

ORGANIZATIONAL AND LEGAL ASPECTS OF SOCIAL PROTECTION OF PARTICIPANTS IN HOSTILITIES IN UKRAINE

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Abstract. *The article analyzes the legal status of a combatant in Ukraine. The purpose of the article is to analyze the sphere of social protection of combatants in Ukraine before martial law, as well as during martial law. For this, an analysis of the status of participants in hostilities and the prerequisites for the state policy for the implementation of social protection. The purpose of the article is to analyze the organizational and legal aspects of the social protection of combatants in Ukraine. To analyze the current state of social protection of combatants in Ukraine, the method of analysis, synthesis, and a systematic approach was applied [1]. To analyze the legal aspects of the status of a participant in hostilities, the method of formal-logical analysis of legal frameworks was used, in particular, to identify common signs of status in various legal acts. In particular, the legal support of the mechanism for obtaining a status in the public administration system, its prerequisites, and the issues of termination of the status of a participant in hostilities are analyzed. The grounds for granting persons the status of a participant in hostilities are analyzed and some problematic issues in the legal context are identified. The issues of social protection of combatants in Ukraine are revealed, in particular through the implementation of the state policy of social protection of war veterans.*

Keywords: *social protection, combatant, participant in hostilities, public administration, legal aspect, organizational aspect.*

JEL Classification: H10, IO, Y8

Formulas: 0; **fig.0;** **tabl. 0;** **bibl. 9**

Introduction. A number of reforms have been implemented in Ukraine, including on the social protection of military personnel. In February 2022, changes were added related to the armed aggression of the Russian Federation, which today requires analysis and evaluation. The article analyzes the problems of the sphere of social protection of combatants in Ukraine. The current legal regulation of the sphere of social protection of combatants in Ukraine is in dynamic motion. In particular, the question of the status of a participant in hostilities requires clarification in terms of the fact that active hostilities change their number, and therefore there will be a greater social burden in the future. In particular, benefits, material support, social and medical and psychological support require immediate application to certain strata of military personnel.

Literature review. The article analyzes the relevant current legislation of Ukraine and changes in the martial law in Ukraine. Some data are taken from the web resources of the central executive authorities of Ukraine for 2022.

In the study, when analyzing problematic issues in the public administration system, a systematic approach to state policy in the field of social protection of combatants in Ukraine was used. Institutional changes in the transformational processes of the implementation of social protection for 2021-2022 are taken into account.

Aims. The purpose of the article is to analyze the sphere of social protection of

combatants in Ukraine before martial law, as well as during martial law. For this, an analysis of the status of participants in hostilities and the prerequisites for the state policy for the implementation of social protection. The purpose of the article is to analyze the organizational and legal aspects of the social protection of combatants in Ukraine.

Methods. To analyze the current state of social protection of combatants in Ukraine, the method of analysis, synthesis, and a systematic approach was applied [1]. To analyze the legal aspects of the status of a participant in hostilities, the method of formal-logical analysis of legal frameworks was used, in particular, to identify common signs of status in various legal acts.

Results. The status of a participant in hostilities is granted to persons involved in the conduct of an anti-terrorist operation, persons involved in the implementation of measures to ensure national security and defense, repulse and deter the armed aggression of the Russian Federation in the Donetsk and Lugansk regions for a period of at least 30 calendar days, including in aggregate days of stay in the areas where it is held.

The Law of Ukraine "On the status of war veterans, guarantees of their social protection" in Article 5 states that participants in hostilities are persons who participated in the performance of combat missions to defend the Motherland as part of military units, formations, associations of all types and branches of the Armed Forces of the current army (navy), in partisan detachments and underground and other formations both in wartime and in peacetime. The list of units that were part of the army and other formations is determined by the Cabinet of Ministers of Ukraine [2].

Persons who took part in the performance of combat (service) tasks in conditions of direct collision and fire contact with the enemy, in carrying out reconnaissance activities confirmed by the operational headquarters for managing the anti-terrorist operation or the Joint Operational Headquarters of the Armed Forces of Ukraine (joint command post of the joint forces), and also injured, contused, mutilated, which made it impossible for them to continue their respective tasks (except for cases of careless handling of weapons and evasion of military service by self-mutilation or by simulating a disease), the status of a participant in hostilities is granted regardless of the number of days they are involved in anti-terrorist operation or implementation of measures to ensure national security and defense, repel and deter the armed aggression of the Russian Federation in the Donetsk and Luhansk regions.

The mechanism for obtaining the status of a participant in hostilities is determined by the Decree of the Cabinet of Ministers of Ukraine dated August 20, 2014 No. 413 "On approval of the procedure for granting and depriving the status of a participant in hostilities of persons who defended the independence, sovereignty and territorial integrity of Ukraine and were directly involved in anti-thermal security and carrying out or implementing measures to ensure national security and defense, repel and deter the armed aggression of the Russian Federation in the Donetsk and Luhansk regions, and ensure their implementation" [3].

In particular, the document provides that such a status can be granted to servicemen (reservists, liable for military service) of the State Border Service who defended the independence, who sovereignty and territorial integrity of Ukraine and were directly involved in the anti-terrorist operation, ensuring its conduct, being directly in the areas of the anti-terrorist operation in the implementation of measures to ensure national security and defense, repulse and deter the armed aggression of the Russian Federation in the Donetsk and Lugansk regions, ensure their implementation, being directly in the areas and during the implementation of these measures.

The basis for granting persons the status of a participant in hostilities are the following documents on direct involvement in the implementation of the tasks of the anti-terrorist operation or the implementation of measures to ensure national security and defense, repel and deter the armed aggression of the Russian Federation in the Donetsk and Lugansk regions in the areas of its implementation:

for persons who participated in the antiterrorist operation - excerpts from the orders of the head of the Antiterrorist Center under the Security Service of Ukraine or the first deputy or deputy head of the Antiterrorist Center under the Security Service of Ukraine replacing him on involvement in the antiterrorist operation, excerpts from the orders of the head of the operational headquarters for managing the antiterrorist operation or his deputies or heads of sectors (commanders of operational-tactical groupings) on subordination to the head of the operational headquarters for managing the anti-terrorist operation in the areas of its conduct and on arrival in (from) the areas of the anti-terrorist operation, documents on sending on a business trip to the areas of the anti-terrorist operation or other official documents issued state bodies containing sufficient evidence of the direct participation of the person in the fulfillment of the tasks of the anti-terrorist operation in the areas of its conduct;

for persons who were involved in the conduct of an anti-terrorist operation for a period of less than 30 calendar days - the documents specified in paragraph two of this clause, extracts from combat orders, combat orders, combat reports (combat logs, operational tasks), confirming the fact of a direct collision and fire contact with the enemy, conducting reconnaissance activities;

for persons who have received injuries, contusions (except for cases of careless handling of weapons and evasion of military service by self-injury or by simulating a disease) - the documents specified in paragraph two of this paragraph, materials of special (official) investigations into the facts of injuries, shell shock, mutilation;

for persons involved in the implementation of measures to ensure national security and defense, repulse and containment of the armed aggression of the Russian Federation in the Donetsk and Luhansk regions - excerpts from the orders of the General Staff of the Armed Forces of Ukraine on involvement in the implementation of measures to ensure national security and defense, repulse and deterrence armed aggression of the Russian Federation in the Donetsk and Luhansk regions, excerpts from the orders of the Commander of the Joint Forces, commanders of operational-tactical groupings on arrival (departure) to (from) the areas where these measures are carried out, documents on sending on a business trip to the areas where these measures are carried out.

In order to grant the status of a participant in hostilities, commanders (chiefs) of military units (bodies, subdivisions) within a month after the completion of the tasks of the anti-terrorist operation in the areas of its conduct (after the issuance of an appropriate order by the head of the Anti-Terrorist Center under the Security Service of Ukraine or the first deputy or deputy head of the Anti-Terrorist center under the Security Service of Ukraine) are required to submit to the commission for consideration certificates in the prescribed form and documents from the above, which serve as the basis for granting persons the status of a participant in hostilities.

In the event that the place of permanent deployment of a military unit is located directly in the area of the anti-terrorist operation, the documents are submitted by the commanders (chiefs) for consideration by the commission no earlier than 30 calendar days after the persons are enrolled in the lists of the military unit or appointing them to appropriate positions.

Persons who took part in the implementation of measures to ensure national security and defense, repulse and deter the armed aggression of the Russian Federation in the Donetsk and Lugansk regions, commanders (chiefs) of military units (bodies, divisions) or other heads of enterprises, institutions and organizations after 30 calendar days, the implementation of measures to ensure national security and defense, repulse and deter the armed aggression of the Russian Federation in the Donetsk and Lugansk regions are required to submit for consideration to a commission formed by the ministry, the central executive authority or other state body, in whose subordination were military units (bodies, units), institutions and institutions in which persons served or worked, certificates in the prescribed form and documents that are the basis for granting persons the status of a participant in hostilities.

Social protection is carried out through state policy, in particular, in Ukraine there is the Law of Ukraine, adopted back in 1992 "On the social and legal protection of military personnel and members of their families" [4].

The law determines that the social protection of military personnel is an activity (function) of the state aimed at establishing a system of legal and social guarantees that ensure the implementation of constitutional rights and freedoms, meet the material and spiritual needs of military personnel in accordance with a special type of their official activity, status in society, maintaining social stability in the military environment. This is the right to ensure them in case of complete, partial or temporary disability, loss of a breadwinner, unemployment due to circumstances independent of them in old age, as well as in other cases provided for by law.

This Law applies to:

1) military personnel of the Armed Forces of Ukraine, other military formations and special law enforcement agencies formed in accordance with the laws of Ukraine, the State Special Transport Service, the State Service for Special Communications and Protection of Ukraine, who are doing military service on the territory of Ukraine, and the military personnel indicated above military formations and law enforcement agencies - citizens of Ukraine performing military duty outside Ukraine, and members of their families;

2) military personnel who became persons with disabilities as a result of an illness associated with military service, or as a result of an illness after their dismissal from military service associated with military service, and members of their families, as well as family members of military personnel who died or disappeared without a trace;

3) persons liable for military service and reservists called up for training (or testing) and special meetings, and members of their families;

4) members of volunteer formations of territorial communities during their participation in activities for the preparation of volunteer formations of territorial communities, as well as their performance of the tasks of territorial defense of Ukraine [5].

The commission or interdepartmental commission deprives the status of a participant in hostilities in the event of:

the presence of a judgment of conviction of a court that has entered into legal force for committing by a person an intentional grave or especially grave crime during the period of participation in an anti-terrorist operation or the implementation of measures to ensure national security and defense, repulse and deter the armed aggression of the Russian Federation in the Donetsk and Lugansk regions;

revealing the fact of providing false information about participation in an anti-terrorist operation or the implementation of measures to ensure national security and defense, repulse and deter the armed aggression of the Russian Federation in the Donetsk and Lugansk regions, to ensure their implementation or the provision of false data about a person;

submission by a person of an application for depriving him of the status of a participant in hostilities.

The decision to deprive the status of a participant in hostilities is taken by those commissions that granted it or their successors.

It is important that the legislation provides for the possibility of obtaining the status of a participant in hostilities to members of volunteer territorial defense formations, as well as to civilians involved in the implementation of measures for the resistance movement in the occupied territories.

Discussion. Consequently, these normative acts have in common that they establish the right to receive the status of a participant in hostilities not only for military personnel (reservists, conscripts), but also for other persons who were part of a volunteer formation of a territorial society, members of a resistance movement involved in confidential cooperation (the so-called partisans) who defended the territorial integrity of Ukraine and were directly involved in the implementation of measures to ensure national security and defense, repulse and deter the armed aggression of the Russian Federation.

The number of veterans and families who have lost loved ones due to hostilities could quadruple after the war, from 1.2 million to 5 million people. This was announced by Minister for Veterans Affairs Yulia Laputina during an interview for Interfax Ukraine.

According to her, by the beginning of the full-scale invasion, 500,000 people

had been registered who had participated in the anti-terroristic operation since 2014. The Ministry also deals with family members of military personnel, victims of the Revolution of Dignity, as well as all other categories, such as participants in the Second World War or persons equivalent to them and everyone who participated in peacekeeping missions.

In total, their number was 1.2 million people. The status of a combatant, according to the register of the Ministry of Social Policy, has received more than 770 thousand people to date. Yulia Laputina believes that after the war the number of people with whom the ministry will work will be much greater. According to the Minister, now a lot of people have joined the ranks of the Territorial Defense, in particular, volunteer formations of territorial communities, as well as members of the families of the victims. This figure can reach 4-5 million people [6].

Document No. 1954-IX "On Amendments to Certain Laws of Ukraine to Improve the Functioning of the Unified State Register of War Veterans and Implement an Electronic Veteran Identity" introduces electronic certificates, in particular, for war veterans, participants in hostilities, persons with disabilities as a result of the war, participants in the war and injured participants in the Revolution, as well as members of their families. Thus, a veteran's e-certificate is an electronic display of information contained in an identity card along with a unique electronic identifier (QR code, bar code, digital code) [7].

It is envisaged that the certificate is formed free of charge at the request of the citizen in whose name it is issued, is issued using the means of the Unified State Register of War Veterans and is used on the territory of Ukraine to confirm the corresponding status, receive benefits and compensation.

An electronic certificate can be used as an analogue of the corresponding document in the form of a booklet [8].

Conclusions. The state policy of social protection of war veterans and members of their families, family members of the dead (deceased) war veterans, family members of the dead (deceased) Defenders and Defenders of Ukraine is a purposeful, systematic activity of state authorities to ensure social protection of war veterans and members of their families, members families of fallen (deceased) war veterans, members of the families of fallen (deceased) Defenders and Defenders of Ukraine by providing them with benefits and guarantees of social protection in accordance with the law.

The state policy in the field of social protection of war veterans and members of their families, family members of the dead (deceased) war veterans, family members of the deceased (deceased) Defenders and Defenders of Ukraine is formed and implemented on the principles of social justice when establishing the scope of benefits and guarantees, the complexity of formation and implementation measures for the adaptation of war veterans to civilian life, proper financial support for the benefits and guarantees provided by law for this category of citizens, openness and equal access to information about state benefits and guarantees, mechanisms for their implementation, access to the exercise of the right to receive all benefits and guarantees, transparency and accountability activities of public authorities, their

officials in the field of social protection of war veterans and members of their families, family members of the dead (deceased) war veterans, family members of the dead (deceased) Defenders and Defenders of Ukraine.

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