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Child Neglect and Juvenile Delinquency Prevention Bodies: Priorities and Prospects in Context of Digitization

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Abstract

The paper explores one of the priority issues faced by the country and society — preventing child neglect and juvenile delinquency with a special focus on cooperation between bodies for prevention of the deviant behavior. The study comprises an analysis of possibilities to address the problems arising in this regulatory area through the implementation of digital tools such as automated information systems. From this lens, the authors also explore the issue of developing and introducing the modern Profilaktika automated information system. Conceptual provisions for possible use of federal information systems by bodies for prevention of child neglect and maltreatment have been developed. In terms of methodology, analysis and synthesis of statistical information and comparative law are primarily used by the authors. The provisions substantiated by the paper can be useful for development of the relevant regulatory framework.

Keywords

record-keeping of minors; child neglect; prevention; prevention bodies; automation; information system.

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Background

Preventing child neglect and juvenile delinquency is a policy area of public administration where the use of information technologies is of primary importance, in particular, since the law requires multiple bodies to be involved in this activity at the federal, regional and local levels, only to considerably complicate interagency cooperation. The problem could be solved by the development and introduction of a shared federal-level information system but there is no legal mechanism to use such digital tool.

The study presented purports to analyze possible ways of improving performance of the child neglect prevention bodies through the use of automated information systems as well as to explore possible use of the distributed ledger technologies and AI in such systems. It is set to research the importance of the institution of childhood in Russia's public policies; identify the main operational problems of child neglect and juvenile delinquency prevention bodies; propose ways for improving the said bodies' performance through the introduction of an automated information system; and to explore the opportunities for the use of distributed ledger technologies and AI in such information systems. With the child neglect and juvenile delinquency prevention system at its focus, authors explore automated information systems as a tool to enhance its performance.

1. Children at the heart of public policies in Russia

Future generations are pivotal for the development of society and a defining vector for any country. The extent and quality of children's ethical, physical and psychological development largely determine qualitative and quantitative indicators of the population, as well as national situation in general. Happy and safe childhood has been a national priority for countries and societies as often discussed at research events. Thus, pursuant to UN guidelines, any juvenile delinquency prevention program should be under-

pinned by youth well-being guaranteed from early childhood¹. Meanwhile, a lack of assistance for social adaptation is likely to develop in children the stereotypes of permissiveness and illegal ways for satisfying one's demands.

Improving the situation of children and families has been a social policy priority in Russia over the last few years. Following amendments to the country's Constitution in 2020, the protection of childhood became a constitutional objective which is indicative of the national efforts to protect this institution as much as possible by putting in place specific implementation mechanisms and guarantees. Pursuant to Part 4, Article 67.1 of the Constitution, children are a major public policy priority in Russia², with the year of 2024 announced by the President the Year of Family³ to mark a number of reforms in legal regulation of this important social sphere.

It is not for nothing that the national legislator has devoted so much attention to the institution of childhood. Statistical data and negative trends in this regulatory field are a cause of concern and require response from public authorities.

The indicators of child neglect have risen dramatically as a result of deteriorating living standards, parental attempts to make public institutions responsible for children's education, as well as declining prestige of the family as a social institution, growing alcohol and drug addiction and a number of other negative background developments. These factors combined are prompting a reform of the discussed regulatory area.

According to the unified interagency information and statistical system (UIISS), a total of 56,934 neglected children were identified in Russia in 2023 (3,121 fewer than over the previous year), with the indicator still believed to be high⁴. As reported by the Ministry of Interior, minors ac-

¹ UN Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Principles; UN General Assembly Resolution 45/112 of 14 December 1990) // Available at: URL: https://www.un.org/ru/documents/decl_conv/conventions/juveniles_deinquency_prevention.shtml (accessed: 12.06.2024)

² Constitution of the Russian Federation (adopted by popular vote on 12 December 1993 as amended by popular vote of 01 July 2020). Available at: URL: <http://www.pravo.gov.ru>. 04.07.2020 (accessed: 20.05.2023)

³ Presidential Decree No. 875 "On the Year of Family in Russia" of 22 November 2023 // Collected Laws of Russia, 27 November 2023. No. 48. Article 8560.

⁴ Number of identified neglected and abandoned children // Unified interagency information and statistical system. Available at: URL: <https://www.fedstat.ru/indicator/36186> (accessed: 12.06.2024)

counted for 22,340 or 3 percent of the total delinquency in 2023⁵. In a vast majority of cases, juvenile delinquency is largely caused by neglect, that is, non-existent or considerably slackened control by families or public authorities over personal development of minors.

In 2023, crimes against minors in the Saratov Region grew by 4.9 percent (from 1,665 to 1,746), including by 91.1 percent (from 856 to 1638) against infants. A total of 24 minors involved in vagrancy and beggary were identified, 14.29 percent less than in the same period previously (25 in 2021, 28 in 2022). Juvenile delinquency in the region was down by 2.2 percent (407 to 398), its specific share of total crime still at 2.6 percent as in the previous year. Meanwhile, in 2023 the Volga Federal District witnessed a 57.9 percent rise in juvenile drug-related delinquency (3.2 percent share of total crime), with overall rise across Russia at 27.8 percent (2.3 percent share of total crime)⁶.

Statistical data clearly suggest that preventive focus on neglected minors is crucial for lower incidence of children's criminal and otherwise deviant behavior, as well as for their well-being.

2. Operational aspects of child neglect prevention bodies

An analysis of law enforcement practices shows that the child neglect prevention system is not fully adequate for addressing social demands and realities of the moment. Practical response to social problems should be underpinned by theoretical provisions as practices cannot develop without a normative framework.

Child neglect prevention relationships are governed in Russia by Federal Law No. 120-FZ "On the Principles of the Child Neglect and Juvenile Delinquency Prevention System" of 24 June 1999 ("FL No. 120")⁷ whereby a

⁵ Summary of delinquency in Russia in January–December of 2023 // Ministry of Interior site, statistics and analysis section. Available at: URL: <https://media.mvd.ru/files/application/5095078> (accessed: 12.06.2024)

⁶ 2023 Saratov Oblast child neglect and juvenile delinquency prevention report (annexed to Resolution No. 1/1 of 27 February 2024 of the Saratov Oblast interagency commission for juvenile affairs and protection of children's rights), p.p. 51, 61, 65 // Available at: URL: <https://saratov.gov.ru/upload/iblock/8cc/vp5x8la9a1dbo07nu1w8j4s0bozta8f/Otchet-o-rabote-za-2023-god-Saratovskaya-oblast.pdf> (accessed: 12.06.2024)

⁷ Federal Law No. 120-FZ "On the Principles of the Child Neglect and Juvenile Delinquency Prevention System" of 24 June 1999 // Collected Laws of Russia.1999.

neglected child is defined as the one whose behavior is out of control due to a failure to perform or unduly performance of upbringing, education and/or maintenance duties by parents (legal representatives) or public officers.

It is clear from analysis of this definition the duties of education and control are to be assumed not only by parents and legal representatives but also the system of public bodies at large. Thus, pursuant to Article 4 of FL 120-FZ, the child neglect and juvenile delinquency prevention system comprises:

- commissions for juvenile affairs and protection of children's rights;
- social protection governance bodies;
- federal, regional and local level education authorities;
- adoption and guardianship authorities;
- bodies for youth affairs;
- health authorities;
- employment services;
- bodies of the Ministry of Interior;
- penitentiary bodies (pre-trial detention centers, juvenile detention centers and corrective services).

Federal law thus invokes a wide range of authorities and agencies for preventive action concerning children's life.

On the one hand, the cross-cutting nature of the system and diversity of agents for preventive action should guarantee a comprehensive approach and effective prevention. Meanwhile, this vast system dealing with children at all levels of public administration from federal to local authorities cannot reverse the trend of growing child neglect.

For a majority of researchers, the reason is inadequate mechanism for cooperation between the prevention system bodies [Lugovskaya A.A., 2017: 253], a position shared by the authors. As noted by the research community, a need in interagency cooperation will arise where the agents have intersecting interests with fully or partially overlapping functional purposes [Usheva T.F., 2021: 269]. A prevention system should be systemic and comprehensive [Mironov V.S., 2020: 222]. A need to design and introduce a

No. 26. Article 3177.

single comprehensive structure for prevention and rehabilitation of deviant children/teenagers is invoked [Vasilieva A.N., 2022: 57]. With this assumption in mind, a mechanism for child neglect prevention should rely on robust interagency cooperation across the board.

In fact, federal and regional executive authorities will almost invariably delegate public child neglect prevention powers to local level bodies as provided for by Articles 19, 20 of Federal Law No. 131-FZ “On the General Organizational Principles of Local Government in Russia” of 06 October 2003⁸. This practice is widespread among public authorities in constituent territories.

The delegation of powers is undoubtedly caused by a need in direct engagement between competent agencies and the social category in question, with the best results achieved only if the relevant powers are exercised by lower level (grass root) bodies, that is, those as close as possible to the population.

However, the diverse and uncoordinated action by control agents at the municipal level clearly suggests that a way of forming a child neglect prevention system will not allow to deal optimally with the issues at this stage.

Firstly, this operating mechanism will make commissions for juvenile affairs and protection of children’s rights directly dependent on funding available to the respective municipality.

Secondly, while the said commissions are required to coordinate action across the child neglect prevention system as a whole, they do not have adequate resources at their disposal to perform this function. In delegating public powers to municipalities, regions will not always designate sufficient sources of budget funds for commissions to fully implement their coordinating role. In doing so, they will at times fail to support the implementation of relevant powers, that is, allocate adequate funds to the commissions, which is an evident violation of the federal provisions for inter-budget transfers.

And thirdly, the very fact that commissions for juvenile affairs are normally local government institutions, that is, grass root public authorities, will complicate — and even exclude with regard to a number of issues — any coordinated action with higher level bodies. Researchers doubt whether the commissions will be able to ensure coordination with federal agencies in charge of education [Popova V.I., 2007: 65].

⁸ SPS Consultant Plus.

This context suggests that coordination within the child neglect prevention system is plagued by a number of issues to be removed by the legislator as a matter of priority. One implication of this failure is a lack of operational cooperation and consistent action between the discussed authorities as observed in enforcement practices.

A vivid demonstration of harm from a lack of adequate engagement between child neglect prevention authorities is a situation that persisted in the Khabarovsk Region for quite a while. In November 2014, the Khabarovsk Center for Social Aid to Families and Children has received a request for aid to K. and her underage daughter who qualified for social protection [Lugovskaya A.A., 2017: 251]. The family's living conditions were dire: they lived in a house with stove heating. Out of work, K. did not have a permanent source of income, lost her dwelling and was not registered at her domicile. The Center helped her to make a document file and to find a job with a crisis management center while the family details were sent to the Khabarovsk district commission for juvenile affairs and protection of children's rights.

In December 2014, K. with the child on her hands was detained by the police in a state of heavy intoxication as evidenced by administrative offense report. In April 2015, she was fired from the crisis management center after a drunken brawl. A report sent to the police also contained the information on possible threat to life and health of a minor. From June through December 2015, K. and her daughter would repeatedly change their domicile where K. cohabitated with different persons and led a life of dissipation.

In February 2016, K. had a criminal case opened up against her for having beaten her daughter. It was only eighteen months after her asocial behavior had been noted that the pre-trial investigation found that while the family had been many times subject to police scrutiny, no preventive action was taken.

As was found by the prosecutor's office, this failure was caused by a lack of adequate cooperation within the prevention system, with the respective agencies scattered across the city and reporting to different departments, only to fail to detect the family's asocial drift at an early stage and take preventive action. Though some facts on the family were periodically reported to judiciary authorities, occasional action did not reveal a systemic focus to prevent asocial behavior. The deteriorating situation of this family resulting in adverse implications was caused by the fact that relevant information was not available to the prevention system's bodies.

This example suggests a need in partnership between public and non-public actors to prevent child neglect. There should be a robust system for professional engagement between specialists as well as fruitful application of human, financial and organizational resources for family support and effective assistance to children in hardship.

3. Digitization as a prerequisite of better performance of the child neglect prevention system

While the available studies of interagency cooperation to prevent child neglect are anything but numerous, those analyzing various aspects of information technologies to be used for this purpose are even fewer. They largely praise the benefits of e-document exchange compared to paper within a specific agency [Khlivenko L.V., 2011: 100–104]. Meanwhile, it is the overarching opportunities brought by digitization that we believe to be a factor of reform of the prevention system to ensure coordinated action.

As follows from the above examples of enforcement practices, rapid information exchange should be regarded as a priority method of dealing with the problems faced by the system.

A context for introducing information technologies into various spheres of social and personal life is currently being created everywhere across Russia. In laying down a new technological basis for operations of public authorities, the national legislator is pursuing the purpose of “applying new technologies at public authorities in Russia for better governance” as formulated in the Information Society Development Strategy⁹. As a rule, digitization of social relations relies on the introduction and use of automated information systems (“AIS”).

Such applications have been created virtually in all spheres of social life across the board: judiciary (SIS Pravosudiye), public prosecutor supervision (AIS WEB-Nadzor), executive branch (SIS Gosuslugi), employment relations (AS Trud, Rabota v Rossii) etc. The main distinctive feature of these systems is that they operate at the federal level due to a need in cooperation of the entire public system to deal with a particular issue. Researchers note a need to engage IT professionals in this sector for addressing specific tasks and problems [Krasnoschechenko I.P., 2022: 74].

⁹ Presidential Decree No. 203 “On the 2017–2030 Information Society Development Strategy for Russia” of 09 May 2017 // Collected Laws of Russia, 2017, Article 3659.

In our view, the established trend for digitization of public relations should be also reflected in the child neglect prevention system where some actors already have and use their own departmental information systems that allow to promptly receive and process relevant information. Thus, the guardianship system has assessed positively the benefits and convenience of intra-agency operations via automated systems, with the AIS *Opeka* allowing to accumulate and process the details of abandoned minors and their guardians (legal representatives).

However, this standalone system will accumulate only the operational information of the said agency and its structural subdivisions with regard to guardianship of minors while other bodies even in similar roles within the child neglect prevention system will be unable to upload or download relevant information. Thus, commissions for juvenile affairs currently cannot coordinate automatic engagements within the system, primarily because their operations are not duly digitized in technological terms.

The experience of regional databases on neglected children and their families is of true academic interest. While not all constituent territories are technologically capable of developing and maintaining such record-keeping systems, they have been formed in a number of regions to considerably improve the performance of prevention bodies in the respective territories. Thus, the Tumen Oblast has a regional interagency databank of families and children in need of special care¹⁰, with the regional department of social development in charge of organization and coordination. The software complex allows a shared access to aggregate information within the prevention system for personalized record-keeping of each person/family subject to control while tracking each agency's interventions with minors and their parents. A complex of interventions (rehabilitation program) including the implementation of interagency technologies and social services is developed for each person registered in the database. The experience of developing and maintaining such comprehensive databases has been accumulated by the Vologda, Tambov, Rostov Oblast, Altai Territory, Saint Petersburg, as well as a number of other Russian regions.

Meanwhile, as has been observed in literature with good reason, "a vast majority of the regional and municipal level commissions neither use AIS

¹⁰ Tumen Oblast Law No. 205 "On the system for prevention of child neglect and juvenile delinquency and for protection of children's rights in the Tumen Oblast" of 06 October 2000 // Tumenskiye izvestiya. 12 October 2000.

in their operations nor recognize the need in information engagement within the prevention system as priority objective” [Yusupaliev B.S., 2013: 181].

In a study conducted by the Saratov State Law Academy [Ilgova E.V., 2021: 104–113] it is also noted that the available AIS are primarily constrained by impossibility of information exchange between child neglect prevention bodies.

In addition, researchers note a lack of proper regulation of personal data protection in the relevant information systems as well as issues of compliance with the established confidentiality regime within the prevention system [Tchauskaya O.A., Kuznetsova I.O., 2020: 114].

Unfortunately, the issues of automatic data exchange between prevention agencies are yet to be addressed by federal law. The peculiarities identified in the course of this study generally support the need in and feasibility of a shared federal AIS to be developed and introduced in the area under discussion. The main purpose of a database on families with minors in need of special public care is to introduce a comprehensive approach to child neglect prevention. That system will ensure the protection of rights and legitimate interests of children and their families and will automatically generate a plan of customized protective action.

Regional law for regulation of automation, as was noted above, is currently more detailed than federal law. The regional experience of such systems as well as positive and negative aspects of such collaborative practices should be carefully studied.

The introduction of a shared federal AIS for coordinated action to prevent child neglect will obviously require a detailed legal framework for regulation of rights and duties of the parties to information exchange.

It is pleasing that legislative authorities take the child neglect problem to heart by proposing a number of draft laws to develop a federal database of neglected children and their families. For example, a draft proposed by the interagency working group for draft federal law “On Protecting Minors’ Rights and Preventing Abusive Behavior and Misconduct” envisages a state information system for information support of protective and preventive action in Part 1, Article 33. Under the 2024 work plan of the Ministry of Education the draft law should be refined in the 4th quarter of 2024¹¹.

¹¹ 2024 work plan of the Ministry of Education of Russia (approved on 9 April 2024, No. SK-9/02int) // SPS Garant.

It has a sense to discuss the benefits of such system in detail.

Coordinated action within the child neglect prevention system will be ensured. In the previous section, we discussed in detail the operational problems of the competent bodies largely caused by a lack of shared information platform. An AIS will support a concerted action for prevention of child neglect.

Children's rights and legitimate interests will be protected. In the first place, the system will enable the implementation of major constitutional guarantees: protection of maternity, paternity and family, rights to education, health, employment, social security, leisure etc.

The system will enable ongoing control over socially disadvantaged families and children, a benefit of special importance in the context of permanent migration of this population category. Thus, where the individuals registered with regional AIS migrate elsewhere in Russia, they are likely to fall out of sight of executive bodies. Meanwhile, a shared federal database will have the details of all persons under control even if they change their domicile, with no effect on the quality of preventive action. Advised of the interventions performed in respect of neglected children at their previous domicile, the prevention bodies will be able to carry on as due.

It makes sense to discuss a potential shared AIS based on the distributed ledger technology (blockchain) to largely enhance the system's degree of security and prevent unauthorized access to restricted data. Moreover, the distributed ledger technology has been considered in literature for a number of years as an efficient way to expedite and improve the quality of administrative decision-making and reduce budget expenditures [Fialkovskaya I.D., 2020: 216]. In our view, it would be reasonable to introduce a closed (centralized) form of blockchain where there is a "super-user" and at the same time the information system's operator vested with enhanced administrator rights.

Adequately trained modern AI technologies are able to automatically analyze web information to identify elements of offenses by or in respect of minors, as well as facts of child neglect and problems in individual families. In cross-system collaboration, such algorithms can promptly retrieve and analyze information from different data systems. As a result of data comparison, a neural network can propose changes to methodologies and fresh ideas for different public awareness events. In our view and also in line with public digitization policies for widespread introduction of AI technologies, the initiators of AIS to be developed should consider possible use of neural networks as part of the system's software.

For this legislative initiative to take its place in the regulatory system, it should be obviously supported by Russia's supreme legislative authorities — chambers of the Federal Assembly. Meanwhile, as explicitly envisaged by Article 33, the drafters go beyond the adoption of a federal law. As part of the initiative, it is also proposed to issue a Government Resolution containing “a list of details to be uploaded as well as the information system's organization and maintenance procedure”. In the context of this study, we have made proposals on the contents of this bylaw.

Thus, the list of details should include:

information used by prevention bodies for interventions to address minors and their families in accordance with sectoral and departmental regulations;

information used for personalized record-keeping of minors;

information to be reflected in statistical reports.

The procedure for the system's organization and maintenance is such that before any intervention targeting minors and their families, a prevention body should seek consent for processing personal data to be uploaded to the AIS within one business day. Then the body for ongoing control of the neglected child will draft and upload to the AIS a prevention plan and an individual rehabilitation/adaptation program within three business days.

The adaptation plan for the neglected child and his family at risk should specify the bodies and institutions responsible for interventions and the relevant dates. The AIS should promptly reflect changes to the rehabilitation program, analysis of the progress of prevention plan, information on specific interventions being implemented, as well as decisions to de-register a person.

The authors share the view established in the doctrine that it makes sense to adopt a federal law for regulation of the relations involved in AIS organization, operation and upgrading [Smagina T.A., 2020: 112].

Our list of details to be uploaded to the AIS as well as the procedure and specifics of record-keeping within the system can be helpful in drafting the relevant Government Resolution and other regulations.

The Profilaktika shared state automated information system (AIS Profilaktika) is developed by the autonomous no-profit Center for the Study and Network Monitoring of Youth Environment, an accredited IT organi-

zation, as part of the National Education Project and the Federal Patriotism Promotion Project¹². The Profilaktika is currently at the restricted beta testing stage in a number of regions and has already shown high potential for positive outcomes such as lower software development costs for regions, faster operational data exchange and decision-making, as well as ongoing performance monitoring of interventions to prevent child neglect and juvenile delinquency.

The most prominent of that AIS declared objectives include a shared methodological framework for customized interventions by competent authorities and institutions, automatic performance monitoring and reporting, as well as a shared secure data environment to accumulate, store and retrieve the relevant information.

An analysis of the publicly available AIS Profilaktika user manual (version 1.0 of 2021)¹³ has shown that the information and user interface will be organized into five main blocks: Minors; Parents/legal representatives; Families; Prevention system; and Archive. The AIS will provide access to the methodological and regulatory framework as well as restricted access to information and reference systems. Users are supposed to access the system with a login and a password which we believe to be a drawback. As the system will accumulate law-protected confidential information on minors and their families, it makes sense to introduce two-factor authentication with enhanced qualified digital signature followed by a code from SMS sent to the user's confirmed telephone number.

Three-factor authentication should be required for administrators and moderators, with biometric data such as finger and voice prints to be added, otherwise there will be a high risk of compromised user passwords and information leakage. User workstations should be subject to a high degree of protection certified by authorized FSB or FSTEC specialists.

¹² Available at: URL: <https://www.cism-ms.ru/natsproecty/536/?ysclid=lxbs3j613z706320937> (accessed: 12.06.2024)

¹³ AIS Profilaktika, automated information system of the commission for juvenile affairs and protection of children's rights. User manual, version 1.0. 2021 // Available at: URL: <https://kdn.avо.ru/documents/4987981/0/%D0%90%D0%98%D0%A1+%D0%9F%D1%80%D0%BE%D1%84%D0%B8%D0%BB%D0%B0%D0%BA%D1%82%D0%B8%D0%BA%D0%B0%28%D1%80%D1%83%D0%BA%D0%BE%D0%B2%D0%BE%D0%B4%D1%81%D1%82%D0%B2%D0%BE%29+%281%29.pdf/391e064d-a4d7-fb9d-20d0-2affdbab1397?t=1682321460433&ysclid=lxbu1kasmp574958400> (accessed: 12.06.2024)

The AIS developers have made public their position and the system's conceptual design at different research events and publications [Burlakov M.E., 2023: 5–9]. With the Center's staff actively conducting training workshops since April 2023 for regional and municipal bodies/institutions to use the system for better interagency collaboration, its deployment across Russia is forthcoming, only to add urgency to the problem of developing a regulatory framework for AIS operations.

Conclusion

Thus, the importance of developing and introducing a shared federal automated information system as electronic platform for interagency collaboration within the child neglect prevention system cannot be overestimated in the current context. In view of the system's bulky design, a shared information platform to exchange, collect, analyze and systematize data is the only feasible option for concerted action.

Once introduced, the AIS Profilaktika is expected to have a positive impact across the child neglect prevention system, with timely IT research and development helping to promptly remove operational errors and upgrade the system's capabilities.

Additional studies may be focused on the issue of observance of rights and legitimate interests of neglected minors registered for record-keeping with automated information systems.



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