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**СТРАТЕГИЯ УСТОЙЧИВОГО РАЗВИТИЯ
НА ПРОМЫШЛЕННЫХ ПРЕДПРИЯТИЯХ КАК СИСТЕМНАЯ ОСНОВА
ФОРМИРОВАНИЯ УСТОЙЧИВОЙ МАРКЕТИНГОВОЙ СТРАТЕГИИ
SUSTAINABLE LAW STRATEGY IN INDUSTRIAL ENTERPRISES AS A SYSTEM
BASIS FOR CREATING A SUSTAINABLE MARKETING STRATEGY**

Abstract: The aim of the thesis is to analyze and characterize the role of a functional corporate sustainable law strategy in connection with a sustainable marketing strategy as part of a sustainable corporate social responsibility. The critical, logical and systematic method is complemented by theoretical knowledge and subsequently, in application practice, we examine the impact of sustainable law strategy on sustainable marketing strategy using the Sustainable Corporate Social Responsibility Questionnaire no. 9, of which results we have already presented in several scientific outputs at home and abroad.

Keywords: marketing, management, sustainable law strategy, win - win, bonum supra legem, sustainable corporate social responsibility

INTRODUCTION. According to our opinion, latest knowledge about the management of industrial enterprises reflected in their strategic management is best defined by the concept of Sustainable Corporate Social Responsibility (SCSR). Respecting the result of «WIN-WIN» we assume that in the SCSR, a very important role is assigned also to correct setting of the enterprise law strategy, which is affecting all internal and external enterprise processes of any nature. Moreover, also «the literature dealing with the Corporate social responsibility (CSR) points out the fact that non-problematic functioning and long-term yields can be ensured better when the enterprise strategy contains the tools for the identification and appropriate satisfaction of needs of all interest groups» (Čarnogurský, Černá 2012).

Based on this, we assume that a correct and sustainable normative apparatus in the form of sustainable law strategy (SLS) of the enterprise by following the SCSR can be considered as a fulfillment of current trends and tendencies in the enterprise management, or by the production or non-production processes. We recognize the SLS as a basic functional strategy, from its setting, up to its application, from which arise further functional strategies present and used in industrial enterprises.

In this paper, we will summarize existing knowledge amended by our research activities focused on the analysis of theoretical grounds and subsequent data collection directly in Slovak industrial enterprises.

1 SUSTAINABLE MARKETING STRATEGY IN THE SYSTEM OF SUSTAINABLE CORPORATE SOCIAL RESPONSIBILITY

According to respected definition, the marketing is understood as **profitable satisfaction of needs**. Of course, it is very simplified, but recognized understanding. The aim of marketing should be the identification and satisfaction of human and social needs (Kotler, Keller, 2013). By (not only) industrial enterprises, we talk about, so-called, marketing strategy as a functional strategy of enterprise management.

A marketing strategy can be described in various forms. Jedlička describes it as a «long-term plan of activities of the enterprise focused on its market performance from the view of determined objectives in the connection to internal, as well as external conditions and their balanced use by achieving the market effect». McDonald understands it as «a process of accepting the tactical decisions with the aim to harmonize enterprises activities with the market opportunities».

Anyway, we can talk about typical features of marketing strategy, which are mainly following (Sakál, Podskl'an, 2004):

- a) information, complex, multilevel and creative process without any definitive start or end, consisting of several partial processes;
- b) determination, how the enterprise achieves its marketing goals from the long-term point of view;
- c) dividing the goals on a line of specific tasks, which the enterprise shall fulfill;
- d) results and the performance of the enterprise achieved on the market are monitored daily;
- e) it is one of several stages in the development of the enterprise;
- f) it considers the fact that the performance results on the market are instantly visible;
- g) it considers the professionalism and emphasizes the functionality.

Regarding the context of the process of strategic management (as one of its partial part) and main basis of the marketing strategy – creation of **long-term** direction of the enterprise, as well as complete understating of abovementioned, we can now speak about **sustainable marketing strategy (SMS)** within the complex approach – sustainable corporate social responsibility (SCSR).

1.1 SLS IN INDUSTRIAL ENTERPRISES AS A SYSTEM BASIS FOR CREATION OF SMS

Sustainable marketing is based mainly on the idea of environmental protection and maintenance of unrenovable resources. It fits into new marketing approach, which does not deal with only marketing thinking and its practice, but strives to find a different, sustainable perspective. It is related to the realization of products and mainly their impact on the environment. The product or a service, which is sustainable, is environmental-friendly by its certain quality, such as **production process** or the package. The precondition for the sustainable marketing is that its consumers (and producers) will perceive its new attributes as an asset. Sustainable marketing is not considered only as a specific communication, but it also includes the modification of the product, changes in the setting of processes, and modification of the package with the aim to achieve minimal impact on the environment (Borgul'a, 2011).

However, this all requires exact setting of enterprise strategy of management, from partial to complex solutions for the entire enterprise. Communication and the modification of the enterprise should not be stuck only on the level of *de facto*, but it should be transferred to the level of *de iure*.

From the practical point of view, the focus in sustainable marketing is put on following sustainable changes (Gubíniová, 2012):

- a) ecological focus – the focus is put on respecting the ecological limits and the ability to extend the ecosystem services;

- b) perspective economic competition and viable technological performability;
- c) ethics – following and promoting the social politeness and fairness;
- d) relationship focus – management of relationships between customers, shareholders and stores.

By the implementation of sustainable marketing, it is very important to reevaluate current marketing activities related to customers' needs, marketing mix and **responsibility** on the level of the organization. In the relation with the SCSR, many local and foreign authors talk about certain «patterns» of behavior and management. For example, Prskavcová (Prskavcová, 2008) states that it is suitable to behave «over law», by which the enterprise, besides the fulfillment of basic objectives, can benefit from improving the work conditions or supplier-purchaser relationships, which can mean the competitive advantage on the market. Last, but not least, such voluntary activities have positive effect on good reputation and image of the enterprise.

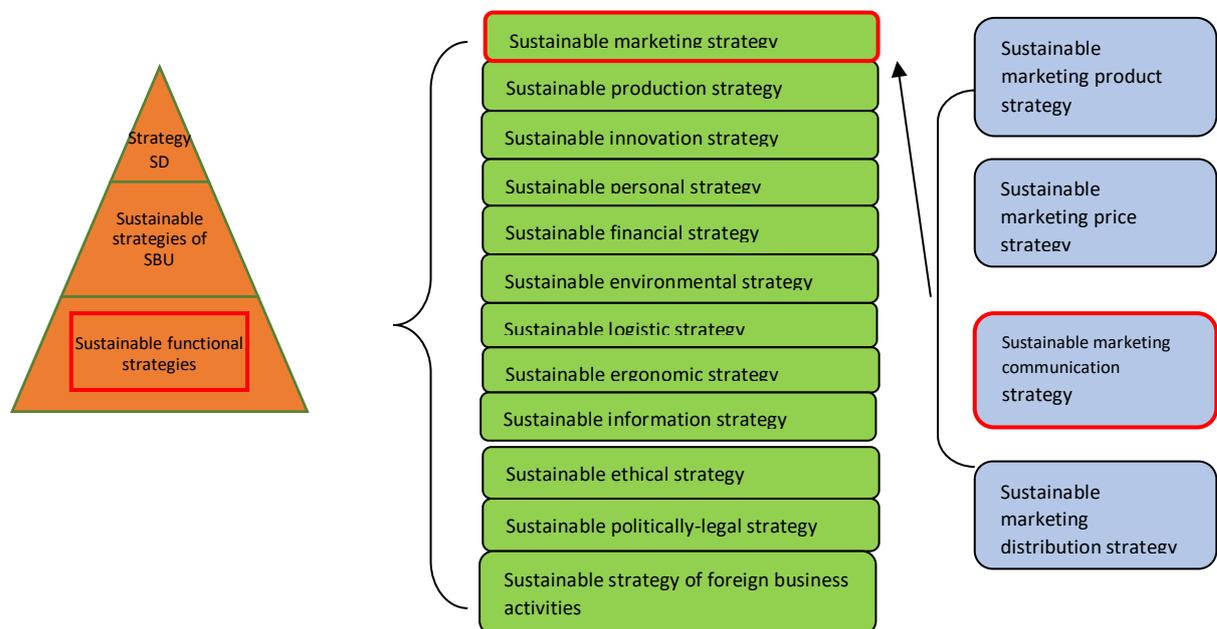
Based on these facts, we perceive the SLS as a «key factor» of a success not only by fulfillment of the objective of marketing strategy sustainability, but also the whole concept of SCSR, which assumes the sustainability of the whole only in the case of the sustainability of its individual parts.

Here, we can emphasize the knowledge of M. Šujaková, who assumes the fulfillment of following suggestions by the creation of the SMS (Šujaková, Golejová, Sakál, 2017):

1) for the solution of the problem, all primary and secondary activities of the enterprise value chain must be sustainable;

2) marketing strategy itself must be sustainable, while it is based on the assumption that the sustainable development strategy (SDS) is conditioned by the sustainability of strategies of, so-called, strategic business unit (SBU) and also by the sustainability of functional strategies (i.e. vertical and horizontal integration).

In next paragraphs, we are going to deal with the analysis of SLS as a basic functional strategy by the creation of norms in the enterprise.



Pic. 1. Suggestion of a concept dealing with the methodology for the creation of sustainable marketing communication strategy for an ideal enterprise in relation with other enterprise strategies, source: author's work according to Šujaková (2017)

As we have already mentioned in our several previous statements, the basic term for the organization of functioning of industrial enterprise is a sustainable norm. A norm is understood (according to the definition of Prof. Prusák) as a requirement on behavior or a procedure leading to the performance and protection of certain value or values (Prusák, 2001). Speaking in relation to SCSR, it is also necessary to implement into mentioned requirement the imperative of sustainability and the WIN-WIN strategy as a condition *sine qua non*. We realize that it adds some level of difficulty for the work of manager. However, the enterprise management itself is not easy and its directing should be determined also by the association (enterprise personal substrate), its values and approach to the control over this association, and its effective (as successful as possible) achieving of values, objectives and visions of the enterprise (based on a legacy of Henry Ford or Tomáš Baťa). In the connection with previous assumptions and in relation with the knowledge of Prof. Prusák about the legal systems, for the purposes of industrial enterprises we deduce that the SLS is a valid form of sustainable behavior of procedures leading to the performance and protection of results of «WIN-WIN» and the values of industrial enterprises according to the concept *bonum supra legem*. The term *bonum supra legem* is implemented as a *terminus technicus* for defining the positive over-the-law behavior of industrial enterprise, in its positive meaning. We can delimit it in the definition as a set of positive behavior and procedures exceeding the form of a norm, simultaneously suitable and welcomed for content amendment, by which we not only protect the values, but we also promote them proactively and point out their actuality and existence. Thus, the SLS can be considered as a key functional enterprise strategy, since it «delimits the game rules» (intra-enterprise «constitution», most often in the form of enterprises codices) partially and complexly, relying on global or national legal requirements directed toward individual solution of complex sustainable strategy of industrial enterprise. According to our opinion, incorrectly and unsustainably set law strategy (methodology) can negatively influence also other functional enterprise strategies, and it surely has a consequence in the form of non-fulfilment of the SCSR principle. By our research, the company Patagonia, Inc. – the producer of outdoor equipment with very complex and potentially the best sustainable law strategy – from the environment of industrial enterprises caught our attention the most (more in Chouinard, Stanley, 2014).

1.2 CURRENT CHALLENGES OF SMS IN RELATION TO SLS IN CONDITIONS OF THE SCSR

Besides traditional challenges of managers in the field of marketing, its sustainability and correct setting of internal norms for effective realization, currently the most actual is possibly the one called General Data Protection Regulation (GDPR). It is a digital act on personal data protection, which was implemented into practice in May 2018.

On the basis of GDPR, the enterprises are obliged to build settings of personal data protection into their digital products, websites, and turn it on as default.

The enterprises must regularly carry out following:

- a) to assess an impact on privacy;
- b) to strengthen the method, by which they request the approval to use the data;
- c) to document methods, by which they use personal data;
- d) to improve the method, by which they communicate the breach and misuse of personal data.

Since it is a legally binding provision, it cannot be bypassed or ignored. Its non-fulfilment could lead to the penalty of 20 million Euro or 4% of worldwide turnover of the given company, which would mean very serious impact on enterprises breaching the rules of GDPR. One of the main reasons for the adoption of GDPR on all-Europe level was outdatedness and low legal power of previously effective provisions – originally from 1980.

In the field of marketing, we perceive the biggest effect for these areas (<https://gdprnamieru.sk/gdpr-pre-marketing-definitivna-prirucka-pre-rok-2018/>).

a) Managers of e-mail marketing.

According to GDPR, bought lists (or their copying) will be strictly prohibited. Users have to have an option for free decision to receive email B2B marketing campaigns in the form of expression of their consent with contacting them, instead of automatic adding of their data into the lists of emails and waiting for their «unsubscribe»;

b) Marketing automatization specialists.

If the enterprise system of marketing automatization sends emails in the name of the enterprise, it can be the breach of rules of GDPR, if the email is sent automatically to someone, who has unsubscribed from its receiving. It is necessary to make sure that each name in the database of the enterprise and each email in its automatized system has given the enterprise the consent to sell some products or services offered by the given company;

c) Public relations employees.

Providing new products or information about the company to the media and journalists does not differ from the marketing of enterprise employees. The consent can be intermediated by means of certain platforms of journalists with addressing them for their contacting, or by means of requests on platforms of social media.

According to the research Cisco 2019 Data Privacy Benchmark Study from March 2019, only 59% of big enterprises comply with the conditions of GDPR. Well-prepared seem to be Spanish companies, 76% of which confirmed the fulfillment of GDPR requirements (<https://zive.aktuality.sk/clanok/138893/poziadavky-gdpr-dnes-splna-59-podnikov-odhaluje-prieskum-cisco/>).

Also, on the basis of this study and previously stated information we assume that it is urgently necessary to set the SLS correctly in the enterprises. And since the requirements are stricter, we have focused on current situation of perceiving and application of SLS in industrial enterprises linked to the marketing sphere, which was the part of the questionnaire research Sustainable Corporate Social Responsibility no. 9, which we deal with in the last part of this paper.

2 ANALYSIS OF RESULTS OF THE QUESTIONNAIRE SURVEY “SUSTAINABLE CORPORATE SOCIAL RESPONSIBILITY NO. 9” WITH THE FOCUS ON MARKETING IN SLOVAK INDUSTRIAL ENTERPRISES IN RELATION TO THE SLS

The questionnaire research «Sustainable Corporate Social Responsibility no. 9» was carried out in the period from September 2018 to February 2019, led by Prof. Peter Sakál and elaborated by doctoral candidates from the Institute of Industrial Engineering and Management of MTF STU Trnava Mgr. Martin Császár and Ing. Marek Šarmír.

The questionnaire was divided into following linked sections:

1. Identification questions.
2. Integration of the P2P software concept into the enterprise (Marek Šarmír).
3. Sustainable law strategy of the enterprise (Martin Császár).

From the beginning of the research, we have addressed 1226 enterprises. In total, until the end of the period dedicated to the collection of answers (18.2.2019), there were 95 respondents, which represents the return rate of 7,75%. This is, however, lower return rate of answers compared to the previous questionnaire of the SCSR no. 8. On the other hand, with the number 95, we have achieved the increase in the number of participating respondents by 26,7%, and more specifically, the number of respondents from industrial enterprises (54) by 25,6%, which we consider as a sufficient result regarding to the period of sending the questionnaires, their extent, generality and familiarization with the topic in Slovak Republic. At the same time, these results force us to think about the way, how to motivate respondents for higher rate of the participation and engagement.

The timeline of the questionnaire research no. 9 was following:

I. Formulation of questions and assumptions (September 2018- November 2018).

Based on the previous research no. 8, gained experience and knowledge from this questionnaire and our continuing study of a given topic, after the consultations with Prof. Sakál, we (each of us to his topic) have created the questions and assumptions, which linked and developed the research of the SCSR no. 8, as well as its previous versions.

II. Compiling the questionnaire and extending the database of contacts (December 2018).

Graphical form of the questionnaire was digital, similarly to previous researches. By this, we have used free software made by Google company called Google forms. Bigger challenge could be seen in extending the database of contacts for the data collection. Our aim was to receive more answers compared to the previous research, with the focus on respondents from the industrial enterprises. Mentioned questionnaire can be found at this address: https://docs.google.com/spreadsheets/d/1x-vNzMic-5vo-FNPYULVqlu5CdvYXhhIJ_S4Q5V28Z8/edit?usp=sharing

III. Distribution of the questionnaire (December 2018- January 2019).

The distribution was performed by electronic mailing form (email) to verified contacts from previous researches and from our extended database mentioned above. The distribution was slightly delayed due to the spam protection of the Google company, which enables to send only several tens of emails per day.

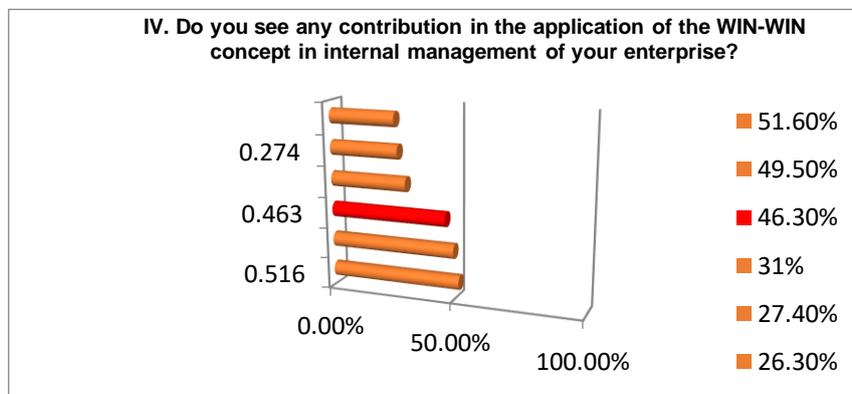
IV. Collection of answers/data (December 17th, 2018 – February 18th, 2019).

The data were collected during the period of 2 months, within the dates mentioned above.

V. Processing of obtained data (February 2019).

2.1 ASSESSMENT OF RESEARCH QUESTIONS WITH THE FOCUS ON THE SMS

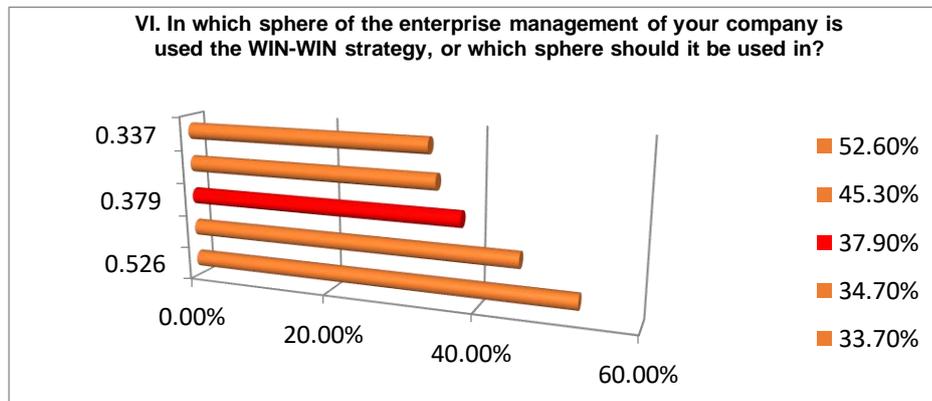
For the purposes of our topic, we have selected the answers on research questions no. 4 and 6 from submitted questionnaire no. 9:



Pic. 2: The answers on the question: «Do you see any contribution in the application of the WIN-WIN concept in internal management of your enterprise?», source: author's work

By this question, our aim was to find out the assumption of respondents about the usability of the WIN-WIN strategy within the internal enterprise management. The familiarity rate with the WIN-WIN strategy shows its wide use in relevant number of answers. In this case, our researched assumption that «Less than 50% of industrial enterprises in Slovakia apply the WIN-WIN strategy in the internal enterprise management» is disproved in one answer; however, it links to positive progress of respondents in the field of the SLS and WIN-WIN strategy itself. The respondents saw the contribution of application of the WIN-WIN concept in answers (in

descending order) in these most frequently mentioned areas: making the processes more effective (51,6%), employees' environment (49,5%), PR and good reputation (46,3%), time management (30,5%), increase of sales or profit (27,4%), financial savings (26,3%). Introduced results, mainly by the answer PR and good reputation point out, how intensively the respondents perceive the relation between the SCSR and the basis in the SLS.



Pic. 3. The answer on the question: «In which sphere of the enterprise management of your company is used the WIN-WIN strategy, or which sphere should it be used?», source: author's work

The sixth research question confirms our assumption that "At least 10% of industrial enterprises in Slovak Republic use or could be able to use the strategy WIN-WIN by internal management of the enterprise transferred into the sustainable law strategy." This is confirmed mainly by the data from 33,7% of respondents. At the same time, it points out the usability or potential justification of the SLS in marketing. To some extent, this confirms us the universality of the SLS. Other answers stated in the diagram below in ascending order are production sphere (34,7%), marketing sphere (37,9%), financial sphere (45,3%) and personal sphere(52,6%).

Abovementioned findings point out our analyses of theoretical grounds and data collection linked with innovativeness, progressivity and actuality of the SCSR enterprise management with a leading task of functional SLS.

CONCLUSION

Based on our previous research and subsequent publication activity we believe that the most basic essence of the enterprise strategic management is the SCSR concept based on the economic, social and environmental pillar, which in their mutual harmony effectively achieve the goals and (continuously) sustainable development. Thus, there is a «win» on the side of a human society (economic and social aspect), as well as on the side of the Earth as a planet and its limited resources. Only the cooperation of all participating parties (common interest) on a beneficial and sustainable solution of modern challenges will ensure the continuity and fulfilling the individual objectives. The SCSR concept is a summary of legally correct content and formal behavior controlling all processes in the enterprise. A basis for this is sustainably set law strategy also in industrial enterprises. Therefore, the SLS can be considered also as a key functional enterprise strategy, since it «delimits the game rules» partially, as well as complexly, relying on global or national legal requirements directed toward the individual solution of complex sustainable strategy of industrial enterprise. These assumptions are confirmed also by the current issue of following the provisions of GDPR, which is affecting all aspects of an enterprise.

Based on abovementioned suggestions, we believe that if a manager wants to be successful, besides of their promotion, he shall strictly follow the rules of defined SCSR behavior as well. Thus, after correct setting the SLS, the marketing philosophy of the enterprise shows the signs of authenticity and becomes some kind of an advantage with added value of a positive image of the company having effect on its good reputation. It cannot be said that it is an easy process; however, our researches published recently in our country, as well as abroad, partially and to some extent confirm our assumptions also in this termly thesis. This is a positive impulse for continuing in our work with the goal to develop and share our knowledge with Slovak and foreign managers by the enterprise management process.

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