

The Concept of the Family in Modern Society and its Main Tasks in the Republic of Uzbekistan.

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Annotation: The article examines the issues: legal and sociological concept families; The main tasks of the family; family protection by society and government family law of foreign countries, etc. The concept of family law; the role and place of family law in the legal system; principles of family law; a system of family law

Key words: Law, family law, system of family law

One of the most important social institutions is the family. In the family, a person receives education, is formed as a person, enters a complex circle of social relations, becomes a citizen. The family becomes the basis of material and psychological support for a person, the normal development of children. The family ensures the continuity of cultural heritage. It is in the family that the worldview of a person is initially formed, his social qualities are formed. The family is an important decisive link in society in the upbringing of a physically developed younger generation, where children are formed as individuals, brought up by worthy representatives of their people in the spirit of national and universal values, love for the Motherland. The family as an institution ensures the assimilation and transmission to the next generations of the basic norms of morality and the simplest interpersonal skills.

The family as a social community in all civilizations has been the most important element of global development. The ideology of the priority of the family, its enduring value for the life and development of a person and society is enshrined in many regulations. One of the main provisions of these documents is the strengthening and protection of the institution of the family by society, the development by all states of a national family policy.

In accordance with the Constitution of the Republic of Uzbekistan, the family is the basic unit of society and has the right to the protection of society and the state, and is based on the free consent and equality of the parties. Parents are required to support and educate children until they reach adulthood. The state and society comprehensively take care of orphans and children deprived of parental care, encourage charitable activities in relation to them.

The vast majority of the constitutions of the world do not bypass the family in their attention. Yes, Art. 24 of the Japanese Constitution of 1946 establishes that marriage is based only on the mutual consent of both parties and exists on the basis of mutual cooperation based on the equality of husband and wife. All matters of marriage and the family must be regulated by law, based on the principle of personal dignity and equality of the sexes. According to Part 1 of Art. 21 of the Greek Constitution of 1975 "the family as the basis for the preservation and development of the nation, as well as marriage, motherhood and childhood are under the protection of the state."

Some constitutions specifically guarantee the rights and interests of children. Part 5 of Article 4 of the Mexican Constitution reads: "The duty of parents is to respect the right of children to meet their needs, to mental and physical development. The law determines the means for the protection of children to be provided by state institutions." The difficult demographic situation of China prompted the drafters of the current Constitution to include the following provisions: "The state disseminates birth planning to bring population growth in line with economic and social development plans" (Art. 25); "Spouses - husband and wife are obliged to carry out birth planning (part 2 of article 49). At the same time, given the decline in morals in our society, one cannot but pay attention to the following provisions of parts 3 and 4 of the same Art. 49 of the Constitution of the People's Republic of China: "Parents are obliged to support and educate minor children, adult children are obliged to support and support their parents. Violation of freedom of marriage and

cruel treatment of the elderly, women and children are prohibited.” In addition, the state protection of the family is an important task stipulated by the norms of the Universal Declaration of Human Rights, to which the Republic of Uzbekistan is also a party. In accordance with it, the family is a natural and basic part of any society. It is necessary to ensure its inviolability, create all conditions for strengthening the family, educating and raising children. All conditions are created to support the family in Uzbekistan, which is confirmed by the regulatory legal acts adopted over the years of independence. A procedure has been introduced for mandatory medical examination of young people before marriage, which is aimed at creating a healthy family and giving birth to healthy children. Motherhood and fatherhood are honored and respected. The protection of the interests of mother and child is ensured by special measures to protect women's health, the creation of conditions that allow women to combine work with motherhood, their legal protection, material and moral support.

In solving these problems related to the education of a comprehensively developed generation, the protection of motherhood and childhood, a worthy contribution is made by the Republican Scientific and Practical Center "Oila", created in accordance with the Decree of the Cabinet of Ministers of the Republic of Uzbekistan dated February 2, 1998. Its activities are aimed at preserving the rich national family traditions, young people's awareness of the sanctity of the concepts of family and marriage, increasing the legal knowledge of people and practical assistance to citizens. The family also has an impact on the life of society, since it plays a decisive role in the continuation of the human race, in the upbringing of children, in the formation of personality. Therefore, family relations are important not only for each person, but also for society as a whole.

More than 33 million people of Uzbekistan live in 7 million families. According to the Constitution, the population of Uzbekistan, regardless of national differences, are citizens of the Republic of Uzbekistan. This means that the process of ethnic globalization in our country seems to be complicated. In view of the foregoing, it can be noted that family law plays an important role in regulating relations between the family, which is the smallest social unit (cell) of society, and its members, as well as in protecting the family by the state and society. Family relations are regulated not only by moral norms, customs and religious canons, but also by legal norms, which form an independent sphere of legislation - family law.

In Art. 1 of the Family Code of the Republic of Uzbekistan states: “The objectives of family law are to strengthen the family, build family relations on feelings of mutual love, trust and mutual respect, cooperation, mutual assistance and responsibility to the family of all its members, inadmissibility of arbitrary interference by anyone in family affairs, ensuring unhindered exercise by family members of their rights and their protection”. It should be noted that the concept of family in family law is not directly fixed. Distinguish the concept of the family in the legal and sociological sense. Some authors define the family in society as a union of persons based on free and equal marriage or close kinship (often in adoption), united by mutual material and moral support, care, upbringing of offspring, carried out with broad and ever-increasing assistance from the state and possessing appropriate rights and obligations. .

According to Professor F.M. Otakhuzhaev, “The family is a specific social enterprise. This feature of the family is manifested, first of all, in its inseparable connection with public interests and social tasks. In this connection, there is a general (public) and a special (legal) concept of the family. The theory of family law also distinguishes between the sociological and legal definitions of the family.

In a sociological sense, the family is a union of persons based on marriage, kinship (or only kinship), the adoption of children for upbringing, characterized by common life and mutual support. In this case, actual family relationships, care and attention are put at the forefront. From a sociological point of view, a family can also exist when, in the legal sense, one is not formed, for example, the actual cohabitation of a man and a woman who are not married. In a legal sense, a family is a union of persons united by legal rights and obligations. In other words, the family is understood as a legal relationship. Family law gives legal significance, primarily to marriage and parental relationships, as well as certain degrees of kinship (child and grandparents, brother and

sister), properties (stepfather, stepmother and stepson, stepdaughter), relations arising from adoption, guardianship, guardianship adoption of children in a foster family. Thus, in the legal sense, a family is a circle of persons interconnected rights and obligations arising from marriage, kinship, property, adoption or other form of adoption of children for upbringing. The family plays an important role in the life of a person and society as a whole.

The essential interests of a person find their realization in the family. The family plays an important role in the continuation of the human race, the formation of the personality, and the upbringing of children. As you can see, the concept of the family is wider than the concept of marriage: marriage is the basic prerequisite of the family, its precondition. A normal and full-fledged family arises and develops only on the basis of marriage, but not outside it. Summarizing the above, we can give the following definition of the concept of a family: "a family is an association of persons based on marriage or kinship, related to each other by personal and property rights and and material community and support, maintaining a common household and raising children.

It should be noted that, although there is no unity of views on the concept of family in the theory of family law, there are no differences in fundamental provisions between individual definitions. We are only talking about the search for the most accurate and capacious formulations, which is very important for a legal definition.

Recently, interest in family law and family law, their theoretical part, has been growing, primarily due to the following factors: 1) the expansion of contractual and dispositive principles in the field of family law regulation, 2) the emergence of new relations and related problems (competitive -tion of social and biological parenthood, the need for a legislative response to relations in the reproductive sphere, non-traditional partnerships, etc.), updating the issues of the legal status of family members in connection with social changes in the relationship between men and women (emancipation, raising the social status of actual marriage and etc.), parents and children (the formation of an active position of the child as a subject of law, a family member), etc. Family law as a branch of law is characterized by a special subject and method of legal regulation. In jurisprudence, it is customary to understand the subject of legal regulation as a set of essentially unified social relations that are regulated by the norms of a given branch of law. The subject of legal regulation answers the question of what regulates, what is affected by this or that branch of law.

In Uzbekistan, relations that are the subject of family law are traditionally regulated by a separate area of legislation. It is well known that family law "branched" from civil law. Moreover, in many countries (for example, in France, Germany), relations arising from marriage and belonging to the family are regulated by the relevant chapters of the civil codes. As a result, there is still a debate about whether family law is an independent branch of law, a sub-branch of civil law, or a complex branch of legislation, consisting of the norms of various branches of law (civil, administrative, etc.).

In this matter, it should be noted that the relations regulated by family law have sufficient specificity. At first glance, the subject of regulation of civil and family law is the same: property and personal non-property relations.

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Family law has its own characteristics:

- relationships that are the subject of regulation of family rights are characterized by a special subjective composition: spouses, parents, children, adoptive parents, adoptees, guardian, trustee and etc.;
- family and marriage legal relations arise from specific legal facts: marriage, kinship, motherhood, fatherhood, adoption leniya, etc. For family law more than for others branches of law, legal facts-states are characteristic. Though not legal facts inherent in civil law are also excluded, for example, transactions (marriage contract, agreement on the amount of alimony Comrade).
- family and marriage relations are mostly personal in nature; ter, property relations are secondary, derivative-mi from personal. Moreover, most property rights and obligations zannye are inseparable from the personality of the authorized person and therefore non-transferable to other persons (for example, the right to receive alimony). Since it is impossible to replace their participants in family relations, any family relations (property or personal non-property) acquire a personal character. However, the personal nature of the relations that develop in the family is determined not only by the fact that personal and property rights and obligations are inseparable from the personality of the authorized person.

According to their content, family relations are predominantly personal in nature and only then property. Personal relations are of a priority nature, since property relations are always associated with them and follow from them. Personal relationships largely determine the content of the rules governing property relations. For example, the legislator, taking into account the influence of personal moments (attachments, feelings, emotions, etc.) on the process of concluding a marriage contract or an alimony agreement, establishes special restrictions. standards are severely limited. This is due to their personal-confidential nature.

They are determined mainly not by law, but by moral, moral rules. When adopting relevant laws, the state seeks, as far as possible, not to interfere in the purely personal relations of citizens, limiting itself to establishing only such mandatory rules (legal norms) that are necessary to strengthen the family, to exercise and protect the rights and legitimate interests of all its members.

The features of family relations discussed above make it possible to distinguish them from the general mass of property and personal legal relations into a separate sphere, an independent subject of family law regulation. Taking into account the indicated, family law regulates a special type of social relations - relations between people in connection with marriage, the creation of a family, the birth and upbringing of children. The totality of these relations is the subject of family law, which is an independent branch of law. The circle of those relations that are regulated by the norms of family law (the subject of family law) is defined directly in the Family Code of the Republic of Uzbekistan. Art. 5 of the Family Code of the Republic of Uzbekistan refers to the subject of family law the conditions and procedure for marriage, termination of marriage and its invalidation, regulates personal non-property and property relations between family members: spouses, parents and children (adoptive parents and adopted children), and in cases and within the limits provided for family legislation - between other relatives and other persons, and also determines the forms and procedure for placing children left without parental care in a family, the procedure for registering acts of civil status.

Thus, family law is a set of legal norms governing personal non-property and property family relations arising from marriage and kinship, and relations equated by law with family ones in order to protect and strengthen the family, the rights and interests of its members.

Family law is characterized by methods of legal regulation of family relations, which together form what is usually called the method of legal regulation in legal science. The family legal

method of regulation is formed by means, techniques, a set of techniques for the legal regulation of personal non-property and property legal relations that are the subject of family law.

It is the presence of a special subject and method of legal regulation that makes it possible to single out a certain set of norms into an independent branch of law.

Modern family law, unlike the previous one, makes rights a priority. Permissions lead in quantitative terms among all other family law prescriptions. However, the number of imperative prescriptions is still large (relations arising in connection with marriage, termination of marriage and its recognition as invalid; personal legal relations between parents and children; relations for the adoption of a child, etc.).

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