

THE LEGAL VALUE OF SYSTEMATIZATION IN THE CONTEXT OF E-GOVERNANCE

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Abstract. In the article theoretical and legal aspects of the method of coordination, objectively necessary from the point of view of modern peculiarities of management, but ignored in practice, are investigated from modern scientific and practical aspects. At the same time it is concluded that coordination is seen as a kind of indicator of the degree of democratization of governance and emphasizes that coordination is being squeezed out of public life, especially when not only in the executive branch but also in other branches of government, single-person management becomes dominant through the consolidation of key functions of bodies.

Basically, it is about a method of management that has hardly become a subject of research and is still out of sight of researchers, while it has a clear modern meaning. Accordingly, in the article, the real reasons of the said paradoxical situation were comprehensively examined.

This study has highlighted the basis for the application of the term "coordination" in several meanings and the specific content of each of them. The final part of the article summarizes the features of individual types of coordination and the general features of coordination.

The article presents as concisely as possible the most effective organizational vectors for further improvement of legal, theoretical and practical bases of coordination, overcoming obstacles to the application of this method.

Keywords - *Constitution, coordinating power, management method, executive power, principle, harmony, consensus, effectiveness of management.*

In this article, it is concluded that systematization and, in general, all types of horizontal management methods are excluded from public life, especially in cases

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where a unilateral leadership is established through the appropriation of the key functions of not only the executive branch but also other branches of power. Thus, the attraction of power appropriation is incompatible with democratic governance methods such as systematization.

The relevance of the systematization of governmental functions is dictated by the radical expansion of the composition of public authority bodies¹, which is already influenced by other factors that are not the direct subject of this research. In any case, we consider it necessary to note only that the continuous expansion of the state apparatus, which leads to enormous additional expenses and other negative consequences, is not dictated by objective factors, but is a result of the ineffective perception of the fundamental principles of governance.

The essence of governance is that constructing only vertical subordinate relationships and operating exclusively with that methodology even implies a certain degree of application of systematization methodology within its framework, the absence of which is characteristic only of authoritarian regimes. Moreover, the necessity of systematization arises, to varying degrees, in all phases of governance. From this perspective, it is worth noting the position of Henri Fayol, one of the founders of the classical school of management, that governance encompasses the following key phases: forecasting, organizing, commanding, coordinating, and controlling². As we see, Henri Fayol regarded coordination as an independent phase of management, which is fundamentally difficult to disagree with. However, the contemporary multi-faceted system of governance dictates that the methodology of systematization must also be applied with certain nuances in the other four phases. Thus, in order to forecast events and developments, appropriate information is also necessary, which under current conditions is possessed not only by public authority bodies but also by the private sector, in which case one of the best methods for acquiring such information is the systematization of the activities of those who possess it.

In the context of the scientific foundations of governance, there are different viewpoints suggesting that systematization is essentially a specific manifestation of synergy³. However, the key characteristic of synergy is collaborative action, the coordinated activity of various components, whereas, in our opinion,

¹ **Wegener, Richard J.** «Nonprice Vertical Restraints: The Bad, and the Undecided». SD62ALI-ABA (1999), p. 67; **Roocha E., Silva L.**, «Law and Policy Towards Vertical Restraints of Trade: The Case of Brazil». *Boletín Latinoamericano de competencia* / 9-Part 2, Lebrero 2000, pp. 34-50.

² **H. Fayol**, «Administration industrielle et Générale», Paris, 1920, p. 28.

³ **Golovko, V. V.** Higher Synergies. Tomsk: Tomsk State University Press 2003, p. 5. (**Головко В. В.** Высшие синергии - Томск: Изд-во Томского государственного университета)

systematization, particularly in the field of governance, is not merely coordinated activity but rather a harmonious operation aimed at achieving a previously established specific goal. In this case, all components perform functions that, together with the functions executed by others, form a single cohesive system.

In terms of revealing the legal content of the term «systematization», its lexical interpretations have not been of any particular significance. Moreover, we believe that the interpretations of the mentioned term in the lexical context do not stand out with the desired uniformity, although they may have some foundational significance for generalizations⁴. Perhaps only Hrachya Acharian has attempted to comprehensively elucidate the term 'systematization' by addressing qualities such as unification, classification, and so on. However, even the esteemed Hrachya Acharian has partially settled for formulations that do not adequately reveal the content of the term, such as 'to turn into a system'.

It has been a common practice during the Soviet era for domestic classical lexicographers to accompany definitions of terms with their Russian equivalents, such as coordination, system, and so on. From this perspective, it is logical to refer to Russian classical sources. For instance, in Sergey Ozhegov's explanatory dictionary, the term 'systematization' is interpreted as coordination, the process of forming purposeful relationships between individual actions and phenomena, and so on⁵.

In this work, we have concluded that the predominance of vertical subordinate relationships is dictated by a low cultural level of governance in all respects. Furthermore, a very important factor that contributes to the long-term maintenance and even entrenchment of such a culture is the absence of direct responsibility for decisions made. In the context of self-governance related to the methodology of systematization, Russian legal scholar A.A. Maksurov, considering the management characteristics of countries that have transitioned from a Soviet governance system, particularly the stable culture of preferring vertical interactions, has rightly suggested that the entire management system should be

⁴ Eduard Aghayan interprets «systematization» as classification, regulation, unification, and coordination (Eduard Aghayan, *Explanatory Dictionary of Modern Armenian*, Yerevan, Hayastan Publishing House, 1976, p. 800). Hrachya Acharyan's treatment of the term is comparatively concise, defining it as «to arrange», «to bring into a system» (Hrachya Acharyan, *Explanatory Dictionary of Modern Armenian*, Hrachya Acharyan Institute of Linguistics, Armenian SSR Academy of Sciences Publishing House, Yerevan, 1974, Volume 3, p. 268). Ashot Sukiasyan simply uses the Russian translation «systematization» (Ashot Murad Sukiasyan, Armenian SSR Academy of Sciences Publishing House, Yerevan, 1967, p. 355), among others.

⁵ Ozhegov, Sergei Ivanovich. Concise Dictionary of the Russian Language, edited by Skvortsov, L. I., published by Onyx, 2010, p. 458. (Ожегов Сергей Иванович Тальковский словарь русского языка, Редактор Скворцов Л. И., Издательство «Оникс»)

accompanied by elements of public oversight capable of enhancing officials' accountability to the public and thereby partially reducing the attraction of unilateral decision-making.⁶

It is worth noting that some authors consider the provision of oversight not only as a key component of systematization but also as the very purpose of systematization itself⁷.

In the context of the subject of this research, we find it appropriate to observe that in the domestic governance system, the institution of equivalent responsibility for illegal activities does not operate at all, even in cases where its foundations are clearly enshrined in legislation. Unfortunately, the perception of responsibility is limited to merely terminating the powers of undesirable officials (which is seen as a key solution); that is, even in this case, necessary steps are not taken toward the full enforcement of responsibility.

The absence of equivalent accountability makes the pursuit of new powers alluring. Even more dangerous is the tendency to assume powers not legally defined. In the first case, officials try to justify the need for additional powers by claiming it will improve efficiency. In the second, they simply cite extreme necessity or offer unique interpretations of legal norms.

Therefore, the legal culture described above can be explained as follows: State bodies and officials with systematization powers operate using familiar management methods. They aren't particularly interested in the differences between «management» and «systematization». This mindset inevitably leads to a lack of demand for theoretical research and legal solutions.

Although officials managing the governance system aren't particularly interested in exploring the institution of systematization, it has significant practical value and worth when viewed from the perspective of objective demand. The problem is that public authorities don't always adequately respond to existing problems and create a demand for appropriate solutions. Often, they prioritize

⁶ (Maksurov A.A., Coordination: The Most Promising Method for Building a System of State Power in the Russian Federation, State Power and Local Self-Government) 2007, № 9, 15 3 (<https://cyberleninka.ru/article/n/znachenie-koordinatsii-v-sisteme-gosudarstvennogo-i-munitsipalnogo-upravleniya>). (Максуров А.А., Координация наиболее перспективный метод построения системы государственной власти в Российской Федерации, Государственная власть и местное самоуправление)

⁷ Danesov E.D., Krivtsova D.V., Komnatnaya Y.A., Androsova A.V., Coordination as a tool for ensuring the rational functioning of the management system in the context of the controlling process, Russian Entrepreneurship. - 2019, part 20, № 2, p. 575-576, (Данесов Е.Д., Кривцова Д.В., Комнатная Ю.А., Андросова А.В., Координация как инструмент обеспечения рационального функционирования системы управления в контексте процесса контроллинга, Российское предпринимательство)

solutions that, while potentially unacceptable from the standpoint of the public interest, offer a certain level of convenience based on their narrow understanding.

It's noteworthy that systematization is traditionally considered the primary, if not only, method of governance in organizations such as religious groups, civic organizations, and, to some extent, political parties.

The critical need for systematization is evident in international relations. Coordinating the actions of nations to achieve transnational or global goals is impossible through simple hierarchical relationships. The method of systematization, focused on harmonizing functions, is viewed as virtually indispensable. The crucial importance of systematization is emphasized in numerous international documents⁸.

From a scientific and practical perspective, the necessity for systematization can be attributed to the following factors:

1. The emergence of independent bodies within the executive branch that are not directly subordinate to the government. While their actions must be aligned with overall state policy, direct hierarchical control isn't possible.

2. In situations involving special governance regimes (states of emergency, martial law, etc.), the need for coordinating the actions of public authorities arises without hindering their ability to function.

3. Unlike local governmental bodies, state and regional governance bodies do not hold superior authority over local self-governance bodies. To ensure the proper functioning of local self-governance, the institution of systematization must be firmly grounded in scientific and practical principles. This provides a reliable guarantee of coordinated activity not only among local self-governance bodies but also between them and public authorities.

4. A scientifically sound approach to systematization fosters more flexible, forward-looking, and accountable decision-making while reducing unwarranted interference in the functions of other bodies.

5. With a proper legal and political culture surrounding systematization, constitutional provisions concerning mutual assistance between state and local self-governance bodies, as well as inter-municipal unions, will not remain merely written statements.

⁸ The UN High Commissioner for Human Rights' August 6, 2013 report, «On the outcomes of discussions of common problems in interactive dialogues on the efforts of States to ensure democracy and the rule of law from a human rights perspective», which notes: «The only way to address the modern challenges to the protection of human rights is to combine all possible means, which is possible through the coordination of efforts of international actors» (https://www.ohchr.org/A_HRC_24_54_RUS.doc).

It's worth adding that some foreign experts believe systematization is necessary for officials to work more effectively within their defined authority. Systematization allows for greater use of creative, non-legal management methods⁹, a viewpoint we share.

Systematization, or its components, is applied to varying degrees across all branches of government, but it holds the most practical significance in governance. Both the Constitution and current legislation grant bodies responsible for governance the power to carry out systematization within specific areas, including during special governance regimes.

For example, Article 152, Part 1 of the Constitution states: «The Prime Minister, within the framework of the Government's program, determines the main policy directions of the Government, leads the Government's activities, and **coordinates** (emphasis added) the work of the Government members». Part 2 adds: «Deputy Prime Ministers, on the instructions of the Prime Minister, carry out the **coordination** (emphasis added) of specific areas of the Government's activities. One of the Deputy Prime Ministers replaces the Prime Minister in their absence, as determined by the Prime Minister».

Under Armenian law, systematization and hierarchical relationships are essentially equated. Therefore, to implement the constitutional provisions related to systematization, the Prime Minister's May 25, 2018 decree (No. 565-L) defined the power of systematization as simply the issuance of instructions. This is a key component of hierarchical governance. Furthermore, this decree allows Deputy Prime Ministers, upon the instruction of the Prime Minister, to issue instructions outside their designated areas of coordination to members of the government, heads of subordinate bodies, and staff of the Prime Minister's office (clause 2, sub-clause 2).

While it may seem logical for a superior to instruct a subordinate, the act of instruction doesn't prevent the independently accountable official from making unilateral decisions within their area of responsibility.

We believe that the need for systematization is interconnected with the functioning of other constitutional institutions. The absence of a legal foundation for systematization inevitably leads to the neglect of these institutions, resulting in their replacement by more costly and less constitutionally compatible legal solutions. For example, the Constitution dedicates a separate article to inter-

⁹ **Kieser A., Kubicek H.** «Organisation» (3rd completely revised edition). - Berlin and New York: Walter de Gruyter, 1992, pp. 230-235; Marshall K., Snygg M. «Business Strategy and Management Control Measures for Success». Blekinge Institute of Technology School of Management. [Online resource]. URL: <http://www.diva-portal.org/smash/get/diva2:830233/FULLTEXT01.pdf> (accessed August 22, 2023).

municipal unions, viewing them as a means of improving the effectiveness of local self-governance (Article 189). According to this constitutional provision, such unions could be formed not only by the councils of communities but also on the proposal of the government. However, this constitutional institution for coordinating inter-municipal functions has been completely ignored. Instead, the government initiated large-scale municipal mergers, consistently rejected by advisory referendums.

Bureaucracy sometimes leads to the collection of irrelevant information, unnecessarily burdening public authorities and hindering effective decision-making. While the need for information is significant, excessive collection has inevitably negative consequences, a point elaborated upon by A. Becker¹⁰.

Analysis of the aforementioned institutions further confirms that neglecting systematization leads to significant negative consequences that are neither assessed nor analyzed simply because the practice of using systematization is lacking. This lack of practical application prevents the development of a robust theoretical and empirical foundation for comparison.

Our research, including an analysis of the legal and theoretical foundations of systematization, suggests that this governance method should be categorized into specific types. While these types share common characteristics, they also possess distinct features. The following outlines these types and their criteria:

- **«Vertical Systematization»**. This operates between bodies in a hierarchical relationship. Beyond the authority derived from this relationship, the superior body is obligated to perform certain functions not through direct instruction, but through coordination. In this case, the superior body must coordinate the subordinate body's actions using methods typical of horizontal governance, aligning them with other bodies operating within the same area of responsibility. This can apply to bodies of similar or differing ranks (e.g., a ministry and a government agency reporting to the Prime Minister).

- **«Horizontal Systematization»**. The defining feature here is that participants (at least two) have equal rank. Based on the nature of the issue being addressed, one body is designated as the coordinator. We believe this type of systematization is applicable when several ministries or agencies are tasked with jointly developing legislation. The coordinating ministry is the one whose responsibilities are most directly related to the legislation.

¹⁰ **Becker A.**, Accounting for «Controlling». Contradictions in the Theoretical Foundations of Management Accounting and Control in German Business Administration. – Berlin: Department of Business Administration Free University, 1999, pp. 257-259:

- **«Mutual Assistance Systematization».** Administrative bodies utilizing mutual assistance, as defined in Articles 15-18 of the Law on the Principles of Governance and Administrative Proceedings, are engaged in a form of systematization. They are obliged to work harmoniously and efficiently on the same administrative process or issue.

- **«Inter-Municipal Unions».** As previously noted, the legal basis for this type of systematization lies in the Constitution (Article 189). Local councils may form inter-municipal unions. These unions can also be established by law, upon the government's proposal. However, the government hasn't proposed such legislation in the last eight years. Instead, a large-scale program of municipal mergers has been implemented, reducing the effectiveness of local self-governance. This deprives many residents of direct participation in self-governance and easy access to services. It also leads to the gradual neglect of local traditions and the established socio-psychological atmosphere and creates opportunities for centralized control over already limited self-governance bodies.

- **«Contractual Systematization».** This is not formally provided for in Armenian governance but does not contradict the constitutional legal framework. However, the specific legal basis for this type of systematization is the administrative contract. Sufficient legal and theoretical foundations for this haven't yet been established.

An analysis of Armenian administrative relations reveals that cooperation agreements contain elements of contractual systematization. Such agreements are typically signed between administrative entities of different ranks (e.g., a ministry and a university, or the government and the Armenian Apostolic Church). While such practices are beneficial, they haven't been practically significant, as the signing of these agreements typically ends with publicity efforts.

We believe such agreements could be highly valuable in regulating relationships between administrative entities of equal rank without a superior body. Disputes between them cannot be resolved hierarchically, and legislation sometimes fails to clearly delineate their jurisdictions. For example, legislation doesn't clearly define which body (the Competition Commission or the Central Bank) oversees economic competition among banking organizations. Given the need to protect banking secrecy and to implement the functions of a body responsible for economic competition, the signing of relevant coordination agreements between the two bodies is deemed justified. This would enable them to define the parameters of their operations in this area to balance public and private interests.

The analysis of the distinct types of systematization offers insights into its broader features:

- In the context of governance, systematization is both a method and a goal. The essence of governance is the harmonization and coordination of the activities of various bodies with functions in specific areas. Systematization is both a means and an end, as a capable, coordinated state apparatus is itself a guarantee of effective and high-quality socio-economic policy.

- Systematization is necessary to ensure coordination between branches of government with fundamentally different functions. Separation of powers doesn't imply a lack of interaction. Systematization enables balanced operation of these branches, ensuring reasonable checks and balances.

- Non-governmental organizations may participate in systematization in any area, provided that their autonomy, as defined by law, isn't compromised. This increases governance efficiency by adding stakeholders, increasing the legitimacy of state power.

- A distinctive aspect of systematization is the ability of participating entities to utilize not only the means defined by law within a specific area but also any non-prohibited governance methods or forms that don't lead to legal consequences for other entities. While non-prohibited methods are used in direct governance, they are quite limited and aren't directly related to the implementation of a specific power (e.g., a press interview by a newly appointed or elected official after 100 days in office). Henri Fayol also addressed the possibility of choosing from a wide range of such methods¹¹.

- Systematization involves power dynamics. The coordinator can request information, conduct joint meetings, and prepare agreements for approval by participants, including joint draft legislation.

- A coordinating body, including the coordinator itself, cannot issue binding normative or individual legal acts for other bodies. It can do so only if it possesses independent direct governance authority.

- Only bodies explicitly authorized by the Constitution (consistent with Article 2 of the Constitution) may be empowered to carry out systematization functions.

- The coordinator bears full responsibility for violations or inefficiencies within the systematized area that directly relate to the subject of systematization.

- The coordinator cannot issue direct instructions to participants in systematization but can reject proposals or drafts. The proposer is then obligated to revise the document or withdraw it.

- To ensure coordination and joint decision-making, the coordinator should be empowered to form advisory bodies and organize discussions. The formation of such bodies is best achieved through legislation, guaranteeing uniformity.

¹¹ H. Fayol, *op. cit.*, p. 11.

Our conclusions highlight that comprehensive implementation requires a proper legal framework. In case of negative actions by a coordinator, legal consequences must be defined by law.

In summary, the term «systematization» lacks sufficient study in administrative law and governance. Issues are resolved based on tradition shaped by the legal culture of public authorities, rather than clear regulations. While it's too early to discuss their stability, establishing at least minimal legal foundations based on solid theoretical research is necessary. Without this, tradition formation is not only unacceptably slow but is also frequently revised due to officials' subjective interpretations of systematization content and methods.

Research into systematization as a key element in ensuring comprehensive governance would fully reveal effective, predictable solutions to the issues raised and is crucial for creating effective legislation in this important area.

Conflict of Interests

The author declares no ethical issues or conflicts of interest in this research.

Ethical Standards

The author affirms this research did not involve human subjects.

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