

# Creating a safe educational environment for children deprived of parental care: pedagogical and socio-legal aspects

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**ABSTRACT** The problems of exacerbating conflicts between parents and the new digital generation of Z children (centennials), the destruction of the family as an institution for the socialization of the younger generation, violation of the rights, freedoms and legitimate interests of the child, the manifestations of juvenile bullying are all topical today. The lack of their organizational and socio-legal support gives rise to the spread of the phenomenon of social orphanage in society, the increase in the number of homeless children, the so-called «street children». The study substantiates the organizational, psychological, pedagogical and socio-legal principles of creating a safe educational environment for children deprived of parental care, providing the proper conditions for their socialization, harmonious physical, mental, moral and volitional, and spiritual development. A thorough consideration of the problem at the pedagogical and socio-legal levels makes it possible to solve it by raising the child's social status; introduction of educational technologies, methods and techniques of organization and management of safe educational environment; development of new directions of social work taking into account regional, gender or other peculiarities; interaction of children's institutions, educational establishments with parents, public organizations, mass media. The article will be interesting and useful for educators, heads of general secondary education institutions, parents and the general public, anyone interested in protecting the rights and freedoms of the child.

## **INTRODUCTION**

The processes of humanization and democratization that determine the development of the education system in Ukraine (UN Convention on the Rights of the Child, Action Plan for the implementation of the World Declaration on the Survival, Protection and Development of Children, National Program «Children of Ukraine», Laws of Ukraine «On Childhood Protection», «On social

work with children and youth», «On education»), based on the ideas of self-worth of childhood, recognition of it as the most important stage in a person's life, during which lay the foundations for the further formation of a fully harmonious, competent individual, a citizen, a patriot of his/her country. However, rapid changes in society and its socio-economic instability have negative consequences for the life and upbringing of the younger generation. Demographic crisis, deterioration of material well-being of a large part of the population, destruction of the family as an institution of socialization, significant deformation of the moral and legal consciousness of certain segments of the population, the spread of drinking and alcoholism, insufficient resources and staffing of subjects engaged in the education of juveniles leads to neglect of features of child development, the formation of indifferent treatment of adults towards children, cause exacerbation of contradictions and conflicts between parents and children, weakening of parents responsibility for the upbringing and maintenance of children, distribution of economic exploitation of child labor by adults and so on. Another aspect of the problem under study is finding of the mutual understanding between parents and the new digital generation of Z children (centennials), for whom the virtual world is in the forefront, who is growing up in an online environment, focused on short-term goals, Internet-dependent, fragmented thinking, hyperactive. Insufficient development and solution of the problem at the pedagogical and socio-legal levels is characterized by the formation of children's antisocial behavior, which in turn is characterized by the accumulation of personal disorders in the areas of needs, interests, values, increase in child crime, child bullying (bounding of one child by another, aggressive persecution of coevals), increasing the number of homeless children and children deprived of parental care, etc. Under unfavorable conditions for personality formation there is a discrepancy among its features and qualities and values and norms accepted in the society. The child is not adapted to the social environment in which he or she should live, study, fulfill him/herself, and work. In this process, it is important to help children deprived of parental care and «street children» acquire the skills to solve social and domestic problems, learn how to manage their own behavior, estimate their actions and actions of coevals, adjust relationships in the family and community.

The future of the individual child and the prosperity of the country in particular depend on providing effective justice, coordinated actions of public authorities and local government administrations (in particular, public prosecutor's offices, units of the National Police, institutions of the State Criminal Enforcement Service, civil society organizations, providers of social, educational, medical and other services), introduction of a system of preventive, social and educational work and work aimed at the re-socialization of juveniles who are prone to unlawful behavior, minimizing the factors of formation of unlawful children's behavior, proper protection of the rights, freedoms and legal interests of children.

Therefore, the systemic separation of state institutions, lack of mechanisms for coordination and monitoring of the activities of state bodies, institutions and non-governmental organizations providing a safe educational environment for children deprived of parental care, does not allow to achieve positive results in the field of protection of the child from crime environment and fully implement the state policy on the protection of the rights, freedoms and legitimate interests of children, their non-discrimination. At present, there is no comprehensive system of measures that will include protection of the rights, freedoms and legitimate interests of children deprived of parental care, providing comfortable conditions for their education and upbringing; not developed social-educative and rehabilitation programs for minors, who for various reasons are in the sphere of justice, prevention and educational programs; there are no targeted social services for the prevention of child offenses and unlawful behavior.

### **Objectives**

**The purpose of the article** is to justify the organizational and socio-legal foundations for creating and managing the safe educational environment for children deprived of parental care and «street children», protecting their rights, freedoms and legitimate interests. According to the stated purpose, **the main tasks** of the research are defined as follows: 1) to consider the issue of the social status of the child in Ukraine at the pedagogical and socio-legal levels; 2) to find out the causes and consequences of such social phenomena as «social» orphanage and «street children», child and adolescent vagrancy; 3) to describe the conditions for creating a safe educational environment for the physical, mental, moral and volitional and spiritual development of children deprived of parental care and «street children»; 4) to form legislative initiatives to improve the organizational and socio-legal support of the rights and freedoms of the child, the protection of childhood.

## **MATERIALS AND METHODS**

### **The system of contradictions**

The basis for this research was the necessity to resolve a number of contradictions that objectively exist in pedagogical theory and practice. In particular, strengthening the responsibility of the state and society for the development of children, improving their social and legal protection, focusing the education of Ukraine on the formation of a spiritual, creative personality with a formed system of cultural values («New Ukrainian School» Concept, Law of Ukraine «On Education») are on the one hand. On the other hand, there is a lack of a comprehensive approach to the organization of a safe educational environment for children deprived of parental care, social measures for crime prevention among homeless children, rendering of social services, taking into account regional, gender or other features, critical growth rate offenses, the emergence of child abandonment.

## Material

According to official data from the Ministry of Family, Youth and Sports, there are about 130,000 «street children» in Ukraine. According to unofficial data, this figure is twice as much. Most children who leave home and choose a vagrant lifestyle justify their actions on family reasons and unwillingness to attend school. As these trends increase, the percentage of juvenile offenders, drug addicts, drug dealers and prostitutes increases accordingly. Sociological studies conducted in recent years in Ukraine strongly affirm that juvenile delinquency is inalienably linked to parents' parenting defects, inadequate preventive work of educational institutions, poor leisure arrangements, especially at the place of residence, media coverage of antisocial and criminal information that the teenager's mind most perceives and generates a desire for a criminal lifestyle (Chomu pokaznyky zlochyniv, vchynenykh nepovnolitnymi zrostaiut shchoroku 2019). The overall increase in the level of aggression in society caused by armed conflict in Ukraine and other processes is having a negative impact on the consciousness and worldview of children. According to the National Strategy for the Reform of the Child Justice System for the period up to 2023, more than 6.5 thousand juveniles commit criminal offenses each year, for which more than 3 thousand sentences are handed down (Pro skhvalennia Natsionalnoi stratehii reformuvannia systemy yustytzii shchodo ditei na period do 2023 r. 2018). The tendency to commit juvenile offenses remains unchanged. Thus, in 2016, this proportion accounted for 2.6% of the total number of crimes committed by minors over a specified period, and in 2017 – 2.3 %. In 2016, 22 % of convicted juveniles were outside the control of society at the time of the crime, had never studied or worked; in 2017, the proportion of such convicted juveniles was 24 %. As of January 1, 2018, from amongst the 1,224 minors who were registered by the authorities, 21 % of the minors did not work or study and about 50 % are brought up in a family with one parent. The largest group of crimes in children deprived of parental care (3/4 of all crimes) is theft (robbery, banditism, fraud), their share as a percentage of the proportion of juvenile delinquency to its total number is 74 % (Starko 2018). The second most prevalent group of crimes is against life and health, including trivial and moderate bodily injuries, homicides (8% share). The third place is occupied by «traffic» crimes related to illegal possession of a vehicle, violation of traffic rules (specific gravity is 7 %). The fourth place is occupied by «narcotic» crimes, in the sphere of drug trafficking, psychotropic substances and their analogues (specific gravity is 3 %). The fifth place is occupied by crimes against public order and morality, including hooliganism, vandalism (specific gravity is 2 %). This analysis of the qualitative characteristics of child crime helps to reveal the real trends and causes, the degree of social danger, as well as further in-depth study of the problem at different levels and the development of comprehensive measures to solve it. There is a tendency to

decrease the number of entities, in particular at the level of local self-government, territorial communities providing services for social prevention of offenses among children, introduction of mechanisms of control and quality assessment. However, social services, which have a preventive function in combating juvenile delinquency, primarily pay attention to children who are actually growing up without parental attention. Nonetheless, children who grow up in financially prosperous families, but who actually belong to themselves and «are brought up on the street», remain unattended. Without feeling protection from the parents and the state, children have to defend themselves, to assert themselves in society, to survive as well as they can. Among **the factors that influence the formation of unlawful behavior of children deprived of parental care, the increase in the number of offenses**, should be emphasized the following: the criminogenic environment in which they grow and under the influence of which their worldview and moral values are formed, the desire for self-realization and the establishment of authority among coevals, lack of upbringing and legal education; lack of understanding of the consequences of their unlawful acts, lack of available leisure programs.**Methodological basis of the research**

**The methodological basis of the research** is the general philosophical ideas of the humanistic understanding of the child as the highest value of society; general scientific principles of objectivity, integrity, comprehensive study of phenomena and processes in their interrelation and interdependence; principles of education, including systemacy, humanization, flexibility, rational combination of independence and creative activity, individualization and differentiation, etc. In the course of the research, a set of interrelated general scientific methods was used to analyze the results and to draw conclusions:

– ***theoretical: analysis and synthesis*** – to identify the essence of the phenomenon under study, to identify social, organizational and legal factors that influence the increase in the number of «street children»; ***analysis of legal documents*** in the sphere of education, current legislation of Ukraine, international treaties on protection of the rights of the child, statistics of child protection services of different regions of Ukraine, posted on official sites, also provided by law enforcement agencies and child protection services; ***content-analysis*** of early memories to identify lifestyle formulas and identify false judgments of the homeless; ***abstraction and generalization*** – for systematization and formulation of conclusions, definition of a problem research directions;

– ***empirical: conversation, survey, questioning, testing*** of children, parents, pedagogical workers, psychologists in order to study the causes of child and adolescent vagrancy; ***observational*** (direct and indirect surveillance of «street children»).

## RESULTS

An analysis of the source base of the research shows that Ukraine recognizes the uniqueness of childhood, the value of the child and the necessity of organization of special work to create a safe educational environment for the full harmonious development of each personality. This is especially affect children deprived of parental care. According to the Law of Ukraine «On the Protection of Childhood» (Article 1 of 01.01.2019, ground 2443-19), *children deprived of parental care* are children who are left without parental care due to the deprivation of their parental rights, by deprivation from their parents without deprivation of parental rights, recognition of parents missing or incapacitated, declaring them dead, serving sentences in places of confinement and being detained at the time of investigation, detection of them by the National Police related to lack of information about their location, the long-term illness of their parents, which prevent them from fulfilling their parental responsibilities, and children separated from their families, abandoned children, children whose parents are unknown, children who have been abandoned by their parents, children whose parents are not fulfilled their parental responsibilities for reasons that cannot be ascertained in connection with the stay of their parents on the temporarily occupied territory of Ukraine or in areas of counterterrorist operation, implementation of national security and defense measures, repulsion and deterrence of armed aggression of the Russian Federation in the Donetsk and Luhansk regions, and homeless children (Zakon Ukrainy pro okhoronu dytynstva 2019). In this research, we introduce the author's term «**street children**», referring to them as a separate category of children who legally have parents, but in fact they are not educated for certain reasons and circumstances. The United Nations Children's Fund (UNICEF) refers to this category of children who: do not interact with their own families and live in temporary shelters; maintain contact with the family, but because of poverty, various types of exploitation and abuse, they spend most of the day and sometimes nights outside on the street; children from boarding schools and orphanages who have escaped from them and are on the streets for various reasons etc. Such an interpretation of this category of children is incomplete, since it does not cover those children who are brought up in financially prosperous families, but the psychological climate in the family, misunderstandings, conflicts with parents forces the child to stay on the street, beg. This leads not only to a decrease in the educational and cultural level of children's development, manifestations of asocial and deviant behavior, but also to the emergence of such a social phenomenon as **social orphanage**. As a result of the research, legislative initiatives have been formed to improve the organizational and socio-legal support of proper childhood care. The organization of a safe educational environment for children deprived of parental care and «street children» should be based on certain priorities.

**Priority 1. *Child centrism*:** creating an educational environment that turns learning into a vibrant element of a child's life; development of the child in accordance with his/her age and

individual psycho-physiological characteristics and needs, individual styles, pace; formation of universal values; support for life optimism; development of independence; fostering creativity and curiosity; ensuring the freedom and rights of the child in all manifestations of his activity, ensuring the moral and psychological comfort of the child.

**Priority 2. *Recognition of the value of childhood***, in particular the rights of the child to study through activity, play; taking into account the values and interests of the child in order to form his / her vital competence.

**Priority 3. *The joy of knowledge***. The cognitive process that brings joy to the child.

**Priority 4. *Presumption of a child's talent. Prevention of social differentiation***. All forms of discrimination and separation of children are not allowed; the promotion of democratic values; human dignity / freedom / responsibility; inclusion.

**Priority 5. *Development of personality and conditions for its formation***. Pedagogical tasks are solved in an atmosphere of psychological comfort and support; impartial and fair treatment of every child, overcoming all forms of discrimination; instead of «learned helplessness» fostering independence, independent thinking; learning to cope with stress and tension; nurturing dignity, optimism, strong character traits and virtues.

**Priority 6. *Promoting the health of the child***. Creating the conditions for physical and psycho-emotional development.

**Priority 7. *Security***. Transforming the educational establishment into a safe place where there is no violence and harassment, bullying, and aggressive persecution. Bullers are usually those children who grow up without the prohibitions and authority of their parents, because of the lack of attention and respect of adults who constantly have to assert themselves at the expense of other people, to prove their superiority.

Psychological and pedagogical assistance to the aforementioned category of children should consist in the ability to form in these children the correct position in relation to people, the world and their place in it. To provide psychological assistance to children deprived of parental care and «street children», they often use the method of identity correction, which combines pedagogical diagnosis of the child's personality and corrective techniques. Pedagogical diagnostics is carried out by correlation of derivation with the basic scheme of the structure of personality consciousness, as well as with the use of projective methods of identification, the method of derivation of the realization of the need for recognition, trusting conversation, problematic projective situations. Thus, this work is grounded on the principle of the combination of psychological and pedagogical, legal and social rehabilitation assistance, based on diagnostic foundation, individual therapy, educational activity, which guarantees the fundamental rights and satisfies the needs and interests of children.

The implementation of such special practices and mechanisms as the «Green Room» Method, the procedure of social patronage, and individual prevention are also effective. The «Green Room» technique involves interviewing a child who has suffered or witnessed a crime in conditions that require international standards and minimize, prevent re-traumatization of the child's psyche (comfortable furniture, necessary video and audio recording equipment, teaching materials, comfortable atmosphere, special techniques), taking into account his/her individual-psychological and psycho-physiological properties. The «Green Room» for interviewing children includes two adjacent rooms: a treatment room where a specialist works – a police officer, a psychologist, a specialist in pediatrics, psychiatry, pedagogy; observation room – a working room for the specialists involved to monitor children's behavior.

Individual preventive measures for children deprived of parental care and «street children» are directed at influencing them and their social environment (microenvironment) for the purpose of positive correction of their behavior, elimination, relaxation or neutralization of criminogenic factors, formation of vital skills and legal consciousness, nurturing self-esteem, leadership, independent prudent self-position.

## **DISCUSSION**

The humanistic focus of modern education in Ukraine on the comprehensive development of the child, the implementation in the educational process of competent and personality-oriented approaches imply the creation of a **safe educational environment**, involvement in an active life in society, learning of their accumulated social experience (Kovalchuk 2018; Sydorenko et al. 2019). After all, childhood is an important stage of human ontogenesis from birth to adolescence, a unique period of his/her becoming and formation. During this period under the influence of various factors (heredity, environment, upbringing) his/her socialization, intense physical, mental, moral and volitional and spiritual development, preparation to adulthood come about. This period is characterized by certain peculiarities of child's cognition of the world and people, ways of perception (openness of the world, sincerity of communication, curiosity) and imaginative thinking, needs for vigorous activity, formation of common cultural values.

The Law of Ukraine «On Childhood Protection» states that childhood protection in Ukraine as a strategic nationwide priority is important for ensuring the national security of Ukraine, the effectiveness of the state's domestic policy, the realization of the child's rights to life, health care, education, social protection, comprehensive development and upbringing in the family environment, and sets out the basic principles of public policy in this sphere, based on providing with the best interests of the child (Zakon Ukrainy pro okhoronu dytynstva 2019). Unfortunately, such legal guidance is underdeveloped organizationally. Disorganization of leisure, alcoholization and



narcotisation of the child's environment, manifestations of bullying in the environment of minors, rising prices for essential goods, in particular children's, reducing the responsibility of parents for the upbringing children more and more create child homelessness and neglect – «street children» who legally have parents but are actually left on their own. Accordingly, such children lack for certain social skills; however their internal aggression, mistrust of society, parents, the world around them is growing. The Ukrainian scientist Rostyslav Bundz in his dissertation «Particular cruelty as a sign of juvenile crimes: determinants and warnings» describes the social and moral-psychological properties of children who are capable of offenses: indifference to the suffering of others; high level of anxiety; emotional imbalance; aggressive behavior; accumulation of psycho-traumatic experiences; self-centeredness; proneness to conflict; captiousness, tendency to quarrels and scandals, fights; vengeance, anger, envy, hatred, hysteria, manifestation of rage, sociopathy (Bundz 2019).

Despite the increased attention of Ukraine to the issues of protection of the rights and freedoms of the child, there are certain organizational, social and legal issues that need to be resolved and socially legitimized. The problem of legal and social protection of the «street children» and children deprived of parental care is, first of all, the insufficient elaboration of the legislative framework for the protection of their rights and freedoms. Thus, the Law of Ukraine «On Childhood Protection» does not specify the status of children who actually have parents, know about their whereabouts, but for a number of reasons do not live with them or live with their parents, but have no communication with them. For example, children of migrant workers, children from large families, children who are left on their own because of the employment of parents, or children of parents who are in conflict with each other (for example, divorced), etc. There are a number of other categories of children growing up in financially prosperous families, while the psychological atmosphere in the family, conflicts, misunderstandings, neglect (lack of proper control by the family and educational institutions on behavior, relationships, spending time) compels the child to choose a street as a place safer and more comfortable, contribute to the formation of an unacceptable, anti-social orientation or criminogenic motivation in the person. Although such children need special protection, they are not covered by the Law of Ukraine «On the Basics of Social Protection for Homeless Persons and Homeless Children». In fact, they are deprived of parental education for reasons other than those specified in Article 1 of the above mentioned Law. This category of children is legally protected, but in fact remains outlawed.

The legal framework for the protection of an adequate level of promotion of children's rights is a set of legal acts that cover the different perspectives of the formation and development of a child as a citizen, an integrated personality, a patriot of his/her state. Article 3 of the Constitution of Ukraine states that a person, his/her life and health, honor and dignity, inviolability and security are

recognized as of the highest social value. It is the duty of the state to protect human life. Also, Article 51 of the Constitution of Ukraine stipulates that parents are obliged to keep their children until they reach the age of majority (Konstytutsiia Ukrainy 2016). Unfortunately, the legal acts do not define the norms of a sufficient level of the proper child's maintenance.

Firstly, actually for a minimum wage of UAH 3,723 (Law of Ukraine «On the State Budget of Ukraine for 2018» Art. 8 (Pro derzhavnyi biudzhet na 2018 rik) an employable person is not able to ensure proper child support when the living wage for a child aged from 6 to 18 years is UAH 2,027 (Prozhytkovyi minimum Ukrainy 2019). About 30 million citizens have below-the-subsistence income. The state reimburses and provides financial support to these categories of people, but this requires a considerable number of bureaucratic obstacles to collect the necessary certificates, supporting papers, etc. Such a waste of time for working parents is impossible, and parents sometimes speculate on this right. As a result, the state pays some of them monetary funds that are used irrationally and not in the interests of the children, and the others do not receive any payments at all. Therefore, we can highlight the financial contradiction between the standards set out in the current legislation and the actual needs of children and parents. This is one of the reasons for the deterioration of the psychological climate in the family, conflicts. Due to the difficult financial situation in such families there are feelings of hopelessness, anger, and lack of social support from the state forms the motivation for crimes, including thefts, hooliganism and the like.

Secondly, according to the Family Code of Ukraine (Article 150), parents are obliged to bring up a child in a spirit of respect for the rights and freedoms of others, love for their family, people and motherland. It is forbidden any kind of exploitation by the parents of their child, physical punishment of the child by the parents, as well as the use of other types of punishment, which humiliates the human dignity of the child (Simeinyi kodeks Ukrainy 2019). However, the legal framework does not specify the mechanisms for detecting parental violations of their duties. Yes, systematic disrespect for a child, parental abuse can be claimed by the child, but the child may be in a state that does not understand the negative actions of adults or tries to conceal such facts. Social services, educators of educational establishments will find out about these facts as soon as the child escapes from the home, commits a crime, or other activities that pose a danger to others. Sometimes such facts could be avoided if the current legislation defined the degree of responsibility of pedagogical workers, the psychological service of the educational institution for the formal, negligent approach in the education and upbringing children, for failure to reveal the parents' improper fulfillment of their duties. Unfortunately, society does not perceive the need to perform properly assigned functions to the psychological service yet, especially in the education system.

Legal responsibility for the creation of reasons that encourage children to leave their parents is provided by the Code of Administrative Offenses. Article 184 provides that evading parents or their substitutes from fulfilling their statutory obligations to provide the necessary living, education and upbringing conditions for minor children. It is an administrative offense which entails the warning or imposition of a fine of fifty to one hundred tax-free minimum incomes (Kodeks Ukrainy pro administratyvni pravoporushennia 2019). Article 166 of the Criminal Code of Ukraine stipulates that willful failure by parents, their substitutes or legal guardians of the statutory duties of caring for a child (or of a person with enacted care), that caused grievous consequences, is punishable by a restraint of liberty or imprisonment for a term of two to five years (Kryminalnyi kodeks Ukrainy 2019). However, the legislation does not provide criteria for determining the degree of psychological pressure on a child, discomfort, etc.

### **CONCLUSION**

The research substantiates the organizational, psychological, pedagogical and socio-legal principles of creating a safe educational environment for children deprived of parental care and «street children». The focus of national education on the formation of a spiritual, creative personality involves improving the social status of the child; introduction of new educational technologies, methods and techniques of organization of safe educational environment; emergence of new directions of social work with children (creation of family-type orphanages; conducting psychodiagnostics, psychological correction and rehabilitation of children); interaction of children's institutions with parents, public associations for the purpose of promoting the value of the child, forming the pedagogical culture of the parents. However, at present, the state bodies of prevention, education, local authorities are paying undue attention to the involvement of minors in classes, societies and clubs. In many educational institutions, the efforts of educators are limited only by the organization of the teaching process, but educational work is considered secondary. Therefore, it is important to involve children deprived of parental care and «street children» in leisure activities by improving the facilities of children's extracurricular institutions, universal values education, such as honesty and justice, humanism and kindness, diligence, promotion of the best international practices and methods of protection of children's rights and freedoms.

### **RECOMMENDATIONS**

In general, the inadequate development of psychological, pedagogical and legal support for the proper protection of the rights, freedoms and legitimate interests of children deprived of parental care and «street children» creates preconditions for negative social processes. The child is the same citizen, human, but by age it cannot protect him/herself, create conditions for his/her own self-development and self-realization. It requires from adults and the state to create a safe educational

environment for the full development of the child, to provide the proper conditions for its socialization, harmonious physical, mental, moral and volitional, and spiritual development. We consider it necessary to develop and adopt the **Code of Safe Educational Environment**. The main purpose of the Code is to protect children from violence and abuse by their coevals in an educational institution, to teach children and adults safe interaction in the educational process. Such a legal act should provide for the development of criteria for the safety of children, protection of their rights and freedoms; teaching children, parents, educators the rules of safe personal behavior, developing skills to avoid potential risks and dangers, as well as skills to overcome difficulties in their own lives. New areas of social work with children should also be developed. It is important to work closely with children's institutions, secondary education institutions with their parents, public institutions, mass media, etc.

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