

## INFORMATION ON THE DOCTORAL DISSERTATION

Dissertation Title: Law on social enterprise in Vietnam

Speciality: Economic Law

Code: 62 38 01 07

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### 1. ABSTRACT OF THE DISSERTATION

By different research methods, the dissertation has clarified the nature, the definition and the criterias of social enterprises in the world; explored approaches to the legal form of social enterprises and analysed factors contributing to support and monitor social enterprises.

Through examining methodically and in detail the specific provisions of the Law on Enterprises in 2014 and 2020; the dissertation points out the shortcomings and inadequacies of the law on social enterprises and proposes recommendations to improve the current regulations of Vietnam's law on social enterprises.

### 2. NOVELTY OF THE DISSERTATION

- The dissertation gives a legal definition for social enterprises in Vietnam that show a flexible approach. This definition includes economic and business criterias, while criterias of governance dimension of social enterprises are expressed in each kind of legal forms of social enterprises.

- The dissertation argues that Vietnam needs to apply an "open" approach when stipulating the legal form for social enterprises because social enterprise is a good business model that is reflected in its nature, not depending on its legal form. This business model needs to courage a wide development. On the other hand, besides enterprises, there are still other legal forms such as cooperatives, charities, foundations, associations that satisfy the basic criterias of social enterprises.

- In order to improve the law on social enterprises in Vietnam, the dissertation proposes to promulgate a separate statute on social enterprises, rather than amending the Law on Enterprises, in order to overcome inadequacies in legislative content and techniques when adjusting two distinct business models: for-profit and not-for-profit in the same act.

- The dissertation argues the need to issue a separate legal form for social enterprises - as a higher level legal form, in order to better respond to the development of social

enterprises.

- The dissertation points out the limitations of Vietnamese law in supporting and monitoring social enterprises and proposes some recommendations to improve this activity, such as: supplementing the concept of “community” that social enterprises aim at; identifying stakeholders, stipulating the rights of related parties; regulating to respect the interests of the stakeholders of the managers; separating the purposes of social enterprises from those of ordinary enterprises; forcing all social enterprises to fulfill the obligation to submit annual social reports; stipulating specific sanctions for violations of the law by social enterprises.

### **3. APPLICATIONS/ APPLICABILITY/ PERSPECTIVE OF THE DISSERTATION**

The results of the dissertation can be used as a reference in the process of completing the legal provisions on social enterprises, in researching, teaching and learning modules related to social enterprises.

The dissertation can become an in-depth scholarly research manual for social enterprise start-up investors.

The dissertation proposes to develop a separate law for social enterprises but leaves open the specific content of this Act for further research.

**REPRESENTATIVES OF SUPERVISORS**

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