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## ENHANCING THE LEVEL OF SOCIAL PROTECTION OF INDIVIDUALS AFFECTED BY THE CHERNOBYL ACCIDENT

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## ПІДВИЩЕННЯ РІВНЯ СОЦІАЛЬНОГО ЗАХИСТУ ОСІБ, ПОСТРАЖДАЛИХ ВНАСЛІДОК ЧОРНОБИЛЬСЬКОЇ КАТАСТРОФИ

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## ПОВЫШЕНИЕ УРОВНЯ СОЦИАЛЬНОЙ ЗАЩИТЫ ЛИЦ, ПОСТРАДАВШИХ ВСЛЕДСТВИЕ ЧЕРНОБЫЛЬСКОЙ КАТАСТРОФЫ

*The article deals with the study of the functioning and development of the system of social protection of the victims of the Chernobyl catastrophe. The system of social protection of the victims of technogenic accidents as a component of social policy is explored; legal regulation of social protection of those affected by the accident at the Chernobyl Nuclear Power Plant have been researched. The system of social and economic protection that implemented to overcome the consequences of the Chernobyl disaster has been explored. The system includes the provision of medical and social assistance, creation of a safe environment for living, socio-economic and radiation-ecological rehabilitation of contaminated territories, their revival and dynamic development. An analysis of recent studies of socio-economic losses caused by emergencies in different countries of the world was carried out. It allows us to identify approaches to the creation and development of social protection systems of the population affected by emergencies and disasters. The analysis of the state of realization of social protection of victims of the Chernobyl nuclear power plant accident in Ukraine was carried out. The functioning of the bodies of state administration responsible for social protection of the population at the regional level is investigated. The ways of improvement of the system of social protection of people who suffered as a result of the Chernobyl disaster were proposed, such as: systematization of legislative acts in the field of social protection of citizens; creation of a single coordinating state body in the sphere of implementation of the state policy on social protection of citizens; creation of proper conditions for the participants of the consequences of the Chernobyl disaster, in particular for improving social and domestic services, providing adequate social support and material assistance; extension of the tasks of the State Register of Ukraine to people affected by the Chernobyl disaster. The directions of social policy are identified, an important component of which is the reform of the structural mechanisms of the system of social security of a person.*

**Key words:** social protection, public consultations, social assistance, social organizations, social benefits, territorial communities, social support, program-target approach, social standards.

*В статті проведено дослідження функціонування та розвитку системи соціального захисту осіб, які постраждали внаслідок Чорнобильської катастрофи. Досліджено систему соціального захисту постраждалих від техногенних аварій як складову соціальної політики; правове регулювання соціального захисту постраждалих від аварії на Чорнобильській атомній електростанції. Досліджено систему заходів соціального та економічного захисту запроваджену для подолання наслідків Чорнобильської катастрофи, в тому числі надання медичної і соціальної допомоги, створення безпечного середовища для проживання, здійснення соціально - економічної та радіаційно-екологічної реабілітації забруднених територій, їх відродження та динамічний розвиток. Проведено аналіз останніх досліджень соціально-економічних втрат, викликаних надзвичайними ситуаціями в різних країнах світу, який дозволяє виокремити підходи до створення і розвитку систем соціального захисту населення, постраждалого внаслідок надзвичайних ситуацій та катастроф. Проведено аналіз стану реалізації соціального захисту постраждалих від аварії на Чорнобильській атомній електростанції в Україні. Досліджено функціонування органів державного управління відповідальних за соціальний захист населення на регіональному рівні. Запропоновано шляхи удосконалення системи соціального захисту осіб, які постраждали внаслідок Чорнобильської катастрофи, такі як: систематизація законодавчих актів у сфері соціального захисту громадян; створення єдиного координуючого державного органу у сфері реалізації державної політики щодо соціального захисту громадян; створення належних умов для учасників наслідків Чорнобильської катастрофи, зокрема для покращення соціальних та побутових послуг, забезпечення належної соціальної підтримки та матеріальної допомоги; розширення завдань Державного реєстру України людей, постраждалих внаслідок Чорнобильської катастрофи. Визначено напрямки соціальної політики, важливим компонентом якої є реформа структурних механізмів системи соціального забезпечення людини.*

**Ключові слова:** соціальний захист, консультації з громадськістю, соціальна допомога, громадські організації, соціальні виплати, територіальні громади, соціальна підтримка, програмно-цільовий підхід, соціальні стандарти.

*В статье проведено исследование функционирования и развития системы социальной защиты лиц, пострадавших вследствие Чернобыльской катастрофы. Исследована система социальной защиты пострадавших от техногенных аварий как составляющую социальной политики; правовое регулирование социальной защиты пострадавших от аварии на Чернобыльской атомной электростанции. Исследована система мер социальной и экономической защиты для преодоления последствий Чернобыльской катастрофы, в том числе оказания медицинской и социальной помощи, создание безопасной среды для проживания, осуществления социально - экономической и радиационно-экологической реабилитации загрязненных территорий, их возрождение и динамичное развитие. Проведен анализ последних исследований социально-экономических потерь, вызванных чрезвычайными ситуациями в разных странах мира, который позволяет выделить подходы к созданию и развитию систем социальной защиты населения, пострадавшего в результате чрезвычайных ситуаций и катастроф. Проведен анализ реализации социальной защиты пострадавших от аварии на Чернобыльской атомной электростанции в Украине. Исследовано функционирование органов государственного управления ответственных за социальную защиту населения на региональном уровне. Предложены пути совершенствования системы социальной защиты лиц, пострадавших вследствие Чернобыльской катастрофы, такие как: систематизация законодательных актов в сфере социальной защиты; создание единого координирующего государственного органа в сфере реализации государственной политики по социальной защите граждан; создание условий для участников последствий Чернобыльской катастрофы, в частности для улучшения социальных и бытовых услуг; обеспечение надлежащей социальной поддержки и материальной помощи; расширение задач Государственного реестра Украины людей, пострадавших вследствие Чернобыльской катастрофы. Определены направления социальной политики, важным компонентом которой является реформа структурных механизмов системы социального обеспечения человека.*

**Ключевые слова:** социальная защита, консультации с общественностью социальная помощь, общественные организации, социальные выплаты, территориальные общины, социальная поддержка, программно-целевой подход, социальные стандарты.

**Problem statement.** In recent decades humanity has experienced a significant number of major catastrophes resulting from the introduction of new technologies and incompetent attitude towards their application. However, the Chernobyl catastrophe remains the biggest man-made catastrophe in the history of mankind. The problem of social protection of those affected by the accident at the Chernobyl AES is urgent for the Ukrainian community. For years a lot of problems remain unresolved: the degeneration of the affected territories, the increase in mortality, the morbidity of children, the high level of people with disabilities, the extremely unbalanced and inappropriate nutrition, the lack of access of the population to modern housing facilities (heating, water supply in particular, this applies to rural residents). Extremely a serious problem caused by the Chernobyl catastrophe - these are the consequences of socio-psychological and mental character, and not only for the victim's population nia, but also for the entire population of Ukraine. In the mass consciousness the dangerous formation of the victim's psychology occur, which suppresses vital activity, initiative, forms the position of passive waiting for help.

**Analysis of recent research and publications.** The investigate of the system of social protection were performed in researches such scientists as A. Basiluk, N. Boretska, L., D. Gallagher, B. Zaichuk, I., Kirilenko, E. Libanova, M. Liborobin, B. Nadtochiy, V. Skuratsky, M. Hansley Terence, J. Hendshel, P. Townsen, Y. Shklarsky and others However, despite the significant achievements of these authors remain poorly studied issues related to improvement the system of social protection of individuals affected by the Chernobyl accident.

**Allocation of the unsolved earlier parts of the overall problem.** The researches of the system of social protection shows that the problem of implementing effective system of enhancing the level of social protection of individuals affected by the Chernobyl accident is investigated not enough. Therefore this problem is particularly relevant.

**The objectives of the article.** The purpose of the study is to analyze the current state of realization of social protection of people who are affected as a result of the Chernobyl disaster, the definition of existing problems and the formulation of ways of their solution at the present stage.

**The main results of the study.** Natural disasters and man-made accidents in recent years cause more and more massive damage to society, due to population growth, rising costs of potential insurance objects and their concentration in certain regions. The accident at the Chernobyl Nuclear

Power Plant has convincingly shown that nuclear power is potentially very dangerous, while ignoring this factor leads to severe consequences. The safety of existing nuclear power units must be achieved by appropriate technical and organizational measures.

The legal regulation of the social protection of those affected by the Chernobyl accident in Ukraine is determined, first of all, by the Law of Ukraine "On the Status and Social Protection of Citizens Affected by the Chornobyl Catastrophe", which sets out the main provisions for the implementation of the constitutional right of affected citizens as a result of the Chernobyl disaster, to protect their lives and health, and creates a unified procedure for determining the categories of zones of radiation-polluted territories, living conditions and labor activities on them, socially the protection of the injured population [6].

This Law defines the basic provisions for the implementation of the constitutional right of citizens affected by the Chernobyl disaster to protect their lives and health and establishes a unified procedure for determining the categories of zones of radioactive contaminated territories, living conditions and working conditions for them. The law is aimed at protecting the citizens affected by the Chornobyl catastrophe and solving the related medical and social problems that arose as a result of radioactive contamination of the territory.

The law defines the principles of the State policy in the field of social protection of victims of the Chernobyl disaster and the creation of living and working conditions in contaminated areas:

- The priority of life and health of people who suffered from the Chernobyl disaster, the full responsibility of the state for the creation of safe and harmful working conditions;
- Integrated healthcare, social policy and using contaminated areas, based on national programs on these issues, and taking into account other areas of economic and social policy, advances in science and the environmental protection;
- Social protection of people, full reparation for the victims of the Chornobyl catastrophe;
- The use of economic methods of improving life through the policy of preferential taxation of citizens who suffered from the Chernobyl disaster and their associations;
- Implementation of measures for professional reorientation and upgrading of the affected population;
- Ensuring coordination of activities of state bodies, institutions, organizations and associations of citizens that solve various problems of social protection of the affected population, as well as cooperation and consultation between state bodies and victims (their representatives), between all social groups in decision making social protection at the local and state levels;
- International cooperation in the fields of health care, social protection, labor protection, use of world experience in organizing work on these issues.

The boundaries of contaminated territories are established and reviewed by the Cabinet of Ministers of Ukraine on the basis of expert opinions of the National Commission on Radiation Protection of the Population of Ukraine, the Academy of Sciences of Ukraine, the Ministry of Health of Ukraine, the Ministry for Population Protection from the Consequences of the Chernobyl Disaster, the Ministry of Agriculture of Ukraine, the Environmental Protection Agency of Ukraine, the State Committee of Ukraine on Hydrometeorology on the submission of the Regional Councils and approve the Verkhovna Rada of Ukraine [10].

During the years of independence in Ukraine, developed a legal framework for dealing with the consequences of the Chernobyl disaster:

1. Resolution of the Verkhovna Rada of the Ukrainian Soviet Socialist Republic "On the Concept of Population Accommodation on the Territories of the Ukrainian SSR with Increased Levels of Radioactive Contamination as a result of the Chornobyl Catastrophe" of February 27, 1991 No. 791-XII [9].

2. Law of Ukraine "On the Legal Regime of Territory Contained by Chornobyl Disaster Consequence of Radioactive Contamination" of February 27, 1991 No. 791a-XII. [5] The amendments were introduced 16 times after the adoption of this Law. The last adoption of 14.07.2016, there is also an official interpretation of the Law in the Decision of the Constitutional Court N 24-rp / 2009 (v024p710-09) dated 06.10.2009.

3. Law of Ukraine "On the Status and Social Protection of Citizens Affected by the Chornobyl Disaster" of February 28, 1991 N 796-XII. [7] Changes were introduced 47 times after the adoption of this Law. There are also three official interpretations and clarifications in the Constitutional Court Decisions.

4. Law of Ukraine "On the National Program for Overcoming the Consequences of the Chornobyl Catastrophe for 2006-2010" of March 14, 2006, No. 3522-IV [4]. The changes in this document have not been made;

5. Major government decisions: Resolution of the Cabinet of Ministers of Ukraine dated July 23, 1991 No. 106 "On the organization of implementation of the resolutions of the Supreme Soviet of the RSFSR on the procedure for the enactment of the laws of the Ukrainian SSR", "On the legal regime of the territory that was exposed to radioactive contamination as a result of the Chernobyl disaster " and "On the Status and Social Protection of Citizens Affected by the Chornobyl Catastrophe".

The list of settlements classified as radioactive contamination zones, as well as lists of settlements, residents of which receive monthly cash aid due to restrictions on the consumption of local food products, as well as those whose wages are paid at higher rates and official salaries have been approved by these Resolutions. The total number of legal acts dealing with all aspects of overcoming the consequences of the Chernobyl disaster reaches more than a thousand. At the same time, by the end of 2014, the legislative base on the Chernobyl issues on rehabilitation of the affected population and territories was aimed mainly at preserving the existing condition of the affected areas and granting benefits and compensations to the population, rather than the comprehensive overcoming of the consequences of the accident and the revival of these territories. Only the adoption of the Law of Ukraine "On Amendments and Recognition as Lack of Validity, Certain Legislative Acts of Ukraine" dated 28.12.2014 No. 76-VIII eliminated an unrealizable mechanism for reviewing the boundaries of radioactive contamination and created conditions for the return of former territories of radioactive contamination to normal radiological parameters of operating conditions [3].

Faced with the problem of overcoming the consequences of the Chernobyl disaster, the state was able to develop and implement a system of measures of social and economic protection, including providing medical and social care, creating a safe environment for residence, the implementation of socio-economic and radiation-ecological rehabilitation of contaminated areas, they revival and dynamic development. Experience managing Postchernobyl situation shows significant work to overcome the consequences of the accident and the transition to normal living conditions in the territories of radioactive contamination. In a similar situation, there were other countries. For example, Japan after the earthquake of the accident at the Fukushima-1 nuclear power plant.

Consequently, the analysis of recent studies on the calculation of socio-economic losses caused by emergencies in different countries of the world, makes it possible to distinguish the following approaches of foreign states in the social protection of the population affected by emergencies and crash:

1. A payment-based approach based on a court decision as compensation for loss of life or health that has caused moral harm with an individual approach to each victim. In the countries of Western Europe and the USA the average amount of compensation for the loss of health and death of a person - about 250 thousand dollars. USA. The largest amounts per person (\$ 1.85 million) were paid to the families of victims after the accident in Locker in 1988. In some cases, payments amounted to 10

million dollars US per family. The average amount of compensation paid by the state to each victim of the terrorist attacks in New York on September 11, 2001, was about \$ 1.5 million. USA. The airline Air France has estimated compensation for each passenger crash on Concorde, almost 3 million German marks [1].

It should be noted that the amount of court fees depends on the amount of material and moral damage to the plaintiff or his family. In Ukraine, the legislation sets a limit on the amount of payments for moral damages. In the event of accidents at work, it amounts to 200 minimum wages (about 13 thousand USD), in the case of road traffic accidents - about 10 thousand dollars. USA. For other cases, this limit is not set at all.

2. An approach based on voluntary payouts. In this case, voluntary payments are made in order to reduce the threat to life and health or the amount of remuneration for the voluntary performance of hazardous work. Voluntary payments are determined through surveys of various categories of citizens and the establishment of fair amounts of social compensation. Surveys conducted abroad showed a close correlation between the size of the voluntary payment and the circumstances associated with the risk to life. This raises difficulties in evaluating its value. Abroad, the limit of possible estimates is 180 thousand - 1 million dollars. USA.

Determining the cost of living for this approach has significant differences. This is due to the fact that they also depend on the material losses of the victims, and on their social status and individual perception of moral harm. Therefore, this approach requires a large-scale survey of different categories of citizens.

3. An approach based on economic assessments in industries using sources of ionizing radiation [8]. Here, the definition of compensation in connection with a loss of life or health is associated with loss of gross national product (GNP) and compensation for physical and mental harm. In this case, the term "cost of radiation dose" or "cost of risk" is used. The range of such compensation in the United States and Europe is from 2 thousand to 5 million dollars. USA. The amount of moral damage under this approach can exceed the loss of GNP by tens of times.

The above approaches are based on subjective assessments and cannot be directly used to calculate the corresponding compensation or carry out a valuation of social damages.

There are also other approaches that give a more objective assessment, since they are based on a mathematical analysis of socio-economic indicators.

4. Insurance-based compensation approach, which defines both the amount of cash compensation equivalent to the amount placed in the form of a deposit bank deposit at a real interest rate that provides the family of the deceased breadwinner with the family income previously established [11].

5. An approach based on the definition of personal capital. The amount of compensation is defined as the sum of annual income of a citizen during his lifetime. The volume of personal capital for persons who cannot receive income on their own, are determined by reference to the legal minimum wage [12].

6. An approach based on determining the losses of the national economy [8]. The determining factor here is the national income generated by a citizen throughout his life, taking into account the costs of wages and deductions to the Pension Fund and social insurance funds. The approach makes it possible to estimate the losses of the national economy from the death of a person or the loss of her ability to work.

7. An approach based on the determination of indirect value. The amount of compensation is defined as the cost of treatment, care and rehabilitation of patients and the cost of health care measures, social benefits, etc. Here, the range of received compensation values is estimated for a particular person, taking into account significant deviations caused by a large number of factors influencing the result of observations. Compensation increases in proportion to the gross national product, primarily

based on annual family income, annual earnings, health care expenditures and social benefits that are directly related to the real magnitude of this indicator.

In 2017 there are 1 million 961 thousand people have a status of the victims of the Chernobyl catastrophe. They received social support from the state, among them: 210 thousand participants in liquidation of the consequences of the accident at the Chernobyl Nuclear Power Plant; 1 million 751 thousand victims of the Chernobyl disaster, including 418 thousand victims of children. In addition, there are 38,000 people entitled to benefits stipulated by the Law of Ukraine "On the Status and Social Protection of Citizens Affected by the Chornobyl Catastrophe" (wife (husband), guardian of a child of deceased citizens whose death is related to Chernobyl catastrophe, citizens who participated in the elimination of other nuclear accidents, nuclear tests, military exercises involving the use of nuclear weapons). During the last 3 years (2017 compared to 2014), the number of citizens affected by the Chernobyl disaster has decreased by 170,353 people, of which the number of participants in the Chernobyl disaster recovery has decreased by 33,209 victims of the Chernobyl catastrophe - on 137 144 persons, including victims of children - on 43 597 people.

Every year, by the laws of Ukraine on the State Budget of Ukraine for the relevant year, based on the actual financial resources of the state, the allowances, compensations and guarantees for certain categories of citizens are foreseen. For the implementation of the program "Social protection of citizens affected by the Chornobyl catastrophe" UAH 48.1 million was foreseen in Chernigiv oblast in 2018, which covers about 30 thousand citizens of the corresponding status and enjoy benefits through social protection bodies of the population. The largest amount of money, which is UAH 35.6 million, is intended to compensate for foodstuffs received monthly for victims of categories 1 in the amount of 398.40 UAH and category 2 - UAH 199.20. For the payment of sanatorium and resort services for the victims of category 1 and children with disabilities, whose disability is related to the consequences of the Chernobyl disaster, UAH 4.8 million is provided. The rest is the feeding of children in educational institutions located in radioactive contaminated territories, compensation for working citizens and other payments.

By order of the Ministry of Social Policy of Ukraine dated January 23, 2018, No. 75 (registered with the Ministry of Justice of Ukraine on January 31, 2018, No. 123/31575), "On Establishment of the Amount of Cash Compensation of Food Prices for Citizens Affected by the Chornobyl Catastrophe for 2018" the amount of monetary compensation for the cost of food products for 2018, which in Chernihiv region for citizens affected by the Chernobyl catastrophe, classified as category 1, is UAH 398.40, in the category 2 - 199.20 UAH.

The Cabinet of Ministers of Ukraine adopted the Resolution No. 31 "On the establishment of the amount of cash assistance to compensate for the cost of travel vouchers for sanatorium and health facilities and recreation facilities in 2018" dated January 25, 2018, which provides cash assistance for the compensation of the cost of travel by cashless transfer to sanatorium and spa facilities and recreation facilities for the provision of services, the size of which tanovlyat for:

- Persons belonging to category 1, - UAH 6 822;
- Persons classified in category 1 with diseases of the nervous system (with the consequences of injuries and diseases of the spine and spinal cord) - UAH 20,685;
- Children who have a disability associated with the Chernobyl disaster, and one of the parents or the person who replaces them - UAH 13545.

For victims of categories 1 and children who have a disability associated with the Chernobyl disaster who do not wish to receive spa treatment, starting from 2018, it is provided for receiving cash compensation at their request, the amount of which is 35 per cent effective on January 1, the corresponding year of one subsistence minimum for people who have lost their ability to work. This is determined by the resolution of the Cabinet of Ministers of Ukraine dated November 8, 2017 No. 838

"On the amount of the average cost of a trip to pay cash compensation instead of a voucher for citizens affected by the Chernobyl catastrophe" [2].

An important condition for achieving social stability in society is the reform of the system of social protection, the main purpose of which is to expand the social base of transformations on the basis of stabilizing the living standard of the population, reducing the burden of the consequences of economic reforms on the most vulnerable sectors of the population, taking measures to social adaptation of the population to these transformations.

Among the main directions of reforming this sphere are: development of pension provision and pension insurance; introduction of health insurance system; reforming the system of social assistance, development of targeted assistance; social security for women, children and youth; provision of opportunities for people with disabilities equal to other citizens to participate in various spheres of society's life, etc. Improvement of social insurance involves measures aimed at legislative, organizational, financial, human resources provision of social insurance on the basis of the Constitution of Ukraine [14].

An essential component of social policy today is the reform, first of all, of the structural mechanisms of the system of social security of a person who put the worker into absolute dependence on the state system of social protection. The resolution of such contradictions involves, first of all, the expansion and deepening of the socio-economic base of the social security system of the population. It should be based on redistribution of functions on social protection of the population and, above all, financial responsibility for its implementation between state authorities; employers and employees. Such a redistribution will expand the socio-economic space of increasing social security of the population, will allow to significantly weaken a powerful tax press on state and local budgets, increase the regulatory effectiveness of the state forms of social protection of the population and provide social guarantees.

On this basis, one should draw attention to the main directions of social policy in Ukraine:

- Increase of welfare of the population at the expense of personal labor input, entrepreneurship and business activity;
- Providing appropriate unemployment benefits, saving jobs, retraining specialists who have lost their jobs;
- The implementation of a pension reform that will ensure a fair system of pension payments, taking into account the employee's labor contribution;
- Providing targeted assistance to the most in need of money and in kind;
- Ensuring stable financing and state support for the development of social sectors (education, science, culture);
- Broad support for family, maternity and childhood.

One of the areas for improving the mechanisms of social protection of the population should be to increase the role of non-governmental organizations in the development of a comprehensive system of social assistance in order to improve their activities in the field of social protection of the population. It is necessary to develop legal, regulatory and legal foundations of charity, to provide certain tax privileges when implementing social projects and programs whose implementation today is not provided or insufficiently provided by the government of the country [13].

Government agencies, on the one hand, and public organizations in these bodies, on the other hand, should pay great attention to establishing constructive cooperation among themselves: to solve complex problems together, to find a compromise, to help each other to better overcome the consequences of the Chernobyl catastrophe. Due to this approach, Ukraine will gradually develop a stable tendency towards constructive joint work. There can be no other way than development and mutual understanding in a democratic state [15].

The identification and implementation of mechanisms to support public initiatives in the interests of the victims of the Chernobyl catastrophe in territorial communities of different types should become one of the priority areas of the work of local self-government bodies. It is also worth noting that local self-government bodies do not sufficiently use such mechanisms of community activism as general meetings and public hearings.

**Conclusions and suggestions.** The accident at the Chernobyl Nuclear Power Plant has led to a unique multifaceted ecological catastrophe, which in its scale is defined as planetary. The exceptional nature of the disaster has also been manifested in the multiplicity of the negative social phenomena that it caused. In order to solve the urgent problems caused by this accident, it is advisable to implement the following ways: to systematize legal acts in the field of social protection of citizens affected by the Chernobyl disaster; to create a single coordinating state body in the sphere of implementation of the state policy on social protection of citizens; to create proper conditions for the participants in the Chernobyl disaster consequences, in particular to improve social and domestic services, to provide appropriate social support and material assistance; to expand the tasks of the State Register of Ukraine of people who suffered as a result of the Chernobyl disaster, namely, to regulate the use of information about victims in granting privileges and compensations, appointment of pensions, etc.; adopt the concept of long-term development and the mechanism for ensuring the economic activity of areas that have been exposed to radioactive contamination; to change the ecological criterion in the form of an estimation of the average density of pollution of territories as a basis for granting of compensations and privileges on the criterion determining the harm caused to health (radiation dose); to facilitate the expansion of a network of public organizations that would address the problems of people affected by the Chernobyl accident.

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