



Legal Regulation of Social Security Principles in the European Union and Ukraine

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Abstract: This study analyses the legal regulation of social security principles within the legislative frameworks of the European Union and Ukraine, with particular attention to the principle of solidarity as a fundamental element of social policy. While existing scholarship frequently focuses on specific components of the social security system—such as pensions, social insurance, or social assistance—the systemic role of solidarity in coordinating these institutional mechanisms remains insufficiently explored. Addressing this gap, the research examines how solidarity is normatively constructed and implemented within EU legal instruments and Ukrainian legislation, and how these frameworks interact in the context of European integration. The study employs a qualitative legal research design using a comparative legal method to evaluate the regulatory models governing social security in selected EU member states and Ukraine. Data are collected through documentary and library research, including analysis of primary legal sources such as EU treaties, the Charter of Fundamental Rights of the European Union, and relevant Ukrainian legislation, complemented by scholarly literature on social protection systems. The findings indicate that EU countries operationalise the principle of solidarity through diverse institutional arrangements, including contribution-based social insurance systems and tax-financed welfare mechanisms, as seen in Germany and France. In contrast, although the principle of solidarity is formally embedded in Ukrainian legislation, its implementation faces structural challenges related to demographic pressures and financial deficits in the pension system. The study concludes that the effectiveness of solidarity-based social security depends not only on normative regulation but also on economic sustainability and institutional capacity. This research contributes to the literature by providing a



comparative legal assessment of solidarity in social security governance and offering insights for harmonising Ukrainian social legislation with European Union standards in the context of legal and institutional integration.

Keywords: Foreign Experience; Legal Regulation; Social Protection of Veterans; Social Security; Principles.

Introduction

Social security is one of the fundamental elements of a modern social state, ensuring the implementation of the constitutional principle of human dignity and guaranteeing protection against major social risks - unemployment, illness, disability, old age, loss of a breadwinner, etc.¹ In the countries of the European Union, the social security system developed over a long historical period, combining elements of insurance, budgetary, and mixed financing models. It is based on clearly defined legal principles that have been consolidated at both the national and supranational levels.²

Legal regulation of social security in the EU is carried out in accordance with the provisions of the Treaty on the Functioning of the European Union, the Charter of Fundamental Rights of the EU, the European Social Charter, and secondary legislation that coordinates national social protection systems.³ At the same time, social policy remains mainly within the competence of the member states, which determines the existence of various models of social security (continental, Scandinavian, Anglo-Saxon, Mediterranean). Despite their differences, they are united by a common set of principles: solidarity, universality, equality, subsidiarity, social justice, and financial stability.⁴

For Ukraine, the issue of legal regulation of social security principles is becoming particularly relevant in the context of the country's European integration, the implementation of the Association Agreement with the EU, and the gradual approximation of legislation to the *acquis communautaire*. The Constitution of Ukraine defines Ukraine as a social state, obligating public

¹ Gianfranco Piscopo et al., 'Signal Processing and Machine Learning for the Sustainability of the Italian Social Security System: Evidence from ISTAT Pension Data', *Mathematics* 14, no. 4 (2026), <https://doi.org/10.3390/math14040690>.

² AlHareth Alhalalmeh et al., 'Strengthening Social Security Systems Through Economic Policy Innovations: Governance Challenges and Solutions', in *Studies in Systems, Decision and Control* (Springer Science and Business Media Deutschland GmbH, 2026), 227:1607–1620, https://doi.org/10.1007/978-3-031-95310-1_115.

³ Piscopo et al., 'Signal Processing and Machine Learning for the Sustainability of the Italian Social Security System'.

⁴ Daniela Nicoleta Sahlian et al., 'Pension Benefits Adequacy and Social Security Budget Sustainability-What Influences the Resilience of Public Pension Systems in Central and Eastern European Countries?', *Economic Computation and Economic Cybernetics Studies and Research* 59, no. 2 (2025): 126–1241, <https://doi.org/10.24818/18423264/59.2.25.08>.

authorities to provide an appropriate level of social guarantees. However, the effectiveness of implementing these guarantees largely depends on the consistency of legal principles, the stability of financing, and the authorities' institutional capacity.⁵

The relevance of the study lies in the need for a comprehensive analysis of the principles of social security in EU law and their correlation with Ukraine's national legal system, as well as in determining the prospects for harmonising legislation in the context of modern socio-economic challenges.⁶ In the context of globalisation and challenges to Ukraine's development, the social security of citizens is receiving special attention, which is increasing the relevance of this branch of law and, accordingly, the need to study the principles that underpin social security law, as T.Z. Gerasimov rightly points out that the principles of social security law are considered to be the initial foundations that reflect the essence of the social relations that constitute the subject of this branch.⁷ B.I. Stashkiv suggests that the principles of social security law are basic provisions grounded in natural human rights that serve as guidelines for the legal regulation of social relations in the field of social security for individuals and determine the essence, content, and mechanism of this branch of law.⁸ In the theory of social security law, some scholars insist that principles must be necessarily expressed in the text of legislation. Others, on the contrary, consider principles as starting points, directions of activity that can exist independently of the law's text. In particular, the latter opinion is held by P.D. Pylypenko, who notes that the norms of general social law, serving as the basis for the formation of legal norms, function as guiding ideas and principles for the system of legal norms.⁹ In contrast to this opinion, such modern theorists as V.Ya. Buryak and S.M. Sinchuk insist that the principles of social security law are, in fact, principles of legal regulation, and therefore the

⁵ Serhii Silchenko et al., 'Development of National Social Insurance Systems in Ukraine and European Countries as a Factor in the Evolution of Human Rights to Social Security', *Economic Affairs (New Delhi)* 68 (2023): 947–953, <https://doi.org/10.46852/0424-2513.2s.2023.43>.

⁶ Christina Grabbe, 'Politicised at Home but Not in Council: The European Coordination of Social Security Systems', *Politics and Governance* 12 (2024), <https://doi.org/10.17645/pag.8137>.

⁷ Stashkiv B.I. Theory of social security law: textbook. Kyiv: Znannya, 2005. 405. <http://lj.oa.edu.ua/articles/2016/n2/16kvltr.pdf>

⁸ Pylypenko P.D. Problems of the theory of labor law. Lviv, 1999. 358

⁹ Sinchuk S.M. Social security law of Ukraine: textbook. / S.M. Sinchuk, V.Ya. Buryak; edited by S.M. Sinchuk, 2nd ed., revised and supplemented. Kyiv: Znannya, 2006. 318.

principles can be recognised as legal only when they are directly reflected in the norms of law or, at least, clearly follow from its content.¹⁰

Despite constitutional guarantees and an extensive system of special laws, the legal regulation of social security in Ukraine is characterised by several systemic problems.

First, the regulatory framework is fragmented. The principles of social security are enshrined in various legislative acts, but they are not properly systematised, which complicates their practical implementation and interpretation. The absence of a single codified act in the field of social security leads to regulatory conflicts and duplication of legal norms. Second, there is insufficient coherence between the declared principles and the mechanisms for their implementation. For example, the principle of solidarity is formally enshrined in the system of mandatory state social insurance, but the demographic crisis, labour migration, and the budget deficit of social funds reduce its effectiveness. This indicates the need for a comprehensive review of the financial and organisational principles of the system's functioning.

Third, the problem of implementing the principle of subsidiarity and decentralisation of social services is relevant. Although the reform of local government in Ukraine has created the prerequisites for transferring some powers to territorial communities, the mechanisms for delimiting competences in social security remain unclear. This affects the quality and accessibility of social services on the ground. Fourth, the issue of coordinating citizens' social rights in the context of international population mobility requires special attention. In the EU, a unified mechanism for coordinating social security systems operates, ensuring the preservation of insurance periods and social benefits when moving between member states. In Ukraine, the relevant mechanisms are mainly bilateral in nature and do not ensure full integration into the European social space.

Fifth, ensuring the financial sustainability of the social security system amid economic instability and martial law poses a challenge. The growth in the number of people in need of social support increases the burden on the state budget and social funds, requiring a review of financing approaches and greater efficiency in resource management. In European Union countries, there are also challenges related to an ageing population, migration, the digitalisation of social services, and the need to balance social guarantees with budgetary discipline. However, the systematic nature of legal regulation and the stability of principles allow for more effective functioning of social systems.

¹⁰ Kostyuk V.L. Principles of social security law: concepts, features, types and development trends. *Journal of the National University "Ostroh Academy". Series "Law"*. 2016. No. 2(14). <http://lj.oa.edu.ua/articles/2016/n2/16kvltr.pdf>

Method

This study employs a qualitative legal research¹¹ design with a comparative legal approach to examine the principles of social security regulation within the legal frameworks of the European Union and Ukraine. The research aims to analyse how social security principles are normatively constructed, implemented, and harmonised between supranational European legal instruments and national legislation in Ukraine. The comparative legal method is used as the primary analytical framework to identify similarities, differences, and patterns in the regulation of social security principles across jurisdictions. The study focuses on key legal sources, including the Treaty on the Functioning of the European Union, the Charter of Fundamental Rights of the European Union, the European Social Charter, and Ukrainian national legislation governing social protection and social insurance systems. Through this approach, the research evaluates how various models of social security—such as the continental (Bismarckian), Scandinavian, Anglo-Saxon, and Mediterranean models—have influenced the formulation of European social policy and how these models interact with Ukraine's efforts to align its legal framework with European standards.

The data for this research are collected through library and documentary research, involving the systematic examination of primary legal materials, including international treaties, EU regulations and directives, national legislation, and policy documents, as well as secondary sources such as academic books, scholarly journal articles, and institutional reports on social security governance. The collected materials are analysed using qualitative legal analysis combined with comparative interpretation, which involves identifying core legal principles—such as solidarity, subsidiarity, and social justice—and examining their operationalisation within different regulatory systems. To ensure the credibility and validity of the findings, the study applies data triangulation and cross-checks statutory provisions against doctrinal interpretations and comparative legal scholarship. This validation process enables the research to provide a balanced and reliable assessment of the effectiveness of existing legal mechanisms and to formulate recommendations for strengthening the harmonisation of Ukraine's social security legislation with European Union legal standards.

Results and Discussion

Theoretical foundations of social security principles in the countries of the European Union

¹¹ Matthew B. Miles and A. Michael Huberman, *Analisis Data Kualitatif: Buku Sumber Tentang Metode-Metode Baru* (Jakarta: Universitas Indonesia Press, 2014).

A comprehensive study of the principles that underpin the legal regulation of social security relations in foreign countries provides grounds for asserting that these principles conceptually reflect the nature, content, and functional purpose of this industry.¹² The basic, general social principles include humanism, equality, the rule of law, and justice. Along with them, special (industry) principles operate, in particular, universality, accessibility, guaranteeing a decent standard of living, the mandatory nature of social insurance, the combination of unity and differentiation, targeting, the development of partnership between the state and non-state sectors, etc. The totality of these principles, together with the subject and method of legal regulation, indicates the autonomy of social security law as an independent industry, since it is they that outline its key characteristics, determine the legal status of its subjects, and define the features of the relevant legal relations.¹³

Although social security systems in most countries are structured according to similar institutional models and legal mechanisms, the specific content and methods of implementing each principle vary across countries. This primarily concerns the principles of ensuring a decent standard of living, unity and differentiation, targeting, and the interaction between the public and private sectors in providing social guarantees. Within the framework of this study, emphasis is placed on the specifics of their implementation in certain foreign countries.¹⁴

The principle of ensuring a decent standard of living. The Constitution of Belgium (1994) enshrines the right of every person to a life that meets human dignity. The content of this provision is specified by guaranteeing the right to work, decent working conditions and fair pay; social insurance; health care; social, medical, and legal assistance; and provision of housing and a safe environment.¹⁵ The Constitution of the Italian Republic (1947) defines the right of the worker to remuneration commensurate with the quantity and quality of work, which ensures a free and dignified existence for him and his family. Persons who have lost their ability to work or their means of livelihood have the right to support from society. The provision of means of support in cases

¹² Sefane Çetin and Alain Jousten, 'Retirement Decision of Belgian Couples and the Impact of the Social Security System', *De Economist* 173, no. 4 (2025): 519–557, <https://doi.org/10.1007/s10645-025-09457-7>.

¹³ Tatarenko G.V. On the principles of social security law. Current problems of law: theory and practice. 2023. No. 46. P. 260–270.

¹⁴ Natalia Opolska et al., 'Development of Legislation on the Protection of Human Rights in the Field of Occupational Safety and Health', *NUSANTARA: Journal Of Law Studies* 5, no. 1 (March 2026): 123–146, <https://doi.org/10.5281/zenodo.18821048>.

¹⁵ Kulachok-Titova L.V. The right to a decent standard of living in international, foreign and national legislation. Bulletin of the V.N. Karazin Kharkiv National University. Law Series. 2014. No. 1106. Issue No. 17. 122–126.

of illness, disability, old age or unemployment beyond the control of the person is also guaranteed.

A different approach can be traced in the constitutions of Spain (1978), the Netherlands (1983) and Sweden (1974), where the category of a decent standard of living is formulated mainly as a duty of the state. In Spain, it is about improving the well-being of the population, ensuring equal living standards, and promoting economic and cultural development to guarantee a dignified existence for citizens. In Sweden, the state undertakes to promote social security, security, and proper living conditions, and in the Netherlands, to ensure an adequate standard of living for the population.¹⁶ The Swedish model of social policy, which combines elements of various international practices, has been referred to as the “Swedish model” in the scientific literature and is recognised as one of the most effective. It provides economic protection for citizens in case of illness, childbirth, injury, job loss, and in old age, as well as financial support for people in difficult life circumstances, ensuring an adequate standard of living.¹⁷

Thus, in most constitutions, a decent standard of living is considered as a subjective right of an individual and at the same time as a programmatic guideline of the state’s social policy. Its implementation is closely related to the right to work, fair pay and a person’s participation in the formation of their own material security through a system of insurance contributions.¹⁸ Social assistance is usually provided if there are objective grounds - incapacity for work or forced unemployment. At the same time, the legislation of many countries establishes criteria for the adequacy of material security, including housing standards, payment amounts, and minimum social guarantees.

The principle of unity and differentiation of social security. The principle of differentiation is most widely implemented in countries with Scandinavian and continental models, where specific categories of persons exposed to social risks are identified, and for each category, separate conditions, procedures, types, and amounts of provision are established. In liberal models, this principle is also applied, but is not system-forming.

According to the definition of I. I. Kolosovska, differentiation involves the establishment of special conditions and levels of social protection

¹⁶ Vladovska K., Ploskun V. The right to a decent standard of living: features of definition in the countries of the European Union. Bulletin of the National Academy of the State Border Guard Service of Ukraine. 2019. Issue 4. Legal Sciences. <http://periodica.nadpsu.edu.ua/index.php/legal/article/view/301>.

¹⁷ Maksymchuk E.O. Social security provision systems in foreign countries. Scientific works of the National Social Security Institute. 2006. Issue 4. 66–72.

¹⁸ Anis Mashdurohatun et al., ‘Contemporary Reassessment of Punishment in Islamic and Secular Law: A Comparative Study of Justice and Penal Philosophy’, *MILRev: Metro Islamic Law Review* 5, no. 1 (January 2026): 80–100, <https://doi.org/10.32332/milrev.v5i1.11887>.

depending on age, gender, marital status, type of employment, length of insurance experience, previous earnings, place of residence or financial situation.¹⁹ This approach allows for individualising the consumption of social benefits and ensuring a fair distribution of resources. Differentiation is a necessary condition for the effectiveness of social security, as it allows support to be tailored to the specific needs of an individual and optimise budget expenditures. At the same time, the principle of unity is designed to guarantee the consistency and integrity of legal regulation, the consistency of norms and the achievement of a common social goal.

The principle of targeting. In international practice, three basic models of targeted social support are distinguished. An insurance model based on a person's previous participation in the social insurance system, which does not provide for income testing. The amount of assistance depends on the length of insurance and contributions. This approach is typical for Western European countries — Austria, Belgium, Luxembourg, the Netherlands, Germany, and France. A universal model, under which all citizens are entitled to assistance regardless of income or contributions (for example, family benefits or free medical care). It is characteristic of the Scandinavian countries: Denmark, Norway, Finland, and Sweden.

A model based on income assessment, when assistance is provided after verification of financial status and the occurrence of a relevant event, without taking into account insurance contributions. Such a system operates in Anglo-Saxon countries - Great Britain, Ireland, Canada, the USA, where support has a clearly defined target nature and is provided subject to confirmation of need.²⁰ Thus, the principle of targeting is implemented through various institutional mechanisms that reflect the socio-economic model of a particular state, but they share the common goal of effectively allocating resources to individuals who objectively need social support.²¹

The specified principle belongs to the modern, strategically important principles of legal regulation in the field of social security, as it provides for the involvement of non-state actors in the provision of social services alongside

¹⁹ Kolosovskaya I.I. Peculiarities of the functioning of national social security systems: European practice. Effectiveness of public administration. 2014. Issue 39. 45–151.

²⁰ Gnatenko K.V. On the issue of the content of the principle of targeting in social security law. Law and Innovations. 2020. No. 2 (30). P. 70–75.

²¹ Yevhen Leheza et al, 'The Essence of the Principles of Ukrainian Law in Modern Jurisprudence', *Revista Juridica Portucalense* 32 (2022): 342–63, [https://doi.org/10.34625/issn.2183-2705\(32\)2022.ic-15](https://doi.org/10.34625/issn.2183-2705(32)2022.ic-15).

public institutions. In most developed countries, such interaction is systemic and based on clearly defined legal mechanisms of partnership.²²

In several European countries, the so-called contractual model of cooperation operates, under which local governments are authorised to select, on a competitive basis, non-state organisations that hold appropriate licenses to provide social services to persons entitled to state support. The winners of the competitive selection are delegated to perform a specified number of social services under a concluded contract. Such a contract details the conditions for the provision of services, the procedure for financing, reporting and control mechanisms, as well as the mutual rights and obligations of the parties.

Obtaining such a contract is an indicator of the organisation's institutional capacity and provides it with stable budgetary financing, which stimulates competition between service providers. At the same time, the state retains the authority to determine the circle of recipients of assistance and establish standards for its volume. This format of cooperation has had a positive impact on the development of social infrastructure at the level of territorial communities.²³

Of scientific interest is the experience of the Republic of Poland, in particular the implementation of the principle of "mutual complementarity", which, according to I. I. Kolosovska does not imply the liberalisation of social policy in a narrow market sense, but its decentralised organisation.²⁴ The Polish model is based on the idea that effective social development is possible under the condition of coordinated interaction among state bodies, local communities, and non-state structures. At the same time, strategic planning, development of long-term programs and regulatory and legal support mainly fall within the competence of state authorities, although the position of public organisations is considered in the process of preparing decisions. At the same time, it is emphasised that state bureaucratic institutions are not always flexible enough to respond promptly to the needs of various social groups or implement short-term projects. That is why non-governmental organisations often perform tasks related to the provision of highly specialised or temporary services more effectively, especially in low-profitability segments. In addition,

²² Iegor Dymko et al, 'Integrated Approach to the Development of the Effectiveness Function of Quality Control of Metal Products', *Eastern-European Journal of Enterprise Technologies* 6, no. 3 (90) (2017): 26–34, <https://doi.org/10.15587/1729-4061.2017.119500>.

²³ Yevhen Leheza et al., 'Interpretation of Regulatory and Legal Acts in Contemporary Contexts: Foreign Experience, Comparative Perspectives, and Pathways for Regulatory Reform', *NUSANTARA: Journal Of Law Studies* 5, no. 1 (February 2026): 102–22, <https://doi.org/10.5281/zenodo.18727992>.

²⁴ Experience of social protection and the role of organizations in Poland. 2025. <http://lawngo.net/?itemid=523>

the corporate sector is actively developing in Poland and operates in the social services sector on a commercial basis.²⁵

It is also worth noting the practice in Great Britain, where the principle of cooperation between the state and private entities is implemented through a mechanism of competition in the field of social services. The legislation defines services in the fields of education, healthcare, and other socially significant areas as components of the social security system. The country has formed a social services market, with participants including state institutions, private companies, and public organisations.²⁶

This model provides consumers with the opportunity to choose a service provider and, at the same time, stimulates quality improvement through competition.²⁷ The state finances a specific type of service, and the recipient has the right to independently choose a provider, taking quality or cost into account. An important element of the British system is the accurate accounting of individuals in need of social support, which enables forecasting the required budgetary resources and planning financing in line with real needs.²⁸ Thus, the principle of developing cooperation between the state and non-state sectors manifests itself in various organisational and legal forms. However, its common feature is the combination of the state's regulatory role with the institutional flexibility and resource potential of non-state actors, thereby increasing the accessibility and quality of social services.²⁹

Compliance with the principles of social protection for veterans is an important indicator of the effectiveness of the social state, as this category of citizens has specific needs and rights related to their participation in hostilities and the protection of national security. In Ukraine, veterans' benefits are provided in accordance with the Law “On the Status of War Veterans,

²⁵ Yevhen Leheza, Larysa Yerofieienko, and Volodymyr Komashko, ‘Peculiarities of Legal Regulation of Intellectual Property Protection in Ukraine under Martial Law: Administrative and Civil Aspects’, *Revista Justiça Do Direito* 37, no. 3 (2023): 157–172, <https://doi.org/10.5335/rjd.v37i3.15233>.

²⁶ Voloshanivska, Tetiana, Inna Pozihun, Serhii Losych, Olha Merdova and Yevhen Leheza. ‘Administrative and Criminal Law Aspects of Preventing Offenses Committed by Minors in the Sphere of Illegal Circulation of Narcotic Drugs, Psychotropic Substances and Precursors’. *Journal of Drug and Alcohol Research*, 12(10) (2023). <https://doi.org/10.4303/JDAR/236269>

²⁷ Surahman Surahman et al., ‘Administrative Justice in the Perspective of Islamic Legal Philosophy: A Comparative Study of Ethical Legitimacy and Bureaucratic Rationality’, *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 2 (November 2025): 751–69, <https://doi.org/10.29300/mzn.v12i2.8269>.

²⁸ Experience of social protection and the role of organizations in Poland. URL: <http://lawngo.net/?itemid=523>

²⁹ Oleh Shkuta et al., ‘Object and Subject of State Control in the Sphere of Legal Turnover of Narcotic Drugs, Psychotropic Substances and Their Precursors in Ukraine: Administrative, Criminal and Civil-Legal Aspect’, *Journal of Drug and Alcohol Research* 12 (2023), <https://doi.org/10.4303/JDAR/236255>.

Guarantees of Their Social Protection”, the Constitution, and relevant bylaws. Social guarantees include pensions, lump-sum and monthly payments, medical care, housing benefits, compensation for utilities, and psychological and professional rehabilitation.

The principle of solidarity is manifested in the financing of veterans' social benefits from the state budget and special funds, guaranteeing support regardless of a particular veteran's contributions. Universality is ensured by the provision of social services to all veterans, regardless of the type of participation in hostilities, state of health or place of residence. The principle of subsidiarity is implemented through the division of powers between state bodies and local governments, which organise local programs of rehabilitation, social support, and vocational training for veterans. The targeting of social guarantees involves a clear definition of recipient categories, such as combatants, war invalids, and the family members of the deceased, which allows resources to be directed to veterans who need them. The state budget and special funds ensure the financial stability of the system, and, in conditions of martial law, additional payments and compensations are provided to maintain the stability of social guarantees.

In the countries of the European Union, the provision of veterans' benefits also follows an integrated approach, with financing for pensions, medical care, and benefits provided through insurance and budget funds at the level of member states. Supranational EU acts ensure the coordination and standardisation of social rights, guaranteeing veterans equal access to social services regardless of their region of residence. At the same time, the principles of solidarity, universality, subsidiarity, targeting and financial stability are implemented through integrated programs, electronic registers and systems for monitoring the implementation of social guarantees.

Thus, both in Ukraine and in the EU countries, compliance with the basic principles of social protection for veterans provides comprehensive support, including financial assistance, medical care, housing benefits, and psychological and professional rehabilitation. The implementation of these principles ensures social justice, payment stability, and equal access to services, thereby improving veterans' quality of life and confirming the state's social and responsible stance toward its citizens.

Table 1: Correlation of social security principles in the European Union countries and Ukraine

Principle	Regulatory consolidation in the EU	Implementation in EU countries	Regulatory framework in Ukraine	Features of implementation in Ukraine	Comparative assessment

Solidarity	TFEU (Art. 151), European Social Charter	Mandatory social insurance, parity financing of employees and employers	Law "On Compulsory State Social Insurance"	Financing through insurance contributions and budget transfers; shortage of funds	Wider practical coverage in the EU
Universality	EU Charter of Fundamental Rights (Art. 34)	Extension of social protection to all legally residing persons	Constitution of Ukraine (Art. 46)	The right to social protection is guaranteed, but resources limit the amount of assistance.	In the EU, the principle is systematically implemented.
Equality and non-discrimination	EU Charter (Art. 20–21), case law of the Court of Justice	Prohibition of discrimination on grounds of gender, age, citizenship, etc.	Constitution of Ukraine (Art. 24)	Formal equality: problems in access to services for IDPs and vulnerable groups	Systemic financial risks exist in Ukraine.
Subsidiarity	EU Treaty (Art. 5)	Clear demarcation of competences between the EU and the states	Legislation on local self-government, decentralisation reform	An incomplete regulatory framework in the field of social security	Comparative assessment
Coordination of systems	Regulation No. 883/2004	Preservation of insurance rights during migration	Bilateral international treaties	High burden on the budget	Wider practical coverage in the EU
Financial stability	Budgetary discipline, EU control	Balance between social guarantees and economic opportunities	Budget Code of Ukraine	Development of electronic registers	In the EU, the principle is systematically implemented

Source: author's interpretation

A comparative analysis shows that the legal regulation of social security principles in the countries of the European Union is systemic and multi-level. The main principles are enshrined in both EU law and the national legislation of the Member States, which ensures their comprehensive implementation. The supranational level performs a coordinating and harmonising function, while the Member States retain autonomy in forming their own social models. In Ukraine, most of the basic principles of social security are also enshrined in the constitution and legislation. However, their implementation often depends on the state's financial capacity and the efficiency of social fund management. The financial sustainability of the system is particularly acute, affecting the practical implementation of the principles of solidarity and universality.

The principle of subsidiarity in the EU has a clear regulatory definition and functions as a mechanism for delimiting competences between levels of government. In Ukraine, the decentralisation process has created the prerequisites for its implementation, but legal regulation in the field of social security has not yet been fully adapted to this model. A significant difference is the level of coordination of social rights of persons moving between states. The EU has a unified mechanism for maintaining social guarantees, while Ukraine mainly relies on bilateral agreements, which limit its full integration into the European social space.³⁰

In general, the Ukrainian social security system conceptually aligns with the European model in terms of the principles it follows, but requires further institutional modernisation, financial strengthening, and legislative harmonisation. In the context of European integration, the priority areas are improving the mechanisms for coordinating social rights, ensuring the stability of social funds and implementing the full principle of subsidiarity.³¹

Problematic issues and prospects for harmonising legal regulation of social security principles in Ukraine

The issue of legal regulation of social security principles in Ukraine is due to both internal structural shortcomings of the national system and the

³⁰ Davydenko, V., Korniienko, M., Radchuk, A., Babiak, A., & Leheza, Y. (2025). International cooperation in operational and search activities: A comparative analysis of foreign experience. *Cadernos de Direito Actual*, 2025(28). <http://www.cadernosdereitoactual.es/index.php/cadernos/article/view/1362>

³¹ Krupyt'skyi Oleksandr, Dikhtiiiev'skyi Petro, Denys Krylov, Balamush Mariana, Leheza Yevhen. 2024 Standards and safeguards stemming from the right to respect for private life and the right to a fair trial: applicability with respect to administrative law matters of civil service. *Revista Eletrónica Direito e Sociedade*. 12 (3). 1-12 DOI: <https://doi.org/10.18316/redes.v12i3.11977>

need to adapt it to European Union standards in the context of the country's European integration course. Despite Ukraine's constitutional status as a social state, the practical implementation of the relevant principles remains complex and uneven. One of the key problems is the fragmentation of social security legislation. The regulatory framework comprises numerous laws and bylaws that govern specific types of social payments or categories of recipients. The principles of social security are not codified in a single act, leading to regulatory conflicts, duplication of legal regulation, and difficulties in law enforcement practice. The lack of a comprehensive approach complicates the implementation of basic principles such as solidarity, universality, and equality.

Another significant problem is the declarative nature of individual principles. Appropriate financial and organisational mechanisms do not always ensure the constitutional guarantee of the right to social protection. The implementation of the principle of universality is constrained by the state budget's capacity, which affects the size and timeliness of social payments. The principle of solidarity in the field of pension provision faces challenges posed by demographic ageing, the migration of non-disabled persons, and a reduction in the number of insurance contributors. Special attention should be paid to the financial sustainability of social funds. The Pension Fund's deficit and the social security system's dependence on budget transfers indicate structural imbalances. In the long term, this may jeopardise the effective implementation of the principles of social justice and equality.³²

The issue of implementing the principle of subsidiarity remains insufficiently regulated. Although the decentralisation reform has created the legal prerequisites for transferring some powers to local governments, the delimitation of competences in social security is not always clear or consistent. This can lead to uneven access to social services depending on the financial capacity of territorial communities. Another important aspect is the international coordination of social rights. In the European Union, a unified system of social security coordination operates, guaranteeing the preservation of insurance periods and social benefits when moving between member states. In Ukraine, such mechanisms are mainly bilateral, which does not ensure full integration into the European social space and complicates the protection of labour migrants' rights.

In modern conditions, an additional challenge is the impact of martial law and economic instability. The increase in the number of internally displaced persons, veterans, persons with disabilities and other categories in need of

³² Leheza, Yevhen, Oleksandr Kurakin, Olha Shapovalova, Kateryna Sokh, and Artur Makarov. 'Interpretation of Regulatory and Legal Acts in Contemporary Contexts: Foreign Experience, Comparative Perspectives, and Pathways for Regulatory Reform'. *NUSANTARA: Journal Of Law Studies* 5, no. 1 (February 2026): 102–122. <https://doi.org/10.5281/zenodo.18727992>.

social support significantly increases the burden on the social protection system. This requires modernising financing approaches, increasing the targeting of assistance, and strengthening control over the efficiency of budget funds.³³ At the same time, European integration processes open the prospect of harmonising Ukrainian legislation with European Union law. First, this involves systematising and codifying legislation in the field of social security, with clear definitions of the principles, mechanisms for their implementation, and guarantees for the protection of the rights of recipients of social services. It is advisable to implement European approaches to the financial balance of social systems by developing accumulative elements of pension insurance and diversifying funding sources.³⁴

A promising direction is also the full implementation of the principle of subsidiarity while simultaneously ensuring state standards for the quality of social services. An important component of harmonisation is the adaptation of national legislation to EU regulations on the coordination of social security systems, thereby protecting the rights of Ukrainian citizens in the European space.³⁵ In addition, the modernisation of the social security system requires the active implementation of digital technologies, the creation of integrated registers of social assistance recipients and the automation of payment allocation procedures. This will increase transparency, minimise corruption risks and ensure the implementation of the principle of equal access to social guarantees.

Table 2: Problematic issues and prospects for harmonising the legal regulation of social security principles in Ukraine

Problematic issue	The essence of the problem	Consequences for the implementation of the principles	Prospects for harmonisation with the EU
Fragmentation of legislation	Dispersion of norms in many laws and bylaws	Conflicts, duplication of norms,	Codification of legislation (development of

³³ Leheza, Ye. Shablysty, V. Aristova, I. Kravchenko, I. Korniakova, T. 'Foreign Experience in Legal Regulation of Combating Crime in the Sphere of Trafficking of Narcotic Drugs, Psychotropic Substances, their Analogues and Precursors: Administrative and Criminal Aspect', *Journal of Drug and Alcohol Research*. 12 (4) (2023), 1-8 <http://doi.org/10.4303/JDAR/236240>.

³⁴ Olha Hryhorash et al., 'The Development of Small Business as a Source of Formation of Local Budget Revenues in Ukraine', *Investment Management and Financial Innovations* 15, no. 1 (2018): 133–140, [https://doi.org/10.21511/imfi.15\(1\).2018.12](https://doi.org/10.21511/imfi.15(1).2018.12).

³⁵ Volkova, Y., Bon, B., Borysenko, A., Leheza, Y., & Leheza, Y. (2024). Crypto Market Experience: Navigating Regulatory Challenges in Modern Conditions. *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan*, 24(2), 178–194. <https://doi.org/10.30631/alrisalah.v24i2.1625>

		complicated enforcement	the Social Code), systematisation of principles
Declarative nature of social guarantees	Discrepancy between proclaimed rights and real financial capabilities	Decreased trust in the state, limited implementation of the principle of universality	Implementation of clear financial standards and minimum social guarantees in accordance with European approaches
Financial instability of social funds	Deficit of the Pension Fund, demographic crisis, migration	Violation of the principle of solidarity and social justice	Diversification of funding sources, development of the accumulation system, and actuarial calculations
Incomplete implementation of the subsidiarity principle	Blurred demarcation of powers between the state and communities	Uneven access to social services	Legislative consolidation of the principle of subsidiarity and the financial autonomy of communities
Limited international coordination	Lack of a unified mechanism for preserving the social rights of migrants	Complicated protection of the rights of migrant workers	Adaptation to EU regulations on the coordination of social security systems
Insufficient digitalisation	Disjointed registers, complex bureaucratic procedures	Ineffective management, corruption risks	Creation of an integrated digital social security platform

Source: author's interpretation

Thus, the problematic issues in the legal regulation of social security principles in Ukraine are complex and require a systemic solution. Harmonisation with the law of the European Union should be carried out not through formal borrowing of norms, but through a deep institutional and financial modernisation of the system, which will ensure the effective implementation of the principles of the social state and raise the level of social protection for the population.

Conclusion

The findings of this study demonstrate that the legal regulation of social security principles within the European Union is characterised by a systematic and coherent regulatory structure, supported by a clear hierarchy between supranational norms and national legislation. Fundamental principles such as solidarity, universality, equality, subsidiarity, and coordination of social rights are firmly embedded in European legal instruments and are operationalised through integrated institutional mechanisms across member states. These principles provide a stable foundation for the functioning of social protection systems and ensure a relatively high level of legal certainty and social guarantees. In contrast, although similar principles are formally recognised in Ukrainian legislation, their practical implementation remains constrained by fragmented regulatory frameworks, financial instability in social insurance funds, and limited institutional capacity. These challenges are further intensified by contemporary socio-economic pressures, including demographic imbalances and the conditions associated with martial law, which collectively reduce the effectiveness of the national social protection system.

Based on the comparative analysis, this study suggests that the further development of Ukraine's social security system should focus on strengthening legislative coherence and aligning national regulation with European Union standards. Key reform priorities include systematising and codifying social security legislation, strengthening the financial sustainability of social insurance mechanisms, expanding contributory and savings-based instruments, and implementing the subsidiarity principle in the governance of social services. Additionally, the digitalisation of administrative procedures could enhance transparency, efficiency, and accessibility in the delivery of social benefits. Future research is recommended to explore the practical impact of European legal harmonisation on Ukraine's social policy, particularly through empirical studies examining institutional reforms, financial sustainability, and the socio-economic outcomes of integrating European social security standards into the national legal framework.

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Author Contributions Statement

Larysa Nalyvaiko conceived and developed the study's overall structure, formulated the main arguments, and guided the preparation and writing of the manuscript. Volodymyr Horbalinskyi and Bohdan Torokhtii made significant contributions to the theoretical analysis and interpretation of the results, offering critical conclusions that strengthened the legal and methodological aspects of the study. Meanwhile, Nataliia Obushenko and Oleg Bolgar played a key role in conducting the literature review, collecting relevant data, and refining the discussion to ensure coherence between the regulatory framework and the current realities of legislative development. All authors actively participated in the review and final approval of the manuscript, ensuring its academic accuracy and integrity.

AI Usage Statement

The authors state that artificial intelligence (AI) applications were used on a small scale to assist with language correction, grammar correction, and rephrasing in academic writing. There was no use of AI when generating research data, conducting analysis, interpreting legal materials, or developing arguments and conclusions in the study. All the substantive work, including intellectual contributions such as conceptualisation, legal analysis, comparative assessment, and findings interpretation, was done entirely by the authors. The authors assume complete responsibility for the contents, correctness, and originality of this work.

Conflict of Interest

The author declares that there is no potential conflict of interest, whether financial, professional, or personal, that could have influenced the research findings, data interpretation, or conclusions presented in this article. The research was conducted independently and objectively to ensure academic integrity and transparency.

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