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### The Effects of Parental Divorce on Children in Kosovo: Psychological, Social, and Legal Perspectives

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#### Abstract

This research paper examines the effects of parental divorce on children in Kosovo, focusing on psychological, social, and legal aspects. Through an analysis of existing literature and the legal framework in Kosovo, this study explores the consequences parental divorce has on the emotional and social well-being of children, as well as the legal and practical challenges they face during divorce proceedings. The analysis identifies gaps in protecting the child's best interests, including the lack of effective mechanisms for children's participation in the judicial proceedings and

problems in enforcing court decisions. The paper emphasises the importance of developing policies and support mechanisms that address children's psychological and social needs, as well as improving Kosovo's legal and practical framework to ensure the protection of their rights. This paper aims to contribute to academic and practical discussions on the most effective ways to guarantee comprehensive and sustainable protection for children affected by parental divorce within Kosovo's legal and social systems.

**Keywords:** Parental Divorce, Children's Rights, Best Interests of the Child, Psychological Impact, Kosovo Legal System

#### 1. Introduction

Divorce constitutes one of the earliest institutions within family law that appeared immediately after marriage. (Podvorica, 2011) <sup>[15]</sup>. Divorce, in addition to carrying negative consequences for the spouses, has an even more profound impact on children, who often experience their parents' separation with considerable emotional distress. This growing phenomenon, both in Kosovo and globally, represents one of the most significant social and familial changes of recent decades, dramatically affecting the lives of children and adolescents. As a result, divorce can leave a wide range of consequences for children, deeply influencing their psychological, social, and legal well-being. This process has an emotional impact not only on the parents but also on their children, who become victims of this distressing procedure. (Haker, 2005) <sup>[6]</sup> Both previous and contemporary studies have identified numerous adverse psychological effects of divorce on children. The very involvement of children in these emotionally taxing and stressful processes often contributes to increased levels of anxiety, depression, and other mental health challenges. Regarding the social consequences of divorce on children, these effects are most notably expressed through changes in their behaviour with peers, as well as challenges in academic achievement and social adaptation. Socially, divorces can lead to isolation and stigmatisation, especially in societies where the family is considered a fundamental social unit, such as in Kosovo. However, while these effects have been addressed in international literature, there is a lack of in-depth studies related to Kosovo's specific legal and social context. (MoloneyFamilyLaw, 2024) <sup>[11]</sup>.

From a legal perspective, Kosovo has a legislative framework aimed at protecting children's rights during divorce proceedings, including Law No.06/L-084 on Child Protection (Law No.06/L-084 on Child Protection, article 5) <sup>[9]</sup> and Law No.2004/32 Family Law of Kosovo. (Law No.2004/32 Family Law of Kosovo, article 1) <sup>[10]</sup>. Nevertheless, the practical implementation of these laws often faces challenges, including the lack of guarantees for the child's active participation in judicial decisions, as well as difficulties in ensuring stability and custody arrangements post-divorce. These legal gaps and deficiencies in protection mechanisms have significant implications for the safety and well-being of children in Kosovo. This study aims to address this gap by analysing the psychological, social, and legal impacts of parental divorce on children in Kosovo. Based on a review of national and international legal frameworks, academic literature, and judicial practices, the research will identify the shortcomings and challenges within the existing child protection system. Furthermore, the study aims to propose

recommendations grounded in international standards to improve the protection and support for children facing parental divorce.

The importance of this study lies in providing a comprehensive analysis that integrates psychological, social, and legal perspectives, which are often treated separately and not in an integrated manner within the Kosovo context. Its findings will assist legal professionals, psychologists, social workers, and policymakers in developing policies and practices that ensure the best protection of children's interests and rights during challenging family transitions. In conclusion, this study seeks to contribute to academic literature and social practice in Kosovo by filling existing gaps and offering sustainable pathways to enhance the child protection system in divorce cases.

## 2. Materials and Methods

This study employs a descriptive and analytical review methodology to examine the multifaceted effects of parental divorce on children in Kosovo, encompassing psychological, social, and legal dimensions. The research is grounded in a systematic review of relevant sources, including national legislation, international legal instruments, academic literature, and judicial decisions related to children's rights and family law.

The primary materials analysed in this study comprise:

1. Kosovo's legislative framework, notably the Law No.06/L-084 on Child Protection and Law 2004/32 Family Law of Kosovo;
2. International legal instruments, with emphasis on the United Nations Convention on the Rights of the Child;
3. Scholarly articles and empirical studies addressing the psychological and social ramifications of parental divorce on children, particularly within contexts comparable to Kosovo;
4. Jurisprudence and legal doctrines concerning child custody, guardianship, and divorce proceedings providing insight into the application and interpretation of laws impacting children's welfare during divorce.

Through critical evaluation of these sources, the study identifies significant gaps in both the legal protections and social support mechanisms available to children affected by parental divorce in Kosovo. The analysis informs a set of recommendations aimed at enhancing the legal framework and social policies, ensuring alignment with international standards and best practices in child rights protection.

## 3. Psychological Effects of Parental Divorce on Children

Parental divorce is a major source of emotional and psychological problems that significantly affect children's psychological well-being. Since children are often unprepared for their parents' separation, this situation severely jeopardizes their psychological health. The difficulties children face in coping with this situation are most pronounced during the initial period following the parents' separation, which causes emotional turmoil accompanied by anxiety, distress, anger, and shock. (Kelly & Emery, 2003)<sup>[7]</sup>.

In Kosovo, the effects of parental separation on children's mental health are particularly profound due to the cultural, social, and economic context in which families operate. Based on current scientific research, divorce is approached from two distinct perspectives: One views it as a significant

psychological issue manifesting in children, while the other considers it relatively harmless, and in some cases, even a positive development—particularly for children exposed to high levels of parental conflict. (D'Onofrio & Emery, 2019)<sup>[4]</sup>. However, children generally tend to develop better in a stable, two-parent household characterized by happiness and harmony. Nevertheless, this comparison is often oversimplified and does not fully reflect the complex realities of family life. First, not all two-parent families provide a healthy and nurturing environment for children. Second, the majority of children from divorced families manage to adjust emotionally and do not suffer from severe psychological consequences. Recent research in the fields of social and developmental sciences has deepened our understanding of how different family structures impact children. These studies have shown that internal family dynamics—such as the presence of conflict or the quality of interpersonal relationships—are often more decisive for children's well-being than the mere fact of parental divorce. As a result, scholars have moved away from the traditional perspective that views divorce as the primary cause of children's psychological difficulties. (Kelly & Emery, 2003)<sup>[7]</sup>.

Divorce represents a challenging period for families and affects children in various ways, with diverse reactions to this transition. While some children cope with understanding and adjustment, others face significant difficulties. However, with appropriate support, the experience of divorce can become an adjustment process rather than a crisis. The most common effects of divorce on children include decreased academic performance due to distraction and emotional distress, reduced participation in social activities, and difficulties adapting to new changes such as relocation or shifts in their social environment. Emotionally, children experience a range of feelings, including anxiety, anger, confusion, and guilt, often accompanied by self-blame regarding their parents' separation. These emotions can negatively impact their mental and emotional health. In some cases, feelings of emotional overwhelm may manifest through destructive behaviours, including rebellion, substance use, or other risky actions. The stress associated with divorce can also affect children's physical health, increasing susceptibility to illness and sleep disturbances. Research further indicates that children from divorced families have a higher likelihood of experiencing divorce in their future relationships. Nevertheless, these effects are not inevitable. Growing awareness of the stress divorce imposes on children and families has led to increased demand for supportive services aimed at facilitating a healthier and more constructive transition, ultimately safeguarding the well-being of all family members. (What Are the Effects of Divorce on Children?, 2025).

Another significant factor influencing the psychological outcomes for children of divorced parents in Kosovo is the level of family support. Conversely, a lack of support, ongoing parental conflict, or exposure to domestic violence can exacerbate children's emotional difficulties. Parental conflict significantly impacts children's development in various ways. Continuous exposure to parental discord can alter children's worldview, often leading to difficulties in forming future relationships as they internalize their parents' conflict behaviors. However, research shows that when divorce effectively reduces parental conflict, the negative

effects on children lessen, enabling them to achieve relationship outcomes similar to those from low-conflict intact families. Therefore, divorcing parents who minimize ongoing conflict can mitigate the adverse effects linked to prior parental discord. (Yıldırım & Pendergast, 2020)<sup>[18]</sup>.

Access to psychological support services remains limited in Kosovo, particularly outside urban centers. School-based programs that address emotional well-being can also play an essential role in providing a supportive environment for affected children. However, these services are often underdeveloped or inaccessible, leaving many children without adequate support during this vulnerable period. Treatment approaches must be multidisciplinary and culturally sensitive, involving psychologists, social workers, educators, and legal professionals. Early identification of emotional and behavioral problems is essential to provide timely interventions that prevent long-term adverse effects. (Analizë e Qendrave për Punë Sociale: Sfidat në aspektin ligjor, institucional dhe funksional, 2023)<sup>[3]</sup>.

In conclusion, the psychological effects of parental divorce on children in Kosovo are complex and influenced by a combination of developmental, familial, and societal factors. Enhancing psychological support infrastructure and promoting awareness of children's emotional needs are critical steps toward mitigating the negative impact of divorce and fostering healthier adjustment and well-being among children affected by parental separation.

#### 4. Social Effects of Parental Divorce on Children

Divorce is a growing social phenomenon that has a negative impact on society, particularly on parent-child relationships. Parental divorce significantly reshapes the social environment of children, influencing their relationships, social roles, and integration within family and community structures. Numerous recent studies have shown that children raised in separated families face a higher risk of developing various problems, including behavioral disorders, emotional difficulties, challenges in social relationships, and academic underachievement. However, children living in environments characterised by ongoing and unresolved parental conflict are also exposed to similar risks of developing psychological and social problems, even if their parents are not divorced. (Amato & Cheadle, 2008)<sup>[14]</sup>.

In Kosovo, where social cohesion and family unity have traditionally been highly valued, the social effects of divorce on children present unique challenges that can affect their overall development and well-being. One of the primary social consequences of parental divorce for children in Kosovo is the disruption of family dynamics. The separation of parents often leads to changes in living arrangements, parental roles, and daily routines, which can result in feelings of instability and uncertainty for children. Some children experience emotional distress due to the absence of one parent, which negatively affects their social development. The lack of love and attention from the absent parent can hinder the child's ability to build healthy social relationships. This often results in children developing negative attitudes towards the opposite gender; for example, boys may develop biases against women, while girls may harbor negative feelings towards men. Divorce significantly alters children's lives, often causing fear and uncertainty about how to cope without one of their parents. Many children also worry about the possibility of being abandoned

by the parent they live with, leading to numerous unanswered questions and emotional turmoil. (Writing, 2024)<sup>[17]</sup>.

The school environment is one of the social contexts most affected by parental divorce. Children who experience family breakdown often face emotional difficulties, lack of concentration, and increased responsibilities at home, all of which directly impact their academic performance. Moreover, they may encounter challenges in peer interactions, including difficulty building trust, social isolation, or hesitation to participate in group activities. These challenges are even more pronounced in the context of Kosovo, where most schools do not offer dedicated programs to support children going through divorce. The absence of specialized structures and early intervention is evident, and in many cases, schools lack the presence of psychologists who could address sensitive issues related to children's emotional well-being. This situation represents a significant gap in the education system, hindering not only the proper psychosocial development of children but also their ability to cope with life changes brought on by parental separation. (Panda, 2018)<sup>[13]</sup>.

#### 5. Legal Perspectives and Challenges in Kosovo

The legal framework in Kosovo is designed to protect the rights and best interests of children in cases of parental divorce. Key laws such as the Law on Child Protection and Family Law aim to ensure that children's welfare is prioritised during family disputes. *‘‘The best interest of the child shall prevail and have the highest consideration regarding all child-related actions and decisions that are taken by parents or guardians, institutions, child protection services, child protection professionals, courts, administrative authorities or legislative bodies’’*. (Law No.06/L-084 on Child Protection, article 5)<sup>[9]</sup> Additionally, Kosovo has incorporated the United Nations Convention on the Rights of the Child into its domestic legal framework. According to Article 22 of the Constitution of Kosovo, the UNCRC has direct legal effect and takes precedence over domestic laws, thereby providing guiding principles for the protection of children's rights within Kosovo's legal system. (Kosovo A. o., 2015)<sup>[8]</sup> *‘‘States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures’’*. (Nations, 1989)<sup>[12]</sup>.

Despite these legal provisions, practical challenges remain in the effective implementation and enforcement of child protection measures in divorce proceedings. One of the main legal challenges is ensuring the child's right to be heard. Although the law guarantees this right, in practice, children's voices are often underrepresented or overlooked during custody and visitation decisions. This can result in outcomes that do not fully consider the child's preferences or emotional needs. Courts often fail to fully examine all the circumstances that are crucial to a child's psychological, physical, and educational development, including the child's opinion, even when the child is over the age of 10. According to Article 144, paragraph 2 of the Family Law, the purpose of hearing the child's statement is to consider their wishes regarding which parent they prefer to live with, while also preserving their emotional bond with the parent

to whom they feel closer. Therefore, the child's feelings alongside other relevant facts are essential in custody decisions, as respecting these emotions contributes positively to the child's healthy upbringing.

Another significant challenge relates to the enforcement of custody and visitation arrangements. In some cases, there is inconsistency and delay in executing court decisions, which affects the child's stability and continuity of care. In accordance with the best interests of the child principle, first-instance courts in Kosovo, during custody determination procedures, have failed to properly implement this standard by not consulting psychological and sociological experts regarding decisions on child custody. As a result, courts often do not examine all the essential facts necessary for a lawful and fair resolution of such disputes. (Llulluni *et al.*, 2019) [5].

According to the findings of the Supreme Court of Kosovo, lower instance courts have erred in determining child visitation arrangements with the non-custodial parent. These courts failed to set visitation in accordance with legal provisions and the actual circumstances of the case. Specifically, they did not consider the well-being of the children, nor did they take into account that the children are attending school. The courts failed to verify the children's school schedules and whether the proposed visitation times would interfere with their regular attendance. As a result, the judgments were rendered unenforceable and in contradiction with the provisions of the Family Law of Kosovo. (Thaqi, 2023) [16]

In conclusion, while Kosovo's legal framework establishes a solid foundation for protecting children's rights in divorce cases, addressing the existing challenges is crucial. Strengthening the implementation of child participation rights, improving enforcement procedures, enhancing professional training, and promoting inter-institutional cooperation are essential steps toward better legal protection and support for children affected by parental divorce. Aligning national practices with international standards will significantly improve outcomes for children and families.

## 6. Results and Discussion

In analyzing the effects of parental divorce on children in Kosovo, several key issues emerge that affect their psychological, social, and legal well-being.

1. Psychologically, children of divorced parents often experience emotional distress, anxiety, and feelings of insecurity. The instability caused by family separation, coupled with potential conflicts between parents, negatively impacts their mental health. This is exacerbated in Kosovo by limited availability of psychological support services, especially outside urban centers.
2. Socially, children face challenges in adapting to changes in their family structure. Divorce can lead to difficulties in peer relationships, reduced academic performance, and social stigma in Kosovo's traditional society. These factors contribute to feelings of isolation and low self-esteem among affected children.
3. From a legal perspective, although Kosovo's legal framework aims to protect children's best interests during divorce, practical challenges remain. The child's right to be heard in court is often inadequately ensured, and enforcement of custody arrangements can be

inconsistent. These shortcomings affect the child's stability and security after divorce.

The study identifies gaps in both legal protection and social support mechanisms. Strengthening procedural safeguards to guarantee children's participation in divorce proceedings, improving access to counseling, and enhancing training for professionals involved in family law cases are critical steps forward. Aligning Kosovo's practices with international standards such as the UN Convention on the Rights of the Child would contribute to better protection of children's rights and well-being.

## 7. Conclusion

Parental divorce in Kosovo significantly affects children's psychological, social, and legal well-being.

Although the existing legal framework aims to safeguard the best interests of the child, gaps in implementation and enforcement diminish its effectiveness. Psychological distress and social challenges faced by children of divorced parents are aggravated by insufficient support services and societal stigma. This study highlights the urgent need for comprehensive reforms, including enhanced procedural protections ensuring children's meaningful participation in divorce proceedings, improved access to psychological counseling, and specialized training for legal and social professionals. Harmonizing national practices with international conventions, particularly the UN Convention on the Rights of the Child, is critical to advancing the protection and promotion of children's rights and overall well-being in the context of parental divorce in Kosovo.

## 8. Recommendations

Based on the findings of this study, the following recommendations are proposed to improve the protection and well-being of children affected by parental divorce in Kosovo:

1. **Strengthen Legal Safeguards:** Develop and enforce clear procedural rules that guarantee the meaningful participation of children in divorce proceedings, ensuring their views and interests are adequately considered by the courts.
2. **Enhance Psychological Support Services:** Increase availability and accessibility of specialised psychological counselling and support programs for children and families undergoing divorce, particularly in rural and underserved areas.
3. **Professional Training:** Provide comprehensive training for judges, lawyers, social workers, and other professionals involved in family law cases to adopt child-centered approaches and understand the complex effects of divorce on children.
4. **Public Awareness Campaigns:** Promote awareness campaigns to reduce social stigma related to divorce and encourage community support for affected children and families.
5. **Align with International Standards:** Accelerate the harmonization of Kosovo's family law and child protection policies with international human rights instruments, especially the UN Convention on the Rights of the Child, to ensure consistent and effective protection of children's rights.

**9. Conflict of Interest**

None.

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