

## **1.4. Пріоритети розвитку законодавчих гарантій соціального та правового захисту військовослужбовців відповідно до стандартів НАТО**

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### **PROBLEMS AND WAYS OF IMPROVING OF SOCIAL AND LEGAL PROTECTION SERVICEMEN AND THEIR FAMILY MEMBERS IN ACCORDANCE WITH NATO STANDARDS**

The transition to NATO standards for the Armed Forces of Ukraine means the transition to a qualitatively new level, the final deprivation of the so-called post-Soviet legacy. This is a new philosophy of military construction, the effectiveness of which has been proven by the experience of leading countries.

In practice, this means the development, adoption and gradual implementation in the Ministry of Defense of Ukraine and in the Armed Forces of Ukraine of internal regulations and rules, including, for example, provisions and provisions of statutory documents that will allow the Armed Forces of Ukraine to achieve interoperability with military units. NATO [3].

This is a very deep and meaningful internal restructuring of the entire military organism. It concerns, first of all, reforming and improving

the efficiency of the Armed Forces management system, streamlining the activities of the structures involved, achieving an optimal balance between planning and use of resources and capabilities in the operational, administrative and material spheres.

At the same time, it is important to realize that NATO standards are not an abstract category. These are carefully developed and formalized in the documents regulations and rules that apply to a particular area of military activity. In accordance with NATO standards. Today, the topic of social security for servicemen of the Armed Forces of Ukraine is quite relevant. Low attention to the main issues of social protection of servicemen and members of their families leads to a decrease in the social level of servicemen and members of their families, non-compliance with declared standards and lack of consistent and clear policy of social norms, which leads to low combat effectiveness of the armed forces. and decline in moral qualities.

In connection with the introduction of the new Military Doctrine of Ukraine, signing an association agreement with the European Union, conducting an anti-terrorist operation in Ukraine – a significant priority is proper social security of servicemen of the Armed Forces of Ukraine and bringing existing mechanisms in line with EU and NATO standards. In most countries of the world, the issue of socio-economic and legal protection of servicemen is given great attention. Analysis of foreign experience in providing social guarantees for servicemen in comparison with social security for servicemen of the Armed Forces of Ukraine (hereinafter – the Armed Forces of Ukraine) allows us to draw the following conclusions about the main features of providing social guarantees for servicemen:

- most of the normative legal acts of Ukraine, which reveal the essence of providing social guarantees for servicemen of the Armed Forces of Ukraine, do not take into account the current standard of living and expenses that servicemen pay to defend their country, namely: moral, spiritual, mental, psychological, physical, etc;
- each country has its own characteristics and specifics of providing social protection for servicemen. However, in most countries of the world, the state cares about the quality of social protection of servicemen, as well as the real possibility of receiving these benefits;
- a decent life of an individual, that takes into account the necessary needs of socio-cultural development can provide only a decent level of social guarantees for servicemen;

- to ensure social guarantees, most countries in the world implement a range of government measures aimed at ensuring a decent standard of living and well-being of both servicemen and their families [4].

One of the ways to improve the provision of social protection for servicemen of the Armed Forces of Ukraine may be to provide a loan for housing or housing itself on preferential terms. This should be stipulated in a long-term contract for service in the Armed Forces of Ukraine or another military formation that will directly stimulate service [1, p. 16].

Social and legal protection of servicemen and members of their families should not only be declared in the relevant legislation; the state must clearly implement the laws to ensure appropriate expenditures from the state budget in order to actually finance certain social guarantees. Creating appropriate conditions for servicemen to pass military service provides not only a more conscious implementation of them functional responsibilities, as well as strengthens the defense capabilities of the state [4, p.7].

Therefore, the legal regulation of the issues of providing social guarantees for Ukrainian servicemen and members of their families should be closer to international standards, in particular to NATO member states. This is what the national specifics of the social security system should be aimed at. Thus, the normative regulation of financial support of servicemen does not meet NATO standards and is not enshrined in law, but is regulated only by a resolution of the Cabinet of Ministers of Ukraine.

The direction of further reform should be to improve the mechanism for providing social guarantees for servicemen in Ukraine, taking into account foreign experience.

Today in Ukraine the Ministry of Social Policy, which is the central body of executive power, whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine and which ensures the formation and implementation of state policy in the field of social protection of servicemen, occupies a decisive place in the system of social security and social protection [2, p. 32].

It is also proposed to consider the feasibility of establishing a number of lump sums and compensation payments:

- compensation for rent;
- compensation for the unused part of the leave;
- food compensation;
- assistance in moving on duty to another area (lifting);

- financial assistance for rehabilitation;
- financial assistance in case of discharge from military service;
- financial aid;
- reward for concluding a contract to servicemen with high-tech and scarce specialties;
- reward for participation in military conflicts, etc.

According to a number of authors, some legal norms of social protection servicemen of leading NATO member states can be borrowed from the relevant legislation in Ukraine. These legislative innovations will provide an opportunity to improve the level of social protection of servicemen of the Armed Forces of Ukraine and will contribute to the general increase of the prestige of military service among our citizens [5].

As a conclusion, it is expedient to improve the system of social protection of servicemen in Ukraine on the basis of the following principles according to NATO:

- a combination of personal interests of servicemen with the interests of the state at mutual responsibility;
- the ratio of the required level of social protection with the real ones opportunities to provide it;
- ensuring social protection of servicemen on compensation on the basis of their unconditional performance of their duties and voluntary acceptance certain restrictions on their rights;
- mandatory inclusion in the scope of social protection of family members servicemen, war veterans, military service, combatants and war invalids;
- creation of the most favorable conditions for the work of state bodies in relation to ensuring the social rights of servicemen and members of their families.

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