fairness. The study also provides evidence on the interaction effects of leaders' gender and government bureaucracy on the link between leadership and corruption in government.

The study is of benefit to policy makers as it provides evidence that may lead to formulation of new policies and programmes or improvement of existing policies and programmes for curbing corruption in government procurement. The study will provide knowledge regarding the relationship between leadership practices and level of corruptions in the procurement department as well how this relationship is shaped by leaders' gender and bureaucracy in the government institutions. This knowledge will enlighten policy makers about the policy interventions that they need to make to boost efforts for combating corruption.

The study is also of value to researchers and scholars in the field of development studies as it has enriched existing theories and empirical literature on the subjects of leadership, gender, government bureaucracy, and corruption in government procurement. In particular, the study has highlighted how leadership practices are associated with levels of corruption in government procurement and how this association is affected by the leader's gender and government bureaucracy. The study has also advanced research on this subject by identifying areas for further research.

1.8 Scope of the Study

Although corruption can take place in any domain of government, this study focuses on corruption in government procurement. According to Kemboi (2023), procurement fraud is the most harmful and pervasive form of corruption in Kenya. Burbidge (2016) explained that government procurement is prone to corruption because of the large amount of money involved and the intricacy of the procedures involved. The study was confined to the assessment of the procurement department within the judiciary of Kenya because the 2019 Kenya Bribery Index showed that the Judiciary was the most bribery prone institution at 69%, which was a major increase from the 44% recorded in 2017 (Transparency International, 2020c). The increase implies that cases of corruption in the Judiciary are on the rise. The study also focused on four leadership practices that are relevant to good governance

and combating corruption. These practices include leadership independence, leadership transparency, leadership accountability, and leadership fairness. It also assessed the moderating role of leader's gender and government bureaucracy. The study surveyed the heads of procurement committees that make up the procurement department in the Judiciary to obtain their views regarding these leadership issues and levels of corruption in their department. The study was conducted between June 2021 and May 2022.

1.9 Assumptions of the Study

The study assumes that the various procurement committees in the judiciary have varying leadership practices. It also presumes that the procurement committees have varying levels of corruption. Variation in the two variables across the procurement committees was vital to the determination of the relationship between leadership practices and the levels of corruption in the procurement departments. The study further presumed that there is diverse gender representation in the leadership of the procurement committees in the judiciary. This assumption is critical to the assessment of the moderating role of leader's gender on the relationship between leadership practices and levels of corruption in the procurement department. The study also postulated that the procurement committees in the judiciary have varying levels of bureaucracy, which was critical to the assessment of how the level of bureaucracy influences the strength and direction of the relationship between leadership practices and levels of corruption in the procurement department.

1.10 Limitations and Delimitations of the Study

The study was cross-sectional, meaning that it collected data at a single point in time. This means that the study was not able to track the change in leadership practices within the procurement department over time. It did not also track the change in levels of corruption within the department as change in women representation in the leadership of the procurement committees. The absence of longitudinal data reduced the study's power to infer a cause-effect relationship between leadership practices and levels of corruption. However, these limitations associated with the cross-sectional approach of data collection were counterbalanced by the various advantages associated with the use of the cross-sectional approach. One advantage includes the ability to collect data from many procurement stations, which increases generalizability of data. The second advantage includes its ability to facilitate the examination wide range of variables include leadership independence, transparency, accountability, fairness, government bureaucracy, gender, and levels of corruptions.

The study may also have been constrained by the use of data reported by judiciary officials to evaluate leadership practices and corruption. Self-reported data is often associated with a number of biases that include social desirability bias, recall bias, misrepresentation, and response style bias (Creswell & Creswell, 2018). Social desirability bias occurs when individuals report what they think is socially desirable rather than their true behaviour or attitude, leading to an overestimation of positive or socially acceptable behaviour and underestimation of negative or socially unacceptable behaviour. Recall bias occurs when individuals fail to accurately recall past events, behaviours, or attitudes, leading to an overestimation or underestimation of these measures. Misinterpretation occurs when respondents misunderstand the wording or intent of survey questions, leading to inaccurate reporting. Response style bias occurs when respondents have a tendency to respond consistently or systematically to survey questions, leading to a distortion of the results.

To mitigate limitations of self-reported data, the researchers used multiple sources of data to cross-validate and verify respondents' reports. Researchers also use advanced statistical methods to control for potential biases and adjust for errors in self-reported data. Additionally, developing better survey questions and piloting the survey instrument helped to increase the accuracy of self-reported data. The researcher also assured respondents of the highest levels of privacy and confidentiality. The study made it clear to respondents that no information that could link them to the study such as names, national identification number, employment number or telephone number would be collected during the study. Respondents were also informed that findings would be discussed in general without referring to specific court stations.

1.11 Definition of Key Terms

Accountability: A governance principle that demands explanation and justification of the conducts of public office holders.

Bureaucracy: An organizational structure that is characterized by excessively complicated administrative procedures.

Corruption: The term refers to any practice in any public institution whose purpose is to promote undue personal or group advantage and that generates public damage.

Fairness: A governance principle that emphasizes wide propagation of services with equitable distribution to ensure that all members of society have a chance to benefit.

Independence: The quality of being free from undue influence by vested interests or from any constraints that may hinder a person from taking the correct course of action. It is the quality of being able to make objective decisions.

Leadership: In this study, the term refers to the person in charge of a government department or agency and is responsible for making most of the major decisions of the organization.

Transparency: A governance principle that emphasizes on the freedom of members of the public to access and obtain information regarding the administration of public institutions and resources.

1.12 Organization of the Study

This study is structured into five chapters. Chapter one deliberates on background issues that informed the study, the challenge that the study sought to address, reasons that justified the study, the value of the study, and the assumptions and limitations. The second chapter presents a discussion of theories and literature that relates to the subjects of corruption, leadership, and gender. The third chapter deliberates on the methods, techniques, and procedures that the study used to identify sources of data, collect and analyse data, and interpret the findings. The fourth chapter discusses how the data was analysed, presents the findings, and interprets the implications of these findings in relation to the objectives of the study. The final chapter presents a summary of the findings, the conclusions made, and the recommendation of the study to different stakeholders.

CHAPTER TWO
LITERATURE REVIEW

2.1 Introduction

This summarizes a review of previous research examining the relationship between leadership practices, leaders' gender, government bureaucracy, and corruption. It commences with a review of theories that other researchers have used to examine this relationship. It then examines the empirical studies that other scholars have done on this subject. Lastly, it presents the conceptual framework and a summary of the research gaps. The review integrated the thematic and geographic approach of searching for publications. The search was conducted on Google Scholar database, using various keywords such as "leadership independence and corruption" or "leadership transparency and corruption." The relevance and quality of the publications were reviewed by looking at their abstracts, introduction, and conclusions. After identifying the most relevant and high-quality sources, the researcher read them thoroughly while taking detailed notes of their aim, methodology, key findings and arguments, and connection to this research.

2.2 Theoretical Literature Review

Several theoretical perspectives have been utilized to support the existence of a relationship between the study variables. This study incorporates the principle-agent theory, the risk aversion theory, institution theory, the human development theory, and the dependency theory.

2.2.1 Principal-Agent Theory

Principal-agent theory is a theory that scholars have used to explain corrupt behaviours in a society and inform intervention for combating the same. The theory was first proposed by Jensen and Meckling in 1976 to explain unscrupulous behaviours among executive hired to manage companies on behalf of shareholders. Jensen and Meckling (1976) opined that company executives have a contractual relationship with shareholders that allow them to make decisions and act on behalf of the shareholders. Consequently, the executives are the agents and the shareholders are the principals. Unscrupulous behaviour emerges where there is asymmetry of information between agents and principals (Panda & Leepsa, 2017). The theory thus proposes that the best way to stop unscrupulous behaviour is by reducing information asymmetry through mechanisms such as auditing, financial reporting, and appointment of a board to act as shareholders' watchdogs.

Development scholars have since adopted the principal-agent theory to explain levels of corruption in government and propose remedial measures (Groenendik, 1997; Mungiu-Pippindi & Hartmann, 2019; Persson et al., 2010; Walton & Jones, 2017). These scholars contend that government officials are like agents that make decisions and act on behalf of members of the public. Asymmetry of information between these officials and members of the public where the public have little information of what transpires in government offices tends to breed corruption. Thus, proponents of this theory within the development arena proposes mechanisms for reducing asymmetry of information between public servants and the public as the ultimate remedies for eliminating corruption. Some proposed interventions include enhancing transparency within public institutions, enhancing accountability through reporting, auditing, and monitoring, and holding public officials accountable for their actions (Walton & Jones, 2017).

Mariz et al. (2014) noted that the principal-agent theory has been widely used to examine the link between public procurement and corruption. According to this theory, corruption breeds in circumstances where agents have monopoly of power and high level of discretion in exercising their power. Agents become prone to corruption when they have complete control over activities that take place in government entities. Consequently, accountability mechanisms for holding these agents accountable for their decisions and actions are essential. Lack of transparency also creates asymmetry of information between government agents and members of the public leading to corruption in the award and monitoring of contracts.

Agency theory suggests that when there is a separation between ownership and control of an organization, or between the goals of different stakeholders in a firm, conflicts of interest may arise. Such conflicts can lead to opportunistic behaviour, such as corruption. In the context of leadership, agency theory suggests that leaders in government may act in their best interest, even if their interests are not aligned with the interests of members of the public or other stakeholders. This agency problem is especially prevalent in situations where leaders have a lot of discretion to make decisions without proper monitoring or oversight.

Leadership and corruption may be linked through agency theory because people in leadership positions may have the ability to abuse their power and engage in corrupt behaviour to increase their personal wealth or influence. This type of corruption can take many forms, including bribery, kickbacks, embezzlement, and nepotism. In some cases, leaders may also engage in unethical practices to meet performance targets or to achieve success at any cost.

However, agency theory also suggests that proper governance mechanisms can help to mitigate the agency problem, reduce the likelihood of corruption, and ensure that executives act in the best interest of stakeholders. For example, board oversight, independent audits, and regulatory audits can help to enhance transparency and accountability, and thereby reduce the likelihood of corruption. Additionally, strong corporate governance practices, such as setting performance metrics based on long-term sustainable goals, aligning public officials' pay with their institutions' performance, and promoting ethical behaviour within the organization, can help to reduce agency problems in leadership and reduce the risks of corruption.

2.2.2 Risk Aversion Theory

Risk aversion theory is attributed to Nicolas Bernoulli in his work published in the *Commentaries of the Imperial Academy of Science of Saint Petersburg* in 1738 (Zhang et al., 2014). Through an experiment, Bernoulli demonstrated that individuals have different propensity for taking risks. Some individuals tend to take on more risks than others. Risk aversion theory is the most common theories among studies examining the relationship between gender and corruption. This theory has been used to provide an explanation for the gender differences in corrupt behaviour (Frank *et al.,* 2011). The theory suggests that the difference between male and female in engagement in corrupt behaviour is largely attributed to differences in the level of risk aversion between the two genders. The theory asserts that women are more averse to risk and thus are less likely than men to engage in corrupt behaviours in settings where doing so has a high risk of getting caught and being punished (Esarey & Chirillo, 2013).

The use of risk aversion theory to explain the difference in ethical behaviours of men and women has also been extended to the commercial world through the Lehman Sisters hypothesis. The hypothesis was coined by Neelie Kroes, Viviane Reding and Harrier Harman who argued that the 2008/2009 financial crises could have been averted if the Lehman Brothers Holdings Inc. had more women in its board. Lehman Brothers was an American-based investment bank that is attributed to the 2008/2009 global financial crises after it went bankrupt in 2008. Scholars argue that the bank went bankrupt because it engaged in risky lending that led to high default rates. The Lehman Sisters hypothesis contends that the company would not have tolerated such risky behaviour if it had more female board members.

Several explanations have been advanced to explain the differences in risk propensity between men and women. One of the explanations is the testosterone hormone that is abundant in men. In his experimental study, Ronay and Hippel (2010) found that men with high levels of testosterone exhibit greater risk-taking behaviours and power-seeking behaviour than men with lower testosterone levels. Herbert (2018) also found that men with higher levels of testosterone were more likely to take greater financial risks. The two studies suggest that the gender difference in risk aversion is caused by biological factors. On the other hand, Harris et al. (2006) posits that the gender difference in risk-taking behaviours is socially constructed rather than a function of biological differences between men and women. This author opines that the gender difference in risk aversion has been constructed by the differences in roles that many societies assign to males and females. In most societies, females are allocated caregiving roles that require them to be caring, loving, and compassionate. On the other hand, these societies assign the breadwinning roles to men, which require them to be competitive and aggressive. The differences in the roles that society assigns to men and women cultivate different levels of risk taking propensity among men and women.

However, scholars such as Johnson and Powell (1994) and Nelson (2014) argue that the notion that women are more risk averse than men is a stereotype rather than a fact that can be back-up by empirical evidence. Nelson (2014) systematically reviewed 35 scholarly works and found that the results were overlapping and highly mixed than is usually reported in the general body of literature. This implies that in some contexts, women are more risk averse than men are while in other contexts, the reverse is true. However, this theory is relevant to the current study because it offers a plausible explanation regarding how the gender of leaders in the procurement committees of the judiciary may influence corrupt behaviours within the entities. It suggests that since women are more risk averse, female leaders are likely to avoid corrupt behaviours than their male counterparts.

2.2.3 Institutional Theory

The institutional theory was conceptualized by Meyer and Rowan (1977) to explain what drives the behaviours of organizations and their members. These authors opined that when organizations grow bigger and more complex, they adopt institutional rules with the aim of gaining legitimacy, stability, resources, and enhancing survival. These institutional rules become engrained with the organization leading to development of homogenous behaviours

among its members. The theory referred to this phenomenon as institutional isomorphism. It is the development of uniform behaviours that are generally accepted within an organization or community. Institutional theory was advanced by DiMaggio and Powell (1983), who identified three mechanisms that lead to institutional isomorphism: coercive, mimetic and normative.

Coercive mechanisms are political decisions such as government legislations, regulations and policies that prescribe certain changes within the organizations (Sudibyo & Jianfu, 2015). Institutions that operate within a given jurisdiction have no option but to adhere to government laws, regulations, and policies. Consequently, these elements play a significant role in shaping the behaviours of the organization and its members. Mimetic mechanisms refer to the tendency to imitate other organizations due to lack of clear goals and uncertainty with the environment. DiMaggio and Powell (1983) opined that organizations that lack clear goals and operate in a turbulent environment might feel obliged to imitate what other organizations are doing. This pressure leads to entrenchment of behaviours and habits borrowed from other organizations. Normative mechanism refers to societal norms that pressure organizations to act in a given way (Egbegi & Ajah, 2020). For instance, organizations that operate in a society where corruption is a norm may feel pressured to engage in corrupt behaviours such as bribery or undue award of opportunities. On the other hand, corruption is minimal in developed countries like Australia because corrupt practices are look-down upon by society making it shameful to engage in such practices.

The institutional theory seems to complement risk aversion in trying to explain the context in which leadership would result in reduced corruption. The theory suggests that institutional forces particularly the coercive, mimetic, and normative moderate the effect of leadership on corruption (Saxena, 2017). The institution theory complements the risk aversion theory by introducing the concept of coercive forces. It asserts that, in countries where there are coercive forces that discourage corruption such as stringent laws, effect of leadership on corruption is likely to be substantial as the coercive forces increase the risk of engaging in corruption that discourage the more risk averse women leaders from engaging. Claros (2013) not only calls for enactment of punitive laws against corruption but also enactment of more clear laws and policies for governing the delivery of services. He argues that unclear laws create loopholes that government officials can exploit to solicit bribes or engage in self-seeking behaviours. For instance, when the laws/ policies do not stipulate that amount of time

that one should wait to receive a particular service, government officials may cause unnecessary delays in order to solicit for 'speed money'.

Institutional theory also complements agency theory by introducing the aspects of norms as one of the forces that shape the link between leadership practices and corruption (Stensota, 2018). Effects of leadership on corrupt behaviours are more likely to be significant where prevailing norms give different incentives for men and women to engage in corruption. Persson et al. (2012) supports this theory by stressing that corruption measures are less likely to be effective in societies where corruption is a norm or an accepted behaviour. In such societies, normative forces tend to diminish the incentive for actors to take action against corrupt individuals. Byrne et al. (2010) also supports the institutional theory by pointing out that a notable proportion of anti-corruption initiatives that African countries have undertaken have been a reaction to coercive pressure by donors and international organizations. These authors also stress the role that pressure from civil society plays in managing corruption within a given society.

Institutional theory also highlights the role of bureaucratic control in shaping the behaviours of organizations or communities. Bureaucratic centres organize structures that extend conformity to institutional rules (Meyers & Rowan, 1977). The institutional theory contends that entities that have high levels of bureaucracy are more likely to develop much stronger institutional isomorphism much faster. In reference to corruption in the procurement department of the judiciary, the theory suggests that these entities are likely to institutionalize corrupt practices when they have high levels of bureaucracy. On the other hand, high level of bureaucracy may also foster the institutionalization of corporate governance principals. The current study sought to examine the level of bureaucracy in procuring stations with the judiciary as well as the behaviours that the bureaucracy level has institutionalized within the entities.

In the context of leadership and corruption, institutional theory suggests that corrupt behaviours may be more prevalent in environments where corruption is seen as the norm and is accepted as part of the institutional context. Institutional forces shape the way leaders approach corruption primarily by creating a moral and institutional environment where corrupt behaviour is either encouraged or discouraged. If corruption is accepted as a normal part of the institutional environment, leaders may feel that they have to engage in corrupt behaviour to meet the expectations of their peers or to achieve success in their position. In

such an environment, leaders may feel pressure to act unethically to protect the interests of their organization, or to advance their personal goals and interests.

On the other hand, if an institutional environment is characterized by strong ethical norms that promote honesty, transparency, and accountability, leaders are more likely to conform to these standards, even if they are not enforced by legal institutions. This can be achieved through a culture of transparency that makes corrupt practices less likely to occur as there is awareness of the matter throughout the organization. Institutional theory, therefore, suggests that effective leadership can help to create an institutional context that discourages corruption. By reinforcing a culture of ethical behaviour and establishing norms and values that prioritize integrity and accountability, leaders can create an institutional context where corrupt behaviour is less likely to occur. They can work towards promoting transparency and creating an environment where employees feel empowered to report corrupt practices without fear of retribution. In this way, institutional theory provides a framework for understanding the importance of ethical leadership in preventing corruption.

The principal-agent theory complements the institutional theory by asserting that by engaging in corrupt behaviour such as accepting a bribe, the agent switches his or her allegiance from the principal to the briber. This switch of allegiance is likely to occur in contexts with weak institutional environments that are characterized by opacity, institutional complexity, information asymmetry, and lack of transparency (Luo, 2005). The switch in allegiance also occurs in circumstances where the cost of engaging in corruption is much lower than the incentives for engaging in the same.

2.2.4 Human Development Theory

Human development theory was conceptualized by Amartya Sen in 1990 to prescribe how development in a society ought to be designed and implemented (Leelavthi & Gopalakrishna, 2012). The theory contends that the basic aim of development of enhance human freedom and capabilities by expanding the choices they have in their lives. Sen (1990) argued that monetary measures of development like the gross domestic product do not capture the comprehensive meaning of development. Even if a person has money, if he has no access to healthcare services, educational options for his or her children, security, variety of foods to choose from, he or she will not live a fulfilling life. Income based measures also fail to capture the kind of deprivation that poor people experience and their magnitude. It also fails

to capture the social environment in which people live and the kind of goods and services that people can derive for their environment using their income.

Consequently, the human development theory proposes that development should be measured in terms of individuals access to various services that gives them the capability to choose. Income should be a means to an end and not an end itself (Kuhumba, 2018). Development should focus on delivering the end-goals that people seek to acquire using income. These end-goals include nutrition, health, shelter, security, and mobility among others. Sen (1990) views capability as a person capacity to achieve certain basic stuff such as meeting nutritional requirements and appearing in public without shame. Nussbaum (2006) advanced the human development theory by suggesting ten capabilities that every society ought to pursue for its citizens. These capabilities include life, body health, integrity of body, senses, emotions, practical reason, affiliation, other species, play and control over one's environment.

If development according to the human development theory is freedom to live the life that one desires, then development should focus on removing obstacles that diminish people's freedom. These obstacles include poverty, tyrannical leadership, corruption, social deprivation, poor economic opportunities, and neglect of public facilities. These obstacles are quite relevant to this study. Tyrannical leadership is a major obstacle to people's freedom as it creates hostility towards demands for better governance (Haugaard, 2016). Leadership determines people's capacity to act and autocratic leadership starves this capacity. The human development theory sees development as removal of autocratic leadership and its unfreedom effects through installation of transparency, accountability, and fairness in leadership.

Sen (1990) also identifies political freedom as one of the freedoms that citizens are out to possess in order to develop. He defines political freedom as the autonomy to determine who should govern and what principles should be used to govern. It also entails the opportunity to criticize and scrutinize authorities, express political opinion, choose between political party, and have access to uncensored press (Maboloc, 2008). These qualities are consistent with the leadership principles of transparency and accountability. Opportunity to criticize and scrutinize authorities is actualized through transparency and accountability structures. Uncensored press is also a critical transparency and accountability mechanism.

Amartya Sen's human development theory provides an understanding of the relationship between leadership and corruption by emphasizing the critical role of institutions and governance in promoting human development outcomes. According to Sen, development is not just about economic growth, but also about human wellbeing, including the ability to lead healthy and fulfilled lives (Haugaard, 2016). In Sen's view, effective leadership is critical for promoting good governance and creating institutional mechanisms that prevent corruption by promoting transparency and accountability. Leaders in government, business, and civil society have an essential role to play in creating an enabling environment where people can live fulfilling lives, and institutions operate in an open and transparent way (Kuhumba, 2018). However, corruption is a challenge to this vision of effective leadership.

Corruption undermines good governance by limiting transparency and accountability, and often enriches a few individuals at the expense of the broader population. Sen argues that when institutions are weak or fail to promote the public good, corruption thrives, which perpetuates poverty and inequality (Haugaard, 2016). Therefore, effective leadership is critical to promoting human development outcomes by ensuring that institutions and governance mechanisms remain transparent and accountable. In summary, Amartya Sen's human development theory highlights the critical role of leadership in promoting good governance, economic growth, and human wellbeing. Effective leadership should promote transparency and accountability, which are essential to preventing corruption and promoting human development outcomes.

2.2.5 Dependency Theory

The dependency theory has been developed by several scholars, but the primary proponents are Raúl Prebisch, Theotonio Dos Santos and Andre Gunder Frank (Enuka, 2018). These scholars are from Latin America, and their work emerged in the 1960s as a response to the dominant economic theory of the time, which argued that trade liberalization would promote economic growth in developing countries. Rather than solely focus on the economic aspects, dependency theory considers the broader global political and economic context and how it shapes the relationships between developed and developing countries (Kvangrayen, 2021). Over time, this perspective has been applied to a range of fields, including international relations, sociology, anthropology, and political science.

Dependency theory explains the relationship between leadership and corruption by highlighting the role of external factors, such as global power dynamics, in shaping the

incentives and behaviour of leaders in developing countries. According to dependency theory, global economic and political systems are characterized by unequal power relations, which perpetuate the dominance of developed countries over the developing world (Thompson, 2018). Leaders in developing countries often must navigate these power dynamics to promote economic development and improve the wellbeing of their populations. However, dependency theorists argue that developed countries exert significant influence over the economic and political decisions of developing countries, often pushing leaders to prioritize the interests of the global north over their own citizens. As a result, leaders in developing countries may engage in corrupt practices to retain power and resources in the face of external pressure. For example, they may misappropriate public funds, engage in rent-seeking behaviour or extract resources from their populations to meet the demands of external actors.

Furthermore, the elite in developing countries may become dependent on the support and resources of external actors, exacerbating the power imbalance between the ruling class and the broader population (Emeh, 2013). This dependency on external actors can further erode institutions and governance mechanisms by limiting accountability and promoting the interests of powerful actors over those of the broader population. In summary, dependency theory suggests that the power dynamics of global systems can create incentives for leaders in developing countries to engage in corrupt practices to maintain power and resources in the face of external pressure. This can further erode institutions and governance mechanisms, creating a cycle of dependency and corruption that harms the wellbeing of the wider population.

2.3 Empirical Literature Review

This section reviews empirical studies related to subjects of leadership and corruption with the view of positioning the current study within the body of literature and identifying gaps in existing studies. The section is organized in line with the key variables of the study.

2.3.1 Levels of Corruption in Government

Corruption refers unethical behaviour that is typified by misuse of organizational or public power leading to harm to society (Manara et al., 2020). There is a widespread perception of corruption in Kenyan government institutions since independence. According to Osamba (2019), corruption was referred to as “ten percent” because government officials demanded kickbacks that were equivalent to 10% of the value of the contract from successful bidders.

Corruption in the country heightened in the 1990s as evidenced by mega corruption scandals such as the Goldenberg that led to loss of billions of shillings in fictitious business deals. Since 2003, Kenya's score on Transparency International's Corruption Perception Index (CPI) has never exceeded 35/100 where 100 indicating lowest levels of corruption (AfriMAP, 2015). This implies that majority of the Kenyan citizenry perceive their government to be corrupt. The 31/100 score that Kenya received in the year 2020 was the highest in the in the past 25 years (Transparency International, 2021). Despite being the best score in 25 years, it still fell below the average for sub-Saharan Africa region that stood at 32/100 and far below the global average score of 43/100. The lowest score that the country recorded within the same period was 19/100 in the years 2002 and 2003.

The Kenya Bribery Index shows that Kenyans experience corruption in their encounter with government institutions on a regular basis. The Kenya Police Service, Kenya Power (12.9%), National Hospital Insurance Fund (11.1%) and National Youth Services (9.5%) were rated as the most corrupt government entities in the 2019 bribery index (EACC, 2019). In addition, many corruption scandals involving government institutions have been revealed. The most infamous scandals include Goldenberg, Anglo Leasing, Maize Scandal, National Youth Service Scandal, Eurobond scandal, and Kenya Medical Supply Agency (KEMSA) scandal (Chesoli & Kimosop, 2020; Rij, 2021). Persson et al. (2012) argues that placement of signs in public institution that read, "This is a corruption-free zone" is an indication that the Kenyan society perceives corruption to be an endemic problem. Osamba (2019) argues that the establishment of devolved structures of governance through the CoK 2010 had led to devolution of corruption marked by the emergence of "eating chiefs" in parts of the country.

Nyongesa (2019) opines that although many forms of corruption are evidenced in the Kenyan society, political corruption is the most prevalent form. The author defined political corruption as the abuse of office by government official for private gain. The author adds that political corruption has damaged the moral character of government officials and undermines institutional processes leading to erosion of trust in institutions and the government. This form of corruption has also created unmerited inequality and marginalization where a few corrupt individuals enjoy government privileges while the majority of Kenyans languish in poverty. Public procurement is one of the major points in which corruption thrives. Mariz et al. (2014) observed that public procurement accounts for 50% of government expenditure in Sub-Saharan African countries and 15% of these countries GDP. According to the

Organization for Economic Co-operation and Development (OECD) (2016), public procurement is most vulnerable to corruption due to the volume of transactions and financial interest at stake. Over 50% of foreign bribery cases involving multinationals from OECD countries involve bribery to obtain public procurement contracts.

In Kenya, Mutangili (2019) found that tendering fraud in public institutions is the fastest growing economic crime. One third of all businesses that supply goods or services to government entities reported experiencing fraud in procurement. Vender selection is the stage of the public procurement process where corruption is most likely to occur. Most cases of procurement fraud are linked to politicians and senior government officials. According to David-Barrett and Fazekas (2020), politicians are motivated to manipulate procurement processes in public institution to channel private gains to themselves or their families. They also influence procurement processes to allocate state resources in a manner that buys them loyalty that assist them to consolidate power. Omar (2020) observed that corruption in Kenya has adversely affected the growth of the service sector including education, transport, water supply, electricity and health. David-Barrett and Fazekas (2020) observed that procurement accounts for 50% of public spending in developing countries and thus corruption in public procurement has a massive impact on the economy.

Corruption is a major impediment to development. The study by Akkoyunlu and Ramella (2020) found that nations that have high levels of corruption do not prosper as fully as those with low levels of corruption. Specifically, their research showed that corruption negatively influenced productivity, income per capita, and innovation in a country. The authors explained that corruption hampers development by disrupting the natural laws of the economy. In their study that involved examining data from 175 countries for a seven- year period (2012-2018, Grundler and Potrafke (2019) also observed that corruption lowered the GDP per capital of a country by 17%. In particular, the study found that when a country reverse CPI index increases by one standard deviation, the GDP per capital reduces by 17%. In their study focusing on data from 52 countries for 1996 to 2003 period, Barassi and Zhou (2012) also observed that corruption reduces the chances of foreign direct investment taking place in a country by about 3%. Corruption deters foreign direct investment by creating hurdles that make it expensive for investors to set-up operations in a given country. For instance, corruption may make it necessary for an investor to pay a bribe to obtain permits and licences for setting up his operations.

Corruption also kills as Ambraseys and Bilham (2011) demonstrated by documenting that 83% of all deaths caused by collapse of buildings during earthquakes in a span of 30 years leading to their study took place in countries with high corruption levels. These findings imply that corruption in these countries may have played a part in diminishing the standards that contractors adhere to when constructing the buildings. Similarly, Levi and Lord (2011) observed that corruption breeds organized crime such as drug trafficking, human trafficking, arms trafficking, and terrorism. Corruption enables criminals to evade arrest and prosecution, buy protection from law enforcement, and eliminate competition. Corruption also creates loopholes for unscrupulous persons to evade taxes leading to a reduction in government revenues that would have gone towards financing development programmes (Claros, 2013). Corruption in the form of embezzlement of funds also discourages good citizens from fulfilling their obligation to pay taxes. The citizens may feel morally outraged at having to pay taxes that public officials embezzle to enrich themselves.

Money that licks from government budget through corruption becomes unavailable to programmes that would have relieved the burden from the poor, financed education, or supported healthcare delivery. Bentzen (2012) also noted that corruption lowers the productivity of a nation because government officials spend more time setting-up systems for controlling corruption rather than devoting it to governance and value-adding activities. Some government officials also spend a lot of time building bribery machinery and ensuring it remains operational. On the other hand, Matti (2015) through analysis of data from 134 countries, established that corruption tends to foster income inequality within a given countries. It brings inequality by skewing the distribution of resources and opportunities in favour of a few corrupt individuals and at the expense of the majority of the citizenry. The fact that corruption only benefit a few connected individuals means that this vice tends to disadvantage the majority of the population in a given country.

In addition, corruption suppresses democratic systems, erodes citizens' trust in government, and hampers economic development through diversion of resources and biased decision-making (Transparency International, 2020; Frank, Lambsdorff, & Boehm, 2011). Enste and Heldman (2017) further documented that corruption was associated with reduced investment in a country, decline in capital inflow, decrease in foreign trade and aid, slowed official growth in the economy, inequality between different social groupings, increased government expenditure, poor government services, and the creation of a shadow economy. Corruption is

also associated with brain drain, as it tends to reduce returns on education by awarding opportunities based on bribery, patronage, or favouritism (Dimant, Kriegler & Meierrieks, 2013). Dimant and Tosato (2017) also argue that corruption has a negative effect on the human capital as it adversely affects the quality of education, health, and other social services that have a direct implication on human capital.

2.3.2 Institutional and Policy Frameworks for Dealing with Corruption

The growing recognition of the adverse impact of corruption on development has made the formulation and implementation of strategies aimed at combating corruption a top agenda in the policy arena around globe. In fact, combating corruption has become a mega industry in recent years that has looped in many international organizations. In Kenya, anti-corruption reforms have been at the centre-stage of economic and political conversation since the colonial period (Persson et al. (2012). In 1956, the colonial government formulated the Prevention of Corruption Ordinance Act (POCA), which took after the 1916 England POCA that was instituted in most colonies of the Great Britain (Ishikawa, 2019). POCA originally intended to hold white settlers in Kenya accountable and; therefore, paid little attention to corruption within the indigenous population. The effectiveness of POCA in addressing corruption in the pre-independence period cannot be ascertained because of the major changes in the political landscape of the country during this period.

In 1963, the independence government amended POCA into the Prevention of Corruption Act (PCA) with the view of combating the surge in corruption and prolonging post-colonial order (Gathii, 2011). The Kenya African National Union (KANU) government also inherited the colonial code of regulations that barred government officials from operating private businesses to curtail conflict of interest. However, levels of corruption in government worsened after the attempted coup in 1982 as programmes aimed at consolidating power and ensuring political survival deflected the government's attention away from anti-corruption effort (Ishikawa, 2019). In the early 1990s, the government succumbed to pressure from international agencies, civil societies, and citizens to institute new measures for addressing corruption.

In 1991, the government established the Anti-Corruption Squad (ACA), which was an investigative body within the Kenya Police Force (Ishikawa, 2019). Its establishment followed increased pressure from various quotas for the government to take punitive action against corrupt public servants. ACA managed to prosecute a few cases of corruption before

falling to the same vice within its ranks. In 1995, ACA offices were razed to the ground and the squad never recovered. Similarly, there was a political struggle to end the one-party state and open-up the political space to multiparty politics (Nyongesa, 2019). Proponents believed that multiparty politics would help curb corruption by keeping those in government in check. The onset of the multiparty system expanded the political space. However, corruption persisted even after the end of the one-party rule in 1991.

The Government of Kenya established the Kenya Anti-Corruption Authority (KACA) in 1997 to replace the squad (Gathii, 2011). KACA had a more comprehensive institutional framework and higher levels of autonomy than ACA. The government also established the Kenya Ant-Corruption Advisory Board (KAAB) that comprised of professional, workers, religious leaders, and members of non-government organizations. The role of KAAB was to give advice to KACA on anti-corruption efforts. However, the work of KACA was undermined by lack of political goodwill and interference by powerful forces within the government (Ishikawa, 2019). For instance, in 1998, the Attorney General intervened in a case that KACA had instituted against senior court and Kenya Revenue Official leading to the termination of the cases on procedural grounds. The director was then hounded out of office through a tribunal that was appointed by the president to investigate his competence.

Nonetheless, KACA made notable progress under a new director, Justice Ringera, including development of an elaborate strategy for investigating and prosecuting corruption cases (Gathii, 2011). KACA also introduced mechanisms for detecting and preventing opportunities for corruption and rolled-out campaigns that sought to educate members of the public on corruption matters. In 2000, KACA was disbanded following a court ruling that found the body unconstitutional allegedly because its creation conflicted the office of attorney general. The government established an interim body known as the Anti-Corruption Police Unit (ACPU) to replace KACA. Ishikawa (2019) argues that KACA was disbanded because its creation was a response to pressure from donors, who had suspended all aid to Kenya, rather genuine willingness by those in power to address corruption. Those in leadership were not willing or prepared to make genuine anti-corruption reforms.

Anti-corruption reform drive got renewed hope with the election of the National Rainbow Coalition (NARC) government in 2002 (Gathii, 2011). The NARC government facilitated the enactment of the Anti-Corruption and Economic Crimes Act of 2003 (ACECA) and established the Kenya Anti-Corruption Commission (KACC) of 2003 to institutionalize the

war against corruption. ACECA made several provisions that were instrumental to the investigation and prosecution of corruption. The first provision was the appointment of special magistrates to deal with corruption and economic crimes cases. The second provision was the granting of power to the KACC to investigate any matter that raised suspicion of corruption or economic conduct (Ishikawa, 2019). The third provision was the stipulation of procedures for recovering assets that have been obtained through corrupt means or unexplained assets.

The NARC government also enacted the Public Ethics Officer Act (POEA) that sought to restructure the public sector through the Public Service Integrity Programme (PSIP) (Gathii, 2011). The PSIP integrated anticorruption efforts in the management of the public sector workforce. It sought to increase the standard of professionalism, accountability, integrity, and ethics within the civil service. The NARC government also facilitated the ratification of the United Nations Convention against Corruption (UNCAC) in December of 2003. However, the country did not enact laws to domesticate the UNCAC until July of 2014. Nyongesa (2015) also noted that the work of KACC was frustrated by the attorney general's office, judiciary, and the executive. The body was also denied the power to prosecute corruption suspects.

The promulgation of the Constitution of Kenya (CoK) 2010 introduced a new raft of measures aimed at combating corruption (Republic of Kenya, 2010). Article 6 of the CoK 2010 stipulates ethical principles that all public officials ought to exhibit and bars individuals who do not meet these ethical standards from holding office. Article 79 of the CoK establishes the Ethics and Anti-Corruption Commission (EACC) officially making it a constitutional body that is protected by law. The CoK also guarantees the security of tenure for EACC commissioners with the view of enhancing their independence. Apart from investigating corruption cases, EACC also has the mandate to sensitize the public regarding corruption, its negative impact on society and steps that they can take to prevent or report corruption (Muigai, 2015). To enhance the reporting of corruption incidents, EACC runs a German-designed online whistle-blowing system known as the Business Keeper Management System (BKMS) that facilitates anonymous reporting of suspected incidents of corruption. In terms of educating the public, the EACC has been vibrant in sponsoring special features on television and radio stations for several years (Ishikawa, 2019). The body also runs the annual

Kenya Bribery Index survey to collect Kenyan's experiences of corruption when interacting with government offices.

However, the effectiveness of the EACC has been hampered by the lack of power to prosecute persons suspected of engaging in corruption (Muigai, 2015). After investigation, the body has to forward their findings to the office of the Director of Public Prosecution that then determines whether to pursue the case or not. AfriMAP (2015) noted that the EACC has been destabilized since its inception especially when the body seems to have made progress on politically sensitive cases. The EACC is also understaffed with AfriMap (2015) noting that the body had 264 staff spread across the country as compared to the Tanzania anti-corruption agency that had 2,086 staff. Mukunyi (2014) further observed that a constraining legal framework, slow judicial processes, and court orders have adversely affected the effectiveness of EACC to prosecute corruption cases.

The CoK 2010 also guarantees the Freedom of the Media, Right to Information, and Freedom of Expression (Jarso, 2010). The three are vital tenets for promoting transparency in government operations and holding public official accountable. Irwin and Kiereini (2021) observed that the CoK 2010 increased the degree of freedom of the media in Kenya; a development that has made the media more willing to criticize the government on matters of corruption. Apart from keeping the government in check, the media has also helped to shape policy debate on different issues including corruption. It has also enhanced transparency by bringing to fore what happens inside governments institutions, which according to the principal-agent theory reduces the asymmetry of information between public officials and members of the public. Jarso (2010) also opines that a free press would reduce corruption by increasing the exposure of corruption scandals. This position is consistent with the risk aversion theory, which contend that individuals are less likely to take part in a criminal act if the risk of being caught is high. However, the impact of corruption exposure in reduces cases of corruption in Kenya has been hampered by the fact that corrupt individuals are not severely punished. Most corruption cases drug in court for years and end up being dismissed by the courts for lack of evidence. The Kenya society has also failed in terms of holding to account people who are mentioned in mega corruption scandals as most of these individuals end up being elected to office despite having corruption cases in court. This position is consistent with the institution theory, which contends that a given practice is likely to get

entrenched in society if the society accepts that practice as a norm rather than a deviation. In Kenya, members of the public perceive corruption as a normal occurrence.

Persson et al. (2012) noted that despite the enactment of numerous policy and institutional frameworks aimed at combating corruption, little success has been realized. In fact, in some countries, the policy and institutional framework seem to have entrenched corrupt practices. The author theorized that the main reason behind failure on anti-corruption policies is that corruption has become a norm or an expected behaviour in the country and many other African nations. When corruption becomes a norm, monitoring devices and punishment regimes become ineffective simply because there are no actors willing to implement them. Ishikawa (2019) points out that most of the measures that Kenya has put in place to combat corruption tend to oversimplify corruption and do not pay attention to the role of networks and partnership that typify corrupt environment. The current study advances that greater inclusion of women in senior government positions can an effective alternative strategy for addressing corruption. One of the rationales that has been used to support women inclusion as anti-corruption is strategy is that women tend to break corrupt networks established by males within government institutions (Frank et al., 2011). The current study sought to examine whether this is the case in the procurement department of the Judiciary of Kenya.

2.3.3 Corruption in Government Procurement

Government procurement also known as public procurement is vital to the implementation of government policies, programmes, and services. Public procurement is a policy tool that promotes development and stimulates innovation. However, 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 use of shell companies. Kickbacks is where public officials collude with a bidder so that the officials can get some of the money paid by the government to the bidder. Bid rigging is where a bidder colludes with public official to unduly tilt the tendering process in favour of this particular bidder. Bid rigging is often driven by various factors including bribery of public official involved in the tendering process or promise of kickbacks. Use of shell companies entails public officials deals with companies that they own through proxies such as family members or friends. Use of shell companies can create the incentives for public officials to rig the bid process.

Another form of procurement corruption includes undue influence on the need assessment of the procuring organization (Onyango, 2018). This corruption form often results misallocation of public funds through the identification of procurement needs that favour the interest of the procurement officers at times at the cost of the interest of the public. An organization may end up spending money on goods or services that it does not need due to manipulation of the need assessment process. This corruption is mainly driven by uncompetitive government procurement processes such single bidding, use of exceptional procedures, and use of negotiated procedures. The impacts of public procurement corruption are dire given that public procurement accounts for about 12% of the global GDP.

Hafner et al. (2016) observed that the European Union loses between 179 billion and 990 billion Euros in GDP terms every year due to corruption in public procurement. The Construction Sector Transparency Initiative (CoST) estimates that the global construction sector will have lost USD 2.5 trillion by 2020. The Bosio (2021) further estimates that corruption in government procurement cost between 8% and 25% of the value of procured works, goods, and services. The conservative value of 8% translate to USD 880 billion, which is more than 5 times the amount of development assistance disbursed in 2019. In the United States, approximately USD 2 trillion is spent in government procurement each year with the federal government spending USD 650 billion and the state and local governments spending USD 1.3 trillion (Baldus & Hatton, 2020). These huge amounts may have little impact on the development of the American society if corruption in public procurement is not effectively managed. In Africa alone, an estimated USD 1.78 billion was lost in Kenya, South Africa, Malawi, Cameroon, Uganda, and Nigeria from COVID-19 response funds (Bosio, 2021). Indirect cost of corruption includes distortion of competition, limited market access and diminished business appetite for foreign investors.

According to Abdou et al. (2022), several red flags may act as signals for presence of corruption in a procurement entity. The most common include use of single bidder contracts, use of non-open tender procedures, providing short period for bid submission, short period for assessing bids, concentration of spending on one supplier, and have a large share of foreign suppliers. Regarding foreign suppliers, the authors opined that corrupt public procurement officials might find it easy to collude with companies that are registered outside their legal jurisdiction to avoid adequate oversight. Ferwerda et al. (2016) proposed another set of red flags including low bid participation rates, poorly negotiated procurement contracts,

unexplainably rich public officials, conflict of interest, multiple contact persons, and contact person not being employed by the procuring organization. Others include shortened bidding time, unusually large tender, submission of bids after deadline, artificial bids, failing to inform all bidders about the award of the contract, and not making the contract award justification documents publicly available.

Fazekas and Blum (2021) observed that different jurisdictions have implemented a variety of interventions that target to reduce corruption at specific procurement phases. The three main phases of procurement include tender preparation and advertisement, bid evaluation and contract award, and contract execution. Interventions targeting tender preparation and advertisement phase include electronic invitation of bids, electronic provision of tender documents, electronic submission of bids, and framework agreements. Intervention targeting the bid evaluation and contract award phase include election auction, electronic evaluation, preferential treatment of bidder, award mechanism, and auction design. Interventions targeting the contract execution phase include electronic invoicing, electronic payment, electronic contract monitoring, and civil society supervision of contract execution.

OECD (2016) identified other sets of interventions that have been adopted in the European Union including codes of conduct, integrity packs, stakeholders' participation to foster accountability, and e-procurement. OECD (2016) also noted that oversight and control mechanisms are not only essential in promoting accountability but also generate valuable evidence on the efficiency of the procurement cycle. Poor accountability creates an environment for unchallenged impunity. Audits show that most government institutions in Africa have opaque procurement systems (Mutangili, 2019). Most countries also lack proper system for incentivising and protecting whistle-blowers. There are numerous cases where whistle-blowers are reprimanded and victimized at work, which discourages other individuals who witness cases of corruption from speaking up.

Public procurement in Kenya has for the longest time been bedevilled by corruption of both small and grand proportions. Kickbacks, diversion of public funds, patronage, use of shell companies, bribes and irregular payments are common occurrences in public procurement in Kenya (Mutangili, 2019). The Ethics and Anti-Corruption Commission (EACC) estimates that the country loses Kshs. 608 billion every year through procurement corruption. Introduction of developed levels of government has cascaded procurement corruption down to the county levels. Several interventions have been put in place in a bid to curb corruption

in public procurement in Kenya. The most notable include the establishment of the EACC, enlisting of qualities that state officers ought to have in Chapter six of the CoK 2010, and the enactment of the public procurement and assets disposal act (PPADA). The act clearly stipulates steps that all procuring entity ought to follow when procuring goods and services. These steps include identifying procurement requirements, planning, defining requirements, determining source, evaluating and selecting vendors, awarding contract, implementing contract, payment for goods and services, and disposal.

In their study, Njeri and Getuno (2016) observed that procurement opportunities in the judiciary are usually communicated through print media. This mode of communication tends to exclude the largest segment of the Kenyan population from accessing the information given that not many Kenyan read newspapers. As explained by Abdou et al. (2022), inadequate publication of calls for tenders is a major red flag in public procurement. However, the study by Njeri and Getuno (2016) did not examine how the leadership of the procurement stations shapes this communication practice. The current study sought to examine this relationship with the view of providing evidence that will enhance the publication of procurement opportunities.

2.3.4 Leadership Independence and Levels of Corruption in Procurement

Independence is the quality of being free from undue influence by vested interests or from any constraints that may hinder a leader from taking the correct course of action (Rantelangi et al., 2017). It is the quality of being able to make objective decisions. It is a central principle of corporate governance and may present a threat to ethical conduct when absent. In the corporate world, independence is emphasized as one of the principles for curbing malpractices. Independence is demanded from the company's directors, the board, and auditors. Independence determines the ability of these parties to monitor the management of the company. The study by Zubeltzu-Jaka et al. (2019) established that there is a notable connection between the independence of companies' boards and the corporate performance in a sample of 126 companies in Spain. The findings affirm the position that the independence tends to enhance the efficiency of monitoring. However, it is not clear whether the same benefits accrue to public procurement officers given that they perform different roles from auditors.

According to Downe, Cowell and Morgan (2016), independent leadership is also critical to the implementation and entrenchment of ethical conduct in public sector organizations. The

author noted that public organizations are often marred by corruption because leaders responsible for making key decisions have vested interests. The vested interest in public service emanates from different sources including the procurement of goods and services where leaders may want supply contract to be awarded to friends or relatives as well as recruitment of staff where an office holder may have a preferred list of individuals to be recruited (Vanagas & Juskys, 2017). Such conflicts of interest on the part of public office holders hampers their independence to make decisions that are impartial and that benefit their organization. It also creates loopholes for corruption. Malacina et al. (2022) also observed that independence in public procurement leaders is essential because procurement legislations often give general recommendations on what should be done. Decisions of specific aspects of each procurement transaction are decided by the public procurement professionals. In addition, public procurement is characterized by numerous stakeholders with competing and conflicting interests and expectations. These stakeholders endeavour to influence the procurement processes to match their expectation and advance their interest. The public procurement officer must remain firm and steadfast to ensure that the interests of expectations of these stakeholders do not compromise the value that the procurement transaction ought to deliver to members of the public.

The link between leadership independence and levels of corruption is supported in the study by Gros and Henke (2019), who examined the effect of corporate governance on levels of corruption in public institutions in Vietnam. The study utilized a case study approach that conducted semi-structured interviews with employees from 11 companies. Results showed that public institutions that had independence directors had lower levels of corruption than their counterparts whose directors were not independent. However, the qualitative nature of this study means that the relationship between leadership independence and levels of corruption was not statistically tested. The current study sought to address this gap by incorporating quantitative data to facilitate statistical assessment of this relationship. In addition, the small sample of 11 companies limited the generalizability of Gros and Henke's findings. The current study addresses this gap by expanding the sample size.

Graycar (2022) opines that most procurement corruption cases are caused by failure by leaders to apply procurement rules and procedures. This failure is largely caused by pressure to meet deadlines or pressure from senior officials. This is why it is vital to inculcate the capacity to resist pressure among leaders in government procurement departments. These

leaders should be able to make decisions that are independent of undue influence from senior officers or prevailing circumstances. Adera and Senelwa (2019) also 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.

In Pakistan, Bandiera et al. (2017) found that increasing the autonomy of public procurement officers significantly reduced levels of corruption. The study utilized an experiment design that entailed increasing the autonomy of procurement officers by giving them an imprest account, ensuring timely release of budget, and giving them the list of pre-audit documents. This change was implemented in 2014 and data on the procurement practices of the officers was collected at the end of 2015/16 fiscal year using surveys and tests. Results showed that after the intervention, the procurement officers started paying much lower for goods and services. Increase in the decision-making of the procurement officers led to a 9% reduction in the prices of goods and services procured without any reduction in quality. The finding implies that giving the procurement officers greater autonomy and space to do their work reduced levels of corruption leading to greater value for money. Autonomy is similar to independence as it means that the procurement officer has the freedom to make own decision without undue influence and stand behind their action. However, the experimental design may have exposed the study to bias as the procurement officers might have acted difference because they were conscious that they were conscious that their actions were being studied. The current study overcomes this limitation by utilization naturalistic design where the conduct of the procurement officers was studied within their natural setup.

In Nigeria, Ibironke (2019) found that auditors' independence was one of the factors that had a positive and substantial impact on corruption in the public sector. The study utilized the cross-sectional survey design that entailed collecting data from 160 auditors from federal government institutions in the state of Lagos in Nigeria using a structure questionnaire. Three variables were examined namely auditor's independence, competency, and integrity. Results of the multiple regression analysis showed that auditor's independence had a beta coefficient of -0.242, which implies that a unit increase in auditor independence reduces corruption by 0.242 units. However, Ibironke (2019) focused on the independence of auditors rather than

procurement leaders. The current study sought to determine whether the independence of procurement leaders has the same effect of reducing levels of corruption in government procurement.

In Kenya, Nyambariga (2016) found that pressure exerted on procurement offices by the management and pressure from society are among the factors that contribute procurement corruption in government institutions. The study utilized the descriptive research design that entailed collecting data from 41 from the Ministry of Devolution and Planning using questionnaires. Findings of multiple regression analysis showed that pressure from management had a beta coefficient of 1.529 suggesting that a unit increase in pressure by management increases levels of corruption by 1.529 units. On the other hand, pressure from society had a beta coefficient of 1.201 indicating that a unit increase in the pressure from society would increase levels of corruption by 1.201 units. The study by Nyambariga (2016), highlights the importance of independence among individuals heading the procurement departments. This individual needs a lot of steadfastness and firmness to be able to resist the pressure that comes with their work. However, the study by Nyambariga (2016) was confined to a single ministry and involved a limited sample of 41 respondents. The current study reinforced the generalization of findings regarding the relationship between leadership independence and levels of corruption by examining the situation within the judiciary of Kenya.

2.3.5 Leadership Transparency and Levels of Corruption in Procurement

Transparency is a governance principle that emphasizes on the freedom of members of the public to access and obtain information regarding the administration of public institutions and resources (Pratiwi & Sari, 2017). It entails dissemination of accurate, reliable, and comprehensive information to members of the public and being open to scrutiny. The principle demands that government information, institutions, and processes must be easily accessible to members of the public in a reliable, timely, and understandable format. Adequate information regarding government operations should be availed to facilitate effective monitoring. According to Carcaba et al. (2017), transparency entails provision of information that meets four main tenets namely: accessibility, availability, understandability, and reliability. It is associated with the openness of governance system through creation of clear procedures and processes. Transparency increases accountability and clarity in the management of public institutions. The principle of transparency is geared towards creating

an open government through active dissemination of information, promoting access to government documents, and upholding freedom of information (Meijer et al., 2012). Openness of government activities is necessary to encourage criticism towards and control of public authorities in their exercise of power.

The Kenyan government has made various initiatives aimed at promoting the generation of accurate information regarding the financial transaction of government institutions. The most notable initiative is the rollout of the integrated financial management Information System (IFMIS). This is an enterprise resource planning that is used by National and County government to execute key public finance management functions such as budget formulation and execution, public procurement and financial reporting. According to Waweru and Ngaba (2019), IFMIS was expected to improve data recording, tracking and information management in response to increasing demands for greater transparency. Muiruri (2018) found that implementation of IFMIS has enriched the accuracy in financial reporting, enhanced government accounting processes, augmented the reliability of financial records, and ensured timely financial reporting. In addition, IFMIS gas improved the audit process by enabling easy access to financial data by auditors. The study concluded that IFMIS had enhanced transparency in financial transactions with the County Government of Kiambu.

Nakhumicha (2018) also noted that IFMIS has made it easy for government officials to comply with financial reporting rules and procedures thereby minimizing the risk of mismanagement of public funds. This platform has enabled the government to consolidate all the information needed into one information database. On the other hand, Kakai and Mokono (2022) observed that IFMIS system had resulted in rushed procurement transactions and low budget utilization in the judiciary. The study observed that the system is characterized by instability and numerous down times. The system only becomes smooth and efficient during the last month of the year and this when most government institution rush to procure goods and services. The stability of the system had negatively impacted on the quality of procurement planning and budget utilization. However, the study by Kakai and Mokono (2022) assessed how the system contributed to level of corruption in judiciary procurement transaction, which is the focused of the current study.

Generating accurate financial information is only the first step towards building transparency within government institution. Full transparency is achieved when this information is disseminated to key stakeholders such as members of the public, government auditors,

parliament, the press, and civil society (OECD, 2017). Previously, this information was disseminated through paper copies of document, which made it difficult for some stakeholders like members of the public to access it. However, the advent of the internet has made the dissemination process much easier and more efficient (Munoz et al., 2016). Disclosure of financial information increases transparency in government financial transactions making it easier for stakeholders to supervisor how public money is allocated and spent (Chen et al., 2016). Nderitu (2018) found that county governments in Kenya have little disclosure of financial information that can tell the public and other stakeholders how their monies are being used.

The study by Williams and Andrew (2020) revealed that levels of transparency were correlated with the public procurement practices in Nigerian civil service. The study utilized a cross-sectional design that entailed collecting data from a sample of 352 staff from 24 federal government ministries using questionnaires. Results of the simple regression analysis showed that level of transparency in procurement process has a positive effect on the procurement practices of public officials. The officials were more likely to make procurement decisions that adhere to existing law and standards when the process of procurement is open and visible to members of the public. However, the study by William and Andrew (2020) focused on public institutions in Nigeria where the context is different in terms of culture, social, and economic environment. The study also made use of quantitative approaches only and therefore did not delve deeper into understanding how transparency affects procurement practices and levels of corruption in government procurement. The current study sought to address these gaps.

2.3.6 Leadership Accountability and Levels of Corruption in Procurement

Accountability is a governance principle that demands explanation and justification of the conducts of public office holders (Carcaba et al., 2017). It calls for development of mechanisms that make public officers answerable and liable for their actions. Accountability is an obligation conferred to individuals to whom public resources have been entrusted to justify and explain their decisions and actions (Khotami, 2017). It entails taking deliberate steps to describe and justify conduct as a government official. This principle is informed by the notion that giving procurement decision makers high levels of discretion creates opportunities for corrupt practices such as bid rigging, kickback brokerage, and use of shelf companies. Malacina et al. (2022) defined accountability as the process of addressing and

responding to the concerns of citizens in a manner that ensures that existing procedures and rules are not violated. This definition implies that accountability has to do with public officials being answerable to the citizenry on whose behalf the public officials are supposed to act. The social contract theory contends that the power and authority exercised by public officials is donated to them by citizens and therefore, public officials ought to be accountable to citizens on each and every decision that they make (Rugeiyamu et al., 2020).

The social contract theory advances that governments exist to serve the will of the citizens. Consequently, government officials should be answerable to the citizens. In modern states, the social contract between citizens and public officials is actualized through the constitution and other laws. The first article in the CoK 2010 clearly stipulates that all sovereign power belongs to the people and can be exercised either directly or through representatives (Republic of Kenya, 2010). All public servants can therefore be deemed to be representatives and custodians of the citizens power and resources. The importance principle of accountability is also founded on the agency theory, which opines that since government officials are agents that make decisions and act on behalf of members of public, they ought to be accountable to the public (Panda & Leepsa, 2017). The principle of accountability goes hand-in-hand with transparency. According to Carcaba et al. (2017), the aim of promoting transparency in government operations is to improve accountability. Transparency avails critical information regarding the transaction of public institutions to stakeholders making it possible for them to hold government official accountable for the decisions and actions (Khotami, 2017). Transparency without accountability is meaningless while there cannot be accountability without transparency.

In leadership, accountability is the assumption of responsibility for decisions, actions, and outcomes of the entity that one leads (Rugeiyamu et al., 2020). In the context of procurement leaders, accountability refers to assumption of responsibility for the decision, actions, and outcomes that are made in a given procurement unit. The procurement leader shoulders the responsibilities for all that transpires in the procurement unit that he or she leads. This definition suggests that accountability can hardly exist without mechanisms for rewarding positive outcomes and reprimanding negative outcomes. This position is consistent with the institutional theory, which contends that individuals are more likely to adopt a given practice if there is regulatory or normative pressure that compels them to adopt the practice.

In governance, the concept of accountability moves beyond shouldering responsibility for actions to an account-giving relationship between individuals (Khotami, 2017). If the public procurement officer is obliged to be accountable to citizens or auditors, the officer is obliged to inform the citizens or auditors about his decisions and actions, justify them, and suffer consequences in case of misconduct. This proposition implies that the concept of accountability goes hand-in-hand with provision of information and presence of consequences for misconduct. Ghanem (2022) on the other hand opines that leaders should be self-accountable. The concept of self-accountability occurs when an individual acts responsibly despite there being no one else to monitor and observe his or her behaviours. Self-accountability enables leaders to regulate their own behaviour, make ethical choices, and act in sustainable manner. Self-accountability is built through practices like self-criticism, self-management, self-monitoring, moral cognitive, and self-leadership.

In the public sector, accountability is for two kinds: vertical and horizontal. Vertical accountability entails answering to higher authority in the chain of command while horizontal accountability entails being answerable to the public (Rahim, 2019). According to Khotami (2017), holders of public office are required to show accountability in various areas including the use of funds; process and procedures of carry out activities such recruitment of staff; performance of duties and responsibility; realization of goals; and policy formulation and implementation. When it comes to public procurement, Wayono and Tambo (2018) opine that accountability has to do with the process of supervising and controlling the procurement transaction of government entities. The oversight and control structures are mainly determined by the legal and regulatory framework of a country. Harnovinsah et al. (2020) note that accountability structures in the public sector are complex and often involve auditors, controller of budgets, the Parliaments, boards, and the general public.

A key component of accountability in public procurement entails developing mechanisms for controlling the expenditure of an institution. In the Kenyan context, this role is fulfilled by legislative bodies (national and county assemblies), the controller of budgets, and boards of parastatals. These bodies control expenditure of public institution by scrutinizing budgets and approving every expenditure item (Wayono & Tambo, 2018). Another important accountability mechanism is external audit aimed at ensuring money is spent in line with approved budgets. The role of external audit in promoting accountability is documented in the study by Cumbe and Inacio (2018), where it was observed that external audit had a

positive impact on the accountability in the management of common fund by the Mozambique National Institute of Statistics. The positive impact of external audit was largely attributed to management's willingness and readiness to implement the recommendations of external auditors.

Another component of accountability in public procurement is an independent grievance redress mechanism (Sen, 2019). This mechanism should be available to all bidders who were not satisfied with the process followed to procure a given item. It should be available to any member of the public who feels that the right procedures were not followed when awarding a particular contract. Oversight bodies are also essential components of accountability in public procurements. According to Mukura et al. (2016), the public procurement oversight authority (PPOA) is the main body mandated by the CoK 2010 to play the oversight role when it comes to public procurement. The PPOA has the responsibility to investigate complaints of noncompliance with procurement laws and regulations and recommend actions to the EACC. However, Mutangili (2019) observed that there is low reporting of violation of public procurement laws and corrupt practices in both Kenya and Tanzania. The low reporting is an indication that members of the public have little confidence in the institutions that have the mandate of enforcing procurement rules and regulations. It is probable that most citizens in the two countries feel that there is no need of reporting corruption cases because no action will be taken. Low reporting can also be attributed to the absence of elaborate incentives and whistle-blower protection programmes.

Another body to which the CoK 2010 has conferred the oversight role is the parliament that includes the national assembly and senate. Mihyo et al. (2016) observed that the oversight role of parliament in Kenya has improved with the establishment of budget offices and audit agency, separation of parliament staff from other civil servants, entrenchment of parliamentary committees, and opening parliamentary debates to members of public. However, the effectiveness of parliamentary oversight is hampered by predominance of informal procedures and rules, control of state power by elite groups separated by ethnicity, formation of predatory alliances within parliament, undemocratic political parties' culture, and rules relating to party discipline. The Kenyan parliament fulfils its oversight role through the committee system where public officials involved in questionable dealings appear before a committee of parliament for grilling. Africa Centre for Open Governance (2019) observed that the current committee system in the Kenyan parliament is prone to "kickbacks" with the

process of writing and adopting key committee reports forming the most lucrative part of the kick-back system. The committee are also used to harass public officials and solicit favours. There are also allegations of rampant horse-trading within the committees where members of parliament agree to do one thing or another to advance their personal interests. These observations suggest that parliament as an accountability mechanism in Kenya has been severely compromised.

Retired Chief Justice Willy Mutunga, in his address to the nation in 2011, described the Judiciary as an institution that was bound to fail due to frail structures that have centralized authority and power and almost non-existent accountability (Navakholwe, 2017). This statement illustrates Mutunga's concern over lack of accountability structures with the Judiciary of Kenya. Since then, the judiciary has introduced a number of reforms and programmes aimed at enhancing accountability. One of the reforms is the creation of the performance contracting system that began in 2014. The judiciary established performance standards for each department of the judiciary including the procurement department. However, in their study that focused on Mombasa Law Courts, Onyango (2018) established that the Judiciary of Kenya was characterized by failure to implement or delayed implementation of set performance standards leading to high cost of operations and poor overall performance of the institution. This study suggests that although a performance contracting system has been established and performance standards defined, the implementation of these standards has been wanting. This scenario has a negative implication on the accountability of the judiciary.

2.3.7 Leadership Fairness and Levels of Corruption in Procurement

Fairness is a governance principle that emphasizes wide propagation of services with equitable distribution to ensure that all members of society have a chance to benefit (Carcaba et al., 2017). Fairness entails provision of equal opportunities to all members of society when it comes to delivery of services, recruitment of staff, and awarding of supply contractors among others. It is the tendency to make decisions that are free from discrimination. It also entails balancing the interest all parties that are likely to be affected by decisions such as policy formulation, policy implementation, recruitment, and awarding of contracts. The principle of fairness in public procurement dictates that bidders should be given adequate time to prepare and respond to bid. All bidders should be accorded equal treatment and all bids evaluated using the same criteria.

The principle of fairness is engrained in the conception of the role of government. Government has the obligation to ensure that no individual or group gains free-reign and control over a public process or its outcomes. One way of ensuring fairness is by making the public procurement process competitive. Atkinson (2019) opines that a competitive process that is open and undistorted leads to impartial outcomes. However, regulations may be required where market forces tend to favour certain groups or individuals and disadvantage others. For instance, groups that have been marginalized in the past such as women and youths may find it difficult to compete in an open market with groups that have yielded power over the years. According to Pratiwi and Sari (2017), the principle of fairness obliges public office holders to consider marginalized groups such as the elderly, persons with disabilities, and ethnic minority in the distribution of public goods. The principle of fairness is closely connected to the concept of justice, which entails giving others what is due to them as well as trying to balance the benefits and burden among members of a group (Herman, 2018).

According to OECD (2016), one of the cornerstones for promoting fairness is integrity, which refers to upholding moral and ethical values of professionalism and honesty. There is growing demand for improved fairness in the award of public procurement opportunities. All parties that are interested in getting the opportunity to supply goods and services to a government institution should get a fair chance to compete and get selected. Fairness in public procurement ensures that the public gets best value for money by promoting fair competition. An important way of enhancing fairness in public procurement is ensuring that all opportunities are communicated through channels that are accessible to many members of the public (Komakech, 2016). Apart from communicating the need for a particular goods and services, the procuring entity should also give guidelines on how the procurement process will be conducted. The guidelines should encompass the specifications of the goods or services that the procuring entity wants, requirements that bidders should fulfil, and the criteria that will be used to evaluate the bids.

Fairness is also realized through ensuring timely and independent review of bids submitted by all bidders (Mose et al., 2018). The process of evaluating bids and selecting suppliers should be based on merit. It should consider important variables such as price, financial capability of bidder, experienced of the bidder, and technical capacity of the bidder. In addition, creating an efficient complaint and appeal mechanism can also enhance fairness in

public procurement processes. In Kenya, Dacha and Juma (2018) observed that public procurement is characterized by misconduct and fraud where public officials distort regulations with the aim of restricting the participation of interest firms. This distortion results in unfair award of procurement contracts. However, the CoK 2010 has several provisions that seek to promote fair and equitable distribution of procurement opportunities (Republic of Kenya, 2010).

Article 55 of CoK 2010 directs the government to take measures for promoting access to economic opportunity and employment for the youths. Article 227 of CoK 2010 directs the formulation of legislation that will promote the advancement of persons or groups that were previously marginalized by discrimination or unfair competition when it comes to allocation public procurement contracts. These articles of the constitution have largely been operationalized through the Public Procurement and Disposal Act (PPDA) of 2015 that allocates 30% of all government procurement to women, youths, and persons with disability (Republic of Kenya, 2015). The Government of Kenya also launched an online platform referred to as Access to Government Procurement Opportunities (AGPO) to facilitate the registration and prequalification of companies owned by women, youths and persons with disabilities. Wanjiru (2018) observed that most public procuring entities are slow in honouring payments and the delays are prohibitive to youths, women, and persons with disability who often lack adequate cash flow to sustain themselves and their businesses as they await payment.

2.3.8 Leaders Gender, Leadership Practices and Levels of Corruption in Government

There is a growing body of literature that suggests that the existence of a relationship between leadership and corruption is subject to the gender of the leader. Bauhr, Charron, and Wangnerud (2019) found that increased representation of women in elective position in 182 European regional governments was positively associated with decline in the levels of both petty and grand corruption. Similarly, Esarey and Schwindt-Bayer (2019) observed that high representation of women in government leads to lower levels of corruption while low levels of corruption also increase the level of women representation in government. The two studies suggest that the gender of leaders has differential effect on how leadership affects levels of corruption in government. These studies however focused on the gender of leaders holding elective positions. It is not clear whether the same effect can be observed among leaders holding appointive positions within government institutions.

Article 27(1) of the CoK 2010 further asserts that every person is equal before the law and has the right to equal protection and equal benefit of the law (Republic of Kenya, 2010). Similarly, in the same article clause (3), women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres. Further, under clause (6), the CoK 2010 gives full effect to the realization of the rights guaranteed under this Article. It calls upon the state to take legislative and other measures, including affirmative action programs and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination. A study that examines how greater inclusion of women in appointive positions has affected the quality of leadership and consequently levels of corruption in government is timely.

The study by Jha and Sarangi (2014) examined whether there is a causal link between gender and corruption using longitudinal data from 154 countries from different parts of the world. The specific objectives of the study were to examine the effect of proportion of women in the general labour force, proportion of women in government clerical positions, proportion of women in bureaucratic position, and proportion of women in legislative position on levels of corruption in government. Results showed that proportion of women in the general labour force and proportion of women in legislative position was statistically and negatively associated with levels of corruption in government. The other two variables did not have a significant effect on level of corruption in government. The researchers noted that while the study has established a relationship between gender and corruption in government, it does provide an exhaustive explanation as how women participation in labour force affects the level of corruption in government. They recommended that future studies should explore the channels through which increased women representation reduces corruption.

In another study, Bauhr, Charron, and Wangnerud (2019) assessed how women representation in elective positions influences both petty and grand corruption. They utilized a descriptive survey design to collect data from citizens of 182 European regional governments. The study found that increased representation of women in elective position was positively associated with decline in the levels of both petty and grand corruption. The authors however acknowledged that although the study has distinguished how female representation in elective positions affects different forms of corruption, it has not provided insights regarding the temporal dynamics in the relationship between female representation and the various forms of corruption. They recommended that future studies should examine

the relationship between the gender representation in elective position and the two forms of corruption using longitudinal data. Similarly, Bauhr *et al.* (2019) noted that the study does not identify specific mechanisms linking representation of women in elective position to reduced petty and grand corruption. They recommended that future studies should explore the specific mechanisms. The researchers also recommended that future studies should also investigate whether there is a relationship between women representation in non-elective government position and the petty as well as grand corruption.

In a different study, Kubbe, Alexander, and Wangnerud (2012) scrutinized the reason behind the gender disparities in corrupt behaviour using an experimental design. In particular, the study examined whether risk aversion and prosocial attitude explained the gender differences in corruption. Results showed that only prosocial attitude provided a sufficient explanation as to why women react different when confronted with a scenario that prompted them to engage in corrupt behaviours. Kubbe *et al.* (2012) however noted that the study was constrained by the use of a population of students in higher learning institution, which may differ from the general population in terms of education level, age and other variables that also impact corrupt behaviours. They recommended that future studies should focus on replicating the study with a more representative population. The experimental design also limited that external validity of the study as the participants' behaviours may have been influenced by the knowledge that their behaviours were being observed and studied. The author thus recommended that the role of risk aversion and prosocial attitude in explaining gender differences in corruption should be studied using non-experimental methods.

In their study, Barnes and Beaulieu (2014) investigated the relationship between presence of female candidates and perception of election fraud using an experimental design. Results showed that voters were less likely to suspect fraud where the candidate involved is female. This suggested that female candidates were perceived as honest and less corrupt. The authors however acknowledged that the experimental design raises questions regarding the applicability of the study results beyond the population of study (external validity). To address this limitation, they recommended that future studies need to assess voter perception towards female candidates using non-experimental designs in order to enhance the generalizability of findings.

On the other hand, Esarey and Chirillo (2013) examined the contexts in which female representation in government translates to reduced corruption. In particular, the study

examined whether the gender differences in tolerance to briber differed across different levels of institutionalized democracy. Findings revealed that gender differences in corruption tolerance were greater in more democratic countries than in autocratic countries suggesting that institutionalized democracy mediates the relationship between gender and corruption. The author noted that their study focused on the broad institutional context. They recommended that future studies should focus on a finer grained picture of the environment. For example, assessing how women join politics could clarify how they behave once entrenched in government. Future studies should also assess how specific aspect of gender discrimination affects the relationship between women participation in governance and corruption.

Frank et al. (2011) surveyed laboratory experiments that shed light on gender effects when it comes to offering or accepting bribes. Findings revealed that women who attempt to bribe are less likely to fail implying that gender disparities in corruption is as a result of women exclusion on male dominated corrupt network. Findings also showed that women were less willing to accept bribes where risks are higher suggesting that risk aversion also explains the link between gender and corruption. The authors nonetheless recognized that experiments only capture the decisions of female actors in just a few encounters with bribery scenarios. In a real world setting, female managers and female public officials will encounter countless scenarios that urge them to bribe or receive a bribe. With time, trust between female managers and public officials may grow leading to more successful bribe attempts. It is not clear whether women's actions will differ significantly from that of men where the women are engaged in repeated exchanges. A non-experimental study is needed to examine this issue.

In addition, Esarey and Schwindt-Bayer (2019) examined the direction of the relationship between women representation and corruption. Results revealed that the relationship between the two variables was bi-directional. High representation of women in government leads to lower levels of corruption while low levels of corruption also increase the level of women representation in government. The authors though admitted that the study does not however demonstrate the causal mechanisms through which gender representation lowers corruption or how corruption lowers women representation. This understanding would play a significant role in shaping future policies. Similarly, this study has largely demonstrated how greater representation of women in the legislature affects levels of corruption. It is not clear whether

greater representation of women in other arms of government or government bodies such as the judiciary would have an impact on levels of corruption. They recommended that future studies should fill these gaps.

The study by Benkraiem et al. (2017) examined how gender diversity influences the board supervision of the compensation of chief executive officers (CEOs) in France. Results showed that companies whose boards had higher proportions of female directors had significantly lower CEO compensation. The findings implied that greater inclusion of women into the board enhances the independence of the board in monitoring CEOs' compensation. Bohren and Staubo (2015) also observed that gender balance was correlated with enhanced independence of boards in a sample of Norwegian firms. Results of the study further showed that gender balance had greater impact on the independence of the boards of new, small, profitable, and non-listed companies. The results support the position that female directors are more independent hence the improvement in the overall independence of boards when their representation in the board increases. However, these studies have largely examined women independence in the context of private profit-oriented sector.

In the non-commercial sector, Agarwal (2014) found that greater involvement of women in forest conservation groups in India and Nepal led to better conservation outcomes. The study examined 135 community forest groups in Nepal and India. Results demonstrated that groups with more women made stricter conservation rules despite pressure from community members to make lenient rules. These findings imply that the inclusion of more women reduced the groups tendency to give-in to pressure from the community members, which is in line with the principle of independence.

The study by Abad et al. (2017) found that the presence of women in company's boards was associated with increased disclosure of company information to members of the public in sample of firms listed in the Spanish Stock Exchange. The author explained that when compared to males, women tend to exhibit greater interpersonal skills, trustworthiness, process-orientation, and participative communication that improve decision-making processes leading to greater disclosure of information. Pucheta-Martinez et al. (2016) further noted that a greater proportion of women in company's boards creates a rich information environment that reduces the benefits of producing private information leading to a reduction in information asymmetry. In addition, Gul et al. (2011) argue that greater risk aversion and conservatism among female directors tend to reduce their probability of engaging in

opportunistic behaviour leading to higher quality reporting of financial information to investors and members of the public.

McElhaney and Mobasseri (2012) that sought to examine how the presence of women in companies' boards shape their sustainability practices also obtained similar findings. The study analysed secondary data belonging to American companies. Results showed that firms that had a higher proportion of women in their boards were more likely to have stronger governance structures and exhibit high level of transparency to avoid major controversies. The firms with greater women representation in their boards were also more likely to have guidelines, programmes, and clear policies that support disclosure and transparency. These findings support the position that women leadership is more likely to be characterized by greater transparency mainly because women are less risk averse. However, reviewed studies have largely focused on the commercial sector.

The study by Esarey and Schwindt-Bayer (2017) found that women in government were more likely to be accountable than their male counterparts in societies where corruption is punished. In particular, results showed that female legislatures were more likely to be accountable in countries with greater press freedom, strong systems of governance, strong electoral rules, and where corruption is not a norm. One of the mechanisms that explain greater accountability in women is their risk-aversion tendencies that make them avoid unethical behaviours where such behaviour is punished. The authors also noted that higher accountability could be explained by the tendency of voters holding female office bearers to a higher standard than males during polls. The authors observed a general tendency by voters to expect more from female leaders when it comes to ethical conduct. However, this study focuses on female representation in elective position where voters can punish corrupt behaviour. It is not clear whether women would exhibit the same level of accountability when holding non-elective positions where voters cannot punish them. The current study sought to address this gap.

Hussein and Musembi (2010) also observed that inclusion of women in the decision-making and accountability mechanism of community-level programmes was associated with greater effectiveness and efficiency in assisting rural families in India. The study adds weight to the argument that women have the tendency to be more accountable than males when placed in positions of authority. The author explained that in most society, power structures and corruption networks in the public sector are male dominated. Greater inclusion of women in

public service helps to break these networks, enhance transparency and accountability. Kakabadse et al. (2015) also found that women chairing companies' boards were more likely to comply with logic of the field and established requirements as a route for gaining legitimacy and credibility. This includes compliance to accountability requirements of the organization.

Clabots (2013) also made similar observation in a study that examined the effect of women inclusion in the management of community-based Marine Protected Areas (CB-MPAs). Results showed that women involved in the CB-MPAs management improved project accountability by enhancing enforcement of MPA policies. The study also documented that women involvement in CB-MPAs management reduced local conflicts, enhanced the effectiveness of patrolling, and led to better policy compliance. Agarwal (2014) also found that women who were involved in forest conservation groups in India and Nepal were more likely to comply with the conservation rules formulated by the groups and participate more in patrolling than their male counterpart. The findings imply that women are more likely to be accountable to rules formulated by the groups and fulfil their supervision roles. While these studies reinforce the view that women are likely to be more accountable than men are, they do not statistically test the link between women involvement in management and corruption. This study sought to address this gap.

The study by Jackson (2020) established that the gender difference in corrupt behaviour can be explained by difference in risk aversion and social mindedness between males and female. In a society where women display higher levels of risk aversion and social mindedness than men, women in leadership exhibited lower tendencies to engage in corrupt practices. Results also showed that in most of the studied societies, women had higher levels of risk aversions and social mindedness than men. Jackson (2020) defined social mindedness as the predisposition to consider the collective good when making decisions. Results of the study thus suggest that women are more predisposed to consider collective good when making decisions than men and therefore, are more likely to be fairer than men.

Atari et al. (2020), who examined gender differences in moral judgment using a sample of 336,691 individuals from 67 countries, made similar findings. Results showed that on average, women recorded higher scores than men on fairness, care, and purity. Women exhibited higher concern for fairness, care, and purity than men. The gender difference on these issues was more pronounced in countries with individualistic culture and low

socioeconomic gap between men and women. These findings support the position that women are the fairer sex and their inclusion in public sector leadership is likely to promote fairness, which is an important governance principle. The current study sought to explore this assumption.

2.3.9 Government Bureaucracy, Leadership Practices and Levels of Corruption in Government Procurement

The concept of bureaucracy was introduced by Max Weber in his theory of management (Serpa & Ferreira, 2019). Weber proposed that organizations should establish a bureaucratic structure in order to enhance productivity and efficiency. Weber's bureaucratic structure was characterized by high levels of division of labour and specialization, hierarchical layers of authority, governance through rules and regulations, impersonality, and formal selection (Baekgaard et al., 2018). This structure of organizing enterprises was effective in the early 21st century but started to become obsolete due to changes in the environment in which organizations operate. Today, organizations operate in highly dynamic environment that require a lot of flexibility and rapid decision-making. Since bureaucratic structure does not facilitate flexibility and rapid decision-making, the structure has now acquired a negative connotation (Serpa & Ferreira, 2019). Bureaucracy is nowadays associated with actions based on opaque standards, delays in operations, excessive documentation, and difficulties in meeting users' needs.

Most private corporations have shifted from the bureaucratic structure to more organic and flexible structures (Koybasi et al., 2017). However, this structure is still dominant in many public institutions particularly in the developing countries. According to Ionescu and Caloian (2016), bureaucracy has reinforced corruption in the public sector by creating hurdles to service delivery that give public officers the power to demand bribes. The chain of command structure and high level of formalization also make it difficult for public servants to report cases of corruption particularly those involving their superiors. The study by Fan et al. (2012) involving firms from 80 countries found that bribery was more prevalent in countries with many government tiers or a large number of government employees. The authors explained that the large number of tiers increase the amount of contact that private individuals have to make with government officials, which in-turn increases the opportunities for bribe solicitation.

Leff (1964) and Nye (1967) opined that corruption is the private sector response to excessive red tape by the government, unreasonable policies and regulations, and market distortion. These authors argue that in many countries, private prayers engage in corruption in order to evade policies that the ruling elite set to advance their own interest. The views of these authors are controversial because they appear to justify corrupt behaviours. Nonetheless, the authors create a strong case regarding how bureaucracy moulds corrupt practices within government institutions. The current study sought to examine how bureaucracy shapes the relationship between women governance and levels of corruption in government.

The study by Kakai and Mokono (2022) observed that lengthy and bureaucratic processes in the judiciary were making procurement of goods and services a difficult task to complete within a financial year. However, the study utilized a relatively small sample of 40 respondents and largely relied on qualitative and descriptive data. In addition, the study did not examine how level of bureaucracy in the judiciary was associated with leadership or levels of corruption in procurement of goods and services. Retired Chief Justice Willy Mutunga as cited in Navakholwe (2017) described the Kenya judiciary as having centralized power and authority during his first address to the nation in 2011. However, Navakholwe notes that a number of reforms have since taken place include the decentralization of some court operations such as procurement to the court station. By investigating current levels of bureaucracy in the judiciary, the current study will shed light on the extent to which decentralization reforms have worked. The current study also examines how levels of bureaucracy in specific procurement stations are connected to leadership of those stations and level of corruption in procurement transactions.

2.6 Conceptual Framework

Figure 2.1 presents the conceptual framework that details the variables of the study and the presumed relationship between them.

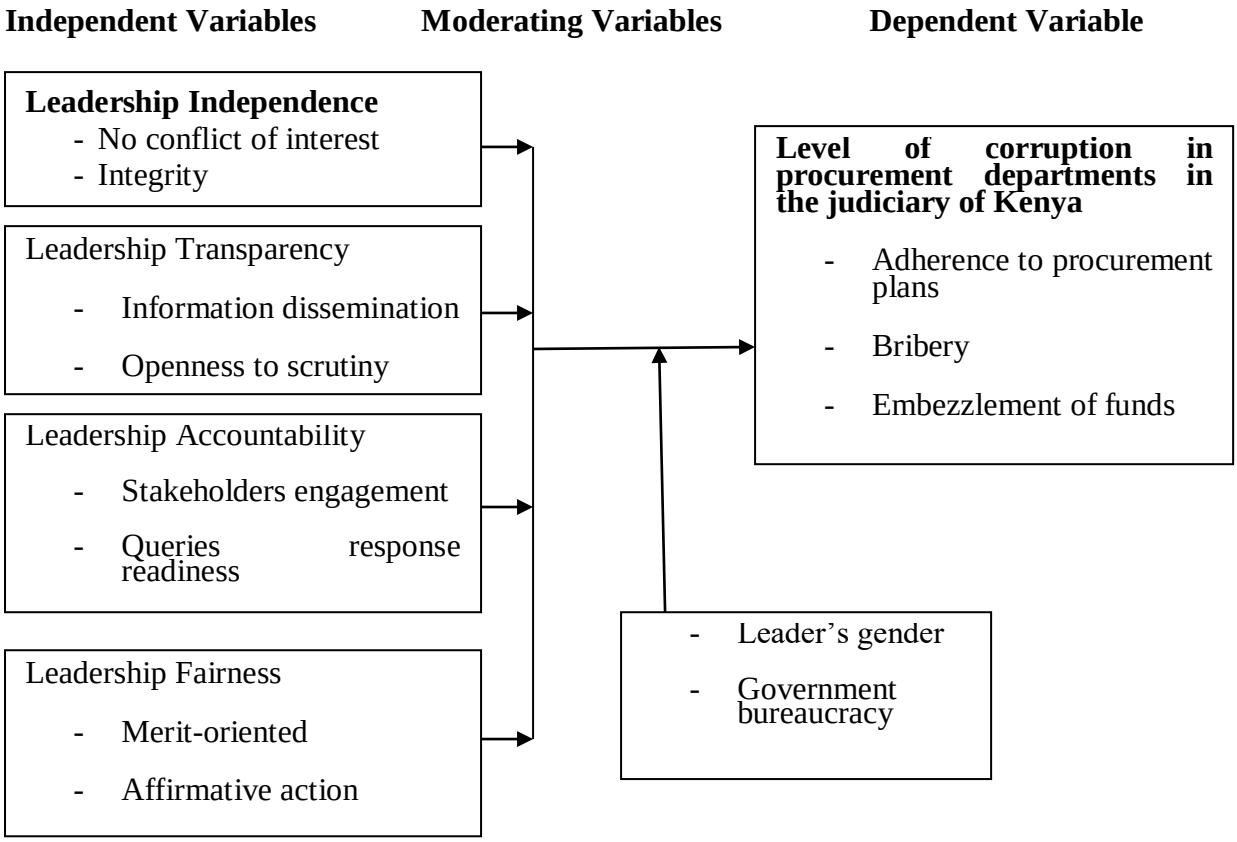


Figure 2.1: Relationship between leadership practices and perceived levels of corruption in the procurement department in the Judiciary of Kenya
Source: Author (2023)

As illustrated in Figure 2.1, level of corruption in the procurement department in the judiciary is the dependent variable of the study. This study sought to test whether there is link between this variable and the leadership of the procurement committee. The study explored four leadership practices. The first quality is independence that was measured in terms of the extent to which the decisions of leaders are free from conflict of interest and the level of commitment of leaders towards their organization. The study presumed that leaders who have higher levels of independence are likely to lower the levels of corruption in their institutions.

The second quality is transparency. The study gauged this quality in terms of the level to which leaders are open to scrutiny as well as their willingness to disclose information to members of the public and other stakeholders through avenues such as published records. The study theorized that leaders who are more transparent tend to decrease the levels of

corruption in their institutions. The third quality is accountability that was evaluated by assessing leaders' willingness to be answerable to members of the public or other bodies through mechanism such as audit records. The study also appraised accountability by examining leaders' readiness to be answerable to their superior through reporting lines. The study conceived that leaders who are more accountable tend to lessen the corruption levels.

The final quality is fairness. The study assessed this variable by looking at leaders' tendency to consider the interest of all stakeholders when making important decisions such as awarding contracts. The study postulates that leaders who are fairer are likely to diminish the levels of corruption in their institutions. The study further theorizes that the link between the four qualities of leadership and levels of corruption in government procurement is moderated by the leader's gender and level of bureaucracy within a given institution. The study advanced that women leadership is likely to enhance the effect of the four leadership traits on levels of corruption. It also hypothesized that a high level of bureaucracy may weaken the contribution of the four qualities of leadership in reducing the levels of corruption in government. The claims are evaluated in this study.

2.5 Summary and Research Gap

Table 2.1: Summary of Research Gaps

Author/Year	Purpose of the Study/Topic	Methodology	Findings	Gap	How the current study addresses the gap
Bandiera et al. (2017)	To examine the effect of public procurement officer autonomy on level of corruptions	Experimental design	Giving procurement officers autonomy to perform their work reduces level of corruption by increasing their independence	Experimental design might be exposed the study to bias because the procurement officers were aware that they were being watched.	Current study utilized a naturalistic design where the practices of the procurement officers were studied in the natural setup
Williams and Andrew (2010)	To assess the influences of level of transparency on public procurement practices in the Nigerian Civil Service	Cross-sectional survey	Level of transparency has a positive effect on public procurement practices	Study conducted in different context and utilized quantitative methods only	Current study focused on the Kenyan context and utilized both quantitative and qualitative methods
Onyango (2018)	To examine the effect of procurement planning on delivery of justice	Survey	The Judiciary of Kenya was characterized by failure to implement or delayed implementation of set performance standards leading to high cost of operations and poor overall performance of the institution	Study did not link the deficient implementation of accountability mechanisms to levels of corruption	Current study examines how accountability systems affect levels of corruption in government procurement
Dacha and	Effect of	Cross-sectional	Public procurement is	Study did not show how	Current study test the

Author/Year	Purpose of the Study/Topic	Methodology	Findings	Gap	How the current study addresses the gap
Juma (2018)	stakeholder participation on the efficiency of the public procurement process in the public sector:	survey	characterized by misconduct and fraud where public officials distort regulations with the aim of restricting the participation of interest firms	unfair procedures relate to corruption within the procurement process	relationship between fairness levels and level of corruption in government procurement.
Bauhr, Charron, and Wangnerud (2019)	To assess how women representation in elective positions influences both petty and grand corruption in government	Cross-sectional survey design	Increased representation of women in elective position was position reduces both grand and petty corruption	The study focused on women representation in elective positions. It was also conducted in Europe hence creating a contextual gap	Current study focuses on representation of women in non-elective positions (procurement) and collects data from the Kenyan set-up
Kakai and Mokono (2022)	To examine the effect of budget allocation and procurement process on budget utilization in the public sector in Kenya	Cross-sectional survey	Lengthy and bureaucratic processes in the judiciary were making procurement and goods and services a difficult task to complete within a financial year	Study has a small sample and did not examine how bureaucracy related to leadership practices	Current study explored the link between bureaucracy, leadership, and corruption

CHAPTER THREE
RESEARCH METHODOLOGY

3.1 Introduction

This chapter discusses the methods and procedures that were used to carry out the research. It provides a comprehensive overview of the processes followed during the study. It presents the research philosophy, research design, target population, sampling design and procedure, data collection instruments and procedures, data analysis, and ethical considerations.

3.2 Research Philosophy

This study is founded on the pragmatism research philosophy; a mixed-method research philosophy focuses on solving problems (Johnson et al., 2017). It emphasizes practicality and the importance of context in understanding and solving problems. It views reality and experience as continuous with one another and stresses that the primary objective of research is to generate knowledge that have practical implications. It also assumes that proper structured inquiry can lead to truths that exist independent of the researcher. It considers research as an act of making the truth (Creswell, 2018). It uses an abductive approach of inquiry that begins with an observation of a situation, searches for theory that could explain the situation, tests the theory, and develops solutions.

The pragmatism philosophy was a useful approach for this study because it helped the researcher to see the problems of leadership and corruption in a more practical light. This is because pragmatism is focused on the application of ideas and concepts to practical situations, rather than just the abstract analysis of ideas without any practical application (Johnson et al., 2017). By taking a pragmatic approach to a study, researchers are encouraged to focus on the practical implications of their research and to consider how their findings can be applied in real-world settings.

The pragmatic research philosophy aided this study by enabling the researcher to conduct the inquiry in dynamic and innovative ways. The philosophy allowed the researcher to combine both quantitative and qualitative methods leading to better exploration of the research issues. It allowed the researcher to approach the study with an open mind, taking account of multiple perspectives and considering different theories and methods. Researchers applying the pragmatism philosophy recognize that there is no single 'right' way to study a particular

phenomenon or to solve a particular problem, and that it is important to remain open to different perspectives and ideas (Johnson et al., 2017).

3.3 Research Design

The study employs 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). Triangulation in research refers to the use of multiple methods, perspectives, or sources of data to confirm the findings from a research study. The term is derived from the idea of a surveyor using multiple measuring instruments to triangulate the exact location of a point (Creswell & Creswell, 2018). Similarly, in research, triangulation involves using multiple approaches to provide a more complete and accurate understanding of the research question. Qualitative and quantitative data are gathered separately although during the same phase of data collection with integration being done at the analysis and interpretation stage.

The rationale of using the concurrent triangulation design is to facilitate comparison and in-depth analysis of the study phenomenon by integrating different types of data. It helps the researcher to gain a more complete picture than when a standalone quantitative is adopted, or when qualitative study is utilized (Johnson et al., 2017). The design also seeks to enhance the credibility and validity of research findings by supporting cross-validating results of quantitative research with those of qualitative research. This design is appropriate because it enabled the study to generate credible and in-depth findings regarding the relationship between leadership practices and levels of corruption in the procurement department of Judiciary of Kenya. The design facilitated an in-depth inquiry by allowing the researcher to combine quantitative and qualitative methods.

3.4 Target Population

The study targeted 278 heads of procurement committees from the 278 court stations in the Kenyan judiciary (Judiciary of Kenya, 2023). The procurement process of the department of the Judiciary of Kenya has a decentralized structure where each court station has a procurement committee that procures goods and services that it needs. Heads of procurement committees were targeted because the study sought to examine leadership practices, levels of corruption, and the relationship between the two variables within the judiciary procurement department. Procurement committees are responsible for procuring goods and services needed by a given court station. Each court station has its committee that comprises of a chair and its members. The study targeted the chair/ head of the committee because it

presumed that the heads were best placed to articulate their leadership practices. The heads of the committees are also best placed to provide information regarding corruption in procurement activities.

3.5 Sampling Design and Procedure

The study adopted the stratified sampling method where a sample of 164 heads of procurement committee were selected. The sample size was determined using the Yamane (1973) sample size formulae:

$$n = \frac{N}{1 + N(e)^2}$$

Where N= Population size (278)

e= Margin of error (5% or 0.05)

$$n = \frac{278}{1 + 278(0.05)^2}$$

$$n = 164$$

The stratified random sampling technique was used to select the 164 heads of procurement committee. According Creswell (2014), stratified sampling entails dividing the target population into internally homogenous groups and then selecting entities from each group. This method increases the representativeness of the sample by ensuring entities are selected from each subgroup of the population. 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 station, kadhi courts station, environment and lands courts, employment and labour relations court, small claims court, and tribunals stations. Table 3.1 presents the sampling plan. 1.695

Table 3.1: Sampling Plan

Strata	Target Population	Sample
Magistrate courts	127	75
Kadhi courts	46	27
High courts	43	25
Environment and Lands Courts	35	21
Tribunals	12	7
Employment and Labour Relations Courts	9	5

Courts of appeal	4	2
Small Claims Courts	1	1
Supreme Court	1	1
Total	**278**	**164**

Source: Judiciary of Kenya (2023)

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; two informants per organizations. These oversight organizations were: EACC, the Judiciary Ombudsman, Office of Public Prosecutor, Auditor General's office, Transparency International and Open Society Foundation. EACC was selected because it is the body established to investigate and forward cases on corruption to the office of the public prosecutor for prosecution (Musili et al., 2022). The Judiciary Ombudsman office is responsible for receiving complaints regarding misconducts by members of the judiciary from members of the public (Judiciary of Kenya, 2023). It was presumed that key informants from the Judiciary Ombudsman would provide valuable input regarding complaints related to misconduct in the procurement department of the judiciary.

The office of public prosecutor was selected because it is responsible for prosecuting corruption cases hence key informants from this office would be adequately informed on corruption cases that touches on procurement in the judiciary (Musili et al., 2022). The auditor general's office in Kenya is responsible for auditing and reporting the financial transactions of all government institutions including courts. Consequently, officers in this office are privy to information regarding the procurement process in the judiciary and the extent to which they are prone to corrupt practices. Transparency International and Open Society Foundation receive funds from foreign donors to monitor trends in corruption and execute interventions for addressing the same. It was presumed that key informants from these organizations had indepth information regarding corruption trends in procurement with the judiciary and other government institutions. Table 3.2 highlights these institutions and number of informants that were selected.

Table 3.2: Key Informants

Strata	**Sample**
EACC	2
The Judiciary Ombudsman	2

Auditor General's Office	2
Office of Public Prosecutor	2
Transparency International	2
Open society foundation	2
Total	**12**

The study selected individuals from these institutions because they were likely to have in-depth expertise and experience on matters of corruption. Consequently, they were likely to provide informed opinions regarding how the leadership practices of procurement committees within the judiciary shape levels of corruption.

3.6 Data Collection Instruments

The study made use of two data collection instruments: questionnaires for heads of procurement committees and interview guides for key informants.

3.6.1 Questionnaires for Heads of Procurement Committees

The main tool for collecting data was a structured questionnaire that sought to collect data from heads of the procurement committees. The questionnaire was divided into seven sections. The first section focused on assessing the demographic profile of respondents as well as the characteristics of their entity.

The second section assessed the levels of corruption in the government entities. It comprised of "Yes" or "No" questions such as, "Do you have a clear procurement plan?" "Is the plan followed to the letter?" "Are bidders notified as they should?" "Do you all declare any conflicts of interest in the procurement process?" "Are there instances where you felt that a member of the procurement committee disclosed confidential information to a bidder?" These are generally red flags that indicate high probability of corruption taking place in an institution. The use of these red flags as proxy indicators of corruption is informed by the fact that asking members of an institution to rate actual corruption in their own institution is often challenging (Manara et al., 2020).

Section C assessed leadership independence, section D focused on leadership transparency, section E focused on leadership accountability, and section F assessed leadership fairness. These were independent variables of the study; they represent different leadership qualities that are essential in promoting ethical practices. The variables were measured using a set of

items that respondents were asked to indicate whether they are true or false. This means that the variables were treated as discrete variables and measured on a dichotomous scale. This approach is congruent with Zhang (2009) who observed that 46% of studies published between 1982 and 2004 measured governance structures using dichotomous scale (0 and 1).

Section G interrogated level of bureaucracy in the procurement department in the procurement department of the Judiciary. Bureaucracy was measured using five items that respondents rated on a five-point Likert scale. The use of a Likert scale to measure government bureaucracy is congruent with the studies by Klimek (2020), Lawal et al. (2018), and Nistotskaya et al. (2021) who also used a Likert scale to assess this variable. The use of a Likert scale is founded on the rationale that bureaucracy is a continuous variable that can assume many different values.

3.6.2 Interview Guides for Key Informants

The study collected qualitative data from key informants using a semi-structured interview guide. The interview guide had a set of uniform questions for all the six interviewees. The researcher then asked follow-up questions that depended on the interviewee's response to the initial sets of questions. The interview guide was sub-divided into seven sections with the first section containing demographic questions. The second section interrogated the interviewee's perceptions regarding the level of corruption in the procurement department of the judiciary. The third section probed the interviewee's opinion regarding the independence of the heads of the procurement committees within the court stations, the fourth section focused on the transparency of these heads, the fifth section interrogated the levels of accountability, and the sixth section interrogated the fairness of the procurement committees' heads. The final section sought the interviewee's opinion regarding the level of bureaucracy in the judiciary procurement department.

3.7 Pilot Testing

A pilot test targeting 16 heads of procurement committees in the Judiciary of Kenya was conducted to examine the reliability of the data collection instrument. The sample of 16 was in line with the recommendation by Lewis et al. (2021) that the sample size for the pilot study should be 10-12 percent of the sample size for main study. Consequently, the researcher computed 10% of the main study sample (160) to obtain the pilot sample size of 16. The 16 heads of procurement committee were also selected using the stratified proportionate random sampling method. They comprised 9 from magistrate courts procurement, 3 from the

tribunals, 2 from high courts, 1 from kadhis courts, and 1 from the courts of appeal. Questionnaires were distributed to these heads out of which 15 were duly completed and returned to the researcher. The procurement heads who were involved in the pilot study were excluded during the selection of the sample for main study.

3.7.1 Validity of the Research Instruments

Content validity of the research instrument was determined through expert judgement. Content validity is the extent to which the items included in a survey instrument captures all aspects of the variables being examined. The researcher relied on input from university research supervisor, who have expertise in the research subject, to evaluate the comprehensiveness of the instruments in measuring the study variables. Construct validity was enhanced by ensuring that the indicators and measurements for all variables of the study are developed based on relevant knowledge obtained from the existing body of literature. Face validity of the research instruments was enhanced by using clear and concise language. The researcher kept the language of the questionnaire and interview guide easy and simple to understand. The researcher also ensured that the instruments particularly the questionnaire is visually appealing by using appropriate formatting such as heading and sub-headings to make it easy for respondents to navigate.

3.7.2 Reliability of the Research Instrument

The study assessed the reliability of instruments by analysing the pilot test data using the Cronbach alpha method. This method computes an alpha that ranges from zero to one for all scales that measure each variable of the study. The alpha is then compared to a threshold value that is predetermined by the researcher. In this study, the threshold for reliability was 0.7. Table 3.3 presents the results of the reliability analysis:

Table 3.3: Cronbach Alpha Reliability Test Results

Scale	Number of Items	Cronbach Alpha
Levels of corruption	7	0.929
Leadership independence	7	0.838
Leadership transparency	7	0.751
Leadership accountability	7	0.840
Leadership fairness	7	0.934
Government bureaucracy	5	0.827

Table 3.3 illustrates that the scales measuring the six variables of the study yielded alphas that were greater than the cut-off value of 0.7. Consequently, these scales were deemed to be reliable measures of the study variables and thus the research could proceed to the main data collection exercise.

3.8 Data Collection Procedure

The researcher sought approval to conduct the study from the Postgraduate Directorate at St. Paul's University and the National Commission for Science and Technology (NACOSTI). The researcher then used the appointment method of distributing and collecting the questionnaire as well as, the email method. The questionnaire was accompanied with an introduction letter that explains the purpose of the study and seeks the consent of the respondents. The researcher also sent a reminder email to the respondents who had not sent back their questionnaire after a week prompting them to complete and send back their questionnaires. According to Smets (2018), sending reminders to survey participants helps to improve response rate.

The appointment and email methods of distributing questionnaires were most appropriate because they minimized contact between the researcher and the respondent, which was a major concern due to the Covid-19 pandemic. These strategies of distributing questionnaires also promoted privacy and anonymity as the respondents can complete the questionnaires in their convenient time and space.

For the interviewees, the researcher visited the six institutions, explained the purpose of the study to the administration, and sought their opinion in identifying a suitable candidate for the interview. The selection criterion included the availability of the person during the period of study, willingness to participate, and the experience of the person on matters of corruption and governance in the judiciary. Participants' accounts during the interviews were captured through note taking.

3.9 Data Analysis

The process of data analysis encompassed both quantitative and qualitative techniques.

3.9.1 Quantitative Data Analysis

Data was analysed using descriptive and inferential statistics. Descriptive statistics was used to summarize the prevalence and trends of corruption in the government department and trends in women representation in the procurement workforce. They were also used to

summarize the level of independence, accountability, transparency, and fairness among the female leaders within the procurement department. Descriptive statistics that were used include percentages, means, and standard deviation. The study by Jha and Sarangi (2014) examining women and corruption used mean and standard deviation to describe level of corruption in countries, share of women in labour force, clerical, decision-making, and parliament, and other variables such as years of schooling in a country, religion, and civil liberties. On the other hand, Kubbe et al. (2019) used percentages, mean, and standard deviation to describe and compare bribing practices of female and male-led firms, acceptance of bribes by of male and female officials, punishing of corrupt practices by male and female citizens.

Inferential statistics were used to establish the relationship between the variables of the study. The cross-tabulation with chi-square was used to test the relationship between the leadership variables (independence, transparency, accountability, and fairness) and levels of corruption in government. Cross-tabulation with chi-square is used to test the relationship between two independent variables that are measured on a categorical scale (Gravetter & Wallnau, 2017). In this study, leadership variables and corruption have been measured using a categorical scale while level of corruption. The moderating effects of leaders' gender and bureaucracy was tested using the multiple regression methods. The following models guided the analysis:

Model 1: Moderating effect of Leader's Gender

$Y= \beta_0 + \beta_1 X_1 + \beta_2 Z_1 + \beta_3 G_1. X_1 + e$

Where

Y = Levels of corruption in the procurement department of Kenyan Judiciary

X_1= Leadership composite score

G_1= Leader's gender

$G_1.X_1$ = Interaction between leadership composite and leader's gender

B_0 = Intercept

B_1, β_2, β_3 = coefficient of leadership, leader's gender, and the interaction variable

e = error term

The moderating effects of leader's gender was tested using the t-statistic for the interaction variable. The decision criteria was that if the t-statistic yields a p-value that is less than 0.05, the study would conclude that leader's gender has a significant moderating effect on the leadership-levels of corruption relationship.

Model 2: Moderating Effect of Government Bureaucracy

$Y= \beta_0 + \beta_1 X_1 + \beta_2 Z_1 + \beta_3 Z_1. X_1 + e$

Where,

Y = Levels of corruption in the procurement department of the Judiciary

X_1= Leadership composite score

Z_1= Government bureaucracy

$Z_1.X_1$ = Interaction between leadership composite and government bureaucracy

B_0 = Intercept

B_1, β_2, β_3 = coefficient of leadership, leader's gender, and the interaction variable

e = error term

The moderating effects of government bureaucracy was also tested using the t-statistic for the interaction variable. The decision criteria was that if the t-statistic yields a p-value that is less than 0.05, the study would conclude that government bureaucracy has a significant moderating effect on the leadership-levels of corruption relationship.

3.9.2 Qualitative Data Analysis

Qualitative data from the informant was analysed using the thematic content analysis technique. This technique entailed identifying key themes in the responses of each participant regarding each study issue and then aggregating the themes extracted from all participants to identify broader themes and patterns relating to each study issue. In particular, the method entails preparing the interview material for analysis, floating reading, construction of the unit of analysis, construction of codes of meaning, general refining of the codes and the construction of categories, and discussion (Creswell & Creswell, 2019).

The data preparation step focused on ensuring that all the data has been converted into readable format and is well organized (Castleberry & Nolen, 2018). Float reading entailed

familiarising oneself with the data by reading through selected segments of the data in an exploratory manner. This helped the researcher to understand the data and identify important content in the data that needs to be coded. The unit of analysis refers to the basic element or entity that is being analysed, coded, and interpreted (Vaismoradi & Snelgrove, 2019). The unit of analysis in this study was a sentence. The study focused on creating codes and themes by analysing the entire statement made by the respondents rather than single words or phrases. Codes are labels that are assigned to segments of data (Castleberry & Nolen, 2018). The construction of codes begun with the reading the data for purposes of identifying meaningful segments and assign a code to each. The codes were then reviewed to assess whether they are sufficiently specific and accurately capture the themes in the data. The code-refining step focused on identifying any overlaps of themes, ambiguities and inconsistencies. Codes that appeared similar were merged while those that were too broad were sub-divided into more specific codes (Vaismoradi & Snelgrove, 2019). Codes that did not accurately define the features of the data were renamed.

Once the data were coded and the codes refined, the codes were grouped into categories. These categories were based on common themes that emerged during the coding process (Castleberry & Nolen, 2018). The categories were mutually exclusive, comprehensive, and meaningful. After categorizing the codes, the researcher analysed the themes that emerged. The analysis involved producing a summary of the themes and sub-themes. The final step was to interpret the data by drawing conclusions from the themes that emerged. This required looking at the data as a whole and identifying the patterns and trends that exist. Results of the qualitative analysis are discussed in text and supported by illustrative quotes.

3.10 Ethical Considerations

The study endeavoured to protect participants' dignity, integrity, and privacy, and confidentiality (Yip, Han, & Sng, 2016). This ethical issue was upheld by obtaining research approval from the Board of Postgraduate and the National Commission for Science, Technology, and Innovation (NACOSTI). These bodies counterchecked the research proposal including the method and instruments of data collection to ensure that the do not cause harm to the respondents or their stations. The researcher also sought approval from the head of the procurement department in the Judiciary to conduct the study within the department. To protect their privacy and confidentiality, respondents were instructed not to disclose any information that could lead to their identification such as their national identity number,

employment number, or telephone number. Pseudonyms and codes have been used when referring to the respondents.

The study strived to ensure respect for the respondents' autonomy and right to self-determination. According to Barrow et al. (2021), this consideration is consistent with Belmont principle of beneficence, which refers to taking actions that benefit others while promoting their safety and welfare. To uphold this ethical principle, the researcher informed all potential respondents about the study including its objectives, potential risks, and benefits. The respondents were then allowed to choose whether to participate or not. Participation was voluntary and those approached had the right to refuse to participate without any negative consequences. Furthermore, participants were made aware of their right to refuse to answer any of the queries that made them feel uncomfortable without fear of penalty.

In addition, the study strived to ensure high level of integrity in the research process (Yip *et al.,* 2016). The study will integrate elements that are aimed to eliminate bias such as systematic methods of selecting the study sample, use of statistical methods of analysis, and triangulation of different sources of data. Findings will be reported accurately and without bias. Ideas borrowed from other sources will be acknowledge using in-text citation and the sources full bibliographic information included in the list of references. A plagiarism check will be conducted to ensure that not more than 30% of the content of the study is borrowed from other sources.

CHAPTER FOUR
DATA ANALYSIS, PRESENTATION AND INTERPRETATION

4.1 Introduction

This section details the methods and procedures that the study used to analyse data. It also presents the findings of the data analysis process and interprets these findings. The chapter commences with a discussion of the response rate and an analysis of the profile of the sample that was involved in the study. It then summarizes and scrutinizes data on the levels of corruption in the procurement department of the judiciary. The links between the independent variables of the study (leadership independence, leadership transparency, leadership accountability, and leadership fairness) and levels of corruptions in procurement department are analysed in subsequent sections. The moderating role of leader's gender and government bureaucracy on the relationship between leadership practices and levels of corruption is also analysed.

4.2 Response Rate

Out of the 164 questionnaires that were distributed, 153 were completed accordingly and returned to the researcher. This figure translates to a response rate of 93.3%, which is higher than the average of 55.6% recorded for business and management research (Mellahi & Harris, 2016). It is also higher than 45.22% recorded by Krishnan and Poulose (2016) for studies that combine personal contact and mail methods of distributing questionnaires. The high rate can be attributed to the use of reminders to prompt selected individuals to complete their questionnaires. The study by Smets (2018) found that incorporating reminders into surveys that target organizations tend to increase response rate to about 74%. The high response rate implies that the study has little exposure to non-response bias; error originating from having people responding to the survey who are not a true representation of the underlying population (Laster et al., 2019).

4.3 Profile of the Study Sample

The profile of the sample from which the study collected data is summarized in terms of the gender of the respondents, respondents' age, and highest level of education. Table 4.1 summarizes this information.

Table 4.1 Distribution of Respondents by Select Background Characteristics

Demographic Trait	Categories	Frequency	Percent
Gender	Male	99	64.7
	Female	54	35.3
Age	31- 40 years	20	13.1
	41- 50 years	101	66.0
	51- 60 years	32	20.9
Highest Education Level	Diploma	25	16.3
	Bachelors	80	52.3
	Masters	45	29.4
	PhD	3	2.0

Table 4.1 illustrates that 99 respondents representing 64.7% of the sample were male while the remaining 54 (35.3%) were female. This finding implies men dominate the leadership of the procurement committees in the Judiciary. The finding is consistent with the public service compliance report by the Public Service Commission (2021), which indicated that men make up 63% of the Kenyan public service workforce. This implies that the sample was a close representation of the population of the Kenyan public service workforce in terms of gender distribution.

Most of the respondents (66%) were between the age of 41 and 50 years. These results suggest that most of leaders of the procurement committees in the judiciary are middle-aged persons. These results are consistent with human resource planning report by the Public Service Commission (2016), which revealed that 53% of the employees fall in the 46-50 years age brackets. The findings thus confirm that the sample was representative of the population of the national government workforce in terms of age distribution.

About half of the respondents (52.3%) had the bachelor's level of education, 29.4% had a master's degree, 16.3% had a diploma while 2% had a PhD degree. The findings indicate that most of the individuals heading the procurement committees in the judiciary are highly educated.

4.4 Level of Corruption in the Procurement Department of the Judiciary

Level of corruption in the procurement department of the Judiciary was the dependent variable of the study. This concept was measured by presenting respondents with a list of questions to which they were to respond with a "Yes" or "No" answer. Table 4.2 presents the results of the analysis:

Table 4.2: 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)

Table 4.2 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 stipulates that Article 227 of the Constitution bind all procurement activities by government entities (Republic of Kenya, 2020). This article has been operationalized by the Public Procurement and Asset Disposal Act (PPADA) of 2015,

which has been revised in 2016 and 2022. These legal frameworks provide an elaborate plan on how every government entity should carry out its procurement activities. However, the results in Table 4.2 show that only 51% of the procurement stations follow the procurement plan to the letter. This finding implies a violation of the public procurement procedures in almost half of procurement committees in the Judiciary. One of the violations entails failure to adequately notify bidders regarding opportunities to supply good or services.

The PPADA requires all government procuring entities to advertise the intention to procure in a media that has wide reach and invite interested parties to tender to allow fair and effective competition (Republic of Kenya, 2015). However, results in Table 4.2 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 only 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). In line with the Principal-Agent theory, failure to advertise creates asymmetry of information between government agents and insiders on one side and members of the public on the other. This gives government insiders an undue advantage when it comes to bidding. It also reduces the competitiveness of the bidding process leading to loss of government money through purchase of goods or services at uncompetitive prices.

Another violation that is common in public procurement is conflict of interest. This is where officers involved in the procurement process find themselves in a position where their decisions are influenced by personal interest. A good example is where an officer has to evaluate bids where one of the bidders is a company belonging to his or her spouse. In such cases, the PPADA require the officer to declare conflict of interest so that he or she can be left out of the decision-making process (Republic of Kenya, 2015). However, findings in Table 4.2 show that declaration of conflict of interest happens 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 favour 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 presence of corruption within a procuring entity. Current findings suggest that 40% of the procuring stations in the judiciary exhibit this red flag. On the other hand, only 1.4% of the respondents agreed that most of their suppliers are firms registered in foreign countries. Abdou 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 very minimal within the judiciary procurement department.

Results in Table 4.2 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 congruent with EACC (2015), who found that 7% of the surveyed suppliers had access to the procuring entities 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 in levelling the playing field for bidders and increasing competition. Allowing some bidders to have greater access to this information gives them 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 that distorts competition amounts to unethical conduct.

Results in Table 4.2 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 favourable bid evaluation is one of the forms of corruption that is visible in the procurement department of the judiciary. This position is also 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 favourable evaluation.

> Some public official receive bribes in order to manipulate bids leading to 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 firms 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 favourable 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 specification to preferred suppliers giving them undue advantage over other bidders (Interviewee 5, 2022).

> Bribing to get your bid accepted is a common feature in many public institutions in Kenya. This has become so rampant is 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 tilt the tendering process in their favour and disadvantages other bidders. Such treatment includes getting favourable bid evaluation, getting tender specification being tailored to suit their products/ services, or getting information regarding the specification of a given tender. The findings are consistent with Kwamboka (2017) who also found that the Kisii Teaching and Referral Hospital frequently experiences corruption in the awarding of tenders mainly in the form of bribes, which benefits individuals but distorts the effectiveness of the tendering process. According to EACC (2015), the use of bribes to influence tender awards is a form of corruption that is perpetrated by businesses that seeks to supply goods and services. The standard deviations indicate that respondents also held divergent views on this issue. This implies that this form of corruption varies from one procuring station to another.

Results in Table 4.2 also demonstrate that 39.9% of the respondents had experienced instances where they felt that a member of the procurement committee has 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 further noted that delaying payment was a tactic used by public officials to create avenues for soliciting to facilitate quick processing of payment. This position is also reinforced by qualitative data where one interviewee elaborated that delays in payment has become a major avenue through which public officials extort money from firms.

> 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. County and national governments have pending bills some of which are from ten years ago. These bills have created a fertile ground for corruption to take place (Interviewee 9, 2022).

From the excerpts, it is evident that delay in supplier payment is a major problem in the Kenyan public sector. This issue has opened up avenues for public officials to demand bribes from suppliers. OECD (2016) observed that bribes payment diminishes 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 felt that procurement funds have been diverted towards unauthorized use. The funds may be diverted towards personal use or organizational activities that were not approved by the procurement committee. 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 cemetery by the Ministry of Local Government leading to 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 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 ones funds have been allocated. They instead pocket the funds. Some of the leaders in these institutions; they pocket funds for essential items such as training of staff and fuel leading to disruption in the normal operations of the organizations. Even those in sensitive institutions such as hospitals pocket money for drugs and equipment (Interviewee 3, 2022).
>
> Stealing of public funds is also common. Some government workers do this by duplicating invoices or falsely inflating invoices in order to receive extra amounts in payment. Others create dubious entities that are supposed to receive allocation from the government like that case in Kakamega where some officials had created a

> fictitious secondary school. Documents showed that the school had 1000 students who were receiving 27,000 as part of the government's Free Day Secondary Education. Since the school and the students did not exist on the ground, this money obviously ended-up in officials' pockets (Interviewee 8, 2022)

Table 4.2 shows that 45.1% of the respondents had experienced instances where they felt that a tender has been awarded at exaggerated prices. However, the results generally suggested that exaggeration of procurement prices is a common practice in some procuring stations. This position is also supported by qualitative data where several interviewees elaborate that award of tenders at exaggerated prices in order to facilitate kickbacks is one of the common forms of corruption in government institutions in Kenya.

> 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 lead to exaggeration of prices in order for the supplier to recover the bribery money (Interviewee1, 2022).

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

The second excerpt indicates that some of 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 have been paid for good or services that are not delivered satisfactorily. This practice amounts to corruption especially where the leader is aware that good or services have not been delivered or the delivery does meet minimum standards. Prevalence of this practice was also capture in the qualitative data. One of the interviewees expounded 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 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 expenditure for goods or services that are not necessary. You would find an organization spending million for something like tea or travel (Interviewee 2, 2022).

The study obtained a composite corruption score by giving every "Yes" response to questions in Table 4.2 a score of 1 and every "No" response a score of 0. However, question 1 to 4 were reverse coded where "No" responses were given a score of 1 and "Yes" response were given a score of 0 because this questions assessed existences of measures that reduce corruption. Since there are a total of 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 is a nonparametric test that is hampered by many assumptions. Table 4.3 summarized the distribution of the 153 sampled stations across the two categories.

Table 4.3: 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 4.3 illustrates that 65 procuring stations constituting 42.5% of the sample had corruptions 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.

4.5 Leadership Independence and Levels of Corruption

Leadership independence was the first independent variable of the study. The study assessed this variable by presenting a set of seven statements and asking respondents to indicate whether each was true or false. Table 4.4 presents the findings:

Table 4.4: 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 4.4 shows that 63.6% of respondents confirmed that the always approach every procurement transaction with scepticism. This finding implies that professional scepticism is a leadership independence quality that is practiced by almost two-thirds of the procurement committees in the judiciary. This implies that professional scepticism is a widespread leadership independence practice within the procurement department of the judiciary. According to Tahir et al. (2014), professional scepticism 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 to 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 results to 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 decision based on the information provided by bidders only (Interviewee 7, 2020)

The extract underscores the importance of professional scepticism and extra diligence when evaluating procurement transactions. Similarly, 72.7% of respondents reported that they are always given enough space and time to make decisions as the chair of 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 scepticisms of the procurement committee chair and other members leading to less informed decisions. Current findings suggest that most committees are free from time pressure. The findings are congruent with Kanyaru and Moronge (2017) who reported that procurement in the judiciary is guided by PPDA that has clear timelines for each step of the tendering process such as invitation of bidders, opening of tenders, evaluation of bidders, and prequalification of successful bidders.

Moreover, 60.6% of respondents affirmed that they emphasize on critical assessment of all information available to the committee before making any decision. This finding also 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 decision in favour 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 decision in favour of certain bidders. Tahir et al. (2014) explained that intimidation is one of the threats to the independence of a decision-maker. When a decision-maker feels intimidated, he or she is likely to make a biased decision in favour of one party or the other.

Furthermore, 27.3% admitted that 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. This implies that over 70% of leaders of the procurement committees have established relationship with suppliers of goods and services. Although cordial relationships with suppliers can be beneficial to an organization, according to Downe et al. (2016), such behaviours 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 judgement of the procurement officer. According to OECD (2016), when a leader or employees of public institutions develop close relationships with businesses that supply goods or services, their level of independence when it comes to evaluating these businesses bids and performance is diminished. These findings are also echoed by interview data where some of the respondents agreed that when public servants do business with the government, it opens up loopholes for corrupt practices such as purchase of goods that are not needed or overpricing of goods or services.

> From my position, most of the conflict of interest cases that I have encountered involve leaders of a government institution sanctioning business transaction between the institution and another entity that is run by the spouse or close relative. Others do business with entities in which they are non-executive directors. This practice reduces the independence of the leader in making decision that benefit the government institution or the public (Interviewee 4, 2022).

> In some cases, leaders in government institutions go out of their way to form companies in order to defraud government corporations. The practice of public servants doing business with the state has led to broad-daylight looting of state resources because the practice creates dual loyalties among public officers. It also gives them an undue advantage over other entities that would like to compete for the same business opportunities (Interviewee 10, 2022).

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 my station. Such interest may include awarding contracts to entities owned by close friends. According to Rantelangi et al. (2017), awarding contracts to entities owned by close friends or relatives reduces the leader's independence and objectivity in the awards of contracts and evaluation of the performance of contractors. Hence, the findings connote that over a third of the procuring stations in the Judiciary do not have independent leaders. The findings are congruent with the report by EACC (2015), which documents that 46% of the 267 suppliers that were interviewed knew firms that were owned either directly or through proxy by public officers. The public officers that owned these firms ranged from clerks, procurement officers, senior civil servants to cabinet secretaries. Allowing companies owned by employees to participating in bidding distorts the competitiveness of the tendering process.

Another situation that could compromise the objectivity of the procurement officer is trading with own agency. According to Anchors et al. (2022), when public officials do business with

their own agencies they tend to disrupt the competitiveness of the public procurement process because their agencies are likely to get favourable evaluation. This scenario tends to reduce the independence of the bid evaluation process. The conflict of interest created through the award of contracts to firms owned by friend, families and proxy was also noted by the interviewees as a common problem in the Kenyan public sector.

> A lot of money is also lost to politicians and managers of institutions who use proxy companies mainly owned by friends or relatives to get contracts. This practice disadvantages other bidders who may be more qualified than the proxy companies. It also disadvantages taxpayers by eliminating competition that would have improved the quality of goods and services delivered. In addition, the practice leads to direct loss of funds because most of these proxies quote prices that are above market rates (Interviewee 4, 2022).

> Conflict of interest is very rampant in these institutions. Many CSs, PSs, and directors of institutions have proxy companies trading with government. This has made it very difficult for any 'outsider" to get tenders without connections. It has encouraged inflation of prices of goods and services procured by the government because these individuals want to make supernormal profits (Interviewee 9, 2022).

> The level of rot in most government institution is astonishing. Recently, we found out that most of the international companies that had won construction tenders actually belonged to locals but are registered abroad. This practice denies other Kenyans the opportunity to win tenders. It also leads to losses as most of the projects awarded to these companies have stalled because the companies do not have the technical capacity (Interviewee 12, 2022).

Lastly, only 34.3% of respondents divulged that they have undertaken a professional course on supply chain or procurement management. These findings imply that leaders in 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 education 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 programmes 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 David-Barrett and Fazekas (2020), independence is unattainable where the officers undertaking procurement work does not have adequate knowledge and skills to undertake or oversee procurement transactions. Fazekas and Blum (2021) identified lack of professional capacity as 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.

To examine the relationship between leadership independence and levels of corruption in the procurement department of the judiciary, a composite leadership independence score was computed by summing the score on each of the seven items in scale. Every "True" response was coded as 1 while a "False" response was coded as zero. The computation created a composite score that spanned from zero to seven. This composite score was later recorded into 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. 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 recoded leadership independence score was then cross-tabulated with the corruption levels scores. Table 4.5 presents the results.

Table 4.5: Cross-Tabulation of Corruption Levels by Leadership Independence

		Levels of Corruption		
		Low N (%)	High N (%)	Total
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 4.5 shows that the proportion of procuring stations with high levels of corruption are decreasing from 87.3 in the low leadership independence category to 72.2% in the moderate leadership category and decreases 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.

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 Ibironke (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. This finding is also supported by qualitative data where one of the interviews narrated the kind of pressure to which leaders of government institutions making 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 in to this pressure. Unfortunately, not many leaders have the kind of courage to resist (Interviewee 9, 2022)

4.6 Leadership Transparency and Levels of Corruption

Leadership transparency was the second independent variable of the study. The study presented a set of seven statements related to leadership transparency and asked respondents to indicate whether each was true or false. Table 4.6 presents the findings:

Result in Table 4.6 shows that 73.9% of the respondents affirm that their station has a clear and well-published guide detailing its procurement processes and procedures. The findings indicate that most of the procuring stations in the judiciary have publicized their procurement processes and procedures making them more transparent. The need for open and clear procurement procedures was also emphasized during the interview where one respondent reiterated that clearly established procedures make it easy for stakeholders to detect when something is wrong.

> Government institutions should have a clear and well-elaborated guide that details their procurement processes and procedures. It is easier to identify corruption and malpractices when you know how the process works and should unfold. A guide helps to clarify the steps that should be taken so that people would understand when something is wrong. The PPDA of 2015 tries to introduce standards that every government institution should adhere when procuring goods and services. However, the extent to which this law is applied is not clear (Interviewee 9, 2022).

The extract indicates that laws for guiding public procurement have already been enacted and it is just a matter of internalization by the public institutions. However, the respondents doubt the effectiveness with which these laws are implemented. About 64.6% of respondents confirmed that the evaluation of bids within their station is done using a standardized rubric.

According to Fazekas and Blum (2021), having a standardized rubric for bid evaluation reduces bias and subjectivity in the bid evaluation process. The bidders get to know from the onset what the procuring entity will be looking for and how they will rate the bids. Likewise, 51.5% of the respondents affirmed that their station publishes the rubric for evaluating every tender on the judiciary website. According to Downe et al. (2016), it is not enough for a procuring entity to have a standardized rubric. The entity should go ahead and make this rubric known and accessible to all potential bidders to enhance the transparency of the bid evaluation process. Current findings suggest that most of procuring stations in the judiciary do not publish their rubric on their website. The finding implies that close to half of the stations do not publicize their bid evaluation rubric and if they do, they make use of less accessible media.

Table 4.6: Respondents rating of their Level of Transparency

Statement on Leaders Independence	True N (%)	False N (%)
Our station has clear and well-published guide detailing its procurement processes and procedures.	113 (73.9)	40 (26.1)
In our station, the evaluation of bids is done using a standardized rubric	99 (64.6)	54 (35.4)
In our station, we publish the rubric for evaluating every tender on the judiciary website	79 (51.5)	74 (48.5)
Our station disseminates results of the bid evaluation process through the judiciary website	41 (26.7)	112 (73.2)
I support the dissemination of accurate information regarding the financial transaction of the institution to the auditor general's office	99 (64.6)	54 (35.4)
Our station publishes prices offered by each bidder in the judiciary website for transparency and scrutiny	42 (27.3)	111 (72.7)
I facilitate scrutiny from auditors, members of the public, and the media	39 (25.3)	114 (74.7)
I always advocate the generation of information regarding the financial transaction of the institution in a timely manner.	90 (58.6)	63 (41.4)

On the other hand, only 26.7% of the respondents admitted that their procuring station disseminates results of the bid evaluation process on the judiciary website. These findings imply that dissemination of results of the bid evaluation process is not an entrenched practice in most procuring stations in the judiciary of Kenya. These findings are consistent with Nderitu (2018) who found that there is little disclosure of financial information to members of the public by county government in Kenya. Ferwerda et al. (2016) also identified the failure to inform all bidders about the award of the contract and failing to make reasons for awarding contract to a particular bidder publicly available to be among the red flags that signals corruption in public procurement. Reluctance to disclose information about financial transactions by public institution was also highlighted during the interviews. Two interviewees cited a recent scandal involving the drug supply agency, KEMSA that refused to divulge information regarding companies that won bids to supply material and equipment during the COVID-19 pandemic.

> Numerous laws have been enacted to promote transparency but have not achieved a lot because of impunity. Although the law has created watchdog organizations such as parliament and given them powers to obtain information from public institutions, some institution leaders blatantly refuse to give out information because they are backed by powerful individuals. Look at what happened with KEMSA, the CEO refused to give names of companies that were involved in the supply of medical equipment during the COVID-19 pandemic despite numerous demands from parliament. Such impunity has made existing laws incapable of addressing corruption (Interviewee 6, 2022).

> We have come a long way but a lot still needs to be done to promote transparency. Watchdog agencies need to be given powers to sanction and punish individuals who fail to provide information about their institution financial transactions like in the case of KEMSA. The agency leaders totally refused to name the people involved in the questionable supply transactions despite being asked to do so by parliament (Interviewee 11, 2022).

Chen et al. (2016) observed that disseminating bid evaluation results is an important way of promoting transparency in public institutions as members of the public get to know how the winner bidder got selected. Publishing results on the website make them more accessible as opposed to the use of other mediums such as newspapers. This position is reinforced by qualitative findings, where interviewees expressed that providing members of the public with information regarding workings of public institutions enhances citizen enforcement and monitoring of service standards and quality.

> Providing easy access to information on the working of public programmes by citizens enables them to demand high standards, monitor quality of services, and

> challenge abuse by public officials. For instance, publishing the amount of funds that an institution like a school or hospital receives from the government enables citizens to know what standard of services to expect from the institution and demand for better quality (Interviewee 1, 2022).

About 64.6% of the respondents acknowledged that they support the dissemination of accurate information regarding the financial transaction of the institution to the auditor general's office. These findings connote that more than one-third of procuring stations in the judiciary do not disclose information to the auditor general's office. According to Charles and Oluoch (2017), the auditor general's office is one of the institutions that the CoK 2010 has mandates to play the oversight role in the management of public finances. The auditor general's office is expected to review all operations of government institutions and report to parliament. Therefore, disclosing financial information to this body is critical in enabling them to fulfil their oversight roles.

On the other hand, only 27.3% of respondents confirmed that their station publishes prices offered by each bidder on the judiciary website for greater transparency and scrutiny. These findings denote most of the procuring stations in the judiciary do not publish crucial bidding information. According to Zhang and Zheng (2017), publication of crucial bidding information improves information disclosure to the public and other bidders, which limits room for manipulation. Publishing of crucial bid information also enhanced bidders trust in the fairness of the evaluation process and intensify competition by attracting large number of bidders. Trust emerges because bidders can see the prices and proposal that other bidders have submitted; hence, they would be able to tell why their bids were or were not successful. Current findings suggest that there is minimal publication of crucial bid information. These results are congruent with Zhang and Zheng (2017), who observed that government officials do not have a strong motivation to improve the quality of information disclosure. The lack of demand and supply forces in government financial information adversely affects the willingness of government officials to disclose information to the media.

In addition, 25.3% of respondents affirmed that they are open to scrutiny by auditors, members of the public, and the media. These findings indicate that many leaders of procurement committees are not open to scrutiny. According to Meija et al. (2012), one of the goals of enhancing transparency in government is to enable stakeholders including members of the public to scrutinize the activities and operations of a public institution. Consequently, transparency mechanism would have little impact on the ethical conduct of an organization if

the leadership were not open to scrutiny. Scrutiny of public officials reduces administrative opaqueness and promotes citizens' rights to participate in the management of public affairs. This position is supported by qualitative data where one of the interviewees elaborated that oversight is one of the mechanisms that the CoK 2010 has put in place to address the issue of corruption in government:

> There are various mechanisms that our constitution has put in place to promote transparency in procurement activities. One of them is oversight, which entails setting up bodies for monitoring and investing the operations and activities of an institution to ensure that there is transparency and efficient use of resources. Several oversight bodies have been established including Parliament and Senate, the Auditor General, Public Procurement Oversight Authority, and controller of budget (Interviewee 2, 2022).

> Today, government procurement processes have been more transparent through the creation of oversight bodies such as PPOA, auditor general, and parliament. It is now easier for member of the public to get information regarding the financial transactions of government institutions. However, we still have a long way to go because most of these oversight institutions are not completely independent and are constrained by many factors including limited personnel (Interviewee 11, 2022)

Lastly, 58.6% of the respondents acknowledged that they advocate the generation of information regarding the financial transaction of the institution in a timely manner. According to Carcaba et al. (2017), the timeliness of producing information is a critical aspect of transparency. Information that is not released on time becomes of little use when it comes to decision-making and scrutiny of public officials. Muiruri (2018) observed the implementation of IFMIS enhanced the timelines of producing financial information in most public institutions. However, current findings show that over 40% of the procuring stations in the judiciary may not be generating this information in a timely manner. A report by Oruko (2020) from the proceedings of the Parliament Investment Committee shows that some public corporations submit their financial report to the auditor general office more than six months after the end of the financial year. The law requires all public corporations to submit these reports by the end of September of each year, which is three months after the end of a financial year.

A composite leadership transparency score was computed by summing the score on each of the eight items in the leadership transparency scale. A "True" response was coded as 1 while a "False" response was coded as zero. The computation created a composite score that spanned from zero to eight. This composite score was later recorded into a categorical variable by classifying score of 2 or below as low transparency, 2 to 5 as moderate

transparency, and scores that were above 5 as high transparency. The low leadership transparency category had 49 entities making up 32.0% of the sample, the moderate category had 65 (42.5%) and the high transparency category had 39 (25.5%). The recoded data was then cross-tabulated with data on levels of corruption to test the relationship between the two variables. Table 4.7 presents the results.

Table 4.7: Cross-Tabulation of Corruption Levels by Leadership Transparency

		Levels of Corruption		
		Low N (%)	High N (%)	Total
Leadership Transparency categories	Low	7 (14.3)	42 (85.7)	49 (100.0)
	Moderate	24 (36.9)	41 (63.1)	65 (100.0)
	High	32 (82.1)	7 (17.9)	39 (100.0)
Total		63 (41.2)	90 (58.8)	**153 (100.0)**

Chi-square $X^2 = 42.016$, df = 2, sig. = .000

Table 4.7 shows that the proportion of procuring stations with high levels of corruption decline from 85.7% in the low leadership transparency category to 63.1% in the moderate leadership category and decreases further to 17.9% in the high leadership transparency category. This pattern suggests the existence of a negative association between leadership transparency and levels of corruption in the procurement department of the judiciary. It suggests that when leadership transparency increases, levels of corruption are likely to decline. The chi-square test shows that the relationship between leadership transparency and levels of corruption in the procurement department of the judiciary is statistically significant (X^2= 42.016, df=2, p<.001). The findings are congruent with Meijer et al. (2012), who observed that transparency increases accountability and clarity in the management of public institutions leading to lower levels of corruption. The findings are also reinforced by qualitative findings, which indicated that transparency tend to reduce leaders' bargaining rights to extort bribes and make it easy to detect malpractices.

> Incidence of corruption often decline when there is great transparency because transparency diminishes the leader's bargaining rights to extort bribes and other forms of favours from firms (Interviewee 4, 2022).

When the procurement processes are transparent, it becomes easy for members of the public, the press, and investigators to detect cases of corruption. However, most institutions such as the military and interior ministry have very opaque procurement process that makes it hard to tell if money is being utilized in the right way (Interviewee 8, 2022).

4.7 Leadership Accountability and Levels of Corruption

Leader accountability was the third independent variable of the study. This variable was assessed using a set of seven statements that prompted respondents to indicate whether they are true or false. Table 4.8 presents the respondents views:

Table 4.8: Respondents rating of their Accountability Levels

Statement on Leaders Independence	True N (%)	False N (%)
I facilitate the participation of members of the public in key procurement decisions whenever possible	99 (64.6)	54 (35.4)
I ensure that all financial expenditures are budgeted for.	111 (72.7)	42 (27.3)
I always ensure the stations expenditures are approved by relevant bodies	99 (64.6)	54 (35.6)
I am always keen to answering audit queries from the auditor general's office	91 (59.6)	62 (40.4)
We have installed electronic system for approving documentation on contract execution progress at our station	63 (41.4)	90 (58.6)
I have put in place platforms through which individuals disgruntled by procurement processes can raise their grievances	59 (38.4)	94 (61.6)
I am always ready to address queries raised by the public procurement oversight authority	62 (40.4)	91 (59.6)
We make information on our procurement transactions available to civil society organizations	35 (22.9)	118 (77.1)
Outcomes of the procurement process have a bearing on the performance appraisal results of the members of the procurement committee	97 (63.4)	56 (36.6)
Outcomes of the procurement process have a bearing on the pay of the members of the procurement committee	31 (20.3)	122 (79.7)

Results in Table 4.8 illustrates that 64.6% of respondents affirmed that they facilitate the participation of members of the public in key procurement decisions. These results suggest that more than one-third of leaders of procurement committees in the Judiciary are not willing to engage members of the public when making key procurement decisions. According to Wayono and Tambo (2018) engaging members of the public in making decisions, involving expenditure of huge amounts of monies is a central element of accountability. The Public Financial Management Act of 2012 requires public institutions to engage stakeholders when budgeting in order to capture their priorities (Republic of Kenya, 2012).

Similarly, 72.7% of the respondents admitted that they ensure that all financial expenditures are budgeted. These findings connote leaders in most procuring stations in the judiciary follow the accountability regulations that require all public institutions to prepare budgets that detail all the expenditures. The findings also mean that procuring stations in the judiciary are less likely to spend on items that are not in the budget. According to Orina et al. (2019), budgeting enables public institutions to manage scarce resources in an efficient and economic manger in the delivery of desired services and outcomes. The budgeting process also reinforces fiscal discipline leading to reduction in cases of misappropriation and embezzlement (Khotami, 2017).

Moreover, 64.6% of respondents acknowledged that they always ensure their stations' expenditures are approved by relevant bodies. This finding implies that adherence to the budgetary approval process is high among the procuring stations in the judiciary. The finding is congruent with Kibunja (2017) where 50% of the respondents reported that the County Government of Murang'a spends funds on votes approved by the Controller of Budget. The interview data also emphasize the importance of the budget approval process in enhancing accountability and reducing corruption. According to one of the interviewees, the approval process reduces the discretion and monopoly of a public official in making procurement decisions. When more people are involved in decision-making, the likelihood of corruption is diminished.

> The budget approval process is also an importance mechanism for combating corruption because it reduces the discretion of public officials when it comes to government expenditure. It ensures that there is someone else to check and approve the proposed expenditures and this help to prevent abuse of power and misappropriation of funds. If there is no collusion between officials in public institution and the controller of budget, this can be an important tool for curtailing corrupt practices (Interviewee 5, 2022).

> The new constitution has attempted to enhance accountability in public procurement by introducing checks that countercheck the transactions of public institutions. One of these checks is the controller of budgets that has to approve the budgets. Another one is the boards of parastatals that also have to approve major expenditure. The PPOA also check the expenditure of public organization to ensure that they comply with the law (Interviewee 10, 2022).

In addition, 59.5% of respondents confirmed that they are always keen to answer audit queries from the auditor general's office. These findings denote that leaders in most procuring stations in the judiciary are responsive to audit queries from the auditor general's office. Wayono and Tambo (2018) explained that the auditor general's office is one of the accountability mechanisms established by the CoK 2010. The CoK 2010 mandates the auditor general to conduct audit on the financial transactions of all government institutions with six months after the end of a financial year. This scrutiny helps to keep public officials accountable for the decisions that the make in regards to the utilization of public funds. If the audit process raises queries, the person in charge of an institution is expected to clarify those queries. The importance of scrutiny is emphasized in the qualitative data where 8 out of 12 interviewees (66.7%) stressed the necessitated to have external monitoring and auditing.

> Accountability is brought about by setting up effective apparatus for monitoring the decisions and actions of public servants. Every government institution should be subject to intense audit (Interviewee 6, 2022).

> It is really important to ensure that procurement rules and regulations are enforced and that complaints relating to them are investigated and action taken based on the results of the investigations. Public officials should accept heightened levels of public scrutiny because of the power that has been entrusted to them (Interviewee 9, 2022).

The excerpt from Interviewee 9 suggests that having mechanisms for scrutinizing and investigating the action of public officials is not adequate to avert corruption. These mechanisms must be accompanied by tough action on public officials who are found culpable of violating procurement rules and regulation or engaging in misconduct. There is a general perception that public officials found guilty of corruption are often treated leniently by the law. The lack of tough sanctions does not reinforce accountability within government institutions.

On the other hand, 41.4% of the respondents acknowledged that they have installed electronic systems for approving documentation on contract execution progress at their station. According to Fazekas and Blum (2021), monitoring the execution of a contract is a vital phase of the procurement process. The procuring officers must ensure that the supplier has

implemented the contract at acceptable levels before approving payment. Having an electronic system for approving documentation for contract execution progress makes the individual doing the approval known. The electronic system has safeguards such as password that would enable auditors to identify the officer who approved work on certain project leading to greater accountability. Where incomplete or substandard work is approved, the electronic system makes it easy to identify the officer responsible. Current findings signify that more than half of the procuring stations in the judiciary procurement department have not implemented an electronic system for approving documentation on contract execution progress. According to Frank *et al.* (2011), electronic trail is an important element for promoting accountability in government. Therefore, receptiveness of a leader towards the adoption of ICT in procurement is a sign of a greater sense of accountability. In addition, electronic procurement tools reduce the administrative costs associated with the use of paper system of monitoring contract execution and approving payment.

Results in Table 4.8 also show that 38.4% of respondents asserted they have put in place platforms through which individuals disgruntled by procurement processes can raise their grievances. These findings connote that less than 40% of the leaders of the judiciary procurement committees are committed to addressing grievances that arise from their station's procurement processes. According to Sen (2019), a grievance redress mechanism makes public officials more accountable for the procurement decisions that they make by providing bidders a platform to challenge the decisions made by officials in the procuring entity. The qualitative data also raised the issue of whistleblowing mechanisms. One of the interviewees reiterated the need for government institutions to develop platforms through which whistle-blowers can report incidents of corruption without fear of victimization.

> Every institution should have a whistleblowing platform that enables individuals to report misconduct without disclosing their identity. There is need for laws that allow anonymous report to be admissible as evidence in court (Interviewee 6, 2022).

About 40.4% of respondents affirmed that they are always ready to address queries raised by the public procurement oversight authority (PPOA). These findings imply that about 40% of leaders in the judiciary procurement department are willing to be held accountable for their decisions by oversight bodies such as the PPOA. According to Mukura et al. (2016), PPOA is the main body that is mandated by the CoK 2010 to investigate any complaint of noncompliance with the procurement laws and regulations. Willingness to cooperate with this constitutional body show that women leaders are more willing to be held accountable than

male leaders. However, the results of the interviewees challenge the effectiveness of PPOA and other oversight bodies in combating corruptions. 7 out of the 12 interviewees representing 58% of interview sample raised concerned regarding the lack of prosecutorial power among these agencies. Another interviewee expressed the concern over the independence of the oversight body given that they do not have control over the selection of their staff and budget.

> The PPOA, EACC and other anti-corruption agencies do not have the power to prosecute suspects after their investigations determine that there is a case to answer. The only option they have is to forward the findings of their investigations to the director of public prosecution (DPP). When all corruption cases have to pass through the DPP, it creates a loophole for corrupt individuals to interfere with the prosecution (Interviewee 6, 2022).

> The effectiveness of the PPOA and EACC to address corruption has been hampered by lack of prosecution power. These agencies also do not have control over their budget and have to rely on allocations given by the executive and parliaments, whom they are supposed to investigate. The agencies also depend on the public service commission for the recruitment of staff, which exposes the recruitment process to interference (Interviewee 9, 2022).

An even smaller proportion of respondents (22.9%) acknowledged that they make information on their procurement transactions available to civil society organizations. According to Fazekas and Blum (2021), civil society supervision increases the chances of detecting irregularity in procurement transactions such as low quality delivery, payment for goods not delivered, or exaggerated prices. The earlier study observed that in Indonesia, public procuring entities invite members of civil society to review meetings where public officials account for project implementation.

About 63.4% of the respondents confirmed that outcomes of the procurement process have a bearing on the performance appraisal results of the members of the procurement committee. This implies that the members of the performance procurement committee are linked to the overall outcome of the procurement process. According to Fazekas and Blum (2021), linking procurement outcomes to the performance appraisal of employees who directed involved in making procurement decisions make these employees more accountable for their decisions. Current findings suggest that procurement outcomes are linked to the employee appraisal in most of the procuring station of the Kenyan judiciary. However, only 20.3% of the respondents supported the claim that outcomes of the procurement process have a bearing on the pay of the members of the procurement committee. This finding suggests that the entire

employee appraisal system in the judiciary is not appropriately connected to the employees pay. Since procurement outcomes have been factored into the appraisal system of procurement committee members, linking the appraisal system to employee pays would automatically link the pays of these committee members to procurement outcomes. This would effectively reduce corruption in line with agency theory, which contends that one way of discouraging agents from behaviours that are detrimental to the principals is by aligning the interest of the agents to the interest of the principals.

A composite leadership accountability score was computed using participants' responses to the seven statements that the study used to access accountability. The composite score was continuous in nature and range from 0 to 10. This score was converted into categorical data with scores below 3 being coded as low accountability, those between 4 and 7 being coded as moderate accountability, and scores that were above 7 being corded as high accountability. The low leadership accountability category had 50 entities making up 32.7% of the sample, the moderate category had 45 (29.4%) and the high accountability category had 58 (37.9%). The accountability composite data was then cross-tabulated with the level of corruption composite data in order to test the relationship between the two variables. Table 4.9 presents the results:

Table 4.9: Cross-Tabulation of Levels of Corruption by Leadership Accountability

		Levels of Corruption		
		Low N (%)	High N (%)	Total
Leadership Accountability categories	Low	6 (12.0)	44 (88.0)	50 (100.0)
	Moderate	15 (33.3)	30 (66.7)	45 (100.0)
	High	42 (72.4)	16 (27.6)	58 (100.0)
Total		63 (41.2)	90 (58.8)	**153 (100.0)**

Chi-square $X^2 = 42.081$, df = 2, sig. = .000

Results in Table 4.9 shows that the proportion of procuring stations with high levels of corruption declined from 88% in the low leadership accountability category to 66.7% in the moderate leadership accountability category. The proportion declined further to 27.6% in the

high leadership accountability category. This means that when levels of accountability increase, levels of corruption decline. The chi-square test showed that this relationship is statistically significant ($X^2 = 42.081$, df = 2, $p<.001$). These findings led to the conclusion that leadership accountability has a negative and statistically significant effect on levels of corruption in the procurement department of the judiciary. The quantitative findings were further reinforced by qualitative data gathered during interviews with key informants. The general theme across the interview was that accountability reduces corruption by making leaders answerable for their actions. One of the interviews narrated that:

> Corruption thrives where there is little accountability among the leaders and where institutional checks and balances of power are missing. Lack of accountability bleeds discretion and monopoly that tend to promote corrupt practices (Interviewee5, 2022).

The findings are consistent with the study by Cumbe and Inacio (2018), where it was observed that external audit, which is an element of accountability, minimized levels of corruption in the management of the common fund by the Mozambique National Institute of Statistics. Current findings suggest that corruption becomes rampant in institutions where there are little mechanisms for holding the leaders answerable for their decisions and actions. Lack of accountability gives leaders monopoly and absolute discretion when making decisions and taking actions in behalf of the members of the public.

4.8 Leadership Fairness and Levels of Corruption

Leadership fairness was the final independent variable of the study. The study assessed this variable by presenting seven statements related to leadership fairness and requesting respondents to independent whether the statement was a true or false representation of their leader. Table 4.10 summarizes the respondents' views.

Table 4.10 illustrates that 48.5% of the respondents acknowledged that they are always keen to communicate available procurement opportunities to members of the public. These findings imply that less than half of leaders in judiciary procurement committees are committed to communicating available procurement opportunities to members of the public. According to Komakech (2016), communicating procurement opportunities as well as the procedures and criteria that the procuring entity will use to evaluate bidders is an important cornerstone for ensuring fairness in public procurement. Effective communication of opportunities gives all members of the public an equal chance to participate in the bidding process.

Table 4.10 Respondents rating of their Leadership Fairness

Statement on Leaders Independence	True N (%)	False N (%)
I am always keen to communicate available procurement opportunities to members of the public	48 (48.5)	51 (51.5)
I always stress the award of procurement contracts through merit	68 (68.7)	31 (31.3)
I emphasize prior consideration of women during the award of procurement contracts	76 (76.8)	23 (23.2)
I often insist on prior consideration of youths during the award of procurement contracts	77 (77.8)	22 (22.2)
I advocate the need to give prior consideration to persons with disability during the award of procurement contracts	75 (75.8)	24 (24.2)
I emphasise on prior consideration of persons from ethnic minority groups during the award of procurement contracts.	76 (76.8)	23 (23.2)
I have put in place mechanisms for detecting misconduct in procurement transactions	22 (22.2)	77 (77.8)

The importance of communicating the availability of tender opportunities in a bid to enhance fairness was also highlighted during the interviewees. It emerged that the law requires public institutions to publicize their intent to procure goods and services through avenues that have a wide reach.

> The PPDA of 2015 requires public institutions to take reasonable steps to bring to the attention of those who may wish to submit their tenders their intent to procure a good or service. These steps include advertising in national newspapers, communicating through websites, and posting the opportunities in conspicuous places (Interviewee 3, 2022).

> For procurement to be competitive, the law requires open advertisement of tenders. This gives all potential bidders the opportunity to participate. Apart from ensuring fairness in the distribution of procurement opportunities, it also ensures that the government gets the best deal possible through a competitive process (Interviewee 7, 2022).

Equally, 68.7% of respondents affirmed that they always stress the award of procurement contracts through merit. These findings imply more than two-thirds of leaders in procurement department of the judiciary are keen on ensuring the award of procurement contracts based on

merit. According to Mose et al. (2018), a merit-based system of awarding contract enhances fairness in the public procurement process by ensuring that any bidder with right qualification will have the chance to win the contract. A merit-based system also enhances efficiency by ensuring that only bidders who qualify for a given work gets the contract.

Similarly, 76.8% of respondents admitted that they emphasize prior consideration of women during the award of procurement contracts. These findings suggest that most of procurement committee leaders in the judiciary are likely to give priority to women when awarding procurement contracts. According to Pratiwi and Sari (2017), the principle of fairness obliges public office holders to consider marginalized groups such as the elderly, persons with disabilities, and ethnic minority in the distribution of public goods. This principle ensures that underrepresented entrepreneurs are accorded an opportunity to do business with the government.

Likewise, 77.8% of respondents affirmed that they often insist on prior consideration of youths in the award of procurement contracts. These findings signify that most procurement committee leaders in the judiciary consider the interests of young people when making procurement decisions. This practice is consistent with Article 55 of CoK 2010 on affirmative action and the PPDA of 2015. The CoK 2010 recognizes youth as part of the marginalized groups in the country. Article 55 of CoK 2010 directs the state to tale measures for ensuring that youths get opportunity to participate on social and other spheres of life as well as access employment. The PPDA of 2015 has operationalized article 55 of CoK 2010 by directed reservation of 30% of government procurement opportunities to women, youths, and persons with disabilities. However, current findings are inconsistent with Njeri and Getuno (2016), who found that the judiciary advertises procurement opportunities through print media, which do not attract interest among most youths. The use of this channel to communicate procurement opportunities excludes many youths from bidding.

In addition, 75.8 of respondents confirmed that they stress the need to give prior consideration to persons with disability (PWD) during the award of procurement contracts. These findings support the position that most of the procurement committee leaders in the judiciary are likely to implement affirmative actions to ensure PWD are able to compete for government contracts. Affirmative action for persons with disability is anchored in Article 227 of CoK 2010 that demands the formulation of legislation that will promote the advancement of persons or groups that were previously marginalized by discrimination or

unfair competition when it comes to allocation of public procurement contracts. Kevogo (2020) also observed that giving prior consideration to PWD promotes fairness in the distribution of procurement opportunities because PWD face numerous challenges in accessing economic opportunities such the chance to win government tenders.

Moreover, 76.8% of the respondents acknowledged that they emphasize prior consideration of persons from ethnic minority groups during the award of procurement contracts. These findings suggest that most procurement committee leaders in the judiciary implement affirmative action that favours people from minority ethnic groups when it comes to the award of procurement contracts. This practice is also supported by Article 227 of CoK 2010 that calls for preferential treatment of groups that were previously marginalized when it comes to allocation of public procurement opportunities. According to Mwangi (2019), marginalized cultural and ethnic groups are among the groups that were considered to be marginalized by the 2014 World Conference on Youth. Giving special consideration to this group during the award of procurement contracts enhances the fairness of the procurement process.

Lastly, 22.2% of the respondents affirmed that they have put in place mechanisms for detecting misconduct in procurement transactions. These findings reinforce the view that few procurement committee leaders in the judiciary have put in place mechanisms for detecting misconduct that may propagate unfair award of procurement contracts. According to OECD (2016), setting up mechanisms for tracking procurement decisions of public entities and identifying irregularities and potential corruption is key to enhances the fairness of public procurement processes. Leaders should establish procedures through which officials as well as members of the public can report misconduct without the fear of reprisal or victimization. Leaders should also define tough sanctions to be applied to officials and suppliers that are found culpable of procurement misconduct.

A composite leadership fairness score was computed by combining the responses to the 7 items in the fairness scale. Every true response was coded as 1 while every false response was coded as 0 effectively creating a continuous scale that ranged from 0 to 7. This data was then converted into categorical format by coding scores of 2 or below as low leadership fairness, scores of 2-5 as moderate leadership fairness, and scores of above 5 as high leadership fairness. The low leadership fairness category had 74 entities making up 48.4% of the sample, the moderate category had 29 (19.0%) and the high fairness category had 50

(32.7%). The composite leadership fairness data was cross-tabulated with data on levels of corruption to assess the relationship between the two variables. Table 4.11 presents the findings.

Table 4.11: Cross-Tabulation of Levels of Corruption and Leadership Fairness

		Levels of Corruption		
		Low N (%)	High N (%)	Total
Leadership Fairness categories	Low	5 (6.8)	69 (93.2)	74 (100.0)
	Moderate	8 (27.6)	21 (72.4)	29 (100.0)
	High	50 (100.0)	0 (0.0)	50 (100.0)
Total		63 (41.2)	90 (58.8)	**153 (100.0)**

Chi-square $X^2 = 109.835$, df = 2, sig. = .000

Results in Table 4.11 shows that the proportion of sampled procuring stations with high levels of corruption declined from 93.2% in the low leadership fairness category to 72.4% in the moderate leadership fairness category. The proportion decreased further to 0 in the high leadership fairness category. These findings suggest that the effect on leadership fairness on level of corruption is negative. When leadership fairness increases, the levels of corruption decrease. The chi-square test showed that the relationship between the two variables is statistically significant ($X^2 = 109.835$, df = 2, $p<.001$). These findings lead to the conclusion that leadership fairness has a significant and negative effect on levels of corruption in the procurement department of the judiciary. These findings are congruent with the study by Wanjiru (2018), who found that promoting fairness and transparency in public procurement reduces the risk of corruption.

4.9 Leadership, Gender and Levels of Corruption

The fourth objective of the study was to examine the moderating role of leaders' gender in the relationship between leadership practices and levels of corruption in the procurement department of the judiciary. The study paid attention to the gender of the procurement committee leader of the sampled stations. Table 4.12 summarizes this information.

Table 4.12: Gender of Procurement Committee Leader

Gender	Frequency	Percent
Male	99	64.7
Female	64	35.3
Total	**153**	**100.0**

Results in Table 4.12 show that nearly two-third (64.7%) of the sampled procuring stations had a male leader while the remaining 35.3% had a female leader. The findings imply that when it comes to leadership appointments in government institutions, the country has met the Constitutional principle that limits the number of positions that can be held by the same gender to two-thirds. These findings are consistent with the Economic Survey conducted in 2018, which showed that women representation in appointive positions stood at 30% at the time (Kenya National Bureau of Statistics, 2020). The findings also imply that the proportion of women holding appointive leadership positions is on the increase. The multiple linear regression analysis was used to assess the moderating role of gender in the relationship between leadership and corruption. A composite leadership score was obtained by computing the statistical mean of leadership independence, leadership transparency, leadership accountability, and leadership fairness. The composite leadership score was then regressed against gender and interaction between gender and leadership. Table 4.13 presents the results of the analysis.

Table 4.13: Moderating Effect of Gender on Leadership-Level Corruption Relationship

		Unstandardized Coefficients		Standardized Coefficients		
Model		B	Std. Error	Beta	t	Sig.
1	(Constant)	6.614	1.419		4.662	.000
	Leadership score	-.872	.425	-.859	-2.052	.042
	Leaders' gender	-.299	.252	-.571	-1.186	.238
	Leadership * Gender	.208	.232	.943	.897	.371

a. Dependent Variable: Levels of corruptions

Adjusted r square 0.729

The moderating effects of the leader's gender was tested using the t-statistic for the interaction variable (leadership * gender). Results in Table 4.13 shows that the interaction between gender and leadership does not have a statistically significant effect on level corruption in the procurement department (β=0.208, t= 0.897, p= .371). These findings imply

that the leaders' gender does not make a notable difference in how leadership affects levels of corruption in government. This is contrary to earlier studies such as Jha and Sarangi (2014), Bauhr et al. (2019), and Kubbe et al. (2012), which found that greater representation of women in leadership reduced the levels of corruption in government. However, all the past studies focused on women representation in elective position such as parliament. Current findings suggest that the effect of gender on leadership and level of corruption may not be substantial in appointive positions.

While previous research suggests that women's participation in leadership can lead to reduced levels of corruption, there are instances where this may not be effective. One of the instances is when women leadership is treated as tokenism. This is where women leaders are appointed to positions of authority simply to meet a quota or to create a perception of diversity, rather than based on their actual qualifications or abilities (Kubbe et al., 2012). If women leaders are not given the necessary resources or support to carry out their responsibilities effectively, they may not be able to have an impact on reducing corruption in government. Women leaders may also face negative stereotypes and biases in the media or society, which can undermine their credibility and effectiveness as leaders (Bauhr et al., 2019). This can make it difficult for them to garner support for anti-corruption measures or to implement reforms.

Women leadership may also be less effective where corrupt systems in government are deeply rooted in patriarchal structures that may not change even with the appointment of women in leadership positions (Jha & Sarangi, 2014). Women may face discrimination and bias within these structures, which can limit their power and influence. Lack of support can also be a hindrance to the effectiveness of women leadership in addressing corruption in government. Women leaders may face resistance or lack of support from their male counterparts or other stakeholders, which can make it difficult for them to implement policies or reforms aimed at reducing corruption.

4.10 Leadership, Government Bureaucracy and Levels of Corruption

The final objective of the study sought to determine the moderating role of government bureaucracy in the relationship between leadership practices and levels of corruption in the procurement department of the judiciary. The study assessed government bureaucracy using five statements that prompted respondents to indicate the extent to which they agreed with each statement using a five-point scale (5= very large extent. 4= large extent, 3= moderate extent, 2= little extent, 1= no extent). Table 4.14 presents the findings.

Table 4.14: Respondents views on Levels of Bureaucracy in their Station

Statement	N	Mean	S.D
The station places a lot of emphasis on respect for superiors	153	3.18	1.252
The station has a strict hierarchical structure where an employee can only communicate issues through the immediate superior officer	153	3.41	.847
The conduct of employees in the station is governed by very strict rules and regulations	153	3.59	.847
Employees at the lower level of the station have little discretion to make decisions	153	3.59	.847
Employees at the station are expected to follow strict operating procedures	153	3.88	1.082
Composite Bureaucracy score	**153**	**3.53**	**.760**

Table 4.14 illustrates that respondents agreed to a moderate extent (mean =3.18) with the claim that their institution places a lot of emphasis on respect for superiors. These findings imply that there is moderate emphasis on respect for superiors in Judiciary procurement department. However, the standard deviation is greater than 1 (SD= 1.252), which indicates that there were major dispersions in the respondents views from the average position. This implies that respondents had diverse views on this issue due to differences in the level of emphasis on respect for superiors across their stations. However, qualitative results seek to support the view that most public institution follow a military command structure where respect for superiors is emphasized.

> Most government institutions have a command structure where lower level employees are trained to respect their superiors and not question their decisions. This structure values loyalty and employees deemed to be disloyal are often eliminated. This structure has propagated corruption as there are very few people willing to challenge the status quo (Interviewee 2, 2022).

> Bureaucracy is very high in most government institutions. This makes it extremely difficult for junior employees to report incidents of corruption because they have to follow the existing chain of command when airing their grievances. There is a need to create platforms where junior staff can blow the whistle on their superior without following the organization's command structures (Interviewee 9, 2022).

These findings suggest that most of the procuring stations in the judiciary have bureaucratic structures that emphasize respect for authority. These structures have propagated corruption by making it difficult for junior staff to report malpractices. The findings are congruent with Baekgaard et al. (2018), who opined that giving prominence to respect for superiors is a central feature of bureaucratic organizations. The findings are also congruent with Kakai and Mokono (2022), who found that the Judiciary of Kenya was characterized by lengthy and bureaucratic procurement processes that were making it difficult to complete large procurement transactions within a single financial year. The implication was that service users had to wait for longer to benefit from the procured items while suppliers wait for long before receiving payments.

Similarly, respondents agreed to a moderate extent (mean=3.41) that their institution has a strict hierarchical structure where an employee can only communicate issues through the immediate supervisor. The standard deviation is less than 1 (SD= 0.847), which indicates that there was little dispersion in respondents' views around that average position. These findings are congruent with Namaswa and Juma (2019), who found that most public institutions in Kenya have hierarchical structure with clearly define lines of authority that are impossible to question or challenge. Current findings however signify that there is a moderate level of bureaucracy in the procuring stations in the judiciary.

On the other hand, respondents agreed to large extent (mean 3.59) with the assertion that the conduct of employees in their station is governed by very strict rules and regulations. The standard deviation (SD= 0.847) shows that there was high level of consensus among the respondents on this issue. Koybasi et al. (2017) observed that the use of strict rules and regulations is another key feature of bureaucratic organizations. These organizations try to create stability and standardize operations by enacting rules that direct employees in everything that they do. Current findings suggest that the sampled procuring stations ranked highly on this feature. The position is reinforced by interview data where several respondents cited the existence of red-tape in government institutions.

> Government institutions have a lot of red tape that tends to complicate issues like procurement of goods. Some of these bureaucracies create avenues for corruption. For instance, an organization has to follow stringent procedures to ensure money meant for suppliers is released. Some suppliers become desperate and decide to bribe staff in order to have the payment process expedited faster (Interviewee 4, 2022).

> Government institutions have endless rules and procedures when it comes to procuring goods and services and making payment. These regulations have complicated the procurement process creating room for government officials to extort bribes. There is a need to deregulate procurement process in order to make it easy for suppliers to secure tender and receive payment without paying bribes (Interviewee 11, 2022).

Equally, respondents agreed to a large extent (mean=3.59) that employees at the lower level of their stations have little discretion to make decisions. The standard deviation (SD= .0847) shows that there was high level of consensus among respondents on this issue. Little autonomy for employees at the operational level is another feature that is typical to bureaucratic organizations (Namaswa & Juma, 2019). This feature is aimed at promoting stability and standardization by ensuring that all operational employees act in the same manner as instructed by their superior. Current findings suggest that this bureaucratic feature is highly visible in most of the sampled stations.

Lastly, the respondents agreed to a large extent (mean=3.88) with the statement that employees are expected to follow strict operating procedures. However, the standard deviation (SD= 1.082) indicates that there was little consensus among respondents on this issue. Strict operating procedures are also a key feature of bureaucratic organizations (Koybasi et al., 2017). Such organizations often have manuals that define how an employee should perform a given task. Current findings indicate that most of the judiciary procuring stations exhibit this bureaucratic feature.

A composite bureaucracy score was computed by obtaining the statistical mean for all the five items that the study used to measure government bureaucracy. Results show that the mean composite score is 3.53 out of a highest possible score of 5. This mean would translate to a percentage score of 70.6 indicating that on average, the sampled department exhibit 70.6% of the indicators that were used to measure government bureaucracy. The government bureaucracy composite score was regressed against the composite leadership score, and the interaction between government bureaucracy and leadership in order to test the moderating effect of government bureaucracy. Table 4.15 presents the results of the analysis.

Table 4.15: Moderating Effect of Bureaucracy on Leadership- Corruption Relationship

Model		Unstandardized Coefficients		Standardized Coefficients		
		B	Std. Error	Beta	t	Sig.
1	(Constant)	3.943	.535		7.363	.000
	Leadership score	-.558	.142	.514	3.930	.000
	Bureaucracy score	.370	.163	.349	2.270	.000
	Bureaucracy * Leadership	-.100	.038	-.182	-2.625	.010

a. Dependent Variable: Corruption aggregate score

Adjusted R square 0.685

The moderating effects of government bureaucracy was also tested using the t-statistic for the interaction variable (bureaucracy*leadership). Results in Table 4.15 show that the interaction between bureaucracy and leadership has a statistically significant relationship with levels of corruption in government (t=-2.625, *p=.01*). The beta coefficient for leadership was -0.558 while the beta coefficient for the bureaucracy*leadership is -0.1. This implies that the addition of bureaucracy to the leadership practices variable reduced its effect on levels corruption. This implies that government bureaucracy has a negative effect of the relationship between leadership practices and levels of corruption in the procurement department of the judiciary. Increased levels of bureaucracy reduce the impact that good leadership has in reducing levels of corruption. Results in Table 4.15 also show that, on its own, bureaucracy has a positive beta coefficient of 0.370, which means that government bureaucracy tends to reinforce corruption in government. When bureaucracy increases by 1 unit, levels of corruption increase by 0.37 units.

The quantitative findings are reinforced by the qualitative findings where some of the interviewees explained that bureaucracy tends to create hurdles for firms that wish to get supply contracts, which opens loopholes for public officials to demand bribes.

> Government bureaucracy raises barriers to entry by firms that wish to get tenders. This gives public officials the power to demand and collect bribes. On the other hand, less bureaucracy makes it easy for firms to access tenders without the need to give bribes or kickbacks (Interviewee 12, 2022).

These findings support the views of Leff (1964) and Nye (1967), who opined that corruption in the private sector is a response to excessive bureaucracy by the government. The interview data also revealed that government bureaucracy such as complex regulation create loopholes

for rent-seeking or the pursuit of economic gain through the manipulation or exploitation of the political process.

> Bureaucrats may create complex regulations or administrative requirements that make it hard for business firms to operate or comply with the law. This can create incentives for firms to pay bribes or engage in other forms of corruption to bypass bureaucratic obstacles (Interviewee 6, 2012).

Bureaucratic structures also contribute to corruption by concentrating power at the top of the hierarchy who may use their authority to pursue their own interest rather than the interest of the public (Koybasi et al., 2017). This concentration of power can create opportunities for corruption, as officials may be able to demand bribes or kickbacks for favorable treatment. Bureaucratic structures also make decision-making processes opaque and not subject to review or challenge, allowing corruption to flourish. The structures also reduce accountability because leaders cannot be questioned by their subordinate or members of the public.

CHAPTER FIVE
SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This study purposed to determine the effect of leadership practices on levels of corruption in the procurement department in the judiciary of Kenya. This chapter presents a summary of its findings, the conclusions inferred from the findings, recommendations to various stakeholders, and suggestions for future studies.

5.2 Summary of Findings

The study deployed the mixed-method research design. The design entailed collecting quantitative data from a sample of 153 heads procurement committees using questionnaires and qualitative data from 12 key informants through interviews. Percentages, frequencies, means, and standard deviations were used to carry out descriptive analysis of the quantitative data. Cross-tabulation with chi-square and the multiple linear regression methods were used to conduct inferential analysis of the data. Qualitative data was analysed using the thematic content analysis technique. A summary of the key findings of the study are provided in subsequent sections:

5.2.1 Leadership Independence and Levels of Corruption

The first objective of the study was to determine the effect of leadership independence on levels of corruption in the procurement department of the judiciary. Leadership independence was assessed using seven statements that sought to measure the leaders' freedom from conflict of interest and levels of integrity. Descriptive results showed that 41% of the procuring stations had low levels of leadership independence, 23.5% had moderate levels while 35.3% had high levels of leadership independence. The inferential analysis showed that leadership independence has a negative and statistically significant effect on levels of corruption in the procurement department of the judiciary (X^2= 63.384, df= 2, p<.001). This implies that when leadership independence increases, the levels of corruption decline.

5.2.2 Leadership Transparency and Levels of Corruption

The second objective of the study was to examine the effect of leadership transparency on levels of corruption in the procurement department of the judiciary. Leadership transparency was evaluated in terms of the leaders' ability and commitment to generate and disseminate accurate information in a timely manner as well as the leader's openness to scrutiny. Descriptive results showed that 32% of the procuring stations have low levels of leadership

transparency, 42.5% have moderate leadership transparency while 25.5% have high leadership transparency. The chi-square test showed that leadership transparency has a negative and statistically significant effect on levels of corruption in the procurement department of the judiciary (X^2= 42.016, df=2, p<.001). This implies that when leadership transparency increases, levels of corruption decline substantially.

5.2.3 Leadership Accountability and Levels of Corruption

The third objective was to analyse the effect of leadership accountability from a gendered perspective on levels of corruption in the procurement department of the judiciary. Leadership accountability was appraised in terms of the leaders' commitment towards engaging various stakeholders including members of the public, parliament, and auditor on procurement matters. It was also evaluated in terms of leaders' readiness to address queries raised by the auditor, members of the pubic, the media, or parliament. Descriptive results showed that 32.7% of the procuring stations had low leadership transparency, 29.4% had moderate leadership transparency while 37.9% had high leadership transparency. The chi-square test shows that leadership transparency has a statistically significant and negative effect on levels of corruption in the procurement department of the judiciary (X^2 = 42.081, df = 2, p<.001). This implies that when leadership accountability increases, levels of corruption in procurement department of the judiciary.

5.2.4 Leadership Fairness and Levels of Corruptions

The fourth objective was to establish the relationship between leadership fairness and levels of corruption in the procurement department of the judiciary. The study assessed leadership fairness in terms of the leaders' commitment towards ensuring that procurement opportunities are awarded on merit. It also assessed fairness in terms leader's willingness to implement the affirmative action principle that calls for favourable consideration of previously marginalised groups such as women and youths during the award of procurement contracts. Descriptive results showed that 48.4% of the procuring stations have low levels of leadership fairness, 19% had moderate levels of leadership fairness while 32.7% had high leadership fairness. The chi-square test showed that leadership fairness has a statistically significant and negative effect on levels of corruption in the procurement department of the judiciary (X^2 = 109.835, df = 2, p<.001). This implies that when leadership fairness increases, levels of corruption decline.

5.2.5 Leadership, Gender and Levels of Corruption

The fifth objective was to determine the moderating effect of gender on the relationship between leadership practices and levels of corruption in the procurement department of the judiciary of Kenya. Results showed that 35.3% of the procuring stations have a female leader. This implies that the country has met the two-third gender principle when it comes to appointment of leaders of the procurement committees in the judiciary. However, inferential analysis showed that the leader's gender does not have a statistically significant moderating effect on the relationship between leadership practices and levels of corruption in the procurement department of the judiciary (β=0.208, t= 0.897, *p*= .371).

5.2.6 Leadership, Government Bureaucracy and Levels of Corruption

The final objective of the study was to determine the moderating effect of government bureaucracy on the relationship between leadership practices and levels of corruption in the procurement department of the judiciary of Kenya. Government bureaucracy was measured in terms of the institution's command structure and levels of formality. Results showed that most of the procuring stations in the judiciary procurement department have high levels of bureaucracy with the stations exhibiting 70.6% of the indicators that the study used to measure bureaucracy levels. Inferential analysis showed that government bureaucracy has a statistically moderating effect on the relationship between leadership practices and levels of corruption in the procurement department of the judiciary (β=-0.1, t=-2.625, *p=.01*). The moderating effect is negative meaning high levels of government bureaucracy reduce the effect of leadership practices in reducing levels of corruption in government.

5.3 Conclusions of the Study

This study sought to examine the effect of leadership practices on levels of corruption in the procurement department of the judiciary of Kenya. 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 study also concludes that leadership transparency tends to significantly diminish levels of corruption in the procurement department of the judiciary. It also deduces that more than one-third of the procuring stations in the Judiciary procurement departments have low levels of leadership transparency. To reduce incidents of corruption in government procurement, leaders need to convey ethical standards clearly. Leaders need to be transparent, open, and

honest about their decisions, actions and outcomes. They should be willing to share information on what goes on in their organization, provide feedback, and communicate openly to members of the public and oversight agencies. They also provide access to the systems and process that underpin their decision and seek input from other stakeholders. Corruption is often fuelled by secrecy and the more transparent procurement transactions are, the less likely corruption is to go undetected.

The study further concludes that leadership accountability substantially reduces levels of corruption in the procurement department of the judiciary. Similarly, close to one-third of the procuring committees in the judiciary have low levels of leadership independence. Consequently, there is a need to enhance the level of leadership accountability in these institutions. Leaders should remain accountable to their employers and hold their subordinates accountable for any unethical behaviour. Leaders should be willing to accept responsibility for their actions and decisions as well as the behaviours of their team. They should also establish clear expectations and standards of behaviours for their subordinates and take actions when performance falls short.

In addition, the study infers that leadership fairness minimizes the levels of corruption in the procurement department of the judiciary. Close to half of the procurement stations have low levels of leadership fairness. Consequently, there is a need to enhance leadership fairness in the procurement department in the judiciary. Leaders should treat all stakeholders equally and impartially, taking into consideration the needs and interest of marginalized groups. Leadership should avoid any bias or partiality when making procurement decisions. They should be open and honest in the decision-making and explain the reasoning behind their decisions to all stakeholders. They should also consider people of all background when making procurement decisions to ensure that everyone has the opportunity to benefit.

Moreover, findings led to the inference that leader's gender does not have a notable moderating effect on the relationship between leadership practices and levels of corruption in the procurement department of the judiciary. This implies that the leader's gender does not impact leadership practices and how it impacts on corruption. Findings contradict the argument that when there are more women in leadership positions, they can serve as role models for good governance, and promote values such as transparency, fairness, and accountability. While previous studies suggested that women leadership can lead to reduced

corruption, there are factors that can make women leadership less effective including tokenism, patriarchal structures, lack of support, and stereotyping.

Lastly, the study concludes that bureaucracy levels significantly alter the effect that leadership practices have on and levels of corruption in the procurement department of the judiciary. It was also noted that there is a high level of bureaucracy in procuring stations in the judiciary. A highly hierarchical command chain that emphasizes unconditional respect for authority as well as high levels of formalization typifies this bureaucracy. This type of bureaucracy limits the effectiveness of leaders in dealing with corruption in procurement.

5.4 Recommendations of the Study

To enhance independence, the judicial service commission (JSC) should recruit procurement committee leaders with high levels of integrity. JSC should also develop policy that stipulates the conduct of the procurement committee chair and members. In addition, JSC should provide training to the procurement committee member on matters related to procurement and supply chain management.

Independence can be enhanced by creating platforms and incentives that encourage employees to report practices that comprise leaders' integrity such as receiving gifts or compensations from suppliers. For instance, the USA has a Whistleblower Programme that gives monetary awards to individuals who provide information that enables law enforcers to discover fraud and save taxpayers money. Such a programme can be replicated in Kenya to improve reporting of misconduct that compromises leaders' integrity. Reward programmes for public officials that resist bribes and turn-in firms that attempt to give bribes should also be created.

To improve leadership transparency, JSC should direct all court stations to publish their procurement history on the judiciary website on an annual basis. Parliament should enact laws that require all government entities to have a website through which they should publish their financial statement on annual basis. This will ensure that different stakeholders have access to information regarding the financial transactions of the public agency.

Parliament should also provide more resources to the auditor general's office that is responsible for scrutinizing the financial transactions of public entities. The resources will enable the office to recruit more staff and acquire advance technologies that will enhance their effectiveness in scrutinizing the financial transactions of the stations. The JSC should

also enhance internal scrutiny by hiring internal auditors and equipping them with requisite resources that they need to conduct timely audits.

To reinforce leadership accountability, JSC should direct leaders of procurement committees to engage stakeholders' including members of the public in the preparation of budgets in the award of major contract. This will ensure that leaders remain answerable to different stakeholders for the decisions that they make.

JSC should also direct procuring committee leaders to put in place platforms through which individuals disgruntled by procurement processes can raise their grievances. A grievance redress mechanism will enhance accountability by allowing members of public to challenge the procurement decisions made by a given institutions.

To strengthen leadership fairness, leaders in government institution should develop mechanisms for ensuring that procurement contracts are awarded on merit. The mechanism may include integrating ICT in the tendering process to ensure that every transaction is verifiable. It may also entail developing straightforward criteria for evaluating suppliers.

Fairness can also be bolstered by integrating the affirmative action principle in the award of procurement contract. Particularly, leaders should uphold the laws that require 30% of procurement contract to be awarded to women, youths, and persons with disability.

Regarding the moderating role of gender on the relationship between leadership and corruption, Judiciary should explore other mechanisms for strengthening the effect of leadership on corruption because gender has minimal effect

The judiciary procurement department should revise its operating procedures with the view of granting employees greater autonomy and reducing the levels of bureaucracy. They should also create a more open organizational structure to make it easy for lower level employees to report misconduct by the immediate managers.

5.5 Suggestions for Further Studies

The current study confined its analysis to procuring stations within the Judiciary 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

generalizability of 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 county governments. 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 is 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.

Lastly, the study tested the effect of two moderating variables: leaders' gender and government bureaucracy. Government bureaucracy was found to have a significant moderating effect on the leadership-corruption nexus but leaders' gender has no significant effect. This study opens up possibilities of researching other moderating variables in the future. Future studies may consider other variables such as public sector reward system, systems of laws, media freedom, and code of ethics among others. The study also opens up the possibility of researching on the mechanisms through which leadership practices affect perceived levels of corruption in government procurement.

REFERENCES

Abad, D., Lucas-Perez, M., Minguez-Vera, A., & Yague, J. (2017). Does gender diversity on corporate boards reduce information asymmetry in equity markets? *BRQ Business Research Quarterly, 20*(3), 192- 205.

Abah, E. & Nwoba, M. (2016). Effects of leadership and political corruption on achieving sustainable development: Evidence from Nigeria. *Public Policy and Administration Research, 6*(6), 32- 41.

Abdou, A., Basdevant, O., Barrett, E. & Fazekas, M. (2022). Assessing vulnerabilities to corruption in public procurement and their price impact. *IMF Working Papers, 2022*(094), 31. https://doi.org/10.5089/9798400207884.001.

Adera, W., & Senelwa, A. (2019). Effect of procurement training practices on implementation of procurement practices in public institutions. *International Journal of Social Sciences and Information Technology, 4*(12), 1-9.

Africa Centre for Open Governance (2019). *Public participation and parliamentary oversight: Legal reforms and policy option*. Nairobi: Author.

AfriMAP (2015). Effectiveness of anti-corruption agencies in East Africa: Kenya, Tanzania and Uganda. New York, NY: AfriMAP.

Agarwal, B. (2014). The power of numbers in gender dynamics: Illustrations from community forestry groups. *The Journal of Peasant Studies, 42*(1), 1-20. http://dx.doi.org/10.1080/03066150.2014.936007.

Akkoyunlu, S., & Ramella, D. (2020). Corruption and economic development. *Journal of Economic Development, 45*(2), 63- 94.

Al-Jundi, S. (2019). A survey dataset on determinants of administrative corruption. *Data in Brief, 27,* 104820.

Ambraseys, N., & Bilham, R. (2011). Corruption kills. *Nature, 469,* 153- 155.

Anchors, M., Carvajal, A., Cummings, T., Gaetz, D., Gilzean, G., Grant, J…. & Stillman, K. (2022). *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees.* Tallahassee, FL: Florida Commission on Ethics.

Apuke, D. (2017). Quantitative research methods: A synopsis approach. *Kuwait Chapter of Arabian Journal of Business and Management Review, 6*(11), 40-47. DOI: 10.12816/0040336.

Atari, M., Lai, M., & Dehghani, M. (2020). Sex differences in moral judgments across 67 countries. *Proceedings of the Royal Society, 287*(1937). https://doi.org/10.1098/rspb.2020.1201.

Atkinson, C. (2019). Full and open competition in public procurement: Value and ethics in contracting opportunity. *International Journal of Public Administration,* 1-4. doi: https://doi.org/10.1080/01900692.2019.1666408.

Baekgaard, M., Mortensen, P. & Seeberg, H. (2018). The bureaucracy and the policy agenda. *Journal of Public Administration Research and Theory, 28*(2), 239-253. https://doi.org/10.1093/jopart/mux045.

Baldus, B. & Hatton, L. (2020). U.S. chief procurement officers' perspectives on public procurement. *Journal of Purchasing and Supply Management, 26*(1), 100538. https://doi.org/10.1016/j.pursup.2019.05.003.

Bandiera, O., Best, M. & Khan, A. & Prat, A. (2017). *Motivating bureaucrats: Autonomy versus performance pay for public procurement in Pakistan*. London: International Growth Centre.

Bankraiem, R., Hamrouni, A., Lakhal, F., & Toumi, N. (2017). Board independence, gender diversity and CEO compensation. *Corporate Governance, 17*(5), 845-860. https://doi.org/10.1108/CG-02-2017-0027.

Barnes, T., & Beaulieu, E. (2014). Gender stereotypes and corruption: How candidates affect perceptions of election fraud. *Politics & Gender, 10*(2014), 365- 391.

Barrow, J., Brannan, G., & Khandhar, P. (2021). Research ethics. *British Medical Journal, 23*(2), 34-41.

Bauhr, M., Charron, N., & Wangnerud, L. (2019). Exclusion or interests? Why females in elected office reduce petty and grand corruption. *European Journal of Political Research, 58*(1), 1043- 1065.

Bohren, O., & Staubo, S. (2015). Mandatory gender balance and board independence. *European Financial Management, 22*(1), 3-30.

Bosio, E. (2021). *Reducing corruption in public procurement*. New York, NY: World Bank.

Bryman, A. (2016). *Social Research Method (Fifth Edition).* Oxford: Oxford University Press.

Burbidge, D. 2016. *The shadow of Kenyan democracy: Widespread expectations of widespread corruption*. New York, NY: Routledge.

Campbell, S., Greenwood, M., Prior, S., Shearer, T., Walkem, K., Young, S., Bywaters, D., & Walker, K. (2020). Purposive sampling: Complex or simple? Research case examples. *Journal of Research in Nursing, 25*(8), 652- 661. https://doi.org/10.1177/1744987120927206.

Carcaba, A., Gonzalez, E., Ventura, J., & Arrondo, R. (2017). How does good governance relate to quality of life. *Sustainability, 9*(631). DOI: 10.3390/su9040631.

Castleberry, A. & Nolen, A. (2018). Thematic analysis of qualitative research data: Is it as easy as it sounds? *Currents in Pharmacy Teaching and Learning, 10*(6), 807- 815.

Charles, B., & Oluoch, O. (2017). Determinants of the effectiveness of the auditor general in Kenya in public financial management oversight. *The Strategic Journal of Business & Change Management, 2*(7), 98- 112.

Chen, Z., Pan, J., Wang, L. & Shen, X. (2016). Disclosure of government financial information and the cost of local government's debt financing: Empirical evidence from provincial investment bonds for urban construction. *China Journal of Accounting Research, 9*(3), 191-206.

Chesoli, K., & Kimosop, P. (2020). International development cooperation, corruption, and COVID-19 in Kenya: Lessons for infectious disease control. *Kenya Studies Review, 8*(2), 21-42.

Clabots, B. (2013). *Gender dimensions of community-based management of marine protected areas in Siquijor, Philippines (Thesis)*. University of Washington, USA.

Cumbe, L. & Inacio, H. (2018). The impact of external audit on the accountability of the common fund of the Mozambique National Institute of Statistics. *Managerial Auditing Journal, 33*(7), 538- 557. https://doi.org/10.1108/MAJ-01-2017-1500.

Dacha, V. & Juma, D. (2018). Effect of stakeholder participation on the efficiency of the public procurement process in the public sector: A case of Jomo Kenyatta University of Agriculture and Technology. *The Strategic Journal of Business & Change Management, 5*(2), 1206-1230.

Dagnes, J., Donatiello, D., Moiso, V., Pellegrino, D., Sciarrone, R., & Storti, L. (2020). Mafia infiltration, public administration and local institutions: A comparative study in Northern Italy. *European Journal of Criminology*, 17(5), 540– 562.

Darlington, R., & Hayes, A. (2016). *Regression analysis and linear models: Concepts, applications, and implementation.* New York, NY: Guilford Publications.

David-Barrett, E. & Fazekas, M (2020). Grand corruption and government change: An analysis of partisan favouritism in public procurement. *European Journal of Criminal Policy and Research, 26,* 411- 430. https://doi.org/10.1007/s10610-019-09416-4.

Debski, J., Jetter, M., Mosle, S., & Stadelmann, D. (2018). Gender and corruption: The neglected role of culture. *European Journal of Political Economy, 55,* 526- 537. https://doi.org/10.1016/j.ejpoleco.2018.05.002.

Dialoke, I., Ukah, F. & Ada, K. (2020). Leadership, corruption and governance: The Nigerian experience. *International Journal of Innovative Development and Policy Studies, 8*(4), 15-26.

Diekman, A., & Clark, E. (2014). Beyond the Damsel in distress: Gender differences and similarities in enacting prosocial behaviour. *The Oxford Handbook of Prosocial Behaviour.* DOI: 10.1093/oxfordhb/9780195399813.013.028.

DiMaggio, P., & Powell, W. (1983). The iron cage revisited: Institutional isomorphism and collective rationality in organizational fields. *American Sociological Review, 48*(2), 147- 160.

Dimant, E., & Tosato, G. (2017). Causes and effects of corruption: What has past decade's empirical research taught us? A survey. *Journal of Economic Surveys, 9*(0), 1-22.

Dimant, E., Krieger, T., & Meierrieks, D. (2013). The effect of corruption on migration, 1985-2000. *Applied Economic Letters, 20*(13), 1270-1274.

Dollar, D., Fisman, R., & Gatti, R. (2011). Are women really the fairer sex? Corruption and women in government. *Journal of Economic Behaviour & Organization, 46*(4), 423-429.

Downe, J., Cowell R., & Morgan, K. (2016). What determines ethical behaviour in public organizations: Is it rules or leadership. *Public Administration Review, 76*(6), 898- 909. https://doi.org/10.1111/puar.12562

Dzwairo, B., Nombela, N., & Perumal, M. (2017). Sustainable leadership pre-and within the 21st century. *Environmental Economics, 8*(1), 75-82. DOI: 10.21511/ee.08(1).2017.08.

EACC (2015). *An evaluation of corruption in public procurement: A Kenyan experience.* Nairobi: Government Printer.

EACC (2019). *National Ethics and Corruption Survey, 2018.* Nairobi: Government Printer.

Egbegi, F., & Ajah, B. (2020). Fighting corruption through a structural-institutional approach: The role of the government. *Journal of International Politics, 2*(2), 1-5.

Emeh, I. (2013). Dependency theory and Africa's underdevelopment: A paradigm shift from pseudo-intellectualism: The Nigerian perspective. *International Journal of African and Asian Studies, 1*(2), 116-128.

Enste, D., & Heldman, C. (2017). *Causes and consequences of corruption: An overview of empirical results.* Berlin: German Economic Institute.

Enuka, C. (2018). Dependency theory and global economic imbalance: A critique. *Unizik Journal of Arts and Humanities, 19*(1), 130- 148. http://dx.doi./org/10.4314/ujah.v19i1.7.

Esarey, J., & Chirillo, G. (2013). "Fairer sex" or purity myth? Corruption, gender, and institutional context. *Politics & Gender, 9*(2013), 361- 389.

Esarey, J., & Schwindt-Bayer, L. (2015). W*omen's representation, accountability, and corruption in democracies.* Version: March 11, 2015.

Esarey, J., & Schwindt-Bayer, L. (2019). Estimating causal relationships between women's representation in government and corrupt. *Comparative Political Studies, 52*(11), 1713- 1741. https://doi.org/10.1177/0010414019830744.

Fagbadebo, O. (2019). Corruption and the challenge of accountability in the post-colonial African states: A discourse. *Journal of African Union Studies, 8*(1), 9-32. https://doi.org/10.31920/2050-4306/2019/v8n1a1.

Fagbadebo, O., & Dorasamy, N. (2021). Political leadership, corruption, and the crisis of governance in Africa: A discourse. *African Renaissance, 18*(1), 27- 52. https://doi.org/10.31920/2516-5305/2021/18n1a2.

Fagbadebo, O., & Dorasamy, N. (2021). Political leadership, corruption, and the crisis of governance in Africa: A discourse. *African Renaissance, 18*(1), 27- 52. https://doi.org/10.31920/2516-5305/2021/18n1a2.

Fan, C., Lin, C., & Treisman, D. (2009). Political decentralization and corruption: Evidence from around the world. *Journal of Public Economics, 93*(1), 14-34.

Fazekas, M. & Blum, J. (2021). *Improving public procurement outcomes: Review of tools and the state of the evidence base*. New York, NY: World Bank Group.

Fazekas, M., Sberna, S., & Vannucci, A. (2021). The extra-legal governance of corruption: Tracing the organization of corruption in public procurement. *Governance, 35*(4), 1139- 1161.

Ferwerda, J., Deleanu, J. & Unger, B. (2016). Corruption in public procurement: Finding the right indicators. *European Journal on Criminal Policy and Research, 23*, 245-267. https://doi.org/10.1007/s10610-016-9312-3.

Frank, B., Lambsdorff, J., & Boehm, F. (2011). Gender and corruption: Lessons from laboratory corruption experiments. *European Association of Development Research and Training Institutes, 23*(1), 59-71.

Gathii, J. (2011). Kenya's long anti-corruption agenda-1952-2010: Prospects and challenges of the ethics and anti-corruption commission under the 2010 Constitution. *The Law and Development Review, 4*(3), 184- 237.

Ghanem, K. (2022). Leadership self-accountability to prevent corruption in the workplace. *Open Access Library Journal, 9*, 1-21. https://doi.org/10.4236/oalib.1109320.

Gravetter, F., & Wallnau, L. (2017). *Statistics for the behavioural sciences 10th edition.* New York, NY: Cengage Learning.

Graycar, A. (2022). Corrupt procurement: Rethinking the roles of principals and agents. *Policy Design and Practice, 5*(3), 276- 293.

Groenendijk, N. (1997). A principal-agent model of corruption. *Crime Law and Social Change, 27*(3), 207-229. DOI: 10.1023/A:1008267601329.

Gros, M. & Henke, T. (2019). The association among corporate governance, corruption, and economic prosperity in the socialist republic of Vitenam. *Accounting, Economics, and Law, 12*(1), 26-75. https://doi.org/10.1515/ael-2018-0020.

Grundler, K., & Potrafke, N. (2019). *Corruption and economic growth: New empirical evidence (IFO working papers)*. University of Munich, Germany.

Gul, F.A., Srinidhi, B., & Ng, A.C. (2011). Does board gender diversity improve the informativeness of stock prices? *J. Account. Econom., 51* (3), 314-338.

Hafner, M., Taylor, J., Disley, E., Thebes, S., Barberi, M., Stepanek, M. & Levi, M. (2016). The cost of non-Europe in the area of organized crime and corruption. Geneva: European Union. https://www.rand.org/pubs/research_reports/RR1483.html.

Halonen, K. (2016). Disclosure rules in EU public procurement: Balancing between competition and transparency. *Journal of Public Procurement, 16*(4), 528- 553.

Han, J. (2023). How does governance affect the control of corruption in India? A configuration investigation with Fs/QCA. *Economies, 11*(2), 43. https://doi.org/10.3390/economies11020043.

Handoko, B. & Pamungkas, H. (2020). Effect of independence, time budget pressure, and auditor ethics on audit quality. *International Journal of Psychosocial Rehabilitation, 24*(9), 1-6.

Harnovinsah, H., Al-Hakim, Y., Erlina, H., & Muda, I. (2020). Effect of accountability, transparency and supervision budget performance. *Utopia and Latin American Praxis, 25*(7), 130-143. http://doi.org/10.5281/zenodo.4009622.

Harris, C., Jenkins, M., & Glaser, D. (2006). Gender differences in risk assessment: Why do women take fewer risks than men? *Judgement and Decision Making, 1*(1), 48-63.

Haugaard, M. (2016). Two types of freedom and four dimensions of power. *International Journal of Philosophy, 1*(275), 37- 65.

Herbet, J. (2018). Testosterone, cortisol and financial risk-taking. *Frontiers in Behavioural Neuroscience, 12*(101). https://doi.org/10.3389/fnbeh.2018.00101.

Herman, S., & Yohannis, T. (2018). The effect of accountability, transparency, openness, fairness and competition on effectiveness and efficiency of e-procurement in Maluku Provincial Procurement Service Unit. *RJOAS, 7*(79), 113-122.

Hope, K. (2014). Kenya's corruption problem: Causes and consequences. *Journal of Commonwealth & Comparative Politics, 52*(4), 493- 512. https://doi.org/10.1080/14662043.2014.955981.

Hossain, H., & Musembi, C. (2010). *Corruption, accountability and gender: Understanding the connections.* Nairobi: UNDP.

Hu, T., Li, J., Jia, H., & Xie, X. (2016). Helping others, warming yourself: Altruistic behaviours increase warmth feelings of the ambient environment. *Frontiers in Psychology, 7*: 1349. DOI: 10.3389/fpsyg.2016.01349.

Ibironke, E. (2019). Effect of internal audit quality on corruption in Nigeria public sector. *Amity Journal of Corporate Governance, 4*(1), 1-14.

Ibrahim, S. & Adams, J. (2020). Leadership and corruption in Nigeria: A precipitating factor for Nigeria's underdevelopment. *International Journal of Art & Humanity Science, 1*(19), 19-29.

Ionescu, L., & Caloian, F. (2016), Bureaucracy and corruption in public sector accounting. *Romanian Journal of Economics, 32*(2), 17-23.

Irwin, D., & Kiereini, N. (2021). Media influence on public policy in Kenya. *The Journal of Modern African Studies, 59*(2), 159- 174. https://doi.org/10.1017/S0022278X21000057.

Ishikawa, Y. (2019). *A critical analysis of why anti-corruption reforms in Kenya so often fail (Unpublished dissertation)*. University of Sussex, UK.

Jackson, K. (2020). The fairer sex? Understanding the link between gender and corruption. *Sigma: Journal of Political and International Studies, 37*(7), 86- 103.

Jarso, J. (2010). The media and the anti-corruption crusade in Kenya: Weighing the achievements, challenges, and prospects. *American University International Law Review, 26*(1), 33-88.

Jensen, M. & Meckling, W. (1976). Theory of the firm: Managerial behaviour, agency costs and ownership structure. *Journal of Financial Economics, 3*(4), 305- 360. DOI: 10.1016/0304-405X (76)90026-X.

Jha, C., & Sarangi, S. (2018). Women and corruption: What positions must they hold to make a difference? *Journal of Economic Behaviour & Organization, 151*(2018), 219-233.

Johnson, J. & Powell, P. (1994). Decision making, risk and gender: Are managers different? *British Journal of Management, 5*(1), 123-138.

Johnson, R., Waal, C., Stefurak, T., & Hildebrand, D. (2017). Understanding the philosophical positions of classical and neopragmatists for mixed methods research. *Cologne Journal for Social Psychology, 69*(2), 63- 86. https://doi.org/10.1007/s11577-017-0452-3.

Judiciary of Kenya (2023). *Supply chain management services directorate*. Government Printer; Judiciary of Kenya.

Kakabadse, N., Figueira, C., Nicolopoulou, K., Yang, J. & Ozbilgin, M. (2015). Gender diversity and board performance: Women's experiences and perspectives. *Human Resources Management, 54*(2), 265- 281. DOI: 10.1002/hrm.21694.

Kakai, P. & Mokon, A. (2022). Effect of budget allocation and procurement process on budget utilization in the public sector in Kenya: A case of the judiciary. *Journal of Finance and Accounting, 6*(4), 109- 122.

Kamau, P., Onyango, G. & Salau, T. (2022). *Kenyans cite criminal activity, lack of respect, and corruption among police failings.* Acra: Afrobarometer.

Kartika, D. (2020). The impact of E procurement implementation on public procurement's corruption cases: evidences from Indonesia and India. *Journal Kajian Wilayah, 11*(20), 193-212.

Kemboi, L. (2023). *A review of the EACC national ethics and corruption survey*. Nairobi: Institute of Economic Affairs.

Kenya National Bureau of Statistics (2018). *Economic Survey 2018*. Nairobi: Government Printer.

Kevogo, S. (2020). Influence of procurement knowledge on access to procurement opportunities by people living with disabilities in Kenya. *The Strategic Journal of Business & Change Management, 7*(4), 1217- 1225.

Khan, M. (2006). *Governance and anti-corruption reforms in developing countries: Policies, evidence and ways forward* (g-24 Discussion Paper No. 42). file:///C:/Users/user/Downloads/Empirical%20study%20on%20Good%20Governace%20and%20Corruption.pdf.

Khotami, K. (2017). The concept of accountability in good governance. *Advances in Social Science, Education and Humanities Research, 163*(1), 30-33. https://doi.org/10.2991/icodag-17.2017.6.

Kibunja, E. (2017). *Budgetary process and financial performance of Murang'a County Government, Kenya (Thesis).* Kenyatta University.

Kichamu, G. (2015). The role of leadership in fighting corruption in the public service of Kenya. *Research Journal of Management, 3*(2), 1-9.

Kimemia, D. (2013). Perception of public corruption in Kenya. *African Journal of Governance and Development, 2*(2), 55-71.

Klimek, J. (2020). Multi-criteria assessment of the bureaucracy in Poland: The individual decision-making aspect. *Procedia Computer Science, 176*(20), 2434- 2444. DOI: 10.1016/j.procs.2020.09.321.

Koch, M. & Fulton, S. (2011). In the defence of women: Gender, office holding, and national security policy in established democracies. *The Journal of Politics, 73*(1). https://doi.org/10.1017/S0022381610000824.

Komakech, R. (2016). Public procurement in developing countries: Objectives, principles and required professional skills. *Public Policy and Administration Research, 6*(8), 20- 29.

Koybasi, F., Ugurlu, C., & Bakir, A. (2017). The factors that influence bureaucracy and professionalism in schools: Grounded theory study. *Journal of Education and Practice, 8*(8), 196-207.

Krishnan, T., & Poulose, S. (2016). Response rate in industrial surveys conducted in India: Trends and implications. *IIMB Management Review, 28*(2), 88-97. https://doi.org/10.1016/j.iimb.2016.05.001.

Kubbe, I., Alexander, A., & Wangnerud, L. (2012). *The effect of gender on corruption: Sorting out explanations for gender differences with new experimental research*. The Quality of Government Institute working paper series 2019:12.

Kuhumba, S. (2018). Amartya Sen's capability approach as theoretical foundation of human development published in journal of sociology and development. *Journal of Sociology and Development, 1*(1), 127- 147.

Kvangraven, I. (2020). Beyond the stereotype: Restating the relevance of the dependency research programme. *Development and Change, 52*(1), 76-112. https://doi.org/10.1111/dech.12593.

Kwamboka F. (2017). *An evaluation of the factors affecting public tendering process in public institutions: A case of procurement department in Kisii Teaching and Referral Hospital (KTRH) (Unpublished thesis)*. Kisii University.

Lasater, K., Jarrin, O., Aiken, L., McHugh, M., Sloane, D., & Smith, H. (2019). A methodology for studying organizational performance: A multistate survey of front-line providers. *Med Care, 57*(9), 742- 749. DOI: 10.1097/MLR.0000000000001167.

Lawal, F., Iyiola, O., Adegbuyi, O., Kehinde, O. & Ogunnaike, O. (2018). Survey data on bureaucratic processes and entrepreneurial venture performance in SMEs in Nigeria. *Data Brief, 20*(1), 775- 778. DOI: 10.1016/j.dib.2018.08.038.

Leelavathi, D., & Gopalakrishna, B. (2012). Amartya Sen's contribution to human development. *Anveshana Institute Journal, 2*(2), 50-59.

Leff, N. (1964). Economic development through bureaucratic corruption. *American Behavioural Scientist,* 8-14.

Lewis, M., Bromley, K., Sutton, C., McCray, G., Myers, H. & Lancaster, G. (2021). Determining sample size for progression criteria for pragmatic pilot RCTs: The hypothesis test strikes back! *Pilot and Feasibility Studies, 7*(40), https://doi.org/10.1186/s40814-021-00770-x.

Luo, Y. (2005). An organizational perspective on corruption. *Management and Organisation Review, 1*(1), 119-154.

Maboloc, C. (2008). *The concept of human development: A comparative study of Amartya Sen and Martha Nussbaum* (PhD thesis). Sweden: Linkoping University.

Malacina, I., Karttunen, E., Jaaskelainen, A., Lintukangas, K., Haikkila, J. & Kahkonen, A. (2022). Capturing the value creation in public procurement: A practice-based view. *Journal of Purchasing and Supply Management, 28*(2), 100745. https://doi.org/10.1016/j.pursup.2021.100745.

Mariz, C., Menard, C. & Abeille, B. (2014). *Public procurement reforms in Africa: Challenges in Institutions and Government.* New York, NY: Oxford Press.

Marquette, H., & Peiffer, C. (2018). Grappling with the "real politics" of systemic corruption: Theoretical debates versus "real-world" functions. *Governance,* 31(3), 499– 514.

McElhaney, K., & Mobasseri, S. (2012). *Women create a sustainable future.* Berkeley, CA: Haas School of Business.

Meijer, A., Curtin, D. & Hillebrandt, M. (2012). Open government: Connecting vision and voice. *International Review of Administrative Sciences, 78*(1), 10-29. DOI: 10.1177/0020852311429533.

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

Mesa, R. (2018). *Determinants of procurement performance in judiciary department at the Nakuru law courts, Kenya* (master's thesis). Jomo Kenyatta University of Agriculture and Technology, Kenya.

Meyer, J., & Rowan, B. (1977). Institutionalized organizations: Formal structure as myth and ceremony. *American Journal of Sociology, 83*(2), 340-363.

Mihyo, P., Musahara, H., & Mukuna, T. (2016). *Horizontal accountability of the executive to the legislature in Africa: A case study of Kenya*. Addis Ababa: Organization for Social Science Research in Eastern and Southern Africa.

Mose, J., Ombui, K. & Iravo, M. (2018). Role of supplier selection criteria on procurement performance in public universities in Kenya: A case of Machakos University. *The Strategic Journal of Business & Change Management, 5*(2), 1294- 1395.

Muigai, G. (2015). *A report on the task force on the review of the legal, policy and institutional framework for fighting corruption in Kenya.* Nairobi: Government Printer.

Muiruri, N. (2018). *Effect of integrated financial management information system on the effective management of public funds in county governments: A case of Kiambu County (Thesis).* United States International University- Africa.

Mukunyi, C. (2014). *Impediments to effective investigation and prosecution of corruption cases in Kenya: The case of the Ethics and Anti-Corruption Commission (Unpublished thesis).* University of Nairobi, Kenya.

Mukura, P., Shalle, N., Kanda, M., & Ngatia, P. (2016). Role of Public Procurement Oversight Authority on procurement regulations in Kenyan state corporations: A case of Kenya Electricity Generating Company (KenGen). *International Journal of Academic Research in Accounting, Finance and Management Sciences, 6*(3), 190-201.

Mungiu-Pippidi, A. & Hartmann, T. (2019). Corruption and development: A Reappraisal. In *Oxford Research Encyclopedia of Economics and Finance.* Oxford: Oxford University Press.

Munoz, L., Bolivar, M. & Hernandez, A. (2016). Transparency in governments: A meta-analytic review of incentives for digital versus hard-copy public financial disclosures. *The American Review of Public Administration, 47*(5), 550- 573. DOI: 10.1177/0275074016629008.

Musili, B., Lutta, P., & Olando, A. (2022). *Tracing the effectiveness of Kenya's continuum of anti-corruption strategies*. Nairobi: Kenya Institute for Public Research and Analysis.

Mutangili, S. (2019). Corruption in public procurement in Kenya: Causes, consequences, challenges, and cures. *Stratford Peer Reviewed Journals and Book Publishing, 3*(1), 63- 72.

Mutangili, S. (2019). Corruption in public procurement in Kenya: Causes, consequences, challenges and cures. *Stratford Journal of Procurement & Supply Chain, 3*(1), 63-72.

Mutangili, S. (2019). Fighting corruption and promoting integrity in public procurement: Comparative study between Kenya and Tanzania. *Journal of Procurement & Supply Chain, 3*(1), 48-62.

Mwangi, T. (2019). *Challenges affecting the implementation of preference and reservation scheme to special groups in tertiary institutions (thesis)*. Dedan Kimathi University of Technology.

Mwithi, K. (2017). *Mitigating corruption in the Kenyan judiciary: A case study of the legal and administrative anti-corruption framework (Thesis).* Strathmore University, Kenya.

Nakhumicha, W. (2018). *The impact of integrated financial system on financial management of public sector in Kenya: A case of the National Treasury (Thesis).* University of Nairobi.

Navakholwe, L. (2017). *Determinants of implementation of performance contracting in the Kenyan judiciary: A case of law courts in Nairobi City County, Kenya* (Master Dissertation). University of Nairobi, Kenya.

Nderitu, A. (2018). *Public sector accounting standards and financial reporting in central region county governments, Kenya (Thesis).* Kenyatta University.

Nelson, J. (2014). Are women really more risk-averse than men? A re analysis of the literature using expanded methods. *Journal of Economic Surveys, 29*(3), 566-585.

Nistotskaya, M., Dahlberg, S., Dahlstrom, S., Sundstrom, A., Axelsson, S., Dalli, C. & Pachon, N. (2020). *The quality of government expert survey 2020*. Goteborg: The Quality of Government Institute.

Njeri, W. & Getuno, P. (2016). Determinants for youth access to government procurement opportunities in Kenya: A case of judiciary. *International Journal of Innovative Social Sciences & Humanities Research, 4*(3), 31- 49.

Noor, M (2018). *Corruption in Kenya* (Unpublished thesis). Arcada University of Applied Sciences, Finland.

Nowell, L., Norris, J., White, D., & Moules, N. (2017). Thematic analysis: Striving to meet the trustworthiness criteria. *International Journal of Qualitative Methods.* DOI: 10.1177/1609406917733847.

Ntayi, J., Ngoboka, P., & Kakooza, C. (2013). Moral schemas and corruption in Ugandan public procurement. *Journal of Business Ethics, 112*(2013), 417- 436. https://doi.org/10.1007/s10551-012-1269-7.

Nussbaum, M. (2006). *Women and human development: the capabilities approach*. Cambridge: Cambridge University Press.

Nyambariga, M. (2016). *Corruption in the public procurement process in Kenya: Case Study of the Ministry of Devolution and Planning* (Master's thesis). University of Nairobi, Kenya.

Nye, J. (1967). Corruption and political development: A cost-benefit analysis. *The American Political Science Review, 61,* 417- 427.

Nyongesa, G. (2019). *Normalization of political corruption in Africa (Unpublished thesis)*. University of Nairobi, Kenya.

OECD (2016). *Preventing corruption in public procurement.* Paris: OECD

OECD (2017). *Disclosure and transparency in the state-owned enterprise sector in Asia: Stocktaking of national practices.* Paris: OECD.

Okello, J., Bowa, O. & Migotsi, J. (2021). Project delivery systems, procurement practices and implementation of building construction projects in the Kenyan judiciary. *Civil and Environmental Research, 13*(6), 26-38.

Okiri, F., Ngugi, L. & Wandayi, J. (2019). Strengthening integrity and preventing corruption in the Judiciary in Kenya. *Beijing Law Review, 10*(1), 131- 152. https://doi.org/10.4236/blr.2019.101008.

Omar, M. (2020). *The implication of corruption on Kenya's sustainable development and economic growth (Unpublished thesis).* University of Nairobi, Kenya.

Onyango, C. (2018). Effects of procurement planning on institutional performance: A case study of Mombasa Law Court. *International Journal of Science and Research, 3*(10), 2389- 2408.

Orina, S., Obwogo, J. & Nasieku, T. (2019). Factors affecting budgetary allocation in the county governments in Kenya. *The Strategic Journal of Business & Change Management, 6*(2), 1652- 1668.

Oruko, I. (2020). PIC asks auditor-general to reject late reports from parastatals. *Nation Media.* Retrieved 7 April 2022 from https://nation.africa/kenya/news/pic-asks-auditor-general-to-reject-late-reports-from-parastatals--400452.

Persson, A., Rothstein, B., & Teorell, J. (2012). Why anticorruption reform fail- systematic corruption as a collective action problem. *Governance, 26*(3), 449- 471. DOI: https://doi.org/10.1111/j.1468-0491.2012.01604.x.

Pratiwi, D., & Sari, M. (2017). An analysis of good governance in the public service sector of BATAM. *Journal of Techno-Social, 9*(1), 71-80.

Public Service Commission (2016). *Human resource planning and succession management strategy for public service.* Nairobi: Government Printer.

Public Service Commission (2020). *Government Ministries, State Departments, and Agencies.* Nairobi: Government Printer.

Public Service Commission (2021). *Status of the public service compliance with the values and principles in article 10 and 232 of the Constitution.* Nairobi: Government Printer.

Pucheta-Martínez, M., Bel-Oms, I., & Olcina-Sempere, G. (2016). Corporate governance female directors and quality of financial information. *Bus. Ethics, 25* (4), 363-385.

Quash, J. (2016). Singapore's success in combating corruption: Four lessons for China. *American Journal of Chinese Studies, 23*(2), 187- 209.

Quash, J. (2022). Leadership and culture in combating corruption: A comparative analysis. *Public Administration and Policy, 25*(2), 193- 207.

Quash, J. (2022). Lee Kuan Yew's role in minimizing corruption in Singapore. *Public Administration and Policy: An Asia-Pacific Journal, 25*(2), 163- 175. https://doi.org/10.1108/PAP-04-2022-0037.

Rahim, A. (2019). Governance and good governance- A conceptual perspective. *Journal of Public Administration and Governance, 9*(3), 133-142. DOI: 10.5296/jpag.v9i3.15417.

Rantelangi, C., Affan, N., Deviyanti, D., & Sari, W. (2017). The influence of organizational commitment, auditor independence, internal control, and ethical leadership in good governance and organizational performance. *Advances in Economics, Business and Management Research, 35*(1), 236- 242.

Republic of Kenya (2012). *Public Financial Management Act of 2012.* Nairobi: Government Printers.

Republic of Kenya (2015). *Public Procurement and Disposal Act of 2015*. Nairobi: Government Printer.

Republic of Kenya (2020). The public procurement and asset disposal regulations, 2020. Nairobi: Government Printer.

Republic of Kenya (2021). *State Corporations, Semi-Autonomous Government Agencies and Public Funds Unaudited Consolidated Financial Statement*. Nairobi: Government Printer.

Rigdon, M., & Levine, A. (2009). *The role of expectations and gender in altruism (MPRA paper 19372)*. University of Minich, Germany.

Rij, A. (2021). *Corruption in Kenya: Understanding a multifaceted phenomenon*. Paris: French Institute of International Relations.

Ronay, R., & Hippel, W. (2010). Power, testosterone and risk-taking. *Journal of Behavioural Decision Making, 23*(5), 473- 482. DOI: 10.1002/bdm.671.

Rugeiyamu, R., Shayo, A., Kashonda, E., & Mohamed, B. (2020). Relating Locke's idea of social contract theory and political accountability in Tanzania. *International Journal of African and Asian Studies, 68*(1), 73- 82.

Salgado, M. (2018). Gender-biased expectations of altruism in adolescents. *Frontiers in Psychology, 9:* 484. DOI: 10.3389/fpsyg.2018.00484.

Saxena, S. (2017). Factors influencing perceptions on corruption in public service delivery via e-government platform. *Foresight, 19*(6), 628- 646. https://doi.org/10.1108/FS-05-2017-0013.

Sen, A. (1990). Development as capability expansion. In Griffin, K. & Knight, J. (eds.). *Human development and the international development strategy for the 1990*. London; Macmillan.

Sen, B. (2019). Public procurement reform for ease in doing business. *Indian Journal of Public Administration, 65*(1), 45-52. DOI: 10.1177/0019556119829578.

Serpa, S., & Ferreira, C. (2019). The concept of bureaucracy by Max Weber. *International Journal of Social Science Studies, 7*(2), 12-18. DOI: 10.11114/ijsss.v7i2.3979.

Singh, C. (2022). A study of corruption in India. *Management Journal for Advanced Research, 2*(4), 16-21. Doi: 10.54741/mjar.2.4.3.

Stensota, H. (2018). Final thoughts: Taking stock and reflections on ways forward. In Stensota H., & Wangnerud, L. (eds). *Gender and Corruption. Political Corruption and Governance.* Cham: Palgrave Macmillan. https://doi.org/10.1007/978-3-319-70929-1_14.

Sudibyo, Y., & Jianfu, S. (2015). Institutional theory for explaining corruption: An empirical study on public sector organizations in China and Indonesia. *Corporate Ownership & Control, 13*(1), 817- 823.

Tahir, F., Idris, K. & Ariffin, Z. (2014). Dimensions of auditor independence: A pilot study. *International Journal of Business and Management, 9*(6), 72-76.

Taiye, A. (2009). Gender and corruption: Insights from Nigeria democracy. *African Research Review, 3*(4), 1-12.

Thompson, D. (2018). Theories of institutional corruption. *Annual Review of Political Science, 21*(1), 495- 513.

Torcal, M., & Christman, P. (2021). Responsiveness, performance and corruption: Reasons for the decline of political trust. *Frontiers in Political Science, 3*(676672). DOI: 10.3389/fpos.2021.676672.

Transparency International (2010). *Corruption Perception Index 2010*. Berlin: Transparency International.

Transparency International (2017). *The East African Bribery Index 2017*. Nairobi: Transparency International.

Transparency International (2020A). What is Corruption. Retrieved 7th August 2020 from https://www.transparency.org/en/what-is-corruption#.

Transparency International (2020B). *Corruption Perception Index 2019*. Berlin: Transparency International.

Transparency International (2020C). *Kenya bribery index 2019*. Nairobi: Transparency International.

Transparency International (2021). *2020 Corruption Perception Index.* Berlin: Transparency International.

Tyburski, M., Egan, P., & Deep, S. (2020). Deep determinants of corruptions; a subnational analysis of resource curse dynamics in American states. *Political Research Quarterly, 73*(1), 111- 125. DOI: 10.1177/1065912919878264.

Vaismoradi, M., & Snelgrove, S. (2019). Theme in qualitative content analysis and thematic analysis. *Qualitative Social Research, 20*(3). https://doi.org/10.17169/fqs-20.3.3376.

Vanagas, R., & Jusky, A. (2017). Management of conflict of interest in the public sector in Lithuania: Theory and practice. *Contemporary Research on Organization Management and Administration, 5*(1), 6-21.

Voronov, O. & Pleshko, E. (2013). Effect of political leadership on the corruption in the state. *Journal of Public Administration, Finance and Law, 6*(4), 9- 14.

Waal, Z. (2020). Singapore's corrupt practices investigation bureau: Guardian of public integrity. In Boin, A. Fahy, L., & Hart, P. (eds). *Guardian of public value.* Cham; Palgrave Macmillan. https://doi.org/10.1007/978-3-030-51701-4_3.

Walton, G., & Jones, A. (2017). *The geographies of collective action, principal-agent theory and potential corruption in Papua New Guinea (Development Policy Centre Discussion paper).* Australian National University, Australia.

Wangnerud, L. (2018). *Moving beyond categorical measures of gender in corruption research (Working Paper).* University of Gothenburg, Sweden.

Wanjiru, N. (2018). *Determinants of youth-owned companies' participation in public procurement projects in Kericho Kenya (thesis).* Jomo Kenyatta University of Agriculture and Technology.

Waweru, S. & Ngaba, D. (2019). The effectiveness of integrated financial management information system in selected government ministries in Kenya: A theoretical review. *International Journal of Current Aspects, 3*(5), 1-11.

Wayono, W. & Tambo, A. (2018). Effects of the adoption of transparency and accountability practices on procurement performance of the judiciary, Kenya. *International Journal of Business and Management Invention, 7*(12), 49-54.

Williams, O. & Andrew, T. (2020). Transparency and public procurement practices in the Nigerian civil service. *African Journal of Business Management, 15*(1), 41-48.

Yang, K., & Banamah, A. (2014). Quota sampling as an alternative to probability sampling? An experimental study. *Sociological Research Online, 19*(1), 56-66. DOI: 10.5153/sro.3199.

Yip, C., Han, N., & Sng, B. (2016). Legal and ethical issues in research. *Indian Journal of Anesthesia, 60*(9), 684- 688. DOI: 10.4103/0019-5049.190627.

Zhang, A. (2009). Corruption as a determinant of transaction governance structure. *Strategic Outsourcing: An International Journal, 2*(1), 27- 36.

Zhang, Q. & Zheng, Y. (2017). Can media coverage improve the information disclosure quality of government final accounts? *China Journal of Accounting Studies, 5*(3), 294- 325.

Zhang, R., & Brennan, T., & Lo, A. (2014). The origin of risk aversion. *Proceedings of the National Academy of Sciences of the United States of America, 111*(50), 17777-17782. https://doi.org/10.1073/pnas.1406755111.

Zubeltzu-Jaka, E., Ortas, E., & Alvarez-Etxeberria, I. (2019). Independent directors and organizational performance: New evidence from a meta-analytic regression analysis. *Sustainability, 11*, 1-25.

APPENDICES

Appendix I: Research Questionnaire for Procurement Heads

Dear Respondent

I am Victor Wakumile, a PhD Student at St Paul's University conducting a research entitled ***Leadership and Level of Corruption in the Procurement Department within the Judiciary of Kenya.*** You have been selected as a respondent to support this study, and you are hereby requested to fill in the research questionnaire. The information gathered shall be handled with utmost confidentiality. Please fill in the following as per the requirement.

Thank you in advance.

SECTION A: DEMOGRAPHIC DATA

1. Please indicate your gender
   Male ( ) Female( )
2. Please indicate your age ……..
3. Job position
   Top level management ( ) Middle level management ( ) Non-Management level ( )
4. Please indicate the length of service in years……
5. Please indicate your highest level of education
   PhD Degree ( ) Master's Degree ( ) Bachelor's Degree ( )
6. Kindly indicate the number of staff in your institution.

Less than 50 employees ( ) 50-99 ( ) 100-499 ( ) More than 500 ( )

Section B: Levels of Corruption in Government Departments

7. Below are several statements examining the levels of corruption in your procurement station. Indicate the extent to which you agree with each on a five-point scale. Use the following key: 5= very large extent, 4= large extent, 3= moderate extent, 2= little extent, 1= no extent.

Statement on Levels of Corruptions	**No**	**Yes**
Does your station have a clear procurement plan?		
Is the plan followed to the letter?		
Are bidders notified as they should?		
Do all committee members declare any conflict of interest in the procurement process?		
Do you often use non-open tender procedures to procure goods or services?		
Would it be correct to say that most of your suppliers are firms registered in foreign countries?		

Are there instances where you felt that a member of the procurement committee has disclosed confidential information to bidders?		
Are there instances where you felt that a member of the committee had received bribes to influence the award of a procurement contract?		
Are there instances where you felt that a member of the committee has influenced the process of paying suppliers?		
Are there instances where you felt that procurement funds have been diverted to unauthorized use?		
Are there instances where you felt that a tender has been awarded at exaggerated prices?		
Are there instances where you felt that suppliers have been paid for good or services that are not delivered satisfactorily?		

Section C: Leadership Independence

8. Below are statements that describe an independent leader. Please indicate whether the statements are a true or false representation of your leadership practices.

Statement on Leaders Independence	**True**	**False**
I always approach every procurement transaction with scepticism		
I am always given enough time to make decisions as the chair of procurement committee		
I emphasize on critical assessment of all information available to the committee before making any decision		
When exercising my duties as the committee chair, I have never felt pressured to make decision in favour of a particular bidder		
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.		
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		
I have undertaken a professional course on supply chain or procurement management		

Section D: Leadership Transparency

9. Below are statements that describe a transparent leader. Please indicate whether the statements are a true or false representation of your leadership practices.

Statement on Leaders Independence	**True**	**False**
Our station has clear and well-published guide detailing its procurement processes and procedures.		
In our station, the evaluation of bids is done using a standardized rubric		

In our station, we publish the rubric for evaluating every tender on the judiciary website		
I supports the dissemination of results of the bid evaluation process through the judiciary website		
Our station publishes prices offered by each bidder in the judiciary website for transparency and scrutiny		
I supports the dissemination of accurate information regarding the financial transaction of the institution to the auditor general's office		
I facilitate scrutiny from auditors, members of the public, and the media		
I always advocate the generation of information regarding the financial transaction of the institution in a timely manner.		

Section E: Leadership Accountability

10. Below are statements that describe an accountable leader. Please indicate whether the statements are a true or false representation of your leader practices.

Statement on Leaders Independence	**True**	**False**
I facilitate the participation of members of the public in key procurement decisions whenever possible		
I ensure that all financial expenditures are budgeted for.		
I always ensure the stations expenditures are approved by relevant bodies		
I am always keen to answering audit queries from the auditor general's office		
We have installed electronic system for approving documentation on contract execution progress at our station		
I have has put in place platforms through which individuals disgruntled by procurement processes can raise their grievances		
I am always ready to address queries raised by the public procurement oversight authority		
We make information on our procurement transactions available to civil society organizations		
Outcomes of the procurement process have a bearing on the performance appraisal results of the members of the procurement committee		
Outcomes of the procurement process have a bearing on the pay of the members of the procurement committee		

Section F: Leadership Fairness

11. Below are statements that describe a fair leader. Please indicate whether the statements are a true or false representation of your leadership practices.

Statement on Leaders Independence	**True**	**False**
I am always keen to communicate available procurement opportunities to members of the public		
I always stress the award of procurement contracts through merit		
I emphasize prior consideration of women during the award of procurement contracts		
I often insists on prior consideration of youths during the award of procurement contracts		
I advocate the need to give prior consideration to persons with disability during the award of procurement contracts		
I emphasise on prior consideration of persons from ethnic minority groups during the award of procurement contracts.		
I have put in place mechanism for detecting misconduct in procurement transactions		

Section G: Government Bureaucracy

12. Below are features that describe the level of bureaucracy in an institution. Please indicate whether these features are True or False representation of the reality in your station.

Statement on Leaders Independence	**True**	**False**
The station places a lot of emphasis on respect for superiors		
The station has a strict hierarchical structure where an employee can only communicate issues through the immediate superior officer		
The conduct of employees in the station is governed by very strict rules and regulations		
Employees at the lower level of the station have little discretion to make decisions		
Employees at the station are expected to follow strict operating procedures		

Thank you for participating

Appendix II: Interview Guide for Key Informants

Demographic Information

1. Gender

2. Would you mind telling me your age?

3. Kindly describe your role in this organization.

Level of Corruption in the Procurement Department of the Judiciary

4. Please share your views regarding the levels of corruption in the procurement department in the judiciary of Kenya.

5. Kindly share your thoughts regarding factors that influence the levels of corruption in the procurement departments of the judiciary of Kenya.

Leadership Independence

6. Please share your views regarding the level of independence among leaders in in the procurement committee in the Judiciary of Kenya.

7. From your perspective, how is the level of independence of leaders in the procurement department committees of the judiciary of Kenya?

8. From your point of view, how does the independence of a leader influence the levels of corruption in a government institution?

Leadership Transparency

9. What are your views regarding the level of transparency among leaders in the procurement committees of the judiciary?

10. From your standpoint, how is the level of transparency of the procurement committees in the Judiciary of Kenya.

11. In your opinion, how does leadership transparency influence the levels of corruption in the procurement department of the judiciary?

Leadership Accountability

12. What are your views regarding the level of accountability of leaders in the procurement department of the judiciary?

13. Please share your views regarding the level of accountability of leaders of the procurement committees in the judiciary.

14. Please share your thoughts regarding how the level of accountability of leaders influences the levels of corruption in the procurement department of the Judiciary of Kenya.

Leadership Fairness

15. What are your views regarding the level of fairness of leaders of the procurement committee in the Judiciary?

16. In your opinion, how does that the level of transparency of procurement committee leaders influence the levels of corruption in the procurement department of the Judiciary?

Government Bureaucracy

12. Please share your opinion regarding the level of government bureaucracy within the procurement department of the Judiciary in Kenya.

13. In your opinion, how do levels of bureaucracy influence the leadership practices in the procurement department of the judiciary?

14. Please share your perspective regarding how the levels of bureaucracy influence the capacity of procurement committee leaders to deal with corruption.

Thank you for your time.

Appendix III: Operationalization of Research Variables

Variable	Variable Type	Indicators	Operationalization of the Variable	Measurement in the Questionnaire
Leadership independence	Independent	➢ Professional scepticism ➢ Inquiry mind ➢ Competence	The quality of being free from undue influence by vested interest or from any constraints that may hinder a person from taking the correct course of action.	Appendix 1 Section C
Leadership transparency	Independent	➢ Committees ➢ Published records	The practice of dissemination of accurate, reliable, and comprehensive information to members of the public and being open to scrutiny.	Appendix 1 Section D
Leadership accountability	Independent	➢ Audit records ➢ Reporting lines	The practice of taking deliberate steps to describe and justify own conduct to superiors, members of public and other entities.	Appendix 1 Section E
Leadership fairness	Independent	➢ Public participation ➢ Stakeholders interest	The quality of providing of equal opportunities to all members of society when it comes to delivery of services, recruitment of staff, and awarding of supply contractors among others.	Appendix 1 Section F
Corruption in procurement department in the Judiciary of Kenya	Dependent	➢ Bribery ➢ Embezzlement of fund ➢ Inappropriate award of contract	Any practice in any public institution whose purpose is promotes undue personal or group advantage and that generates public damage.	Appendix 1 Section B

Government Bureaucracy	Moderating	➢ Formality ➢ Specialization ➢ Centralization	Structure of organizing government operation that emphasizes on high level of formality, specialization of tasks, and centralization of decision-making authority.	Appendix 1 Section G

Appendix IV: Letter from the University

ST. PAUL'S UNIVERSITY

Private Bag 00217 LIMURU, KENYA
Email: office@spu.ac.ke
Website: www.spu.ac.ke

Tel Office: +254 (0) 20-2020505/10
Mobile: +254 (0) 728 - 669000
(0) 736 - 424440

BOARD OF POSTGRADUATE STUDIES

15th December 2021

National Commission for Science and Technology,
P.O. BOX 30623-00100,
Nairobi.

Dear Sir/Madam,

RE: RECOMMENDATION FOR VICTOR W. NDURURU -PDSLMR550420 TO CONDUCT RESEARCH

This letter confirms the above named person is a PhD student in Development Studies at St. Paul's University.

The second year consists of a major research work leading to a thesis. The student's selected topic is *"LEADERSHIP AND LEVELS OF CORRUPTION IN NATIONAL GOVERNMENT PROCUREMENT DEPARTMENTS IN KENYA: A GENDER PERSPECTIVE"*

Kindly grant this student the required permit.

Yours Sincerely,

DIRECTOR POSTGRADUATE STUDIES
ST. PAUL'S UNIVERSITY
15 DEC 2021
TEL: 020-2020505/2020510
PRIVATE BAG - 00217, LIMURU

Dr. Julius Kahuthia
Director, Board of Postgraduate Studies

Appendix V: NACOSTI Permit

REPUBLIC OF KENYA

NATIONAL COMMISSION FOR SCIENCE,TECHNOLOGY & INNOVATION

Ref No: **972505**

Date of Issue: **24/December/2021**

RESEARCH LICENSE



This is to Certify that Mr.. Victor Wakumile Ndururu of St. Paul's University, has been licensed to conduct research in Nairobi on the topic: LEADERSHIP AND LEVELS OF CORRUPTION IN NATIONAL GOVERNMENT PROCUREMENT DEPARTMENTS IN KENYA A GENDER PERSPECTIVE for the period ending : 24/December/2022.

License No: **NACOSTI/P/21/15007**

972505

Applicant Identification Number

Director General
NATIONAL COMMISSION FOR SCIENCE,TECHNOLOGY & INNOVATION

Verification QR Code

NOTE: This is a computer generated License. To verify the authenticity of this document, Scan the QR Code using QR scanner application.