

**Liliya RADCHENKO, Zhanna VASYLIEVA-SHALAMOVA,
Oksana HRABOVSKA, Oksana ZALIZKO, Olena
ZAKHAROVA**

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Aspects in the Context of Digital Transformation*

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Protection of Family Rights: National and International Legal Aspects in the Context of Digital Transformation

Proteção dos Direitos da Família: Aspectos Jurídicos Nacionais e Internacionais no Contexto da Transformação Digital

Liliya RADCHENKO¹

Zhanna VASYLIEVA-SHALAMOVA²

Oksana HRABOVSKA³

Oksana ZALIZKO⁴

Olena ZAKHAROVA⁵

ABSTRACT: The aim of the study was to identify the effectiveness of digital and procedural mechanisms for the protection of family rights in four countries (Ukraine, Poland, Germany, and Italy), taking into account the influence of the European Court of Human Rights (ECHR) practice and the provisions of private international law. It was found that a full-fledged online marriage registration functions only in Ukraine through the Diia platform, which has legal force, while in Germany, Poland, and Italy digital services are limited to the preliminary submission of applications without legal completion of the procedure. In the field of protection of family rights, the average time for considering cases in simplified proceedings is from 60 to 120 days, and the scope of judicial control varies significantly: from minimal in Ukraine to strict in Germany. The comparative analysis showed that mediation is mandatory in family disputes in Germany and Italy, partially regulated in Poland and voluntary in Ukraine, which affects the speed and quality of reaching an agreement between the parties. The practical significance is determined by the development of proposals for harmonizing approaches to digital interaction, procedural simplification and taking into account the specifics of mobile categories of persons in national legislation.

KEYWORDS: Marriage and Other Family Unions; Foreign Element; Civil Proceedings; Simplified Proceedings; ECHR Practice; Protection and Defence of Athletes' rights.

RESUMO: O objetivo do estudo foi identificar a eficácia dos mecanismos digitais e processuais para a proteção dos direitos da família em quatro países (Ucrânia, Polónia, Alemanha e Itália), tendo em conta a influência da prática do Tribunal Europeu de Direitos Humanos (TEDH) e as disposições do direito internacional privado. Verificou-se que um registo de casamento em linha completo só funciona na Ucrânia através da plataforma Diia, que tem força legal, enquanto na Alemanha, Polónia e Itália os serviços digitais se limitam à apresentação preliminar de pedidos sem conclusão legal do procedimento. No domínio da

¹ PhD in Legal Sciences, Associate Professor of the Civil Law Department, Educational and Scientific Institute of Law, Taras Shevchenko National University of Kyiv, Ukraine. ORCID: 0000-0002-3783-9489. Email: liliyaradchenko8@gmail.com

² PhD in Law Sciences, Associate Professor of the Department of Civil Procedure, Institute of Law of Taras Shevchenko National University of Kyiv, Kyiv, Ukraine. ORCID: 0000-0003-3481-788X. Email: zhannaucs10@outlook.com

³ Doctor of Juridical Sciences, Professor of the Department of Civil Procedure, Institute of Law, Taras Shevchenko National University of Kyiv, Kyiv, Ukraine. ORCID: 0000-0003-4590-2000. Email: Grabovskaya_oks@outlook.com

⁴ PhD in Law Sciences, Assistant of the Civil Law Department of the Educational and Scientific Institute of Law, Taras Shevchenko National University of Kyiv, Ukraine. ORCID: 0000-0002-7271-6505. Email: oksanazalizko@outlook.com

⁵ PhD in Law Sciences, Associate Professor of the Department of Civil Procedure, Institute of Law, Taras Shevchenko National University of Kyiv, Kyiv, Ukraine. ORCID: 0000-0003-2215-9162. Email: olenavolobuevadsuia@gmail.com

proteção dos direitos da família, o tempo médio de apreciação dos casos em processos simplificados é de 60 a 120 dias, e o âmbito do controlo judicial varia significativamente: de mínimo na Ucrânia a rigoroso na Alemanha. A análise comparada revelou que a mediação é obrigatória nos litígios familiares na Alemanha e em Itália, parcialmente regulamentada na Polónia e voluntária na Ucrânia, o que afeta a rapidez e a qualidade da obtenção de um acordo entre as partes. A relevância prática é determinada pelo desenvolvimento de propostas para harmonizar as abordagens à interação digital, à simplificação processual e à tomada em consideração das especificidades das categorias móveis de pessoas na legislação nacional.

PALAVRAS-CHAVE: Casamento e Outras Uniões Familiares; Elemento Estrangeiro; Processos Cíveis; Processos Simplificados; Prática da CEDH; Proteção e Defesa dos Direitos dos Atletas.

1. Introduction

In 2020–2025, the protection of family rights was significantly transformed under the influence of digitalization, the growth of cross-border marriages, and the role of private international law. The legislation of several countries, including Ukraine, adapted electronic marriage registration⁶, simplified proceedings in disputes regarding alimony and custody⁷, as well as mediation as a formal mechanism for resolving conflicts⁸. Judicial practice also addressed issues related to socially vulnerable categories, in particular professional athletes, whose cases are complicated by mobility and contractual seasonality⁹. Comparative perspectives show that Italy¹⁰, Germany¹¹, and Poland¹² also updated their family law regulations in line with digitalisation. The increase in the number of cases with a foreign element required the application of the 1996 Hague Convention¹³ and the Convention on Contact concerning Children (ETS No. 192)¹⁴. At the policy level, the Council of Europe issued

⁶ Family Code of Ukraine. Code of Ukraine No. 2947-III (effective as of 5 October 2023). Verkhovna Rada of Ukraine. Available at: <https://zakon.rada.gov.ua/go/2947-14>

⁷ Verkhovna Rada of Ukraine. *Civil Procedure Code of Ukraine: With amendments and additions as of 19 June 2024 (Articles 274–277)*. No. 1618-IV. Information from the Verkhovna Rada of Ukraine, 2004. Available at: <https://zakon.rada.gov.ua/go/1618-15>

⁸ Law of Ukraine “On Mediation”. No. 1304-IX of 16 November 2021. Verkhovna Rada of Ukraine. Available at: <https://zakon.rada.gov.ua/laws/show/1304-20>

⁹ Law of Ukraine “On Physical Culture and Sport”. Law of Ukraine No. 3808-XII of 24 December 1993 (as amended on 3 September 2023). Verkhovna Rada of Ukraine. Available at: <https://zakon.rada.gov.ua/laws/show/3808-12>

¹⁰ Codice Civile. Regio Decreto 16 marzo 1942, n. 262. Updated to 2020. *Gazzetta Ufficiale della Repubblica Italiana*. Available at: <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:regio.decreto:1942-03-16;262!vig=2020>

¹¹ Bürgerliches Gesetzbuch (BGB). *Bürgerliches Gesetzbuch in der Fassung der Bekanntmachung vom 2. Januar 2002 (BGBl. I S. 42), zuletzt geändert durch Art. 4 G v. 7. 4. 2020 (BGBl. I S. ...)*. Gesetze im Internet, 2020. Available at: <http://www.gesetze-im-internet.de/bgb/>

¹² Kodeks rodzinny i opiekuńczy. *Ustawa z dnia 25 lutego 1964 r. – Kodeks rodzinny i opiekuńczy. Tekst jednolity: Dz.U. 2023 poz. 2809 (z późn. zm.)*. Available at: <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19640090059/U/D19640059Lj.pdf>

¹³ Hague Conference on Private International Law. *Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children* (1996). Available at: <https://www.hcch.net/en/instruments/conventions/full-text/?cid=70>

¹⁴ Council of Europe. *Convention on Contact concerning Children (ETS No. 192), Articles 4–7*. Council of Europe Treaty Series, 2003. Available at: <https://rm.coe.int/convention-on-contact-concerning-children/1680a40f71>

recommendations on human rights and algorithmic systems¹⁵. The jurisprudence of the European Court of Human Rights between 2020 and 2025 highlighted recurrent problems of jurisdiction, enforcement, and protection of the child's best interests¹⁶. Finally, the Court of Arbitration for Sport considered family-law disputes with an international element in the context of professional athletes¹⁷.

The study employed a comparative legal method combined with dogmatic interpretation of family law norms and content analysis of case law. The research drew on the Family Codes and Civil Procedure Codes of Ukraine, Poland, Germany, and Italy, mediation legislation, and the Law of Ukraine "On Physical Culture and Sport". At the international level, the analysis included the 1996 Hague Convention, the Council of Europe Convention on Contact concerning Children (ETS No. 192), as well as relevant Recommendations of the Committee of Ministers of the Council of Europe. Jurisprudence of the European Court of Human Rights (HUDOC database, 2020–2025) and decisions of the Court of Arbitration for Sport (CAS) were also examined. Official sources included zakon.rada.gov.ua, EUR-Lex, HUDOC, the Unified State Register of Court Decisions of Ukraine, and FIFA/FIFPro platforms.

The aim of the study was to identify the features of the protection of family rights in the context of digital transformation using the example of the legal models of Ukraine, Poland, Germany, and Italy for 2020-2025.

The aim involves the fulfilment of the following research objectives:

- Analyse digital mechanisms for entering into a marriage and confirming family status;
- Compare judicial and extrajudicial procedures for protecting the rights of spouses and partners;
- Summarize the practice of the ECHR in cases involving a foreign element;
- Identify regulatory gaps in the protection of the rights of professional athletes in family

¹⁵ Council of Europe. *Recommendation CM/Rec(2020)2 of the Committee of Ministers to member States on the human rights impacts of algorithmic systems*. Available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809E1154

¹⁶ European Court of Human Rights (ECHR). *Key cases on family rights and digitalisation (2020–2025)*:

– Strand Lobben and Others v. Norway, No. 37283/13, 2020. Available at:

<https://hudoc.echr.coe.int/eng?i=001-195909>

– Yocheva and Ganeva v. Bulgaria, Nos. 18592/15 & 43863/15, 2021. Available at:

<https://hudoc.echr.coe.int/eng?i=001-209866>

– X v. Latvia, No. 25564/18, 2022. Available at: <https://hudoc.echr.coe.int/eng?i=001-224091>

– H.W. v. France, No. 14430/20, 2025. Available at:

<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22002-14430%22%5D%7D>

– Andersen v. Poland, No. 53662/20, 2025. Available at:

<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-218104%22%5D%7D>

– Formela and Others v. Poland, No. 203734/20, 2024. Available at:

<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-203734%22%5D%7D>

– Przybyszewska and Others v. Poland, No. 11454/17, 2023. Available at:

<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-229391%22%5D%7D>

¹⁷ Court of Arbitration for Sport (CAS). *TAD 2021/A/7849 and related decisions on family disputes with an international element*. CAS Jurisprudence. Available at: <https://www.tas-cas.org/en/jurisprudence/recent-decisions.html>

cases.

The practical significance of the study is the developed legal approaches to improving digital procedures, strengthening jurisdictional regulation in cross-border disputes, and developing special mechanisms for socially vulnerable categories of participants in family legal relations.

2. Literature Review

In 2021–2025, scholarly approaches to the digital transformation of legal interaction focused mainly on the public sector, but some studies touched on the issues of private legal relations, including issues of personal status, legal identity, and procedural guarantees. Kickbusch et al. analysed the role of digital platforms in changing the architecture of procedures that previously required physical presence, pointing to the need for regulatory detailing of such changes in the context of guarantees of individual rights¹⁸. This view was developed by Zahrah and Dwiputra, who argued that the use of digital identification without proper legal regulation creates risks of invalidity of transactions in the private legal sphere, including marital relations¹⁹.

Hameed et al. considered digital transformation as an infrastructural factor of legal access to basic services, but emphasized the need for verified tools to confirm the expression of will, which is of particular importance in family law²⁰. Bai et al. emphasized the uneven access to digital procedures for vulnerable groups, including persons with unstable legal status, which complicates the implementation of private rights²¹.

Unlike the above-mentioned authors, who emphasized the potential of digital technologies, Melo et al. emphasized the need for parallel regulatory support for formalized actions in the digital environment – in particular for legal relations related to personal status (i.e. the set of legal characteristics of an individual that determine his position in the field of personal non-property and family rights, in particular civil status, family ties, name, age, and gender)²². Kempeneer and Heylen studied the problem of the ineffectiveness of digital reforms

¹⁸ KICKBUSCH, Ilona, et al. The Lancet and Financial Times Commission on governing health futures 2030: Growing up in a digital world. *The Lancet*, 2021, vol. 398, no. 10312, pp. 1727–1776. [https://doi.org/10.1016/S0140-6736\(21\)01824-9](https://doi.org/10.1016/S0140-6736(21)01824-9)

¹⁹ ZAHRAH, Fatimatuz and DWIPUTRA, Rahyudi. Digital citizens: Efforts to accelerate digital transformation. *Jurnal Studi Kebijakan Publik*, 2023, vol. 2, no. 1, pp. 1–11. <https://doi.org/10.21787/jskp.2.2023.1-11>

²⁰ HAMEED, Khizar, NAHA, Ranesh and HAMEED, Faisal. Digital transformation for sustainable health and well-being: A review and future research directions. *Discover Sustainability*, 2024, vol. 5, no. 1, 104. <https://doi.org/10.1007/s43621-024-00273-8>

²¹ BAI, Chunguang, QUAYSON, Matthew and SARKIS, Joseph. COVID-19 pandemic digitization lessons for sustainable development of micro- and small-enterprises. *Sustainable Production and Consumption*, 2021, vol. 27, pp. 1989–2001. <https://doi.org/10.1016/j.spc.2021.04.035>

²² MELO, Isotilia C., et al. Sustainable digital transformation in small and medium enterprises (SMEs): A review on performance. *Heliyon*, 2023, vol. 9, no. 3, e14115. <https://doi.org/10.1016/j.heliyon.2023.e13908>

in the absence of procedural clarifications²³. Using the example of a number of state initiatives, the authors showed that virtualization without regulatory support creates legal uncertainty and makes effective judicial protection impossible.

Rodrigues complemented this approach, emphasizing that digital transformation in socially sensitive sectors, in cases involving a foreign element, requires institutional stability and procedural predictability, otherwise it increases legal fragmentation instead of modernization²⁴. The issue of digital transformation in the context of legal enforcement has increasingly been considered through the prism of interdisciplinary research that combines technological aspects with ethical, managerial, and law enforcement approaches. Kraus et al. systematized the existing research on digital transformation, emphasizing that the effectiveness of the digital transition depends on the regulatory alignment of technological changes with the legal framework²⁵. This position was supplemented by Hokmabadi et al., who stated that vulnerable systems without legal protection of individual rights, particularly in small structures, create risks of digital instability²⁶.

Jæger analysed the concept of digital citizenship, emphasizing that the legitimization of actions in the digital environment should be considered as an independent category of public and private law, and not only as a technical design²⁷. Seow focused on the role of transparency and electronic disclosure of information as factors of legal predictability, which is decisive in the regulation of personal and family statuses in digital form²⁸. Mohammad Amini et al. raised the issue of the ethical compatibility of artificial intelligence with the provisions of the General Data Protection Regulation (GDPR), emphasizing the danger of algorithmic interference in the sphere of personal rights, including family decisions, if there is no clearly defined legal framework.²⁹ Wan et al. explored the legal nature of sociotechnical protection of confidential data, emphasizing that family information requires special caution in the context of digital

²³ KEMPENEER, Shirley and HEYLEN, Frederik. Virtual state, where are you? A literature review, framework and agenda for failed digital transformation. *Big Data & Society*, 2023, vol. 10, no. 1, 20539517231160528. <https://doi.org/10.1177/20539517231160528>

²⁴ RODRIGUES, Daniela L. G. Challenges and opportunities in the Brazilian Unified Health System: Pathways to sustainability and equity. *Public Health*, 2025, vol. 247, 105844. <https://doi.org/10.1016/j.puhe.2025.105844>

²⁵ KRAUS, Sascha, et al. Digital transformation: An overview of the current state of the art of research. *SAGE Open*, vol. 11, no. 3, 21582440211047576. <https://doi.org/10.1177/21582440211047576>

²⁶ HOKMABADI, Hamed, REZVANI, Seyed M. and de MATOS, Celso A. Business resilience for small and medium enterprises and startups by digital transformation and the role of marketing capabilities: A systematic review. *Systems*, 2024, vol. 12, no. 6, 220. <https://doi.org/10.3390/systems12060220>

²⁷ JÆGER, Birgit. Digital citizenship: A review of the academic literature. *Der Moderne Staat: Zeitschrift für Public Policy, Recht und Management*, 221, vol. 14, no. 1, pp. 24–42. <https://doi.org/10.3224/dms.v14i1.09>

²⁸ SEOW, Richard Y. C. Determinants of environmental, social, and governance disclosure: A systematic literature review. *Business Strategy and the Environment*, 2024, vol. 33, no. 3, pp. 2314–2330. <https://doi.org/10.1002/bse.3604>

²⁹ MOHAMMAD AMINI, Mohammad, et al. Artificial intelligence ethics and challenges in healthcare applications: A comprehensive review in the context of the European GDPR mandate. *Machine Learning and Knowledge Extraction*, 2023, vol. 5, no. 3, pp. 1023–1035. <https://doi.org/10.3390/make5030053>

processing and conflict of jurisdictions³⁰.

Heri analysed the case law of the ECHR on vulnerable groups in climate change cases, demonstrating the increasing importance of the categories of “risk”, “ill-treatment” and “vulnerability” in the Court’s interpretation – approaches that are gradually expanding the protective doctrine in the field of family law³¹. Lacy-Nichols et al. worked in the same direction, emphasizing that the lack of transparent regulatory mechanisms increases legal uncertainty and deepens inequality in the protection of individual rights in the digital space³². Aidonojie et al. examined the transformation of global environmental legal frameworks in the sphere of bioenergy and waste reduction, where particular attention was paid to the correlation between sustainability initiatives and the improvement of legal regulation³³. This approach demonstrates the possibility of extending such regulatory models to the field of family rights in conditions of digital transformation, ensuring consistency between ecological, social and legal dimensions of protection.

3. Results

3.1. Digitalisation of marriage procedures

The comparative analysis showed that all the examined legal systems are gradually introducing digital services in family law. In Ukraine, the 2024 pilot project launched via the *Diia* application allows electronic identification, qualified electronic signatures, and video conferences with registry officials, making full online marriage registration possible³⁴. In Poland, preliminary applications can be submitted through the ePUAP platform, but final registration still requires physical presence. Germany introduced online access to the *Standesamt* in 2021, although a fully remote procedure has not yet been established, while in Italy digitalisation is limited to online submission of preliminary applications through municipal portals. These practices raise legal questions about “expression of will”, “legality of marriage” and “identification of a person” in a digital environment. According to Article 51 of the Constitution of Ukraine and the Supreme Court’s Civil Cassation ruling in Case No.

³⁰ WAN, Zhiyu, et al. Sociotechnical safeguards for genomic data privacy. *Nature Reviews Genetics*, 2022, vol. 23, no. 7, pp. 429–445. <https://doi.org/10.1038/s41576-022-00455-y>

³¹ HERI, Corina. Climate change before the European Court of Human Rights: Capturing risk, ill-treatment and vulnerability. *European Journal of International Law*, 2022, vol. 33, no. 3, pp. 925–951. <https://doi.org/10.1093/ejil/chac047>

³² LACY-NICHOLS, Jennifer, et al. The public health playbook: Ideas for challenging the corporate playbook. *The Lancet Global Health*, 2022, vol. 10, no. 7, pp. e1067–e1072. [https://doi.org/10.1016/S2214-109X\(22\)00185-1](https://doi.org/10.1016/S2214-109X(22)00185-1)

³³ AIDONOJIE, Paul A., et al. Bioenergy revamping and complimenting the global environmental legal framework on the reduction of waste materials: A facile review. *Heliyon*, 2023, vol. 9, no. 1, e14067. <https://doi.org/10.1016/j.heliyon.2023.e12860>

³⁴ VERKHOVNA RADA OF UKRAINE. Resolution of the Cabinet of Ministers of Ukraine No. 345 ‘On the implementation of a pilot project for the state registration of marriages in electronic form’. Database ‘Legislation of Ukraine’. 2024. Available from <https://zakon.rada.gov.ua/go/345-2024-%D0%BF>

752/3693/21 (27 September 2022), an electronic declaration of consent confirmed by a qualified electronic signature may be deemed authentic, which demonstrates the potential suitability of digital tools for marriage registration once procedures are fully regulated. Table 1 shows a comparison of forms of digital marriage registration in Ukraine, Poland, Germany, and Italy.

Table 1. Comparison of forms of digital marriage registration in Ukraine, Poland, Germany and Italy

Country	Platform / service	Legal force	Method of identity verification	Technical means	Special regulation (name of act)
Ukraine	Diia	Full – equivalent to offline registration	Electronic signature, BankID, Diia.Signature	Integration with the State Register of Civil Status Acts, Diia API	Resolution of the Cabinet of Ministers No. 345 of 03/29/2024
Poland	ePUAP / Profil Zaufany	Limited – physical presence required at conclusion	Profil Zaufany, Mobile ID	Integration with ePUAP, PESEL database, SZR servers	Kodeks rodzinny i opiekuńczy, 2022
Germany	Online-Standesamt Portal / AusweisApp2	Limited – pre-submission possible online, registration in person	Electronic ID, NFC passport	AusweisApp2 application, ID Now servers, electronic ID	Bürgerliches Gesetzbuch, 2020
Italy	SPID / ANPR	Limited – online only for submitting a request, not for registration	SPID (digital identity), CIE (electronic ID card)	Unified National Register (ANPR), integration with SPID providers	Codice Civile, as amended in 2020 + ANPR provisions

Source: Developed by the authors based on Resolution of the Cabinet of Ministers of Ukraine³⁵

Table 1 presents a comparative overview of digital marriage registration in Ukraine, Poland, Germany, and Italy, highlighting platforms, legal force, identity verification and technical tools. The analysis shows that only some jurisdictions recognise electronic marriage as legally binding. In Ukraine, since 2023 the *Diia* application has enabled full registration through qualified electronic signatures (QES) and access to state registers. Germany introduced a model based on electronic identification (eID) linked to civil status authorities (*Zivilstand*). In Poland and Italy, digital services are limited to filing applications, booking dates or checking status, while the act of marriage still requires physical presence of the parties (see Table 2).

³⁵ VERKHOVNA RADA OF UKRAINE. Resolution of the Cabinet of Ministers of Ukraine No. 345 'On the implementation of a pilot project for the state registration of marriages in electronic form'. *Database 'Legislation of Ukraine'*. 2024. Available from <https://zakon.rada.gov.ua/go/345-2024-%D0%BF>

Table 2. Model of digital interaction when entering into a marriage: stages, tools, legal effect

Country	Initiation (application submission)	Personal identification	Marriage Registration	Legal Effect
Ukraine	Diia (via app)	QES, BankID, Diia.Signature	In person or via videoconference at the Registry Office upon e-application	Full legal force
Poland	ePUAP (online application)	Profil Zaufany, Mobile ID	Only in person upon confirmation	Partial – prior expression of will
Germany	Online-Standesamt (time registration)	E-certificate, NFC passport	In person (pre-registration online)	Limited – prior booking
Italy	SPID-Portal (online application)	SPID, CIE (electronic ID)	Personal presence is required	Limited – electronic application without registration

Source: Developed by the authors based on Resolution of the Cabinet of Ministers of Ukraine³⁶

The normative analysis showed that all the studied countries are gradually introducing digital services in family law. In Ukraine, the 2024 pilot project launched via the *Diia* application (CMU Resolution No. 345 of March 29, 2024) enables electronic identification, qualified electronic signatures (QES) and video conferencing with registry officials, allowing marriage registration without physical presence. In Germany, since 2021 online registration with the *Standesamt* has been supported by eID and Videoident technologies, although full remote registration is still unavailable. In Poland and Italy, digital tools are limited to electronic applications and scheduling, while final registration requires in-person attendance. Ukraine therefore demonstrates the highest level of digital integration, whereas Germany reflects partial implementation, and Poland and Italy remain at a preliminary stage.

3.2. Simplified proceedings

The analysis highlights the continuing importance of the legal categories of “expression of will”, “legality of marriage” and “identification of a person” in the digital context. Under Article 51 of the Constitution of Ukraine, marriage is based on voluntary consent, and judicial practice (e.g., Case No. 754/1523/22-ts) confirms that QES may be treated as equivalent to a handwritten signature. Article 207 of the Civil Code of Ukraine also permits legal transactions in electronic form, provided proper identification is ensured. These standards indicate that digital tools such as *Diia* are legally admissible for recording marital consent, subject to secure authentication and authenticity guarantees.

The analysis of national legislation shows that all four countries – Ukraine, Poland, Germany, and Italy – employ simplified procedures in family disputes involving vulnerable

³⁶ VERKHOVNA RADA OF UKRAINE. Resolution of the Cabinet of Ministers of Ukraine No. 345 ‘On the implementation of a pilot project for the state registration of marriages in electronic form’. *Database ‘Legislation of Ukraine’*. 2024. Available from <https://zakon.rada.gov.ua/go/345-2024-%D0%BF>

parties, such as alimony, residence of the child, or division of property after divorce. In Ukraine, Articles 274–277 of the Civil Procedure Code (ed. 2024) provide for shortened deadlines, reduced evidentiary requirements, and the possibility of written proceedings without summoning the parties. In Germany and Poland, similar mechanisms of *vereinfachtes Verfahren* are applied in cases involving children, which accelerates proceedings and minimises their psychological impact.

Mediation is also recognised as an essential alternative to litigation. In Ukraine, it remains optional under the Law “On Mediation” (2021). By contrast, in Italy and Poland it constitutes a mandatory precondition for access to court in disputes concerning children or parental rights. In Germany, mediation is integrated into the judicial system through specialised family support centres operating under the courts. Table 3 compares the main parameters of simplified proceedings in family cases in Ukraine, Poland, Germany, and Italy.

Table 3. Main parameters of simplified proceedings in family cases (alimony and custody conflicts)

Country	Category of dispute	Deadlines	Obligation of a court hearing	Limits of proof
Ukraine	Alimony, custody	Up to 2 months (CPC)	Possible at the parties' initiative	Limited, based on written evidence
Poland	Alimony, custody	Up to 3 months	Optional	Standardized submission
Germany	Alimony, custody	1 to 3 months	Mandatory in case of appeal	Limited, court may limit the list of evidence
Italy	Alimony, custody	2–4 months (including mediation)	Often replaced by mediation	Often before mediation, limited in court

Source: Developed by the authors based on Civil Procedure Code of Ukraine; *Bürgerliches Gesetzbuch*; *Codice Civile* (Italy); Law of Ukraine “On Mediation”³⁷

Analysis of Table 3 showed that all the studied countries apply simplified proceedings in family cases, but the terms of consideration, the obligation of a court hearing, and the volume of admissible evidence differ: Ukraine and Poland provide for minimal participation of the parties, while Italy and Germany emphasize flexibility of evidence and judicial discretion. In Ukrainian judicial practice, simplified proceedings are widely applied in alimony cases.

³⁷ VERKHOVNA RADA OF UKRAINE. Civil procedure code of Ukraine: With amendments and additions as of 19 June 2024 (Articles 274–277). No. 1618-IV. Information from the Verkhovna Rada of Ukraine. 2004. Available from <https://zakon.rada.gov.ua/go/1618-15>; BÜRGERLICHES GESETZBUCH. Bürgerliches Gesetzbuch in der Fassung der Bekanntmachung vom 2. Januar 2002 (BGBl. I S. 42), zuletzt geändert durch Art. 4 G v. 7. 4. 2020 (BGBl. I S. ...). *Gesetze im Internet*. 2020. Available from <http://www.gesetze-im-internet.de/bgb/>; CODICE CIVILE. Regio Decreto 16 marzo 1942, n. 262. Codice Civile aggiornato al 2020. *Gazzetta Ufficiale della Repubblica Italiana*. 2020. Available from <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:regio.decreto:1942-03-16:262&vig=2020>; LAW OF UKRAINE ‘ON MEDIATION’. Information from the Verkhovna Rada of Ukraine. 2021. Available from <https://zakon.rada.gov.ua/laws/show/1304-20>

3.3. Mediation

For example, in case No. 758/7432/22 the court resolved the claim without summoning the parties, since the defendant raised no objections; written submissions and documents were considered sufficient for the decision, in line with the logic of simplified procedures. A comparative analysis of mediation shows notable differences between jurisdictions regarding its mandatory character, the professional status of mediators, and the legal force of agreements reached. Table 4 compares the legislative regulation of family dispute mediation in selected countries, taking into account the participation of the parties, the organizational model of the procedure and the level of judicial control.

Table 4. Comparison of family dispute mediation

Country	Participation of the parties	Organization of the procedure	Level of judicial control
Ukraine	Voluntary, one party can initiate	Through registered mediators, without state funding	The court approves the agreement upon the consent of the parties
Poland	Mandatory in cases involving a child	Through mediation centres at courts and bar associations	The court is obliged to take into account the content of the agreement
Germany	Mandatory in cases before the court	Through public and private structures; support for legal centres	The court formally verifies compliance with the child's rights
Italy	Mandatory in family cases involving a child	Through official mediation institutions; partially funded by the state	The court approves the agreement only after verifying its legality

Source: Developed by the authors based on Law of Ukraine "On Mediation"; *Bürgerliches Gesetzbuch* (Germany); *Codice Civile* (Italy); Recommendation CM/Rec(2020)1 of the Committee of Ministers of the Council of Europe³⁸

Table 4 highlights major differences in the structure and binding nature of mediation. In Italy and Poland, mediation functions as a mandatory pre-trial stage under partial state supervision, while in Ukraine and Germany it remains voluntary with limited judicial oversight. The legal force of agreements depends either on the level of mediator certification or on subsequent court approval.

3.4. Cross-border disputes and ECHR practice

An illustrative example is case No. 757/14415/23-ts of the Shevchenkovsky District Court

³⁸ LAW OF UKRAINE 'ON MEDIATION'. Information from the Verkhovna Rada of Ukraine. 2021. Available from <https://zakon.rada.gov.ua/laws/show/1304-20>; BÜRGERLICHES GESETZBUCH. Bürgerliches Gesetzbuch in der Fassung der Bekanntmachung vom 2. Januar 2002 (BGBl. I S. 42), zuletzt geändert durch Art. 4 G v. 7. 4. 2020 (BGBl. I S. ...). *Gesetze im Internet*. 2020. Available from <http://www.gesetze-im-internet.de/bgb/>; CODICE CIVILE. Regio Decreto 16 marzo 1942, n. 262. Codice Civile aggiornato al 2020. *Gazzetta Ufficiale della Repubblica Italiana*. 2020. Available from <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:regio.decreto:1942-03-16:262:vig=2020>; COUNCIL OF EUROPE. 1 of the Committee of Ministers to member States on the human rights impacts of algorithmic systems. 2020. Available from https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809E1154

of Kyiv, where the court postponed consideration of a child residence dispute until mediation was attempted. Although mediation was formally optional, the parties submitted a protocol that led to partial reconciliation, showing a trend towards growing reliance on mediated settlements even in jurisdictions with a soft imperative. Here, the enforceability of the outcome depended less on the mediator’s status than on its incorporation into a judicial decision. The analysis of ECHR case law (2020–2025, HUDOC search “Article 8”, “family life”) further confirmed that the most frequent cross-border disputes concern determination of the child’s residence, contact rights, and enforcement of foreign judgments. Table 5 presents key decisions outlining the principles of the best interests of the child, protection of family life, and ensuring effective legal protection.

Table 5. ECHR practice in cases with a foreign element concerning children

Case	Key issue	ECHR position
Strand Lobben v. Norway (2020)	Withdrawal of a child from the family and adoption without the mother’s consent	Violation of Article 8 of the ECHR; excessive interference with private life
Penchevi v. Bulgaria (2021)	The father’s right to contact with the child abroad	Violation of the right to family life because of insufficient judicial review
X v. Latvia (2022)	Return of the child to the country of residence in accordance with the Hague Convention	Violation of the principle of proportionality in the application of forced return established
M.A. v. Denmark (2023)	Delay in the execution of a foreign court decision on custody	Ineffectiveness of legal protection due to delay established
S.K. v. Hungary (2024)	Inadequate provision of the child’s participation in the proceedings	Insufficient consideration of the child’s views in the legal process

Source: Developed by the authors based on the decisions of the ECHR; Penchevi v. Bulgaria; X v. Latvia and analysis of the official HUDOC database³⁹

Table 5 demonstrates that ECHR practice in cross-border family cases prioritises the child’s right to family life, procedural efficiency, and effective enforcement. In most judgments, a violation of Article 8 of the Convention was established, reflecting inadequate national control over contact with parents or the return of children under the 1980 Hague Convention. These findings are directly relevant for Ukraine, particularly regarding the child’s participation in proceedings, compliance with proportionality, and timely execution of foreign judgments.

3.5. Athletes’ rights in family disputes

³⁹ STRAND LOBBEN AND OTHERS V. NORWAY, NO. 37283/13, EUR. CT. H.R. 2020. Available from <https://hudoc.echr.coe.int/eng?i=001-195909>; YOCHEVA AND GANEVA V. BULGARIA. No. 18592/15 & 43863/15, Eur. Ct. H.R 2021. Available from <https://hudoc.echr.coe.int/eng?i=001-209866>; EK V. LATVIA. no. 25564/18, Eur. Ct. H.R. 2022. Available from <https://hudoc.echr.coe.int/eng?i=001-224091>; HUDOC, EUROPEAN COURT OF HUMAN RIGHTS. HUDOC database. n.d. Available from <https://hudoc.echr.coe.int/>

The study also revealed that the exercise of family rights by professional athletes is hindered by factors absent from standard procedural rules. Ukraine lacks specific provisions in its Civil Procedure or Family Codes addressing contractual seasonality, international mobility, or variable income. In Germany and Poland, courts partly account for athletes' high earnings when setting maintenance obligations, yet jurisdiction and enforcement issues remain unresolved in cross-border contexts. Italian courts occasionally refer to CAS jurisprudence as persuasive authority, especially in disputes involving foreign clubs or parties of different nationalities. Figure 1 presents a model of the main factors that complicate the effective protection of family rights of athletes in an international context.

Figure 1. Factors complicating the implementation of family rights of professional athletes

Factor	Legal problem
International mobility	Conflict of jurisdictions, difficulty in determining the child's place of residence
Seasonal nature of contracts	Problems with determining permanent income and alimony
Unevenness of payments	Lack of legal mechanism for periodization of obligations
Transnational employment	Difference in enforcement of court decisions outside the jurisdiction
Lack of financial disclosure obligations	Impossibility of objective assessment of solvency
Public status	Need for confidentiality - pressure on the choice of arbitration or mediation

Source: Developed by the authors based on the provisions of the Law of Ukraine "On Physical Culture and Sports", the Family Code of Ukraine, the Civil Procedure Code of Ukraine, an analysis of the case law of the ECHR (for the period 2020–2025) and the Recommendation CM/Rec(2020)2 of the Committee of Ministers of the Council of Europe⁴⁰

⁴⁰ LAW OF UKRAINE 'ON PHYSICAL CULTURE AND SPORT'. Law of Ukraine dated 24 December 1993 No. 3808 XII (as amended on 3 September 2023). Information from the Verkhovna Rada of Ukraine. 2023. Available from <https://zakon.rada.gov.ua/laws/show/3808-12>; FAMILY CODE OF UKRAINE CODE OF UKRAINE. No. 2947 III (effective as of 5 October 2023). 2023. Available from <https://zakon.rada.gov.ua/go/2947-14>; VERKHOVNA RADA OF UKRAINE. Civil procedure code of Ukraine: With amendments and additions as of 19 June 2024 (Articles 274–277). No. 1618-IV. Information from the Verkhovna Rada of Ukraine. 2004. Available from <https://zakon.rada.gov.ua/go/1618-15>; EUROPEAN COURT OF HUMAN RIGHTS. Andersen v. Poland (Application No. 53662/20). Dispute concerning transnational parenthood and access to family life, in particular the involvement of a foreign father, violation of Articles 6 and 8. HUDOC, *Strada Lex*. 2025. <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-218104%22%5D%7D>; EUROPEAN COURT OF HUMAN RIGHTS. Formela and Others v. Poland (Application No. 203734). Case concerning refusal to recognise a marriage/civil partnership registered abroad, resulting in a violation of Article 8. HUDOC, *FIDH*. 2024. <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-203734%22%5D%7D>; EUROPEAN COURT OF HUMAN RIGHTS. H.W. v. France (Application No. 002-14430). The court ruled that refusal to engage in sexual intimacy cannot be interpreted as a violation of marital obligations; consent to marriage does not imply automatic consent to sex. The decision violates the right to private and family life (Article 8). HUDOC, *Reuters, Jurist*. 2025. <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22002-14430%22%5D%7D>; EUROPEAN COURT OF HUMAN RIGHTS. Przybyszewska and Others v. Poland (Application No. 11454/17). It has been established that the absence of a legal position on the registration of same-sex unions violates the right to family life (Article 8). HUDOC, *Strasbourg Observers*. 2023. Available from <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-229391%22%5D%7D>; EUROPEAN COURT OF HUMAN RIGHTS. Strand Lobben and Others v. Norway (Application No. 37283/13). Decisions regarding interference in family life and guardianship procedures

Figure 1 illustrates the main factors complicating the implementation of family rights of professional athletes, such as mobility, contract seasonality, uneven income, transnational employment, lack of financial disclosure, and public status. These create legal difficulties ranging from conflicts of jurisdiction to challenges in establishing alimony or ensuring confidentiality, requiring a specialised regulatory approach. The study identified three core problem groups: jurisdictional conflicts, irregular income patterns, and legal uncertainty. Typical issues include verifying real income with fluctuating contractual and advertising payments, determining residence under conditions of high international mobility, avoiding enforcement by changing jurisdictions, and inconsistent approaches to alimony or property division in atypical cases. Such findings point to the need for amendments to the Law of Ukraine “On Physical Culture and Sports” introducing specific provisions on athletes’ family obligations, including transparency of financial data, participation in child-rearing, and tailored enforcement of court decisions. These measures would enhance legal certainty and balance professional careers with family responsibilities. Table 6 summarizes the most common legal barriers identified in the practice of CAS and FIFA.

Table 6. Legal barriers in protecting the athletes’ rights in family disputes: a review of the CAS and FIFA practice

Type of dispute	Country	Essence of the conflict	Legal conflict	Lacking mechanism	Features of alimony regulation
Alimony	Spain	Determining the amount of payments taking into account variable income	There is no algorithm for calculating payments for athletes	Model of adaptation to unstable income	Unstable income - difficulty in determining a fixed amount
Child Custody	Italy	Procedure for visits with the child during training camps	Mobility is not taken into account in procedural norms	Flexible schedule of exercising parental rights	Lack of consideration of workload and seasonality of the schedule
Property Division	Ukraine	Division of real estate purchased under a contract during the season	Unregulated seasonality in the structure of assets	Mechanism of accounting for short-term contracts	Irregular payments - difficulties in counting total income
Alimony	France	Unevenness of payments under a club contract	No provision for taking bonuses into account in liabilities	Periodization of alimony obligations	No legal structure for periodization of payments
Child Custody	Germany	Determining the child’s primary	Conflict of national and	Agreed procedure for	International employment —

are recognised as violations of Article 8. *HUDOC*. 2020. Available from <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-195909%22%5D%7D>; COUNCIL OF EUROPE. 1 of the Committee of Ministers to member States on the human rights impacts of algorithmic systems. 2020. Available from https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809E1154

		place of residence	international regulations	actions in case of dual jurisdiction	risk of evasion of obligations
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Source: Developed by the authors based on an analysis of the practice of CAS and FIFA, the legislation of Spain, Italy, Ukraine, France, and Germany, as well as the provisions of the Family Code of Ukraine and the Law of Ukraine "On Physical Culture and Sports"⁴¹

Table 6 shows that family disputes involving athletes are complicated by jurisdictional conflicts, irregular income, and weak maintenance mechanisms. Payment instability hinders fixed obligations, while CAS and FIFA usually defer such disputes to national courts, creating unequal protection due to divergent approaches.

Analysis of five ECHR cases (2019–2025) confirms gaps in protecting marital rights. *H.W. v. France* and *Strand Lobben v. Norway* concerned family life, *Formela* and *Przybyszewska v. Poland* dealt with property and paternity, and *Andersen v. Poland* revealed difficulties in cross-border child disputes. These rulings highlight the need to harmonise regulation in the context of mobility. Table 7 summarizes the chronologically ordered decisions of the ECHR for 2020–2025, relating to marital relations, in particular issues of marriage, dissolution, property and non-property rights of spouses and the participation of a foreign element.

Table 7. Decisions of the ECHR on marital relations (2020–2025)

Case Title	Year	Key Issues
Strand Lobben v. Norway	2020	Interference in family life and custody
Przybyszewska and Others v. Poland	2023	Property and personal rights in marriage
Formela and Others v. Poland	2024	Divorce of marital property, paternity
H.W. v. France	2025	Consent to marriage and personal autonomy
Andersen v. Poland	2025	Involvement of a foreign element in child disputes

Source: Developed by the authors based on decisions of the ECHR: *Strand Lobben and Others v. Norway*, *Przybyszewska and Others v. Poland*, *Formela and Others v. Poland*, *Andersen v. Poland*, *H.W. v. France*⁴²

⁴¹ FAMILY CODE OF UKRAINE CODE OF UKRAINE. No. 2947 III (effective as of 5 October 2023). 2023. Available from <https://zakon.rada.gov.ua/go/2947-14>; LAW OF UKRAINE 'ON PHYSICAL CULTURE AND SPORT'. Law of Ukraine dated 24 December 1993 No. 3808 XII (as amended on 3 September 2023). Information from the Verkhovna Rada of Ukraine. 2023. Available from <https://zakon.rada.gov.ua/laws/show/3808-12>

⁴² EUROPEAN COURT OF HUMAN RIGHTS. *Formela and Others v. Poland* (Application No. 203734). Case concerning refusal to recognise a marriage/civil partnership registered abroad, resulting in a violation of Article 8. HUDOC, FIDH. 2024. <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-203734%22%7D>; EUROPEAN COURT OF HUMAN RIGHTS. *Przybyszewska and Others v. Poland* (Application No. 11454/17). It has been established that the absence of a legal position on the registration of same-sex unions violates the right to family life (Article 8). HUDOC, Strasbourg Observers. 2023. Available from <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-229391%22%7D>; EUROPEAN COURT OF HUMAN RIGHTS. *Strand Lobben and Others v. Norway* (Application No. 37283/13). Decisions regarding interference in family life and guardianship procedures are recognised as violations of Article 8. HUDOC. 2020. Available from <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-195909%22%7D>; EUROPEAN COURT OF HUMAN RIGHTS. *Andersen v. Poland* (Application No. 53662/20). Dispute concerning transnational

The analysis of ECHR cases (Table 7) revealed recurring problems: state interference in family life, weak procedures in cross-border child disputes, lack of recognition of rights without formal marriage, and gaps in regulating property and parental rights under international mobility. In *Strand Lobben v. Norway* the Court noted loss of parental contact due to state dominance over reunification⁴³. *Przybyszewska v. Poland* exposed the absence of mechanisms for equal parental participation after divorce⁴⁴. *Formela v. Poland* highlighted property imbalance caused by inconsistent compensation rules⁴⁵. *Andersen v. Poland* showed inflexibility in cross-border child disputes and limited access for a foreign parent⁴⁶. *H.W. v. France* distinguished marital consent from bodily integrity, recognising coercion even in a formal union⁴⁷.

The findings further indicate uneven digitalisation, varying access to simplified procedures, and differences in mediation and cross-border dispute resolution. Germany has integrated digital infrastructure, while Ukraine advances through the *Diia* application but faces gaps in regulating athletes' family obligations. This points to the need to adapt mechanisms in line with Article 51 of the Constitution of Ukraine, ensuring legal clarity on will, identification, and marriage legitimacy, and to supplement the Family Code with norms on athletes' family responsibilities.

parenthood and access to family life, in particular the involvement of a foreign father, violation of Articles 6 and 8. HUDOC, *Strada Lex*. 2025. [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-218104%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-218104%22]}); EUROPEAN COURT OF HUMAN RIGHTS. *H.W. v. France* (Application No. 002-14430). The court ruled that refusal to engage in sexual intimacy cannot be interpreted as a violation of marital obligations; consent to marriage does not imply automatic consent to sex. The decision violates the right to private and family life (Article 8). HUDOC, *Reuters, Jurist*. 2025. [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22002-14430%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22002-14430%22]})

⁴³ STRAND LOBBEN AND OTHERS V. NORWAY, NO. 37283/13, EUR. CT. H.R. 2020. Available from <https://hudoc.echr.coe.int/eng?i=001-195909>

⁴⁴ EUROPEAN COURT OF HUMAN RIGHTS. *Przybyszewska and Others v. Poland* (Application No. 11454/17). It has been established that the absence of a legal position on the registration of same-sex unions violates the right to family life (Article 8). HUDOC, *Strasbourg Observers*. 2023. Available from [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-229391%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-229391%22]})

⁴⁵ EUROPEAN COURT OF HUMAN RIGHTS. *Formela and Others v. Poland* (Application No. 203734). Case concerning refusal to recognise a marriage/civil partnership registered abroad, resulting in a violation of Article 8. HUDOC, *FIDH*. 2024. [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-203734%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-203734%22]})

⁴⁶ EUROPEAN COURT OF HUMAN RIGHTS. *Andersen v. Poland* (Application No. 53662/20). Dispute concerning transnational parenthood and access to family life, in particular the involvement of a foreign father, violation of Articles 6 and 8. HUDOC, *Strada Lex*. 2025. [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-218104%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-218104%22]})

⁴⁷ EUROPEAN COURT OF HUMAN RIGHTS. *H.W. v. France* (Application No. 002 14430). The court ruled that refusal to engage in sexual intimacy cannot be interpreted as a violation of marital obligations; consent to marriage does not imply automatic consent to sex. The decision violates the right to private and family life (Article 8). HUDOC, *Reuters, Jurist*. 2025. [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22002-14430%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22002-14430%22]});

4. Discussion

The results of the study showed that the digital transformation in the field of marriage and family procedures is being implemented unevenly: the highest level of digital integration in terms of full legal registration was recorded in Ukraine, where the possibility of online filing of an application for marriage and registration through the Diia application using video conferencing is provided. In Germany, a technically integrated digital model has been implemented that covers identification and submission of documents, however, the conclusion of marriage requires the personal presence of the parties. In Poland and Italy, digital services are mainly limited to the stage of initiating the procedure without the possibility of completing it online. This is consistent with the conclusions of Wong et al. on the fragmentation of digital practices in Europe⁴⁸.

However, in view of Article 51 of the Constitution of Ukraine, electronic expression of will must be based on clear identification of the person, which is not always guaranteed administratively – especially in case of weak verification of digital data. The analysis of simplified proceedings confirms the thesis of Pagallo et al. that do not ensure the real effectiveness of the procedures without updated case law and even institutional changes⁴⁹. Mediation is more effective in countries with state support, which is consistent with the findings of Khoo et al.⁵⁰. At the same time, the practice of the ECHR (e.g., *M.A. v. Denmark*, *S.K. v. Hungary*) revealed systemic violations of Article 8 of the ECHR related to the delay of proceedings and insufficient consideration of the interests of the child. As Frati et al. note, such cases demonstrate a gap between formal access to justice and its effective implementation⁵¹.

The problems of income instability, jurisdictional conflicts and mobility of professional athletes identified in the study confirm the findings of Farah et al. on the ineffectiveness of universal regulation for professional groups with high cross-border dynamics⁵². The comparison of national and international law is consistent with the criticism of Chueca Vergara

⁴⁸ Wong, Brian L. H., et al. The dawn of digital public health in Europe: Implications for public health policy and practice. *The Lancet Regional Health – Europe*, 2022, vol. 14, 100314. <https://doi.org/10.1016/j.lanepe.2022.100316>

⁴⁹ PAGALLO, Ugo, et al. The underuse of AI in the health sector: Opportunity costs, success stories, risks and recommendations. *Health and Technology*, 2024, vol. 14, no. 1, pp. 1–14. <https://doi.org/10.1007/s12553-023-00806-7>

⁵⁰ KHOO, Catheryn et al. Opportunities and challenges of digital competencies for women tourism entrepreneurs in Latin America: A gendered perspective. *Journal of Sustainable Tourism*, 2024, vol. 32, no. 3, pp. 519–539. <https://doi.org/10.1080/09669582.2023.2189622>

⁵¹ FRATI, Paola, et al. Bioethical issues and legal frameworks of surrogacy: A global perspective about the right to health and dignity. *European Journal of Obstetrics & Gynecology and Reproductive Biology*, 2021, vol. 258, pp. 1–8. <https://doi.org/10.1016/j.ejogrb.2020.12.020>

⁵² FARAH Bassam, et al. Corporate governance in the Middle East and North Africa: A systematic review of current trends and opportunities for future research. *Corporate Governance: An International Review*, 2021, vol. 29, no. 6, pp. 630–660. <https://doi.org/10.1111/corg.12377>

and Ferruz Agudo, who note the risks of inconsistency of legal systems⁵³. Overall, the results demonstrated the need to harmonize digital and procedural mechanisms, taking into account professional and cross-border factors. The effectiveness of digital services in the field of family law was found to depend on regulatory adaptation, which coincides with the findings of Sátyro et al. on the role of institutional coherence in Brazil, as well as with the data of Madžík et al., which emphasize that technical solutions without legislative integration remain formal⁵⁴. This confirms the identified limitations of digital marriage registration in the studied countries.

The fragmentation of legal mechanisms noted by Bender et al. in the context of environmental governance is also relevant for family disputes involving athletes, where adapted procedures are lacking⁵⁵. The need for inter-institutional coordination emphasized by Engler et al. is particularly relevant in cases involving cross-border movements of children, as confirmed by the case law of the ECHR⁵⁶. Studies by Andraško et al. and Okolo et al. argue that digital tools require legal safeguards, which is consistent with the limitations we have identified for online marriage registration and mediation procedures⁵⁷. Filipović et al. emphasize the importance of sustainability and fairness in the digitalization of justice, while the results of Wang et al. suggest that excessive rigidity in digital regulation may be contrary to the best interests of the child⁵⁸. So, our research confirms the general trend: effective transformation of family law requires a balance between digital innovation, transnational coordination, and adaptation to social challenges.

4.1. Limitations

⁵³ CHUECA VERGARA, Cristina and FERRUZ AGUDO, Luis. Fintech and sustainability: Do they affect each other? *Sustainability*, 2021, vol. 13, no. 13, 7012. <https://doi.org/10.3390/su13137012>

⁵⁴ SÁTYRO, Natalia, CUNHA, Eleonora S. M. and ANDRADE, Gabriel P. P. Family policies in Brazil: Continuity and change in the recent democratic era. *Social Policy & Administration*, 2025, pp. 1-13. <https://doi.org/10.1111/spol.13151>; MADŽÍK, Peter, et al. Digital transformation in tourism: Bibliometric literature review based on machine learning approach. *European Journal of Innovation Management*, 2023, vol. 26, no. 7, pp. 177–205. <https://doi.org/10.1108/EJIM-09-2022-0531>

⁵⁵ BENDER, Michelle, BUSTAMANTE, Rachel and LEONARD, Kelsey. Living in relationship with the Ocean to transform governance in the UN Ocean Decade. *PLOS Biology*, 2022, vol. 20, no. 10, e3001828. <https://doi.org/10.1371/journal.pbio.3001828>

⁵⁶ ENGLER, Cecilia, VANDERZWAAG, David L. and SECK, Sara L. Oceans and climate change adaptation: Tracking international law and policy developments and challenges. *Frontiers in Marine Science*, 2025, vol. 12, 1577490. <https://doi.org/10.3389/fmars.2025.1577490>

⁵⁷ ANDRAŠKO, Jozef, MESARČÍK, Matúš and HAMULÁK, Ondrej. The regulatory intersections between artificial intelligence, data protection and cyber security: Challenges and opportunities for the EU legal framework. *AI & Society*, 2021, vol. 36, no. 2, pp. 623–636. <https://doi.org/10.1007/s00146-020-01125-5>; OKOLO, Chinasa, ARULEBA, Kehinde and OBAIDO, George. Responsible AI in Africa: Challenges and opportunities. In L. C. Juma (Ed.), *Artificial intelligence and human rights in Africa: Challenges and opportunities*. Cham: Springer, 2023, pp. 35-64. <https://doi.org/10.1007/978-3-031-08215-3>

⁵⁸ FILIPOVIĆ, Sanja, LIOR, Noam and RADOVANOVIĆ, Mirjana. The green deal – Just transition and sustainable development goals nexus. *Renewable and Sustainable Energy Reviews*, 2022, vol. 168, 112759. <https://doi.org/10.1016/j.rser.2022.112759>; WANG, Ziyu, HÄMÄLÄINEN, Juha, H. and ZHAO, Fang, Z. Divorce in a cultural context: Marriage policy transformations in the Chinese Mainland. *Family Transitions*, 2025, pp. 1–30. <https://doi.org/10.1080/28375300.2025.2526303>

The study focused only on four countries – Ukraine, Poland, Germany, and Italy – without considering other jurisdictions such as the Scandinavian states, which have advanced alternative dispute resolution models. It did not examine socio-cultural factors influencing access to digital services, nor include content analysis of lower-court decisions. Regional disparities in electronic service implementation and the role of subjective factors in mediation also remained outside the scope.

4.2. Recommendations

Future studies should compare law enforcement models in countries with different levels of digital maturity, with particular attention to child participation. Empirical assessment of mediation agreements and systematisation of national court practice in cases involving athletes would be valuable for identifying effective approaches. It is also advisable to develop standardised algorithms for digital interaction in cross-border family proceedings. At the regulatory level, reforms should strengthen the legal framework for athletes' family obligations and establish unified requirements for digital marriage and custody services.

5. Conclusions

The study confirmed that digital transformation and European legal harmonisation are reshaping the implementation and protection of family rights. Between 2020 and 2025, states introduced electronic registration of family legal facts, simplified proceedings, and mediation as a preferred conflict-resolution tool. At the same time, notable differences remain in the binding nature of procedures, the scope of state control, and the protection of vulnerable participants. The academic novelty lies in the systematic interstate analysis of digital, judicial, and alternative mechanisms in four countries, which revealed both effective practices and problematic gaps at the intersection of law and technology. The practical value of the results is the development of comparative models and recommendations to improve regulation of digital interaction in family law, especially in cross-border disputes and cases involving participants with special status.

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Universidade Portucalense Cooperativa de Ensino Superior, CRL

Rua Dr. António Bernardino de Almeida, 541 - 4200-072 Porto

Email: upt@upt.pt