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THE ESSENCE, CONTENT AND MEANING OF SOCIAL GUARANTEES FOR PERSONNEL OF THE STATE SERVICE OF SPECIAL COMMUNICATIONS AND INFORMATION PROTECTION OF UKRAINE

Abstract. Purpose. The purpose of the article is to analyse the essence, content and meaning of social guarantees for personnel of the State Service of Special Communications and Information Protection of Ukraine. **Results.** The article characterises the essence, content and meaning of social guarantees in general meaning as an integral element of the legal status of man and of the citizen, as well as through the prism of serving in the State Service of Special Communications and Information Protection of Ukraine. Many gaps in the relevant segment of the legal regulatory framework are identified, which in turn requires a number of scientific investigations to fill them. The perspective on a key role of social guarantees in the functioning of a specific state authority in providing its officials with additional benefits and in ensuring the appropriate special social status is substantiated. The importance of social guarantees for personnel of the State Service of Special Communications and Information Protection of Ukraine is that the legal status of these employees and the model of its guarantee is hybrid, which provides for not only the accrual of financial support according to specially defined formulas, but also the possibility of receiving additional benefits from the state, in particular those of other persons on preferential terms. It is proven that the essence and content of the social guarantee of the status of personnel of the State Service of Special Communications and Information Protection of Ukraine are a set of provisions of national legislation that provide the opportunity and real access to such fundamental rights as the right to work, to rest, to housing, to free education, to free medical care, to financial support in old age, to support in case of incapacity for work, etc. **Conclusions.** It is concluded that the concept of social guarantees is considered as a set of provisions of the legislation of Ukraine that allow for access to certain tangible and intangible benefits aimed at improving the living situation, in particular, in the context of ensuring the benefits and needs of personnel of the State Service of Special Communications and Information Protection of Ukraine. The study of the structure and content of social guarantees for personnel of this service establishes that these legal provisions enable to effectively stimulate interest in military service by providing access to adequate financial and material support, as well as opportunities related to additional rest, treatment and housing.

Key words: social guarantees, State Service of Special Communications and Information Protection, social rights.

1. Introduction

As of today, rights and freedoms of man and of the citizen, in particular, special social statuses of certain categories of citizens, are among the most popular objects to be ensured, given the European integration processes, humanisation of the legal provisions and the need to raise the social standard of living of the population, including public officials.

It should be noted that the guarantee of rights and freedoms of man and citizen is one of the most common problems in the theory of law, which in our opinion, requires substantial elaboration depending on the details of the subject matter of the study.

For example, the State Service of Special Communications and Information Protection

of Ukraine is a specialised body of the central executive power in the field of special communication and information protection, 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).

The scope of competence of this body requires a thorough and comprehensive processing of issues connected with social guarantees for its personnel and gives new impetus to research.

The purpose of the article is to analyse the essence, content and meaning of social guarantees for personnel of the State Service of Special Communications and Information Protection of Ukraine. To achieve the goal set provides for fulfilment of a number of research tasks, such as: to characterise the concept of social guarantees for the personnel of the State Service of Special Communications and Information Protection of Ukraine; to study the design and content of social guarantees for its personnel; relying on the importance of the relevant institute for ensuring the functioning of state authorities, in particular the State Service of Special Communications and Information Protection of Ukraine, to propose discussion of a number of problematic issues and 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 essence, content and meaning of social guarantees for the personnel of the State Service of Special Communications and Information Protection of Ukraine.

2. Tasks and functions of social guarantees

At the present stage of democratic values formation in Ukraine, issues related to social security of employees-officials take a leading place. Therefore, the mentioned problem requires thorough study through the prism of scientific developments of other researchers.

It should be noted that O.Holovnia has analysed methods of examining social state of the country and prerequisites of modern social standardisation. According to the scientist, social analysis and diagnostics are the primary methods, which are the basic (starting) point in argumentation of processes of social guarantees for any person, as they define the need for a certain good. The process of diagnosis reveals social imbalances, their effect on the essential

aspects of the functioning and development of the social system. In this context, diagnostics are a type of social analysis. Moreover, the analysis of problems of social reproduction is the research of the proportions of its functioning and development, the identification of disproportions, their influence on social life, and the search for opportunities for their elimination (Holovnia, 2009). In the general theoretical meaning, from this perspective, an idea that this is actually a social guarantee in the widest legal sense is formed. The above-mentioned structure allows not only to appeal to the need for proper legal mechanisms for rights of social character and content, but also to justify the socio-economic significance of functioning of this concept.

Other researchers also emphasise the need to analyse the current state of social security and the need to advance it from the perspective of further development of the theory of social management, namely its subject matter - substantiation of the regularities of forming proportions and rate of social development, relying on social analysis (Poburko, 2006). That is why in the context of social guarantee of the relevant rights for personnel of the State Service of Special Communications and Information Protection of Ukraine, it is important to determine the necessary social guarantee through the prism of the ratio of the general level of support for the relevant persons, the general social level in the state and the specific individual needs of each employee.

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). The above-mentioned further explains the issue of the correlation of the social security needs of specific persons with the fact that the general level of the social needs for any socio-economic (especially material) assistance is higher than the possibilities of this society to meet them.

However, the content and essence of the concept of social rights are determined by scientists differently. Since this category is a 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). The above-mentioned creates regulatory and legal, as well as immutable, conditions for the necessary mechanisms for the corresponding rights and freedoms of man and of the citizen and taking into account the specificity of some of them, creates the basis for forming a system of priority determination in providing different social benefits to persons of different strata of population and social status.

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). Thus, the duties are automatically imposed on the state in the field of ensuring the possibility of realisation of the relevant regulatory structures, as well as bringing the standard of living in conformity with the interests of the society.

Social guarantees, which are considered as material and legal means, which ensure social and economic rights of members of the society, are provided by social policy of the state, and their material basis is mostly served by state and enterprise funds as part of the national fund, aimed at social security and meeting social and priority needs of members of society free or on preferential principles (Batashok, 2005). Therefore, the guarantee as a phenomenon, its direct content is considered in studies of scientists as a concrete means to increase the meeting of needs of specific groups of persons (vulnerable segments of society or public servants charged with more responsible functional duties, for example military personnel).

V. Palamarchuk argues that social guarantees are the monetary equivalent of the natural consumption of market and public goods, guaranteed by the state to citizens in view of their social expectations and economic opportunities. This allows to meet as fully as possible the social

interests of the population and thus to achieve the proper level of social security in the country. Some scientists generally define social security policy through the creation of a system of social guarantees (Palamarchuk, 1996). However, in our opinion, the main instrument of ensuring social security of the state is a proper level of basic support, i.e. high wages of citizens who can carry out such activities, as well as social guarantees for vulnerable groups of the population. In no case can social security be equated with the need to ensure high standards in the field of labour remuneration for officials who perform dangerous work or have increased social responsibility.

3. The legal and regulatory framework for social guarantees for personnel of the State Service of Special Communications and Information Protection of Ukraine

The Constitution of Ukraine defines several types of social security, as follows: mandatory social insurance, creation of a network of institutions caring for disabled persons; conditions, created by the state, enabling every citizen to build, purchase, or rent housing; state financing of health care, free provision of medical care and others (Tatsii, 2011). This list of social guarantees enables to provide opportunities for realisation of a wide range of citizens and persons who have a corresponding status or claim for it from the regulatory perspective. Thus, social guarantees in labour activity can be the principles regulated by the legislation of Ukraine, realisation thereof (and sometimes only their presence) includes granting advantages to a certain person, opens access to some benefit on the better terms than in general.

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 due to the range of functions and powers performed, since they determine the further country's territorial integrity and defence capacity.

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 pur-

pose, 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.

D. Makovskyi argues that personnel of the State Service of Special Communication and Information Protection of Ukraine are also covered by social guarantees. These persons, according to the official schedule and positions, are directly military personnel (Makovskyi, 2021).

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 legislation of Ukraine clearly defines the role and place of guarantees of social security in the structure of provisions and enables to implement them by a number of related institutions.

4. Conclusions

Therefore, the concept of social guarantees is considered as a set of provisions of the legislation of Ukraine that allow access to certain tangible and intangible benefits aimed at improving the living situation, in particular in the context of ensuring the benefits and needs of personnel of the State Service of Special Communications and Information Protection of Ukraine. The study of the structure and content of social guarantees for personnel of this service establishes that these legal provisions enable to effectively stimulate interest in military service by providing access to adequate financial and material support, as well as opportunities related to additional rest, treatment and housing.

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СУТНІСТЬ, ЗМІСТ І ЗНАЧЕННЯ СОЦІАЛЬНИХ ГАРАНТІЙ ОСОБОВОГО СКЛАДУ ДЕРЖАВНОЇ СЛУЖБИ СПЕЦІАЛЬНОГО ЗВ'ЯЗКУ ТА ЗАХИСТУ ІНФОРМАЦІЇ УКРАЇНИ

Анотація. Мета. Метою статті є аналіз сутності, змісту й значення соціальних гарантій особового складу Державної служби спеціального зв'язку та захисту інформації України. **Результати.** У статті надано характеристику сутності, змісту і значення соціальних гарантій у загальному значенні – як невід'ємного елементу правового статусу людини та громадянина, а також крізь призму проходження служби в Державній службі спеціального зв'язку та захисту інформації України. Констатовано низку прогалин у відповідному сегменті правового регулювання, що зумовлює необхідність здійснення низки наукових розвідок, спрямованих на їх урегулювання. Обґрунтовано позицію про те, що саме соціальні гарантії в умовах функціонування органу державної влади спеціального спрямування відіграють ключову роль у забезпеченні його посадових осіб додатковими благами та забезпечують відповідний соціальний статус, надаючи йому особливого становища. Значення соціальних гарантій для особового складу Державної служби спеціального зв'язку та захисту інформації України полягає в тому, що правовий статус відповідних службовців і модель його гарантування є гібридною, що передбачає не лише нарахування грошового забезпечення за спеціально визначеними формулами, а й можливість отримання додаткових благ від держави, зокрема тих, що й інші особи на пільгових умовах. Доведено, що сутність і зміст соціального гарантування статусу особового складу Державної служби спеціального зв'язку та захисту інформації України полягає в тому, що воно становить сукупність норм національного законодавства, котрі забезпечують можливість і надають реальний доступ до таких фундаментальних прав, як право на працю, на відпочинок, на житло, на безоплатну освіту, на безоплатну медичну допомогу, на матеріальне забезпечення в старості, на забезпечення в разі непрацездатності тощо. **Висновки.** Зроблено висновок, що поняття соціальних гарантій розглядається як комплекс норм законодавства України, що дозволяють отримувати доступ до певних матеріальних і нематеріальних благ, спрямованих на покращення життєвого становища, зокрема в контексті забезпечення благ і потреб особового складу Державної служби спеціального зв'язку та захисту інформації України. Дослідження конструкції та змісту соціальних гарантій особового складу цієї служби дає змогу встановити, що ці норми законодавства уможливають ефективне стимулювання зацікавленості проходження військової служби шляхом надання доступу до належного грошового й речового забезпечення, а також можливостей, пов'язаних з додатковим відпочинком, лікуванням та отриманням житла.

Ключові слова: гарантії, Держспецзв'язок, права, свободи, соціальні права.

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