

# Entrepreneurship as a Constitutional Guarantee for Economic Development and Contribution to Job Creation in Ecuador.

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## ABSTRACT

The entrepreneurial activity has its origins since the beginning of mankind, which, through permanent work and the desire to better oneself, has allowed to have better ways to achieve sustenance and quality of life, allowing to satisfy the basic needs. Entrepreneurship is innate to the person, being present in their daily life, however, not always occurs in all people, because for various circumstances can not carry out some venture, although it is part of their intentions and the ongoing search for improvement. Throughout history, entrepreneurship has been in the human being as a way of life, it is even taken as a way of thinking and acting, always directed to the creation of economic income, through the use of opportunities, developing a leadership that benefits entrepreneurs and therefore society, Taking into consideration that this element is in every human being as a reason for their existence, it should be mentioned that the activity of entrepreneurship is born from the will to be fulfilled and make this step in the world, the opportunity to grow as a person, to develop and thus bring sustenance to the family. The entrepreneur, when starting an activity, does it with the purpose of obtaining resources and in this way contributes to social development, therefore, the entrepreneurial activity will always be a contribution in the different orders, that is why developed countries are economically supported by entrepreneurship.

**Keywords:** Entrepreneurship, development, economy, Ecuador

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## Introduction

Ecuador has long been in a process that initially gave a strong impetus to entrepreneurship, creating a regulatory and institutional framework. However, the change of governments in recent times has meant a change in this area, because each one has its priorities, its way of planning and organizing. Despite this, the need for entrepreneurship has not diminished, as the country continues to go through a serious economic crisis, which limits people from being able to meet their essential needs and consequently motivates them to look for the means to survive.

Faced with this situation, in order for entrepreneurship to have an important impact and incidence on the country's economy and productivity, it is essential that they reach quality levels, operate within formality and are constant, that is, that they achieve an adequate positioning in the market. In this way, they can become fundamental actors that help in diversification, dynamism and

economic growth.

To this end, it is important to have adequate legislation that provides the required legal certainty, so that investors have sufficient guarantees to allow them to carry out their activities normally. In this regard, it is necessary to point out that the National Assembly is obliged to promote laws aimed at strengthening entrepreneurial activities.

In current times, Ecuadorian legislation has not contributed significantly to encouraging entrepreneurship and productivity, especially in relation to openness to receive sources of financing. In this regard, Soledispa et al. (2022) mention that far from creating public policies so that entrepreneurs can access economic resources that strengthen their investment, legislation and the financial system put a series of obstacles that hinder the sustainability, growth, and profitability of this type of business.

According to Useche et al. (2021), although the Constitution of the Republic and the Entrepreneurship Law, among their objectives, seek to promote entrepreneurship activities, their lack of clarity regarding their application generates an obstacle that limits people's production capacity. In the context of the pandemic and with the implementation of the Organic Law on Humanitarian Support, measures were generated that did not respond to the reality of entrepreneurs, causing a good part of these businesses to close their doors.

An entrepreneurship will always be an opportunity for economic growth, not only for those who create it, but it goes beyond the individual, to become something great such as the collective contribution, which are undoubtedly advances for the population that every day faces great challenges, circumstances that must be taken advantage of to generate employment. With the risks that these represent, being exposed to factors that do not depend on who creates the job, there are often stumbling blocks in policies and regulations, which, although necessary, do not contribute to promoting the appropriate environments that an enterprise needs.

Every undertaking is a contribution to the community; A society busy in its ventures is in constant activity, which contributes to remain in a positive emotional state, in this way it makes people have the means that allow them to cover their needs, with the satisfaction that they were obtained by their work, this element contributes with very valuable actions that ward off the negative, that today moral values are in constant decline, produced by the lack of employment, consequently has led an important part of society to live stressed and in order to meet their elementary needs, chooses to resort to events at odds with good customs and the law.

Both in developed and developing countries, they have bet on the creation of incentives for existing and new ventures, which translate into preferential treatment in the payment of taxes, interest and certain concessions granted by credit institutions. Actions that are undoubtedly of great help to people who are dedicated to generating employment through small, medium and large businesses.

To achieve the desired success, investments in technology and innovation will necessarily be required, in addition to developing a strategic plan, these elements are applicable to small, medium or large companies. For a venture to be competitive, a team must be formed to help it execute the project, taking into account that it will always be beneficial to do something different, without forgetting that it must seek greater coverage of the needs that satisfies consumers or users of the service, which gives guarantee in any activity.

Opportunity in entrepreneurship are external trends and situations that can be taken advantage of to obtain some benefit, in order to gain an advantage over competitors and improve profit margins, in addition, opportunity is an element that depends a lot on the conditions, which will always mark the beginning of a project whatever it may be, for this it must be taken advantage of at the time it is presented. It is vitally important to take into account all the aspects surrounding what you intend to do, since opportunities do not always occur and when this happens, the necessary efforts must be made to have a real vision of what you aspire to achieve.

## **Method**

The methodological process allows outlining the steps to be followed to comply with the objectives of the study and answers to the research questions posed. In this section, the research



**Data analysis**

Data analysis is an intermediate step in which all the background information obtained during the experimentation is noted and studied, with the aim of facilitating its understanding, with which to be able to summarize and present the information; it is used to make calculations, graphs, summaries and/or tables.

In the case at hand, in order to carry out the analysis of the data, the following procedure was carried out: Descriptive statistical analysis.

Descriptive statistical analysis: for the study of the data obtained in the survey, tabulation and subsequent computer analysis of the data was carried out with MS Excel software. The data obtained were frequencies, percentages, and other relevant statistical measures, such as means. These data were plotted for a clearer interpretation.

In addition to the descriptive statistical analysis, we have another type of analysis, such as the Normative.

Normative analysis: In this research, a normative analysis of the corresponding legal bodies was carried out, starting with the Constitution of the Republic (2008), continuing with the Organic Law on Entrepreneurship and Innovation (2020) and the Organic Law on Popular and Solidarity Economy (2011), in addition to related legal frameworks. The normative analysis had as its method the hermeneutic study, which consists of identifying both the meaning and content of the norm

**Results**

The results of the surveys applied to entrepreneurs from three cantons (Balsas, Marcabelí and Piñas) of the province of Oro – Ecuador, to know the success or difficulties presented in their economic activity, with respect to compliance with Ecuadorian legislation, are presented in tables as follows:

Question 1: Please indicate the location or address of your business.

Table 1: Location of the enterprise.

<b>Alternative</b>	<b>Frequency</b>	<b>Percentage</b>
Balsas	123	33%
Marcabelí	123	32%
Piñas	133	35%
<b>Total</b>	<b>379</b>	<b>100%</b>

Note. Prepared by the author based on the application of a survey to entrepreneurs.

35% of the entrepreneurs surveyed belong to the Piñas canton, while 33% to Balsas and another 32% to Marcabelí. To apply the survey, an attempt was made to balance the same number of participants for each canton, in order to be able to generalize the results. However, the number of entrepreneurs for the canton of Piñas was increased since it is known that the population is three times larger than the other two cantons.

Question 2: What is the most important activity of your venture?

Table 2: Most important economic activity.

Alternative	Frequency	Percentage
Product manufacturing (clothing, ornaments, jewelry, toys, cosmetics, pumice stone blocks, bricks, furniture).	64	17%
Development of technology products (hardware, software, communications, electronics).	30	8%
Processed food production (seasonings, soups, ice cream, pastries, bread, chocolates).	79	21%
Agricultural, livestock, and fishing production (fruits, milk, meat, vegetables, seafood).	20	5%
Provision of professional services (consulting in engineering, legal, medical, business, training, etc.).	15	4%
Wholesale or retail distribution of products manufactured by third parties.	102	27%
Provision of technical services (automotive mechanics, electricity, beauty, home care, gardening, house cleaning, etc.).	44	12%
Others	25	7%
<b>Total</b>	<b>379</b>	<b>100%</b>

Note. Prepared by the author based on the application of a survey to entrepreneurs.

27% of the entrepreneurs surveyed mention that the economic activity they are engaged in is the wholesale or retail distribution of products manufactured by third parties, followed by 21% who focus on the preparation of processed foods. 17% are dedicated to the manufacture of products, such as textiles, costume jewelry, toys, cosmetics, bricks, furniture and pumice blocks. To a lesser extent, with 12%, it offers different technical services, including mechanics, home care, gardening, among others.

On the other hand, 8% are dedicated to the development of technology products. To a lesser extent, the primary sector and the supply of professional services. In the case of others, all those businesses that provide beauty and laundry services, as well as the sale of fast food and coffee production, are grouped together.

Therefore, in the province of El Oro, there are more businesses dedicated to the commercial sector, that is, to the purchase and sale of different items. Among the establishments that exist are: bookstores, shoe and clothing stores, liquor stores, chemical suppliers for the agricultural sector, sports equipment, hardware stores and neighborhood stores.

Question 3: How many people collaborate and participate in your venture?

Alternative	Frequency	Percentage
From 1 to 5	290	77%
From 5 to 10	89	23%
From 10 to 20	0	0%
More than 20	0	0%
<b>Total</b>	<b>379</b>	<b>100%</b>

Table 3: People who work in the enterprise.

Source: Prepared by the authors based on a survey of entrepreneurs.

77% of those surveyed say that they collaborate in a venture of 1 to 5 people, on the contrary,

23% say that they participate in the venture of 5 to 10 people. This shows that they are small entrepreneurs and that they have a small number of collaborators, who help them with the different activities that are developed in the businesses.

Question 4: How long ago did you start your entrepreneurial activity?

Table 4: Time of start of activities.

Alternative	Frequency	Percentage
Less than 1 year	44	12%
From 1 to 3 years	177	47%
From 3 to 5 years	108	28%
From 5 to 10 years	25	7%
More than 10 years	25	7%
<b>Total</b>	<b>379</b>	<b>100%</b>

Source: Prepared by the authors based on a survey of entrepreneurs.

47% of the people surveyed indicate that their entrepreneurial activity is between 1 to 3 years old, 28% between 3 and 5 years, on the contrary, 12% mention that it has less than 1 year, 7% from 5 to 10 years and 7% more than 10 years. Consequently, there are few enterprises that are already established in the market of commerce, production of goods or services. Most of these businesses are between 1 and 3 years old, which means that the impetus to create their own business was the Covid-19 pandemic, where many people became unemployed and as an alternative to obtain income was to look for how to start an activity that is profitable.

Question 5: How would you rate your opportunities for access to credit?

Table 7: Rating of credit opportunities.

Alternative	Frequency	Percentage
Excellent, there are many credit options available.	12	3%
Good, it is feasible to access credit.	24	6%
Fair, there are many requirements to access credit.	90	24%
Poor, there are no effective policies for entrepreneurs to access credit.	253	67%
Others	0	0%
<b>Total</b>	<b>379</b>	<b>100%</b>

Source: Prepared by the authors based on a survey of entrepreneurs.

67% of entrepreneurs rate the opportunities to access credit as deficient, since there are no effective policies for entrepreneurs to apply for a loan, 24% assign a regular score, justifying that there are many requirements to access credit. 6% mention that the opportunities are good because it is feasible to apply for this source of financing and only 3% assign a rating of excellent.

Undoubtedly, most entrepreneurs agree that there are no opportunities and facilities to access credit, the government needs policies so that entrepreneurs can access loans in public banks. Similarly, the requirements become a limitation, since in order to qualify or receive approval from the bank, it is required to have at least 1 year in operations, have a certain amount of income, equity and other documents that guarantee the bank to recover the amount of the credit.

Only a non-significant percentage agrees with the current offer and conditions of loans granted by financial institutions, possibly due to the experience and years they have been in the



market. A situation that provides greater reliability and security for banks.

Question 6: Under what tax regime is your activity started?

Table 6: Entrepreneurship regime.

Alternative	Frequency	Percentage
RIMPE	289	76%
RISE	0	0%
General Regime	90	24%
Other	0	0%
<b>Total</b>	<b>379</b>	<b>100%</b>

Source: Prepared by the authors based on a survey of entrepreneurs

76% of the entrepreneurs surveyed belong to the RIMPE regime while 24% to the general regime. The RIMPE came into force as of January 1, 2022, so the businesses that previously belonged to the RISE were transferred to this new regime. While new businesses that were created from 2022 onwards, had to take advantage of the RIMPE, as long as they have annual revenues between USD 20 thousand and USD 300 thousand dollars.

Question 7: Do you think that the new tax regime for entrepreneurs facilitates their tax and economic activity?

Table 7: New regime facilitates tax and economic activity.

Alternative	Frequency	Percentage
Yes	159	42%
No	220	58%
<b>Total</b>	<b>379</b>	<b>100%</b>

Source: Prepared by the authors based on a survey of entrepreneurs.

58% of the entrepreneurs surveyed maintain that the new tax regime for entrepreneurs does not facilitate their tax and economic activity, on the contrary, 42% maintain that it does. These results show that there are divided criteria regarding the benefit or harm of the new regime.

On the one hand, those who give a negative answer are related to the rate set for the payment of income tax, which is 2% on gross income. This means that the expenses that are generated in the economic activity are not subtracted, if the entrepreneur has an excess of expenses resulting in a loss for the year, in the same way, 2% of the registered income must be paid.

From the point of view of the entrepreneurs who answered affirmatively, it is related to the calculation of the tax, since there is a progressive table, which establishes percentage values based on income. In this case, for example, those who register an income of USD 20 thousand dollars do not pay income tax, however, those who register sales of up to USD 75 thousand dollars must pay 1.25% and up to USD 300 thousand dollars will have to pay 2%.

Question 8: Do you consider that the Ecuadorian State makes tools and facilities available to carry out enterprises?

Table 8: Facilities and tools for entrepreneurship.

Alternative	Frequency	Percentage
Yes	168	44%
No	211	56%
<b>Total</b>	<b>379</b>	<b>100%</b>

Source: Prepared by the authors based on a survey of entrepreneurs.

56% of the entrepreneurs surveyed agree that the Ecuadorian State does not provide tools and facilities to carry out ventures, compared to 44% who mention that there are several instruments. Obviously, the vast majority of entrepreneurs agree that, on the part of the State, there is no help for the creation of enterprises or for their strengthening. There are few entrepreneurs who have had access to talks promoted by the prefecture of El Oro and non-refundable loans of approximately USD 5000.

Question 9: Which of the options do you think the State should make to promote entrepreneurship and productivity in Ecuador? Mark the one or more that you think is necessary.

Table 9: Actions to promote entrepreneurship and productivity.

Alternative	Frequency	Percentage
Reduction of bureaucracy	118	31%
Training and guidance	74	20%
Laws adapted to reality	187	49%
Others	0	0%
<b>Total</b>	<b>379</b>	<b>100%</b>

Source: Prepared by the authors based on a survey of entrepreneurs.

49% of entrepreneurs consider that the main option is that the State, through the National Assembly and the Central Government, should create laws in accordance with reality, which allow promoting entrepreneurship and productivity in Ecuador, 31% mention that bureaucracy should be reduced, 20% propose that there should be training and guidance for entrepreneurship.

In this regard, almost half of those surveyed agree that the country needs laws that favor entrepreneurs, with easy access to sources of external financing and economic benefits through tax incentives; in such a way, that they become an incentive for the creation of new business units, which give way to a new source of employment.

Productivity is another aspect that must be taken into account, since it is not only enough to support new entrepreneurs, but also during the period of operation, so that resources are used correctly and a good level of productivity is achieved, in this way acquiring stability in the market.

Question 10: How do you assess the current regulations for starting and developing economic activities?

Alternative	Frequency	Percentage
Sufficient, it is clear and allows us as entrepreneurs to start an activity.	46	12%
Fair, there are norms that are slightly restrictive.	82	22%
Poor, it is complex and bureaucratic.	137	36%



Insufficient, there are aspects that are unregulated and this creates difficulties for entrepreneurs.	114	30%
Other	0	0%
<b>Total</b>	<b>379</b>	<b>100%</b>

Table 10: Assessment of current regulations.

Source: Prepared by the authors based on a survey of entrepreneurs.

36% of the entrepreneurs surveyed assess the current regulations for starting and developing economic activities as deficient, as they are complex and bureaucratic. 30% say that it is insufficient because there are aspects that are not regulated and that results in a difficulty for entrepreneurs. 22% mention that it is regular because there are rules that are slightly restrictive. In contrast, 12% consider that it is enough, since it is clear and allows entrepreneurs to start some activity.

The vast majority of entrepreneurs are dissatisfied with the current regulations for starting and developing economic activities. These results highlight the lack of a law that is adapted to the reality and needs that people have when creating a business. Many times the lack of laws and that these are applied, makes individuals limit themselves to entrepreneurship or later tend to fail. In other words, under these considerations, entrepreneurship means a risk but not an opportunity to become independent and generate sources of employment.

## Discussion

In these post-pandemic years, enterprises have diversified, to such an extent that incomes have improved for families and therefore collections have been growing, however, the lack of adequate legislation has partly slowed down that entrepreneurial spirit that the person possesses and that, in the absence of clear policies, with sustainability in the laws that provide the necessary legal certainty, so that investors can secure their capital.

The characteristics that have emerged after the events obtained can be pointed out as follows: (1) It is necessary to implement a process of regulatory reform of the Organic Law on Entrepreneurship and Innovation, aimed at providing institutionality to the National Council for Competitiveness, Entrepreneurship and Innovation CONEIN, which should be the precursor of the public policies that generate national entrepreneurship strategies, through training, registration, financing and support plans and programs that lead to the success and permanence of the ventures over time. (2) among the plans and programs to encourage entrepreneurship in Ecuador, there must be the simplification and digitization of all types of procedures, since these generate the loss of time and resources, which result in the unwillingness of the population to generate entrepreneurship, without adequate training of the staff of the National Competitiveness Council, Entrepreneurship and Innovation CONEIN, who must be the fundamental pillar of accompaniment and success of the enterprises. (3) The Ministry of Production, Foreign Trade, Investment and Fisheries should generate public policies aimed at reforming the Organic Law on Entrepreneurship and Innovation, with the aim of strengthening the institutional framework of the National Council for Competitiveness, Entrepreneurship and Innovation (CONEIN), through the establishment of an executive body for its resolutions (Technical Secretariat), made up of specialists and with an institutional organizational chart that allows it to work tirelessly on the materialization of the entrepreneurial ecosystem. (4) The draft of the Constitutional Reform must be presented to ensure that entrepreneurship is considered as a constitutional guarantee and contribution to the economic development of Ecuador. The lack of protection for entrepreneurs makes the population unmotivated when it comes to starting a business.

In the work carried out on entrepreneurs, a good part of the respondents highlight that legislation is not an effective contribution to their activities, since the policies adopted in the field of entrepreneurship respond to political management that is often not based on the technical criterion

that is essential, since this knowledge must be used to the maximum. so that they become a contribution that will benefit the country.

Entrepreneurship and innovation in Ecuador as of 2020 is regulated by a regulatory framework that has not been able to promote the development and expected progress in its economy, that is, the objective of its conception has not generated progress in the population. On the other hand, it was believed that with the creation of the National Council for Competitiveness, Entrepreneurship and Innovation, the implementation of a solid institutional framework committed to the diversification of enterprises, the accompaniment of entrepreneurs, the facilitation of financing and effective training, which allows the survival of projects over time, would be achieved. all this in order to meet the objectives set by the Organic Law on Entrepreneurship and Innovation.

The proposal to reform the Organic Law on Entrepreneurship and Innovation acquires great interest as it seeks to promote a true economic development program whose main tool is entrepreneurship, innovation and technological updating, thus providing a solution to the problems of productivity and competitiveness that our country has.

Finally, the importance of having an adequate entrepreneurship and innovation program governed by a governing body of great institutionality, derives from the need to provide the country with tools for progress and dynamization of the economy, which is why it is necessary to have a solid legal framework that allows the materialization of the objectives of the Organic Law on Entrepreneurship and Innovation.

## **Conclusion**

In this research work, the negative aspects that the Ecuadorian State maintains in terms of the right to entrepreneurship were determined, maintaining a negative margin in the regulatory and tax field, since it does not have a stability that helps to maintain or improve the productivity of the nation.

Ecuador's entrepreneurial activity is influenced by the public policies implemented by the State from its regulatory power, if we add to this that there are economic factors that generate obstacles in the development of successful ventures that are affected by the complexity of the processes, opening of businesses, payment of taxes, and other procedures that allow them to start, manage and maintain a business. Practically the Organic Law on Entrepreneurship and Innovation becomes a mere textual expression without any impact on reality.

The National Council for Competitiveness, Entrepreneurship and Innovation CONEIN, created by the Organic Law on Entrepreneurship and Innovation, suffers from a lack of institutionality, which has not allowed it to become a true governing body in the field, for which it should have an institutional website with the benefits that technology offers, in which users can learn about the plans and programs it develops. in order to comply with the legal mandates commissioned.

During the COVID19 pandemic, a series of ventures were generated to face the economic crisis, however, they have been forgotten or have closed their doors due to lack of institutional support from the National Council for Competitiveness, Entrepreneurship and Innovation, which has not generated training plans, nor adequate financing and much less support as established in the law.

The executing body of the resolutions of the National Council for Competitiveness, Entrepreneurship and Innovation CONEIN, cannot be a state agency in charge or created for other purposes and not specifically to promote entrepreneurship and innovation, in this sense, the constant mandate in Article 7 of the Organic Law on Entrepreneurship and Innovation needs to be reformed in order to create a specialized Technical Secretariat made up of civil servants with the technical capacity to materialize the entrepreneurial ecosystem that the country needs for the revitalization of its economy.

## **Future lines of research**

The regulations that govern entrepreneurial activities are not complying with what is required for entrepreneurship projects to have the relevant technical and legal support, which

guarantees legal certainty to those who choose to be part of the generation of employment. Future research requires the intervention of the National Assembly as a legislative body, the Executive as co-legislator, non-governmental organizations and the community in general, in order to socialize the issue.

In addition, it is necessary to have a legal framework from the supreme norm such as the Constitution of the Republic, so that entrepreneurial activity is protected as a constitutional right.

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