

THE ESSENCE OF STATE SOCIAL POLICY СУТНІСТЬ СОЦІАЛЬНОЇ ПОЛІТИКИ ДЕРЖАВИ

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In this work, the author examines some aspects of the essence of the social policy of the state. Special attention is paid to ways of improving and developing the existing model of state social policy in Ukraine.

At the same time, the development of Ukrainian statehood and the development of market relations require the creation of an appropriate system of social protection for all sections of society without exception. This situation is caused by the general deterioration of the population's well-being in the conditions of socio-economic transformations during the transition to the market development of society, when a significant number of people are actually put on the edge of survival. Given the further increase in the effectiveness of legal regulation of social protection relations, it remains one of the primary tasks of the state and society. An important step on the way to its successful solution is a thorough study of the essence of the state's social policy.

Social protection of the population is one of the defining directions of the state's social policy, the implementation of its social function. Even with the traditionality of social protection issues for branch legal sciences, a significant number of general theoretical aspects relating to the essence of social protection require careful rethinking and further constructive clarification.

In this regard, the study of the theoretical and legal foundations of social protection is important for the successful solution of urgent problems related to the improvement of the current legislation, law-making and law-enforcement activities. After all, the level of social protection of the population is an indicator of the quality of life in society, the level of development of the state as a guarantor of human and citizen rights and freedoms.

The standard of living of the vast majority of the population of Ukraine necessitates a reassessment of ideas about social policy, its content and methods of implementation. Today, the state is starting to evaluate the essence of social problems and its importance in solving them in a new way.

Key words: social policy of the state, social protection of the population, state policy, rule of law.

У даній роботі автором досліджуються деякі аспекти сутності соціальної політики держави. Особлива увага приділяється шляхам удосконалення і розвитку існуючої в Україні моделі державної соціальної політики.

Водночас розбудова української державності та розвиток ринкових відносин потребують створення належної системи соціального захисту всіх без винятку верств суспільства. Така ситуація зумовлена загальним погіршенням добробуту населення в умовах соціально-економічних перетворень під час переходу до ринкового розвитку суспільства, коли значна кількість людей фактично поставлена на межу виживання. З огляду на подальше підвищення ефективності правового регулювання соціально-захисних відносин залишається одним з першочергових завдань держави та суспільства. Важливим кроком на шляху до його успішного вирішення є ґрунтовне дослідження сутності соціального політики держави.

Соціальний захист населення є одним із визначальних напрямів соціальної політики держави, реалізації її соціальної функції. Навіть за традиційності проблематики соціального захисту для галузевих юридичних наук, значна кількість загальнотеоретичних аспектів, що стосуються сутності соціального захисту, потребує ретельного переосмислення та подальшого конструктивного висвітлення.

У цьому відношенні вивчення теоретико-правових засад соціального захисту має важливе значення для успішного вирішення нагальних проблем, пов'язаних з удосконаленням чинного законодавства, правотворчої та правозастосовної діяльності. Адже рівень соціальної захищеності населення є показником якості життя суспільства, рівня розвитку держави як гаранта прав і свобод людини та громадянина.

Рівень життя переважної більшості населення України зумовлює необхідність переоцінки уявлень про соціальну політику, її зміст і методи здійснення. Сьогодні держава по-новому починає оцінювати суть соціальних проблем і своє значення в їх розв'язанні

Ключові слова: соціальна політика держави, соціальний захист населення, державна політика, верховенство права.

Formulation of the problem. The standard of living of the vast majority of the population of Ukraine necessitates a reassessment of ideas about social policy, its content and methods of implementation. Today, the state is starting to evaluate the essence of social problems and its importance in solving them in a new way. Article 1 of the Constitution of Ukraine declares Ukraine a social state, the policy of which is aimed at creating conditions for a dignified life and free development of people.

At the same time, it is emphasized that a person, his life and health, honor and dignity, inviolability and security are recognized as the highest social value in Ukraine. Therefore, human rights and freedoms and their guarantees determine the content and direction of the state's activities, because the affirmation and provision of human rights and freedoms is the main duty of our state [1, p. 10–11].

Today's realities testify to the low level of interest of the population in the concepts of social reform. Politicians and statesmen do not know how to direct the activity of citizens to solve real problems, and citizens themselves are not able to offer solutions to social problems at a professional level, which would allow them to compete with the proposals of officials in the implementation of social policy. Due to the dominance of the state in the field of development of concepts, ideologies, strategies for solving problems, this understanding of politics

is imposed on citizens. Therefore, the need to form a coherent, coordinated and effective social policy, which would contribute to the solution of social problems, becomes particularly acute.

The relevance of this topic is due to the increasing importance of social problems in the conditions of changes taking place in our society. The vast majority of citizens need urgent social assistance and protection. The current situation in society is characterized by growing social tension, on the one hand, and attempts to solve social problems, on the other. These opposing tendencies are in a state of unstable equilibrium and lead to an aggravation of the social situation.

The practice of social protection is conditioned by the social policy of the state. Social policy is defined as: «... activity of the state and/or social institutions, related to relations between individual social groups and communities regarding the distribution of the social product, which allows to reconcile the basic interests and needs of the specified population groups with the long-term interests and goals of society» [2, p. 5].

Analysis of recent research and publications. The general theoretical aspects of the studied problem are contained in the works of domestic authors: V. Babkin, V. Burega, V. Vorona, E. Hansova, E. Holovakha, L. Kormych, S. Naumkina, O. Novikova, P. Pavlenka, N. Panina, Yu. Rymarenko, Yu. Sayenka, A. Silenko, V. Skurativskyi,

I. Slepenco, D. Shelest and foreign: I. Grigoryeva, V. Kapitsyn. Despite a significant number of publications, the current state of development of the issues of the essence of the state's social policy does not fully meet the needs of legal theory and practice. Insufficient attention is paid to the current state and prospects for the development of the state's social policy.

The purpose of this article is to determine scientifically based ways of improvement and development of the existing model of state social policy in Ukraine.

Presenting main material. The main goal of social policy is the harmonization of social relations, ensuring political stability and public harmony through the development and implementation of organizational-economic, scientific-technical and moral-legal measures. At the same time, social policy is implemented by certain mechanisms, one of which is the creation of a legal framework that ensures social protection of the population. Another mechanism is implemented through the redistribution of material resources, coordination of organizational efforts aimed at ensuring and raising the standard of living of the population [3, p. 11].

Social policy is based on the concept of social justice. It reflects: «... the degree of objective conformity, which is formed at a specific stage of the development of the system of social relations and the subjective assessment of the fairness of social relations by various groups and strata» [4, p. 67].

The achievement of social justice is connected with the struggle of the interests of various social groups and strata. The concept of social justice can be considered as a set of demands that a certain social group presents to society. Actions on social protection must implement the principles of social justice in practice.

The Encyclopedia of Public Administration provides the following definition: «In a broad sense, social policy is a system of institutional and supra-institutional, state and public, social and personal, individual methods and forms of activity aimed at creating conditions for the comprehensive self-realization of a person's social potential, his essential forces» [5, p. 546].

According to A.O. Silenko, the social policy of a modern democratic state with a high level of economic development is aimed at supporting public welfare, creating equal conditions for everyone to achieve it. For the state, which is going through the transition from one social system to another, it is urgent to remove or mitigate the negative social consequences caused by the need to conduct a strict economic policy. In this regard, social policy acquires special importance, the task of which is the redistribution of income, which reduces social tension [6, p. 18].

Social policy is one of the most important phenomena of social life, which contributes to the protection of the interests of people, groups, strata, their rights and freedoms. In recent years, the term "social policy" is one of the most used in the scientific and socio-political spheres of our life. At the same time, social policy is carried out in a multi-subject environment. By social policy, we understand the purposeful activity of clearly defined authorized subjects, aimed at regulating social and protective relations, social needs and interests of various population groups, related to ensuring their well-being and personal development.

Subjects of social policy are citizens and social groups, as well as institutions, social organizations and authorities that represent them, that is, express and defend the interests of the first in this sphere.

However, the main subject of social policy is the state, which (especially a democratic one) guarantees the possibility of interaction of social groups and other stable elements of the social structure as a socially ordered, recognized and protected systemic process, i.e. as social policy on a national scale. Whatever elements of social policy are called, the stabilizing function and social protection are its core.

Social protection can be defined as first aid in an emergency situation or as a natural, legitimate function of modern industrial

society, aimed at providing a person with the opportunity for self-realization. Even the initiators of the reduction of public spending on social assistance and the formation of the "state of opportunities" insist that the «effect of social welfare» cannot be lost under any conditions. The social, legal state regulates economic and social processes with the help of taxes, investment, credit policy. The principles of the rule of law make it possible to keep the process of the formation of the state within the appropriate legal limits.

Humanization of both social policy and state policy in general is possible only under appropriate socio-economic and political conditions of society's development. The model of social policy in Ukraine is formed in the conditions of a transitional society, which determines a number of its features, which include: excessive dependence on the level of economic development of the country, the lack of opportunities for citizens to choose widely the form of social protection, etc. [7, p. 11–13].

In modern national jurisprudence and in accordance with the Constitution of Ukraine, the people are defined by the sole source of power, which they exercise directly, as well as through state authorities and local self-government bodies. People's power, that is, the power of the people, its sovereignty, is based on a common will, a common goal and common interests. The unity of the people's will, purpose and interests gives rise to the integrity of the people's power. According to P.D. Yurkevich, the state should be an instrument of social compromise in society, with the help of legal norms to settle private (personal) contradictions that exist in it [8, p. 42].

In this context, V.Ya. Bidak notes that at the present time in Ukraine, a necessary condition for solving the problems of social protection is the consistent implementation of the strategy of economic growth and the implementation of an adequate state social policy. In the conditions of a transitional economy, Ukraine is able to protect its population only at the level of minimum social standards and regulations, which is mainly due to limited financial resources. Therefore, when working out the strategy of its social policy, the improvement of social protection mechanisms and their effective combination with the formation and activation of self-defense capabilities of the population becomes a priority [9, p. 3].

The statement of O.V. seems convincing. Lavrinenko, that social protection in the sense of a legal category can be defined as one of the sides of the state's activity in the legal regulation of social relations in the spheres of creating funds for social protection and in the sphere of their distribution in various legal forms and types among the elderly, sick, and elderly people, those who have completely or partially lost their ability to work, citizens and persons who have lost their breadwinner, as well as among families with many children, low-income and other families of citizens. At the same time, the state's activities also include the development and adoption of new regulatory and legal acts on social protection [10, p. 210].

In Ukraine, the structure of social protection includes the following two major components: state social protection and non-state social security. In turn, state social protection includes:

first, the general system of social protection (mandatory state social insurance and state social assistance);

secondly, special social protection; thirdly, additional social protection.

However, non-state social security covers non-state pensions and non-state social services. In the end, N.B. Bolotina emphasizes two main provisions concerning the system of social protection: 1) the role of the state as the main organizer of the system of social protection of the population; 2) the phenomenon of social risk as a basis for distinguishing social protection from other ways of materially providing for citizens [10, p. 46, 60].

So, social protection is related to the social policy of the state, which is implemented in social programs and in

the practice of regulating relations in society in the interests of the main social groups of the population.

Summarizing the above, we can conclude that social protection includes a set of legal norms that regulate social relations, aimed at preventing situations of social risk in the normal life of a person and at ensuring and maintaining optimal living conditions. At the same time, the essence of social protection is that it is a part of economic distribution relations, which are included in the totality of production relations and components of the economic base of the state [11, p. 127].

Therefore, social protection should be understood as a set of interacting social and state measures of a legal, financial, economic, and organizational nature, aimed at protecting

the population from negative manifestations of social risks and creating prerequisites for the comprehensive realization of social rights and freedoms of a person and a citizen.

Conclusions. The essence of the state's social policy consists in creating conditions and overcoming obstacles on the way to the realization of human rights and freedoms, opportunities and abilities. Fulfillment of social tasks aimed at restoring and developing human capital, reducing excessive income differentiation, overcoming poverty, ensuring the realization of human rights to a socially acceptable standard of living, education, medical care and dignified old age is a necessary condition for the economic development of the state.

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