

<https://doi.org/10.61345/2734-8873.2024.3.1>

CONTENT OF FORMS AND METHODS OF PROVIDING SOCIAL SECURITY OF THE STATE

Belousov V.D.¹

Annotation. The article is devoted to revealing the essence of the forms and methods of ensuring social security in modern Ukraine. It is established that such forms are the interconnected components of the social security system provided for by legislation and agreed with the principles of law, which are expressed in the actual manifestation of the activity of authorized subjects in the formation, provision, protection, protection and restoration of the conditions of socially safe existence of a person (groups of people) on the territory of the state through the use of legally defined methods of social protection, which are applied with the use of methods and means of a social protection nature. These forms are characterized by the fact that they: reflect the actual state of state and society activities aimed at ensuring social security; represent integral, mutually agreed upon legal constructions; is an objective and relatively stable element of factual, legally significant reality; is a systemic formation, which consists of both relatively universal and special elements. It is substantiated that the forms of social security of the state make up the system, the key components of which are: food, health and recreation, material, housing and household, educational, labor law, insurance, pension, etc. forms of providing social security. In turn, the methods of ensuring social security of the state are legally established and coordinated with the principles of law by the actions of subjects of social law, with the help of which they implement measures to prevent and counteract social risks, compensation for damage from the influence of social risks that cannot be eliminated. The author singles out three groups of ways to ensure social security. The first is a group of general methods, which are general social, economic and political methods. The second is a group of special (or common law) methods, namely: preventive; protective; compensatory and informative methods. The third is a group of special (social and legal) ways of ensuring social security of the state, which are social services, social assistance and benefits. The conclusions of the article summarize the results of the study.

Key words: social security of the state, social policy, social law, social protection, methods of ensuring social security, forms of ensuring social security.

¹ Candidate of Legal Sciences. ORCID: 0009-0000-5652-4880

Asking the question. The welfare state is a special, socially protected (and therefore socially safe) form of existence of the state and society (population), which serves as a special model that ensures the most effective implementation of both individual and group rights in the social sphere. In this context, it is important to emphasize that under the specified circumstances, the welfare state, as currently the main form of social security existence of the state, plays the role of a key guarantor of social security on the territory of the state and outside it for its citizens [see, for example: 1; 2]. Performing such a function, the welfare state is able to create conditions under which the ways of achieving the goal of social security, as well as the forms and methods of ensuring this security, can systematically contribute to the achievement of a socially secure human existence in Ukraine. Therefore, the above allows objectifying the goal of social law in actual reality and embodying the values of this field of law. Although, as rightly noted by E.P. Omelianenko, it is impossible to claim that the social state is a direct reflection of the realization of their rights by individuals [3, p. 80]. The outlined position testifies to the urgent need for a comprehensive study of the content of the forms and methods of ensuring social security of the modern state in the context of the formation of an actual doctrine of social security in modern Ukraine.

Analysis of scientific research and previously unresolved issues. A critical analysis of the scientific literature makes it possible to come to the conclusion that the existing studies devoted to the definition of the concept and main characteristics of social security of the state do not contain a clear definition of the forms and methods of ensuring social security in modern Ukraine. At the same time, it should be noted that many Ukrainian scientists have already considered various aspects of forms and methods of social protection and related phenomena in the field of social security provision, including: V.V. Mustache [4, p. 74], M.O. Borysenko [5], K.V. Borychenko [6], L.Yu. Malyuga [7], E.P. Omelianenko [3, p. 74–79], Yu.O. Ostapenko [8, p. 61], E.A. Podolska [9], D.V. Svitovenko [10], S.M. Synchuk [11] and others.

The purpose of the article is to clarify the essence of the forms and methods of ensuring social security in modern Ukraine. To achieve this goal, the following *tasks should be performed*: 1) formulate the definition of the concept of “forms of ensuring social security of the state”, as well as outline the main properties of these legal structures; 2) outline the meaning of the concept of “methods of ensuring social security of the state” and the key features of these methods; 3) summarize the results of scientific research.

Presentation of the main material. Understanding the essential content of the forms of ensuring social security in modern Ukraine in the context of the approaches of Ukrainian scientists [see, e.g.: 5, p. 274–276; 8, p. 61; 12, p. 75; 13, p. 115; 14, p. 83–84; 15, p. 116–123] to the understanding of the concept of “forms of social protection”, as well as related socio-legal phenomena, we come to the conclusion that *the forms of ensuring social security of the state* are mediated by norms and principles of law, interacting components of the state social security system, which are expressed in the actual manifestation of the activities of the authorized subjects for the

formation, provision, protection, protection and restoration of the conditions of socially safe existence of people (groups of people) on the territory of the state by applying legally defined methods of social protection, which are applied using methods and means of a social protection nature. Thus, the social security of modern Ukraine is a systemically organized legal state of society in which harmony between public and private interests is achieved at the expense of appropriate forms, and a stable level of protection of individuals and social groups from internal and external social threats (risks) is ensured. This state is supported by a complex of legal norms and their implementation (in combination with the requirements of the principles of law), as well as the actions of public institutions and mechanisms aimed at the fair acquisition and further implementation of social rights, the creation of conditions for a stable and dignified existence of all citizens due to the prevention and counteracting social risks and challenges, which is carried out in the appropriate forms of social security provision.

Taking into account the stated and modern interpretive approaches of domestic scientists regarding the understanding of the properties of forms of social protection [see, e.g.: 15], as well as analyzing the essential content of the forms of providing social security of the state, it is possible to reach a logical conclusion that today the forms of providing social security in modern Ukraine are characterized certain key features. First, these forms reflect the actual state of activities aimed at ensuring social security. The specified forms, as a special stereotyped model of activity aimed at maintaining an adequate level of social security, depend on several factors that follow from this pattern: on the one hand, social protection is the foundation for ensuring the socio-economic well-being of every person, and on the other – different social groups have different needs for social security, the consideration of which is key to the formation of the social security of the state. Secondly, the considered forms are integral, mutually agreed upon legal constructions. The integrity and consistency of the forms for ensuring social security is a manifestation of their systematicity, as they form a single system and are key elements of the social and legal regime of the state's social security. Recognition of the relevant properties in such forms is a guarantee that the activity of ensuring the social security of the state will be consistent and consistent, both in relation to the purpose and tasks of social law, and in relation to the social rights and legitimate interests in the social sphere of subjects whose social protection is ensured, is a key factor in ensuring social security of the state. Thirdly, these forms are an objective and relatively stable element of actual, legally significant reality. In general, the factors affecting the stability of the state's forms of providing social security can be divided into two types of circumstances of practical reality: the influence of external circumstances on an object or subject, which can cause changes in the forms of providing social security of the state; a change in the paradigm of the active or passive state of an object or subject, which can also affect the stability of the forms of ensuring social security of the state. Fourthly, the considered forms are a systemic formation, which consists of both relatively universal and special

elements. In this context, we note that the elements of the system of forms of social protection in one way or another apply to all persons who need social protection, however, certain forms of social security are associated with the acquisition and realization by a person of special social rights (in particular, the right to a pension), which can be acquired and exercised by the relevant circle of citizens without discrimination (in particular, the right to a pension is acquired and exercised regardless of gender, property status, political views, etc. reasons other than those specified in the legislation).

As of today, we can state that “forms of ensuring social security of the modern state are objectified within the framework of the social security system, being a key element of the social and legal regime of ensuring social security of Ukraine. That is, the considered forms, although they are aimed at the objectification of the goal and fulfillment of social security tasks (primarily due to the implementation of social protection measures), are not homogeneous, thus reflecting the complex nature of social security as a special socio-legal phenomenon. In view of this, we come to the opinion that the forms of ensuring social security of the modern state constitute a certain system, the key components of which can be called, in particular: food, health -recreational, material, housing, educational, labor -legal, insurance, pension, etc.

As for the methods of ensuring social security in modern Ukraine, in this context, taking into account the approaches of scientists to understanding the content of methods of social protection and related phenomena [see, e.g.: 3; 6–9], we can come to the conclusion that the methods of ensuring social security of the state are legally established and agreed with the principles of the right of action of subjects of social law, with the help of which they implement measures to prevent and counter social risks, compensate for damage from the impact of social risks that cannot be eliminated. Therefore, the methods of ensuring the social security of the state are: first, a complex of organizational and legal means, which are objectified as a result of the actual implementation of the social function of the state and society, reflecting the social responsibility of the state and society for the creation conditions in which the safe and fair existence of the individual and society as a whole is protected; secondly, the practical implementation of the principles of social justice, social responsibility and social solidarity, as well as social and legal protection aimed at preventing, countering and compensating social risks, ensuring decent living conditions and supporting all citizens, regardless of their social status and other circumstances under which they may be discriminated against.

Analyzing the type structure of ways to ensure social security of the state, it should be noted that this issue was not revealed by scientists, although types of ways of social protection were studied. Among such methods, Ukrainian scientists include primarily social services, social assistance and benefits [see, e.g.: 7, p. 88-89]. Therefore, we can come to the conclusion that the methods of ensuring the social security of the state cover a wider range of actions, and therefore are structurally not identical to the methods

of social protection of an individual, a group of persons or the population in general, namely, they consist of the following groups of methods of ensuring the social security of the state:

1. General methods of ensuring the social security of the state, which are measures developed and implemented to create or maintain general conditions of social security and sustainable development of man and society in general. The relevant group of measures, being directly or indirectly oriented to the prevention, countermeasures and compensation of damage from social risks and threats, includes the following groups of methods of ensuring social security: 1) general social methods, namely measures taken by the state, society and individual citizens to create conditions, which contribute to the solution of social problems and the development of basic institutions for a dignified existence within society; 2) economic methods, which include measures aimed at stabilizing and maintaining the socio-economic stability of the existence of society (certain segments of the population that are in difficult life situations or may fall into them), reducing the negative effects of the market economy (even when it is socially oriented), such as poverty and unemployment, which can increase social risks and threaten society; 3) political methods, represented by measures aimed at ensuring political stability and predictability of political processes in the state, which is necessary for the social well-being of citizens, as well as measures aimed at the development and implementation of social policy, personnel policy and personnel support strategy of the system of social protection of the population of Ukraine.

2. Special (or general law) methods of ensuring social security are measures enshrined in current legislation and coordinated with the main legal and organizational and legal principles aimed at maintaining law and order in the social sphere of the state, assuming at the same time the use of legal instruments of prevention, protection, protection and restoration of social rights of citizens. Thus, the key methods covered by this group of methods of ensuring social security are: 1) preventive methods, which include measures aimed at preventing social risks before their actual occurrence and preventing the transition of acceptable social risks into the category of unacceptable; 2) protective methods, namely measures aimed at protecting citizens from social risks that have already occurred, endangering the level of social security of the population (in particular, jurisdictional and extrajurisdictional forms of protection of human social rights and legitimate interests in the social sphere, as well as social and medical insurance, social assistance and material support for persons who find themselves in a difficult life situation, etc.); 3) compensatory methods, which include measures to compensate for damage caused by social risks that cannot be eliminated (in particular, payments for disability benefits, additional payments to critical infrastructure workers for professional risks, etc.); 4) information and educational methods aimed at increasing citizens' awareness of social risks and methods of protection against them, increasing their literacy in the social and legal sphere.

3. Special (or socio-legal) methods of ensuring social security of the state, which are measures directly aimed at supporting and protecting the social well-being of individuals and population groups, taking into account their specific needs for social protection. These measures are aimed at providing a targeted social protective impact and help citizens overcome difficult life situations, supporting social stability and their ability to adapt to social life. The main types of such methods include, in particular:

1) social services, which, according to the Law of Ukraine "On Social Services", means material and non-material support provided in the form of measures of a legal, economic, psychological, educational, medical, rehabilitation and other nature. These services are provided to persons or groups of persons who have found themselves in difficult life situations or are at risk of falling into difficult life circumstances. The purpose of such services is to prevent or minimize the negative consequences of difficult life situations, improve a person's social situation, promote the social adaptation of such a person and return him to a full-fledged social life;

2) social assistance, which is defined in the Law of Ukraine "On the Rehabilitation of Persons with Disabilities in Ukraine" as a system of measures aimed at restoring active life, social status and formation of citizens' skills (attitudes) necessary for normal life activities. Therefore, social assistance is objectified in the complex socio-legal protection of persons who find themselves in difficult life situations, their return to a full-fledged life, as well as adaptation to the conditions of the current social reality, in particular, due to overcoming social isolation and restoring social integration, ensuring basic living conditions, assistance in self-care and improvement of the quality of life;

3) benefits, which are privileges granted to certain categories of citizens in the form of reducing obligations or granting additional rights in social and related spheres to facilitate living conditions and ensure equal opportunities to participate in society, which in turn is a special manifestation of politics positive discrimination in the social sphere.

Conclusions. Summarizing the conducted research, it can be stated that the forms and methods of ensuring social security of the state are key components of the social security system of modern Ukraine, becoming practical tools for the implementation of the social function of the state (in a separate part, also of society), being aimed at achieving harmonious development of society, ensuring decent living conditions and protection of the population from social risks and threats by preventing, countering social risks and compensating for the negative impact of such risks that cannot be eliminated. At the same time, the forms of ensuring the social security of the state are determined by the current legislation and the principles of law, the ways of implementing the social function of the state and society (in the areas of health and recreation, housing and household, food, material, educational, labor law, insurance, pension and other protection), characterizing the integrity and consistency of activities to ensure social security (the social and legal regime of social security of

the state as a whole), acting as an objective and relatively stable element legally of significant reality, which has a systemic and permanent social protection character. In turn, the methods of ensuring the social security of the state are legally established and agreed with the principles of law, general, special and special actions of the subjects of social law within the framework of the forms of ensuring the social security of Ukraine, which are implemented with the aim of preventing and countering social risks, as well as compensation for damage from their influence.

References:

1. Hacker JS, Rehm P. Reducing risk as well as inequality: Assessing the welfare state's insurance effects. *British Journal of Political Science*. 2022. Vol. 52 (1). P. 456–466. doi: 10.1017/S0007123420000034.
2. Hladky VV The Impact of Welfare State Policies on Social Security. *Creative Space*. 2023. Vol. 11. P. 62–64. doi:10.5281/zenodo.7495112.
3. Omelyanenko E.P. Forms of social protection of employees of the prosecutor's office of Ukraine: thesis. ... Dr. Philos: 081. Kyiv, 2023. 245 p.
4. Bezusiy V.V. Social protection of civil servants in Ukraine: dissertation. ... doctor of law. Sciences: 12.00.05. Kyiv, 2020. 430 p.
5. Borysenko M.O. Concepts and forms of implementation of the right. *Comparative and analytical law*. 2015. No. 2. P. 274–276.
6. Borychenko K.V. Ways of protecting the right to social security. *Scientific Bulletin of the Uzhhorod National University. Series: Law*. 2017. Issue 42. S. 128–131.
7. Malyuga L.Yu. Forms and methods of social protection of military personnel in Ukraine. *University scientific notes*. 2023. No. 5 (95). WITH. 82–94. doi:10.37491/UNZ.95.8.
8. Ostapenko Yu.O. The main forms of realization of the employee's labor rights. *Legal position*. 2021. No. 2 (31). WITH. 60–63. doi:10.32836/2521-6473.2021-2.12.
9. Podolska E.A., Nazarkin P.O. A new meaning and innovative ways of ensuring social security. *Bulletin of Odessa National University. Series: Sociology and political sciences*. 2015. Vol. 20, No. 2 (23). WITH. 19–25.
10. Svitovenko D.V. Content of forms of implementation of the principle of gender equality of employees. *Social law*. 2022. No. 4. P. 125–130. doi:10.32751/2617-5967-2022-04-19.
11. Sinchuk S.M. Legal features of social benefits in the field of social security. *State and law*. 2012. Issue 56. S. 301–306.
12. Hladky V.V. The main types of forms of implementation of the employee's right to anti-corruption security. *Social law*. 2022. No 1. S. 73–81. doi:10.32751/2617-5967-2022-01-08.
13. Dyachenko O.A. Features of the implementation of the rights of persons with disabilities in the field of labor relations: Dis. ... Dr. Philos.: 081. Kyiv, 2023. 249 p.

14. Omelianenko E.P. Concepts and signs of forms of social protection of employees of the prosecutor's office of Ukraine. *Scientific trends of post-industrial society: materials III International of science conf.* (Dnipro, October 21, 2022). Vinnytsia: ENP, 2022. P. 83-84.
15. Shai R.Ya. Principles and forms of implementation of state functions. *Bulletin of the Lviv Polytechnic National University. Legal sciences.* 2014. No. 810. P. 116–123.