

Social security and protection in the context of European integration in Ukraine

Seguridad y protección social en el contexto de la integración europea en Ucrania

DOI: <https://doi.org/10.17981/juridcuc.18.1.2022.16>

Fecha de Recepción: 2022/02/17 Fecha de Aceptación: 2022/06/10

Valentyna I. Zhuravel 

Valentina Zhuravel Law Office. Kyiv (Ukraine)
zhuravel8260-4@sci-univ.com

Oksana V. Epel 

Sixth Administrative Court of Appeal. Kyiv (Ukraine)
epel8260-4@edu.cn.ua

Tetyana P. Yehorova-Lutsenko 

Kharkiv Regional Council. Kharkiv (Ukraine)
yehorova-lutsenko8260-4@neu.com.de

Maryna A. Didychenko 

Northern Commercial Court of Appeal. Kyiv (Ukraine)
didychenko8260-4@acu-edu.cc

Olha A. Dyachenko 

Taras Shevchenko National University of Kyiv. Kyiv (Ukraine)
dyachenko8260-4@edu-knu.com

To cite this article:

Zhuravel, V., Epel, O., Yehorova-Lutsenko, T., Didychenko, M. & Dyachenko, O. (2022). Social security and protection in the context of European integration in Ukraine. *Jurídicas CUC*, 18(1), 397–420. DOI: <http://dx.doi.org/10.17981/juridcuc.18.1.2022.16>

Abstract

The processes of modern integration of Ukraine with Europe are closely connected with changes not only in the system of national legislation in terms of its adaptation to the principles and norms of international and European law, but also with a radical revision of the basics of legal support in public life. One of the most important spheres of public life is the social sphere, which is closely related to issues of social security and social protection of citizens. From this point of view, Ukraine's approach to European living standards directly implies the improvement of the system of state management of social protection of citizens. The aim of the article is to analyze the impact of European integration processes on the social protection system in Ukraine, study the current state of social security and protection in Ukraine, identify the main problems of social policy in the country, suggest ways to solve our problems. The purpose and objectives of this article, together with its object and subject matter, predetermined the research methodology used, which includes documentary review and critical analysis. The significance of the obtained results is the theoretical basis they form for further analysis of the socio-political situation in Ukraine and forecasting the prospects of modern social development.

Keywords: European integration; international standards; security system; social assistance; social policy

Resumen

Los procesos de integración de Ucrania con Europa están estrechamente relacionados con cambios no solo en el sistema de legislación nacional en términos de su adaptación a los principios y normas del derecho internacional y europeo, sino también con una revisión radical de los fundamentos jurídicos en la vida pública. Una de las esferas más importantes de la vida pública es el ámbito social que está íntimamente relacionado con los temas de seguridad social y protección social de los ciudadanos, desde este punto de vista, el enfoque de Ucrania sobre el nivel de vida europeo implica directamente la mejora del sistema de gestión estatal de la protección social de los ciudadanos. El objetivo del artículo es analizar el impacto de los procesos de integración de Europa en el sistema de protección social en Ucrania, estudiar el estado actual de la seguridad social y la protección en Ucrania, identificar los principales problemas de la política social en el país, sugerir formas de resolver las problemáticas sociales. El propósito y los objetivos de este artículo, junto con su objeto y temática predeterminaron la metodología de investigación utilizada que incluye revisión documental y análisis crítico. La importancia de los resultados obtenidos constituyen la base teórica para un análisis más profundo de la situación sociopolítica en Ucrania sobre las perspectivas del desarrollo social moderno.

Palabras clave: Integración europea; estándares internacionales; sistema de seguridad; asistencia social; política social

© The author; licensee Universidad de la Costa - CUC.

JURÍDICAS CUC vol. 18 no. 1, pp. 397–420. January - December, 2022
Barranquilla. ISSN 1692-3030 Impreso, ISSN 2389-7716 Online



INTRODUCTION

Today, globalization and integration are taking place in the world, as a result of which the impact of international law on systems and branches of domestic law is becoming more visible and tangible. In addition, the interstate migration of the population has recently increased, which necessitates the deepening of cooperation between different levels of development and respect for the rights and freedoms of states in the international legal regulation of relations in the field of social security.

There is a need to harmonize the laws of different countries on a number of important social issues, in particular, preserving the right of citizens to social security when moving from one country to another or changing their place of residence. This is easy to explain. Since the level of the state's economic development, the features of socio-demographic composition, and national and historical traditions are the foundation for the social security system, and it operates under the domestic law and order, it can claim to be national. Despite the above, every state can not ignore that social security must meet international standards in terms of its basic conditions. They are guarantees for a dignified life for every person in the event of appropriate social risks, no matter gender, age, or length of stay in a particular country. All this allows to talk about the relevance of the chosen topic, especially in the context of Ukraine's integration with the European Union-EU and the development of a strategy for sustainable development.

For Ukraine, European integration is a foreign policy priority. Such a choice in favor of the development of European civilization involves the introduction of European social standards, European approaches to the relationship between business and government, business and society. Therefore, it is necessary to carry out radical social and political reforms that will allow Ukraine to join the European Union in the future. These reforms need to be goal-oriented (Getman & Karasiuk, 2014). One of them is the social policy of Ukraine, which will provide for the formation and provi-

sion of living conditions at the level of modern social standards of the European Union. This, in turn, will require urgent solution of the most important strategic tasks to stabilize the socio-economic development of Ukraine, develop effective measures for social protection, consolidation of central and regional governments for their practical implementation.

In recent decades, one of the important indicators of government, the main comparative indicator of the country's development is the standard of living. The better the population lives, the more conditions are created in the country to improve living standards, the more respect and influence the head of state enjoys, the more attractive such a country becomes for international cooperation, for membership in various economic and political communities (Tatsyi et al., 2010).

Today, due to the unstable political and economic situation, a large number of the population of Ukraine needs social protection. The economic, political and social transformations that have taken place in recent years in our country have led to significant impoverishment and deterioration of the welfare of the population. Ukraine has identified integration into the European political, legal and economic space as a strategic direction of its development. This implies the introduction of European norms, which will allow approaching the standards of the European Union, for which it is very important to ensure a sustainable standard of living, increase employment and strengthen social protection, so the problem of social protection of Ukraine is especially relevant today.

The primary task of the state is to form a new national system of social protection to create conditions for a sufficient standard of living. Legislation in Ukraine now pays considerable attention to social security. However, the content of social security is not fully disclosed in the modern scientific literature, and the concept of "social protection" as a legal category is not defined, only the first steps have been taken in this direction (Tropina (2018); Shaman-skaya (2017); Bodnarchuk (2020); Klimenko (2017); Rippa (2018).

The results obtained have the practical significance since the conclusions of the study provide a basis for further theoretical study of social policy issues as the most important factor in Ukraine's European integration. Generalizations obtained during the study can be used in research in the development of basic research in the field of political institutions and processes, social policy, European integration, in the activities of executive bodies. The main results of the study can be used in educational work, development and teaching of special courses in universities, as well as certain topics of sociology and political science, when writing textbooks on social policy. The conclusions of the study can be useful in analyzing the socio-political situation in Ukraine, forecasting the prospects of modern social development.

The following groups of methods of scientific cognition were used: worldview, general scientific and special methods of cognition of legal phenomena. The dialectical method allowed to reveal the basic laws of conceptual development of the basics of legal regulation of social security in Ukraine. Formal-logical methods served for analysis, synthesis, induction, deduction allowed to formulate the existing concept of social protection in Ukraine. The systematic method made it possible to consider the process of reforming the social sphere of Ukraine in the theoretical and practical context of general socio-political problems of European integration of Ukraine.

The system-structural method was used for scientific knowledge of the legal nature of social security of the population of Ukraine, its content and nature, the disclosure of the features of social security in the European Union. A comparative law method helped to study the national legislation and the legislation of the European Union, which regulates relations related to social security and protection of the population, the process of social security and protection in foreign countries. Structural and functional analysis allowed us to consider social policy as a system with a complex structure, each element of which has a specific purpose and solves certain problems, resulting in increased efficiency of social functions of the state.

The application of the institutional approach allowed to consider the effectiveness of those political and social institutions through which social policy is implemented (state, civil society structures). Critical-dialectical method was aimed at critical analysis of social identification of internal competing ideas, value orientations.

A number of articles related to the research topic were also analysed, such as: “Social security of citizens: current status and prospects development” (Dutchak, 2017), “Social protection finances in the context of Ukraine’s European choice” (Tropina, 2018), “Social protection of the population in the context of providing social benefits: The current state and priorities” (Shamanskaya, 2017), “Theoretical essence of the concepts of «social protection» and «social security»: some issues for discussion” (Bodnarchuk, 2020), “Implementation of the European experience of public administration in the social sphere in Ukraine” (Semenov & Ragulina, 2017), “Social protection and social security in the context of Ukraine’s European integration: Some aspects” (Klimenko, 2017), “Budget financing of social security in Ukraine” (Gnidyuk & Gaidei, 2018), “Problems of financing the sphere of social protection of the population in Ukraine and ways to overcome them” (Roleders & Kukel 2019), “Imperatives of budget financing of social protection and social security in Ukraine” (Rippa, 2018), “Financial provision of social protection of the population in Ukraine: Current state and prospects” (Osipova & Plakhtiy, 2018), “Financing of social security in the conditions of decentralization” (Osipova & Gritsik, 2019), “Codification of the legislation of Ukraine on social security” (Novoselskaya & Rushe, 2017), “Overcoming extreme poverty by social protection floors—approaches to closing the right to social security gap” (Kaltenborn, 2017), “The EU social pillar: An answer to the challenge of the social protection of platform workers?” (Schoukens, Barrio & Montebovi, 2018), “Social protection and persons with disabilities” (Devandas, 2017), “Work, social protection and the middle classes: What future in the digital age?” (Palier, 2019), “The disembedded digital economy: Social protection for

new economy employment in China” (Chen, Liu, Guo & Xie, 2020), “Application of technologies of formal and non-formal education for continuous professional development of the modern specialist” (Sydorenko, Shorobura, Ponomarenko, Dei & Dzhus, 2020), “Issues with interpreting the social and legal value of a person in the context of the integrative type of legal-awareness” (Shevchenko, Kydin, Kamarali & Dei, 2020).

The data of this work became the foundation not only for reflection on the topic of development and integration, but also allowed to draw a line through historical appetites, and to understand what peculiarities are being dealt with in this topic.

DISCUSSION

Ukraine became “social” on June 28, 1996, after being proclaimed by the [Constitution of Ukraine \(Supreme Council of Ukraine-BPY, 1996\)](#). First of all, it indicated the existence of a state priority to ensure the social and economic rights of citizens. However, the current economic situation in Ukraine, the imbalance and underdevelopment of the social protection and social security current systems do not allow to make this declaration a reality. The non-transparent system of benefits and social benefits continues to dominate in the field of social protection and social security. And instead of real social services, a cumbersome network of state and municipal social protection institutions and social services is maintained.

At the same time, along with the support of the most socially vulnerable groups, the system of social protection and social security provides a significant number of benefits and social guarantees on a professional basis. Such measures of social protection and social security of certain professions are completely unjustified, because employment in a particular sector should be stimulated not by providing certain benefits, but by increasing the wages of workers, as is the case in developed countries ([Reznik, Getmanets, Kovalchuk, Nastyuk & Andriichenko, 2020](#); [Kuzheliev & Britchenko, 2016](#)).

An essential feature of the current legislation in the field of social protection and social security is its inconsistency and inconsistency. Thus, the relevant legislative acts show the influence of fundamentally different concepts and approaches, among which the Soviet model (dominance of benefits and social benefits, which often replace the appropriate level of wages and material security) and the European model (dominance of social services and social work in support of the most socially vulnerable categories and people in difficult life circumstances).

It is noteworthy that even after the adoption of the Law “On Social Services” on June 19, 2003 (Ukraine, BPY, 2019), which actually declared the transition to the European model, legislators have repeatedly returned to traditional Soviet-era methods and approaches, establishing new benefits and social benefits. The introduction of advantages, social and compensatory benefits in some cases goes beyond constitutional standards, as at the level of Ukrainian laws the list recipients categories of various social protection measures is significantly expanded.

This leads to the erosion of the social function of the state and the social protection targeting loss, the preconditions for which are laid down at the level of the Constitution of Ukraine. However, the principles of the social protection and social security system follow not only from the legislation of Ukraine, but also from its international legal obligations. Ukraine is a party to a number of fundamental international agreements in the field of social human rights. It is also important to remember that Ukraine adopted a new law on social protection in 2019, thus repealing the law adopted in 2003 (Ukraine, BPY, 2019, Ch. VII, sub. 2). This law was dubbed revolutionary in the field of social security long before its adoption. Indeed, it introduces many innovations both in the organization system and in the service delivery system. In particular:

1. Powers are distributed between bodies of state power and local self-government —the law defines 3 levels of responsible bodies: state, regional, local;

2. basic social services are introduced —17 social services, the receipt of which is guaranteed at the local level to every citizen;
3. case management is introduced —a structured system of social services, which begins with the analysis of the application and needs assessment and ends with an assessment of the quality of services;
4. emergency (crisis) social services are provided —services that are provided immediately in connection with the threat to life and health and to which no case management is applied;
5. the Register of recipients and providers of social services is launched —an automated system that will facilitate the organization of work on the provision of social services;
6. social services classifier is created —a normative legal Ministry of Social Policy act, which determines the list of social services provided in accordance with the Law.

In this aspect, the international law norms implementation in national legislation and the ratified international legal acts provisions application as norms of direct action remain serious problems. However, the full transition of Ukraine to the European model of social protection and social security system development depends on the solution of these problems. Despite some inconsistencies, there is a marked desire of the state to improve the existing system of social protection and social security, which would include both individual measures aimed at social security of certain social groups and a system of social services available to various socially vulnerable groups ([Polishchuk, Ivashchenko, Britchenko, Machashchik & Shkarlet, 2019](#)).

After all, the economic feasibility and effectiveness of social protection and social security, its focus on the needs of the most socially vulnerable categories of citizens is one of the generally accepted standards of socially oriented state, and the accessibility level of social services for citizens is one of the indicators of life quality.

The ratification of the *Convention for the Protection of Human Rights and Fundamental Freedoms* (Council of Europe-COE, 1950), as well as the revised *European Social Charter* (COE, 1961). As a result, there was a need to develop a theoretical structure for reforming both the sphere of social and labor relations and social in order to bring them into line with international standards. According to the standards of the COE and the EU, social security is classified as a system that includes, in addition to social security (through social insurance), other forms of social protection, including state social assistance, and special and special (additional) social protection, for certain categories of the population. This understanding is important for national legislation, as there is still no general law on social protection in Ukraine.

The above is quite logical, because according to universal and regional international human rights instruments, the right to social security and social protection is exercised nationally according to the structure and resources of each state through effective mechanisms and international cooperation. Thus, the legal regulation of social security is carried out at two levels: international and domestic. At the same time, all the most important issues in the field of social security are resolved at the domestic level, because only the state has the authority, on the one hand, to establish a national social security system, and on the other —to implement relevant international standards. Other international acts, concluding international agreements containing standards of social security and protection or using international acts of “soft” law as guidelines (Dutchak, 2017).

Social protection of the population in a broad sense is an activity of the state aimed at ensuring the process of development and formation of personality, creating appropriate conditions for self-determination and affirmation in life. In a narrow sense, social protection is a set of legal and economic guarantees that ensure respect for the most important social rights of the individual. The basic principles of social protection are set out in the Constitution of Ukraine (BYP, 1996):

[...] guarantees citizens the right to social protection, which includes the right to provide them in case of full, partial or temporary disability, loss of breadwinner, unemployment due to circumstances beyond their control, as well as in old age and other cases provided by law. This right is guaranteed by the obligatory state social insurance at the expense of contributions of citizens, enterprises, institutions, organizations, as well as budgetary and other sources of social security (art. 46).

In October 1973, Ukraine ratified the International Covenant on Economic, Social and Cultural Rights, which defines the right of everyone to social security (United Nations General Assembly-[UNGA, 1996](#)). Social security is the organizational and legal activity of the state in relation to material support, social services, provision of medical and pharmaceutical assistance at the expense of specially created financial sources to persons who have experienced social risk as a result of which they have lost health and/or livelihoods themselves and their dependents. Social security is a component of the social policy of the state, which is both considered an integral component of the system of social protection and social work ([Kaltenborn, 2017](#)). One of the priorities of European integration was the adaptation of Ukraine's social policy to EU standards, which means reforming this area with the active involvement of EU institutions and programs, including insurance, labor protection, health, pensions, employment policy and more. Important in this context was Ukraine's intention to ratify the European Social Charter and conclude International agreements on the coordination of social security systems for workers with Ukrainian citizenship working in the territory of EU member states ([Tropina, 2018](#)).

Sweden is a clear example of a social democratic model. The most important component of Sweden's social policy and a key element of the Swedish «welfare state» is the social protection system. In the Swedish model, the main role is played by social policy, which is designed to create more or less normal conditions for the reproduction of the labor force and is a means of relieving social tensions. Social insurance is a key element of Swedish social welfare policy.

Swedish official documents emphasize the main purpose of the social insurance system - to provide protection in the event of illness, medical care, childbirth and old age, in the event of accidents and illness due to industrial causes and unemployment. The needy are paid financial assistance, which is set by the state. In turn, a strict tax system is the financial basis for various types of transfer payments and for the deployment of a wide network of high-quality social services (Devandas, 2017). The significant role of transfer payments entails the active intervention of the Swedish state in the functioning of social security bodies, which are under strict state control and are financed largely from the state budget. During the economic difficulties in Sweden in the 1990s, the principle of general social security was the subject of discussion, but most political parties and citizens supported the principles of general social distribution, financed from state and local resources, taxes. One of the defining features of the Swedish model is a high level of national solidarity. Today, this is reflected in the consolidation of the majority of the population in the pursuit of a high level of social security and economic well-being (Shamanskaya, 2017).

International social security standards are so diverse that the states can develop and improve the systems of national social security as they meet the economic, political, demographic, and other requirements of a particular country. In view of this, Palier (2019) divides international social security standards depending on the following:

- a. Details, their the nature and degree (general and special);
- b. areas of social policy where particular international standards are implemented and the level of legal regulation (universal, regional, interstate, or global (universal) and regional, including European);
- c. features of the object of legal regulation (consolidated, which applies to the entire system of social security and covers most of its types, and differentiated, which has a separate legal form of organization or type of social security, social benefits for certain categories of persons);

- d. the degree of obligatory implementation (recommendations, which are reflected in the documents of “soft” law or treaties not ratified by the state and mandatory, which are fixed in treaties ratified by the state and must be implemented).

This classification, which is not exhaustive, once again confirms their significant potential in the mechanism of international legal regulation of social security, the implementation of which at different levels can provide certain categories of the population in some countries such protection against social risks that would meet modern standards (Bodnarchuk, 2020).

Speaking of international standards, one cannot ignore regional acts such as the European Social Charter (revised), which enshrines the ability of the state to determine the number of commitments (voluntary self-restraint) and, consequently, guaranteed protection of its citizens from social risks (Chen et al., 2020). Moreover, the following international standards are very important: *European Code of Social Security* (COE, 1964), Convention International Labor Organization-ILO No. 118 (1962), “On Equality of Citizens and Foreigners and Stateless Persons in the Field of Social Security”, Convention ILO No. 157 (1982) “On the Establishment of an International System of Labor” preserving social security rights”, and the *European Convention on Social Security* (COE, 1972).

This thesis is not disputed, as the ILO in its work on the development of social security standards paid most attention to the process of coordination of national systems. Moreover, this organization laid the foundation of basic social standards. This was reflected in determining the types of benefits and their conditions, establishing a list of social risks for which a person acquires the right to social security, were also developed and regulated its minimum standards-size, duration of benefits, the range to which it applies and etc. It should be added that EU social law has achieved better results than the law of individual countries in the field of social protection, and the European social security system, the foundations of which were formed in the first half of the twentieth century, is now the most developed in the world (Semenov & Ragulina, 2017).

Since these international documents (their provisions) have been ratified by Ukraine, this primarily means that the country recognizes the need to implement international social security standards. At the same time, it should be noted that the specifics and peculiarities of the development of our state do not automatically transpose generally recognized international acts on social protection into the legislation of Ukraine, as they are designed for developed and stable market relations. Thus, the transformation of social protection of the population of Ukraine, taking into account the acquired world experience requires a special approach to changing the principles of its construction, based on the realities of development ([Sydorenko et al., 2020](#)).

However, despite the fact that most ILO Conventions in the field of social security have been ratified by Ukraine, the standards enshrined in them have not become mandatory, they are only (and not always fully) taken into account (ie taken as a guide) in improving domestic legislation. Apparently, this can be considered the reason that in the current state of domestic legislation there is a mismatch of pensions and benefits to the requirements of international and European standards, which, as noted, provide for minimum social norms and standards. In conclusion, it must be stated that the legislation of Ukraine does not yet fully meet the requirements of the conventions of the ILO and other organizations. This applies in particular to unemployment benefits, as their amount is meager (despite the fact that, according to the conventions, the amount of a particular type of material security cannot be lower than the amount fixed by an international act ([Klimenko, 2017](#))).

In addition, there is currently a debate on the acceptability of the requirement to have 30 years of contributions or employment for pension purposes, and that the payment of benefits in the event of disability or loss of a breadwinner may be suspended under the established conditions, that is, when the recipient engages in a profit-making activity. Even the latest increase in the minimum pension has not changed the situation, most retirees now receive old-age pensions that do not meet international standards. Thus,

incapacitated persons who have earned the right to an employment pension during their lifetime still remain below the poverty line. At the same time, conventions are being developed and adopted in order to gradually expand the scope of coverage, increase the terms of payment of benefits, and increase the level of security (Gniduk & Gaidei, 2019).

Problems of social protection include dissatisfaction with living standards, low wages or lack of means of subsistence due to unemployment, poor housing, insufficient or too expensive medical care, poor education, insecurity in old age, and so on. The majority of the population in modern conditions against the background of low incomes, high inflation, sharp rises in prices and tariffs for housing and communal services can not pursue their socio-economic interests, maintain or improve social status, receive qualified medical care and quality education. All this blocks broad social mobility, narrows the prospects for economic growth, social reproduction and sustainable social development of society (Shevchenko et al., 2020).

Implementation of social policy is one of the main functions of the state. The current situation requires immediate measures to optimize the social protection of the population of Ukraine on social policy, which includes the introduction of innovative social technologies, the use of new methods of social work, the use of alternative sources of social services, the formation of a comprehensive social protection system. Social policy is an instrument of the social protection system. The presence of a perfect, effective and efficient system of social protection is an indicator of the level of development of the state, its compliance with the requirements of the time, as well as the level of welfare of the population (Roleders & Kukel, 2019).

It should be noted that in the context of European integration there have been positive changes in the reform of social protection and changes in part of the legal status of the subjects of social protection law. Namely: reduction of the list of social benefits, refusal to provide those types of assistance that do not give the expected social

effect. The state makes a number of payments that do not increase the material well-being of citizens, but require significant amounts of funding. The provision of social benefits has been replaced by a system of targeted social assistance, which will provide social support to those who really need it, as well as save a significant part of public funds. Social benefits are ineffective because many of their recipients are far from poor. There is also inequality between citizens in the right to benefits, because some of them are not even able to physically exercise their right to benefits ([Rippa, 2018](#)).

It was possible to reduce the monopolization of the state in the market of social services, ie to gradually introduce the transition of citizens to private social insurance, which today is very common and successful in many developed European countries. Carrying out pension reform in order to expand the network of non-state pension funds along with the main state one. This will reduce the burden on the state budget and eliminate inefficient and unnecessary social services for the population. A system of fines was introduced for citizens who receive benefits to which they are not entitled. And to simplify the system of administration of benefits and accounting for categories of citizens who are entitled to benefits in order to reduce the large number of abuses that often occur in social protection bodies.

It is worth noting that in the current socio-economic conditions in Ukraine, the state has established basic state social guarantees in order to ensure the constitutional right of citizens to a sufficient standard of living. The main state social guarantees include the minimum wage, the minimum old-age pension, the non-taxable minimum income, the amount of state social assistance and other social benefits. Basic state social guarantees, which are a key source of livelihood, cannot be lower than the subsistence level. In Ukraine, the basic state social standard is the subsistence level, which determines the state social guarantees and standards in the areas of income, housing and communal services, household, social and cultural services, health care and education. European experience also shows that in some countries there is a protective barrier for low-income citizens —the law on the minimum wage and its periodic indexation ([Osipova & Plakhtiy, 2018](#)).

That is, depending on the growth of consumer prices, the size of the minimum wage also changes. In Italy, the indexation mechanism is launched with an increase in the value index of 1%, in Denmark— by 3%, in Belgium— by 2%, in Luxembourg— by 2.5%. In some countries, such as France and Switzerland, the indexation does not cover the entire population, but only part of the employees. In Ukraine, unfortunately, the trend of non-compliance of the subsistence level with real needs has become permanent due to the constant rise in prices.

First of all, even after recognizing the focus on the European model as a strategic priority, the Ukrainian legislator has repeatedly used (probably out of habit) the Soviet-era privileges, which were most often introduced or offered to new categories of citizens on the eve of regular elections. As a result, the state, lacking the necessary resources, undertook additional obligations in the field of social protection and social security, which had no social or economic effect other than the establishment of privileges for certain professions or certain social groups.

Of course, this cannot happen, it is unacceptable. In addition, the current legislation in the field of social protection and social security, firstly, consists of adopted at different times and often quite contradictory legislation, and secondly, establishes many more different types of benefits, social benefits and social services than this is provided by the Constitution or international legal obligations of Ukraine.

The domestic social sphere is in unsatisfactory condition. To improve the situation, first of all, it is necessary to solve the problems of economic and political nature, while implementing reforms aimed at improving the living standards of the population. At the moment, pension and health care reforms are only at an early stage, so it is too early to talk about their effectiveness. However, the expediency of questioning is not necessary, given the state of the social sphere in Ukraine today. First of all, even after recognizing the focus on the European model as a strategic priority, the Ukrainian legislator has repeatedly used (probably out of habit) the

Soviet-era privileges, which were most often introduced or offered to new categories of citizens on the eve of regular elections (Osipova & Gritsik, 2019).

During the movement towards European integration it is necessary to use the experience of European countries for effective development of the social sphere, in particular to create conditions for macroeconomic stabilization, develop directions for social orientation, harmonize social and budgetary policies, use human development indicators as indicators of social impact. The system of state social security needs to be radically reformed, within the framework of which social benefits (privileges) are financed at the expense of state or local budgets. The formation of a new concept for the development of the social protection system requires a review of the full range of state social benefits and sources of funding (Novoselskaya & Rushe, 2017).

Priorities for reforming the social protection system in Ukraine should be:

- Creation of a general system of social monitoring, evaluation and planning of social public expenditures;
- monetization of social benefits;
- decentralization of the social services system, which, ultimately, should create conditions for raising the level of social standards and their financial provision in Ukraine to the European level.

It should be noted that the Government of Ukraine has developed an action plan aimed at improving social protection. They include: improving the social insurance system, the mechanism for assigning insurance benefits, ensuring the financial stability of social insurance funds; introduction of mechanisms for providing benefits to certain categories of citizens on social grounds, taking into account their income; study and analysis of international experience (of EU member states) on the introduction of methods for measuring investment risk, risk management processes and distribution of strategic assets, ensuring the financial stability of the pension system; elaboration of amendments to the legislation to improve the sphere

of pension provision. The system of intergovernmental transfers to finance social protection and social security needs to be significantly improved.

We are convinced there must be directions for social policy clearly outlined and economy and politics stable to resolve problems in the social sphere in Ukraine today. As of today, the unresolved problems have increased unemployment, deepened social stratification, and deteriorated the demographic situation and living conditions of the population. Taking into account Ukraine's course towards European integration, it is expedient to adapt certain experience of European countries to national realities in order to develop the social sphere. Implementation of European standards in the social sphere will change the living standards of the population for the better, which will have a positive impact on the socio-economic situation in Ukraine. Therefore, in these conditions, the priority is to reform the social sphere, which has already begun.

CONCLUSIONS

Integration into the EU has become a strategic priority for the foreign policy of Ukraine and generated a need to bring the political, legal, economic, and socio-cultural standards in line with the EU ones.

The achievement of social justice through the reform process will change the living standards of the population for the better. However, today in Ukraine there are problems of social, political and economic nature, the effectiveness of the solution of which depends on the success of the course of European integration and further development of the state as a whole.

European standards are gaining more and more reflection in the reform process in Ukraine, which is social-oriented, meaning the best conditions for living and social justice. The manifestation of the state's social policy, social protection, and exercise of human rights take place, namely, in the social sphere. Thus, the effective functioning of the social sphere is one of the priorities at the present stage of socio-economic development of the state in the context of European integration.

The authors of this article analyzed the state of compliance of Ukraine with the standards and noticed a problem unresolved. The modernization of the existing system of social protection is complicated due to the fragmentary implementation of international legal guarantees of social rights and the international legal obligations of Ukraine. The adoption of laws on ratification of international treaties usually does not require new or amended laws deriving from these treaties to be adopted immediately.

Even though Ukraine recognizes international social standards, it does not provide for their practical implementation sufficiently. Also, the current legislation on social protection and social security, firstly, consists of adopted at different times and often quite contradictory legislation, and secondly, establishes many more different types of benefits, social benefits of social services than provided Constitution or international legal obligations of Ukraine.

The course of European integration is essential for such a country as Ukraine; however, the achievement of this aspiration entails compliance with the European nature of politics, economy, law, geography, and formality. The authors of this article believe the state should primarily direct its social policy at social values guarantee, development of a market economy competitive in the international arena, and stability in the political sphere.

The EU accession and welfare for the population are impossible without the above conditions achieved. Even though the EU accession is widely believed to guarantee high living standards, the EU membership is rather a consequence of positive change than a cause. Ukraine should realize the process is not quick since the approach of a level of a developed country takes a lot of time. However, the principal thing is to strive and act. Therefore, the authors of this article hold Ukraine needs its model of social protection; the model should take into account the historical and national characteristics of the country and rely on the EU experience.

REFERENCES

- Bodnarchuk, O. G. (2020). Theoretical essence of the concepts of “social protection” and “social security”: Some issues for discussion. *Legal Scientific Electronic Journal*, 4, 96–99. Available from http://lsej.org.ua/4_2020/24.pdf
- Chen, B., Liu, T., Guo, L. & Xie, Z. (2020). The disembedded digital economy: Social protection for new economy employment in China. *Social Policy & Administration*, 54(7), 1246–1260. <https://doi.org/10.1111/spol.12603>
- COE. (December 14, 1972). European Convention on Social Security. [Document 994_581, basis 994_652]. Available: https://zakon.rada.gov.ua/laws/show/994_581#Text
- COE. (April 16, 1964). European Code of Social Security. [Document 994_329, basis - 994_651]. Available: https://zakon.rada.gov.ua/laws/show/994_329#Text
- COE. (October 18, 1961). European Social Charter. [Document 994_062]. Available: https://zakon.rada.gov.ua/laws/show/994_062#Text
- COE. (1950). *Convention for the Protection of Human Rights and Fundamental Freedoms*. Rome: ECHR. Available: https://www.echr.coe.int/documents/convention_eng.pdf
- Devandas, C. (2017). Social protection and persons with disabilities. *International Social Security Review*, 70(4), 45–65. <https://doi.org/10.1111/issr.12152>
- Dutchak, A. W. (2017). Social security of citizens: Current status and prospects development. *Young Scientist*, 5(45), 114–119. Available from <http://molodyvcheny.in.ua/files/journal/2017/5/126.pdf>
- Getman, A. P. & Karasiuk, V. V. (2014). A crowdsourcing approach to building a legal ontology from text. *Artificial Intelligence and Law*, 22(3), 313–335. <https://doi.org/10.1007/s10506-014-9159-1>

- Gnidyuk, I. B. & Gaidei, O. V. (2018). Budget financing of social security in Ukraine. *Scientific Bulletin: Economic Sciences*, 4(89), 67–72. Available: <http://journal.puet.edu.ua/index.php/nven/article/view/1483>
- ILO. (June 21, 1982). On the establishment of an international system of protection of rights in the field of social security. [*Convention ILO No. 157*]. Available: https://zakon.rada.gov.ua/laws/show/993_012#Text
- ILO. (Abril 21, 1962). On equality of citizens and foreigners and stateless persons in the field of social security. [*Convention ILO No. 118*]. Available: https://zakon.rada.gov.ua/laws/show/993_017#Text
- Kaltenborn, M. (2017). Overcoming extreme poverty by social protection floors—approaches to closing the right to social security gap. *Law and Development Review*, 10(2), 237–273. <https://doi.org/10.1515/ldr-2017-0014>
- Klimenko, L. A. (2017). Social protection and social security in the context of Ukraine’s European integration: Some aspects. *Theory and Practice of Jurisprudence*, 2(12), 1–9. <https://doi.org/10.21564/2225-6555.2017.12.119583>
- Kuzheliev, M. & Britchenko, I. (2016). Theoretical and methodological aspects of formation of corporate control system in Ukraine. *Ikonomicheski Izsledvania*, (2), 3–28. https://www.iki.bas.bg/Journals/EconomicStudies/2016/2016-2/1_Kuzheliev_f.pdf
- Novoselskaya, I. & Rushe, M. (2017). Codification of the legislation of Ukraine on social security. *Entrepreneurship, Economy and Law*, 7, 43–45. <http://pgp-journal.kiev.ua/eng/index.php/archive-7-2017>
- Osipova, L. V. & Gritsik, N. V. (2019). Financing of social security in the conditions of decentralization. *Bulletin of the Classical Private University*, 2(13), 10–15. http://pev.kpu.zp.ua/journals/2019/2_13_uk/3.pdf

- Osipova, L. V. & Plakhtiy, V. G. (2018). Financial provision of social protection of the population in Ukraine: Current state and prospects. *Problems of Economics and Political Economy*, 1, 125–138. <https://journals.nmetau.edu.ua/index.php/pepe/index>
- Palier, B. (2019). Work, social protection and the middle classes: What future in the digital age? *International Social Security Review*, 72(3), 113–133. <https://doi.org/10.1111/issr.12218>
- Polishchuk, Y., Ivashchenko, A., Britchenko, I., Machashchik, P. & Shkarlet, S. (2019). European smart specialization for ukrainian regional development: Path from creation to implementation. *Problems and Perspectives in Management*, 17(2), 376–391. [https://doi.org/10.21511/ppm.17\(2\).2019.29](https://doi.org/10.21511/ppm.17(2).2019.29)
- Reznik, O., Getmanets, O., Kovalchuk, A., Nastyuk, V. & Andriichenko, N. (2020). Financial security of the state. *Journal of Security and Sustainability Issues*, 9(3), 843–852. [https://doi.org/10.9770/jssi.2020.9.3\(10\)](https://doi.org/10.9770/jssi.2020.9.3(10))
- Rippa, M. (2018). Imperatives of budget financing of social protection and social security in Ukraine. *World of Finance*, 3(56), 28–40. <https://doi.org/10.35774/sf2018.03.028>
- Roleders, W. & Kukel, G. (2019). Problems of financing the sphere of social protection of the population in Ukraine and ways to overcome them. *Investments: Practice and Experience*, 10, 49–54. http://www.investplan.com.ua/pdf/10_2019/11.pdf
- Schoukens, P., Barrio, A. & Montebovi, S. (2018). The EU social pillar: An answer to the challenge of the social protection of platform workers? *European Journal of Social Security*, 20(3), 219–241. <https://doi.org/10.1177%2F1388262718798393>
- Semenov, V. M. & Ragulina, Y. M. (2017). Implementation of the European experience of public administration in the social sphere in Ukraine. *Legal Horizons*, 7(20), 7–13. Available: <https://legalhorizons.com.ua/en/journals/vip-7-20-2017/implementatsiya-v-ukrayini-yevropeyskogo-dosvidu-derzhavnogo-upravlinnya-sotsialnoyu-sferoyu>

- Shamanskaya, N. (2017). Social protection of the population in the context of providing social benefits: The current state and priorities. *Galician Economic Bulletin*, 2(41), 43–48. Available: <https://galicianvisnyk.tntu.edu.ua/?art=321>
- Shevchenko, A., Kydin, S., Kamarali, S. & Dei, M. (2020). Issues with interpreting the social and legal value of a person in the context of the integrative type of legal-awareness. *Fundamental and Applied Researches in Practice of Leading Scientific Schools*, 38(2), 54–61. <https://doi.org/10.33531/farplss.2020.2.10>
- Sydorenko, V., Shorobura, I., Ponomarenko, A., Dei, M. & Dzhus, O. (2020). Application of technologies of formal and non-formal education for continuous professional development of the modern specialist. *Revista Tempos E Espaços Em Educação*, 13(32), 1–24. <https://doi.org/10.20952/revtee.v13i32.14729>
- Tatsyi, V., Getman, A., Ivanov, S., Karasiuk, V., Lugoviy, O. & Sokolov, O. (June, 2010). Semantic network of knowledge in science of law. Paper presented at the *Proceedings of the IASTED International Conference on Automation, Control, and Information Technology - Information and Communication Technology*, ACIT-ICT, Novosibirsk, Russia, 218–222. <http://dx.doi.org/10.2316/P.2010.691-076>
- Tropina, V. B. (2018). Social protection finances in the context of Ukraine's European choice. *Eastern Europe. Economics, Business and Management*, 2(13), 221–228. Available from http://easterneurope-ebm.in.ua/journal/13_2018/41.pdf
- UNGA. (December 16, 1996). International Covenant on Economic, Social and Cultural Rights. [A/RES/2200 A(XXI)]. Available: https://zakon.rada.gov.ua/laws/show/995_042#Text
- Ukraine. BPY. (January 17, 2019). On social services. [Document 2671-VIII, basis 2193-IX]. Available: <https://zakon.rada.gov.ua/laws/show/2671-19#Text>

Ukraine. BPY. (June 28, 1996). Constitution of Ukraine. [*Document 254k/96-BP*, basis 27-IX]. Available: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80>

Valentyna I. Zhuravel. Doctor in Legal Sciences. Lawyer at Valentina Zhuravel Law Office, Kyiv Ukraine. ORCID: <https://orcid.org/0000-0002-5621-7642>

Oksana V. Epel. Doctor in Legal Sciences. Judge at the Sixth Administrative Court of Appeal (Ukraine). ORCID: <https://orcid.org/0000-0003-4256-4616>

Tetyana P. Yehorova-Lutsenko. Doctor in Legal Sciences. Head of Kharkiv Regional Council (Ukraine). ORCID: <https://orcid.org/0000-0002-1723-663X>

Maryna A. Didychenko. PhD in Legal Sciences. Judge at Northern Commercial Court of Appeal (Ukraine). ORCID: <https://orcid.org/0000-0001-6144-3989>

Olha A. Dyachenko. Post-graduate student of the Taras Shevchenko National University of Kyiv (Ukraine). ORCID: <https://orcid.org/0000-0003-2385-5717>