PUBLIC ADMINISTRATION IN THE FIELD OF PENSION SECURITY OF MILITARY SERVANTS IN UKRAINE

Abstract. The article states that the payment of a pension is not suspended in case of conscription for military service during partial or general mobilization, for a special period to the Armed Forces of Ukraine, other military formations, bodies and units of civil defense formed in accordance with the Laws of Ukraine. Taking into account the analyzed average pension payments to military personnel, it can be concluded that the solidarity level of the pension system does not provide a decent standard of living for this category of pensioners.

It is noted that one of the important components of social security for servicemen and their family members is pension security, which should guarantee them a decent standard of living in the event they reach retirement age, become disabled, or in the event their family members lose their breadwinner.

It was revealed that the pension provision of persons discharged from military service and certain other persons is carried out in accordance with the Law of Ukraine "On pension provision of persons discharged from military service and certain other persons", which defines the conditions, norms and procedure of pension provision of military personnel.

It is submitted that, in addition to the corresponding salaries by position, military (special) rank (for members of the rank and file and senior staff of civil defense bodies and units, a monthly allowance for a special rank) and a percentage allowance for years of service, monthly additional types of financial support are also taken into account for military personnel. (allowances, extra payments, increases) and bonuses provided for by the Resolution of the Cabinet of Ministers of Ukraine dated 30.08.2017 No. 704 "On the financial support of military personnel, rank-and-file and senior officers, and certain other persons", at a time when for persons released before this date, only three of its components.

Pensions are subject to recalculation in connection with the increase in the financial support of the relevant categories of servicemen.
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ПУБЛІЧНЕ УПРАВЛІННЯ В СФЕРІ ПЕНСІЙНОГО ЗАБЕЗПЕЧЕННЯ ВІЙСЬКОВОСЛУЖБОВЦІВ В УКРАЇНІ

Анотація. У статті зазначено, що виплата пенсії не припиняється у випадку призову на військову службу під час часткової чи загальної мобілізації, на особливий період до Збройних сил України, інших утворених відповідно до Законів України військових формувань, органів та підрозділів цивільного захисту. Враховуючи розміри проаналізованих середніх пенсійних виплат військовослужбовцям, можна дійти висновку, що солідарний рівень пенсійної системи не забезпечує гідного рівня життя даний категорії пенсіонерів.

Зазначено, що однією з важливих складових соціального забезпечення військовослужбовців та членів їх сімей виступає пенсійне забезпечення, яке повинно гарантувати їм гідний рівень життя у разі досягнення ними вислуги років, настанні інвалідності або у разі втрати годувальника членами їхніх сімей.

Розкрито, що пенсійне забезпечення осіб, звільнених з військової служби, та деяких інших осіб здійснюється відповідно до Закону України «Про пенсійне забезпечення осіб, звільнених з військової служби, та деяких інших осіб», яким визначені умови, норми і порядок пенсійного забезпечення військовослужбовців.

Представлено, що військовослужбовцям для розрахунку пенсії крім відповідних окладів за посадою, військовим (спеціальним) званням (для осіб рядового і начальницького складу органів і підрозділів цивільного захисту щомісячної надбавки за спеціальне звання) та відсоткової надбавки за вислугу років, враховуються також щомісячні додаткові види грошового забезпечення (надбавки, доплати, підвищення) та премії, передбачені постановою Кабінету Міністрів України від 30.08.2017 № 704 «Про грошове забезпечення військовослужбовців, осіб рядового і начальницького складу та деяких інших
Problem statement. The terms, amounts and procedure for pension provision for persons discharged from military service and certain other persons are determined by the Law of Ukraine "On pension provision for persons discharged from military service and certain other persons" dated April 9, 1992 No. 2262-XII [1].

Analysis of recent research and publications. The pension provision of military personnel in the context of public administration in Ukraine is regulated by the following resolutions: Law of Ukraine "On Pension Provision of Persons Discharged from Military Service and Certain Other Persons"; Law of Ukraine "On mandatory state pension insurance"; Law of Ukraine "On the status of war veterans, guarantees of their social protection"; Resolution of the Cabinet of Ministers of Ukraine dated December 24, 2019 No. 1088 "Some issues of pension payments to certain categories of citizens; Decree of the Cabinet of Ministers of Ukraine of August 30, 2017 No. 704 "On financial support of military personnel, rank-and-file and senior officers, and certain other persons"; Resolution of the Cabinet of Ministers of Ukraine dated December 28, 2011 No. 1381 "On increasing the level of social protection of the most vulnerable population"; Resolution of the Cabinet of Ministers of Ukraine dated February 16, 2022 No. 118 "On Indexation of Pensions and Measures to Increase the Level of Social Protection of the Most Vulnerable Population in 2022" [1-4].

The purpose of the article is to substantiate the peculiarities of public administration in the field of pension provision of military personnel in Ukraine.

Presenting main material. The types of pension support include the following payments: for years of service, for disability, in case of loss of a breadwinner.

According to the Law of Ukraine "On Mandatory State Pension Insurance" and other normative legal acts of Ukraine, adopted in accordance with these laws, pension insurance is provided to persons from the ranks of military personnel (except conscripts) of private, sergeant, senior and officer ranks, to persons who have the right to a pension under this Law if they have served in the military service, service in internal affairs bodies, the National Police and senior management positions in the National Anti-Corruption Bureau of Ukraine, the Judicial Security Service and in the State Fire Guard, service in the State in the special
communications and information protection service of Ukraine, in the bodies and divisions of civil protection, tax police, the Bureau of Economic Security of Ukraine, the State Criminal Enforcement Service of Ukraine have the right to a lifetime pension for years of service [1].

According to the terms of appointment, the pension provision applies to the following services [2, 3]:

1. Long-term pensions.
   1.1. After leaving the service, regardless of age, with calendar service of 25 years or more.
   1.2. Upon reaching the age of 45 on the day of release from service, with 25 years or more of insurance experience, of which at least 12 years and 6 months are service in the security forces.

2. Disability pensions.
   After discharge from service, regardless of age and length of service, if the disability occurred during the period of service or no later than three months after discharge from service, or if disability occurred later than three months after discharge from service, but due to illness (injuries, wounds, contusions, mutilations, etc.), which occurred during military service.

   Assigned to disabled members of families of dead, deceased or missing servicemen, if the breadwinner died during the period of service or no later than 3 months after discharge from service or later, but as a result of injury, contusion, mutilation or illness received during the period of service services, and to the families of pensioners, if the breadwinner died during the period of receiving the pension or no later than 5 years after the termination of its payment [1, 3, 4].

Pensions are calculated as a percentage of the amount of monetary support, taking into account the corresponding salaries by position, military (special) rank, percentage allowance for years of service, monthly additional types of monetary support (allowances, additional payments, increases) and bonuses in the amounts established by the legislation from which it was a single contribution to mandatory state social insurance was paid, and until January 1, 2011 – insurance contributions to mandatory state pension insurance, in accordance with the procedure established by the Cabinet of Ministers of Ukraine (Article 43) [1, 2].

Pursuant to Article 13 of the Law of Ukraine "On pension provision of persons discharged from military service and certain other persons" the following amounts of monetary provision are provided (Table 1).
### Table 1

<table>
<thead>
<tr>
<th>№</th>
<th>Category of servicemen</th>
<th>Amount of financial support</th>
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<tbody>
<tr>
<td>1</td>
<td>Military servicemen, retired due to age or health</td>
<td>in the amount of 55% of the amount of financial support + 3% of financial support for each year over 20 years of service</td>
</tr>
<tr>
<td>2</td>
<td>Regular servicemen and contract servicemen with 20 or more years of service</td>
<td>in the amount of 50% of the amount of financial support</td>
</tr>
<tr>
<td>3</td>
<td>Military servicemen of overtime service and military service under contract, who have insurance experience of 25 years or more, of which at least 12 years and 6 months are military service, service in internal affairs bodies, state fire protection, the State Service for Special Communications and Information Protection of Ukraine, civil defense bodies and units, tax police or the State Criminal Enforcement Service</td>
<td>in the amount of 50% of the amount of financial support for 25 years of insurance experience and an additional 1% for each year of insurance experience over 25 years</td>
</tr>
<tr>
<td>4</td>
<td>Conscripts of overtime service and military service under contract, who are released from military service in connection with the reform of the Armed Forces of Ukraine</td>
<td>in the amount of 50% of the amount of financial support for 20 years of service and additionally 3% of the amount of financial support for each full year over 20 years, but not more than 65% of the amount of financial support</td>
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</table>

The maximum amount of the pension for years of service should not exceed 70% of the corresponding sums of monetary support, and for persons who, during their service, participated in the liquidation of the consequences of the accident at the Chornobyl NPP and are classified in category 1, 100% of the sums of monetary support, in category 2, – 95% of the amount of monetary support [1, 3].

From January 1, 2020, the payment of pensions appointed in accordance with the Law of Ukraine "On Pensions of Persons Discharged from Military Service and Certain Other Persons" until March 1, 2018 (except for pensions to senior and rank-and-file members of internal affairs bodies (police) and police officers) and listed from January 1, 2018, taking into account the amount of salary by position, military (special) rank, percentage allowance for years of service in the corresponding or similar position, which the person held on the date of dismissal from service (on the date of the business trip to state authorities, local self-government bodies or to the bodies formed by them, to enterprises, institutions, organizations, institutions of higher education), determined as of March 1, 2018 in accordance with the Resolution of the Cabinet of Ministers of Ukraine dated August 30, 2017 N 704 " On the monetary support of military personnel, members of the rank and file and some other persons", is carried out in an increased amount, taking into account 100 percent of the amount of the pension increase determined as of March 1, 2018. [2, 3].
From January 1, 2020, senior and rank-and-file members of internal affairs bodies are paid a pension, which, since January 1, 2016, has been transferred from the amount of financial support for the equivalent position of a police officer (taking into account supplements to the previous pension amount, increases, indexation and other supplements to the pension), established by law (except for increases, additional pension, targeted cash assistance, pension for special services to Ukraine, which are defined by law), and 100 percent of the difference between the monthly amount of the increased pension, calculated from January 1, 2016, and the monthly amount is paid out every month of the pension received by the person for the period from January 1, 2016 to December 31, 2017, until the full payment of the calculated difference is ensured [2, 3].

Minimum pension payments to war veterans (taking into account allowances, increases, additional pensions, targeted cash assistance, indexation amounts and other pension supplements, except for pensions for special services to Ukraine) [1, 2]:

1. Participants in hostilities: 165% of the subsistence minimum for persons who have lost their ability to work;
2. Persons with disabilities due to war:
   - Group I 285% of the subsistence minimum for persons who have lost work capacity;
   - Group II – 255% of the subsistence minimum for persons who have lost their ability to work;
   - Group III – 225% of the subsistence minimum for persons who have lost their ability to work.
3. Pensions to military personnel are assigned and paid after their release from service.

Payment of the pension is not suspended in the case of conscription for military service during partial or general mobilization, for a special period to the Armed Forces of Ukraine, other military formations, bodies and units of civil defense formed in accordance with the Laws of Ukraine [1, 2, 4].

Upon the next dismissal of these persons, the pension is recalculated taking into account the total years of service on the day of the last dismissal. At the request of persons discharged from military service, other persons entitled to a pension under the Law, and members of their families, they may be granted a pension under the conditions provided for by the Law of Ukraine "On Mandatory State Pension Insurance" (early retirement pension upon reaching men are 55 years old and have at least 25 years of insurance experience, and when women reach 50 years of age and have at least 20 years of insurance experience) [2, 3].

At the same time, for the calculation of pensions, all types of financial support received by the specified persons before leaving the service are taken into account.

The amount of financial support, which is taken into account when calculating the pension, consists of accruals depending on the position, rank, years of service.
Pensions for years of service are increased in accordance with the Law of Ukraine "On the status of war veterans, guarantees of their social protection" [1, 3]:

- *participants in hostilities* - by 25% of the subsistence minimum for persons who have lost their ability to work;

- *persons with disabilities* due to war:
  - Group I - by 50% of the subsistence minimum for persons who have lost their ability to work;
  - Group II - 40% of the subsistence minimum for persons who have lost their ability to work;
  - Group III - by 30% of the subsistence minimum for persons who have lost their ability to work;

- *participants in the war* - by 10% of the living wage for persons who have lost their ability to work;

- *to family members of fallen servicemen* - by 25% of the subsistence minimum for persons who have lost their ability to work, to family members of servicemen who died or died as a result of injury, contusion or mutilation during the defense of the Motherland or as a result of an illness related to being at the front or received in period of military service [2, 3]:
  - by 10% of the subsistence minimum for persons who have lost their ability to work,
  - to the wives (husbands) of deceased participants in war and hostilities, recognized during their lifetime as persons with disabilities from a general illness, occupational disability, and for other reasons, who did not remarry.

Pensions are subject to recalculation in connection with the increase in the financial support of the relevant categories of servicemen, under the conditions, in the order and in the amounts stipulated by the Cabinet of Ministers of Ukraine (part four of Article 63) [1, 4].

The maximum amount of a military pension from July 2022 is UAH 20,270. Pension benefits claimed by military personnel do not provide decent benefits, which, in turn, does not popularize this type of profession, the relevance of which is extremely important, as evidenced by today's conditions. The wage replacement rate of military personnel in 2022 was about 20%, while in the economically developed countries of the world this indicator can reach 70%. The average pension of military personnel in Ukraine in 2022 was approximately equal to UAH 8,500, while according to scientists, an adequate pension should be an average of UAH 22,000 per month. This confirms the relevance of researching the level of pension provision for military personnel in the context of analyzing the dynamics of changes in the size of the provided pension payments. After all, today, in the conditions of the aging
of the population and the socio-economic crisis, the pension provision of military personnel and their family members is unable to provide this category of the population with a sufficient level of payments [2, 3].

Conclusion. The state guarantees decent pension provision for persons who are entitled to a pension according to the Law of Ukraine, by establishing pensions for them not lower than the subsistence minimum determined by law, recalculating the assigned pensions in connection with an increase in the level of financial support, providing state social guarantees provided for by the law, applying at the state level, measures aimed at their social protection.

References:


Література:

