

THE MAIN WAYS OF IMPROVING THE SOCIAL SECURITY SYSTEM OF UKRAINE: ADMINISTRATIVE AND LEGAL DIMENSION

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Summary

In this article the author analyzes the content and conceptual characteristics of “social security” concept, the system of social security and the main ways of its improvement. It is emphasized that social infrastructure as a necessary condition for the full functioning of the socio-economic system is supported by a properly organized social security system. At the level of EU legislation, the “social security” concept is associated with all interventions by public or private organizations aimed at relieving households and individuals from the burden caused by certain types of risks or needs. At the conceptual and theoretical level, it can be concluded that social security is a set of measures and means of an organizational, legal and socio-economic nature carried out by public and/or private entities, in order to ensure the socially safe existence of a person as the highest social value and an integral element of social existence, by preventing, reducing or eliminating social risks, as well as meeting human needs in the social sphere. The structure of social security in Ukraine consists of the following elements: 1) social welfare – budgetary assistance to certain categories of population; 2) social insurance – assistance of non-budgetary structures to neutralize insurance cases; 3) state social guarantees – budgetary financing of enterprises aimed at compensating for the lost income; 4) social assistance. Three levels of the social security system in Ukraine are distinguished: institutional, law enforcement, of direct interaction. The article outlines current proposals on the ways to improve the social security system in Ukraine.

Key words: living wage, social state, infrastructure, social welfare, social insurance, social worker, social guarantees of the state.

DOI <https://doi.org/10.23856/6618>

1. Introduction

Social security is considered to be one of the greatest achievements of the civilizational development of mankind, formed as a special institution of the state already in the era of industrialization (although fragmentarily manifested in ancient times) (Stiker, 2015), accordingly, the versatility of social security, the decisive role of the state in its introduction, provision and development led to the fact that such a state gradually transformed into a social state (Golinowska 2005, p. 1). In general social security is supposed to be considered as: 1) state support for the population strata that may undergo the negative impact of market processes in order to ensure the appropriate standard of living, that is, measures that include the provision of legal, financial, financial assistance to individuals (the most vulnerable population strata), as well as the creation of social guarantees for the economically active part of the population; 2) a complex of legally secured guarantees that counteract destabilizing life factors (inflation, decline in production, economic crisis, unemployment, etc.) (Vnukova & Kuzmynchuk 2021, p. 23). Therefore, social infrastructure (as a mandatory condition for the full functioning of

the socio-economic system), which includes bodies of support and development of cultural, educational, health care and physical culture systems, pensions and various social payments is based on the pillar of a proper organized social security system.

2. Materials and methods

Some problematic aspects of this study were the subject of scientific research of many Ukrainian scientists, such as V. M. Andriyiv, N. V. Galitsyna, O. V. Epel, M. I. Inshin, L. Yu. Malyuga, L. M. Sinyova, B. I. Stashkyv, O. V. Tyschenko, M. M. Shumylo, O. M. Yaroshenko and the others. At the same time, the dynamics of development of social sphere requires further scientific understanding of the strategy of development and ways to improve the social security system under complex military and post-war realities.

We rely on the application of a system of principles and approaches built on universal (worldview-philosophical), general and special scientific (legal and non-legal) methods, first of all, the logical-semantic method, the method of general scientific analysis, system-structural method, content analysis method in order to obtain the most reliable scientific results in the study.

The purpose of this article is to outline the conceptual definition of social security, its system and ways to improve it in Ukraine under conditions of rapid increase of need for social services in particular and the need for proper administration of socially safe existence of the people of the state as a whole.

3. The conceptual definitions and the structure of social security system in Ukraine

At the level of the European Parliament and Council Regulation No. 458/2007 from April 25, 2007, the concept of "social security" is linked to "all interventions of public or private organizations aimed at releasing households and individuals from the burden of risks or needs, in the absence of simultaneous mutual or individual arrangements" (6); an inexhaustible list of appropriate risks (needs) capable of making the need for social security measures mainly covers illness and/or health care, disability, old age, loss of breadwinner, family/children, unemployment, housing, social isolation.

Clause 3 of the Procedure approved by the Resolution of the Board of the Pension Fund of Ukraine on March 3, 2021 No. 8-1 (8) states that social security is «providing of social payments, benefits, services, measures and other guarantees for citizens at the expense of state and local budgets, the Pension Fund of Ukraine, compulsory state social insurance funds, international technical assistance and other sources not prohibited by law by social security institutions». Social security of the people of Ukraine is also defined as a system of economic, social and organizational measures that are aimed at supporting the most vulnerable strata of the population (pensioners, persons with disabilities, war veterans, large families, orphans, children deprived of parental care, children in difficult circumstances and other categories of persons entitled to state aid and benefits in accordance with law (according to the thesaurus of the Strategy of the digital transformation of the social sphere, approved in 2020) (13). The acts of the current legislation contain the definition of social security aimed at ensuring the social security of separate population segments. For example, Part 3 of Art. 1 of the Law of Ukraine "On Bodies and Services for Children and Special Institutions for Children" from January 24, 1995 (9) contain the definition of the concept of «social security of children», Part 1 of Art. 1 of the Law of Ukraine "On Social and Legal Protection of Servicemen and their Families" from

December 20, 1991 (11) – «social security of servicemen». The essential content of social security of persons with disabilities is fragmented in Art. 4 of the Law of Ukraine "On Fundamentals of Social Security of Persons with Disabilities in Ukraine" from March, 21, 1991 (10), and in paragraph 21 of Part 1 of Art. 1 of the Law of Ukraine "On Employment of the Population" from July, 5, 2012 (7) there is a definition of "social security in case of unemployment".

From the above normative approaches it can be noted that social security is a set of measures and means of organizational-legal and socio-economic nature, which are carried out by public and/or private entities, to ensure the socially safe existence of a person as the highest social value, by preventing, reducing or eliminating social risks, as well as meeting human needs in the social sphere (Epel 2023, p. 19). Therefore, the connection of a social state with the need to ensure social security of the population is directly objectified in social security, for proper implementation of which the state creates and ensures the optimal functioning of the social security system, which covers, firstly, the institutional element of security (public authorities and their officials; non-state entities that provide social security of persons in need); secondly, entities that exercise internal control of the social security system; thirdly, a strategic element (areas of social security within which appropriate forms of such security are formed); fourth, instrumental element of security (means of security); fifth, a procedural element (a set of procedures for the implementation and satisfaction of the right to social security).

Hence social security is a special socio-legal phenomenon that in broad sense is an activity in the implementation of various measures (regulated by law, agreed with the principles of law and covered by the state's social policy) which: 1) allow to prevent a critical state of human social security (groups of people); 2) contribute to the restoration of the proper state of social security of a person (groups of people) in difficult life circumstances. There is reason to state that social security aims to expand social (and other related) human capabilities (contributing to its full life), to protect human rights and give it a scientifically sound, tested and provided with the necessary human, intangible, material, financial, etc. resources ability to overcome structural barriers that impede its full participation in society.

The main elements of the social security system are: 1) establishment of permissible life parameters (size of the subsistence physiological and social minimum, minimum pension, social assistance); 2) protection of the population from rising prices and commodity shortages to guarantee the subsistence minimum for citizens; 3) solving the problem of unemployment and ensuring efficient employment and retraining; 4) pension provision (of elderly people, disabled people, families who have lost a breadwinner); 5) maintenance of orphanages, boarding schools, homes for the elderly, etc.; 6) social transfers (unemployment benefits, one-time monthly payments for children, maternity, disease and other reasons, housing subsidies, etc.); 7) social service (providing social services to certain categories of citizens, etc.); 8) providing the necessary medical care, etc. (Vnukova & Kuzmynchuk 2021, p. 23-24).

The social security system in Ukraine is differentiated and consists of: 1) basic set of social rights, services, opportunities for the entire population – minimum wage, subsistence minimum, access to basic medical services; 2) mandatory social insurance to ensure a guaranteed income; 3) voluntary insurance, which can be used only by individuals and households with a sufficient level of income. The structure of social security in Ukraine consists of the following components: 1) social protection – budgetary assistance to certain categories of the population; 2) social insurance – the assistance of non-budgetary structures to neutralize insurance cases; 3) social guarantees of the state – budgetary financing of enterprises with the aim of compensating for the lost income; 4) social assistance (Varnaliia 2023, p. p. 82, 97).

4. The levels of the social security system in Ukraine

The social security system in Ukraine consists of three levels:

1) the institutional level is characterized by a special structure, depending on the type of services, as well as the type of settlement in which the service is provided, covering both entities responsible for the implementation of social security and a number of entities of public administration that are not and cannot be centralized (in particular, considering the freedoms of local self-government). On August 26, 2020, the resolution of the Government of Ukraine No. 783 (I) established the National Social Service of Ukraine as a central body of executive power, which «implements state policy in the field of social security of the population, protection of children's rights, implementation of state control over compliance with legislative requirements during the provision of social support and compliance with children's rights». Among the main tasks of the National Social Service, the Government of Ukraine singled out the provision of public administration of social services and the implementation of social work. Accordingly, the National Social Service should become not a formal, but a real institutional center for the implementation of the policy of social security of the population of Ukraine, therefore, the institutional basis of the national system of social security, body, the functioning of which will determine the possibility of receiving social services according to the "single window" principle (this is partially stated in the Concept of the implementation of state policy on social security of the population and protection of children's rights, adopted in 2020 and so far not ensured at the regulatory and programmatic levels);

2) law enforcement level – for the implementation of international standards and norms of social security in Ukraine, the specified norms and standards are first of all objectified in social programs, which are a set of coordinated measures aimed at solving a set of social problems (local social programs (that take into account the specifics of the emergence and manifestation of social risks and challenges that are typical or the most problematic in a certain area) are of particular importance):

2¹) the social assistance system to which it should be attributed: state social assistance to low-income families, for the care of children with disabilities (including persons with disabilities since childhood), persons who do not have the right to a pension (including persons with disabilities), assistance for orphans, for children who were deprived of parental care, etc., temporary assistance to children who find themselves in a socially vulnerable situation, when their parents avoid paying alimony (as well as being unable to support a child), etc., monthly cash assistance for the care of a person with a disability of the I or II group as a result of a mental disorder that requires (according to the relevant opinion of the medical commission of the health care institution) permanent external care, compensation for individuals who provide social care services on a non-professional basis, temporary state social assistance to an unemployed person who has reached the general retirement age, but has not acquired the right to a pension payment;

2²) a system of benefits that covers such categories of persons: persons with the status of a war veteran and related legal statuses, namely: persons with disabilities due to the war of groups I, II, III; participants in hostilities; family members of a deceased war veteran; participants in the war; persons with the established status of "child of war"; persons with the status of veterans of military service, veterans of internal affairs bodies, veterans of the National Police and some other privileged categories of persons; persons with the status of military personnel who became disabled during military service, as well as family members of fallen (deceased) military personnel; persons who suffered from the Chernobyl disaster, classified as category 1 or category 2; wife (husband) of a deceased citizen, whose death is related to the Chernobyl

disaster; children who have been diagnosed with a disability related to the Chernobyl disaster; large families;

2³) the system of social services, the basic of which in Ukraine include those that are regulated at the level of standards, in particular: care at home; day care; social adaptation; social integration, reintegration of homeless persons; provision of shelter to homeless persons; emergency (crisis) intervention; consultancy; representation of interests; mediation; social prevention; inpatient care for a person who has lost the ability to self-care (or was unable to acquire the ability to self-care); palliative care; social integration of graduates of residential institutions; supported living of the elderly and persons with disabilities, etc.;

3) the level of direct interaction regarding social security in Ukraine – a social worker can be a key element of the social protection system only when he works under decent conditions, his legal status is properly defined in the legislation, the social security of such employees will be guaranteed both at the regulatory and institutional levels, given that the public administration body cannot by itself find out and assess the specific needs of a person in social security, determine certain factors that cause a crisis in the social security of a person (his family), help a socially vulnerable person navigate the difficulties of realizing the right to social security, take responsibility for his life, etc. (*Epel 2023, p. 41*).

5. The administrative and legal ways of improving the system of social security in Ukraine in war and post-war realities

The war and the understanding of the post-war prospects for ensuring social security of the population of Ukraine make it possible not only to single out the problematic issues of the functioning of the social security system, but also to outline the prospective administrative and legal parameters for their solution. Despite a significant array of Ukrainian legislation, which constitutes the regulatory and legal basis of the social security system and which can be considered mostly consistent with international social standards and norms, a number of key convention acts, which are important for the effective functioning of the national social security system, still remain unratified by Ukraine (*Epel 2023, p. 41*). Therefore, in Ukraine, it is necessary to develop a conceptual and strategic act that would outline the main problems of the functioning of the social sphere and ways to solve them, considering the importance of social work in the context of the effective functioning of this system. Taking into account the recommendations of the ILO, the Global Charter for an Ecosocial World, which was developed at the World Summit of Peoples "Co-creating a New Ecosocial World: Leaving No One Behind" (06.29-07.2022) (15), documents of the International Federation of Social Workers (4), it is necessary, first of all, to ratify and implement a number of ILO convention acts in order to further adapt the national system of social security in Ukraine to international social law and deepen the consistency of this system with international legal standards in the social sphere: 1) "On the equality of citizens of the country and foreigners and stateless persons in the field of social protection" 1962 № 118; 2) «About assistance in cases of industrial injuries» 1964 № 121 (in the current edition); 3) «About medical assistance and assistance in case of illness» 1969 № 130; 4) «On promotion of employment and protection against unemployment» 1988 № 168; 5) «About assistance for disability, old age and in connection with the loss of a breadwinner» 1967 № 128; 5) «On the establishment of an international system of rights protection in the field of social security» 1982 № 157; 6) «About maternity protection» 2000 № 183; 7) «About violence and harassment in the field of work» 2019 № 190; 8) «About a safe and healthy working environment» 2023 № 191.

Secondly, there is an urgent need to amend the Law of Ukraine "On Social Services" (2019) (12) for improvement: 1) the definition of a number of concepts in the field of social security, in particular, "social worker", "social work", "social work methods"; 2) outline of the key criteria for the effectiveness of social policy in the context of the functioning of the social protection system; 3) determining the principles and values of providing social services in general; 4) outline of basic methods of social work; 5) introduction of mandatory obtaining of licenses for performing social work of the relevant type; 6) definition of personnel policy standards in the field of providing social services, in particular, clarification of the criteria for obtaining admission to a profession related to the provision of social services; 7) determination of the formula for the permissible intensity and volume of work of social workers and the parameters of rehabilitation leave, which will be granted to social workers on the basis of a medical document certifying the professional burnout of a social worker.

Thirdly, the long-term priority is the development and adoption of the Social Code of Ukraine and the codification of the orders of the Ministry of Social Policy of Ukraine, which approve the state standards of social services, the result of which should be the adoption of the Code of State Standards of Social Services (*Epel 2023, p. 122*).

Fourthly, there is an urgent need to strengthen the personnel potential of the social security system, taking into account the concepts of good governance and the modern doctrine of public administration (*Halitsyna, 2020*), which includes, in particular, the optimization of the functioning of the legal mechanism for ensuring decent working conditions for social workers based on generally recognized standards for the performance of social work.

The outlined ways of improving the social security system in Ukraine should contribute to the gradual optimization of the functioning of this system, strengthen the state of social security of the population as an important component of national security.

6. Conclusions

Social security is a socio-legal phenomenon, which is objectified in practical reality as a result of the functioning of the social security system at the institutional, law enforcement and social assistance levels. The problems of the functioning of the social security system in Ukraine are the following: 1) the absence of an actual, long-term strategic forecast for the further development of the social security system, which hinders progress and reforms in the field of social security; 2) insufficient financing of the social security system and further growth of the needs for financing the social sphere; 3) the personnel crisis and the lack of actual programs to solve it in the short- or long-term perspectives; 4) completion of the institutional (administrative and legal) reform in the social sphere, as a result of which the National Social Service will become the main responsible entity for the provision of social services, which will be reflected in the centralization and optimization of the system of providing social services according to the "single window" principle.

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