

ISSN 2343-4724

Journal of Legal Studies



Volume 4 Winter 2019

Nordic Journals

This publication was entitled the *Journal of Legal Studies*.

ISSN 2343-4724

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Subscription Prices (online): EUR €29.00

The *Journal of Legal Studies* is accessible at:

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Published in Helsinki, Finland

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Nordic Journals

Available online at jls.pruna.eu

Journal of Legal Studies

Journal of Legal Studies, 2019, 1–25



Journal of Legal Studies

Received: 8 July 2019. Accepted: 8 August 2019. Published: 18 Dec. 2019

Mobile Cloud Computing Security within Enterprises

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Abstract: The ever-growing cloud computing is having the second wave. Increasing mobile and remote workforce is driving enterprises to cooperate wide range of mobile priorities as part of their overall corporate mobility strategy, as well as in this case mobile cloud computing. Are there some distinguishes between mobile and cloud computing, what are the future predictable future trends of the technology and what are the preventives. The security is always on the concern within enterprises, which questions the data-storage within cloud-based storage. The safety issues. Advantages and disadvantages of mobile cloud computing utiliting within enterprise. Main risks and solutions will be intrepreted in the results. The research is going to evaluate the use of mobile devices accessing corporate cloud computing data-storage. Methodology is mainly based on researched across the internet, also basic definitions from research from published articles and books.

Keywords: Mobile phone cloud security, phishing, ransomware, cross-platform, cryptocurrency, mining

1. Introduction

1.1. What is Cloud Computing?

“Comes from the early days of the Internet where we drew the network as a cloud... we didn’t care where the messages went... the cloud hid it from us” –Kevin Marks, Google

A working definition of Cloud computing is from National Institute for Standards and Technology (NIST) is an agency of the U.S. Department of Commerce. NIST’s formal definition of the Cloud Computing:

“A model for enabling ubiquitous, convenient, on-demand network access to a shared pool of configurable computing resources (e.g., networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or service provider interaction.”

NIST Cloud Computing Definition Framework, this cloud model promotes availability and is composed of five essential characteristics, three service models and four deployment models:

Deployment Models	Hybrid Clouds	Private Cloud	Community Cloud	Public Cloud
Service Models	Software as a Service (SaaS)	Platform as a Service (PaaS)	Infrastructure as a Service (IaaS)	
	On-demand Self-Service			

Essential Characteristics	Network Access	Rapid Elasticity
	Resource Pooling	Measured Service
Common Characteristics	Massive Scales	Resilient Computing
	Homogeneity	Geographic Distribution
	Virtualization	Service Orientation
	Low-Cost Software	Advanced Security

Figure 1. Cloud computing Definition Framework (Source NIST.)

Cloud computing for organizations that understand it, the most significant roadblock is the fact that Cloud Computing requires a level of architectural maturity that only few organizations have managed to achieve (Jason Bloomberg 2013).

1.2. Why cloud computing?

For achieving the ultimate benefits of the cloud computing, the organization must understand the best practices for implementing and using the technology resources, and furthermore, we must have the organizational discipline to follow those best practices (Jason Bloomberg 2013).

What cloud computing leverages:

Massive scale

Homogeneity

Virtualization

Resilient computing

Low cost software

Geographic distribution

Advanced security technologies

One common thread: vendor driven. According to Jason Bloomberg a broad understanding among many CIOs that over years, vendors have oversold and under delivered on low-cost, fast, agile offerings. The trend of selling organizations vendor-centric and business benefit driven solutions (Jason Bloomberg 2013).

Organizations should distinguish, how to leverage cloud, not how to build one. While searching on information from search engines, the instructions are plenty for the latter though not for the former one. Leveraging Clouds as part of the IT enterprise is to know how to get value from them.

What matters is to the organization is that one is trying to figure out and solve the problems of the business in the best way possible, even when vendors are trying to sell a bill of goods.

- Value to customers
- Value to vendors
- New revenue and jobs

1.3. Cloud computing history?

- Utility computing 1961
- Time sharing 1970s

- Large distributed data centres 1980-1990s
- Internet computing 2000-present
- Essential characteristics of cloud computing

1.4. Three Service Models

Software as a Service(SaaS): A complete software application with a user interface.(Kris Jamsa 2009)

Platform as a Service (PaaS): A platform within which developers can deploy their applications. A PaaS solution includes hardware (servers and disks), operating systems, development tools, and administrative tools. (Kris Jamsa 2009)

Infrastructure as a Service (IaaS): Provides machines, storage, and network resources that developers can manage by installing their own operating system, applications, and support resources. (Kris Jamsa 2009)

1.5. Four deployment models

Private cloud. The cloud infrastructure is provisioned for exclusive use by a single organization comprising multiple consumers (e.g., business units). It may be owned, managed, and operated by the organization, a third party, or some combination of them, and it may exist on or off premises. (NIST definition)

Community cloud. The cloud infrastructure is provisioned for exclusive use by a specific community of consumers from organizations that have shared concerns (e.g., mission, security requirements, policy, and compliance considerations). It may be owned, managed, and operated by one or more of the organizations in the community, a third party, or some combination of them, and it may exist on or off premises. (NIST definition)

Public cloud. The cloud infrastructure is provisioned for open use by the general public. It may be owned, managed, and operated by a business, academic, or government organization, or some combination of them. It exists on the premises of the cloud provider. (NIST definition)

Hybrid cloud. The cloud infrastructure is a composition of two or more distinct cloud infrastructures (private, community, or public) that remain unique entities, but are bound together by standardized or proprietary technology that enables data and application portability (e.g., cloud bursting for load balancing between clouds). (NIST definition)

1.6. Essential characteristics

Cloud computing characteristics are included below (Sun Microsystems. 2009; P.Mell and T.Grance 2009):

On-demand self-service. Users can directly and automatically provision computing capabilities such as server time and network storage as needed without requiring actual interaction with a service provider.

Broad network access. Capabilities are available over the network and accessed through standard mechanisms that promote use by heterogeneous thin or thick client platforms (e.g., mobile phones, laptops, and PDAs) as well as other conventional or cloud-based software services.

Resource pooling. The provider's computing resources are pooled to serve multiple consumers using a multi-tenant model, with different physical and virtual resources dynamically assigned and reassigned according to consumer demand. Resources include storage, processing, memory, network bandwidth, and virtual machines.

Rapid elasticity. Capabilities can be rapidly and elastically provisioned for unlimited and can be purchased in any quantity at any time.

Measured service. Resource usage can be monitored, controlled and optimized automatically through metering capabilities.

Cloud services are often but not always utilized in conjunction with, and enabled by, virtualization technologies.

2. The subject area / scope

Personally owned mobile devices are increasingly being used to access enterprise systems and cloud-hosted data – both via browser-server-based and native mobile applications. This research identifies the risks, and threats to both personal and enterprise wide problems providing solutions found regarding to the research problems.

There are some misleading concepts for enterprises choosing the right cloud computing for example the differences between private and public cloud computing, and which one is actually more safe. The current solutions for employees and employers to safe-use mobile cloud computing in enterprises. The future trends of using mobile cloud computing within enterprises.

3. The research problem, and research questions derived from the research problem

Identification of primary risks related to individual owned devices accessing organizational systems? Whether using employees own mobile devices accessing corporate cloud-storage and using corporate servers.

Solutions for resolving multiple usage roles related to personal and business use of a common device? The alternatives from the research results. And the future trends of adopting mobile cloud services across enterprises.

4. Theoretical background

The **mobile cloud** consists of apps and web pages that originate from sites within the cloud from which user download, or with which they interact via a mobile device (Jones and Bartlett Learning LLC, an Ascend Learning Company 2013).

With increasing complexity of an interconnected world and known cyber threats compliance and regulatory requirements have become more important

business drivers for cloud computing adoption (IBM 2016). The demand of security, compliance and regulatory requirements are tightening the adoption of cloud computing innovation. Since cloud computing has standardized its usage and the automation of the service and usage by companies are increasing.

Security will continue to be a big concern. For businesses who adopted the cloud computing on the earlier stage, which the first apps and data moved into the cloud does not usually contain or have an access to mission-critical data. The sensitive data corporate files included are rated as high as 15.8 % (Cameron Coles, Skyhigh Report Q4 2015).

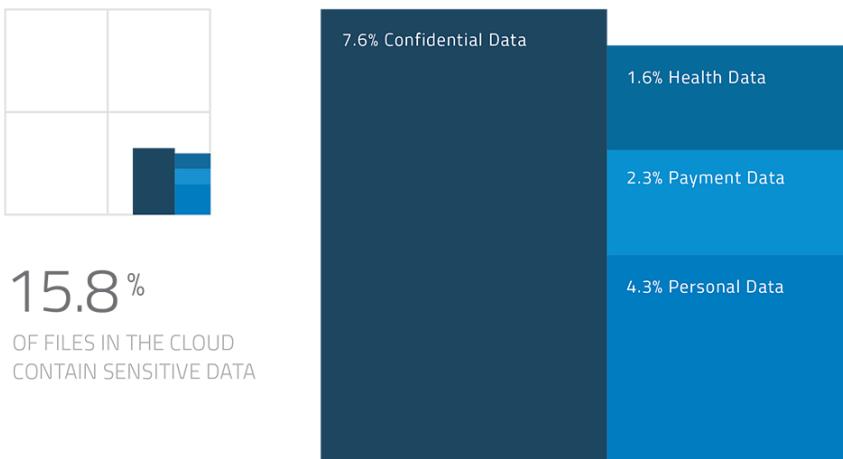


Figure 1 Skyhigh Q4 2015 report of 15,8% of the files in the cloud contain sensitive data

1,156 files contain the word “password” in the filename

1,753 Excel documents contain the word “salary” in the filename

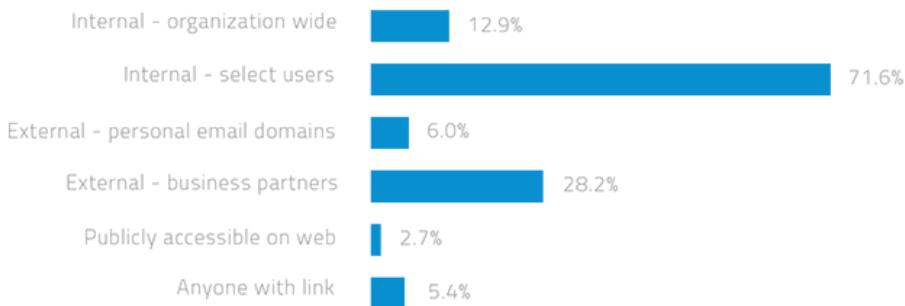


Figure 2 File sharing hit an all-time high this quarter

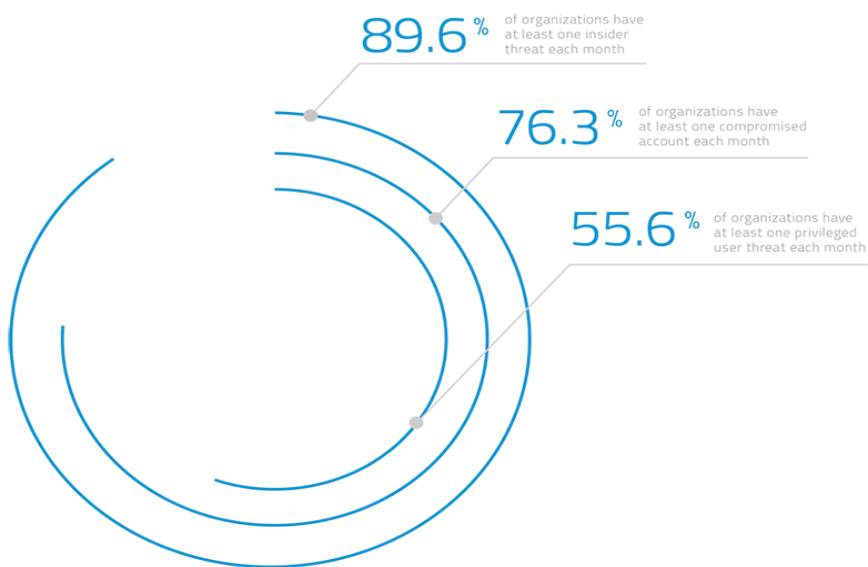


Figure 3 Data is under siege by internal and external threats

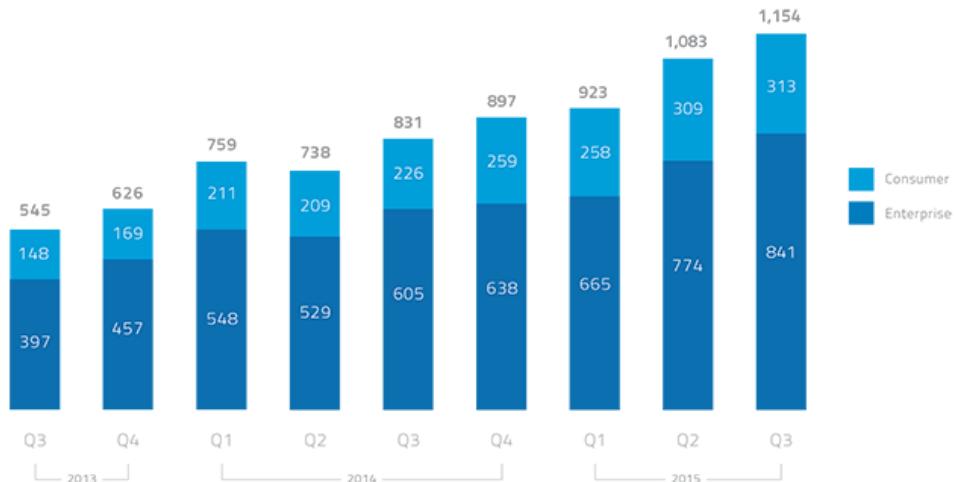


Figure 4 Skyhigh Q4 report 2015: Cloud usage in Q3 grew 38.9% over the same period last year

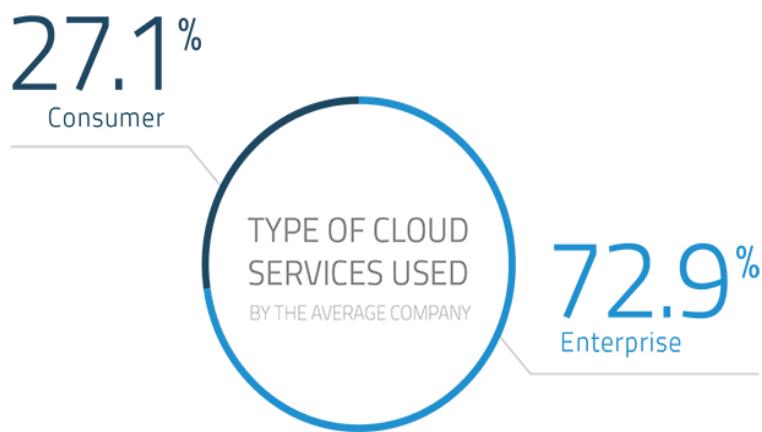


Figure 5 Skyhigh Q4 report 2015: Enterprise cloud services account for 72.9% of cloud usage

Cloud-Native apps are becoming the norm. According to Forrester Research, we are currently on the cusp of a second wave of cloud computing. While the

first wave focused on meeting IT's needs from a network/compute infrastructure perspective, the second wave is focused on applications. (Forrester Dec. 2014)

Our [cloud platform] selection is likely to change. I'm very sure we'll be a multicloud environment. As we mature, we want to treat cloud platforms as commodities, comparing them on costs, performance, reliability, etc. " –Application architecture director, media company.

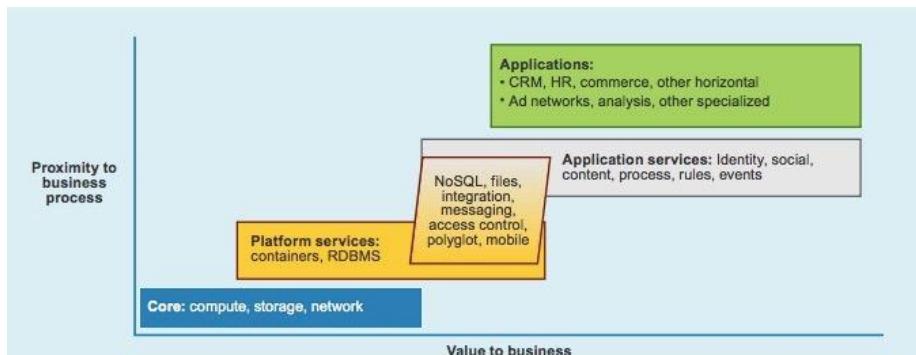


Figure 6 The value of cloud application services is relative

4.1. When mobile and cloud collide

Mobile cloud computing uses cloud computing to deliver applications to mobile services.

Gartner recognized Microsoft as a Leader, positioned furthest to the right for completeness of vision, in the 2016 Magic Quadrant for Identity and Access Management as a Service, Worldwide.

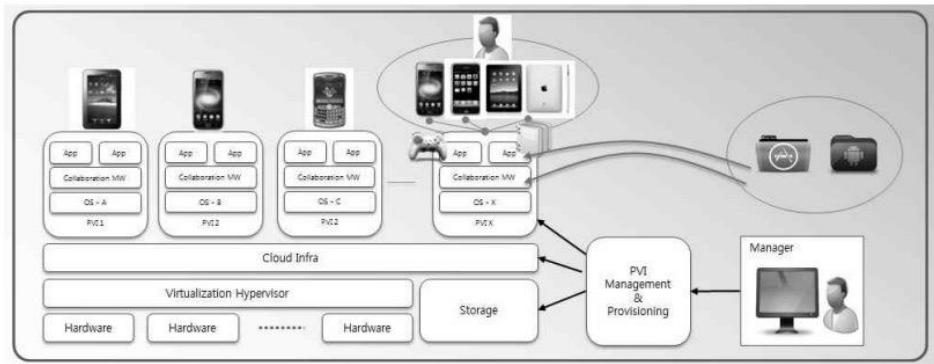


Figure 7 Mobile Cloud computing architecture overview

4.2. *Advantages and disadvantages using mobile cloud computing*

The advantages of cloud-based data storage are the following:

- **Cost effective database Scalability:** Most cloud-based data storage providers let you scale your storage capacity (up or down) to align with your storage needs.
- **Pay for use:** With most cloud-based data storage facilities, users pay only for the storage (within a range) that they need.
- **Reliability:** Many cloud-based data storage facilities provide transparent data replication.
- **Ease of access:** Many cloud-based data storage facilities support web-based access to files from any place, at any time, using variety of devices.
- **Ease of use:** Many cloud-based data disk storage solutions let users map a drive letter to the remote file storage area and then access the files through the use of a local drive.

Disadvantages of cloud-based storage:

- **Performance:** Because the cloud-based disk storage devices are accessed over the Internet, they will never be as fast as local drives.
- **Security:** Some users will never feel comfortable with their data in the cloud.
- **Data orphans:** Users may abandon data in cloud storage facilities, leaving confidential private or company data at risk.

(Kris Jamsa 2013)



Figure 8 Mobile Cloud Computing security architecture overview

According to research mobile cloud computing security is and integrity mobile networks and cloud computing, the security related issues are then divided into two categories: Mobile network user's security, and cloud security. (Victor Ko, Lee and Kim, Mobile Cloud computing security considerations 2012)

5. Results

5.1. *Mobile Network User's Security*

Numerous security vulnerabilities and threats such as malicious codes are known to the different mobile devices such as Smartphones, PDAs, cellular phones, laptops, and the like. Some applications to these devices can cause privacy issues for mobile users (H. T. Dinh, C. Lee, D. Niyato and P. Wang. 2009). There are two main issues concerning the subscriber's security.

Security for mobile applications: The simplest ways to detect security threats will be installing and running security software and antivirus programs on mobile devices. But since mobile devices are constrained with processing and power limitations, protecting them from these threats could be more difficult compared to regular computers. Several approaches have been developed transferring threat detection and security mechanisms to the cloud. Before mobile users could use a certain application, it should go through some level of threat evaluation. All file activities to be sent to mobile devices will be verified if it is malicious or not. Instead of running anti-virus software or threat detection programs locally, mobile devices only perform lightweight activities such as execution traces transmitted to cloud security servers. (Victor Ko, Lee and Kim, Mobile Cloud computing security considerations 2012)

Privacy: Providing private information such as indicating your current location and user's important information creates scenarios for privacy issues. For example, the use of location based services (LBS) provided by global positioning system (GPS) devices. Threats for exposing private information could be minimized through selecting and analysing the enterprise needs and require only specified services to be acquired and moved to the cloud. (Victor Ko, Lee and Kim, Mobile Cloud computing security considerations 2012)

5.2. *Securing Information on the Cloud*

Individuals and enterprises take advantage of the benefits for storing large amount of data or applications on a cloud. However, issues in terms of their integrity, authentication, and digital rights must be taken care of (H. T. Dinh, C. Lee, D. Niyato and P. Wang. 2009).

Integrity: Every mobile cloud user must ensure the integrity of their information stored on the cloud. Every access they make must be authenticated and verified. Different approaches in preserving integrity for one's information that is stored on the cloud is being proposed. For example, every information stored by each individual or enterprise in the cloud is tagged or initialized to them wherein they are the only one to have access (move, update or delete) such information. Every access they make must be authenticated assuring that it is their own information and thus verifying its integrity. (Victor Ko, Lee and Kim, Mobile Cloud computing security considerations 2012)

Authentication: Different authentication mechanisms have been presented and proposed using cloud computing to secure the data access suitable for mobile environments. Some uses the open standards and even supports the integration of various authentication methods. For example, the use of access or log-in IDs, passwords or PINS, authentication requests, etc. (Victor Ko, Lee and Kim, Mobile Cloud computing security considerations 2012)

Digital rights management: Illegal distribution and piracy of digital contents such as video, image, audio, and e-book, programs becomes more and more popular. Some solutions to protect these contents from illegal access are implemented such as provision of encryption and decryption keys to access these contents. A coding or decoding platform must be done before any mobile user can have access to such digital contents. (Victor Ko, Lee and Kim, Mobile Cloud computing security considerations 2012)

5.3. *Success factors*

- Trust
- Core competency

- Relational, technical, and managerial capabilities

5.4. Challenges

- Critical decision
- Rigorous decision making process
- Comply with standards
- Compare all alternatives
- Use best practices

Identification of primary risks related to individual owned devices accessing organizational systems? Enterprises have own devices in-use for accessing enterprise data, however it is possible for employees, who owning own mobile devices to access the data with granted administrative role and password. The question arisen is whether or not limit personal devices enrolling to the enterprise server. And in which degree the risk is on one's responsibility if the sensitive data owned by the company would be hacked on personal owned devices.

- Analysis of mobile security capabilities
- Cloud-based management, provisioning, policy, data management
- Authentication

The fragmented corporate mobile device landscape will gain momentum as more employees use their personally owned mobile devices to complete work activities. (Cisco 2011) The increasing amount of people are using smart phones, daily.

Solutions for resolving multiple usage roles related to personal and business use of a common device? According to Skyhigh: 9.2% of files shared externally contain sensitive data(Skyhigh Q4 2015 report). In this case, sensitive data that could be easily corrupted, leaked or hacked, the threat to leakage and business disadvantages can't be ignored.

- Scalable authentication from mobile devices and mobile heterogeneous cloud providers
- Securing application stores and other public entities deploying software to mobile devices

5.5. Limitations, Obligations

Risks 1

- Performance
- Network dependence
- Reliability
- Outages
- Safety critical processing

Risks 2

- Compliance
- Information security

Where the cloud computing is rocketing, companies are looking to realize cloud benefits in a much broader range of applications. This includes applications that create, work with, and access sensitive data. Where there's sensitive data, there's a heightened sense of data security. (Andrew Froehlich, InformationWeek 2015)Enterprises are prioritizing many activities and open doors for mobile devices owned by employees.

5.6. Recommendations and Implications

First is to getting past the fear of cloud-based systems and the data storage within these systems. Users are feeling uncomfortable placing their data within data. An approach is to apply **encryption** to the files. Only the receiver, or the one with the key could decrypt the file.

Back-up systems. Most companies are providing features:

- Files are backed up in an encrypted format
- Users can schedule when backup operations are to occur
- Users can easily retrieve backup files from the cloud
- Most systems support Windows, Linux, and Mac OS

(Kris Jamsa 2013)

The third, it is important for users to **understand the file systems**. Enterprises should train the staff with available relevant information. For example, a cloud file system (CFS) now allows users or applications to directly manipulate files that reside on the cloud.

COPE indicates corporate-owned and personally-enabled business model in which an organization provides its employees with mobile computing devices and allows the employees to use them as if they were personally-owned notebook computers, tablets or smartphones. (Margaret Rouse Techtarget)

The COPE model can facilitate an organization's mobile device management ([MDM](#)) and mobile application management ([MAM](#)) initiatives and provide the organization with greater power to protect the organization's data both technically and legally.(Margaret Rouse Techtarget)

Either way, it is between employees' and enterprises' decision on how to manage the corporate data with cloud computing mobile devices without hurting each party's rights.

6. Conclusion

Cloud computing offers on-demand network access to a shared pool of configurable computing resources (e.g., networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or service provider interaction. (Soeung-Kon Ko, Jung-Hoon Lee, Sung Woo Kim 2012)

Real solutions for protecting data from data-theft from mobile cloud computing devices within enterprises are growing up with the consumer demand. However, tech-companies are eager to offer solutions for such problems. Keeping up-to-dated with the current technology and finding solutions best tailored to each enterprises' demands and a smart decision maker.

According to research firm Markets and Markets, the cloud storage market "is expected to grow from US \$18.87 billion in 2015 to US \$65.41 billion by 2020, at a compound annual growth rate (CAGR) of 28.2%." The future trend of companies adopting mobile cloud computing is likely to increase and become a mundane function.

7. References

Web-based sources:

Andrew Froehlich. 23.12.2015. 8 Cloud computing predictions for 2016. URL: http://www.informationweek.com/cloud/infrastructure-as-a-service/8-cloud-computing-predictions-for-2016/d/d-id/1323598?image_number=3 Read: 5 Nov 2019.

Cameron Coles. 11 Essential Findings from Skyhigh Q4 2015 Cloud Report. URL: <https://www.skyhighnetworks.com/cloud-security-blog/11-essential-findings-from-skyhighs-q4-2015-cloud-report/> Read: 5 Nov 2019.

CSA. URL: <https://cloudsecurityalliance.org> Read: 5 Nov 2019.

CISCO. The expanding role of mobility in the workplace. February 2012. URL: https://www.cisco.com/c/dam/en_us/solutions/trends/unified_workspace/docs/Expanding_Role_of_Mobility_in_the_Workplace.pdf Read: 6 Nov. 2019.

Forrester. December 2014. What's Next In Cloud Platforms: Second-Wave Applications Demand New services and a better fit to enterprise needs. URL: <http://sapassets.edgesuite.net/sapcom/docs/2015/07/a8201af3-397c-0010-82c7-eda71af511fa.pdf> Read: 5 Nov. 2019.

Hoang T. Ding, Chonho Lee, Dusit Niyato, and Ping Wang. A survey of mobile cloud computing: Architecture, Applications, and Approaches. URL: https://www.eecis.udel.edu/~cshen/859/papers/MainFile_Paper.pdf Read: 5 Dec. 2019.

IBM. What is mobile cloud computing? URL: <https://www.ibm.com/cloud-computing/learn-more/what-is-mobile-cloud-computing> Read: 5 Nov. 2019.

Kris Jamsa. CISCO IBSG Presentation. When mobile and cloud collide. URL: <http://www.cloudbookcontent.com/chapter14/> Read: 5 Dec. 2019.

Margaret R., Colin S. COPE (corporate-owned, personally-enables). URL: <http://searchmobilecomputing.techtarget.com/definition/COPE-corporate-owned-personally-enabled> Read: 6 Dec. 2019.

Microsoft. Cloud Platform. URL: <https://www.microsoft.com/en-us/cloud-platform/enterprise-mobility-security> Read: 5 Dec. 2019.

NIST. The NIST Definition of Cloud Computing. Special Publication 800-145. URL: <http://faculty.winthrop.edu/domanm/csci411/Handouts/NIST.pdf> Read: 6 Dec. 2019.

Soeung-Kon (Victor) Ko, Jung-Hoon Lee, Sung Woo Kim. Mobile Cloud Computing security considerations. Journal of Security Engineering. 2012. URL: http://www.sersc.org/journals/JSE/vol9_no2_2012/2.pdf Read: 5 Dec. 2019.

Literacy references:

Anssi S. 2013. Security in cloud-based mobile solutions.

Faber E. V., Behnsen W. SpringerLink. 2012. Secure ICT Service Provisioning for Cloud, Mobile and Beyond: A Workable Architectural Approach Balancing Between Buyers and Providers.

Sun Microsystems, Inc., “Introduction to Cloud Computing Architecture”, White Paper, 1st Edition, (2009) June.

P. Mell and T. Grance, “The NIST Definition of Cloud Computing”, National Institute of Standards and Technology, Information Technology Laboratory, Version 15, 10-7-09 (2009).

Appendices

Figure 1-5 <https://www.skyhighnetworks.com/cloud-security-blog/11-essential-findings-from-skyhighs-q4-2015-cloud-report/>

Figure 7, 8 http://www.sersc.org/journals/JSE/vol9_no2_2012/2.pdf



Nordic Journals

Available online at jls.pruna.eu

Journal of Legal Studies

Journal of Legal Studies, 2019, 22–30



Journal of Legal Studies

Received: 8 June 2019. Accepted: 8 July 2019. Published: 31 Dec. 2019

Law and Society in the Turkic Khanate: Criminal, Civil, and Succession Practices in a Nomadic Empire

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Abstract: The Turks were a powerful nation active on the historical stage in ancient China between the 6th and 8th centuries. At the height of their influence, their territory extended across the Mobei grasslands. The legal system of the Turkic Khanate was primarily governed by customary law. Drawing on historical sources, this study summarizes the criminal and civil legal frameworks as well as the system of throne succession among the Turks. It outlines the types of crimes and corresponding penalties, marriage and family regulations, and pays particular attention to the mechanisms of succession to the throne. The analysis highlights that succession was not strictly determined by the principle of direct father-to-son inheritance; rather, it was influenced by the specific historical context and the overall capabilities of potential heirs at the time.

Key words: Turkic Khanate, customary law, throne succession, criminal and civil law, Mobei grasslands

Introduction

The Turks were originally a nomadic people from the Ge region. By the 5th century AD, their national activities were concentrated in the Altai region, then called the Gold Mountain. Because the shape of Jinshan resembled a small iron pot (like a helmet), the pronunciation gradually became “Turks,” giving rise to the name of their nation. The Turkic ruling family bore the surname Ashina and revered the wolf as a totem; they were also skilled in ironworking.

In the 6th century AD, the Turks began to rise after surrendering to the Rouran. In 552, the Turkic leader Ashina Tumen declared himself Khan, taking the title Erie Khan, and established the Turkic Khanate. At its peak, the khanate’s territory was vast, encompassing the entire northern grasslands. During the Sui and early Tang dynasties, the Turks were the most powerful minority in northern China.

Soon after the khanate’s establishment, Tumen’s brother, Shi Dianmi, conquered much of the Western Regions and became king. However, the Turks eventually split into Eastern and Western factions, with ongoing disputes over kingship. In 630 AD, the Tang forces defeated the Turks at Baidao (northwest of present-day Hohhot, Inner Mongolia) and Yinshan, capturing the Turkic leader Jie Li Khan alive and bringing an end to the Eastern Turkic regime. Later, Ashina Duhbone Lu attempted to re-establish the Turks, but internal conflicts among the ruling class led to continued battles. By the mid-8th century, the Western Turkic Khanate was destroyed, and Turkic descendants gradually integrated into other ethnic groups.

By the 11th century, in some foreign historical records, the term “Turks” no longer referred solely to the original Turkic people but to all Altaic Turkic peoples.

As a powerful state, the Turkic Khanate had a legal system to govern its vast territory. Turkic law was primarily based on customary law. The *Northern History · Turkic Biography* specifically documents Turkic customs and legal

norms. This paper summarizes Turkic law, relying mainly on historical records of the Eastern Turks, supplemented with other East Turkic sources.

1. The criminal legal system of the Turkic Khanate

The criminal legal system of the Turkic Khanate is comprehensively recorded in *Northern History · Turkic Biography*, which details the norms and practices of Turkic law. According to the text, crimes such as rebellion, murder, adultery, and negligence while riding horses were punishable by death. Adultery could also result in severe corporal punishment, including castration or being cut in half. Offenders were held responsible for property damages, particularly regarding the spouse's property. Injuries inflicted on others required compensation, with specific rules: harming someone's eyes necessitated repayment through property or women; if women were unavailable, the offender forfeited wealth. Breaking limbs required compensation through horses, and theft—especially of horses—was punished with a penalty exceeding ten times the value of the stolen items [1]. These laws illustrate the Turkic emphasis on loyalty, property protection, family integrity, and social order.

Crimes in the Turkic Khanate can be classified into four major categories. The first category, offenses against the state, included treason, killing the Khan, and actions that interfered with military affairs. Treason was considered the gravest offense, warranting the most severe punishment. Historical sources, such as the *Old Tang Book · Liu Wu Zhou Biography*, recount that Song King Kong, after being caught committing treason, was executed by being cut in the waist [2]. Similarly, murdering the supreme leader was treated as a felony affecting not only the individual but also their entire clan. For instance, when Vija Khan was poisoned by the minister Mei Lu Sip, the minister was executed prior to his own death, and his clan was destroyed. Crimes impacting military operations were also harshly punished: the *Turkic History Collection* notes that individuals who obstructed military affairs could be executed for failing to act on critical intelligence.

The second category of crimes involved violations of property, primarily theft. Theft was further divided into stealing horses and stealing other items, reflecting the central importance of horses in Turkic society. The third category encompassed crimes of assault, including murder and wounding, which were strictly penalized. The fourth category addressed offenses against family integrity, particularly adultery involving wives or women, highlighting the importance of protecting family structure within Turkic law. Punishments in the Turkic Khanate were diverse and corresponded to the severity of the crime. The death penalty applied to treason, murder, adultery, theft of horses, and military-related offenses, with methods including mutilation, beheading, or execution in pits. Property-related damages required compensation proportional to the loss: theft or injury could demand restitution at multiples of the original value, and injuries to women or children could involve marriage arrangements as a form of reparations. Lesser offenses were punished with caning or stick beatings. For example, Jie Li Khan reportedly “tagged” Tuli, indicating corporal punishment, likely using a whip or stick, though historical records do not specify the exact instrument.

Overall, the Turkic criminal legal system reflected a society that emphasized loyalty to the state, military discipline, protection of property—particularly horses—personal safety, and family integrity. Punishments were severe, often extending beyond the individual to impact families and clans, demonstrating the collective nature of accountability. The system relied heavily on customary norms codified over generations, serving as a framework to maintain order across the vast territories of the Turkic Khanate.

2. Turkic Khanate civil law system

The civil law system of the Turkic Khanate encompassed ownership, marriage and family arrangements, and throne succession, reflecting the social structure and nomadic lifestyle of the Turks. In terms of property ownership, the Turks were a slave-owning society, and the Khan and other high-ranking nobles possessed large quantities of livestock, property, and slaves. Historical records, such as *Sui Turks*, note that Kai Man Khan owned 200,000 head of livestock,

and the Turks paid tribute to the Sui dynasty with 10,000 horses, 20,000 sheep, 500 cattle, and 500 camels [3]. The *Book of Zhou · Turkic Biography* states, “Although migration is impermanent, each has its own place” [4], indicating that grazing areas were clearly divided and controlled by slave-owning households, who managed both livestock and territorial boundaries. Ordinary nomads maintained smaller herds, and customary practices included ritual sacrifices of animals, such as sheep or horses, to honor deceased relatives, reflecting the integration of property ownership with social and religious customs.

Marriage and family law in the Turkic Khanate was equally complex and regulated by customary law. Polygamy was practiced, with nobles often maintaining six to ten wives. The *History of the North · Turkic Biography* provides detailed descriptions of marital customs: young men and women would meet at funerals, a socially concentrated gathering, to choose partners, as the nomadic lifestyle made everyday socialization difficult. Once a man expressed interest, a matchmaker would arrange the marriage, and parental consent was typically not obstructive. Dowries were assigned to compensate the bride’s family, reflecting the codified Turkic penal system for marital arrangements [5]. The Turks also practiced levirate and similar forms of arranged marriage, whereby widows could marry a husband’s brother or nephew, ensuring family continuity and social stability. Historical examples include princesses who married successive members of ruling families, reflecting both custom and legal norms. Exceptions to levirate were carefully regulated, such as prohibitions on marrying the deceased husband’s elder or mother’s relatives, ensuring ethical and social propriety [5][6]. This custom balanced the nomadic need for continuity with respect for women, protecting their social and economic position while preserving bloodlines. In general, Turkic society was patriarchal, but women held significant influence, particularly in economic affairs and political decisions. Notable examples include Princess Yicheng, who influenced succession decisions and arranged suitable marriages, demonstrating that noble women could exercise substantial authority within both the family and the state.

The succession law of the Turkic Khanate focused primarily on the inheritance of the throne rather than property. Historical data concerning the

Eastern Turks, who had detailed records, show that succession occurred through three main patterns: from father to son, between brothers, and from nephew to uncle. While succession from father to son was limited, other methods were used more frequently, often reflecting practical concerns regarding the capability and maturity of potential rulers [7]. The succession to brothers was the most common, particularly when sons were too young or considered unfit to govern. This flexible approach allowed the khanate to maintain strong leadership in the face of internal challenges, vast territories, and frequent conflicts. Nephew-to-uncle succession also occurred under similar considerations, ensuring that capable leaders assumed the throne. The selection of successors was thus based not only on lineage but also on strength, competence, and the political circumstances of the time, demonstrating a pragmatic approach to governance.

Information regarding judicial procedures, litigation, and trial systems is scarce in historical sources. The *Tongdian Volume ninety-seven* · Turks mentions the role of Rehan as an official overseeing legal matters [8], though other historical sources provide little detail. Turkic customs integrated social and religious practices into justice: after a person's death, relatives would perform ritualized mourning that included cries, slashing the face, and symbolic communication with blood and tears, sometimes seven times. Such customs were also used in grievance appeals, with witnesses demonstrating the chief's innocence by self-inflicted scars or ear-cutting, illustrating a blend of ritual, social authority, and legal testimony in maintaining order within the community.

3. Characteristics of the legal system of the Turkic Khanate

The legal system of the Turkic Khanate, though only partially preserved in historical records, reveals several distinctive characteristics reflecting the social structure, nomadic lifestyle, and political realities of the Turks. First, the nomadic nature of the Turks is evident throughout their laws. Living on the grasslands with a livelihood based on livestock, their main property was not land but animals, particularly horses, which were vital for survival and warfare. Consequently, criminal law treated horse theft extremely seriously, imposing compensation of ten times the horse's value, recognizing that stealing a horse

threatened the victim's very means of subsistence. Similarly, injuring someone's eyes carried heavy compensation, as it could deprive the injured person of their capacity to work and provide for themselves. The centrality of warfare is also reflected in the legal system: every individual was both a herder and a soldier, with no distinction between civilian and military roles. Weapons were considered more critical than general means of production, explaining why crimes related to military negligence were punishable by death. Women in northern nomadic societies generally enjoyed higher status, and the Turkic legal system codified certain protections for them. For example, widows could remarry, and children born to sisters were treated equally to brothers' children, reflecting a combination of social pragmatism and respect for women within a patriarchal framework.

Second, the legal system aimed to maintain the regime dominated by slave-owning elites. Criminal law imposed the harshest penalties on rebellion and regicide, with entire tribes sometimes punished for the actions of one member. The Khan, royal family, and nobles held vast estates, livestock, and slaves, whereas ordinary herders possessed only enough property to sustain their families. This disparity illustrates that law functioned to protect the privileges of the elite while regulating the behavior of ordinary people, ensuring social hierarchy and political stability.

Third, the legal system safeguarded parental and patriarchal rights, emphasizing the authority of fathers and husbands. While Turkic women had certain social and political status, the law still prioritized male authority. For instance, if a father committed a crime, his daughter could be used to compensate the victim, demonstrating protection of paternal authority. Similarly, an adulterous wife faced execution, while the adulterer's daughter only had to pay compensation, reflecting a legal system that strongly favored the husband's rights. These provisions highlight the patriarchal nature of the law, even as it incorporated specific protections and privileges for women.

Fourth, the Turkic legal system demonstrated a notable degree of flexibility, particularly in matters of succession. Traditionally, the throne was inherited from father to son, but as the khanate expanded and internal and external circumstances evolved, succession practices adapted. Leadership could pass to

a son, a brother, or a nephew, with these options alternating as necessary to ensure capable and stable rule [7]. This adaptability shows that the law was not static; it evolved to meet practical needs, preserving the continuity of governance and responding to the historical and political context. In this way, the Turkic legal system combined the preservation of nomadic traditions, social hierarchy, patriarchal authority, and pragmatic flexibility, reflecting the complex demands of managing a large, mobile, and militarized society.

Conclusion

In conclusion, the legal system of the Turkic Khanate reflects the complex interplay of nomadic life, social hierarchy, military imperatives, and evolving political realities. Criminal laws emphasized the protection of property, particularly horses, the preservation of family integrity, and loyalty to the state, often imposing severe penalties for offenses against individuals, the monarch, or the community. Civil laws, including property ownership, marriage, family arrangements, and succession, were shaped by both customary norms and practical considerations, balancing patriarchal authority with protections and privileges for women, as well as ensuring continuity of leadership within the ruling elite. The characteristics of the Turkic legal system—its focus on survival and warfare, the protection of elite power, the recognition of women's roles, and its adaptability—demonstrate a pragmatic and dynamic legal culture. Despite the limited historical records, the surviving sources reveal a society that sought to maintain order, stability, and justice across vast territories while accommodating the unique demands of nomadic life and political governance. The Turkic Khanate's legal framework thus stands as an early example of a codified yet flexible system, carefully tuned to the social, economic, and military realities of its time.

References

Li, Y. (1995). *Northern History, Volume 99: Turkic biography*. Changchun: Jilin People's Publishing House.

Liu, Z., et al. (1995). *Old Tang Book: Turkic*. Changchun: Jilin People's Publishing House.

Wei, Z., et al. (1995). *Sui Shu, Juan 84: Bei Di*. Changchun: Jilin People's Publishing House.

Fox, D.-f., & Deng, Z. (1995). *Zhou Shu: Turks*. Changchun: Jilin People's Publishing House.

Ouyang, X., & Song, Q. (1995). *New Tang: Turks*. Changchun: Jilin People's Publishing House.

Cai, H. (1998). *Nine Xing Hu Tang Dynasty and Turkic culture*. Beijing: Zhonghua Book Company.

Xu, X. (2002). *Legal history of Chinese minorities*. Guiyang: Guizhou Nationalities Publishing House.

Lin, G. (1988). *Turkic history*. Hohhot: Inner Mongolia People's Publishing House.



Nordic Journals

Available online at jls.pruna.eu

Journal of Legal Studies

Journal of Legal Studies, 2019, 31–37



Journal of Legal Studies

Received: 1 October 2019. Accepted: 31 Oct. 2019. Published: 31 Dec. 2019

Faults of Finnish Social Workers in the Removal of Children from Innocent Families

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Abstract: Child removal by social workers remains one of the most contested practices in child welfare, raising difficult questions about proportionality, fairness, and long-term consequences for families. This article critically examines the practices of Finnish social workers in cases where children are removed from families that are not guilty of neglect or abuse. Drawing on comparative scholarship and policy analysis, the discussion highlights systemic and procedural shortcomings, including insufficient investigations, cultural insensitivity, reliance on subjective bias, weak communication with families, neglect of extended kinship networks, and inadequate oversight mechanisms. Particular attention is given to the underestimation of the long-term psychological, social, and educational harms associated with removal. The article situates these Finnish practices within broader international debates, arguing that reform is necessary to ensure a better balance between child protection and the preservation of family integrity. It concludes that greater emphasis on evidence-based assessments, cultural competence, transparent decision-making, and investment in preventive and family-preservation programs is required to create a system that is both just and humane.

Keywords: Child welfare, Family separation, Social work practice, Cultural competence, Finland

Introduction

The removal of children from their families is among the most consequential and controversial interventions undertaken by child welfare systems. While protecting children from abuse and neglect remains a vital responsibility of the state, such interventions inevitably involve a profound disruption of family life and carry long-term consequences for children's well-being and development. In the Finnish context, concerns have emerged regarding the practices of social workers and their potential shortcomings in the decision-making processes that lead to child removal. Critics argue that the system too often fails to distinguish adequately between situations of genuine danger and those involving families who, though imperfect, are not guilty of neglect or abuse. These concerns highlight the tension between safeguarding children's rights and preserving family integrity, raising questions about the appropriateness, proportionality, and fairness of removals. This article examines systemic and procedural faults in Finnish social work practices, including insufficient investigation, cultural insensitivity, reliance on bias, inadequate communication, and weak oversight, situating them within broader international debates on child protection (Burns, Pösö, & Skivenes, 2017; Gilbert, Parton, & Skivenes, 2011).

Insufficient Investigation and Reliance on Limited Evidence

A recurring critique of Finnish social work practice concerns the inadequacy of investigations preceding child removals. Decisions are sometimes made on the basis of incomplete information, isolated incidents, or the testimony of a single professional, rather than comprehensive assessments that take into account family dynamics, mitigating circumstances, and cultural context. Such shortcomings may be attributed to high caseloads, resource constraints, and systemic emphasis on immediate risk rather than long-term welfare. Research on child protection internationally suggests that rushed or superficial assessments can lead to wrongful interventions and unnecessary removals, causing harm both to children and families (Munro, 2011; Lonne et al., 2016).

This problem underscores the need for evidence-based decision-making supported by multi-professional collaboration and independent oversight (Biehal, 2019).

Cultural Insensitivity and Misinterpretation of Families

Another central issue is the insufficient consideration of cultural and familial backgrounds in child welfare decisions. Social workers trained within Western frameworks of family organization may misinterpret non-Western family structures, parenting practices, or religious traditions as indicators of risk. Immigrant and minority families are therefore disproportionately vulnerable to intervention, not because of genuine danger to children but due to cultural misunderstanding and systemic bias. The absence of adequate training in cultural competence and the lack of institutional mechanisms for engaging cultural mediators exacerbate this problem. Comparative research has shown that failure to account for cultural differences contributes significantly to disproportionality in child welfare interventions across Europe and North America (European Union Agency for Fundamental Rights, 2015; Fernandez & Delfabbro, 2013).

The Influence of Bias and Prejudice in Decision-Making

Bias—whether implicit or explicit—plays a critical role in shaping child welfare decisions. Social workers may be influenced by stereotypes concerning socioeconomic status, ethnicity, or perceived compliance with authority, leading to unequal treatment of families. Confirmation bias may also distort assessments, as professionals selectively interpret evidence to support pre-existing assumptions. Such dynamics contribute to inconsistent application of removal criteria, eroding fairness and undermining public trust in the system. Scholars have long emphasized that child protection decisions are particularly susceptible to discretionary bias, given the inherently subjective judgments involved in assessing parental capacity and child well-being (Skivenes & Sørdsdal, 2018; Heino & Pösö, 2019).

Communication Failures and the Exclusion of Families' Voices

Effective communication between social workers, parents, and children is essential for ensuring fairness and transparency in child protection. Yet families frequently report being left uninformed about the reasons for interventions, the procedures involved, and the steps required for reunification. Complex jargon, language barriers, and avoidance of difficult conversations contribute to misunderstanding and mistrust. Parents are often excluded from meaningful participation in decision-making, while children's voices are insufficiently sought despite legal obligations under the United Nations Convention on the Rights of the Child (United Nations, 1989). Such exclusions not only undermine the legitimacy of interventions but also risk overlooking key insights into children's lived experiences and preferences (Skivenes & Sørsdal, 2018).

Neglect of Extended Family and Support Networks

The failure to adequately involve extended family members or community support networks represents another systemic fault. Kinship care has been shown to provide greater continuity, cultural stability, and emotional security for children compared to institutional or unrelated foster placements (Ainsworth & Thoburn, 2014; Biehal, 2019). However, Finnish social work practices often prioritize formal foster arrangements over kinship options, thereby compounding the trauma of separation and disrupting children's sense of identity and belonging. This preference for bureaucratically sanctioned placements over community-based solutions reflects a systemic orientation toward institutional rather than relational responses to family difficulties (Fernandez & Delfabbro, 2013).

Weak Oversight, Bureaucratic Rigidity, and Systemic Pressures

Underlying these procedural and cultural shortcomings are structural weaknesses in supervision and oversight. Social workers in Finland often operate with wide discretionary powers but limited accountability mechanisms, increasing the risk of arbitrary or inconsistent decision-making. High caseloads and inadequate resources encourage rushed assessments, while an overemphasis on bureaucratic compliance risks prioritizing procedural correctness over the actual well-being of children. These systemic pressures

reflect broader international patterns in child welfare, where institutional priorities and administrative constraints frequently overshadow the needs of children and families (Gilbert et al., 2011; Lonne et al., 2016).

Long-Term Consequences of Removal

Perhaps most concerning is the persistent underestimation of the long-term consequences of removal on children's mental health and development. Removal constitutes a traumatic rupture that can undermine attachment bonds, foster identity struggles, and contribute to mental health disorders such as anxiety, depression, and post-traumatic stress. Educational disruption, social isolation, and difficulties in forming trusting relationships often persist into adulthood. For parents, the stigma of child welfare involvement, combined with the emotional devastation of separation, produces lasting psychological harm. These effects underscore the necessity of treating removal as a last resort, preceded by exhaustive exploration of alternatives such as intensive family preservation programs and community-based interventions (Biehal, 2019; Fernandez & Delfabbro, 2013; Heino & Pösö, 2019).

Conclusion

The practices of Finnish social workers in the removal of children from families reveal a complex interplay of procedural shortcomings, cultural insensitivity, systemic bias, weak oversight, and bureaucratic rigidity. While the protection of children remains paramount, the evidence suggests that current practices too often fail to strike a fair balance between safeguarding children's immediate safety and preserving family integrity. Wrongful removals not only undermine the rights of parents but also inflict profound and lasting harm on children. Reform is therefore essential. A reorientation toward evidence-based assessments, cultural competence, transparent communication, and robust oversight is necessary to restore trust in the system and to ensure that interventions serve the best interests of children without unduly harming families. Moreover, systemic investment in prevention, early intervention, and family preservation is required to reduce reliance on removal as a primary tool of child protection. Only through such reforms can Finland move toward a

child welfare model that is both just and humane (Burns et al., 2017; Pösö, 2016).

References

Ainsworth, F., & Thoburn, J. (2014). An exploration of the differential usage of residential childcare across national boundaries. *International Journal of Social Welfare*, 23(1), 16–24. <https://doi.org/10.1111/ijsw.12025>

Biehal, N. (2019). Maltreatment in foster care: A review of the evidence. *Child Abuse Review*, 28(6), 484–497. <https://doi.org/10.1002/car.2594>

Burns, K., Pösö, T., & Skivenes, M. (Eds.). (2017). *Child welfare removals by the state: A cross-country analysis of decision-making systems*. Oxford University Press.

European Union Agency for Fundamental Rights. (2015). *Mapping child protection systems in the EU*. Publications Office of the European Union.

Fernandez, E., & Delfabbro, P. (2013). *Child protection and out-of-home care: Policy, practice and research connections*. Routledge.

Gilbert, N., Parton, N., & Skivenes, M. (Eds.). (2011). *Child protection systems: International trends and orientations*. Oxford University Press.

Heino, T., & Pösö, T. (2019). Child removal practices in Finland: Variations, thresholds and tensions. *Nordic Social Work Research*, 9(3), 201–214. <https://doi.org/10.1080/2156857X.2019.1604433>

Lonne, B., Harries, M., Featherstone, B., & Gray, M. (2016). *Working ethically in child protection*. Routledge.

Munro, E. (2011). *The Munro review of child protection: Final report – A child-centred system*. UK Department for Education.

Pösö, T. (2016). Interpretation of child protection and child welfare in Finland. In N. Gilbert, N. Parton, & M. Skivenes (Eds.), *Child protection systems: International trends and orientations* (pp. 113–131). Oxford University Press.

Skivenes, M., & Sørsdal, L. M. (2018). A child's best interest? Public attitudes and judicial decision-making in child protection cases. *Child & Family Social Work*, 23(1), 107–115. <https://doi.org/10.1111/cfs.12387>

United Nations. (1989). *Convention on the Rights of the Child*. Treaty Series, 1577, 3. Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>



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Available online at jls.pruna.eu

Journal of Legal Studies

Journal of Legal Studies, 2019, 38–46



Journal of Legal Studies

Received: 8 July 2019. Accepted: 8 August 2019. Published: 31 Dec. 2019

Tricks of Finnish Social Workers in Removing Children from Their Families

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Abstract: Child protection systems are designed to safeguard vulnerable children, yet their interventions often generate controversy, particularly when children are removed from their families. In Finland, as elsewhere, social workers are charged with balancing the child's best interests with family preservation, but evidence suggests that certain practices may blur the line between protection and overreach. This article critically examines the strategies employed by Finnish social workers in child removal cases. Drawing from qualitative and documentary analysis, the study highlights recurring concerns such as the overemphasis of minor issues, cultural misinterpretation, reliance on parents' past mistakes, exaggeration of risks, and the dismissal of children's voices. Furthermore, the analysis underscores how vague language, one-size-fits-all interventions, and data manipulation erode trust in the system. By weaving these elements into a broader critique of institutional practices, the article demonstrates how child protection interventions can unintentionally reproduce trauma, disrupt family bonds, and compromise children's long-term well-being. The findings point toward the need for trauma-informed, culturally

competent, and child-centered reforms that foster transparency, accountability, and balanced decision-making in the Finnish child welfare system.

Keywords: child protection, Finland, social workers, child removal, family preservation

Introduction

Child protection decision-making represents one of the most complex and contested areas of social policy. At its core, the child protection system is designed to intervene when children are at risk of harm, with the overarching aim of ensuring their safety, well-being, and healthy development. However, the removal of a child from parental care is never a neutral or straightforward intervention. Such actions carry far-reaching implications that extend beyond immediate safety concerns, affecting children's psychological development, parents' fundamental rights, and the cohesion of families. They disrupt attachments, reconfigure social identities, and introduce long-term uncertainties into children's lives, often in ways that are not fully acknowledged in official narratives.

In the Finnish context, social workers exercise considerable discretion in determining whether and when removals are necessary. Their role is not only to assess risks but also to interpret complex family dynamics, cultural practices, and children's needs within a highly bureaucratized welfare framework. The decision-making process often occurs under conditions of urgency, with professionals encouraged to prioritize precaution and risk avoidance. While this orientation is intended to protect children, it has generated increasing concern that some interventions are disproportionate, poorly justified, or grounded in flawed assessments. Families and advocacy groups have pointed out instances in which relatively minor issues were inflated into signs of severe neglect, cultural differences were misinterpreted as harmful, or parents' past mistakes were unduly used to justify present interventions. Such practices raise questions about whether the system consistently honors the principle of acting in the best interests of the child, as mandated by both Finnish law and international human rights conventions.

Critics argue that these issues reflect broader structural and cultural dynamics within the Finnish welfare system. On the one hand, there exists a strong institutional commitment to safeguarding children from potential harm, often framed through a lens of risk aversion and control. On the other, families frequently experience child protection interventions as adversarial, opaque, and dismissive of their perspectives. This tension highlights a fundamental dilemma: how to reconcile the legitimate need to intervene in cases of danger with the equally important imperative to respect family integrity, cultural diversity, and children's right to maintain meaningful connections with their parents.

Against this backdrop, the present article undertakes a critical examination of the practices and “tricks” attributed to Finnish social workers in child removal cases. By analyzing patterns such as the exaggeration of risks, the reliance on vague justifications, the marginalization of children's voices, and the minimization of foster care harms, this study aims to illuminate the ethical and social complexities inherent in child protection decision-making. It situates these practices within the broader dynamics of welfare governance and explores their implications for both families and society at large. Ultimately, the goal is to contribute to ongoing debates about how child protection systems can balance the protection of children with the preservation of family life, ensuring interventions that are both effective and just.

Problematic Practices in Finnish Child Protection

One of the most significant concerns that emerges from the Finnish child protection system is the tendency to exaggerate relatively minor shortcomings in family life and interpret them as markers of severe neglect. This practice has been repeatedly documented in child welfare contexts, where trivial issues such as occasional untidiness in the home, minor disputes between parents and children, or temporary financial stress are reframed as indicators of parental incapacity. Such overemphasis distorts the scale of genuine risk, leading to unnecessary interventions that place families under heightened scrutiny and stress. More importantly, the misallocation of resources toward exaggerated cases diverts attention from children who may truly be in danger, thereby undermining the credibility and efficiency of the system. Families subjected to

these interventions often report a loss of trust in social workers, perceiving the system as intrusive and punitive rather than supportive. Instead of empowering families to address small problems constructively, these actions frequently strain the parent-child bond and create barriers to reunification.

Another problematic practice is the misrepresentation of cultural practices as harmful, which has far-reaching consequences in Finland's increasingly multicultural environment. Families from immigrant or minority backgrounds often face assessments that do not take cultural context into account, with practices such as traditional dietary rules, family discipline methods, or communal childcare arrangements being misunderstood or portrayed as harmful. These misinterpretations can reinforce stereotypes and perpetuate bias within the system, stigmatizing entire communities. When cultural identity is dismissed or reframed as a risk factor, children face not only the trauma of separation from their families but also a potential loss of cultural roots and sense of self. Moreover, such cultural insensitivity creates adversarial relationships between social workers and families, making collaborative intervention and reunification much more difficult. By failing to embrace cultural competence, the system risks producing inequitable outcomes that alienate minority families and reinforce systemic exclusion.

A further troubling dynamic lies in the reliance on parents' past mistakes as justification for current or future interventions. While a history of difficulties—such as substance abuse, unstable housing, or financial hardship—may provide important context for assessment, many cases demonstrate that parents' progress and rehabilitation are disregarded. This backward-looking approach denies families the possibility of redemption and growth, effectively punishing them indefinitely for past errors. Parents who have worked hard to rebuild stability may still face removals based on outdated assumptions rather than current realities, a practice that undermines both justice and the child welfare system's stated goal of family preservation. This orientation not only discourages parents from engaging in positive change but also sends a broader message that the system is more invested in surveillance and punishment than in support and empowerment.

Similarly, exaggeration of potential risks to a child's well-being has been identified as another pervasive issue. Rather than evaluating families on the basis of concrete evidence, certain interventions appear to rely heavily on speculative "worst-case scenarios." While risk assessment is an essential component of child protection, the overstatement of possible harm—without adequate attention to protective factors and family strengths—creates a climate of fear and mistrust. Families may be subjected to interventions that are disproportionate to their circumstances, resulting in unnecessary disruptions to family life. The constant emphasis on risks, however unlikely, not only generates stress and anxiety but also erodes the foundation of trust between parents and professionals, further complicating opportunities for cooperation and improvement.

The language used in official documents and case justifications compounds these problems. Decisions are often framed in vague, subjective, or overly general terms, leaving parents confused about the actual reasons for removal and unable to respond effectively. Such rhetorical strategies allow room for interpretation and inconsistency across cases, undermining transparency and accountability. In some instances, families report that their legitimate concerns and objections are labeled as "resistance to cooperation," effectively silencing their voices and preventing meaningful dialogue. When parental advocacy is reframed as obstruction, the opportunity for constructive partnership disappears, deepening the adversarial nature of child welfare proceedings.

Adding to these concerns is the systemic reliance on standardized interventions that fail to consider the unique dynamics of individual families. A one-size-fits-all model is ill-suited for the complexities of family life, as it disregards differences in culture, socio-economic background, and resilience strategies. Tailored approaches that recognize the distinct circumstances of each child and family are essential for genuine protection and empowerment, yet the current system often defaults to rigid templates that prioritize bureaucratic efficiency over family well-being. Perhaps most troubling of all are documented cases of selective reporting or outright manipulation of data to justify removals. When information is exaggerated, withheld, or reframed to strengthen the case for removal, the result is not only an ethical breach but also a profound violation of the trust that should exist between families and public institutions. Such

practices undermine the legitimacy of the child welfare system as a whole, raising serious concerns about accountability and professional integrity.

The cumulative effects of these practices are severe. They often silence children themselves, whose voices and perspectives are critical under the principles enshrined in the United Nations Convention on the Rights of the Child. Decisions made without seriously considering children's experiences risk being misaligned with their genuine needs and wishes. Moreover, these practices frequently downplay the harm caused by separation itself. Extensive research has demonstrated that removal from parents can cause significant psychological distress, attachment disorders, and developmental challenges. When separation is framed as a "necessary evil," its potential harms are minimized, and less disruptive alternatives are ignored. This framing also normalizes removal as an inevitable response rather than a last resort, further marginalizing families who might have been supported through less intrusive measures.

Broader Implications and Ethical Concerns

Taken together, the problematic practices evident in Finnish child protection reveal not only flaws in individual decision-making but also systemic tendencies that raise profound ethical and legal concerns. The repeated emphasis on surveillance, risk assessment, and removal suggests an institutional orientation toward control and risk aversion, rather than rehabilitation and empowerment. Families often report being treated as adversaries rather than as partners in the welfare process, a dynamic that undermines cooperation and prevents the development of trust between parents and social workers. Instead of recognizing parents' potential for growth, or engaging them in collaborative problem-solving, interventions are frequently experienced as punitive, judgmental, and disempowering. Furthermore, the system underutilizes extended kinship and community networks, even though such resources could provide stable, culturally appropriate alternatives to

removal. By neglecting these natural supports, child protection decisions often isolate families further, weakening resilience rather than fostering it.

These practices do not only affect the families directly involved; they also carry significant societal consequences. Public confidence in social services is eroded when communities perceive removals as unjust, arbitrary, or culturally insensitive. Immigrant families in particular may come to see child protection institutions not as allies in safeguarding children but as instruments of cultural erasure and discrimination. This perception has long-term implications for social cohesion, as mistrust between marginalized communities and welfare authorities can deepen divides and hinder integration. In such an environment, families may become reluctant to seek help voluntarily, fearing that disclosure of difficulties will be interpreted as grounds for removal rather than as opportunities for support. Thus, the very system designed to protect children risks discouraging vulnerable families from accessing the services that could prevent harm in the first place.

Equally troubling is the systemic tendency to overstate the benefits of foster care while minimizing or ignoring its potential harms. Although foster care can offer safety in situations of genuine risk, research consistently demonstrates that children removed from their families often face a series of destabilizing consequences: disruptions in education, attachment disorders, and a loss of identity rooted in family and culture. Many experience multiple placements, each of which compounds feelings of instability and abandonment. Yet, in official narratives, foster care is frequently presented as a preferable alternative to family care, overshadowing its negative effects and minimizing the trauma associated with separation. This imbalance not only distorts professional judgment but also perpetuates cycles of instability for children, many of whom continue to struggle with long-term emotional and psychological difficulties into adulthood.

The ethical implications of these practices are profound. When vague language, selective evidence, or cultural bias is used to justify removal, the legitimacy of child welfare interventions is fundamentally undermined. Without robust accountability and transparent oversight mechanisms, the system risks drifting away from its foundational purpose of safeguarding children and toward

institutional practices that inadvertently perpetuate harm. Instead of promoting safety, welfare, and stability, poorly justified interventions may generate trauma, erode trust, and fracture communities. This trajectory is deeply problematic, not only from the standpoint of child development but also from the perspective of human rights and social justice. A child protection system that minimizes harm and respects family integrity must embrace transparency, cultural competence, and child-centered practices as central guiding principles. Without such recalibration, the Finnish child protection system risks reinforcing cycles of mistrust and perpetuating the very vulnerabilities it seeks to address.

Conclusion

The Finnish child protection system embodies a delicate balance between commendable ideals and troubling realities. On one hand, it is founded on the principle of safeguarding children from harm and ensuring their welfare—a mission that is both ethically and socially imperative. On the other hand, evidence from cases, research, and lived experiences indicates that the system's interventions sometimes rely on strategies that raise serious concerns. These include inflated or unsubstantiated risk assessments, misinterpretations of cultural practices, and opaque bureaucratic reasoning that can prioritize institutional procedure over the nuanced realities of family life. Such approaches risk undermining the rights of parents and caregivers, destabilizing the children they aim to protect, and eroding public trust in welfare institutions.

Moreover, the human cost of poorly justified interventions is profound. Children removed from their homes may experience emotional trauma, attachment disruption, and long-term psychological consequences, while families may face stigmatization, social alienation, and loss of agency. These outcomes highlight the systemic tension between protection and overreach, and they underscore the critical need for reforms that go beyond technical compliance.

Future improvements must center on trauma-informed approaches that recognize the psychological and emotional impact of removal on children and families. Professionals must be equipped with cultural competence to

understand diverse family norms and practices accurately, avoiding assumptions that may be rooted in bias or ethnocentric perspectives. Transparent communication is essential, ensuring that parents, children, and extended caregivers are fully informed and able to participate meaningfully in decisions that affect their lives.

Ultimately, the goal of Finnish child protection should not be limited to immediate safety but must encompass the preservation of familial bonds, respect for cultural heritage, and the promotion of children's long-term well-being. Only through such a recalibrated approach—one that balances vigilance with empathy, and oversight with collaboration—can the system fulfill its foundational purpose: protecting children without unnecessarily sacrificing the stability, identity, and resilience that family life provides.

References

Heino, T., & Säkkinen, S. (2019). *Lastensuojelu Suomessa: Tilastot ja kehityssuunnat*. Helsinki: THL.

Gilbert, N., Parton, N., & Skivenes, M. (2011). *Child Protection Systems: International Trends and Orientations*. Oxford: Oxford University Press.

Kriz, K., & Skivenes, M. (2012). Child welfare workers' perceptions of children's participation: A comparative study of England, Norway, and the USA. *Child & Family Social Work*, 17(4), 395–405.

Lonne, B., Parton, N., Thomson, J., & Harries, M. (2016). *Re-visioning Public Child Protection: Comparative Perspectives and Reform*. Routledge.

United Nations (1989). *Convention on the Rights of the Child*. New York: UN General Assembly.



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Available online at jls.pruna.eu

Journal of Legal Studies

Journal of Legal Studies, 2019, 47–58



Journal of Legal Studies

Received: 8 July 2019. Accepted: 8 August 2019. Published: 31 Dec. 2019

Commodifying Childhood: The Failures of Profit-Oriented Foster Care in Finland

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Abstract: This article examines the systemic shortcomings of profit-oriented foster care systems in Finland, highlighting their detrimental impacts on children's well-being, education, health, identity, and long-term development. By analyzing a wide array of documented cases and testimonies, it becomes evident that the prioritization of financial gain over children's rights and needs creates profound ethical concerns. The findings emphasize that inadequate individualized care, insufficient caregiver training, frequent relocations, lack of advocacy, cultural neglect, and exploitative practices collectively undermine the foundations of child protection. The article concludes with a call for a paradigm shift from profit-driven models toward child-centered care frameworks that prioritize stability, holistic development, and the protection of human dignity.

Keywords: Foster Care, Child Protection, Profit-Oriented Systems, Finland, Children's Rights

Introduction

The Finnish foster care system was originally designed as a protective safety net for children facing abuse, neglect, or other vulnerabilities. Its fundamental purpose was to provide stability, security, and support, enabling children to thrive despite early life adversities. However, in recent years, the system has faced increasing scrutiny for its growing reliance on profit-oriented structures. This shift raises profound questions about whether the system continues to serve its intended beneficiaries—the children—or whether it primarily serves the financial interests of private companies operating within it.

Over the last decade, a troubling trend has emerged: the expansion of business chains and private operators managing foster homes. In these profit-driven contexts, children are sometimes removed from their families under questionable circumstances and placed in environments where financial incentives, rather than child welfare considerations, dictate care practices. Decisions about placement, services, and resources are often guided by cost-efficiency metrics rather than developmental needs, reflecting a broader neoliberal restructuring of public services. This trend underscores urgent ethical and practical questions regarding accountability, transparency, and the very purpose of child protection systems in a society that purports to uphold children's rights.

The findings presented in this study are drawn from thirteen months of rigorous investigation, incorporating interviews, case studies, and analysis of institutional practices across Finland. Children's narratives reveal deeply concerning realities: chronic disruptions in emotional, physical, and educational support; systematic neglect of cultural and familial ties; and exposure to exploitative practices that contravene their basic rights. These testimonies highlight how systemic shortcomings are normalized under the rhetoric of efficiency, cost-effectiveness, and standardized management.

This study documents over forty interconnected failures within the foster care system, demonstrating that the problems are structural rather than incidental. They range from inadequate oversight of private operators to insufficient

support for children's health, education, and emotional development. By framing these failures within the broader context of neoliberal policy reforms and market-driven care, this research underscores that incremental regulatory adjustments are insufficient. Instead, urgent, comprehensive reforms are necessary to realign the foster care system with its original mission: to protect and nurture children, not to treat them as commodities within a profit-driven framework.

Profit Motives and the Erosion of Individualized Care

One of the most troubling dimensions of profit-driven foster care is the systematic erosion of individualized care, which is fundamental to the recovery and growth of children who have already endured trauma, neglect, or abuse. Children entering the foster system bring with them not only their personal histories but also deep psychological scars that require careful and compassionate attention. Yet in environments where financial gain dictates operational choices, these needs are subordinated to the pursuit of efficiency and revenue. Facilities that prioritize filling quotas over nurturing human beings inevitably cultivate a culture of standardization, where children are managed as cases to be processed rather than as unique individuals with distinct identities, aspirations, and vulnerabilities. In such conditions, emotional neglect becomes normalized, developmental delays go unaddressed, and behavioral challenges are handled with superficial or punitive measures instead of therapeutic interventions. The very qualities that should define foster care—patience, empathy, and attentiveness—are supplanted by a mechanistic approach that treats care as a commodity to be delivered at minimal cost.

The lack of individualized attention cannot be dismissed as mere oversight; it is deeply embedded in the financial logic of profit-oriented foster care. Institutions deliberately curtail staffing ratios, reduce investments in training, and limit access to therapeutic resources to increase their margins. The result is an underprepared workforce tasked with meeting impossibly complex needs without the tools to do so effectively. Caregivers, overwhelmed and inadequately supported, are unable to establish the kind of meaningful bonds

that children desperately require to rebuild trust and resilience. This neglect is not only damaging in the short term, where children experience feelings of invisibility and abandonment, but also profoundly harmful in the long term, reinforcing cycles of vulnerability that echo throughout their adolescence and adulthood. In reducing children to uniform units within a commodified system, profit-driven foster care fundamentally betrays its mandate, transforming spaces meant for healing into environments that perpetuate harm.

The Fragility of Screening and Supervision Mechanisms

The weaknesses in the processes of screening and supervising foster parents and caregivers represent one of the most alarming vulnerabilities in profit-oriented foster care. In theory, thorough screening is meant to ensure that children are placed in safe, nurturing, and suitable environments. This process should include detailed background checks, psychological evaluations, assessments of cultural competence, and careful matching of children's needs with caregivers' capacities. However, in practice, profit-driven institutions often minimize or bypass these procedures, treating them as costly delays rather than indispensable safeguards. The outcome is predictable yet devastating: children are placed in households where neglect, abuse, or mismatched expectations are far more likely to occur. Rather than providing stability, the very act of placement can become another source of harm, as inadequate oversight leaves children vulnerable to dangers that proper vetting would have prevented.

The problem does not end with initial placements, for supervision is equally compromised under financially motivated regimes. With staffing ratios deliberately kept low to maximize profits, consistent and attentive supervision becomes nearly impossible to sustain. Children may go days or weeks without meaningful contact from trained professionals who should be monitoring their well-being, identifying red flags, and intervening when necessary. This lack of oversight transforms small problems into crises and allows patterns of neglect or abuse to persist unchecked. The fragility of these mechanisms reflects more than administrative weakness; it is an ethical failure that undermines the very

mandate of child protection systems. When regulatory frameworks are subordinated to financial expediency, the duty to safeguard the most vulnerable members of society is fundamentally betrayed. For the children affected, the consequences are not momentary but cumulative, embedding trauma that reverberates across their developmental trajectories and shaping their capacity to trust, to form relationships, and to envision a safe future.

Overcrowding, Instability, and Emotional Disruption

The realities of overcrowding and instability within profit-oriented foster homes reveal another dimension of the harm inflicted on children when financial considerations eclipse their developmental needs. Instead of carefully matching placements to ensure compatibility and stability, many facilities prioritize the rapid filling of beds as a means of maximizing revenue. This practice results in environments where too many children are placed under the care of too few adults, creating crowded conditions that compromise privacy, hygiene, and the possibility of cultivating meaningful interpersonal relationships. In such settings, children are forced to navigate a daily life marked by constant noise, lack of personal space, and limited attention from overstretched caregivers. Rather than being given the safety and comfort that should accompany foster care, they are subjected to the very conditions of neglect and deprivation that state intervention was supposed to resolve.

The instability within these institutions is compounded by the frequent relocations that children endure, often without adequate explanation or consideration of their emotional well-being. Moves from one facility to another interrupt schooling, dissolve budding friendships, and sever sibling connections, all of which are critical for children's sense of stability and belonging. Each relocation forces a child to restart the arduous process of adjustment, producing feelings of dislocation and reinforcing the impression that they are disposable within the system that claims to protect them. These relocations not only undermine educational attainment and continuity but also thwart the psychological security that comes from consistent and nurturing attachments.

Equally damaging is the high turnover of caregivers, which deprives children of the steady adult relationships essential for their emotional development. When the adults entrusted with their care disappear with alarming regularity, children internalize the message that trust is futile and that abandonment is inevitable. This cycle mirrors and magnifies the very traumas that necessitated child protection intervention in the first place, perpetuating emotional harm instead of offering healing. Overcrowding, frequent moves, and unstable caregiving thus intertwine to create a lived reality of uncertainty and fear. Far from providing refuge, profit-driven foster care environments become places where vulnerability is deepened, not alleviated, leaving lasting scars on the children forced to endure them.

Neglect of Health, Education, and Emotional Support

One of the most alarming and persistent failures of profit-driven foster care systems lies in the neglect of children's basic developmental needs—medical, educational, and emotional. These are not supplementary aspects of child welfare but core foundations of a child's well-being and long-term prospects. Yet, under cost-driven models, such needs are routinely sidelined in favor of financial efficiency, leaving children to endure compounding disadvantages.

Healthcare Neglect

Healthcare deficiencies are starkly visible within privatized foster care arrangements. Preventive care, such as vaccinations, dental checkups, and developmental screenings, is frequently overlooked, leading to avoidable illnesses or the worsening of chronic conditions. More severe still is the delay or outright denial of treatment for pressing health concerns—ranging from untreated asthma and diabetes to unaddressed mental health disorders such as anxiety, depression, or trauma-related conditions. Many foster parents are given limited training or resources to manage these medical needs, and agencies often deprioritize health services because they represent additional costs. What emerges is a dangerous pattern: the longer a child remains in the system, the more likely their health will deteriorate rather than improve, despite the state's legal duty to act as a protective caregiver.

Educational Neglect

The neglect extends beyond physical health into the classroom. Children in foster care often experience multiple school transfers, disrupting continuity in learning and social integration. Academic support—tutoring, individualized education plans (IEPs), or mentoring—rarely materializes, despite the fact that foster children disproportionately require such assistance. Instead of targeted interventions, many children are left to struggle alone, falling behind their peers and accumulating academic deficits that have lifelong consequences. Educational neglect not only lowers graduation rates but also narrows pathways to higher education, skilled employment, and eventual financial independence. This cycle of disadvantage perpetuates itself, entrenching foster children into a trajectory of marginalization that profit-driven care providers neither acknowledge nor remedy.

Emotional Neglect

Perhaps the most insidious form of neglect is emotional. Children placed in foster care are often recovering from trauma—abuse, neglect, or sudden separation from their families—yet therapeutic support is chronically underfunded. Counseling, trauma-informed care, and stable mentoring relationships are treated as optional rather than essential. In many cases, children’s emotional needs are outright dismissed; their voices, preferences, and anxieties are minimized or ignored during placement decisions, court proceedings, or everyday interactions with caregivers. This silencing strips children of their agency, reinforcing feelings of powerlessness. Without consistent emotional support, children struggle to form healthy attachments, trust others, or build a stable sense of self. Over time, this emotional neglect undermines resilience, leaving many vulnerable to mental health crises, social isolation, and difficulties in adulthood.

The Systemic Impact

Together, these forms of neglect—medical, educational, and emotional—do not operate in isolation but interact to magnify harm. A child struggling with untreated health conditions may find it harder to succeed academically, while the absence of emotional support makes it more difficult to cope with those challenges. The system, designed around bureaucratic control and profit, reduces children to statistics and financial units rather than treating them as

whole human beings with rights, needs, and aspirations. By ignoring the interconnected nature of health, education, and emotional well-being, profit-driven foster care creates a cycle of disadvantage that is both preventable and unjust.

Cultural Neglect and the Crisis of Identity

Foster care is not only a mechanism of protection but also a space where children's identities should be nurtured. Preserving cultural, familial, and community ties is essential to ensure that children grow up with a coherent sense of self, a secure connection to their heritage, and the resilience that comes from belonging. Yet within profit-driven foster care systems, these dimensions of care are routinely sidelined. Decisions motivated by efficiency, expedience, and cost-cutting often sever children from the very cultural and relational foundations that sustain their psychological well-being.

Erosion of Cultural Belonging

Cultural sensitivity in foster care requires deliberate efforts—providing access to children's native languages, religious practices, community traditions, and cultural role models. However, privatized systems, focused on placements that are readily available rather than thoughtfully matched, often treat these considerations as irrelevant luxuries. Children from minority or immigrant backgrounds may find themselves placed in environments that neither acknowledge nor accommodate their heritage. Religious observances go unsupported, native foods and traditions disappear from daily life, and languages are gradually lost. This erasure does more than inconvenience—it strips children of continuity with their roots, leaving them vulnerable to identity confusion and internalized stigma about their cultural background.

Sibling Separation as Cultural Fragmentation

The disregard for cultural continuity is compounded by the frequent practice of separating siblings. For children in foster care, siblings often represent the last tangible link to family identity, shared history, and belonging. Yet siblings are frequently divided into different placements to fit bureaucratic or financial constraints, rather than being prioritized for co-placement. This fragmentation

intensifies cultural loss, as shared family traditions, stories, and practices are diluted or forgotten. The emotional toll of losing siblings as anchors of stability deepens the crisis of identity, leaving children with a sense of dislocation that persists long into adulthood.

The Identity Crisis

The cumulative effect of cultural neglect is a profound crisis of identity. Without a stable connection to cultural heritage, children struggle to construct a coherent narrative of who they are and where they come from. They may experience feelings of alienation—neither fully accepted in their foster environments nor securely connected to their family or community of origin. This identity void can manifest in low self-esteem, chronic self-doubt, and difficulties in forming intimate or trusting relationships in adulthood. Children internalize the message that their culture and history are disposable, reinforcing the notion that their very selves are less valuable than others.

Structural, Not Incidental, Harms

These harms are not accidental oversights but predictable outcomes of a system that prioritizes expedience and cost over holistic child development. Profit-driven foster care treats cultural preservation as expendable, failing to recognize that identity, belonging, and cultural continuity are not secondary needs but foundational to resilience and long-term psychological health. The absence of such support creates enduring scars, shaping life trajectories in ways that no financial metric can adequately capture.

Exploitative Practices and Ethical Concerns

Among the most egregious failures of profit-driven foster care are practices that go beyond neglect and enter the realm of active exploitation. These include the imposition of child labor, the enforcement of exploitative contractual arrangements, and the systemic disempowerment of children and their families. Such practices not only contravene child welfare principles but also breach international human rights standards, exposing a structural disregard for the dignity and rights of those most vulnerable.

Child Labor and Economic Exploitation

Testimonies from former foster children reveal instances where young people were compelled to engage in labor within foster homes, group facilities, or contracted institutions. Tasks often extended well beyond ordinary household chores and instead resembled exploitative labor: working long hours in agricultural fields, cleaning institutions, or even assisting in foster parents' private businesses. In many cases, these contributions were extracted without proper compensation, legal protections, or recognition of children's rights. The rationale was often framed as "building discipline" or "teaching responsibility," but in practice, such labor reduced care into a form of economic extraction. This commodification not only violates international conventions on the rights of the child but also deepens the trauma of those already displaced from their families.

Exploitative Contracts and Financial Dependency

The economic logic of privatized foster care extends to contractual arrangements between facilities, families, and state agencies. Contracts are frequently designed to secure the financial stability of private providers rather than prioritize children's best interests. Families may be pressured into signing agreements that limit their ability to challenge placements, restrict visitation rights, or impose burdensome financial penalties. These contracts reinforce the imbalance of power between institutions and parents, effectively silencing family voices and transforming children into revenue streams. Instead of being treated as individuals with rights and developmental needs, children become the means through which facilities sustain profit margins.

Systemic Disempowerment

Beyond direct exploitation, children and their families experience systemic disempowerment that strips them of agency. Placement decisions are often made without genuine consultation, appeals processes are opaque or prohibitively difficult, and children's perspectives are marginalized in decision-making. This systemic silencing ensures that those most affected by the foster care system remain excluded from shaping it. Children are thus reduced to passive subjects within bureaucratic and economic frameworks, reinforcing the cycle of dependency and disempowerment.

The Ethical Crisis: Commodification of Childhood

At the heart of these exploitative practices lies a profound ethical crisis: the commodification of childhood. When vulnerable children are treated not as individuals deserving of safety, growth, and care but as assets within a profit ledger, the very purpose of child protection collapses. The moral foundation of the foster care system—protection, rehabilitation, and empowerment—is replaced by a logic of extraction and control. In this configuration, the foster care system ceases to function as a protective mechanism and instead becomes a site of exploitation, perpetuating cycles of harm rather than interrupting them.

Conclusion

The Finnish foster care system, as it currently operates under profit-driven frameworks, falls strikingly short of its foundational mission: safeguarding children and fostering their healthy development. The evidence presented highlights a pattern of interrelated failures, each stemming from the prioritization of financial efficiency over the well-being of the children entrusted to the system. Unstable placements disrupt attachment and continuity of care; neglect of health, education, and emotional support undermines both physical and psychological development; cultural erasure weakens identity and belonging; and exploitative practices reduce vulnerable children to instruments of revenue. Together, these shortcomings create a pervasive environment in which harm is not incidental but structurally embedded, producing consequences that echo far beyond the immediate foster experience.

The long-term effects are profound. Children subjected to these systemic inadequacies often carry the burden of trauma, diminished self-esteem, and fractured identities into adulthood. Educational deficits, untreated health conditions, and disrupted familial and cultural ties compound to limit opportunities, while experiences of exploitation and disempowerment erode trust in institutions. In effect, a system intended to protect children becomes a vector for ongoing vulnerability and marginalization.

Addressing these failures requires more than incremental adjustments; it demands a fundamental reorientation of foster care policy and practice. A

child-centered model must replace the profit-driven paradigm, placing the holistic needs of the child—emotional, physical, educational, and cultural—at the forefront of every decision. This entails robust regulations that safeguard against neglect and exploitation, adequate funding to ensure training, therapeutic support, and stable placements, and mechanisms that meaningfully incorporate children’s voices into planning and decision-making. Policies should emphasize family reunification whenever safe, and actively preserve cultural heritage and sibling relationships, recognizing their centrality to identity formation and psychological resilience.

Ultimately, the moral imperative is unequivocal: children are not commodities, and systems of care must reflect their intrinsic value and rights. Reforming foster care to center on the dignity, development, and protection of every child is not merely an administrative or policy challenge—it is a societal and ethical obligation. Only by embracing this principle can Finland’s foster care system fulfill its promise of truly safeguarding the most vulnerable members of society, ensuring that childhood is a period of security, growth, and hope rather than harm and commodification.

References

Heino, T., & Säkkinen, S. (2019). *Lastensuojelun tila Suomessa*. Terveyden ja hyvinvoinnin laitos (THL).

Gilbert, N., Parton, N., & Skivenes, M. (2011). *Child Protection Systems: International Trends and Orientations*. Oxford University Press.

United Nations. (1989). *Convention on the Rights of the Child*. General Assembly Resolution 44/25.