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Research Article

LABOR LAW IN RUSSIA: HISTORICAL CONTRADICTIONS IN THE REGULATION OF LABOR RELATIONSHIPS

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The aim of the work is to study the main patterns of the development of labor law in Russia in their problematic key. A conclusion is made about the presence of a number of general trends in the development of the branch of law. Pre-revolutionary and Soviet legislators formed strategic concepts and individual judgments in the legal regulation of labor relationships. At the same time the genesis and development of this branch of law were characterized by a number of destructive foundations that are inherent to particular systems and historical periods. Such 'genetic' problems are: laws making the legal regulation of work susceptible to the influence of the political environment; periodic evasion by legislators of the objective economic principles; the conflict between standard legal regulation and unlawful practices in the world of work; excessive formalization of labor law; a degree of centralization in regulating labor relationships, which was not optimum. The above contradictions are largely objective and forced in nature. However, the fight against them is still necessary in the interests of increasing the efficiency of the regulation of the world of labor in the Russian society.

Keywords: *history of labor law, factory-and-plant legislation, problems of labor law in Russia, history and modernity of labor law, over-centralization of labor law*

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ТРУДОВОЕ ПРАВО В РОССИИ: ИСТОРИЧЕСКИЕ ПРОТИВОРЕЧИЯ В РЕГУЛИРОВАНИИ ТРУДОВЫХ ОТНОШЕНИЙ

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Целью работы является изучение основных закономерностей развития трудового права в России в их проблемном ключе. Делается вывод о наличии ряда общих тенденций в развитии отрасли права. Дореволюционные и советские законодатели формировали стратегические концепции и индивидуальные суждения в правовом регулировании трудовых отношений. В то же время генезис и развитие этой отрасли права характеризовались рядом деструктивных основ, присущих конкретным системам и историческим периодам. К таким «генетическим» проблемам относятся: законы, делающие правовое регулирование труда подверженным влиянию политической конъюнктуры; периодическое уклонение законодателей от соблюдения объективных экономических принципов; конфликт между стандартным правовым регулированием и незаконной практикой в сфере труда; чрезмерная формализация трудового законодательства; степень централизации регулирования трудовых отношений, которая не была оптимальной. Вышеперечисленные противоречия во многом носят объективный и вынужденный характер. Однако борьба с ними попрежнему необходима в интересах повышения эффективности регулирования сферы труда в российском обществе.

Ключевые слова: *история трудового права, фабрично-заводское законодательство, проблемы трудового права в России, история и современность трудового права, чрезмерная централизация трудового права*

Introduction

The system of norms governing relationships in wage labor has quite a long historical way in the Russian law. But irrespective of the change of eras, the formation and evolution of labor law were influenced by a number of implicit timeless qualities. Identifying such system foundations is possible because the nature of the development of the regulation of social and labor relationships is successive and advancing. With rare exceptions, Russian legislators referred to the practices of their predecessors at each historical stage. The modern system of labor acts is the result of constructive and consecutive improvement of general conceptual approaches and certain legal norms. This process has lasted for approximately a hundred and eighty years if we assume that it has been started in 1835 when 'Regulations on Relations between Factory Owners and Working People Taking Employment There' was adopted. This connection is not always taken into account in the modern science of law in Russia. Meanwhile, the sources of current problems in the legal regulation of labor relationships as well as some of its positive aspects originated from the factory legislation of the Russian Empire. Subsequently, pre-revolutionary practices were being improved in Soviet and post-Soviet labor law, when a balanced and integral branch of law had been created.

The evolution of the Russian labor law represents a continuous search for the optimum balance of the interests of the worker, the employer, and the state against the background of changing historical conditions. In spite of the universality of this concept, the concept of optimality was treated differently at different times, depending on the dominant system

of values and the political and economic situation. Accordingly, the ideological doctrine of labor law was changed three times. The supremacy of economic motivations over social considerations led pre-revolutionary Russia to the idea that legislation primarily had to serve the needs of employers. An identical approach can be found in the history of the Western European law, in particular in the English Statute of Labourers of 1351 [Henderson, 1912], the Statute of Artificers of 1563 [Power, Tawney, 1924], in Acts of the General Court of Massachusetts of 1630 [Rothstein, Liebman, 2011], and the British Master and Servant Act of 1823 [Frank, 2010]. Trying to correct this imbalance, the Soviet labor law chose the model of priority interests of the state and the worker. This branch of law was granted a social and protective mission. Compensation of the economically subordinated position of the worker by expanding his or her organizational opportunities became its task. In the 1990^{s} and early 2000^{s}, attempts were made to divert from extremes. A search for compromise between the two strategies that considered the needs of everyone in the labor market was begun. With every policy change, legislators continuously created a system of checks and balances and established consistent rules of wage labor.

Materials and Methods

This research was conducted with a comparative historical diachronic approach using the sociological method tools within the general framework of an problematic approach.

Results

The results of the research are presented in the Conclusion.

Discussion

Competition between Regulations and Extra-Legal Regulators

Key approaches to streamlining labor recruitment were developed in the factory legislation of the late nineteenth and early twentieth centuries. At that time there was a transition from the agrarian economy and the corresponding features of people's awareness to the industrial stage of civilization. The objectification of social regulators was directly connected with this process. The acceleration of technical progress, complicated social relationships, and demographic growth of the workers' stratum dictated the rejection of moral imperatives in favor of positive law. From the early Middle Ages to the middle of the nineteenth century, public consciousness considered traditional labor practices sufficient. 'Regulations and Work Norms in Cloth and Wool Factories' of 1741 recommended: 'The factory keeper shall not offend or insult factory people if they fulfill their duties properly but shall treat well and kindly as Christian teachings prescribe'. 'The General Order to Civil Governors' of June 3, 1837 stated: 'Civil governors shall not interfere with private economic orders of factory and plant owners'. The norms reflected labor law ideology typical for the traditional civilization: employment relations resembled feudal ones, and the master's power as the employer over the worker was limited only by criminal liability. It is difficult to speak about civil guarantees of interests of a worker even as a contractor in the transaction because of weakness of mechanisms of protection when the contractor's rights are violated. Such weakness was in many respects institutional and was predetermined by stratification of the social system. However, in the conditions of industrialization the patriarchal approach became obsolete. One can trace similarities of conditions of the early stage of the development of the labor legislation between Russia, the United States [Gelhaus, Oldham, 2002; Hogler, 2015], France [Despax, Rojot, Laborde,

2023], and Germany [Weiss, Schmidt, 2008]. Thus, unlike Western and Central Europe and North America of the nineteenth century, the need for reforms in Russia was not arisen in the protest of a labor movement, but was stated by representatives of the higher political authority. It is indicative that the abolition of serfdom in Russia was not connected with the Civil War and was administratively implemented from above. As the former economic system had made the factory legislation obsolete, the reforms of the 1860s caused updating the legislation on wage labor. On February 19, 1861, along with Alexander II's Emancipation Manifesto, 'Additional Rules about People of the Department of the Ministry of Finance Attributed to Private Mining Plants' were published. After the Rules, the following laws were passed: the law 'On Juveniles Working at Plants, Factories, and Manufactories' of June 1, 1882, the law 'On Prohibition of Night Work for Teenagers and Women at Spinning and Weaving Mills' of June 3, 1885, 'Rules for Supervision of the Factory Industry, Relationships of Manufacturers and Workers, and about an Increase in the Number of Ranks of the Factory Inspection' of June 3, 1886, and the law 'On Juvenile, Teenage, and Women's Labor' of April 24, 1890. During the post-reform period less significant acts for the protection of labor were adopted. The last important stage in the history of the Russian Empire factory legislation was the Charter on Industrial Labor of 1913. At this time, a divergence between labor law in Russia and in the US occurred. The Russian Charter on Industrial Labor reduced the volume of workers' rights; some of its provisions were repressive. On the contrary, in the US the Clayton Antitrust Act (Clayton Antitrust Act 1914. § 17 Chapter 1 Title 15 US Code) that lifted antitrust prohibitions on the activity of labor unions and set boundaries for prohibitory injunctions against workers. Nicholas II's conservative policy and a refusal to search for a social compromise were among causes of disintegration of the Russian state in 1917.

Negative Consequences of the Formalization of Labor Law in Russia

Consecutive formalizations of the Russian labor law were directly connected with the dynamics of sources in favor of regulation. Formalization implies extremely detailed and widespread standard instructions of rules of conduct for all possible labor public relations and restriction of the role of the court and the contract. Russian legislators have been following this strategy systematically for nearly two hundred years. The rules of law regulate both the basic forms of relationships in the world of work and their modifications connected with features of the status of subjects or working conditions. The stress in regulation of labor relations has been shifted to the federal legislation to the detriment of regional, municipal, and local rule making. The state monopolization of the regulation of labor relationships was motivated by protecting a worker against abuses of an employer especially during the Soviet and the post-Soviet period. The low legal literacy of Russian workers, which was compensated for by the state's care, has become another argument. Probably it is necessary to consider objective historical prerequisites as well: the methodological influence of the branched Roman-Byzantine law on Russia of the fourteenth-fifteenth centuries and the factor of the acceptance of the authoritarian Mongolian statehood. The paradigm of formalized law has become a backbone Russian feature. Western countries mostly went the way of dispositive and contractual establishment of rights and duties of subjects of labor relationships.

From the viewpoint of efficiency, the centralization and formalization of labor law have two opposite effects. State labor law stabilizes the labor market, offers definite rules of conduct in advance, and creates protective guarantees even for inactive workers. The objective need for establishment of obligatory rules is confirmed by the synchronism of these processes in the Soviet Union and the US, where in 1932 the Norris-La Guardia Act prohibited courts from

establishing the basics of labor policy [Gorman, 1976]. Hence, the history of the legal status of the head of an organization is an example of constructive normativism in Russia. Before the beginning of the twentieth century, an employer and manager of an enterprise concluded a civil contract or an oral agreement. It is characteristic that in modern countries of the Anglo-Saxon law family the head of an organization is also not fully acknowledged as a worker. In 1963, the Court of Appeal of England ruled that the president, vice-president, director, and executive director of the company were not employees [Wedderburn, 1967]. The practice of employment tribunals in Great Britain confirms that cases of illegal dismissal concerned only the subordinate supervisors (Sovereign Business Integration Plc. v Trybus [2007] UKEAT 0107_07_1506). Even English legal theory notes the limited role of labor law in the activity of the head of an organization [Gwyneth, 2007; Crump, Pugsley, 1997]. Development of the Russian factory law at the beginning of the twentieth century led to forming special norms. Article 90 and 91 of the Charter on Industrial Labor of 1913 stated: 'At the enterprises which are not personally managed by their owners… duties of the owner are fulfilled by a special manager of the enterprise appointed by the owner. The owner of an enterprise is obliged to inform an inspection or mining supervisor about appointing the manager of the enterprise and replacing him with another person no later than in seven days'. At the same time, other relationships on the work of the head were not regulated. In 1929, the Resolution of the Central Executive Committee of the Council of People's Commissars of the USSR (The Resolution of the Central Executive Committee of the Council of People's Commissars of the USSR of October 13, 1929, 'On basics of the Disciplinary Legislation of the USSR and Federal Republics') gave the characteristics of an internal directive to dismissal of workers who had powers of authority. These persons bore responsibility including in the situations of 'acts which do not violate labor discipline but are not compatible with the dignity and appointment of public officials of these categories in view of special character of the duties they carry out'. According to the Resolution of the National Labor Commissariat of the USSR of 1929 (The Resolution of the USSR People's Commissariat of Labor of October 18, 1929, No. 339 'On the Order of Dismissal and Reinstatement of Ranking Officers Whose Dismissal Is not Subject to Consideration in Rate and Conflict Boards and Labor Sessions'), disputes about dismissal of such persons were not subject to court hearing and were to be dealt with in higher instances. These resolutions designated a special legal status of the head of a Soviet enterprise who was more a civil servant rather than a worker with a labor status. In 1971, the Labor Code of the RSFSR returned dismissal of the head of an organization to the world of labor law and court jurisdiction. In 1991, the Ministry of Labor approved 'Temporary Recommendations about the Order of Application of the Contract Form of Concluding an Employment Agreement with the Heads of Enterprises'. For the first time the conclusion and contents of the contract with the head of an organization, the court proceedings for hearing disputes, and guarantees and compensations were regulated publicly. The era of transition in the 1990^{s} and the intellectual search of developers of law were reflected in Paragraph 3.14 of the 'Recommendations' according to which 'the property owner has no right to interfere with operational activity of the head, except for cases stipulated in the contract'. The present Labor Code of the Russian Federation enacted an extensive list of norms on work of the head of an organization in 2002. The notion of the head of the organization was defined, a list of combining jobs was limited, the full material liability of the caused damage before the owner was established, six additional reasons for dismissal were stated, and procedural guarantees in case of dissolution of the employment contract were provided.

Evolution of the Russian labor law within the framework of formalization also generates negative consequences. The dialectics of development leads to the situation when paternalistic intervention of the state in all aspects of labor relationships transforms

into its negative version. There is a phenomenon of bureaucratization of labor law and justice. To respect the rule of law, the superficial observance of procedures, rather than genuine maintenance of relationships, becomes paramount in the Russian labor law. As a result, an employer tries to bypass the legislation and to develop strategies of such evasion. Dealing with labor disputes is often limited to the letter of the law. Judicial bodies are entrusted with the function of technical verification of evidence with a normative model. Reference points of justice, expediency, and rationality are diluted, 'natural labor law' is ignored, and in ordinary consciousness trust in the law and the state decreases. The official statistics of labor disputes lose credibility: the critical volume of violations of workers' rights remains undetected. The matter of judicial proof in labor disputes is an example of destructive formalization. Courts prefer documentary evidence over testimonies while ignoring the fact that in practice almost all documents are stored by an employer and are not at the worker's disposal. Another problem aspect of formal law enforcement is the legal regulation of relationships concerning dissolution of the employment contract. Therefore a consequence of violating documentary registration of the worker's dismissal procedure is reinstating the employee at work according to Article 394 of the Labor Code of the Russian Federation. Unlike the approach of some other countries [Collins, 2003], in disputes about violating the dismissal procedure, Russian courts do not consider the real reasons for the dissolution of a contract, the objective interests of the organization, and the rationality of the dismissal and its reason. Thus foreign experience is indicative of the invaluable role of judicial discretion in streamlining labor relations. It is the independent decision of Chief Justice Lemuel Shaw in Commonwealth vs. Hunt of 1842 that the American labor law is obliged to by historical recognition of the workers' right to combination. U. S. courts in the second half of the twentieth century limited the destructive aspects of the ideology of 'employment-at-will' (Petermann v International Brotherhood of Teamsters; Palmateer v International Harvester Company). At present the decision of the Supreme Court of Great Britain in the case of Autoclenz Ltd vs. Belcher identified the special nature of the employment contract in comparison with civil legal hiring (Autoclenz Ltd v Belcher & Ors).

Low Importance of Non-State Sources of Labor Law

A contradiction in historical formalization of law is psychological delegitimization of sources of labor law in a greater aspect than other regulations of state bodies, first of all, local regulations and collective agreements. A worker and employer are not inclined to trust rules that are not backed by the state imperative and unconditional transpersonal authority. Meanwhile, in developed countries, local regulations and collective agreements effectively differentiate the interests of a worker and employer and provide needs of a concrete organization.

Violation of the Logic of Over-Centralized Regulation of Labor Relationships

The logic of extremely detailed centralized regulation of labor relationships is not followed by Russian legislators themselves. The present regulation of relationships on irregular working hours (Article 101 of the Labor Code of the Russian Federation) serves as an example. This notion means performance beyond lawful working hours that equal 40 hours per week. Historically it was secured in the Labor Code of the RSFSR of 1922 as the right of the National Labor Commissariat to establish 'categories of responsible political, professional, and Soviet workers whose work is not limited to time'. Thus irregular working hours were standardized with violation of the basic principles of labor law. The law does not contain any reasons for recruitment to do such work; there are no

restrictions of its duration. Instead of monetary payment, three additional days for rest a year are set as compensation irrespective of actual hours of performance. The institution of local regulations that are legal acts promulgated by an employer for workers of the organization is another example. One such document is a job description that regulates the employee's duties by stating an extremely detailed and exhaustive list of the duties. According to this document, a worker who performs duties not provided for by the job description and the employment contract is a violator. However, if the employer forgot to familiarize the worker with the job description and the worker did not sign it, or the proof of familiarization with the document was lost, there is no lawful way to force the worker to sign the document. Thus, pursuant to the principles of formal law, only the content that is directly stated in the regulatory legal act is permissible. An attempt to demand that the worker should sign and observe the job description is regarded as a change of terms of the employment contract and is allowed only in connection with the change of technological or organizational working conditions from the point of view of Article 74 of the Labor Code of the Russian Federation. Therefore, there is a paradox of the worker who has no duties and who cannot be brought to responsibility for violation of his or her duties. To simulate and to direct rules of conduct centrally for any possible case is unsuccessful from its inception. Nevertheless, to refuse realization of this principle from a certain critical point has become impossible for Russian legislators: having assumed hegemony of legal regulation of the world of labor the state further eliminates possibilities to fill gaps by means of decentralized regulation. Atrophy of local rule making and contract law takes place: a worker and employer, instead of expecting active steps, prefer to expect the will of the state. Being urgent today, this problem is caused by the historical approach of Russian legislators to the world of labor with their official methods and tools of administrative law.

Excessive Number of Sources of Labor Law in Russia

The centralization and formalization of the national law entails a destructive consequence in the form of its quantitative redundancy. When the system of legal norms gets more complicated and diverse it loses its effectiveness and turns into its qualitative opposite. The Russian labor law confirms this completely. In its historical evolution one can trace a tendency to constantly increase in volume, first of all, with an array of acts of ministries and departments. The system of labor norms is beyond knowledge and understanding of not only their addressees (ordinary workers) but also of lawyers. Difficulties of interpretation that are inevitable in law and equal in proportion for any volume of standard material grow commensurately when rule making is extensive. Additionally, legal illiteracy, a decrease in workers' skills in the field of labor law protection, and general legal nihilism are stimulated.

Development of Mechanisms to Guarantee Labor Rights

The main timeless problem of the Russian labor law is lack of guarantee mechanisms. Insufficiency of the actual protection of workers has characterized this branch of law from its origin. The workers' rights, even though legislatively provided, remained in many respects not ensured because procedural and legal process guarantees were absent. So, according to the 1835 law, the duty to make internal rules of conduct and inform each worker about them was assigned to an employer. But owing to the progressive nature of this innovation, acceptance, change, and observance of the rules were not procedurally ensured at all, which led to widespread abuses by employers. Also the law determined for the first time rules of termination of labor relationships: employers acquired the right to dismiss workers for failure to fulfill their duties as well as for misbehavior. Lack of

precise wording generated practical difficulties; however the law should not be considered antiquity. As experience in Europe shows, for harmonization of the world of wage labor, not well-developed rules of conduct but methods of their correct implementation that are crucial. At the time when protection guarantees against abuses had been created, norms existing in the Russian factory legislation allowed providing constructive and balanced labor relationships. Many sources confirm that almost absolute absence of state control of the owner's power in pre-revolutionary Russia caused numerous systematic violations of the rights and interests of workers [Volin, 1989; Khromov, 1984; Yanzhul, 1907; Tal, 1918]. At the turn of the twentieth century, employers' tricks to evade the established rules were described. Issuing workers' paybooks was delayed, which allowed an employer to dismiss the workers at any time. Penalties were unreasonably levied. Unauthorized reasons for dismissal were introduced in some internal rules of conduct. Abuse of power against workers who were legally and literally illiterate resulted in adding illegal terms to their contracts. The Factory Inspectorate in the Russian Empire had no authority and staffing and was often used for political purposes. In thirty years of its existence, the Inspectorate had undergone substantial overhaul five times (in 1886, 1894, 1899, 1903, and 1905). In this light, it is necessary to recognize the development of the system of genuine implementation of labor law norms as the most important achievement of Soviet legislators. This referred to creation of a comprehensive network of labor unions, obligatory participation of workers in management of the organization, participation of the Communist Party bodies in resolving labor disputes, formation of the system of procedural rules for labor disputes, and much work in the area of the development of a unique Soviet labor law culture. At the same time, the high efficiency of security mechanisms of the Soviet period was caused by features of the social order according to which the state simultaneously acted as an ideologist, legislator, law enforcement official, employer, and organizer of the trade union movement. Having lost this patronage, modern Russian labor law faced again the pre-revolutionary problem of the low effectiveness of the labor law guarantees for workers. Obviously, this problem must be solved taking into account historical experience that offers only two models: a paternalistic model (detailed state supervision of social and labor relations and strengthening public law foundations) and a civil one (transfer of emphasis in realization and protection of labor rights to the area of an initiative of the participants of labor relationships). Each strategy has its inherent shortcomings that can be generally overcome by centralized measures; first of all, it is important to apply these measures fully and consistently.

Low Level of the Legal Culture of an Employee and Employer

Traditionally, a source of special problems is the low legal culture of Russian workers and employers. The following statement of a factory inspector Gvozdev at the beginning of the twentieth century is applicable to all the periods of development of the national labor law: 'First of all, I have to note that the sense of legality in general is developed extremely poorly in our workers. It would be strange, however, to expect something different'. [Gvozdev, 1911] If actual legal illiteracy is surmountable, much greater difficulties have always caused such deviations of consciousness as legal nihilism and infantilism. This led and still leads to the employer's unpunished manipulation of the law and workers refusing to protect their violated rights. In spite of the external and subjective character of this problem, it multiplies and deforms any labor relationships.

Difficulties of implementing norms of labor law has at all times been connected with the economic domination of employers. In 1909–1910 when the population of the Russian Empire was 113 million people, the number of large factories did not exceed one hundred

and fifty (The code of Reports of Factory Inspectors for 1909. Saint Petersburg), and the total number of workers in 1906 was 3.2 million people (The Number and the Composition of Workers in Russia on the Basis of the All-Russia Population Census of the Russian Empire 1897). At the same time in the US, labor unions of the American Federation of Labor alone totaled two million members. In general, in the US, at the beginning of the twentieth century, about 24 million workers worked in 275,000 organizations (American Labor in the 20th Century). In Germany, in 1907, the number of workers engaged in the processing, mining, and construction industries reached 26 million people, as many workers were involved in the agricultural and the transportation industries [Klein, 1961]. At large German industrial enterprises (those with a staff of more than 50 people), there were 29,000 organizations and 4.9 million workers, and at medium-sized enterprises (from 6 to 50 people) there were 187,000 organizations and 2.7 million workers. As a consequence, in Russia the labor supply exceeded demand by many times, which forced workers to accept infringement of their rights for the sake of work. In such conditions, independent legal protection could not become a habit. This having remained unresolved in a natural evolutionary way, Russia of the end of the twentieth century experienced the problem identical to that of the era of pre-revolutionary factory law. The experience of developed countries shows that overcoming the imbalance between a worker and employer is possible not so much by means of the state supervision but by the formation of mechanisms of realizing the labor law norms as well as through the development of social partnership.

Political Influence on the Regulation of Labor Relations

In the history of the Russian labor law, the dependence on the current political line was a typical feature. Contrary to the mainly economic value of labor norms, such norms were often used by the state to achieve its tactical administrative goals. Such practice developed in the factory law of the Russian Empire. In 1896, a senior factory inspector of the Vladimirskaya Province, who had been sent as a mediator between the workers on strike and the administration, reported: 'I decided to act aiming not to concede in anything. That kind of behavior seemed necessary to me as a counterbalance to the concessions made before it (the strike) in Kovrov'. It is difficult to consider the objectives of such motivation; however it fits the framework of Nicholas II's conservative ideology quite well. A confidential circular note of the Ministry of Finance on December 5, 1895 stated: 'In our industry, the patriarchal pattern of relations between the owner and the worker prevails. This patriarchal character is expressed as the manufacturer's care for the needs of workers and employees at his factory for preserving harmony and consent and is embodied in simplicity and justice in mutual relations. When laws of moral and Christian values are the cornerstone of such relations, to use written laws is not necessary'. Since this act was not intended for publication or for propaganda purposes, the extent of misunderstanding of the situation in the country by the highest public officials is clear.

Non-economic motivations were also typical for the Soviet labor law. Thus, in 1927, five years after the restoration of the national economy, the country's leaders needed to accelerate expansion of the industrial base. The state ideology declared the work as a common cause that fulfilled Communist ideas and security interests. Refusal to work on the conditions established by the state was regarded not only as an offense but also as an immoral and antisocial act. It was the start of the era when the Party documents were equal to acts by state management. Relations in the world of wage labor that had developed during 1927–1956 were placed under the control of executive authorities and actually stopped being confined to the field of private law.

The partial liberalization of labor relations in the 1950s and 1960s also followed unofficial party and state guidelines. Not changes in the law but de facto recognition of the right of a worker to independently develop his or her career became the main focus of Khrushchev's reforms. Restrictive bylaws and intraparty instructions ceased to interfere with implementing legislation. At the same time labor relationships did not become fully matters of private law, which were determined by the interests of the parties with state mediation. Workers' free self-determination in the labor market did not coincide with the interests of the Soviet state. As a result, labor decisions by a worker and employer were not through direct instructions but were often managed by secret recommendations (for example, when combining jobs was not desirable, dismissals became more complicated as a measure against staff turnover, and trade-union activity was artificially stimulated).

Inertia in the influence of the political environment on legal regulation of labor also surfaced in the early post-Soviet period. Practices in applying the system of labor laws changed in spite of the fact that the laws were nominally preserved. Thus, community sanctions, which earlier were considered to be official labor sanctions against the worker, spontaneously lost their value. A trend to make civil contracts instead of labor contracts appeared. Dismissal for coming to work drunk became a private matter, whereas the Soviet state had demanded obligatory punishment for it. Arranging work incentives began to be carried out in an undocumented way. The state withdrew itself from the area of control and supervision of the observance of the labor law. At the current stage of regulation of labor relationships, the ideological dictate of the state is also largely preserved in Russian labor law.

Conclusion

To sum up, modern Russian labor law is in a continuous process of technical and legal, cultural, social, and scientific development. Pre-revolutionary and Soviet legislators in the course of heuristic work formed both strategic concepts and individual judgments in the legal regulation of labor relationships. A considerable part of those practices had no analogs in worldwide jurisprudence. At the same time the genesis and development of this branch of law were characterized by a number of destructive foundations that are inherent to particular systems and historical periods. Such 'genetic' problems are: laws making the legal regulation of work susceptible to the influence of the political environment; periodic evasion by legislators of the objective economic principles; the conflict between standard legal regulation and unlawful practices in the world of work; excessive formalization of labor law; a degree of centralization in regulating labor relationships, which was not optimum; a lack of developed security mechanisms of the labor laws; the underdevelopment of legal culture; and the weakness of institutions of the state labor supervision and control. The objective nature of these difficulties leads us to conclude that it is hardly possible to eliminate them completely. However, this should not mean refusal to counteract their negative consequences and to further improve the labor law.

In analyzing problematic factors of the evolution of the Russian labor law, it is necessary to consider that at all stages of its history, it had been equal to and in some cases surpassed that of some advanced countries. In the factory law and in the Soviet labor law, for the first time in world practice systematic legal regulation of the spectrum of social and labor relations was developed, unique legal structures were created, theoretical and methodological provisions of the rules adopted were elaborated, and the idea of a balance of interests of the parties to the employment contract was realized.

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