

# SOCIAL AND LEGAL SIGNIFICANCE OF SOCIAL PROTECTION OF MILITARY SERVICEMEN IN THE CONTEXT OF PROVIDING SOCIAL SECURITY OF THE STATE

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DOI: <https://doi.org/10.61345/1339-7915.2024.6.1>

**Annotation.** The article is devoted to clarifying the socio-legal significance of social protection of military personnel through the prism of the modern concept of ensuring social security of the state. It is established that social protection of military personnel is an objectification of the social function of the state and society through their activities, which are aimed at implementing a system of guarantees (social, legal, economic, etc.) that ensure the protection of the constitutional rights and freedoms of military personnel in peacetime and in special periods, as well as meeting their material, spiritual and professional needs, taking into account the special nature of their duties, which involve increased risk to life and health, special psychophysiological loads, and at the same time - restrictions on their rights and freedoms, which must be compensated by social protection measures, contributing to a decent life of military personnel during service (to the extent that this can be practically achieved), as well as after the completion of military service. In view of this, the author emphasizes that the social protection of military personnel is characterized by a set of characteristic features, including the following: the presence of a special regulatory and legal basis for the mechanism of social protection of military personnel; institutional support and legal certainty of the conditions (also sufficient grounds) of social protection of military personnel guaranteed by the state; integrity and systematicity of social protection measures for military personnel, consistent with the goals and objectives of ensuring the social security of the state; accessibility, adaptability and flexibility of social protection measures for military personnel; coverage of social protection of military personnel of a special category of social risks, characterized by a preventive approach; preventive focus of social protection of military personnel; provision of social support to military personnel in the period after the completion of their military service. It is established that the socio-legal significance of social protection of military personnel in Ukraine in the context of ensuring the social security of the state is manifested in the following: firstly, social protection of military personnel plays an extremely important role in preventing and minimizing social risks that may arise as a result of military service and after its completion; secondly, social protection of military personnel prevents and counteracts the social exclusion of military personnel; thirdly, social protection of military personnel contributes to ensuring equal opportunities in society. It is also emphasized that social protection of military personnel is characterized by an indirect socio-legal impact on a number of other circumstances of reality that affect the social security of the modern state: firstly, support for the family and motherhood (fatherhood), which also contributes to demographic growth, supporting the birth rate in Ukraine; secondly, increasing the effectiveness of the functioning of the system of protection of socially vulnerable categories of the population, to which a military serviceman may be attributed (for example, persons of pre-retirement age, persons with special family responsibilities, persons with disabilities, etc.); thirdly, developing the socio-legal regime of social security of the state in general and the social security infrastructure in the state, in particular; fourthly, reducing the level of social tension.

**Key words:** rights of military personnel, social security of the state, welfare state, social law, social protection of military personnel, social rights.

## 1. Problem statement.

The issue of social protection (hereinafter referred to as SZ) is one of the key aspects of the social policy of the modern state, aimed at ensuring conditions for a decent and full life for all citizens, protecting primarily the social rights and legitimate interests in the social sphere of the most socially vulnerable categories of the population. The implementation of social protection measures expresses the desire of the state and society to build a socially just society in which the human dignity of all citizens is respected. In this sense, SZ becomes an element of a social contract, through the prism of the requirements of which the state (as a social state) undertakes to minimize social risks and guarantee its citizens a state of security in difficult life circumstances, which affects the level of social security (hereinafter referred to as SB) of the state as a whole. At the same time, a special role in the social security system of the modern social state (including Ukraine) is assigned to the protection of military personnel, that is, citizens who, while performing their official duty, expose their lives and health (for example, reproductive health, a state in which labor potential is maximized, etc.) to risks in order to ensure national security and the defense capability of the state. Therefore, military personnel, as one of the most socially vulnerable categories of citizens (especially during a special period), who constitute a significant part of society, require special protection of their social rights and legitimate interests in the social sphere, which would contribute to maintaining their psychophysiological health, successful adaptation to civilian life after service, etc. In this context, the social security of military personnel is a particularly socially significant guarantee that demonstrates that the state fulfills its social obligations to those who provide its protection, which ultimately strengthens the security of the state.

## 2. Analysis of scientific literature and previously unresolved issues.

The problem of the military servicemen's SZ has always remained a relevant topic that must be solved by both the state and society, regardless of whether they exist at a specific historical moment in a special period or in peacetime. That is why this issue traditionally arouses great interest among scientists and researchers, including, in particular, S.V. Artemenko, N.O. Babych, O.O. Buryak, S.O. Vetlynsky, I.P. Datsyuk, R.V. Zhilenko, M.M. Medvid, I.I. Kachan, S.S. Korolev, O.L. Nazarenko, V.P. Fatenko, L.V. Tsyukalo, O.I. Shkuropatsky and others. However, despite the significant attention of Ukrainian scientists to the issues of the military personnel's security, it should be noted that to date there are no comprehensive scientific studies devoted to the peculiarities of the functioning of the socio-legal regime of the military personnel's security and its interaction with the socio-legal regime of the state security, namely in the context of determining the socio-legal significance of the military personnel's security in the context of ensuring the state security.

**3. Thus, the purpose of the article** is to clarify the socio-legal significance of the military personnel's security through the prism of ensuring the security of modern Ukraine. To achieve this goal, the following tasks should be performed: 1) formulate a definition of the concept of "military personnel's security"; 2) outline the main properties of ensuring the security of military personnel; 3) clarify the key characteristics of the military personnel's security, which determine its socio-legal significance in the context of ensuring the security of the state.

## 4. Presentation of the main material.

First, it should be noted that the concept of "military social security" is defined in Part 1 of Article 1 of the Law of Ukraine "On Social and Legal Protection of Military Personnel and Members of Their Families", in the context of which the specified concept should be understood as "the activity (function) of the state aimed at establishing a system of legal and social guarantees that ensure the implementation of constitutional rights and freedoms, satisfaction of the material and spiritual

needs of military personnel in accordance with the specific type of their service activity, status in society, and maintenance of social stability in the military environment". The same definition is also repeated by V.Y. Pashinsky, L.P. Medvid and B.M. Shamray [1, p. 656], V.E. Mozalyov and I.Yu. Saliy [2, p. 111], as well as other scientists, revealing the features of military social security. At the same time, the Ukrainian scientist I.M. Chernin, repeating this definition, does not mention that the SZ is a function of the state [3, p. 16]. Understanding this issue, we note that in reality the SZ is a subfunction of the social function of the state (it is also partially performed by society), and the SZ of military personnel is the activity of the state (society) to implement the SZ subfunction (in other words, it is a special expression of the SZ subfunction).

In addition, it should be noted that the existing scientific literature also contains conceptual approaches to the definition of the concepts of "military service" and "military service of servicemen". For example, V.O. Zganiayko proposes to understand this concept as "a system of legal, economic, social and organizational measures of the state, which is aimed at ensuring the implementation of the full range of constitutional rights and freedoms of military personnel, in connection with their performance of military service duties, which is associated with the restriction of some civil rights, additional physical and psychological stress, and risk to life and health" [4, p. 158]. In a similar way, K.P. Zhidchenko reveals the content of the military service of military personnel, revealing the definition of this concept as "a set of economic and legal guarantees that are implemented through mechanisms for ensuring the rights and freedoms of military personnel by the state, associated with the processes of stabilizing social risks" [5, p. 150]. At the same time, O.L. Nazarenko believes that the social security of military personnel should be understood as "a clear conceptual mechanism by which the social security of a military personnel is achieved while performing their official duties" [6, p. 189].

Thus, we can conclude that the social welfare of military personnel is the objectification of the social function of the state and society through their activities, which are aimed at implementing a system of guarantees (social, legal, economic, etc.) that ensure the protection of the constitutional rights and freedoms of military personnel in peacetime and in special periods, as well as the satisfaction of their material, spiritual and professional needs, taking into account the special nature of their duties, which involve increased risk to life and health, special psychophysiological loads, and at the same time - restrictions on their rights and freedoms, which must be compensated by social and protective measures, contributing to a decent life for military personnel during service (to the extent that this can be practically achieved), as well as after completion of military service.

Given the above, as well as scientific approaches to interpreting the features of the military personnel's social security [see, e.g.: 7–9], it should be noted that the social security of this category of subjects is characterized by the following main features, which have both direct and indirect significance for the state's security: the presence of a special regulatory and legal basis for the military personnel's social security mechanism in Ukraine; institutional support and legal certainty of the conditions (also sufficient grounds) of the military personnel's social security guaranteed by the state; integrity and systematicity of the military personnel's social security measures, consistent with the goals and objectives of ensuring the state's security; accessibility, adaptability and flexibility of the military personnel's social security measures; coverage of the military personnel's social security of a special category of social risks, characterized by a preventive approach; preventive focus of the military personnel's social security; provision of social support to military personnel in the period after the completion of their military service.

Taking into account the above, it is possible to determine the socio-legal significance of the social protection of military personnel through the prism of ensuring the Security of the Security of Ukraine. At the same time, analyzing the main characteristics of the social protection of military personnel, which determine its socio-legal importance in the context of the State Security, it is worth noting that Ukrainian scientists have already considered the issue of the socio-legal significance of such protection for these categories of employees. In particular, the Ukrainian researcher N.O. Babich, analyzing the socio-legal significance of the implementation of the social function of the state in relation to military personnel, emphasizes: 1) the social protection of military personnel, in particular, participants in hostilities, is a direct manifestation of the state's human-centric policy in this area; 2)

although serving the Ukrainian people and the state is an unconditional priority for any serviceman, even in cases where this requires a certain restriction of his own legitimate interests, rights and freedoms, one should not forget that a serviceman remains a person with certain psychophysiological characteristics that cannot be ignored and that determine the needs for ensuring his security with security measures [7, p. 7]. This understanding of the socio-legal significance of the security of servicemen in Ukraine is developed by R.I. Kailo, who believes that such a significance of the security of servicemen acquires in the following aspects: 1) the security of servicemen is a manifestation of the state's human-centric policy and testifies to its status as a social state; 2) the security of servicemen is a prerequisite for ensuring national security, which is the basis for protecting the rights, freedoms and legitimate interests of citizens, as well as a necessary condition for the effective functioning of the state as a whole; 3) in today's conditions in Ukraine there are a number of crisis phenomena, mostly caused by the ongoing war, which significantly affects the state of the security of military personnel; 4) the security of military personnel includes ensuring the security of their family members, who are often in an extremely vulnerable social situation [10, pp. 76-78].

Taking into account the above, we note that the socio-legal significance of the Social Security of military personnel (the measures of which also directly or indirectly concern family members of military personnel) in Ukraine in the context of ensuring state security is manifested in the following:

1) The social security of military personnel plays a critical role in preventing and minimizing social risks that may arise as a result of military service. These risks include poverty, disability, illness, further unemployment (in particular due to loss of working capacity), etc., which are faced not only by the military personnel themselves, but also by their families, especially after the end of their service. In this case, special attention should be paid to those military personnel who have been injured or suffer from psychological disorders as a result of military service. The relevant persons are at increased risk of social exclusion and marginalization, which, in turn, may affect the overall level of the state's security. Thus, the social security: prevents a sharp decline in the standard of living of the affected military personnel and their families, which helps to avoid their economic and social exclusion; includes material assistance, medical services, rehabilitation programs, etc., aimed at restoring the working capacity and health of military personnel, who collectively make up a significant part of the population. Thus, the health of military personnel affects the state's security, contributing to the minimization of such risks as: poverty among military personnel and their families; debt burdens associated with medical expenses for the rehabilitation of military personnel; social exclusion due to loss of working capacity and inability to return to the labor market;

2) prevention and counteraction to social exclusion of military personnel. It should be noted that social isolation of military personnel is a process of human existence in which the relevant person is excluded from full participation in the social life of society, which may be expressed in the loss of contacts with others, the inability to access important social resources (e.g., work, education, medical care) and the loss of social ties. It should be noted that military personnel are at risk of social isolation for a number of reasons, including: first, the presence of disabilities, injuries, which prevent their active participation in public life and work; second, the presence of psychological problems (e.g., post-traumatic stress disorder, depression, anxiety), which complicate the process of their social adaptation; third, the lack of demand (insufficient demand) of military skills in the labor market, which complicates the process of employment after completion of service; fourthly, the loss of social ties due to long-term military service; fifthly, the presence of unfair social prejudices against war veterans. At the same time, solving the above problem in the context of ensuring security is characterized by special socio-legal significance, because: firstly, social protection measures contribute to minimizing the likelihood of social isolation or a gradual exit from such a state, which contributes to reducing the growth of inequality in society, and therefore social tension (especially in cases where socially isolated veterans begin to openly express their dissatisfaction in the form of protest or by committing socially risky, socially dangerous acts, which can be unscrupulously used for political purposes). Secondly, addressing the problems of social isolation helps reduce the socio-economic burden on the state, taking into account the fact that the increase in the number of military personnel who find themselves in social isolation (or are in a group of citizens prone to falling into such a population group) and, accordingly, need social support and rehabilitation requires: allocating additional funds for implementing programs to overcome social isolation; increasing the burden on

social workers who provide relevant services. Thirdly, reducing the likelihood of social isolation of military personnel or eliminating the negative consequences of such a state allows reducing the risks of criminalization of military personnel (members of their families), the importance of which is difficult to underestimate, because unlawful actions of a socially dangerous nature are actions that can harm the security of society (the state as a whole), and also determine the state of the subject of the crime, which is characterized by a critically low level of security (primarily due to the action of the principle of the inevitability of legal liability, as well as the fact that criminal liability is the deprivation of a number of human rights that are important for a full social life). Fourthly, solving the problems of social isolation of military personnel helps reduce the likelihood of the growth of socially vulnerable groups and the potential for deterioration of social integration in society, which can lead to long-term fragmentation of society and a decrease in social solidarity, which weakens the security of the state;

3) ensuring equal opportunities. One of the most important goals of social protection measures for military personnel is to ensure equal opportunities in society, which is a goal, the achievement of which in reality has an extremely important socio-legal significance, because it allows former military personnel to avoid marginalization, and also contributes to their successful integration into civilian life, which is especially important in the post-war period. Thus, it should be emphasized that military personnel who have completed their service or returned from combat missions often face limited access to modern benefits, such as the labor market, medical care and educational programs. In these conditions, the social security of the relevant circle of persons performs a compensatory function, providing equal conditions for the implementation of their subjective rights, the use of which contributes to the high level of social security of such personnel. Thus, in particular, the state and society for this purpose create, implement and ensure the implementation of programs to promote employment, access to professional retraining programs, health support, social adaptation, which not only contribute to the personal well-being of military personnel (former military personnel) and their families, but also reduce the risks associated with their transition to civilian life. First, social protection measures reduce the likelihood of social inequality associated with the difficulties of reintegration into society and adaptation of military personnel to new social norms that arise in the conditions of post-war state development. Second, social guarantees minimize the likelihood of unemployment and poverty among veterans, supporting their economic stability and strengthening social cohesion, both among military personnel and in society as a whole. Thirdly, appropriate measures contribute to the debunking of unfair prejudices regarding the labor potential of military personnel and their ability to live a full life after completing their service.

We can also note that the social security of military personnel is characterized by an indirect socio-legal impact on a number of other circumstances of reality that affect the social security of the modern state: first, support for family and motherhood (fatherhood), which also contributes to demographic growth, supporting the birth rate in Ukraine; second, increasing the effectiveness of the functioning of the system of protection of socially vulnerable categories of the population, to which a military personnel may be attributed (for example, persons of pre-retirement age, persons with special family responsibilities, persons with disabilities, etc.); third, development of the socio-legal regime of the social security of the state in general and the social security infrastructure in the state, in particular; fourth, reducing the level of social tension.

## 5. Conclusions.

Social protection of military personnel in modern Ukraine is an important element of the implementation of the social function of the state, reflecting in its forms and content a complex of socio-legal guarantees aimed at the timely and effective protection of the rights and freedoms of military personnel (members of their families), as well as at satisfying their material, professional and spiritual needs as a modern person. In view of this, the presence in the state of an effective socio-legal regime of social protection of military personnel indicates that it fulfills its social obligations towards military personnel (this is especially important both in a special period and in the period of post-war reconstruction of Ukraine), and also comprehensively implements social policy that contributes to increasing the social security of the state. The importance of this is due to a number of reasons. In particular, social protection of



military personnel helps to minimize a number of social risks (for example, economic instability, social alienation), which can arise both during the period of service and after its completion, forming socially dangerous living conditions for military personnel and their families, which also affects the level of social security of the state in particular and the level of national security of the state as a whole. The comprehensive social and protective influence of the state on military personnel allows them to fully integrate into the life of society, fulfill their social roles (father, mother, son, daughter, etc.), and promote economic activity in a society that is developing in this vein as an inclusive society. It is also important to take into account that social protection of military personnel helps to protect military personnel from potential social risks even before they arise, and therefore minimizes the deterioration of the human and social potential of such persons, saves budget funds for potential costs for the rehabilitation and adaptation of military personnel, etc.

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