

APPLICATION OF CIVIL AND CRIMINAL LEGISLATION IN THE REGULATION OF LABOR RELATIONS

APLICAÇÃO DA LEGISLAÇÃO CIVIL E PENAL NA REGULAÇÃO DAS RELAÇÕES DO TRABALHO

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Abstract: The objective of the study presented in the article is to identify and analyze the main factors of application of civil and criminal legislation in the regulation of labor relations between an employee and an employer contributing to high labor efficiency. The leading method employed in the research is a comparative legal study of the application of civil and criminal legislation in the regulation of labor relations. It is concluded that employees should never be left without wages, even if a company is experiencing a serious financial crisis. To avoid liability under Article 145.1 of the Criminal Code of the Russian Federation, the employer must pay at least 50% or more of their employees' salaries. The study identifies the main factors contributing to high labor efficiency when delegating authority. These include the flexible management style, organizational skills and professional and personal employee qualities, means of production, the use of a system of employee motivation and incentives, and practical observance of the principles of delegation. Today, when delegating authority, the manager is guided by the professional and personal qualities of the employee. It is also important that a specialist has sufficient time resources and can properly cope with their job. Successful management processes and effective delegation require following the respective fundamental principles. The authors of the article see a feature in the sphere of application of non-self-employed labor in the fact that it involves an overwhelming number of Russian citizens both as production organizers and as hired workers. The latter, as a rule, spend about half of the active phase of the calendar days at work, creating the material basis for a decent life in the remaining free time.

Keywords: Legal system. Public administration. Civil law. Criminal law. Labor relations. Workplaces. Social welfare.

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legislação civil e criminal na regulação das relações de trabalho entre empregado e empregador contribuindo para a alta eficiência trabalhista. O principal método empregado na pesquisa é o estudo jurídico comparado da aplicação da legislação civil e criminal na regulação das relações de trabalho. Conclui-se que os funcionários nunca devem ficar sem salário, mesmo que uma empresa esteja passando por uma grave crise financeira. Para evitar a responsabilidade nos termos do Artigo 145.1 do Código Penal da Federação Russa, o empregador deve pagar pelo menos 50% ou mais dos salários de seus

funcionários. O estudo identifica os principais fatores que contribuem para a alta eficiência do trabalho ao delegar autoridade. Estes incluem o estilo de gestão flexível, habilidades organizacionais e qualidades profissionais e pessoais dos funcionários, meios de produção, uso de um sistema de motivação e incentivos aos funcionários e observância prática dos princípios de delegação. Hoje, ao delegar autoridade, o gestor se orienta pelas qualidades profissionais e pessoais do empregado. Também é importante que um especialista tenha recursos de tempo suficientes e possa lidar adequadamente com seu trabalho. Processos de gestão bem-sucedidos e delegação eficaz requerem o cumprimento dos respectivos princípios fundamentais. Os autores do artigo veem uma característica na esfera de aplicação do trabalho não autônomo no fato de envolver um número esmagador de cidadãos russos, tanto como organizadores da produção quanto como trabalhadores contratados. Estes últimos, em regra, passam cerca de metade da fase ativa dos dias corridos no trabalho, criando a base material para uma vida decente no tempo livre restante.

Palavras-chave: Sistema legal. Administração pública. Lei civil. Lei criminal. Relações de trabalho. Locais de trabalho. Bem-estar social.

1. INTRODUCTION

Entrepreneurial activity carries certain risks and not just financial ones. In certain cases, the employer may be criminally liable when it comes to labor relations between the employee and the company.

It is possible to describe two possible scenario forecasts (trajectories) of labor market development.

The first scenario can be realized in the case of an uncertain economy and structural recession leading to a prolonged increase in unemployment.

The second scenario entails a rapid adaptation of the labor market to the transformed structure of the demand for personnel corresponding to the theory of cyclic reproduction. The employment structure may also change under the changing economic conditions. Industries that will run out of capacity to maintain the pre-crisis level of output or face a decline in demand for their products for various reasons are expected to see job cuts (Golubev, 2021).

Other industries will face a growing demand for products inside Russia, which will necessitate additional jobs. The growing demand for labor can be partially met by the redistribution of labor resources among industries. In any of the scenarios, employment will be reduced in industries dependent on imported components (automotive industry, household appliances production), as well as those that will lose internal (construction) or external (metallurgy, fertilizer production) markets due to sanctions (Agafonov, 2020).

In the industries that leave the market of the main competitors (textile production, IT), the demand for products inside the country may increase, which will create additional jobs. The presented variants of scenarios of economic conditions assume that a person's professionalism is

a universal category of modern education that will provide the redistribution of labor resources. The Accounts Chamber of the Russian Federation, considering changes in the labor market, has developed certain proposals for the development of employment:

- to establish quantitative indexes (indicators) for the effectiveness of employment support measures, set considering the impact of economic uncertainty;
- to develop an employment promotion plan for the entire period of economic uncertainty;
- to consider taking advantage of international experience in terms of support for employers who apply temporary unemployment models and short-term work schemes (Bogoslavtseva, 2020).

In the Rostov region, for example, in 2022, the Accounts Chamber of the Rostov region implemented an audit of the efficiency of the use of budget funds of the Administration of Civil Service of the Employment of Population (UGSZN), aimed at ensuring the social welfare of the Rostov region. Important to note is such an innovation as the registration of employing companies that received financial support in 2022 on the Work in Russia portal. Thus, a feature of the modern labor market can be described as the lifelong acquisition and development of citizens' general cultural and professional competencies oriented to the professional development of the individual (Boldenkov, 2021).

Currently, companies are trying to maximize their profits through effective marketing activities and optimal strategic management (Zinnurov, 2018, p. 34).

Marketing as a management process of coordinating the economic interests of various market participants (producers and consumers) has both operational and strategic components in terms of short- and long-term planning. Operational marketing is an active part of marketing, and strategic marketing is referred to as analytical (Pashkus, 2020).

Therefore, the ability to accumulate all the necessary information and choose the most important from it is a vital quality for a manager. Many specialists in the field of human resource management consider the concepts of information and data to be identical. However, we believe these concepts have a considerable distinction. "Data" refers to messages (information) of any origin and purpose, while "information" is data that is new and useful to the person making the decision.

2. METHODS

According to the Ruling of the Constitutional Court of the Russian Federation of July 14, 2020, № 35-P "On the case of verification of constitutionality of part 1 of Article 392 of the Labor Code of the Russian Federation in connection with the complaint of citizen R.M. Chetyza", part 1 of Article 392 of the Russian Labor Code was recognized as contradicting to part 1 of Article 19 and part 1 of Article 46 of the Constitution of the Russian Federation in the sense that it does not specify the time limits for filing a claim for compensation for moral damage caused by the violation of labor (employment) rights in those cases where such a claim is filed with the court after the court decision restoring the violated labor (employment) rights in full or in part takes legal effect. It was found that the right of the worker (employee) to claim compensation for moral damage should not violate the balance of rights and legitimate interests of employees and employers (or employees and representatives of the employer) (Grudtsina et al., 2022).

3. RESULTS

In summary of the above, we can draw the following conclusions.

Enterprises are essential to modern economic systems, as they produce goods, provide services, and perform works, meeting the needs of society and the economy in finished goods, objects, and means of production. Accordingly, the more efficiently enterprises work, the more fully and better public needs for finished goods, and objects and means of production are satisfied (Vladimirova & Vasilyuk, 2016).

The operational efficiency of an enterprise is customarily defined as a positive ratio between the resources spent on the production and sale of products and the effect obtained (quantity and quality of products and income, and profit). The greater the difference between the effect obtained (quantity and quality of products and income and profit) and the cost of resources to obtain them, the higher the operational efficiency of enterprises. In other words, enterprises, where similar operations and activities are performed faster, with better quality, and at a lower cost compared to other enterprises, have a higher level of operational efficiency, and vice versa. The high operational efficiency of enterprises allows for great achievements.

Achieving these goals through high operational efficiency requires the formation of certain conditions and the use of various factors. Such conditions and factors may include:

- measures to improve the quality of purchased resources;

- work on the optimization of costs associated with the production and sale of products;
- actions to improve the resource procurement system and product sales system;
- measures to implement innovative technologies in the processes and systems of a company;
- improvement of labor conditions and remuneration, increasing the level of motivation and loyalty of personnel to the goals of enterprise development (Kotler, 2015).

4. DISCUSSION

Various types of incentives and methods of stimulation of enterprise employees act as tools to increase the level of staff motivation and loyalty to the goals of enterprise development. All their types and varieties can be divided into two large groups:

- material methods and forms of incentives for employees;
- non-material methods and forms of incentives for employees.

These forms and methods of stimulation are usually used comprehensively for different employees and in different spheres of activity for greater and better effect. The systems of motivation and improvement of operational efficiency at enterprises are directly interconnected: the more motivated a company's personnel are, the higher its operational efficiency. The main features of the interrelation of motivation systems and the increase of operational efficiency at an enterprise are:

- the presence of a certain time lag between the improvement of motivation systems and the increase in operational efficiency;
- difficulty in forming and selecting the most effective motivation systems to improve operational efficiency;
- difficulties in maintaining a high sustainable correlation between the introduction and use of motivation systems and the increase in operational efficiency (Zheleznova, 2021).

The presence of a time lag between the improvement of motivation systems and the increase of operational efficiency in a company is caused by the fact that no motivation system will give the desired result immediately, on the same day. It takes time for employees to feel the effect of the applied forms and methods of stimulation. The reason for this is that employees are usually stimulated according to the results of the year, the results of plan fulfillment, etc. (Agafonov, 2021a).

Today, a manager is guided by the professional and personal qualities of an employee when delegating authority. It is also important that the specialist has sufficient time resources and can perform their new job properly. Successful management processes and effective delegation require following the relevant fundamental principles. Below we shall consider them in more detail.

The principle of functional definition. This delegation principle allows achieving the set goals by means of combining different types of professional activity. A division manager needs to have the powers that enable them to coordinate the actions of their division with the enterprise. To achieve the efficiency of the work of division employees, it is critical to outline the desired results for the structural or managerial division (Babaeva et al., 2022).

The principle of delegation based on expected results. To reach the expected results, an enterprise executive needs to formulate goals and develop a plan to be brought to the attention of the subordinates. A necessary precondition for this type of delegation is the planning of functions to achieve the goals.

The principle of balance between authority and responsibility. Specialists must be responsible for the work assigned to their supervisor, and the responsibility of employees for their job functions should not exceed the delegated authority, but should also be no less than that.

The principle of absoluteness of responsibility. The result of work and personal sense of responsibility depends on the manager's interaction with the subordinate. The more comprehensive the relationship, the greater the specialist's dedication to their work and the responsibility for the work done.

The scalar principle underlying the linear type of authority. Communication and effective decision-making are dependent on a clear line of communication between the supervisor and each subordinate.

The principle of unconditional responsibility. The main responsibility for the work done by the subordinates lies with the head of the company since they distribute the responsibilities. Specialists, in turn, are answerable to the manager for the work delegated to them.

In the course of the conducted research, we identified the main factors in the delegation of authority contributing to the high efficiency of labor. These include:

- 1) the flexible style of the manager, the presence of organizational skills;
- 2) professional and personal qualities of employees;

- 3) means of production;
- 4) use of the system of motivation and incentives for employees;
- 5) practical observance of the principles of delegation.

Hence, a well-designed delegation process plays an enormous role in an enterprise. With its help, an organization achieves a high level of labor productivity, builds high competence of employees, receives a competitive advantage, and increases the level of employee job satisfaction (Basovsky, 2011).

An R&D enterprise develops its own quality control system to ensure and maintain the required level of quality of products and services. It is this system that is responsible for the development of measures to create high-quality products and improve the level of services provided.

Measures to improve quality are developed in several stages:

- 1) Identification of the problem. This stage considers the problem that has arisen and needs to be resolved as soon as possible;
- 2) Analysis of the current situation in an organization. In the future, it will serve as a comparative basis after the introduction of new solutions;
- 3) Determination of the type of circumstances that affect quality;
- 4) Making decisions about the type of changes and their implementation. This involves searching for the best solution, determining future actions, and subsequently implementing them;
- 5) Analysis of the effectiveness of changes. It is necessary to assess the implemented changes, as well as to compare them with the initial analysis. At this stage, a report on the work done is drawn up;
- 6) Monitoring of the stability of the established process.

Quality improvement is achieved through systemic measures carried out on an ongoing basis. Factors to consider when developing a quality improvement plan include the following:

- progress in R&D on product quality improvement;
- introduction of the latest technologies, processes, and methods;
- changes in the equipment of operations in testing and control measurements, etc.

To improve the efficiency of an enterprise producing research and technology products, logistics is introduced into its activities.

Logistics is a science, the subject of which is the organization of the rational process of movement of goods and services from raw material suppliers to consumers and the functioning of the circulation of products, goods, and services. In terms of production, logistics deals with

the optimization of business processes within an enterprise, the management of material flow, etc. (Golubkov, 2014).

Logistics support in the activities of an enterprise is carried out in the commission of tangible and intangible operations that take place in the process of:

- delivery of resources and finished products from the producer to the end consumer;
- storage of goods;
- transport of goods;
- exchange of information.

The principles that are used in the logistical quality management of the entire system include the following:

1) Flows must be set up in such a way as to avoid possible inconsistencies or malfunctions;

2) Updating the technical means responsible for the tracking of logistics flows should be carried out in accordance with the development of technological and informational progress. This will help to increase the speed of business processes, as well as to optimize the work of an enterprise;

3) Flow management must be conducted by qualified specialists, so employees must regularly receive training to improve their skills;

4) The level of control at strategically significant stages has to be increased;

5) Activities to ensure the high quality of both main and related flows need to be developed;

6) Activities to coordinate the employees of an organization are to be conducted;

7) Digitalization at the enterprise has to be strengthened;

8) Environmental regulations must be complied with.

These principles are actively employed by companies in their logistics systems to improve the level of quality, considering the features of a company.

5. CONCLUSION

The resolution of labor disputes is impossible without a uniform definition of these key terms. For this reason, they have been established for their consistent interpretation by lower courts. Unfortunately, the Labor Code has not been amended accordingly, although the

identified law enforcement flaws clearly constitute a reason for clarifying the listed provisions directly in the analyzed code (Agafonov, 2021b).

The crisis in Russia's economy is deep enough to say that it touches the foundations of the lives of all law-abiding subjects and market objects without exception. It is imperative that small business leaders understand the financial state of their organizations, and that financial metrics and key performance indicators (KPIs) corroborate this understanding. The financial performance of a small business sheds light on a company's current financial condition and its short- and long-term prospects. There is a need for the development of anti-crisis management – a management strategy able to prevent or mitigate crises, as well as to keep an organization functioning in survival mode during the crisis period and to bring it out of the crisis with minimal losses (Uzbekova & Kiseleva, 2019).

Training increases employees' confidence in their knowledge, making them proactive in accepting authority. Informing and motivating employees are important points in achieving the goals set. To properly handle their responsibilities, the subordinate must be aware of the situation in the organization, as well as outside of it. To increase the effectiveness of the results, a manager should never overlook the motivation of their employees. In this, incentives should be both tangible and intangible (promotion, commendation). Despite the methods to overcome ineffective delegation, it will be extremely difficult for a manager to do without an effective system of control because of possible concerns about the performance of authority by subordinates. Establishing feedback will contribute to the prevention of errors and the quality performance of direct responsibilities. The main benefits of the delegation process for the manager and employees of an organization are considered in a separate study (Agafonov, 2018).

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