



ORIGINAL PAPER

DOI: 10.26794/2220-6469-2024-18-4-81-90
UDC 330.1(045)
JEL B15



Effective Contract in the Sphere of Higher Education in the Russian Federation

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ABSTRACT

The relevance of the research topic. The effective contract system is a crucial tool for developing the university's human capital. An effective contract is a contract that includes a clear system of indicators, the achievement of which will serve as the basis for calculating incentive payments to employees, thereby driving the growth and development of the university's activities. Moreover, it can reduce the transaction costs that arise when coordinating the interests of stakeholders and improve the efficiency of work processes within the organization. **The method** of the research is based on the scientific works of domestic and international scholars and practitioners in the fields of institutional and market economics, economic theory, and contract theory. **The scientific novelty** of the work lies in the author's proposed definition of transaction costs in the context of higher education, and the attempt to justify the use of an effective contract system to minimize them. **Research findings:** The author provides a theoretical overview of the definitions of the concept of transaction costs, considering the types and characteristics of such costs in relation to higher education. **Practical significance:** The article may be beneficial for university administrators in making managerial decisions, as well as for researchers and economists working with transaction costs. The research aims to develop theoretical frameworks in the field of regulating social and labor relations in higher education.

Keywords: transaction costs; effective contract; higher education; opportunism; information asymmetry; organization management system

For citation: Zharova E.N. Effective contract in the sphere of higher education in the Russian Federation. *The World of New Economy*. 2024;18(4):81-90. DOI: 10.26794/2220-6469-2024-18-4-81-90

INTRODUCTION

Raising performing efficiency of employees involved in the higher education is one of the key tasks of its leadership. The main official documents aimed at transforming the system of remuneration of labour in the social and scientific sphere were the following: the Decree of the President of the Russian Federation # 597 dated May 7, 2012 “On Measures to Implement the State Social Policy”¹ and Decree of the Government of the Russian Federation #2190-r dated November 26, 2012 “On Approval of the Programme of Phased Improvement of the Remuneration System in State (Municipal) Institutions for 2012–2018”.²

There were the following reasons for reforming labour remuneration systems for state and municipal institutions: poorly developed indicators of performance for employees, lack of correlation between labour efficiency and remuneration, as well as big difference between wages among management and ordinary employees. As it was supposed, the system of performance indicators adopted by the executive authorities would bring labour relations to a new higher level.

Following the assignment of the Government of the Russian Federation,³ the Ministry of Labour of the Russian Federation issued the Order # 167n dated April 26, 2013 “On Approval of Recommendations on Structuring Contractual Labour Relations with Employees of State (Municipal) Institutions when Introducing an Effective Contract”.⁴ As a follow-up, the Ministry of Education and Science of the Russian Federation approved methodological recommendations for the development by universities of performance indicators for teaching staff.⁵

¹ URL: <http://www.kremlin.ru/acts/bank/35261>

² URL: <https://mintrud.gov.ru/docs/government/91>

³ URL: <http://government.ru/docs/all/85095/>

⁴ URL: <https://www.garant.ru/products/ipo/prime/doc/70312852/>

⁵ URL: <https://www.garant.ru/products/ipo/prime/doc/402744422/>

Within the past decade, the community of high education institutions often discussed approaches to introduce an effective contract system, but there are still no criteria used to dovetail labour efficiency with the system of remuneration.

The study of efficiency how to introduce an effective contract in higher education from the point of view of institutionalism theory will allow to develop managerial solutions aimed to minimise transaction costs, which, due to their specific hidden and implicit nature, makes it difficult to account for them.

REVIEW OF PUBLICATIONS

The problems, which arise both in the process of introducing an effective contract and in its application in various spheres of economic activities are covered by many contemporary scientists in their research works [1–7].

N.N. Abakumova considered both positive and negative consequences followed up by introduction of an effective contract in higher education. She studied the aspects, which create conditions for it, and identified difficulties based on the opinions of representatives of the scientific community [1].

The research work by M.V. Kurbatova and I.V. Donova described the results of implementation of an effective contract in higher education in such issues as the achievement of target indicators to increase the level of teachers' salaries and stimulate their professional effectiveness. To sum it up, the conclusion was that the target indicator of salary level had been achieved, however, there were drastic problems due to economic factors [6].

I.E. Nikulina and A.A. Smirnova studied foreign experience, analysing potential risks for Russia [7].

R. Coase, O. Williamson, P. Milgrom, J. Roberts [8–12] and other economists made a major contribution to development of the theory of transaction costs [8–12]. A whole variety

of current existing opinions leads to vagueness and misunderstanding of the essence of transaction costs.

This problem is covered in scientific articles by Russian researchers such as R. Kapelyushnikov, S. Malakhov, A. Oleinik, V. Radaev, V. Ryazanov, V. Tambovtsev, A. Shastitko and others. [13–20].

The theory of transaction costs is applied in all spheres of national economy. Thus, V.N. Yolkina and L.N. Goncharenko developed an algorithm of business engineering based on the analysis of transaction costs [20].

L.N. Kiyanitsina and V.F. Islamutdinov suggested a scheme of incentive system for medical workers based on effective contract by means of reducing the opportunistic behaviour of employees and their employers [21].

A.G. Furin analysed transaction costs in education, defined them and outlined the reasons for their origin [22].

An interesting analysis by E.A. Yarushkina of transaction costs in financial, managerial and tax accounting, which presents ideas how to optimize such accounting in educational organizations [23].

V.V. Volchik, P.O. Savko, M.A. Korytsev, A.A. Oganesyan, A.I. Maskaev revised the main approaches to definition and typology of transaction costs in higher education in the context of its reforms based on the in-depth interviews with actors of the educational process [24].

RESULTS OF FINDINGS

In a broad sense, transaction costs occur in functioning of any economic system or economic entity. They are associated with scarce information market, difficulties in finding counterparty for transaction etc.

Currently, economic literature in higher education provide a number of definitions of transaction costs (*Table 1*).

Table 1

Definitions of transaction costs in higher education

Author	Definition
A.G. Furin	Additional costs of material and moral resources, which market players have to bear due to information asymmetry and subsequent opportunistic behaviour in the planning process, adaptation and control over the implementation of educational services, which market players are committed to fulfill
V.V. Volchik, P.O. Savko, M.A. Korytsev, A.A. Oganesyan, A.I. Maskaev	Additional costs for actors in the form of moral and material resources during their labour activity
L.N. Kiyanitsina, V.B. Orlov	Any kind of losses arising from ineffective joint decisions, plans, concluded contracts and created structures, ineffective measures to changed conditions, ineffective defense of agreements
E.N. Zharova (the author of this research work)	Costs or risks that lead to their occurrence, manifested in the process of making managerial decisions aimed at mutually beneficial alignment of interests of academic staff and administration of the higher education institution

Source: compiled by the author.

One of the most important problems in the field of transaction costs is their measurement and quantity assessment. These issues were frequently described in research works of scientists, who were engaged in the study of this subject.

The article by I. Sh. and K. I. Hasanovs describes the approach of Douglas North and George Wallis [25]: they formulated the problem of “observability” of transaction costs and introduced a new category: “transactional service”. The latter refers to transaction costs related to the market, which can be measured, meanwhile what is beyond the market (or non-productive) sector cannot be measured quantitatively.

In 1996, V. E. Kokorev put forward the approach to assessing the value of transaction costs in Russia, taking into account the overhead costs of enterprises and turnover for the whole economy [26].

L. N. Kiyanitsyna and V. F. Islamutdinov described in their article [21] the approach to minimisation of transaction costs by means of introduction of effective contract based on the experience at a medical institution. They developed a methodology of the system of incentives for medical workers based on effective contract, aimed at “maximum reduction of opportunistic behaviour of employees and employers”. According to the authors, it will be possible to improve the quality of medical care through such achievement of this goal. However, their article does not provide specific calculations to draw conclusions about reduction of transaction costs.

Thus, the problems of assessment and quantitative measurement of transaction costs remain relevant and play an important role in management activities of institutions, however, they are not widely clarified in the sphere of higher education (including before and after the implementation of an effective contract). The reason for this is that transaction costs are implicit: it is hard to fore-

see them in accounting or in tax accounting. Moreover, it is not possible to quantify the effect of implementing an effective contract system in a higher education institution.

For example, the costs of opportunism depend on behaviour of an individual or a group of individuals under certain conditions. It is worth pointing out, that each high educational institution has its own transaction costs — depending on its own peculiarity and the specifics — so it would be incorrect to compare them. However, despite the lack of possibility to quantify the costs, ignoring them will lead to a decrease in the efficiency of the organisation’s activity.

Scientific literature features approaches to quantitative assessment of transaction costs in the production sector of the economy. However, it is impossible to assess such costs in the social sphere due to their obscure nature and lack of cost estimation.

This article analyses types and specific nature of transaction costs only in higher education sphere, since other sectors have already been described in detail by scientists engaged in research of this subject.

The initial cost in any transaction is **the cost of information search**, since no one can take even the simplest decision without corresponding information. According to D. North, “the cost of information is the basic part of the cost of concluding a transaction” [27]. Problems arise due to complete or partial absence (or uneven distribution) of necessary information among the participants of contractual relations.

The costs of information search are not production costs for universities, it is related to communication and provision of information to the staff. Information asymmetry (or information inequality) occurs in different forms in higher education: between staff members, as well as between them and the university management. This type of costs also includes the costs of searching for information on fi-



nancial support of different categories of employees. Besides, due to limited availability of proper information, strategic manipulation of information often occurs in high education institutions, so that sometimes employees do not clearly understand why the administration take some decisions. All this triggers growing transaction costs.

One more significant type of transaction costs is the costs of negotiation. J. Downs and S. Hill attribute to them the costs of negotiating, monitoring and conducting the transaction, which allow the parties to come to an agreement [28].

In the field of higher education, this type includes time costs of hiring job applicants, negotiating with both applicants and employees, conducting various levels of interviews and competitive selection for academic teaching positions.

Measurement costs are the costs of time spent on assessing a set of characteristics of an object and carrying out activities to identify inaccuracy or error in this process, as well as to identify possible risks or losses. The more accurate the assessment, the higher are measurement costs.

A. V. Biushkin points out: “Humanity achieved tremendous savings of measurement costs when standards of weights and measures were introduced. Company’s brands make an example of such standards, since they guarantee the reputation of the company”. [29]

Due to the fact, that under an effective contract, indicators of evaluation of performance for the staff of high education institutions may change in accordance with its priorities, there will always be measurement costs. When it is impossible or too difficult to make such an assessment accurately and correctly, the costs increase.

The costs of opportunism include those that arise in case of dishonest fulfilment of commitments or obligations. A. N. Oleynik points out: “If during the conclusion of trans-

action the parties have full information about behaviour of the counterparty and about possible outcome of the transaction, opportunistic behaviour in the course of its implementation is excluded” [15]. Asymmetry of information allows using the situation for one’s own benefit, to the detriment of the other side interested in the transaction.

This type of costs occurs when the parties involved in transaction try to minimise the provision of services or reduce their quality to the satisfactory level for their interests. Sometimes, an employee prefers to pass discreetly as much as possible of his or her work or duties to another employee. There are two forms of opportunism: shirking and hold-up. The term “shirking” is used by A. Alchian and G. Demsetz to denote the way of working with less commitment and responsibility than it should be according to the contract [30]. According to both abovementioned authors, shirking is especially convenient, when a joint working activity is run by a group or “a team”.

Opportunistic behaviour in the broad sense of the word means, when a manager passes the fulfillment of his duties to his subordinates. As it was pointed out by V. V. Volchik, P. O. Savko, M. A. Korytsev and other researchers, “due to specific and excessive bureaucratization in the sphere of education, informal relations are clearly observed; as a rule, an employee performs a large number of tasks which are not determined in his/her job description” [24].

There is a wide range of possibilities for shirking or for providing a service of poor quality in the educational process. E. A. Yarushkina believes, that since large teams are involved in teaching and scientific research in educational institutions, successful results depend on the contribution of each employee [23].

Shirking is regarded as dishonest fulfilment of one’s duties when working in a scientific team. In this case, it is quite hard to determine the contribution of each individual participant.

Table 2

The impact of effective contract system on reduction of transaction costs in higher education

Type of transaction costs	The influence of effective contract on reduction of transaction costs
Information search costs	Effective contract implies established norms and indicators, so that incentive bonuses are granted for their achievement. A local normative act (Regulations on the assessment of employees' performance) leads to the reduction of asymmetry of information: who gets an incentive bonus and what for. A concept of material incentives approved by the high education institution allows saving time for negotiations and discussion of labour conditions of employees. The contribution of professional staff in specialised structural units dealing with effective contracts will also have an impact on reduction of information search and negotiation costs
Negotiation costs	
Measurement costs	Measurement costs to assess the performance indicators and criteria of employees in high education institutions are minimized. The system of such assessment, as well as distribution of incentive bonuses becomes clear and transparent
Costs of opportunism	Costs are reduced due to: - precision and coherence of performance indicators for employees of high education institutions; - activation of employees' performance to achieve the established indicators, which leads to higher performance of the whole university; - transparency of bonuses from incentive fund structure; - less pushing through with lobbying personal interests to management of the university
Costs of influence	Decrease in the number of decisions made by the university management without consulting the employees
Costs of control and legal protection for contract performance	Reduction of this type of costs is ensured by a legal department in the institution, which is responsible for legal support of contractual relations (including within the framework of the effective contract). Maintaining strict order and control over the compliance of moral and ethical norms

Source: Compiled by the author.

The same situation occurs in an educational department in case, if the management is practically unable to run a feasible control over the employee's working activities.

According to L.N. Kiyantsina and V.B. Orlov, "if the personal contribution of each agent to the overall result is measured with large errors, the assessment of reward will be a far cry from the value of actual efficiency of this particular labour. Hence, there are negative incentives which encourage shirking" [31].

Another form of opportunistic behaviour is a hold-up considerably described in the studies by O. Williamson [11]. In the essence, this means "the possibility of highly qualified employees with unique professional skills to blackmail the administration to terminate labour relations" [32].

Influence costs in an institution arise when a manager makes decisions that do not always meet the interests for the major part of employees and without coordinating it with them.

Teamwork in collectives leads to various kinds of conflicts, the reasons for which may be a different level of wages or subjective attitude of employer to subordinates. Employees happen to join in groups aiming to push their interests and use the practice of putting pressure on the management with various schemes of manipulation.

The costs of control and legal protection of contract implementation include the costs of courts, arbitration, recourse to other instances in order to defend rights, as well as the costs of legal support within the framework of contractual obligations.

The impact of the effective contract system on reducing transaction costs in the sphere of higher education is presented in *Table 2*.

Transaction costs occur in any contractual relationship, no matter if it deals with a labour contract or an effective contract. In addition, the latter based on the principles of openness, fairness and transparency, serves as a tool to minimise such costs in strategic framework. Initially, during the implementation of an effective contract, transaction costs may increase, but in the long run it will contribute to their reduction by levelling information asymmetry and opportunism costs.

CONCLUSIONS

It is common knowledge, that there are costs related to functioning of any economic system. These are transaction costs in all spheres of society's activity: economic, social, political and immaterial; in any economic system they exist both in market conditions and under centralized, or planned management; both in production and trade sectors. However, the types of transaction costs will be different in each economic system and in each sector of economy. Thus, for instance, an industrial enterprise may have a large proportion of activities related to the costs of negotiation, but a very small share related to the costs of information search.

The trade sector of the economy may indicate a multiple increase of information search costs, but decrease of costs of opportunism. In public sector, unlike the others, the share of opportunism and information search costs is high.

According to the theory of institutionalism, institutions are made to concentrate and transmit information, which is necessary for participants of transaction, meanwhile reducing transaction costs: the lower their level, the more efficient is cross-communication. However, it is impossible to expect a complete absence of transaction costs.

Material production ensures growing welfare of the population. The sphere of higher education provides immaterial development of people. From the point of view of transactional costs approach, reduction of transaction costs means a certain positive result. Transaction costs do not create value in the sphere of higher education, therefore, it is not possible to assess their quantity. Besides, no official statistics is available for high education institutions to make an assessment of these costs.

The study of contractual labour relations, specifically, the effective contract, within the framework of transaction costs makes it possible to identify approaches towards management decisions which allow to minimise costs.

A decently structured system of effective contract makes a positive impact on the overall climate in the institution and stimulates the achievement of goals set by the management, as well as it leads to reducing the level of transaction costs. This is realistic if this system is definite and objective in assessing the performance of scientific and pedagogical staff and based on transparency of indicators and criteria that take into account the specifics of working activity of both employees and the university.

Adequate choice of criteria of assessment of employees' performance and clear regulations of labour relations are crucial for reducing risks of

opportunistic behaviour and also for optimising the ratio of labour activity and remuneration of employees.

Efficient contract should be based on principles of comprehensiveness and aimed at creation of objective evaluation system that reflects the following: the level of qualification and intensity of working process of research

and teaching staff, development of priority areas of the university, degree of satisfaction among research and teaching staff with evaluation of their work and remuneration received, the possibility of redistributing the fund's incentive payments in order to motivate employees, as well as reduction of transaction costs.

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Conflicts of Interest Statement: The author has no conflicts of interest to declare.

The article was received on 12.06.2024; revised on 05.07.2024 and accepted for publication on 25.07.2024. The author read and approved the final version of the manuscript.