

Self-determination principle in Social Service Law in Sweden

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In Japan, the restructure of basic social welfare system has been pursued since the latter half of 1990s. As the ideal of those reforms, users' self-determination and freedom of choice have been emphasized. It has been introduced "private contract system" between user and provider in social welfare system in Japan, as a substitute for the traditional administrative-determination based welfare system.

In Sweden, on the other hand, Social Service Law (SoL, SFS 1980:620), which was enacted in 1980 because of critics toward the old social welfare laws, introduces several new principles in social service area. One of those basic principles is the principle of users' self-determination. Different from ones in Japan, social services are still provided on the basis of administrative decisions in Sweden.

This paper focuses on the principles of users' self determination and the freedom of choice in Social Service Law (SoL) in Sweden, and compares with those ideals in Japanese new social welfare laws.

From a comparative analysis, following points can be pointed out as differences.

- 1) Legal characters: "principle" in legally meaning in SoL.
- 2) Contents of those principles: abundant meanings included in SoL.
- 3) Public responsibility: necessary precondition for these principle in Sweden.
- 4) Relation with "right to social service" ; in SoL, the principle of self determination is also based on right to social service, which cannot be restricted by shortage of resources.