

# **Subject, method, system, principles and functions of Labour Law in Russia**

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- **Dissemination of course slides «Labour law in Russia» is prohibited.**
- **Opinions, given in present work, do not reflect common accepted point of view in law science and labour law.**
- **Present publication is developed in accordance with educational program course «Labour law in Russia».**
- **Legislation about law and court practice is given for December 20, 2011**

# Issues:

- Concept and subject characteristics of LL.
- General features and differences of LL with other legal disciplines.
- Method of LL. Singularity of ways (methods) in legal regulation of social-labour relations.
- System of LL: fields, sciences, labour legislation.
- Principles of LL and its classification.
- Social aims and functions of LL. Function types of LL.
- International-legal principles in labour sphere.
- Legal defence of forced labour in Russia.
- Modern problems and decision ways of state-legal security of human rights in labour sphere.

**Subject of labour law in Russia: 1) content of present discipline or 2) what studies present discipline**

**social relations in labour sphere**

**system of LL norms**

**labour relations**

**labour legislation**

**directly connected with labour law**

**statutory legal labour acts**

**Subject of LL – labour and others directly connected relations in the labour sphere, regulated by the norms of LL**

# **Subject of labour law in Russia – is:**

**Smirnov O.V., 2009**

***LL regulates social relations, which are made in the process of market functioning in labour, organization and use of waged labour.***

**Kuzmenko A.V. Saint-Petersb., 2009**

***– totality of social relations, appearing in the process of labour application is characterized by temporary worker subordination (sign of dependant, controlled labour) and legally registered labour contract.***

**Soshnikova T.A., 2010**

***– social relations, appeared between worker and employer in the process of performance of labour function by employee.***

**Subject of LL in educational-monographic literature revealed as:**

**Khohlov E.B.  
(1996):**

**Kuzmenko A.V.  
(2005) :**

**1. Science subject  
LL**

**2. Field subject LL**

**3. Subject LL  
educational  
discipline**

**1. Law system**

**2. Legislation  
system**

**3. System of  
social  
relations**

# **Begichev B.K. (1985)**

## **System of labour law:**

**1. System of field in labour law**

**2. System of labour legislation**

**3. Science system of labour law**

**Subject LL – is that, what composed  
content of present discipline, i.e.  
objectively (historically) composed  
totality:**



**- conceptual  
regulation of  
scientific schools,  
scientists' view**



**- labour law  
regulation  
(legislation and  
others NPA)**



**- labour  
relations and others  
directly connected  
with them relations  
in labour sphere**



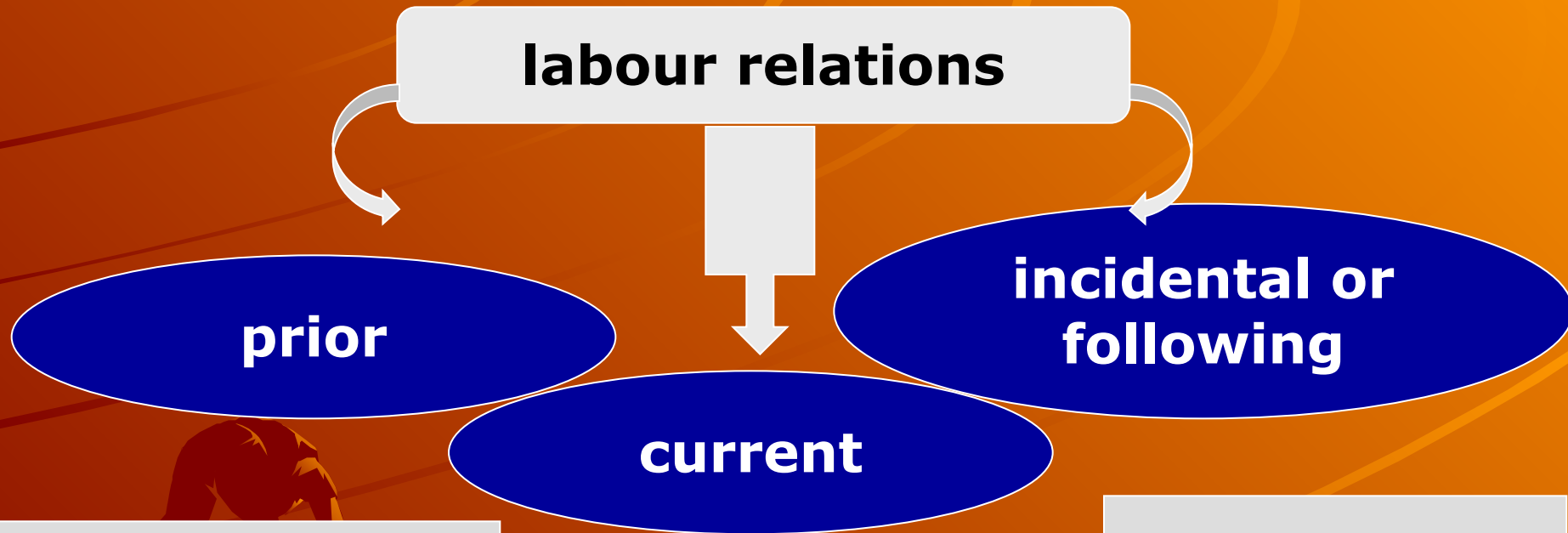
**subject LL**  
(art. 15 Labour Code  
RF)

**labour relations**  
(art. 15 Labour Code  
RF)

**directly connected  
with labour  
relations in labour  
sphere (p. 2 art. 1 LC  
RF)**

- **labour organization and labour management;**
- **employment at present employer;**
- **professional training;**
- **participation of employees and professional unions in establishment of working conditions;**
- **social partnership;**
- **indemnity liability of employee and employer in labour sphere;**
- **resolution of labour disputes and others**

# Other directly connected with labour relations in LL



**prior**

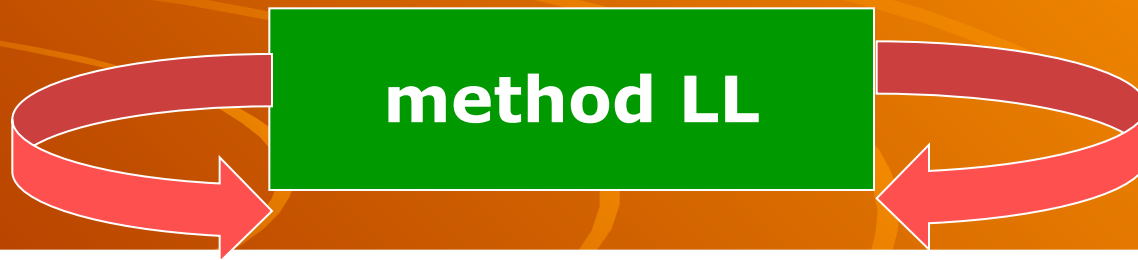
**incidental or following**

**current**

- **employment at present employer;**
- **organization of labour and labour management;**
- **labour disputes**

- **professional training, advanced training of employer;**
- **social partnership;**
- **compulsory social insurance**

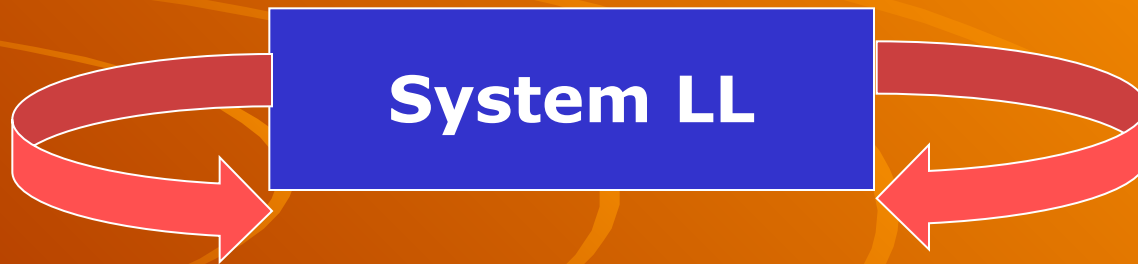
- **labour disputes;**
- **pension security**



**firstly, method (from Greek *methodos* – way, research) way of study LL**

**secondly, method – is totality of legal techniques, ways, regulation methods of social-labour relations**

- combination of state and contractual;
- participation of employees in organization management;
- unity and differentiation of labour regulation;
- combination of contract, recommendation and imperative;
- equality of rights in making and cancellation of labour agreement in norms of LL and rules WTR;
- singularity of ways in law protection and labour duties performance.



**– is totality of legal norms, formed united subject whole (field) with division for separate relatively independent structure of education (institutes), and also other steady communities of norms with more separate structural certainty (sub-institutes) (Smirnov O.V., 1996).**

**– is scientifically based classification of legal norms, with supposed division for general and particular parts, and also legal institutes in subject features of regulation (Syrovatskaya L.A., 1997)**

# System of LL

**field**

**science**

**legislation**

- **general part**

- **legal force**

- **common concept of LL**

- **particular part**

- **activities sphere**

- **scientific schools**

- **special part**

- **public**

- **view of separate scientists, collectives of authors) in problems of LL**

**based  
in law principles, background ideas,  
which express substance, basic  
properties and general directivity of  
development  
of legal norms in limits of all systems in  
law or separate fields or  
institutes**

**1. General (basic)**

**2. Interbranch**

**3. Field**

**4. Legal institutes**

# Functions of labour law – is:

- main directions of Influence its norms for behaviour (perception, freedom) of people in process of labour for goals achievement and problems of labour legislation.

(Gusov K.N., Tolkunova V.N., 2003)

- **social;**
- **defensive;**
- **economical-industrial;**
- **educational.**

- ◆ directions of legal influence of labour law for its subject, in which norms are realized by special ways which are peculiar only to labour law as a unique normative-legal system.

(Mavrin S.P., Filippova M.V., Khohlov E.B., 2005)

- ◆ **regulatory;**
- ◆ **protective;**
- ◆ **administrative;**
- ◆ **organizational.**

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