

# The effect of corruption on administration of justice in Uganda

## Lessons from two chief magistrates' courts in Kampala and Mukono districts

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### ABSTRACT

*A well functioning judiciary remains a key pillar for administration of justice in any government pretentious of being democratic. The legal system ought to be characterised by impartiality, consistency, openness, predictability, and stability. Citizens ought to be equal before the law. Unfortunately, the judiciary in many African countries is a poisoned institution due to the corruption malaise. In this article, two case studies of Buganda Road and Mukono Chief Magistrates Courts to show how specific forms of corruption affect the administration of justice, are discussed. Use was made of a cross-sectional descriptive survey design that included a sample size of 86 respondents. Both qualitative and quantitative techniques were used in the study. The analysis was done using correlation to establish the relationships between the study variables. The article identifies theoretical and policy implications that appeal to both local and international audiences.*

### INTRODUCTION

Corruption, the violation of established rules and ways of performing functions for private gain (Sen 1999) is a universal problem. However, some countries and sectors within countries are more corrupt than others. Globally, corruption of the Judiciary is of a particular concern because it deprives the honest individuals of the only protection against the abuse of public power. Although countries continue to face new challenges in administration of justice, addressing corruption is an enduring malaise. Without a well-functioning judiciary, there is no remedy against violations of human rights or of contractual engagements. Independence of the judiciary is a foundation stone of rule of law, good governance and democratic practice. It protects the weak from the powerful; the minority from the majority; the poor

from the rich; and citizens from excesses of government (Mollah 2012). Independence means a fair and neutral judicial system where decisions are made without any interference. Judges should not be subject to control by the government or by any one, but should enjoy protection from any threats, interference or manipulation (Larkins 1996: 44). Judges should be in a position to render justice in accordance with their oath of office and their own sense of justice (Halim 1998:299).

Judicial corruption is only one form of a broader phenomenon of corruption (Hossain 2007). All the ingredients of general corruption are evident in the corrupt behaviour of judges, prosecutors and police force. This article addresses corruption in the judiciary which has long been a neglected area. The emergence of judicial corruption, as concept in its own right, was not addressed in academic discourse until 2007 by TI. TI defined judicial corruption as “the inappropriate influence on the impartiality of the judicial process by any actor within the court system” (TI 2007:xxi). Many analysts have framed general corruption as a way to “circumvent legal systems” (Buscaglia and Dakolias 1999) and judicial corruption appears to be one particular means of doing so. Access to justice in Uganda is still limited, as the government is unable to provide free legal services to everyone due to a lack of finance. Article 28(3)(e) of the 1995 Ugandan Constitution provides for legal representation at the expense of the state “in the case of any offence which carries a sentence of death or imprisonment for life”. However, the amounts paid by the state to lawyers in these cases are said to be too low (Ashaba-Aheebwa 2009). Most corruption cases occur among court staff and the police, as well as within the magistrates’ courts and registrars. Cases of corruption by judges are less common.

Following the promulgation of the 1995 Constitution, the Judiciary structure has been redefined to consist of the Supreme Court, Court of Appeal/Constitutional Court, High Court with divisions that include the International Crimes Division, Family Division, the Anti-corruption Division, Land Division, Commercial Court, Chief Magistrates’ Courts, Grade I Magistrate’s Courts, Grade II Magistrates’ Courts, Family and Children Courts and the Local Council Courts. The restructuring of the judiciary was meant to improve the administration of justice and the creation of the anti-corruption division was particularly meant to strengthen the fight against corruption (Courts of Judicature 2006).

## RESEARCH PROBLEM

Concern over corruption has resulted in scholarly research on the subject. There are however gaps in the current state of information on the matter. In Uganda, citizens expect courts to deliver justice efficiently and effectively. Unfortunately, this has not been the case for the majority of Ugandans who have had an encounter with the judiciary. The judiciary is viewed as an *agent* of the executive branch and a good proportion of judges and magistrates have been accused of delivering judgments that favour the ruling elite. Court officials have often been accused of being corrupt, inefficient, incompetent, and intolerant to criticism from civil society organisations and the general public which has hindered proper administration of justice (Tumwesigye 2004). The 3<sup>rd</sup> National Integrity Survey (2009) reported that 79,4% of the survey respondents ranked the judiciary as the second most corrupt institution following the Police (88,2%). The law criminalises corruption.



Uganda's main anti-corruption institutions are the Directorate of Public Prosecutions (DPP), Inspector General of Government (IGG), Criminal Investigations Department (CID), Auditor-General, the Public Procurement and Disposal of Assets (PPDA) and the Anti-Corruption Court. The country has a strong legal and institutional framework for combating corruption, but the phenomenon has persisted. If this trend of corruption continues, one is more likely to witness a state of lawlessness where the public opts for mob justice for those who have failed to get justice through proper procedures in courts of law. This study was conducted to examine the effects of corruption on the administration of justice at Buganda Road and Mukono Chief Magistrates' Courts. The following research questions were investigated:

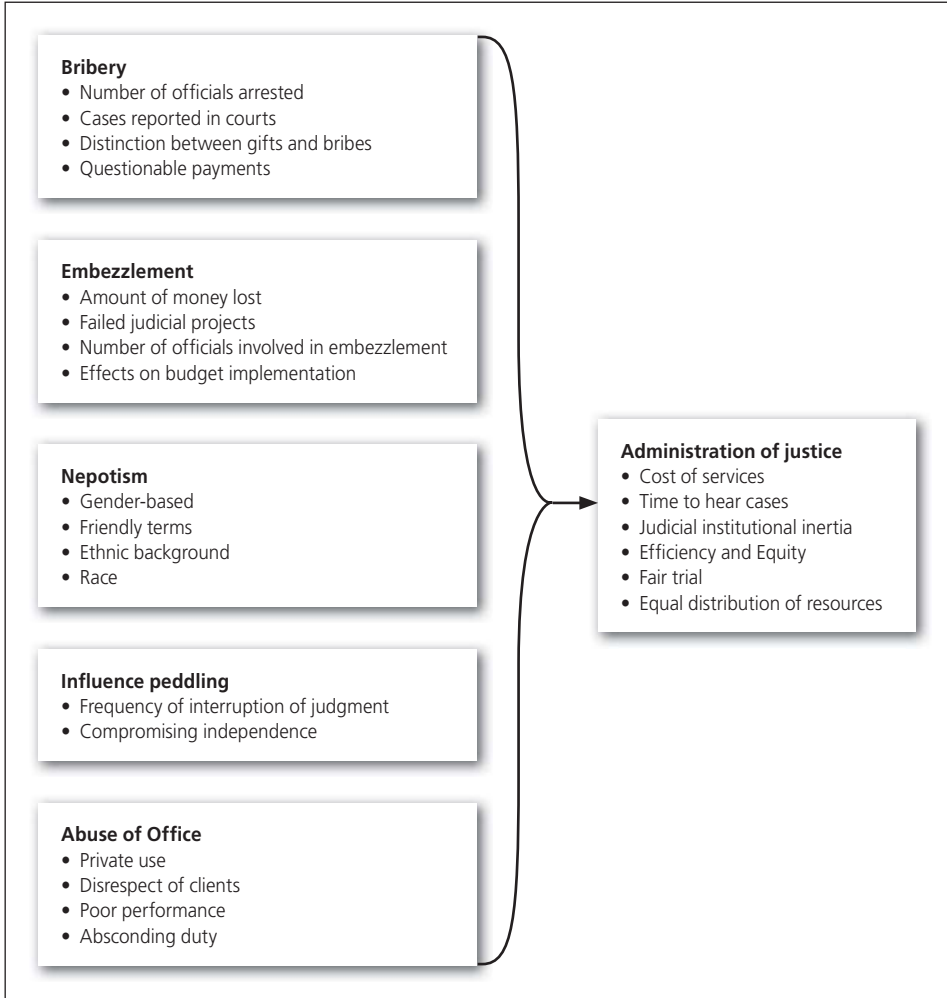
- How does bribery affect the administration of justice at the two Chief Magistrates Courts?
- How does embezzlement affect the administration of justice at the two Magistrates Courts?
- To what extent has nepotism affected the administration of justice at the two Magistrates Courts?
- What effects does influence peddling have on the administration of justice at the two Magistrates Courts?
- How does abuse of office affect the administration of justice at the two Magistrates Courts?

## **CONCEPTUAL FRAMEWORK**

Klitgaard, Maclean-Abaroa, and Parris (2000) regard corruption as the abuse of public office for individual gain. It also involves the use of illegal forms of political influence by public or private parties (Johnston 2004). To gather information about the extent of corruption is crucial for effective and efficient decision making although corruption lends itself to problems of measurement (Dreher & Schneider 2006). Although corruption manifests itself in various ways, the most significant form of corruption is outright bribery. Johnson (2004) posits that corruption can be systemic, pervasive, and routine or petty, sporadic, trivial and rare. Corruption can also be rated in terms of the community's level of tolerance towards it (Johnson 2004:2). It is clear from the various definitions, patterns and practices of corruption that there is one common feature: i.e. the inappropriate mix of public and private, meaning that it becomes a corrupt act if and when officials profit personally from a public office.

Corruption in the form of bribery, embezzlement, nepotism, influence peddling and abuse of office were assumed to have implications for the administration of justice. When corruption increases in courts of law, the very strong fabric of the judicial system is jeopardised and people seeking justice in the courts are frustrated. This means that to achieve the proper administration of justice, a need exists to reduce the costs of judicial services, reduced delays in hearing cases for the people to get quick justice for their complaints and improve the efficiency and effectiveness of the judiciary by providing more training on how to handle corrupt tendencies and even providing the best salaries for the judicial officials so that they remain highly motivated not to accept bribes, embezzle public funds, abuse office and that they will not be easily influenced.

**Figure 1 Relationship between corruption dimensions and administration of justice**



Source: Modified by the researchers based on works of Lambsdorff (2001); Langseth (1997); Justice Law and Order Sector (2004), Anti-corruption Act, 2009 and IGG (2001–2008).

## METHODOLOGY

The study employed a cross-sectional descriptive survey design that involved adoption of both qualitative and quantitative techniques. The population included 16 magistrates, 18 lawyers, 14 state prosecutors, 11 prison warders, four officials from the Inspectorate of Government and 14 police officers, 14 court clerks and 19 court litigants. The use of the qualitative and quantitative approaches enabled the researchers to get involved personally in examining documented incidences of corruption in the judiciary in the two magistrate court areas and interacting with the different players which was useful in determining their views on the different aspects of the research questions. This position is supported by Dooley (1984).



The study employed multi-stage sampling techniques where purposive sampling was used to select two magistrates' courts. The next level involved cluster sampling where respondents were selected from different clusters. These clusters were selected because all these respondents are concerned about administration of justice in the judiciary in Uganda. In the specific clusters, magistrates were selected using purposive sampling technique because they are heads of courts and are also directly confronted with some of the challenges of corruption. Prosecutors, prison warders, officials from IGG and police officers were also selected using purposive sampling because they are concerned with the dispensation of justice as well as the fight against corruption. However, for the cluster of police, only officers at OC level were interviewed. For lawyers, court clerks and court litigants, the systematic random sampling technique was used.

Data was collected using the key informant interview, questionnaire survey and documentary analysis. Interviews were done to get detailed information about the perceived effects of corruption, but also recommended measures to curb corruption in the judiciary. The researchers interviewed magistrates, police officers and prosecutors. The survey instrument was administered to other categories of respondents. Exit Poll Interviews were also conducted to obtain responses from the service seekers at court premises and lawyers. Documentary analysis involved collection of information from documents particularly concerning cases where judicial officials had been involved in corrupt practices.

The use of questionnaires and interviews provided an internal mechanism of confirming the reliability of the study as findings from each method were used to validate the other. Qualitative data analysis took place during and after data collection and was based on the research questions. Tentative themes and codes were identified. The qualitative data was illustrated and substantiated by quotation or descriptions as is indicated in the discussion of the results. Quantitative data was analysed using computer statistical tools which resulted in descriptive and inferential statistics.

## **RESULTS AND DISCUSSIONS**

### **Sample Characteristics**

In terms of age distribution 40,6% of the legal officers at both magistrate courts were in the age bracket of 31–40 years, followed by 21,9% who were between 41–50 years age. Those in the age bracket of 21–30 years were 25% while only 9,4% of the legal officers were 50 years and above. For the litigants, 47,4% were aged between 41 and 50 years while 31,6% were aged 31–40 years. Age distribution indicated that the litigants in general were about three years older than the legal officers (lawyers and court clerks). Almost two thirds of the legal officers (62,5%) were between the ages of 31 and 50 years, while over 79% of the litigants were between 31 and 50 years. The majority of legal officers (71,9%) reported having a bachelor's degree as their highest qualification, while only 28,1% of litigants had the equivalent. Up to 28,1% of court clerks were diploma holders compared to 36,8% of the litigants with the same qualifications. It is, however, disconcerting that 14 (15,8%) of litigants had obtained a secondary educational qualification. The majority of legal personnel were males (71,9%) compared to 28,1% who were females. As regards the litigants, majority were

females (52,6%) as compared to 47,4% who were males. This implies that most men being in judicial office positions were more likely to ask for the money before rendering the service than women who are less risk averse. Most women requiring court services are victims in most cases since they do not own property in most homes while men at the opposite end find justice quickly.

### Determinants of corruption in the judiciary

The following table gives a summary of the perceptions of lawyers and clerks on the reasons for paying bribes.

To substantiate the results from the quantitative analysis, a Grade 1 magistrate who was one of the key informants had this to say “Bribery occurs in courts of law when the official is approached by fellow officer, through relatives and intermediaries and in some cases, *professional sureties who get people’s money and disappear*” Another magistrate was of the opinion that “*bribery exists because some people exchange money for favours in the courts of law*” Another magistrate responded that “*If a matter delays in Court, people begin looking for ways to get quick Justice. Relative enhancement of salary and application of other reforms like session hearings and also the public still believe there is bribery*”

One of the prison warders noted that, “*in criminal cases, bribery occurs when the public use uninformed personnel who work in Court by soliciting money through them to magistrates in order to influence their decisions against the accused persons due to ignorance of law*”. He also mentioned “*that when magistrates over-stay in a station, there is high risk of bribery from people who want to evade justice through giving money to these Court officials.*” Another female prison warder noted that “*Bribery occurs in a way that offenders and offended instead of looking for justice they look for favour*”. She insisted that bribery was still in existence

**Table 1 Reasons for paying bribes (lawyers and court clerks’ responses)**

Reason	Yes	No	Don’t know
People pay bribes in courts to protect their own interests	24 (75%)	5 (15,6%)	1 (3,1%)
People pay bribes because offices are a source of rent	23 (71,9%)	3 (9,4%)	2 (6,3%)
People pay bribes in courts due to self-interest	22 (68,8%)	4 (12,5%)	4 (12,5%)
Dominance of illegal and unprofessional relationships	19 (59,4%)	9 (28,1%)	2 (6,3%)
Bureaucratic procedures is source of corruption	17 (53,1%)	8 (25%)	7 (21,9%)
Harassment through creating obstacles by court officials	15 (46,9%)	8 (25%)	6 (18,8%)
Gift as a custom in courts of law	14 (43,8%)	8 (25%)	4 (12,5%)
People pay bribes due to lack of access to responsible authority	11 (34,4%)	18 (56,3%)	–
People pay bribes in courts due to lack of time	9 (28,1%)	16 (50%)	5 (15,6%)
People pay bribes in courts due to lack of mediation relation	6 (18,8%)	22 (68,8%)	2 (6,3%)
People pay bribes in courts due to lack of obligation	5 (15,6%)	14 (43,8%)	10 (31,3%)



because “magistrates and judges were given too much freedom that even after delivering wrong judgments which are obvious, a victim is only advised to appeal in a higher Court who also just amends the judgment but leaves the wrong judge untouched”.

The least mentioned categories were commercial justice seekers who ranked at 25% and petty thieves at 15,6%. Contradicting the statistics, key informants including magistrates, prison warders, and officials in the Inspectorate of Government observed that people who give bribes mostly included: court staff/colleagues, court orderlies, court clerks, magistrates themselves, justice seekers and con men. This confirms the existence of a bribery supply chain involving many actors. Court clerks, court officials and magistrates alone cannot engage in bribery unless they have agents outside the judicial system.

Corruption in the judiciary is often of organised form instead of chaotic corruption. This useful distinction was advocated by Mauro (1998). In a well-organised system of corruption, business executives have a good idea of which official they have to bribe and how much to offer them and they feel reasonably sure of obtaining the favour for which the payment is made. Moreover, under a well-organised system, bribe-receivers take a longer view of the situation and think of cuts they can get from profitable deals and a continual stream of income that can be realised when entrepreneurs and business firms they have been associated with become prosperous and well-established with the passage of time. Under chaotic corruption, there is confusion and no one is exactly sure how much to pay and to whom. Business people end up paying bribes to a number of officials without any assurance that they will not be asked to pay additional bribes to more officials further down the line. Moreover, there is little co-ordination among numerous bribe-takers with regard to bribe levels, and one corrupt official has no idea what the other corrupt official is charging. Consequently, there is a tendency to overcharge and excessive demands may be made and are unreasonable to the business community.

Interviews were used to validate the above statistical findings. In fact one employee lamented that “some of these organs or systems meant to fight corruption are also becoming politically influenced”. One litigant observed that “in fact the situation here is very difficult, getting a magistrate is next to impossible, if you are lucky and you see him or her, he/she will tell you

**Table 2** Groups of people who normally give bribes

Category	Mentioned	Not mentioned
Politicians	14 (43,8%)	17 (53,1%)
Hardcore criminals	14 (43,8%)	17 (53,1%)
Family members/relatives of accused	13 (40,6%)	18 (56,3%)
Commercial justice seekers	8 (25%)	23 (71,9%)
Petty thieves	5 (15,6%)	26 (81,3%)
Other	3 (9,4%)	28 (87,5%)

**Table 3** Lawyers and clerks' responses on factors promoting bribery

Response	Mentioned	Not mentioned
Weakness in administrative system	17 (53,1%)	15 (46,9%)
Widespread corruption among civil servants	13 (40,6%)	19 (59,4%)
Lack of attention of heads of government	10 (31,3%)	22 (68,8%)
Existence of support and protection	9 (28,1%)	23 (71,9%)
Lack of sanctions and discipline of civil servants	6 (18,8%)	26 (81,3%)
Relationships	6 (18,8%)	26 (81,3%)

*to come back next day, I have been coming to this Court almost every week but without any help, it is now two years because I do not know anybody who can 'push' my case to another level".*

One of the key informants interviewed from the Inspectorate of Government noted that *"even policemen and prosecutors who give false information in courts of law after being bribed also remain untouched"*. This implies that there is impunity in the way bribery is carried out in courts of law which affects the administration of Justice.

Majority of litigants and court justice seekers reported that people need to get cases judged in their favour (94,7%), up to 89,5% noted that people pay bribes in courts to get fair judgment and 84,2% noted that people pay bribes in courts due to lack of access to a responsible authority. Similarly, over half (68,4%) noted that people pay bribes in courts to protect their own interests. In reference to the same statement, one of the key informants in a court of law commented that *"As desperate justice seekers look for favor, they contact magistrates, judges or people close to them and ask how they can be assisted and what they can give, resulting into giving and receiving bribe"*. This shows that the element of relationships and corruption among civil servants is very outstanding when considering reasons for bribery in courts of law. In fact one of the litigants shared their view with the researchers by lamenting, *"People have lost confidence in the justice system in Uganda due*

**Table 4** Descriptive aspects for reasons of bribery in administration of justice (litigants)

Reasons for paying bribery	Yes	No	Don't know
To get cases judged in their favor	18 (94,7%)	1 (5,3%)	None
To get fair judgment	17 (89,5%)	2 (10,5%)	None
Due to lack of access to responsible authority	16 (84,2%)	3 (15,8%)	None
To protect their own interests	13 (68,4%)	4 (21,1%)	2 (10,5%)
Due to lack of mediation relation	5 (26,3%)	3 (15,8%)	11 (57,9%)
To get a service from court officials	2 (10,5%)	13 (68,4%)	3 (15,8%)
People pay bribes in courts due to lack time	1 (5,3%)	16 (84,2%)	2 (10,5%)





**Table 5 Descriptive aspects for weaknesses that cause embezzlement (lawyers and clerks)**

Response	Mentioned	Not mentioned
Weakness in the administrative system	24 (75%)	8 (25%)
Weakness in the law executor	13 (40,6%)	19 (59,4%)
Weakness in the law	7 (21,9%)	25 (78,1%)
Citizen passivity	11 (34,4%)	21 (65,6%)

to high levels of corruption in the form of bribery...This has even made some people seek justice outside court” (Litigant).

The majority of lawyers and clerks (75%) noted that weakness in the administrative system was the leading cause of embezzlement in courts of laws in Uganda. Other weaknesses reported during the interviews included *“Embezzlement is caused by low earning compared to the cost of living...It is in most cases due to lack of adequate facilitation”* (Prison warder). The forms and types of embezzlement commonly reported were: *Diverting state brief money, diverting for personal use, diverting money meant for DCC meetings, diverting money for court maintenance; diverting money meant for land matters/visit of locus and converting money for one’s own use.* Others noted that converting assets (government assets) for one’s own use.

It was found that 34,4% of the respondents believed that contracts were the leading activity in the Ugandan courts of law where embezzlement was prevalent followed by purchases like vehicles, computers among other procured goods; an activity that in itself is about procurement like contracts. This finding is emphasised by Wagona (2006) on his presentation on the *“Present Situation, Problems and Solutions in the Legal System Related to Corruption Control in Uganda”*. During interviews, one of the state prosecutors noted that: *“When people pay cash bail in courts of law even after winning cases becomes hard for them to get their money back”* (State prosecutor).

Due to lack of knowledge and information on how the criminal justice system or laws work in the country, previously some anti-corruption agencies like the IGG and Public Accounts Committee (PAC) found it difficult to appreciate the unsatisfactory features of the process and outcome which led to accusations and counter accusations among anti-corruption

**Table 6 Type of activities that cause more embezzlement in courts of law**

Response	Mentioned	Not mentioned
Contracts	11 (34,4%)	21 (65,6%)
Purchases	10 (31,3%)	22 (68,8%)
Official documents	8 (25%)	24 (75%)
Others	7 (21,9%)	25 (78,1%)
Employment/recruitment	6 (18,8%)	26 (8,3%)
Issuing of licenses	4 (12,5%)	28 (87,5%)

**Table 7 Litigants and service seekers responses on weaknesses that cause embezzlement**

Response	Mentioned	Not mentioned
Weakness in the administrative system	16 (84,2%)	3 (15,8%)
Weakness in the law	13 (68,4%)	6 (31,6%)
Ignorance of the public about the law	12 (63,2%)	7 (36,8%)
Weakness in the law executor	8 (42,1%)	11 (57,9%)
Citizen passivity	6 (31,6%)	13 (68,4%)

agencies. Up to 42,1% of the respondents in the litigants' category blamed embezzlement on the weakness in the law executor while 31,6% noted that citizen passivity was a leading cause of this phenomenon. One of the respondents who commented on commercial justice seekers noted that *"Some victims such as banks and embassies do not want exposure and as such, are reluctant to report or participate actively in cases when they get to Court. In some cases, they lose confidence in the criminal justice system to handle their cases"* (IGG official).

The majority of respondents did not provide responses in the affirmative as regards the kinds of relationships contributing to nepotism in courts of law. The relationships which the respondents denied leading to nepotism were religious (90,6%) and party (84,4%). One of the respondents noted that: *"Nepotism affects the vision of Judiciary...It affects the integrity and professionalism of courts of law"* (State Attorney). A magistrate noted that *"Nepotism causes retrials in cases of appeals which arise from fake decisions, It also leads to demoralization by the people qualified to work leading to backlog and delayed justice"* (State Attorney). *"It also leads to disrespect of colleagues and authority which leads to inefficiency"* (Magistrate ).

One respondent in the key informant category noted that nepotism creates a negative attitude towards work due to the protection by the law. Favouritism is also known as cronyism and entails to grant offices or benefits to friends and relatives, regardless of their abilities. Favouritism can be considered a corrupt act because it involves the abuse of power.

**Table 8 Kinds of relationships contributing to Nepotism in courts of law**

Response	Mentioned	Not mentioned
Religious	2 (6,3%)	29 (90,6%)
Party	4 (12,5%)	27 (84,4%)
Individual	6 (18,8%)	26 (81,2%)
Alliance or faction	6 (18,8%)	25 (78,1%)
Professional	6 (18,8%)	25 (78,1%)
Knowing high-level officials	11 (34,4%)	21 (65,6%)
Ethnic	17 (53,1%)	14 (43,8%)
Other (specify)	1 (3,1%)	30 (93,8%)

**Table 9 The factors considered essential for getting jobs or contracts in courts of law**

Response	Mentioned	Not mentioned
Ethnic relationships	11 (34,4%)	20 (62,4%)
Fulfilling eligibility conditions	11 (34,4%)	20 (62,4%)
Political relations	10 (31,3%)	21 (65,6%)
Giving money	10 (31,3%)	22 (68,7%)
Family links	8 (25%)	24 (75%)
Personal relations	6 (18,8%)	25 (78,1%)
Social transactions	2 (6,3%)	29 (90,6%)

A special form of favouritism is nepotism. Nepotism means that an office holder will favour his/her relatives and family members, and for instance nominate them for appointment in prominent positions.

According to the litigants and court justice seekers, ethnic relationships were ranked highest with 100% of respondents mentioning it; followed by religious relationships mentioned by 52,6% of respondents and party relationships (47,4%). The relationships leading to nepotism that received little mention were: Knowing high-level officials (36,8%), Alliance or faction (31,6%), professional and individual relationship with 15,8% respectively. One issue to note about these findings is that the litigants and court justice seekers were more reluctant in answering questions related to nepotism. The trend in answering was purportedly based on *hearsay* and what they read in newspapers such as *Daily Monitor*, *New Vision*, *Red Pepper* and *Observer*. However the lawyers and court clerks seemed to answer questions with experience as they witness these cases amongst their colleagues.

**Table 10 Relationships that contribute to Nepotism in courts of law (litigants responses)**

Response	Mentioned	Not mentioned
Ethnic	19 (100%)	None
Religious	10 (52,6%)	9 (47,4%)
Party	9 (47,4%)	10 (52,6%)
Knowing high-level officials	7 (36,8%)	12 (63,2%)
Alliance or faction	6 (31,6%)	13 (68,4%)
Professional	3 (15,8%)	16 (84,2%)
Individual	3 (15,8%)	16 (84,2%)

**Table 11 Lawyers' and court clerks' responses on situations in which bribery is more unacceptable in courts of law**

Response	Mentioned	Not mentioned
Illegal release of criminals from prisons or on custody	15 (46,9%)	17 (53,1%)
Avoiding prison sentence	13 (40,6%)	19 (59,4%)
For modifying and changing of civil court decisions	12 (37,5%)	20 (62,5%)
Obtaining bond	8 (25%)	24 (75%)
Avoiding high fines	7 (21,9%)	25 (78,1%)
Illegal purchase and sale of lands or properties	6 (18,8%)	26 (81,3%)

### Corruption and its effect on administration of justice in Uganda

Table 11 shows that among the lawyers' and court clerks' responses on situations in which bribery is more unacceptable in courts of law reveal that illegal release of criminals from prisons or in custody was mentioned by close to half (46,9%), followed by situations in which one was avoiding prison sentence. Other situations mentioned were: For modifying and changing of civil court decisions (37,5%), obtaining bond (25%) and avoiding high fines (21,9%). In all these situations, it was felt that bribery was unnecessary and would deny justice to the general public and also have adverse effects on the reputation of the court officials and the state. Findings from the litigants on situations under which bribery is more unacceptable in courts of law confirmed that the majority (73,7%) noted that illegal release of criminals from prisons or on custody was unacceptable while avoiding prison sentence was criticised by 63,2% of the respondents. Other situations noted were: For modifying and changing of civil court decisions (57,9%); avoiding high fines (31,6%), illegal purchase and sale of lands or properties (31,6%) and obtaining a bond (5,3%).

In the researcher's interpretation, when justice seekers perceive a judgment against them in court as being unfair, there is a likelihood of a compromising situation being seen to be present. Sweeping claims of corruption may not be easily checked in this way and people

**Table 12 Correlations between corruption and administration of justice in courts of law**

Variable	Lawyers and Court Clerks		Litigants	
	Co-efficient	Sig	Coefficient	Sig
Bribery	0,108	0,188	0,251**	0,000
Embezzlement	0,399**	0,000	-0,246	0,182
Nepotism	0,319*	0,038	0,375**	0,000
Influence peddling	0,439**	0,000	0,145	0,461
Abuse of office	0,473**	0,000	0,519**	0,000

Dependent variable: Administration of justice



lose confidence in the justice system. This was observed to happen even when the magistrate has not taken a bribe. Even so, it was earlier noted that court clerks, lawyers, court orderlies and prison warders and witnesses may also be bribed in the court system.

The analysis of the correlation matrix above indicates that three of the observed relationships were statistically significant. The strongest relationship between various forms and administration of justice as per the findings from court clerks was between abuse of office (0,473\*\*), influence peddling (0,439\*\*) and embezzlement (0,399\*\*). This indicates that if there is a uniform increase in abuse of office, influence peddling and embezzlement as forms of corruption. The administration of justice by the Ugandan judiciary will also be affected in the same measure. Correlations between bribery and administration of justice in courts of law in magistrates courts for the category of litigants revealed that there was a significant relationship between ( $r=0,251^{**}$ ,  $Sig=0,000$ ) as indicated by findings from the litigants although findings from the lawyers and court litigants were not statistically significant. "Bribery significantly affects the administration of justice at Buganda Road and Mukono Chief Magistrates Courts" and "Bribery does not significantly affect the administration of justice at Buganda Road and Mukono Chief Magistrates Courts". The litigants also felt that bribery has an influence on the administration of justice in regard to: cost of judicial services, time to hear cases, judicial institutional inertia, efficiency and equity in the judiciary, fair trial of people before the law and unequal distribution of resources in courts of Law. This was proved through some important individual interview responses on effects of bribery on administration of justice:

*"Bribery leads to backlog of cases in courts of law thus delay of people to access justice from court officials. There is loss of confidence in the Justice system if they are made to pay bribe" (Litigant).*

One of the Grade I magistrates at Buganda Road noted that:

*Bribery in courts of law fails justice e.g. if a witness in case "A" goes to Court and he is supposed to be given transport and fails to get it because a judge or state embezzled it, witness in case "B" will not turn up after knowing what happened on witness in case "A" (Magistrate).*

A respondent who was employed in the IGG office noted that:

"There is also lack of cooperation from witnesses who are approached by investigators to provide evidence or serve as witnesses, for fear of reprisals from accused persons, or they do not want to implicate relatives, friends, their employer or those with influence"

## **CONCLUSIONS AND IMPLICATIONS**

In a situation where bribery was found to significantly influence administration of justice in the two magistrates' courts, it is the responsibility of different stakeholder's to combat this malaise and other related forms of corruption. The results provide useful information needed by policy makers in devising strategies to address the rampant ways through which corruption is perpetrated in the judicial system. Embezzlement: one form of corruption

that was found to significantly affect the administration of justice at Buganda Road and Mukono chief magistrates' courts needs a concerted effort. The need to know high-level public officials, alliance or faction, individual and professional relationships as eminent forms through which nepotism is perpetuated in the Ugandan judiciary needs urgent attention to maintain the integrity of judicial processes. The study, therefore, contributes to the larger debate on corruption in the public service but more so in the judicial sector. The findings provide a platform upon which future researchers, academicians and policy makers can base to understand the ever dynamic nature of corruption. They can gain deeper understanding of the scourge of corruption in Uganda and other developing nations plus its implications on development.

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