



PROBLEMS OF ENSURING AND PROTECTING THE RIGHTS OF THE CHILD

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Matkarimova Sarbinaz Dauletbaevna

Master Student Of Law, Legal Adviser Of Llc «Qqavtotexxizmet», Uzbekistan

ABSTRACT

Any person born on earth has his or her own rights and obligations. And naturally, all children are endowed with certain rights from birth. The rights of the child include those rights and freedoms that every child owns until the age of eighteen. The problem of realizing and protecting the rights and interests of minor children is one of the main problems of our time, as it is closely related to the future fate of each society. This article discusses the problems associated with the regulation of the legal status of the child and the protection of his rights in our country, which depends on the development of his personality, his upbringing and moral health.

KEYWORDS

Child, family, alimony, convention, parents, rights and interests of the child, protection, State party.

INTRODUCTION

The birth of a child is an important event in the life of a man and a woman who gave birth to a child. This is the basis for the emergence of legal relations between parents and children, regardless of whether the parents are married or not, whether they live together or separately. A child is registered immediately after the birth and he has the right to get a name and acquire citizenship from the moment of the birth, as well as, the right to know his parents and take their care. The Family Code and the Law of the Republic of Uzbekistan "On Guarantees of the Rights of the child" enshrines

the right of the child to a first name, patronymic and surname. The name of the child is given with the agreement of the parents and the patronymic is assigned by the name of the father. The surname of the child is determined by the surname of the parents. With different surnames of the parents, the child is assigned the surname of the father or the surname of the mother with the agreement of the parents. At the request of the parents, the child can be assigned a derivative of the name of the grandfather both on the paternal and maternal lines based on national

traditions. If there is a disagreement between the parents regarding the name and (or) surname of the child, it is resolved by the guardianship and guardianship authority. Before the child reaches the age of sixteen, the civil registry office based on the joint request of the parents has the right to change the child's name, as well as change the surname assigned to him to the surname of another parent.

The main document on the rights of children in our country is considered as the Constitution of the Republic of Uzbekistan, on the basis of which the relevant legislation is adopted, among them the Law of the Republic of Uzbekistan "On Guarantees of the Rights of the child" should be highlighted in order to create legal, socio-economic conditions for the realization of the rights and legitimate interests of the child and it surely establishes the basic guarantees of these rights and legitimate interests. An important feature of the Law is the consolidation of the principle of non-discrimination of children on the basis of race, skin color, sex, language, religion, political or other beliefs, national or social status, birth or other circumstances concerning the child or his family, which is a priority international requirement to ensure equality of all children. The rights of the child are also enshrined in the Civil and Family Codes of the Republic of Uzbekistan. The consequences of the use of cruelty to a child are also covered by the provisions of the Code of Administrative Responsibility and the Criminal Code of the Republic of Uzbekistan.

The child has the right to protect his rights and legitimate interests. The protection of the legitimate rights and interests of the child is carried out by the parents (people, replacing them), and in cases, provided by the Family Code of the Republic of Uzbekistan by the guardianship and guardianship authority, the prosecutor and the court. A minor,

recognized as fully capable before reaching the age of majority in accordance with the law, has the right to realize his rights and obligations independently, including the right to protect them.

As children are not always able to stand up for their rights and interests on their own, they need the help of adults. Adults are obliged to protect their child from physical and mental violence, injustice, neglect, sexual abuse and other dangers. In addition to protection, adults are obliged to provide conditions for the development of their child's abilities and interests. Providing the most developing environment means that the child should be provided with the best possible childhood. Those children who cannot grow up in the circle of their family, education and development should be provided by the state.

Thus, the child remains the most vulnerable, and in most cases-helpless even with the current highest level of protection of the rights of the child provided by State and International law. After all, all situations can't be prescribed in the laws. There has always been a problem on how to protect and care children from all kinds of influences in the republic, since juvenile delinquency, the growth of orphans and teenagers running away from home are increasing every year. Taking into account that children are considered as the most precious person in our country and in any society, regardless of the political system and religious denomination the public has been facing with the solution of the most important problem: how to protect the rights of the child, thereby preserving the gene pool of the nation?

Articles 65-66 of the Family Code state that every child has the right to live and be brought up in a family, the right to know his parents and take their care, the right to live together with them, except in cases where this

is contrary to his interests. The child has the right to be brought up by his parents and to ensure his interests, comprehensive development, and respect for his human dignity. The child has the right to communicate with both parents, grandparents, brothers, sisters and other relatives. The dissolution of the parents' marriage, its invalidation or separation of the parents does not affect the rights of the child.

In case of separation of the parents, the child has the right to communicate with each of them. The child has the right to communicate with his parents even if they live in different countries. But, unfortunately, many children whose parents are divorced do not have the opportunity to communicate with both parents today. There can be many reasons for this, but it should not violate the rights of the child. I believe that in no case biological parents do not have the right not to engage in the upbringing of their child. In the case of a divorce of the spouses, the courts should oblige the parents to communicate with the child wherever they are. That is, the child, if desired, should be able to communicate with both parents. Court decisions should clearly indicate the time that a parent is obliged to devote to his child.

According to Article 67 of the Family Code, a child has the right to be protected from abuse by parents (people, replacing them). The modern family is included in various mechanisms of social interaction, and therefore the socio-economic cataclysms cannot support the strengthening of the parent-child relationship in our country. Parents' overloads at work, the need to search for their earnings, and the reduction of their free time lead to deterioration of children's physical and mental state, increased irritability, fatigue and stress. Parents often splash out their negative emotions on children, and therefore parental cruelty takes place in many families. That is why every child has

faced a manifestation of cruelty on the part of parents or loved ones at least once in his life. Violence, abuse and exploitation have a devastating impact on children. They threaten their lives and physical health; jeopardize their emotional well-being and prospects for the future. Violence can pass from generation to generation: children who have experienced violence often perceive it as the norm and they become victims of violence or rapists themselves in their adulthood.

According to Article 15 of the Law "On Guarantees of the Rights of the Child" and Article 68 of the Family Code, a child has the right to express his opinion when resolving any issue affecting his interests in the family, as well as during any judicial or administrative proceedings. Bodies (persons) authorized to make decisions, when resolving issues affecting the interests of the child, should consider the opinion of a reasonably and independently thinking child as an important factor, regardless of his age, and make decisions based on the best interests of the child. As we know, during the divorce process in our country, in most cases, the court leaves the children with their mother. But recently, cases have become more frequent when a mother, having left her children by a court decision, leaves in search of earnings in other countries, leaving the children in the care of a grandmother (grandfather). Children remain without parental supervision, and this can lead to disastrous consequences, since the factor of family education for the physical and moral development of a person is of extreme importance. The upbringing of a full-fledged member of society with high moral principles is the task, first of all, of parents, because parents form the character and contribute to the comprehensive development of the child based on their own life experience. That is why I believe that when making a decision regarding children, the courts should first fully examine all the conditions of both parties for raising

children, that is, examine the material security of each of the spouses, their mental health, the conditions created for the development of the child and then make a decision. There are often cases when, after a court decision, the parent who left children forces the children to earn their own bread, or does not engage in his upbringing at all, arranging his personal life, and in such cases there can be no question of a decent life for the child. That is, the courts should make a decision not in favor of one of the parents, but in favor of the child based on his interests. First of all, the child should feel comfort.

Violations of children's rights must be fought. It is very important to raise awareness not only among those who make decisions about children's rights, but also among the general population that children are full-fledged holders of rights. It is necessary to completely eliminate the concept of "my child and I will decide what to do with him." In Uzbekistan, the protection of children's rights is a priority task of State policy and is constantly in the focus of attention of the whole society. This comes from the historical traditions and mentality of our people, who treat children with special love and are seriously engaged in their upbringing. From time immemorial, our ancestors considered it a sacred duty to teach a child a profession and prepare him well for independent life. In the Republic, the State and society take systematic and consistent measures to ensure a decent standard of living for a child, which takes into account the whole set of interdependent socio-economic conditions and spiritual and moral foundations of children's life: material well-being, health, education, use of free time, access to the labor market, social security, as well as sufficient to restore physical and intellectual forces, nutrition, etc. The above norms in the legislation once again confirm the commitment of Uzbekistan to the universal values of protecting the rights of the child.

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