

KNOWLEDGE MANAGEMENT AND GOVERNANCE FOR EFFECTIVE
ADMINISTRATION OF JUSTICE IN KENYA: CASE OF MILIMANI LAW COURTS,
NAIROBI

JOYCE LIRUNJIRO LUVUGA

REG NO.16/012S

A Thesis Submitted in Partial Fulfillment of the Requirements for the Award of the Degree of
Master of Arts in Social Transformation with Specializations in Governance.

TANGAZA UNIVERSITY COLLEGE
THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

NAIROBI

AUGUST 2023

DECLARATION

I, the undersigned, declare that this thesis is a product of my own work and is not the result of anything done in collaboration. It has not previously been presented to any other Institution. All sources have been appropriately cited and duly acknowledged in full.

I agree that this thesis may be available for reference and photocopying at the discretion of the university.

Signature of the student

Joyce Lirunjiro Luvuga

Date:...../...../.....

We certify that this thesis is original piece of work, and fulfils all requirements.

Signature of the supervisor 1

Name of the supervisor 1: Dr. Zacharia Samita

Date...../...../.....

Signature of the Supervisor 2

Name of the supervisor 2: Dr. Reginald Nalugala

Date:/...../.....

DEDICATION

This work is dedicated to my family, especially my beloved husband Dr. Jecton Tocho, my wonderful children Wesley, Rosley and Martin, for supporting me and for being patient despite my not being there fully for them during my studies. I also dedicate this thesis to my parents Mr. and Mrs. Luvuga who have been a role model and a pillar in my life.

ACKNOWLEDGMENT

My gratitude goes to my supervisors Dr. Zacharia Samita and Dr. Reginald Nalugala who guided me through each step of this academic work. Without their support, the work would have not been accomplished. I want to recognize the chief Registrar judiciary, Hon. Lucas Onyina, The Chief Magistrate Milimani Law Courts and Hon. Christine Njagi, Principal Magistrate JKIA Law Courts for the contribution and support they gave me during this research. I wish to thank my colleagues Brenda, Karimi, Abubakar, Melaine, and Catherine for the support they gave me. Special gratitude goes to my friend Bella for helping me in proofreading my work.

I want to acknowledge my lecturers who were very instrumental during my Master's study program. I thank the Tangaza University College library staff for their effort in providing the necessary materials for the research. I cannot forget my classmates. They played a pivotal role in encouraging me to finish my studies and helping me in proofreading my work.

ABSTRACT

This study aimed at finding out how effective Knowledge Management (KM) and governance could ease administration of justice in the Kenyan Judiciary (KJ), specifically in Milimani Law Courts. Serious organizations regard knowledge as a strategic resource. However, they may strategies, procedures, and policies to guide the management of their institutional knowledge. The study was guided by four specific objectives. First, it was to examine the current KM practices at the Milimani law courts. Second, it was to evaluate the current organizational culture at the Milimani law courts. Third, the study was to investigate the current knowledge governance mechanism at the Milimani Law Courts, and fourth, to suggest new guidelines, practices, procedures and mechanisms that Milimani Law Courts could adopt for more effective and efficient KM and governance. The research site was at Milimani Law Courts, KJ. A sample size of 124 participants was drawn from a population of five judges, ten magistrates, four registrars, ten advocates/Lawyers/prosecutors, 15 heads of departments and 8 relevant judiciary staff. The researcher adopted purposive sampling technique. Interviews and semi-structured questionnaires were used to collect primary data. The questions comprised both open and closed ended ones. Secondary data was collected by reviewing empirical studies. Quantitative data was analyzed using SPSS while qualitative data used Thematic Content Analysis (TCA). The researcher first transcribed qualitative data collected from interviews using Microsoft Word software. This was followed by grouping/ categorizing similar responses into themes. Resulting themes were analyzed and discussed by the researcher and the supervisors. This was done in an interactive process until an agreement was reached on the final themes. Analysis was done using descriptive statistics. For presentation, tables and charts were used. On the issue of current KM practices, we found out that knowledge is captured during seminars/ training as well as through publications. Data on Knowledge is stored using software while others are archived in the library. On sharing, main method is through seminars and some informal settings. The study showed that the organizational culture at Milimani Law Court did not effectively support employees to create, store, and share their knowledge. Furthermore, results indicate that Milimani Law Courts did not have proper policies or guidelines on KM and governance. The study also found out that Milimani Law Court did not have knowledge governance mechanisms to support the judiciary knowledge. To enforce the KM and governance policy, it was proposed that the Judiciary-Milimani Law Courts could have a full-fledged department on KM and governance to manage judicial knowledge such as those of experienced staff, and retired judges. The findings suggest that advocacy ought to be done on developing sound guidelines and policy frameworks on KM and governance at the Kenyan judiciary, a view fully supported by the researcher as an insider.

TABLE OF CONTENTS

DECLARATION	i
DEDICATION.....	ii
ACKNOWLEDGMENT	iii
ABSTRACT	iv
TABLE OF CONTENTS	v
LIST OF TABLES	ix
ABBREVIATIONS AND ACRONYMS	xi
OPERATIONAL DEFINITION OF KEY TERMS	xii
CHAPTER 1: INTRODUCTION	1
1.1 Introduction.....	1
1.2 Insertion	1
1.3 Background of the study	3
1.3.1 Global perspective of Knowledge Management and governance.	3
1.3.2 African perspective of Knowledge Management and governance.....	6
1.3.3 Knowledge management and governance in Kenyan context	8
1.4 Statement of the problem	10
1.5 Research Objectives.....	10
1.6 Research Questions.....	11
1.7 Justification of the Study.....	11
1.8 Significance of the study.....	12
1.9 Scope and Delimitation of study.....	13
1.10 Summary	13
CHAPTER 2: LITERATURE REVIEW	14
2.1 Introduction	14
2.2 Theoretical Literature Review	14
2.2.1 Institutional Theory	14
2.2.2 Dynamic Knowledge-based Theory.....	15
2.2.3 Knowledge Creation Theory.....	15
2.3 Empirical Literature.....	17
2.3.1 Objective 1: Knowledge management practices	17

2.3.2 Organizational Culture	21
2.3.3 Knowledge Governance	24
2.4 Research Gap.....	25
2.5 Conceptual Framework.....	26
2.6 Summary	27
CHAPTER 3: METHODS	28
3.1 Introduction	28
3.2 Research Design	28
3.3 Location of the Study.....	28
3.4 Target Population.....	29
3.5 Sampling Techniques.....	29
3.5.1 Sample size	30
3.6 Data Collection Procedure	30
3.7 Data collection Instruments.....	31
3.8 Data Collection Methods.....	31
3.9 Validity and Reliability of Research Instruments	32
3.9.1 Pre-testing.....	32
3.9.2 Validity of Research Instruments.....	33
3.9.3 Reliability of Research Instruments	33
3.10 Data Analysis.....	34
3.10.1 Quantitative Data	34
3.10.2 Qualitative Data	34
3.11 Logistical and Ethical Considerations.....	35
3.12 Summary	36
CHAPTER 4: RESULTS	37
4.1 Introduction	37
4.2 Demographic Data	37
4.2.1 Response by Gender.....	38
4.2.2 Participants' Age Bracket.....	38
4.2.3 Designation.....	39
4.2.4 Department	40
4.2.5 Experience	41
4.2.6 Education.....	42

4.2.7 Profession	42
4.3 RQ 1: What are the current Knowledge Management Practices at MLC?	44
4.3.1 Knowledge Capture, Storage and Archival Practices	44
4.3.2 Knowledge Storage and Archival Practices	46
4.3.3 Access and Knowledge Sharing.....	49
4.4 RQ 2: What is the Current organizational culture at the MLC?	51
4.4.1 Leadership style	51
4.4.2 Organizational structures and buildings	52
4.4.3 People and Motivation	54
4.4.4 ICT Culture.....	55
4.5 RQ 3: What are the current Knowledge Governance Mechanisms at MLC?	56
4.6.1 Conclusion on Knowledge Governance	60
4.6.2 Proposed Guidelines and Policies	62
CHAPTER 5: CONCLUSION	65
5.1 Introduction	65
5.2 General Discussion	65
5.2.1 Views on KM practices	65
5.2.2 Views on Organizational Culture.....	68
5.2.3 Views on Knowledge Governance mechanism at MLC	72
5.3 Theological Reflection.....	73
5.4 Summary	75
CHAPTER 6.....	77
CONCLUSION AND APPROACHES FOR SOCIAL TRANSFORMATION.....	77
6.1 Introduction	77
6.2 Summary of Findings.....	77
6.2.1 RQ 1. What are the current KM practices at the Milimani Law Courts	78
6.2.2: RQ 2. What is the current organizational culture at the Milimani Law Courts	78
6.2.3: RQ 3. What are the current knowledge governance mechanisms at the MLCs.....	79
6.2.4: RQ 4. What new guidelines, procedures, standards and governance mechanisms could MLCs adopt to ensure effective and efficient Knowledge Management.....	80
6.2.5: Limitations of the study	80
6.3 Implications on Practice.....	81
6.4 Conclusion of the Study	82

6.5 Suggestions for further research	82
6.6 Final reflections	83
6.7.1 Discussion on the action plan	85
REFERENCES	87
APPENDICES	99
Appendix 1: Introduction	99
Appendix 2: Consent Form	100
Appendix 3: Survey Questionnaire for Employees of Milimani Law Courts Participants	101
Appendix 4: Interview guide for retired Judges/ magistrates/ HOS/HOD/lawyers/ staff	106
Appendix 5: Interview guide for heads of Judges/ magistrates/ /HOS/HOD/Lawyers	107
Appendix 6: Interview guide for ICT department head/ Director	109
Appendix 7: Study Site: Figure 4: Milimani Law Courts Google Map (Source google maps) .	110
Appendix 8: Ethics Clearance	111
Appendix 9: Recommendation for research permit	112
Appendix 10: Research from NACOSTI	113
Appendix 11: Judiciary Permission Letter	114

LIST OF TABLES

Table 3.1: Distribution of Sample size (Source: Researcher)	30
Table 4.1 Responses by Gender	38
Table 4.2: Age Bracket	39
Table 4.3: Designation.....	40
Table 4.4: Department	41
Table 4.5: Experience	42
Table 4.6: Education.....	42
Table 4.7: Profession	43
Table 6.1: Social Transformation Action Plan.....	84
Table 6.2: Budget of the Action Plan	86

LIST OF FIGURES

Figure 2 .5.1 Conceptual Framework (Source: Researcher)	26
Figure 4.1: Knowledge Capture, Storage and Archival Practices.....	45
Figure 4.2: Ease of Access and Knowledge Sharing	49
Figure 4.3: Knowledge Governance Practices.....	57

ABBREVIATIONS AND ACRONYMS

CA	: Current Asset
CJ	: Chief Justice
CMS	: Case Management
CRJ	: Chief Registrar of Judiciary
CVF	: Competitive Values Framework
DA	: Document Analysis
DPP	: Director of Public Prosecution
HOD	: Head of Departments
HOS	: Head of Stations
ICT	: Information Communication Technology
IT	: Information Technology
JSC	: Judicial Service Commission
JTF	: Judiciary Transformation Framework
JTI	: Judiciary Training Institute.
KG	: Knowledge Governance.
KJ	: Kenya Judiciary
KM	: Knowledge Management
KMG	: Knowledge Management and Governance
KS	: Knowledge Sharing
MLC	: Milimani Law Courts
NACOSTI	: National Commission for Science, Technology and Innovation
SPSS	: Statistical Package for Social Scientists
SJTF	: Sustaining Judicial Transformation Framework
TCA	: Thematic Content Analysis
TL	: Transformational Leadership

OPERATIONAL DEFINITION OF KEY TERMS

Knowledge information: understanding and skills that you gain through education or experience.

Knowledge governance: is an organizational design exercises aimed at influencing knowledge processes to create value.

Knowledge Management: process of creating/capturing, storing, sharing and using knowledge in an organization (Ling et al., 2008).

Knowledge Sharing: act of making knowledge available to others within an organization.

Explicit Knowledge: a type of knowledge that is usually documented in the form of books, documents, papers, databases, and policy manuals (Omotayo, 2015).

Tacit knowledge: knowledge that is found in people's head/minds. It is knowledge acquired through experience, common mistakes etc., and information held in one's consciousness.

CHAPTER 1: INTRODUCTION

1.1 Introduction

This study investigated Knowledge Management and Governance at the Kenyan Judiciary with the case of Milimani Law Courts (MLC). The aim was to understand the current Knowledge Management (KM) practices, the current organizational culture, the current knowledge governance mechanisms with a view to propose new guidelines, strategies and policies that could help the judiciary work towards the creation of knowledge management and governance department. This was envisaged to promote effective administration of justice. The researcher noted that most employees leave the judiciary with tacit knowledge acquired from experience gained. Such knowledge could be captured and stored for future use.

This chapter summarizes the researcher's insertion, the study background, statement of the problem, study objectives, research questions, justification, significance, scope, delimitations and research limitations. The judiciary being a legal entity, there ought to be checks and balances on the use of the institutional knowledge. As such, this chapter also introduces the component of knowledge governance.

1.2 Insertion

This research investigates KM and governance in the light of the Kenya Judiciary (KJ) at MLC. Having worked in the judiciary for over ten years, the researcher has had a vast amount of experience working in different departments and court stations. For instance, the researcher has worked in the criminal section of the High Court where she gained experience on how courts are run and the processes of how cases are judged. Additionally, she has worked in the finance, library and human resource departments. The researcher has experienced the judicial transformation agenda since the promulgation of Kenya's 2010 Constitution when the judiciary embarked on a

rigorous transformation process spearheaded by the former Chief Justice (CJ) Willy Mutunga, who came up with Judiciary Transformation Framework (JKF).

The researcher was also there when the former CJ David Maraga came up with Sustaining Judiciary Transformation Framework (SJTF). This was a continuation of the JTF started by Willy Mutuga. KM was identified among other main areas in ensuring transformation of the judiciary. The Judiciary Library Service was tasked with crafting guidelines, procedures, and policies on how to initiate KM in the judiciary. While working in the Library Department, the researcher was privileged to be part of a five- member team that was tasked with the inception of KM in the judiciary. The process is ongoing. Through participating in three consecutive seminars organized by the library, the researcher was able to engage more in the topic through group discussions and a presentation by a hired KM expert.

This culminated in the writing of a KM conceptual paper by the team. It is against this background that the researcher gained more interest in this topic. The researcher concentrated on four objectives in the current research. The researcher looked at knowledge management process, namely: creating, storing and sharing of knowledge in the MLC. Having worked at the judiciary the researcher is aware of the succession plan. In this regard, the researcher attempted to understand whether the succession plan includes knowledge management and how knowledge is stored especially when employees are retiring or exiting the institution.

Additionally, the researcher focused on how culture affected KM at the judiciary. The researcher took keen interest on the cultural aspects of the judiciary such as the work culture, team building and socialization cultures. The researcher also attempted to get information on whose responsibility it is to control the knowledge that is created at the MLC. The researcher attempted to investigate whether the judiciary management helps in enhancing knowledge governance. Of importance to the researcher was how the JSC contributed to the KM.

Judiciary being a legal entity, the investigator was able to establish who controls information flow for proper administration of justice.

1.3 Background of the study

This section presents the aspect of KM practices by inspecting two questions. One, what are the different practices that different countries are using, and the organizational cultures in the institutions? Two, how does the organizational cultures affect the institutions in terms of KM, and knowledge governance? The background analysis is done globally, continentally, regionally and nationally.

1.3.1 Global perspective of Knowledge Management and governance.

Currently, there are very minimal research in the area of KM. Many organizations have only started realizing the significance of KM. Consequently, the researcher looked at how some organizations across the world have implemented KM in order to ground the study. The Global Knowledge Research Network (GKRN) carried out a global study to find out research requirements in the future in KM (Heisig, 2014). Results from this study showed that future research in KM ought to reveal the important contribution of KM.

When employees leave an organization, the knowledge also goes with them (Shamin, Cang & Yu 2019). KM process includes a series of management activities that identify, collect, create, archive, share, duplicate as well as utilize knowledge of an enterprise (Shujahat, Sousa, Hussain, Nawaz, Wang & Umar 2019).

Some authors have echoed the significance of Information Technology (IT) solutions in aiding sharing knowledge among judges (Taal, Langbroek, & Van der Velde , 014). For instance, the Dutch information system, 'Wiki Juridica' relies on the concept of databases and electronic repositories that store knowledge in order to make this codified knowledge available to other judges Taal, Langbroek, & Van der Velde (2014). In most countries, courts provide for heads of

courts (court presidents), heads of divisions or head of work units (team managers) in their organizational structure.

Whereas in most cases, court presidents and other board members are responsible for developing a KM strategy, heads of work units are tasked with encouraging individual judges to embrace KM. In the Netherlands, a team manager is a member of the management team but can also be a judge (Taal et al., 2014) while in Germany the role of the head of a work unit is different. Work units are more specialized and judges can be assigned to more than one work unit. The chairperson of a work unit is always a judge who is mostly involved with judicial matters rather than managerial. Consequently, in the Netherlands, a team manager spearheads knowledge sharing among judges; in Germany, the head of a work unit performs this role (Taal et al., 2014).

In Brazil and Indonesia, results from a study on tacit knowledge sharing indicated that in the two cultures, ICT staff who were loyal to the enterprise were more probable to take part in tacit knowledge sharing Borges, Bernardi, & Petri (2019). Additionally, strong social ties played a significant part in the readiness to share tacit knowledge. Results showed main variances between the organizational ways of doing things. While Brazil was influenced by team-oriented approach, Indonesia was not (Borges et al., 2019). This finding suggests that organizational culture, social environment, personality traits and employee commitment have a bearing on an individual's willingness to share tacit knowledge with their colleagues. Another study on the Brazilian judicial system revealed that more concern is still with the flow of visible information (explicit knowledge) rather than invisible flow (tacit knowledge), especially in the small federal claims courts (Ferretti & Afonso 2017).

In Columbia, KM has not been fully adopted by most organizations. Consequently, the implementation of KM practices continues to be sluggish within the personal and public in addition to the educational sectors (Baquero & Shulte, 2007). Nonetheless, some organizations have started

embracing KM. Some case studies include the telecommunication and energy sectors, as well as the flower industry. Findings from a survey conducted with organizations from Columbia confirmed that only some have implemented information systems that in particular aid KM practices (Baquero & Shulte, 2007). Additionally, for organizations that have adopted KM, the research found that KM practices are primary responsibility of executive administration. As a result, the executive is in charge of the knowledge governance aspect. In Nepal, the district court docket, high court docket, special courtroom, tribunals together with the Supreme court is absolutely ready with the ICT infrastructure in conjunction with its personal information data center (Paudel, 2020). Nonetheless, preparation of judgement may be very sluggish; the practices of KM do not align to the goals of the strategic ICT master Plan (Paudel, 2020).

A case study conducted with judges in Spain suggested that traditionally, the knowledge of judges was transmitted informally through internship, where senior peers trained newly-recruited judges (Casanovas, Poblet, Casellas, Contreras, Benjamins & Blazquez, 2005). However, with judicial transformation and the advent of ICT in Spain, this knowledge sharing practice is no longer in place. In its place, the Spanish Judiciary embraced automated computerized KM systems. Such systems witnessed efficient knowledge creation, storage, sharing and archiving in the country's judiciary.

In Argentina, some study examined governance or policies in courts using ICTs (Lezcano & Olivera, 2019). The work discusses an electronic ombudsman as a legal institution regulating people and their links to ICT in the judiciary (Lezcano & Olivera, 2009). This could cater for the governance aspect when using and sharing information stored on and shared through technology.

A comparative study conducted on the primary KM practices applied in Brazilian, Russian, Chinese and Indian industries found out that Brazil, Russia and India had an easier way of converting tacit knowledge into explicit knowledge compared to China Klafke, Lievore, Picinin,

De Francisco & Pilatti (2016). Brazil, Russia and India adopted technology, process standardization and electronic data management to enhance KM. Further, the authors reported that in China, interpersonal relationships shaped KM practices.

In the Kingdom of Saudi Arabia, a study on KM practices in the public sector showed that traditional KM techniques and technologies such as telephone, face-to-face meetings, and formal education and training respectively were the most widely used. Viber, FaceTime and LinkedIn were the least used KM respectively. Other least used techniques included departmental informal networks and knowledge maps. Another empirical study focused on China, with 556 participants from Chinese information communication technology firms Chen, Flinaghi, & Hatzakis (2011). Findings showed that knowledge creation, sharing and transfer was more likely to happen in a trusted work setting. In Africa, KM is even a bigger challenge.

1.3.2 African perspective of Knowledge Management and governance.

In Africa, it is always believed that the elderly are the custodians of knowledge. This is evident in the common proverb, “when an old man dies, the entire library is burnt”.

Similarly, the judiciary has experienced members who have a wide range of knowledge comparable to the elders in the African context. This wealth of knowledge needs to be captured, stored, shared, retained and reused for strategic advantage of the institution. Some authors advocated for an African Ubuntu KM model that emphasizes local structures (cultural norms) and social interactions within the continent’s context (Nansubuga & Munen, 2020).

In South Africa, some researchers investigated KM practices with a view to establishing the extent to which selected banks had implemented KM practices such as the acquisition, sharing and retention of knowledge (Chiganda & Ngulube, 2015). Results suggested that KM practices were not generally assumed; authors proposed the need for knowledge inventories to ease developing KM policies. Another study conducted in South Africa and Nigeria on the use of ICTs

on KM in six academic libraries (three from each country) revealed that availability and accessibility of ICTs for KM among the libraries were not even (Enakrire & Ocholla, 2017). Further, the work demonstrated the critical role of ICTs in effective KM, stressing the need to support libraries to cope with KM policies and strategies. Still in South Africa, another work attempted to understand the factors that influence KM systems within the local municipality (Ncoyini & Cilliers, 2020). The authors found out that the KM culture within the municipality was not supportive as the hierarchical and bureaucratic management suppresses any attempts at openness and support; that information is not effortlessly transferred between managers and their subordinates; finally, there existed a culture of knowledge hoarding (Ncoyini & Cilliers, 2020).

In Botswana, research conducted in a law firm revealed that there were no KM policies and guidelines; there were still numerous challenges to the effective implementation of KM (Fombad, 2014). However, findings showed that there was a growing awareness of the key role and potential of KM in an increasingly competitive environment as a means of making law firms more innovative and cost effective. Results from another survey conducted in the country with 43 departmental directors of government identified weaknesses such as lack of KM knowledge among their staff, poor communication within and between departments, and inadequate policy (Komanyane, 2010). In the same country, some researchers established that lack of proper security of digital case files, digital records preservation and disposition, records appraisal, training and shortage of computers, as well as inadequate archives and records management standards and guidelines were among the challenges tied to courts record management (Mosweu & Kenosi, 2018). Kenya being an African country experienced similar challenges with KM. In Zambia, lawyers use both formal and informal methods to share knowledge among themselves during their work. There are various hindrances to effective knowledge sharing in the country. They include inadequate technology, lack of trust for online knowledge resources, lack of time, fear of sharing

their valuable knowledge with competitors, and the lack of knowledge sharing culture (Nabombe & Kanyengo, 2009).

In Nigeria, a study conducted in the hospitality industry found out that culture affected adoption of KM. Particularly, collectivism, uncertainty avoidance, masculinity and femininity and short- and long-term orientations were factors that could affect KM adoption within the hospitality industry in the country (Usoro & Abiagam, 2018). Another work that assessed KM awareness in tertiary institutions in Nigeria noted a positive relationship between awareness, current status and familiarity levels Ogunbanwo, Okesolo, & Buckley (2019) KM awareness levels in the institutions was found to be high but there was a significant difference between the public and private universities, as well as between the students and academic staff with regard to awareness. Ogunbanwo et al. (2019) argued that the more the awareness, the higher the chance of adopting KM in institutions.

A study by Magdy, Eid and Khodeir (2021) in Egypt reported lack of awareness of the concept of KM, lack of funding, time constraints, nature of construction projects, staff resistance, and lack of documentation as some of the hindrances associated with adopting KM.

In Tanzania, another work noted that western-based KM models ought to be used cautiously in a developing world context. The study found out that policies, legal frameworks, ICTs and local culture determine access to knowledge in the local communities. In the study, indigenous knowledge (IK) on agriculture was seen to be shared and communicated orally and through traditions and culture (Lwoga, 2011). Kenya, being one of the African countries is struggling with KM.

1.3.3 Knowledge management and governance in Kenyan context

In Kenya, most organizations lack systematic and well-coordinated KM processes (Kimile, & Kemoni, 2015). Additionally, though the potential of IT in KM has been recognized, it has not

been fully realized (Kwanya, Kiplang'at & Wamukoya (2017). The KJ Strategic Plan (2020-24) discusses KM as an important contribution to ruling on cases and making references to past knowledge gap in the judiciary (Judiciary, 2020). Though the judiciary has crafted strategic plan on KM, few studies have investigated the governance aspect.

In Kenya, a study that surveyed some county governments on the topic revealed that KM awareness was lacking and that KM was still at infancy (Ndiege & Wamuyu, 2019). Additionally, results showed that counties lacked the capacity to manage knowledge noting that the existing KM practices are neither planned nor implemented systematically (Ndiege & Wamuyu, 2019). Consequently, crucial best and worst experiences are not properly documented and stored for future reference. Regarding KM in academic libraries, a recent study conducted at St. Pauls University Kenya (SPU) found out that the university library does not have a KM policy in place (Formbad & Sirote, 2019). Participants suggested the adoption of a formal policy framework to streamline the identification, storage, sharing, utilization and retention of expert knowledge at the university (Fombad & Sirote, 2019).

In the KJ, another study on records management indicated that although records management had seen some improvement, records were not managed well continuously from creation to disposition (Maseh & Mutula, 2017). Furthermore, there were no records management policies; and well-trained records officers were inadequate. It is in response to the identified challenges that this study became necessary.

Additionally, though records were recognized as pivotal in the administration of justice, records management was not fully supported by top management (Maseh & Mutula, 2017). This consequently undermines effective KM.

1.4 Statement of the problem

Ideally, there ought to be a strategy/ procedure/ policy to guide the KM and governance processes at the KJ to ensure effective administration of justice. Currently, there is no such KM strategy, policy, procedure or guideline. As from 2010, many experienced judges/ magistrates and senior staff have left the judiciary without leaving behind reports, classified information, and useful work experiences which the KJ could access for efficient ruling of cases and for research. There seems to be a lack of proper management of records or process of creating, capturing, disseminating or sharing useful information generated from KJ daily workings. The KJ also seems to lack proper governance mechanisms to mitigate the KM issues.

In addition, there is no control of information generated since no one is responsible or has the authority over the information or knowledge acquired. Consequently, accountability and transparency issues seem to be lacking. A myriad of knowledge flows through the Judiciary employees every day, but nobody seems to account for the knowledge that the Judiciary possess and requires for present and future needs. This affects administration of justice as magistrates, judges and attorneys may lack precedence to adjudicate cases at hand. At the same time, other staff also face the challenge of getting relevant institutional knowledge which could help them in their work. New legal staff joining the judiciary lack well documented and stored information that they can use as precedence; this may affect consistency in ruling of cases and effectiveness of services delivery within the judiciary. Although there is an element of knowledge management in the judiciary strategic plan, the governance aspect is still missing. Consequently, this research set out to explore new approaches/ strategies for effective KMG in the KJ.

1.5 Research Objectives

The general objective of this study was to underscore the effectiveness of KM and governance in the KJ by exploring the best KM and governance strategies/ procedures/ standards.

The specific objectives of the study are to:

- a) Examine the current KM practices at the Milimani Law Courts.
- b) Evaluate the current organizational culture at the Milimani Law Courts.
- c) Investigate the current knowledge governance mechanism at the Milimani Law Courts
- d) Investigate new guidelines, practices, procedures and mechanisms that Milimani Law Courts could adopt for more effective and efficient KM and governance.

1.6 Research Questions

- a) What are the current KM practices at the Milimani Law Courts?
- b) What is the current organizational culture at the Milimani Law Courts?
- c) What are the current Knowledge governance mechanisms at the Milimani Law Courts?
- d) What new guidelines, procedures, standards and governance mechanisms could Milimani Law Courts adopt to ensure effective and efficient KM?

1.7 Justification of the Study

Currently, most judicial knowledge is not captured, stored and shared adequately. Experienced judges, magistrates and other staff retire and leave with a wealth of knowledge. Employees of the judiciary do not freely share their knowledge due to a lack of a clear policy on KM. It therefore seems that judges may lack jurisprudence to help them when making judgements. Employees may also lack expertise knowledge that could help them while performing their duties. Meanwhile, in Africa, Zoogah, Gomez & Cunha (2020) revealed serious scarcity of KM studies. In Kenya, though the judiciary has crafted a strategic plan on KM, few studies have investigated the governance aspect. Consequently, this study is justified as it tries to understand current KM

practices at MLC and proposes new policy guidelines. It attempts to bridge the knowledge gap in KM in Kenya and by extension Africa.

1.8 Significance of the study

KM is important since it enables an organization to capture the knowledge of its workers and change this knowledge into explicit knowledge. The organization is also able to track and ensure that all the documented literature, reports, materials are not only well kept but are also utilized to complete the efforts of the organization in improving performance. In the case of the judiciary, the legal fraternity basically relies on precedence in making cases. Consequently, knowledge management will play a very crucial role in ensuring that institutional knowledge and experiences are well managed for the judges, magistrates, registrars, heads of departments and other judicial staff. This is deemed to ultimately improve administration of justice in the Judiciary, particularly, the Milimani Law Courts. This study also focuses on knowledge governance.

The researcher believes that the outcome of this research could further complement current efforts and help the Judiciary to come up with strategies, policies and proper guidelines for the KM and governance. KM is basically a new area that most institutions both private and public are trying to embrace in order to gain competitive advantage over the ones that do not adopt it. However, in the context of the judiciary, based on researcher's experience, it is a bit challenging since the nature of the work does not fully encourage or acknowledge sharing of information. This is because there are ethical issues and restrictions hindering sharing information freely. The current research investigated the effectiveness of knowledge management and brought in the aspect of governance while implementing KM. Issues such as how information shared are managed, responsibilities of employees and other stakeholders such as the police when sharing the knowledge, and the accountability in KM were investigated. Findings of this study could also help the judiciary to come up with strategies and guidelines that could enable it to effectively manage

knowledge within the institution. This could ensure that institutional knowledge is captured, stored, and shared responsibly and in an accountable manner. Ultimately, this could culminate in effective administration of justice. In addition, in terms of new knowledge the current study provides new insights on KM to the Kenyan judiciary, the government and other organisations.

1.9 Scope and Delimitation of study

This study was carried out in Nairobi County, Kenya. With regard to the actual physical address, the research was done at the Milimani Law Courts. Participants were drawn from current and retired judges, lawyers and magistrates and library staff. With regard to data collection tools, the study only used interviews and questionnaires.

1.10 Summary

This chapter introduced the current study. First, it presented the researcher's insertion. This was followed by the background of the study, starting from a global perspective followed by regional and lastly national. The background survey revealed that very few organizations have implemented knowledge management in their organizations. Nonetheless, different countries have tried different knowledge management practices. Finally, the chapter summaries the problem statement, research objectives, research questions, significance of the study, scope and limitations.

The rest of the thesis is organized as follows. Chapter 2 presents the literature review. Chapter 3 is on the method followed to accomplish the research objectives. Next Chapter 4 presents and discusses the results. Chapter 5, is on the theological perspectives. Finally, Chapter 6 presents ministerial orientation and strategies for social transformation.

CHAPTER 2: LITERATURE REVIEW

2.1 Introduction

This chapter reviews literature related to the study. It begins with the theoretical review in Section 2.2. In particular, Section 2.2.1 presents Institutional Theory. Section 2.2.2 is on Dynamic Knowledge Based Theory while Section 2.2.3 presents Knowledge Creation Theory. This is followed by empirical review in Section 2.3. Empirical review looks at knowledge management practices (Section 2.3.1), organizational culture (Section 2.3.2), and knowledge governance (Section 2.3.3). Thereafter, it identifies the research gap in Section 2.4 and lastly presents the conceptual framework that guides the study in Section 2.5.

2.2 Theoretical Literature Review

This section presents the key theories that guided the research. These are Institutional Theory, Dynamic Knowledge-based Theory, and the Knowledge Creation Theory.

2.2.1 Institutional Theory

The Institutional Theory argues that the regulations and social models guide the social behaviours of society members (Scott, 2013). Consequently, most organizations align their regulations and practices according to well established institutional cultures Liu, Chan, Zhao & Liu (2019). The culture at the Milimani Law Courts was investigated to assess how it impacts KM at the Judiciary. The Institutional Theory has it that an organization should conform to what is socially accepted within its environment to gain legitimacy. In the case of the Milimani Law Courts, this may imply increase in interaction with other law courts across the country so as to benchmark and gain new knowledge. This is good for effective management of judicial knowledge. However, the main weakness of this theory is that the management may over-rely on organizational norms, rules, and requirements. This in effect may jeopardize creativity, freedom of expression and openness among employees. Staff may be merely conforming to the set codes

of behaviour but only from the surface. Other issues include problems of power and self-interest. In response to these weaknesses, the researcher has invited the dynamic knowledge based theory into the debate.

2.2.2 Dynamic Knowledge-based Theory

Dynamic Knowledge-based Theory views knowledge as a tactical benefit of a firm. Thus, a company emphasizes more on its intangible assets (explicit and tacit knowledge) and works well by learning from past practices Tzortzaki & Mihiotis (2014). This theory is aligned with the current study as it guides how the judiciary could tap the knowledge of senior staff and share it among junior staff and new staff members. By so doing theory emphasizes on the need for the judiciary to document some of its best practices. In this regard it considers knowledge as an intangible asset in the judiciary.

The theory takes advantage of IT to synthesize, enhance, and expedite large scale knowledge management of an organization. The Dynamic Knowledge Based Theory emphasizes on knowledge as an asset, encourages learning from past experiences and harnessing of both internal and external competencies. This implies that the organization is open to interaction with other organizations. This is healthy for effective flow of knowledge. Such organizations are not bound by their norms but also learn from their peers.

2.2.3 Knowledge Creation Theory

Knowledge Creation Theory helps to appreciate how knowledge is formed within an institution (Takeuchi & Nonaka, 2000). The theory aids the bench officer to bring out the essential justices when writing judgment of any cases. This theory recognizes that knowledge originates from human beings; it is the most significant resource in an institution more than other assets such as land, labour and capital because knowledge does not shrink. Takeuchi and Nonaka (2000) also appreciate that knowledge is shaped and strengthened through societal collaboration between tacit

and explicit knowledge. They came up with four different ways of knowledge adaptation: first, is tacit knowledge to tacit knowledge, a method of sharing skills to generate tacit knowledge by shared intellectual models and practical skills.

Second, is tacit knowledge to explicit knowledge. This is where the tacit knowledge is converted into explicit knowledge by use of concepts, hypotheses and models. Thirdly, we have explicit knowledge to explicit knowledge. This includes putting together diverse forms of explicit knowledge. Fourth, is explicit knowledge to tacit knowledge, a way of learning by doing or a way of representing explicit knowledge into tacit knowledge. The institutional and knowledge-theories do not address the question of how knowledge is created in organization. This is relevant for effective KM and governance in any organization. The Knowledge Creation Theory addresses this issue.

To leverage on the advantages of each of the theories and compensate for the weaknesses, the current study concurrently adopted the theories. The Institutional Theory came in handy as the judicial institutional culture is deemed to shape KM. The Knowledge Creation Theory helped in understanding how other peer courts deal with the issue of KM. This is deemed to promote free flow of knowledge within the judiciary. Accordingly, judges and magistrates could easily learn jurisprudence from other stations. Lastly, from the Knowledge Creation Theory, the study reported in this thesis tried to understand how the first and second knowledge adaptation approaches could be adopted by the judiciary. The researcher investigated how judicial staff create tacit knowledge by sharing their experiences. The study tried to understand how skills and experiences of experienced judicial staff could be tapped, retained and shared. Moreover, using the Knowledge Creation Theory, the researcher strived to find out how tacit knowledge held by judicial staff could be effectively converted to explicit knowledge. These theory helps in understanding how knowledge can be created in the Judiciary.

2.3 Empirical Literature

Knowledge is increasingly becoming an important asset in most organizations for competitive advantage (Kwanya, Kiplagat & Wambua, 2017). Judges always make decisions guided by their theoretical legal knowledge, emotional intelligence and tacit knowledge, among others (Shimogaki, 2020). Casanovas, Poblet, Casellas, Benjamins & Blazquez (2005, p.1) also note that “Judges require clues, hints or well-grounded practical guidelines that refer to the problem they have before them when they ask a question or start the query”.

KM includes a range of management practices to create, identify, store, diffuse, replicate and apply knowledge within organizations (Balasubramanian, Al-Ahbabi & Sreejith 2019). Mavodza (2010) also opines that KM practices include the capture of knowledge, retention and organization, dissemination/ sharing and re-use.

In the judiciary, there is a need to collect relevant pieces of evidence of cases, store such information to the system, share such information among justices and bench officers and make interaction among the judges possible while preparing the judgement of a case (Balasubramanian et al., 2019). KM has been captured as a key pillar in the 2020 Kenyan Judiciary Strategic Plan (Judiciary, 2020). This plan emphasizes six strategies to improve KM.

They include: enhancing judge’s skills and expertise, promoting knowledge and experience sharing, promoting partnership in research, strengthening library services, enhancing information management, and implementing mentoring and peer review programs (Judiciary, 2020).

2.3.1 Objective 1: Knowledge management practices

This Section presents KM practices, which focuses on Knowledge Creation (Section 2.3.1.1) Knowledge documentation (Section 2.3.1.2) and Knowledge sharing (Section 2.3.1.3).

2.3.1.1 Knowledge Creation

Knowledge creation is defined as a way of making knowledge formed by persons available, strengthening it in societal contexts, and selectively linking it to the current information in the organization (Nonaka & von Krogh, 2009 in Brix, 2017). Knowledge creation as an iterative distinct and cluster or team movement that involves the creation of content (Bix, 2017). Nonaka et al. (2006) observe that organizational knowledge creation is *“the process of making available and amplify knowledge created by individuals as well as crystalizing and connecting it to an organization’s knowledge system”* (Nonaka et al., 2006 p.1179).

According to Nonaka & Takeuchi (1995) it is the strength of an institution to capture and disseminate information in their daily workings. Actual, reliable making and application of knowledge in an institution is vital to the achievements of an institution (Mousarizadeh, Harden, Ryan & Windsor, 2015). Barker (2015) noted that knowledge can be formed through conversion of tacit knowledge to explicit knowledge, then stored for use. Some of the methods that can be done to create and form knowledge include video conferences, voice recognition tools and data mining (Sharma, Gupta & Wickramasinghe, 2004)

2.3.1.2 Knowledge Documentation

A recent study that examined knowledge retention (KR) and knowledge loss (KL) within organizations reported that it is important to capture mobile experts’ knowledge, store and reuse to ensure effective KM in organizations (Levallet & Chan, 2019). To only capture and create knowledge is not sufficient.

This knowledge should be stored (documented) for future use (Alavi 2000). Knowledge can be stored (documented) in electronic databases, written documentations, individual and team tacit knowledge and explicit knowledge.

2.3.1.3 Knowledge sharing

In Zambia, lawyers who graduate from public universities and school of law only gain legal academic knowledge as they lack the knowledge gained from long term experience or practice (Nabombe & Kanyengo, 2009). In this study, two approaches were used to share knowledge, namely, the formal and informal approaches. The formal approaches include, “meetings, workshops, seminars, sharing of law books between themselves, and in court hearings/debates”. Considerations from these meetings and workshops are documented using print or electronic layout (Nabombe & Kanyengo, 2009). Meanwhile, the casual ways of knowledge sharing are social gatherings at lunch hours, social events in admission to the Bar meetings and social gatherings. This type of knowledge is not documented.

A study conducted with a public organization in Southern Nigeria on Knowledge Sharing (KS) process and invention achievement revealed that knowledge sharing has a encouraging influence on an organization’s innovation success (Ononye & Igwe, 2019, p. 184). The authors submitted that public managers ought to emphasize and relay the crucial role played by knowledge sharing. Additionally, there is need to explain the significance to the users as well as create good settings to promote free knowledge sharing among people (Ononye & Igwe, 2019). Moreover, it was noted that organizations should commit and back knowledge sharing practices “*such as mentorship programs, workshops, conferences, seminars and other related training and development programs in order to provide opportunities for employees to develop innovation competencies from the transfer of tacit knowledge developed over time from experience*” (Ononye & Igwe, 2019, p. 184).

The study by Bartol and Srivastava (in Anand, Walsh & Moffet 2019) identified four methods of sharing institutional knowledge. They are: role of knowledge to institutional files;

disseminating knowledge of informal communications within or across group members, sharing knowledge through casual interactions; and sharing knowledge within groups of people working in a common area. KS is defined as the process of exchanging knowledge and skills among persons that help others to prepare and match new and valuable knowledge/skills for each other to attain together individual and organizational goals (Le and Lei, 2017).

KS process is the way of disseminating knowledge between persons, groups or organizations which can be done through face to face or using various means of communication processes (Abubakar et. al., 2019). For KS to be most effective an organization can use various forms of motivation to encourage knowledge such as giving incentives and rewards, personal value is also another factor and self-identity (Abubakar et. al., 2019). The organizational culture can inspire trust that may encourage sharing of knowledge. Another factor is the organizational resources such as access to knowledgeable people in an organization.

According Huarng and Mas-Tur (2016) KS is known to inspire innovation behavior and improve or influence decision making and innovation in an organization. When sharing knowledge, the management can pick out the most relevant and excellent knowledge that is useful to the organization and use it to make positive contribution or decision. In fact, KS plays a critical part in the progression of knowledge managing (Pee and Min, 2017; Wu and Lee, 2017; Le et al., 2018). KS assists to maximize a firm's capability to achieve knowledge and permits people in organization to work and attain goals more professionally (Le and Lei, 2017). Other researchers have reported that KS depends on the individual readiness to share knowledge. According to Alsharo et al., (2017) workers often are slow or shy of from sharing their knowledge due to fear of losing of knowledge ownership. To overcome and overturn these challenges, transformation leadership should make honest, partnership and an environment of trust among employees which

in turn will encourage employees to share more ideas and knowledge (Le and Lei, 2018; yang et al., 2018).

2.3.2 Organizational Culture

Some works have reported that culture is one of the reasons why knowledge is not shared in organizations (Mannie, Van Niekerk & Adendorff, 2013; Mariano & Awazu, 2016; Song and Sun, 2018). Indeed, the study by Al Saifi (2015, p. 170) reported that “[...] organizational culture shaped the process by which new knowledge was created and distributed in organizations.” Supporting this position, other studies noted that KS and integration in most organizations is affected by the degree to which administration creates a culture of trust and respect among workers (Youssef, Haak-Saheem & Youssef (2017); Zhang & Jiang, 2015). Meanwhile, Prusak (2016) reported that a collaborative work culture that compensates continuous learning is probable to encourage team learning hence exchange of knowledge among employees. Some researchers have also suggested that effective KM can also be determined by the national culture (An, Deng, Wang, & Chao (2013) For example, in China, the culture is guided by Confucianism - a philosophy that puts more emphasis on personal connections or special bonds (“guanxi”). Liu et al (2019) found that institutional and national culture comprising ideologies of relationships and trust are key enablers of KMG in Chinese organizations.

Cameron and Quinn (2011) proposed the Competitive Values Framework (CVF) whose fundamental argument is that organization can have four culture types namely: clan culture; adhocracy; market, hierarchy. A study conducted by Suppiah and Singh (2011) defined clan culture as a type of culture that promotes a friendly work environment where employees are free to share more about themselves. Meanwhile, adhocracy culture is characterized by an active and inspired workplace where employees are empowered and the leadership is innovative and visionary. Market culture promotes competition and productivity from the top management to

individual employees, hierarchy culture emphasizes formalized and hierarchical management structures with minimal powers vested on employees. Clan culture supports tacit knowledge sharing behavior among employees (Suppiah & Singh, 2011). However, both market and hierarchical structures did not promote tacit knowledge sharing behavior.

2.3.2.1 Innovation

An organization that embraces innovation as its culture could immensely gain from Knowledge Management. In Nepal, regarding knowledge management, the judiciary has fully embraced ICTs as a pillar of KM (Praudel, 2020). Some of the common practices include: the use of diverse kinds of case management applications to its courts; the use of ICTs to manage case registering, weekly cause list reports, case updates report, position of case hearing, results of case, judgment of case, details of judgment, prior judgement, the adoption of data centre and intranet system to all its courts. The practices of KM in judiciary is being done through the process of case registering, displaying the particular status of case, bench managing, judgment upload and retrieving of judgement (Paudel, 2020).

2.3.2.2 Formal and Informal Learning and Networks

Cao and Xiang (2012, p. 4) defines Knowledge Governance (KG) as, “the adoption of formal and informal organizational structures and mechanisms to influence knowledge management processes and achieve organizational expectations.” Formal KG includes organization structure, salary, job design and leadership while informal KG encompasses organizational culture, social networks, fairness and management support (Cao & Xiang, 2012). KG employs both formal and informal mechanisms to influence the creation, use, sharing, and integration of knowledge in organizations (Foss, Husted & Michailova, 2010).

Huang, Chiu & Lu (2013) reported that both formal knowledge governance mechanisms (KGM) and informal KGM had a direct bearing on knowledge sharing behaviour of employees.

According to the study, formal KGM included things such as formal interventions through management meetings, internal conferences and forums, and intranet-based systems designed to create more structured group discussions and enhance communication of personally held information. Meanwhile, informal KGM included open and affordable cafeteria to all staff; eating lunch together; communities of practice, and sport teams that may foster social norms, teamwork and trust hence the readiness of staff to share knowledge (Huang, Chiu, & Lu, 2013). Results suggested that effective knowledge sharing behaviours are promoted by both formal and informal mechanisms.

2.3.2.3 Leadership Style

The leadership style adopted by an organization could motivate and influence the employee behavior on knowledge creation, sharing, and storage (Analoui, Hannah, & Sambrook, 2012). There is a positive and significant relationship between transformational or transactional leadership styles when adopted by knowledge managers (Analoui, Hannah, & Sambrook, 2012). Supporting this argument Mishra and Pandey (2019) also claim that empowering, transformational, and transactional leaders who play mentorship and knowledge builder roles promote knowledge sharing in an organization. A transformational leader (TL) is the one who is respected, admired, trusted and held with high regard by the subordinate (Analoui, Hannah, & Sambrook 2012). Such a leader is innovative, intellectually stimulating, and creative. A transactional leader on the other hand is the one who gives appropriate rewards when expectations are met and manage by exception. Management by exception means specifying standards of performance and clearly stipulating what is considered ineffective or un-appropriate (Analoui, Hannah, & Sambrook 2012). Such a leader monitors performance with an intention of pointing out and initiating corrective measures.

Findings of another study by Singh (2008) also demonstrate that the level to which an institution succeeds in creating and managing institutional knowledge is largely dependent on the leadership style. The research also noted that delegated leadership style has a positive and significant association with all scopes of knowledge management practices (Singh, 2008). In fact, knowledge creation, storing, sharing, and usage can only be realized if the leadership style promotes freedom to think and act to any of the institutional pertinent matters (Singh, 2008).

According to Wang and Noe (2010), leadership characteristics and knowledge sharing are regarded as some of the crucial organizational resource. According to Le and Lei (2017) TL involves being a visionary leader with the ability to gain respect and trust, ability to promote intelligence and rational ideas and focused problem-solving skills, ability to inspire motivation, ability to have individual consideration and treating each employee individually, training and guiding. In this respect, TL are the main forces that directly and indirectly affect innovation of ideas and knowledge sharing. By transmitting inspiration and motivation TL foster employee enthusiasm to fulfill their mandate hence encourages knowledge sharing to meet their expectation and goals. If the leadership at the judiciary will inspire and emphasize on the necessity of improving innovation capabilities and motive employees to be proactive and creative to enhance and develop new ideas then employees will have trust in management hence will be encouraged to share knowledge thereby spurring innovation (Prasad & Junni, 2016; Le et al., 2018).

2.3.3 Knowledge Governance

According to Bernsteiner, Strasser, Ploder, Schlögl, and Dilger (2019), knowledge governance has to do with selecting ways of promoting the knowledge creation, usage, sharing and integration process. Three potential KG research problems are suggested: the result of diverse sorts of incentive measures for knowledge sharing, combination and creation; the appropriate kind of governance mechanisms for encouraging knowledge sharing, integration, and creation; and the

risks in the process of KG and their remedies (Foss, Husted & Michailova, 2010). Knowledge risk has been defined as: “a measure of the probability and severity of adverse effects of any activities engaging or related somehow to knowledge that can affect the functioning of an organization on any level” (Durst & Zieba, 2019, p. 3). The authors categorize these risks as human knowledge risks, technological risks, and operational risks.

2.4 Research Gap

The empirical review has considered KM practices, organization culture and knowledge governance. The key finding and the research gaps are analyzed based on the research objectives in Table below. The identified gaps are based on the study content, context and methodology.

Generally, in the global, regional, as well as the national scale, there are limited works on KM. Particularly, in Africa, there is an acute scarcity of such studies. Few works have explored how tacit knowledge can be managed, especially within the judiciary. Additionally, not much is known about the management of tacit knowledge in courts globally, regionally and nationally. Not much is known about KM practices in private as well as the public sector. Another gap is the lack of KM strategies, policies and guidelines in most African organizations including the judiciary. Moreover, there is over reliance on western KM models that may not be suitable in the African context. Within the KM research community in Africa, the aspects of culture and governance have not been studied with regard to KM. Consequently, there is deficient knowledge when it comes to these two aspects. This is generally the case for the Kenyan judiciary. The current research seeks to narrow these gaps by contributing to the understanding of KM practices, culture, and governance at the Kenyan Judiciary. Further, it proposes strategies, guidelines, procedures and policies that could be adopted by the Judiciary for effective KM and governance.

2.5 Conceptual Framework

The following is the conceptual framework that guided the undertaken study.

Independent variables

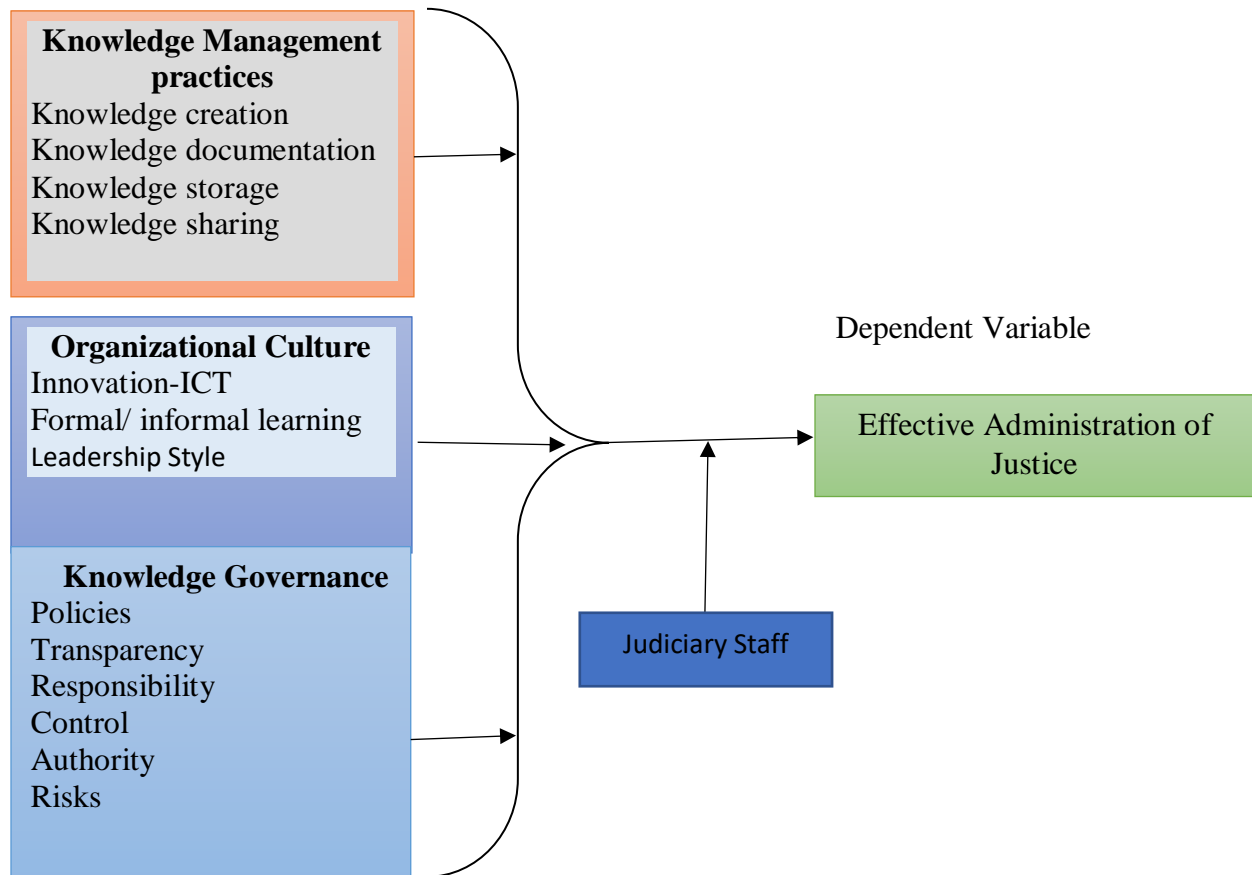


Figure 2 .5.1 Conceptual Framework (Source: Researcher)

In the conceptual framework, the independent variables are KM practices, organizational culture and KG. This is in line with the research objectives in Section 1.5. Good KM practices such as creation, documentation, storage and sharing are assumed to have direct impact on proficient adjudication of justice. How is knowledge created in an organization, documented, stored and even shared among employees in an organization? Are there proper organizational cultures in place that favour or support innovation, or encourage formal and informal learning, and

create an environment for social interactions (networks) among employees to influence positively and affect adjudication of justice.

Lastly it is deemed that the establishment of a robust knowledge governance structure could ensure that there is transparency, responsibility, control, authority and good management of risks with regard to knowledge resources within the judiciary. The effective administration of justice (dependent variable) is moderated by Judiciary staff (intervening variable) which in turn is influenced by KM practices, Organizational culture, knowledge governance (the independent variables)

2.6 Summary

This chapter presented related work on the proposed topic. First, it discussed the theoretical underpinnings that guide the current study. Three theories were reviewed, namely: institutional theory, knowledge-based theory and knowledge creation theory. Next, the chapter presented current empirical works on KM practices, organizational culture and knowledge governance in line with the proposed objectives. This was followed by a summary of the research gap. Lastly, the chapter presented the conceptual framework used for the study. The next chapter is about the methodology used in the study.

CHAPTER 3: METHODS

3.1 Introduction

This chapter is on the methods employed for the study. It discusses the research design, location of the study, target population, sample and sampling procedures. It also describes the research instruments, their validity and reliability, data collection procedures, data analysis techniques as well as ethical considerations. At first, the researcher developed pretesting questions which helped to clarify focus of the study on key problem, objectives, and questionnaires. The questions created a research design appropriate for the study. The research used a mixed method design where both qualitative and quantitative data were collected and analyzed.

3.2 Research Design

A research design gives the strategy that guides the research base. It commands the method in which a research is to be done, creating a road map of the research in terms of the sample size, data collection instruments and analyzing procedure (Bryman, 2015). The research design is very crucial since it defines the outcome of the obtained results. The researcher used mixed research method that includes gathering, analyzing and integrating quantitative and qualitative data. The current research investigated KMG in various departments of Milimani Law Courts. Both qualitative and quantitative data were collected by use of questionnaires, and interview guides.

3.3 Location of the Study

This study was conducted at Milimani Law Courts – Nairobi. Milimani Law Court was chosen among other courts because it has various court sections under one roof. For example, it has criminal division, civil division and family division among others. In this regard it was deemed as a good representation of the other law courts. The researcher has worked in the judiciary for the past ten years. Consequently, the researcher quite understood the operations of the judiciary. Moreover, the researcher had interacted with judges, magistrates, registrars, heads of departments,

heads of stations and management of the Supreme Court as well as advocates and lawyers from other stations in the course of her duty. The researcher believes that the study output could help Milimani Law Courts to develop proper policies, procedures and strategies on KM for effective administration of justice. This could be generalized to the entire KJ.

3.4 Target Population

Target population is well-defined as the whole population of interest from which the individual participants or objects for measure are taken (DePoy & Gitlin, 2015). The list of all potential respondents at MLC added up to 180 people. In order to arrive at the number in this list, the researcher reached out to potential participants in person by word of mouth, through friends and the rest through emails (Appendix). The target population consisted of 11 Judges, 25 Magistrates, 6 Registrars, 6, 15 HODs/HOS, 100 other staff members, 23 Advocates and lawyers. This totaled to 180.

3.5 Sampling Techniques

Purposive sampling was used to recruit participants in the study. Purposive sampling technique was used whenever the researcher was recruiting participants by virtue of their rich information and experience on the topic under investigation, their availability and willingness to share their experiences and knowledge (Etikan, 2016). Guided by this, the researcher in this study recruited 180 participants who were deemed to have rich information due to the kind of matters they handled and the positions they held. The participants were experienced and willing to be involved in the research. The target population was sampled by different categories (Strata) based on their designations for instance lawyers, judges, magistrates, registrars, prosecutors and other judicial staff (ICT, Accountants, Librarians, legal researchers etc.)

3.5.1 Sample size

The target population was 180 people which was the list of all the potential respondents at MLC. Out of this a sample size was calculated which resulted in 124 potential participants. This study targeted the KJ, specifically Milimani Law Courts. This choice was due to the fact that it has a larger target group from which a sample representing the rest of judicial courts in Kenya could be drawn. Out of this list, a sample size of 124 was computed. This sample is distributed as shown in Table 3.1. It was computed using the Taro Yamane formula (Yamane 1967, 886) as follows:

$$\begin{aligned}
 &N\text{-Target Population} \\
 &n\text{-Sample size} \\
 &e\text{-Desired margin of error } (0.05)^2 \\
 \\
 n &= \frac{N}{1+N(e)^2} \\
 n &= \frac{180}{1+180(0.05)^2} \\
 n &= \frac{180}{1.45} \\
 n &= 124
 \end{aligned}$$

Table 3.1: Distribution of Sample size (Source: Researcher)

Cluster	Method/technique	Sampling procedure	Proportion
Serving Judges	Interviews	Purposive	5
Retired Judges	Questionnaires	Purposive	5
Magistrates	Interviews	Purposive	5
Registrars	Interviews	Purposive	4
Head of Departments/heads of stations	Questionnaires	Purposive	15
Other Staff/Employees	Questionnaires	Purposive	80
Advocates/Lawyers/Prosecutors	Interviews	Purposive	10
Total			124

3.6 Data Collection Procedure

The researcher first acquired a letter from Tangaza University College for data collection. (Appendix 9) This was followed by an application to National Commission for Science, Technology and Innovation (NACOSTI) for a research permit (Appendix 10) The letter and the

research permit were presented to the relevant department and authority at the Milimani Law Courts to seek permission to collect data from the staff. (Appendix 11) Prior appointments were made with potential respondents before interviews.

3.7 Data collection Instruments

Questionnaires and interview guides were designed to gather primary data. To ensure a good response rate, the researcher who is also an employee of the KJ visited various departments as well as sent email invitations to retired judges/ magistrates and other judicial staff. This facilitated smooth data collection. Information was solicited on the usage of and accessibility to modern ICTs; the organizational culture; organizational leadership structure; human resource management practices and; governance principles. Both close and open-ended questions were asked.

3.8 Data Collection Methods

In this research the researcher used a mixed method approach in which both qualitative and quantitative data were gathered. The researcher used questionnaires to collect quantitative data. Interview guide was used to collect qualitative data. A questionnaire is a useful tool for collecting data quickly from participants. It contains a set of predetermined questions for soliciting information from respondents (Krueger & Casey, 2014; Kember & Leung, 2008). The researcher distributed questionnaires to retired judges, registrars, heads of departments, judiciary staff and advocates.

Section A of the survey elicited demographic data from the participants. Section B examined the current KM practices that were available at Milimani Law Courts. Section C evaluated the current organizational culture at the Milimani Law Courts, while section D investigated the current KM and governance mechanisms. Lastly, Section E suggested new guidelines, practices, procedures and mechanisms that Milimani Law Courts could adopt for more

effective and efficient KM and governance. In total, the researcher distributed 100 questionnaires. Five were distributed to retired judges, while another four and five to current registrars and magistrates respectively. Finally, other judiciary staff (employees) were given 80 questionnaires.

Interviews were held with 24 participants to gain deep insights on the research objectives. These were administered face to face through prior appointments with potential respondents. In situations where it was not possible to hold face-to-face interviews due to Covid - 19 pandemic, telephone interviews were used. The researcher used semi-structured interviews that involved open-ended questions based on the research area and objectives. The researcher collected data by interviewing serving judges and magistrates/bencher officers' stories and documenting their experiences. This ensured reliability and validity of the results. From twenty-four interviews, ten were face to face while the remaining four were telephone.

Prior to each interview session, the researcher contacted the interviewees two days in advance to confirm their availability. The researcher also shared the interview question guide with them to allow them to prepare adequately for the interview. Before each interview session, participants signed a consent form to indicate that they had willingly accepted to be involved in the study and that they were willing to be recorded (Appendix 2). All sessions were recorded for later transcription.

3.9 Validity and Reliability of Research Instruments

This section looks at the pre-testing in Section 3.9.1, then the validity in Section 3.9.2 and finally reliability in Section 3.9.3.

3.9.1 Pre-testing

Once the study tools were developed, a pre-test research was done to assess the questionnaires. This was through a test study whose purpose was to determine the reliability and validity of the research. This study was done with the five colleagues at Jomo Kenyatta

International Airport Law Courts. (JKIA) This helped to clarify focus of study on key problem, objectives, questionnaire. JKIA law court was chosen because it has a fairly well balance representation of employees cutting across different categories such as magistrates, judicial staff like accountants, clerks, court administrators etc. In addition, by the time of the research it was handling criminal, civil and traffic cases just like the Milimani Law Court. The researcher paid attention to the wording of the questions to ensure that they made sense to the participants. The researcher was also able to correct the instruments so that respondents could find it easier to complete the questions.

Pilot testing also enabled the researcher to seek answers to some questions from the respondents that helped further refine research instruments. These include: Did you find any difficulty in answering any of the questions? Were any of the questions ambiguous? Are the instructions precise and clear? How long did it take you to answer all the questions asked? Any other comments? The pilot test allowed the researcher to go through feedback of the pilot test and make relevant corrections before submitting it for printing the final copies for the respondents use. This exercise was advantageous to the researcher since it saved time taken during the analysis.

3.9.2 Validity of Research Instruments

Validity is well-defined as the level to which a research tool measures what it claims to measure (Kember & Lueng, 2008; Tsang, Royce & Terkawi, 2017). To ensure validity, this study considered most of the critical factors to ensure that none was left out.

3.9.3 Reliability of Research Instruments

Reliability is referred to as the level to which the results obtained by a measurement and procedure can be replicated (Kember et al., 2008; Tsang et al., 2017). Before distributing the questionnaires, a pilot study was done. The researcher requested the five work-mates to go through the questionnaires and the interview guides then correct and provide suggestions for improvement.

The recommendations were considered in the final instruments. This gave the researcher the opportunity to find out if there was any confusion about the items, and whether participants had suggestions for possible item improvements. As well as a general idea of the feedback given to each item, which was useful in deciding whether there was sufficient difference in the response to explain moving onward with the study (Tsang et al., 2017).

3.10 Data Analysis

This section analyzes the quantitative data in Section 3.10.1 and the qualitative data in Section 3.10.2.

3.10.1 Quantitative Data

Questionnaires were used to help collect quick and precise results. This also allowed the investigator to collect honest feedback from many respondents who were given the freedom to take home questionnaires and complete them when not being observed. Data was collected about current KM practices. These included the current knowledge creation, storage/ archival and sharing practices at MLC. We also collected data about the proposed KM culture and governance at MLC. Finally, respondents were asked to suggest new standards, procedures and policy guidelines that MLC could adopt. The Statistical Package for Social Scientists (SPSS) software was used to perform descriptive analysis of collected quantitative data. Percentages were calculated to represent the findings. Additionally, descriptive statistics such as mean median mode were used for analysis.

3.10.2 Qualitative Data

The researcher also collected and analyzed qualitative data. This was because the study required a few experienced respondents in order to gain more in-depth information based on the research problem and questions. Qualitative data were categorized into themes, coded and analyzed thematically as suggested by Anderson (2007). Castleberry and Nolen (2018) propose

four steps in qualitative data analysis: compiling, coding, assembling and interpreting. Consequently, first, interview data was compiled/ transcribed by the researcher. This facilitated making an early sense of the data. Second, the data was coded into meaningful groupings (patterns/ themes). Third, codes to which each category corresponds was reorganized to form themes. Lastly, emerging themes were discussed, agreed upon and interpreted by the researcher and the supervisors to arrive at logical conclusions.

The data collected was about knowledge creation, sharing, storage and archival methods practiced by the judiciary. Moreover, the interviews sought to elicit data concerning the culture at MLC.

3.11 Logistical and Ethical Considerations

Before collecting data, the researcher sought for ethical approval from the University Ethics Committee (Appendix 8). Next, the researcher applied for a permit at the NACOSTI (Appendix 10). Additionally, an application was made to seek clearance from the relevant department to collect data from Milimani Law Courts, Kenya (Appendix 11). The researcher communicated the objectives of the research to the participants. They were also guaranteed the privacy of the data collected. The researcher explained to participants that anonymity would be used to report the results of the research. To ensure privacy of respondents, the researcher informed them that real names would not be used. Instead, names and other personal information about participants that they considered private were to be coded. The participants were also expected to fill a form to giving informed consent for the research before taking part (Appendix 2). Ethical approval was also aimed at minimizing potential risk to participants and giving them the right to pull out from the study any time without any negative impact. On the issue of data protection, the investigator assured respondents that the data collected would only be used for academic purposes.

3.12 Summary

This section captures the method used in the research. It discussed the research design, validity and reliability of research instruments, the sampling technique, data collection instruments, data collection methods, and methods of data analysis. The next chapter presents and discusses the results.

CHAPTER 4: RESULTS

4.1 Introduction

This chapter capture discusses the results of the research based on the main objectives of the study. The first objective was to examine the current KM practices at the MLC. Second it was to evaluate the current organizational culture at the MLC. Third, it was to investigate the current knowledge governance mechanisms at the MLC. Last, it was to investigate new guidelines, practices, procedures and mechanisms that MLC could adopt for more specific KMG.

A total of 100 questionnaires were distributed to judges, judicial officers and judiciary staff at MLC. Seventy were completed and returned back. In addition, we conducted 24 face-to-face interviews. In total, we received feedback from 94 participants, representing approximately 78% response rate.

According to Mugenda and Mugenda (2003), a fifty percent of response is considered sufficient enough, while 60% is considered good and finally 70% very good. Consequently, the feedback level was very good. The researcher adopted purposive sampling techniques since the research was intended to be done with specific groups of targeted people for the sampling frame of 120 Judiciary employees, SPSS was used to process and analyze quantitative data. Data from the interviews was coded and analyzed under particular themes along the set of four research objectives. The data collected dovetailed with the theological framework and shaped the basis for the study's action plan.

4.2 Demographic Data

This section presents the demographic data. Section 4.2.1 summarizes the response by Gender, Section 4.2.2 Participants Age Bracket, Section 4.2.3 presents designation, 4.2.4 looks at the department, 4.2.5 summarizes the experience while 4.2.6 looks at the Education and finally 4.2.7 presents the profession.

4.2.1 Response by Gender

Out of the 100 questionnaires distributed, 70 were completed and returned. This represents a 70% response rate. Of the 70 respondents, 33 (47.1%) were male and 37 (52.9%) female. Heisip and Kannan (2020) argue that gender roles at the workplace could affect how knowledge is created and shared in organizations. Consequently, the aspect of gender was considered important in understanding KM at MLCs. A summary of the response by gender is presented in Table 4.1.

Table 4.1 Responses by Gender

	Frequency	Percentage (%)
Male	33	47.1
Female	37	52.9
Total	70	100.0

4.2.2 Participants' Age Bracket

The researcher was also interested in the age bracket of the participants. The aspect of age was deemed important. Khalil, Asgher, Khalil, Khawaja, Ayaz, Nazir, & Ruiz (2021) in an empirical study reckoned that age moderated the relation between organizational socialization and knowledge creation. They found out that the relationship was weaker for older workers in comparison to younger ones. In the current thesis, results indicate that a majority (34.3%) were in the 45-54 years age bracket. This was followed by 35-44 years (30.0%), then 18-34 years (28.6%). The least number of participants were in the 55 and above years bracket, representing 7.1%. This finding could imply that there is a large number of young employees who may not have the institutional knowledge. Consequently, there is a need for a robust KM system. A summary of the results is captured in Table 4.2.

Table 4.2: Age Bracket

	Frequency	Percentage (%)
18-34	20	28.6
35-44	21	30.4
45-54	24	34.3
55 and Above	5	7.1
Total	70	100.0

4.2.3 Designation

This study was also interested in the designation of the respondents. This was deemed important to have a deeper insight on different professions perceive KM and its importance in effective administration of justice. When asked about their designation, respondents gave a variety of responses. Majority (16, 21.4%) were librarians. Of the 16, one was a senior librarian. This was followed by nine court assistants (12.9%). Information technologists were eight (11.4%), followed closely by seven magistrates (10%), then six court administrators (8.6%). Four participants (5.7%) reported that they worked as accountants. The same number was observed for the human resource staff. Meanwhile, three respondents (4.3%) indicated that they worked as office administrators, researchers, procurement officers and records management staff in each case. Judges were two (2.9%). Librarians were 16 (22.8%) while Lawyers were 12 representing 17.1%. Finally, there was one participant (1.4%) for each post of archivist, auditor and registrar. Table 4.3 is a collation of this information.

Table 4.3: Designation

	Frequency	Percentage (%)
Accountant	4	5.7
Archivist	1	1.4
Auditor	1	1.4
Court admin	6	8.6
Court assistant	9	12.9
Human resource	4	5.7
Information technology	8	11.4
Judge	2	2.9
Librarians	16	22.8
Magistrate	7	10.0
Lawyers	12	17.1
Total	70	100

4.2.4 Department

Participants' departments were also of great interest to this study. Most of them worked in the courts (24, 34.3%). This was followed by respondents from the information and records department (20, 28.5%). Eight respondents (11.4%) worked in the IT Department.

The audit and risk, administration, finance, anti-corruption, office of ombudsman and procurement combined had six participants (8.4%), one from each. Meanwhile, the Accounts Department had four participants (5.7%). Table 4.4 provides a summary of this.

Table 4.4: Department

Department & sections	Frequency	Percentage (%)
Audit & risk	1	1.4
Accounts	4	5.7
Administration	1	1.4
Anti-corruption court	1	1.4
Milimani family division	6	8.6
Environment & labour court	1	1.4
Finance	1	1.4
Human resource	3	4.3
Information & records	19	27.1
Information communication technology	8	11.4
Milimani criminal division	1	1.4
Milimani civil division	17	24.3
Office of ombudsman	1	1.4
Procurement	1	1.4
Court registry	3	4.3
Registrar's office	2	2.9
Total	70	100.0

4.2.5 Experience

The researcher also investigated the experience acquired by respondents. Data about experience was deemed important in this study because it was assumed that the more experienced an employee was the more institutional knowledge they had and vice versa. This could provide a deeper understanding on KM and governance at the judiciary. Findings revealed that majority (21, 30%) had 16 to 20 years of experience. This was followed by 20 (28.6%) who had 11-15 years of experience. Those with 5-10 years' experience were 14 (20%). Those within the age 21 years and above were 12 (17.1%). Lastly, there were three (4.3%), who had the least experience (below 5 years).

Table 4.5: Experience

	Frequency	Percentage (%)
Less than 5 years	3	4.3
5-10 years	14	20.0
11-15 years	20	28.6
16-20 years	21	30.0
21 and above	12	17.1
Total	70	100.0

4.2.6 Education

Another area of focus for the researcher was the respondents' education level. Some 48 respondents (68.8%) were university graduates, 15 (21.4%) with college certificates and seven (10%) with postgraduate degrees. The findings indicate that the respondents were well educated. Thus, they were able to answer the questions well. This also goes a long way to affirm the reliability of the findings. These findings are captured in Table 4.6 below.

Table 4.6: Education

	Frequency	Percentage (%)
College	15	21.4
University	48	68
Post graduate	7	10.0
Total	70	100.0

4.2.7 Profession

The researcher also examined respondents' professions. In total, we had 14 (20%) librarians. This was followed by 12 lawyers (17.1%). IT specialists were 10 (14.3%), seven (10%), office administrators and six (8.6%) court administrators. Accountants, human resource personnel and supply chain management officers amounted to three (4.3%) in each category. Records management staff, legal researchers and court clerks were two (2.9%) in each category. Lastly, auditor, monitoring and evaluation officer and sociologist professions had one respondent each (1.4%). Table 4.7 below summarizes the findings.

Table 4.7: Profession

	Frequency	Percentage (%)
Accountant	3	4.3
Administrator	7	10.0
Archivist	1	1.4
Auditor	1	1.4
ICT expert	1	1.4
Clerk	2	2.9
Court administrator	6	8.6
Human resource	3	4.3
IT	10	14.3
Journalist	1	1.4
Lawyer	12	17.1
Librarian	14	20.0
Monitoring and evaluation	1	1.4
Records	2	2.9
Legal researcher	3	4.3
Procurement officer	1	1.4
Sociologist	70	100.0
TOTAL		

So far, in bringing to perspective this section, the demographics add up to 70. This is drawn from the 100 participants who returned the questionnaires. To make the 124-sample size, the remaining 24 respondents were the ones who were interviewed. They included five serving judges, five magistrates, four registrars and 10 advocates/ lawyers/ prosecutors. In general, the researcher used the demographic information to learn how different departments, age groups, profession, education affected the knowledge management practices in the MLC. The information helped the researcher to understand in-depth views of the target group. The age bracket revealed that the highest age group appreciated the use of KM more than the lowest age group. The librarians had the highest number of people who answered the research questions.

This could be interpreted to mean that they appreciated the importance of Knowledge Management compared to other categories of staff given that they are the custodians of knowledge acquired or created at MLC.

4.3 RQ 1: What are the current Knowledge Management Practices at MLC?

The first objective was to examine the current KM practices at MLC. It was deemed important to investigate the current KM practices at the MLC as this would provide insights on how knowledge was currently captured, stored and shared. Following are the findings from questionnaire responses.

4.3.1 Knowledge Capture, Storage and Archival Practices

A Likert Scale with a minimum value of 1 representing Strongly Disagree and 5 Strongly Agree was used to elicit participants' views about knowledge capturing practices and methods at MLC. Thirty respondents (42.9%) disagreed that there existed interviews for retiring or exiting staff to promote the capture, documentation and storage of tacit knowledge. Only 14 respondents (20%) agreed that there existed interviews for retiring staff and that the knowledge of experienced staff were documented. These findings show that the Judiciary did not capture or store tacit knowledge of employees who were proceeding for retirement. In order to understand knowledge storage and archival practices in MLC, participants were asked to rate the extent to which they agreed or disagreed with the given related statements. Overall, the findings suggest that 54% of the respondents understood what needed to be stored and how to get knowledge resources from their possession into storage. Another 79% agreed that storage practices were well defined for some crucial materials such as legal or financial documents but not for other materials. Meanwhile, 65% agreed that storage procedures were clearly documented for physical resources but not for electronic materials. Sixty-nine percent of the respondents noted that physical resources were stored in the Judiciary archives. Seventy one percent felt that physical resources were retained based on document type or content but electronic resources were retained based on criteria. Seventeen percent agreed that they had a mix of preservation practices, depending on whether or not the resource was in electronic or physical format.

Figure 4.1 presents a summary of the results.

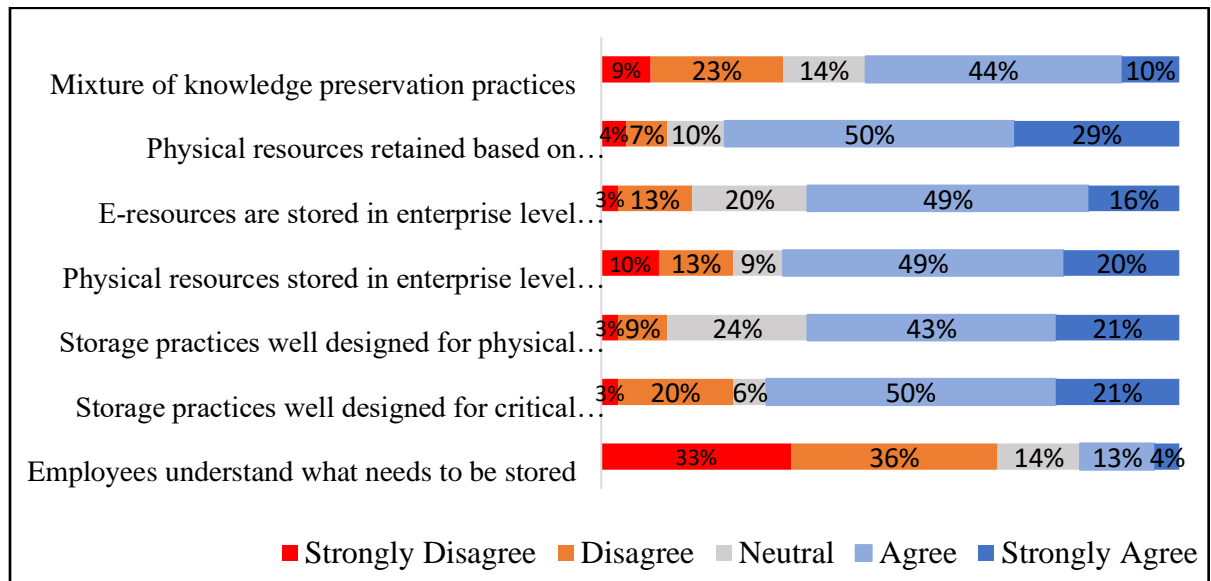


Figure 4.1: Knowledge Capture, Storage and Archival Practices

Table 4.2 presents a distribution of the number of respondents under the categories of lawyers, judges and other staff based on how they answered the survey items for the knowledge capture, storage and archival practices Section. In addition, it presents the total number of respondents who answered neutral for each item.

Table 4.8 Distribution of participants

	Agree			Disagree			Neutral Total
	Lawyers	Judges	Other staff	Lawyers	Judges	Other staff	
Mixture of Knowledge preservation practices	8	2	28	4	0	18	10
Physical resources retained based on E-resources are stored in enterprise level	10	1	44	2	1	5	7
Physical resources stored in enterprise level	8	2	36	2	0	9	13
Storage practices well designed for physical	5	1	42	3	1	12	6
Storage practices well designed for critical	9	1	35	1	1	6	17
Employees understand what needs to be done	7	2	41	3	0	13	4
	5	1	6	2	1	45	10

4.3.2 Knowledge Storage and Archival Practices

In order to supplement the data collected on knowledge storage, capture and archival practices using questionnaires, interviews were also conducted. Two major themes were identified as knowledge capture through: first, staff training and second, writing down/ documenting staff experiences. As an illustration, Director X (2022, February 12) noted, “We mostly capture knowledge through assigning tasks to staff who in-turn are expected to document and write reports about their experiences which are then stored electronically or physically”. A Senior Lawyer X (2022, July 19) who had practiced for more than 10 years remarked, “in my career I have seen our knowledge and experiences captured during seminars and conferences, especially when interacting with our peers ... also use informal meetings when interacting with junior lawyers”. Prosecutor

A (2022, July 17) reported: “Yes ...we have a place, assuming that witnesses are testifying we take notes and submissions and refer to them later...yes also we do write books [...] we put them in physical copies and electronic copies and we are able to refer to them later when we need them”.

A Chief Magistrate (2022, February 8) commented on knowledge capturing methods: “There are updates from the office of the chief registrar. I think that is one way to capture the knowledge. There is formal notification by way of email or letters forwarding the notifications”. One respondent JTX I (2022, July 19) emphasized the role the Judicial Training Institute played in capturing Judicial knowledge. She expressed: “we have a training institute that exercises all the authority since even when staff attend any training they are expected to do a report of the session. The researcher also found out from a senior ICT officer that the ICT Department had come up with various software to support the capturing of knowledge such as case management tools. The ICT had also supported the judiciary website which stored a number of judiciary policies, guidelines as well as any other relevant information about the Judiciary.

Additionally, with regard to knowledge storage and archival practices, Prosecutor T (2022, May 5) reported: “we have a storing software called Wadilifu where all the information of even more than 20 years is stored and all prosecutors can easily access any knowledge or information”. The researcher also found out that knowledge is stored and archived in Judiciary management systems such as case management systems, online forums such as Kenya law reports and library repositories. It was surprising to learn that a lot of Judicial knowledge is not documented. However, it was reassuring to learn that some senior judges had made some efforts to document their knowledge through publications. Advocate N (2022, July 5) remarked: “A lot of knowledge is not documented [...], like here, the ones I have mentioned - the only ones that will be documented are say induction and the attachment programs [...] the rest are basically in the form of training. They are informal and hence not documented.

There are quite a number we have. For example, the Kenya law portal where important decisions are posted for consumption by everyone and the periodical bulletin like the bench bulletins which are sent to each judicial officer on a regular basis. We also have those in our midst who publish books that they send to judicial officers free of charge. For instance, you remember justice Odek professor who published quite a number of books which were sent to magistrates free of charge. We also have a lot of election materials related to handling of election petitions which are also distributed. There are many ways and strategies used to disseminate knowledge for example [...] regular training. We have training programs by the Kenya Judiciary Academy [...] and also by Kenya Magistrates and Judges Association.”

On knowledge preservation and storage, an advocate (of thirteen years of work experience) noted that manual files and disks were used a lot to store precedence. The Advocate L (2022, July 5) reported; “We store either in disks; we store others in hard copies ... this profession needs a lot of documents and we operate in what is called precedence ... so that will mean that whatever decision was made 20 years ago can still be retrieved today; so, we store it in that manner, in disks and hard copy in files. We keep it in disks in offices but we also have professional websites that have so much of that knowledge. I will give you an example, the Kenya law reports.org. It keeps all that database that you need to share”.

The findings on knowledge storage and retrieval practices among judges in Kenya are in line with those of judges in Dubai (Biygautane & Al-Yahya, 2011). In Dubai Courts, judges are expected to finalize a case and give verdict, then store the judgement in an electronic form and briefly describe how they arrived at the verdict (Biygautane & Al-Yahya, 2011). This is similar to the archival of cases in electronic format as per the findings of the current research. Findings further show that the organization has enhanced sharing of knowledge between the courts and the office of the Director of Public Prosecution (DPP).

4.3.3 Access and Knowledge Sharing

The researcher asked participants to show the degree to which they agreed or disagreed with the statements regarding the ease of access and knowledge sharing practice in the Judiciary. This was done by answering a questionnaire. Forty three percent agreed that knowledge or work experience from employees could be rapidly shared through formal engagements with minimal challenges. Out of this, 13% strongly agreed. Fifty one percent agreed that knowledge that was retained physically could be easily retrieved and shared. Fifty four percent agreed that knowledge archived in electronically could be easily retrieved and distributed, while 39% disagreed.

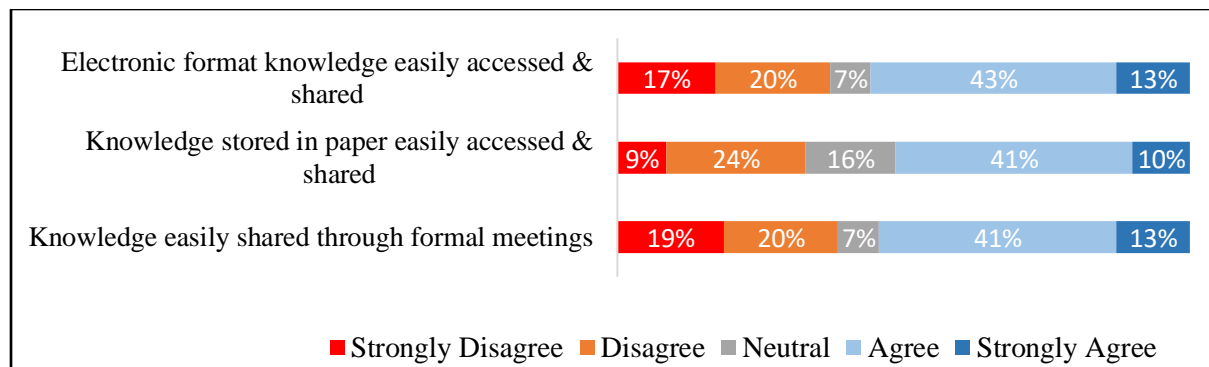


Figure 4.2: Ease of Access and Knowledge Sharing

Table summarizes the distribution of the number of respondents who agreed and those who did not agree to the items on the access and Knowledge Sharing questionnaire.

	Agree			Disagree			Neutral Total
	Lawyers	Judges	Other staff	Lawyers	Judges	Other staff	
Electronic format knowledge easily accessed & shared	6	1	32	8	1	17	5
Knowledge stored in paper easily accessed and shared	8	2	26	7	0	16	11
Knowledge easily shared though formal meetings	4	1	33	6	1	20	5

The researcher further interviewed senior staff at MLC to gain more insights into the knowledge sharing methods. The main methods mentioned were induction programs, on job training, and internal training. Others included attachment of junior lawyers, fora/ presentation cafes and bar bench programs. During one of the interviews, Prosecutor R (2022, August 10) reported that a lot of legal knowledge was shared with young lawyers through induction. He went ahead to mention that they had prosecutors' forums where prosecutors countrywide shared their knowledge. He clarified that the sharing was online but there was also what was called prosecution café where prosecutors met and shared knowledge on any topic.

Prosecutor R (2022, August 10) further expressed, "I think there are many ways of transferring knowledge, number one is through induction where officers who are newly recruited undergo induction training. Number two, we have on job training. Officers are working under supervision; there is constant transfer of knowledge in the course of their work". The prosecutor went ahead to report that they had what they called "sitting with Nelly", where they learnt from one another.

Prosecutor R remarked, "[...] we learn from each other, a senior person learns from a junior person and vice versa. In the case of law students who were still in college, Prosecutor R (2022, August 10) observed that they were usually sent to the Judiciary where they learnt from senior lawyers during their pupillage. For the lawyers who were newly appointed to the bench, the prosecutor reported that they gained knowledge through bar bench forums.

Another respondent (Advocate C, 2022, August 10) reported that they organized training sessions for law students who were on attachments. Trainee lawyers also gained knowledge during court submissions. This respondent intimated, "We share knowledge when we have pupils in the office where we train them". This revelation implies that attachments play a pivotal role in sharing knowledge at the Kenyan judiciary.

With regard to knowledge sharing norms, findings reveal that whereas senior judges in Kenya shared knowledge with junior judges - it was not a policy requirement. Dubai Courts used a very efficient process to disseminate knowledge. For example, judges met frequently to deliberate on cases and share knowledge and views with others, particularly with incoming judges, to learn from skills and knowledge of older and more experienced judges (Biygautane & Al-Yahya, 2010 in Al Yami et. al., 2021).

As an overview to this section, regarding knowledge creation, storage and sharing, the findings suggest that MLC has made strides in knowledge creation. However, the focus is more on legal matters only, ignoring other crucial departments such human resource, finance, ICT among others. Archival practices are done in MLC but focus is on filing documents related to different finalized cases. There is no repository of important materials for future use. Access and knowledge sharing are also not well moderated to help or maximize the use of knowledge.

4.4 RQ 2: What is the Current organizational culture at the MLC?

This section is on the current organization culture at the MLC. It attempts to respond to question two of the study: “What is the current organizational culture at the Milimani Law Courts”? This objective was investigated using interviews. Four themes emerged from the conversations with the key informants, discussed in the next section.

4.4.1 Leadership style

On the aspect of leadership style, in some departments, results show that the current management and leadership style does not adequately promote knowledge creation and sharing. The leadership style does not inspire trust and open exchange of ideas through either formal or informal meetings. As a confirmation to this claim, one employee commented: “In my department, the head is very reserved [...] we have very few forums where we can meet as a department to exchange ideas with one another [...] in fact there is no teamwork [...] people don’t freely talk to

one another for lack of trust (Employee G, 2022, October, 18). The leadership style described by this respondent seems to be authoritative. It is evident that the staff in the said department do not freely interact with each other or share their ideas. As a result, communication and knowledge sharing could be minimal.

The finding that the leadership styles in some departments at the MLC are not catalysts of knowledge sharing comes close to results of an earlier study (Brdulak & Banasik, 2015). Such a culture could in turn impact employee performance. Consequently, tacit knowledge of judges could remain unshared (Ferretti, & Afonso, 2017).

Findings of the present study indicate that in some departments, the style of leadership does not promote knowledge sharing among judiciary employees. Indeed, Daniels (2021) found out that servant leadership was necessary for an inclusive organizational culture.

Therefore, it seems that the style of leadership affects the organization culture which is directly related to the institutional theory. The theory emphasizes on the norms, rules besides ways of doing things in an institution which ultimately has an impact on how knowledge is created, stored, and shared.

4.4.2 Organizational structures and buildings

The study further revealed that organizational structures such buildings, rooms, and open cafeterias played a pivotal role in defining an organization's culture. However, they were insufficient and rarely used by the judicial staff. Employee Y (2022, September 21) commented: “[...] how I wish we could have many affordable cafeterias within the court where we could meet during breaks or after work to reflect on the day's events and court cases. I think such a platform could really help us to share our experiences in an informal environment”. It also emerged that culturally as a practice, the Judiciary had put aside a monumental room where historical artifacts

such as portraits of the first chief justice, women judges, and court of appeal judges and various other artifacts were stored. This monument was at the High Court in Nairobi City.

The staff knew about it but they hardly went there. There was no archival of any landmark judgment that was made by the subsequent chief justices or the first court of appeal judges. In the same museum, there was knowledge on the history of the judiciary, how it was formed and the subsequent chief justices who held the position right from the colonial times to date.

Some of the respondents expressed views that the staff should be encouraged to visit the museum to realize the importance and also all the landmark judgments should be placed in the museum so that junior lawyers can acquire that knowledge. One respondent expressed this using an example, “[...] see the wealth of historical knowledge artefacts archived in the high court, unfortunately there is no archive of the rulings of such early judges.

If such could be archived in the museum, then you can imagine the wealth of knowledge that would be” (Employee S., 2022, September 22). The researcher also found out that culturally, the design of the judicial offices is such that it does not encourage free flow of information because most of the time employees sit in enclosed offices. Consequently, there is no free interaction amongst staff making knowledge creation and sharing difficult. This is evident from the response from one of the employees, “the nature of design of the offices at MLC is such that we do not have an open hall like what you see in other institutions like the banks, insurance companies, where employees sit in an open place and freely talk to one another. Ours is the opposite, you can find yourself working with colleagues in the same department but you are in different offices and can go for even two weeks without talking to each other or seeing each other. How I wish some of the offices could be redesigned to allow staff to sit in an open office (Employee H, 2022, September 24).

4.4.3 People and Motivation

The aspect of motivation of people in an organization is equally important for effective KM. Reward given to people/ employees for sharing their tacit knowledge was investigated as a critical aspect of knowledge sharing culture. Results of the research express that participants believe that if there was a culture of rewarding employees who share their experiences and expertise with colleagues, then, it would promote transfer of institutional knowledge. Therefore, the people aspect of culture and their motivational level was identified as a useful consideration for effective knowledge sharing at the MLC. This finding can be illustrated by the response by Employee K (2022, August 8) who said “[...] the people's motivation is very important, though it is not always looked into. For example, don't you think that employees would be more willing to share their knowledge with the junior staff if there was some reward”. This revelation points out to the importance employees attach to reward and motivation.

It could therefore be concluded that if judiciary staff are well chances are high that they could share their experiences and knowledge more. The researcher found out that it is always the norm in the judiciary to reward stations when they do well in their performance appraisals but there is no individual reward for excellent achievement of individual employees. Traditionally the performance of individuals has always been mostly based on the duties and responsibilities of employees, core values of the station, and employees' innovation. Unfortunately, despite knowledge being a crucial strategic benefit in the judiciary - it is not considered during evaluation. It was revealed that employees are not inspired to share knowledge. Participant # 2 (2022, August 22) reported: “In my department, we are always appraised based on the work we do and we are not evaluated on whether or not we share our knowledge and experience with fellow staff. If this was done, I think judicial knowledge could be easily created and shared. Moreover, if there is a

reward given to people who have demonstrated sharing their knowledge then most people would be encouraged to share knowledge”.

There is a need for employee motivation to stimulate knowledge sharing (Osupile & Makambe 2021; Brdulak, (2016). As such, the researcher argues that MLC and by extension the entire Judiciary could adopt a culture of rewarding staff; this would encourage knowledge sharing, particularly, the KM attribute being considered as part of staff evaluation

4.4.4 ICT Culture

The researcher found out that MLC has introduced an ICT culture that supports judges and bench officers through the process of collecting exhibits of cases. It emerged that MLC had taken the necessary steps to leverage ICT culture for effective KM; however, this was still at an infant stage. As evidence of this finding, Magistrate T (2022, August 22) reported, “You see here we have a case management system where cases are registered and tracked to know when it is coming up or the progress.

However, we have not yet gotten to the level where judgments are stored in the case management system and such information shared to allow interactions among judges while preparing judgement of cases”. Though the Kenyan judiciary has made some progress towards the adoption of ICT, this finding shows that there are still some gaps. Particularly when it comes to embracing technology to support judges with case management systems for ease of sharing knowledge. This situation could slow down the delivery of justice to citizens.

The finding that currently, judgements could not be stored to the Case Management System (CMS) and that such information could not be easily shared to allow interaction among judges. This was contrary to results from a study in Malawi (Chawinga, Chawinga, Kapondera, Chipeta, Majawa & Nyasulu, 2020). These authors established that easy finding, tracking, and recovering of documents in Malawi had led to better service delivery. Enhanced service delivery

is noticeable in many aspects. Examples include quicker delivery of justice since essential documents are simply retrieved when needed; improved communication about judgments or rulings since judges can upload judgments on the systems quicker and simply; court clerks can retrieve and disseminate to users such as lawyers and their customers (Chawinga et. al., 2020). Findings further show that the system enhanced sharing of information within the courts and the office of the DPP. Given the findings of this thesis on the use of ICTs, particularly the CMS, the researcher notes that MLC ought to do more to reap the full benefit of ICT, particularly for knowledge sharing.

As an overview to this section, results suggest that the organizational culture, especially in terms of the leadership style should accommodate and promote KM and governance in order to enhance administration of justice. The organizational structure in terms of buildings does not promote free environment that ensures good KM practice.

There should be a clear guideline on reward system to ensure employees are motivated to share knowledge freely. ICT is an important part of judiciary transformation. Indeed, in this area, MLC has made impressive strides when it comes to automation of its services. For example, MLC has implemented a case tracking system, e-filing, and e-payment, among others. Unfortunately, little of it is towards enhancement of KMG. For KMG to be effective in administration of justice ICT should be encouraged to help in development of KMG.

4.5 RQ 3: What are the current Knowledge Governance Mechanisms at MLC?

This Section presents findings on the third research question: “What are the current Knowledge governance mechanisms at the Milimani Law Courts”? Participants were asked to complete a questionnaire regarding knowledge governance mechanisms at the Judiciary (MLC). Sixty-three percent reported that there was continuous monitoring of technology risks. Half of the participants agreed that there were affordable open places for interaction. It was observed that only

a small percentage of the respondents agreed that there were proper knowledge governance practices in the Judiciary. For instance, only 20% acknowledged that there was continuous review of KM strategy and staff reward. A paltry 34% reported that there was control of generated knowledge among staff. Another 21% reported that there was transparency in knowledge management. Lastly, only 18% noted that there was authority for KM. Figure 4.3 summarises these findings. They demonstrate that MLC and probably by extension, the Judiciary as a whole do not have in place effective knowledge governance mechanisms.

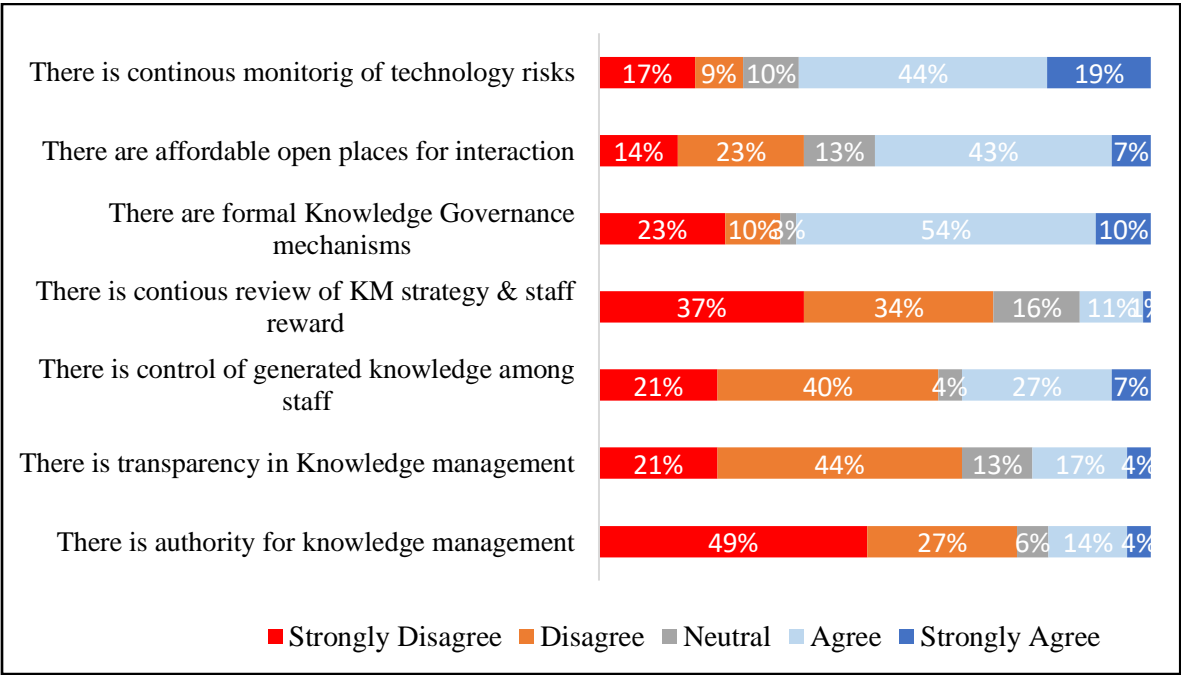


Figure 4.3: Knowledge Governance Practices

A deep dive into how different categories of the respondents answered items on the question “what are the current Knowledge Governance Mechanisms at MLC” is presented in the table below.

Table 4.9 Distribution of respondents in Knowledge Governance Mechanisms

	Agree			Disagree			Neutral Total
	Lawyers	Judges	Other staff	Lawyers	Judges	Other staff	
There is continuous monitoring of technology risks	12	2	30	7	0	11	8
There are affordable open places for interaction	10	1	24	8	1	17	9
There are formal knowledge governance mechanisms	9	2	34	8	0	15	2
There is continuous review of KM strategy and staff reward	6	0	8	3	2	45	6
There is control of generated knowledge among staff	9	1	13	5	1	37	4
There is transparency in knowledge management	10	0	5	5	2	39	9
There is authority in knowledge management	8	1	4	9	1	41	6

In order to triangulate the findings on the current knowledge governance mechanisms at the MLC, the researcher also carried out interviews. When probed to shed more light on existing policies and guidelines that govern KM, respondents were unanimous that there were no formal policies on KM at MLC. Advocate N (2022, August 22) is an exemplar: “[...] we don’t have guidelines or policy on Knowledge management. On journal guidelines, I will say we basically have normal research guidelines but there are criteria that your paper needs to meet to be published”. These revelations suggest that there is a need for a clear KM policy guideline for the MLC.

Another respondent reported that there was an informal structure where some judges and judicial officers strove to create and share their knowledge and expertise even though there was no formal guideline or policy document that directed them. On this, Participant # 60 (2022, August 10) remarked, “there are some judges who have gone out of their way and documented some past cases that could act as jurisprudence to junior lawyers. However, currently there is no clear guideline or policy on how such knowledge should be created, stored and shared”. The researcher also found out that MLC did not have an established office or department to oversee KM.

There was no directorate in charge of KM as in other areas such as ICT and HR, among others. This means that there is no direct authority when it comes to matters of KM at MLC. This finding is anchored on the feedback from Magistrate Y (2022, Oct 15): “here at Milimani there is no department in charge of knowledge generated among staff. Consequently, it is difficult to enforce good practices when it comes to judicial knowledge”. This finding demonstrates how poorly the judiciary has embraced KM.

In summarizing this section, Knowledge Governance is very crucial due to the sensitive nature of cases and materials handled in the judiciary. Results of this research show that, it is vital for the judiciary to have a risk management policy to handle sensitive knowledge. MLC also needs someone heading and having authority to manage KM. This was lacking at MLC

4.6 RQ 4: What new guidelines, procedures, standards and governance mechanisms could Milimani Law Courts adopt to ensure effective and efficient KM?

This section presents the findings on the fourth and last research objective: to “suggest new guidelines, practices, procedures and mechanisms that Milimani Law Courts could adopt for more effective and efficient KM and governance”.

The researcher further asked participants to rate KM policy practices in place at the MLC. This was done using five-point Likert Scale. Fifty-eight participants (82.8%) disagreed that their departments had a documented KM policy while ten agreed. On the question of whether staff were expected to participate in professional bodies in regard to their specific work, 37 (52.8%) participants conceded. This was followed by 28 (40%) who disagreed. Another 5 (7.1%) respondents remained neutral. When asked whether staff are required to document and share acquired knowledge from conferences and workshops, 50 participants (71.4%) disagreed with 29 (41.4%) indicating strong disagreement. Only 13 (18.6%) agreed while 7 (10%) remained neutral.

Responding to the question on whether there were well written administrative procedures or strategies to guide knowledge capturing methods, 70.0% of the respondents disagreed. Meanwhile, 11.4% remained neutral on this issue. It was also reported by 64.2% of the participants that as a policy, organization did not ask staff to document their skills and lessons learned as well as share it with others. Indeed, only 27.6 % agreed.

Table 4.8: Knowledge Management Policy and Strategy

	SD	DA	N	A	SA
My section has a written KM policy or strategy.	57.1%	25.7%	2.9%	10.0%	4.3%
As a policy, staff are required to contribute in professional associations and other communities of practices related to their fields of experience.	11.4%	28.6%	7.1%	41.4%	11.4%
It is mandatory for staff to share new knowledge after attending seminars and conferences.	41.4%	30.0%	10.0%	15.7%	2.9%
There are well written administrative procedures/strategies to guide knowledge capturing practices.	35.7%	34.3%	11.4%	14.3%	4.3%
As a policy, management expects staff to document their experiences and lessons learned and avail them to others.	37.1%	21.1%	8.6%	20.0%	7.6%

4.6.1 Conclusion on Knowledge Governance

Participants recommended different action points concerning what the Judiciary could do to improve knowledge governance.

A majority (85%) suggested that MLC should establish a department/ directorate fully in charge of KMG. They noted that this department once established ought to be given full mandate/ authority to oversee the governance of judicial knowledge. One respondent (R# 10, 2022, August 22) reported, “I think there is a need for a fully-fledged knowledge management department with an establishment of KM strategies and policy”. Other direct responses echoed similar sentiments. It is important to sample some of them. R#15 (2022, August 2022) intimated the need for, “Well staffed KM department”. R # 13 (2022, August 22) pointed at, “improvement of structures to enable a good environment for sharing knowledge”. R# 6 (2022, August 15) underlined “well-structured knowledge management governance mechanisms” and R # 5 (2022, August 12), “formation of a KM department”. For R # 60 (2022, August 10)), “establishment of KM directorate” was important while for R # 6 (2022, August 15), “Judiciary should establish a KM department”. These findings reveal that participants agreed that there is a valid need to establish a KM department that can facilitate and oversee implementation and management of knowledge in the judiciary.

From the findings it can be noted that currently the judiciary does not have a KMG department which is crucial for the management of knowledge in any institution. These findings point to the fact that for efficiency of the knowledge and to enable the judiciary to dispense and adjudicate on the justice for the stakeholders, it is prudent to have a good KMG department with a person in charge and authorized to oversee knowledge in the judiciary.

The findings suggest that for good governance of judiciary knowledge, MLC should have a KMG Department. Like others, this department should have a director in charge who exercises full authority. To improve knowledge governance at MLC and by extension the entire Judiciary, 75% of the respondents suggested the need to establish clear KM guidelines and policies. R #16 (2022, August 10), described them as, “Well guided knowledge management guidelines and structures”

and R #24 (2022, August 10), “Well-developed knowledge governance mechanisms”. They were also viewed as “Good guidelines and strategies on knowledge governance” and “proper guidelines on creation capturing and sharing knowledge” (R #12, 2022, August 10) or “continuous review of KM and governance strategies” (R # 6, 2022, August 12).

Some staff (65%) mentioned the need to monitor and manage potential knowledge risks at MLC. This would immensely improve knowledge governance. Another 35% proposed investment in KM software as a way of improving knowledge governance. These participants indicated that effective KM software could provide support to the Judiciary to store, retrieve and easily share institutional knowledge. Finally, staff motivation and frequent seminars/ conferences were also pointed out as possible avenues of improving the governance of knowledge at the MLC. 55% of the respondents were of the opinion that Judicial departments at the MLC could make it a policy to organize regular knowledge sharing seminars and conferences for their staff. From the above results it can be inferred that judiciary participants agreed that knowledge governance is important to enable the judiciary to manage their knowledge properly.

Therefore, it was argued that the Judiciary being a legal entity should endeavor to ensure that institutional knowledge is well governed for its proper usage. As a result, it could mitigate the potential risks such as knowledge falling into the wrong hands.

4.6.2 Proposed Guidelines and Policies

Respondents were asked to suggest guidelines and policies that they deemed useful to ensure effective KM at the MLC. They had varied views. Among the top three were sharing experiences (82%), KM funding guidelines (75%), and attending KM fairs (65%).

Participant # 4 (2022, July 7) suggested that the staff needed to share their experiences through documentation. Participant # 23 (2022, July 7) observed that department heads should create a conducive environment for knowledge management to thrive. Participant # 15 (2022,

August 10) opined that staff must at least attend a KM seminar in a year. For Participant # 20 (2022, August 10), appointment of a KM head to control and manage KM in the organization was one of the possible policy directions. Meanwhile, Participant # 22 (2022, August 10) opined that departments should be well funded to enhance KM and sharing. Moreover, there needed to be a policy that staff who were retiring should document their work experience (Participant # 17, 2022, August 12).

These results suggest that if the Judiciary is to take advantage of institutional knowledge, first, procedures and strategies should be put in place to encourage the sharing of experiences of long serving staff. Second, clear funding guidelines should be instituted regarding KM. Third, it was the opinion of respondents that departments should have guidelines and policies that promote staff attendance and participation in KM fairs and seminars.

Table: 5.0 Comparative Analysis of Key Findings from Qualitative and Quantitative Studies.

Research Objective	Quantitative Study	Qualitative Study
Objective 1	<ul style="list-style-type: none"> -No interviews for retiring staff. -Storage procedures clearly defined for physical resources but not electronic resources. -Formal knowledge easily shared through electronic paper. Informal knowledge not easily shared. 	<ul style="list-style-type: none"> -Knowledge captured through training, writing, publishing staff experiences. -Judicial training institute -A repository used to store information in case of prosecutors. -Informed knowledge not easily shared.
Objective 2	<ul style="list-style-type: none"> -Current leadership style in some departments does not support knowledge creation and sharing. 	<ul style="list-style-type: none"> -Current leadership style does not support knowledge creation and sharing. -The design of offices does not support sharing. -Historical rulings are not archived in the or stored. Neither are they kept in the museum. -No motivation is given to staff for sharing knowledge
Objective 3	<ul style="list-style-type: none"> -No clear knowledge governance structures. -No policies -No authority on knowledge management. -No control of generated knowledge. 	<ul style="list-style-type: none"> -No formal policies on KM. -No directorate in charge of KM.

CHAPTER 5: CONCLUSION

5.1 Introduction

This chapter discusses the views of the researcher and theological reflection. The researcher gives her general observation and views on knowledge management and governance for effective administration of justice in Kenyan judiciary-MLC in relation to the findings. In addition, the investigator presents a biblical reflection of the study findings. Theological reflection assists in explaining spiritual understandings in identifying and appreciating experiences (Paver 2016, 86). It helps individuals to do things in a different manner by acknowledging the spiritual necessity and making logic out of the experiences from the societal norms. Theological reflection looks into societal morals, opinions, and rites in relation to biblical teachings.

5.2 General Discussion

These Section presents views on KM practices (Section 5.2.1), Views on Organizational Culture (Section 5.2.2) Views on Knowledge Governance Mechanism at MLC (Section 5.2.3) Theological Reflection 5.3 and finally Summary (5.4).

5.2.1 Views on KM practices

The researcher learnt that knowledge creation, capturing, documenting and sharing are vital components of knowledge management for effective administration of justice. Milimani Law Courts uses various ways in capturing and creating knowledge. For example, the researcher was able to gather that training is one of the organization's culture, MLC trains its staff on various topics. The court also does reports that can be used as future reference or for training other junior staff or new staff members. However, the researcher noted that these materials are not well documented and disseminated. Staff members totaling 60% did not know that these materials were documented and stored and can be accessed. This is due to minimal or lack of information on where to find the same.

The researcher was able to establish that the Kenya Law Reports stores judgments and other case materials that allow not only the judiciary but also the legal fraternity to access articles that can be used for future reference. The judiciary and indeed MLC have a repository which allows judgments to be stored. This repository is managed by the library that disseminates the information for use and reference. None the less, the information acquired or created from the various ways is not properly utilized. This could be probably due to the lack of information on the availability of knowledge. Hence, MLC has not fully realized its potential in the use of this information for reference or training of new judicial officers and staff. In the opinion of the researcher, that could be the reason why there is still a lot of variance or difference in service deliver. Service delivery is not standardized across the all section of MLC.

KM and governance have improved the use of alternative justice resolution by training mediators and passing knowledge to the people who mediate in the alternative justice resolution fora. Documentation of the results from the mediation forums are used for future reference, hence helping delivery of justice in an expeditious manner. However, this information is still so limited and not properly documented to realize its full potential in administering justice. Part of the reason why the information is so limited is due to the idea that KM is a new area that is being developed. Secondly, it is because of the sensitivity of some of the cases the alternative justice resolution deals with. They are not at liberty to give all the details and information for documentation.

In order to foster a good relationship that could enhance KMG, an organization must build a close relationship with the employees and staff. In addition, there is a need to create an environment of mutual affection and strong bond amongst employees in an institution to allow capturing, creating and sharing of knowledge. One way of understanding and achieving this is by having a strong working organizational culture.

During the face-to-face interviews, the researcher was able to understand in depth how MLC can be used as an example to show case how the Kenyan Judiciary could take advantage of KM. The researcher was able to get new insights on KM through the lenses of the employees, judges, magistrates, advocates and prosecutors at MLC. Despite the findings of the current study that the judiciary could gain a lot from KM, it is the view of the researcher that there is a political angle that could undermine this dream. The judiciary being a third arm of government sometimes finds itself in the political confusion. The judiciary is sometimes affected by other arms of government either positively or negatively.

Negatively, because the judiciary sometimes is perceived as biased. Particularly, if it is viewed as “not favoring” other arms of government such as the executive. For example, subsequent governments have been seen “punishing” the judiciary for not taking their ‘side’ in some matters. Sometimes you find the judiciary being underfunded. This makes it difficult for it to carry out its mandate. Nonetheless, despite the independence of the judiciary being very crucial, judiciary cannot work in isolation. It is expected to work hand in hand with other agencies for it to succeed in their duties. Therefore, judiciary has to have a very good balancing act in order for it to carry out its mandate of effectively administering justice. Consequently, KM and governance can be affected by some of these indirect factors. If the judiciary does not get enough funding for any political reason then issues like KM and governance will definitely take a back seat. This ultimately affects the administration of justice. One way in which the judiciary has been able to pursue sustainability of knowledge is through writing of books which are documented and stored for future reference.

In pursuance of this aspect of sustainability, the researcher sought respondents’ views and insights on how judicial officers and judges do write books which are shared within the judiciary for free, hence imparting knowledge to other judges, magistrates and staff in general.

The researcher was able to understand how the succession plan in Milimani Law Courts was done. Some departments in MLC were starting to implement succession plan guidelines while others did not have any succession plan in place.

The researcher noted that participants interviewed were of the view that there ought to be a good succession plan. So as to ensure quality and continuity, policies and guidelines are expected in the organization. Respondents agreed that interviewing employees on the verge of retirement and documenting their work experiences was one of the important ways of capturing knowledge and retaining institutional memory. KM requires leadership and authority to enable proper governance of knowledge sharing, capturing, creating and retrieving. It is important that KM practices could be acquired and made to trickle down to employees. This could guarantee continuity and sustainability of the quality of services offered in an organization.

5.2.2 Views on Organizational Culture

Another important aspect which the MLC has as an organizational culture is the policy of training its staff. The researcher observed that despite the fact the MLC takes staff for various training, KM and governance was not part of the list of trainings they carried out or recommend to the employees for training. Respondents in the current study felt that there was a need to have more training especially on KM and governance to encourage knowledge creation, storage and sharing. This was to ensure that useful and relevant information flows throughout the organization. Training equips employees with the necessary skills/ wisdom and knowledge. There is need to train judiciary employees for the sustainability of KM. Despite the fact that MLC had started viewing KM as important, there was still some hindrances to the progress. MLC does not have proper legal systems to protect those who share information or knowledge. These poses a great danger to the people sharing knowledge since if they share sensitive data then they are liable for prosecution.

The researcher also found out that MLC did not have someone with the authority govern KM aspects. Hence there was no leadership on how to go about capturing, storing, documenting and sharing knowledge.

The researcher determined that MLC did not have a proper succession plan. Employees with very important work-related experiences left the judiciary with this knowledge. MLC did not utilize these skills to their fullest and did not encourage the employees to document their experience before they left the judiciary. Hence most of them left with crucial knowledge that could help improve service delivery. MLC had to spend quite a lot of money training and doing on job trainings in order to train employees to take up crucial responsibility. The researcher also observed that there was no transfer of knowledge from one court to the other. Such that when employees are trained, they do not come back to train their fellow colleagues who did not have the opportunity to attend the training. Hence few employees gain more and useful knowledge while others do not. The danger with this is that when these employees leave the station and are either transferred to other stations or retire or resign, this information goes with them as it is not transferred to others for use. This results in inconsistency in service delivery.

Although the judiciary has also been affected by the negative economic situation in the country, economically many organizations have been affected and judiciary is no exception. These effects have been mainly due to the impacts of Covid-19, war between Ukraine and Russia that has affected the oil market. Consequently, funding has reduced hence organizations have had to scale down on various programs that had been planned due to lack of enough funds. Judiciary has not been left behind. It has also been affected with minimal funding hence planned programs such as trainings have been affected. Therefore, potential training in knowledge management and governance aspects have been affected.

Knowledge building and sharing need inspiration and motivation. As was confirmed by the reviewed works and the findings of this study, it could be argued that for people to share knowledge they must be encouraged to do so by creating a good environment for sharing to take place. This could be achieved through encouraging dialogue and communication, embracing the desire to socialize, generate new ideas and encouraging a change mindset while giving incentives and rewarding knowledge sharing among participants. There is also a need to encourage good knowledge governance. Although respondents recognized that there is support from the management on knowledge development at MLC through team building activities and retreats, this support was still deemed as very minimal.

One respondent, Judge X (2022, September 15) noted that since the judiciary started having team building activities, retreats and interactions with other stakeholders, there had been great improvement in the service delivery. An example of such indicators includes the increased number of cases being tracked online. This can be illustrated through a Case Tracking System (CTS) that is able to track cases being handled on a daily, monthly, and yearly basis, their status and their conclusion. Another noticeable indicator was the reduction of backlog of cases by 40% (Judiciary Status Report, 2020-2021).

Another respondent (R#13, 2022, August 10), remarked “the judiciary supports and sends employees to Kenya School of Government for training in various courses such as senior management course, supervisory skills and any other course relevant for the employees”. The Bible recognizes that without knowledge, people would not know what to do hence cannot develop or excel due to lack of it. Indeed, it underlines in part, The Knowledge Creation Theory emphasizes on formation and distribution of knowledge in the institution (Takeuchi & Nonaka, 2000).

Organizational structure provides the architecture through which an organization fulfills its mission and achieves its vision. An organization's culture is based largely on specific philosophies that dictate the way they do business within their system. This resonates with Institutional Theory. The theory argues that every institution has its own cultural norms that guide how people behave, do things and interact (Liu, Chan & Zhao, 2019). Organizational culture reflects the personality of the organization. Culture comprises the assumptions, values, norms, and tangible signs of the organization (Yahyagil, 2015).

With regard to this thesis, it is imperative for an institution to have values that will promote creating, capturing, sharing and retaining both implicit and explicit knowledge. For this to happen, there ought to be good policies and guidelines. There should be good mentorship programs that stir growth of knowledge.

For an organizational culture to be well coordinated to work effectively, there should be good guidance and leadership. The Bible underlines the divine source of authority and leadership (Matthew 20:25-28, King James Version- KJV 1969/2017). Those given authority should exercise oversight responsibility.

During the interview, respondents were asked if the management supported knowledge creation, archival, dissemination and governance. Majority of the respondents conceded that the management had done its best to support judicial officers and in developing knowledge. In terms of leadership, it was revealed that members of management at MLC exercised authority vested in them responsibly. They encouraged employees to develop themselves by enrolling for further studies in areas of specialty. Besides, there were guidelines on sponsorship for further studies. However, some employees were quick to point out that this guideline came a bit too late when some had made wrong career choices when furthering their studies.

5.2.3 Views on Knowledge Governance mechanism at MLC

According to Cao and Xiang (2012, p.30), knowledge governance is defined as the adoption of official and casual institutional structures and mechanisms to impact knowledge management processes and attain institutional prospects. When participants were asked about the knowledge governance mechanisms in MLC, the majority of them were of the opinion that MLC should have a department of KMG that would help in restructuring the policies, strategies and guidelines on KMG.

A respondent noted that despite the fact that the judiciary produced a lot of jurisprudence material, there were no proper guidelines on how to disseminate this information to trickle down to other staff members, members of the bench or stakeholders. The researcher argues that this has hindered proper access to justice, resulting in a backlog of cases and lack of knowledge when accessing justice.

Knowledge Based Theory views knowledge as an asset in an institution. Hence, with proper authority and guidelines, the organization will be able to focus more on its explicit and tacit knowledge which are intangible assets of an organization.

Judiciary being a legal entity, KG is an important aspect. The knowledge created in the judiciary ought to be well governed in order to avoid it falling into wrong hands. Knowledge governance can be viewed in different aspects for example the legal aspect. In this respect knowledge created in MLC should have a systematic way of being disseminated to the relevant people. Therefore, there ought to be someone appointed to have authority to manage this knowledge. This view was observed by participants in the research. Participants agreed that there should be someone appointed to manage knowledge flow in the judiciary - MLC. Risk factor also came up as an important aspect of governance.

There are various risks related to the knowledge created, stored, and shared. There are high risks in automation. They include hacking and cyber-crimes which affect institutions.

The judiciary is not an exception. With intention to guard the information and knowledge acquired so that it does not fall into wrong hands, MLC is expected to keep updating its technological services to guard against hacking. This is not only expensive but also time consuming. This also affects the judiciary economically since they have to set aside finances for such undertaking. Socially, the community and indeed society can be affected by the knowledge acquired and created in the judiciary positively or negatively. The society can be affected positively when the information acquired is used to reduce case backlogs due to speedy access of relevant information. At the same time, lack of this information or too much bureaucracy in acquiring the information could delay the delivery of justice. Consequently, this could negatively affect the society as justice delayed is justice denied.

Challenges in technological changes can also affect the use of information stored. Technological failures can affect the dissemination of information or data hence affecting service delivery.

5.3 Theological Reflection

Many organizations draw their strength from the biblical world view. A good example is a school that has a motto such as *'in God we trust in Operation we excel'*. On the other hand, organizations draw their biblical strength by use of their values and principles. In the case of the judiciary their core values include professionalism, accountability, honesty and trust, diligent, transparency, integrity, among others. In regards to professionalism, the judiciary is mandated to act in a professional way when delivering justice. The bible tells us in Proverbs 21:3 *"to do what is correct and fair is more suitable to God than sacrifice"* (King James Bible, 2017). The judges, judicial officers and staff do take oaths to ensure that they will act professionally at all times.

For this to be realized KMG should be supported in order to ensure quality work and justice. Knowledge governance looks at the risks involved when disseminating knowledge and how to mitigate this risk. Judiciary being a legal entity, there are legal aspects that bind its decision and how they deliver the judgments. With respect to this, the judiciary employees must be protected from risks emanating from their duties. This is in line with the biblical view in proverbs 21:3 (King James Bible, 2017).

According to Psalms 112:5, *“Good things will follow people who are generous and give freely, and who carry out their dealings with uprightness”* (King James Bible, 2017). This biblical view supports the integrity principle. For KMG to be effective in the administration of justice, Integrity need to be pursued with vigor. Integrity should be observed when capturing, documenting and sharing knowledge at all times. The judiciary should be diligent to ensure that knowledge that has been captured from people’s experiences are properly disseminated in accordance with the law. Privacy in doing so should be paramount in order not to dilute the knowledge itself and jeopardize the usage.

Another value that is significant to judiciary is accountability. The CJ normally is required by law to give an annual report on the status of the judiciary for accountability purposes. Romans 14:12 reports: *“Therefore every person will account for himself to the Lord”* (King James Bible, 2017). Accountability is key to the work the judiciary does. It is important in ensuring expeditious delivery of justice. Accountability also promotes the notion about sharing of knowledge. When employees share knowledge then they are able to be innovative and learn from each other. Hence, not just giving quality work but a more consistent outcome. In first Thessalonians 5:1, the bible says: *“consequently, motivate one another and develop each other”* (King James Bible, 2017). This verse clearly promotes sharing of knowledge with one another.

Supporting the same argument, Philippians 2:4 also says: “*Do not concentrate only on yourself but also on others too*” (King James Bible, 2017).

The Bible recognize training as a way of imparting knowledge and wisdom among those who seek it (Ephesians 4:11-13; 2 Timothy 3:16, King James Version- KJV, 2017). Respondents in our study felt that there was a need to have more training to encourage knowledge sharing. Trainings on imparting and preserving knowledge for future usage. The respondents also felt that they did not fully understand the knowledge management concept hence they were not able to fully utilize KMG in their daily duties.

5.4 Summary

In this Chapter, the researcher discussed her own views on political, economic, social, technological, and legal aspects in relation to the main objectives of the study namely, KM practices, organizational culture and KMG. The chapter also revisited how this dovetailed with the three theories - Institutional Theory, Dynamic Knowledge-Based Theory and Knowledge Creation Theory. As seen from the views of the researcher there are many pitfalls that affect KM and governance in effective administration of justice. The researcher felt that despite admirable efforts at MLC to involve knowledge management and governance aspect in service delivery, they were still far from fully being established in that aspect and able to fully use KM and governance to its full potential. If MLC succeeds in implementing fully KM and governance and putting in place strategies, guidelines and policies on KM and governance then they will be able to successfully improve on delivery of services which is their core mandate in line with the constitution of Kenya (2010). The Kenya constitution gives the judiciary the mandate to administer justice and interpret laws. The judiciary authority falls under chapter 10 Article 159 in the 2010 Kenyan constitution. The authority of the judiciary is donated by the people. In exercising this authority, the courts are supposed to be directed by three core principles.

These principles are first, that justice shall be done to all irrespective of status. Second, that justice shall not be delayed. Third, alternative forms of dispute resolution including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms shall be embraced. Effective KMG could support the realization of these three principles. Finally, the chapter presented a biblical reflection. The next chapter concludes the study and suggests approaches for social transformation.

CHAPTER 6

CONCLUSION AND APPROACHES FOR SOCIAL TRANSFORMATION

6.1 Introduction

The thesis explored KMG for effective administration of justice in Kenya. The researcher investigated current KM practices at MLCs in Nairobi, current organizational culture, Current KG and new KMG policy guideline proposals. Main respondents were judges (both retired and currently serving), magistrates, and other judiciary staff. Data was collected using interviews and questionnaires. Quantitative data was analyzed using SPSS while qualitative data was analyzed thematically. This chapter concludes the research work undertaken. First, it shows a summary of the findings against the research questions. Second, it shows implications of the findings on practice. Third, it summarizes the conclusion of the research. Fourth, the chapter makes recommendations for future research. Fifth, it presents the researchers concluding reflections. Finally, the chapter presents a social transformation action plan.

6.2 Summary of Findings

The general objective of this research was to underscore the effectiveness of KM and governance in the MLC by exploring the best KM and governance strategies/ procedures/ standards. Four specific objectives were helpful in driving this initiative: first, to examine the current KM practices at the MLC; second, to evaluate the current organizational culture at the MLC; three, to investigate the current KG at the MLC and finally, to suggest new guidelines, practices, procedures and mechanisms that MLC could adopt for more effective and efficient KM and governance. So as to meet the above specific objectives, the following is a summary of the

key research verdicts with reverence to each research question as demonstration of how it was answered:

6.2.1 RQ 1. What are the current KM practices at the Milimani Law Courts

On the issue of methods currently used to create/ capture knowledge, the key findings from the questionnaire's data indicate that 42.9% of the respondents refuted that there was a practice of interviewing retiring judges or staff to promote the capture, documentation and storage of tacit knowledge. Meanwhile, interview results demonstrate that staff training and writing down / documenting staff experiences are the two main methods of creating or capturing knowledge. Two retired judges were mentioned as examples of the latter given their efforts to publish judicial reviews and documenting their experience. Such documentations could serve as useful jurisprudence for junior lawyers and judges. Judiciary training institute was also seen as an important player in organizing training – hence promoting knowledge creation.

Regarding knowledge sharing practices among judges, magistrates, lawyers, and other judiciary staff, interview data revealed that only 43% of the participants agreed that knowledge or work experience from people can be easily shared through official deliberations or seminars easily. This finding implies that currently there is difficulty in sharing knowledge using formal discussions and meetings. It can be argued that bureaucracy and the leadership style that does not promote free dialogue and flow of information among judiciary staff as evidenced by the finding on leadership and culture could be reasons (See Sub-Section 4.4.2). This is a significant finding as it could inform judiciary KM strategy and policy framework formulation going forward.

6.2.2: RQ 2. What is the current organizational culture at the Milimani Law Courts

Findings on the organizational culture at the MLC revealed four themes: leadership style, organizational structures and buildings, people and motivation and ICT culture.

The key findings were that the current leadership type is autocratic, hence does not provide a conducive environment for free-flow and exchange of knowledge and experience. Regarding the organization structures and buildings, the design does not provide for cafeterias and other open spaces where staff could easily meet to interact and share experience and knowledge. The design of the offices is in such a manner that staff are enclosed in their offices with little interaction. As for the adoption of ICT, MLC had embraced computer technology to process case exhibits.

However, it appeared as if the court had not fully embraced ICT to encourage KM as happens in other jurisdictions like in Nepal (Paudel, 2020). This finding brings in a new insight to the current literature on KM in the Kenyan judiciary. It reveals that there is no KM department or any KM system that has been developed in the judiciary.

In addition, it has shown that despite the judiciary having some of its activities automated, the knowledge management aspect has lagged behind. Some activities that have been automated include case tracking, case filing, payment and among others. This finding is significant because it points out the fact that in Africa, an organization may boast of embracing ICT to support its operations, however, the KM aspect may not fully benefit from automation.

6.2.3: RQ 3. What are the current knowledge governance mechanisms at the MLCs

Results on the current KGM at MLC reveal that there are no KM policies and guidelines that could help in the creation, capture, storage and dissemination of knowledge at MLC. Moreover, there was no established office or directorate in charge of KM, hence no authority on issues of KMG. This finding is significant as Judiciary is the third arm of the government and a crucial institution in adjudicating for justice in the country. As such it needs to have a well-coordinated way of capturing, documenting, storing and sharing knowledge. The implication of this could be seen in the current organogram of the institution.

It is the opinion of the researcher who also doubles as an employee of the judiciary that the institution ought to consider creating a department and a directorate in charge of KMG. This would streamline KMG.

6.2.4: RQ 4. What new guidelines, procedures, standards and governance mechanisms could MLCs adopt to ensure effective and efficient Knowledge Management.

Key findings on policy, procedures and standards suggest that a directorate in charge of KMG should be established at MLC with full authority. At the same time, all staff members must record their experiences and freely share them with colleagues. In addition, it was revealed that interviews should be held with retiring judges, magistrates and other judiciary staff to preserve their knowledge and experiences. It was equally noted that the judiciary should put aside a budget to support knowledge capturing, creation, storage/ archival, retrieval and sharing. Finally, it was felt that seminars and staff conferences that promote knowledge capturing and sharing should be encouraged in MLC.

6.2.5: Limitations of the study

One possible limitation of the study was the low number of potential participants who were willing and available for face-to-face (in-person) interviews given the unpredictable Covid -19 pandemic situation in the country. To deal with the Covid-19 challenge, the researcher tried to combine telephone interviews with in-person interviews. This gave most potential responses an opportunity to participate in the study either way. Potentially, this addressed the risk of low response due to the limited number of face-to-face interviews for fear of Covid-19.

The findings reported in this work are not without limitations, it had some limitations. First, it is the site of study. The current study was only done in Milimani law courts. In future, it would be worthwhile to replicate the same study by comparing 2 or 3 courts from different regions across the country. Probably, such a study could reveal more interesting insights.

Secondly, while this study had proposed to use focused group discussions (FGDs) and document analysis as data collection methods, it was not feasible to use these methods in the present research. This could have compromised the triangulation of the findings based on different data collection methods.

Nonetheless, the researcher believes that the findings based on the mixed methods (interviews and questionnaires) adopted in this research still provides results that could be generalized to other courts across the country. Lastly, it was difficult to interview the top management of the judiciary such as the CJ and members of the Judicial Service Commission (JSC) on their views on KM at the Judiciary due to their busy schedule and the run-up to the 2022 General Elections.

6.3 Implications on Practice

Findings of this research have significant impact on the practice of delivering justice to the Kenyan citizens. To the judges and magistrates - the impacts provide an avenue through which senior and junior judges and magistrates could share their knowledge based on well documented jurisprudence. To the rest of the judiciary staff, it provides a platform for the formation and distribution of judicial experience and knowledge. It is the conviction of the researcher that quality service delivery to the judiciary clients could be achieved if knowledge creation and sharing are realized.

Meanwhile, to the judiciary leadership it acts as an eye opener to the possibility of leveraging on KM to ensure effective delivery of justice to the people of Kenya by managing its knowledge. Finally, to the Judicial Service Commission (JSC), it calls for an urgent affirmative action towards mainstreaming KM in the entire Kenyan Judicial system.

6.4 Conclusion of the Study

Based on the first research objective on KM practices, the staff members need to be encouraged to adopt the practice of documenting their experiences.

As such, rewards should be given to them to encourage them share this knowledge with other employees. In addition, regarding knowledge storage and archival practices, MLCs should have good automated structures to ensure that the knowledge acquired is well developed and stored in an electronic format.

Over 60% of respondents were of the view that they required more training and interactions with other staff members to create a conducive atmosphere for interactions. In order to do this, the Judiciary - MLC should consider making it a practice to organize frequent training on KMG for the staff. In addition, it ought to consider reintroducing the tea family day which had been introduced by the former Chief Justice Willy Mutunga before. This was meant for employees to interact and share knowledge informally.

This would improve dissemination of tacit knowledge. Concerning second objective on organizational culture, as the Judiciary is still in the process of building new courts, it ought to consider redesigning the offices to make them open. This could encourage interactions among employees hence sharing of knowledge. The fourth objective on policies, judiciary, is the third arm of government and as such it ought to have strong knowledge management policy and guidelines not only for reference towards future interactions but also for the future generations.

6.5 Suggestions for further research

While the current study has investigated KMG for effective administration of justice in Kenya with a case of MLC, the following future research initiatives are proposed:

1. Replication studies with other Kenyan law courts to further understand KM practices and to help generalize the results.

2. A study involving different data collection methods, for example, other than using interviews and questionnaires as was in this study, future researchers could employ further data collection approaches such as focused group discussions and document analysis.

Such methods could help to further triangulate and validate the results. A study involving in-depth interviews with top judiciary management staff such as the chief justice and the JSC to gain more KM insights in the Kenyan Judiciary, particularly, the policy aspect.

6.6 Final reflections

In concluding this study, the researcher has some final reflections. First, the researcher argues that there is a shortage in the study on KM in Africa. In particular, limited studies have been done on KM in the judiciary. Second, there is a policy gap when it comes to KMG in the Kenyan Judiciary. This situation makes it difficult to ensure authority and responsibility over judicial knowledge. Finally, it is the belief of the researcher that the results in the present research could make a significant contribution towards KM and governance in the judiciary as a whole.

6.7 Social Transformation Action Plan

Social transformation is the reorganization of all features of culture or the essential changes in society. The following action plan is geared towards realizing a more transformed aspect of knowledge management and governance in the judiciary.

Table 6.1: Social Transformation Action Plan

Strategy and future study.	Target/Action plan	Action by	Time Frame	Expected Results
Mobilization	-The researcher to meet with the chief justice and HOS, HODs and staff members of MLCs.	Researcher	Jan 2023-March 2023	-The researcher to interact with the management and understand the management and insert herself to make employees aware of KMG
Trainings	-The researcher to carry out training on KMG to help employees to understand and appreciate the importance of KMG.	Researcher in conjunction with JTI and JM	March 2023-Nov 2023	-Come up with guidelines and strategies to inform KMG policy
	-The researcher to replicate the training to other Kenyan law courts to further understand KM practices and to help generalize the results.	-Researcher in conjunction with JTI and JM	Nov 2023-March 2024.	-Policies, guidelines strategies be implemented in all courts countrywide
	-The researcher to help implement the KMG in the Judiciary.	Researcher in partnership with JTI, JM and other development partners such as United Nations Development Partner (UDP), IDLO.	April 2024- Dec 2024	-Succession plan on KMG.
Lobbying & Advocacy	The CJ to provide funds and create the department of KMG in the judiciary. The CRJ to come up with development of policies and strategies on KMG HOS and HODs in Judiciary to ensure implementation of KMG in various stations and departments in judiciary. JTI to ensure trainings for the employees to understand KM and monitor and evaluate programmes on KMG	Researcher in partnership with Judiciary Management.	June 2024.	Creation of KMG Department.
		The researcher in partnership with concerned departments	Long term	-Development of policies and strategies for KMG
		HOS and HODs in the judiciary.	Long term	Implementation of KM
		JTI, Head of curriculum development and lecturers in line with KM	Long term	-Trainings and Evaluation of KMG
Networking	-Benchmark with other institutions (both local and abroad) that have developed KMG in their institutions	-Researcher in collaboration with Judiciary Management.	Long term	-Proper understanding of how KMG works.
			Long term	

	Gok to provide additional funding to the judiciary. Legal team to ensure proper process in creation of KM.	The CJ & the management team of the judiciary. HODs and Hos	Long term	-Extra funds to create department and operationalize it. -Protection of laws to guard operations of KMG
Visibility Campaign	Contribute articles in magazines, articles in journals and giving talks in seminars and conferences.	-Researcher in collaboration with judiciary management.	Long term	-Number of employees educated on KMG & its importance in an organization
Researcher	-More research is needed on KMG and its implementation in the judiciary and in Kenya.			There is a need to do more trainings and evaluation and monitoring the KMG programmes to make it more understandable.

6.7.1 Discussion on the action plan

This action plan is driven by the study results. The study discovered that there is a need for more training on KMG for employees to understand the concept of KMG and also for ease of implementation. The research also revealed that there are limited strategies, policies and even guidelines on the KMG. Respondents were of the opinion that there ought to be a fully-fledged KM department that will deal with issues of KM management entirely. This was lacking in the MLCs. Therefore, the need arises to have a work plan that will guide the judiciary management on the implementation of the KMG and for sourcing funds to ensure the operations of KMG. There is also a need to mobilize all the stakeholders to ensure smooth operations and implementation of KMG. In the above social transformation plan the researcher will mobilize the top management such as the Chief Justice, deputy chief justice, top judiciary management committees and heads of stations. This is in view to understand the leadership and create awareness on KM and governance. Secondly the researcher will carry out training on KM and governance. From the research, the researcher was able to determine that most MLC employees did not fully understand the aspect of KM and governance hence did not appreciate the implementation of KMG in the judiciary. Thirdly the researcher will carry out lobbying and advocacy.

For KM and governance to succeed, there should be a lot of advocacy in rallying the stakeholders together to support KM and governance. Networking is a very important aspect in implementing KMG. A lot of bench marking is required to understand what has worked in other places. Also, in order to moderate on the danger associated with implementation of KM and governance. Visibility campaign involves doing articles and contribution in journals to promote development or studies in knowledge management and governance. Finally, more research is need in the field of KM and governance in order to appreciate the full potential of KM and governance in organizations.

Table 6.2: Budget of the Action Plan

Objectives	Activities	Who	Action by	When	Where	Budget
Training the leadership of the judiciary	Training skills workshops	CJ, DCJ, CRJ and JTI	Researcher	Jan 2023-March 2023	Nairobi	5,000\$
Training HOS, HODs to enable them appreciate and implement km.	Trainings	HOS, HODs, Management team	JTI in collaboration with Researcher	Nov 2023-Feb 2024	Nairobi	15,000\$
Creation of KM and governance department.	Operationalization of KM department	HOD	HOD	July 2024-July 2026	Nairobi	40,000\$

REFERENCES

- Abubakar, A. M., Elrehail, H., Alatailat, M. A., & Elçi, A. (2019). Knowledge management, decision-making style and organizational performance. *Journal of Innovation & Knowledge*, 4(2), 104-114.
- Alavi, M. (2000). Managing organizational knowledge. In Framing the domains of IT management: *Projecting the future through the pas*, 15–28.
- Al Yami, M., Ajmal, M. M., & Balasubramanian, S. (2022). Does size matter? The effects of public sector organizational size' on knowledge management processes and operational efficiency. *VINE Journal of Information and Knowledge Management Systems*, 52(5), 670-700.
- Al Saifi, S. A. (2015). Positioning organizational culture in knowledge management research. *Journal of Knowledge Management*, 19(2), 164-189. <https://doi.org/10.1108/jkm-07-2014-0287>.
- Alsharo, M., Gregg, D. and Ramirez, R. (2017), “Virtual team effectiveness: the role of knowledge sharing and trust”, *Information & Management*, Vol. 40 No. 5, 79-490.
- An, X., Deng, H., Wang, Y., & Chao, L. (2013). An integrated model for effective knowledge management in Chinese organizations. *Program*, 47(3), 320-336. <https://doi.org/10.1108/prog-07-2012-0044>.
- Analoui, B. D., Hannah Doloriert, C., & Sambrook, S. (2012). Leadership and knowledge management in UK ICT organizations. *Journal of Management Development*, 32(1), 4-17.
- Anand, A., Walsh, I., & Moffett, S. (2019). Does humility facilitate knowledge sharing? Investigating the role of humble knowledge inquiry and response. *Journal of Knowledge Management*, 23(6), 1218-1244. <https://doi.org/10.1108/jkm-06-2018-0353>.
- Anderson, R. (2007). *Thematic content analysis* (TCA). Descriptive presentation of qualitative data, pp. 1- 4.
- Balasubramanian, S., Al-Ahbabi, S., & Sreejith, S. (2019). Knowledge management processes and performance. *International Journal of Public Sector Management*, 33(1), 1-21. <https://doi.org/10.1108/ijpsm-05-2019-0131>.

- Baquero, T., & Schulte, W. (2007). An exploration of knowledge management practices in Colombia. *VINE*, 37(3), 368-386. <https://doi.org/10.1108/03055720710825663> .
- Biygautane, M., & Al-Yahya, K. (2011, July). Knowledge management in the UAE's public sector: the case of Dubai. *In Dubai School of Government, paper presented at the Gulf Research Meeting Conference at the University of Cambridge, UK.*
- Bernsteiner, R., Strasser, J., Ploder, C., Schlögl, S., & Dilger, T. (2019). Knowledge governance helps minimizing the risks of external knowledge transfer. In *Knowledge Management in Organizations: 14th International Conference, KMO 2019, Zamora, Spain, July 15–18, 2019, Proceedings 14*, p. 379-391. Springer International Publishing.
- Biygautane, M., & Al-Yahya, K. (2010). Knowledge management in Dubai's public Sector: opportunities and challenges. *Dubai School of Government, Policy Brief, available at: www.dsg.ae/portals/0/DSG_Policy_Brief_24.pdf.*
- Borges, R., Bernardi, M., & Petrin, R. (2019). Cross-country findings on tacit knowledge sharing: Evidence from the Brazilian and Indonesian IT workers. *Journal of Knowledge Management*, 23(4), 742-762. <https://doi.org/10.1108/jkm-04-2018-0234>.
- Bowen, G. A. (2009). Document analysis as a qualitative research method. *Qualitative Research Journal*, 9(2), 27-40. <https://doi.org/10.3316/qrj0902027>.
- Brdulak, J. (2016). Organizational culture and knowledge management in the Polish judiciary. *Viešoji politika ir administravimas*, 15(4), 564-576.
- Brdulak, J., & Banasik, P. (2015). Organizational culture and change management in courts, based on the examples of the Gdańsk area courts. *International Journal of Contemporary Management*, 14(2), 33-50.
- Brix, J (2017). Exploring knowledge creation processes as a source of organizational learning: A longitudinal case study of a public innovation project *Scandinavian Journal of Management*, 33 (2017), 113–127.
- Brian, K. (2007). *OECD Insights Human Capital How what you know shapes your life: How what you know shapes your life.* OECD Publishing.

- Bryman, A. (2015). *Social research methods*. Oxford University Press. Great Clarendon Street, Oxford, OX2 6DP, United Kingdom.
- Cameron, K. S., & Quinn, R. E. (2011). *Diagnosing and changing organizational culture: Based on the competing values framework*. John Wiley & Sons.
- Cao, Y., & Xiang, Y. (2012). The impact of knowledge governance on knowledge sharing. *Management Decision*, 50(4), 591-610.
- Casanovas, P., Poblet, M., Casellas, N., Contreras, J., Benjamins, V. R., & Blazquez, M. (2005). Supporting newly-appointed judges: A legal knowledge management case study. *Journal of Knowledge Management*, 9(5), 7-27. <https://doi.org/10.1108/13673270510622429>.
- Castleberry, A., & Nolen, A. (2018). *Thematic analysis of qualitative research data: Is it as easy as it sounds?* *Currents in Pharmacy Teaching and Learning*, 10(6), 807-815. <https://doi.org/10.1016/j.cptl.2018.03.019>.
- Chawinga, W. D., Chawinga, C., Kapondera, S. K., Chipeta, G. T., Majawa, F., & Nyasulu, C. (2020). Towards e-judicial services in Malawi: Implications for justice delivery. *The electronic journal of information systems in developing countries*, 86(2), e12121.
- Chen, W., Elnaghi, M., & Hatzakis, T. (2011). Investigating knowledge management factors affecting Chinese ICT firms' performance: *An integrated KM framework*. *Information Systems Management*, 28(1), 19-29. <https://doi.org/10.1080/10580530.2011.536107>.
- Chennamaneni, A. (2006). *Determinants of sharing knowledge behaviors: Developing and testing an integrated theoretical model*. pp. 13. PhD thesis, The University of Texas.
- Creswell, J. W. (2014). *Research design: Qualitative, quantitative, and mixed methods approaches*. SAGE.
- Daniels, L. M. (2021). Servant leadership in a globally diverse and inclusive organizational culture. *In Culture in Global Businesses*, 19-43. Palgrave Macmillan, Cham.
- DePoy, E., & Gitlin, L. N. (2015). *Introduction to research: Understanding and applying multiple strategies*. Elsevier Health Sciences.

- Dekoulou, P., & Trivellas, P. (2017). Organizational structure, innovation performance and customer relationship value in the Greek advertising and media industry. *Journal of Business & Industrial Marketing*, 32(3), 385–397.
- Durst, S., & Zieba, M. (2019). Mapping knowledge risks: Towards a better understanding of knowledge management. *Knowledge Management Research & Practice*, 17(1), 1-13. <https://doi.org/10.1080/14778238.2018.1538603>.
- Enakrire, R. T., & Ocholla, D. N. (2017). Information and communication technologies for knowledge management in academic libraries in Nigeria and South Africa. *South African Journal of Information Management*, 19(1), 1-9.
- Etikan, I. (2016). Comparison of convenience sampling and purposive sampling. *American Journal of Theoretical and Applied Statistics*, 5(1), 1-4. <https://doi.org/10.11648/j.ajtas.20160501.11>
- Ferreira, J., Mueller, J., & Papa, A. (2018). Strategic knowledge management: Theory, practice and future challenges. *Journal of Knowledge Management*, 24(2), 121-126. <https://doi.org/10.1108/jkm-07-2018-0461>.
- Ferretti, J. R., & Afonso, M. D. (2017). Tacit knowledge sharing: A literature review applied to the context of the Brazilian judiciary. *Knowledge Management Strategies and Applications*, 3-24. <https://doi.org/10.5772/intechopen.70066>.
- Fombad, M. (2014). Knowledge management in law firms in Botswana: Some lessons for small law firms. *Journal of Librarianship and Information Science*, 48(1), 60-71. <https://doi.org/10.1177/0961000614536428>.
- Fombad, M. C., & Sirorei, E. C. (2019). Knowledge management processes at St Paul's university library in Kenya. *South African Journal of Information Management*, 21(1), 1-8.
- Foss, Husted & Michailova (2010). Governing knowledge sharing in organizations: Levels of analysis, governance mechanisms, and research directions. *Journal of Management studies*, 47(3), 455-482.

- Gunjal, B. (2005). Knowledge management: Why do we need it for corporates. Gunjal, Bhojaraju (2005). Knowledge Management: Why Do We Need it for Corporates. *Malaysian Journal of Library & Amp*, 37-50.
- Heisip, P. and Kannan, S. (2020), “Knowledge management: does gender matter? A systematic review of literature”, *Journal of Knowledge management*, Vol. 24 No. 6. 1315-1342. <https://doi.org/10.1108/JKM-08-2018-0472>.
- Heisig, P. (2014). Future research in knowledge management: Results from the global knowledge research network study. *Advances in Knowledge Management*, 151-182. https://doi.org/10.1007/978-3-319-09501-1_7
- Heman Ononye, U., & Igwe, A. (2019). Knowledge sharing process and innovation success: Evidence from public organizations in southern Nigeria. *Interdisciplinary Journal of Information, Knowledge, and Management*, 14, 183-198. <https://doi.org/10.28945/4358>.
- Huang, M., Chiu, Y., & Lu, T. (2013). Knowledge governance mechanisms and repatriate's knowledge sharing: The mediating roles of motivation and opportunity. *Journal of Knowledge Management*, 17(5), 677-694. <https://doi.org/10.1108/jkm-01-2013-0048>
- Huarng, K., & Mas-Tur, A. (2016). New knowledge impacts in designing implementable innovative realities. *Journal of Business Research*, 69(5), 1529–15
- Inuwa, D. I. I. (2016). *Concept of Research Methodology in Academic Research Report Writing*.
- Kember, D., & Leung, D. Y. (2008). Establishing the validity and reliability of course evaluation questionnaires. *Assessment & Evaluation in Higher Education*, 33(4), 341-353. <https://doi.org/10.1080/02602930701563070>.
- Kenyan Judiciary (2020). *Judiciary Strategic Plan 2019 – 2023*. [Judiciary.go.ke/download/judiciary-strategic-plan-2019-2023/](https://www.judiciary.go.ke/download/judiciary-strategic-plan-2019-2023/)
- Kenyan Judiciary (2021). *State of the Judiciary and Administration of Justice report 2021/ 2022*. <https://ocj.judiciary.go.ke/state-of-the-judiciary-and-administration-of-justice-sojar-report-fy-2021-2022/>
- Khalil, K., Asgher, U., Khalil, M., Khawaja, K., Ayaz, Y., Nazir, S., ... & Ruiz, J. A. (2021). An Empirical Study on Organizational Socialization and Its Relationship with Employees' Age

- and the Knowledge Management. In *Advances in Neuroergonomics and Cognitive Engineering: Proceedings of the AHFE 2020 Virtual Conferences on Neuroergonomics and Cognitive Engineering, and Industrial Cognitive Ergonomics and Engineering Psychology, July 16-20, 2020, USA (pp. 355-361)*. Springer International Publishing.
- King James Bible*. (2017). Oxford University Press. (Original work published 1769)
- Kimile, N., & Kemoni, H. N. (2015). *Knowledge Management Practices at Moi University, Kenya*. Nancy.
- King James Bible*. (2017). King James Bible Online. <https://www.kingjamesbibleonline.org/> (Original work published 1769)
- Klafke, R. V., Lievore, C., Picinin, C. T., De Francisco, A. C., & Pilatti, L. A. (2016). Primary knowledge management practices applied in Brazil, Russia, India and China (BRIC) industries from 2001-2010. *Journal of Knowledge Management*, 20(4), 812-828. <https://doi.org/10.1108/jkm-12-2015-0522>
- Komanyane, K. (2010). *Knowledge management practices in the public sector in Botswana* (Doctoral dissertation, University of the Western Cape).
- Krueger, R. A. (2014). *Focus groups: A practical guide for applied research*. SAGE Publications.
- Kwanya, T., Kiplang'at, J., & Wamukoya, J. (2017). Emerging Trends in Information and Knowledge Management. *Technical University of Kenya*. Available at <http://repository.tukenya.ac.ke/bitstream/handle/123456789/1779/Emerging%20Trends%20in%20Information%20and%20Knowledge%20Management.pdf?sequence=1&isAllowed=y>
- Le, P.B. and Lei, H. (2017), “How transformational leadership supports knowledge sharing: evidence from Chinese manufacturing and service firms”, *Chinese Management Studies*, Vol. 11 No. 3, pp. 479-497.
- Le, P.B., Lei, H. and Then, T.S. (2018), “How leadership and trust in leaders foster employees’ behavior toward knowledge sharing”, *Social Behavior and Personality: An International Journal*, Vol. 46 No. 5, pp. 705-720.

- Levallet, N., & Chan, Y. E. (2019). Organizational knowledge retention and knowledge loss. *Journal of Knowledge Management*, 23(1), 176-199. <https://doi.org/10.1108/jkm-08-2017-0358>
- Lezcano, J. M., & Olivera, N. (2009). *The electronic ombudsman. Proceedings of the 3rd International Conference on Theory and Practice of Electronic Governance - ICEGOV '09.* <https://doi.org/10.1145/1693042.1693086>
- Ling, T. N., Yih, G. C., Eze, U. C., Gan, G. G. G., & Ling, L. P. (2008). Knowledge management drivers for organizational competitive advantage. In *Proceedings of Applied International Business Conference* (pp. 502-510).
- Liu, Y., Chan, C., Zhao, C., & Liu, C. (2019). Unpacking knowledge management practices in China: Do institution, national and organizational culture matter? *Journal of Knowledge Management*, 23(4), 619-643. <https://doi.org/10.1108/jkm-07-2017-0260>.
- Lwoga (2011). Knowledge management approaches in managing agricultural Indigenous and exogenous knowledge in Tanzania. *Journal of Documentation*, 67(3), 407-430. <https://doi.org/10.1108/00220411111124523>.
- Magdy, A., Eid, A., & Khodeir, L. (2021). Obstacles to Applying Knowledge Management in Small Enterprises in The Egyptian Construction Sector, Review. *International Journal of Architectural Engineering and Urban Research*, 4(1), 50-72.
- Mannie, A., Van Niekerk, H. J., & Adendorff, C. M. (2013). Significant factors for enabling knowledge sharing between government agencies within South Africa. *SA Journal of Information Management*, 15(2). <https://doi.org/10.4102/sajim.v15i2.569>.
- Mariano, S., & Awazu, Y. (2016). Artifacts in knowledge management research: A systematic literature review and future research directions. *Journal of Knowledge Management*, 20(6), 1333-1352. <https://doi.org/10.1108/jkm-05-2016-0199>.
- Maseh, E. J., & Mutula, S. M. (2017). Records management readiness for open government in the Kenyan judiciary. Mousaion: *South African Journal of Information Studies*, 34(3), 146-166. <https://doi.org/10.25159/0027-2639/909>.

- Mavodza, J. (2010). Knowledge management practices and the role of an academic library in a changing information environment: *the case of the metropolitan college of New York. PHD (information Studies)*, Pretoria University of South Africa.
- Mishra, M., & Pandey, A. (2019). The impact of leadership styles on knowledge-sharing behavior: a review of literature. *Development and Learning in Organizations: An International Journal*, 33(1), 16-19.
- Mosweu, T. L., & Kenosi, L. (2018). Implementation of the court records management system in the delivery of justice at the Gaborone magisterial district, Botswana. *Records Management Journal*, 28(3), 234-251. <https://doi.org/10.1108/rmj-11-2017-0033>.
- Mousavizadeh, M., Harden, G., Ryan, S., & Windsor, J. (2015). Knowledge management and the creation of business value. *Journal of Computer Information Systems*, 55(4), 35–45.
- Mugenda, O. M., & Mugenda, A. G. (2003). *Research methods: Qualitative and Quantitative Approaches*. Nairobi: Acts Press.
- Mugenda, O. M., & Mugenda, A. G. (1999). *Research methods: Quantitative and Qualitative Approaches*. Nairobi: Acts Press
- Nabombe, P., & Kanyengo, C. W. (2009). Knowledge sharing among lawyers in Zambia: drawing from the experience of the Ministry of Justice. *Zambia Library Association Journal*, 24(1), 29-36.
- Nansubuga, F. and Munene, J. Awakening the ubuntu episteme to embrace knowledge management in Africa. *Journal of Knowledge Management*, 24:105–119, 01 2020. doi: 10.1108/JKM-09-2018-0603.
- Ncoyini, S. S., & Cilliers, L. (2020). Factors that influence knowledge management systems to improve knowledge transfer in local government: A case study of buffalo city metropolitan municipality, Eastern Cape, South Africa. *SA Journal of Human Resource Management*, 18. <https://doi.org/10.4102/sajhrm.v18i0.1147>.
- Ndiege, J. R., & Wamuyu, P. K. (2019). Knowledge management practices and systems in County governments in developing countries. *VINE Journal of Information and Knowledge Management Systems*, ahead-of-print(ahead-of-print). <https://doi.org/10.1108/vjikms-01-2019-0014>.

- Ngoc, P. T. B. (2005). *An empirical study of knowledge transfer within Vietnam's IT companies*.
Department of Informatics, University of Fribourg.
- Nonaka, I. (2008). *The knowledge-creating company*. Harvard Business Review Press.
- Nonaka, I. Von Krogh, G., & Voelpel, S. (2006). *Organizational Knowledge creation theory.: Evolutionary paths and future advances*. *Organizational Studies*, 27(8).
- Ogunbanwo, A. S., Okesola, J. O., & Buckley, S. (2019). *Knowledge management awareness assessment in Nigerian tertiary institutions*. *F1000Research*, 8.
- Omotayo, F. O. (2015). Knowledge Management as an important tool in Organizational Management: A Review of Literature. *Library Philosophy and Practice*, 1(2015), 1-23.
- Ononye, U. H., & Igwe, A. (2019). Knowledge sharing process and innovation success: Evidence from public organizations in Southern Nigeria. *Interdisciplinary Journal of Information, Knowledge, and Management*, 14, 183.
- Osupile, K., & Makambe, U. (2021). The nexus between organizational culture and knowledge sharing in a government department in Botswana. *International Journal of Public Sector Management*.
- Paudel, K. P. (2020), "Knowledge management practices in Nepalese Judiciary: a case of supreme court of Nepal", *International Journal of Law and Management*, Vol. 62 No. 5, 495-505. <https://doi.org/10.1108/IJLMA-01-2020-0016>.
- Paudel, K. P. (2020). Knowledge management practices in Nepalese judiciary: A case of Supreme Court of Nepal. *International Journal of Law and Management*, 62(5), 495-505. <https://doi.org/10.1108/ijlma-01-2020-0016>.
- Pee, L. and Min, J. (2017), "Employees' online knowledge sharing: the effects of person-environment fit", *Journal of Knowledge Management*, Vol. 21 No. 2, pp. 432-453.
- Prasad, B. and Junni, P. (2016), "CEO transformational and transactional leadership and organizational innovation: the moderating role of environmental dynamism", *Management Decision*, Vol. 54 No. 7, pp. 1542-1568.

- Prusak, R. (2016). The impact of employee competencies management as part of the human capital on the intellectual capital implementing process. *Management*, 20(1), 27-39. <https://doi.org/10.1515/manment-2015-0022>.
- Scott, W. R. (2013). *Institutions and organizations: Ideas, interests, and identities*. Sage Publications.
- Shamim, S., Cang, S., & Yu, H. (2019). Impact of knowledge-oriented leadership on knowledge management behaviour through employee work attitudes. *The International Journal of Human Resource Management*, 30(16), 2387-2417.
- Sharma, S. K., Gupta, J. N. D., & Wickramasinghe, N. (2004). *Information technology assessment for knowledge management*. Creating Knowledge Based Organizations, 29
- Shimogaki, S. (2020). Agriculture and law in Japanese society. *Investigationes Linguisticae*, (43), 15-24. <https://doi.org/10.14746/il.2019.43.2>.
- Shujahat, M., Sousa, M. J., Hussain, S., Nawaz, F., Wang, M., & Umer, M. (2019). Translating the impact of knowledge management processes into knowledge-based innovation: The neglected and mediating role of knowledge-worker productivity. *Journal of Business Research*, 94, 442-450. <https://doi.org/10.1016/j.jbusres.2017.11.001>.
- Singh, S. K. (2003). *Simple random sampling*. In *Advanced Sampling Theory with Applications*, 71-136. Springer, Dordrecht. (n.d.).
- Singh, S. K. (2008). Role of leadership in knowledge management: a study. *Journal of knowledge management*, 12(4), 3-15.
- Sirorei, E. C., & Fombad, M. C. (2019). Knowledge management processes at St Paul's University library in Kenya. *SA Journal of Information Management*, 21(1). <https://doi.org/10.4102/sajim.v21i1.946>.
- Smith, E. A. (2001). The role of tacit and explicit knowledge in the workplace. *Journal of Knowledge Management*, 5(4), 311-321. <https://doi.org/10.1108/13673270110411733>.
- Song, S., & Sun, J. (2018). Exploring effective work unit knowledge management (KM): Roles of network, task, and KM strategies. *Journal of Knowledge Management*, 22(7), 1614-1636. <https://doi.org/10.1108/jkm-10-2017-0449>.

- Suppiah, V., & Singh, S. M. (2011). Organizational culture's influence on tacit knowledge-sharing behaviour. *Journal of Knowledge Management*, 15(3), 462-477. <https://doi.org/10.1108/13673271111137439>.
- Supreme Court Strategic Plan 2020 – 2024 – *The judiciary of Kenya*. (n.d.). <https://www.judiciary.go.ke/download/supreme-court-strategic-plan-2020-2024/>.
- Taal, S., Langbroek, P., & Van der Velde, M. (2014). Reducing unwarranted disparities: The challenge of managing knowledge sharing between judges. *International Journal for Court Administration*, 6(2), 73. <https://doi.org/10.18352/ijca.150>.
- Takeuchi, H., & Nonaka, I. (2000). Classic work: Theory of organizational knowledge creation. *Knowledge management: Classic and contemporary works*, 139-182.
- Tangaraja, G., Mohd Rasdi, R., Ismail, M., & Abu Samah, B. (2015). Fostering knowledge sharing behaviour among public sector managers: A proposed model for the Malaysian public service. *Journal of Knowledge Management*, 19(1), 121-140. <https://doi.org/10.1108/jkm-11-2014-0449>.
- Tsang, S., Royse, C., & Terkawi, A. (2017). Guidelines for developing, translating, and validating a questionnaire in perioperative and pain medicine. *Saudi Journal of Anaesthesia*, 11(5), 80. https://doi.org/10.4103/sja.sja_203_17.
- Tatiana Andreeva, Aino Kianto, (2011) "Knowledge processes, knowledge-intensity and innovation: a moderated mediation analysis", *Journal of Knowledge Management*, Vol. 15 Iss: 6, 1016 – 1034 [10.1108/13673271111179343](https://doi.org/10.1108/13673271111179343) (Permanent URL).
- Tzortzaki, A. M., & Mihiotis, A. (2014). A review of knowledge management theory and future directions. *Knowledge and Process Management*, 21(1), 29-41. <https://doi.org/10.1002/kpm.1429>.
- Usoro, A., & Abiagam, B. (2018). Culture effect on knowledge management adoption in Nigerian hospitality industry. *VINE Journal of Information and Knowledge Management Systems*, 48(3), 314-332. <https://doi.org/10.1108/vjikms-11-2017-0080>.

- Wang, J., Yang, J. and Xue, Y. (2017), "Subjective well-being, knowledge sharing and individual innovation behavior: the moderating role of absorptive capacity", *Leadership & Organization Development Journal*, Vol. 38 No. 8, 1110-1127.
- Yahyagil, M.Y. (2015), "Constructing a typology of culture in organizational behaviour", *International Journal of Organizational Analysis*, Vol. 23 No. 4, 506-527. <https://doi.org/10.1108/IJOA-03-2013-0650>.
- Yamane, T. (1967). *Statistics, an Introductory analysis*, (2nd ed.). New York. Harper and Row.
- Yami, M., Ajmal, M. M., & Balasubramanian, S. (2022). Does size matter? The effects of public sector organizational size on knowledge management processes and operational efficiency. *VINE Journal of Information and Knowledge Management Systems* 52(5), 670-700.
- Yang, Z., Nguyen, V.T. and Le, P.B. (2018), "Knowledge sharing serves as a mediator between collaborative culture and innovation capability: an empirical research", *Journal of Business & Industrial Marketing*, Vol. 33 No. 7958-969
- Youssef, M., Haak-Saheem, W., & Youssef, E. M. (2017). A structural equation model for knowledge sharing behavior in an emerging economy. *Journal of Knowledge Management*, 21(4), 925-945. <https://doi.org/10.1108/jkm-10-2016-0470>.
- Zaim, H., Gürcan, Ö. F., Tarım, M., Zaim, S., & Alpkan, L. (2015). Determining the critical factors of tacit knowledge in service industry in Turkey. *Procedia - Social and Behavioral Sciences*, 207, 759-767. <https://doi.org/10.1016/j.sbspro.2015.10.156>.
- Zhang, X., & Jiang, J. Y. (2015). With whom shall I share my knowledge? A recipient perspective of knowledge sharing. *Journal of Knowledge Management*, 19(2), 277-295. <https://doi.org/10.1108/jkm-05-2014-0184>.
- Zoogah, D. B., Gomes, E., & Cunha, M. P. (2020). Autochthonous management knowledge/knowledge management in Africa. *Journal of Knowledge Management*, 24(6), 1493-1512. <https://doi.org/10.1108/jkm-10-2019-0554>.

APPENDICES

Appendix 1: Introduction

Joyce Luvuga
Tangaza University College
P.O Box 15055-00509
Nairobi, Kenya

Dear Sir/Madam

RE: Introduction

My name is Joyce Luvuga, I am presently a postgraduate student at Tangaza University College, a constituent college of Catholic University of Eastern Africa (CUEA). The questionnaire is intended to collect data on knowledge management and governance on effective administration of justice in the Kenyan Judiciary: the case of Milimani Law Courts. I am requesting you to please participate in this research by filing in the questionnaire. Any information you give will be treated with confidentiality and used only for the purpose of this research.

Attached herein find a questionnaire for this research. The investigator is hoping for your cooperation.

Yours faithfully,
Joyce Luvuga
Mobile: +254722646758
Email: joycetocho@gmail.com.

Appendix 2: Consent Form

The title is: Knowledge Management and Governance on effective administration of justice in the Kenyan Judiciary: The case of Milimani Law Court Nairobi.

Outline of the thesis: The research intends to examine the knowledge management and governance on effective administration of justice in the judiciary using the case study of Milimani Law Courts.

The aims of the research are to: examine the current knowledge management practices at the Milimani Law Courts; evaluate the current organizational culture at the Milimani Law Courts; investigate the current Knowledge governance mechanisms at the Milimani Law Courts; Suggest new guidelines, practices, procedures, and governance mechanisms that Milimani Law Courts could adopt for effective and efficient KM and governance.

Name of the investigator: Joyce Luvuga

The researcher is a: Master’s Student in Social Transformation

Contact of the researcher: email: joycetocho@gmail.com, Phone: +254722646758.

Address of the University: Tangaza University College: P.O. Box 15055-00509 Langata South Road Nairobi, Kenya.

Researcher’s Signature..... Date.....

Informed Consent

I acknowledge that I have received sufficient information from the investigator about the study and the objective of filling this questionnaire.

I have been granted time to seek more clarification from the researcher.

I recognize that my involvement is voluntary and therefore there will be no any compensation.

I have the guarantee that my identity will remain confidential; hence, my information will be private.

I have the right to pull out, at any time, without giving explanations to the researcher.

I grant consent to publish the results of this study work at any time.

I accept to take part in this study by filling in the questionnaire given to me.

Signature..... Date.....

Appendix 3: Survey Questionnaire for Employees of Milimani Law Courts Participants.

My name is Joyce Luvuga, I am presently a postgraduate student at Tangaza University College, a constituent college of the Catholic University of Eastern Africa (CUEA). The questionnaire intends to collect data on knowledge management and governance for effective administration of justice in the Kenyan Judiciary: Case of Milimani Law Courts Nairobi. I am kindly requesting you to participate in this research by filling in the questionnaire. Any information you give will be treated with confidentiality and used only for the purpose of the research.

Section A: Demographics

Please answer the following questions (tick where necessary)

1. Gender:

a. Male Female

2. Age Group

18-34 35-44 45-54 55 & Above

3. What is your designation?.....

4. What is department?.....

5. No. of years in employment:

Less than 5 5-10 11-15 16-20 21 & Above

6. Level of education: None Primary Secondary College University

7. Professional qualification.....

Section B: Organizational Culture and Knowledge Management practices.

- (a) On a scale of 1-5 please rate the degree to which you agree or disagree to the following statements regarding knowledge capturing practices and methods in your department? (Capturing in this case refers to the method of transferring knowledge from workers brains into tangible resources, such as photos, websites, text documents, maps, databases, etc., so others can use of it.

(1-strongly disagree, 2-disagree, 3-neutral, 4-agree and 5-strongly agree)

Knowledge capturing practices	1	2	3	4	5
We organize interviews for exiting, retiring staff and document the outcomes.					
When one is close to retirement, He/She is assigned to document his/her areas of expertise/experience.					
We have a succession strategy that allows transfer of knowledge and training of new staff.					
We have a method in which we assign, on continuous basis, knowledge capturing duties to senior staff, like updating operational manuals, writing reports or documenting significant events.					
There are official ways to tap the knowledge and skills of workers before they leave or step down from the department					
Capturing is basically attained as a work by mechanism, part of the usual routine of project like programs proposals, roundtable discussions, project reports etc.					
During knowledge fairs, knowledge is formed and captured					
Knowledge is captured through communities of practice/ expertise groups					
Knowledge is captured during organized staff trainings					
Knowledge is captured in accordance with best practice database					

b) What knowledge capturing methods would you recommend for Milimani law courts?

2. (a) On a scale of 1-5 please rate the extent to which you agree/ disagree to the following statement regarding knowledge storage and archival practices within the judiciary (Milimani law courts

(1-strongly disagree, 2-disagree, 3-neutral, 4-agree and 5-strongly agree)

KNOWLEDGE STORAGE AND ARCHIVAL	1	2	3	4	5
Employees largely know what needs to be stored and how to process resources they have to storage mode.					
Storage of legal and financial documents are clearly defined but not for other materials.					
Storage practices are well-captured for physical resources and not the same for electronic resources.					
Physical resources are stored in an institutionally owned initiative such as the archives.					
Electronic resources are stored in an institutionally owned repository.					
Physical resources are classified based on importance of the document while electronic resources are usually retained classified based on than document type or contents					

We have a mixed conservation practices, depending on if the resource is in an electronic or a physical format.



b) What knowledge storage and archiving methods would you recommend for the Milimani Law Court and why?

(a) On a scale of 1-5 please indicate the extent to which you agree or disagree to the following statements regarding the **ease of access and knowledge sharing practices** in your department?

(where 1-strongly disagree, 2-disagree, 3-neutral, 4-agree and 5-strongly agree)

EASE OF ACCESS AND KNOWLEDGE SHARING	1	2	3	4	5
Expertise of employees can be easily shared through official forums in my work station					
Documented knowledge can be easily found and shared in my work station					
Electronic documents can be easily found and shared in my work station					

1. Which of the following practices best describe how members of your department currently share knowledge gained after attending any staff training sponsored event? (Select all that are relevant)

Report back to the management meetings

Report writing after every seminar, conference, meetings.

Give seminar/ workshop materials to the library

Give brief descriptions on the Website or in the newsletter

Informal setups such as talking to each other during tea/ lunch breaks

Other, please specify _____

2. What knowledge sharing methods would you recommend for Milimani Law Courts?

(a)-----

(b)-----

Section C: Knowledge Governance

3. (a) On a scale of 1-5 rate the extent you agree or disagree with the following statements regarding Knowledge governance at Milimani Law Courts?

(Where 1-strongly disagree, 2-disagree, 3-neutral, 4-agree and 5-strongly agree)

Knowledge Governance	1	2	3	4	5
We have someone in charge of knowledge creation, capturing, sharing and usage of knowledge.					
There is transparency in the formation, capturing, disseminating and use of knowledge.					
There is proper control of knowledge generated and shared among staff.					
There is continuous evaluation/ review of KM strategy and reward for sharing knowledge					
There are formal Knowledge Governance Mechanisms (KGM) such as official involvements through administrative meetings, conferences and forums, that encourage structured team discussions to promote the sharing of individually held knowledge.					
There are informal Knowledge Governance Mechanisms (KGM) such as open and affordable cafeteria to all staff, sports association that may foster social norms, teamwork, trust and the encourage employees to share knowledge					
There is continuous monitoring and management of potential technology related risks such as cybercrime, digitization, social media.					
There is continuous monitoring and management of potential dangers relating to human knowledge risks such as knowledge hiding, forgetting, risks due to staff in competencies and lack of experience etc.					
There is continuous monitoring and managing of potential dangers related to operational risks such as knowledge excesses, knowledge gaps, communication dangers, unreliable information etc.					

b) What improvements would you like to see regarding knowledge governance at the Milimani Law Courts to ensure effective administration of justice?

i)_____

ii)_____

iii)_____

Section D: Knowledge management policy and strategy.

7 (a) On a scale of 1-5 rate the extent you agree or disagree with the following statements regarding **Knowledge management policy and strategy** in your department?

(Where 1-strongly disagree, 2-disagree, 3-neutral, 4-agree and 5-strongly agree)

Knowledge management policy and strategy	1	2	3	4	5
My department has a well-documented policy on km					
As a policy, staff are encouraged to join in professional associations and other related areas of knowledge to improve their expertise.					
Is it compulsory for employees to relay and share acquired knowledge especially after attending seminars workshops and conferences?					
There are well written strategies and guidelines that guides on the knowledge capturing practices.					
As a policy, management requires employees to document experiences and lessons learned and make them accessible to the other employees in the organisation to use them.					

Ap b) In your opinion, what new guidelines, policies and procedures should be put in place at the judiciary for effective knowledge management.

i)

ii)

Appendix 4: Interview guide for retired Judges/ magistrates/ HOS/HOD/lawyers/ staff

1. During your time as a judge/ magistrate/ head of department/ staff take me through some of the methods that were commonly used to capture knowledge of judges, magistrates and staff in the Judiciary (Milimani Law Courts - MLC)
2. Briefly tell me how knowledge, skills and experience of senior judges, magistrates etc. were transferred to the new employees?
3. I believe that during your time you came across some critical resources, such as legal documents used by judges to arrive at rulings of cases or financial documents, or information regarding clients. Such resources could be useful jurisprudence as sources of knowledge for future cases. Please share with me some KM practices that were used to store such knowledge assets. Were the storage practices well defined? Where were the captured resources stored?
4. Based on your work experience, briefly tell me more about how knowledge resources were preserved overtime in the judiciary. For example, did you have defined retention periods for most knowledge resource? What were the preservation practices for physical and electronic resources? Who were the stakeholders that you worked with?
5. Did you experience the judiciary providing training either formal or informal in KM? If yes, tell me more about such trainings.
6. Tell me more about the Judiciary's organization culture during your time. Do you believe it promoted the adoption of KM practices at Milimani law Courts?
7. Who exercised overall authority over KM practices at the judiciary - MLC?
8. Who had the overall day to day responsibility for KM in the judiciary - MLC?
9. Given your experience, what new guidelines/ procedures should be put in place at MLC for effective and efficient KM?

Additional questions for retired judges

1. How frequently did you share information about cases? (Never Sometimes Frequently).
2. Who did you discuss your cases with? (Public prosecutor, magistrate/ judges, colleagues, tutor, legal fraternity, colleagues in same graduation year, Secretary, spouse, friends)
3. Which were the most needed information sources by judges on the Internet? (Doubts, Jurisprudence, Doctrine, Corporate information, Judges forum, updated database, Legislation, Other (Specify))

Appendix 5: Interview guide for heads of Judges/ magistrates/ /HOS/HOD/Lawyers

1. What position/role/ function/ do you belong?
2. How many years have you worked in this capacity?
3. Given your work experience please take me through some of the methods commonly used to capture knowledge of experienced judges, magistrates and staff in the Judiciary (MLC)
4. Briefly tell me how knowledge, skills and experience of senior judges, magistrates etc. are shared with fresh judges, magistrates and staff in the judiciary (MLC)
5. I believe that you have come across some critical resources, such as legal documents used by a judge/Magistrate to arrive at a ruling of a case or financial document, or information regarding a client. Such resources could be useful jurisprudence as sources of knowledge for future cases. Please share with me some KM practices that are used for storing knowledge assets at the judiciary (MLC). Are the storage practices well defined? Where are the captured resources stored?
6. Based on your experience, briefly tell me about how knowledge resources are preserved overtime in the judiciary. For example, do you have defined retention periods for most resources? What are the preservation practices for physical and electronic format? Which stakeholders do you work with?
7. Does the judiciary provide training either formal or informal in Knowledge Management practices?
8. Tell me more about the current Judiciary's organization culture. In your opinion do you believe it promotes the adoption of KM practices at Milimani law courts
9. Who currently exercises overall Authority over KM practices at the judiciary - MLC?
10. Who is the overall incharge of KM in the judiciary - MLC?
11. In your view what new guidelines, procedures should be put in place at MLC for effective and efficient KM

Additional questions for current judges/Magistrates/Registrars

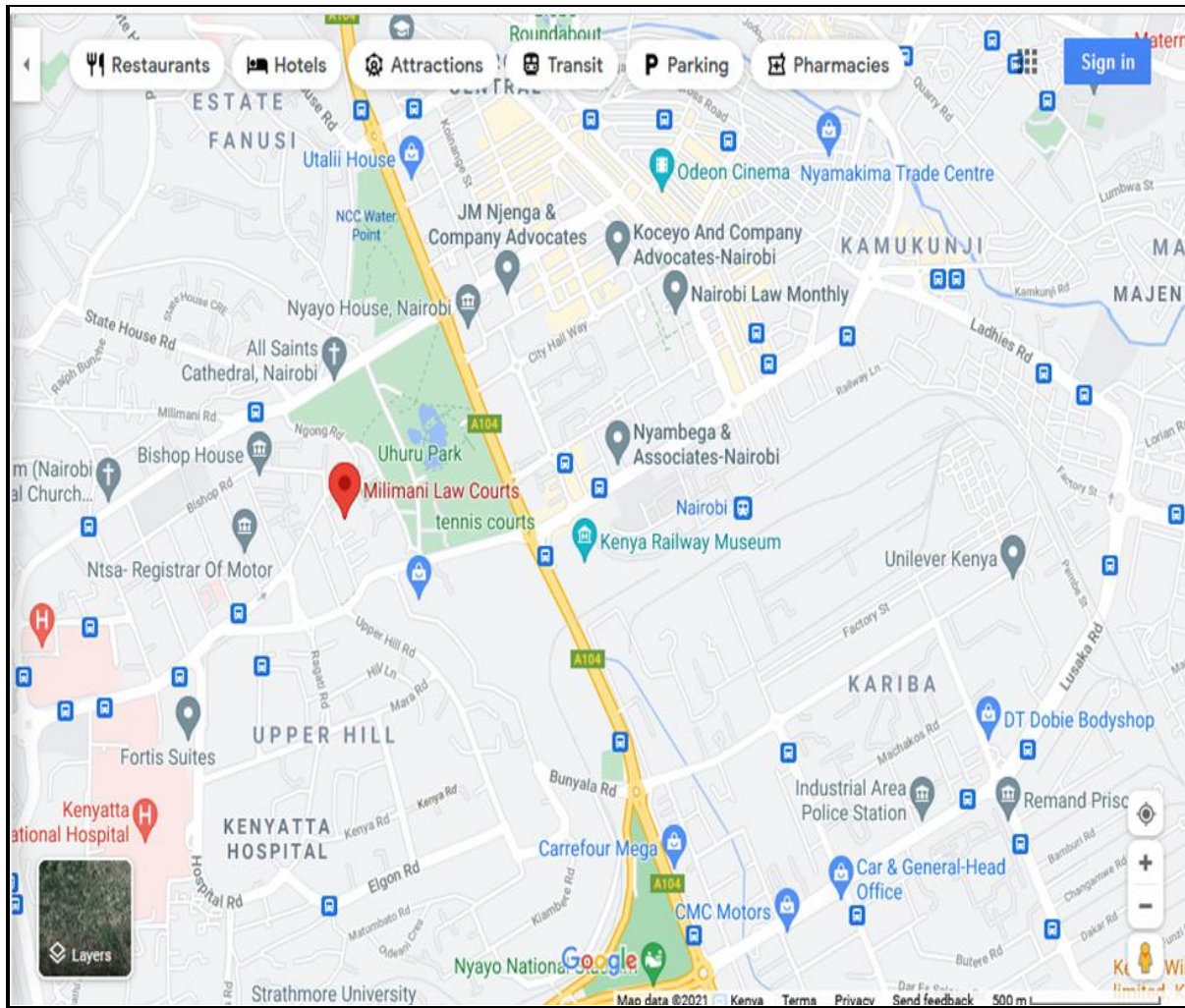
1. How frequently do you share information about cases? ([] Never [] Sometimes [] Frequently).
2. Who do you discuss your cases with? (Public prosecutor, Magistrate/ judges, Colleagues, Tutor, other legal fraternity, colleagues in same graduation year, Secretary, Spouse, Friends).

3. Which are the most needed information sources by judges on the Internet? (case studies, Jurisprudence, Doctrine, Corporate information, Judges forum, updated database, Legislation, journals, Other (Specify))

Appendix 6: Interview guide for ICT department head/ Director

1. Tell me more about existing ICT support tools to aid knowledge capture.
2. Tell me more about existing ICT support tools to aid knowledge storage
3. What ICT archiving tools exist to support knowledge archiving?
4. Tell me about ICT infrastructure in place to support knowledge sharing at the Milimani Law Courts (MLC).
5. What improvements would you like to see regarding ICT for effective knowledge capturing, storage, sharing, and archiving at the MLC for effective administration of justice in the Kenyan Judiciary – MLC?

Appendix 7: Study Site: Figure 4: Milimani Law Courts Google Map (Source google maps)



Appendix 8: Ethics Clearance



TANGAZA UNIVERSITY COLLEGE

The Catholic University of Eastern Africa

OFFICE OF THE DIRECTOR OF POST-GRADUATE STUDIES

E-mail: dir.pgcsr@tangaza.ac.ke

Website: www.tangaza.ac.ke

OUR Ref: DPGSR/ER/09/2021

Date: 17th September 2021

Joyce Lirunjiro Luvuga
Institute for Social Transformation
School of Arts and Social Sciences
Tangaza University College

Dear Joyce,

RE: ETHICS CLEARANCE FOR JOYCE LIRUNJIRO LUVUGA, REG. NO. 16012S

Reference is made to your letter dated 6th September 2021 requesting for ethical clearance of your research proposal to carry out a study on "*Knowledge management and governance for effective administration of justice in Kenya: The case of Milimani law courts in Nairobi*".

I am pleased to inform you that, your research proposal has been reviewed and you can now apply for research permit. You are advised to submit your proposal to the National Commission for Science, Technology and Innovation (NACOSTI) for the research permit and further guidance before commencing the data collection exercise for your study. You are also advised to adhere to the code of ethics of protection of human subjects during the entire process of your study.

This approval is valid for one year from 17th September 2021.

Please, ensure that after the data analysis and final write up, you soft copy of the thesis to the Director of Post-Graduate Studies – Tangaza University College for records purposes.

Yours sincerely,



DANIEL M. KITONGA (Ph.D.)
Director, Post-Graduate Studies
Tangaza University College

CC: Dr. Aloys O. Ojore – Programme Leader, MA in Social Transformation (IST)

P.O. Box 15055 - 00509 Langata, Nairobi Kenya
Tel: +254 20 8097667 / 0732 897 000 / 0733 685 059 / 0722 204 724 / 0714 610 777

Email: inquiries@tangaza.ac.ke
Website: www.tangaza.ac.ke

Appendix 9: Recommendation for research permit



TANGAZA UNIVERSITY COLLEGE

The Catholic University of Eastern Africa

OFFICE OF THE DIRECTOR OF POST-GRADUATE STUDIES

E-mail: dir.pgsr@tangaza.ac.ke Website: www.tangaza.ac.ke

OUR Ref: DPGS/ER/09/2021

Date: 17th September 2021

To
The Commission Secretary,
National Commission for Science, Technology and Innovation
P.O. Box 30623,
Nairobi – Kenya.

Dear Sir/Madam,

Re: Recommendation for Research Permit for Joyce Lirunjiro Luvuga

This is to confirm that the person named in this letter is a student at Tangaza University College (TUC). She is registered in the Institute for Social Transformation (Reg. No 16012S) and she is pursuing a Master of Arts degree in Social Transformation.

Joyce has met all our provisional academic requirements leading to data collection. However, she cannot proceed to the field before getting a Research Permit from the National Commission for Science, Technology and Innovation (NACOSTI). Kindly assist her to process the permit for data collection towards the completion of her thesis.

Thanking you in advance for your cooperation

Yours sincerely,



Daniel M. Kitonga (Ph.D.)
Director, Post-Graduate Studies


CC:


Dr. Aloys O. Ojore – Programme Leader, MA in Social Transformation (IST)

P.O. Box 15055 - 00509 Langata, Nairobi Kenya
Tel: +254 20 8097667 / 0732 897 000 / 0733 685 059 / 0722 204 724 / 0714 610 777

Email: inquiries@tangaza.ac.ke
Website: www.tangaza.ac.ke


Appendix 10: Research from NACOSTI


REPUBLIC OF KENYA


NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION

Ref No: **501951** Date of Issue: **14/October/2021**


RESEARCH LICENSE




This is to Certify that Ms. Joyce Liruniro Luvuga of Tangaza University College, has been licensed to conduct research in Nairobi on the topic: KNOWLEDGE MANAGEMENT AND GOVERNANCE FOR EFFECTIVE ADMINISTRATION OF JUSTICE IN KENYA: THE CASE OF MILIMANI LAW COURTS NAIROBI for the period ending: 14/October/2022.

License No: **NACOSTI/P/21/13346**

501951
Applicant Identification Number




Director General
NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION

Verification OR Code



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

Appendix 11: Judiciary Permission Letter

Tel Nairobi: 0730181600 Email: chiefregistrar@court.go.ke	 REPUBLIC OF KENYA	OFFICE OF THE CHIEF REGISTRAR SUPREME COURT BUILDING P.O. Box 30041 - 00100 NAIROBI.
When replying please quote	<hr/> THE JUDICIARY <hr/>	November 1, 2021
CRJ/23		
Joyce Luvuga P O Box 19051-00501 <u>NAIROBI</u>		
Dear Ms. Luvuga		
RE: PERMISSION TO CONDUCT RESEARCH		
We acknowledge receipt of your letter of October 31, 2021 on the above-captioned subject.		
Permission to carry out research on Knowledge Management on effective Administration of Justice is hereby granted.		
The Registrar Magistrates' Court by a copy of this letter is requested to accord you the necessary assistance and facilitation.		
Yours faithfully		
		
PAUL N. MAINA, OGW, 'ndc' (K) <u>DEPUTY CHIEF REGISTRAR OF THE JUDICIARY</u>		
Copy to:	The Registrar Magistrates' Court Supreme Court Building <u>NAIROBI</u>	✓
nan/jn		