

community basis in each neighborhood. General practitioners of rural polyclinics, family clinics in rural and urban areas, community nurses, community activists, staff in charge of spiritual and educational work, physical education teachers, doctors of educational institutions united in this public structure, among families, population, students in educational institutions. promotes a healthy lifestyle.

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MARRIAGE OBLIGATIONS OF COUPLES AND FORMER COUPLES

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Abstract: The article considers the issues of claiming of financial support from spouses and ex-spouses. The author focuses on a number of gaps in the legal regulation of alimony obligations of spouses and ex-spouses on the territory of Republic of Uzbekistan.

Keywords: alimony obligation, spouse, former spouse, debtor, legal assistance treaty, foreign state.

The second part of Article 65 of the Constitution of the Republic of Uzbekistan provides for the protection of motherhood and childhood by the state. This constitutional provision is enshrined in the Family Code of the Republic of Uzbekistan. creation of conditions for women to be bound together, legal protection of motherhood and childhood, material and moral support ". This shows that the state has established special protection meAndijan State University named after Z.M.Boburres for motherhood and childhood, and the full protection of their rights is recognized as a priority in family relations.

According to experts, there are many mechanisms 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, during pregnancy and in the early stages of a child's life, the mother represents her interests and the interests of the child take precedence for the honest mother [5].

Due to the priority of state protection of motherhood and childhood, family law provides for special requirements and mechanisms in the legal relationship between spouses, in particular the provision of property and personal non-property rights. In the system of mutual property rights and obligations between spouses, their obligation to provide for each other has a special place. This is because the fulfillment of the obligation of the family, including the couple, to provide for the family plays an important role in ensuring the stability of the family.

Along with the rights of the spouses to the common property, the general (legal) and contractual procedure for its use, the family law also defines the alimony obligations of the spouses to each other.

Usually, alimony is a way of financial support in a family relationship by members of the family whose financial situation is stable for the members of the family in need of financial assistance to live and work. Therefore, family law provides for a category of persons entitled to receive alimony from each other. One such category is a couple and an ex-couple, who have to pay alimony to each other based on their life circumstances.

According to some authors, the field of alimony is one of the socially oriented aspects of family law regulation. The normative appropriateness of the rules on alimony and the quality of the mechanisms for their collection stems from the fact that the rights and obligations of alimony recipients are ensured and the socially oriented status of the state [9].

Alimony obligations of spouses and ex-spouses and the procedure for its payment are regulated by Chapter 15 of the family code. The alimony obligation of the spouses is their common responsibility to each other - the condition that the spouses provide financial assistance to each other (arising from Article 117 of the family code). There is a certain content in the legislator's application of the concept of "financial assistance". Compared to minors who are dependent on their parents, the relationship between the spouses does not represent a full provision, but only provides assistance in obtaining additional income when necessary and the provision of this assistance by the person charged with alimony.

Based on the interpretation of the family code norm, it can be concluded that these alimony obligations arise between persons who are in a registered marriage or who are in a former marital relationship. In the absence of an officially registered marriage between a man and a woman, this situation (because they are not in a legal marriage relationship) does not entitle one of them to claim appropriate financial assistance from the other. This rule is absolute and does not depend on how long a man and a woman have been in a marital relationship in practice [1].

The right to maintenance is a "legally guaranteed opportunity to receive maintenance for another person's life". Security is defined as a right

(alimony, obligation to compensate for the loss of a breadwinner) or a contract (transfer of housing (apartment) on the condition of lifelong security, rent) by one person to another person. understanding of marriage. The right to maintenance is a legal opportunity given to a person in need of assistance (incapable of work) to ensure that he lives at the expense of other persons. The provision covers not only the living expenses of the person entitled to receive it, i.e. the cost of food, but also other necessary needs - education, upbringing, rest, treatment, and so on. In this case, the law is based on the principle of matching the financial capacity of the party responsible for the amount of alimony [4].

Due to the fact that the concept of need is not defined in the legislation and there are different interpretations of this concept in court practice, the concept of need means that a person does not have the necessary means to live, meet their basic needs or earn income using their labor or property is understood [8].

There is a view in the legal literature that the family code norms governing the payment of alimony apply to persons who have entered into an agreement on the provision of alimony by analogy with the law and are in a "civil marriage", ie living as a couple without official registration with the Civil Registry Office [6]. In our opinion, it is expedient to allow the application of the provisions of the principle of freedom of contract, established by Article 354 of the Civil Code, in the regulation of family law relations, in particular, family law relations of a property nature. Consequently, the family code does not cover all aspects of contractual regulation of property relations between family members. The family law does not take into account certain contractual structures (marriage contract, alimony agreement) governing certain property relations, and the family code does not provide rules governing the property relations of family members. In addition, Article 6 of the Civil Code stipulates that civil law applies to property and personal non-property relations between family members not regulated by family law, as long as it does not contradict the essence of family relations, which regulates property relations between family members through civil law contracts. means that they can Therefore, family members or persons living as a couple on the basis of a "civil marriage" without a legal marriage may enter into a contract not provided for by law, in accordance with the requirements of Article 354 of the Civil Code (part three). That is, in this case, as mentioned above, the analogy of the law is not required and direct participants in the family-legal relationship are allowed to regulate their property relations by concluding any contract provided for in civil law, subject to the requirements of Article 6 family code. Family members or ex-spouses may provide for mutual

support on the basis of an agreement other than the alimony agreement (Chapter 17 of the family code).

The alimony obligations of spouses and ex-spouses do not have a fixed character, unlike the alimony obligations of parents and children. The right to alimony arises not only from incapacity for work, but also from need and some life situation of the alimony recipient. As such, a number of rules are defined as family code. In particular, according to Article 117 of the family code, a couple must provide financial assistance to each other. In case of refusal of such assistance, the husband or wife in need of assistance, as well as the wife in need of care 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 in the middle child with group I disability (wife) has the right to receive alimony (alimony) from the wife (husband) who is able to help.

Of course, this rule stems from the couple's obligation to provide financial assistance to each other, and this applies to the couple's common property regime. In this case, the refusal to provide assistance is also the basis for the recovery of alimony in court. However, this norm does not stipulate that the assistance of the husband (wife) to the wife (husband) in the cases listed in Article 117 of the Civil Code may also be determined by mutual agreement of the parties. After all, in resolving family issues, the mutual consent of the couple should also have a legal basis and, if necessary, be recorded. Therefore, it is necessary to include in Article 117 of the Civil Code the sentence or there was no agreement on the payment of alimony between the couple after the sentence "refused assistance". Since the couple has an agreement on the payment of alimony, there is no need to apply to the court for the appointment of alimony, and the amount of alimony and the order of its payment are determined by the agreement.

In addition, Article 117 of the Civil Code stipulates the right of a husband (wife) to receive alimony from a middle-aged child with a group I disability, and most medical facilities are now privately owned and the cost of treatment and medication is increasing. It would also be appropriate to establish the right of a wife (husband) to claim alimony for a child with a group II disability from childhood in this category.

In addition to the couple's mutual alimony obligations, the legislation provides that the ex-spouse also has alimony obligations. According to the first part of Article 118 of the family code, from an ex-husband (wife) who has sufficient funds:

- the ex-wife during pregnancy and in the middle for three years from the date of birth;

- an ex-wife (husband) in need of care until the middle disabled child reaches the age of eighteen or a child with a group I disability from childhood;

- ex-wife (husband) in need of assistance, who became disabled before the divorce or for one year from the date of divorce;

- The wife (husband) in need of assistance, who has reached retirement age within five years from the date of divorce, has the right to claim alimony in court, if the couple has been married for a long time.

In this case, too, in determining alimony obligations, it is necessary to take into account the payment of alimony not only to the child from group I, but also to the ex-wife (husband) caring for a child with a group II disability.

The current legislation provides for the exemption of the spouse from the obligation to pay alimony, as well as the conditions under which the spouse and the ex-spouse are entitled to mutual financial support. The main reason for the establishment of certain rules, conditions and requirements in the Family Code for the abolition of mutual alimony obligations of these entities is not to abuse the right to receive alimony and to demand its recovery in the absence of sufficient grounds for alimony. One of the most important conditions for the occurrence of alimony obligations of a couple and an ex-spouse is that the couple is in a mutual marriage for a sufficient period of time. This requirement is provided for in Article 120 of the family code, in which the court may release the husband (wife) from the obligation to pay alimony if the couple has been married for a short time. However, the law does not specify what is meant by the term “short period” and how long it is at most.

In this regard, it should be noted that this period is clearly defined in the legislation of foreign countries. In particular, Article 150 of the Family Code of the Republic of Kazakhstan sets this period at five years.

It is advisable to set this period at a maximum of 5 years in order to avoid different interpretations of the concept of the couple's short stay in the marriage and to avoid abuse.

Some experts suggest filling in the grounds for exempting the husband (wife) from alimony obligations or limiting it for a certain period of time. In particular, according to O.A. Makeeva, the grounds for exemption of a husband (wife) from alimony obligations should include concealment of the state of health of the person applying for alimony at the time of marriage and, as a result, incapacity for work and the right to alimony.

In addition, he writes, the absence of “rehabilitative alimony” in the legislation does not allow a wife (husband) to undergo social rehabilitation. Family law does not provide for financial assistance from ex-husbands to women who are unable to pursue a career by devoting themselves to their families and raising children. It is therefore advisable to include in the family

law the right of the court to determine the alimony of an ex-wife in need of able-bodied assistance [7].

As noted above, according to the first part of Article 118 of the Family Code, an ex-spouse who has sufficient funds is entitled to alimony during pregnancy and for three years from the date of birth of the child in the middle. In this case, the right to alimony does not depend on the wife's ability to work or need. This right is based on a woman's special situation during pregnancy, her objective need for additional support, including financial assistance. During the specified period, especially during the three-year period of childcare, the risk that the woman has no income or that it is significantly lower should be applied equally to the husband and wife at the same time. Therefore, a mother has the right to claim alimony from her ex-husband, the child's father, while caring for the child.

However, the law does not provide such a right to the ex-husband-father of the child. This gap in family law needs to be filled, as an ex-husband who is in charge of general child care may also experience unintended financial consequences for himself. The responsibility of caring for a child is an equal obligation for a couple under the law.

This inequality in the status of the couple is very aptly described by T.V. Shershen: the equality of the couple is defined in a number of norms of family law. However, there are certain exceptions to these rules. An example of this is a woman's right to claim alimony during pregnancy and during childcare for three years after the birth of a child. At this point, the question arises as to why the legislature deviates from such an important principle as the equality of husband and wife in the family, and does not grant the right to claim alimony for the maintenance of the land occupied by the common child until he reaches the age of three.

In our view, this is the case under T.V. Shershen's family law, which should give the father, who has been in his care for three years after the birth of the child, the right to claim alimony from the mother of the child who has sufficient funds in court. Therefore, it is proposed to include in the first part of Article 118 of the family code as the third paragraph the sentence "for three years in a place in need of assistance in the care of a child born in the middle".

The first part of Article 118 of the Family Code specifies the wife (husband) in need of support who has reached retirement age within five years from the date of divorce, if the couple has been married for a long time. The current family law does not define and evaluate the categories of "need for help", "long-term marriage", and "inappropriate behavior", so this issue should be determined by the court on a case-by-case basis. In this case, the court shall pay attention to any circumstances relevant to the case, including: the duration of the marriage, the age of the couple, the couple's

relationship to each other, the couple's behavior during the marriage, the reasons for divorce, the amount of pension, etc. should focus on [3].

When the legislature establishes a rule that a husband (wife) in need of assistance reaches retirement age, he does not specify the exact age required to receive alimony. According to Article 7 of the Law of the Republic of Uzbekistan No. 938-XII of September 3, 1993 "On state pensions", the right to an old-age pension: men - at the age of 60 and with at least 25 years of work experience; women - at the age of 55 and with at least 20 years of work experience [10].

Article 9 of this law contains a category of persons entitled to a preferential pension. At the same time, the categories of occupations to be reduced by 10 or 5 years have been identified. This, in turn, indicates that men can reach retirement age before the age of 60 and women before the age of 55. For example, in underground jobs, men working full-time in hazardous and very heavy work conditions - at least 20 years of work experience, and at least 10 years in the specified work, regardless of the last place of work, Citizens' state pension benefits have the right to receive a pension with a reduction of the age established by Article 7 of the Law "On Education" to 10 years (Article 11 of this Law). It is not stipulated in the family code that this condition is an old-age pension or a disability pension. Therefore, in order to regulate alimony relations in OK, it is necessary to take into account the exact retirement age.

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FROM THE HISTORY OF NATIONAL EDUCATION IN FERGHANA REGION (1876-1917)

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Abstract: The article analyzes the history of national schools and madrassahs in Ferghana region with the help of scientific literature.

Keywords: national education, school, madrasah, national culture, literacy, Fergana region.

After gaining its independence, Uzbekistan began to restore the past history, ancient culture and spiritual values of our people. This process has even risen to the level of public policy. It is known that for more than a century the Uzbek people have gone through difficult and contradictory periods of the Russian Empire and the Soviet era. But even in such a terrible time, our people did not lose their identity. He preserved his language, religion and faith. The First President of the Republic of Uzbekistan I. Karimov focusing on the enlightenment and spirituality of the Uzbek people, which has been gradually recovering over the years of independence, emphasizes the following: "Enlightenment is the basis of the development of society, the only force that can save it from inevitable destruction" [1; 18].