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CONTRIBUTION IN SOCIAL INSURANCE

Abstract

The article deals with financial law institutions from the space of public tributes. The author subjects the institutions of social security contribution, tax and fee to a legal analysis. He also examines the views of representatives of the doctrine of financial law by making a dogmatic analysis concerning these three types of tributes. It presents the various forms of their application, with the aim of understanding their nature in connection with the broader institutions of public law in which they are applied, being a way of raising the funds necessary for their proper functioning and fulfillment of their role. The goal is to determine whether they are substitutable in the proper performance of a public function, or alternatively whether they can have a form that is altered from that accepted in the doctrine, and whether this will also determine the nature of the larger institution of which they are an element.

Keywords: Contribution, tax, public charge, pension insurance; social security; insurance; public finances; budget, civic subjectivity, insurance triptych.

JEL Classification: H55; H60

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1. Introduction

One of the fundamental problems in the financial construction of pension security, especially the insurance model, is the relationship between the contribution and the resulting benefit, and the degree to which the system balances itself. The importance of the contribution to the operation of pension insurance and the evaluation of the social insurance system, cannot be overestimated. The existence of the relationship between the contribution and the benefit, or the existence of the pension contribution at all, or lack thereof, is a key element in determining the type of pension model, the type of social security, the principles of its operation, as well as the possible financial independence (or lack thereof), especially from the state budget, and thus the influence of current policies on the financial condition of the social security system.

One can even encounter the expression that the subjective nature of the insurance premium (often referred to as "contributory"), is a characteristic feature of pension insurance, indicating, among other things, the importance of this field of insurance relations.

According to W. Sanetra, the social insurance contribution includes both public-law and private-law elements. If one considers that one of the most important criteria for the division of law into public and private law is the type of interest protected by it (public or private), it would be difficult to assume that the insurance premium is mainly aimed at the public interest, when its primary justification is to provide benefits to members of a separate risk community, which argues for its private-law nature [Sanetra 2015: 30-31].

The form of payment of premiums and the entity that carries out the task of social security for citizens, are important, for their legal nature, as well as the form and nature of the security itself. Undoubtedly, they deserve to be studied, a comparison of these legal institutions with other potentially applicable ones, which is to be served by a comparative legal analysis, as well as a review of the doctrine, especially of financial law.

2. Contribution vs. tax

It should also be noted that certain features make an insurance premium similar to a tax. Among these can be mentioned the peremptory nature of the norms establishing the obligation to provide, also considered the essence of the social security system [Uścińska 2005: 36] (general nature, security by state compulsion, imposition of at least a minimum rate by a public law body, monetary nature). Further features that make the insurance premium similar to a tax are, for example, the forms of payment of pension insurance

premiums, as well as the special protection of the insured, even in the case of failure to pay premiums on time by the payer. Priority of payment of dues, for example, by entities in debt, bankruptcy, liquidation, etc., An additional element that makes the insurance premium similar to a tax is the mode and procedure for collecting premiums [Sowiński 2007: 635-659]

It is also possible to encounter opinions that, citing elements of practice, indicate the relationship of the social insurance (pension) contribution to other financial institutions, led by taxes, but also fees, and especially the relationship of money raised from contributions to the state budget. A separate issue is also the relation of the sum of funds raised from social (pension) insurance contributions, to the redistribution of benefits that result from them, or rather should result from them. E. Ruskowski draws attention, when describing budget revenues, to the special importance of social security contributions, even recognizing that for extra-budgetary funds they are of the greatest importance, among other sources of their income. He also points out that over the years the nature of social security contributions, as well as the rules for their payment, have undergone an interesting evolution in Poland, losing their increasingly fiscal character [Ruśkowski 1994: 259]. Social security contributions differ, more and more, from tax in the features of gratuity and reciprocity [Ruśkowski, Etel, Stankiewicz 1994].

The already mentioned relations between the contributions paid and the benefits paid, as well as the entities obliged to pay contributions, and the principles of redistribution of funds accumulated in the insurance fund indicate that the method of financing pension insurance should often be treated differently than indicated by its name or the theory describing (characterizing) it. This is due to the aforementioned criteria, as well as the principles of realization of cash flows, both between entities obliged to pay pension insurance premiums and those receiving pension benefits, and in a broader perspective of financial flows from the point of view of the principles of economics, or the state tax and budget system.

In presenting further considerations, the author takes into account the period in which the models of the social insurance or pension system were formulated, not so much presenting the current state of the law, but the potential possibilities for solutions to the way pension insurance is financed, and behind this and their legal nature and mutual relations in the system of public tributes.

For example, K. Ostrowski believes that the contributions collected from state-owned enterprises, despite being counted as costs, are in fact a component of their financial accumulation. Thus, the economic nature of contributions does not differ from the economic nature of the transfer of part of the financial accumulation to the budget system. And since

premiums cease to have an insurance character, they complicate the system of settlements between enterprises and the budget system unnecessarily, so they could be abandoned, increasing the formal financial accumulation of enterprises and transferring this increase to the budget system, in one of the forms used to transfer accumulation. In unincorporated business units that remain in the sphere of public finance, social security contributions are empty accounting transfers from the corresponding budget scales on the expenditure side to the corresponding scales on the revenue side. According to K. Ostrowski, abolishing insurance premiums in this regard would only eliminate unnecessary handling activities. On the other hand, in the non-public sphere, the collection of contributions is justified for the same reasons as the collection of other financial benefits from them to the state, although for the sake of simplification of the financial system, social insurance contributions could be abandoned, compensating for their abolition with a corresponding increase in the taxation of income earned by these entities [Ostrowski 1970: 189-190].

A similar view is expressed by J. Jaśkiewiczowa, claiming that the social insurance premium paid by the employer (partially or completely) is, on the one hand, in addition to wages, an additional expense of the employer for the employment of employees, and on the other hand, it is an indirect form of wages, just as tax depletes the amount of wages that employees receive. Insurance premiums paid by employers are, on a par with wages, an element of personnel costs [Jaśkiewiczowa 1990: 210].

According to J. Harasimowicz, social insurance contributions have the character of a tax due to the fact that social insurance expenditures do not depend on the total amount received from contributions, but are governed by regulations on the granting of pension and other benefits. This is the case when funds from contributions flow into the state budget, from which expenses for the payment of social security benefits are incurred, as well as when a separate fund outside the state budget is created from social security contributions [Harasimowicz 1988: 147].

When social insurance finances are included in the state budget, and the link between contributions and benefits disappears, insurance premiums paid by employers essentially become a tax on the wage fund [Wersalski 1984: 298-299].

It should be assumed that **the contribution in pension insurance is a universal monetary benefit of a compulsory, purposeful, payable and equivalent nature, as well as non-refundable, in the event of non-fulfillment** of certain conditions (non-existence of events stipulated by law that give rise to the obligation to fulfill the pension benefit). The feature of non-refundability is strongly emphasized by I. Jędrasik-Jankowska. She stresses that in

relation to the pension contribution paid to the Open Pension Fund this feature does not exist [Jędrasik-Jankowska 2001: 73]. She also extends the consideration of the contribution by succinctly characterizing each of the previously mentioned permanent elements defining the insurance contribution in the public sphere of social policy. Coerciveness, therefore, means that dues for contributions can be enforced in the manner appropriate to the collection of public fees and taxes. Intentionality implies the obligation to allocate funds derived from contributions exclusively for the payment of benefits. Chargeability implies a connection between the obligation to pay contributions and the right to benefits, the realization of which occurs when the legally prescribed events occur. However, if the event (risk) does not occur, the contribution is not refundable [Jędrasik-Jankowska 2006: 33].

Therefore, it can be considered, following K. Ślebzak, that the premium is the price that each person subject to the compulsion of insurance pays for its protection in the event of the occurrence of a certain social risk (incapacity for work, or more broadly, an accident at work, or occupational disease, illness and maternity, death of the breadwinner, or reaching retirement age) [Ślebzak 2013: 106-107].

It can be considered with some caution that the feature of non-refundability is one of the elements that distinguish private (economic) pension insurance from pension insurance that is part of the social insurance system. In Poland, for example, the so-called defined contribution solution was used in the first pillar. However, the recording of contributions paid to the Social Security Fund in the individual account of the insured does not mean their accumulation in this account. The money from the premiums flowing into the insurance fund is intended for the current financing of the pension benefits paid out [Jędrasik-Jankowska 1999: 24] In this form, therefore, there is no accumulation and investment of premiums and they are not owned by the insured, as in private pension insurance. Contributions in the first pillar are part of a pay-as-you-go system and are intended to pay current pensions. Which proves that the change in the way benefits are financed, from the defined contribution formula to the defined benefit formula, does not imply a departure from the pay-as-you-go nature of the insurance model, as evidenced by the way funds are raised to pay pension benefits, and in fact the way they are calculated, which is still done by means of accounting "procedures" rather than actual management of the accumulated funds of the insurance fund. Thus, it is impossible to agree with the statement that since the defined contribution system, in the entirety of the financial resources collected in the form of premiums, individualized and strictly defined the funds accumulated from it by each insured person, pay-as-you-go disappeared in this insurance model. The individualization of premiums through the so-called "individual accounts" of the insured is merely a formula, or one of the

criteria for enabling, on the one hand, the public operator to account to the insured, and on the other hand, to calculate the pension benefit due when the insured becomes entitled to it. The key issue, however, is the management of these funds by the public operator. In turn, it consists, in short, in the immediate transfer of the money paid by the active generation of pension insurance contributions to the pension benefits of the generation no longer active, which has acquired the right to pension benefits. Thus, we are dealing here with a classic example of pay-as-you-go, which, in the opinion of the author of the work, regardless of the propaganda and accounting treatments associated with the operation of these "individual pension accounts" definitely meets the criteria of even orthodox generational solidarity.

Important in these considerations is the relationship of contribution to benefit. K. Slebzak formulates a general rule, from which it follows that, on the one hand - the more solidarity, which in financial terms boils down to the payment of a contribution by an entity not entitled to any benefits in the event of the occurrence of certain social risks, the lower the tendency to justify the protection of the exparte right to benefits. On the other hand - the greater the individualization of risk, which is particularly the case in pension insurance, the greater the propensity for such protection [Ślebzak 2015: 215].

The problem, or rather, many problems arise when the funds collected from pension insurance contributions from the active generation are insufficient to cover the necessary expenses of paying pension benefits to the generation that has already acquired and is exercising its right to a pension benefit.

In a situation where the collection of contributions does not guarantee the purposeful use of the money collected through this route and does not involve the creation of entitlements to reciprocal benefits, the contribution loses the character of an institution of insurance law and resembles a tax [Social Security 1958: 112].

The pension contribution shows, as already mentioned, some features in common with a tax, especially those related to their monetary nature and the consequences of their universality, compulsory nature and mechanisms to secure their collectability and possible enforcement. However, differences between the two institutions can be identified. They differ in the clearly pecuniary and equivalent nature of a pension contribution and the clearly gratuitous and non-equivalent nature of a tax.

3. Contribution vs. charge

Treating contributions and taxes as institutions belonging to, broader in concept and in content, the institution of public finance, which is public tributes, one could extend the discussion of their similarities to a third institution of public finance and public tributes, of a similar nature to taxes in particular, which is public charges. Public charges, along with taxes, are subject to the general rules governing the establishment of public tributes in material [Zdebel 2010: 263] and formal terms – for charges also distinguish the object, subject, basis of assessment, rates, exclusions and exemptions, and conditions of payment [Gliniecka 2007: 32-43].

The most important criterion for distinguishing charges from taxes is the feature of reciprocity of benefits, also called equivalence. This is in contrast to the tax's feature of gratuitousness (non-equivalence). A charge, unlike a tax, presupposes that the obligated party for its monetary benefit will receive some specific benefit in return, which will be equivalent to the burden incurred. From an economic point of view, the principle of equivalence can be realized to varying degrees, which depend on how closely the amount of the charge is related to the actual cost of the public entity's reciprocal benefit [Gliniecka 2007: 15-16]. Equivalence does not occur in taxes, the feature of which is the absence of any, distinguishable in connection with the amount paid, reciprocal benefit from the public entity [Gliniecka 2007: 14].

Therefore, it can be concluded that against the background of the above characteristics, the premium is, through the causal connection associated with insurance risk, more similar to a public charge than to a tax, which is characterized by the absence of retribution (equivalence). Except for the cases mentioned above, when the design of the insurance system largely or completely "detaches", makes independent, the possible benefit from the premiums paid, or at least does not indicate the relationship between them, the premium approaches in its content to a tax.

Still remaining in this "triangle" of concepts of tribute law institutions, attention should also be paid to criteria complementary to the concept of equivalence or non-equivalence, such as the concept of individuality of the benefit, that is, "the possibility of individual assignment of an official act or service performed by a public law association to a specific subject" [Gliniecka 2007: 14]. This is possible in the case of both public fees and pension contributions, where a specific entity has an "individual pension account" and will ultimately receive a specific, individually calculated pension benefit. In contrast, in view of the feature of non-equivalence in the case of taxes, it is not possible to individualize possible actions on

the part of the public entity. The money derived from this public tribute, feeds into the state budget, through which public funds are redistributed for the performance of state tasks, to all its citizens in isolation from the sources of income of the budget and based on other criteria. Thus, even if a citizen receives certain benefits, the (indirect) source of financing of which is tax money, it is not possible to indicate a causal sequence between them, since other criteria serve the process of collecting public funds, and others for their redistribution.

It is also rightly noted by J. Gliniecka that charges as a rule, are associated with a lower financial burden than taxes [Gliniecka 2007: 191-192]. From a financial point of view, the purpose of a tax is to build up the budgetary resources of the state or local government unit for the implementation of their public tasks, while the purpose of a public charge is primarily to reimburse the expenses of a public entity that it has incurred in connection with the performance of an official act or the provision of services for which it is collected, Precise determination of the cost of the activities (services) of a public entity is impossible, especially since in determining the amount of public charges, incalculable factors are also taken into account[1]. In the case of a charge, a significant degree of pass-through is assumed, that is, hitting the tribute burden on the entity, the person intended to be charged with it [Gomułowicz, Małecki 2010: 44]. It should also be noted that, depending on the framing of the subjective scope of the levy, in many cases the subject obliged to pay the levy will not be the potential beneficiary, because the laws often detach the obligation to bear the burden of the levy from the benefit, the equivalent, which as a result of its payment is received [Obuchowski 2016: 345]. Some justification for the legislator in this case may be the difficulty of their actual connection [Gliniecka 2007: 33]. However, the more adequately the charge is determined, the greater the chances that it will fulfill its role [Gliniecka 2013: 18].

The same is true of pension contributions, although it happens that part of the contribution is also paid by the employer, so the burden is, at least in part, detached from the future beneficiary [Antonow 2013: 636]. Although in this regard, one can also point to different and even opposing views, such as the claim that the employer, as the payer, also finances the so-called employee portion of social security contributions [Antonow 2013: 636]. While on the contrary it is believed that regardless of who pays the contribution is a benefit to the employee from the employment relationship, and thus constitutes a kind of "deferred pay” [Ślebzak 2013: 106-107].

[1] For example, the need for efficient operation of a public body or the desire to ensure universal access to information and documents.

It should also be emphasized that the fee is most often associated with a benefit provided at a given moment, or for technical reasons somewhat distant in time. However, we are talking about days, weeks or months and not years and dozens of years, as in the case of the insurance premium and pension benefit.

It is difficult to indicate such a precise relationship in the case of tax benefits. In fact, it cannot be indicated at all, since their feature, which distinguishes taxes from fees and, as can be inferred from the above considerations, also (but not only) from contributions, is precisely non-equivalence.

A different feature, on the other hand, is the amount of the benefit, which, in turn, in the case of contributions, especially pension contributions, can be significant and often higher than most fees and some taxes, such as the lower rate of personal income tax, but also most rates of PCC and other taxes, especially so-called local taxes.

Already these brief considerations indicate that, despite some similarities of the pension contribution to the public levy, however, these are different public tributes established and collected for different purposes, but also rather not a possible alternative to each other, in the considered ways of financing pension security, although such a possibility cannot be completely excluded.

4. Taxes as a source of funding for the supply model

For a number of reasons, it is still worth tracing the similarities and differences (and the reasons for them), between contributions and taxes, if only because in some pension systems there are no contributions, and pension benefits are paid from the budget, whose primary source of revenue is taxes. In turn, the already-mentioned cases of the detachment of pension benefits from the source of funding, such as contributions, and the absence or significant disruption of the relationship between contributions and benefits, also raises doubts as to whether there is actually content behind the concept of contribution that reflects the legal and economic nature of a contribution, or perhaps a tax.

According to W. Goronowski, insurance compulsion makes the premium similar to a tax, but the next features of the premium distinguish it from it. In addition, the premium flows to the insurance company as a source of creating a separate insurance fund, while the tax is a benefit always collected for the budget [Goronowski 1955: 568]. When the collection of premiums does not guarantee the purposeful use of the money collected by this means and does not involve the creation of entitlements to reciprocal benefits, the premium loses the

character of an institution of insurance law and also resembles a tax [Social Security 1958: 112]. According to H. Reniger such a premium can be compared to a tax [Reniger 1955: 10]. M. Gora defines the contribution existing in the pay-as-you-go model directly, as a deliberate social tax, imposed primarily on labor income, which finances the traditional pension system and ranks close to the general tax .

In contrast, in a modern pension system, based on individual accounts and through these accounts creating well-defined obligations to its participants, where the rate of return is one of the basic information that goes to them, and the possibility of political manipulation is greatly reduced, the contribution ceases to be seen as a tax [Góra 2003: 55-61]. However, this view seems to be less consistent with the premises of the social security reform implemented in Poland in 1999 than with reality, especially when there are only bookkeeping entries in these individual accounts, and the funds are disbursed to retirees who have already acquired the right to a pension, rather than invested and multiplied for the contributors. The previously quoted view of M. Gora, speaking of the contribution as an intentional social tax, is closer to reality, especially considering that in its judgment of January 24, 2013 (ref. V CSK 63/12), the Supreme Court ruled that accumulated pension contributions are not the private property of the insured and are not subject to property protection. They are a public tribute that is not refundable.

According to the author, it could be considered, especially if one assumes that the nature of this public tribute is closer to a tax than to a contribution, that the citizen's salary in this case, is taxed twice, right after it is received, when we are dealing with a targeted tax for the payment of pension benefits of the inactive generation, and on the benefit that is paid after a long time, in the form of a pension. In any case, a public tribute is collected twice. The first time, at least in theory, to the pension fund from which the pension benefit is to be paid to the citizen in the future, and then as a tax on this benefit.

So, a citizen is first forced to pay a pension contribution, and after years of scrupulous payment, in the sense of depositing his money for his pension benefit, he is punished for this pro-state and pro-social foresight and is required to pay personal income tax on this benefit paid, again, it should be added - theoretically, from his own collected money.

This raises the fundamental question of whether the state is being overly greedy here? The legitimacy of this question is greater, especially in the context of the nature of this benefit, comparing it to benefits of a similar nature in market trading. The Personal Income Tax Law provides a whole series of exemptions for benefits paid to the taxpayer related to various forms of insurance, for which the taxpayer has entered into the relevant contracts and

incurred the costs of paying the premiums due. It is considered that the fulfilment of the risk provided for in the insurance contract, which is the basis for the payment of the benefit as compensation for lost goods, is no longer taxable. Isn't this precisely one form of insurance in the case of social insurance? The premiums have also been paid and the risk provided for in the insurance contract has been realized. Admittedly, concluded ex lege and without written form, and the risk is so-called social. However, the insured has reached retirement age or incapacity status. He has also lost his health and many years of overworked life, as well as his vitality, youth and, finally, generally a salary that is higher, and clearly higher, than the pension benefit? It seems at least reasonable to consider the above questions and doubts, especially when the pension benefit, often small in size, is still subject to taxation, which reduces it, more than once, to the limits of the social minimum. This is not how it should be in a solidarity system. However, this is what this solidarity boils down to if one persistently wants to find it in every manifestation and element of social insurance, instead of raising it to the level of social policy.

It should also be noted that if, as is obvious in the case of taxes, the contribution, having a tax-like character, does not feed into a separate insurance fund, but goes to the budget, or other forms found in the financial market, or in the public system, from which it is directly or indirectly used to pay pension benefits, it also defines the form and model of pension security. In this particular case, it has more characteristics of a provision model than an insurance model. Thus, the form of collection of funds that serve, or make up the basis for financing pension benefits, can also determine the pension security model used.

5. The essence of the contribution

The essence of the contribution in social insurance has not been fully defined, and the discussion of this problem takes place on several levels and is interdisciplinary in nature [Jędrasik-Jankowska 2001: 73].

On the economic plane, the essence of the dispute is whether the contribution is an outlay for the reproduction of the labor force, on the legal plane - whether it is a contribution, a tax or a charge. On the financial plane, the important question is whether and to what extent it is an element of production costs [Prasznic 1990: 61]. Traditionally debatable in the literature is the relationship between taxes and social security contributions. M. Gora considers the contribution to be an intentional social tax [Góra 2003: 31], H. Zimmermann and K.D. Henke define social security contributions as social tributes [Zimmermann, Henke 1990: 171-175] and H. Kuzinska - as a parafiscal burden [Kuzinska 2001: 34]. J. Wantoch-Rekowski believes

that pension contributions are not de lege lata a tax, but compulsory benefits, the structural elements of which are derived from the Law on the Social Security System , moreover, according to him, pension contributions are not only different from a tax, but also from other social security contributions, having separate structural elements and their own legal nature [Wantoch-Rekowski 2005: 277]. Thus, it should be considered that tax and contribution are two different legal institutions. The main differences boil down to the fact that the tax is paid to the Treasury or local government units, while contributions are for the benefit of social insurance institutions [Wantoch-Rekowski 2015A: 36]. Leaving aside the nuances of this discussion, it should be said that certain benefits (pension, disability, sickness, health) are associated with the payment of contributions.

In a sense, for contributions we "buy" the right to benefits, which distinguishes them from a typical tax. Therefore, the view, expressed by J. Jończyk, that the premium is primarily the price of insurance guarantees [Jończyk 1994], that is, the possession of a certain psychological comfort enjoyed by the insured, should be accepted as correct. This comfort consists in the certainty that for "one's" premium one will receive a benefit from the institution that collected the premium in the event of an insurance event [Jędrasik-Jankowska 2001: 74]

This certainty is linked to the need for the insured to receive a guarantee from the state of receiving the promised benefit, since, after all, it is the state that coerces him into the public-legal insurance relationship in question.

Therefore, it can be said that the guarantee (certainty) of receiving the benefit is a feature that should be considered one of the basic criteria for assessing the quality of pension insurance systems and more broadly - social insurance systems, or the following changes in it. In modern pension insurance doctrine, one can find the claim that the insured has the right to expect a guarantee, and the insurance system should provide it.

The second criterion is the size of the guaranteed and then received benefit. Its relation to the lowest guaranteed pension, the lowest or average salary, the last salary received, and especially to the size of the premium or the size of the sum of premiums paid increased by their valorization, whether resulting from the effects of the management of the funds held by the insurer, or the guarantees or threshold amounts specified in the regulations.

In addition, according to Article 2 of the Tax Ordinance, § 2 of the Tax Ordinance, unless otherwise stipulated by separate regulations, the provisions of Section III "tax liabilities" shall also apply to fees and non-tax receivables of the state budget, which other authorities than tax authorities are authorized to establish or determine. In addition, according to the content

of § 3 of this article, the bodies referred to in § 2, and therefore also the bodies of the Social Insurance Institution, have the powers of tax authorities [Wantoch-Rekowski 2015B].

Therefore, it can be considered that the legal rank of the contribution and the public bodies involved in its collection, has been set at a high level, equivalent to taxes, and the said bodies have been equated with tax authorities. This gives them much greater administrative authority to effectively secure and enforce the contributions due to the social security system.

6. Conclusion

The author draws attention to the conditions and circumstances of the operation of pension solutions in different countries. They are implemented in different ways, using different methods, using various legal and organizational instruments. This shows that limiting oneself only to the content of legal provisions and comparative analysis may turn out to be an insufficient or even unreliable method in determining many indicators for assessing insurance models and systems. This also applies to all pension security systems and their actual functioning. It is necessary to extend the analysis also to include the content of supplementary provisions, detailed regulations and recommendations. We also cannot forget about the experiences of the insured, gained from the practice of using the insurance system in its various manifestations.

As an example, we can mention the solutions used in South and Central American countries, where it is considered that most of them use the so-called capital model of social insurance. These solutions seem very similar to each other, but in fact each of them is different, and sometimes even significantly different [Sowiński 2016: 1-26][2].

The considerations of this study focused on the institution of the insurance premium and institutions of a similar nature. The differences between them also determine the differences or quite different functioning of pension security models. They are often exacerbated by the methods, procedures that are used in carrying out the tasks they serve. Sometimes, on the other hand, the forms used blur these differences and make individual institutions of financial law, such as contributions, taxes, or public fees more similar to each other and enable the

[2] For balance, we can provide solutions from North America, especially from the United States of America [Sowiński 2017: 199-214], where, in addition to the traditional approach, we also deal with an extensive system of additional insurance, and even with a kind of deregulation of the system, enabling some people who meet certain conditions, taking care of your own retirement benefits on your own.

use of a different or standard form. This gives organizers of pension models and systems the opportunity to choose and more effectively carry out their tasks.

The assumptions and goals set at the beginning of this article were achieved. The author's intention was not to indicate which of the described financial law instruments are better, but to present individual financial institutions in a broader context. In the context of conditions and possible needs, so as to indicate the possibility of using various solutions depending on the possibilities and needs.

The institution of the insurance premium and other similar legal institutions, such as fees and taxes, have been characterized. This means that the social security contribution is an important and proven financial instrument, but not necessarily the only one that can be used. Just as the insurance method is not the only method of implementation by the states, the obligation of social security, including pension, of citizens.

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