

# The other side of the coin: Constitutional protection of the company, entrepreneurship and free competition in Chile and Colombia

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## Abstract

This paper studies the constitutional protection of business, entrepreneurship, and free competition in Chile and Colombia. The research provides with a review of law of both countries, analyzing the actions and constitutional resources in which entrepreneurs can be legitimate active subjects, as well as the constitutional approach to free competition. Consider its development in the legal doctrine, research of regulations, and relevant jurisprudence. Among the conclusions, it stands out that in both States entrepreneurship or even companies possess a series of fundamental rights and freedoms that legitimize their relation to the state and other subjects of the law. Due to this, companies are not only strictly accountable in terms of their human rights obligations but hold certain prerogatives that concede them a protection in a market where they co-exist with the State and larger corporations. Hence, both sides of this matter include, on the one hand, the obligations that corporations have regarding human rights and, on the other hand, a series of constitutional actions and remedies that elevate entrepreneurship to a justiciable right that protects small-scale entrepreneurship, due to the high social importance of small scale business for the materialization of the social functions of property.

## Author keywords

Amparo appeal

Company

Entrepreneurship

Free competition

Guardianship action

Protection remedy