

Extrajudicial Mechanisms for the Enforcement of Child Support Obligations: A Comparative Legal Analysis of Russia, Kazakhstan, And Uzbekistan

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Abstract: Introduction. The article analyzes the development of extrajudicial mechanisms for the settlement of child support (alimony) obligations in the context of modern legal systems, with particular attention to mediation and notarized agreements as alternatives to judicial proceedings.

Methods. The study employs comparative legal analysis, doctrinal research, and the examination of regulatory frameworks and enforcement practices in three countries representing different legal traditions.

Results. The analysis demonstrates that the effectiveness of out-of-court settlement of child support obligations depends on legal certainty, procedural accessibility, and the level of trust among participants. It is established that mediation and notarized agreements contribute to reducing court caseloads and ensuring faster and more sustainable fulfillment of obligations. At the same time, national legal system characteristics significantly influence the scope and practical application of these mechanisms.

Discussion. The findings confirm the advisability of expanding extrajudicial instruments for resolving child support disputes and highlight the need to improve legal regulation and institutional support in this area to enhance their effectiveness.

Keywords: child support obligations, extrajudicial settlement, mediation, notarized agreement, comparative law, family law, international experience.



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INTRODUCTION

In 2018, Uzbekistan adopted the Law “On Mediation,” which laid the legal foundation for the development of this institution and created a mechanism for pre-trial settlement of conflicts [1]. This highlights the need to analyze the reasons for the low popularity of this procedure and to search for effective solutions for its development and implementation. Despite this, both the popularity and the practical use of mediation remain limited due to insufficient public awareness, underdeveloped procedural regulations, and limitations in institutional support [2][3].

In the context of the growing number of family disputes, the potential of out-of-court settlement of alimony obligations is of particular importance.

Mediation is a voluntary method of dispute resolution through a neutral intermediary, allowing the parties to reach agreements without lengthy court proceedings. As an institution of ADR (alternative dispute resolution), it reduces the burden on courts and increases the efficiency of law enforcement, especially in large cities [4].

A comparative analysis of the experience of Russia, Kazakhstan, and Uzbekistan makes it possible to identify the opportunities and limitations of mediation in this field, as well as to determine directions for increasing its effectiveness and the level of trust among dispute participants [5][6].

Major cities in Uzbekistan—such as Tashkent, Samarkand, Bukhara, and Fergana—are characterized by a high concentration of legal disputes, especially in the spheres of civil, family, and commercial law.

Within the framework of this study, institutional, social, and legal factors determining the degree of demand for mediation in an urban environment are examined.

Methods / Research Methodology. This research employs a qualitative sociolegal methodology aimed at examining the effectiveness, limitations, and institutional conditions of mediation in family law disputes, with particular emphasis on alimony obligations in urban contexts. The study is grounded in the interdisciplinary approach combining legal analysis with social context, which is commonly used in contemporary ADR scholarship.

Effectiveness is assessed through such criteria as enforceability of agreements, level of voluntary compliance, procedural accessibility, duration of dispute resolution, and reduction of court involvement.

Research Design. The study utilizes a comparative legal analysis combined with a case study method. This mixed qualitative design allows for both normative legal evaluation of legal frameworks and practical assessment of how mediation functions in real-world family disputes. The focus is placed on mediation as a mechanism of alternative dispute resolution rather than on litigation outcomes alone, enabling an assessment of both procedural efficiency and substantive fairness.

Comparative Legal Analysis. The comparative component examines mediation frameworks in Uzbekistan, Russia, and Kazakhstan. These jurisdictions were selected due to their shared historical and legal background, *rooted in the Soviet legal system*, while demonstrating different trajectories in the institutional development and practical implementation of mediation. This makes them suitable for identifying structural factors that either facilitate or hinder the effective implementation of mediation in family law.

Primary sources include national legislation on mediation, family law statutes, and procedural codes regulating civil and family disputes. Particular attention is paid to the legal status of mediation agreements, enforcement mechanisms, court involvement in referral to mediation, and the presence or absence of mandatory pre-trial mediation. Secondary sources consist of scholarly

articles, policy papers, reports by international and regional organizations, and expert analyses addressing mediation practices and access to justice.

The comparative analysis focuses on identifying similarities and differences in regulatory approaches, institutional support mechanisms, and judicial attitudes toward mediation. This method allows for the evaluation of best practices and the identification of legal gaps that affect the practical use of mediation in family disputes, especially those involving ongoing parental obligations.

Case Study Method. To complement the normative analysis, the research employs a **qualitative case study** of a post-divorce alimony dispute. The case reflects a common scenario in family law practice, where parents disagree on the amount and form of alimony payments due to unstable income, informal employment, or differing perceptions of financial responsibility. The case study method is used to illustrate how mediation operates in practice and how negotiated solutions may differ from court-imposed decisions.

This study analyzes the case using a structured analytical framework that examines the interests of both parents, the role of the mediator, potential negotiation strategies, and the resulting outcomes. This approach highlights the potential of mediation to reduce conflict intensity, preserve cooperative parental relationships, and promote voluntary compliance with alimony agreements, which is particularly important for the long-term interests of the child.

Urban Context Analysis. Given the focus on large cities such as Tashkent, the study incorporates an **urban legal context analysis**. Urban environments are characterized by higher litigation rates, heavier court workloads, and more complex social dynamics, including labor migration, informal employment, and diverse family structures. These factors significantly influence the demand for flexible and efficient dispute resolution mechanisms.

The analysis considers how urban conditions affect access to mediation services, public awareness of ADR mechanisms, and institutional cooperation between courts, mediators, and notarial bodies. This contextual perspective allows the research to move beyond purely doctrinal analysis and assess mediation as a practical tool within a broader socio-legal environment.

Scope and Limitations. The study is primarily descriptive and analytical and does not employ quantitative statistical methods. Its purpose is not to measure the statistical success rate of mediation, but rather to identify **systemic legal, institutional, and social factors** influencing its effectiveness. The findings are therefore not intended to be universally generalizable but provide analytically grounded insights relevant to jurisdictions with similar legal and social structures.

Overall, this methodological approach enables a comprehensive evaluation of mediation in family law, combining legal doctrine, comparative analysis, practical illustration, and social context to inform future legal reforms and policy development.

The following sections examine the legal barriers, comparative international practices, recent legislative developments, and a practical case study.

1. LEGAL, SOCIAL, AND INSTITUTIONAL BARRIERS

1.1. Legal Barriers. Despite the existence of the Law of the Republic of Uzbekistan “On Mediation” (ZRU-482), the legal regulation of mediation in the country still contains significant gaps, which limit the effectiveness and accessibility of this procedure [1].

One of the key legal obstacles is the absence of a mechanism for mandatory referral of parties to mediation [1]. As a result, mediation remains largely optional and underutilized in family, labor, and consumer disputes. The introduction of pre-trial (mandatory) mediation could significantly reduce court caseloads and accelerate dispute resolution.

Another major legal barrier is the lack of clarity regarding the legal status of mediation agreements. The Law does not contain explicit provisions regulating the enforceability of mediation agreements or the procedures for their execution [1]. This legal uncertainty reduces parties' trust in mediation as a reliable and effective dispute resolution mechanism.

In addition, procedural aspects of mediation remain insufficiently regulated. The Law does not clearly define the liability of mediators for breaches of professional duties, nor does it establish adequate guarantees for compliance with agreements reached through mediation [1]. These gaps undermine legal certainty and weaken confidence in mediation as an institution equivalent to judicial dispute resolution.

1.2. Institutional Barriers. Institutional weaknesses also significantly hinder the development of mediation in Uzbekistan. Courts and other state bodies, particularly in remote regions, are not always prepared to actively cooperate with mediation institutions. In practice, judicial referral to mediation remains limited, and mediation is rarely integrated into standard dispute resolution workflows.

Another institutional challenge is the shortage of qualified mediators and the lack of regular professional training and continuing education programs. This negatively affects the quality and consistency of mediation services and contributes to skepticism toward the procedure among potential users.

Furthermore, insufficient institutional support, including the limited number of mediation centers and the absence of a coordinated national infrastructure, slows the effective implementation of mediation across different regions and categories of disputes.

1.3. Social Barriers. Social factors also play a crucial role in limiting the demand for mediation. A low level of legal awareness and legal literacy among the population remains a significant obstacle. Many individuals continue to perceive court litigation as the only legitimate method of dispute resolution, while alternative mechanisms, including mediation, are often viewed as optional or ineffective.

Additional complexity arises from the influence of traditional social institutions such as *mahallas*, where disputes are frequently resolved informally. Although these institutions play an important role in community life, they do not always ensure equality of the parties or provide sufficient legal protection, particularly for vulnerable groups.

As a result, social trust in mediation remains limited, reinforcing reliance on judicial procedures and slowing the broader acceptance of mediation as a viable and effective alternative dispute resolution mechanism.

2. MEDIATION AS A DISPUTE RESOLUTION TOOL –INTERNATIONAL EXPERIENCE

According to the World Health Organization definition, mediation is a process in which a neutral third party assists the parties in conflict to reach a voluntary agreement [4].

In Russia, Kazakhstan, and Uzbekistan, mediation is regarded as an effective way to reduce the burden on judicial bodies and improve access to justice [1][8].

Russia. After the adoption of Federal Law No. 193-FZ in 2010, basic conditions were created for the development of mediation practice, and mediation agreements acquired legal force [2]. Courts began recommending mediation to parties in certain categories of cases, especially in family and domestic conflicts. This increased awareness and trust in the procedure and, at the same time, helped reduce the judicial workload.

Kazakhstan. Since 2015, Kazakhstan has been developing mandatory pre-trial mediation. The Law “On Mediation” (2011) provides for its application in a number of civil and economic disputes [3]. Mandatory mediation has been established for certain types of civil and economic disputes. The state supports mediation centers through grants and subsidies and has introduced mediation courses into the legal education system [5]. This has made mediation more accessible and in demand.

Uzbekistan. The legal basis for mediation appeared relatively recently. Despite its normative establishment, mediation has not yet gained wide practical popularity. This is due to the fact that courts should not only inform parties about the possibility of mediation, but also actively promote its use — acting not only as the sole arbiter, but as a coordinator of more flexible forms of justice.

3. RECENT LEGISLATIVE DEVELOPMENTS IN UZBEKISTAN: STRENGTHENING THE MEDIATION FRAMEWORK

In October 2025, Uzbekistan adopted the **Law of the Republic of Uzbekistan No. ZRU-1089 dated 20 October 2025**, introducing amendments and additions to several legislative acts aimed at improving the institution of mediation and alternative dispute resolution. This legislative reform represents a significant legislative response to the structural weaknesses that have previously limited the practical application of mediation in the country.

One of the key innovations of the 2025 amendments is the **expansion of the scope of disputes eligible for mediation**, including a clearer acknowledgment of mediation as an effective mechanism in civil and family law matters. By explicitly reinforcing the role of mediation in resolving private law disputes, the legislature has strengthened its position as a viable alternative to judicial proceedings rather than a merely declarative institution.

The amendments also place greater emphasis on the **institutional integration of mediation** within the justice system. Courts are expressly encouraged to play a more active role in informing parties about the possibility of mediation and facilitating access to mediators. This shift reflects an evolving understanding of the judiciary not only as an adjudicative body but also as a coordinator of dispute resolution mechanisms, aligning Uzbekistan’s approach with comparative models observed in Russia and Kazakhstan.

Another important aspect of the reform concerns the **professionalization of mediators**. The law introduces more detailed requirements for mediator training and qualification, aiming to improve the quality and consistency of mediation services. Strengthening professional standards addresses one of the major barriers previously identified in Uzbekistan—the lack of trust in mediation due to insufficiently trained specialists.

The 2025 amendments further seek to enhance the **legal certainty of mediation agreements**, particularly with respect to their recognition and enforceability. Although mediation remains a voluntary procedure, the reinforced legal framework reduces ambiguity surrounding the outcomes of mediation and increases confidence among potential users. This development is especially relevant in family disputes, including alimony cases, where long-term compliance and predictability are critical.

Despite these positive changes, the effectiveness of the reform largely depends on **implementation practices**. Legislative improvements alone may not lead to a substantial increase in mediation usage without parallel efforts in public awareness, judicial practice, and institutional cooperation. Moreover, the law stops short of introducing broadly mandatory pre-trial mediation, instead preserving a flexible model that balances voluntariness with institutional encouragement.

Overall, the adoption of Law No. ZRU-1089 demonstrates Uzbekistan’s commitment to advancing mediation as part of a broader access-to-justice strategy. The reform creates a more favorable legal environment for mediation, while also highlighting the need for continued

institutional development, judicial engagement, and public education to ensure that the legislative intent translates into practical outcomes.

These amendments are particularly relevant for alimony disputes, where predictability, enforceability, and long-term compliance are essential.

However, without consistent judicial practice and sufficient funding for mediation infrastructure, the reform risks remaining declarative.

4. CASE STUDY: DISPUTE OVER THE PROCEDURE AND AMOUNT OF ALIMONY PAYMENTS AFTER DIVORCE

This case study is based on anonymized mediation and court practice commonly encountered in urban family law disputes. It is intended as an illustrative example rather than a statistically representative analysis and reflects typical patterns observed in post-divorce alimony conflicts.

Case Background. Following the dissolution of marriage, the mother of a minor child sought regular alimony payments from her former spouse in a fixed monetary amount. Her position was based on the father's unstable income and informal employment, which made percentage-based alimony difficult to enforce. She argued that a fixed amount was necessary to ensure predictable financial support for the child's basic needs, including education, healthcare, and daily expenses.

The father did not deny his obligation to support the child but contested the proposed amount, claiming that it did not reflect his actual financial capacity. He emphasized irregular earnings, fluctuating employment conditions, and existing personal expenses. The parties were unable to reach an agreement independently, and the dispute escalated toward potential judicial proceedings.

Court-Based Resolution Scenario. Under a traditional court-based approach, the dispute would likely result in a judicial determination of alimony either in a fixed amount or as a percentage of income, followed by the issuance of an enforcement document. While this method provides formal legal certainty, it often fails to address the underlying interests of the parties. Court proceedings tend to be adversarial, increase emotional tension, and reduce the likelihood of voluntary compliance. Enforcement difficulties are particularly common when the obligated parent has unstable or informal income.

Mediation Process and Comparative Practice. In jurisdictions such as Russia and Kazakhstan, alimony disputes may be resolved through mediation both prior to and during court proceedings. Family legislation allows the parties to conclude alimony agreements without judicial involvement, and such agreements, once notarized or approved by a court, acquire enforceable legal status.

During mediation, a neutral mediator facilitates dialogue focused on the interests of the parties rather than formal legal positions. The process typically begins with identifying shared priorities, most notably the child's well-being and financial stability. The parties may explore flexible solutions, including mixed alimony models combining a fixed base amount with additional voluntary contributions for specific expenses such as education, extracurricular activities, and medical care. These arrangements are often perceived as more realistic and sustainable than court-imposed decisions.

Outcomes and Practical Implications. As a result of mediation, the parties may reach a mutually acceptable agreement that reflects both the child's needs and the father's financial capacity. Such agreements usually establish clear payment structures, mechanisms for periodic review, and channels for communication regarding changes in financial circumstances. Because the terms are developed collaboratively, the likelihood of voluntary compliance is significantly higher, and conflict intensity between parents is reduced.

Relevance for Uzbekistan. In Uzbekistan, despite the formal availability of mediation in family disputes, alimony cases are still predominantly resolved through courts. Limited public awareness, uncertainty regarding the legal status of mediation agreements, insufficient judicial referral to mediation, and a shortage of trained family mediators significantly constrain the practical use of this mechanism. As a result, most alimony disputes proceed through judicial channels, prolonging proceedings and intensifying parental conflict.

This case study demonstrates that mediation has the potential to serve as an effective extrajudicial mechanism for resolving alimony disputes in urban environments, particularly where courts face heavy caseloads and families require flexible and sustainable solutions. The analysis supports the conclusion that mandatory referral mechanisms, institutional support, and professional mediator training are key conditions for improving voluntary compliance with alimony obligations and protecting the best interests of the child.

CONCLUSIONS (revised)

To ensure the effective development of mediation in alimony cases, it is essential to establish stable institutional procedures, including the notarization of mediation agreements, systematic judicial informing of parties, and the training of qualified family mediators. Particular emphasis should be placed on the use of digital tools, such as online platforms and services for conducting mediation procedures and formalizing agreements. These measures, together with the expansion of mandatory pre-trial mediation, judicial recognition of mediation agreements, the development of mediation infrastructure, and the standardization of professional training programs, constitute the key conditions for enhancing the effectiveness of this mechanism.

The comparative analysis of the experience of Russia, Kazakhstan, and Uzbekistan demonstrates that the successful application of mediation in alimony disputes depends on its institutional integration into the legal system, the enforceability of mediation agreements, and the availability of qualified mediators. In Russia, mediation is actively used in family, housing, and consumer disputes, contributing to increased trust in alternative dispute resolution mechanisms, although challenges related to public awareness and uneven specialist training remain. In Kazakhstan, mandatory mediation, state support, and integration into legal education have ensured broader dissemination and higher practical effectiveness of the procedure. In Uzbekistan, however, mediation has not yet achieved widespread application due to limited public awareness, the absence of mandatory referral mechanisms, and legal uncertainty surrounding mediation agreements.

The further development of mediation in alimony cases should focus on the creation of specialized mediation centers with notarization capacity, mandatory judicial informing of parties, dissemination of successful mediation practices through standard agreement templates, targeted training of family mediators that takes into account the financial, psychological, and social dimensions of disputes, and the introduction of digital tools for concluding, registering, and monitoring mediation agreements. The implementation of these measures may enable mediation in Uzbekistan to become a reliable and accessible instrument for resolving family disputes, reducing conflict intensity, and accelerating the enforcement of alimony obligations.

References

Normative Legal Acts

1. Law of the Republic of Uzbekistan *On Mediation* of July 3, 2018, No. ZRU-482. Official source: lex.uz (accessed: 26.01.2026).
2. Law of the Republic of Uzbekistan *On introducing amendments and additions to certain legislative acts of the Republic of Uzbekistan aimed at improving the institution of mediation*

in the alternative settlement of disputes of October 20, 2025, No. ZRU-1089. Date of entry into force: October 20, 2025. Official source: lex.uz (accessed: 26.01.2026).

3. Family Code of the Republic of Uzbekistan. Official source: lex.uz (accessed: 26.01.2026).
4. Federal Law of the Russian Federation *On the Alternative Procedure for Dispute Resolution with the Participation of a Mediator (Mediation Procedure)* of July 27, 2010, No. 193-FZ. Official source: consultant.ru (accessed: 26.01.2026).
5. Family Code of the Russian Federation. Official source: pravo.gov.ru (accessed: 26.01.2026).
6. Law of the Republic of Kazakhstan *On Mediation* of January 28, 2011, No. 401-IV. Official source: adilet.zan.kz (accessed: 26.01.2026).
7. Code of the Republic of Kazakhstan “On Marriage (Matrimony) and Family.” Official source: adilet.zan.kz (accessed: 29.09.2025).

International and Comparative Sources

8. World Health Organization. (2016). *Mediation in Healthcare: Enhancing Conflict Resolution*. PMC database (accessed: 26.01.2026).
9. Council of Europe. (1998). *Recommendation No. R(98)1 on Family Mediation*. Strasbourg. accessed: 26.01.2026
10. European Commission for the Efficiency of Justice (CEPEJ). (2018). *Guidelines for a Better Implementation of Existing Recommendations Concerning Mediation*. Council of Europe. accessed: 26.01.2026
11. United Nations Children’s Fund (UNICEF). (2019). *Child Rights and Alternative Dispute Resolution in Family Law*. New York. accessed: 26.01.2026
12. UNCITRAL. (2018). *Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation*. United Nations. accessed: 26.01.2026

Academic Literature

13. Nurgalieva, A. (2019). *Development of Mediation in the Republic of Kazakhstan: Legal and Institutional Aspects*. InLibrary. Available at: <https://inlibrary.uz> (accessed: 26.01.2026).
14. Maksudova, Sh. (2024). *Current State and Prospects of Mediation in Uzbekistan*. *Nauka i innovatsiya*, 2(33), 4–7. Available at: <https://inlibrary.uz> (accessed: 26.01.2026).
15. Abduvoitov, S. (2020). *Legal Foundations and Prospects for the Development of Mediation in the Republic of Uzbekistan*. OII, No. 1(S). Available at: <https://cyberleninka.ru> (accessed: 26.01.2026).
16. Samsonova, N. V., Dolgushina, Yu. V. (2021). *Problems of Demand for Mediation as a Basis for Public Awareness Activities*. MNKO, No. 3(88). Available at: <https://cyberleninka.ru> (accessed: 26.01.2026).
17. Boule, L., Nestic, M. (2010). *Mediation: Principles, Process, Practice*. London: Butterworths. accessed: 26.01.2026