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# The Methods of Constructing the Legal Support System for the Returning-home Migrant Workers' Entrepreneurship——Based on the Perspective of Economic Law

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**Abstract** Based on the overview of concept of returning-home migrant workers' entrepreneurship, the thesis has introduced the features of migrant workers' entrepreneurship, as against other types of entrepreneurship, as follows. Starting from a low base and multi-level perspective; conducting entrepreneurship in manifold industries, mainly in those labor-intensive enterprises; conspicuous mutual interaction and reversibility are embodied in the group characteristics; the strong driving force of returning-home migrant workers' entrepreneurship comes from their affection for hometown. The process of returning-home migrant workers' entrepreneurship can be divided into three stages, namely returning rush, investing rush, and entrepreneurship rush, on which we give the analysis respectively in terms of the continuous change of social mobility, transformation on the part of the main body of entrepreneurship, and the expansion of industry field concerning entrepreneurship. More over, we have discussed the methods of constructing the legal support system for the returning-home migrant workers' entrepreneurship. Firstly, it needs institutionalization, which is the basis of constructing the legal support system for the returning-home migrant workers' entrepreneurship; secondly, it needs definite guiding ideology as the premise of constructing the legal support system for the returning-home migrant workers' entrepreneurship; thirdly, it needs the precise orientation of target group as the key of constructing the legal support system for the returning-home migrant workers' entrepreneurship; finally, appropriate support methods are the pivot of constructing the legal support system for the returning-home migrant workers' entrepreneurship.

**Key words** Migrant workers, Returning-home entrepreneurship, Legal support, Economic law, China

Because of the natural relationship amid migrant workers, rural area and agriculture, the returning-home migrant workers' entrepreneurship, with its special way, has exerted active influence on the farmers' transfer on the spot or in the vicinity, development of modern agriculture and new village construction, quickening development of the under-developed county economy, and promoting the urbanization process in the central and western regions of China. The returning-home migrant workers, as external force, has accumulated a certain money and human capital after undergoing the test of market economy and industrialization. They channel the capital, advanced market concept, technology and management into their hometown, as it were, gradually becoming the "grassroots force" to boost the economic development of under-developed areas. The returning-home migrant workers' entrepreneurship tends to divert the advantageous resources from city to rural areas, from developed regions to under-developed regions; integrate city, developed regions and under-developed regions; and form the pattern of coastal developed regions pushing forward the development of under-developed regions and rural areas. In a nutshell, it is really the impetus to the development of township enterprises in under-developed regions, private economy and county economy. We should pay attention to their entrepreneurship, and do the systematic research from the perspective of jurisprudence, especially the economic law, which has become urgent need of perfecting agricultural economy and legal sys-

tem, balancing urban and rural development and promoting rural development.

## 1 Overview of returning-home migrant workers' entrepreneurship

**1.1 Concept of returning-home migrant workers' entrepreneurship** Though the phenomenon that returning-home migrant workers' entrepreneurship has been existing for a long time, many researchers only care about the phenomenon itself, and fail to give a precise definition of it. However, what is certain is that returning-home migrant workers' entrepreneurship is closely linked with the migration of migrant workers<sup>[1]</sup>. Some scholars believe that since the peasants have spent some time in the city after leaving their hometown, they expand their horizon, change idea, increase courage and talent, and amass a certain capital in the course of their work or business. Under the concurrent influence of urban push, hometown pull, and realization of self-value, migrant workers prefer to return home and establish industrial enterprises, or to engage in innovative agricultural scale operation and developmental production, when they feel the techniques they have mastered are bound to make better income. In my opinion, we can define the concept of returning-home migrant workers' entrepreneurship as follow: under the concurrent influence of urban push, hometown pull, the realization of self-value, and changes in economic situation, some non-citizenized migrant workers who have rural census register and have worked in the city for a long time, return to the county, small towns, or rural areas where they come from, and start business that isn't confined to agricultural production.

## 1.2 Difference between returning-home migrant workers' entrepreneurship and other types of entrepreneurship

**1.2.1** A low base start and multi-level entrepreneurship. This is the distinctive feature demarcating migrant workers' entrepreneurship from that of other groups. It is determined by the diversity of this group. Most of the returned migrant workers lack experience and ability of entrepreneurship. Therefore, most workers choose to start with small-scale business investment. The operation models of household, individual, partnership and so on, are the majority. Some enterprises even have evolved into leading enterprises in local industry, showing the characteristics of multi-level and low starting point, which are distinguished from other types of entrepreneurship.

**1.2.2** Labor-intensive enterprise as the main business form and entrepreneurship in manifold industries. As migrant workers work in a variety of industries in the city, their respective working skills are different. The majority of migrant workers go primarily to labor-intensive industries, such as manufacturing, construction, and service. The question to choose which form of business is closely related to the industry those returned migrant workers engaged in before, working skills and knowledge they acquired. Compared with other groups, they are relatively weak in aspects of capital and technology. Therefore, they mainly choose labor-intensive and non-agricultural industries.

**1.2.3** Apparent mutual interaction and reversibility in terms of group characteristics. Migrant workers try to change their peasants' image before they step into the city. Then, they get "brainwashing" before returning home. On one hand, migrant workers leave for the cities to find new jobs. After living in the city for some time, workers either return home to start business or continue to work or do business in the city. Among the returned migrant workers' businesses, some businesses are thriving, while some are still struggling. Those enterprises are more complicated in groups, showing significant mutual interaction and strong reversibility.

**1.2.4** The impetus of returning-home migrant workers' entrepreneurship is from their affection for hometown. According to the analysis about the factors of impetus concerning returning-home migrant workers' entrepreneurship, economics researchers, based on rational economic assumption, hold that the driving force for workers doing business at hometown is the higher income in hometown business than that in the city. Some researchers also believe that the driving force for the returned migrant workers is the expectation of making more money in hometown business, that is to say, to replace the realistic interests with expected benefits. Under the dual economic structure and socio-economic structure, we can assume that there is unlimited labor supply. Therefore, in the process of deconstruction of that dual structure, the study on the reasons for migrant workers working at home can not simply proceed from the assumption of economics. According to statistical data and our observation, migrant workers' return is partly out of economic interests, and more is because of affection for hometown, which are the characteristics of Chinese and Chinese peasants.

## 2 The trends of returning-home migrant workers' entrepreneurship

To support returning-home migrant workers' entrepreneurship, first we should do some research on the law of its development. We hitherto believe that migrant workers doing business at home can be divided into three stages: the first stage began in the mid 1990s – "returning rush" of the first-generation migrant workers; the second stage began in 2005 – "investing rush"; the third stage started at the end of 2008 – "entrepreneurship rush" under the financial crisis. In my opinion, returning-home migrant workers' entrepreneurship shows some trends, which are likely to continue to change as usual.

**2.1 Continuous change of social mobility** At the first stage, returning-home migrant workers' entrepreneurship is simply the reallocation of regional natural resources, material capital and human resources. It is a simple horizontal flow, job shift or workplace transfer. To some extent, it still has a certain negative impact on the transfer of rural surplus labor and industry.

The second stage is carried out in the background of urban and rural coordination, during which most migrant workers have completed the accumulation of technology, capital and experience. The flow of migrant workers returning home at this time has assumed upward trend.

At the third stage, unemployed migrant workers return to their hometown because of the international financial crisis which has increased the amount of returned migrant workers by 40.46%<sup>[2]</sup>. Meanwhile, in order to cope with the tide of migrant workers' return, governments at all levels have introduced a number of supporting measures, and have begun systematic explorations. Besides, the migrant workers have translated from spontaneous flow into institutional flow.

From the above analysis, we can see that the migration of migrant workers has been strengthening, and has been transitioning from spontaneous flow to institutional flow. We believe that workers could strengthen their entrepreneurial skills and management skills along with the further development of urbanization and industrial transfer. At the same time, the government is paying more and more attention to the migrant workers. The flow of migrant workers will continue and become more institutional. However, under this development trend, we can not rule out the regression of spontaneous flow and horizontal flow caused by desynchronized situation of industrial upgrading between developed regions and underdeveloped regions. As long as inequality exists, it is bound to have a corresponding adjustment to the pressure and trend of inequality. As long as the economic structure adjustment and the transformation of the economic development mode go on, migrant workers' withdrawal from urban labor market and enter into hometown labor market would be a normal phenomenon, as a result of the allocation of labor resources and the self-adjustment to labor force structure<sup>[3]</sup>. But generally speaking, the flow of migrant workers will strengthen, become more institutional and ultimately form the dynamic balance between city and country.

**2.2 Transformation on the part of the main body of entrepreneurship** At the first stage, migrant workers start busi-

ness with their own funds, depending on family members. Their small-scale operations are based on households. The main body of entrepreneurship takes the role of producer. They can be the natural person or self-employed individual in terms of legal attribute, taking the unlimited liability.

At the second stage, migrant workers have begun to develop the business scale. Some entrepreneurs abandon the family production model, and have been changed to the operator regarding social attribute. Partnerships, corporations and other forms have begun to appear. Most entrepreneurs have been transferred to legal body from natural person, and they can take limit liability to enhance risk resistance capacity. In addition, the development of co-operatives brings the main body of entrepreneurship new changes.

At the third stage, migrant workers return hometown and start business along with the industrial transformation and inter-regional cooperation. Some cooperation partners even provide initial capital and necessary equipment at the moment. Because of the policy of government support, some pioneer could get initial capital from the government and financial institutions. At this stage, more and more limited liability companies and share holding companies have developed to the main body of the entrepreneurship, transferring to a mixture of returned start-up and other operators.

To sum up, the main body of the entrepreneurship has transferred from natural person to legal body, from operator to producer. They operate the company on a large scale instead of family production model, and the company is developing from low to high, from small to large, from unlimited or part liability company to limited liability company. However, households will continue to exist as the main body of the entrepreneurship in a long period, but it will be likely to grow up to a entrepreneurship cluster with high degree of commercialization, full marketization and appropriate scale, in the form of co-operatives, association and mutual aid team. Advanced entrepreneurship associations are developing to leading enterprises and providers of final product.

**2.3 The expansion of industry field concerning entrepreneurship** At the beginning of the first stage, the returned migrant workers start their business from agriculture, especially the cultivation and crop production. They expand the scale of production, and increase cultivation varieties with their own savings, which is a kind of entrepreneurship for survival.

Around 2000, there are more and more migrant workers with broad vision and good market consciousness, returned hometown to start their own business, venture into the field related to agriculture and abandon simplistic farmer model with characteristic of involving manifold industries.

At the second stage, under the background of industry upgrading in developed area, the materials price increases gradually, and a lot of migrant workers return to start labor-intensive business for the large enterprises, becoming the subsidiary of enterprises in developed area.

At the third stage, because of the financial crisis, resources-intensive and labor-intensive company, including mi-

grant workers' pioneering company, move to middle-west due to the high cost. There is also a part of migrant workers losing job are forced to go in for business at hometown, who can provide support services and related cooperation for these companies. At this stage, migrant workers returning hometown and starting business, promote the development of the industrial transformation which keeps pace with the upgrading of industrial pioneering.

According to the analysis of the developing trend of the pioneering, in my opinion, migrant workers returning hometown and starting business will gradually develop to conglomerated company with professional division in a long period in future. In the process of industrial transformation, there are more and more labor-intensive enterprises. Meanwhile, the main body of returned migrant workers takes on more species and more advanced forms. The proportion of non-agricultural industry will increase gradually in order to promote non-agricultural transformation and the change of dual economic and social structure.

### **3 The process of constructing the legal support system for the returning-home migrant workers' entrepreneurship**

#### **3.1 It needs institutionalization, which is the basis of constructing the legal support system for the returning-home migrant workers' entrepreneurship**

**3.1.1** Legal support system for returning-home migrant workers' entrepreneurship needs institutionalization. At present, China pays more attention to returning-home migrant workers' entrepreneurship. The state and local government have worked out some policies, but there is still devoid of sufficient support, which is mainly in the form of guideline, and has not formed a complete system. In fact, returning-home migrant workers' entrepreneurship involved many aspects, such as financial policy, market management and rural governance, so it is hard to coordinate and carry out these policies from several departments. Entrepreneurship is a process which needs continuous concerns, but the policy advantages of flexibility and efficiency, often at the same time, make itself lack consistency. Returning-home migrant workers' entrepreneurship will exist permanently in China. It couldn't give the migrant workers a reasonable expectation. We should think about how to transfer attention from returning-home migrant workers' entrepreneurship to operable and continuous support. In the situation of serious shortage of legal support in our rural reform, the policy takes an important role. However, managing the agriculture and rural area with policy solely, can not eliminate the irregular state of agriculture and rural society in economic activities. Comparatively speaking, the law possesses clarity, stability and authority, which other social norms do not have, showing that the law can provide behavior body with a clear model and reasonable expectation in order to carry out law in social life easily<sup>[4]</sup>. Factors of starting a successful undertaking include funds, technology, persons, and so on. But in legal society, law is an indispensable external factor of starting an undertaking. In market economy, national support for

returning-home migrant workers' entrepreneurship should be presented mainly by law. Combined with policy, the national support is institutionalized and is an effective and stable way.

**3.1.2** The economic law should be the main undertaker of institutionalization of returning-home migrant workers' entrepreneurship. The economic law is the basic form of national economic intervention. Because of the synchronism, practical pertinence and openness, institutionalization of returning-home migrant workers' entrepreneurship should be completed mainly by economic law. As the organic combination of form rationality and essence rationality, economic law has the ability to be the main undertaker of institutionalization of returning-home migrant workers' entrepreneurship. Firstly, institutionalization of returning-home migrant workers' entrepreneurship requires systematization of supportive measure, and as the rule of national economic intervention, the economic law can complete the task of measures systematization with strict logicity and systematic integrity. Secondly, institutionalization of returning-home migrant workers' entrepreneurship involves the activities of each market body. It needs to realize program control of entrepreneurial behavior. However, the form rationality of the economic law guarantees this point in terms of thinking mode and technology. Thirdly, migrant workers, returning migrant workers in particular, a group with complexity and reversibility, need standard rules<sup>[5]</sup>. Different from normative rules, some components of standard rules are not very clear and specific, so necessary explanation and application according to specific conditions and specialty are required. Different from traditional law, such as civil and commercial law, and administrative law, most of economic laws are standard rules, which provide the appropriate regulation form for institutionalization of returning-home migrant workers' entrepreneurship. Finally, because returned migrant workers is a vulnerable group, so the support for their undertaking is not only an economic problem<sup>[6]</sup>, but also a political and social problem related to the development and stability of China. Institutionalization of support system for returning-home migrant workers' entrepreneurship needs to make things better for now and future, but essence rationality determines a process full of opening and innovative features. The economic law will pay attention to search for other justifications out of law, such as economy, politic, culture and morality, in order to provide good legal and social effect for the support system of returning-home migrant workers' entrepreneurship.

### **3.2 It needs definite guiding ideology as the premise of constructing the legal support system for the returning-home migrant workers' entrepreneurship**

**3.2.1** Legal support system needs a definite guiding ideology. When many scholars studying the problem of returning-home migrant workers' entrepreneurship will point out coincidentally that constructing the support system must have a definite guiding ideology, but they never provide details for this guiding ideology. Therefore, from the legal aspect, to make clear the guiding ideology of legal support system for returning-home migrant workers' entrepreneurship is difficult. However,

the systematization and institutionalization is an essential job to do, because clear guiding ideology is the premise of legal support system. for returning-home migrant workers' entrepreneurship.

**3.2.2** From the perspective of economic law, make clear the guiding ideology of the legal support system for returning-home migrant workers' entrepreneurship.

From the perspective of economic law, we think that the guiding ideology of legal support system must include several points.

**3.2.2.1** The guiding ideology should take realization of reasonable and effective entrepreneurship resource as the ultimate goal. The ultimate goal of the support system construction is to realize that the entrepreneurship resources are used reasonably and effectively. The support system construction should realize the reasonable and effective flow and allocation of all kinds of resources, including human, financial and material resources used in every link of returning-home migrant workers' entrepreneurship. From the perspective of law, the system construction, in accordance with the "two layers of allocation" requirements<sup>[7]</sup>, should not only allocate adequate resources for their entrepreneurship, but also provide allocation of production relations. But the allocation of production relations should promote, rather hinder the allocation of production resources. To realize the resource allocation for returning-home migrant workers' entrepreneurship, on one hand, we should take the market system as the basic role of resource allocation; on the other hand, the state should also play an important role in the allocation of resources, and ensure the national macro-control measures working effectively. The state and the market should also interact together to form a favorable external environment in the whole society for migrant workers to establish business.

**3.2.2.2** The guiding ideology should take the moderate intervention in entrepreneurial activity as the basic principle. National moderate intervention is the basic principle of economic law. From the perspective of economic law, the construction of entrepreneurship support system should also implement the ideology of national moderate intervention, and weigh well the legitimacy and prudence of the intervention. Therefore, in the light of support system establishment, or support measures establishment and so on, we should stick to moderate intervention, that is to say, the construction of returning-home migrant workers' entrepreneurship is not to stipulate, returning mode, specific business mode, and the development mode for the entrepreneur. We must make the national support and guidance work within the framework of legal rules and avoid the arbitrariness of interference. We also should make clear the corresponding economic responsibilities and economic rights related to national institutions, and avoid the inability to adjust the entrepreneurship in time, due to the constraint and loss of law, and inflexibility of interference. Moderate intervention principle also needs to change the government-led support mode, and construct government-led, socialized and organized support service system.

**3.2.2.3** The guiding ideology should regard the maximization of social benefit as the standard. Any legal system construction should be based on a clear concept and a logical starting point. The social standard is the basic position of economic law resolving the social contradictions and interfering with economic life, which determines that the construction of a legal support system should be under the guidance of economic law to achieve the social benefit maximization as the protection goal and center. Amid the support legal system for returning-home migrant workers' entrepreneurship, it involves the interests of the state, local government, department, and public as well as the entrepreneur's personal interests. Those interests cross each other, melt and even conflict. However, during the construction of legal support system, we must adhere to the social benefit maximization, and especially prevent the relevant state agencies from seeking their self-interest maximization in the business management activities. Meanwhile, we should avoid the behavior of merely maintaining personal interests when it jeopardizes public interests.

**3.2.2.4** The guiding ideology should regard the democratic decision-making and implementation as a safeguard. The construction of support system should regard the tripartite benign interaction among the country, society and entrepreneurs as the ultimate goal. Were it not for democracy as a safeguard, it is impossible to achieve this goal. Economic democracy is an important principle of economic law. In the light of the construction of support system for returning-home migrant workers' entrepreneurship, the economic law should emphasize the public participation in support policy decisions, and have a full consideration of the interests of all parties. Based on fully dialogue, we should consider the regulating measures, promote the effective implementation of the measures, and arouse the enthusiasm of all parties to realize win-win. In accordance with the requirements of economic democracy, the support system construction should pay special attention to the following problems; firstly, the entrepreneur as the main body of law, undertake legal responsibility, and the national support should not infringe on the right to run their own business; secondly, we need to pay attention to the rational divide of legal responsibility between the central and local, in order to stimulate enthusiasm of the two parties; thirdly, through flexible and effective structure of rights and obligations, we can realize the integration of economic function and responsibility of the national institution, and the integration of economic rights and obligations of the economic subject; fourthly, in terms of the distribution of interests and risks, it should reflect the principle of giving priority to efficiency with due consideration to fairness.

**3.2.2.5** The guiding ideology should regard the promotion of business fairness and fair business as the target of implementation. Justice is the fundamental value of law. Fairness in economic law, is to pursue a fair result, under the premise of admitting the difference between economic subject's resources and personal gift<sup>[8]</sup>. Economic law is not used for civil law. It always pays more attention on fair competition, fair distribution

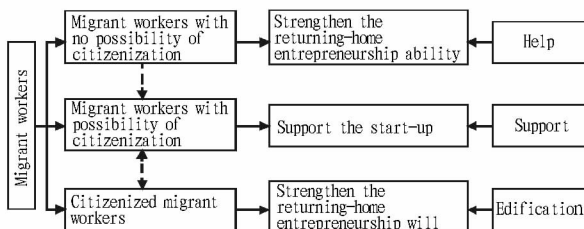
and normal discrimination treatment<sup>[9]</sup>. As a vulnerable group, returning-home migrant workers' will face difficult situation. In order to realize the same fair entrepreneurship right as other entrepreneurs, and protect their rights to participate fair competition, we should construct support system for migrant workers, promote their abilities, dissolve business risks, guarantee the success of entrepreneurship, and strengthen the driving force of starting business, according to the requirements of economic law. And through the system construction, we can encourage more workers to start independent business, and more migrant workers with strong aptitude to return home for the participation in fair competition. Through institutionalization and long-term effectiveness of the support measures, we can get legalization of rights for returning-home migrant workers' entrepreneurship.

**3.3 It needs the precise orientation of target group as the key of constructing the legal support system for the returning-home migrant workers' entrepreneurship** The qualification and the category of the main body of economic law relations, hinge on corresponding economic regulation. Thus, amid the construction of the support law system for returning-home migrant workers' entrepreneurship, the precise orientation of target group is as the key of constructing the legal support system for the returning-home migrant workers' entrepreneurship. The migrant worker is a complex group. The independence, selectivity, polygonality and difference of their thinking and behavior, have been increasing, especially under the situation of their increasing bidirectional flow. It is really hard to divide them in static state, so the precise orientation of target group is as the key of constructing the legal support system for the returning-home migrant workers' entrepreneurship.

The adjustment objects regarding economic law, need the economic relations regulated by the country, not all of the economic relations. From the perspective of economic law, the precise orientation of target group should also be properly conducted. The purpose of doing this is to give the potential entrepreneurs reasonable support at proper time with systematic and whole-process aid, which can largely improve their livability and developing room. On the contrary, we mean not to limit them in rural areas or make them return to the dualistic structure, or ask them to go back to hometown to start business.

In my opinion, the migrant worker is a special economic group. We must consider their living and developing environment from the perspective of economic law, so as to build up the support system in the macro-environment. On one hand, urbanization and industrialization still are the country's long-term development direction. Supporting migrant workers to return means that it should not require some citizenized workers to go back to start business, resulting in counteracting the gap between cities' pull and push by using the development capacity of rural areas. On the other hand, the returning-home migrant workers' entrepreneurship is not a static concept. In fact, it's a spatiotemporal concept originated from special historical condition. Thereby, it should be a dynamic method to

ensure the objective when establish the support system. As an economic individual, every migrant worker is under different circumstances that they can't change. Therefore, migrant workers need to be classified and adjusted. Considering the survival and development environment for migrant workers, we hold that it should lay out a figure of target group selection pertaining to returning-home migrant workers' entrepreneurship legal support system, as shown in Fig. 1. First of all, due to several factors, for those migrant workers who lack the urban survival ability, they have no choice but to return home. Meanwhile, there are some possibilities after they return home: firstly, some would become pure farmers; secondly, some would become new employees; finally, some people would start business on their own. If these people all become pure farmers and employees, it will be bad for the development of economy and society. And we prefer to support them to establish business in time rather than help them when they get into trouble. So, we should encourage some people, who are willing to enhance their ability, to establish business. Generally speaking, these migrant workers who are not be citizenized in city, have strong ability of establishing business and have accumulated certain technology skills and funds. Those who, anxious to be successful and have the spirit of perseverance, will play a very important role in the local development if they can get enough career guidance and proper business support. On the part of those migrant workers with possibility of citizenization, we maintain that they should not be encouraged to establish business in their hometown. But we should favor if they want to start business. Finally, for the weak part of citizenized migrant workers, we can adopt the same attitude towards them as that of migrant workers with possibility of citizenization. At the same time, for the strong group of entrepreneurship, we should support and encourage them, and stir their desire to start business with feasible program in their hometown. Their entrepreneurship will naturally strengthen economic ties between their hometown and the place where they work, and the close link between city and rural area.



**Fig. 1 Target group selection pertaining to returning-home migrant workers' entrepreneurship legal support system**

**3.4 Appropriate support methods are the pivot of constructing the legal support system for the returning-home migrant workers' entrepreneurship** The construction of returning-home migrant workers' entrepreneurship support system aims at supporting migrant workers' entrepreneurship, and appropriate support methods are the pivot of constructing the legal support system for the returning-home migrant

workers' entrepreneurship. As far as I'm concerned, we should adhere to the concept of state intervention in economic law, to be sure, if it pays to returning-home migrant workers' entrepreneurship. On one hand, we'd better foster an equal, free and competitive environment for returning-home migrant workers, improve their capability and quality, offer fulfilling public service and build good external environment of entrepreneurship. On the other hand, we also need to tighten up the intervention and restriction on government power, lest the government imposes excessive interference on the start-up, which proves to be the obstacle to the development of returning-home migrant workers' entrepreneurship. As a matter of fact, returning-home migrant workers' entrepreneurship depend on the market to a great extent, whereas the legal support, in a sense of macro-control, neither targets any specific entrepreneur, nor designs the returning flow path, returning flow model and entrepreneurship model. The crystallized and specific support approaches are as follows.

**3.4.1 Establish the government-induced supply model of entrepreneurship public goods.** From the perspective of economic law, the support for returning-home migrant workers' entrepreneurship, is actually a kind of system supply. The key point of constructing the legal support system for returning-home migrant workers' entrepreneurship, is by dint of the supply of resources and opportunities, in order to enhance the migrant workers' entrepreneurship capacity and create favorable socio-economic environment for returning-home migrant workers' entrepreneurship. The supply model of public goods will directly affect the expected resources flow and the efficiency of opportunities supply. The government-induced supply model of entrepreneurship public goods is relative to the government-led or laissez-faire development model. Due to the characteristics of rural area, when devoid of interests, government often advocates the laissez-faire entrepreneurial activity of returning-home migrant workers' entrepreneurship, leaving it in a natural state. But when it may affect stability of rural areas, it often uses the government-led model, for the purpose of creating numerous models of returning-home migrant workers' entrepreneurship. Entrepreneurship is a long process, requiring the consistent support of the government, rather than spoiling things by excessive enthusiasm or drift. Therefore, it should establish the government-induced supply model of entrepreneurship public goods as follows, according to the idea of moderate intervention.

Firstly, it needs democratic decision-making and government promotion. Entrepreneurship support needs democracy as a guarantee. The supply of public goods depends on the needs of returned entrepreneurs, and through democratic decision-making, the supply of public goods is ultimately determined. The government plays a fiduciary role, to provide public goods which single individual could not provide, for entrepreneurs.

Secondly, it needs government guidance and burden-share of entrepreneurship. In order to achieve economic equity, it needs pinning down who gets benefit and who bears bur-

den, while the state should provide legal and institutional guarantees for the public goods supply of returning-home migrant workers' entrepreneurship. After the diversification of supply body of public goods, they can break through the "bottleneck" of supply funds of public goods, and meet the entrepreneurs' individual needs of public goods at best. Meanwhile, the supply of public goods will come out as directional pattern. Governmental organizations and social organizations will get incentive, and achieve rational and effective allocation of entrepreneurial resources.

Finally, it needs multi-supply and effective allocation. Entrepreneurship support should adhere to social and public interest standard, and public production monopoly should be excluded from the production of public goods supply in the rural area, allowing a variety of economic sectors involved in the production of public goods in rural area, beneficial to improvement of resource allocation.

**3.4.2** Establish suitable systematic legal support system correspond to the national conditions. Which factor is the catalyst for entrepreneurship? How to establish systematic, and the whole process support entrepreneurship measures? How to merge the support system of returning-home migrant workers' entrepreneurship with the entrepreneurship policy of the whole nation? How to adopt reasonable policies to promote the forming of these factors and play their roles? As for these questions, we must answer from the perspective of temporal and spatial specificity of economic law, on the basis of the global view. We should pay special attention to the realistic features of contemporary Chinese returning-home migrant workers' entrepreneurship, solve the localization problem of economic law, and thus establish the corresponding legal support system.

In terms of the property, the legal support system for returning-home migrant workers' entrepreneurship is, to some extent, the fine sorted entrepreneurship policies. Such policies are designed to stimulate specific groups to increase entrepreneurial activities. Meanwhile, the support for returning-home migrant workers' entrepreneurship is conducted under the situation of new village construction and the development of central and west regions. Therefore, the support measures also include the contents of the small and medium-sized enterprise policy and comprehensive business policy. In fact, China's migrant workers support system is different from that in other countries or entrepreneurship support system China previously established, because China's flood of migrant workers and the returning tide are what other countries have not. The special stage concerning China's dual economic and social structure, is unique.

We hold that in the process of constructing returning-home migrant workers' entrepreneurship support system, from the perspectives of the need of returning-home migrant workers, the need of new village construction, and coordination between urban and rural development, after referring to the mature policies and theories of entrepreneurship abroad, we should pay special attention to the following questions. Firstly, what roles do the returning-home migrant workers play in the process of

new village construction and coordination between urban and rural development? Secondly, for the time being, what factors influence the success of returning-home migrant workers' entrepreneurship? Thirdly, what responsibilities do the country take in the process of returning-home migrant workers' entrepreneurship? Meanwhile, the legal support system for returning-home migrant workers' entrepreneurship is a part of the whole support system for returning-home migrant workers' entrepreneurship. The law should and can only solve the problems that it can solve. As for the support system for returning-home migrant workers' entrepreneurship, we should consider the whole process of entrepreneurship on the basis of systemization, including the designing of the legal support during the stages of entrepreneurship preparation, entrepreneurship initiation, entrepreneurship operation, entrepreneurship development and entrepreneurship failure, in order to construct the legal support system for returning-home migrant workers' entrepreneurship.

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