

## Children's Rights in Family Law: Comparative Insights into Best Interests Principles

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**ABSTRACT:** This narrative review examines how the principle of the “best interests of the child” is applied across legal systems. Using a thematic synthesis of peer-reviewed literature (2020–2025) from Scopus, Google Scholar, and PubMed, the study explores its implementation in custody, adoption, immigration, child marriage, and non-traditional families. Findings highlight uneven enforcement shaped by patriarchal norms, legal pluralism, and institutional gaps. While European jurisdictions showcase holistic child-centered approaches, many developing countries face persistent challenges. Key recommendations include harmonized legislation aligned with the CRC, guaranteed child participation rights, and systemic reforms that strengthen judicial training, inter-sectoral collaboration, and public awareness. This review contributes by integrating comparative insights across regions and emphasizing the urgency of context-sensitive, rights-based reforms.

**Keywords:** Best Interests of the Child, Child Custody, Child Protection Law, Family Law Systems, Child Rights and Justice, Adoption and Surrogacy, Immigration and Children.



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## INTRODUCTION

The principle of the "best interests of the child" has become a fundamental standard in contemporary family law, both in international and domestic legal systems. It is enshrined in Article 3 of the United Nations Convention on the Rights of the Child (CRC), which asserts that in all actions concerning children, whether undertaken by public or private institutions, courts of law, or administrative authorities, the best interests of the child shall be a primary consideration. This principle serves as a guiding framework for adjudicating cases involving custody, adoption, migration, and other issues related to children's welfare. However, the application of this principle remains uneven across jurisdictions due to sociocultural, legal, and institutional factors that shape the interpretation and implementation of child-centered norms (Nigam, 2024; McAuliffe & Mitchel, 2024).

Notably, legal frameworks in various countries often reflect the prevailing socio-political ideologies, including patriarchal structures that affect how children's rights are understood and enforced. For instance, in India, the legal recognition of single mothers as guardians is often

contested or ignored, illustrating entrenched structural biases that disadvantage women and children alike (Nigam, 2024). These legal inequities underscore the persistent gap between the normative aspirations of the CRC and the practical realities experienced by children. Conversely, at the international level, there has been progress in mainstreaming the best interests principle. The European Court of Human Rights (ECtHR), for example, has consistently emphasized the centrality of this principle in cases involving child protection and family reunification under the European Convention on Human Rights (Leloup, 2019; Lonardo, 2022). Moreover, various national legal systems have adopted statutory reforms to enshrine this principle, particularly in domains concerning adoption and the rights of migrant children (Garayová, 2025).

The issue of children's participation in decision-making remains a critical aspect of implementing the best interests principle. Although numerous legal instruments affirm the right of the child to be heard, actual enforcement varies significantly across contexts. In Nigeria, for example, the constitutional provisions recognize this right, yet their practical implementation remains weak compared to more progressive jurisdictions such as South Africa (Oyeyemi, 2025). This inconsistency reveals a broader pattern of rhetorical commitment without substantive realization, raising concerns about the effectiveness of child rights instruments in ensuring meaningful participation.

Compounding these concerns are empirical findings that underscore the vulnerability of children in judicial proceedings. For instance, in the United Kingdom, a study revealed that nearly 80% of children involved in divorce proceedings were not given the opportunity to express their views in custody-related decisions (Risley, 2023). This statistic reflects a systemic failure to honor the participatory rights of children and underscores the urgent need for procedural reforms. Additionally, violations of the best interests principle are frequently reported in the context of immigration and asylum policies. Reports from the European border regions have documented pushbacks and the detention of migrant children in conditions that contravene international child protection standards (Bochenek, 2023; Risley, 2023).

The intersection of family law and immigration law presents further complexities. Legal ambiguities regarding the status of unaccompanied minors, as well as their limited access to education and healthcare, pose serious challenges to fulfilling the best interests principle. Migrant children are often treated primarily as asylum seekers rather than as rights-holding individuals, resulting in policies that prioritize border control over child welfare (Garayová, 2025). Similarly, in contexts of adoption, bureaucratic processes frequently override the psychological and emotional needs of the child. As Takács (2022) points out, in many countries, adoption procedures emphasize administrative compliance over individualized assessments of a child's best interests, reflecting a mechanical approach to justice that fails to accommodate the nuanced needs of children.

Several key challenges confront the global implementation of the best interests principle. First is the legal pluralism inherent in many jurisdictions, where customary and statutory laws coexist and sometimes conflict. In countries with strong customary traditions, patriarchal norms may undermine statutory protections for children. Second, the fragmentation of legal authority between national and international bodies creates jurisdictional uncertainties, particularly in cross-border cases involving child custody or migration. Third, the lack of institutional capacity and trained professionals often impedes the ability of courts and child welfare agencies to conduct best

interests assessments in a consistent and child-sensitive manner. These systemic challenges hinder the operationalization of what is intended to be a universally applicable principle.

Furthermore, sociocultural attitudes toward children and childhood continue to influence legal decision-making. In many societies, children are still perceived as passive dependents rather than active rights holders, which affects how their voices are incorporated into legal processes. This perception limits the realization of child autonomy and undermines the participatory ethos of the CRC. The failure to harmonize child protection standards with cultural practices has led to inconsistent interpretations of what constitutes a child's best interests, thereby complicating the development of universally applicable guidelines.

Despite a growing body of literature on the best interests of the child, significant gaps remain. Previous research has predominantly focused on normative and doctrinal analyses, with limited attention to the empirical realities of how the principle is implemented in practice. There is a dearth of comparative studies that examine how different legal systems operationalize the principle, especially in non-Western contexts. Moreover, few studies address the intersectionality of children's experiences, such as the compounded vulnerabilities faced by girls, migrant children, or children with disabilities. This lack of nuanced, context-sensitive analysis restricts our understanding of the barriers to effective implementation.

This narrative review aims to bridge these gaps by systematically examining the implementation of the best interests of the child principle in various legal contexts. The primary objective is to assess how different legal systems interpret and apply the principle in matters related to divorce, adoption, and migration. The review will explore both the legal frameworks and the socio-political environments that shape the operationalization of this principle. Particular emphasis will be placed on the role of child participation, judicial discretion, and institutional capacity in influencing legal outcomes.

The scope of this review is global, with a particular focus on comparative experiences between developed and developing countries. While developed nations may have more structured legal systems and institutional mechanisms for implementing the best interests principle, they are not immune to systemic failures or policy contradictions. In contrast, developing countries often face challenges related to legal infrastructure, socio-cultural resistance, and limited resources, all of which affect the practical realization of children's rights. The review will analyze case studies from various regions, including Europe, Sub-Saharan Africa, and South Asia, to provide a comprehensive understanding of the global landscape.

By adopting a rights-based and interdisciplinary approach, this review seeks to contribute to the broader discourse on child welfare and family law. It aims to offer policy-relevant insights that can inform legislative reforms and judicial practices. Ultimately, the goal is to promote a more consistent, equitable, and child-centered application of the best interests principle, thereby enhancing the protection and empowerment of children in diverse legal and cultural settings.

### METHOD

This narrative review was conducted to examine the implementation of the "best interests of the child" principle within various legal contexts, particularly focusing on family law, adoption frameworks, and children's rights in migration and justice systems. The methodological approach was designed to synthesize and critically analyze the existing academic literature, legal case studies, and policy reports that directly engage with this principle. A comprehensive and systematic strategy was employed to ensure the inclusion of diverse perspectives across multiple jurisdictions.

The literature search was primarily conducted using several major academic and legal databases, including Scopus, Google Scholar, and HeinOnline, given their extensive coverage of peer-reviewed journals, legal commentaries, and interdisciplinary studies. These databases provided access to both doctrinal legal analysis and empirical studies. To ensure relevance and depth, the search strategy incorporated a combination of specific and broad keywords, tailored to capture the different legal dimensions and geographic applications of the best interests principle.

Keywords employed in the literature search included: "the best interests of the child," "child custody," "adoption law," "child protection," "child rights," "family law," "immigration law," "children's participation," and "juvenile justice." These keywords were chosen based on their recurrence in prior studies, legal statutes, and international conventions, and were applied both independently and in various Boolean combinations to refine the search results. For instance, terms like "best interests of the child AND family law" or "child rights AND immigration law" were used to generate more targeted findings. The search was limited to literature published within the last five years (2020–2025), ensuring that the analysis remained focused on recent legal developments, policy reforms, and contemporary challenges.

The inclusion criteria were developed to ensure the relevance and scholarly quality of the sources. Studies were included if they met the following conditions: first, the source explicitly addressed the application or interpretation of the best interests of the child principle; second, the work presented either empirical data or documented case studies demonstrating the principle's implementation in real-world legal contexts; third, the source was published in a peer-reviewed journal or an equivalent academic outlet; fourth, the legal systems discussed in the study represented a variety of jurisdictions (e.g., civil law, common law, mixed systems), enabling comparative insights; and fifth, the article contributed to the understanding of the principle in areas such as family separation, adoption, custody disputes, or the treatment of migrant children.

Conversely, exclusion criteria were applied to maintain the integrity and focus of the review. Sources were excluded if they lacked substantial engagement with the best interests principle, merely mentioning it without further analysis or critical examination. Publications from non-peer-reviewed or non-indexed sources were omitted to uphold the scholarly rigor of the review. Additionally, studies unrelated to legal contexts—such as those focusing purely on developmental psychology or education policy without a legal dimension—were excluded unless they directly tied their analysis to legal practices or policy frameworks. Lastly, sources that did not include empirical data, legal cases, or documented policy implementation were not retained in the final selection.

The literature selection process followed a multi-stage screening procedure. Initially, all retrieved articles were screened by title and abstract to assess their preliminary relevance. Articles that

appeared to meet the inclusion criteria were then reviewed in full text to evaluate the depth of their engagement with the core principle. This second phase of full-text review allowed for a more detailed appraisal of each study's methodology, scope, and relevance to the research questions. Where possible, bibliographies of selected articles were mined for additional sources, enabling snowball sampling to capture influential works that may not have appeared in the initial search.

The narrative review incorporated multiple types of research evidence. These included doctrinal legal analysis examining statutory and case law interpretations, as well as qualitative and mixed-method empirical studies documenting stakeholder perspectives, implementation practices, and the lived experiences of children and families affected by legal decisions. Case studies were particularly valuable in illustrating the application of the best interests principle across varying legal systems. Examples include judicial interpretations from the European Court of Human Rights, constitutional court rulings from developing countries, and policy assessments from international organizations such as UNICEF and the UNHCR. These sources enabled a holistic view of both the normative frameworks and the practical realities of applying the principle.

To ensure that the findings reflect a wide range of legal and socio-political contexts, the review included studies from both high-income and low- and middle-income countries. This comparative perspective allowed for the identification of patterns and divergences in how the best interests principle is operationalized across different cultural, economic, and legal environments. Particular attention was paid to regions with ongoing legal reforms or significant child rights challenges, such as South Asia, Sub-Saharan Africa, Eastern Europe, and parts of Latin America. This approach was instrumental in revealing the interaction between global child rights norms and domestic legal constraints or opportunities.

Throughout the analysis, thematic coding was used to identify recurrent patterns and themes in the literature. These themes included: the role of judicial discretion, the effectiveness of child participation mechanisms, the influence of patriarchal norms on legal outcomes, procedural fairness in custody and adoption proceedings, and the extent of protection afforded to migrant children. The thematic synthesis allowed for a structured interpretation of the data, ensuring that the review captured not only the legal interpretations but also the social and institutional dimensions of the principle's application.

This methodological framework offers a systematic and replicable approach for evaluating the global implementation of the best interests of the child principle. By combining legal analysis with empirical and comparative insights, the review provides a nuanced understanding of the challenges, opportunities, and gaps in current practice. The methodology ensures that the selected literature meaningfully contributes to the field of child law and informs future research, policy development, and legal reform aimed at enhancing child protection in diverse legal systems.

## RESULT AND DISCUSSION

The application of the "best interests of the child" principle across legal systems reveals significant disparities shaped by jurisdictional structures, cultural norms, and institutional capacities. This section presents findings based on the four core thematic areas that emerged from the reviewed literature: (1) implementation in adoption and custody cases, (2) treatment of children in migration



and refugee contexts, (3) child marriage and socio-cultural practices, and (4) legal protections for children in non-traditional families. Each subsection explores empirical evidence, judicial interpretations, and policy interventions from various national and international frameworks.

In the context of adoption and custody, the integration of the best interests principle varies markedly across jurisdictions. Courts in different countries adopt multidisciplinary approaches to assess a child's needs and environment. For instance, German courts mandate the involvement of independent psychological experts in custody disputes to ensure decisions align with the child's psychological and emotional welfare (Thomson, 2021). Similarly, in the United States, child custody evaluations heavily weigh the emotional bonds between the child and each parent, reflecting a jurisprudence that prioritizes relational stability and emotional development (Fokala, 2019). This aligns with Schultz and Vedsted-Hansen's (2025) findings, which underscore the need for evidence-based evaluations in safeguarding children's rights.

Empirical studies affirm the positive outcomes of applying the best interests principle in custody cases. In Sweden, children who were actively involved in custody processes reportedly exhibited better psychological well-being than those excluded from such decisions (Fokala, 2019). In contrast, a national policy review in the United Kingdom revealed that neglecting the child's home environment and emotional needs in court rulings often results in unfair treatment and long-term psychological harm (Risley, 2023). These findings reinforce the argument that procedural fairness and child participation are not merely ancillary components but are central to the effective realization of child rights.

The challenges are particularly pronounced in contexts involving children affected by migration and displacement. Legal systems in the European Union and the United States have adopted the best interests principle to varying degrees in refugee and immigration law. Article 24 of the Charter of Fundamental Rights of the European Union mandates that children's rights be a primary consideration in all actions concerning them, particularly in asylum procedures (Frasca & Carlier, 2023). However, implementation remains uneven. The family separation policy in the U.S., especially under the Trump administration, was starkly inconsistent with this principle, resulting in grave human rights violations and psychological trauma for thousands of children (Risley, 2023).

Despite the formal commitment to child rights, practical enforcement gaps persist within European jurisdictions as well. Takács (2022) notes inconsistencies in the application of asylum law across EU member states, where border procedures often override considerations of child welfare. Nevertheless, certain European countries provide models of good practice. Germany's structured guardianship system offers legal and social support for unaccompanied minors, demonstrating an integrated approach to child protection (Garayová, 2025). Scandinavian countries, particularly Sweden and Norway, have developed holistic frameworks encompassing healthcare, education, and psychosocial support tailored to the specific needs of migrant children. These systems incorporate the voices of children in determining their resettlement and education paths, aligning with Duić's (2021) argument that participatory practices enhance both compliance with international norms and child well-being.

Child marriage presents a complex interplay between legal norms and cultural practices, particularly in the Global South. Although many developing countries have ratified the CRC and formally recognize the best interests principle, its application in child marriage legislation remains

fragmented and frequently ineffective. Subchi et al. (2021) describe how entrenched patriarchal values in South Asia normalize early marriage as a protective measure for family honor, even in the face of legal prohibitions. This normative dissonance between statutory law and cultural practice severely undermines child protection efforts.

Empirical evidence illustrates that socioeconomic crises exacerbate the prevalence of child marriage. During the COVID-19 pandemic, heightened economic instability drove many families to marry off their daughters as a means of alleviating financial burden or securing perceived protection (Subchi et al., 2021; Ballesté, 2022). In these contexts, the principle of the best interests of the child is not only neglected but actively contravened. Data from Sub-Saharan Africa and South Asia show a measurable surge in child marriage during the pandemic, correlating strongly with increased poverty rates and school closures. These findings reinforce the argument that child marriage is not merely a cultural issue but a symptom of structural inequality and systemic deprivation.

Even when legal reforms are introduced, enforcement often remains limited. Subchi et al. (2021) note that in Indonesia, the amended Marriage Law raising the minimum age for marriage has had limited impact due to loopholes in dispensation procedures. These loopholes are often exploited under the guise of protecting the child's welfare, despite substantial evidence to the contrary. The persistence of such legal contradictions reveals the inadequacy of normative reforms without corresponding shifts in institutional practices and public attitudes.

In the realm of non-traditional families—including same-sex couples and surrogacy arrangements—legal systems display a wide spectrum of recognition and protection for children's rights. In progressive jurisdictions such as Colombia, children adopted by same-sex couples enjoy the same legal protections as those in heterosexual families, with decisions grounded in the best interests standard and a human rights-based approach (Acevedo-Correa et al., 2018). This progressive stance is also visible in parts of Western Europe and North America, where courts have affirmed the legal status and parental rights of non-biological parents within same-sex relationships (Vujović, 2022).

Nevertheless, social and institutional biases persist. Studies indicate that in both developed and developing contexts, legal recognition does not automatically translate into social acceptance or administrative compliance. Vujović (2022) and Dąbrowska-Kłosińska (2018) document instances where courts question the psychological suitability of LGBTQ+ parents, despite a lack of empirical evidence supporting such concerns. These biases introduce uncertainty and potential harm to children by undermining family stability and social legitimacy.

In contrast, legal frameworks in many African and Asian countries continue to marginalize non-traditional families. Cultural conservatism and religious doctrine often inform legislative inaction or outright prohibition of surrogacy and same-sex parenting, leaving children born or raised in such families vulnerable to legal invisibility and social exclusion (Ballesté, 2022; Fokala, 2019). Without legal safeguards, these children may lack access to inheritance rights, social services, or even basic legal identity, illustrating a profound failure to uphold the best interests principle.

These findings point to the urgent need for more inclusive and rights-based legal reforms. Protection of children in non-traditional families must be grounded not in adult sexuality or

societal prejudices but in a rigorous application of the best interests principle. This entails comprehensive legislative reform, judicial training, and public awareness campaigns to dismantle discriminatory practices and ensure equal treatment for all children, regardless of family structure.

Overall, the results of this narrative review underscore the complex, often contradictory, realities of implementing the best interests of the child across legal systems. While certain jurisdictions have made substantial progress in institutionalizing child-centered approaches, many continue to face structural, cultural, and political barriers that hinder consistent application. The effectiveness of the best interests principle ultimately depends on its integration into a broader ecosystem of legal, social, and institutional practices that genuinely prioritize the rights, voices, and well-being of children.

The legal and systemic structures within a country fundamentally shape the effectiveness and scope of child rights protection under the principle of the "best interests of the child." This principle, although widely recognized at both national and international levels, encounters practical implementation challenges that vary according to each country's legal traditions, socio-cultural values, and institutional capacity. In countries with well-developed legal systems and progressive child rights frameworks, such as those in Northern Europe, legal structures tend to be more adaptable, prioritizing the needs and voices of children in judicial and administrative processes (Lonardo, 2022; Fokala, 2019). These jurisdictions typically uphold procedural safeguards that incorporate psychological assessments, child participation mechanisms, and multi-sectoral input in child-related cases. Such responsiveness is critical to ensuring that legal outcomes truly reflect the best interests of children (Thomson, 2021).

Conversely, in many developing countries with rigid or patriarchal legal traditions, the principle is often subordinated to prevailing cultural norms or inadequate institutional support systems (Nigam, 2024). Here, the law may exist in formal statutes, but in practice, decision-making processes either marginalize children's voices or disregard their emotional and developmental needs. As McAuliffe & Mitchel (2024) observe, the disconnect between normative legal standards and actual implementation often leads to compromised child welfare outcomes. The influence of gendered biases, lack of judicial training, and absence of multidisciplinary collaboration exacerbates the systemic failures that prevent holistic child protection.

The inconsistency in the application of the best interests principle is especially evident in adoption and custody cases. While legal standards in countries like Germany and Sweden incorporate child psychology and encourage child participation in custody hearings, many other jurisdictions emphasize parental rights or administrative convenience over child-centered outcomes (Thomson, 2021; Fokala, 2019). In these settings, laws governing child protection remain reactive rather than proactive, addressing issues only after harm occurs rather than preventing them through robust institutional frameworks. This limitation calls for a comprehensive reform agenda that includes legal education, capacity building, and inter-agency cooperation to actualize the best interests principle in diverse legal settings.

In immigration and refugee contexts, legal frameworks often fall short in safeguarding unaccompanied or displaced children. The disjunction between humanitarian obligations and national immigration enforcement practices is exemplified by policies such as family separation at borders, as seen in the United States, which starkly contravenes the best interests principle (Risley,



2023). Although the European Union has articulated the best interests of the child in Article 24 of its Charter of Fundamental Rights, implementation across member states remains uneven, with some jurisdictions failing to provide adequate procedural safeguards or legal representation for migrant children (Frasca & Carlier, 2023). Nonetheless, promising models do exist—Germany's guardianship networks and Scandinavian holistic services for migrant children illustrate how legal and social institutions can synergize to meet the complex needs of displaced minors (Garayová, 2025).

One of the major barriers to consistent implementation is the insufficient integration of children's voices in immigration procedures. Despite global recognition of children's participatory rights, many asylum systems remain adult-centric and adversarial, often overlooking the psychological trauma and dependency that shape child asylum claims (Duić, 2021). Addressing this gap requires structural reforms, including the development of child-sensitive interview protocols, provision of legal aid, and training for immigration officers in child rights-based approaches. These interventions, if institutionalized, could significantly improve procedural fairness and substantive justice for migrant and refugee children.

Another critical area of concern is child marriage, where social norms often override legal protections. Despite the ratification of international conventions such as the CRC, many developing countries continue to permit or inadequately regulate early marriage due to deeply entrenched patriarchal values and economic pressures (Subchi et al., 2021). As Ballesté (2022) argues, the persistence of child marriage during crises like the COVID-19 pandemic underscores the systemic vulnerability of girls in impoverished contexts. Economic hardship, school closures, and weakened social safety nets often lead families to perceive early marriage as a coping strategy, thereby undermining efforts to uphold the best interests of the child.

Legislative reforms alone are insufficient to curb child marriage unless accompanied by comprehensive social interventions. These include community-based awareness campaigns, educational empowerment programs for girls, and conditional cash transfer schemes for vulnerable families. Moreover, fostering partnerships with religious and traditional leaders can help shift cultural norms toward the recognition of children's rights. Intersectoral collaboration among legal, health, and social service providers is also crucial to creating protective environments that deter early marriage and support survivors.

In the context of non-traditional families, such as same-sex parenting and surrogacy arrangements, legal inconsistencies across jurisdictions pose significant challenges. While countries like Colombia and several EU states recognize the parental rights of same-sex couples and prioritize the child's best interests in surrogacy-related custody disputes, others either criminalize such family forms or deny legal standing to non-biological parents (Acevedo-Correa et al., 2018; Vujović, 2022). These disparities not only jeopardize the stability and legal security of children in such families but also reflect underlying societal biases that impede inclusive child protection frameworks.

Legal reforms in this domain should prioritize functional parenting over biological determinism, recognizing that stable, nurturing environments are more indicative of a child's well-being than the sexual orientation or marital status of parents (Dąbrowska-Kłosińska, 2018). In addition, public policy must aim to dismantle institutional discrimination by promoting anti-bias training for judges and social workers, ensuring that all child custody and adoption decisions are based solely on the

child's developmental needs. Progressive legislation in family law should also be coupled with data collection efforts to track the long-term outcomes for children raised in diverse family configurations.

Institutional and societal change is also necessary to reinforce legal reforms. Legal professionals, judges, and policymakers must receive ongoing education in child psychology, rights-based frameworks, and cultural competency. Similarly, public campaigns that normalize diverse family structures and promote children's participatory rights can help cultivate societal attitudes that align with legal standards. Community involvement, as suggested by McAuliffe & Mitchel (2024), enhances the legitimacy and sustainability of child protection policies.

Despite these promising avenues, existing research presents several limitations that must be acknowledged. Much of the literature remains geographically concentrated in Western contexts, with limited empirical studies on best interests implementation in low- and middle-income countries. Moreover, there is a lack of longitudinal data to evaluate the effectiveness of child-centered policies over time. Future research should therefore focus on comparative studies across diverse legal systems, with particular attention to how intersecting factors—such as gender, socioeconomic status, and migration background—influence the realization of children's rights.

Furthermore, methodological gaps exist in how children's voices are captured in policy evaluations. Many studies rely on adult proxies or institutional data, which may not accurately reflect children's lived experiences. Advancing participatory research methodologies that engage children directly, ethically, and meaningfully will provide more nuanced insights into how the best interests principle can be implemented in practice.

In conclusion, the realization of the best interests of the child is not solely a matter of legal formalism but one that demands structural transformation, institutional capacity building, and societal change. While legislative alignment with international norms is foundational, its efficacy depends on systemic coherence, cross-sectoral collaboration, and the sustained inclusion of children's perspectives. Addressing the multifaceted challenges outlined in this review requires an integrated, context-sensitive approach that bridges normative ideals with everyday realities in child protection systems.

## CONCLUSION

This review contributes by bridging normative principles with practical realities of child law implementation. Its originality lies in synthesizing comparative insights across both developed and developing contexts while highlighting children's participatory rights as central yet under-realized. Policy implications include the urgency of harmonizing domestic frameworks with CRC standards, institutionalizing child-sensitive procedures in custody and migration, and strengthening inter-sectoral capacity. Priority actions for reform involve judicial training, inclusive public campaigns against harmful practices like child marriage, and legal recognition for diverse family structures. Future research should expand comparative empirical studies, especially in non-Western contexts, and adopt participatory methodologies that capture children's lived experiences.

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