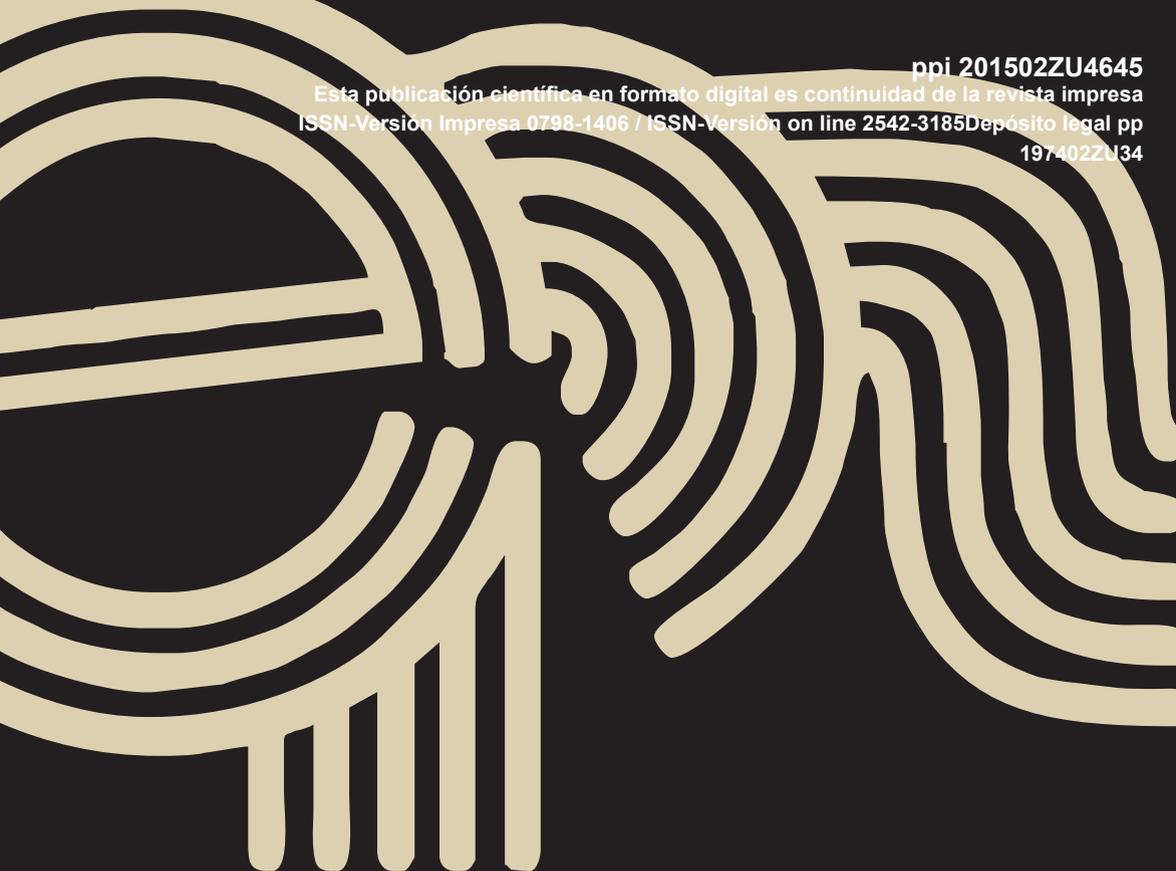


ppi 201502ZU4645

Esta publicación científica en formato digital es continuidad de la revista impresa
ISSN-Versión Impresa 0798-1406 / ISSN-Versión on line 2542-3185 Depósito legal pp
197402ZU34



CUESTIONES POLÍTICAS

Instituto de Estudios Políticos y Derecho Público "Dr. Humberto J. La Roche"
de la Facultad de Ciencias Jurídicas y Políticas de la Universidad del Zulia
Maracaibo, Venezuela



Vol.41

Nº 77

Abril

Junio

2023



Legal Regulation of Employment of the Population of Ukraine

DOI: <https://doi.org/10.46398/cuestpol.4177.35>

Galyna Zakharchyn *

Andrii Antonov **

Oleksandra Voityk ***

Lyubov Plotka ****

Nataliia Mirko *****

Abstract

The main objective of the study was to identify the key legal norms and aspects of employment of the Ukrainian population. The method that has been applied is the functional modeling methodology. In this regard, the purpose of the study was to propose a model of the legal support system to stimulate the demand for labor. In the conditions of the market economy, the employment factor of the population is a determining factor in shaping the socio-economic situation of any country as a whole and, of each individual in particular. Therefore, one of the most important functions of the public administration is the study and proper application of the legal regulation of labor activities. It is concluded that the labor market, as an important and multifaceted area of the economic and socio-political question of society, requires qualified regulation to increase the efficiency of its functioning. Thus, the creation of an effective system of regulation of the sphere of employment is needed as one of the main social measures for the development of society in the XXI century.

Keywords: labor standards; labor market; state policy; social laws; legal regulation.

* Lviv Polytechnic National University, 59059, Lviv, Ukraine. ORCID ID: <http://orcid.org/0000-0002-4081-7926>

** State university "Zhytomir Politehnic", 39000, Zhytomir, Ukraine. ORCID ID: <https://orcid.org/0000-0003-0495-7056>

*** Lviv Polytechnic National University, 59059, Lviv, Ukraine. ORCID ID: <https://orcid.org/0000-0002-2070-4932>

**** Dnipro State Agrarian and Economic University, 79000, Dnipro, Ukraine. ORCID ID: <https://orcid.org/0000-0002-9005-9799>

***** State University of Trade and Economics, 49000, Kyiv, Ukraine. ORCID ID: <https://orcid.org/0000-0003-4884-5195>

Regulación jurídica del empleo de la población de Ucrania

Resumen

El objetivo principal del estudio fue identificar las normas y aspectos legales clave del empleo de la población de Ucrania. El método que se ha aplicado es la metodología de modelado funcional. En este sentido, el propósito del estudio fue proponer un modelo del sistema de apoyo legal para estimular la demanda de trabajo. En las condiciones de la economía de mercado, el factor empleo de la población es determinante en la conformación de la situación socioeconómica de cualquier país su conjunto y, de cada persona en particular. Por tanto, una de las funciones más importantes de la administración pública es el estudio y adecuada aplicación de la regulación jurídica de las actividades laborales. Se concluye que el mercado de trabajo, como área importante y multifacética de la cuestión económica y sociopolítica de la sociedad, requiere de una regulación cualificada para aumentar la eficiencia de su funcionamiento. De modo que se necesita la creación de un sistema eficaz de regulación de la esfera del empleo como una de las principales medidas sociales para el desarrollo de la sociedad en el siglo XXI.

Palabras clave: normas laborales; mercado de trabajo; política estatal; leyes sociales; regulación jurídica.

Introduction

In any society, there is a relationship between the number of able-bodied population and the nature and degree of its participation in social production. The totality of public relations associated with the provision of work can be considered as employment. This category reveals one of the most important aspects of the social development of a person to meet his needs for work (Brammer and Walker, 2011). As a socio-economic category of employment, it characterizes the activities of citizens related to the satisfaction of personal and social needs, which does not contradict the current legislation.

The right of citizens to employment and employment assistance is a guarantee of the right to work. This comprehensive right consists of the rights to: employment; free professional training and retraining; professional activity abroad; appeal against unlawful actions of the employment service, including in court.

In general, the institution of employment of the population is complex, since it covers not only the norms of labor, but also administrative law, as

well as social security rights. For example, the procedure for the activities of state bodies engaged in employment is regulated by administrative and legal norms, and the provision of social protection in the event of unemployment is regulated by social security. Everyone has the right to a freely chosen employment (Bidwell *et al.*, 2013).

Realization of the right to choose a place, type of activity and type of occupation is carried out by independently providing a person with his employment or applying for employment to an employer or with the assistance of a central executive body that implements state policy in the field of employment and labor migration or a business entity that provides services for employment mediation. Forced labor in any form is prohibited (Bray and Waring. 2005; Brewster and Bennett, 2010).

Voluntary unemployment of a person cannot be a basis for holding him liable. The nature of unemployment can vary. Unemployed persons can be conditionally divided into “actively unemployed” (unemployed, registered with the state employment service, actively looking for a suitable job and ready to start it) and “passively unemployed” (citizens not engaged in socially useful activities - as such, who do not want to work for any reason (non-working pensioners and persons with disabilities) (Cotton, 2015).

Thus, the theoretical foundations of the legal regulation of employment in the system of state economic policy are based on the study of two interrelated areas - social and economic. Obviously, the most important criterion for the social orientation of the economy is the attitude towards employment, which should be considered as an integral part of a comprehensive social policy.

This should take into account the following social aspects of employment; indivisible connection of employment with the most important constitutional human right - the right to work; the determining role of employment in shaping the standard of living and decent living conditions; the formation of a new motivation for highly efficient work as the basis for the growth of the welfare of everyone and society as a whole; it is labor activity that transforms a person, reveals and multiplies his professional capabilities, stimulates the development of personality.

1. Materials and methods

For a more detailed study of the legal norms and aspects of employment of the population of the country, the following methods were used: induction and deduction, comparison and systematization; synthesis and analysis; abstract-logical - for theoretical generalizations and conclusions of the study.

To more accurately reflect the legal norms and aspects of employment of the population of the country, we used the IDEFO functional modeling method.

2. Literature review

Based on the results of the theoretical analysis (Chung *et al.*, 2014; Kryshchanovych *et al.*, 2022), the strategic goal of the system of legal regulation of employment of the population is to achieve full, productive, freely chosen employment, which will allow each citizen to provide himself and his family with comfortable living conditions with his work, will contribute to the growth of the efficiency of social production, and create appropriate conditions for the development of the personality of the worker.

According to scientific research (Sylkin *et al.*, 2022), the main areas of legal support in the field of employment include:

- 1) creating conditions for the development of the economy and promoting the creation of new jobs;
- 2) meeting the demand of priority sectors of the economy in highly skilled workers;
- 3) strengthening the motivation for legal and productive work;
- 4) activation of entrepreneurial initiative and self-employment of the population;
- 5) improvement of the vocational training system, taking into account the interests of the individual, the needs of the economy and the labor market;
- 6) assistance to enterprises, institutions and organizations, regardless of the form of ownership, type of activity and management in the professional development of employees;
- 7) balancing supply and demand in terms of the volume and skill level of the labor force in the labor market by systematically forecasting the needs of the economy;
- 8) promotion of employment of citizens.

Increased scientific and practical interest is observed in changes in the legal order regarding the transformation of the labor market in the conditions of market relations, since they directly affect all categories of the country's population (Cortés-Sánchez, 2018; Pencea and Curteanu, 2020). Under these conditions, a new model of labor relations is being formed, which has a different effect on different categories of workers, on their

relationships with different social groups. That is why the organizational and economic mechanism for managing the employment of the population in the current conditions of transition to the market is an urgent scientific problem.

3. Research Results and Discussions

It should be noted that the mechanism of legal regulation of employment of the population, in addition to the general characteristics of its constituent elements, must be dynamic and effective in terms of the implementation of norms related to employment of the population (Dencker and Fang, 2016).

The legal framework for employment and employment is currently an integral system of normative legal acts, which includes: on the one hand, normative legal acts that directly regulate employment and employment issues, on the other hand, acts regulating other social relations, but containing separate norms affecting employment relationship.

Methods and measures to regulate employment are divided into active and passive, ideas about which are formed by the practice of using methods of state regulation of the labor market. The list can be differentiated as follows (Broschak and Davis-Blake, 2006):

- according to the objects of influence. The objects can be the population and its separate groups, workers and separate groups, as well as entrepreneurs and their separate groups. The objects of labor market regulation can also be labor relations, including wages, working hours, working conditions, etc., social relations;
- directions of influence. These include measures to increase (decrease) the supply of labor in the labor market; measures to increase (decrease) demand in the labor market; measures to influence the structure of demand and supply of labor; measures to increase the matching of supply and demand;
- according to the form of influence, methods are divided into direct and indirect;
- according to the nature of the impact, regulation methods can be divided into encouraging, restrictive, protective and prohibitive;
- according to the content, the methods are differentiated into economic, administrative and administrative-economic.

Economic methods include, for example, supporting economically viable jobs, organizing public works, specialized investment to create new jobs, supporting small businesses, etc.

Administrative methods include reducing the retirement age and the length of the working period, limiting the number of jobs and the possibility of combining jobs for one person (Cullinane *et al.* 2014; Crouch, 2015).

- according to the level of influence, the methods of labor market regulation are divided into national, regional, sectoral, intra-company;
- by sources of financing the state budget, extra-budgetary funds, funds of commercial organizations.

It should be noted that the regulation of employment reaches its highest effect in those countries in which, firstly, the employment policy is built into the general economic mechanism for the functioning of the public economy; secondly, the measures of the state employment policy are focused not only on the territorial level of implementation, but also take into account the industry level, that is, they are carried out not only by the state employment service, but also provide for the activity of industry organizations and events; thirdly, the main lever of the employment policy is laid down in the general economic mechanism - the stimulation of demand, including demand for labor; fourthly, the sphere of employment policy includes the most significant aspects of wage regulation, strengthening labor motivation, etc. In other words, a government active employment policy should not be limited to employment promotion activities (Sylkin *et al.*, 2021).

In our opinion, the most important lever of employment policy is the regulation of labor demand, which, as you know, can be individual and aggregate. Individual demand (the demand of an individual employer) depends on the several factors (Table 2.)

Table 1. Factors affecting the implementation of legal regulation of individual employment in the country.

Factor	Meaning
1	demand for the company's products, because the employer needs the labor force, first of all, as a production resource for creating new goods and services. The demand for labor, in other words, is derived from the demand for the firm's product
2	the state of production (the size and efficiency of capital, the features of technology, the perfection of methods for organizing production and labor)
3	the qualities of the individual labor force (education, professionalism, productivity, ingenuity, versatility, universal human qualities: diligence, discipline, attentiveness, thoroughness, etc.).

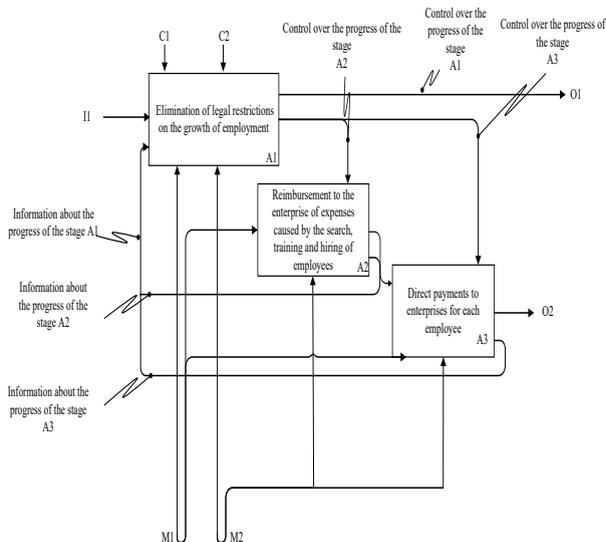
Source: own elaboration.

The implementation of the rights of citizens in the field of legal regulation of employment is carried out taking into account the following principles (Rodríguez *et al.*, 2017):

1. the priority of ensuring full, productive and freely chosen employment in the process of implementing an active socio-economic policy of the state;
2. the responsibility of the state for the formation and implementation of policies in the field of employment;
3. ensuring equal opportunities for the population in the implementation of the constitutional right to work;
4. promoting the effective use of labor potential and ensuring social protection of the population from unemployment.

In our opinion, a number of legal measures can contribute to stimulating the demand for labor (Fig.1.)

Fig.1. Model for improving the legal support stimulating the demand for labor



Source: own elaboration.

The creation of legal conditions for the formation of a flexible labor market is an objective prerequisite for the development of the economy in

recent decades. The need for such an event is due to increased production flexibility, which results in diversification of production, an increase in small production units, an increase in the number of consumer-oriented mobile small enterprises, and the development of contract forms. Within the framework of this system, various flexible forms of wages, employment and organization of working hours are widely used.

Flexibility in the use of labor force, its mobility between enterprises, within enterprises, professions, as well as the involvement of workers in the economic affairs of the company are also important. At the same time, the solution of social problems is becoming more complicated: the instability of the state of temporary workers and those working in conditions of flexible working hours is increasing, the number of workers eligible for benefits and social security payments is decreasing.

Thus, the legal regulation of employment is an integral part of managing the development of society, ensuring sustainable economic growth of the country, since the state economy is an integral system and functions as a single organism.

In this regard, the priority areas of legal regulation of employment of the population should be the legal support of the following state measures:

- employment of the unemployed population and assistance in career guidance, training and retraining of personnel;
- promoting the creation and development of a flexible labor market and non-standard forms of employment;
- legal support of labor relations;
- social protection of the population with the status of the unemployed (material assistance, payment of unemployment benefits, unemployment insurance, etc.);
- conducting economic policy in the interests of employment;
- increasing investment activity in all aspects of the economy;
- curbing the outflow of capital behind the cord, which entails the withdrawal of investment resources from domestic production and the reduction of jobs and stimulation of their influence.

The labor market as a set of social relations, social, legal norms and institutions is designed to ensure the reproduction, exchange, distribution and efficient use of labor. Modern society puts everyone in the framework of the need to provide for themselves, their families, children. In this context, modern society and the labor market dictate new conditions for the formation and implementation of legal support for employment processes. In this regard, the implementation of the above methods and models is a critical process for both workers and the entire state.

Conclusions

The global economic crisis could not but affect the socio-economic development of both the country as a whole and individual region in particular. In the region's economy, there is a decline in production volumes in almost all sectors. This, in turn, affected the reduction in demand for labor force, the level of employment in such sectors as industry, agriculture, and construction, which traditionally determined the structure of the labor market in the region, decreased. The transformation of the labor market in the context of globalization occurs under the influence of a large number of factors and is characterized by a number of features.

The change in demand for labor is determined by structural changes in national economies. The solution of employment problems at the regional level will help an effective state employment policy, which should be based on the principles of priority, ensuring full, productive and freely chosen employment in the process of implementing socio-economic policy. The state should be interested in the efficient use of human capital and ensuring social protection of the population from unemployment.

Thus, the legal regulation of employment of the population depends on the pace and nature of market transformations. It provides for a system of adaptation of different categories of the unemployed population to the requirements of the labor market, as well as a system of social protection for unemployment and persons with limited competitiveness.

The main task of the legal regulation of the processes of employment of the population at present should be the reorientation of the course of solving social problems to the expansion of the labor market, and this requires a clear organization of assistance in providing or finding work to everyone who wants to work. And only a comprehensive solution of these problems can lead to their successful solution.

The entire content of the activities of state administration bodies in implementing the policy of legal regulation of employment of the population should reflect the full range of active and passive measures of the state in the labor market and apply the most effective methods and methods of public administration, taking into account the characteristics of a particular region.

Also, an important factor in reducing social tension between the authorities and the most vulnerable segments of the population at the present time should be the support of small and medium-sized businesses. Government bodies must guarantee to all entrepreneurs, regardless of the organizational forms of entrepreneurial activity chosen by them, equal rights and create equal opportunities for access to material, technical, financial, labor, information, natural and other resources.

As a result of the study, current legal norms and aspects of employment of the population of the country were investigated.

Bibliographic References

- BIDWELL, Matthew; BRISCOE, Forrest; FERNANDEZMATEO, Isabel; STERLIN, Adina. 2013. "The employment relationship and inequality: How and why changes in employment practices are reshaping rewards in organizations" *Academy of Management Annals*. Vol. 7, No. 1, pp. 61-121.
- BRAMMER, Stephen; WALKER, Helen. 2011. "Sustainable procurement in the public sector: An international comparative study" In: *International Journal of Operations & Production Management*. Vol. 31, No. 4, pp. 452-476.
- BRAY, Mark; WARING, Peter. 2005. "Complexity' and 'congruence' in Australian labour regulation" In: *The Journal of Industrial Relations*. Vol. 47, No. 1, pp. 01-15.
- BREWSTER, Chris; BENNETT, Cliveviegas. 2010. "Perceptions of business cultures in Eastern Europe and their implications for international HRM" In: *The International Journal of Human Resource Management*. Vol. 21, No. 14, pp. 2568-2588.
- BROSCHAK, Joseph; DAVIS-BLAKE, Alison. 2006. "Mixing standard work and nonstandard deals: The consequences of heterogeneity in employment arrangements" In: *Academy of Management Journal*. Vol. 49, No. 2, pp. 371-393.
- CHUNG, Chul; SPARROW, Paul; BOZKURT, Ödül. 2014. "South Korean MNEs' international HRM approach: Hybridization of global standards and local practices" In: *Journal of World Business*. Vol. 49, No. 04, pp. 549-559.
- CORTÉS-SÁNCHEZ, Julián David. 2018. "Institutional strength, peacebuilding, and productive entrepreneurship - exploratory analysis in Colombia" In: *Business: Theory and Practice*. Vol. 19, pp. 88-102. Available online. In: <https://doi.org/10.3846/btp.2018.10> Consultation date: 21/12/2022.
- COTTON, Elizabeth. 2015. "Transnational regulation of temporary agency work compromised partnership between private employment agencies and global union federations" In: *Work, Employment and Society*. Vol. 29, No. 1, pp. 137-153.

- CROUCH, Colin. 2015. "Labour market governance and the creation of outsiders" In: *British Journal of Industrial Relations*. Vol. 53, No. 1, pp. 27-48.
- CULLINANE, Niall; DONAGHEY, Jimmy; DUNDON, Tony; HICKLAND, Eugene; DOBBINS, Tony. 2014. "Regulating for mutual gains? Non-union employee representation and the information and consultation directive" In: *The International Journal of Human Resource Management*. Vol. 25, No. 6, pp. 810-828.
- DENCKER, John; FANG, Chichun. 2016. "Rent seeking and the transformation of employment relationships: The effect of corporate restructuring on wage patterns, determinants, and inequality" In: *American Sociological Review*. Vol. 81, No. 3, pp. 467-487.
- KRYSHTANOVYCH, Myroslav; KRYSHTANOVYCH, Svitlana; CHUBINSKA, Nataliia; KHRIMOVA, Yuliia; SYLKIN, Oleksandr. 2022. "The System of Public Administration in Educational Institutions in Rural Regions in the Context of the Development of Educational Culture" In: *Revista Brasileira De Educação Do Campo*. Vol. 7, e. 14140. Available online. In: <https://doi.org/10.20873/uft.rbec.e14140>. Consultation date: 21/12/2022.
- PENCEA GEORGETA, Cristina; CURTEANU ADRIAN, Bogdan. 2020. "Internal and External Migration" In: *Postmodern Openings*. Vo. 11, No. 1, pp. 57-70.
- RODRIGUEZ, Jenny; JOHNSTONE, Stewart; PROCTER, Stephen. 2017. "Regulation of work and employment: advances, tensions and future directions in research in international and comparative HRM" In: *The International Journal of Human Resource Management*. Vol. 28, No. 21, pp. 2957-2982. Available online, In: <https://doi.org/10.1080/09585192.2017.1416555>. Consultation date: 22/12/2022.
- SYLKIN, Oleksandr; BOSAK, Iryna; HOMOLSKA, Victoria; OKHRIMENKO, Ivan; ANDRUSHKIV, Roman. 2021. "Intensification of Management of Economic Security of the Enterprise in the Post-Pandemic Space" In: *Postmodern Openings*. Vol. 12, (1Sup1), pp. 302-312. Available online. In: <https://doi.org/10.18662/po/12.1Sup1/286> Consultation date: 22/12/2022.
- SYLKIN, Oleksandr; BUHEL, Yuliia; DOMBROVSKA, Natalia; MARTUSENKO, Iryna; KARAIM, Myroslava. 2021. "The Impact of the Crisis on the Socio-Economic System in a Post-Pandemic Society" In: *Postmodern Openings*. Vol. 12, No. 1, pp. 368-379.



UNIVERSIDAD
DEL ZULIA

CUESTIONES POLÍTICAS

Vol.41 N° 77

*Esta revista fue editada en formato digital y publicada en abril de 2023, por el **Fondo Editorial Serbiluz**, Universidad del Zulia. Maracaibo-Venezuela*

www.luz.edu.ve
www.serbi.luz.edu.ve
www.produccioncientificaluz.org