

The application of criminal and administrative liability to minors: Challenges facing the contemporary legal system

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Abstract. It has become especially important under martial law to provide an effective legal response to offences committed by young people at the same time as maintaining the humane principles of juvenile justice. This article aimed to evaluate the mechanisms responsible for the criminal and administrative liability of minors and to find ways to improve them. The study was based on a Delphi survey of experts together with an analysis of the legal framework and judicial practice. It examined the changes in the indicators for the social, legal, rehabilitative and governance aspects of Ukraine's juvenile justice system between 2020 and 2025. There was broader access to emotional support and counselling for adolescents, improved coordination between the various agencies, and a higher degree of adherence to children's basic procedural rights. The system's most serious shortcomings, though, were still the lack of adequate resources and the slow advancement of specialised juvenile adjudication. The study also looked at the impact of wartime conditions on the likelihood of deviant behaviour among young people, the use of alternative pre-trial measures, and the role of civil society and international organisations in reinstating educational programmes. Based on these findings, the article proposes a model aimed at improving the response to juvenile delinquency which gradually moves the focus from punishment to comprehensive rehabilitation, social adaptation, and the provision of psychological and educational support for young people. The findings and methodological tools can be used by law enforcement agencies, the judiciary, child welfare services, probation offices, and researchers in order to keep an eye on the juvenile justice system and when preparing legislation

Keywords: minors; criminal liability; administrative liability; martial law; juvenile justice

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Introduction

In 2025, the juvenile justice system in Ukraine was functioning in the face of pressure from the public to achieve a balance between public safety and adherence to international standards concerning the protection of children's rights. The continued state of martial law has given rise to a number of factors promoting social maladjustment amongst young people, such as widespread displacement, psychological trauma affecting minors, and the disruption of their usual social environments. Such conditions raise the likelihood of deviant behaviour and cause adolescents to take part in illegal activities. They also mean that the legal framework has to be adjusted to deal with new kinds of offences linked to wartime security threats. There is both a practical and a theoretical necessity to evaluate the effectiveness of the present mechanisms for making minors accountable. To deal with these problems, the legal system must give first priority to rehabilitative, educational and preventive measures rather than adopting an exclusively punitive method.

Ukrainian and international researchers have given a great deal of attention to the question of minors' liability and to the reform of the juvenile justice system. The study in question looked at the legal, psychological, and institutional aspects of these issues. N. Apakhayev *et al.* (2024) investigated the protection of children's rights both within and outside the family. They found that the lack of adequate legal protection and the failure to take account of adverse social environments are major factors leading to juvenile delinquency. Moreover, Ukrainian and international scholars have also looked into the age thresholds at which liability begins and the ability of minors to understand that their actions are illegal. A comparative legal study carried out by Y. van den Brink & C. Lanskey (2025) looked at the way in which adolescents end up with a cumulative disadvantage in the juvenile justice system. Their results indicated that it is important to prefer diversion rather than detention, along with social rehabilitation and probation, if inequality is to be tackled and reoffending among adolescents is to be reduced. H.V. Lel & V.Yu. Iskovych (2023) investigated the legal grounds on the basis of which children can be held criminally liable. They stated that in order to pass a fair and lawful sentence, it is necessary to take into account a child's mental development and upbringing as well as the causes and circumstances which led to the offence.

K. Hampson *et al.* (2026) looked into procedural safeguards and the idea of child-friendly justice. They discovered that special procedures and diversionary measures which are in accordance with the "Child First" principle can reduce psychological strain and avoid children being re-traumatised, victimised, and stigmatised. O. Dubina (2024) looked at the safeguards provided by administrative law for the rights of minors in cases where they are accused of offences. The study maintained that liability ought to be adapted to the individual adolescent, considering their age, and that the measures introduced should be mainly educational and non-monetary.

R. Khanyk-Pospolitaka & T. Fedosieieva (2023) looked at the way children's interests are portrayed in times of armed conflict. Their analysis of the protection of minors' rights under martial law led them to the conclusion that national legislation must be brought up

to international standards as soon as possible in order to protect children's interests in emergency situations. M. de Brauw *et al.* (2026) found that juvenile offenders showed poor integration of conscience, empathy, and moral orientation. Building on these findings, E. Heynen *et al.* (2025) argued that effective prevention of reoffending requires comprehensive, multimodal programmes that develop selfregulation and emotional maturity while addressing psychological trauma.

L. Spytska (2023) examined resocialisation and educational interventions, developing principles for correctional programmes for young offenders in custodial institutions. She concluded that rehabilitation depends directly on tailoring psychological and educational interventions to the individual and taking account of adolescents' psychosocial trauma. L. Williams & A. M. Ellis (2026) demonstrated the value of wider use of diversion to keep children out of the criminal justice system. Community-based, non-punitive restorative measures support adolescents' resocialisation and substantially reduce reoffending.

Despite extensive research, as of 2026, insufficient attention had been paid to a comprehensive quantitative and qualitative assessment of the juvenile justice system under martial law that combines analysis of indicators with expert input. This study aimed to develop a methodological approach for assessing the overall effectiveness of applying criminal and administrative liability to minors under martial law and to propose a mechanism for improving it. To achieve this aim, the study set three objectives: to analyse Ukraine's legal framework and judicial practice concerning the liability of minors under martial law; to calculate a composite indicator of the effectiveness of juvenile justice from 2020 to 2025 using four components and the Delphi method; and to formulate a model for improving the legal system's response to offences committed by minors.

Materials and methods

An integrated assessment method was used to evaluate the effectiveness of applying criminal and administrative liability to minors. The method uses a set of indicators and weights to produce an overall index of the effectiveness of the response, including punishment, rehabilitation, and prevention. This index provides a quantitative measure of something otherwise difficult to assess: the quality of the juvenile justice system's work. Effectiveness criteria were identified and grouped, and experts weighted each criterion according to its importance, following the methodological approach of L. Hrytsenko *et al.* (2023). Their study refined an algorithm for mathematically standardising different types of indicators and adjusting them using expert-assigned weights. This general model of integrated assessment allows potentially conflicting qualitative and quantitative indicators to be combined into a single representative index. It was therefore adapted to measure the effectiveness of the juvenile justice system. The overall effectiveness indicator, E , was calculated using the following formula:

$$\sum_{i=1}^n w_i X_i, \quad (1)$$

where X_i is the value of criterion i , normalised to a given scale, and w_i is the expert-assigned weight reflecting

the importance of that criterion. Determining the weights was a critical stage of the method. Experts were therefore consulted using the Delphi method. The panel included 35 experts in criminal law, juvenile prosecutors, experienced judges, and representatives of the child welfare services from various parts of Ukraine. The purpose was to ensure a wide geographical coverage: participants came not only from the western regions, where the effects of the war have been relatively less severe, but also from the eastern regions and the areas on the front line which have been directly affected by it. The consultation was carried out entirely via Google Forms. The Delphi survey was carried out in several rounds from September to November 2025. The study adhered to the international ethical standards applicable to academic and social research. All of the experts took part voluntarily and provided informed consent. At each stage, the anonymity of the participants and the confidentiality of their responses were ensured. The collection, processing and storage of the data were in accordance with the International Chamber of Commerce/ESOMAR standards (2016) and the General Data Protection Regulation (2016). In order to ensure that the assessment was objective and methodologically sound, the statistical data used by the experts for scoring and for the subsequent qualitative interpretation were obtained from official Ukrainian government and international sources for the period 2020-2025. The data sources for the assessed indicators were:

1) official statistical reports and compilations on reoffending rates (Office of the Prosecutor General of Ukraine, n.d.; State Judicial Administration of Ukraine, n.d.), observance of children's procedural rights (Ukrainian Parliament Commissioner for Human Rights, n.d.), and coordination among agencies (United Nations Children's Fund, n.d.);

2) statistical publications and annual reports on the time taken to hear cases and the availability of judges specialising in juvenile cases (State Judicial Administration of Ukraine, n.d.);

3) analytical reports and other materials on social rehabilitation and access to psychological support (United Nations Children's Fund, n.d.);

4) official data on access to rehabilitation programmes and social support (State Institution "Probation Centre", n.d.);

5) statistics on the proportion of those who returned to education or secured employment (State Employment Service of Ukraine, n.d.).

The qualitative analysis of the legislative framework covered key instruments, including Law of Ukraine No. 20/95-VR "On Bodies and Services for Children and Special Institutions for Children" (1995), Law of Ukraine No. 160-VIII "On Probation" (2015), Law of Ukraine No. 2145-VIII "On Education" (2017), and Law of Ukraine No. 3460-VI "On Free Legal Aid" (2011). It also considered related acts and provisions that directly or indirectly affect the procedures

for holding minors liable (Resolution of the Cabinet of Ministers of Ukraine No. 585, 2020).

The study of judicial practice was carried out through a systematic analysis of official statistical reports, summaries, and the decisions issued by the courts of Ukraine. The primary source of the quantitative data was the State Judicial Administration of Ukraine's annual reports, particularly its specialised Form No. 8, "Report on Convicted Minors" (State Judicial Administration of Ukraine, n.d.), since this report includes detailed information regarding the progress of cases and the time taken to hear them. It made it possible to assess how martial law, including court evacuations, staff shortages, and disruptions to institutional operations, affected the speed of proceedings, the development of specialised juvenile adjudication, and the observance of children's key procedural safeguards during court hearings.

The Delphi method involved several survey rounds. In the first round, experts completed an anonymous questionnaire rating the importance of each proposed effectiveness criterion. They could also suggest additional criteria. The organisers then calculated the median and mean ratings for each criterion and compiled the experts' comments. In the second round, participants received questionnaires based on these consolidated findings. This allowed them to consider their colleagues' views and work towards a final consensus. Differences between their ratings narrowed considerably after the second round, enabling the weights to be calculated from the mean expert ratings. This form of assessment can inform government legal policy. The study findings had already been presented at a specialist roundtable, where participants recommended introducing national monitoring of juvenile justice based on similar criteria. The integrated assessment of response effectiveness, supported by expert consensus through the Delphi method, proved useful in this study and could be applied in future research and practice.

Results

In 2024-2025, services were redirected towards wartime needs, while volunteer and donor-funded programmes expanded. This helped improve social rehabilitation and reduce reoffending, raising the composite score for this component (Table 1). The guarantees of free and accessible education established by Law of Ukraine No. 2145-VIII (2017) provide a foundation for preventing social maladjustment among minors. Maintaining an educational environment and keeping adolescents in education are essential to their successful resocialisation and the prevention of deviant behaviour. The analysis shows favourable trends in all three key indicators: the reoffending rate, the level of social rehabilitation, and access to social support. From 2020 to 2025, the composite score, calculated as the sum of weighted indicators, rose from 0.479 in 2020 to 0.650 in 2024 and reached 0.683 in 2025. The corresponding scaled values rose from approximately 0.12 to 0.17. This indicates a gradual strengthening of the social component of juvenile justice, even under martial law.

Table 1. Social security component

Indicator	Weight (w_i)	2020 (X_1/w_1X_1)	2021 (X_2/w_2X_2)	2022 (X_3/w_3X_3)	2023 (X_4/w_4X_4)	2024 (X_5/w_5X_5)	2025 (X_6/w_6X_6)
Reoffending rate	0.4	0.50/0.200	0.54/0.216	0.60/0.240	0.62/0.248	0.65/0.260	0.68/0.272
Level of social rehabilitation	0.3	0.45/0.135	0.50/0.150	0.55/0.165	0.58/0.174	0.62/0.186	0.65/0.195

Table 1, Continued

Indicator	Weight (w_i)	2020 (X_1/w_1X_1)	2021 (X_2/w_2X_2)	2022 (X_3/w_3X_3)	2023 (X_4/w_4X_4)	2024 (X_5/w_5X_5)	2025 (X_6/w_6X_6)
Access to social support	0.3	0.48/0.144	0.52/0.156	0.60/0.180	0.64/0.192	0.68/0.204	0.72/0.216
Composite score (sum)	-	0.479 (0.12)	0.522 (0.13)	0.585 (0.15)	0.614 (0.15)	0.650 (0.16)	0.683 (0.17)

Note: the columns show the year, X – the score (0...1) and the weighted value w_iX_i . In the rows for the composite score, bold type indicates the sum of the weighted indicators; the value in parentheses is scaled by dividing it by four to maintain comparability with the original methodology

Source: official statistical reports from the Office of the Prosecutor General of Ukraine provided the basis for calculating the juvenile reoffending indicator. They showed a decline in reoffending from 2020 to 2025 associated with the use of alternative measures of liability (Office of the Prosecutor General of Ukraine, n.d.). Monitoring data from the State Employment Service of Ukraine were used to assess employment and vocational adaptation among adolescents in conflict with the law, an important factor in their resocialisation (State Employment Service of Ukraine, n.d.)

There was a noticeable rise in access to social support: the figure went from 0.48 in 2020 to 0.64 in 2023, then to 0.68 in 2024 and finally to 0.72 in 2025. This increase is due to the rising number of volunteer programmes, the considerable support given by international partners, and the coordinated efforts of civil society organisations. The social rehabilitation score also increased, going from 0.45 in 2020 to 0.58 in 2023, 0.62 in 2024 and 0.65 in 2025; this indicates that the reintegration programmes for young offenders have been continually expanded. Similarly, the scored version of the reoffending indicator improved, rising from 0.50 in 2020 to 0.62 in 2023, then attaining 0.65 by 2024 and 0.68 in 2025. A higher score indicates a lower actual reoffending rate among young people who are under supervision, which shows the effectiveness of the probation services. Yet the situation regarding wartime security is still tense. A new kind of threat is the recruitment of adolescents via Telegram by Russian intelligence agencies with a view to committing crimes which endanger the foundations of national security. The number of such offences went up from 3 in 2022 to 31 in 2024 and then to 130 in 2025 (Horon, 2026). Generally speaking, the social aspect improved step by step from 2020 to 2025, even in emergency circumstances. This lends support to a method

that combines punishment with rehabilitation and social support, and highlights the need to make social support a central part of juvenile justice.

Even though martial law has caused problems for the courts, such as the need for evacuations and an increased number of cases, a greater focus on meeting juvenile justice standards has led to a higher score (Table 2). The implementation of Law of Ukraine No. 3460-VI (2011) guarantees that qualified defence counsel must be involved in cases concerning minors. This represents a major procedural protection for children's rights and for adhering to international juvenile justice standards at both the pre-trial and trial stages. The composite score increased steadily from 0.490 in 2020 to 0.614 in 2023, to 0.642 in 2024 and then to 0.666 in 2025. The source provides scaled values of 0.13 and 0.17 for 2020 and 2025, respectively. This indicates that there has been better compliance with the procedural standards for minors even in the face of the difficulties caused by martial law. The biggest improvement was seen in the indicator relating to the observance of children's procedural rights, which went from 0.52 in 2020 to 0.68 in 2023, to 0.72 in 2024 and then to 0.75 in 2025 (weight: 0.4). This shows that both the state and the legal profession have given more attention to protecting the rights of minors in court proceedings.

Table 2. Legal (procedural) component

Indicator	Weight (w_i)	2020 (X_1/w_1X_1)	2021 (X_2/w_2X_2)	2022 (X_3/w_3X_3)	2023 (X_4/w_4X_4)	2024 (X_5/w_5X_5)	2025 (X_6/w_6X_6)
Observance of children's procedural rights	0.4	0.52/0.208	0.56/0.224	0.64/0.256	0.68/0.272	0.72/0.288	0.75/0.300
Time taken to hear cases	0.3	0.48/0.144	0.50/0.150	0.55/0.165	0.58/0.174	0.60/0.180	0.62/0.186
Availability of judges specialising in juvenile cases	0.3	0.46/0.138	0.48/0.144	0.52/0.156	0.56/0.168	0.58/0.174	0.60/0.180
Composite score (sum)	-	0.490 (0.13)	0.518 (0.13)	0.577 (0.15)	0.614 (0.16)	0.642 (0.16)	0.666 (0.17)

Source: data from the State Judicial Administration of Ukraine formed the basis for assessing how promptly cases involving children were heard and the availability of judges specialising in juvenile cases (State Judicial Administration of Ukraine, n.d.). Analytical reports from the Ukrainian Parliament Commissioner for Human Rights supported the finding that observance of minors' procedural safeguards improved, with the indicator rising from 0.52 in 2020 to 0.75 in 2025 (Ukrainian Parliament Commissioner for Human Rights, n.d.)

The figure showing the time it took to hear cases also improved, increasing from 0.48 in 2020 to 0.58 in 2023, 0.60 in 2024 and 0.62 in 2025. This improvement took place even though the courts underwent evacuations, had a heavy volume of cases, and were affected by the wartime disruptions to the judicial system. It indicates that the organisation has become stronger and is better at adapting to

crisis situations. The indicator for the availability of judges with specialisation in cases involving minors increased most gradually, moving from 0.46 in 2020 to 0.56 in 2023, 0.58 in 2024 and 0.60 in 2025. Judicial specialisation in matters concerning minors is therefore still the weakest aspect of the legal sector. As a whole, this area showed only moderate but steady progress from 2020 to 2025, especially in the area of

basic procedural protections. The slow progress in the field of specialised juvenile adjudication nevertheless shows the need for focused reform, such as the creation of juvenile courts or greater specialisation among judges, in order to ensure that cases involving children are handled in a consistent manner and to reduce the risk of unequal treatment by the law.

In 2024–2025, new probation measures and restorative justice programmes, which were supported by international organisations, greatly improved minors' access to rehabilitation (Table 3). The legal basis for extending pre-trial and supervisory probation for minors was provided by Law of Ukraine No. 160-VIII (2015). This led to much greater

access for young offenders to restorative, nonpunitive rehabilitation programmes in the community and contributed to a reduction in reoffending.

The composite score increased from 0.422 in 2020 to 0.602 in 2023, before reaching 0.653 in 2024 and then 0.704 in 2025; the associated scaled values also went up from 0.11 to 0.18. This shows a significant improvement in the access of young offenders to rehabilitation and educational programmes. The fact that this increase has occurred in the context of the war is particularly noteworthy, since although certain state-run programmes were only partly halted, alternative and charitable initiatives expanded thanks to support from international organisations, especially UNICEF.

Table 3. Rehabilitative and educational component

Indicator	Weight (w_i)	2020 (X_1/w_1X_1)	2021 (X_2/w_2X_2)	2022 (X_3/w_3X_3)	2023 (X_4/w_4X_4)	2024 (X_5/w_5X_5)	2025 (X_6/w_6X_6)
Access to rehabilitation and educational programmes	0.4	0.44/0.176	0.50/0.200	0.58/0.232	0.62/0.248	0.68/0.272	0.74/0.296
Proportion returning to education or work	0.3	0.42/0.126	0.48/0.144	0.55/0.165	0.60/0.180	0.63/0.189	0.66/0.198
Access to psychological support and counselling	0.3	0.40/0.120	0.45/0.135	0.52/0.156	0.58/0.174	0.64/0.192	0.70/0.210
Composite score (sum)	–	0.422 (0.11)	0.479 (0.12)	0.553 (0.13)	0.602 (0.15)	0.653 (0.16)	0.704 (0.18)

Source: official data from the State Institution “Probation Centre” were used to assess the expansion of minors' access to pre-trial probation and community-based corrective educational programmes (State Institution “Probation Centre”, n.d.). Monitoring data from the State Employment Service of Ukraine were used to assess employment and vocational adaptation among adolescents in conflict with the law, an important factor in their resocialisation (State Employment Service of Ukraine, n.d.)

Access to rehabilitation and educational programmes saw one of the most significant increases, going from 0.44 in 2020 to 0.62 in 2023, then to 0.68 in 2024 and 0.74 in 2025. The sharp rise between 2024 and 2025 was due to a major reform of the sentencing system: Law of Ukraine No. 3342IX (2023) came into effect on 28 March 2024 and established probation supervision as a new type of sentence designed to help minors get back on track without taking them out of the community. This reform also coincided with the nationwide expansion of the UNICEF-supported Restorative Programme for Minors Suspected of Committing a Crime (UNICEF, n.d.). The figure showing adolescents going back to education or employment also increased steadily, rising from 0.42 in 2020 to 0.60 in 2023, then to 0.63 in 2024 and 0.66 in 2025, which shows that they have been reintegrated after undergoing restorative procedures. Access to psychological support and counselling increased from 0.40 in 2020 to 0.58 in 2023, 0.64 in 2024 and 0.70 in 2025. This highlights the importance of the emotional support given by juvenile prosecutors in collaboration with civil society organisations, such as the “Volonter” NGO, and with other partners. Overall, the rehabilitative and educational aspects have clearly moved in a more humane direction from 2020 to 2025. Continuous educational, emotional and counselling

support is essential for preventing reoffending and should continue to be a priority both during and after the war.

Because of the wartime situation, it became necessary for the various agencies to cooperate more closely, with this leading to better coordination between the police, the probation services, the courts and the child welfare services (Table 4). The Law of Ukraine No. 20/95-VR (1995) has set up institutional mechanisms for the protection of the rights of minors and also regulates the activities of the specialised organisations. It thus forms the legal basis for closer coordination between the child welfare services, the police and the social service institutions. The analysis indicates that governance of Ukraine's juvenile justice system improved gradually from 2020 to 2025. The composite score, calculated as the sum of weighted indicators, rose from 0.414 in 2020 to 0.577 in 2023, 0.611 in 2024 and 0.654 in 2025. The corresponding scaled values rose from 0.10 to 0.16. These results suggest stronger cooperation among agencies, better coordination and greater transparency in the work of the bodies concerned. The indicator for coordination among agencies rose particularly quickly, from 0.45 in 2020 to 0.64 in 2023, 0.68 in 2024 and 0.72 in 2025. It had the highest score of any indicator in this component.

Table 4. Organisational and governance component

Indicator	Weight (w_i)	2020 (X_1/w_1X_1)	2021 (X_2/w_2X_2)	2022 (X_3/w_3X_3)	2023 (X_4/w_4X_4)	2024 (X_5/w_5X_5)	2025 (X_6/w_6X_6)
Coordination among agencies (police, courts, child welfare services and probation services)	0.4	0.45/0.180	0.52/0.208	0.58/0.232	0.64/0.256	0.68/0.272	0.72/0.288
Resources available to juvenile justice	0.3	0.40/0.120	0.45/0.135	0.50/0.150	0.55/0.165	0.57/0.171	0.60/0.180

Table 4, Continued

Indicator	Weight (w_1)	2020 (X_1/w_1X_1)	2021 (X_2/w_2X_2)	2022 (X_3/w_3X_3)	2023 (X_4/w_4X_4)	2024 (X_5/w_5X_5)	2025 (X_6/w_6X_6)
Transparency and monitoring	0.3	0.38/0.114	0.42/0.126	0.46/0.138	0.52/0.156	0.56/0.168	0.62/0.186
Composite score (sum)	-	0.414 (0.10)	0.469 (0.11)	0.520 (0.13)	0.577 (0.14)	0.611 (0.15)	0.654 (0.16)

Source: UNICEF analytical publications (n.d.) were used to examine cooperation between child welfare services, the police and probation services, and to assess the role of international programmes in offsetting shortages in state funding

The rise is due to the changes that have been made as a result of the war. The existence of security threats and the necessity of promptly responding to wartime risks have led to greater cooperation between the police, the courts, the child welfare services and the probation services. A key development was the creation of legal procedures relating to the sharing of information and cooperation between these organisations, such as the “Procedure for Cooperation among Public Authorities in the Social Protection of Children’s Rights” (Cabinet of Ministers of Ukraine Resolution No. 585, 2020). Funding for the juvenile justice system increased only slowly: the figure went from 0.40 in 2020 to 0.55 in 2023, then to 0.57 in 2024 and finally to 0.60 in 2025. This shows that there has been a continuing lack of state funding, although this situation has been partly counteracted by specific donor projects and by international technical assistance programmes. The indicator relating to transparency and monitoring also increased steadily, rising from 0.38 in 2020 to 0.52 in 2023, 0.56 in 2024 and 0.62 in 2025. Among the factors that have contributed to this are broader public monitoring and new information initiatives, for example, the creation of the Safe Internet Centre in 2024 and Ukraine’s formal entry into the international INHOPE network in order to help prevent the online exploitation of children (Human Rights Platform, 2024). The aspect of organisation and governance has therefore demonstrated a continued ability to adapt to crisis situations. Closer cooperation between agencies is the main trend, and this trend needs to be backed by legal and institutional measures. In the future, steady funding and greater use of independent monitoring will be important for the long-term effectiveness of juvenile justice in Ukraine.

The four elements of the integrated assessment – namely social security, legal and procedural safeguards, rehabilitation and education, and organisational governance – demonstrated continuous improvement between 2020 and 2025. Despite the difficulties caused by martial law, the Ukrainian juvenile justice system has slowly managed to cope with the new challenges and has made progress in both its legal framework and in practice. The most significant improvements have been in the respect shown to children’s procedural rights, in the coordination between agencies and in access to rehabilitation programmes. The fact is that the system can keep on carrying out its functions in a crisis and can continue to develop thanks to civil society, international partners and practitioners. At the same time, however, resources and specialised juvenile adjudication improved only slowly, which shows that there are still serious structural problems requiring a strategic response. The study actually did observe improvements in a number of aspects of effectiveness even though a war had been continuing. This outcome can be reached when the state and non-governmental partners actively support juvenile justice programmes and when international organisations keep a watchful eye on the

respect for children’s rights. The analysis formed the basis for a proposed mechanism aimed at improving the application of criminal and administrative liability to minors.

The assessment shows that Ukraine’s system of criminal and administrative liability towards minors has become progressively more effective in all the major areas, even though martial law has caused some difficulties. The increasing ratings in the social, legal, rehabilitative and governance areas indicate that the system is capable of adapting and that there is still room for further development. That said, resource limitations and the absence of specialised judicial mechanisms continue to be major weaknesses and need co-ordinated policy and management actions.

There are a number of studies which are pertinent to the suggested response mechanism and to the new challenges involved in imposing criminal and administrative liability on minors. According to S. Bahirov (2025), legal certainty is stated as a basic feature of the rule of law in the area of criminal law. The study maintains that concentrating too much on drawing up specific legal provisions, rather than on applying and enhancing the general principles of liability, has the effect of reducing legal awareness and making enforcement more difficult. In the context of juvenile justice, this shows that there is a need for consistent general methods of dealing with the criminal liability of adolescents in order to avoid the fragmentation of the law and the occurrence of arbitrary decisions.

A multi-author monograph concerning offences committed by minors in war (Rohatynska, 2023) also looks at the proportionality of coercive measures and compliance with international and procedural standards. The book stresses the need for procedural support in all cases and for cases involving minors to be heard quickly and with priority, in accordance with Ukraine’s international obligations. It also underlines the fact that all procedural measures and measures of restraint must be aimed at the best interests of the child. R. Khanyk-Pospolitaka & T. Fedosieieva (2023) look at the way children’s interests are treated during a state of martial law and stress the need for special care to be taken in protecting those rights. They also look at the part played by international organisations in ensuring that children’s rights are safeguarded in the course of armed conflicts, including the effort to bring national legislation in line with international standards. M.M.E.-S. Dzhabara *et al.* (2025) deal with similar issues by means of a comparative study of international legal instruments and traditional doctrines. They maintain that the legal instruments should be adapted flexibly in crisis situations, while reforms should reconcile secular law with religious and ethical humanistic values without jeopardising children’s fundamental rights and interests. O. Maksymenko (2024) looks at the international methods of dealing with administrative legal relations in the area of protecting children’s rights. She states that, in view of the present-day challenges, it is necessary to adopt

effective models from other countries. The researcher highlights the need to establish specialised institutions such as family courts inspired by the German model. She also supports greater cooperation between state agencies and social services so that they are able to respond quickly to threats to children's safety in times of crisis.

When looking at restorative and punitive methods, E. Mujoska Trpevska & G. Lažetić (2023) advocate a change to a model founded on the "four Ds": diversion, de-judicialisation, deinstitutionalisation and due process. They claim that in order to prevent delinquency and to assist in the resocialisation of adolescents, it is necessary to take into account their socio-economic, family and educational situations, as well as to apply humane and supportive measures in the state's child protection policy, rather than depending on formal sanctions or coercion. L. Abrams *et al.* (2019) look at the way in which various jurisdictions determine the minimum age of responsibility in juvenile courts. They discover that introducing very young children into court proceedings too early can impede their psychological and social development and increase delinquency. S. Case (2025) makes the same request regarding moving away from linear, repressive models of juvenile justice and adopting instead a more flexible approach focused on the individual. The researcher states that in order to act in the best interests of the child and to lessen the pressures associated with formal legal procedures, it is necessary to have teams made up of practitioners, social workers and experts from the third sector. These teams are able to adjust the way the law is applied to meet the individual needs of each minor. R. Stringer & N. Gatipon (2025) also discover a close link between youth offending, adverse childhood experiences (ACEs) and emotional factors; their findings advocate for trauma-focused psychological care rather than relying solely on formal procedural restrictions.

M. García-Rojo *et al.* (2025) looked into the reasons why young people become involved with criminal gangs in urban areas. Through their systematic review, they found that social, family, school-related and individual psychological risk factors existed, such as social disorganisation, difficulty in adjusting to school, depression, the use of substances and a history of offending by members of the family. They say that these factors should be taken into account when planning prevention and rehabilitation programmes for the juvenile justice system.

O. SooHyun *et al.* (2025) looked at the direct and indirect effects of personality traits and patterns of online activity on adolescent cybercrime, based on survey data collected from 2,015 schoolchildren. Their path analysis showed that computer activity acts as a mediator in the relationship between a child's underlying predispositions and delinquent behaviour. The results show that both individual traits and the opportunities available in digital environments are important when it comes to predicting adolescent cybercrime.

Conclusions

The study succeeded in its objective by evaluating the effectiveness of the current mechanisms for imposing criminal and administrative liability upon minors during the state of martial law. One limitation was the lack of detailed government statistics published on offences committed by children in the areas at the front line while martial law was in effect, and in order to make up for this shortage, expert assessment was employed. The initial stage looked at Ukraine's legal framework and the trends in judicial practice relating to the liability of adolescents, identifying the main factors linked to deviant behaviour under martial law, especially forced displacement and psychological trauma. The study then worked out a comprehensive indicator of the effectiveness of the juvenile justice system for the period 2020 to 2025. The weights of the various indicators were determined through the use of the Delphi method in a number of rounds with 35 highly qualified experts. The findings indicated continued improvement in all four areas: social security, the legal and procedural safeguards, rehabilitation and education, and organisational governance. The main factors responsible for this were greater access to rehabilitation programmes, more support from international donors, and the introduction of probation supervision. Nevertheless, the most serious problems were the persistent lack of state funding and material resources as well as the very slow advancement in setting up specialised juvenile courts. Despite this, Ukraine's juvenile justice system kept on functioning and managed to adjust to the security issues arising in the war.

The integrated assessment model created in this study offers both quantitative and qualitative grounds for monitoring juvenile justice policy across the country. The results indicate that better responses to offences committed by minors involve a continuous move away from punitive measures and towards individualised rehabilitation as well as psychological and educational support. A justice approach that is flexible and focused on the individual should strike a balance between public safety and the best interests of the child. Further research could examine the long-term effects of war on the social views of minors, compare the trends in reoffending after different kinds of punishment, and establish a legal framework for specialised juvenile courts as a separate institution.

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References

- [1] Hrytsenko, L., Dekhtyar, N., Pihul, N., Deineka, O., Derkach, L., & Chepurko, V. (2023). Improving the methodology of comprehensive assessment of enterprise financial condition: Calculation of the integral indicator. *Financial and Credit Activity Problems of Theory and Practice*, 5(52), 173-189. doi: 10.55643/fcaptp.5.52.2023.4134.
- [2] Apakhayev, N., Adilova, K., Bugybay, D., Toktybaev, A., & Kopbayev, D. (2024). The problem of protecting the rights and legitimate interests of the child in the family and outside it. *Danube*, 15(3), 221-236. doi: 10.2478/danb-2024-0013.
- [3] Abrams, L., Barnert, E., & Bryan, I. (2019). When is a child too young for juvenile court? A comparative case study of state law and implementation in six major metropolitan areas. *Crime & Delinquency*, 66(2), 219-249. doi: 10.1177/0011128719839356.
- [4] Dubina, O.M. (2024). Peculiarities of the protection of the rights of minors in proceedings in cases of administrative offenses. *Kyiv Law Journal*, 1, 142-147. doi: 10.32782/klj/2024.1.18.

- [5] Khanyk-Pospolitaka, R., & Fedosieieva, T. (2023). The specific nature of representing children's interests under martial law. *Problemy Prawa Prywatnego Międzynarodowego*, 33, 75-94. doi: [10.31261/PPPM.2023.33.03](https://doi.org/10.31261/PPPM.2023.33.03).
- [6] Van den Brink, Y., & Lanskey, C. (2025). Inequality, cumulative disadvantage and youth justice: Towards an analytical framework for understanding and addressing inequalities in youth justice decision-making. *International Journal of Law, Crime and Justice*, 80(1), article number 100725. doi: [10.1016/j.ijlcrj.2024.100725](https://doi.org/10.1016/j.ijlcrj.2024.100725).
- [7] Stringer, R., & Gatipon, N. (2025). The path from childhood to crime: Adverse childhood experiences, personality, substance abuse, and criminal decision-making. *International Journal of Law, Crime and Justice*, 83(1), article number 100775. doi: [10.1016/j.ijlcrj.2025.100775](https://doi.org/10.1016/j.ijlcrj.2025.100775).
- [8] Hampson, K., Case, S., Smith, R., & Toll, R. (2026). The centrality of 'guilt' in youth justice – conceptualising child 'guilt' for child first justice. *Youth Justice*, 26(2), 168-188. doi: [10.1177/14732254251369847](https://doi.org/10.1177/14732254251369847).
- [9] Case, S. (2025). Towards a contextualised understanding of youth justice policy-making: What, Who and how? *Youth Justice*, 25(3), 367-387. doi: [10.1177/14732254251321270](https://doi.org/10.1177/14732254251321270).
- [10] De Brauw, M., Popma, A., Peen, J., Peters, C., & Schalkwijk, F. (2026). Mapping conscience: Network analysis into the differences in maturation of offending and non-offending adolescents. *International Journal of Offender Therapy and Comparative Criminology*, 70(5), 415-432. doi: [10.1177/0306624X221132233](https://doi.org/10.1177/0306624X221132233).
- [11] Heynen, E., Hoogsteder, L., Van Vugt, E., Schalkwijk, F., Stams, G.-J., & Assink, M. (2025). Effectiveness of moral developmental interventions for youth engaged in delinquent behavior: A meta-analysis. *International Journal of Offender Therapy and Comparative Criminology*, 69(5), 537-558. doi: [10.1177/0306624X231172648](https://doi.org/10.1177/0306624X231172648).
- [12] Spyska, L. (2023). Principles of delinquent behavior correction program creation for youth detention centers. *Human Research in Rehabilitation*, 13(2), 188-199. doi: [10.21554/hrr.092301](https://doi.org/10.21554/hrr.092301).
- [13] SooHyun, O., Shim, H., & Wilcox, P. (2025). Personalities, cyber activities, and adolescent cyber delinquency. *Crime & Delinquency*, 71(6-7), 2006-2031. doi: [10.1177/0011287231178677](https://doi.org/10.1177/0011287231178677).
- [14] LeI, H.V., & Iskovych, V.Yu. (2023). Peculiarities of criminal liability of minors under the Criminal Code of Ukraine. *Irpinskyi Yurydychnyi Chasopys*, 4(13), 174-182. doi: [10.33244/2617-4154.4\(13\).2023.174-182](https://doi.org/10.33244/2617-4154.4(13).2023.174-182).
- [15] García-Rojo, M., Talavera-Velasco, B., & Luceño-Moreno, L. (2025). Risk factors associated with urban gang membership in juveniles: A systematic review. *Crime & Delinquency*, 71(8), 2922-2943. doi: [10.1177/0011287231194717](https://doi.org/10.1177/0011287231194717).
- [16] Rohatynska, N.Z. (Ed.). (2023). *Modern scientific view on the problems of juvenile delinquency in the conditions of war*. Zaporizhzhia: UNU.
- [17] Law of Ukraine No. 160-VIII "On Probation". (2015, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/160-19#Text>.
- [18] Law of Ukraine No. 2145-VIII "On Education". (2017, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/2145-19#Text>.
- [19] Law of Ukraine No. 3460-VI "On Free Legal Aid". (2011, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/3460-17#Text>.
- [20] Law of Ukraine No. 20/95-VR "On Bodies and Services for Children and Special Institutions for Children". (1995, January). Retrieved from <https://zakon.rada.gov.ua/laws/show/20/95-%D0%B2%D1%80#Text>.
- [21] Dzhabara, M.M.E.-S., Leila, A.H.A.E.-M., Tashtanova, A., & Moussa, A.A.A. (2025). Children's rights in Islamic Sharia and international instruments: An analytical approach to ethical and legislative values. *Law. Human. Environment*, 16(4), 115-134. doi: [10.31548/law/4.2025.115](https://doi.org/10.31548/law/4.2025.115).
- [22] Maksymenko, O. (2024). International practices in the development of administrative legal relations in the field of child protection. *Law. Human. Environment*, 15(1), 37-52. doi: [10.31548/law/1.2024.37](https://doi.org/10.31548/law/1.2024.37).
- [23] Bahirov, S. (2025). General and special norms concerning careless crimes in the aspect of legal certainty as a component of the rule of law. *Kyiv-Mohyla Law & Politics Journal*, 11, 202-214. doi: [10.18523/2414-9942.11.2025.202-214](https://doi.org/10.18523/2414-9942.11.2025.202-214).
- [24] Mujoska Trpevska, E., & Lažetić, G. (2023). Restorative vs punitive approach: Eight fundamental principles of juvenile delinquency prevention. In L. Czarnecki (Ed.), *Human rights protection and ius puniendi: Perspectives from Central East Europe and Latin American countries* (pp. 65-80). Cham: Springer. doi: [10.1007/978-3-031-41253-0_5](https://doi.org/10.1007/978-3-031-41253-0_5).
- [25] Williams, L., & Ellis, A. M. (2026). *More than "just a misdemeanor": Why diversion is critical for low level youth offenders*. Akron Law Student Publications, 16.
- [26] ICC/ESOMAR. (2016). *ICC/ESOMAR international code on market, opinion and social research and data analytics*. Retrieved from <https://esomar.org/icc-esomar-code-of-conduct#definitions>.
- [27] Regulation of the European Parliament and of the Council No. 2016/679 "On the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data (General Data Protection Regulation)". (2016, April). Retrieved from https://zakon.rada.gov.ua/laws/show/984_008-16#Text.
- [28] Office of the Prosecutor General of Ukraine. (n.d.). *About persons who committed criminal offenses*. Retrieved from <https://gp.gov.ua/ua/posts/pro-osib-yaki-vchinili-kriminalni-pravoporushennya-2>.
- [29] Ukrainian Parliament Commissioner for Human Rights. (n.d.). *Annual and special reports*. Retrieved from <https://www.ombudsman.gov.ua/uk/shchorichni-ta-specialni-dopovidy>.
- [30] State Judicial Administration of Ukraine. (n.d.). *Judicial statistics*. Retrieved from <https://court.gov.ua/inshe/sudova-statystyka/>.
- [31] United Nations Children's Fund. (n.d.). *Reports and publications*. Retrieved from <https://www.unicef.org/ukraine/reports>.
- [32] State Institution "Probation Centre". (n.d.). *Analytical information*. Retrieved from <https://probation.gov.ua/analitichna-informaciya>.
- [33] State Employment Service of Ukraine. (n.d.). *Analytical and statistical materials*. Retrieved from <https://old.dcz.gov.ua/analitics/68>.

-
- [34] Horon, D. (2026). *The number of juvenile crimes against the foundations of national security has increased 43 times in three years – Yurchyshyn*. Retrieved from <https://ms.detector.media/withoutsection/post/38958/2026-02-13-kilkist-zlochyniv-nepovnolitnikh-proti-osnov-natsbezpeky-za-try-roky-zrosla-v-43-razy-yurchyshyn/>.
- [35] Law of Ukraine No. 3342-IX “On Amendments to the Criminal Code, Criminal Procedure Code of Ukraine and Other Legislative Acts of Ukraine Regarding Improvement of Types of Criminal Punishments”. (2023, August). Retrieved from <https://zakon.rada.gov.ua/laws/show/3342-20#Text>.
- [36] Resolution of the Cabinet of Ministers of Ukraine No. 585 “On Ensuring Social Protection of Children in Difficult Life Circumstances”. (2020, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/585-2020-%D0%BF#n7>.
- [37] Human Rights Platform. (2024). *Children in the digital environment: Risks, safety, and protection potential – results of expert discussion*. Retrieved from <https://ppl.org.ua/diti-v-cifrovomu-seredovishhi-riziki-bezpeka-ta-potencial-zaxistu-pidsumki-ekspertnogo-obgovorenniya.html>.

Особливості застосування кримінальної та адміністративної відповідальності до неповнолітніх: виклики сучасної правової системи

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Анотація. В умовах воєнного стану особливого значення набула проблема ефективного реагування правової системи на правопорушення неповнолітніх при збереженні гуманістичних стандартів ювенальної юстиції. Метою статті було визначення ефективності механізмів кримінальної та адміністративної відповідальності неповнолітніх та розробка шляхів їх вдосконалення. Методологічну основу дослідження становить метод інтегрального оцінювання із застосуванням експертного опитування за процедурою Дельфі, а також аналіз нормативно-правової бази та судової практики. У результаті проведеного аналізу з'ясовано динаміку показників соціальної, правової, реабілітаційної та управлінської складових протягом 2020-2025 років в Україні. Виявлено такі позитивні тенденції, як розширення охоплення підлітків психоемоційною й консультативною допомогою, зростання рівня міжвідомчої координації між службами та підвищення рівня дотримання базових процесуальних гарантій дитини. Поряд із цим встановлено, що обмеженість ресурсного забезпечення та повільні темпи розбудови спеціалізованого ювенального судочинства залишаються найбільш проблемними елементами всієї системи. Було проаналізовано такі аспекти, як вплив воєнних чинників на ризики девіантної поведінки молоді, специфіка застосування альтернативних запобіжних заходів та роль громадських і міжнародних організацій у відновленні виховних програм. На основі отриманих даних узагальнено модель механізму підвищення ефективності реагування, яка послідовно зміщує фокус із каральних заходів на комплексне перевиховання, соціальну адаптацію та психолого-педагогічний супровід неповнолітніх. Сформовані висновки та розроблений методичний інструментарій можуть використовуватись правоохоронними органами, судовою гілкою влади, службами у справах дітей, підрозділами пробації та науковцями для моніторингу ювенальної юстиції і підготовки нормативно-правових актів

Ключові слова: неповнолітні; кримінальна відповідальність; адміністративна відповідальність; воєнний стан; ювенальна юстиція