

## **CONSTITUTIONAL FOUNDATIONS AND CONTEMPORARY CHALLENGES IN THE FIELD OF LABOR RIGHTS AND SOCIAL SECURITY RIGHTS IN THE WELFARE STATE MODEL: A COMPARATIVE AND NORMATIVE ANALYSIS**

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### **Jabi G.Z. Constitutional foundations and contemporary challenges in the field of labor rights and social security rights in the welfare state model: a comparative and normative analysis.**

In the presented article, the author examines a set of constitutional and legal issues related to the regulation of labor rights and the right to social security. The author demonstrates that, at the current stage of development of capitalist relations, these rights acquire particular significance, and their full realization and protection become key elements in ensuring social justice. At the same time, the author establishes that the effective functioning of both state and municipal bodies plays a decisive role in guaranteeing the practical implementation of labor and social rights of citizens.

The author investigates that, when determining the duration of annual leave, it is necessary to clearly distinguish it from other components encompassed by the right to rest. Based on an analysis of the relevant norms, the author demonstrates that leave should be calculated in working days rather than calendar days, as such a method of calculation more accurately reflects the nature and purpose of the institution of annual paid leave.

Given the existing differences in the labor legislation of various states concerning the method for calculating leave duration, the author establishes that incorporating the provision on calculating leave in working days into international legal instruments may contribute to the unification of approaches and to the enhancement of worker protection at the global level.

In the course of the study, the author demonstrates that, under contemporary capitalism, issues of ensuring labor rights and social security rights must be placed under strengthened state supervision. Simultaneously, a continuous modernization of protective mechanisms is required in order to prevent a recurrence of the violations characteristic of classical capitalism, when the absence of developed legal institutions led to significant social imbalances and serious infringements of human rights.

The analysis of modern scholarly research conducted by the author shows that states around the world continue to attach priority importance to labor and social rights, implementing consistent reforms in these areas. In doing so, it is demonstrated that contemporary legal approaches differ substantially from those of past centuries, as they are oriented toward protecting individual interests and ensuring social well-being.

In conclusion, the author substantiates that the regulation of labor rights and social security rights must be carried out not only through domestic legal mechanisms but also at the international level. According to the author, the establishment of international responsibility for mass or large-scale violations will become an important instrument for enhancing the effectiveness of global mechanisms for the protection and enforcement of socio-labor rights.

**Key words:** labor law, social security law, constitution, social justice, constitutional guarantees, international labor standards, social protection mechanisms, municipal social policy, local self-government, demographic challenges, pension reform, social development programs, social rights implementation, global social security reforms.

**Джабі Г.З. Конституційні основи та сучасні виклики у сфері трудових прав і права соціального забезпечення в моделі держави загального добробуту: порівняльний і нормативний аналіз.**

У представлений статті автором досліджено комплекс конституційно-правових проблем, пов'язаних із регулюванням трудових прав та права на соціальне забезпечення. Автором доведено, що в умовах сучасного етапу розвитку капіталістичних відносин ці права набувають особливого значення, а їх повноцінна реалізація та захист стають ключовими елементами забезпечення соціальної справедливості. При цьому автором встановлено, що ефективна діяльність як державних, так і муніципальних органів відіграє вирішальну роль у забезпечені фактичного здійснення трудових та соціальних прав громадян.

Автором досліджено, що при визначені тривалості щорічної відпустки необхідно чітко розмежовувати її від інших складових права на відпочинок. На основі аналізу відповідних норм автором доведено, що розрахунок відпустки повинен здійснюватися у робочих днях, а не у календарних, оскільки таке обчислення більш повно відповідає природі та призначенню інституту щорічної оплачуваної відпустки.

Враховуючи існуючі відмінності в трудовому законодавстві різних держав щодо порядку обчислення тривалості відпустки, автором встановлено, що включення положення про розрахунок відпустки у робочих днях до міжнародно-правових актів може сприяти уніфікації підходів та підвищенню рівня захисту працівників на глобальному рівні.

У ході дослідження автором доведено, що в умовах сучасного капіталізму питання забезпечення трудових прав та прав на соціальне забезпечення повинні перебувати під посиленим контролем держави. Одночасно необхідна постійна модернізація механізмів захисту, щоб виключити можливість повторення порушень, характерних для епохи класичного капіталізму, коли відсутність розвинених правових інститутів призводила до суттєвих соціальних дисбалансів та серйозних порушень прав людини.

Аналіз сучасних наукових досліджень, проведений автором, показує, що держави у всьому світі продовжують приділяти пріоритетну увагу питанням трудових та соціальних прав, здійснюючи послідовні реформи у цих сферах. Таким чином доведено, що сучасні правові підходи суттєво відрізняються від уявлень минулих століть, оскільки орієнтовані на захист інтересів особи та забезпечення соціального благополуччя.

На завершення автором обґрунтовано, що регулювання трудових прав та прав на соціальне забезпечення має здійснюватися не лише через внутрішні правові механізми, але й на міжнародному рівні. Установлення міжнародної відповідальності за масові та масштабні порушення, на думку автора, стане важливим інструментом підвищення ефективності глобальних механізмів забезпечення та захисту соціально-трудових прав.

**Ключові слова:** трудове право, право на соціальне забезпечення, конституція, соціальна справедливість, конституційні гарантії, міжнародні трудові стандарти, механізми соціального захисту, муніципальна соціальна політика, місцеве самоврядування, демографічні виклики, пенсійна реформа, програми соціального розвитку, реалізація соціальних прав, глобальні реформи системи соціального забезпечення.

**Statement of the problem.** Despite the formal recognition of labor rights and social security within national constitutions and international legal instruments, the substantive realization of these rights remains a persistent challenge in contemporary governance. Legal codification alone is insufficient to guarantee access to adequate income, social protection, and equitable working conditions, particularly in the context of rapidly changing labor markets, demographic shifts, and globalization. While international norms and domestic legislation establish the framework for social protection, significant gaps remain in implementation, enforcement, and harmonization, leaving individuals vulnerable to economic insecurity, exploitation, and social marginalization.

The problem is further compounded by structural and administrative limitations: decentralized governance structures, uneven institutional capacities, and regulatory ambiguities can undermine the effective delivery of labor protections and social security measures. In particular, inconsistencies in policies such as leave entitlements, pension coverage, and social benefit calculation highlight the tension between legal formalism and substantive social justice. Moreover, evolving labor markets—characterized by informal employment, irregular work patterns, and cross-border mobility—pose additional challenges to the adequacy and universality of social protection systems.

This situation underscores a critical need for an integrated, multi-level approach that combines domestic legal reform, institutional capacity-building, and harmonized international standards. Ensuring the effective protection of labor and social rights requires not only codified entitlements but also operational mechanisms capable of translating normative principles into practical outcomes, including enforceable regulations, transparent administrative processes, and accountable governance structures. The central research problem, therefore, lies in identifying how legal, institutional, and normative frameworks can be effectively aligned to secure comprehensive, equitable, and sustainable social protection in contemporary societies.

**Purpose of the study.** This study critically examines the relationship between labor rights and social security within the framework of social justice, focusing on legal and institutional mechanisms that ensure their effective implementation. It analyzes how constitutional provisions, domestic legislation, and international standards collectively support labor protections, social security entitlements, and equitable socio-economic outcomes, highlighting the role of multi-level governance in ensuring accessibility and responsiveness. The research also addresses contemporary challenges, including coverage gaps, demographic shifts, labor market changes, and regulatory inconsistencies, while exploring innovative policy solutions. By integrating comparative and theoretical perspectives, the study aims to clarify how labor and social security law jointly promote human dignity, equality, and social cohesion, and to provide recommendations for adaptive, rights-based social protection systems aligned with national and international frameworks.

**State of Research.** Contemporary research indicates that constitutional or statutory recognition of labor rights and social security is only an initial step toward social justice; effective protection requires institutional mechanisms that translate normative guarantees into enforceable obligations (Esping-Andersen, 1990; Deakin & Wilkinson, 2005). Welfare state theory conceptualizes social protection as an integrated system linking labor regulation, social insurance, and public services, with labor rights and social security functioning as interdependent elements that balance efficiency and equity (Pierson, 2001; Titmuss, 1974). Legal scholarship emphasizes that neither labor law—addressing structural inequalities—nor social security law—mitigating life-cycle risks—can achieve their objectives in isolation [3; 6]. International standards from the ILO, UN, and Council of Europe further guide domestic reforms and harmonization in response to globalization and labor mobility [4; 6]. Constitutional innovations, such as those in Azerbaijan, elevate socio-economic objectives to fundamental values, reinforcing legislative and judicial commitments. Contemporary challenges, including demographic aging, informal employment, technological change, and gaps in paid leave, underscore the need for adaptive, decentralized, and accountable frameworks [6; 7; 8; 11]. Overall, scholars agree that effective social protection requires a coordinated, multi-level system integrating constitutional principles, legislation, administration, and international standards to reconcile economic development with human dignity, equality, and social cohesion.

**Presentation of the main material.** Recognition of labor rights and social security, while foundational, represents only a preliminary step toward social justice. Effective protection requires comprehensive legal frameworks that transform normative guarantees into enforceable standards, procedural safeguards, and accountable practices. Social justice depends on operational mechanisms—regulatory norms, judicial oversight, and administrative systems—that prevent violations, address inequities, and sustain social cohesion. International instruments such as ILO conventions and the European Social Charter emphasize harmonization between domestic legislation and global standards, mitigating systemic gaps and vulnerabilities. Multi-level governance further enhances social protection, with local institutions delivering context-sensitive programs, provided legal clarity, sufficient resources, and accountability mechanisms are in place.

Ultimately, the effective protection of labor and social rights requires a holistic understanding that transcends formal legal recognition. It necessitates the integration of normative, administrative, and socio-economic strategies that collectively safeguard individual dignity, promote equality of opportunity, and prevent social marginalization. Expanding the discourse to include both domestic and international perspectives allows policymakers and scholars to identify best practices, anticipate emerging challenges, and strengthen the resilience of social protection systems in an increasingly interconnected world [4, p. 45; 5, p. 21].

The Preamble to the Constitution of the Republic of Azerbaijan (1995) exemplifies a rights-based approach to social justice by embedding labor rights, social security, and human welfare as core constitutional values [1]. It emphasizes justice, freedom, and security, situating human dignity and

a decent standard of living at the center of governance while promoting intergenerational equity. By elevating socio-economic objectives to constitutional principles, Azerbaijan establishes a normative benchmark guiding legislation, administration, and judicial interpretation, ensuring that labor protections and social safety nets align with both domestic and international standards. This approach reflects a global trend of integrating economic rights, labor protections, and social security within a comprehensive constitutional framework, supporting the operationalization of abstract social justice principles into enforceable policies.

International literature conceptualizes the welfare state as a multidimensional socio-economic model designed to ensure that individuals have access to adequate income levels and that their essential social, cultural, and physiological needs are met through structured institutional mechanisms [9, p. 37; 10, p. 66]. This conceptualization emphasizes that the welfare state is not merely a system of financial transfers or minimal social assistance, but a comprehensive framework that integrates social protection, labor regulation, and public service provision into a coherent policy regime aimed at promoting individual well-being and social cohesion.

Although the welfare state functions within market-based economies, it seeks to reconcile the pursuit of economic efficiency with the broader public interest. Its objectives are multidimensional, encompassing both material and structural dimensions of social justice. These include guaranteeing a minimum standard of living for all citizens, fostering equitable distribution of income and wealth, ensuring the sustainable provision of public goods and services, mitigating regional and social disparities, and stabilizing economic fluctuations to prevent systemic shocks that disproportionately affect vulnerable [5, p. 27]. Furthermore, the welfare state aspires to secure broad civil freedoms, participatory opportunities, and equality of access, thereby embedding normative values of justice and fairness within economic and social policies.

The interdependence of social security and labor rights forms a central pillar of welfare state theory. Social rights—such as access to housing, healthcare, education, and meaningful employment—are not merely discretionary benefits but are considered essential preconditions for human development, societal stability, and the effective functioning of democratic institutions [4, p. 68]. Labor law, in this context, regulates the relations between employers and employees, ensuring fair treatment, safe working conditions, and mechanisms for dispute resolution, while social security law establishes entitlements that protect individuals against major life risks such as illness, unemployment, disability, and old age. Together, these legal instruments operationalize the principle of social justice, translating abstract rights into enforceable standards and creating a social environment in which individuals can participate fully in economic and civic life.

Moreover, contemporary scholarship highlights that the welfare state operates dynamically, adapting to social, demographic, and economic transformations. The expansion of labor markets, the ageing of populations, technological change, and globalization require that social protection mechanisms remain flexible, responsive, and capable of addressing emerging vulnerabilities. By integrating labor and social security protections within a unified framework, welfare states are able to promote both social inclusion and economic resilience, ensuring that the benefits of economic growth are equitably distributed and that the risks associated with market volatility are mitigated [9, p. 42; 10, p. 68].

In sum, the welfare state constitutes a legally and institutionally structured model aimed at achieving a balance between economic productivity and social equity. Its comprehensive approach underscores that labor rights and social security are mutually reinforcing: secure and fair working conditions enhance social stability, while robust social protection systems ensure that individuals are able to maintain an adequate standard of living throughout the life course. Consequently, the welfare state embodies both normative and practical commitments to social justice, providing a foundational paradigm for modern governance in an increasingly complex and interdependent global environment.

Within this broader socio-legal framework, labor law and social security law function as mutually reinforcing and complementary instruments, each addressing distinct yet interrelated dimensions of social protection. Labor law primarily regulates employment relations, setting legally enforceable standards that safeguard employees' rights, including remuneration, working hours, occupational safety, non-discrimination, and collective bargaining, in both public and private sectors [6, p. 15]. By providing these guarantees, labor law ensures that employment relationships are equitable, transparent, and conducive to the professional development of workers. Moreover, it functions as a preventative mechanism, reducing the likelihood of exploitative practices and labor-related disputes that could undermine social stability.

Social security law, in contrast, provides a protective framework against major social risks such as illness, disability, unemployment, old age, and loss of income, while establishing the obligations of state institutions to deliver benefits and services. It encompasses pensions, unemployment insurance, healthcare access, family allowances, and other forms of social assistance [3, p. 112]. By securing these entitlements, social security law creates a buffer against economic uncertainty and social vulnerability, thereby complementing the protective functions of labor law. Collectively, these legal regimes aim to construct an environment in which individuals can participate fully in the labor market, develop professionally, and maintain adequate living standards throughout their lifetimes.

In democratic governance systems, the implementation of social security measures is increasingly decentralized, involving both central authorities and local self-government institutions. Municipal governments frequently design, manage, and evaluate social protection programs tailored to the specific needs of local communities, ranging from employment support services to targeted financial assistance and social infrastructure projects. Such decentralization allows for responsiveness to community-specific circumstances while fostering citizen engagement and accountability [11, p. 43]. At the same time, national governments retain responsibility for setting overarching policy frameworks, establishing eligibility criteria, ensuring consistency with international standards, and providing funding mechanisms that enable municipalities to fulfill their mandates effectively.

For developing states in particular, strengthening the capacity of municipal authorities to design, implement, and monitor local social programs is critical. This requires not only institutional competence and sufficient financial resources but also mechanisms that ensure transparency, equitable access, and inclusive participation by all segments of society, including marginalized or vulnerable groups [8, p. 56]. Effective integration of local and national systems can enhance social cohesion, prevent exclusion, and create a comprehensive safety net that combines preventive, protective, and developmental dimensions.

Furthermore, academic literature emphasizes that the interaction between labor law and social security law is essential for achieving sustainable social outcomes. Labor protections alone are insufficient if workers are exposed to unforeseen social risks, while social security programs are less effective if labor markets fail to provide stable employment and enforceable rights. By operating in tandem, these legal regimes establish a dual mechanism that not only secures economic stability for individuals and families but also fosters equitable social development, supporting the broader objectives of justice, human dignity, and sustainable governance.

Another significant dimension of social rights is the right to rest, which is explicitly recognized in national constitutions, labor legislation, and international instruments, reflecting the fundamental importance of work-life balance in ensuring human dignity and social equity. Under Azerbaijani labor law, employees are guaranteed a minimum of 21 calendar days of paid annual leave, alongside daily, weekly, and public holiday rest periods. Legal scholars argue, however, that to uphold the principles of social justice and to preserve the protective function of paid leave, it is more appropriate to calculate annual leave in working days rather than calendar days. This distinction is crucial because calendar days include weekends and public holidays, which are already designated rest periods, and counting them as part of paid leave effectively diminishes the entitlement intended to provide actual recovery time for employees [2, p. 18; 6, p. 72;]. By emphasizing working-day calculations, labor law not only secures the substantive right to rest but also reinforces the broader normative objective of social protection.

The lack of precise legal norms, both at domestic and international levels, regarding the computation of leave creates potential for inconsistent application and interpretation. Such ambiguity can be exploited, either deliberately or inadvertently, by employers or policymakers who may prioritize economic efficiency over workers' welfare. The influence of lobbying and regulatory capture further exacerbates this risk, potentially producing legal provisions that favor employers at the expense of employees and thereby undermining the integrity of labor rights and social security protections [4, p. 112]. Consequently, the establishment of clear, harmonized international standards for leave calculation is essential to prevent the erosion of these rights and to ensure consistent implementation across jurisdictions.

Beyond rest entitlements, states worldwide confront a spectrum of challenges in the sphere of social security, irrespective of their economic, cultural, or demographic contexts. Rapid population aging, gaps in coverage for informal or precarious workers, and the need to provide protection across all stages of the life cycle necessitate adaptive policy responses. Simultaneously, labor markets are evolving at an accelerated pace, driven by technological innovation, globalization, and shifts in employment patterns, creating new forms of risk that social security systems must accommodate [7, p. 11; 9, p. 57].

Governments have responded to these challenges through both legislative reform and enhanced program administration. Recent global trends indicate a dual focus: achieving financial sustainability of social security systems while simultaneously expanding access and adequacy of benefits. Legal reforms have included recalibration of pension formulas, extension of contribution credits, periodic adjustment of benefit levels, and the introduction of mechanisms supporting workers with incomplete employment histories. Specific examples include countries such as Algeria, Argentina, Lithuania, Malaysia, Mexico, and Uzbekistan, which have revised minimum pension entitlements, updated reference earning periods, and established mandatory benefit recalculation schedules to preserve purchasing power and ensure fairness. In parallel, nations including Albania, Belgium, and Ireland have instituted policies recognizing childrearing and long-term caregiving periods for pension eligibility, thereby preventing vulnerable groups from losing critical entitlements due to caregiving responsibilities [7, p. 14].

Global reforms highlight that social security systems must be inclusive, adaptive, and capable of addressing demographic shifts, labor market changes, and socio-economic vulnerabilities. These developments underscore the interdependence of labor rights and social protection, as fair remuneration, adequate rest, and employment safeguards are inseparable from pensions, social insurance, and welfare provisions. Effective realization of these rights requires a coherent, multi-dimensional framework integrating domestic legislation and international standards. To address coverage gaps, many states have introduced mechanisms such as purchase of missing contribution years, proportional pension schemes, and portability provisions that enable seamless transfer of entitlements across sectors. For example, Argentina has developed programs enabling workers to buy back missed contribution periods, thereby preserving eligibility for full pension benefits, while Peru has expanded its proportional pension schemes to accommodate informal and irregular workers. Similarly, Saudi Arabia and the United Arab Emirates have introduced regulatory frameworks that facilitate portability of pension rights, allowing employees who transition between sectors or jurisdictions to retain their accumulated benefits without penalization (ISSA, 2020, p. 18). These policy innovations exemplify a global trend toward modernizing social security frameworks, ensuring their adaptability to dynamic labor markets, demographic shifts, and broader socio-economic transformations.

Across these varied national experiences, a discernible pattern emerges: governments worldwide increasingly recognize labor rights and social security as foundational priorities of social policy. Legislative reforms are frequently accompanied by enhanced enforcement mechanisms, administrative improvements, and the establishment of normative frameworks that reflect contemporary societal demands. These measures not only address immediate social protection needs but also seek to institutionalize long-term mechanisms for equitable labor relations and social security provision. In this context, the interconnection between domestic and international frameworks becomes particularly salient. National legislation, while essential, cannot by itself guarantee comprehensive protection of labor and social security rights, especially in an era of globalized labor markets, cross-border employment, and transnational economic integration.

Consequently, harmonization of international norms is indispensable. The articulation of clear international obligations, including mechanisms to address violations of labor and social security rights, ensures that states adhere to universally recognized standards while reducing disparities in implementation. A scholar emphasize that such a dual framework—integrating national enforcement with international accountability—enhances both consistency and effectiveness of social protection (Deakin & Wilkinson, 2005, p. 89; ILO, 2019, p. 19). Furthermore, international guidelines contribute to establishing a common understanding of rights, procedures, and enforcement standards, thereby facilitating comparative evaluation, promoting best practices, and minimizing exploitation arising from regulatory gaps.

Ultimately, the evolution of social security and labor rights frameworks demonstrates the necessity of a multi-layered approach, in which domestic reforms and international legal instruments complement one another. By combining adaptive national policies with globally recognized standards, states can ensure the protection of individuals against economic vulnerability, support lifelong access to social benefits, and uphold the broader principles of social justice, equity, and human dignity. This integrated approach underscores the increasingly complex yet indispensable role of legal, institutional, and normative frameworks in sustaining inclusive and resilient social protection systems in the contemporary era.

**Conclusion.** The foregoing analysis demonstrates that the recognition of labor rights and social security within legal and policy frameworks constitutes a foundational, yet insufficient, condition for achieving substantive social justice. While constitutional guarantees, statutory provisions, and international instruments provide the formal basis for these rights, their effective realization requires the

establishment of comprehensive regulatory systems, robust enforcement mechanisms, and institutional structures capable of translating normative principles into tangible protections. The Azerbaijani constitutional model illustrates this approach by embedding social welfare objectives, labor protections, and intergenerational equity within the highest legal framework, thereby operationalizing abstract rights into actionable policy imperatives.

The welfare state, as conceptualized in international scholarship, functions as a multidimensional framework that integrates labor law, social security, and public service provision to ensure equitable income distribution, social inclusion, and protection against major life risks. Labor law and social security law operate as complementary instruments: the former secures fair and safe working conditions, while the latter provides protections against economic vulnerabilities such as illness, unemployment, and old age. The interaction between these regimes is essential for sustaining economic stability, social cohesion, and individual well-being.

Contemporary challenges—including population aging, labor market volatility, informal employment, and socio-economic disparities—highlight the necessity of adaptive and inclusive social protection systems. Global reforms demonstrate that effective social security frameworks must be flexible, comprehensive, and responsive to emerging risks, while national policies must be harmonized with international standards to ensure consistency and universality of protections. Mechanisms such as proportional pensions, contribution buybacks, and portability of benefits exemplify innovative approaches that reconcile domestic needs with global best practices, ensuring that social protection systems remain resilient and equitable.

Ultimately, the analysis underscores that the protection of labor rights and social security requires a multi-layered governance approach, combining domestic legislative action, local administrative implementation, and international normative oversight. Only through such an integrated framework can states secure the substantive realization of social justice, uphold human dignity, and promote sustainable socio-economic development. This holistic perspective affirms that labor rights and social security are not isolated policy concerns but essential pillars of modern governance, indispensable for fostering equitable, resilient, and inclusive societies in a rapidly globalizing world.

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