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## PRAGMATICS OF THE UNIFIED SOCIAL TAX

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### Purdenko O. A. Pragmatics of the Unified Social Tax

The aim of the article is to conduct a detailed analysis of UST receipts to centralized funds in the aspect of the reforms introduced in terms of deshadowing wages and assess the prospects of this fee through the prism of modern integration. The article analyzes the indicators of payment of the Unified Social Tax and the distribution of its receipts between centralized funds. The atypical functions of state insurers accompanied by abuses in the aspect of using insurance payments are singled out. Significant shortcomings in the administration of UST in terms of non-insurance principles inherent in state insurers, including the existence of non-insurance payments, are identified. Examples of abuses of imperfections in the norms of the current legislation and social insurance funds in favor of commercial structures are given. There analyzed main indicators of payment of the Unified Social Tax for the last years according to the data of the SFS of Ukraine, taking into account the changes in its rates.

**Keywords:** social insurance, Unified Social Tax, state personal insurance.

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### Пурденко О. А. Прагматика єдиного внеску на загальнообов'язкове соціальне страхування

### Пурденко Е. А. Прагматика единого взноса на общеобязательное социальное страхование

Мета статті полягає у проведенні детального аналізу надходжень ЄСВ до централізованих фондів в аспекті запроваджених реформ з детинізації заробітних плат та оцінки перспектив даного збору через призму сучасної інтеграції. Проаналізовано показники зі сплати єдиного внеску на загальнообов'язкове соціальне страхування та розподіл даного внеску між централізованими фондами. Виділено нетипові функції державних страховиків, що супроводжуються зловживаннями у використанні страхових внесків. Виокремлено суттєві недоліки в адмініструванні ЄСВ щодо притаманності державним страховикам нестрахових принципів, у тому числі існування виплат нестрахового характеру. Наведено приклади зловживань, викликані недосконалістю норм чинного законодавства, з боку Фондів соціального страхування на користь комерційних структур. Проаналізовано основні показники зі сплати єдиного внеску на загальнообов'язкове державне соціальне страхування протягом останніх років за даним ДФС України, з урахуванням зміни ставок. Надано пропозиції щодо вдосконалення системи соціального страхування в Україні.

Цель статьи заключается в проведении детального анализа поступлений ЕСВ в централизованные фонды в аспекте проводимых реформ по детенизации заработных плат и оценке перспектив данного сбора через призму современной интеграции. Проанализированы показатели по уплате единого взноса на общеобязательное социальное страхование и распределение данного вклада между централизованными фондами. Выделены нетипичные функции государственных страховщиков, сопровождающиеся злоупотреблениями в использовании страховых взносов. Определены существенные недостатки в администрировании ЕСВ, касающиеся присущих государственным страховщикам нестраховых принципов, в том числе существование выплат нестрахового характера. Приведены примеры злоупотреблений, вызванных несовершенством норм действующего законодательства, со стороны Фондов социального страхования в пользу коммерческих структур. Проанализированы основные показатели по уплате единого взноса на общеобязательное государственное социальное страхование в течение последних лет по данным ФНС Украины, с учетом изменения ставок. Даны предложения по усовершенствованию системы социального страхования в Украине.

**Ключові слова:** соціальне страхування, єдиний внесок на загальнообов'язкове соціальне страхування, державне особове страхування.

**Ключевые слова:** социальное страхование, единый взнос на общеобязательное социальное страхование, государственное личностное страхование.

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The current priority in the development of Ukraine is reforming the national economy in the direction of sustainable operation of the system for effective protection of the population from the negative impact of social risks, since the complicated political and economic situation requires a maximum concentration of efforts and resources to achieve social security. During the last years the social insurance system Ukraine, in addition to the growing demand for social benefits, faces more new challenges dictated by military operations in the east of the country. Moreover, at the same time long-term tasks related to the financing of the health care and pension systems under conditions of population aging need to be addressed. Also the integration of Ukraine into the European Union requires revising the organizational and economic mechanism of social insurance, because there is a need to improve the system of social events fees, in particular, the Unified Social Tax (UST), to increase the transparency of financial flows and targeted use of financial resources.

The above mentioned indicates intensifying the role of social protection of the population and the need to reform the current system of mandatory state social insurance with regard to the pragmatic research data.

A number of contemporary scientists are paying certain attention in their studies to the social insurance system in Ukraine, among them are: K. Borychenko [5], A. Viknianska [16], A. Vdovychenko [15], M. Horna [4, 6, 7], H. Kozoriz [9], T. Kozyr [8], Yu. Konoplina [10], O. Mazurenko [11], I. Storonianska [16], D. Serebrianskyi [15], V. Sariohlo [14], I. Tyvaniuk [8], and others. But at the same time the issue of pragmatics of UST with regard to modern changes is paid insufficient attention. Thus, there is a need in a detailed scientific research.

The aim of the article is to carry out a detailed analysis of receipts to central funds in the aspect of the implemented reforms in the deshadowing of salaries and assess the prospects of the fee through the prism of the modern integration.

The main element of social protection of population is social insurance, which is realized through the system of

UST administration. In Ukraine, according to the current legislation, the Unified Social Tax is a consolidated insurance payment, the collection of which to the system of state social insurance is performed mandatory and on a regular basis to ensure protection of the rights of insured persons for insurance payments (services) by existing types of mandatory social insurance in cases specified by law [1]. But the modern mechanism of introduction of the Unified Social Tax in Ukraine has a number of significant shortcomings.

The current social insurance system in Ukraine is realized through specialized insurers — represented by state bodies of social insurance, but in addition to the functions of the insurer, the above mentioned bodies perform a number of other, not insurance, functions, which leads to overburdening the system and the likelihood of misuse of insurance resources and other abuses.

Fig. 1 shows the distribution of resources from the Unified Social Tax receipts between the state insurance funds.

Given the above, it should be noted that in 2013 and 2012 the volume of distribution of resources had a slightly different view, namely: the Pension Fund of Ukraine got 89% from the total volume of receipts, the Social Insurance Fund for Temporary Disability and the Fund of Mandatory State Social Insurance of Ukraine against Unemployment — 5%, and the Fund of Social Insurance Against Industrial Accidents and Occupational Diseases of Ukraine — 4%. Since 2014 the Fund of Social Insurance Against Industrial Accidents and Occupational Diseases of Ukraine has been obtaining 3% from the total volume of receipts and the Social Insurance Fund for Temporary Disability and the Fund of Mandatory State Social Insurance of Ukraine against Unemployment — 4%, which is caused by the need to increase contributions to the Pension Fund of Ukraine.

Thus, in 2015 the amount of 165.4 billion UAH was transferred to the Pension Fund of Ukraine; 5.7 billion UAH — to the Fund of Mandatory State Social Insurance of Ukraine against Unemployment, which is by 3.4 billion



Fig. 1. The distribution of resources from UST receipts in 2015 according to State Fiscal Service of Ukraine [13]

UAH less than in 2012; 7.9 billion UAH — to the Fund of Mandatory State Social Insurance of Ukraine against Unemployment, which is by 1.7 billion UAH less than in 2012; 6.6 billion UAH — to the Fund of Social Insurance Against Industrial Accidents and Occupational Diseases of Ukraine, which is by 0.4 billion UAH less than in 2012.

In our opinion, the problem in Ukraine is not in filling the state insurance funds but in the misuse of insurance payments, which is to some extent caused by the existence of a number of non-specific functions of state insurers. Let us consider some of them.

Fig. 2 shows the functions of the Social Insurance Fund according to Article 9 of the Law of Ukraine “On mandatory state social insurance” dated 23.09.1999 № 1105-XIV, and the principles of social insurance – show Fig. 3.

In our opinion, the Fund’s functions related to its operation, exchange of information and participation in scientific research in the field of social insurance of the population, including participation in international cooperation, are the functions of a federal executive body but not the insurer in the social insurance system.

**A**lso, a significant shortcoming in the administration of the Unified Social Tax is the preservation of non-insurance principles, including the existence of payments of non-insurance character. According to the norms of the current legislation, the main principle of mandatory social insurance is the targeted use of insurance financial resources. And, accordingly, the expenses of the Social Insur-

ance Fund are to be exclusively targeted, that is, in favor of a particular insured person, in the case of an insured event.

The above shows that the principles of social insurance differ significantly from the basic principles of insurance, such as competitiveness; free choice of the insurer by the insured; insurable interest; utmost good faith; compensation within the actual damage caused; franchise; subrogation; contribution, etc. Especially painful for insurers is the lack of good faith of the parties and competitive environment, since the services provided by the state in the aspect of social security have no alternative, and it is impossible to refuse using them.

**T**he principle of targeted use of funds is violated most frequently, and one of the possibilities for abuses is costs related to the prevention of industrial accidents. This cost item, in our opinion, should be assigned exclusively to employers, and the Fund can provide assistance only in the aspect of non-material nature, since this is a direct violation of the insurance principle. After all, the practice of social insurance has already had precedents related to abuses precisely under the above mentioned item on the use of insurance payments. Thus, the Communications Department of the General Prosecutor’s Office of Ukraine reported: “During 2011-2012 the heads of the Executive Directorate of the Fund of Social Insurance Against Industrial Accidents and Occupational Diseases of Ukraine, abusing their official position and acting in the interests of commercial structures, included in the transfer and acceptance acts

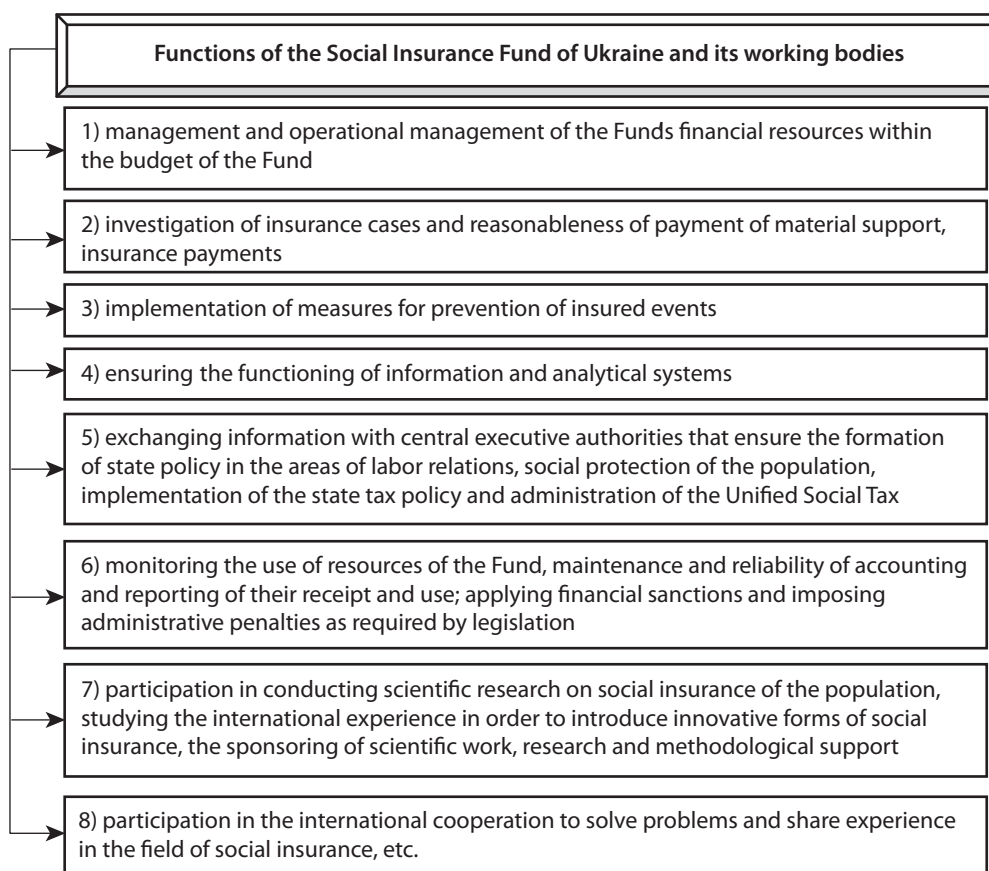


Fig. 2. Functions of the Social Insurance Fund of Ukraine and its working bodies [2]

### The principles of social insurance

- legislative definition of the conditions and procedure for the implementation of social insurance;
- mandatory insurance of individuals in accordance with types of social insurance and possibility of voluntary insurance in cases specified by law;
- state guarantees of realization by the insured persons of their rights;
- mandatory financing by the Fund of expenses related to the provision of material support, insurance payments and social services, in the amounts specified by law;
- the formation and use of resources of insurance funds on the basis of solidarity and subsidizing;
- differentiation of the amount of benefit payments depending on the pension insurance record;
- differentiation of the insurance rate, taking into account the conditions and the state of occupational safety, the rate of industrial injuries and occupational diseases at each enterprise;
- economic interest of insurance entities in improving labor conditions and safety;
- targeted use of social insurance;
- responsibility of employers and the Fund for the implementation of the rights of the insured person for material support and social services under the Law

**Fig. 3. Principles of social insurance [2]**

and paid for individual services on conducting seminars and documentation services, development of prevention systems, technical rules and recommendations, production and placement of publications in the media that were not actually provided. As a result, the Fund suffered damages totaling UAH 618,000..." [12].

Costs associated with the payment of compensation to employers (as well as small business enterprises) that employ citizens also remain problematic. Since such expenses only indirectly meet the criterion of social insurance in relation to the insured person.

The existence of costs associated with the financing of measures for prevention of insurance cases is also quite controversial and may contribute to abuses. Thus, the concept of other preventive measures defined by the Directorate of the Fund, in our opinion, is advisable to be excluded from the list of expenditure, because decisions are taken by the Directorate of the Fund, and there is no specific content filling that can serve as the basis for the misuse of funds. Given the above mentioned we believe that the concept of "Prevention of insurance cases" requires excluding from the list, since prevention and insurance are different areas that can not intersect in the area of social insurance.

Costs associated with organizing the involvement of disabled people in public life do not stand up to criticism from the position of insurance either, as this item does not correspond to any of the principles of social insurance.

There exist certain problems in the aspect of filling the Social Insurance Fund at the expense of UST, since in recent years this fee has become "a mechanism of deshadowing of wages", which doesn't meet the intended purpose of the fee. Thus, in 2016 the rate of the Unified Social Tax was changed from the minimum amount of 36.76% (the maximum one is 49.7% depending on the class of professional risk of the manufacture, and at calculating remuneration for civil contracts — 34.7%) to the standard amount of 22%. The main purpose of reduction of the rates was to increase budget revenues through the "legalization of wages and employment" [3]. Let us analyze the basic indicators of paying the Unified Social Tax in recent years according to the data of the SFS of Ukraine presented in *Table 1* [13].

The above data indicate that on the background of increasing total revenue, which is accrued on the Unified Social Tax in the first half of 2016, the receipts from this fee declined by 19 bln UAH, the reason being reduction of rates. But the fact of a decrease in the number of insured persons in the first half of 2016, which proves that the legalization of employment and wages did not occur, is incontrovertible. The question of the increase in the arrears in the payment of UST and the decrease in the average number of insured persons remains quite worrying, as the number of insured persons increases.

Conclusions and perspectives for further research. The above mentioned suggests that the potential of the Unified Social Tax is not implemented in full, particularly in terms of targeting insurance payments. In our opinion, it is necessary to relieve the funds from the functions that are not specific to them, following only the insurance principle in social insurance. Also, the introduction of any changes in the social security system should be aimed exclusively at the social insurance aspect, since, judging from experience, using the Unified Social Tax as a mechanism of influence on business does not lead to success. ■

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Table 1

## Indicators of payment of The Unified Social Tax in 2012 – the first half of 2016

Indicator	2012		2013		2014		2015		2016
	per I half of the year	per year	per I half the year	per year	per I half the year	per year	per I half the year	per year	per I half the year
Total revenue, ths hrn	224574.6	457216.0	237866.4	487353.3	234587.2	471685.2	236753.6	512428.8	292121
The total amount of revenue on which UST is accrued, ths hrn	212913.8	435430.3	225708.8	464459.8	222128.2	445048.5	217044.5	472771.8	269070
The accrued amount of UST, ths hrn	77849.9	159221.7	82392.7	168247.7	81018.9	161779.3	77090.6	165738.7	58053.3
The arrears amount on the payment of UST at the end of the reporting period	926.4	1377	1833.2	2766.2	2839.5	4683.3	6136.2	6671.1	6982.8
The number of payers at the end of the reporting period (legal entities and individuals), ths people	1791.1	1866.7	1854	3856	3878.9	3774.9	3720	3763.3	3839.9
Average number of employees at the end of the reporting period, ths units	13629.9	13491.3	13278	12252.4	11619.3	10929.3	10243.4	10599	10273.9
Number of debtors at the end of the reporting period, ths units	82.6	67.6	175.1	313.9	375	413	429	431	442.3

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