

**RELEVANCE AND JURISDICTION OF CASES RELATED TO PATERNITY
DISPUTES IN UZBEKISTAN**

Azimova Dildora Meliqo'ziyevna

Student of the High School of Judges in the Presence of the Supreme
Council of the Judiciary of the Republic of UzbekistanE-mail: d.azimova@gmail.com**ABSTRACT:**

This article is a theoretical and practical analysis of cases related to objections to paternity (maternity) in Uzbekistan, analyzing their relevance and specifics based on national legislation. In addition, the concept of jurisdiction to contest paternity (maternity) and some procedural aspects in the treatment of such cases are discussed.

Keywords: marriage, contestation of paternity (maternity), determination of paternity, divorce, parties, procedural rights, filing a lawsuit, procedural deadlines.

Introduction

It is known that since the first years of the independence of the Republic of Uzbekistan, international legal documents have emerged that take up the main ideas and rules of human rights – in accordance with the provisions of the "Universal Declaration of Human Rights" of the United Nations and the "Universal Declaration of Human Rights" of the United Nations. Convention on the Rights of the Child", strengthening the family, each of its members. A national legal framework has been established aimed at protecting the rights of members and enabling them to make full use of their rights and freedoms in family relationships, and is constantly being improved in line with the reforms carried out in our country [1].

The institution of the family is considered an important link in society, and the state takes measures to prevent negative situations related to the disappearance of family values for the development of this institution.

The Main Part

In particular, according to Article 76 of the Constitution of the Republic of Uzbekistan, the family is the most important link in society and is under the protection of society and the state.

Marriage is based on the traditional family values of the Uzbek people, voluntary consent and equal rights of the parties.

The state creates social, economic, legal and other conditions for the full development of the family.

The comprehensive protection of the family, which is considered an important institution of society, and the legal protection of family interests are among the priorities of state policy



in Uzbekistan. "Strengthening the educational potential of the family, upholding family values in society, improving the spiritual and moral environment in families" [2] The National Programme is also of particular importance.

It is worth noting that the state has protected the norms of paternity and maternity, as well as the rights of the child, through laws, and that it has been strengthened by our legislation in order to realize the right to protection by the competent state bodies and directly by the national legislation.

Article 4 of the Law of the Republic of Uzbekistan "On Courts" regulates the rights and freedoms of citizens guaranteed by the Constitution and other laws of the Republic of Uzbekistan, international treaties, as well as international documents on human rights, state and public interests, rights and interests of legal entities and individual entrepreneurs protected by law. It is noted that protection is one of the main tasks of the court.

Accordingly, cases related to paternity disputes are considered by the court.

The principle of sole judicial administration means that the judicial process is the sole responsibility of the courts. No other state body can exercise this power [3].

In procedural jurisprudence, there has long been a debate about the relationship between the concepts of "relevance" and "relevancy". Although there are specific legal studies on the subject, it is sometimes misinterpreted and misunderstood.

The process of legislative creativity corresponds to the legislation of the Republic of Uzbekistan, the judicial legislation of the College of Lawyers appointed for general jurisdiction [4].

Cases related to objections to paternity (maternity) are considered relevant for the civil courts and are carried out in accordance with the procedure established by the Code of Civil Procedure.

In accordance with Article 3 of the Code of Civil Procedure of the Republic of Uzbekistan, in accordance with the Constitution of the Republic of Uzbekistan, each person is guaranteed the protection of his rights, freedoms and legal interests by the court.

Any interested person has the right to appeal to a civil court (court) in accordance with the procedure laid down in the legislation on the conduct of civil court proceedings in order to protect his violated or disputed right or interest protected by law.

According to Article 26 of this Law, in the case of civil, family, labor, housing, real estate and other disputes arising from other relationships, if at least one of the parties is a citizen, the following cases are referred to the Civil Court.

Before discussing the relevance of cases related to paternity disputes, it would be appropriate to analyze opinions on the relevance of civil cases.

In particular, according to Professor Sh.Sh.Shorakhmetov, relevance is called the fact that the task of hearing and resolving civil cases is assigned by law to a specific state body or public organization [5].

The concept of relevance is usually understood in the legal literature in a broad (general) and narrow (special) sense. In a broad sense, applicability is interpreted as a mechanism that ensures its normal operation through the distribution of state functions among different bodies and is determined by the relevance of each object (plant) for its operation in



accordance with the functions performed by a particular state body, official or public organization [6]. The proceduralist scientist M.M.Mamasiddikov recognizes relevance in the broadest sense as an interdisciplinary institution that acts as a mechanism that determines the resolution of legal cases arising from the law and normative legal documents between one or another state authority or citizens' self-government bodies [7]. Therefore, the concept of relevance in the broadest sense describes the general aspect of this institution, since it limits the consideration and resolution of specific requirements between state administrative authorities, courts and other bodies [8].

From the above points, it can be seen that the relevance of cases related to paternity disputes (maternity disputes) is a process related to the handling of disputes related to paternity disputes (maternity disputes) by a court with legal jurisdiction.

Now let's talk about the issue of the legality of cases related to objections to paternity (maternity).

According to Sh.Sh.Shorakhemtov, the process will concern, firstly, the consideration and resolution of certain civil cases by the judicial authorities, and secondly, the process will be determined by which of the courts (district, district (city), regional courts, etc., which are part of the unified judicial system, will hear and decide a particular civil case. means to be empowered to do so. Justice is the distribution of all court-related cases among the individual branches of the judiciary [9].

According to I. Salimova, when determining which jurisdiction jurisdiction belongs to, it is necessary to apply some rules of the "institution of jurisdiction" and the "legal consequences of non-compliance with the rules of jurisdiction" instead of the "institution of jurisdiction" claims filed between the courts that are part of the unified judicial system [10].

Jurisdiction is recognized in the legal literature of the Russian Federation as a procedural institution regulating the distribution of civil cases between courts subject to general jurisdiction [11]. The judiciary can be viewed in two ways: the powers of the court to hear and decide cases within a certain scope; and, with regard to the persons seeking judicial protection, the rules for determining the court that administers the legal protection [12].

In Ukrainian legal literature, the term "property" refers to the nature of a particular civil proceeding, according to which the case is dealt with in one or another court as a court of first instance [13].

Based on the above, it can be said that scientists' approach to the relevance of the study focuses on the following aspects:

- Institute of Civil Procedure Law;
- distribution of cases between certain courts;
- The terms "applicability to litigation", "affiliation to litigation" and "jurisdiction" have the same meaning; - the jurisdiction of the court;
- choice of court by citizens;
- Relationship with the jurisdiction of different (administrative, economic, civil) courts in resolving the question of jurisdiction [14].

According to Article 28 of the Code of Civil Procedure of the Republic of Uzbekistan, the cases referred to in Article 26 of this Code in civil cases are heard in district and district



courts (city courts), except for cases where other courts have the power to hear cases by law.

In accordance with Article 29 of this Code, the courts of the Republic of Karakalpakstan, regional courts and Tashkent city courts hear adoption cases in which the applicant is a foreign citizen or stateless person, as well as other cases that fall within their jurisdiction by law.

The court of the Republic of Karakalpakstan, regional courts and city courts of Tashkent, due to special circumstances, may accept any case from the interdistrict district court (city court) in civil cases, and accept or transfer the case from one court to another in interdistrict, district civil cases due to special circumstances. has the right to transfer it to the (city) court. In addition, in accordance with Article 30 of the Code, the Supreme Court of the Republic of Uzbekistan considers the cases that fall within its jurisdiction by law and, taking into account special circumstances, may accept any case from any court of the Republic of Uzbekistan and recognize it as a court of first instance for its case, or transfer the case to another court. has the right to transfer the case to the competent court.

From this it is clear that cases related to the challenge of paternity (maternity) in civil cases are dealt with before inter-district district courts (city courts).

In addition, in exceptional cases, the Supreme Court of the Republic of Uzbekistan and the Court of the Republic of Karakalpakstan, as well as regional courts and courts of the city of Tashkent, due to special circumstances, may refer any case from the interdistrict district (city) court to civil cases and accept it as a court of first instance, or have the right to move from one court to another interdistrict (city) court in civil cases.

GRADUATION

Accordingly, cases related to paternity disputes are considered relevant for civil courts and are carried out in accordance with the procedure established by the Code of Civil Procedure. Jurisdiction over cases related to paternity disputes by civil courts includes a number of cases in which certain cases are considered by the court in the order and under the conditions specified in the procedural documents.

Compliance with the legality and relevance of cases related to objections to paternity (maternity) is primarily aimed at ensuring the rights of the parties to the dispute, the correct application of procedural norms and ensuring the rule of law in our country.

List of Literature Used:

1. Judicial practice in disputes arising from family and marital relationships. Practical guide. Tashkent – 2017. www.supcourt.uz
2. NATIONAL PROGRAM to increase the activity of women in all aspects of the economic, political and social life of the country in the period 2022–2026, approved by the Decree of the President of the Republic of Uzbekistan No. PF-87 of March 7, 2022/
[http: //old.lex.uz/](http://old.lex.uz/)



3. The procedure for conducting the court hearing. (A practical guide for judges). The team of authors // U. Mingboev. Publishing house "Sparks of Literature". Tashkent – 2016. 197 p.
4. The concept and meaning of jurisdiction in civil matters. Abullajon Odiljonovich Odashev, student of the High School of Judges at the Supreme Council of the Judiciary of the Republic of Uzbekistan. www.scientificprogress.uz
5. Shorakhmetov Sh.Sh. Commentaries on the Code of Civil Procedure of the Republic of Uzbekistan. -T.: TDYuI. 2010. – B.124.
6. Osipov Yu.K. Podedomstvennost yuridicheskikh del: Autoref.: diss.. d-ra jurid nauk - Swerdlowsk, 1974. - S. 7
7. Mamasidikov M.M. Civil Procedure Law. General part / textbook for university students. Editor-in-chief: Yu.F.D. O. Okyulov – Tashkent. Bactrian press. 2014. – B 7.
8. Civil. Textbook. Team of authors // Responsible editors: yu.f.d. Prof. M. M. Mamasidikov, Ph.D. Prof. D. Yu. Khabibullaev. -Tashkent. Publisher "Lesson Press". 2020. - 607 p..
9. Shorakhmetov Sh.Sh. Civil procedural law of the Republic of Uzbekistan. Textbook. - Tashkent, justice. 2001. - 141 p..
10. Salimova I. Relevance of economic disputes (theoretical-legal and procedural aspects). Jury.fan.fals.doct.diss.authorref. T.: TDYuU, 2020. p. 11..
11. Kostrova N.M. Problematic grajdanskogo sudoproizvodstva: Uchebnoe posobie. - Makhachkala: IPTs DGU, 2002.
12. Isaenkova O.V. Zivilrechtliches Verfahren Rossii: uchebnik / O. V. Isaenkova, A. A. Demitschew; under ed. Ö. V. Isaenkovoy. - M. : Norma, 2009. p. 76. (-448 p.)
13. Civil Law of Ukraine / Pod Editor. V. V. Komarova. Kharkiv, 2002. p. 201.
14. The concept and meaning of jurisdiction in civil matters. Abullajon Odiljonovich Odashev, student of the High School of Judges at the Supreme Council of the Judiciary of the Republic of Uzbekistan. www.scientificprogress.uz