

# Public Participation and the Legislative Process in Kenya: A Case of Finance Act, 2023

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## ABSTRACT

This paper empirically examines the effect of public participation on the legislative process in Kenya, with a specific focus on the Finance Act, 2023. The study employs a mixed-method approach combining descriptive statistics and qualitative data collection, utilizing surveys, interviews, and analysis of official documents. A sample of 86 respondents, comprising citizens, civil society groups, and policymakers, was surveyed to assess their level of participation and awareness of the Finance Act. Descriptive analysis reveals a significant disparity between awareness and actual participation, with 91% of respondents reporting non-participation despite high levels of awareness. Additionally, the study explores the tools used for public participation and evaluates their effectiveness in reaching a broad demographic. The findings indicate that while public participation tools such as public hearings and written submissions were used, they were insufficient in engaging marginalized communities, especially in rural areas. The study highlights the importance of inclusive, accessible participation methods and the need for greater transparency and feedback mechanisms in the legislative process. Policymakers are encouraged to enhance public engagement strategies, incorporate modern tools like digital platforms, and ensure that public input is effectively integrated into decision-making. These measures could improve the legitimacy of the legislative process and foster stronger citizen-government relationships.

**Keywords:** Public participation, legislative process, Finance Act, Kenya, descriptive statistics, qualitative analysis.

## INTRODUCTION

Public participation in the legislative process has become an essential feature of modern democratic governance. It is widely recognized as a mechanism that enhances the legitimacy and accountability of government actions. In the Kenyan context, the Constitution of 2010 revolutionized the manner in which citizens engage in governance, explicitly mandating public involvement in the legislative process. This marked a significant shift from earlier periods where decision-making was primarily in the hands of government officials, often without sufficient input from the public. The Finance Act of 2023 offers an illustrative case for examining the effects of public participation on the legislative process, as it is one of the key pieces of legislation that directly impacts the economic welfare of the citizens.

Legislation is considered the highest form of policymaking, providing legal backing to the framework within which a nation's public affairs are conducted (Theodoulou & Cahn, 1994). A key characteristic of effective legislation is its capacity to reflect the needs, concerns, and values of the public. The idea of public participation, where both state and non-state actors influence policy decisions, has been increasingly incorporated into governance frameworks worldwide. Bossuyt (2000) finds that involving both government and non-governmental actors in policymaking processes enhances policy acceptance, ownership, and compliance. Moreover, in the context of Kenya, public participation has evolved through various stages, and the 2010 Constitution made a significant contribution to formalizing citizen engagement in the legislative process.

Public participation in policymaking is not a recent phenomenon. In many developed nations, participatory frameworks have long been integral to governance. For instance, in the United Kingdom, the practice of public participation has been crucial in local governance despite the absence of a formal written constitution (Potter, 2008). Scotland, Wales, and Northern Ireland have devolved powers that allow for greater local involvement in policy decisions, indicating the importance of public input. In Germany, high levels of civic engagement have been reported, particularly in urban planning, where participatory structures have been entrenched in law for several decades (Enquete-Kommission, 2000).

In Brazil, participatory institutions emerged as part of the democratization process in the 1990s, with participatory budgeting and power-sharing designs offering innovative ways for citizens to engage in public decision-making (Avritzer, 2012). These global experiences underscore the universal trend of integrating public participation into governance, providing valuable lessons for Kenya as it continues to refine its own participatory mechanisms.

Kenya's experience with public participation has evolved significantly since independence. Initially, the country's development strategies were highly centralized, with government decision-makers often determining policies and programs without adequate consultation with the public. This top-down approach, typical of many post-colonial African nations, assumed that resources would trickle down from the central government to the grassroots. However, by the 1970s, it became evident that such an approach was insufficient in addressing local needs (Sigei, 1987). In response to this realization, Kenya began exploring new forms of engagement, beginning with the District Focus for Rural Development initiative in the 1980s. Although this initiative represented a shift towards more localized decision-making, it still faced significant structural and bureaucratic challenges (Chitere & Ileri, 2004).

Later attempts, such as the Constituencies Development Fund Act of 2003, aimed to devolve resources and decision-making powers to local governments, yet they too encountered significant obstacles. It was not until the promulgation of the 2010 Constitution that public participation in Kenya truly gained a firm legal footing. The Constitution of Kenya, 2010, fundamentally altered the country's approach to governance by introducing a framework that actively encourages citizen involvement in the legislative process. Articles 1(2), 10(2)(a), and 118 of the Constitution outline the roles of citizens in legislative matters, stipulating that public participation is an essential principle of governance. These constitutional provisions underscore the importance of public involvement in ensuring that laws and policies reflect the will and needs of the people.

The enactment of the Finance Act, 2023, provides an opportunity to examine how public participation influences the legislative process in Kenya. This Act, which addresses key fiscal policies, including taxation and national budget allocations, directly impacts various sectors of the economy. The public was involved in consultations through workshops, submissions, and forums organized by both the government and civil society organizations. These engagements sought to gather input on proposed tax reforms and fiscal policies. However, despite these efforts, concerns arose about the extent to which public input was meaningfully incorporated into the final version of the Act. This case study raises important questions about the effectiveness of public participation mechanisms in shaping legislation in Kenya.

Public participation in the context of the Finance Act, 2023, was characterized by consultations with diverse stakeholders, including business associations, civil society organizations, and ordinary citizens. The government used a variety of tools to engage the public, including online submissions, public hearings, and town hall meetings. Despite these mechanisms, critics have argued that the public's views were not fully reflected in the final provisions of the Act. This highlights the potential gap between the formal process of participation and the actual influence it has on legislative outcomes.

Kenya's legal framework for public participation is robust, particularly following the constitutional reforms of 2010. The Constitution envisions a participatory governance system where citizens actively contribute to the formulation and implementation of policies that affect their lives. However, despite the legal requirements, the practical implementation of these provisions has faced challenges. The Public Participation Bill (2019) sought to operationalize the constitutional provisions on public participation, but the application of these principles has been inconsistent across different sectors and legislative processes (Munyua, 2020).

The lack of a clear and standardized process for public participation in legislative matters has raised concerns about the meaningfulness of public input. Public participation is often seen as a procedural formality rather than an integral component of the policy-making process (Kariuki, 2019). This has led to questions about whether the legislative process is genuinely responsive to public concerns or if public participation is merely a symbolic gesture.

While the legal and institutional frameworks for public participation have improved, several challenges persist. First, there are structural barriers that hinder effective public engagement, such as limited access to information, low levels of civic awareness, and inadequate outreach to marginalized groups (Kalu, 2014). These challenges have led to skepticism about the true impact of public participation on the legislative process. For example, during the enactment of the Finance Act, 2023, some stakeholders argued that the consultations were insufficient and that the public's views were not adequately incorporated into the final provisions of the Act.

Second, the tools used for public participation, such as public hearings and online platforms, may not always be accessible to all citizens. This creates a situation where only a select few, often from urban areas or organized interest groups, have the resources to participate meaningfully. Consequently, public participation may not accurately reflect the views of the broader population, especially marginalized and rural communities.

Evaluating the effectiveness of public participation requires a comprehensive analysis of both the process and the outcomes. The process involves examining the various tools and mechanisms used to engage the public, such as public hearings, online consultations, and stakeholder forums. It also requires assessing the extent to which these mechanisms are accessible and inclusive. The outcomes, on the other hand, involve evaluating whether the public's input has influenced the final legislative decisions. In the case of the Finance Act, 2023, an evaluation of the effectiveness of public participation would involve assessing the extent to which public consultations resulted in changes to the proposed tax policies and other provisions.

The enactment of the Finance Act, 2023, serves as a critical case study in evaluating the impact of public participation on the legislative process in Kenya. While the 2010 Constitution has established a strong legal foundation for public involvement in policymaking, challenges remain in ensuring that public input is effectively integrated into the legislative process. The tools and techniques used for public participation, as well as the broader political and institutional context, play a crucial role in determining the success of these efforts. The effectiveness of public participation in influencing the Finance Act, 2023, provides important lessons for improving future engagement processes and ensuring that laws and policies reflect the needs and priorities of all citizens.

## **Theoretical Framework**

The theoretical framework for the research study is grounded in the principle of participatory democracy, which underpins the concept of public involvement in governance. This principle traces its evolution to the post-Cold War period, where the crisis of democracy since the 1990s highlighted the inadequacy of merely voting in elections for meaningful citizen engagement in political processes. Cooper et al. (1995) argued that traditional representative democracy has become dysfunctional, unable to address the declining public participation in political processes. A democracy that does not engage the public in meaningful ways becomes irrelevant. To resolve this, various theoretical perspectives on public participation and governance have emerged, offering solutions to enhance democratic participation.

The study draws on the "Ladder of Public Participation" theory by Sherry Arnstein (1969), which argues that the success of public participation depends on the redistribution of power to citizens, providing them with genuine opportunities to influence decision-making processes. Arnstein's model presents participation as a spectrum, ranging from non-participation (manipulation or therapy) to genuine power-sharing (citizens having control). The theory emphasizes the role of democratization in checking bureaucratic processes, ensuring that power remains in the hands of the people. In the context of Kenya, this theory is central because, even though elected representatives (such as Members of Parliament) act on behalf of the people, ultimate power still lies

with the citizens, as enshrined in the Constitution of Kenya, particularly in Article 1(2), which affirms the people's sovereignty.

The Cognitive Engagement theory, as presented by Anderson (2003), highlights that public participation is most meaningful when citizens have access to information about government workings and policies. The theory suggests that both awareness of the political system and satisfaction with the performance of the political class are closely linked to effective public participation. This aligns with Rousseau's social contract theory (1762), which posited that laws are binding only when people willingly adhere to them. Rousseau's theory, along with the works of Locke and Hobbes, laid the foundation for participatory governance, where citizens actively contribute to policy formulation rather than passively accept top-down decisions. This theory supports the notion that meaningful public participation stems from informed and engaged citizens.

Pateman (1970) expanded on Rousseau's ideas by arguing that democratic governance requires interrelation between citizens' capacities and bureaucratic structures. In this view, bureaucracies should not merely act as abstract institutions but must prioritize public needs through participation. Thus, the Cognitive Engagement theory emphasizes that participation is more meaningful when citizens are equipped with the knowledge and resources necessary to engage.

The Equity-Fairness theory, as discussed by de Tocqueville (2003) and Gaventa (2007), posits that meaningful public participation is driven by the fairness of the engagement process and the trust that citizens have in their leaders. Deliberative democracy, which goes beyond procedural rules and institutional designs like elections, advocates for deeper control over decisions made in various forums. This theory suggests that true legitimacy arises when citizens not only accept decisions but also participate in the creation of those decisions. Participatory governance, therefore, must ensure that the process is equitable, fair, and provides citizens with a voice that matters.

The concept of communicative action, as described by Habermas (1984), also informs the theoretical framework. This theory focuses on the quality of dialogue between citizens and the government, aiming to achieve consensus on policy goals. Communicative rationality emphasizes reasoned and democratic discourse, which is vital in the legislative process to ensure that all viewpoints are considered, promoting fairness and inclusivity.

In the Kenyan context, public participation has been formalized in the Constitution, particularly in Articles 118(1)(b) and 119(1), which require Parliament and County Assemblies to facilitate public involvement in legislative business. Public participation in Kenya's legislative process involves several methods, including public hearings, submission of memoranda, public petitions, and consultation with key stakeholders. These tools provide citizens with the opportunity to influence policy decisions and legislation. However, the study notes that the effectiveness of these methods depends on their accessibility, inclusivity, and the willingness of both government and citizens to engage actively in the process.

In Kenya, the tools for public participation are categorized into indirect (non-face-to-face) and direct (face-to-face) methods. Indirect tools include surveys, questionnaires, public petitions, and referenda, while direct tools include public hearings, focus groups, and town hall meetings. These methods, though varied, aim to involve citizens in decision-making and ensure that their views are considered in policy formulation. However, the choice of tools and their effectiveness can significantly influence the outcomes of public participation. Emerging tools, such as web-based technologies and online platforms, are gaining popularity due to their ability to reach a wider audience, especially in rural areas.

## **Empirical Review**

Ripley and Franklin (1987) in their work on the United States Congress in developing public policy defined public policy as solutions by government to various public challenges. Their emphasis on government confirms the central role it plays by virtue of being the custodian and trustee of public interest. In an ever-increasing democratic society, non-state actors have come to claim a prominent role in policy making. The

diversity of the actors has thus meant that a process of interaction and bargain is at play in the various stages of policy making. Their study amplifies the role of the public in solutions to various challenges facing them.

In its better practice guide of 2015, the Victorian Auditor General's office says public participation is defined by the International Association for Public Participation as the involvement of those affected by a decision in the decision-making process. Public participation encompasses a range of public involvement, from simply informing people about what government is doing to delegating decisions to the public.

Bardach (2012) states that policy making is a social and political activity; it goes beyond personal decision making because it affects the whole population. He adds that the process usually involves a vast array of professionals and other interested parties, and this has morphed the contemporary analyst into one who engages in wide activities including public relations. Citizen participation increases the scope of citizens' involvement in matters that affect them, beyond periodic voting in elections. Moreover, it opens up the democratic space by encouraging openness and accountability by public institutions. It further contributes to the quality of policy options and for smooth implementation through wide acceptance and compliance. Public participation is therefore a model of democracy.

The notion of public participation can be traced to the Greek city-state times where every citizen was believed to be important in decision making. Democratic self-government means that citizens are actively involved in their own governance; they do not just passively accept the dictums of others or acquiesce to the demands of others. As Aristotle put it in his *Politics* (c 340 BC), "If liberty and equality, as is thought by some, is chiefly to be found in democracy, they will be attained when all persons alike share in the government to the utmost." Presently, public participation is a major concept practiced in the developed world, with more than 35 European countries subscribing to the 1998 Aarhus Convention (Creighton, 2005). This convention, formerly known as the United Nations Economic Commission for Europe Convention for Access to Information, Public Participation in Decision Making, and Access to Justice in Environmental Matters, commit signatory states to ensure public participation and access to information in all environmental decision making.

To demonstrate at what level much of an impact public view would make during policy making phases, Sutton (1999) described the linear model of policy making that was championed by Harold Laswell as an analytical and rational process that goes through various stages. These are agenda setting, policy formulation, decision making, implementation and finally monitoring and evaluation. The constant interaction between state and non-state actors is manifested in all these stages, but most importantly during formulation. Kingdon (1995) described the three streams framework towards agenda setting. These include problem, policy and political streams of which non-state actors seize windows of opportunity to lobby government to adopt their ideas. The formulation phase succeeds agenda setting and is the focus of this proposal because it is at this point that legislation is made and adopted by Parliament.

Anangwe (1997) describes policy using David Easton's model of environment, input and conversion, to acknowledge the multi-faceted nature of the exercise. He however identifies a disconnect between those in positions of bureaucracy and the people, caused by a 'social distance' between the two groupings. It would therefore be beneficial to the public good for policy making process be consultative and employ the use of a feedback mechanism.

## RESEARCH METHODOLOGY

This study will employ a descriptive research design to determine the current situation on public participation in regard to legislation in Kenya. This is because the research seeks to describe and get answers to what the current situation on legislation is as regards the awareness levels of the public, and the process and design employed by the legislature. The sample was randomly selected to identify public respondents to establish the level of citizen awareness of constitutional provisions and their involvement in public participation. The random sample was obtained proportionately (stratified) using Neyman's optimal allocation from Mombasa County. The total number of respondents sampled here will be eighty six (86).

## Data Analysis and presentation

This section provides a comprehensive explanation of the results obtained from the research on the effects of public participation in the legislative process in Kenya, particularly focusing on the Finance Act of 2023. The research employed qualitative methods to assess the level of public participation in the legislative process, tools used for public engagement, and the impact of participation on the final legislative outcome. The data collected through surveys, interviews, literature reviews, and analysis of official documents offers insights into the challenges and opportunities associated with public participation in Kenya's legislative process.

The analysis explores various aspects of public participation, including gender representation, age distribution, education level, occupation status, county representation, and the tools used for public engagement. Additionally, the data provides insights into the awareness of citizens regarding the Finance Act, 2023, and the extent to which public participation influenced the legislative process.

### Respondents Who Participated in the Legislative Process

The results on public participation in the legislative process suggest that participation in the Finance Act 2023 was extremely limited, with a majority of respondents (91%) indicating that they did not actively participate in the process. The graph clearly shows a stark contrast between the small number of respondents who participated (8 respondents) and those who did not (78 respondents), highlighting the need for more effective mechanisms to facilitate public involvement.

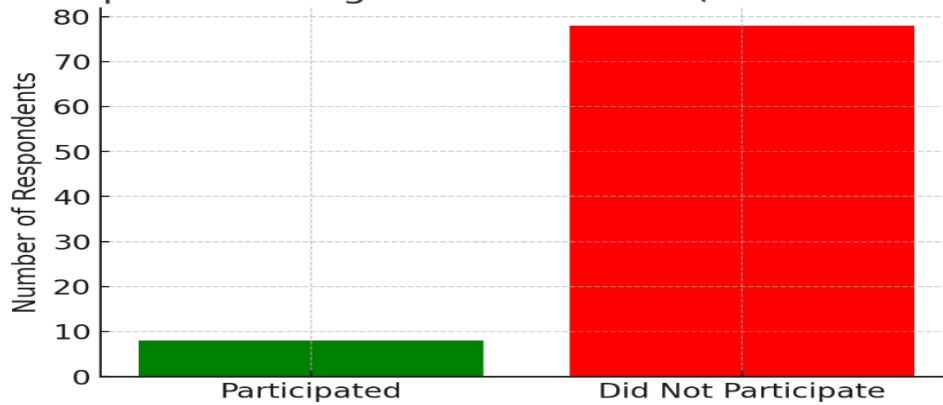
These findings reflect the broader challenges in ensuring inclusive public participation in Kenya's legislative processes. Previous studies have pointed out that while public participation is enshrined in the Constitution of Kenya, its actual implementation remains weak, particularly at the grassroots level. For instance, Otieno (2025) notes that many public participation mechanisms are either poorly structured or lack the necessary outreach to include marginalized groups, thus limiting their overall effectiveness. Moreover, Kioko (2024) asserts that despite legal provisions requiring public participation, many citizens remain unaware or disengaged from the legislative process, largely due to limited access to relevant information or lack of motivation to participate.

The low levels of participation also reflect the challenges inherent in the tools used for engagement. According to the findings, common methods such as public hearings and newspaper advertisements are insufficient in reaching a large cross-section of the population. This is consistent with the findings of Weisiko (2023), who found that while the legal framework for participation is robust, practical implementation often falls short in ensuring that all citizens, especially those from rural areas or lower socio-economic backgrounds, can actively contribute to policy formation.

Furthermore, public participation has been shown to positively impact the legitimacy and acceptance of legislative outcomes. Studies by Njiiri (2024) suggest that when citizens feel included in the decision-making process, there is greater support for the final policy or law, leading to better compliance and fewer challenges. However, the gap between awareness and actual participation in this case reflects a critical disconnect between public knowledge of the Finance Act and their involvement in its creation, indicating that awareness alone is not sufficient to encourage participation.

To conclude, the findings reveal significant shortcomings in the public participation mechanisms employed for the Finance Act, 2023, especially in terms of outreach and inclusivity. This points to the need for a more structured and comprehensive approach to ensure that citizens, particularly those from marginalized groups, are not only informed but also meaningfully involved in legislative processes. Enhanced civic education and the use of diverse, accessible tools for engagement may be crucial in addressing this gap (Yeom & Chisika, 2024).

### Participation in Legislative Process (Finance Act 2023)



**Figure 1: Participation in legislative process (Finance Act 2023)**

The primary objective of the research was to examine the level of public participation in the legislative process, particularly in relation to the Finance Act, 2023. The research revealed that only 8 respondents out of a total of 86 (approximately 9%) reported having participated in the legislative process concerning the Finance Act. This indicates a low level of actual engagement despite the widespread availability of public participation tools. The remaining 78 respondents (91%) did not engage in the process, which highlights a significant gap between public awareness and actual participation.

This finding suggests that while public participation mechanisms were put in place, they may not have been effective in mobilizing citizens to actively engage with the legislative process. It also raises questions about the accessibility and inclusivity of the public participation methods employed.

### Gender Representation of Respondents

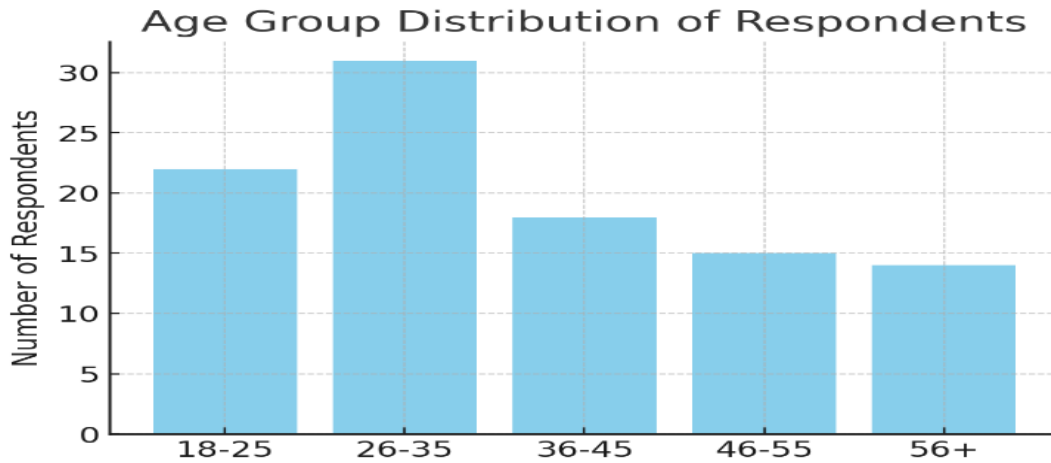


**Figure 2: Gender Representation of respondents**

Gender representation plays an important role in ensuring that the voices of both men and women are heard during the legislative process. The research found that the gender distribution among respondents was relatively balanced, with 45% male and 41% female participants, as shown in Figure 2. This balance indicates that both genders were reasonably represented in the survey sample. However, it is important to note that a large number of respondents (14%) did not disclose their gender, which could affect the overall interpretation of gender participation.

A balanced gender representation suggests that the public participation tools used were accessible to both men and women. However, it would be crucial to assess whether both genders had equal opportunities to influence the legislative process. A more granular analysis could reveal whether the perspectives of men and women were equally considered in the drafting of the Finance Act, 2023.

### Age Distribution of Respondents

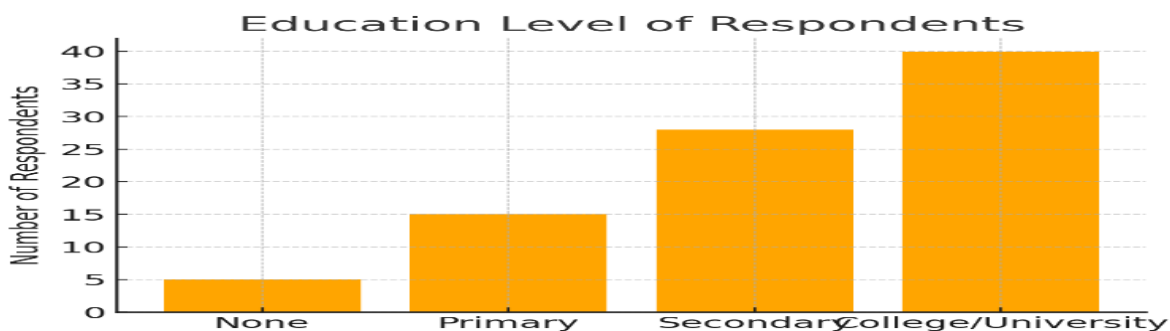


**Figure 3: Age group distribution of respondents**

The age distribution of respondents revealed important trends regarding the level of awareness and participation in the legislative process. As shown in Figure 4.1.2, the age group between 26 and 35 years had the highest representation, followed by the 36-45 age group. The 18-25 age group, which typically represents a younger demographic, had the lowest level of awareness and participation, with only 22% of respondents in this age group reporting awareness about the Finance Act.

The higher level of awareness among older age groups (particularly those between 36 and 55 years old) may be attributed to several factors, including greater access to resources, a higher likelihood of being employed, and more experience with the legislative process. Younger respondents, on the other hand, may have lower levels of awareness due to limited exposure to legislative proceedings, especially if they are still in education or early stages of their careers.

### Education Level of Respondents

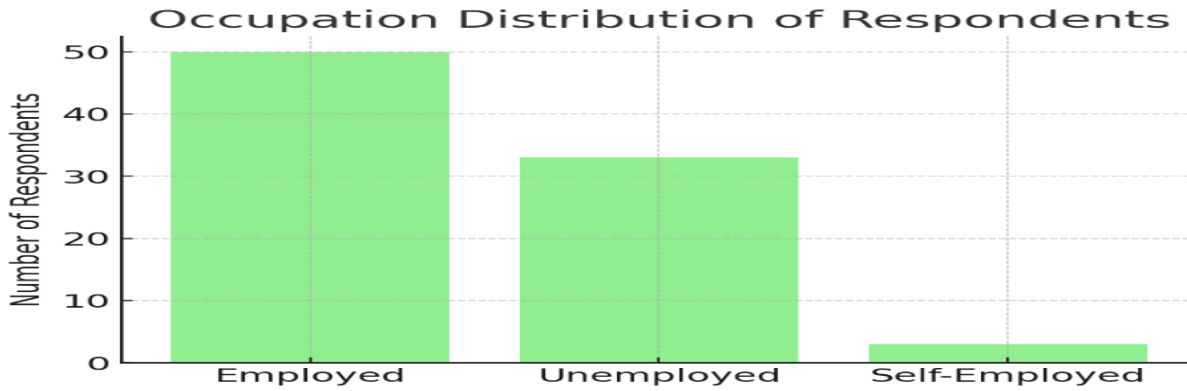


**Figure 4: Education level**

The education level of respondents was found to have a significant impact on their awareness of the Finance Act, 2023. Figure 4 shows that 47% of respondents with a college or university education were more likely to be aware of the Finance Act. Respondents with higher education were better equipped to understand complex policy issues and engage with the legislative process. In contrast, those with lower education levels, such as those with only primary or secondary education, had a lower awareness of the Finance Act, which suggests that education plays a crucial role in enabling citizens to engage meaningfully with legislative matters.

The finding that college and university graduates had a higher awareness of the Finance Act could also point to a more engaged and informed electorate among educated citizens. It also raises the question of whether public participation tools and techniques are tailored to the needs of all educational levels or if they are inadvertently biased towards more educated individuals.

## Occupational Distribution of Respondents

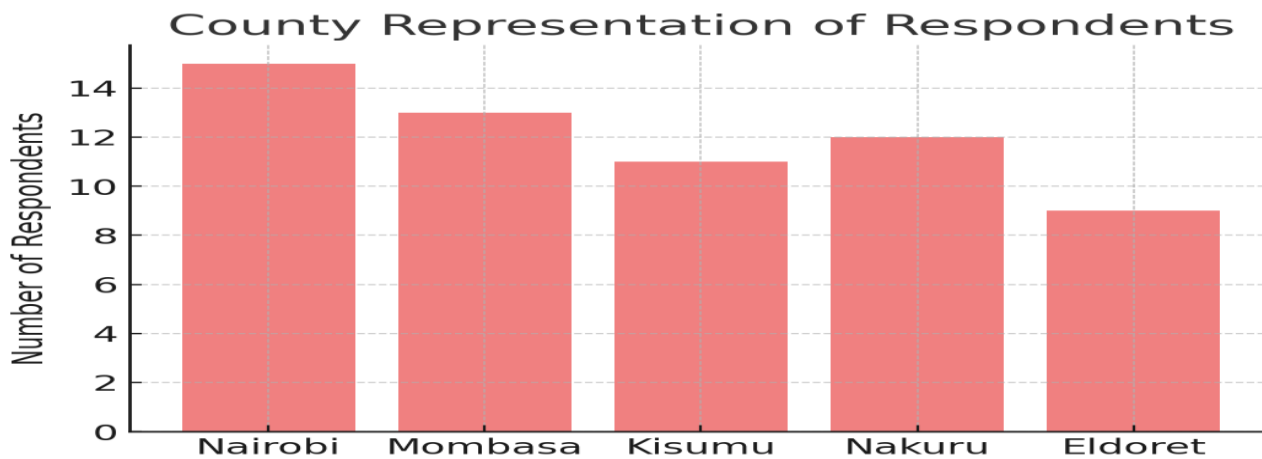


**Figure 5: Occupation distribution of respondents**

Occupation status was another factor influencing public participation. Figure 5 shows that 50% of respondents were employed, 33% were unemployed, and 17% were self-employed. Interestingly, the employed category reported a higher level of awareness (52.3%) regarding the Finance Act compared to the unemployed category (47.7%).

Employment status is likely to affect access to information and resources, such as the ability to attend public hearings or engage in consultations. Employed individuals may have more access to platforms for engagement, such as online forums or consultations that require internet access. Unemployed individuals, on the other hand, may face barriers to engagement, such as lack of time or resources to participate in legislative processes.

## County Representation

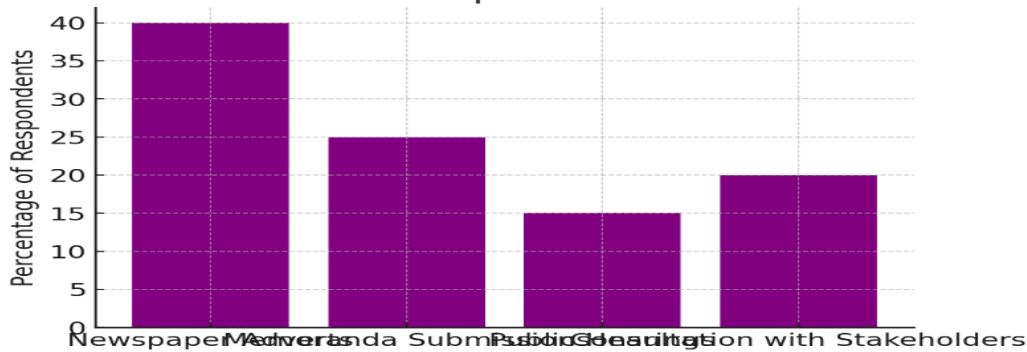


**Figure 6: County representation of respondents**

The research examined the geographic representation of respondents across various counties in Kenya, as public participation must be inclusive of all regions to ensure that diverse perspectives are considered in the legislative process. Figure 6 shows the distribution of respondents across five counties: Nairobi, Mombasa, Kisumu, Nakuru, and Eldoret. Nairobi had the highest representation, followed by Mombasa and Kisumu. This geographic distribution suggests that urban areas, which tend to have better access to information and resources, were more likely to participate in the legislative process.

However, the over-representation of urban counties raises concerns about the inclusivity of the public participation process. Rural areas, which often have lower levels of education and fewer resources, may have been underrepresented in the legislative process. This disparity highlights the need for public participation mechanisms that can effectively reach marginalized and rural communities.

Tools Used for Public Participation in the Finance Act 2023



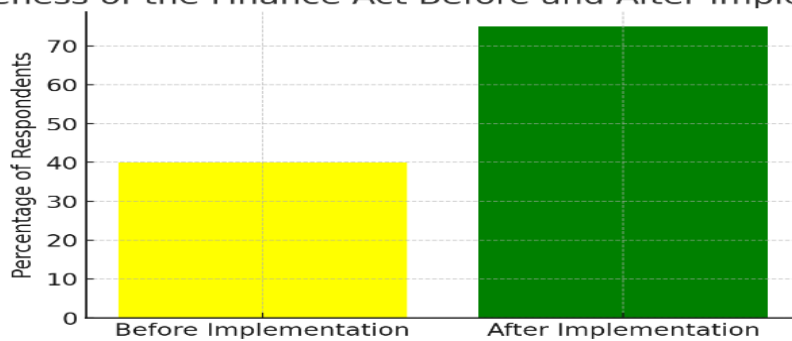
**Figure 7: Tools used for public participation in the finance Act 2023**

The tools used for public participation are crucial in determining the effectiveness of engagement in the legislative process. Figure 4.1.6 illustrates that the most common tools used for public participation in the enactment of the Finance Act, 2023, were newspaper adverts, submission of memoranda, public hearings, and consultation with stakeholders. However, 95% of respondents indicated that these methods were not effective in reaching a broad segment of the population, suggesting that public engagement efforts were not sufficiently inclusive or structured.

Newspaper adverts and public hearings are traditional tools for public participation, but they may not reach all citizens, particularly those in rural areas or those with limited access to media. In contrast, newer tools such as social media and online consultations may offer more inclusive platforms for engagement. However, the research findings suggest that these tools were not fully utilized or were not sufficiently targeted at reaching the broader public.

**Awareness of the Finance Act Before and After Implementation**

Awareness of the Finance Act Before and After Implementation



**Figure 8: Awareness of Finance Act Before and After Implementation**

The analysis of public awareness regarding the Finance Act, 2023, before and after its implementation reveals a noticeable shift in the level of awareness among respondents. The data indicates that prior to the implementation of the Act, only 40% of respondents were aware of the provisions and implications of the Finance Act. However, after the Act was implemented, awareness significantly increased to 75%. This change suggests that the implementation of the Finance Act was accompanied by heightened efforts to inform and engage the public, either through official communication channels, media coverage, or other means of outreach.

The initial low level of awareness (40%) before the implementation is consistent with findings from earlier research that highlights challenges in ensuring widespread public understanding of complex legislative processes, especially in developing countries. Studies have noted that a lack of access to information, limited engagement in the legislative process, and the technical nature of fiscal policies often result in low public awareness prior to the implementation of such policies (Kariuki, 2019). The gap between public awareness

before and after the implementation of the Finance Act, 2023, may be attributed to several factors, such as increased media coverage, the government's public information campaigns, and discussions in public forums or hearings, which are common after the enactment of major legislation. These actions likely played a significant role in enhancing awareness post-implementation.

The substantial rise in awareness after the Finance Act's implementation (from 40% to 75%) also reflects a positive trend in civic engagement. As the public becomes more aware of the content of the Finance Act, particularly the fiscal changes it introduces, they are more likely to understand its impact on their lives, such as taxation policies or public sector budget allocations. This increased awareness is crucial, as it enables citizens to make informed decisions about how the new fiscal policies affect their personal and professional lives.

The disparity between the levels of awareness before and after the implementation may also indicate that prior to the Act's enactment, the tools and mechanisms for public engagement were not fully utilized or were insufficient in reaching a large portion of the population. This supports the earlier observation that public participation efforts in Kenya, while present, often fail to engage significant portions of the population effectively (Munyua, 2020). The results underscore the importance of continuous and inclusive communication strategies to raise awareness before and during the implementation of significant policies such as the Finance Act.

Moreover, the results also demonstrate a key aspect of public participation: awareness is only the first step in fostering active participation in the legislative process. Despite a higher level of awareness after the Act's implementation, the actual participation remained low, as seen in the earlier data on participation. This highlights that while increased awareness is crucial, it does not necessarily lead to greater involvement or feedback into the legislative process, which is a critical gap in the current public participation mechanisms in Kenya (Chitere & Ileri, 2004).

### **Participation Tools and Techniques and Their Effectiveness**

The final analysis revealed that although various tools and techniques for public participation were employed during the legislative process, the actual impact on the quality of the Finance Act was limited. The research found that only a small proportion of respondents (9.3%) actively participated in the legislative process, despite higher levels of awareness about the Act. This suggests that while public participation mechanisms were available, they were not effective in ensuring meaningful involvement or in translating public input into the final legislation.

The primary reason for this disconnect was the lack of structured and inclusive public engagement mechanisms. Despite the availability of public hearings, consultations, and submissions, a significant portion of the population was either unaware or unable to participate due to logistical, geographical, or socioeconomic barriers.

### **CONCLUSION**

The data presented and analyzed above provides valuable insights into the state of public participation in Kenya's legislative process, particularly in relation to the Finance Act, 2023. The findings highlight several key issues, including the low level of actual participation despite high awareness, the challenges faced by marginalized groups in accessing public participation opportunities, and the effectiveness of the tools used for engagement. The results underscore the need for more inclusive, accessible, and structured public participation mechanisms that can effectively reach all segments of society, particularly marginalized communities and those with lower levels of education. The research also suggests that public participation is a necessary but insufficient condition for ensuring the legitimacy and quality of legislation. To enhance the impact of public participation, policymakers must ensure that public input is genuinely considered in the decision-making process and that participatory mechanisms are designed to reach all citizens, regardless of their socio-economic or geographic status.

Based on the findings of the study on public participation in the legislative process, particularly regarding the Finance Act, 2023, several recommendations can be made to improve the effectiveness and inclusivity of public engagement in Kenya.

Firstly, strengthening awareness campaigns is crucial. Although there was a significant increase in public awareness after the implementation of the Finance Act, the low level of active participation suggests that awareness campaigns prior to the enactment of legislation were insufficient. To address this, more proactive and targeted awareness campaigns should be conducted before the enactment of any legislation. These campaigns should aim to reach all demographics, especially marginalized groups, using accessible formats such as community forums, digital platforms, and infographics. Such efforts would ensure that citizens are well-informed and prepared to engage meaningfully in the legislative process.

Secondly, there is a need to expand the use of diverse and inclusive tools for public participation. Traditional methods like public hearings and newspaper advertisements have been insufficient in reaching a wide audience. To enhance inclusivity, the government should consider using digital tools such as social media platforms, webinars, and online surveys, which have the potential to reach a broader and more diverse audience. In addition to digital tools, in-person consultations should be held in various regions, particularly in rural areas, where internet access may be limited. This approach will help ensure that all citizens, regardless of their location or resources, have the opportunity to participate.

Thirdly, the enhancement of transparency and feedback mechanisms is vital. Public participation should not end with the consultation phase; there must be clear, transparent processes that show how public input has been incorporated into the final legislation. Providing feedback on how the contributions were considered helps build trust in the process and encourages further public engagement in future legislative activities. Transparency in how public input is utilized ensures that the legislative process is genuinely reflective of the people's needs and concerns.

Finally, capacity building for effective participation is essential. While public participation frameworks exist, many citizens may not fully understand their rights or how to effectively engage in the legislative process. Educating the public about their rights and the legislative procedures through capacity-building programs will empower them to participate meaningfully. This will not only improve the quality of public engagement but also ensure that citizens can contribute constructively to the policy-making process.

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