

LEGAL NATURE OF SOCIAL PROTECTION OF CIVIL SERVANTS IN MODERN CONDITIONS OF INFORMATION COMMUNICATIONS AND EUROPEAN INTEGRATION OF UKRAINE

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Annotation. The article is devoted to a detailed analysis of the legal nature of social protection of civil servants in the conditions of modern information communications and European integration processes of Ukraine. In the course of the study, theoretical approaches to determining the essence of social protection were considered, as well as the positions of various scientists who studied this issue were given. The advantages and disadvantages of the main concepts proposed in the scientific literature are analyzed, with an emphasis on their compliance with modern challenges and conditions of development of public administration in Ukraine.

The article pays attention to the justification of one's own position regarding the improvement of the system of social protection of civil servants, taking into account modern European integration trends and the influence of information technologies. The essence of the legal nature of social protection is revealed, the concept is characterized, and a general theoretical characterization of this legal phenomenon is carried out. It was determined that the social protection of civil servants is an important component of ensuring the stability and efficiency of the civil service, which provides social guarantees necessary for the performance of official duties at a high professional level.

Actual problems of ensuring social guarantees of civil servants are studied in the context of strengthening European integration and introduction of information technologies in public administration. The key legal mechanisms aimed at ensuring fair access to social services are identified, and the need to reform the existing social protection system to eliminate inequalities between civil servants of different job categories is substantiated. On the basis of the analysis of the provisions of various scientists, the advantages and disadvantages of the existing mechanisms of social protection are highlighted, as well as ways of their optimization are considered. The article also emphasizes the importance of a comprehensive approach to the development and implementation of legal norms that ensure social protection of civil servants, in order to increase the efficiency of the civil service and maintain a high level of professionalism of personnel.

Key words: public servant, European integration, social legislation, social security, public service.

1. Introduction.

Statement of the problem. The study of the legal nature of social protection of civil servants acquires special importance in the conditions of modern information communications and European integration processes taking place in Ukraine. Ensuring law and order, carrying out defense measures, developing diplomatic relations, as well as the general level of well-being of citizens depends on the state's effective performance of its social function. In this context, a special role is played

by civil servants, on whose professionalism and proper performance of duties the success of the implementation of state tasks depends.

The European integration direction of Ukraine's development requires the improvement of the civil service system, in particular the enhancement of the role of the civil servant as a representative of the state's interests before citizens and a mediator in the formation of trusting relations between society and state institutions. In this sense, a civil servant performs not only the function of providing administrative services, but also the function of increasing citizens' trust in the authorities, which is one of the important prerequisites for the effective implementation of public policy.

Social protection of civil servants is an important legal instrument that allows to ensure an appropriate level of well-being and stability for persons working for the state. This, in turn, contributes to more effective performance of the tasks assigned to them, ensuring motivation and professional development. In modern conditions, when information communications largely determine both internal and external processes of public administration, social protection of civil servants becomes a guarantee not only of their personal stability, but also of the stability of the civil service in general.

The legal nature of social protection consists not only in the guarantees of providing certain social benefits, but also in creating the necessary conditions for the performance of state functions in the conditions of growing responsibility and increased requirements for the quality of public administration. Social protection acts as a form of ensuring a balance between the interests of the state, which needs the effective work of its employees, and the interests of the civil servants themselves, who have the right to protect their social needs and guarantees in the field of work, in particular in the context of information transparency and European integration obligations of Ukraine.

Thus, the development of the legal basis for the social protection of civil servants is a key element in ensuring the high quality of public service, which meets the requirements of the modern European administrative space and contributes to Ukraine's integration into the international legal system.

2. Analysis of scientific publications.

A significant contribution to the study of the issue of the legal nature of social protection was made by the following scientists: V.A. Bagrii, V.V. Bezusiy, O.Yu. Bolda, O.V. Burlaka, O.P. Demchenko, M.M. Dovga, I.O. Dotsenko, M.I. Karpa, A.G. Kolosyuk, M.I. Kopetyuk, I.P. Krynychna, R.P. Lutsyki, G.Y. Mykhailyshyn, N.E. Muromets, T.I. Pavlyuk, S.M. Smachilo, M.V. Tulenkov and others. However, the European integration context and the use of information communications in the social protection of civil servants are understudied.

The purpose of the article is an analysis of the legal nature of social protection of civil servants in modern conditions of information communications and European integration of Ukraine.

3. The aim of the work.

It is possible to summarize that social protection is a systematic activity of public authorities to help subjects of law in the event of a social risk by minimizing the probability of its occurrence or negative consequences from such with the aim of guaranteeing the realization of social rights and creating safe and comfortable working and living conditions. At the same time, the social protection of civil servants is significantly different from the general visa, because the role of the state in this is increased. In addition, the social protection of civil servants is undergoing transformation as a result of reforms, the increasing use of information technologies and the implementation of European standards.

Therefore, I. P. Krynychna proposes to combine social protection and provision of civil servants within the framework of one legal phenomenon and interprets it as a set of organizational, legal, technical and economic measures that protect, support, prevent the violation of rights, and restore

social standards of living civil servants after the occurrence of a social risk in order to compensate for damage or prevent such damage. Social protection creates a safe environment for a civil servant [1, p. 177].

In the modern conditions of information communications and European integration of Ukraine, the legal nature of the social protection of civil servants, which is an important component of ensuring their proper professional formation and functioning, is gaining special relevance. It is worth noting that the concept of a safe environment includes not only physical, but also psychological safety, which is based on the observance of the principle of equality in public service and the absence of discrimination or mobbing on any grounds. This is an integral part of social protection, which provides conditions that meet the standards of social justice and dignity of a civil servant.

The combination of social protection and guarantees of civil servants' rights is an important component of the entire process of regulating their social rights. It is important to emphasize that the social rights of civil servants must be ensured at a level similar to the rights of persons who are not part of the civil service. This approach contributes to increasing the efficiency of the state apparatus and strengthening public trust in it. At the same time, for the effective implementation of social protection, it is necessary to create a complete system, and not just a set of individual measures. This system should be logically ordered, coordinated and have a clear structure, which involves the use of the most modern methods and innovative approaches in the field of social protection.

The effectiveness of the social protection of civil servants depends on the close relationship between social insurance, social security, social assistance payments and pensions. In the context of Ukraine's European integration, it is especially important that such a system takes into account European standards for ensuring social rights, which makes it possible to implement best practices and strengthen the protection of civil servants' rights. The legal regulation of this process should be based on a comprehensive approach, which includes legal, administrative and organizational measures to ensure equal opportunities for the realization of social rights of civil servants. Thus, social protection of civil servants not only ensures the welfare of civil servants, but also contributes to the improvement of the quality of public administration, which is one of the main requirements in the process of European integration.

M. I. Karpa believes that social protection for civil servants consists in the application of normatively determined economic, social and organizational measures aimed at ensuring the realization of the general rights and duties of civil servants and their effective performance of official duties, increasing the professional and creative potential [2, p. 11].

That is, social protection is provided for the civil servant and his family members during the entire period of employment and after retirement. The state implements social protection measures as an employer, i.e. payment of wages, bonuses, social security. However, the peculiarity of such measures is the clear legal establishment of the procedure and amount of payments, that is, there are no contractual principles. In addition, the state and local self-government bodies provide social protection for civil servants no lower than for other citizens, which determines the right to free education, medical care, use of communal and state services, pension provision, assistance in connection with disability. At the same time, there is a special social protection regarding the reimbursement of funds for business trips, use of official housing by civil servants. Such a situation determines a much larger volume of social protection measures, its distinctive tasks.

So, it is possible to come to the conclusion that social protection of public servants is a systematic, orderly and legal activity of the authorized bodies of public authorities to guarantee safe and comfortable working conditions, a socially relevant level of material support of the public servant and to protect him from social risks through the use of economic, technical informational and organizational means and for the purpose of creating and maintaining a minimally acceptable, but competitive level of well-being of the civil servant and his family members.

It is important for a correct understanding of the essence and features of social protection of civil servants to establish its characteristic features. The signs help to better distribute which aspects of social protection are common to the entire population, and which of them are special and apply only

to a certain category of persons. Investigating this issue, O. V. Burlaka singles out the following list of features of social protection: systemic nature, clear goal (ensuring well-being, material and physical well-being), implementation by authorized state bodies and institutions, the most common types are social assistance, service and benefit [3, p. 126].

Systemic nature is particularly important for the social protection of civil servants, because in addition to the function of preventing social risk, it motivates better implementation of official duties, reduces the number of errors and complaints against civil servants. At the same time, the distribution of common types of social protection for civil servants is somewhat different, because it also includes bonuses, compensation for business trips or even payment of wages. It is worth clarifying that the subjects of social protection of civil servants are, first of all, their managers, who are obliged to monitor the safety of working conditions, grant permission to receive social security, and pay for rehabilitation.

For his part, I. O. Dotsenko proposes to define social protection according to the following set of features: satisfaction of individual needs of citizens through the form of distribution of special funds; are provided in case of reduced earnings, additional expenses or impossibility of employment; has several levels of implementation (state, collective, individual) [4, p. 2].

A sign of social protection, which also applies to civil servants, is the connection with social risk in terms of prevention or minimization of its consequences. In addition, social protection is impossible without sufficient financial support. However, a distinctive feature of the social protection of civil servants is the impossibility of reducing the amount of social security, pension security or wages, if this is done in violation of the principle of legal certainty. Also, the division into levels for social protection of civil servants is somewhat inappropriate, because its structure is much more complicated and involves both provision within the limits of a specific body and provision of family members of a civil servant.

M.V. Tulenkov defines the features that are inherent in social protection, if it is carried out in developed states of the liberal type, among them: dosed intervention of the state in the social sphere, targeting, increasing social insurance, limiting social assistance to stimulate work [5, p. 87].

Peculiarities of social protection of civil servants at the same time determine the direction of its further development. The principle of targeting is of particular importance in this context, which contributes to ensuring the targeted use of the received resources and minimizes the possibility of involving additional, uninvolved subjects in the distribution process. The addressability of social protection of civil servants is critically important, as its implementation contributes to the growth of citizens' trust in the state, preventing abuses and ensuring a balanced level of social protection for both civil servants and other categories of citizens.

It is worth noting that the introduction of the principle of targeting became possible thanks to the rapid development of information technologies. These technologies allow not only to confirm the amount of funds spent, but also to ensure transparency of their intended use, in particular during business trips of public officials. At the same time, the aspects of electronic communication need improvement, in particular with regard to providing the authorized social protection bodies with access to the necessary information without the need for numerous confirming copies of documents. This would greatly simplify the process of obtaining official housing, confirmation of illness or social welfare, and would also minimize the subjective factor when calculating the amount of pensions.

Modern conditions of information communications and the European integration direction of Ukraine's development require further improvement of the system of social protection of civil servants. The use of electronic management and communication systems significantly increases the efficiency of public administration, reduces bureaucratic barriers, and also contributes to ensuring transparency and accountability in the field of social protection. Thus, the development and implementation of innovative social protection mechanisms, aimed at taking into account the features of modern information technologies and international standards, is a necessary condition for adapting the social protection system of civil servants to today's requirements and strengthening public trust in state institutions.

R.P. Lutskyi, in addition to the targeting of social protection of civil servants, singles out such features as: legislative consolidation of the order of social protection; a combination of state and non-state organizational forms of their social protection; objective determination of the highest level of professional social protection [6, p. 6].

The legality of social protection of civil servants can be considered as a principle and not a special feature, because the requirement of legality applies to all spheres of public life, not only social protection. The separation of state and non-state forms of social protection is also controversial, because attracting private funds to provide social assistance or provide for state employees is prohibited. Only general social rights have a non-state character, but the procedure for their implementation is common to all citizens, which makes it impossible to distinguish such a feature as a special one. At the same time, we agree with the validity of a higher level of social protection. However, the justification criteria need to be clarified in order to avoid cases of abuse of rights, creation of inequality in society, violation of social justice.

V.V. Bezusiy notes that during the social protection of civil servants, it is necessary to focus on their highest needs, without which the active performance of official duties will be impossible. In addition, social protection is carried out independently of anything and anyone, but maintains a sense of mutual respect. Landmarks during the implementation of social protection should be: the nature of the activity, the presence of a reward for performance, the presence of a reward for particularly high-quality performance, the presence of promotion [7, p. 213].

Analyzing such a statement, it becomes obvious that the independence of the procedure for its implementation is a sign of social protection for civil servants. That is, social protection, the grounds for its implementation, the size of the provided procedure should not depend on the financial state of the state budget in a specific month or on the decision of the head of the civil servant. This allows to ensure the stability and confidence of the civil servant in the future. The next feature of the social protection of civil servants is determined by the direct connection with the labor sphere, because the level of social protection affects motivation, the quality of the state's provision of its services, the length of service and the reduction of corruption. Since the level of social protection increases along with the promotion of a civil servant in the service, receiving the next rank, social protection ensures the competitiveness of the state as an employer in the labor market.

Investigating the social function of the state in relation to civil servants in EU countries, S. M. Smachilo substantiates the need to consider social services as an investment in the quality of public service and determines the need to reduce inequality in the distribution of social and economic resources [8, p. 7].

4. Review and discussion.

This approach corresponds to the general trends of legal development, aimed at improving the efficiency of the functioning of the state apparatus. At the same time, ensuring equal access to social services requires not only the creation of appropriate legal regulation, but also coordinated cooperation between public authorities authorized for social protection. It is important to establish clear legal criteria for determining a sufficient level of social services that should be provided to civil servants, taking into account the specifics of their activities and level of responsibility. Overcoming inequality in social protection should cover not only the gap between civil servants and workers in other fields, but also eliminate inequalities between civil servants of different fields of activity and job categories.

It should be taken into account that the difference in the provision of social protection does not always correlate with the differences in functional duties or the level of responsibility of civil servants, which can create an imbalance in the system of social guarantees. In the conditions of the European integration of Ukraine and the growing role of information technologies in public administration, ensuring the fair distribution of social services becomes a key element in maintaining the motivation and professionalism of civil servants. Legal mechanisms should contribute to the establishment of transparent and clear rules that would guarantee adequate social protection to all civil servants, regardless of their official status or vector of activity.

5. Conclusions.

So, the social protection of civil servants is at the stage of transformation, both of legal regulation and theoretical understanding. Taking into account the European integration context clearly illustrates the need for systematization of social protection, its unification for all civil servants. Specific features of social protection of civil servants indicate its increased nature, which is determined by the value for society and the impossibility of obtaining funds from other sources. Public service employees are entrusted with significant positive responsibility, which increases the number of social risks. Therefore, social protection, today, should include not only organizational or economic means, but also technological ones that will ensure the speed of assistance, reduce the time spent on receiving social assistance by a civil servant.

The legal nature of the social protection of civil servants consists in its systematicity and legislative regulation, which determines the scope, content and procedure for providing social guarantees, in particular both during the performance of official duties and after the end of civil service. Social protection includes various measures of financial support, legal guarantees and special working conditions, which are necessary for public servants to perform their functions with maximum efficiency. The peculiarity of this legal phenomenon is a clear regulatory definition of the size and conditions of social security, which guarantees the stability and predictability of social benefits, in contrast to the contractual principles characteristic of labor relations in the private sector.

The state acts as the main guarantor of the social protection of civil servants, providing the appropriate level of wages, bonuses, social welfare, as well as other forms of support, including pensions, payment of travel expenses, provision of official housing, etc. It is also an important aspect that social protection measures for civil servants meet or exceed the level provided for other citizens, including access to free education, health care and other benefits.

Thus, social protection of civil servants is a systematic, orderly legal activity of authorized bodies aimed at ensuring safe working conditions, material support at a socially relevant level, as well as protection from social risks. In the conditions of information communications and the process of European integration of Ukraine, social protection of civil servants plays a key role in the formation of a competitive public service that meets European standards of public administration and social justice.

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