

## JUVENILE LAW OF UKRAINE AS A NEW AREA OF LEGAL REGULATION

Ukrainian society is going through a transitional period from post-totalitarianism to a civilized legal culture. Among other things, transition means significant changes in the system of law as a central element of the legal system. Formation of new institutes and fields of law is an objective process of moving towards humane, civilized, socially oriented legal regulation, and, therefore, entering the world legal space.

Protection of children and advocacy of their rights are Ukraine's strategic national priorities (Pro okhoronu dytynstva, Preamble). The future and the mere existence of Ukrainian society are under such threats: depopulation and discouraging demographic forecast, the quality of life of children and youth that do not meet world humanitarian standards, declining education, unsatisfactory general and legal culture, lack of positive dynamics in counteracting negative phenomena (among others – deviancy, delinquency and increased victimhood of children and youth). Worldwide practice proves that the greatest effect in civilizational development has been achieved by the countries where, despite different state and political regimes, reliance is placed on the younger generation. The reform of Ukrainian society, its further social and economic development, its progress towards information society, contemporary market economy and democracy largely depend on the "youth" and "children's" factors, taking into consideration a great potential of young people for innovation.

The question of the legal protection of childhood and the advocacy of children's rights is prompted not only by its general social significance, but also by factors of the Ukrainian legal system itself. The nature of law as a social phenomenon stipulates that the law is subject to the pattern of differentiation of its constituent parts and specialization of their functions. Legalization of social relations and types of behaviour that have been beyond legal influence until present day and qualitative changes in the system of social relations both lead to the emergence of new areas of legal regulation and transformation of traditional ones, and this, in turn, leads to a complication of the system of law in Ukraine, the allocation of new institutions and fields in it. One of them is Juvenile law.

There are number of studies on the legal status and rights of the child (I. Voloshina (Shvets), Y. Gubal, O. Kitayka, S. Kotaleyчук, E. Kudryavtseva, A. Orzhakhovskaya, N. Ortynska, A. Reznik, O. Schultz),

juvenile policy (N. Lesko, R. Opatsky, A. Pshenichnaya), protection of children's rights (I. Bandurka, M. Kornienko, D. Pereverzev), characteristic features of offenses and legal responsibility of children (V. Burdin, A. Grigorova, E. Nazymko, T. Gonchar, T. Dmitrishina, N. Yuzikova) in Ukraine. However, general theoretical studies of Juvenile law as a new direction in the legal regulation of social relations in Ukraine are still occasional. The content, structure and place of Juvenile law in the Ukrainian system of law are still the subjects of discussion, that prompted this publication.

The author defines Juvenile law of Ukraine as a value-oriented streamlined set of legal rules aimed at ensuring the survival, development and socialization of children by enshrining the special status of the child as a person, establishing the competence of other persons obliged to deal with the affairs of children and by regulating of relations, in which a child participates (directly or through a representative).

The subject of regulation of Ukrainian Juvenile law is to regulate various social relations and behavioral acts that are directly or indirectly carried out by the child, the status of the child and relations connected with the establishment and functioning of the state and municipal juvenile institutions and relevant institutions of civil society.

The sectoral method of legal regulation in the juvenile sphere is marked by the following characteristics. In Juvenile law general legal imperative and dispositive methods of legal regulation, techniques of legal regulation (permission, obligation, prohibition, recommendation, benefit, encouragement, restriction, punishment) are specific, primarily due to special permissions, prohibitions, restrictions, etc. The imperative method of legal regulation prevails in the normative material of the field, addressed to the persons obliged to take care of the survival, development and welfare of the child (parents, medical and educational institutions, state and municipal bodies entrusted with relevant powers). The dispositive normative component of Juvenile law provides a wide range of opportunities for children to exercise their rights, freedoms and interests through permissions. It is worth noting the existence of specific permissions in Juvenile law. For example, international standards of children's rights establish the right of the child to leisure and play (Convention on the Rights of the Child, Article 31). The establishment of specific restrictions and prohibitions firstly removes the child from certain conduct permitted by an adult (for example, joining a political party), and secondly, protects the child from certain actions by an adult (for example, sale tobacco products and alcohol to children). The technique of benefits ensures that the child receives various forms of public assistance

(preferential transport fares, state financial aid, etc.). The specific nature of the goals and means of coercive measures applied to children suggests the gradual emergence of a separate type of legal liability – juvenile liability (Krestovska, 2004; Grigorova, 2017).

The value-based framework of Juvenile law derives from the modern view of childhood as a legal value due to the unique characteristics of the child. “The children of the world are innocent, vulnerable and dependent. They are also curious, active and full of hope. Their time should be one of joy and peace, of playing, learning and growing. Their future should be shaped in harmony and co-operation. Their lives should mature, as they broaden their perspectives and gain new experiences” (World Declaration on the Survival, Protection and Development of Children, agreed to at the World Summit for Children on 30 September 1990, point 2). Furthermore, high capacity of the child for innovation and mutual information exchange with the social environment should be noted as a characteristic feature of the child. The legal manifestation of the value of childhood is enshrined in the principles of Juvenile law.

The principles of Juvenile law are the fundamentals of legal regulation of social relations involving children, as well as the acts of legal conduct related to the survival, development and socialization of children, developed by the legal consciousness and enshrined in the international treaties ratified by Ukraine and in the national legislation, particularly in the United Nations Convention on the Rights of the Child (hereafter the CRC) and its Optional Protocols, in the Constitution and in the Ukrainian Child Protection Act. This group of principles is a factor of law-making, a legal basis for law-enforcement and law-implementation, in other words, it is a part of the mechanism of legal regulation in the juvenile area. The norms of the United Nations Declaration on the Rights of the Child (1959) and the United Nations Declaration on a World Fit for Children (2002) should be considered as general social principles (recommendatory principles-objectives). Synthesis of international and national legal material leads to the conclusion that Juvenile law in Ukraine is currently based on such sectoral principles:

*The principle of the priority of the rights of the child.* In particular, the best interests of the child must be primarily taken into account in the drafting of regulations and implementing of legislation;

*The principle of the equality of children regardless of any circumstance of their birth or current status* (race, nationality, religion, etc.);

*The principle of priority of family forms of upbringing of the child.* The essence of this principle is determined, first, by the fact that the family

is the best environment for the survival and development of the child and, second, by the fact that the child is entitled to happiness, love and understanding of his or her parents;

*The principle of protectionism*, that is manifested in the right of the child to special care and assistance from the family, society and the state in order to eliminate the actual inequalities due to his or her physical and social immaturity;

*The principle of compulsory preparation for adult life*, that means, first, the child's need to complete secondary education; second, that the upbringing of the child should be directed to the development of his or her personality; and, third, that the upbringing of the child should be conducted in the spirit of respect for universal and national values;

*The principle of respect and tolerance*. This principle is manifested, first, in the child's autonomous personality; second, in the child's free expression of his or her personal opinion and right to be heard; and third, in the strict prohibition of all forms of violence and exploitation of the child;

*The principle of children's participation in public life*. This principle is manifested in the child's rights to work, to engage in entrepreneurial activities and to join voluntary organizations;

*The principle of "parens patria", i.e., direct state care for the child*. Its essence is, firstly, a limited family immunity and non-interference by the state in private matters in case the child is in danger, secondly, the upbringing and maintenance of children at the expense of the state in case the child is deprived of his or her family, and thirdly, the provision of access to legal aid and other services by the state for the child;

*The principle of positive discrimination*, that consists in establishing a minimum age of legal liability, in reducing legal liability and, if possible, in exempting him or her from legal liability through educational measures;

*The principle of encouraging civil society institutions to take action in the interests of children*, including tax, investment, customs, credit and tariff benefits granted by the state.

These principles are, on the one hand, the basis, the "backbone" of Juvenile law of Ukraine, on the other hand, they form the basis for the principles of the juvenile law institutions (the institute of protection of the rights of the child, the institute of the rights of the child, the institute of the duties of the child, the institute of legal liability of the child), juvenile legal regulations, and finally, they are the legal norms of high-level generalization and can serve as the legal basis not only for law-making but also for law-enforcement activities.

Juvenile law of Ukraine is divided into a general part, a special part and a specific part. The general part includes goals and tasks of Juvenile

law regulation, principles of Juvenile law, persons who act under Juvenile law and legal facts of Juvenile law. The special part of Juvenile law is a complex and multilayered set of norms and consists of:

– sub-division of Juvenile Substantive law, including the institutes of the rights of the child with sub-institutes of general rights and freedoms of the child and juvenile (special) rights and freedoms of the child; duties of the child with sub-institutes of general duties of the child and juvenile (special) duties of the child; legal liability of the child with sub-institutes of civil, disciplinary, administrative, criminal liability and juvenile liability; state assistance to families with children; protection of the rights of the child in disadvantaged and extreme situations with sub-institutes: maintenance and education of orphans and children deprived of parental care and neglected children; protection of the rights of disabled children and mentally or physically handicapped children; protection of children affected by natural disasters, man-made accidents, catastrophes; state assistance to children affected by HIV infection and children with other incurable and severe diseases; liability for violations of Juvenile law, including the sub-institutes of family, disciplinary, administrative and criminal liability of persons obliged to take care of the child;

– sub-division of Juvenile Procedural law, including the institutes of juvenile criminal procedural relations, juvenile civil procedural relations and juvenile criminal executive relations, with a sub-institute for the enforcement of coercive educational measures;

– sub-division of Juvenile Organizational law, comprising the institutes of public bodies and services for children; and special institutions for children.

The specific part of Juvenile law includes legal norms that set out the peculiarities of international adoption, contact between children and parents living in different states, and the return of children from abroad.

The formal sources of Juvenile law of supreme legal force include, first and foremost, the Constitution of Ukraine. Articles 51, 52 and 53 of the Constitution directly set out the fundamentals of Juvenile law. The laws "On the protection of the childhood", "On social work with children and young people" and "On the agencies and services of the children's affairs and special institutions for children" are the main, sector-specific formal sources of Juvenile law in Ukraine. Juvenile legislation also includes laws "On ensuring organizational and legal conditions for the social protection of orphans and children deprived of parental care", "On the basis of the social protection of homeless citizens and street children", "On state social assistance for persons disabled from childhood and disabled children", "On

state assistance for families with children", "On youth and children's voluntary organizations".

According to Article 9 of the Constitution of Ukraine, international treaties, ratified by the Verkhovna Rada of Ukraine, become a part of the national legislation. Juvenile legislation directly comprises the United Nations Convention on the Rights of the Child and the Optional Protocols to the CRC; the Convention of 19 October, 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children; The Hague Convention on the Civil Aspects of International Child Abduction; ILO Convention No. 182 on the Worst Forms of Child Labour.

Ukraine has ratified a number of conventions of the Council of Europe concerning children: the Convention on the Legal Status of Children Born out of Wedlock (ETS No. 85); the Convention on the Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children (ETS No. 105); the Convention on the Exercise of Children's Rights (ETS No. 160), the Convention on Contact with Children (ETS No. 192); the Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (ETS No. 201); the Convention on Adoption of Children (Revised). In addition, the provisions of Articles 7, 16, 17 of the European Social Charter (Revised) are devoted to children, in particular the rules on encouraging children to attend school regularly.

A reservation should be made about the proven impossibility of mechanical inclusion of international treaties in the national legislation. Thus, despite the ratification of the Convention on the Protection of Children against Sexual Exploitation and Sexual Violence (ETS No 201) in 2012, its provisions were not actually applied by courts and law enforcement agencies, and it was necessary to amend the Criminal and Criminal Procedure Codes and the Law "On the protection of the childhood" by a separate law adopted only in 2021.

The Convention for the Protection of Human Rights and Fundamental Freedoms (hereafter the ECHR) contains few articles that explicitly refer to the rights of the child and the guarantees that the state must provide for the realization of these rights. However, all the provisions of the Convention can be applied to protect the rights of the child, just as they can be applied to adults. Based on the ECHR and the case law of the European Court of Human Rights (hereafter ECtHR), several important provisions have been formulated to protect the rights of children, in particular: freedom from torture, inhuman or degrading treatment or punishment, in particular in cases of corporal punishment at school, by parents, or by the court (ECHR,

Article 3); the right to a fair trial for juveniles accused of an offence (ECHR, Article 6); the right to education (Protocol 1 to the ECHR, Article 2); the principle of non-discrimination of children on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status (ECHR, Article 14). The ECtHR has issued a number of judgments directly concerning the situation of children in Ukraine (cases Saviny v. Ukraine (2008), Ichin and Others v. Ukraine (2010), Kurochkin v. Ukraine (2010), M.S. v. Ukraine (2017), M.T. v. Ukraine (2019), Shvets v. Ukraine (2019), which encourage the improvement of juvenile legislation. Thus, on the facts of the case “Ichin and Others v. Ukraine” (violation of Article 5 of the ECHR), the following amendments were made to the criminal procedural legislation. The list of grounds for placing children in reception centers for minors has become exhaustive and does not allow for an expansive interpretation, and the procedure for such placement has been clearly defined. In addition, the Criminal Procedure Code, 2012 provides that detention may only be imposed on a minor if he or she is suspected or accused of having committed a grave or particularly grave crime, provided that no other preventive measure can be effective. The detention and custody of a minor shall be immediately reported to his or her parents. Respect for the rights of the child has been identified as the main task of the reception center (*Polozhennia pro pryimalnyky-rozpodilnyky dlia ditei orhaniv Natsionalnoi politsii Ukrainy*). The implementation of the ECtHR judgment was confirmed by a Resolution of the Committee of Ministers of the Council of Europe in 2017 (Resolution CM/ResDH (2017) 357).

State programs occupy a special place in the system of sources of Juvenile law in Ukraine. By their nature these programs are not normative legal acts, however, they have some features of legal acts. Firstly, they are obligatory for implementation by the state, and secondly, they are officially enacted by legal acts (by laws, decrees of the Verkhovna Rada of Ukraine or the Cabinet of Ministers of Ukraine). The National Action Plan for Implementation of the CRC up to 2021 is particularly noteworthy. Its goals are: to create favorable conditions for the life and development of children; to ensure equal opportunities for all children; to strengthen families and promote responsible parenthood; to protect children against violence; to establish a child-friendly justice system; to take into account the best interests and opinions of children in decisions affecting their lives; to secure children's rights in situations of hostilities or armed conflict; and to create a safe information space for children (*Derzhavna sotsialna prohrama “Natsionalnyi plan dii shchodo realizatsii Konventsii OON pro prava dytyny” na period do 2021 roku: Zatverdzheno postanovoiu Kabinetu*

Ministriv Ukrainy vid 30 travnia 2018 r. № 453). The programme meets the requirements of the CRC and the UN Millennium Development Goals – the United Nations Declaration on a World Fit for Children.

At the present stage of development, Ukrainian Juvenile law needs to be systematised, at the very least, in the form of a consolidation of regulations at different levels.

The core of Ukrainian Juvenile law are the rules establishing the child's legal status. The legal status of the child (juvenile status) is a system of legal rights, duties and liabilities of a special person – the child – expressed in the values of natural law and norms of positive law and guaranteed by society and the state (Krestovska, 2009). Given the physical and intellectual immaturity of children, their legal status should include not only guarantees for the observance of their rights but also guarantees for the performance of their duties. In particular, such a general guarantee of the exercise of rights and duties is seen in the legal education of children, that is, teaching children their rights and duties, development of skills and abilities in implementing the prescriptions of legal regulations, and stable attitude to lawful behaviour. The guarantee of the child's compliance with the constitutional duty to complete secondary education is guaranteed by the free and accessible availability of public education.

The system of special juvenile statuses should look as follows: the status of children with special health care and educational needs; the status of street children; the status of children in conflict with the law; the status of children involved in the worst forms of child labour; the status of children addicted to alcohol, psychotropic substances, etc.; the status of children suffering from violence and abuse (in families, schools, residential institutions, etc.); the status of orphans; the status of children deprived of parental care; the status of children affected by natural disasters, technological accidents, catastrophes; the status of children affected by hostilities or armed conflict; the status of children – internally displaced persons; the status of refugee children; the status of children in need of additional or temporary protection. Special juvenile statuses are established by the guardianship authorities. Children with special status are entitled to extra care from the state. For example, internally displaced children and children affected by hostilities and armed conflict are entitled to state targeted support for obtaining professional (vocational and technical) and higher education in the form of: full or partial payment for education at the expense of educational subventions of the state and local budgets; preferential long-term loans for education; social scholarship; free provision of textbooks; free access to the Internet, database systems in state and municipal educational institutions; free accommodation in a dormitory

ets. (Pro nadannia derzhavnoi tsilovoi pidtrymky deiakym katehoriiam hromadian dlia zdobuttia profesiinoi (profesiino-tekhnichnoi), fakhovoi peredvyshchoi ta vyshchoi osvity, points 3–4).

The legal status of the child, in turn, is formed around the constitutional status of the child. Constitutional doctrine regards this status as the legally established position of the child in society, defined by the system of principles and rules of the Constitution, international instruments and other legal and regulatory instruments, which protect the rights, freedoms and duties of children, as well as guarantees of their exercise and responsibility (Shvets, 121; Kytaika, 15).

There are divergent views on the nature and essence of children's rights. For example, N. Opolska focuses on the conditioning of children's rights on the socio-economic level of development of society. In her opinion, the children's rights are legally guaranteed opportunities to meet the needs and interests of the child. The realization of children's rights is a prerequisite for his/her normal life and harmonious development and is carried out by the child or with the help of others (Opolska, 18). O. Schultz, in contrast, emphasizes that the rights of the child derive from the principles of natural law, universal values recognized in international law and national legislation, are guaranteed by the state, society, family and other persons and have a special regime and mechanism of implementation and protection (Schultz, 95). In our opinion, children's rights are, first and foremost, human rights. The human dignity as the source of human rights is inherent not only for adults, but also for children. O. Skakun was the first to introduce into scientific circulation the concept of the system of children's rights. In her opinion, the "rights of the child" are the opportunities (freedoms) of the child necessary for existence, upbringing and development of the child (Skakun, 225). Sharing the point of view of the outstanding scholar, we are convinced that children's rights and freedoms should be grouped into rights and freedoms that characterize the child as a human being and as a person in a special legal state – the state of childhood:

- universal individual rights and freedoms adapted to a special person – a child;
- juvenile (special) rights and freedoms.

These groups of rights and freedoms of the child in the Juvenile law system constitute sub-institutes of the legal status of the child. They include both natural and positive law values.

General human rights and freedoms are adapted to children through expansion of the content of the legal norm in favour of the child, restriction of the content of the legal norm in order to protect the child, setting

additional age limits for the exercise of rights, establishment of special guarantees for the exercise of rights and freedoms, and establishment of special regimes for the exercise of rights and freedoms by children who are in unfavourable or extreme situations.

The sub-institute of universal rights and freedoms includes the rights of the child to life and health care, to the name and nationality, to an adequate standard of living, to freedom of expression and information, to address government bodies and local authorities, to protection against all forms of violence, to property, to housing, to education, to labour, to engage in entrepreneurial activities, and to unite in children's and youth organizations.

Juvenile rights and freedoms are types of conduct, allowed by objective law and established for children only: the right to live in a family, the right of the child to communicate with parents who live separately from the child, including in another country, the right to receive information about absent parents, if it is not harmful to the mental and physical health of the child, the right to maintenance and arrangement by the state in case of loss of parental custody.

In contrast to rights and freedoms, general duties are weakly modified for the child, and juvenile (special) duties have not been adequately expressed at all. According to the Constitution every child is responsible to obey and respect the law and rights, freedoms, honour, or dignity of other persons, to preserve nature and cultural heritage, to pay taxes and levies and to complete a full secondary education (Constitution of Ukraine, articles 53, 65, 66, 67, 68). M. Manina draws attention to the fact that the realization of a number of responsibilities, in particular, obtaining education, depends on the actions of other persons (Manina, 43). Ukrainian citizens have a duty to defend their homeland and to respect state symbols (Constitution of Ukraine, Article 65). Particularly, children should be prepared to defend their homeland. Pre-service training is included in the State standard of secondary education and is conducted according to programs agreed with the Ministry of Defense of Ukraine.

The liability of the child is based on a modification of the rules establishing liability of adult persons. On the basis of legal and regulatory framework, it may be concluded that today the main types of legal liability of children are the following: criminal liability of minors, administrative liability of minors, civil liability of minors and disciplinary liability of minors. Juvenile parents may also be liable under Family Code, in particular, they may be deprived of parental rights if he/she: 1) has not taken the child away from the maternity home or any other health institution without valid reasons and within six months did not care about

the child; 2) avoids discharging his/her responsibilities to educate the child; 3) treats the child in a brutal manner; 4) is a chronic alcoholic or drug addict; 5) has recourse to the child's exploitation, involves him/her in begging and vagrancy; 6) has been convicted for committing an intentional crime against the child (Family Code of Ukraine, articles 156, 164).

Adaptation of juvenile criminal liability has been implemented by the legislator in the following ways:

– excluding certain types of punishment for juveniles, such as life imprisonment. Seven types of punishment (out of the total twelve types) may be applied to juveniles: fine; deprivation of the right to occupy certain positions or engage in certain activities; community service; correctional labour; forfeiture of property; arrest; imprisonment for a determinate term (Criminal Code of Ukraine hereafter CCU, articles 51–64). In total, seven out of twelve types of punishment are applied to minors, but in reality, as a rule, there is only one, namely imprisonment for a certain period, since all other punishments are really impossible to apply due to age and other restrictions. This creates a paradoxical situation where a more lenient sentence such as restraint of liberty may be applied to an adult but not to a juvenile;

– compulsory educational measures as alternatives to criminal liability and criminal punishment (CCU, article 105);

– wider possibility of exemption from liability and punishment with probation than in the case of adults. Probation shall be fixed for a period of one to two years (CCU, Article 104).

On the one hand, Ukrainian scholars considered the range of criminal liability measures to be poor and therefore proposed the addition of at least two more types of punishment – an obligation to attend an educational programme and a referral to a special educational institution (Burdin, 171–173). On the other hand, there was another problem: excessive use of suspended sentences for juvenile offenders. Released from the punishment juveniles were left to their own and perceived the court verdict as forgiveness. But today the mainstream of improving the institute of criminal liability of minors is opposite of these extremes. The concept of child-friendly justice, adopted by Ukraine, on the one hand, requires minimising the use of punitive measures for minors and, on the other hand, strengthening attention to the needs of every juvenile participant of criminal proceeding, namely defendant, victim and witness.

The contours of the new juvenile justice system are outlined in the document of the Committee of Ministers of the Council of Europe "Guidelines on Child Friendly Justice" (November 2010). By its nature, this act is so-called "soft law", i.e. states-participants are not bound by its

provisions, while they are offered modeling principles that form the foundation of child friendly justice. “Child-friendly justice” refers to justice systems which guarantee the respect and the effective implementation of all children's rights at the highest attainable level, bearing in mind the principles listed below and giving due consideration to the child's level of maturity and understanding and the circumstances of the case. It is, in particular, justice that is accessible, age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child, respecting the rights of the child including the rights to due process, to participate in and to understand the proceedings, to respect for private and family life and to integrity and dignity (Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, II c.).

Child-friendly justice is the way to reform Ukraine's juvenile justice system, that has already been largely passed by the national legislator. In particular, the current Criminal Procedure Code requires specialisation of judges and investigators for juvenile proceedings (Criminal Procedure Code, Article 484) and introduces procedures for obtaining information from child witnesses and child victims that prevent their secondary traumatisation ('green rooms', videoconferencing, etc.). Ukraine has established a juvenile probation system. There are juvenile probation centres in 14 cities that prepare pre-trial reports on juvenile defendants and work with juveniles released from serving a sentence of imprisonment for a determinate term. In 2020, 1,198 of the 2,048 convicted juveniles were released on probation (Sudova vlada Ukrainy. Sudova statystyka: Zvit pro nepovnolitnikh zasudzhenykh za 2020 rik).

The bill “On child-friendly justice”, pending before parliament, contains a provision for the diversion of the minor from the criminal justice system as far as possible. In cases of release of a child from punishment by a court, restorative measures are proposed, such as follows (Proekt Zakonu pro yustytssiu, druzhniu do dytyny, Article 24):

- 1) warning;
- 2) assignment of duties:
  - a) not to change the place of residence arbitrarily;
  - b) not to leave the place of residence for a certain period of time;
  - c) not to travel arbitrarily abroad or outside the settlement;
  - d) restriction of leisure and establishment of special requirements for behaviour;
  - e) to start or resume full secondary education;
  - e) to get a job;
  - f) to undergo treatment;
  - g) to compensate the damage;

g) to undergo a correctional program;  
h) to take part in educational, cultural and sports events (attending lectures, trainings, courses, etc.).

In case the juvenile offender has harmed a victim withdrawal from criminal proceedings may be followed by restorative conciliation (mediation) (Proekt Zakonu pro yustytysiiu, druzhniu do dytyny, articles 28–29).

It seems that there are favourable conditions today for juvenile justice in Ukraine to become a system of state, municipal and public judicial, law enforcement and human rights bodies, institutions and organisations, based on law and with the help of medico-social and psychological-pedagogical techniques, to deliver justice for children, to prevent offences by and against children, to protect the rights, freedoms and interests, and to reserialize children in contact with law.

Juvenile law of Ukraine is a relatively autonomous system of legal provisions aimed at ensuring the survival, development and protection of the rights, freedoms and interests of children. Ukrainian Juvenile law includes substantial, procedural and organizational legal institutes, that entitle children to the special legal status, regulate relationships where children are participants (directly or through a representative) and establish the competence of other persons and entities to deal with children's affairs.

Juvenile law is divided into a general, a special and a special part. The general part includes norms defining the goals and objectives of Juvenile law, the principles of Juvenile law, persons and legal acts related to Juvenile law.

The special part of Juvenile law has a complex multi-level structure, in which it is possible to distinguish: 1) a sub-division of Juvenile substantive law; 2) a sub-division of Juvenile procedural law; 3) a sub-division of Juvenile Organizational law, comprising the institutes of public bodies and services for children and special institutions for children

The specific part of Juvenile law includes international legal norms, that establish peculiarities of international adoption, communication of children with parents living in different countries, return of children from abroad and so forth.

Juvenile law is marked by a combination of public and private principles and means of legal regulation. The main goal of Juvenile law today is not only establishing the child as a legal person and a legal entity in opposition to other persons, mainly adults and the state, but also to ensure the legal socialization of the child, his/her inclusion in the legal life of the society as an equal and aware person with his/her rights and duties. The

core of Ukrainian Juvenile law are the rules establishing the child's legal status. At the present stage of development, Ukraine's Juvenile law needs to be systematised, at the very least, in the form of a consolidation of regulations at different levels. Systematization of the juvenile legislation will be the final stage of formation of the Juvenile law in Ukraine.

System of Ukrainian juvenile justice is on its way to European standards. Juvenile criminal procedure has been reformed, a juvenile probation system has been established and the draft law on child-friendly justice is under consideration by Parliament. However, much work remains to be done to ensure that this system is effective and contributes to the rehabilitation and re-socialisation of all children in contact with the law.

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