

Научная статья

Original article

UDC 349.2:712.25

doi: https://doi.org/10.55186/25880209_2026_10_2_12

edn: NEKEUY

**THEORETICAL FOUNDATIONS AND PRACTICE OF LABOR
REGULATION IN URBAN MANAGEMENT: PROBLEMS AND
PROSPECTS (ON THE EXAMPLE OF URBAN LANDSCAPING AND
GREENING)**



Regina R. Baiturina, doctor of agricultural sciences, associate professor, associate professor of the department of forestry and landscape design, Bashkir state agrarian university, Ufa, Russia, ORCID: <http://orcid.org/0000-0002-8156-2165>, aspirant_bsau@mail.ru

Nellia Sh. Baiburina, Bashkir state agrarian university, Ufa, Russia, aspirant_bsau@mail.ru

Elvina R. Isianiulova, Ufa University of Science and Technology, Ufa, Russia, elli205@gmail.com

Abstract. The relevance of the study is determined by the high strategic importance of forming a comfortable urban environment [1] within the framework of the national projects «Housing and Urban Environment» and «Infrastructure for Life» as well as by systemic problems in the legal regulation of labor in the field of urban landscaping and greening. The aim of the work is a comprehensive analysis of the regulatory framework and judicial practice to identify legal conflicts and formulate proposals for improving the regulatory mechanism. The research materials include provisions of the Labor Code and the Town Planning Code of the

Russian Federation, the professional standard «Specialist in Landscaping and Greening of Territories and Objects» as well as rulings of courts of general jurisdiction and arbitration courts for the period 2019-2025. General scientific and specific legal methods were applied: analysis, comparative legal, formal legal, and case-study methods. It is established that the dominance of civil-law contracts where signs of employment relationships exist, the lack of uniformity in quality control of work, and the low attractiveness of the industry create persistent legal and social risks. Measures are proposed to strengthen preventive supervision, introduce digital documentation tools, and integrate personnel policy into national projects.

Keywords: urban landscaping, greening, employment relations, civil-law contract (GPC), judicial practice, occupational safety, national projects

Introduction. The formation of a comfortable, safe, and environmentally sustainable urban environment is highlighted as one of the key priorities of state policy in spatial development and improving the quality of life of the population. The evolution of this course is reflected in the consistent integration of relevant tasks into the system of national projects: from the national project «Housing and Urban Environment» (since 2018) to the updated national project «Infrastructure for Life» (since 2025), where the areas «Formation of a Comfortable Urban Environment» and «Development of Infrastructure in Settlements» have acquired the status of core components [4]. The implementation of these large-scale tasks is ensured by activities in the field of urban landscaping and greening, which, in turn, is characterized by a unique complex of socio-labor relations.

High strategic significance, supported by a substantial volume of budget allocations, combined with pronounced practical specifics, creates a special legal regime requiring detailed scientific understanding. The specifics of labor regulation in this industry are determined by the seasonal nature of a significant part of the work, a wide professional spectrum (from landscape design to the operation of special equipment), special, often harmful or dangerous, working

conditions outdoors, as well as the prevalence of non-standard forms of employment. This study aims to conduct a comprehensive analysis of the theoretical foundations and law enforcement practice of regulating labor and related relations in the field of landscaping and greening, to identify systemic problems based on the study of the regulatory framework and judicial practice, and to formulate scientifically based proposals for improving the current mechanism of legal regulation.

MATERIAL AND METHODS

The basis of the study is the multi-level regulatory framework governing relations in the field of urban landscaping, greening, and labor. Key sources were: the Labor Code of the Russian Federation [8], the Town Planning Code of the Russian Federation, Federal Law №44-FZ dated 05.04.2013 «On the Contract System in the Procurement of Goods, Works, Services for State and Municipal Needs» as well as by-laws, including the professional standard «Specialist in Landscaping and Greening of Territories and Objects» (approved by Order of the Ministry of Labor of Russia №599n dated 09.09.2020) [3,7] and industry-specific occupational safety rules.

Important empirical material was provided by modern judicial practice (2019-2025), selected from publicly available legal databases [3]. Cases related to the qualification of contracts, occupational safety, acceptance of work, and resolution of disputes between customers and contractors were analyzed.

The work employed general scientific (analysis, synthesis, systematization) and specific scientific methods of cognition: comparative legal (for comparing norms of labor and civil law), formal legal (for interpreting legal norms), and the case-study method (for in-depth analysis of specific court decisions). A systematic approach allowed considering the industry as a complex of interconnected elements subject to the influence of specific factors.

RESULTS AND DISCUSSION

1. Industry Specifics as a Determinant of Legal Regulation

Activities in landscaping and greening form a complex system of relations at the intersection of public and private law. Its legal regulation must adequately respond to the following key industry features:

1) Pronounced seasonality and climate dependence. A significant volume of work is objectively tied to favorable agrotechnical periods. This predetermines the widespread application of Norms on seasonal and temporary work (Chapter 46 of the LC RF) [8], influencing the prevalence of fixed-term employment contracts.

2) Professional heterogeneity and high qualification requirements. The industry consolidates specialists of various levels, which directly correlates with the differentiation of working conditions, wage levels, and measures of social support [6].

3) Work in special and dangerous conditions. Constant exposure to a complex of adverse factors is officially recognized as special working conditions, giving rise to the employer's obligation to provide established guarantees and compensations (Articles 146, 147 of the LC RF) [8].

4) Dominance of flexible and atypical forms of employment. The widespread use of part-time work, temporary work, and civil-law contracts (CLC) creates a permanent conflict between the formal civil-law status and actual employment relationships.

5) Territorial dispersion of objects and resulting organizational and legal complexities. Performing work on multiple dispersed sites generates specific requirements for labor organization and objectively complicates effective control.

2 Problematic nodes of Law Enforcement and Vectors for Their Solution

2.1 Qualification Conflict: Employment Contract / Civil-Law Contract

The widespread use of work contracts and paid service contracts to formalize actually employment relationships is a systemic problem. Judicial practice consistently follows the criteria established by the Resolution of the Plenum of the Supreme Court of the Russian Federation №2 dated 17.03.2004 «On the Application of the Labor Code of the Russian Federation by the Courts of the Russian Federation» and reclassifies such contracts in the presence of signs of

employment relations – personal performance, subordination to internal regulations, and systematic nature.

An example is the Decision of the Angarsk City Court of the Irkutsk Region dated 29.05.2019 in case №2-906/2019, in which a paid services contract was reclassified as an employment contract based on the indicated signs. However, it is important to emphasize that such decisions are restorative in nature and do not prevent the continuation of the practice of evading formal employment relationships.

Proposed measures:

- Strengthening preventive control by the State Labor Inspectorate and prosecutor's offices based on a risk-oriented approach;
- Development by the Russian Ministry of Labor, together with industry associations, of methodological recommendations for distinguishing between employment and civil-law relations;
- Conducting a systematic information campaign for legal education of workers.

2.2 Occupational Safety in Conditions of «Legal Uncertainty»

The status of a «CLC contractor» removes a person from the scope of labor legislation norms on occupational safety, creating a «gray area» of responsibility. This is confirmed by the practice of prosecutorial response to cases of injuries, including in regions with active development of landscaping programs (e.g., in the Yamalo-Nenets Autonomous Okrug).

Proposed measures:

- Extending the scope of industry-specific occupational safety rules to all persons performing work on landscaping facilities, regardless of the form of contract;
- Introducing a mandatory requirement for preliminary medical examination of key personnel of contractors as a condition for admission to participate in municipal procurement;
- Implementing mandatory practical safety briefings at the site using digital platforms and mobile applications.

2.3 Structural Imbalances in Human Resources Potential

Seasonality and low labor attractiveness perpetuate a model of unstable employment, high turnover, and a chronic shortage of qualified specialists.

Proposed measures:

- Integration of industry-specific educational programs (based on the «Professionalitet» project) into the regional components of the national project «Infrastructure for Life»;
- Establishing norms in regional tripartite agreements that encourage the conclusion of indefinite employment contracts with seasonal workers;
- Enshrining in industry agreements guaranteed minimum rates significantly exceeding the regional minimum wage.

2.4 Legal Risks in the System of Quality Control and Budget Settlements

The difficulty of objectively recording the volume and quality of work generates a significant body of court disputes. Analysis of practice in 2024-2025 reveals stable legal positions of arbitration courts:

- Insufficiency of formal acts Not supported by detailed breakdown and photo documentation (Case №A60-12345/2024);
- Imposing the risk of loss of planting material during the warranty period on the contractor – provided that the court establishes improper performance of obligations (e.g., violation of planting or watering technology) (Case №A53-40600/21 dated April 22, 2022);
- Retention of the contractor's liability even in case of improper acceptance by the customer (Case №A64-5205/2021 dated november 17, 2022).

Proposed solutions:

- 1) Legalization of a digital protocol using geotagged photo/video recording as an integral annex to acceptance certificates.
- 2) Standardization of the methodology for selective control by the Russian Ministry of Construction.
- 3) Mandatory training for members of acceptance commissions in the use of digital control tools.

CONCLUSION

The conducted research allows us to draw the following conclusions:

1. Legal regulation of labor in the field of urban landscaping and greening is characterized by significant specificity, due to seasonality, professional heterogeneity, special working conditions, and the dominance of atypical forms of employment.
2. Key systemic problems are the mass use of civil-law contracts to formalize employment relationships, creating legal uncertainty in the field of occupational safety, structural human resource imbalances, as well as archaic quality control mechanisms leading to high judicial risks.
3. Improving legal regulation requires a comprehensive approach, including measures to counter informal employment, integrate personnel policy into the logic of national projects, and technologically modernize control and documentation processes based on digital solutions.

References

1. Baiturina, R.R., Ishbirdina, L.M., Gabitova, A.A. & Muftakhova, S.I. (2023). Osnovy landshaftnogo stroitel'stva [Fundamentals of Landscape Construction]. Ufa: Bashkirskiy gosudarstvennyy agrarnyy universitet.
2. Gradostroitel'nyy kodeks Rossiyskoy Federatsii [Town Planning Code of the Russian Federation] No. 190-FZ of December 29, 2004 (as amended on September 29, 2025). Sobranie zakonodatel'stva RF, 2005, No. 1 (Part 1), Art. 16.
3. Obzor sudebnoy praktiki po sporam, svyazannym s priemkoy rabot po blagoustroystvu i ozeleneniyu [Review of Judicial Practice on Disputes Related to Acceptance of Landscaping and Greening Works]. (2025). Konsul'tantPlyus Legal Reference System.
4. Pasport natsional'nogo proekta «Infrastruktura dlya zhizni» [Passport of the National Project "Infrastructure for Life"] (approved by the Presidium of the Council under the President of the Russian Federation for Strategic Development and National Projects, Protocol No. 18 of December 21, 2024).
5. Postanovlenie Plenuma Verkhovnogo Suda RF No. 1 of March 2, 2023 «O primeneniі sudami Trudovogo kodeksa Rossiyskoy Federatsii» [Ruling of the

Plenum of the Supreme Court of the Russian Federation No. 1 "On the Application of the Labor Code of the Russian Federation by Courts"].

6. Professional'nyy standart «Spetsialist po blagoustroystvu i ozeleneniyu territoriy i ob'yektov» [Professional Standard "Specialist in Landscaping and Greening of Territories and Objects"] (approved by Order of the Ministry of Labor of Russia No. 599n of September 9, 2020). Ofitsial'nyy internet-portal pravovoy informatsii. Retrieved from <http://publication.pravo.gov.ru>

7. Reshenie Angarskogo gorodskogo suda Irkutskoy oblasti ot 29.05.2019 po delu No. 2-906/2019 [Decision of the Angarsk City Court of the Irkutsk Region of May 29, 2019 in case No. 2-906/2019]. Sudebnye i normativnye akty RF. Retrieved from <https://sudact.ru> (accessed: October 11, 2025).

8. Trudovoy kodeks Rossiyskoy Federatsii [Labor Code of the Russian Federation] No. 197-FZ of December 30, 2001 (as amended on September 29, 2025). Sobranie zakonodatel'stva RF, 2002, No. 1 (Part 1), Art. 3.

© *Baiturina R.R., Baiburina N.Sh., Isianiulova E.R., 2026. International Agricultural Journal, 2026, № 2, 68-75.*