

THE RIGHT TO SOCIAL PROTECTION IN UKRAINE

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Economic, social, and cultural rights constitute an important component of the system of inherent human rights. One of the prioritized and most important areas of state activity is the protection of human rights and freedoms. Key aspects also include ensuring a decent standard of living, guaranteeing social stability, social security, and social assistance to citizens.

The right to social protection is one of the fundamental constitutional principles of social security law, which is enshrined in the Constitution of Ukraine and guaranteed by the state. For Ukraine, as a legal and welfare state, a significant feature is the extensive regulation of the right to social protection, which is manifested in a large number of normative legal acts of varying legal force in the field of legal provision of the relevant right.

The importance of this study is to theoretically substantiate the essence of the concept of social protection, its components, to analyze the concepts of "social protection" and "social security" and, moreover, to examine the substance of the concept of human constitutional right to social protection. The study aims to provide an answer to the question of what happens when individuals are ill, disabled, pregnant, or elderly, and they lack sufficient income or any income at all, due to their inability to work. Furthermore, the research seeks to examine whether modern domestic standards of social protection are consistent with and correspond to international standards.

Firstly, a detailed analysis has been carried out of Article 46 of the Constitution of Ukraine, which is pivotal to comprehending social protection in Ukraine, as it ensures the right of citizens to social protection, including the right to be provided for in case of complete, partial, or temporary loss of working capacity, loss of a breadwinner, unemployment due to circumstances beyond their control, as well as in old age and in other cases provided for by law.

Secondly, legislative acts that determine the state policy in the field of social protection and social security have been examined, among which a leading role is played by the laws of Ukraine, presidential decrees, and resolutions of the Cabinet of Ministers of Ukraine.

Thus, in accordance with the Constitution of Ukraine, Ukraine is a sovereign and independent, democratic, social, law-based state. These principles have a decisive significance for the realization of the right to social protection in Ukraine. Social protection, as opposed to social security, involves guarantees for the

protection of labour, health, natural environment, payment for work, and other measures necessary for the normal functioning of individuals and the state as a whole. It should be noted that the right to social protection is a legally broader category, which is applied in most fields of law, as opposed to the right to social security, which pertains to a narrower range of specific legal relations.

The realization of a citizen's right to social protection requires active participation of the state in this process and is dependent on the level of its economic development. In the process of Ukraine's accession to international agreements, there is a tendency to gradually implement their norms on social protection of individual population groups (social groups) into national legislation. Nevertheless, there is still a need for the gradual reform of domestic social protection system in order to bring it as close as possible to the corresponding international standards.

Therefore, the term "constitutional right to social protection" should be understood as the rights of an individual to receive from the state a particular type of non-refundable material assistance (or assistance that does not have a material nature) that is aimed at ensuring a decent standard of living for a person who, due to certain life circumstances, requires such assistance. These rights are enshrined in the Constitution of Ukraine and international legal documents, as well as in other normative legal acts of Ukraine.

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THE PRINCIPLE OF FORMALITY AND APPLICATION OF THE PRINCIPLE OF FORMALITY BY PUBLIC ADMINISTRATION

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The principles of law have always occupied an important place in every area of law: whether in criminal law, civil law, labor law, or administrative law. In general, the principle of formality has a fundamental role in administrative procedure.