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## **DIRECTIONS FOR IMPROVING SOCIAL PROTECTION OF THE POPULATION IN UKRAINE: MAIN DIRECTIONS OF SCIENTIFIC RESEARCH**

**Honcharov A.V.,**

*Candidate of Law, Associate Professor  
Associate Professor of the Department of  
Intellectual Property and Private Law  
National Technical University of Ukraine  
«Igor Sikorsky Kyiv Polytechnic Institute»  
ORCID: 0000-0002-2430-2789  
e-mail: goncharov-82@ukr.net*

**Honcharov M.V.,**

*Doctor of Philosophy  
ORCID: 0000-0003-4452-1652  
e-mail: goncharovnik@ukr.net*

**Honcharov A.V., Honcharov M.V. Directions for improving social protection of the population in Ukraine: main directions of scientific research.**

The article considers the directions of improving social protection of the population in Ukraine and the main directions of scientific research. An analysis and generalization of scientific works on the issues of social protection of the population are carried out.

Attention is focused on the need to study the historical experience of legislation on social protection of the population with the aim of its further use and improvement of modern legislation in this area.

Social protection of the population is one of the defining areas of the state's social policy, the implementation of its social function. Even with the traditional nature of the issues of social protection for sectoral legal sciences, a significant number of general theoretical aspects related to the essence of social protection require careful rethinking and further constructive coverage. Social protection law is developing on the basis of new concepts and principles. Its scope includes new social relations that were not previously included in the area of legal regulation. Since Ukraine gained independence until today, perhaps no other branch of law has undergone such radical changes.

It was found that the definition of social protection as a set of interacting social and state measures of a legal, financial, economic, organizational nature, aimed at protecting the population from negative manifestations of social risks and creating prerequisites for the comprehensive implementation of social rights and freedoms of man and citizen.

It was noted that social protection is associated with the social policy of the state, which is implemented in the interests of the main social groups of the population. Therefore, social policy is understood as the purposeful activity of clearly defined subjects, primarily the state, aimed at regulating social relations, social needs and interests of various groups of the population, related to ensuring their well-being and personal development.

The imperfection of legislative mechanisms leads to a decrease in the economic activity of the population and the consolidation of dependent moods in society. In modern conditions in Ukraine, the problems of social protection are among the most urgent.

The study of some aspects of the development of legislation in the field of social protection of the population of Ukraine is important for the successful resolution of urgent problems related to the improvement of current legislation, law-making and law enforcement activities.

**Key words:** social protection, state social policy, social insurance, social security, social assistance.

**Гончаров А.В., Гончаров М.В. Напрями вдосконалення соціального захисту населення в Україні: основні напрями наукових досліджень.**

У статті розглянуто напрями вдосконалення соціального захисту населення в Україні та основні напрями наукових досліджень. Здійснено аналіз та узагальнення наукових праць з проблематики соціального захисту населення.

Акцентовано увагу на необхідності дослідження історичного досвіду законодавства про соціальний захист населення з метою його подальшого використання та удосконалення сучасного законодавства в даній сфері.

Соціальний захист населення є одним із визначальних напрямів соціальної політики держави, реалізації її соціальної функції. Навіть за традиційності проблематики соціального захисту для галузевих юридичних наук, значна кількість загальнотеоретичних аспектів, що стосуються сутності соціального захисту, потребує ретельного переосмислення та подальшого конструктивного висвітлення. Право соціального захисту розвивається на основі нових концепцій і принципів. До його сфери включаються нові суспільні відносини, що раніше не входили до зони правового регулювання. За час від набуття Україною незалежності до сьогодні, мабуть, ніяка інша галузь права не зазнала таких кардинальних змін.

Виявлено, що дефініцію соціального захисту як сукупності взаємодіючих суспільно-державних заходів юридичного, фінансово-економічного, організаційного характеру, скерованих на захист населення від негативних проявів соціальних ризиків і створення передумов для всебічної реалізації соціальних прав і свобод людини та громадянина.

Відзначено, що соціальний захист пов'язаний з соціальною політикою держави, яка реалізується в інтересах основних соціальних груп населення. Тому під соціальною політикою розуміється цілеспрямована діяльність чітко визначених суб'єктів, перш за все держави, спрямована на впорядкування соціальних відносин, соціальних потреб та інтересів різних груп населення, пов'язаних із забезпеченням їх добробуту та особистим розвитком.

Недосконалість законодавчих механізмів призводить до зниження економічної активності населення та закріплення утриманських настроїв у суспільстві. В сучасних умовах в Україні проблеми соціального захисту належать до найбільш актуальних.

Вивчення деяких аспектів розвитку законодавства у сфері соціального захисту населення України має важливе значення для успішного вирішення нагальних проблем, пов'язаних з удосконаленням чинного законодавства, правотворчої та правозастосовної діяльності.

**Ключові слова:** соціальний захист, соціальна політика держави, соціальне страхування, соціальне забезпечення, соціальна допомога.

**Problem statement.** According to the Constitution of Ukraine, our country is a social state. Every person has the right to social protection, but the essence of the guarantees of the right to social protection are the conditions created by the state for the implementation of the right to social protection.

Social protection of the population is one of the defining directions of the state's social policy, the implementation of its social function. Even with the traditional nature of the issue of social protection for sectoral legal sciences, a significant number of general theoretical aspects related to the essence of social protection require careful rethinking and further constructive coverage. In this regard, the study of human rights to social protection in the context of modern social transformations is important for the successful resolution of urgent problems related to the improvement of current legislation, law-making and law-enforcement activities. After all, the level of social protection of the population is an indicator of the quality of life of society, the level of development of the state as a guarantor of human and citizen rights and freedoms.

**The state of development of the problem.** Many scientists and researchers have paid attention to the study of this issue: V.B. Averyanov, O.G. Chutcheva, E.E. Machulska, I.M. Syrota, V.K. Kolpakov, N.B. Bolotina, O.Yu. Ermolovska, I.S. Yaroshenko and others.

**Purpose of the study.** The purpose of this work is to study the directions of improving social protection of the population in Ukraine and the main directions of scientific research.

**Presentation of the main material.** Social protection is a necessary element of the functioning of any developed state. For many years in Ukraine, as in other countries of the world, issues regarding the essence of standards and mechanisms for achieving a high level of social protection of the population have been actively discussed.

The concept of «social protection of the population» is not new and has its own history of development. Since the end of the XVIII century in Europe and Russia, a state-administrative system of social care has begun to form (institutional formation of the assistance system, formation of a legal framework, administrative management, including territorial structures, partial financing of social assistance by the state).

The first elements of social protection appeared in Germany at the end of the XIX th century, when the state began to allocate funds for various social programs. The transition of social functions of society to the state began. The term «social security» was first used in the Social Security Act of the United States of America (hereinafter - the USA) in 1935, which defined a new stage in the development of this country, introducing the institution of compulsory insurance in the event of old age, death, disability and unemployment. Soon this term began to be widely used in many countries of the world to denote the essence of the problem of organizing national systems of assistance to the disabled and elderly citizens [1, p. 35].

Due to the multifaceted nature of the phenomenon covered by the concept of «social security», the problematic issues associated with it are in the field of view of representatives of various social sciences, namely: philosophers, economists, lawyers, political scientists and sociologists.

Thus, Ya.I. Pasko in his dissertation for the degree of Doctor of Philosophy notes that the modern meaning of the concept of a social state is reduced to an institution of social integration, capable of meeting the criteria of socio-cultural recognition of various social groups, social justice, efficiency and common good. Only a state that meets these criteria can be considered democratic and legal, sensitive to the social protection of various social groups of the population [2, p. 19].

Representatives of economic science, in particular T.P. Kosova and I.V. Basantsov, classify social protection as a category of distributional relations, in the process of which, at the expense of a part of the national income, public funds of funds are formed and used for material support and service of individual citizens [3, pp. 27-28]. O.Yu. Ermolovskaya in the context of studying the stabilization of the living standards of the population in the conditions of a transformational economy understands social protection as a system of relations between the individual and society in the direction of resolving the contradictions between negative social consequences and the formation of a market organization of production and the real possibilities of a person to adapt to them [4, p. 13]. A somewhat different point of view is expressed by I.K. Khomyak, who interprets social protection as a set of measures that protect against economic and social degradation due to the economic crisis, income decline, illness, occupational disease, aging, unemployment, and environmental threats [5, p. 8].

In accordance with the position of O.I. Antonenko, formed in the process of studying the system of social protection of the population of the region, social protection is a system of legally established economic, social, legal guarantees and measures to protect the population from social risks, taking into account the fact that the subjects of social protection are the state, private and non-state non-commercial sectors of the economy [6, p. 6]. At the same time, another representative of economic science R.Y. Kunitsky, comprehending the social protection of the population in the conditions of transition to a market economy, concludes that social protection is the corresponding guarantees and a range of obligations of society to a person, any social group to ensure an adequate standard of living [7, p. 11]. According to V.A. Makarenko, social protection is a set of institutional formations and social practices aimed at ensuring the satisfaction of people's needs for social assistance and protection by observing the most important social rights and achieving the accepted standard of living of citizens. The essence of social protection is to ensure a certain integrity of the managerial influences of the authorities and the spontaneous actions of various forces, caused by the need to create a non-conflict social space for the implementation of the basic needs and interests of members of society [8, pp. 8-9].

Representative of the state administration Yu.M. Bondarenko claims that social protection of the population is a solidary, state-regional, multifunctional system of supporting the well-being of the population at a level not lower than the current standards and regulations, which prevents the accumulation of social deficits in order to achieve social stability based on the use of mechanisms of legislative, economic, informational and organizational and programmatic support. According to the scientist, this system covers social insurance, state security and the provision of social benefits and services to certain categories of the population at the expense of the state budget, social assistance and social support for disabled citizens at the expense of the state and local budgets.

Currently, Ukraine is experiencing a period of its formation as a democratic and legal state, the foundation for building a social state is being laid. The latter should create conditions for providing

citizens with work, redistribute income, provide the population with a subsistence minimum through the state budget, promote the formation of the middle class, protect wage labor, take care of education, culture, family, health care, improve social security, etc. [9, p. 126].

One of the social rights that the state guarantees and must ensure is the right to social protection. The concept of «social protection» in our country began to be widely used only at the stage of transition to market relations. It replaced the concept of «social security», which was used in the Soviet economy, characterizing a specific organizational and legal form of social protection, which was carried out directly by the state.

A characteristic feature of the current state of the legal system of Ukraine is that it is constantly being updated, experiencing complex processes and conditions of democratic transformation. With the change in political orientations and prospects of state and political life, legal perspectives and values have changed accordingly, which forced the authorities and society as a whole to embark on the path of reforms, creative searches and hopes.

It is necessary to state that Ukraine has once again found itself at a historical crossroads. We are talking about a choice on which the further fate of the Ukrainian people depends: either to continue the disorderly movement, political confrontation, enrichment of some at the expense of impoverishment of others, the consequences of which are the loss of human, scientific, technical and humanitarian potential, fragmentation and disintegration, or to consolidate society and authorities, form an effective model of social protection of the population and work together to achieve the set goals.

In general, the formation of market relations in Ukraine is accompanied by a significant aggravation of social issues [10, p. 31].

The specifics of the modern Ukrainian state are the remnants of the administrative system, its high level of corruption and the lack of a civil society that should balance the power of the state apparatus and control its activities. This leads to the urgent need to establish trusting relations between the state, business and the public, to delimit and clearly fix the responsibilities of these subjects.

The goals and objectives of the interaction between the state and society must be clearly formulated, defined in time, measurable, understandable to society and supported by it. Failure to meet these conditions will doom any attempts to modernize the mechanisms of social protection of the population to failure.

The state is responsible for determining social protection strategies, in particular regarding income, the labor market, the formation and realization of human potential, social stratification and integration of society, and the development of civil society. The implementation of these strategies involves the formation of adequate mechanisms, including:

- primary and secondary redistribution of income;
- establishing and ensuring social standards and state guarantees;
- making investments in human development, primarily by ensuring access to quality educational, medical and social services to all segments of the population;
- supporting the financial capacity of the system of mandatory state social insurance;
- regulating social and labor relations.

From the above, it follows that the proper fulfillment of social obligations by the state requires:

- transformation of existing inter-budgetary relations in order to financially support social powers delegated to local self-government bodies;
- involving civil society actors in decision-making, their implementation and control;
- promoting public-legal partnership at all levels, etc.

Control over the implementation of developed social development strategies should belong to civil society.

As noted above, currently the law on social protection is developing on the basis of new concepts and principles. Its scope includes new social relations that were not previously included in the area of legal regulation. In the period from Ukraine's independence to the present day, perhaps, no other branch of law has undergone such radical changes.

At the same time, during the reform of the field of social security law and its gradual transformation into the law of social protection, problems of a specifically legal nature have arisen.

First, there is still no systematic codified act that would determine the general principles of legal regulation of relations regarding social protection. The definition at the legislative level of the principles of unity and differentiation, primarily uniform criteria and methods of differentiation in the field of

social protection, is of practical importance. Applying the concept of «social protection», the subject of lawmaking, not being bound by the principles of the general system, establishes at its own discretion its different content and scope for different subjects. At the same time, the criteria of unity and differentiation are not defined at the level of general law, but are established arbitrarily in each new regulatory legal act. Therefore, such different legal regulation objectively violates the principle of equality of human and citizen rights established by the Constitution of Ukraine and generally recognized international acts.

Secondly, there is an oversaturation, confusion and complexity of the regulatory material. Legislation in the field of social protection is a huge legal conglomerate, in which the «old» and «new» are closely intertwined. In particular, in the field of pension provision alone, along with the Law of Ukraine «On Compulsory State Pension Insurance», about 20 more laws are in force, and the provision of pension benefits is regulated by more than 40 regulatory legal acts, although in reality most of them are not implemented. There are known cases when a new mechanism for providing social assistance is introduced, but the legal norms of the accompanying by-laws are not canceled, changes to which are not made for a long time, which directly affects the state of implementation of citizens' rights.

Thirdly, the regulatory and legal terminology in the field of social protection of the population remains unclear and inconsistent. The legislative acts use the terms «social protection», «additional social protection», «special social protection», «special protection», «social security», «social assistance», etc., while there are no attempts to reconcile these concepts with each other [10, pp. 36-37].

The imperfection of legislative mechanisms leads to a decrease in the economic activity of the population and the consolidation of dependent sentiments in society.

Summarizing the above, it seems possible to summarize that in modern conditions in Ukraine, the problems of social protection are among the most urgent.

**Conclusions.** Thus, a difficult situation has arisen in Ukraine in the field of social protection of the population, the solution of which requires the application of immediate measures to optimize the state's social policy by introducing innovative social technologies, using alternative sources of provision and financing of social services, applying a comprehensive system of social ordering, improving modern legislation in this area, etc.

#### REFERENCES:

1. Floreskul N. The system of social protection of the population as a factor in the formation of a social state. *Bulletin of KNTEU*. 2009. №. 2. P. 34–46.
2. Pasko Ya. I. The social state: theoretical implications and historical versions: dissertation ... Doctor of Philosophy: 09.00.03. Kyiv, 2008. 405 p.
3. Kosova T.P., Basantsov T.P. The essence and criteria for the effectiveness of the social protection system. *Finance of Ukraine*. 2000. №. 8. P. 26–30.
4. Ermolovska O.Yu. Social protection as a factor in stabilizing the standard of living of the population in the conditions of a transformational economy: author's abstract of dissertation ... Candidate of Economic Sciences: 08.09.03. Kharkiv, 1996. 23 p.
5. Chutcheva O.G. Legal regulation of social protection of citizens of Ukraine: abstract of dissertation ... candidate of law sciences: 12.00.05. Kharkiv, 2003. 18 p.
6. Antonenko O.I. Development of the system of social protection of the population of the region: abstract of dissertation ... candidate of economics sciences: 08.09.01. Odesa, 2006. 23 p.
7. Kunytskyi R.Y. Social protection of the population in the conditions of transition to a market economy: abstract of dissertation ... candidate of economics sciences: 08.00.01. Lviv, 1995. 26 p.
8. Makarenko V.A. Social protection of the population: problems and development trends: abstract of dissertation ... candidate of social sciences: 22.00.04. Kharkiv, 2005. 21 p.
9. Honcharov A.V. The concept of social protection. *Entrepreneurship, economy and law*. 2009. № 10. P. 126–129.
10. Bolotina N.B. The law of social protection of Ukraine: a textbook. 2nd ed. Kyiv: Knowledge. 2008. 663 p.