

Entrepreneurship in the science of law

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Received 15/11/2024

Accepted 24/12/2024

Abstract

Entrepreneurship and rights are two fundamental pillars of the development and progress of societies, which are deeply related to each other. Entrepreneurship seeks to realize welfare and social justice by creating value and innovation. On the other hand, the goal of law is to ensure justice and public welfare. These two fields have many points in common, with an emphasis on creativity, innovation and critical thinking. This article examines the interaction between entrepreneurship and law. Considering that entrepreneurship is not only limited to creating new businesses, but also includes innovation in different legal fields, this connection is of particular importance. We are looking for answers to the question of how law can benefit from entrepreneurship to realize its lofty goals. To answer this question, we will examine practical examples of the interaction of these two fields in national and international laws. The results of this research show that in order to adapt the laws to the growing needs of society and promote the spirit of entrepreneurship, lawyers should look at legal issues with an innovative and creative approach. Especially in the field of foreign investment, the need for flexible and innovation-based laws is felt more than ever."

Keywords: Entrepreneurship, Law, Innovation, Value Creation, Justice

Introduction

The word “entrepreneurship” has its roots in the French word “Entrepredre” and means “to undertake”. An entrepreneur is someone who commits to start and manage a new business by accepting risk. The International Labor Organization (ILO) considers entrepreneurs to be people who identify business opportunities, gather the necessary resources, and achieve success by taking advantage of them (1).

Entrepreneurship, as the driving engine of development, plays an important role in all aspects of human life, including economy, society, culture and politics. Schumpeter, the father of the science of entrepreneurship, also believed that entrepreneurship is the driving force for the development of societies.

Considering the problem of youth unemployment and the increasing importance of entrepreneurship, this issue is not only raised as a solution to create employment, but also as a factor for transformation and growth in all aspects of the lives of societies. To achieve this goal, various scientific approaches and techniques have been presented to strengthen the spirit of entrepreneurship and innovation in people.

Today, solving the problems of society and achieving social welfare requires creative and innovative approaches. Entrepreneurship, with its emphasis on creativity and innovation, can provide effective solutions to solve these problems. In order to institutionalize the entrepreneurial culture in the society, it is necessary to seriously cultivate and teach creativity.

Entrepreneurship and idea generation are no longer just an option, but have become an inevitable necessity for the growth and development of societies. All fields and sciences should pay attention to the topic of entrepreneurship and look for innovative ways to apply it in different fields.

Another issue that can be addressed in the discussion of entrepreneurship is its comprehensive and broad nature. Entrepreneurship and ideation are not limited to a specific field, but are considered as a powerful and vital tool for progress and transformation in all fields and sciences. Thinkers and researchers should try to combine the concepts of entrepreneurship and

ideation with their specialized knowledge to achieve innovative achievements that not only expand the boundaries of knowledge, but also help solve the real challenges of society.

Entrepreneurship is essentially a process that begins with the identification of a need or opportunity. This initial idea is then nurtured using creativity and innovation and becomes a new product or service. In this process, the entrepreneur must consider various factors such as market conditions, competition, and resource limitations. The result of this effort is the creation of a new and different product or service that can help improve the quality of people's lives.

The word entrepreneurship is often associated with concepts related to work and employment. But entrepreneurship is more than creating jobs. Entrepreneurship means creating change, improvement and innovation in systems and processes. Sometimes, entrepreneurship means returning to the roots and reviving forgotten values. In other cases, entrepreneurship means combining different ideas to create an entirely new product or service.

Entrepreneurship, due to its creative and innovative nature, can help the economic and social development of a society. By creating new businesses, entrepreneurs create job opportunities, help solve social problems, and improve the quality of people's lives (2).

Therefore, it can be concluded that entrepreneurship and ideation are considered as a vital necessity for the progress of human societies. In order to institutionalize the entrepreneurial culture in the society, special attention should be paid to education and a favorable environment for the growth and flourishing of innovative ideas should be provided. By supporting entrepreneurs and investing in innovative ideas, a brighter and more prosperous future can be achieved (3).

Entrepreneurship

Entrepreneurship has its roots in the French word "Entreprendre" and means the commitment to organize and manage a new business with accompanying risk. In recent decades, due to the problem of youth unemployment, entrepreneurship has been more attention as a solution to create employment.

While the different angles of this phenomenon, including its role in the development and excellence of societies, have been less investigated (4).

Entrepreneurship is of great importance as the main driver of the growth and development of societies. In order to strengthen this phenomenon, various scientific and technical approaches have been proposed in order to achieve more efficient mental models by solving challenges and creating innovation. (5).

Humans are always looking for the benefits and harms of their decisions, and this is true in the field of law as well. Therefore, the economic effects of laws and regulations on the behavior of people and society should be investigated.

Law economics examines the economic value of laws and regulations. This field analyzes issues such as companies, contracts, ownership, and even family issues such as marriage and divorce from an economic perspective (6).

Legal challenges of entrepreneurs and solutions to improve investment security

Entrepreneurs face many legal challenges in the way of starting and developing their business. Among these challenges, we can mention contracting with third parties, registering and establishing a legal entity, issues related to checks, insurance, taxes, and most importantly, intellectual property protection. Unfortunately, most entrepreneurs do not fully understand the importance of legal issues and do not seek legal advice until they encounter serious problems. This approach can have irreparable consequences for start-up businesses.

On the other hand, the business environment is always associated with risks. Some parties to the contract may try to conclude one-sided contracts for their own benefit, with the aim of abusing the ideas and achievements of entrepreneurs. This is especially common in the field of intellectual property.

The key questions that entrepreneurs must answer are:

What legal points should I consider when entering into a contract to defend my rights well?

How can I protect my ideas and innovative achievements against copying and plagiarism?

What are the legal methods for business development? (7).

The Importance of Entrepreneurship in the Knowledge-Based Economy

In the present era, entrepreneurship is recognized as one of the most important factors in economic development. Entrepreneurs create jobs, promote innovation and contribute to economic growth by creating new businesses. To support entrepreneurs, governments must provide a safe and stable environment. Creating legal security for entrepreneurs is one of the most important actions that governments can take in this field (8).

For sustainable and successful business development, entrepreneurs should be aware of the importance of legal issues and benefit from expert legal advice. Also, governments should support the rights of entrepreneurs by creating appropriate laws and regulations and provide a safe environment for their activities (9).

Justice, the Moving Target of Law: The Challenges of Adapting Theory to Practice

The science of law is one of the sciences that, perhaps more than any other, needs the institutionalization of a culture of creative thinking, entrepreneurship, creativity, and innovation. Today, diversifying and shortening stereotyped processes and combining and creatively combining and deconstructing low-yield patterns and ways of thinking and upgrading them to create products that can provide creative thinking, living and doing for humans is considered one of the necessities of human society's life. Economic and political necessities, and moral and religious ideals, each have a significant contribution to this path. The legislator should know these necessities through experience and observation with the help of sociology.

It is true that the purpose of all legal rules is to provide comfort and public order and to implement justice, but it is not clear how these simple and general concepts should be adapted to foreign facts and what is the criterion for judging justice? Humanity has not yet reached a decisive answer as to whether the purpose of creating rules should be the comfort and freedom of the individual, and the person should be the basis and goal, or should the main goal be to meet social needs? And the individual is considered as a part of it or should the third

thing be the main goal? The schools of law of the originality of the individual and the originality of social and state rights are born of these same thoughts (10).

Dr. Katoozian defined the rule of law as: a binding rule that governs human social life in order to establish order and justice, and its implementation is guaranteed by the government.

By considering this definition, we realize that justice is one of the important pillars of defining the legal rule as a means of achieving the main goal of jurisprudence (11).

The history of human life has always been formed in the effort for a clean way and the implementation of justice, but not only because this concept is single, but also because of its relative nature, this effort does not end and continues. Justice in any time and place should be determined according to the set of its specific economic, political and social conditions, and it should not be considered fixed. The relativity of the concept of justice and the treatment of its implementation with the order of the rules of law is sometimes of justice It takes a long time. Although it always maintains the tendency towards it as a desirable ideal, that is why we mention it in the main category of discussion in the definition of justice rights (ibid., 38).

As a result, the aim and goal of the rights is justice, the justice that is right is described in a specific and definite definition and is unattainable, but it is possible in practice. Justice imposes different meanings on itself based on the time, place and position requirements. As we find out, entrepreneurial thinking and creativity are one of the prominent features that a lawyer finds vital in order to reach the true meaning of justice in the practical sense, and he cannot do it with a traditional and stereotyped way of thinking and reasoning that may be in the subject. Or some issues will give results to real justice Therefore, creative thinking and business creation can be a new method and tool to achieve justice and, in a way, guarantee the achievement of justice in similar issues but with different complicated conditions. This discussion was an example for understanding the culture of thinking and creativity in the way of reasoning or deliberation in the science of law. Therefore, the necessity of the existence of culture and science of entrepreneurship, thinking and creativity in the field of rights is considered undeniable and inevitable, in relation to the

needs of the people and the establishment of justice, prosperity and welfare of the people.

Discussion and examination with regard to the general issues raised in the (necessity) section of this article, to make the problem more precise and specialized, the description of the discussion and examination and comparison of the two main variables in question are discussed.

Dr. Katouzian has mentioned in the techniques related to setting the rules and writing the law, it is not enough to understand the useful rules in order to make a useful law. Legal rules must be stated in a language that is understandable to the public and explicit enough to not cause the judge any hesitation in implementing them, and at the same time, give him the opportunity to pay attention to the specific circumstances of each case and leave a way open for the implementation of justice. Failure to observe these matters reduces the value of the laws and the level of respect for them, and also faces various difficulties for law enforcement officers. The combination of these qualities in law is not easily achieved; it requires a great deal of experience and knowledge, and requires unparalleled patience.

In a comparative definition between a lawyer and an entrepreneur, and with regard to the characteristics of entrepreneurs, an entrepreneur must be passionate and avoid trial and error, and create ideas and work without prejudices and intellectual limitations, and combine patience and forbearance with unhurried management, and creatively assess all current and future opportunities and realities, and creatively transform the issue into a problem and define it as an issue, and create creative solutions and ideas to solve the problem and contradictions, and use creative problem-solving tools and techniques innovatively to achieve social justice and the goal of To apply his ideal, on the one hand, his intellectual processing should not be limited to the form of the subject, because the creation of an idea is achieved through the process of thinking about the nature of the subject, and in this way, he should not neglect experience, analogy, and adaptation to other similar ideas in mind, because the application of similarities leads to the non-repetition of trial and error and leads to the achievement of a new idea. Most importantly, recognizing the needs and tastes of the audience, assessing the needs of the market, or even marketing for the audience, producing and creating ideas for them, breaking repetitions and stereotypes, showing justice, and innovation in methods, and respecting human desires and needs in a specific and comprehensive way in

order to preserve the value and dignity of humanity are among the ideal common characteristics of these two sciences. It is more meaningful with the comparative approach and in legal science, in the discussion of the procedure, the duty of the judge is not only to simply implement the laws without playing his constructive role, but the judge is forced to apply the law in situations that are not foreseen or the law is comprehensive and contradictory. It is in a creative way and creatively define the correct interpretation and concept of its territory and find out the will of the legislator with the help of logic in a creative way and do not limit yourself to the words and phrases of the law, which are all characteristics of entrepreneurs and creative and innovative people (6).

Learning the science of law today has found a special method that should not be mistaken with explaining the interpretation of legal articles. Rather, a lawyer should be aware of the changes in judicial practice in an effort to reform laws and eliminate unnecessary criminalization's. He should find the opinion of the legislator at the time of the law's establishment and, as his logic dictates, obtain the spirit of the law in various issues. Or, it is true that the law is the most important source of law, but the real meaning of the law is determined in the courts, and that is where the general and inanimate rule becomes dynamic regulations, and the lawyer should not limit himself to clarifying current law. Rather, it should determine the value of its rules and be a guide and advisor for the lawmaker. It is necessary to utilize all social sciences, religion, ethics, and even management, creativity, innovation, and thought-provoking ideas, and to propose the best and most just rules, considering the economic, political, historical, and cultural situation of the country, and to make them flexible and based on the purpose of law, in the form of basic, understandable, and enforceable rules. The cases mentioned are examples of entrepreneurship in law. There are also other comparative cases in the general sense of entrepreneurship in law for the employment of graduates of this field, whose capacities have been predicted in the law but have not been used, and with a little creativity, newer businesses can be created and in the form of It designed, compiled, and assessed the interdisciplinary field with other sciences, and while creating employment, it also gifted quality services and welfare to the society, and in a way reduced the work of judges and courts. In some cases, this scientific and specialized activity, reported and explained in the form of studies, can be an aid to the judges' opinions. Although graduates of law schools in every region and city can work as arbitrators or consultants and legal experts under various titles such as arbitrator or advocate, etc., it has an institution and with

a real drawing of the quality and cost-benefit and estimation of the loss or added value of the subject of the lawsuit at the time of issuing and executing the verdict and reaching the conclusion of the case and discussing the time spent. The parties and other psychological and psychological issues and other contingent components to the parties... foresee a solution and provide it to the parties that a compromise has been reached and will certainly have many blessings (10).

Of course, it is worth mentioning that this issue is foreseen in the rules, but creative thinking should develop this legal capacity in various ways and in a creative way and promote the field of entrepreneurship in the science of law. Or the discussion of forming legal advisors or legal and economic consultants consisting of several lawyers to negotiate and resolve disputes or in order to prepare and provide information and identify the rules of trade law of countries or other rules in question or foreign investment facilities and identify economically susceptible areas of foreign countries and related laws, etc. can also be among other examples of entrepreneurship in the science of law. Or the design of a process system and software product A new creative tool that can help in legal matters to meet the needs of judges, lawyers, notaries, legal consultants, and even the public in legal matters, as well as idea generation regarding reforming processes and consulting methods, stereotypes, and issues of this kind can be the subject of entrepreneurship in the field of law.

In the more specialized discussion of the field of law, from this perspective, the need for a creative, innovative approach and updating the law, which in some specialized fields of law may be in conflict with its originality, but in some laws, especially when they are in the international sphere or are related to economic issues and foreign investment, this creative and innovative change is very vital and consistent with its nature of necessity, in a way that, according to a study in 1987, is related to obstacles to foreign investment. This creative and innovative change is very vital and consistent with its nature of necessity, so that, according to a study in in 1987, investment barriers in 33 countries were almost similar, and over the past 13 years, the speed of reform and removal of barriers has varied among these countries. Meanwhile, Iran is among the countries in the region that had the lowest speed in this regard, and China has the highest speed. Also, from 1991 to 2000, 1,185 laws have been passed in different countries to attract foreign investment. In 2000, 65 countries changed their laws to attract capital, which was a very slow process for Iran at that time . Or in the important and fundamental discussion of comparative law, the laws

of different countries, the mere application of laws can be fruitful, but the type of application must be enriched and deepened, which requires creative and innovative thinking. Certainly, such approaches to the valuable science of law, in comparison with other disciplines, will double the role of law as the basis for sustainable human development from various dimensions and the influence of other sciences on the science of law and its sublime and applied status, and its valuable status will be more tangible. Or in the analysis of the element of creative thinking, creativity, and innovation in other foundations of the science of law, for example, we can refer to the issue of international agreements in various forms of international law. For example, diplomats or experts in the Ministry of Foreign Affairs, apart from specialized discussions of international law, should have such creative thinking, creativity, and innovation that, by carefully considering the discussion of international responsibilities and commitments created by an international agreement document, the title of the document is selected in such a way that, while meeting the requirements in question, there is no need to discuss the need for its approval in the domestic process in cases that may not be necessary in terms of legal content and the legislator's intention. Or, in a way, they should emphasize and consult on words in the content of the document and its elements so that in future interpretations, the ultimate goals of national interests are met, and in a way, in the trap of legal English words, several concepts of creative consultants of the opposing parties are trapped. Or in the discussion of foreign investment, when the specific law of countries is studied, we notice that the legislator of a country creatively speaks in the introduction and/or the initial articles of the law about the scope of legal opinion without any restrictions for a foreign person, and the law of another neighboring country with the same legal status but talks about the dos and don'ts and the lines and marks for foreign investment, while the same first legislator creatively implements the goals and limitations of the country by employing sentences between the articles, or in the discussion of nationalizing foreign investment properties as one of the vitally important issues considered by investors and professional lawyers, he uses words and not the relevant sentences in the article in question. It is observed and emphasized that the creativity and innovation of the legislator should help in realizing the main goals of the law. Words play a very important and fruitful role in the science of law, whether in legal articles, in the opinions of judges and courts, in the opinions of arbitrators, or in domestic and international agreements. For example, Divari in oil lawsuits regarding the amount and quality of compensation in the nationalization issue, in the Amoco

case regarding the compensation criterion, has issued a ruling that contains legal innovation and important points and valuable insights. According to the Arbitral Tribunal, the effect of the distinction between legitimate and illegitimate expropriation is reflected in the compensation payable. The Tribunal first refers to Article 4(2) of the Iran-US Treaty as specific law and states that, according to this Article, the standard for compensation in legitimate expropriation is "just compensation," which must be equivalent to the full value of the property. The innovation of the court regarding the compensation rule is in the interpretation that it gives from the concept of the full value of the property. (Paragraphs 209-207 of Amoco's opinion) The court says that the "full value of the property" is its value at the time of deprivation of ownership and the elements that make up the "full value". Property" is also a phrase It is the value of the objective and non-objective components of the asset, which is related to the addition of another general value at the same time as the future benefits of the asset, which is called future prospect. In this way, the court removes the element of non-profit from the total elements that make up the property's value. However, in the case of unlawful expropriation, the full value of the property is the value of its tangible and intangible components at the time of expropriation, plus the loss of benefit until the time the judgment is issued. As mentioned in the above text, the Court's innovation in the issued decision, which excluded a kind of absolute non-profit from the totality of the elements constituting the value of the property and confirmed its calculation only from the time of expropriation until the date of issuance of the judgment, is the result of the Court's creative interpretation and meticulous approach, contrary to the current practice or stereotypical interpretation according to the specific circumstances and conditions of the contract, which is important to play the role of creativity and innovation as much as possible in various branches of the law, or in the issue of foreign investment as the key to the development of countries where the relevant laws play a determining role in attracting foreign investors, for example, the Turkish Foreign Investment Law, the legislator It has divided the facilities and incentive procedures in a creative, different, and non-uniform manner throughout its country, which is considered a very interesting and attractive legal innovation for foreign investment in order to develop the cold and undeveloped regions of eastern Turkey, which is also in competition with Iran to attract foreign investment, and such a competition with the legal innovations of the Turkish legislator presents the winning card to a country whose legal system is enriched with innovation and creativity (6).

Conclusion

Entrepreneurship in the science of law is a new and dynamic approach that seeks to bring about transformation in the legal system by using creativity and innovation. This approach, by combining legal knowledge and entrepreneurial principles, seeks to provide new solutions for legal challenges and create innovative businesses in the field of law. Legal entrepreneurship not only contributes to economic growth, but also leads to improving access to legal services, increasing the efficiency of the judicial system, and promoting social justice.

Despite its many advantages, legal entrepreneurship also faces challenges. Among these challenges, we can mention lack of investment, lack of proper infrastructure, resistance to changes in the legal system, and lack of specialized human resources. However, these challenges should not prevent the development of legal entrepreneurship. There are many opportunities for the growth and development of this field, including increasing public awareness of law, development of new technologies, and changing attitudes toward the legal profession.

But with these differences in the form of the subject in the science of law, which is also different in its sub-branches, in total, in different dimensions and more content, this science is always thirsty for creativity, innovation, thought-creation and entrepreneurship, so that whether in the discussion of interpretation and interpretation and the way to use the procedure or issuing a verdict in domestic and national law or in international discussions in the field of legislating the specific and general rules of foreign investment or issuing an innovative opinion of the arbitral tribunal in the discussion of paying compensation in the Amoco case, as an example, and with regard to the above-mentioned materials and the importance that innovation, thought-creation, creativity and finally entrepreneurship today have in all different sciences for It has acquired itself and created a special and valuable position in the progressive scientific development of various sciences. Both from the general and specific aspects of the subject and the components mentioned as examples in both aspects of the science of law, it is necessary that the important issue of entrepreneurship and creative thinking, innovation and creativity be taken seriously with various angles related to this field (science of law), and with

scientific and specialized and expert solutions and tools, and by conducting studies and research, the tools for institutionalizing the culture of entrepreneurship and creative thinking, creativity and innovation in the science of law have been identified and put into practice this important matter, because the inclusion of these vital issues in the science of law has become a vital necessity in the science of law today, and every It will also become more and more evident that the creative flexibility of legal issues of various dimensions has been greatly developed in the field of international law and is visible in the content of issues related to this issue many times more than in the domestic laws of countries. It can be admitted that in the next few years, legal science without entrepreneurship and creative thinking will be meaningless, not only in application but also in content development, even despite the unique characteristics of this science in terms of content sustainability. Although this is understandable even at present with a semi-deep look, but considering the process of rapid technological changes in the world, the need for conformity and content flexibility of legislative laws in order to create a platform for creative flexibility The inference of the opinion of a judge or arbitrator, etc., in the capacity of interpretation and issuance of opinions and opinions, as well as in important and vital economic and foreign investment discussions for countries, requires that laws appropriate to the world's legal literature and discourse be legally addressed and updated if necessary or revised. Even in the very important discussion of comparative legal studies, it is necessary to apply laws dynamically and consistently. All of this requires the institutionalization of a culture of such thinking in the legal and legal executive system and then the operationalization of a systematic, organizational, and specialized, creative and innovative thinking.

For the development of legal entrepreneurship, it is suggested:

Government Support: Governments can help the field grow by creating an enabling environment for legal entrepreneurship, including financial support, providing facilities and setting supportive laws.

Cooperation between universities and legal institutions: Universities can play an effective role in the development of this field by creating legal entrepreneurship training courses and supporting the ideas of students.

Development of entrepreneurial networks: Creating legal entrepreneurial networks can help to exchange knowledge and experiences, attract investors and develop start-up businesses.

Promoting entrepreneurial culture: increasing society's awareness of the importance of legal entrepreneurship and creating an entrepreneurial culture among law students can help the growth of this field.

Considering the high potential of legal entrepreneurship, we can hope for a bright future for this field. With the expansion of new technologies, increasing public awareness of rights and the support of governments and private institutions, legal entrepreneurship can become a driving force for the transformation of the legal system. By providing innovative and efficient legal services, legal entrepreneurs can help improve access to justice and contribute to the sustainable economic growth of the country.

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