

7. Наказ Міністерства охорони здоров'я України «Про затвердження Порядку застосування допоміжних репродуктивних технологій в Україні» № 787 від 11 квітня 2014 року. Режим доступу: <https://zakon.rada.gov.ua/laws/show/z1697-13#Text>.

8. Рішення № 33227545 Держинського районного суду м. Харкова від 16 серпня 2013 року у справі № 2011/21170/12. Режим доступу: <http://reyestr.court.gov.ua/Review/33227545>.

LOCAL LEGAL REGULATION OF REMUNERATION

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Introduction: The issue of local legal regulation of labor remuneration has long attracted the attention of scholars in legal doctrine. It can be confidently stated that the question of local and centralized legal regulation of tripartite labor relations is inherent to any legal phenomenon in labor law. Despite thorough research in the field of wages, the issue of local regulation of labor remuneration currently lacks proper coverage. It should be emphasized that this problem has not only not lost its relevance but, in the conditions of the introduction of martial law in Ukraine, is being filled with somewhat new meaning.

Objectives: The aim of the research on local regulation of labor remuneration is an attempt to build a sequence that would allow for an understanding of the transition from the most significant functions and tasks of such regulation, which led to the development and adoption of local acts on labor remuneration issues, to the least significant in the implementation of the social orientation of local legal regulation of wages, as well as the expediency of such regulation.

Methods: During the investigation I mostly used analytical method and analyzed the provisions of labor law of Ukraine and other.

So, the history of local acts that regulate labor remuneration dates back to the 19th century. This type of act emerged among the first, along with those regulating internal regulations. The purpose of their development and adoption was to create a connecting link between the employer and the subject performing labor activities. The main purpose of a local act is to ensure increased labor productivity through objective assessment of work and further stimulation. Therefore, the primary function of local regulatory acts that regulate labor remuneration is the function of objective evaluation of the latter.

To clarify the meaning of local wage regulation, it is advisable to analyze the specifics of functional orientation inherent in local legal regulation and payment for work. The following functions of local legal regulation are generally accepted at the doctrinal level: (a) implementation of legislative provisions, (b)

detailing and concretizing legislative provisions, (c) filling gaps in the law, (d) experimental verification of legislative provisions, (e) primary legal regulation of social relations, and (f) criticism of legislative acts that do not meet the needs of legal development.

According to Article 14 of the Law of Ukraine "On Payment for Labor," contractual regulation of the payment of employees' work at enterprises is carried out based on a system of agreements concluded at the national level (general agreement), sectoral level (sectoral (intersectoral) agreement), territorial level (territorial agreement), and local level (collective agreement) in accordance with the law. Therefore, the legislator allows for this type of wage regulation and gives participants in labor relations the freedom to establish such a condition locally, except where they violate labor legislation norms, as evidenced by the second part of this article.

In connection with the diverse and constantly changing range of issues related to remuneration, the resolution of which requires the development and practical application of local acts, the coordination function of labor relations between employees (their representatives) and employers becomes vital. This function is designed to ensure compliance with the principle of social partnership at all stages of the adoption of such acts - from development to compliance and enforcement.

At present, normative activity is one of the forms of social partnership, which is carried out directly in organizations between representatives of the employer and hired employees, according to Article 332 of the draft Labor Code of Ukraine. This activity envisages a system of interrelations not only between the aforementioned subjects, but also between executive authorities and local self-government bodies. It is worth noting that the activity of government bodies aimed at ensuring the coordination of the interests of employees and employers when developing and adopting local acts regulating remuneration is limited to the imperative establishment of only general provisions: the procedure for taking into account the opinion of the representative body of employees, conducting collective negotiations, concluding and amending collective agreements. The function of controlling compliance with the current legislation on remuneration also remains with the state authorities.

Local norm-setting as one of the ways to regulate remuneration within the employer's power is characterized by a rather democratic but practically unenforced process of adopting acts that reflect the employer's actions in a nuanced and consistent manner. In cases where the legislator only establishes framework provisions, the employer, as a representative of the respective organization, is entitled and in some cases obliged to adopt acts at the local level that specify the provisions of the law. The purpose of clarification and specification of the current legal norms can be both to ensure their implementation and to improve the working conditions of employees.

I also want to touch on the topic of individualization of the general legal norm regarding a specific life situation, taking into account various factors - both subjective and objective, which ultimately should contribute to the effective impact of labor law norms on the social relations they regulate. It is precisely by using the unity and differentiation as methods of legal regulation of labor that it is possible to achieve an optimal combination of the use of general legal norms with special legal norms, and ultimately a more effective and productive use of each of these types of legal norms in the implementation of legal regulation of labor relations based on a combination of acts of centralized and local character.

Therefore, as we can see, the tasks of the function of local regulation of remuneration should emphasize the specificity of this phenomenon and reveal its inherent properties. As a result of the study of the legal purpose of such regulation, we can conclude that local regulation proves to be the most effective in resolving issues of remuneration, as it is more effective in primary regulation of this problem.

References:

1. Constitution of Ukraine of June 28, 1996//Vedomosti of the Verkhovna Rada of Ukraine. — 1996. — № 30. - Art. 141. URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>
2. Code of Labor Laws of Ukraine of December 10, 1971 (as amended)//Vedomosti of the Verkhovna Rada of Ukraine. – 1971. URL: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=53221
3. Draft Labor Code of Ukraine from 27.12.2014. URL: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=53221
4. “ФУНКЦІЇ ЛОКАЛЬНОГО ПРАВОВОГО РЕГУЛЮВАННЯ ОПЛАТИ ПРАЦІ” - БУРНЯГІНА Ю. М., кандидат юридичних наук, асистент кафедри трудового права Національного юридичного університету імені Ярослава Мудрого. URL: <https://openarchive.nure.ua/server/api/core/bitstreams/20a0a213-c4bc-472b-82ed-472a4e8ac050/content>

REAL AND UNIVERSAL PRINCIPLES OF THE VALIDITY OF THE CRIMINAL LAW IN SPACE

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Introduction. To begin with, modern requirements and tasks of prevention of crime, aimed at regulating law and order in the country and protecting the rights and interests of citizens, require further research of the most complex theoretical problems in the field of criminal law in space. One of such urgent problems is the