

Corporate Law and Corporate Culture as Means of Influencing the Efficiency of Corporations

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Abstract. Corporate law and corporate culture are a set of means of multidirectional influence on the efficiency of corporate legal entities, they regulate relations that may arise during the creation, performance, and termination of economic activities, determine the means, forms, and structure of the organisation of activities. The purpose of the study is to determine the features and basic principles under which corporate law and corporate culture develop patterns that facilitate achieving the goals and optimising certain processes in the activities of corporate legal entities. The research methodology is based on the methods of logical analysis, critical analysis of scientific literature, and practical experience. The results of the study allowed considering corporate culture and corporate law as specific means of modelling personnel behaviour or managing it. These tools pose scientific originality and allow achieving such an image of personnel interaction that is acceptable for the efficiency of corporate legal entities. The basic result that poses originality is the structuring of corporate culture and corporate law, implemented in the context of: a model framework that defines the features and basic principles of influencing personnel behaviour; patterns of behaviour in the organisation that determine the internal environment, where each employee invests strength in a common goal (efficiency of the enterprise). The study of the model basis of corporate culture and corporate law, patterns of behaviour in the organisation allowed identifying the basic principles which positively affect the efficiency of corporate legal entities. The highlighted principles of corporate culture and corporate law positively impact the efficiency of corporate legal entities if clan or adhocratic types of corporate culture are developed. The practical value of the study is to identify elements for software development that will help corporate legal entities involve employees in work processes, create and strengthen corporate culture

Keywords: corporate culture, corporate law, efficiency, enterprise, personnel, pattern or type of behaviour

The Problem Statement

Corporate culture and corporate law are means of multidirectional influence on the efficiency of corporate legal entities with the means of generating effects related to ensuring employee cohesion; germination of labour productivity; production of labour discipline, motivational incentives, a close interaction of employees. In addition, corporate law regulates relations that may arise during the creation, performance, and termination of economic activities, determines the means, forms, and structure of organising the activities of corporate legal entities.

It is specific that corporate culture and corporate law do not always have a positive impact on the efficiency of business entities, while simultaneously causing a number

of obstacles to the occurrence of the effects outlined above. Namely: communication obstacles, conflicts due to differences in labour motivation, lack of understanding of the value and corporate importance, etc. The problem is further aggravated by the fact that until now there is no clear definition of these categories in the theory and practice of management [1]. As a result, most enterprises reduce the corporate law to a number of administrative elements and the content of corporate culture to a "code of ethics" containing a description of the basic rules of personnel activity (namely, how personnel should perform activities, what are the rights and obligations of personnel, including from the standpoint of morality) M.L. Patrick [2].

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Analysis of Recent Research and Publications

According to the analysis of recent research and publications on corporate culture and corporate law, there is no consensus on these categories among the majority of national and foreign researchers. The study of these issues was conducted by such researchers as: M.L. Patrick [2], L. Savchuk, A. Burlakova [3], the concept of corporate culture is highlighted by foreign researchers D. Eldridge, A.C. Crombie, G. Morgan, There Ye. Utkin in the study of O. Dancheva [4], G.O. Bolotina, N.Yu. Lyashok [5], O.S. Vikhansky, O.I. Naumov [6], T.G. Kytsak [7], V.I. Tsikalo [8], D.B. Zadykhailo, O.R. Kibenko, G.V. Nazarova [9].

Most researchers consider the categories of corporate culture and corporate law as a set of developed patterns of personnel behaviour used to influence the efficiency of the enterprise. Exclusively the studies of G.O. Bolotina, and N.Yu. Lyashok [5], O.S. Vikhansky, O.I. Naumova [6], V.I. Tsikalo [8] are focused on identifying modelling properties of corporate culture and a set of complex provisions on the legal regulation of public relations concerning the development and operation of an association of several objects acting as one structure.

In particular, D. Eldridge, A. Crombie, G.O. Bolotina, N.Yu. Lyashok [5], O.R. Kibenko [9] note that using a system of corporate law, values, beliefs, and their transmission to all levels of management, the impact on the efficiency of corporations is ensured. O.S. Vikhansky and O.I. Naumov [6] distinguish corporate culture and corporate law as means of influencing the behaviour and actions of personnel, which simultaneously increase/hinder the improvement of the efficiency of individual divisions or a business entity in this regard. X. Yang, D. Wu analyse corporate culture regarding its impact on corporate performance management and

even on the environmental efficiency of the company [10; 11]. Currently, available research indicates that corporate culture is inherently diverse, and corporate law has certain problems with regulating the activities of corporate legal entities. This determines the polarity of its impact on overall efficiency, which affects specific numerical performance indicators of individual divisions. Furthermore, researchers do not specify under what conditions the outlined components and their inherent means of generating effects will positively affect the efficiency of corporate legal entities.

Purpose of the Study

The purpose consists in determining the features and basic principles under which corporate law and corporate culture develop behavioural patterns that facilitate achieving the goals and optimising certain processes in the activities of corporate legal entities.

According to the purpose, the main objectives of the study are: 1) to define the essence of the categories corporate culture and corporate law; 2) to characterise the model basis of corporate culture and corporate law; 3) to characterise personnel behaviour patterns of corporate legal entities; 4) to define the basic principles under which corporate culture and corporate law positively affect the efficiency of corporate legal entities.

Research Results

Researchers have different interpretations of the essence of corporate culture and corporate law, which conditions diversity regarding the systematics of these categories in the field of corporate legal entities. The analysis of modern approaches to categories and the areas of their modern systematisation (or structuring) are shown in Table 1.

Table 1. Analysis of modern approaches to corporate culture and corporate law and areas of their modern systematisation (or structuring)

The essence of the category according to the author's approach	General thesis of the author's approach	Areas of systematisation
Corporate law category		
A set of behavioural patterns in an organisation. It is developed and shared by all members of the team [2] the system of values, rules, and traditions that the personnel adhere to [2]	A system of personnel behaviour modelling tools	According to management models: clan, adhocracy, market, hierarchy
A set of norms, values, beliefs that determine the way to unite groups and individuals in the organisation to achieve its objectives [4]	A system of means of managing the association of individuals that is acceptable for the enterprise	According to the management style: authoritarian, liberal, democratic
Unique characteristics of the features of the organisation, the thing that distinguishes it from others in the industry [7]	A system of tools for modelling the characteristics of features of an organisation	
One of the means of performing organisational activities using language, folklore, traditions, and other ways of transmitting values, beliefs, ideologies of the business entity [4]		
The essence of the category according to the author's approach	General thesis of the author's approach	Areas of systematisation
A system of essential assumptions that are accepted by members of the organisation as an axiom and expressed in specific values that determine people's guidelines for their behaviour [3: 12: 13]	A system of tools for modelling personnel behaviour that is acceptable for the enterprise	Absent

Table 1, Continued

The essence of the category according to the author's approach	General thesis of the author's approach	Areas of systematisation
A resource that considerably affects the performance of enterprises, is a component of social capital [14, p. 43]	A resource of influence on the efficiency of the enterprise	Absent
Corporate law category		
Civil, managerial, labour, administrative, financial, etc. rights and obligations [8; 9] Legal relations arising within a business association [8] Legal relations that arise in performing business activities [8]	Complex legal relations	Internal External
Relations that arise due to participation in the management and transaction of corporate affairs to achieve certain economic goals [15]	The right and obligation of a particular body of the corporation to manage and conduct the affairs of the corporation	Absent

According to the above data, corporate culture and corporate legal relations can transform, move from one state to another, change the structure of the components of influencing personnel behaviour, change the format of managerial, administrative rights and obligations. In fact, the combination of selected categories is a complex system of elements that has a modelling ability. These categories should be considered as having specific tools for modelling personnel behaviour or managing it, based on presenting an image of personnel interaction in specific models that are acceptable for the efficiency of corporate legal entities. Acceptability should be a measure of optimality that defines efficiency in terms of comparing the results obtained with the volume of resources spent [16].

According to the interpretation of the essence of the category, it is advisable to present its structuring in the context of:

- a model framework that determines the features of influencing personnel behaviour using specific means of generating effects (in particular, employee cohesion; productivity growth; production of labour discipline, motivational incentives, and close interaction of employees);
- systems of types or behaviours of personnel of corporate legal entities that determine the internal environment where effects are developed, due to the fact that each employee invests energy in a common goal (efficiency of the enterprise).

The model basis of corporate policy and corporate law is represented by organisational and ideological elements, including a system of complex legal relations (since

corporate culture complements the content of management, labour, administrative norms and rules).

The organisational element of the model base is represented by the following means of generating effects [3; 5]:

- a leadership system (which generates effects by considering differences in socio-cultural competence and personnel development);
- norms of behaviour that should not automatically transfer the problems of society's traditions (each organisation has a different list of bad corporate habits, but it is important for leaders to identify and understand the causes of their occurrence);
- the system of organisation of the working process (regulation of labour discipline). In particular, it determines what time to come and leave the workplace, the right to leave the workplace, the dress code, and the specific features of communicating with colleagues);
- conflict minimisation system (unity in labour motivation, elimination of differences in problem setting and decision-making);
- working communication system (absence of cultural communication barriers in cooperation, understanding of the essence of collective interaction by members of the multicultural environment);
- corporate style (focus on the experience of developed countries is advisable).

Characteristics of the organisational element of the model basis of corporate culture and corporate law are presented in Table 2.

Table 2. Characteristics of the organisational element of the model basis of corporate culture and corporate law of corporate legal entities

Effect generation tools	Basic principles of positive impact on efficiency	The basis that defines efficiency
Leadership system	Consideration of differences in sociocultural competence and productive development of personnel. It is important to have social and managerial flexibility, which is expressed in acceptance of other cultures; understanding of individual cultural interdependencies; openness and tolerance in cultural communication; ability to transfer knowledge in the field of personnel management from one cultural environment to another	
Prevention of conflicts	Unity in labour motivation. It is important to prevent conflicts due to differences in labour motivation. Motives are determined by the social environment and marital status. Elimination of differences in problem setting and decisionmaking. Existing procedures should reflect the values, positions, and norms of behaviour of 1) persons involved in solving the problems of personnel; 2) personnel	

Table 2, Continued

Effect generation tools	Basic principles of positive impact on efficiency	The basis that defines efficiency
Norms of behaviour	Consideration of the inexpediency of the transfer of all problematic social traditions. Consideration of the inexpediency of performing unnecessary actions by employees that do not lead to results	Resolving situations that personnel face every day. If the outlined rules are unacceptable or tedious for personnel, effective work will not be possible
Workflow	Clear regulation of labour discipline. In particular, it is necessary to regulate at what time to come and leave the workplace; the right to leave the workplace; a dress code that sets up a business mood and effective performance of professional tasks; features of the communication with colleagues	
Communication system	Maximum elimination of cultural communication barriers in cooperation. It is necessary to exclude the risk of communication breakdowns caused by cultural factor. Understanding of the essence of collective interaction by members of the multicultural environment	
Corporate identity	Focus on the experience of developed countries in management styles. Developed countries are characterised by a democratic management style. Developing countries are characterised by an authoritarian management style and paternalistic management methods. Rejection of the directive hierarchical management model. The situation when the leader is a domineering, strong, authoritarian is unacceptable	

Source: developed based on [2; 3; 5; 13]

In fact, the organisational element of the relevant model framework should resolve the situations that personnel face daily. In this case, the leading role should be played by the basic principles under which corporate culture and corporate law positively affect the efficiency of corporate legal entities, namely [2; 8]: consideration of differences in socio-cultural competence and personnel development; consideration of the inexpediency of transferring all problematic social traditions and performing unnecessary actions by employees that do not lead to results; regulation of labour discipline; elimination of cultural communication barriers in cooperation; understanding of the essence of collective interaction by members of the multicultural environment; focus on the experience of developed countries in management styles.

For example, in the offices of Gusto and Patagonia corporations, leaders are guided by situation management rules that focus on: cultural differences; relevant perception of reality; unconventional thinking; lack of ethnocentric arrogance.

Regarding the norms of behaviour in the offices of Gusto and Patagonia, feasts and all other aspects of behaviour based on unhealthy habits (alcohol, smoking), rudeness, or a passive observer role are excluded. Since 2014, the leaders of both companies have refused to hold corporate events in their official format (expensive outfits, jewellery).

The ideological element of the model base is represented by the following means of generating effects [3; 17]:

- corporate traditions that arise on the initiative of the founders or due to repeated repetition of a certain ritual by employees;
- personal values (necessity for employees to understand their value, corporate importance, and creativity);
- company values or basic values that are the basis of an organisational character; development vector (study, recreation, holiday).

Characteristics of the ideological element of the model basis of corporate culture and corporate law are presented in Table 3.

Table 3. Characteristics of the ideological element of the model basis of corporate culture and corporate law of corporate legal entities

Effect generation tools	Basic principles of positive impact on efficiency	The basis that determines efficiency
Personnel traditions	Focus on corporate traditions that promote employee unification and employer brand development. Each team of employees must have at least one office tradition that originated at the suggestion of the founders or through repeated repetition by employees, some kind of ritual	
Personal values	Maximum convergence of the general orientation of interests and aspirations of each employee. It is necessary for employees to have a clear understanding of their value, corporate importance, and creativity to successfully implement their own "project of life". Inappropriate focus on the values of sustainability and control or rivalry (innovative thinking of personnel in such conditions is not developed, friendship and trusting relationships of employees are impossible)	

Table 3, Continued

Effect generation tools	Basic principles of positive impact on efficiency	The basis that determines efficiency
Company values	Development of common values for all. Values should be established in such a way as to become the basis of organisational character, and therefore the foundation of building a brand and communication strategy with customers. It is not advisable to focus only on the hierarchy of values of the owners of the corporation	Maximum employee integration and consistency of the company's activities. For that purpose, the dialogic framework should be interesting and relevant to all personnel.
Development vector	The study, recreation, or holidays, considering the conditions of the external environment in which the corporation exists. Market trends (including competition); technological trends; consumer needs and behaviour; the role of personnel as intellectual capital should be considered	For example, a healthy lifestyle is not typical for a new employee who does not like sports. The new member is uncomfortable with other employees – they have different values

Source: developed based on [4; 6; 13]

In fact, the means of the ideological element of the model framework should ensure maximum unification of employees and the constancy of the activities of corporate legal entities. In this case, the leading role should be played by the basic principles under which corporate culture positively affects the efficiency of the enterprise, namely: corporate traditions that promote unification; maximum convergence of interests and aspirations of each employee; the development of common values and aspirations for all; training, recreation, holidays, considering the conditions of the external environment in which the enterprise exists. If these principles are followed, the dialogic framework should be interesting and relevant to all personnel. The example of a “shoe-free” ideological basis in Gusto offices allows recreating a sense of home comfort in the workplace, uniting a team of more than 600 employees. Along the way, Gusto has developed an additional tradition – to wear unusual and cool socks to work, which one can boast of to colleagues. This tradition brings employees closer together. Visitors to the Gusto office are also asked to comply with the company's policy, they are provided with a choice of slippers, spa sandals, and gusto branded socks. The above contributes to the development of the employer's brand as a company that not only provides a cloud-based payroll, benefits, and HR management system for businesses but also does so with maximum care for customer convenience. The ideological basis of Patagonia “Let My People Go Surfing” does not allow employees to burn out, creates an opportunity to recharge during the working day. This allows uniting the team and working more productively. During the day, employees can visit the beach to “catch the wave”. Non-surfing personnel can go cycling, rock climbing, or opt for other outdoor activities. This contributes to the development of the employer's brand since Patagonia is an outdoor technology development company.

Complex legal relations of corporate legal entities, as an element of the model basis, are represented by the following means of generating effects [4; 7]: balancing the interests of the largest corporate owner and minor shareholders; informing shareholders and investors about the intentions and actions of the acquirer; means, forms, structure of organising the corporation's activities (which objectively embody the values of shareholders and leaders of the enterprise).

According to research on the practice of Apple, Gusto, Toyota, Microsoft, Patagonia, each corporate legal entity has certain behaviours that are detailed in terms of clans, adhocracy, market, and hierarchy. Robert Quinn and Kim Cameron of the University of Michigan drew such conclusions. Notably, the outlined principles of corporate culture and corporate law have a positive impact on the efficiency of the enterprise, provided that clan or adhocratic types of corporate culture are developed [6].

Conclusions

The results of the study allowed considering corporate culture and corporate law as specific means of modelling personnel behaviour or managing it. These tools pose scientific originality, and in fact allow achieving the desired image of personnel interaction, which is acceptable for the efficiency of corporate legal entities. This is especially relevant since corporate rights are inherently subjective and arise within specific relationships based on objective law.

The basic result that poses originality was the structuring of corporate culture and corporate law as systems of means. Structuring is implemented in the context of a model framework that defines the features and basic principles of influencing personnel behaviour; patterns of personnel behaviour that determine the internal environment, where each employee invests strength in a common goal (efficiency of corporate legal entities). The study of the model basis of corporate culture and corporate law, their impact on personnel behaviour allowed identifying the basic principles under which corporate culture and corporate law have a positive impact on the efficiency of corporate legal entities. The highlighted principles of corporate culture and corporate law provide a positive impact on the efficiency of legal entities if clan or adhocratic types of corporate culture are developed.

The model basis of corporate policy and corporate law is presented:

- *organisational elements.* When developing elements, the leading role should be played by the following basic principles: consideration of the differences in socio-cultural competence, personnel development; consideration of the inexpediency of automatic transfer of all problematic traditions of society; regulation of labour discipline; maximum

elimination of cultural communication barriers in cooperation; understanding of the essence of collective interaction by members of the multicultural environment; focus on the experience of developed countries in management styles;

- *ideological elements*. When developing elements, the following basic principles should play a leading role: corporate traditions that promote unification; convergence of interests and aspirations of each employee; development of common values for all; training, recreation, holidays, considering the conditions of the external environment in which the corporation exists;

- *legal relations of corporate legal entities*. In the development of legal relations, the following basic principles should play a leading role: balance in the interests of the largest corporate owner, minor shareholders; informing shareholders and investors about the intentions and actions of the acquirer; means, forms, and structure of organising activities that embody the values of shareholders and leaders of the enterprise.

The practical value of the study is to identify elements for software development that will help corporate legal entities involve employees in work processes, create and strengthen corporate culture.

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Корпоративне право та корпоративна культура як засоби впливу на ефективність роботи корпорацій

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Анотація. Корпоративне право та корпоративна культура є сукупністю засобів різноспрямованого впливу на ефективність роботи корпоративних юридичних осіб, регулює відносини, які можуть виникати під час створення, здійснення та припинення господарської діяльності, визначає засоби, форми та структуру організації діяльності. Мета статті полягає у визначенні особливостей та базових принципів за яких корпоративне право та корпоративна культура формують моделі поведінки, що допомагають в досягненні цілей та оптимізації тих чи інших процесів у діяльності корпоративних юридичних осіб. Методика дослідження ґрунтується на методах логічного аналізу, методі критичного аналізу наукової літератури та практичного досвіду. Результати дослідження дозволили розглянути корпоративну культуру та корпоративне право як специфічні засоби моделювання поведінки персоналу чи управління нею. Саме такі засоби формують наукову новизну та дозволяють досягти такого образу взаємодії персоналу, що прийнятний для ефективності роботи корпоративних юридичних осіб. Базовим результатом, що формує новизну стало структурування корпоративної культури та корпоративного права, що реалізоване у розрізі: модельної основи, яка визначає особливості та базові принципи впливу на поведінку персоналу; моделей поведінки в організації, що визначають внутрішнє середовище, де кожен співробітник вкладає сили в спільну мету (ефективність роботи підприємства). Вивчення модельної основи корпоративної культури та корпоративного права, моделей поведінки в організації дозволило окреслити базові принципи, за яких вони позитивно впливають на ефективність роботи корпоративних юридичних осіб. Виділені принципи корпоративної культури та корпоративного права забезпечують позитивний вплив на ефективність роботи корпоративних юридичних осіб, виключно за умови формування кланових або адхократичних типів корпоративної культури. Практична значущість дослідження полягає у визначенні елементів для розробки софту, що допоможе корпоративним юридичним особам залучати співробітників в робочі процеси, а також створювати й зміцнювати корпоративну культуру

Ключові слова: корпоративна культура, корпоративне право, ефективність, підприємство, персонал, модель або тип поведінки