



The Legal Framework and Management of Social Protection in the Republic of Serbia

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Abstract

An important role of the modern state is to actively participate in ensuring social protection and social well-being of its citizens. The state's activities in this framework are numerous: material grants, activities in the community, help from professional workers or accommodation services. In this paper, we describe the current state of social protection in Serbia, citing the latest information about it. We pay special attention to legislation and legal frameworks. In this regard, we consider the Family Law as of 2015 and the Social Protection Law as of 2011 and 2022. Furthermore, we herewith entertain other existing legal framework in the Republic of Serbia, with reference to the guarding laws in the EU. Additionally, the paper will also describe social protection services, as well as the manner of their implementation. In the final part of the paper, we will try to critically reflect on the entire paper and thus conclude what the state of social protection is currently in the Republic of Serbia and how it can be improved.

The authors of this paper have strived to perform a detailed analysis of the existing social protection system in the Republic of Serbia and to provide recommendations and guidelines on how it can be improved.

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Introduction

In our society, the protection of individuals in social needs is carried out through a social protection system, which is part of a wider social security framework. Although there are different interpretations of the notion of social security, most authors agree that it includes a set of social and political measures that society takes to protect their members from social risks and reduce uncertainty. Social protection programs cannot eradicate severe life situations or influence their causes, but can support the most endangered people who are unable to meet basic life needs. Different terms such as social assistance, welfare and social protection are used to help existentially endangered persons, while in our legislation, the term social protection is used. (1) (2). The Constitution of the Republic of Serbia from 2006 contains numerous laws and legal acts relevant to analyzing social protection in Serbia. In the further text, we will in detail analyze the RS Social Protection Law passed in 2011 and revised in 2022, the Family Law from 2015, as well as the Strategy of de-institutionalization and social protection development for the period 2022-2026.

The Social Protection Law of the Republic of Serbia is the key legal act that regulates the field of social protection and citizens' rights to social assistance and support ^[1]. This law aims to provide adequate protection and support to the most vulnerable members of society, as well as to promote social inclusion and solidarity (3).

¹ Social Protection Law (2011). Official Gazette of the Republic of Serbia, no. 24/2011-15; 117-2022-92 Available at: <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/skupstina/zakon/2011/24/2/reg>

One of the key provisions of this law relates to defining the right to social assistance. According to the Law, social assistance provides citizens in a difficult material situation who do not have sufficient funds for life. This Law also prescribes the conditions and manner of exercising the right to social assistance, as well as the obligations of users of these rights. Also, the Law stipulates that a user of the right to social protection may be a person who has a Serbian nationality or foreign citizen and non-citizenship persons, if defined by international agreements.

The Law defines the goals of social protection that are achieved by providing state services and other activities that aim to reduce the dependence of an individual and family from state aid. Furthermore, the rights of users are determined in the Law, which includes the right to information, where every person who has reached 15 years has the right to be informed about all data relevant to determining its social needs. In addition, the right to make decisions is discussed: the user has the opportunity to accept or reject the service provided in accordance with his own personal needs. Completing all of the above, the user also has the right to confidentiality of data, the right to privacy as well as the right to complain.

Social Protection in the RS

Employing both theoretical and empirical research methodologies, the authors systematically explore fundamental concepts offering at the same time analysis of the role of social protection with particular reference to its importance for all categories of vulnerable population in the context of RS.

The empirical segment has been supported by current literature and case studies, particularly addressing the benefits of a welfare state. The research methodology included an application of diverse methodological procedures, primarily desk research and the systematic collection of both primary and secondary data. Alongside scientific methods such as analytical-synthetic, inductive-deductive and comparison-classification techniques, the study effectively communicates summarized data pertinent to the analysis.

Discussion

A. Current Situation in the RS: Legal Framework on Social Protection

The social welfare system and social workers deal primarily with people. First of all, these are people in a state of need, people in trouble or those who are the cause of trouble. As we all know, working with people is not an easy job. This profession requires a lot of responsibility, considering that the social worker very often decides on someone's course of life and helps in making decisions. The field of social work is a particularly complex field in which as many professionals as possible should be engaged.

The Family Law from 2015 provides accurate information on categories of the population which falls under the Social Protection in the RS as well as the information which services, fees and giving each category is entitled to.

There are three basic social protection categories:

1. Social assistance
2. Social assistance and social security programs
3. Employment and work programs ^[2].

Within the first category of social assistance, we herewith list some of the most important ones: benefits to support the poor, sensitive, persons with invalidity and families with children. Some of the benefits and services that this category receives are: cash social assistance, child allowance, subsidies for surveillance, energy compensation, accommodation services, home care services for people with disabilities, etc.

Within the second category there are pensions, and they can be a result of private contribution and the result of employment, full or in part.

Within the third category, i.e. the employment and work program, we have the non-employment compensations (passive labor market), together with active actions, such as job search, professional orientation and counseling, training for self-employment, participation in public works (4).

B. Comparison with the European Union Norms, Policy and Practices

Let us compare this with the EU policy and practices. The EU document on Employment, Social Affairs and inclusion clearly states the following: 'Social protection systems provide support to people who cannot earn their income or face additional needs, for instance, because of unemployment, parental responsibilities, sickness, disability or old age. This support can take the form of cash benefits, such as pensions or unemployment benefits, or benefits of special kind, such as care services' ^[3]. In the EU, most social protection benefits are provided by public authorities. In some cases, employers or social partners jointly also provide benefits, such as occupational pensions.

In the Republic of Serbia, social protection services include activities that help individuals and families to improve or preserve the quality of life, eliminate or mitigate adverse life circumstances and create opportunities for independent living in society. These services must effectively meet citizens' needs and this requires identification of needs as well as objective assessment and planning of necessary services. Serbia has created the necessary economic, social and legal framework for the development of systems of high-quality, sustainable, accessible and economically acceptable social protection services (5). The Social Protection Law adopted in 2011 has transformed our country from *ad hoc* approaches in services developed to modernize the social protection system, highlighting the family as center of all the efforts. This legal framework also aims to encourage various service providers, by introducing a quality system that sets basic standards for social protection and prescribes their application in the process of licensing, standardization and procurement of services.

The social system in the Republic of Serbia operates based on several principles: (6) (7); The principle of respecting the integrity and respect of the user; Principle of prohibition of discrimination; The principle of the best interests of the user; The principle of the least restrictive environment; Principle of improving the quality of social protection; Principle of

² Family Law (2015). "Official Gazette of RS", No. 18/2005, 72/2011 - dr. law and 6/2015. Available at: <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/skupstina/zakon/2005/18/7/reg>

³ Document: Social protection, employment and inclusion. (2021) https://employment-social-affairs.ec.europa.eu/policies-and-activities/social-protection-social-inclusion/social-protection_en

availability and individualization of social protection. Who can be the beneficiary of social assistance in the Republic of Serbia and what are his rights? A significant number of old persons, due to weakness, diseases and disabilities, as well as the lack of family support, must use certain rights and social protection services, including providing basic living conditions. In addition to them, among the beneficiaries of social protection is a large number of minors, including children with disabilities, whose needs cannot be met by their families. Users of services provided by social work centers are most often faced with financial poverty. In adults and elderly, other common problems include disability, disturbed family connections, behavioral problems, domestic violence and victimization of human trafficking. In children and young people, the most common problems are: disturbed family relationships, behavioral problems, non-brigger parents and disabilities (8) (9). In a word, social protection services include activities that help individuals and families improve or preserve the quality of life, eliminate or mitigate adverse life circumstances and create opportunities for independent living in society. These services must effectively meet citizens' needs, which requires identification of needs, objective assessment and planning of necessary services. Serbia has created the necessary economic, social and legal framework for the development of systems of high-quality, sustainable, accessible and economically acceptable social protection services). The Social Protection Law adopted in 2011 and revised in 2022 have enabled our country to modernize the social protection system, highlighting the family as the key whole. This legal framework also aims to encourage various service providers, by introducing a quality system that sets basic standards for social protection services and prescribes their application in the process of licensing, standardization and procurement of services.

Results of the Empirical Research

Significant efforts have been made by the Government of the Republic of Serbia to improve social protection, especially by passing the Family Law in 2015 and by adopting and implementing the Social Protection Law of 2011 and its revised edition of 2022. The National strategy for social protection for the period 2019-2025 has significantly contributed to that.

The results are evident. As listed above, the categories of social protection beneficiaries have become more numerous and the list of activities, services and compensations has considerably widened. Moreover, we have introduced the strict principles into the work of the social protection institutions which are obliged to strictly adhere to these principles.

To give but one example, the unemployment rate fell from 27% in 2012 to 9% in 2025. Many vulnerable groups have been provided with jobs by the efforts of the Government.

All the above efforts helped achieve the purpose of the social security system, meeting the needs of users and improving the quality of life. Development of existing, as well as the establishment of new social protection services, provides a better life for the most vulnerable categories of the population, with a focus on the deinstitutionalization and development of community services.

We herewith list but one aspect where improvements have been registered: 'Employment and labor market programs have significantly improved the inclusiveness and labor

market effectiveness. Programs aim to increase and / or improve the quality of labor supply, demand for labor and harmonization and protection of income from shocks in the labor market. They include job search assistance, training for skills, salaries, public works, unemployment compensations. Due to limited space, we cannot list all benefits for all vulnerable groups (10). Let us give one example: the Ministry of Labor, employment, Veterans' and Social Issues in January 2020, in cooperation with the National Organization of Persons with Disabilities, a roofing organization of disability movement in the Republic of Serbia, launched the campaign entitled "Serbia without barriers" (12) (13). The guiding document clearly states 'The campaign is designed to create individual activities to improve the position of persons with disabilities under a common slogan and a recognizable visual identity. These activities include creation of the ramps on public premises, reconstruction and equipping facilities for people with disabilities, celebrating significant disability movement dates and more. In order to assist people with disabilities, with full respect for their dignity and individual autonomy, and providing full and effective participation in all areas of social life, the Ministry supported the implementation of numerous and thematically different projects (Serbia without barriers, 2020).

In order to further improve the legal framework and social protection in RS, the Government has accepted the 894-2024 Initiative for amendments to the Social Protection Act which, among other things, suggests the following: 'We remind that the Ministry of Labor, Employment, Veterans' and Social Issues after the Expended Act of the Law, drafted the Law on Amendments to the Social Protection Act, which, in mid-2018., was placed on public hearing. The explanation states that the objectives of the changes were: 1) improving the quality of services and implementation of professional procedures in social protection; 2) development of social protection services provided in the local community; 3) elimination of legal-technical deficiencies in procedures whose implementation is regulated by the Law on Social Protection; 4) improving the measures and services of the family support and prevention of the child from the family; 5) strengthening competencies of employees in bodies and organizations performing the activity of social protection; 6) dissemination of capacity for the provision of services in social protection; 7) strengthening the capacity to monitor, evaluate and improve the social protection system; 8) harmonization of the Law on Social Protection with other relevant laws' (14).

To sum up, we are happy to report that the Government of RS in 2024 created the following Document: Social protection - because we think of everybody. In this document, the lawmaker envisaged the following: "Every individual and family who need social assistance and support in creating conditions for the satisfaction of basic life needs is entitled to social protection in accordance with the Social Protection Law. The right to social protection is insured by providing social protection services and financial assistance".

Closing

Conclusion

Social protection system in Serbia includes a number of programs related to social assistance, social insurance, social protection services, as well as employment programs and labor market. The research has shown that total expenditures for social benefits, programs and activities in RS have grown

steadily from year to year. This specifically affects programs that focus on poverty, social protection services, as well as employment policies and labor market. The poor and vulnerable layers of society are now in much greater degree covered by social assistance programs.

The legal framework has enabled significant expansion of the categories that fall under the social protection umbrella. It should be noted that all forms of compensations and benefits are paid on time. In addition, the active employment program gave excellent results as evident from a very low unemployment rate of 9%.

The key challenges are the prevention of poverty and social exclusion, as well as early intervention, to prevent people falling into poverty from being trapped in difficult socio-economic situations. The success of the social protection system requires efficiency through the consolidation of services, competent institutions and all involved actors.

Social protection services include activities that help individuals and families to improve or preserve the quality of life, remove or alleviate unfavorable life circumstances and create opportunities for independent living in society. These services must effectively meet the needs of citizens, which requires identification of needs, objective assessment and planning of required services. The development of existing, as well as the establishment of new social protection services, should improve the quality of life of the most vulnerable categories of the population.

Serbia has created the necessary economic, social and legal frameworks for the development of a system of high-quality, sustainable, affordable and economically acceptable social protection services. With the Social Protection Law 2011 in 2022, the country moved from an *ad hoc* approach in the development of services aiming at the modernization of the social protection system, highlighting the family as a key unit. This legal framework also aims to encourage the diversity of service providers, by introducing a quality system that sets basic standards for social care services and prescribes their application in the license process. This contributes to achieving the purpose of the social security system, meeting the needs of users and improving the quality of life. The development of existing, as well as the establishment of new social protection services, should improve the quality of life of the most vulnerable categories of the population, with a focus on deinstitutionalization and development of services in the community. The success of the social protection system requires substantial efforts and efficiency through the consolidation of services and their better delivery, with the involvement of more actors and instruments.

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