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LEGAL REGULATION OF SOCIAL PROTECTION FOR MILITARY PERSONNEL IN UKRAINE

Abstract. The article examines the legal framework for the social protection of military personnel in Ukraine. The research aims to explore the mechanisms of legal regulation that ensure the social welfare of military personnel and their families in the context of modern challenges, including armed aggression. The study employs general scientific methods of cognition, such as analysis, synthesis, comparison, and systematization. The findings reveal that the legal regulation of social protection for military personnel in Ukraine is based on constitutional guarantees and is supported by a comprehensive system of legislative acts. The principal normative document is the Law "On Social and Legal Protection of Servicemen and Members of Their Families," which outlines the scope of rights, benefits, and compensations for military personnel and their families, considering the specific nature of their service. State institutions, including the President, the Verkhovna Rada, the Cabinet of Ministers, and the Ministry of Defense, play a crucial role in ensuring and monitoring the observance of these rights. They are responsible for the development and implementation of social protection policies, which include mechanisms for providing housing, medical services, rehabilitation, and social reintegration for military personnel after their service. The judiciary ensures the legal protection of military rights, which is essential in safeguarding against violations. Civil society and the media play a significant role in raising awareness about the rights of military personnel and in advocating for their interests. The integration of international experience, particularly from NATO countries, shows potential for adapting effective social protection models to Ukrainian realities. This includes improving
mechanisms for housing provision, medical care, and rehabilitation services, which enhance the social status of military personnel. The practical significance of the study lies in providing recommendations for improving the legal regulation and social protection policies for military personnel in Ukraine, taking into account international experience and the specific needs of military personnel and their families.

**Keywords:** social protection, military personnel, legal regulation, legislation, Ukraine.

**Problem statement.** In the context of Russia's armed aggression against Ukraine, economic instability, and ongoing reforms aimed at transforming Ukraine into a European-style state, the issue of social protection for military personnel has become particularly significant. The right to social security for all Ukrainian citizens, including specific categories such as military personnel, is a fundamental human right guaranteed not only by the Constitution of Ukraine but also by international legal instruments ratified by the Verkhovna Rada of Ukraine.

Given the complexity and specificity of the social security mechanism, which is regulated by numerous legal acts, there is a need for a thorough analysis of the core principles embedded in these documents. It is crucial to examine how these principles are practically applied, especially in the context of military personnel exercising their right to social protection.

Moreover, considering the substantial attention that both scholars and practitioners devote to this issue, it is essential to scrutinize the legal framework and operational mechanisms of the social protection system for military personnel in detail [1].

**Analysis of recent scientific research and publications.** The issue of the legal regulation of social protection for military personnel in Ukraine is extensively studied in domestic scientific literature. Many authors focus on various aspects of social protection for military personnel, ranging from the legal foundations to the specific problems faced by military personnel and their families in daily life. Significant contributions to this field include works by A. Beykun and A. Klachko [1], who emphasize the legal framework supporting social protection for military personnel. Their analysis covers both existing legislative acts and the challenges encountered during their implementation. L. I. Mazurenko [2] examines the core principles of state policy in the area of social protection for military personnel, highlighting that effective legal support is fundamental to successful social protection. This work addresses a wide range of issues, including legal guarantees and the mechanisms for their implementation, which are critical for ensuring adequate social protection for military personnel and their families. D. V. Makovsky [3] suggests improvements in the legal regulation of social guarantees for the personnel of the State Service of Special Communication and Information Protection. This
research identifies the specific needs of this category of military personnel, requiring particular attention in the legal framework. V. S. Pavlenko [5] focuses on the international legal aspects of protecting the rights of military personnel and their families, emphasizing the need to integrate international standards into national legislation. This underscores the importance of aligning Ukrainian law with international norms to ensure proper levels of social protection. V. Y. Pashynsky, L. P. Medvid, and B. M. Shamray [6] analyze the legal status and social protection of military personnel, defining key concepts and legal aspects of their social security. They highlight the necessity for clear legal regulation and proper enforcement of existing legislative norms to guarantee the social rights of military personnel. R. S. Pinchuk and O. P. Pysmenna [7] view the enhancement of social and legal protection for the Armed Forces of Ukraine's military personnel as a crucial factor in forming a professional army. O. P. Sainetsky [8] explores the content and characteristics of social security for military personnel as a legal phenomenon, stressing its unique features and importance for social stability.

A. O. Sydorenko [9] draws attention to the social protection of military families in Ukraine, analyzing existing problems and potential solutions. V. M. Tsyhanok [10] examines the current state of Ukrainian legislation on social protection for military personnel and their families, highlighting the need for further refinement of legislative acts in this area.

For this research, normative legal documentation regulating the study's topics was used. Despite a considerable amount of literature on this subject, there is a noticeable lack of systematic material that comprehensively covers all aspects of social protection for military personnel. Therefore, using various scientific methods, the information presented in light of the research topic was analyzed, categorized, and systematized. The aim of the article is to investigate the mechanisms of legal regulation that ensure the social protection of military personnel and their families in the context of modern challenges, particularly the armed aggression by Russia against Ukraine.

Research results. Constitutional foundations and legislative acts. Ukraine has a robust system of legal acts that regulate the social and legal protection of military personnel, ensuring their constitutional rights and freedoms. According to Article 17 of the Constitution of Ukraine, the state is obligated to provide social protection for its citizens serving in the Armed Forces of Ukraine and other military formations, as well as their families. These constitutional provisions form the basis for all legislative acts concerning the social protection of military personnel. These acts possess the highest legal authority, and all other laws must conform to the Constitution, ensuring the protection of rights and freedoms, including the social protection of military personnel.
The principal document defining the social and legal protection of military personnel and their families is the Law of Ukraine "On Social and Legal Protection of Servicemen and Members of Their Families" dated December 20, 1991, No. 2011-XII. This law establishes a system of legal and social guarantees that ensure the realization of their constitutional rights and freedoms and meet their material and spiritual needs. It provides protection in cases of total or partial loss of working capacity, loss of a breadwinner, unemployment due to uncontrollable reasons, old age, and other circumstances defined by the law [4].

Social protection for military personnel, as outlined in this law, aims to provide for them and their families, compensating for the restrictions and unique conditions associated with their service. The law also grants military personnel and their families benefits, guarantees, and compensations that are established for Ukrainian citizens by other laws, legal acts, and decisions of local authorities. If military personnel are entitled to the same benefits, guarantees, or compensations for multiple reasons, they may choose one option unless otherwise stipulated by law [10].

Key provisions of this law include:

- Clear legislative definition of rights limitations: The law specifies the limitations on the rights of military personnel, considering the peculiarities of their service. This includes setting the boundaries and conditions under which these limitations can be applied to ensure proper fulfillment of duties and maintenance of military discipline.

- Definition of benefits and compensations: The law regulates the provision of benefits and compensations for military personnel in connection with the restriction of their rights. These benefits and compensations take into account the state's economic capabilities and are clearly defined within the legal framework to avoid ambiguity and ensure social protection for military personnel.

- Targeted provision of benefits: The law ensures that benefits and compensations are provided directly to each military personnel or their family. This guarantees that the assistance is targeted and meets the specific needs of the recipients, promoting efficient and fair use of state resources.

- Guarantees and implementation mechanisms: The law outlines guarantees and mechanisms that ensure the realization of military personnel's rights. These mechanisms include legal procedures and administrative measures that enable military personnel to effectively protect their rights and receive the benefits and compensations due to them.

- Accountability for violations: The law establishes accountability for violations of military personnel's rights. This includes legal sanctions for individuals or organizations that breach the established rights and duties of military personnel, thereby ensuring the protection of their interests and maintaining law and order [4].

Based on this law, additional legal acts are developed that consider the service specifics of various categories of military personnel and the contemporary socio-
economic realities of the state's development. Implementing such mechanisms promotes real social protection for military personnel, which is a crucial element of military reform, supporting a modern professional army, and enhancing the readiness and combat capability of the Armed Forces of Ukraine [3].

**Social guarantees for war veterans.** The Law of Ukraine "On the Status of War Veterans and Guarantees of Their Social Protection" delineates the categories of individuals recognized as war veterans, combatants, and those with special merits to the state. This law establishes a comprehensive range of benefits and social protection guarantees for war veterans, individuals disabled due to war, and participants in the war, as well as other categories of citizens covered by its provisions. An important complementary legal act in this field is the Law of Ukraine "On the Status of War Veterans and Guarantees of Their Social Protection," which defines the scope of individuals who are war veterans, combatants, and those with special merits to the state. This law provides a broad spectrum of benefits and social protection guarantees for war veterans, persons with disabilities resulting from the war, and participants in the war, as well as other categories of citizens under its purview.

The main objectives of this law include:

- Creating favorable conditions for maintaining health and active longevity for veterans: The law focuses on providing supportive measures to promote the well-being and extended active life of veterans.
- Organizing social services and strengthening the material and technical base: The law ensures the organization of social services and the enhancement of the infrastructure of institutions and services that provide these benefits.
- Training specialists for necessary services: It emphasizes the preparation and qualification of specialists who can offer the required services to veterans.
- Implementing special programs for social and legal protection: The law outlines the execution of dedicated programs aimed at safeguarding the social and legal rights of war veterans.
- Providing labor benefits and advantages: According to their professional training and health condition, the law guarantees labor-related benefits and advantages.

Thus, the law ensures comprehensive support for war veterans, aimed at improving their social status and living conditions [5].

**The role of state bodies in ensuring social protection.** The state of Ukraine is the principal guarantor of the rights and freedoms of all citizens, including military personnel. According to the Constitution of Ukraine, the state is accountable for its actions to every individual and is obligated to ensure the protection and realization of their rights. This duty extends to citizens serving in the Armed Forces and other military formations. Article 17 of the Constitution underscores that the state guarantees the social protection of military personnel and their families [7].
The President of Ukraine, in his role as the Supreme Commander-in-Chief of the Armed Forces, plays a crucial role in ensuring the observance of the constitutional rights and freedoms of military personnel. Through his powers and available legal mechanisms, he provides social protection and support to the military.

The Verkhovna Rada of Ukraine exercises its legislative function by enacting laws that define the rights and freedoms of citizens, including military personnel, and guarantees their social protection. Specifically, the parliament oversees the observance of these rights through the office of the Commissioner for Human Rights, who specializes in the protection of military rights.

The Cabinet of Ministers of Ukraine and other executive bodies also play a significant role in safeguarding the rights of military personnel. According to the Constitution, the government ensures the implementation of laws and presidential acts and pursues policies in areas such as social protection, which include maintaining the combat readiness and equipping the Armed Forces.

The Ministry of Defense of Ukraine, as the primary executive authority in the defense sector, is responsible for executing state military policy and ensuring the socio-economic and legal guarantees for military personnel and their families. It also oversees the compliance with legislation within the Armed Forces.

Commanders play an essential role in guaranteeing the rights of military personnel, tasked with understanding the needs of their subordinates and ensuring their social and legal protection. Commanders are responsible for implementing these guarantees and supporting the personnel in resolving social issues.

The judicial system of Ukraine, including the Constitutional Court and general jurisdiction courts, protects the rights and freedoms of citizens. This protection extends to military personnel, who are entitled to judicial defense of their rights under Article 55 of the Constitution of Ukraine.

Civil society institutions, such as public organizations and the media, also play a vital role in protecting the rights of military personnel. The state recognizes the right of citizens to associate and supports their civic activities, which include advocating for the rights of military personnel.

Combat veterans and veterans of military service receive social protection under the laws of Ukraine "On the Status of War Veterans and Guarantees of Their Social Protection" and "On the Status of Military Service Veterans, Veterans of Internal Affairs Bodies, Veterans of the National Police, and Some Other Persons and Their Social Protection". These laws provide social guarantees for combatants and veterans [7].

Foreign experience and recommendations for improvement. The social protection systems for military personnel in NATO countries demonstrate high levels of social guarantees. These systems include special allowances from incentive funds for those serving in extreme or unique conditions. Some NATO countries offer
over 33 different types of such payments. These compensations cover unforeseen expenses such as job relocation or high living costs. Benefits for military personnel encompass free medical care, various types of insurance, and access to educational services. They also have access to specialized stores for food and industrial goods. Family members benefit from numerous social programs, including priority employment opportunities and housing provisions.

In Ukraine, however, there are shortcomings in the practical implementation of these guarantees, which often have a compensatory rather than a motivational character. Some laws remain largely declarative, and there is a lack of a systematic rehabilitation infrastructure for military personnel. Problems also arise in providing housing for military personnel, requiring more effective mechanisms.

Insufficient funding and legislative gaps lead to a low level of social protection for military personnel, undermining trust in the authorities. To improve this situation, it is essential to consider NATO countries' experiences and utilize non-budgetary funds to implement social protection programs [2].

**Social guarantees and issues in their implementation.** Social protection for military personnel in Ukraine includes providing benefits, guarantees, and compensations stipulated for Ukrainian citizens by other laws, legal acts, and decisions of local authorities. However, significant problems exist with the practical implementation of these guarantees. Inadequate funding and legislative deficiencies result in a low level of social protection for military personnel, eroding trust in the government [9].

**Housing for military personnel:** One of the most acute problems is the provision of housing for military personnel. Although there are legal acts that regulate the provision of service housing or compensation for housing, these measures often do not meet the real needs of military personnel. The lack of service housing and deficiencies in the compensation system exacerbate the social difficulties faced by military personnel and their families [7].

**Social protection for military family members:** A major issue in the social protection of military family members is the insufficient funding of programs aimed at restoring their health. The lack of adequate funding is linked to unmet promises regarding social protection, including medical care and sanatorium-resort treatment. The issue of medical care for both military personnel and their families is extremely pressing due to current events in Ukraine. Improving the social status of military family members requires enhancements in their social protection, including legislative amendments and other legal acts. This involves improving laws to strengthen the social protection of military family members and aligning the level of material support with legally established rights and freedoms [9].

Key issues that can be addressed at the legislative level include:
- The absence of clear criteria and timelines for military service, leading to psychological stress and uncertainty among military personnel.
The timeliness, adequacy, and fairness of material support and incentive payments are especially critical for those actively engaged in combat.

- Restrictions on leave, particularly for family reasons or childcare.
- Difficulties in discharging military personnel due to health conditions after sustaining injuries or illnesses during service.
- Insufficient legislative support and social protection for military personnel who have been released from captivity.
- Bureaucratic obstacles and deficiencies in discharge processes, which delay responses to military personnel's requests.
- Challenges with reintegration into civilian life, including employment and psychological adaptation for military personnel returning to civilian life.

The social protection issues faced by military personnel in Ukraine require a comprehensive approach that includes improving the legal framework, effective state governance, and the active role of civil society. Legislative regulation of social guarantees is foundational, but their actual implementation often encounters problems of inadequate funding, corruption, and bureaucratic hurdles. Developing the social protection system necessitates not only strengthening legal norms but also ensuring their proper enforcement through transparent control and accountability mechanisms. This requires considering both internal factors, such as the efficiency of state programs and support from local authorities, and the international experience of countries with high social standards. Only through the synergy of legal regulation and social responsibility can a decent level of social protection for military personnel be ensured, contributing to their well-being and enhancing the country's defense capability.

**Conclusions.** The legal regulation of social protection for military personnel in Ukraine is critically important in the context of armed aggression. This regulation is based on constitutional guarantees and a developed system of legislative acts, such as the Law "On Social and Legal Protection of Servicemen and Members of Their Families." These normative documents define the rights, benefits, and compensations aimed at meeting the needs of military personnel and their families, considering the specifics of their service. State bodies, including the President, the Verkhovna Rada, the Cabinet of Ministers, and the Ministry of Defense, play key roles in ensuring and monitoring the observance of these rights by implementing social protection policies. The judicial system provides legal protection for military rights, while civil society and the media raise awareness and advocate for their interests. Integrating international experience and effective management are crucial to overcoming problems related to funding and bureaucracy, ensuring the proper implementation of social guarantees.

The foreign experience, particularly from NATO countries, demonstrates effective social protection models that can be adapted to Ukrainian realities. It is
especially important to improve mechanisms for providing housing, medical care, and rehabilitation for military personnel and ensure their social reintegration after service. State bodies play a crucial role in protecting the rights of military personnel, but active participation from civil society is also needed to monitor and support these processes.

References: