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Current state of social security for employees of the National Police of Ukraine: a literature review

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■ **Abstract**. The study substantiated the importance and necessity of building an effective social security system for employees of the National Police of Ukraine. The purpose of this study was to provide a meaningful description of the current state of social security of law enforcement officers in Ukraine based on the analysis of scientific opinions of scientists and the norms of current legislation. This study used several general scientific and special methods of scientific cognition, which allowed solving the tasks and fulfilling the purpose of this study. Specifically, these were the logical-semantic method, the method of documentary analysis, analytical, and comparative legal methods. The study analysed the scientific opinions of Ukrainian and foreign scientists who dealt with the problems of social security of the population, namely police officers. It was emphasized that the quality of social security of police officers depends on, firstly, the proper performance of police officers' official and labour duties, and therefore, the state of ensuring the security of the state and society; secondly, the prestige of the profession of a police officer. General theoretical approaches to the definition of the term "social security" were covered, based on which the author's opinion on the interpretation of social security for employees of the National Police of Ukraine was formulated. The key elements of social security of police officers in Ukraine were described. Based on the analysis of the norms of the current legislation, the key elements of social security for employees of the National Police of Ukraine were analysed. The authors noted the unsatisfactory state of social security of police officers. Factors that confirm the unsatisfactory state of social security of police officers were highlighted. The results of the present study can be used in the development and adoption of the Labour Code of Ukraine, when improving departmental regulations of the National Police, as well as the Ministry of Internal Affairs of Ukraine, whose norms are aimed at resolving issues of social security for police officers

■ **Keywords**: police officer; legal regulation; social protection; service; social risks

■ Introduction

Ensuring, securing, and protecting the legitimate rights, freedoms, and interests of citizens is one of the priority tasks of any modern, democratic, and socially oriented state. However, in current conditions, a high-quality and effective solution to this issue becomes of particular importance and requires a special approach to implementation by law enforcement agencies because, for instance, for the whole of 2021, about 60 thousand people applied to the Verkhovna Rada Commissioner for Human Rights. This is especially true for the National Police of Ukraine, which currently acts not just as a law enforcement agency, but as a valuable tool for stabilizing society. Considering this, the priority area of activity of the Ukrainian legislator is to create conditions under which police bodies and divisions will be more motivated to perform their duties. Achieving this, a priori, is impossible without an effective social security system for employees of the National Police of Ukraine. According to L.P. Shumna (2015), social security is designed to create stability in society, as well as a decent standard of living for every individual, regardless of their status and position. Consequently, the above determines the presence of many forms and methods of social security, as well as the creation of conditions for their constant updating and improvement. Social security, as Shumna emphasizes, performs several special functions, which include: a) provision of

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certain minimum, basic guarantees for receiving key, basic social and economic benefits; b) is a unique tool to protect citizens from risks of a diverse nature: economic, social, political, etc., which may arise during a person's life; c) it provides material, financial, and other aid to those groups of people who are in a difficult situation due to certain life circumstances (Shumna, 2015). O.M. Yaroshenko (2015) also notes that social security is undoubtedly a crucial institution aimed at building and ensuring the functioning of any modern society, which is based on the principles of legality, the rule of law, as well as ensuring human rights and freedoms. According to Yaroshenko, it is social security that guarantees the development and stability of the life of each person, and therefore of the entire society as a whole. It is characterized by social orientation, clear definition of sources of funding, subject definition and a list of tools and means they use when carrying out their activities.

In the context of the issues under study, it is necessary to cite the opinion expressed by O.Yu. Kisil (2021), who concluded that social security, especially in the context of the official work of police officers, is important from the standpoint of ensuring that they perform their functions at a highly professional level. Furthermore, Kisil continues, a high-quality and efficient social security system allows minimizing the risks that police officers are exposed to daily upon implementing the law enforcement function of the state. And thus, summarizes O.Yu. Kisil (2021), social security of police officers and their family members is important: firstly, for police officers, as it creates a kind of basis for being confident in their future; secondly, for the state and society, as it improves the prestige of the police officer's profession thereby increasing the level of public trust in the state; thirdly, for members of police officers' families. Therefore, social security affects how a person, namely a police officer, will perform their official duties. However, in today's conditions, when a full-scale war is taking place in Ukraine, which has exacerbated negative social, economic, and political processes, many issues have arisen in the field of social security, including police officers, specifically: 1) a low level of financial and material support in the relevant sphere ; 2) the presence of gaps in the current legislation, especially regarding housing provision for police officers, as well as practical mechanisms for implementing the specified guarantees; 3) lack of an effectively built system of life and health insurance for police officers. Solving these and other issues requires comprehensive scientific research on the characteristics of the state of social security for employees of the National Police of Ukraine.

Considering the above, the purpose of this study was to cover the essence of social security for National Police officers, based on which to estimate the state of the relevant security.

Literature Review

In recent years, the issue of social security for employees of the National Police of Ukraine has repeatedly come to the attention of various scientists. For instance, M.V. Kalashnyk (2017) investigated social and legal guarantees for ensuring the activities of police bodies. In her study, Kalashnyk quite fairly stated the importance and necessity of solving some issues in the field of social security of the population in general, and police officers in particular. The researcher focused on the need to expand guarantees for housing payments, utility bills, improving the quality of medical care for police officers and their families; to review the pension systems of police officers, especially those who took part in military operations. The introduction of such changes, according to M.V. Kalashnyk (2017), should create conditions for adapting Ukrainian legislation in the field of social security of police officers to international requirements and standards. Therewith, the Kalashnyk limited herself only to highlighting issues, and did not suggest any particular ways to overcome them. S.M. Bortnyk (2019) noted that in general, the current regulatory framework in the field of social security of police officers and their families corresponds to the world's leading practices, but it is not without drawbacks. Specifically, Bortnyk emphasizes, it is necessary to review the practical mechanisms for implementing certain guarantees in the field of social security, namely medical, financial, and housing. Special attention should be paid to the issues of social security for family members of police officers, assistance to them in solving everyday issues. D.O. Marusevych (2021) considered the issue of social protection of police officers from the standpoint of the administrative branch of law. The specified study can be considered one of the first high-level attempts to clarify the essence, features, and characterize the administrative legal regulation of social security of police officers. Therewith, the issue of social security for police officers is subject to regulation of the labour branch of law.

Certain problematic issues of social security of police officers were considered in the scientific studies by the following researchers: O.M. Bandurka (2021), who investigated the theoretical aspects of social security law as a form of exercise of the constitutional rights and freedoms of a human and a citizen in Ukraine; S.V. Vyshnovetska (2018) summarized the main theoretical approaches to the concept of social

[1]Convention for the Protection of Human Rights and Fundamental Freedoms. (1950, November). Retrieved from https://zakon.rada.gov.ua/laws/show/995_004.

security, based on which she formed her personal vision regarding the content of this scientific category; S.M. Drozd (2020) covered the theoretical aspects of state provision of equal opportunities for access to medical services and accessibility of medical care for the rural population, the author paid special attention to the term "social security"; A.V. Dutchak (2017) investigated the current state and prospects for the development of social security of citizens; O.V. Moskalenko (2020) paid considerable attention to the development of areas for improving the legal regulation of housing provision for police officers in Ukraine, considering foreign practices; M.V. Romanenko (2015) outlined the features of social security for police officers; O.V. Chernous (2017) addressed the theoretical and practical aspects of the implementation of the right of a police officer to annual leave and the state of its implementation in modern Ukraine, and many others. However, despite considerable theoretical developments, many problems in the field of social security persist for employees of the National Police of Ukraine today: firstly, of a theoretical nature, since presently most of the scientific developments aimed at improving the social security of police officers are outdated and do not correspond to current realities; secondly, of a practical nature, specifically some social security mechanisms announced in the current legislation are not implemented effectively enough, namely it concerns housing for police officers, medical care in healthcare institutions of the Ministry of Internal Affairs of Ukraine, financial support in case of loss of working capacity, etc.

Materials and Methods

The methodological framework of this study included a set of general and special methods of scientific cognition, which enabled a meaningful estimation of the state of social security for employees of the National Police of Ukraine. Thus, the method of formal analysis allowed investigating the state of research on the issues of social security, employees of the National Police of Ukraine. Using the logical-semantic method, as well as the method of interpretation, the scientific opinions of scientists were generalized, based on which the essence of the social security was covered. The method of documentary analysis allowed analysing the current legislation in the field of social security of employees of the National Police of Ukraine, based on which to provide a meaningful assessment of the state of legal regulation of public relations in the area under study. To identify the problems and provide an assessment of the state of social security for employees of the National Police of Ukraine, an analytical method and a modelling method were used. The study also employed the following general legal methods: the method of deduction, analysis, synthesis, etc.

When preparing this paper, the studies of specialists in the field of labour law were used, which addressed the theoretical issues of social security of the population and employees of the National Police of Ukraine. The regulatory framework of this study included several regulations, specifically the Laws of Ukraine: "On Mandatory State Social Insurance" No. 1105-XIV dated September 23, 1999[1]; "On the National Police" No. 580-VIII dated July 2, 2015[2]; "On the Pension Provision of Persons Released from Military Service and Certain Other Persons" No. 2262-XI dated April 9, 1992[3]. Furthermore, there were sub-legislative acts, namely Order of the Ministry of Internal Affairs of Ukraine No. 260 "On the Approval of the Procedure and Conditions for Payment of Financial Support to Police Officers of the National Police and to Higher Education Graduates of Higher Education Institutions with Specific Learning Conditions that Train Police Officers" dated April 6, 2016[4].

Results and Discussion

Starting consideration of the main issue, it is worth noting that the right to social security (by age (pension provision), illness, disability, etc.) lies in providing the state with sufficient material resources for citizens who, due to certain objective circumstances, have completely and/or partially lost the opportunity to carry out labour activity and receive monetary remuneration for it (Shvets *et al.*, 2022).

Social security of employees of the National Police of Ukraine enables the most expedient understanding of the systemic set of tools and means defined in the norms of general and special labour legislation, which are used to a) create conditions for the implementation of effective service and labour activities by police employees; b) to protect police officers and their family members from the occurrence of various types of risks that police officers may face

[1]Law of Ukraine No.1105-XIV "On Mandatory State Social Insurance". (1999, September). Retrieved from https://zakon.rada.gov.ua/laws/show/1105-14/conv#Text.
[2]Law of Ukraine No. 580-VIII "On the National Police". (2015, July). Retrieved from https://zakon.rada.gov.ua/laws/show/580-19/conv#Text.
[3]Law of Ukraine No. 2262-XI "On the Pension Provision of Persons Released from Military Service and Certain Other Persons". (1992, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2262-12#Text.
[4]Order of the Ministry of Internal Affairs of Ukraine No. 260 "On the Approval of the Procedure and Conditions for Payment of Financial Support to Police Officers of the National Police and to Higher Education Graduates of Higher Education Institutions with Specific Learning Conditions that Train Police Officers". (2016, April). Retrieved from https://zakon.rada.gov.ua/laws/show/z0669-16#n14.

when implementing the law enforcement function of the state; c) provide them (police officers) with a decent standard of living. Considering the above, it would be fair to say that the sphere of social security for employees of the National Police of Ukraine is diverse, and therefore, it covers the following elements: 1) mandatory state social insurance; 2) logistical and financial support; 3) medical care for police officers and their family members; 4) pension provision; 5) housing provision; 6)

And therefore, a successfully and effectively built social security system allows: firstly, to create a system of social guarantees for the work of police officers, which, a priori, gives them confidence in "tomorrow", and therefore is a guarantee of the proper performance of official duties; secondly, it allows the state to recruit the best individuals, professionals, who will be able to qualitatively implement the law enforcement function of the state; thirdly, it improves the competitiveness of the police profession and the level of trust in the National Police of Ukraine in general.

Covering such an element of social security as mandatory state social insurance, it is worth noting that it is the activity of employees, employers, and the state to implement the legal, organizational, economic guarantees, etc. prescribed in the current legislation, in case of an insured event. Relevant measures are implemented using money accumulated in special funds according to the procedure established by law, and formed through contributions by employers and employees, as well as budgetary and other sources (Yaroshenko, 2005). For police officers, this type of insurance is provided on a general basis, as for all categories of employees, and is determined by the Law of Ukraine No. 1105-XIV "On Mandatory State Social Insurance" dated September 23, 1999[1], according to which social insurance is provided based on the following principles: "1) normative consolidation of the grounds, conditions, and procedure for implementing social insurance measures; 2) the general obligation of state social insurance and the possibility of combining it with voluntary insurance, but only in cases prescribed by law; 3) the state acts as a guarantor of the realization of the rights, freedoms, and interests of insured individuals; 4) mandatory financing of expenditures at the expense of the state budget, which are related to the provision of material security, insurance payments, and social services at the expense of the fund's monetary resources in the amount established by this law; 5) formation and use of insurance funds on the principle of solidarity; 6) differentiation of the amount of benefits depending on the length of insurance period; 7) differentiation of pricing of insurance premiums, considering the conditions of employment and the conditions of their labour protection, the degree of risks of occupational hazards and occupational diseases; 8) ensuring the economic rights and interests of insured persons, personal interest in the effectiveness of the social insurance system; 9) employers' obligation to pay contributions to social insurance funds; 10) the existence of an obligation for the funds to exercise the insured person's right to material security and social services provided for by this Law"[2].

It should be emphasized that the basis of legal regulation of social security of police officers is also the norms of the labour branch of law. However, these issues are regulated in more detail at the level of the Law of Ukraine "On the National Police of Ukraine"[3]. Thus, special attention should be paid to the financial support of police officers. According to the above-mentioned regulation, "police officers receive monetary security, the amount of which is determined depending on the position, special rank, term of service in the police, intensity, and conditions of service, qualifications, availability of an academic degree or academic title. Therewith, the procedure for payment of monetary security is determined by the Minister of Internal Affairs of Ukraine[4].

The next specific element of social security for police officers is their medical care. The latter is an important institution of the social security system for all categories of employees, including those who work in the bodies and divisions of the National Police of Ukraine. Quality medical care is the provision of the patient's condition after treatment according to benchmarks, standards that are established based on scientific research, clinical observations, and evaluations. Therefore, it is quite fair to say that legal relations on medical care for police officers arise, change, and terminate solely based on legal norms. Therewith, their occurrence is conditioned upon the onset of social risks defined by the norms of current legislation (e.g., injury, illness, loss of working capacity, disability) (Solopova, 2009). Legal relations on medical care are personalized, since the mutual behaviour of the subjects of these relations is strictly defined and differs in the individualization of rights

[1]Law of Ukraine No.1105-XIV "On Mandatory State Social Insurance". (1999, September). Retrieved from https://zakon.rada.gov.ua/laws/show/1105-14/conv#Text.
[2]Ibidem, 1999.
[3]Law of Ukraine No. 580-VIII "On the National Police" (2015, July). Retrieved from https://zakon.rada.gov.ua/laws/show/580-19/conv#Text.
[4]Order of the Ministry of Internal Affairs of Ukraine No. 260 "On the Approval of the Procedure and Conditions for Payment of Financial Support to Police Officers of the National Police and to Higher Education Graduates of Higher Education Institutions with Specific Learning Conditions that Train Police Officers". (2016, April). Retrieved from https://zakon.rada.gov.ua/laws/show/z0669-16#n14.

and obligations. "Police officers are guaranteed free medical care in healthcare institutions of the Ministry of Internal Affairs of Ukraine.

Next, the present study addressed the pension provision for employees of the National Police of Ukraine. The pension for police officers has clearly defined limits, by establishing its minimum and maximum amount, which is carried out on general grounds, governed by the Law of Ukraine "On Mandatory State Pension Insurance"[1] and special legislation (the Law of Ukraine "On the Pension Provision of Persons Released from Military Service and Certain Other Persons"[2]). Special legislation prescribes that persons who are in police service or have been in such service (as well as in internal affairs bodies) may claim the following types of pensions: 1) for years of service; 2) on disability; 3) in case of loss of breadwinner.

And the last aspect is the provision of housing for employees of the National Police. In this context, it is worth agreeing with the opinion expressed by O.V. Moskalenko (2020), who rather meaningfully notes that the current system of housing for police officers needs comprehensive improvement. The author is convinced that the legislator should radically reconsider the approach to practical mechanisms for implementing state measures in the relevant area. For this, according to Moskalenko, it is necessary to actively investigate the positive international practices, based on which to develop proposals and recommendations aimed at improving the current regulatory framework, as well as in the development of new legislative and sub-legislative acts in this area.

In the context of the presented issues, it is worth pointing out the opinion of O.Yu. Kisil (2021), who proposes to understand the social security of police officers as a set of legal norms and legal guarantees established in them, which ensure the effective performance of official and labour activities by employees of the National Police of Ukraine, and which are implemented by providing material, financial, and other support in connection with the occurrence of certain socio-economic risks, such as occupational disease, loss of working capacity, injury during service, etc. The above-mentioned M.V. Kalashnyk (2017) emphasizes in his study that the social security of employees of the National Police of Ukraine is a set of tools and means, consolidated in the current general and special labour legislation, aimed at social support of police officers and their family members, their material, psychological, and financial support in the event of adverse consequences (loss of working capacity, occupational diseases, disability, etc.), as well as retirement age.

Foreign scientists also paid considerable attention to the issue of social security for law enforcement officers, including the police. Thus, Polish researchers Maria Orlovska-Bednarz and Marek Bednarz (2012) argue that social security is most appropriate to consider from two positions. Researchers note that according to the first approach, social security is a system of elements aimed at meeting the minimum social needs of citizens, i.e., in this context, the emphasis is on the social security of citizens, as an important human value and at the same time a need. According to the second approach, social security is: firstly, a set of measures implemented by specially authorized state institutions and organizations to protect their citizens from poverty, as well as other social and economic risks; secondly, the system of benefits to which citizens are entitled or which they can use under the circumstances and under the conditions determined by the relevant regulations.

The Spanish scholar and Honorary Counsellor of the Court of Appeal of Versailles, Serge Braudo (2015), concluded that social security is an activity of specially authorized public services aimed at insuring workers, employees, and self-employed individuals, agricultural workers, etc., against any social risks. That is, in this case, the scientist factually identifies social protection and social insurance. Therewith, the author also notes that social security provides benefits prescribed in the Social Security Code. The state has entrusted its management to various private law bodies, which, as a result, are responsible for the overall mission of the public service in the relevant field.

German scientist Bernard Degen (2016) indicates that social security includes a set of measures aimed at protecting the population or part of it from these risks. The concept of social security, Degen emphasizes, is based on the belief that there is a collective responsibility for individual, but at the same time social needs. Measures to combat the nine risks include: access to medical care and healthcare (healthcare); deduction to the social insurance fund in case of loss of earnings due to illness (medical insurance), maternity, accident at work or occupational disease (accident insurance), old age, death of breadwinner (insurance for old age and loss of breadwinner), disability (disability insurance), unemployment (unemployment insurance), as well as reimbursement of family expenses (insurance of family benefits). In a broader sense, summarizes Bernard Degen (2016), social security also includes prevention, integration, and reintegration of people who are in an inconvenient situation.

[1]Law of Ukraine No.1105-XIV "On Mandatory State Social Insurance". (1999, September). Retrieved from https://zakon.rada.gov.ua/laws/show/1105-14/conv#Text.
[2]Law of Ukraine No. 2262-XI "On the Pension Provision of Persons Released from Military Service and Certain Other Persons". (1992, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2262-12#Text.

The English scientist Brian Abel-Smith (2014) concluded that social security is any measure defined by current legislation to support individual or family income when some or all sources of income are disrupted or terminated, or when necessary, incur exceptionally large expenses (e.g., for raising children or paying for healthcare). Thus, Abel-Smith summarized, social security is aimed at providing financial support to individuals who are faced with illness and disability, unemployment, crop failure, loss of a spouse, motherhood, care for young children or retirement. Social security aid may be provided in cash or in kind, including for medical needs, rehabilitation, home care while sick at home, legal aid or funeral expenses. Social Security can be provided by a court decision (e.g., to compensate victims of accidents), employers (sometimes through insurance companies), central or local authorities, semi-state or autonomous agencies.

Thus, the analysis of scientific materials suggests that most studies covering the issue of social security of police officers are already outdated. Such researchers as O.Yu. Kisil (2021), M.V. Kalashnyk (2017) and I.V. Solopova (2009) paid quite a lot of attention to the theoretical aspects of social security in general and police officers in particular. However, the studies of scientists, from a practical standpoint, have lost their relevance, since they were written before the events that took place in early 2022 (russia's military aggression, political and economic instability). As for the norms of the current legislation, the analysis of the latter suggests that the Ukrainian legislator has not yet managed to adapt it to modern realities.

Conclusions

Thus, the article covered several theoretical approaches of Ukrainian and foreign scientists who devoted attention to the problems of social security of the population in general and employees of the National Police in particular. Furthermore, the current legislation aimed at regulating the issue of social security for police officers was analysed. The conducted study revealed that despite the importance and significance of social security for police officers, the state of functioning and implementation of the institution under study should be estimated ambiguously. Thus, on the one hand, the legislator proclaimed many state guarantees in the relevant area, which were reflected in certain legislative and sub-legislative acts, consolidating the legal basis for the activities of police officers and issues of their social security. On the other hand, researchers agree on the general unsatisfactory state of practical implementation of social security measures of the category of employees under study, which is determined by:

Firstly, the inconsistent national policy in the field of social security and police officers. After all, even though the Law of Ukraine "On the National Police" proclaimed and consolidated social guarantees for police officers and their families, practical mechanisms for their implementation were not developed;

Secondly, insufficient financial and material and technical support for the relevant sphere, which also substantially hinders the development of the institution under study;

Thirdly, departmental medical care for police officers and their families in healthcare facilities of the Ministry of Internal Affairs is imperfect. One of the reasons for such gaps is that the relevant medical institutions are not subordinate to the Ministry of Healthcare, but are coordinated and subordinate to a special department under the Ministry of Internal Affairs;

Fourthly, the lack of an effective health insurance system for police officers and their families;

Fifthly, the legislators have not developed an effective program for housing police officers, which should also make provision for the payment of rental housing and receiving benefits for paying for utilities.

Thus, promising areas for further research include the investigation of certain elements of social security for police officers, this specifically refers to pension and housing, as well as compulsory life and health insurance for police officers and their families.

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Сучасний стан соціального забезпечення працівників Національної поліції України: огляд літератури

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■ **Анотація**. Обґрунтовано важливість і необхідність побудови ефективної системи соціального забезпечення працівників Національної поліції України. Мета наукового дослідження полягає в тому, щоб спираючись на аналіз наукових поглядів учених і норм чинного законодавства, надати змістову характеристику сучасному стану соціального забезпечення правоохоронців України. У процесі підготовки статті використано низку загальнонаукових і спеціальних методів наукового пізнання, застосування яких дозволило вирішити поставлені завдання та досягнення кінцевої мети представленого наукового дослідження, зокрема логіко-семантичний метод, метод документального аналізу, аналітичний та порівняльно-правовий методи. Проаналізовано наукові погляди українських і зарубіжних учених, які займалися проблематикою соціального забезпечення населення, зокрема працівників поліції. Акцентовано на тому, що від якості соціального забезпечення поліцейських залежить: по-перше, належність виконання поліцейським своїх службово-трудових обов'язків, а отже, стан забезпечення безпеки держави та суспільства; по-друге, престижність професії працівника поліції. Розкрито загальнотеоретичні підходи щодо визначення поняття «соціальне забезпечення», на підставі чого сформульовано авторську думку з приводу тлумачення соціального забезпечення працівників Національної поліції України. Схарактеризовано ключові елементи соціального забезпечення поліцейських в Україні. На основі аналізу норм чинного законодавства проаналізовано ключові елементи соціального забезпечення працівників Національної поліції України. Наголошено на незадовільному стані соціального забезпечення поліцейських. Виокремлено чинники, які підтверджують незадовільний стан соціального забезпечення поліцейських. Результати наукового дослідження можуть бути використані під час розроблення та прийняття Трудового кодексу України, у процесі вдосконалення відомчих нормативно-правових актів Національної поліції, а також Міністерства внутрішніх справ України, норми якого спрямовані на врегулювання питань соціального забезпечення працівників поліції

■ **Ключові слова**: поліцейський; правове регулювання; соціальний захист; проходження служби; соціальні ризики