



CONSTITUTIONAL STATUS OF THE FAMILY IN UZBEKISTAN

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Annotation

In this article, society and state care for the family in the Republic of Uzbekistan is increasing day by day. Because a society emerges from a set of families, just as a huge river is formed from small and large streams and tributaries. The life system of a certain society, the level of consciousness depends on the level of this set of families.

Keywords: State and society, economic, moral and legal, marriage, right to education.

Family care in Uzbekistan is carried out constitutionally. The third section of the Constitution of the Republic of Uzbekistan, chapter XIV, is called "Family", and four articles - articles 63-66 are devoted to it. "The family is the main link of society and has the right to be protected by society and the state. "Marriage is based on the voluntary consent of the parties and equal rights," Article 63 of the Constitution states. More than 25 million people live in Uzbekistan. Currently, there are about 4,800,000 families, and 98% of the population are family members of these families. 540-550 thousand children are born every year. The average age of the population is 70 years[1]. Women are 72 years old, men are 68 years old. There are more than 5 million women of childbearing age in our country. On average, 170,000 young families are born per year. In Uzbekistan, improving the well-being of every family and every person, strengthening the harmony of citizens has been raised to the level of state policy. President I.A. Karimov spoke about his duties in this regard: "The most important task is to create a people-oriented, just society. The foundations of this society are, first of all, thousands and millions of families who are rich and prosperous, who know the value of work, and who are morally healthy and have a high cultural level. is enough," he says. Therefore, for the development of the society, all attention should be focused on the family, first of all. The extent to which each family member understands the society, how he understands life, work, law and justice and follows it is an important factor that determines the development of the society[2]. Protection





of the family by the society is considered a new form of care for it, and special attention should be paid to it[17-33].

The state's concern for the family is manifested through the construction of large-scale housing, the establishment and development of a large number of children's institutions, domestic service, the payment of allowances upon the birth of a child, the provision of allowances and benefits to families with many children, as well as the development of other types of allowances and assistance to the family. The constitutional provisions of protection of the family mean protection of motherhood and childhood, strengthening of the family, protection of legal rights and interests of family members, fight against irresponsibility of family relations. These activities are carried out with the help of economic, moral and legal means. Day-to-day care of the family by the state, providing it with material support from all sides is one of the important tasks of a humane democratic legal state. The first decree of the President of our Republic "On increasing the amount of allowances for families with many children" of 1990 is evidence that the family is under state protection[3]. In order to improve the financial situation of families with many children and the conditions of growth of the young generation, the monthly allowance paid to mothers was doubled[18]. This decree shows the childish nature of the Uzbek people. In the following years, a number of family-related decrees of the President of the Republic were adopted. During the years of independence, 2.5 million families received land plots for the first time and expanded their land holdings. The second part of Article 63 of the Constitution of the Republic of Uzbekistan states that "Marriage is based on the voluntary consent of the parties and equal rights." After all, marriage is the foundation of the family[4]. The current Family Code of the Republic of Uzbekistan was adopted at the eleventh session of the Oliy Majlis of the Republic of Uzbekistan on April 30, 1998, and was implemented from September 1. This code consists of 8 sections, 30 chapters, and 238 articles. Section II of the Code is devoted to the issue of "Marriage" (Articles 13-56). In the law, this section occupies an important place. It was appropriate to allocate a separate section to marriage, because marriage is the only foundation, the foundation of family formation. It is an important spiritual discovery in human life. According to Article 13 of the Family Code, marriages are concluded in civil status registration bodies. Only such a marriage creates rights and obligations. Registration of marriage in the relevant state body is the only proof of its existence.

A marriage concluded according to religious rituals has no legal significance[5].





The conclusion of the marriage is carried out in the presence of the spouses in person after a period of one month after they have applied to the registration authorities of civil status documents.

The purpose of setting such a period is to prevent people who do not know each other well from getting married in a hurry[19].

Marriage is registered in the interests of the state and society, as well as in order to protect the personal and property rights and interests of the husband and wife and children[6]. It was determined that marriage should be concluded in accordance with its social essence and purpose, taking into account the need to strengthen the family, the morals and health of the young generation, and observing a number of conditions. These requirements are referred to as prenuptial requirements. They are as follows: marriage is voluntary; in order to enter into a marriage, the future couple must have the ability to freely express their consent; forcing marriage is prohibited (Article 14 of the Family Code)[7]. The next condition is to reach marriageable age. The age of marriage is set at eighteen for men and seventeen for women. If there are good reasons, in special cases, at the request of those who wish to enter into marriage, the mayor of the district, city where the state registration of marriage is carried out can reduce the age of marriage by a maximum of one year (Article 15 of the Family Code)[20]. The law specifies the following situations that prevent marriage: 1) it is not allowed to enter into a marriage between persons who are in another marriage, at least one of whom is registered. In the republic, each citizen can only have one marriage[8]; 2) It is not allowed to enter into a marriage between relatives who are closely related by genealogy, between biological and step-brothers and sisters, as well as between adopters and adoptees.

3) It is not allowed to enter into a marriage between persons, at least one of whom has been declared incompetent by the court due to a mental disorder (mental illness or mental retardation) (Article 16 of the Family Code).

According to the law, medical examination of persons getting married, as well as counseling on medical genetic and family planning issues are carried out by state health care institutions with the consent of persons getting married[9].

The results of the examination of the person to be married are considered a doctor's secret and can be disclosed to the person to be married only with the consent of the person who underwent the examination. Basarti, if one of the parties to the marriage hid the presence of a venereal disease or human immunodeficiency virus (AIDS infection) from the other, that person has the right to apply to the court to declare the marriage invalid. The article establishing such rules appeared for the first time in the history of Uzbekistan's family legislation. Violation of the conditions established by





the Family Code may be grounds for the court to find this marriage invalid. In the Constitution of the Republic of Uzbekistan, the state's care for children is specially strengthened. Parents are obliged to feed and educate their children until they reach adulthood [10]. The state and society shall ensure feeding, upbringing and education of orphans and children deprived of parental care, and shall encourage charitable activities devoted to children (Article 64 of the Constitution). The rights and obligations of parents and children towards each other are determined depending on the lineage of the children. The legal relationship between parents and children is based on the fact that the child originated from the father and was born from the mother. According to Article 60 of the Family Code, the fact that the child was born from this mother (maternity) is determined by the body for registration of civil status documents according to the documents of the medical institution, and if the child was not born in a medical institution, it is determined based on other evidence[21]. If the child was born outside a medical institution, then this legal fact is determined by witness exhibits and other evidence. According to the law, children's rights are established upon their birth.

Minors have the following personal rights: to live and be brought up in a family; meeting with parents and other relatives; self defense; to express one's opinion; get first name, patronymic and surname, etc[11]. According to Article 67 of the Family Code, the child has the right to protect his rights and legal interests. The protection of the child's rights and legal interests is carried out by his parents (persons who replace them), and in the cases provided by law, the guardianship and guardianship body, the prosecutor and the court. According to Article 90 of the Family Code, minor children have the right to receive maintenance from their parents and other persons in the amount and in the manner provided by law. Funds, pensions, allowances received for the maintenance of minor children are at the disposal of his father or mother and are used for the maintenance, upbringing and education of the child. Article 71 of the Family Code establishes that parents have equal rights and obligations towards their children (parental rights)[12].

Parents have the right to raise their children. Parents are responsible for the upbringing and development of their children. They should take care of their children's health, physical, mental, spiritual and moral development. Parents have priority over all other persons in raising their children. According to Article 79 of the Family Code, if parents do not fulfill their parental obligations, they are deprived of parental rights. Deprivation of parental rights is applied after all measures affecting them have failed. According to Article 96 of the Family Code, parents must provide support for minor children. If there is no agreement between the parents on the





maintenance of their minor children, alimony for their maintenance is determined by the court in the amount of a quarter of the monthly salary and (or) other income of the parents for one child; one third for two children; for three or more children, half is charged[13]. The amount of these payments may be reduced or increased by the court, taking into account the financial or family situation of the parties and other noteworthy circumstances. The amount of alimony collected for each child should not be less than a third of the minimum wage established by law (Article 99 of the Family Code). Our laws reflect the policy of care for children and children, and in turn, children have equal rights. Children are equal before the law, regardless of parentage and civil status. Motherhood and childhood are protected by the state. Children are equal before the law, regardless of the civil status of their parents. In Uzbekistan, much attention is paid to the protection of motherhood and childhood. Motherhood is one of the best feelings of a woman and the greatest happiness in her life, a great joy[14]. The state provides large financial support to families with many children and single mothers with children. We pay great attention to the protection of children's rights and interests, and a number of events and measures are being implemented in this direction. At the same time, the Constitution establishes that children have certain obligations to their parents after reaching adulthood. Adult, able-bodied children are obliged to take care of their parents. Adult children should take care of their parents. They are obliged to provide moral support and assistance to their parents. Parents should be aware of their marriage and pay great attention to their health.

Children's obligations to care for their parents used to be their moral obligation. With the adoption of the new Constitution of our independent republic, this obligation of children becomes a legal constitutional obligation[15]. Children should help their parents when they are incapacitated, especially when they are sick, and provide them with whatever they need. Adult children take care of their parents regardless of whether or not alimony obligations have arisen. Although parents are often financially well-off with a good pension in their old age or illness, they still need their children to take care of them and give them spiritual attention. In most cases, parents do not claim to receive child support from such children. But the failure of children to take care of their needy and incapacitated parents forces them to file a lawsuit for child support[16].

If children do not take care of their parents, there are no legal guarantees for them. However, in the case of children who are dishonest and have forgotten their filial duties towards their parents, the court may make a private ruling on them and send them to discuss their moral image in their places of residence or work.





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