



## FEATURES OF PROVIDING SOCIAL AND LEGAL ASSISTANCE TO MINORS

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**Abstract:** The article highlights the specific features of providing social and legal assistance to minors in the Republic of Uzbekistan. It analyzes reforms implemented by internal affairs bodies, regulatory and legal changes in the penal system, and measures aimed at protecting the rights of minors. The importance of identifying unsupervised and neglected children, organizing preventive work in centers for social and legal assistance, and the significance of social adaptation and rehabilitation processes are emphasized. The rights of minors to education, healthcare, and family environment are guaranteed based on the Constitution of the Republic of Uzbekistan [2], the Law "On Guarantees of the Rights of the Child" [3], and other normative acts. Proposals for improving the effectiveness of social and legal assistance are presented.

**Keywords:** minors, social and legal assistance, prevention, internal affairs bodies, legal protection, social adaptation, rehabilitation, Constitution, children's rights, education.

In recent years, comprehensive reforms based on a targeted approach have been implemented in our country in the sphere of internal affairs bodies, particularly in the penal system.

Several regulatory legal acts have been adopted to further improve the activities of this system, expand the scope of rights and legitimate interests of persons serving sentences, and enhance their living conditions.

Internal affairs bodies play a crucial role in ensuring the peaceful and prosperous life of the population, combating crime and other offenses, maintaining public order, as well as carrying out other vital tasks. During the years of independence, effective work has been carried out to transform the internal affairs bodies from a punitive and supervisory body into a structure that protects the interests of the people, society, and the state.

As a result of the systematic measures taken over the past period, significant achievements have been made in preventing and averting crimes and other offenses, maintaining public order and ensuring public safety, and protecting the rights, freedoms, and legitimate interests of citizens. In accordance with the Decree of the President of the Republic of Uzbekistan dated March 26, 2021 No. UP-6196 [1] "On Measures to Raise the Activities of Internal Affairs Bodies in the Field of Ensuring Public Safety and Combating Crime to a Qualitatively New Level," an electronic system for preventive registration of persons was introduced from July 1, 2021. To ensure the principle of a "Safe Educational Institution," the following main tasks were identified.

In this regard, procedures have been established for providing social and legal assistance to minors, identifying minors left without parental supervision or care or those of guardians, living in socially dangerous families, in need of state and public assistance, as well as unsupervised and neglected minors. The procedures for their admission to the center,

registration, and care have been defined, along with the main tasks, functions, powers, and management procedures of social and legal assistance centers. Additionally, the organization of individual preventive work with minors and the standards for providing them with clothing, footwear, and other necessary items have been outlined.

The Constitution of the Republic of Uzbekistan[2] assigns the state the task of protecting the rights and freedoms of man and citizen. Internal affairs bodies play an important role in fulfilling this task. During the years of independence, the legal basis for the upbringing of minors and the protection of their rights and freedoms has been formed in our state.

We can see this in the Constitution of the Republic of Uzbekistan, the Law "On Guarantees of the Rights of the Child," the Law "On Education," the National Program for Personnel Training, the Labor Code, the Civil Code, and the Law "On State Youth Policy."

In these laws, such relations as care for minors, their legal and social protection, support for their initiatives, and guarantees for the free choice of ways to realize their interests have found their legal basis. Today, for our youth to be comprehensively developed individuals, our main law states in Article 41 of the Constitution of the Republic of Uzbekistan: "Everyone has the right to education. Free general education is guaranteed by the state.

School affairs are under state control," which guarantees the rights of minors in the field of education. The educational process plays an important role in the formation of the intellectual potential, worldview, and knowledge of a minor, as well as in shaping him as a person who benefits society.

Most of the articles of the Constitution are related to the rights and interests of minors, in particular, special emphasis is placed on it in the preamble of our Constitution, that is, the inclusion of the phrase "conscious of their high responsibility to present and future generations" indicates that the constitution was adopted not from the point of view of today, but from the point of view of the future generation, that is, minors, conscious of their high responsibility to youth.

Along with protecting the rights and freedoms of minors, identifying and taking measures to eliminate the causes and conditions that negatively affect them, organizing the prevention of neglect and delinquency among them, and taking measures for the social adaptation and rehabilitation of minors who have committed offenses and are in need of social protection are important tasks in this area. The adoption of Resolutions of the Republic of Uzbekistan "On Guarantees of the Rights of the Child" dated January 7, 2008, and the Cabinet of Ministers of the Republic of Uzbekistan "On Measures for Further Improvement of Socio-Legal Assistance to Minors" dated August 3, 2021, No. 490[9] also testifies to the large-scale work being carried out aimed at raising minors as comprehensively developed, harmoniously developed individuals and healthy children.

Chapter 2 of the Law of the Republic of Uzbekistan "On Guarantees of the Rights of the Child," entitled "Basic Guarantees of the Rights of the Child," defines guarantees of the child's right to life (Article 9), guarantees of the child's right to individuality and its preservation (Article 10), guarantees of the child's right to freedom and personal inviolability (Article 11), guarantees of the child's right to protection (Article 12), guarantees of the child's right to the family environment (Article 13), guarantees of the child's right to express their opinion (Article 15), guarantees of the child's right to information (Article 16), guarantees of the child's right to freedom of thought, speech, conscience and belief (Article 17), guarantees of the child's right to rest and leisure (Article 21), guarantees of the child's right to health

(Article 22), guarantees of the child's right to education (Article 23) as personal non-property rights. Articles 81-86 of the Criminal Code of the Republic of Uzbekistan[10] outline the specifics of juvenile liability, including Article 81, which states that fines, corrective labor, restriction of liberty, and imprisonment can be designated as punishments, and Articles 82-85 stipulate their implementation.

Thus, this Code and its norms occupy a special place in organizing the prevention of neglect and delinquency among minors and determine the necessity of relying on these rules. Chapter 11 of the Family Code[11] is devoted to the personal non-property rights of minors, in which the right of a child to live and be raised in a family (Article 65), the right of a child to meet with parents and other relatives (Article 66), the right of a child to protection (Article 67), the right of a child to express his opinion (Article 68), the right of a child to a name, patronymic, and surname (Article 69) are considered personal non-property rights.

According to Article 491 of the Law of the Republic of Uzbekistan dated August 28, 2019 No. ZRU-558 "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan"[12], Violation of the requirements on the inadmissibility of using the labor of minors The use of the labor of a minor in work that may harm his health, safety or morality, - entails the imposition of a fine from ten to twenty minimum wages. The same offense, committed repeatedly within a year after the application of administrative penalties, - entails the imposition of a fine from twenty to thirty minimum wages. Committing an offense against a minor, for which administrative coercion to labor is provided on the basis of part one of Article 51 of this Law, - entails the imposition of a fine from thirty to fifty minimum wages. The same offense, committed repeatedly within a year after the application of administrative penalties, - entails the imposition of a fine from fifty to one hundred minimum wages.

The Law of the Republic of Uzbekistan "On the Prevention of Neglect and Delinquency among Minors" of September 29, 2010, plays an important role in the process of preventing delinquency among minors, organizing and carrying out preventive work among them, and defines its main directions. Article 3 of the Law defines the following basic concepts of prevention of neglect and delinquency among minors:

Prevention of neglect and delinquency among minors - a system of social, legal, medical, and other measures implemented in conjunction with individual preventive work, aimed at identifying and eliminating the causes and conditions that contribute to the neglect, neglect of minors, the commission of offenses or other antisocial acts by them;

A minor in a socially dangerous situation - a minor who, as a result of the neglect or neglect of a minor, poses a danger to his life or health or is in a situation that does not meet the requirements for his maintenance, upbringing and education, or who commits an offense or other antisocial behavior;

Family in a socially dangerous situation - a family in which parents or persons replacing parents evade or improperly fulfill their obligations to provide for, educate, and raise minors, or negatively affect their behavior, or treat them with cruelty;

Uncontrolled - a minor whose behavior is uncontrolled due to evasion or improper fulfillment by parents or persons replacing parents of their obligations to provide for, educate, and raise a minor;

Individual preventive work - activities for the timely identification of minors and families in a socially dangerous situation, as well as their socio-pedagogical rehabilitation and prevention of juvenile delinquency or other antisocial behavior;

Neglected - a minor left unsupervised without a fixed place of residence;

Antisocial behavior - the behavior of a minor, expressed in the systematic use of alcoholic beverages, narcotic drugs, psychotropic or other substances affecting mental and volitional activity, prostitution, begging, as well as other actions that violate the rights, freedoms and legitimate interests of other citizens.

The system of bodies and institutions carrying out the prevention of neglect and delinquency among minors includes:

- interdepartmental commissions on minors' affairs;
- internal affairs bodies;
- education management bodies and educational institutions;
- guardianship and trusteeship bodies;
- healthcare management bodies and healthcare institutions;
- employment and labor relations bodies

The aforementioned bodies and institutions, within their competence, carry out the prevention of neglect and delinquency among minors and interact in this area. The Resolution of the President of the Republic of Uzbekistan dated May 29, 2019 No. 4342 "On the Fundamental Improvement of the Activities of Specialized Educational Institutions" [13], the Republican Educational Institution for Boys and the Republican Educational Institution for Girls under the Ministry of Public Education of the Republic of Uzbekistan, including the Republican Educational Institution for Girls at the address: Tashkent region, Chinaz district, "Gulzorobod" mahalla, the Republican Educational Institution for Boys at the address: Syrdarya region, Syrdarya district, "Tadbirkor" mahalla, Bakht city. Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated October 17, 2019 No. 880 "On Measures to Organize the Activities of Educational Institutions of the Republic" [14] In order to ensure the implementation of the Resolution of the President of the Republic of Uzbekistan dated May 29, 2019 No. PP-4342 "On the Fundamental Improvement of the Activities of Specialized Educational Institutions" [15], minors who have reached the age of 14 and have not reached the age of 18 are placed in educational institutions of the Republic.

The following are placed in republican educational institutions:

- who has committed socially dangerous acts, but has not reached the age of criminal responsibility or is unable to fully realize the significance of their actions due to developmental delays not related to mental illness;

- Released from criminal liability without resolving the issue of guilt, materials transferred for consideration to the Interdepartmental Commission on Minors' Affairs;

- minors released from criminal punishment with the application of a coercive measure in the form of placement in educational institutions of the republic;

- minors who, despite conducting individual preventive work, continue to systematically commit offenses or other antisocial acts are placed on the basis of a court decision.

Resolution No. 269 of the Cabinet of Ministers of the Republic of Uzbekistan dated November 26, 2010, "On Approving the Regulations on Centers for Social and Legal Assistance to Minors of Internal Affairs Bodies" [16] defines the status and main tasks of the center. The main tasks of the Center for Social and Legal Assistance are defined as:

- provision of socio-legal, medical-pedagogical assistance to minors in a socially dangerous situation, protection of their rights and legitimate interests;



implementation of measures for the social adaptation and rehabilitation of minors in accordance with the age-specific psychophysiological inclinations, abilities, interests of children, and the requirements for the protection of children's life and health;

Implementation of measures aimed at forming law-abiding behavior in minors, assisting in their social protection and comprehensive development.

organization of individual preventive work to prevent neglect and delinquency among minors.

Procedure for placing a prevention inspector in a center for providing social and legal assistance to minors.

In the process of preventing offenses, the prevention inspector takes measures to identify and eliminate offenses committed against minors or factors that negatively affect them. Considering the importance of applying measures of social rehabilitation and social adaptation in the process of service, the role of centers for social and legal assistance to minors is of great importance. When a prevention inspector identifies the following categories of minors, they take measures to place them in the Center for Social and Legal Assistance:

firstly, those left unsupervised or unattended;

secondly, unauthorized leaving of specialized educational institutions, educational institutions for orphans and children left without parental care, or other children's institutions;

thirdly, persons under sixteen years of age deprived of parental care;

Fourthly, those who have committed socially dangerous acts, but have not reached the age of criminal responsibility or are unable to fully realize the significance of their actions due to significant developmental delays not related to mental illness, if it is necessary to ensure the protection of the life and health of minors or to prevent them from committing repeated socially dangerous acts, as well as if their identity has not been established or they do not have a specific place of residence or do not permanently reside in the territory of the Republic of Uzbekistan where they committed socially dangerous acts;

fifthly, those who have committed offenses entailing administrative liability, if their identity has not been established, or if they do not have a fixed place of residence, or do not permanently reside in the territory of the Republic of Uzbekistan where they committed the offenses;

sixth, those temporarily awaiting the consideration by the court of the issue of their placement in a specialized educational institution;

seventhly, those sent to specialized educational institutions by court order.

If circumstances requiring placement of a minor in a social and legal assistance center are identified, the prevention inspector may bring the minor to the internal affairs bodies or support points, and within 48 hours from the moment of delivery, they are obliged to prepare materials for sending a petition to the court for placement of the minor in a social and legal assistance center. Procedure for placement in the Center for Social and Legal Assistance:

questionnaire record of the interview conducted by the prevention inspector with the participation of representatives of guardianship and trusteeship bodies, a psychologist, and a teacher;

a certificate from nearby educational institutions, orphanages, and other organizations on the results of investigations into missing minors;

the investigator's decision, if the person who committed socially dangerous acts is a minor who has not reached the age of criminal responsibility or has a developmental delay not related to a mental illness;

data from guardianship and trusteeship bodies;

information and recommendation of the citizens' assembly of the mahalla for children under sixteen years of age left without parental care;

Petition signed by the head of the internal affairs body for the placement of a minor in the center.

A petition for placement of a minor in a social and legal assistance center and materials confirming the necessity of placing him in this center are sent by the head of the internal affairs body or his deputy to the district (city) criminal court at the place of discovery of the minor or at the location of the social and legal assistance center.

A petition for placement of a minor in a social and legal assistance center is considered individually in a closed court session by a judge of the district (city) court for criminal cases within 24 hours from the moment of its submission by the internal affairs body.

The participation in the court hearing of a minor, the prosecutor, representatives of the guardianship and trusteeship body, and the internal affairs body, in respect of whom a petition for placement in a social and legal assistance center is being considered, is mandatory. When considering a court petition for placing a minor in a social and legal assistance center, the prevention inspector must justify the necessity of placing the minor in a social and legal assistance center. Having considered the petition for placement of a minor in a center for social and legal assistance, the judge issues one of the following rulings:

on the satisfaction of the petition and placement of the minor in the center for social and legal assistance;

on leaving the petition without satisfaction.

The judge's ruling on granting or dismissing a petition for placement of a minor in a social and legal assistance center shall enter into force from the moment of its announcement and shall be subject to immediate execution. The prevention inspector, by court order, takes the minor to the Center for Social and Legal Assistance and hands him over based on a report drawn up with the participation of the center's employees.

Minors may stay in the social and legal assistance center for the minimum time necessary for their placement, but not more than thirty days. In exceptional cases, at the request of the head of the social and legal assistance center or his deputy, on the basis of a court ruling, this period may be extended up to fifteen days in the manner prescribed by law. From September 1, 2021, a procedure has been established in the system of working with homeless children, according to which the following work has been carried out to identify the homelessness of a minor:

inspector-psychologists for juvenile affairs - in educational institutions, prevention inspectors - in the service area, chairpersons of citizens' gatherings of mahallas - in families in the process of studying (observing) and implementing preventive measures;

chairpersons of citizens' assemblies are designated as responsible for the identification and targeted work with minors living in socially dangerous families, and they bear personal responsibility for cases of untimely identification of neglected children in mahallas;

in cases of detection by state bodies, non-governmental non-profit organizations, and citizens of the abandonment of a minor, they report this to the prevention inspector.

In conclusion, based on the norms of the legislation of the Republic of Uzbekistan, for the purpose of early prevention of neglect and delinquency among minors, monitoring their behavior, making independent decisions in extreme situations, inspector psychologists and prevention inspectors are required to fully study the current legislation, orders, and regulatory documents and use them correctly and rationally in their official activities, analyze and assess the situation, correctly assess socially dangerous minors, families in socially dangerous situations, uncontrolled, individual preventive work, unattended, antisocial behavior from a legal point of view, care, legal and social protection, support their initiatives, and form in them a sense of high responsibility for their faithful service to the Motherland and the people, make independent decisions in extreme situations, fully study the current legislation, orders, regulatory documents and use them correctly in their official activities, analyze and assess the situation, and be faithful to their oath.

### References:

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