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THE ROLE OF OUR NATIONAL LEGISLATION IN THE PROTECTION OF WOMEN'S RIGHTS IN THE FAMILY

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Annotation: This article describes the role of our national legislation in the protection of women's rights in the family and provides relevant recommendations.

Keywords: woman, law, family, democracy, society, women, protection, property rights, personal, social.

The family plays a particularly important role in the process of building a democratic state based on the rule of law and civil society. First of all, it develops a perfect person, serves as a key chain in the transmission of social values and national traditions from generation to generation. The legal status of the family should also ensure that these responsibilities are met. It is no coincidence that Chapter XIV of the Constitution of the Republic of Uzbekistan is dedicated to the family.

There is no doubt that the role and social significance of the family in society is growing. Indeed, the well-being of the family ensures the stability of the future of society and the nation.

The families of the Uzbek people have a unique mentality and are distinguished from other nations by the combination of high human qualities. In our families, human qualities such as respect for national traditions, respect for the elder and the younger,

respect, tolerance, hospitality, kindness are highly valued.

In order to increase the effectiveness of the protection of women's rights in Uzbekistan, the Decree of the President of the Republic of Uzbekistan dated February 2, 2018 No PF-5325 "On measures to radically improve the activities in the field of support of women and strengthening the family." The Decree identifies a number of organizational and legal measures and specific measures, citing the existing problems in the field of women's support.

Today, as a result of these reforms in the field of protection of women's rights in the family, it is also important to improve the legislation governing these relations. Therefore, it is important to explain the family and legal issues of protection of women's rights and the mechanisms of protection of women's rights established by the family legislation of the Republic of Uzbekistan.

The Family Code of the Republic of Uzbekistan sets out many legal

guarantees for the protection of women's rights. Article 2 of the Family Code deals with the equality of women and men in family relations. According to this article, such equality is based on the following principles:

- 1) a union of a man and a woman voluntarily married;
- 2) equality of personal and property rights of husband and wife;
- 3) resolution of internal family issues by mutual agreement;
- 4) care for the upbringing of children in the family, their well-being and maturity;
- 5) priority of protection of the rights and interests of minors and disabled family members.

These principles embody the most important principles in family relations, such as the fact that women have equal rights with men, and their views should be taken into account in resolving domestic family issues.

According to the third part of Article 4 of the Family Code, the protection of the interests of mothers and children requires special measures to protect women's labor and health, to create conditions for women to combine labor with motherhood, legal protection of motherhood and childhood, material and moral support. support.

Paragraphs 1 of Chapter XIV of the Labor Code of the Republic of Uzbekistan ("Additional guarantees for women and persons engaged in family duties"), Article 21 of the Law of the Republic of Uzbekistan "On labor protection", "On public health" Article 18 of the Law of the Republic of

Uzbekistan dated August 1, 2014 No PQ-2221 "On the State Program for further strengthening the reproductive health of the population, protection of maternal, child and adolescent health in Uzbekistan for 2014-2018" Decree of the Cabinet of Ministers of the Republic of Uzbekistan dated December 10, 1996 No. PF-1657 "On further strengthening the state support of families with children" and the Order of the Cabinet of Ministers of the Republic of Uzbekistan dated February 15, 2013 No. 44 "On appointment and payment of social benefits and financial assistance to low-income families" statute The Regulation "On Approval and Payment of Monthly Allowances to Working Mothers for Caring for a Child Under Two Years of Age" (Reg. No. 1113, March 14, 2002) and a number of other normative and legal acts.

The Action Strategy for the five priority areas of development of the Republic of Uzbekistan for 2017-2021 (in the next places - Strategy), approved by the Decree of the President of the Republic of Uzbekistan No. PF-4947 of February 7, 2017, also addresses the issue of women's social protection, including women's employment. and plans in the paragraphs concerning their ownership. In particular, Article 202 of the Strategy provides for the financial support of women's entrepreneurship in order to further enhance the status of women in society, to ensure their employment, which will ensure the employment of women in the regions;

home-based activities are organized for women with pedagogical education, but temporarily not working in connection with child care, as a family preschool educator.

The protection of motherhood and childhood is also important when it comes to women's rights in the family. Many mechanisms have been established to protect the interests of mother and child in the family. In many cases, the interests of mother and child are seen as compatible and cannot be interpreted separately. In particular, the mother represents her interests during pregnancy and the early stages of the child's life, and for the conscientious mother, the interests of the child take precedence. In this case, the legislation provides for the protection of the woman and her fetus during the prenatal period. In particular, pregnancy and childbirth are one of the grounds for marriage registration before the bride reaches the age of marriage (Article 15 of the FC), and pregnancy and childbirth allow spouses to register a marriage before the expiration of one month for registration of marriage (Article 13 of the FC). These norms are the norms that strengthen the conditions for a woman to have children in a legal marriage and for the birth and growth of a child in a legally registered family.

Speaking about the ongoing reforms in this area, President of the Republic of Uzbekistan Sh.M.Mirziyoev said: "It is known that in the social sphere we pay special attention to the protection of public health,

motherhood and childhood, reliable provision of medicines, physical and spiritually healthy generation. We are giving priority."

Indeed, innovations in the Family Code include marriage contracts, medical examinations of married persons, the application of local customs and traditions in family relations, kinship, pedigree of children, alimony agreements, children's rights in the family and financial support of parents. obligations, protection of the rights and interests of children deprived of parental care, and a number of other important provisions.

There are also special mechanisms for the protection of women's rights in matters of divorce. In particular, according to Article 39 of the FC, the husband has no right to initiate a divorce case without the consent of the wife during pregnancy and for one year after the birth of the child.

Pursuant to paragraph 6 of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated July 20, 2011 No. 6 "On the practice of application of legislation on divorce by courts", the husband may initiate divorce proceedings and this rule also applies in cases where the child is stillborn or dies before the age of one.

In cases where the wife does not agree to file for divorce, the judge shall refuse to accept the statement of claim, and if it is accepted, the court shall terminate the proceedings. Divorce proceedings are instituted with the consent of the wife, and in all cases

where she objected to the divorce at the time of the trial, as well as during the appellate, cassation or supervisory instance, the woman's pregnancy and her refusal to consent to the divorce are known.

It should be borne in mind that the existence of the circumstances specified in Article 39 of the FC doesn't preclude the initiation of a claim for divorce by the wife.

Usually during the marriage process, the husband and wife choose a common surname for themselves or each of them stays in their own surname. If a wife has taken her husband's surname at the time of marriage, she is entitled to retain that surname at her own discretion after the divorce.

In determining the lineage of children, there are rules for the protection of women's rights. In particular, according to Article 60 of the Civil Code, the birth of a child from the same mother (motherhood) is determined by the civil registry office on the basis of other documents, if the child was not born in a medical institution.

Under current law, a child born within three hundred days after the marriage is concluded, or after the death of the husband, the divorce, or the annulment of the marriage, is considered a child born in the marriage.

If a child is born within three hundred days after the end of the marriage, and the woman enters into a new marriage during this period, the child is considered born in a new marriage. In

such cases, the ex-husband or his parents have the right to dispute the child's pedigree.

Paternity also provides for mechanisms to protect women's rights, according to which the paternity of a person who is not married to the child's mother is determined by a person who recognizes himself as the child's father and the mother submits a joint application to the civil registry office (Article 61 of the FC).

Another mechanism for the protection of women's rights is reflected in the alimony relationship. In particular, family law stipulates that couples must provide financial assistance to each other, and this rule is important as a guarantee of protection of women's rights. As a mechanism of application of this rule, Article 117 of the FC provides that a woman is entitled to legal assistance during pregnancy and for three years from the date of birth of the middle child, until the middle disabled child reaches the age of eighteen or from midwife with a group I disability (alimony).

Also, in alimony relations, family law strengthens the norms of ensuring the interests of women, the provision of support to a woman by her ex-husband. Pursuant to Article 118 of the FC, the ex-wife has the right to claim alimony from the ex-husband (wife) who has sufficient funds during pregnancy and for three years from the date of birth of the child in the middle.

This rule imposes on the husband the obligation to provide for him for up to three years during the period of his

pregnancy and after the birth of the child. There is no clear norm in family law regarding the amount of alimony to be paid to a woman until the child reaches the age of three. In our opinion, in this case, the amount of maintenance (alimony) to be paid by the husband or ex-husband to the wife or ex-wife should be sufficient for the financial support of the woman engaged in child care.

Also, the problems related to the guarantee of women's property rights in the family are especially relevant today. This is due to the divorce of the couple and the fact that women are often left without financial support. Currently, there are two types of property: the priority of women's rights, especially in the conclusion of a marriage contract, and the imposition of certain property sanctions on women for violating or deviating from the moral and legal rules arising from marital relations. serves to strengthen family-legal mechanisms for the protection of human rights. In this case, if it isn't possible to reconcile the couple, the imposition of property sanctions on the party guilty of divorce, the imposition of administrative penalties on the party who refused to provide material support will serve to ensure the stability of families.

In conclusion, in order to ensure the protection of women's rights in the family, it is first necessary to increase their legal literacy, that is, to know that their rights have been violated and to apply to the relevant authorities to restore these rights.

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