

Uzbekistan and Emancipation in French Law Problem

Kurbanova Nozima Tolkien girl

Student at Chirchik State Pedagogical University

Kandov Bahodir Mirzayevich

*associate professor, doctor of Philosophy in Philosophical Sciences (PhD),
Chirchik State Pedagogical University, Tashkent, Uzbekistan*

Abstract

This article analyzes the issue of emancipation, which is the fundamental right of minors during the period of renewal and modernization of society. The article also highlights one of the main rights of minors - emancipation, which should be paid attention not only in society, but also at the international level. The article discusses the importance of this right for a child to grow up in a family and become a leading figure in its stability, contribute to the sustainable development of society and also have the opportunity to demonstrate their capabilities in the international arena, as well as its differences within the framework of French law.

Key words: society, democratization, emancipation, minors, marriageable age, entrepreneurship, board of trustees.

Currently, there is a fairly extensive legal framework in the field of establishing and protecting the rights of minors, ix social support both at the international level and in national legislation, which is why the legal process contained in the Nix recommendations and standards for domestic law is becoming an objective fact.

The realities of the present time have stopped the legislator to take a different look at the teenager, to see in him not just a child, an inexperienced “human being”, wholly and completely dependent on the

will of his parents, but to recognize for him a whole complex of civil rights and obligations, as an independent subectome of civil legal relations.

In our country, very important work is being carried out towards society update and democratization, modernization and reform of the country, updating the political system, forming a legal democratic state, better ensuring the rights and freedoms of citizens, creating a legal system that encourages people to follow the law and not break it.

Work on the theoretical basis make up works are so domestic lawyer: S.S. Alekseev, M.M. Agarkov, S.N. Bratus, E.M. Vorozheikin, N.V. Vitruk, Ya.R. Webers, W.P. Gribanov, O.A. Krasavchikov, A.E. Kazantseva, N.I. Matuzov, R.P. Manankova, I.B. Novitsky, A.M. Nechaeva, D.I. Meyer, V.A. Patulin, I.A. Pokrovsky, O.S. Ioffe, B.I. Putinsky, A.E. Sukhanov, Yu.K. Tolstoy, G.F. Shershenevich and etc.

The Institute for the Emancipation of Minors is an institution of civil law, which includes such norms and civil procedural law and regulates relations regarding the recognition of a minor as fully incapacitated.

When implementing the emancipation procedure, it should be taken into account that this institution is provided for by law for certain categories of citizens who have reached a certain level of mental maturity, allowing them to react responsibly to their actions.

The capacity of a citizen is the ability of citizens to acquire and exercise their civil rights, create civil responsibilities for themselves and fulfill them. A person with full legal capacity can perform any type of legal action permitted by law[1]. This understanding of legal capacity means that, due to psychological maturity, a fully capable citizen must fully understand the nature of the actions performed with his participation, and their physical, moral, psychological, social and other consequences. However, depending on age, such maturity does not occur immediately. Human personality is formed gradually, and gradually individuals acquire the ability to exercise civil rights and take on responsibilities. This is why the ability of citizens to conduct business is a slow process. As can be seen from the content of modern legislation of Uzbekistan, as they grow older and accordingly, achieve higher mental maturity, minor citizens are given more and more opportunities for independent participation in legal relations: from 6 to 14 years, a minor child can independently enter into small household transactions. Transactions are also made that do not require notarization or state registration, for example, on birthdays, Eid al-Fitr and Navruz holidays, to receive any gift from parents, grandparents, close relatives, classmates, as well as to carry out transactions to dispose of these they are right. In addition, transactions involving the disposal of funds aimed at obtaining unfair benefits for them can be carried out by legal representatives or with the consent of third-party legal representatives. Any other operations on behalf of such minors are carried out by their legal representatives themselves (parents, adoptive parents, guardians); A minor aged 14 to 18 years can, in addition to the above operations, independently manage his income, exercise copyright and patent rights, and the rights of depositors in credit institutions (banks). Minors make other transactions independently, but with the written permission of their legal representatives (parents, adoptive parents, guardians), a citizen who has reached the age of 16 has the right to become a member of the cooperative.

Minors - current Uzbekistan According to the legislation of the republic, citizens under 18 years of age. The task of education of minors is a state responsibility and a constitutional responsibility of

citizens. The Constitution of the Republic of Uzbekistan ensures the rights of minors, like citizens, to education, work, recreation, and property (Articles 41, 42, 45, 50).

Emancipation, being one of the fundamental rights of minors, is an issue that should be paid attention not only to society, but also at the international level. This right is important for a child to grow up in a family and become a leader in its stability, contribute to the sustainable development of society, and be able to demonstrate their potential on the international stage. We see this in France. We know that France, like Uzbekistan, belongs to the family of Roman-Germanic law. The presence of general legal grounds created the topic of the article.

Diplomatic relations between Uzbekistan and France were established on March 1, 1992. Since June 1992, the French Embassy has been operating in Uzbekistan, and since March 1995 - the Embassy of Uzbekistan in France. On April 17, 2019, the former Minister of Foreign Affairs of the Republic of Uzbekistan Abdulaziz Komilov received a delegation led by the Co-Chairman of the Intergovernmental Commission on Trade and Economic Cooperation, State Secretary of the Minister of Foreign Affairs Jean-Baptiste Lemoine. Europe and foreign affairs of the French Republic. During the visit, a memorandum of understanding on strengthening cooperation in the field of higher education, scientific research, innovation and special education, an administrative agreement on exchange and cooperation in the field of law, as well as a memorandum of understanding on cooperation in the field of law were signed. The field of public finance.

Emancipation has two different meanings in the dictionary. Deliverance from suffering, oppression, addiction, captivity and various heresies. For example, the emancipation of women and girls, the liberation of slavery. The emancipation of slavery is historically significant. The second meaning, as we said above, in simple words, is the right to acquire legal capacity before the deadline given to the minor. In the civil legislation of the Republic of Uzbekistan, there is a rule that a person's legal capacity arises upon reaching the age of 18 and emancipation. Emancipation[2], if a minor who has reached the age of sixteen works under an employment contract or is engaged in entrepreneurial activity with the consent of his parents, adoptive parents or guardian, he can be recognized as completely legal.

French civil law also expressly contains this provision. Emancipation is associated with the status of a minor, who can be legally equal to an adult and independently perform actions that require legal adulthood. This condition affects both parents. Now children fully realize their rights independently. This process only occurs when minors reach 16 years of age for certain reasons. Emancipation give first of all, it is given on the basis of the consent of the parents or one of them. To provide a guardianship and trusteeship authority, 3 grounds are sufficient:

- When father and mother die;
- when they are deprived of parental rights;
- Father mothers when they cannot express their will.

A minor who has reached the age of sixteen may apply to the court at his place of residence for recognition of full legal capacity in cases provided for by law. An application to recognize a minor as fully capable is accepted by the court if there is evidence confirming the refusal of the guardianship and trusteeship authorities to recognize the minor as fully capable.

In the first article of the chapter on emancipation of the French Civil Code, the main condition for achieving emancipation ¹is marriage. The main reason for this can be considered the age of marriage.

¹French Civil Code Title X Chapter III Emancipation Article 476 .

Because the marriageable age for women is fifteen years, and for men – eighteen years, in contrast to the legislation of Uzbekistan.

According to Article 15 of the Family Code of the Republic of Uzbekistan, the age of marriage for men and women is eighteen years. The difference in the middle is created keeping in mind the lifestyle and values of the society. In particular, if there are good reasons, in special cases (pregnancy, birth of a child, declaration of full legal capacity of a minor), at the request of the mayor of the district or city at the place of state registration of marriage, at the request of those wishing to marry, the age of marriage may be reduced by a maximum of one year. This could create a situation of emancipation in the legislation of our country. Even if the marriage is annulled before the age of eighteen, the emancipation is not invalid. However, when declaring a marriage invalid, the court may decide that the minor husband (wife) has lost full legal capacity from the moment determined by the court.

One of the main conditions for emancipation in the legislation of our country is that a person under the age of sixteen is directly engaged in paid work and entrepreneurial activity. And in French legislation there is a point of view that an emancipated minor cannot engage in commercial activities.

	Uzbekistan	France
Emancipation age	16 young	16 young
Which cases can be achieved	Wedding from being built after, Entrepreneurship activity And Job agreement based working If	Wedding from being built then, (marriage age Women 15 for Young people 18 for age)
Which rights Can't use it ?	sailing ash on right	Trade , or entrepreneurship do on right

So, life goes on, there is also the problem of minors. Because the current generation will be replaced by a new one. Therefore, their achievements and shortcomings, their crimes are unique. That's all in accordance with adult of those who didn't lack of control, inattention And offenses eliminate ways and methods will constantly change.

The differences between the two pieces of legislation require a more in-depth study of industry knowledge. These differences, as we mentioned above, are closely related to the values of both countries. In particular, it can be seen from the legislation of modern Uzbekistan that, as minors grow up and, accordingly, reach higher mental maturity, they are given a lot of attention independently in legal relations. A minor between the ages of six and fourteen can independently make small household transactions. A minor between fourteen and eighteen years of age, in addition to the above, can independently manage their funds, use copyright, deposit rights. In addition, there is a situation where a minor who has reached the age of sixteen enters into labor relations, disrupting the educational process, which leads to a violation of the quality of the educational sector. In addition, the fact that a minor is engaged in entrepreneurial activity does not mean that he has reached the level of ability necessary for independent conduct of his activity. In order to eliminate such problems, it is necessary to think about the interests of the young people when carrying out the emancipation of minors in such cases. That is, creating a state of emancipation with only general rules may lose its effectiveness in later periods.

List of references

1. Uzbekistan Republic Constitution. – Tashkent: “Adolat”, 2023.
2. Abercrombie N., Hill S., Turner B.S. Sociological Dictionary / Transl. English ed. E.A. Erofeeva. – Kazan: Kazan University Publishing House, 1997. – S.420.
3. Alekseev S.S. General theory of law: In 2 volumes. T. 2. – Moscow: Law lit, 1982. – p.359.
4. Alekseev S.S. Law: the ABC of history - philosophy: Experience of comprehensive research. – Moscow: Statute, 1999. – p.712.
5. Chernenko A.K. Philosophy of law. – Novosibirsk: Science. Siberian Enterprise RAS, 1999. – 153 p.
6. Uzbekistan Civil Code of the Republic of Franse. – T.: “Adolat”, 2014.
7. Uzbekistan Republic of Fu Ukraine profit is necessary code. – Tashkent: “Adolat”, 2014.
8. Uzbekistan Republic Family code. – Tashkent: “Adolat”, 2014.
9. Kandov B.M. (2024). [The Role of Healthy Ideologies in Maintaining Social Stability](#) // Miasto Przyszłości. – Polsha. Vol. 45. 2024. – pp. 500-506.
10. Kandov Bahodir Mirzayevich (2024). [Social and Legal Basis for Ensuring Employment of the Population in the Conditions of Modernization of Uzbekistan](#). // Miasto Przyszłości. – Kielce: Polsha. Vol. 45. 2024. – pp. 488-492.
11. Kandov B.M (2022). [Family is the Most Important Social Factor of Ideological Education](#). Miasto Przyszłości. Special Issue. –P.66-96.
12. Solieva Lobar Rasulovna (2023). [THE ESSENCE AND CONTENT OF THE CONCEPT OF VALUE AND ITS ROLE IN THE SOCIAL LIFE OF SOCIETY](#). Web of scientis: international Scientific research journal. Vol.4, Iss. 3. – pp.824-831.
13. Kandov B.M. (2023) [The negative impact of social networks on the spirituality of young people in the context of globalization](#) // **Web of Scientist: International Scientific Research Journal**. Volume 4, Issue 3. – pp. 780-789.
14. Kandov Bahodir Mirzayevich. (2023) [Socio-Theoretical Foundations of Educational Reforms in the New Uzbekistan](#) // **International Journal of Human Computing Studies**. Volume: 05, Issue: 03. Mar 2023. – pp. 62-68.
15. Kandov Bahodir Mirzayevich. (2023) [Issues of the Influence of Social Networks on the Spirituality of New Independent Youth](#). // Miasto Przyszłości. – Kielce: Polsha. Vol. 40. 2023. – pp. 574-579.
16. Kandov Bakhodir Mirzayevich (2023). [The essence of universal human values and their influence on changes in the spiritual life of youth](#). Open Access Repository. – pp.796-803.
17. Kandov Bahodir Mirzayevich (2022). [The Role of Education and the Mahalla Institute in Forming the Personality of the Person](#). Central asian journal of theoretical & applied sciences. – P.515-521.
18. Kandov B.M., Kuyliyev Tulkin (2022). [Socio-Philosophical Issues of Introducing the National Idea into the Minds of the Youth of New Uzbekistan in the Context of Globalization](#). TELEMATIQUE. Vol.21. Issue 1, – P.6847-6853.
19. Kandov B.M., Togayev Sh.H. (2021) [The role of education in the development of environmental consciousness of a person](#). ISJ Theoretical & Applied Science, 1129-1133.
20. Solieva Lobar Rasulovna (2023). [Features of the use of innovative educational technologies in improving the modern education system of Uzbekistan](#). World Bulletin of Social Sciences. – pp.144-147.

21. Kalkanov Eshmatboy Tashpulatovich. (2024) [Patriotism as an Attributive Sign of Forms of Social Consciousness](#) // Miasto Przyszłości. – Kielce: Polsha. Vol. 45. 2023. – pp. 478-483.
22. Kandov Bahodir Mirzayevich. (2022). [The role of ideological education in the prevention of spiritual threats](#). European Journal of Humanities and Educational Advancements (EJHEA). Vol. 3No.06, June 2022. – P. 27-30.
23. Kandov B.M. (2022). [The Role of Religious and Moral Values in Strengthening the Spiritual Development of Society and Individuals](#) // European journal of life safety and stability (EJLSS). – pp. 88-92.
24. Kandov Bahodir Mirzayevich (2022). [Formation of a constitutional and legal culture is a guarantee of human rights](#). International Conference on Advances in Education, Social and Applied Sciences London, U.K July 9th. – P.103-107.
25. Кандов Б.М. (2022) [Роль этнокультуры в воспитании молодежи Узбекистана в духе национальной идеологии](#). Conference Zone. – pp. 77-80.
26. Kandov B. (2022) [Current Issues of Harmony of Human and National Values In the Formation of Civil Station of the Youth of New Uzbekistan](#). Journal of Ethics and Diversity in International Communication 1 (8), 30-33.
27. Kandov B.M. (2022). [Features of Increasing the Legal Awareness and Legal Culture of Young People](#) // Miasto Przyszłości. Special Issue. –pp.108-111.
28. Kandov Bakhodir Mirzaevich (2022) [Forms and Features of the Manifestation of Spiritual Threats](#) // Miasto Przyszłości. –pp. 75-79.
29. Bahodir Qandov (2022). [O‘zbekistonda fuqarolik jamiyati barqarorligini ta’minlashda oiladagi axloqiy tarbiyaning o‘rni](#) // International Conference on Advance Research in Humanities. May 28th 2022. – P. 335-339.
30. Kandov Bakhodir Mirzayevich (2022). [Socio-legal foundations for the development of a civic position among the youth of a renewed Uzbekistan](#). International Conference on Research Identity, Value and Ethics. –pp. 185-188.