



PERSONAL NON-PERSONAL RIGHTS OF UNDERAGE CHILDREN

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Annotation: this article also covers the personal non-personal rights of underage children, in addition to other rights of the child, such as living and raising in the family, knowing his own parents, using their care, on legal and scientific grounds.

Keywords: underage child, Child Rights, personal non-title rights, family, marriage, child rights guarantees, custody and sponsorship...

Except that every child has the right to live and be raised in the family, to know his parents, to use their care, to live with them, situations that are contrary to the interests of the child.¹ The child has the right to be raised by his parents, to ensure his own interests, to be matured in every way, to respect his human dignity. In the absence of a child's parents or when they are deprived of parental rights, and in other cases where the child is deprived of parental care, the right to be raised in the family is provided by the guardianship and guardianship authority.

In accordance with the law of the Republic of Uzbekistan "on guarantees of Child Rights", each child has the right to live and be raised in the family, to know his parents, to live with them and use their care, except in cases contrary to his interests.

In the absence of the child's parents, when they are deprived of parental rights, and in other cases where the child is deprived of parental care, the right to live and be raised in the family is provided by the guardianship and guardianship authority. The child has the right to see with his father, mother, grandfather, grandmother, brothers, sisters and other relatives. The separation of parents from marriage, whether the marriage is deemed invalid, or the other-coexistence of the father and mother does not affect the rights of the child. Even if the father and mother lived in different states, the child has the right to see them. A child caught in extreme situations (detention, detention, imprisonment, stay in a treatment facility, and in other cases) has the right to see his parents and other relatives in the manner prescribed by law.

According to articles 24 of the law "on guarantees of the rights of the child", the state takes the necessary measures to eliminate the conditions that prevent the child from being in the family, and in cases when the child is separated from his family, to return him to his family faster. The state provides financial assistance, counseling assistance, and other support for disabled children as well as families raising children with physical and (or) mental developmental disabilities. When caring for a child deprived of parental care, the privilege is granted to relatives who are able to fulfill this task. In the absence of the possibility of placing a child in a family, placing him in specialized institutions is the last measure. Children in need of Social Protection, who cannot be brought up in the family, have the right to be placed in an



¹ Odilqoriyev X.T. Konstitutsiya va barkamol jamiyat orzusi. - Toshkent: «O'qituvchi», 2019. B. 26.

alternative form that provides them with the necessary care as well as support. Forms of alternative placement of children in need of social protection include:

- determination of guardianship and trusteeship;
- adoption of a child;
- raising a family (patronage;
- placement in specialized educational, treatment institutions, social protection institutions.

Other forms of alternative placement of children in need of social protection may also be provided under the legislation. The procedure for alternative placement of children in need of social protection is established by legislation.

The child has the right to see with his father, mother, grandfather, grandmother, brothers, sisters and other relatives. The separation of the parent from the marriage, whether the marriage is deemed invalid, or whether the parent lives differently does not affect the rights of the child. With the father and mother living separately, the child has the right to see each of them. Even if the parent lives in different states, the child has the right to see them. A child caught in an emergency (detention, imprisonment, detention, stay in a treatment facility, and in other cases) has the right to see their parents and other relatives in the manner prescribed by law.

The child has the right to defend his right and legitimate interests. The protection of the child's rights and legitimate interests is carried out by his parents (their replacement persons), and in cases provided for by this code, by the guardianship and trusteeship body, the prosecutor and the court. When a minor is recognized as having full treatment capacity in accordance with the law, he has the right to independently exercise his rights and obligations, including the right to protection. The child has the right to be protected from abuses by the parent (their replacement persons). When a child's rights and legal interests are violated, including when a parent (one of them) has not fulfilled or should not fulfill his obligations to raise and educate the child, or abuse of parental rights, the child has the right to appeal to the guardianship and guardianship authority, and after fourteen years of age, to court independently. Persons who are aware of the danger to the life or health of the child, violation of his rights and legal interests, are obliged to inform the guardianship and guardianship authority at the place where the child currently lives. Upon receiving such information, the guardianship and guardianship authority is obliged to take the necessary measures to protect the rights and legitimate interests of the child.

When solving any issue in the family that concerns the interests of the child, the child has the right to express his opinion, as well as to speak during any court hearing or administrative discussion. In this case, the bodies and officials authorized to make decisions must consider the child's opinion, regardless of his age, and make decisions based on the most dominant interests of the child in solving issues related to the interests of the child. The child is entitled to a name, patronymic and surname. The child is given the name according to the agreement of the parents, the name of the father-the name of the father. The child's last name is determined by the parent's last name. By agreement of the parents when the parent is in different surnames, the child is given the surname of his father or mother. At the discretion of the parent, the child may be given a surname by the father or mother after the grandfather's name according to national tradition. When there is no agreement between the parents on the

child's name and (or) surname, the resulting dispute is resolved by the guardianship and guardianship authority.

On the joint application of the parent, the civil status registration authority has the right to change the name of the child, taking into account the interests of the child until the age of sixteen, as well as changing the surname assigned to him, depending on the surname of the father or mother.² If the parent lives separately and the father (mother) living with the child wants to give the child his last name, the guardianship and guardianship authority will solve this issue taking into account the interests of the child and the opinion of the mother (father). It is not necessary to take into account the opinion of the father or mother when it is impossible to determine where the father or mother is standing, when they are deprived of parental rights, deemed incompetent, and also in cases where the father or mother bowed to the child for reasons unapologetic to provide and fulfill their obligations to raise him. If the child was born from persons who were not intermarried, and paternity was not legally established, the guardianship and guardianship authority has the right to allow the child's interests to be taken into account and his surname to be replaced by the surname of the mother at the time of application. Changing the name or surname of a child who has reached the age of ten is allowed only with his consent.

Parents have equal rights and obligations towards their children. In this regard, parental rights are understood as a set of personal and property rights and obligations of the father towards his children, which are established in the family code. Legal equality does not always imply factual equality. In practice, disputes may arise over the issues of the implementation of the rights and obligations of divorced or separately living husband wives towards children. In such cases, according to the decision of the plenum of the Supreme Court of the Republic of Uzbekistan dated September 11, 1998 No. 23 "on the practice of applying laws by the courts in the settlement of disputes related to the upbringing of children", the court is based on the equality of rights and obligations of the father and mother established in Article 71 of the, it is necessary to issue a resolution corresponding to the interests and wishes of underage children. In this case, the court considered that the superiority of the material and household situation of one parent itself is not considered a prerequisite for bringing a child to him, considering which of the parents, brothers, sisters the child is attached to, which of the parents shows more care and attention towards their children, the age of the children and which of the parents, it takes into account the possibility of creating conditions for the upbringing of a child and his maturation (the type of education of his parents, the order of work, material and marital status, etc.). The court may also consider which of the parents of a child who is 10 years old has the desire to live with. When it comes to corruption in education, a thousand unfortunately continue to increase as much as it is fought against it.

Parents have equal rights and obligations towards their children (parental rights). The parental rights provided for in this chapter end when children reach the age of eighteen (when they reach adulthood), as well as when underage children enter into marriage, and in other cases prescribed by law, when children are fully able to be treated before they reach adulthood. A minor parent has the right to live with their child and participate in his upbringing. A minor parent who is not intermarried has the right to independently exercise parental rights from them at the birth of a child and at the age of sixteen when their

² O'zbekiston Respublikasi Fuqarolik Kodeksi. - Toshkent: O'zbekiston, 1995.

motherhood and (or) paternity are established. A guardian may be assigned to the child to raise the child together with the underage parent until the underage parent reaches the age of sixteen. Disagreements arising between the child's Guardian and the minor parent are resolved by the guardianship and trusteeship authority. A minor parent has the right to acknowledge or object to his or her paternity and motherhood on common grounds.

A parent has the right to raise and is obliged to raise their own children. The parent is responsible for the upbringing and maturation of their children. They are obliged to take care of the health, physical, mental, spiritual and moral perfection of their children. A parent has a superior right to all other individuals in raising their children. The parent is obliged to ensure that their children receive the necessary level of Education established in the legislation. The protection of the rights and interests of children is entrusted to their parents. Parents are legal representatives of their children and protect their rights and interests in relations with any individuals and legal entities, including without special authority in court. When it is determined by the guardianship and trusteeship authority that there is a contradiction between the interests of parents and children, the parent has no right to protect the interests of their children. In the presence of disagreements between parents and children, the guardianship and guardianship authority is obliged to appoint a representative to protect the rights and interests of children.

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