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DIRECTIONS FOR EMULATING THE EXPERIENCE OF EU MEMBER STATES IN THE OPTIMIZATION OF DOMESTIC SOCIAL LEGISLATION

The course of Ukraine towards European integration effectuates the need to improve national legislation while taking into account the principles and standards of European law. In this context, social legislation is deemed to be one of the priority areas that require such substantial transformation, since a high level of social security is basic characteristic of any European state. Switzerland, France and the Federal Republic of Germany are Member-States of the European Union and are states whose legislative experience could be instrumental for any country in the world. For this reason, the author analyzes their social legislation and identified the best practices that can be emulated in Ukrainian social contexts.

Keywords: foreign experience, social law, social legislation of the EU countries, social protection, Swiss legal system, French law, legislation of Germany.

Introductory words. The issues of emulating the foreign experience in social legislation functioning is still relevant for domestic science. Since Ukraine proclaimed its independence, state policy in the social sphere has been constantly moving towards transformations and improvements in certain social mechanisms. In the context of European integration processes, the issue of fulfilling the requirements set out by European Community for Ukraine regarding the implementation of the principles and standards of European law also is topical. The above, without a doubt, requires the examination of legislative experience accumulated in leading European countries.

Particularly, among them are Switzerland, France and the Federal Republic of Germany. Thus, Switzerland is a highly developed state, the legislative experience of which is widely studied by scientists from around the world. This country seems to be a suitable example, given the fact that it is characterized by a high level of income, low poverty, high social standards for pensioners, as well as a well-established social security system. The investigation of French experience is quite urgent, since its social security system is considered as one of the best systems in Europe and all over the world, as it satisfies such basic needs of the population as protection against unemployment, health protection, security in old age and family protection. Although, such-like types of social protection are typical for Ukraine, their level is not comparable with both states. Along with Switzerland and France, the Federal Republic of Germany is a state with a really viable system of social protection, with codified social legislation, and a functioning of a number of social standards that need to be recognized by Ukrainian legislator.

Therefore, the relevance of the investigation of directions for the emulating external legislative experience in social domain and its further implementation in Ukrainian legislation can be explained by the following. Each of the analyzed state has social legislation that form unified EU social legislation, thus characterizing such states as socially oriented. It is believed that their experience may be useful for the national legislator. Therefore, in the context of the urgent need to bring national legislation in line with European standards, it is important to improve existing mechanisms with special reference to those that are effective in practice.

Current level of investigation. Outlined research area is not completely new. Issues related to the investigation of foreign experience in social and legal regulation were the subject matter of majority of scholars. Between them are: A. Yu. Badyda, A. O. Biltsan, N. B. Bolotina, O. V. Borisyuk, O. V. Holovenko, H. V. Hryhorash, O. I. Hrytsynyak, T. F. Hryhorash, S. V. Hryshchak, O. O. Hubanov, T. A. Huzenko, I. V. Zhyhley, S. V. Zahorodniuk, T. K. Kvasha, Yu. V. Kovbasyuk, P. M. Lysenko, M. M. Lyubetska, K. V. Manuyilova, O. I. Mykolenko, Yu. O. Mohylevets, Z. V. Mokrynska, V. F. Moskalenko, N. M. Muzhykova, H. V. Nazarenko, L. O. Nikileva, V. Ya. Oliynyk, N. M. Parkhomenko, O. V. Prylypchuk, V. F. Pyzurnyy, O. V. Romanets, E. Yu. Savchuk, T. V. Salkova, L. A. Semynoh, H. O. Slabkyy, O. V. Tyshchenko, O. A. Telychko, K. O. Trychlib, O. A. Turovska, O. M. Chernenchenko, O. V. Chernyavska, O. B. Chornomaz, M. M. Shumylo, Ye. P. Yaryhina.

Baseline of the present research. In our opinion, in order to find out direction for emulating the foreign experience in adaptation of social legislation of Ukraine to EU legislation, it is of urgent importance to focus on the practice of Switzerland, France and Germany.

In particular, investigation of Switzerland's experience is quite useful, since this country can be referred as one of the most successful examples of building a social state. At the same time, as L. Tytarenko notes, the Constitution of Switzerland does not provide a textual consolidation of the concept of "social state". On the contrary, it stipulates the category of "welfare state"¹. That is, Switzerland declares its status as a state in which the population is financially secured, as well as a state in which there is no poverty. According to statistics, today in Switzerland there is a very low poverty level – only about 530 thousand people in Switzerland may be living in poverty (while the number of such people is gradually decreasing and today it is 6.6% of the population; in comparison with 9.3% that was in 2007²). Also, the authors of the "Adaptation of Social Policy and Labor Legislation of Ukraine to EU Standards" emphasize that at the present moment Switzerland has the highest average life expectancy in Europe – more than 79 years³. For comparison, in Ukraine in 2013 from 100 thousand people aged 20-64 there were those who did not live up to 65 years. 39.7% of men in Ukraine⁴.

Within current state of social protection of Swiss population, there are some models of normative regulation that can be elaborated with other states. We are of the opinion the following areas should be distinguished:

1. Health insurance. Health insurance in Switzerland is compulsory. Every person who lives there is required to conclude a health insurance contract. The obligation to insure yourself and your family is established no later than three months from the date of settlement in Switzerland. Basic insurance is compulsory for all adults and children in Switzerland and covers the costs of doctors in certain hospitals, as well as for most prescription drugs. To do this, Swiss residents pay a monthly premium accordingly to the chosen health insurance scheme. The amount of this contribution directly depends on where the person lives and whether in each individual case he/she wants to pay part of the expenses on his/her own, or whether he/she wants to include additional services in the insurance. Dental services, for instance, are not covered by basic insurance and are paid separately⁵.

2. Unemployment relief. Certain mechanism on unemployment allowance is considered to be one of the easiest in the world. The Swiss authorities do not submit any additional conditions and requirements for the applicant for social assistance. An applicant for assistance has the right to expect to receive 70% of the previous salary within 400 days if he/she has worked for at least six months in each year for the last two years. In case when the applicant worked less, then social support will be paid to him/her only 260 days. It is estimated that within the given period of time it is quite enough to get a job. The National Insurance Institute has also established maximum unemployment assistance. A Swiss resident who is left without work has the right to receive from the state no more than 65 thousand dollars a year. This amount, according to social services, should be enough to provide basic needs while looking for a new employment⁶.

3. Security retirement benefits. The retirement age in Switzerland is 64 for women and 65 for men, respectively. According to the social protection program, necessary contributions to the pension fund are provided. They are paid by all working residents of the country. In addition, payments are made by the state, the employer (4.2% from the employee's salary) and the insured person (4.2% from the annual income). The minimum pension is 1030 Swiss francs per month. Every citizen of Switzerland, starting from

¹ Титаренко, Л. (2010). Становлення, розвиток та перспективи соціально орієнтованої держави в Україні. *Гуманітарний вісник Запорізької державної інженерної академії*, 41, 132-140.

² Волинські новини (2019). *Рівень життя у Швейцарії – один з найвищих* <<https://www.volynnews.com/news/economics/u-shvetsariyi-riven-zhyttia-odyn-z-nayvyshchykh/>> (2019, June, 11).

³ Мужикова, Н. М., Пузирний, В. Ф., Семиног, Л. А. (2007). *Адаптація соціальної політики та трудового законодавства України до стандартів ЄС*. Чернігів: Деснянська правда, 91.

⁴ Левчук, Н. М. (2017). *Здоров'я і тривалість життя в Україні у контексті формування передумов інноваційної зайнятості. Демографія та соціальна економіка*, 1, 54-65.

⁵ Staatssekretariat für Migration (2019). *Соціальное страхование: пребывание в Швейцарии и окончательный отъезд из Швейцарии: Информация для иностранных граждан*. <<https://www.sem.admin.ch/dam/data/sem/rueckkehr/rueckkehrfoerderung/sozialversicherung/broschuere-sozialvers-ru.pdf>> (2019, June, 11).

⁶ StudFiles (2019). *Соціальное обеспечение в Швейцарии* <<https://studfiles.net/preview/3794426/>> (2019, June, 11).

the age of 20, is insured by the state and is obliged to pay insurance payments. Upon reaching retirement age, the pension is stipulated according to the length of employment and the size of the salary. Early retirement is also possible due to health reasons, work-related injuries and other objective reasons. Additional supplements to state pensions are provided to individuals who living in Switzerland and are subject to compulsory pension insurance; foreigners that are living in Switzerland for more than 10 years; refugees and stateless persons who have lived in Switzerland for more than 5 years. Moreover, a private pension system has been developed in Switzerland, thus Swiss citizens primarily provide benefits for themselves independently¹.

4. Workplace accident insurance. At the workplace, all employees working for eight or more hours a week are insured from an accident by employer. This insurance covers expenses and loss of earnings. Those who work less than eight hours a week or work on their own must pay for accident insurance by themselves². Regarding the latter, it is worth noting that Switzerland is a state with a high level of citizens who works on a part-time basis.

5. Support in old age, with loss of breadwinner and disability. After reaching the age of 18, all Swiss citizens are required to pay for state old-age and survivor pension insurance, as well as disability insurance and insurance premiums. According to the first type of insurance, an old-age pension is paid for women from 64 years old and for men from 65 years old. After the death of a family member, pensions are paid for the loss of the breadwinner and orphans. The purpose of this insurance is to support people with disabilities. This insurance helps people with disabilities keep their jobs or find a new one. In case it is not possible, this insurance also provides for the payment of a pension. The amount of pensions for those two insurances types is calculated within approximate coverage of the most important social needs. If this pension is not enough, one can get additional financial support (Ergänzungsleistungen)³.

6. Additional support for families. Each working woman has the right to get 14-week maternity leave and to receive at this time financial support in connection with motherhood in the amount of 80% from the last salary obtained or income received. Workers with children, regardless of income level, also have the right to receive financial assistance for children. Such assistance is also paid to unemployed citizens with a modest income. In cases where income is insufficient for a normal standard of living and none of the types of social insurance can help, social assistance is provided. The cantons are responsible for providing social assistance. Such assistance is usually issued by the community, and is financed by taxes⁴.

In our view, each of the suggested areas should be considered as an instrument to improve national social legislation in terms of its approximation to European Union standards. However, it should be taken into account that the Swiss system of social protection is specific enough, therefore, the application of its experience in other states is quite problematic.

The specificity of the France model of social protection is that state and non-state sectors of the economy are simultaneously involved in it. On the one hand, there are high expenses for social programs that exceed the average level in the European Union. For example, from 1970 to 2003, the costs of social protection in France increased from 17.5 to 30.9%⁵. On the other hand, a significant contribution to the functioning of such a system is made by working people who is personally finance social programs. The latter, in turn, applied to all citizens, as well as finance those programs that are directed exclusively to them.

In the framework of the current state of social protection in this state, it is appropriate to identify the following areas, which serve as a model for other states:

1. Security retirement benefits. In France, the state old-age pension system, which covers the majority of pensioners, is a complex multi-tiered formation. Since the 90s and still there are about 100 basic

¹ Українська Асоціація Інвестиційного Бізнесу (2019). *Пенсійна система Швейцарії*. <<http://www.uaib.com.ua/files/articles/203/49/Switz.pdf>> (2019, June, 11).

² Staatssekretariat für Migration (2019). *Соціальне страхування: перебування в Швейцарії і остаточний отъезд из Швейцарии: Інформація для іноземних громадян*. <<https://www.sem.admin.ch/dam/data/sem/rueckkehr/rueckkehrfoerderung/sozialversicherung/broschuere-sozialvers-ru.pdf>> (2019, June, 11).

³ Ibid.

⁴ StudFiles (2019). *Соціальне забезпечення в Швейцарії* <<https://studfiles.net/preview/3794426/>> (2019, June, 11).

⁵ Нікілева, Л. О. (2011). Порівняльна характеристика фінансових моделей соціального забезпечення та захисту населення в Україні та світі. *Науковий вісник Полтавського університету економіки і торгівлі*. Серія: Економічні науки, 3, 76-82.

and more than 300 additional pension schemes. The pension system consists of five subsystems: basic regimes for employees, additional regimes, special regimes for certain categories of employees, basic regimes for non-employees, additional (optional) regimes¹. Each of them has its own specifics, which is manifested in financing, retirement age, length of insurance for a full pension, as well as the methodology for calculating the amount of pension. In this aspect, France's pension system differs from the Ukrainian, which provides for labor pensions, old-age pensions, disability pensions in case of loss of the bread-winner, for length of service². The financing of the basic regime is carried out mainly from the social contributions of entrepreneurs (8.2% from the salary fund) and employees (7.6% from the salary)³. In addition to the basic regimes, compulsory additional insurance regimes unite various professional categories of workers. Part of the funds is represented as interest from the placement of free financial resources, which is carried out by the Central Agency of Social Insurance Institutions.

In this regard, pensions of former employees directly depend from the contributions of current employees, that is, those who work today and get paid in the same company, industry or country as a whole. At the same time, it should be noted that a high replacement rate, that is, a large pension in comparison with the previous salary, remains an essential feature of the French pension system. The amount of pensions is 78% for men and 72% for women according to the amount of preliminary wages⁴. Therefore, as a result, this level of pensions allows the population of France to maintain virtually the same standard of living after retirement.

Attention should be paid to the fact that this has become possible due to an increase in the level of retirement age. Thus, in October 2010, the French government amended pension legislation. Previously, the French were retired at the age of 60 if they paid pension contributions for the period of 40.5 years, and at age 65 – in case they paid less. The government raised the retirement age to 62 and 67, respectively. In addition, the required period of payment was 42 years in 2018. Moreover, the retirement age of men and women was not changed⁵. It is worth noting that for Ukraine today, raising the retirement age is not appropriate, given the generally high mortality rate. For example, from the 100 thousands of people aged 20-64 in 2013, 39.7% of men in Ukraine did not live up to 65 years⁶. These data indicate that even with the current retirement age, significant part of citizens do not live to see it. By increasing the retirement age based on the French experience to 62 and 67 years, many citizens who will survive to retirement will decrease even more significantly.

2. Provision of medical services. France has an effective health insurance system that covers 80% of the country's population. Financing of the health system is carried out mainly via three sources of financing: the general budget, compulsory health insurance (the main source of financing), personal funds of citizens⁷. The leading role is played by compulsory health insurance, under which employees and enterprises regularly pay contributions to the insurance fund on a mandatory basis. As a result, all residents of France, even the poor and homeless, are eligible for the minimum health insurance coverage (Couverture Maladie Universelle).

Health insurance is compulsory and is paid by the employee (1/4) and the employer (3/4). Every person in France who has a job is obligated to transfer funds to the national social security system, and

¹ Салькова, Т. В. (2017). Досвід державного управління системою пенсійного забезпечення (на прикладі Франції). *Ефективність державного управління: зб. наук. пр. Львівського регіонального інституту державного управління Національної академії державного управління при Президентові України*, 1 (50), Львів: ЛРІДУ НАДУ, 103-109.

² Закон про пенсійне забезпечення, ст 10, 1992 (Верховна Рада України). *Офіційний сайт Верховної Ради України*. < <https://zakon.rada.gov.ua/laws/show/1788-12> > (2019, June, 11).

³ Романець, О. В. (2012). Система соціального захисту: досвід Франції. *Наукові записки Національного університету «Острозька академія»*. Серія: Економіка, 10 (2), 408-416.

⁴ Салькова, Т. В. (2017). Досвід державного управління системою пенсійного забезпечення (на прикладі Франції). *Ефективність державного управління: зб. наук. пр. Львівського регіонального інституту державного управління Національної академії державного управління при Президентові України*, 1 (50), Львів: ЛРІДУ НАДУ, 103-109.

⁵ Ibid.

⁶ Левчук, Н. М. (2017). Здоров'я і тривалість життя в Україні у контексті формування передумов інноваційної зайнятості. *Демографія та соціальна економіка*, 1, 54-65.

⁷ Григораш, Г. В., Григораш, Т. Ф., Олійник, В. Я., Субачов, І. Т. (2007). *Системи соціального страхування зарубіжних країн*: Навчальний посібник. Дніпропетровськ: ДДФА, 119.

without any exception, any person – a Frenchman, or a working foreigner unemployed – has the right to use this benefits. In the case of a serious and prolonged illness, as well as in case of diseases requiring expensive treatment and surgical intervention, the risk insurance is full. That is, the expenses are fully reimbursed to patients. Insurance is paid partly for simple diseases or the so-called comfort expenses¹. Compulsory insurance is provided even for students and schoolchildren. Since 1998, health care financing has been carried out not only through deductions from employees' wage funds at enterprises, but also from the tax on comprehensive income through the introduction of a single social contribution. This method of reform reduces the direct negative impact on economic activity, although it directly affects family income, and, as a consequence, the purchasing power of the population. The National Assembly annually approves "single state health insurance target" (Ondam), that is, the common limit of health insurance costs. In accordance with its decisions, state bodies conclude agreements with social security funds, and in particular, with the National Health Insurance Fund. The cashier, in turn, enters into agreements with doctors and other health care personnel². As a result, the system operates as follows: a patient, having previously made an appointment with a doctor, pays him/her for a visit and for all types of medical services: tests, consultations, etc. The doctor fills in a special letter on the basis of which the patient receives full or partial compensation at the certain insurance office. Free medical services are provided to people with disabilities and seriously ill patients who do not have funds for treatment³. Under standard prices, 80% of the cost of treatment and from 80 to 40% of the cost of drugs are compensated, depending on the degree of their medical relevance. Optional medicines are not paid. The usual cost of a visit to the doctor is 20 euros, but may be higher depending on the qualifications of the doctor. In the case of a serious illness, including diseases associated with old age, insurance covers 100% of the cost of treatment and medication. Thus, Carte vitale serves as a practically monetary equivalent. Medicines prescribed by personal doctor can usually be bought at any French pharmacy without any problems.

The health insurance system is managed on a parity basis: each regional branch ("cash desk") has its own governing council which consists of representatives of trade unions and employer unions in a ratio of 50/50. In case of conflict, the state acts as a mediator. Private patient contributions are very limited, funding should be primarily public in nature⁴. In addition to insurance offices, there are numerous mutual aid societies that provide additional types of insurance, for example, payment for medical and dental care. Such companies participate in paying the bills of their members in line with primary health insurance schemes or offer their members assistance to provide support for the elderly. The activities of mutual aid societies are coordinated by the national federation. In addition, France has a well-developed network of private insurance companies⁵. This allows us to conclude that in France, compulsory and voluntary health insurance are developing in parallel.

3. Family support system. An important component of France's social security system is the family support system (Allocations Familiales). Family benefits are financed primarily by enterprises whose contributions since 1990 have been calculated from the entire payroll fund. These contributions, as well as the state's participation, are redistributed by the National Family Benefit Fund. The same situation is with the targeted benefits, for example, for housing and employment. The family support system guarantees financial assistance to all French families, regardless of income, as well as additional services, for example, payment for kindergartens and vacation centers (in accordance with income). Moreover, a family expecting a child receives about 2 thousand euros, which are paid within three stages (the first two payments are made at woman's mandatory visit to the doctor, the third – at the birth of the child). In the future, and until the child reaches the age of 20, the family receives a monthly payment (about 100 euros for each of two or more children)⁶.

¹ Романець, О. В. (2012). Система соціального захисту: досвід Франції. *Наукові записки Національного університету «Острозька академія»*. Серія: Економіка, 10 (2), 408-416.

² Ibid.

³ Григораш, Г. В., Григораш, Т. Ф., Олійник, В. Я., Субачов, І. Т. (2007). *Системи соціального страхування зарубіжних країн*: Навчальний посібник. Дніпропетровськ: ДДФА, 119.

⁴ Романець, О. В. (2012). Система соціального захисту: досвід Франції. *Наукові записки Національного університету «Острозька академія»*. Серія: Економіка, 10 (2), 408-416.

⁵ Григораш, Г. В., Григораш, Т. Ф., Олійник, В. Я., Субачов, І. Т. (2007). *Системи соціального страхування зарубіжних країн*. Дніпропетровськ: ДДФА, 120.

⁶ Романець, О. В. (2012). Система соціального захисту: досвід Франції. *Наукові записки Національного університету «Острозька академія»*. Серія: Економіка, 10 (2), 408-416.

4. Unemployment compensation. France has a higher than the EU average unemployment rate, which fluctuates from 8.5 to 12%¹. This is the most crucial challenge for French society, as it concerns not only those who have no work at all, but also those who work on a fixed-term labor contract. In order to create jobs, from the beginning of the 70s, certain compensation systems began to be implemented gradually to along with measures of an economic and social nature. Initially, they were aimed at maintaining the number of employees by enterprises or mainly attracting new workers. The state seeks to create favorable conditions for this and takes upon itself (in whole or on a partial basis) the deduction of contributions to the social security funds of those enterprises that take commitments to create jobs. Activities of a social nature consisted in varying the conditions and duration of labor, the wider prevalence of early retirement in industries that are in crisis. In addition, the practice of part-time work has been widely disseminated, as well as assistance in the form of tuition and retraining of the unemployed has become widespread². Unemployment benefits are paid to people who have lost their jobs through the National Inter-professional Employment Center (Nationale Interprofessionnelle pour l'Emploi Dans l'Industrie et le Commerce, UNEDIC). There is a category of unemployed who do not have the right to receive direct financial assistance, because they did not work and did not make certain contributions to insurance funds. In relation to such persons, payment of employment assistance is intended to assist in finding a job or returning to it. Without a doubt, it embeds this assistance with an innovative social character. The assistance is funded primarily by the state and distributed through the family benefits cash desk. The fight against poverty and exclusion from society has become a nationwide task and has brought together broad segments of the population around representatives of specialized institutions and government agencies, implementing a large-scale program aimed at ensuring everyone access to basic rights (employment, housing, healthcare, education, culture) and prevention of situations leading to exclusion from the public life³.

Summing up the analysis of the specifics of the French social protection, practice has shown that France is a social state not only declaratively, but also in fact. French legislator draws significant attention to the issues of social assistance to the population. Comparing the social protection system of Ukraine and France, it is impossible to draw an unambiguous conclusion that the Ukrainian model is considerably worse. However, at the present moment Ukraine cannot compete with France in terms of social protection for economic reasons.

The next European state, the experience of which is advisable to emulate, is the Federal Republic of Germany. In the framework of the current state of its social protection, the following areas should be distinguished:

1. Adoption of a codified normative legal act in the field of social protection. The German Social Code (Sozialgesetzbuch)⁴ is the factor due to which the social legislation of Germany is much more perfect and easier to implement than the certain legislation of Ukraine. The possibility of adopting the Social Code of Ukraine has been discussed for many years in our state. Moreover, the Verkhovna Rada submit a certain draft law, which however did not find support and was withdrawn⁵. However, this does not mean that the adoption of such a legal act is impossible and inappropriate in the future. According to the authors of the draft law, with its adoption, everyone will be able to find protection of their rights and freedoms in one legal document – the Social Code of Ukraine. Its structure is formed on the basis of international legal norms defined by the European Social Charter and the European Social Security Code, law-making practice European countries. Indeed, comparing its structure with the contents of the aforesaid German Social Code (Sozialgesetzbuch)⁶, it can be concluded that this regulatory act is structurally similar to the draft of Ukrainian Social Code. Therefore, in the future, if such a regulatory act be adopted, it will be advisable to refer to the German experience. However, in addition to this feature,

¹ Демографические изменения. *Eurostat*. <<http://epp.eurostat.ec.europa.eu/portal>> (2019, June, 11).

² Романець, О. В. (2012). Система соціального захисту: досвід Франції. *Наукові записки Національного університету «Острозька академія»*. Серія: Економіка, 10 (2), 408-416.

³ Ibid.

⁴ Bundesministerium der Justiz und für Verbraucherschutz (1994). *Sozialgesetzbuch*. <https://www.gesetze-im-internet.de/sgb_11/SGB_11.pdf> (2019, June, 11).

⁵ Проект Соціального кодексу України, 2012 (Верховна Рада України). *Офіційний сайт Верховної Ради України*. <http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?id=&pf3511=44133> (2019, June, 11).

⁶ Bundesministerium der Justiz und für Verbraucherschutz (1994). *Sozialgesetzbuch*. <https://www.gesetze-im-internet.de/sgb_11/SGB_11.pdf> (2019, June, 11).

the social legislation of this state is also characterized by other distinctive features that shall be taken into account by domestic legislator.

2. Pension fund scheme. In the German pension system has a legitimate place in general social insurance system. The German pension system, as well as Ukrainian, is three-tiered: 1) state compulsory pension insurance; 2) industrial pension insurance; 3) personal insurance¹. That is, in general, this model is similar to that stipulated by the Law of Ukraine “On Compulsory State Pension Insurance” from July 9, 2003 No. 1058-IV². The difference is that the second level of the pension system in Ukraine is also state. Compulsory pension insurance in Germany is divided into the pension provision of public servants (the federal level) and the pension provision of employees (the land level). The scope of contributions and the payment of pensions is carried out in a single information mode, according to a single system of personified accounting. As in Ukraine, funds are not accumulated, therefore, today’s employees pay today’s retirees. If a person has not worked for a certain period of life or has turned out to be an internally displaced person, these expenses are covered from the federal budget. At the same time, information sources note that only 22-55 billion euros per year are allocated for the maintenance of refugees³. That is, contributions from employees are not the only source of funds for the respective funds in Germany. In addition, the state finances payments to former compatriots currently residing in 89 countries all over the world⁴. Nevertheless, one of the problems of pension provision in Ukraine is traditionally the deficit in the Pension Fund of Ukraine. For example, in the State Budget of Ukraine for 2019, about 167.5 billion UAH are allocated to cover the deficit of the Pension Fund of Ukraine⁵. Despite this, the German pension system is quite progressive, as it provides an opportunity for a person with 45 years to receive a pension, which corresponds to 70% of the average wage, and the amount of the additional voluntary pension is about 25-40% of the state basic pension⁶. Moreover, in Germany there are no concepts of “maximum” and “minimum” pension, therefore, even with a salary of 1 euro, municipal payments are made.

3. Health insurance. About 90% of the population uses health insurance as it includes the costs of diagnostics, consultations, hospital stays, as well as compensates for loss of income, etc. In Germany, a system of medical care for the elderly has been well established, which covers 450 thousand elderly people who receive home care, as well as 1.2 million people is on outpatient care⁸. 22 land administrations are engaged in vocational rehabilitation of people who have temporarily lost their ability to work and (or) are not able to continue to work in their main field of expertise. For people, training and retraining is organized, the possibility of obtaining another profession, a change in the type of activity is also provided. This is done not only for the moral and material support of the certain individual, but also with the aim to increase the number of employees and, consequently, the pension payments generated as a result. That is, the main goal of health insurance in Germany is, first of all, to ensure that the employee returns to work after recovery or completion of rehabilitation.

4. Unemployment insurance. Its exists due to the high number of refugees, since about 6% of the state’s population is constantly in search of work. At the same time, such payments are not perpetual, and are not aimed to ensure the whole life of unemployed. Their amount is calculated in accordance with the size of the person’s previous salary and are temporary and short-termed⁹. Accordingly, such payments are made in order to increase a person’s chances to find a new job. That is, at the end of 6-24 months, a person

¹ Українська Асоціація Інвестиційного Бізнесу (2019). *Пенсійна система Німеччини*. <<http://www.uaib.com.ua/files/articles/203/49/Germany.pdf>> (2019, June, 11).

² Закон про загальнообов’язкове державне пенсійне страхування, ст. 376, 2003 (Верховна Рада України). *Офіційний сайт Верховної Ради України*. <<https://zakon.rada.gov.ua/laws/show/1058-15>> (2019, June, 11).

³ Правова та юридична допомога (2019). *Як влаштована система соціального забезпечення у Німеччині*. <<https://migrant.biz.ua/nimechyna/zhittya-de/sotsialne-zabezpechennia.html>> (2019, June, 11).

⁴ Українська Асоціація Інвестиційного Бізнесу (2019). *Пенсійна система Німеччини*. <<http://www.uaib.com.ua/files/articles/203/49/Germany.pdf>> (2019, June, 11).

⁵ Закон про Державний бюджет України на 2019 рік, ст. 400, 2018 (Верховна Рада України). *Офіційний сайт Верховної Ради України*. <<https://zakon.rada.gov.ua/laws/show/2696-19>> (2019, June, 11).

⁶ Карлін, М. І. (2011). *Фінанси країн Європейського Союзу*. Київ: Знання, 36-38.

⁷ Тищенко, О. В. (2015). Досвід соціального забезпечення населення в провідних країнах Європейського Союзу. *Науковий вісник Херсонського державного університету. Серія: Юридичні науки*, 2 (2), 76-81.

⁸ Ibid.

⁹ Правова та юридична допомога (2019). *Як влаштована система соціального забезпечення у Німеччині*. <<https://migrant.biz.ua/nimechyna/zhittya-de/sotsialne-zabezpechennia.html>> (2019, June, 11).

may lose the right to receive unemployment benefits, regardless of whether he/she found a job. Therefore, in general, the German unemployment assistance system is similar to the domestic one. The fundamental difference is that the amount of the relevant payments directly depends on the amount of the person's previous salary. Such experience, in our opinion, could be appropriate for implementation in Ukraine.

5. Aid to the refugees. Assistance for the refugees creates for migrants a number of advantages. For instance, they receive financial assistance from the state in order to meet their basic social needs, thus they are entitled to receive treatment benefits, and pregnant women receive maternity benefits. The amount of assistance to refugees directly depends on their age, marital status, number of children¹. This issue is also challenging today for Ukraine, given the military operations, the loss of territories, and the large number of people who have changed their place of residence in connection with aforesaid situation. Nevertheless, as the analysis of the Law of Ukraine "On Refugees and Persons in Need of Extra or Temporary Protection" of July 8, 2011 No. 3671-VI² has shown, refugees in Ukraine receive a similar scope of rights. Assistance to refugees in Germany and Ukraine is comparable in scope, but differs significantly in amounts, as in financial terms Germany is characterized by much greater opportunities.

6. Payment for housing. It is received by persons who do not obtain other types of social security, subject to the area of housing provided for in the domestic legislation, its cost, income of the person and his family³. The higher the income, the lower possibility to receive such assistance.

7. Assistance for maternity care. The state pays funds for each child for 18 months. A childcare of 3 years is provided, and the person providing actual childcare cannot be dismissed from the work, this period is counted in the length of service. The childcare allowance (until recently, 300 euros per month) is guaranteed by the state in the first six months from the child's birthday, regardless of family income, and then is paid depending on family income for two years, and in some lands, up to three years⁴. At this stage, such type of social protection as paying for housing, is problematic for integration into domestic social legislation, given the fact that the state does not have resources for aforesaid assistance. Therefore, in this aspect, it can be concluded that the Law of Ukraine "On State Assistance to Families with Children" from November 21, 1992 No. 2811-XII⁵ contains comparable provisions.

Against this background, the German experience of social protection is useful for Ukraine in terms of codification of social legislation. In other areas, the main problem of implementation is predetermined by the lack of financial opportunities in Ukraine to strengthen the social protection of the population.

Concluding remarks. Thus, conducted investigation allows us to conclude that the positive foreign experience of social legislation cannot always be emulated for the modernization of social legislation of Ukraine. Without a doubt, this primarily due to economic reasons. Ukraine, as a state, does not have such economic opportunities as most European countries. Therefore, following areas of social protection can be outlined in order to be reflected in domestic social legislation:

1. Adoption of the Social Code of Ukraine. The issue of adoption of the Social Code of Ukraine is periodically raised by various authors and practitioners. To date, there are relevant draft laws, thus it can be concluded that in the near future aforesaid issue will be addressed. Today there is a draft of this regulatory legal act, and in case its finalization within the experience of France and the Federal Republic of Germany, it will be a viable instrument that resolve the current problems in legal regulation of social security of the population in Ukraine.

2. The development of additional social protection systems, especially in the field of pension and medical insurance (in particular, the funded system of compulsory state pension insurance, non-state pension insurance and medical insurance). These systems exist today in Ukraine. However, they are either

¹ Правова та юридична допомога (2019). Як влаштована система соціального забезпечення у Німеччині. <<https://migrant.biz.ua/nimechina/zhittya-de/sotsialne-zabezpechennia.html>> (2019, June, 11).

² Закон про біженців та осіб, які потребують додаткового або тимчасового захисту, ст. 146, 2012 (Верховна Рада України). Офіційний сайт Верховної Ради України. <<https://zakon.rada.gov.ua/laws/show/3671-17>> (2019, June, 11).

³ Правова та юридична допомога (2019). Як влаштована система соціального забезпечення у Німеччині. <<https://migrant.biz.ua/nimechina/zhittya-de/sotsialne-zabezpechennia.html>> (2019, June, 11).

⁴ Тищенко, О. В. (2015). Досвід соціального забезпечення населення в провідних країнах Європейського Союзу. *Науковий вісник Херсонського державного університету. Серія: Юридичні науки*, 2 (2), 76-81.

⁵ Закон про державну допомогу сім'ям з дітьми, ст. 21, 1993 (Верховна Рада України). Офіційний сайт Верховної Ради України. <<https://zakon.rada.gov.ua/laws/show/2811-12>> (2019, June, 11).

at the stage of their formation, or are not yet fully functioning. In this aspect, emulating the experience of Switzerland, France and Germany is vital, since in those states such systems have reached the highest level of development. And our scientific examination has shown that in this aspect, Ukraine could adopt necessary set of legal regulations.

3. For Ukraine it would be quite useful to adopt the experience of each of the analyzed states in terms of regulation and functioning suggested types of social security measures: medical security (including medical insurance and insurance against accidents at the workplace); unemployment benefits; pension provision; support in old age, with loss of breadwinner and disability; family support (including housing allowance and maternity allowance), refugee assistance. However, it should be noted that the financial opportunities of Switzerland, France, Germany and Ukraine are not comparable. Consequently, this direction can be implemented only if Ukraine solves all its current socio-economic challenges.

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