



## The Role Of The Marriage Contract In Protecting The Rights Of Minors

Solieva Ziyodaxon Komiljonovna

PhD, Judges Of The Republic Of Uzbekistan Judges Under The Supreme Council High School Civil Law Direction Listener, Uzbekistan

**Copyright:** Original content from this work may be used under the terms of the creative commons attributes 4.0 licence.

### ABSTRACT

This article deals with the rights and responsibilities of parents and minors.

### KEYWORDS

Marriage contract, spouse, minors, guardianship and trusteeship, settlement decision, rights and obligations

### INTRODUCTION

In the conditions of deepening the processes of integration in the world, global changes in social relations have a significant impact on the Family Institute, its position, composition, structure, functions and activities. Today, we can observe that in many countries as a result of a violation of family traditions, the number of divorces increases, the birth rate falls,

forms of unconventional marriage appear, the number of children born without marriage and children deprived of parental care increases.

After the independence of our country, all organizational and legal bases were created to strengthen the Family Institute, which is an important part of society, and to increase its

prestige. In the Constitution of the Republic of Uzbekistan, the social status of the family is clearly defined in a separate chapter. Systematic efforts are being made to strengthen the Institute of the family, comprehensive support for motherhood and childhood, increase socio-political and social activity of women and ensure unconditional observance of their rights and legitimate interests.

The concept of family law, its appearance, its peculiarities are associated with the formation and historical development of Islamic law, which is also the main guiding sphere of Islamic law.

We can see that the issue of Mahr in Islamic Family Law has its own positive character. The main objective of Islamic teaching that men and women should establish a family after the marriage agreement is to have healthy children in all respects. Marriage is regarded as a socially necessary, stable form of natural relations between a man and a woman. In Islamic law, every man and woman is guaranteed equality in marriage and marriage. The mutual free consent of a man with a married woman is important, especially the consent of women to marriage. In Islamic family law, it is established that a woman agrees to marriage and that a man gives a dowry to a woman as an obligation arising from the marriage contract, the amount, form, time of giving a dowry must be agreed upon and the mahr is recorded as the basic rule of the woman's private property. "Mahr is an inevitable property obligation imposed on a woman for her consent to marriage, arising from the husband's marriage contract, a guarantee of abstinence from the annulment of marriage by both parties.

## MATERIALS AND METHODS

The protection of motherhood, fatherhood and childhood is now a requirement. The measure that provides for this protection is considered one of the main tasks of the parent, to educate this underage child, to take care of him, to teach him, etc.

In November 1989, at the 44th Session of the General Assembly of the United Nations, the Convention on the rights of the child was adopted. The Supreme Council of the Republic of Uzbekistan has decided to join this convention . It is established in this convention that by law and other means to the child, it is prescribed to provide him with fair conditions and special protection for development in physical, spiritual, spiritual, intellectual social relations. Here the appropriate question arises: so, who will fulfill these obligations? The point is that these tasks should be performed by parents in the family. Even in the family code, it is established that parents should be concerned about the health, physical, mental maturity of their underage children. It is also necessary that they protect children, provide them with clothing, food. To fulfill these obligations, the conditions of the parents, the family situation should be adequate. It is worth mentioning that the role of the state is also special. Because the state assumes the protection of motherhood and childhood, the family.

As the Republic of Uzbekistan joins the UN Convention on the rights of the child, Article 27 of it states that "the participating states recognize the right to have the necessary standard of living for the physical, mental, spiritual, moral and social development of

each child”. Children are considered to be a demographic group of a population that needs special protection.

International legal documents on ensuring the rights and interests of minors have also been adopted. In particular, the Luxembourg Convention on the appointment of trustees to children in 1980 year between The Hague Conference and the European Union was also developed. Within the framework of the European Union, the convention “on the responsibility of parents” was adopted on 27 November 2003. In the Hague, in 1996, the Convention “on parental responsibility for the protection of children” and in 2000 the Convention “on international protection of adult children” was adopted. These international legal documents are important in ensuring the property rights and interests of children.

On April 22, 2019, the president of the Republic of Uzbekistan adopted a resolution “on additional measures for further protection of the rights of the child”. By the decision, the position of the representative of the Oliy Majlis of the Republic of Uzbekistan on Human Rights (Ombudsman) was introduced — the representative on the rights of the child. The priority tasks and guarantees set forth in this decision further enhanced the opportunity to support the younger generation and ensure their legal protection.

Decree of the president of the Republic of Uzbekistan on measures to ensure more effective organization of the process of acquisition of rights over land parcels and other immovable property as part of the South Caucasus pipeline expansion project more ...

The legislation of the Republic of Uzbekistan provides for the following non-personal rights of underage children:

The right of the child to live and be brought up in the family;

The right to see parents and other relatives;

The right to protection;

Right to receive a name, patronymic and surname;

The right to change the name and surname.

The child has the right to be brought up by his / her parents, to ensure his / her own interests, to find perfection in all aspects, to respect human dignity.

In the absence of parents of the child or when they are deprived of parental rights and in other cases where the child is deprived of parental care, the right to be brought up in the family is provided by the guardianship and trusteeship authority.

According to the legislation, each child has the right to see his father, mother, grandfather, grandmother, brothers, sisters and other relatives. The divorce of the parents, the annulment of the marriage or the finding that it is not valid, does not affect the rights of the child.

In families where the marriage is terminated, the father or mother prevents the child from seeing one of them. And the law protects the interests of the child and declares that no one has the right to prohibit him from the right to see his father and mother.

In the resolution of disputes between the parents of other types of civil cases, with which one of them remains to live, the courts

shall adopt a resolution corresponding to the interests and wishes of underage children, based on the equality of the rights and obligations of the father and mother set out in Article 71 of the Family Code of the Republic Bunda taking into account the fact that the court does not consider the superiority of the material and household situation of one of the parents to be the basis for bringing the child to him, it is necessary to consider which of the parents, brothers and sisters the child is connected, which of the parents shows more care and attention to his children, which conditions (type of information of parents, attention should be paid to the possibility of creating a job order, material and marital status, etc.).

Part 5 of Article 75 of the Family Code of the Republic of Uzbekistan establishes where children live when parents live separately by the agreement of the parents. If there is no agreement between the parents, the dispute is resolved by the court, taking into account their opinion, based on the interests of the children.

Article 37 of the Criminal executive code of the Republic of Uzbekistan provides an opportunity for minors to meet with close relatives once a month for a short period of up to three hours.

### **SUMMARY AND SUGGESTIONS**

Article 30 of the Chapter II, Chapter 6 of the Family Code of the Republic of Uzbekistan “the contractual procedure of husband and wife property”, stipulating that the marriage contract is concluded before the state registration of marriage, Article 30 of the chapter 30 of the Family Code of the Republic

of Uzbekistan, Article 6 of the law of the Republic of Uzbekistan”, It is desirable to change the Article 30 to Part 2 as “the marriage contract comes into force from the date of state registration of marriage”.

According to the Family Code of the Repsublikasi of Uzbekistan, the agreement of married persons or spouses, which determines their property rights and obligations during marriage and (or) in case of separation of husband and wife from marriage, is considered to be a marriage contract. According to Part 3 of Article 31 of the Family Code, the husband and wife are obliged to provide mutual material provision in the marriage contract, to raise family expenses, to participate in each other's income, to conclude property contracts with other persons, to determine their rights and obligations for engaging in joint entrepreneurial activities, to determine the property assigned to the In our opinion, Part 3 of Article 31 of the Family Code, “the couple has the right to enter into an agreement on the procedures for the provision of underage children, with whom the child lives separately from the child, with whom the child is entitled to be seen,” is proposed to be included in the contribution.

Given that the marriage contract plays an important role in the Prevention of conflicts that may occur in future family relationships and their easy solution, it is very important that we change the attitude of young people standing on the threshold of the conclusion of marriage to the marriage contract.

According to the marriage contract, both spouses are given the opportunity to determine their rights and obligations during

their marriage periods or at the time of separation from marriage.

For marriage lovers, this is a very important aspect, for young people who are on the verge of marriage, it serves as a pre-specific warning to them about possible conflicts in the family relationship in the future, and there will be an impetus for young people to change their attitude to marriage, to the family on a more positive side, to further increase their

In our opinion, in order to popularize the marriage contract between the spouses and those who have entered into a marriage, it is worthwhile to go on the path of granting privileges to the marriage contract-makers, to conclude a marriage contract by notaries and to release them from all kinds of expenses that are made in the amendment. We think that this factor would also have taken a special place in the popularization of the marriage contract.

## REFERENCES

1. The Constitution of the Republic of Uzbekistan. - Tashkent: Uzbekistan, 2019.
2. Civil Code of the Republic of Uzbekistan. - Tashkent: Ministry of Justice of the Republic of Uzbekistan. Official publication, 2018.
3. Code of Civil Procedure of the Republic of Uzbekistan. - Tashkent: Ministry of Justice of the Republic of Uzbekistan. Official publication, 2018.
4. Family Code of the Republic of Uzbekistan. - Tashkent: Ministry of Justice of the Republic of Uzbekistan. Official publication, 2018.
5. Resolution of the President of the Republic of Uzbekistan dated April 22, 2019 "On additional measures to further strengthen the guarantees of the rights of the child." (National Database of Legislation, April 23, 2019, No. 07/19/4296/3001; January 27, 2021, No. 06/21/6146/0065).
6. Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 6 of July 20, 2011 "On the practice of application of the legislation by courts on divorce cases", [www.sud.uz](http://www.sud.uz).
7. Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 19 of September 6, 2013 "On Amendments to the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan" On the Practice of Application of Laws by Courts in Resolving Disputes Related to the Upbringing of Children ", [www.sud.uz](http://www.sud.uz).
8. Plenum of the Supreme Court of the Republic of Uzbekistan "On the practice of application of the legislation on adoption by courts" in 2013 Resolution No. 21 of December 11, [www.sud.uz](http://www.sud.uz).
9. The Luxembourg Convention on the Appointment of Guardians of Children in 1980 between the Hague Conference and the European Union? <https://lex.uz/docs/2689083>.
10. Convention on the Responsibility of Parents of the European Union of 27 November 2003, [www.pravo.hse.ru/intprilaw/doc/040003](http://www.pravo.hse.ru/intprilaw/doc/040003).
11. The 1996 Hague Convention on the Responsibility of Parents for the Protection of Children, [www. https://www.hcch.net](http://www.hcch.net).
12. Convention Concerning the International Protection of Adult Children, 2000, <https://www.un.org>.

13. Convention on the Rights of the Child at the 44th Session of the United Nations General Assembly in November 1989, <https://www.un.org>.
14. Convention on the Rights of the Child // International instruments on the rights of minors. T.: Justice. 2002. - 11-36 p. Pursuant to UN General Assembly Resolution 44/25 of 20 November 1989, this Convention has been adopted and is open for signature, ratification and accession. Entered into force on 2 September 1990. To date, 191 countries are parties to the Convention. See [www.unicef.org](http://www.unicef.org) - site.