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THE FUNDAMENTAL (THEORETICAL) PRINCIPLES OF THE CONCEPT OF “SOCIAL WELFARE STATE”

The objective of the article is to identify the main (basic) categories for formation of the concept of the social welfare state. The author concludes that these categories are: the idea of social justice, social rights of individuals and social policy.

Studying the content of social justice the author argues with other authors, emphasizing the impossibility of construction of social justice prior to social security or social support. The author also criticizes the position of those scholars who emphasize that social justice provides legal equality and political freedom of individuals. The above tasks, according to the author, are performed, probably, due to political justice. At the same time, the author proves her point of view on the close connection of social justice and the level of cultural development of society. As an intermediate conclusion the author formulates definition of social justice.

Other basic elements of the concept of social welfare state are recognized human and civil rights, which, in author's opinion, on the one hand, were formed on the basis of the idea of social justice, on the other – laid the necessary foundation for the development of social policy of the state, which rec-

ognized such rights themselves. The author strongly disagrees with those authors who do not recognize the status of “human rights” as social rights and those who see social rights in the light of the theory of “generations of rights”. The author believes that social rights should be studied primarily from the standpoint of the theory of the legal status developed by G. Jellinek. The article also concludes that the social rights of man and the citizen are mainly subspecies of subjective public rights, which, however, does not preclude the existence of the group of social rights of private law nature.

As the result of the study of social policy author concludes on the need to distinguish social policy as such and activities towards its implementation. The study formulated the author's approach to the definition of the “social policy”. Special attention is given to articles analyzing problems of social policy and its principles. Getting into discussion with other scientists, the author emphasizes, among other things, the inability of mixing or combining the principles of social policy with the principles of social welfare state. At the end of the article the author forms the list of principles of social policy, including: combination of state social

securities with a tendency to mobilize personal resources of the individual in solving social problems; focus on stimulating increase of motivation, its effectiveness and efficiency; promotion of active participation of non-state

sector of economics and institutions of civil society in social programs and projects; incorporation of cultural, ethnic, gender, linguistic aspects during development and implementation of social programs and so on.

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ABOUT THE BACKGROUND OF EMERGENCE, MODIFICATION AND TERMINATION OF ADMINISTRATIVE RELATIONSHIPS ORGANIZING CIVIL CONTROL IN PUBLIC ADMINISTRATION

According to S.L. Lysenkov and V.V. Kopieichykov in administrative law there are 2 groups of legal facts that establish, modify or terminate the relationship: the actions and events. In turn, acts as juridical facts are divided into legitimate and illegitimate. In our view, such an approach to the grounds of emergence, modification and termination of administrative legal relations though right, but in rather generalized form highlights the specificity of administrative legal relations. For proper coverage of this issue there should be more thorough and detailed research works.

As for misconduct as the basis of emergence, modification and termination of administrative relationships, it should be noted that scholars do not have a clear view on their classification.

The most common form of legal acts as the basis of emergence, modification

or termination is legal acts of administration. According to V.B. Averianov, act of administration is the result of a formal expression of result of declaration of will of subjects of power exercised unilaterally in compliance with the prescribed procedure and aimed at the emergence of certain legal consequences.

Another basis of the relationship we have studied is the decision of the judicial authorities of Ukraine.

Summarizing the above, we believe that the grounds of emergence, modification, and termination of administrative relationships organizing public control in public administration are juridical facts, which in turn are divided into juridical acts (acts of management, judgments and organizational regulations) and legal actions.