

STATE PROTECTION OF FAMILY, FATHERHOOD, MOTHERHOOD, CHILDHOOD

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Abstract. *This article reflects the final results of the public discussion on the reforms of the family, motherhood, fatherhood and the state protection of childhood in a constructive and comprehensive way.*

Keywords: *constitution, motherhood, rights and freedom, family, fatherhood, children's rights, social protection, youth rights, reforms.*

INTRODUCTION

The Great Amir Temur, thinking about the administration of the state, says that if the state is not bound by the law, then the kingdom will lose its glory, power and structure. For 31 years, our constitution has defined the human life, freedom, honor, dignity and other inviolable rights as the highest value and serves as a guarantee of peace, law and order, prosperity and development in our country.

The reforms carried out by the President of the Republic of Uzbekistan Shavkat Mirziyoyev in the last four years in order to build a New Uzbekistan opened the way for a new understanding of our Basic Law, a broad reflection on its content and the consistent implementation of its provisions in our lives. and created the necessary conditions.

MATERIALS AND METHODS

The period of fundamental changes, in turn, puts on the agenda the task of reforming not only the current legislation, but also the Constitution of the country, and fully reflecting the goals of the new era in it. In this sense, it can be said that the constitutional reform is a requirement and demand of today's era.

Moreover, the idea and idea of reforming the current Constitution did not appear suddenly. The Legislative Chamber of the Oliy Majlis announced the draft law "On amendments and additions to the Constitution of the Republic of Uzbekistan".

The project proposes to make more than 200 amendments to 64 articles of the basic law and to add 6 new articles (primary articles) containing 16 norms.

It is necessary to strengthen the rights of young people in the constitution. The world community and young people support the appeal and initiative of the head of our state to the world community to develop and adopt the draft Convention "On the Rights of Youth" aimed at protecting the rights of more than 2 billion young people in the world.

Uzbekistan, as a member of the international community, has implemented measures to create the legal basis for this in the country since the first times, informing that it is a supporter of the international policy of the world countries in ensuring and protecting the rights of the child. This can be seen from the current legislation. First of all, Article 64 of the Constitution establishes that parents are obliged to feed and educate their children until they reach adulthood. At the same time, the state and society ensure the care, upbringing and education of orphans and children deprived of the guardianship of their parents, encourage charitable activities dedicated

to children; equality of children before the law, regardless of the pedigree and civil status of parents, state protection of motherhood and childhood (Article 65) is reflected in the main body.

RESULTS AND DISCUSSION

In connection with the above issue, we decided to objectively direct our thoughts and opinions to some changes that should be made to the constitution:

Motherhood and childhood, women's and men's rights are strengthened in the constitution. But we think that their general and private rights and obligations should be further clarified. Including:

- Family institution is one of the main factors of civil society. Therefore, a separate chapter is devoted to the institution of the family in the Constitution. Article 63 of the Constitution states that "The family is the main link of society and has the right to be under the protection of society and the state. "Marriage is based on the voluntary consent of the parties and equal rights." Here, instead of the phrase of the parties, it would be more appropriate to write "union based on the free will of a woman and a man";

- Article 41 of the Constitution states that "Everyone has the right to education." Free general education is guaranteed by the state. "School affairs are under the control of the state." In our opinion, an article should be added to this article on all forms of education, especially preschool education organizations - children's education;

- Article 65 of the Constitution states that "Children are equal before the law, regardless of their parents' lineage and civil status. Motherhood and childhood are protected by the state. This article should include the fact that paternity is under the protection of the state;

Of course, this will be a small analysis and an example of views as a citizen. In practice, according to the above draft law, it is necessary to pay special attention to the changes in the state protection of family, fatherhood, motherhood, and childhood.

The norms regarding privacy in Article 27 of our Constitution are being strengthened:

- Everyone has the right to privacy, personal and family secrets, honor and dignity.
- Everyone has the right to protect their personal information.
- Every person has the right to freedom of correspondence, conversations by telephone and other telecommunication devices, postal telegraphs and other communications and their confidentiality. Limitation of this right is allowed only in the cases and in the order established by the law, based on the decision of the court.

The following norms are added to Article 37 regarding the right to work, in particular, regarding maternity and mother's rights, which we mentioned above:

- It is forbidden to refuse to hire women, to fire them, and to reduce their wages because they are pregnant or have a young child.
- Every working woman has the right to paid leave in case of pregnancy and childbirth, as well as maternity leave or adoption leave.

The current wording of Article 41: "Everyone has the right to education. Free general education is guaranteed by the state. School affairs are under the control of the state." This article is proposed to be revised as follows:

- The state supports the development of preschool education and upbringing.
- The state guarantees the right of every child to undergo mandatory one-year training for admission to general secondary education institutions.

• Inclusive education and upbringing are organized in educational organizations for children with special educational needs and individual capabilities.

Article 42 is added to the Constitution:

• The state creates the necessary conditions for the development of physical education and sports, the spiritual and moral education of children and young people.

The current wording of Article 63: "The family is the main link of society and has the right to be under the protection of society and the state. "Marriage is based on the voluntary consent of the parties and equal rights." This article is amended as follows:

• The family is under the special protection of the society and the state as the natural and main link of the society, the basis of preserving and increasing the population.

• Marriage is based on the voluntary consent and equality of a man and a woman.

• The state creates social and economic conditions necessary for the full development of the family.

• The state provides benefits and social guarantees to large families in accordance with the law.

In place of the sentence "Motherhood and childhood are protected by the state" in Article 65, the following is written:

• The interests of the child, creation of all conditions for full, physical, mental and cultural development of children is the most important priority of the state policy.

• Motherhood, fatherhood and childhood are protected by the state.

• The state and society take care of forming loyalty to national and universal values and a sense of pride in the rich spiritual heritage of our great ancestors in children and young people.

With the new version of Article 98, the Cabinet of Ministers is charged with responsibility in the following areas:

• supporting and strengthening the family, preserving traditional family values.

In order to coordinate reforms in the field, the position of Deputy Human Rights representative (ombudsman) of the Supreme Assembly — representative for the rights of the child was introduced in our country, and a public council for the protection of the rights of the child was created under it. The representative for the rights of the child is involved in the development and implementation of the strategy for the implementation of the UN Convention on the rights of the child and other documents on the issues of the rights of the child. It also carries out many important tasks such as promoting the increase of legal consciousness and legal culture among the population on issues of the rights, freedoms and legitimate interests of the child.

Today, a lot of work is being carried out in our country to protect children from the social, economic, legal, spiritual aspect. In particular, it is no exaggeration to say that an appropriate legal framework for the protection of children's rights has been formed in our country. In particular, the Constitution of the Republic of Uzbekistan, the Family Code, the Civil Code, the Labor Code, the Criminal Code and a number of other legislative acts express the norms regarding the protection of children's rights.

It should be noted that in order to fulfill the international obligations adopted in the field of protection of the rights of the child, Uzbekistan is carrying out great work on the implementation of international legal norms into national legislation. The current legislation pays special attention to the rights and interests of children, as well as their protection. The

Convention on the rights of the Child defines 4 main areas, which include the provision of the right to live, develop, protect and children to participate in the adoption of a decision directly related to them.

Compliance with all the requirements mentioned in these directions is enshrined in the relevant articles of the Constitution of the Republic of Uzbekistan. In particular, in our headcount, parents can feed and raise their children until they reach adulthood, the state and society provide for the care, upbringing and education of orphans and children deprived of the guardianship of their parents, children, regardless of parental lineage and civil status, equality before the law, as well as state protection of motherhood and childhood.

The law "On basic guarantees of the rights of the child" is also important, Article 7 of which establishes that in accordance with the Constitution of the Republic of Uzbekistan, this law and other legislation, human and civil rights and freedoms belong to each child and are guaranteed by the state. Children born in marriage and without marriage use equal and comprehensive protection. The state takes the necessary measures to ensure that the child is protected from discrimination in all forms. The rights of the child cannot be limited, except in cases established by law. The law records the right of residence as an integral right of the child, the right of each child from the moment of birth to a surname, name, patronymic, to have nationality and citizenship, as well as the right to preserve them.

The child's right to freedom and personal inviolability is guaranteed, and the state ensures that the child's personality, housing is inviolable, and letters are kept secret, and protects the child from all forms of exploitation and violence, including physical, mental and sexual violence, torture or treatment of cruel, rude or other forms of degrading human dignity, from sexual harassment and others. In the absence of the child's parents, when they are deprived of parental rights, and in other cases when the child is deprived of parental care, his right to live and be brought up in the family is provided by the guardianship and guardianship authority. At the same time, the basic rights of the child, such as the possession of private property, accommodation, labor (from the age of sixteen, and, as an exception, from the age of fifteen, when the consent of their parents or their substitutes is obtained) and rest, the use of qualified medical services, obtaining knowledge, are also enshrined in this law.

CONCLUSION

In conclusion, it can be said that the reforms implemented in New Uzbekistan are giving life force to the appreciation of the human being as a supreme value, which is considered the main goal of our Constitution. In turn, in the form of new and large-scale reforms of our Constitution, the provisions on the rights of family, motherhood, fatherhood and children serve as a solid legal basis for these reforms.

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