

In Ukrainian civil law we can highlight legal actions, which always is null and void. These are legal actions of child, incapacitated person, some actions of teens. Also legal action that violates public order is null, it is important to understand that the legal action is considered to violate public order if it was aimed at violating the constitutional rights and freedoms of man and citizen, the destruction, damage to property of person, the state, the Autonomous Republic of Crimea, a territorial community. Also legal actions that are committed with out special permissions is null. Also if parties ignore notarial or written form of act, it will be null.

So, in general in national law, void means of no legal effect, having no legal force. An action, document, or transaction which is void is of no legal effect whatsoever: an absolute nullity — the law treats it as if it had never existed or happened.

References

1. Civil code of Ukraine, of January 16, 2003 No. 435-IV
2. Romovska Z. V. Ukrainian Civil Law / Zoryslava Romovska. – Kyiv: Atika, 2005. – 588 p.
3. Mazur O. S. Civil Law of Ukraine / Mazur. – Kyiv: Center of law, 2006. – 386 c.
4. Black's Law Dictionary – West Publishing Co., «West Group», «Thomson/West»: West Publishing Co., «West Group», 1991.

THE MAIN SUBJECT OF LABOUR RELATIONS

SOLOMIA PELYKH, student

LUDMILA LEONIDOVNA POPLAVSKA, Language Adviser

The Ivan Franko National University of Lviv

Labor relations are inherently the most common of all relationships in society. They, in large measure, regulate the most important sphere of society's life. First of all, I must say that labor relations in Ukraine are regulated by a number of normative – legal acts, most of which were adopted in the days of Soviet power. Some of them have already lost their relevance and need to be improved and brought into line with the realities of our time. Thus, in particular, the Labor Code was adopted in 1971, so didn't meet the new realities of social – labor relations in the country. The Labor Code was focused on a situation where the state was a legislator, an executor of its own laws, and practically the only employer. In addition, labor relations are mostly not regulated properly, and in some cases are not regulated at all.

Since the proclamation of independence, there have been significant changes both in society and in the legal system of the country, and in the minds of people, so it has ceased to effectively regulate social relations, and the existing structure of the Code doesn't meet modern needs, and therefore needs to be changed. Of course, it can not be denied that a lot of work was done on the adoption of new

bills, including on pensions, wages, labor regulation of civil servants and many others that have become the basis for improving labor legislation in Ukraine. Also, over the past twenty years, hundreds of previously unknown documents have been brought to scientific circulation, dozens of general and monographic studies, scientific and popular brochures, articles have been published, and about a dozen dissertations have been defended. But do not forget that in turn is the adoption of the new Labor Code of Ukraine, which has become the backbone of regulation of labor relations in Ukraine.

In the structure of any legal relationship, including labor, the necessary element act as the subjects of these legal relationships. In connection with this, it is important to study the concept, legal properties of the carriers of rights and obligations of labor and closely related legal relations, that is, the subjects of labor law. In spite of this, the Labor Code of Ukraine as well as the draft of the new Labor Code of Ukraine lacks an independent section containing a description of the subjects of labor law. Separate articles that have a certain relation to the definition of the range of subjects of labor law, the definition of their legal status, regulation of rights and obligations, are contained in almost all sections of the above normative act.

Therefore, the selected topic is relevant and requires a detailed analysis. In my research, I came to the following conclusions:

It is necessary to distinguish in the sphere of labor law the notion of "subject of labor law" and "subject of labor relations", since the latter is a more specific entity. He has real rights and obligations. While subjects of labor law have only the ability to realize their labor rights and obligations, but they may never enter into the relevant labor relations.

The main subjects of labor relations are the employer and employee, without which the employment relationship doesn't occur at all.

The Labor Code of Ukraine does not define the terms "employee" and "employer", which are some of the main industry terms. However, they are contained in other acts of labor legislation, but interpreted differently as a result of which there are problems in the sphere of labor law.

One of the main tasks that the legislator has to face is the exclusion from the labor legislation of Ukraine the term "owner of an enterprise or its authorized body" and putting it into the legal category of "the employer", the definition of which should be reflected in the relevant definition of the new Labor Code of Ukraine. A clear legal definition of the term "employer" in the legislation will help to overcome legal gaps and collisions in domestic labor legislation, will avoid further difficulties that arise in interpreting certain norms of labor, civil and commercial law. It would also improve the regulation of wage labor in the current development of market relations in society.

Necessary prerequisite for the emergence of labor relations is labor legal personality, that is, the ability of the subject of labor relations to be the carrier of labor rights, their actions to acquire and implement labor rights and obligations and bear legal responsibility for labor offenses.

Labor legal personality of legal entities, as a general rule, arises from the moment of their state registration, but carries out it through their bodies acting in accordance with the legislation, other normative equivalence acts and their constituent documents. Under the authority of the legal entity is understood the legal term, which denotes an individual or collegiate body representing the interests of a legal entity in relations with other subjects of law without special powers.

For joining the legal and economic relations, all legal entities must have: organizational unity, property separation, independent property liability and the ability to act in civil circumvolution on their own behalf, including in court as a plaintiff, defendant or third person.

It is advisable to recommend further development of insufficiently researched and discussing aspects of problems identified during research. In particular, one of them is to determine the minimum age for recruitment, as the norms of the Labor Code of Ukraine contradict the provisions of the Convention of the International Labor Organization dated June 26, 1973, № 138, which states that the minimum age can't be less than 15 years.

The legislation provides for the specifics of the legal status of employees, that is, the rules of labor law of the subjects of labor law in the relations with other subjects of labor law, depending on: age, sex, health status, level of education, possession of citizenship, family ties, tries, the presence of custody. The basis of the legal status of an employee is labor rights and obligations that derive directly from the Constitution of Ukraine, the Labor Code of Ukraine, international labor laws and other labor legislation and correspond with the rights and obligations of the employer.

The system of labor rights constituting the legal status of an employee is provided by a number of legal guarantees that the worker is entitled to use in case of violation of their rights and thus seek through various legal means actual exercise of these rights.

I can conclude that each party of labor relationship has inherent value in the life of society and country. Therefore, today urgent is the need to reform the legislative regulation of labor, the preparation of relevant conceptual approaches to its updating, codification of labor legislation in general, as well as revision of the essence and content of labor relations, in particular, the legal status of their subjects.

References

1. The Constitution of Ukraine of June 28, 1996, № 254к / 96-BP // [Electronic resource]. – Mode of access: <http://zakon2.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80>
2. ILO Convention on Minimum Age for Admission to Employment of June 26, 1973, № 138 // [Electronic resource]. – Mode of access: http://zakon2.rada.gov.ua/laws/show/993_054
3. The Universal Declaration of Human Rights of December 10, 1948 // [Electronic resource]. – Mode of access: http://zakon3.rada.gov.ua/laws/show/995_015

4. The Labor Code of Ukraine of December 10, 1971, № 322-VIII // [Electronic resource]. – Mode of access: <http://zakon2.rada.gov.ua/laws/show/322-08>
5. The Law of Ukraine "About labor protection" of October 14, 1992, No. 2694-XII // [Electronic resource]. – Mode of access: <http://zakon3.rada.gov.ua/laws/show/2694-12>
6. The Law of Ukraine "About payment of labor" dated March 24, 1995, No. 108/95-BP // [Electronic resource]. – Access mode: <http://zakon3.rada.gov.ua/laws/show/108/95-%D0%B2%D1%80>
7. The Law of Ukraine "On Employment of the Population" dated July 5, 2012 No. 5067-VI // [Electronic resource]. – Mode of access: <http://zakon2.rada.gov.ua/laws/show/5067-17>
8. The Law of Ukraine "On Professional Development of Employees" dated January 12, 2012 No. 4312-VI // [Electronic resource]. – Mode of access: <http://zakon3.rada.gov.ua/laws/show/4312-17>
9. The Law of Ukraine "On the organization of employers, their association, rights and guarantees of their activities" of June 22, 2012, No. 5026-VI // [Electronic resource]. – Access mode: <http://zakon3.rada.gov.ua/laws/show/5026-17>
10. Project of the Labor Code of Ukraine dated December 27, 2014 № 1658 // [Electronic resource]. – Access mode: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=53221
11. Bolotina N. B. Labor Law of Ukraine: textbook / N. B. Bolotina. – 5th form., processing. and add – K.: Knowledge, 2008. – 860 p. // [Electronic resource]. – Mode of access: http://pidruchniki.com/1584072058168/pravo/trudove_pravo_ukrayini
12. Inhina M. I. Labor Law of Ukraine: textbook / according to the general edition of M. I. Inhina, V. L. Kostyuk, V. P. Miller – 2nd species., processing. and add. – Kyiv: Center for Educational Literature, 2016. – 472 pp. // [Electronic resource]. – Access mode: http://pidruchniki.com/89400/pravo/trudove_pravo_ukrayini
13. Kostiuk V. L. Problems of the Employer's Legal Status under the Labor Code of Ukraine and the Draft Labor Code of Ukraine: Comparative Legal Analysis // [Electronic resource]. – Access mode: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiXtbLVtvHYAhUj0YMKHS71CIoQFggnMAA&url=http%3A%2F%2Fekmair.ukma.edu.ua%2Fbitstream%2Fhandle%2F123456789%2F5954%2FKostiuk_Problemy_pravovoho_stanovyshcha_robotodavtsia_za_KZPP.pdf&usg=AOvVaw0f7iztzgOTa6rC33WV8nWb
14. Kotova L. V. Problems of the legal status of an employee as a subject of labor law in the conditions of market relations: author's abstract. dis ... Candidate lawyer Sciences: special 12.00.05 / L.V. Kotova. – Lugansk, 2009. – 18 p.
15. Labor law of Ukraine: Academic course: special textbook for students of higher educational institutions/ [P. D. Pilipenko, V. Ya. Burak, Y. Kozak and others.] / Ed. P. D. Pylypenko. – 2nd species., processing. and add – K.: Publishing House "In Yure", 2006. – 544 p. // [Electronic resource]. – Mode of access: <http://radnuk.info/pidruchniku/tryd-pravo/646-pulupenko.html>
16. Sereda O. G. Employer as a subject of labor law: diss. ... Candidate Law of Sciences: 12.00.05 / O. G. Sereda. – Kharkiv, 2004. – 210 p. and others.
17. Valetska O. V. The concept of "employer" in the labor law // [Electronic resource]. – Access mode: <http://www.kbuapa.kharkov.ua/e-book/conf/2015-4/doc/2/01.pdf>