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International practices in the development of administrative legal relations in the field of child protection

Olena Maksymenko*

PhD in Law, Senior Researcher

National Academy of Internal Affairs

03035, 1 Solomianska Sq., Kyiv, Ukraine

<https://orcid.org/0000-0002-3039-1773>

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Abstract

Ensuring and protecting children's rights is a priority in building harmonious legal relations in every civilised country. The study of the experience of different countries regarding the specifics of the development of administrative legal relations in the field of child protection allows analysing the problematic aspects and identifying positive developments that should be adopted and disseminated. The purpose of this study is to investigate administrative legal relations in the area of child rights protection in certain countries of the world. A set of methods was employed, including methods of induction and deduction, analysis and synthesis, comparison and generalisation, etc. The study examined the content of certain provisions of the Convention on the Rights of the Child, as well as the specific features of legal relations existing between the bodies and institutions of the United Nations. The study analysed the specifics of the development of administrative legal relations in the countries of the Anglo-Saxon and Romano-Germanic legal systems. It was emphasised that in each of the countries under consideration, ensuring and protecting children's rights is a priority for the state. Even though an effective mechanism for ensuring children's rights has been developed in countries with highly developed economies and legal culture, certain

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*Corresponding author

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elements of ensuring children's rights still need to be improved. The legal relations between different state structures for the protection of children's rights in the United States of America, England, Germany, France, and Romania are investigated and systematised. Based on the study conducted, a classification of the system of development of administrative legal relations in the area under study was proposed. In addition, the similarities and differences in the development of administrative legal relations for the protection of children's rights in countries with different legal systems, legal cultures, levels of economic development and mentality were generalised, with author's generalisations and proposals. The proposed scientific study can be used by researchers as a basis for further scientific investigations, by teachers of higher education institutions, as well as by employees of social services for children and representatives of public authorities who influence the development of state policy on the protection of children's rights

Keywords: public authorities; international mechanism for the protection of children's rights; specificity of legal relations; legal system; countries of the world

Introduction

The international community recognises a child as a particularly vulnerable person who needs additional protection. Protection and promotion of children's rights is one of the crucial activities of every civilised state. Most countries in the world have well-established administrative legal mechanisms for the protection of human rights, including those of the child, the effectiveness of which largely depends on the correct development of administrative legal relations in this area. That is why it has become important to study the peculiarities of the development of legal relations at the international level and in certain countries of the world.

World and Ukrainian researchers are constantly investigating this area. However, the study of foreign practices in the development of administrative legal relations is still relevant. Some researchers have studied the problems of defining international standards for the protection of children's rights. Specifically, the existing international mechanisms for the protection of children's rights were analysed on the example of existing European systems, and the basic rights of children were

identified. I.O. Pozigun (2022) examined global arrangements for the defence of children's rights and the specific features of the legal relations of the United Nations (UN) Committee on the Rights of the Child, the UN Children's Fund (UNICEF), the World Health Organization (WHO), the United Nations Educational, Scientific and Cultural Organization (UNESCO). Separately, the researcher identified the European Court of Human Rights as part of the mechanism for protecting children's rights. Of importance is also a comprehensive study by O. Moroz and K. Kostovska (2022), who considered the specifics of administrative legal relations for the protection of children's rights in Ukraine and synthesised the achievements of world scientists in the administration of foreign practices in the field of child protection.

N.V. Kolomoets (2019) investigated issues of administrative and legal defence of children's rights in Ukraine, as well as in some countries of the world, and compared gaps and controversial interrelationships. The researcher identified concrete proposals for improving administrative

legal relations for the protection of children's rights in Ukraine, considering the positive practices of foreign countries, the relevance of which should be agreed upon. T. Spirina and A. Tsvigun (2023) considered administrative legal relations in a rather specific manner. In most of their studies, researchers have identified the social phenomena of domestic violence against children and adolescents, as well as the specifics of the development of administrative legal relations to overcome such violence. Scientists from different countries are studying the mechanisms of combating violence against children.

One of the new areas of violence is its manifestation on the Internet. To prevent violence on the Internet, A. Ladinda *et al.* (2023) conducted a study of the problems of legal regulation of the protection of children from the negative impact of the Internet. The researchers examined the international practices of addressing this issue at the regulatory level. Furthermore, V.M. Steshenko (2019) conducted an in-depth and comprehensive study of the legal framework that ensures the protection of the rights of children and adolescents and a safe digital environment. The analysis included international norms and standards and outlined a list of the rights of children and adolescents in Ukraine. The existing mechanism for the protection of children's rights in Ukraine was formed.

V.F. Gasay (2020) conducted a retrospective analysis of the state policy in the field of child protection and welfare. The researcher systematised the sequence of development and chronology of adoption of the key legislative acts and identified the stages of establishment and development of the state policy on the protection of children's rights in Ukraine. N.V. Linnyk (2020) analysed the national and foreign practices of the functioning of the child ombudsman institution. Specifically, the researcher objectively examined and

highlighted the prerequisites and specific features of establishing the institution of the Ombudsman for Children's Rights in Ukraine and the problems of its modern functioning. The author expresses her opinion on the expediency of drafting a Law "On the Commissioner for Children's Rights in Ukraine". In modern world, the problem of protecting children's rights during armed conflict is becoming increasingly relevant, and therefore O.G. Turchenko (2019) outlined the specific features of administrative legal relations in ensuring the child's right to safety in armed conflict.

The analysis of modern research confirms that each of the researchers has their own vision of the development of administrative legal relations for the protection of children's rights in different countries of the world. A key component is the concrete scientific achievements of each author mentioned, as they help to cover the topic in full. That is why the purpose of this study was to provide a comprehensive investigation of the practices of different countries of the world in the development of administrative legal relations in the field of child protection.

Materials and Methods

The legal basis for this paper included the following regulations: United Nations Convention "On the Rights of the Child", Code of Ukraine on Administrative Offences, Law of Ukraine "On Protection of Childhood", Children's Online Privacy Protection Act of 1998, 18 U.S. Code § 1841 "Protection of Unborn Children", etc. Furthermore, the author used information from the official websites of Ukrainian, American, German, and Romanian public authorities to analyse their powers. This study also examined the controversial opinions of researchers on understanding the essence of administrative legal relations and their interpretation in the legislation of certain foreign countries,

considering international standards and specific national features.

It is important to determine the correct methodology of cognition for the study of the topic. That is why, to obtain reliable results and fulfil the purpose of the study, a set of general scientific and specific scientific methods was employed, which were applied in an integrated manner. Thus, using the methods of analysis and synthesis, the study identified theoretical gaps and practical problems of development of administrative legal relations in the field of child rights protection in foreign countries. The study analysed the concept of administrative legal relations for the protection of children's rights in different countries and analysed the regulations and powers of public authorities in this area. Using the method of synthesis, the study synthesised the scientific achievements of researchers from different countries into one concept of child rights protection. Using the methods of induction and deduction, the subject of the study was investigated from the general to the concrete and from the concrete to the general. That is, an investigation was conducted from the general principles of development of administrative legal relations for the protection of children's rights to individual elements of the mechanism of development of such legal relations and vice versa, outlining each element and the system as a whole.

The comparative legal method was used to compare administrative legal relations in different countries of the world. A comparative analysis of the legislation and powers of public authorities to protect children's rights in Ukraine, the USA (United States of America), England, Germany, and Romania was carried out. In addition, using the method of comparison, the study conducted a comparative analysis of scientific research on the outlined issues by scientists around the world.

Furthermore, the use of the abstraction method proved to be successful, as it helped to focus on the key elements of the study. The method of generalisation helped to penetrate into the essence of analogous features of the phenomenon under study and to unite them by common properties. The conclusions were drawn using the methods of abstraction and generalisation. The study employed a systematic approach to investigating the problem outlined, which entailed cognition of an object as a set of its components and interrelationships between them.

Results

The problems of protecting children's rights have reached a new level in the 21st century. Each country has chosen its own vector for the development of institutions to ensure and protect children's rights. First of all, it is worth considering the practices of the United States of America, one of the most democratic countries in the world, where administrative legal relations are built on the liberal model (Myerson, 2015). There is no centralisation in the governmental mechanism. Administrative legal relations in the field of child protection are mostly "horizontal", they are formed within the framework of various social programmes for children with different needs, both at the federal and state levels. Specifically, at the federal level, there are the following authorities dealing with children's issues: the Children's Bureau, the Administration for Children and Families of the Department of Health and Human Services. This department was established as the Department of Health, Education and Welfare (HEW) in 1953 at the cabinet level. In 1979, the Department of Education Law established a separate Education Division. The remaining agencies were reorganised into the Department of Health and Social Services on 4 May 1980. Most often,

the content of administrative legal relations for the protection of children's rights of this state body focuses on the adoption of children and improvement of social and living conditions of families with children. Furthermore, this government agency controls and supervises the proper treatment of children by their parents or legal representatives and makes administrative decisions in cases of child abuse or neglect (U.S. Department of Health..., 2022).

The Office of Children and Family Services (OCFS) and its regional offices, Child Protective Services (CPS), have the broadest powers to influence the creation of a safe environment for children. Most often, administrative legal relations between representatives of these bodies are formed in relation to responding to complaints of child abuse. To address these issues, each state has specialised professionals who are trained and have a defined procedure for interacting with employees of various state institutions: doctors, psychologists, social workers, teachers, law enforcement officials, volunteers, etc. These persons are obliged by the state to immediately report cases of cruelty or abuse, even if they suspect such facts (Office for children..., n.d.). Such a powerful mechanism for protecting children's rights is effectively functioning in the United States. The administrative legal boundaries of interaction between various state institutions to achieve the goals set by the state are positive.

Apart from the defined mechanism for the protection of children's rights, the United States is doing a significant amount of work to protect unborn children. Thus, in US (United States) law, a pregnant woman and her unborn child are legally two different entities. Therefore, if an expectant mother leads a lifestyle that is harmful to her child, law enforcement agencies have the power to enforce such a person (18 U.S. Code § 1841..., 2004).

This means that a specific legal relationship arises between such a woman and law enforcement officers. Most often, such cases occur when preventing the use of drugs, alcohol, or smoking.

The US pays special attention to children who are prone to conflicts with the law. Special educational programmes are organised for such problematic children. The most widely used of these programmes was The Big Beginning, which reached over 400,000 children from socially disadvantaged groups and disadvantaged children (Kozubovska *et al.*, 2019). Police in the United States have a duty to respond promptly to child abuse and have the authority to prevent and stop any negative behaviour towards children. If necessary, the police inform the child protection service, which takes further measures to work with children. Representatives of the service work with parents to prevent violations of children's rights in the family, and the service staff also provide recommendations to the court on the need to deprive parents of parental rights in cases provided for by law. Service workers can forcibly remove a child from the family and place them with relatives or an orphanage (Zagumenna, 2019).

Despite the considerable work of government agencies at various levels to provide and protect children's rights, as of 2023, the United States has not ratified the United Nations Convention on the Rights of the Child (1995). Having analysed the problems that are still inherent in American society, it can be noted that the conceptual framework of this document could make positive changes to the development of administrative legal relations in the children's environment. The United States is one of the few countries in the world that has not acceded to the provisions of the Convention, although it shares the legal values reflected in it.

The practices of England in the area of administrative legal relations to ensure children's rights

are no less progressive. The study of the mechanism for protecting children's rights in England suggests that both the state, represented by various institutions, and the population as a whole, as civil society, are endowed with the obligation to protect children from cruelty and exploitation, as well as from various forms of violence. The Department for Education (DfE) is responsible for protecting children's rights in England. It sets policy and legislative guidelines for how the child protection system should work. At the local level, the following are obliged to protect children's rights: local authorities, the Integrated Care Board (ICB, formerly the Clinical Commissioning Group or CCG) and the police (Child protection system..., 2023).

Local authority social care services have the greatest powers to protect children's rights in England. Service staff are obliged to monitor the fulfilment of parental responsibilities for the proper upbringing of children, as well as to take preventive measures to prevent child delinquency (Martovytska, 2013). The high standards of childcare required by English law often lead to the legal relocation of children from their families and placement with other families. The institution of foster families, i.e., families where children are placed, began in 1562, when the Poor Act was adopted, which approved the procedure for placing children in foster families until they reach the age of majority (Belo, 2021). There are specific features of administrative legal relations that arise both horizontally and vertically. Specifically, such legal relations are formed between state authorities and foster families.

European countries have some features and analogous principles that form the basis for the development of administrative legal relations in the field of child protection. As in the United States, European countries have a clear administrative legal mechanism for preventing and

detecting child abuse. About 40 years ago, physical punishment of children was banned in Switzerland for the first time at the legislative level (Call to outlaw corporal..., 2009). Since 1979, the law has prohibited any violent acts against children, including in the home. Physical violence against a child is punishable by criminal law. In 2021, 62 countries introduced such norms (Stop corporal punishment!, 2021).

France is also a country where the priority of the state authorities is to ensure and protect the rights of the child. The rights of the child, as defined by the United Nations Convention "On the Rights of the Child" (1995), are protected and implemented by the state. The legislation in France prescribes unobstructed access to education for children. Students from low-income families are guaranteed adequate financial support by the state. Furthermore, the state provides financial support for babysitting services for a child under the age of three whose mother has returned to work after giving birth. France also prohibits child abuse and any form of violence against children. Administrative legal relations for the protection of children's rights are built on the basis of internal legislation, considering international standards (Defend and promote..., 2023).

Furthermore, in France, there is an organisation called the Defender of Rights (n.d.), which is dedicated to ensuring respect for the "best interests of the child" and ensuring that the interests of the child are considered primary and overriding all others. The government's representative is the independent Defender of Rights, who can be approached by children under 18 who believe their rights have been violated. These can be French children and foreign children living in France, or French children living abroad. Apart from children, the Defender of Rights can be contacted by anyone:

- family members or legal representatives of the child;

- employees of the medical or social service sector;

- NGOs (non-governmental organisations) whose charter prescribes the protection of children's rights;

- French parliamentarian or elected French representative to the European Parliament;

- a foreign institution that performs the same functions as the Defender of Rights.

The Defender of Rights covers child health protection and care for children with disabilities, criminal justice issues concerning children, adoption issues, educational disabilities, and violations of the rights of foreign children. The French government is constantly working to improve the living conditions of children.

Despite the creation of a powerful mechanism for combating violence against children, there are cases of its manifestations in the world and in Germany (The child protection centres, n.d.). In the Federal Republic of Germany, a legal framework and a system of state bodies have been established to ensure the rights of the child. The system of administrative legal relations in this area is built on the principle of profound understanding of each individual and the unity of the entire society to help the population. Professionalism and practicality in the work of government representatives underlie the development of administrative legal relations for the protection of children's rights (Gedik & Wolff, 2021). The main responsibilities for the protection of children's rights lie with parents or persons in loco parentis (Social Code (SGB)..., 2021). In the case of family problems, specialists from the youth service are involved to protect the rights of the child. If specialists identify violations of a child's rights, they apply to the Family Court, which has the authority

to remove the child and place them in the care of other persons (Münder & Trenzcek, 2015).

Generally, according to the legislation of Germany, parents have a duty to protect the interests and needs of their children. Parents and persons in loco parentis should take care of the child's development (Solodovnikova, 2020). The task of the state, represented by its bodies, is to supervise the exercise of parental rights. Institutions for supervision and oversight are established to monitor, ensure, and protect the interests of the child and threats to the child's welfare. Such institutions function as a state union – an association of the federal state and its institutions (Wiesner, 2006). The main content of the administrative jurisdiction of public authorities, the specific features of their legal relations in cases of overloading of activities or change of functions under the influence of objectively formed circumstances are summarised in depth (Rennert, 2022). This practice is very similar to the model that exists in France. The conservative model of development of administrative legal relations for the protection of children's rights in Germany is embodied in the well-coordinated functioning of the juvenile justice system, whose bodies, empowered to intervene in family relations for the benefit of the child, prioritise ensuring the best interests of the child. The 1988 Juvenile Justice Act (JGG (Jugendgerichtsgesetz), which literally translates as the Juvenile Courts Act), prescribes a differentiated approach to juvenile offenders. The state's activities are aimed at providing psycho-corrective influence on the child offender to prevent them from committing other unlawful acts (Youth Courts Act § 62 "JGG Entry...", 1990).

The German juvenile justice system consists of specialised juvenile courts and juvenile prosecutors. Furthermore, in large cities such as Berlin, Hamburg, or Stuttgart, there are specialised youth

police units. The social workers of the youth affairs department are responsible for assisting the juvenile prosecutor and judge. In some rural areas, there are problems with defining specialisation, and therefore “juvenile” judges also work in other judicial areas (general criminal law, civil law, etc.). Therefore, German juvenile courts cover the entire range of minors and young people aged 14 to 21. This practice ensures a wide range of specialisation, which distinguishes the German juvenile justice model from other countries where juvenile courts handle only juvenile cases (Dunkel, 2016). Accordingly, the system of administrative legal relations between juvenile justice authorities and public authorities in Germany requires constant legal improvement. The diverse activities of judges can lead to a prominent level of professional workload, which can provoke staffing problems.

It is important to consider the system of administrative legal relations for the protection of children's rights in the neighbouring state of Romania. The basis for the development of administrative and legal relations in Romania is the principles of democracy and the rule of law. The centralised approach is determined by the highest body in the development of state policy in this area – the Ministry of Family, Youth and Equal Opportunities. At the central level, there is also the National Department for the Protection of Children's Rights and Adoption, which is charged by the state with the responsibility of protecting children's rights and monitoring adoption procedures. At the district level, an important public authority is the General Directorate for Social Assistance and Child Protection, which is subordinated to local councils, respectively to the councils of Bucharest municipality. At the local level, there are state social assistance services organised at the level of municipalities and cities or persons entrusted with the responsibility of

providing social assistance from within the local councils' own staff. The organisation of a suitable system of interconnections creates a clear procedure for administrative legal relations for children in difficult life circumstances, vulnerable children, refugee children, children with disabilities, children belonging to national minorities, and children in armed conflict zones (Ministry of family..., n.d.). In recent years, the decentralisation of the mechanism of state and local government has become increasingly widespread. Analysing this process, some researchers identify a range of positive features of the decentralisation process (Chernezhenko, 2018).

Generally, legal arrangements for the defence of children's rights have been created by humankind to organise the best conditions for the development and care of children (Uchitel *et al.*, 2019). This conclusion is confirmed by the conducted study. The development of administrative legal relations in the field of child protection, both at the international level and in individual countries, is based on a centralised approach to the activities of human rights institutions. This approach factors in the child's own interests, the procedure for ensuring which is defined in the regulatory framework.

Thus, having analysed the mechanisms for protecting children's rights in the United States and some European countries, it can be argued that the governments of each of them are constantly working to enhance the system of child protection. State authorities, representatives of public organisations, and parents of children in most countries have a duty to protect and ensure the rights of the child. The specific features of the functioning of child protection mechanisms are shaped by mental and economic preconditions. Based on the above, it is advisable to classify the system of development of administrative legal relations in the following areas:

1. Development of administrative legal relations within single-level state bodies (e.g., administrative legal relations between healthcare and educational authorities within one state in the United States);

2. Development of administrative legal relations within higher and lower-level state bodies (e.g., administrative legal relations between the National Office for Child Protection and Adoption and state social assistance services organised at the level of municipalities and cities in Romania);

3. Development of administrative legal relations between public authorities and parents or persons in loco parentis (e.g., in Germany);

4. Development of administrative legal relations for the protection of children's rights within one country (in each country with its own specific features);

5. Development of administrative legal relations at the level of international organisations for the protection of children's rights (e.g., within the UN, European Union (EU)).

The author of the present research considers that such a classification allows systematising the specific features of administrative legal relations with a view to their convenient study and use.

Discussion

The present study conducted a comprehensive overview of the mechanisms for protecting children's rights in different countries of the world. The study identified the most progressive models which can serve as a basis for the development of administrative legal relations in Ukraine and worldwide. Most researchers focus on international arrangements for the defence of the rights of children, while only a few investigate the specifics of the development of administrative legal relations in different countries. Thus, I.E. Borysiuk (2021) studied the development of the

global normative mechanism for the defence of the rights of the child, noting that the problem of child protection is international and requires consolidation of efforts of all states. The researcher also pointed out that the international mechanism is a standard for the establishment of national mechanisms for the protection of children's rights. It is worth agreeing with such conclusions, as the scale of the problem concerns all civilised countries. However, most researchers in the world study concrete mechanisms for protecting children's rights in individual countries. In her study, the author examined their main achievements. Representatives of Ukrainian science have also studied the outlined issues. Furthermore, researchers substantiate different approaches to understanding administrative legal relations. A comprehensive investigation of the development of administrative legal relations for the protection of children's rights has not yet been conducted. That is why the present study provided an objective investigation and a modern reinterpretation of the issues highlighted.

Globalisation processes have expanded the possibilities of learning the specifics of the development of public legal relations, including in this area. Each country has a specific system of administrative legal relations in the field of child protection. Even the understanding of administrative legal relations is somewhat different. For instance, in the USA, the subject of study of administrative law includes: 1) interaction of state bodies in various fields; 2) manifestations of theoretical activity (Waldo, 1954). This is different from the position in Ukraine. Therefore, the present study was based on an understanding of administrative legal relations in Ukraine.

Generally, in the theory of modern administrative law of Ukraine, researchers are debating the definition of the concept of administrative

legal relations. V.B. Averyanov *et al.* (2009) interpret them as social relations regulated by administrative law and having interconnected parties (subjects) that interact based on guarantees defined by administrative law. An analogous definition is substantiated by V.V. Kovalenko (2012), who considers administrative legal relations as relations arising for the performance of administrative obligations by public administration. An important feature is the right to make management decisions by public administration bodies. O.V. Maksymenko (2014) also shows that administrative legal relations are a component of legal relations, but have specific features of manifestation. They are regulated by administrative law and may arise between entities in the executive branch. The subjects of administrative legal relations include state bodies (legislative, executive and judicial authorities, prosecutors, administrations of state-owned enterprises and institutions); structural subdivisions of state bodies, officials of state bodies; the owner (representative, manager, authorised owner); associations of citizens, cooperatives, self-government bodies, amateur organisations; citizens of Ukraine, foreign citizens, stateless persons. Furthermore, the author considered it appropriate to include international organisations and their bodies as such subjects. The theoretical foundations of understanding the essence of administrative legal relations formed the basis for the development of administrative legal relations for ensuring and protecting children's rights in different countries of the world, including Ukraine. The Ukrainian model of child protection is also based on international standards of the UN and EU countries. Having analysed the scientific achievements of Ukrainian and foreign researchers, the author of the study believes that despite the differences in the legislation of democratic countries, the principles and values of

child protection are common. Just as each country has its own system of administrative legal relations for the protection of children's rights, so at the international level, the system of international organisations and their bodies, which have a mutual influence on each other, is successfully functioning. Their specific interaction also has "horizontal" and "vertical" legal relations.

Based on an understanding of the content of administrative legal relations, their types and specifics, it is worth distinguishing them at the international level, where international regulations define the procedure for interaction between international organisations and their institutions. The most imperfect are the legal relations that regulate the process of ensuring the rights of refugee children guaranteed by the United Nations Convention "On the Rights of the Child" (1995). These processes have been considered by researchers, for instance, J.A. Lawrence *et al.* (2019) conducted a study in relation to the rights related to the living conditions of refugee children and the State's obligations towards them. Based on the activities carried out, the specifics of the development of legal relations at the international and national levels were determined.

Furthermore, according to J.E. Durrant *et al.* (2020) the provisions of the Convention encourage states to create an appropriate mechanism to protect children's rights against violence in all its forms. The idea behind the Convention already identifies the child as a human being in need of protection of their rights. To implement each provision, the states that have ratified the Convention are obliged to create appropriate administrative legal mechanisms and regulate administrative legal relations between them. The problem of domestic violence against children is a pressing issue in the modern world. According to M.P. Zambon (2012), children are often witnesses

or victims of violence, which can be traumatic for their psyche. According to the results of research, R. Assaad *et al.* (2017) stated that violence has a negative impact on child development and education. These negative phenomena in the children's environment are a challenge to improve administrative legal relations. Therefore, the population of all civilised countries creates mechanisms to counteract violence in all its manifestations. However, the reality of life shows that the idea of eradicating it is utopian.

According to J. Njelesani (2019), no less urgent is the need for each country to create an effective mechanism to combat violence against children with disabilities, as well as the development of administrative legal relations to respond to such cases. This position, like the previous one, emphasises the urgency of the problems of violence against different categories of children in the modern world. According to some researchers, the distortion of the idea of ensuring children's rights in each country is influenced by the specifics of its legal system, customs, and other features of society. That is why the author of the present study agrees with the position of T.M. Collins and L.H.V. Wright (2022), who believe that in the modern world there is a need to investigate the complex interaction between local and global interpretations of children's rights. One such study is the work of E. Marrus and P. Laufer-Ukelles (2022) on the rights of the child, which is based on the basic principles and detailed analysis of the implementation of the provisions of the Convention on the Rights of the Child in those countries that have acceded to it.

Furthermore, as A. Walsh (2016) noted, it is important to investigate the decisions of the International Criminal Court to understand the gaps in the area of child rights and to create an effective system of legal relations. That is, the study of

international documents should be the basis for improving national mechanisms for ensuring children's rights. Therefore, the problem under study is quite relevant and requires further research.

Conclusions

The study of foreign practices in the development of administrative legal relations in the field of child protection has made it possible to formulate a general concept and provide an expanded view of the mechanism of child protection in certain countries of the world. Based on the findings of the study, it can be argued that the protection of children's rights is given a lot of attention by the governments of democratic countries. The elements of the international mechanism discussed in this study are a reminder of the foundations of the Convention on the Rights of the Child and the system of UN bodies. Based on certain international standards, each country has established national mechanisms for the protection of children's rights, which are centralised (Germany, France, Romania) and decentralised (the USA, England). Therefore, to summarise this study, it can be assumed that the study of foreign practices in the development of administrative legal relations is important for carrying out quality reforms and improving Ukrainian legislation. However, when using the achievements of individual countries, it is necessary to factor in their political system, religious beliefs, mentality, legal system, culture, level of economic development, and other specific features.

In reforming Ukrainian legislation in the area of child protection, it is necessary to introduce certain elements of German practices regarding the professionalism of persons exercising control over parents or persons in loco parentis in ensuring and exercising the rights of the child. It is also worth creating a Family Court, following

the example of Germany, whose functioning affects the achievement of high results in the field under study. The influence of international organisations on the protection of children's rights in Ukraine is evident in Ukrainian legislation. Specifically, a positive aspect is the consolidation of the principle "best interests of the child" in the Law of Ukraine "On Protection of Childhood", which overlaps with analogous norms defined in European countries, and the administrative legal relations in the field of child protection that have been studied. This principle is fundamental and should be implemented in all countries of the world.

Considering the mechanisms of child rights protection in some countries, this study presented the author's classification of the system of development of administrative legal relations in the field of child rights protection. The use of such a classification for conducting more in-depth research is substantiated. A review of the scientific literature suggests that in the scientific space, research is constantly being conducted on certain elements of the mechanism for protecting children's rights in different countries of the world. Among the fundamental research issues, it is worth highlighting the problems of protecting children's rights from various types of violence, as well as the problems of protecting the rights of children in conflict with the law. No less relevant are the studies of researchers who have investigated the specific features of administrative legal relations between parents or persons in loco parentis with state authorities at various levels, as well as the problems of adoption and upbringing of children. Apart from the discussion

of scholarly positions, this study examined the existing administrative legal mechanisms for the protection of children's rights at different levels in different countries.

Thus, among the outlined practical developments and theoretical generalisations, the study emphasised the main vectors of development of administrative legal relations in the field of child protection, which are based on different planes – of international importance or only for a particular country. Proposals for considering the practices of the closest foreign countries in terms of social outlook and political system should form the basis of guarantees for ensuring and protecting children's rights and building democracy in Ukraine. The conducted study suggests that there is a need for further investigation of the practices of other countries in the development of administrative legal relations in the area of child protection with a view to sharing positive achievements and implementing them into the administrative legal mechanism.

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Conflict of Interest

The author of this study declares no conflict of interest.

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Міжнародний досвід формування адміністративних правовідносин у сфері захисту прав дитини

Олена Василівна Максименко

Кандидат юридичних наук, старший науковий співробітник
Національна академія внутрішніх справ
03035, пл. Солом'янська, 1, м. Київ, Україна
<https://orcid.org/0000-0002-3039-1773>

Анотація

Забезпечення та захист прав дитини є пріоритетом у формуванні гармонічних правовідносин у кожній цивілізованій країні. Вивчення досвіду різних країн світу щодо специфіки формування адміністративних правовідносин у сфері захисту прав дитини дає можливість проаналізувати проблемні аспекти та виокремити позитивні напрацювання, які варто запозичити та поширити. Метою проведеного дослідження є дослідження адміністративних правовідносин у сфері захисту прав дитини в окремих країнах світу. Задля досягнення поставленої мети використано комплекс методів, серед яких: методи індукції та дедукції, аналізу та синтезу, порівняння та узагальнення, і інші. У статті було розглянуто зміст окремих норм Конвенції про права дитини, а також особливості правовідносин, які існують між органами та інституціями Організації Об'єднаних Націй. Проаналізовано специфіку формування адміністративних правовідносин у країнах англосаксонської та романо-германської правової системи. Наголошено, що у кожній із розглянутих країн, забезпечення та захист прав дитини є пріоритетним напрямом діяльності держави. Не дивлячись на розроблений ефективний механізм забезпечення прав дитини у країнах із високорозвинутою економікою та рівнем правової культури, донині окремі елементи забезпечення прав дитини потребують удосконалення. Досліджено та систематизовано правовідносини між різними державними структурами по захисту прав дітей в Сполучених Штатах Америки, Англії, Німеччині, Франції та Румунії. На основі проведеної роботи запропоновано авторську класифікацію системи формування адміністративних правовідносин у досліджуваній сфері, а також узагальнено подібності й розбіжності у формуванні адміністративних правовідносин щодо захисту прав дітей у країнах із різною правовою системою, правовою культурою, рівнем економічного розвитку та ментальністю, а також зроблено авторські узагальнення і пропозиції. Запропоноване наукове дослідження може бути використане науковцями як основа для проведення подальших наукових досліджень, викладачами вищих навчальних закладів, а також працівниками соціальних служб по роботі із дітьми та представниками органів державної влади, які впливають на формування державної політики щодо захисту прав дитини

Ключові слова: органи державної влади; міжнародний механізм захисту прав дитини; специфіка правовідносин; правова система; країни світу
