

TRANSFORMATION OF THE GOALS OF FAMILY JUSTICE: FROM DISPUTE RESOLUTION TO RESTORATION OF FAMILY RELATIONSHIPS**M. Zhaskairat*** 

«Astana» International University, Astana, Kazakhstan

*e-mail: mira_m15@mail.ru

M. Zhaskairat – Candidate of Legal Sciences, Professor of the Higher School of Law of «Astana» International University; e-mail: mira_m15@mail.ru; ORCID ID: <https://orcid.org/0000-0001-7293-8274>

Abstract. Contemporary processes of family transformation necessitate a rethinking of the goals of family law and family justice. This article examines current trends in the development of family justice through the lens of the changing social role of the family in modern society. The author proceeds from the premise that the contemporary crisis of the family should be understood not as a crisis of the loss of its social value, but rather as a crisis arising from the inconsistency between traditional models of family relations and the new demands placed upon the family as an environment for personal development and human well-being. The purpose of the study is to substantiate the transformation of the goals of family justice from the resolution of family disputes to the restoration of family relationships and family functioning. The research employs historical-legal, comparative-legal, systemic, and interdisciplinary methods. In addition, an analysis of contemporary foreign studies in the field of family justice and family mediation is conducted. The findings demonstrate that changes in the social mission of the family naturally lead to the transformation of the goals of family justice. Contemporary international approaches reveal a gradual shift away from a purely adversarial model of family dispute resolution toward a model focused on preserving family ties, reducing conflict, restoring communication, and ensuring the well-being of the child. The study concludes that there is a need for the further development of family-oriented conflict resolution mechanisms in the Republic of Kazakhstan, including family mediation, interdisciplinary cooperation among professionals, and the formation of a concept of family justice aimed at preserving the family's capacity to perform its social, psychological, and educational functions.

Keywords: family justice; family mediation; family conflict; family relationships; child well-being; restoration of family relationships; family functioning.

**ОТБАСЫЛЫҚ СОТ ТӨРЕЛІГІНІҢ МАҚСАТТАРЫН ТРАНСФОРМАЦИЯЛАУ:
ДАУДЫ ШЕШУДЕН ОТБАСЫЛЫҚ ҚАТЫНАСТАРДЫ ҚАЛПЫНА КЕЛТІРУГЕ
ДЕЙІН****М. Жасқайрат***

«Astana International University», Астана, Қазақстан

*e-mail: mira_m15@mail.ru

М. Жасқайрат – заң ғылымдарының кандидаты, Астана халықаралық университеті Жоғары заң мектебінің профессоры; e-mail: mira_m15@mail.ru; ORCID ID: <https://orcid.org/0000-0001-7293-8274>

Андатпа. Отбасы институтының қазіргі трансформациялық үдерістері отбасы құқығы мен отбасылық сот төрелігінің мақсаттарын қайта пайымдау қажеттілігін туындатады. Мақалада қазіргі қоғамдағы отбасының әлеуметтік рөлінің өзгеруі тұрғысынан отбасылық сот төрелігінің дамуының заманауи үрдістері зерттеледі. Автор қазіргі отбасы дағдарысын

оның әлеуметтік құндылығының жойылу дағдарысы ретінде емес, отбасының тұлғаның дамуы мен әл-ауқатын қамтамасыз ететін орта ретіндегі жаңа талаптарға дәстүрлі отбасылық қатынастар модельдерінің сәйкес келмеу дағдарысы ретінде қарастырады. Зерттеудің мақсаты – отбасылық сот төрелігі мақсаттарының отбасылық дауды шешуден отбасылық қатынастарды қалпына келтіруге және отбасының функционалдық қабілетін сақтауға бағытталған жаңа мазмұнға көшуін негіздеу. Зерттеу барысында тарихи-құқықтық, салыстырмалы-құқықтық, жүйелік және пәнаралық әдістер қолданылды. Сонымен қатар отбасылық сот төрелігі мен отбасылық медиация саласындағы заманауи шетелдік зерттеулерге талдау жүргізілді. Зерттеу нәтижесінде отбасының әлеуметтік миссиясының өзгеруі отбасылық сот төрелігі мақсаттарының трансформациясына заңды түрде алып келетіні анықталды. Қазіргі шетелдік тәсілдер отбасылық дауларды шешудің таза жарыспалы моделінен біртіндеп бас тартып, отбасылық байланыстарды сақтауға, қақтығыстар деңгейін төмендетуге, коммуникацияны қалпына келтіруге және баланың әл-ауқатын қамтамасыз етуге бағытталған модельге көшуді көрсетеді. Зерттеу қорытындысы ретінде Қазақстан Республикасында отбасына бағдарланған жанжалдарды реттеу тетіктерін одан әрі дамыту қажеттілігі негізделеді. Оларға отбасылық медиацияны дамыту, әртүрлі сала мамандарының пәнаралық өзара іс-қимылын күшейту және отбасының әлеуметтік, психологиялық әрі тәрбиелік функцияларын орындау қабілетін сақтауға бағытталған отбасылық сот төрелігінің тұжырымдамасын қалыптастыру жатады.

Түйін сөздер: отбасылық сот төрелігі; отбасылық медиация; отбасылық жанжал; отбасылық қатынастар; баланың әл-ауқаты; отбасылық қатынастарды қалпына келтіру; отбасының функционалдық қабілеті.

ТРАНСФОРМАЦИЯ ЦЕЛЕЙ СЕМЕЙНОГО ПРАВОСУДИЯ: ОТ РАЗРЕШЕНИЯ СПОРА К ВОССТАНОВЛЕНИЮ СЕМЕЙНЫХ ОТНОШЕНИЙ

М. Жаскайрат*

«Astana» International University, Астана, Казахстан

*e-mail: mira_m15@mail.ru

М. Жаскайрат – кандидат юридических наук, профессор Высшей школы права «Astana» International University, Астана, Казахстан; e-mail: mira_m15@mail.ru; ORCID ID: <https://orcid.org/0000-0001-7293-8274>

Аннотация. Современные процессы трансформации семьи обуславливают необходимость переосмысления целей семейного права и семейного правосудия. В статье исследуются современные тенденции развития семейного правосудия через призму изменения социальной роли семьи в современном обществе. Автор исходит из того, что современный кризис семьи представляет собой не кризис утраты ее социальной ценности, а кризис несоответствия традиционных моделей семейных отношений новым требованиям, предъявляемым к семье как среде развития личности и благополучия человека. Целью исследования является обоснование трансформации целей семейного правосудия от разрешения семейного спора к восстановлению семейных отношений и семейного функционирования. В работе использованы историко-правовой, сравнительно-правовой, системный и междисциплинарный методы исследования. Проведен анализ современных зарубежных исследований в области семейного правосудия и семейной медиации. В результате исследования установлено, что изменение социальной миссии семьи закономерно приводит к трансформации целей семейного правосудия. Современные зарубежные подходы демонстрируют постепенный отход от исключительно состязательной модели разрешения семейных споров и переход к модели, ориентированной на сохранение семейных связей, снижение конфликтности, восстановление коммуникации и обеспечение благополучия ребенка. Сделан вывод о необходимости дальнейшего развития семейно-ориентированных механизмов разрешения конфликтов в Республике Казахстан, включая семейную медиацию, междисциплинарное взаимодействие специалистов и формирование концепции семейного

правосудия, направленной на сохранение способности семьи выполнять свои социальные, психологические и воспитательные функции.

Ключевые слова: семейное правосудие; семейная медиация; семейный конфликт; семейные отношения; благополучие ребенка; восстановление семейных отношений; семейное функционирование.

Introduction. Modern family transformation processes require rethinking not only the content of family legal relations, but also the goals of family justice. Traditionally, the court's activities in the field of family relations have been focused on resolving a legal dispute between participants in family relations by determining their rights and obligations and making a binding decision. At the same time, the specificity of family disputes lies in the fact that after the end of the trial, family relations often continue to exist, especially in cases related to the upbringing of children, the exercise of parental rights and the fulfillment of family duties. In recent decades, there has been a tendency in foreign practice to expand the goals of family justice. The tasks of preserving parent-child relations, reducing conflict, strengthening the ability of family members to further interact and ensuring the well-being of the child are becoming increasingly important. In this regard, family justice is gradually moving beyond exclusively jurisdictional activities and is acquiring the features of an interdisciplinary system that combines legal, psychological and social mechanisms of influence on family conflict. It seems that these processes are associated with deeper changes in the understanding of the social value of the family. Historically, the family has primarily been a condition for human physical survival, providing material support, security, procreation, and the transmission of cultural traditions. However, the development of state and public institutions has led to the fact that a significant part of these functions has been partially transferred to other social mechanisms. Despite this, the family has not lost its importance, which indicates the preservation of its special social value. In modern conditions, the importance of the family is increasingly determined by its ability to create conditions for the development of personality, emotional well-being, socialization of the child and the formation of stable interpersonal relationships. In this regard, the modern crisis of the family should be considered not as a crisis of loss of its social value, but as a crisis of inconsistency of traditional models of family relations with new requirements for the family as an environment for personal development and human well-being. Changing ideas about the role of the family naturally leads to a transformation of the goals of family law and family justice. Previously, the main task was to resolve a legal dispute, but in modern conditions the importance of restoring family functioning, maintaining constructive relations between family members and creating conditions for the further implementation of family social functions is increasing. The purpose of this study is to identify current trends in the development of family justice and substantiate the transformation of its goals from resolving a family dispute to restoring family relations and family functioning.

Methods and methodology. The research material includes scientific publications by foreign and domestic authors on family justice, family mediation, family conflict resolution and the transformation of the family institution. Special attention is paid to the works of C. Garrow, N. Semple, M. Roberts, L. Parkinson, T. Dronzina, A. Ketani, J. A. Riera Adrover and other researchers. The methodological basis of the research was made up of general scientific and special legal methods of cognition. The historical and legal method is used to analyze the evolution of the social role of the family and the goals of family justice. The comparative legal method was used in the study of foreign approaches to family dispute resolution. A systematic approach allowed us to consider the family as a legal, social and psychological system. The interdisciplinary approach ensured the integration of legal, sociological and psychological concepts of the family and family conflict. The hypothesis of the study is that the modern family crisis is not a crisis of loss of its social value, but a crisis of inconsistency between traditional models of family relations and new requirements for the family as an environment for personal development, which leads to the transformation of the goals of family law and family justice.

Discussion. 1. Changing the social value of the family as a prerequisite for the transformation of family justice. The study of modern trends in the development of family justice is impossible without analyzing the transformation of the social role of the family. The change in the goals of

family law and family justice is not an isolated legal process, but a reflection of deeper changes in the understanding of the family, its functions and significance for man and society. For a significant part of human history, the family has been primarily a condition for the survival of the individual and the preservation of social community. In a traditional society, it was the family that ensured the material existence of its members, protection from external threats, economic activity, the birth and upbringing of children, the transmission of cultural norms and social roles. A person's economic, social, and personal security largely depended on their family and clan affiliation. This pattern was especially pronounced in traditional societies with strong family ties. In Kazakh customary law, the preservation of family and kinship relations was not only a moral value, but also a necessary condition for ensuring the safety, stability of the family and human survival. The conflict between relatives affected the interests of a much wider range of people than the direct participants in the dispute. That is why conciliatory practices, the participation of elders and the desire to preserve social ties occupied an important place in conflict resolution mechanisms. At the same time, the development of the state and public institutions has gradually led to the redistribution of a significant part of the traditional functions of the family. A modern person is able to receive education, medical care, social protection and financial support, regardless of belonging to a large family or clan. The state, the market and other social institutions have taken on many tasks that were previously solved exclusively within the family. From the point of view of formal logic, such processes should have led to a decrease in the importance of the family as a social institution. If the family is no longer the only source of material support, security, and social protection, then a gradual weakening of its role in human life would be natural. However, the actual development of society shows a different trend. Despite significant changes in economic and social conditions, the family retains the status of one of the most important social values and continues to play a decisive role in personal development. It is in the family that a person gets his first experience of interpersonal interaction, trust, responsibility, care and cooperation. In this regard, the steady preservation of the high social importance of the family indicates that its value is determined not only by the performance of economic or household functions, but also by the ability to provide conditions for the full development of personality and human well-being. It seems that this circumstance does not indicate a loss of the social value of the family, but a change in the foundations of this value. If traditional society needed the family primarily as a mechanism for ensuring human survival, then modern society needs the family as an environment for the formation and development of personality. In modern society, family functions related to emotional support, the formation of a personality's identity, the socialization of a child, the assimilation of moral values, the development of the ability to cooperate and build stable interpersonal relationships are of particular importance. It is in the family that a person first gets the experience of trust, acceptance, responsibility, mutual care and respect for the dignity of another person.

In this regard, it is possible to talk about the formation of a new system – forming function of the family - the function of creating conditions for the development of personality and human well-being. In contrast to the traditional understanding of the family as primarily an economic and social unit, the modern approach involves considering the family as a space for personal development, emotional security and the formation of human potential. Such a transformation is naturally accompanied by a change in the requirements for intra-family relations. While the traditional family model was largely based on the principles of hierarchy, subordination, and role distribution, the modern model is increasingly focused on recognizing the value of each family member's personality. There is a gradual transition from the object perception of family members to a subject-subject relationship model based on respect for the dignity of the individual, recognition of his interests and the ability to participate independently in decision-making. Of particular importance in these conditions is the rejection of violence as an acceptable way of organizing family relations. For a long time, various forms of physical, psychological, and economic coercion have often been perceived as a natural element of the intra-family hierarchy. The modern understanding of the family proceeds from the opposite approach, according to which violence is incompatible with the family fulfilling the function of personal development and ensuring human well-being. A family based on fear, suppression and coercion is not able to fully ensure emotional security, building trust and developing human potential.

In this regard, the modern crisis of the family should be considered not as a crisis of loss of its social value, but as a crisis of inconsistency of traditional models of family relations with new family functions. Modern society continues to need a family, but imposes qualitatively different requirements on it. Previously, the family was expected primarily to ensure survival and social stability, but today it is entrusted with the tasks of personality formation, ensuring emotional well-being, child development and creating conditions for a person's full self-realization.

If the traditional family provided mainly for the physical survival of a person, then the modern family provides conditions for personality formation, emotional well-being and human potential development. This is precisely what is changing the social mission of the family in the 21st century. Changing the social mission of the family naturally leads to a transformation of the goals of family law and family justice. If the family is considered not only as a legal structure, but also as a legal, social and psychological system that ensures personal development and human well-being, then the task of family justice is not only to resolve a legal dispute, but also to preserve the family's ability to perform these functions. This, in our opinion, explains the current trend of moving from a model of family dispute resolution to a model of restoring family relations and family functioning.

2. The modern crisis of the family: the crisis of the institution of the family or the crisis of the traditional understanding of its social value? The issue of the family crisis has occupied one of the central places in sociological, psychological and legal research over the past decades. The increase in the number of divorces, the decline in the birth rate, the spread of unregistered unions, the increase in the number of single-parent families and the trend of individualization of social life are often seen as evidence of the weakening of the family and its gradual loss of its social significance. However, such an assessment is far from indisputable. Despite the changing forms of family life, the family continues to be perceived as one of the basic social values. Moreover, issues of the quality of family relations, child welfare, parenting support, and the psychological climate in the family are becoming increasingly important socially. This circumstance allows us to raise the question of whether modern society is really facing a crisis of the family as a social institution. In our opinion, the ongoing processes are of a different nature. The modern crisis of the family is not a crisis of loss of its social value, but a crisis of inconsistency between traditional models of family relations and new requirements for the family as an environment for personal development and human well-being. If the traditional family was focused primarily on ensuring survival, preserving the family and maintaining social stability, then the modern family should provide a much wider range of tasks. She is expected to provide emotional support, psychological security, respect for the personality of each family member, promote self-realization, create a favorable environment for child development and create conditions for human well-being. Thus, the modern family is faced not with a decrease in social expectations, but, on the contrary, with their significant expansion. In fact, we are talking about a crisis of increasing demands on the family. Modern society assigns much more functions to the family than was typical for traditional models of family relations. This largely explains the contradiction between historically established mechanisms for organizing family life and new social demands. Relationship models formed in conditions of survival priority and hierarchy are not effective enough to achieve the goals of personal development, emotional well-being and partnership between family members.

In this regard, the family crisis can be characterized as a crisis of functional and value transition. Society no longer needs the family solely as a survival mechanism, but it has not yet developed sustainable models of family relations that fully meet the new challenges of personal development and human well-being. Consequently, the modern crisis of the family should be viewed not as evidence of the loss of its social value, but as a manifestation of a profound transformation of the very nature of the family. It is not so much the importance of the family that is changing, as the foundations of this significance. It is this circumstance that makes it necessary to rethink the goals of family law and family justice.

3. Foreign trends in the development of family justice: from dispute resolution to the restoration of family relations. Changing ideas about the social value of the family are naturally accompanied by a transformation of approaches to resolving family conflicts. If the traditional model of family justice was focused primarily on resolving a legal dispute and determining the rights and obligations

of the parties, then modern foreign studies demonstrate a gradual transition to a different paradigm, which focuses on the preservation of family relations, the well-being of the child and the restoration of the family's ability to continue functioning. One of the most noticeable trends is the departure from an exclusively adversarial model of legal proceedings. As K. Garrow notes, the traditional judicial process does not always allow for an effective response to the real causes of a family crisis, since it is mainly focused on the legal resolution of the case (Garrow C.E., *BYU Law Review*, 2018: 1277–1296). Meanwhile, family conflict often has a complex psychological and social nature associated with disruption of communication between family members, parenting crisis, addictions, violence, emotional trauma and other factors beyond the scope of the actual legal dispute. In this regard, K. Garrow suggests considering family justice as an interdisciplinary system of interaction between the court, social services, psychologists, medical specialists and local community resources (Garrow C.E., *BYU Law Review*, 2018: 1302–1320). According to the author, the effectiveness of family justice should be assessed not only through making a lawful decision, but also through the ability to ensure the restoration of the family, strengthening parent-child relations and the formation of family resilience (Garrow C.E., *BYU Law Review*, 2018: 1321–1330).

Similar trends are revealed by N. Semple in the study of the practice of dispute resolution on the upbringing of children. The author draws attention to the gradual change in the role of the judge in the family process (Semple N., *Conflict Resolution Quarterly*, 2012: 309–318). If traditionally a judge acted as a person who resolves a dispute by making a binding decision, then modern models of family justice involve a more active participation of the court in helping to resolve the conflict between parents. In some cases, judges use techniques close to mediation and facilitation, helping the parties focus on the interests of the child, reduce the level of confrontation and work out a mutually acceptable solution (Semple N., *Conflict Resolution Quarterly*, 2012: 320–327). N. Semple's conclusion about the transformation of the role of a judge from a subject who establishes the correctness of one of the parties to a kind of manager of a family conflict deserves special attention (Semple N., *Conflict Resolution Quarterly*, 2012: 328–332). In such circumstances, the effectiveness of judicial intervention is determined not only by the decision made, but also by whether parents are able to continue constructive interaction after the completion of the process. This approach indicates a gradual shift in emphasis from dispute resolution to conflict management and the preservation of family functioning.

Family mediation plays an important role in the transformation under consideration. M. Roberts' research shows that family mediation has emerged as an independent professional activity based on the principles of party autonomy, equality, respect and preservation of the participants' right to make decisions independently (Roberts M., *Conflict Resolution Quarterly*, 2005: 509–526). Unlike traditional court proceedings focused on determining the legal position of each of the parties, mediation proceeds from the need to preserve the ability of participants in a family conflict to further interact. Developing this idea, L. Parkinson emphasizes that the specifics of family disputes are determined by the ongoing nature of the relationship between their participants (Parkinson L., *Bristol*, 2011: 432). Even after the termination of the marriage, the parents retain overall responsibility for the upbringing of the child, and therefore reaching an agreement cannot be considered as the sole purpose of resolving the conflict. A more important result is the formation of a sustainable model of parental cooperation, which minimizes the negative consequences of conflict for children and ensures the realization of their interests. A close position is occupied by T. Dronzin, who considers mediation primarily as a mechanism for restoring communication between the parties to the conflict (Dronzina T., *Astana*: 130). According to the author, in modern conditions, the effectiveness of mediation is determined not so much by the fact of reaching an agreement, as by the ability of the parties to restore a constructive dialogue and create conditions for further interaction. In family conflicts, this aspect is of particular importance, since the legal conclusion of a dispute does not always mean the termination of family relations. These ideas have been significantly developed in research on issues of trust in family mediation. The research results of J. A. Riera Adrover, M. E. Quartero Castanier and H. H. Montagno Moreno show that trust is one of the key factors for the successful resolution of family conflicts (Ketani A., *Dispute Resolution Journal*, 2021: 113–124). The authors conclude that it is the restoration of trust between the parties to the conflict that contributes to the formation of cooperation, the achievement

of mutually acceptable solutions and the preservation of the ability to further interact.

A. Ketani, exploring the goals and content of the first meeting in family mediation, also notes the need to move from adversarial logic to the logic of understanding the interests of the parties and the needs of the child (Riera Adrover J.A. etc, *Negotiation and Conflict Management Research*, 2020: 151–162). Even at the initial stage of dealing with a conflict, attention should be focused not on finding the guilty party, but on identifying the causes of the conflict, the interests of the participants, and opportunities to restore constructive interaction.

Similar conclusions are contained in the study of P. McCarthy, B. Simpson, J. Corlion and J. Walker, devoted to the analysis of various models of family mediation in the UK. The authors conclude that the effectiveness of family mediation is determined not so much by the organizational form of service provision as by its ability to create conditions for constructive dialogue between the parties and maintain their further interaction, especially in the presence of common parental responsibilities (McCarthy P. etc, *Conflict Resolution Quarterly*, 1991: 317–328). Thus, family mediation is considered not only as a dispute resolution procedure, but also as a mechanism for maintaining family cooperation after the conflict is over. This idea was further developed in a study by G. Hurd, A. Lohan, J. Petch, J. Milich and A. Bickerdike, devoted to the effectiveness of family mediation in the context of mandatory referral of the parties to a conciliation procedure. The authors note that participation in family mediation contributes not only to reaching an agreement, but also to significantly reducing the level of mutual hostility, increasing the willingness of the parties to cooperate and forming more stable models of interaction between parents (Heard G. etc, *Conflict Resolution Quarterly*, 2024: 573–590). This conclusion confirms that the effectiveness of family mediation should be assessed not only by the number of agreements reached, but also by its impact on the further development of family relations. Of particular interest is the study of J. Smithson, A. Barlow, R. Hunter, and J. Ewing, in which family mediation is considered as a process of reconciliation of competing family values and moral attitudes of the parties to the conflict (Smithson J. etc, *Child and Family Law Quarterly*, 2011: 165–187). The authors emphasize that the subject of family mediation is not only the legal requirements of the parties, but also their ideas about justice, parental responsibility, the interests of the child and the future of the family. In this regard, family mediation is not just a way to resolve a legal dispute, but a mechanism for finding a balance between the legal, moral and social aspects of family relations.

Thus, the analysis of modern foreign studies allows us to conclude that a new model of family justice is being formed. The general trend is a gradual departure from the exclusively adversarial paradigm of resolving family disputes and a transition to a model focused on preserving family ties, reducing conflict, restoring communication and ensuring the well-being of the child. The focus is not only on the legal consequences of the conflict, but also on the family's ability to perform its social, psychological and educational functions after the dispute is over. It seems that this trend allows us to talk about the transformation of the goals of family justice: from the resolution of a family dispute to the restoration of family relations and the ability of the family to continue functioning as a legal, social and psychological system.

4. Prospects for the development of family justice in the Republic of Kazakhstan. The conducted analysis allows us to conclude that the transformation of the goals of family justice is an objective consequence of the change in the social role of the family in modern society. If the traditional model of family justice was focused primarily on resolving a legal dispute and protecting the subjective rights of participants in family legal relations, modern social processes require a broader understanding of the tasks of legal intervention in family conflict. For the Republic of Kazakhstan, this issue is becoming particularly relevant in the context of the ongoing State family policy aimed at strengthening the institution of the family, protecting the rights of the child and developing mechanisms for peaceful conflict resolution. At the same time, the current system of family dispute resolution largely retains the features of the traditional model of justice, in which the main focus is on determining the rights and obligations of the parties, while the causes of family conflict and its long-term consequences often remain outside the judicial review. It seems that the further development of family justice in the Republic of Kazakhstan should be carried out taking into account current trends in foreign practice.

At the same time, we are not talking about the mechanical borrowing of individual institutions or procedures. More important is the rethinking of the very purpose of family justice and the transition from a traditional jurisdictional model focused on resolving a family dispute to a restorative model aimed at preserving family relations, maintaining family functioning and ensuring the well-being of the child. Of particular importance in this regard is the development of family-oriented conflict resolution mechanisms. A family dispute is not only a legal conflict between the parties to a legal relationship, but also a complex socio-psychological process that affects all family members, especially children. Therefore, the effectiveness of legal intervention should be assessed not only through the legality of the decision, but also through its impact on the further functioning of the family, the preservation of parent-child relations and the prevention of repeated conflicts. One of the promising areas is the further development of family mediation as an independent mechanism for dealing with family conflict. The potential of family mediation lies not only in reaching an agreement between the parties, but also in creating conditions for restoring communication, developing constructive interaction skills and reducing the level of conflict between participants in family relations. These tasks are particularly important in disputes related to the upbringing of children, determining the order of communication with the child and the exercise of parental rights.

Along with the development of family mediation, it is important to expand the interdisciplinary approach to resolving family conflicts. Modern family disputes are often caused by a complex of interrelated legal, psychological and social factors, which cannot be overcome solely by judicial means. In this regard, a promising area is the development of cooperation between the court, guardianship authorities, mediators, psychologists, social workers and other specialists involved in providing assistance to the family. The idea of forming a family-oriented model of justice deserves special attention, in which not only the dispute itself becomes the object of legal influence, but also family relations that have been subjected to the destructive effects of conflict. This approach involves more active use of reconciliation procedures, parenting support programs, counseling and restorative practices aimed at preserving the child's well-being and reducing the negative consequences of a family crisis. It should be noted that certain elements of such a model are already being developed in the legal system of the Republic of Kazakhstan. The practice of mediation is expanding, mechanisms for protecting children's rights are being improved, and interaction between government agencies and non-governmental organizations and specialists in helping professions is developing. However, these processes do not yet form a unified concept of family justice, focused on the preservation of the family as a legal, social and psychological system.

In this regard, it seems reasonable to further scientific understanding of the goals of family justice and the development of conceptual approaches to its development. If the modern family is considered as an environment of personality formation, emotional well-being and human potential development, then family justice should be aimed not only at resolving a legal dispute, but also at preserving the family's ability to perform these functions even in conflict conditions. This, in our opinion, is the main perspective for the development of family justice in the Republic of Kazakhstan.

Conclusion. The conducted research allows us to conclude that modern family transformation processes have a direct impact on the development of family law and family justice. Changing the social purpose of the family, its functions and social role necessitates rethinking the goals of legal regulation of family relations and mechanisms for resolving family conflicts. An analysis of existing scientific approaches has shown that the widespread view of the modern family crisis as a crisis of the institution of the family itself does not fully reflect the essence of the ongoing processes. It seems that the modern crisis of the family should be considered not as a crisis of loss of its social value, but as a crisis of inconsistency of traditional models of family relations with the new requirements imposed on the family as an environment for personal development and human well-being. Historically, the family has primarily served the function of ensuring human survival, security, material support, and reproduction of the social community. However, the development of the state and other social institutions has led to the redistribution of a significant part of these functions. However, the family has not lost its importance. On the contrary, in modern conditions, its role as a space for personality formation, emotional security, child socialization and human potential development is increasing. As

a result of the research, the conclusion is substantiated that a change in the social mission of the family naturally entails a transformation of the goals of family law and family justice. If the traditional model of family justice was focused primarily on resolving a legal dispute and defining the rights and obligations of the parties, then the modern understanding of the family requires a broader approach to the tasks of legal intervention in a family conflict.

Particular importance in modern conditions are family mediation, interdisciplinary interaction of specialists, rehabilitation practices and other mechanisms focused on dealing not only with the legal consequences of conflict, but also with its social and psychological causes. These trends indicate the gradual formation of a new model of family justice based on prioritizing the interests of the child, maintaining parental cooperation and restoring constructive interaction between family members. For the Republic of Kazakhstan, these processes are of particular relevance in the context of State policy to strengthen the institution of the family and protect the rights of the child. It seems that the further development of family justice should be associated not only with improving family dispute resolution procedures, but also with the development of family-oriented mechanisms aimed at preventing the devastating consequences of family conflicts, preserving parent-child relations and supporting the family as an essential social institution. The scientific novelty of the study is to substantiate the position that the modern transformation of family justice is due to a change in the social mission of the family. If the traditional family provided primarily for human survival, then the modern family acts as an environment for the development of personality and human well-being. In this regard, the purpose of family justice is not only to resolve a family dispute, but also to restore the family's ability to continue functioning as a legal, social and psychological system. This trend, in our opinion, determines the promising direction of the development of family justice in the 21st century.

Литература

- Dronzina, 2013 — Дронзина Т. Основы конфликтного анализа и медиации: методическое руководство. — Астана: Фонд им. Фридриха Эберта; Исследовательский институт «Общественное мнение», 2013. — 130 с. [Russ.]
- Garrow, 2018 — Garrow C.E. Changing Family Courts to Help Heal and Build Resilient Families // *BYU Law Review*. 2018. Vol. 2018. Iss. 6. P. 1277–1330. [Eng.]
- Heard et al., 2024 — Heard G., Lohan A., Petch J., Milic J., Bickerdike A. Participation, Agreement and Reduced Acrimony through Family Mediation: Benefits for the Ambivalent Client in a Mandatory Setting // *Conflict Resolution Quarterly*. 2024. Vol. 41. No. 4. P. 573–590. DOI: 10.1002/crq.21426. [Eng.]
- Ketani, 2021 — Ketani A. The First Family Mediation Meeting: Purpose, Context and Proposals for Change // *Dispute Resolution Journal*. 2021. Vol. 76. No. 4. P. 113–124. [Eng.]
- McCarthy et al., 1991 — McCarthy P., Simpson B., Corlyon J., Walker J. Family Mediation in Britain: A Comparison of Service Types // *Conflict Resolution Quarterly*. 1991. Vol. 8. No. 4. P. 317–328. DOI: 10.1002/crq.3900080407. [Eng.]
- Parkinson, 2011 — Parkinson L. Family Mediation. Bristol: Jordan Publishing Limited, 2011. 432 p. [Eng.]
- Riera Adrover et al., 2020 — Riera Adrover J.A., Cuartero Castañer M.E., Montaña Moreno J.J. Mediators' and Disputing Parties' Perceptions of Trust-Building in Family Mediation // *Negotiation and Conflict Management Research*. 2020. Vol. 13. No. 2. P. 151–162. [Eng.]
- Roberts, 2005 — Roberts M. Family Mediation: The Development of the Regulatory Framework in the United Kingdom // *Conflict Resolution Quarterly*. 2005. Vol. 22. No. 4. P. 509–526. [Eng.]
- Seemple, 2012 — Seemple N. Judicial Settlement-Seeking in Parenting Disputes: Consensus and Controversy // *Conflict Resolution Quarterly*. 2012. Vol. 29. No. 3. P. 309–332. DOI: 10.1002/crq.21041. [Eng.]
- Smithson et al., 2011 — Smithson J., Barlow A., Hunter R., Ewing J. The Moral Order in Family Mediation: Negotiating Competing Values // *Child and Family Law Quarterly*. 2011. Vol. 23. No. 2. P. 165–187. [Eng.]

References

- Dronzina, 2013 — Dronzina T. Osnovy konfliktnogo analiza i mediatsii: metodicheskoe rukovodstvo [Fundamentals of Conflict Analysis and Mediation: Methodological Guide]. Astana: Fond im. Fridrikha Eberta; Issledovatel'skii institut «Obshchestvennoe mnenie», 2013. 130 p. [Russ.]
- Garrow, 2018 — Garrow C.E. Changing Family Courts to Help Heal and Build Resilient Families // *BYU Law Review*. 2018. Vol. 2018. Iss. 6. P. 1277–1330. [Eng.]
- Heard et al., 2024 — Heard G., Lohan A., Petch J., Milic J., Bickerdike A. Participation, Agreement and Reduced Acrimony through Family Mediation: Benefits for the Ambivalent Client in a Mandatory Setting // *Conflict Resolution Quarterly*. 2024. Vol. 41. No. 4. P. 573–590. DOI: 10.1002/crq.21426. [Eng.]
- Ketani, 2021 — Ketani A. The First Family Mediation Meeting: Purpose, Context and Proposals for Change // *Dispute Resolution Journal*. 2021. Vol. 76. No. 4. P. 113–124. [Eng.]
- McCarthy et al., 1991 — McCarthy P., Simpson B., Corlyon J., Walker J. Family Mediation in Britain: A Comparison of Service Types // *Conflict Resolution Quarterly*. 1991. Vol. 8. No. 4. P. 317–328. DOI: 10.1002/crq.3900080407. [Eng.]
- Parkinson, 2011 — Parkinson L. Family Mediation. Bristol: Jordan Publishing Limited, 2011. 432 p. [Eng.]
- Riera Adrover et al., 2020 — Riera Adrover J.A., Cuartero Castañer M.E., Montaña Moreno J.J. Mediators' and Disputing Parties' Perceptions of Trust-Building in Family Mediation // *Negotiation and Conflict Management Research*. 2020. Vol. 13. No. 2. P. 151–162. [Eng.]
- Roberts, 2005 — Roberts M. Family Mediation: The Development of the Regulatory Framework in the United Kingdom // *Conflict Resolution Quarterly*. 2005. Vol. 22. No. 4. P. 509–526. [Eng.]
- Seemple, 2012 — Seemple N. Judicial Settlement-Seeking in Parenting Disputes: Consensus and Controversy // *Conflict Resolution Quarterly*. 2012. Vol. 29. No. 3. P. 309–332. DOI: 10.1002/crq.21041. [Eng.]

Smithson et al., 2011 — Smithson J., Barlow A., Hunter R., Ewing J. The Moral Order in Family Mediation: Negotiating Competing Values // *Child and Family Law Quarterly*. 2011. Vol. 23. No. 2. P. 165–187. [Eng.]