

## SOCIAL PROTECTION OF MILITARY PERSONNEL IN UKRAINE: STATE AND REGIONAL GUARANTEES

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**Abstract.** The article analyzes the material support of military personnel for the period of martial law in Ukraine. The main purpose of the article is defined as: to analyze the sphere of social protection of Ukrainian military personnel in the context of providing them with state and regional guarantees. For this, the following goals are defined: analysis of state and regional guarantees of social protection of military personnel, in particular: benefits for military personnel and members of their families, namely the right to housing, the right to education, the right to free travel. To achieve the main goal of the study, the method of analysis, synthesis, comparison was used. A comparative method was used to analyze legal sources. The grouping method was used to generalize the preferential provision of military personnel. A systematic approach was used to identify systemic changes and phenomena in the system of social protection of military personnel in Ukraine. The main part of the article deals with the analysis of state and regional guarantees of social protection of military personnel, in particular: benefits for military personnel and members of their families, namely the right to housing, the right to education, the right to free travel. Separately, the issues of social guarantees of the rights of members of the families of military personnel are disclosed.

**Keywords:** social protection, public administration, military personnel, martial law, benefits, state and regional guarantees.

**JEL Classification:** H80, H83

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**Introduction.** Military personnel enjoy all the rights and freedoms of man and citizen, the guarantees of these rights and freedoms, enshrined in the Constitution and laws of Ukraine, taking into account the specifics established by this and other laws.

Social protection is aimed 1) at military personnel of the Armed Forces of Ukraine, other military formations formed in accordance with the laws of Ukraine and law enforcement agencies for special purposes, the State Special Transport Service, the State Service for Special Communications and Information Protection of Ukraine, performing military service in the territory Ukraine and military personnel of the 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, 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 the training of volunteer formations of territorial communities, as well as their performance of the tasks of territorial defense of Ukraine.

Therefore, a number of issues remain relevant for research, namely: acquisition of the status of a serviceman of Ukraine; institutional, organizational, resource support for the social protection of military personnel [1].

**Literature review.** The study is based on the analysis of the current legislation of Ukraine, official data on the web resources of the security and defense agencies of Ukraine, analysis of information from official sources of such institutions as: the Ministry of Defense of Ukraine, the Security Service, the Foreign Intelligence Service, the Main Directorate of Intelligence of the Ministry of Defense, the National guards, the State Border Service, the State Security Department, the State Service for Special Communications and Information Protection, the State Special Transport Service.

**Aims.** The main purpose of the article is defined as: to analyze the sphere of social protection of Ukrainian military personnel in the context of providing them with state and regional guarantees. For this, the following goals are defined: analysis of state and regional guarantees of social protection of military personnel, in particular: benefits for military personnel and members of their families, namely the right to housing, the right to education, the right to free travel.

**Methods.** To achieve the main goal of the study, the method of analysis, synthesis, comparison was used. A comparative method was used to analyze legal sources. The grouping method was used to generalize the preferential provision of military personnel. A systematic approach was used to identify systemic changes and phenomena in the system of social protection of military personnel in Ukraine.

**Results.** For the period of martial law from February 24, 2022, the Decree of the Cabinet of Ministers of Ukraine dated February 28, 2022 No. 168 "Issues of certain payments to military personnel, private and commanding officers, police officers and their families during martial law" introduced additional material support military personnel [2].

Military personnel of the Armed Forces, the Security Service, the Foreign Intelligence Service, the Main Directorate of Intelligence of the Ministry of Defense, the National Guard, the State Border Service, the State Guard Directorate, the State Service for Special Communications and Information Protection, the State Special Transport Service, the military prosecutors of the Office of the Prosecutor General, private and commanding staff of the State Emergency Service, employees of the Court Security Service, officers of the Special Operations Department of the National Anti-Corruption Bureau and policemen, as well as private and commanding officers of the State Penitentiary Service serving in the authorities and institutions of this Service, which are located in within the administrative-territorial units, on the territory of which assistance is provided under the "E-Support" Program [3]:

— an additional remuneration in the amount of UAH 30,000 is paid monthly,

— those of them who take a direct part in hostilities or ensure the implementation of measures for national security and defense, repulse and deterrence of armed aggression, while being directly in the regions during the implementation of these activities - the amount of this additional remuneration increases to 100,000 hryvnia per month in proportion to the time of participation in such activities and activities.

Payment of such additional remuneration is carried out on the basis of orders of commanders (chiefs). The families of the deceased servicemen of the said order are paid a one-time cash assistance in the amount of UAH 15,000,000, which is distributed in equal shares to all recipients provided for in Article 16-1 of the Law of Ukraine "On social and legal protection of military personnel and members of their families" (members of seven, parents and dependents) [4].

If the family of the deceased is simultaneously entitled to receive a one-time cash benefit provided for by this resolution and a lump-sum cash benefit or compensation payment established by other acts of legislation, one of such payments is made at his choice.

The state provides military personnel with living quarters or, at their request, with monetary compensation for the living quarters they own to receive on the grounds, within the limits of the norms and in accordance with the requirements established by the Housing Code of Ukraine, other laws, in the manner determined by the Cabinet of Ministers of Ukraine. Military personnel with a length of service in military service of 20 years and over, and members of their families, are provided with residential premises for permanent residence or, at their request, monetary compensation for housing that belongs to them. Such housing or monetary compensation is provided to them once during the entire period of military service, provided that they have not used the right to gratuitous privatization of housing.

On an extraordinary basis, if it is necessary to improve living conditions, living quarters are provided to the families of military personnel who died (deceased) or went missing during military service, at the place of their stay on the register of citizens in need of improved living conditions.

In the event of the death of a person dismissed from military service to the reserve or retired on the grounds specified in paragraph one of this part, which, in accordance with the law, was entitled to priority (extraordinary) housing, his family retains the right to receive housing in the same order .

Military personnel with at least 17 years of service in military service and in need of better housing conditions are entitled to receive a land plot for the construction and maintenance of a residential building, utility buildings and structures in settlements chosen by them for living in accordance with the established procedure.

Local self-government authorities are obliged to provide land plots and, within the powers specified by law, assistance in construction to military personnel, parents and family members of military personnel who died (deceased) or went missing during military service, as well as persons dismissed from military service who became persons with disabilities during military service, if they have expressed a desire to build private residential buildings.

Military personnel who have served in military service for 20 years or more and who need to improve their living conditions are entitled to receive loans for individual housing construction or the purchase of a private residential house (apartment) for up to 20 years with repayment of the total amount and interest rates on loans for account of funds allocated in the state budget for the maintenance of the Armed Forces of Ukraine, the Security Service of Ukraine, and other military formations formed in accordance with the laws of Ukraine. The specified credit is granted to a serviceman only once during the entire period of his military service.

The procedure and conditions for granting loans to military personnel for an individual house the construction or acquisition of a private residential building (apartment) is determined by the Cabinet of Ministers of Ukraine [5].

The health care of military personnel is ensured by the creation of favorable sanitary and hygienic conditions for military service, everyday life and a system of measures to limit the effect of dangerous factors of military service, taking into account its specifics and the environmental situation, carried out by commanders (chiefs) in cooperation with local executive authorities and local governments.

Concern for the preservation and strengthening of the health of military personnel is the duty of commanders (chiefs). They are entrusted with ensuring safety requirements during exercises, other measures of combat training during the operation of weapons and military equipment, the performance of work and the performance of other duties of military service.

Military personnel, persons liable for military service and reservists called up for training (or testing) and special meetings are entitled to free qualified medical care in military medical healthcare institutions. Military personnel annually undergo a medical examination, and therapeutic and preventive measures are taken for them.

Military personnel who suffered as a result of the Chernobyl disaster are provided with medical assistance, sanatorium treatment and recreation in accordance with the law.

Military personnel, participants in hostilities and persons equated to them, dismissed from military service, who were directly involved in 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 Luhansk regions or carried out service and combat tasks in extreme (combat) conditions, without fail, must undergo gratuitous psychological, medical and psychological rehabilitation in the relevant centers with reimbursement of the cost of travel to these centers and back. The procedure for rehabilitation and reimbursement of the fare is established by the Cabinet of Ministers of Ukraine.

Family members of military personnel (except for military servicemen and cadets (students) of higher military educational institutions, as well as higher educational institutions with military training units), in the absence of state or municipal health care institutions at their place of residence, receive medical care - medical health care institutions

Family members of servicemen and persons transferred to the reserve or retired, as well as dead (deceased) servicemen went missing, became disabled during military

service or were injured in captivity during hostilities (wars) or during participation in international operations to maintain peace and security, if these persons have served in the Armed Forces of Ukraine, other military formations and law enforcement agencies formed in accordance with the laws of Ukraine for at least 20 calendar years, are entitled to medical care in institutions of the Ministry of Defense of Ukraine, other institutions formed accordingly in accordance with the laws Ukrainian military formations and law enforcement agencies.

Military personnel (except for military persons of urgent military service) and members of their families have the right not more than once a year to sanatorium treatment and rest in sanatoriums, rest houses, boarding houses and tourist bases of the Ministry of Defense of Ukraine, and others formed in accordance with the laws Ukraine military formations and law enforcement agencies with preferential payment for the cost of vouchers in the amount and manner established by the Cabinet of Ministers of Ukraine. The same right is enjoyed by members of the families of servicemen who died (deceased) or went missing during military service. Such family members include: parents, wife (husband), minor children, as well as children with disabilities since childhood (regardless of their age). These benefits are provided to military personnel and members of their families, provided that the average monthly total family income per person for the previous six months does not exceed three living wages.

Military personnel who became disabled as a result of hostilities, as well as participants in hostilities, are equated in rights to persons with disabilities and participants in the Second World War.

Female military personnel enjoy all the benefits provided for by the legislation on the social protection of women, the protection of motherhood and childhood. These benefits apply to parents from among military personnel who are raising children without a mother (in the event of her death, deprivation of parental rights, for the duration of her stay in a health care institution and other cases of lack of maternal care for children).

Military personnel have the right to study (including receiving postgraduate education) in military educational institutions, relevant units for the training, retraining and advanced training of military personnel. Military personnel who are recruited for military service under a contract of officers after receiving basic or full higher education on a state order are allowed to study at other higher educational institutions without interruption from service after they have completed their service period equal to the time of their training for obtaining preliminary higher education.

The children of servicemen at the place of residence of their families are given priority places in general education and preschool educational institutions and children's health camps, regardless of the form of ownership.

A person whose one of the parents (adoptive parents) was a military serviceman, who died or was recognized by the court as a missing person in the performance of his duties of military service, within three years after receiving the appropriate general secondary education, is counted out of the competition for the personal choice of a specialty in state and communal. higher and vocational educational institutions of Ukraine for training from the state and local budgets [6].

Military personnel are entitled to free travel:

1) by rail, air, water and road (excluding taxis) transport:

a) on a business trip;

b) on vacation within Ukraine;

c) when transferring to a new place of military service or in connection with the relocation of a military unit;

d) to the place of residence, chosen upon dismissal from military service, within Ukraine.

The benefits provided for by subparagraph "b" are provided provided that the average monthly total family income per person for the previous six months does not exceed the amount of income that gives the right to a tax social benefit, in the manner determined by the Cabinet of Ministers of Ukraine .

Family members of servicemen (except for military servicemen on fixed-term military service) are entitled to free travel by rail, air, water and road (except for taxis) transport:

a) from the place of residence to the place of military service of a serviceman in connection with his transfer;

b) to the place of vacation for military personnel within Ukraine;

c) upon dismissal of a serviceman from military service, as well as in the event of death (death) of a serviceman - to the chosen place of residence within Ukraine.

Benefits shall be granted provided that the average monthly total family income per person for the previous six months does not exceed the amount of income that gives the right to a tax social benefit, in the manner determined by the Cabinet of Ministers of Ukraine.

Military personnel who have become persons with disabilities as a result of hostilities, participants in hostilities and persons equated to them, as well as parents of servicemen who died or died or went missing during military service, enjoy the right to travel free of charge by all types of public public passenger transport except taxi) within the administrative district of the place of residence, suburban railway and water transport and buses of suburban routes in the presence of a certificate of the established form, and in the case of the introduction of an automated fare accounting system, also an electronic ticket issued free of charge. They are entitled to a 50% discount when using intercity rail, air, water and road transport in accordance with the law.

Family members of conscripts and military personnel on the call of officers have a preferential right when hiring and remaining at work in case of a reduction in the number or staff of employees, as well as to a priority direction for vocational training, advanced training and retraining with a break from work and in installments for the period of study of the average salary.

Squads (men) of servicemen, except for conscripts, are paid at the place of work monetary assistance in the amount of the average monthly wage when they terminate their employment contract in connection with the transfer of a spouse to serve in another locality. In case of temporary disability, sick leave certificates are paid to the wives (men) of servicemen in the amount of 100 percent of the average monthly wage, regardless of the length of service.

For squads (men) of servicemen, except for conscripts, the total length of service required for the appointment of an old-age pension includes the period of residence with the husband (wife) in areas where there was no possibility of employment in the specialty, but not more than 10 years.

Local councils: employ, as a matter of priority, squads of conscripts in the event of their dismissal when the number or staff of employees is reduced, in the event of liquidation, reorganization or re-profiling of an enterprise, institution, organization;

provide, out of turn, places for children of military personnel and children of military personnel who died or died or went missing during their service, in children's institutions at the place of residence;

ensure the resettlement of military personnel who have been retired or retired from closed and remote from populated areas military garrisons.

The widow (widower), parents of a dead or deceased military personnel, as well as the wife (husband), if she (he) has not entered (has not entered) into another marriage, and her (his) minor children or adult children are persons with disabilities with childhood, the parents of a serviceman who went missing during military service are entitled to the benefits provided for by the Law "On the social and legal protection of military personnel and members of their families".

**Conclusion.** 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, satisfaction of 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. Military personnel enjoy all the rights and freedoms of man and citizen, the guarantees of these rights and freedoms, enshrined in the Constitution and laws of Ukraine, taking into account the specifics established by this and other laws. Separate changes in the legal field require the involvement of international experience, in particular, the duplication of status criteria and the identification of other benefits [7].

In connection with the special nature of military service related to the defense of the Fatherland, servicemen are provided with privileges, guarantees and compensations determined by law.

Social protection applies to 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 Information Protection of Ukraine, serving in the military on the territory of Ukraine and military personnel of the above military formations and law enforcement agencies - citizens of Ukraine performing military duties outside Ukraine, and members of their families.

**Author contributions.** The authors contributed equally.

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