

UDC: 349.2

DOI <https://doi.org/10.32849/2663-5313/2022.3.23>

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Oleksii Drozd (2022). Theoretical and legal aspects of classification of social guarantees for personnel of the state service of special communication and information protection of Ukraine/ Entrepreneurship, Economy and Law, 3, 146–150. doi: <https://doi.org/10.32849/2663-5313/2022.3.23>

## THEORETICAL AND LEGAL ASPECTS OF CLASSIFICATION OF SOCIAL GUARANTEES FOR PERSONNEL OF THE STATE SERVICE OF SPECIAL COMMUNICATION AND INFORMATION PROTECTION OF UKRAINE

**Abstract. Purpose.** The purpose of the article is to classify social guarantees for personnel of the State Service of Special Communications and Information Protection of Ukraine. Results. The article classifies comprehensively the institution of social guarantees for personnel of the State Service of Special Communications and Information Protection of Ukraine. The essence of the main conceptual-categorical elements of the relevant scientific issues is defined, and a meaningful and comprehensive analysis of the term "classification" in the context of the research subject, as well as its main elements and characteristics, is provided. It is proven that the institution of social guarantees in the structure of social providing of rights and freedoms of a person and a citizen, both public officials and civilians who are employed in state authorities, as well as persons with a special legal status (military personnel or in the presence of special ranks), holds a prominent place, enables to make work processes more effective by increasing the number of social benefits that a person receives while in employment. The statement that classification of social guarantees of personnel of the State Service of Special Communication and Information Protection of Ukraine from the theoretical and practical perspective enables their effective practical implementation and comprehensive characterisation of the existing problem with the purpose of establishing the basic principles of legal realisation is justified. It is noted that further research should consider in detail and substantially the basic characteristics and components of the range classified according to certain criteria of types of social guarantees of personnel of the State Service of Special Communication and Information Protection of Ukraine. Conclusions. It is revealed that the issues related to the classification of social guarantees are considered by scientists differently, given that they require additional scientific substantiation. Therefore, the existing researcher's perspectives and interpretation of individual types of these social guarantees enable to form an idea of the process of social guarantees classification as planned and thoughtful, objectively determined process of distribution of all available types (forms) of social guarantee (security) according to the set of certain criteria, the nature of influence on social relations and other group factors.

**Keywords:** guarantees, State Service of Special Communications and Information Protection, rights and freedoms, implementation, social rights, classification.

### 1. Introduction

The study of the institution of social security of persons employed is very relevant, because it is one of the democratic and most effective tools of support in the structure of benefits. A significant part of the expenses of a person can be reduced precisely by receiv-

ing certain privileges or reduction of the basic cost of a certain service/product or in the usual way, by increase of the share of the received remuneration by a certain percentage, allowing for a number of factors.

Today, the system of social guarantees in the structure of social security of personnel

of the State Service for Special Communication and Information Protection of Ukraine should become one of the priority areas of research. This issue needs to be optimised in accordance with time requirements and with consideration of suggestions for its improvement.

The importance of social security for personnel of the State Service of Special Communications and Information Protection of Ukraine should be underlined due to a number of specific duties in the field of special communication and information protection, as it is an actor of the defence and security sector, a principal actor of the national cyber security system, which coordinates the activities of cyber security entities in the cyber defence sector, and a communications administrator (Law of Ukraine On the State Service of Special Communications and Information Protection of Ukraine, 2006). Considering the current operating conditions of the security and defence sector, the urgency of the need to increase social status in general, especially by guaranteeing, in particular for certain categories of employees, the topic is timely and relevant.

The above-mentioned, in our deep conviction, forms a number of theoretical and legal, practically oriented foundations of social guarantee of personnel of the State Service of Special Communication and Information Protection of Ukraine, determining the necessity to substantiate approaches to its classification.

The purpose of the article is to classify social guarantees for personnel of the State Service of Special Communications and Information Protection of Ukraine. The goal set requires fulfilment of a number of research tasks, such as: 1. To characterise the content and essence the concept of classification in law, including from the perspective of social guarantees for personnel of the State Service of Special Communications and Information Protection of Ukraine; 2. To classify the current theoretical constructions providing a short legal characteristic of the types included; 3. Relying on the formed idea about the structure of classification of these social guarantees and main problematic aspects of their implementation, to propose possible ways of their solution.

The object of the article is public relations in the field of guaranteeing rights and freedoms of man and of the citizen to employees (officials) of the state authorities of Ukraine.

The subject matter of the study is the approaches to classification of social guarantees for the personnel of the State Service of Special Communications and Information Protection of Ukraine.

## 2. The essence and content of social rights

Classification as a process of grouping a number of social and legal phenomena according to certain group criteria implies understanding of its deep processes and requires short legal characteristics allowing for the provisions of Ukrainian legislation.

Relying on the analysis of the issues related to the guarantee of social rights and considering the provisions of studies by authoritative theorists of law, L. Tereshchenko emphasises that they are rights of the second generation, which began to form in the process of struggle of people for improvement of their socio-economic situation and cultural level. These requirements were legislated after World War I, though they affected the democratisation and socialisation of the constitutional law of the countries of the world and international law after World War II, when the rapid development of production created real preconditions for meeting the social needs of citizens (Tereshchenko, 2011). Accordingly, such broad and complex support creates the actual conditions for typology and specification of all likely forms of social security, in particular guarantee.

However, the content and essence of the concept of social rights are determined by scientists differently. In addition, this category is a substantial and "substantive" element in the system of social security. It should be noted that social rights are the possibilities of a citizen to be a full-fledged participant in social relations and to be provided with the necessary conditions for development and existence (Bolotina, 2005). According to the Constitution, the right to work, strike, rest, social protection, housing, adequate living standards, health care, medical care and health insurance are among the most common types of social rights, which in turn are guaranteed by a number of regulations of Ukrainian legislation, along with the Constitution (without any doubt relying on its basic provisions) (Constitution of Ukraine, 1996). Such pluralism of rights and freedoms of social orientation, first of all, creates grounds for their classification into several types by a combination of characteristic features that can affect the degree and their influence on social relations in general, the kind of welfare.

Therefore, social guarantees are an integral element of the institution of rights and freedoms of man and of the citizen, which, according to the researchers, is an objective essential element of the system of social welfare. They are a material implementation of the state's duties to support human welfare at a level that allows for economic opportunities and is

minimal from the point of view of society (Golovinov, Horozhankina, Dmytrychenko, 2004). Since the welfare system in the country is rather scattered, and the issues of social security are complex and meaningful, we believe that one of the most important criteria of this process is the regulatory mechanism, i.e., the clear definition of these guarantees in the structure of the Ukrainian legislation (also covers observance of legitimacy) and the rule of law as a basic pillar of any social comprehensive process.

The legitimacy and rule of law in this context are related to the fact that this social phenomenon inherent in our society is in line with its traditions and is reflected in the legislation of Ukraine, that is, a specific legal regulation, which derives from law as a form of streamlining of social relations (Kurakin, Romanov, 2015).

In addition, the social guarantees of military personnel, as well as their social security in general, differ significantly from other types of social guarantees, primarily because of the specific legal status, which allows to justify the position on their uniqueness in the given research vector, as well as the need for deeper regulatory mechanism through the prism of classification and fragmentary strengthening of individual elements of the corresponding system of providing servicemen with various benefits.

According to S. Sytniakivska, social and legal security of military personnel is the activity of the state aimed at establishing a system of legal and social guarantees that ensure the realisation of constitutional rights and freedoms, meet material and spiritual needs of military personnel according to their special service activity, status in society, maintain social stability in the military environment (Sytniakivska, Khlyvniuk, 2014). In addition, scientists frequently identify, within the framework of the institution of social security, areas by purpose, as follows: those aimed at improving social security of existing military personnel, allowing for responsibilities of their position, as well as those aimed at covering the basic expenses, in particular treatment – in case of complete, partial or temporary loss of working capacity, as well as in other cases provided by law.

### 3. The content of state social guarantees

Describing state social guarantees, N. Baranova emphasises their comprehensiveness and meaningfulness, because they are material and legal means that ensure the realisation of constitutional socio-economic and social-political rights of members of society (an enabling environment for their life, interests, various

links and relations, functioning and development of the social system in general) (Baranova, Novikova, 2010).

The essence of the category "State social guarantees" can be understood as the minimum wages, incomes of citizens, pension provision, social assistance, other types of social payments, established by laws and other legal regulations, which ensure the standard of living not lower than the subsistence level (Vasylyk, 2000). Therefore, one of the classification criteria of this process is the type of social security, literally, what kind of benefit is given to the person, what its nature and content are.

D. Makovskyi argues that personnel of the State Service of Special Communication and Information Protection of Ukraine are also covered by social guarantees. Moreover, these persons, according to the official schedule and positions, are directly military personnel (Makovskyi, 2021). The complexity and specificity of the relevant legal status requires to classify the types of social guarantees, in particular for their effective provision and legal realisation of the opportunities provided by the legislation by the specified subjects.

For example, according to the Law of Ukraine "On the State Service of Special Communication and Information Protection of Ukraine", social and legal security of public officials and other employees of the State Service of Special Communication and Information Protection of Ukraine is provided on general grounds in accordance with the legislation on labour and public service. The social and legal security of military officers of the State Service for Special Communication and Information Protection of Ukraine and members of their families is carried out in accordance with the Law of Ukraine "On social and legal security of military personnel and members of their families" (Decree of the President of Ukraine On the Concept of Reforming the State Service of Special Communications and Information Protection of Ukraine, 2021) and other laws. In particular, the state guarantees them financial and other support in the amount that stimulate interest in the military service (pecuniary, material support). This Law also provides for the procedure for the right of military personnel to rest, the procedure for basic and additional holidays, free medical care and sanatorium treatment and rest, as well as the procedure for housing (Makovskyi, 2021). Therefore, the positions of domestic researchers and scientists allow to assert that the classification in the system of social guarantee takes a key place, determining the main trends in legal realisation of the relevant regulatory

provisions, relying on a number of typical categories grouped according to the set of characteristic features of.

#### 4. Conclusions

Therefore, relying on the perspectives of the researchers through the prism of the characteristics of the concept and content of the institution of social guarantee, in particular, the guarantee of social rights for personnel of the State Service for Special Communication and Information Protection of Ukraine, as well as the approaches to typology and specification of the relevant social guarantees, it is established that the latter plays a key role in the legal realisation processes, due to greatly simplified access to relevant social benefits.

Moreover, the issues related to the classification of social guarantees are considered by scientists differently, given that they require additional scientific substantiation. Therefore, the existing researcher's perspectives

and interpretation of individual types of these social guarantees enable to form an idea of the process of social guarantees classification as planned and thoughtful, objectively determined process of distribution of all available types (forms) of social guarantee (security) according to the set of certain criteria, the nature of influence on social relations and other group factors.

It is proved that social guarantees of personnel of the State Service for Special Communication and Information Protection of Ukraine can be classified by: the actor of their realisation; the object, on which they are targeted; the type of the benefit (monetary, material) received; the type of object of provision (state official, military service, a freely hired person).

Further research should consider substantially the approach to the classification of these social and legal processes, as well as well as the main problematic issues related to the legal realisation of the relevant institution.

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## ТЕОРЕТИКО-ПРАВОВІ АСПЕКТИ КЛАСИФІКАЦІЇ СОЦІАЛЬНИХ ГАНТАЇЇ ОСОБОВОГО СКЛАДУ ДЕРЖАВНОЇ СЛУЖБИ СПЕЦІАЛЬНОГО ЗВ'ЯЗКУ ТА ЗАХИСТУ ІНФОРМАЦІЇ УКРАЇНИ

**Анотація. Мета.** Метою статті є класифікація соціальних гарантій особового складу Державної служби спеціального зв'язку та захисту інформації України. Results. Статтю присвячено комплексній характеристиці інституту соціальних гарантій особового складу Державної служби спеціального зв'язку та захисту інформації України. Визначено сутність основних понятійно-категоріальних елементів відповідної наукової проблематики, надано змістовний та вичерпний аналіз терміна «класифікація» в контексті предмета дослідження, а також його основні елементи й характеристики. Доведено, що інститут соціальних гарантій у структурі соціального забезпечення правами і свободами людини та громадянина як державних службовців і цивільних осіб, що перебувають у трудових відносинах з органами державної влади, так й осіб зі спеціальним правовим статусом (військовослужбовців чи за наявності спеціальних звань), посідає чільне місце, уможлиблює ефективізацію процесів у праці шляхом збільшення кількості соціальних благ, які отримує особа під час перебування в трудових відносинах. Обґрунтовано положення, згідно з яким класифікація соціальних гарантій особового складу Державної служби спеціального зв'язку та захисту інформації України з теоретико-прикладної точки зору уможлиблює їх ефективнішу практичну реалізацію та дозволяє комплексно схарактеризувати наявну проблематику з метою встановлення основних закономірностей правореалізації. Зауважено, що перспектива подальших наукових пошуків полягає в необхідності більш фрагментарного та суттєвого опрацювання основних характеристик і складових кола класифікованих за певними критеріями видів соціальних гарантій особового складу Державної служби спеціального зв'язку та захисту інформації України. Conclusions. З'ясовано, що питання, пов'язані з класифікацією соціальних гарантій, вчені розглядають неоднозначно, з огляду на що вони потребують додаткового наукового обґрунтування. Водночас наявні позиції і тлумачення дослідників окремих видів відповідних соціальних гарантій дозволяють сформуувати уявлення про процес класифікації соціальних гарантій як планомірний і зважений, об'єктивно зумовлений процес розподілу всіх наявних видів (форм) соціального гарантування (забезпечення) за сукупністю певних критеріїв, характером впливу на соціальні відносини й інші групові фактори.

**Ключові слова:** гарантії, держспецзв'язку, права і свободи, реалізація, соціальні права, класифікація.