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Features of legal regulation of social protection in Sweden

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Abstract

The purpose of the research was to determine Sweden's positive experience in the field of social protection. To achieve this goal, general and special scientific research methods were used, in particular the system functional method, the method of hermeneutics, dialectical and statistical methods. The authors assume that the Scandinavian model of social protection (Sweden, Norway, Finland) differs from other European countries by a more developed social security system. In Scandinavian countries the state model of social protection prevails. The concept of "social protection" in these countries has been transformed into the concept of "social welfare". This model includes a compulsory social policy, a state-regulated income level and the egalitarian and general nature of social benefits and assistance. It is concluded that the fundamental principle of the Swedish social model is its universality: it covers all segments of the population. For this reason, its study is particularly relevant. The article reveals the characteristics of social protection against unemployment in Sweden. Special attention is paid to the protection of children's rights and aspects of family policy and gender equality.

Keywords: social policy; social protection; protection of women's rights; Swedish model; fair trial.

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Características de la regulación legal de la protección social en Suecia

Resumen

El propósito de la investigación fue determinar la experiencia positiva de Suecia en el campo de la protección social. Para lograr este objetivo, se utilizaron métodos de investigación científica generales y especiales, en particular el método funcional del sistema, el método de la hermenéutica, los métodos dialécticos y estadísticos. Los autores suponen que el modelo escandinavo de protección social (Suecia, Noruega, Finlandia) se diferencia de otros países europeos por un sistema de seguridad social más desarrollado. En los países escandinavos prevalece el modelo estatal de protección social. El concepto de «protección social» en estos países se ha transformado en el concepto de «bienestar social». Este modelo incluye una política social obligatoria, un nivel de ingresos regulado por el Estado y el carácter igualitario y general de las prestaciones y asistencias sociales. Se concluye que el principio fundamental del modelo social sueco es su universalidad: cubre todos los segmentos de la población. Por ello, su estudio es especialmente relevante. El artículo revela las características de la protección social contra el desempleo en Suecia. Se presta especial atención a la protección de los derechos del niño y los aspectos de la política familiar y la igualdad de género.

Palabras clave: política social; protección social; protección de los derechos de la mujer; modelo sueco; juicio justo.

Introduction

The XXI century was marked by high rates of development of society, which led to the need for appropriate changes in the basic form of its organization - the state. The issue of creating an appropriate legal framework that would regulate all areas of public administration and at the same time uphold human rights, is one of the most pressing tasks of modern legal science. The last decades have been a turning point for Ukraine and have been marked by significant shifts in public opinion. The Revolution of Dignity showed the need for progressive changes and improvements in legislation to build Ukraine as a developed European welfare state in accordance with modern societal requirements and the pace of science.

The urgency of this issue is confirmed by policy documents: the Constitution of Ukraine, the Universal Declaration of Human Rights, the Association Agreement between Ukraine and the EU, etc. According to the chosen course, the legislation of Ukraine is being reformed in many

spheres of public life, including social, in order to improve the functioning and mechanisms for exercising the rights enshrined in the Constitution of Ukraine.

For a long time, the Kingdom of Sweden has been one of the world's leaders in social protection and has proven its ability to function in the context of the least social crisis, tackle emigration and successfully build the social sphere and remain one of the world's most stable countries.

Insufficient coverage in domestic and foreign literature on the theory and history of state and law, history of political and legal scholars of the theoretical and legal aspect of the welfare state, including the welfare state of the Kingdom of Sweden, insufficient consideration and incomplete analysis of its formation and implementation mechanisms, lack of comprehensive systematization of welfare state and a separate analysis of its components, the lack of classification of models of the welfare state from the standpoint of law, as well as the urgency of solving the goals of social development set before Ukraine and other foreign states determined the choice of the theme of this article.

1. Objectives

The purpose of this scientific article is to determine and justify main features of the Swedish model of social protection of the population from unemployment and features of Swedish family and youth policy.

2. Materials and methods

During the writing of the article, both general and special scientific research methods were used. Using the system-functional method, the analysis of the main forms of social protection used in Sweden was carried out. The dialectical method was used to clarify the current legal status of state support for the unemployed and the prospects for its further development.

The method of hermeneutics was used to analyze the current legislation of the Scandinavian countries on the example of Sweden, aimed at supporting families and youth in order to study its effectiveness and efficiency at the present stage, as well as to identify regulatory gaps in domestic legislation to address them (in particular, Law on Social Security, Law on Social Services). The statistical method was used to obtain an empirical basis, which has become one of the main sources of information on the success of legal regulation of social protection in Sweden.

3. Results and discussion

The development of the modern welfare state began a little over a hundred years ago, when many European countries established insurance systems against the risk of loss of income. Social changes related to the emergence of the right to state social benefits should be considered in relation to other basic structural changes in European countries.

Particularly important aspects of the process of social transformation in the nineteenth century were: exacerbation of social needs through accelerating population growth, rapid urban growth and capitalist industrialization, politicization of social problems as a result of democratization of suffrage and mobilization of workers within trade unions and political parties; development of state capabilities in the process of rationalization of public administration bodies through a new organization of public finances and the creation of official statistics; the state has a large number of resources to accelerate economic growth. The welfare state provides for the right of all people to a basic level of well-being (Volkov, 1991).

Welfare states were formed in Western Europe in 1950 - 1960. In the media, they were called "welfare state" (Borevi, 2014). The welfare state in its western version is the result of a long historical process and trade union movement. Gradually, a new role of the state was defined: it must create and maintain a legal space that ensures the principle of social justice and protection.

The welfare state, which task is to create living conditions worthy of a person, not only does not object, but also contributes to the support and development of voluntary associations, mutual aid groups. It tries to influence these groups in such a way as to provide more effective assistance to those who need it. The existence of voluntary charitable organizations, mutual aid groups make it possible to reduce government spending on social needs.

The welfare state is an essential characteristic of the Northern European development model. The Nordic countries have done a lot to develop the theory and practice of the welfare state. They continue to maintain a relatively egalitarian society, all of which members have a relatively constant standard of living, as well as, most importantly, equality of opportunity and life chances.

State institutions, the state budget, the public sector of the economy, the organized trade union movement, and civil society are the institutions that ensure the functioning of the welfare state and maintain its viability. The welfare state is characterized by stability because it is based on strong social democratic traditions and highly organized professional movements.

The Kingdom of Sweden is distinguished among other countries by high economic and social achievements (Palme, 2015). In terms of social services, it ranks one of the first places in the world, and in terms of living standards it is ahead of almost all other countries. With the establishment of Sweden as one of the most developed countries, the term “Swedish model” appeared. Swedish achievements can be explained both by the peculiarities of the historical development of this country, specific features of the national character, and general laws of economic and political development.

In a broad sense, the Swedish model is the whole complex of socio-economic and political realities of the country: a high standard of living, the scale of social policy. It should also be noted that the concept of “Swedish model” does not have an unambiguous interpretation. The Swedish model of the “welfare state” is based not on the elimination of private property and a radical change in the mode of production, but on the implementation of the state function of redistribution of national income in accordance with the priorities of social needs to achieve greater social equality and greater social justice (Gorokhova, 1989).

The formation of the welfare states themselves (and not individual ideas and provisions) is associated with the high economic development of countries, which made it possible to provide the population with a living wage. It was during this period that the government’s responsibility for the welfare and observance of the social rights of citizens began to be considered the main condition of social policy. This responsibility cannot be transferred to an individual, a private enterprise or a community, a neighborhood.

Such a state protects people from poverty through unemployment benefits, family benefits, cash benefits, old-age pensions, providing full health care, free education, and public housing. Social support in this case is carried out as a state intervention in the lives of people at the national and local levels through programs of social security, education, health care. This system is financed through the redistribution of income through insurance and tax policy (Kozlov, 1998).

The anti-crisis path of Sweden is a welfare state, which is based on the dominance of the state in the implementation and distribution of social policy. The progress and development of the state is impossible without the main social capital – people to whom the state must ensure a normal and dignified existence. The welfare state assumes: support for socially unprotected segments of the population (unemployed, pensioners, disabled people); fight against unemployment; labor protection and human health; support for family, motherhood, childhood; financial support for educational and cultural programs.

The Swedish model is characterized by an active state employment policy, which aims to increase the competitiveness of the workforce, primarily through vocational training, job creation, both in the public sector and by subsidizing private companies, combining job seekers and vacancies, including through information and career guidance. Sweden spends more money on these goals than any other country.

The main direction of active employment policy in Sweden is assistance in obtaining vocational training and advanced training, which is carried out either through the preparation and adoption of special programs at the legislative level, or through joint participation of the state and enterprises in training and retraining.

Sweden's social policy has flourished for several decades, when the country ranked first in the world in terms of the share of social spending in GDP. The main principle of the Swedish social model is its universality – it covers all segments of the population. All citizens, regardless of their social status, participate in its financing, making a contribution commensurate with their income (the principle of solidarity).

The state assumes the functions of redistribution of social benefits from the wealthy to the most vulnerable categories of the population. The tax rate in Sweden is about 67% and is one of the highest in the world, but in Sweden it is fully offset by the high level of social protection, the lack of significant contrasts between wealth and poverty and, consequently, high political and social stability (Rivchachenko, 2012).

Swedish social security is divided into insurance which depends on the place of residence, which covers state-guaranteed benefits and allowances, and workplace insurance, which deals with benefits in the event of loss of income. Both types of insurance apply equally to people living or working in Sweden, i.e., having Swedish citizenship is not a prerequisite for insurance (Melyk, 2008).

Unemployment insurance system is separated from the general social protection system. It is voluntary and implemented by trade unions.

Unemployed people in Sweden refer to those between the ages of 15 and 74 who:

- currently have no work;
- ready to start work within 14 days;
- the last 4 weeks were actively looking for employment or waiting for the start of the promised work for 3 months (Employment outcomes and policies, 2019).

The unemployment insurance system consists of a basic and a voluntary component, which is calculated based on the taxes paid. The latter is paid only to members of the unemployment insurance fund, which is called the Alfa-cash insurance fund, in Swedish Alfa-kassan. There are certain conditions for membership, such as the length of employment and the nature of the work, the need to be registered with the State Employment Service (Arbetsförmedlingen). It is necessary to be a member of the insurance fund for the payment of unemployment benefits for at least 12 months, where a person must pay monthly contributions.

The amount of compensation is 80 percent of the previous daily earnings, but not more than the established maximum. In the first 200 days of assistance, unemployed can get 80 % of the average income, in the following days – 70% of the average income. However, there is a limitation on the amount of the benefit. In the first 100 days of the payment of assistance, it is a maximum of 910 Swedish Kronor per day (96 EUR), on the following days – a maximum of 760 Swedish Kronor per day (80 EUR). Aid is subject to income tax. The allowance is paid only for five working days of the week, Saturday and Sunday are not counted (European Commission, 2020).

Membership in unemployment insurance funds is usually mandatory for union members, but all funds must be open to the voluntary admission of any employee in the relevant field of activity. Membership in the voluntary component of unemployment insurance is free for all workers and self-employed people without any restrictions. About 80 percent of all employees are members of unemployment insurance funds.

The maximum period for receiving unemployment benefits is 300 days, and for parents of minor children – 450 days. If during the job search individuals participated in one of the programs of Employment Service, then this period will be credited to their future insurance period (days of participation in the program will be credited as working days). The allowance is paid five days a week.

Workers in Sweden have been nearly exempting from paying insurance premiums and participate in the social security system through taxes (Hindriks and De Donder, 2003). Over the last 20 years, there has been a trend of gradual increase in the participation of employees in the financing of insurance programs and an increase in insurance deductions from wages, despite the fact that government spending on social protection has decreased significantly.

In addition to wages, the employer must pay income tax (inkomstskatt) and insurance, social security contributions (arbetsgivaravgifter) for all employees. These deductions are paid monthly to the Tax Service.

Unemployment insurance is formally private, so it belongs to the unions. With some exceptions, unemployment insurance has never been

in the interests of the private insurance industry. Sweden is currently undergoing changes where several unions have entered into an agreement with a separate insurance company to insure “management decisions” in addition to the basic state insurance system for those with higher incomes.

Circumstances in the labor market at the beginning of the 21st century are significantly different from those that existed in this market for most of the 90s (Clasen and Oorschot, 2002; Ladychenko *et al.*, 2019). In 1999, there was a sharp quantitative jump in employment. Swedish labor market policy aims to support the “work for all” strategy, i.e., to provide work before providing financial support. For example, during the last economic downturn, active measures in the labor market had large-scale nature. More than 3 percent of the workforce has been trained and involved in practical or other forms of active reintegration. Sweden’s social program aims to return the unemployed to normal employment as soon as possible.

In Sweden the unemployed are retrained and return to work, in particular by providing subsidies for moving to vacant jobs, and huge sums are not spent to help the unemployed as compensation for lost income. Thus, cash benefits for the unemployed are provided only when it is impossible to offer a job or when active measures in the labor market are unsuccessful.

Sweden is the world leader in family and youth welfare. Even during the economic downturn of the early 1990s, during which unemployment was high, the priority of the following fundamental goals of family policy in Sweden was never questioned: providing good conditions for raising children, providing social protection for families, and adhering to the principles of equal rights of men and women to work; ensuring good child care; effective combination of universal and targeted types of social benefits; empowering men to take on parental responsibilities.

Family policy in Sweden is an independent area of social policy, which contains clearly defined measures aimed at the family and focuses on social protection and support of citizens by the state in the process of solving family problems. This type of policy includes certain programs and actions designed to achieve the stated goals regarding the family and its position in society (Semenets-Orlova, 2011). The Swedish model of state youth policy provides for significant state intervention in society-youth relations and state control over society-youth relations.

Sweden’s family policy dates back to the 18th century. However, modern family policy with a universal model of social protection was introduced in the early 1930s during a deep economic downturn. As the birth rate was very low, it was considered necessary to improve the living conditions of families. In addition to the introduction of monthly child benefits, large loans were issued to young couples. The availability of modern housing was perceived as a human right, not a privilege, and therefore significant

government subsidies were issued to accelerate the restructuring of the housing stock.

The universal model of social protection is based on the well-known principle of general welfare (Bergh, 2004). Its feature is the presence of a standard basic system of state social protection, covering society. Almost all citizens of the country take part in national social programs. Preservation of the principle of general welfare has become possible due to the presence of a significant public sector of the economy and a high level of taxation.

Social and medical support systems include preventive measures, including free (or very inexpensive) medical examinations during pregnancy, prenatal and postpartum education programs, and regular health check-ups. Insurance benefits for parents in Sweden have gained international recognition because they are designed to ensure that both men and women have the opportunity to combine parenthood with employment. The insurance system allows the mother or father to stay at home for up to 360 days after the birth of the child, while maintaining 80 % of their income. In addition, parents are entitled to sick leave to care for a sick child for a total of 60 days a year (for each child under the age of twelve), while retaining 80 % of the salary (Social work, 2018). Labor legislation guarantees parents to keep their jobs during parental leave and while exercising their parental rights.

Municipalities are responsible for providing childcare subsidies for each child between the ages of one and six if their parents work or study. As the vast majority of parents of preschool children work, access to childcare has become a necessity in everyday life. The childcare system in Sweden has always been at a high level. To improve the quality-of-service provision, preschool educational institutions received significant subsidies: for every 3-4 children in preschool educational institutions there was one employee. At present, the number of employees in preschool educational institutions has decreased, however, compared to other countries, it remains high (one employee for 5-6 children) (Country report, 2018).

Sweden's family policy is based on the principles of gender and class equality. This ideology has long been implemented in society and is one of the foundations of the relative success of Swedish family policy (Oleksenko and Oleksenko, 2020).

Sweden ranks among the first cities in the world among countries where citizens respect the values of gender equality: the idea that men and women have equal access to power, worthy remuneration for work and influence in society. Aspects of family policy and gender equality in Swedish society are closely linked: most social benefits are universal, and after divorce neither party pays alimony, as both will work in paid work in the future and will be subject to individual taxation.

The most important component of Sweden's family policy is the flexible parental leave system introduced in 1978. Interestingly, Sweden was the first country to involve a father in caring for a child on a par with the mother. Parents who have been in a paid job for at least 6 months during the year before the birth of the child receive six months of paid leave with the payment of 90 % of the previously received income. Those with an employment period of less than 6 months receive a flat-rate payment of 130 Swedish Kronor per day. Payments are made by the social insurance fund and are taxable. Parents are guaranteed a previous job. Vacation can be taken per day or hour before the child reaches the age of eight (Zelleke, 2016; Funta, 2021).

In Sweden, parental involvement in the upbringing of a child is encouraged by providing 2 months of childbirth leave, which can only be used by a father. There is a developed system of providing loans for the purchase of housing for young families and housing maintenance assistance, which is provided in the amount corresponding to the family income (Khomitsky, 2007; Ladychenko and Golovko, 2018).

There are a number of laws on the protection of children's rights in Sweden. One of them is The Children and Parental Code. The law states that children have the right to care, safety and good upbringing. In addition, the law states that children must be treated with respect for their individuality. They may not be subjected to corporal punishment or degrading treatment. The law also defines the responsibilities of parents (or other guardians). At the same time, the state reserves the right to intervene if the child's basic needs are not met.

The provision of social assistance, in accordance with the Law on Social Security, which defines the types of assistance to all those who need it, is the responsibility of local councils. Municipal social protection programs for individuals or families are designed to support vulnerable groups (Larsson, 2003). The programs consist of preventive measures and targeted educational work with children, youth and people at risk; social assistance (material support); assistance in the form of family counseling (Degtyar, 2013).

The Social Services Act regulates a set of measures to provide assistance to individuals, certain social groups, who are in difficult life circumstances and cannot overcome them on their own, in order to solve their life problems. It is a framework law that regulates the basic principles of providing social services, including the functioning of the system of children's preschool institutions, development of the child care system.

In fact, the organization of child welfare in Sweden is not the same throughout the country and differs in different administrative districts. In some cities there are specialized units within the social services, in others they exist on the basis of schools.

Swedish child welfare law does not make a strict distinction between the protection of children's rights and juvenile justice. Antisocial behavior of young people under the age of 20 is a problem of social security for children and is outside the scope of criminal justice. The activities of local social services are aimed primarily at providing social support and cooperation with families. Social services cannot legally refuse support or assistance, for example by reference to financial difficulties. In general, Swedish legislation on the protection of children's rights focuses on social support for families and the provision of social services.

Sweden's practice in the field of youth employment is also noteworthy. The reduction of taxes on wages for those enterprises and organizations that employ young people under 25. Such tax benefits promote youth employment is a useful experience of Sweden, worth applying in other countries (Employment outcomes and policies in Sweden, 2019).

Since 2006, Sweden has pursued a strategic policy to promote youth employment, in line with the recommendations of the European Employment Promotion Strategy. The main reform of the new strategy was the establishment of a job guarantee for youth in December 2007. The job guarantee for youth is aimed at young people who have been registered as unemployed with the public employment service for at least three months. The aim of the program is to help young people find work at an early stage as soon as possible, as it is believed that the more time passes, the more and more difficult it is to find a job, as the level of search activity of young people decreases over time.

Taking some measures immediately after losing a job helps young people not to become long-term unemployed. Young people in Sweden are often unemployed for a relatively short time, but those who have not finished secondary school are at risk of long-term unemployment. Young people at risk of long-term employment are subject to "active measures", such as on-the-job training and training from the first day of unemployment.

The services provided to unemployed youth are the same throughout the country. Of course, the rate of employment is influenced by factors such as local differences in labor demand, but in general all measures are proposed at the national level. Youth employment policy should be pursued in cooperation with other actors in the labor market, namely government agencies, local authorities, private enterprises and organizations. In addition to helping young people find jobs, the government is implementing a number of other measures to create more employment opportunities for young people, including: supporting job creation, investment in education, internships and vocational programs, and reducing social security contributions.

There is no specific law on youth in Sweden, but many provisions on youth and children are reflected in the Law on Social Services. The social problems of young people in Sweden are directly addressed by the so-called Social Council, which is created in each commune within the social service. Such a Council should be well aware of local problems, coordinate the efforts of all organizations, institutions, agencies, youth services.

For this, Sweden has a certain system of social assistance, which the state provides to young people in education, acquisition of qualifications, work, life, leisure, etc. (Youth policies, 2017). Some youth problems in Sweden are solved through the State Youth Council, which has the opportunity, in particular, to allocate assistance to youth organizations directly from the state budget.

Such an experience is extremely interesting for Ukraine as a country that has an ambitious goal to become a full member of the European Community. In the context of the above, the work of the authors' teams is informative and interesting in particular regarding new approaches to providing of environmental management in Ukraine on the way to Euro integration (Gulac *et al.*, 2019; Gulac *et al.*, 2019; Kachur *et al.*, 2020), legal grounds for social work organization in rural communities of Ukraine (Vasiuk *et al.*, 2020; Kutsevych *et al.*, 2018), foreign experience ensuring sustainable development of local self-government (Ladychenko *et al.*, 2021; Funta *et al.*, 2016) and analysis of the phenomenon of the modern Ukrainian voter (Oleksenko *et al.*, 2021), in which the authors give considerable attention to issues of social protection in Ukraine and the need to adapt it to relevant European standards.

Conclusions

The Swedish model of welfare state is a unique historical, political and legal phenomenon. Sweden's welfare state differs significantly from other welfare state models by significant government intervention in the redistribution of total social income through a system of taxes and social benefits from low-risk to high-risk groups, from high-income to low-income citizens and between different stages of human life which achieves the equalization of incomes of citizens, the elimination of class differences and contributes to the reduction of social tensions in society.

A significant asset of Sweden in the social sphere is a balanced, detailed and prescribed rules of social law, which regulate relations at all stages of human life so that a person feels protected throughout the life. State intervention in all spheres of public life without exception, high taxes and proportional taxation, redistribution of social benefits, control over the implementation of social legislation has secured for Sweden a leading position in the world in many respects.

Sweden has an extensive social security system in which the state plays an important role.

The state provides social assistance (various directions of subsidies and payments, or tax deductions) not only to vulnerable groups (children, pensioners, unemployed, low-income citizens), but also supports citizens in various life situations (construction costs, housing costs, student grants, maternity benefits, etc.) and in all areas at different stages of human life.

In addition to state aid, Sweden has a well-developed system of assistance with insurance funds, public programs that combine both corporate elements and private insurance policies. Trade unions play a special role.

A significant number of state institutions established to ensure the social sphere and institutions for monitoring the implementation of social legislation provide a stable existence of the welfare state, and sufficient access of public institutions and organizations to the functioning of the social sphere confirms the high development of Sweden as a welfare state.

The monopoly of the Swedish welfare state as the main supplier and employer in the social sphere and the extent of state intervention in economic life in accordance with the concept of the Swedish model allows to put Sweden in first place among developed countries. The very intervention of the state in all spheres of life is defined by critics of the social model of welfare state of Sweden as the main shortcoming that negatively affects many social processes and phenomena in the country.

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