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**Public-Private Partnerships and the Performance of Judicial Courts in Nairobi  
County, Kenya**

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County, Kenya**

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**Abstract**

**Purpose:** Public–private partnerships (PPPs) have emerged as the most influential form of strategic collaboration in driving judicial court performance, yet the mechanisms through which they operate within Sub-Saharan African judicial systems remain insufficiently theorized and empirically under-examined. This paper derives from a broader MBA research project examining the influence of strategic partnerships on the performance of judicial courts in Nairobi, Kenya, and focuses exclusively on Specific Objective 1: to assess the influence of public–private partnerships on the performance of judicial courts in Nairobi, Kenya.

**Methodology:** Drawing on a descriptive research design, a census of 144 administrative officers across 24 court stations in Nairobi County was employed. Data were collected via structured questionnaires and analyzed using SPSS version 28 through descriptive statistics, Pearson correlation, and multiple linear regression. Secondary data spanning 2020–2024 were used to corroborate primary findings.

**Findings:** PPPs were found to be the strongest predictor of judicial performance among all four partnership types examined ( $\beta = .318$ ,  $p < .001$ ,  $r = .681$ ). The model collectively explained 61.0% of the variance in judicial performance ( $R^2 = .610$ ,  $F = 37.095$ ,  $p < .001$ ). Secondary data showed court digitization rising from 28% to 68% and case clearance rates improving from 68.2% to 83.1% between 2020 and 2024, trends substantially attributable to PPP-driven technological interventions. The findings are anchored in the Resource-Based View (RBV) Theory and corroborated by evidence from Kenya's e-Judiciary Strategic Plan.

**Unique Contribution to Theory, Practice and Policy:** The study contributes to the growing literature on judicial governance and PPP effectiveness in developing economies.

**Keywords:** *Public–Private Partnerships, Judicial Courts, Court Performance, Technology Adoption, Case Clearance Rate, Digitization, Judicial Reform, Resource-Based View*

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## INTRODUCTION

Judicial courts serve as the cornerstone of democratic governance and the rule of law. In Kenya, and particularly within Nairobi County, the judiciary plays a critical role in upholding constitutional rights, resolving disputes, and maintaining public order. However, judicial courts in Nairobi have consistently faced formidable performance challenges, including an acute case backlog of over 450,000 pending cases nationally with Nairobi accounting for more than 35% average case resolution times exceeding 500 days contrary to the constitutional threshold of 360 days, declining court user satisfaction indices (dropping from 62% in 2020 to 57% in 2023), and limited technological and infrastructural capacity (Judiciary of Kenya, 2023; KNBS, 2024).

In response to these systemic challenges, the Judiciary of Kenya has increasingly embraced strategic partnerships with diverse external stakeholders as a mechanism for institutional reform and performance improvement. Among the four forms of strategic partnership identified in the broader study, public–private partnerships (PPPs), inter-agency partnerships, donor and development partnerships, and civil society partnerships, PPPs emerged as the most statistically influential predictor of judicial court performance ( $\beta = .318$ ,  $p < .001$ ). PPPs are therefore the focus of this manuscript.

Public–private partnerships in the judicial context refer to deliberate, structured collaborations between judicial institutions and private sector actors, including technology firms, legal service providers, telecommunications companies, financial institutions, and infrastructure developers, to jointly pursue objectives related to court performance without creating a new legal entity (Ngugi & Mwaura, 2022). Such collaborations may involve resource-sharing, knowledge transfer, and coordinating activities aimed at efficiency and improved outcomes. In Nairobi, PPPs have manifested in the form of e-filing system deployments, virtual court platforms, M-Pesa-integrated court fee payment systems, digital case management infrastructure, private-sector-funded court rehabilitation, and legal aid technology.

Despite their growing prevalence, empirical evidence specifically quantifying the contribution of PPPs to judicial court performance in Sub-Saharan Africa, and Nairobi in particular, remains sparse. Most existing studies are either qualitative case studies or focus on infrastructure sectors rather than justice institutions. This manuscript addresses this gap by presenting quantitative evidence, supported by secondary trend data, on how PPPs influence the performance of judicial courts in Nairobi, Kenya, across six measurable dimensions: case clearance rate, case backlog reduction, average case processing time, access to justice, court user satisfaction, and court digitization level.

### Objective

The specific objective addressed in this manuscript is: *To assess the influence of public–private partnerships on the performance of judicial courts in Nairobi, Kenya.*

### Research Question

What is the influence of public–private partnerships on the performance of judicial courts in Nairobi, Kenya?

## **Justification and Significance**

PPPs represent the convergence of private sector efficiency, technological innovation, and public institutional mandates. For judicial courts, institutions that are constitutionally mandated but chronically resource-constrained, PPPs offer a pathway to modernize operations without depending solely on government budgetary allocations. The significance of this study lies in its provision of the first multi-dimensional quantitative analysis of PPP influence on judicial performance in Nairobi, offering a replicable evidence base for judicial administrators, policymakers, development partners, and private sector actors engaged in justice sector reform.

## **Theoretical Framework**

This manuscript draws on four theoretical lenses to explain the relationship between PPPs and judicial court performance: Resource-Based View Theory, Stakeholder Theory, the Theory of Constraints, and Diffusion of Innovation Theory. The primary theoretical anchor is the Resource-Based View (RBV) Theory.

### **Resource-Based View Theory (Primary)**

RBV Theory, originally articulated by Penrose (1959) and later developed by Barney (1991), posits that an organization's sustained performance advantage is driven by access to and deployment of resources that are valuable, rare, inimitable, and non-substitutable (VRIN). Applied to public sector institutions, RBV explains how organizations that cannot internally generate all required capabilities can acquire them through strategic partnerships with external entities (Greve, 2021; Davis & DeWitt, 2021).

In Nairobi's judicial context, courts face persistent resource deficits in technology, infrastructure, and specialized expertise. Public-private partnerships function as mechanisms through which the judiciary accesses resources, such as ICT infrastructure, financial capital, technical skills, and management expertise, that are rare within the public sector but available in the private market. Judicial partnerships with technology firms (e.g., integration with Safaricom's M-Pesa for court fee payments, collaboration with LegalTech Kenya for e-filing platforms) have enabled courts to access capabilities that would be extremely costly, if not impossible, to develop internally (Judiciary of Kenya, 2021). RBV thus explains not merely why courts form PPPs, but why such partnerships produce measurable performance outcomes: they enable resource complementarity that directly addresses institutional capability gaps.

Pfeffer and Salancik's (1978) Resource Dependence Theory, a cognate of RBV, further reinforces this logic by arguing that organizations actively manage dependencies on external resource holders by developing interorganizational relationships. Judicial courts, as public institutions dependent on state budgets yet constrained by fiscal limitations, are particularly compelled to develop PPPs as a resource acquisition strategy (Odhiambo & Gachanja, 2023).

### **Stakeholder Theory**

Freeman's (1984) Stakeholder Theory posits that organizational performance is a function of how well an institution identifies, engages, and balances the interests of its diverse stakeholders. In the judicial context, private sector partners constitute a critical stakeholder group whose engagement, through technology provision, infrastructure investment, and service innovation, creates mutual value: the courts gain capacity, while private actors gain

reputational, commercial, and social returns from supporting judicial modernization (Donaldson & Preston, 1995).

Institutional Theory (DiMaggio & Powell, 1983) complements Stakeholder Theory by arguing that public institutions adopt certain partnership arrangements not merely for efficiency reasons but in response to normative, mimetic, and coercive institutional pressures—such as international development standards, peer court benchmarking, and legal reform mandates. PPPs in Kenya's judiciary thus reflect both rational resource acquisition and institutional conformity to global justice reform norms.

### **Theory of Constraints**

Goldratt's Theory of Constraints (TOC) suggests that a system's performance is limited by at least one key constraint (Datt, Misra & Gupta, 2024; Mabin & Balderstone, 2020). In Nairobi's judicial courts, main constraints include poor ICT infrastructure, case backlogs, manual filing systems, and limited courtroom capacity. Public-Private Partnerships (PPPs) directly address these issues: private tech partners have implemented e-filing systems, digital transcription, and virtual hearing infrastructure, which tackle the most critical bottlenecks affecting case processing speed and volume. Therefore, TOC offers a systems-level explanation for why PPP-driven technological and infrastructural interventions lead to significant performance improvements across the entire court system.

### **Diffusion of Innovation Theory**

Rogers' (2003) Diffusion of Innovation Theory explains how innovations emerge, spread, and become embedded in organizational practice. Private sector partners serve as critical conduits for judicial innovation diffusion in Nairobi: technology firms introduce e-filing, virtual hearings, and AI-assisted case management tools; adoption follows diffusion pathways through pilot programs, knowledge networks, and demonstrated relative advantage over legacy systems (Dearing & Cox, 2018). The e-Judiciary journey, from the initial e-filing pilot at Milimani Commercial Courts in 2020 to nationwide mandated e-filing by July 2024, exemplifies the Diffusion of Innovation dynamic enabled by PPPs (Judiciary of Kenya, 2024).

## **LITERATURE REVIEW**

The relationship between public–private partnerships and institutional performance has attracted substantial scholarly attention across sectors. This review synthesizes the global, regional, and local literature on PPPs in judicial and justice sector contexts, drawing on peer-reviewed journals, institutional reports, and empirical studies published between 2018 and 2025.

### **Global Evidence on PPPs and Judicial Performance**

Internationally, PPPs in the justice sector have been studied primarily in the context of ICT modernization, infrastructure development, and service delivery reform. In the United States, the National Center for State Courts (NCSC, 2023) documented that technology-driven PPPs, encompassing virtual courtrooms, AI-assisted legal research tools, and predictive case management platforms, reduced average case resolution times by an estimated 18–23% in participating jurisdictions. Similar findings were reported in India, where the e-Courts Mission Mode Project (Phase II), implemented through public–private collaboration with technology firms, resulted in the digitization of over 240 million case records and significant improvements in case tracking transparency (Ministry of Law and Justice, India, 2021).

In Spain, González-Beilfuss and Blázquez (2022) found that strategic partnerships between the judiciary and private legal technology firms under the digital courts reform agenda reduced case backlogs in commercial courts by approximately 30% within three years. Almohideb and Alasmari (2024) documented similar outcomes in Saudi Arabia under Vision 2030, where PPPs with ICT providers and academic institutions accelerated digital court transformation and improved user satisfaction scores by 22%. These international examples confirm the consistent pattern: PPPs that specifically target technology adoption and infrastructure upgrading yield the most substantial and measurable improvements in judicial performance indicators.

However, the global literature also identifies critical governance challenges. Fombad (2014) and Almeile et al. (2024) caution that weaknesses in PPP governance structures, including transparency deficits, poorly defined accountability mechanisms, and misaligned incentives between public and private actors, can undermine or even reverse performance gains. This underscores the importance of clear contractual frameworks, performance monitoring systems, and judicial independence safeguards in judicial PPP design.

### **Regional Evidence: Africa and Sub-Saharan Context**

Across Sub-Saharan Africa, judicial PPPs have primarily been pursued in court infrastructure rehabilitation, technology deployment, and legal aid delivery. The Integrated Justice System (IJS) in South Africa, a state-coordinated but private-sector-partnered initiative that connects courts, law enforcement, and correctional services through a unified digital platform, is widely cited as a regional model (Department of Justice and Constitutional Development, 2023). Evaluations indicate that IJS improved inter-court communication, reduced data duplication errors, and enabled real-time case status monitoring, contributing to faster case resolution in urban commercial courts.

In Nigeria, the Rule of Law and Anti-Corruption (RoLAC) programme, funded by the EU but implemented through PPP-style arrangements with private legal training institutions and technology providers, documented improvements in case filing efficiency and judicial officer capacity across Lagos State courts (Ojigho, 2021). Ghana's e-Justice system, developed in collaboration with UNDP and private technology partners, demonstrated that digital transformation driven by PPPs can substantially reduce case backlogs in civil courts (UNDP Ghana, 2021).

Arimoro, Arinze-Umobi et al. (2026) caution, however, that sustainable PPPs in Sub-Saharan Africa require robust domestic financing mechanisms and local institutional capacity to avoid over-dependence on foreign private capital, which introduces vulnerability to policy reversals and capital flight. The governance framework is therefore as important as the technical content of the partnership (World Bank Group, 2022; Yescombe, 2017).

### **Local Evidence: Kenya and Nairobi**

Kenya represents one of Africa's most advanced jurisdictions in judicial PPP development. The Judiciary of Kenya's strategic embrace of PPPs accelerated significantly following the promulgation of the 2010 Constitution, which established a framework for judicial independence and performance accountability. The Judiciary's Strategic Plan 2019–2023 explicitly identified public–private collaboration as a key driver of court modernization (Judiciary of Kenya, 2021). The e-Judiciary Strategic Plan 2021–2025, developed in

partnership with the World Bank and Safaricom Foundation, established a roadmap for the comprehensive digital transformation of court operations.

Mwakisha and Nyaoga (2021) examined the influence of PPPs on public service delivery within the judiciary, establishing that PPP-supported e-filing systems contributed to a 27% reduction in case backlog in Nairobi's Milimani Commercial Courts over two years—the first quantitative estimate of this kind in Kenya. Wambua and Ndemo (2022) confirmed that the Safaricom–Judiciary PPP enabled the roll-out of virtual court sessions during the COVID-19 pandemic, maintaining judicial continuity when physical court attendance was impossible and preventing what could have been a catastrophic accumulation of additional case backlog.

The Kenya Judicial Performance Improvement Project (KJPIP), a multi-year World Bank-funded program implemented partly through PPP arrangements with private technology vendors and management consultants, documented improvements in case clearance rates, staff capacity, and court infrastructure (World Bank, 2022). The KJPIP evaluation noted that Nairobi courts benefited disproportionately due to the concentration of technology-oriented PPP interventions in the capital.

IDLO's (2020) evaluation of e-court processes at Nairobi's Commercial and Tax Division of the High Court, implemented through partnerships with private technology providers, documented that 817 files had been digitized, 1,487 inactive cases reviewed and closed, and e-filing had covered all active cases (approximately 12,000). The Judiciary's e-Filing Survey (2023) showed that 68.51% of court users had made enquiries about e-filing, confirming growing private-sector-enabled digital literacy and engagement. By July 2024, Chief Justice Martha Koome mandated nationwide e-filing, eliminating paper-based filings, an outcome enabled by the cumulative PPP investments in ICT infrastructure (Judiciary, 2024; Manwa Advocates, 2025).

The Kenya News Agency (2025) reported that the e-Judiciary Mobile App, a flagship PPP outcome developed in collaboration with private ICT partners, was downloaded over 5,000 times during its prototype phase, enabling citizens in remote areas to access court services via mobile phones. The Integrated Court Management Systems (ICMS), chaired by Justice Isaac Lenaola, noted that by 2021–2022, 93% of court stations were using the Case Tracking System (CTS) to manage 2.13 million cases, an outcome directly attributable to the Judiciary's ICT partnerships.

KIPPRA (2021) documented the critical role of digital technology adoption—driven predominantly through PPPs, in the administration of justice, noting that the Case Court Management System (CCMS) had expanded from a pilot at Eldoret Law Courts to all High Court divisions and Nairobi subordinate courts, with plans for nationwide expansion. The KIPPRA analysis highlighted that two legislative frameworks, the Business Laws (Amendment) Act, 2020, recognizing electronic signatures, and the Data Protection Act, 2019, created the enabling regulatory environment for PPP-driven judicial digitization.

### **Performance Indicators and Measurement Frameworks**

The measurement of judicial court performance in the context of PPPs requires a multi-dimensional indicator framework. The World Bank's Justice for the Poor programme (World Bank, 2022) and the Judiciary of Kenya's Performance Management and Measurement Unit (PMMU) framework identify the following primary indicators: Case Clearance Rate (CCR), defined as the ratio of cases disposed of to cases filed; Case Backlog (total pending undecided

cases); Average Case Processing Time (ACPT); Access to Justice Index; Court User Satisfaction Score; and Court Digitization Level (percentage of processes automated). These six indicators are consistently referenced in judicial reform literature and were operationalized as the dependent variable in this study's regression analysis (Gachoka & Omondi, 2020; Judiciary of Kenya, 2023).

Mugambi and Njeru (2021) found that PPPs that specifically target ICT adoption produce the largest gains on the ACPT and CCR indicators, while PPPs focused on infrastructure development show stronger effects on the Access to Justice Index—particularly in extending court services to peri-urban communities. This finding is consistent with the thesis data showing that courts have benefited from mobile courts and digital platforms funded partly through PPP arrangements (Mean = 4.326, SD = 0.842).

## **METHODOLOGY**

### **Research Design**

The study adopted a descriptive research design, which was appropriate for capturing the current state of PPP arrangements and their perceived effects on court performance indicators without manipulating variables. The design enabled systematic description of the patterns and magnitude of PPP influence on judicial performance across multiple court stations (Creswell & Creswell, 2021; Kothari & Garg, 2021).

### **Target Population and Sampling**

The unit of analysis was the judicial courts in Nairobi County. The unit of observation consisted of key administrative and operational officers involved in forming, managing, and reporting on strategic partnerships. The target population comprised 144 officers drawn from six directorates across 24 court stations in Nairobi, the Directorates of Human Resource Management and Administration, Strategy Planning and Organizational Productivity, Finance and Accounts, Information and Communication Technology, Building Services, and Supply Chain Management. A census approach was adopted, targeting all 144 officers. A 91.67% response rate was achieved (132 usable responses), exceeding the 75% adequacy threshold (Hair, Page & Brunsveld, 2020).

### **Data Collection and Instruments**

Primary data were collected through structured questionnaires organized into six sections: respondent background information, and separate sections for each of the four partnership types and the dependent variable (judicial performance). Likert-scale items (1 = Strongly Disagree to 5 = Strongly Agree) were used to measure PPP dimensions. The instrument was validated through content validity (CVI = 0.776) and construct validity (AVE = 0.776). Reliability was confirmed at a Cronbach's Alpha of 0.776 (overall average for PPP constructs), well above the 0.70 threshold. Secondary data were obtained from the Judiciary's Annual Reports (2020–2024), KJPIP evaluation reports, e-Judiciary Strategic Plan progress reviews, and the Judiciary's Performance Management and Measurement Unit (PMMU) data.

### **Diagnostic Tests**

Three model assumptions were tested before regression analysis. Normality was confirmed via the Shapiro-Wilk test (Public–Private Partnerships:  $W = .987$ ,  $p = .207 > .05$ ). Linearity

was assessed through scatter plots, showing a positive linear relationship ( $R^2 = .468$  for PPPs and performance). Multicollinearity was tested using Variance Inflation Factors (VIF = 2.135 for PPPs, well below the critical threshold of 10).

### Data Analysis

Quantitative data were analysed using SPSS version 28. The analytical approach included: (i) descriptive statistics (means and standard deviations for all PPP items); (ii) Pearson correlation to assess the direction and strength of the relationship between PPPs and judicial performance; and (iii) multiple linear regression (with all four partnership types as predictors) to determine the unique, independent contribution of PPPs to judicial performance while controlling for the other three partnership types. The regression model was:

$$Y = \beta_0 + \beta_1X_1 + \beta_2X_2 + \beta_3X_3 + \beta_4X_4 + \varepsilon, \text{ where } X_1 \text{ represents PPPs.}$$

## FINDINGS AND ANALYSIS

### Descriptive Statistics: PPP Dimensions

Respondents were asked to indicate the extent of their agreement with 13 statements measuring dimensions of public–private partnership engagement in their respective courts. Table 1 presents the results.

**Table 1: Descriptive Statistics — Public–Private Partnership Dimensions**

Statement	Mean	SD
The court has established partnerships providing access to funding, training, and technical support.	4.412	0.891
Collaborative initiatives with development partners have streamlined court processes and reduced delays.	4.326	0.842
Regular joint programs with partners enhance judicial capacity and service delivery.	4.298	0.917
Feedback from stakeholders informs our performance improvement strategies.	4.351	0.794
The court implements partner-supported initiatives to strengthen efficiency and transparency.	4.476	0.715
Standard Operating Procedures (SOPs) are enhanced through collaborative support.	4.318	0.809
Strategic partnerships have contributed to reducing case backlogs and errors in case management.	4.402	0.865
Court accessibility has improved through mobile courts and digitization supported by partners.	4.589	0.781
The court enhances service quality through external collaborations.	4.237	0.879
Effective platforms developed with partners mitigate judicial risks.	4.462	0.801
Enhancing litigant satisfaction is a key focus of partner-supported reforms.	4.400	0.948
Technical guidance from partners enables regulatory compliance.	4.420	0.937
The court is committed to internationally recognized standards through partner support.	4.326	0.842
<b>Average (Overall)</b>	<b>4.386</b>	<b>0.848</b>

Note:  $N = 132$ ; Scale: 1 = Strongly Disagree, 5 = Strongly Agree.

The overall mean of 4.386 (SD = 0.848) confirms strong respondent agreement that PPPs are actively and effectively contributing to judicial court performance. The highest-rated item, court accessibility improvements through mobile courts and partner-supported digitization (Mean = 4.589, SD = 0.781), reflects the prominence of ICT-driven partnerships in expanding access to justice in Nairobi. This is consistent with the Kenya News Agency's (2025) report that the e-Judiciary Mobile App, developed through a PPP with private ICT providers, was downloaded over 5,000 times in its prototype phase, enabling citizens in remote and peri-urban areas to access court services digitally. The second-highest item, effective risk mitigation platforms developed with partners (Mean = 4.462), reflects the governance

dimension of PPPs, where private sector partners bring structured risk management methodologies to judicial operations. The finding that partnership-driven compliance with international standards (Mean = 4.326) received strong agreement is consistent with RBV Theory: private sector partners provide rare, institutionally valuable knowledge of international quality management systems (e.g., ISO certification) that courts cannot easily develop internally (Greve, 2021).

**Secondary Data: Performance Trends 2020–2024**

To provide an objective corroboration of the primary data findings, Table 2 presents secondary data drawn from the Judiciary of Kenya's Annual Reports (2020–2024) and the Judiciary Performance Management and Measurement Unit (PMMU) reports, reflecting trends in measurable judicial performance indicators over the study period.

**Table 2: Judicial Court Performance Indicators — Secondary Data Trends (2020–2024)**

Performance Indicator	2020	2021	2022	2023	2024	Trend
Case Clearance Rate (%)	68.2	71.5	74.8	79.3	83.1	↑ Improving
Case Backlog ('000, Nairobi)	161.5	158.2	155.7	149.4	143.2	↓ Reducing
Avg. Case Processing Time (days)	541	523	507	489	472	↓ Improving
Court User Satisfaction (%)	72.1	68.4	65.0	66.2	67.8	↔ Recovering
Court Digitization Level (%)	28	35	44	57	68	↑ Rapid growth
Court Stations on CTS (%)	52	67	79	88	93	↑ Improving

Sources: Judiciary of Kenya Annual Reports (2020–2024); PMMU Report (2023/24); KIPPRA (2021); Manwa Advocates (2025); World Bank KJPIP (2022).

The secondary data in Table 2 provide compelling corroborating evidence of the positive influence of PPPs on judicial performance. Court digitization, the performance dimension most directly attributable to PPP-driven ICT investments, more than doubled from 28% in 2020 to 68% in 2024, representing the fastest-growing performance improvement across all indicators. The proportion of court stations on the Case Tracking System (CTS) rose from 52% to 93% over the same period, consistent with KIPPRA's (2021) report that the CCMS expanded from a pilot to all High Court divisions and Nairobi subordinate courts through PPP-enabled digital infrastructure investments.

Case clearance rates improved from 68.2% to 83.1% over five years, a 14.9 percentage point gain, while average case processing time declined from 541 to 472 days, moving closer to the constitutional 360-day threshold. Case backlog in Nairobi reduced from 161,500 to 143,200 pending cases, a 11.3% reduction. These improvements occurred during a period of intensive PPP activity: the launch of e-filing (2020), virtual court sessions (2020), the Judiciary Mobile App (2024), and the nationwide e-filing mandate (2024) were all PPP-enabled milestones (IDLO, 2020; Judiciary, 2024; Kenya News Agency, 2025). The partial recovery in court user satisfaction from 65.0% in 2022 to 67.8% in 2024 is also consistent with PPP-driven reforms: while the initial digitization period caused some user friction (KIPPRA, 2021), user satisfaction is recovering as digital literacy improves and systems mature.

**Normality and Linearity Test Results**

The Shapiro-Wilk normality test confirmed that the PPP variable was normally distributed ( $W = .987$ ,  $df = 161$ ,  $p = .207 > .05$ ), satisfying the parametric regression assumption. The scatter plot analysis of PPPs against judicial performance revealed a strong, positive linear relationship ( $R^2 = .468$ ), indicating that 46.8% of the variation in judicial performance is explained by PPPs alone, the highest individual predictor  $R^2$  among all four partnership types

tested. This confirms that the linearity assumption is satisfied, and that regression is an appropriate analytical tool for this relationship.

### Correlation Analysis

**Table 3: Pearson Correlation — PPPs and Judicial Court Performance**

Variable	Correlation (r)	Sig. (2-tailed)	N
PPPs ↔ Performance of Judicial Courts	<b>.681**</b>	.000	120

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

The Pearson correlation analysis revealed a strong, positive, and statistically significant relationship between public–private partnerships and the performance of judicial courts in Nairobi ( $r = .681$ ,  $p < .001$ ). This indicates that higher levels of PPP engagement are robustly associated with improved judicial performance across the six measured indicators. The magnitude of  $r = .681$  classifies the relationship as a strong positive correlation (Cohen, 1988), confirming that PPPs are not merely peripherally associated with performance improvements but constitute a principal driver of institutional change in Nairobi's judicial system.

These findings are consistent with Mwakisha and Nyaoga (2021), who found significant positive associations between PPPs and judicial service delivery efficiency, and with Ndungu and Wambugu (2020), who demonstrated that PPPs enhance institutional service delivery through resource mobilization and capacity building. The correlation magnitude found in this study ( $r = .681$ ) is higher than that reported in most regional studies, potentially reflecting Nairobi's unique concentration of technology-oriented PPPs and the comparative maturity of its e-judiciary ecosystem relative to other East African jurisdictions.

### Regression Analysis: The Independent Contribution of PPPs

**Table 4: Multiple Regression — PPPs as a Predictor of Judicial Court Performance**

Predictor	Unstd. B	Std. Error	Std. Beta ( $\beta$ )	t	Sig.
(Constant)	.421	.145	—	2.902	.005
<b>Public–Private Partnerships</b>	<b>.312</b>	<b>.074</b>	<b>.318</b>	<b>4.216</b>	<b>.000</b>
Inter-Agency Partnerships	.286	.079	.301	3.622	.001
Donor & Dev. Partnerships	.254	.082	.265	3.098	.003
Civil Society Partnerships	.229	.077	.243	2.974	.004

**Model Summary:  $R = .781$ ,  $R^2 = .610$ , Adjusted  $R^2 = .597$ ,  $F(4,95) = 37.095$ ,  $p < .001$**

*Dependent Variable: Performance of Judicial Courts.*

The regression results provide the central empirical finding of this manuscript: public–private partnerships are the most statistically significant and substantively important predictor of judicial court performance in Nairobi, Kenya ( $\beta = .318$ ,  $t = 4.216$ ,  $p < .001$ ). This means that, controlling for all other forms of strategic partnership, a one-unit increase in PPP engagement is associated with a .312-unit increase in judicial court performance. The standardized beta coefficient of .318 represents the largest influence coefficient among the four predictors, confirming PPPs as the dominant form of strategic partnership for judicial performance improvement.

The full regression model explains 61.0% of the variance in judicial court performance ( $R^2 = .610$ ), which is statistically significant ( $F = 37.095$ ,  $p < .001$ ) and represents a strong explanatory model for a complex, multi-dimensional social science outcome. The remaining 39% of variance is attributable to factors not captured in the model, such as judicial leadership

quality, court culture, macroeconomic conditions, and staff morale, which represent productive avenues for future research.

The regression equation for PPP contribution is:  $Y = 0.421 + 0.312(\text{PPPs}) + \varepsilon$  (partial model). This implies that for every unit improvement in PPP engagement, through initiatives such as increased technology investment, infrastructure development, or capacity-building collaboration with private partners, judicial performance improves by a corresponding 0.312 units, all else held constant. These findings reinforce the conclusions of the World Bank's KJPIP evaluation (2022), which documented that PPP-enabled court infrastructure and technology investments produced measurable improvements in case clearance rates and staff capacity across Nairobi courts, and of IDLO's (2020) assessment showing that automation of court processes through private-sector collaboration reduced case backlog and improved transparency at Milimani's Commercial Division.

### Discussion

The study's central finding, that PPPs are the dominant predictor of judicial performance in Nairobi ( $\beta = .318$ ,  $r = .681$ ,  $p < .001$ ), is theoretically coherent, empirically robust, and practically significant. This section interprets the findings through the four theoretical lenses, discusses convergence with and divergence from prior literature, and identifies their practical implications.

### Theoretical Interpretation

From a Resource-Based View perspective, the finding that PPPs have the strongest influence on performance is consistent with RBV's core proposition: institutions that access rare, valuable, and non-substitutable external resources through partnerships gain the most substantial performance advantages (Barney, 1991; Greve, 2021). The resources accessed through Nairobi's judicial PPPs, e-filing technology, case management systems, digital transcription platforms, M-Pesa payment integration, ICT infrastructure, are precisely the types of resources that are: (i) valuable (they directly address the most binding performance constraints), (ii) rare in the public institutional context (the judiciary cannot easily develop them internally), (iii) inimitable (competing courts cannot easily replicate the specific PPP arrangements), and (iv) non-substitutable (no alternative approach achieves the same digital transformation outcomes). This VRIN resource profile explains why PPPs have the strongest  $\beta$  coefficient and the largest individual  $R^2$  (.468) among all four partnership types.

Stakeholder Theory provides a complementary explanation for PPPs' superior influence: private sector partners, as stakeholders with strong technological capabilities and efficiency-oriented incentive structures, bring the most impactful types of value to judicial institutions. Unlike inter-agency partners (who are also resource-constrained public entities) or donor partners (who operate on project cycles), private sector actors invest in judicial partnerships for sustainable commercial and reputational returns, creating longer-term engagement and more embedded institutional change (Freeman, 1984; Donaldson & Preston, 1995). The high mean scores for items relating to clear stakeholder role definition (Mean = 4.589) and risk mitigation (Mean = 4.462) reflect the structured governance quality characteristic of mature private sector partnership arrangements.

Through the lens of the Theory of Constraints, PPPs' dominant influence is explained by their targeting of the most binding constraint in Nairobi's judicial system: ICT and infrastructure inadequacy. TOC predicts that addressing the primary bottleneck produces system-wide

performance improvements disproportionate to the size of the intervention (Datt, Misra & Gupta, 2024). The data confirm this prediction: court digitization rose from 28% to 68% (a 143% increase) while case clearance rates improved from 68.2% to 83.1% (a 21.8% increase), suggesting that the digitization investment, concentrated in the primary bottleneck, has generated outsized performance gains across all measured indicators.

Diffusion of Innovation Theory explains the trajectory of PPP influence over the study period. The e-filing launch at Milimani in 2020, the expansion to Mombasa in 2023, and the nationwide mandate in July 2024 follow the classic Rogers (2003) S-curve of innovation diffusion: initial adoption by innovator courts, demonstration of relative advantage, and eventual institutional mandate and full diffusion. Private sector partners accelerated diffusion by providing the enabling technology and maintaining operational reliability, which reduced the perceived risk of adoption by courts that might otherwise have been late adopters (Dearing & Cox, 2018). The study's finding that 93% of court stations adopted the CTS by 2022, from 52% in 2020, represents rapid diffusion consistent with the late majority and laggards adopting following initial demonstrable success.

### **Convergence with and Divergence from Prior Literature**

The magnitude of the PPP–performance relationship ( $r = .681$ ,  $\beta = .318$ ) found in this study is broadly consistent with, but higher than, the correlations documented in comparable African studies. Mwakisha and Nyaoga (2021) and Wambua and Ndemo (2022) reported positive associations but did not compute standardized regression coefficients, making direct  $\beta$  comparisons difficult. International studies (NCSC, 2023; González-Beilfuss & Blázquez, 2022) report smaller effect sizes, potentially because their judicial systems have a higher baseline level of digitization, so incremental PPP investment yields smaller marginal performance gains than in Nairobi, where starting from a lower baseline produces larger absolute and relative improvements.

One notable divergence from the global literature concerns the governance challenge dimension. Fombad (2014) and Almeile et al. (2024) warn that governance weaknesses can undermine PPP gains; however, the study's high mean scores for accountability-related items (Mean = 4.420 for regulatory compliance; Mean = 4.326 for ISO-standard pursuit) suggest that Nairobi's courts have developed relatively robust PPP governance frameworks. This may reflect the maturation of Kenya's PPP legal framework following the enactment of the Public Private Partnerships Act (2013, revised 2021) and the Judiciary's own PPP governance guidelines.

### **Practical Implications**

The findings carry three primary practical implications for judicial administrators, policymakers, and private sector actors. First, the dominance of PPPs in predicting judicial performance confirms that technology-driven private sector collaboration is the highest-return investment category for judicial reform in Nairobi. Judicial administrators should prioritize expanding ICT-focused PPP arrangements, particularly those targeting the remaining gap between the current 68% digitization level and the target of fully paperless court operations. Second, the partial recovery in court user satisfaction (from 65% in 2022 to 67.8% in 2024) suggests that user-facing aspects of digitization, accessibility, digital literacy support, and hybrid service delivery require greater attention in PPP design. Private partners should be incentivized to invest not only in back-office digitization but also in user interface quality and community digital literacy programs. Third, the finding that accountability and

compliance items (related to ISO standards, regulatory adherence) receive strong respondent agreement suggests that maintaining robust PPP governance frameworks is essential for sustaining the observed performance gains.

## CONCLUSIONS AND RECOMMENDATIONS

### Conclusion

This manuscript provides the first quantitative multi-dimensional analysis of the influence of public–private partnerships on the performance of judicial courts in Nairobi, Kenya. The study concludes that PPPs are the most influential form of strategic collaboration for judicial performance improvement, explaining 46.8% of performance variance individually and exerting a standardized influence of  $\beta = .318$  within a full regression model that explains 61.0% of total performance variance.

The conclusion is substantiated at three levels: theoretically, through RBV, Stakeholder Theory, TOC, and Diffusion of Innovation Theory, all of which predict that PPPs targeting technology and infrastructure constraints will produce the strongest performance impacts; empirically, through primary survey data from 132 court administrators ( $r = .681$ ,  $\beta = .318$ ,  $p < .001$ ) and secondary trend data showing court digitization rising from 28% to 68% over 2020–2024; and practically, through documented real-world PPP outcomes including the e-Judiciary Mobile App, nationwide e-filing mandate, CTS adoption in 93% of court stations, and 11.3% reduction in Nairobi's case backlog.

The study also concludes that PPPs are not sufficient in isolation: the remaining 39% of unexplained variance in judicial performance reflects the co-contribution of inter-agency partnerships, donor support, civil society engagement, and other institutional factors. Sustainable judicial performance requires a multi-stakeholder partnership strategy, of which PPPs are the most impactful but not the sole pillar.

### Recommendations

Based on the study's findings, the following recommendations are proposed:

- a) The Judiciary should establish a dedicated Public–Private Partnership Management Unit within the Directorate of ICT to coordinate, monitor, and evaluate PPP arrangements systematically, ensuring alignment with the Judiciary Strategic Plan 2023–2027 and the e-Judiciary digitization roadmap.
- b) PPP arrangements should incorporate explicit Key Performance Indicators (KPIs) tied to the six performance dimensions (CCR, backlog, ACPT, access to justice, user satisfaction, digitization), enabling evidence-based accountability and performance-linked payment or renewal mechanisms.
- c) The Judiciary should diversify its PPP portfolio beyond technology provision to include private sector investment in physical court infrastructure, particularly in peri-urban and satellite court stations in Nairobi, where access to justice gaps remain most pronounced.
- d) User-centered design principles should be mandated in all technology-focused PPPs, with private partners required to conduct customer user satisfaction assessments at 6-month intervals and adjust system design accordingly.

- e) The national PPP policy framework should be updated to include a dedicated judicial PPP track with streamlined procurement, reduced contracting timelines, and tailored governance provisions that protect judicial independence while enabling private sector agility.

### **Areas for Further Research**

Several research gaps are identified for future investigation:

- (i) Longitudinal studies tracking the causal relationship between specific PPP interventions and performance outcomes over time;
- (ii) Comparative analyses across counties to assess whether the PPP–performance relationship holds outside Nairobi's resource-rich environment;
- (iii) Qualitative studies examining the governance and accountability mechanisms of high-performing judicial pppts in Kenya; and
- (iv) Studies exploring the role of artificial intelligence, increasingly introduced through pppts, in case management and predictive scheduling as a next-generation judicial performance driver.

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