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CONCEPT OF FAMILY LAW, PRINCIPLES AND ITS SYSTEM. SOURCES OF FAMILY LAW AND COMPOSITION OF FAMILY-LEGAL RELATIONS

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ABSTRACT

This article provides information on the scientific justification of the protection of the family by the norms of the Constitution of the Republic of Uzbekistan and the scientific and theoretical basis of the right of the family to be under the protection of the state and society.

KEYWORDS

Constitution, state, family, law, education, principles, declaration, organizations, marriage, society, cell, gender, relationship, protection, system, person, obligation, substance.

INTRODUCTION

Family, as a legal concept, is not just a group of people strengthened by mutual ties of marriage or kinship, but a group of persons with rights and obligations established by law. Therefore, the relations between family members are defined by the norms of family law, and they are called family-legal relations.

The main legal documents regulating family relations are: the Constitution of the Republic of Uzbekistan, the Civil Code, the Family Code and other normative documents regulating relations. The new Family Code of the Republic of Uzbekistan was adopted on April 30, 1998.

In the field of family law, international treaties and international law are also considered as a source of family law. The rights, freedoms, benefits and, of course, obligations of citizens provided for by the family legislation of the Republic of Uzbekistan include:

Rights and obligations of husband and wife (personal and property);

Rights and obligations of parents (personal and property);

Equal rights to marry;

Rights and obligations of minors (personal and property);

Alimony obligations of parents and children, spouses and ex-spouses, relatives and other persons;

Grounds for dissolution of marriage;

The rights of husband and wife to own, use, and dispose of common property;

Rights and obligations of spouses when concluding a marriage contract;

Procedure for adoption;

Rights and obligations of parents to protect the rights and interests of the child;

Rights and obligations of parents regarding upbringing and education;

Grounds and procedure for deprivation of parental rights;

The right to apply for guardianship and sponsorship;

The rights, interests and obligations of the family listed above are not limited to these.

The institution of deprivation of parental rights occupies a special place in family legal relations.

Thus, family legal relations mean social relations between citizens and regulated by family legal norms.

As in any other relationship, family law relationships have three elements:

- subject;
- subjective rights and obligations;

The subjects of family legal relations are husband and wife, parents, children, guardians and sponsors, other relatives and legal entities participating in the resolution of one or another relationship in the field of family law, civil society, institutions, learned, social are unions.

Actions and decisions taken by the subjects of family law regarding moral and material values that belong to family members or former family members and are protected by law can be the objects of family legal relations;

Legal entities are the set of rights and obligations that the subjects of family legal relations have in the process of solving problems related to each other.

It is known that marriage relations have existed since the primitive community system. In the early period, people unknowingly felt the feelings of husband and wife, children, and performed their duties among themselves. First of all, this relationship is called "group marriage", then "pair marriage". As human consciousness developed in the society, changes occurred in marriage relations. The era of seed production in society began to pass from the era of motherhood to the era of patriarchy and fatherhood. By this time, men had the feeling of owning their wives, the children born from them, and their earned income. Thus, changes in the relationship of marriage caused a great change in the family.

Both in the time of seed production and today, the main goal of those in family relationships is related to the characteristics of helping, educating and caring for each other, and the closest people unite in this organization. It is known that a person develops and matures in the family. A person who will contribute to the future of our independent republic is brought up first of all in the family. A family can be strong only if there is harmony between those in marriage. Therefore, it is important to learn what marriage is, how it is formed, and its place in our society.

A family is an association made up of parents, spouses, children and relatives, and creates property and personal rights and obligations between family members. The family is under the protection of the state.

Since 1994, the General Assembly of the United Nations has decided to celebrate May 15 every year as the International Day of Families.

Since 1993, in Vienna, Cairo, Copenhagen and Beijing, as well as a number of other international conferences, it is also meaningful to include the family issue on the agenda.

It was adopted by the United Nations on December 10, 1948

Article 16 of the "Universal Declaration of Human Rights" states:

- "1. Adult men and women have the right to marry and start a family without any restrictions based on their race, nationality and religion. They enjoy the same rights when getting married, during marriage, and when marriage is annulled.
2. Marriage can be concluded only with the will and full consent of both parties.
3. The family is the natural and basic cell of society and it has the right to be protected by society and the state."

The following words stated in Article 63 of the Constitution of the Republic of Uzbekistan are extremely symbolic and deeply meaningful: "The family is the main link of society and has the right to be under the protection of society and the state."

The concern of the society and the state for the family is first of all manifested in the strong social policy of the state. The main goal of the economic, political, social and spiritual reform measures implemented under the leadership of the state is to satisfy the interests of people and families. 1997 - "Year of Human Interests", 1998 - "Year of the Family", 1999 - "Year of Women", 2000 - "Year of Healthy Generation", 2001 - at the initiative of the First President of the Republic of Uzbekistan I. Karimov "Year of Mother and Children", 2002 - "Year of Appreciating the Elderly", as well as a number of other years were declared directly related to the family. Each year, the government adopts relevant state programs and steadily implements them.

A family begins on the day a man and a woman get married and put their heads on the same pillow. His most important task is to continue the generation, as well as to continue the best traditions and traditions of his ancestors, to strengthen their lives.

The family is the primary unit of society, and it is responsible for increasing the population and raising the young generation.

Its important social tasks are as follows: First, it forms the democratic cell of society, and people are born and grow up in this sacred place.

Secondly, the family is an important link in which we recover the efforts we spent in the labor process.

Thirdly, the family is an important source of education. And the end, fourth, is a rare spiritual atmosphere.

According to scientists, family life is the only right way for people to live. Living alone brings all kinds of happiness and tragedy.

The family is protected by society and the state

a) the family is under the protection of society.

The family is the natural and basic unit of society. The society consists of large and small families. The stronger these families are, the stronger the society will be.

In the just civil society that we are building, the family is a unique social unit. This feature of the family is primarily expressed in its connection with the interests of society and social tasks.

In the country, work is being carried out based on the program goals aimed at strengthening the well-being of every family and every person, and the harmony of citizens.

B) the family is under state protection.

Day-to-day care of the family by the state, providing it with material support from all sides is one of the important tasks of a humane democratic legal state.

According to part 2 of article 65 of the Constitution of the Republic of Uzbekistan and part 1 of article 4 of the Family Code, the family, motherhood, fatherhood and childhood are under state protection.

In our country, the state protection of the family is carried out by the Secretariat of the Complex of Social Protection of Family, Motherhood and Childhood of the Cabinet of Ministers of the Republic of Uzbekistan.

As a result of measures aimed at strengthening the health of women and the growing young generation in our republic, forming a healthy family and improving the health of women of childbearing age have had positive results. .

The concept, principles and system of family law. The concept of family law The aim of the chapter is to make students have an idea about family law.

In this chapter, issues such as the concept, principles and system of family law, the interrelationship of family law with other areas of law and distinguishing aspects are revealed in detail.

Family is the natural and basic unit of society. The stronger it is, the stronger and faster the society will develop. The family, the basis of our society, is being strengthened materially and socially.

Relations between family members are regulated by morals and legal rules.

Family law is an independent branch of law that regulates relations arising from forms of marriage, consanguinity, determination of children's genealogy, placement of children deprived of parental care.

The subject of family law is personal and property relations between family members.

Personal relationships include the rights of spouses to choose their last name, children's upbringing, family life, occupation, occupation and residence.

As for the property relations, the common property acquired by the husband and wife during the marriage, as well as the property acquired at the expense of the common funds of the future spouse before the registration of the marriage, unless otherwise specified in the law or the marriage contract, their is joint common property.

Principles (principles) of family law

When revealing the essence of family law, it is necessary to take into account only its concept, the specific nature of its subject, and at the same time its most important principles, because its principles reflect the specific characteristics of this area of law.

The principles of family law mean the main basis, guiding rules that define the nature of this field of law

and are of universally binding importance due to their legal consolidation.

It is impossible to correctly interpret and apply the norms of family law without taking into account the principles of family law. The principles of family law are important not only for the practice of applying the law, but also for understanding the nature of the current family law and its further improvement.

The main principles of family law are as follows:

1) The right to have a family under the protection of society and the state.

The family is the main link of society and has the right to be under the protection of society and the state (Article 63 of the Constitution of the Republic of Uzbekistan).

A) The family is under state protection.

When the family is under the protection of the state, it is understood the measures taken by the state aimed at preserving and strengthening the families that have been created.

B) The family is under the protection of society.

When it is said that the family is protected by the society, it is understood that the non-governmental non-profit organizations that exist in the country provide both material and moral support to the family.

This provision is a new provision established in the Constitution of the independent Republic.

In our country, public organizations have been providing various material and moral support to strengthen the family and protect the interests of children at the expense of various funds.

2) Equality before the law of all citizens regardless of gender, race, nationality, language, religion, social origin, faith, personality and social status.

In family law, it is stated that all citizens are equal regardless of nationality, race "... all citizens have the same rights and freedoms, regardless of gender, race, nationality, language, religion, social origin, belief, personality and regardless of their social status, they are equal before the law" (Constitution of the Republic of Uzbekistan, Article 18). This is an immutable rule arising from the friendship of peoples, which finds its expression in family law, and means that the fact that people belong to different nations or races has no importance in family relations.

The fact that citizens believe in different nationalities and religions cannot be an obstacle for marriage.

3) Men and women have equal rights in all family relationships.

According to Article 46 of the current Constitution of the Republic of Uzbekistan, women and men have

equal rights. This principle has become a constitutional provision.

Equality of men and women in society is based on the political equality of citizens, regardless of gender, achieved in our country.

The rules of family law, which regulate a certain type of social relations, are brought into a certain system without being chaotically placed.

Family law is the structure of family law, its separate institutions and norms in a certain sequence. The family law system is structured objectively, reflects the uniqueness of social relations that are the subject of family law, and is manifested in the unity and differentiation of interconnected family-legal institutions.

A legal institution is understood as a set of separate legal norms that ensure the comprehensive regulation of groups of similar and interrelated social relations. Legal institutions are characterized by diversity in terms of content, complexity in terms of regulation, as well as legal independence.

The family law system includes general and special parts.

The general part consists of norms that are important for all institutions of the special part of family law, including the main rules and tasks of family law, the scope of relations regulated by family law and the

subjects and objects of these relations, sources of family law; the application of civil legislation in relation to family relations, as well as the application of family and civil legislation by analogy; application of local customs and traditions in family relations (for example, Articles 1-9 of the Family Code).

The general part includes norms that establish the conditions for the exercise of family rights and the fulfillment of family obligations, the procedure and terms of protection of family rights (for example, Articles 10-11 of the Family Code).

The special part consists of several institutions, and each of these institutions regulates a certain type of social relations. They consist of:

- marriage (terms and procedure of marriage, termination of marriage, invalidity of marriage);
- rights and obligations of husband and wife (personal rights and obligations of husband and wife, legal order of marital property, contractual order of property of husband and wife, liability of husband and wife for obligations);
- rights and obligations of parents and children (determining the child's lineage, rights of minors, rights and obligations of parents);
- alimony obligations of family members (alimony rights and obligations of parents and children, alimony obligations of relatives and other persons, agreement

on payment of alimony, procedure for payment and collection of alimony);

- forms of education of children deprived of parental care (identification and placement of children deprived of parental care, adoption of children, guardianship and sponsorship, adoption of children into families (patronage);

- application of family law to family relations involving foreign citizens and stateless persons.

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