

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

labour relations

directly connected with labour law

system of LL norms

labour legislation

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):**

**1. Science subject
LL**

2. Field subject LL

**3. Subject LL
educational
discipline**

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

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**


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graph TD; A["subject LL  
(art. 15 Labour Code  
RF)"] --> B["labour relations  
(art. 15 Labour Code  
RF)"]; A --> C["directly connected  
with labour  
relations in labour  
sphere (p. 2 art. 1 LC  
RF)"];
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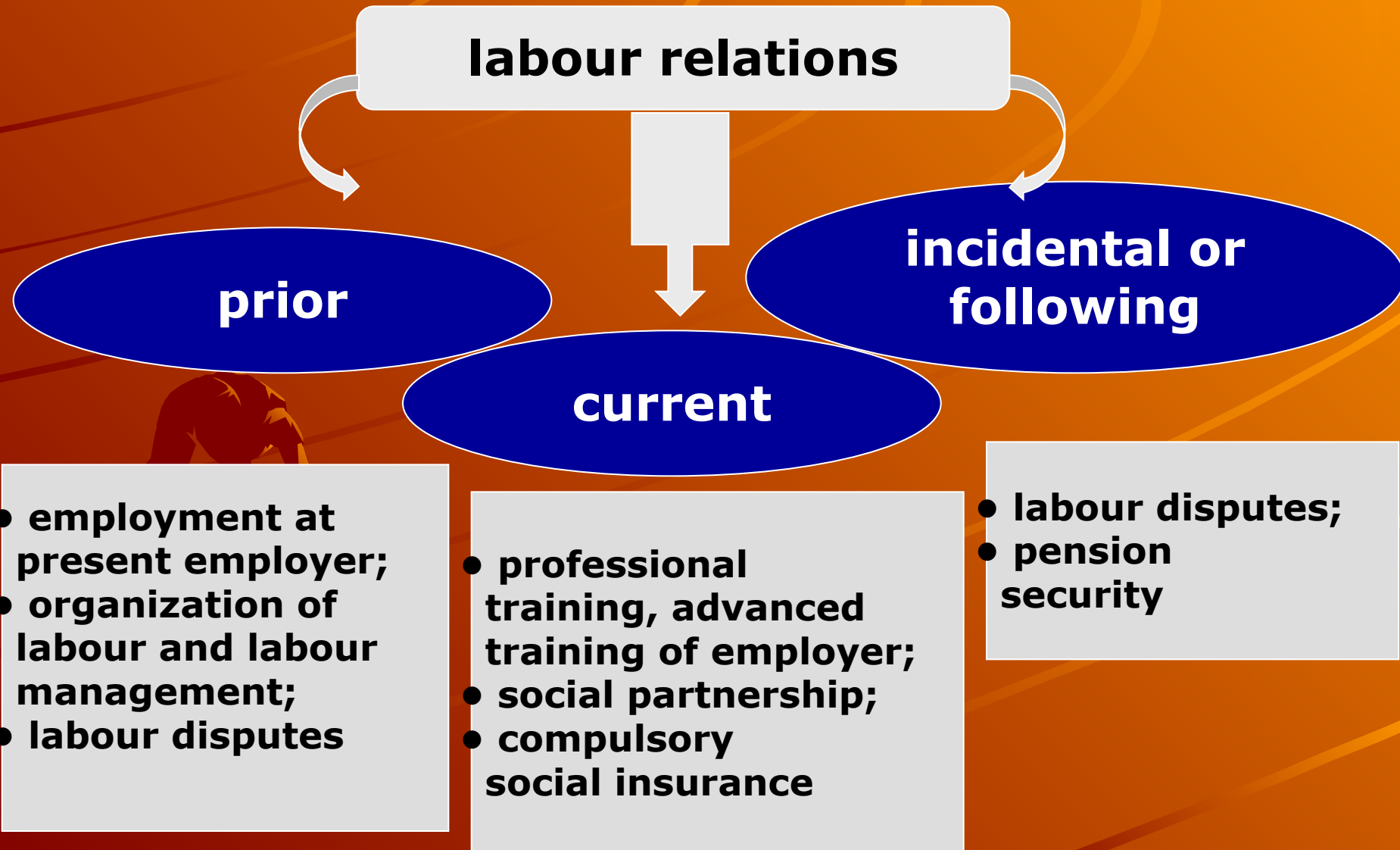
subject LL
(art. 15 Labour Code
RF)

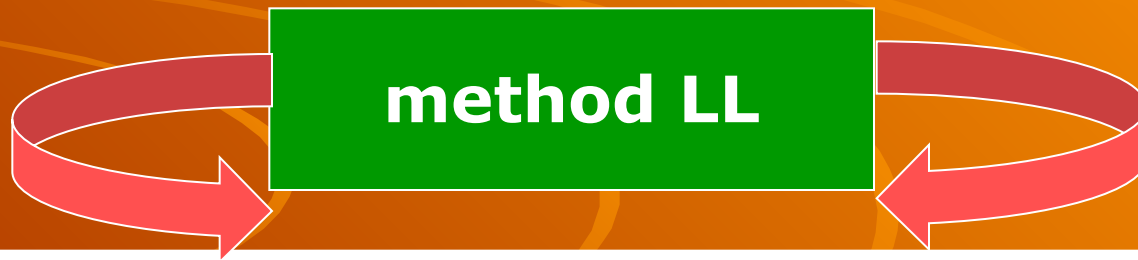
labour relations
(art. 15 Labour Code
RF)

**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

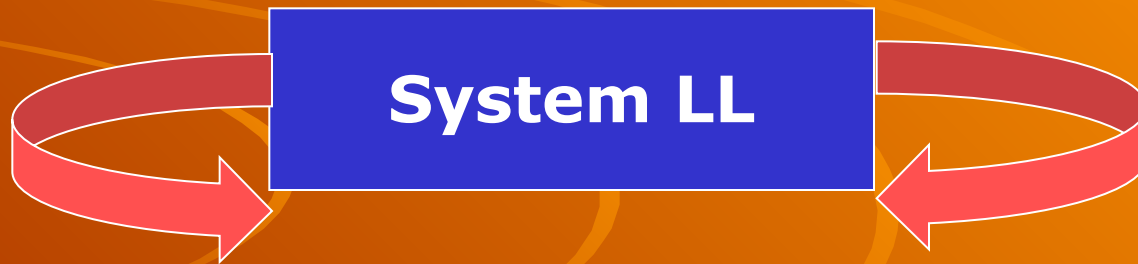




firstly, method (from Greek *methodos* – way, research) way of study LL

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

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graph TD; A[System of LL] --> B([field]); A --> C([legislation]); A --> D([science]); B --> A; D --> A; B --- E[• general part]; B --- F[• particular part]; B --- G[• special part]; C --- H[• legal force]; C --- I[• activities sphere]; C --- J[• public]; D --- K[• common concept of LL]; D --- L[• scientific schools]; D --- M[• view of separate scientists, collectives of authors) in problems of LL];
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field

- **general part**

- **particular part**

- **special part**

legislation

- **legal force**

- **activities sphere**

- **public**

science

- **common concept of LL**

- **scientific schools**

- **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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