

Family crisis and its impact on the minor legal status

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Abstract – The article considers family as the basis for development of juvenile's individuality. Attention is focused on certain areas, causing a crisis of family relations. The main ones are: the imbalance of family roles, transformation of education and financial sphere, single-parent families, labor orphanage, problem families and unisexual marriages. Special attention is paid to the social environment and transformation of the legal and moral values. Globalization processes as a factor of influence on the legal status of a minor are studied. The gender revolution as an influencing factor on the formation of minor's person is analyzed. Attention is paid to unisexual couples. The conclusions are made regarding the influence of family on minor's legal status.

Index Terms- minor, family, legal status, society, labor orphanage, labor migration, unisexual marriage, deviant behavior.



1. Introduction

Theoretical and legal aspects of the person legal status are one of the actual problems that are developed by modern legal science. Minors in some states are in a special privileged position, have special legal status, because they belong to the categories of entities which are under the special care of the state and civil society. Current changes in the legal regulation of minors' status are caused by change of the social environment and transformation of the legal and moral values.

Society is changing; relations between generations are manifested through relationships of parents and children. Adolescence is accompanied by challenges of internal physiological nature and external changes, such as sense of adulthood, an attempt to get rid of the custody. Modern society is especially pressing on minors, so such emotional states are amplified under the influence of social environment. The above said has necessitated in scientific research of changes in the legal status of a minor under the influence of family values transformation.

2. Study status

The problems of the minors' legal status always have attracted the attention of domestic and foreign lawyers and practitioners. We should

emphasize the works of Bandurka I., Denisova T., Krestovska N., Lvova A., Onishchenko N., Skakun O. and other prominent scientists and practitioners. However, social changes of public development require update in approaches to formation and functioning of legal institutions in the conditions of globalization changes. Therefore a task to analyze the impact of the crisis of family values on the minors' legal status is not entirely resolved, because it forms the dominant living conditions of the juvenile.

3. The presentation of the basics

The family should become the basis for the development of full-fledged next generation, because this is a precise phenomenon that accumulates national traditions, values, regularly education process. Juveniles follow the model of social and legal communication of parents. It should be noted that the change of the educational function of the family, in our view, is also caused by the older generation loss of social literacy, which is caused by intense informatization changes in society. The communication relationships that were suitable for past generation have lost their relevance, new relationships are unacceptable for the older generation. Parents cannot transfer the social experience, because technical development to some extent has leveled the acquired skills and created unique modern practice. Consequently, there is a conflict that affects dangerously the harmony of relationships between parents and children.

In legal documents Ukrainian state also focuses on the deformation of family values, indicating that mass distribution of childlessness and unigeniture is observed: two-thirds of families have only one child. The above said is only an "iceberg" of the situation. Unfortunately, we cannot state that in complete families there is sufficient positive socialization and education of the minor, following of his rights and providing the rights on custody and guardianship. Internal atmosphere of family relations is important. The violation of the psychological stability of a minor can result in radical strains, including aggression, nihilism, committing illegal actions. One of the most important causes of juvenile delinquency is the destructiveness of family relationships. More than half of children who commit crimes have originate from "problem" families, every third adolescent offender has single-parent families, 14% of these children's parents are alcoholics, parents of 4% of juvenile offenders lead immoral lifestyle, while almost 10 % - relatives (parents, siblings) have been deprived of their liberty [1, p. 99-102].

The consequences of children family problems are: neglect and homelessness, vagrancy and begging, social orphanhood; domestic violence and child abuse; deviant behavior of children; decline in mental, social and physical health of children. There is a direct link between negative relations of children and parents in family, troubles in family upbringing and illegal behavior of parents against children.

We consider necessary to examine more specific areas causing the crisis of family relations and their impact on the minor status.

4. The imbalance of family roles

Women get equal opportunities for education and employment, thus take an active social position. Women are compared with men, and even ahead of them in the level of education, which depend largely on career and social opportunities. The birth and education of children is no longer the main task of feminized young generation.

We believe that the question of today common "civil marriage" should be considered particularly within the framework of changing

roles' problem. Experts estimate that such pairs, according to various sources, are from 5% to 22% of the younger generation. The evaluation of family relationships between such couples is different, because most women consider themselves married, and men - free. The education of minors is characterized by deformation, they usually deal with women, and adolescents are deprived of father attention. Such free relationship leads to lack of stability and increase of minor nervousness, aggressiveness, provoking uncertainty.

Men lose their own patriarchal position in the society and are forced to compete with women to achieve high socio-economic level; the above mentioned is changing the type of gender relations. The problems of gender equality are not a direct nature of our study, but still we should pay attention to the need of enhancing the male role in the educational process of minors. The role of father is so important to the family, that it couldn't be replaced by financial factors or mother's hyperprotection.

The transformation of education and financial sphere leads to marriage in adulthood or postponement of reproductive function to a later time, young people want to "live for themselves" and build a proper career. Such position is understandable, but we still have to remember about natural physiological characteristics of women and current negative environmental factors, that are caused by globalization among others. Under the influence of science and technology a woman received the ability to control the birth rate, which reduced the dominance of men. On the other hand, the refusal of childbirth as a manifestation of woman's own will can result in significant changes in the demographic field.

Such families usually have only one child. In terms of non-specialists it's still surprising that psychologists equate them to problem families along with those where parents suffer from certain addiction or have a tendency to criminal behavior. Still psychologists explain this by the fact that an increase of one-child families leads to concentration on the child. Scientific studies indicate that only child - is the most complex version of family education and marital harmony. Minor grows egocentric, he has no social control. These minors often have criminal determinations.

The change of family roles also affects teenagers. Working mother could not devote her

child as much attention as not working. Thus, according to sociological studies, a woman who works – daily pays for the education 16 minutes and on weekends - 30 minutes. Communication of parents with children is reduced mainly to monitoring their studies, and the control - to clarify what grade was received. Juveniles are deprived of parental attention and support.

4.1. Single parent families

There is a widespread social phenomenon, as a non-fatherly family - conscious extramarital childbirth by a woman without registering paternity or divorce of parents. Almost every second family, registered in Ukraine, separates. Thus in recent years the divorce rate was 30-40% and the proportion of divorce among young people under 35 years was more than 60% of their number. According to the State Registration Service of Ukraine the number of reported acts of marriages was 278,276, and their termination - 49,807 [2]. About 1.5 million of children are educated in single-parent families.

Gender revolution has led to the phenomenon of child birth by a woman without initial registration of marriage. At the current stage statistics demonstrates the growing number of illegitimate births, which constitute 17.3% of all the births. The increase of extramarital families is due to loyal attitude of the public to such phenomenon. Naturally, raising child is one-sided, motherly and the influence of father has a large deficit in formation of personality, which is natural. Juveniles are suffering from one-sided nature of family experience that causes problems in the development and difficulties in the formation. The absence of the father may be perceived as personal trauma, result in limited communication with peers, feelings of envy, education of such traits as strength of character, discipline are hampered, and there are no examples of sexual behavior between the genders.

However, this situation in Ukraine is caused not only by social reality, but, in our opinion, by the drawbacks in legal regulation. At the Council of Europe request the age of marriage for women was raised to 18 years. Then why, if you follow the logic of uniformity (evenness and uniformity are not identical concepts), not to extend on women the universal military service, "pull" them into mines or equalize the maximum weight load that would raise women and men at work? In the national legislation it was not taken into consideration the interests of women who

became pregnant, say, at 14 years, because thanks to changes made in the art. 23 of the Family Code, the right to marriage – a court will now provide only if she reaches 16 years. But won't the father of the child change his mind regarding marriage by this time? However, will it be easier for the society from the fact that she should live in a not very prestigious, for many women, status of a single mother for two years? [3, p. 242].

The state guarantees social benefits to single mothers. Such public policy meets the legal standards, but by implementing such law a mother should actually think about the status of the child in such relationship. Primarily this concerns couples who do not officially register marriage for certain (not very significant) economic benefits. For many mothers it's more profitable to have single mother status and receive social assistance for a child. It was this economic interest that often leads to deliberate refusal of marriage. The economic interest often prevails when applying for the deprivation a parent or both from parental rights. Because in case of satisfying the claim child will have a status - deprived of parental care and therefore will receive the right for social assistance. So the practice of applying single mother status and rights of children on detention proved to be ambiguous. Although we have no indication this practice to be widespread.

Juveniles who are brought up in single-parent families do not have a clear system of needs and aspirations, are inclined to doubt, cannot make decision for a long time, are often in a state of fear and uncertainty, don't have knowledge of the role position in the family and domestic sphere, according to psychologists they are more prone to the development of neurotic personality.

4.2. Labor orphanage

Still such phenomenon in literature is called "euro-orphans", "distant family", "psychological orphanage", "transnational motherhood." According to various estimates each year from 4.5 to 6.5 million of our fellow citizens are working abroad. The people that leave are competent which means of childbearing age or those who have adolescent children. In current researches of emigration problems the attention is focused on its female nature. To a large extent emigration of women is caused by socio-economic context and the processes of globalization.

Labor orphanage implies the existence of all members of the child's family, but really she is

unable to fully communicate and live with one or both parents. The survey of Ukrainian workers made by the Ukrainian Institute of Social Studies named after Olexander Yaremenko shows that in the absence of parents (or one of them) children remain at home with his mother (44%), grandmother (35%), father (14%), sister (14%), brother (12%), grandfather (10%), aunt or uncle (5%). And a lot of kids do find themselves without the supervision of parents and are ignored by the state [4].

Modern labor migration is caused by specific circumstances, and family reunion is quite rare. After finding a good job abroad, parents visit home by "shuttle effect". Juveniles receive proper economic sustenance, but such type of family destroys their emotional sphere. In families of migrant workers there is an alienation of children from their parents due to the loss of permanent contacts. The adolescent's need for emotional closeness with others is not fully satisfied. These children have a constant shortage of positive feelings display as towards themselves as towards others (parents). They lack tenderness, gentleness, parental warmth and love, feeling of being valued for the important adults in their lives. The lack of emotional contact with parents sometimes leads to substance abuse, maladjustment of behavior, physical illness. At the same time teenagers are very excitable; their behavior is unstable, impulsive. They become disturbed, aggressive and cocky.

Teenagers from families of migrant workers may lose their need to communicate with parents (children respondents from migrant families have repeatedly emphasized that their relationship with grandmother was much more intimate and candid than with their parents), become selfish, secluded, conflicting, stubborn, angry, not confident in their abilities, undisciplined, have inadequate self-esteem, etc. In fact, the departure of the mother / parents - is a traumatic situation for all children regardless of age, sex and other characteristics. Structural changes are characterized not only by direct negative impact on the situation with the minor, but by other household difficulties: the destruction of parents' marriage, one of parent adultery. According to the research, at the 61 migrant families 15 divorces were accounted (often in the form of concubinage, separation); one suicide and one father not returning home. Adolescents from migrant families are burdened not only by the general age-related difficulties, but also by interfamilial problems [5].

4.3. Problem families where parents abuse alcohol, drugs, lead an immoral lifestyle.

Alcohol abuse, rackety, drunkenness and criminal acts - are not new social phenomenon. They were practically from the start of the state. Why do we consider this issue in the light of globalization? The answer is following: globalization, transformation processes, changing economic and social prerogatives, and the development of information technology space - all this in general has caused processes of change in the minds of modern people. A person cannot be fully resistant to the psychological burden that exists in today's society that is undergoing globalization. Seeking different kinds of stimuli and doping, a person becomes dependent and here is already weightless, whether it is drug addiction, or video game addiction. This is the dominant issue for the normal functioning of individuals and family. Such relationships in the scientific literature are correctly named as a "co-dependency".

Minors in such families are particularly vulnerable, because, unlike the other parties in marriage, they can't eliminate addicted family member from their life. Primarily they feel fear, despair, anger and shame. Thus children from alcoholic families have internal instability caused by the presence of difficult, incompatible, opposing feelings and experience a tendency to anxiety and unrest. Undecidable experience of children is caused by chronic traumatic situation, a source of constant mental stress. On this background psychological trauma is amplified by pathogenicity of life situation, because a child cannot cope with them. The behavior of minors may be different, but the indicated antisocial experience still cannot positively be displayed on activity-component of this category of persons. According to local researchers about 2/3 of suicides are influenced by reasons of personal and family matters. At the same time the most common cause of suicide of young people aged 14-18 years - are failed love relationships, misunderstanding and abuse by parents [6, p. 1].

The dependence on parents also causes negative economic status of the family. Socio-economic status of the family is a real factor influencing the sociometric status of the teenager. According to the results of surveyed adolescents sociometry - less popular in the group are teenagers from families with low socio-economic position of the family, the popularity of

teens is increased along with the improving of the family status.

4.4. Monosexual marriages

The transformation of family values, gender struggle of women, medicine development, democratization and protection of the right for individuality and humanization of society – all these led to the emergence of monosexual marriage and its legal regulation. Monosexual marriage - is a coexistence of homosexual couples. In Ukraine, the question of the possible legalization of monosexual marriage is not raised because legal and social culture, mental values and traditions create considerable obstacles for setting this legal issue on agenda. 72% of people have strongly negative attitude to monosexual marriage.

Minors in such families receive the same negative social experience as in single parent families, because the absence of one of the genders among parents is negatively psychologically displayed on a teenager in communication with the opposite sex, implementation of their own position, creativity and personal development. Then the negative social experience doubles because teenagers in their own environment are exposed to mockery, humiliation, provocative attitude. Such minors are either hyper aggressive or vice versa are very secluded. Youth environment as the older generation of Ukrainians is not ready to accept such family stories.

Most of monosexual couples believe that they form relevant, appropriate conditions for children raising. Martselyuk T. carried out a survey about the relationships of such pairs, and observes: respondents clearly describe their long term relationship as a family. Moreover these families have such features as the only important form of social life, "family hearth", responsibility, betrayal absence, trust, common living space. However, being in a marginal position in society, LGBT families should idealize and normalize their relations, thus justifying their legitimacy [7, p. 57].

The change of the traditional family to the new typical characteristics, in our view, should be taken as a fait accompli. Certainly destructive manifestations of antisocial behavioral characteristics should be fought, but with the new social reality this struggle will be not effective.

5. Conclusions

The main influence on the legal status of a minor has social environment in which s/he is located. Globalization dominantly effects changes in the whole social reality in all spheres of life. Therefore, it is necessary to specify that at present the legal status of the minor needs to be improved according to the requirements of modified reality.

Proper family creates the best conditions for a minor, their socialization and development of consciousness and creativity. It is a natural, friendly environment for minors. Globalization changes have affected the entire society and its certain elements, like family. The above-mentioned caused a certain crisis in a traditional family and family values crisis. It's highlighted the following variables of family relationships that particularly affect the legal status of a minor: an imbalance of family roles; single-parent families; labor orphans of migrant workers; abuse by parents of alcohol, drugs, immoral lifestyle; monosexual marriages. Juveniles in such families receive similar negative social experience that in future is manifested in education gaps, illegal behavior, aggression, problems in communication with the opposite sex, implement of their own position, creativity and personal development. However, negative social experience doubles because teenagers in their own environment are exposed to mockery, humiliation, provocative attitude. Such minors are either hyper-aggressive or, conversely, are very secluded. The society and state should pay more attention to family relationships issues, causing crisis of family relations and their impact on the status of a minor.

6. References:

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