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ON DISCUSSION ABOUT STATE'S "SOCIAL RESPONSIBILITY" IN SOCIAL SECURITY LEGAL RELATIONS

Scientific conclusions, formulated in the article, are the author's attempt to ground his personal vision of the solution of discussion on the possibility to recognize the state to be socially responsible subject in social security legal relationships on the whole.

Two approaches of scientists' researchers considering problems of social security law of both soviet and modern periods are thoroughly analyzed in the article. The author's substantiations of socially responsible subjects differ because of conceptions used by scientists for finding out the system of social security legal relations and branch of legal relations which were the object of scientific interest. The first approach: the state is the subject of branch legal relations. The second approach: the state's legal personality in branch legal relations is realized through competence of specially created subjects or by granting certain authorities to state bodies or local self-government bodies.

The author critically analyzes the conception of material, property and subsidiary responsibility in the context of arguments that such responsibility is

the ground to determine the state to be socially responsible subject in certain legal relations. The fact, that the state establishes conditions of social security and legislative limitations of person's right realization, creates the system of bodies, which are authorized to grant social payments etc., also proves that state performs functions of guarantor of realization of the rights which are recognized or proclaimed by it.

In the article two levels of interpretation of the notion "social responsibility" of the state are proposed. According to the first, the state is the subject of constitutional social responsibility which determines its status of guarantor of realization of the person's right to social security. The second level is based on the conclusion that state's legal personality in social security legal relations has mostly political, but not legal character. Authorized bodies, institutions or organizations which act on behalf of the state or by its proxy are direct subjects who perform obligations – authorities with the aim to provide realization of constitutional human right to social security in branch legal relations.