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REFORM OF THE SYSTEM OF SOCIAL BENEFITS IN UKRAINE

The main forms of social protection provided for by applicable law can be divided into several groups: benefits (partial or full exemption from payment for various services and goods, as well as the opportunity to purchase certain goods at reduced prices); social and compensation payments (various forms of material and social assistance, allowances, co-payments and social benefits paid in cash); social services (services aimed at restoring or maintaining normal functioning of the most socially vulnerable categories of the population or persons exposed to various social risks or have undergone certain difficulties due to the fault of the state).

The legal framework of the social protection system of Ukraine today consists of 67 normative legal acts of a generally binding nature (Laws of Ukraine, Decisions of the Cabinet of Ministers of Ukraine, etc.) [1] and many regulatory legal acts that govern legal relations in the field of social protection of the population at local, regional levels. A significant part of this system consists of social benefits that are assigned to the most socially unprotected categories of people (for example, low-income people, persons with disabilities, etc.), on a professional basis (military personnel, judges, etc.), as well as for certain services to the state and people (persons marked with the title of Hero of Ukraine, etc.). In order to improve the accounting of persons entitled to social benefits on the basis of a corresponding resolution of the Cabinet of Ministers of Ukraine on January 29, 2003 No. 117, the Unified State Automated Register of Persons Eligible for Benefits was introduced [2]. However, according to the latest version of the Decree, the indicated register contains information on a limited number of categories of people who enjoy benefits, not taking into account the part of people who have established benefits on a professional basis (judges, deputies of the Verkhovna Rada of Ukraine and some others). These exceptions indicate that some of the benefits established in accordance with the laws on the special status of persons differ in legal nature from others, therefore, they cannot be considered within the framework of the system of social benefits and cannot be reformed on a common basis.

The existing system of social benefits has a number of significant drawbacks, first of all: the lack of a single regulatory act that would establish a universal list of grounds, subjects, types and mechanisms for implementing social benefits; the imperfection of the existing mechanisms for providing

benefits (a generalized approach leads to the fact that not everyone who has the right to them can really use the benefits); the lack of an effective system for monitoring the income of citizens to determine the need for assistance (including the appointment of benefits); the lack of unified methods for calculating the actual cost and accounting for the benefits provided [3]. This leads not only to the fact that part of the population does not have access to social benefits, but also to numerous cases of fraud in obtaining benefits and social benefits – according to the report on the work of the Ministry of Social Policy of Ukraine for 5 months (from September 2019 to January 2020 inclusive) in just a month of inspections, violations were detected with a total value of 32 million hryvnias [4].

Some of these problems can be solved through the automation of social protection of the population, as well as the introduction of targeted social assistance. It should be noted that today the Ministry of Social Policy has caused a number of steps to partially automate the processes of providing social assistance and the process of transition to monetization of benefits has begun. However, these innovations do not solve the problems of the existing system of social protection and the system of social benefits, as its main component to the following:

- the transition to targeted social assistance, which should by monetization replace the existing system of social benefits, is impossible without solving the problems listed by A.A. Diskina [3]. In particular, monetization is impossible without calculating the real cost of services provided for by social benefits and the volume of their provision, since cash payments will not be based on the real needs of people who enjoyed the benefits;

- the impossibility of a complete rejection of the system of social benefits while maintaining the amount of compensatory measures received without a thorough study of the needs of vulnerable groups and the development of effective programs for the provision of equivalent social benefits and services. Studying the current legislation, it is possible to distinguish (according to the spheres of vital activity of citizens) transport, housing and communal, medical and rehabilitation, tax, social and labour and social benefits. Part of these benefits is the provision of privileges and priority status when receiving social services (extraordinary provision of medical services, priority upon admission to higher educational institutions, additional protection against dismissal during reduction of staff, etc.) to vulnerable groups of the population, that is, they are not subject to direct monetization in the form of additional targeted payments. Nevertheless, in order to improve the quality of social protection, this part of the system of social benefits should undergo changes in order to bring it into line with the real needs and interests of citizens;

- the presence of several registries that contain information about persons who are citizens of the state not only complicates access to social benefits, but also creates additional difficulties for institutions responsible for their appointment through technical problems. In particular, the existing registries are different in structure in those parts that must coincide for effective automatic data integration, that is, they have different sequences of

placement of personal data of persons. In addition, according to the reports of researchers of social protection systems, the most effective for the implementation of social protection programs, including timely provision of access to social benefits, there are unified registers of social information – that is, databases that contain a complete list of information about citizens with limited access for individual state and even non-state institutions. This allows to implement a unified approach to assessing the need to provide individuals with a special status (for assignment of benefits or equivalent social benefits), facilitates changes to the list of entities providing benefits and guarantees the receipt of benefits / allowances by persons immediately after the relevant changes come into force, eliminates duplication, false assignments and fraud by citizens, and also provides effective monitoring and evaluation of social programs.

Summing up, it should be noted that the current system of social benefits in Ukraine is now subject to reform, which should result in a reduction of the list of social benefits at this stage with their replacement with equivalent social allowances and / or social services, simplification of the procedure for access to appropriate social benefits. However, the introduced changes do not solve the existing problems of the system, since key issues remain unresolved.

References:

1. Нормативні документи щодо гарантування соціального захисту. URL: <https://www.msp.gov.ua/content/pilgi.html>
2. Про Єдиний державний автоматизований реєстр осіб, які мають право на пільги: Постанова Кабінету Міністрів України № 117 від 29.01.2003 р. (редакція від 01.01.2020 р.) URL: <https://zakon.rada.gov.ua/laws/show/117-2003-п>
3. Дискіна А.А. План заходів для зменшення ризиків місцевих бюджетів під час перевезення пільгових категорій громадян. *Проблеми системного підходу в економіці*. Вип. № 2 (70)/ 2019. URL: http://psae-jrnl.nau.in.ua/journal/2_70_1_2019_ukr/4.pdf
4. Результати роботи Міністерства соціальної політики України за 5 місяців (з вересня 2019 року до січня 2020 року включно). URL: <https://www.msp.gov.ua/files/p19022020.pdf>
5. Barca V. Integrating data and information management for social protection: social registries and integrated beneficiary registries. 2018. P. 390, *International Policy Centre for Inclusive Growth*. URL: https://ipcig.org/pub/eng/OP390_data_and_information_management_for_social_protection.pdf

Ключові слова: соціальний захист, реформа соціального захисту, пільги, різновиди пільг, система соціального захисту.

Ключевые слова: социальная защита, реформа социальной защиты, пособия, виды пособий, система социальной защиты.

Key words: social protection, social protection reform, benefits, types of benefits, social protection system.