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LAW ENFORCEMENT IN CONTEXT OF TRANSFORMATION OF THE LABOR SPHERE AND MODERNIZATION OF THE THEORY OF LABOR RELATIONS**

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The subject of research is the problems of modernization of the subject of labor law and the theory of labor relations in the context of the transformation of the labor sphere
The purpose of article is to confirm or disprove hypothesis that
The methodology of research is formal legal and logical interpretation of Russian Constitution and labor legislation, analysis of the academic publications concerning labor law. Based on the historical analysis of the law structuring process, the direction of development of labor law as a private-public branch of law.
The main results, scope of application. It is substantiated that the totality of elements of legal relations, characteristic of both private and public law (freely entering into labor relations on the basis of an agreement, but forced to fulfill obligations under the agreement exclusively by personal labor, obeying the employer's will in the process of labor activity), should be a system (an interconnected integrative set having an anti-entropic character) in order to function effectively. The removal of some elements from this system entails an imbalance in the system of the labor law branch as a whole, with possible subsequent destruction. On the basis of a systematic approach, the formation and development of the theory of labor relations in domestic legal science are studied. The foundations of the convergent "theory of the plurality of unified labor relations", developed for application in the conditions of transition to new technological paradigms and growing differentiation of forms of labor organization, are proposed and substantiated. This theory was developed on the basis of the "theory of a single indivisible labor relationship" by N.G. Aleksandrov and "the theory of the complex of labor relations" V.N. Skobelkin. On the basis of the theory of plurality of unified labor legal relations, the prospects for expanding the subject of the branch of labor law are determined by including in it emerging new relations that are associated with the use of human labor on a contractual and non-contractual basis. A motivated assumption is formulated that such an expansion of the subject of labor law will make it possible to complete the process begun a century and a half ago and finally remove all contracts providing for the employment of labor from the subject of civil law in favor of labor law. A contract of personal employment between individuals, assuming the equality of the parties to the use of independent labor not with a single employer, will remain civil law. Through the institutions of labor protection, social insurance and social partnership, labor law should begin a systematic expansion to any emerging new form of organization of human labor. After that, a new form of labor organization can be subject to various sets of other industry norms and institutions, the use of which ensures the protection of the employee and an increase in production efficiency. The necessity of changing the presumption of proving the existence of labor relations to proving civil relations is substantiated.
Conclusions. The article substantiates the three-subject composition of the participants in the system of legal relations arising from the use of agency labor (contract on the provision of an employee) and the need to establish joint liability of subjects on the side of the employer (solidary employer). It proves the need to release the employee from liability for offenses detected by artificial intelligence. It is proposed to continue research on the prospects for the formation of labor procedural law.

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1. Introduction

In a changing world, scientists, studying certain modifications of the legal regulation of labor (now it is rather customary to talk about the sphere of labor), come to the conclusion that labor law is imperfect [1, p. 49-56]. Even worse, it does not fully satisfy its main "consumers" – workers and employers.

The impact of digitalization, remote work on labor relations is studied [2, p. 64-73; 3, p. 155-160], an increasing differentiation of the legal regulation of social relations by the norms of labor law is allowed. At the same time, we actually abstained from protecting the rights of persons who use their obviously dependent labor in relations that do not fit into the classical subject of labor law and the doctrine of a single labor relationship. New forms of organization of non-self-employed labor (even though they are often used by crafty employers) we "pull up" into the subject of labor law by court decisions. But the judicial procedure cannot replace the legal regulation of any significant number of relations such as an entrepreneur - a person who uses his labor, and far from all such relations have signs of a classical labor relationship. How can platform employment be "inscribed" into a single labor legal relationship? [4, p. 139-144] Yes, and self-employed and individual entrepreneurs - only through judicial practice.

The Constitution expanded the concept of social partnership obviously beyond the traditional subject of labor law [5, p. 249-261]. The norms of what sectoral affiliation will regulate these new (conditionally new - regional laws on social partnership for many years interpret the term "social partnership" in a broad, now - in the constitutional - sense) relations? Why shouldn't labor law take on the burden of legal regulation of relations, albeit beyond the traditional subject of labor law, but related to labor [6, p. 130-142], fixing the relevant norms in the Labor Code of the Russian Federation?

2. Historical overview of the process of law structuring

Roman private and Roman public law, as a proto-branch of law, during the millennia of its formation, were not existentially perceived as some relatively independent sets of norms and developed in response to constant and gradual changes in the surrounding reality, the complication of society, the economy (production technologies, geography of trade and technological chains) and production relations, by improving the already existing normative prescriptions and the methods of legal regulation characteristic (familiar) for each of them, only to a limited extent being subjected to mutual diffusion. Different legal instruments were applied to different life situations, but in each case - appropriate from the position of contemporaries. The picture changed dramatically with the entry of mankind into the era of capitalist relations, machine production and a deepening division of labor, requiring the involvement of significant masses of medium-skilled (as opposed to highly qualified masters of medieval craft workshops who possessed the skills of a full cycle of production of goods, on the one hand, and, for example, barge haulers, from who required nothing but physical strength) workers, each possessing only his own part of the competence for the production of a marketable product. Firstly, it entailed a sharp development of existing institutions within the framework of private and public law and their complication. The result was such an increase in the volume of legal matter and its diversity, which could no longer exist within the framework of one industry. The consequence of these processes was, for example, the formation of separate groups of norms of new industries within the framework of public law: criminal, administrative (police). Secondly, a number of these changes, reacting to revolutionary changes in technology (for example, the emergence of a railway network) and the accompanying humanization of society, were just as revolutionary, but within the industry. In our example, the reaction was the isolation within the framework of private law liability of the institution, which later in domestic jurisprudence was called liability for harm caused by a source of increased danger occurring without fault, i.e., according to the current doctrine, in the absence of a necessary element of the offense, in other words - no offense. By the way, the response to the complication of the organization of society was also similar - the

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introduction of new intangible abstractions into legal circulation - legal entities - and the establishment of the responsibility of the state for the harm caused by its officials. And, finally, thirdly, changes in the organization of production, caused by accelerated technological progress, required adequate legal regulation of the organization of labor, which caused an explosive process of convergence of private and public law and, as a result, the complete impossibility of legal regulation of this already almost system of social relations that has developed within either private or public law, exclusively by private or public law branch methods. The inapplicability of sectoral principles of legal regulation to this interconnected group of social relations prevented its further development within the framework of the parent industry, while simultaneously destroying the verified sectoral integrative structure itself - the industry system. The result was the construction of elements that were rejected by private and public law, but gravitate towards each other as a result of their regulation of a single group of social relations (in our case, production relations that did not allow achieving a complete cycle of creating goods with the participation of significant teams of workers participating in the division labor according to the rules established by the employer), a new - private-public - branch, which we call today labor law.

It became the first of the industries that emerged in this way, complexly structured from public and private elements. Initially, at the very beginning of its formation, labor law resembled a branch of public law (the Industrial Labor Charter[1] is a normative act that generally relates to administrative (police law) with elements of private law, but almost immediately began to be considered as an institution of civil law, since labor legal relations lay a civil employment contract, very quickly called a labor contract [7, pp. 9-112].

Labor in industrial enterprises in the 19th century (as well as thousands of years earlier - contracts for the hiring of things (slaves) and services - locatio-conductio rei and locatio-conductio operarum, respectively) was regulated by civil law - on the basis of work contracts, paid services (today these contracts are regulated chapters 37 (Art. 702-768), 39 (Art. 779-783.1) of the Civil Code of the Russian Federation), personal hiring, and subsequently - hiring labor. Why did in Russia at the turn of the 19th and 20th centuries (and in Western Europe and North America factory legislation arose even earlier) they began to talk about the contract of employment as an institution of civil law, and not administrative? Factory (industrial) law included legislation that limited the master's power of the employer (labor protection, limitation of working hours), legislation on social insurance against industrial accidents and legislation on regulatory (tariff) agreements. It was more voluminous than the norms of the Civil Code, which constitute the institution of hiring, they minimized optionality - according to modern criteria, they should rightfully be attributed to administrative (police) law. The third "injection" into the body of the contract of employment was the legislation on trade unions for employees to defend their interests in relations with employers when concluding tariff agreements (what today we call social partnership).

The historical process contributed to the emergence of a new industry - already in 1918, the first Labor Code of the RSFSR[2] (“code of war communism”) was adopted, in 1922 it was followed by a new one (“NEP code”)[3], which has been changed and supplemented for decades, overgrown with a mass of by-laws. The accumulated normative material allowed N.G. Aleksandrov by 1948 to theoretically substantiate the formation of an independent branch of Soviet law - labor law [8].

Indeed, the complex interweaving of freely entering into labor relations on the basis of a contract, but forced to fulfill obligations under the contract exclusively by personal labor, submitting in the process of labor activity to the employer’s will of the employer, elements of legal relations inherent in

[1] Collection of laws of the Russian Empire. Volume XI. Part II.

[2] Collection of Legalizations and Orders of the Workers' and Peasants' Government of the RSFSR. 1918. No. 87/88. Art. 905.

[3] Labor Code of the RSFSR // Collection of Laws and Orders of the Workers' and Peasants' Government of the RSFSR. 1922. Det. 1. No. 70. Art. 903.

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both private and public law, so that in any way to function effectively, should be an interconnected integrative set having an anti-entropic character, i.e. a system, the removal of some of the elements from which leads to an imbalance of the system as a whole with possible subsequent destruction.

3. Formation and development of the theory of labor relations

In the foreign labor law doctrine, labor relations are not considered as an independent subject of knowledge: their content coincides with the employment contract, which is subjected to careful study [9, p. 131-144].

In Russia, I.S. Voitinsky was the first to pay attention to labor relations. , who introduced the term "labor relationship" into scientific circulation [10, p. 522]. In 1925, he studied labor relations and traced their transformation into an employment relationship at the conclusion of an employment contract and under the influence of labor law norms - “when hired labor, an employment relationship is clothed in the contractual form of an employment contract” [11, p. 122-124]. A century later, many scientists consider an employment contract as a form of existence of an employment relationship [12, p. 180-184] or a legal model of an employment relationship [13, p. 180-184]. In the development of this idea, it is proposed to consider the model of an employment contract as a model of the first level (stable, static), and the model of an employment relationship as a model of the second level, which is “dynamic, capable of self-development and self-improvement” [14, p. 105].

Over the decades that have passed since then, many Trudovik scientists have turned to this topic, including at the level of special monographic studies [15, p. 58-74; 16; 17, p.12-19; 18; 19; 20; 21; 22, p. 133-136; 23]. And at the turn of the century, their study did not stop [24; 25, p. 21-27; 26; 27; 28; 29; 30, p. 53-65].

According to the most common opinion among researchers, the labor relationship in modern conditions is unified [31, p. 708-716] by its nature and essence, and is a structural type of legal relationship characteristic of labor law [32, p. 60-61] and the main means of action of the norms in the mechanism of legal regulation of labor [33, p. 89].

In 1948, N.G. Aleksandrov published the monograph "Labor Relations" [8], in which he substantiated an independent subject of the branch of labor law, the core of which is a single indivisible labor relationship.

Subsequent studies [34; 35; 36], made it possible to create an almost ideal, today - already classical - legal regulation for the use of labor in industrial production within the framework of the theory of a single labor relationship.

N.G. Alexandrov and his followers, on the whole, correctly described the same type of organization of labor in socialist enterprises.

Despite the fact that the emergence of an employment relationship has always been conditioned not only by an employment contract (for example, an act of election), but also there were other forms of organizing non-independent collective labor (work in artels was provided for by the Labor Code of 1922, certain types of artels lasted until the 1960s [37, p. 26]) and after a break reappeared in the extractive industries, the theory of a single indivisible labor relationship remained a generally recognized dogma of labor law. Supporters of the theory of a complex of independent labor relations pointing to this factual discrepancy were not supported by the labor and legal scientific community, and this approach remained marginal in labor law despite the indication in the Labor Code of the Russian Federation (Article 16) of various grounds for the emergence of labor relations, as well as the emergence of independent chapters regulating labor certain categories of workers in the areas of employment and types of labor.

In 1982 V.N. Skobelkin, for the centenary of whose birth the representatives of the Voronezh-Omsk school of labor law founded by him are preparing, published the monograph “Ensuring the labor rights of workers and employees (norms and legal relations)” [38]. The study of labor relations allowed him to conclude that their system exists, the elements of which can exist independently of the employment contract. His conclusions were supported by numerous examples, testifying to the contestability of the arguments cited in support of the theory of a single labor relationship. The additional arguments he discovered were set forth in 1999 in the monograph “Labor Relations” [24] and

the textbook “Labor Procedural and Processual Law” [39], published under his editorship in 2002.

V.N. Skobelkin described the situation that actually developed during the period of attempts to carry out economic reform in the USSR in the 1970s and 1980s. of the last century, although it ended unsuccessfully, it led to the emergence of new forms of labor organization. Well, the fundamental work of 1999 and subsequent publications were devoted to the regulation of labor in completely new conditions - in the conditions of a variety of forms of ownership, competition in the ways of organizing labor at enterprises of different organizational and legal forms and the presence of a labor market. And his theory, as it seems to us, corresponding to modern economic realities, at the same time laid the foundation for the formation of a new doctrine of labor law.

We can say that N.G. Aleksandrov and V.N. Skobelkin studied labor relations from different angles. If the former created an abstract model, considering all exceptions as confirming the correctness of his theoretical model, then the latter used both the rules and exceptions from them as an equivalent building material in his theoretical constructions. One studied legal norms, and the second - their implementation. The resulting theories can be conventionally called static and dynamic, respectively.

Theories of V.N. Skobelkin was followed by his students S.V. Perederin [40], M.Yu. Fedorov [41], S.Yu. Chucha [42], R.V. Kirsanov [43], M.A. Drachuk [44] and others. A.R. Matsyuk [45]. In general, in the Russian science of labor law, the theory of a single labor legal relationship continues to be dominant.

4. Modernization of the theory of labor relations in the context of the transformation of the economy

It seems that today there is no practical sense to "cement" the theory of a single indivisible labor relationship. N.G. Aleksandrov created an industry and “pulled” legal ties from related branches of law into this single legal relationship, and attached them to labor law, to the subject of the industry, by the indivisibility of the legal relationship. Now there is no discussion about the problem of sectoral independence of labor law at any serious theoretical level. They really like to talk about this against the backdrop of the reform of legal specialties, but even being torn apart in the nomenclature between private and public, labor law will not cease to exist as an independent branch with its own subject and method, as long as non-independent labor exists. In our opinion, only a change in the technological structure can lead to its disappearance, entailing such changes in the organization of production and society, in which dependent labor will not be in full demand and there will be nothing to regulate the industry standards.

The main thing is to try to solve the problems faced by labor law in today's rapidly changing conditions of the fourth industrial revolution, the change and mixing of technological structures and, as a result, ways of organizing labor.

For this, along with the theory of a single labor relationship, N.G. Aleksandrov, adopt the doctrine of V.N. Skobelkin and, based on the fact that there are as many labor law contracts as there are civil law contracts, if instead of features we talk about independent types of labor law contracts in which a classic industrial labor contract exists along with a labor law contract in professional sports [46, p. 205-208], an employment contract for seasonal work, an employment contract with a manager, a platform labor contract, etc., and try to develop the Alexandrov-Skobelkin theory - the theory of the plurality of unified labor relations arising on the basis of an open list types of labor contracts and non-contractual grounds (for example, compulsory labor in the execution of punishment), suggesting that the exclusion of a certain type of separate legal relations from a single labor legal relationship can not only destroy this legal relationship as a labor relationship, turning it into a civil law one, but only (and - as a rule) turn it into another labor contract from a long and open list, enshrined in the amended Labor Code of the Russian Federation.

Such an approach will make it possible to complete the process begun a century and a half ago and finally remove from the subject of civil law all contracts providing for the hiring of labor, leaving him at first only a contract of personal employment between individuals, assuming equality of the parties, if it is not dependent (i.e. independent) work

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not with a single employer.

It is necessary to modify the doctrine of labor law and the theory of labor relations so that the subject of labor law extends to any relationship with the use of dependent labor: platform, self-employed (individual entrepreneurs), providing services to one (single) employer, etc., existing and may appear in the future. To do this, labor law, which today is aimed at one specific type of labor organization (with nuances and significant differentiation) - the labor of teams of workers at industrial enterprises, technologically related to the third and fourth technological modes - and has developed an optimal system for protecting the weak side of labor relations, characterized by the stability of these relations, its separate institutions extended to other new and possible forms of labor organization that have arisen and will still arise in the future as the most appropriate organization of production using the technologies of the fifth and sixth technological modes.

It seems that these institutions, as in the beginning of the century, should be labor protection, social insurance and social partnership. The requirements of the first two already today in one way or another actually cover the workers, regardless of the method of organizing production and go beyond the classical subject of labor law. It remains only to extend to all the norms of the institution of social partnership, which will force the creation of social partnership structures in all new areas of application of dependent labor, even if only in order to avoid the automatic extension of the agreements of classical social partners reached at the federal and sectoral levels to them.

The result of the spread of the institution of social partnership will be the gradual application of certain norms of other labor law institutions to new relations and, over time, will be fully regulated by the norms of the Labor Code of the Russian Federation on a separate type of labor law contract.

Complete absorption over time of the legal regulation of new forms of organization by the subject of labor law is one scenario. The second is the emergence of new industries, as well as the entry into the arena of the history of labor law at the beginning of the century as a complex industry that absorbed the institutions of civil and administrative law with the only difference: now labor law can also become a donor.

As a result, we will come to the conclusion that the only necessary and sufficient sign of an employment relationship will be the lack of independence of labor, the legal relationship between a person using his labor according to the rules formulated by the second party will create the basis of an employment relationship, a complex of which, arising from various employment contracts (and non-contractual grounds), forms the subject of labor law.

And it is possible that any labor will become the subject of labor law, the connection of any person using his labor in the interests of another person, regardless of his independence, forms an employment legal relationship that is part of the subject of the branch of labor law, leaving the subject of civil law.

5. The influence of the modernized theory of labor relations on the practice of legal regulation of new forms of labor organization

In practical terms, the modernization of the theory of labor relations will allow not only to extend the norms of labor law (initially, the institutions of social partnership, labor protection and social insurance) immediately to new forms of labor organization due to technological changes, but also to avoid the need for “workarounds” to include, say, , in relations of social partnership and the subject of labor law, already established relations related to labor, or their legalization with the provision of at least minimal protection to the weak side.

For example, judicial practice based on the signs of an employment contract enshrined in the Labor Code of the Russian Federation, which in turn are based on the doctrine of a single labor relationship, forces the subjects to look for workarounds in establishing elements of the labor legal personality of new "trade unions" that unite "non-workers" (using their work not on the basis of an employment contract): lawyers or arbitration managers. Indeed, they are not employees in the classical sense, enshrined in the norms of the Labor Code of the Russian Federation, and the legal regulation of their participation in social partnership

by the norms of the current Labor Code of the Russian Federation seems doubtful. Therefore, the FNPR is trying to include amendments, say, on granting trade union status and the right to participate in social partnership to associations of arbitration managers in the Federal Law “On Insolvency (Bankruptcy)”. For the same reason and in order to circumvent the judicial practice that has developed during the consideration of disputes with the participation of the lawyers' trade union, the FNPR is attempting to change the terminology in the Law of the Russian Federation "On trade unions, their rights and guarantees of activity", adopted back in 1996, and not in the Labor Code RF.

Second example. Evasion of legal regulation of the forms of labor organization that actually arise and are in demand by the economy does not entail the disappearance of these forms, but only their going beyond the legal field. The Labor Code of the Russian Federation prohibits agency work. Wonderful. But let's ask ourselves a question - where have the homeless people gone from the streets of Russian cities in recent years? I dare to suggest that many of them have moved en masse to "workhouses" that provide accommodation, food and employment. Employment in workers' houses is carried out as a rule on the basis of agency work. Clients of workhouses are not protected by labor law when performing work, and other industries are not interested in regulating their work. In such a situation, the Criminal Code becomes the only defender. But criminal law protects by prohibiting and punishing the violation of the prohibition. And the chance of getting into its orbit among business organizers is the higher, the lower the quality of legal regulation of such a business. In the absence of any legal regulation, almost any entrepreneur gets a real chance to become a subject of criminal law relations.

The designated approach to the theory of labor relations will allow a new approach to the problem of agency work [47, p. 2-3] (an employee provision agreement) in general. A three-subject (two of them are on the side of the employer) unified complex of individual legal relations is very difficult to “fit” into the current doctrine of labor law. At the heart of the ban on agency work, it seems to us, is the real possibility of abuse in relation to obligations to the employee, the difficulty in finding a responsible (and at the same time solvent!) Subject on the side of the employer in a particular situation. Civilistic terminology is secondary. And why not introduce joint and several liability of the person providing and using hired labor? They can agree on anything among themselves, but if, as a result, the rights of the employee are actually violated, he will be able to jointly and severally recover damages from them or demand in court to jointly and severally carry out some actions.

The perception of labor relations as a complex of systems of unified legal relations will also make it possible to change the presumption of proof in the few remaining cases of substitution of labor contracts by a civil law surrogate: any work performed personally not in the personal interests of another person forms labor relations, unless proven otherwise, and not vice versa, as now. The presumption of payment of insurance premiums and the use of other institutions of labor law will make this substitution itself economically meaningless.

The process of incorporating employment rules based on Internet platforms into labor legislation is already underway, although states solve this problem in different ways [48, p. 121-130]. For example, if some include in labor laws norms that apply to both employees and dependent self-employed (Germany, Sweden), others form a system of judicial precedents that allows qualifying relations as labor (USA). However, “in all cases, the effect of labor law is actually expanded, albeit through various means” [49, p. 212-222]. Legislative work is underway, involving the consolidation of relevant norms in the Labor Code of the Russian Federation, and in our country[4]. The theory of a complex of

[4] Press conference at the press center of the Izvestiya Information Center with the participation of A. Pudov, M. Shmakov, A. Shokhin and A. Isaev on February 1, 2022, dedicated to the 20th anniversary of the Labor Code of the Russian Federation // https://iz.ru/1284671/2022-02-01/v-press-tcentre-mitc-izvestiia-obsuzhdaiut-perspektivy-trudovogo-

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unified labor legal relations opens up a wide horizon of possibilities for regulating platform labor by the norms of a separate labor contract included in the Labor Code of the Russian Federation.

Fully corresponds to the historical trends in the development of law, as well as the theory of the plurality of unified labor relations, the proposal put forward by individual foreign lawyers to increase the employer's responsibility for the onset of adverse consequences, even when they occurred through the fault of the employee, if the employer used the artificial intelligence system [50, p. 19-34] to control the performance of labor duties. According to the supporters of this proposal, since the artificial intelligence system is able to calculate the risks of harmful consequences using predictive analytics in advance, the fault of the employee should not affect the responsibility of the employer [51, p. 262-293]. We cannot accept the arguments of opponents of such an approach [52, p. 172], building his statement on the analogy of the legal regulation of human interaction with a source of increased danger, transferred to the era of artificial intelligence. The relevant rules should be regulated by the modernized Labor Code of the Russian Federation. A "thinking" system (not acting according to the algorithms put into it by a person) cannot be considered as a means of objective control, capable of making a decision about the responsibility of a person.

Finally, starting from Aleksandrov-Skobelkin's theory of the plurality of unified labor legal relations and the subsequent increase in industry normative material, it will be possible to return to the question of the formation of labor procedural law. By itself, the labor process as an industry, of course, can be formed, but only following the conjuncture - if a system of labor courts, a labor procedural code (which is very doubtful) or political will appear, then it will be possible to bring a theoretical basis. But in fact, for the construction of a new industry, there is too little normative procedural material related to it. The Labor Procedure Code will become a reduced copy of the Code of Civil Procedure, regulating the procedure for considering only one category of disputes - labor and social protection. V.N. Skobelkin was aware of this, and proposed to form an industry not only from procedural, but also procedural norms. It is impossible to remove the doctrinally necessary legal connection from a single labor legal relationship and transfer it to a new industry - the labor legal relationship will collapse. And the theory of V.N. Skobelkina allows such an exception [39]. Why not think in this direction in the context of the transformation of society and the economy?

6. Conclusion

Convergence of the theory of a single indivisible labor relationship N.G. Aleksandrov and the theory of the complex of labor relations V.N. Skobelkin, in the context of the transition to new technological paradigms and the growth of differentiation of forms of labor organization, made it possible to formulate the foundations of the theory of the plurality of unified labor legal relations, which provides for a reduction in the number of necessary and sufficient signs for classifying a legal relationship as a labor regulated by the branch of labor law. This theory involves a shift in the presumption of proof from proving the existence of labor relations regulated by labor law to proving the civil law affiliation of relations arising from the use of human labor in the interests of another person.

Prospects for expanding the subject of the branch of labor law are assumed to be due to the inclusion in it of new relations arising on a contractual and non-contractual basis related to the use of human labor. Such an expansion of the subject of labor law will make it possible to complete the process of withdrawing from the subject of civil law in favor of the right to labor all contracts and legal relations arising on their basis, providing for the hiring of labor, while maintaining the civil contract of personal hiring between individuals, which implies equality of the parties to the use of independent labor not from a single employer. At the same time, the institutions of social partnership, labor protection and social insurance should be extended to new forms of labor organization, not yet enshrined in the Labor Code, with subsequent regulation in the Labor Code of the Russian

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Federation of the extension of other norms and institutions of labor law to these new forms.

The three-subject composition of the participants in the system of legal relations arising from the use of agency labor (a contract for the provision of an employee), the establishment of joint liability of subjects on the side of the employer (solid and several employer) and the need to limit the liability of the employee for offenses detected by artificial intelligence are substantiated.

The fundamental problems raised in the article require a fundamental monographic and, preferably, a collective study. The presented model of modernization of the subject of labor law and labor relations is intended, firstly, to outline ways to study blocks of problems along the path of developing a new doctrine and, secondly, to find out the point of view of the scientific community on this issue, the arguments and comments of scientists as to the relevance of such a study, and the adequacy of its author's approaches to solving the theoretical and practical problems facing the science of labor law and responding to new, perhaps still hypothetical, challenges.

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