

Original Paper

Research on the Effective Ways to Cultivate the Legal Risk Awareness of College Students' Innovation

Tian Mei^{1*}

¹ School of Marxism of Binzhou University, Binzhou, Shandong Province, 256600, China

Received: September 17, 2020 Accepted: September 25, 2020 Online Published: September 29, 2020

doi:10.22158/jetss.v2n4p41

URL: <http://dx.doi.org/10.22158/jetss.v2n4p41>

Abstract

In recent years, “mass entrepreneurship and innovation” have continued to advance, and innovation and entrepreneurship have been deeply integrated with economic and social development. College students' innovation and entrepreneurship have received support from relevant national policies and systems. However, the market economy is an economy under the rule of law, and college students' innovation and entrepreneurship will inevitably face various legal risks. The most effective measure to prevent legal risks is to enhance college students' own resistance. Therefore, an innovation and entrepreneurship legal education system with “one main line and three combinations” should be constructed to effectively enhance the college students' own legal risk awareness and prevention capabilities for innovation and entrepreneurship.

Keywords

college students, innovation and entrepreneurship, legal risk awareness, cultivation

1. Introduction

The earliest research on innovation and entrepreneurship issues originated from Western economists, such as Richard Cantillon, Peter F. Drucker, Joseph Alois Schumpeter, and Jeffrey A. Timmons, the father of American entrepreneurship education. Under the impetus of Western scholars, legal research and legal systems related to undergraduate entrepreneurship have gradually improved. China's research is accompanied by the reform of the employment system for college students in the 1990s (Huang, 2018). The research has gradually expanded from focusing on objective elements of innovation and entrepreneurship, such as manpower, material resources, and environment, to the cultivation and improvement of college students' own literacy, and the cultivation of the legal risk awareness of college students' innovation and entrepreneurship as well as their prevention ability are one of the key elements.

2. The Necessity of Cultivating the Legal Risk Awareness of College Students' Innovation and Entrepreneurship

2.1 Meet the Requirements of Economic Development

The Chinese economy has entered a stage of high-quality development. High-quality development embodies new development concepts, and innovation as the first driving force is its due meaning. In order to adapt to this situation, the State Council of the People's Republic of China issued the "Opinions of the State Council on Promoting the High-Quality Development of Innovation and Entrepreneurship and Creating an Upgraded Version of 'mass entrepreneurship and innovation'" in 2018. The announcement of the opinions itself represents the country's high support for innovation and entrepreneurship. The opinions clearly stated that measures such as adopting an entrepreneurial tutor system, incorporating innovation and entrepreneurship education and practical courses into the required course system of colleges and universities are taken to strengthen college students' innovation and entrepreneurship education and training (The State Council, 2018). In order to meet the requirements of economic development, the state and universities pay attention to the cultivation and improvement of college students' innovation and entrepreneurship capabilities, laying a good foundation for college students' innovation and entrepreneurship, and college students' awareness and ability of legal risk prevention is one of the important components of innovation and entrepreneurship capabilities.

2.2 Improve the Employ Ability of College Students

Employment is the greatest livelihood of the people. In recent years, affected by factors such as the global economy and industrial upgrading and transformation, many countries have faced difficulties in obtaining employment for young people, especially for college students, and China is no exception. In particular, the number of college graduates in China has gradually increased in recent years, and employment pressure has become more prominent. According to the "2020 College Student Employ ability Report" released by the China Employment Research Institute of Renmin University of China and Zhilian Recruiting on April 23 this year, due to the impact of the Novel coronavirus pneumonia epidemic, compared with the same period in 2019, the number of college student recruitment needs decreased in the first quarter 16.77%, but the number of job applicants increased by 69.82%, and the CIER (China Job Market Climate) index was lower than 2.82 in the same period last year (2020 University Student Employment Ability Report, 2020). In the case that unit employment cannot meet the employment needs of college students, innovation and entrepreneurship can directly provide jobs and drive the increase of related industry positions, and enhance the employ ability of college students. Legal risk awareness and prevention capabilities are one of the necessary qualities for innovation and entrepreneurship.

2.3 Improve the Success Rate of Innovation and Entrepreneurship

According to the "Report on Employment of Chinese College Students in 2020" released by Max, the proportion of 2019 graduates who start their own businesses is 1.6% for undergraduates and 3.4% for vocational graduates. With the extension of graduation time, the proportion of graduates who start their

own businesses continues to rise, rising to 8.1% within three years of graduation (2020 China University Student Employment Report, 2020). According to the “Report on Employment of Chinese College Students in 2019”, the self-employment rate of 2018 higher vocational colleges graduates and undergraduate graduates were respectively 3.6% and 1.8%. The self-employment rate of 2015 graduates reached within three years 6.2%. Among the college students who started their own business after graduation, the proportion of those still insisting on their own business after three years was 46.2% and 44.8% in the 2014 and 2015 classes respectively (2019 China University Student Employment Report, 2019). It can be seen from the above data that the rate of innovation and entrepreneurship has increased within three years after graduation, that is, a considerable number of college students will still choose innovation and entrepreneurship after graduation; but at the same time, for students who start their own business when they graduate, the survival rate of their business after three years has been less than 50%. There are many factors that affect the success of entrepreneurship. What cannot be ignored is that the market economy is an economy under the rule of law, innovation and entrepreneurship are accompanied by legal risks, and opportunities and risks coexist. Having a good awareness of legal risks and corresponding preventive capabilities is a necessary prerequisite for college students to succeed in innovation and entrepreneurship.

3. Analysis on the Cultivation of Legal Risk Consciousness of College Students' Innovation and Entrepreneurship

In July 2020, through questionnaires and visits, a survey of college students' awareness of legal risks in innovation and entrepreneurship was conducted, and a total of 1,822 questionnaires were completed. Through the data analysis of the questionnaire, we can analyze the basic status of their consciousness from two aspects: the legal risk awareness training course and the current status of the legal risk awareness of college students.

3.1 The Status of Training Courses for Innovation and Entrepreneurship Legal Risk Awareness

Since 2016, college students' innovation and entrepreneurship education has been gradually incorporated into the talent training programs of various universities. At the same time, universities have gradually established an innovation and entrepreneurship education curriculum system that is consistent with the training positioning and reality of each university, and targeted training of students' entrepreneurship awareness and entrepreneurial ability have achieved remarkable results. The innovation and entrepreneurship curriculum system mainly includes three parts: specialized innovation and entrepreneurship courses, professional innovation and entrepreneurship education courses, and innovation and entrepreneurship training courses. The proportion of legal education content is very small. The legal education received by college students who are not majors in law is mainly derived from the course “Ideological and Moral Cultivation and Legal Foundation”. Of course, there are slight differences between different majors, some majors may involve some law courses, but the common point of college students who are not majors in law is that they cannot fully understand the legal

knowledge involved in the process of innovation and entrepreneurship, it is even more difficult to grasp the different legal risks that may exist in each link of innovation and entrepreneurship, and it is impossible to talk about the ability to prevent legal risks. During the investigation process, it was found that the vast majority of students confuse the innovation and entrepreneurship courses with the innovation and entrepreneurship legal risk courses, which to a certain extent shows the lack of innovation and entrepreneurship legal risk courses in the college curriculum.

3.2 The Status Quo of Legal Risk Awareness of College Students' Innovation and Entrepreneurship

The basic situation of the questionnaire shows that the current legal education system has achieved good results. In 1822 questionnaires, 1736 persons believe that innovation and entrepreneurship have legal risks, accounting for 95.28%; 1596 believe that there are legal risks in every aspect of innovation and entrepreneurship, accounting for 87.54%; in the face of legal risks in the process of innovation and entrepreneurship, 1528 persons think it can be avoided, accounting for 83.86%. At the same time, 1756 persons are willing to take active measures to avoid it, accounting for 96.38%. These data can show that college students have a certain understanding of the legal risks in the process of innovation and entrepreneurship and are willing to actively prevent them. However, there is insufficient awareness of the legal risks in some specific links. For example, when the entrepreneurial team members disagree with each other, only 692 students choose to solve the problem in accordance with the entrepreneurial agreement, accounting for 37.98%; 963 students think that the cost of new product research and development is high and taking advantage of the hot sales of brand-name products, Imitating corresponding products, with low cost and high profit, is suitable for start-ups, accounting for 52.85%. It can be seen that college students do not know much about the laws related to the operation of the market economy, and naturally the corresponding legal risk awareness is relatively weak.

4. The Cultivation Path of Legal Risk Awareness of University Students' Innovation and Entrepreneurship

When cultivating college students' awareness of legal risks in innovation and entrepreneurship, it is necessary to gradually build an innovation and entrepreneurship legal education system of "one main line and three combinations". "One main line" means that the legal education of students' innovation and entrepreneurship focuses on cultivating students' legal awareness, legal thinking, and legal abilities in innovation and entrepreneurship; "three combinations" means that the teaching objectives are realized through three channels: the combination of inside and outside the class, the combination of inside and outside the school, and the combination of theory and practice.

4.1 Constructing a Special Course for Innovation and Entrepreneurship Legal Risk

According to the development process of innovation and entrepreneurship of college students, analyze the common legal risks in the process of innovation and entrepreneurship, sort out various legal risk points and preventive measures, and build a special innovation and entrepreneurship legal risk course. In terms of the knowledge structure of the course, it should include the following parts: one is a prelude

to entrepreneurship, that is, an introduction to the selection and legal risks of entrepreneurial projects, partners and entrepreneurial organization forms; the second is the exercise of shareholder rights, based on the advantages and characteristics of the limited liability company and the actual situation of college students' innovation and entrepreneurship, mainly related to the exercise and protection of the rights of small and medium-sized enterprises and shareholders; the third is the legal risk of contracts, analyze the legal risk points and preventive measures involved in the contract during the operation of the enterprise from the three time periods before signing, during signing and during performance; the fourth is intellectual property legal risks, which are divided into two parts: the protection of their own intellectual property rights and the non-infringement of the intellectual property rights of others; the fifth is the legal risk of enterprise employment to regulate the employment of enterprises and reduce employment disputes; the sixth is the others, the main purpose of this part is to cultivate evidence awareness and criminal legal risks awareness. This course should emphasize the combination of theoretical teaching and practical teaching in teaching design, adopt online and offline teaching mode, actively explore student-based teaching methods, while effectively cultivating college students' awareness of legal risks in innovation and entrepreneurship, initially train college students' ability to prevent legal risk.

4.2 Build a Diversified Legal Risk Education Platform

To carry out the cultivation of legal risk awareness of innovation and entrepreneurship among college students, the training process should not be limited to classroom teaching, but should make full use of "Internet +" to effectively open and play the role of the second and third classrooms on the basis of the first classroom, build a diversified legal risk education platform to further enhance college students' awareness and prevention capabilities of legal risks in their own innovation and entrepreneurship. Legal risk education platforms mainly include two major categories, one is a platform aimed at cultivating legal risk awareness, that is, using major network platforms and adopting an easy-to-understand method to popularize the relevant legal provisions and interpretations of college students' innovation and entrepreneurship, the entrepreneurship judicial cases and interpretations of the cases, appropriately take the form of sitcoms, present a certain legal risk point in a more intuitive form, so as to gradually strengthen college students' awareness of legal risks in innovation and entrepreneurship; the other is to enhance legal risk prevention capabilities by participating in legal risk prevention practices as the main goal of the education platform, use the Internet to build practical teaching platforms such as the legal aid center for college students, through the launching of special lectures on innovation and entrepreneurship law, law popularization and participation in receiving legal consultations and other public interest legal service interactions, the ability of college students to prevent innovation and entrepreneurship legal risks has been effectively trained and improved (Gao, 2018). The two major platforms coexist and complement each other, and jointly realize the consolidation and improvement of the first classroom teaching effect.

4.3 Cultivating Professional Teachers of Innovation and Entrepreneurship Legal Risk Courses

The professional faculty team of the innovation and entrepreneurship legal risk course is conducive to the intensive development of theoretical research on innovation and entrepreneurship law, improving professional theoretical literacy, and consolidating theoretical foundations for innovation and entrepreneurship legal teaching; it is conducive to collecting innovative and entrepreneurial legal training cases, establishing a teaching case database, and conducting in-depth discussions on each case to form a teaching design that meets the curriculum goals; it is conducive to give full play to the collective wisdom of teachers, conduct in-depth research on innovation and entrepreneurship law teaching, deeply integrate theory and practice teaching, improve teaching ability, and implement the spirit and instructions of superiors on innovation and entrepreneurship education. At the same time, with regard to the composition of the faculty, attention should be paid to the participation of a certain number of full-time college teachers and outside experts with judicial practical experience as part-time teachers, such as corporate executives, judges, lawyers, etc., in order to facilitate the guarantee and enhancement of the practicality of the curriculum, to provide guidance on the prevention of legal risks for innovative and entrepreneurial students from different perspectives, and to stimulate students' interest in learning.

Funded Project

This article is the phased result of the Shandong Vocational Education Teaching Reform Research Project in Shandong Province in 2019 "The Construction and Practice Research of the "One Mainline Three Combinations" Innovation and Entrepreneurship Legal Education System for Higher Vocational College Students" (Project Number: 2019233).

References

- China Employment Research Institute, Renmin University of China, Zhilian Recruitment. (2020). *2020 University Student Employment Ability Report* [EB/OL]. Retrieved April 23, 2020, from <http://www.zhaopin.com>
- Gao, Z. H. (2018). Research on the Improvement of College Students' Innovation and Entrepreneurship Legal Risk Prevention Ability and Its Educational Path. *Jiangsu Higher Education*, 4, 95-97.
- Huang, Y. Y. (2018). Summary of the research on the legal risks of college students' innovation and entrepreneurship. *PIONEERING WITHSCIENCE & TECHNOLOGY MONTHLY*, 11, 10-13.
- Max Research Institute. Employment Blue Book. (2019). *2019 China University Student Employment Report*. Beijing: Social Sciences Literature Press.
- Max Research Institute. Employment Blue Book. (2020). *2020 China University Student Employment Report*. Beijing: Social Sciences Literature Press.
- The State Council. (2018). *Opinions on Promoting the High-quality Development of Innovation and Entrepreneurship and Creating an Upgraded Version of "Mass Entrepreneurship and Innovation"* [EB/OL]. Retrieved September 26, 2018, from <http://www.gov.cn/index.htm>