

INFORMATIONAL LEGAL RELATIONS IN LABOR LAW OF UKRAINE THROUGH THE PRISM OF LABOR LAW INFORMATION

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INTRODUCTION

In today's world, information plays an important role, and its importance is constantly growing in all spheres of society, including legal. According to the UNESCO definition, "information is a universal substance that permeates all spheres of human activity and serves as a conductor of knowledge and thoughts, a tool for communication and cooperation, the establishment of stereotypes in thinking and behavior"¹.

As O. Tikhomirov notes, "information has become a vital need, a valuable resource, has acquired the features of a product of activity, goods, and later a "powerful weapon", the share of which in public life is constantly growing"². In a fact, now there is an active development of information processes, information is becoming one of the most valuable phenomena in modern society, which is experiencing a real information revolution, despite the formation of modern theory of information law.

The current stage of development of various states, including Ukraine, is characterized by a global information space, characterized by an incredible saturation of information, the ability to own and use which is the basis of human life. The values that determine the concept of further development of world society are: information society as a priority path of world development; information that is recognized as a valuable resource and constitutes knowledge necessary for human development and well-being; the principle of equal access to information resources, freedom and justice, without the implementation of which it is impossible to build a global information society, etc³.

Analyzing this and the belief of scientists, the construction of public information law requires the creation of such legal, economic and organizational conditions for the development of the information sphere, in which the model of lawful behavior of participants in information relations

¹ Цит. за: Інформація. *Вікіпедія* – вільна енциклопедія. URL: <https://uk.wikipedia.org/wiki/> (дата звернення: 05.01.2021).

² Тихомиров О. Інформаційні права людини як цивільно-правова категорія. *Юридичний вісник*. 2015. № 1 (34). С. 104.

³ Тихомиров О.О. Забезпечення інформаційної безпеки як функція сучасної держави : монографія / за заг. ред. Р.А. Калужного. Київ : Центр навч.-наук. та наук.-практ. вид. НА СБ України, 2014. С. 135.

is determined by their information needs, interests and nature responsibilities⁴. In this aspect, labor law is the branch of law, where information is one of the factors in the effective implementation of the subjects of labor law of their rights and responsibilities. After all, the concept of information should enshrine the most essential, legally significant properties and qualities for free and effective operation in the legal field (law enforcement), and the wording should be clearly perceived by all participants in the relationship. It must establish a certain sign form that can be decoded and which is characterized by meaning for the sender and / or receiver, and it must have a certain value, significance⁵.

1. The value and properties of labor law information

Scientists, paid attention to various branches of science and practice, in particular philosophy, cybernetics, information theory, etc. At the same time, the concept of information still does not have an unambiguous universal definition. Being the subject of study of many branch sciences, in each of them it is interpreted according to specificity of the last, is concretized and gets new faces. Therefore, the multifaceted nature of the term “information” is due to different views of scientists on its nature and meaning. Its main definitions and understandings are reflected in the works of domestic and foreign scientists, among them O. Tikhomirov, O. Zayarny, O. Sedov, O. Khazen, M. Romanenko and G. Nikitina, V. Popov, I. Krainyuchenko, E. Lutsenko, V. Vyatkin, O. Kharevych, O. Kharenko and others.

With the growth of informatization of society, the development of digital technologies, the technocentric approach to understanding the concept of “information”, which is common among the exact sciences, has become popular. Proponents of this approach disclose the concept of “information” as a certain indicator that has a quantitative dimension, in particular traffic intensity, transmission speed, volume of information flows, etc⁶.

Representatives of the anthropocentric approach identify information with certain information or facts that can be theoretically processed, or transformed into knowledge, and used by society. This approach, according to G. Kireyitseva, limits the scope of information and information interaction only to human society and human consciousness. Accordingly, the existence of information neither in society nor in inanimate nature is impossible⁷.

⁴ Заярний О.А. Правове забезпечення розвитку інформаційної сфери України: адміністративно-деліктний аспект : монографія. Київ : Вид. дім «Гельветика», 2017. С. 8.

⁵ Харенко О.В. Поняття «інформація» в юридичній науці та законодавстві України. *Часопис Київського університету права*. 2014. № 3. С. 120.

⁶ Кормич Б.А. Інформаційне право: підручник. Харків : БУРУН і К, 2011. 334 с.; Осауленко О.І. Місце правозастосовних актів у правовій системі актів. *Держава і право*. 2010. Вип. 49. С. 23–27.

⁷ Кірейцева Г.В. Екологічна інформація в бухгалтерському обліку підприємства. *Вісник ЖДТУ*. 2011. № 3 (57). С. 65–69.

From the standpoint of an anthropocentric approach, the concept of “information” is considered by many modern researchers⁸.

On the other hand, we consider this interpretation of the concept of “information” (using an anthropocentric approach) to be the most appropriate, as it will allow us to fully reveal its essence as a value resource, the creator and direct bearer of which is person. As I. Bachylo aptly remarked, “information is a characteristic of the surrounding world in all its diversity, which is perceived and understood by person”⁹.

The term “information” comes from the Latin “informatio”, which is defined as an explanation, statement, message¹⁰. In the explanatory dictionary of the Ukrainian language, the concept of “information” is defined as “information about any events, someone’s activities, etc.; message about something”¹¹.

From a legal point of view, despite the lack of unambiguous interpretation of the content of the studied category, the understanding of its conceptual essence depending on the context of use and dominance of ideas of its “uncertainty”, the concept of “information” should have a formalized, axiomatic form¹². Normative regulation of the concept of “information” is the subject of information law research. B. Kormych provides the following definition of information law: a separate group of legal norms regulating public relations, arising from the establishment of regimes and parameters of public circulation of information, legal status, behavior and relations of the subjects of information relations¹³.

O. Martsenyuk notes that “information law of Ukraine is an independent complex branch of national law, which requires theoretical justification of individual institutions of information law in their integrated application in the Ukrainian legal system, the establishment of an independent method of information law”¹⁴. Considering information law as a system of legal regulation, some authors consider it a sub-branch of other branches of law, noting that information is not an object of information law, because the

⁸ Біленька Д.О. Визначення інформації в концепції антропоцентричного підходу. *Теорія і практика правознавства*. 2013. Вип. 2. С. 1–11; Дзьобань О.П. Інформація в контексті антропосоціогенезу: філософський сенс. *Інформація і право*. 2011. № 1 (1). С. 34–40; Пилипчук О.Г., Дзьобань О.П. Феномен інформації: історико-правові та філософські аспекти. *Інформація і право*. 2015. № 1 (13). С. 5–14.

⁹ Бачило І.Л. Інформаційне право – нова галузь права Російської Федерації: методологія, теорія, практика. *Государство и право*. 2008. № 3. С. 89.

¹⁰ Словарь иностранных слов. Москва : Рус. яз., 1985. С. 201.

¹¹ Словник української мови : в 11 т. Київ : Наук. думка, 1973. Т. 4. С. 42. URL: <http://sum.in.ua/s/informacija> (дата звернення: 05.01.2021).

¹² Харенко О.В. Поняття «інформація» в юридичній науці та законодавстві України. *Часопис Київського університету права*. 2014. № 3. С. 119.

¹³ Кормич Б.А. Інформаційне право : підручник. Харків : БУРУН і К, 2011. С. 41.

¹⁴ Марценюк О.Г. Теоретико-методологічні засади інформаційного права України: реалізація права на інформацію : дис. ... канд. юрид. наук : 12.00.07. Київ, 2009. С. 219.

structure of the object of each branch of law includes only social relations. The groups of public relations, which are the object of information law, are heterogeneous, because the information itself is heterogeneous. They are united only by the fact that the object of this relationship is information and its derivatives in the form of certain information products, services¹⁵.

It should be noted that in labor law there is also a whole system of information relations as part of not only labor, but also derivative legal relations. If earlier in the research of labor law scholars information relations were defined, as relations that arise only within the labor relations and are part of them, then later scientists argued that the existence of information relations in the field of labor due to the existence of either labor relations or relations directly related to labor.

The concept of “information” is defined at the legislative level – in Art. 1 of the Law of Ukraine “On Information”, according to which “information is any information and/or data that can be stored on physical media or displayed electronically”¹⁶. As we can see, the domestic legislator considers the concept of “information” in a broad sense, which allows you to enter into it a wide range of information of various kinds. In addition, the Constitution of Ukraine enshrines the right of everyone to information (Articles 31, 32 and 35)¹⁷.

Information affects the development of all branches of law without exception, and it plays a key role in the functioning of each of them. Therefore, it is not surprising that the regulation of information is devoted to many rules of sectoral regulations. Following this, in Art. 200 of the Civil Code of Ukraine contains the definition of information, and its articles 277, 280, 285, 286, 302 regulate personal non-property rights of the person¹⁸. The Special Part of the Code of Ukraine on Administrative Offenses provides administrative liability, in particular, for violation of the right to certain types of information, refusal to provide information, providing incomplete or inaccurate information, loss of information, etc¹⁹. The Criminal Code of Ukraine also contains corpus delicti (in various sections) based on violations of the rules for obtaining, using or disseminating information²⁰. Besides, a number of special laws have been adopted, which in one way or another

¹⁵ Красноступ Г.М. Проблема визначення об’єкта та предмета інформаційного права. URL: <https://minjust.gov.ua/m/str/7949> (дата звернення: 05.01.2021).

¹⁶ Про інформацію : Закон України від 02.10.1992 р. № 2657-XII. URL: <https://zakon.rada.gov.ua/laws/show/2657-12#Text> (дата звернення: 05.01.2021).

¹⁷ Конституція України : Закон від 28.06.1996 р. № 254к/96-ВР. URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text> (дата звернення: 05.01.2021).

¹⁸ Цивільний кодекс України від 16.01.2003 р. № 435-IV. URL: <https://zakon.rada.gov.ua/laws/show/435-15#Text> (дата звернення: 05.01.2021).

¹⁹ Кодекс України про адміністративні правопорушення від 07.12.1984 р. № 8073-X. URL: <https://zakon.rada.gov.ua/laws/show/80732-10#Text> (дата звернення: 05.01.2021).

²⁰ Кримінальний кодекс України від 05.04.2001 р. № 2341-III. URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (дата звернення: 05.01.2021).

regulate the receipt, use and protection of information and are cross-sectoral in nature. For example, the Law of Ukraine “On Information”²¹, the Law of Ukraine “On Personal Data Protection”²², the Law of Ukraine “On Access to Public Information”²³, the Law of Ukraine “On Television and Radio Broadcasting”²⁴, the Law of Ukraine “On Printed Mass Media (Press) in Ukraine”²⁵, The Law of Ukraine “On State Secrets”²⁶ and others. It is obvious that the increase in the number of legal acts, their regulation of various aspects of information, the qualitative expansion of the types of information subject to legal regulation, indicates an increase in the importance of information in law. And labor law, it should be noted in the context of our study, is no exception, it contains many references to information that covers almost all institutions of the labor law system.

Now the information space has been formed in the domestic labor legislation, with a certain set of information relations as public, regulated by labor law, the subjects of which are the bearers of mutual information rights and responsibilities. The subjects of information relations are: the employee, the employer and their representatives; social partnership bodies; bodies dealing with labor disputes; bodies that exercise supervision and control in the field of labor.

In information relations, the main objects are various information resources. The object of information law in the field of labor is primarily intangible goods as a special group of objects that have no economic meaning and are inseparable from the identity of their bearer – goods and freedoms recognized at the legislative level. Fundamental rights and freedoms are enshrined in the Universal Declaration of Human Rights (1948)²⁷, the Convention for the Protection of Human Rights and Fundamental Freedoms (1950)²⁸ and the Constitution of Ukraine from 1996.

²¹ Про інформацію : Закон України від 02.10.1992 р. № 2657-ХІІ. URL: <https://zakon.rada.gov.ua/laws/show/2657-12#Text> (дата звернення: 05.01.2021).

²² Про захист персональних даних : Закон України від 01.06.2010 р. № 2297-VI. URL: <https://zakon.rada.gov.ua/laws/show/2297-17#Text> (дата звернення: 05.01.2021).

²³ Про доступ до публічної інформації : Закон України від 13.01.2011 р. № 2939-VI. URL: <https://zakon.rada.gov.ua/laws/show/2939-17#Text> (дата звернення: 05.01.2021).

²⁴ Про телебачення і радіомовлення : Закон України від 21.12.1993 р. № 3759-ХІІ. URL: <https://zakon.rada.gov.ua/laws/show/3759-12#Text> (дата звернення: 05.01.2021).

²⁵ Про друковані засоби масової інформації (пресу) в Україні : Закон України від 16.11.1992 р. № 2782-ХІІ. URL: <https://zakon.rada.gov.ua/laws/show/2782-12#Text> (дата звернення: 05.01.2021).

²⁶ Про державну таємницю : Закон України від 21.01.1994 р. № 3855-ХІІ. URL: <https://zakon.rada.gov.ua/laws/show/3855-12#Text> (дата звернення: 05.01.2021).

²⁷ Загальна декларація прав людини: міжнар. док. від 10.12.1948 р. / ООН. URL: https://zakon.rada.gov.ua/laws/show/995_015#Text (дата звернення: 05.01.2021).

²⁸ Конвенція про захист прав людини і основоположних свобод: міжнар. док. від 04.11.1950 р. / Рада Європи. URL: https://zakon.rada.gov.ua/laws/show/995_004#Text (дата звернення: 05.01.2021).

In the field of labor there are also information rights not only of employees and employers, but also of state and trade union control bodies.

According to Art. 34 of the Constitution of Ukraine “everyone has the right to freely collect, store, use and disseminate information orally, in writing or otherwise – at their discretion”²⁹. In the Law of Ukraine “On Access to Public Information” the very concept of “public information” is defined as reflected and documented “by any means and on any media information that was obtained or created in the process of performing their duties by subjects of power, provided by the current legislation, or which is in the possession of subjects of power, other managers of public information”³⁰. The law establishes a certain list of information, access to which cannot be restricted under any circumstances. Restricted information is: confidential information, classified information and official information.

We emphasize that the content of information relations in labor law are the rights and responsibilities of the subjects of these relations. As you know, the information need of man is fundamental and belongs to human needs, the real nature of which is inherent in all individuals. Labor law information is defined by scientists as information about the employee and the employer, provided in the cases and in the manner prescribed by labor law, and are necessary for the functioning of labor relations³¹. In our opinion, this interpretation of this legal category is too narrow. Of course, information covered by the concept of labor law information is necessary for the exercise of individual and collective labor rights and is subject to legal protection against disclosure if the information is confidential. The need for labor law information is a vital and socially necessary phenomenon for the participants of labor relations, therefore, in order to clarify the essence of labor law information and its qualities as a holistic independent phenomenon of social and legal reality, it is necessary to distinguish its properties. Looking through the explanatory dictionaries and encyclopedias, we find an explanation of the term property as “a certain kind of characteristic of the phenomenon or object, aimed at revealing the internal content of the object”; “Qualities, characteristics that are characteristic of someone, something”³²; or as the characteristics of the object (its quality category), which specifies its species, type, behavior, etc. <...> in a sense, property is a universal category, and without it, it is impossible to fully and comprehensively

²⁹ Конституція України : Закон від 28.06.1996 р. № 254к/96-ВР. URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text> (дата звернення: 05.01.2021).

³⁰ Про доступ до публічної інформації : Закон України від 13.01.2011 р. № 2939-VI. URL: <https://zakon.rada.gov.ua/laws/show/2939-17#Text> (дата звернення: 05.01.2021).

³¹ Чанишев Р.І. Право на інформацію сторін трудового договору. *Актуальні проблеми держави і права*. 2009. № 4. С. 168.

³² Великий тлумачний словник сучасної української мови / уклад. і голов. ред. В.Т. Бусел. Київ ; Ірпінь : ВТФ «Перун». 2005. С. 194.

describe any phenomenon of reality³³. Philosophical literature clarifies that “property is a philosophical category that expresses one of the moments of revealing the essence of a thing in relation to other things; what characterizes its similarity or difference from them”³⁴. Each qualitatively isolated phenomenon of reality, including labor law information, has many properties, the unity of which expresses its quality. When this phenomenon loses some quality, it also loses the corresponding properties that indirectly expressed its essence in the system of relations. The properties of an object reflect not only its inner essence, but also the essence of the system of connections and relations in which this object exists. As evidenced by a qualitative analysis of properties, they are attributive, as the content and form of the phenomenon, major and minor, specific, essential and insignificant, necessary and accidental, external and internal, and so on³⁵.

Labor law information, as a kind of legal information, respectively, is characterized by a number of properties characteristic of legal information as a generic category. Scientists, trying to determine the basic properties of legal information, point to the problems of this process due to the lack of its universal definition. At the same time, analyzing legal information as a fundamental type of information, proponents of its broad understanding argue that the properties of legal information are similar to the properties of information, but are available and additional due to its inherent official nature. In particular, the analysis of the scientific doctrine of information law shows that most scientists determine the properties of information, conditionally dividing them into general, those that determine its quality and those that determine the state of information security³⁶. Common properties include: systematicity; selectivity; inexhaustibility; substantial independence; ability to spread and to transform³⁷; topicality; reliability (compliance with objective reality, which is essential in decision-making); completeness (internal content is sufficient to make a decision; sufficiency (minimum necessary information to achieve consumer goals), the presence of organizational form³⁸. Sequentially, the properties that determine the state of information security include: confidentiality, which indicates restrictions on

³³ Романовская Т.Б. Свойство. *Новая философская энциклопедия* : в 4 т. / ред. совет: В.С. Степин, А.А. Гусейнов, Г.Ю. Семигин, А.П. Огурцов и др. Москва : Мысль. 2010. Т. 3. С. 510.

³⁴ Філософський словник / за ред. В.І. Шинкарука. Київ : Головна редакція української радянської енциклопедії, 1986. С. 87.

³⁵ Вакарюк Л.В. Мета як властивість фінансово-правового інституту. *Науковий вісник Ужгород. націон. ун-ту. Серія ПРАВО*. Вип. 21. Ч. 1. Т. 2. 2013. С. 84.

³⁶ Копылов В.А. Информационное право : учебник. Москва : Юрист, 2002. С. 40; Кормич Б.А. Інформаційне право : підручник. Харків : БУРУН і К, 2011. С. 12; Правовий захист інформації : навчальний посібник / Н.І. Логінова, Р.Р. Дробожур. Одеса : Фенікс, 2015. С. 19–20.

³⁷ Управління інформаційними зв'язками : навчальний посібник / Р.Р. Августин, Ю.А. Богач. Тернопіль : ТНЕУ. 2013. С. 144.

³⁸ Шапіро В.С. Окремі питання правового регулювання інформаційних відносин. *Університетські наукові записки*. 2011. № 2. С. 255–260.

the range of entities that had access to information; the integrity of the existence of information in an unchanged form over a period of time; accessibility – the property of information to be provided in a timely manner without hindrance to all entities that have the appropriate authority³⁹.

Examining the category of legal information, O. Yaremenko notes that, first of all, it is necessary to understand that the whole legal information is divided into official and unofficial legal information. Unofficial information includes information contained in various directories, scientific literature, mass media and other non-normative sources on legal issues, it has the same properties as information. For official legal information is characterized, in addition to the general properties of information, and some others that are unique to this type of information. After all, the official legal information includes the Constitution of Ukraine, various legal acts, etc. The main properties of official legal information, according to the scientist, are that: it is issued on behalf of the state by its institutions; is an important resource that ensures the implementation of the state's main function – the management of society; this information arises in the process of implementation by state bodies and local governments of the competence established by law; official legal information is the result of intellectual activity; this type of information is materialized in the form of a document, recorded on paper and has identification details⁴⁰.

As we can see, the properties of legal information are considered by scholars mostly from the point of view of positivist jurisprudence and are reduced to the properties of its form as a document, rather than its content and essential characteristics. Therefore, for an in-depth analysis of the properties of labor law information, we consider it necessary to return to the anthropocentric approach as the most appropriate in this case, the main object of knowledge and subject of study of which is naturally man and society. In this sense, the statement of Eugene Ehrlich is relevant, who wrote that “the center of gravity of the development of law in our time, as in all other times, is not in law, not in jurisprudence or justice, but in society itself”⁴¹. In this regard, A. Pasmor aptly notes that the phenomenon of legal information, which is studied by scholars in the field of information law must be attributed to fundamental human rights, as its purpose is to meet the general, such as other needs of individuals⁴².

³⁹ Правовий захист інформації : навчальний посібник / Н.І. Логінова, Р.Р. Дробожур. Одеса : Фенікс, 2015. С. 22.

⁴⁰ Яременко О. Правове регулювання доступу до офіційної правової інформації. *Правова інформатика*, 2006. № 1. С. 12–17.

⁴¹ Эрлих О. Основположение социологии права / пер. с нем. М.В. Антонова ; под ред. В.Г. Графского, Ю.И. Гревцова. Санкт-Петербург : ООО «Универ-й изд-й консорциум», 2011. С. 64.

⁴² Пасмор Ю.В. До проблеми визначення поняття «правова інформація» в системі соціальних комунікацій. *Культура та інформаційне суспільство XXI століття*: матеріали всеукр. наук.-теорет. конф. молодих учених, 24–25 квіт. 2008 р. Харків, 2008. С. 252–253.

As we have already mentioned, the emergence of any need is related to human nature, its activities. Man by nature is a self-sufficient biosocial being. Nature endowed her with the right to life. And to live, she must eat, and to eat she must work, need work. After all, it is through work, activity, labor activity in general that material and spiritual goods are created. Material needs are the basis of human existence, which it needs not once, but constantly. It is in the process of labor activity that the various needs of the person himself – the producer of these goods, and society and the state as a whole are met. It is important that the law itself provides the normative conditions in which and due to which human activity takes place and material and spiritual goods are created.

As legal regulation is a kind of transfer of information, to disclose the law, it is necessary to take into account such factors as informational and psychological, which permeate all forms of legal influence: educational, psychological, legal, social, etc⁴³. From these positions, the main value of labor law information is that with its help the participants in the relationship learn about the legal norms that are the basis for their rights, create opportunities to meet their needs and interests, to preserve the integrity of society. From these positions, the thesis of V. Goiman is apt, who emphasized that the law is ultimately a means of developing, stimulating actual activities and behavior that will promote self-regulation of people. This does not contradict the fact that in some cases it is a factor that inhibits destructive activity. But the law therefore limits it to provide great opportunities for the spread of constructive socio-legal activity⁴⁴.

In our opinion, legal information exerts an external informational influence on the subject, forcing him to one or another form of activity, encourages labor activity in order to meet the needs for material and spiritual goods. This influence is carried out in three directions: 1) informative influence, informing the individual about the limits of the possible; 2) educational, which forms guidelines aimed at increasing legal activity and reducing illegal activity; 3) value, which is the general scale of the assessment of social ties. As D. Hudyma notes, “a person cannot become a person and cannot exist without acting and without realizing his inherent desire to expand the boundaries of his own activity. By choosing to satisfy general, common needs with others, without which man is only a psychobiological being, he becomes a public figure. In turn, the law to meet human needs is aimed at”⁴⁵, therefore, with the development of society, it is legal information that has become a necessary condition for human existence

⁴³ Орбан Лебрик Л. Психологія управління : навчальний посібник. Івано-Франківськ : Плай. 2001. 400 с.

⁴⁴ Гойман В.И. Действие права (Методологический анализ) : автореф. дисс. ... докт. юрид. наук : 12.00.01. Москва, 1992. С. 33, 38.

⁴⁵ Гудима Д.А. Філософсько-антропологічний підхід – методологічний фундамент сучасної юридичної науки. *Проблеми філософії права*. 2003. Т. I. С. 123.

in society. Thus, meeting the needs of participants in labor relations in legal information, the implementation of labor law information of individual and collective labor rights, and is, in our opinion, the purpose of the existence of labor information, which expresses its functional purpose, unique feature and socio-individual role⁴⁶.

Another property of labor law information that is closely related to its purpose is constructiveness. P. Berger and T. Lukman wrote in a joint monograph back in 1965 that “the whole social and legal world, not predetermined, but constructed by human actions. Man creates in cooperation with others the law, and law, in turn, creates people”⁴⁷. A similar position can be found in the works of other scientists. Thus, A. Rainach in his work “A priori principles of civil law” emphasizes that man, as a subject of social action, is the cause of the emergence and existence of a priori law. That is, according to A. Rainach, social acts that are formed between people – promises, obligations, etc. and give rise to legal entities⁴⁸. A. Cherdantsev, exploring the essence of legal information, points out that as a result of the legislator’s decision on the need to adopt a rule creates an abstract image of the rule of law, which is realized in the symbol (legal norm) through complex intellectual efforts (legislative technique). In particular, the legislator receives information about social reality, processes it (reflects it in the form of an image), and then converts (using legal techniques) into controlled information (abstract image in the form of a symbol – a legal norm). Thus, the normative general is a component of legal information, namely official legal information, on the basis of which in turn is based informal legal information⁴⁹. In addition, constructiveness as a property of legal information, in our case labor law information, is determined by the direct practical actions of the subjects in accordance with the rules developed by them in the process of their life and work. Labor law information in the future is one of the factors shaping the legal reality of the state, which covers the existing set of legal phenomena that have a legal impact on public life and constitute its direct content.

Another property that marks labor law information is its meaningful expression. In the “Philosophical Encyclopedic Dictionary” the term “content” means the same as “meaning”, which in turn is explained as: “content associated with a particular expression (word, sentence, sign, etc.) of a certain language” or “the meaning of an expression” as: “its conceivable meaning, like the information contained in the expression, due to which the

⁴⁶ Вакарюк Л.В. Мета як властивість фінансово-правового інституту. *Науковий вісник Чернівецького ун-ту*. Вип. 533: Правознавство. С. 84.

⁴⁷ Berger P.L., Luckmann T. *The Social Construction of Reality*. A. Treatise on sociology of Knowledge, 1965. 249 p.

⁴⁸ Райнах А. Априорные основания гражданского права. *Собрание сочинений / пер. С нем. В.А. Куре:ного*. Москва : Дом интеллектуальной книги, 2001. С. 159.

⁴⁹ Черданцев А.Ф. *Теория государства и права*. Москва : Юрайт. 1999. С. 227.

expression is attributed to a particular object (objects)”⁵⁰. The meaningful expression of labor law information is manifested in the fact that it consists of a number of legal information (about objects, phenomena, events, processes, etc.) that are in unity and integrity and have been communicated/submitted to the subjects of labor relations in a certain language in the form signs, texts, contexts. Labor law information arises in the thinking apparatus of the participants of labor relations after they receive the relevant data and is directly dependent on the existing reality. Its meaningful expression is due to the fact that it is a system of signs, texts and contexts, specific legal situations, both typical and significantly different from each other, which are reproduced by the transfer of relations by oral, written or other technical means.

2. General characteristics of information legal relations in labor law

The right to labor law information covers the following powers: a) the right to receive information; b) the right to access information; c) the right to process information; d) the right to protection of personal data. According to Art. 29 of the Labor Code of Ukraine (hereinafter – the Labor Code), before the start of work under the employment contract, the owner or his authorized body must: 1) explain to the employee his rights and responsibilities and inform under the receipt of working conditions, the presence in the workplace where he will work, dangerous and harmful production factors that have not yet been eliminated, and the possible consequences of their impact on health, his right to benefits and compensation for work in such conditions in accordance with applicable law and employment contract; 2) to acquaint the employee with the rules of internal labor regulations and the collective agreement; 3) determine the employee’s workplace, provide him with the necessary means to work; 4) instruct the employee on safety, industrial sanitation, occupational health and fire protection⁵¹.

During concluding an employment contract, the employer has the right to request information from the employee in accordance with the legislation concerning his education, health, qualifications, etc. At the same time, the law prohibits requiring persons entering employment to provide information on their party and national affiliation, origin, residence permit and documents, the submission of which is not provided by law (Art. 25 of the Labor Code)⁵².

The legislation provides for the rights and responsibilities of employees and employers in the field of social dialogue. Thus, in accordance with Part 7 of Art. 10 of the Law of Ukraine “On Collective Bargaining

⁵⁰ Философский энциклопедический словарь / гл. ред. : Л.Ф. Ильичёв, П.Н. Федосеев, и др. Москва : «Советская энциклопедия». 1983. С. 192, 618.

⁵¹ Кодекс законів про працю України від 10.12.1971 р. № 322-VIII. URL: <https://zakon.rada.gov.ua/laws/show/322-08#Text> (дата звернення: 05.01.2021).

⁵² Там само.

Agreements”, the parties to collective bargaining are obliged to provide the negotiators with all necessary information on the content of the collective agreement, the agreement. The negotiators do not have the right to disclose information that is a state or commercial secret and sign the relevant commitments⁵³. Information rights and responsibilities of state control bodies over compliance with labor legislation are also established; information rights of labor dispute resolution bodies: labor dispute commissions (Art. 226 of the Labor Code) and conciliation bodies⁵⁴.

In needs to be added, that encroaching on any legally protected social relations, a person violates the relevant rules of internal labor regulations and regulations of other legal acts, which regulate the circulation of information at a particular enterprise, institution, organization. The objective side of such violations can be expressed both in the form of active action and in the form of inaction, and is mostly manifested in the non-performance or improper performance of a person’s work or official duties. The most common of these are unreasonable refusal to provide relevant information, late provision of information, censorship, use and dissemination of confidential information for personal purposes, violation of the order of accounting, storage and use of documents and other media, etc⁵⁵.

As a result, it is seen, informational legal relations accompany all types of relations that are the subject of labor law. Therefore, exercising the right to information, the employee and the employer provide labor law information. However, the employee receives full information only if his rights correspond to the relevant obligation of the employer. At the same time, many authors even in Soviet times rightly noted that in the information relations there is also a connection “duty – duty” and “right – right”⁵⁶. This is relevant today, as such a connection is established in the labor law of Ukraine. Thus, according to Part 3 of Art. 235 of the Labor Code, in case of recognition of the wording of the reason for dismissal incorrect or inconsistent with applicable law, in cases where it does not entail the reinstatement of the employee, the body reviewing the labor dispute is obliged to change the formulation and indicate the reason dismissal in strict accordance with the formulation of current legislation and with reference to the relevant article (paragraph) of the law. If the incorrect formulation of the reason for dismissal in the employment record prevented the employment of the employee, the body considering the labor dispute, at the same time

⁵³ Про колективні договори і угоди : Закон України від 01.07.1993 р. № 3356-ХІІ. URL: <https://zakon.rada.gov.ua/laws/show/3356-12#Text> (дата звернення: 05.01.2021).

⁵⁴ Кодекс законів про працю України від 10.12.1971 р. № 322-VIII. URL: <https://zakon.rada.gov.ua/laws/show/322-08#Text> (дата звернення: 05.01.2021).

⁵⁵ Тихоміров О.О., Тугарова О.К. Юридична відповідальність за правопорушення в інформаційній сфері : навчальний посібник. Київ : Нац. акад. СБУ, 2015. С. 67.

⁵⁶ Чанишев Р.І. Право на інформацію сторін трудового договору. *Актуальні проблеми держави і права*. 2009. № 4. С. 166.

decides to pay him the average salary during the forced absence in the manner and under the conditions provided for in Part 2 of this article. In this article, the right of employees to dismissal corresponds to the obligation of the employer to state the reason for such dismissal.

Speaking about the definition of information relations in the theory of labor law, V. Savych noted that “information relations can be defined as legal relations that arise in the framework of labor relations and are part of it, in which one party is obliged to inform the other about the future and such that has already come, a legal fact”⁵⁷. Therefore, the author does not single out information relations as an independent phenomenon, but considers them as part of labor relations.

However, we consider that information relations are not limited to mutual information of the parties about legal facts. Thus, local regulations, which the employer must acquaint the employee, do not belong to the facts, but are information. Information on working conditions also goes beyond the concept of “legal fact”, representing information collected, for example, as a result of certification of jobs under working conditions. That is why, it is wrong to limit the composition of information only to legal facts. According to the Law of Ukraine “On Information”, the scope of information relations includes the right to create, collect, receive, store, use, disseminate, protect, defend information (Article 3). In addition, informing (transmission of information) is only a part of information relations.

Information relations in labor law cannot be a direct subject of this field, as they are independently present in relations directly related to labor relations. In particular, in the framework of employment relations, the employer in the form of a vacancy announcement provides information to potential employees about the proposed requirements, selection procedures and evaluation of employees, which may further affect the resolution of a dispute about illegal refusal to hire. The interaction of employees and trade unions in the framework of social partnership is also impossible without the legal obligation of the employer to provide information necessary for collective bargaining, information on local acts to take into account the views and coordination with the representative bodies of employees. Therefore, the parties to the information relationship can be not only the parties to the employment relationship, but also other subjects of labor law.

Information relations in the field of labor cannot be considered as independent, directly related to labor relations. According to scientists, the criteria for close relationship and independence of relations in the field of labor are, first, the conditionality of labor relations (labor relations for each directly related to them is the basis of origin or result); secondly, the

⁵⁷ Савич В.И. Управление трудом и трудовое право. Томск, 1986. С. 107.

presence in the subject composition of only one of the participants in the employment relationship – the employee or employer⁵⁸.

The existence of information relations in the field of labor is due to the existence of either labor relations (particularly in the past or future), or relations directly related to labor. Both the parties to the employment relationship and other entities may participate in the information relationship. The subjects of information relations in labor law are: 1) the employee, whose responsibilities include the provision of information, acquaintance with the information, at the same time he is prohibited from disclosing a secret protected by law; 2) the employer who provides, protects, collects, processes information in the field of labor; 3) social partnership bodies that may require the provision of information, process, store and use it; 4) bodies that consider labor disputes; 5) bodies exercising supervision and control in the field of labor.

It should be mentioned that the presence of the information component in labor and all other types of relations directly related to labor, as well as participation in information relations of all subjects of labor law allow us to talk about the pervasive nature of information relations in the field of labor. Information relations in the field of labor occupy a special place in the system of labor law relations, without standing out as an independent phenomenon, they accompany all types of relations that are the subject of labor law.

It is possible to define information relations in labor law by means of the concept of the information relations which have developed in science of information law, and distinctive specific signs of the information in labor law. The basis for determining the scope of information relations is the Constitution of Ukraine, which establishes the right to receive, store, use and disseminate information in any lawful manner. The legislation of Ukraine on information complements the characteristics of information relations enshrined in the Constitution, defining the general concepts and types of information, as well as the areas of regulation of information relations.

It is worth noting the peculiarities of the construction of information relations in the field of labor. Legal relations are understood as a connection between the subjects of rights and obligations, but in some cases legal relations are understood as a connection without actual relations, and in others they presuppose real behavior. O. Ioffe included subjective rights and responsibilities in the content of legal relations⁵⁹. Consider separately each of the processes included in the concept of information relations in labor law.

1. Search for labor law information. The search for information is the initial stage in the system of relations around labor law information. More precisely, this process can be called “finding a source of information”. The subject of labor law, interested in obtaining employment information, must find

⁵⁸ Гинцбург Л.Я. Социалистическое трудовое правоотношение. Москва, 1977. С. 155–158.

⁵⁹ Иоффе О.С. Правоотношение по советскому гражданскому праву. Ленинград : Из-во Ленинградского ун-та, 1949. С. 39.

a source that contains the required data. The search process is rarely regulated by the legislator, and therefore the subject of labor law can choose any legal way to search for information. Sources of information about the employee can be his resume, characteristics, reviews from the former place of work.

2. Collection of labor law information. The collection of labor law information is partially regulated by labor legislation and the Law of Ukraine “On Personal Data Protection”. The rights of the subject of labor information relations in this case are limited. In particular, the employer has the right to receive personal data only from the employee. Note that according to the Law of Ukraine “On Personal Data Protection” personal data is information or a set of information about an individual who is identified or can be specifically identified (Article 2).

3. Storage of labor law information. The employer has to establish a procedure for storing the employee’s personal data as part of employment information. Other sources of information do not have special requirements for documentation, and storage is governed by the general provisions of the Law of Ukraine “On the National Archival Fund and archival institutions”⁶⁰.

4. Processing of labor law information. The subjects of information relations in the field of labor process the collected labor law information. Information processing is its analysis, systematization, obtaining conclusions based on the collected information. It is the data obtained as a result of processing that are of the greatest value to the parties to information relations in the field of labor. Processing can be done by logical methods and using electronic systems and converted into various databases. Labor legislation does not restrict the process of information processing. That is, the requirements are not made to the process of information processing, but to what amount of information can be processed.

5. Receipt, transmission, provision and dissemination of labor law information. These processes are ways of exchanging information. Obtaining information is the reception of the subject of information relations in the field of labor information that may affect the development of labor and directly related relations. For example, the employer, having received the results of a medical examination of employees, according to which a person is found to be contraindicated to perform a particular job, must process the information and offer the employee, with his consent, to take another position appropriate to his health. (Article 170 of the Labor Code of Ukraine).

The transfer of information is regulated in terms of personal data of the employee, as well as in the notification of an accident (“Procedure for investigation and accounting of accidents, occupational diseases and accidents at work”, approved by the Cabinet of Ministers of Ukraine from 17.04.2019

⁶⁰ Про Національний архівний фонд та архівні установи : Закон України від 24.12.1993 р. № 3814-XII. URL: <https://zakon.rada.gov.ua/laws/show/3814-12#Text> (дата звернення: 05.01.2021).

№ 337). Provision of information is a process that combines the receipt and transmission of information. This is the process of interaction of the subjects of information relations in the field of labor, when one of the subjects is responsible for the transfer of information, and the other – its processing and possible response. According to the current labor legislation, the employee has the right to get acquainted with all the materials of the inspection. The employer, while fulfilling the obligation to transfer information, has the right to receive the result of processing the transmitted information in the form of an explanation. It's need to be added that the dissemination of information differs from its provision, namely: 1) in the dissemination of the circle of recipients of information is not defined; 2) the disseminator of information is obliged to identify himself; 3) it is possible to refuse to provide information⁶¹.

When reviewing information, the restrictions imposed on the transfer of information in the field of labor must also be taken into account. This raises the question of whether the employer can disseminate information on disciplinary action and incentives to employees by placing appropriate orders in places where anyone can read them. In accordance with the principle of inadmissibility of the transfer of information without the consent of the entity whose interests it concerns, the employer may not disseminate such information without the consent of the employee. This statement can be contrasted with the argument about the educational function of disciplinary action, which is addressed not only directly to the employee, but also to his colleagues. Restriction of the employer's right in this case leads to a narrowing of its personnel management capabilities. So, the employee's "veto" may be limited to the purpose of the information disseminated.

6. Processing of labor law information. Absolutely all subjects of labor and directly related relations are involved in the process of information processing in the field of labor. The development of information relations in the field of labor is the constant production of information, its transformation, updating and replenishment through this production. The employer produces information about employees, working conditions, technology. The employee – about his activities and service inventions. Social partnership bodies – the intention to enter into collective bargaining, the attitude to local acts adopted by the employer, and dismissal. Control and supervisory bodies – on compliance with labor legislation by the parties to the employment contract. The information produced by the subjects of information relations in the field of labor is communicated to the subjects who are participants in the processes of processing, collection, storage, transmission and dissemination of information.

⁶¹ Про інформацію : Закон України від 02.10.1992 р. № 2657-ХІІ.
URL: <https://zakon.rada.gov.ua/laws/show/2657-12#Text> (дата звернення: 05.01.2021).

CONCLUSIONS

According to the analysis, the need for labor law information is a vital and socially necessary phenomenon for participants in labor relations. After all, it is in the process of labor that the various needs of the person himself – the producer of these goods, and society and the state as a whole are met. To analyze the properties of labor law information should be applied anthropocentric approach, which will most fully reveal its essence not only as a value resource, but also the phenomenon of legal reality. Labor law information, as a kind of legal information, has a number of properties characteristic of legal information as a generic category. At the same time, labor law information is characterized by a special purpose of existence, constructiveness and its own meaningful expression, which expresses its functional purpose, unique feature and socio-individual role. The right to employment information covers such powers as a) the right to receive information; b) the right to access information; c) the right to process information; d) the right to protection of personal data.

Information legal relations accompany all types of relations that are the subject of labor law, and their content, respectively, are the rights and responsibilities of their participants. It is the presence of the information component in labor and all other types of relations directly related to labor, as well as participation in the information relations of all subjects of labor law allow us to talk about the pervasive nature of information relations in the field of labor. The description given in the article allows us to formulate the definition of the concept of information relations in labor law as a special type of relations between the subjects of labor law for search, collection, storage, processing, accumulation, transmission, provision, dissemination and processing of labor law information. Information recognized as labor law information is necessary for the implementation of employees and employers of individual and collective labor rights within the employment relationship. At the same time, bringing such information to the notice of the subjects of labor law significantly affects the development of this branch of law, which is important in the modern period of development of the information society in Ukraine.

SUMMARY

The legal nature of information legal relations in labor law is studied in the article through the prism of labor law information. It is emphasized that the information recognized as labor law information is necessary for the implementation of employees and employers of individual and collective labor rights within the employment relationship. It is noted that labor law is a branch of law where information is one of the factors in the effective implementation of the subjects of labor law of their rights and responsibilities. In addition, in labor law there is a whole system of information relations as part of not only labor but also derived legal relations.

The information labor space has been formed in the domestic labor legislation, with a certain set of information relations as public, regulated by the norms of labor law, the subjects of which are the bearers of mutual information rights and responsibilities. It is possible to define information relations in labor law by means of the concept of information relations which has developed in science of information law, and distinctive specific signs of the information in labor law. It is given the definition of the concept of information relations in labor law as a special type of relationship between the subjects of labor law for the search, collection, storage, processing, accumulation, transmission, provision, dissemination and processing of labor law information.

REFERENCES

1. Інформація. *Вікіпедія – вільна енциклопедія*. URL: <https://uk.wikipedia.org/wiki/> (дата звернення: 05.01.2021).
2. Тихомиров О. Інформаційні права людини як цивільно-правова категорія. *Юридичний вісник*. 2015. № 1 (34). С. 104–109.
3. Тихомиров О.О. Забезпечення інформаційної безпеки як функція сучасної держави : монографія / за заг. ред. Р.А. Калюжного. Київ : Центр навч.-наук. та наук.-практ. вид. НА СБ України, 2014. 196 с.
4. Заярний О.А. Правове забезпечення розвитку інформаційної сфери України: адміністративно-деліктний аспект : монографія. Київ : Вид. дім «Гельветика», 2017. 700 с.
5. Харенко О.В. Поняття «інформація» в юридичній науці та законодавстві України. *Часопис Київського університету права*. 2014. № 3. С. 119–124.
6. Кормич Б.А. Інформаційне право : підручник. Харків : БУРУН і К, 2011. 334 с.
7. Осауленко О.І. Місце правозастосовних актів у правовій системі актів. *Держава і право*. 2010. Вип. 49. С. 23–27.
8. Кірейцева Г.В. Екологічна інформація в бухгалтерському обліку підприємства. *Вісник ЖДТУ*. 2011. № 3 (57). С. 65–69.
9. Біленська Д.О. Визначення інформації в концепції антропоцентричного підходу. *Теорія і практика правознавства*. 2013. Вип. 2. С. 1–11.
10. Дзьобань О.П. Інформація в контексті антропосоціогенезу: філософський сенс. *Інформація і право*. 2011. № 1 (1). С. 34–40.
11. Пилипчук О.Г., Дзьобань О.П. Феномен інформації: історико-правові та філософські аспекти. *Інформація і право*. 2015. № 1 (13). С. 5–14.
12. Бачило И.Л. Информационное право – новая отрасль права Российской Федерации: (методология, теория, практика). *Государство и право*. 2008. № 3. С. 85–92.
13. Словарь иностранных слов. Москва : Рус. яз., 1985. 646 с.

14. Словник української мови : в 11 т. Київ : Наук. думка, 1973. Т. 4. 840 с. URL: <http://sum.in.ua/s/informacija> (дата звернення: 05.01.2021).

15. Марценюк О.Г. Теоретико-методологічні засади інформаційного права України: реалізація права на інформацію : дис. ... канд. юрид. Наук : 12.00.07. Київ, 2009. 266 с.

16. Красноступ Г.М. Проблема визначення об'єкта та предмета інформаційного права. *Офіц. вебсайт Міністерства юстиції України*. URL: https://minjust.gov.ua/m/str_7949 (дата звернення: 05.01.2021).

17. Про інформацію : Закон України від 02.10.1992 р. № 2657-ХІІ. URL: <https://zakon.rada.gov.ua/laws/show/2657-12#Text> (дата звернення: 05.01.2021).

18. Конституція України : Закон від 28.06.1996 р. № 254к/96-ВР. URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text> (дата звернення: 05.01.2021).

19. Цивільний кодекс України від 16.01.2003 р. № 435-IV. URL: <https://zakon.rada.gov.ua/laws/show/435-15#Text> (дата звернення: 05.01.2021).

20. Кодекс України про адміністративні правопорушення від 07.12.1984 р. № 8073-Х. URL: <https://zakon.rada.gov.ua/laws/show/80732-10#Text> (дата звернення: 05.01.2021).

21. Кримінальний кодекс України від 05.04.2001 р. № 2341-III. URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (дата звернення: 05.01.2021).

22. Про захист персональних даних : Закон України від 01.06.2010 р. № 2297-VI. URL: <https://zakon.rada.gov.ua/laws/show/2297-17#Text> (дата звернення: 05.01.2021).

23. Про доступ до публічної інформації : Закон України від 13.01.2011 № 2939-VI. URL: <https://zakon.rada.gov.ua/laws/show/2939-17#Text> (дата звернення: 05.01.2021).

24. Про телебачення і радіомовлення : Закон України від 21.12.1993 р. № 3759-ХІІ. URL: <https://zakon.rada.gov.ua/laws/show/3759-12#Text> (дата звернення: 05.01.2021).

25. Про друковані засоби масової інформації (пресу) в Україні : Закон України від 16.11.1992 р. № 2782-ХІІ. URL: <https://zakon.rada.gov.ua/laws/show/2782-12#Text> (дата звернення: 05.01.2021).

26. Про державну таємницю : Закон України від 21.01.1994 р. № 3855-ХІІ. URL: <https://zakon.rada.gov.ua/laws/show/3855-12#Text> (дата звернення: 05.01.2021).

27. Загальна декларація прав людини: міжнар. док. від 10.12.1948 р. / ООН. URL: https://zakon.rada.gov.ua/laws/show/995_015#Text (дата звернення: 05.01.2021).

28. Конвенція про захист прав людини і основоположних свобод: міжнар. док. від 04.11.1950 р. / Рада Європи. URL:

https://zakon.rada.gov.ua/laws/show/995_004#Text (дата звернення: 05.01.2021).

29. Чанишев Р.І. Право на інформацію сторін трудового договору. *Актуальні проблеми держави і права*. 2009. № 4. С. 166–171.

30. Великий тлумачний словник сучасної української мови / уклад. І голов. ред. В.Т. Бусел. Київ ; Ірпінь : ВТФ «Перун». 2005. 1728 с.

31. Романовская Т.Б. Свойство. *Новая философская энциклопедия* : в 4 т. / ред. совет: В.С. Степин, А.А. Гусейнов, Г.Ю. Семигин, А.П. Огурцов и др. Москва : Мысль. 2010. Т. 3. 2659 с.

32. Філософський словник / за ред. В.І. Шинкарука. Київ : Головна редакція української радянської енциклопедії, 1986. 800 с.

33. Вакарюк Л.В. Мета як властивість фінансово-правового інституту. *Науковий вісник Ужгородського національного університету. Серія ПРАВО*. Вип. 21. Ч. 1. Т. 2. 2013. С. 84–88.

34. Копылов В.А. Информационное право : учебник. Москва : Юрист, 2002. 427 с.

35. Логінова Н.І., Дробожур Р.Р. Правовий захист інформації : навчальний посібник. Одеса : Фенікс, 2015. 264 с.

36. Августин Р.Р., Богач Ю.А. Управління інформаційними зв'язками : навчальний посібник. Тернопіль : ТНЕУ, 2013. 240 с.

37. Шапіро В.С. Окремі питання правового регулювання інформаційних відносин. *Університетські наукові записки*. 2011. № 2. С. 255–260.

38. Яременко О. Правове регулювання доступу до офіційної правової інформації. *Правова інформатика*. 2006. № 1. С. 12–17.

39. Эрлих О. Основоположение социологии права / пер. с нем. М.В. Антонова ; под ред. В.Г. Графского, Ю.И. Гревцова. Санкт-Петербург : ООО «Универ-й изд-й консорциум», 2011. 704 с.

40. Пасмор Ю.В. До проблеми визначення поняття «правова інформація» в системі соціальних комунікацій. *Культура та інформаційне суспільство XXI століття*: матеріали всеукр. наук.-теорет. конф. молодих учених, 24–25 квіт. 2008 р. Харків, 2008. С. 252–253.

41. Орбан Лебрик Л. Психологія управління : навчальний посібник. Івано-Франківськ : Плай. 2001. 400 с.

42. Гойман В.І. Действие права (Методологический анализ) : автореф. дисс. ... докт. юрид. наук : 12.00.01. Москва, 1992. 42 с.

43. Гудима Д.А. Філософсько-антропологічний підхід – методологічний фундамент сучасної юридичної науки. *Проблеми філософії права*. 2003. Т. I. С. 122–125.

44. Berger P.L., Luckmann T. The Social Construction of Reality. A Treatise on sociology of Knowledge, 1965. 249 p.

45. Райнах А. Априорные основания гражданского права. *Собрание сочинений* / пер. с нем. В.А. Куренного. Москва : Дом интеллектуальной книги, 2001. С. 153–326.

46. Черданцев А.Ф. Теория государства и права. Москва : Юрайт. 1999. 429 с.

47. Философский энциклопедический словарь / гл. ред. : Л.Ф. Ильичёв, П.Н. Федосеев и др. Москва : «Советская энциклопедия». 1983. 840 с.

48. Кодекс законів про працю України від 10.12.1971 р. № 322-VIII. URL: <https://zakon.rada.gov.ua/laws/show/322-08#Text> (дата звернення: 05.01.2021).

49. Про колективні договори і угоди : Закон України від 01.07.1993 р. № 3356-XII. URL: <https://zakon.rada.gov.ua/laws/show/3356-12#Text> (дата звернення: 05.01.2021).

50. Тихомиров О.О., Тугарова О.К. Юридична відповідальність за правопорушення в інформаційній сфері : навчальний посібник. Київ : Нац. акад. СБУ, 2015. 172 с.

51. Савич В.И. Управление трудом и трудовое право. Томск, 1986. 223 с.

52. Гинцбург Л.Я. Социалистическое трудовое правоотношение. Москва, 1977. 310 с.

53. Иоффе О.С. Правоотношение по советскому гражданскому праву. Ленинград : Из-во Ленинград. ун-та, 1949. 144 с.

54. Про Національний архівний фонд та архівні установи : Закон України від 24.12.1993 р. № 3814-XII. URL: <https://zakon.rada.gov.ua/laws/show/3814-12#Text> (дата звернення: 05.10.2021).

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