

## **AS A BASIC HUMAN RIGHTS TEXT; THE RIGHT TO SOCIAL SECURITY**

**Prof. Dr. M. Refik KORKUSUZ<sup>1</sup>**

**[rkorkusuz@hotmail.com](mailto:rkorkusuz@hotmail.com)**

### **I- THE RIGHT TO SOCIAL SECURITY AS A FUNDAMENTAL CONCEPT**

#### **A- SOCIAL SECURITY AS HISTORICAL DEVELOPMENT**

In practical or historical terms, the scope and limits of social security have always been debated. The scope and limits of social security have been defined under different definitions. In the narrow sense, where we find that social security is defined as covering only employees with the logic of social insurance, but in fact social security in the broad sense to cover all individuals against social risks. Thus developing social security on the basis of social insurance; The covered person has been continually expanded through social risks, advanced income and forms of payment or financing. The increase in the number of workers that began with the industrial revolution and the differentiation of the social risks it faced revealed that social security is a need and a right that states must fulfill. With the inclusion of social security as a right in national and international regulations, its scope has continually expanded. There is no clear consensus on the scope and limits of Social Security. However, it is possible to make predictions about the level of social security/welfare of social security or countries by looking at the procedures or benefits offered by social security. It can be believed that

---

<sup>1</sup> Lecturer, Law Faculty, Dokuz Eylul University, Izmir- Türkiye

the scope of social security is wider in developed countries. Factors such as development, level of education, prevalence of trade unions, participation of women or men in the labor force, the sector in which they work and the size of the enterprise can determine the scope of social security.

## B- THE NEED FOR THE CONCEPT OF SOCIAL SECURITY

When the two concepts of social security are dealt with separately, here it can be predicted that they have a history as old as human history. Where the concept of "social" is a concept related to people and society. The term social can also be used to provide justice, equality and order among people. In a society where there is justice and equality, people will be safer. Where the term "security" appears as an extension of the term "social". As a social being, man needs security throughout his life. As long as people live, they can be exposed to various dangers. When some of these risks are materialized in the form of social risks, "Social Security" emerges.

The concept of social security, which was included in a law adopted in the United States for the first time in 1935, means; It is a concept that expresses safety from the economic consequences of the dangers that people face, including the dangers arising from living in society. The right to social security is defined in the "Universal Declaration of Human Rights" first published in 1948, then in the conventions on the "Social Security Law" of the International Labor Organization, and even more so in the United Nations Economic, Social and Cultural Rights Convention that has accepted it. The United Nations Organization in 1966. And it found its place in the decade. Since the founding of the European Union, it has taken its place in decisions and directives concerning all personnel and continues to do so. Indeed, the uncertainties and negatives that emerged during the pandemic process

revealed how important the concept of social security is. In countries that have established a social security system in their country, both medical contributions and social payments have been made more easily through this system.

Concept of social security; It is the general name for insuring a person against the risks of falling into this needy situation by providing income security against the consequences of absolute or potential dangers that the person may face.

## C- THE PURPOSE OF SOCIAL SECURITY

Since human beings have existed, disease, disability, unemployment, old age, death, etc. face many dangers. The concept of social security has been put forward as a result of the search for an assurance against the events that the individual will encounter and pose a danger to his life, that is, against social risks. Providing minimum security to the individual facing danger is the reason for the existence of social security. Social risk is the event that reduces the income of individuals and increases their expenses. In addition to bad events such as illness, accident and death, pleasing events such as marriage and birth are also considered within the concept of social risk due to their cost-increasing and income-reducing effects.

On the other hand, social security aims to protect the individual not only against social risks, but also against poverty and neediness in a broad sense. In this direction, social security, which is a social policy tool, aims to reduce poverty and injustice in income distribution in the society and to ensure social peace, apart from the purpose of protecting the individual from social dangers.

The definition of the concept of social security can be expressed in different ways. For example, the concept of social security can be explained as the whole organization for the redistribution of national

income, based on providing individual economic security to individuals facing social risks 1. More comprehensively, social security; It is a system that aims to save everyone living in the country, regardless of their income, from the damages caused by the social dangers that disrupt the peace and welfare of the society, by using premium and/or non-contributory regimes, as a human right and essentially a "State duty". It is more than a branch of law 2. All of the definitions made for social security, which is a whole of social programs, have a real share. As a matter of fact, it is seen that these definitions converge on the point of ensuring the economic security of the people living in a country against the income losses and expense increases that may be caused by a certain number of social risks 3.

The aim of social security in the modern sense is the extent to which income insurance is provided against the consequences of risks that are the subject of social security. The purpose of social security is not to prevent risks. The subject matter of social security is to prepare measures against the economic consequences of risks and to protect people from falling into destitution, rather than to prevent risks. Thus, social security aims to provide people with a sense of security that their standard of living will not decline, as well as to get rid of destitution.

We also find that by providing intergenerational solidarity, social security also provides the opportunity for people to have the minimum opportunities for a healthy life, and to obtain the right to an "old-age pension" in the form and conditions stipulated by the laws of the country concerned, if they are: beyond the working age

## II- WHAT IS the IMPORTANT IMPORTANCES OF SOCIAL SECURITY

### A- SOCIAL SECURITY IS AT THE FUNDAMENTAL HUMAN RIGHTS

The right to social security, accepted as a fundamental human right in international documents and constitutions, has a history and period of nearly a century despite its back and forth. Depending on the developments in the world and in our country in recent years, important legal changes have been made in the field of social security. Where social security is the name of the modern system that must be provided and organized for the citizens of the country, which was created to institutionalize social solidarity by not leaving it to the conscience of those better off. Where this system is also social solidarity between people who may not know each other at all.

## B- SOCIAL SECURITY HAS CLOSE RELATIONSHIP WITH THE COUNTRY'S ECONOMIC STRUCTURE.

Social security makes social solidarity institutional and regular, and presents it as a right for all citizens of the state, by not leaving the assistance of individuals in difficult situations to conscience or the assistance of those who are better off. On the other hand, the environment provided by social security is a very expensive system that needs to be supported by public resources. This is because contemporary social security systems have a very dynamic nature. Social security policies, the reason for their emergence, to reduce the impact of social risks, is completely new content and a parallel view of economic and social developments. However, the recent situation in social security expenditures has prompted even the most powerful states to new searches,

Social security has been consistently presented to all governments that have come to power in Western countries through internal and external dynamics. The social security system has become one of the main causes of instability in the country's economy. Payment of more old-age pensions around the world, compared to other countries,

constitutes the largest item on the account of the social security institution in our country.

## C- SOCIAL SECURITY IS SOCIETY'S GUARANTEE AGAINST POSSIBLE HAZARDS

Social security is a social policy guarantee that is given to people in line with the ideal of saving people from the harms of the dangers they will encounter, that is, in line with the ideal of saving people from being captives of their needs in the face of dangers. According to the International Labor Organization (ILO), social security is the protection offered by society to its members against economic and social hardship arising from illness, pregnancy, work accidents, unemployment, illness, old age and death, and the provision of medical care. Support for families with children. . In other words, the International Labor Organization states that the harm that people may encounter can be caused by nine perils: illness, work accidents, occupational diseases, maternity, unemployment, invalidity, old age, death and insufficient family income. Social security is defined as the sum of the activities related to the elimination of such losses for those who lose their labor strength, lose their income due to the loss of labor force, and increase their expenses compared to other periods, in the event of the occurrence of the said perils. Undoubtedly, although there are different definitions, it is seen that ensuring the economic security of the people living in a country against losses of income and increase in expenses that may be caused by said social risks is the common point in all definitions. It should be noted here that social security is a set of programs and not a branch of law.

## D- SOCIAL SECURITY IS A SOCIAL PROGRAM THAT EMBRACES THE WHOLE SOCIETY

Because Social Security is not just a set of rules intended to secure people's futures. Where social security is first and foremost a social

# ARABIA

Revue pluridisciplinaire d'études arabes et moyen-orientales

Site : [arabia-revue.com](http://arabia-revue.com)

[arabia.revue@gmail.com](mailto:arabia.revue@gmail.com)

ISSN 2552-7770

program or policy. More precisely, it is part of social policy. The main objective is to ensure the economic security of individuals against certain social risks and to ensure social justice, but this includes the ever-changing rules and principles, and different methods and measures. As such, Social Security is a set of systems rather than a branch of law. Today, unlike our country, the use of "social law" instead of "social security" has become widespread in some foreign legal systems. In the narrow sense, the conflict of economic interests between workers and their employers in the liberal system; In a broad sense, beyond that, the set of rules that includes social policies aimed at solving the problems of all segments of society (dependent or independent workers, consumers, renters, needy elderly people and children, etc.) such as health, education, tax is called "social law". Social security tells about security against the damages caused by social dangers and the guarantee of survival from these harms. Although the concept of "security" describes taking precautions for the future of the day, as indicated by the word "social" added to its beginning, the importance of the subject in terms of the social system confirms that the day should not be neglected.

The right to social security is one of the basic human rights. The right to social security is a right that is classified under the category of economic and social rights in the constitutions. The distinctive feature of social rights is the elimination of social inequalities. Another defining feature of social rights is that they are "in a beneficial direction from society to individual" 5. The most basic document that determines the elements of the right to social security, or in other words the scope of social security; It is the "Convention No. 102 on Minimum Norms of Social Security" adopted by the International Labor Organization in 1952. In the contract; Nine risks have been counted as Illness (health benefits), Illness (reimbursement of income loss due to illness), Unemployment, Old Age, Work Accident and Occupational Disease, Disability, Death

and Family Burdens. The state that wants to ratify the convention is one; must provide protection against at least three risks: unemployment, old age, work accident and occupational disease, disability or death. Turkey approved this agreement with the Law No. 1451 dated 29.07.1971 and accepted it with the Decree No. 7/7964 dated 01.04.1974 .

## E- SOCIAL SECURITY IS THE LARGEST ORGANIZATION DEVELOPED AGAINST SOCIAL RISKS

that social security; Covers both the original legal goals and techniques created to achieve the goals. So social security in the narrow sense; Where social security is distributed to the general public against occupational, physiological, social and economic risks, in other words, social security aims at redistributive law for social purposes. In this context, it is possible to define the main goals and objectives of social security as follows.

- Providing economic support to individuals and people living in the community.
- Protecting society from events or phenomena that are generally considered risky.
- Create a system that guarantees the development of every individual living in society. Contemporary social security systems do not include all social risks, but rather social risks that may negatively affect an individual's life and engulf the individual's economic security in the first place. Therefore, the Social Security Act; It is also defined as the law of redistribution whose purpose is to establish the original rules. Social security policies and systems aim to provide social security to everyone who lives in the society by taking precautions against certain events that are described as social risks.



## F-SOCIAL SECURITY SYSTEM PROVIDES LIFE THAT BASIC HEALTH SERVICE TO ITS CITIZENS

The social security system is a system that aims to provide health services to citizens throughout their lives, to provide a minimum income level, to protect individuals against occupational, physiological and socio-economic risks and to eliminate the damages arising from these risks.

The social security system provides many benefits to insured employees. Some of the important and most applied advantages of these are as follows:

1- Persons entering the system (insured), working persons and family members can benefit from health services,

2- Temporary incapacity allowance is paid to the insured employees to cover the unpaid part of their salary by the employer during the periods when they cannot work due to work accident, occupational disease, illness and maternity.

3-In case of incapacity to work partially or completely due to a work accident or occupational disease, permanent incapacity income is paid to the insured employees.

4-If the insured dies due to a work accident or occupational disease, the family of the insured are paid death income.

5- Invalidity pension is paid when the insured becomes disabled for any reason and is unable to work.

f. If the insured reaches a certain age and still meets the premium conditions, he/she is granted an old-age pension.

6-When the insured person dies, his/her spouse and children, as well as his/her parents, receive a death pension.

### III- DIFFERENCE FROM OTHER FUNDAMENTAL RIGHTS

The right to social security is different from most other fundamental rights. While most fundamental rights only regulate the obligation of states not to interfere, in the case of social security, states have a responsibility to organize. This responsibility has been observed most in extraordinary situations, and especially in the years 2020-2022, when the pandemic process is experienced in the world. It is an indisputable fact that in countries where the social security system works well, people operate in a healthier and more human-centered way than in countries where the system does not work well.

Undoubtedly, not all countries have the same sensitivity or the same opportunities. However, in undeveloped countries, if they see social security as a basic right and implement it, they will allow their citizens and residents of that country to open the door to social welfare, albeit at a minimal level, beyond the extra cost it would cost. bring to the state.

The pandemic process has also shown that the importance of the "right to social security" for societies, which is considered one of the most basic rights, is increasing day by day. Where social security has become a very important mechanism for people to live a decent life and to obtain the right to health, as well as to make room for solidarity between generations. This mechanism should be further strengthened and its functionality increased, although it increasingly brings additional costs to states.

On the other hand, social security; It is a system that aims to save everyone who lives in the country, regardless of their income, from the damages caused by social dangers that disrupt the peace and well-being of society, mainly as a human right and the duty of the state, using annuity and/or non-contribution-based systems. Here, social security can be defined in two different ways, narrowly and broadly.

Social security in the narrow sense; understand the social security that provides protection from the harms of specific social risks; In a broad sense, social security represents the understanding of social security that provides a guarantee of protection against all social risks that create destitution, regardless of cause. In a narrow sense, social security is the security guarantee provided by social insurance.

In a broad sense, social security includes the security provided by the state through cash or in-kind transfers of income, in addition to the protection guarantee provided by social insurance.

## **CONCLUSION :**

This right is a universal right and a right that covers the whole society in any country. Everyone living in the society has the right to demand equal treatment in attaining this right, provided that they meet the conditions specified by ILO conventions.

Social security is considered as a fundamental right in international law documents and contemporary constitutions and is organized under the category of “economic and social rights”.

It is a fundamental right that is most felt in places where widespread worldwide diseases occur. This right is a fundamental right, we can fix it by the Social security institution.

The right to social security is different from other fundamental rights and freedoms, while in most of the fundamental rights and freedoms, the state's responsibility not to interfere is regulated, while the state has the responsibility to organize in the implementation of this right.