



## Legal Guarantees of the Family in Uzbekistan

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### **Abstract**

This article deals with the status and legal basis of the family in the Republic of Uzbekistan. The article also analyzes current issues in the family, reforms in the field of family support, and develops proposals for family stability.

**Keywords:** *Family; Society; Divorce; “Family” Code; Constitution; Marriage*

### **Introduction**

The family is one of the oldest of social institution. There is no nation or society that has not taken family issues and family values into account in determining its path of development and progress. Today, the support of the family by the state, the maintenance of their stability as the main link of a comprehensive society is one of the priorities that every country is constantly paying attention to. In particular, since the people are made up of certain families, its stability, the peace and harmony of the families are the main factors determining the country's development and future (Mukhtarov, Fox, Mukhamedova, & Wegerich, 2015; Onder, 2002).

The most important social tasks of the family are the expression of the continuation of their generation, upbringing of children, the effective organization of the living conditions and leisure time of family members. Although family relations are considered a relatively independent phenomenon, the family is determined by the existing social, economic, ideological relations in society, which change in their influence. Accordingly, each society changes to form the appropriate type of family, family relationships. Everyone connects his happiness first with his family, that is, a person who is happy in his home, in his family, only feels himself fully happy (Agnew, 1997; Mukhambetov, Janguttinav, Esaidar, Myrzakulova, & Imanbekova, 2014; Rothermel, 1972).

## **Literature Review**

Today in Uzbekistan, in order to ensure the stability of the family, to reduce the number of divorces between couples, a number of organizational, legal, socio-political reforms have been established and strengthened by law. According to Article 63 of the Constitution of the Republic of Uzbekistan, the family is the primary unit of the society and shall have the right to protection of the society and state. In the Republic, other legal acts on the protection of motherhood and childhood are also adopted and practical measures have established.

In order to further increase the role and participation of the family in the development of society, to improve the legal, social, economic, spiritual and moral interests and well-being of the families, and to ensure consistent support by the state, the First President of the Republic of Uzbekistan Islam Karimov announced 1998 year as the year of the “Family” (“Oila”).

On this basis, a state program on measures to ensure the interests of the family was adopted. The Republican scientific and practical Center “Family” (“Oila”) was established under the Women’s Committee of the Republic of Uzbekistan. Also, the “Family” Code of the Republic of Uzbekistan was adopted to regulate the issues of family life (Agnew, 1997; Kringos, Boerma, & Pellny, 2009; Toshtemirovich, Adkhamovich, Abdiev, & Yunusov, 2019).

At the same time, Chapter XIV of the Constitution of the Republic of Uzbekistan deals with four articles on issues such as the prestige, attention and importance of the family in society, the protection of motherhood and childhood by the state, the role of the family in society and the state, the marriage of citizens, rights and obligations of parents to children and orphans are defined by law as follows:

“Article 63: The family is the primary unit of the society and shall have the right to protection of the society and state. Marriage shall be based on the willing consent and equality of both parties.

Article 64: Parents shall be obliged to support and care for their children until the latter are of age. The state and society shall support, care for and educate orphaned children, as well as children deprived of parental guardianship, and encourage charity in their favor.

Article 65: Children shall be equal before law regardless of the origin and civic status of parents. Motherhood and childhood shall be protected by the state.

Article 66: Able-bodied children, who are of age, shall be obliged to care for their parents”.

## **Main Part**

Legislation on family consolidation, as well as what their functions are described in the “Family Code of the Republic of Uzbekistan” adopted in April 1998. This historical document is steeped in the ideas of democracy and high humanity, and with its essence and significance is aimed at stabilizing the spiritual environment in the country, protecting the rights of motherhood and childhood, strengthening relations between parents and children. In Article 2 of the “Family Code”, the phrase of what is the equality of a woman and a man in family relations is its perfect expression: “Regulation of the family relations is performed on the basis of the principle of voluntariness of the marriage union of the man and the woman, equality of personal and property rights of spouses, permission of intra family questions by mutual consent, priority of family education of children, care of their welfare and development, ensuring protection of the rights and interests of minor and disabled family members”. All the ideas expressed in this code about the status of the family correspond to the Constitution of the Republic of Uzbekistan. This

can be seen in the example of all sections and articles of the Family Code. The family is strengthened in Article 3 of the code as follows: “All citizens have the equal rights in the family relations. Any direct or indirect restriction of the rights, establishment of immediate or indirect advantages in case of marriage and intervention in the family relations depending on floor, race, nationality, language, religion, social origin, beliefs, personal and social standing and other circumstances is not allowed”.

The development of the family in Uzbekistan at the global level is defined in the framework of the United Nations Sustainable Development Goals, as well as in the stage for the Strategy of Actions for five priority areas of Uzbekistan’s development in 2017-2021. At the same time, a number of systemic problems and shortcomings that prevent the successful implementation of state policy in this area hinder the full implementation of reforms in the field of strengthening the family institution and the achievement of the set goals.

In order to implement measures to improve the family institution, to ensure close cooperation and active role of state bodies, civil society institutions and citizens in this process, also, in accordance with The Decree of the President of the Republic of Uzbekistan dated February 2, 2018 No PF-5325 “On measures to drastically improve activities in the field of supporting women and strengthening the Institution of Family” the following are defined as the main directions for strengthening the Family Institute in the Republic of Uzbekistan:

- ❖ improving the institutional and legal framework for strengthening the institution of the family, strengthening social partnership;
- ❖ conduct fundamental, practical and innovative research on issues of strengthening and development of modern family;
- ❖ stimulate demographic development and increase family welfare;
- ❖ strengthening the educational potential of the family, preserving traditional family values in society, improving the spiritual and moral environment in families;
- ❖ to create an effective system of providing active methodological, consultative and practical assistance to families.

A number of reforms are being carried out in this regard today. Family policy, which is considered a component of the state social policy in Uzbekistan, is aimed at consistently increasing employment and real income of the population, increasing the welfare of citizens, improving the system of social protection and health.

### ***Theoretical Background***

The adoption of this decree by the President of the Republic of Uzbekistan Shavkat Mirziyoyev marked a new stage in the further improvement of tasks in this area in the country. According to the decree, the Family Research Center under the Cabinet of Ministers of the Republic of Uzbekistan and its regional branches were established on the basis of the Republican Research and Practice Center “Family” (“Oila”) under the Women’s Committee of Uzbekistan.

As noted by the President of the Republic of Uzbekistan Shavkat Mirziyoyev at a meeting on February 7, 2018 on the issues of comprehensive support for women and strengthening the institution of the family, “Attention to women should always be at the center of all our efforts, becoming the task of all of us. Attention to the family in fact, this is attention to ourselves”.

The precise functioning of the system of interaction of state bodies, institutions of civil society, the unconditional implementation of the accepted normative-legal acts and state programs, as well as timely identification and effective solution of problems in the field of strengthening the family institution is an important condition for achieving these goals.

Strengthening the family institution in the Republic of Uzbekistan has been defined as the main direction of the state policy, taking into account the special essence of the formation of a new family model aimed at the implementation of the consensus idea, first of all, **“The basis of the prosperity of the family and society”** through the successful implementation of the concept.

## **Results**

The adoption the State Program for implementation of the national Strategy Actions on five priority development areas 2017-2021 by president Shavkat Mirziyoyev in today’s complex period, when new threats and risks to peace and stability are increasing, has qualitatively taken the work on creating a solid family base, material and moral support for young families to a new level.

In accordance with the Decree of the President of the Republic of Uzbekistan Shavkat Mirziyoyev dated February 18, 2020 “On measures for improving the social and spiritual atmosphere in society, further supporting the mahalla institute, as well as raising the system of working with families and women to a new level”, a Ministry for Supporting Mahalla and Family was established in Uzbekistan.

According to the decree, a new system based on the principle of “Prosperous and safe neighborhood” (“Obod va xavfsiz mahalla”) will be introduced in each neighborhood. Considering an important role of mahalla in the community and to support workers in the respective field, March 22 was declared the “Day of Mahalla System Workers”.

Ensuring protection of women’s rights and interests is yet another vital tasks of the Ministry. Specialists will maintain close cooperation with women in all mahallas to timely detect and address problems.

A research institute “Mahalla va oila” (“Mahalla and family”) will be established on the basis of the Scientific and Practical Research Center “Oila” (“Family”) under the Cabinet of Ministers of the Republic of Uzbekistan and the Training and Research Center “Mahalla” with its transfer to the Ministry structure.

In addition, the concept of supporting the activities of self-government bodies of citizens, the development of the neighborhood system and the introduction of the principle of of “Prosperous and safe neighborhood” (“Obod va xavfsiz mahalla”) in society will be developed for 2020-2024 years.

Today, the annulment of marriage in Uzbekistan is a very worrying situation. According to the information, the number of divorces in the statistics for 2019 year on cases of annulment of the marriage of civil registration bodies in Uzbekistan reached 23000. In the same period, 195 thousand marriages were registered.

So, what were the reasons for recording such an indicator? The reasons for the divorce in Uzbekistan have been studied as four directions. Because basically it was determined that the reasons for the divorce in these directions are coming out.

When the first psychologically reasons are studied, a divorce occurs primarily because of the constant conflict in the family, the constant interference of family members in the relationship of the couple, the lack of respect between the husband and the wife.

The reason for the second type is the lack of spiritual-moral education, betrayal, violence against women, overwork and obligations.

The third reason is the family's financial situation, which is due to shortages, unsatisfactory housing conditions, the man's inability to provide for his family, and labor migration, because of the husband or wife has gone abroad and lost contact with his or her family.

One of the latest causes of family breakdown is health and disability problems and childlessness.

It is worth noting that due to the fact that each region has its own specific causes of divorce, even at the percentage level, the statistics are different. However, it was confirmed that more than 50 percent of divorces in the Republic constitute permanent conflicts in the family.

It should be pointed out that this situation is high, especially in large cities. Often there are divorces from extinction, satiety. Often, divorce is the result of poverty or prosperity. Lack of mutual respect, forgiveness and understanding, the abrupt decline of the personal example of the parents in the upbringing of the child, or the inability to feel the high responsibility of the sacred, divine bond, and the so-called "family" ("oila"), called "marriage" ("nikoh"), situations such as excessive parental interference in the family's personal affairs of young people further exacerbate the topic of the day.

Therefore, reducing the number of divorces between the spouses, carrying out organizational and legal measures to preserve the integrity and stability of families, carrying out reforms in this regard is a modern requirement in Uzbekistan.

Today in Uzbekistan, material and spiritual support of families, assistance to young families is carried out by state and non-state means. If some government bodies are engaged in providing material support to families, providing them with material assistance by the state (for example, social security institutions), others carry out the activities of assistance in the implementation of the rights and obligations of the spouses (registry office), the provision of the rights of the child (guardianship and trusteeship bodies, public education structures).

Today, mahallas play an important role in supporting the family and resolving family conflicts in the country. Families, spouses, or other family members try to hide their problems, try not to reveal them, or refrain from addressing them because they do not trust government agencies. As a result, minor problems can escalate, leading to marital discord and strife, and eventually to divorce.

In the words of the First President of the Republic of Uzbekistan Islam Karimov, in order not to make a mistake in the issue of family upbringing, first of all, it is necessary to build the spiritual climate in every home on the basis of mutual respect, morality and human relations.

## Conclusion

Today, many reforms carried out in Uzbekistan indicate that the Institute of family rose to the level of Public Policy. This requires a legal, public and national, religious approach to the issue of family relations in modern society.

In this regard, in order to increase the strength of families in Uzbekistan today, to further develop the main role of the family in society, to further improve the state policy on the family, we consider it appropriate to carry out the following tasks:

**Firstly**, in order to strengthen the institution of the family in the country, to further revitalizes the activities of the regional branches of the Center for Scientific and Practical Research “Family” (“Oila”) under the Cabinet of Ministers;

**Secondly**, to study family problems in general on the basis of national values and the experience of advanced foreign countries, and to expand the scope of scientific research in this area and widely disseminate the results of research on social networks;

**Thirdly**, to further expand the range of family-related topics in the subjects of "Education" introduced in schools of Uzbekistan in the 2020-2021 academic year;

**Fourthly**, the production of multimedia reflecting the traditions and values of the Uzbek mentality, the development of social videos aimed at strengthening the family;

In conclusion, the health of the family environment is a guarantee of the stability of the country-the strength of society, and the strength of society.

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