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REGULATORY ENVIRONMENT FOR THE FORMATION OF THE PROVISION SYSTEM OF PERSONS WITH DISABILITIES IN UKRAINE

At present, the provision of persons with disabilities is an important objective of the legal regulation of social relations, which participants are persons with disabilities. At the same time, relations connected to the social and economic provision of these individuals are regulated by the norms of various industries. It has been noted that it is the leading positions of the legislative sphere make it possible to understand at what level and how qualitatively the state, its bodies, and officials perform the functions assigned to them with regard to the provision of persons with disabilities. The present state of the regulatory framework for the social and economic provision of persons with disabilities in Ukraine has been analyzed. All levels of legal regulation have been investigated by conducting a concise analysis of basic normative legal acts regulating relations in the national system of the social and economic provision of persons with disabilities. A proper social and economic provision of persons with disabilities is to provide them with a large number of different rights. In particular, provision with housing, possibility of their movement, treatment, rehabilitation, education, employment, etc. It has been determined that for effective regulation of the social and economic provision of persons with disabilities it is necessary to carry out certain coordination work among all subjects of this system. It has been identified omissions in the legal regulation of the social and economic provision of persons with disabilities in Ukraine, namely, absence of approved state strategic plans and program documents; lack of elaboration, systematization and implementation of the tools of a mechanism of institutional regulation of the social and economic provision of persons with disabilities; gaps in fiscal legislation. The conceptual issues that need to be resolved include the following: harmonization of domestic legislation with international standards; strengthening control of the level and quality of the social and economic provision of persons with disabilities; increasing the effectiveness of coordination activities between the subjects of the system of the socio-economic provision of persons with disabilities; development of effective mechanisms for financing the social and economic provision of persons with disabilities.

Keywords: social and economic provision, persons with disabilities, state regulation, institutional provision, mechanisms.

Казарян Г. Г., Гришова Р. В. Умови формування системи законодавчого забезпечення прав осіб з інвалідністю в Україні.

За умов сьогодення забезпечення прав осіб з інвалідністю є важливою метою нормативно-правового регулювання суспільних відносин, учасниками яких є особи з
інвалідністю. При цьому відносини, пов’язані з соціально-економічним забезпеченням цих осіб, регулюються нормами різних галузей. Зазначено, що саме лидерські позиції законодавчої сфери дозволяють розуміти, на якому рівні і насилляя якісно держава, її органи і посадові особи виконують покладені на них функції щодо забезпечення прав осіб з інвалідністю. Проаналізовано сучасний стан нормативно-правової бази регулювання соціально-економічного забезпечення осіб з інвалідністю в Україні. Досліджено всі рівні нормативно-правового регулювання шляхом проведення стислого аналізу базових нормативно-правових актів, які регулюють систему забезпечення осіб з інвалідністю. Належне соціально-економічне забезпечення осіб з інвалідністю передбачає надання їм значної кількості різноманітних прав. Зокрема, передбачається забезпечення інвалідів житлом, їх пересування, лікування, реабілітація, освіта, професвлаштування тощо. Визначено, що для ефективного нормативно-правового регулювання соціально-економічного забезпечення осіб з інвалідністю необхідно перш за все здійснити певні координаційні роботи між усіма суб’єктами цієї системи. Ідентифіковані проблами та недоліки у нормативно-правовому регулюванні соціально-економічного забезпечення осіб з інвалідністю в Україні: відсутність затверджених державних стратегічних планів і програмних документів; недостатня розробленість, систематизація та впровадження інструментів механізму інституційного регулювання соціально-економічного забезпечення осіб з інвалідністю; проблами у бюджетному законодавстві. До концептуальних питань, які потребують вирішення, належать: гармонізацій вітчизняного законодавства до міжнародних стандартів; посилення контролю за рівнем та якістю соціально-економічного забезпечення осіб з інвалідністю; підвищення результативності координаційної діяльності між суб’єктами системи соціально-економічного забезпечення осіб з інвалідністю; розробка ефективних механізмів фінансування соціально-економічного забезпечення осіб з інвалідністю.

**Ключові слова:** соціально-економічне забезпечення, особи з інвалідністю, державне регулювання, інституційне забезпечення, механізми.

**Казарян Г.Г., Гришова Р.В. Умови формування системи законодательного обеспечения прав лиц с инвалидностью в Украине.**

В нинішних умовах обеспечення прав лиц с инвалидностью является важной целью нормативно-правового регулирования общественных отношений, участниками которых являются лица с инвалидностью. При этом отношения, связанные с социально-экономическим обеспечением этих лиц, регулируются нормами различных отраслей. Отмечено, что именно лидерские позиции законодательной сферы позволяют понимать, на каком уровне и насколько качественно государство, его органы и должностные лица выполняют возложенные на них функции по обеспечению прав лиц с инвалидностью. Проанализировано современное состояние нормативно-правовой базы регулирования социально-экономического обеспечения лиц с инвалидностью в Украине. Исследованы все уровни нормативно-правового регулирования путем проведения краткого анализа базовых нормативно-правовых актов, регулирующих систему обеспечения лиц с инвалидностью. Надлежащее социально-экономическое обеспечение лиц с инвалидностью предусматривает предоставление им значительного количества разнообразных прав. В частности, предполагается обеспеченность инвалидов жильем, их передвижения, лечения, реабилитации, образования, труда и тому подобное. Определено, что для эффективного нормативно-правового регулирования социально-экономического обеспечения лиц с инвалидностью необходимо прежде всего осуществить определенные координационные работы между всеми субъектами данной системы. Идентифицированы упущения и недостатки в нормативно-правовом регулировании социально-экономического обеспечения лиц с инвалидностью в Украине: отсутствие утвержденных государственных стратегических планов и программных документов; недостаточная разработанность, систематизация и внедрение инструментов механизма институционального регулирования социально-экономического обеспечения лиц с инвалидностью; пробелы в бюджетном законодательстве. К концептуальным вопросам, требующим решения, относятся:

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Formulation of the problem. The regulatory framework, which regulates relations in the sphere of providing of interests of persons with disabilities, remains an important factor. The role and importance of such regulation is based on the following principles: firstly, possibility of a quick response to the facts of violations of the legal rights of the disabled is provided; secondly, we will emphasize the possibility of continuous monitoring of the support of persons with disabilities, meeting their needs, statistical data on the number of such people, including the fixation of persons by disability groups and other criteria; thirdly, by means of legal regulation, the level of proper awareness of persons with disabilities in relation to the state of social and economic provision (medical care, rehabilitation, material support, etc.) is provided; fourthly, the sphere of legal regulation covers not only social relations that arise from the social and economic provision of persons with disabilities, but also a wide range of issues related to the level of such support (quality of providing relevant social services in this area); fifthly, importance of legal regulation in determining the level of limitation of livelihoods of such persons by special authorized bodies, establishing the disability group, drafting and adjusting an individual program of rehabilitation of a disabled person, which defines the types of rehabilitation measures, terms and control of the effectiveness of their fulfillment, etc. Among the criteria for assessing the effectiveness of legal regulation are its effectiveness and leadership positions in the system of providing persons with disabilities. In author’s opinion (both from a scientific and practical point of view), the effectiveness and leadership positions make it possible to understand at what level and how qualitatively the state, its bodies, and officials perform the functions assigned to them with regard to the provision of persons with disabilities.

Analysis of recent research. Legal regulation is a significant category when a person and a citizen implement and ensure their interests. The criterion for assessment of the importance of legal regulation is its real positive sign for the functioning and development of an individual, disabled people, and society as a whole. The value of such regulation is its ability to be a means to meet the universal, socially important, well-founded needs and interests of the whole society and the individual. Based on the respective needs and interests, the goal is formed through the implementation of specific tasks in various spheres of social relations, including the sphere of social and economic provision of persons with disabilities.

Provision of citizens combines two interconnected concepts: on the one hand, it is giving equal opportunities to all citizens in order to they could ensure sufficient life with their work; on the other hand, it is a state support of disabled and socially unprotected citizens. Although this definition is given in the «Great Economic Dictionary», however, in our opinion, it correlates more with the term «social protection». We suppose that the definition of the social and economic provision is becoming more relevant in the crisis conditions of the state’s development and needs to be formulated, namely: social and economic provision is defined as a system of state and social measures for the material provision of citizens in the event of old age, disability, illness, in case of loss breadwinner and in other cases established by law.

Considering the issue of the essence of the social and economic provision, it is necessary to take into account such concepts as «social guarantees» and «social risks», because the social and economic provision includes social guarantees to the population, which must be provided by the state under market conditions, in accordance with the principles of a social and economic policy. In a modern scientific literature, the concept of «social risks» is considered as a danger that causes social deformations and disproportions in the functioning and development of man and society. According to V. Roik, a social risk is a probability of material deprivation of the working people as a result of the loss of opportunity to participate in the economic process [1].
In Ukrainian legislation, for example, state social guarantees interpret as «minimum wages, incomes, pensions, social assistance, amount of other types of social benefits, established by laws and other normative legal acts that ensure a standard of living, which is not lower than a subsistence minimum» [2, p. 19].

A researcher S. Yurii the social and economic provision determines as a provision of certain categories of citizens with social benefits at the expense of budget funds [3]. According to S. Mochernyi, the role of the most important element of the system of social and economic provision is always given to social insurance [4]. The social insurance in the system of the social and economic provision prevails both in the amount of financial resources and mass of coverage, and diversity and quality of services.

According to Art. 46 of the Constitution of Ukraine, citizens have the right to social protection that includes the right for their support in case of full, partial or temporary loss of disability, loss of breadwinner, unemployment as a result of circumstances independent of them, as well as in old age and in other cases stipulated by the law [5].

Consequently, the specific feature of the problems of ensuring the rights of a person or a citizen in Ukraine is that their solution involves a parallel solution at the state level of at least three strategic state-building objectives, namely: ensuring economic stability and economic growth; development and implementation of an effective social policy; application of lawmaking, codified activities, elimination of existing gaps in social and economic legislation, and adoption of new laws designed to increase the level of assurance of social and economic provision.

Stage performance. The purpose of the article is to determine the nature of the social and economic provision of persons with disabilities, identify the issues of legal regulation in Ukraine and prospective directions for improvement of the existing legislation in order to ensure stable leadership positions and formation of the priorities for the implementation of European standards. In the course of the study, the following methods have been used: analysis and grouping (for identifying the problems of legal regulation of persons with disabilities in Ukraine), theoretical and logical generalization (for characterizing the content and peculiarities of the functioning of the regulatory legal mechanism and its leadership positions in the world), structural and functional analysis (for justification of directions for improving the legislative framework for provision of persons with disabilities in Ukraine).

Description of the main material. The effectiveness of legal regulation in various spheres of life of a person and a citizen in general, as well as in the sphere of the social and economic provision of persons with disabilities, in particular, is important. In our opinion, it is the thorough consideration and perfect research of such effectiveness will give an appropriate impetus to improve the regulatory framework, which will promote the development of state programs in this sphere, increase the standard of living and state standards for improvement of regulatory and legal tools by means of which the social and economic provision of persons with disabilities is implemented.

According to the authors, in order to provide an effective legal regulation, there is a need to achieve balance and coherence of the relevant normative legal acts, which regulate relations regarding the social and economic provision of persons with disabilities. With this purpose, the present state of the regulatory framework for regulation of the social and economic provision of persons with disabilities in Ukraine has been analyzed. In this context, it is appropriate to identify and study all levels of legal regulation through conducting the analysis of basic normative legal acts regulating the relations in the domestic system of the social and economic provision of persons with disabilities. An analysis of a number of relevant normative legal acts makes it possible to argue that such regulation is carried out at 9 hierarchical levels (Fig. 1).

Among the normative legal acts that are related to the sphere of the social economic provision of persons with disabilities, it is worth highlighting those that are of particular importance and affect the formation and development of state social policy. These documents include the Decree of the Cabinet of Ministers of Ukraine No. 706 On Approval of the State Target Program «National Action Plan for the Implementation of the Convention on the Rights of Persons with Disabilities» for the period up to 2020 dated August 1, 2012 No. 706 [6]. The basic normative legal acts that have a general, universal character in the regulation of relations with regard to the social and economic provision of

**Legal Framework for the Social and Economic Provision of Persons with Disabilities in Ukraine**

**The Constitution of Ukraine**, on the basis of which all national legal acts are adopted. It is a normative legal act that has the highest legal force and plays the most important role in the formation of the whole legislation of the state, including regulation of social relations in the field of provision of the rights of persons with disabilities

**International normative acts**, which obtained the agreement of the Verkhovna Rada of Ukraine. An example is the Convention on the Rights of Persons with Disabilities issued by the United Nations (signed December 13, 2006) to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. The same is stated in the Law of Ukraine No.52 On Ratification of the UN Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto

**Laws of Ukraine**, and other acts that have legal force and regulate relations in the field of the provision of the rights of persons with disabilities. These normative legal acts may have intersectoral character, for example, the Law of Ukraine No. 2961-IV On Rehabilitation of Disabled Persons in Ukraine, dated October 6, 2005

**Decrees of the Verkhovna Rada of Ukraine**, for example, the Decree No. 1077-VI On Measures to Ensure State Support to Sanatorium and Resort Facilities where the Disabled are being treated and rehabilitated, dated March 5, 2009

**Decrees of the President of Ukraine**, for example, the Decree No. 290/2006 On Measures for Physical Culture and Sports Rehabilitation of the Disabled and Support to the Paralympic and Deaflympic Movement in Ukraine, dated April 6, 2006.

**Decrees of the Cabinet of Ministers of Ukraine**, for example, the Decree No. 975 On Approval of the Procedure for Appointment and Payment of One-Time Cash Assistance in case of death, disability or partial disability without the establishment of a disability of servicemen, and reservists who are called for training (or checking) and special meetings or for service in the military reserve, dated December 25, 2013

**Decrees of central executive authorities**, for example, the Decree of the Ministry of Social Policy of Ukraine No. 510 On Approval of the Procedure for the Cooperation of the Ministry of Social Policy of Ukraine, the State Service for the Disabled and Veterans of Ukraine, the Fund for Social Protection of Disabled and the Industrial Association "Ukrprotez" for the provision of persons with disabilities, disabled children, other persons with technical and other means of rehabilitation, dated August 20, 2012

**Decrees of heads of local state administrations**

**Resolutions of bodies of local self-government** that contain administrative and legal norms regulating social relations in the field of provision of rights for the disabled.

Fig. 1. Schematizing of the Legal Framework for the Social and Economic Provision of Persons with Disabilities in Ukraine

*Source: developed by the authors*
In turn, the basic normative legal acts regulating the relations with regard to the social and economic provision of persons with disabilities, one should pay attention to those which include separate norms regulating a limited circle of social relations in this direction, or are more specific character.

The entire regulatory framework for the social and economic provision of persons with disabilities can be divided by the classification that delineates respective interests of such persons satisfied by the state in accordance with specific spheres of activity, namely: rehabilitation, medical care and social insurance of the disabled; sphere of education, employment and professional training of the disabled; socio-household and material support and access to an appropriate social infrastructure.

Hence, a proper social and economic provision of persons with disabilities is to provide them with a large number of different rights. In particular, provision them with housing, possibility of their movement, treatment, rehabilitation, education, employment, etc. The peculiarities of legal regulation are manifested in the implementation of the set of the social and economic rights of persons with disabilities.

A person with a disability has the rights and freedoms, which are of a diverse character. This fact has led to their division into the following groups:

1) employment with the purpose of realization of the abilities taking into account individual programs of rehabilitation of the disabled;

2) inclusive education and professional training. The state guarantees the disabled a preschool education, education at the level corresponding to their abilities and skills, and professional training and retraining taking into account relevant medical conditions for work (for example, individuals with the 1st and 2nd disability group have the right to first admittance to higher education institutions concourse);

3) social infrastructure, which involves the formation by enterprises, institutions, and organizations the necessary conditions for unimpeded access to infrastructure objects for persons with disabilities.

4) housing conditions – receiving of residential premises out of line and improvement of living conditions in accordance with the current legislation;

5) material assistance (pensions, benefits, lump-sum payments, etc.);

6) social-household and medical support (medical care, drugs, medical products, technical and other means of rehabilitation).

It is worth noting that it is possible to systematize the regulatory framework for the social and economic provision of persons with disabilities, taking into account the particularities of certain groups of persons with disabilities. In Ukraine, the status of a disabled person is established for various reasons, depending on their individual characteristics. Allocating normative legal acts by such a criterion, it is possible to distinguish those ones, which regulate relations, the subjects of which are disabled children, persons disabled from childhood, war-disabled persons, and the disabled who have received this status as a result of the Chernobyl catastrophe, occupational disease or trauma.

In addition, the legal regulation of the social and economic provision of persons with disabilities is carried out by a significant number of subjects with different powers of function. According to Art. 92 of the Constitution, the principles of regulation in the field of health care, regulation of labor, employment and social protection are established exclusively by the laws adopted by the Verkhovna Rada of Ukraine [9]. Thus, on the basis of the Decree of the Verkhovna Rada of Ukraine On the List, Number of Members and Responsibilities of the Committees of the Verkhovna Rada of Ukraine of the 8th Convocation dated December 4, 2014, No. 22-VIII [10], the Parliament established the Committee on Veterans, Participants combat operations, anti-terrorist operations and people with disabilities.

The subject of the social and economic provision of persons with disabilities is the President of Ukraine, who, according to the Constitution, is the guarantor of observance of its norms, rights, and freedoms of a man and a citizen, and also in accordance with Art. 106 of the Constitution establishes advisory, consultative and other subsidiary bodies and services [5], in particular, the Institute of the President of Ukraine on the Rights of Persons with Disabilities. A significant role in the legal
regulation of the social and economic provision of persons with disabilities is assigned to executive authorities and local self-government bodies. The Law of Ukraine on the Fundamentals of Social Protection of the Disabled of Ukraine stipulates that state regulation on issues of the social and economic provision of persons with disabilities is carried out within the powers of central and local executive authorities, local self-government bodies. All these bodies, with participation of public organizations of persons with disabilities, within their authority limits, develop and coordinate long-term and short-term programs for implementation of the state policy on persons with disabilities, control their implementation, and promote the development of international cooperation on issues related to persons with disabilities [11].

Public organizations and unions play an important role in the social and economic provision of persons with disabilities. They are created in order to: ensure equal rights and opportunities for people with disabilities and their social and economic provision; identify and eliminate the problems that impede the social and economic provision of needs, including both their access, along with other citizens, to infrastructure facilities, transport, information and communication, and taking into account individual abilities, skills and interests of persons with disabilities to the appropriate level of education, labor, culture, physical education and sports; provide persons with disabilities with appropriate social services; involve persons with disabilities in social activities; ensure public control over compliance of the requirements and interests of the disabled; represent the interests of persons with disabilities in various spheres; eliminate any manifestations of discrimination against persons with disabilities; provide persons with disabilities with necessary privileges and preferences provided by domestic legislation [11].

The analysis of the general situation that has developed in Ukraine about the social and economic provision of persons with disabilities has shown that a significant number of legal regulatory bodies in this sphere are not able to guarantee the effectiveness of such provision due to the fact that the represented bodies carry out their activities, to a large extent, separately from each other. Therefore, in order to an effective legal regulation of the social and economic provision of persons with disabilities, first of all, it is necessary, to carry out certain coordination work among all the subjects of this system.

Analyzing the current state of legal regulation of the social and economic provision of persons with disabilities, it is necessary to draw attention to the following important points. Firstly, foreign experience and international standards occupy a key place in the formation of domestic state policy and legislation in this sphere, as well as the impact of the statements of such legislation, which is carried out in relation to the regulation of issues that comply with the basic principles of the social and economic provision of persons with disabilities, increase the effectiveness of legal regulation and adaptation of international standards to domestic realities.

Secondly, the legal regulation of the social and economic provision of persons with disabilities in Ukraine is characterized by the presence of a significant number of subordinate normative legal acts, which adversely affects the level of security and information provision of such persons. It should be noted that in order to improve the legal regulation of the social and economic provision of persons with disabilities, the existing wide range of subordinate normative legal acts could be systematized in one by-law or generalized in the law, the Code of Social and Economic Security. A good example of this is the European Code of Social Security, adopted on April 16, 1964, which has been ratified by a large number of countries. This document contains statements on disability assistance, so the need to adapt domestic legislation to this type of normative legal act is relevant for today. Therefore, ratification of such a European code is among the promising directions of improvement of the regulatory and legal regulation of the provision of persons with disabilities. Undoubtedly, experts in this field should express their vision and considerations. The regulation of the social and economic protection of persons with disabilities in a separate section of such an act, taking into account the relevant legal aspects, can contribute to significant positive changes in the lives of people with disabilities in Ukraine.

Thirdly, the settlement of issues related to the information provision of persons with disabilities. This direction plays an important role in providing the disabled with necessary additional materials. This issue in Ukraine is urgent for resolution, and therefore requires the improvement of the regulatory framework for informing the population.
Fourthly, the level of legal regulation for the prevention of disability in the domestic legislation is in an improper condition in comparison with foreign ones. In the author’s opinion, this issue should be solved in the context of the priority of improvement of the regulatory framework on labor and health protection, and rehabilitation of the disabled, which, in turn, will help not only improve the efficiency of existing state programs, but also preserve the health of people with disability and the population of the country in general.

Nowadays, in Ukraine, a sufficient attention is paid to the mechanisms of institutional regulation in the sphere under study, and certain steps are being taken to improve them. In order to form a consultative and advisory body attached to the Social Protection Fund for the Disabled, which will promote the participation of citizens in the management of state affairs, the consideration of public opinion during the formation and implementation of state policy aimed at social protection of disabled people, the exercise of public control over the activities of this Fund, the establishment of an effective interaction with the public [10], the Public Council was established attached to the Fund for Social Protection of Disabled. To ensure the proper conditions for the implementation of civil, social and economic, cultural rights and legal interests of persons with disabilities, including those who became disabled in the area of the anti-terrorist operation, the war-disabled persons, as well as the prevention of their discrimination, the upbringing of respect for the particularities of such people The President established a new institute and signed the Decree No. 902/2014 On the Authorized President of Ukraine on the Rights of Disabled People [11].

Taking into account the complexity of legal regulation in Ukraine, the level of the social and economic provision of persons with disabilities, unfortunately, is one of the lowest among the countries of Europe. To increase it, it is necessary to make radical changes in domestic legislation. It is logical to develop the above analysis by identifying omissions in the legal regulation of the social and economic provision of persons with disabilities in Ukraine and, on this basis, to identify possible ways of their solution. The most serious of these are the following:

1. Lack of approved state strategic plans and program documents, in particular, such as the Concept and the National Strategy of the Social and Economic Provision of Persons with Disabilities in Ukraine, as well as the Plan of Measures for their Implementation. There are no special state programs in the sphere under study. At the same time, the Recommendations of the Council of Europe emphasize the need to develop and implement the national strategies for the functioning and development of the social and economic provision of persons with disabilities in countries of the world, including Ukraine. Taking into account all above, it is obvious and urgent that the following normative legal acts should be approved: the Concept of the Social and Economic Provision of Persons with Disabilities in Ukraine; The Strategy of the Social and Economic Provision of Persons with Disabilities in Ukraine, in particular, it is advisable to approve the Strategy of the Social and Economic Provision of Persons with Disabilities in Ukraine until 2028 [12–14]; the Action Plan for its Implementation.

2. Insufficient development, systematization and implementation of instruments of the mechanism of institutional regulation of the social and economic provision of persons with disabilities in Ukraine – state standards of the social and economic provision, licensing and accreditation of the organizations providing social and economic services, as well as terminology, which is harmonized with European norms and standards in this system. Such issues are of particular relevance in the context of the implementation of the Association Agreement between Ukraine and the EU [15], which involves adaptation and harmonization of the national legislation to the EU legislation in this system.

3. Gaps in fiscal legislation that violate the equality of organizations providing social services for the social and economic provision of persons with disabilities in accessing funding from budgets of all levels. Budget social expenditures become «an overwhelming burden» for the state every year. In addition, Art. 89, Par. 4 of the Budget Code of Ukraine [16] stipulates that budget expenditures for the provision of social services are intended only for state institutions (territorial centers of social services, social rehabilitation centers for disabled children, professional rehabilitation centers for disabled persons, etc.). It is worth noting that the activity of state institutions in the system of providing social services in Ukraine is largely underfunded by the state. De facto, the state and local
authorities perform the functions of supplying and financing organizations providing social services [17], and the possibility of directing budget funds to provide such social services by a non-budget institution with guaranteed by the state is not reflected in the Budget Code of Ukraine [16].

The state provides exclusively state-financed organizations providing social services with financial support, and subsidies. As a result, such state-financed organizations become monopolists and it leads to distorting the market for such services. The current fiscal legislation in Ukraine is based on the concept that social services are provided to categories of people living in difficult conditions a priori in budget institutions (and not in non-state institutions) and are financed by the items of expenditures «Social protection and social security». Such a rule of law violates the principle of equal access of non-state providers of social services to obtain funding.

To improve the quality of domestic legislation aimed at the social and economic provision of persons with disabilities, it is necessary to draw the attention of researchers to problematic issues, the solution of which would contribute to the dignified life of the disabled in Ukraine and their effective integration into society. The conceptual points that require attention in the direction of qualitative social and economic provision of persons with disabilities include:

1) further harmonization of domestic legislation with international standards;
2) improvement of procedural norms related to the establishment of the appropriate status of a disabled person and his social and economic provision;
3) improvement of the regulatory framework for the social and economic provision of persons with disabilities and its main elements;
4) strengthening control over the level and quality of the social and economic provision of persons with disabilities;
5) increasing the effectiveness of coordination activities between state and non-state bodies, enterprises, institutions and organizations, whose activities are aimed at high-quality social and economic provision of persons with disabilities;
6) establishment of mechanisms for the functioning of medical, rehabilitation and other facilities where persons with disabilities are held or staying;
7) development of effective mechanisms for financing the social and economic provision of persons with disabilities.

We consider it expedient to pay special attention to the fact that, first of all, it is necessary to improve the legal regulation of the social and economic provision of persons with disabilities in Ukraine due to improper regulation of the activities of state and non-state bodies and organizations, which are entrusted with the functions of the social and economic provision of persons with disabilities. The Institution of the Ombudsman is one of the most effective institutions that ensures a proper social and economic provision of persons with disabilities. He is one of the effective legal institutions that was established as a result of democratization of the mechanism of state power in the countries that began to build a social state and form a civil society. This institute operates in more than 100 countries of the world. There are various models of such an institution, which differ in their ombudsman’s powers, their place in the system of state authorities, organization of work, territorial framework of activities, etc. [17; 18].

However, it should be noted that, regardless of the type or model of the ombudsman, which functions in one or another country, one of the main functions of this institution is the provision of citizenship and human rights. In general, the main subject of the ombudsman’s activities is the verification of the legality of normative legal acts on the regulation of the social and economic provision of persons with disabilities, compliance with the requirements of the current legislation, as well as the legitimacy of organizations of state regulation. That is, the ombudsman helps in solving problems and complaints, control this process and, if necessary, requires that certain issues be resolved by the relevant authorities. The scope of his supervisory and control functions depends on the authorities and officials who are subject to its jurisdiction, as well as the level of the social and economic provision of persons with disabilities [19; 20].

In Ukraine, the Institution of the Ombudsman has been constantly developing recently, as evidenced by the formation of such institutions as the Authorized President of Ukraine on the Rights of Disabled People. It is impossible to avoid the international experience of such institutions, which are
classified as specialized ombudsmen in the world. A foreign experience shows that the effectiveness of such an institution increases greatly by the division of spheres of control between specialized ombudsmen. Specialized ombudsmen have been successfully used in different countries of the world for a long time. Thus, in most countries, there are ombudsmen for the rights of the child, the protection of the rights of the elderly, national and ethnic minorities, consumers, on issues of equal opportunities, information and in the fields of labor and social relations. Furthermore, there are student, military, tax, business ombudsmen and others in some states.

Taking into account the problems identified during the analysis, we can conclude that the current regulatory framework for the social and economic provision of persons with disabilities is at a very low level and does not correspond, to a certain extent, to international standards and standards that each social democratic should adhere to state. Consequently, the author focused his attention to those problems and possible directions for their solution to improve the regulatory framework of the state in certain spheres of the social and economic provision of persons with disabilities in order to improve their livelihoods.

Conclusions. The role and significance of legal regulation in functioning of the system of the social and economic provision of persons with disabilities have been determined. The analysis of a number of relevant normative legal acts in the investigated sphere allowed us to distinguish nine hierarchical levels of regulation of the social and economic provision of persons with disabilities in Ukraine. Taking into account the complexity of legal regulation in Ukraine, the level of the social and economic provision of persons with disabilities, unfortunately, is one of the lowest among the European countries. To increase it, it is necessary to make radical changes in domestic legislation. The key issues of the legal regulation of the social and economic provision of persons with disabilities are the following: lack of approved state strategic plans and program documents, in particular such as the Concept and the National Strategy of the Social and Economic Provision of Persons with Disabilities in Ukraine, as well as the Plan of Measures for their Implementation; insufficient development, systematization and implementation of instruments of the mechanism of institutional regulation of the social and economic provision of persons with disabilities in Ukraine – state standards of the social and economic provision, licensing and accreditation of the organizations providing social and economic services; gaps in fiscal legislation that violate the equality of organizations providing social services for the social and economic provision of persons with disabilities in accessing funding from budgets of all levels.

The conceptual points that require attention in the direction of qualitative social and economic provision of persons with disabilities include: further harmonization of domestic legislation with international standards; improvement of procedural norms related to the establishment of the appropriate status of a disabled person and his social and economic provision; improvement of the regulatory framework for the social and economic provision of persons with disabilities and its main elements; strengthening control over the level and quality of the social and economic provision of persons with disabilities; increasing the effectiveness of coordination activities between state and non-state bodies, enterprises, institutions and organizations, whose activities are aimed at high-quality social and economic provision of persons with disabilities; establishment of mechanisms for the functioning of medical, rehabilitation and other facilities where persons with disabilities are held or staying; development of effective mechanisms for financing the social and economic provision of persons with disabilities.

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