

SOCIAL ENTREPRENEURSHIP

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SOCIAL ENTREPRENEURSHIP AS AN INNOVATIVE LEGAL BASIS FOR A DEVELOPMENT OF AN ECONOMY OF THE MODERN STATE (THEORETICAL ASPECT)

The theoretical aspects of the definition of social entrepreneurship as the innovative and legal basis for the economic development of the national economy, through an analytical comparison of entrepreneurship, innovations and characteristics of the modern state and legal regulation of economic processes are considered in the article. Sustainable economic development requires economic progress. The entrepreneur is the one who introduces innovations and, regardless of the economic cycle (rise or fall), turns regression into economic progress. Social entrepreneurs, acting on a legal basis, are innovators of economic development. Assuming a high mission of developing and maintaining social values, they are constantly searching for and relentlessly implementing new opportunities associated with this mission, for a positive change in society as a whole. One of the problems of the development of social entrepreneurship is the interference of politicians in this process, with the aim of channeling it in the right direction. Also, the institution of social entrepreneurship is often reduced by some scientific researchers only to a narrow solution of everyday social problems. A widespread phenomenon is the development of legal doctrines of the legal regulation of social entrepreneurship and public-private partnership in this area. This is due to certain misunderstanding and delusion in the interpretation and application of the definition being studied. The task of social entrepreneurship today is more significant. The modern economy is capable of successfully developing due to the introduction of innovations and free competition by social entrepreneurship in the presence of an optimal legal regime.

Keywords: public-private cooperation, innovation, legal regulation, entrepreneur, social entrepreneur, social entrepreneurship, economic development; social change; sustainable development; social change; scaling up.

Introduction. In the conditions of decentralization of the local government taking into account the aggravation of social problems the difficult political situation and the financial crisis, the promotion of the formation of social entrepreneurship as an innovative legal basis for sustainable economic development is extremely urgent for modern Ukraine. The task of developing a social rule of law and the formation of civil society requires institutional, legal, social changes that support social innovation.

The purpose of a research is to study individual current problems of social entrepreneurship, to theoretically and methodologically examine and substantiate certain aspects of the definition of a social entrepreneurship and to identify foundations of the concept of its innovative and legal role in the development of an economy for the progressive development of modern society.

Research methods: comparative legal analysis and synthesis, logical method, generalization, economic and legal method.

Formulation of the problem. Social entrepreneurship carrying out important constructive functions of economic activity is an effective mechanism for increasing the level of economic development and state structure. From a legal point

of view domestic social entrepreneurship does not exist because of the lack of an appropriate legislative framework. However, there are some problems of social entrepreneurship related to its legal regulation, some interference of politics and the state in its formation, diminishing its role in the scientific community due to a reduction to the solution of narrow social everyday problems of various categories of the population. For the most part they relate to the misuse of the terminology of social entrepreneurship in practice as well as the insufficient level of domestic scientific research of this definition and poor knowledge of this phenomenon of society. The article outlines some theoretical approaches to the definition of social entrepreneurship shows its innovative and legal essence and the importance of the right approach for developing a legal concept for ensuring the formation of social entrepreneurship.

Social entrepreneurship is a new opportunity to participate in the process of creating a democratic society for an ordinary person, without being elected as a representative [15, 96]. Social entrepreneurship, by and large, accumulates in itself the passion of social mission with the image of business discipline, innovation and determination. Undoubtedly, our time has already been formed for entrepreneurial

approaches to social problems (Dees,1998/2001). Many government and philanthropic efforts far from justify our expectations. Large institutions of the social sector are often perceived as inefficient and do not meet the requirements of modern society. The community sees the prospect of social entrepreneurs in creating the advanced institutions of the new century. The definition of social entrepreneurship may be new to contemporaries, but this phenomenon has existed for a long time. In fact, social entrepreneurs have always existed, even if we did not call them. Initially, they created the basis for many categories, which we now perceive as ordinary phenomena. The meaning of the new name is significant in the sense that it implies the removal of the boundaries of the segment. Social entrepreneurship can manifest itself in various ways, such as social business enterprises, such as commercial banks for financial incentives for communities, and hybrid organizations that combine commercial and non-profit elements such as homeless educational shelters. The new name helps to expand the boundaries of the playground. Social entrepreneurs are constantly looking for the most effective tools for realizing their social goals. Nevertheless, although the concept of social entrepreneurship is becoming more and more in demand, it gives rise to different views for different people. This somewhat leads to a certain misunderstanding and misunderstanding of the terminology. Most perceive social entrepreneurship only as non-profit organizations. Others see businessmen as businessmen, who associate their activities with the social responsibility of business.

Many modern individuals want to have the image of a social entrepreneur or adjust to him for different reasons, not understanding the true essence of this definition. First of all, it concerns politicians and officials, for whom social entrepreneurship is an attractive design. Politicians and statesmen, as a rule, see themselves as key figures that provide opportunities and create rules, promote and invest innovation and social entrepreneurship. They are constantly trumpeting voters about what positive changes should come and how the social order should develop, promise great social initiatives, etc. Thus laying a large number of "non-entrepreneurial" components in social entrepreneurship. Their privilege is to promise the public a high standard of living and reap the benefits of successful projects. But politics and entrepreneurship are incompatible categories in practice. As SANDAL, Jan-Urban [14,242] pointed out, "politicians often speculate and play on taxpayer money, which often leads to disastrous results." Instead of investing the taxpayer's money in infrastructure, building kindergartens and schools, roads, libraries and

healthcare facilities, which is the main of taxation, very often officials commit acts that fall under the signs of crime, spending and thinking about ridiculous and uncontrolled projects that have nothing to do with the responsibility. The big danger is that as a result of policy intervention, the true spirit of social entrepreneurship can be lost. As long as the promise of politicians does not reach the result, because too many "non-entrepreneurial" efforts are included in the definition, then the social Entrepreneurship will fall into disrepute, and on this basis, it is necessary to clearly distinguish the notion of social entrepreneurship with other activities. What is the true essence of "social entrepreneurship"? The answer begins with an understanding of the term "entrepreneur"[3,4].

The concept of entrepreneurs has a long history in the field of business. Its main attribute was the formation of value based on innovation [5,108-111]; [20]. Austrian economist Joseph Schumpeter founded this fundamental concept of value creation, contributing to what may be the most influential idea of entrepreneurship. Schumpeter defined in the entrepreneur the force necessary to stimulate economic progress if the economy does not become static, structurally immobilized and prone to corruption. Enter the *Unternehmer*, Schumpeter's Entrepreneurial Spirit, which identifies a commercial opportunity - whether it's a material, product, service or business - and organizes an enterprise to implement it. Successful entrepreneurship, he argues, triggers a chain reaction, encouraging other entrepreneurs to repeat and ultimately spread innovation to the level of "creative destruction," a state in which a new enterprise and all associated enterprises effectively provide existing products and services, and business models are outdated. Schumpeter sees the entrepreneur as an agent of change in a larger economy[10].

What is social entrepreneurship?

In our opinion, the clearest definition of social entrepreneurship is provided by SANDAL, Jan-Urban. It comprehensively and capacitively reflects the true essence of social entrepreneurship. Social entrepreneurship[14,237] is a new way of participating in the process of developing the democracy for the common person. This is the true essence of social entrepreneurship.

Nevertheless, there is still a huge gap between theory and practice. The most characteristic problem of the modern development of social entrepreneurship is the interference of politics in social entrepreneurship in order to subordinate it to certain established rules. However, as recent world events show, many citizens, including our compatriots, today do not want to stay away from

political processes. They want to take an active part in the common life of the society be active in the electoral process. As soon as they learn about new opportunities for active participation in social development they are motivated by the desire to devote their ideas and forces to the innovative process to turn ideas into productive projects. And certainly all of them are pouring changes into social development, which significantly raises the standard of living of society. Social Entrepreneur [16],[19, 215-222],[22] is a free person man or a woman whose mental health allows him or her to do business as a social entrepreneur when the business gives a surplus of costs and a person who represents his private property for production means and controls the process development as a social entrepreneur and motivated by personal and internal stimulus, conducts social entrepreneurship without any dictation from outside forces, leadership or control by the central authorities.

Thus, they contribute to economic progress, which is the driving force behind the development of democracy. It is these individuals who are the true entrepreneurs and innovators[14,239].

When it comes to entrepreneurs, those that are aimed at developing, we see that they do not form a specific social class [22]. These people are strong people, they act by themselves, and not as a group of people, they do not copy each other, they have no common goals, and they do not unite as social groups, such as landowners, workers or capitalists. Entrepreneurs are not the result of political activity or do not depend on it, they do not have privileges or political power, and they are not elected or appointed. They only represent themselves [17].

The definition of social entrepreneurship and a social entrepreneur has traditionally been widely misleading not only among politicians and government officials, but also among academics. Some modern authors, echoing politicians, often justify the need to use the institution of social entrepreneurship as a legal mechanism for solving social problems and meeting the individual needs of citizens and legal entities. A number of researchers have justified the need for state support for social entrepreneurship, the creation of a legal framework for its legal regulation, and also sees public-private partnership as one of the key tools for the development of social entrepreneurship, etc. The most vivid manifestation of the doctrinal concept of civil means of meeting the personal needs of citizens in the social sphere through the development of social entrepreneurship is observed in the scientific circles of post-Soviet countries such as Belarus, Russia. Barkov A.V. Grishina Ya.S. [1, 272-275] and other authors believe that social entrepreneurship acquires a new level of

understanding as an intersectoral interaction of the state, business and civil society in solving various social problems using innovative technologies, the legal provision of which is carried out by the harmonious impact of private and public legal instruments[7, 9-18].

The best form of interaction between the state and private business in world practice is recognized by these and some other authors as public-private partnership (PPP) .They see the vector of development and improvement of legislation on public-private partnership, taking into account advanced foreign law enforcement experience the value orientations of social entrepreneurship, not aimed at making a profit, but on ensuring the priority of social effect over the economy. The best form of interaction between the state and private business in the world practice is recognized by these and some other authors as public-private partnership (PPP)[1, 277].

Here it is necessary to pay attention to the following aspects of social entrepreneurship. Emphasizing the individualistic nature of the methods of pure theory, Schumpeter noted in his time that every researcher bases his scientific analysis, one way or another, on individual needs and their satisfaction. Such an approach, in his opinion, is conditioned by a twofold essence. First, because we need to know individual needs. Secondly, it is conditioned by the need to know individual wealth. At the same time, the initial for the theory is that each market demand is individualistic, and on the other hand, it is often altruistic or social. Society shapes individuals and directly affects their economic value, to give them a remote approach to the likeness. The scientist concludes that only free competition leads to such results, which can be represented by curves of social utility. Social entrepreneurship signals the imperative to drive social change, and it is that potential payoff, with its lasting, transformational benefit to society, that sets the field and its practitioners apart [10].

Therefore, we can assume that social entrepreneurship can not be oriented only at meeting the personal needs of citizens, because in this case it loses its essence and focus on innovative transformation of society. Social entrepreneurship is an innovation and legal force for modernizing the modern national economy as a whole. Since, by accumulating innovation, determination and social mission, it acts lawfully and purposefully in the interests of the democratic development of society.

There are serious doubts about the possibility of state support of social entrepreneurship, as well as the creation of public-private partnership in this area. Along with the foregoing positions of

researchers there are opposing points of view, which have a basis [14, 237-240; 9].

SANDAL, Jan-Urban rightly makes [14,241] a sound conclusion that Public and private cooperation (PPC) is a ridiculous phrase for mixing private and public interests, but public funding for social entrepreneurs and projects is a waste of taxpayer money and is an obstacle to development. Political state decisions about what to produce give society more than what already exists while democratic development requires new attitudes and approaches that produce new products, services and provide new working opportunities and improve the quality of life for all and not only a certain group of supporters and beneficiaries of the system. Any attempt to take control of the process of social entrepreneurship by politicians, government officials or the knowledge industry etc. will be a failure. No one can create social entrepreneurs - they are self-created and self-motivated. With this approach you can fully agree [16].

In other words state intervention in the development of social entrepreneurship the introduction of strict legislative support for it and the strengthening of state-legal regulation of the economy, as a rule, lead to negative results. Therefore, it is difficult to agree with those researchers who see in the absence of a legislative framework on the legal regulation of social entrepreneurship as one of the reasons for its inadequate spreading on the domestic expanses. It should be very cautious approach to the issues of legislative regulation of modern social entrepreneurship. Since the role of lawmaking in promoting economic development is not always perceived unambiguously [6,7-20], [13, 2-10], [2],[11]. Certain publications of domestic researchers emphasize the importance of legislative regulation of social entrepreneurship and this, of course [8,81-91],[12,34-39]. According to Gorishna N. [12,35-38] activation of the development of domestic social enterprises requires the development and adoption of a legislative framework for their functioning, the introduction of effective mechanisms to attract commercial structures and non-profit organizations to create enterprises with a clearly defined social purpose. One of these mechanisms, the author believes, could be the introduction of new organizational and legal forms that reflected the organizational and legal status of a social enterprise and provided for understandable and favorable conditions for its taxation.

Because too often, a law *has been* painted as a villain frustrating the efforts of social entrepreneurs to create businesses aimed at making a profit for owners and benefits to society. Proceeding from this it is necessary to emphasize the importance of

having an optimal functioning legal and regulatory system for the development of an effective market economy and as a consequence harmful consequences that may result from improper regulatory frameworks for production, employment, investment activities, productivity and living standards.

Only reasonable legal regulation of business and entrepreneurship contributes to economic growth. This means not only an effective legal framework that encourages freedom of competition and entrepreneurship but also guarantees a reliable financial market infrastructure, including the simplicity of the business registration procedure as well as procedures that facilitate the closure of a sick business as well as the restructuring and restoration of potentially profitable enterprises. In this regard, coming out of the foregoing, it is important to emphasize that it is social entrepreneurship as legitimate activities for the benefit of society that is the innovation and legal basis for the development of the national economy [11].

On the other hand, it is considered that the "heavy" regime of legal regulation ultimately leads to the worst consequences from the standpoint of economic results. Since it is usually associated with inefficiencies in the activities of state structures, administrative delays, high costs of administrative formalities, lengthy legal proceedings, higher unemployment and a high level of corruption, low productivity and weaker investments. In this regard one should heed the opinion of SANDAL, Jan-Urban, who rightly emphasizes that an increase in the level of economic development efficiency can occur on the basis of economic incentives or as a result of radical changes in the political system of the state. Such a legal foundation for innovative development of the economy is the adoption and adoption of the rule of law on the human right to economic freedom and independent choice [14, 237-239].

Proceeding from this it is necessary to emphasize the importance of having an optimal functioning legal and regulatory system for the development of an effective market economy and as a consequence harmful consequences that may result from improper regulatory frameworks for production, employment, investment activities, productivity and living standards.

Conclusions. 1. Modern society constantly faces various obstacles in the development of democratic reforms. Social entrepreneurship is a real innovation and legal basis for the revival of the national economy and economic progress. Accumulating around the social mission of innovation, business discipline and determination, social entrepreneurs are able to make a positive contribution to the public

renewal by their efforts, constantly on the move and not stopping at the achieved. Therefore, it deserves fair criticism that a number of researchers identify the main role of social entrepreneurship in solving the narrow social and everyday problems of the population. Since such an approach borders on the wrongful imposition on social entrepreneurs of responsibility for failures and shortcomings of state social policy on the part of state bodies in addressing these issues.

2. The desire of some politicians to subordinate social entrepreneurship to certain rules of the game or impose their mission, as a rule, does not have a social effect, but only leads to undermining the true meaning of this innovative entity. Politics and social entrepreneurship are not compatible. Social entrepreneurs operate outside politics. Also in this regard the proposals of the state support of social entrepreneurship and public-private partnership in this area are very doubtful. No one can create social entrepreneurs - they are self-created and self-motivated [14, 240-241]. On this basis, the concept of social entrepreneurship with other activities should be clearly delineated.

3. The emergence of social entrepreneurship necessitates the development of a certain system of regulatory and legal regulation of this phenomenon. However, in this process, as in the state-legal regulation of the economy as a whole, extremes and over-regulation should be avoided. The regulatory and legal basis for the innovative development of the economy is laid by the assertion of the rule of law on

the human right to economic freedom and independent choice. Only a reasonable legislative regulation of commercial activities contributes to economic prosperity. This includes an effective regulatory legal system that guarantees freedom of competition and entrepreneurship, a stable financial market infrastructure, including the ease of registration procedures for business.

The author of this publication was tasked with covering only some aspects of the development of social entrepreneurship, which are set out above in full. Given the urgent need for a proper understanding of the role of social entrepreneurship in modern society, the subject of its promising scientific research as an innovative and legal basis for the development of the national economy can be the consideration of this legal category through the prism of the realization by entrepreneurs of the human right to economic freedom.

Today for our Fatherland the development of social entrepreneurship is a real opportunity to overcome the huge disparity between the poor and the rich to reconstruct the raw material subordinate economy into the production growth economy, reduce financial dependence on international funds and develop an effective strategy for sustainable social and economic development in order to achieve a high level of world recognition. That is why modern European advanced states chose entrepreneurship and education as the benchmark of their nation model.

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Анотація

Віктор Серєда

**СОЦІАЛЬНЕ ПІДПРИЄМНИЦТВО ЯК ІННОВАЦІЙНА ПРАВОВА ОСНОВА РОЗВИТКУ ЕКОНОМІКИ
СУЧАСНОЇ ДЕРЖАВИ (ТЕОРЕТИЧНИЙ АСПЕКТ)**

Розглянуто теоретичні аспекти ролі соціального підприємництва як інноваційної та правової основи економічного розвитку національної економіки. Однією з проблем розвитку соціального підприємництва є втручання політиків у цей процес з метою направлення його в правильному напрямку. Крім того, інститут соціального підприємництва часто орієнтований деякими науковими дослідниками лише на вузьке вирішення повсякденних соціальних проблем. Через аналітичне дослідження підприємництва, інновацій та особливостей сучасних проблем правового регулювання економічних процесів були зроблені висновки про невідповідність поєднання соціального підприємництва з політикою, або інформація про її роль перед рішенням соціальних програм домогосподарств. Населення. Замінюючи функції органів державної влади на реалізацію соціальної політики. Завданням соціального підприємництва є радикальне оновлення суспільства, засноване на використанні інноваційних підходів, накопичених навколо соціальної місії. Соціальні підприємці, що діють на правовій основі, є новаторами економічного зростання. Припускаючи високу місію розвитку і підтримки соціальних цінностей, вони постійно шукають і невпинно усвідомлюють нові можливості, пов'язані з цією місією, за позитивні зміни в суспільстві в цілому. Поширеним явищем є розробка правових доктрин правового регулювання соціального підприємництва та державно-приватного партнерства у цій сфері. Це пов'язано з певним непорозумінням і ілюзією в тлумаченні та застосуванні вивченого визначення. Завдання соціального підприємництва сьогодні є більш значимим. Впровадження інновацій на основі вільної конкуренції за наявності оптимального правового режиму дозволить економіці успішно розвиватися через соціальне підприємництво.

Ключові слова: державно-приватне співробітництво, інновації, правове регулювання, підприємець, соціальний підприємець, соціальне підприємництво, економічний розвиток; соціальні зміни; сталий розвиток; соціальні зміни; масштабування.

Анотация

Виктор Серєда

**СОЦИАЛЬНОЕ ПРЕДПРИНИМАТЕЛЬСТВО КАК ИННОВАЦИОННО-ПРАВОВАЯ ОСНОВА РАЗВИТИЯ
ЭКОНОМИКИ СОВРЕМЕННОГО ГОСУДАРСТВА (ТЕОРЕТИЧЕСКИЙ АСПЕКТ)**

В статье изложены теоретические аспекты роли социального предпринимательства как инновационно-правовой основы экономического развития национальной экономики. Одной из проблем развития социального предпринимательства является вмешательство политиков в этот процесс с целью направления его в правильном направлении. Кроме того, некоторые научные исследователи часто ориентируют институт социального предпринимательства только на узкое решение повседневных социальных проблем. На основе аналитического исследования предпринимательства, инноваций и особенностей современных проблем правового регулирования экономических процессов были сделаны выводы о нецелесообразности сочетания социального предпринимательства с политикой или информации о его роли до решения социальных программ домохозяйств. население. Подменяя функции органов государственной власти на реализацию социальной политики. Задача социального предпринимательства - это радикальное обновление общества, основанное на использовании инновационных подходов, накопленных вокруг социальной миссии. Социальные предприниматели, действуя на законных основаниях, являются новаторами экономического роста. Предполагая высокую миссию развития и поддержания социальных ценностей, они постоянно ищут и неустанно реализуют новые возможности, связанные с этой миссией, для позитивных изменений в обществе в целом. Распространенным явлением является разработка правовых доктрин правового регулирования социального предпринимательства и государственно-частного партнерства в этой сфере. Это связано с определенным недопониманием и иллюзией в толковании и применении изучаемого определения. Задача социального предпринимательства сегодня более значима. Внедрение инноваций на основе свободной конкуренции при наличии оптимального правового режима позволит экономике успешно развиваться за счет социального предпринимательства.

Ключевые слова: государственно-частное сотрудничество, инновации, правовое регулирование, предприниматель, социальный предприниматель, социальное предпринимательство, экономическое развитие; социальные перемены; устойчивое развитие; социальные перемены; расширение.