An extended abstract of the paper on the subject of:

SOCIAL AND HUMAN RIGHTS AND STATE FUNCTIONS TO PROVIDE THEM

Abstract. In the article, there is an attempt of theoretical and methodological analysis of social and humanitarian rights; it was found that existed approaches are based on a wide, narrow and narrowed understanding of them; justified the classification structure and disclosed the content of the social and humanitarian rights system as the bases for defining the state functions on their ensuring.

Key words: social rights, humanitarian rights; structure of social rights; structure of humanitarian rights.

Problem setting. Social and humanitarian rights are the important element in the law system as those, which regulate relations in key spheres of society. The task of identification and classification of social and humanitarian human rights and freedoms acquires an important practical meaning for public administration during development of social and humanitarian policy legal support. It also aims to facilitate the promotion of completeness of their justification, the sequence of such rights presentation in legislation, defining of legally determined remedies of their protection and realization conditions creating.

The analysis of the last publications on the problematic and defining unsolved parts of general problem. Human rights, in general, social and humanitarian rights in particular, are the object of scientific researches for many Ukrainian and foreign scientists. Together with this, in modern law theory and practice, theory and practice of public administration, there is no clear
understanding, contented definition and differentiated structuring as social as humanitarian rights. It determined the research theme choice.

The aim of the article is the theoretical and methodological analysis of approaches to social and humanitarian rights, justification on their bases the classification structure of social and humanitarian rights system as a necessary condition for concretization of state functions on their ensuring.

Main material presentation. The conducted research discloses that the social and humanitarian rights are multiaspect and multilevel system of interconnections and interdependences of whole complex: legal, social and humanitarian, social and legal, humanitarian and legal relations. The essence and the content of social and humanitarian rights system are determined by: group of basic (fundamental), profiling (special, concretized) and comprehensive human and citizens’ rights and freedoms; specificity and interconnection of personal, collective and mixed human and citizens’ rights and freedoms; existed international, national, collective and individual rights; the scope of social and humanitarian sphere, as a social and humanitarian policy object; processes of formation, functioning and level of social and humanitarian relations development in general, and legal relations in social and humanitarian spheres in particular; etc.

Conclusions.

1. On the current stage, there are such main approaches to structuring of social rights: social rights in the social relations sphere; social rights in social sphere as a subsystem of social relations; social rights in the sphere of social protection and social ensuring.

2. In accordance with existed approaches, key elements of humanitarian rights system are: individual human and citizens’ rights and freedoms in all spheres of society (human rights law); individual human and citizens’ rights and freedoms in humanitarian sphere; individual human and citizens’ rights and freedoms in an armed conflicts period.

Perspective research directions. From the point of scientific and practical needs of formation and performing the public social and humanitarian policy, it is
important to execute the task of international and national documents analysis on the subject of social and humanitarian rights identification and defining mechanisms of their ensuring.