

Scientific Herald of Uzhhorod University

Series "Physics"

Journal homepage: <https://physics.uz.ua/en>

Issue 55, 155–163

Received: 04.12.2023. Revised: 25.01.2024. Accepted: 11.02.2024



DOI: 10.54919/physics/55.2024.15ud5

Legal regulation of social entrepreneurship

Assel Ualiyeva*

Doctoral Student

Law Enforcement Academy under the Prosecutor General's Office of the Republic of Kazakhstan
010022, 16 Respublika Str., Kosshy, Republic of Kazakhstan

Nazarbek Zhempiisov

Candidate of Legal Sciences

Law Enforcement Academy under the Prosecutor General's Office of the Republic of Kazakhstan
010022, 16 Respublika Str., Kosshy, Republic of Kazakhstan

Tolkyn Zhabelova

Candidate of Political Science

Abai Kazakh National Pedagogical University
050010, 28 Kazybek bi Str., Almaty, Republic of Kazakhstan

Kadir Nurgalym

Candidate of Political Science

Abai Kazakh National Pedagogical University
050010, 28 Kazybek bi Str., Almaty, Republic of Kazakhstan

Zhanna Shayakhmetova

Candidate of Legal Sciences

Kh. Dosmukhamedov Atyrau University
060011, 1 Studenchesky Ave., Atyrau, Republic of Kazakhstan

Abstract

Relevance. The relevance of the study on social entrepreneurship in Kazakhstan is conditioned upon the fact that it is an essential source of social, economic, and environmental wealth, and is also defined as one of the key components in the policy of developed countries.

Purpose. The purpose of this paper is to cover the integral mechanism of functioning of the segment under study and to investigate its legal regulation.

Methodology. In this article were used methodological approaches, such as the theoretical methodological approach, the method of legal hermeneutics, the statistical method, the method of comparative legal analysis, the method of synthesis, etc.

Results. The results of the study showed that currently social entrepreneurship in Kazakhstan fully provides the state with the completeness of the performance of the functions assigned to it, but to increase this indicator, the practices of advanced countries, especially the USA, Great Britain, Australia, South Korea, and Malaysia were studied, which will contribute to the allocation of recommendations for raising the role of effective social entrepreneurship in the region under study.

Suggested Citation:

Ualiyeva A, Zhempiisov N, Zhabelova T, Nurgalym K, Shayakhmetova Z. Legal regulation of social entrepreneurship. *Sci Herald Uzhhorod Univ Ser Phys.* 2024;(55):155–163. DOI: 10.54919/physics/55.2024.15ud5

*Corresponding author



Copyright © The Author(s). This is an open access article distributed under the terms of the Creative Commons Attribution License 4.0 (<https://creativecommons.org/licenses/by/4.0/>)

Conclusions. This study identifies and covers the theoretical aspect of the implementation of social entrepreneurship, analyses the legal norms regulating this activity in Kazakhstan, namely the Entrepreneurial Code of the Republic of Kazakhstan, the Resolution of the Republic of Kazakhstan "Rules for maintaining the register of social entrepreneurship entities" (2021) and other regulations; the statistics of social entrepreneurship in the cities of republican significance of Nursultan were analysed in detail Almaty, Shymkent, and other regions; based on this, the advantages of social entrepreneurship in Kazakhstan and the problems that may stand in the way of the proper functioning of this sector were investigated.

Keywords: social policy; social enterprise; social effect; foreign practices; non-profit organisations.

Introduction

Over the past decades, the role of organisations that act as social enterprises has considerably increased and substantially affected the economic and social components of the policies of most developed countries. They help in achieving essential political and social goals [1; 2]. These include the creation of numerous jobs, sustainability in development, active civic participation and ensuring equal opportunities and inclusions. Most of the social enterprises are innovative, and, based on this, they can solve the range of problems that were not previously subject to the private sector or public authorities [3]. However, despite the above, in many countries, especially the developing ones, they remain inconspicuous and face numerous issues that may limit their possible potential. Thus, for the proper development and functioning of the social entrepreneurship sector, public authorities should create comprehensive support for this segment, including the legislative consolidation of their legal status, rights, obligations, as well as permissible measures of state support [4-6].

The legal regulation of social entrepreneurship of Kazakhstan has no separate regulation that governs the activities of social enterprises. Therewith, several policies are being implemented through the involvement of socially vulnerable segments of the population in business activities, in regional and state programmes, support for social projects, providing tax preferences and advantages to this type of organisations in the process of public procurement.

In modern conditions, social entrepreneurship in Kazakhstan is only gaining momentum in its establishment and development [7; 8]. Despite the prospects of this sector, it has several problems that stand in the way of its proper functioning. These include the difficulty in obtaining sufficient funding for activities, a low indicator of public awareness, conflicts of legislation, a low level of competence among representatives of the conduct of social entrepreneurship activities, etc. [9]. The most ordinary form of social entrepreneurship in Kazakhstan is non-profit organisations. Their financing is frequently carried out by receiving state or foreign grants.

Analysing the term "social entrepreneurship" in a narrow sense, it should be interpreted as any commercial enterprise that was created to embody social goals and to create social value, namely mitigation or reduction of social problems or market failures, which operates based on established financial discipline, business practices or innovations [10-13]. The most "noticeable" areas of social entrepreneurship are social innovations, the fight against poverty, the transformative influence of this sphere, the definition and boundaries of the social segment, drivers for

social entrepreneurs, processes of social organisations, etc. Singling out the vectors of social entrepreneurship, these include innovative development and an increase in the level of importance of social innovations, as well as inclusive development, which implies the involvement of isolated segments of the population, social groups and society as a whole in the informal and formal sectors of the national economy [14; 15].

Thus, the key area of the study on social entrepreneurship is the investigation of its legal regulation and practical implementation in Kazakhstan. This can be done by studying the theoretical component, which lies in studying the full-fledged mechanism of social entrepreneurship and its inherent features in Kazakhstan. Next, the key part of the scientific research is the investigation of legal regulation and analysis of legal norms that govern the activities of social entrepreneurship in Kazakhstan. To investigate the practical aspect and functioning of the sector under study, a special role is played by conducting statistical analysis, which lies in analysing the subjects according to the territorial subdivision of Kazakhstan. To identify recommendations that increase the effectiveness of social entrepreneurship in Kazakhstan, it is important to study foreign practices in regulating social entrepreneurship.

Materials and Methods

This study was performed using various methodological approaches that reveal the mechanism of regulation of this legal branch. Thus, the theoretical methodological approach helps cover the concept and essence of social entrepreneurship by analysing its inherent features and principles of implementation of such activities. The dogmatic method covers the essence of social entrepreneurship in the form of an analysis of the legal norms that govern this activity, namely the Entrepreneurial Code of the Republic of Kazakhstan [16], the Resolution of the Republic of Kazakhstan "Rules for maintaining the register of social entrepreneurship entities" [17] and other regulations. For the study of statistical data on the conduct of social entrepreneurship, a statistical method is of particular importance, which reveals this functioning based on its investigation in the territorial divisions of the Republic of Kazakhstan, namely in cities of republican significance and regions. The method of legal hermeneutics allows analysing the information obtained, considering them through the lens of legal study. To compare practices with foreign countries, such as the USA, Great Britain, Australia, Malaysia, and South Korea, a comparative legal method was employed, which allows studying the sector of functioning of social entrepreneurship in these countries in more detail, as a

result of which it is possible to highlight their advantages and disadvantages, as well as to consider possible recommendations for their application in the activities of social entrepreneurship in Kazakhstan. The method of logical analysis provided an opportunity to explore all aspects of a theoretical and practical nature in the context of statistical data research and law enforcement practice to understand the functioning of social entrepreneurship in Kazakhstan. The importance of using such a methodological approach as a synthesis method is conditioned upon the fact that thanks to its introduction into the study, it is possible to obtain information about the integral mechanism of social entrepreneurship based on the theoretical and practical information provided.

Thus, this study was carried out in several stages.

1. The first stage of this study investigates the theoretical component, which is based on the examination of the concept of social entrepreneurship, the coverage of its inherent attributes and features, as well as the identification of the principles of functioning of social entrepreneurship by studying it as an integral mechanism.

2. The second stage is based on the study of social entrepreneurship, based on regulations that govern this type of activity in Kazakhstan. To conduct a greater analysis of the functioning of the segment under study, statistical data of cities of republican significance and regions of Kazakhstan are important, which allows studying the level of efficiency of its activities.

3. The third stage provides a comparative legal analysis that examines the activities of social entrepreneurship in the advanced countries of the world, namely the USA, Great Britain, Australia, Malaysia, and South Korea, and compares their legal practices with social entrepreneurship in Kazakhstan. The information obtained will help consider the advantages that may be further introduced into the activities of social entrepreneurship in Kazakhstan.

Results and Discussion

Theoretical study of the mechanism of social entrepreneurship

The activity of social entrepreneurship should be interpreted as a novel approach to the conduct of organisational activities, which makes provision for a combination of social orientation with internal economic stability. Frequently, it tends to develop in those segments that do not receive adequate state support; therewith, there is a fairly strong relationship between the provision of financing by state bodies and the implementation of projects by social entrepreneurship [18; 19]. Analysing approaches to the interpretation of "social entrepreneurship", it can be disclosed as a process of satisfying social needs and intensifying social changes through the use of new combinations of resources. This approach allows describing social entrepreneurship as a process of value creation using new combinations of resources designed to obtain social benefits through the activation of social change and satisfaction of social needs; this approach also allows identifying social entrepreneurship as a process of production of goods and services [20].

It is worth mentioning that social entrepreneurs form a model for the implementation of their activities according

to unique features. The profit lies in this case in an increase in the indicator of social welfare. This type of activity is considerably different from ordinary entrepreneurship. Social entrepreneurship is the sphere of activity where the implementation of economic activity is aimed at solving important problems of society, which is carried out through the effective functioning of economic entities. The inherent features of social enterprises are social impact, accumulation of resources, innovation orientation, financial stability, entrepreneurial approach, development of novel approaches and solutions to solve problems, sustainable positive impact on society, self-sufficiency, replicability, scalability [21].

A "social entrepreneur" is an individual who prioritises the achievement of a certain social mission, the implementation of which will favourably affect the part of the population that needs to solve this issue. To fulfil such a mission, an entrepreneurial approach is required, as it provides an opportunity to carry out economic activities within the framework of a financially stable and innovative company. The distinctive features of social entrepreneurship from other forms of entrepreneurship are the focus on fulfilling a social mission, i.e., the activity is aimed at meeting social needs in the necessary areas [22]. Further, the connection of economic and socio-oriented activities is noted, which indicates the dependence of the level of efficiency on the financial stability of the organisation. The implementation of this activity is possible in those organisations that have a strong culture in the field of innovation and whose activities are fairly transparent [23].

Highlighting the organisational culture of social entrepreneurship, it also has its characteristics. These include innovation orientation, commitment to the idea, the realisation of needs in conditions of insufficient material benefits, flexibility, encouragement of initiative, creative approach to work and delegation of authority. Thus, summarising "social entrepreneurship" and considering its characteristics, the institutionalisation of social enterprises should be noted; making profits that are distributed among the participants of the organisation and directed to charity and various social projects; forming a stable network around social organisations with numerous horizontal and vertical connections; the main purpose of social organisations lies in solving numerous socially significant issues; social projects of these organisations are long-term and aimed at improving the level of public welfare; when combining social innovation and entrepreneurship, social entrepreneurship modifies or forms rules for public life, and also allows coordinating a field of activity close to social entrepreneurship [2].

Having analysed the term "social entrepreneurship" from the standpoint of various approaches, the question of its consolidation in the provisions of regulations, as well as the study of the specific features of legal regulation of social entrepreneurship in Kazakhstan, is of particular importance.

Legal regulation of social entrepreneurship in Kazakhstan and its practical implementation

In the policy of Kazakhstan, social entrepreneurship is a fairly "new" area and is described by many changes to regulations. Thus, for example, the Law of the Republic of

Kazakhstan No. 52-VII "On amendments and additions to some legislative acts of the Republic of Kazakhstan on entrepreneurship, social entrepreneurship and compulsory social health insurance" [24] was adopted. An important innovation is also the creation of a register of social entrepreneurs and its maintenance according to the Rules for maintaining the register of social entrepreneurship entities [17]. In addition, the state implements organisational measures to create jobs and stimulate labour skills, as well as implements the social integration of certain categories of citizens, an Atlas of new professions and competencies of Kazakhstan and relevant social services have also been created.

A prominent step in the further establishment and development of social entrepreneurship is the Concept of the Social Code of the Republic of Kazakhstan, which aims to regulate social entrepreneurship, will be based on fundamental principles, including the principle of solidarity and responsibility of citizens and the state. A considerable role in the Concept is given to the development of financial support tools for social entrepreneurship [25]. Another major step in Kazakhstan's policy is the adoption of the Law on Social Entrepreneurship, which will be appropriate from the standpoint of international trends and standards.

The main tasks of social entrepreneurship, which help in revealing its essence, are regulated in Article 79-2 of the Entrepreneurial Code of the Republic of Kazakhstan [16]. Among these, ensuring the participation of business entities in solving social problems should be mentioned, as well as in assisting in the employment of socially vulnerable segments of the population, the promotion of goods produced by social entrepreneurs, services provided, namely through personal labour participation of various segments of the population. However, it should be considered that these include only the segments of the population defined in Article 79-3 of the Entrepreneurial Code of the Republic of Kazakhstan [16].

Therewith, highlighting such a task of social entrepreneurship as "ensuring the participation of social entrepreneurship entities in solving social problems through the introduction of innovations and assistance in the provision of social services" should be considered incorrect, since this area of activity should be one of the key tasks for public administration for the development of social entrepreneurship.

The establishment of this legislative norm is conditioned upon the incorrect perception of foreign practices. That is, the legislator of Kazakhstan does not consider that, for example, in Poland, the national policy for solving the tasks of social entrepreneurship lies in providing support to social enterprises and implementing a support scheme for any entities that fit the established criteria [26; 27].

Article 79-1 of the Entrepreneurial Code of the Republic of Kazakhstan [16] defines the term "social entrepreneurship". Thus, this norm stipulates that this is an entrepreneurial activity of social entrepreneurship entities that contributes to solving problems of citizens and society and is implemented according to the conditions that are prescribed in Article 79-3 of the Entrepreneurial Code of the Republic of Kazakhstan [16].

This definition is quite general, which allows its application to various subjects. That is, without clear criteria and boundaries, it can be applied regarding subjects that are not conceptually or cannot be considered from an objective standpoint as subjects of social entrepreneurship, as well as regarding the kind of activity that by its essence cannot be social entrepreneurship. Thus, to avoid ineffective application of measures to provide support for social entrepreneurship and the development of possible corruption activities in the implementation of this type of support, attention should be paid to the detailing or explanation of the term "social entrepreneurship" consolidated in the Entrepreneurial Code of the Republic of Kazakhstan [16].

For a more detailed analysis of the functioning of social entrepreneurship in Kazakhstan, it is necessary to explore the subjects of social entrepreneurship. According to the "Rules for maintaining the register of social Entrepreneurship entities" [17] approved by the Decree of the Government of the Republic of Kazakhstan", there are 4 categories of social entrepreneurship entities. According to Subparagraph 7, Paragraph 2 of the Rules, the subjects of social entrepreneurship of the first category should include those subjects that will contribute to the employment of certain categories of citizens, provided that according to the results of the previous year, the average annual number of persons among the employees of these persons will be at least 50%, and the share of wages will be at least 25% [17]. This category of persons should include persons with disabilities, parents or legal representatives of a disabled child, pensioners, and citizens of pre-retirement age, persons exempt from serving sentences from the penal enforcement system, persons without a registered place of residence and other persons approved according to Subparagraph 7, Paragraph 2 of the Rules.

Next, according to Subparagraph 8, Paragraph 2 of the Rules, subjects of social entrepreneurship of the second category include those entities that contribute to the sale of manufactured goods, services rendered and work performed to citizens of those categories that are approved in Subparagraph 7, Paragraph 2 of the Rules [17]. Therewith, the share of income from the implementation of this type of activity should be at least 50% of the total income of social entrepreneurship entities, and the share of the net income received for the previous calendar year, which is aimed at the implementation of this type of activity for the current calendar year should be at least 50% of the net income received.

Considering the subjects of social entrepreneurship of the third category, according to Subparagraph 9, Paragraph 2 of the Rules, these include those entities that carry out activities for the production of goods, provision of services and performance of work for the disabled to create conditions for them that allow them to overcome or compensate for the limitations of their life, as well as intended for the category of persons according to Subparagraph 7, Paragraph 2 of the Rules, which provides a goal in the form of creating equal conditions with other citizens and opportunities to take part in socially useful acts [17]. However, the share of income from the implementation of this type of activity should be at least 50% of the total income of social entrepreneurship entities,

and the share of the net income received for the previous calendar year, which is aimed at the implementation of this type of activity for the current calendar year should be at least 50% of the net income received according to such types of activities as social and household services, social and medical services, social and psychological services, social and pedagogical services, social and labour services, services for improving communication potential, for the production of medical equipment, implementation of curricula, organisation of recreation or rehabilitation of disabled people or pensioners, access to vehicles for disabled and low-mobility groups of the population.

As for the subjects of social entrepreneurship of the fourth category, Subparagraph 10, Paragraph 2 of the Rules singles out the group of entities that implement their activities, provided that the share of income from the implementation of such activities should be at least 50% of the total income of social entrepreneurship entities, and the share of the net income received for the previous calendar year, which is aimed at the implementation of this type of activity for the current calendar year should be at least 50% of the net income received from among such activities as psychological and pedagogical services aimed at strengthening and supporting the family, general education

curricula, environmental protection, providing psychological assistance to children with disabilities opportunities, provision of medical and social assistance to pupils and students who have difficulties in mastering curricula, conducting training for volunteers and employees of non-profit organisations of a social orientation, cultural and educational activities, providing various kinds of assistance to the categories of persons specified in Subparagraph 7, Paragraph 2 of the Rules [17].

In Kazakhstan, the social entrepreneurship sector has established itself as a rather promising vector, which has a great social, economic, and spiritual impact. Thus, as of 2017, Kazakhstan had about 120 social entrepreneurs in different regions of the state, such as Almaty, Shymkent, Astana, Kostanay and others, but as of 2021, 250 social entrepreneurs were registered in the country, whose activities are aimed at implementing social projects in the field of education, tourism, ecology, catering, and other areas [28]. To evaluate the effectiveness of the development in this area, it is proposed to consider data on registered subjects of social entrepreneurship in the context of regions (Figure 1).

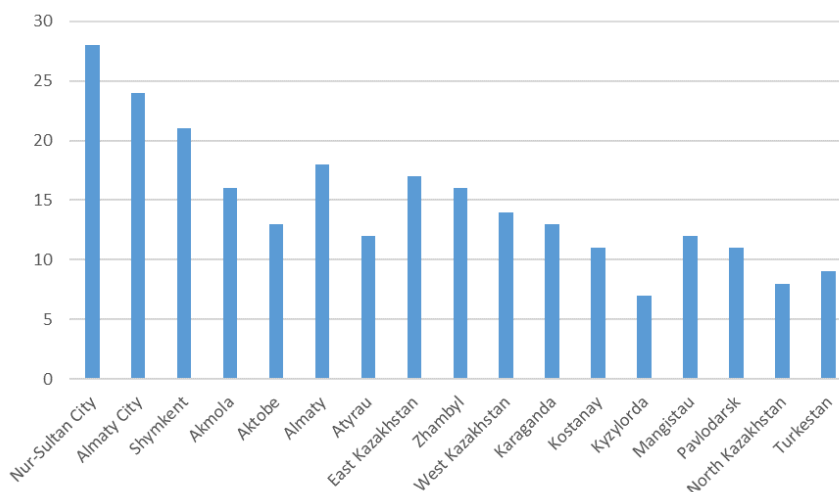


Figure 1. The number of registered subjects of social entrepreneurship as of 2021

Source: Bureau of National Statistics of the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan [28].

Notably, these statistics indicate that the sphere of social entrepreneurship is developing rapidly. An example of this is also what social programmes are implemented through the activities of these organisations in different territorial divisions.

Thus, in the Aktobe region, thanks to the implementation of these programmes, an ice palace, a children's rehabilitation centre for children with cerebral palsy, a Centre for Nuclear Medicine and others were erected [29]. The implemented social programmes also provided subsidies to employers, through which they can equip workplaces for people with disabilities. The I-SEED project was implemented in Atyrau, which offers innovative interactive training for young people with the aim of developing and popularising social entrepreneurship [29].

Other social projects include Menin Elim, which develops the social infrastructure, promoting the accessibility of various population categories to higher

standards of living, culture, social environment, sports, and education. Within the framework of this project, programmes were also implemented to teach social entrepreneurship to citizens, children's sightseeing tours were organised, graduates of the orphanage were trained with the possibility of providing further employment [29].

International practices in regulating social entrepreneurship and recommendations for improving the efficiency of the sector in Kazakhstan

Analysing the foreign practices of the development of social entrepreneurship, it is worth noting the policy of the United States. It is characterised by the absence of a special federal law on social entrepreneurship, as well as there is no unified state certification system [30]. That is, any social organisation, regardless of its legal form, is entitled to certification from any rating agency. It is also inherent in US policy to provide guarantees, provide preferential loans, and also guarantee access to social entrepreneurs to

perform social procurement of various government agencies [31]. What is equally important, the state takes part in a socially oriented partnership in various forms. Noting the legalisation of the status of a subject of social entrepreneurship by obtaining the status of "B corporation", the advantage of this approach lies in its universalisation, which considers the interests of all categories of persons regardless of their legal form [2].

The legislative approach of Great Britain lies in the uniqueness of the criteria necessary to acquire the status of a public interest corporation, legalises the subject of social entrepreneurship and provides its activities with a special socio-entrepreneurial orientation [32]. Thus, the Companies Act [33] makes provision for the division of all companies according to a general criterion into limited and unlimited companies. The liability of the participants of the limited companies is limited to shares or guarantees, while the liability of the second group is unlimited. The second division of companies makes provision for the division into public and private. They can be both limited and unlimited. The third approach stipulates a special type of company, which is specified in the Act as a "Public Interest Company"; such may be companies whose liability is limited to shares or guarantees.

In the practices of South Korea, an essential role is assigned to the government in the development of social entrepreneurship. It develops and implements economic policy, as well as uses its resources to achieve its goals. The Government also offers financial subsidies to business entities at the initial stage of formation and tax benefits. It is also worth highlighting the inherent features of social enterprises in South Korea. These include a strong dependence on the policy of the government, which has the right to interfere in the policy of social entrepreneurship, the prerequisite for the creation of social entrepreneurship is the activity of the government, as well as social organisations act as a tool through which the government can implement national policy [34; 35].

Analysing the policy of Australia in the context of the development of social entrepreneurship, it is worth mentioning that it is described by a high percentage of educated entrepreneurs. Australia's policy in the field of social entrepreneurship requires initial investments and provides its own investments for the start-up [36; 37]. The financial support group comprises various categories, but frequently these are government programmes, donations or grants, further investments from families, employers, banks, or other financial institutions, private investors, venture capital, as well as Internet crowdfunding. The share of volunteers in the organisation of social entrepreneurship activities is about 50%. At present, Australia's policy in the field of further development of social entrepreneurship has numerous prospects and can hold a leading position for quite a long time.

Considering the practices of Malaysia, it is noted that in 1997 the country was in a state of economic crisis [38; 39]. As a result, many social issues were aggravated, which resulted in an increase in unemployment and social inequality. To solve these problems, the state government began to implement a fairly substantial number of social programmes and highlighted the development of social entrepreneurship as one of the key vectors of national policy. However, since the state took an active part in the

development of the social entrepreneurship sector, the first attempts to combine socially oriented activities with commercial ones were perceived rather sceptically. Currently, social entrepreneurship in Malaysia is described by dependence on public funding and government policies [40].

Recently, Singapore has been among the leading countries in the development of the social entrepreneurship sector [41]. At present, there is a social institution in Singapore, the activities of which are coordinated with social enterprises. The development of this vector helps provide the state with high dynamics in the formation of social entrepreneurship. The efficiency of this sector is conditioned upon the favourable conditions provided by the state, namely low taxes, which depend on the size of the authorised capital of the organisation, as well as the complete absence of barriers, i.e., high requirements for novice business entities [23; 42; 43].

Proceeding from the analysed world practices of advanced leading countries in the development of social entrepreneurship, it is important for Kazakhstan to develop a special strategy for the development of this vector in its national policy. This strategy should be aimed at creating favourable conditions for the functioning of this sector and include several areas. These include the sphere of policy and regulation, which will act as statutory regulation of the sector by the state; the development of human capital, which manifests itself in the provision of professional training for segment employees; information and communication, which acts as the development of information and consulting support; the sphere of financing, which provides an opportunity to endow social enterprises with financial support for the segment with the possibility of creating an investment fund for a social organisation [44-47].

As additional requirements to the state strategy for the development of social entrepreneurship, it is necessary to add a revision of tax incentives to encourage investment in the social entrepreneurship sector; reform of the regulatory framework that governs the activities of social enterprises; promotion of the social entrepreneurship sector among the population; increasing the level of public confidence in this segment; development of social entrepreneurship infrastructure; development of a platform for dialogues to exchange experience between entrepreneurs.

Thus, having analysed the legal regulation of social entrepreneurship in Kazakhstan, it has good prospects for further development and is a successful example of combining business and spreading the values of socially responsible behaviour in modern society.

Conclusions

The conducted study of the legal regulation of social entrepreneurship suggests that its current development on the world stage plays a rather significant role as it provides an opportunity to resolve many social issues, which ultimately reduces the level of social tension. The current situation of social entrepreneurship in Kazakhstan demonstrates that it has good prospects in its development and constitutes a way to solve many social problems, educate the future young generation of the country and promote such a global trend as "social entrepreneurship". The main regulations that govern the activities of social

entrepreneurship in Kazakhstan are the Entrepreneurial Code of the Republic of Kazakhstan and the Rules for Maintaining the Register of Social Entrepreneurship Entities. According to the "Rules for maintaining the register of social Entrepreneurship entities", there are four categories of social entrepreneurs, each of which has its specific features and target vectors in the implementation of its activities.

At present, there are numerous social projects in Kazakhstan that expand the accessibility of categories of the population to higher standards of life, culture, social environment, sports and education, carry out the process of teaching social entrepreneurship to citizens, organise children's sightseeing tours, train graduates of an orphanage with the possibility of providing further employment, and also provide subsidies to employers, through which they can equip workplaces for people with disabilities.

Having studied the international practices, each of the analysed practices has its inherent features. Thus, the US policy is characterised by the right to certify a social entrepreneur from any rating agency; the UK has unique criteria that are necessary to acquire the status of a public

interest corporation, legalise a social entrepreneurship entity and provide its activities with a special socio-entrepreneurial orientation; Australia's policy has a high percentage of educated entrepreneurs and the provision of training programmes; South Korea the same depends on the government's policy and its financing, but in general has good development trends.

Proceeding from the above, recommendations were made that can increase the level of efficiency of the development of the social entrepreneurship sector in Kazakhstan; it was based on the development of 4 principal areas: policy and regulation, information and communication, financing, and human capital development. Additional requirements were also proposed for a greater reformation of the segment under study.

Acknowledgements

None.

Conflict of Interest

None.

References

1. Defourny J, Nyssens M. Social enterprise in Central and Eastern Europe: Theory, models and practice. London: Taylor & Francis; 2021.
2. Defourny J, Nyssens M, Brolis O. Testing social enterprise models across the world: Evidence from the "International Comparative Social Enterprise Models (ICSEM) project". *Nonprofit Voluntar Sector Quart.* 2021;2:420-440.
3. Ponomarev OB. On the prospects for the development of the theory of social entrepreneurship. *Rus Entrepreneurship.* 2017;4:561-570.
4. Grishina YaS. A Conceptual Model of Legal Support for Russian Social Entrepreneurship. *Moscow Academ Econom Law.* 2016;12(3):424-432.
5. Atanelishvili T, Silagadze A, Silagadze L. Some economic problems of the post-soviet states after the global financial crisis. *Bull Georgian Natl Acad Sci.* 2020;14(3):149-154. <http://science.org.ge/bnas/vol-14-3.html>
6. Silagadze A, Atanelishvili T, Silagadze N. Covid Depression and Search for a New Paradigm. *Bull Georgian Natl Acad Sci.* 2022;16(1):121-126. <http://science.org.ge/bnas/vol-16-1.html>
7. Omurzakova A, Shalbolova U, Mukhanova G. Risk assessment of social public-private partnership projects. *Publ Policy Admin.* 2022;21(2):140-150. <https://doi.org/10.13165/VPA-22-21-2-11>
8. Baikin A, Shalbolova U, Kazbekova L. Regional diversification of entrepreneurial activity in the Republic of Kazakhstan. *Espac.* 2017;38(46):35.
9. Battakhov PP. The concept and features of social entrepreneurship. *Modern Sci.* 2020;2:113-119.
10. Cherrier H, Goswami P, Ray S. Social entrepreneurship: Creating value in the context of institutional complexity. *J Business Res.* 2018;86:245-258.
11. Kerimkhulle S, Aitkozha Z, Saliyeva A, Kerimkulov Z, Adalbek A, Taberkhan R. Using Technical and Structural Coefficients of Economic Statistics to Equalize Flows of Input-Output Table. *Lect Notes Networks Syst.* 2023;596 LNNS:501-511. https://doi.org/10.1007/978-3-031-21435-6_44
12. Dumi AR, Sinaj Z, S'eche SH. Evaluation and challenging environment comforting retail management and retail market performance in Albania. *Mediterran J Soc Sci.* 2014;5(2):25-32. <https://doi.org/10.5901/mjss.2014.v5n2p25>
13. Vela F, Sinaj Z. The Impact of Increasing Performance and Productivity in the Management of Human Resources in Albanian Enterprises. *Theoretic Practic Res Econ Fields.* 2023;14(1):85-93. [https://doi.org/10.14505/tpref.v14.1\(27\).08](https://doi.org/10.14505/tpref.v14.1(27).08)
14. Lee B, Kelly L. Cultural leadership ideals and social entrepreneurship: an international study. *J Social Entrepreneurship.* 2019;1:108-128.
15. Kerimkhulle S, Alimova Z, Slanbekova A, Baizakov N, Azieva G, Koishybayeva M. The Use Leontief Input-Output Model to Estimate the Resource and Value Added. *SIST 2022 - 2022 International Conference on Smart Information Systems and Technologies, Proceedings.* Nur-Sultan: Institute of Electrical and Electronics Engineers; 2022. <https://doi.org/10.1109/SIST54437.2022.9945746>
16. Entrepreneurial Code of the Republic of Kazakhstan. 2015. Available from: https://online.zakon.kz/document/?doc_id=38259854#sub_id=0
17. Rules for maintaining the register of social entrepreneurship entities. 2021. Available from: https://online.zakon.kz/Document/?doc_id=35979027

18. Grishina YaS. Methodological foundations for the study of the legal support of social entrepreneurship. *Methodolog Prob Civil Res.* 2018;15(1):134-158.
19. Teymurova V, Huseynli I, Miethlich B. Operation of Organizations and Their Relationship to Corporate Responsibility. *Publ Org Rev.* 2023. <https://doi.org/10.1007/s11115-023-00724-2>
20. Stoffers J, Gunawan A, Kleefstra A. Social entrepreneurship, An international perspective. *Open J Social Sci.* 2018;10:10-24.
21. Bansal S, Garg I, Sharma GD. Social entrepreneurship as a path for social change and driver of sustainable development: A systematic review and research agenda. *Sustainab.* 2019;4:1091.
22. Aliyev S, Babayev F, Galandarova U, Gafarli G, Balajayeva T. Economic security of regions: A prerequisite for diversifying the Azerbaijan economy. *J East Europ Centr Asian Res.* 2023;10(5):827-840. <https://doi.org/10.15549/jeeccar.v10i5.1480>
23. Spanova BK. System-forming criteria of modern social economy. *Bull Karaganda Uni. Series: Econ.* 2019;1:76-83.
24. Law of the Republic of Kazakhstan No. 52-VII "On amendments and additions to some legislative acts of the Republic of Kazakhstan on entrepreneurship, social entrepreneurship and compulsory social health insurance". 2021. Available from: https://online.zakon.kz/Document/?doc_id=33046086
25. Ministry of Labour and Social Protection of the Republic of Kazakhstan. 2021. Available from: <https://www.gov.kz/memleket/entities/enbek/press/news/details/196434?lang=ru>
26. Gelashvili NN, Spanova BK. Non-Profit Sector as a Basis for Social Entrepreneurship in Kazakhstan: Estimating Economic Performance Based on the System of National Accounts. *Econ Centr Asia.* 2019;2:89-106.
27. Spytka L. Prohibition in the USA, the USSR, and the UAE: Ideological and Procedural Differences, Causes of Failures or Successes. *Nov Jus.* 2023;17(3):67-92.
28. Bureau of National Statistics of the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan. 2022. Available from: <https://www.gov.kz/memleket/entities/stat?lang=ru>
29. Fund for the development of social projects. 2022. Available from: <https://sk-trust.kz/en/competition>
30. Lambert L, Dedeurwaerdere T, Nyssens M, Severi E, Brolis O. Unpacking the organisational diversity within the collaborative economy: The contribution of an analytical framework from social enterprise theory. *Ecol Econ.* 2019;164:106343.
31. Kerimkhulle S, Saliyeva A, Makhazhanova U, Kerimkulov Z, Adalbek A, Taberkhan R. The estimate of innovative development of construction industry in the Kazakhstan. *E3S Web Conf.* 2023;389:06004. <https://doi.org/10.1051/e3sconf/202338906004>
32. Ketprapakorn N, Kantabutra S. Sustainable social enterprise model: Relationships and consequences. *Sustainab.* 2019;14:3772.
33. Companies Act. 2006. Available from: <https://clck.ru/emDB3>
34. Sahasranamam S, Nandakumar MK. Individual capital and social entrepreneurship: Role of formal institutions. *J Business Res.* 2020;107:104-117.
35. Spytka L. Features of political psychology in a digital society: Managing and defining disinformation. *Social Legal Studios.* 2023;6(3):187-197. <https://doi.org/10.32518/sals3.2023.187>
36. Gupta P, Chauhan S, Paul J, Jaiswal MP. Social entrepreneurship research: A review and future research agenda. *J Business Res.* 2020;113:209-229.
37. Mishchenko V, Naumenkova S, Grytsenko A, Mishchenko S. Operational risk management of using electronic and mobile money. *Banks Bank Syst.* 2022;17(3):142-157. [http://dx.doi.org/10.21511/bbs.17\(3\).2022.12](http://dx.doi.org/10.21511/bbs.17(3).2022.12)
38. Barinova VA. Foreign experience in the development of social entrepreneurship and the possibility of its application in Russia. *Scient Works Found "Inst Econ Policy nam after. ET Gaidar".* 2018;3(2):100-115.
39. Shalbolova UZ, Narmanova RA, Tlessova EB, Ryskulova Z. Economic efficiency of cold oil bituminous mastic production. *Espac.* 2017;38(46):36.
40. Pritvorova TP, Gelashvili NN, Spanova BK. Institutional Support for Social Entrepreneurship: World Practice and Opportunities for Kazakhstan. *Econ: Strategy Pract.* 2021;1:71-87.
41. Spytka L. Inheritance of power in the XXI century: legal mechanisms for the transfer of presidential powers to controlled viceroys and family members in authoritarian regimes. *Law Justice J.* 2023;37(2):178-206.
42. Miethlich B. Vocational Rehabilitation in Small and Medium-sized Enterprises: An Integrated Management Perspective on Potentials and Business Impact. *Vocat Rehab Small Med-siz Enterpr: Integr Manag Perspect Potent Busin Impact.* 2022;1-414. <https://doi.org/10.30819/5572>
43. Rexhepi BR. Taxes as a source of public monetary income in the Republic of Kosovo. *Qual Access Success.* 2023;24(195):69-79. <https://doi.org/10.47750/QAS/24.195.09>
44. Yakovlev PA. The discourse of social entrepreneurship in Russia and Germany. *Nation Res.* 2021;18(32):140-152.
45. Trusova NV, Oleksenko RI, Kalchenko SV, Yeremenko DV, Pasiaka SR, Moroz SA. Managing the intellectual potential in the business-network of innovative digital technologies. *Estud Econ Aplic.* 2021;39(5):1-15. <https://doi.org/10.25115/eea.v39i5.4910>
46. Kataeva SB, Nemirova LF, Tashpulatov SSH, Muminova UT, Zhilisbaeva RO. Research of knitted fabrics for daily use thermal fabric. *Izvest Vyssh Uchebn Zaved, Ser Teknol Tekstil Promyshl.* 2019;383(5):154-158.
47. Danchuk V, Shlikhta H, Usova I, Batyrbekova M, Kuatbayeva G. Integrated project management systems as a tool for implementing company strategies. *Period Engin Natur Sci.* 2021;9(4):259-276. <https://doi.org/10.21533/pen.v9i4.2308>

Правове регулювання соціального підприємництва

Асель Уалієва*

Докторант

Академія правоохоронних органів при Генеральній прокуратурі Республіки Казахстан
010022, вул. Республіки, 16, м. Коси, Республіка Казахстан

Назарбек Жемпісов

Кандидат юридичних наук

Академія правоохоронних органів при Генеральній прокуратурі Республіки Казахстан
010022, вул. Республіки, 16, м. Коси, Республіка Казахстан

Толкин Жабелова

Кандидат політичних наук

Казахський національний педагогічний університет імені Абая
050010, вул. Казибек бі, 28, м. Алмати, Республіка Казахстан

Кадир Нургалим

Кандидат політичних наук

Казахський національний педагогічний університет імені Абая
050010, вул. Казибек-бі, 28, м. Алмати, Республіка Казахстан

Жанна Шаяхметова

Кандидат юридичних наук

Атирауський університет ім. Х. Досмухамедова
060011, проспект Студентський, 1, м. Атирау, Республіка Казахстан

Анотація

Актуальність. Актуальність дослідження соціального підприємництва в Казахстані зумовлена тим, що воно є важливим джерелом соціального, економічного та екологічного багатства, а також визначається як одна з ключових складових у політиці розвинених країн.

Мета. Метою цієї статті є висвітлення цілісного механізму функціонування досліджуваного сегмента та дослідження його правового регулювання.

Методологія. У статті використано такі методологічні підходи, як теоретико-методологічний підхід, метод правової герменевтики, статистичний метод, метод порівняльно-правового аналізу, метод синтезу тощо.

Результати. Результати дослідження показали, що наразі соціальне підприємництво в Казахстані цілком забезпечує повноту виконання державою покладених на неї функцій, але для підвищення цього показника було вивчено практики передових країн, особливо США, Великобританії, Австралії, Південної Кореї та Малайзії, що сприятиме виділенню рекомендацій щодо підвищення ролі ефективного соціального підприємництва в досліджуваному регіоні.

Висновки. У даному дослідженні визначено та висвітлено теоретичний аспект реалізації соціального підприємництва, проаналізовано правові норми, що регулюють дану діяльність в Казахстані, а саме Підприємницький кодекс Республіки Казахстан, Постанова Республіки Казахстан "Правила ведення реєстру суб'єктів соціального підприємництва" (2021) та інші нормативно-правові акти; детально проаналізовано статистику соціального підприємництва в містах республіканського значення Нурсултан Алматинської, Шимкентської та інших областей; на основі цього досліджено переваги соціального підприємництва в Казахстані та проблеми, які можуть стати на заваді належному функціонуванню цього сектору.

Ключові слова: соціальна політика; соціальне підприємництво; соціальний ефект; зарубіжний досвід; некомерційні організації.