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## **PENSION SUPPORT OF POLICE OFFICERS IN UKRAINE**

**Лілія Тимченко. ПЕНСІЙНЕ ЗАБЕЗПЕЧЕННЯ ПОЛІЦЕЙСЬКИХ В УКРАЇНІ.** Стаття присвячена аналізу законодавства України та інформаційних джерел, щодо пенсійного забезпечення працівників національної поліції України та інших країн. Автор зазначає, що пенсійне забезпечення поліцейських та населення в цілому є досить важливим в нашій країні, що їх належне забезпечення регулюється первинним і вторинним законодавством, зокрема статтями Закону України «Про Національну поліцію», Закону України «Про пенсійне забезпечення осіб, звільнених з військової служби, та деяких інших осіб». Основну роль у призначенні пенсії працівникам поліції України відіграє рівень прожиткового мінімуму. Саме від розміру цього показника, згідно із законодавством, визначаються мінімальні пенсійні виплати цим працівникам.

Автор, наводячи показники пенсійного забезпечення поліції інших країн робить висновок, що у значній кількості країн Європейського Союзу та у Сполучених Штатах Америки, рівень пенсійного забезпечення правоохоронців значно відрізняється від рівня у країнах СНД.

Національне законодавство для поліцейських одним із видів пенсійного забезпечення передбачає пенсію за вислугу років. Також для поліцейських передбачені пенсії за вислугу років, які призначаються в таких розмірах: а) за вислугу 20 років - 50 процентів, а звільненим у відставку за віком або за станом здоров'я, особам, звільненим зі служби в поліції на підставі пунктів 2, 3 частини першої статті 77 Закону України «Про Національну поліцію» - 55 % відповідних сум грошового забезпечення; за кожний рік вислуги понад 20 років - 3 % відповідних сум грошового забезпечення; б) поліцейським, які мають страховий стаж 25 років і більше, з яких не менше 12 календарних років і 6 місяців становить військова служба, служба в органах внутрішніх справ, поліції, державній пожежній охороні, Державній службі спеціального зв'язку та захисту інформації України, органах і підрозділах цивільного захисту, податковій міліції чи Державній кримінально-виконавчій службі України: за страховий стаж 25 років - 50 % і за кожний повний рік стажу понад 25 років - 1 процент відповідних сум грошового забезпечення.

Але, враховуючи сучасний розмір грошового забезпечення поліцейських – ці виплати не зможуть забезпечити гідного життя у старості, а тому сучасне соціальне забезпечення поліцейських призводить до постійного відтоку кваліфікованих кадрів. На сучасному етапі варто переглянути всю систему пенсійного забезпечення громадян і особливо працівників поліції. Автором запропоновані зміни до пенсійного законодавства, які покликані вдосконалити соціальне забезпечення поліцейських.

**Ключові слова:** поліцейські; національна поліція; громадський порядок; соціальне забезпечення; пенсійне забезпечення; пенсії; державне управління.

**Relevance of the study.** The functioning of the state is based on the efficiency of law enforcement agencies and their communication with society as a whole. A key issue in law enforcement is the increased risk to privacy and health. Based on this statement, for all risks, police officers should be paid decent pension benefits after retirement. At present, the level of pension provision for Ukrainian police officers cannot provide them with a decent life in old age, and therefore the task for the authorities is to increase the level of this social security for law enforcement officers. Because ensuring law and order is impossible without a strong law enforcement system, and an important part of this system is the national police. Unfortunately, the staffing of the police is not satisfactory, and one of the reasons for this fact is the insufficient pension provision of police officers.

**Recent publications review.** Leading scientists, in particular: M. I. Inshin,

S. V. Venediktov, K. Yu. Melnyk, M.V. Vitruk, S.V. Vyshnovetska, studied the problems of aspects of legal regulation of social security of police officers; N.B. Bolotina, M.M. Klemarsky, S.M. Prilipko.

**The article's objective** is to analyze the pension legislation and formulate proposals for improving the pension provision of police officers.

**Discussion.** A policeman is a person who monitors the maintenance of public order, protects the peace and health of all citizens of our state. A characteristic feature of this profession is an increased level of personal danger. When meeting with perpetrators, every police officer, regardless of the situation, is in a state of increased danger to his life, health and psychological state.

The main tasks of the police in accordance with the current Law of Ukraine "On the National Police" are to ensure public safety and order; protection of human rights and freedoms, as well as the interests of society and the state; fight against crime; providing, within the limits established by law, services to provide assistance to persons who, for personal, economic, social reasons or in connection with emergencies, need such assistance. [1] That is, the role of the police at the present stage is not limited to law enforcement and the search for criminals, the police becomes the state institution through which a high legal culture and legal consciousness of citizens, and which contributes to civil society in Ukraine. To play such an important role, police officers must have decent social security.

Pensions are considered to be one of the types of social security. As noted by V.B. Savostyanov, the constitutional consolidation of the state's responsibility for the organization of pensions and the formation of a developed legal framework, which establishes guarantees of social assistance in the form of pensions, is one of the most important results of the legal systems of all developed countries. [9, p.78] According to M.O. Buyanova, Z.A. Kondratieva and S.I. Kobzeva, pensions are the most common and characteristic type of social security for the elderly or disabled, which is the basis of the entire social security system. All other types of care and services for the elderly and disabled are designed to meet their specific needs, usually in addition to pensions (prosthetics, various free or discounted services, etc.), and sometimes in part instead. [5]

In a sense, we may disagree with this view, as there is a type of pension, as in years of service, that does not apply to the elderly or the disabled. The main feature of the old-age pension is the presence of a special term of service, called "seniority". Unlike other pensions, old-age pensions not only provide a source of livelihood, but also use this source to encourage or prematurely abandon certain activities at the risk of premature aging or attracting labor to certain sectors of the national economy. [8, p.233]

Analyzing the Law of Ukraine "On the National Police", we can pay attention to paragraph 5 of part 10 of Article 62 of this Law, according to the last police officer is fully provided with social and legal guarantees, ie a police officer fully enjoys the guarantees of social and legal protection provided by this law and other legislative acts. [1] Based on the consideration of this provision of the law, the question may arise: "Does our state provide full social and legal support to employees of this important and responsible profession?". To answer this question, it is necessary to refer to the Law of Ukraine "On Pension Provision for Persons Released from Military Service and Certain Other Persons" of April 9, 1992.

This law determines the conditions, norms and procedure for receiving a pension by citizens of Ukraine working in the internal affairs bodies, the National Police, the military and other services, as well as some other persons entitled to receive a pension in accordance with this Law. The state guarantees a decent pension to persons entitled to receive a pension in accordance with this Law, setting for them a pension level not lower than the subsistence level established by the legislation of Ukraine. The basis for the recalculation of pensions for police officers may be an increase in the level of cash benefits, the provision of statutory state social guarantees or the adoption of measures at the state level for their social protection. Article 1 of this law states that officers who have served in the police and the National Police are entitled to a lifetime pension if they have served for many years. [2] It is necessary to calculate the minimum pension to be paid to a retired police officer. As stated in the law, a police officer's pension cannot be below the subsistence level. The subsistence level, according to the Law of Ukraine "On the State Budget for 2020", as of May 10, 2020, is 2027 hryvnias. Thus, it can be concluded that the police pension cannot be lower than 2027 hryvnias. [3]

National legislation for police officers provides a pension for years of service as one of the types of pension provision. Yes, in accordance with Art. 12 of the Law of Ukraine "On

pensions of persons discharged from military service and certain other persons" from 09.04.1992 № 2262-CP pension for years of service is assigned: a) police officers, regardless of age, if they are dismissed from service: until September 30, 2011 and on the day of dismissal have a service of 20 years or more; from October 1, 2011 to September 30, 2012 and on the day of release have a service of 20 calendar years and 6 months or more; from October 1, 2012 to September 30, 2013 and on the day of release have a service of 21 calendar years or more; from October 1, 2013 to September 30, 2014 and on the day of release have a service of 21 calendar years and 6 months or more; from October 1, 2014 to September 30, 2015 and on the day of release have a service of 22 calendar years or more; from October 1, 2015 to September 30, 2016 and on the day of release have a service of 22 calendar years and 6 months or more; from October 1, 2016 to September 30, 2017 and on the day of release have a service of 23 calendar years or more; from October 1, 2017 to September 30, 2018 and on the day of release have a service of 23 calendar years and 6 months or more; from October 1, 2018 to September 30, 2019 and on the day of release have a service of 24 calendar years or more; from October 1, 2019 to September 30, 2020 and on the day of release have a service of 24 calendar years and 6 months or more; from October 1, 2020 or after this date and on the day of release have a service of 25 calendar years or more;

b) police officers if they reach the age of 45 on the day of dismissal if they have insurance experience of 25 years or more, of which at least 12 calendar years and 6 months is military service or service in the internal affairs bodies, the National Police, the state fire service, the State service of special communication and protection of information of Ukraine, bodies and divisions of civil protection, tax militia or the State criminal executive service of Ukraine. [2]

It is impossible to agree with K. Yu. Melnyk, who notes that in the system of the Ministry of Internal Affairs of Ukraine there are categories of positions where young age and physical abilities of the employee are not crucial in the performance of their duties and powers (district inspectors, investigators, employees of duty units, headquarters, departmental educational institutions). In view of this statement, K. Yu. Melnyk believes that increasing the length of service of these categories of employees will not cause significant harm to the interests of the service itself. [8, p. 233]

Pensions for years of service to police officers are assigned in the following amounts: a) for 20 years of service – 50 percent, and dismissed by age or health, persons dismissed from the police on the basis of paragraph 2, From the first part of Article 77 of the Law of Ukraine "On National Police" - 55 percent appropriate amounts of cash security; for each year of service over 20 years - 3 percent of the relevant amounts of cash security; b) police officers with insurance experience of 25 years or more, of which at least 12 calendar years and 6 months is military service, service in the internal affairs bodies, police, state fire service, State Service for Special Communications and Information Protection of Ukraine, bodies and subdivisions of civil protection, tax police or the State Penitentiary Service of Ukraine: for insurance experience of 25 years - 50 percent and for each full year of service over 25 years - 1 percent of the respective amounts of cash security. [2]

Article 13 of the Law of Ukraine "On Pension Provision for Persons Released from Military Service and Certain Other Persons" established the maximum amount of pension for years of service. This amount may not exceed 70 percent of the relevant amounts of cash security for police officers, and persons who during their service participated in the liquidation of the consequences of the Chernobyl accident and are classified in the manner prescribed by law to category 1, - 100 percent, to category 2, - 95 percent. [2]

To determine the adequacy of police pensions in Ukraine, we compare Ukrainian pension legislation with foreign legislation. Giving an example of the situation with the pension provision of police officers in the United States, we present data from the article "New York Post" from August 6, 2019.

"According to the think tank, three-quarters of the 242 police districts of Nassau and Suffolk, which retired last year, receive annual pensions of more than \$ 100,000. Former Yonkers officers are also well-off, as two-thirds of the 39 Westchester police officers who applied for retirement in 2018 receive a six-figure amount in retirement benefits, according to the Center for Public Policy. The report says the suburban police officer with the largest pension, who retired last year, is 52-year-old Nassau County employee Jeff Fabre, who went on vacation with a \$ 221,086 package. According to payroll reports, Fabre's total profit in 2017 was \$ 326,950. But according to records previously published by Newsday, his base salary was 122,514 US dollars. He more than doubled his income due to overtime and other additional

payments and benefits. Another Nassau officer, Thomas Papaccio, 59, has retired with a pension of \$ 179,440. Papaccio also had a base salary of \$ 122,000, but in 2017 he earned \$ 85,246 for overtime, as well as other additional payments that increased his total salary to \$ 234,903. His salary in 2018 was \$ 254,991. The new state law, approved in 2012, provides for a 15 percent overtime payment that can be used to increase pensions. But employees hired before 2012 can reap significant benefits to increase their final salary and pension. An observer from the District of Nassau said that officers also receive a one-time payment of \$ 100,000 for retirement. " [7, p. 57]

Police officers in Germany can take a well-deserved rest 20 years after working in law enforcement. They receive more than 2.5 thousand dollars. Therefore, many elderly people spend time for fun - learning foreign languages, dancing, relaxing in foreign resorts or sitting with grandchildren. In the Czech Republic, police officers who have served for more than 15 years can go on a well-deserved vacation. However, their pension will then be 20% of salary. If a police officer has served more than 30 years, the state will deduct 50% from him. That's about \$ 450. The longest working police officers in Japan - up to 65 years. In addition to the basic pension, which is paid to everyone, they are entitled to additional benefits. As a result, the former police officer's income is about \$ 1,500. By the way, Japanese retirees are distinguished by the fact that they travel around the world more often than others, volunteer and keep themselves in excellent physical shape. [7, P. 58]

In the Republic of Poland, retired police officers can receive up to 75% of their cash benefits, but even this does not help increase the number of police officers on duty.

With regard to the provision of housing for Ukrainian police, there is a certain regulatory framework in the legislation governing these issues. One of such normative legal acts is the Resolution of the Cabinet of Ministers of Ukraine "On approval of the Procedure for providing the State Mortgage Institution with police officers and members of the rank and file of the Civil Protection Service with housing on financial leasing terms". This resolution specifies the procedure that determines the mechanism of providing the State Mortgage Institution with police and members of the rank and file of the Civil Defense Service on the terms of financial leasing and compensation of part of lease payments from the state budget and other sources not prohibited by law. In order to provide housing on financial leasing terms, a police officer or a person of the rank and file or senior staff of the civil protection service shall, in accordance with this Procedure, submit an application for housing on financial leasing in accordance with the form specified by the State Mortgage Service. indicates the specification of the housing he wishes to obtain. [7, p.58]

A police officer or a person of the rank and file or senior staff of the civil protection service (hereinafter - the employee) may enter into financial leasing agreements with the State Mortgage Institution on the terms of compensation for the purity of lease payments, if the applicant: is registered for the improvement of living conditions; has a service of at least two years (except for participants in hostilities); has at least five years before retirement. Such agreements are valid for five to twenty years. Housing that is in operation for 20 years or reconstructed for 10 years or less before the conclusion of the lease agreement is leased. Housing must in accordance with the regulatory area: 31.5 square meters of total area per 1 applicant or in an annex with 1 family member; an additional 21 square meters for each subsequent family member, but not more than 73.5 square meters. [7, p. 58]

To obtain housing under a lease, the applicant must first submit an application to the housing office at the place of service, indicating the name of the settlement in which the housing is located, the total area and number of premises, and other characteristics, including access to housing (for example, for people with special needs). The documents are considered within 10 working days, and in case of their approval, the National Police Department receives information about the applicant, housing requirements and the date of age restriction of the person's service. After that, the departments submit generalized information about the employee, about housing and competent authorities to the State Mortgage Institution, which, in turn, reviews the information received within 30 calendar days. The housing authority, having received information about the availability of housing, the amount of rent and other essential terms of the lease agreement of the State Mortgage Institution, informs the applicant within 5 working days. The cost of housing set by the contract will not change during its entire term. Police officers who are legally recognized as in need of improved living conditions are given priority living space.

Persons dismissed from the police service and recognized as disabled by group I as a result of trauma, concussion, trauma received during the service in the police, or illness received

during the service in the police, and recognized by law as persons in need of improvement living conditions, receive housing in turn. Family members of a police officer who has died in the line of duty who are deemed to be in need of improved housing and are registered as in need of improved living conditions in the locality at the time of the police officer's death shall be provided with emergency accommodation. [6]

**Conclusions.** Thus, modern social security for police officers does not increase the human resources of law enforcement agencies, but on the contrary leads to a constant outflow of qualified personnel and a significant reduction in the number of police officers in the country in general. The latter can lead to delays in the investigation of crimes, slow search for criminals and in general to systematic violations of the law and marginalization of society. At the present stage, many Eastern European countries face the problem of staffing law enforcement agencies. In an attempt to solve this problem, some countries are increasing their length of service (Poland), while others are adding allowances to their salaries and pensions for each additional year of service (Lithuania). As Ukraine, due to the difficult economic situation and military actions in the east of the country, is not able to pay high salaries to all law enforcement officers, it is necessary to improve social and including pension provision for employees of this very important area of civil service. In order to encourage police officers to stay in the civil service longer, pensions for years of service should be increased. Thus, pensions for years of service for police officers should be increased to the following amounts: a) for 20 years of service - 70 percent, and dismissed for age or health, persons dismissed from the police on the basis of paragraphs 2, 3 of the first part of Article 77 of the Law of Ukraine "On National Police" - 75 percent appropriate amounts of cash security; for each year of service over 20 years - 10 percent of the relevant amounts of cash security; b) police officers with insurance experience of 25 years or more, of which at least 12 calendar years and 6 months is military service, service in the internal affairs bodies, police, state fire protection, State Service for Special Communications and Information Protection of Ukraine, bodies and subdivisions of civil defense, tax police or the State Penitentiary Service of Ukraine: for insurance experience of 25 years - 60 percent and for each full year of service over 25 years - 5 percent of the respective amounts of cash security. These changes, together with the improvement of the conditions of service in the police, the improvement of housing for police officers will increase the human resources of law enforcement agencies.

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#### Abstract

The article is devoted to the analysis of the legislation of Ukraine and information sources on the pension provision of employees of the national police of Ukraine and other countries. The author notes that the pension provision of police officers and the population in general is very important in our country, that their proper provision is regulated by primary and secondary legislation, in particular articles of the Law of Ukraine "On National Police", the Law of Ukraine "On pensions of persons discharged services, and some other persons. " The level of the minimum subsistence level plays a key role in assigning pensions to Ukrainian police officers. It is from the size of this indicator, according to the law, that the minimum pension payments to these employees are determined.

At the present stage, it is necessary to review the entire pension system of citizens and especially police officers. The author proposes changes to the pension legislation, which are designed to improve the social security of police officers.

**Keywords:** *police, national police, public order, social welfare, pension provision, pensions, governance.*