

Constitutional and legal principles of building a welfare state in Ukraine

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Abstract. The rapid development of Ukraine towards European integration implies the existence of a high-quality and effective legal framework that guarantees the safeguarding of fundamental rights and liberties. Given this, it is necessary to clarify the essence of building a social state and the principles underlying it. The objective of the study was to investigate the main postulates of building a social state and their normative consolidation in national legislation. The following methods were used in the study of the issue: historical, system, modelling, analysis, and synthesis, comparative, statistical. The study's findings were intended to ascertain how the idea of creating a social state developed on the territory of Ukraine and other states, and how this concept was reflected in modern countries. The paper examines the basic principles underlying the construction of a social state and their constitutional consolidation; which essential liberties and rights of an individual or citizen are protected by the way the idea of a social state operates, etc. Statistical data on life satisfaction indicators of people in different countries are also provided in light of different methods of social policy implementation. Various models and options for further building a social state on the territory of Ukraine are presented, considering the current situation associated with a full-scale war. The paper describes the experience of European countries in successfully reforming the social sphere, in particular, Denmark, Switzerland, etc. The authors also present a model of the social state of the future, taking into account the changing needs of society, digitalisation, well-being, etc. The outcomes can be applied to further enhance Ukraine's social policy legislation by lawyers, sociologists, and scientists

Keywords: social policy; reform; social security; economic freedom; legal guarantees

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Introduction

An important basis for building a social state is the Constitution, which establishes the fundamental principles, rights and freedoms of individuals and guarantees their observance. Coordinating and directing all measures to accomplish the political, legal, economic, and social objectives and ideals enshrined in the Ukrainian Constitution is the primary objective of the constitutional construction approach. (Constitution of Ukraine, 1996). These days, law is viewed as a justice institution that represents the interests of social groups and functions as a mediator in relations between the state and civil society, either cooperatively or antagonistically. The Ukrainian Constitution governs the creation, growth, and reform of significant public relations, including the socioeconomic domain and the advancement and operation of democratic, legal, and social institutions of the state depends on the effectiveness of its implementation.

In Ukraine, the need to emerge from the internal social crises and move towards sustainable economic development – which guarantees the establishment of a social state and civil society – conditions the need of bolstering the state's socioeconomic role. The state faces new social problems as a result of the shift to a market economy based on property and economic pluralism, which can only be resolved by comprehensive economic and sociocultural change. Therefore, considering the above, the main tasks in this study are to find out how the Basic Law of Ukraine affects the construction of the social state; to identify models for the development of the social state, based on constitutional principles and the experience of other countries; to determine further ways to develop and improve social policy and rulemaking in the area under study.

V. Antoshkina *et al.* (2022) investigated the concept of a welfare state or a social state and its role in ensuring human and citizen access to tangible and intangible benefits. The definitions and models of such a state, as the authors note, are different. Although the welfare state bears a certain resemblance to liberalism, it is not its embodiment, because it does not favour private property. The existence of social inequality is natural and unavoidable, which makes any attempt to redistribute goods through social means potentially dangerous. Therefore, the role of the social state here is not to mistakenly distribute these benefits, but to fight social injustice in legitimate ways, in particular, based on provisions and principles that are consolidated in the Constitution and other laws, and prohibit the commission of illegal actions, creating equal conditions, etc.

S. Kosharnovska (2022) studied strategies for the development of a social state, in particular, she points out the main functions of such a country, which differ depending on the model of building social policy. Thus, the state can direct forces to redistribute national wealth, which includes socio-cultural and other benefits; direct efforts to protect vulnerable segments of society and improve their lives; and hold non-governmental organisations accountable.

V. Sokurenko (2020) clarified the significance of the social state's guiding principles through their interpretation by the judicial authorities, in particular, the Constitutional Court of Ukraine. The author points out that a problematic issue in the scientific doctrine is to clarify a clear list of principles that characterise the social state, because they are not constitutionalised. However, the Constitutional Court of Ukraine in its acts highlights the importance of social justice

as a fundamental tenet of the idea of creating a social state. Additionally, the author, drawing from the analysis of judicial practice, points out that there is also a statement about the principle of socio-market economy, according to which economic freedom should become a guarantee of the security of individuals and social groups in the social sphere and guarantee their independence from the state, ensure free and equal development.

V. Kostrov (2021) points out the importance of the Constitution as the basis for building a social state. It is worth noting that the content of the Constitution allows interpreting it in several senses: judicial, legal, and social. Consequently, the basis for the state's ability to function and guarantee people's social security and economic independence is the shared responsibility of the state and its citizens, as well as the principles of humanism, social justice, and protecting individual rights and freedoms.

I. Falovska (2019) analysed the issue of the constitutional principle of equality and the problems of its implementation. The author notes that the norms and principles that the Constitution proclaims are not a reflection of real social relations, but form an understanding of how the interaction between the state and society should take place in order to avoid discrimination and ensure equal conditions for all. Thus, as I. Falovska (2019) points out, it is the compromise that individuals reach with each other that is the key to equality, which should be based on respect for each other's dignity. Equality is not only equal opportunities, but also equal responsibilities. Thus, without favouring any particular group over another, the author claims that equality is also a means of showing the existence of a legal balance between the interests of various social groupings. And in such provision, the main role is played by both the Constitution and the activities of state authorities.

This study aims to explore the characteristics of social policy development in light of the aforementioned studies' analysis and the social state and the constitutional consolidation of the foundations that affect the corresponding development. It is also worth adding that the necessary tasks in this work should be defined as follows: finding out what the social state can look like on the example of Ukraine, considering the principles that the Constitution of Ukraine proclaims; what are the ways to develop such a vision in the future.

Materials and methods

The study was conducted using several methods of scientific cognition. The historical method was used to clarify and analyse the origins and development of the concept and concept of the social state both on the territory of Ukraine and abroad. A distinction was made between the social state by its types and models, as well as the definition of such a state in the normative legal acts of countries, in particular, in the constitutions. The method of legal hermeneutics, in turn, helped reveal the development of the regulatory framework that defines the "social state" and the principles that are the basis for building such a state, etc. The features of implementing the concept of the social state are also more widely studied on the example of the Scandinavian countries.

The systematic approach formed an expanded concept of the social state, taking into account the constitutional interpretation of norms-principles, as well as those functional features that characterise this state. The key benefits and

drawbacks of creating this state, as well as the challenges state officials, people, and social organisations confront in putting the social state's tenets into practise, were also examined. By using the analytical method, difficulties pertaining to the constitutional consolidation of social state principles were examined using Ukraine as an example, and potential solutions were put forth. The synthesis allowed combining all the important characteristics and elements of the social state to highlight the prospects for the development and improvement of the corresponding structure. The modelling formed the most suitable models of the social state for Ukraine in order to effectively balance the interests of individuals and the state, establish the principle of social justice, etc.

It is also worth highlighting the comparative method, which in scientific research revealed the distinctive and similar features between the models of the social state implemented in different countries, including Denmark, Finland, etc. The comparison criteria were the legal basis for implementing social policy, the quality of life of various social groups, etc. The examination of scientists' contentions about the fundamental tenets of the social state's constitution on Ukrainian territory made good use of the comparative technique, their implementation and further development, considering the current geopolitical situation, economic indicators, and military confrontation.

The statistical method was also quite important, which allowed understanding the advantages of implementing such a social policy that would establish equal opportunities for access to tangible and intangible benefits, etc. The source of statistical information in this paper is the State Statistics Service of Ukraine (2023), the Ministry of Social Policy of Ukraine (2023), Gallup World Poll (2022), etc. A general conclusion regarding the research topic is formed based on certain identified elements of the welfare state, principles, etc.

Results and discussion

Historical aspect of the social state:

Concept and features

A social state is a type of public administration structure where the state takes on the duty of offering social assistance to its people in the form of social services, which include health care, education, social security, housing, labour relations, culture, economic freedom, etc. Historically, the concept of the welfare state has been discussed and was the subject of philosophical reflection since the Roman Empire, Ancient Greece and China, in the thoughts of Plato, Cicero and others (Gallup World Poll, 2022). The very same terminological definition was proposed already in the first half of the 20th century by German scientist G. Geller, such a concept of a social state, or welfare state, received normative consolidation precisely after the World War 2 against the background of mass discontent of citizens with living conditions and the state of their legal status. Compared to American society, which prioritised preserving the private owner and the individual in general, European society embraced the idea of the social state comparatively earlier.

Thus, the active process of developing and implementing the basic principles of the welfare state in European countries dates back to the post-war period. Thus, the Constitution of Spain and the Federal Republic of Germany and the Republic of France proclaim that these states are social (Busemeyer *et al.*, 2022). The same provision exists in the Constitution of Ukraine (1996). In general,

the construction of a socially oriented state was based on the following main postulates: the development of social insurance and an increase in state budget expenditures for its provision, furthermore for the social protection and education of the population's most vulnerable sections; regulation of the ratio in the incomes of the poor and rich population; increasing wages and social payments, etc. The social state of the 1950s and 1960s directed its activities to prevent the existence of significant inequality in the material support of various segments of the population, to provide socially vulnerable segments of society with proper social assistance, a decent equal life and access to free economic activity, education, culture, etc. (Garritzmann *et al.*, 2023).

The main features of a social state are the following: the presence of a social protection system, which includes various types of support, such as pensions, unemployment benefits, medical protection, etc. These measures help ensure social justice and equality by helping the most vulnerable segments of the population; ensuring human rights, which are the foundation of civil society and include both the right to life, freedom of choice and preservation of religious beliefs, economic freedom, etc.; a social state provides its citizens with access to high-quality medical care and other healthcare services, this may include free medicines and vaccination against various diseases and other gratuitous measures; providing economic support and freedom of economic activity; moreover, such a state guarantees equality for its citizens, especially when it comes to the allocation of opportunity and riches, this may include the fight against poverty, creating opportunities for education and career development, and also protection from discrimination and the like. The concept of the social state is a natural consequence of the struggle for equality of people in society; it is an indicator of the rule of law in the state, and the constitutional consolidation of the fact that a particular state is social, acts as a guarantor of the observance of inalienable human rights.

Models of the social state

It is worth noting that there is no single approach to classifying models of the social state, and this is explained by the fact that each country that implements the principles of the social state has its own history, culture, and political system. There is also no unified approach to what is appropriate to understand under the concept of a social state and what specific functional obligations the state has to society. Moreover, the problem of defining uniform models of the social state is related to the fact that society is constantly changing and improving, in accordance with the economic, cultural and other conditions that exist in a particular period of the state. Under these conditions, there are several approaches to classifying models of the social state, each of which focuses on different aspects and characteristics of this phenomenon. In other words, during a period of economic growth or decline, countries can change the direction of social policy. However, despite this diversity, all models of the welfare state share common features, such as: protection of human rights, equality, solidarity, support for the weak, investment in education and health, etc.

There are several main models of the social state that are often discussed among scientists, in particular, it is a liberal model based on the idea of individualism and one's own responsibility. The liberal social state pursues minimal interference in the economy and social sphere by the state

authorities, so the main functions of the government, in this case, are to protect the private owner, preserve economic stability and freedom of choice. The corporate model is founded on the concept of collaboration between the state, employers and workers, employers and workers, so the state provides a level of social protection that depends on the income and status of a person.

The role of the authorities in the social-democratic model of building a social state is to ensure equal living and development conditions for all citizens. The state actively intervenes in the social sphere, providing a wide range of social services and assistance, based on the ideas of social justice and solidarity, ensuring the highest level of social protection.

There is also a model of a socialist state, which provides for almost complete state ownership of fixed means of production and active state regulation of the economy in order to ensure equality and social justice. This model is characterised by a high level of social protection and state participation in the lives of citizens, but may have restrictions on the freedom of entrepreneurship and other personal freedoms of citizens.

In addition, there are hybrid models that combine elements of different models. For example, the Scandinavian model, which includes elements of social-democratic and liberal models and is characterised by a high level of social protection and a balanced approach to relations between the state and the market (Öktem, 2020).

There is also a classification divisions according to some scientists regarding the models of the social state, so attention is paid to T. Tilton and N. Furnis, who in 1977 proposed the following division: a positive state of social protection, which is obliged to guarantee the availability of equal opportunities for people, to protect corporate interests, while a relatively small part of state funds is allocated to social protection; the state also acts as a mediator in conflict resolution; the social security state provides citizens with jobs and guarantees the availability of incomes that are not lower than the subsistence minimum; the social state of general welfare or prosperity is similar to the previous model, but also creates state structures that are obliged to control and supervise the vulnerable sections of society (Enli & Syvertsen, 2020).

There is also a division according to V. Goiman, which is based on the level of income and identifies four models of the social state: the megalitarian, where citizens are equal because they receive an equal amount of material goods; the Rawlsian model allows for the existence of economic inequality if such inequality is an incentive for obtaining a higher income; the social state, which is built according to the rules of the classical model of a market economy; and the utilitarian model, according to which more material goods are received by those members of society who bring greater social benefits (Greve, 2019).

Each of these models has its own advantages and disadvantages, but an individual state implements these models based on economic, cultural, and other conditions that prevail in society, minimising risks and maximising benefits.

Principles of the social state: Constitutional consolidation

The Constitution is a fundamental law of the country, which defines the legal basis of the state structure, and establishes the basic rights and freedoms of citizens, as well as the state's obligations to protect them. In the context of forming social

policy and building a social state, the Constitution plays an important role. In many countries, the Basic Law contains provisions on social protection, health care, education, housing and other social services, and defines the fundamental rights and freedoms of citizens that are necessary to ensure human dignity and personal development. These rights and freedoms include the right to work, social protection, health care, housing, education, culture, and others.

Article 1 of the Constitution of Ukraine (1996) states that: "Ukraine is a sovereign and independent, democratic, social, legal state", but it does not specifically specify what is appropriate to understand in the context of a social state, as well as the basic principles and principles that define the construction of a state as social. It is necessary to understand the provisions of the Constitution of Ukraine as norms and principles that should be interpreted not in a vacuum, but in accordance with modern conditions and in conjunction with other provisions of the Basic Law.

Thus, in particular, it is worth paying attention to Article 3 of the Constitution, which states that a person, their life and health, as well as dignity, honour, security and inviolability, are recognised in Ukraine as having the highest social value (Constitution of Ukraine, 1996). Human rights and freedoms, as well as guarantees of these rights and freedoms, determine in general the line of activities of state authorities that are responsible to a person for it. It is important in this article to recognise the rights and freedoms of individuals as a priority, and their observance as a vector of effective state activity. Thus, the social state, within the meaning of both Article 1 and Article 3 of the Constitution, should be formed around a person, their life and health, as well as rights and freedoms. It is also advisable to determine which rights and freedoms are recognised as fundamental in the context of the social state. These are directly inalienable rights such as the right to life, health and others. However, in the context of the social state itself, it is worth paying attention to Article 13 of the Constitution, which indicates that the natural resources of the Ukrainian state are owned by the Ukrainian people. Important in this Article is also the statement that it is the state that ensures the protection of the rights of those entities that have relevant property rights or act as business entities, and ensures the social orientation of the economy; asserts the equality of subjects of property rights before the law. These provisions, together with Articles 1 and 3, should also be interpreted in the context of an individual's economic freedom, which is an important component of social progress and support for the country's economic development. It consists in the ability of citizens to freely dispose of their own property and income, freely work and engage in entrepreneurial activities, as well as freely choose consumer goods and services. The social state, in turn, provides the necessary conditions for the realisation of economic freedom of citizens by ensuring social protection and guarantees of social protection; provides legal protection of citizens from any form of economic violence and administrative obstacles in the exercise of their economic rights.

It is also important to analyse Article 46 of the Basic Law, which states the right of persons to receive the necessary social protection from the state if such a person needs appropriate protection in case of disability, unemployment, old age and other cases that are provided for by the law (Constitution of Ukraine, 1996). Regarding the establishment of a social state, social insurance and protection play

an important role in ensuring equal opportunities for all citizens, regardless of their social and economic status. This allows reducing the percentage of poverty, providing more equal conditions for all and contributing to the development of the country's economy as a whole.

In general, the study of the Constitution of Ukraine allows forming and proposing the following principles that are appropriate for considering the construction of a social state: the principle of universalism is that a social policy that is universal provides services and benefits to all citizens, regardless of their socio-economic status; a social policy based on the principle of solidarity recognises that people bear collective responsibility to each other, emphasises the importance of social unity and mutual support; the construction of a social state and social policy should also be based on general principles of human rights, which include the rule of law, democracy, respect for dignity and honour, and provides access basic services and protection from social risks, such as poverty, unemployment and disability; the principle of social justice, which guarantees a fair distribution of resources and equal access of citizens to relevant benefits, is also important; the principle of ensuring the involvement of citizens and organisations in the decision-making process that directly concerns the rights and freedoms of the communities concerned, it is worth noting that this also

resonates with the principle of equality proclaimed by the Constitution and gender equality in general, which can only be guaranteed by the involvement of women in the decision-making process that concerns the immediate situation of women (Bertogg & Strauss, 2022).

Therefore, the pertinent principles guarantee that people and communities have access to essential services and are shielded from social hazards, while also highlighting the significance of social justice, equality, and the advancement of human dignity. High-quality and effective social policies are an integral part of the welfare state, and their development and implementation require a cooperative and participatory approach that takes into account the needs and priorities of individuals and communities. These principles are not unified and absolutely defined, but they are based on a number of provisions of the Constitution of Ukraine, which creates and forms a general social policy, in particular, determines the directions for building a social state.

Social state: Foreign experience for Ukraine

Given that Ukraine is constitutionally recognised as a social state, it is advisable to illustrate by the example of how social policy is ensured on the territory of the country, as well as the principles on which the authorities should rely when ensuring the social protection of vulnerable segments of the population (Fig. 1).

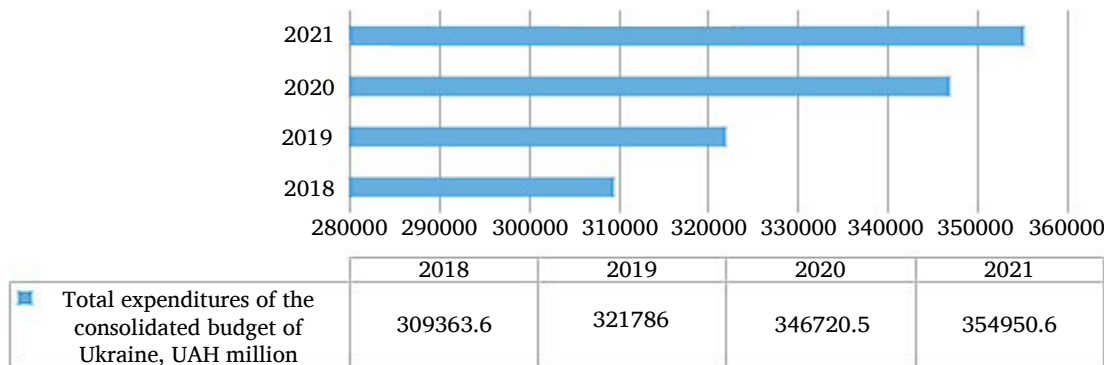


Figure 1. State expenditures of Ukraine on social protection and social security of the population 2018-2021
Source: State Statistics Service of Ukraine (2023)

Considering statistical information, social security expenditures of the population on the part of the Ukrainian state are growing, but as a percentage of total state budget expenditures for 2018, this amount is 24.7%, 2019 – 23.4%,

2020 – 21.7%, 2021 – 19.2% (State Statistics Service of Ukraine, 2023). Data on the minimum social security and the standard of living of the population as a whole are also indicative (Table 1).

Table 1. Key indicators of the standard of living of the population of Ukraine

Indicators	Reference:	2022	
	January 2021	January	February
Minimum wage, UAH	6000	6500	6500
Minimum pension, UAH	1769	1934	1934
The level of providing the subsistence minimum (guaranteed minimum) for assigning state social assistance to low-income families, UAH:			
■ for able-bodied persons	794.50	1116.45	1116.45
■ for persons who have lost their ability to work, and disabled people	1769	1934	1934
Subsistence minimum (SM) on average per person per month, UAH	2189	2393	2393
SM for able-bodied persons, UAH	2270	2481	2481
SM for persons who have lost their ability to work, UAH	1769	1934	1934

Source: Ministry of Social Policy of Ukraine (2023)

The main function in the field of social policy is to ensure effective protection, equality and justice of participants in public relations. The relevant principles should be practically implemented, based on the importance of their guarantee by the Constitution of Ukraine, but it is with a practical implementation that difficulties arise, which form a low level of social security and protection, which is illustrated in Figure 1 and Table 1, in particular, the low standard of living of vulnerable segments of the population eliminates the constitutional provisions on the recognition of human dignity and honour and the need for social protection in conditions of disability, old age, etc., which provokes an increase in poverty among the population, marginalisation, etc. This issue is particularly acute in the context of a full-scale Russian invasion, when again a number of rights and freedoms guaranteed by the Constitution of Ukraine are under threat of violation.

In order to find ways to overcome the problem and suggest ways to develop Ukraine as a successful model of a social state, it is necessary to pay attention to the positive foreign experience, based on the research of Andrian White, who used data on surveys and indices on the level of happiness and sense of security in a particular country. Thus, according to this classification, Denmark takes the 1st place, Switzerland is the 2nd, and Austria is the 3rd. Ukraine ranks 174th out of 178 among this rating (University of Leicester, 2006). It is also worth considering the study that was conducted under the supervision of the United Nations and based on the collected data from the Gallup World Poll on the happiness index of the population of a particular country. In particular, for the period 2020-2022, Finland ranks 1st in this rating, Denmark – 2nd, and Iceland – 3rd. Ukraine ranks 92nd out of 137 (Gallup World Poll, 2022).

Thus, it is worth studying the peculiarities of the social policies of Denmark, Iceland, and Finland. In general, all these states belong to the so-called “Scandinavian model” of socio-economic development, in which the economic sphere is closely intertwined with the social sphere and is designed to ensure balance and improve the standard of living of citizens.

As for the historical aspect of the development of the Scandinavian model states, it consists in an early transition to the path of industrialisation, the production of necessary equipment on their own, the development of shipping, etc., due to which a stable middle and working class was formed. This stage began in the pre-war period – in the early 1930s. An important role was played by the creation of cooperatives in the first half of the 20th century, and in the post-war years, the successful policy of the government through granting greater economic freedom and civil rights, which gave rise to the search for a more comfortable model of the country's existence – intermediate between socialism and capitalism. This intermediate model was based on the search for an effective compromise between the principles of capitalism and the principles of the welfare state, whose policies should be based on the equality of citizens. It is also important that the population of these countries is mostly homogeneous, with the same linguistic, cultural, social and economic needs, so it is easier for the government to make political decisions and the course of general public policy. The final stages, which date back to the beginning of the 21st century, are marked by the crisis of the Scandinavian model of the social state due to the beginning of the collapse of the centralised system of collective management and regulation and due to the reduction of the role and influence of the state on the formation of fair

wages. Thus, the economic development of countries was rapidly declining, and the creation of the European Union in the early 1990s played a significant role in this decline. However, this influence of the European community did not negate the importance and attempts of the Scandinavian countries to introduce a successful model of the social state, but became an incentive factor for the modernisation of the corresponding model (Iqbal & Todi, 2015).

Due to the high level of security of citizens and the effective use of the achievements of the capitalist system, states impose high taxes, due to which they provide broad social opportunities and assistance to vulnerable segments of the population. This model is also characterised by free access to education, medical care, clear legal grounds for entrepreneurship, democracy, free trade, implementation of effective social projects and programmes, and ensuring economic freedom (Pfortner *et al.*, 2019). Indicators of Economic Freedom of Denmark, Iceland, and others remain important, in particular, as of 2022, they are among the top thirty as “mostly free” countries in the economic sphere (Index of economic freedom, 2022). Overall, the success of the welfare state in these countries is conditioned by their commitment to universal access to social services, a strong social protection network, and a commitment to equality. This policy is funded by a combination of taxes and social security contributions, which ensures a high level of public investment in social programmes; for example, the basic income tax rate in these countries ranges from 48% to 57%. Due to the high rate, a large amount of funds is allocated for education, healthcare, and social assistance (Tax Foundation, 2022).

It is also important to describe the shortcomings of the relevant system, which are worth paying attention to. In particular, these are high taxes that citizens of the respective countries are required to pay, which, on the one hand, are a guarantee of protection from the state, and on the other, they tend to constantly increase. The next factor is the abuse of a high level of social security and protection. Thus, due to high social payments and effective protection of the non-working population, the risk of “reverse incentives” remains, when it is more profitable to be unemployed than to engage in a particular activity (Iqbal & Todi, 2015). Thus, for the qualitative integration of fundamental ideas into social policy, both good and bad aspects of the growth of the Scandinavian model of the social state should be taken into account.

Researchers' considerations and comparison of results

The paper by O. Lehto and J. Meadowcroft (2021) argues that a constitutional welfare state based on the principles of limited government, individual rights, and a focus on results rather than contributions would be effective and less prone to systemic violations of equality. According to the authors, traditional social security programmes often lead to political manipulation and wastefulness. It is indicated that the problems that often arise during the performance of social policy functions can be solved in the context of building a constitutional social state by providing a fair distribution of support benefits for those citizens who need it most. The authors' results partially coincide with the results of this study, in particular in the context of fair distribution of benefits and increasing the level of support for vulnerable segments of the population, which should be based on common constitutional provisions and principles.

It is also worth paying attention to the book by F. Ewald (2020), which explores the history of the French welfare state and its principles. The author argues that the concept of solidarity, which concerns the mutual obligations of individuals to each other and to the state, is at the heart of the French social state. Ewald traces the origins of the French welfare state back to the aftermath of World War 2, when France faced significant social and economic challenges. The book explores the evolution of the French social state from its early days, when it focused on providing social protection for workers, to its current form, which is more comprehensive and includes a wide range of social programmes and services. The author also considers the role of the French constitution in the establishment of the welfare state. He argues that the principles of the social state consolidated in the Constitution, which guarantees the right to social security and the right to health, are an important prerequisite for a successful social state, if they are effectively implemented in practice. In general, the study contains a comprehensive overview of the history and principles of the French social state. The author offers to understand the problems and opportunities associated with the provision of social security to citizens, and emphasises the important role that the constitution can play in shaping social policy, establishing a number of values and ideals that should guide public authorities.

The author's results coincide with the best practices of this research, due to the emphasis on the outstanding role of the constitution as a reference point for the qualitative implementing of the basic concepts of human rights protection and security, taking into account, first of all, the rights and freedoms of citizens.

S. Holmes (1988) considers the concept of "liberal guilt", which concerns the theoretical origins of the conception of the welfare state and the idea that liberal political philosophy, with its emphasis on individual freedom and limited government intervention, creates a sense of guilt or responsibility for the plight of the poor and disadvantaged in society. There is a claim that this guilt drove liberal governments to enact laws intended to lessen inequality and poverty, which in turn contributed significantly to the creation of the welfare state. However, the study also notes that the welfare state is criticised for excessive paternalism and creating a culture of dependence. The author also points out that the feeling of guilt of liberal governments prompted the creation of an effective legal framework to consolidate the defining principles of further balancing the position of individuals in the country, fair distribution of benefits, etc.

The author's results do not coincide with the results of this study, but it is impossible to deny their value and an interesting approach to understanding the prerequisites for the creation of a social state and the role of the constitution in this process. Although in this study it is proposed to consider the prerequisites for the creation of a social state in their relationship with the oppressed situation and legal status of citizens of different countries after the World War 2.

N. Barr (2020) discusses the economic principles and policies of the welfare state. The paper covers the historical development of welfare states, including the principles of creating a welfare state and the role of the state in ensuring social protection. The book also discusses trade-offs related to the development and implementation of social policies, including issues related to funding, targeting, and public or private service delivery. The author also provides an analysis

of various social security systems around the world, including their strengths and weaknesses, and indicates that the main challenges for effective social policy management are constant globalisation changes and technological progress, which cannot always be taken into account.

H.K. Anheier (2019) discusses the evolution of the role of civil society organisations (CSOs) in the development of the welfare state. It is argued that now there is a transition to a new model – the state of social investment on the example of Germany, which consists in the fact that the state cooperates with civil society organisations to provide social services. It examines the current challenges facing the welfare state, including demographic changes, globalisation, and economic pressures. The author argues that these challenges require a new approach to social policy that is more flexible, innovative, and sensitive to changing social needs. In the state of social investment, as noted by G.K. Anheier (2019), the focus is on investing in human capital and promoting social engagement, rather than simply providing social services. The author argues that CSOs can play a crucial role in providing social services, promoting social justice, and promoting social innovation. However, this requires a new partnership between the state and civil society, where CSOs will have more autonomy and flexibility to respond to social needs. Although the authors' findings do not coincide with the results of this study, they are important for further consideration and drawing conclusions.

N. Waldhör (2022) examines the impact of social assistance policies on work and labour market flexibility on two models of welfare states: Austria and the United Kingdom. The author analyses the historical development and main characteristics of social security systems in both countries, including their labour market policies. The study discusses how social security policies are being implemented in Austria and the United Kingdom in relation to the current state of the employment market, as well as assesses its impact on the welfare state. It is argued that although social security policies in relation to the current state of the labour market have been successful in reducing unemployment and increasing individual participation in the work process, they have also led to increased inequality and job insecurity and undermined aspects of social protection and solidarity of the welfare state.

The author's results do not coincide with the results of this study, but it is worth disagreeing with such considerations by N. Waldhör (2022), because according to the statistical studies given in this paper, Austria is one of the leading countries in terms of the living standards of the populace, and the social policy of the UK is aimed not only at providing people with jobs, but also at expanding the social aspects of providing vulnerable segments of the population.

It is also interesting to consider the work by M. Ala-Fossi (2020), which examines the concept of a "media welfare state" in the context of Finland and its digital era. The author argues that the welfare state of media is a way of thinking about the role of media in society outside of market perspectives, and it includes the provision of media as a public service. The study examines how this concept has been implemented in the Finnish media landscape, where media policies have focused on ensuring universal access to media and supporting the diversity of media content. They also discuss the challenges that the digital age poses to the welfare state for media, like as the development of digital platforms and changing media consumption patterns. In general, the

paper provides insight into Finland's unique approach to media policy and the potential of the welfare media state to support a more diverse and inclusive media environment.

Although the author's results do not coincide with this study, it is interesting to pay attention to them in the context of globalisation and technological progress, and how different countries react to it. Thus, Finland, according to the author, chooses the approach of subordination to appropriate changes and their implementation in the general concept of the welfare state. This experience is also useful for Ukraine to consider.

It is advisable to point out that the social state in the future should adapt to the changing needs of society and introduce, for example, a digital infrastructure that will include high-speed internet access, digital identification systems that protect privacy and prevent fraud, etc.

Conclusions

The major components of the social state were emphasised by the conducted study. These components relate to the historical conditions that led to the concept's emergence, as well as its features, classification, constitutional consolidation of principles, fundamental models of the social state, and ongoing development of the model of the social state of the future.

It is found out that the concept of the social state was formed in the first half of the 20th century, but the practical implementation turned out to be relevant after the World War 2, when the issue of human and civil rights and freedoms and their observance was under significant threat, and the levelling of the right to life and peace and security caused the need to make effective political decisions to meet the corresponding basic needs of individuals.

It is also indicated that the classical construction of a social state is based on preventing inequality, ensuring minimal social assistance, and access to education, medicine, and culture. Thus, the signs of the social state turned out to be the presence of social protection, various types of material support, economic freedom, protection of individual rights and freedoms, a non-discriminatory approach, etc.

The emphasis is placed on the absence of a cohesive strategy to the classification of models of the social state. Thus, this paper presents the following proposed division models: corporate, Scandinavian, and socialist. The paper also presents the models by V. Goiman: megalitarian, Rawlsian, social state, which is built according to the rules of the classical model of the market economy; and utilitarian model. A particular model of the welfare state primarily depends

on the cultural, economic, social, and historical factors of a particular state that implements social security and protection based on the needs of society.

Considerable attention is paid to the role of the Constitution of Ukraine in the establishment and development of the social state. It is indicated that, although the Basic Law does not directly consolidate the basic principles of the welfare state, however, the provisions are issued precisely by norms and principles that can be interpreted in different ways. Thus, Articles 1, 3, 13 and 46 are analysed and it is indicated that the priority directions for the development of social policy in Ukraine should be based on respect for human rights and freedoms, ensuring human dignity and honour, free market, and economic freedom of the individual. Thus, the Basic Law provides for mandatory social security for vulnerable segments of the population, but this provision should be interpreted in the ratio of the obligation to respect the rights and freedoms of a person, honour and dignity. However, the statistical data provided in the study, in particular regarding the standard of living of the Ukrainian population and minimum social security, indicate the lack of such compliance and disregard for the provisions of the Constitution as guiding for the development of social policy.

The paper presents the successful experience of other countries in building a social state. It is pointed out that it is necessary to take into account the provisions that underlie the Scandinavian model of the welfare state and integrate them into Ukrainian society, considering the socio-cultural conditions of Ukraine. Such provisions relate to the reform and improvement of economic freedom, simplification of the conditions for conducting business, small and medium-sized businesses, gender equality, social justice, etc.

The paper also presents a model of the social state of the future, which will be based on the changing needs of society, digitalisation, mental well-being, etc. In the future, it is advisable to study the following related topics: the impact of technological achievements on the social state; the role of social law in protecting vulnerable segments of the population; the effectiveness of social programmes in promoting social equality; gender equality and inclusivity as a key to the success of the social state.

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Conflict of interest

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Анотація. Стрімкий розвиток України в напрямі європейської інтеграції передбачає наявність якісної та ефективної правової бази, яка гарантує захист основних прав і свобод. З огляду на це необхідно з'ясувати сутність побудови соціальної держави та принципи, що в її основі. Мета роботи – дослідити основні постулати побудови соціальної держави та їх нормативне закріплення в національному законодавстві. У вивченні питання використано такі методи: історичний, системний, моделювання, аналізу та синтезу, порівняльний, статистичний. Результати дослідження показали, як розвивалася ідея створення соціальної держави на території України та інших держав і як ця концепція знайшла відображення в сучасних країнах. У статті розглядаються основні принципи побудови соціальної держави та їх конституційне закріплення; які основні свободи та права особи чи громадянина захищає те, як функціонує ідея соціальної держави тощо. Статистичні дані про показники задоволеності життям людей у різних країнах також наводяться з урахуванням різних методів реалізації соціальної політики. Представлено різні моделі та варіанти подальшої побудови соціальної держави на території України з урахуванням сучасної ситуації, пов'язаної з повномасштабною війною. У статті описано досвід успішного реформування соціальної сфери європейських країн, зокрема Данії, Швейцарії та ін. Представлено модель соціального стану майбутнього з урахуванням мінливих потреб суспільства, цифровізації, благополуччя тощо. Отримані результати можуть використати юристи, соціологи та науковці для подальшого вдосконалення законодавства України щодо соціальної політики

Ключові слова: соціальна політика; реформування; соціальне забезпечення; економічна свобода; правові гарантії