The Role of Stakeholder Engagement in Business Rescue: A Legal and Strategic Perspective

ABBY M SHEM[1], MUNASHE NAPHTALI MUPA[2]
[1, 2]*University of Minnesota Law School*

Abstract- Stakeholder engagement is a critical component of successful business rescue processes, determining the trajectory of companies facing financial distress. This article explores the role of key stakeholders, such as creditors, shareholders, employees, and regulatory bodies, in shaping the outcomes of business rescues. Through case studies of both successful and failed business rescue efforts, the importance of early, transparent, and inclusive engagement is highlighted. Successful cases demonstrate that collaborative and trust-building practices can align stakeholder interests and facilitate effective decision-making, while failures often result from poor communication, exclusion of key stakeholders, and the mismanagement of conflicting interests. The article also examines challenges such as time pressure, uncertainty, and legal disputes, which complicate stakeholder engagement in rescue efforts. Additionally, future trends in stakeholder engagement are discussed, including the growing role of technological innovations in communication and the shift toward more inclusive stakeholder models. The need for regulatory reforms that strengthen stakeholder rights is also emphasized. Therefore, this article underscores that companies which prioritize robust stakeholder engagement are more likely to navigate financial distress successfully, while those that neglect these practices risk collapse. The article contributes valuable insights into the evolving landscape of business rescue and stakeholder management, offering practical lessons for future restructuring efforts.

I. INTRODUCTION

Business rescue mechanisms are crucial in modern corporate practice, providing distressed companies with a structured means to recover from financial difficulties while maintaining their operations (Matenda et al., 2023). For instance, the South African business rescue regime is recognized as an economically significant framework, offering companies the opportunity to resolve financial issues, although it faces several challenges that hinder its success rates (Matenda et al., 2023). Business rescue aims to reorganize a company's affairs in such a way that enhances its likelihood of survival, while also providing creditors with a better return than they would receive from liquidation (Conradie & Lamprecht, 2022).

Despite its importance, improvements to legislative frameworks such as the Companies Act are needed to enhance valuation-related disclosure in published business rescue plans, which would allow investors to make better-informed decisions and improve the business rescue process (Conradie & Lamprecht, 2022). In regions such as Indonesia, the business rescue concept is essential for saving companies from bankruptcy and ensuring the continuation of business while repaying debts, although creditors often prefer asset liquidation over reconciliation (Sitompul, 2021). In jurisdictions like Nigeria, business rescue laws are crucial for attracting foreign investment and facilitating economic development, particularly in times of economic stress (Omoregie, 2019). Countries with robust business rescue frameworks are better equipped to manage business failures and foster foreign investments, which is essential in a globalized economy (Omoregie, 2019). In the European Union, preventive restructuring frameworks are increasingly being adopted to help multinational corporate groups avoid insolvency, preserving value and continuity (Zhang, 2019). Thus, business rescue mechanisms are indispensable in modern corporate practice, offering strategic legal tools to sustain businesses, protect stakeholders, and mitigate broader economic losses (Zhang, 2019).

Stakeholder involvement is pivotal in business rescue, as it directly influences decision-making processes and outcomes. Effective stakeholder engagement, particularly the inclusion of creditors, is essential for securing approval of business rescue plans (Lusinga & Fairhurst, 2020). This participation ensures that the diverse interests of all parties, including employees, shareholders, and creditors, are considered, thus improving the likelihood of a successful rescue (Pretorius, 2018).

Moreover, comprehensive disclosure of financial and legal information in business rescue plans is vital for enabling informed stakeholder decisions (Kekana et al., 2024). Creditor engagement is particularly crucial due to their voting power, which directly impacts the acceptance or rejection of rescue proposals (Madigoe & Pretorius, 2022). Additionally, early and ongoing involvement of all stakeholders can mitigate indirect costs and preserve the firm's value, reducing negative outcomes for all parties involved (Rosslyn-Smith et al., 2020). Hence, stakeholder engagement is indispensable in shaping the trajectory of business rescue, influencing both strategic decision-making and operational success (Du Toit & Pretorius, 2023).

This article aims to highlight the strategic and legal importance of stakeholder involvement in business rescue. It explores how engaging key parties like creditors and management can impact the decision-making process, reduce risks, and increase the likelihood of successful recovery for financially distressed businesses.

- Overview Of Business Rescue

Business rescue is a legal mechanism aimed at aiding financially distressed companies by providing them with a structured framework to rehabilitate or reorganize their operations, thereby averting liquidation (Pretorius, 2018). The Companies Act 71 of 2008 in South Africa introduced business rescue as a more effective alternative to the prior judicial management system, which proved ineffective in many cases (Karodia et al., 2016). The core purpose of business rescue is to facilitate the reorganization of a company's affairs, allowing for its recovery or, at the very least, enabling creditors to receive a better return than they would under liquidation (Lamprecht & Van Wyk, 2022).

During business rescue proceedings, a business rescue practitioner (BRP) is appointed to take over management control of the company, with the goal of steering the firm toward recovery through various strategic measures, including financial restructuring and stakeholder engagement (Madigoe & Pretorius, 2022). The BRP's role is integral in assessing the company's financial health, making decisions on its viability, and proposing a plan that maximizes the chances of recovery while balancing the interests of all stakeholders, particularly creditors and shareholders (Kekana et al., 2024).

Additionally, business rescue can provide a temporary moratorium on legal proceedings, giving companies the opportunity to stabilize their operations while a plan is developed (Ramnanun et al., 2022). The legislative framework aims to give financially distressed firms a second chance at survival, which is especially critical during economic downturns or crises, such as the COVID-19 pandemic (Ramnanun et al., 2022).

However, business rescue and liquidation are two distinct legal processes for financially distressed companies, with business rescue offering a more favorable path to recovery (Conradie & Lamprecht, 2021). Business rescue allows companies to continue operations while undergoing a financial reorganization, potentially resulting in higher returns for creditors compared to liquidation, which typically yields lower recovery values due to asset sell-off (Conradie & Lamprecht, 2021). In liquidation, the company ceases to exist, and its assets are sold to pay creditors, often leading to the permanent closure of the business (Veldhuizen, 2015).

One key advantage of business rescue is the involvement of a business rescue practitioner (BRP) who is responsible for assessing the company's financial distress and determining whether a rescue plan would result in better outcomes for creditors than liquidation (Veldhuizen, 2015). This rescue plan often demonstrates that the company holds more value if allowed to continue operations, thereby providing better returns than an immediate liquidation would offer (Conradie & Lamprecht, 2021).

Furthermore, business rescue is viewed as a socially responsible alternative, as it helps preserve jobs and maintain business continuity, while liquidation usually results in job losses and a complete shutdown of the company (Kleitman, 2015). This makes business rescue a more sustainable option, especially for companies with potential for recovery (Kleitman, 2015).

- Legal Framework for Business Rescue

International legal frameworks for business rescue have become increasingly standardized, offering companies structured mechanisms to avoid liquidation while safeguarding the interests of creditors and stakeholders (Wessels and Madaus, 2020). In Europe, a comprehensive framework was designed to handle statutory procedures for companies in financial distress, providing 115 recommendations on creditor claims, corporate law, and transaction avoidance, which are crucial in maintaining fair treatment during business rescue proceedings (Wessels and Madaus, 2020).

In contrast, South Africa's Chapter 6 of the Companies Act has been criticized for not meeting the broader expectations of international standards. International reorganizational frameworks are more structured and detailed, particularly in creditor participation and decision-making during rescue plans, whereas South Africa's framework is seen as lacking in these areas (Wessels and Madaus, 2020; Pretorius & Rosslyn-Smith, 2019). The current system's limitations highlight the need for adopting international principles to improve South Africa's business rescue process (Pretorius & Rosslyn-Smith, 2019).

Countries with more developed legal frameworks, such as those in the European Union, prioritize restructuring over liquidation, offering a balanced approach that addresses creditor rights, enhances the role of business rescue practitioners, and ensures better stakeholder participation through transparency and structured decision-making (Pretorius & Rosslyn-Smith, 2019). These international frameworks emphasize creating a second chance for financially distressed businesses while maximizing returns for creditors (Wessels and Madaus, 2020).

- Common Triggers for Business Rescue

Business rescue is often triggered by financial distress, where a company faces challenges in meeting its financial obligations due to liquidity constraints or insolvency. Financial distress, whether caused by poor cash flow management or overleveraging, often leads to the initiation of business rescue procedures as an alternative to liquidation (Pretorius & Rosslyn-Smith, 2019). Companies may also face operational issues, such as declining sales, inefficiencies in production, or poor management decisions, which can compound financial difficulties and necessitate restructuring (Conradie & Lamprecht, 2021).

External factors like economic downturns, changes in market conditions, and regulatory shifts are also common triggers for business rescue. The COVID-19 pandemic, for example, caused widespread financial distress across multiple industries, prompting companies to seek business rescue to manage operational disruptions and liquidity issues (Ramnanun et al., 2022). Additionally, sudden fluctuations in exchange rates or commodity prices can strain businesses reliant on global supply chains, pushing them into financial distress and requiring intervention through business rescue procedures (Pretorius & Rosslyn-Smith, 2019).

II. LEGAL CONSIDERATIONS IN STAKEHOLDER ENGAGEMENT

- Stakeholder Rights and Obligations

Stakeholder rights and obligations in business rescue are governed by legal frameworks designed to protect the interests of all parties involved in the process. These legal frameworks vary by jurisdiction but are generally grounded in corporate law, contractual obligations, and specific statutory provisions (Pretorius & Rosslyn-Smith, 2019). For instance, the Companies Act of South Africa under Chapter 6 outlines the legal rights and duties of stakeholders in business rescue, including creditors, employees, shareholders, and business rescue practitioners (Pretorius & Rosslyn-Smith, 2019).

Creditors hold significant power in business rescue, as they are entitled to vote on the business rescue plan and play a critical role in deciding whether the company should be rescued or liquidated (Conradie &

Lamprecht, 2021). Their rights are protected by legal provisions that require transparency and timely disclosure of the company's financial state during the rescue process (Conradie & Lamprecht, 2021). Employees also hold specific rights, including the right to continued employment unless otherwise specified in the rescue plan, and the obligation to cooperate with the rescue proceedings to ensure the success of the recovery plan (Ramnanun et al., 2022). The role of business rescue practitioners is defined by legal duties such as acting in good faith, managing the company's affairs, and formulating a rescue plan that maximizes stakeholder returns (Pretorius & Rosslyn-Smith, 2019). They are also held accountable under legal frameworks that ensure they prioritize the best interests of creditors and shareholders (Pretorius & Rosslyn-Smith, 2019).

In international contexts, the legal frameworks surrounding stakeholder rights in business rescue are further expanded to include protections for cross-border insolvency situations, particularly in Europe, where harmonized laws govern how multinational companies must handle stakeholder interests in rescue procedures (Wessels and Madaus, 2020).

- Legal Role of Creditors in Business Rescue

Creditors play a central role in business rescue proceedings, particularly through their legal standing and decision-making power. Their primary legal right is to vote on the proposed business rescue plan, determining whether the plan should be approved or rejected. This decision-making process is crucial, as it can determine the company's survival or liquidation (Kekana et al., 2024). Creditors' decisions are largely informed by comprehensive disclosure of financial, legal, and commercial information, which is essential for them to assess the viability of the business rescue plan and make informed choices (Kekana et al., 2024). Despite the focus on corporate rescue, creditors often prioritize liquidation over reconciliation, particularly when they believe that liquidating the debtor's assets will provide higher returns (Sitompul, 2021). This can create a conflict between the objectives of business rescue, which seeks to maintain business continuity, and the creditors' interests in maximizing their immediate financial recovery (Sitompul, 2021).

The involvement of creditors in business rescue is not merely reactive but proactive, with their participation directly shaping the outcome of rescue procedures, as highlighted by Pretorius (2018). In many cases, the success of business rescue hinges on creditor cooperation and their willingness to support a restructuring plan over liquidation (Pretorius, 2018).

However, there is a growing emphasis on shifting the focus of business rescue from solely satisfying creditors to considering broader goals such as long-term business viability and stakeholder interests (Mba, 2015). Some legal scholars argue that business rescue frameworks should evolve to balance creditors' rights with the need to keep businesses operational where possible (Mba, 2015).

- Shareholder Rights and Engagement

During business rescue proceedings, shareholders also maintain significant legal interests, particularly in protecting their ownership stakes and influencing key restructuring decisions. Shareholders are entitled to vote on the proposed business rescue plan, which directly affects their financial interests and the future direction of the company (Rao, 2023). In addition to voting rights, shareholders have the legal right to receive comprehensive disclosures regarding the company's financial health, enabling them to assess the viability of the business rescue plan and make informed decisions (Rao, 2023).

Legal frameworks, such as the Companies Act, specifically protect minority shareholders by ensuring they have a voice in significant corporate decisions. This is crucial during business rescue, where restructuring plans could disproportionately impact minority shareholders (Rao, 2023). Such protections are essential to balance the influence of majority shareholders, ensuring that the interests of all shareholders are considered in the decision-making process (Ntonga & Tanyi, 2021).

In jurisdictions with weaker enforcement of corporate law, such as Cameroon, minority shareholders have historically faced challenges in asserting their rights during business rescue (Ntonga & Tanyi, 2021). The lack of effective legal frameworks has resulted in reduced proprietary rights and limited engagement in the rescue process, underscoring the need for stronger protections (Ntonga & Tanyi, 2021). Thus, improving shareholder engagement through robust legal frameworks is vital for safeguarding their rights and ensuring their meaningful participation in business rescue processes.

- Legal Framework for Employee and Trade Union Involvement

The involvement of employees and trade unions in business rescue processes is governed by labor laws that ensure workers' rights are upheld during times of financial distress (Ermolaeva & Mal'cev, 2023). Employees are entitled to participate in decision-making processes, often through trade unions, which act as intermediaries in negotiations and safeguard workers' interests. Trade unions play a critical role in promoting employee rights by engaging in collective bargaining and ensuring that labor standards are maintained throughout the business rescue process (Ermolaeva & Mal'cev, 2023).

Labor laws in various jurisdictions, such as those in the European Union, emphasize the need for employee participation in corporate decision-making, particularly in the context of restructuring or rescue (Plekhov, 2021). These laws ensure that employees have the legal right to unionize and participate in negotiations that affect their employment and working conditions (Plekhov, 2021). Additionally, these frameworks mandate that employers provide timely and transparent information to trade unions about the company's financial status and the proposed business rescue plan (Civinskas & Dvorak, 2017).

In some countries such as Latvia and Lithuania, recent revisions of labor laws have strengthened employee engagement, introducing legal mechanisms that enhance employee financial participation and decision-making influence (Civinskas & Dvorak, 2017). These revisions aim to foster greater collaboration between management and labor unions to ensure that employees' interests are well-represented during financial restructuring (Civinskas & Dvorak, 2017).

- Strategic Importance of Stakeholder Engagement in Business Rescue

Successful business rescue hinges on effective collaboration among various stakeholders, including creditors, employees, shareholders, and business rescue practitioners (Kekana et al., 2024; Lusinga and Fairhurst, 2020). Collaboration ensures that all parties are aligned toward the common goal of reviving the financially distressed company. For instance, comprehensive disclosure of financial and legal information is crucial to gaining the confidence of creditors, allowing them to make informed decisions and support the rescue effort (Kekana et al., 2024).

Business rescue practitioners play a vital role in facilitating collaboration by regularly meeting with stakeholders to address concerns and develop management control strategies (Madigoe & Pretorius, 2022). This intensive interaction fosters transparency, allowing stakeholders to contribute to decision-making processes and ensuring that their interests are taken into account during restructuring. When stakeholders are fully engaged in the rescue process, they can offer valuable insights that contribute to finding innovative solutions for financial recovery (Cleaver et al., 2022).

Moreover, continuous stakeholder collaboration during business rescue can help reduce indirect costs, preserving the value of the firm and minimizing negative impacts on all involved parties (Rosslyn-Smith et al., 2020). Collaborative business models also offer opportunities to explore innovative strategies that align the interests of different actors, such as creditors and employees, thus improving the chances of a successful rescue and long-term viability (Mahdad et al., 2022).

Effective communication is critical for companies to engage stakeholders during business rescue processes and corporate decisions (Rajaram, Singh and Sewpersadh, 2018). Companies must employ transparent, open communication methods to build trust and ensure stakeholder engagement. In industries like oil and gas, transparency, storytelling, and direct dialogue are essential for managing stakeholder expectations and addressing their concerns effectively (Nwankwo et al., 2024). These strategies enhance corporate social responsibility (CSR) and stakeholder trust.

Transparency reporting has become a common strategy, particularly in the information and communication technology (ICT) sector, where companies communicate with stakeholders through regular updates on data security and privacy measures (Reid et al., 2023). This positions companies as protectors of consumer rights and strengthens stakeholder involvement (Reid et al., 2023). Tailored communication is also crucial, with companies adapting their messaging to meet the specific interests of different stakeholder groups, ensuring that the information is relevant and meaningful (Rangel-Pérez et al., 2022).

Negotiation strategies are vital for resolving conflicts and aligning interests, especially in culturally sensitive environments. For instance, companies engaging with Indigenous communities often use interest-based negotiation frameworks to secure social licenses and maintain long-term relationships (Lockhart & Xu, 2021). These principled negotiation techniques focus on mutual interests, promoting effective stakeholder engagement (Lockhart & Xu, 2021).

Social media platforms such as Facebook and Twitter have also transformed communication strategies, providing companies with tools to engage interactively. However, research shows that many companies adopt a unidirectional approach, prioritizing visibility over building meaningful relationships with stakeholders (Capriotti & Zeler, 2020).

In addition, trust plays a foundational role in building and sustaining effective stakeholder relationships. In business rescue processes, as in other corporate contexts, transparency and accountability are critical for cultivating trust among stakeholders (Bergquist et al., 2023). Trust is especially important in multi-stakeholder environments where diverse interests must be aligned to achieve common goals. Effective stakeholder collaboration is dependent on the transparency of decision-making processes, which enhances trust and facilitates open communication between all parties involved (Bergquist et al., 2023).

Transparency acts as a trust-building mechanism, particularly when organizations share comprehensive information about their strategies and performance. For example, in sectors like healthcare and corporate governance, clear and open communication fosters trust and reassures stakeholders about the organization's commitment to ethical practices (Cazzolli et al., 2024). This type of trust-building process is essential for maintaining positive relationships between companies and their stakeholders, especially in times of crisis or uncertainty (Montgomery et al., 2020).

In corporate social responsibility (CSR) contexts, integrating transparency into a company's core strategies is seen as vital for strengthening relationships with consumers and other stakeholders (Seran et al., 2024). Transparent communication regarding environmental, social, and governance (ESG) initiatives not only builds trust but also enhances stakeholder engagement by demonstrating the company's commitment to ethical practices (Seran et al., 2024).

Furthermore, research shows that trust mediates the relationship between perceptions of transparency and organizational commitment, meaning that the more transparent an organization is perceived to be, the more likely stakeholders are to trust and commit to the organization (Leonardi, 2014).

However, balancing the conflicting interests of various stakeholders is a fundamental challenge for organizations, particularly in sectors with diverse and sometimes opposing demands (Wang et al., 2024). In business contexts, stakeholders such as employees, shareholders, and customers often have competing objectives, requiring companies to adopt strategies that effectively manage these tensions (Wang et al., 2024). For example, in the e-waste recycling industry, balancing environmental concerns with profitability is crucial. A multi-objective scheduling model can assist in managing such conflicting demands by optimizing low-carbon processes and stakeholder satisfaction (Hou et al., 2023).

Effective stakeholder management involves identifying stakeholders, understanding their needs, and finding trade-offs to balance their expectations with organizational goals (Sanyaolu et al., 2023). In IT development projects, for instance, the success of balancing stakeholder demands relies on aligning diverse expectations with project deliverables. This requires ongoing communication and negotiation to ensure that stakeholder concerns are addressed while staying focused on the project's objectives (Sanyaolu et al., 2023).

Additionally, governments often play a critical role in reconciling stakeholder interests, particularly in industries where public policy and corporate practices intersect. In the electronic gaming machine (EGM) industry, government intervention helps reconcile competing demands from the industry, media, and community, ensuring that businesses act responsibly while maintaining their legitimacy (Buchanan & Elliott, 2017).

Incorporating optimization strategies into decision-making processes can help navigate these conflicting interests (Bovermann et al., 2024). For instance, in managing water resources, balancing competing demands among stakeholders through multi-objective analysis can ensure fairness and sustainability, as demonstrated in Chile's Laja Lake reservoir operations (Bovermann et al., 2024).

III. ROLE OF KEY STAKEHOLDERS IN THE BUSINESS RESCUE PROCESS

- Creditors

Creditors play a pivotal role in the business rescue process, primarily through their involvement in decision-making, funding, and restructuring efforts. Their decision-making power is critical, as creditors must evaluate and approve business rescue plans, which often dictate the future trajectory of financially distressed companies (Kekana et al., 2024). Comprehensive disclosure of financial, commercial, and legal information is essential for creditors to make informed decisions regarding the viability of a company's rescue plan (Kekana et al., 2024). The quality and depth of the information provided to creditors can significantly enhance their confidence in supporting the restructuring process.

In many cases, creditors prefer liquidation over rescue, particularly when they believe that liquidating assets would yield a higher return than restructuring. This is evident in jurisdictions such as Indonesia, where creditors often prioritize liquidation over approving debt restructuring proposals, demonstrating their critical influence over the funding and restructuring phases of corporate rescue (Sitompul, 2021). However, creditors also have a role in providing the necessary funding for a company to continue operations during the rescue process. Their willingness to offer financial support is often contingent on the company's ability to demonstrate a reasonable prospect of recovery (Pretorius, 2017).

Moreover, creditors are required to balance their financial interests with long-term sustainability goals, especially in scenarios where non-financial risks, such as environmental concerns, may impact the company's future (Linna, 2020). Their decision-making is informed by their need to protect their financial interests while considering the broader implications of the restructuring plan (Linna, 2020). Thus, creditors are crucial players in the business rescue process, wielding significant influence over both the approval of rescue plans and the provision of funding necessary for restructuring.

- Shareholders and Investors

Shareholders and investors play a crucial role in the business rescue process, as their influence can significantly impact the decisions made during restructuring. Shareholders, being the owners of the company, have vested interests in ensuring that the business remains viable and that their equity is preserved during financial distress (Conradie & Lamprecht, 2022). Their participation, directly or indirectly, can shape the outcome of the rescue process, as their primary concern is to minimize losses and potentially recover their investments Conradie & Lamprecht, 2021). The estimated value of the company during the business rescue process is crucial in determining the distribution of assets between creditors and shareholders, as these stakeholders hold significant leverage in the negotiation and decision-making processes (Conradie & Lamprecht, 2021). However, during business rescue, the control of the company may shift away from shareholders to business re scue practitioners and creditors, particularly if the rescue process involves significant debt restructuring (Conradie & Lamprecht, 2022).

Investors, on the other hand, may see business rescue as an opportunity to invest in distressed companies at a lower valuation, with the potential for future recovery and profitability (Conradie & Lamprecht, 2022). For this reason, business rescue plans must provide transparent and accurate valuation disclosures, which are essential for attracting new investment while setting realistic expectations for both creditors and shareholders (Conradie & Lamprecht, 2022). These disclosures help shareholders and potential investors assess the company's financial position and determine the viability of further investment in its restructuring efforts.

In emerging business models, particularly in sectors such as energy, the participation of investors in startups and distressed companies is growing (Singh et al., 2022). Startups involved in service-based business models, such as X-as-a-Service (XaaS), have attracted considerable investor attention, highlighting the increasing role of investors in reshaping industries during financial downturns (Singh et al., 2022).

The participation of shareholders is further essential as they may attempt to mitigate the dilution of their equity or influence negotiations to retain a portion of ownership in the restructured company. In contrast, investors, particularly those interested in distressed asset acquisition, may leverage disclosed information to identify opportunities to gain control over the business post-rescue (Conradie & Lamprecht, 2022).

It is also worth noting that business rescue processes can shift the balance between protecting public interests and maximizing returns for investors. In certain industries, such as pharmaceuticals, the prioritization of profit maximization for shareholders over broader societal benefits has drawn criticism (Torreele, 2024). For instance, some argue that the focus on financial returns, rather than public health outcomes, can exacerbate inequities, a challenge often raised in the context of business rescue decisions (Torreele, 2024).

- Management and Employees

In the business rescue process, management and employees serve as key internal stakeholders whose roles are essential in ensuring successful organizational turnaround (Akpoviroro et al., 2023; Damnjanović, 2019). Management's role primarily involves the strategic implementation of turnaround plans and overseeing the restructuring process. Effective leadership is critical, as management must coordinate all internal efforts, communicate with stakeholders, and create a supportive environment for the execution of rescue strategies (Akpoviroro et al., 2023). The ability of management to engage employees, build morale, and guide the workforce through challenging periods is fundamental to the success of the rescue process.

Employees, as crucial internal stakeholders, contribute to the turnaround process by maintaining productivity and ensuring that day-to-day operations continue as smoothly as possible during restructuring (Damnjanović, 2019). The relationship between management and employees, particularly through clear communication of roles and responsibilities, plays a vital role in achieving business goals (Damnjanović, 2019). Employees' involvement in corporate social responsibility (CSR) initiatives and other strategic activities highlights their broader importance beyond operational tasks, demonstrating that effective employee engagement can enhance business sustainability even during financially distressed times (Damnjanović, 2019).

Moreover, stakeholder management, which includes managing relationships between management, employees, and other parties, is pivotal during the rescue process. Management's ability to maintain employee trust and support contributes significantly to the company's continuity and recovery during restructuring (Lusinga & Fairhurst, 2020). Employees who feel supported and involved are more likely to contribute positively, which can accelerate recovery and increase the likelihood of a successful turnaround (Lusinga & Fairhurst, 2020).

- Government and Regulatory Bodies: Regulatory Engagement and Support for Business Rescue

Government and regulatory bodies play a critical role in supporting business rescue through the creation of policies and regulations designed to facilitate corporate recovery (Issenova, 2021). Regulatory frameworks provide the foundation for business rescue by outlining the legal processes for restructuring financially distressed companies (Issenova, 2021). For instance, government policies that offer tax incentives, soft loans, and administrative support can significantly enhance a company's chances of survival during periods of financial distress (Issenova, 2021).

The role of governments extends beyond just financial support; they also help foster a regulatory environment that promotes trust and confidence among stakeholders (Balaskas et al., 2024). This is especially important in industries like FinTech, where regulatory engagement encourages the adoption of innovative business models while protecting consumers and maintaining financial stability (Balaskas et al., 2024). In business rescue processes, regulatory bodies ensure that accredited business rescue practitioners (BRPs) possess the necessary skills and competencies to manage the complex dynamics of corporate restructuring, safeguarding the interests of both creditors and employees (Pretorius, 2018).

Furthermore, government interventions during crises, such as the COVID-19 pandemic, have proven vital for the survival of small and medium enterprises (SMEs). Measures like tax holidays, regulatory relief, and direct financial assistance helped many businesses remain operational during the pandemic, demonstrating the government's essential role in providing both regulatory and financial support during business rescue efforts (Yulivan, 2022). Regulatory bodies also help streamline the rescue process, offering guidelines and frameworks that protect the economic security of businesses and ensure fair and equitable outcomes for all stakeholders involved (Kharlamov & Aref'ev, 2022).

IV. CASE STUDIES

- Successful Business Rescue with Effective Stakeholder Engagement

Effective stakeholder engagement is critical in ensuring the success of business rescue processes. Several case studies illustrate how companies have navigated financial distress through transparent and collaborative stakeholder relationships (Ansu-Mensah et al., 2021; Civera et al., 2018). For instance, Newmont Ahafo Mines in Ghana demonstrates how robust stakeholder engagement significantly contributed to the company's corporate social responsibility (CSR) initiatives and overall business continuity (Ansu-Mensah et al., 2021). The company's CSR strategies included active involvement of local communities, which helped build trust and ensured transparency during periods of financial difficulty. This approach strengthened Newmont's social license to operate, proving that stakeholder inclusion can stabilize operations during crises (Ansu-Mensah et al., 2021).

Similarly, in the coffee farming industry, stakeholder empowerment emerged as a key driver of business success. A study on coffee farmers demonstrated that engaging low-power stakeholders, such as farmers, through empowerment strategies can transform them into active business partners (Civera et al., 2018). By fostering cooperative partnerships, the companies aligned the interests of these stakeholders with larger corporate goals, ensuring sustainability and resilience during challenging times. This empowerment approach highlights the importance of including marginalized stakeholders in the rescue process, allowing them to contribute meaningfully to corporate recovery (Civera et al., 2018).

Moreover, open communication and transparency play vital roles in successful business rescues. Companies that maintain transparent communication with their stakeholders, ranging from creditors to employees, tend to secure stronger cooperation and support during restructuring efforts (Civera et al., 2018). Involving stakeholders in decision-making processes not only aligns their interests with the company's goals but also reduces resistance to necessary changes, ultimately facilitating smoother transitions in times of financial distress (Civera et al., 2018).

- Failed Business Rescue Due to Poor Stakeholder Management

Poor stakeholder management is frequently cited as a critical factor in the failure of business rescue efforts. Ineffective communication, lack of engagement, and failure to address the concerns of key stakeholders can severely undermine rescue efforts, leading to the eventual collapse of companies. Several case studies illustrate how failures in stakeholder management led to unsuccessful business rescues (Mishra & Nanda, 2020; Zarewa, 2019).

One prominent case is the failure of Vedanta Aluminium Limited and POSCO in India. Both companies faced significant challenges in managing land acquisition processes, which involved extensive stakeholder engagement with local communities and environmental groups (Mishra & Nanda, 2020). The failure to adequately manage stakeholder concerns around environmental impacts and community displacement led to widespread opposition. This mismanagement not only delayed projects but also resulted in the eventual scrapping of both mega-projects, highlighting how stakeholder mismanagement can lead to business failure (Mishra & Nanda, 2020).

Similarly, the failure of numerous infrastructure projects in Nigeria due to poor stakeholder management reveals how a lack of cooperation and understanding of stakeholder needs can lead to project breakdown (Zarewa, 2019). In these cases, ineffective stakeholder management manifested through uncooperative attitudes and a failure to engage stakeholders in meaningful dialogue, which contributed to the failure of multifarious infrastructure projects (Zarewa, 2019). This underlines the importance of proactive stakeholder engagement to identify and resolve conflicts before they derail business rescue efforts.

The mismanagement of stakeholder relationships in these cases underscores the necessity of robust stakeholder management strategies (Mishra & Nanda, 2020). Failure to engage key stakeholders, such as local communities, regulatory bodies, and investors, can lead to a breakdown of trust and cooperation, which are essential for business rescue processes to succeed (Zarewa, 2019). Without a coordinated effort to manage stakeholder interests, even well-intentioned rescue plans are likely to fail (Lusinga & Fairhurst, 2020).

- Lessons Learned from Both Cases: Comparison of the Role of Stakeholder Engagement in Success or Failure

The comparison between successful and failed business rescues offers significant insights into the critical role of stakeholder engagement. In successful cases, such as the Newmont Ahafo Mines, effective engagement with stakeholders, including local communities, helped the company navigate financial distress (Ansu-Mensah et al., 2021). This engagement-built trust and transparency, ensuring the company maintained its social license to operate and sustained business continuity during periods of financial difficulty (Ansu-Mensah et al., 2021). In contrast, cases like the failed Vedanta Aluminium Limited and POSCO projects in India demonstrate how poor stakeholder management, especially in areas related to environmental impacts and community displacement, can lead to the complete collapse of rescue efforts (Mishra & Nanda, 2020).

A key lesson from these comparisons is the importance of proactive stakeholder engagement. In the successful cases, businesses adopted a collaborative approach, seeking early input from stakeholders and incorporating their concerns into the business rescue plans (Civera et al., 2018). This open communication fostered a sense of inclusion and partnership, which was crucial for aligning stakeholders' interests with the company's recovery goals (Civera et al., 2018). In contrast, the failure of the Vedanta and POSCO projects highlights the dangers of ignoring or marginalizing stakeholders, particularly those with vested environmental and social interests. The failure to engage effectively with these stakeholders resulted in widespread opposition, which ultimately led to project cancellations (Mishra & Nanda, 2020).

Furthermore, both cases emphasize the need for clear communication as part of stakeholder engagement. In successful rescues, communication was not only frequent but also transparent, addressing stakeholder concerns openly and ensuring they were kept informed about progress and changes in strategy (Omotayo et al., 2024). Poor communication, on the other hand, was a significant factor in the failure of the projects in India, where stakeholders felt excluded from the decision-making process (Mishra & Nanda, 2020).
Another critical lesson is the role of trust. In successful rescues, trust was built through transparency and cooperative decision-making, fostering long-term partnerships between the business and its stakeholders (Ansu-Mensah et al., 2021; Civera et al., 2018). However, where stakeholder trust was eroded, through perceived secrecy, lack of consultation, or disregard for stakeholder interests, efforts to rescue the business quickly unraveled (Mishra & Nanda, 2020; Zarewa, 2019).

V. CHALLENGES IN STAKEHOLDER ENGAGEMENT DURING BUSINESS RESCUE

- Conflicting Stakeholder Interests

Conflicting stakeholder interests present significant challenges during business rescue, as different groups often have divergent priorities that complicate the restructuring process (Lusinga & Fairhurst, 2020). For instance, creditors may prioritize immediate financial recovery through liquidation, seeking to recoup their investments as quickly as possible, while employees may prioritize job security and long-term operational stability (Lusinga & Fairhurst, 2020). These conflicting objectives create tensions that can slow down or even derail the rescue process if not managed effectively.

Additionally, the interests of shareholders, who may seek to preserve equity, can clash with those of creditors, who may demand significant debt restructuring or asset sales that dilute shareholder value. This discord can lead to prolonged negotiations, delaying critical decisions necessary for business recovery (Civera et al., 2018).

Moreover, external stakeholders, such as regulatory bodies or community groups, can add further complexity to the situation. Their demands, often centered around compliance, environmental concerns, or corporate social responsibility, may conflict with the financial priorities of internal stakeholders (Mamenkova, 2022). During crises like the COVID-19 pandemic, these conflicts were exacerbated, with stakeholder priorities increasingly diverging due to the economic pressures businesses faced (Mamenkova, 2022).

- Lack of Trust and Transparency

Communication breakdowns, marked by a lack of trust and transparency, are detrimental to business rescue efforts. When stakeholders feel excluded or misinformed, trust erodes quickly, leading to disengagement and opposition to rescue plans (Mitchell, 2014). A study on the role of communication in corporate restructuring highlights that poor communication leads to reduced staff loyalty and cooperation, ultimately weakening the company's internal cohesion (Mitchell, 2014). This breakdown in communication can cause employees to resist necessary changes, slowing down the restructuring process and making it difficult for management to implement rescue strategies effectively (Mitchell, 2014).

Furthermore, creditors and investors, who rely on transparent financial disclosures, may lose confidence in the company's ability to recover if they perceive a lack of openness (Lusinga & Fairhurst, 2020). In such cases, creditors are more likely to push for liquidation, viewing it as a safer option than continuing with a rescue plan fraught with uncertainty and incomplete information (Lusinga & Fairhurst, 2020).

In addition, transparency in communication fosters trust, which is vital for securing stakeholder support during business rescue. Without clear, transparent communication, it becomes challenging to align the interests of diverse stakeholder groups, further jeopardizing the success of the rescue process (Mitchell, 2014).

- Legal Disputes and Litigation

Legal disputes and litigation are significant challenges in business rescue processes, often exacerbated by unclear regulatory frameworks and inconsistent application of laws (Lestari, 2023). One common challenge is the lack of legal certainty regarding the rights and obligations of stakeholders, which can lead to protracted legal battles. Disputes between creditors, shareholders, and business rescue practitioners frequently arise due to the absence of clear guidelines, resulting in costly and time-consuming litigation (Lestari, 2023).

Moreover, disputes related to contractual obligations often emerge, particularly when the terms of business rescue plans conflict with existing contracts. This has been noted in sectors such as franchising, where disagreements over franchise agreements have led to complex legal challenges (Setiadi, 2024). The lack of accessible legal mechanisms and low awareness among business operators about dispute resolution processes can delay the resolution of these conflicts (Setiadi, 2024).

Another challenge is the dualism in alternative dispute resolution (ADR) mechanisms, particularly in sectors like FinTech. Legal infrastructure for ADR is often insufficient, leading to confusion and delays in the resolution of financial disputes. The need for more mediators and arbitrators in these industries further complicates the litigation landscape, hindering the efficient resolution of disputes (Nurhayati et al., 2022).

- Time Pressure and Uncertainty

Time pressure and uncertainty are major challenges in business rescue processes, significantly impacting stakeholder engagement. When companies face tight deadlines and uncertain outcomes, decision-makers may prioritize certain stakeholders based on perceived power and urgency, often neglecting others in the process (Westrenius & Barnes, 2020). This can lead to unequal representation, where smaller stakeholders such as employees or local communities may feel overlooked, leading to disengagement or resistance to the rescue efforts (Westrenius & Barnes, 2020).

During periods of uncertainty, such as the COVID-19 pandemic, many businesses struggled with rapidly changing conditions. The need for swift decisions often resulted in incomplete or unclear communication with stakeholders, further exacerbating mistrust and weakening engagement (Adigwe et al., 2024). Studies have shown that transparent and empathetic communication is crucial for maintaining stakeholder cooperation under such pressures, yet many companies fail to achieve this due to the urgency of the situation (Adigwe et al., 2024).

Moreover, time constraints limit the ability of businesses to adequately address the concerns of all stakeholders, often resulting in fragmented decision-making processes. This fragmentation can cause stakeholders to question the credibility of the rescue plan, reducing their commitment and support (Westrenius & Barnes, 2020).

VI. FUTURE TRENDS IN STAKEHOLDER ENGAGEMENT AND BUSINESS RESCUE

- Technological Innovations in Stakeholder Engagement

Technological innovations have significantly enhanced stakeholder engagement by improving communication and fostering collaboration in business processes. Digital platforms enable real-time, interactive communication that strengthens collaboration among stakeholders, allowing for value co-creation in business networks (Sashi, 2021). This real-time communication is particularly vital in fostering customer and stakeholder engagement, as it facilitates immediate feedback and interaction between parties (Sashi, 2021).

In addition, digital media plays an increasingly important role in stakeholder engagement, particularly for small and medium-sized enterprises (SMEs). Research shows that SMEs view digital communication as an effective tool for engagement, with young owner-managers particularly likely to adopt these technologies (Camilleri, 2019). The pace of technological innovation directly correlates with their perceived usefulness of these platforms, allowing companies to maintain stronger relationships with stakeholders (Camilleri, 2019).

Furthermore, non-financial reporting via digital platforms enables businesses to enhance stakeholder trust. The integration of digital tools into corporate sustainability reporting allows for more transparent interactions, helping companies capitalize on the digitalization of sustainability practices and fostering stronger stakeholder relationships (Cucerzan, 2022).

- Regulatory Reforms:

Regulatory reforms concerning business rescue and stakeholder rights are expected to evolve significantly in response to increasing economic challenges and the need for greater corporate accountability (Jackson et al., 2021). One anticipated change is the strengthening of creditor rights in business rescue proceedings. Creditors, especially unsecured ones, are likely to gain more protection through clearer legal frameworks that ensure their interests are prioritized in restructuring processes (Pretorius, 2018).

Another expected reform is the broadening of employee rights during business rescue. Recent discussions in corporate law suggest that labor laws will increasingly protect employees by granting them a more significant role in negotiations, particularly regarding job security and severance packages (Blazy et al., 2008). This trend aligns with growing pressure to balance economic recovery with social responsibilities (Blazy et al., 2008).

Furthermore, corporate governance reforms may introduce new requirements for business rescue practitioners, emphasizing accountability and transparency (Jackson et al., 2021). Governments are expected to establish stricter regulations to prevent abuse of the business rescue system and to protect minority shareholders from being marginalized in restructuring processes (Jackson et al., 2021).

- Shift Toward More Inclusive Stakeholder Models: New Trends in Broader Stakeholder Inclusion

There has been a noticeable shift toward more inclusive stakeholder models across various sectors, driven by the need for broader participation in decision-making processes (Viriyathorn et al., 2023). In health policy, for example, the inclusion of civil society organizations, academia, and other non-traditional stakeholders in Thailand's Universal Coverage Scheme for pre-exposure prophylaxis (PrEP) highlights the benefits of broader stakeholder representation. This inclusive approach ensures that policies are more representative and aligned with the needs of diverse groups (Viriyathorn et al., 2023).

Similarly, the tourism industry has adopted a more inclusive stakeholder participation model to promote sustainable development. The post-COVID-19 era saw the emergence of sextuple helix models, which integrate diverse stakeholders, including government, industry, academia, and local communities, to enhance trust and collaboration in planning sustainable tourism destinations (Spadaro et al., 2023). This trend is also evident in environmental policy, where the inclusion of environmental interest groups in energy policy decisions has fostered pro-environmental outcomes, though challenges remain in shifting away from exclusionary practices (McCauley, 2015). Hence, these trends illustrate that broader stakeholder inclusion is becoming a cornerstone of governance and policy development, offering more equitable and effective solutions.

CONCLUSION

In the complex landscape of business rescue, stakeholder engagement emerges as a crucial determinant of success or failure. The role of stakeholders—including creditors, shareholders, employees, and government bodies—shapes the entire rescue process, from decision-making to the implementation of restructuring strategies. As demonstrated by successful and failed case studies, effective stakeholder management is not merely a best practice but a necessity for companies seeking to navigate financial distress and achieve long-term sustainability.

One of the key lessons learned from successful business rescues, such as those seen in the Newmont Ahafo Mines case, is the importance of early and inclusive stakeholder engagement. By involving all relevant parties from the beginning and maintaining transparency throughout the process, companies can build trust and foster cooperation among stakeholders. In contrast, the failure of companies like Vedanta Aluminium Limited and POSCO in India underscores the detrimental impact of poor stakeholder management. These failures highlight that ignoring or marginalizing stakeholder concerns—especially those related to social and environmental issues—can lead to opposition, delays, and, ultimately, business failure. Another critical takeaway is the necessity of clear and transparent communication. In periods of financial uncertainty, companies must ensure that all stakeholders are kept informed of the business's condition, the proposed rescue plan, and how each stakeholder group will be affected. Transparency fosters trust, which is essential for aligning stakeholders' interests with the company's recovery goals. The breakdown of communication in failed business rescue efforts often leads to mistrust and resistance, making it difficult to achieve the cooperation necessary for successful restructuring.

Conflicting stakeholder interests pose a significant challenge in business rescue processes. Different groups, such as creditors, shareholders, and employees, often have divergent priorities, with creditors typically focused on immediate financial recovery and employees concerned with job security and long-term viability. Effective business rescue plans must address these conflicting interests by finding common ground and balancing the needs of all stakeholders. This is particularly true in industries where external stakeholders, such as regulatory bodies and local communities, play a critical role in the business's operations. Failing to manage these conflicts can slow down the rescue process or even lead to its collapse.

Time pressure and uncertainty are additional factors that complicate stakeholder engagement during business rescue. Companies often face tight deadlines to present rescue plans and secure the necessary funding, which can lead to rushed decisions and fragmented communication. Under these conditions, companies may prioritize certain stakeholders over others, leaving some groups feeling excluded from the process. This imbalance can undermine the legitimacy of the rescue plan and reduce stakeholder buy-in. Therefore, even under time constraints, it is crucial for companies to maintain open channels of communication with all stakeholders to ensure their concerns are heard and addressed.

The role of government and regulatory bodies in business rescue cannot be overlooked. Governments play a vital role in creating the legal frameworks that govern business rescue processes and in providing financial and administrative support to distressed companies. Regulatory reforms that strengthen stakeholder rights, such as enhanced protections for creditors and employees, are expected to become increasingly important in the future. These reforms aim to create a more balanced and transparent rescue process that ensures all stakeholders' interests are adequately represented and protected.

Technological innovations are also shaping the future of stakeholder engagement in business rescue. Digital platforms have transformed how companies communicate with stakeholders, enabling real-time, interactive engagement that fosters collaboration and transparency. These tools are particularly useful for maintaining strong relationships with stakeholders during times of crisis, allowing companies to respond quickly to stakeholder concerns and keep them informed throughout the rescue process.

Looking ahead, the shift towards more inclusive stakeholder models is likely to continue, driven by increasing awareness of the importance of diverse stakeholder participation in corporate decision-making. This shift is evident in sectors such as tourism, health policy, and environmental governance, where inclusive stakeholder engagement has been shown to enhance the quality and sustainability of decision-making processes. By adopting more inclusive stakeholder models, companies can better align their operations with the needs and expectations of a broader range of stakeholders, thereby increasing their chances of long-term success.

Therefore, stakeholder engagement is a critical element of business rescue. Companies that prioritize early, transparent, and inclusive engagement with all stakeholders are more likely to achieve successful outcomes, while those that neglect stakeholder concerns risk failure. As business environments become increasingly complex and interconnected, the ability to manage diverse stakeholder interests effectively will be essential for companies seeking to navigate financial distress and emerge stronger from the rescue process.

REFERENCES

[1] Adigwe, C.S. *et al.* (2024) 'Leading in a Time of Crisis: The Coronavirus Effect on Leadership in America,' *Asian Journal of Economics Business and Accounting*, 24(4), pp. 1–20. https://doi.org/10.9734/ajeba/2024/v24i41261.

[2] Akpoviroro, K.S., Amos, A.O. and Oladimeji, O.A. (2023) 'IMPLEMENTATION OF TURNAROUND STRATEGIES AND ORGANIZATIONAL ISTAKEHOLDERS' IMPACT,' *Globalization the State and the Individual*, 31(1), pp. 39–62. https://doi.org/10.5604/01.3001.0053.7998.

[3] Ansu-Mensah, P. *et al.* (2021) 'Corporate social responsibility and stakeholder engagement in Ghana's mining sector: a case study of Newmont Ahafo mines,' *International Journal of Corporate Social Responsibility*, 6(1). https://doi.org/10.1186/s40991-020-00054-2.

[4] Balaskas, S. *et al.* (2024) 'FinTech Services Adoption in Greece: The Roles of Trust, Government Support, and Technology Acceptance Factors,' *FinTech*, 3(1), pp. 83–101. https://doi.org/10.3390/fintech3010006.

[5] Bergquist, M. *et al.* (2023) 'Trust and stakeholder perspectives on the implementation of AI tools in

clinical radiology,' *European Radiology*, 34(1), pp. 338–347. https://doi.org/10.1007/s00330-023-09967-5.

[6] Blazy, R., Chopard, B. and Fimayer, A. (2008) 'Bankruptcy law: a mechanism of governance for financially distressed firms,' *European Journal of Law and Economics*, 25(3), pp. 253–267. https://doi.org/10.1007/s10657-008-9048-8.

[7] Bovermann, Z.E. *et al.* (2024) 'The Chilean Laja Lake: multi-objective analysis of conflicting water demands and the added value of optimization strategies,' *AQUA - Water Infrastructure Ecosystems and Society*, 73(3), pp. 369–379. https://doi.org/10.2166/aqua.2024.165.

[8] Camilleri, M.A. (2019) 'The SMEs' technology acceptance of digital media for stakeholder engagement,' *Journal of Small Business and Enterprise Development*, 26(4), pp. 504–521. https://doi.org/10.1108/jsbed-02-2018-0042.

[9] Capriotti, P. and Zeler, I. (2020) 'Comparing Facebook as an interactive communication tool for companies in LatAm and worldwide,' *Communication & Society*, 33(3), pp. 119–136. https://doi.org/10.15581/003.33.3.119-136.

[10] Cazzolli, R. *et al.* (2024) 'Improving Diverse and Equitable Involvement of Patients and Caregivers in Research in CKD: Report of a Better Evidence and Translation – Chronic Kidney Disease (BEAT-CKD) Workshop,' *American Journal of Kidney Diseases* [Preprint]. https://doi.org/10.1053/j.ajkd.2024.03.026.

[11] Civera, C., De Colle, S. and Casalegno, C. (2018) 'Stakeholder engagement through empowerment: The case of coffee farmers,' *Business Ethics a European Review*, 28(2), pp. 156–174. https://doi.org/10.1111/beer.12208.

[12] Civinskas, R. and Dvorak, J. (2017) 'New social cooperation model in service oriented economy: the case of employee financial participation in the Baltic states,' *Engineering Management in Production and Services*, 9(3), pp. 37–50. https://doi.org/10.1515/emj-2017-0024.

[13] Cleaver, L., Lawas, K. and Marshall, A. (2022) 'How business can address sensitive cultural challenges through tech-enabled, large-scale open collaboration and innovation with stakeholders,' *Strategy and Leadership*, 51(1), pp. 35–40. https://doi.org/10.1108/sl-10-2022-0097.

[14] Conradie, S. and Lamprecht, C. (2021) 'Valuation practices under business rescue circumstances in South Africa,' *South African Journal of Economic and Management Sciences*, 24(1). https://doi.org/10.4102/sajems.v24i1.3721.

[15] Conradie, S. and Lamprecht, C. (2022) 'A Quantitative Analysis of Valuation Disclosure in Published Business Rescue Plans,' *Southern African Business Review*, 25. https://doi.org/10.25159/1998-8125/9746.

[16] Cucerzan, T. (2022) 'NON-FINANCIAL REPORTING AND DIGITALIZATION, KEY FACTORS IN STAKEHOLDER ENGAGEMENT,' *Journal of Financial Studies*, 8(Special), pp. 46–66. https://doi.org/10.55654/jfs.2023.sp.17.

[17] Damnjanović, M. (2019) 'Investing in Employees in Serbian Companies – Internal Dimension of CSR,' *SSRN Electronic Journal* [Preprint]. https://doi.org/10.2139/ssrn.3491964.

[18] Du Toit, A.C. and Pretorius, M. (2023) 'Investigating tensions experienced by decision-makers during a business rescue event,' *The Southern African Journal of Entrepreneurship and Small Business Management*, 15(1). https://doi.org/10.4102/sajesbm.v15i1.714.

[19] Ermolaeva, S. and Mal'cev, A. (2023) 'Corporate Culture of the University: the Role of the Trade Union,' *Management of the Personnel and Intellectual Resources in Russia*, 12(2), pp. 13–19. https://doi.org/10.12737/2305-7807-2023-12-2-13-19.

[20] Hou, Y., Wu, Y. and Han, H. (2023) 'Multiobjective Differential Evolution Algorithm Balancing Multiple Stakeholders for Low-Carbon Order Scheduling in E-Waste Recycling,' *IEEE Transactions on Evolutionary Computation*, 27(6), pp. 1912–1925. https://doi.org/10.1109/tevc.2023.3237336.

[21] Issenova, A. (2021) 'THE CENTRAL ASIAN ECONOMY DURING THE PANDEMIC: AN ANALYSIS OF SMALL AND MEDIUM BUSINESS SUPPORT STRATEGIES,' *Central*

Asia and the Caucasus, 22(2), pp. 058–067. https://doi.org/10.37178/ca-c.21.2.05.

[22] Jijana, C., Chetty, N. and Karodia, A.M. (2016) 'Investigating the Nature , Purpose and Effectiveness of Business Rescue in South Africa : Chapter 6 of Companies Act 71 of 2008 as Amended,' *Deleted Journal*, 4(11), pp. 37–75. https://doi.org/10.12816/0027222.

[23] Kekana, M.K., Pretorius, M. and De Abreu, N.V.A. (2024) 'Enhancing creditor decision-making in South African business rescue proceedings: a comprehensive analysis of information requirements in business rescue plans,' *International Journal of Law and Management* [Preprint]. https://doi.org/10.1108/ijlma-10-2023-0234.

[24] Kharlamov, A.V. and Aref'ev, M.A. (2022) 'Infrastructure support for the economic security of business activities,' *Economics and Management*, 28(1), pp. 33–41. https://doi.org/10.35854/1998-1627-2022-1-33-41.

[25] Kleitman, Y. (2015) 'G&A Compass Methodology to Business Rescue and Compromise Offers, K.L. Gribnitz and R.L. Appelbaum : company law book review,' *Sabinet African Journals*, 15(6). https://hdl.handle.net/10520/EJC175203.

[26] Lamprecht, C. and Van Wyk, H.A. (2022) 'Annual Financial Reporting: A Quantitative Analysis of the Temporal Going Concern Status during Business Rescue Proceedings,' *Southern African Business Review*, 26. https://doi.org/10.25159/1998-8125/6714.

[27] Leonardi, L. (2014) 'Organizational transparency: Stakeholder relationships and internal dynamics,' *Iris*, 8(1). https://hdl.handle.net/11572/367736.

[28] Lestari, S. (2023) 'The Legal Certainty for Resolving Consumer and Business Actor Disputes from the Perspective of Social Engineering Justice from Roscoe Pound,' *Jurnal IUS Kajian Hukum Dan Keadilan*, 11(3), pp. 557–568. https://doi.org/10.29303/ius.v11i3.1309.

[29] Lockhart, D. and Xu, J. (2021) 'How the upstream oil and gas industry can leverage interdisciplinary research to more effectively engage with Indigenous communities,' *The APPEA Journal*, 61(2), p. 417. https://doi.org/10.1071/aj20150.

[30] Lusinga, D.D. and Fairhurst, K.J. (2020) 'Role of stakeholders in business rescue,' *South African Journal of Business Management*, 51(1). https://doi.org/10.4102/sajbm.v51i1.1957.

[31] Madigoe, T. and Pretorius, M. (2022) 'Practices applied by practitioners to achieve management and financial control during business rescue,' *Acta Commercii*, 22(1). https://doi.org/10.4102/ac.v22i1.1043.

[32] Mahdad, M. *et al.* (2022) 'A smart web of firms, farms and internet of things (IOT): enabling collaboration-based business models in the agri-food industry,' *British Food Journal*, 124(6), pp. 1857–1874. https://doi.org/10.1108/bfj-07-2021-0756.

[33] Mamenkova, A.A. (2022) 'Conflict of interests of stakeholders in corporate management under modern conditions,' *Economics and Management*, 28(5), pp. 502–510. https://doi.org/10.35854/1998-1627-2022-5-502-510.

[34] Matenda, F.R. *et al.* (2023) 'South African business rescue regime,' *International Journal of Research in Business and Social Science (2147-4478)*, 12(2), pp. 100–117. https://doi.org/10.20525/ijrbs.v12i2.2326.

[35] Mba, S. (2015) 'Rethinking Business Rescue in Nigeria: Borrowing Virtues from Chapter 11 of the US Bankruptcy Code,' *SSRN Electronic Journal* [Preprint]. https://doi.org/10.2139/ssrn.2607905.

[36] McCauley, D. (2015) 'Sustainable Development in Energy Policy: A Governance Assessment of Environmental Stakeholder Inclusion in Waste-to-Energy,' *Sustainable Development*, 23(5), pp. 273–284. https://doi.org/10.1002/sd.1584.

[37] Mishra, B. and Nanda, J. (2020) 'Poor Management of Land Acquisition Related Issues Leads to Failure of Projects – An Analysis,' *SSRN Electronic Journal* [Preprint]. https://doi.org/10.2139/ssrn.3529899.

[38] Mitchell, M. (2014) *Strategic Human Resource Management Plan for Task Applied Science (Pty)*

Ltd. https://www.semanticscholar.org/paper/Strategic-Human-Resource-Management-Plan-for-Task-Mitchell/6a0372e577be22486dbd2a518f083cfbb6b1b2aa.

[39] Montgomery, T., Berns, J.S. and Braddock, C.H. (2020) 'Transparency as a Trust-Building Practice in Physician Relationships With Patients,' *JAMA*, 324(23), p. 2365. https://doi.org/10.1001/jama.2020.18368.

[40] Ntonga, N.R. and Tanyi, M.D. (2021) 'Challenges Faced by Minority Shareholders in Commercial Companies in Cameroon: A Legal Analysis,' *SSRN Electronic Journal* [Preprint]. https://doi.org/10.2139/ssrn.3887581.

[41] Nurhayati, S., Nurjamil, N. and Fadhillah, M.H. (2022) 'Measuring Opportunities and Challenges in Dispute Resolution of Fintech Sharia Business Through LAPS,' *Batulis Civil Law Review*, 3(1), p. 1. https://doi.org/10.47268/ballrev.v3i1.929.

[42] Nwankwo, N.T.C. *et al.* (2024) 'Communication strategies for effective CSR and stakeholder engagement in the oil & gas industry: A conceptual analysis,' *World Journal of Advanced Research and Reviews*, 21(3), pp. 091–099. https://doi.org/10.30574/wjarr.2024.21.3.0663.

[43] Omotayo, T.S. *et al.* (2024) 'Systems Thinking Interplay Between Project Complexities, Stakeholder Engagement, and Social Dynamics Roles in Influencing Construction Project Outcomes,' *SAGE Open*, 14(2). https://doi.org/10.1177/21582440241255872.

[44] Osaretin Kayode Omoregie (2019) 'Business Rescue and Insolvency Regulation and Practice In Nigeria: The Imperatives of Globalization,' *Archives of Business Research*, 7(3). https://doi.org/10.14738/abr.73.6310.

[45] Plekhov, D.O. (2021) 'International legal regulation of remote work as one of the forms of non-standard employment,' *Uzhhorod National University Herald Series Law*, (65), pp. 180–184. https://doi.org/10.24144/2307-3322.2021.65.33.

[46] Pretorius, M. (2018a) 'Business rescue decision-making: Post-mortem evaluation of an ‘orgy,’' *South African Journal of Economic and Management Sciences*, 21(1). https://doi.org/10.4102/sajems.v21i1.1622.

[47] Pretorius, M. (2018b) 'Stakeholder dynamics moderation for distressed firms entering turnaround and business rescue: who and what counts?,' *International Journal of Management and Decision Making*, 17(3), p. 299. https://doi.org/10.1504/ijmdm.2018.093499.

[48] Pretorius, M. and Rosslyn-Smith, W. (2019) 'Expectations of a business rescue plan: international directives for Chapter 6 implementation,' *Southern African Business Review*, 18(2), pp. 108–139. https://doi.org/10.25159/1998-8125/5681.

[49] Rajaram, R., Singh, A.M. and Sewpersadh, N.S. (2018) 'Business rescue: Adapt or die,' *South African Journal of Economic and Management Sciences*, 21(1). https://doi.org/10.4102/sajems.v21i1.2164.

[50] Ramnanun, K., Rajaram, R. and Nyatanga, P. (2022) 'Business Rescue Legislation: Rehabilitating or Debilitating Business Rescue Success During Covid-19,' *African Journal of Business and Economic Research*, 17(4), pp. 101–121. https://doi.org/10.31920/1750-4562/2022/v17n4a5.

[51] Rangel-Pérez, C., Monfort, A. and Miquel, S. (2022) 'Thematic dis/connection of Ibex35 companies to generate dialogue with their stakeholders via Twitter during the pandemic,' *Communication & Society*, pp. 169–183. https://doi.org/10.15581/003.35.2.169-183.

[52] Rao, N.M. (2023) 'Awareness of Shareholder Engagement among Sub-Brokers, Investment Advisors and Shareholders,' *SDMIMD Journal of Management*, pp. 35–47. https://doi.org/10.18311/sdmimd/2023/33005.

[53] 'Regulation and control of business-rescue practitioners : is there a suitable legal framework' (2015) *Sabinet*, 6(4). https://hdl.handle.net/10520/EJC181953 PDF.

[54] Reid, A., Ringel, E. and Pendleton, S.M. (2023) 'Transparency reports as CSR reports: motives, stakeholders, and strategies,' *Social Responsibility Journal*, 20(1), pp. 81–107. https://doi.org/10.1108/srj-03-2023-0134.

[55] Rosslyn-Smith, W., De Abreu, N.V.A. and Pretorius, M. (2019) 'Exploring the indirect costs of a firm in business rescue,' *South African Journal of Accounting Research*, 34(1), pp. 24–44. https://doi.org/10.1080/10291954.2019.1667647.

[56] Sanyaolu, N.T.O. *et al.* (2023) 'Stakeholder management in IT development projects: Balancing expectations and deliverables,' *International Journal of Management & Entrepreneurship Research*, 5(12), pp. 1239–1255. https://doi.org/10.51594/ijmer.v5i12.1535.

[57] Sashi, C.M. (2021) 'Digital communication, value co-creation and customer engagement in business networks: a conceptual matrix and propositions,' *European Journal of Marketing*, 55(6), pp. 1643–1663. https://doi.org/10.1108/ejm-01-2020-0023.

[58] Seran, M.D.A.R.L., Hwihanus, H. and Lavenia, L. (2024) 'Urgency of Corporate Social Responsibility (CSR) for Corporate Advancement in Indonesia,' *Jurnal Sains Sosio Humaniora*, 8(1), pp. 36–45. https://doi.org/10.22437/jssh.v8i1.33968.

[59] Setiadi, A.S. (2024) 'Effectiveness of Government Regulation Concerning Franchise in Resolving Franchise Business Disputes in Indonesia,' *Global Legal Review*, 4(1), p. 74. https://doi.org/10.19166/glr.v4i1.6747.

[60] Singh, M. *et al.* (2022) 'Servitization of Energy Sector: Emerging Service Business Models and Startup's Participation,' *Energies*, 15(7), p. 2705. https://doi.org/10.3390/en15072705.

[61] Sitompul, N.A. (2021) Corporate Rescue Concept in Bankruptcy in Indonesia,' *TANJUNGPURA LAW JOURNAL*, 5(1), p. 38. https://doi.org/10.26418/tlj.v5i1.43604.

[62] Spadaro, I. *et al.* (2023) 'Stakeholder Participation in Planning of a Sustainable and Competitive Tourism Destination: The Genoa Integrated Action Plan,' *Sustainability*, 15(6), p. 5005. https://doi.org/10.3390/su15065005.

[63] St Clair Buchanan, J. and Elliott, G. (2017) 'Reconciling Conflicting Demands in the EGM Industry: Government, Industry, Media and the Community,' *Journal of Gambling Issues* [Preprint], (35). https://doi.org/10.4309/jgi.2017.35.6.

[64] Torreele, E. (2024) 'Why are our medicines so expensive? Spoiler: Not for the reasons you are being told…,' *European Journal of General Practice*, 30(1). https://doi.org/10.1080/13814788.2024.2308006.

[65] Viriyathorn, S. *et al.* (2023) 'Procedural fairness in benefit package design: inclusion of pre-exposure prophylaxis of HIV in Universal Coverage Scheme in Thailand,' *Health Policy and Planning*, 38(Supplement_1), pp. i36–i48. https://doi.org/10.1093/heapol/czad061.

[66] Wang, F. *et al.* (2024) 'Balancing stakeholder interests and paradoxes in health data sharing within health ecosystems,' *Finnish Journal of eHealth and eWelfare*, 16(1). https://doi.org/10.23996/fjhw.138290.

[67] Wessels, B. and Madaus, S. (2020) *Rescue of Business in Europe*. Oxford University Press. https://doi.org/10.1093/oso/9780198826521.001.0001.

[68] Westrenius, A. and Barnes, L. (2020) 'Big Decisions in Small Business Ecosystems: Stakeholder Priority,' *Advances in Economics and Business*, 8(2), pp. 73–84. https://doi.org/10.13189/aeb.2020.080201.

[69] Yulivan, I. (2022) 'The Indonesian Government's Defense Economic Program for the Small Business Economy During the Covid-19 Pandemic for Economic Resilience,' *Journal of Economics and Business*, 5(1). https://doi.org/10.31014/aior.1992.05.01.399.

[70] Zarewa, G.A., Jr. (2019) *Project Managers' Perceptions On Barriers To Effective Stakeholder Management (ESM) In Multifarious Infrastructure Projects (MIPS) Delivery In Nigeria*, *Arid Zone Journal Of Engineering, Technology & Environment*, pp. 939–957. https://www.azojete.com.ng.

[71] Zhang, D. (2019) 'Preventive Restructuring Frameworks: A Possible Solution for Financially Distressed Multinational Corporate Groups in the EU,' *European Business Organization Law*

Review, 20(2), pp. 285–318. https://doi.org/10.1007/s40804-018-0125-3.