



THE IMPORTANCE OF PUBLIC POLICIES TO ENCOURAGE INNOVATION AND ENTREPRENEURSHIP: AN ANALYSIS ON THE ORGANIC LAW OF THE MUNICIPALITY OF MACAPÁ-AP.

Cirilo Simões Filho¹
Robson Antonio Tavares Costa²

ABSTRACT

Innovation and entrepreneurship are essential elements for the development process of a city and region. And higher education institutions are essential agents in this process. The Public Power, through its laws, actions, programs, projects, etc., together with the companies, represent the necessary tripod for the so persecuted socioeconomic development. Thus, this essay aimed to analyze the Organic Law of the Municipality of Macapá, Capital of the State of Amapá, seeking to identify whether the referred legal instrument has any incentive for higher education institutions installed in the City to develop activities to encourage the creation of new businesses. . The approach to the problem was qualitative, with a specific study of this Law.

Key words: Development. Innovation. Entrepreneurship. Public policy.

INTRODUCTION

Entrepreneurial activity is one of the most responsible for the economic, social and technical development of a country or region. Entrepreneurship can positively affect the development of technological innovations, creation of new companies and markets, generation of job opportunities in the short and long terms, encourage competitiveness among companies and increase the generation of income and taxes (BYGRAVE, 2009).

Increasingly, entrepreneurship and innovation will be interconnected: the greater the capacity of organizations to develop new solutions to old problems, the

¹ Student of the Professional Master's in Intellectual Property and Technology Transfer for Innovation (PROFNIT) at the Federal University of Amapá - UNIFAP.

²Federal University of Amapá -PROFNIT-ratcosta@gmail.com

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greater the opportunity to create new businesses, their survival or the expansion of existing ones.

Historically, several of these solutions, innovations, businesses and companies have emerged in the academic environment. Entrepreneurship and technological innovation depend on knowledge, initiative and an environment (ecosystem) conducive and encouraging its development. Universities are primarily responsible for the training of human resources trained in the development and implementation of innovation in society. However, historically, its pedagogical projects were conceived to train manpower for a formal job market, which has already changed a lot and will continue to change a lot in the coming years.

For Henrique and Cunha (2006, p. 2) the insertion of entrepreneurship in undergraduate courses could generate for the market “people architected with knowledge to be able to open a business, an enterprise, as well as seek innovations within the companies in which they work , acting as intra-entrepreneurs, and contributing to the continuous insertion and survival of organizations within increasingly complex environments ”

Universities must be the main environment for these initiatives and the interaction between them and companies is essential for the development of new technologies, products or processes.

In the 1980s, the theoretical consolidation of an ideal interactive model for the innovation process began, culminating in the concept of innovation ecosystems and innovation systems. One of the first publications on national innovation systems is attributed to the American economist Christopher Freeman, in the late 1980s.

In 2000, the work of researchers Henry Etzkowitz and Loet Leydesdorff is published. This work mentions the Triple Helix (HT), which represents a close relationship between the development of Universities, industry and government, and the concept of the Entrepreneurial University, which contributes to the development of a nation's economy, has also emerged. Etzkowitz et al. (2000) argue that the University

is considered the central actor in the era of knowledge, since in addition to teaching and research, it incorporates a third mission, namely, that of intervening in the process of economic development through the creation of scientific knowledge and applied technology, directly contributing to innovation.

It is well known that Innovation and entrepreneurship are essential for the development of a Region. And promoting development, in all its breadth, is what the State has as one of its greatest and most important premises and mission.

Innovation and entrepreneurship must be part of everyone's educational process, for the sake of survival, as we live in a moment of transformation of professional activities and there are no jobs for the whole contingent of young people who are looking for occupation and who graduate annually .

In order to develop fully, Brazil needs to understand that all higher education institutions (HEIs) need to encourage education and the culture of innovation and entrepreneurship, especially in the creation of companies (CNPJ) and not only employees (CPF).

We believe that two vectors can transform a region, into a mere producer of “manpower”, to form innovative companies: an academic environment that encourages and disseminates the knowledge and skills necessary for entrepreneurship and innovation and a legal environment, attractive and fertile political and economic environment for these new businesses.

It is notorious the difficulty of companies to prosper in Brazil, with the complex and suffocating tax system, with several laws, taxes and obligations that, many times, suffocate companies and take away the necessary energy to focus on their businesses, in order to comply with legal requirements.

According to the Organization for Economic Cooperation and Development (OECD, 2005), innovation policies are an amalgamation of science, technology and industrial policies. An innovation policy is based on the premise that knowledge has,

in all forms, a crucial role in economic progress, and that innovation is a complex and systemic phenomenon.

It is complex because it is not enough to have good science if there is no productive base - companies - trained to use the scientific principles discovered for the generation of product; that is, innovation policies necessarily involve the relationship between science and its production, technology and its generation, as well as innovation by companies.

The State, in any sphere, needs to focus on the search for problem solving and development. According to WU (2004), many of these challenges involve converting these commitments into measurable actions and achievements, which for this need to develop a set of policy options that can meet three conditions at the same time: they must be politically acceptable, administratively viable and technically sound.

According to TEIXEIRA (2002), "Public policies are guidelines, guiding principles for action by the government; rules and procedures for the relations between public power and society, mediations between society and State actors. In this case, they are policies made explicit, systematized or formulated in documents (laws, programs, lines of financing) that guide actions that normally involve investments of public resources".

The purpose of this essay is to analyze the analysis of this essay is to know if the Municipality of Macapá, in the State of Amapá, has in its legal system, any incentive for higher education institutions installed in the City, to develop activities to encourage the creation of new ones. Business.

This essay aims to analyze whether the Organic Law of the Municipality of Macapá has specific elements that encourage the process of innovation and entrepreneurship in the city.

MUNICIPAL LEGISLATION AS A DEVELOPMENT VECTOR

The Federal Constitution, in its art. 29, the Organic Organizational Statutes is called Organic Law. According to CORRALO (2011), “no matter how different the denomination is, it is the same self-organizing phenomenon enjoyed by States, the Federal District and Municipalities in its organization, which covers the constituted powers, internal organization and guidance to the most diverse public policies, without any intervention from another entity of the Federation. That is why many indoctrinators refer to Organic Laws as true Municipal Constitutions (NOVELINO, 2013).”

Although the municipalities have a certain political autonomy, the Federal Constitution itself establishes some requirements that must be respected by the legislator when drafting the Organic Law. These requirements end up limiting municipal autonomy, thus creating a national standard for 5,570 municipalities present in our country IBGE (2017).

Among these parameters provided for by the Constitution, which must be observed by all municipalities, are: the term of office of the mayors, the number of councilors by number of voters in the municipality, the limit on spending on councilors' remuneration and the incentive to activities economic.

In summary, the organic laws of the municipalities are norms that regulate political life in the city, always respecting the Federal Constitution and the Constitution of the State in which the municipality is inserted, being an important instrument to force the public power to assume obligations of local interest. in favor of the population.

The space for innovations in legislation is not very wide, given the existence of barriers provided for in federal and state legislation to be observed, but it is still considered a democratic advance to its existence, since before the 1988 Constitution, there was a restriction greater to municipal autonomy.

However, even with this limiting scenario, it is necessary that Municipalities seek to update their legislation to encourage the development and implementation of innovative businesses in their territories.

ANALYZE

The city of Macapá is the capital of the State of Amapá and is located in the Southeast of the State, on the banks of the Amazon River. With an estimated population of 493,634 people (IBGE, 2019), its area is 6,407 km² and its Organic Law was enacted on August 27, 2015.

The principles and powers specified in the legal instrument are aligned with the five fundamentals of the Federative Republic of Brazil and demonstrate the incentive to create enterprises that generate jobs, income and development.

In this context, we highlight item “IV”, “the social values of work and free enterprise”, which determines that in the country (and in Macapá), anyone has the possibility to develop or undertake through their work and free enterprise.

TITLE I - FUNDAMENTAL PRINCIPLES

Art. 1 The Municipality of Macapá, an integral part of the Federative Republic of Brazil and the State of Amapá, exercising political, legislative, administrative and financial competence and autonomy, is organized and governed by this Organic Law, and others laws to be adopted, observing the constitutional principles of the Republic and the State, based on:

- I - municipal autonomy;
- II - citizenship;
- III - the dignity of the human person;
- IV - the social values of work and free enterprise;
- V - political pluralism.

In item I of the sole Paragraph of Art. 30 - Chapter IV, where the Municipality's competencies are described, the Law demonstrates the incentive to create enterprises that generate jobs and income, however, it is worth highlighting the incentive to “agriculture” and to “Tourism”, as the matrices chosen for municipal development.

Chapter IV - MUNICIPALITY COMPETENCES

Art. 30. Observing the limitations of the Constitutions of the Republic and of the State, the Municipality, in the exercise of its autonomy, will issue laws, issue decrees, perform acts and adopt measures pertinent to its interests, the needs of its administration and the welfare of its people, competing, especially:

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- I - legislate on a matter of local interest;
- II - supplement federal and state legislation, as appropriate.

Single paragraph. The Municipality is also responsible for:

I - Economic Development:

- a) to establish guidelines for the economic development of the Municipality, seeking to overcome local and social inequalities and the preservation of the environment;
- b) to encourage agricultural production;
- c) to promote and encourage tourism, as a factor of social and economic development;
- d) encourage cooperatives and associations.

In Article 98, Section that specifies the taxes administered by the municipality, part of Chapter IX - Tax and Financial Administration, the SERVICES TAX OF ANY NATURE is described.

Art. 98. The Municipality is responsible for instituting tax on:

I - urban land and property;

II - the inter-living transmission, in any capacity, for an onerous act of immovable property, by nature or physical assignment, and of real rights over real estate, except for guarantee, as well as assignment of rights to its acquisition;

III - Repealed by Amendment No. 010/2000-CMM

IV - services of any nature, not included in Article 155, II of the Constitution of the Federative Republic of Brazil, defined in a Federal Complementary Law.

§ 1 The tax provided for in item I will be progressive under the terms of the municipal law, in order to ensure the fulfillment of the social function of the property.

§ 2 The Tax provided for in item II:

- a) it does not affect the transfer of assets or rights incorporated into the equity of a legal entity in the realization of capital, nor the transfer of assets or rights resulting from the merger, incorporation, spin-off or extinction of a Legal entity, unless, in such cases, the preponderant activity of the acquirer is for the purchase and sale of these goods or rights, lease of real estate or leasing;

ISS (Service Tax) is the most well-known name of the ISSQN - Service Tax of Any Nature. It is the tax that service providers pay for the exercise of their economic activity, such as: transportation, food, cleaning, gardening, computers, health, consulting, telephony, repairs, repairs, EDUCATION and others.

This tax is regulated nationally by Complementary Law No. 166, of July 31, 2003, which “Provides for the Tax on Services of Any Nature, which is the responsibility of the Municipalities and the Federal District, and provides other measures (BRASIL, 2003).

TITLE V - DEVELOPMENT OF THE MUNICIPALITY

Chapter I - EXERCISE OF ECONOMIC ACTIVITY

Art. 234. The economic order, founded on the valorization of work and free initiative, aims to ensure a dignified existence for all, observing the principles of the social function of property, and consumer protection, the defense of the environment, the improvement of quality of life of the population, the search for full employment and the following:

- I - democratization of access to property and the defense of the means of production;
- II - encouraging community participation through its representative organizations;
- III - preference for community and social projects, in public financing and tax incentives;

Art. 236 guarantees that micro and small businesses will have different treatment, but in practice, this does not happen.

235. Any economic activity installed or headquartered in the Municipality will be subject to registration, regularization and inspection by the municipal public authority, without prejudice to compliance with federal and state laws and regulations.

Art. 236. The micro and small businesses, as defined by law, will receive differentiated legal treatment from the Municipality, aiming at encouraging their creation, by simplifying their administrative and tax obligations.

Art. 237 ensures that the “Municipality will encourage technological research, aiming at modernizing the production process at all levels”.

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Art. 238. The Municipality will gradually implement the administrative co-management process, in the informal economy sector, aiming at the active participation of the entities in the management process.

Art. 239. The Municipality may, in the case of a relevant collective interest, by means of a public company, mixed-capital company or other entity, explore economic activity, under the terms of the law.

As for the industrial, commercial and services policy, described in Chapter X, Art. 299 and paragraph 3, the Municipality guarantees special protection for micro companies.

Chapter X - INDUSTRIAL, COMMERCIAL AND SERVICES POLICY

Art. 299. In the elaboration and execution of the industrial, commercial and services policy, the Municipality will guarantee the effective participation of the various productive sectors, especially the business and industrial representations.

§ 1 ° The industrial, commercial and service policies to be implemented by the Municipality will prioritize actions that, having a relevant social impact, are aimed at generating jobs, raising income levels and quality of life and reducing regional inequalities.

§ 2 The Municipality will encourage initiatives in the industrial sector, giving priority to projects that promote the best use of its local potential.

§ 3 ° The Municipality will grant special protection to micro companies, which will receive differentiated legal treatment, aiming at encouraging their creation, reduction or simplification, as the case may be, of their administrative obligations, assuring them, among others, the right to:

I - reduction of municipal accessory taxes and obligations;

II - summary qualification and simplified procedures for participation in public tenders, as well as preferential procedures for the acquisition of goods and services of a value compatible with their size;

III - obtaining special incentives, linked to the absorption of labor with disabilities or made up of needy minors.

CONCLUSIONS

It was possible to verify that the Organic Law of the Municipality of Macapá, is aligned with the national legal system, has clearly and, in a complete way, the legal precepts required for the standard. However, it does not contain any device that encourages the teaching and practice of entrepreneurship and innovation in educational institutions and, except for the observations for micro and small companies, it also does not make it clear how the process of encouraging this type of business organizations, could be encouraged.

We believe that it would be time for the Municipality of Macapá to develop a public policy instrument that could, through defined and quantified parameters, allow educational establishments, at their most varied levels, to benefit from some type of political and strategic incentive.

This incentive could be through projects, practices and actions, such as: entrepreneurship and innovation disciplines in curricular matrices, support infrastructure, programs, strategies, courses and events on the subject for students and teachers, interaction with communities, number of companies generated within the institution, patents deposited, etc.

Institutions that adopt these practices, according to the defined and quantified parameters, could have some reduction of part of the taxes that they are required to collect for the city, such as IPTU, ISQN and fees.

The Public Power must always be the most interested in promoting the social and economic development of a region and must use public policies aligned with this objective.

Just the mere inclusion of amendments in a law, is not the guarantee of the effective implementation and consolidation of a public policy, however, it is a clear signal from the Public Power of a strategic, political and legal direction, which, associated with other measures, actions and programs, can contribute to the development of the city and the region.

REFERENCES

BRAZIL. Constitution (1988). Constitution [of] the Federative Republic of Brazil. Brasília: Federal Senate, 1988.

BRAZIL, Complementary Law No. 116, of July 31, 2003.

BYGRAVE, WD "The entrepreneurial process", in Zacharakis, A. and Bygrave, WD (Eds), *The Portable MBA in Entrepreneurship*, 4th ed., John Wiley and Sons, Hoboken, NJ, 2009.

CHIARINI, Tulio; VIEIRA, Karina Pereira. Universities as knowledge producers for economic development: higher education system and ST&I policies. *Rev. Bras. Econ.*, Rio de Janeiro, Vol. 66, n. 1, p. 117-132, Mar. 2012

CORRALO, Giovani da Silva. *Municipal Law Course*. São Paulo: Atlas, 2011;

The Importance of Public Policies to Encourage Innovation and Entrepreneurship: An Analysis of the Organic Law of the Municipality of Macapá-AP

ETZKOWITZ, H. "The norms of entrepreneurial science: cognitive effects of the new university – industry linkages", Research Policy, Vol. 27 No. 8, pp. 823-833, 2000.

HENRIQUE, DC; CUNHA, SK Didactic-pedagogical practices in teaching entrepreneurship in national and international undergraduate and graduate courses. Administration Magazine. Mackenzie - RAM, volume 9, n. 5, p.112-136, 2008.

IBGE - BRAZILIAN INSTITUTE OF GEOGRAPHY AND STATISTICS. Panorama Brazil. Available at: <<https://cidades.ibge.gov.br/brasil/ap/macapa/panorama>> Accessed on: July 2019.

INEP. Higher Education Census 2017. Available at: <http://download.inep.gov.br/educacao_superior/censo_superior/documentos/2018/censo_da_educacao_superior_2017-notas_estatisticas2.pdf> Accessed in January 2019.

MACAPÁ, Municipal Organic Law, 2015. Available at: <<https://macapa.ap.gov.br/noticias/leis-municipal>> Accessed on: July 2019.

MARTENS, CDP; FREITAS, H. The Influence of Entrepreneurship Teaching on the Intentions of Professional Guidance of Higher Education Students: an Assessment from the Perception of Students. TECHNOLOGICAL INNOVATION MANAGEMENT SYMPOSIUM - ANPAD, 24, 2006.

NOVELINO, Marcelo. Constitutional Law Manual. 8 Ed. São Paulo: Método, 2013, p. 55

ORGANIZATION FOR COOPERATION AND ECONOMIC DEVELOPMENT (OECD). Guideliness for collecting and interpreting innovation data. 3rd ed. Paris: OECD, 2005.

TEIXEIRA, Elenaldo Celso. The role of public policies in local development and in the transformation of reality. Salvador: AATR, v. 200, 2002.

WU, Xun. Public policy guide: managing processes / Xun Wu, M. Ramesh, Michael Howlett, Scott Fritzen; translated by Ricardo Avelar de Souza. - Brasília: Enap, 2014.