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Constitutional legal foundations of family policy: International comparative analysis

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Article's History:**Abstract**

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In the contemporary context of complex demographic crises and socio-economic challenges, the formulation of an effective family policy is a crucial component of state functioning and social stability. The purpose of this study was to determine the optimal constitutional legal frameworks for protecting family rights by establishing the relevance of modern recommendations for updating these national systems. The research employed a comparative-historical method, hermeneutic legal interpretation, and comprehensive analysis to evaluate regulations and legal frameworks. The investigation of legislation from France, Germany, China, and Kyrgyzstan helped to draw theoretical conclusions regarding real problems and successful practices in family policy, particularly concerning social support, migration adaptation, children's rights, and gender equality. It was established that while European nations legally guarantee comprehensive economic support and mandated preschool infrastructure, approaches in China focus on stimulating fertility through targeted financial incentives and tax deductions. Furthermore, the legal landscape of Kyrgyzstan was investigated, and the following features were identified: a reliance on declarative constitutional guarantees that lack the necessary codified funding mechanisms and universal benefit systems to overcome specific challenges like migration and rural resource deficits. It was concluded that a successful family policy requires moving beyond broad declarations to implement concrete, universally accessible statutory mechanisms that harmonise international norms with distinct national socio-economic conditions. The findings and recommendations presented in this study can be utilised by policymakers, legislators, and social welfare developers to reform national family codes and design targeted, sustainable state support programs

Keywords: international law; family rights; rights protection; national legal systems; digitalisation of family policy

Introduction

Family policy plays a fundamental role in the state system, as the family forms the bedrock of society where essential social and cultural values are established. Today, families face acute, multifaceted demographic crises that highlight the vital need for robust state support. For example, the European Observatory on Family Policy notes a severe "childcare gap" across the EU that forces parents to delay returning to work or rely on expensive private solutions, which ultimately depresses birth rates (COFACE Families Europe, 2025). Conversely, Central Asia faces a demographic boom where over

50% of the population is under 30. However, due to underinvestment, children born today may only reach 50-60% of their future productivity potential (Dyson *et al.*, 2025). Because declarative constitutional norms are insufficient to address such complex issues, it is crucial to analyse and adapt legal mechanisms to ensure they effectively protect families from these modern threats.

In response to these challenges, many countries have actively updated their family policies, shaping a new agenda that requires comprehensive economic and legal measures. Italy, for

instance, recently reformed its approach by introducing an integrated early childhood education system for children aged 0-6 to overcome fragmented governance and improve educational equity (Milano *et al.*, 2025). Similarly, Germany has shifted toward preventative, interdisciplinary municipal networks to enhance early intervention coordination between local health and welfare sectors (Council of the Baltic Sea States, 2026). These updated frameworks largely comply with national constitutional mandates and international standards, such as the UN Convention on the Rights of the Child, which obliges countries to create conditions for the development of children and ensure their right to education, medical care, and protection from violence. However, their implementation frequently gives rise to significant legal problems. These crisis responses often spark jurisdictional and financial conflicts between local municipalities and central governments, as well as constitutional disputes over equality and anti-discrimination regarding the eligibility of immigrant or refugee families to access newly expanded support systems (Efremov, 2025). Maintaining a balance between traditional values and adapting to these emerging challenges remains essential for strengthening overall social stability.

The effective application of the rule of law by EU member states plays a direct role in the protection of family rights, with research by C.M. Verga (2024) concluding that the implementation of international standards establishes a vital framework for legal harmonisation across the region. In Central European countries, family protection mechanisms are heavily shaped by distinct regional legal and social characteristics, as highlighted by T. Barzó (2021). Furthermore, the legal protection of the family in nations like Poland continuously evolves in response to both international requirements and shifting social dynamics, which M. Andrzejewski (2021) concluded underscores the ongoing adaptation and

compliance of national norms to meet broader global standards.

In the context of Central Asia, contemporary Uzbek society reflects a distinct concept of the family where state policy successfully prioritises specific foundational objectives to support family units, as analysed by M.K. Abulova (2023). Additionally, family institutions and marital relations in the region often rely on customary legal norms; studies such as those by Z. Aitbaeva *et al.* (2021) demonstrate the enduring influence and unique strengths of traditional approaches to family governance. Within the constitutional framework of Kyrgyzstan, A. Akisheva (2023) showed that the intersection of gender rights and family policy highlights the critical necessity of safeguarding women's rights to ensure equitable family relations. Ultimately, family policy functions as an essential component of overall state social policy, with N.K. Atabekova *et al.* (2023) concluding that addressing contemporary demographic and social challenges is increasingly reliant on the application of innovative legislative and policy responses.

S. Cui & P. Qi (2021) examined the legal regulation of personal information and privacy protection under the Civil Code of the People's Republic of China (2020). This topic has notable potential for further development, as privacy regulation directly affects family relations in the context of digitalisation. A.A. Grynychak *et al.* (2022) analysed the Convention for the Protection of Human Rights and Fundamental Freedoms as a constitutional instrument of European law and order. The study was highly valuable in the context of integrating international standards into national law, but did not consider their direct influence on family law. S. Kraljić (2020) studied Slovenia's new Family Code and the process of de-juridification of divorce. This study demonstrated the significance of reforming family law to ensure its accessibility, but the question of the universality of the proposed approaches was left open.

Studies focusing on the international analysis of family policy provided limited comparisons between countries with distinct approaches. While comparative analysis can reveal the unique advantages or disadvantages of distinct systems, available studies often lack depth in comparing legal systems and policy models, complicating the understanding of which approaches may be most effective in particular contexts. The purpose of the present study was to determine the constitutional legal foundations of family policy within an international and comparative context to establish the relevance of modern recommendations for updating these frameworks. The objectives of the present study were as follows:

- to investigate the theoretical foundations of family policy to establish a baseline for evaluating the relevance of contemporary policy recommendations;

- to evaluate the extent to which new family policies comply with both national legislation across the studied jurisdictions and international standards, including human rights conventions and cross-border agreements;

- to formulate relevant, evidence-based recommendations for harmonising national systems based on specific national features, focusing on Kyrgyzstan alongside international models.

Materials and Methods

Particular attention was paid to international documents such as the UN Convention on the Rights of the Child (1989), the UN Convention on the Elimination of all Forms of Discrimination against Women (1979), the ILO Convention No. 156 (1981), the ILO Convention No. 183 (2000), the European Social Charter (1961), and the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) (2011). These instruments lay a comprehensive foundation for the protection of the rights of

the family, gender equality, work-life balance, and the safety of individual members at the international level. These documents serve as a basis for the development of national legal systems that promote the harmonisation of family policy.

National examples studied include the Action Plan on Sexual and Reproductive Health by WHO (2016), Act of the Federal Republic of Germany on the Federal Parental Allowance and Parental Leave (2015), and the report “Time for the Family” (Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, 2012) in Germany, the Social Security Code (2025), the Family Code of the Kyrgyz Republic (2003), the Appendix to the Resolution of the Cabinet of Ministers of the Kyrgyz Republic No. 254 (2025), and the Civil Code of the People’s Republic of China (2020). The analysis was conducted to identify similarities and differences in the regulation of family relations in distinct legal systems. The choice of regulations from Germany, France, Kyrgyzstan, and China was determined by their significance in the context of studying family policy, as well as the unique approaches applied in each of these countries.

As part of the literature and legal review informing this study, it is recognised that creating effective family policies requires coherence between legislation, social support programmes, and international standards. The Constitution of the Kyrgyz Republic (2021) prescribes the fundamental rights of citizens, including the right to found a family and protect family values. It guarantees equality of spouses, protection of the interests of minors, and social support for large families, which underlies further development of regulations and state programmes. These provisions are integrated into the Family Code of the Kyrgyz Republic (2003). The Code of the Kyrgyz Republic on Children (2012) complements this legal framework by establishing mechanisms for the protection of minors, guaranteeing their access

to education, medical care, and social support. A significant part of family legislation is the Law of the Republic of Kyrgyzstan No. 184 “On State Guarantees of Equal Rights and Equal Opportunities for Men and Women” (2008).

The methodological framework of the present study included a comparative-historical method of analysing regulations of countries according to criteria such as family policy objectives, financial support, parents’ working hours, gender equality, demographic policy, international obligations, which helped to compare the development of family policy in different countries at different stages of its evolution. A comprehensive analysis method was applied to identify problems and challenges in the implementation of family policy in Kyrgyzstan. A comparison of Kyrgyzstan’s experience with successful practices in other countries, such as Germany, France, and China, helped to identify areas where Kyrgyzstan’s family policy can be improved.

Results

Theoretical foundations. Family policy aims to support family well-being, protect their rights, and create conditions for stable socio-economic functioning. It encompasses targeted measures for diverse groups, including large families, those with disabled children, older persons, and vulnerable populations (Atabekova *et al.*, 2023). Developing accessible social services (education, healthcare, and psychological support) strengthens family resilience, promotes long-term well-being, and fosters social cohesion. Key objectives of family policy include protecting the rights of vulnerable family members, improving economic stability, and facilitating a harmonious work-life balance. By drawing on international practices and local needs, these policies strengthen social solidarity and promote essential values like care and inter-generational ties. Such ties are crucial for building social capital and helping families adapt to

modern challenges like migration, demographic shifts, and social inequality.

Family policy is grounded in constitutional norms that establish principles for state support, providing the legal basis for sectoral laws like family codes and social protection acts (Giyasova *et al.*, 2025). These frameworks regulate demographics and gender policy, ensuring equitable access to vital services while protecting against violence and discrimination. As a cornerstone of the welfare state, family policy mitigates social risks and develops human potential (Ryskaliyev *et al.*, 2019; Amandossuly *et al.*, 2025). Its successful implementation increasingly requires harmonising national legislation with international standards to strengthen social cohesion.

Constitutional law interacts closely with international standards to regulate family, marriage, and property relations while establishing state support principles. Integrating instruments like the UN Convention on the Rights of the Child (1989), which mandates child protection, education, and healthcare, into national systems ensures their practical implementation. Furthermore, treaties such as the UN Convention on the Elimination of all Forms of Discrimination against Women (1979), the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) (2011), the European Social Charter (1961), the ILO Convention No. 156 (1981), and the ILO Convention No. 183 (2000) strengthen legal guarantees for gender equality, domestic safety, maternity protection, and work-life balance. Organisations like the UN, UNICEF, and the Council of Europe drive this international cooperation. While these conventions guide national legislation and establish uniform human rights standards, their practical implementation naturally varies according to the specific socio-economic, cultural, and historical contexts of each country or region. Thus, international conventions create

unified guidelines for the formation of family policy, but their implementation depends on the concrete conditions in each country. In countries with prominent levels of economic development, they contribute to the expansion of social guarantees and support for family well-being, while in developing regions, the focus is on combating poverty, protecting motherhood and childhood, and adapting international standards to national traditions and capabilities.

The development of family policy is impossible without considering the educational aspect since the availability of quality education plays a key role in the development of stable family relations and social stability. One of the topical areas of family policy is the development of digital literacy among parents and children, which is critical in the modern global digitalisation era. Access to technology, online education, and digital services allows families to adapt to modern requirements, improve educational and professional prospects, and ensure equal access to the opportunities provided by the digital economy.

Recent political developments and legislation in Europe and China. In EU countries, family policy is focused on a strong level of social protection and the creation of conditions for family development. For instance, in Sweden and Germany, the priority is to combine parents' professional activities with raising children. These countries provide generous benefits, paid childcare leave, and affordable preschool education services, which contribute to the harmonisation of work and family responsibilities. In Sweden, parents can take extended periods of childcare leave with partial or full pay, which helps improve families' standard of living and balance work and personal life (Government Offices' Legal Databases, 1993). Germany implements policies to support large families by providing tax breaks, accessible educational institutions, and a well-developed system of social services, including kindergartens

and family support centres, which play a key role in ensuring family well-being and supporting sustainable family time policies (Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, 2012; Shire & Nemoto, 2020).

In Eastern European countries such as Poland, the Czech Republic, and Ukraine, family policy is developing in line with international standards but faces challenges related to economic instability and the need to reform social institutions (Thomas, 2019). National programmes are aimed at supporting families with children, including the provision of maternity capital, subsidies, and child-rearing allowances. Poland has a "500+" system of regular payments to families with children, which contributes to improving the demographic situation and social stability (Andrzejewski, 2021). In Ukraine, family policy is being transformed in the context of integration with the EU, which involves reforming legislation in line with international standards on child protection and gender equality (Grynchak *et al.*, 2022).

The family policies of different countries reflect their unique historical, socio-economic, and cultural priorities. European and Asian nations demonstrate diverse approaches to regulating family relations, as evidenced by frameworks like the Act of the Federal Republic of Germany on the Federal Parental Allowance and Parental Leave (2015), and Civil Code of the People's Republic of China (2020), Social Security Code of France (2025). European countries like Germany and France leverage their strong economies to stimulate birth rates and promote work-life balance through generous financial support, paid parental leave, accessible childcare, and gender equality initiatives. Meanwhile, China is actively transitioning from strict birth control to encouraging fertility through tax incentives and allowances, though soaring living costs and intensive labour cultures remain significant barriers to

population growth. Ultimately, these distinct approaches, whether prioritising progressive economic support in Europe or navigating demographic shifts and traditional values in Asia, highlight the necessity of integrating international standards with national legislation. This adaptation allows countries to balance tradition with innovation, offering valuable models for cross-regional social protection.

A comparative legal analysis reveals fundamental similarities in the goals of family policy across different jurisdictions, yet distinct structural differences in how these goals are legally codified (Munif *et al.*, 2025). For instance, the Act of the Federal Republic of Germany on the Federal Parental Allowance and Parental Leave (2015) explicitly establishes a direct legal entitlement to financial compensation during parental leave. Similarly, the Social Security Code of France (2025) outlines comprehensive statutory mechanisms that guarantee family allowances and infrastructural access to childcare. In the Asian context, the Civil Code of the People's Republic of China (2020) legislatively reinforces the protection of marriage and family, an approach supported by state programmes expanding access to healthcare and social security (Zheng & Shu, 2024). As evidenced by the legal structures in Germany, France, and China, the success of family policy relies heavily on a codified, multifaceted approach that seamlessly integrates economic, social, and cultural legal norms to achieve an equitable society.

Family policy implementation and challenges in Kyrgyzstan. In Eastern Europe and Central Asia, including Kyrgyzstan, family policy is aimed at reducing poverty, strengthening the institution of marriage, and supporting vulnerable families. The focus is on improving the living conditions of large families, developing programmes to help those in need, and supporting women in challenging life circumstances. Kyrgyzstan is actively implementing social programmes aimed at

improving healthcare and providing financial aid to low-income families to improve their quality of life (Atabekova *et al.*, 2023).

Conversely, Kyrgyzstan relies heavily on traditional values and community networks to manage its high birth rate, as limited economic resources constrain comprehensive state assistance for large and low-income families. The interaction of these legislative acts provides a comprehensive approach to protecting the family and creating favourable conditions for its development, but their implementation requires support at the level of state programmes. State programmes to support families in Kyrgyzstan include social support measures for large families, payment of allowances, subsidies for medical services, and tax benefits, as guided by national strategies aiming to modernise family support infrastructure (Appendix to the Resolution..., 2025). These measures help to reduce poverty, create conditions for stable child-rearing, and ensure equal opportunities for all categories of families. Child protection-oriented programmes in Kyrgyzstan include allowances for low-income and large families, subsidies for medical services, support with school meals and textbooks, and targeted assistance for children in difficult life situations.

Thus, family policy in Kyrgyzstan is a multi-layered system that includes legal mechanisms aimed at protecting family rights, supporting vulnerable categories of citizens, and creating conditions for the equal and stable development of family relations. The integration of international standards into national legislation allows factoring in the global trends and adapting successful practices from other countries to local conditions, which further contributes to improving the level of social protection and the sustainable development of family institutions in Kyrgyzstan.

The success of these programmes is confirmed by the positive changes in the socio-economic situation of families in Kyrgyzstan. For

example, according to the Ministry of Labour and Social Development of the Kyrgyz Republic (2023), about 30% of large families received aid under the programme to support large families, indicating considerable coverage. However, the implementation of family policy faces a series of challenges. One of the most prominent factors is the impact of migration, which can destroy family structures and increase the burden on

the remaining family members. Research shows that a high degree of migration leads to adaptation problems for children left without parents and negatively affects the preservation of inter-generational ties. Socio-economic factors such as increased unemployment rates, limited access to quality healthcare and education services, and poverty increase family tensions and reduce the resilience of family institutions (Table 1).

Table 1. Problems and challenges of family policy implementation in Kyrgyzstan

Problems and challenges	Description
Effects of migration	High migration rates cause a breakdown of family ties and increase the burden on the remaining family members.
Socio-economic factors	Increased unemployment rates and limited access to quality healthcare and education services negatively influence the stability of family institutions.
Low availability of quality services	Limited access to quality education and healthcare reduces the well-being of families.
Inequalities in gender policies	Discrimination against women and violation of the rights of family members, especially vulnerable groups such as the elderly and persons with disabilities.
Inadequate state support	Lack of sufficient funding for family support programmes causes limitations in their implementation.

Source: compiled by the authors of this study based on national legislation and strategic programmes, including the Family Code of the Kyrgyz Republic (2003), the Law of the Republic of Kyrgyzstan No. 184 (2008), Constitution of the Kyrgyz Republic (2021), and the Appendix to the Resolution of the Cabinet of Ministers of the Kyrgyz Republic No. 254 (2025)

The implementation of family policy in Kyrgyzstan faces a series of major challenges. One of the key difficulties is the underdeveloped legislative framework, which hinders the resolution of issues related to the protection of the rights of families and children. While the legal system and government strategies attempt to respond to these issues through constitutional guarantees and state programmes, these responses often lack adequacy and timeliness. For example, existing legal mechanisms face challenges in adequately addressing housing inaccessibility, low material security, and discrimination against women and children in family relations, necessitating more comprehensive legislative approaches (Akisheva, 2023). Consequently, current government policies often function more as a declarative attempt

to emulate international standards rather than an effective, functioning mechanism. Additionally, insufficient funding for social programmes strictly limits their effective implementation, further rendering the state's response inadequate.

Social and cultural stereotypes, especially regarding the role of women in society, also hinder the development of family policy, as they limit women's participation in labour and public life. For instance, the enduring influence of customary legal norms in regional marriage relations can sometimes overshadow official gender equality initiatives, demonstrating a significant gap between declarative legislation and actual enforcement (Aitbaeva et al., 2021). Increased levels of poverty and unemployment make it challenging for families to meet their basic needs, which

affects decisions about having children and access to quality services. A prime example of this constraint, and a demonstration of the state's delayed and insufficient response, is that despite existing state aid frameworks, only about 30% of large families actually receive necessary assistance, highlighting critical gaps in welfare coverage (Ministry of Labour and Social Development of the Kyrgyz Republic, 2023).

There is also a problem of low access to education and healthcare services, especially in rural areas, which limits families' opportunities to improve their living conditions. Domestic violence and insufficient legal awareness also create barriers to the effective implementation of family policy. This is particularly evident when vulnerable groups, such as the elderly and persons with disabilities, face ongoing rights violations due to a lack of awareness and inadequate enforcement of legal protections, showing that protective strategies are neither timely nor fully capable of safeguarding those at risk. Finally, weak interaction between public and private structures complicates the implementation of social initiatives. For example, insufficient coordination between local educational institutions and families limits the ability to empower parents, promote teacher accountability, and develop resilient family structures during crises, further indicating that the current framework lacks the systemic integration required to be truly effective (Jailobaeva *et al.*, 2023). All these problems require a comprehensive approach and reforms to improve the situation.

For the successful implementation of family policy in Kyrgyzstan, measures must be developed to reduce the impact of migration, improve access to quality services, and ensure equal rights for all family members. The thorough integration of national and international standards will considerably influence the sustainability and development of family policy. Problems of housing inaccessibility, low material security, and discrimination against

women and children in family relations also exacerbate the challenges of implementing family policy. In this context, comprehensive approaches are needed that factor in the diversity of family situations and promote social protection and the integration of international standards into national family support programmes (Akisheva, 2023).

This demonstrates significant differences from the approach set forth in Article 1 of the Family Code of the Kyrgyz Republic (2003) and the Constitution of the Kyrgyz Republic (2021), which broadly declare state protection of family values and the priority of family upbringing, but often lack the specific financial provisions and structural mandates found in European frameworks. In the Asian context, the Civil Code of the People's Republic of China (2020) legislatively reinforces the protection of marriage and family, an approach supported by state programmes expanding access to healthcare and social security (Zheng & Shu, 2024). Consequently, Kyrgyzstan faces the challenge of advancing beyond declarative constitutional guarantees by adapting concrete international regulatory practices into its national legislation, ensuring these reforms address specific local hurdles such as migration, rural resource deficits, and traditional customary norms.

Kyrgyzstan possesses promising potential to modernise its family policy by integrating specific statutory mechanisms that have proved effective in other jurisdictions. Translating the broad social models of Germany, France, and China into codified Kyrgyz law would systematically improve the quality of life for families and ensure long-term socio-legal stability. A prime example of actionable legislative borrowing is Germany's financial support framework. The German Child Benefit (Kindergeld) system (Federal Ministry for Education, Family Affairs, Senior Citizens, Women and Youth, 2025) provides universal, regular statutory payments to families for each child. In contrast, the current Kyrgyz approach, primarily

regulated by the Appendix to the Resolution of the Cabinet of Ministers of the Kyrgyz Republic No. 254 (2025), is strictly targeted, reaching only a fraction of large or low-income families. Amending Kyrgyz legislation to phase in a universal child benefit system would legally ensure a reduction in financial burdens and foster a more stable demographic environment (Lüth & Zimmermann, 2024).

France offers another distinct legal model through its statutory obligations regarding pre-school education. French legal norms mandate infrastructural provision for kindergartens and nurseries, legally enabling parents to balance work and family. Comparing this to the Law of the Republic of Kyrgyzstan No. 184 (2008) highlights a gap: while Kyrgyz law guarantees equal opportunities, it does not currently compel the state to fund the necessary childcare infrastructure to realise those opportunities. Introducing targeted legislative amendments to mandate and subsidise pre-school network expansion, particularly in rural zones, is essential for making these declarative rights enforceable. China's legislative approach to demographic policy also serves as a critical reference point. While the Civil Code of the People's Republic of China (2020) secures personal and family rights, complementary state initiatives provide young families with concrete financial incentives, such as preferential mortgage conditions and tax deductions. Introducing analogous amendments into the Tax Code and housing legislation of Kyrgyzstan could legally stimulate the creation of new families. Furthermore, incorporating explicit provisions for flexible working hours into the Kyrgyz labour framework is vital to reflect the standards outlined in the ILO Convention No. 156 (1981).

Strengthening the institution of the family also requires an educational mandate. While Germany and France embed family-life preparation courses within their formalised educational

frameworks, the Code of the Kyrgyz Republic on Children (2012) primarily focuses on protective measures. Introducing legally binding educational standards that include financial management and interpersonal relations, adapted to national cultural nuances, would close this developmental gap. Furthermore, a comparative look at healthcare regulation highlights divergent levels of state obligation. The French Social Security Code of France (2025) systematically guarantees free prenatal and postnatal care. Although the Constitution of the Kyrgyz Republic (2021) and the Code on Children (2012) establish the right to health, these rights require deeper legislative codification to mandate free, accessible maternal care and comprehensive vaccination programmes at the municipal level, directly aligning with international sustainable development goals (WHO, 2016).

Addressing families in crisis also requires stringent legal frameworks. Where French and German laws mandate the establishment and funding of social support networks, the Kyrgyz legal system would benefit from statutory requirements explicitly obligating local governments to fund and maintain analogous centres for psychological and legal aid. A major step toward these reforms is the adoption of a comprehensive national family policy strategy that unifies these dispersed regulatory measures into a single, cohesive legal act. Such a document must move beyond generalised aims by prescribing clearly defined legal goals, binding funding mechanisms, and strict performance indicators.

Discussion

The study helped to trace major trends in the constitutional legal foundations of family policy at the international level. Importantly, many of the studies reviewed focused on the protection of human rights and the adaptation of national laws to international standards. This is significant for

understanding how different countries are integrating global norms and values into their legal systems, providing a basis for a more harmonised approach to family protection. The study demonstrated how national legal approaches to family policy were being influenced by international standards such as the European Convention on Human Rights and the Convention on the Rights of the Child. All the studies reviewed drew on international standards for the protection of human rights and the family, analysing various aspects of the impact of legal, social, and economic factors on the well-being of families. D. Osmonova *et al.* (2023) investigated the evolution of family relations in Kyrgyzstan, emphasising the key role of constitutional provisions in strengthening the institution of the family. The findings were consistent with the findings of the present study, highlighting the relevance of the legal framework of family policy in ensuring the sustainability of family structures. The similarity of the studied context and the general approach to the social protection of families explained the proximity of the findings.

P. Zhu *et al.* (2023) focused on analysing the resilience of families in crisis contexts such as the COVID-19 pandemic. The study emphasised that government support is a crucial factor in the adaptation of families to challenging situations. These findings partly overlap with the results presented, as the focus is on the general legal framework, while P. Zhu *et al.* focused on temporary crisis interventions. M.J. Thomas (2019) investigated the influence of internal migration processes in the UK on family structure and function. Although the topic of migration is only indirectly related to family policy, the difference in emphasis – social motivations for migration rather than legal regulation – explained the lower degree of alignment with the findings.

Projects focusing on educational opportunities for girls in Kyrgyzstan emphasised the role of family values and intergenerational dialogue,

which partially correlated with the results of the present study. The emphasis on education as a factor in the formation of stable family structures made these studies relevant in the context of general family policy. A. Stewart-Tufescu *et al.* (2019) explored children's well-being through their personal perspectives. Although only indirectly related to the legal aspects of family policy, this area confirmed the significance of considering children's interests within family structures. J.G. Grzywacz *et al.* (2019) emphasised work-life balance as a valuable element of family well-being. Their study confirmed the need for an integrated approach, which was consistent with the position of integrating family policy with labour and social legislation. The themes of intergenerational interaction through digital learning raised by C. Hébert *et al.* (2020), reflected novel approaches to nurturing and transmitting family values in the context of digitalisation. While these aspects were partly consistent with the findings of the present study, the focus on digitalisation added a new angle to family policy analysis.

K. Jailobaeva *et al.* (2023) demonstrated the responsibility of schools and teachers towards parents in Kyrgyzstan. These findings confirmed the significance of integrating education policy with family policy, stressing the relevance of working together to develop resilient families. E. Brini *et al.* (2021) analysed family life during the pandemic, identifying weaknesses in government support. Their findings were fully consistent with the results presented in the current study, highlighting the necessity of adapting legal and social measures to the emergency. H. Kleven *et al.* (2020) emphasised the role of family policies in reducing gender inequalities. The findings confirmed that the integration of gender into family policies contributed to a balanced distribution of roles in the family. L. Lui & A.K. Cheung (2021) examined the effects of family policies and social norms on marriage and fertility decisions. Their

findings supported the relevance of legal regulation in the context of population policy. G. Melo *et al.* (2023) examined the mental and emotional health of children in low-income families during the pandemic, emphasising the need for comprehensive state support. This aspect partially agreed with the findings presented, confirming the relevance of social protection. A. Reeves *et al.* (2021) explored the relationship between family policies and food security, emphasising the significance of social protection in improving family well-being.

S. Wang & S. Gong (2023) stressed the influence of family policies on gender roles and decisions to marry or have children. These findings were consistent with the results of the present study, supporting the need to consider social and cultural factors in the design of family policies. A studies emphasised the protection of women's rights within family policy (Shire & Nemoto, 2020). This reflects the increased focus on gender equality and women's rights in the contemporary international legal context. These studies showed that protection mechanisms are becoming more comprehensive, including not only legal issues, but also social and ethical aspects. A.A. Grynychak *et al.* (2022) and M. Poniatowski (2022) showed how international legal instruments, such as the European Convention on Human Rights and the Convention on the Rights of the Child, were actively influencing national systems of family rights protection. These studies reflected the desire to integrate national legislations into international legal frameworks, thereby harmonising approaches to the protection of family rights across countries. This created a space for comparative analyses that help to identify both similarities and differences.

Comparative studies that enable an in-depth investigation of the specifics of family policy in different states become key. For instance, S. Kraljić (2020) focused on analysing changes in the family code in Slovenia, while P. Sobczyk (2024)

examined the constitutional foundations of family policy in a broader context. This showed the diversity of approaches to legal regulation of family issues dependent on national contexts and specific cultural features. Furthermore, P. Sobczyk emphasised concrete legal developments, such as judicial reform on divorce, which allows for a better understanding of the practical application of theoretical developments. These studies analysed not only changes in legislation, but also the implementation of reforms at the level of the judiciary, which reflected the real dynamics of law enforcement practice. Notably, such studies contribute to a deeper understanding of the impact of legal changes on the functioning of family policy and the safeguarding of family rights in everyday life.

The present study on family policy in Kyrgyzstan and the study by D. NeJaime (2019) overlapped in a number of aspects, especially in terms of theoretical models and conceptual approaches that can be useful for deeper analyses. D. NeJaime (2019) emphasised the normative framework that defined the rights of parents and children, as well as their interaction in modern society. The problems considered in the present study were largely related to the challenges explored in D. NeJaime's (2019) study, such as the legal framework that defined the rights of parents and children. Thus, most of the studies reviewed confirmed the conclusions about the significance of constitutional legal foundations and the need for a comprehensive approach to the development of family policy. Differences in some aspects were explained by the different research focuses, regional contexts, and specific social problems addressed by the researchers. This emphasised the significance of adapting international practices to specific national features.

Conclusions

The study established that the theoretical foundations of family policy are deeply rooted in the

interaction between national constitutional norms and international legal standards. By investigating these foundations, it was determined that international instruments create a vital baseline for evaluating contemporary policy by setting uniform guidelines for child protection, gender equality, and social support. However, the successful implementation of these frameworks depends heavily on their translation into concrete statutory mechanisms rather than mere declarative norms.

Evaluating the compliance of new family policies revealed structural disparities among the studied jurisdictions regarding how these goals are legally codified. While European nations like Germany and France, alongside China, seamlessly integrate economic, social, and cultural legal norms through specific statutory mandates (guaranteed parental allowances, required pre-school infrastructure, and tax incentives), Kyrgyzstan's approach remains largely declarative. The study found that despite constitutional guarantees, Kyrgyzstan's current legal framework lacks the adequate funding mechanisms and binding structural mandates necessary to effectively counter complex local challenges, including the negative impacts of high migration rates, entrenched socio-economic inequalities, and inadequate service availability.

To harmonise Kyrgyzstan's national system with these international standards and address its specific demographic features, several evidence-based recommendations were formulated. First, it is recommended that Kyrgyzstan transition from a fragmented, targeted assistance model to a codified, universal child benefit system, drawing on successful frameworks like Germany's Federal Parental Allowance and Parental Leave Act.

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Second, to realise the constitutional guarantees of equal opportunity, Kyrgyz law must be amended to explicitly mandate and subsidise the expansion of childcare and pre-school infrastructure, mirroring the statutory obligations found in the French Social Security Code. Third, inspired by the Civil Code of the People's Republic of China, introducing complementary financial incentives, such as preferential mortgage conditions and tax deductions, would legally stimulate family stability. Ultimately, these reforms should be consolidated into a comprehensive national family policy strategy that moves beyond generalised aims by prescribing binding funding mechanisms and strict performance indicators.

A limitation of the present study was the lack of available data regarding how specific local cultural and economic characteristics might influence the practical effectiveness of importing these international family policy practices into Kyrgyzstan. Prospects for further research must include a more granular analysis of socio-economic factors, particularly the precise effects of labour migration and economic instability on family cohesion, as well as a broader examination of how family policy intersects with other governmental frameworks to yield comprehensive improvements in quality of life.

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Конституційно-правові основи сімейної політики: міжнародний порівняльний аналіз

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Анотація

У сучасному контексті складних демографічних криз та соціально-економічних викликів формування ефективної сімейної політики є надзвичайно важливим компонентом функціонування держави та соціальної стабільності. Метою цього дослідження було визначення оптимальних конституційно-правових основ захисту сімейних прав шляхом встановлення актуальності сучасних рекомендацій щодо оновлення цих національних систем. У дослідженні використовувалися порівняльно-історичний метод, герменевтичне правове тлумачення та комплексний аналіз для оцінки нормативно-правових актів і правових баз. Дослідження законодавства Франції, Німеччини, Китаю та Киргизстану допомогло зробити теоретичні висновки щодо реальних проблем та успішних практик у сімейній політиці, зокрема щодо соціальної підтримки, міграційної адаптації, прав дітей та гендерної рівності. Було встановлено, що в той час як європейські країни законодавчо гарантують всебічну

економічну підтримку та обов'язкову дошкільну інфраструктуру, підходи в Китаї зосереджені на стимулюванні народжуваності через цільові фінансові заохочення та податкові пільги. Крім того, було досліджено правовий ландшафт Киргизстану та виявлено такі особливості: опора на декларативні конституційні гарантії, яким бракує необхідних кодифікованих механізмів фінансування та універсальних систем пільг для подолання специфічних викликів, таких як міграція та дефіцит ресурсів у сільській місцевості. Зроблено висновок, що успішна сімейна політика вимагає виходу за межі широких декларацій для впровадження конкретних, загальнодоступних законодавчих механізмів, які б гармонізували міжнародні норми з відмінними національними соціально-економічними умовами. Висновки та рекомендації, представлені в цьому дослідженні, можуть бути використані політиками, законодавцями та розробниками систем соціального забезпечення для реформування національних сімейних кодексів і розробки цільових, сталих програм державної підтримки

Ключові слова: міжнародне право; сімейні права; захист прав; національні правові системи; цифровізація сімейної політики