

SOCIAL AND ECONOMIC ASPECTS OF EUROPEAN INTEGRATION AND HUMAN RIGHTS

Kuchuk A. M.

INTRODUCTION

In 2014, the Association Agreement between Ukraine and the European Union was signed and ratified. And on February 28, 2022, Ukraine submitted an application to join the European Union.

However, the European Union is not only an economic union, but also an important platform for joint support and recognition of common values among its member states. This unity of values determines not only the mutual relations between states, but also forms the basis for joint development and solving various economic, political, environmental and humanitarian challenges.

The values of a democratic society are reflected in the fundamental instruments of the European Union. Herewith, the European Union acts as a defender of the social and economic well-being of its citizens (these values determine the social model of the EU, called for ensuring a high standard of living for all citizens).

The European Union plays the role not only of economic unification, but also of an integral unity of values forming a common identity and contributing to the strengthening of unity between the member states.

Ukraine's long stay as a part of the soviet state, and after gaining independence in 1991 – being in the sphere of influence of Russia (in particular, due to significant energy dependence) became the factors in the fact that even today some Ukrainians do not fully understand the content and significance of the European values of the European Union for the further development of the Ukrainian state. Indicative in this aspect is a somewhat distorted understanding of human rights (as those opportunities that are provided to a person by the state and must be enshrined in law; and only after such enshrining acquire real meaning); incomplete awareness of the principles of equality and non-discrimination (a clear indicator of which is the attitude to the rights of the child, LGBT+), to a certain extent a neutral perception of the elections (in the last presidential elections, voter turnout was slightly more than 60% and in the parliament – less than 50%).

It should be added that according to the results of periodic surveys, about half of Ukrainians have not read the Constitution of Ukraine.

Certain reassessment of the values and outlook of a part of Ukrainian society took place after the full-scale armed aggression of Russia in February 2022, leaning towards the correctness of the European choice. Although at the same time, there remains a certain incomplete understanding of the nature of the European Union and its value basis.

The issue of European integration is not purely “external”. The process of further European integration depends on every Ukrainian. Observance of universal human values, development of civil society institutions (being one of the factors for improving the activity of public authorities) and opposition to illegal practices of public authorities’ activities are the tasks that each of us should participate in.

1. EU Membership Criteria

Economic and social factors were at the basis of the creation of the European community. Currently, among the criteria applied to states that want to become a member of the EU, the economic one stands out.

It is possible to single out the following main criteria applied to applicants for EU membership:

1. Geographical. A member of the EU can be a “European state” (according to the Maastricht Treaty). Although this criterion is also called geographical, however, there is no document that indicates exactly this interpretation of the term “European state”. This criterion can be interpreted in different ways, such as geographical, cultural or political.

In 1987, the European Council rejected the application for membership of the European Economic Community submitted by the Kingdom of Morocco. The reason for the rejection was the non-compliance of Morocco with the geographical criterion: Morocco is not a “European state”

In the same year, another state – Turkey – submitted an application. And although part of the territory of Turkey geographically belongs to Asia, the application was accepted according to the geographical criterion: the Council and the Commission confirmed Turkey’s compliance with this criterion.

Thus, these examples show that the concept of “European state” is not necessarily connected exclusively with a geographical meaning, but is rather a criterion that is subject to political evaluation.

2. Economic. It determines whether the applicant state has a functioning market economy and the ability to face competition within the European Union.

The economic criterion includes a number of requirements:

- effective market economy: the candidate state should have an efficient market economy based on private property, freedom of entrepreneurship and competition;

- the ability to face competition within the European Union: the applicant state should have the ability to face competition within the EU, including the ability to export goods and services to EU markets.

The economic criterion is important to ensure that EU member states are economically developed and able to participate in joint EU projects.

Fulfillment of the economic criterion is a significant stage on the way to joining the EU. Among the specific indicators that can be used to assess whether the applicant state meets the economic criterion, the following are distinguished:

- level of gross domestic product (GDP) per capita: a high level of GDP per capita is a sign of economic development;

- inflation rate: a low inflation rate is a feature of economic stability;

- unemployment rate: a low unemployment rate is a sign of economic growth;
- foreign trade balance: a positive balance of foreign trade is a characteristic of economic competitiveness.

A candidate state has to meet all these requirements in order to fulfill the economic criterion.

3. **“Membership”**. Includes obligations related to the economic and legal nature of the EU. It is the broadest and most complex of the three main criteria put forward to candidate states. It includes obligations to comply with the political, economic and monetary objectives of the EU.

Political commitments include:

- the stability of institutions guaranteeing democracy, the rule of law, adherence to human rights and the protection of minority rights;
- internal security and protection of external borders;
- ensuring the proper functioning of the market economy.

Economic obligations include:

- an effective market economy that can withstand competition within the European Union;
- the ability to maintain stable economic indicators, including the level of inflation, unemployment and public debt.

Monetary liabilities include: joining the European monetary system and introducing euro as the national currency.

The membership criterion is important to ensure that EU member states are politically stable, economically developed and able to participate in joint EU projects.

Meeting the membership criterion is an important stage on the way to joining the EU. Applicant states that successfully fulfill this criterion will be ready for full membership in the EU.

Economic criterion

The economic criterion indicates the requirements for the economy of the candidate state, as well as for the economy of the EU member states. They reflect the characteristics of the economy of such states.

The group of economic criteria has two components:

1. The existence of a functioning market economy.
2. Ability to cope with market forces and pressures of the competitive environment within the EU.

The fulfillment of each of these requirements is evaluated based on the analysis of a number of factors.

1. The existence of a functioning market economy:

- establishing a balance between supply and demand should be achieved as a result of free interaction of market forces;
- liberalization of prices and trade;
- absence of significant obstacles to entering the market (making of new enterprises) and exiting it (bankruptcy, liquidation);
- availability of relevant legislation, including regulation of property rights;
- compliance with laws and fulfillment of contracts;

- achievement of macroeconomic stability, including appropriate price stability, stability of state finances and balance of payments;
- the presence of a broad consensus regarding the foundations of economic policy;
- sufficient development of the financial sector to direct accumulated funds and savings to investment in production.

Since the above-mentioned factors are the basis of any market economy, the implementation of this component of the economic criteria should be carried out even before the start of accession negotiations.

2. The ability to cope with market forces and the pressure of the competitive environment within the EU:

- the presence of a functioning market economy with a macroeconomic stability level sufficient for economic activity's subjects to make decisions in conditions of a stable and predictable climate;
- a sufficient number, and at an appropriate price, of human and material resources, including infrastructure (energy supply, telecommunications, transport, etc.), education and research, as well as prospects for activity in this area;
- the degree of government policy and legislation influence on competitiveness by virtue of trade policy, competition policy, state aid provision, small and medium-sized enterprises support, etc.;
- progress achieved in the restructuring of entrepreneurship;
- the level and pace of trade integration of the candidate state with the EU, achieved on the eve of enlargement (volume and structure of trade with member states);
- a sufficient share of small firms in the structure of the economy, partly because small firms tend to benefit more from easier market entry and partly because the dominance of large firms might mean greater inertia in adapting to market conditions.

The most effective way of fulfilling these criteria is the adaptation of the national legislation to the *acquis communautaire* (joint development of the EU, which is understood as a set of legislative acts, political documents and the practice of their application existing in the EU).

The fulfillment of these criteria is a key aspect of the candidate state's preparation for joining the EU, as it requires not only the inclusion of the *acquis communautaire* into national legislation, but also ensuring its effective implementation by virtue of appropriate administrative and judicial structures.

The introduction of the *acquis communautaire* into national legal systems is a necessary condition for the completion of the accession process of a candidate state to the EU. In addition, it is possible to single out the following convergence criteria, the fulfillment of which gives countries the right to join economic and monetary unions. They relate to price stability, budget deficit, public debt, national currency stability and interest rates.

It should be noted that the requirements for the new candidate states to meet the entry criteria are much stricter than they were during the previous stages of

enlargement. In addition, the list of main criteria can be supplemented by the EU in the course of negotiations with candidate states.

2. EU Economy: General Features

The main characteristics of the economic activity of both the EU and the candidates for membership include the following.

Market economy

A market economy is an economic system in which decisions about the production and distribution of products are made on the basis of existing supply and demand, determining the prices of goods and services.

In a market economy, the main economic decisions are made by private enterprises that seek to obtain maximum profit. These businesses compete with each other to satisfy consumer needs and make a profit.

A market economy ensures the efficient use of resources, stimulates innovation and growth, and creates a wide choice of goods and services for consumers. However, market economies also have a number of disadvantages, such as income inequality, unemployment and the risk of economic shocks.

The characteristics of a market economy include:

- private property: basic economic resources such as land, capital and labor are owned by private individuals or companies;
- economic freedom: enterprises have the freedom to produce, sell and buy goods and services without government's interference;
- competitive market: the market consists of many buyers and sellers competing with each other for prices and quality;
- pricing based on supply and demand: prices for goods and services are set based on supply and demand.

Today, most countries in the world have market economies. However, the government plays a certain role in regulating the economy and providing public goods in many countries.

Freedom of entrepreneurship.

Entrepreneurial freedom is the right of a person to be freely engaged in entrepreneurial activity, to choose the type and form of entrepreneurial activity, to set prices for goods and services, to conclude contracts, to hire and fire employees, to dispose of profits.

In the context of a market economy, entrepreneurial freedom is one of its key principles. It ensures the competitiveness of the economy, promotes economic growth and the development of innovations.

Freedom of entrepreneurship includes:

- the right to establish an enterprise: every person has the right to establish an enterprise in any form provided for by law;
- the right to choose the type of activity: the entrepreneur has the right to choose the type of activity that corresponds to his interests and business abilities;
- the right to freedom of pricing: an entrepreneur has the right to set prices for his goods and services based on supply and demand;
- the right to freedom of contract: an entrepreneur has the right to enter into contracts with other economic entities on his own terms;

- the right to hire and fire employees: the entrepreneur has the right to hire and fire employees in accordance with the labor legislation;
- the right to dispose of profit: an entrepreneur has the right to dispose of the profit from his activity at his own discretion.

Freedom of entrepreneurship is a crucial factor in economic development. It contributes to the fact that entrepreneurs have the opportunity to freely choose a type of activity that corresponds to their interests and business abilities. This, in turn, leads to the development of competition, which helps to increase the efficiency of production and the quality of goods and services.

However, entrepreneurial freedom is not absolute. It is limited by law, in particular, by such norms as antimonopoly legislation, labor legislation, legislation on consumer rights protection, etc. These restrictions are aimed at protecting the society's and consumers' interests.

Free enterprise should provide for transparent registration procedures, absence of the excessive inspection procedures by a number of government institutions, etc. Therefore, free entrepreneurship is also associated with a low level of corruption in the state and, accordingly, effective anti-corruption institutions' activity.

Corruption can seriously harm a market economy undermining transparency, competition and trust in government institutions. Creating a stable, transparent and attractive economic environment can reduce opportunities for corrupt practices.

Green economy

Green economy is a concept of economic development that seeks to achieve economic growth while ensuring the conservation of natural resources, improving environmental efficiency and reducing negative environmental impact. Within the framework of the EU's activities, the green economy has become a key element of strategies and programs aimed at sustainable development and the fight against climate change.

The main features of the green economy in the context of the EU include:

1. European Green Deal¹:

This is an ambitious strategy presented by the EU with the aim of turning Europe into the first climate-neutral region by 2050.

The Green Deal includes a wide range of measures aimed at reducing greenhouse gas emissions, increasing energy efficiency, encouraging the use of renewable energy sources and other measures to improve sustainability.

2. Circular economy:

This is an approach aimed at reducing waste and resource consumption. The circular economy includes the use of secondary resources, recycling and encouraging the reuse of materials.

3. Green technologies investments:

¹European Green Deal. URL <https://www.consilium.europa.eu/en/policies/green-deal/>

The EU invests heavily in research and development of green technologies such as renewable energy, efficient transport systems and other innovations helping reducing emissions and improving sustainability.

4. Biodiversity conservation policy:

Measures aimed at preservation and reservation of ecosystems and biodiversity are a significant part of the EU's green economy.

5. Green standards and regulation:

Introduction of standards and regulations that help reduce emissions and increase the environmental efficiency of production and consumption.

The EU's green economy is recognized as a strategic direction for ensuring sustainable development, environment preservation and negative impact of economic activity on the climate and nature reduction.

Open borders

Open borders is one of the crucial characteristics of the EU. It means that citizens of the EU member states, as well as persons who have a residence permit in the EU, have the right to move freely, live and work in any member state.

Open borders are a serious factor in the economic and social development of the EU. It contributes to:

1. Free movement of goods, services, capital and labour: open borders allow businesses to freely export goods and services, invest in other member states and hire workers from any EU country. This contributes to economic growth and citizens' welfare improving.

2. Freedom of movement of people: open borders allow citizens of the EU member states to live, work and study freely in other member states. It promotes cultural exchange and social integration.

Open borders are also an important factor of the EU security. Open borders make it possible to respond quickly and efficiently to emergency situations, such as natural disasters or terrorist attacks. Open borders facilitate the free movement of goods, services, capital and labor, which is the basis of the internal market.

Open borders are one of the most successful achievements of the EU. It contributes to the economic, social and security development of the EU.

3. Social protection of a person in the European Union

Although a market economy is based on the principles of a free market, some state intervention might still be necessary to ensure justice, protect consumer rights, and control monopolies and to ensure social protection of the individual in particular. The goal of the EU is not purely to obtain the maximum profit, but to create a normal environment for human existence. Social policy is an integral part of the EU activity.

Social policy is a system of measures aimed at ensuring social justice and citizens' welfare.

In the EU member states, the principles of the market economy and the principles of the social state are harmoniously combined.

For example, the Constitution of the Federal Republic of Germany (1949) states that:

"(1) The Federal Republic of Germany is a democratic and social federal state.

(2) All state power comes from the people. It is carried out by the people..."².

"The social market economy forms the economic and social order of the Federal Republic of Germany. This system brought prosperity and social peace to the state for decades".³

According to Art. 3 of the Lisbon Treaty:

"1. The purpose of the Union is to promote peace, its values and the well-being of its peoples.

2. The Union will offer its citizens an area of freedom, security and justice without internal borders, in which the free movement of people is ensured, combined with the appropriate measures for control of the external borders, granting of asylum, immigration and prevention and fight against crime.

3. The Union establishes the internal market. It will work for the sustainable development of Europe, based on balanced economic growth and price stability, a highly competitive social market economy aimed at full employment and social progress, as well as a high level of protection and improvement of quality of the environment. It should promote scientific and technological progress. It should combat social exclusion and discrimination, as well as promote social justice and protection, equality between women and men, solidarity between generations and protection of children's rights"⁴.

Social protection of a person in the EU is one of the main areas of the EU's activity. It aims to provide the EU citizens with basic social benefits, regardless of their place of residence, citizenship or financial status.

The EU is also a party to the European Social Charter, which is an international treaty that guarantees a wide range of social rights, including the right to work, the right to fair and favorable working conditions, the right to social protection, the right to housing, the right to education and the right to participate in cultural life.

The EU provides financial support to member states for their social programs implementation. In particular, the EU provides assistance to member states via the European Social Fund in such areas as:

- fight against poverty and social isolation;
- support for families with children;
- assistance to the elderly and people with disabilities;
- professional training and retraining.

To ensure the implementation of these principles, the EU adopted a number of legislative acts regulating various aspects of social protection, in particular:

² Grundgesetz für die Bundesrepublik Deutschland (1949). URL <https://www.bundestag.de/parlament/aufgaben/rechtsgrundlagen/grundgesetz>

³ Papier Hans-Jürgen. Wirtschaftsordnung und Grundgesetz. URL <https://www.bpb.de/shop/zeitschriften/apuz/30557/wirtschaftsordnung-und-grundgesetz/>

⁴ Council of Europe. Європейська соціальна хартія (переглянута) (резюме). URL <https://www.coe.int/uk/web/compass/european-social-charter>

- Council Directive 2000/78/EU of November 27, 2000, establishing a general framework for equal treatment in the field of employment and professional activity. The purpose of this Directive is to ensure equal opportunities for all EU citizens in the field of work and professional activity, regardless of their disability, religious beliefs, sexual orientation or age⁵.

- Directive 2006/54/EU of the European Parliament and the Council of July 5, 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and professional activity. This Directive is aimed at ensuring equal opportunities for men and women in the field of employment and professional activity. It prohibits discrimination based on sex in such aspects as access to work, working conditions and occupational social security. The Directive also establishes procedures to ensure the effective implementation of equal opportunities⁶.

- Directive 2004/38/EU of the European Parliament and the Council of April 29, 2004 on the right of the Union citizens and their family members to move and reside freely in the territory of the member states⁷.

Social protection of the EU citizens is determined by the Charter of Fundamental Rights of the European Union (2012) and is based on human dignity like the entire system of human rights protection.

Thus, Art. 25 of the Charter (2012) refers to the rights of the elderly to a decent standard of living, as well as to participation in society life (social and cultural)⁸.

This right includes such elements as: the right to social protection (which guarantees access to sufficient funds to ensure a decent standard of living and is realized through the system of pensions, social assistance and other social services); the right to participate in society life (which guarantees the opportunity for older people to participate in social and cultural processes and is implemented through various programs and activities aimed at supporting active longevity).

⁵ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. URL <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0078>

⁶ Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation/ URL <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32006L0054>

⁷ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC. URL <https://eur-lex.europa.eu/EN/legal-content/summary/eu-freedom-of-movement-and-residence.html>

⁸ Charter of Fundamental Rights of the European Union. URL <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:12012P/TXT>

The EU Charter of Fundamental Rights (2012) is a legally binding instrument for all authorities in the EU, obliging EU member states to ensure respect for the rights of older people enshrined in the Charter⁹.

Art. 26 of this Charter regulates relations on the integration of people with disabilities. Integration of people with disabilities in the EU is one of the main areas of the EU activity. It is aimed at ensuring equal rights and opportunities for people with disabilities¹⁰.

This right includes such elements as: non-discrimination (which ensures that people with disabilities will not be discriminated against in any area of life, including employment, education, health and social services); access to facilities and services (which ensures that people with disabilities have the opportunity to use public facilities and services on equal terms with other people); access to education and vocational training that ensures that people with disabilities have the opportunity to receive quality education and vocational training allowing them to participate in the labor process); access to health care (which ensures that people with disabilities have the opportunity to receive quality health services and medical care); access to social services (which ensures that people with disabilities have the opportunity to access the social services they need to lead a dignified life).

EU member states are conducting programs and activities aimed at raising awareness of the rights of people with disabilities and overcoming stereotypes about them. EU member states invest in making accessible public facilities and services, such as buildings, transport, communications, etc. EU member states provide support to people with disabilities in education and professional training, as well as in employment. EU member states provide social services to people with disabilities that they need to ensure a dignified life¹¹.

These measures contribute to the fact that people with disabilities in the EU have equal rights and opportunities with other people, and can fully participate in public life.

Art. 34 of the Charter (2012) determines directly social security and social assistance. This article fixes the right to social security and social assistance for the EU citizens and their families in cases of illness, unemployment, incapacity and other circumstances leading to loss or limitation of earning capacity.

This article emphasizes the importance of ensuring social security for the EU citizens during difficult periods of their lives. It defines the principles of social security and social assistance as elements of basic rights and freedoms that must be ensured by appropriate legislative as well as other measures.

⁹ Charter of Fundamental Rights of the European Union. URL <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:12012P/TXT>

¹⁰ Ibid.

¹¹ Of the Treaty on European Union and the Treaty on the Functioning of the European Union. Consolidated Versions. (2016/C 202/01). URL <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12016ME/TXT&from=EN>

This article recognizes social security as an important aspect of social policy aimed at harmonizing the lives of citizens and reducing differences in living standards between different population groups.

The EU guarantees people living and moving legally within the EU the right to social protection and social services that ensure a decent standard of living.

Social protection in the EU includes a wide range of measures aimed at providing the EU citizens with basic life needs. The main directions of social protection in the EU include the following:

1. Protection from poverty and social isolation. The EU supports Member States' measures to combat poverty and social exclusion, including assistance to low-income families, the elderly and people with disabilities.

2. Protection of workers' rights. The EU guarantees workers in the EU states a number of social rights, including the right to fair and favorable working conditions, the right to a paid leave, the right to maternity leave and leave in connection with pregnancy, the right to protection against discrimination.

3. Family. The EU supports families, in particular by providing assistance to families with children, promoting equality between men and women in the family.

4. Education. The EU supports access to the quality education for all EU citizens, regardless of their social background.

5. Health care. The EU supports the development of health care systems in EU countries, in particular by providing financial assistance, promoting the exchange of experience and information.

Social protection in the EU is an important element of the European social model, which aims to ensure a fair and equal society for all EU citizens.

Social protection of citizens (persons legally residing in member states) in the EU is also regulated by a special treaty: the European Social Charter (revised, 1996).

The European Social Charter is a key document defining the social and economic rights of citizens in the EU. Approved for the first time in 1961, the charter was revised in 1996 in order to adapt it to modern challenges. The document establishes basic social rights, such as the right to work, decent working conditions, social and housing protection, and the right to education. The European Social Charter is aimed at ensuring a fair and dignified society, as well as improving the quality of life of the citizens. The document takes into account the social aspects of economic development and seeks to achieve a balance between economic and social requirements. The Charter is a significant tool for ensuring social justice and harmony in the EU, and also contributes to the maintenance of social standards at the level of the whole Union¹².

4. Directions of social and economic development of Ukraine in the context of European integration.

¹² Council of Europe. Європейська соціальна хартія (переглянута) (резюме). URL <https://www.coe.int/uk/web/compass/european-social-charter>

Among the directions of changes that should be carried out in Ukraine to improve the social situation of the population and indicators of economic development, the following are distinguished.

1. Reforms in the sphere of economy and business. This direction includes such measures as:

- deregulation of the economy involving simplification of procedures for registration and conducting business as well as reducing the number of regulatory requirements;
- investment policy aimed at attracting foreign investments and creating favorable conditions for the development of domestic business;
- innovation policy aimed at growth of scientific research and development and making of innovative sectors of the economy.

These reforms will contribute to the making of new jobs, increased labor productivity and economic growth.

To improve economic development, it is important to shape a favorable investment climate, simplify business processes and reduce bureaucratic restrictions. Ukraine should improve legislation, support innovative industries and develop effective public and private partnership mechanisms.

2. Reforms in the social protection sphere. This direction includes the following measures aimed at the development of the social protection system, which will guarantee a decent standard of living for all citizens, regardless of their income and social status.

In Ukraine, the social protection system should be improved, in particular by revising social benefits, expanding social coverage and increasing their level. The reform should be aimed at supporting the most vulnerable population groups, ensuring a decent pension system and social services.

These reforms will help raise the standard of living of the population and make favorable conditions for its development.

3. Educational reforms and development of personnel potential. Development of knowledge and skills of the population is a crucial factor for economic growth and competitiveness. Ukraine should focus its efforts on modernizing the educational system, improving the quality of education, supporting research activities, and implementing innovations in the education sphere.

This direction includes such measures as: the education system reforming that should be aimed at improving the quality of education and its compliance with the EU standards; the professional education and training growth, which should be aimed at preparing competitive personnel for the labor market; involving young people in scientific activities aimed at the evolution of scientific research and development.

The quality of human capital is a vital factor in economic growth. The government should invest in education, professional training and employees' professional development.

Educational reforms and the development of human resources are a consequential factor in the successful integration of Ukraine into the EU. They will contribute to the competitive society framing in Ukraine, which will be capable of sustainable development.

All these directions of changes are interconnected and complementary. Their successful implementation will contribute to the improvement of the social situation of the population and Ukraine's economic growth indicators, as well as ensure its (Ukraine's) successful European integration.

The growth of the economy helps to increase the incomes of the population both in nominal and real terms. An increase in the cost of labor might occur not so much in the presence of unemployment, but as much in the presence of additional jobs. Stable GDP growth and a high level of investment are the key factors of economic development. To ensure a stable price situation, the inflation rate should be reduced. To create a competitive environment in the economy, it is necessary to continue reforms aimed at deregulation of the economy, control over the state aid and shaping of a legislative environment favorable to competition.

It is also appropriate to single out a direction that is important not only for the economy, but for the social system as a whole – the fight against corruption. Corruption is a major obstacle to Ukraine's economic development. The government should strengthen the fight against corruption at all levels. Corruption is a serious impediment to economic growth, as it leads to the fact that public resources are spent inefficiently, and business processes are complicated and expensive; allows corrupt individuals to enrich themselves at the expense of others and it leads to increasing inequality in society; undermines trust in state and law enforcement agencies, which negatively affects the rule of law.

Combating corruption is one of the most important tasks for Ukraine. In order to successfully counter corruption, it is necessary to make an effective system. A number of institutions responsible for the fight against corruption have been organized in Ukraine, however, the effectiveness of these institutions is insufficient. It is necessary to ensure their independence from political influence, as well as to provide them with the necessary resources and powers to fight corruption.

Combating corruption should not only be the task of state agencies, but also the task of society in general. It is necessary to conduct educational and informational campaigns aimed at increasing the public's awareness of corruption and its negative consequences. Such campaigns should be aimed at such target groups as: schools and universities (it is required to educate young people about the negative consequences of corruption, various forms of its manifestation); business (it is necessary to encourage business to behave virtuously and combat corruption), public organizations (that can play a significant role in detecting and combating corruption).

Ukraine should intensify cooperation with international organizations engaged in the fight against corruption that can provide Ukraine with significant assistance in the development and implementation of anti-corruption measures. Implementation of the anti-corruption measures complex will require considerable effort and time. However, this is necessary for Ukraine to succeed in economic development and join the EU.

4. Human rights as a European value

Human rights are one of the significant values on which the European Community is based (and which is a universal human value). The history of the formation and development of human rights dates back to ancient times. And although the understanding and interpretation of these rights have evolved over the centuries, their fundamental principles remain unchanged: freedom, dignity, equality and justice.

The modern human rights theory is based on the ideas of a lot of thinkers.

Ancient times:

Socrates: His teachings on the value of human life and the pursuit of truth laid the foundation for the human rights concept¹³.

Aristotle: He put forth the theory that human beings are political beings who should live in a society where rights and duties are interconnected. Although, it's worth noting that Aristotle recognized slavery as an acceptable thing¹⁴.

Medieval period:

Thomas Aquinas: Identified natural law given by God. Natural law is an embodiment of an eternal law reflected through human reason.

The Enlightenment. Modern times.

John Locke: Proposed the theory of natural rights of a human being, such as the right to life, liberty, and property¹⁵.

Jean-Jacques Rousseau: Developed the concept of the social contract, where people voluntarily come together and agree to certain rules to live in peace and security¹⁶.

Immanuel Kant: Believed that people have autonomy and should be respected as individuals. He formulated the categorical imperative.

John Stuart Mill: Advocated for the principle of freedom of speech and freedom of thought.

These are just some of the thinkers who contributed to the development of human rights theory. Their ideas and concepts laid the groundwork for the modern understanding of human rights, which are the basis of democracy and justice.

It is also important to note that the theory of human rights is constantly evolving. With the emergence of new problems and challenges, new concepts and ideas arise complementing and expanding our understanding of human rights.

The European Union, as an association of democratic states, recognizes human rights not only as fundamental principles but also as an integral part of its

¹³ Історія вчень про державу і право: у таблицях і дефініціях : навч. посіб. / О. В. Зінченко, О. В. Петришин. Харків: Право, 2012. С. 32.

¹⁴ Аристотель. Політика. Антологія лібералізму: політико-правничі вчення та верховенство права / Упор.: С. Головатий, М. Козюбра, О. Сироїд. Київ: «Книги для бізнесу», 2008. С.91–130.

¹⁵ Лок Дж. Два трактати про правління. Антологія лібералізму: політико-правничі вчення та верховенство права / Упор.: С. Головатий, М. Козюбра, О. Сироїд. Київ: «Книги для бізнесу», 2008. С. 327–352.

¹⁶ Руссо Ж.-Ж. Суспільний договір. Антологія лібералізму: політико-правничі вчення та верховенство права / Упор.: С. Головатий, М. Козюбра, О.Сироїд. Київ: «Книги для бізнесу», 2008. С. 363–386.

identity. This principle is enshrined in the foundational documents of the EU, such as the Maastricht Treaty and the Charter of Fundamental Rights of the European Union¹⁷.

Today, the EU plays an active role in protecting and promoting human rights globally. The Union cooperates with other countries and international organizations to strengthen respect for human rights worldwide.

An important aspect of the EU's activities in this area is providing assistance to victims of human rights violations. The Union also supports democratic reforms and institutional changes in states where human rights are not upheld.

Despite significant achievements, human rights violations unfortunately remain a widespread problem in many countries around the world. Therefore, the EU will continue to steadfastly defend the values on which it is based and strive to ensure that human rights are respected and guaranteed¹⁸.

Characteristics of human rights include:

1. Fundamental nature. The fundamentality of human rights lies in their provision of basic and essential needs for every individual. Rights ensure that no one will be deprived of the opportunity to satisfy fundamental needs necessary for life and dignified existence. The absence of these rights can lead to serious consequences, including death, suffering, loss of autonomy, and deprivation of dignified existence. Therefore, the fundamentality of rights lies in their importance in ensuring basic life needs and protecting individuals. Without these rights, a person may find themselves in a desperate situation resembling slavery, where they are deprived of the opportunity for free development and self-expression, and subjected to the authority of other individuals or structures that violates the basic principles of a dignified existence. Thus, the fundamentality of rights is recognized as a critical aspect for ensuring the dignity, freedom, and security of every individual¹⁹.

2. Natural and inalienable nature. The natural and inalienable character of rights means that they belong to every individual from birth and cannot be taken away or limited without justified reasons. This characteristic is based on the assumption that rights are not granted by the state but are inherent to the human being as a person. Such a characteristic of rights implies that they exist independently of any conditions or volition of the state or other subjects. This means that every person, regardless of their origin, status, or religious beliefs, has the right to their use and protection.

The inalienability of rights is recognized by international laws and agreements that guarantee their immutability and inviolability. This means that no state can deprive a person of their rights, which are considered fundamental

¹⁷ Кучук А.М. Верховенство права як аксіологічна складова національної системи права. *Юридичний науковий електронний журнал*. 2023. № 3. С. 562.

¹⁸ Корнієнко М.В. Забезпечення прав людини органами правопорядку в екстраординарних умовах: доктринальний аспект. Одеса : Видавництво «Юридика», 2023. С. 37.

¹⁹ Кучук А.М., Завгородня Ю.С. Особливості прав дитини: загально-правовий аспект. *Науковий вісник публічного та приватного права*. 2022. Вип. 4. С. 3.

and inalienable. Such a characteristic of rights contributes to the protection of personal dignity, freedom, and autonomy of every individual regardless of circumstances.

3. Universality and equality. The universality and equality of human rights indicate that they are endowed to all people without any exceptions or limitations. This means that regardless of race, status, religion, gender, or other characteristics, every person has equal rights and opportunities.

The universality of rights suggests their universal application, which means that they are applied in all spheres of life and are endowed to all people. This characteristic of rights is important as it supports the idea of justice and equality, preventing any discrimination or inequality²⁰.

Equality in rights implies that all people are equally endowed with rights. This promotes the building of a just society where every person has equal opportunities for self-expression and realization of their potential. Thus, the universality and equality of rights are fundamental principles that ensure the protection of the dignity and freedom of every individual.

4. Universality. The universality of human rights is manifested in their application to all people regardless of their nationality, culture, religion, or social status. This means that rights apply to every individual on the planet, and no one can be excluded based on their characteristics.

The universality of rights is recognized as a fundamental principle of international law and is governed by international agreements and documents. This characteristic of rights indicates that they are not a privilege but an inherent and unchangeable aspect of the dignity of every person. Rights universality is essential for building an international community where every person has the right to the protection of their fundamental freedoms and rights. This characteristic of rights promotes the establishment of common standards in the field of human rights and enables joint efforts for their protection and enforcement. Rights universality supports the idea of global solidarity and mutual understanding among different cultures and nations²¹.

5. Priority over positive law. The priority of human rights over positive law means that rights have a higher status and importance than any laws or government decisions. This means that even if a law or authorities' activity contradicts rights, the latter should be protected and applied first. The priority of rights recognizes that human rights are fundamental principles that cannot be violated or limited by any legislative acts or governmental decisions. This characteristic defines the universally applicable nature of the priority of human rights prevailing over any other internal or local laws. The priority of rights ensures that the state has no right to violate human rights even in cases of emergency or extraordinary circumstances. This characteristic is fundamental to any legal system that guarantees the protection of the rights and freedoms of

²⁰ Кучук А.М. Право в умовах постмодерну: правовий дискурс: монографія / А. М. Кучук. Одеса : Видавництво «Юридика», 2023. С. 66.

²¹ Кучук А.М., Пекарчук А.В. Теорія людських прав: концептуальні зміни на межі століть. Юридичний науковий електронний журнал. 2020. № 8. С. 21.

every citizen. The priority of rights over positive law emphasizes the importance of protecting fundamental rights in any circumstances and the lack of legitimacy of any actions that violate these rights²².

Human rights are fundamental, universal, general and equal opportunities that arise from the natural characteristics of a person and have priority over any legislation or government action. They are inseparable from every person and are guaranteed at the international level to protect the dignity and freedom of every person, regardless of their origin, status or beliefs.

Human rights have a vertical dimension.

The vertical dimension of human rights as a focus on the state's duties.

The vertical dimension of human rights focuses on the interconnection between human rights and the state's obligations as to their recognition, implementation and protection. He emphasizes that the state bears primary responsibility for ensuring and respecting the rights of all people under its jurisdiction.

Key aspects of the vertical dimension of human rights.

The duty of the state to ensure human rights is not a right, but an OBLIGATION of the state.

Positive and negative obligations: the state must take active measures (positive obligations) to ensure human rights, and refrain from actions that may violate them (negative obligations).²³

Accountability: The state must be accountable for its actions and inactions related to human rights.

Example of vertical measurement:

Ensuring the right to torture prohibition: The State must not only adopt legislation that provides for responsibility for ill-treatment, prevent cases of torture, inhuman or degrading treatment by law enforcement agencies, but also ensure effective investigation of cases of ill-treatment and prosecution of guilty persons to responsibility; the presence of institutional control over the proper behavior of law enforcement agencies, etc.

The importance of vertical dimension:

- strengthens human rights protection, focusing on the legal obligation of the state to ensure them; stimulates public authorities to take active actions to promote and ensure human rights;

- promotes control of civil society over the activities of public authorities: the state is responsible for its actions and inaction in the field of human rights;

- determines the necessity for cooperation between different levels of government and their interaction with institutions of civil society.

Obligations of the state regarding human rights.

1. Duty to respect human rights.

²² Кучук А.М. Основи теорії правового поліцентризму: монограф. Дніпро: Дніпроп. держ. ун-т внутр. справ ; Ліра ЛТД, 2017. С. 254.

²³ Alforova, T. M., Koba, M. M., Lehka., O. V., Kuchuk, A. M. Right to Freedom of Expression v. Reputation Protection (Based on ECtHR Practice Materials). The Age of Human Rights Journal. 2022. № 18. P. 311.

Every state must respect, recognize and guarantee human rights. Respect for rights includes the inviolability of a person, freedom of thought, conscience and religion, as well as the prohibition of any form of discrimination. To ensure this obligation, the state must create an effective system of legal protection.

This obligation also requires the state to prohibit any actions that may violate human rights and imposes on it the responsibility to apply effective measures in case of their violation.

In general, the duty to respect human rights is the basis for any democratic state and determines its attitude towards people.

2. The duty to ensure human rights.

The duty to ensure human rights is an important aspect of the state's role in modern society. This means that the state not only recognizes rights, but also actively works to create conditions for their implementation and protection.

To ensure this obligation, the state must develop and implement policies, programs and legislation aimed at guaranteeing human rights in various spheres of life. This may include making a social protection system, supporting education and culture, ensuring access to health services, housing and employment.

In addition, the state must monitor the implementation of its legislative norms and mechanisms for the protection of rights, as well as provide mechanisms for the settlement of disputes and conflicts related to the violation of human rights.

Ensuring human rights also involves active participation in international organizations and institutions aimed at protecting rights at the international level. All these actions are aimed at creating favorable conditions for the full development and self-realization of every person in society.

3. Duty to protect human rights.

The duty to protect human rights is one of the most important aspects of the state's role in the modern world. This implies active actions on the part of the state in the protection of rights against any violations by third parties.

Protection of rights, as well as their provision, includes the adoption of relevant legislative acts and the conclusion of international agreements aimed at guaranteeing human rights and freedoms.

In addition, this duty means ensuring an effective justice system that is able to respond to violations of rights and provide access to a fair trial.

The state must also monitor the activities of law enforcement agencies to avoid abuses and the use of unreasonable force.

In addition to domestic activities, the state is also obliged to actively participate in international human rights protection mechanisms, cooperate with international organizations and other states in preventing human rights violations and resolving them.

In general, the duty to protect human rights is a necessary element of any law-based state and determines its ability to ensure human rights and freedoms.

A more complete picture of human rights is provided by covering their varieties, which makes it necessary to consider the classification of human

rights. There are various criteria for the typology of human rights, in this part of the paper we clear up the most important approaches.

1. One of the important typologies is the division of rights (by the possibility or impossibility of restriction) into absolute and relative rights.

Absolute human rights are the rights that cannot be limited under any circumstances or situations. Their nature is that they cannot be limited by anyone or anything, even in the most difficult or extraordinary circumstances.

Absolute rights usually include the right to life, right to freedom from torture, slavery, and the prohibition of criminal prosecution without law. They are integral attributes of the dignity and personal freedom of every person, which are not subject to any restrictions by the state or other structures.

Relative human rights are the rights that can be limited under a number of conditions, usually to ensure general safety, public order, morals or the rights and freedoms of others. They are not absolute and may be limited by law in a democratic society.

Examples of relative rights include the right to freedom of speech, the right to peaceful assembly, the right to liberty and personal inviolability, etc. These rights may be limited in accordance with the law, if it is necessary to protect other important interests or the rights and freedoms of others.

In the context of this classification, relative rights are recognized as rights that may be subject to restrictions in certain conditions in order to ensure a balance between the rights and interests of different members of society.

The mere existence of a statutory provision that gives the power to limit a human right is NOT ENOUGH to limit a human right. Public authorities can limit rights ONLY if ALL THREE GROUNDS ARE PRESENT.

2. Another typology is the division of rights by social spheres

Civil rights are a set of fundamental freedoms and opportunities that guarantee people personal freedom and integrity. They include the right to life, freedom, personal inviolability, equality before the law, freedom of speech, thought, religion, peaceful assembly and association.

Civil rights give people the opportunity to live free from fear and oppression, to freely develop their personal beliefs, to participate in the life of the country and to make changes.

Political rights are such fundamental rights that give a person the opportunity to participate in the political process and influence the formation of power and decision-making in the state. They include the right to participate in elections and referenda, the right to participate in political parties and public associations, the right to participate in peaceful assemblies, and to create political parties and associations.

Political rights guarantee citizens the opportunity to elect their representatives to state bodies and influence the adoption of laws and political decisions. They are the basis of a democratic society. Political rights help maintain the balance of power and ensure citizen control over the activities of state bodies. These rights are a necessary element of the democratic process, which guarantees the participation of citizens in making decisions concerning their lives and the future of society.

The realization of political rights gives people the opportunity to live in a country where their opinion matters, where they can freely express their political beliefs and participate in the governance of the state.

Social and economic rights (social and economic) are a set of rights and guarantees that provide people with a decent standard of living and the opportunity to realize their economic potential. These include: the right to work and fair working conditions; the right to social protection in case of unemployment, illness, disability, etc.

These rights are designed to ensure that people have the opportunity to live without poverty, have access to the necessary resources and take an active part in the economic life of the country.

The realization of social and economic rights gives people the opportunity to live in a country where they have access to basic needs such as food, housing, medicine and education, where they can work and receive decent payment, where they are guaranteed social assistance in difficult life situations.

Cultural rights are a set of rights and freedoms that provide people with the opportunity for free spiritual development and participation in cultural life. These include: the right to freedom of creativity; right of access to cultural values; the right to preserve and develop one's culture, etc.

These rights give people the opportunity to develop their talents, get acquainted with the cultural values of other peoples, preserve and multiply their own culture.

The realization of cultural rights gives people the opportunity to live in a country where cultural diversity is valued, where people are free to create and share their cultural achievements with others.

CONCLUSIONS

The EU harmoniously combines the market economy principles and the obligations of social security of the EU member states' population. State authorities influence economic relations in order to fulfill obligations in the field of human rights, providing decent conditions for every member of society and not encroaching on the essential content of the market economy

The EU economic activity is carried out in accordance with the green economy concept, based on renewable energy sources and environmentally friendly technologies, limiting the impact on the surrounding natural environment.

Free borders, green economy, freedom of entrepreneurship and market economy are the core of the EU economic system, the functioning results of which are aimed at, in particular maintaining a high standard of living of the population.

Ukraine should reduce the number of regulatory restrictions for business, invest in research and development, as well as in education and training, increase its investment attractiveness, in particular by creating a favorable investment climate and providing benefits to investors.

Reforming the sphere of social security, including the pension, medical and educational systems, is also an important task for Ukraine, which will help create conditions for sustainable economic development.

The implementation of these tasks will require considerable effort and time, but this is a necessary condition for Ukraine to achieve EU standards in the field of economy and social protection, to create a competitive economy that will be able to ensure a high standard of living of the population.

SUMMARY

The paper covers the main provisions of the European integration. The main emphasis is placed on the criteria for membership in the European Union. The requirements for the future EU members are covered in detail and the EU economy is characterized. It was emphasized that the principles of market economy and social obligations of the state are successfully combined in the EU member states, which contributes not only to economic development, but also to social protection of the population. The economic activity of the EU is carried out in accordance with the green economy concept. Free borders, green economy, freedom of entrepreneurship and market economy are the core of the EU economic system. Attention is focused on the problem of human rights understanding, the provision of which is a fundamental requirement for both the future EU members and the EU member states.

References

1. Charter of Fundamental Rights of the European Union. URL <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:12012P/TXT>
2. Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. URL <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0078>
3. Council of Europe. Європейська соціальна хартія (переглянута) (резюме). URL <https://www.coe.int/uk/web/compass/european-social-charter>
4. Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC. URL <https://eur-lex.europa.eu/EN/legal-content/summary/eu-freedom-of-movement-and-residence.html>
5. Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation/ URL <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32006L0054>
6. Grundgesetz für die Bundesrepublik Deutschland (1949). URL <https://www.bundestag.de/parlament/aufgaben/rechtsgrundlagen/grundgesetz>
7. Of the Treaty on European Union and the Treaty on the Functioning of the European Union. Consolidated Versions. (2016/C 202/01). URL <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12016ME/TXT&from=EN>

8. Papier Hans-Jürgen. Wirtschaftsordnung und Grundgesetz. URL <https://www.bpb.de/shop/zeitschriften/apuz/30557/wirtschaftsordnung-und-grundgesetz/>

9. Історія вчень про державу і право: у таблицях і дефініціях : навч. посіб. / О. В. Зінченко, О. В. Петришин. Харків: Право, 2012. 208 с.

10. Аристотель. Політика. Антологія лібералізму: політико-правничі вчення та верховенство права / Упор.: С. Головатий, М. Козюбра, О. Сироїд. Київ: «Книги для бізнесу», 2008. С. 91–130.

11. Лок Дж. Два трактати про правління. Антологія лібералізму: політико-правничі вчення та верховенство права / Упор.: С. Головатий, М. Козюбра, О. Сироїд. Київ: «Книги для бізнесу», 2008. С. 327–352.

12. Руссо Ж.-Ж. Суспільний договір. Антологія лібералізму: політико-правничі вчення та верховенство права / Упор.: С. Головатий, М. Козюбра, О. Сироїд. Київ: «Книги для бізнесу», 2008. С. 363–386.

13. Кучук А.М. Верховенство права як аксіологічна складова національної системи права. Юридичний науковий електронний журнал. 2023. № 3. С. 562–565. DOI: [10.32782/2524-0374/2023-3/127](https://doi.org/10.32782/2524-0374/2023-3/127)

14. Корнієнко М.В. Забезпечення прав людини органами правопорядку в екстраординарних умовах: доктринальний аспект. Одеса : Видавництво «Юридика», 2023. 170 с.

15. Кучук А.М., Завгородня Ю.С. Особливості прав дитини: загально-правовий аспект. *Науковий вісник публічного та приватного права*. 2022. Вип. 4. С. 3–7. DOI: <https://doi.org/10.32844/2618-1258.2022.4.1>

16. Кучук А.М. Право в умовах постмодерну: правовий дискурс: монографія / А. М. Кучук. Одеса : Видавництво «Юридика», 2023. 130 с.

17. Кучук А.М., Пекарчук А.В. Теорія людських прав: концептуальні зміни на межі століть. *Юридичний науковий електронний журнал*. 2020. № 8. С. 21–23. DOI <https://doi.org/10.32782/2524-0374/2020-8/2>

18. Кучук А.М. Основи теорії правового поліцентризму : монограф. Дніпро: Дніпроп. держ. ун-т внутр. справ ; Ліра ЛТД, 2017. 312 с.

19. Alforova, T. M., Koba, M. M., Lehka., O. V., Kuchuk, A. M. Right to Freedom of Expression v. Reputation Protection (Based on ECtHR Practice Materials). *The Age of Human Rights Journal*. 2022. № 18. P. 311–330. DOI <https://doi.org/10.17561/tahrj.v18.6527>

Information about the author:

Kuchuk Andrii Mykolaiovych,

Doctor of Law, Professor,

Professor at the Department of Law and Public Management
Sumy State Pedagogical University named after A.S. Makarenko
87, Romenska str., Sumy, 40002, Ukraine