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SOCIAL ASSISTANCE IN UKRAINE: CONCEPTS, TYPES AND CONCEPTUAL CHARACTERISTICS

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Abstract. The author examines issues related to the definition of the concept, types and conceptual characteristics of social assistance as a complex legal institute. It is emphasized that social assistance as one of social security forms is an independent type of financial support for disabled citizens, low-income households, households with children and other persons in the form of guaranteed, regulated by law, one-time or periodic payments of social nature. The findings of the study highlight the significant role of the definition of target groups as an integral part of the construction of the social assistance system – targeting, which means targeting someone or something – people or social units and requires the correct identification of the poor, which is associated with the problem of measuring poverty and, accordingly, high administrative costs to estimate family income.

Key words: compensations, disability, housing subsidies, incapacity, legal relationship, low income, social benefits, social risk, unemployment.

Introduction. Clarification of issues related to the definition of the main parameters of the concept of «social assistance» acquires considerable theoretical, cognitive and practical importance in view of the dynamics of the development of social processes (unfortunately, usually negative). In the scientific literature, in general, features common to all or most of all social benefits were identified: monetary form of provision; guarantee of implementation; purpose; grounds for provision; duration of payment; legal consolidation; financial sources; free state social benefits; dependence of the right to some benefits on participation in labor or other socially useful activities; belonging to certain categories of citizens who are recipients of benefits; the procedure for determining the amount of benefits etc. (Stashkiv, 2016: 448-449). The concept and institute of social assistance were covered fragmentarily or quite comprehensively in the works by well-known legal scholars V. M. Andriiv, V. O. Bezugla, M. D. Boyko, S. M. Sinchuk, L. M. Sinyova, Z. E. Skrynyk, B. I. Stashkiv, V. L. Strepko and others, at the same time, the sub-branch of social security law under the conditional name «social assistance law» is in the stage of intensive formation, which shows the need for further scientific understanding of its main provisions.

The purpose of the article is to analyze the concept, to consider the criteria for dividing it into types and to highlight the actual conceptual characteristics of the branch concept of «social assistance» in Ukraine.

Main part. Social assistance as one of the form of social security is one of the independent types of financial support for disabled citizens, low-income households, households with children and other persons in the form of guaranteed, regulated by law, one-time or periodic payments of a social nature (for example, a set of goods and services provided for the purpose of material support for citizens who need such assistance as a result of certain social cases provided for by law) (Kuznietsova, A. Ya., Skrynyk, Z. E., & Semiv, L. K., 2021: 60).

Social assistance is provided in almost all developed countries in order to cover the shortcomings that arise in the social security systems, contributing to the fight against poverty. In developing coun-

tries, social assistance is less widespread, being limited (if at all) to one or two categories of the population (for example, the elderly). In global practice, social security assistance is divided into: 1) social security benefits (do not require income verification, are provided on the basis: 1¹) information about the individual's contribution to the social security system; 1²) due to the occurrence of an event, for example, loss of working capacity or reaching a certain age); 2) universal social benefits provided in connection with a certain event, regardless of the level of personal income and previous contributions, for example, universal family benefits and free medical care; 3) social benefits provided on the basis of: 3¹) estimates of income (expenditure); 3²) the fact of the occurrence of a certain event, without checking data on contributions.

According to the recommendations of the International Labor Office (permanent secretariat of the ILO (International Labor Organization), which carries out all current work on the implementation of the decisions of the conference and the Administrative Council of Organization) social assistance has the following characteristics: 1) funding and payment of aid are provided by state and local budgets; 2) assistance is provided to certain categories of citizens in accordance with current legislation; 3) when assessing the level of consumer poverty, income and size of personal property are taken into account (small savings are usually not taken into account); 4) the purpose of the payment of assistance is to bring the person's income to the socially determined minimum, taking into account the composition of the family, presence of other payments etc.; 5) the amount of assistance is not connected with previous incomes or living standards; 6) the amount of assistance, unlike social insurance payments, is determined subjectively, based on the degree of need and available resources; 7) as a rule, assistance is provided not per person, but per family, therefore, the average personal income of a family (household) is taken as a criterion for checking income or means of livelihood.

Defining target groups is an integral part of building a social assistance system – targeting means targeting someone or something (people or social units) (in particular, the World Bank shares the idea of «targeting indicators» that indicate regions, age groups, gender or other types of common characteristics). The targeting of social benefits is considered in two aspects: 1) the ability of the system to provide appropriate assistance to those who really need it; 2) impossibility of access to assistance funds for those to whom it's not directed. The main ways of determining the addressing of social assistance are: 1) means test as one of the ways to determine eligibility for assistance to applicants: assistance after a formal (documentary) or actual selective check of the material or economic means of livelihood of people in need of assistance by the efforts of social services at the place of residence is paid only to persons whose level of well-being according to all possible incomes is below the specified limit; 2) the categorical way of addressing assistance is based on taking into account the needs of certain socio-demographic groups or categories of the population who need help the most (elderly people, large families, single mothers, pensioners etc.); 3) according to the principle of self-determination the person himself (herself) decides whether to use help or not. To characterize the targeting of aid, the aid availability ratio (AAR) is used: $AAR = A' / A$, where A' is the share of people who receive assistance, A is the share of people who are potentially entitled to receive assistance. At the same time, there are two types of errors in the provision of targeted assistance to the population: the error of «inclusion» (if assistance is received by a family (household) that does not really need it, this leads to an overspending of social funds, hence a decrease in funds for assistance to those who need it) and the error of «non-inclusion» or incomplete coverage (those who really need it don't get it).

Targeting requires the correct identification of the poor, which is associated with the problem of measuring poverty and, accordingly, the high administrative costs for estimating family income or by checking whether a certain individual or family has one or more characteristics closely correlated with poverty (poor health, old age, presence of children). In this context, it's about «groups in need» – groups of people who are in similar circumstances and require some collective decision. Such situations are called «addiction states», they include: 1) conditions in which a person may find himself

(herself) at any time during his (her) life (poverty, homelessness, illness, unemployment); 2) life cycle crises characterized by long-time dependence (old age or childhood); 3) the condition of people who are limited in the performance of daily duties (disabled, patients with chronic mental illnesses or mentally retarded). The given basic classification can be expanded depending on the social policy pursued by a specific country (Bezuhla, 2019: 26-27). The main arguments in favor of targeting are the principles of efficiency and equality: targeting should be more effective than universality because money is not wasted on those who do not need it, nor does it create excess resources for those who receive assistance (in other words, people with certain problems get only as much as they need). The following obstacles stand out on the way to achieving greater efficiency: 1) in order to get into the focus of social policy, a clear definition of the main characteristics of individuals is necessary: needs and livelihoods are supposed to be tested, but experience with such surveys shows that they are often too humiliating; 2) the problem of determining and establishing the limits of assistance (under what conditions assistance is terminated) – it refers to the «poverty trap» in social security, where a person spends much more if his/her income increases slightly; 3) targeted distribution of benefits does not always cover all the poor: due to lack of information, lack of confidence in the possibility of receiving assistance (in particular, due to the complexity of registration procedures), fear of «stigmatization»; 4) the effectiveness of targeting does not necessarily mean that aid is directed to those in greatest need. The «paradox» of targeting is that providing for the people whose situation is most difficult requires the more resources the more their needs are met, instead, provision can reach more people by meeting only their basic needs while using fewer resources. Actually, the targeting of aid should not be an end in itself, but only as a means of effective use of funds (Bezuhla, 2019: 29).

Social relations that arise in connection with the provision of social assistance are, firstly, economic relations for the distribution of material goods in monetary form among persons who, as a rule, are temporarily in a difficult financial situation and need support from society, and, secondly, legal relations, as they are regulated in detail by legal norms. The object of the right of social assistance is the subject of its legal regulation, that is, social relations or the social environment in the sphere of providing social assistance to certain categories of citizens, which (relations) are regulated by legal norms. It is compared with the object of legal relations or is identified with it. The object of social assistance is a specific good that can satisfy certain social needs of a person, regarding which subjective rights and legal obligations arose between the subjects of this legal relationship (recipients and providers of social assistance). Material goods are always money, which is provided for the purpose of full or partial satisfaction of specific needs of a person. Insurance social benefits and payments, state social assistance, compensations, housing subsidies, additional payments to the minimum pension, scholarships etc are provided in cash. The object is a one-time, periodic, monthly cash payment. Such payments in the established amount are the interest of the recipient of social assistance. The object is a mandatory element of any social assistance legal relationship. Such legal relations can't arise without an object. Its main features are following: 1) acts in monetary form; 2) formalized in legislation (size and frequency of payment); 3) aimed at meeting the specific social needs of the recipient of assistance; 4) creates a legal connection (subjective rights and legal obligations) between the participants of the legal relationship; 5) protected and guaranteed by the state. Beneficiaries are individuals who have temporarily lost their earnings, incurred additional expenses, have incomes below the subsistence minimum or have no means of subsistence at all (only in one case due to p. 3 of Art. 27 of the Law of Ukraine «On Mandatory State Social Insurance» (On Mandatory State Social Insurance, 1999) legal entity that has carried out the burial of an insured person can receive one-time funeral assistance). Providers are legal entities that are obliged to provide social assistance in accordance with relevant regulations, or individuals in cases provided by law (Stashkiv, 2018: 563, 565-567).

Social assistance is significantly different from social service: 1) assistance is provided in cash or non-cash form, social services are provided in non-cash form (difference in objects of legal relations);

2) cash payments are made through banks or post offices, and social services are provided by specially established institutions by providing a specific service to a person; 3) the grounds for providing social assistance in most cases are low income, and the grounds for providing social services are the need to overcome certain limitations of a person's life (impossibility of life-care, obstacles in movement etc); 4) the provision of social assistance ends with the transfer of funds, and social services are usually provided for a long time (difference in time intervals of existence) (Stashkiv, 2018: 555).

Social benefits aimed at compensating an individual for objectively or conditionally objectively lost, reduced or unearned income as a result of the occurrence of a social risk of labor income are called social compensations (Sinchuk, 2015: 310). The term «compensation» characterizes the content of social assistance that society provides to a specific person in need, the term «social» outlines the scope of the concept, reflects the source and method of formation of insurance funds, the obliged entity etc. Due to absence of a single law on social compensations, each of the types of payments united under the name «social compensations» has its own legal basis for appointment and payment, first of all, it's about the Laws of Ukraine «On mandatory state social insurance in case of unemployment» (On mandatory state social insurance in case of unemployment, 2000), «About mandatory state social insurance» (About mandatory state social insurance, 1999).

A systematic analysis of the Ukrainian legislation on social security makes it possible to distinguish three groups of social compensations as social security provision – social benefits which purpose is monetary compensation to an individual for objectively (conditionally objectively) lost, reduced or unearned wages as a result of the occurrence of a social risk of labor income or permanent loss of working capacity, which are paid from insurance of budget funds (Synchuk, 2015: 310, 313). The first group includes several types of social benefits that provide full or partial compensation for lost, reduced or unearned income due to temporary or permanent incapacity, unemployment or partial unemployment; it is about insurance social benefits, which are paid under the programs of the mandatory state social insurance of Ukraine: 1) social benefits due to temporary disability; 2) monthly insurance payments to the victim of an accident at work or due to an occupational disease; 3) social benefits to the victim of an accident in connection with a temporary transfer to a lighter job; 4) unemployment benefits; 5) assistance in connection with pregnancy and childbirth etc. Their size is determined taking into account the average salary of a person during the period of occurrence of social risk and the subsistence minimum as a basic social standard. The second group includes social benefits, which are paid to citizens as compensation to an individual for objectively (or conditionally objectively) unearned labor income due to socially determined incapacity. The duration of such a social risk, which is always associated with the need to care for the disabled person, is usually longer than the legally defined duration of temporary disability. The third group includes social compensation for permanent loss of working capacity (one-time assistance to a victim at work or his family).

Another purpose of the payment of social assistance is the financial support of persons who, despite their employment and regardless of receiving any other monetary payments (of a social or non-social nature), are in a difficult financial situation. In scientific literature the monetary obligation of the state to materially support a person determined by law in a fixed amount in relation to the subsistence minimum at the expense of the state budget is suggested to be denoted by the term «social support» (Synchuk 2015: 313). Legislative examples of social support include: 1) social benefits for children to single mothers, paid as a difference of 50% of the subsistence minimum and the average monthly total income of the family for the previous six months, but not less than 30% of the subsistence minimum (Art. 18 of the Law of Ukraine «On State Assistance to Families with Children» (State Assistance to Families with Children, 1992)); 2) state social assistance to the disabled from childhood and disabled children (Art. 2, Part 3, 4 of Art. 10 of the Law of Ukraine «On State Social Assistance to Persons with Disabilities from Childhood and Children with Disabilities» (On State Social Assistance to Persons with Disabilities from Childhood and Children with Disabilities, 2000)).

The next type of social assistance is a social grant – a type of social assistance paid as the difference between the socially determined minimum social standard necessary for a person's livelihood and the total income received by a person, i.e. the state, as an obliged state, pays the required level of social supplement to a needy person in accordance with social standards (Synchuk, 2015: 314). This concerns, for example, social benefits for a child who has been placed under guardianship or custody (Art. 16–18 of the Law of Ukraine «On State Assistance to Families with Children» (On State Assistance to Families with Children, 1992)) and low-income families (Part 1 of Art. 5 of the Law of Ukraine «On State Social Assistance to Low-Income Families» (On State Social Assistance to Low-Income Families, 2000)).

State payments provided to individuals in accordance with the legislation of Ukraine due to their low income are one of the types of social benefits. According to the Law of Ukraine «On State Social Assistance to Low-Income Families» state social assistance to low-income families is a monthly assistance provided to low-income families in cash in an amount that depends on the average monthly total income of the family. The legal features of state social assistance are: 1) a special subject composition of aid recipients – persons in whose life there's objectively a fact of need due to their low income (family or single person); 2) the priority of centralized legal regulation of assistance; 3) the legal basis, conditions and procedure for providing assistance are determined by law. The legal basis for receiving assistance by the family is the recognition of its special legal status of «low-income», which is influenced by three criteria: 3¹) the connection between family income and the subsistence minimum in the state; 3²) taking into account the total family income and the amount of its property; 3³) reasons for being in a low-income status. The lack of a decent income and maintenance of the minimum necessary living standard for all people regardless of their individual capabilities is the main basis of social security of the person according to the conclusions of International Labor Organization experts; 4) the name of social assistance as state emphasizes on the subject obliged in this type of legal relationship – the state in itself and its bodies; 5) monetary (cash or non-cash) form of provision to a person; 6) connection with the state social standard – subsistence minimum; 7) gratuitous and non-equivalent nature of assistance received by a low-income person; 8) is provided for the purpose of social support of low-income persons by the state through their subsidies; 9) legally limited duration of receiving assistance by a low-income person. Hence, the following definition of «state social assistance to low-income persons» is proposed: a legally defined in terms of grounds, conditions, procedure for obtaining and terms of provision subsidy of a social nature provided to low-income persons at the expense of the state budget in order to ensure their living standard is not lower than the subsistence minimum in the state (Voloshyn, 2018: 100-102).

Social compensations as a type of social assistance are payments of social security nature, the main purpose of which is to cover (fully or partially) a person's personal expenses for the purchase of socially necessary goods or services (non-monetary forms of social security) which according to the legislation it can receive from public funds; in Ukrainian legislation, this type of assistance is called monetary compensation (Synchuk, 2015: 315). An example of this type of social assistance is the payment of monetary compensation to some categories of disabled persons instead of a sanatorium-resort ticket and the cost of independent sanatorium-resort treatment.

Assistance allowances as the amount of funds added to the social benefits paid to person is another type of social assistance which acts as a means of equalizing the financial support of needy persons in cases where, according to family law, they have obligations to support disabled family members or pay for permanent medical or third-party care services.

Since 2014, after the occupation of parts of the Donetsk and Luhansk regions, the annexation of Crimea monthly targeted assistance as the main financial assistance to those who moved within Ukraine was introduced to internally displaced persons by the Government resolution to cover living expenses, including the payment of housing and communal services. The mentioned Resolution

became invalid with the adoption of the new Resolution of the Cabinet of Ministers «Some Issues of Housing Allowance Payments to Internally Displaced Persons» No 332 of March 20, 2022 (Some Issues of Housing Allowance Payments to Internally Displaced Persons, 2022).

Conclusions. Therefore, social assistance is guaranteed, regulated by legal norms, one-time or periodic payments of a social and alimony nature or a set of goods and services provided for the purpose of material support of citizens who, due to certain social cases provided for by law, need such assistance. Targeting is a key conceptual characteristic of social assistance. The main types of social assistance are: social compensations, social support, social subsidies, social compensations. Social benefits aimed at compensating individual for objectively or conditionally objectively lost, reduced or unearned income as a result of the occurrence of a social risk of labor income are called social compensations. Social benefits aimed at material support of persons who are in difficult financial situation, despite their employment and regardless of receiving any other monetary payments of a social or non-social nature are called social supports. Social grant (subsidy) is a type of social assistance paid as a difference between the socially defined minimum social standard necessary for a person's life and a total income received by a person, i.e. the state as an obliged entity pays the required level of social supplement to a needy person in accordance with social standards. Social compensations as a type of social assistance are payments of social security nature, the main purpose of which is to cover (fully or partially) a person's personal expenses for the purchase of socially necessary goods or services (non-monetary forms of social security) which according to the legislation it can receive from public funds.

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