



LEGAL CONSEQUENCES OF DEPRIVATION OF PARENTAL RIGHTS

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Article 63 of our Constitution states: "The family is the fundamental unit of society and has the right to be protected by society and the state." As is well known, the family plays a vital role in the upbringing of children as a key component of society. The relationship between parents and children is regulated not only by family law but also by moral norms that are valued in society. Mutual respect and behavior among family members reflect the culture within the family, and such cultural values play a significant role in a child's upbringing.

According to Article 19 of the Family Code of the Republic of Uzbekistan, spouses have equal rights and responsibilities within the family. Consequently, both parents hold equal rights and duties towards their children. Each parent is responsible for the upbringing and development of their child and is required to care for their health, physical, mental, spiritual, and moral growth.

A sacred Hadith also instructs: "Raise your children with dignity and instill good morals in them." Parental rights must not be exercised contrary to the interests of the child. The law protects the rights and interests of children to ensure a happy and secure childhood. In our society, special attention is given to the family's role in child-rearing. The development of a young citizen largely depends on the family environment, especially the influence of the mother. In the family — the foundational cell of society — individuals attain moral maturity and begin to understand their role in life.

The deprivation of parental rights entails both personal and property-related legal consequences. The Constitution of the Republic of Uzbekistan and corresponding laws protect the rights and interests of both children and parents.

According to the general principles of philosophy, everything has a logic. One of its key categories is cause and effect — every consequence arises from certain causes and conditions, which in turn produce specific outcomes. Based on this dialectical principle of cognition, the deprivation of parental rights leads to a series of legal consequences. In essence, even without considering the legal implications, being deprived of parental rights is inherently tragic and deeply distressing.

It is also important to emphasize the cultural differences between Western and Eastern societies in this matter — especially the distinct mindset of the Uzbek nation. Family law prioritizes the interests of the child. If the environment or conditions within a family contradict the child's well-being, the law does not permit the child to remain in such circumstances.

The aim of this research is to protect the rights of children deprived of parental care and to explore ways of identifying and placing them in appropriate care. The key focus is on

understanding the legal consequences of deprivation of parental care and answering critical questions such as: What becomes of the child's rights and legal interests? What will be their fate?

Every child has the right to be raised by their parents, to have their interests protected, to develop comprehensively, and to have their human dignity upheld. Therefore, protecting the rights and interests of children is primarily the duty of their parents. When a child lacks parental care—either due to the absence of parents or because the parents have been deprived of parental rights—the child's right to family upbringing is ensured by guardianship and custodianship authorities.

These guardianship and custodianship functions may be carried out by local authorities. The duties are distributed as follows:

For minor children: the responsibility lies with the departments of public education;

For individuals with mental illness or intellectual disabilities: with the departments of healthcare;

For other categories requiring guardianship: with the departments of social protection.

As is known, as stated in the Universal Declaration of Human Rights and the Convention on the Rights of the Child¹⁶, "... all human beings are born free, equal in dignity and rights."

These international documents specifically regulate the right of the child to protection. If a minor is recognized as having full legal capacity in accordance with the law, then, of course, he can independently exercise his rights and obligations, as well as the right to protection. The child has the right to protection from abuse by his parents. For example, cruel treatment of children, use of physical force, psychological influence, intentional crimes against the life or health of the child, etc. In particular, in paragraph 4 of Article 79 of the Family Code, "parents who abuse their parental rights, cruel treatment of children, including the use of physical force or psychological influence, shall be deprived of their parental rights may be deprived of". It is important that in cases where the rights and legitimate interests of the child are violated, including when the parents (or one of them) fail to fulfill or improperly fulfill their obligations in the education and upbringing of the child, or abuse their parental rights, the child has the right to apply to the guardianship and trusteeship body for protection of his rights and legitimate interests, and after reaching the age of 14, to the court independently. In such cases, the guardianship and trusteeship body or the court must take appropriate measures to protect the rights and legitimate interests of the child.

Currently, in the developed countries of the world, in particular, in Western Europe and the USA, the process of children's maturation as individuals is accelerating. This is manifested in the clear strengthening of individualism in the spiritual world of children (having their own views on each issue, striving not to be influenced by others, in a certain sense selfishness, prioritizing their own interests without taking into account the interests of others). This situation has both positive and negative aspects. The negative aspect is that in this case the age-old conflict between parents and children deepens, and the children's escape from the influence of adults leads to unexpected and sometimes terrible consequences. The positive aspect is that children do not allow adults, especially parents, to abuse their rights over them. For example, in recent years, the number of children suing parents who have treated them cruelly has increased significantly in England. Of course, the mentality and values of the West and the East have their own differences. However, from the point of view of human rights, is there a possibility for children to have conflicts with their parents, guardians, sponsors and

other legal representatives? - it is natural that the question arises. As a general rule, monitoring the relationship between a child and his parents is carried out by the inspector of the mahalla, school, neighborhood, police station. If normal natural and moral standards are violated in these relationships, the above subjects are the first to intervene. The issue of protecting the rights of the child is brought before the authorized state bodies (police, court, prosecutor's office). The child himself has the right to apply for protection to the above-mentioned persons and bodies. However, as we have noted above, our people are a people of children, children are dear to parents, and the interests of the child are above all. Therefore, cases of parents abandoning their children and treating them cruelly are almost rare. In most cases, parental supervision and control over a child (for example, not communicating with certain individuals, prohibiting participation in various parties, social gatherings, etc.) are actions taken in the interests of the child, aimed at his or her development as an honest, mature person. In general, the guardianship and trusteeship bodies are responsible for identifying children deprived of parental care, based on the circumstances in the legislation and the realities of life. Guardianship and guardianship bodies identify children deprived of parental care, take into account such children and choose the forms of placement of children depending on each situation of deprivation of parental care, as well as monitor the conditions of their care, upbringing and education.

Apart from guardianship and sponsoring bodies, other legal entities and individuals are not allowed to identify and place children deprived of parental care. Officials of institutions (pre-school education institutions, general education institutions, treatment and other institutions) and other officials who are aware of the presence of children deprived of parental support must report this to the guardianship and sponsorship body in the place where the children are staying. The guardianship and trusteeship body shall, within three days from the date of receipt of such notification, inspect the living conditions of the child and, if it is established that the child is deprived of parental care or relatives, ensure the protection of the child's rights and interests until the issue of his/her placement is resolved. Children deprived of parental care shall be placed in a family (adoption, guardianship, trusteeship or foster family), and if this is not possible, in institutions designated for orphans or children deprived of parental care (educational, medical, social protection institutions and similar institutions).

Until the issue of placing children deprived of parental care in a family or in educational institutions for upbringing is resolved, the guardianship and trusteeship bodies are temporarily entrusted with the fulfillment of guardianship (trusteeship) obligations. So, today's conclusion is that a person and his interests come first in our country. True, we do not belittle the role of the state in this regard. As theorists say, the main social task of the state is to ensure the well-being of all citizens, nations and peoples, social and ethnic groups living on its territory, and the state carries out its activities in this area based on the principles of social justice and law, aiming at the well-being of the person and society. So, we are talking about the personal non-property rights of a citizen. Personal non-property rights are understood as rights that cannot be separated from a person and alienated, and are not of a property nature. In fact, personal non-property rights in jurisprudence constitute an integral part of the subject of civil legal relations, and in family legal relations they constitute the main part. Personal non-property rights, in turn, are divided into two categories: personal relations related to property relations, and personal relations not related to property relations. As we have noted

above, the forms of identification and placement of children deprived of parental care, as well as the placement of minor children of parents deprived of parental rights, are also directly included in the composition of personal non-property relations. As an example of personal relations related to property relations, one can cite relations to the results of intellectual activity and copyright. These relations determine not only property rights, but also their personal rights, such as the right to publish a work anonymously with or without indicating one's name, the rights to the inviolability of the work, the right to be recognized as the author of an invention, and other rights.

Personal relations not related to property relations include relations related to honor, dignity, and business reputation specified in Article 100 of the Civil Code. That is, if a person who disseminates information that undermines these inalienable rights of a citizen cannot prove that it is true, the citizen has the right to demand a refutation through the court.

M.Kh. Baratov Personal relations that are not of a property nature are rights that are directly related to the person himself. As a rule, personal non-property rights, like other objects of civil law, cannot be exchanged for money (a certain amount of money), which is considered the general equivalent of goods. Personal non-property rights include the life and health of a person, honor and dignity, personal inviolability, private and family secrets, the right to a name, image, copyright, etc.

In fact, as M.Kh. Baratov rightly noted, according to current legislation, if a citizen or organization receives information that tarnishes its honor and undermines its dignity and business reputation, if the person disseminating this information cannot prove that it is true, the person whose rights have been violated has the right to demand a refutation through the court. In this case, the legal protection of personal rights refers to the position a person has taken in society through his own labor and the reputation he has earned.

The presence of such rules in civil legislation indicates that special attention is paid to the wider protection of the rights of individuals.

Honor is a certain level of recognition of a citizen, his social status. Dignity is the reflection of this status in the consciousness of the owner, that is, the assessment of a person to himself, based on the recognition by society.

Business reputation means the honest or dishonest actions of an individual or legal entity when participating in civil transactions. The law does not allow defamation, defamation, or dissemination of information that undermines the dignity of a citizen or organization. In such cases, the rights of persons whose rights are violated are protected by civil legislation, regardless of whether they are protected by criminal legislation (Articles 139-140 of the Civil Code of the Republic of Uzbekistan).

Any negative information is not considered information that degrades or tarnishes the honor, dignity, or business reputation. Information provided for in the Civil Code must, firstly, tarnish the honor or dignity of another person, secondly, this information must have been disseminated, and, thirdly, this information must not correspond to the truth.

Information that discredits the honor, dignity, or business reputation of a citizen must be refuted in the same media outlet in which it was disseminated.

If such information is found in a document obtained from an organization, such document must be replaced or withdrawn. In other cases, the procedure for refuting it shall be determined by the court, but it must correspond to the method and nature of the dissemination of information that discredits the reputation.

Thus, the protection of the rights of minor children of parents deprived of parental rights is currently one of the most urgent and unresolved problems. A parent deprived of parental rights is deprived of all rights based on the fact of kinship with respect to the child in respect of whom parental rights have been deprived, including the right to receive maintenance from him, as well as the right to receive privileges and allowances established by law for citizens with children.

Deprivation of parental rights does not release parents from the obligation to provide maintenance for their child. The question of whether the parent (one of them) deprived of parental rights will continue to live with the child is resolved by the court in accordance with the procedure established by the legislation on housing.

A child whose parents (one of them) have been deprived of parental rights in relation to him, if he has not been adopted, retains the right of ownership to the dwelling or the right to use the dwelling, as well as all property rights based on the fact of kinship with his parents and other blood relatives, including the right to inheritance. If it is impossible to return the child to his parents or if both parents have been deprived of parental rights, the child shall be placed in the care of the guardianship and trusteeship body.

In the event of the deprivation of parental rights by one of the parents, the adoption of the child shall be permitted no later than six months after the date of the court decision on the deprivation of parental rights by the parents (one of them).

Parents deprived of parental rights by court decision are deprived of all rights based on the fact of kinship. These rights are divided into three groups: The first group includes:

- personal upbringing of their children;
- visitation with the child;
- protection of the rights and interests of the child;
- the right to receive maintenance from their adult children in the future;
- inheritance from a deceased child by law.

The second group includes the following benefits provided by the state to parents personally:

- Restriction on work on weekends;
- granting additional leave, application of the established preferential work schedule;
- use of leave granted for the care of the child until he reaches the age of three;
- application of the established incomplete working day or working week until the child reaches the age of 14;
- granting preferential pensions to mothers who have given birth to and raised five or more children, and other benefits established by the state.

The third group includes various state benefits and assistance for parents with children. These include:

- State financial assistance and benefits for citizens with children;
 - Benefits for children to women who are employed until the child reaches the age of two;
 - Benefits for temporary incapacity for work due to illness of a child under the age of 15,
- etc.

Children deprived of parental rights due to the above consequences retain the protection and exercise of their rights and interests in the appropriate manner.

Deprivation of parental rights applies only to the minor child against whom the illegal action of the parents was committed. In relation to other minors, parental rights are fully preserved.

Parental rights are a right that must be exercised by parents until the children reach adulthood. A parent deprived of parental rights is, first of all, deprived of the right to personally raise a minor child, as well as the powers related to raising a child, the right to receive various benefits, allowances and material assistance provided for by law for citizens whose children are citizens.

A parent deprived of parental rights also loses the right to demand maintenance from their adult children when they become old, unable to work and in need of help.

F.M. Otakhojaev, parental rights are inextricably linked with the obligations of parents. Because the fulfillment of the obligations imposed on parents to raise and provide for children is the exercise of parental rights by them. However, since the deprivation of parental rights is due to the fault and illegal actions of the parents in question, they are not completely released from parental obligations. The obligation to provide for minor children remains with the parent deprived of parental rights. A parent deprived of parental rights is not released from the obligation to provide for their children. Since the purpose of this obligation is to provide for the minor child, it is recognized that.

Fully agreeing with the views of F.M. Otakhojaev, it should be recognized that the issue of whether or not a parent deprived of parental rights should live together with the child is resolved by the court that heard the case on the deprivation of parental rights. Having concluded that the cohabitation of a minor child with a parent deprived of parental rights will not negatively affect the upbringing of the child, the court may resolve the issue in favor of the parent. In cases where both parents are deprived of parental rights or it is impossible to transfer a minor child to a parent who has retained parental rights, the child is transferred to the custody of the guardianship and trusteeship body to resolve the issue of placing him in an appropriate place.

Deprivation of parental rights does not affect the right of such parents to housing. However, in certain cases established by law, such a parent may be evicted from the home. In such cases, eviction may be carried out at the request of an interested party or a prosecutor.

Persons deprived of parental rights are deprived of the right to adopt children, to be guardians or trustees. A child of a parent deprived of parental rights, if not adopted, retains his or her property rights to the home of his or her father or mother or the right to use the home.

A child who has not been adopted also retains all property rights, including the right to inheritance, that he or she had in relation to the father or mother deprived of parental rights and other relatives based on the fact of birth.

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