Effects Of Judicial Transformation Framework (2012-2016) On The Performance Of The Judiciary In Kenya

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ABSTRACT

The purpose of this study was to examine whether the transformation of the judiciary (using Business Process Reengineering as a proxy) improved the performance of Judiciary in Kenya. A review of the literature showed that there is scanty information on how the Public Sector could improve on service delivery by implementing BPR, especially in developing economies. The study targeted a population of 320, drawn from Judicial Officers, Judicial Staff, and advocates in stations within Nairobi and Kiambu Counties. Quota sampling method was used to sample the population. Data was collected through structured questionnaires. Descriptive statistics was used to define the study variables particularly the sample profile. Pearson correlation coefficient was used to determine the level of significance of related variables, Chi-Square test to ascertain the existence of a significant association between variables and Regression analysis to determine the predictive power of BPR on the performance of the Judiciary. The results of the study showed a significant effect of the implementation of BPR on the performance of the Judiciary. In conclusion, the successful implementation of BPR was found to be premised on the recruitment of visionary top leadership, and change of organizational focus. To that extent, the need to have an organizational wide commitment is inevitable.

Keywords: Transformation, Business Process Reengineering, Organizational Performance, ICT, Leadership, Customer focus, financial resources

JEL Classification: K41, K42

INTRODUCTION

With constant environmental fluctuations facing organizations today, it is imperative for them to adapt their core activities to such changes to remain relevant (Johnson and Scholes, 2008). Public entities have not been left behind, calls for reforms and transformation have become an agenda in every institution. Development blueprints emphasize on the need for institutions to be aligned to the principles of effectiveness, accountability and inclusivity. Specifically, Sustainable Development Goal number 16 is clear on this. The third aspiration of Africa agenda 2063, appreciates the significance of good governance, delivery of justice to all and the need to uphold the rule of law. In Kenya, vision 2030 places public service as an anchor for development.

Premised on this, the judiciary in Kenya is shouldered with a responsibility of ensuring all people irrespective of status have access to justice without any undue delay. Unfortunately, the

Kenyan judiciary suffered total decay in public confidence, its integrity levels sunk to a bottom low, consequently it became dysfunctional. This led to public outcry especially in 2007/2008 elections when one of the presidential aspirants categorically declined to file a petition in court, eventually Kenyans went into arms against each other and a coalition government was formed. Consequently, the Constitution of Kenya (2010) gave a reconstruction of the Kenyan society and a transformation agenda to all institutions in the country and the judiciary was not an exception. As a result, a Judiciary Transformation Framework (JTF), 2012-2016 which spelled out key strategies to lifting itself out of political manipulation, unprofessionalism, delinquent jurisprudence, high levels of corruption and financial diffidence into a cadre of institutional independence and autonomy to attract public confidence was formulated. The 2010 constitution required that the courts deliver justice to all Kenyans regardless of economic or social status and without delay or undue regard for bureaucratic practices. Some of the proposed deliverables include a complete overhaul of leadership and its structures, the adoption of Information Communication Technology (ICT) as an enabler of justice, infrastructural improvement and acquisition of adequate financial resources.

According to Davenport and Thomas (1992), transformation basically is a reengineering of core processes and procedures to achieve dramatic improvements in productivity, efficiency, cycle time and quality. In this study transformation will be proxied by business process reengineering. In business process reengineering, organizations rethink their existing processes, adopt new value systems, reduce organizational layers, eliminate unproductive activities and adopt use of ICT to improve on data diffusion and decision making (Oakland, 2002). The main aim of BPR is to boost measurable organizational performance both financially and otherwise, redefine organizational culture and value proposition to attract and retain the best personnel. Covert, (1997) asserts that, organizations must examine how strategy and reengineering complement each other by quantifying strategy in form of cost, timetables and milestones, by owning the strategy across the entire organization and linking it to the budgeting cycle.

LITERATURE REVIEW
Theoretical Orientation
Three theories guided this study, group dynamic theory, the open school system theory and the gestalt field psychologist theory.

Group Dynamic Theory
This theory relates to the attitudinal and behavioral aspects of a group. It looks at how groups form, how they are structured, their processes and how they function (Etcoff, 2005). This theory argues that, individual behavior is a relationship between the intensity and the valence of both positive and negative forces impacting on the individual. To bring change, organizations should focus upon influencing the group behavior through group norms, beliefs and value systems as opposed to the individual. This is because individual behavior can be shaped to conform to the group behavior (Marcus, 2013). Effort must be made to ensure goals of cohesive groups are well aligned to the goals of the organization. Otherwise poorly misaligned group goals may be detrimental to the entire organization.

Group dynamic theory recognizes that Strong leadership is critical within a group. That is, reforms can only succeed if there is strong leadership at the apex of the group. Group dynamics theory also recognizes how individual personalities affect team dynamics. Each person working within a group brings to that group his/her own individual personality and skills set.

Recognizing each person's style of work, motivation, and level of aptitude can play a key role in identifying how everyone will impact on the envisaged reforms and team work of the group

The Open School System Theory

Organizations are largely composed of interconnected subsystems, such that a change in one system will affect other systems, eventually causing a change in the performance of the entire organization. Lawrence, Lorsch and Thompson (2011) argue that, organizations that operate in a stable and more predictable environment tend to be more productive and efficient when they operate in a traditional hierarchical structure where as those operating in a rapidly changing environment and technologies tend to more successful when they incorporate technology in the processes and procedures. The higher the level of environmental changes and uncertainty the more the subsystems specialization become necessary. Hence, need for superior technologies and coordination among diverse groups within the organization.

Open systems theory stipulates that the functions of a system must coincide with the environmental conditions. That is, the judicial Transformation framework benefits from the open school system theory since it considers the dynamic nature of the operations of court processes which keeps changing with time. JTF saw the Judiciary introduce Alternative Dispute Resolution mechanisms to help address the problem of backlog of cases in the system. It also saw the roll out of computerization of court records and processes.

The Gestalt Field Psychologist Theory

This theory states that, learning is a continuous process of gaining, changing insight, changing expectations, having a different outlook or changing a thought process. An individual's interaction with the environment is just but a partial explanation. The behavior of an individual is derived from his/her immediate environment and reason. This theory explains people's actions and responses, it helps to understand needs of individual members against their immediate environment and how that can affect their behavior. It forms a basis for performance improvement through motivation, incentives, rewards and organizational culture and value proposition.

Conceptual Framework
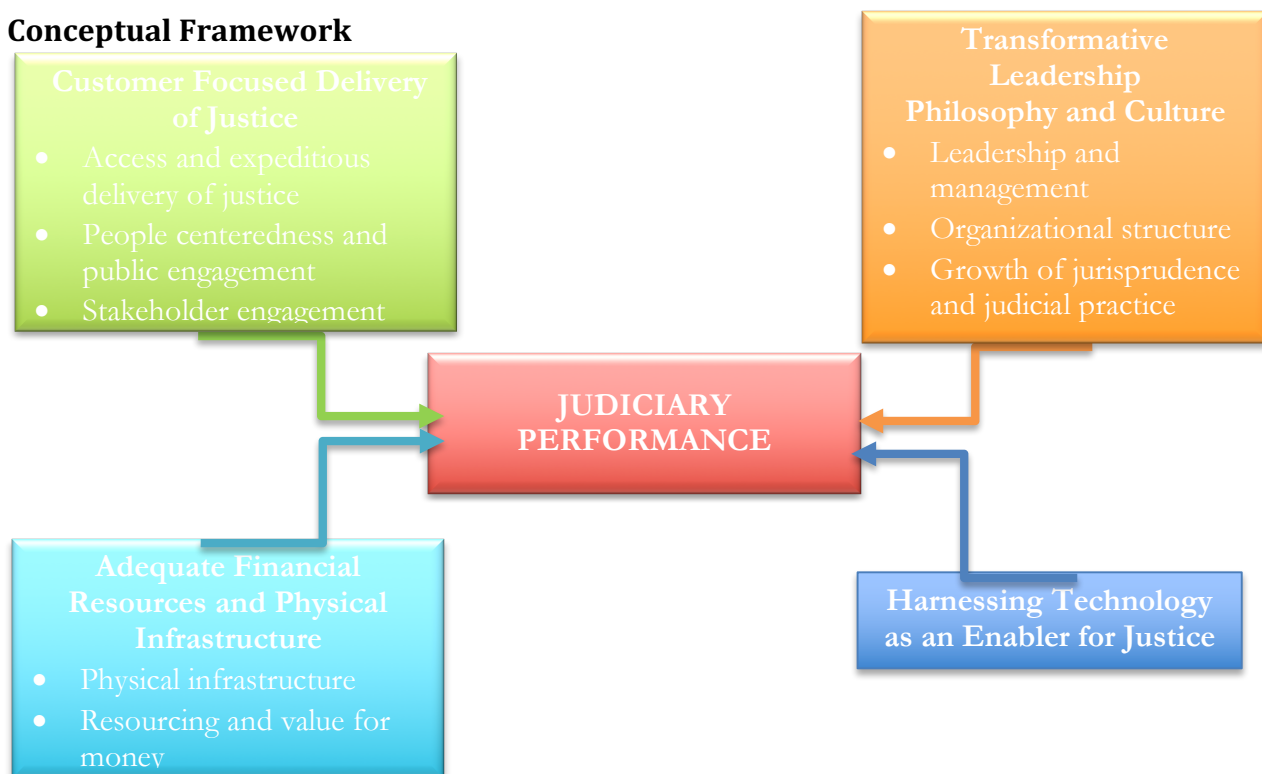
According to the constitution of Kenya (2010), judicial power is derived from the people. Therefore, the judiciary should adopt a system that ensures access to justice by all without undue delay and equality of all people before the law regardless of status. The public and stakeholders should be effectively engaged at all stages of justice administration as a means of complimenting and supporting its role.

Previously, the public approached the judiciary with fear and uncertainty hence a need to shift its culture and philosophy from that of conventional dominance and prestige to a progressive institution where equality and service is core. The leadership and management team of the judiciary should be visionary, competent, selfless, decentralized and capable of driving the institution's transformation agenda. For it to command respect from government and the public and assert its authority, the judiciary should be able to upgrade the quality of jurisprudence from its courts. Also, some Judicial officers had long been able to get away with corruption, incompetence, and laziness; and reforms were likely to be met with resistance from those who had taken advantage of the weak system.

Financial resource is a core pillar in transformation. The judiciary needs to upgrade its physical infrastructure and the working environment to boost staff motivation. To establish its independence, adequate funds and accountability systems is imperative.

In the 21st century, Information and communication technology is key in establishing efficient and effective institutions. To this extent, the judiciary should adopt ICT as an enabler of justice to facilitate faster trials and enhance administrative functions.

Research hypotheses
From the above conceptual framework, the following hypotheses were generated and consequently tested.
H1$_a$: ICT has a significant influence on Operational performance of the judiciary in Kenya.
H1$_b$: Leadership has a significant influence on operational performance of the judiciary in Kenya.
H1$_c$: Focus on the customer has a significant influence on the operational performance of the judiciary in Kenya.
H1$_d$: Adequate financial resources have a significant influence on operational performance of the judiciary in Kenya.
H1$_e$: Business Process Reengineering has a significant influence on operational performance of the judiciary in Kenya.

Business Process Reengineering
To achieve a dramatic improvement in performance, organizations tend to holistically address end to end processes as opposed to departments alone (Hammer and Champy, 2004). BPR is not about marginal improvements but rather quantum leaps in performance, thus achieving a break through. Performance is measured by increased speed or greater accuracy and reduced costs. ICT enablement principle brings out the critical role of ICT systems in achieving organizational radical change in its operation. It facilitates seamless flow of information which increases efficiency in organizations and improves on coordination of interactions within the organization.

According to Al-Mashari and Zairi (2000), BPR encompasses changes in people behavior, culture, processes and technology. Change management component, which involves all human, social related issues and cultural adjustments, is a necessary component to insert newly

designed processes and structures into a working practice and to effectively deal with resistance.

Peronja (2015) investigated on the effects of business process change on performance of large enterprises in Croatia and established a positive and significant relationship between business process change and performance of big companies in Croatia. The study was conducted on 150 companies with 250 employees and above. Factor analysis was adapted as a means of analysis. Conducting a study on business process reengineering and organizational performance, Altinkermer, Chaturvedi and Kondareddy (1998), concluded that companies that had reengineered successfully, were adopting prescriptions in the critical success factors literature except moving away from revenue maximization and cost cutting strategies. On establishing the relationship between business process reengineering and financial performance measures the study established a positive effect of reengineering on sale but did not find such effect on other financial measures. The study employed an exploratory longitudinal analysis on 70 companies over a period of 5 years, from 1992-96.

Reengineering focuses on altering business processes and procedures and seeks to comprehend the market, competitors better and positioning of the company within the larger industry. This is according to Eke and Adaku (2014), who studied business process reengineering in organizational performance in Nigerian banking sector.

Skrinjar et al, (2008), did his research on the impact of business process orientation on financial and non-financial performance and concluded that higher levels of business process reengineering leads to a better financial and non-financial performance. The study found a strong direct impact of BPR on non-financial performance measures. The study collected primary data by use of questionnaires and conducted exploratory factor analysis.

According to Mohammad and Elaheh (2014), who did a study on the effect of business, process reengineering factors on organizational agility established that business process reengineering factors have a statistically significant effect on organizational agility. The study received 104 questionnaires which they analyzed by use of path analysis.

Nzewi et al (2015), studied business process reengineering and performance of courier service organizations in Anambra state, Nigeria and revealed that all variables between business process reengineering and organizational performance were statistically significant except for flat structure. The study further showed positive associations between independent variables and organizational performance except for change management which exhibited a negative relationship. The study depended on primary data collected by use of structured questionnaires which were analyzed by use of multiple regression analysis.

According to Nadeem and Ahmed (2016), who performed a study on the impact of business process reengineering on the performance of banks in Pakistan, banks in Pakistan have adopted BPR as a means of redesigning their operations and the results have been significant. The adoption of ICT and change management has increased performance of the said banks. The study used primary data by use of structured questionnaire.

RESEARCH METHODOLOGY

The study targeted all judicial officers and staff and advocates in Nairobi and Kiambu counties. Most of the judicial work happen in these two regions and were considered a good representative for generalization purposes. Quota sampling approach was adopted and a total sample of 252 was selected which represented 78% of the population. However only 213

(84.5%) questionnaires were returned and they became the basis for this analysis.

DATA ANALYSIS AND DISCUSSION

Introduction

The study adopted regression analysis to establish the predictive power of business process reengineering on the performance of the judiciary in Kenya. Each of the 4 independent variables was regressed against performance followed by a composite model of all the independent variables. The study adopted the following multiple regression model;

$$Y = \beta_0 + \beta_i ICT + \beta_{ii} LEAD + \beta_{iii} FOCUS + \beta_{iv} FIN + \varepsilon_0 \ \text{.........................} \ (4.1)$$

Where:

Y = Performance of the judiciary

ICT = ICT Infrastructure

LEAD = Change in leadership

FOCUS = Customer focused delivery of services

FIN = Enhanced financial resources

ε_0 = error term associated with regression model.

β_0 = Constant associated with regression model

$\beta_i, \beta_{ii}, \beta_{iii}, \beta_{iv}$ = Coefficient estimates of independent variables (ICT, LEAD, FOCUS and FIN)

Correlation of Variables

The study conducted a correlation analysis of key variables as shown in table 4.1 below and established that leadership and BPR had significant positive relationship (p- value = 0.01, r = 0.17) with performance of the judiciary at a 0.05 significance level. The means that when leadership increases by one unit, performance of the judiciary also increases. ICT also seems to be having a significant positive association (p- value = 0.009, r = 0.18) with the performance of the judiciary. This also means that a unit increase in ICT leads to a corresponding increase in the performance of the judiciary.

Table 4.1: Correlation of Key Variables

		ICT	LEAD	FOCUS	FIN	PERFOM
Information and Communication Technology	Pearson Correlation	1				
	Sig. (2-tailed)					
	N	213				
Leadership and BPR	Pearson Correlation	.784**	1			
	Sig. (2-tailed)	.000				
	N	213	213			
Focus in the customer	Pearson Correlation	.354**	.329**	1		
	Sig. (2-tailed)	.000	.000			
	N	213	213	213		
Financial Resources	Pearson Correlation	.297**	-.061	.351**	1	
	Sig. (2-tailed)	.000	.378	.000		
	N	213	213	213	213	
Performance of the Judiciary	Pearson Correlation	.179**	.173*	.079	.347**	1
	Sig. (2-tailed)	.009	.011	.251	.000	
	N	213	213	213	213	213

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

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

Hypothesis Testing

The study sought to test hypotheses assuming a linear relationship between the explanatory variables (BPR) and the dependent variable. The study adopted an ordinary least square method to draw a regression line of best fit.

Relationship between ICT and Performance of the Judiciary

H1$_a$: ICT Has a Significant Influence on the Performance of the Judiciary

The study conducted a linear regression analysis which produced an ANOVA output presented in table 4.2. The outcome F-value (1, 211) = 6.99 with a significance value = 0.009. This means (p – value < 0.05) at a 0.05 significance level.

Table 4.2: ANOVA Output of ICT and Performance of the Judiciary

Model		Sum of Squares	Df	Mean Square	F	Sig.
1	Regression	.840	1	.840	6.994	.009^b
	Residual	25.354	211	.120		
	Total	26.195	212			

a. Dependent Variable: performance of the judiciary
b. Predictors: (Constant), information and communication technology

The model summary of ICT and performance of the judiciary shown in table 4.3 indicate a Durbin-Watson statistic of 1.51 which indicates that residuals in the data set had no multicollinearity. R^2 = 0.03 which indicates that model 1 had a strong fit.

Table 4.3: Summary Model of ICT and performance of the judiciary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Change Statistics					Durbin-Watson
					R Square Change	F Change	df1	df2	Sig. F Change	
1	.179^a	.032	.027	.34664	.032	6.994	1	211	.009	1.514

a. Predictors: (Constant), information and communication technology
b. Dependent Variable: performance of the judiciary

Coefficients of ICT under model 1 in Table 4.4 confirms that ICT had significant coefficients with an associated p-value = 0.009. The study therefore failed to reject *H1*$_a$ at 95% confidence level, meaning there was a significant relationship between ICT and performance of the judiciary in Kenya.

Table 4.4 Coefficients of ICT and Performance of the judiciary

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.	95.0% Confidence Interval for B	
		B	Std. Error	Beta			Lower B	Upper B
1	(Constant)	3.173	.129		24.687	<.001	2.920	3.427
	information and communication technology	.096	.036	.179	2.645	.009	.024	.167

a. Dependent Variable: performance of the judiciary

Relationship Between Leadership and the Performance of the Judiciary

H1$_b$: Leadership has a Significant Influence on the Performance of the Judiciary in Kenya

The ANOVA output presented in Table 4.5 shows an F-value (1, 211) = 6.51 and its significance

value = 0.011. Model 1 was significant (p-value <0.05) at 0.05 levels in explaining the linear relationship between leadership and performance of the judiciary in Kenya.

Table 4.5 ANOVA of Leadership and OP

	Model	Sum of Squares	df	Mean Square	F	Sig.
1	Regression	.783	1	.783	6.506	.011[b]
	Residual	25.411	211	.120		
	Total	26.195	212			

a. Dependent Variable: performance of the judiciary
b. Predictors: (Constant), leadership and BPR

An examination of the model summary of leadership and performance in Table 4.6 shows an *F*-value = 0.01 under model 1. This means that leadership under model one had a significant influence over performance. The R^2 = 0.03, implied model 1 provided a weak fit.

Table 4.6 Model Summary of Leadership and Performance of the Judiciary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Change Statistics					Durbin-Watson
					R Square Change	F Change	df1	df2	Sig. F Change	
1	.173[a]	.030	.025	.34703	.030	6.506	1	211	.011	1.618

a. Predictors: (Constant), leadership and BPR
b. Dependent Variable: performance of the judiciary

The coefficients of leadership under model 1 in Table 4.7 shows that the associated p-value = 0.01, hence significant. The study therefore failed to reject *H1b* at 95% confidence level, meaning there was a significant relationship between leadership and performance on a simple regression relationship.

Table 4.7 Coefficients of Leadership and Performance of the Judiciary

	Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.	95.0% Confidence Interval for B	
		B	Std. Error	Beta			Lower Bound	Upper Bound
1	(Constant)	3.238	.108		29.864	<.001	3.024	3.451
	leadership and BPR	.072	.028	.173	2.551	.011	.016	.128

a. Dependent Variable: performance of the judiciary

Relationship between Focus in Customer and Operational Performance
H1c: Focus in the customer has a significant influence on operational performance of the judiciary in Kenya.

The ANOVA output presented in Table 4.8 shows an F-value (1, 211) = 1.32 and its significance value = 0.25. Model 1 was not significant (p-value > 0.05) at 0.05 levels in explaining the relationship between focus in customer and performance of the judiciary.

Table 4.8 ANOVA of Focus on Customer and Performance of the Judiciary

	Model	Sum of Squares	df	Mean Square	F	Sig.
1	Regression	.163	1	.163	1.324	.251[b]
	Residual	26.031	211	.123		
	Total	26.195	212			

a. Dependent Variable: performance of the judiciary
b. Predictors: (Constant), focus in the customer

The model summary of focus in customer and performance in Table 4.9 shows an *F*-value = 1.32. This means that focus on customer under model 1 had no significant influence on operational performance. The adjusted R^2 = 0.06, shows model one provided a weak fit.

Table 4.9 Summary Model of Focus on Customer and Performance of the Judiciary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Change Statistics					Durbin-Watson
					R Square Change	F Change	df1	df2	Sig. F Change	
1	.079[a]	.006	.002	.35124	.006	1.324	1	211	.251	1.661

a. Predictors: (Constant), focus in the customer
b. Dependent Variable: performance of the judiciary

The coefficients of focus in customer under model 1 in Table 4.10 shows that the associated p-value = 0.25, hence non-significant. The study failed to accept $H1_c$ at 95% confidence level, indicating there was no significant relationship between focus in customer and performance on a direct regression relationship.

Table 4.10 Coefficients of Focus on Customer and Performance of the Judiciary

	Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.	95.0% Confidence Interval for B	
		B	Std. Error	Beta			Lower Bound	Upper Bound
1	(Constant)	3.136	.324		9.692	<.001	2.498	3.774
	focus in the customer	.095	.082	.079	1.151	.251	-.068	.258

a. Dependent Variable: performance of the judiciary

Relationship Between Adequacy of Financial Resources and Performance

H1$_d$: Financial resources have a significant influence on operational performance of the judiciary in Kenya.

ANOVA table presented in Table 4.11 below, observed that F-value (1,211) = 28.98 and it had a significance value P = <.01. Model 1 was therefore significant (p- value < 0.05) at 0.05 levels explaining the linear relationship between financial resources and performance of the judiciary.

Table 4.11 ANOVA of Financial Resources and Performance of the Judiciary

	Model	Sum of Squares	df	Mean Square	F	Sig.
1	Regression	3.163	1	3.163	28.977	<.001[b]
	Residual	23.032	211	.109		
	Total	26.195	212			

a. Dependent Variable: performance of the judiciary
b. Predictors: (Constant), financial resources

The model summary in table 4.12 indicates an F – value = 28.98. Meaning that, financial resources under model 1 had a significant influence on performance in the judiciary. The adjusted R^2 = 0.11, indicating that model 1 gave a strong fit.

Table 4.12 Model Summary of Financial Resources and the Performance of the Judiciary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Change Statistics					Durbin-Watson
					R Square Change	F Change	df 1	df2	Sig. F Change	
1	.347a	.121	.117	.33039	.121	28.977	1	211	<.001	1.570

a. Predictors: (Constant), financial resources
b. Dependent Variable: performance of the judiciary

Table 4.13 below brings out the coefficients of financial resources under model 1 and it shows an associated *p – value* = <.01, hence significant. This study therefore failed to reject *H1ᵈ* at a 95% confidence level, and hence concluded that financial resources have a significant influence on the performance on a direct regression relationship.

Table 4.13 Coefficients of Financial Resources and the Performance of the Judiciary

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.	95.0% Confidence Interval for B	
		B	Std. Error	Beta			Lower Bound	Upper Bound
1	(Constant)	2.599	.170		15.270	<.001	2.264	2.935
	financial resources	.333	.062	.347	5.383	<.001	.211	.455

a. Dependent Variable: performance of the judiciary

Relationship Between BPR and Performance of the Judiciary
H1ₑ: BPR Has a Significant Effect on Performance of the Judiciary in Kenya.

Hierarchical multiple regression was preferred in the assessment of the ability BPR to predict the levels of performance. The ANOVA table 4.14 was generated which shows that model 1 had an F- value (1, 211) = 28.98 and its sig. value = <.01. Model 2, had F (2, 210) = 19.78 and its sig. = <.01. Model 3, had F (3, 209) = 15.56 and its sig. = <.01. Model 4, had an F (4, 208) = 13.18, and it had a significance value = <.01. This means that model 1, 2, 3 and 4 were all significant (p-values< 0.05) at 0.05 levels in explaining the relationship between BPR and performance of the judiciary.

Table 4.14 ANOVA of BPR and the Performance of the Judiciary

	Model	Sum of Squares	df	Mean Square	F	Sig.
1	Regression	3.163	1	3.163	28.977	<.001[b]
	Residual	23.032	211	.109		
	Total	26.195	212			
2	Regression	4.153	2	2.076	19.784	<.001[c]
	Residual	22.042	210	.105		
	Total	26.195	212			
3	Regression	4.784	3	1.595	15.564	<.001[d]
	Residual	21.411	209	.102		
	Total	26.195	212			
4	Regression	5.297	4	1.324	13.180	<.001[e]
	Residual	20.898	208	.100		
	Total	26.195	212			

a. Dependent Variable: performance of the judiciary
b. Predictors: (Constant), financial resources
c. Predictors: (Constant), financial resources, leadership and BPR
d. Predictors: (Constant), financial resources, leadership and BPR, information and communication technology
e. Predictors: (Constant), financial resources, leadership and BPR, information and communication technology, focus in the customer

The model summary in Table 4.15 shows Durbin-Watson statistic = 1.66, which means the data set used in this analysis showed no problem of multicollinearity. Models 1and model 2 were both significant with F-values = <.01and 0.02 respectively. Model 3 and model 4 had an F-value = 0.01 and 0.025 respectively. This means model 3 and model 4 were not significant in explaining the relationship between BPR and performance in the judiciary. The R square column shows model 1 had R^2= 0.12, model 2 had R^2= 0.159, model 3 had R^2= 0.18 and model 4 had R^2 = 0.20, meaning that these models provided the best fit.

Table 4.15 Model summary of BPR and the Performance of the judiciary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Change Statistics					Durbin-Watson
					R Square Change	F Change	df1	df2	Sig. F Change	
1	.347[a]	.121	.117	.33039	.121	28.977	1	211	.000	
2	.398[b]	.159	.151	.32398	.038	9.433	1	210	.002	
3	.427[c]	.183	.171	.32007	.024	6.155	1	209	.014	
4	.450[d]	.202	.187	.31697	.020	5.108	1	208	.025	1.662

a. Predictors: (Constant), financial resources
b. Predictors: (Constant), financial resources, leadership and BPR
c. Predictors: (Constant), financial resources, leadership and BPR, information and communication technology
d. Predictors: (Constant), financial resources, leadership and BPR, information and communication technology, focus in the customer
e. Dependent Variable: performance of the judiciary

An examination of the coefficient of BPR and performance in Table 4.16 shows that models 1,2,3 and 4 were significant with both having p-values < 0.05. This meant all the variables, i.e. ICT, leadership, focus on the customer and financial resources had a significant influence on Operational performance. The study therefore, failed to reject $H1_e$ at 95% Confidence Interval and deduced that BPR had a significant relationship with the performance of the judiciary.

Table 4.16 Coefficients of BPR and Performance of the Judiciary

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.	95.0% Confidence Interval for B	
		B	Std. Error	Beta			Lower Bound	Upper Bound
1	(Constant)	2.599	.170		15.270	<.001	2.264	2.935
	financial resources	.333	.062	.347	5.383	<.001	.211	.455
2	(Constant)	2.265	.199		11.359	<.001	1.872	2.658
	financial resources	.344	.061	.359	5.666	<.001	.224	.464
	leadership and BPR	.082	.027	.195	3.071	.002	.029	.134
3	(Constant)	2.176	.200		10.875	<.001	1.782	2.571
	financial resources	.444	.072	.463	6.147	<.001	.301	.586
	leadership and BPR	.183	.049	.437	3.768	<.001	.087	.279
	information and communication technology	-.161	.065	-.300	-2.481	.014	-.288	-.033
4	(Constant)	2.685	.300		8.956	<.001	2.094	3.276
	financial resources	.508	.077	.530	6.603	<.001	.356	.660
	leadership and BPR	.213	.050	.509	4.274	<.001	.115	.312
	information and communication technology	-.171	.064	-.320	-2.663	.008	-.298	-.044
	focus in the customer	-.194	.086	-.162	-2.260	.025	-.364	-.025

a. Dependent Variable: performance of the judiciary

Evaluating the Model defined by BPR and Performance of the Judiciary
The coefficients in Table 4.16 show a significant relationship between BPR and performance. Given the significant coefficients under model 4, the following fitted model was derived:

$$P = 2.685 + 0.508FIN + 0.213LEAD - 0.171\ ICT - 0.194FOCUS \dots\dots\dots\dots\dots (4.2)$$

Sig.=   <.001   <.001   0.008   0.025

R^2 =   0.202

Where:
P = Performance
FIN = Financial Resources
LEAD = Leadership
ICT = Information and Communication Technology
FOCUS = Focus on the Customer
2.685 = Constant associated with the regression model

The results in equation (4.2) show that R^2 = 0.202. This means that the four independent variables financial resources, leadership, ICT and focus on the customer explained only 20.2% of the variations in performance of the judiciary. The coefficient of determination of 0.20 shows the model provides a weak fit. The independent variable with the highest coefficient was Financial resources = 0. 508. This meant that a unit change in financial resources would positively influence performance 50.8% of the times. The coefficient of focus on customer was = -0.194. This meant that a unit increase in focus on the customer had the potential of negatively influencing performance 19.4% of the times.

FINDINGS
The following is a short description of the findings from this study based on the objectives and hypothesis under study.

Effects of ICT Investments on the Performance of the Judiciary

Looking at the first objective this study which was to determine the relationship between ICT investments and the performance of the judiciary in Kenya, this study found out that an investment in Information and Communication technology in the judiciary had a significant influence on the performance of the judiciary. An assessment of the same variable in the presence of other subcomponents of BPR also gave an indication that ICT had a significant relationship with the operational performance of the judiciary.

A similar finding was demonstrated by Bhattacharjee, (2012), where computerization and information technology was found to play a key role in the improvement of the quality and delivery of justice. Zucker (2002) observed that organizational communication and the degree to which employees are informed, is closely linked with employee performance. This study found that the respondents agreed that improvement in communication had contributed to Judiciary's performance.

Effect of Change in Leadership on the Performance of Judiciary

The second objective was to find out the relationship between the change in leadership of the judiciary and its performance. In this regard, the study established that revamped leadership within the judiciary starting with the change of the Chief Justice, the introduction of the Deputy Chief Justice, the restructuring of the office of the Chief Registrar Judiciary, introduction of directorates and introduction of regional offices had a significant influence on the performance of the judiciary. When this variable was examined in the presence of other sub component variables describing BPR, this study also came up with a finding that the change in leadership had a significant relationship.

This finding corresponds with the findings of Grover et al., (1995) and Guimareas and Bond (1996) that management support and commitment are critical in the improvement in organizational performance. Empowering leaders use encouraging behaviours that build competence and confidence in their organizations. This is the kind of leadership support that the respondents agreed has been provided by the new leadership in the Judiciary.

Effects of Customers Focused Delivery of Services on the Performance of Judiciary

On the third objective that was to establish the relationship between customers focused delivery of services within the judiciary and its performance, this study found out that, customer focused delivery of services within the judiciary had no significant influence on the performance of the judiciary. But when this same variable was analysed in the presence of the composite model of all other components explaining BPR in this study, it was found out that it had a significant relationship with operational performance of the judiciary. That means that there was a significant improvement in the level of public confidence on the institution. Similar findings were recorded by Pearce & Robinson (2010), in that improvement in the organizational performance was within the organization's internal environment. Balogun (2004) concluded that majority of organizational changes take the form of structural changes.

Relationship Between the Enhancement of Financial Resources Within the Judiciary and Its Performance.

The last objective was to determine the relationship between the enhancement of financial resources within the judiciary and its operational performance. To this extent the study determined that financial resources had a significant influence on the operational performance of the judiciary. At the same time when examining the variable enhancement of financial resources in the presence of the variables those help to define BPR in this study. We found out the financial resources had a significant relationship with performance. This agrees with the

observation of Ahadi (2004), who observed that that the radical changes required for successful implementation of BPR calls for significant financial investment.

Relationship Between BPR and the Performance of the Judiciary
On assessment of the last hypothesis that addresses the main objective of this study, it has been established that business process reengineering as a proxy of judicial performance has a significant influence upon the performance of the judiciary in Kenya. these results coincide with that of Nadeem and Ahmed (2016), conducting a study on the banking industry of Pakistan and business process reengineering and established a Signiant relationship between the business process reengineering and the performance of the banks in Pakistan.

CONCLUSIONS
From the above findings, this study established that, business process reengineering as a proxy of judicial transformation in its entirety had a significant influence on operational performance of the judiciary. Massive investment in ICT tools and equipment had a significant influence on the operational performance of the judiciary. This means that the massive investment of ICT tools and equipment, the training of the judicial officers and staff within the judiciary on ICT issues, the enhanced use of ICT materials did not go to waste. Revamping the top leadership of the judiciary also had a significant influence upon the performance of the judiciary. The efforts that the new regime in the judiciary put in cannot be over emphasised, the staff seems to be rejuvenated and well informed about their specific roles and responsibilities. This has brought about a new wave of servant leadership within the judiciary.

Customer focused delivery of services within the judiciary seemed to have no significant influence on the operational performance of the judiciary but on a composite model it was significant. This means that focussing the delivery of services to the customer adds no value but when it is made a goal of the organization and pursued together with other goals it makes meaning and adds value to the organization. This led to the increase in the public confidence to the judiciary and a change in perception. Finally, enhancing the financial resources to the judiciary also had a significant influence on the operational performance of the judiciary. Financial resources are the bed rock of any business process reengineering and when adequately provided within the expected timelines and judiciously expended, pillars of restructuring are well implemented. To this the judiciary is not alone.

RECOMMENDATIONS
Based on the findings, this study recommends: organizations that are carrying out Business process reengineering should take time to invest in ICT tool and equipment, and train their staff on how to exploit ICT resources to bring down the cost of operations, enhance efficiency, increase the speed at which operations are carried out and increase the quality of goods and services. Secondly, every successful organization depends on the direction of the top leadership to be steered to higher grounds. The change of the Chief Justice, the introduction of the Deputy Chief Justice, the restructuring of the office of the Chief Registrar of judiciary, and the introduction of directorates worked in sync with the transformation agenda of the judiciary. Worth noting is the change in organizational culture brought about by the new leadership which opened the judiciary and instilled new values like; team work, humility, professionalism, integrity and customer focused delivery of justice. In as much as the institution is not yet there, strides made are appreciated. Therefore, Organizations should take time to recruit top leadership with a vision. An adage goes, *"Customer is king"*, which simply means that organizations should take time to provide goods and services aimed at satisfying the needs of customers always. To this end they are expected to carry out a customer needs

analysis and find out means and ways of meeting them. Without the customer, the organization ceases to exist. In as much financial resources are necessary when carrying out business process reengineering, organizations should put in place internal control measures to curb corruption, misallocation and misappropriation of funds. When funds are directed to the right cause, value is attained.

AREAS FOR FURTHER RESEARCH

There are many factors that define business process reengineering like, employee involvement on the BPR process, change in methods and tools, and enhancement of communication. Future studies should focus on these variables.

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