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## **ON SOME THEORETICAL AND LEGAL ASPECTS OF FORCED LABOR PROHIBITION**

The article is devoted to the theoretical and legal aspects of the forced labor prohibition. The approaches of scientists as to the correlation of the concepts of “forced”, “required”, “compulsory” labor. The term “forced” and “compulsory” labor is the same, because the meaning of labor, which is under the external factors influence against people’s will by the threat of sanctions of Labour Organization representative capacity has been determined.

According to the labor law theory “forced” and “compulsory” labor is different definitions. Person’s involvement to forced labor is against his will under the menace of a penalty and the required work is done voluntarily perceiving the person usefulness.

The application of labor should be based on the person’s free will without any menace of a penalty. The author considers to fix the norm in the new

Labour Code of Ukraine in order to define forced labour for effective prevent the enforcement of employees. Forced labor is any kind of work (service), in which people are employed against their will and it is dangerous for their life or health, forcible, threatening punishment and is carried out under the supervision and control of a public authority.

According to the International and European standards of work there is a list of works which are not against people’s will, but are not considered forced labor, as it is reflected in the Constitution of Ukraine. There is a list of works that are not recognized as forced one and the use of forced labor is forbidden in the Constitution of Ukraine. The author pays attention that these regulations are contrary to the principle of the prohibition of forced labor. In labor legislation should not be any restrictions implementation of this principle.