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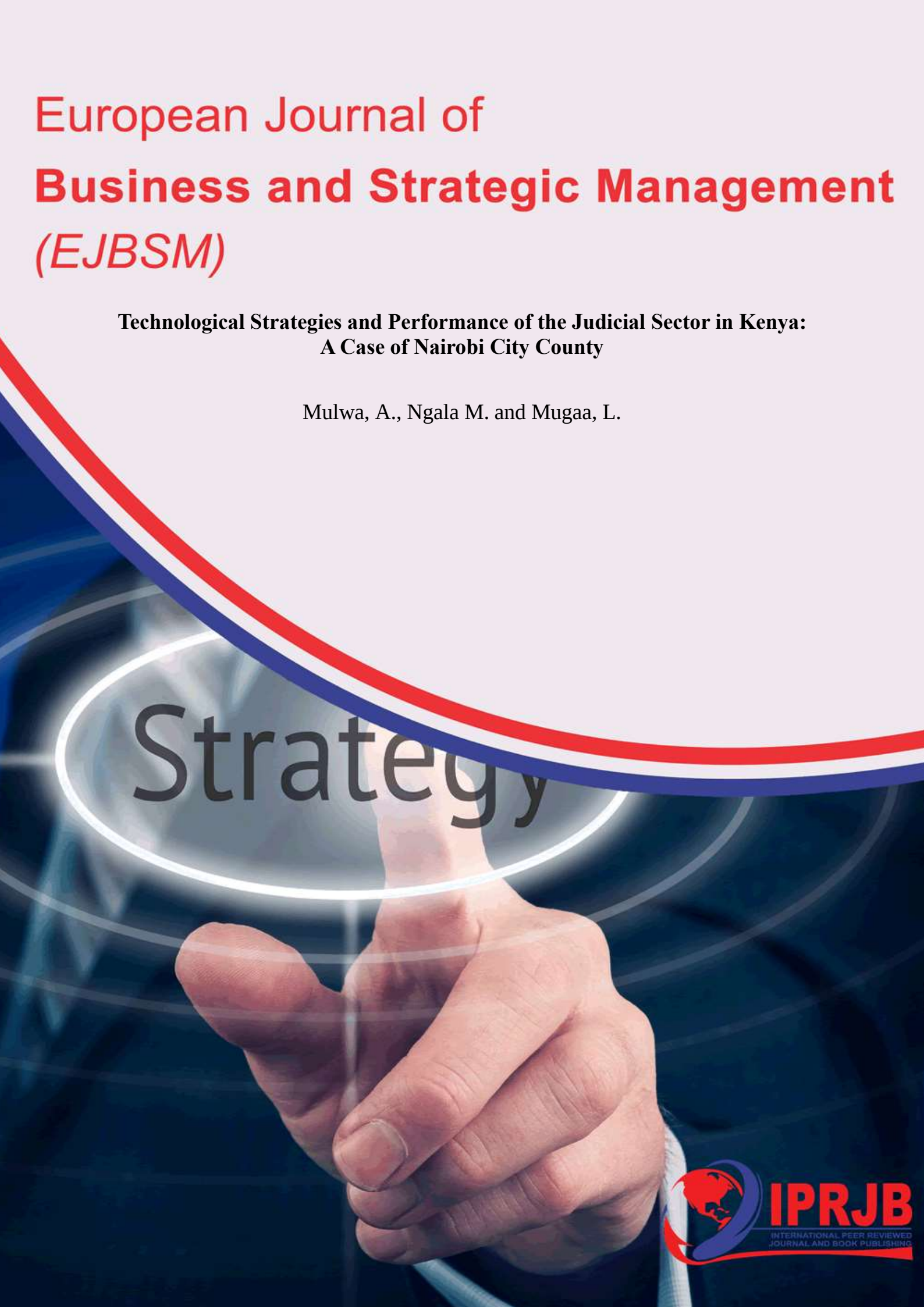


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# Technological Strategies and Performance of the Judicial Sector in Kenya: A Case of Nairobi City County

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**Abstract**

**Purpose:** Innovations and rapid diffusion of information and communication technologies in institutions are currently experiencing revolutionizing organizational processes. Globalization equally fuels the adoption of the ICT as the basis for digital operations are changing the way organizations operate. Studies on various countries' courts show that the judicial efficiency affects a country 's entrepreneurial activities; this reduces as the level of inefficiency increases. Thus, the study sought to analyze the influence technological strategies on performance of judicial sector in Kenya. Specifically, the study proposed to determine the influence of technological sourcing; technology posture; technological culture change; technological capacity on the performance of the judicial sector in Kenya.

**Methodology:** By adopting descriptive research design, the study targeted all the five magistrate courts in Nairobi City County and purposively targeted nine offices per station, comprising (magistrate, court clerk, court accountant, court secretaries, court Archivist, HR and Administration officer, ICT officer, Procurement officer, and Library assistant, yielding a total of 45 sample size respondents for the study. Primary data was collected through structured questionnaires, which was piloted to ascertain its reliability and validity. Data was analyzed both descriptively as well as inferentially with the help of SPSS program (v.25.0) and MS Excel 10 softwares; and results presented using tables and charts for interpretation.

**Findings:** From the study results, all the technological strategies variable had a positive and significant relationship with performance of the judicial sector in Nairobi City County in Kenya.

**Unique Contribution to Theory, Practice and Policy:** The study was formed by the following theories: Transactional Cost, knowledge based; Stakeholders; Culture theory as well as the Task-technology fit theory. The study recommended that magistrate courts in Nairobi City County in Kenya should enhance their technological strategies since the strategies have been shown to bear a positive and significant effect on performance. The magistrate courts can achieve this through adopting advance technological orientations, especially where sourcing and culture of operations are concerned.

**Keywords:** *Capacity, Culture, Performance, Sourcing, Posture, Technology*

## INTRODUCTION

The relevance of information and technology to performance of an enterprise in the current organizational operations have permeated almost every aspect of institutions in the last two decades (Chadee & Pang, 2018). Currently, institutions embrace high level of innovations and creativity in which firms embrace swift diffusion of information and communication technologies within their operation processes. Moreover, the widespread adoption of the internet and computer networks are currently changing the way organizations operate. According to Caro, Cegarra and Ruiz (2020), information technology has led to growth in corporate partnering for various types of knowledge relationship.

Regardless of their organizational size, Donat (2019) concludes that if a firm decides to exploit technology as a competitive weapon, it must also fulfill the following three conditions which include having top management orientation, have project selection criteria; and have appropriate systems and structure. Technology is a major source of competitive advantage and represents critical strategic assets in which firms are seeking to grow and diversify through technological innovations. The consideration of technology as a prevailing factor in firms' competitiveness has its origins during last century's 70's decade, both, in its macroeconomic and its microeconomic approach. This fact is the consequence of a series of changes that will be produced in the firm's environment and that will result in going from a relatively static and reasonably stable business environment, to an uncertain and turbulent growing environment (Solleiro & Castañon, 2015). According to UNCTAD (2020) report, there is an increased ICT exports by almost 5 folds from US$ 384 billion in 1990s to more than US$ 1.7 trillion in 2019. The growth in the ICT industry in recent years has shifted from the traditional areas of IT manufacturing to more specialized areas focusing on the provision of a wide range of pure services to the ICT sector, including software development and a broad range of IT supported business services.

### Global Perspective of Judicial Sector Performance

According to Somuyiwa (2020), organizations around the world are redefining their operations to absorb an appreciable proportion of the relevant technological application as they seek better ways of sustaining their competitiveness in the amidst of competition. According to McKinsey (2005), the substantial impacts of IT architecture and decisions on the global value chain activities have been noted in the literature.

A comparative analysis of international best practices established that several jurisdictions have adopted and are implementing various measures of evaluating court performance which are considered pertinent to their jurisdictions. In the United States of America (USA), the judicial sector has gone through tremendous and significant changes to improve the sector performance, especially after the problems of courts delays was identified in the early 1900s. The American Bar Association (2019) report noted that there was a widespread feeling that the courts were inefficient and that most direct causes of dissatisfaction had to do with archaic judicial organization and procedures, resulting in uncertainty, delay and expense that have created a deep-seated desire to keep out of court, right or wrong.

According to the National Center for State Courts (2017), among other measures, the District of Columbia courts implement the following performance measures: Trial date certainty - the proportion of important case processing events (trials) that are held when first scheduled; timely disposition - the percentage of cases resolved within established timeframe; and the cost per case - monetary expenditures per case finalized. However, in Belgium, a system for

individual evaluation of magistrates (Judges and prosecutors) are evaluated every three years. The performance criteria are based on the following measures; Judicial knowledge, work efficiency, communication skills, ability to make decisions, professional ethics, loyalty to one's colleagues, management of oneself, interest in continuous learning, ability to adapt, and spirit and engagement (Choi, Mitu & Posner, 2019.

**Regional Perspective of Judicial Sector Performance**

Africa is the least studied with regard to judicial technical efficiency so due to data problem common in most developing countries and which is prominent in Africa (Elbialy & Garcia, 2021). African countries have implemented some level of judicial reforms geared towards improving efficiency and effectiveness of the judicial systems in their respective countries. For instance, according to the Rwanda judicial model, performance of the judiciary as a whole as well as the performance of the individual judicial officer is examined on the basis of agreed targets (National Center for State Courts, 2017). Moreover, on productivity, the judicial officers at all levels except the Supreme Court of Rwanda have agreed to a target of completing at least 15 cases per month. In addition, Albers (2020) avers that in Rwanda, the law requires that decisions be handed down within 30 days of completion of hearing. In this regard, the courts provide monthly statistics to the Supreme Court indicating cases that were in the court at the beginning of the month, how many were scheduled for hearing, how many were completed and judgments delivered as well as the number adjourned and reasons thereof. Of interest to this study is that in Rwanda, the judiciary has installed an electronic records management system and courts are expected to submit their statistics using the system.

A case study by Haider (2018) indicates that there were several legal issues in the court records management in Malaysia. The issues were long delays of cases, the lack of written rulings by judges often deny the incriminated party a right to appeal a sentence, or deny the public their rights to justice. Saman (2018) also states that as a matter of cause, in Malaysian Judiciary, civil and sharia, cases take a long duration to decide and the backlog of cases were of huge concern to the society. It took a long period of time, sometimes up to years for a case to be settled due to varied reasons such as lack of adequate human resources such as the judges and court officials; huge volume of cases; poor infrastructure in place and lack of adequate financial resources. The main cause for the delay in adjourning the cases was availing incomplete information pertaining to a particular case as when required.

**Local Context of Judicial Sector Performance**

Expectedly, the performance of the Kenyan courts is to improve with time as more and more reforms are implemented. The question is whether such improvements have been witnessed in reality. This is why the current study seeks to study the technical efficiency of the institutions, more so, given the general anecdotes of improvements since the initiation of reforms witnessed the recent past. The Republic of Kenya (2016) report indicates that the Kenyan Judiciary has grown technological, organizational, institutional and human resource capabilities. However, an assessment of effect of technology and its impact on technical efficiency of the Kenyan judicial system showed a paucity of information. The Kenyan Judicial Information Communication Technology Committee (JICT) initiated several strategies such as the digitization of court records and the creation of a case management system, development of the ICT policy and strategic plan, establishment of communication infrastructure, acquisition of hardware and software, and tele-presence court sessions. Some of the strategies that were adopted in the first plan have been implemented in some courts, however, past studies have

claimed that there are no follow up researches that have been carried out to show how they have bettered performance in the judiciary (Machage, 2016; Alter, 2017).

Registry functions for managing records in Kenyan courts is seen as inefficient and ineffective with common cases of missing files from court records management unit (Mnjama, 2019). Administration of justice in Kenya has been associated with political servitude, low standards of professionalism, widespread corruption and delinquent jurisprudence, financial insecurity, elitist legal system, and expensive adjudication and enforcement hence undermining realization of just outcomes. For the Judiciary to effectively fulfill its constitutional mission and mandate, respond to the high public expectations and demands for improved performance, and command the respect of the public, its first task was to transform itself. Kong'a (2016) claims that currently, the Kenyan Judiciary since launching its transformation framework has expanded court infrastructure throughout the country, particularly in marginalized areas, reduction of case backlog, application of ICT to deliver better services and fight corruption, expansion of training, mobilization of resources to finance operations, among others. An analysis by Republic of Kenya (2016) revealed that the Kenya's Judiciary organizational structure was highly-centralized at the national level, and convoluted at the station level. Moreover, the links between the center and the station level were haphazard and lacked an appreciation of matrix or network reporting. There was, thus, lent weak vertical and horizontal accountability.

**Technology Strategy Concept**

In its generic terms, Adler (2019) argues, that technology is defined as 'know-how' or knowledge that improves our understanding about how to do things, and can be classified into one of the following three types; namely, product, process and management technologies. Although the benefits of advanced technologies are not immediately quantifiable, evidence suggests that the value created by innovation manifested in new ideas, business concepts, processes or products (Chadee & Pang, 2018). Hence in recent years, the management of technology has become the focus of attention of many enterprises, particularly among technology intensive firms and has given rise to the term technology strategy. Hence, in recent years, as Read (2010) intones, the management of technology has become the focus of attention of many enterprises, particularly among technology intensive firms and has given rise to the term technology strategy.

A technology strategy underpins the technological orientation of the firm, which involves the incorporation of technological development into a firm's corporate development agenda (Mytelka, 2019). The success in today's competitive global environment not only requires firms to cultivate these technologies but also calls for a need to employ them strategically in the various functional areas of the firm's activities in order to enhance their overall performance. A report by Freeman (2017) argues that literature highlights three important elements of a technology strategy. Overall, the technology strategy of a particular firm involves among others, but not limited by: (1) the internal development and/or external acquisition of technology, (2) the adoption and diffusion of appropriate technology, as well as (3) developing human resource capabilities to allow the integration of technology with other resources and capabilities of the organization.

According to Campos, Atondo and Quintero (2017), the technological strategy helps establish the policies, plans and procedures that help acquire, administer, and exploit technology and technological knowledge to achieve its business objectives. the technological strategy must identify the industry in which the firm competes or will compete, taking into account that the

competitive environments are more unstable every time. The technological strategy must be shaped considering the surge of new technologies and the changes in other firms' dominant and structural strategies. This sets the tone for the firm to be able to quickly react and to make the necessary adjustments for the new strategic commitment, so that the changes in the environment are technological opportunities. (Montiel et al., 2019). Accordingly, institutions are constantly adding new features and functions to their virtual operations to enhance client experience. However, Tsai (2022) argue that indiscriminate use of features on an e-platform can lead to system latency or failure, and may negatively impact service delivery and user experience. Therefore, the author recommends that a robust and well-integrated IT infrastructure is required to support the new features and capabilities to successfully meet their service objectives.

**Performance of Judicial Sector in Kenya**

Performance is one of the most controversial concepts in management among various researchers and theorists on what should constitute the components of organizational performance. According to Zahra & Hayton (2018) literature on performance is very extensive, but again, that it shows a lack of consensus. For instance, Pelser (2016) argues that the use of the term "performance" by researchers includes many constructs measuring alternative aspects of performance. Moreover, a comprehensive literature review by Pelser (2016) revealed a total of 71 different measures of performance, even though (Hansen, 2020) indicate that the vast majority of studies have used financial measures of performance. The potential success of a business depends on the organizational operations, which means the ability to effectively use strategies to achieve institutional goals, even though Randeree and Al-Youha (2019) argue that measuring performance through efficiency and effectiveness of any business organization depends on the availability of office technologies, the skills and competencies of employees (Alaba, 2020). Other ancillary aspects of performance include accessibility, efficiency, predictability, and effectiveness. However, several authors have identified common measures of performance of the judicial system, as indicated in the literature to include: efficiency, accessibility, effectiveness as well as customer satisfaction, these are the concerns of the current study. Efforts towards institutionalizing performance management in the Judiciary focus on costs containment, performance improvement and sustenance of gains made in institutional reforms. This entailed building a public service with requisite competencies, skills and right attitude towards provision of improved services to the citizens (Kenya Judiciary, 2015).

**Statement of the Problem**

An industry surveys which show that 62% of institutions are likely to increase their technology budget, while 52.4% of respondents indicate that more investments will be made in their e-Commerce platforms on the look and feel of their websites (Shin et al., 2020). Although there are compelling theoretical arguments to suggest that differences in the performance of firms can be traced to difference in technological attributes, there is, however, little empirical support (Brynjolfsson & Yang, 2019). Wanjiru (2022), states that such issues as case backlogs; locating records and filing documentation; delays in registering cases; the absence effective records management policies, lack of adequate staff capacity, limited use of ICT are the challenges that ail the Kenyan judiciary. The absence of appropriate systems in place for record keeping and controls, has led to collusion and corruption between court officials and lawyers which has resulted in the subversion of the course of justice. According to Gainer (2015), for decades, Kenya's judiciary had been known for inefficiency, corruption, and political bias, and

enormous backlogs, estimated as high as 1 million cases, cumbersome procedures that draggs the process of getting to trial, and judges and magistrates judicial officers and lawyers regularly adjourned hearings for dubious reasons.

Insufficient resources have compounded judiciary problems through time. For instance, in 2011, Kenya had only 53 judges and 330 magistrates serving a population of 41.4 million. Moreover, the locations of the courts also meant many Kenyans had to travel long distances to access the judicial system, creating an inherent cost that posed a barrier for poor citizens (Judiciary of Kenya, 2014). A 2008 Gallup poll study found that only 36% of Kenyans expressed confidence in the courts. Comparatively, the public confidence fell further in 2019, reaching a low of 27%. This calls for efficiency and effectiveness of the judicial services be injected in the sector at minimum cost ever.

Kenya's judicial sector contributes 3.9 billion shillings to the GDP, which represents about 0.5% of the national budget compared with an international benchmark of 2.5%, cited as a goal by the Kenyan judiciary (2011). In order to improve performance, Gainer (2015) argues that the judiciary to institute several framework pillars outlining key result areas including, but not limited to: establishment of customer care desks to answer questions, the simplification of court procedures, creation of a case management system, increase the use of ICT. However, according to the KSICJ (2015), increasing the use of ICT in the judiciary proved challenging. With limited infrastructure and widely varying procedures, the development of a nationwide case allocation and tracking system proved impractical. Attempts to introduce a case management system and other technologies such as audiovisual recording of proceedings also met resistance. Moreover, scaling up an electronic case management system to cover the entire country has not been an easy matter. According to the Performance Management Directorate (2015) internal survey report of Judicial sector, more that 40% of courts had no reliable internet connection. In addition, many judicial officers and staff had limited computer skills. However, the pressure from monitoring and performance contracts and streamlined procedures contributed to gradual reductions in the judiciary's backlog. Combining existing information with a newly collected dataset, is seen to provide an empirical measure of judicial performance. According to OECD (2013), there exists cross-country variations in trial length across all instances, which relates to the share of the justice budget devoted to computerization and systematic production of statistics of active management of the progress cases.

**Objectives of the Study**

**General Objective**

The purpose of the study was to assess the influence of Technological Strategies on Performance of the Judicial Sector in Kenya: A Case of Nairobi City County.

**Specific Objectives**

1. To determine the influence of technological sourcing on the performance of the judicial sector in Kenya;
2. To examine the influence of technology posture on the performance of the judicial sector in Kenya;
3. To establish the influence of technological culture change on the performance of the judicial sector in Kenya;
4. To determine the influence of technological capacity on the performance of the judicial sector in Kenya;

## LITERATURE REVIEW

### Theoretical Framework

### Transactional Cost

Transaction cost theory suggests that firms choose mechanism of exchange by which they can exploit their resources at minimal costs (Zhao et al., 2017). Further, the asset specificity, uncertainty, and free-riding risk have been overwhelmingly studied as the core attributes of a transaction and the primary determinants of cost efficiency of a governance choice. Using the framework of the transaction cost theory, Hamel (2019) intones that technology sourcing focused specifically on the link between organizational attributes and technology sourcing. In this regard, Chiesa and Manzini (2018) suggest that one classifies the different modes by judging their level of integration, which is defined as the degree to which sourcing activities and resources involved are internalized or integrated within the firm's own activities and resources. A recent transaction-cost based study of determinants of choices of internal and external modes of technology sourcing documented that firms that have less commitment to product category-specific assets are capable of measuring innovation performance, face higher technological uncertainty, have more experience in successful technology alliances, and compete in low growth product areas favored technology alliance as a means to acquire technology versus internal R&D.

The study was also guided by other theories such as knowledge based & Stakeholders theory, Culture theory as well as the Task-technology fit (TTF) theory.

### Conceptual Framework

In this study the independent variable, which is technological strategies is operationalized by technology sourcing, technology posture, technological capacity, as well as technology culture change. The dependent variable – the performance of judicial firms is operationalized by efficiency, client satisfaction, and the effectiveness of these firms, as shown in figure 1. The study assumed a direct relationship between the technological strategies and performance of these judicial firms in Kenya.

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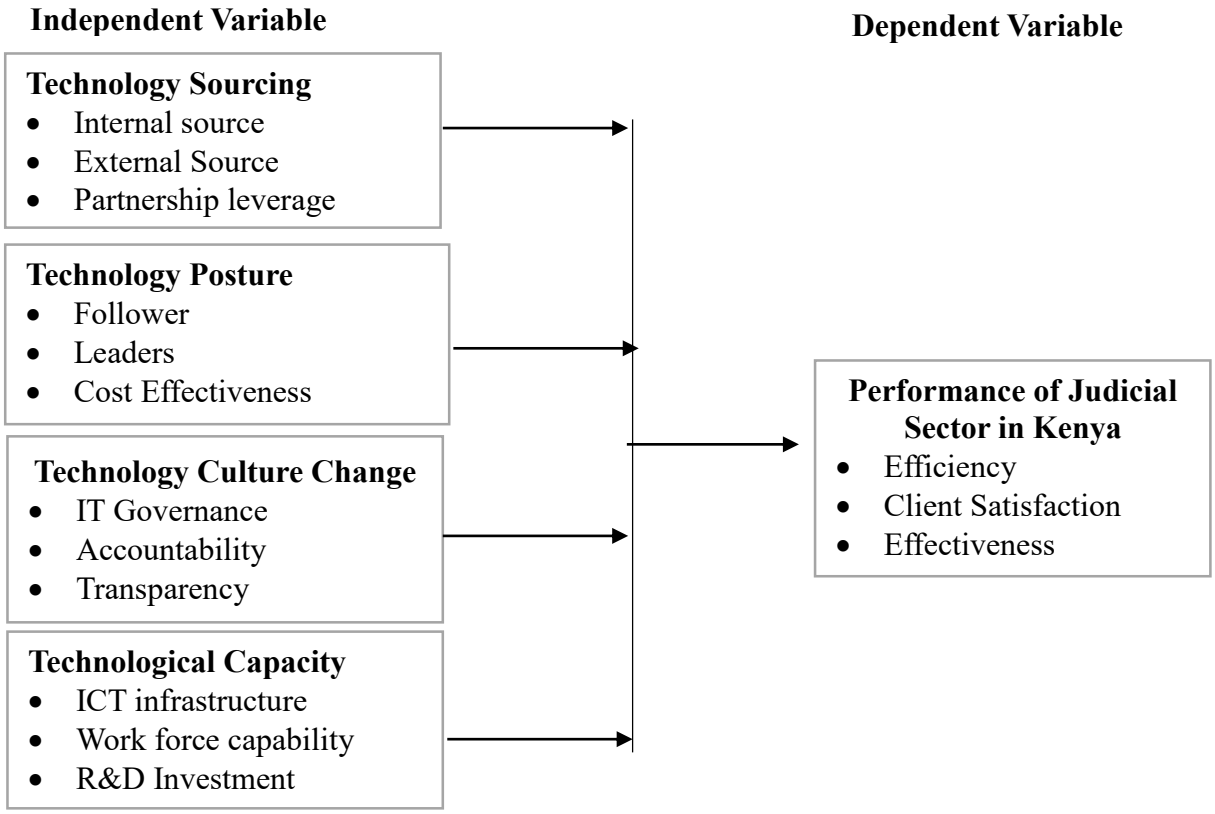


*Figure 1: Conceptual Framework Showing Variable Relationships*

**Empirical Review of Study Variables**

A study of by Zhao, et al. (2017) explored types of technology sourcing and innovative capability among Singapore manufacturing firms. Based on both resource-based theory of firm and transaction cost theories, the study collected data through a structured mail questionnaire survey among manufacturing firms, and were administered to a total of 758 companies which were randomly selected from the Directories of the Manufacturing Companies in Singapore as published by the Economic Development Board (EDB) of Singapore. However, a total of 109 complete and valid returns were received at the end of the study, representing an actual response rate of 17%. For technology sourcing modes, the respondents were asked to use a 5-point Likert scale to indicate the importance of each of the 14 technology acquisition modes in enhancing company's product and process technological capability. These scales were used for factor analysis. The study results of factor analysis using PCA showed that technology sourcing modes accounted for 62.45% of the variance in the performance of these firms. Moreover, the study results revealed a significant relationship between technology sourcing types and the performance of firms in a competitive environment.

A study by Zhu (2016) explored the complementarity effects exist for Information Systems and Technology (IST) sourcing decisions on performance of e-Retail value chain activities. The study was conducted using a panel data set of 307 firms over the period of 2006 to 2010. The study findings based on an analysis of e-Retail firms' IST sourcing decisions of make versus buy and performance revealed that firms that make transformative IT investments tend to source a smaller portion of IST for their e-Retail value chain activities than do firms that pursue

automate or informate as their strategic role of IT investment. Moreover, capabilities are positively associated with IST sourcing. However, firms experienced in e-Retail activities are more likely to build rather than buy their IST. Interestingly, the study findings revealed no evidence of financial performance effects when alignment occurs between IT strategic role and IST sourcing decisions. This will be of great concern for the current study to explore.

Tsai (2022) conducted a study assessed how should an e-Retailer develop and implement its IST sourcing strategy to accommodate the increase in consumer demand and IT complexity but still achieve high performance. The study introduces two theoretical models to examine organizational factors that influence an e-Retailer's IST sourcing strategies of make versus buy and partnership versus best-of-breed. The proposed models are tested using a panel data set of 307 e-Retail firms over the period of 2006 to 2010. The study data was collected from Internet Retailer's Top500Guide.com., a monthly national business magazine. The study population was 307 firms purposively targeting senior managers in the marketing department. Primary data was analyzed both descriptively as well as inferentially. Curiously, the study found limited evidence that alignment between IT strategic role and IST sourcing decisions result in better performance effects. The only case where we find support is for growth rate from the degree of sourcing and the IT strategic role of informate ($\beta = 0.1263$, p-value = 0.0197). An evaluation of complementary IST sourcing reveals that different performance impacts occur depending on the combination of value chain activities that are chosen for outsourcing.

Steensma and Corley (2010) examines the outcomes of technology-sourcing partnerships from the sourcing firm point of view. Using a knowledge-based perspective, the study developed a contingency model suggesting how the imitability, uniqueness, and uncertainty associated with the technology interact with partner interdependence to influence sourcing outcomes. Ninety-five sourcing arrangements spanning licensing, joint development, and acquisitions were examined. A two-phase questionnaire survey was developed to measure the constructs of interest. In the first phase, questionnaires were sent to two executives within each sourcing firm. The total return rate of 49% was realized for the study. The study results showed a satisfactory fit ($c2 = 391.07$, $df = 282$, $p < .01$), indicating a statically significant fit.

**Technology Posture and Performance of Judicial Sector**

Technology posture refers to a company's propensity to proactively use technology as a competitive weapon and a key-positioning factor (Zahra & Covin, 2019). A study by Rauch et al. 2020) outlines the elements of technological posture to include such elements as leadership, cost, followership, elements that the current study seeks to assess to ascertain their extent to which they influence the performance of the judicial sector in Kenya. According to Ramos, Maria, Mario & Fátima (2018), when technological posture is analyzed, the innovation strategy that a company can pursue ranges from aiming to be a pioneer in the technological market to being a follower or last mover. A proactive strategy requires significant and continuous efforts to maintain a company's leadership position. Otherwise, a company may only succeed in creating a market for the competition (Min et al., 2016). Empirical studies on this subject have evolved from research on what technology posture is and why institutions decide to implement it, to empirical studies that try to prove and explain the relationship between technology posture and general performance of an institution (Ramos, et al., 2018; Tsoutsoura, 2017; Hull and Rothenberg, 2018). Despite the prolonged efforts to demonstrate a positive relationship between technology posture and performance, Ramos, et al., (2018) further argue that research

is still largely inconclusive, due to measurement errors, insufficient data, or mis specified models.

A case study by Liao et al. (2018) sought to clarify the short-term relationship between technology posture and Corporate Financial Performance (CFP). The data in this study (based on the construction industry) reveals a negative association between technology posture and CFP during the six years under study. The study findings indicate that institutions should prioritize the technological take-ups on issues which they intend to focus so as to minimize their [social] risks and maximize future performance. This, the author argues, is likely to attract and retain high quality employees, reducing business risks, increasing business efficiency, improving corporate reputation and so improve relationships with stakeholders and avoid costly conflicts of interest.

An empirical study by Ramos, et al., (2018) sought to analyze the relationship between a company's technological posture and its commitment to Corporate Social Responsibility (CSR), as a business performance determinant. From knowledge- based and stakeholder theories a structural equations model of relationships was established and statistically tested through SmartPLS on a sample of 76 Spanish firms from a population of 726 companies from the renewable energy sector. Secondary data from these companies were obtained from two Spanish specialized directories. Primary data was collected by use of structured questionnaires electronically emailed to respondents with a response rate of 10.47%. The results of the empirical study shows that path coefficients exceed the value of 0.3 for all the stated hypotheses. Specifically, the results statistically support the existence of a close relationship between technological posture, CSR, corporate reputation and financial performance, implying that the more a firm is oriented towards a technological leadership posture, the greater its CSR commitment is ($\beta = 0.480$, $p < 0.001$). The study further suggests that the most proactive companies are able to develop better relationships with stakeholders and are more committed to CSR than those firms characterized as being followers or innovation last-movers, which in turn will improve a firm's financial performance.

**Technological Culture Change and Performance of Judicial Sector**

Caro et al., (2020) study examines the extent to which business performance in global enterprises can be influenced by open organizational culture in the US. Taking Apple as the basis for the study, an empirical investigation of 161 of its customers from a variety of socio-economic and cultural backgrounds was done based on open-mindedness theory as an antecedent of environmental innovation. Data were collected via a survey until responses reached a sufficiently diverse sample with the demographic differences well covered. The data collected was analyzed using the PLS-Graph software version 3.2.8. The study results show a positive relationship exist between Open mindedness on performances via environmental innovation ($a1=0,259$, $p<0.001$). the study therefore recommended that a culture of open mindedness be embraced as it helps firms create an environment where enquiry and stakeholder dialogue can flourish.

A study by Ozigbo (2018) explored the relationship between organizational culture and information technology effectiveness with reference to firm performance. This study also adopted Hofstede's four dimensions of culture. The performance of the firm was measured using return on assets (ROA) and Earning Per Share (EPS), obtained from the annual reports of the listed services industries in Nigeria. The study used quantitative approach, using an in-depth interview and questionnaire survey methods were used to collect data from 200

respondents randomly selected for the study from a population of eight (8) service sector organizations. The study results reveal that culture exhibited the highest performance indicators with 66% variation on performance ($R^2$ = 0.66). The overall results imply the organization culture acts as a variable in influencing firm's performance.

An exploratory study to determine the relationship between effective organizational culture and organizational performance was done by Tedla (2018) in Ethiopia. The study adopted Denison organizational culture model. The study purposively sampled 20 senior managers from a corporate group in Ethiopia, and collected data using semi-structured face-to-face interviews. The interview data were transcribed, categorized, and coded; they were subsequently member checked and triangulated to increase the trustworthiness of interpretations. The study used electronic filing system to organize the data for the study. Data for the study was thematically analyzed and summarize into concepts. The study findings demonstrated how senior managers use an effective organizational culture to improve performance, with 62% of performance variation being accounted to by transformative culture.

**Technological Capacity and Performance of Judicial Sector**

A research study by Rodríguez (2017) sought to establish the relationship between technological capacity and knowledge acquisition as key performance factors in SMEs of the industrial sector of Cali-Colombia. The study was anchored on the resource-based theory, and adopted the technique of structural equations based on variance, making an empirical study based on the information of 124 Colombian SMEs in the industrial sector. To answer the research questions, an empirical study was carried out by collecting data through a survey applied on the 124 heads and managers of companies selected in the sample, using stratified sampling technique. A set of hypotheses is examined using partial least squares (PLS) structural equations. The technique to collect information was a personal survey by using a self-administered questionnaire. Data was analyzed by use of Smart PLS Professional software version 3.2.5, and analyzed data quantitatively. The study results revealed a directly and statistically significant association between technological capacity and performance ($\beta = 0.602$, $\alpha < 0.05$). the study hence concluded that the technology capacity, when understood as the level of competencies of the company's IT, contributes to the performance of the organization.

A study by Sabai and Ho (2019) examined the effect of digital orientation and digital capacity on organizational performance among medium-sized IT firms in Malaysia. The study tested a new conceptual framework using a survey data of 105 small to medium-sized IT firms and employing structural equation model (SEM) analysis from partial least square (PLS) approach. The selection criterion for responding firms was that the firms must be locally owned SME in ICT sector with sales turnover not exceeding RM20m or number of full-time employees not exceeding 75. The data were collected primarily by means of a Web-based survey. Out of 380 potential firms we sent emails, only 105 firms responded to the survey representing a response rate of 27%. SPSS Version 20 was used for data screening, profiling of respondent firms, and the common method variance. The study findings revealed that 46.5 per cent ($R^2$ = 0.465) of the variance in performance can be explained by digital capacity. This finding implies that digital orientation ought to put more emphasis on embracing digital technologies to better suit new digital needs of both the business and consumers so that they can offer digital solutions that would change the business models and create new consumers' experience.

A study by Heredia, et al. (2022). proposes a model to explain the effect of digital capabilities on firm performance in the "new normal" context from a firm-level perspective. The study used

data from the World Bank's Enterprise Surveys 2020, which included 999 firms from 27 countries. We applied the methodological approach, partial least square structural equation modeling (PLS-SEM), to test the hypothetical model. The results show that digital capabilities positively influence firm performance only through technological capabilities. In addition, the study empirically demonstrated that digital skills in low HDI economies have a more significant indirect effect on firm performance than in high HDI countries. Finally, some promising avenues for future research and implications for managers and policymakers are suggested based on these findings.

To assess the effect of information technology (IT) in explaining a firm's ability to obtain needed knowledge in order to achieve superior performance, Ma, Khan and Yun (2021) carried a study among private firms locating in different geographic location in China. The study adopted a structural questionnaire based on prior studies was used to collect data from a total of 241 samples comprising IT officers, IT executives, IT directors, IT managers, business managers, administered online. Confirmatory techniques to test the measurement and structural model and Analysis of Moment Structure (AMOS) 24.0 was used to validate the study results and support the predicted hypotheses. A mathematical analysis methodology focused on structural equation modeling (SEM). Moreover, through Sobel test, the study results showed a positive and significant relationship between IT and firm performance ($\beta$=0.592, $p<.01$).

## METHODOLOGY

The research adopted a descriptive research design. The study sought information from the magistrate courts located in Nairobi City County. According to Judiciary of Kenya (2022) there are five (5) magistrate courts located in Nairobi City County, namely: Mlimani law court, Jomo Kenyatta International Airport (JKIA) law court, Kibera law court, City law Court, and Makadara law court. The current study adopted purposive sampling technique to draw respondents of the study. Consequently, the study will purposively target nine (9) offices per station, comprising (magistrate, court clerk, court accountant, court secretaries, court Archivist, HR & Admin officer, ICT officer, Procurement officer, and Library assistant), yielding a total of 45 sample size respondents for the study. The study sought to gather primary data using a structured questionnaire. The collected data was coded, edited, and cleaned to ensure consistency and error minimization of the study. Statistical Package for Social Science (SPSS) computer software version 26 and MS Excel 2010 was used to support data cleaning, analysis and statistical calculations. Data was analyzed both descriptively (means and standard deviation) and inferentially (correlations as well as regression analyses).

## RESULTS

### Descriptive Results

The purpose of using descriptive statistics was to provide the researcher the ability to explain patterns and distributions of measurements of the study variables. The study adopted both means and standard deviation.

### Technology Sourcing

The sought to determine the influence of technological sourcing on the performance of the judicial sector in Kenya. The respondents were required to state their level of agreement with statements on Technology Sourcing. The results outlined in Table 1 shows that on average, all respondents strongly agreed with the statements on technology sourcing yielding a mean of 4. 06 and a standard deviation of 0.59. The results tallies with those of Zhao, et al. (2017) and that

of Tsai (2022) that revealed a significant relationship between technology sourcing types and the performance of firms in a competitive environment. However, the results were inconsistent with study results by a study by Zhu (2016) that showed no evidence of financial performance effects when alignment occurs between IT strategic role and IST sourcing decisions. This will be a subject for further study.

**Table 1: Descriptive Statistics on Technology Sourcing Measurement Items**

| Product Innovation Practices | Mean | Std. Dev. |
|---|---|---|
| The ICT specifications are internally determined | 4.13 | 0.578 |
| The court has strategic partnership with other ICT service providers on sourcing the technology | 4.21 | 0.489 |
| The technology in use is more costly that the benefit being enjoyed | 4.09 | 0.516 |
| Little new investment in equipment would be required of our firm to independently develop this technology. | 3.76 | 0.913 |
| Both the court and partners mutually share their ICT expertise | 4.25 | 0.308 |
| Sourcing of the ICT infrastructure is competitively done | 3.91 | 0.733 |
| **Average** | **4.06** | **0.59** |

**Technology Posture**

The sought to examine the influence of technology posture on the performance of the judicial sector in Kenya. The respondents were required to state their level of agreement with statements on Technology posture on a 5- point Likert scale. The study results are presented in Table 2. shows that on average, the respondents strongly agreed that the technological posture strongly affect performance (mean = 4.12, standard deviation = 0.735). The study results confirm studies by Liao et al. (2018) and results by Ramos, et al., (2018) statistically supporting the existence of a close relationship between technological posture and performance of an organization.

**Table 2: Descriptive Statistics on Technology Posture**

| Technology Posture Measurement Items | Mean | Std. Dev. |
|---|---|---|
| The technology in use has less costly errors resulting from lack of information | 4.38 | 0.401 |
| The procurement of this technology allows our firm to independently develop related products or processes. | 4.45 | 0.856 |
| The court introduces radical operation models that disrupt the sector practices | 4.35 | 0.827 |
| The court makes a continuous effort to maintain the technology's leadership position | 3.36 | 0.837 |
| The court is the pioneer in the technological market in the use of the ICT to manage operations. | 4.22 | 0.625 |
| Technological leadership is assumed to significantly increase the relationships with stakeholders | 3.97 | 0.861 |
| **Average** | **4.12** | **0.735** |

### Technological Culture Change

The study established the influence of technological culture change on the performance of the judicial sector in Kenya. The results presented in Table 3 indicated that on average, the respondents strongly agreed that technological culture change have an influence on performance with an aggregate mean of 4.26 and standard deviation of 0.754. The study results confirm study results by Ozigbo (2018), Hartnell, Ou, & Kinicki (2017), and Cécile (2016) revealing that culture exhibited high performance indicators, and such that senior managers should use effective organizational cultures to improve performance. However, a study by Cabrera and Barajas (2016) claimed that about 80% of IT projects fail to meet their performance goals, and this is in part due to the fact that organizations give inadequate attention to the non-technical,

**Table 3: Descriptive Statistics on Technological Culture Change**

| Technological Culture Change Measurement Items | Mean | Std Dev. |
|---|---|---|
| The use of ICT is homogeneous across all areas of the court | 4.37 | 0.198 |
| The court has a norm of a continuous improvement using ICT | 4.82 | 0.982 |
| The court's staff continuously learn to adopt to new technology | 3.98 | 0.855 |
| Technological changes occur in a planned process | 4.21 | 0.737 |
| Technological developments have spurred the management teams into integrating environmental innovation into their operations | 3.86 | 1.073 |
| The court has privacy policy around client's data collected during their routine business. | 4.32 | 0.681 |
| **Average** | **4.26** | **0.754** |

### Technological Capacity

The study determined the influence of technological capacity on the performance of the judicial sector in Kenya. Table 4 illustrates study results. Accordingly, on average the study respondents strongly agreed that technological capacity on the performance of the judicial sector in Kenya. The study results confirm results by Rodríguez (2017), Heredia, et al. (2022), and Ma, Khan and Yun (2021). However, a study by Sabai and Ho (2019) showed that technological capacity has a moderate influence on firm performance, implying that digital orientation ought to put more emphasis on embracing digital technologies to better suit new digital needs of both the business and consumers so that they can offer digital solutions that would change the business models and create new consumers' experience.

**Table 4: Technological Capacity**

| Table 4: Technological Capacity Measurement Items | Mean | Std Dev. |
|---|---|---|
| The level of technology in use can be able to host all our clients | 4.19 | 0.823 |
| The institution is capable of customizing the technology towards new applications. | 4.01 | 0.817 |
| This technology meets the court's technical expectations | 4.75 | 1.409 |
| The institution requires outside assistance to support the technology | 4.41 | 0.639 |
| The court has expertise to manage digital technologies being used | 3.49 | 1.064 |
| The IT infrastructure allows adequate conditions for information systems to achieve their objectives | 3.78 | 0.782 |
| **Average** | **4.11** | **0.922** |

**Performance of Judicial Sector in Kenya**

The study sought to establish the level of performance realized by the Judicial Sector in Kenya. The respondents were required to indicate their level of agreement with performance measurement statement on a five – pint Likert scale. The study results are a presented in Table 5. The majority of respondents strongly agreed that technological strategies improve performance, with a mean of 4.13, and standard deviation of 0.836.

**Table 5: Descriptive Statistics on Performance**

| Performance Measurement items | Mean | Std. Dev. |
|---|---|---|
| Technological innovation for the courts helps in adding value and attaining strategic objectives | 4.45 | 0.917 |
| The used of ICT has significantly reduced down-time on cases being concluded. | 4.16 | 0.831 |
| As is, clients are satisfied with the performance of the court due to adoption and use of the ICT | 4.33 | 1.086 |
| Productivity of court's staff has significantly improved due to the use of the ICT. | 3.98 | 0.624 |
| Technology is recognized as a key enabler for increased efficiency and effectiveness. | 3.67 | 0.713 |
| Courts require recurring technological innovation for competitiveness in dispensing justice fast and be able to face new challenges. | 4.19 | 0.847 |
| **Average** | **4.13** | **0.836** |

**Inferential Analysis**

**Correlation Analysis**

The study results in Table 6 revealed a statistically positive relationship between technological sourcing and performance. However, the correlations were found to be moderate ($r = 0.436$, $p<0.005$). This confirms a study by Hamel (2019), Chiesa and Manzini (2018) that whose results revealed a significant relationship between technology sourcing types and the performance of firms in a competitive environment. In addition, the correlations between technology posture and performance were statistically significant, even though the relationship was found to be moderate ($r = 0.376$, $p<0.005$). This study results confirm the study by Liao et al. (2018) as well as those of Ramos, et al., (2018) indicating that institutions should prioritize the technological take-ups on issues which they intend to focus so as to minimize their [social] risks and maximize future performance. Moreover, the relationship between technological culture change was equally positive and statistically significant. And was found to be strongly related ($r = 0.859$ $p<0.005$). this confirms a study by Ramos, et al., (2018) and Cécile (2016). However, a study by Cameron & Freeman (2019) found inconsistent relationship.

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**Table 6: Correlation Matrix amongst Study Variables**

| | | Technology Sourcing | Technology Posture | Technology Culture Change | Technological Capacity | Organizational Performance |
|---|---|---|---|---|---|---|
| Technology Sourcing | Pearson Correlation | 1 | | | | |
| | Sig. (2-tailed) | | | | | |
| Technology Posture | Pearson Correlation | 0.281 | 1 | | | |
| | Sig. (2-tailed) | 0.091 | | | | |
| Technology Culture Change | Pearson Correlation | -0.111 | -0.215* | 1 | | |
| | Sig. (2-tailed) | 0.198 | 0.104 | | | |
| Technological Capacity | Pearson Correlation | 0.295 | 0.138 | -0.148 | 1 | |
| | Sig. (2-tailed) | 0.142 | 0.091 | 0.246 | | |
| Organizational Performance | Pearson Correlation | .436* | .376* | .859* | .712* | 1 |
| | Sig. (2-tailed) | 0 | 0.001 | 0.000 | 0.009 | |
| | N | 32 | 32 | 32 | 32 | 32 |

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

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

## Multiple Regression Analysis

To determine the strength of the relationship between study variables, a multiple regression analysis was adopted. The analysis was done at 95% level of confidence. Table 7 shows the study findings. From the results, it was revealed that technological strategies operationalized by technology sourcing, technology posture, technology culture change and technological capacity, jointly account for 44.1% variation in performance of the judicial sector ($R^2 = 0.441$).

**Table 7: Model Summary**

| R | R Square | Adjusted R Square | Std. Error of the Estimate |
|---|---|---|---|
| .664[a] | 0.441 | 0.396 | 1.0489662 |

a. Predictors: (Constant), technology sourcing, technology posture, technology culture change and technological capacity

To determine if the model used in the study was statistically significant in examining the relationship between the variables of the study, an analysis of variance (ANOVA) was undertaken. The study findings in table 8 shows that the model was statistically significant at 95% level of significance ($F = 5.8738$, $p<0.005$), and since the F- statistic was found to be greater than one, the model hence was found to significant in estimating the model.

**Table 8: ANOVA (Model Significance)**

| Model | | Sum of Squares | df | Mean Square | F | Sig. |
|---|---|---|---|---|---|---|
| 1 | Regression | 169.918 | 4 | 42.4795 | 5.8738 | 0.02857[b] |
| | Residual | 202.473 | 28 | 7.232 | | |
| | Total | 372.391 | 31 | | | |

a. Dependent Variable: Performance
b. Predictors: (Constant), technology sourcing, technology posture, technology culture change and technological capacity

Table 9 shows the study model's coefficients. Accordingly, technology sourcing was found to have a positive and significant influence on performance of judicial sector in Kenya (Beta=0.398, $p<0.05$). The results implies that increasing technology sourcing by one-unit results to 0.398 units increase in the levels of performance. The results also shows that technology posture positively and significantly influences performance of judicial sector in Kenya (Beta=0.311, $p<0.05$). The results imply that increasing technology posture by one-unit results to 0.311 units increase in the levels of performance.

The results further revealed that technology culture change positively and significantly influences performance of judicial sector in Kenya (Beta=0.443, $p<0.05$). The results implies that increasing technology culture change by one-unit results to 0.443 units increase in the levels of performance. Finally, the study results revealed that technological capacity positively and significantly influences organizational performance of judicial sector in Kenya (Beta=0.295, $p<0.05$). The results implies that increasing technological capacity by one unit results to 0.295 units increase in the levels of performance of judicial sector in Kenya.

**Table 9: Model Coefficients**

| | Unstandardized Coefficients | | Standardized Coefficients | | |
|---|---|---|---|---|---|
| **Predictors** | **B** | **Std. Error** | **Beta** | **T** | **Sig.** |
| (Constant) | 0.216 | 0.175 | | 1.2343 | 0.041 |
| Technology Sourcing | 0.398 | 0.116 | 0.325 | 3.4310 | 0.002 |
| Technology Posture | 0.311 | 0.128 | 0.271 | 2.4297 | 0.009 |
| Technology Culture Change | 0.443 | 0.107 | 0.379 | 4.1402 | 0 |
| Technological Capacity | 0.295 | 0.198 | 0.245 | 1.4899 | 0.011 |

Based on the Unstandardized Coefficients, the regression equation of the study hence becomes:

**Judicial Sector Performance = 0.216 + 0.443 (Technology Sourcing) + 0.398 (Technology Posture) + 0.311(technology Culture Change) + 0.295 (Technological Capacity).**

The model results shows that technology culture change has the most significant influence on performance of judicial sector ($\beta = 0.443$), followed by technology sourcing ($\beta = 0.398$), then technology posture ($\beta = 0.311$) and finally technological capacity had the least influence ($\beta = 0.298$). All the variables however recorded a positive and significant influence on organizational performance of the judicial sector in Kenya.

## SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

### Summary

The findings of the correlation analysis demonstrated a significant and positive correlation between technology sourcing and performance of the judicial sector in Kenya. Similar to this, the findings of the regression analysis demonstrated a significant and positive relationship between technology sourcing and performance. These findings have the consequence that improving technology sourcing enhances the performance of the judicial sector in Kenya. The findings of the correlation analysis demonstrated a significant and positive correlation between technology posture and performance of the judicial sector in Kenya. Similar to this, the regression analysis results equally revealed a significant and positive relationship between technology posture and performance of the judicial sector in Kenya. These findings have the consequence that improving technology posture that enhances the performance of the magistrate courts in Nairobi City County, Kenya. The correlation analysis results established that technology culture change positively and significantly correlates with performance of the judicial sector in Kenya. Similarly, the regression results revealed that technology culture change and performances Islamic commercial banks positively and significantly relates. The implications of these results are that enhancing technology culture change results to increased performance the judicial sector in Nairobi City County, Kenya. The findings of the correlation analysis revealed existence of a significant and positive association between technological capacity and performance of the judicial sector in Kenya. Similar to this, the findings of the regression analysis revealed a significant and positive relationship between technological capacity and the performance of the judicial sector in Nairobi City County in Kenya. These findings have the consequence that improving the technological capacity of the magistrate courts in Kenya, has the ability to improve the performance of the judicial sector in Nairobi City County in Kenya.

### Conclusion

The findings from both correlation and regression analysis led to conclusion that all the four study variables significantly affect the performance of the judicial sector in Nairobi City Kenya. The technological strategies were operationalized by use of technology sourcing, technology posture, technology culture change, as well as technological capacity. The study analysis showed that all the technological strategies have a significant and positive effect on the performance of the judicial sector in Nairobi City County, Kenya.

Specifically, the descriptive study results showed that the study respondents strongly agreed that all the four technological strategies - technology sourcing, technology posture, technology culture change, as well as technological capacity – affect the performance of the judicial sector. Moreover, the regression analysis revealed a moderate joint effect of technological strategies on performance. However, individual analysis of the technological strategies revealed that technology culture change has the most significant influence on performance of judicial sector, followed by technology sourcing, then technology posture and finally technological capacity had the least influence. All the variables however recorded a positive and significant influence on organizational performance of the judicial sector in Kenya.

### Recommendations

There is a need for the magistrate courts in Nairobi City County in Kenya to enhance their technological strategies since the strategies have been shown to bear a positive and significant

effect on performance. The magistrate courts can achieve this through adopting advance technological orientations, especially where sourcing and culture of operations are concerned.

There is a need for the magistrate courts in the County to adopt an inclusive approach when adopting a new technology, since culture change has been shown to have the greatest effect on performance. This should direct the management of these courts to include all judicial officers in matters of station operations. In addition, the study recommends that the technological capacity of the existing ICT infrastructure be expanded in order to accommodate the ever increasing and growing need for the judicial services in the Country. This therefore will enable the judicial client be more satisfied in the operations in achieving efficiency and effectiveness in the operations.

**Areas for Further Research**

The context of the current study was on the effect of technological strategies on performance of the judicial sector. The study was based on magistrate's courts in Nairobi City County. The study therefore, recommends that a similar study be carried out on other courts in Kenay. Additionally, the current study established those technological strategies operationalized through of technology sourcing, technology posture, technology culture change, as well as technological capacity – jointly accounted for 44.1% of variations in performance of the judicial sector in Nairobi City County in Kenya. The remaining percentage of 55.9% is hence accounted for by other factors not considered by the study. Therefore, there is need to conduct another study on other related factors that the current study may have excluded.

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