

MSC 2020**International Scientific and Practical Conference «MAN. SOCIETY.
COMMUNICATION»****DETERMINATION OF RESPONSIBILITY IN MANAGERIAL
DECISION-MAKING**

Sergey Baranets (a), Nina Gontar (b), Larisa Krivulya (c), Victor Ocheredko (d),
Roman Terentev (e)*
*Corresponding author

- (a) Academy of National Economy and Public Administration under the President of the Russian Federation, Saint Petersburg, Russian Federation, sziu@ranepa.ru
(b) The Russian State University of Justice, Saint Petersburg, Russian Federation, ninagontar@mail.ru
(c) The Russian State University of Justice, Saint Petersburg, Russian Federation, larisa1702@yandex.ru
(d) The Russian State University of Justice, Saint Petersburg, Russian Federation, ocheredkovp@mail.ru
(e) The Russian State University of Justice, Saint Petersburg, Russian Federation, trv-2008@yandex.ru

Abstract

The article analyzes the documents of strategic development using the example of the The Strategy of social and economic development of St. Petersburg for the period up to 2035 to determine the responsibility for making managerial decisions. The authors pose the problem of correctly identifying the subjects of responsibility according to the goals of the strategy for further monitoring and determining legal violations in the activities of the authorities responsible for implementing the development strategy of St. Petersburg. The article argues that the problem of delineation of responsibility in strategic planning documents in the domestic legal literature is not presented and studied enough, especially in relation to the analysis of the fact of responsibility and its presentation in the relevant documentation. The article proves the need for a comprehensive analysis of the strategic development documents of territorial or urban entities of the state for the presence and determination of the responsibility of state and municipal structures for making managerial decisions identified in this planning. The authors propose to pay special attention to such measures of improving the strategic planning system as to include in the strategic planning of the development of the subject of federation a table with a list of all the goals of the strategy and the subjects of responsibility for each of them; and to define the markers of boundaries of responsibility for making managerial decisions in order to create a clear definition of the fact of the offense.

2357-1330 © 2021 Published by European Publisher.

Keywords: City, development strategy, management decision, responsibility, state and municipal structures



This is an Open Access article distributed under the terms of the Creative Commons Attribution-NonCommercial 4.0 Unported License, permitting all non-commercial use, distribution, and reproduction in any medium, provided the original work is properly cited.

1. Introduction

One of the pressing issues of modern jurisprudence and management science is the availability and delineation of responsibility for making management decisions in the legal field of strategic planning documents. At the same time, in contrast to the interpretation of the process of making managerial decisions in the economic theory of management, where this process is considered from the point of view of the effectiveness of the result, the most important element in the theory of law is responsibility, which involves the relationship of the dependence of a person, organization or government structure on goals, objectives and timelines for their execution as the main basis for making a decision and committing actions determined by the plan for its implementation (Kainov et al., 2016; Sorokin, 2019; Zelentsov et al., 2018).

2. Problem Statement

In the domestic legal literature of the current period, this issue is presented and studied, in our opinion, extremely poorly, as researchers have repeatedly drawn attention to (Romanovskaya, 2019; Tikhomirov, 2019). The foregoing fully concerns the analysis of the existence of the fact of responsibility and its presentation in the relevant documentation. In the presence of a large number of works examining various administrative and legal aspects of the responsibility of certain officials and authorities, it seems that a rather important issue is missing and the very definition of responsibility as such within the framework of the type of documents fundamental to the development of the country that relate to strategic documents planning at the federal, regional and municipal levels (Glushchenko et al., 2011).

3. Research Questions

The authors set themselves the following tasks: to analyze the responsibility for making managerial decisions on the example of the “The Strategy of social and economic development of St. Petersburg for the period up to 2035” (hereinafter referred to as the “Strategy”), developed on the basis of the resolution of the Government of St. Petersburg dated June 26, 2018 No. 521 “The Strategy of economic and social development of St. Petersburg for the period up to 2035” signed by the Governor of St. Petersburg G. S. Poltavchenko (Decree of the Government of St. Petersburg, 2019); to identify the existing, in our opinion, problems in this area; to propose measures to eliminate identified problems.

4. Purpose of the Study

There is an objective need for a comprehensive analysis of documents for the strategic development of territories with a view to identifying the existence and determining the measure and degree of responsibility of organizations, officials and managerial structures for making managerial decisions necessary for technologically competent and law-making fulfillment of strategic planning processes necessary for the country's management (Barabashev et al., 2019). The higher the level of generalization of plans, programs and projects of strategic development, the more formalized are the areas of responsibility, its forms and, accordingly, the subjects of responsibility themselves. Note that it is their presence that is the only guarantee of the exhaustive fulfillment of all parameters and conditions defined by the strategic

planning document in accordance with the requirements of the 172nd Federal Law (Federal Law, 2014). This issue is of particular importance in the search for a national effective management system (Romanovskaya, 2017; Starostin, 2019).

5. Research Methods

The work is based on the application of methods of systemic and formal legal analysis.

6. Findings

The strategy determined the goals and priorities of the strategic development of all spheres of life of the second largest and most important metropolis of the Russian Federation for the next 17 years. However, this document has not yet been brought into conformity with the “The Strategy for spatial development of the Russian Federation for the period up to 2025”, adopted in accordance with Order of the Government of the Russian Federation dated February 13, 2019 No. 207-r (Order of the Government of the Russian Federation, 2019).

According to paragraph 4 of the Decree of the Government of St. Petersburg "The Strategy of economic and social development of St. Petersburg for the period up to 2035" control over its implementation was entrusted to the vice-governor of St. Petersburg, and according to paragraph 3, to the executive authorities of the city during your activities must be guided by the provisions of the Strategy. Therefore, the decision clearly defined one responsible official - the vice-governor of St. Petersburg. This person is not responsible for the implementation of the strategy itself, but only for monitoring the implementation, i.e. the vice-governor is not responsible for the implementation. In the Decree of the Government of St. Petersburg "The Strategy of economic and social development of St. Petersburg for the period up to 2035" these paragraphs, which determine at least conditionally the addressee and level of responsibility, are absent. Thus, the Strategy adopted by the city government, in fact, has neither a leader nor a person responsible for its implementation or control over the implementation, which negatively affects regulatory impact (Arzamasov, 2019).

Executive bodies in their activities to implement the Strategy should be guided by the provisions of this document. The manual assumes the management of the processes for the implementation of certain goals and objectives that are included in the framework of some temporary phased planning. The manual itself does not contain a clear concept of responsibility for the end result of process management, i.e. if there is a certain discrepancy between plans and results, there are no legal frames and definitions of zones and degree of responsibility. Consequently, in determining the degree of inconsistency of the process management results with the strategic development planning of a particular area, supervisory authorities can be guided only by absolute financial and economic indicators, which in most cases cannot be correctly identified due to constant current correlations.

In this case, the necessary entities, their zones, principles and degree of responsibility should be determined within the framework of the Strategy itself due to the conventionality of formulating decisions and orders of state authorities. Therefore, the structure of the Strategy, presented in the Appendix to the Decree of the Government of St. Petersburg dated December 19, 2018 No. 771-164, was considered.

Section 2 of the Strategy is devoted to assessing the achieved socio-economic goals on the basis of statistical data on the development of St. Petersburg in accordance with the previously developed “Strategy for the social and economic development of St. Petersburg for the period up to 2030” (Decree of the Government of St. Petersburg, 2013). The statistics presented in it characterize the socio-economic status at the end of 2017 and are the basis for calculating the indicators of strategic development for the planned long-term period of time. Legally, the materials in this section can be interpreted as the next zero point of financial and economic calculations that do not take into account the statistical design indicators of 2018 and interim indicators of the first half of 2018. In the case of incorrect interpretation of the data, distortion of the correlation in the direction of increasing or decreasing indicators higher or lower than the economically caused error, which is often found in the calculation formulas of the Ministry of Economic Development of the Russian Federation, deliberately erroneous data are presented at the output. However, the section does not mention the ultimate actual object of responsibility, which formed the consolidated data for the Committee on Economic Policy and Strategic Planning of St. Petersburg. Consequently, the responsibility zone and its subject are veiled (Kainov et al., 2016).

Section 3 of the Strategy is devoted to the strategic analysis of the competitive advantages of St. Petersburg, i.e. strengths and weaknesses of the socio-economic development of the city. The very definition of this section suggests that several entities should be responsible for making managerial decisions on the process of forming analytical material, i.e. specialized committees of the Government of St. Petersburg, headed by specialized vice-governors. Mention of the committees and the vice-governors coordinating their activities in this section is also missing. Consequently, de jure the strategic analysis of the competitive advantages of the city does not have a responsible entity or entities enshrined in any section of the Strategy. It follows that not a single committee of the Government of St. Petersburg can bear legal or administrative responsibility for the analytical material provided in Section 2 after the adoption of this Strategy for implementation.

Section 4 reveals a set of scientifically based scenarios for the development of St. Petersburg, which is actually a fundamental thesis for the entire document. However, in this section there are absolutely no any methodologies and principles for substantiating the development and selection of scenarios, despite the fact that the word “scientifically” is included in the section name. Consequently, the legal entities responsible for the development of the scenarios are excluded. Thus, the area of responsibility in the field of scenario development is not defined either generally in the framework of the structural committee of the Government of St. Petersburg, or personally in the face of developers who developed the methodology and performed the development of scenarios.

Section 6 of the Strategy defines the priorities, goals and objectives of the socio-economic development of St. Petersburg for all vectors. In principle, this section is clearly structured and can be used to indicate responsibility for making management decisions within the framework of the Strategy of each subject of power, i.e. committees of the Government of St. Petersburg, which would help to zon all areas of strategic development of the city, as well as to determine in the future a scale of degree of responsibility.

However, in this section fixation of objects and, therefore, areas of responsibility is absent. Legally, this means that the priorities of the socio-economic development of the city also remain only oriented

indicators, which can be interpreted differently at any time point in the implementation of the Strategy without additional coordination of the entire document as a product of public discussion.

In addition, it is necessary to indicate that clause 6.2 of section 6 “Direction “Improving the quality of the urban environment” is not brought into line with the parameters indicated in the appendix to the order of the Government of the Russian Federation dated February 13, 2019 No. 207-r “The Strategy for spatial development of the Russian Federation for the period up to 2025” If this subsection corresponds to the strategy developed later, then it is necessary to amend this paragraph to indicate compliance with the document of a higher priority level.

In total, the Strategy defines 18 strategic goals of the socio-economic policy of St. Petersburg, 54 indicators of achieving the goal and 116 tasks of the socio-economic policy of St. Petersburg (Law of St. Petersburg, 2018). The overall objective of the Strategy should be determined by four strategic directions:

- 1) human capital development;
- 2) improvement of the quality of the urban environment;
- 3) sustainable economic growth support;
- 4) ensuring management efficiency and development of civil society (Law of St. Petersburg, 2018).

The Strategy defines neither the subjects of responsibility for making managerial decisions, nor the area of responsibility, nor its degree, although all goals and strategic directions are clearly defined. Consequently, there are no entities that must realize certain goals or delegate their implementation, while retaining sectoral responsibility for the implementation of indicators of the city's long-term development within the framework of the Strategy. Section 9 of the Strategy defines the timing and stages of implementation of the Strategy. In the short term, the goals of the Strategy are realized through state city programs. Their list was approved by the Decree of the Government of St. Petersburg dated December 25, 2013 No. 1039 “The procedure for making decisions on the development of state programs in St. Petersburg, the formation, implementation and evaluation of the effectiveness of their implementation” (Decree of the Government of St. Petersburg, 2013). This Decree defines the areas and subjects of responsibility for managerial decision-making, but not within the framework of the goals and directions of the Strategy's implementation, but within the framework of state programs that involve the implementation of individual goals. This leads to an absolute erosion of responsibility for making managerial decisions on strategic goals by creating a plurality of subjects of responsibility for state programs designed to realize goals. With the seeming logic of the sequence of taking responsibility for the final result, the intersection of the subjects of responsibility represented by the committees of the Government of St. Petersburg in various state programs for the implementation of one goal of the Strategy creates a conflict of interests and, therefore, rights of responsibility.

7. Conclusion

Thus, the need for a comprehensive analysis of documents such as the strategic development of territorial or urban entities of the state for the presence and determination of the responsibility of state and municipal structures for making managerial decisions identified in this planning is determined. On the example of The Strategy of social and economic development of St. Petersburg for the period up to 2035,

we determined that with an increase in the generalization of strategic development, the zones of responsibility and, accordingly, the subjects of responsibility themselves become more formalized. This gives rise to legal uncertainty, in which generalized by objectives, the subjects of responsibility have the opportunity to avoid it and shift it to the performer (subcontractor) or one of the performers of a separate state program. Thus, the factor of conditional, formalist responsibility of the authorities in the person of specialized committees of the administration of the subject of the federation is created and stably exists.

Among the measures to solve this problem, it is necessary to distinguish two, on which it is proposed to pay special attention:

1. Inclusion in the strategic planning of the development of the subject of federation of a table with a list of all the goals of the strategy and the subjects of responsibility for each of them.
2. Definition of markers of the boundaries of responsibility for managerial decision-making in order to create a clear definition of the fact of the offense.

References

- Arzamasov, Yu. G. (2019). Impact Assessment and Risks in Law: Experience of Russia and Continental Europe. *Low. Journal of the Higher school of Economics*, 5, 4–31.
- Barabashev, A. G., Makarov, A. A., & Makarov, I. A. (2019). On improving of indicative quality assessments of the public administration. *Public Administration*, 2, 7-18.
- Decree of the Government of St. Petersburg. (2013). The procedure for making decisions on the development of state programs in St. Petersburg, the formation, implementation and evaluation of the effectiveness of their implementation: Decree of the Government of St. Petersburg of 25.12.2013 No. 1039. <https://base.garant.ru/22946086/>
- Decree of the Government of St. Petersburg. (2019). The Strategy of economic and social development of St. Petersburg for the period up to 2035: Decree of the Government of St. Petersburg No. 521 of June 26, 2019. <http://docs.cntd.ru/document/550511955>
- Federal Law. (2014). The strategic planning in the Russian Federation: Federal Law No. 172-FZ of 28.06.2014. http://www.consultant.ru/document/cons_doc_LAW_164841/
- Glushchenko, P. P., Zhil'skii, N. N., Kainov, V. I., & Kurtyak, I. V. (2011). *Administrative law: a short course*. Piter.
- Kainov, V. I., Sal'nikov, M. V., & Petrov, P. A. (2016). Abuse of law: issues of theory and practice. *The World of politics and sociology*, 1, 185-193.
- Law of St. Petersburg. (2018). The Strategy of social and economic development of St. Petersburg for the period up to 2035: *Law of St. Petersburg*, 771-164 of December 19, 2018. <https://www.gov.spb.ru/law/?d&nd=888800018>
- Order of the Government of the Russian Federation. (2019). The Strategy for spatial development of the Russian Federation for the period up to 2025: Order of the Government of the Russian Federation No. 207-R of February 13, 2019. Retrieved from <http://static.government.ru/media/files/VAIqUfT08o60RktoOXI22JjAe7irNxc.pdf>
- Romanovskaya, O. V. (2017). Delegation of State Authoritative Powers in the Public Regulation System. *University Herald. Juridical Sciences*, 36, 143–154. <https://doi.org/10.17072/1995-4190-2017-36-143-154>
- Romanovskaya, O. V. (2019). Deconcentration of Public Administration: Law and Administrative Reform. *Low. Journal of the Higher school of Economics*, 1, 4-22.
- Sorokin, V. V. (2019). Principles of legal responsibility: new criteria of classification and subordination. *Tomsk State University Journal of Law*, 33, 15-25.
- Starostin, S. A. (2019). On substitution of concepts in public administration. *Tomsk State University Journal of Law*, 2, 76-96.
- Tikhomirov, Yu. A. (2019). Control vektors in the Focus of law, *Public Administration Issues*, 1, 136-159.
- Zelentsov, A. B., Kononov, P. I., & Stakhov, A. I. (2018). Administrative process as a type of legal process: modern problems of understanding and legal regulation. *Vestnik of Saint Petersburg University-Law*, 9(4), 501-521. <https://doi.org/10.21638/spbu14.2018.404>