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LEGAL METHODS OF COMBATING THE ILLEGAL LABOR MARKET

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The article analyzes the existing approaches to determining the ways and methods of analyzing legal methods of combating the illegal labor market.

The article reveals aspects of the impact of the illegal labor market on the Ukrainian national labor market. There are key points at which the interaction of market processes takes place and the analysis of possible transformations is carried out.

At the same time, attention is paid to the directions of Ukraine's state policy in the field of employment and employment of the population on guarantees of protection of the rights, freedoms and legitimate interests of both the employee and the employer.

Scientific approaches to the interpretation of the term “labour market”, which has a different explanation in content, depending on the object and subject of research, are considered.

Scientific approaches to the interpretation of the term “labour market”, which has a different explanation in content, depending on the object and subject of research, are considered. In accordance with the topic of the study, a group of methods of economic and legal content was identified, including: carrying out reforms of the tax (fiscal) system, which influenced the consideration of the essence and content of the so-called "shadow incomes", which have a close connection with both the illegal labor market and underground production; attention is focused on the need for further reform of the current system of supervisory and controlling bodies in the field of production, with the exception of safety and labor protection.

Key words: shadow labor market, shadow income, tax evasion, legal methods of struggle, national labor market, migration, transformation of the national labor market

Posing a problem. Today, the illegal labour market significantly affects the transformation of the Ukrainian labour market, which is manifested in the change in its indicators and its relations.

The analysis of available literary and information sources allows us to highlight the following main directions of influence of the illegal labour market on the Ukrainian labour market:

- impact on the situation (supply and demand balance) in the second segment of the labour market, – impact on the level of competition,
- restructuring of the labour market under the influence of segregation and polarization of employees by type of hiring,

- territorial and sectoral deformation of distribution and filling of workplaces, – impact on the sustainability and regulation of the labour market,
- impact on the labour market management system and the information circulating in it,
- impact on the composition, quantity and quality of labour resources,
- impact on the system of reproduction of labour resources,
- influence on the institutions of the labour market (distribution of new types and forms of inclusion of employees in labour activity).

Analysis of recent research and publications. The problems of shadowing the labour market are raised in many works of domestic scientists, yet its special research is devoted to a rather small number of scientific works. In particular, a significant contribution to the development of the concept of employment and employment of the population was made by: V. Vasylchenko, V. Venedikt, Y. Vusenko, A. Kalyna, E. Libanova, S. Prylypko, A. Slusar, O. Starchuk, Y. Kharazishvili, O. Chernyavska, I. Yakushev, O. Yaroshenko, etc. However, even a sign of the works of scientists did not distinguish a certain unity in modern science regarding the interpretation, analysis and directions of counteraction to shadow employment and the illegal labour market.

The article is aimed at defining the vision of globalization processes, their positive and negative aspects; the essence of business management, its components and its influence on the development of economic relations.

Presentation of the main material. The labour market is the sphere of formation of labour supply and demand, through which the sale of labour for a certain period takes place. It is characterized by such indicators as the number of the economically active population, the number of people employed by the economy, the unemployment rate.

The direct source of obtaining “dirty” funds is the shadow economy as a set of unaccounted for and illegal types of economic activity. The level of shadowing of the economy is to some extent the result of the crisis of management of the economic life of society, its trust in the elite and bureaucracy [1].

As in any field, the labour market has special problems: an increase in the number of informally working people, an increase in shadow employment, which does not allow to make an accurate analysis of the country's employment, hidden unemployment, low wages in most regions of the country, etc.

An important problem of the labour market is unemployment – the main component of the modern labour market. Note that Article 1 of the Law of Ukraine “On Employment” refers to the term “unemployed” refers to persons aged 15 to 70 years who, due to lack of work, do not have earnings or other income provided by law as a source of existence, but are ready and able to start work [2]. It is also an integral part of the economy of any country, regardless of its development. However, in this article, we identified another problem, which, in our opinion, is the most important – shadow employment. It is a type of employment in the informal economy when the fact of establishing labour relations between the employee and the employer is hidden from the official authorities. Usually, these relationships are hidden at the initiative of the employer or employee in what to pay taxes or avoid this or that law. In this case, the calculation is usually made in cash, most often the employer is not interested in the employee's past and his documents.

The main difference between the legal labour market and illegally is that the legal labour market covers the relations of people who offer labour services and organizations that provide work legally, in unfounded forms. And the illegal labour market consists of those persons and organizations that solve employment problems in forms that are not covered by the law, as well as prohibited by law.

There are many reasons why citizens move into informal activities, namely the inability to settle in a contractual form (small wages or a lot of competition), lack flexible work schedule and unwillingness to work under the supervision of superiors. Young people are prone to informal employment because there is

a lack of education, the inability to settle down without work experience, as well as the difficulty of combining study and other activities.

Thus, an informal sector of the labour market is created, in which workers are practically deprived of the opportunity of social and legal protection.

The legalization of labour relations is of particular importance today since it is a significant source for replenishment of revenues of the regional and local budgets, on which both the volume of services provided to citizens at the expense of the budget and the guarantee of labour rights of the employee depend. Insufficient funding for the budgetary sphere is a restriction of the possibility of increasing wages in the budget sphere and, in fact, the theft of social rights of workers, their future pensions.

It is very difficult to cope with unofficial activities due to the scale of distribution. Our article highlighted the methods of struggle: carrying out reforms of the tax system that will help bring some of the revenues out of the shadows, identifying underground industries and stopping their activities, strengthening punishment for corrupt officials and reducing pressure from the state, reducing the number of supervisory authorities and inspections.

There is a black labour market in all countries. For many, “left” work is very attractive. And such a business is beneficial to both parties. Those who work illegally, receive a salary and do not pay taxes, do not make contributions to pension, medical and other insurance funds. The same goes for those who use illegal work. It is not surprising that illegal employment is so widespread all over the world. For example, in Germany, according to some estimates, 5 million people are currently employed by the “left”.

However, this phenomenon has disadvantages that become noticeable in most cases only when the work is done poorly or an accident occurs. An illegal worker, as a rule, is not responsible for the quality of his activities and often refuses it for an unsatisfactory result. The client is unable to demand the elimination of defects – advertising in this situation is meaningless. Illegal immigrant harms himself: “left” work is not taken into account when calculating the old-age pension, and when injured, he cannot count on health insurance.

Anyone who does legal work, but bypasses the state without paying taxes and contributions to social funds, works illegally. A classic example: a person in his spare time repairs a friend's car for cash and without an account statement.

“Left-wing” workers violate the law not only by not paying taxes and contributions. Other serious violations are related to this. In Germany, for example, the right to open an enterprise is given only to a person who has the title of “master” in his speciality. The problem is that it is not easy to achieve such a certificate: you need to prepare for the master's exam for several years. Some citizens are tempted and offer services without having the specified title. There is also a phenomenon when people who receive unemployment benefits and other state support work without legalizing earnings.

Another form of the analyzed phenomenon is the lease of illegal labour. And here the company hires people to temporarily provide them to other enterprises for a fee. The salary of such workers is often lower than the minimum wage set in the industry. It is also illegal to employ foreigners who do not have work permits.

To assess the scale of shadow employment, scientists use mostly two tools: population surveys and calculations based on cash turnover. Thanks to surveys, it is possible to find out how many citizens and how often they do or use “left-wing” work. In recent years, people are more willing to share information on this topic. At the second approach, the researchers proceed from the next parcel. The country needs a certain amount of cash to create GDP.

Illegal work is paid mainly with “live” money so that it can be easier to hide. Therefore, the amount of cash spent by the population indirectly indicates the amount of illegal labour. Illegal employment is everywhere, but the scale is very different.

Some scientists believe that the main reason for its active growth is the high level of taxes and contributions to social funds. Its size for many researchers is an indicator of how satisfied citizens are with the economic policy of their country. I note, however, other factors play a significant role here, so it is not

easy to compare the situation in different countries. Scientists believe that the scale of illegal employment is also associated with the level of authority of the state, the degree of trust of citizens in the social system and their confidence that the state wisely spends taxpayers' money. These points affect the tax morality of citizens, and, as a result, their willingness to work in the shadow sphere. The reduction of the working week leads to the fact that employees have more time for part-time work. They could give it up if they could afford an acceptable standard of living and reduce working hours in line with their expectations.

The volume of illegal employment in different countries is not the same, as evidenced by the data in Table. 1 [3].

Table 1

Shadow economy in individual states, % of GDP

State	Average data for:		
	2009–2010	2014–2015	2019–2020
Greece	22,6	28,6	28,7
Italy	22,8	26,0	27,1
Portugal	15,9	22,1	22,7
Spain	16,1	22,4	22,7
Belgium	19,3	21,5	22,2
Sweden	15,8	19,5	19,2
Norway	14,8	18,2	19,1
Finland	13,4	18,2	18,1
Denmark	10,8	17,8	18,0
Canada	12,8	14,8	16,0
Germany	11,8	13,5	16,0
Ireland	11,0	15,4	15,9
France	9,0	14,5	15,2
Australia	10,1	13,5	14,3
Netherlands	11,9	13,7	13,1
New Zealand	9,2	11,3	12,8
United Kingdom	9,6	12,5	12,7
Japan	8,8	10,6	11,2
Austria	6,9	8,6	9,8
UNITED STATES	6,7	8,8	8,7
Switzerland	6,7	7,8	8,6

Source: International Monetary Fund (mf. org/en)

The state has a large set of tools to prevent illegal employment. Of course, the foreground is the persecution of its manifestations by customs authorities, labour exchanges and municipal search groups.

Currently, Ukraine, despite complex political, economic and other problems, is trying to build a new society in which to provide significant benefits for a socially-oriented market economy. Most Western scholars believe that a socially-oriented market economy is the third way to develop the economy (between socialism and capitalism), aimed at freedom and social justice [4].

At its core, the socio-market economy has three main components: the commodities market, the capital market and the labour market.

Considering the meaning of the concept of “labour market”, first of all, it is necessary to compare the views of some scientists on the methodological aspects of this concept. The formation of the labour market originates in pre-industrial society. Its emergence was preceded by such historical processes as the liberation of workers from the forms of personal (patriarchal, slave, serfdom, feudal) dependence, the formation of their freedoms and the right to freely dispose of one or another type of their labour, as well as the separation of producers from the means of production (capital). Deprived of the opportunity to independently organize production, sell goods and provide themselves with livelihoods, employees are forced to hire an employer (owner of capital) as a labour force.

O. V. Cherniavska believes that in the general sense, the labour market means a system of accounting for individual abilities for work on the fund of life values necessary for the reproduction of the labour force [5, p. 13].

There is also an opinion that the labour market is the sphere of production, accounting and evaluation of the labour force, coordination of labour demand with the supply of labour, setting the price of labour. In this definition of the concept of “labour market” there is only a quantitative assessment [6].

In accordance with the second approach, the concept of “labour market”, in addition to the quantitative aspect, also contains a qualitative aspect, and is characterized by economic relations, provides a relationship between the demand and supply of labour, its distribution and redistribution. It is necessary to adhere to the definition of the term “labour market”, which includes a system of legal, socio-labour, economic and organizational relations arising between job seekers, employees, trade unions, employers and their organizations, state authorities in the field of meeting the needs of employees in the field of employment, and employers – in hiring employees in accordance with the legislation (Article 1 of the Law of Ukraine “On Employment”) [2].

The labour market can be considered at the level of the economic complex as a socio-economic mechanism for the organization of labour resources, determines the means of achieving their balance, methods of influencing employment, wages, turnover and reproduction of labour. Previously, most studies were limited to the fact that the labour market, in a narrow sense, meant the place where transactions are made between the employer and the seller of labour; in fact, the involvement of labour in economic activity is a complex process in which the involvement of labour is only the final stage of a long process of quantitative and qualitative determination of the company's need for labour. The labour market is significantly different from commodity and real markets, in which social and socio-psychological factors play an important role. It can be determined that the regional labour market represents a complex, multilateral system of the labour movement, stimulation of labour motivation of employees, a set of socio-economic relations, forms and methods of coordination and regulation of the interests of direct workers and employers associated with the organization, use and remuneration. in which social and socio-psychological factors affecting the interests of direct employees and employers associated with the organization, use and remuneration play an important role.

The subjects of the labour market are employees and employers, as well as workers of the labour market infrastructure, who contribute to their interaction. It is important to clearly define the object of market relations. When hiring employees, the employer evaluates their production capabilities only based on the results of labour or labour services [7].

The categories are compared as follows: the goods are a labour service, and the cost is the foam of the labour service expressed in wages. Let us draw attention to the opinion of V. S. Vasilenko and I. M. Vasylenko, who believe that the elements by which the labour market functions include: the goods – it acts in the form of labour, which in its turn acts in the form of wages; demand, which determines the need of the country, industry, region, firm in the workforce; proposal, that is, the number and structure of the available labour resources [8, p. 9]. Here we are talking about the labour services market, operations that end with the signing of an agreement or an employment agreement.

The economic importance of such a contract or agreement is that, on the one hand, the size of the required labour contribution of the employee is established, requiring payment of wages for work, on the

second employee, proper social conditions for the use of labour, a certain duration of the working day, working week, vacations, labour safety, regular professional retraining, the inadmissibility of involvement in work that does not correspond to the level of special training or interfere with professional and official growth are guaranteed. The list of guarantees in the field of employment by the state is enshrined in Article 5 of the Law of Ukraine "On Employment of Settlement" [2] in compliance with the principles of state policy enshrined in Art. 15 of the Law. It should be noted that the state policy of Ukraine in the field of employment of the population provides for the legal and organizational principles of state regulation of external labour migration and social protection of Ukrainian citizens abroad (labour migrants) and their family members [9].

Issues of legal regulation of employment and employment of the population and directions of state policy in this area are relevant for the science of labour law [10, p. 147–152; 11, p. 126–131].

The labour market is a multifaceted structure consisting of two interrelated spheres: open and hidden labour markets. These markets differ in the way the labour force is organised and the nature of the efficiency of employees and the financial situation of employees.

The open labour market covers the entire able-bodied population, which conducts job search and requires career guidance, training and retraining, all vacancies for jobs and positions, as well as student places in the state and non-state sectors. There are also official and unofficial markets.

Free labour and vacancies registered with the employment service, as well as student places in the vocational education system, constitute an official or organized part of the labour market.

The unofficial or spontaneous part of the open laundry market also belongs to part of the free labour force, vacancies of student places for the purchase of new professions, which are covered by the services of employment authorities and vocational education systems. The unofficial labour market is quite mobile boundaries, the changes of which depend on the ratio of demand and supply of labour force services in those workers who retain the status of employed, but have a high opportunity to lose their jobs, form a hidden labour market. Analyzing the level of development of market relations, we can name 4 types of labour market. It is shady, fragmentary, regulated and organized.

Usually, in the shadow labour market, market relations are not regulated; A fragmentary or partial labour market is a place where the factors of supply and demand of the labour force or its services operate within the framework of the policy of full employment are produced regardless of the needs of production.

The regulated labour market provides the legal basis for effective economic activity, protection of the rights of entities. It provides for the existence of a widely developed system of collective agreements simultaneously with the legislative regulation of economic relations [12]. For example, the labour legislation of Turkmenistan (Article 2) stipulates that collective agreements should not have conditions that reduce the level of rights and guarantees of workers established by the labour legislation of Turkmenistan [13].

The level of development of the labour market is an organized labour market, where a developed system of institutions dealing with the problems of the labour movement (employment services, employment promotion funds, data banks on the supply and demand of labour services, etc.), and the policy in the field of employment of the population is an integral part of the socio-economic policy of the state.

The macro space of the labour market with a detailed study turns into a complex of micro spaces associated with multidimensional interaction. The possibility of studying the labour market, conducting a full and effective analysis of its condition largely depends on the completeness and correctness of the segmentation of the labour market and analysis by individual segments.

In the scientific literature of recent years, such main segments of the modern labour market are often distinguished, such as: the first market of skilled labour with guaranteed employment and high real wages; the second is the market of low-skilled and unskilled labour with full employment of workers; third – the market of peripheral labour, partially and temporarily employed helpers; The fourth is the market for the short-term unemployed. The fifth is the long-unemployed market.

Segments of the labour market consist depending on the contingent of workers employed in certain jobs in various industries and sectors of the economy in the relevant professions and specialties with different levels of qualification in a particular territory [14].

There are three main types of market segmentation: the first – in a geographical context, when it comes to the functioning of employment in its geographical, socio-economic, demographic features; second-in sectoral, that is, they mean the structure of employment by sectors and sectors of the economy. The third is in a qualitative context, that is, the structure and dynamics of employment by type of profession, specialties, skill levels. Consideration of the sectoral structure of employment is especially important in the study of the labour market at the macro level [15].

An important type of segmentation of the labour market is structuring according to the demographic characteristics of certain categories and groups of the working population. Here are distinguished:

- the labour market of young people with characteristic high mobility of the labour force, relatively low qualifications of personnel, short but frequent periods of unemployment;
- the labour market of women, which is also characterized by a low level of territorially professional mobility, is associated with the birth and upbringing of children;
- the labor market for the elderly with its inherent decline in the possibilities of active work, low level of professional mobility, often low level of qualification due to the loss of relevance of the profession, etc.;
- the labor market of disabled people, which are characterized by low territorial mobility, restriction of the possibility of active work, professional training.

It is worth noting that in the science of labor law, as N. Y. Shcherbatyuk rightly believes, there is no unambiguousness in views on age as a factor of differentiated labor regulation, which negatively affects the regulation of labor relations of persons of retirement age [16, p. 483–489].

Labor markets are divided along professional lines: the labor market of economists, accountants, sellers, commodity experts, managers, etc.

The study of professional segmentation of the labor market is of great importance for predicting promising specialties and professions, which is especially important for the organization of an effective system of professional training.

Changes in the professional qualification structure of human resources and changes in the content of work are an important aspect of the segmentation of professional and qualification labor markets in Ukraine. The main problem of segmentation of the labor market is largely the lack of reliable information. This applies to the calculation of the number of employed and accounting for pendulum migrations. Therefore, at the stage, small regions, as potential regional labor markets, are considered only in special studies, which is a significant disadvantage in the segmentation of the labor market and its study. The problem that needs to be solved is the employment of internally displaced persons, which is associated with the war with the Russian Federation. In view of this, it is necessary to improve and detail the procedure for accounting for the population, labor resources and social statistics, as well as to create a reliable information base for multidimensional territorial analysis and forecasting.

Currently, informal registration of labor relations and payment of wages “in an envelope” is one of the most pressing problems in regulating the national labor market.

Experts differ in their estimates of the scale of informal employment, but almost everyone agrees that its share in the labor market is quite large.

Informal employment, payments in an envelope are a direct violation of labor legislation and entail a number of negative consequences associated with the underpayment of contributions to the Pension Fund of Ukraine and tax payments to the budget, which turns into underfunding of the social sphere.

The main reason behind the emergence of informal labour relations is the unwillingness of employers and informally self-employed citizens to pay taxes and comply with labour laws. Informally employed workers are deprived of the opportunity to receive full wages and vacations, temporary disability benefits, child care, and risk being left without a full pension in the future.

Note that the main difficulties remain:

- lack of opportunities for operational inspections of employers.
- lack of a register of business entities that are in arrears of wages, including information on the amount and number of employees who did not receive wages promptly; register of insolvent business entities that are in arrears of wages to employees;
- lack of legislative processing of issues of obtaining and transferring personal data of individuals, legal entities, individual entrepreneurs, as well as lack of access to information on payment or non-payment of taxes and insurance premiums. In our opinion, it is advisable to disseminate the accumulated experience in the legalization of informal employment:
- improvement of normative legal acts regulating the provision of state support to organizations and individual entrepreneurs to stimulate the legal registration of labour relations;
- carrying out notifications of registration of employment contracts concluded with individual entrepreneurs and their employees; – regarding the placement on official websites of the state of information about business entities that pay wages below the subsistence minimum, have long-term wage arrears and systematically violate labour legislation, as well as employers and other officials prosecuted for violations of wages.

Conclusions. The illegal labor market, if not properly controlled, threatens to undermine Ukraine's ability to achieve its employment goals to gain better jobs and higher growth rates. Undeclared work is a form of social dumping that creates unfair competition between firms on the basis of low wages and non-payment of social security benefits and leads to a working situation that violates the rights and dignity of employees. Tax increases, mixed public opinion about the role of public institutions, reducing the expected decent pension or social assistance in the long term, underfunding of continuing education programs, reducing state incomes in an economic downturn – all these factors create long-term problems that affect the volume of informality. Due to the financial crisis, the government is forced to take a closer look at the problems of the labor market, where such a phenomenon as undeclared labor, provided it is properly resolved, can positively affect the creation of formal employment, improved working conditions and increase budget revenues. Undeclared work is seen as a critical problem in all countries. The lack of definitions and standards can provide greater flexibility and help adapt to the evolution of practices in the labour market, but can also lead to enforcement problems, as there is a need to type widespread offences that can be subject to administrative or criminal penalties.

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ПРО ЮРИДИЧНІ МЕТОДИ БОРОТЬБИ З НЕЛЕГАЛЬНИМ РИНКОМ ПРАЦІ

У статті проаналізовано існуючі підходи до визначення шляхів та методів аналізу юридичних методів боротьби з нелегальним ринком праці.

У статті розкрито аспекти впливу нелегального ринку праці на український національний ринок праці. Виділяються ключові точки, у яких відбувається взаємодія ринкових процесів та проводиться аналіз можливих трансформацій.

Водночас звернена увага на напрями проведення державної політики України у сфері зайнятості і працевлаштування населення на гарантії захисту прав, свобод і законних інтересів як працівника, так і роботодавця.

Розглянуто наукові підходи щодо тлумачення терміну “ринок праці”, який має різне за змістом пояснення, що залежить від об’єкта і предмета дослідження.

Відповідно до теми дослідження виділено групу методів економічного і правового змісту, серед яких: проведення реформ податкової (фіскальної) системи, що вплинуло на розгляд сутності і змісту так званих “тіньових доходів”, які мають тісний зв’язок з нелегальним ринком праці та підпільним виробництвом; акцентована увага на необхідності подальшого реформування існуючої на сьогодні системи наглядових і контролюючих органів у сфері виробництва за винятком безпеки та охорони праці.

Ключові слова: тіньовий ринок праці, тіньові доходи, ухилення від податків, юридичні методи боротьби, національний ринок праці, міграція, трансформація національного ринку праці.