



LABOR RESOURCE MANAGEMENT AT THE MACRO LEVEL AS SOCIAL SECURITY IN THE CONTEXT OF EUROPEAN INTEGRATION

Maryna Yunina ¹, Tetyana Kurylo ², Marina Novytska ³, Oleksandra Nestertsova-Sobakar ⁴,
Olena Kryzhanovska ⁵

^{1,4} Dnipropetrovsk State University of Internal Affairs, Ave. Gagarina, 26, Dnipro, 49005, Ukraine

² Lviv State University of Internal Affairs, 26 Horodotska Street, Lviv, 79000, Ukraine

³ Sumy State University, 2 Rimsky-Korsakova Street, Sumy, 40000, Ukraine

⁵ Odessa State University of Internal Affairs, Uspenskaya street, 1, Odessa, 65000, Ukraine

E-mail: ^{1*} koaduep@gmail.com

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Abstract. Since different methods for determining poverty and social inequality produce different results, they should be used in a comprehensive manner. Only in this case it becomes possible to obtain a reliable evaluation of poverty in the country and justify the main directions of social policy to overcome it. Poverty profiles differ depending on monetary and non-monetary approaches: high risks of monetary poverty are inherent in children, and non-monetary poverty is higher among older age periods. When using monetary approaches, the highest risks of poverty are typical for large families and for families that simultaneously include children and the unemployed. Households with three or more children have also increased risks. When using non-monetary criteria, the group with the highest risks of poverty is households that consist only of people in the older age periods (60 years and older). Conditions of life of more than a quarter of Ukrainians do not meet even the minimum standards of the European Union for food, consumption of non-food goods and services, proper living conditions, etc. It is proved that the high level of poverty in Ukraine has increased the market for commercial surrogacy. Particular attention is paid to the rules of current Ukrainian legislation governing surrogacy. Based on results of the study of characteristics of surrogacy institution in Ukraine, the authors identified the main mechanisms of legal regulation of surrogacy.

Keywords: social security; poverty level; sustainable development; social standard; surrogacy arrangement

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1. Introduction

Social security is a universal scientific, political, legal, educational, legal, social, managerial and methodological-psychological category. No matter how you look at it, it is vital- like water, air, warm, food, etc. Person in danger loses health and satisfaction with life, needs protection from dangers, from violation of human rights and freedoms.

Dangers in a person's life change the outlook, primary needs become priorities and everything related to development is postponed for a certain period or not implemented at all. There is a deformation of consciousness and arise circumstances when a person through the lack of social security conditions, faces a choice - to continue living in these conditions, change these conditions, or leave the homes, move to safer and more favorable conditions for themselves and the families. It is useless to expect significant progresses in human and social development from people living in conditions of constant dangers.

There is an accelerated degradation of society under such conditions, which does not contribute to human social security. Here, the moral and spiritual decline increases, civil society does not become a subject of social relations, but performs the role of an object that is satisfied with any improvement of the situation, and does not become the creator of the future.

The low level of society social security is determined by the weak legal and contractual protection of the members, pessimistic prospects for social, labor, and innovation activity of citizens, high level of poverty, unemployment, crime and inequality, as well as the growth of corruption and shadow relations. These negative phenomena undermine the national unity and consolidation of the Ukrainian Nation, undermine the prospects for a successful future for both the state and person.

In accordance with the sustainable development Goals (2015-2030) approved at the UN summit in September 2015, solving the problems of overcoming poverty and reducing inequality, improving living standards and ensuring access to basic services for all segments of the population, the development of social infrastructure are priorities of the world community. Ensuring the right to protection from poverty and social exclusion is also one of the main directions of the European social Charter (revised), which was ratified by the Verkhovna Rada of Ukraine in 2006.

In our opinion, the main reason why Ukraine is becoming a Mecca for those who want to use surrogacy services is economic, namely the impoverishment of Ukrainians. Poverty is one of the most painful problems of our time, which affects a significant part of the world's population. The fight against poverty has always been a priority of the European Union.

2. Literature Survey

Studying the peculiarities of legal regulation of surrogacy, while respecting human rights, dignity and safety, it requires definition of the essence of this concept. It should be noted that first and foremost appeared the concept of "surrogate mother". Thus, in the 1989 Council of Europe Report on Human Artificial Procreation, a surrogate mother meant a woman who bears a child for another person and, prior to fertilization, had agreed to put the child in the hands of that person (Report on Human Artificial Procreation, 1989).

Surrogacy research issues have repeatedly been and remain an object of scientific interest by both foreign and Ukrainian scientists.

Anu et al. (2013) define surrogacy as the arrangement by which a surrogate mother bears and hands over the child to another couple or person. The authors distinguish between traditional (genetic) and gestational surrogacy. In traditional (genetic) surrogacy, the surrogate's egg is fertilized by the intended father's sperm. In this case, the surrogate mother is the genetic mother of the child. In gestational surrogacy, the embryos that are genetically unrelated to the surrogate mother are implanted in the uterus of the surrogate mother, the parents are the persons to whom the embryos belong.

According to Simopoulou et al. (2018), surrogacy is a reproduction-based approach in which intended parents entrust pregnancy and birth of a child to another woman – a surrogate mother. People may seek a surrogacy arrangement mostly due to infertility, health risks, parenthood of same-sex couples and also in cases of diverse sexual identity and orientation.

The position of Beier (2015) is based on the fact that in surrogacy there is a relationship that creates a complex and extended reproductive unit - a "triad of surrogacy" consisting of a surrogate mother, a child and parents who

intend to cooperate with mutual trust.

In his study Laufer-Ukeles (2018) pays special attention to international surrogates. The scientist notes that they are most sensitive to scrutiny by intended parents because of greater authority, economic and educational differences. And since international surrogates are particularly alienated and distant from the intended parents, their well-being is likely to fall under the interests of the fetus.

Patel et al. (2018) identify surrogacy as an important method of assisted reproductive technology when a woman bears a baby for another couple. A large number of couples worldwide needs surrogate services for various reasons. While such arrangement seems beneficial to all interested parties, it has complex social, ethical, moral and legal issues. Specifically, due to these complexities, the practice grew unpopular in many countries around the world. Surrogacy is an important medical service for all couples who cannot otherwise have children.

In the context of surrogacy, the study by Walker & van Zyl (2016) on the issue of altruistic motivation, which is usually required of surrogate mothers, living organ donors, clinical trial subjects, and health care providers, is interesting. Altruism, understood as engaging in the desire to help others, often creates various conceptual and ethical difficulties. The authors argue that promoting the virtue of generosity is better than seeking altruistic motivation, since generosity is reciprocated, as well as legitimate concern for oneself.

Boldizhar (2019), by surrogacy, understands one of the most commonly used methods resorted by married couples who are unable to have children on their own. The scientist draws attention to the need for proper legal regulation of this sphere of legal relations, since the lack of proper legislative regulation gives rise to certain threats and risks, which can lead to insecurity of the rights and legitimate interests of the participants entering into the relationship of surrogacy.

As Kaminska & Bondar (2018) point out, that at first glance, surrogacy seems like a simple agreement whereby a couple finds a woman to be fertilized by embryos created from the gametes of that couple for the birth of a baby. However, in practice, these arrangements are complicated by various factors and, as a result, legal obstacles to surrogacy at national level may cause individuals to seek surrogacy services in other countries.

3. Methods

During the analysis, the following methods were used: analysis of regulatory acts, aimed at implementing the Strategy to overcome poverty (hereinafter-Strategy); effectiveness evaluation of the Ministry of social policy, other central executive authorities, regional and Kyiv city state administrations in implementing measures to implement the Strategy; analysis of the implementation of action plans for the implementation of the Strategy; analysis of information, plans, reports, and other documents that characterize the implementation of the Strategy measures; analysis of financial support for the implementation of the Strategy; analysis of statistical data, researches, indicators of poverty and social development of the country and regions; requests for analysis, processing of mass media materials, internet-publications; receiving explanations from officials of the analysis objects.

The basis of the surrogacy study, in particular, the essence of the concept, types, legal aspects of legislative regulation, were presented by dialectical, comparative-legal, formal-legal and system-structural methods.

The dialectical method was used to reveal the essence of the concepts of "surrogate mother" and "surrogacy" by examining the approaches of both foreign and Ukrainian scientists for whom the problem of surrogacy was and remains an object of scientific interest.

The comparative legal method was used to determine specifics of legal regulation of surrogacy in different European countries, including Ukraine. This enabled us to determine in which countries application of assisted reproductive technologies in the form of surrogacy is prohibited and entails liability; in which countries it is allowed, but with certain restrictions, especially with respect to the commercialization of this phenomenon; in which countries it is allowed, including cash rewards.

Interpretation of the current Ukrainian legislation governing issues related to surrogacy is made using the formal-legal method. In particular, conditions for surrogate (substitute) motherhood are outlined; indications for surrogacy; who may be the surrogate mother of a child; the algorithm of implementation of additional reproductive technologies by the method of surrogacy; a list of documents required for the surrogacy of a surrogate mother and the couple in whose interests it is exercised; peculiarities of application of the rules of civil law for conclusion of a surrogacy agreement, etc.

According to the results of the study of surrogacy institution features in some European countries, including Ukraine, using the system-structural method, the authors identified the main mechanisms of legal regulation of surrogacy.

4. Results

Countries that have traditionally provided these services such as India, Nepal and Thailand are now closed to requests for surrogates. This happened because of reports of exploitation of women. This has led to the emergence of new surrogacy centers in recent years.

Many Europeans prefer to go to Ukraine, where the services of surrogate mothers cost about 38 thousand – 50 thousand dollars, and not in the United States, where this procedure costs twice as much (Surrogacy in Ukraine).

For many years, the living wage has not served as a basic social standard for determining an adequate standard of living for citizens, but used as a calculated indicator for balancing the State budget of Ukraine, which violates the constitutional rights of millions of Ukrainian citizens to an adequate standard of living and adequate social protection. The sizes of the legally established and actual subsistence minimum per month on average per person in 2017-July 2018 is shown in Figure 1.

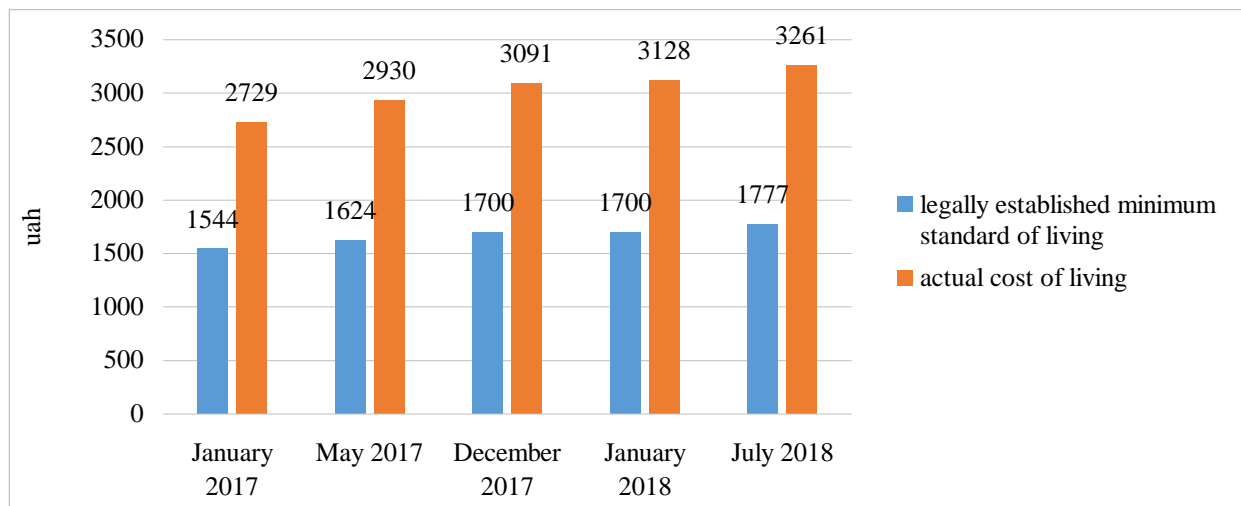


Figure 1. The amount of the legally established minimum standard of living and actual cost of living per month on average per person in Ukraine

The source is based on https://rp.gov.ua/upload-files/Activity/Collegium/2018/23-3_2018/Zvit_23-3_2018.pdf

The function of minimum standard of living as a fundamental instrument of social policy is offset by the presence of a number of problems related to both systematic non-compliance with legislation requirements for the formation, and the need to review methodological approaches to the definition.

Data on monitoring the effectiveness of the implementation of the poverty reduction Strategy in Ukraine for 2016-2017 and I quarter/half of 2018 in the main areas are shown in Table 1.

Table 1. Data on monitoring the effectiveness of the implementation of the poverty reduction Strategy in Ukraine by the main areas

Main areas of the Strategy	Monitoring indicators	2016	2017	I half 2018
Expanding access to productive employment, promoting the growth of the population incomes from employment and payments in the state social insurance system to ensure decent work conditions	Employment rate of the population aged 15-70 years percents	56,3	56,1	55,9 (I qr.)
	Share in the income structure of the population of wages, percents	42,1	44,3	49,8 (I qr.)
	Share of incomes from business and individual activities in household income, percents	5,2	4,4	X
	Poverty rate among people of retirement age	22,6	24,6	X
	The growth of available incomes per one person, UAH	35776,9 (+4732,6)	43592,8 (+7815,9)	(I qr.) 11370,2 (+2761,6)
	Growth of the average monthly salary of full-time employees by types of economic activity, UAH (as % of the corresponding period of the previous year)	5183 (+23,6 pr.)	7104 (+37,1pr.)	8377 (+26.2 pr.)
	Growth in real salary per employee, percents	109,0	119,1	(january - june) 112 pr.
	Growth of the average amount of the assigned monthly pension to pensioners who are registered in The Pension Fund officials, percents in January to compared to January of the base year (average pension amount, UAH)	107,5 (1700.2 UAH)	107,5 (1828,3 UAH)	135,7 (2480.5 UAH)
	Growth of the minimum salary, percents (minimum salary amount, UAH)	116,1 (1600 UAH)	in 2 (3200 UAH)	116,3 (3723 UAH)
Ensuring public access to social services regardless of residence place, minimizing the risks of social exclusion of rural population	Growth of the minimum pension, percents (average amount of the minimum pension, UAH)	113,2 (1121 UAH)	118,2 (1325 UAH)	109,8 (1456 UAH)
	Level of employed population aged 15-70 years, living in rural area, percents	54,9	54,4	(I qr.) 52,8
	Share of rural households that suffer from the lack of regular daily transport links to 3 localities with more developed infrastructure, percents	-	23,0	X
	Share of full-time general educational institutions students, who continue to study in 10 class, percents	60,3	58,9	X
	Share of households in which there are persons who during the last 12 months were unable to receive medical care or purchase medicines, percents	23,1	29,7	X

Minimizing the risks of poverty and social exclusion of the most vulnerable categories of the population	Number of children with disabilities covered by rehabilitation services, thousands people	15,5	18,1	X
	Under-one-year-old mortality rate per 1,000 live births, percents	7,4	7,6	X
	Number of children in pre-school educational institutions with special purpose groups	65606	65044	X
	Number of children who have received the status of orphans and children deprived of parental care	10132	10386	X
	Share of children covered by family forms of upbringing (adoption, guardianship, guardianship, family-type orphanages, foster families), out of the total number of orphans and children deprived of parental care, percents	91,5	91,3	X
	Share of poor families with many children, percents	49,0	63,3	X
	Share of employed persons with disabilities, percents	25,6	25,8	X
	Share of working-age employees among persons with disabilities, percents	20,5	20,4	X

The source is based on https://rp.gov.ua/upload-files/Activity/Collegium/2018/23-3_2018/Zvit_23-3_2018.pdf

Some indicators that characterize the situation in the labor market have slightly decreased: the employment level of the population – from 56.3 percents in 2016 to 56,1 percent in 2016; the employment level of the population aged 15-70 years, living in rural areas from 54.9 percents in 2016 to 54.4 percents in 2017.

The share of employed persons has increased in the total number of internally displaced persons who applied to the state employment service, and in 2017 it was 33.9% against 28% in 2016, as well as the share of employees with disabilities – 25.8% in 2017 against 25.6% in 2016.

No less acute than the problem of poverty in Ukraine is the problem of social exclusion –limited access of certain categories, especially the socially vulnerable, to vital goods and services and a low level of access to social services for the general population.

The main reasons for the formation of social exclusion were for many years the lack of paid, stable work; instability or insufficient level of payment of social transfers; living in rural areas (due to poor employment opportunities and poor infrastructure to meet material and spiritual needs); lack of family ties, communication with friends and mates; inadequate living conditions; belonging to a certain social group (discrimination based on gender, age, religion, nationality, etc); poor health.

The situation in Ukraine with full access to health services is very unfavorable. In 2017, 13.4% the population suffered due to the lack of a health facility or pharmacy near the homes (this indicator increased by 1.1% of point compared to 2015). Infrastructure restrictions also include the inability to receive emergency medical services in a timely manner (in 2017, as in the previous survey period, 14.8% the population could not get such services). Almost the third part of the population in 2017 (29.7%), despite the need, could not receive medical care or purchase medicines. Significant decrease in this indicator in 2016 (to 23.1%) was completely leveled and even exceeded the level of 2015 (see Table 2).

Table 2. Indicators for the implementation of the poverty reduction Strategy for 2015-2017 and the target for 2018

Indicators	2015	2016	2017	2018
				target
Poverty level by absolute criterion for comparison with international indicators (according to the World bank methodology), percents	2,4	2	1,9	0,8
Relative poverty level (60% the median level of average weekly equivalent incomes using the European Union equivalence scale : 1,0;0,5;0,3 percents	8,1	7,7	8,3	6,6
The poverty level according to the absolute criterion (the costs are below the actual minimum standard of living), percents	58,3	58,6	47,3	23
Including among working persons, percents	42,6	42	23,7	17
The unemployment rate of the population aged 15-70 years according to the methodology of the International labor organization, percents, economically active population of appropriate age	9,1	9,3	9,5	9,2
The share of funds (excluding rent subsidy) that reach up to 30 % the poorest population as a result of state social assistance programs performance, percents	41,3	37,6	43,6	43
The share of the poor population (expenditures below the actual minimum standard of living) covered by social support programs (social benefits, rent subsidies, child allowances, assistance to low-income families, and other types of social assistance), percents	63	70,3	73,6	61

The source is based on https://rp.gov.ua/upload-files/Activity/Collegium/2018/23-3_2018/Zvit_23-3_2018.pdf

So, the analysis of Strategy implementation indicators shows that the 2018 targets for certain indicators will not be reached. However, there are positive developments, in particular, the general improvement in the situation with poverty and in the system of support for the poor. These positive changes were primarily due to the increase in the minimum salary and the reform of social support programs.

In the period that was studied, three stages of the development of the situation with poverty in Ukraine can be clearly traced (Figure 2):

- 1) The stagnation period in 2010-2013: indicators for all criteria were relatively stable, with no noticeable fluctuations.
- 2) 2014-2016: sharp increase in the poverty level by absolute criteria;
- 3) 2017: reversal of negative trends, sharp decrease in the poverty level by absolute criteria against the background of an increase in the relative poverty level.

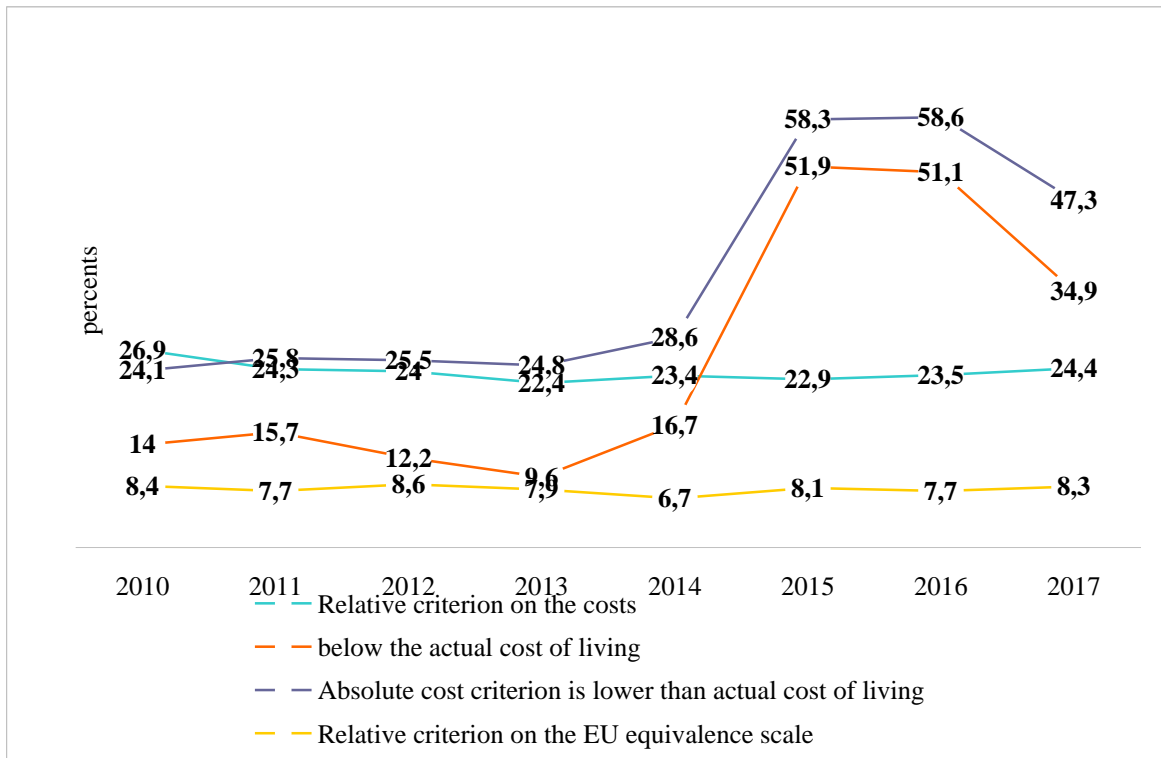


Figure 2. Dynamics of poverty rate in 2010-2017 in the Ukraine

The source is based on https://rp.gov.ua/upload-files/Activity/Collegium/2018/23-3_2018/Zvit_23-3_2018.pdf

The most vulnerable socio-demographic group of the population, according to 2017 data, are children (0-17 years old) almost a third of whom fall into the category of poor according to the relative criterion (the relative poverty level is 32.5%). The second group at risk of poverty is teenagers (aged 16-19 years old) among whom the relative poverty level is 27.8%). Another vulnerable group is those aged 75 and over, 25.5% they are poor by relative criteria, although the overall relative poverty level for pensioners is not much lower – 24.6%.

In 2017, the gap in poverty indicators between city and village is increasing, both by absolute and relative criteria. Small cities are increasingly gravitating towards rural localities and moving away from the indicators of large cities. According to the absolute criterion, the poverty level in small cities significantly exceeded the value not only of the average Ukrainian, but also in rural areas. So, the situation in small cities is getting worse against the all-Ukrainian background and further.

Almost one in three households with children does not “reach” the relative poverty line, and in 42.5% total equivalent incomes are lower than the actual cost of living per person.

The worst situation among all types of households are traditionally found in large families (with three or more children), households with two children, and households with at least one unemployed person. So, the high risks of poverty, as before, are mainly households with children, which form the main set of poor families.

The main factors that influence a woman’s decision to become a surrogate mother are poverty, unemployment, and the need to provide education for children. In many cases, women are pressed by

men to get the opportunity to buy a house, garage, or family business organizations, with the money they earn in this way. Many foreign experts claim that in 2019, the demand for the Ukrainian market increased by 1000% (Known results of the study "Child trafficking in Ukraine: Sale of children and surrogacy").

Independent experts point out that in Ukraine there is no control and regulation of this sphere, and the biggest lacuna- a certificate of genetic relationship instead of a DNA –test is issued by the clinic, which makes it possible to numerous speculations and actually trafficking in children, if the child is not genetically related to the parents.

In Ukraine, the current regulatory framework for regulation of surrogacy issues is presented by the Civil Code of Ukraine of January 16, 2003, the Family Code of Ukraine of January 10, 2002, the Law of Ukraine "Fundamentals of the Legislation of Ukraine on Health Care" of November 19, 1992, Order of the Ministry of Health "On approval of the Procedure for the use of assisted reproductive technologies in Ukraine" of September 9, 2013.

Part 2 of Art. 123 established that in case of transferring a human embryo conceived by a married couple (a man and a woman) in the result of using an assisted reproductive technology into the body of another woman, the parents of the child are the married couple (Family Code of Ukraine, 2002). Thus, in the legal sense, the child's parents in a surrogacy relationship are the married couple, not the surrogate mother.

According to Art. 48 of the Law of Ukraine "Fundamentals of the Legislation of Ukraine on Health Care" embryo implantation is carried out in accordance with the conditions and procedure established by the central body of executive power, which ensures formation of state health policy, according to the medical indications of an adult woman with whom such action is conducted, subject to the written consent of the married couple, ensuring the anonymity of the donor and maintaining medical secrecy (Law of Ukraine № 2801-XII, 1992)

More specific issues of surrogate (substitute) motherhood in the Order of the Ministry of Health of Ukraine "On approval of the Procedure for the use of assisted reproductive technologies in Ukraine". Accordingly, the necessary conditions for surrogacy are the following:

- (1) medical indications for surrogacy;
- (2) documents required to carry out surrogacy procedures;
- (3) the married couple (or one of the intended parents) in whose interests the surrogacy procedure is performed must be genetically related to the child;
- (4) the surrogate mother should not be directly genetically related to the child. Gestation is permitted to close relatives of the intended parents (mother, sister, cousin, etc.) (Order of the Ministry of Health of Ukraine № 787, 2013).

Medical indications for surrogacy include:

- (1) absence of the uterus (congenital or acquired);
- (2) deformation of the uterine cavity or the cervix in congenital malformations or as a result of surgical interventions, benign tumors, which make pregnancy impossible;
- (3) structural-morphological or anatomical changes of the endometrium leading to loss of receptivity, intrauterine adhesions, which are not treatable;
- (4) severe somatic conditions which threaten pregnancy and further health or life of the recipient but which do not affect the health of the unborn child;
- (5) unsuccessful repeated attempts at assisted reproductive technologies (4 or more times) upon repeated implantations of high quality embryos, the transfer of which did not lead to pregnancy (Order of the Ministry of Health of Ukraine № 787, 2013).

A surrogate mother may be an adult legally capable woman, provided she has a healthy child of her own, a voluntary written surrogate statement completed in the prescribed form, and in the absence of medical contraindications. The algorithm of implementation of additional reproductive technologies by the method of surrogacy: selection of surrogate mother; synchronization of the menstrual cycles of the recipient and the surrogate mother, preparation of embryos / cryo-embryos; the procedure for transferring the embryo to the uterus of a surrogate mother; cryopreservation of unused embryos; diagnostics of pregnancy; monitoring the surrogate pregnancy; determination together with the physician observing the pregnant woman, the method of delivery, place of delivery, method of feeding the newborn child; childbirth can be arranged with the presence of the recipient and the surrogate mother (Order of the Ministry of Health of Ukraine № 787, 2013).

The following documents are required from the surrogate mother for the surrogacy procedure: (1) application of the surrogate mother; a copy of the surrogate mother's passport; (2) a copy of the marriage certificate or the divorce certificate of the surrogate mother (except for single women); (3) a copy of the birth certificate of children (a child); (4) consent of the surrogate mother's husband to participate in the surrogacy program in a standard form. The list of documents required for the surrogacy procedure from the couple – intended parents: (1) application of the patient / patients regarding the use of assisted reproductive technologies; (2) copies of passports; (3) a copy of the marriage certificate; (4) a notarized copy of the written mutual agreement between the surrogate mother and the woman (the man) or the married couple (Order of the Ministry of Health of Ukraine № 787, 2013).

Surrogacy involves a respective agreement between the married couple (the child's intended parents) and the surrogate mother. Like any other agreement, it should be concluded on the terms and meet the requirements of the Civil Code of Ukraine. According to Art. 901 of the Civil Code of Ukraine under the service agreement, one party (contractor) undertakes to provide a service in accordance with the statement of works of the other party (customer), consumed in the course of committing a certain act or carrying out a certain activity, and the customer undertakes to pay the contractor for the requested service, except as otherwise provided in the agreement. The provisions of this Chapter may apply to all service contracts, so long as this is not contrary to the essence of the obligation. Thus, under a service it can be considered an obligation of a surrogate mother to bear and deliver a child for intended parents who are obliged to pay her compensation. Therefore, proceeding from this position, the provisions of Chapter 63 of the Civil Code of Ukraine “Services. General Provisions” (Civil Code of Ukraine, 2003) are applied to the surrogacy agreement. Based on the above, the surrogacy agreement is a specific type of service agreement.

The issue of regulation of responsibility for violation of the requirements of the legislation, the norms of which govern surrogacy, needs particular attention. It should be noted that there is no clear regulation at the legislative level on this issue. Usually, the parties resort to defining liability in the agreement itself. Whereby, infringement can be both from the side of the surrogate mother (for example, intentional termination of pregnancy), and from the side of the intended parents.

In the context of the issue under study, Mishchuk & Slabiak (2017) propose liability in the following cases:

- (1) violation of the agreement concluded between the biological parents and the surrogate mother (properly executed agreement is mandatory);
- (2) illicit medical activity (such activities may only be performed by certified medical institutions).

5. Discussion

The issue of responsibility regulation for violation of the requirements of legislation dealing with the issues of surrogacy, needs significant attention. Usually, the parties resort to defining liability in the agreement itself. Whereby, infringement can be both from the side of the surrogate mother (for example, intentional termination of pregnancy), and from the side of the intended parents. Unfortunately, there is no clear regulation at the legislative level.

Thus, the urgent need today is to create an appropriate level of responsibility for violating requirements of the surrogacy legislation in Ukraine. The resolution of such an issue seems possible by legislatively securing guarantees for rights protection of both the surrogate mother and the child's (intended) genetic parents. In this context, one of the possible ways might be regulation of specific features of a surrogacy agreement. After all, as it has been noted earlier, conclusion of such agreements is guided by the rules of the Civil Code applicable to service contracts.

Other issues in the legal relationship of surrogacy remain to be legally resolved, including the following: lack of the definition of the concept of surrogacy and the list of persons who may be the subjects of such legal relationships; peculiarities of consuming surrogacy services by foreign nationals; determining the list of cases in which clients are allowed to decline the services of a surrogate mother and refuse the expected child, etc. All the identified problems need to be solved by fixing the relevant rules in the Family Code.

Conclusions

The events that are taking place in Ukraine and the world today are characterized by the need to provide worthy responses to national and global challenges. The emergence of risks, dangers and threats to national security can be traced in all spheres (economic, social, foreign-political, national-political, state security, military, scientific-technological, environmental, information). The system of public management in the context of a systemic crisis and limited opportunities to ensure national security is constantly faced with the choice of strategic priorities and directions for the country development at the present stage and in the future.

Among the areas of national security the least developed and poorly implemented is social security. It is very limited in national security legislation. But the events that are taking place in Ukraine today require clear and balanced decisions to ensure social security of person, society and state, as well as improving the system of public management, which prevents and minimizes threats to national security in the social sphere and creates opportunities for integration into the world best social systems. Social security involves protecting the social interests of the person, society and state from internal and external threats.

Despite the lack of the law on surrogacy and the term in Ukrainian legislation, after the ban on commercial surrogacy in India, Ukraine has become extremely attractive for commercial surrogacy for foreigners for a number of significant reasons: the low cost compared to the US, for example, (approximately 30-50 thousand dollars compared to 150 thousand in the US); simple legal procedure is legally allowed (Contract for the provision of reproductive services); the minimum documents required for the procedure; the lack of legal restrictions for foreigners as in other countries; the actual lack of state control over compliance with all legal aspects; fairly high level of medicine development and reproductive technologies.

In Ukraine, the current regulatory framework for surrogacy is presented by the Civil Code of Ukraine of January 16, 2003, the Family Code of Ukraine of January 10, 2002, the Law of Ukraine "Fundamentals of the Legislation of Ukraine on Health Care" of November 19, 1992, Order of the Ministry of Health "On approval of the Procedure for the use of assisted reproductive technologies in Ukraine" of September 9, 2013.

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Maryna YUNINA

ORCID ID: orcid.org/0000-0003-0311-4591

Tetyana KURYLO

ORCID ID: orcid.org/0000-0003-1852-5480

Marina NOVYTSKA

ORCID ID: orcid.org/0000-0001-7327-502X

Oleksandra NESTERTSOVA-SOBAKAR

ORCID ID: orcid.org/0000-0003-0712-4076

Olena KRYZHANOVSKA

ORCID ID: orcid.org/0000-0002-3423-6682

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