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

Victor W. Ndururu^{1*}¹Judicial Officer, Judiciary of Kenya, Nairobi, Kenya**Article History**

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Abstract: The aim of this study was to examine the effects of leadership accountability on perceived levels of corruption in the procurement department in the judiciary of Kenya. The study 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. The study found that leadership accountability has a statistically significant and negative effect on levels of corruption in the procurement departments in the Kenyan judiciary. Based on the findings, the study concludes that leadership accountability reduces levels of corruption in government procurement. The study recommends formulation of laws, policies and strategies aimed at improving the accountability of leaders in government procurement departments.

Keywords: leadership accountability, judiciary of Kenya, corruption.

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INTRODUCTION

Corruption refers unethical behaviour that is typified by misuse of organizational or public power leading to harm to society (Manara *et al.*, 2020). Although corruption can take place in any domain of government, this study focuses on corruption in government procurement. 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). 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 most common forms of corruption in government procurement include kickbacks, bid rigging, and use of shell companies. 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. 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.

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). According to Kemboi (2023), procurement fraud is the most harmful and pervasive form of corruption in Kenya. Mutangili (2019) found that tendering fraud in public institutions is the fastest growing economic crime in Kenya. 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.

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 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).

In addition, corruption has 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). 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.

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). 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 accountability on levels of corruption in government procurement. 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.

LITERATURE REVIEW

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 non-compliance 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.

RESEARCH METHODOLOGY

The study employed the concurrent triangulation design. It is a mixed-method research design that entails collecting quantitative and qualitative data at the same time (Johnson *et al.*, 2017). It targeted 278 heads of procurement committees from the 278 court stations in the Kenyan judiciary and key informants from oversight organizations (Judiciary of Kenya, 2023).

For quantitative data, 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. 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. Quantitative data was analysed using descriptive and inferential statistics.

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. Qualitative data was analysed using the thematic content analysis technique.

RESULTS

Out of the 164 questionnaires that were distributed, 153 were completed accordingly and returned to the researcher; T a response rate of 93.3%. About 64.7% of the sample were male while the remaining 54 (35.3%) were female. Most of the respondents (66%) were between the age of 41 and 50 years. 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.

Levels of Corruption in the Procurement Department of the Judiciary

Levels 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. The study obtained a composite corruption score by giving every “Yes” response a score of 1 and every “No” response a score of 0. Since there were a total of 12 questions assessing corruption, the highest corruption composite score was 12 while the lowest was zero. The score were 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 1 summarized the distribution of the 153 sampled stations across the two categories.

Table 1: 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 1 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.

Leadership Accountability in the Sample Procurement Stations

Leader accountability was the 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 2 presents the respondents views:

Table 2: 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 2 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 manner 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 whistleblowers 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 concern 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.

Leadership Accountability and Levels of Corruption

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 3 presents the results:

Table 3: 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 3 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.

CONCLUSIONS AND RECOMMENDATIONS

This study sought to examine the effect of leadership accountability on levels of corruption in the procurement department of the judiciary of Kenya. 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.

Based on the findings, the study 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.

This study improves 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. It sheds light on how leadership accountability shapes perceived levels of corruption.

Through this research, policymakers can make informed decisions that are founded on evidence rather than assumptions.

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.

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.

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