

Переклад з української мови на англійську мову
Translation from Ukrainian into English

1. History and Theory of Law and State

SYSTEM OF LEGISLATIVE ACTS OF UKRAINE IN THE FIELD OF CHILDHOOD PROTECTION

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Today, the main factor in the system of ensuring the rights of the child is the Constitution of Ukraine, which has established the basic provisions on the protection of childhood. First of all, Article 27 of the Constitution of Ukraine declares that every person has the inalienable right to life. For example, according to Parts 2 and 3 of Article 51 of the Constitution of Ukraine, parents are obliged to support children until they reach the age of majority. Adult children are obliged to take care of their disabled parents. Family, childhood, motherhood and fatherhood are protected by the state.

Separate norms on the protection of children's rights are contained in the Family, Civil, Criminal and Housing Codes of Ukraine, the laws of Ukraine "On State Social Standards and State Social Guarantees", "On Prevention and Counteraction to Domestic Violence", "On Social Services", etc.

Thus, the norms of juvenile law are contained in a number of articles of the Civil Code of Ukraine. Establishing the same civil legal capacity for both adults and minor individuals, the Civil Code of Ukraine provides for partial legal capacity for minors. Their insufficient legal capacity is filled by the full legal capacity of their legal representatives: parents, adoptive parents, guardians or trustees. The Civil Code of Ukraine also defines the basic principles of the institution of guardianship and trusteeship, the principles of exercising personal non-property rights of individuals, and also defines the principles of inheritance.

Since the personality of a minor is formed mainly in a family environment, the Family Code of Ukraine is rightfully considered the basic law for him. Thus, Art. 2 of the Family Code of Ukraine provides that the Family Code of Ukraine regulates family personal non-property and property relations between spouses, between parents and children, adoptive parents and adopted children, between the mother and father of the child regarding his upbringing, development and maintenance. The Family Code of Ukraine defines, in particular, the general grounds for the emergence of the rights and obligations of parents towards children, personal non-property rights and property rights of parents and children, parental obligations regarding child maintenance, general principles of placement of orphans and children deprived of parental care, etc. [3].

As for the criminal legislation of Ukraine, it should be noted that the current Criminal Code of Ukraine defines the principles not only of criminal liability of minors, but also considers the rights and freedoms of minors as the object of the crime. Thus, Art. 156 of the Criminal Code of Ukraine establishes criminal liability for the corruption of minors, Art. 304 – involvement of minors in criminal activity, Art. 323 establishes liability for inciting minors to use doping, and Art. 304 – for inciting minors to use intoxicants. In addition, Part 2 of Art. 115 of the Criminal Code of Ukraine establishes criminal liability for the intentional murder of 2) a minor child or a woman who was known to the perpetrator to be

pregnant, and Art. 117 establishes criminal liability for the intentional murder of a mother of her newborn child.

It is worth paying attention to the provisions of the Law of Ukraine "On Prevention and Counteraction to Domestic Violence". This Law defines the organizational and legal principles of preventing and combating domestic violence, the main directions of implementing state policy in the field of preventing and combating domestic violence, aimed at protecting the rights and interests of persons who have suffered from such violence. It is worth noting that the provisions of this law establish, in particular, measures to provide assistance to a child who has suffered from domestic violence - a person who has not reached the age of 18 and has experienced domestic violence in any form or has become a witness (eyewitness) of such violence.

The inter-sectoral legislation containing the norms of juvenile law also includes:

1. Fundamentals of Ukrainian legislation on health care, which establish the obligation of citizens of Ukraine to take care of the health of children; guarantees of providing mothers and children with a network of antenatal, medical-genetic and other consultations, maternity hospitals, sanatoriums and rest homes for pregnant women and mothers with children, nurseries, kindergartens and other children's institutions, as well as other guarantees for children in the field of health care.

2. Laws of Ukraine "On Education" and "On Higher Education", the norms of which concern the implementation of citizens' rights to preschool, school, and to a large extent - primary, secondary, pre-university and higher education.

3. Law of Ukraine "On Youth and Children's Public Organizations", the norms of which determine the legal status of youth and children's public organizations.

The first special law is the Law of Ukraine "On the Protection of Childhood". This Law defines the protection of childhood in Ukraine as a strategic national priority, which is of great importance for ensuring the national security of Ukraine, the effectiveness of the state's domestic policy, and in order to ensure the realization of the child's rights to life, health care, education, social protection, comprehensive development and upbringing in a family environment, establishes the basic principles of state policy in this area, which are based on ensuring the best interests of the child. Ensuring the best interests of the child - actions and decisions aimed at meeting the individual needs of the child in accordance with his or her age, gender, state of health, developmental characteristics, life experience, family, cultural and ethnic affiliation and taking into account the opinion of the child, if he or she has reached such an age and level of development that he or she can express it. All children on the territory of Ukraine, regardless of race, skin color, sex, language, religion, political or other beliefs, national, ethnic or social origin, property status, health status and birth of children and their parents (or persons replacing them) or any other circumstances, have equal rights and freedoms defined by this Law and other regulatory legal acts. The said Law establishes the fundamental rights and freedoms of the child, the peculiarities of the child's relationship with the family and society, and also defines the peculiarities of the legal status of children who need special protection from the state.

In addition, the leading special laws are the Laws of Ukraine "On Social Work with Families, Children and Youth", "On Bodies and Services for Children and Special Institutions for Children", "On Ensuring Organizational and Legal Conditions for Social Protection of Orphans and Children Deprived of Parental Care", "On the Fundamentals of Social Protection of Homeless Citizens and Street Children", "On State Social Assistance to Disabled Children from Childhood and Disabled Children", "On State Assistance to Families with Children", "On Youth and Children's Public Organizations", "On Promoting the Social Formation and Development of Youth in Ukraine", "On Rehabilitation and Recreation of Children", "On Child Nutrition", etc.

By-laws on ensuring children's rights constitute an extensive system, the components of which are acts of the President of Ukraine, resolutions of the Cabinet of Ministers of Ukraine, regulatory acts of the Ministry of Social Policy, the Ministry of Education and Science, the Ministry of Youth and Sports



local state administrations, etc. Thus, the Decree of the President of Ukraine of March 18, 1998 № 200/98 "On Approval of Comprehensive Measures for the Prevention of Neglect and Delinquency among Children, Their Social Rehabilitation in Society". determines that the need to develop Comprehensive Measures for the Prevention of Neglect and Delinquency among Children, Their Social Rehabilitation in Society is due to the difficult criminogenic situation among minors, the constant growth in the number of neglected children, the aggravation of the problems of social maladjustment of adolescents. These measures provide for the solution of the following tasks: improving the regulatory and legal framework for the prevention of neglect and delinquency among children, bringing it into line with modern conditions and international standards; increasing the efficiency of the activities of all subjects of the state system of social and legal protection in solving the problems of the prevention of neglect and delinquency among children, their social rehabilitation in society, etc. [2].

Today, dozens of laws and hundreds of by-laws are in force, which contain a considerable number of juvenile law norms. In developed legal systems, juvenile law is codified – for example, Children's Codes or consolidated acts have existed since the beginning of the 20th century in Italy and Great Britain. Almost all US states have Children's and/or Juvenile Codes. There is a corresponding social need in Ukraine as well. The problem of codification of "children's" law was raised by the first juvenileists in the 20s of the last century - I.I. Kurytsky, M.P. Krychevskaya. This idea was supported by M.N. Gernet, and M.M. Polyansky even developed a scheme for such codification [1, pp. 9-10].

References

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2. *Pro zatverdzhennya Kompleksnykh zakhodiv shchodo profilaktyky bezdohlyadnosti ta pravoporushen'sered ditey, yikh sotsial'noyi reabilitatsiyi v suspil'stvi [On approval of comprehensive measures for the prevention of neglect and delinquency among children, their social rehabilitation in society]: Decree of the President of Ukraine dated March 18, 1998 № 200/98 - [Electronic resource] - Access mode: <https://zakon.rada.gov.ua/laws/show/200/98/conv>*
3. Family Code of Ukraine dated January 10, 2002 № 2947-III / Bulletin of the Verkhovna Rada of Ukraine – 2002 - № 21-22 – p. 135

Переклад з української мови на англійську мову виконано в Департаменті Перекладів при «Асоціації Перекладачів та Філологів» перекладачем Нікітичем Олександром Олександровичем.

The document was translated from Ukrainian into English by Olexsandr Nikishov, the translator, at the Department of Translations in the Association of Translators and Philologists.

01 SEP 2025

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31.07.2025