

IMPLEMENTATION OF GUARANTEES FOR THE PROTECTION OF CHILDREN'S RIGHTS THROUGH THE PRISM OF THE PRINCIPLES OF ENFORCEMENT PROCEEDINGS

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Abstract

This article examines the system of principles of enforcement proceedings as the basis for guaranteeing the protection of children's rights, providing a detailed analysis of each with practical considerations. It argues that enforcement in cases involving children is not merely a mechanical procedure but a complex human rights process requiring adherence to principles that serve as substantive guarantees of the child's psychophysical safety. Drawing on theoretical developments, the author defines these principles as normatively enshrined guiding ideas and value frameworks shaping the human rights orientation of enforcement bodies and determining the legitimacy of enforcement actions to protect the child's well-being as a supreme social value. The study highlights the dualistic nature of these principles, combining general (rule of law, legality, bindingness of decisions, justice, impartiality, publicity, reasonableness of deadlines, proportionality, right to appeal) and special principles derived from international standards and the essence of childhood. Special principles include the best interests of the child, consideration of the child's opinion, interagency cooperation, minimizing psychological and physical impact, confidentiality, and protection of privacy. The article concludes that effective legal protection relies on the harmonious integration of these principles, with the best interests of the child as the central guiding vector. The system is dynamic, allowing for further research in line with evolving international legal standards and social developments.

Keywords: children's rights, guarantees, protection, principle, enforcement proceedings, the best interests of the child, enforcement.

1. Introduction

The effectiveness of the legal system of a modern democratic state is determined not only by the quality of its regulatory framework and the level of development of the judiciary, but also by the actual enforcement of judicial decisions. It is precisely the stage of enforcement proceedings that constitutes the final phase of the administration of justice, during which legal prescriptions are transformed into the practical restoration of violated rights and interests. In this context, enforcement proceedings function not merely as a procedural instrument, but as an indicator of the effectiveness of the state's mechanism for legal protection.

This issue acquires particular significance in cases where the object of legal protection concerns the rights and interests of children as the most socially vulnerable category of subjects. Unlike adults, a child does not possess full procedural autonomy and,

in most instances, is unable to independently defend his or her rights. This necessitates enhanced guarantees for their protection at all stages of legal enforcement, particularly during the execution of judicial decisions. At the same time, the specificity of enforcement proceedings in cases involving children lies in the combination of legal, psychological, and social components, which significantly complicates the implementation of coercive measures (Zaychuk, 2012).

In practice, the enforcement of judicial decisions relating to children (including, inter alia, the recovery of maintenance, determination of the child's place of residence, establishment of contact arrangements, or removal of a child) is often accompanied by substantial psychological pressure, conflicts between parents, and risks of harm to the child's emotional and psychological well-being. Under such circumstances, enforcement proceedings transcend the boundaries of a purely formal legal procedure and acquire the characteristics of a complex human rights process, in which each action undertaken by the enforcement officer must be assessed not only in terms of legality, but also with regard to the principles of humanism, fairness, and the best interests of the child (Kyrylchuk, 2023).

The theoretical foundation of this study is based on the concept of legal principles as fundamental, system-forming ideas that determine the content and direction of legal regulation. Within enforcement proceedings, such principles perform a dual function: on the one hand, they act as normative guidelines for the activities of enforcement authorities; on the other hand, they serve as guarantees for the protection of the rights and freedoms of the parties involved. At the same time, in cases concerning children, general legal principles acquire a specific meaning and require supplementation by special principles that take into account the particular nature of childhood as an object of legal protection.

Despite the considerable number of scholarly works devoted to the study of the principles of enforcement proceedings, the majority focus either on general theoretical aspects or on the analysis of individual principles without taking into account the specific features of their application in cases involving children. The academic literature lacks a comprehensive approach to the consideration of enforcement principles as a system of guarantees for the protection of children's rights. Furthermore, insufficient attention has been paid to the interaction between general and special principles, their role in minimising the adverse impact of enforcement actions on the child, and the practical mechanisms of their implementation (Kozyubra, 2017).

These circumstances necessitate an in-depth scholarly analysis of the implementation of guarantees for the protection of children's rights through the prism of the principles of enforcement proceedings. Such an approach makes it possible not only to systematise existing theoretical provisions, but also to develop a new understanding of enforcement proceedings as a comprehensive human rights institution oriented towards safeguarding the interests of the child.

The aim of this article is to identify and substantiate the system of principles of enforcement proceedings as the foundation for ensuring the protection of children's rights, as well as to analyse their content in light of the specific features of legal practice.

To achieve this aim, the following research objectives are defined:

- to analyse theoretical approaches to the understanding of legal principles and the principles of enforcement proceedings;
- to determine the essence and specific features of the principles governing the implementation of guarantees for the protection of children's rights;
- to systematise the general and special principles of enforcement proceedings within the context of the study;
- to examine the content of each principle, taking into account its practical application;
- to substantiate the necessity of inter-agency cooperation and the

humanisation of enforcement measures in cases involving children.

The research hypothesis is based on the assumption that the effectiveness of protecting children's rights at the stage of enforcement proceedings depends on the comprehensive implementation of a system of principles that possess a dual nature, combining general principles of the enforcement process with special principles обумовленими by the specific characteristics of childhood. In this system, the principle of the best interests of the child plays a key role, acting as a system-forming element that determines the direction of all enforcement actions.

Thus, the study is aimed at developing a coherent theoretical approach to understanding the principles of enforcement proceedings as guarantees for the protection of children's rights, which has not only academic but also practical significance for improving law enforcement practice in this field.

2. Literature Review

In recent years, the issue of the principles of enforcement proceedings has been at the centre of scholarly attention, which is обумовлено the growing significance of the enforcement stage within the broader mechanism for the protection of human rights. Contemporary legal scholarship has produced a substantial body of research addressing both the general theoretical foundations of enforcement principles and the specific features of their manifestation at particular stages or within distinct legal institutions.

For instance, in the work by Shyman, "Principles of Enforcement Proceedings: Concept and Features" (2025), an attempt is made to provide a systematic conceptualisation of the category of enforcement principles. In particular, the author proposes a contemporary definition of these principles and identifies their key characteristics as an independent legal phenomenon. The study substantiates their role as normatively established guidelines that determine the content and direction of the activities of enforcement authorities.

At the same time, the study by Spektor, "Principles of the Stage of Opening Enforcement Proceedings" (2025), focuses on a narrower aspect, namely the analysis of principles inherent in a specific stage of the enforcement process. While this approach allows for a more detailed examination of the functional purpose of individual principles, it simultaneously limits the possibility of considering them as a coherent and integrated system.

A separate group of studies is devoted to the analysis of particular principles of enforcement proceedings. In particular, Snidevych, in the work "Openness as a Principle of the Construction of Enforcement Procedural Form" (2019), examines the principle of openness, highlighting its importance as an instrument for ensuring transparency and accountability in enforcement activities. Such studies contribute significantly to a deeper understanding of individual principles; however, they do not provide a comprehensive view of their systemic interaction.

Their works address various aspects of enforcement proceedings, including issues of the effectiveness of the execution of judicial decisions, the principle of reasonable time, the proportionality of enforcement measures, and the guarantees of the rights of participants in the proceedings.

At the same time, an analysis of the existing scholarly sources indicates a predominance of approaches focused either on the general theoretical understanding of enforcement principles or on their fragmented examination. The specific features of the implementation of these principles in cases involving children remain largely outside the scope of comprehensive academic analysis. In particular, insufficient attention has been paid to the transformation of general principles in the context of ensuring the best interests of the child, their interaction with special principles, and their role in minimising the adverse impact of enforcement actions on the child's psychological and physical well-being.

Thus, the current level of academic development of the problem does not fully meet the needs of law enforcement practice, which necessitates further research in this area. The absence of a comprehensive approach to the consideration of enforcement principles as guarantees for the protection of children's rights determines the relevance of this study and defines its scholarly orientation.

2. Materials and Methods

In the course of examining the principles governing the implementation of guarantees for the protection of children's rights within enforcement proceedings, a combination of general scientific and specialised legal methods was employed, ensuring a comprehensive and well-substantiated analysis of the research problem.

The methodological foundation of the study is based on the dialectical method, the application of which made it possible to reveal the essence of the principles of enforcement proceedings in their development, interconnection, and interdependence, as well as to formulate an authorial definition of the principles governing the implementation of guarantees for the protection of children's rights in this field. The use of this method enabled enforcement proceedings to be considered not as a static legal institution, but as a dynamic process evolving under the influence of contemporary legal and social challenges.

The system-structural method was applied to determine the internal organisation of the system of enforcement principles and to classify them into general and special categories. This method facilitated the identification of the functional purpose of each principle, their interrelations, and their role in ensuring the effective protection of children's rights at the stage of enforcement of judicial decisions.

The formal legal method was used to analyse the current legislation of Ukraine, in particular the provisions regulating enforcement proceedings and the protection of children's rights, as well as relevant international legal instruments. The application of this method made it possible to identify the normative content of the principles, their legal nature, and the specific features of their implementation in legal practice.

The methods of generalisation and induction were employed to systematise the findings of the research, formulate theoretical conclusions, and substantiate practical recommendations. Their application allowed for the derivation of generalised conclusions regarding the specific features of the implementation of guarantees for the protection of children's rights in enforcement proceedings on the basis of the analysis of individual legal phenomena and norms.

In addition, elements of the comparative legal approach made it possible to take into account international standards in the field of the protection of children's rights and to determine their influence on the development of national law enforcement practice.

The application of this комплекс of methods ensured the comprehensive nature of the study, allowing not only for the elucidation of the theoretical aspects of the principles of enforcement proceedings, but also for the identification of practical directions for improving the mechanism for the protection of children's rights at the stage of enforcement of judicial decisions.

3. Results and Discussion

In legal doctrine, principles are commonly regarded "as a kind of foundation upon which law is built, and in this capacity they function as sources of law. They permeate the legal substance, all processes occurring within the legal sphere, and are in one way or another connected with law. Principles express the essence of law, determine its content, and shape the general nature of legal regulation of social relations" (Kozyubra, 2017). Etymologically, the term "principle" derives from the Latin principium (foundation, origin), which literally denotes a guiding idea or the initial basis of any phenomenon (Melnychuk, 1974).

According to academic interpretations, in particular those presented in the Dictionary of the Ukrainian Language, this concept is раскрыто through three interrelated dimensions: (1) theoretical as the fundamental premise of a scientific system, theory, or ideological direction; (2) technological as the underlying feature or method of creating or implementing something; and (3) axiological as a belief, norm, or rule guiding an individual's behaviour (Dictionary of the Ukrainian Language, 2026). Within the context of jurisprudence, principles acquire a specific normative and value-based meaning. They express the essence of law, determine the content of its institutions, and define the overall nature of legal regulation of social relations. Kolodii aptly emphasises that “in both past and contemporary legal scholarship, there is no single approach to defining the concept of legal principles. Despite differences in perspectives, legal science in various historical periods has been unified in recognising certain provisions and ideas as principles of law” (Kolodiy, 1998). Accordingly, the most generalised definition is provided by Zaichuk, who states that “legal principles are the fundamental, defining ideas, provisions, and guidelines that constitute the moral and organisational basis for the emergence, development, and functioning of law” (Zaychuk, 2012).

The outlined general theoretical approaches to understanding legal principles serve as a methodological foundation for analysing their manifestation in specific areas of legal application. Since law constitutes a coherent yet differentiated system, each of its branches transforms general ideas in accordance with the specific features of its subject matter and regulatory method. The sphere of enforcement proceedings is no exception: while general legal principles establish a fundamental value orientation, the principles of enforcement proceedings concretise these ideas, adapting them to dynamic and often conflict-prone social relations. “These fundamental (guiding) principles, ideas, provisions or requirements are typically clearly defined, concisely expressed, and function as rules governing the conduct of participants in enforcement proceedings both in relation to one another and to the objects of the principle's application” (Shyman, 2025).

In our view, the specificity of the principles of enforcement proceedings is обусловлена their dual nature: they operate at the intersection of substantive law, which defines the content of subjective rights, and procedural mechanisms designed to ensure their practical implementation. Within the paradigm of the protection of children's rights, this sectoral specificity acquires particular importance. In this category of cases, enforcement proceedings are transformed from a purely technical mechanism for implementing legal prescriptions into a complex human rights activity, where each enforcement action must comply with fundamental principles.

Taking this into account, we propose that the principles governing the implementation of guarantees for the protection of children's rights in enforcement proceedings should be understood as a system of fundamental, normatively enshrined guiding ideas and value orientations that determine the human rights-oriented direction of the activities of enforcement authorities and serve as an imperative criterion for the legality of enforcement actions aimed at ensuring the proper psychological and physical well-being of the child as the highest social value. For a more comprehensive understanding of the above-mentioned principles, it is appropriate to define their system, which represents a combination of general principles ensuring the universality of enforcement and special principles reflecting the specific nature of the protection of children's rights, as well as to analyse each element in detail.

The set of general principles of enforcement proceedings, which constitute the foundation of the legitimacy of any enforcement action, including within the context under study, simultaneously acting as limits on the discretion of the enforcement officer and as guarantees for the protection of the subjective rights of participants, is defined in Article 2 of the Law of Ukraine “On Enforcement Proceedings” (Law of Ukraine, 2016). These principles warrant further detailed consideration.

From a general theoretical perspective, the principle of the rule of law “may

be interpreted as the prioritisation of human rights within society and is manifested primarily in such features of state and social life as: the enshrinement of fundamental human rights in the Constitution and other laws (laws contradicting human rights and freedoms are considered unlawful); the dominance in public and state life of laws expressing the will of the majority or the entire population while embodying universal values and ideals primarily human rights and freedoms; the regulation of relations between the individual and the state on the basis of the general permissive principle: 'an individual is permitted to do anything not expressly prohibited by law'; and the mutual responsibility of the individual and the state" (Law of Ukraine, 2016).

Within enforcement proceedings, this principle obliges the enforcement officer to act in a manner that ensures a balance between private and public interests, avoiding arbitrariness and excessive interference with individual rights. Justice does not end with the delivery of a judicial decision; it continues until its fair implementation, where the rule of law serves as a guarantee of the legitimacy of coercive processes. Through the prism of the protection of children's rights, this principle acquires particular significance, as the child is recognised as the most vulnerable subject whose interests must be afforded unconditional priority. In this sphere, the rule of law implies that no procedural action may be deemed lawful if it contradicts the child's fundamental rights to safety, development, and family upbringing.

Thus, this principle functions as a value-based guideline, while the specific instruments and limits of the enforcement officer's activity are defined by another fundamental principle the principle of legality. This principle requires the enforcement officer to act strictly on the basis of, within the limits of authority, and in the manner prescribed by the Constitution and laws of Ukraine. Legality ensures the stability of legal order in enforcement proceedings by guaranteeing strict adherence to procedural norms and excluding arbitrary interpretations or abuses of power. At the same time, in the context under study, the principle of legality is transformed into a requirement for the integrated application of norms from different branches of law. Accordingly, the enforcement officer must take into account not only the provisions of the relevant law, but also the specific imperatives of the Family Code of Ukraine, the Law of Ukraine "On Child Protection", and international treaties (in particular, the UN Convention on the Rights of the Child), which possess overriding legal force.

Another general principle governing the implementation of guarantees for the protection of children's rights in enforcement proceedings is the principle of the binding nature of judicial decisions. From a theoretical and methodological perspective, this principle constitutes a fundamental condition for the existence of the rule of law and represents the logical culmination of the right to judicial protection. As Lymar rightly notes, "the impossibility of enforcing a court decision nullifies the realisation of the right to judicial protection. The actual execution of decisions not only restores violated rights but also strengthens legality and public order, reflecting the effectiveness of the entire mechanism of legal regulation of social relations" (Lymar, 2018). The binding nature of enforcement implies that the provisions contained in an enforcement document are imperative and must be complied with by all legal subjects throughout the territory of the state under the threat of legal liability. This principle ensures the authority of the judiciary and the stability of legal order, guaranteeing the claimant the possibility of actual restoration of their rights. In the context of children's rights protection, this principle acquires vital importance, as the timeliness and inevitability of enforcement directly affect the child's physical, psychological, and social development.

The dynamics of enforcement proceedings largely depend on the will of the parties involved. Therefore, among the general principles, particular attention should be given to the principle of dispositivity. Within enforcement proceedings, this principle manifests in the claimant's ability to initiate enforcement, choose the methods of execution within the limits of the law, and terminate proceedings by withdrawing the

enforcement document or concluding a settlement agreement. Thus, the principle of dispositiveness ensures the autonomy of the parties' will, whereby state coercion operates as a service-oriented instrument for the protection of private interests upon the initiative of the rights-holder. At the same time, in the sphere of the protection of children's rights, dispositiveness undergoes a significant transformation and certain limitation in the interests of the vulnerable party. As the child is often merely the de facto beneficiary of enforcement (for instance, in maintenance cases), while formal decisions are taken by legal representatives, there arises a risk of abuse of such freedom to the detriment of the minor's interests. Accordingly, this principle is constrained by enhanced supervisory powers of the enforcement officer and guardianship authorities: any waiver of enforcement or settlement agreement must be reviewed for compliance with the best interests of the child.

The principle of fairness, impartiality and objectivity constitutes a triune foundation of law enforcement activity, wherein fairness requires that actions of public authorities correspond to universal values and the essence of law; impartiality entails the absence of personal interest in the outcome of the case; and objectivity demands a comprehensive assessment of all factual circumstances without bias in favour of either party. In the context of ensuring guarantees for the protection of children's rights, this principle functions as a tool for balancing interests within a conflictual environment. As the child is often placed at the centre of an emotional confrontation between parents (the debtor and the creditor), the enforcement officer must demonstrate maximum objectivity so as not to become a party to the conflict, but to act exclusively in the child's interests. Fairness in such proceedings implies that coercive measures should be directed at genuinely meeting the child's needs rather than satisfying the claimant's ambitions, which requires a thorough analysis of each situation and an unbiased assessment of the conduct of both parties.

The principle of transparency and openness serves as an instrument of democratic oversight over public authorities, ensuring the transparency of enforcement proceedings and the public's right of access to information concerning the functioning of the system. Openness entails the parties' ability to acquaint themselves with the case materials, the operation of public debtor registers, and the publicity of asset realisation processes. This principle minimises corruption risks and enhances public trust in both state and private enforcement institutions. However, within the category of proceedings under consideration, this principle is necessarily restricted: the process cannot be public in a broad sense so as to prevent the stigmatisation of the child or the disclosure of sensitive aspects of their family life.

Another general principle governing the implementation of guarantees for the protection of children's rights in enforcement proceedings, introduced into domestic enforcement law by the Law of Ukraine "On Enforcement Proceedings", is the principle of reasonable time. As aptly noted by Luzhanskyi, a "reasonable time" in the context of enforcement proceedings is the time objectively necessary for carrying out procedural actions and adopting procedural decisions aimed at ensuring the timely (without undue delay) conduct of enforcement proceedings (Luzhanskyi, 2016). The criteria for determining the reasonableness of time limits include the legal and factual complexity of the case, the conduct of the participants, the manner in which the enforcement officer exercises their powers, and the effectiveness of the measures taken to enforce the writ of execution; additionally, the expediency of the actions undertaken by the enforcement officer is of relevance.

In the context of protecting children's rights, the requirement of reasonable time is transformed into a requirement of a certain degree of promptness, as the duration of proceedings directly correlates with the extent of harm that may be caused to the child. Whereas in property disputes delays may result merely in financial loss, in cases concerning the return of a child or the recovery of maintenance for medical treatment,

delay may lead to irreversible consequences for the minor's health and psychological well-being. Accordingly, within the framework of this study, "reasonable time" should be understood as the shortest possible time for enforcement, where the child's interests require the enforcement officer to actively employ all available legal instruments without awaiting maximum statutory deadlines.

A further general principle deserving attention is the principle of proportionality between enforcement measures and the scope of the claims under the decision. This principle limits the discretion of the enforcement officer, requiring the selection of measures that ensure full and timely enforcement in the least intrusive manner. In this way, proportionality serves as a safeguard against arbitrary interference with property rights or personal liberty, maintaining a balance between the effectiveness of enforcement and the protection of the parties' rights. In the context of protecting children's rights, this principle acquires a distinctly humanistic dimension, where the criterion is not merely the amount of debt or the nature of the claim, but above all the safety and psychological comfort of the child. For example, in enforcing a decision on the transfer of a child, proportionality entails the rejection of harsh physical coercion in favour of more sensitive forms of interaction, even if this necessitates the involvement of additional specialists.

The final principle in this group is the principle of ensuring the right to challenge decisions, actions or omissions of enforcement officers. This principle presupposes the existence of clear procedures for reviewing enforcement acts in both judicial and administrative fora, enabling participants in the proceedings to initiate scrutiny of the lawfulness of coercive measures applied. The possibility of appeal incentivises enforcement officers to comply strictly with legal norms and ensures the correction of errors that may arise in the course of dynamic enforcement proceedings. Given that the subject of protection (the child) is often unable to initiate such review independently, the implementation of this principle is entrusted to legal representatives or guardianship authorities acting as procedural guarantors.

The analysis of the aforementioned general principles of enforcement proceedings demonstrates that they form a stable normative framework; however, their content is not always sufficient to fully accommodate the unique nature of legal relations involving a child. In this regard, it is necessary to identify and elaborate specific principles governing the implementation of guarantees for the protection of children's rights in enforcement proceedings, which derive directly from the nature of childhood as a distinct object of legal protection. These principles do not negate the general ones but rather complement them, transforming the mechanism of coercion into a nuanced instrument of rights protection adapted to the age-related, psychological and social needs of the minor.

A central place among the specific principles is occupied by the principle of the best interests of the child, enshrined in Article 3 of the UN Convention on the Rights of the Child, as well as in the provisions of the Family Code of Ukraine and the Law of Ukraine "On the Protection of Childhood" (Law of Ukraine, 2001). As rightly observed by Kyrylchuk, the core components of this principle in contemporary legal doctrine include: the child's own attitude to the situation; consideration of the child's views and wishes in accordance with their age and level of development; preference for resolving issues concerning the child in favour of close relatives; adherence to equality in the exercise of the child's rights; and the provision of appropriate material, educational and cultural conditions (Kyrylchuk, 2023).

The multifaceted nature of this principle determines the specificity of its application at different stages of enforcement proceedings. In particular, it manifests itself already at the stage of initiating proceedings as an imperative qualifying factor that determines heightened priority and a special procedure for the application of enforcement measures. Notably, Article 26 of the Law of Ukraine "On Enforcement Proceedings" establishes a significant exception to the general time limits for voluntary compliance

in cases concerning contact with a child: instead of the standard ten working days, the enforcement officer must indicate the requirement of immediate compliance by the debtor in ensuring contact between the claimant and the child in accordance with the court decision (Kolodiy, 1998). Thus, enforcement proceedings effectively transition immediately to the stage of active enforcement, involving the application of special measures, including the engagement of guardianship authorities to ensure execution in a manner that minimises psychological harm to the child and aligns with their best interests (Kubrak).

The realisation of the best interests of the child in enforcement proceedings is impossible without recognising the child as an active subject, which necessitates a shift from formal compliance to dialogue with the child. Accordingly, the next principle is the principle of taking into account the views of the child. Pursuant to Article 12 of the UN Convention on the Rights of the Child, a child capable of forming their own views has the right to express those views freely in all matters affecting them, with due weight given in accordance with their age and maturity. In practice, this means that while the child's opinion is not determinative, it constitutes a mandatory evidentiary and evaluative factor that cannot be disregarded without proper justification (UN Convention on the Rights of the Child, 1989).

In enforcement proceedings, this principle acquires particular significance as a safeguard against mechanical coercion that may contradict the child's will. When enforcing decisions concerning contact, transfer, or residence of a child, the enforcement officer, with the support of psychologists and guardianship authorities, is obliged to ascertain the child's attitude to the enforcement actions, provided the child is capable of expressing it. Thus, consideration of the child's views functions not only as a guarantee of their dignity but also as a criterion of the lawfulness of enforcement actions: where a child expresses strong resistance, coercive measures should be suspended or modified, as no judicial decision may be implemented at the cost of severe psychological harm to the child (Family Code of Ukraine, 2002).

The necessity of assessing the child's position and psychological condition imposes tasks on the enforcement officer that extend beyond purely legal expertise. Given that enforcement officers typically lack specialised knowledge in developmental psychology or pedagogy, the implementation of the foregoing principles requires the involvement of professional intermediaries. This gives rise to the principle of inter-agency cooperation and the engagement of specialised actors. This principle is grounded in a comprehensive approach to human rights protection, whereby complex legal situations are addressed through the combined efforts of representatives of various fields and public authorities. Enforcement proceedings affecting vulnerable groups cannot be conducted in isolation; they must be supported by expert input to ensure both safety and legality. The involvement of specialists (psychologists, educators, medical professionals) and relevant authorities enables a holistic assessment of the situation, reducing the risks of subjectivity and professional error that could otherwise lead to violations of fundamental rights.

Within enforcement proceedings involving children, this principle translates into a direct obligation of the enforcement officer to involve guardianship authorities and, where necessary, psychologists and educators in the execution of enforcement actions. These specialised actors function not merely as consultants but as guarantors of compliance with the principle of the best interests of the child, assisting in determining the appropriate time, place and manner of enforcement so as to minimise harm (Law of Ukraine, 2016). Consequently, inter-agency cooperation transforms enforcement proceedings from a bilateral "creditor-debtor" relationship into a multifaceted rights-protection process, where professional participation serves as a safeguard against harm to the child during enforcement.

Among the specific principles, it is also necessary to highlight the principle of

minimisation of psychological and physical impact (the humanisation of coercion). This principle prioritises persuasion over coercion and requires the selection of the least intrusive means of implementing legal prescriptions, thereby preserving a balance between effectiveness and respect for human rights. Humanism in this context does not entail a refusal to enforce decisions, but rather a requirement to do so in a manner that minimises suffering or discomfort for the individual subject to coercive measures. In practice, this necessitates a shift towards “soft power” strategies: conducting enforcement actions in a familiar environment for the child, avoiding overt displays of coercion, and ensuring a supportive atmosphere. This transforms enforcement from a purely authoritative act into a process of social and pedagogical support, where success is measured not only by formal compliance but by the preservation of the child’s emotional well-being.

Finally, an important specific principle closely related to the general principle of openness—is the principle of confidentiality and protection of the child’s private life. In legal doctrine, this principle is viewed as a means of safeguarding human dignity and security, particularly where disclosure of certain information may lead to social stigmatisation or psychological harm. In the present context, it operates as a strict limitation on transparency, requiring the enforcement officer to ensure that enforcement actions (such as the transfer of a child or arrangements for contact) are conducted in a manner that excludes access by third parties and the media. In practice, this entails not only prohibiting the dissemination of photographs or video recordings involving the child, but also exercising particular caution in record-keeping and documentation to prevent sensitive details of the child’s family circumstances or health from entering the public domain.

4. Conclusions

The present study substantiates that the implementation of guarantees for the protection of children’s rights within enforcement proceedings should be understood not as a purely procedural activity, but as a complex human rights mechanism grounded in a coherent system of principles. The analysis has demonstrated that the effectiveness of such protection depends on the organic interaction between general principles, which ensure the legality and stability of enforcement, and special principles, which reflect the specific nature of childhood as a distinct object of legal protection.

It has been established that, within this system, general principles acquire a modified content when applied to cases involving children, as they must be interpreted through the prism of heightened vulnerability, dependency, and the need to safeguard the child’s psychophysical well-being. At the same time, special principles such as the best interests of the child, consideration of the child’s views, inter-agency cooperation, humanisation of coercion, and confidentiality serve to concretise and operationalise the human rights orientation of enforcement proceedings, ensuring that coercive measures are applied in a manner consistent with the child’s dignity and developmental needs.

Particular emphasis has been placed on the principle of the best interests of the child as a system-forming and overriding guideline that determines the direction, content, and limits of all enforcement actions. It is this principle that ensures the necessary balance between the binding nature of judicial decisions and the imperative to protect the child from potential harm arising from their enforcement.

Furthermore, the study has shown that the practical realisation of these principles requires a shift from a formalistic model of enforcement to a multidisciplinary and child-centred approach, involving cooperation between enforcement authorities and specialised professionals. Such an approach not only enhances the legitimacy of enforcement actions but also minimises the risk of adverse psychological and physical consequences for the child.

At the same time, it should be emphasised that the proposed system of

principles is not exhaustive. The dynamic development of social relations, as well as the continuous evolution of international standards in the field of children's rights, creates the preconditions for further refinement and expansion of this system. Accordingly, future research should be directed towards the development of practical mechanisms for the implementation of these principles and the identification of new doctrinal approaches capable of strengthening the effectiveness of legal protection at the stage of enforcement proceedings.

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