

## THEORETICAL ASPECTS OF FAMILY RIGHTS AND RESPONSIBILITIES

<sup>a</sup>VOLODYMYR VATRAS, <sup>b</sup>OLEG OKSANIUK,  
<sup>c</sup>DENYS SYDORENKO, <sup>d</sup>SERHII SABLUK,  
<sup>e</sup>SVITLANA YAKYMCHUK

<sup>a,e</sup>*Leonid Yuzkov Khmelnytskyi University of Management and Law, Khmelnytskyi, Ukraine.*

<sup>b</sup>*Advocate, Khmelnytskyi, Ukraine.*

<sup>c</sup>*Kommersant Ukraine LLC, Kyiv, Ukraine.*

<sup>d</sup>*Vinnitskyi Citi Court of Vinnytsia Oblast, Vinnytsia, Ukraine.*

*email: <sup>a</sup>vatrasv@gmail.com, <sup>b</sup>Olegoleg028@gmail.com,*

*<sup>c</sup>denys.sydoenko@proton.me, <sup>d</sup>Sablukserg@icloud.com*

*<sup>e</sup>s\_yakymchuk@univer.km.ua*

**Abstract:** The relevance of the research topic is due to the need to improve the legal regulation of family relations in the context of globalisation and modern social changes. Issues such as the imbalance of rights and duties between spouses, the informational responsibilities of parents, and the effectiveness of mechanisms for collecting alimony require a comprehensive approach and the implementation of international standards into national legislation. The study aims to analyse issues of doctrinal family rights and duties and identify current trends and problems in this area. The research methodology is based on a theoretical analysis of legislative acts, judicial practice, and scientific publications using analysis, synthesis, comparative legal, and historical legal approaches. The results show that the imbalance of rights and duties between spouses is a significant problem that requires legal regulation to ensure equality. The study of the informational duties of parents highlights the need for explicit legal norms to protect children's rights. The effectiveness of alimony collection mechanisms requires the development of stricter measures to ensure compliance with alimony obligations. The influence of international law on national legislation promotes the harmonisation of legal systems and strengthens the family institution. Adapting legislation to modern challenges, such as globalisation and the increase in international marriages, effectively addresses issues arising and protects all participants' interests in family relations. The practical significance of the results lies in proposing directions for improving the legal regulation of family rights and duties, contributing to creating a fairer and more effective legal system that meets modern challenges and international standards.

**Keywords:** Family law, Rights and duties of spouses, Parental informational duties, Alimony obligations, International standards, Legal regulation, Globalisation, International marriages, Legislative adaptation

### 1 Introduction

Family law is one of the critical branches regulating relationships between family members. In the context of the modern legal system, issues of doctrinal family rights and duties acquire particular significance. This is because a clear understanding and regulation of the rights and duties of participants in family relationships contribute to their harmonious development and prevent conflict situations. The study's relevance is due to the need to adapt national legislation to changing social realities and international standards. In recent decades, there has been a trend towards more detailed regulation of family rights and duties, which requires a systematic approach to their classification. An analysis of recent research and publications shows that despite many works dedicated to various aspects of family law, the problems of classifying family rights and duties require further in-depth study. This is necessary to ensure more effective legal regulation and protection of the interests of all participants in family relations.

The problem of classifying family rights and duties occupies a central place in modern jurisprudence. In the context of globalisation and changing social realities, traditional approaches to the legal regulation of family relations must be reviewed and updated (Serdechna, 2023). Modern society demands a more flexible and adaptive system of rights and duties that can consider national and international standards (Borisova & Krasnytska, 2020). One of the main problems is the imbalance of rights and duties between spouses. This can lead to inequality and conflicts in the family, which negatively affects the stability of marital relations (Apriana & Silvia, 2022). The issues of equality and fairness in the distribution of family duties are vital to ensuring the harmonious development of the family (Güler, 2017). In addition, modern research indicates the need for more detailed regulation of the rights and duties of parents and children (Saliuk, 2022). For example, Tykhomyrov et al. (2023) emphasise the importance of parental informational duties related to providing adequate information and supporting the

development of children. The lack of explicit legal norms in this area can lead to violations of children's rights and a deterioration in their well-being (Jackson, 2021).

Ensuring the fulfilment of family obligations, particularly alimony, is also a significant problem. The insufficient effectiveness of alimony collection mechanisms often leads to children's rights violations and financial insecurity (Pilipson, 2022; Popovych, 2021; Buda & Dhuli, 2024).

The development of stricter measures to ensure the fulfilment of alimony obligations is necessary to protect children's interests (Hammer & Reig, 2022; Oksaniuk, 2024). Modern challenges, such as increased international marriages and migration processes, require harmonising national laws with international standards. In this context, international treaties and conventions play an essential role in forming legal norms to protect the rights of families and children. Thus, the issue lies in the need to review and improve the legal regulation of family rights and duties, considering modern challenges and international standards. Addressing these issues will create a fairer and more effective system for protecting the interests of all participants in family relations.

This article aims to study doctrinal issues of family rights and duties and identify current trends and problems related to the legal regulation of family relations in Ukraine and other countries.

### Objectives:

1. To analyse existing doctrinal approaches to classifying family rights and duties.
2. To review legislative acts and regulatory documents regulating family rights and duties in Ukraine and abroad.
3. To identify the main problems and contradictions in the legal regulation of family relations based on an analysis of judicial practice and scientific publications.
4. To determine directions for improving the legal regulation of family rights and duties in the context of modern challenges and societal changes.
5. To formulate recommendations for improving the legal practice in protecting family rights and duties.

### 2 Literature review

The problem of the imbalance of rights and duties between spouses remains one of the most relevant in modern family law theory. Research shows that an uneven distribution of family duties can lead to conflicts and violations of the rights of one spouse, so it is essential to ensure equality and fairness in the distribution of duties within the family. An analysis of the literature shows that the imbalance of rights and duties between spouses is a significant problem that needs attention. An equal distribution of duties contributes to the harmonious development of family relationships and reduces conflicts (Apriana & Silvia, 2022; Jackson, 2021; Ikbal, 2023; Buda & Dhuli, 2024; Lavrysen, 2014). Modern studies confirm the need for legal regulation to ensure equality.

Parental informational duties are essential in developing and protecting children's rights. Parents must provide children with information that contributing to their comprehensive growth and development. This area's lack of explicit legal norms can negatively impact children's well-being. Studies indicate that parental informational duties are an essential aspect of the legal regulation of family relations (Tykhomyrov et al., 2023; Jackson, 2021; Broderick, 2019; Ikbal, 2023; Munaretto, 2024). Adequate information provided by parents contributes to developing and protecting children's rights. Various studies confirm the need for precise regulation of these duties.

The effectiveness of mechanisms for collecting alimony is a crucial aspect in ensuring children's rights to decent support. Ineffective mechanisms often lead to children's financial insecurity. The importance of developing stricter measures to ensure compliance with alimony obligations is evident (Buda & Dhuli, 2024; Borisova & Krasyska, 2020; Nasirov, 2018; Plushko, 2023; Oksaniuk, 2024). Deficiencies in this area lead to children's financial insecurity. Developing and implementing strict measures to ensure compliance with alimony obligations are necessary to improve the situation.

Alimony is a monthly payment for the maintenance of a child who lives separately (most often with the mother) from one of the parents. According to Article 180 of the Family Code of Ukraine (2002), alimony must be paid until the child reaches adulthood and throughout their higher education. The amount of alimony can be determined by court order and constitute one-quarter of one parent's primary income or be defined explicitly in a fixed monetary amount. The Law of Ukraine "On the State Budget of Ukraine for 2024" sets the subsistence minimum norms for children under six years at 2563 UAH/month and children aged 6 to 18 years at 3196 UAH/month. From the beginning of 2024, the guaranteed alimony amount is 1281.5 UAH/month for children under six years and 1598 UAH/month for children aged 6 to 18. The maximum alimony amount should not exceed 25,630 UAH/month for children under six years and 31,960 UAH/month for children aged 6 to 18 years, i.e., within the limits of 10 subsistence minimums (Government Portal, 2024).

International law and standards play a vital role in the formation and development of national legislation in the field of family relations. International treaties and conventions aim to protect the rights of children and families, ensuring the harmonisation of legal systems in different countries. The importance of integrating international norms into national legislation is undeniable (Council of Europe, 2011). International law significantly influences the formation of national legislation in family relations. The integration of international norms helps protect the rights of children and families, harmonise legal systems, and strengthen the family institution. Implementing international standards helps create a fairer and more effective legal system.

Modern challenges, such as globalisation and increased international marriages, require adapting national legislation. Global changes in society necessitate a review of legal norms and their adaptation to new conditions. It is essential to ensure legal support for addressing emerging issues (Munaretto, 2024; Sarikaya, 2017; Song, 2019; Linik, 2022; Vatrás, 2024; Vatrás et al., 2024; Zaytsev & Pavshuk, 2024).

During wartime in Ukraine, the "marriage in one-day" service has become available to facilitate marriages with foreigners. Marriage certificates can be obtained within one day, especially if the bride or groom is a member of the Armed Forces of Ukraine. According to Article 51 of the Constitution, marriage is based on the voluntary consent of the spouses, and each spouse has equal rights and duties in the family. Article 26 of the Constitution of Ukraine states that foreigners or stateless persons residing in the state's territory have the same rights and freedoms as citizens of Ukraine (Constitution of Ukraine, 2006).

Adapting legislation to modern challenges is essential for legal support in new conditions. Globalisation and the increase in international marriages require a review of legal norms. Adapting the legal system will allow for effective addressing of emerging issues and ensure the protection of the interests of all participants in family relations.

### 3 Research methods

The main methods used in the research were:

1. **Analysis:** This method studies legislative acts, regulatory documents, judicial practice, and scientific publications related to the legal regulation of family relations. It also

allows for identifying key trends and problems in classifying family rights and duties.

2. **Synthesis:** The synthesis method is applied to generalise the analysis results of various sources and form a holistic view of doctrinal approaches to classifying family rights and duties. This method allows for integrating data from different sources and comprehensively understanding the researched problem.
3. **Comparative legal method:** This method compares the legal regulation of family rights and duties in different countries. Comparative legal analysis allows for the identification of both general trends and specific features of national legislation and the determination of the impact of international standards on national law.
4. **Historical legal method:** This method is used to study the evolution of legal regulation of family relations and the classification of family rights and duties. Historical legal analysis allows for tracing the development of legal institutions and identifying patterns and trends that influence the current state of family law.
5. **Doctrinal analysis:** This method is used to study scientific works and publications dedicated to the theoretical aspects of family law. Doctrinal analysis allows identifying the main scientific approaches and concepts that underlie the classification of family rights and duties.
6. **Classification method:** This method systematises family rights and duties based on various criteria and approaches. It allows for creating a structure that reflects the diversity and variety of legal norms regulating family relations.

Using these research methods allows for a comprehensive understanding of the classification of family rights and duties, identifying key trends and problems in this field, and proposing directions for improving the legal regulation of family relations.

### 4 Results

Classifying family rights and duties is one of the critical tasks of family law. Scholars and practitioners have developed various approaches to this problem for decades, striving to find the most effective methods for regulating family relations. It is necessary to consider the main approaches.

*Doctrine of Positive Obligations:* Güler (2017), in his article, examines the doctrine of positive obligations of the European Court of Human Rights, which emphasises the state's duties to protect family rights. This includes ensuring the right to family life and protecting children and vulnerable family members (Berkes, 2021).

*Doctrine of Imbalance of Rights and Duties:* Apriana and Silvia (2022) explore the imbalance of rights and duties between spouses in the family, highlighting the need for equality and fair distribution of duties. Their research emphasises the importance of harmonious role distribution in the family to ensure marital stability.

*Informational Duties of Individuals:* Tykhomyrov et al. (2023) consider the prospects for interpreting the informational duties of individuals, emphasising their significance in the context of family relations. An important aspect is the duty of parents to provide adequate information to children and ensure their development.

*Obligations to Support Family Rights:* Havrik studies methods for protecting family rights and children's interests by law enforcement agencies and organisations (Havrik, 2024). His work stresses the need to develop effective mechanisms for protecting and supporting family rights.

Thus, the analysis of existing doctrinal approaches to classifying family rights and duties shows the diversity of views and approaches to this problem. It is essential to recognise that rights and duties in the family should be balanced and fair, ensuring the harmonious development of family relations. Considering modern challenges and societal changes, continuing research in

this area and improving the legal regulation of family relations is necessary.

The regulation of family rights and duties in different countries is based on national legislative acts and international normative

documents. Table 1 presents vital legislative acts and documents regulating family rights and duties in Ukraine and some foreign countries.

Table 1. Laws and regulations in Ukraine and some foreign countries

Country	Laws and regulations	Brief description
Ukraine	Family Code of Ukraine (2002)	The main legislative act regulating family rights and duties in Ukraine.
	Law of Ukraine "On the Protection of the Rights of the Child" (2001)	Regulates the rights and duties of children and parents.
	Law of Ukraine "On Alimony" (Borisova & Krasyska, 2020)	Defines the procedure and conditions for providing alimony.
Germany	Bürgerliches Gesetzbuch (Civil Code)	Contains sections regulating family rights and duties, including marriage and guardianship.
	Kinder- und Jugendhilfegesetz (1990)	Regulates children's rights and parents' duties, and provides state assistance to families.
USA	Family Law Act (1970)	Includes provisions regulating marriage, guardianship, and alimony processes.
	Child Abuse Prevention and Treatment Act (1974)	Defines measures for protecting children from violence and the state's duties.
United Kingdom	Matrimonial Causes Act (1973)	Defines the conditions for divorce processes and the distribution of duties between spouses.
	Children Act (1989)	Regulates children's rights and parents' duties, including guardianship and adoption.
France	Code Civil (1804)	Includes provisions on family rights and duties, marriage, and divorce.
	Loi relative à la protection de l'enfance (2015)	Regulates the rights of children and the duties of parents, as well as state support for families.
International law	Convention on the Elimination of All Forms of Discrimination Against Women (UN Women, 1979)	Convention on the Elimination of All Forms of Discrimination Against Women.
	Convention on the Rights of the Child (UNICEF, 1989)	Convention on the Rights of the Child.
	Hague Convention on the Civil Aspects of International Child Abduction (Hague Conference on Private International Law, 1980)	Hague Convention on the Civil Aspects of International Child Abduction.
	Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children (Hague Conference on Private International Law, 1996)	Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement, and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children.
	Istanbul Convention on Preventing and Combating Violence Against Women and Domestic Violence (Council of Europe, 2011)	Istanbul Convention on Preventing and Combating Violence Against Women and Domestic Violence.

Source compiled by the author based on: Borisova & Krasyska (2020), UN Women (1979), UNICEF (1989), Hague Conference on Private International Law (1980, 1996), Council of Europe (2011), Family Code of Ukraine (2002), Law of Ukraine "On Protection of Childhood" (2001), Family Law Act (1970), Child Abuse Prevention and Treatment Act (1974), Kinder- und Jugendhilfegesetz (1990), Matrimonial Causes Act (1973), Children Act (1989), Code Civil (1804), Loi relative à la protection de l'enfance (2015).

Legislative acts and regulatory documents that govern family rights and duties vary by country. In Ukraine, the key ones are the Family Code and laws protecting children's rights and alimony. In other countries, such as Germany, the USA, the UK, and France, comprehensive legislative acts regulate family relations, children's rights, and parents' duties. The general trend is to ensure children's rights and the fair distribution of duties among family members.

Family law is a complex and multifaceted area often encountering various problems and contradictions. Analysing judicial practice and scientific publications allows for identifying key issues that arise in this field. It is crucial to consider the main problems and contradictions in the legal regulation of family relations based on the analysis of judicial practice and scientific publications (Figure 1).

The analysis of modern judicial practice and scientific publications shows that family relations regulation faces several serious problems and contradictions. Efforts are needed to improve legal regulation, protect children's rights, ensure equality between spouses, and effectively enforce court decisions. International cooperation and harmonisation of legislation can also help solve many of these problems.

Challenges and changes in society require reviewing and improving the legal regulation of family rights and duties. This includes adapting legislation to new social realities, strengthening legal protection for vulnerable groups, and improving the effectiveness of law enforcement practices. The main focus should be protecting children's rights, especially in divorce and separate parental residence. It is necessary to develop stricter measures to enforce decisions on the child's residence and the order of communication with the parent who does not live with the child. It is also essential to strengthen support for children experiencing parental divorce through psychological and social assistance.

It is essential to ensure equal rights and duties between spouses, allowing each spouse to spend quality time with the child without restricting communication. To achieve this, legislative norms should be reviewed regarding the distribution of duties for child care and household management. It is also necessary to strengthen the protection of women's rights in cases of domestic violence and discrimination in family relations. More effective mechanisms for alimony collection need to be developed. This may include creating a unified database of alimony defaulters, automating the collection process, and increasing the responsibility for non-compliance with alimony obligations. In

the context of globalisation and the increase in international marriages, it is essential to harmonise national legislation with international standards. This includes recognising and enforcing foreign court decisions in family matters and cooperation between states on child and family rights protection. Ensuring the effective and timely enforcement of court decisions in family matters is necessary to increase trust in the legal system. This

includes the establishment of specialised family courts, training judges and law enforcement officials on family law issues, and strengthening the control over the enforcement of court decisions.

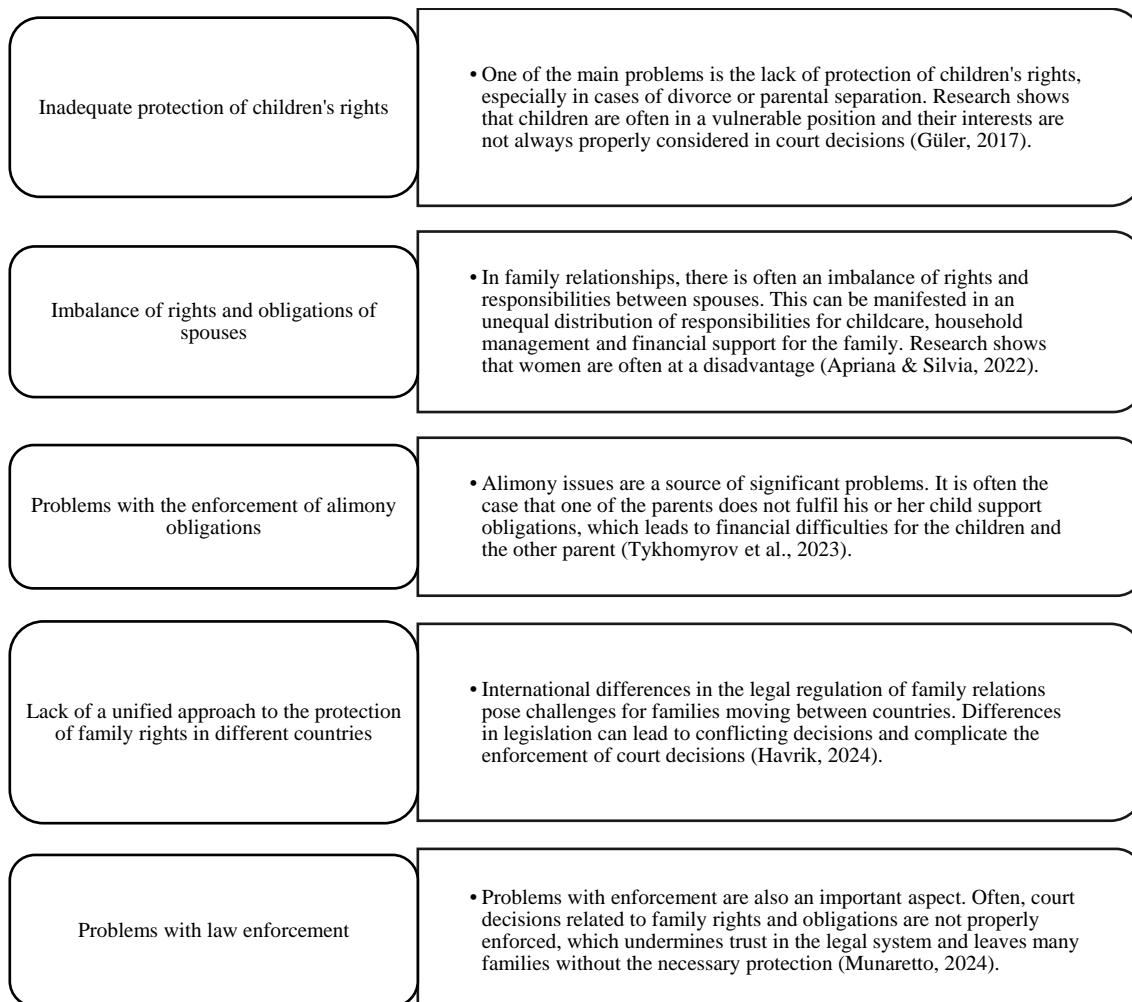


Figure 1. Main problems and contradictions in the legal regulation of family relations based on the analysis of court practice and scientific publications

Source compiled by the author based on: Apriana & Silvia (2022), Jackson (2021), Tykhomyrov et al. (2023), Buda & Dhuli (2024), UNICEF (1989), UN Women (1979), Güler (2017), Lavrysen (2014), Munaretto (2024)

The introduction of modern information technologies not only helps improve communication with children over long distances but also enhances the efficiency of the judicial system. This may include creating online platforms for submitting applications, monitoring the enforcement of court decisions, and using electronic databases for storing and exchanging information.

Improving the legal regulation of family rights and duties in the context of modern challenges requires a comprehensive approach. This includes strengthening the protection of children's rights, ensuring gender equality, improving alimony legislation, harmonising international norms, enhancing the effectiveness of law enforcement practices, and implementing modern technologies. These measures will help create a fairer and more effective system of legal regulation of family relations that meets the needs of modern society.

International law and standards significantly impact the formation and development of national legislation in family relations. Treaties, conventions, and recommendations guide countries in protecting family and children's rights, ensuring

equality between spouses, and strengthening the family institution.

It is essential to consider the main directions of the influence of international law and standards on national legislation in family relations (Figure 2).

International law and standards play a vital role in the formation of national legislation in the field of family relations. They help protect children's and spouses' rights, combat domestic violence, harmonise the legal systems of different countries, and improve international cooperation in family matters. National legislation, by integrating international standards, becomes more effective and fair, contributing to the strengthening of the family institution and the protection of the rights of all its members.

Improving law enforcement's practice of protecting family rights and duties requires a comprehensive approach that includes legal reforms, organisational changes, and professional development. This table presents recommendations for improving law enforcement practice.

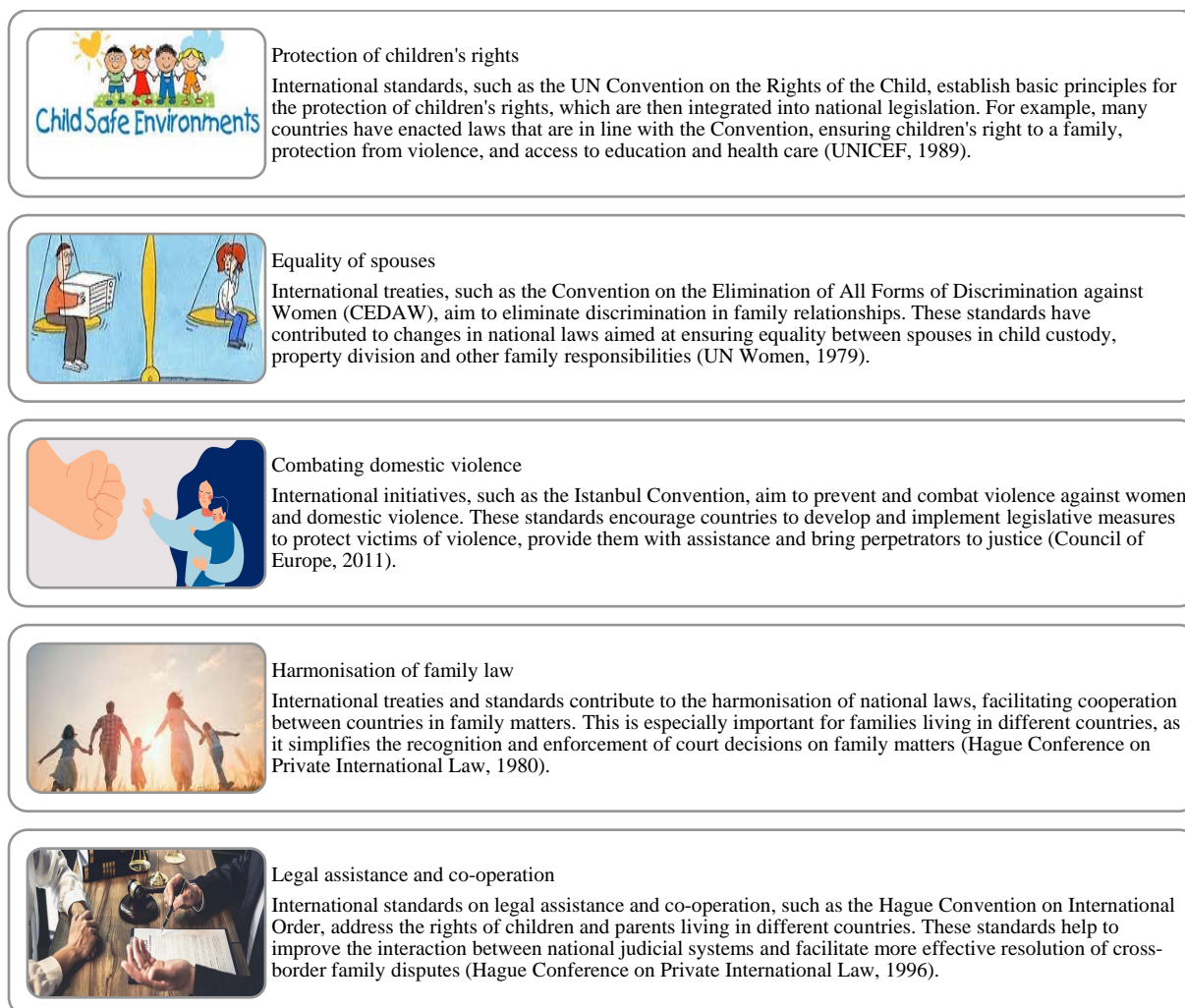


Figure 2. Main directions of influence of international law and standards on national legislation in the field of family relations  
Source compiled by the author based on: UN Women (1979), UNICEF (1989), Hague Conference on Private International Law (1980, 1996), and Council of Europe (2011)

Table 2. Recommendations for improving human rights practices

Direction	Recommendation	Expected result
Legislative reforms	Amend legislation to strengthen the protection of children's rights and ensure spousal equality	Improved protection of children's rights and ensuring spousal equality
	Develop stricter measures for alimony collection and the protection of domestic violence victims	Increased effectiveness of alimony collection and protection of violence victims
Organisational changes	Establish specialised family courts	Improved quality of family case reviews
	Introduce electronic systems for filing applications and monitoring the enforcement of court decisions	Enhanced speed and transparency of law enforcement practices
Professional development	Train judges and law enforcement officers on family law issues	Increased professional level of specialists
	Conduct regular seminars and training on international family law standards	Strengthened understanding and integration of international standards
Interdepartmental cooperation	Improve interaction between judicial, law enforcement, and social services	Improved coordination and effectiveness of law enforcement
	Create interdepartmental working groups to address complex family issues	Enhanced quality and speed of resolving family issues
Informational support	Create informational resources for citizens about family rights and duties	Increased public awareness of their rights and duties
	Establish hotlines and advisory centres to provide legal assistance to families	Improved access to legal assistance and support

Source compiled by the author based on: Borisova & Krasyska (2020), UN Women (1979), UNICEF (1989), Hague Conference on Private International Law (1980, 1996), Council of Europe (2011), Family Code of Ukraine (2002), Law of Ukraine "On Protection of Childhood" (2001), Family Law Act (1970), Child Abuse Prevention and Treatment Act (1974), Kinder- und Jugendhilfegesetz (1990), Matrimonial Causes Act (1973), Children Act (1989), Code Civil (1804), Loi relative à la protection de l'enfance (2015)

Implementing these recommendations can significantly improve law enforcement's practice of protecting family rights and duties. A comprehensive approach that includes legislative reforms, organisational changes, professional development, interdepartmental cooperation, and informational support will help create a more effective and fair system for protecting family rights.

## 5 Discussion

The problem of classifying family rights and duties is one of the critical issues in modern family law theory. The research results show many classification approaches, each with advantages and disadvantages. Firstly, the analysis of existing doctrinal approaches shows that one of the main problems is the imbalance of rights and duties between spouses. As noted by Apriana and Silvia (2022), inequality in the distribution of duties within the family can lead to conflicts and reduce the stability of the marriage. Their study emphasises the need for an equal distribution of roles between spouses to ensure the harmonious development of family relations. Secondly, significant attention is paid to the informational duties of parents related to providing adequate information and supporting the development of children. Tykhomyrov et al. (2023) note that the lack of explicit legal norms in this area can lead to violations of children's rights and deterioration of their well-being. This is confirmed by Jackson's research, which emphasises the importance of parents' moral obligations in the context of the development and protection of children's rights (Jackson, 2021).

Moreover, the issue of the effectiveness of alimony collection mechanisms remains relevant. Buda and Dhuli (2024) argue that the insufficient effectiveness of alimony collection mechanisms often leads to violations of children's rights and material insecurity. Their research points to the need for stricter measures to ensure the fulfilment of alimony obligations to protect children's interests.

Another critical issue is the harmonisation of national legislation with international standards. International treaties and conventions, such as the UN Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women, play a key role in shaping national legal norms aimed at protecting family and children's rights. As Güler (2017) and Lavrysen (2014) highlighted, international standards strengthen national legal systems and ensure more just and effective legal regulation of family relations. Research also shows that regulating family rights and duties needs to be adapted to modern societal challenges and changes. In the context of globalisation and the increasing number of international marriages, it is essential to consider the specific features of national legislation and integrate international standards (Munaretto, 2024). This includes recognising and enforcing foreign court decisions in family disputes and cooperation between states on protecting children's and families' rights.

Thus, the research results show that existing approaches to classifying family rights and duties require further refinement and improvement. A comprehensive approach is needed, which includes equality between spouses, precise regulation of parents' informational duties, the effectiveness of alimony collection mechanisms, and the harmonisation of national legislation with international standards.

## 6 Conclusion

The research revealed that the classification of family rights and duties is an essential and multifaceted problem in modern family law. Existing doctrinal approaches to classifying rights and duties require further development and improvement. The main problems remain the imbalance of rights and duties between spouses, insufficient regulation of parents' informational duties, and the ineffectiveness of alimony collection mechanisms. International standards and legal norms play a crucial role in shaping national legislation, contributing to the harmonisation

and strengthening of the legal systems of different countries. An important aspect is the need to adapt legislation to modern challenges such as globalisation and the increasing number of international marriages. Analysing judicial practice and scientific publications allows for identifying key trends and problems in family rights and duties, providing an opportunity to propose solutions. It is necessary to continue research in this field to ensure more just and effective legal regulation of family relations. A comprehensive approach that includes equality between spouses, precise regulation of parents' informational duties, the effectiveness of alimony collection mechanisms, and harmonising national legislation with international standards will create a more harmonious and just legal system.

A promising direction for further research is developing a comprehensive system of legal regulation of family rights and duties that can consider modern challenges and international standards. This will ensure a sufficiently fair and adequate protection of the interests of all participants in family relations.

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