

APPLIED DIMENSIONS OF THE IMPLEMENTATION OF FAMILY LAW RIGHTS BY SUBJECTS OF DOMESTIC RELATIONS

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Abstract

The right to family relations is a crucial aspect of legal regulation that influences both citizens' welfare and the social order of society. Family rights encompass the property and non-property rights of spouses, parents, children, and other family members, which must be ensured through effective legal mechanisms and state support. In Ukraine, the Constitution and the Family Code guarantee the protection of family, childhood, and parenthood, yet their practical implementation faces multiple challenges. According to Ukrainian court statistics for 2023–2024, family disputes represent 23% of all civil cases, primarily concerning alimony recovery (38%), determination of a child's residence (22%), and deprivation of parental rights (15%). The average duration of such cases is 4.4 months, exceeding procedural deadlines. A comparative analysis with Latvia reveals substantial differences in the regulation of family and adoption issues. Key problems include legislative gaps in defining the status of de facto spouses, procedural inefficiencies, difficulties in assessing risks of domestic violence, limited access to legal aid, and excessive workloads of child welfare services. Judicial practice of the Supreme Court of Ukraine and the European Court of Human Rights establishes important principles regarding state interference and the best interests of the child. To enhance



protection of family rights, it is necessary to create specialized family courts, expand mediation, digitize services, strengthen professional training, and integrate European human rights standards into national legislation.

Keywords

Legal protection mechanisms, parental responsibility, child custody cases, judicial practice, alternative dispute resolution.

Resumo

O direito às relações familiares é um aspeto crucial da regulamentação jurídica que influencia tanto o bem-estar dos cidadãos como a ordem social da sociedade. Os direitos familiares abrangem os direitos patrimoniais e não patrimoniais dos cônjuges, pais, filhos e outros membros da família, que devem ser garantidos através de mecanismos jurídicos eficazes e do apoio do Estado. Na Ucrânia, a Constituição e o Código da Família garantem a proteção da família, da infância e da parentalidade, mas a sua aplicação prática enfrenta múltiplos desafios. De acordo com as estatísticas judiciais ucranianas para 2023-2024, os litígios familiares representam 23% de todos os processos civis, principalmente relativos à recuperação de pensões alimentícias (38%), determinação da residência de um filho (22%) e privação dos direitos parentais (15%). A duração média desses processos é de 4,4 meses, excedendo os prazos processuais. Uma análise comparativa com a Letónia revela diferenças substanciais na regulamentação das questões familiares e de adoção. Os principais problemas incluem lacunas legislativas na definição do estatuto dos cônjuges de facto, ineficiências processuais, dificuldades na avaliação dos riscos de violência doméstica, acesso limitado à assistência jurídica e cargas de trabalho excessivas dos serviços de proteção à criança. A prática judicial do Supremo Tribunal da Ucrânia e do Tribunal Europeu dos Direitos Humanos estabelece princípios importantes relativos à interferência do Estado e ao interesse superior da criança. Para reforçar a proteção dos direitos da família, é necessário criar tribunais especializados em família, expandir a mediação, digitalizar os serviços, reforçar a formação profissional e integrar as normas europeias em matéria de direitos humanos na legislação nacional.

Palavras-chave

Mecanismos de proteção jurídica, responsabilidade parental, casos de custódia de menores, prática judicial, resolução alternativa de litígios.

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Introduction

One of the most important areas of legal regulation is the exercise of family rights by members of family relationships, as the significance of this issue directly affects the well-being of millions of citizens and the social stability of society. The current situation of changing traditional family models, increasing population mobility, and the consequences of globalization are creating new challenges for legal systems, which must ensure the effective protection of the rights of all family members. The issue of exercising family rights is highly heterogeneous: the legal status of various types of subjects of family relations is studied, as well as effective mechanisms of protecting violated rights are being created, which presupposes the detailed scientific research of the theoretical and practical bases of their use. According to Smith (2025), there is a need to re-examine the limits of the family law in accordance with the shifts in the social structure of families that can no longer fit the existing legal system. The author of the study writes that modern family law does not have to rely on the formal legal construct but approach to the real needs of the families with all their diversity.

This strategy can be especially relevant to legal systems that are in the process of reform et alignment to the European standards. George (2025) develops this concept by viewing family law as a social policy tool that should not only respond to conflicts that have arisen, but also prevent problems in family relationships by creating a favorable legal framework.

Barker and Casla (2024) examine the international aspect of family rights protection to study how Article 10 of the International Covenant on Economic, Social and Cultural



Rights protects and assists families. The authors argue for the need to consolidate family rights at the constitutional and legislative levels, as well as to ensure the successful functioning of the mechanism for their implementation and the allocation of the necessary resources to assist vulnerable families. In Article 8 of the European Convention on Human Rights, the Council of Europe (2020) systematizes the principles of protecting the right to respect for family life, which are binding on member states and serve as an example for other countries' legal systems to follow.

In its study on family-oriented policies, UNICEF (2021) points to the need to create conditions that allow family responsibilities to be combined with work, which directly affects the ability of parents to exercise their rights and responsibilities towards their children. The issue is particularly relevant in the context of the COVID-19 pandemic and its impact on family life, which has exposed the vulnerabilities of family support systems.

Eekelaar and George (2020) provides a detailed study of family law and family policy, as well as a systematization of the modern approach to regulating family relations in different legal systems and the identification of common trends and characteristics of national models. The authors demonstrate that the success of legal regulation is based on a balance between the role of the state and the independence of the family, on the role of protecting vulnerable relatives and preserving family cohesion.

Although there is a significant amount of research devoted to certain aspects of family rights, the actual application of these rights by members of family relationships has not been studied in detail. The existing literature focuses mainly on the theoretical and legal study of family law norms or the study of judicial practice in specialized niches of cases. At the same time, we do not have any in-depth studies that combine theoretical achievements, analysis of normative standards, and facts about the practice of exercising family rights as such.

Strategic gaps in the scientific sphere are also related to the fact that there is still a lack of literature addressing issues such as the accessibility of mechanisms for protecting the family rights of different population groups, the effectiveness of state bodies in protecting family rights, and the impact of socio-economic factors on the realization of rights. Particularly relevant is the problem of adapting legal mechanisms to modern realities, such as the digitization of services provided, the creation of alternative dispute resolution measures, and the introduction of European standards into the national legal system.

This study aims to conduct an in-depth examination of the pragmatic features of the implementation of family rights by members of relationships by studying the theoretical foundations and system, mechanisms for the implementation and protection of rights, identifying systemic problems, and developing scientifically sound proposals that should be used to improve the legal regulation and practice of applying family law norms.

To achieve this goal, the following tasks must be performed: to consider the theoretical foundations and legal nature of the exercise of family rights; to study the system of legal regulation of family relations at the national and international levels using a comparative legal method; to study the main problems of the exercise of family rights and propose ways to solve them with reference to international experience.



The research hypothesis is that the effectiveness of the exercise of family rights is determined not only by the quality of legislative regulation, but also by the work of institutional mechanisms, access to legal aid, the level of legal culture in society, and socio-economic factors that open up or limit opportunities for family relations through the practical activities of various categories of participants in family relations.

Literature review

Research into how participants in family relationships exercise their family rights can be characterized as interdisciplinary and involving a variety of methodological approaches. An analysis of the scientific literature allows us to identify several key areas of research: theoretical and legal understanding of the essence of family rights, research into the mechanisms of their implementation, research into law enforcement issues, and the search for ways to improve legal regulation.

Ferrer-Riba (2023) addresses the theoretical and practicable elements of family rights in the realm of social changes through the lens of the evolution of the notion of parental responsibility in the digital one. The scholar states that the conventional view of the rights and responsibilities of parents should be revised, in order to consider the recent problems concerning child safety on the Internet, digital literacy, and privacy of the personal data concerning minors. Ferrer-Riba makes the point that it is necessary to create an equilibrium between the right of parents to raise their children in the light of their own personal beliefs and the right of children to independence in the digital area, which is particularly significant during adolescence. This method enables the classic notion of parental responsibility to be broadened to make more new elements that may not have been formerly controlled by law.

The protection of children rights as per the international standards is organized in the General Comment No. 26 (United Nations Committee on Economic, Social and Cultural Rights, 2023) on the rights of children in the light of climate change and environmental issues. The document stipulates the roles that states have on safeguarding the rights of children against environmental risks and on the involvement of children in environmental decisions and the provision of a secure environment in order to have children grow up. This approach suggests the extension of the idea of family rights beyond the intimate legal ties and up to the right to a healthy environment as an element of the right to proper family upbringing.

In the monograph on the legal regulation of family relations, Cherneha (2022b) provides the main research on the mechanism through which this legal regulation should work in a legal environment in Ukraine and its opportunities, functions, and structure. The author classifies the elements of the mechanism of legal regulation consisting of legal norms, legal relations, acts of realization of rights and obligations, legal responsibility, and discusses how they interact during the process of regulation of family relations. Cherneha claims that the operation of the mechanism has several issues, which are: flaws in the regulatory framework, inadequacy of legal regulation of particular elements of family relations, and ineffectiveness of family law obligations implementation. Particular



emphasis is placed on the potential of the mechanism, which can be ensured by improving legislation, raising the legal culture of the population, and optimizing the activities of law enforcement agencies.

Cherneha et al. (2022c) examine children's rights and their legal protection, comparing normative guarantees of children's rights in Ukrainian legislation. The authors classify children's rights and emphasize non-property rights (the right to family upbringing, the right to know one's parents, the right to communicate with parents and relatives, the right to protection) and property rights (the right to maintenance, the right to housing, the right to property). The study shows that the legislative unification of children's rights in Ukraine is generally in line with international standards, but there are problems with the practical implementation of these rights in Ukraine, in particular, whether children are adequately represented in processes that concern them and whether mechanisms for protecting their rights from violation are effective.

Cherneha et al. (2022d) is a comparative study of Ukraine and Latvia, which describes the forms and methods of protecting family rights in Ukraine. The authors distinguish between substantive legal methods of protection (definition of rights, cessation of actions that violate rights, restoration of the status quo ante, fulfillment of obligations) and procedural legal methods (judicial protection, administrative protection, notarial protection). The comparative analysis shows similarities and differences between national practices for protecting family rights, namely: greater formality of procedures in the Latvian model and greater flexibility of Ukrainian legislation in defining means of protection. The study emphasizes that an alternative method of resolving family conflicts should also be established, namely mediation, through which family relationships can be preserved and joint decisions can be made.

Analyzing the sources of family law, Vatras (2020) examines the regulatory framework of family relations and explores its hierarchy and interaction. Among the main sources of constitutional guarantees of family rights, the author mentions the Constitution of Ukraine, the Family Code of Ukraine as a special codified act, international treaties as a source of international standards, subordinate normative acts, judicial practice, and legal custom. In an attempt to regulate family relations, Vatras emphasizes that it is extremely important to eliminate different sources of law and ensure their systemic unity.

Hunter et al. (2021) discuss family justice issues in child contact cases based on empirical studies of court practice in England, which identified problems related to the assessment of risks in cases of suspected domestic violence or other types of threats to the child. The authors show that courts often face a dilemma of what to do to ensure that such a parent's right to contact with the child does not expose the child to the risk of harm. According to Hunter and co-authors, to prevent risks, a standardized risk assessment protocol should be implemented, the involvement of expert psychologists in complex cases should be mandatory, and parent support programs should be created to reduce risks. These conclusions can be applied to other legal systems, as the issue of rights versus interests is universal in the field of family law.

An analysis of the scientific literature shows that researchers are increasingly interested in the practical aspects of exercising family rights, international standards, and



comparative law. At the same time, there is a lack of research on the effectiveness of certain mechanisms for protecting rights in different legal systems, socio-economic factors that may affect the ability to exercise family rights, and how legal regulation can be adapted to contemporary issues, in particular, the digitalization and globalization of family relations. It is these gaps that define the topicality of the present research and its orientation at synthesising the theoretical analysis and empirical data on the practice of exercising family rights.

Materials and methods

This research was done through formidable methodology to examine the facts on the exercise of the family rights by parties in family relationships. The study was based on the use of numerous data sources to ensure the reliability and validity of the results obtained.

The empirical data of the study consisted of various sets of legal sources:

- The regulatory framework consisted of international documents, namely the Convention on the Rights of the Child (United Nations, 1989), the European Convention on Human Rights (Council of Europe, 1950), and General Comment No. 26 (United Nations Committee on Economic, Social and Cultural Rights 2023). The Constitution of Ukraine (Verkhovna Rada of Ukraine, 1996), in particular Articles 51 and 52 on family rights, the Family Code of Ukraine (Verkhovna Rada of Ukraine, 2002), the Civil Code of Ukraine (Verkhovna Rada of Ukraine, 2003) and the Law of Ukraine "On Preventing and Combating Domestic Violence" (Verkhovna Rada of Ukraine, 2018) were part of the national legislation.
- Case law materials covered decisions, in particular the decision in *Strand Lobben and Others v. Norway* (European Court of Human Rights, 2019) of the European Court of Human Rights on parental rights and state interference in family life. National case law included decisions of the Supreme Court of Ukraine in family cases (in particular, case No. 757/54751/18-ц (Supreme Court of Ukraine, 2021a) on deprivation of parental rights and No. 372/504/19 (Supreme Court of Ukraine, 2021b) on compensation for child support). The selected decisions were taken from the Unified State Register of Court Decisions depending on their precedential value and role in answering the research questions.
- The sources of statistical information were the official reports of the State Judicial Administration of Ukraine for 2023–2024 (form No. 1-c), which contain quantitative data on the consideration of family cases, and the assessment of the situation of children in Ukraine, developed by UNICEF Ukraine (2024), which contains demographic and social indicators of family relations.

The methodological framework included a number of complementary approaches. Systematic analysis of normative legal acts, interpretation of legal provisions, and classification of types of family rights were carried out using a formal legal (dogmatic) approach.



The comparative legal method made it possible to conduct a comparative legal analysis, namely to compare Ukrainian family law with the standards and practices of the European Union, Latvia, and other European countries. The comparison was based on the mechanisms for the implementation of family rights, procedural guarantees, and enforcement mechanisms.

The historical and legal approach traced the regulation of family rights in Ukraine from 2002 (adoption of the Family Code) to 2023, including the 2018 law on domestic violence.

The analysis of judicial practice was also an important methodological element. The systematic analysis of court decisions was carried out in several stages: (1) selection of representative cases; (2) grouping of cases by legal issues; (3) identification of patterns in judicial reasoning; (4) derivation of legal principles and norms; (5) assessment of judicial consistency. A total of 87 court decisions on the exercise of rights were reviewed, of which 12 cases were examined in detail as illustrations of practical problems.

Judicial statistical data were subjected to statistical analysis. The volume and structure of family cases were described statistically, and trend analysis revealed temporal patterns in 2020-2024. No inferential statistical tests were performed because complete data were used.

Results

Theoretical foundations for exercising the family rights of participants in family relationships

The exercise of family rights is a complex legal phenomenon that should be carefully considered from a theoretical point of view. The concept of family rights implies the possibilities provided for and defined by law, according to which participants in family relations must act in a certain way in order to satisfy their individual property and non-property needs in the family. The basic principles of protection of the family, childhood, motherhood, and fatherhood are provided for in Articles 51 and 52 and form the basis for their protection, since protection is a constitutional duty of the state (Verkhovna Rada of Ukraine, 1996). These provisions are the normative basis for the entire system of family rights in Ukraine and emphasize its special significance for society.

The category of family rights provides for more active involvement of legal entities in exercising the powers granted to them by law. According to Lind (2024), parental responsibility and parenthood are not only abstract legal concepts, but also specific forms of legal practice, as a result of which the rights and obligations of representatives of family relations are exercised. This proves the complex nature of family rights, which are constantly linked to specific duties and responsibilities.

Participants in family relations constitute a specific type of legal entity. According to Morgan (2021), the concept of parenthood encompasses not only biological relationships but also legal status, which determines access to possible rights and claims regarding the child. Table 1 systematizes the list of the main groups of participants in family relations and their basic rights based on the current legislation of Ukraine.

**Table 1.** Classification participants family relationships and their fundamental rights

Category participants	Basic personal non-property rights	Basic property rights
Married couple	The right to motherhood/ fatherhood, the right to respect for dignity, the right to physical and mental protection	The right to common compatible ownership, right to maintenance, right to division of property
Parents	The right to education child, the right to communicate with the child, the right to determine places residence child	The right to manage property child, right to representation property interests child
Children	The right to family upbringing, the right to know one's own parents, the right to communicate with parents and relatives, the right to protection from violence	Right to maintenance from parents, right to housing, right to inheritance
Other family members (grandparents, siblings, etc.)	The right to communicate with the child, the right to participate in upbringing	The right to maintenance under certain conditions, the right to inheritance

Source: compiled by the author on basis analysis of the Family Code of Ukraine (Verkhovna Rada of Ukraine, 2002) and the Constitution of Ukraine (Verkhovna Rada of Ukraine, 1996).

The legal nature of the exercise of family rights is determined by various aspects. First, family rights are personal and, as a rule, inextricably linked to the person who holds them. According to Daly (2018), children's autonomy in court proceedings cannot be viewed through the lens of the right to be heard, as this is a broader concept that implies the child's ability to influence decisions affecting their life. This provision is particularly important given how children's rights must evolve in line with changes in their age and maturity, as some of them may change.

Secondly, family rights are never exercised in contravention of the principle of the inviolability of other people's rights and the interests of the child. Barnes Macfarlane (2024) also notes that in court proceedings related to neglect of duties towards children, questions always arise about the need to balance the rights of different parties. The first factor to consider when resolving any family disputes is the best interests of the child, and this is not contrary to international standards on children's rights.

Thirdly, many family rights must be exercised with the support of the state and the development of appropriate mechanisms for their implementation. In a comparative analysis of the constitutions of European states, Arsic and Jerinic (2024) show that constitutionally enshrined support for the family provides the legal basis on which the social protection system for the family is developed. The state not only regulates family relations but also guarantees the creation of conditions for the full realization of family rights.



International standards are of great importance for the development of national policies regulating family rights. International documents such as the Convention on the Rights of the Child (United Nations, 1989) and the European Convention on Human Rights (Council of Europe, 1950) establish minimum standards of protection that states must adopt in their national legislation. The range of issues addressed by these standards is very broad: on the one hand, the right against discrimination of children based on any grounds; on the other hand, the right to family life and non-interference in the personal affairs by the state authorities without any theory.

Therefore, the constitutional provisions, international principles, and the achievements of theology provide the theory of the exercise of family rights. It is possible to define family rights as complex, which are closely connected with the personality of the individual possessing them, which should be necessary to organize the interests of the different parties involved in the interaction and which should help the state to make sure that they are successfully implemented. Interpretation of these theoretical principles is a condition of studying the practical mechanisms of the implementation of the family rights and determining the issues of their application in the current situation.

Legal regulation of family rights in Ukraine and in the international context

Utilization of constitutional norms, specific family law, civil law, and the international standards dictate the legal regulation of the exercise of family rights in Ukraine as multi-level. The main normative act in the field of family relations is the Family Code of Ukraine (Verkhovna Rada of Ukraine, 2002), which regulates the emergence, exercise, and termination of family rights in their entirety. The Code reflects the fundamental principles of family law, such as the priority of family upbringing of children in the best interests of the child, the equality of women and men in family relations, and the inadmissibility of arbitrary interference in family life.

A supporting role is played by the Civil Code of Ukraine (Verkhovna Rada of Ukraine, 2003), which should be taken into account in the case of family relations regulated by the Family Code or which should be considered by analogy. Such special and general legal regulation provides greater protection of the rights of family members, primarily in relation to property and the means of protecting violated rights.

An important step towards strengthening the protection of family members was the adoption of the Law of Ukraine "On Preventing and Combating Domestic Violence" (Verkhovna Rada of Ukraine, 2018), which proposed a comprehensive system of measures to combat domestic violence. The legislation provides for systems to identify and prevent domestic violence, provide assistance to victims, and punish perpetrators. Most significant is the introduction of restrictive measures that make it possible to protect victims of violence fairly quickly without lengthy court proceedings.

This law was supplemented in 2023 by the Law of Ukraine "On Amendments to the Laws of Ukraine on Strengthening Social Protection of Children and Support for Families with Children" (Verkhovna Rada of Ukraine, 2023), which expanded the guarantees of



children’s rights and strengthened the means of their implementation. This legislative act reflects current trends in the development of family law towards more active state assistance to families and ensuring adequate conditions for children.

Cherneha et al. (2022d) conduct an analytical comparison of legislation regulating family relations in Ukraine and the Republic of Latvia, which confirmed the existence of similarities and differences in the means of implementing family rights. Table 2 shows the main differences between legal regulation in the two jurisdictions.

Table 2. Comparative analysis of legal regulation family rights in Ukraine and Latvia

Regulatory aspect	Ukraine	Latvia
Codification	Separate Family Code (2002)	Inclusion of norms in the Civil Code
Marriage age	18 years old (with the possibility of reduction to 16)	18 years old (no exceptions)
Recognition actual marriages	Not automatically recognized	Registered partnership
Shared property married couple	Shared mode compatible default property	Property separation regime with the possibility of agreement
Adoption same-sex couples	Forbidden	Allowed under certain conditions
Child participation in court proceedings processes	From 14 years old mandatory consideration of opinion	Active participation since the age of 12

Source: adapted from Cherneha et al. (2022a)

Rusinova (2025) analyzes European family law, which establishes important parameters for cooperation between countries on family-related issues. EU regulations on jurisdiction, recognition, and enforcement of decisions in family matters have formed the legal basis for the settlement of international family conflicts, which is particularly relevant in the context of increasing population mobility.

The case law of the European Court of Human Rights is important for establishing criteria for the protection of family rights. The decision in *Strand Lobben and Others v. Norway* (European Court of Human Rights, 2019) established important principles regarding the rights of parents in relation to the need to protect children from potential harm. The Court emphasized that removing a child from the family and restricting parental rights is the most drastic form of state intervention in family life, which can only be fully justified in exceptional circumstances that pose a threat to the life or health of the child.



An analysis of national legislation reveals significant gaps in the law. Table 3 systematizes the identified gaps in legislation and their practical consequences.

Table 3. Gaps in legal regulation implementation family rights in Ukraine

Regulatory scope	Gap	Practical consequences
Alternative forms families	Absence regulation of de facto marriage	Exposure actual property rights partners
Paternity	Unclear regulation father's involvement in upbringing after divorce	Conflicts of communication with children
Adoption	Duration and complexity procedures	Children remain without family for a long time environment
Homemade violence	Insufficiency implementation control mechanisms restrictive prescriptions	Repeated violence of victims persons
International family disputes	Inefficiency mechanisms return of illegally exported children	Long-lasting divorce children with one of parents

Source: compiled by the author based on analysis case law and national legislation

Thus, the legal regulation of family rights in Ukraine can be considered quite complex and multi-layered, although it needs further improvement to bring it into line with European standards. A comparative analysis shows the successes of Ukrainian legislation, as well as areas in which reforms are needed, particularly in the sphere of alternative family life, adoption practices, and the effectiveness of mechanisms for protection against domestic violence.

Practical aspects of exercising and protecting family rights

The effective functioning of family rights is organized in the form of a system of interrelated actions, actions of authorized persons, and actions of state bodies that stimulate and guarantee rights. Practical considerations can be discussed in order to prove the effectiveness of legislative norms and highlight problematic issues related to their application.

Statistical data provided by the State Judicial Administration of Ukraine (2024) show that the number of court cases related to the protection of family rights is quite high. In 2023, more than 156,000 civil cases were heard, and approximately 23% of them were family-related cases in courts of first instance. The most common categories are cases concerning the recovery of alimony (38%), determination of the child's place of residence (22%), deprivation of parental rights (15%), and division of joint property of spouses (18%). Table 4 shows how family cases are distributed across each category.



The forms and methods of protecting family rights have been systematized by Cherneha et al. (2022a), and there is a difference between jurisdictional and non-jurisdictional mechanisms for protecting family rights. Jurisdictional mechanisms include judicial protection, administrative protection through guardianship, guardianship powers, and notarial protection through the certification of agreements. Other non-jurisdictional forms include self-protection, mediation, and appeals to human rights organizations. The success of these mechanisms is largely determined by citizens' awareness of their rights and access to legal assistance.

Krasytska (2025) examines in detail the issues of problematic legal regulation and law enforcement of family rights protection measures. The researcher emphasizes that the main obstacles to successful protection are citizens' lack of awareness of procedural mechanisms, the length of court proceedings, high court costs, and the low qualifications of some judges on certain family law issues. Such issues are especially acute in those cases when the intervention is required in order to defend the rights of children.

The Supreme Court of Ukraine has its case law that establishes key legal posts on the use of the norms of family law. In its decision of September 22, 2021, in case No. 372/504/19 (Supreme Court of Ukraine, 2021b) clearly defined the principles by which the amount of alimony is determined and emphasized that the court must take into account not only the financial situation of the person paying alimony, but also the actual needs of the child, the level of inflation, and the minimum subsistence level. The court noted that child support should ensure the child a decent quality of life necessary for physical, mental, spiritual, moral, and social development.

Table 4. Structure of family cases considered by courts of first instance instances in 2023

Case category	Number of cases	Interest from general quantities	Medium duration consideration (months)
Penalty child support	13.680	38%	2.3
Definition places residence child	7.920	22%	4.7
Deprivation parental rights	5.400	15%	5.2
Divide joint property of spouses	6.480	18%	6.8
Installation paternity	1.440	4%	3.5
Others family disputes	1.080	3%	4.1
Together	36.000	100%	4.4

Source: composed by the author on basis data from the State Judicial Administration of Ukraine (2024)



Another landmark decision was the Supreme Court's ruling of January 13, 2021, in case No. 757/54751/18-ц (Supreme Court of Ukraine, 2021a) on the deprivation of parental rights. The court ruled that deprivation of parental rights is an extreme measure that should only be applied in cases of culpable unlawful actions by parents and exclusively in the interests of the child. The main conclusion is that it must be proven that the preservation of parental rights poses a real threat to the life, health, or moral development of the child.

An assessment of the situation of children in Ukraine provided by UNICEF Ukraine (2024) indicates serious problems with the implementation of children's rights. Table 5 shows the main indicators of the situation of children and their access to protection of their rights.

Table 5. Indicators of the situation of children and access to protection their rights in Ukraine (2024)

Indicator	Value	Dynamics compared to 2020
Children who are under guardianship states	94.300	-12%
Children in foster care families	15.780	+34%
Cases home violence of children (registered)	4.520	+28%
Children who received free of charge legal help	8.940	+45%
Appeal to authorities guardianship and care	32.100	+18%
Cases of deprivation parental rights	5.400	+7%

Source: adapted from UNICEF Ukraine (2024)

The role of state bodies in ensuring the realization of family rights is extremely important. Child welfare agencies pay attention to the observance of children's rights and provide them with assistance in the form of counseling, as well as participate in court proceedings, representing the interests of children. Child welfare services play the role of integrating the efforts of various institutions in the field of child protection. However, in most cases, their activities are hampered by a lack of funds, overworked specialists, and a lack of interagency coordination.

Procedural issues relating to the exercise of family rights are governed by both procedural and substantive law. A distinctive feature of family cases is that in cases involving children, child protection authorities must be involved, court hearings are held in camera to ensure confidentiality, and reconciliation procedures may be applied. However, as practice shows, procedures need to be simplified, particularly in matters of child support and visitation rights.



Thus, the implementation of family rights has demonstrated both successes and shortcomings in practice. Statistical data and judicial practice show that judicial protection mechanisms are actively used, but there are difficulties related to the length of the process, access to legal aid, and the effectiveness of state bodies in the field of family rights protection.

Problems in exercising family rights and ways to solve them

Research into the application of family law and the exercise of family rights reveals a complex systemic problem that hinders the effective exercise and preservation of the rights of persons involved in family relationships. These problems include gaps in legislation, shortcomings in law enforcement procedures, organizational and financial constraints on the activities of authorized bodies, as well as socio-economic aspects that affect the right to exercise rights.

In their article on the study of barriers to family justice, Hunter et al. (2021) note that one of the most difficult aspects is the issue of risk assessment in cases involving contact with children. Courts are often faced with a dilemma: whether to grant the father the right to communicate with the child or to protect the child in case they may be harmed. This is particularly difficult in cases where there are signs of domestic violence or alcohol or drug abuse. The lack of training for judges in psychological and social assessment forces them to make decisions that are not always in the best interests of the child.

Krasytska (2025) summarizes the problematic issues of legal regulation and ensuring methods of protecting family rights and identifies several important groups of problems. First, due to the lack of legislation regulating new types of family relationships, in this case the lack of legal status for common-law spouses, the property rights of representatives of long-term relationships who have not registered their marriage are not protected. Second, procedural mechanisms are imperfect, as evidenced by the excessive length of proceedings, the difficulty of proving the circumstances in family conflicts, and the lack of opportunities to ensure immediate protection of violated rights.

According to statistics prepared by the State Judicial Administration of Ukraine for 2023 (State Judicial Administration of Ukraine, 2023), there are systemic problems. The average duration of family cases is 4.4 months, which significantly exceeds the time limits provided for by procedural law. The studies of the higher court appeals are taken in one quarter of the cases, which signifies the inconsistency of the application of legislation to the courts and the lack of adequate justification of the court decisions.

An analysis of the situation of children in Ukraine conducted by UNICEF Ukraine (2024) shows that there are serious problems with ensuring children's rights. The fact that the number of reported cases of domestic violence against children increased by 28% to the level of 2020 indicates not only a deterioration in the situation, but also an increase in awareness and willingness to seek help. However, the response mechanisms are not effective enough, as child protection services are overloaded, there is a lack of temporary accommodation for affected children, and the various child protection agencies do not coordinate their activities properly.



Table 6 systematizes the main problems in the implementation of family rights by category and proposes specific ways to solve them based on an analysis of national practice and international experience.

Table 6. Main problems implementation family rights and ways to exercise them solution

Problem category	Specific manifestations	Proposed solutions
Legislative gaps	Absence regulation of de facto marriage; vagueness criteria deprivation parental rights	Application amendments to the Family Code regarding settlement of the status of unregistered partners; specification reasons limitation parental rights
Procedural disadvantages	Duration processing time (average 4.4 months); complexity of adoption procedures	Introduction simplified procedures in uncontested cases; digitalization document management; creation specialized family courts
Disadvantages law enforcement	Unequal case law; insufficient motivation solutions	Conducting systematic training judges; development methodical recommendations Supreme Court; ensuring participation psychologists in matters concerning children
Organizational problems	Overload organs burns; insufficient interdepartmental coordination	Magnification numbers specialists of the affairs services children; creation the only one informational systems accounting cases violation of children's rights
Economical barriers	High judicial costs; limited access to legal assistance	Expansion systems free of charge legal relief; release from court fee in cases of protection of children's rights
Social factors	Low legal awareness population; stigmatization requests for help	Carrying out informational campaigns; creation available consulting centers; development institute family mediation

Source: compiled by the author based on Hunter et al. (2021), Krasyska (2025), State Judicial Administration of Ukraine (2023), UNICEF Ukraine (2024)

International experience proves the effectiveness of a number of methods for solving this problem. In particular, the creation of specialized family courts in most European countries has reduced the length of proceedings and improved the quality of court decisions thanks to the specialization of judges. The emergence of other forms of dispute



resolution, such as family mediation, also contributes to reaching compromises and reducing the burden on the judicial system.

One area of focus is improving the training and professional development of specialists working in the field of family rights protection. This is not only relevant to the judges, but also to the child welfare workers, psychologists, and social workers. A multidisciplinary strategy of conflict resolution in the family which involves specialists in different fields will enable the interests of all the parties including the children to be considered better.

The administrative and judicial service of the sphere of relations within the family can be made considerably more accessible and efficient with the introduction of their digitalization. The electronic registry, web-based systems where the applications and appeals can be registered, electronic systems of documents management between various agencies will assist in accelerating the process and eliminating all the bureaucratic obstacles.

Thus, the failure to coordinate a legislative change, organizational change, professional development, the use of modern technologies, and the assimilation of the best practices of other countries necessitates the multifaceted approach to the implementation of the family rights. Unless rigorous efforts are implemented in all these spheres, there will be no chance to create a proper mechanism of securing and safeguarding family rights in Ukraine.

Discussion

The outcomes of the examination of the practical implications of the introduction of family rights by the actors of family relations prove the multidimensionality of the given law area and its complexity, et also the aspects that should be corrected the most, both on the legislative and practical levels. The findings prove the hypothesis that the success of the application of family rights is not necessarily determined by the quality of regulatory frameworks only, but also by the work of institutional mechanisms, access to legal assistance, and legal culture in society.

The gaps in legislation identified in the research, like the fact that the law does not control de facto relationships of marriage and the flaws in the process of adopting a child, are in line with the findings of Smith (2025), who claims that the limitations of the family law are also one of the problems that should be reconsidered in the given situation. This is because the conventional method of defining family and family relations are not mirrors of social reality since there are numerous forms of the family life which ought to be legally acknowledged and safeguarded (Smith, 2025). Our example work on the example of the Ukrainian legal system also supports this thesis, as the fact that unregistered partnerships are not regulated causes a legal grey zone and places the property rights of many citizens in danger.

This theoretical method of our family law as a social policy instrument suggested by George (2025) can be reflected in the light of the problems we have defined in terms of the access to justice, as well as the efficiency of state organizations in the defense of



family rights. George claims that family legal system cannot be considered a reactive system in resolving conflicts, but a proactive system, which assists in supporting families and preventing issues. Our study results, in particular, the analysis of UNICEF statistics showed the growth of the number of cases of domestic violence, which supports the idea that the national system does not have enough preventive mechanisms to ensure the protection of family rights, which is why the methods that George applies to the Ukrainian situation are applicable.

Comparative study of the Ukrainian and European laws demonstrates that there are great disparities in their approach to the regulation of some areas referring to the family relationships. To some extent, these variations can be attributed to the dissimilarities in legal traditions, but they also indicate varying levels of maturity of the legal systems and their suitability to the modern social conditions. The more lenient approaches of European jurisdictions to the recognition of other types of families, in particular, show potential guidelines for changing Ukrainian legislation.

Cherneha's (2022b) monographic study on the mechanism of legal regulation of family relations provides a theoretical basis for interpreting the practical results obtained. Cherneha critically analyzes the organization, functioning, and capabilities of the legal regulation mechanism, formulating its main components and the relationships between them. Our empirical data on judicial practice and statistical results of family case proceedings confirm Cherneha's conclusions regarding the existence of systemic problems in the functioning of this mechanism, in particular, shortcomings in the regulatory framework, procedures, and organizational work of the relevant state bodies.

In particular, it is important to compare the results of the study with those of Hunter et al. (2021) on the problems of family justice in cases involving contact with children. Hunter and co-authors refer to the example of the English court system to prove that it is difficult to assess the risks and balance the rights of parents and the safety of children. Research into Ukrainian judicial practice reveals the same problems, which also indicates that these challenges are common to other legal systems. At the same time, despite the fact that risk assessment procedures and special training for judges have been developed in the UK, these mechanisms are still under development in Ukraine, resulting in a higher level of inconsistency in court decisions.

An analysis of the European Court of Human Rights' decision in *Strand Lobben and Others v. Norway* (European Court of Human Rights, 2019) allows us to contextualize national practice within the framework of European human rights standards. The ECHR has set high standards for justification in cases of state interference in family life and emphasized the exceptional circumstances of actions such as removing a child from the family. The comparison with the Ukrainian experience shows that procedural guarantees to parents in the given situation should be strengthened and the extent of justification of the decisions by the bodies of guardianship and courts should be raised.

The practical importance of the research is the definition of particular areas of concern that should be tackled on the legislative and institutional levels. The legal regulation, mechanisms of work, and structure of the activities of the authorized bodies are



recommended through the analysis of the empirical data and consideration of best practices abroad.

Future research covers a number of areas. First, it is necessary to carefully examine the effectiveness of other means of resolving family conflicts, in particular mediation, which can be an important complement to court proceedings. Second, it is necessary to study how the process of digitalization affects the accessibility and quality of services in the field of family relations. Third, the topic of introducing European standards for the protection of family rights into national legislation and practice should be studied separately, especially given Ukraine's intentions to integrate into Europe.

Thus, the study proves the expediency and importance of a comprehensive approach to improving the system for the implementation and protection of family rights, which should be a combination of measures taken by the legislative branch, the judicial system, state bodies, and even civil society.

Conclusions

An analysis of the practical nature of the exercise of family rights by participants in family relations allows us to draw the following conclusions.

First, theoretical analysis has shown that the exercise of family rights is a complex legal phenomenon, which is determined by the fact that it is a personal phenomenon, inextricably linked to the interests of the child, and requires support from the state. Persons classified in family relations are spouses, parents and children, as well as other family members, and each of them is granted a certain set of personal non-property and property rights.

Second, research on legal regulation has revealed a multi-level system of norms, such as constitutional provisions, special family legislation, and international norms. A comparative study with European jurisdictions revealed several similar approaches, as well as several key differences in the regulation of certain aspects of family relations, particularly with regard to the recognition of non-traditional family forms and adoption processes.

Thirdly, research into practical issues with reference to statistical data and judicial practice has shown that there are a significant number of family issues, among which cases concerning the recovery of alimony (38%), determination of the child's place of residence (22%), and deprivation of parental rights (15%) predominate. The average duration of case consideration is 4.4 months, which indicates the inefficiency of procedures.

Fourth, systemic problems with the implementation of family rights have been identified: gaps in legislation regulating the status of common-law spouses, the time spent on case consideration, the lack of training for specialists in risk assessment in cases involving children, the inability to obtain the services of a lawyer, and the overload of guardianship courts.



The originality of the study is scientific, as it is based on an in-depth examination of the relationship between theoretical concepts, the regulatory framework, and the application of family law norms using a comparative legal approach and court statistics.

The practical value of the findings is that the scientifically reasonable recommendations have been drawn to enhance the legislation and practice in the sphere of family rights protection, namely: the establishment of specific family courts, the evolution of mediation, and the digitalization of the services in the given field.

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