

The Compe General Rules of Contracts, Labar Contract

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Abstract In the past, labor contract, named persons rent, was purely private. However, ideological, political, social and economic factors, according to the parties' inequality, led to governments' interference in this employer-employee relationship. The involvement of governments in labor contracts resulted in adding public law aspect to working relationships besides private law aspect. Over time, by the evolution of labor law, the role of public law has been made more manifest than private law. In this article, we study the comparison between general rules of contracts in labor contract. The main question is 'What is the legal nature of labor contract?' and 'How is it possible to compare the general rules of contracts in labor contract? We hypothesized that in essence, labor contract is a type of specific contract predicted in the specific law (the labor law) whose terms and conditions are predicted and it is not included in the specific contracts of the Civil Code. On the other hand, our other hypothesis is that considering the impact of the governments' will on employer-employee relationship, and considering the fact that this will is regarded as a basis for the parties' rights, it is the basis of labor contract's exclusion general rules of contracts. Given that the basic conditions have been stated in the Article 190 of the Civil Code in absolute terms, they are also implemented in labor contract. However, in terms of conditions and impacts of contract, considering the government's interference and establishing obligatory terms and procedures, which are restrictive to the principle of sovereignty of will, the specific law (labor law) is enforced. This research is a descriptive analysis conducted based on library and legal studies.

Keywords : Keywords: general rules of contracts, labor contract, legal nature of labor contract, comparison between general rules and labor contract

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