

THE SYSTEM OF GUARANTEES OF CHILDREN'S RIGHTS UNDER THE LEGISLATION OF UZBEKISTAN

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Sudyalar oliy maktabi mustaqil izlanuvchisi

Annotatsiya

Bolalar huquqlarini himoya qilish nafaqat ma'naviy farz, balki xalqaro va milliy qonunlarda mustahkamlangan huquqiy majburiyat hamdir. Keng qamrovli tizim har bir bolaning farovonligi va rivojlanishini ta'minlaydi, ularning rivojlanishi va o'z salohiyatini to'liq ro'yobga chiqarishini ta'minlaydi.

Ushbu maqolada milliy qonunchilikda bola huquqlarining kafolatlari, uning o'ziga xos xususiyatlari belgilangan.

Annotation

Protection of children's rights is not only a moral obligation, but also a legal obligation established in international and national laws. A comprehensive system ensures the well-being and development of each child, ensuring that they develop and reach their full potential.

This article defines the guarantees of children's rights and their specific features in the national legislation.

Protecting and guaranteeing children's rights increasingly requires special attention and approach. Because ensuring children's rights, implementing their rights and guarantees is an important and basic obligation of every state.

The globalization of the modern world, the improvement of digital technologies of the Internet, not only creates positive but also negative situations, and the upbringing of children creates various threats to their rights. For example, the fact that various foreign same-sex marriages are allowed, surrogate motherhood is widely used, and various cyberthreats are increasing, it is necessary for the state to create a new and reliable system of guarantees of children's rights.

Modern law often reflects the legal status of a child as a bearer of qualities different from that of an adult. The child, who is the least protected and weakest subject of legal relations, now as a bearer of rights and obligations, becomes an increasingly

active participant in multivariable private law relations, characterized by legal equality, free expression of the will of subjects and property independence. . At the same time, the legal status of the child is characterized by its dynamics, because the scope of rights and obligations, the measure of responsibility, and the guarantees of the realization of certain rights change. Such changes are mostly objective, often independent of the will of the child, related to non-personalized circumstances and require proper legal regulation.

However, most often, the legal status of the child is studied in the context of family legal relations, in which the child is a participant by origin, descent, kinship or adoption, living with the same family, and related to the common way of life. As a rule, a child becomes a participant in family-legal relations regardless of his will, the range of participants in such relations is limited, and family-property relations are formed on the basis of personal non-property relations.

In the legislation of Uzbekistan, guarantees of children's rights are defined in various legal documents. In particular, Article 44 of the new version of the Constitution of the Republic of Uzbekistan prohibits "any forms of child labor that endanger the child's health, safety, morals, mental and physical development, including hindering his education." . At the same time, this norm expresses the right of children to work and specific requirements for it. Because, in accordance with the second part of Article 118 of the Labor Code of the Republic of Uzbekistan, children are allowed to work - upon reaching the age of fifteen, with the written consent of one of the parents (the person replacing the parent).

Article 50 of the newly revised Constitution states that "educational organizations provide inclusive education and training for children with special educational needs." This norm is also developed in the thirteenth part of Article 9 of the Law of the Republic of Uzbekistan "On Education" as follows: "children with physical, mental, sensory or mental disabilities, as well as for a long time children in need of treatment receive education in state specialized educational institutions, general secondary and secondary special educational organizations in an inclusive form or individually at home."

It is from this point of view that the guarantees of children's rights are expressed in Chapter XIV of the new version of the Constitution, which is called "Family,



Children and Youth". In particular, in Article 77 of this chapter, "the state and society shall ensure the feeding, upbringing, education, healthy, full and all-round development of orphans and children deprived of their parents' custody. encourages charitable activities for the purpose" This norm is defined in more specific and broader terms in Article 271 of the Law of the Republic of Uzbekistan "On Guarantees of Children's Rights" and Article 106 of the Family Code of the Republic of Uzbekistan.

Article 78 of the new version of the Constitution directly defines the provisions regarding the guarantees of children's rights and the obligations of the state in this regard. According to it, the state has the following obligations and duties to protect and protect children's rights:

- 1) to ensure and protect the rights, freedoms and legal interests of the child, to create the best conditions for his full physical, mental and cultural development;
- 2) protection of motherhood, fatherhood and childhood;
- 3) taking care of the formation of loyalty to national and universal values, pride in the country and the rich cultural heritage of the people, feelings of patriotism and love for the Motherland in children and young people.

In the Family Code of the Republic of Uzbekistan, the main guarantees of children's rights are defined and systematized to a certain extent. In particular, Chapter 10 of the Family Code stipulates the rights and guarantees related to determining "children's genealogy", while Chapter 11 provides for "Personal property rights of minors". In particular, Chapter 11 defines the following personal non-property rights of the child and guarantees against him:

- 1) The right of the child to live and be educated in the family;
- 2) The right of the child to see his parents and other relatives;
- 3) The child's right to protection;
- 4) The child's right to express his opinion;
- 5) The child's right to a name, patronymic and surname;
- 6) The right to change the child's name and surname.

At the same time, Article 93 of the Family Code stipulates the provisions regarding the private property of children in the family. According to it, "Property received by



minors as a gift, inheritance, as well as property acquired as a result of personal labor and entrepreneurial activity is considered their private property."

In Uzbekistan, there are continuous processes of development of norms related to the protection of children's rights. Modern documents are being developed instead of previous regulatory and state and departmental documents. Decree of the President of the Republic of Uzbekistan dated August 9, 2021 "On measures to introduce a new system of state support for orphans and children deprived of parental care" No. PQ-5216 Decision No. 638 of the Cabinet of Ministers of the Republic of Uzbekistan dated October 12, 2021 "On approval of normative legal documents regarding education of children with special educational needs" is an example of this.

In conclusion, implementation of guarantees of children's rights and ensuring their observance is of great importance for the development of the state and society. After all, children are the future of every state and society.