



Trends and Prospects for Environmental Entrepreneurship Inclusion in Russian Socio-Entrepreneurial Legal Model

Alexey V. Barkov^{1*}, Evgeny L. Vengerovsky², Yana S. Grishina³, Maxim V. Demchenko⁴,
Gulnara F. Ruchkina⁵, Olga A. Serova⁶

¹Department of Economic Activity Legal Regulation, Financial University under the Government of the Russian Federation, Russia

²Department of Economic Activity Legal Regulation, Financial University under the Government of the Russian Federation, Moscow, Russia

³Department of Civil Law, Russian State University of Justice, Moscow, Russia

⁴Department of Economic Activity Legal Regulation, Financial University under the Government of the Russian Federation, Moscow, Russia

⁵Department of Economic Activity Legal Regulation, Financial University under the Government of the Russian Federation, Russia

⁶Academic Affairs and International Activities, Pskov state University, Pskov, Russia

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Abstract

Relevance of the study: the Relevance of the issue due to the need to search for legal tools that can reduce the impact of the socio-ecological crisis, the consequence of which is environmental pollution, reducing the quality of life and environmental protection of Russians. In these conditions redistribution of part of expenses on protection and reproduction of natural resources between the entities of business activity, formation of bases of legal support of ecological entrepreneurship are represented by the major tasks aimed at the solution of ecological problems. In many foreign countries, such an effective legal anti-crisis tool is social entrepreneurship, in the model of legal support of which, environmental entrepreneurship is considered as one of the most important components. The purpose of the study: the purpose of the article is to identify trends and assess the prospects for the inclusion of environmental entrepreneurship in the Russian socio-entrepreneurial legal model. Research methods: empirical (comparative legal, description, interpretation); theoretical (formal and dialectical logic) research methods. The leading method of studying this problem is the comparative legal method. Results of the study: 1. The definition of environmental entrepreneurship, which should be understood as a socially oriented economic activity aimed at ensuring environmental safety, rational use of natural resources, environmental protection, the profit of which is guaranteed to be reinvested in the solution of social and environmental problems. 2. A foreign the trend is identified of environmental entrepreneurship evolution in unified communications with the law on social entrepreneurship. 3. It is determined that, despite some similarities between the Russian and Italian models of legal support for the development of social entrepreneurship, the Russian legislative model does not provide support for social enterprises engaged in environmental entrepreneurship. Practical significance: the research consists in recommendations on the adjustment of the Russian socio-entrepreneurial legal model, taking into account foreign experience.

Keywords: Ecological Entrepreneurship; Social And Entrepreneurial Model.

1 Introduction

Unsolved environmental problems, which result in environmental pollution, reduced quality of life and environmental protection of Russians, necessitate the search for tools that can reduce the impact of the social ecological crisis. Under these conditions, the redistribution of part of the

costs on protection and reproduction of natural resources between business entities, the formation of the foundations of legal support for environmental entrepreneurship as a special type of business, are the most important tasks facing Russian society.

In many foreign countries social entrepreneurship, in the model of legal support of which, environmental entrepreneurship is considered one of the most important components becomes an effective legal anti-crisis tool for solving or smoothing social and environmental problems. (3). Despite the proposed for CIS participants at the fifteenth plenary session of the inter-parliamentary Assembly

Corresponding author: Alexey V. Barkov, Department of Economic Activity Legal Regulation, Financial University under the Government of the Russian Federation, Russia, E-mail: barkov_a_v@mail.ru.

(Resolution №. 15-6 of June 13, 2002), the Model law on the basics of environmental entrepreneurship (hereinafter - the Model law), in Russia this type of business activity has not yet been legalized. At the same time, the Russian socio-entrepreneurial legal model has acquired a real legislative outline, since on July 11, 2019, state Duma in the third reading supported the bill on amendments to the Federal law on the development of small and medium-sized enterprises (SMEs), in terms of consolidation of the concepts of *social entrepreneurship*, *social enterprise*. (On introducing amendments to the Federal law *About development of small and medium entrepreneurship in the Russian Federation* in the part of the consolidation of the concepts of *social entrepreneurship*, *social enterprise*: bill №. 620203-7// <http://sozd.duma.gov.ru/bill/620203-7> (accessed 12.07.19)), (hereinafter - the draft law on social entrepreneurship). In this regard, the study of trends and prospects for the inclusion of environmental entrepreneurship in this legal model is quite relevant scientific issue.

2 Methodological Framework

The research methodology is based on empirical (comparison, description, interpretation) and theoretical (formal and dialectical logic) research methods. The leading method of studying this problem is the comparative legal method, which allows by comparing foreign and Russian legislative approaches to assess the prospects for the inclusion of environmental entrepreneurship in the Russian socio-entrepreneurial legal model and formulate recommendations for its adjustment, taking into account the positive experience.

Despite the active appeal to the subject of comparative legal research, there is no unity of views among scientists on its methodology. The consensus of the *comparators* is in the need to find answers to the key questions: what to compare and how to compare, that is, what research methods can be in demand? At the same time, the choice of approaches, methods, stages, and grounds for comparison depends primarily on the purpose of the study (8,27). It is obvious that based on the purpose, the Russian and foreign socio-entrepreneurial models are subject to research in terms of identifying trends and prospects for the inclusion of environmental entrepreneurship in these legal models.

Most of the researchers of the problems of legal ensuring of social entrepreneurship agree that the most salient differences appear in comparison of the European and American models (14,18,19). At the same time, comparators, as a rule, do not make additional efforts to justify the need to choose to compare these legal models, since their bases are traditional differences between the Romano-German and Anglo-American systems of law. However, due to the fact that the Russian law-making approach is based on the state support of social entrepreneurs, which is typical for the European, not the American model, the most promising basis for comparison, when assessing the prospects for the inclusion of environmental entrepreneurship in the Russian socio-entrepreneurial legal model, we see the study of the Russian and European experience. The European socio-entrepreneurial model is based on the experience of Italian social cooperatives, recommended by the European anti-crisis

program *Europe 2020* to the EU countries as a model of social enterprise. In this regard, answering the main methodological question: "what to compare?" it is quite reasonable to answer that the comparative legal analysis is subject to the Russian and Italian legislative approaches to the legalization of social entrepreneurship, which will be most consistent with the purpose of this study.

It seems that as the stages of the study, when assessing the prospects for the inclusion of environmental entrepreneurship in the Russian socio-entrepreneurial legal model, with the use of the above-mentioned methods we should consider: the identification of trends in the development of legislation on environmental entrepreneurship in foreign countries; features of the Russian socio-entrepreneurial model; comparative legal analysis of Russian and Italian socio-entrepreneurial models; criteria for presenting state support to socio-environmental entrepreneurs. The focus of the study is on the methodology of the science of business law, so the theoretical basis of the study was primarily fundamental work on business law (7,9,16,21,22,25) and legal support of social entrepreneurship (15,18,19).

3 Results

3.1 Trends in the Development of Legislation on Environmental Entrepreneurship in Foreign Countries

In the absence of a special law on environmental entrepreneurship in foreign countries, its official definition can be considered the following concept, which is coming from the Directorate General for environment of the European Commission, - "it is the production of goods and the provision of services for the measurement, prevention, limitation or elimination of environmental harm, waste and noise reduction, as well as the use of environmentally friendly technologies, the use of which minimizes the use of raw materials and environmental pollution" (Environment DG. The European Commission of the EU. Environmental management. URL:

http://ec.europa.eu/dgs/environment/index_en.htm (date of appeal: 11.03.2019)).

In the definition recommended to the CIS member States, contained in the Model law under the environmental entrepreneurship, it is proposed to understand the production, research, credit and financial activities for the production of goods, works and services, which has "the purpose of ensuring the preservation and restoration of the environment and the protection of natural resources" (article 1) (Model law on the basics of environmental entrepreneurship // Portal: Laws of Russia. URL:

https://lawrussia.ru/texts/legal_744/doc744a417x494.htm (date of appeal 13.06.2019)). The entities of environmental entrepreneurship include "legal entities and entrepreneurs without the formation of a legal entity of any legal form, in which the production of environmental products is defined as the main activity in the statutory documents and the share of these products is not less than 75 percent of the total annual volume of products in value terms, which also specialize (have the main activity under the statutory documents) on the performance of works and services for environmental

purposes" (article 4 of the Model law). These definitions served as a reference point of the present study.

In previous works, the study revealed a trend in the evolution of environmental entrepreneurship, consisting in the fact that in countries that have legalized social entrepreneurship, its development can be traced in a single connection with the legislation on social entrepreneurship (3), as evidenced by the adoption of regulations in Spain (2011), Ecuador (2011), Greece (2011), Slovenia (2011), Mexico (2012), Portugal (2013), France (2014), which received the General name *Laws on SSE* (24). Despite the different names of the laws: the French *On social and solidarity economy*, the Spanish and Portuguese *On social economy*, the Greek *On social economy and social entrepreneurship*, the Slovenian *On social entrepreneurship* their common ideas are united in finding a compromise between the socialist and liberal ways of development in harmony with nature, determining the trend towards socialization and greening of the economy and the rights of these countries. In the context of the course of sustainable development chosen by these countries, considering the economic, social and environmental components in undivided unity, in these laws the concepts of *social and green economy*, *social and environmental entrepreneurship* are used in a single logical and semantic row.

In contrast to the mentioned countries, in Russia it is assumed that social entrepreneurship will develop within the framework of the legal model of support for SMEs. However, does the Russian legislative approach to the legalization of social entrepreneurship meet the global trends, is it able to become a legal basis for environmental entrepreneurship?

3.2 Features of the Russian Socio-Entrepreneurial Model

Answering the questions raised while studying the peculiarities of the Russian social entrepreneurial model, we should first of all support the opinion of experts (Moscow 2019) in assessing the high public importance of the fact on official recognition of the potential of social entrepreneurship in Russia, which proved its worth in many foreign countries in solving various social problems, where profit is a means of achieving a socially useful goal. The Ministry of economic development within the framework of the national project *Small and medium enterprises and support of individual entrepreneurial initiative* developed the draft law on social entrepreneurship, which defines four conditions for the classification of the activities of SMEs to social entrepreneurship. Compliance with one of them guarantees the social enterprise access to the program of state support provided by the *may decree - 2018* of the President of the Russian Federation. (On the national goals and strategic objectives on development of the Russian Federation for the period up to 2024: the presidential Decree №. 204, of May 7, 2018 года // Information-legal portal *Garant* <http://www.garant.ru/products/ipo/prime/doc/71837200/> (date of appeal 27.04.19)). In conceptual terms, the project differs from the previously rejected bills in that it first attempted to consolidate the criteria of social entrepreneurship, as experts note, "taking into account the nature of the target social group" (Moscow 2019) (that is, depending on the location of

the recipient's benefit in the value chain) and determining the economic models of the social enterprise.

There are four main vulnerable target groups in the draft Law: employee, producer, consumer and society as a whole. Each selected target social group corresponds to its own model of social enterprise, focused on: 1) recruitment of workers, development of professional skills for sustainable employment; 2) ensuring the promotion of products to markets and sustainable income of the manufacturer; 3) production of goods (services) available to the consumer, allowing to overcome (mitigate) socio-economic inequality and (or) to create a new product in response to unmet needs; 4) ensuring the integration of unrelated stakeholders and resources in order to create new practices that offer new values and spread them beyond the participants of the market exchange (23). For each model, the relevant criteria are prescribed (there are four of them - by the number of models) and, if one of them corresponds, the subject of SMEs has the right to acquire the status of a social entrepreneur (Art. 24.1, p. 1a, 1 b, 1 r, of the Bill).

3.3 Comparative Legal Analysis of Russian and Italian Socio-Entrepreneurial Models

In General, the Russian legislative approach to the issue of assigning the status of *social entrepreneur* is based on the Italian model experience, where social enterprises, depending on the focus on solving social problems, are differentiated into organizations: *social and labor integration* and *public benefit*. The first condition (Art. 24.1 p. 1 a. of the Bill) – corresponds to the model of the Italian enterprise of social and labor integration of type A, the second (Art. 24.1 p. 1 b, 1 r. of the Bill) - type B – enterprise of public benefit (2).

Comparison of the Italian and Russian law-making approaches gives grounds to believe that the second, third and fourth Russian models, which are more of interest to the issue under study, are generally aimed at "achieving socially useful goals" (Art. 24.1 p. 1 r.), identical to the Italian model of social enterprise of *public benefit* aimed at providing socially significant services. However, in contrast to the Italian legislation, which includes environmental services in the list of *socially significant*, and therefore encourages environmental entrepreneurship, the Russian bill does not provide support for social enterprises engaged in environmental entrepreneurship.

As social cooperative type A in Italy was recognized an organization aimed at employment of socially vulnerable segments of the population, that is, the social and labor integration of persons, the list of categories of which was fixed by law. The minimum allowable wage of these citizens was determined, the number of which was to be at least 30% from the number of members of the cooperative, designed to ensure a decent standard of living. This is the social entrepreneurship model in the *Social Business Initiative* (Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions entrepreneurship 2020. Action plan. URL: <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0795:FIN:en:PDF> (date of appeal 27.04.2019), in accordance with the recommendations of the UN is

recognized as *inclusive* because it is aimed at combating poverty.

Social cooperative type *B* – *public benefit* has such a name, because it is aimed at the implementation of business activities that contribute to the solution of specific social problems in the interests of the whole society. These cooperatives specialize in the provision of socially useful services primarily in priority sectors of the social sphere (social services, health, and education). However, in order to receive state support, the social cooperative is obliged to direct more than half of the profits to solving socially significant problems, having this documented, and to involve volunteers in this socially useful activity.

The focus of EU policy on the course of sustainable development has made some adjustments to the idea of *public benefit*, focusing on ensuring not only a harmonious combination of social and economic results in the activities of social entrepreneurs, but also added environmental priorities in the strategic development of society. In this regard, the Law of Italy of 13.06.2005 № 118 *on delegation of authority to the Government to regulate social entrepreneurship* adjusted the concept of *public benefit*, expanding the list of types of socially useful activities, by including in the range of *priority* sectors such as environmental safety, rational use of natural resources, environmental protection. Since then, the legal model of social cooperative type *B* has acquired the features of a business model of *sustainable development*, giving impetus to the development of environmental entrepreneurship in Italy.

At the same time, one of the novelties of the Italian legislation was the possibility of registration of social cooperatives *A+B- mixed type*, organically combining the features of *inclusive* model of *social and labor integration* and the model of *sustainable development* – *public benefit*. The advantages of this eco-oriented model of social entrepreneurship is the possibility of including not only the poor as workers, consumers, producers at all stages of the value chain, but also society as a whole, as a beneficiary, ensuring environmental and sustainable development for all parties to the process. Unfortunately, the Russian legislative approach to the legalization of social entrepreneurship in Russia, in General terms corresponding to the Italian legislative approach, does not take into account this important environmental-oriented additional element in the social entrepreneurial model.

Will it be enough to include environmental activities in this list in order to comply with the foreign trend in the development of environmental entrepreneurship? There is no doubt that this must be done. However, this is not enough.

3.4 Logic of Foreign Legislator in the Selection of Criteria for Submission of State Support to Social and Environmental Entrepreneur

The logic of the foreign legislator in the presentation of state support to social entrepreneurs is to determine the degree of socially useful significance of its activities. Support for social and environmental entrepreneurship will be effective only if there is no doubt about the ability of the social enterprise to solve social and environmental problems. A guarantee that social (environmental) entrepreneur's

service is important to the public is the fact that he voluntarily accepted the obligation to direct part of the profits to solve social and environmental problems.

It should be noted that in all European countries, one of the conditions of the legal status of a social entrepreneur, granting the right to state support, is the imperative need to reinvest (redistribute) at least half of the profits in solving social or environmental problems. This approach is a fundamental difference between socially and environmentally responsible business, which in the world practice benefits are not provided, and social(environmental) entrepreneurship, supported by the state. In the first case, social and environmental responsibility is a right. In the second – the obligation provided by need of reinvestment of part of profit in the solution of social and environmental problems. In this regard, the consolidation of the "conditions for the redistribution of profits" becomes the most effective criterion for classifying the activities of the entity to social and environmental entrepreneurship, as its observance becomes the guarantor of high social utility of the social enterprise. Thus, environmental entrepreneurship should be understood as a socially-oriented economic activity aimed at ensuring environmental safety, rational use of natural resources, environmental protection, the profits from which are guaranteed to be reinvested in solving social environmental problems.

4 Discussions

There is no consensus on the definition of environmental entrepreneurship among foreign scientists (4,12,13,17,26). Having analyzed the articles on the studied problems published from 1997 to 2015, contained in English-language academic scientific journals, T.V. Ershova determined that two approaches are used in the study of environmental entrepreneurship (10). In a brief summary, the idea of the first approach is that environmental entrepreneurship represents environmental modernization in action, and the second is a response to market and state. Russian studies of environmental entrepreneurship were carried out most often by representatives of economic science (11,20), which also did not take into account the nuances of environmental entrepreneurship as an object of legal regulation.

Only one dissertation of S.V. Zlobin is devoted to the legal research of ecological entrepreneurship in Russia, in which the ecological-oriented entrepreneurial activity is considered in the aspect of its focus exclusively on profit (28). Legal regulation of environmental entrepreneurship in the Russian Federation: thesis of PhD in law. However, in our view, the main qualifying feature of environmental entrepreneurship should not be seen as profit, but as a mission: focus on social environmental sustainability and social well-being.

The scientific novelty of the definition of environmental entrepreneurship, given by the authors, and in General other conclusions of this study, and its difference from the results of other similar works, is the development of a new Central idea that the methodological potential (ideas, principles) of social entrepreneurship, as a tool for the study of processes and changes in the social sphere (1), should be in demand in

the justification of the model for ensuring the Russian environmental entrepreneurship.

5 Conclusion

In conclusion, it is possible to draw the following conclusions.

1. Under environmental entrepreneurship, the legalization of which is the most important task facing the Russian society, should be understood a socially-oriented economic activity aimed at ensuring environmental safety, rational use of natural resources, environmental protection, the profits from which are guaranteed to be reinvested in the solution of social and environmental problems.

2. In the absence of special legislation on environmental entrepreneurship in foreign countries that have embarked on sustainable development, the trend of the evolution of environmental entrepreneurship in a single connection with the legislation on social entrepreneurship, which is an effective anti-crisis tool for solving or smoothing the consequences of the social environmental crisis, in which the concepts of *social and green economy*, *social and environmental entrepreneurship* are used in a single logical and semantic row.

3. Unlike most European countries, the development of Russian social entrepreneurship in Russia is expected within the framework of the legal model of support for SMEs. Despite some similarities between the Russian and Italian models of legal support for the development of social entrepreneurship, the Russian legislative model does not provide support for social enterprises engaged in environmental entrepreneurship, which requires adjustment. To this end, the need to expand the list of activities aimed at achieving socially useful goals, including activities aimed at ensuring environmental safety, rational use of natural resources, environmental protection is justified.

6 Recommendations

Earlier, critically assessing the Russian narrow law-making approach to the legalization of social entrepreneurship by providing support only to SMEs, we have already drawn attention to the non-compliance with its foreign experience, the danger of excluding NGOs from social entrepreneurship (2). The fairness of the position expressed in the scientific literature that the regulation of environmental entrepreneurship needs a special legal regime should also be recognized: from the consolidation of the status of environmental entrepreneur, to the definition of legal forms (financial, tax, credit) and funds (subsidies, pricing, state order) as elements of the mechanism to ensure this type of business, including liability issues (5,6). It is obvious that within the framework of the implemented Russian socio-entrepreneurial model aimed at supporting the socially responsible part of SMEs, these tasks cannot be solved. There is a need for a special law, elaborated taking into account the foreign socio-entrepreneurial experience and the Russian reality.

However, this conclusion does not exclude the need for the early legalization of social entrepreneurship, which, taking into account the adjustments, can also give impetus to the development of Russian environmental entrepreneurship.

Foreign countries have already come a long way in this direction, and Russia still has to make the first and perhaps not firm, but we think, not the last step. At the same time, the question of which law is best able to solve the problem of legalization of the special legal regime of environmental entrepreneurship remains open and leads to further exploration of the issues.

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