

THE LEGAL MODEL OF RESPONSIBLE PARENTHOOD ON THE EXAMPLE OF REGIONAL LEGISLATION OF THE RUSSIAN FEDERATION

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The relevance of the research issue is its novelty and socially significant conditionality provided by law of the legal and social “scenario” of responsible parenthood, prescribing common standards for parents raising minors. It is well known that the regulation of family relations, including parents and children, is one of the most relevant international research topics. In this regard, this article aims to obtain an overall view of the institution of responsible parenthood, included in the legal regulation in a set of rules and regulations established by the state and forming its special content. The leading approach (method) to the study of this problem is legal and sociological, allowing for a comprehensive review of the legal and social content of responsible parenthood on the example of regulation. The article presents relevant issues of responsible parenthood and its development based on specific laws; revealing its legal and social content while considering the potential of this type of parenthood. The research has scientific novelty, as it is the first attempt to consider the legal model of responsible parenthood on the example of Russian legislation. These materials can provide theoretical and practical value for further scientific research, as well as updating the regulatory approach to the regulation of family relations.

Keywords: responsibility; parenthood; legislation; family; society; minor; parent; upbringing; the Law of Responsible Parenthood (LRP); Russia; the Republic of Sakha (Yakutia).

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Introduction

According to the legacy of Jean-Jacques Rousseau, a great philosopher and thinker, it is believed that “a wise legislator begins not with the publication of laws, but with the study of their suitability for a given society.”¹ It is widely known that public relations need legal regulation. This regulation must be adequate, appropriate, effective, and responsive to all legal and social realities.

The value of family relations consists of its social, moral significance, and the impact on the formation of a harmoniously developed personality of a young citizen. Therefore, in all spheres of state activity, the family and childhood are in the field of increased attention. Using the term “minor” or “child” in the legislation, denoting the status of this person as a subject of differentiated regulation, the legislators of many states have established a legal boundary between the age of majority and minor, thus forming a particular group of people – holders of specific rights and obligations.² According to scientists, this approach focuses on the fact that age inadaptability for changing living conditions requires compensation through special and increased legal protection.³

Due to Article 38 (parts 1 and 2) of the Constitution of the Russian Federation, the state protects motherhood, childhood, and families, along with child care, as

¹ Руссо Ж.-Ж. Политические сочинения [Jean-Jacques Rousseau, *Political Writing*] (Saint Petersburg: Rostok, 2013).

² United Nations, Universal Declaration of Human Rights of 10 December 1948, Art. 25, para. 2 (Jul. 25, 2020), available at <https://www.un.org/en/universal-declaration-human-rights/>; United Nations, International Covenant on Civil and Political Rights of 16 December 1966, Art. 24, para. 1 (Jul. 25, 2020), available at <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>; United Nations, Convention on the Rights of the Child, Arts. 1–5 (Jul. 25, 2020), available at <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

³ Мельникова Э.Б. Ювенальная юстиция: проблемы уголовного права, уголовного процесса и криминологии [Evelina B. Melnikova, *Juvenile Justice: Problems of Criminal Law, Criminal Procedure and Criminology*] (2nd ed., Moscow: Delo, 2001); Ястребов О.А., Морозов Н.И., Морозова А.Н., Корнев А.В. и др. Ювенальная юриспруденция: учебник: в 4 т. Т. 3 [Oleg A. Yastrebov et al., *Juvenile Law: Textbook. In 4 vols. Vol. 3*] (N.I. Morozova & A.N. Morozova (eds.), Moscow: Prometheus, 2017).

their education is an equal right and duty of parents. As provisions of universal legal value, these norms are reflected in the Constitution of the Republic of Sakha (Yakutia). Therefore, in Article 11 (part 2), it is said that education in the family and society aims to develop a free, moral, and enlightened identity, respecting honour and dignity, freedom of other people, a bearer of national and universal culture.

In support of the above acts, the period between 2018 and 2027 has been declared as the Decade of Childhood in the Russian Federation (by the Decree of the President of the Russian Federation).⁴ This decision is based on the results of the implementation of the national strategy for children adopted several years earlier in the Russian Federation.⁵ It was the first time when problems including insufficient protection of the rights and interests of minors, non-performance of international standards in the field of children's rights, and low effectiveness of preventive work were indicated.

In this regard, Russian law pays active attention to the formation and development of legal regulation of family relations. Initiative normative proposals in this direction also come from subjects of the Russian Federation. In some cases, their legislative activity is ahead of the Federal (Central) government. One of these subjects is the Republic of Sakha (Yakutia), located in the North-Eastern part of the Eurasian continent. This is the largest territory (the biggest administrative and territorial unit in the world).

Meanwhile, the region is low in population density (the population of the Republic is less than one million people). The Republic of Sakha (Yakutia) has repeatedly become a so-called pilot region in the development and adoption of juvenile legislation. For example, the Republic is the first subject in the Russian Federation to adopt a Law on the Rights of the Child. Moreover, it has accumulated many years of experience in supporting positive demographic dynamics, protecting the family, motherhood, fatherhood, and childhood, along with the formation of an anti-alcohol policy aimed at saving human capital. Meanwhile, the most significant response, in public and expert opinion, including negative character was caused by the law "On Responsible Parenthood" adopted by the State Assembly of Il Tumen of the Republic of Sakha (Yakutia) (of 14 March 2016, 1604-Z No. 737-V).⁶ The novelty of the studied law lies in its exceptional (unprecedented) nature, which for the first time in the normative

⁴ Указ Президента Российской Федерации от 29 мая 2017 г. № 240 «Об объявлении в Российской Федерации Десятилетия детства» // СПС «Гарант» [Decree of the President of the Russian Federation No. 240 of 29 May 2017. On the Announcement of the Decade of Childhood in the Russian Federation, SPS "Garant"] (Jul. 25, 2020), available at <http://base.garant.ru/71684480/>.

⁵ Указ Президента Российской Федерации от 1 июня 2012 г. № 761 «О Национальной стратегии действий в интересах детей на 2012–2017 годы» // СПС «Гарант» [Decree of the President of the Russian Federation No. 761 of 1 June 2012. On the National Action Strategy for Children for 2012–2017, SPS "Garant"] (Jul. 25, 2020), available at <http://base.garant.ru/70183566/>.

⁶ Закон Республики Саха (Якутия) от 14 марта 2016 г. 1604-3 № 737-V «Об ответственном родителстве» // СПС «КонсультантПлюс» [Law of the Republic of Sakha (Yakutia) 1604-Z No. 737-V of 14 March 2016. On Responsible Parenthood, SPS "ConsultantPlus"] (Jul. 25, 2020), available at <http://www.consultant.ru/regbase/cgi/online.cgi?req=doc;base=RLAW249;n=57187#03550053918118927>.

space established a legal model of responsible parenthood. Any person acquiring status as a parent can become a subject of legal influence under this act. Moreover, there are additional legitimate grounds for the qualification of the act in the field of education of children as wrongful when not following the requirements of the law on responsible parenthood.

The initiator of the adoption of the Law on Responsible Parenthood is the Yakut regional Department of the all-Russian social movement "Mothers of Russia." The State Committee for Justice developed the draft act with the participation of social ministries and authorities. The studied law includes only 22 articles with such chapters as "Chapter 1. General provisions," "Chapter 2. Rights, duties, and responsibilities of parents," "Chapter 3. Measures for the formation of responsible parenthood," "Chapter 4. Liability for non-performance or improper performance of this law."

The legal model of responsible parenthood in the authors' understanding is a set established in the normative legal act of the rights and obligations of parents, implemented concerning the measures for the formation of responsible parenthood, taken by the authorised bodies of state and municipal authorities for consolidated achievements of specific tasks. This ensures the safe development of children to prevent negative manifestations in their behaviour.

Under the legal structure of responsible parenthood, the authors propose to understand the set of fundamental rules established in the normative legal act that defines parenthood as responsible following the elements of legal norms and legal responsibility.

Under the social composition, the authors understand the set of established social norms of fundamental values that define parenthood as responsible, according to the spiritual and moral foundations of social regulation.

Materials, methods and results of survey

Sociological, formal legal, comparative legal, as well as system research and modelling, and historical legal and logical legal methods were used in the process of research.

As a result of the research, the following new results have been obtained:

- the definitions of basic concepts that complement the system of general and particular ideas about responsible parenthood have been formulated;
- the legal and social potential of responsible parenthood is revealed;
- the limits of responsible parenthood (based on the analysis of the composition of legal responsibility) have been identified;
- the purpose of the law on Responsible Parenthood is justified;
- the legal model of responsible parenthood is defined.

1. Purpose of the Law on Responsible Parenthood

The Law on Responsible Parenthood aims to form parents' responsibility, i.e. conscientious, conscious, meaningful approach to the upbringing and care

of minors. Following the legal “scenario” established in it, the authorities have an opportunity to show the official image of the responsible parent by the example of this act. Even though the assessment of the scope of the Law on Responsible Parenthood arises from its pilot assignment since in its explanatory note, it is called “a long-term view of further implementation in the federal status.”

The law itself explains how to implement parents’ rights and obligations to maintain, educate, and preserve the health of children, based on their legitimate interests and needs, along with the creation of conditions in which a child can fully develop (Art. 2, part 1, para. 5). It should be noted that this concept is to be introduced into legal regulations for the first time. Also, the term “responsible parenthood” is considered, as a rule, in the social or theoretical appointment within the pedagogical and psychological disciplines.⁷ In foreign scientific literature, responsible parenthood is understood to be the pedagogical competence of parents, involving caring for children, encouraging their development, and at the same time, the formation of interpersonal relationships based on the implementation of personal and social expectations.⁸ Some foreign scientists study responsible parenthood at the intersection of clear questions or problems, such as the parents’ responsibility to choose a child’s name or religion,⁹ and general family relations.¹⁰ It is necessary to emphasise that in the traditional understanding of previous periods, the idea of responsible parenthood was evaluated by technologies, not of legal, but of pedagogical origin, for example, in the works of famous teachers.¹¹

Recognising the link with pedagogical, moral, and other sources without legal origin, the law is replete with social norms. So, in its text, such concepts as “ethnopedagogics,” “family traditions,” “respect,” “national traditions,” “customs,” “spiritual and moral foundations of society,” “moral development,” “traditional family values,” etc. The first introduced principles of responsible parenthood (Art. 4), also assume the presence of moral principles in it. The list of their content is as follows:

⁷ Смалько О.В. Родительское отношение и родительская ответственность как основные составляющие родительства // Карельский научный журнал. 2015. № 1(10). С. 70–73 [Oksana V. Smalko, *Parental Attitude and Parental Responsibility as the Main Components of Parenthood*, 1(10) Karelian Scientific Journal 70 (2015)]; Науменко Н.М. Педагогическое просвещение родителей как механизм формирования ответственного родительства // KANT. 2017. № 1(22). Vol. 42–46 [Natalia M. Naumenko, *Pedagogical Education of Parents as a Mechanism for the Formation of Responsible Parenthood*, 1(22) KANT 42 (2017)].

⁸ Maja Ljubetix et al., *Competent (and/or Responsible) Parenting as a Prerequisite for a Complete Child Development*, 13(12) European Scientific Journal 311 (2017).

⁹ Rebecca Probert et al., *Responsible Parents and Parental Responsibility* (Oxford: Hart Publishing, 2009).

¹⁰ Jo Bridgeman et al., *Responsibility, Law and the Family* (London and New York: Routledge, 2016).

¹¹ Макаренко А.С. Книга для родителей [Anton S. Makarenko, *Book for Parents*] (Leningrad: Lenizdat, 1981); Макаренко А.С. Педагогическая поэма [Anton S. Makarenko, *Pedagogical Poem*] (Moscow: ITRK 2003); Сухомлинский В.А. Родительская педагогика [Vasily A. Sukhomlinsky, *Parental Pedagogy*] (Saint Petersburg: Peter, 2017); Корчак Я. Как любить ребенка [Janusz Korczak, *How to Love a Child*] (Moscow: Alphabet, 2016).

1) recognition and parents' awareness of responsibility for the maintenance, education, training, development, health, along with the protection of the rights and legitimate interests of the child;

2) voluntary parents' choice of techniques, educational methods, which are not contradicting to the law and the spiritual and moral foundations of society;

3) equal participation of parents in the upbringing and development of the child;

4) the realisation of a child's right to express their opinion in the family in any matter affecting their interests.

If we refer to a brief description of each of these principles, it is possible to note the following. The first principle assumes the formation of the internal belief that development of the child depends on parental well-being, conscience, and recognition of personal responsibility for the happy future of the child, and an aspiration to develop opportunities, knowledge, and abilities for this purpose. The second principle requires the parent to have specific and sufficient expertise in the field of pedagogy, medicine, cultural studies, theology and psychology, as well as jurisprudence since it is from their equal totality that the parents have the right to choose the techniques and methods of a child's upbringing that do not contradict the law or the spiritual and moral foundations of society. A critical factor in the third principle is the equal division of child-rearing obligations between parents, taking into account gender, along with social and personal characteristics. The fourth principle intends to respect and recognise the child as a person with independent needs and interests, and parents should consider their child a part of the discussion of family decisions by explaining the right to express a personal opinion.

The main directions of formation of responsible parenthood, thus, are not only legal but also social, that is, having a psychological, pedagogical, and moral origin of the relationship. The totality of these principles makes it clear that a parent forms responsible parenthood not because of his biological or another right concerning his child, but because of the acquisition of specific knowledge, skills, and abilities. It is not enough to have only feelings and personal inner urges guided by individual opportunities. Responsible parenthood, according to the studied law is, first of all, a set of competencies presented in the three-tier structure of the criteria "know" – "be able" – "own."

Accordingly, it seems necessary to describe the competence approach in the formation of responsible parenthood, based on the content of the law and disclosure of each criterion of legal and social obligations of the parent in the interests of completeness.

Thus, the responsible parent should "know":

- national traditions and customs;
- spiritual and moral foundations of society and the state;
- the mechanism of protection of interests of the child in accordance with the legislation;

- age and individual features of spiritual and moral, physical, intellectual, creative development of abilities of the child;
 - bases of preservation of children’s health;
 - education techniques and methods of the child, not contradicting the legislation;
 - system of the state and other bodies having powers in the sphere of implementation of family relations;
 - the rights and duties, types of legal responsibility of minors and parents established by law;
 - fundamentals of general education (education, forms of education, the system of organisations engaged in educational activities, the content of educational programs, etc.);
 - fundamentals of ethnopedagogics, family traditions, traditions and customs of ancestors, native language and culture;
 - the content and types of state, municipal and private property;
 - fundamentals of law-abiding behavior, rights, freedoms, and dignity of other people;
 - laws of nature and all living things;
 - harm of destructive processes, such as the use of alcohol and alcohol-containing products, tobacco, drugs, and psychoactive substances;
 - the content of harmful information, moral and spiritual development of the child;
 - legitimate interests and needs, the rights of the child; etc.
- Responsible parents, based on the content of the law, should be able to:
- create conditions in which the child can fully develop, including through self-determination and self-realisation on the basis of spiritual and moral values and accepted rules and norms of behavior in society;
 - form relationships with the child to direct them to his/her successful material, intellectual, physical, and spiritual development in accordance with age and gender criteria;
 - explain to the child in an accessible language and in ways of knowledge, skills, and abilities that are necessary for the development of abilities, the acquisition of experience and the application of knowledge in everyday life, the formation of motivation for further self-development;
 - protect the interests and rights of the child, including in conditions that threaten his/her safety and health, proper mental development, including information, propaganda, and agitation that are harmful;
 - take measures to prevent the use of alcohol and alcohol-containing products, tobacco, drugs, and psychoactive substances by the child;
 - take steps to prevent the presence of the child at night in public places;
 - recognise and identify information harmful to the development of the child and to take measures to protect from national, class, social intolerance, from advertising

of alcohol and tobacco products, from the promotion of social, racial, national, and religious inequality, from information of a pornographic nature, from information promoting non-traditional sexual relations, posted on the internet and the media or distributed in any other way, as well as from the distribution of printed materials, audio- and video products that promote violence and cruelty, drug addiction, substance abuse, or antisocial behavior.

Responsible parents, based on the content of the law, must “own”:

- the skills of caring for physical and mental health, intellectual, spiritual, and moral development of their child;
- the skills of sober and healthy lifestyle for education on their own example, the recognition of spiritual and moral values and the rules and norms of behavior accepted in society;
- the skills of developing a respectful and trusting communication with the child in order to realise the right of children to express their opinion;
- the skills to form the child’s ability to look after himself, the requirements to work, including training and performance of household duties;
- skills of search, development, and compilation of all types of information relevant to the interests of the child;
- skills of entry into circulation (contact) with representatives of educational institutions, authorities for the effective implementation of rights and obligations as a legal representative;
- skills of the timely recognition of the presence of conditions that threaten the health and safety of the child;
- skills of optimal choice of techniques, methods of education, which are not contradictory to the law and the spiritual and moral foundations of society; etc.

Thus, modern parenthood moves to a new level approach, which allows its subject to be divided into “responsible parent” or “irresponsible parent.” According to the text of the Law on Responsible Parenthood, a parent is the father and mother of a child, adoptive parents, guardians, foster parents (Art. 2, part 1, para. 3). The people in this list are obliged to strive for the development of competencies required by the law since these provisions of the law require not only compliance but also execution. It should be noted, however, that the law does not divide the gender-related requirements, but assumes that they are addressed equally to mothers and fathers.

2. Implementation of the Law on Responsible Parenthood

As we have seen from the content of the law, the required expectation from parents looks like a degree course. In this regard, the Republic of Sakha (Yakutia) as an initiator of the official consolidation of the formation of responsible parenthood is obliged to create, provide, and control the appropriate conditions. Primarily, through information and training, as familiarisation with the provisions of responsible parenthood to the parent only occurs in cases where it is a purposeful explanatory

and advisory work of authorised entities. Thus, the Ministry of Youth Affairs and Social Communications of the Republic of Sakha (Yakutia) together with the Ammosov North-Eastern Federal University is implementing a social project "School of responsible parents at NEFU." A similar school also works with Yakutsk regional representation of national social movement "Mothers of Russia."

To implement the work of the school, an educational program has been developed, a working team of the best lecturers and specialists of a narrow profile has been assembled, many seminars for parents in the municipalities of the Republic of Sakha (Yakutia) have been organised, agreements and contracts on cooperation with educational institutions of the Republic have been signed, while sociological surveys of students have also been conducted.

The main listeners of the school are parents who have expressed a desire to attend its courses, which are either paid or free, depending on the topic of lectures and the level of invited specialists. The North-Eastern Federal University provides material and technical conditions, and information support is provided by the permanent forum of women of the Republic "Girlfriends," as well as other public organisations and educational institutions. To study the activities of the responsible parent school, we surveyed its students, familiarisation with the constituent documents, curriculum, and materials published in the media. This revealed that the main part of the audience is usually women (81%) aged 20 to 45 years, most of them from full families. The survey showed a positive assessment of the school, interest in its development, recognition of the impact on the education of children. Given its young age, the school is not yet able to solve all the problems of parenthood or cover the need for all kinds of information. It plans to expand the specifics of training single parents, as well as those whose families are registered as disadvantaged.

"School of responsible parents at NEFU" is included in the regional action plan for the implementation of the Decree of the President of the Russian Federation of 29 May 2017 No. 240 "On the Announcement of the Decade of Childhood in the Russian Federation," the Concept of the State Family Policy in the Russian Federation until 2025 in terms of the event "Activities to educate parents in the field of pedagogy and age psychology," as well as the implementation of the Law on Responsible Parenthood in the Republic of Sakha (Yakutia).

The project under parental education (universal education) implies the enrichment of knowledge, attitudes, and skills of parents necessary for the care of children and their education, along with the harmonisation of family relations. The project involves the best specialists of the region in narrow profiles: paediatrician, psychologist, teacher, speech therapist, gynaecologist, urologist, lawyer, family therapist, etc.

The creation of conditions implies the preparation of young parents for the role of the first spiritual mentors, forming the children's future trajectory of life; increasing the level of psychological comfort in families and increasing the motivation of parents to a conscious process of education; education of the parent community about the legal aspects related to the responsibility of parents for the upbringing of children.

The curriculum's content implies the preparation of young parents for the role of the first mentors; formation of a future trajectory of life in children; increasing the level of psychological comfort in families and increasing the motivation of parents to a conscious process of education; education of the parent community on the legal aspects related to the responsibility of parents for raising children.

Concerning the legal application of the law on responsible parenthood, the main authorising load on the implementation of the Law of the Republic of Sakha (Yakutia) "On Responsible Parenthood" is assigned to the state and municipal authorities. Thus, Chapter 3 lists the executive bodies of the state power of the Republic of Sakha (Yakutia), carrying out their activities in the field of: youth affairs, general and vocational education, health, culture, and spiritual development, physical culture and sports, social development, affairs of minors and the protection of their rights, custody and guardianship, and local government. In addition to the authorities, the list also includes socially oriented non-profit organisations.

As can be seen, for the most part, the law lists bodies with social and preventive powers. Among them, the only body that has the right to apply measures of influence against parents for the unfair performance of their duties on education, training and (or) maintenance is the Commission on Juvenile Affairs. A body that responds to messages and monitors the implementation of imposed measures of influence is the guardianship authority. According to Article 21, these bodies are responsible for violating the provisions of the Act on Responsible Parenthood. A literal interpretation of this article gives reason to believe that if a parent commits an offence, these bodies should also be responsible for the improper fulfilment of requirements for the formation of responsible parenthood.

Highlighted is the fact that the law does not confer authorities that are responsible for the formation of responsible parenthood and the right to arbitrary control and interference in family life. The law protects the inviolability of the person, home, private life (personal, family confidentiality). Therefore, the implementation of control functions concerning a particular family of state and local authorities can begin upon the occurrence of certain circumstances specified in Article 9:

1. For non-performance or improper performance of parents' duties on the maintenance, education, training, protection of the rights and interests of the child administrative responsibility according to the Code of the Russian Federation about administrative offences is provided.

2. For malicious evasion of payment for the maintenance of the child criminal liability by a court decision and following the code of the Russian Federation is provided.

3. For the involvement of a child by a parent in the commission of a crime by means of promises, deception, threats, or otherwise, including with the use of violence or the threat of its use, the involvement of a child in a criminal group or in the commission of a serious or particularly serious crime, as well as in the commission of a crime based on political, ideological, racial, national, or religious hatred or enmity, or on

the grounds of hatred or enmity against a social group, criminal liability is provided for following the Criminal Code of the Russian Federation.

4. For the involvement of a child in systematic use (drinking) of alcoholic and alcohol-containing production, drugs, psychotropic and intoxicating substances, in occupation by vagrancy or begging, including involvement with the use of violence or with the threat of its application, criminal liability according to the Criminal Code of the Russian Federation is provided.

5. For non-performance (improper execution) by the parent of duties on the education of the child if this act is connected with cruel treatment of it, criminal liability according to the Criminal Code of the Russian Federation is provided.

6. For the deliberate abandonment without the help of a person who is in a life or health-threatening condition and is deprived of the opportunity to take measures for self-preservation in adolescence, illness, or because of his helplessness, in cases where the perpetrator had a chance to assist this person and was obliged to take care of him or put him in a life or health-threatening condition, criminal liability is provided following the Criminal Code of the Russian Federation.

7. Parents (one of them) may be deprived of parental rights if they:

1) refuse to fulfil the obligations of parents, including at malicious evasion of payment for support or maintenance of children;

2) refuse to take their child from the maternity hospital (department) or another medical organisation, educational institution, social service organisation or similar organisations (without valid reasons);

3) abuse their parental rights;

4) mistreat a child, including physical or mental violence against him; encroach on his sexual integrity;

5) have chronic alcoholism or drug addiction;

6) have committed a deliberate crime against the life or health of their children, another parent of children, a spouse, including a non-parent of children, or against the life or health of another family member.

8. Taking into account the interests of the child, the court may decide on the removal of the child from the parents (one of them) without deprivation of their parental rights (restriction of parental rights).

Restriction of parental responsibility is allowed if leaving the child with the parents (one of them) is dangerous for the child due to circumstances beyond the control of the parents (one of them) (mental disorder or another chronic disease, the confluence of severe circumstances, and others).

Restriction of parental rights is also permitted in cases where the abandonment of the child with the parents (one of them) due to their behaviour is dangerous for the child, but there are not sufficient grounds for the deprivation of the parents (one of them) of parental rights. If the parents (one of them) do not change their behaviour, the guardianship authority, after six months after the court decision on the restriction of parental rights, is obliged to file a claim for deprivation of parental rights. In the

interests of the child, the guardianship body has the right to sue for the denial of parents (one of them) of parental rights before the expiration of this period.

9. Guardianship bodies can take legal actions in court about the alimony on the maintenance of the child, about the restriction of the parental rights, about deprivation of the parental rights, about the revocation of adoption according to the legislation of the Russian Federation.

From the content of this article, it is evident that in the matters of parents' involvement in legal responsibility, legal violations of criminal, administrative, and civil origin are concentrated.

It should be emphasised that parental responsibility relating to the legal prohibitions given in Article 9 is regulated by other laws (federal), such as the Criminal Code of the Russian Federation, the Civil Code of the Russian Federation, the Code of Administrative Offences of the Russian Federation, etc. And to bring parents (found guilty) to responsibility, other state bodies (court, Prosecutor's office, law enforcement agencies, bodies of preliminary investigation, etc.) of the federal status which is not mentioned in the Law on Responsible Parenthood are authorised. In this regard, the law does not need the procedural part of the regulation of prosecution. Since Article 9 is placed in the law with only one purpose – to inform, that is, to bring to the attention, even by duplicating the text of another law. Therefore, it should also be noted that the law on responsible parenthood does not establish new criminal and other unlawful acts or sanctions. Meanwhile, taking into account the fact that in the Russian Federation, there is no law explaining responsible parenthood, commentary on their qualification can be used.

In general, it should be emphasised that the investigated Law on Responsible Parenthood consists mainly of rules of a blanket nature. Blanket norms differ in that their participation in legal regulation depends on the standards of other normative legal acts, to the content of which they refer.¹² In this regard, the blanket rule operates at the expense of another, based on its normative force. Thus, out of 22 articles of the Law on Responsible Parenthood, 15 have similar content in other laws, primarily federal (the Family Code, the Criminal Code, the Code of Administrative Offences of the Russian Federation, the Convention on the Rights of the Child, prevention of neglect and juvenile delinquency, the activities of guardianship, the Commission on Juvenile Affairs, etc.).¹³

¹² Демин А.В. Бланкетный и отсылочный способы формирования правовых норм: понятие, систематизация, проблематика // Вестник Нижегородской академии МВД России. 2015. № 2(30). Vol. 25–32 [Alexander V. Demin, *Blanket and Reference Ways of Formation of Legal Norms: Concept, Systematization, Problems*, 2(30) Bulletin of the Nizhny Novgorod Academy of the Ministry of Internal Affairs of Russia 25 (2015)].

¹³ Корякина З.И., Павлова А.А. Проблемы применения Закона Республики Саха (Якутия) об ответственном родителстве // Общество: политика, экономика, право. 2018. № 1. Vol. 66–70 [Zinaida I. Koryakina & Arzulana A. Pavlova, *The Issues of Implementation of the Law of the Republic of Sakha (Yakutia) "On Responsible Parenthood,"* 1 Society: Policies, Economics, Law 66 (2018)].

The innovations established by the analysed law relate to the conceptual apparatus (Art. 2), the subject of responsible parenthood (Art. 1), its principles (Art. 4), the powers of state and municipal authorities in terms of their participation in the formation of responsible parenthood (Ch. 3). Thus, the law for the first time gives a legitimate interpretation of the content of such concepts as “responsible parenthood,” “family,” “maintenance of children by parents,” “education of children by parents,” “preservation of children’s health by parents,” “children’s development by parents,” “protection of children’s rights and legitimate interests by parents.”

Given this fact, it is assumed that the control part of the proper application of this law belongs to two main subjects: parents and their children, as well as bodies with authority to form responsible parenthood. On the example of this law, therefore, it can be emphasised that as such it does not perform a punitive role, but is a model of synthesis of mutual responsibility and obligations that form the basis of legal regulation.

To apply the law in the legal field of the Republic of Sakha (Yakutia), some of its bodies, such as the Commission on Juvenile Affairs, guardianship authorities and several others have the right to assess and determine the presence or absence of responsible parenthood, i.e. to recognise the family as dysfunctional.

An analysis of law enforcement practice has shown that the law on responsible parenthood has not yet been widely applied in the practice of courts, prosecutors, and other authorised authorities. Since priority in selecting, a law is given to federal legislation, which is explained by the principle of observing the hierarchy of acts. According to the results of interviewing employees of the juvenile unit, guardianship and guardianship authorities, the provisions of this law are applied primarily for outreach. Therefore, the law at this time is valid only in terms of education about responsible parenthood.¹⁴

Meanwhile, this law has enormous potential, since with the development of juvenile technologies, including repressive ones, this law can become one of the main ones.¹⁵ For example, when certain authorities (the Commission on Juvenile Affairs, guardianship authorities) use the right to assess and determine the presence or absence of responsible parenthood, that is, recognise the family as dysfunctional.

¹⁴ Корякина З.И., Павлова А.А., Варламова Д.К. Эффективность Закона Республики Саха (Якутия) об ответственном родителстве // Евразийская адвокатура. 2018. № 1(32). Vol. 103–107 [Zinaida I. Koryakina et al., *The Effectiveness of the Law of the Republic of Sakha (Yakutia) “On Responsible Parenthood,”* 1(32) Eurasian Bar 103 (2018)].

¹⁵ Кисличенко А. Законопроект «Об ответственном родителстве» – конец российской семьи // LiveJournal. 12 марта 2016 г. [Anna Kislichenko, *Draft Law “On Responsible Parenthood” – the End of the Russian Family*, LiveJournal, 12 March 2016] (Jul. 25, 2020), available at <https://annatubten.livejournal.com/484140.html>; Мишустин Н. Закон об ответственном родителстве – разгул ювенальщины // Русская народная линия. 19 марта 2016 г. [Nikolay Mishustin, *Law on Responsible Parenthood – Juvenile Rampant?*, Russian People’s Line, 19 March 2016] (Jul. 25, 2020), available at http://ruskline.ru/special_opinion/2016/mart/zakon_ob_otvetstvennom_roditelstve_razgul_yuvenalwiny/.

The assessment of responsible parenthood is understood as a set of actions and measures taken by the authorised bodies to identify signs of conscientious fulfilment of the rights and obligations imposed on the parent by the legislation during the upbringing of minor children. Taking into account that the law on responsible parenthood concerns the life of each family, law enforcement officers have considerable responsibility for the correct determination of facts and events, conclusions, verification actions, etc. In the authors' view, many factors must be taken into account for a fair and objective assessment: the status of the parent, family income, interests, needs, abilities, and opportunities of each participant in family relations. For example, the law defines the subject of its regulation as legal relations aimed at the formation of responsible parenthood, promotion of traditional family values according to national traditions and customs, natural and climatic conditions, along with spiritual and moral foundations of society and the state (Art. 1). It should be taken into account that not every modern family can be a supporter of such values. Especially when, according to Article 14 of the Constitution of the Russian Federation, the Russian Federation is a secular state, and no religion can be established as state or compulsory, and religious associations are separated from the state and equal before the law.

Concerning different living conditions of families, expressed in various social, property, economic, intellectual, and physiological differences, an acceptable option is an individual approach to the assessment of parenthood as responsible. At the same time, the authors believe that it is necessary to proceed from the parent's integrity, when, depending on individual capabilities and within the framework of real abilities, they take care of the child. The concept of "responsible parenthood" forms the image of "ideal parenthood," the high requirements of which not every parent can fulfil. Especially if the family is in difficult living conditions in which a large proportion of the Russian population lives (income below the subsistence level, unemployment, illness, etc.) and it is not possible to introduce all into the regulatory framework of responsible parenthood, as well as to predict what kind of person the child will grow up to be. The law on responsible parenting, on the one hand, requires freedom of opinion of the child, on the other – it forces him and the parent to perform specific actions dictated by him, to report on them. In this regard, there are many problematic issues. For example, what is the difference between the legitimate interests of the child and his needs; whether the child's development is guaranteed by the efforts invested in it and what to do if the expectations of responsible parenthood are not met; what category of parents may be unable for specific reasons to fulfil the obligations of the responsible parent, etc.

According to the data of the All-Russian Public Organization for the Protection of the Family "Parental All-Russian Resistance," the invasion of the family with the subsequent removal of children is growing every year, especially after the Federal Law of 1 January 2015 No. 442 "On the Basics of Social Services for Citizens in the Russian Federation." According to experts, it was this act that made it possible to turn

the family into the sphere of social services, since it allows social support for families, that is, supervision of citizens “for prevention.” The demand for children for a “family arrangement” is, according to experts from non-profit organisations in this field, at least 20 thousand children a year. Senator E. Mizulina relying on official statistics gives an even high figure – about 60 thousand people.¹⁶ Usually, single parent and large families are at risk. Poverty is still becoming the most popular reason for most interventions by guardianship authorities, namely “poor living conditions, lack of repair, lack of furniture, lack of food in the refrigerator.” Against this background, in the last few years, new dangerous grounds for seizures have appeared. “For example, when there is a conflict between teenage children and parents. If parents strictly raise their children, and the children are dissatisfied, in this case, the guardianship authorities often take the kid’s side to protect them.

Another example is cases of absenteeism at schools, such as when a child is educated at home, when the parents took the child out of school or kindergarten at the wrong time, left them with relatives or other adults, or conflicts with neighbours who don’t like that the kids are noisy. This system is also suitable for schools and children’s organisations to manage with uncomfortable parents. Today, any careless step can lead to the fact that guardianship authorities come and take away children from families. At present, too broad and vague criteria are applied to families that are recognised as socially dangerous. Families in a socially dangerous situation should be understood, as before, only those in which parents are addicted to psychoactive substances – alcoholism, drug addiction, and involve children in an antisocial lifestyle and offences.¹⁷

Identifying the fact that the family “has children who can be removed” is the responsibility of the guardianship authorities. Still, today this identification service can be transferred to different structures – medical, educational, non-profit organisations and others. That is, organisations that can provide social services to children and families who are in stressful situations, put on social accounting. Thus, a message can come from everywhere.

Based on the analysis of social realities occurring in society, it is possible to identify the following factors that prevent the formation of responsible parenthood (not related to offences and foundations for deprivation or restriction of parental rights):

¹⁶ Детство без родителей. Законодательство и практика. Итоговый альтернативный доклад РВС: Материалы независимого мониторинга, проведенного Общероссийской общественной организацией защиты семьи «Родительское Всероссийское Сопротивление» (2017) [Childhood Without Parents: Legislation and Practice of Removing Children from Russian Families – Final Alternative Report: Materials of Independent Monitoring Conducted by the All-Russian Public Organization for the Protection of the Family “Parental All-Russian Resistance” (2017)] (Jul. 25, 2020), available at <https://rvs.su/statia/detstvo-bez-roditeley-zakonodatelstvo-i-praktika-itogovyy-alternativnyy-doklad-rvs>.

¹⁷ Родительская общественность бьет тревогу: количество необоснованных изъятий детей из семей растет // Накануне.RU. 28 марта 2017 г. [Parent’s Associations Sound the Alarm: The Number of Unjustified Removal of Children from Families Is Growing, Nakanune.RU, 28 March 2017] (Jul. 25, 2020), available at <https://www.nakanune.ru/news/2017/03/28/22465122/>.

- insufficient funds for child support, low income (below the subsistence level), unemployment;
- the disease of a parent or a child, excluding a full life without deviations;
- recognition of parents as incapable or partially capable;
- systematic use (drinking) of alcoholic and alcohol-containing products, drugs, psychotropic and intoxicating substances by parents;
- low level of intellectual development of the parent, which is not a mental disorder (dementia or other mental illness);
- minor age of parents;
- divorce or termination of cohabitation of parents; etc.

Despite the blanket incorporation of regulations from different legal sources into one legal act, the Law on Responsible Parenthood focuses on the content of the behavioural role required concerning the child.

The theory of law distinguishes several circumstances excluding legal responsibility, which “represent an interdisciplinary legal institution, providing for a set of circumstances (phenomena) of a universal nature, in which an act committed by a person, externally containing signs of the offence, is recognised socially useful and lawful, bringing a person to any kind of negative legal responsibility is excluded, and the application of protection measures to it in law is limited by special instructions of the law.”¹⁸

The fact of commission of the offence and its legal structure is the only and necessary basis for bringing perpetrators to justice. Legal liability is the adverse consequences established by law, occurring to the offender in connection with the commission of the offence.¹⁹

Taking into account legal and social realities, in the legal regulation, some rules recognise circumstances of the offence to be respectful and subsequently, there may be grounds for exclusion and exemption from legal liability. Full institutional registration of conditions excluding legal responsibility received in the Criminal Code of the Russian Federation and their list can be presented in the following form:

- The insignificance of the act (Art. 14, part 2 of the Criminal Code of the Russian Federation). The commission of an action, or inaction, although formally containing the indicia of any act provided for by this Code, which, because of its insignificance, does not represent a social danger, which caused no harm and has not created damage to a person, society, or the state, shall not be deemed a crime;

¹⁸ Степанов В.В. Правовая природа обстоятельств, исключающих юридическую ответственность // Вестник Пермского университета. Юридические науки. 2014. Вып. 3(25). Vol. 186–195 [Vitaly V. Stepanov, *The Nature of the Liability-Excluding Circumstances*, 3(25) Perm University Herald. Juridical Sciences 189 (2016)].

¹⁹ Ячменев Ю.В. Юридическая ответственность: понятие, виды и особенности // Вестник Санкт-Петербургского университета МВД России. 2012. Т. 54. № 2. Vol. 66–74 [Yuri V. Yachmenev, *Legal Responsibility: Concept, Types and Features*, 2(54) Bulletin of St. Petersburg University of the Ministry of Internal Affairs of Russia 65 (2012)].

– The age of criminal liability (Art. 20 of the Criminal Code of the Russian Federation). The age of criminal responsibility is 16 years, and it is 14 years on separate structures (this provision can concern those who became a parent at a minor age);

– Insanity (Art. 21 of the Criminal Code of the Russian Federation). A person who, at the time of committing a socially dangerous act, was insane, that is, was unable to understand the actual character or social danger of his actions (inaction) or to govern them as a result of a chronic or temporary mental disorder, mental deficiency, or any other psychiatric condition, shall not be subject to criminal liability;

– Innocent infliction of harm (Art. 28 of the Criminal Code of the Russian Federation) – an act is recognised as committed innocently if the person who committed it did not realise and in the circumstances of the case could not realise the public danger of his actions (inaction) or did not foresee the possibility of socially dangerous consequences and in the circumstances of the case should not or could not anticipate them (incident). The act is also recognised as committed innocent if the person who committed it, although foresaw the possibility of socially dangerous consequences of their actions (inaction), but could not prevent these consequences due to the inconsistency of their psychophysiological qualities to the requirements of extreme conditions or neuropsychiatric overload;

– Justifiable defence (Art. 37 of the Criminal Code of the Russian Federation). It should not be deemed a crime when harm is inflicted in the state of justifiable defence against an attacking person, i.e. in the case of the protection of the person and the rights of the defendant or other persons, law-protected interests of the society or the state against a socially dangerous attack if such an attack involved violence threatening the life of the defendant or another person or an immediate threat of use of such violence;

– The infliction of harm on a detained person who has committed a crime (Art. 38 of the Criminal Code of the Russian Federation). The infliction of harm on a person who has committed a crime during his detention or during his delivery to the authorities, or in thwarting the possibility of the commission by him of further offences, shall not be deemed a crime unless it was possible to detain such person and there was an excess of the measures taken for this detention;

– Extreme necessity (Art. 39 of the Criminal Code of the Russian Federation). The harming of legally-protected interests in a state of absolute necessity that is, for the purpose of removing a direct danger to a person or his rights, to the rights of other persons, or to the legally-protected interests of the society or the state shall not be deemed to be a crime if this danger could not be removed by other means and if there was no exceeding the limits of extreme necessity;

– Physical or mental coercion (Art. 40 of the Criminal Code of the Russian Federation). The infliction of harm to legally-protected interests as a result of physical coercion shall not be a crime if, in consequences of such coercion, the offender could not control his actions (inaction).

Also, in other areas of law, other similar circumstances are established. Thus, the conditions that exempt parents from legal liability can also include:

– Termination of obligation for the impossibility of performance (Art. 416 of the Civil Code of the Russian Federation). The impossibility of performance shall terminate an obligation if it was caused by a circumstance for which none of the parties is liable;

– Termination of obligation by the death of citizen (Art. 418 of the Civil Code of the Russian Federation);

– Urgent need (Art. 2.7 of the Code of Administrative Offences of the Russian Federation). Where a person inflicts wrong against interests protected by the law in the event of urgent necessity, that is, for the prevention of a direct danger to a person, or to the rights of the given person, or of other persons, as well as to the interests of the state or society protected by the law, and where this danger could not be prevented by other means and the inflicted wrong is less than the one that has been avoided, it shall not be deemed an administrative offence;

– Insanity (Art. 2.8 of the Code of administrative offences of the Russian Federation). A natural person who, when committing wrongful actions (omission), was insane, that is, could not comprehend the actual nature and wrongfulness of his actions (omission), or could not direct them as a result of a chronic mental disorder, or a temporary mental disorder, or imbecility, or any other psychological disease, shall not be administratively liable.

Thus, the liability of parents provided for by legislation may be revised in the light of various legal circumstances, including exemption from legal liability or mitigation of punishment.

3. Expected Results of the Implementation of the Law on Responsible Parenthood

According to the prevailing opinion of legal scholars, the effectiveness of the law can be determined by studying its content, continuous legal monitoring, evaluation and analysis of its application.²⁰ The quality of the law can be assessed by comparing its expected and actual potential, the impeccable legal technique of its preparation, timeliness and suitability of adoption. In this regard, the successful implementation of the Law on Responsible Parenthood should be expected to reduce the number of:

- offences committed by parents against their minor children;
- deprivations and restrictions of parental rights;
- orphans or children left without parental care;

²⁰ Тихомиров Ю.А. Эффективность закона: от цели к результату // Журнал российского права. 2009. № 4(148). Vol. 3–9 [Yuri A. Tikhomirov, *The Effectiveness of the Law: From the Goal to the Result*, 4(148) Journal of Russian Law 3 (2009)]; Белоусов С.А. Качество закона и эффективность его применения: пути преодоления негативных последствий законодательного дисбаланса // Вестник Поволжской академии государственной службы. 2014. № 4(43). Vol. 11–17 [Sergey A. Belousov, *The Quality of the Law and the Effectiveness of its Application: Ways to Overcome the Negative Consequences of the Legislative Imbalance*, 4(43) Bulletin of the Volga Region Academy of Public Service 11 (2014)].

- consisting in different types of registration of dysfunctional families with minor children;
- offences committed by minors themselves;
- neglect, vagrancy, and begging.

One of the common grounds for parental responsibility is the commission of an offence by a child. The causes and conditions of offences are different. According to the Presidential Commissioner for Children's Rights of the Russian Federation, 80% of children without parental care are so-called social orphans whose parents are alive.²¹ The main cause of social orphanhood is an antisocial family, where parents are deprived of parental rights due to alcoholism or drug addiction and child abuse. The antisocial family also encourages children to become addicted to psychoactive substances, which undoubtedly jeopardises their health and well-being. According to the Ministry of Internal Affairs of Russia in the Republic of Sakha (Yakutia), at the end of 2017, 2,177 parents are registered in the internal affairs bodies, who do not perform duties on the education and maintenance of children (similar indicators of last year – 1945), of which 1,740 drink alcohol (similar indicators of last year – 1,670), drugs – 23 (similar indicators of last year – 20), having children under the age of 3 years – 449 (similar indicators of last year – 616). The analysis of statistical data shows that antisocial parents and dysfunctional family environment are the main factor (the basic reason) causing the illegal behaviour of minors. In special literature, they are paid special attention.²² According to scientists, it is not possible to eliminate all the causes and conditions of offences because it is impossible to eliminate all the contradictions that exist in society. Meanwhile, people should strive to reduce their number, the state and society are obliged.²³ Thus, one of the objectives of the

²¹ Брынцева Г. Детям пора домой // Российская газета. 8 февраля 2013 г. [Galina Bryntseva, *Children Are to Go Home*, Rossiyskaya Gazeta, 8 February 2013] (Jul. 25, 2020), available at <https://rg.ru/2013/02/08/astahov.html>.

²² Ганишина И.С. Неблагополучная семья и девиантное поведение несовершеннолетних [Irina S. Ganishina, *Dysfunctional Family and Deviant Behavior of Minors*] (Moscow: Publishing House of the Moscow Psychological and Social Institute; Voronezh: Publishing House of NGO "MODEK," 2006); Лелеков В.А. Ювенальная криминология [Victor A. Lelekov, *Juvenile Criminology*] (2nd ed., Moscow: Unity-Dana, 2014); Общество и преступность несовершеннолетних: сборник статей, включающий материалы социологического исследования «Общественное мнение о несовершеннолетних правонарушителях», проведенного в феврале – мае 2004 г. в Санкт-Петербурге, Саратове, Ульяновске [Society and Juvenile Delinquency: Collection of Articles, Including Materials of Sociological Research "Public Opinion on Juvenile Delinquents," Conducted in February – May 2004 in Saint Petersburg, Saratov, Ulyanovsk] (L. Ezhova & M. Makoli (eds.), Saint Petersburg: Center for Independent Sociological Research, 2007); Сухов А.Н. Социальная психология преступности [Anatoly N. Sukhov, *Social Psychology of Crime*] (Moscow: Moscow Psychological and Social Institute, 2007); Васкэ Е.В. Эволюция преступности несовершеннолетних в России: психолого-правовой анализ [Ekaterina V. Vaske, *Evolution of Juvenile Delinquency in Russia: Psychological and Legal Analysis*] (Moscow: Genesis, 2010).

²³ Чернова С.С. Профилактика правонарушений на современном этапе // Научно-методический электронный журнал «Концепт». 2014. Т. 20. Vol. 1101–1105 [Svetlana S. Chernova, *Crime Prevention at the Present Stage*, 20 Scientific-methodical electronic journal "Concept" 1101 (2014)] (Jul. 25, 2020), also available at <http://e-koncept.ru/2014/54484.htm>.

effective implementation of the Law on Responsible Parenthood is to deal with offences committed against the family and minors or by minors themselves.

The effectiveness of the law on the formation of responsible parenthood also depends not only on the awareness of the parent of his responsibility but also on the specific personal results of the child. System analysis of the content of the law suggests that such results can be attributed if the child:

- received his general education;
- does not use psychoactive substances;
- is of sound mind;
- spiritually-morally and intellectually developed;
- respects labor;
- has self-service skills;
- respects the customs and traditions of ancestors, social values, the rights of other people, someone else's property;
- has tolerance, the ability to manage the actions and critically evaluate them;
- is able to express his opinion when the family discusses an issue affecting his interests;
- law-abiding, deviant manifestations in behavior are absent;
- does not visit public places at night, including streets, stadiums, parks, squares, public vehicles, objects (in territories, in premises) of legal entities or citizens performing business activity without formation of legal entity which are intended for ensuring access to the internet, and also for implementation of services in the sphere of trade and public catering (the organisations or points), for entertainment, leisure where in the order established by the law retail sale of alcoholic products is provided, and in other public places without their support (persons replacing them) or persons carrying out activities with the participation of children.

4. Discussion of Some Results of a Sociological Survey on Responsible Parenthood

Despite such complex tasks and requirements for parents, sociological studies have shown a generally positive perception of the law. The authors conducted a questionnaire survey in 2017–2018 of 617 respondents who are parents and residents the Republic of Sakha (Yakutia), it shows that, nevertheless, 95.0% of respondents consider themselves a responsible parent, and only 1.6% of respondents do not consider themselves as such. 3.4% of respondents found it difficult to answer. Parents' confidence in their responsibility is likely to indicate a positive perception of their actions, positive self-esteem and a low threshold of self-criticism.

To identify the parents' understanding of the term "responsible parenthood," respondents were asked to choose one of its two definitions or to enter their version of the answer. 51.4% of the parents surveyed chose the variant of the answer as "the

fulfilment of the rights and duties of the parent, respect for the rights of the child, taking into account the opinion and needs of the child, the maximum fulfilment of his desires," which corresponds to the definition in the law. The other half of parents (44.4%) understands responsible parenthood as "raising children in love and care within my capabilities," demonstrating the priority of moral aspects in education. 4.2% of parents surveyed gave a different answer. The lack of a shared understanding of responsible parenthood is partially explained by the fact that some respondents are not able to take into account the views and needs of their children, inevitably involving some material costs. For example, 42.9% of respondents noted that "there is enough money for food and clothing, but buying a refrigerator, TV, and furniture is a problem," 20.8% – "there is enough money for food, but it is difficult to buy clothes," 4.2% of respondents "there is not enough money even for food." That is, only $\frac{1}{3}$ of the respondents do not experience financial difficulties. The fact that parents see the limits of their responsible approach more in moral guidelines than in legal ones can also lead to fragmentation in the ideas about the content of responsible parenthood.

One of the principles of responsible parenthood (according to the law) is the realisation of children's right to express his or her opinion in the family concerning any matter affecting his or her interests. The results of the parents' survey have shown that only 1.4% of respondents do not agree with this principle, they believe that "a child has no right to express his opinion; he must fully obey the will of his parents and the interests of the family." The absolute majority is sure that the child can express his opinion, but parents have the final say (86.3%). The absolute right of the child to express his or her opinion is supported by only 10.6 per cent of parents.

The results of the survey have shown that the majority of respondents do not deny their child's participation in the discussion of issues affecting his interests. Still, in terms of the fulfilment of the desire, the decision of the parents is given priority. According to the majority of parents, the child, due to his social and physiological immaturity, is not yet able to solve any issue not to the detriment of their own and common interests of the family, because he is not able to be fully responsible for his actions. Also, according to parents, the fulfilment of any desires of the child can negatively affect his socialisation, forming his mainly consumer attitudes.

Currently, there are ongoing disputes about the extent of state intervention in intra-family relations.²⁴ To identify the attitude of parents to this discussion question, respondents were asked the following question: "Do you agree with the provision that the state has the right to determine the directions and methods of education of children in the family?" (To give birth and raise a child is no longer

²⁴ Тендрякова М.В. Детские доносы и ювенальная юстиция // Образовательная политика. 2010. № 9–10(47). Vol. 106–114 [Maria V. Tendryakova, *Children's Denunciations and Juvenile Justice*, 9–10(47) Educational Policy 106 (2010)]; Цинченко Г.М. Ювенальная юстиция: риски внедрения // Управленческое консультирование. 2015. № 8(80). Vol. 114–127 [Galina M. Tsinchenko, *The Juvenile Justice System: Implementation Risk*, 8(80) Managerial Consulting 114 (2015)].

a personal, private matter of parents and family, but a state, common cause). The survey revealed that parents do not have a single, dominant opinion on this issue – they were divided almost equally. More than half (53.9%) of the respondents were against state interference in family affairs. Some parents expressed their opinions in the questionnaires, most of which agreed with the fact that the state had the right to intervene in domestic affairs only if the family was dysfunctional. The ordinary, prosperous family has the right to choose the methods of education in the family; the state should not interfere here. The opposite view is expressed by 39.7 per cent of parents: “The state has the right to regulate the relationship between children and parents in the family.” 6.4% of the respondents have a different opinion.

The results of the focus group held with the participation of representatives of the legal community to discuss the law on responsible parenthood revealed the following main provisions:

- the law is “naively” stated, it is perfectionist (utopian) and challenging to implement, thereby it will not give rise to significant consequences, it is declarative, divorced from real life, does not deserve the status of the law, but the Concept or Program;

- there are too high requirements for parents, do not take into account the complicated social, economic, legal situation in the state, the law is divorced from reality, will harm the improvement of the demographic situation, and gives the installation of “reduced lifetime fertility”;

- doesn’t take into account the balance of interests of the individual and the state, the state wants to remove the responsibility to help and create conditions for the quality of education of children, completely shift everything to the parents and then control them for juvenile terror;

- the birth of children and parenthood is taken under the “certification” by the state, so only the state has the right to recognise the parent responsible, i.e. suitable for parenthood;

- the law abounds in blank rules, the hierarchy of sources of law and competition rules is not subject to application. Thus, the law can be classified as declarative (“dead branch”);

- it may create a risk of discrimination against parents (by nationality, religion, health, property, and social status);

- contains many concepts that are not amenable to legal explanation (social, moral, religious origin);

- the law will be effectively implemented only if a clear and coherent mechanism is developed, based on the interaction and mutual responsibility of all the actors mentioned in it, in the presence of monitoring and continuous monitoring, as well as with adequate funding for the formation of responsible parenthood;

- the law will have a real impact on parents and children only if the population is adequately informed, due to its unusual specificity, it needs a detailed commentary on it with its further dissemination for proper application and use;

– the law due to the dominating presence of binding norms in the legal regulation may be the subject of an appeal by citizens to initiate judicial or supervisory proceedings.

Conclusion

Formal legal, systematic and comparative legal analysis of the entire text of the law allowed the authors to determine the legal model, social and legal composition of responsible parenthood, to assess its purpose, to form an idea of the role status of each subject of its regulation.

Modern understanding of responsible parenthood is going through a stage of transformation from social and moral origin to legal, i.e. official and documented format.

The novelty of the law lies in the implementation of new terminological explanations in the legal space, the definition of the principles and content of responsible parenthood, the establishment of a circle of authorised and responsible for its formation bodies.

The Law on Responsible Parenthood will be effective only if it is brought to the attention of the population and if it fulfils its main task – to inform and explain, to consolidate efforts together with the authorised bodies for the formation of responsible parenthood. The law has the right to exist as long as parents need education and assistance to raise their minor children, and the state can ensure this right in free and unhindered access. The effectiveness of the law under study is not punitive, but preventive and auxiliary.

The legal regulation of responsible parenthood on the example of the studied law can expand the international understanding of it, as the issues of parenting are of global importance and covered by international law. On the legal experience of the Republic of Sakha (Yakutia), there is an opportunity to make sure that for the formation of responsible parenthood, consisting not only of legal but also personal (private) interests of citizens; the state has the right to give their respective authorities the power of their participation for its formation by establishing a mutual set of rights and obligations between society, the individual, and the state. In this regard, it is evident that the law is addressed not only to parents but also to the authorities and public institutions. Meanwhile, the expansion of the subject composition of the formation of responsible parenthood at the expense of authorities and public institutions can give rise to many complex problems that complicate family relations and limit the sovereignty of the family.

Despite its profound significance, the law on responsible parenthood is far from perfect. First, it does not take into account those legal circumstances that can affect the responsibility of parents by exclusion given external, independent of the obstacles. Therefore, it becomes vital to correctly and adequately, that is, without undue interference in the space of family and personal relationships, to determine responsible parenthood.

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