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Organizational Resources and Performance of the Kenyan Judiciary. A Case Study of Court of Appeal at Nairobi

Dr. Angeline Wambui Wambugu [a] and Eunice Wangari [b]

[a,b] *Management University of Africa, Kenya*

1.0 Introduction

The uncertainty and dynamism of competitive markets are forcing organizations to reconsider their tactics to achieve long-term competitive advantages (Linden, 2021). The key to gaining and maintaining a competitive edge is owning and creating unique organizational resources that are difficult to replicate (Peteraf, 1993). Researchers and practitioners postulate that organizational resources incorporate elements such as knowledge, skills, capabilities and physical assets that enhance organizational performance (Harris & Brown, 2021; Ongeti and Machuki, 2018). While business organizations may aim to maximize profits, public sector organizations achieve their strategic objectives by offering effective service at a lower cost in terms of time and resources (Bryson, 2004; Thompson, Strickland, & Gamble, 2018; Mubarik, Devadason & Gocindaraju, 2020). For the Kenyan judiciary, the acquisition and utilization of tangible and intangible resources are essential factors for achieving competitive advantage, productivity and enhanced performance (Mathews & Shulman, 2005; Wangui, 2017).

1.1 The Court of Appeal

The Court of Appeal is established under Article 164 of the Kenyan Constitution. It is mandated to administer appellate justice through hearing of appeals from the High Court. The Court is the ultimate custodian of appellate justice delivered with fairness, ease of access, integrity, effectiveness, responsiveness, transparency and accountability to all. Currently, the Court of Appeal has a total of 15 judges. The President of the Court in consultation with the Chief Justice has established the Civil Appeals and Criminal Appeals Divisions of the Court of Appeal. The Court is administered through the Registrar of the Court of Appeal assisted by Deputy Registrars and other judicial staff. The Court of Appeal headquarters is based Nairobi. However, the Court is decentralized to three other regions namely Nyeri, Kisumu and Mombasa. The Court has eight sub-registries at Malindi, Eldoret, Nakuru, Meru, Kakamega, Kisii, Busia and Garissa.

1.2 Statement of the Problem

The Kenya Constitution (2010) calls for a judicial system that is accessible, fair, impartial and effective affordable and whose procedures are well understood by all court users (Muigua, 2021). Despite judiciary reforms and policy interventions put in place to enhance expeditious delivery of justice, the performance of the Kenyan Judiciary has not been to the expectation of the Kenyan court user (ROK, 2022). According to the Performance Management and Measurement Understandings Evaluation Report for the period 2020/2021, there were 679,597 pending cases across all courts in the country with the Court of Appeal having a total of 8,790 pending cases, (ROK, 2022) During the same period, the overall judiciary performance for all implementing units was 89.83% compared to 93.15 per cent in 2017/18 (ROK, 2022; ROK, 2020). Case backlogs and the low rate of case clearance in the Kenyan Judiciary has resulted in low public confidence (Mutunga, 2011), and many citizens with judicial disputes issues have resulted to informal justice resolution mechanisms. Others have adopted less efficient ways of doing business. As a consequence, this has led to gender and economic injustices, exclusion of marginalized and vulnerable groups, and a decline in investments (Chemin, Chen, Di Maro, Kimalu, Mokaya & Ramos-Maqueda, 2023; Lorizo & Gurrieri, 2014).

Several studies have established the effect of organizational resources on performance of private organizations, including Rahman & Akhter (2021; Kibui, Kiboi & Mwangi, 2023; Aman-Ullah, Mehmood, Amin & Abbas, 2022; Lopes & Carvalho, 2021; Mwangi & Waithaka, 2023; White, Maru & Boit, 2015). Studies on public organizations, however, are scarce and narrowly focused (Elbanna & Abdel-Maksoud;2020; Ongeti & Machuki, 2028). In addition, there are limited studies relating to organizational resources and performance of the judiciary (Wangui, 2017). Furthermore, majority of empirical studies on organizational resources and performance in Kenya have focused on specific resources rather than the multidimensional dimension of organizational performance (Kibui, Kiboi & Mwangi, 2023; Mwangi & Waithaka, 2023; White, Maru and Boit, 2015). The contextual, conceptual and methodological gaps observed from the empirical literature review advised this study on the effect of organizational resources on organizational performance of the Kenyan Judiciary. A Case Study of the Court of Appeal, Nairobi.

1.3 Objectives of the Study

To establish the effect of organizational resources on organizational performance of the Kenyan Judiciary. A Case Study of the Court of Appeal, Nairobi.

2.0 LITERATURE REVIEW

2.1 Resource-Based View (RBV) theory

The study on the effect of organizational resources on organizational performance was anchored in the Resource-Based View (RBV) theory. The RBV originates from the work of Penrose (1959) who conceptualized organizations as bundles of resources which can be deployed to implement value-creating strategies needed for competitive advantage (Kozlenkova, Samaha, & Palmatier, 2014). The theory postulated that organizations need to own and control resources that are valuable, rare, inimitable, and non-substitutable in order to gain a competitive advantage which cannot be easily be duplicated by competitors (Peteraf, 1993; Gills, Combs and Ketchen, 2014). RBV also contends that organizational resources are important performance indicators, which enhance a company's performance (Hitt, Xu, & Carnes, 2016; Elbanna and Abdel-Maksoud, 2020). The theory guided this study which was to determine the effect of organizational resources on the performance of the Kenyan Judiciary. A Case Study of the Court of Appeal, Nairobi. The theory provides a basis for understanding how the Court of Appeal at Nairobi could exploit the various resource endowments at its disposal to enhance its performance.

2.2 Organization Resources

Organizational resources include technological, physical, human, and financial resources that enhance the competitive advantage of an organization (Avgerou, 2019). Studies show that organizations with physical resources such as plant, office space, raw materials, equipment and machinery tend to performance better than firms lacking these resources (Gitahi & K'Obonyo, 2018). Likewise, organizations with human capital will have a competitive advantage over others. The characteristics of human capital include education, training, attitude towards innovations, prior knowledge, specific knowledge about the industry, work experience, managerial and technical competencies are consistently positively correlated with overall organizational performance (Rose, Kumar, & Ibrahim, 2008; Wright & McMahan, 2011; Felicio, Couto & Caiado, 2014; Mubarik, Devadason & Gocindaraju, 2020).

In addition, intangible assets of an organization include intellectual capital, company reputation, organizational culture, innovation capabilities, brand value and investment in research and development, directly affect the profitability of firms (Lopes & Carvalho, 2021; Mwangi & Waithaka, 2023; Kibui, Kiboi & Mwangi, 2023). A study by White, Maru and Boit (2015) found that formal financial resources have a significant relationship with SMEs in the service retail sector in Eldoret Municipality, Uasin Gishu County, Kenya. Financial resources are sums of money from formal and informal sources that managers employ to purchase products and services for the company that affects investments and the capacity to take advantage of new opportunities (White, Maru & Boit, 2015). This study focused on three types of organizational resources including physical, human, financial and technological resources.

2.3 Organizational Performance

Organizational performance entails the actual results of a given organization when measured against the planned output (Devi, 2017). Performance entails both financial and non-monetary indicators explaining the extent to which organizational goals that had been set were attained (Agha, Alrubaiee, & Jamhour, 2011; Hasani & O'Reilly, 2020). Due to the inadequacy in the measurement of performance by using financial indicators, non-financial indicators are used (Dahan & Shoham, 2014; Avci, Madanoglu, & Okumus, 2011; Saeed, Jiao, Zahid, Tabassum & Nauman, 2020.

Elbanna and Abdel-Maksoud (2020) noted that performance of public organizations is a multidimensional construct that can be measured from the following different perspectives – financial perspective (efficient use of allocated budget), the internal process perspective (quantity of products or services provided; quality of products or services provided; operating efficiency), the learning and growth perspective (product/service development or innovation; employee satisfaction; employee capabilities), customer perspective (customer satisfaction) and the corporate social responsibility perspective (social responsibility, environmental performance and accountability for results to external parties).

Ongeti and Machuki (2018) measured performance in six broad areas namely financial and stewardship, non-financial, operations, dynamic, service delivery and corruption eradication. The International Consortium for Court Excellence (2020) noted that the measures of court performance include court user satisfaction, access fees, case clearance rates, on-time case processing, court file integrity, case backlog, trial date certainty, employee engagement, compliance with court orders, and cost per case. In this study, the dimensions of organizational performance for the Court of Appeal, Nairobi are efficient use of allocated budget, timely case resolution, organization efficiency, and public trust.

2.4 Organizational Resources and Performance

In Bangladesh, Rahman and Akhter (2021) examined facets of investment in human capital such as skills of employees, knowledge of employees, education level of employees, and training of employees that impact bank performance. Human capital was measured by training, education, knowledge, and skills while company performance was measured by innovation, product quality, processes, services and products, stakeholder satisfaction, bank's efficiency and effectiveness, and general development. The information was gathered by convenient sampling procedure with a questionnaire administered to 261 participants. Using SEM, findings showed that investment in in training, knowledge as well as skills of the workforce are positively linked to bank performance.

Aman-Ullah, Mehmood, Amin and Abbas (2022) investigated the impact of human capital capacity, human capital knowledge, and human capital skills on organizational performance in the hospitality industry. This study also investigates the moderating effect of innovative leadership in the relationship of human capital capacity, human capital knowledge, and human capital skills with organizational performance. Data was collected through survey questionnaires from 356 managers working in small and middle-level hotels situated in the four districts of Saudi Arabia. The study used convenience sampling, and the data analysis method was partial least square structural equation modelling. The study findings demonstrate that human capital capacity, human capital knowledge and human capital skills have a significant positive relationship with organizational performance while innovative leadership moderates the relationship between human capital knowledge and organizational performance. However, the moderation effect of innovative leadership between human capital capacity and human capital skills with organizational performance was not confirmed.

Kibui, Kiboi and Mwangi (2023) examined the influence of intangible resources on performance in the food and beverage manufacturing firms in Nairobi County. The study further sought to examine the relationship between company reputation, organizational structure, human capital, innovation capabilities and performance among food and beverage manufacturing industry in Nairobi County. A descriptive survey research design was adopted in the study. The target population included 45 Large-Scale food and Beverage Manufacturing Companies in Nairobi County, Kenya. The unit of analysis was the food and beverage manufacturing company whereas the unit of observation was the managers of the companies. Census sampling method was used in selecting all the respondents to participate in the study. Questionnaires was used for collecting data. A pilot study was done to determine the questionnaires' validity and reliability. The collected data was analyzed quantitatively using both descriptive and inferential statistics. Statistical Package for Social Sciences was used to summarize the descriptive data into frequencies and percentages, which were then displayed using figures, tables, and charts. Multiple regression analysis was used to examine the inferential statistics. Additionally, company reputation, Human capital, and innovation capabilities had a positive and significant influence on the performance of food and beverage companies. Organizational structure and Performance of Food and Beverage Companies was positive but insignificantly related.

Elbanna and Abdel-Maksoud (2020) adopted the Resource-Based View in investigating the relationships between the resources/capabilities of public organizations and their performance in the United Arab Emirates. Based on an extensive internet search, a list of 112 public organizations in Abu Dhabi and Dubai was prepared. consequently, 112 sets of questionnaires were distributed in 2012, each set contained two questionnaires: one questionnaire on strategic planning and another on PM. Using a personal delivery and pick-up method, data from 76 organizations which had complete sets of questionnaires on both strategic planning and performance measurement were considered in data analysis (response rate of 68%). Of the organizations, 44% were federal and 56% were local. For the strategic planning and performance measurement surveys, respectively, 41% and 37% of the respondents belonged to top management and therefore 59% and 63% belonged to middle management. To examine the hypotheses, the study used multiple linear regression. It concluded that the organizational financial and human resources and capabilities influence organizational performance of the surveyed public organizations. An additional analysis showed that slack of resources, i.e. financial resources, is found to be the only significant organizational resource to influence corporate social performance.

A study by Ongeti and Machuki (2018) investigated the influence of organizational resources on organizational performance of Kenyan state corporations. Through a cross-sectional descriptive survey, data on resources and perormance were obtained from 63 Kenyan state corporations and analysed using both descriptive and inferential statistics. The study found that there was a statistically significant relationship between aggregated organizational resources and performance. However, organizational resources could only explain 8.3 percent of performance of Kenyan state corporations. Results of the independent effect of disaggregated organizational resources indicated statistically significant effect of tangible, human and intangible resources on performance. Statistically not significant results were reported for the effect of organizational capabilities on performance. The findings provide partial empirical support for the Resource Based Theory by supporting the postulations that resources possessed by an organization influence performance by establishing the independent contributions of each resource to performance.

Mwangi and Waithaka (2023) focused on intangible organizational resources and performance of road construction companies in Nyeri County of Kenya. The study was anchored on the resource-based view of the firm and the dynamic capabilities theory as the main guiding theoretical frameworks to the study. The target population was made up of 58 road construction companies in Nyeri County. A census approach was used to subject all the 58 road construction companies to the study. The study purposively targeted the project managers and project engineers working for the road construction companies. This procedure led to a total of 116 respondents targeted. Primary data was collected through a semi structured questionnaire. The study collected secondary data from the management reports of the road construction companies and through a review of other corporate handbooks. Both descriptive and inferential statistics were used in the analysis. The multiple regression analysis output provides evidence that intangible resources is a useful and positive determinant of performance of road construction firms. The Pearsoncorrelation analysis showed that intangible organizational resources has a positive and statistically significant relationship with performance of road construction compaanies in Kenya.

Lopes and Carvalho (2021) investigated the effect of intangible assets and business performance in Latin Amercia. The study covered the period from 2011 to 2017 with a sample of 1,236 publicly traded companies located in some Latin American countries, namely, Argentina, Brazil, Chile, Colombia, Mexico and Peru. The results demonstrated the existence of a significant and positive relationship between the variables of intangibility, degree of intangibility and Tobin’s Q, and the performance variables, return on assets, operating margin and asset turnover, reinforcing the study hypothesis that the greater the investment in intangible resource, the greater the company’s performance.

White, Maru and Boit (2015) examined the effect of the relationship between firm resources use on performance of women-owned and men owned SMEs. This research explored the relationship between Gender variation in financial resources use and performance of SMEs. The study adopted explanatory survey study design. A sample of 600 was drawn from a target population of 1200 SMEs in the service sector in Eldoret Municipal Council, Uasin Gishu County. Both women and men business owners were divided in the sample and a simple random technique was employed where a sample of 600 was obtained. The study employed quantitative methods of data collection. Secondary data was collected from Libraries, resource centres, financial institutions and relevant government ministries. Primary data was collected through the use of questionnaire and interview schedule. Data was sorted; coded and analyzed using SPSS packages Version 17. The data obtained were analyzed using inferential statistics namely Analysis of Variance (ANOVA) and independent sample t test, methods. The whole Cronbach reliability was 0.935. The study found out financial resource (r=135, p>0.01)) had a significant correlation with firm performance, which showed that all the predictors account for 66.5% variation for performance of SMEs.

Wangui (2017) established the factors influencing performance of judicial system in Kenya. The Case of delayed court rulings. The paper adopted a desk top research design. The design involves a review of existing studies relating to the research topic. In this case, the researcher collected information relating to the topic of the study. Based on existing literature the study concluded that information technology, court rules and procedures, and collaboration between government agencies have significant impact on performance of the judicial system

2.5 Conceptual framework

The study was guided by a conceptual framework that presents and defines the viewpoints that attempt to explain the research problem under the study.

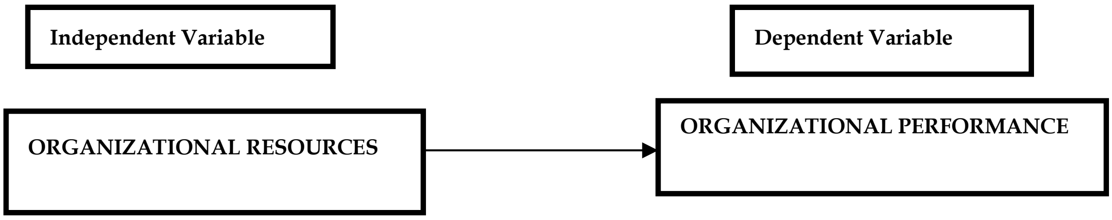

Figure 1: Conceptual Framework

3.0 Research Methodology

The study employed a descriptive research design whose is to describe behaviour without in any way modifying it. The target populations comprised of 385 employees of the Court of Appeal in Nairobi. A sample of 120 respondents was determined using Cochran's (1977) formula. Primary data was collected using a pretested structured questionnaire. A five-point Likert scale ranging from strongly disagree to strongly agree was used to construct the study items. The qualitative data were analyzed using descriptive and inferential statistics using SPSS Version 24. Pearson correlation matrix was used to predict and explain the association between the variables in terms of magnitude and direction. The correlation test at a 5% level of significance with a 2-tailed test was conducted. The significance of the entire model was determined using the Analysis of variance (ANOVA). The calculated f statistic was compared with the tabulated f statistic. A critical p-value of 0.05 was used to determine whether the overall model was significant or not. The researcher observed the ethical consideration of informed consent, voluntary participation, confidentiality, privacy and anonymity.

The model was as follows:

$Y= \beta 0+ \beta 1X1 + \varepsilon$

Where,

Y = Performance of Court of Appeal, Nairobi

X1= Organizational Resources

β0 = is the regression intercept

β1, is the regression coefficient (gradient or slope of the regression line)

Ɛ is the error term.

4.0 Study Findings

4.1 Response Rate

The researcher gave the sample population a total of 120 questionnaires and a total of 102 questionnaires were filled. The response rate of eighty-four was considered excellent (Kothari and Garg, 2015).

4.2 Demographic Characteristics

The results indicate that 57 percent of the respondents were male while 43 per cent were female. In addition, 18 percent of the respondents were below 30 years old. The majority (82 per cent) of the respondents were above 30 years old. The results further indicated that 9 per cent of the respondents had college diplomas while 49 per cent had a bachelor's degree and another 30 per cent had a Master's degree. Majority of the employees (65 per cent) had worked for the judiciary for more than five years.

4.3 Descriptive Statistics on Organizational Resources

Respondents were asked to state the extent to which they agree or disagree with the statements pertaining to organizational resources. The mean and standard deviation as shown in Table 1.

Table 1: Organizational Resources

	Strongly Agree	**Agree**	**Neutral**	**Disagree**	**Strongly Disagree**	**Mean**	**Standard Deviation**
Court's employees possess requisite skills needed in discharging their mandate	40%	56%	4%	0%	0%	4.10	0.9380
Court staff receive appropriate training in order to maximize organizational performance	61%	36%	3%	0%	0%	3.97	0.8287
The Court's staff are highly motivated and direct their efforts in carrying out their duties	60%	36%	4%	0%	0%	3.85	0.8267
The Court has invested in performance management technology to enhance its performance	56%	42%	2%	0%	0%	3.76	0.8283
There are adequate financial resources adequate for supporting the Court's operation	58%	40%	2%	0%	0%	3.92	0.7132
Average						**3.92**	**0.8269**

4.4 Descriptive Statistics on Organizational Performance

Respondents were asked to state the extent to which they agree or disagree with the statements pertaining to organizational performance. The mean and standard deviation as shown in Table 2.

Table 2: Organizational Performance

	Strongly Agree	**Agree**	**Neutral**	**Disagree**	**Strongly Disagree**	**Mean**	**Standard Deviation**
The allocated finances are adequate to support the Court's operations	56%	42%	2%	0%	0%	3.76	1.8283
The Court has efficiently cleared pending cases in the last 5 years	61%	36%	3%	0%	0%	3.97	0.8287
There is clear flow of information to all court users	60%	36%	4%	0%	0%	3.85	0.8267
The number of filed cases has been increasing	56%	42%	2%	0%	0%	3.76	0.8283
Average						**3.92**	**0.8269**

4.5 Pearson Correlation Analysis

The link between organizational resources and organizational performance was determined using pearson correlation analysis. Using SPSS 24, the mean score for each independent variable was determined, and the Pearson's correlation was calculated. Correlations were performed at the 0.05 significance level with one asterisk (*) or the 0.01 significance level with two asterisks. An alpha of 0.05 means that the chance of assuming that a connection exists when there is none is 5%. The p-value indicates whether or not the correlation coefficient differs substantially from zero. The association is statistically significant when the p-value is less than or equal to 0.05. Correlation is not statistically significant if the p-value is bigger than 0.05 or the significant. The results of the correlation revealed that organisational resources had a significant effect on organizational performance ($r = 0.765$, $p = 0.00 < 0.05$).

4.6 Regression Analysis

The results of the inferential analysis on the effect of organizational resource on organizational performance are presented in Table 3, 4 and 5.

Table 3: Model Summary for organization resources

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.632 [a]	.399	.394	.60908

a. Predictors: (Constant), Organization resources

Table 3 above illustrates the dependent variable, organizational performance, and the predictor factor, organizational resources. R = 0.632 shows a strong positive relationship betwen organizational resources and organizational performance. The value of the adjusted r-squared (R2 = 0.399) implies that a unit change in organizational resources may explain 39.9% of variation in organizational performance.

Table 4: ANOVA [a] Results for organization resources

Model		**Sum of Squares**	**df**	**Mean Square**	**F**	**Sig.**
	Regression	27.875	1	27.875	75.141	.000 [b]
1	Residual	41.920	101	.371		
Total		**69.795**	**102**			

a. Dependent Variable: Organization performance

b. Predictors: (Constant), Organization resources

The values of F = 75.141 in Table 4 above indicate that organizational resources have a considerable impact on organizational performance, indicating that the model is a good fit to the data and that organizational resources have a large impact on performance. With a significance level of.000, which is less than 0.05, the regression model significantly predicts the dependent variable.

Table 5: Regression Coefficients [a] for organization resources

Model	**Unstandardized Coefficients**		**Standardized Coefficients**	**t**	**Sig.**	**95.0% Confidence Interval for B**	
	B	**Std. Error**	**Beta**			**Lower Bound**	**Upper Bound**
(Constant)	1.095	.331		3.309	.001	.439	1.751
Organization resources	.688	.079	.632	8.668	.000	.531	.845

a. Dependent Variable: Organization performance

The findings as shown in Table 5 above indicated that organizational resources have a strong link with performance; p 0.05 (P = 0.01). The value of organizational resources is statistically significant (t = 8.668, p.05), which means that increasing the mean index of organizational resources should improve organizational performance by.688 units (68.8 per cent). The regression model that explains the results in Table 5 showed organizational performance = 1.095 + 0.688 (organization resources).

5.0 Discussion, Conclusion and Recommendations

The study results showed that organizational resources have a significant effect on the performance of the Court of Appeal at Nairobi. The study findings were consistent with Ongeti and Machuki (2018) which found that organizational resources can predict organizational performance. The study concluded that Organization resources possessed by the Court of Appeal in Nairobi explain 39.9 per cent of variations in performance while 60.1 per cent is explained by other factors not considered in this study. The study findings lend support to the Resource-Based View theory and established that organizational resources possessed by an organizational have a significant effect on performance. The study recommends that the Kenyan judiciary should invest in both tangible and intangible resources for enhanced performance. In the alternative, the judiciary may consider using periodic cost estimates for efficient use of organizational resources. Future research could examine the relationship between specific resources and performance of the public organizations in Kenya.

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