Regional Union of Consumer Societies "Kraypotrebsoyuz" Private professional educational institution "Krasnoyarsk Cooperative College of Economics, Commerce and Law"

Individual interdisciplinary educational and research project

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**Subject:** Realization of the right to a disability insurance pension

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**introduction**

The right to the standard of living necessary for everyone to maintain the health and well-being of himself and his family, including food, clothing, housing, medical care and necessary social services, and to the continuous improvement of living conditions. The Russian Federation has undertaken to take appropriate measures to implement this right.

The issue of disability pensions in Russia is one of the main ones in the field of social protection of the population. The first reforms in the social sphere were carried out in the early 90s, but since that time the number of the disabled population has grown. And according to forecasts, it is expected to increase for a long time.

2013 was the starting point for the implementation of the next stage of pension reform aimed at improving the pension system of Russia. In particular, on December 23, 2013, the Law on Insurance Pensions was adopted, and from January 1, 2015, the Law on Insurance Pensions entered into force, which introduced a new procedure for the formation of pension rights of citizens and the appointment of an insurance pension. This Law, in fact, replaced the Federal Law "On Labor Pensions in the Russian Federation", which defined the basis for the emergence and implementation of the right of citizens of the Russian Federation to labor pensions.

The relevance of the course work is determined by the fact that the financial well-being of pensioners, including the disabled, directly depends on the efficiency of the pension system.

The purpose of the work is: a theoretical analysis of the legal norms governing relations related to the exercise by individuals of the right to an insurance pension. Consideration of its types, conditions of appointment, as well as to disclose the current terms and amounts of disability insurance pensions.

1.**Theoretical aspects of disability insurance pension assignment**

**1.1 Regulatory legal acts regulating the procedure for the appointment of disability insurance pension**

The peculiarity of the pension system in the Russian Federation is that it is based on an insurance model. Within its framework, there is a system of compulsory pension insurance, in which every citizen of the Russian Federation has been registered since birth. In practice, this means that if a previously employed citizen of the Russian Federation loses his ability to work for one reason or another, then he has the right to count on material security in the form of a pension. It is paid at the expense of the state pension fund.

Disability insurance pension is a special form of material security that citizens with certain health restrictions can count on. For this reason, these persons have completely or partially lost their ability to work, which does not allow them to fully carry out their labor function for their own earnings.

It should be noted that not all citizens who are recognized as disabled in accordance with the established procedure can count on this type of payments. An insurance pension is awarded if the person applying for it has the appropriate work experience. In other words, before the onset of disability, the citizen worked, and his employer. In addition, the recipients of this type of pension provision are also citizens who were previously engaged in entrepreneurial activity, but only on condition that they made contributions to the state pension fund in accordance with the established procedure.

**1.2 The concept of disability insurance pension, conditions for its appointment and categories of citizens**

A disabled person is a person who has a health disorder with a persistent disorder of body functions caused by diseases, the consequences of injuries or defects, leading to a restriction of vital activity and causing the need for his social protection.

Restriction of vital activity is a complete or partial loss of a person's ability or ability to carry out self-service, move independently, navigate, communicate, control their behavior, study and engage in work.

Depending on the degree of disorder of body functions, a disability group is established for persons recognized as disabled, and a category of "disabled child" is established for persons under the age of 18.

Recognition of a person as a disabled person is carried out by the federal institution of medical and social expertise. The procedure and conditions for recognizing a person as a disabled person are established by the Government of the Russian Federation.

Insurance pension is a monthly monetary payment in order to compensate insured persons for wages and other payments and remuneration lost by them due to the onset of disability due to old age or disability, and to disabled family members of insured persons for wages and other payments and remuneration of the breadwinner lost due to the death of these insured persons, the right to which is determined in in accordance with the conditions and norms established by this Federal Law. At the same time, the onset of disability and loss of wages and other payments and remuneration in such cases are assumed and do not require proof.

The disability insurance pension is established regardless of the cause of disability, the length of the insured person's insurance experience, the continuation of work and (or) other activities by the disabled person, as well as whether the disability occurred during the period of work, before entering work or after termination of work. It is important to emphasize that, although the law does not link the right to a disability pension with any length of insurance experience, however, this does not mean its complete absence. To qualify for a pension, you must have at least one day of insurance experience.

**2. Analysis of the realization of the right to a disability insurance pension**

1. A disability insurance pension to a person recognized as a disabled person shall be assigned from the date of his recognition as a disabled person without requesting from him an application for the appointment of a disability insurance pension on the basis of data available to the pension provision authority, including information on disability contained in the federal register of disabled persons.

2. Recalculation of the amount of the disability insurance pension, fixed payment to the disability insurance pension shall be made no later than five working days from the date of receipt of the relevant document to the body providing pension provision.

3. The body providing pension provision, within three working days from the date of making a decision on recalculation of the amount of a person's pension, notifies this person of such recalculation.

4. A citizen to whom a disability insurance pension has been assigned in accordance with the procedure provided for in this article has the right to refuse to assign a disability insurance pension by submitting an appropriate application to the pension provision authority.

5. A citizen who has refused to appoint a disability insurance pension has the right to appoint a disability insurance pension in accordance with the procedure provided for in Article 21 of this Federal Law.

**2.1 Realization of the right to a disability insurance pension**

Disability insurance pension is established on the basis of information about disability contained in the federal register of persons with disabilities, regardless of the cause of disability, the duration of the insured person's insurance experience, the continuation of work and (or) other activities by the disabled person, as well as whether the disability occurred during the period of work, before admission to work or after termination of work.

**Conclusion**

Disability pension is a pension established in connection with a long-term or permanent actual disability (disability). The conditions and norms of pension provision depend on a number of circumstances - the nature of labor relations or service, other activities, causes of disability. The disability pension for workers and employees is assigned upon the onset of disability of groups I, II and III. The conditions for awarding a pension vary depending on the cause of disability: upon the onset and as a result of an occupational injury or occupational disease, a pension is awarded regardless of the length of work experience: if the disability was the result of a general illness, then a certain general work experience is usually required for the appointment of a pension. The younger the worker or employee, the less seniority is required.

The disability pension is established regardless of the cause of disability, the length of the insured person's insurance experience, the continuation of work by the disabled person, as well as whether the disability occurred during the period of work, before entering work or after termination of work.

Recognition of a person as a disabled person is carried out by the territorial bureaus of the State Medical and Social Examination Service (BMSE) at the place of residence or at the place of attachment to a state or municipal medical and preventive institution.

The Order of the Ministry of Health approved the classifications and criteria used in the implementation of medical and social expertise, according to which the degrees of limitation of the ability to work, groups and causes of disability are established.

The problems associated with disability (its concept, differentiation of disability groups and degrees of limitation of the ability to work, giving legal significance to such a circumstance as the cause of disability, etc.) are not limited to the problems of pension provision only. These are also problems of employment of disabled people in public production, their standard of living, social adaptation, etc. Unfortunately, the new pension laws have brought the country back to the distant past on a number of these fundamental issues. Now one thing is clear: the presence of a disabled person in the family is one of the factors that significantly exacerbate poverty. Disabled pensioners often find themselves in even more difficult material conditions compared to old-age pensioners (their poverty level is one and a half times higher, and extreme poverty is twice as common).

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