

**Kosarenko N.N.**

---

**SOCIAL STATE  
PROBLEMS OF IMPLEMENTATION  
IN RUSSIAN FEDERATION**

**Monograph**

SCIENTIFIC WORLD

Riga  
2019

**UDC 340**  
**BCB 67.0**  
**K71**

**Reviewers:**

**V.A. Prokoshin**, Dr. of Law, prof.,  
**I.I. Lyutova**, Dr. Econ. Sciences, prof.

**Kosarenko, Nikolay Nikolaevich.**

**K71** Social state. Problems of implementation in Russian Federation : monograph / N.N. Kosarenko. — Riga : SCIENTIFIC WORLD, 2019. — 116 c.

**ISBN 978-9934-8833-0-9**

The monograph deals with the most significant, relevant and at the same time insufficiently studied problems of formation, organization, development and functioning of the social state in the Russian Federation.

The book from the point of view of the theory examines the essence, models, goals, principles, functions, legal and socio-economic basis of the social state. Special attention is paid to the problem of social policy, its subjects and objects in the formation of the social state.

*The book is intended for students and graduate students of law schools, as well as all those who are interested in the formation of a social state in the modern world.*

**UDC 340**  
**BCB 67.0**

**ISBN 978-9934-8833-0-9**

© Kosarenko N.N., 2019  
© SIA Biom.lv, 2019

# Table of content

<b>INTRODUCTION .....</b>	<b>4</b>
<b>CHAPTER 1. SOCIAL STATE – WELFARE STATE .....</b>	<b>8</b>
1.1. Social state as a social phenomenon .....	8
1.2. Social justice and human dignity as the basic values of the social state .....	12
1.3. Features of the development process the modern welfare state .....	16
<b>CHAPTER 2. PROBLEMS OF FORMATION OF SOCIAL THE STATE IN CONTEMPORARY RUSSIA.....</b>	<b>21</b>
2.1. The idea of a social state in Russian science.....	21
2.2. Main directions and stages of development social state in modern Russia.....	25
<b>CHAPTER 3. SOCIAL PARTNERSHIP: THE CONCEPT AND LEGAL PROVISION .....</b>	<b>30</b>
3.1. The concept of social partnership .....	30
<b>CONCLUSION .....</b>	<b>109</b>
<b>BIBLIOGRAPHY .....</b>	<b>113</b>

# Introduction

Russia proclaimed itself as a welfare state. What is a social state? What state can be considered social? As for the answer to these and other questions directly related to the category of "social state", there are many different answers in numerous works of famous foreign and domestic scientists and specialists.

The ongoing transformation of the state institution is due to post-industrial transit-the transition to the post-industrial development path, which was predetermined by the political, social, economic and technological phenomena of the twentieth century.

At the same time, it should be noted that these same phenomena have had and still have a very significant impact on the development of the modern state, determine the trends and problems of the social state. It is obvious that the state plays a truly huge role in the life of society as a whole, and the individual in this society. At every stage of the development of human civilization, the state, and with it the corresponding legal system, is constantly evolving and changing in the course of the historical process of its development. At the same time, the state is faced with a huge mass of problems that are very important for it not only theoretical but also practical importance with the transition of the modern state to the post-industrial path of development.

There is no doubt that the state as a political and legal institution is extremely difficult to study. Its essence, features, functions, as well as the processes and changes taking place in it, are "esoteric", which in many ways has yet to be revealed and given in clear and scientifically clear terms and categories.

Fundamentally important is the fact that the modern social state is undoubtedly the product of a long and at the same time contradictory development and interaction of society and public authorities. In today's state are becoming increasingly important goals and objectives aimed at addressing social issues. The activity of the state bodies on social protection constitutes the functional content of the social policy of the social state.

In addition, the main goal of the social state, firstly, is to maximize the satisfaction of the ever-growing material and spiritual needs of members of society, consistent improvement of the

standard of living of the population and, secondly, to reduce social inequality, ensuring universal access to basic social benefits, mainly quality education, health and social services. Only the formation of civil society as the social basis of the modern state, the basic value of which is the person, his rights and freedoms, and the driving force – self-organization and social activity aware of their civil and political responsibility of individuals, allows you to use their creative potential.

Many Russian scientists were interested in the problem of legal analysis of the main factors and conditions of formation of the social state in the Russian Federation. Among them, P. I. Novgorodtsev, N. X. Bunge, A. N. Miklashevskii, I. H. Ozerov, P. A. Nikolsky, I. I. Angel, V. G. Yarotsky, etc.

However, only the Declaration of Russia as a social state does not automatically lead to real changes in the way of building a legal social state. Currently, the state bears the imprint of the transition period, which is characterized by inconsistency, interdepartmental dissociation, corruption of power.

Nevertheless, in the Russian Federation, the state assumes obligations and responsibility to ensure social protection of the population, which provides for the development and implementation of laws, social assistance programs, the creation of an organizational structure, training of personnel to work in the social sphere. In accordance with article 7 of the Constitution of the Russian Federation, the policy of Russia as a social state is aimed at creating conditions that ensure a decent life and free development of a person.

The relevance of the formation of a social state in modern Russia is that following the principles of this model of state and their implementation play a crucial role in the successful operation and effective functioning of our society. The formation of a social state in post-Soviet Russia is at the very beginning of theoretical and practical development. There is not enough scientific research on this issue and it undoubtedly requires its further development. This issue is still relevant because the choice of the social state model becomes a priority for many developed countries, and it is important for Russia to establish the status of its state as a legal social state at the transition stage.

At the same time, the formation and development of the modern social state requires the theoretical development of the conceptual framework for the formation of a holistic, comprehensive program of measures for their implementation. In this regard, it is important to find out what factors contribute to this process and what conditions are necessary for this.

The development of the theory of the social state is extremely important, since the realization of the social function of the state can bring and brings to society as great benefit as its underestimation can be destructive.

The purpose of this study is to systematically analyze the phenomenon of the modern social state and identify trends in its development in the transformation of the legal institution of the state.

The purpose and tasks set in the work determined the choice of methods and techniques of research: at the stage of material collection – continuous and random sampling, at the stage of research - methods of description, contextual analysis, comparison, generalization and statistical analysis. It seems that further study of the category of "social state" is required, it is necessary to improve the legal basis of its formation in modern Russia and legal mechanisms.

As many scientists note, the social state is, first of all, a developed legal democratic state, which combines the principles of human freedom and equality, social justice and provides political, social and economic guarantees for the protection of man and citizen in society on the basis of the rule of law. Hence, it is important to remember that the social state is primarily characterized by a high level of organization of the quality of life of everyone and the development of society as a whole, it protects the rights, freedoms, legitimate interests of all its citizens, is the main factor in the removal of social tension in society. Such a state shall perform its functions only in accordance with universal principles and laws. A single state language, territory, its population, law, a single monetary unit, state sovereignty, a single information system, the army, taxes - all these attributes are inherent only to the state as a social institution of civil society.

The modern social state should combine the principles and functions of the rule of law, liberal and political democracy, har-

monization of the interests of all subjects of public life, including various elements of market relations and the need to establish the social character of the state.

The concept of the social state is a principle of the constitutional and legal status of the modern state, which implies that the Constitution guarantees the social and economic rights and freedoms of the person, as well as the corresponding obligations that it assumes. A social state is a state that should serve society, strive to ensure that social differences in it are minimized or completely excluded.

The Constitution of the Russian Federation stipulates that modern Russia is a social state, and the very concept of a social state means that the country's policy is aimed at creating conditions under which the free development of a person and a decent life of everyone would be provided and guaranteed by law .

Now few people doubt the fact that we are entering a new stage of transformation of our state. All this puts Russia in front of complex new challenges, but most importantly – requires a quick and deep understanding of them and the search for adequate answers to their solution. Including legal. There is no doubt that all these challenges arise in the context of economic sanctions and crisis. We are today, in the opinion of the Chairman of the constitutional Court of the Russian Federation V. D. Zorkin, not just in a situation of global historical turbulence, but in its epicenter.

Modern social state is characterized not only by the consolidation of the relevant principle in the Constitution of a country, but also by the presence of social policy, effective social market economy, providing employment for the entire population, decent wages, the development of social insurance, etc.

The social basis of the legal social state is civil society, which is characterized primarily by the fact that in such a society the basic social value is the sovereignty of the individual, the rights and freedoms of man and citizen.

Civil society is a complex socio-political phenomenon governed by both the rule of law and morality and tradition. In a democratic state governed by the rule of law, the relationship between civil society and state power is based on the recognition that civil society is the social Foundation of the state.

# Chapter 1. SOCIAL STATE – WELFARE STATE

## 1.1. Social state as a social phenomenon

The social state (German: welfare state) is the principle of state regulation of social relations based on the creation of conditions that ensure a decent, favorable life and social equality, justice, as well as the free development of citizens, the creation of the necessary benefits for the realization of abilities and material assistance to the needy.

The welfare state is a special type of social state whose policy is aimed at ensuring a high level and quality of life for all members of society by creating a state system of education, health care, housing construction, implementing a social security program, regulating the minimum wage, as well as protecting national culture.

The purpose of the social state - the creation of conditions for self-realization of the individual, excluding the facts that feed social dependency. The modern social state is designed to control the self-regulation of the economy and the distribution of income between all categories of citizens.

The researchers agree that the idea of social statehood was formed in the late XIX - early XX century as a result of socio-economic processes taking place in society. In the mid-nineteenth century in many countries was a powerful wave of revolutions and crises. The attitudes of individual freedom and non-interference of the state in the economy ceased to operate, which threatened the collapse of the existing political regimes. In such a political situation, when there was a danger of a social explosion, the ruling elite had no choice but to make concessions and declare a new mission of the state.

The term "social state" was first introduced into science in 1850 by the German philosopher Lorenz von Stein. Hegel's philosophy had a great influence on his work. Social state, according to Stein, should consciously serve the interests of the people. It is not possible to destroy the classes; the authorities Express the interests of the ruling class - the class of the haves; the class of

the have-nots poses a potential danger to the state. The most important task of the state is to "raise" the lower classes.

In his opinion, the state "is obliged to maintain absolute equality of rights for all different social classes, for an individual private self-determining personality through its power. It must contribute to the economic and social progress of all its citizens, for the development of one is a condition for the development of the other, and it is in this sense that the social state is referred to."

The essence of the social state Stein defined as follows: it is "obliged to maintain absolute equality of rights for all the different social classes, for a separate self-determining personality through its power. It must contribute to the economic and social progress of all its citizens, for in the end, the development of one is a condition for the development of the other, and it is in this sense that the social state must be understood."

The aim of any state is to maintain social and political stability. For this, it makes concessions to society and, as a result, becomes social. In General, the social state today can be defined as such an organization of state orders, which is focused on the guarantee of social rights and imposes on the state power the obligation to ensure and protect these rights.

The formation of a social state is undoubtedly not only a political, legal and economic process, but also a moral one. The main features and conditions of existence of the social state are:

- democracy in the organization of state power.
- a powerful economic mechanism that implements measures for the distribution of income without affecting the position of owners.
- a high level of morality of each member of society, as well as officials of the state.

When the doctrine of the social state acquired a conceptual expression (after the Second world war), a new stage in its development - constitutional consolidation. This type of state has special, specific functions that deserve to be reflected in the text of the Constitution.

The Federal Republic of Germany was the first to proclaim itself a social state, stating in part 1 of article 20 of the Basic Law: "the Constitutional order in the länder must comply with the princi-

ples of a Republican, democratic and social state based on the rule of law...". One way or another, this provision is legally reflected in the Constitutions of Portugal, Greece, Turkey, Denmark, Sweden, the Netherlands and other countries.

The state, which has declared itself social, should be based on the rule of law and ensure, first of all, the guarantees of human rights and freedoms; create an opportunity for citizens to freely realize their labor and intellectual potential in order to ensure material well-being for themselves and their families on this basis; to implement, in any systemic and structural transformations, a strong and consistent social policy focused on the maximum possible investment in the human being, on achieving high living standards for the majority of citizens, on targeted support for the most vulnerable groups and groups of the population, etc.

Today, the social state embodies, first of all, the duty of the civil servant to carry out an active social policy in order to provide decent conditions on condition of equality for all forms of ownership of the means of production. It guarantees to fight social conflicts, to take into account the interests of different segments of the population. Its task is to make citizens ' lives safer and fairer with the help of social policy.

The social state determines priorities in the implementation of the established principles on the basis of the severity of the most important socio-economic and political problems, taking into account the current historical situation and significant contradictions, the resolution of which will help to streamline the relationship between the state and civil society.

Signs of a social state can be classified into several subgroups. The first-political, the second-economic and the third - social.

The political ones include the following:

- Citizens are participants in the management of state and public Affairs, employees take part in the management of production.

- Well-developed legal framework and the presence of the qualities of the rule of law.

- The presence of an effective mechanism for the implementation of social functions in the internal policy of the social state.

To the economic characteristics:

- A high level of economic development of the country, through which it is possible to redistribute the income of the population.

- The structure of the economy aimed at social development.

- Freedom of a person to choose any type of activity in the field of hired labor and entrepreneurship.

Social characteristics:

- Development of diverse social programs by the state.

- Ensuring decent living conditions for everyone, social protection and creation of equal conditions for self-realization.

- Social justice and social solidarity.

Social policy is the most important socio-economic direction of development of the country and society. It is a system of administrative, organizational, regulatory actions and activities aimed at the comprehensive development of the state, ensuring an appropriate standard of living of citizens, as well as their social protection.

Social policy is a tool for the implementation of the social state. Social state and its social policy are closely linked, as social policy shows the extent to which the needs and interests of the whole society are realized. The direction of social policy is the achievement of social goals and results that are associated with the improvement of material and social condition, the achievement of socio-political balance, to improve the standard of living of the population, the prevention of possible social conflicts. The implementation of a strong and effective social policy is at the forefront in the social state.

The main mechanism of social policy is the management and regulation of social processes, represent a consistent change of state, elements of the social system under the influence of internal and external conditions.

In modern societies, social problems and class differences have worsened. The main problem that any state needs to solve is social problems, social security of the population, which requires the expansion of social policy objects. The activities of the modern social state are multifaceted and diverse: the redistribu-

tion of national income is in favor of the less well-off, employment policy and protection of workers ' rights in the enterprise, social insurance, support for family and motherhood, care for the unemployed, the elderly, youth, the development of access to all education, health, culture.

Thus, the development of the constitutional state does not end with legal and social stages. In the form of legal statehood is the implementation of the goals and principles of the social state. But in its activities, the social state goes much further along the path of humanization of society, it seeks to extend the rights of the individual and fill the legal norms with more equitable content .

A social state is a state based on a developed civil society, with a balanced economy and a modern legal system, capable of providing citizens with a decent standard of living, guaranteeing free social services, social security and assistance.

Only a state that has a sufficient financial and legal Foundation can be social

## **1.2. Social justice and human dignity as the basic values of the social state**

Currently, the world practice has tested and was able to implement all kinds of models for the development of the state. Many European countries in the second half of the twentieth century began to implement democratic social models. Since the main task of social development of society determines the main directions in social policy, their implementation will lead, in turn, to the Foundation of the most important components of the social state. For example, they may include the protection of labour and human health, the establishment of a minimum wage, the provision of support for families, children, the disabled and older citizens by the state, as well as the establishment of state pensions, benefits, etc.

Social state-a principle that refers to the constitutional and legal status of the state and implies a constitutional guarantee of both economic and social rights and freedoms of man and citizen, as well as the appropriate duties of the state. All this suggests that the state serves the public good and makes every effort to minimize social differences.

The main task of the social state is to help the weak to influence the redistribution of benefits in society according to the law of justice, so that everyone is provided with a decent standard of living. If we talk about the functions of the social state, in contrast to the social functions that are inherent in any state and in the early stages of the development of state forms play the role of General principles of the state, the functions of the social state are manifested in the evolution and development of the state itself.

Social functions arise in the state only at certain stages of development of industrial relations, and they are associated with a change in the human position in the structure of the productive forces and with the emergence of a completely new evolutionary type of industrial state.

The very emergence and development of social functions of States is dual, since on the one hand there is an intensive increase in the number of social functions at a higher level of development of the state, and on the other hand, the introduction of social functions in more complex systems along with political, economic and legal functions, which is why there is an improvement of all functions of the state.

However, it is the social state that aims to meet the social needs that help to develop the social and market economy.

In my opinion, this problem is important and relevant for modern society, since the tasks of the social state are to help the weak to influence the redistribution of benefits in society according to the law of justice, so that everyone is provided with a decent standard of living.

As you know, the concept of social state is understood as a modern political and legal theory, in which the word "social" has a special meaning: it is somehow connected with people's lives, and also emphasizes the fact that the state takes full responsibility and care of the material security of citizens, it implements the function of regulating the economy in the country taking into account various environmental conditions, and protects all kinds of economic and social rights of people.

A key feature of the modern social state is that in such a state the highest social value is recognized as a person, his rights and freedoms, the main list of which is established by the universal Declaration of human rights.

Of fundamental importance is the fact that all rights and freedoms are affirmed by the universal Declaration of human rights as fundamental, without being divided into more or less significant ones. They cannot be changed by any laws or regulations of individual States.

The modern democratic world order is based on the recognition that all human beings are born free and equal in dignity and rights, as enshrined in the universal Declaration of human rights. However, people have very different opportunities for the practical realization of all their advantages and rights – both in the circumstances of birth and in the circumstances of each person's life, which can change significantly throughout its duration. The starting economic and social conditions of a person's life are individual and depend on his or her personal and family history. This leads to the material and social inequality of people, the inability to equally realize their rights, including that it is especially vital and extremely sensitive social rights, and sometimes just to have without external support decent human conditions of existence. Hence, one of the most acute and topical social and political problems arises – the problem of social justice, which is constantly on the political agenda of any democratic state.

The social state in the conditions of post-industrial development is a state focused on practical combination of individual freedoms and social justice in everyday life. The main task of such a state is defined as the provision of state guarantees of approximately equal conditions of self-realization for all citizens.

Civil (personal) rights are understood primarily as the freedom of the individual to make decisions independently of the state.

Political rights are the rights of citizens in relations with the state, the freedom of citizens to form bodies of state power and self-government, as well as to participate in their activities.

Economic rights cover freedom of human activity in the economic sphere and are primarily related to the right to private property.

Social rights cover almost the entire social sphere of life of every person and society as a whole. These include the right to work and rest, the right to motherhood, childhood and family, the right to housing, social security, etc.

Fundamental to the whole system of human rights and freedoms are the principle of equality as equality of rights and freedoms for all people without exception, expressed including in their supranational status, the principle of interdependence of rights and freedoms of people in society, the principle of non-interference in the internal, spiritual world of man and tolerance to different worldviews and beliefs.

There are several models of social state. One of them is the liberal model, which is based on the individual principle that each member of society is personally responsible for his or her own destiny and the fate of his or her family. The role of the state in this model is insignificant. Social programmes are financed primarily through private savings and private insurance. At the same time, the task of the state is to stimulate the growth of personal income of citizens. This model is used in the USA, England and other countries.

Another model of social state-corporate, which involves the mechanism of responsibility of enterprises and organizations (corporations) for the financial situation and fate of their employees. The employee is provided by the Corporation with social guarantees, including pensions, partial payment of medical, educational and other services. Social security is based on corporate insurance contributions and the activities of employers' organizations.

The most common model of a social state is one based on the responsibility of the whole society for the fate of its members, and the main principle is the condition under which the rich pay for the poor and the young pay for the old. The state redistributes incoming tax payments through the budget, social insurance funds and social programs, social service system. Non-state (private) institutions of social assistance (various funds, programmes, etc.) in countries play a supporting role, but they do play a supporting role.

In Europe, there are two types of countries that differ fundamentally in the proportion of state, employee and employer participation in the financing of social programs.

The first type includes countries with a socially oriented market economy, where budget allocations and insurance contributions of the employee and the employer to social activities are

approximately equal and the main channels of redistribution are public private (i.e. under state control) social insurance funds. These countries include Germany, France and other countries.

The second type includes the countries of so-called market socialism, in which a significant part of social spending is borne by the state, and the main channel of redistribution is the budget (for example, Sweden).

The practice of social States shows that all of them rely on a number of principles in the course of their activities, including:

- economic freedom of the person and recognition of the right of entrepreneurs and their associations, employees and their trade unions to tariff autonomy on the basis of social partnership;
- trust in the regulatory role of the market through demand, supply, pricing, competition, but at the same time the responsibility of the state for the game of market forces and the creation of conditions for the regulation of economic and social life, aimed at ensuring the well-being of its citizens;
- social justice and solidarity of society, including through tax redistribution of income from the rich to the poor and the load of the able-bodied to help the already disabled;
- participation of employees in the management of production and distribution, in public and public life, the development of various forms of economic democracy.

### **1.3. Features of the development process the modern welfare state**

Recently, there have been more and more questions about whether social security is outdated as an institution, whether the social security system is working effectively, whether efforts are being made to improve the human condition, etc.

Social policy of the state is characterized as a set of measures that are mandatory due to the requirements of constitutional norms relating to the foundations of the constitutional system of the state, detailed regulatory legal acts. A welfare state is generally understood as a welfare state, a political system that redistributes wealth in accordance with the principle of social justice in order to achieve a decent standard of living for every citizen, to smooth out social differences and to help those in need.

The Basic law States that the Russian Federation protects the work and health of people, establishes a guaranteed minimum wage, provides state support for families, mothers, fathers and children, the disabled and the elderly, develops a system of social services, establishes state pensions, benefits and other guarantees of social protection .

The Constitution of the Russian Federation defines the strategic objectives of social policy: achieving tangible improvement in the financial situation and living conditions of people; ensuring effective employment, improving the quality and competitiveness of the workforce; guarantees the constitutional rights of citizens in the field of labor, social protection, education, health, culture, housing; normalization and improvement of the demographic situation; significant improvement of social infrastructure.

The modern social state is undergoing a number of serious changes. Social function (social state) - is the activity of the state aimed at minimizing differences in access to public goods for the members of the state, in order to ensure the stability (self-preservation) of society. It is a specific, historically specific system of actions, ways and means of their implementation, integrating various social groups into a single state-organized society. From the moment the society reaches the industrial level of development, the social function of the state gets its fullest expression.

Let's look at the global trends in the development of the social state. This will make it possible to adequately assess the state of the Russian social state and the possible prospects for its development. State-organized society today is changing the paradigm of the social state. This is extremely important, because we are talking about changing the essence of the social state. It refused (or refuses) direct paternalism in the form of long-term unemployment benefits and offered to replace it assistance in activating the working-age population in the form of vocational retraining programs for the unemployed in the event of persistent employment problems in the originally acquired specialty. Today we can already talk about a conceptual revision of the basic principles of the theory of social state, the transformation of its entire traditional system of categories. Most of the researchers agree in opinion that formed the idea of the social state in the late XIX - early

XX century as a result of socio-economic processes taking place in society.

Social state, according to Stein, should serve the interests of the people. "It is not possible to destroy the classes; the authorities Express the interests of the ruling class - the class of the haves; the class of the have-nots poses a potential danger to the state." One of the most important tasks of the state is to "raise" the lower classes. Following the logic of the Stein, the whole system of social security exists in order to maintain the balance of interests between different classes; like you rightly said John. Kennedy, " if a free society cannot help many of the poor, it cannot protect the few of the rich." The problem was proposed to be solved with the help of social mobility as a means of overcoming class differences and a set of social measures.

The essence of the social state Stein defined as follows: "it is obliged to maintain absolute equality of rights for all different social classes, for the individual self-determination of the individual through its power. It must promote the economic and social progress of all its citizens, for the development of one is a condition for the development of the other, and it is in this sense that the social state must be understood."

The concept of "social state" is so multifaceted that experts have not been able to come to a consensus, but they all see the features of the social state in the fact that it is regulating the economic and other spheres of public life, focuses on social policy.

The question of whether the concept of "social state" has relative independence or whether it expresses a constitutionally fixed functional relationship between the essence, content and form of the state has not yet been resolved. In fact, the question is: are the concepts of "social state" and "social function of the state" identical?

The social function is the activity of the state aimed at minimizing the differences in the access of the state members to public goods in order to ensure the stability (self-preservation) of the society. At the present stage, the social function of the state is undergoing significant changes. Until recently, the main goal of the social state was to ensure the right to a decent existence for every citizen by public authorities, and the measure of freedom that the

state can provide through the payment of unemployment benefits, pensions, subsidies, etc., was the main criterion of the degree of "sociality" of the state. It was this criterion that determined the paradigm of the social function of the paternalistic social state. Today there is a change of the main criterion: instead of the measure of freedom provided through the patronage of public authorities-the speed and degree of "inclusion" of the citizen in the labor activity (we are talking only about fully or partially able-bodied citizens), which determines the degree of "sociality" of the modern social state.

Social policy is formed and implemented in the process of activity of state structures, local self-government bodies, public organizations, production and other collectives.

The main directions of social policy should be focused on the following goals:

- achievement of the level and quality of life of the population, which corresponds to the national ideals and standards of economically developed countries;

- ensuring stable, high rates of economic development and scientific and technological progress, competitiveness of domestic producers in the domestic and foreign markets, the restoration of Russia's position as one of the leading scientific and industrial powers, the effective integration of its economy in the world economic relations;

- ensuring favorable economic conditions for strengthening the sovereignty, national security and defense capability, territorial integrity, international authority and influence of Russia;

- development of human potential, harmonization of social relations, weakening of social polarization and prevention of disintegration of society, excessive strengthening of social differentiation;

The experience of a number of European States, which are social States according to the Constitution, shows that they build their social and economic policies based on such principles as:

- the principle of economic freedom of the person and recognition of his / her right to free choice of any type of activity that does not contradict the laws in the field of hired labor and entrepreneurship;

– the principle of development and economic efficiency of social market economy;

– the principle of social justice and solidarity of the company, provided on the basis of the development of joint-stock ownership, as well as through tax redistribution of income, etc.;

– the principle of participation of employees in the management of production and distribution, in public and public life, the development of the system of tariff autonomy and social partnership .

It should be noted that the possibilities of solving certain tasks of social policy are determined by the resources that can direct the state to solve them. In turn, the resource base depends on the overall level of economic development of the country. Therefore, the specific objectives of social policy are closely linked to the economic development of the country.

Thus, the study of the state only on the basis of the analysis of its features is clearly not sufficient. Knowledge of the content side of this phenomenon, both in General and in the national context is impossible without the characteristics of the essence of the state, its purpose. In this sense, the essence of the state is understood as the most characteristic, significant in it, which determines its content, social purpose and functioning.

The essence of the social state is expressed in the priority solution of tasks related to the social security of its citizens, the implementation of a set of state guarantees in the field of labor, health, education, etc.

Thus, the equalization of living standards and the elimination of social inequality in the state are able to solve such economic problems as increasing the desire and motivation of labor productivity, the elimination of social conflicts, and they contribute to an increase in consumer demand.

Not only does the democratic regime have a social function, but it is also anti-democratic. For example, the USSR, despite the totalitarian regime of political power, carried out social policy actively, especially in the right to work, medical care, education and so on.

# **Chapter 2. PROBLEMS OF FORMATION OF SOCIAL THE STATE IN CONTEMPORARY RUSSIA**

## **2.1. The idea of a social state in Russian science**

Interest in the idea of a social state in Russia became actual only in the late XIX-early XX centuries. An important contribution of Russian researchers to the theory of a social state was the formulation and justification of the right to a decent human existence, the implementation of which was associated with the implementation of social reforms on the basis of the principle of equality.

### **The Idea Of P. I. Novgorodtsev**

Further development of the concept of "the right to a decent human existence" was received in the works of Professor P. I. Novgorodtsev (rector of the Moscow commercial Institute-now the Russian economic University. G. V. Plehanov-VA), who was convinced that this right should be guaranteed by the state. "The task and essence of the law is really to protect personal freedom, but for this purpose it is necessary to take care of the material conditions of freedom; without it, the freedom of some may remain an empty phrase, unattainable by the blah, legally assigned to them and actually taken away.

Thus, it is in the name of the protection of freedom that the right must take care of the material conditions of its exercise; in the name of the dignity of the individual, it must take care of the protection of the right to a dignified human existence."

On the basis of his research P. I. Novgorodtsev concluded that "...one proclamation of the General principle, of course, is not enough. In order for this principle not to remain only a moral wish, it is necessary that specific legal consequences follow from it." According to the logic of reasoning by P. I. Novgorodtsev, the development of the idea of legal state was developed it, essentially, in the social state of law. And the social state became simply the next stage of development of the liberal legal state.

## **The Vision Of P. A. Nikolsky**

Let us consider the vision of the scientist-civilist p. A. Nikolsky on the social state. P. Nikolsky in his works paid attention to the compulsory insurance of employees against accidents and believed that the responsibility of the entrepreneur can not come "for those misfortunes that are committed after they have taken measures to prevent them; such necessary misfortunes have always taken place... being an indispensable condition for the production of goods, and the burden of them should be borne by the whole society, not only entrepreneurs" he justified his point of view by the fact that the worker can work in several enterprises during his life. In this regard, it was not clear why only the last employer should bear the social risk of "misfortune" with workers, for example, as a result of occupational diseases. In this regard, p. Nikolsky believed that it was the employees themselves who had to insure the risk of an accident at work.

However, the organization of compulsory insurance at the expense of workers should be carried out by the state, not by private insurance companies. The latter was more expensive and was coupled with the desire of insurers to maximize profits.

P. Nikol'skii reasonably assumed that if the weight of the insurance to impose on employers, they are the costs of production, in the cost of production. Thus, the buyer of the produced goods will pay for this insurance. Other scholars who argued for compulsory social insurance took a different approach to burden-sharing of insurance costs. They insisted that the social workers should be insured at the expense of the employer.

## **The Works Of V. G. Yarotsky**

The classical academic study of the problems of social insurance is the works of V. G. Yarotsky (1855-1917) . It was a versatile, encyclopedic educated scientist, fluent in the main European languages. Even now, his detailed analysis of Western literature devoted to social problems is striking. He owns the first study in Russia, which comprehensively considers wage labor as an object of economic turnover. Among his works there are publications devoted to the problems of legal regulation of labor and social security relations, political economy, tax, budget and state law, statistics and sociology.

His practical work is worthy of respect. V. G. Yarots-Kiy was a rare type of Russian intellectual who was not afraid to cooperate with the authorities in order to implement his theoretical developments. He has repeatedly served as an expert in the state commissions responsible for the preparation of draft social legislation. According to his views, V. G. Yarotsky was a Westerner, but quite moderate and Patriotic. He was interested in the problems of social legislation, especially social insurance. Colleague of the scientist, Professor M. Reisner, rightly called him one of the best experts on social security, sincere, although non-partisan socialist.

V. G. Yarotsky was the first in the Russian science to conduct a comprehensive study of the legal regulation of social insurance. He considered the problem of social insurance in a broad context through an even larger problem, namely the relationship of workers and employers and the definition of the characteristics of labor as an object of economic turnover. Even at that time, it was obvious that work is fundamentally different from other objects of civil society, and in this regard, property insurance by its legal nature is fundamentally different from the insurance of social risks of the employee. The conclusions formulated in this part were quite in line with modern scientific discussions. V. G. Yarotsky formulated three main problems concerning the participation of the state in the regulation of relations between workers and employers:

- (1) the need for state intervention;
- (2) the actual possibility or feasibility of such an intervention;
- (3) the right of the state to intervene.

The author's conclusion was as follows: state intervention " is caused by the necessity of both conscious acceptance of this task by the state power, and development of legal consciousness of the interested persons.

The most perfect form of state intervention was recognized as "compulsory insurance of workers by entrepreneurs in institutions specially formed for this purpose". Great importance was attached to the redistribution of funds through taxation of entrepreneurs. He proposed some measures related to the tax system, which allowed to re-allocate profits and part of it to social insurance of employees.

Very convincing in the studies of V. G. Yarotsky the features of labor as an object of economic turnover. Only having solved this problem, he considered it possible to start working out problems of social insurance of workers. Otherwise, the situation with the object of insurance itself and, ultimately, the nature of the legal relationship was unclear. In this case, the scientist relied primarily on the work of the English economists, V. Thornton, L. Garrison, and the German researchers, L. Brentano and E. Engel.

The very concept of "social risk" V. G. Yarotsky associated with the development of capitalist relations and the emergence of large-scale machine production. On the one hand, this led to the emergence of a whole class of employees, for whom the use of labor was the only source of their existence. On the other hand, economic progress and the massive use of machines led to increased injuries in the workplace.

In the number of insurance cases, V. G. Yarotsky definitely include disability due to illness, industrial injury, occupational disease, and old age. Finally, the entrepreneur had to cover the "dead" costs of re-producing the cost of labor, which included the maintenance of the families of persons who lost their breadwinner.

V. G. Yarotsky was the first Russian scientist to substantiate the concept of imposing the burden of insurance payments for compensation of harm to the life and health of workers received at work on employers. He justified his position as follows: "Society through private and public charity in fact pays entrepreneurs the cost of the most important of the goods they need-work, which is the fact and is the basis for the need to impose on the entrepreneur responsibility in this regard, since otherwise it can not be considered that they fully perform their economic function." He put forward the idea of the interaction of two principles in social insurance: social security of workers and economic responsibility of entrepreneurs. V. G. Yarotsky defended the idea of not just social insurance, but state insurance of social risks.

He noted that in France since 1850 there were special funds for insurance against old age, and since 1868 there were also funds for insurance against accidents at work. In England since 1864 there was a state (voluntary) life insurance. But the most highly evaluated Russian scientist of German law, starting with the

Act of 7 June 1871, and for-and the insurance laws of the 80-ies of the XIX century It was even suggested that social insurance can be largely solve the aggravated even then, the question of work.

The concept of compulsory social insurance at the turn of the XIX-XX centuries was supported by many Russian scientists and politicians, including A. S. Goldenweiser, p. A. Nikolsky, I. H. Ozerov, and A. I. Press. However, V. G. Yarotsky was the first of them both in terms of the problem statement time and the depth and complexity of its development.

The Russian school of social rule of law, in addition to the above mentioned scientists, is represented by such famous names as, for example, N. H. Bunge, A. N. Miklashevsky, I. H. Ozerov, I. I. Yanzhul, etc.

## **2.2. Main directions and stages of development social state in modern Russia**

It is no secret that the creation of a social state in the Russian Federation is accompanied by certain difficulties. However, the development of social statehood is the only possible way for a free society, which the Russian Federation wants to become. In this regard, and in accordance with the Concept of long-term socio - economic development of the Russian Federation for the period up to 2020, Russia should enter the top five countries in terms of gross domestic product (purchasing power parity).

In his article, "Building justice. Social policy for Russia "in the newspaper" Komsomolskaya Pravda " (February 12, 2012.) Vladimir Putin identified four important, in his opinion, problems that have not yet been solved, and, accordingly, the tasks that should become the agenda of the next stage of Russia's development:

- firstly, the lack of opportunities for citizens to realize their professional knowledge, find a job that allows them to have a decent salary and develop, build a career. Not enough-just a good job of social elevators for young workers;

- second, provocatively large income differentials. Every eighth citizen of Russia still lives below the official poverty line;

□ thirdly, the population's dissatisfaction with the quality of social services and the creation of a comfortable living environment;

fourth, the reduction in the working-age population and the increase in older age require a drastic increase in the efficiency of social spending .

All this requires the formation of a new mechanism of social development based on a balance of entrepreneurial freedom, social justice and national competitiveness. This approach requires the implementation of a complex of interrelated resources, terms and stages of transformation in many areas, one of which is the development of human potential of Russia. This implies, on the one hand, the creation of favorable conditions for the development of each person's abilities, improving the living conditions of Russian citizens and the quality of the social environment, on the other – increasing the competitiveness of human capital and its social sectors of the economy.

As a result, the following results should be achieved::

- \* - overcoming negative demographic trends, stabilizing the population and creating conditions for its growth, improving the quality of life of the population;

- \* - providing opportunities for quality education and health care, access to national and international cultural values, security and law and order, favorable conditions for the implementation of economic and social initiatives;

- \* - providing the population with affordable and high-quality housing, creating a comfortable urban environment for people and effective housing and communal services, the formation of a flexible system of population settlement, taking into account the diversity of regional and national lifestyles;

- \* establishment of an effective targeted system to support poor people and provide social services for the elderly, disabled and children;

- \* - creation of economic conditions for preservation and multiplication of cultural and spiritual values of the Russian people;

- \* - ensuring the quality and availability of services in the field of tourism, physical culture and sports;

- \* - improving the quality of the environment and environmental conditions of human life; – reducing crime.

According to the Concept of long-term socio-economic development of the Russian Federation for the period up to 2020, the innovative development of the Russian economy should take place in two stages, differing in terms of conditions, factors and risks of socio-economic development and priorities of the economic policy of the state.

The first stage (2008 – 2012) is based on the implementation and expansion of the global competitive advantages that the Russian economy has in traditional areas (energy, transport, agriculture, processing of natural resources). At the same time, institutional conditions and technological foundations should be created to ensure the next stage of the system transfer of the Russian economy to the mode of innovative development.

The second stage (2013-2020) is a breakthrough in improving the global competitiveness of the economy on the basis of its transition to a new technological base (information, bio - and nanotechnology), improving the quality of human potential and the social environment, structural diversification of the economy.

Human development includes two types of systemic pre-education:

- aimed at improving the competitiveness of human resources, labor and social sectors of the economy;
- improving the quality of the social environment and people's living conditions.

They cover medium-and long-term goals, priorities and main directions of demographic policy, policy of modernization of health care and education, development of pension and social assistance, development of culture, formation of effective labor and housing markets. Creating a comfortable and safe social environment is also associated with a significant reduction in the crime rate, increase of system effectiveness of protection of citizens from emergency situations of natural and techno-genetic character, including the adoption of the necessary technical re-pamantul in this area, as well as the development of the system of civil liability insurance in sphere of functioning of potentially dangerous objects.

In the course of historical evolution, mankind has created and developed various forms of government. Each of them bore the imprint of the era and corresponded to the level of develop-

ment of society, which gave the state certain functions. Among them not the last place was occupied by social duties. The increasing role of social functions of the state became especially noticeable by the middle of the XIX century.

At the same time, there was a need for scientific analysis of this new quality.

Thus, here in the first place come the relationship of the individual and the state, not society and the state, as it was before. State support for the full development of a person becomes mandatory. The state assumes responsibility for the well-being of citizens and ensures the availability of social support, creates a whole system of social security and social protection. There is a change in the nature of statehood and the role of the individual in the production process and society. And along with this there is an ideological awareness of this.

With the development of the ideas of the welfare state was are revealed and their legal nature. There was a concept - "social law-state". For the first time it was introduced into scientific use By G. Geller. As the basis of the social state, he highlighted the guarantees of social rights of citizens.

Thus, social rights were assigned to the state as its integral function. They became the leaders for the entire legal base of the state and transformed it, making it a cornerstone of personal human rights. The focus on the person has changed everything-from the right to vote, making it universal, to the political nature of the state, making it socially oriented.

Such an understanding of the social state has created, however, an imbalance in the distribution of individual rights and responsibilities towards society. This is due to the fact that gradually in the public consciousness formed the idea of social human rights as natural, although they appeared in the process of political development of society.

Many legal scholars even opposed the unification of the concepts of "legal" and "social" state into a single whole. However, according to S. Kalashnikov, " it was the asymmetry of social rights and duties of the individual that gave rise to a special status of the state as a monopoly subject of social activity." The state, together with a special status, also received a special right to redistribute public goods, thus ensuring formal equality of people.

The theory of the social state was further developed in the idea of the "welfare state". The core principle of this concept was the understanding of the close connection of the social policy of the state with a single economic policy aimed at providing citizens with a certain level of income at full employment.

We can add that in Western countries developed it "welfare state" (welfare state) as opposed to the actual social state. This was particularly due to the fact that in the 50s – 60-ies of XX century in developed countries sharply increased welfare, which pushed the development of the insurance industry. That is the widespread expansion of insurance services has created Naoto-Remy the appearance of the social system of Western countries. Most social insurance has been socialized and many social services have become insurance, such as health insurance, pension insurance, etc. In addition, it has been extended not only to those who pay insurance premiums, but also to those who cannot pay them.

This approach is based on the principle of solidarity, which ensures the universality of social support and focuses on universal indicators of life.

Thus, not only the relative equality was supported, but also communicative justice was achieved as an opportunity to "give everyone what he deserved" depending on the contribution to the public good. Let us just add that for the "welfare state" the principle of solidarity has absorbed the idea of equality, identified with the redistribution of wealth. And the redistribution from the rich to the poor became the main social function of this state. This principle was opposed to the principle "from each according to ability, to each according to labor", more characteristic of the socialist theory.

# **Chapter 3. SOCIAL PARTNERSHIP: THE CONCEPT AND LEGAL PROVISION**

## **3.1. The concept of social partnership**

The system of social partnership began to develop only after the second world war and was finally formed in the 60– 70 years of the twentieth century. In Russia, the formation of social partnership is still ongoing. In our country, the formal moment of formation of social partnership can be considered the decree Of the President of the Russian Federation № 212" on social partnership and resolution of labor disputes (conflicts) " of 15.11.91.

In the process of labour relations there are two main classes-owners of means of production and employees who do not have the means of production and for their security they have to sell their labor. Therefore, even the presence of two subjects that have different goals and interests, we can say that, one way or another, there will be certain conflicts between them. Thus, there is a need to regulate social and labor relations, to develop a system of procedures for resolving conflicts that inevitably arise in the event of a collision of divergent interests.

The subjects of social and labor relations are:

An employee is a citizen who has concluded an employment contract with an employer, an enterprise Manager or an individual. This contract of employment can be written or oral, but in any case it determines the social and labor relations between its participants.

An employer is a person who works independently and permanently for one or more persons.the Employer is usually the owner of the means of production.

The state performs the functions of the legislator, the defender of rights, a regulator, employer

The subject of social and labor relations for a person in different periods of his life can be different: the period from birth to graduation, the period of admission to work and family, the period of working life, the period of old age. And in different life cycles

people will give their preference in different ways. For example, in the early stages of labour self-determination, vocational training, career guidance, etc., In the last stages can be: hiring, firing, socio-professional development, training and retraining, assessment of work, his reward. Further, the subject of social and labor relations can be the degree of labor activity, etc.

Thus, from all the above we can give a full clear definition of " social partnership»

Social partnership is a specific type of social relations, characteristic only of a civilized society with a market economy, arising between representatives of employees, employers and public authorities, in order to ensure coordination of social, economic and political interests of the subjects of social partnership. The social state ensures a good working condition and an increase in the living standards of workers. It tries to integrate private and public interests. Social partnership is carried out at the national (Federal), regional, territorial, sectoral and local levels.

The formation of social and labor relations is a very complex and long process, it takes a long time to determine what kind of system of social partnership the state needs. It is impossible to ensure that each side of the social and labour relations is always completely satisfied.

Social partnership tries to find a kind of" Golden mean " between the subjects, fulfilling and observing certain conditions in relation to the participants of relations. The development of capitalism and the oppression of workers have provoked employees to unite and form trade unions. As trade unions have become more active, various employers ' associations have also been established.

At the beginning of the twentieth century, trade unions gradually legalized their activities, and objective conditions for the formation of labor legislation began to emerge in industrialized countries.

Labor legislation considers the relationship of the employee and the employer. The most important legislative act in the field of labour law is the Labour code of the Russian Federation, where the term "social partnership"was first used.

A special place in social and labor relations is occupied by the state. It issues and formulates the laws of social partnership

and acts as a mediator between the parties in the resolution of conflicts. The role of state bodies and self-government bodies is not limited to persuading employers to assume real obligations agreed with the property, which do not infringe on the interests of the state and are in line with the socio-economic goals and objectives of state policy. The state must comply with all laws on social and labour relations and not shirk responsibility based on democracy.

Based on the generally recognized principles and norms of international law, in accordance with the Constitution of the Russian Federation, the basic principles of legal regulation of labor relations enshrined in article 24 of the labor code are:

- equality of the parties;
- respect and consideration of the parties ' interests;
- interest of the parties in participation in contractual relations;
- assistance of the state in strengthening and development of social partnership on a democratic basis;
- compliance by the parties and their representatives with laws and other regulatory legal acts;
- powers of representatives of the parties;
- freedom of choice when discussing matters within the scope of work;
- voluntary acceptance of obligations by the parties;
- reality of the obligations assumed by the parties;
- the enforceability of collective agreements, agreements;
- control over non-performance of agreements, collective agreements;
- responsibility of the parties, their representatives for non-performance through their fault collective agreements.

But certain improvements are required, the control function of which is currently limited to control over the implementation of the collective agreement, the agreement, which is supposed to be carried out by the parties to the social partnership, their representatives, the relevant labor bodies.

Thus, the main drawback of the TC is that the bilateral model of cooperation prevails, where state bodies do not participate, but only the employee and the employer without intermediaries, so the balance of interests of all participants is not always observed.

Concepts of levels, forms and bodies of social partnership

The labor code of the Russian Federation does not give us the concept of levels of social partnership, but he mentions them in Art. 26: Federal, regional, sectoral, territorial (in municipal education), the level of organization. At each of these levels, a specific task is carried out, which is prescribed by law to regulate labour relations.

Social partnership is carried out at the following levels:

- the Federal level, which establishes the basis of regulation of relations in the field of labor in Russia. Since may 2000, in accordance with the decree of the President of the Russian Federation, a new Federal-district level has been actively involved in the system of state power, representatives of the President of the Russian Federation have been appointed in 7 Federal districts. The main objectives of the Federal-district agreements are the formation of a single economic space of the district, ensuring the social interests of its residents, labor rights of employees, the development of social partnership, etc.

- inter-regional level, which establishes the basis of regulation of relations in the field of labor in two or more subjects of the Russian Federation;

- regional level, which establishes the basis of regulation of relations in the field of labor in the Russian Federation;

- industry level, which sets the framework for regulating relations in the sphere of labour in the sector (industries);

- territorial level, where the bases of regulation of relations in the field of labor in the municipality are established;

- the local level at which the obligations of employees and the employer in the field of labor are established.

It is also proposed to include the international level in the labor code, but this is a premature decision, because the legal regulation of social partnership relations at this level is mainly carried out by international agreements of the Russian Federation, taking into account the rules of conflict of labor law.

Forms of social partnership play an important role in the interaction of subjects of labor relations. The concept of forms of social partnership was used in the labor code in article 27:

- (1) negotiations on the regulation of labour relations and other relations connected with them, which ensure the labour rights of workers and employers.

2) Collective negotiations on the preparation, agreement and conclusion of projects.

3) Participation of employees and their representatives in the management of the organization.

4) Participation of employees and employers in pre-trial resolution of labor conflicts.

We can say that the forms of social partnership are a way (type) of interaction between the participants of labor relations, for the adoption of a universal, final compromise between them, in order to avoid conflicts and disputes.

The process of collective bargaining is provided for in article 36-39 of the CC RF. If any member of the employment relations has violated these rules, he shall bear administrative responsibility under article 5.28-5.30 of the administrative code.

The purpose of collective bargaining is to conclude a collective agreement or collective agreement (depending on the level of social partnership).

A collective agreement may be concluded in the organization as a whole, in its branches, representative offices and other separate structural units.

A collective agreement is a legal act that regulates social and labor relations between representatives of employees and employers at the level of an organization (or an individual entrepreneur) and regulates social and labor relations at the published level.

### ***The concept of social responsibility of the state***

Social responsibility implies a certain degree of voluntary response to problems in society. Responsibility, in its essence, is a legal concept. It is widely used in law enforcement. At the same time, the term itself can be used in different spheres. For example, there is moral, political, social and legal responsibility.

In relation to society, this category acts as a generalization. It includes the different types of responsibilities that exist in society. These include, among other things, moral and legal categories. Social responsibility is characterized by certain objective and subjective preconditions.

The first reflect the social nature of people and the regularity of the relationship between them by certain rules. For actions that

violate the norms of social responsibility, punishment is assumed. The occurrence of misconduct is caused by the presentation of requirements to the behavior of people, which are formulated in writing or orally.

The state, showing responsibility to society, constantly monitors the activities of the subject, adequately responding to various behaviors (encouraging, approving responsible behavior and punishing the offender).

Social responsibility of authorities and management is expressed in their active and effective implementation of social programs for the benefit of different segments of the population. A socially responsible government and control enable effective functioning of branches of social infrastructure, monitor compliance with social standards, to successfully carry out other functions of a social nature,

Therefore, responsibility (in broad, social terms) can be characterized as a social relationship between the subject and the controlling his behavior instance (state, society). Thanks to it, the society provides organization and order.

### ***Principle of the social state***

This principle presupposes the constitutional guarantee of the social and economic rights and freedoms of citizens and the duty of the state to serve society. It seeks to minimize and, if possible, eliminate unjustified social differences.

The concept and features of the social state are closely related to its functions. When considering functions, you need to keep in mind the following :

(a) it has traditional functions due to its nature as a state;

b) the content of all these functions is affected by its social significance, i.e. the traditional postulates in this case are refracted through the prism of the objectives and goals of the social state, and in this regard, it is possible to talk about the presence of such a state's General social policy.

It is possible to allocate within the overall social purpose of specific activities, that is, the specific function that has a welfare state, the concept and features of which we describe. These functions include, but are not limited to:

- 1) support for categories of the population that are socially unprotected;
- 2) health and safety at work;
- 3) support for motherhood, fatherhood, family and childhood.

Also, the state should take care of the preservation of peace. Signs, social purpose of the state suggest that there should be a smoothing of inequality through the redistribution of income between different segments of society. This is implemented through taxation, special social programs, the state budget.

Quite a voluminous concept is the social state. The concept and features, functions - all this can be said for a long time. Among the latter, it should also be noted that the state encourages charitable activities (including through the provision of tax incentives to business entities that carry them out). Cultural programmes and basic research should be supported and funded.

Describing the welfare state (concept and characters) briefly, I must say that it must ensure employment, combating unemployment, benefits. Its functions also include finding a balance between the market economy and the impact on its development of the state.

The purpose of such influence is to ensure a decent life for every citizen of the country. The social state must also participate in the implementation of interstate social, cultural and environmental programs, as well as solve universal problems. The concept and features, functions, types - all this determines its main features .

From the above it can be concluded that the social state always seeks to ensure the social security of citizens, decent conditions for their existence, the opportunity to participate in the management of production. Ideally, it should aim to create roughly equal life chances for all. The activities of such a state are primarily aimed at the common good, at the establishment of social justice in society. It smoothes inequality (property or otherwise), helps the disadvantaged and the weak, cares about providing citizens with work or other source of livelihood, ensures the preservation of peace, the formation of a prosperous living environment for the person.

The establishment of such a state is not only a political and economic process, but also a moral one that requires a "human" dimension. It can be concluded from the above that the characteristic features and conditions of the existence of the social state are:

- 1) democratically organized government;
- 2) high level of morality among officials and all citizens;
- 3) great economic potential, which allows to redistribute income without prejudice to the position of the owners;
- 4) the structure of the economy, socially oriented, which is manifested in the presence of different forms of ownership, as well as a significant share of state ownership in the necessary areas of the economy;
- 5) development of the state in the legal sphere;
- (6) the existence of a civil society for which the state is an instrument of socially oriented policy;
- 7) the social orientation of the policy, manifested in the development of various social programs, as well as the priority of their implementation;
- 8) the existence of goals for the common good, social justice;
- 9) existence of social legislation;
- 10) consolidation of the formula "social state" in the Constitution of the country.

We can say that the social state carries out its principles and objectives in the form of legal statehood. It goes through the humanization of society, that is, it seeks to expand the rights of the individual, in order to fill the legal norms with a more equitable content. The state is also called upon to ensure the welfare of the individual: material conditions for a decent existence and freedom of each person, social security. It should deal directly with the distribution of the public good, but not undermine the foundations of a market economy, such as competition, private property, individual responsibility, entrepreneurship, etc., should not contribute to mass social dependency.

#### The liberal model

It is based on the liberal principle, which provides for the personal responsibility of all members of society for the fate of their families and their own. In this model, the role of the state is

insignificant. First of all, social programs are financed by private insurance and personal savings. The task of the state is to stimulate the growth of citizens' incomes. The social States using this model are, for example, the USA, Canada and Australia.

#### Corporate model

Another model is corporate. It implies a mechanism of responsibility of organizations (corporations) and enterprises for the fate and financial situation of their employees. The Corporation provides employees with social guarantees, including pensions, as well as partial payment for educational, medical and other services.

The social States built on this principle are France, the Netherlands, Ireland, Italy, Germany, Belgium, Austria, etc.

#### Conservative model

Its main objective is to ensure equal starting conditions as well as opportunities for development for all citizens. The idea of partnership between the private sector, the state, charitable and public organizations is the Foundation of a conservative policy. The principle of a mixed economy is dominant in the economic sphere, a social market economy is being created. The social States focused on this model are Japan and great Britain .

The models described above are ideal types, hardly taking place anywhere in pure form. In each particular state there are elements of different models in reality. However, this is dominated by one or another of them, so you can determine what kind of social States are certain countries.

The most common model is one based on the responsibility of society as a whole for the fate of each of its members. The basic principle is the condition that the young pay for the old and the rich pay for the poor. The state redistributes the tax payments that come to it through the budget, social programs, insurance funds, social service system. Non-state social assistance institutions (programmes, funds, etc.) play a supporting role.

Social policy is one of the main tools for the implementation of the social state. The interrelationship between them is manifested in how deeply and fully the social state pursues social policy, as well as in the extent to which it expresses the interests and needs of its citizens.

## ***Main directions of social policy Russian business structures***

Social responsibility of business is manifested, first of all, in the high quality of products, in combating unfair competition, in the timely payment of decent wages to employees, in ensuring all conditions for the reproduction of the labor force, in the conduct of effective personnel policy. Socially responsible business takes part in the creation and development of the corporate pension insurance system, in co-financing of social facilities, in the implementation of social programs to assist low-income segments of the population.

Social responsibility of business is a certain positive and voluntary reaction of the company to social problems. There are two views on the level of participation at which an organization is considered to be following this principle. First, the social responsibility of business is that the company conducts its activities aimed at increasing profits without violating the law. Second, the organization, in addition to fulfilling the requirements of the economic plan, should make a certain voluntary contribution to solving the problems of society and take into account how it affects workers, consumers and the environment. It is certain that in recent years the second point of view has become more and more prevalent among companies and experts.

If you rely on it, it should be understood that socially responsible business should form a certain, oriented to the solution of positive tasks for society behavior in all areas of the company. All this should be reflected in the mission, goals, values, as well as in the local documents regulating the activities of the organization. Moreover, social responsibility is not only a certain behavior of the top management of the company, but the principles that are observed at all levels of the organization. In practice, there are some of the most common manifestations of these principles .

The first is the formation of the so-called package of certain benefits for employees of the company (it includes a variety of types of assistance in difficult situations, voluntary medical insurance, additional pension, various health activities, free food, summer vacation of children of employees). Basically, all this can be found in large companies.

The second manifestation of social responsibility of business in the location of the organization - the presence (since Soviet times) on the balance sheet of enterprises of various infrastructure that is not related to production activities: dispensaries, kindergartens, dormitories, engineering networks, sports complexes. At the same time, the content of fixed assets requires the company to maintain a balance of interests between economic efficiency and the solution of social problems. However, when a firm gets into a difficult financial situation, non-core real estate is often the first where management seeks reserves to reduce costs.

Also, social responsibility of business can be manifested in charitable activities, which are carried out in relation to certain categories of citizens (veterans, newborns, disabled people, students, etc.), objects of cultural and historical value. In addition, it may consist in the financing of any activities (sports, cultural, holidays).

Solving such problems, the company works to create a positive image and receives certain intangible dividends. In particular, social responsibility of business strengthens the trust of partners, authorities, forms around the organization "zone of well-being", attracts qualified and trained staff.

Corporate social responsibility is a concept according to which state and non-state structures take into account the interests of society. And all the obligations for their activities they impose on themselves. This applies to shareholders, suppliers, employees, local communities, and stakeholders.

Corporate social responsibility is possible only with the stable development of production companies, which means contributing to the formation of social peace, well-being of residents, preservation of the environment, as well as personal safety. At the same time, its implementation takes place with the non-interference of the state in operational activities. After all, excessive regulation deprives the spirit of voluntariness, independence and all social activity.

Among the main ways of development and regulation there is a fruitful dialogue of the state, public organizations and major business structures. Perhaps that is why appropriate policies can be developed only as a result of social contact. In addition, the

key role here belongs to employers as the organizers of the "large-scale conversation".

Today, local communities are actively supported, where attention is paid to the local specifics of social problems. In order for this activity to be visible and sustainable, the state, business communities, as well as the non-profit sector must actively cooperate in various areas. In other words, all efforts should be combined as much as possible.

The most striking examples are the programs of support of gratuitous donation, creation of comfortable conditions of rest, long-term social investment, as well as professional support of specialists .

Support of various educational programs-from teaching elementary manipulations to complex research-is one of the priority areas of corporate social responsibility in Russia.

After all, as you know, education is focused on the development of both individuals and society as a whole, so it should be given appropriate attention. All this is due to the fact that the speed of information exchange is of particular importance, so it helps to solve the global challenges facing companies.

Support of educational programs in all their diversity is simply necessary, because the professional knowledge of employees and the desire to expand the personal knowledge base is very valuable. It invests resources not only in its own specialists, but also supports cross-sectoral exchange of information.

Such examples of corporate social responsibility can be observed in the development of youth entrepreneurship on the basis of student projects. This type of activity is now in demand everywhere, because most young professionals, even those who have not graduated from universities, have unique ideas. It is their implementation that becomes possible thanks to corporate support.

Corporate social responsibility of the company, or rather its practical implementation, is due to the lack of clear boundaries between the social sphere of life and the state. The economic crises of different years are a vivid proof of this. No matter how serious the intentions in the field of social responsibility are, they are, first of all, advertising tools, and not purposeful care of people.

Social responsibility of business is a certain positive and voluntary reaction of the company to social problems. There are

two views on the level of participation at which an organization is considered to be following this principle. First, the social responsibility of business is that the company conducts its activities aimed at increasing profits without violating the law. Second, the organization, in addition to fulfilling the requirements of the economic plan, should make a certain voluntary contribution to solving the problems of society and take into account how it affects workers, consumers and the environment. It is certain that in recent years the second point of view has become more and more prevalent among companies and experts.

If you rely on it, it should be understood that socially responsible business should form a certain, oriented to the solution of positive tasks for society behavior in all areas of the company. All this should be reflected in the mission, goals, values, as well as in the local documents regulating the activities of the organization. Moreover, social responsibility is not only a certain behavior of the top management of the company, but the principles that are observed at all levels of the organization. In practice, there are some of the most common manifestations of these principles .

The first is the formation of the so-called package of certain benefits for employees of the company (it includes a variety of types of assistance in difficult situations, voluntary medical insurance, additional pension, various health activities, free food, summer vacation of children of employees). Basically, all this can be found in large companies.

The second manifestation of social responsibility of business in the location of the organization - the presence (since Soviet times) on the balance sheet of enterprises of various infrastructure that is not related to production activities: dispensaries, kindergartens, dormitories, engineering networks, sports complexes. At the same time, the content of fixed assets requires the company to maintain a balance of interests between economic efficiency and the solution of social problems. However, when a firm gets into a difficult financial situation, non-core real estate is often the first where management seeks reserves to reduce costs.

Also, social responsibility of business can be manifested in charitable activities, which are carried out in relation to certain categories of citizens (veterans, newborns, disabled people, stu-

dents, etc.), objects of cultural and historical value. In addition, it may consist in the financing of any activities (sports, cultural, holidays).

### **Current state of the national pension system**

The Russian Federation is a social state whose policy is aimed at creating conditions that ensure a decent life and free development of the individual.

One of the stages of human life is old age, when a person for objective reasons is not able to provide their decent existence or this opportunity is significantly limited. For some categories of citizens it is impossible to ensure their existence do injuries and injuries that have made them disabled. Therefore, the state is obliged to provide such citizens with the right to a decent and secure old age.

Prospects for the development of the pension System in the Russian Federation

One of the main directions of socio-economic development of the Russian Federation on a long-term basis is to improve the level and quality of life of citizens. Decent pension provision of citizens shows not only the level of socio-economic development of the country, but also demonstrates the state of the legal, moral and cultural component of the state.

According to the strategy of long-term development of the pension system of the Russian Federation approved by the order of the Government of the Russian Federation of December 25, 2012 No. 2524-p, the basic principle of improvement of formation of pension rights in the distributive component of the pension system is providing to citizens of the differentiated pension provision taking into account personal participation in the state pension system of solidary character.

The current procedure for calculating the amount of insurance pensions in a negative demographic situation leads to non-equivalence of pension rights of insured persons and obligations to pay them pensions.

There is a constant growth of pension recipients against the background of reduction of the number of persons for whom insurance premiums are paid. The ratio of the number of employed

and the number of recipients of pensions by 2025 will be 1.04, while now it is 1.12.

The discussion about the need to raise the retirement age began in society not suddenly, not today. This was discussed in the Soviet period and in the 90s. But decisions were not made, for one reason or another, postponed. Objective prerequisites for this existed. It was obvious that at the turn of the 2020s we would inevitably face serious demographic problems.

In this regard, the burden on the pension system is growing even more, because it is built mainly on the principle of solidarity. That is, the pension contributions of people working today are used to pay the current pensioners, the generation of our parents. And they, in turn, while working, sent contributions to pay pensions to the generation of our grandfathers.

International standards (ILO Convention No. 102 on minimum standards of social security) allow for the establishment of a retirement age of 65 years and above. The current pension system of the Russian Federation does not meet many retirees – due to the apparently low size of pensions; employers – due to prohibitively high insurance premiums to the pension Fund of the Russian Federation; the government – due to the dissatisfaction of a significant part of the population of the low subsistence level of pensioners; regions - since some of them are donors-should be substantially divided with others, and the latter believe that the grants allocated to them are too small.

Over the past decade, the Russian Federation has achieved a number of positive results, which include the presence of a guaranteed minimum level of pension provision not lower than the subsistence minimum of a pensioner in the Russian Federation; an increase in the average size of labor pension, the creation of a number of prerequisites for the formation of pension rights in accordance with international standards.

The ratio of the old-age pension to the subsistence minimum of a pensioner in 2012 was 108.4 %, in 2013 - 110.4 %, in 2014 increased to 179.8 %. Despite a number of positive changes, the problems of the existing large volume of shadow employment, the high mortality rate of the able-bodied population, the deterioration of the demographic situation remain unsolved.

The main objectives of improving the pension insurance system should include the financial stability of the pension system on a long-term basis and ensuring an acceptable level of pension accruals.

In this regard, it is proposed to introduce a three-level model of the pension system in the Russian Federation. The first level is formed at the expense of insurance premiums and Federal budget funds, these funds are used to ensure the payment of labor pensions in the framework of the state system of compulsory pension insurance. The second level will be formed by employers on the basis of individual labor or collective agreements, it is possible the existence of an industry tariff agreement. The third level is formed by the individual.

Improvement of the tariff policy of the pension system is aimed at the formation of unconditional obligation to pay insurance premiums and the establishment of uniform rates of insurance premiums for all categories of employers, changing the tariff policy in respect of self-employed citizens.

Taking into account the results of investment of the total funds allocated for pension payments, the size of the funded pension is adjusted annually from 1 August. For citizens who applied for pensions at a later date in comparison with the generally established, there are preferential conditions for the formation of the size of the funded pension. Regulated the order of payments of pension accumulation of the died insured person's family, and the order of payments in case of departure of the insured subject to a permanent place of residence outside of Russia.

The changes have affected the conditions for the appointment of insurance old-age pensions. If the age threshold is unchanged, it is also necessary to have a minimum length of service and achieve a minimum individual pension coefficient. There is a transition period, the increase in pension experience for the year will be made annually, starting from January 2019.

The amount of insurance pension is directly related to individual pension ratios. The calculation of individual pension coefficients for a certain year of insurance experience is based on the ratio of insurance contributions actually accrued for the year for the employee and their standard, calculated on the basis of the

maximum annual salary base. The direct dependence of the existing salary and future pension is introduced. It is planned to introduce increasing coefficients for citizens retiring at a later date.

Also, in the case of a later retirement, a fixed payment of 3,935 rubles per month is established. As part of the calculation of the insurance pension, a gradual increase in the expected period of payment of the old-age pension is expected. The changes are associated with an increase in life expectancy.

The strategy of development of the pension system of the Russian Federation adopted by the Government will be implemented in three stages:

- The first stage is designed for the period 2013 -2015.;
- The second stage will last from 2016 to 2020.;
- The third stage will be implemented in the period from 2021 to 2030.

The result of the pension reform will be the achievement of the replacement rate of old-age pension lost earnings up to 40 % when reaching the standard insurance period and the average wage, the implementation of the principle of social justice, the creation of a fair and transparent pension system

The main directions of the pension reform are:

- completion of the formation of the regulatory legal framework to ensure the pension reform. Improvement of the legislation of the Russian Federation in terms of regulation, including:
  - professional pension systems in the Russian Federation;
  - features of financing of payments of the cumulative part of the labor pension formed in non-state pension funds;
  - the rights of insured persons to voluntary entry into legal relations on compulsory pension insurance.

It is also necessary to increase the level of pension provision so that in the medium term the size of social pensions fully provide the subsistence minimum to the pensioner, and accordingly would be increased:

- the basic part of labor pensions;
- development of measures to develop mechanisms for compulsory pension insurance, supplementary pension and voluntary pension insurance, including through:

a) increasing the attractiveness of non-governmental organizations in the field of compulsory pension insurance by expanding the forms of pension products they offer;

b) clarification of the legal status of the Pension Fund of the Russian Federation and non-state pension funds;

c) development of the institutional framework for actuarial activities.

When building an effective pension system, the following issues are relevant: the establishment of the retirement age, the financial stability of the pension system, and in particular control over the effectiveness of the proposed reforms and the targeted expenditure of the Pension Fund of Russia. Coverage of the majority of the population, and in particular, ensuring a decent standard of living for pensioners and other categories of citizens.

The program of pension reform of the Russian Federation in the long term provides for the transition from the current distribution to a mixed pension system, which will include:

- state pension insurance, according to which the payment of pensions is carried out depending on the insurance (labor) experience;

- the amount of paid contributions to the state pension insurance budget, the state pension insurance is financed both from current income to the Pension Fund of the Russian Federation, and from the funds received from the direction of the mandatory contributions to the savings; Current state of the national pension system

The Russian Federation is a social state whose policy is aimed at creating conditions that ensure a decent life and free development of the individual.

One of the stages of human life is old age, when a person for objective reasons is not able to provide their decent existence or this opportunity is significantly limited. For some categories of citizens it is impossible to ensure their existence do injuries and injuries that have made them disabled. Therefore, the state is obliged to provide such citizens with the right to a decent and secure old age.

Prospects for the development of the pension System in the Russian Federation

One of the main directions of socio-economic development of the Russian Federation on a long-term basis is to improve the

level and quality of life of citizens. Decent pension provision of citizens shows not only the level of socio-economic development of the country, but also demonstrates the state of the legal, moral and cultural component of the state.

According to the strategy of long-term development of the pension system of the Russian Federation approved by the order of the Government of the Russian Federation of December 25, 2012 No. 2524-p, the basic principle of improvement of formation of pension rights in the distributive component of the pension system is providing to citizens of the differentiated pension provision taking into account personal participation in the state pension system of solidary character.

The current procedure for calculating the amount of insurance pensions in a negative demographic situation leads to non-equivalence of pension rights of insured persons and obligations to pay them pensions.

There is a constant growth of pension recipients against the background of reduction of the number of persons for whom insurance premiums are paid. The ratio of the number of employed and the number of recipients of pensions by 2025 will be 1.04, while now it is 1.12.

The discussion about the need to raise the retirement age began in society not suddenly, not today. This was discussed in the Soviet period and in the 90s. But decisions were not made, for one reason or another, postponed. Objective prerequisites for this existed. It was obvious that at the turn of the 2020s we would inevitably face serious demographic problems.

In this regard, the burden on the pension system is growing even more, because it is built mainly on the principle of solidarity. That is, the pension contributions of people working today are used to pay the current pensioners, the generation of our parents. And they, in turn, while working, sent contributions to pay pensions to the generation of our grandfathers.

International standards (ILO Convention No. 102 on minimum standards of social security) allow for the establishment of a retirement age of 65 years and above. The current pension system of the Russian Federation does not meet many retirees – due to the apparently low size of pensions; employers – due to prohibi-

tively high insurance premiums to the pension Fund of the Russian Federation; the government – due to the dissatisfaction of a significant part of the population of the low subsistence level of pensioners; regions - since some of them are donors-should be substantially divided with others, and the latter believe that the grants allocated to them are too small.

Over the past decade, the Russian Federation has achieved a number of positive results, which include the presence of a guaranteed minimum level of pension provision not lower than the subsistence minimum of a pensioner in the Russian Federation; an increase in the average size of labor pension, the creation of a number of prerequisites for the formation of pension rights in accordance with international standards.

The ratio of the old-age pension to the subsistence minimum of a pensioner in 2012 was 108.4 %, in 2013 - 110.4 %, in 2014 increased to 179.8 %. Despite a number of positive changes, the problems of the existing large volume of shadow employment, the high mortality rate of the able-bodied population, the deterioration of the demographic situation remain unsolved.

The main objectives of improving the pension insurance system should include the financial stability of the pension system on a long-term basis and ensuring an acceptable level of pension accruals.

In this regard, it is proposed to introduce a three-level model of the pension system in the Russian Federation. The first level is formed at the expense of insurance premiums and Federal budget funds, these funds are used to ensure the payment of labor pensions in the framework of the state system of compulsory pension insurance. The second level will be formed by employers on the basis of individual labor or collective agreements, it is possible the existence of an industry tariff agreement. The third level is formed by the individual.

Improvement of the tariff policy of the pension system is aimed at the formation of unconditional obligation to pay insurance premiums and the establishment of uniform rates of insurance premiums for all categories of employers, changing the tariff policy in respect of self-employed citizens.

Taking into account the results of investment of the total funds allocated for pension payments, the size of the funded pension is adjusted annually from 1 August. For citizens who applied

for pensions at a later date in comparison with the generally established, there are preferential conditions for the formation of the size of the funded pension. Regulated the order of payments of pension accumulation of the died insured person's family, and the order of payments in case of departure of the insured subject to a permanent place of residence outside of Russia.

The changes have affected the conditions for the appointment of insurance old-age pensions. If the age threshold is unchanged, it is also necessary to have a minimum length of service and achieve a minimum individual pension coefficient. There is a transition period, the increase in pension experience for the year will be made annually, starting from January 2019.

The amount of insurance pension is directly related to individual pension ratios. The calculation of individual pension coefficients for a certain year of insurance experience is based on the ratio of insurance contributions actually accrued for the year for the employee and their standard, calculated on the basis of the maximum annual salary base. The direct dependence of the existing salary and future pension is introduced. It is planned to introduce increasing coefficients for citizens retiring at a later date.

Also, in the case of a later retirement, a fixed payment of 3,935 rubles per month is established. As part of the calculation of the insurance pension, a gradual increase in the expected period of payment of the old-age pension is expected. The changes are associated with an increase in life expectancy.

The strategy of development of the pension system of the Russian Federation adopted by the Government will be implemented in three stages:

- The first stage is designed for the period 2013 -2015.;
- The second stage will last from 2016 to 2020.;
- The third stage will be implemented in the period from 2021 to 2030.

The result of the pension reform will be the achievement of the replacement rate of old-age pension lost earnings up to 40 % when reaching the standard insurance period and the average wage, the implementation of the principle of social justice, the creation of a fair and transparent pension system

The main directions of the pension reform are:

– completion of the formation of the regulatory legal framework to ensure the pension reform. Improvement of the legislation of the Russian Federation in terms of regulation, including:

- professional pension systems in the Russian Federation;
- features of financing of payments of the cumulative part of the labor pension formed in non-state pension funds;
- the rights of insured persons to voluntary entry into legal relations on compulsory pension insurance.

It is also necessary to increase the level of pension provision so that in the medium term the size of social pensions fully provide the subsistence minimum to the pensioner, and accordingly would be increased:

- the basic part of labor pensions;
- development of measures to develop mechanisms for compulsory pension insurance, supplementary pension and voluntary pension insurance, including through:

a) increasing the attractiveness of non-governmental organizations in the field of compulsory pension insurance by expanding the forms of pension products they offer;

b) clarification of the legal status of the Pension Fund of the Russian Federation and non-state pension funds;

c) development of the institutional framework for actuarial activities.

When building an effective pension system, the following issues are relevant: the establishment of the retirement age, the financial stability of the pension system, and in particular control over the effectiveness of the proposed reforms and the targeted expenditure of the Pension Fund of Russia. Coverage of the majority of the population, and in particular, ensuring a decent standard of living for pensioners and other categories of citizens.

The program of pension reform of the Russian Federation in the long term provides for the transition from the current distribution to a mixed pension system, which will include:

- state pension insurance, according to which the payment of pensions is carried out depending on the insurance (labor) experience;

– the amount of paid contributions to the state pension insurance budget, the state pension insurance is financed both from current income to the Pension Fund of the Russian Federation,

and from the funds received from the direction of the mandatory contributions to the savings.

### ***Strategy of pension system development in modern Russia***

The strategy of long-term development of the pension system of the Russian Federation was developed in accordance with the decree of the President of the Russian Federation of may 7, 2012 № 597 "on measures to implement the state social policy" and approved by the Order of the Government of the Russian Federation of November 17, 2008 № 1662-p.

The need to prepare such a Strategy was due to the economic and demographic challenges facing the national pension insurance system, the purpose of which is to determine the directions and objectives to ensure the development of the pension system in the Russian Federation.

The strategy is aimed at improving the pension system, which should be adequate to the modern economic development of the Russian Federation and meet international standards. The strategy defined social priorities and guidelines for the period up to 2030, as well as mechanisms of the state policy in the field of pension insurance at certain stages of its implementation.

#### **Main results of the pension system**

Over the past 10 years, the Russian Federation has carried out activities aimed at improving the pension system and achieved the following results:

- establishment of the guaranteed minimum level of material security of the pensioner not lower than size of the living wage of the pensioner in the subject of the Russian Federation;
- increase in the level of pension provision, taking into account the length of service acquired in Soviet times (valorization);
- creation of economic and legal preconditions for the formation of pension rights of future recipients of labor pensions, taking into account the requirements of international standards;
- increase in the average size of the labour pension.

Thus, the average old-age pension in the Russian Federation in 2018 amounted to 9706 rubles. The ratio of the old-age pension to the pensioner's subsistence minimum is constantly increasing.

Thus, the state pension policy pursued in recent years has been aimed at ensuring a socially acceptable level of pensions.

At the same time, the pension system has not achieved long-term financial stability and balanced budget of the Pension Fund of the Russian Federation.

The inertial scenario of the pension system development under the current pension legislation would inevitably lead to the following social and economic consequences:

- inability to maintain pensions at a socially acceptable level and increase the number of low-income groups of pensioners. By 2030, the average size of the old-age pension may not reach the minimum target level of 2.5 of the pensioner's subsistence minimum, and the ratio of the average size of the old-age pension to the average wage in the Russian Federation will decrease;

- aggravation of the problem of ensuring an acceptable level of pension rights for the middle class;

- increasing risks associated with the lack of financial stability of non-state pension funds;

- the lack of a source and mechanism to ensure the safety of pension savings, including taking into account their increasing volumes;

- inter-budget transfers from the Federal budget to the pension system to ensure its balance for the period up to 2030 may increase to 3 percent of gross domestic product.

The reasons for the current situation are external to the pension system economic and demographic factors, among which it is worth noting the macroeconomic parameters, employment structure, productivity indicators, inflation and low wages.

In addition, significant internal negative factors remain in the pension system:

- there remained the problem of early retirement;

- there is no balanced rate of insurance premiums for self-employed citizens.

It is important to know that the pension has largely lost the function of insurance of loss of earnings in connection with the achievement of retirement age. It is impossible to forget about discrepancy of rates of insurance premiums and obligations on payment of labor pension.

The cumulative component of the pension system requires substantial modernization, including in respect of the financial sustainability of private pension funds and guarantees for the exercise in full of the obligations on payment of pensions, and the creation of an effective system of control over the investment of pension savings funds, as well as expanding the list of financial institutions participating in the respective relationships, and tools for investment of pension savings.

Main goals and objectives of the pension system development

The main objectives of the pension system are::

– guarantee of socially acceptable level of pension provision;

– ensuring the balance and long-term financial stability of the pension system.

The objectives of the pension system development are:

ensuring the replacement rate of the old-age pension up to 40 percent of the lost earnings with the standard insurance experience and average salary;

achieving an acceptable level of pension for the middle class through participation in corporate and private pension systems;

ensuring the average size of the old-age pension for at least 2.5 - 3 living wage of the pensioner;

maintaining an acceptable level of insurance burden for economic entities with a single rate of insurance contributions for all categories of employers;

ensuring the balance of pension rights with the sources of their financial security;

development of a three-tier pension system for groups with different incomes (for middle-and high-income categories-based on voluntary pension insurance and non-state pension provision);

improving the efficiency of the funded component of the pension system.

The parameters of the pension system should be linked to basic macroeconomic and demographic indicators.

To achieve these goals, the main institutions of the pension system should be modernized. At the same time, it is necessary to

ensure continuity and maintain the social insurance principle of the system, according to which the labor pension is a compensation for part of the lost wages of the employee in cases of reaching retirement age, disability, as well as in connection with the death of the breadwinner.

The pension system should be based on a 3-tier model:

the first level - the labor pension (state pension) within the state (public) system of obligatory pension insurance formed at the expense of insurance premiums and interbudget transfers from the Federal budget in the cases provided by the legislation of the Russian Federation;

the second level - corporate pension, formed by the employer with the possible participation of the employee on the basis of labor and (or) collective agreements or industry agreements;

the third level is a private pension formed by an employee (individual).

The implementation of the pension system development Strategy is:

improving the tariff and budget policy;

reforming the Institute of early retirement;

reforming the institution of accumulative component of the pension system;

development of corporate pension provision;

improving the formation of pension rights in the distribution component of the pension system;

improvement of the mandatory pension insurance management system;

development of international cooperation in the field of pensions.

In accordance with the legislation of the Russian Federation, the rate of insurance premiums for compulsory pension insurance for payers who pay insurance premiums for employees by the employer.

In order to further develop the pension system, it is proposed to:

maintenance of the insurance premium rate at the level of the insurance load acceptable for the subjects of economic activity;

increase in the level of taxable earnings, taking into account the growth rate of average wages in the Russian Federation;

increasing the collection of mandatory payments and expanding the coverage of workers with compulsory pension insurance;

bringing the size of the insurance premium paid by self-employed citizens in accordance with the level of their pension payments;

establishment of an additional insurance premium rate for policyholders in respect of insured persons engaged in work with special working conditions.

It is planned to change the mechanism of preferences for payment of insurance contributions to the Pension Fund of the Russian Federation by certain categories of policyholders, so that after the expiration of such preferences, state support measures that do not affect the mandatory pension insurance system are provided.

The issue of improving the tariff policy for self-employed citizens requires special attention. The change in the tariff policy for self-employed citizens is due to the shortcomings of the existing system of formation of their pension rights. Currently, self-employed citizens cannot form pension rights in the amount corresponding to the volume of rights of citizens working for hire. Thus expenses of the budget of the Pension Fund of the Russian Federation for financing of pension payments to self-employed citizens exceed their insurance premiums for obligatory pension insurance. In this regard, these expenses are financed by the redistribution of insurance contributions of employees and inter-budgetary transfers from the Federal budget.

With regard to self-employed citizens, it is proposed to introduce a procedure for payment of insurance premiums in a fixed amount based on the double minimum wage. This, on the one hand, will improve the conditions for the formation of pension rights of self - employed citizens, and on the other, will ensure the receipt of additional insurance contributions for current pension payments.

In the long term, this category of citizens will be given the right to choose: either the payment of insurance premiums in the

appropriate fixed amount with the formation of pension rights at a level not lower than the subsistence level of the pensioner, or joining the system of formation of pension rights of employees with the payment of the appropriate tariff of insurance premiums.

The main principles of the transformation of the system of early pensions are the preservation of the system of social guarantees for workers employed in industries with special working conditions, maintaining the trust of citizens to the law and the actions of the state, the inadmissibility of arbitrary changes in the legislation of the Russian Federation, as well as the establishment of a transition period in order to adapt citizens to the new conditions of pension provision.

Financing of payments of early pensions is carried out at the expense of the General income of the budget of the Pension Fund of the Russian Federation, but not at the expense of additional insurance contributions of employers. In essence, preferential pensions compensate employees for unfavourable working conditions for which employers must be responsible, and also allow employers to solve the problem of attracting personnel to workplaces with harmful and dangerous working conditions.

The current situation does not contribute to the interest of employers in improving working conditions and safety, as well as in the development of the system of prevention of accidents at work and occupational diseases.

The right to receive these pensions is granted regardless of the actual working conditions, health indicators and workers' ability to work.

Reforming early retirement is a complex and complex task that requires measures to improve working conditions and create incentives for employers to modernize their jobs. In addition, measures are needed to reduce the level of mortality and injuries from industrial accidents and occupational diseases, as well as to create conditions for economic motivation of employers to improve working conditions.

Taking into account the differences in the acquired rights to early retirement, it is proposed to identify three categories of insured persons for whom the following approaches to reforming early retirement pensions should be used.

The right to the appointment and payment of early retirement pensions within the framework of compulsory pension insurance for persons who have "full" for the purpose of the old-age pension before reaching the generally established age of experience in the relevant types of work remains.

Persons who have" incomplete " special experience and have not formed the right to early retirement, acquire the right to include in the special experience of periods of work in special working conditions in the case of payment by the employer in their favor of insurance premiums at an additional rate, while they retain the right to early retirement pensions.

It is proposed on the basis of the provisions fixed in collective or employment contracts or in local regulations, the creation by the employer of a system of additional social guarantees: voluntary pension insurance (non-state pension provision), the establishment of compensation payments to wages or the provision of other types of social guarantees and compensation. With this approach, employers will be exempted from paying insurance premiums at an additional rate, and employees will have the corresponding rights to social guarantees in corporate systems.

The main parameters and conditions for the provision of these guarantees and compensation will be established taking into account the position of the Russian tripartite Commission for the regulation of social and labor relations.

With regard to persons who do not have special experience, the relevant employers within the framework of social partnership may provide certain social guarantees - the right to corporate pension (early and (or) additional) or other guarantees and compensation, including compensation to wages, additional insurance against the risk of possible loss of earnings due to early loss of professional capacity due to long-term employment of workers in workplaces with dangerous and harmful production factors. At the same time, as a result of the analysis and study of this issue, insurance companies can be included in the composition of insurers.

These measures will increase the responsibility and incentives of employers to improve working conditions, as well as provide employees with the opportunity to obtain flexible forms of

guarantees and compensation for work in different from normal conditions.

With regard to teaching, medical and creative workers, it is proposed to change the mechanism of early retirement through a gradual increase in the requirements for the length of service required for early retirement.

For persons working in the Far North and similar areas, the improvement of pension provision should be correlated with the main provisions of the state policy for the development of the Far North.

In order to build a full-scale pension system within the framework of a three-tier model, it is necessary to create and develop corporate pension provision.

Corporate pension provision should contribute to the solution of the following issues:

- formation of the level of pensions that provide an acceptable replacement rate for persons with above-average wages;

- reforming the Institute of early retirement;

- development of management tools

- the staff in order to increase its motivation to quality performance of labor duties and securing the best workers in the workplace.

It is necessary to establish the organizational, legal and financial basis for the establishment and operation of corporate pension systems, as well as to determine the necessary conditions for employers to provide corporate pensions to employees and the basic principles of state control over activities in this area.

It will be established that the corporate pension of employees is an additional non-state pension provided by the employer, insurance companies, non-state pension funds, credit institutions on the basis of the agreement on the corporate pension program (pension product) and pension rules.

For the implementation of corporate pension systems, it is envisaged to establish requirements for the standardization of financial pension products, control and supervision of their provision to citizens, as well as to improve tax regimes for the financing of pension payments.

The main participants of legal relations on corporate pension provision should be non-state pension funds, insurance compa-

nies, credit organizations, employers, employees (their representatives), the Federal Executive body authorized by the Government of the Russian Federation.

Improvements in the formation of pension rights

The main participants of legal relations on corporate pension provision should be non-state pension funds, insurance companies, credit organizations, employers, employees (their representatives), the Federal Executive body authorized by the Government of the Russian Federation.

Improvements in the formation of pension rights

in the distributive component of the pension system

The basic principle of improving the formation of pension rights in the distributive component of the pension system is to provide citizens with differentiated pension benefits, taking into account personal participation in the state pension system of a solidary nature.

The current procedure for calculating the amount of labor pensions leads to non-equivalence of pension rights of insured persons and obligations to pay them pensions.

In particular, the procedure for calculating the insurance part of the labor pension forms pension obligations expressed in absolute amounts not provided by the relevant financial resources. The problem of imbalance between obligations and sources of their coverage in the current procedure of calculation of the insurance part of labor pension becomes especially acute in the conditions of negative demographic situation.

The following tasks should be solved to improve the formation of pension rights in the distribution component of the pension system:

- maintaining an acceptable ratio between average pension and salary levels;
- optimization of regulation of the indexation of pensions;
- change the order of consideration of the length of the insured (labour) length of service required for a pension, and the formation of the size of pension taking into account the contribution of the worker;
- ensuring a longer period of payment of insurance premiums for the formation of pension rights;

– formation of state obligations on the volume of future pension payments secured by insurance contributions.

In this regard, it is necessary to change the current procedure for the formation of pension rights in order to regulate all the basic elements of pension provision of citizens and to solve the identified problems.

It is assumed that the obligations of the pension system will correspond to its current income. It is advisable to strengthen the dependence of pension rights acquired by citizens on their participation in the distributive component of the pension system and length of service.

In this case, the amount of pension will depend on the number of years worked by citizens and on their individual earnings throughout their working lives.

In this regard, as part of the optimization of the procedure for calculating the pension rights of insured persons, the possibility of transition to the appropriate procedure with established payments as the most stable and effective, as well as a special procedure for calculating pension rights for disability pensions and for the loss of a breadwinner, reflecting the socially significant nature of this type of security, will be considered.

Under the new system, the replacement rate of the old-age pension should be up to 40 per cent of the lost earnings with the standard insurance period and the average wage.

At the same time, conditions will be created for the middle class to achieve an acceptable level of pensions through participation in corporate and private pension systems. It is proposed to make the pension calculation based on regulatory experience.

Taking into account the changes in the demographic situation, it is planned to bring the standard length of insurance (labor) experience to a level that ensures a balance of rights and obligations - up to 35 years.

At the same time, it is proposed to increase the requirements for the minimum insurance (labor) experience required to determine the right to a pension at a generally established age.

In order to encourage longer-term employment for citizens who have decided to work after reaching retirement age and postpone the appointment of a pension, it is proposed to provide for its

establishment in a higher amount by establishing a special procedure for the recalculation of pension rights. In the future, taking into account the growth of wages and the preservation of the ability of citizens to work, a mechanism will be created for the payment of pensions to working pensioners, depending on the amount of wages they receive.

Thus all pension rights of "non-insurance" character are offered to be considered within the state pension provision with establishment of the mechanism of financial provision at the expense of means of the Federal budget.

The implementation of the proposed measures will make it possible in the long term to make the transition to a new system of pension rights based on the requirement of a balance of pension rights and obligations to pay pensions. At the same time, changes in the system of pension rights formation should be carried out under the condition of comparability of obligations arising both under the current legislation and the new legislative regulation.

There is an urgent need to improve the management of the mandatory pension insurance system in the Russian Federation. To this end, it is necessary to develop measures aimed at implementing the principle of tripartism and optimizing the mechanism of interaction of social partners in making decisions on the development of pension legislation.

In addition, in order to improve the targeting of social guarantees and the legalization of the shadow labor market, it is necessary to improve the system of personalized registration of citizens in the field of compulsory pension insurance, maintenance of labor and social documentation of citizens in electronic form.

Implementation of this strategy of development of the pension system of Russia is expected to be carried out in 3 stages.

Within the first stage (till 2013 inclusive) it was assumed:

establishment of an additional insurance premium rate for policyholders in respect of insured persons working in workplaces with special working conditions and in certain types of work;

introduction of the special assessment of working conditions by results of which the relevant employers are exempted from payment of insurance premiums to the Pension Fund of the Russian Federation on additional rates;

changing the tariff policy for self-employed citizens in order to better ensure their pension rights;

improvement of the system of formation of pension rights of citizens in the distribution component of the pension system;

legislative regulation (with the introduction since 2014) of redistribution of the insurance premium rate for insured persons who have not made a choice in favor of the formation of pension savings in the management company or non-state pension Fund, - the direction of 2 percent of the specified tariff on the accumulative component and 4 percent of the tariff of insurance premiums on the distributive component of the pension system with preservation at the same level in the amount of 6 percent of the tariff of insurance premiums on the accumulative component for the insured persons who made the choice in favor of formation of means of pension savings in the management company or the non-state pension Fund, and with granting them the right to choose independently the option of forming pension rights.: in the amount of 6 percent of the tariff of insurance premiums for the cumulative component of the pension system or 2 percent of the tariff of insurance premiums for the cumulative component and 4 percent of the tariff of insurance premiums for the distributive component of the pension system;

implementation of a set of measures to ensure the safety of pension savings and ensure the profitability of their investment;

increase of requirements to the minimum size of own funds of non-state pension funds engaged in the formation and investment of pension savings, and the quality of their assets;

creation of a multilevel system of guarantees of safety of funds of the accumulative component, including systems of the joint guarantee funds;

establishment of the order of formation and accounting of the rights of insured persons in the accumulative component of compulsory pension insurance and pension rights of participants in the system of voluntary pension insurance (non-state pension insurance), as well as the establishment of obligations to these insured persons and participants to be performed by insurers on compulsory pension insurance and organizations engaged in non-state pension provision and voluntary pension insurance;

expansion of financial institutions allowed to participate in the formation of pension savings;

establishment of the obligation for non-state pension funds to participate in a self-regulatory organization.

Within the second stage (2014 - 2015) it was proposed to:

improvement and clarification of the legal status of the Pension Fund of the Russian Federation;

improvement of the system of personified registration of citizens in the field of compulsory pension insurance;

improvement of the legal form of non-state pension funds;

formation of a unified system of actuarial valuation, including standardization of actuarial activities;

comprehensive transformation of the system of early pensions with the establishment of a new mechanism for the formation and implementation of social rights of insured persons working in workplaces with special working conditions and certain types of work;

establishing the legal basis for the establishment and operation of corporate pension systems.

Within the third stage (2016 - 2030) it is proposed to:

providing self-employed citizens with the right to choose the option of formation and implementation of pension rights;

determination of the additional rate of insurance premiums for policyholders in respect of insured persons working in workplaces with special working conditions, taking into account the need to ensure the entire early period of their retirement;

stimulation of additional payment from salary to pension system for employees taking into account their income level and age;

clarification of parametric conditions of the pension system in order to form and implement the pension rights of citizens.

On an ongoing basis, it is proposed to:

expanding the list of financial instruments for investing pension savings;

increase in the level of earnings taxed by insurance contributions, taking into account the growth rate of average wages in the Russian Federation;

gradual adjustment of the insurance premium paid by self-employed categories of citizens in accordance with the level of pension payments made by them;

optimization of the mechanism of preferences on payment of insurance premiums to the Pension Fund of the Russian Federation by separate categories of policyholders;

increasing transparency of institutions involved in the formation of pension savings (improvement of the procedure of information disclosure);

stimulation of voluntary formation of pension savings by citizens and assistance in the development of voluntary (corporate and private) pension systems;

expanding the coverage of corporate pensions;

improvement of the system of state control over the formation of pension savings;

adoption of measures to synchronize compulsory pension insurance with other types of compulsory social insurance.

The implementation of the proposed measures will ensure a decent level of pensions for citizens on the basis of the principle of social justice. A clear and transparent pension system will be created, allowing citizens to choose the most appropriate pension strategy for them.

At the same time provides:

achievement of the replacement rate of the old-age pension up to 40 percent of the lost earnings with the standard insurance experience and average salary;

achieving an acceptable level of pensions for the middle class through participation in corporate and private pension systems;

ensuring the average size of the old-age pension at the level of 2.5 - 3 living wage of the pensioner;

achieving the greatest possible balance in the pension system.

Trends in the development of the pension system of the Russian Federation, as well as the implementation of proposals for its improvement are in close relationship with the overall socio-economic and primarily macroeconomic situation in the country.

The measures envisaged in the Strategy will be effectively implemented if there is a positive transformation of factors external to the pension system and the situation on the labour market.

The main conditions for the implementation of the proposed measures are to overcome the negative trends in the labor mar-

ket, which are still manifested in the preservation of hidden wages and shadow employment, stabilization of the situation in the formal sector of the labor market and legalization of the shadow labor market, as well as increasing productivity.

Macroeconomic planning must overcome the trend of increasing inequality in the distribution of wages across economic activities, while maintaining the low share of the wage Fund in the gross domestic product.

In terms of improving the effectiveness of the demographic program, it is necessary to implement strategic objectives to reduce mortality in children and working age, improve the quality of health care and prevention of morbidity.

In connection with the above, and taking into account that the pension system should be adequate to the modern economic development of the Russian Federation and meet international standards, taking into account the experience of increasing the standard retirement age of a number of European States, the new law proposes a phased increase in the retirement age, upon reaching which will be assigned an insurance old-age pension, including early, in accordance with the Federal law of December 28, 2013 № 400-FZ "on insurance pensions".

Thus, it is proposed to fix the generally established retirement age at the level of 65 and 60 years for men and women, respectively, gradually during the transition period from 2019 to 2034.

This measure will affect men born in 1959 and women born in 1964. Citizens of these years of birth, taking into account the transitional provisions, will be entitled to retire in 2020 — at the age of 61 years and 56 years, respectively.

Respectively:

\* men born in 1960, women born in 1965-will receive the right to retire-in 2022 (at the age, respectively, 62 years and 57 years);

\* men born in 1961, women born in 1966-will receive the right to retire-in 2024 (at the age, respectively, 63 years and 58 years);

\* men born in 1962, women born in 1967-will receive the right to retire-in 2026 (at the age, respectively, 64 years and 59 years);

\* men born in 1963, women born in 1968-will receive the right to retire-in 2028 (at the age, respectively, 65 years and 60 years);

\* women born in 1969 - will be eligible for retirement-in 2030 (age 61);

\* women born in 1970 - will have the right to retire-in 2032 (at the age of 62 years);

\* women born in 1971-will receive the right to retire-in 2034 (at the age of 63 years) 39.

A similar practice of raising the retirement age is found in a number of foreign countries (Belgium, Israel, Kazakhstan, Lithuania, Latvia, Greece).

The implementation of this measure will create conditions for increasing the level of pensions of citizens, taking into account the adaptation of the pension system to new demographic conditions.

It is necessary in this regard to remember that the transfer of the Federal budget to the FIU should be zero in 12-13 years, this, in fact, involves the implementation of the words from Vladimir Putin's address: "the Lives of people, their pensions, income for the years ahead can not and should not depend on the price of oil, which changes every day."

In fact, this is likely to happen while maintaining the current export environment, which affects the dynamics of wages, even earlier. Apparently, the impact of fiscal consolidation 2014-2017 for the future dynamics of GDP and income was previously estimated below. Medium-term potential budget revenues (including from VAT increases and indirectly from the easing of the budget rule until 2024) are now considered as higher.

In addition, the requirements for early retirement on the accumulated experience for five years have been relaxed: now it is 42 years for men and 37 years for women, now such pensions can be claimed by an order of more citizens. Mothers with three children can retire at the age of 57; four at the age of 56 and five at the age of 50.

It is most likely that the length of service restrictions will be relaxed for the pensions of women doctors and female teachers-although this is not yet specified.

The Russian government has also not yet decided on the parameters not related to the pension system of military and security forces—perhaps decisions on them will be postponed, although while the logic of the Ministry of Finance is to increase the length of service for state pensions and for them. Finally, a long-announced Supplement of 25 % of the fixed part of the insurance pension for pensioners with 30 years or more of work experience in agriculture is introduced: this will somewhat mitigate the increase in the retirement age for the poor.

The second part of the preferential package is the introduction of social guarantees for the specially introduced status of "pre-retirement age": five years before retirement, 60-65 years for men and 55-60 for women. For them, Federal property tax benefits remain (the Tax code of the Russian Federation will specify not the "retirement age" as a condition of benefits, but specific 65 and 60 years — but for the transition period of raising the retirement age), regional authorities in September will maintain regional benefits under the same scheme for housing and communal transport. It is assumed and the preservation of all age benefits under the same scheme in the framework of CHI, but it is not exactly defined.

The third group of benefits is the protection of the labor market for people of pre-retirement age. "Criminal liability" for their dismissal will be implemented by making additions to article 145 of the criminal code, now threatening a fine of up to 200 thousand rubles., mandatory work up to 360 hours or a salary of up to 18 months. intentionally fired a pregnant woman or a woman with three or more children. Practice on this article is small. A much more effective measure is to double (up to 11.5 thousand rubles) the ceiling of unemployment benefits for people of pre-retirement age with an increase in the period of payment of such benefits up to a year. This is a low-cost but effective measure directly designed to partially compensate for "missing" pensions in the poorest regions.

The current retirement age has been maintained for the indigenous peoples of the North. Other measures of the "preferential package" are either provided for by national projects (retraining and advanced training of persons of pre — retirement age, two

paid days a year for their medical examination), or have only been announced so far (encouraging employers to employ the elderly-the White house is against tax measures or benefits for social payments).

### **Legal basis of state pension provision**

The Federal law "on state pension provision in the Russian Federation" of 15.12.2001 No. 166-FZ establishes, in accordance with the Constitution of the Russian Federation, the grounds for the right to state pension provision and the procedure for its appointment.

This law defines that the pension on the state pension provision-the monthly state monetary payment which right to which receipt is defined according to the conditions and regulations established by the Federal law "on the state pension provision in the Russian Federation" and which is provided to citizens for the purpose of compensation to them of the earnings (income) lost in connection with the termination of Federal public civil service at achievement of the length of service established by the law at the exit to insurance pension on old age (disability).); or in order to compensate for the lost earnings of citizens from among the cosmonauts or from among the employees of the flight test personnel in connection with retirement for years of service; or to compensate for the harm caused to the health of citizens during military service, as a result of radiation or man-made disasters, in the event of disability or loss of a breadwinner, upon reaching the age established by law; or incapacitated citizens in order to provide them with means of livelihood.

In modern Russia there are four main types of pension: insurance, state pension, funded and voluntary.

Mandatory pension coverage, which covers all working Russians, is based on insurance principles.

Insurance pension has three types:

– insurance old-age pension is the most common type of pension in Russia. Men who have reached the age of 65 and women who have reached the age of 60 have the right to it, with the necessary insurance experience and the minimum amount of

pension points (taking into account the transitional provisions of the pension legislation). Certain categories of citizens may be entitled to an insurance pension earlier.

– disability insurance pension shall be granted to persons with disabilities of group I, II or III in the presence of insurance experience, the duration of which does not matter, and regardless of the cause of disability and the time of its occurrence. It also does not matter whether the disabled person is working at the moment or not.

– insurance pension in case of loss of breadwinner is assigned to incapacitated family members of the deceased breadwinner, who were dependent on him. The exception – the persons who have committed the deliberate criminal act which has entailed death of the breadwinner and established in a judicial order.

A funded pension is a monthly lifetime payment of pension savings generated by employers' insurance contributions and income from their investments. The cumulative pension can be formed for citizens born in 1967 and younger if until the end of 2015 the choice was made in its favor.

Pension on voluntary (non-state) pension provision. Along with the state system of mandatory pension insurance in Russia there is a non-state voluntary pension insurance, within which Russians have the opportunity to form another pension. To receive such a pension, a future pensioner must sign a contract with a non-state pension Fund (NPF) and make personal contributions for a certain time.

In addition to the citizen in his non-state pension can participate and his employer. If an employer makes voluntary contributions to the pension of its employees, such a pension is called a corporate pension.

In accordance with this Federal law, citizens of the Russian Federation, foreign citizens and stateless persons permanently residing in the territory of the Russian Federation have the right to a pension on the same grounds as citizens of the Russian Federation, unless otherwise provided by this Federal law or international treaties of the Russian Federation.

Citizens who are simultaneously entitled to various pensions in accordance with the legislation of the Russian Federation shall

be granted one pension of their choice, unless otherwise provided by Federal law.

The right to receive two pensions at the same time is granted to citizens who have become disabled as a result of a military injury. They can be established disability pension and old-age insurance pension; participants of the great Patriotic war. They may be granted a disability pension and an old-age insurance pension; parents of military personnel who were conscripted, died (died) during military service or died as a result of military trauma after dismissal from military service, except when the death of military personnel occurred as a result of their illegal actions. They can be established pension on the occasion of loss of the breadwinner and insurance old-age pension (invalidity) or the pension in case of loss of breadwinner, and other cases, the list of which is marked by the legislation of the Russian Federation.

All these pensions provided by this Federal law are established and paid regardless of receipt of the funded pension in accordance with the Federal law of December 28, 2013 № 424-FZ "on funded pension".

Federal civil servants have the right to receive simultaneously the pension for the length of service provided by this Federal law and the share of the insurance old-age pension established to the specified pension for the length of service according to the Federal law "on insurance pensions".

In the Russian Federation, the following types of pensions are assigned to state pensions:

1. pension for years of service;
2. old age pension;
3. disability pension;
4. survivor's pension;
5. social pension.

The state pension for years of service is assigned to military personnel, cosmonauts and flight test personnel, Federal public servants. The state old-age pension is granted to citizens who have suffered as a result of radiation or man-made disasters. The state disability pension is granted to military personnel; citizens who suffered as a result of radiation or man-made disasters; par-

ticipants in the great Patriotic war; citizens who were awarded the "resident of besieged Leningrad" badge; cosmonauts.

The state pension in case of loss of the breadwinner is assigned to incapacitated members of families of the lost (died) military personnel; the citizens injured as a result of radiation or technological catastrophes, astronauts.

Social pension is granted to incapacitated citizens permanently residing in the Russian Federation for old age, disability, loss of breadwinner in the absence of the necessary insurance experience and the minimum amount of pension points (taking into account the transitional provisions of pension legislation).

The right to social pension according to the Federal law have permanently residing in the Russian Federation disabled persons of I, II and III groups, including disabled people since the childhood; disabled children; children under the age of 18 years, and also are more senior than this age, trained in full-time on the main educational programs in the organizations performing educational activity before the end of such training, but not longer than before achievement of age of 23 years by them, lost one or both parents, and children of the died single mother; citizens from among the small peoples of the North who have reached the age of 55 and 50 years (men and women, respectively), permanently residing in the areas of residence of the small peoples of the North on the day of pension.

Citizens of the Russian Federation who have reached the age of 65 and 60 years (respectively men and women), as well as foreign citizens and stateless persons permanently residing in the territory of the Russian Federation not less than 15 years and have reached the specified age have the same right to social pension; children under the age of 18 years, as well as older than this age, enrolled in full-time in the basic educational programs in organizations engaged in educational activities, before the end of such training, but not longer than until they reach the age of 23 years, both parents of which are unknown.

Expenses on payment of pensions on the state pension provision are performed at the expense of the interbudget transfers from the Federal budget provided to the budget of the Pension Fund of the Russian Federation.

The size of social pension of disabled citizens is appointed according to Art. 18 of the Federal law of 15.12.2001 No. 166-FZ "about the state pension provision in the Russian Federation".

Social pension for disabled citizens is granted in the following amount:

- citizens from among the small peoples of the North who have reached the age of 55 and 50 years (men and women, respectively), citizens who have reached the age of 65 and 60 years (men and women, respectively), disabled persons of group II (with the exception of disabled persons from childhood), children under the age of 18 years, as well as older than this age, enrolled in full-time basic educational programs in organizations engaged in educational activities, until the end of such training, but not longer than until they reach the age of 23 years, who have lost one of their parents, - 5 034 rubles 25 kopecks per month;

- disabled children of group I and disabled children-12 082 rubles 6 kopecks per month;

- to disabled people of I group, disabled since the childhood of II group, children under the age of 18 years, and also is more senior than this age studying in full-time form on the main educational programs in the organizations performing educational activity before the end of such training by them, but not longer than before achievement of age of 23 years which lost both parents (children of the died single mother), children which both parents are unknown, - 10 068 rubles 53 kopeks a month;

- disabled persons of group III-4 279 rubles 14 kopecks per month.

## **Types of pension provision for certain categories of citizens**

### **Persons acquire the right to a pension:**

1. For length of service if they have the length of service provided by this Law on military service, and (or) on service in law-enforcement bodies, and (or) on service in the Public fire service, and (or) on service in bodies for control of turnover of drugs and psychotropic substances, and (or) on service in organizations and bodies of criminal Executive system;

2. On disability, if they become disabled under the conditions provided for by this Law

In case of death or death of persons, their families, subject to the conditions provided for by this Law, acquire the right to a survivor's pension.

The families of deceased pensioners are entitled to a survivor's pension on a common basis with the families of persons who died during the period of service.

Citizens, and their families having at the same time the right to various pensions according to the legislation of the Russian Federation, one pension at their choice (except for the cases provided by this article and the Federal law "on the state pension provision in the Russian Federation") is established.

Spouses of citizens who died as a result of causes, disabled as a result of military injury - persons who became disabled as a result of injury, contusion, injury or disease received in the protection of the homeland, including those received in connection with stay at the front, service abroad in the States where the fighting was conducted, or in the performance of other duties of military service (official duties). Persons with disabilities as a result of military trauma also include former military personnel who have become disabled as a result of injury, contusion, injury or illness sustained during their stay in captivity (except in cases where the death of these persons was due to their illegal actions), who have not entered into a new marriage, are entitled to two pensions at the same time. They may establish a survivor's pension and any other pension established in accordance with the legislation of the Russian Federation.

The parents of the deceased (deceased) due to reasons (except for cases when the death of these persons occurred as a result of their illegal actions) are entitled to receive two pensions at the same time. They may establish a survivor's pension and any other pension established in accordance with the legislation of the Russian Federation (with the exception of a survivor's pension or a survivor's social pension).

In determining the right to a retirement pension

a) the length of service calculated and confirmed in the order which was established for purpose and recalculation of the

state pensions till the date of entry into force of the Federal law "on labor pensions in the Russian Federation". Case on the claim about recognition illegal inactivity of the pension, the obligation to appoint a pension for years of service is directed on new consideration to court of the first instance since the court was not given the legal analysis of the actions of the prosecution, not the presence of a number of mandatory conditions, giving the right to pension for years of service.

b) the insurance experience calculated and confirmed in the order which is established for purpose and recalculation of labor pensions by the Federal law "on labor pensions in the Russian Federation".

The persons referred to in article 1 of this Law who have become disabled shall be entitled to a disability pension if the disability occurred during the period of their service or not later than three months after their dismissal from service or if the disability occurred later than this period, but as a result of injury, contusion, injury or illness received during the period of service. The group and causes of disability, the time of onset and the period of disability are established by the Federal institutions of medical and social expertise.

Persons with disabilities, depending on the cause of disability, are divided into the following categories:

(a) persons with disabilities as a result of military injury - persons who have become disabled as a result of injury, contusion, injury or illness received in the course of defending the homeland, including those received in connection with their stay at the front, service abroad in the States where hostilities were conducted, or in the performance of other duties of military service (official duties).

b) disabled persons due to a disease received during military service (service) - persons who became disabled as a result of injury received as a result of an accident not related to the performance of duties of military service (official duties), or a disease not related to the performance of duties of military service (official duties). The duty to identify and argue for the lack of connection of injury or disease with the performance of duties of military service (official duties) lies with the military medical commissions, the conclusions of which can be appealed to the court.

A survivor's pension is granted to families if the breadwinner died (died) during the service or not later than three months from the date of dismissal from service or later, but as a result of injury, contusion, injury or illness received during the service, and to the families of pensioners from among these persons - if the breadwinner died during the pension or not later than five years after the termination of payment of his pension. At the same time, the families of former servicemen who died while in captivity and the families of servicemen who disappeared during the hostilities are equated with the families of those who died at the front. The right to a survivor's pension is enjoyed by disabled family members of deceased (deceased) persons who are dependent on them.

Regardless of the dependent of the breadwinner, the pension is granted to: disabled children; incapable parents and spouse if they have lost their source of livelihood after the death of the breadwinner; incapable parents and spouses of persons who died due to causes, spouse, one of the parents or other family member.

(a) children, brothers, sisters and grandchildren under the age of 18 or over, if they have become disabled before the age of 18, and those who are studying in educational institutions on the job (except for educational institutions where they are considered to be in military service or in the service of the internal Affairs bodies), until the end of their studies, but not more than until they reach the age of 23. Brothers, sisters and grandchildren are entitled to a pension if they do not have able-bodied parents;

b) father, mother and spouse, if they have reached the age of 65 years for men, 60 years for women, or are disabled;

C) a spouse or one of the parents or grandfather, grandmother, brother or sister, regardless of age and ability to work, if he (she) is engaged in the care of children, brothers, sisters or grandchildren of the deceased breadwinner who have not reached the age of 14, and does not work;

d) grandparents - in the absence of persons who are legally obliged to support them.

The family members of the deceased are considered to be dependent on him / her if they were in his / her full maintenance or received assistance from him / her, which was their permanent

and main source of livelihood. A survivor's pension may be granted to family members for whom his assistance was a permanent and main source of livelihood, but who themselves received a pension.

Adoptive parents have the right to a survivor's pension on an equal basis with their parents and adopted children on an equal basis with their children.

Minors who are entitled to a survivor's pension retain this right when they are adopted.

The stepfather and stepmother are entitled to a survivor's pension on an equal basis with the father and mother, provided that they have raised or maintained the deceased stepson or stepdaughter for at least five years.

Stepson and stepdaughter have a right to a pension for loss of breadwinner on a par with native children.

Pension for loss of breadwinner, appointed spouse of the deceased, is preserved when joining the spouse in the new marriage. The survivor's pension is granted for the entire period during which the family member of the deceased is considered to be incapacitated and the family members who have reached the age of 65 years for men and 60 years for women for life.

If there is a change in the composition of the family to which the survivor's pension has been granted, as a result of which individual family members or the family as a whole will lose the right to a pension, the pension will be reduced or terminated from the first day of the month following the month in which the change occurred.

Appointment and payment of pensions to certain categories of citizens

Citizens who have the right to pension provision, pensions are appointed and paid after their dismissal from service About the state pension provision in the Russian Federation. Disability pensions for these persons and survivor's pensions for their families are granted regardless of the length of service.

Pensioners, upon their entry into military service or service in the internal Affairs bodies, bodies for the control of trafficking in narcotic drugs and psychotropic substances, or institutions and bodies of the penal correction system (including in any other States), shall be suspended from the payment of their pensions

for the period of service. Pensions granted to the persons referred to in article 1 of this Law and their families shall be calculated from the monetary allowance of military personnel, ordinary and commanding officers of the internal Affairs bodies, bodies for the control of trafficking in narcotic drugs and psychotropic substances, persons serving in institutions and bodies of the penal correction system.

### **Additional material support for certain categories of citizens**

Additional material support for certain categories of citizens was introduced by the decree of the President of the Russian Federation of November 30 "on additional material support of citizens for special services to the Russian Federation". This material security is called an additional payment to the ordinary pension, such an additional payment is established personally by order of the President of the Russian Federation in the amount of up to ten minimum wages.

For judges who are retired, monthly maintenance for life is established. This provision applies to the following categories of judges, who are entitled to monthly monetary life support:

- 1) to the judges who have retired, at the length of service in the position of the judge not less than twenty years;
- 2) judges who have retired and have less than twenty years of work experience, when they reach the age of fifty-five years (men) and fifty years (women);
- 3) former judges who have retired by age from the position of a judge or after the term of office, with the experience of judicial work for at least twenty years;
- 4) former judges were retired, with the experience of judicial work not less than ten years.

Since may 1, 2005 in accordance with the decree of the President of the Russian Federation dated 30.03.2005 № 363 "on measures to improve the financial situation of some categories of citizens of the Russian Federation in connection with the 60th anniversary of victory In the great Patriotic war of 1941-1945" additional monthly material support is established:

- invalids of the great Patriotic war;

– participants of the great Patriotic war; former juvenile prisoners of concentration camps, ghettos and other places of detention created by the Nazis and their allies during the Second world war. Additional monthly material security is paid to the specified categories of citizens in the amount of 1 000 rubles.

In addition, additional monthly material security is established:

– the military personnel passing military service in military units, establishments, the military educational institutions which were not a part of active army during the period from June 22, 1941 to September 3, 1945 not less than six months, the military personnel awarded with orders or medals of the USSR for service during the specified period; widows of the military personnel lost during the war; widows of disabled people of the great Patriotic war;

– the persons awarded by a sign "Inhabitant of blockade Leningrad"; the former full age prisoners of Nazi concentration camps, prisons and ghettos. To the specified categories of citizens additional monthly material security is established in the amount of 500 rubles.

Only citizens of the Russian Federation have the right to additional monthly material security. Thus additional monthly material security to citizens of the Russian Federation is established irrespective of the place of their residence.

To persons entitled to additional monthly material security on several grounds, it is established on one of the grounds, providing for a higher amount. In that case, if the citizens are entitled to various payments to the pension provided for by the legislation of the Russian Federation or other regulatory legal acts of constituent entities of the Russian Federation and bodies of local self-government, additional monthly material security are established regardless of the receipt of other payments.

Additional monthly material security shall be paid by the territorial body of the pension Fund at the same time with a pension.

In 2005, additional monthly material security was established on a non-declarative basis according to the documents available in the payment cases of recipients of pensions and other social benefits. Currently, citizens who are entitled to additional monthly material security, but not implemented it in a timely man-

ner, you must apply for the appointment of this payment to the territorial body of the FIU at the place of residence.

To the citizens having the right to additional monthly material security and not being pensioners, the specified providing is appointed and paid by territorial authorities of the Pension Fund of the Russian Federation in the residence, and in case of permanent residence outside the Russian Federation - the Pension Fund of the Russian Federation.

#### Types of additional material security

When determining the amount of additional material security, the size of the basic part of the old-age labor pension provided for in paragraph 1 of article 14 of the Federal law of 17.12.01 № 173-FZ "on labor pensions in the Russian Federation", on the day of establishment of additional material security, is carried out on the basis of an application of a citizen, which he / she submits to the relevant body.

Thus appointment and payment of additional material security are performed in the order provided for appointment and payment of pensions or the lifelong maintenance of the judge. Therefore, the relevant regulations of the current legislation regulating questions of the order of appointment and payment of pensions are applied.

The fact of receipt by the citizen of the Russian Federation of pension (or the monthly lifelong maintenance paid to the judge staying in resignation) is established on the pension case of the pensioner.

With regard to the terms for the establishment of additional material security, it shall be appointed from the date of application, but not earlier than the day from which the pension or life maintenance of the judge is granted. Thus it is provided that additional material security could be appointed since January 1, 2002 if the address followed it no later than three months from the date of the entry into force of this law.

Additional material security during the period of paid work is not paid. The payment shall be suspended for the entire period of such work.

In case of deprivation of the recipient of the state awards and ranks, establishment of false or unreasonable data on the basis of

which additional material security was appointed, its payment stops. When you restore a citizen's rights on state awards and payment is resumed. Implementation of payment of additional material security is made at the expense of means of the Federal budget.

It is assumed that the establishment of additional monthly material security should be dealt with by a special Commission on the establishment of additional monthly material security for citizens of the Russian Federation for outstanding achievements and special services to the Russian Federation under the President of the Russian Federation.

Unfortunately, the extremely low level of pensions for the vast majority of old and disabled citizens, which does not guarantee even the physiological minimum necessary for human survival, has turned the most vulnerable segments of the population into hostages of economic reforms in the country.

The situation is also aggravated by the fact that, against the background of the impoverishment of the population, systems of privileged pensions are created mainly for representatives of all authorities, regardless of the level of income, implemented through the social security system, which makes this system extremely expensive for the state. This, in turn, leads to financial insecurity of the implementation of laws addressed to the entire population, in connection with which their effect is actually suspended.

The legislator clearly defines the range of persons who can use the above pension and additional material security, which is not subject to increase at the discretion of employees of pension funds, which prevents the receipt of bribes in the design of these types of social rights.

Of course, to achieve a high level of legal norms and remove all gaps and holes in the law, our state, like others, will require a lot of time. And let's hope that the people who have worked almost all their lives for the state will be provided properly and in the amount of real not only for food, but also for a well-deserved rest for their long work. This also applies to persons who, due to certain life situations, have been put in a position in which they are not able to provide themselves with a stable income, as well as good treatment or rest available only to officials of the highest echelons of state power.

## **The concept of medical care and its types**

The Constitution of the Russian Federation proclaimed the widest list of the basic rights, freedoms and duties of the person and the citizen needing full ensuring and protection. One of the Central places in the foundations of the legal status of the individual in Russia belongs to the natural and inalienable right of every person to health protection (article 41 of the Constitution of the Russian Federation).

Human health is one of the main social values and preferences of the modern civilized society, the greatest public and personal benefit and wealth, the basis of national security of the country. The Constitution (Convention) of the world health organization (New York, July 22, 1946) defines human health as a state of complete physical, mental, and social well-being, not merely the absence of disease or infirmity. This definition is widespread and has already become a standard in the concept of human health.

In my opinion, in recent years the priority problems of health care are such as the protection of motherhood and childhood, the establishment of state sanitary supervision and environmental protection, market economy and health insurance, the introduction of the principles of family medicine, improving the training of medical personnel.

The relevance of the work lies in the fact that in modern Russian society the standard of living of the majority of ordinary citizens has significantly decreased, a significant number of people live in poverty or below the poverty line. The state has practically ceased to support the social and economic requirements of its citizens, does not fulfill its social function, the economy does not provide adequate human rights in the field of health care and medical care.

### **Basic principles of public health**

The provision of medical care and treatment to citizens is regulated by the Basic legislation of the Russian Federation "on protection of citizens' health" of 22 July 1993, the Law of the Russian Federation "on medical insurance of citizens" of 28 June 1991 and other acts.

The Russian Federation guarantees the protection of everyone's health in accordance with the Constitution of the Russian

Federation and other legislative acts of the Russian Federation, Constitutions and other legislative acts of the republics that make up the Russian Federation, generally recognized principles and norms of international law and international treaties of the Russian Federation.

In accordance with article 41 of the Constitution of the Russian Federation, all Russian citizens have the right to free medical care in the state and municipal health systems.

The volume of free medical care is provided to citizens in accordance with the programs of compulsory medical insurance.

In case of illness, disability and other cases, citizens have the right to medical and social assistance, which includes preventive, medical, diagnostic, rehabilitation, prosthetic, orthopedic and dental care, as well as social measures for the care of the sick, disabled and disabled, including the payment of temporary disability benefits.

Citizens have the right to free medical care in the state and municipal health care systems in accordance with the legislation of the Russian Federation, the republics within the Russian Federation and the legal acts of the Autonomous region, Autonomous districts, regions, cities of Moscow and St. Petersburg.

Citizens have the right to additional medical and other services on the basis of voluntary medical insurance programs, as well as at the expense of enterprises, institutions and organizations, their personal funds and other sources not prohibited by the legislation of the Russian Federation.

Citizens have the right to preferential provision of prostheses, orthopedic, corrective devices, hearing AIDS, means of transportation and other special means. Categories of the citizens having this right, as well as the conditions and procedure for their provision of preferential prosthetic and orthopedic and prosthetic assistance are determined by the Government of the Russian Federation.

Children, teenagers, students, disabled and senior citizens engaged in physical culture, are eligible for free medical monitoring.

Bases of the legislation of the Russian Federation "About health protection of citizens" (article 2) enshrines the following key principles of health protection of citizens:

(1) respect for human and civil rights in the field of health protection and

provision of state guarantees related to these rights;

2) priority of preventive measures in the field of public health;

3) access to medical and social care;

4) social protection of citizens in case of loss of health;

5) responsibility of public authorities and management of enterprises, institutions and organizations, regardless of form of ownership, officials for ensuring the rights of citizens in the field of health protection.

The guarantee of medical and social assistance to citizens is the provision of primary health care:

1. emergency medical care; specialized medical care;

2. medical and social assistance to citizens suffering from socially significant diseases;

3. medical and social assistance to citizens suffering from diseases that pose a danger to others.

Part 2 of article 41 of the Russian Constitution stipulates that the Russian Federation finances Federal programmes for the protection and promotion of public health, takes measures to develop state, municipal and private health systems, and encourages activities that promote human health.

The sources of health care financing are: budget funds of all levels; funds aimed at compulsory and voluntary medical insurance; funds of trust funds intended for health protection, state and municipal enterprises, organizations; income from securities, loans, charitable contributions, and other legal sources.

Thus, it can be concluded that the state ensures the protection of the population by providing free compulsory medical care, issues laws and decrees that guarantee the provision of medical services to privileged categories of the population, children, disabled people, pensioners, public sector employees, etc.

Legal status of citizens and certain population groups in the field of health protection

The legislator has fixed the rights of citizens in the provision of medical and social assistance:

1. respectful and humane treatment of patients by medical personnel;

2. selection of a doctor with his / her consent; selection of a medical institution in accordance with health insurance contracts;

3. the corresponding sanitary and hygienic requirements to conditions of inspection and treatment;

4. consultation and consultation of other specialists at his request; relief of pain associated with the disease or medical intervention;

5. keeping secret information about the fact of seeking medical care about the state of health, diagnosis and other information obtained during his examination and treatment;

6. informed voluntary consent to medical intervention;

7. refusal of medical intervention;

8. obtaining information about their rights and obligations and their state of health, as well as the choice of persons to whom this information can be transferred in the interests of the patient.

The law allows a citizen to get acquainted directly with the medical documentation reflecting the state of his health, and to receive consultations on it from other specialists. If necessary, medical intervention should be voluntary consent of citizens.

The right of citizens to refuse medical intervention with the indication of possible consequences is made out by record in medical documentation and signed by the citizen or his legal representative and the medical worker.

Another aspect to which special attention should be paid is the conduct of experiments with the participation of people. Article 21 of the Constitution of the Russian Federation States that no one may be subjected to medical, scientific or other experiments without voluntary consent.

In part 3 of article 41 of the Constitution establishes the responsibility of officials for hiding their acts and circumstances that pose a threat to life and health. Citizens have the right to regular reliable information about various factors affecting the human body.

The law highlights the rights of certain groups of the population in the field of health protection. Such guarantees are established:

1. The family is provided with free consultations on medical indications, family planning, medical-genetic, medical-pathological, other consultations and examinations in order to

prevent the occurrence of possible hereditary diseases in the offspring.

During the period of treatment of a child in the hospital, one of the parents or other family members is granted the right to stay with him / her during the entire period of stay in the hospital, regardless of the age of the child. The person must be issued with a certificate of incapacity for work.

2. Pregnant women and mothers are guaranteed the right to work in conditions appropriate to their physiological characteristics and state of health.

During pregnancy, during and after childbirth, each woman is provided with specialized medical care in the state or municipal health care system. In accordance with the legislation of the Russian Federation, paid maternity leave is guaranteed.

3. Minors who, in the interests of health protection, have the right to dispensary observation and treatment in children's and adolescent services are provided with medical and social assistance and food on preferential terms, education and work in conditions that meet their physiological characteristics and health conditions and exclude the impact of adverse factors on them, free medical advice in determining professional suitability, obtaining information about the state of health.

### **Types of medical care in Russia**

Primary health care is the main type of medical care free of charge for every citizen and includes the treatment of the most common diseases, as well as injuries, poisoning and other emergency conditions, sanitary and hygienic and anti-epidemic measures, medical prevention and other measures related to the provision of health care to citizens at the place of residence.

This type of assistance is provided by the institutions of the municipal health system and the sanitary and epidemiological service.

Emergency medical care is provided to citizens in conditions requiring urgent medical intervention; it is carried out by medical institutions regardless of the territory, departmental subordination and form of ownership, medical workers, as well as persons obliged to provide it in the form of first aid by law or by a special rule.

Emergency medical care is provided free of charge by the special emergency medical service of the state or municipal health care system in accordance with the procedure established by the Ministry of health of the Russian Federation.

In diseases requiring special methods of treatment, diagnosis and the use of complex medical technologies, specialized medical care is provided. This type of assistance is carried out at the expense of budgets of all levels, trust funds intended to protect the health of citizens, personal funds of citizens and other sources not prohibited by the legislation of the Russian Federation.

In the provision of emergency medical and inpatient care, free medical care is provided in accordance with the list of vital and essential medicines approved annually by the Ministry of health of the Russian Federation.

Conditions and the order of providing medical care to the population are defined by the Ministry of health of the Russian Federation in coordination with Federal compulsory medical insurance Fund.

The legislation identifies four main types of medical and social care:

- (a) primary;
- b) ambulance;
- C) specialized;
- d) assistance to citizens suffering from socially significant and dangerous diseases.

(a) Primary health care is a basic, accessible and free for every citizen type of health care and includes: treatment of the most common diseases, as well as injuries, poisoning and other emergency conditions; medical prevention of major diseases; sanitary and hygienic education; other activities related to the provision of health care to citizens at the place of residence.

This type of assistance is provided by the institutions of the municipal health system and the sanitary and epidemiological service. Its volume is determined by the local administration in accordance with the territorial program of compulsory health insurance.

b) emergency Medical care is provided to citizens in conditions requiring urgent medical intervention; it is carried out by

medical institutions regardless of the territory of departmental subordination and form of ownership, medical workers, as well as persons obliged to provide it in the form of first aid under the law or under a special rule.

Emergency medical care is provided by institutions and units of emergency medical care of the state or municipal health care system in the manner prescribed by the Federal Executive body, carrying out legal regulation in the field of health care. Emergency medical assistance to citizens of the Russian Federation and other persons on its territory is provided free of charge.

C) in diseases requiring special methods of treatment, diagnosis and use of complex medical technologies, specialized medical care is provided. This type of assistance is carried out at the expense of budgets of all levels, trust funds intended to protect the health of citizens, personal funds of citizens and other sources not prohibited by the legislation of the Russian Federation.

d) Medical assistance to citizens suffering from socially significant or dangerous diseases shall be provided free of charge or on preferential terms by the relevant medical institutions.

### **Drug assistance**

Under drugs understand substances used for the prevention, diagnosis, treatment of disease, prevention of pregnancy, derived from blood, blood plasma, as well as organs, tissues of humans or animals, plants, minerals, methods of synthesis or using biological technologies. Medicinal products also include substances of plant, animal or synthetic origin that have pharmacological activity and are intended for the production and manufacture of medicinal products. In addition, there are also drugs - dosed drugs ready for use. The Federal law" on medicines " refers to the following types of medicines:

1. immunobiological medicinal products - medicinal products intended for immunological prevention and therapy of immunological;

2. narcotic drugs - drugs included in the list of narcotic drugs drawn up and updated in accordance with the Single Convention on narcotic drugs of 1961 and the legislation of the Russian Federation;

3. psychotropic substances - the substances included in the list made and updated according to the Convention on psychotropic substances of 1971 and the legislation of the Russian Federation;

4. patented medicines - medicines, the right to manufacture and sale of which is protected by the patent legislation of the Russian Federation;

5. illegal copies of medicines - the medicines which came to the address with violation of the patent legislation of the Russian Federation;

The state establishes a system for ensuring the availability of medicines, which, in accordance with article 42 of the Federal law "on medicines", includes Federal programmes for providing the population of the Russian Federation with medicines and regional programmes for providing the population of the constituent entities of the Russian Federation with medicines and compulsory medical insurance.

Federal programmes to provide the population of the Russian Federation with medicines are financed from the Federal budget.

All medicines according to the way of their realization to the population are divided into two types:

- 1) the prescription of the doctor;
- 2) over-the-counter.

Medical care can be provided to the population on various conditions: free of charge, on preferential terms, for a full fee.

The List indicates the different groups of the population and categories of diseases, in the outpatient treatment of which medicines and medical products are issued free of charge according to the prescriptions of doctors.

Categories of citizens provided with medicines and medical products for individual use on preferential terms are established by the Government of the Russian Federation, the governments of the republics within the Russian Federation. So, the order of preferential issue of medicines and products of medical appointment to disabled people of war and other groups of the population according to the Federal law "on veterans" was approved by the order of the Government of 17.07.1995»; the RF Government reso-

lution No. 66 of 28.01.2002 approved the Rules for free provision of medicines to citizens engaged in work with chemical weapons, and citizens who have received occupational diseases as a result of work with chemical weapons, etc.

The Ministry of health of the Russian Federation has developed and approved the procedure for issuing prescriptions for medicines to citizens who have applied for medical assistance to an outpatient clinic, regardless of its organizational and legal form. In this case, the appointment of medicines, the rate of their release and prescriptions are carried out by the attending physician based on the severity, nature of the disease and the standards of its diagnosis and treatment.

Today, an extensive system of sources of medical law regulating the entire diverse system of legal relations in the field of medical care to citizens has been formed.

Medical care is a set of measures aimed at maintaining and (or) restoring health and includes the provision of medical services. Treatment—a set of medical interventions performed by the appointment of a medical worker, the purpose of which is to eliminate or facilitate the manifestations of the disease or diseases or conditions of the patient, the restoration or improvement of his health, ability to work and quality of life. Medical care is provided within the three-level system of organization of medical care.

The first level of medical care includes medical organizations that provide primarily primary health care, including primary specialized medical care, as well as specialized medical care and emergency medical care (in Central district hospitals, city, district, district hospitals, city polyclinics and emergency stations).

The second level of medical care includes medical organizations that provide mainly specialized (with the exception of high-tech) medical care in medical organizations that have specialized inter-municipal (inter-district) departments and (or) centers, as well as in dispensaries, multi-profile hospitals.

The third level of medical care includes medical organizations that provide mainly specialized, including high-tech, medical care.

## **Compensation**

Compensation payments are ways of social support for citizens who perform a socially useful function, who are in a difficult situation.

This type of assistance differs from other types of financial state support of citizens in that it depends on the General situation in which the person was. Its purpose is to support people whose work is useful to society and to some extent irreplaceable.

This type of payment is characterized by the following principles:

- \* personalization, that is assigned to a certain citizen legally;
- \* funding sources depend on the type of compensation and may be public or private;
- \* the fact of appointment does not depend on the financial situation of citizens (there are exceptions);
- \* related to the circumstances of the recipient;
- \* defined by Federal laws and apply to the entire territory of the Russian Federation.

Funds for the assistance of citizens of the Russian Federation are allocated both from budgets of various levels, and from payroll funds of enterprises. This depends on the type of compensation provided by legislation. Conventionally, they are divided into two large groups:

1. compensation under labour law;
2. social payment.

### **Main types of compensation payments**

#### **Compensation payments on social security of citizens**

Citizens of certain categories are entitled to social compensation. It is provided in accordance with applicable law. This payment is designed to ease the negativity of life situations in which citizens fall.

In addition, material support is provided to those who have suffered harm or are forced to provide support to the detriment of the work of relatives who are unable to take care of themselves.

1. Payments to women and persons receiving education.

A small allowance of 50 rubles is given to people in certain life situations. Their list is established by the decree of the President of the Russian Federation No. 1110 of 30.05.1994.

How to get paid:

For registration of compensation payments it is necessary to address:

1. At the place of employment, providing the child's birth certificate. Payments are made at the expense of the enterprise.

2. The administration of the educational institution. It is necessary to provide the order on academic leave in which its reason is specified.

3. In social security bodies of the population. You should have the following documents with you:

- \* marriage certificate;

- \* certificate of residence with her husband-a soldier (from the personnel service);

- \* work book (if any).

2. Payments to mothers upon liquidation of the employer.

In addition, they have the right to appoint compensation payments to the mother, with whom the employment contract was terminated in connection with the termination of the employer. Such women may apply for state aid if they:

- \* have children under 3 years of age;

- \* are unemployed but do not receive unemployment benefits;

- were on parental leave at the time of dismissal.

The order of financing of such payments is defined in the resolution of the Government of the Russian Federation of 04.08.2006 No. 472 according to which the source is the Federal budget.

The woman who wants to receive compensation represents in territorial authority of social protection in the place of residence:

- relevant statement;

- \* document on the birth of children entitled to compensation;

- \* document confirming the liquidation of the employer;

- \* a certificate from the authorized organization that the applicant does not receive unemployment benefits (if such a certificate is not provided, the employees of the social protection body must request it on their own).

The amount of compensation is 50 rubles per month.

3. Payments for the care of the disabled.

Compensation payments are made to persons who are able-bodied, but do not carry out work activities in connection with care:

- \* persons over 80 years of age;
- \* disabled persons assigned to group I;
- \* older persons, if they have been prescribed outside care by the health organization.

The amount of compensation is 1200 rubles. and is paid every month. This amount is set for each person who is unable to work and who is being cared for.

The person to whom the compensation may be granted is not obliged to be a relative of a disabled person. Cohabitation of these persons is also not a mandatory requirement (see clause 3 of the rules approved by the RF Government decree No. 343 of 04.07.2007).

The amount of compensation to a parent caring for a disabled child or a disabled child-5500 rubles. (decree of the President of the Russian Federation of 26.02.2013 № 175).

4. Compensation for damage in connection with environmental disasters.

The next type of compensation payments – state aid to citizens who have suffered as a result of environmental disasters of a man-made nature. These include:

- \* accident at the Chernobyl nuclear power plant (the order and conditions of compensation established by the Law of the Russian Federation of 15.05.1991 № 1244-I);

- \* the disaster of 1957 at the Mayak production Association (see FZ of 26.11.1998 No. 175-FZ);

- \* tests at the Semipalatinsk nuclear test site (see FZ of 10.01.2002 № 2-FZ).

Conditions under which it is possible to receive compensation by persons related to environmental disasters listed in the PP. 2 and 3, defined in the decree of the Government of the Russian Federation from 03.03.2007 № 136.

All affected States make monthly compensation payments, which are also periodically indexed (see the decree of the Government of the Russian Federation of 18.12.2014 № 1411).

5. Assistance to immigrants.

One of the categories of persons to whom compensation payments are granted is immigrants. At the same time, immigrants can be divided into 2 categories:

- \* resettled in accordance with the approved program of resettlement of compatriots (see decree of the President of the Russian Federation of 22.06.2006 № 637);

- \* internally displaced persons (see Law of the Russian Federation of 19.02.1993 No. 4530-I).

Persons belonging to the 1st category, including members of their families, can count on compensation for their costs that they incurred as a result:

- \* moving to a new place of residence, including the transportation of personal baggage and travel (see the rules approved by the government of the Russian Federation from 10.03.2007 № 150);

- \* payment of the state fee established by the tax legislation, provided for when preparing the necessary documents, such as a temporary residence permit, citizenship, consular fee, as well as all costs directly related to the registration of these documents.

Internally displaced persons may receive compensation payments:

- for their property left at the same place of residence, in case of impossibility of its return in kind;

- \* baggage and travel, if the family is poor (see the rules approved by the government of the Russian Federation from 01.12.2004 № 713).

These compensation payments are made at the expense of the Federal budget.

#### 6. Compensation payments to veterans.

The Federal law "on veterans" of 12.01.1995 № 5-FZ defines compensation payments, which can be claimed by veterans. Under the latter are understood not only the participants of the second world war, but also veterans of the military and civil service, participants in other hostilities, veterans of labor.

For example, the state has assumed obligations in respect of some veterans:

1. For reimbursement of expenses that they incurred, paying utilities for housing, in the amount of 50 %.

2. Compensation for the purchase of prostheses. At the same time, the lack of subventions can not be a cause of default.

Conditions for obtaining these types of compensation are determined by the named regulatory legal acts.

Compensation payments, which are part of the monthly earnings of a citizen, are part of the wage Fund. They are divided into several types. They are supposed to include surcharges and surcharges:

- For work:

1. In conditions that are different from normal.

2. In a specific climate and in areas that have been exposed to radioactivity.

- Other.

1. Surcharges and surcharges for work in conditions that deviate from normal.

Compensatory payments, which are due to persons working in conditions deviating from the normal, determined by law. They are part of the wage Fund:

- when performing works of different qualification;

- \* in combination of professions/positions;

- if there is an extension of the service area,

- with increased scope of work;

- in the performance of duties of an employee who is temporarily absent from the place, without exemption from the main activities specified in the contract;

- overtime work;

- in case of temporary substitution;

- at night;

- \* weekends and holidays;

- \* persons who are involved in work that falls under the classification of dangerous, heavy, harmful.

2. Surcharges for work in special climatic conditions or in areas exposed to radioactive effects.

According to the results of the certification of workplaces for the implementation of labor activity in areas with conditions that have received an assessment of heavy, dangerous, harmful or with a particularly harsh climate, salary supplements are relied upon.

### **Other compensatory payments:**

1. To work on weekends and holidays.

At the request of the employee he can provide additional rest, if he worked on weekends or holidays. In case of refusal of vacation and claims for monetary compensation, its amount will be:

\* full-time-not less than one-day salary (and not less than two days if the work activity was carried out in excess of the monthly norm of time);

• for every hour – at least 1 average cost of labor times (RUB./h.) of the worker (if he worked in excess of the monthly limit of working time is not less than double of the cost of 1 labor times).

2. For overtime.

If desired, the citizen may demand to compensate him for overtime by providing additional rest. In time it should not be less than the period worked in excess of the laid work schedule.

### **Forms and types of social services**

Concept and principles of social services

Social services for citizens are a relatively independent element of the state social security system. Social services – is the activity of providing social services to citizens, the legal regulation of which is carried out by the legal norms of the Federal law of December 10, 1995. "About bases of social service of the population in the Russian Federation".

Social services are understood as actions in the field of social services to provide permanent, periodic, one-time assistance, including urgent assistance, to a citizen in order to improve the conditions of his life, to expand his ability to independently provide for his basic life needs.

Social services are provided by social service providers. Social services are understood as a set of various types and forms of social support, protection and assistance to the population, included in the sphere of professional social work and carried out by state and public organizations .

In a generalized form, social services as a type of social security can be formulated as a set of various social services and

grants provided to the elderly, disabled and other categories of able-bodied citizens and their families free of charge or for partial payment from the state budget, as well as means of compulsory social insurance in cases established by law.

The essence of social services - is an activity aimed primarily at enhancing the vitality of the individual or social group; increasing the degree of independence of customers, their ability to control their lives and more effectively solve problems.

The content of social services - different types and forms of assistance in adaptation, social support and protection.

Adaptation-the process of General adaptation of the body to the conditions of existence, usually new or suddenly changed; the process of overcoming human life obstacles and achieve harmony with their environment.

The essence of social services - is an activity aimed primarily at enhancing the vitality of the individual or social group; increasing the degree of independence of customers, their ability to control their lives and more effectively solve problems.

The content of social services - different types and forms of assistance in adaptation, social support and protection.

Adaptation-the process of General adaptation of the body to the conditions of existence, usually new or suddenly changed; the process of overcoming human life obstacles and achieve harmony with their environment.

Social support - a system of social payments made from the budget without prior contributions of citizens, but usually using an assessment of their financial situation. It is carried out in the form:

- cash payments (aid, compensation, payments);
- material support (vehicles, clothing, products, medicines);
- social services (medical care, Spa treatment, social. service.)

Social assistance is a system of short-term operational actions aimed at maintaining the well-being of certain groups of the population that are more painfully experiencing certain innovations in modern life. Social assistance should be active and include in social activities the work of the clients themselves as its subjects. It should contribute to the manifestation of mutual care and assistance, charity, the weakening of social and ethnic tensions, the formation of a favorable microclimate in society.

The object or client of social services is the one to whom the service is provided, who needs help, support and protection.

The subject of social services is the one who provides these services, it is the state structures of social protection, commercial structures, private charitable funds, public associations and organizations, including women.

Forms of social assistance are not defined "from the outside" and should not be charitable donations. They are based on the needs of a particular community of people and are implemented with their direct participation.

Social protection is a complex of legal, economic, medical, psychological and pedagogical measures ensuring optimal biological and social development, adaptation to the existing socioeconomic conditions. In the narrow sense of the word, social protection is understood to mean "activities aimed at the protection of various categories of the population in a particularly difficult situation".

Social services-activities to provide social services to citizens. Social services are understood as actions in the field of social services to provide permanent, periodic, one-time assistance, including urgent assistance, to a citizen in order to improve the conditions of his life, to expand his ability to independently provide for his basic life needs.

A citizen is recognized in need of social services in the following circumstances:

1) total or partial loss of ability or ability to provide self-care, to move independently, to provide basic life needs due to illness, injury, age or disability;

2) the presence in the family of a disabled person or disabled persons, including a disabled child or disabled children in need of constant external care;

3) the presence of a child or children (including those under guardianship, guardianship) experiencing difficulties in social adaptation;

4) inability to provide care (including temporary) for a disabled person, a child, children, as well as lack of care over them;

5) in other cases, which worsen or may worsen the conditions of his life.

The main regulatory legal acts regulating the provision of social services to citizens:

FZ "About bases of social service of citizens of the Russian Federation" (2013)

Federal law "on social protection of disabled people in Russia" (1995)

Federal law "on additional guarantees for social support of orphans and children left without parental care" (1995)

Federal law " on veterans "(1995)

The principles of social services are based on the following postulates:

1. Social services are based on respect for human rights and the dignity of the individual, are humane and do not humiliate the honour and dignity of the individual.

2. Social services are also provided on the following principles :

1) equal, free access of citizens to social services regardless of their sex, race, age, nationality, language, origin, place of residence, attitude to religion, beliefs and membership in public associations;

2) targeting of social services;

3) the proximity of social service providers to the place of residence of social service recipients, the sufficiency of the number of social service providers to meet the needs of citizens in social services, the sufficiency of financial, logistical, human and information resources of social service providers;

4) preservation of the citizen's stay in the usual favorable environment;

(5) voluntariness;

(6) confidentiality.

Thus, the main purpose of social services is to meet the needs of the disabled, the elderly and other categories of citizens in social services.

### **Forms of social services and their characteristics**

Social services for the population include an extensive system of measures designed for citizens in difficult life situations, which they cannot overcome on their own. The reasons may be: illness, disabil-

ity, orphanhood, neglect, unemployment, conflicts and abuse in the family, loneliness, inability to self-serve, lack of a certain place of residence and other situations in accordance with the Federal law "on the basis of social services in the Russian Federation."

Social service is the activity of social services for social support, provision of social, social, medical, psychological, pedagogical, social and legal services and material assistance, social adaptation and rehabilitation of citizens in difficult situations.

In accordance with the Federal law "on the basis of social services for citizens in the Russian Federation", the system of social services includes:

1) the Federal Executive authority performing functions on development and implementation of the state policy and normative legal regulation in the field of social service (the Ministry of labor and social protection);

2) the public authority of the subject of the Russian Federation authorized to exercise the powers provided by this Federal law in the field of social;

3) the organizations of social service which are under authority of Federal Executive authorities;

4) the organizations of social service which are under authority of the subject of the Russian Federation;

5) non-governmental (commercial and non-commercial) social service organizations, including socially oriented non-profit organizations providing social services;

6) individual entrepreneurs engaged in social services.

Social service organizations provide social services to their recipients in the form of social services at home and (or) in a semi-stationary form, and (or) in a stationary form of social service.

Social services in the form of social services at home are provided to their recipients by the organization of social services at the place of stay of recipients of social services in the usual favorable environment - the place of their residence.

Stationary organizations of social services depending on the contingent of recipients of social services are divided into:

1) boarding houses (boarding houses), including children's, small capacity, for the elderly and disabled, veterans of war and work, mercy;

2) special boarding houses, including for the elderly;

- 3) gerontological centers;
- 4) psycho-neurological boarding schools;
- (5) rehabilitation centres for persons with mental disorders;
- 6) orphanages-boarding schools for mentally retarded children;
- 7) other organizations providing social services in the stationary form of social services.

At the regional and local level, we adopt our own lists of social services, which should contain no fewer services than in the Federal list.

The main sources of financing for the public sector of the social service system are the Federal budget and the budgets of the constituent entities of the Federation. Financing of the municipal sector of the social service system is carried out at the expense of local budgets.

The main principles of social services are: targeting; accessibility; voluntariness; humanity; priority of social services to minors in difficult situations; confidentiality; preventive orientation.

According to the Federal law "on the basis of social services in the Russian Federation", there are the following forms and types of social services:

1. Social services are provided to their recipients in the form of social services at home, or in a semi-stationary form, or in a stationary form.

2. Social services in a semi-stationary form are provided to their recipients by the organization of social services at a certain time of the day.

3. Social services in the stationary form are provided to their recipients at the constant, temporary (for the term determined by the individual program) or five-day (in a week) round-the-clock accommodation in the organization of social service. Recipients of social services in a stationary form are provided with premises, as well as premises for the provision of types of social services provided for in article 20 of this Law.

4. When providing social services in the semi-stationary form or in the stationary form shall be provided:

- 1) the ability to accompany the recipient of social services when moving through the territory of the organization of social

services, as well as when using the services provided by such an organization;

2) the possibility for independent movement within the territory of the organization of social services, entry, exit and movement within such organization (including for movement in wheelchairs), for rest in a sitting position, as well as the available placement of equipment and media;

3) duplication of text messages, voice messages, equipping organizations social service signs, made Braille Braille acquaintance with them with inscriptions, symbols and other textual and graphic information in such organizations, as well as the admission of the deaf-blind person the admission of guide dogs;

4) duplication of voice information with text information, inscriptions and (or) light signals, informing about the provided social services using the Russian language (sign language translation), the admission of the sign language interpreter;

5) provision of other types of assistance.

Types of social services

Social services are a substantial part of activities aimed at social assistance and support, social services, social protection and social security of persons who find themselves in a difficult situation and need them. Recipients of social services, taking into account their individual needs, are provided with the following types of social services :

1) social and domestic, aimed at maintaining the life of recipients of social services in everyday life;

2) social and medical, aimed at maintaining and preserving the health of recipients of social services through the organization of care, assistance in carrying out health measures, systematic monitoring of recipients of social services to identify deviations in their health;

3) social and psychological, providing assistance in the correction of the psychological state of the recipients of social services for adaptation to the social environment, including the provision of psychological assistance anonymously using the helpline;

4) social and pedagogical, aimed at preventing deviations in the behavior and development of the personality of recipients of social services, the formation of their positive interests (including

in the field of leisure), the organization of their leisure time, assisting the family in the upbringing of children;

5) social and labor, aimed at providing assistance in employment and in solving other problems related to labor adaptation;

6) social and legal, aimed at providing assistance in obtaining legal services, including free of charge, in protecting the rights and legitimate interests of recipients of social services;

7) services to improve the communication potential of recipients of social services with disabilities, including children with disabilities;

8) urgent social services, which include:

- \* providing free hot meals or food packages;

- \* provision of clothing, footwear and other necessities;

- \* assistance in obtaining temporary accommodation;

- \* assistance in obtaining legal assistance to protect the rights and legitimate interests of recipients of social services;

- \* assistance in obtaining emergency psychological assistance with the involvement of psychologists and clergy, as well as other social services.

In more detail social services are specified by other Federal laws and laws of subjects of the Russian Federation.

Currently, ministries and agencies with social services, relying on the state bodies of the constituent entities of the Russian Federation and local self-government bodies, are trying to solve the difficult task associated with the development of the established network of institutions that provide a wide range of social services to the population, addressed mainly to the most socially vulnerable groups of the population who are experiencing constant difficulties in everyday life. The development of the network of social assistance institutions is hampered by various factors:

- \* weak legal framework for social services;

- \* limited financial resources available to government bodies at the Federal and regional levels, lack of funds for local governments;

- \* lack of coordination between ministries and agencies in the area of social services;

- \* lack of personnel with training in social work;

- \* low social status and inadequate wages of social workers;
- \* insufficient use of the financial, economic and intellectual capacities of non-governmental institutions.

It is necessary to continue work to improve the legislative and regulatory framework, to introduce standards for the organization of social services, using the scientific potential of the country and foreign experience. Social services should be available to all categories of citizens without exception. It should be organized in such a way as not only to ensure the provision of a guaranteed minimum of social services, but also to create conditions for the realization of a person's personal potential.

### **Social benefits and allowances for military personnel**

One of the most important activities of the Russian state to improve the effectiveness of social policy is to reform the system of social benefits established by law for various categories of citizens, including military personnel. This is due to the fact that, according to experts, the current system of social support in our country is characterized by cumbersome, unsystematic and, as a result, extremely low targeting.

Benefits of military personnel and their family members are divided into different types: housing; labor and military service; pension and social security; taxes and fees; health care; education and culture; transportation and travel, etc.

Benefits as statutory advantages are due to difficulties and other features of living conditions, which inevitably involve military service, among which, in particular, are: the need for military personnel to constantly maintain high combat readiness and military discipline; to be always ready to defend the homeland and courageously protect it, not sparing their lives; frequent, associated with movements in the service, change of residence; the need to live long in low-lived, with severe climatic conditions areas, etc.

Thus, the benefits of military personnel and members of their families are certain advantages provided by the state to these citizens in connection with their military service or other military duties, or their complete or partial exemption from certain state duties.

The role and place of the system of benefits in ensuring social protection of military personnel is that the benefits:

- \* provided to military personnel and their family members not all equally, in the same size and number, but in strict connection with the degree of need for additional protection by the state:

- o given the special nature of the activity;

- o due to objective circumstances (disabled, veterans, low-income, large families, etc.);

- o based on generally recognized and officially recognized special services to the state;

- \* are to provide certain categories of military personnel with certain advantages over other military personnel or full or partial exemption of certain categories of military personnel from certain duties (from payment of the cost of a voucher to a sanatorium, etc.);

- \* differ in the scope, nature and conditions of their provision, depending on the level of protection of certain categories of military personnel by the state;

- \* are fixed both by the Federal legislation, and the legislation of subjects of the Russian Federation or departmental regulatory legal acts.

Compensation payments are made either in the amount of expenses actually incurred by military personnel, but not more than the maximum amount established by law (payment for accommodation on business trips), or in fixed amounts, regardless of the actual costs (compensation for sanatorium treatment).

Being different in nature and content, the benefits and compensations established by the legislation for the military are combined by their compensatory function, designed to partially or fully compensate the military personnel for some rights alienated from them, as well as restrictions caused by military service. Paragraph 2 of article 10. The Federal law "on the status of military personnel" stipulates that the state guarantees military personnel an increase in the number of social guarantees and the amount of compensation in accordance with their qualifications and with the term of military service.

All benefits provided to women and children, as well as the essential conditions for their receipt, the terms of issuance and the

amount are developed and approved by the Government of the Russian Federation. The payment of benefits to spouses and children of military personnel is carried out by employees of social protection institutions in the cities or towns where these families live. Let us consider specifically all the conditions that guarantee the confirmation of rights and the issuance of one-time and monthly benefits to the wives and children of those who are called up for military service.

The pregnant wife of a serviceman receives the allowance within ten days after submission of the application and other required documents to the Department (Department) of social protection of the population in the place of residence, or in the multi-purpose center in which the state and municipal services are provided to all categories of citizens.

The monthly allowance for a child soldier, passing military service on an appeal in accordance with article 12.5. this law, the right to the monthly allowance for the child of the serviceman passing military service on the appeal, have:

- \* mother of a child of a conscripted soldier;

- \* the guardian of the child of a conscripted soldier or other relative of such child who actually takes care of him, if the mother is dead, declared dead, deprived of parental rights, restricted in parental rights, recognized as missing, incapacitated (partially capable), for health reasons can not personally raise and maintain the child, is serving a sentence in institutions serving a sentence of imprisonment, is in places of detention of suspects and accused of committing crimes, evades the upbringing of the child or the protection of his or her rights and interests or refuses to take his or her child from educational institutions, medical organizations, social protection institutions and other similar institutions.

The monthly allowance for the child of a conscripted soldier shall be paid irrespective of the right to other types of state benefits for citizens with children.

The right to the monthly allowance for the child of the serviceman passing military service on the appeal is not granted to mother, the Trustee or other relative of the child of the cadet of the military professional educational organization and the military educational organization of the higher education.

Military personnel may not combine military service with work in enterprises, institutions and organizations, except for scientific, teaching and creative activities, if it does not interfere with the performance of military service duties.

The weekly working hours of contracted military personnel shall not exceed the working hours established by the labour legislation. Exception - combat duty, exercises, etc.

Those who serve under the contract, shall be granted annual vacation:

to the military personnel which total duration of military service in preferential calculation makes less than 10 years – 30 days.

Military personnel who have served for more than 20 years, in any year of three years before the achievement or limit of service in addition to the basic leave have the right to leave for personal reasons for a period of 30 days.

The military personnel performing military service under the contract have the right to receive instead of the subjects of ware property of monetary compensation in the amount of cost of the specified subjects put on standards of supply.

The state guarantees accommodation for military personnel. In case of absence of the specified premises military units rent premises or at the request of the military personnel monthly pay them monetary compensation for hiring (subletting) premises in the order and the sizes determined by the Government of the Russian Federation.

Military personnel (contractors) for the purchase (construction) of housing are provided with a subsidy in the form of gratuitous financial assistance for the total duration of military service in the amount of:

- from 10 to 25 years - not less than 75 %;
- 25 years and more-100 percent of the cost of housing.

Military personnel and their cohabiting family members pay for living space and utilities, if the total duration of military service is 20 years or more, in the amount of 50 %, and in the service of 25 years or more, regardless of the grounds for dismissal. In addition, military personnel are provided with benefits when paying for

the installation of apartment phones and a subscription fee for their use in the amount of 50 %.

According to the Federal law on the status of servicemen, the state is responsible for the social protection of servicemen and provides them with various types of allowances. In addition, the state undertakes to consider the facts of insults to military personnel, violence and threats against them, as well as encroachment on their lives, honor, dignity, housing as aggravating circumstances of the crime.

Implementation of social and legal protection of armed defenders of the Fatherland is a necessary and essential condition for maintaining the proper level of combat readiness and combat capability of troops, the most important factor in the education of personnel. The Federal law " on the status of servicemen " is intended to give a new impetus to the solution of these tasks in the conditions of military reform.

The role of innovations in social work with military personnel should be strengthened through the creation of mechanisms for identifying, studying and implementing in the implementation of the Strategy of social development the best domestic and world practice of solving social problems. Modern mechanisms for the management of the military social sphere should be developed and implemented in the activities of the Ministry of defence, and appropriate training of the personnel of the military social protection service should be organized.

An important area of work on social protection of military personnel is assistance in the employment of wives (husbands) of military personnel, the organization of training of wives (husbands) of military personnel in educational institutions of higher and secondary vocational education, with the development of educational programs for part-time (evening) or distance learning, using distance methods.

# Conclusion

Summing up, we can draw the following conclusions:

The researchers agree that the idea of social statehood was formed in the late XIX - early XX century as a result of socio-economic processes taking place in Europe. Russia has not lagged behind the European countries in this sense, proclaiming itself in article 7 of the Constitution as a social state.

The concept of "social state" is so multifaceted that until now experts have not been able to come to a consensus. There are several models of social state, but the main task of all of them is to achieve such social development, which is based on the principles of social justice, universal solidarity and mutual responsibility of the state, business and citizens. The idea of a social state, of course, should consolidate all the accumulated experience of social activity: it includes the state's obligations for social protection, and the citizen's obligations to work actively and productively for the benefit of society.

Thus, the social state is a natural stage of evolutionary development of the state forms of social order. Currently, the social state is one of the highest achievements of civilization in the field of government. His mission is to realize universal humanistic values. The social state combines the principles of freedom and the rule of law to ensure the well-being of the individual and the prosperity of society as a whole.

For a social state, the key idea is social citizenship and social rights. Social citizenship is an aspect of legal citizenship, which is expressed in the fact that when a person acquires citizenship, together with it he acquires the right to enjoy all the privileges and protective mechanisms provided by the state in the social sphere.

The degree of sociality of the state depends on the direct size of the financial participation of the state in the implementation of social policy. To a much greater extent, the factors determining the degree of sociality of the state are the primacy of social values in the official ideology of the state, the presence of strong democratic political institutions, the availability of administrative conditions and legal space for the free functioning of a variety of eco-

conomic entities and their economic efficiency. Therefore, the social state is, first of all, a strong state based on an effective market economy, which determines the nature of the implementation of basic civil rights, including the right to work and employment.

The social state in modern conditions assumes existence, on the one hand, of the strong state capable to bear responsibility for development of human resources, and, with another - existence of the developed institutes of civil society capable to put the state under the control.

The modern social state is a stage of development of the social state following the paternalistic social state. The social state is not a stage of development of the legal state, but a stage of development of the state-organized society as a whole. One can agree with the opinion of a number of authors who believe that the social and legal state as "attributes of the state acquire a clear meaning only in an alternative, not cumulative mode of use" and speak of "fundamental contradictions between the legal and social beginning of its existence".

Such an attribute of the state, as a social function, is an inherent attribute of any type of state, developing within the framework of industrial or post-industrial society. Not only the state (public authority and its mechanism) are obliged to perform a social function, it is the duty of the entire modern state-organized society. Moreover, the main author of the social function in the modern state, depending on many factors, can be either the public authorities or the structures of civil society.

The modern neo-paternalistic social state is a modernized form of social state that meets the requirements of the time. But it should be noted that the changing role of public authorities in the implementation of social functions entails the acquisition of public relations of a different format. The social function within the neo-paternalistic social state encourages people with disabilities, women with young children and the unemployed to work actively. And if such a policy can be justified with respect to the unemployed and the state-organized society will only benefit from it in relation to such social groups as women with young children and persons with disabilities (disabled persons, old-age pensioners), the situation is very problematic.

In the case of persons with disabilities, the issue is the humanity of such steps. However, with regard to mothers of young children, the situation is becoming even more complex and acute. Children left without the necessary care, street children are a problem and a burden for future generations, often a lost opportunity for proper socialization of the younger generation.

The social state is a new stage in the development of the state, which became possible if the state has sufficient resources to ensure real responsibility for the fate of society, every citizen. A social state is a type of such a state that seeks to create the most favorable conditions for every citizen to exist, to realize his or her individual talents and abilities, and to ensure a high level of social protection.

For more than 100 years, the definitions of the concepts we are interested in contain, despite their apparent heterogeneity, a limited set of permanent features. The first of them is the availability of social support of the state for all members of the society. The second is the legal nature of the state's social policy, its right to regulate and control social processes. At the same time, the legal function is not only to regulate social processes, but also to give social rights to citizens. The state is socially responsible. The third constant feature is the availability of budget social payments. The fourth - the presence of the state system of employment, social security and social protection. The fifth is the recognition of its responsibility for the well-being of citizens.

It must be said that one of the most important factors is the desire to achieve all the goals invested in the very definition of a social state, namely, to overcome social inequality and create the necessary conditions for a decent life and free development of a person.

The first stages of formation of the social state in the Russian Federation took place in the conditions of underdeveloped economic system, which to some extent limited the actions of the state aimed at improving the life of the population. All essence of "sociality" of the Russian state is concluded in the Constitution of the Russian Federation, other laws and normative legal acts which work according to it, therefore, the following condition of formation in Russia of the social state is accurate and unquestioning following to all norms concluded in them.

Legal literacy of the population and knowledge of regulations and laws is an important step towards the formation and improvement of the social state.

In addition, in General, the need to build a model of a social state in Russia is due to the fact that the concept of a social state is closest to our historical practice and mentality of Russian society. This model gives the economic reforms carried out in the Russian Federation a social orientation.

Thus, the current model of the social state in Russia is practically the only one of all the latest theories that have stood the test of time and proven by European experience.

Finally, the social state is a form of state that will ensure a decent future for all citizens of the Russian Federation, and thus will lead to the effective functioning and success of our country.

Thus, we can draw conclusions:

Social state - a special type of modern highly developed state, which provides a high level of social protection of all citizens through the active activities of the state to regulate social, economic and other spheres of society, the establishment of social justice and solidarity in it.

Constant reforms are changes to improve the life of the state. After all, social policy is the activity of the state, political and social institutions aimed at the progressive development of the social sphere of society, improving the conditions, lifestyle and quality of life of people, providing a certain part of their life needs, providing citizens with the necessary social support, assistance, protection using the available financial and other social potential. The effective social policy practically embodies the functioning of the social state.

The current economic situation requires constant effective improvement of social policy, otherwise our state will lag behind other developed countries.

In this work such questions as concept of the social state, its functions, the purposes, ideas of the social state, and also prospects of development of the social state in modern Russia were considered. The basic idea was the idea of looking at the idea of the social state as a harmony of private and public interest in achieving social justice. An excursion into the past allowed us to trace the process of development and refraction of these ideas in political and legal doctrines.

# Bibliography

## Regulations

Universal Declaration of Human Rights (adopted by the UN General Assembly on December 10, 1948) // ATP Consultant Plus, etc.

The Constitution of the Russian Federation. (Adopted by popular vote on 12/12/1993 (as amended by the Laws of the Russian Federation on amendments to the Constitution of the Russian Federation dated December 30, 2008 No. 6-FZK, dated December 30, 2008 No. 7-FZK, dated February 5, 2014 No. 2-FZK, dated 21.07. 2014 No. 11 - FZK) // ATP Consultant Plus.

Labor Code of the Russian Federation of 12/30/2001 N 197-FZ (ed. On 12/30/2015) System "Consultant Plus" <http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW ; n = 19162>

Federal law of 15.12.2001 N 166-FZ (as amended on 11/28/2015, as amended on 12/29/2015) "On state pension provision in the Russian Federation". Consultant Plus system <http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=18961>

Federal law of 16.07.1999 N 165-FZ (as amended on 12/01/2014) "On the basics of compulsory social insurance". System "Consultant Plus" <http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=16586>

Decree of the President of the Russian Federation dated May 7 "On measures for the implementation of state social policy" // Russian newspaper. 2012. May 9th.

## Special literature

Avakyan S.A. Constitutional law of Russia: training course .: in 2 volumes. T. 1. - Moscow: Yurist, 2007.

Baglay M.V. Constitutional Law of the Russian Federation: Textbook. M.: Publishing group "Norma, Infra-M", 1998.

Belyaev Yu. N. On the social functions of the state // Journal of Russian law. 2016. № 1.

Vengerov, AB Theory of State and Law: A Textbook for Law Universities. M., 1998.

Volgin N. A., Gryshchenko N. N., Sharkov F. I. Social State - Textbook. - M.: Dashkov and K, 2003.

Gafurov Z. Sh. Social and legal state: causes, objective bases, contradictory essence // State and Law. -2009.№ 4.

Gritsenko, N. N. [Foundations of the welfare state: a textbook for universities] / N.N.Gritsenko. F. I. Sharkov. M.: Statistical relations, 2004.

Zorkin V.D. The Social State in Russia: Problems of Realization // A Comparative Constitutional Review. 2008. № 1.

Zulfugarzade T. E. Basics of the welfare state and civil society: a textbook. - M.: Publishing Center "Academy", 2012.

Kalashnikov S.V. Essays on the theory of the social state. M.: Economy, 2006.

Kutafin O. E. Russian constitutionalism. - M.: Norma, 2008.

Mamut L.S. The social state from the point of view of law // State and law. 2001. No. 7.- P.7-12.

Nechayeva Ye.G.- Social state: legal understanding and practice. - M., 2007.

Novgorodtsev PI Introduction to the philosophy of law. The crisis of modern justice. - SPb., 2000.

Novgorodtsev PI Democracy at a crossroads // On the social ideal. - M., 1991.

The main problems of social development of Russia-78 // Analytichesky Bulletin of the Council of Federation of the Federal Assembly of the Russian Federation. 2004. № 15.

Okhotsky, Ye.V. The Social State and Social Policy of Modern Russia: Orientation to the Result // Labor and Social Relations. - M., 2012. No. 5

Fundamentals of the welfare state: Textbook / F. I. Sharkov. - M.: Publishing and Trading Corporation "Dashkov and K", 2012.

Basics of the welfare state / P. E. Krichinsky, O. S. Morozova: Proc. allowance. - M.: INFRA-M, 2015.

Russia as a social state: a constitutional model and reality: a collection of materials / Scientific Advisory Council at Pre. Council of Federation of the Federal Assembly of the Russian Federation; [under the general ed. El Kolyushina, A. A. Nelyubina]. - Moscow: Izd. Federation Council, 2007.

The welfare state: concept and essence: Reports of the Institute of Europe, RAS / Otv. ed. Kargalova M.V. - M.: Publishing House Ogni. 2004.

Chirkin V.E. The Social State: Legal Indicators // Russian Law Journal. 2007. № 4.

Chirkin V.E. The welfare state: legal indicators // Russian legal journal. 2011. № 6.

Sharkov F. I. The foundations of a social state: a textbook for bachelors. - M.: ITK "Dashkov and K", 2013.

**Kosarenko N.N.**

**SOCIAL STATE  
PROBLEMS OF IMPLEMENTATION IN RUSSIAN FEDERATION**

**Monograph**

SIA BIOM.LV  
Rīga, LV-1009  
Augusta Deglava iela 7 - 32

