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ANALYSIS OF THE STATE GOVERNANCE MECHANISM IN THE SPHERE OF SOCIAL PROTECTION FOR PARTICIPANTS OF THE ANTITERRORIST OPERATION IN THE EAST OF UKRAINE

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Abstract

This article contains a piece of scientific and theoretical analysis of social and legal relations in state governance in the sphere of social protection for participants of the Antiterrorist Operation (ATO) in the east of Ukraine. It considers specific elements of social protection for ATO participants and their family members as well as the structure of the state governance mechanism hereof. The paper also overviews and characterizes specific types of state governance mechanisms in the sphere of social protection for ATO participants. At the same time, the text demonstrates a scientific investigation into a comprehensive state governance mechanism in the sphere of social protection for participants of the Antiterrorist Operation (ATO) in the east of Ukraine and their family members.

Key words

social protection, state governance, comprehensive state governance mechanism, ATO participant.

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1. Background

Within the current conditions of Ukrainian social and political life as well as social-oriented state governance, study of state governance mechanisms remains of high relevance in both theoretical and practical spheres. Particularly, that reflects in state governance mechanisms in the sphere of social protection for specific population groups. This issue is of highest importance across the state during the so called “hybrid war” (Gorbulyan, 2016) determined on

the legal level as the “Antiterrorist Operation” (hereinafter referred to as “ATO”) (Про рішення Ради..., 2014).

The AR Crimea annexation and antiterrorist operation in the east of the country have made a sufficient impact on the national social and economic situation with “each single day of ATO amounting to approximately USD 5 million” (Statement by the President..., 2015). As a result, Ukraine has already lost approximately 1/5 of its economic capacity. Moreover, as of today, the state has 1.7 million of

internally displaced persons with their inflow to territorial communities all over the country causing additional pressure on both state and local budgets as well as social infrastructure (Crisis response..., 2016).

In the current situation, the issue of social protection for ATO participants and their family members takes the critical place in the system of social and humanitarian policy. The same relates to the study of organizational basics and relevant state governance mechanisms; the latter specifically considers those focused on establishing an efficient comprehensive state governance mechanism in the sphere of social security for ATO participants and their family members.

In accordance with the data presented by the State Service for Veterans and Participants of the Antiterrorist Operation, for today over 300 thousand people ever participated in ATO have acquired the "combat veteran" status, and their number keeps increasing progressively. Moreover, due to ATO participation, there are more 7,000 family members of those killed in action who acquired their related certificates, and approximately 5,000 being people suffering from various disabilities due to their participation in the military action (Звітність Державної служби України..., 2017).

The aforementioned categories of ATO participants and their family members are in dire need of appropriate care, rehabilitation activities, social and psychological adaptation and support provided by the state.

2. Analysis of basic studies and publications

Ukraine has been facing a drastic rise in theoretical surveys in the sphere of social policy and state governance issues, particularly, social protection for the public since its transition to competitive environment and market economy.

Various aspects of social protection in relevance to the current market situation have been investigated by such scientists as V. Bidak (Бідак, 2013), V. Novikov (Новіков, 2016), A. Grynenko and V. Kyrylyuk (2016) etc.

Sufficient efforts to contribute to development of the scientific idea of social protection and management in the aforementioned sphere for the current settings have been also made by the following leading scientists: V. Troshchynsky, V. Skurativ's'ky, M. Kravchenko (Трощинський et al., 2016), O. Petroie (Петроє, 2012) and others engaged in studying the essence, structure, status and issues in development of the social protection system and social security for population while disclosing theoretical and practical

aspects of social protection as a component of social policy and investigating into specifics of social protection for specific population groups.

In their own part, scientists also dedicate specific studies to state governance mechanisms. These elaborations are well reflected in the works of researchers such as V. Averyanov (Авер'янов et al., 1998), V. Knyazev, V. Bakumenko (Князев, Бакуменко, 2002), N. Nyzhnyk, O. Mashkov (Нижник, Машков, 1998). They specifically described the issues and components of the state governance mechanism structure, their types and various approaches to the definition of the "mechanisms" category.

Among those engaged in the topic, including the younger scientists considering various aspects of social protection for war veterans, issues and perspectives social security for serviceman/women, armed forces personnel and their family members, it's worth mentioning the works of I. Datsyuk (Дацюк, 2009), L. Sinyova (Синьова, 2013), V. Pashynsky, I. Svystilnyk (Пашинський, Свистільник, 2013), Y. Dmytrenko (Дмитренко, 2014), I. Avtushenko (Автушенко, 2016) and K. Zhydchenko (Жидченко, 2016).

Regardless of the fact that scientific literature has a compiled and valuable experience in the social protection sphere, specifically that relating to veterans, servicemen/women and their family members, the area of social protection for ATO participants in the east of Ukraine and their family members still lacks proper attention. Researchers in their works are keen to focus on the issues of social, psychological and medical recovery, further surveillance to prevent posttraumatic psychical disorders for ATO participants and servicemen/women spouses. These scientific ideas are demonstrated in the works of O. Topol' (Тополь, 2015), A. Maluha (Малюга, 2015), N. Storozhuk (Сторожук et al., 2016), Y. Shpylyov (Шпильовий, 2016).

The authors of this article assumed that combination of scientific and theoretical experience while researching state governance mechanisms and current state of affairs in the social protection sphere for ATO participants might be of high use for systematizing the vision and disclosure of the concept for the state governance mechanism in the sphere of social protection for ATO participants and their families, which, in its turn, boosts governance efficiency in the aforementioned field.

3. Body of the paper

General purpose of the paper is to disclose the specifics of the state governance mechanism in the sphere of social protection for ATO participants and

their families as well as to propose the ways for its improvement.

The Constitution of Ukraine, Article 46 (Конституція України, 1996) states that the citizens of Ukraine have the right to social protection, which includes the right to their security in case of partial or total loss of labor capacity, survivorship, unemployment due to non-controlled settings, retirement and other cases stated by the valid law. This right is guaranteed by the mandatory state social insurance at the cost of insurance fees of citizens, businesses, facilities and organizations as well as budgetary and other sources of social security; establishment of a network of state, community and private facilities for care over those incapable of working.

Retirement pensions and other types of social payments, being the major source of subsistence, are to secure a specific life level no lower than the minimum subsistence level set by the valid law (Конституція України, 1996).

Citizens' social protection is one of the major public functions as society always contains specific layers and social groups incapable of self-subsistence. This public function is of highest relevance for instable societies with constant complicated social, economic and political processes ongoing, political systems and forms of economic activities being changed (Трощинський et al., 2016).

Practical essence of the public social protection function is implemented via state governance mechanisms. The glossary on state governance

edited by V. Knyazev and V. Bakumenko defined the term "state governance mechanisms" as "practical means, measures, leverages and incentives used by state authorities for influencing society, production and any social system to reach the set goals". The comprehensive state governance mechanism is defined as "a system of political, economic, social, organizational and legal means of focused influence executed by state authorities" (Князев, Бакуменко, 2002, p. 116–117). According to R. Rudnytska, O. Sydoruchuk, O. Stelmakh (Рудницька, Сидорчук, 2005), the mechanism of state governance is an artificially developed comprehensive system aimed at reaching the set goals and regulated by specific legal norms; it has a certain structure, methods, means and tools of public impact.

Scientific literature also provides the definitions such as "organizational", "organizational and legal", "organizational and economic", "organizational and institutional" governance mechanisms.

Using the comprehensive approach, we may state that the state governance mechanism combines institutional, organizational, administrative and legal as well as financial and economic mechanisms hence being comprehensive in its core (Fig.1).

We are focusing our attention on a comprehensive mechanism worth defining and considering from the point of interrelations between state governance institutions. This is the mechanism where each and every institution has its own functional load and plays an important role in the sphere of

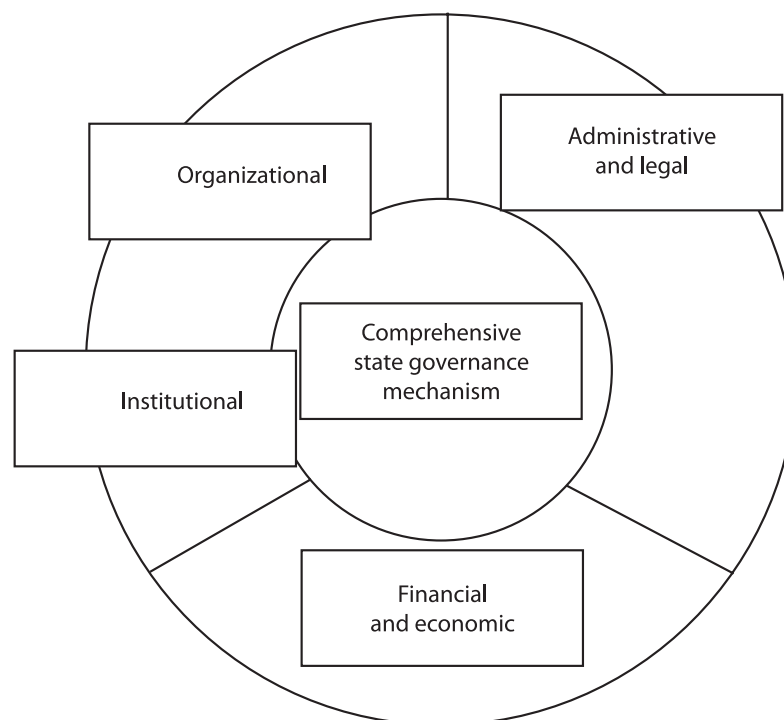


Fig. 1. Components of the "comprehensive state governance mechanism"

Source: own studies.

social protection for ATO participants and their family members, both separately and within the legal, institutional, organizational and economic relations with other bodies of the integrated "state governance" system.

Firstly, we should specify the legal mechanism, being one of the components of the comprehensive state governance mechanism of social protection for ATO participants, which is in need of studying and improvement. It showcases a list of laws and bylaws, Presidential Acts, Cabinet decrees and orders, regulation documents of local executive bodies, etc.

Among the major statutory acts valid in Ukraine, it is worth mentioning the Constitution of Ukraine (Конституція України, 1998), the Laws of Ukraine "On status of war veterans and guarantees for their social protection" (Про статус ветеранів війни..., 1993), "On social and legal protection for servicemen/women and their family members" (Про соціальний і правовий захист..., 1991), "On improvement of welfare for participants of military actions and disabled war veterans" (Про поліпшення матеріального становища..., 2004); Act of the President of Ukraine "On the decision made by the National Security and Defense Council of Ukraine as of 18 February 2015 "On measures related to development of an appropriate material and technical facilities for treatment, recovery and rehabilitation of servicemen/women and other persons who took a direct part in the Antiterrorist Operation and its support as well as military action participants and disabled veterans of war" (Про рішення Ради національної безпеки..., 2015); decrees of the Cabinet of Ministers of Ukraine "On approval of the Procedure for rewarding the status of disabled war veterans for persons with a disability caused by a combat injury, contusion or trauma caused by direct participation in the Antiterrorist Operation or support to its implementation" (Про затвердження Порядку надання статусу..., 2015) and as well as the Cabinet Order "On approval of the action plan related to medical, psychological and professional recovery as well as social rehabilitation of Antiterrorist Operation participants" (Про затвердження плану заходів..., 2015), regulations of local executive bodies and local self-governing bodies.

While basing on scientific approaches, we may consider state bodies with their functions and authorities an institutional mechanism in policy-making for social protection and support to ATO veterans and their families, with a specific role of the President as a guarantor of the Constitution. In December 2016, the President signed the Act "On the Presidential Commissioner on recovery issues for Antiterrorist Operation participants suffering from a combat

injury, contusion, trauma or any other disorder afflicted during his/her participation in the Antiterrorist Operation" (Про Уповноваженого Президента України..., 2016) hence setting a milestone for another important institution on social protection issues for the specified category of citizens.

The role of the Parliament and its related Committees, specifically, the Committee on the issues of veterans, combat action participants, Antiterrorist Operation participants and people with disabilities as well as the Committee on social issues, employment and retirement pension benefits is of paramount importance for legal and legislative activities as well as development of a social protection policy and related monetary, retirement, employment, rehabilitation, treatment and recovery, social and psychological adaptation, education and retraining for ATO participants.

The role of the Cabinet of Ministers of Ukraine and its subordinate central executive bodies (i.e., profiled ministries and agencies) should be specified separately. Particularly, the Ministry of Social Policy with the Department on ATO Veterans and Participants in its structure implements the policy of social protection for the aforementioned categories of citizens as well as their family members through its regional networks of Centers for Social and Psychological Recovery (CSPR), recovery centers for the disabled, sanatorium and resort facilities and centers for family, children and youth issues.

Through the Minister of Social Policy, the activities of the State Service for Veterans and Participants of the Antiterrorist Operation, State Service of Labor and State Employment Service of Ukraine are also coordinated. The latter services ensure protection of ATO participants' and their family members' rights within the frames of their authority. The role of the Ministry of Health are also of highest importance since it organizes related activities on ensuring treatment and recovery for wounded ATO participants at medical facilities within the frames of the valid law and in cooperation with its appropriated territorial units.

Soldiers, servicemen/women of the Armed Forces of Ukraine and ATO participants are in direct or indirect dependence on activities of law enforcement agencies they had their service at, specifically: the Ministry of Defense of Ukraine, Ministry of Internal Affairs, National Guard of Ukraine, Security Service of Ukraine, Foreign Intelligence Service of Ukraine, State Border Guard Service of Ukraine, Prosecutor General's and Military Prosecutor's Office of Ukraine, Department of State Guard of Ukraine, State Service of Special Communication and Information

Protection of Ukraine, State Emergency Service of Ukraine and State Penitentiary Service of Ukraine.

The elements of the institutional state governance mechanism, in our opinion, should also include the institution of the family, scientific and research facilities, territorial communities, local self-governing bodies, community associations and unions, political parties, religious organizations, representatives of economically active and socially responsible enterprises as well as international non-governmental organizations.

Another special part is played by non-governmental organizations of veterans and peer support groups working in accordance with the “peer-to-peer” principle and in coordination with state authorities to form an efficient interaction model (Fig. 2).

The organizational state governance mechanism in scholarly literature N. Nyzhnyk, O. Mashkov (Нижник, Машков, 1998) are integrated and linked with the legal and institutional ones by a number of authors since they have similar historically formed traits.

In our opinion, the organizational state governance mechanism is introduced by implementing state governance functions, specifically: planning, organization, motivation, control, and it is closely related to the legal and institutional state governance mechanisms, which, in its turn, proves the necessity for a comprehensive approach to determination of a state governance mechanism.

Regarding the economic state governance mechanism, according to its definition provided by the Encyclopedic Dictionary of State Governance, “Economic mechanisms are a set of financial and economic management methods, tools and incentives through which a state regulates economic processes

and ensures implementation of social and economic functions. Economic mechanisms are based on basic functions and principles of economic policy and focused on achieving a set goal as well as solutions for development contradictions” (Савостенко, Поньра, 2010, p. 421–422).

J. Zavadsky (Завадський, 1992) defined the economic mechanism as an element of the business one including economic incentives (state economic incentives for production, tax exemptions, subsidized production and financial incentives for labor) and leverages (planning, cost accounting, financing, settings for product sales, production and technical maintenance, economic conditions, various limitations, product cost, production profitability).

In practice, the economic state governance mechanism in the sphere of social protection for ATO participants is closely linked to the general macroeconomic situation across the country, GDP values, inflation processes and state budget revenues, and it is implemented through the approval of the Law on the State Budget of Ukraine for the current year as well as implementation of related budgetary programs are directed on the care and psychological recovery for affected participants of the Antiterrorist Operation, on social and professional adaptation for participants of the Antiterrorist Operation and others.

4. Conclusions and proposals

During the study, the concept and contents of the “social protection” and “state governance mechanism” terms have been determined, and the specifics of the comprehensive state governance mechanism



Fig. 2. Efficient interaction scheme

Source: own studies.

in the sphere of social protection for ATO participants and their families have been researched.

Basing on the scientific and research literature research, we can conclude that the issues of social protection for participants of the Antiterrorist Operation in the east of Ukraine remain under-studied or fragmentarily researched.

Social protection for population is a public function implemented through the use of state governance mechanism – a multi-aspect phenomenon of complicated structure and contents, and in the process of its impact on a governance subject, it is implemented through the use of norms, methods, standards and leverages.

This way or another, the practice of use and implementation of specific mechanisms requires constant development and improvement of the latter. As of now, there is a dire need in advanced and innovative approaches to state governance in the sphere of social protection for ATO participants and their family members. This can be achieved through the study of best world practice in the sphere of social protection for war veterans from the countries with specific experience in internal armed conflicts that have related elaborations.

Having analyzed the state governance mechanism for social protection of ATO participants, we may conclude that while taking into account various approaches to the term of the “state governance mechanism”, in practice, this mechanism combines all the aforementioned types with their links and functions being comprehensive in its core.

It is worth mentioning that the issue of capacity building for officials from state institutions engaged in development and implementation of the related policy as well as influencing the state governance mechanisms in the sphere of social protection for ATO participants and their family members keeps its high relevance.

Public involvement in the process of implementation of various initiatives in this sphere of work, holding consulting sessions, discussions, inclusion of public representatives into consulting and advisory boards of related ministries and departments in order to ensure feedback are also of paramount significance.

In our opinion, the positive effect may be ensured by involving servicemen/women demobilized from the Armed Forces of Ukraine into the management process for social protection of ATP participants and their family members.

Also, amongst the innovative approaches to solutions of current issues, threats and challenges related to social protection of ATO participants and their family members, we should specifically focus

on advanced information technologies, automated management systems, integrated personal databases for those with the right specific benefits, which will provide the state with an appropriate social and economic effect while allowing to allocate state finances more efficiently and improving the targeting for the benefits.

References

- Gorbulyan V., 2016, The transformational potential of the hybrid world: challenges for Ukraine, *Strategic panorama*, 2, 3–9.
- Grynenko A.M., Kyrylyuk V.V., 2016, The impact of social policy on social cohesion, *Social and Labour relations: theory and practice*, 2, 130–135.
- Crisis response in Eastern Ukraine*, 2016, <http://mtot.gov.ua/tag/mom/> [14.11.2017].
- Statement by the President of Ukraine at the UN Sustainable Development Summit*, 2015, <http://www.president.gov.ua/news/vistup-prezidenta-ukrayini-na-samiti-z-prijnyattya-cilej-sta-36032> [14.11.2017].
- Авер'янов В.Б., Шаповал В.М., Нижник Н.Р., 1998, *Державне управління: теорія і практика*, Юрінком – Інтер, Київ.
- Автушенко І., 2016, Соціальний захист військовослужбовців миротворчих контингентів Збройних Сил України (1992–2011 рр.), *Етнічна історія народів Європи*, 48, 116–121.
- Бідак В., 2013, Доцільні механізми регулювання соціального захисту населення, *Фінансовий консультант*, 21, 23–26.
- Дацюк І.П., 2009, Створення механізму соціального захисту військовослужбовців на основі принципів суспільної взаємодії, *Актуальні проблеми державного управління*, 2, 268–276.
- Дмитренко Ю.П., 2014, Проблеми соціального захисту співробітників військових формувань у контексті запровадження в Україні європейських стандартів у цій сфері, *Бюлетень Міністерства юстиції України*, 3, 115–122.
- Жидченко К.П., 2016, Одноразова грошова допомога як елемент соціального захисту військовослужбовців Збройних Сил України, *Науковий вісник Ужгородського національного університету (серія «Право»)*, 38(1), 148–151.
- Завадський Й. С., 1992, *Управління сільськогосподарським виробництвом у системі АПК*, Вища школа, Київ.
- Звітність Державної служби України у справах ветеранів війни та учасників антитерористичної операції*, <http://dsvv.gov.ua/pro-derzhavnu-sluzhbu/orhanizatsijno-planova-robotu/zvitnist.html> [01.10.2017].
- Князев В.М., Бакуменко В.Д., 2002, *Державне управління: словник – довідник*, УАДУ, Київ.
- Конституція України*, 1996, Закон України від 28.06.1996 № 254к/96-ВР, <http://zakon4.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80> [14.11.2017].
- Малюга А.В., 2015, Шляхи прогнозування подальшого службового використання військовослужбовців, які

- отримали поранення під час проведення антитерористичної операції, *Наука і техніка Повітряних Сил Збройних Сил України*, 1, 175–177.
- Нижник Н.Р., Машков О.А., 1998, *Системний підхід в організації державного управління*, УАДУ, Київ.
- Новіков В.М., 2016, Інституціональні механізми реалізації соціального потенціалу децентралізації, *Демографія та соціальна економіка*, Київ, 3, 70–82.
- Пашинський В.Й., Свистільник І.А., 2013, Правове регулювання соціального і правового захисту військовослужбовців в Україні, *Юридична наука*, 6, 102–110.
- Петроє О. М., 2012, *Соціальний діалог у державному управлінні: європейський досвід та українські реалії*, НАДУ, Київ.
- Про затвердження плану заходів щодо медичної, психологічної, професійної реабілітації та соціальної адаптації учасників антитерористичної операції: розпорядження Кабінету Міністрів України від 31.03.2015 року №359-р*, 2015, <http://zakon4.rada.gov.ua/laws/show/359-2015-%D1%80> [14.11.2017].
- Про затвердження Порядку надання статусу інваліда війни особам, які отримали інвалідність внаслідок поранення, контузії або каліцтва, одержаних під час безпосередньої участі в антитерористичній операції, забезпеченні її проведення: постанова Кабінету Міністрів України від 08.09.2015 № 685 (зі змінами і доповненнями від 16.05.2017)*, 2017, <http://zakon3.rada.gov.ua/laws/show/685-2015-%D0%BF> [14.11.2017].
- Про поліпшення матеріального становища учасників бойових дій та інвалідів війни, 2004: Закон від 16.03.2004 № 1603-IV (зі змінами і доповненнями від 01.01.2005)*, 2005, <http://zakon4.rada.gov.ua/laws/show/1603-15> [14.11.2017].
- Про рішення Ради національної безпеки і оборони України від 13 квітня 2014 року «Про невідкладні заходи щодо подолання терористичної загрози і збереження територіальної цілісності України»*. Указ Президента України від 14.04.2014 №405/2014, 2014, <http://zakon4.rada.gov.ua/laws/show/405/2014> [14.11.2017].
- Про рішення Ради національної безпеки і оборони України від 18 лютого 2015 року «Про заходи щодо створення належної матеріально-технічної бази для лікування, реабілітації та оздоровлення військовослужбовців та інших осіб, які брали безпосередню участь в антитерористичній операції, забезпеченні її проведення, а також учасників бойових дій та інвалідів війни»*: Указ Президента України від 12.03.2015 № 140/2015, 2015, <http://zakon2.rada.gov.ua/laws/show/140/2015> [14.11.2017].
- Про соціальний і правовий захист військовослужбовців та членів їх сімей, 1991: Закон від 20.12.1991 № 2011-XII (зі змінами і доповненнями від 07.05.2017)*, 2017, <http://zakon4.rada.gov.ua/laws/show/2011-12> [14.11.2017].
- Про статус ветеранів війни, гарантії їх соціального захисту, 1993: Закон від 22.10.1993 №3551-XII (зі змінами і доповненнями від 01.07.2017)*, 2017, <http://zakon4.rada.gov.ua/laws/show/3551-12> [14.11.2017].
- Про Уповноваженого Президента України з питань реабілітації учасників антитерористичної операції, які одержали поранення, контузії, каліцтво або інше захворювання під час участі в антитерористичній операції: Указ Президента України від 01.12.2016 № 536/2016*, 2016, <http://zakon2.rada.gov.ua/laws/show/536/2016> [14.11.2017].
- Рудніцька Р.М., Сидорчук О.Г., 2005, Сутність та зміст механізмів державного управління та принципів їх функціонування, *Публічне управління: теорія та практика*, 4, 50–60.
- Савостенко Т.О., Попруга В.І., 2010, Механізми економічні, [ін:] Ю.П. Сурмін, Ю.В. Ковбасюк, В.П. Трошинський (eds.), *Енциклопедичний словник з державного управління*, Видавництво НАДУ, Київ, 421–422.
- Сіньова Л., 2013, До питання соціального захисту ветеранів війни та жертв нацизму в Україні, *Вісник Київського національного університету ім. Т. Шевченка, Юридичні науки*, 95, 74–77.
- Сторожук Н., Мась Н, Покотило В., 2016, Сучасний стан системи психологічної реабілітації учасників антитерористичної операції, *Вісник Київського національного університету ім. Т. Шевченка. Військово-спеціальні науки*, 1, 34–38.
- Тополь О.В., 2015, Соціально-психологічна реабілітація учасників антитерористичної операції, *Вісник Чернігівського національного педагогічного університету. Серія: Педагогічні науки*, 124, 230–233.
- Трошинський В.П., Скуратівський В.М., Кравченко М.В., 2016, *Соціальна і гуманітарна політика: підручник*, НАДУ, Київ.
- Шпильовий Я.В., 2016, Особливості соціальної підтримки у жінок з невротичними тривожно-депресивними розладами різного психогенезу (вимушених переселенців та дружин військовослужбовців – учасників антитерористичної операції), *Український вісник психоневрології*, 24(4), 102–104.