INSTITUTIONAL TRANSFORMATION THROUGH REGULATORY PARADIGM SHIFT: A FRAMEWORK FOR UNDERSTANDING EMPOWERING DEINSTITUTIONALIZATION IN DEVELOPING LEGAL SYSTEMS

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ABSTRACT

The transformation of regulatory paradigms from ex-ante control mechanisms to ex-post supervision systems in developing countries represents a distinct form of institutional change that existing theoretical frameworks have not fully captured. This paper develops a conceptual framework termed "empowering deinstitutionalization" to understand how regulatory transformation can simultaneously dismantle constraint-based institutional arrangements while constructing empowerment-based alternatives that enhance citizen agency. Drawing on institutional theory's three pillars—cognitive, normative, and regulative—this framework extends existing concepts of institutional work and gradual transformation to explain a specific type of institutional change where deinstitutionalization serves empowerment rather than institutional decay. Through detailed analysis of Vietnam's administrative reform and selective comparison with transformation processes in other developing countries, this research demonstrates how empowering deinstitutionalization operates through interconnected mechanisms of normative recalibration, cognitive reframing, and regulative restructuring. The framework contributes to institutional theory by identifying conditions under which deinstitutionalization can produce institutional empowerment rather than institutional weakness, while extending legal empowerment scholarship to encompass institutional-level transformation processes. The findings reveal both the transformative potential and inherent limitations of regulatory paradigm shifts as mechanisms of legal empowerment in developing country contexts.

Keywords: institutional transformation, regulatory paradigms, empowering deinstitutionalization, legal empowerment, ex-ante regulation, ex-post supervision.

1. Introduction

The systematic transformation of regulatory approaches from ex-ante control to ex-post supervision in developing countries represents a form of institutional change that extends beyond existing theoretical frameworks in institutional theory, regulatory governance, and legal empowerment studies. While institutional work theory[1] has demonstrated how actors deliberately create, maintain, and disrupt institutions, and gradual transformation theories[2] have shown how institutions evolve through layering and conversion processes, these frameworks have not adequately theorized situations where institutional dismantling serves primarily to enhance rather than eliminate institutional capacity for citizen empowerment.

The theoretical puzzle addressed in this paper concerns how institutional transformation can operate through what this research terms "empowering deinstitutionalization"—a process where existing institutional arrangements are deliberately dismantled not to weaken institutional capacity but to create alternative institutional arrangements that enhance citizen agency within legal systems. This process differs from conventional deinstitutionalization[3] because it maintains institutional coherence and legitimacy while fundamentally altering institutional foundations, and it extends beyond gradual institutional change because it involves systematic paradigmatic shift rather than incremental adjustment.

Contemporary regulatory governance scholarship has increasingly recognized that regulatory design choices embed assumptions about state-citizen relationships and citizen capacity,[4] yet this recognition has not been fully integrated with institutional theory's understanding of how institutional transformation occurs or legal empowerment theory's focus on enhancing citizen agency within legal systems. The framework developed here synthesizes insights from these three theoretical traditions to understand regulatory paradigm shift as a distinct form of institutional transformation that serves legal empowerment objectives.

The empirical foundation for this theoretical development draws from Vietnam's comprehensive administrative reform initiative, which explicitly articulates the principle that

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[1] Thomas B. Lawrence & Roy Suddaby, Institutions and institutional work, in The SAGE Handbook of Organization Studies 215 (Stewart R. Clegg et al. eds., 2d ed. 2006).

[2] James Mahoney & Kathleen Thelen, Explaining Institutional Change: Ambiguity, Agency, and Power (2010).

[3] Christine Oliver, The Antecedents of Deinstitutionalization, 13 Organization Studies 563 (1992).

[4] Julia Black, Constructing and contesting legitimacy and accountability in polycentric regulatory regimes, 2 Regulation & Governance 137 (2008); Martin Lodge & Kai Wegrich, Managing Regulation: Regulatory Analysis, Politics and Policy (2012).

citizens should be empowered to "do what the law does not prohibit" rather than constrained to "do only what the law permits." This reform provides a particularly clear example of empowering deinstitutionalization because it involves systematic dismantling of ex-ante approval mechanisms coupled with construction of ex-post supervision systems designed to enhance citizen agency while maintaining legal boundaries.

The contribution of this research lies in developing a conceptual framework that illuminates a specific type of institutional transformation not fully captured by existing theories. Rather than claiming that existing theories are inadequate, this paper argues that empowering deinstitutionalization represents a synthetic concept that draws from institutional work, gradual transformation, and legal empowerment theories to understand regulatory paradigm shift as a mechanism of institutional-level legal empowerment that operates through distinct dynamics requiring separate theoretical attention.

2. Theoretical Framework: Empowering Deinstitutionalization as Institutional Transformation

Empowering deinstitutionalization builds upon institutional work theory's insight that actors can deliberately disrupt existing institutional arrangements while simultaneously creating alternative arrangements,[5] yet extends this framework to examine cases where disruption serves primarily empowerment rather than replacement objectives. Institutional work theory has demonstrated that "institutional entrepreneurs" can engage in "institutional work" that transforms institutional fields, yet has focused primarily on how new institutional arrangements emerge rather than how dismantling existing arrangements can itself serve empowerment functions.

The concept of empowering deinstitutionalization synthesizes institutional work theory with legal empowerment theory's emphasis on enhancing citizen capacity to exercise agency within legal systems.[6] This synthesis reveals how institutional disruption can serve empowerment objectives when the disrupted institutions primarily function to constrain rather than enable citizen agency, creating theoretical space for understanding deinstitutionalization as a

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[5] Lawrence & Suddaby, supra note 1.
[6] Vivek Maru, Community paralegals and the pursuit of justice, in The Community Paralegal Movement and the Pursuit of Justice 1 (Vivek Maru & Varun Gauri eds., 2018).

mechanism of empowerment rather than merely institutional decay.

Empowering deinstitutionalization operates through three interconnected mechanisms that correspond to Scott's institutional pillars[7] while extending their application to transformation processes. Normative recalibration involves challenging and transforming the values and expectations that legitimate constraint-based institutional arrangements, particularly assumptions about citizen incompetence and state paternalism. Cognitive reframing involves altering mental models and interpretive frameworks that actors use to understand appropriate boundaries between state authority and citizen agency. Regulative restructuring involves reorganizing formal rules and administrative procedures to operationalize empowerment-based rather than constraint-based approaches to state-citizen interaction.

The theoretical distinctiveness of empowering deinstitutionalization lies in its demonstration that these three mechanisms can operate simultaneously to create systematic institutional transformation that maintains institutional legitimacy while fundamentally altering institutional foundations. This differs from gradual transformation processes[8] because it involves paradigmatic rather than incremental change, yet differs from revolutionary institutional change because it preserves institutional continuity through empowerment mechanisms rather than creating entirely new institutional arrangements.

However, empowering deinstitutionalization also exhibits important limitations and scope conditions that connect to broader institutional theory insights about transformation processes. The requirement for simultaneous transformation across cognitive, normative, and regulative dimensions means that empowering deinstitutionalization faces significant implementation challenges and risks producing hybrid outcomes where formal transformation occurs without substantive empowerment. These risks connect to institutional theory's emphasis on institutional persistence and resistance to change.[9]

The framework developed here engaes directly with related concepts in institutional theory while carving out analytical space for understanding regulatory paradigm shift as a distinct form of institutional transformation. Unlike institutional work focused on institutional entrepreneurship, empowering deinstitutionalization involves systematic governmental

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[7] W. Richard Scott, Institutions and Organizations: Ideas, Interests, and Identities (4th ed. 2014).
[8] Mahoney & Thelen, supra note 2.
[9] Scott, supra note 7.

initiatives that transform regulatory paradigms. Unlike gradual transformation through layering or conversion, empowering deinstitutionalization involves deliberate dismantling coupled with systematic reconstruction. Unlike conventional deinstitutionalization that weakens institutional capacity, empowering deinstitutionalization aims to enhance institutional capacity for citizen empowerment.

3. Legal Empowerment and Institutional-Level Transformation

Legal empowerment scholarship has increasingly recognized that individual and community empowerment processes occur within institutional contexts that can either facilitate or constrain empowerment outcomes.[110] While scholars like Stephen Golub have examined systemic dimensions of legal empowerment, including how legal institutions shape empowerment possibilities, this scholarship has not fully theorized how legal institutions themselves can undergo transformation specifically to enhance empowerment capacity rather than merely improve institutional performance within existing paradigms.

The framework for institutional legal empowerment developed here extends rather than replaces existing legal empowerment theory by focusing specifically on institutional transformation processes that serve empowerment objectives. This extension addresses what Domingo and O'Neil identify as a gap in legal empowerment scholarship regarding "structural or transformative change"[11] that affects institutional rather than merely individual or community capacity for legal agency.

Institutional legal empowerment operates through transformation of what Rittich identifies as law's constitutive function,[12] where legal institutions actively shape social relations rather than merely regulating pre-existing relations. Regulatory paradigm shift transforms law's constitutive function by altering fundamental assumptions embedded in legal institutions about appropriate relationships between state authority and citizen agency, thereby constituting different forms of citizenship and different possibilities for citizen empowerment.

The relationship between individual-level and institutional-level legal empowerment processes

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[10] Stephen Golub, What is legal empowerment? An introduction, in Legal Empowerment: Practitioners' Perspectives 9 (Stephen Golub ed., 2010); Maru, supra note 6.
[11] Pilar Domingo & Tam O'Neil, The Politics of Legal Empowerment: Legal Mobilization Strategies and Implications for Development (2014).
[12] Kerry Rittich, Legal theory in search of social transformation, 1 European Law Open 543 (2022).

creates theoretical complexity that requires careful analytical attention. Individual empowerment processes depend partly on institutional arrangements that facilitate or constrain empowerment, while institutional transformation depends partly on citizen capacity to utilize transformed institutional arrangements effectively. This creates potential feedback loops where institutional legal empowerment enables individual empowerment, which in turn reinforces institutional transformation by demonstrating citizen capacity for enhanced agency.

However, this relationship also creates potential disconnects where institutional transformation occurs without corresponding individual empowerment, producing what this research terms "formal empowerment" that changes institutional arrangements without necessarily enhancing actual citizen capacity for agency. This risk connects to broader concerns in development studies about reforms that change formal institutions without transforming informal practices or power relations.[13]

The institutional legal empowerment framework developed here provides analytical tools for understanding when and how institutional transformation serves empowerment objectives, while acknowledging that institutional change alone is insufficient to guarantee empowerment outcomes. This framework emphasizes the importance of examining actual empowerment processes and outcomes rather than assuming that institutional transformation automatically produces empowerment.

4. Regulatory Paradigm Shift and Institutional Logic Transformation

Contemporary regulatory governance scholarship has moved beyond efficiency-focused frameworks to examine how regulatory arrangements embed particular assumptions about state-citizen relationships and appropriate forms of governance.[14] This scholarship has demonstrated that regulatory choices reflect deeper institutional logics about appropriate relationships between state authority and citizen agency, yet has not fully integrated these insights with institutional theory's understanding of how institutional logics undergo transformation.

The regulatory paradigm shift from ex-ante control to ex-post supervision embodies a fundamental transformation in institutional logics that govern state-citizen relationships. Ex-

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[13] Matt Andrews, The Limits of Institutional Reform in Development (2013).
[14] Black, supra note 4; Lodge & Wegrich, supra note 4.

ante regulatory paradigms embed institutional logics premised on citizen incompetence and state responsibility for preventing citizen error, while ex-post paradigms embed institutional logics premised on citizen competence and state responsibility for maintaining legal boundaries while enabling citizen initiative. This transformation in institutional logics requires comprehensive change across cognitive, normative, and regulative institutional dimensions.

Institutional logics transformation through regulatory paradigm shift operates through what Thornton et al. identify as "institutional logics work"[15] where actors actively promote alternative institutional logics to challenge existing arrangements. However, regulatory paradigm shift involves governmental rather than entrepreneurial promotion of alternative logics, creating different dynamics than those typically examined in institutional logics research, which has focused primarily on field-level transformation driven by organizational actors.

The theoretical complexity of regulatory paradigm shift lies in its requirement for transformation of deeply embedded institutional logics while maintaining institutional legitimacy and social order. This requirement creates implementation challenges where formal paradigm shift occurs without corresponding transformation in institutional logics, producing hybrid arrangements that combine elements of ex-ante and ex-post approaches without fully embodying either paradigm's institutional logic.

Responsive regulation theory[16] provides important insights into how regulatory approaches can be designed to enhance rather than constrain citizen and organizational capacity for self-regulation. The regulatory pyramid framework demonstrates how regulatory interventions can be graduated to promote voluntary compliance while maintaining enforcement capacity. However, regulatory paradigm shift extends beyond responsive regulation's tactical flexibility toward comprehensive transformation of regulatory institutional logics.

The framework developed here extends regulatory governance scholarship by demonstrating how regulatory paradigm shifts constitute a form of institutional transformation that requires theoretical attention to institutional logics transformation rather than merely regulatory design optimization. This extension connects regulatory governance scholarship more directly with

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[15] Patricia H. Thornton et al., The Institutional Logics Perspective: A New Approach to Culture, Structure, and Process (2012).

[16] Ian Ayres & John Braithwaite, Responsive Regulation: Transcending the Deregulation Debate (1992).

institutional theory while maintaining attention to the empowerment implications of regulatory choices.

5. Mechanisms of Empowering Deinstitutionalization

The three mechanisms of empowering deinstitutionalization—normative recalibration, cognitive reframing, and regulative restructuring—operate through interconnected processes that create systematic institutional transformation while maintaining institutional coherence. These mechanisms build upon Scott's institutional pillars[17] while extending their application to understand transformation processes that serve empowerment objectives.

Normative recalibration involves challenging and transforming deeply embedded values and expectations about appropriate relationships between state authority and citizen agency. In regulatory contexts, this typically involves shifting from normative assumptions that citizens require state guidance and protection toward normative assumptions that citizens possess competence for self-direction within legal boundaries. This normative transformation faces significant resistance from established cultural and political traditions that emphasize hierarchical authority relationships and state responsibility for citizen welfare.

The process of normative recalibration operates through what Suchman identifies as moral legitimacy transformation,[18] where actors work to alter evaluations of whether institutional arrangements serve appropriate values and objectives. Regulatory paradigm shift requires demonstrating that ex-post supervision better serves values of citizen dignity and autonomy than ex-ante control, while maintaining commitments to social order and legal compliance that legitimate state authority.

Cognitive reframing involves altering mental models and interpretive frameworks that actors use to understand appropriate behavior within institutional systems. In regulatory contexts, this involves shifting from cognitive frameworks that assume citizen action requires prior state approval toward frameworks that assume citizen action is legitimate unless specifically prohibited by law. This cognitive transformation requires systematic re-education of both state actors and citizens about their respective roles and responsibilities within transformed

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[17] Scott, supra note 7.
[18] Mark C. Suchman, Managing legitimacy: Strategic and institutional approaches, 20 Academy of Management Review 571 (1995).

regulatory systems.

The interaction between cognitive reframing and normative recalibration creates reinforcing dynamics where transformed cognitive frameworks support new normative assumptions, while transformed normative assumptions encourage adoption of new cognitive frameworks. However, this interaction also creates potential conflicts where cognitive and normative transformation proceed at different rates, producing institutional incoherence that undermines transformation effectiveness.

Regulative restructuring involves reorganizing formal rules and administrative procedures to operationalize empowerment-based approaches to state-citizen interaction. This mechanism typically receives the most attention in reform initiatives because it involves visible changes in administrative procedures and legal frameworks. However, regulative restructuring alone is insufficient to produce empowering deinstitutionalization without corresponding normative and cognitive transformation.

The sequencing and interaction of these three mechanisms creates important implications for transformation effectiveness. Regulative restructuring without normative recalibration may produce formal compliance without substantive transformation of state-citizen relationships. Cognitive reframing without regulative restructuring may produce awareness of transformation possibilities without institutional capacity to implement them. Normative recalibration without cognitive reframing may produce value commitment to transformation without practical understanding of how to implement it.

6. Methodology and Case Analysis Strategy

The research strategy employed here combines detailed institutional analysis of Vietnam's regulatory transformation with selective comparative examination of similar processes in other developing countries to develop theoretical understanding while acknowledging scope conditions and limitations. The methodological approach prioritizes theoretical development over empirical comprehensiveness, focusing on cases that provide clear illustrations of empowering deinstitutionalization dynamics while recognizing that broader validation requires additional research.

The selection of Vietnam as the primary case follows theoretical sampling logic designed to

maximize insight into empowering deinstitutionalization processes. Vietnam's reform provides particularly clear articulation of the theoretical tension between constraint-based and empowerment-based regulatory approaches while attempting systematic implementation across multiple administrative domains. The reform's explicit language about empowering citizens to "do what the law does not prohibit" provides direct evidence of empowering deinstitutionalization intent.

The institutional analysis methodology examines how cognitive, normative, and regulative transformation mechanisms operate in practice, paying particular attention to implementation challenges and gaps between formal transformation and substantive empowerment. This analysis draws on policy documents, implementation reports, and secondary literature to examine both transformation design and implementation experience.

The comparative analysis examines selected aspects of regulatory transformation in South Korea, Estonia, and Singapore to illustrate broader patterns while acknowledging the limitations of brief comparative summaries for providing comprehensive theoretical validation. Rather than claiming definitive validation, this analysis identifies suggestive patterns that warrant further investigation in future research.

The methodological limitations of this approach require explicit acknowledgment. The focus on formal policy transformation provides limited insight into actual citizen empowerment experiences. The comparative analysis remains at a high level that cannot support strong claims about theoretical validation. The temporal limitations of examining ongoing reforms mean that long-term outcomes remain uncertain. These limitations suggest areas for future research while supporting the theoretical contributions that this research can reliably make.

7. Vietnam's Administrative Reform: Empowering Deinstitutionalization in Practice

Vietnam's administrative reform under Prime Minister Phạm Minh Chính's government exemplifies empowering deinstitutionalization through its systematic attempt to transform regulatory paradigms from ex-ante control toward ex-post supervision while explicitly articulating empowerment objectives.[19] The reform represents one of the most comprehensive

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[19] Prime Minister Phạm Minh Chính, Official Dispatch on Simplification of Administrative Procedures (May 22, 2025), Vietnam Plus, https://en.vietnamplus.vn/pm-urges-simplification-of-administrative-procedures-post319698.vnp.

efforts to implement regulatory paradigm shift in a developing country context, providing detailed evidence of how empowering deinstitutionalization operates in practice while revealing implementation challenges and limitations.[20]

The normative recalibration dimensions of Vietnam's reform operate through explicit challenges to what Vietnamese discourse identifies as "tâm lý thuộc dân" (subject mentality) that has historically characterized state-citizen relationships. The reform articulates alternative normative frameworks that emphasize citizen capacity for "chủ động" (initiative) and "tự chịu trách nhiệm" (self-responsibility) within legal boundaries. This normative transformation connects to broader Vietnamese political discourse about "dân chủ" (democracy) and "quyền làm chủ" (citizen ownership) that provides cultural resources for legitimating transformed state-citizen relationships.

However, early implementation evidence suggests significant challenges in achieving normative recalibration beyond formal policy pronouncements. Traditional expectations about state responsibility for citizen welfare and citizen expectations of state guidance create resistance to normative transformation that affects both administrative actors and citizens. Media reports and policy implementation studies indicate that many citizens remain uncertain about their expanded agency under transformed regulatory frameworks, while many administrative actors continue to prefer familiar approval-granting procedures.

The cognitive reframing dimensions of Vietnam's reform involve systematic efforts to alter mental models about appropriate boundaries between state authority and citizen agency. The reform explicitly promotes cognitive shifts from "xin phép" (asking permission) frameworks toward "tự làm trong khuôn khổ pháp luật" (self-action within legal frameworks) frameworks. This cognitive transformation requires extensive re-education efforts targeting both administrative actors and citizens about their roles and responsibilities under transformed regulatory systems.

Cognitive reframing faces particular challenges in Vietnam's context due to the complexity of legal frameworks and the historical emphasis on detailed administrative guidance. Citizens' uncertainty about legal boundaries under ex-post supervision systems creates tendencies to

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[20] Vietnam Government Office, Decision No. 20/QD-VPCP on Administrative Procedure Reform Plan for 2024 (Jan. 18, 2024), LawNet Vietnam, https://lawnet.vn/thong-tin-phap-luat/en/chinh-sach-moi/vietnam-a-key-administrative-procedure-reform-plan-to-be-formed-in-2024-131769.html.

seek informal guidance from administrative actors, thereby reproducing ex-ante consultation patterns within formally ex-post systems. Administrative actors' unfamiliarity with monitoring and enforcement procedures creates implementation gaps that undermine citizen confidence in transformed systems.

The regulative restructuring dimensions of Vietnam's reform involve comprehensive reorganization of administrative procedures, including consolidation of provincial administrative units from 63 to 34, elimination of numerous approval procedures, and establishment of post-action monitoring systems.[21] This regulative transformation represents the most visible aspect of the reform while requiring substantial investment in new administrative capacity for monitoring and enforcement functions.

Early evidence suggests mixed success in regulative restructuring implementation. Administrative consolidation has proceeded according to formal timelines, and many approval procedures have been formally eliminated. However, monitoring and enforcement capacity development has lagged behind procedural elimination, creating regulatory gaps that may undermine citizen confidence and system effectiveness. Some administrative units have informally maintained approval procedures through "guidance" and "consultation" mechanisms that preserve ex-ante control under ex-post frameworks.

The interaction effects between these three transformation mechanisms reveal both the potential and limitations of empowering deinstitutionalization in Vietnam's context. Where all three mechanisms operate effectively, early evidence suggests increased citizen confidence and initiative in areas such as business registration and property transactions. However, where mechanisms operate unevenly or incompletely, hybrid outcomes emerge that preserve constraint-based relationships under formally empowerment-based procedures.[22]

8. Comparative Perspectives: Scope Conditions and Alternative Pathways

Examination of regulatory transformation processes in South Korea, Estonia, and Singapore provides illustrative evidence of how empowering deinstitutionalization operates under

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[21] Vietnam Communist Party Central Committee, Resolution No. 60-NQ/TW on Administrative Unit Restructuring (Apr. 12, 2025), Vietnam Plus, https://en.vietnamplus.vn/vietnam-unveils-administrative-overhaul-reducing-provincial-level-units-from-63-to-34-post313328.vnp.

[22] Đức Nhân & Huỳnh Kha, Vietnam's Political Landscape After Mergers and Restructuring, Luat Khoa Magazine (Mar. 1, 2025), translated by Jason Nguyen, The Vietnamese Magazine, https://www.thevietnamese.org/2025/03/vietnams-political-landscape-after-mergers-and-restructuring/.

different institutional conditions while revealing scope conditions that influence transformation effectiveness. Rather than providing comprehensive validation, these cases suggest patterns that warrant further investigation in future research.

South Korea's administrative modernization during rapid economic development demonstrates how empowering deinstitutionalization can operate within strong developmental state frameworks that maintain significant regulatory capacity while expanding space for citizen and business initiative.[23] Korea's transformation involved systematic cognitive reframing around "efficiency" and "competitiveness" that legitimated reduced ex-ante control while maintaining strong ex-post monitoring capacity. The normative recalibration emphasized citizen and business "responsibility" for economic development within state-provided frameworks rather than individual autonomy per se.[24]

The Korean case illustrates how empowering deinstitutionalization can serve developmental objectives while maintaining authoritarian political frameworks, suggesting that democratic governance is not a necessary condition for regulatory paradigm shift. However, the Korean experience also demonstrates how economic development pressures can provide powerful legitimation for regulatory transformation that may not be available in other contexts, creating scope condition implications for transformation feasibility.[25]

Estonia's digital governance transformation demonstrates how technological infrastructure can facilitate empowering deinstitutionalization by enabling new forms of ex-post monitoring that were not previously technically feasible. Estonia's transformation involved cognitive reframing around "digital citizenship" that redefined appropriate relationships between citizens and government through technological mediation.[26] The normative recalibration emphasized citizen "convenience" and "efficiency" rather than autonomy, yet produced substantial expansion of citizen agency within government systems.[27]

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[23] Jung-en Woo, Race to the Swift: State and Finance in Korean Industrialization (Columbia University Press 1991).

[24] Il Sakong & Youngsun Koh, The Korean Economy: Six Decades of Growth and Development (Korea Development Institute 2010).

[25] Analysis of Developmental Chronology of South Korean Compressed Growth as a Reference from Sustainable Development Perspectives, 13 Sustainability 1905 (2021), https://www.mdpi.com/2071-1050/13/4/1905

[26] Kristjan Vassil, Estonian e-Government Ecosystem, World Bank Development Report (2016), https://pubdocs.worldbank.org/en/165711456838073531/WDR16-BP-Estonian-eGov-ecosystem-Vassil.pdf.

[27] NYU School of Professional Studies, The Estonian Miracle: E-Estonia and the Future of Digital Infrastructure, https://www.sps.nyu.edu/homepage/metaverse/metaverse-blog/the-estonian-miracle-e-estonia-and-the-future-of-digital-infrastructure.html.

The Estonian case illustrates how technological innovation can overcome traditional barriers to ex-post supervision, particularly information and coordination challenges that have historically made ex-ante control appear more feasible. However, Estonia's small size and technological capacity suggest scope conditions that may limit transferability to larger, less technologically advanced contexts.[28]

Singapore's regulatory excellence framework demonstrates how strong state capacity and political coherence can enable comprehensive regulatory paradigm transformation while maintaining tight political control. Singapore's transformation involved cognitive reframing around "business-friendliness" and "regulatory efficiency" that legitimated reduced regulatory burden while maintaining strong enforcement capacity. The normative recalibration emphasized "pragmatism" and "effectiveness" rather than empowerment per se.

The Singapore case illustrates how empowering deinstitutionalization can operate within politically restrictive environments when focused on economic rather than political empowerment. However, Singapore's unique political and economic context limits generalizability while demonstrating that multiple pathways exist for regulatory paradigm transformation.[29]

These comparative cases suggest several scope conditions that influence empowering deinstitutionalization effectiveness. Strong state capacity for ex-post monitoring appears necessary to maintain regulatory legitimacy while reducing ex-ante control. Clear economic or developmental benefits from transformation provide political legitimation that facilitates implementation. Technological infrastructure can overcome traditional barriers to ex-post supervision while creating new possibilities for citizen-state interaction.

However, these cases also reveal risks of "façade transformation" where formal regulatory procedures change without substantive transformation of power relationships or citizen empowerment.[30] All three cases exhibit elements of elite-directed transformation that may limit deeper democratization implications, suggesting that empowering deinstitutionalization can

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[28] Estonia's digital diplomacy: Nordic interoperability and the challenges of cross-border e-governance, Policy Review (2024), https://policyreview.info/articles/analysis/estonias-digital-diplomacy-nordic-interoperability.

[29] Corporate Services Singapore, Business Laws all Singapore Companies Must Know: 2024 Guide (Sept. 9, 2024), https://www.corporateservices.com/singapore/business-laws-of-singapore/.

[30] Matt Andrews, The Limits of Institutional Reform in Development (Cambridge University Press 2013).

serve state modernization objectives without necessarily producing broader empowerment outcomes.

9. Limitations, Risks, and Conditions for Successful Transformation

The framework of empowering deinstitutionalization, while providing valuable analytical tools for understanding regulatory paradigm transformation, exhibits important limitations and risks that require explicit acknowledgment and theoretical incorporation. These limitations connect to broader institutional theory insights about transformation processes while highlighting specific challenges associated with empowerment-oriented institutional change.

The risk of "façade transformation" represents perhaps the most significant limitation of empowering deinstitutionalization processes. Formal changes in regulatory procedures may occur without corresponding transformation in underlying power relationships, institutional cultures, or citizen empowerment outcomes. This risk is particularly acute in contexts where political incentives favor symbolic compliance with transformation directives over substantive implementation that challenges established interests and practices.[31]

Façade transformation can manifest through several mechanisms that preserve constraint-based relationships under formally empowerment-based procedures. Administrative actors may maintain informal approval processes through "guidance" and "consultation" mechanisms that reproduce ex-ante control patterns. Citizens may continue to seek unofficial permission due to uncertainty about legal boundaries or lack of confidence in ex-post protection. Political actors may implement formal transformation while preserving informal veto powers over citizen initiatives that challenge established interests.

The conditions for avoiding façade transformation and achieving substantive empowering deinstitutionalization require careful theoretical specification. Strong political leadership commitment appears necessary but insufficient, as implementation depends on transformation of administrative cultures and citizen expectations that extend beyond political control. Administrative capacity for effective ex-post monitoring and enforcement represents a crucial scope condition, as citizens require confidence that legal boundaries will be fairly and

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[31] Sustaining reform implementation: a systematic literature review, 51 School Leadership & Management 1 (2023), https://www.tandfonline.com/doi/full/10.1080/13632434.2023.2171012.

consistently enforced.

Citizen preparedness for enhanced agency represents another crucial scope condition that existing institutional and legal empowerment theories have not adequately theorized. Empowering deinstitutionalization requires citizens who possess both the capacity and willingness to exercise enhanced agency within legal boundaries. This preparedness involves legal literacy, confidence in legal protection, and cultural comfort with individual initiative that may not exist in contexts characterized by traditional hierarchical authority relationships.

The temporal dimensions of empowering deinstitutionalization create additional limitations and risks that require theoretical attention. Transformation processes require extended time periods for normative, cognitive, and regulative mechanisms to operate effectively, yet political and social pressures often demand rapid visible results. This temporal mismatch can produce premature implementation that undermines transformation effectiveness or political abandonment of transformation efforts before they achieve substantive results.

The interaction between empowering deinstitutionalization and broader institutional environments creates scope conditions that limit transformation feasibility in certain contexts. Weak rule of law environments may lack the institutional foundations necessary for effective ex-post supervision, making ex-ante control appear necessary for maintaining social order. Highly unequal societies may face risks that enhanced citizen agency primarily benefits already privileged groups while leaving marginalized populations more vulnerable to exploitation.[32]

The framework developed here acknowledges these limitations while arguing that empowering deinstitutionalization remains a valuable analytical tool for understanding certain types of institutional transformation even when complete implementation faces significant barriers. The framework's utility lies partly in its capacity to identify conditions under which empowerment-oriented transformation is more or less likely to succeed, thereby providing guidance for transformation design and implementation.

10. Theoretical Contributions and Future Research Directions

The framework of empowering deinstitutionalization developed in this research makes several

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[32] André Hanelt et al., A Systematic Review of the Literature on Digital Transformation: Insights and Implications for Strategy and Organizational Change, 58 Journal of Management Studies 1159 (2021).

specific contributions to institutional theory, regulatory governance scholarship, and legal empowerment studies while identifying important directions for future research. These contributions extend existing theoretical frameworks rather than replacing them, providing analytical tools for understanding a particular type of institutional transformation that has not received adequate theoretical attention.

The contribution to institutional theory lies in demonstrating that deinstitutionalization can serve empowerment rather than merely decay functions when the dismantled institutions primarily constrain rather than enable valued social outcomes. This insight extends institutional work theory by identifying a specific type of institutional work where disruption serves construction of alternative arrangements designed to enhance rather than replace institutional capacity. The framework also extends gradual transformation theory by examining cases where systematic paradigmatic change occurs through deliberate governmental initiative rather than incremental organizational adaptation.

The contribution to regulatory governance scholarship lies in integrating insights about regulatory choices as institutional choices with institutional theory's understanding of transformation processes. Contemporary regulatory governance scholarship has demonstrated that regulatory arrangements embed particular assumptions about state-citizen relationships, yet has not fully theorized how these arrangements undergo transformation or how transformation can serve empowerment objectives. The framework developed here provides analytical tools for understanding regulatory paradigm shift as institutional transformation rather than merely administrative adjustment.

The contribution to legal empowerment studies lies in extending analytical attention beyond individual and community empowerment processes toward institutional transformation processes that serve empowerment objectives. While legal empowerment scholarship has increasingly recognized systemic dimensions of empowerment, it has not fully theorized institutional transformation as a mechanism of legal empowerment. The institutional legal empowerment framework developed here provides conceptual tools for understanding how legal institutions can be transformed to enhance rather than constrain citizen agency.

However, these contributions also reveal important limitations and areas requiring future research. The framework requires empirical validation through detailed examination of transformation processes and outcomes in multiple contexts. The scope conditions identified

here need further specification through comparative analysis that can identify enabling and constraining factors more precisely. The temporal dimensions of transformation processes require longitudinal analysis that can examine how empowering deinstitutionalization unfolds over extended time periods.

Future research should examine empowering deinstitutionalization processes in different policy domains beyond administrative regulation, including areas such as economic policy, social service delivery, and environmental governance. The framework's applicability to different types of institutional arrangements requires empirical investigation that can identify scope conditions and alternative pathways for empowerment-oriented transformation.

The relationship between empowering deinstitutionalization and broader democratization processes represents an important area for future research. While the framework developed here focuses on regulatory transformation, the implications for broader political empowerment and democratic governance require theoretical and empirical investigation that connects institutional transformation with political transformation.

The measurement and evaluation of empowerment outcomes represents another crucial area for future research. Existing empowerment scholarship has struggled with operationalizing and measuring empowerment in ways that capture both individual agency and structural transformation. The institutional legal empowerment framework developed here requires development of measurement approaches that can assess institutional transformation effectiveness while examining actual empowerment outcomes for different population groups.

11. Conclusion

This research has developed a framework for understanding regulatory paradigm shift from ex-ante control to ex-post supervision as a distinct form of institutional transformation that operates through empowering deinstitutionalization mechanisms. The framework synthesizes insights from institutional theory, regulatory governance scholarship, and legal empowerment studies to provide analytical tools for understanding how institutional transformation can serve empowerment objectives while maintaining institutional coherence and legitimacy.

The central theoretical contribution lies in demonstrating that deinstitutionalization can serve empowerment functions when dismantled institutions primarily constrain rather than enable

valued social outcomes, thereby extending existing institutional theory beyond its traditional focus on institutional persistence and gradual change. The three mechanisms of empowering deinstitutionalization—normative recalibration, cognitive reframing, and regulative restructuring—provide conceptual tools for understanding how comprehensive institutional transformation can occur while preserving institutional legitimacy through empowerment rather than replacement logics.

The empirical analysis of Vietnam's administrative reform demonstrates both the potential and limitations of empowering deinstitutionalization in practice, revealing implementation challenges that connect to broader institutional theory insights about transformation processes. The comparative examination of similar processes in other developing countries suggests scope conditions and alternative pathways while acknowledging the need for more comprehensive comparative research to validate theoretical claims.

The framework's contributions to legal empowerment scholarship lie in extending analytical attention toward institutional transformation processes that serve empowerment objectives, providing conceptual foundation for understanding institutional legal empowerment as a complement to individual and community empowerment processes. However, the framework also reveals risks of façade transformation and scope conditions that limit transformation feasibility in certain contexts, requiring careful attention to implementation conditions and empowerment outcomes rather than merely institutional change processes.

The implications for development theory and practice emphasize the importance of understanding institutional transformation as a mechanism of empowerment while acknowledging that institutional change alone is insufficient to guarantee empowerment outcomes. The framework provides analytical tools for assessing when and how institutional transformation serves empowerment objectives while identifying conditions that influence transformation effectiveness.

Future research should extend this framework through detailed empirical examination of transformation processes and outcomes in multiple contexts, development of measurement approaches that can assess both institutional change and empowerment outcomes, and investigation of the relationship between empowering deinstitutionalization and broader democratization processes. The framework developed here provides foundation for this future

research while contributing to broader understanding of institutional transformation mechanisms in developing country contexts.

The significance of this research lies in its demonstration that institutional transformation through empowerment mechanisms represents a viable pathway for development that deserves greater attention from both researchers and practitioners. The regulatory paradigm transformations examined here provide evidence that alternative institutional arrangements are possible and that institutional change can serve empowerment objectives when designed and implemented with attention to empowerment conditions and constraints.