A UNIQUE NATIONAL MODEL FOR PROTECTING CHILDREN'S RIGHTS IN DIVORCE PROCEEDINGS IN THE REPUBLIK OF UZBEKISTAN

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Abstract: This research provides an in-depth analysis of the unique national model of Uzbekistan regarding the protection of children's rights during the dissolution of marriage. The study explores the integration of the "Best Interests of the Child" principle into the national legal framework, the role of the Children's Ombudsman, and the social engineering of the "Inson" centers. The paper evaluates the procedural innovations in judicial practice and provides recommendations for further legal harmonization.

Keywords: family law, child protection, divorce proceedings, Uzbekistan, Children's Ombudsman, judicial intervention, social protection.

Introduction. The modern legal landscape of Uzbekistan is undergoing a profound transformation, particularly in the realm of family law and juvenile justice. Divorce, as a legal and social phenomenon, poses significant risks to the psychological and material well-being of minors. In response, the Republic of Uzbekistan has developed a "Unique National Model" that shifts from a purely formalistic judicial approach to a comprehensive, multi-institutional protection system. This model is built upon the synthesis of the 2023 Constitutional reforms, the Family Code, and international standards set by the UN Convention on the Rights of the Child [1]

Constitutional and statutory foundations The legal paradigm of child protection in Uzbekistan is rooted in the "Best Interests of the Child" principle. The updated Constitution (Art. 45) explicitly states that the state creates conditions for the physical, mental, and cultural development of children.In divorce proceedings, Article 44 of the Family Code empowers the court to intervene if the parents' agreement on child custody or support contradicts the child's welfare [2]. Unlike many Western models where party autonomy is primary, the Uzbek model prioritizes judicial paternalism—the state acts as a guardian (parens patriae) to ensure the child's future is not compromised by parental conflict.

The Role of the children's ombudsman (vakil) A distinctive feature of the national model is the specialized institution of the Children's Ombudsman, established to provide an independent layer of oversight. In divorce cases involving high conflict or potential rights violations, the Ombudsman has the legal authority to:

-Conduct independent assessments of the child's living conditions;

-Provide expert opinions to the court;

-Monitor the execution of court orders regarding custody and visitation.This institution acts as a bridge between the judiciary and the civil society, ensuring that the "voice of the child" is not drowned out by legal technicalities [3].

[1] See: UN Convention on the Rights of the Child, Art. 3.

[2] amily Code of the Republic of Uzbekistan,Article 44

[3] Law of the Republic of Uzbekistan "On the Children's Ombudsman", 2024

Social services and the "INSON" centres Since the establishment of the National Agency for Social Protection, a new element has been integrated into the divorce process. The "Inson" (Human) social service centers provide psychological support and social mapping for children affected by divorce.

-Preventive Mediation: Social workers attempt to minimize the trauma of separation through professional counseling.

-Material Support: If the divorce leads to economic hardship for the child, the state provides targeted social assistance, ensuring that the standard of living is maintained.

Procedural innovations and the "voice of the child" Uzbekistan's judicial practice has moved toward "Child-Friendly Justice." According to national legislation, children aged 10 and older have the right to express their opinion in court regarding their residence after divorce. However, the unique aspect of the Uzbek model is the mandatory involvement of forensic psychologists. These experts determine whether the child's stated preference is genuine or the result of Parental Alienation Syndrome (PAS)—a situation where one parent manipulates the child against the other [4].Furthermore, the 2024 amendments to the law against domestic violence have strictly limited the use of "reconciliation periods" in cases where the child's safety is at risk. This prioritized protection ensures that the legal process does not prolong the child's exposure to a hostile environment.

Conclusion and recommendations The national model of Uzbekistan for protecting children during divorce is characterized by its holistic approach, combining legal enforcement with social care. To further enhance this model, we propose:

1.Specialized Family Courts: Transitioning from general civil courts to specialized family courts to handle sensitive juvenile matters

2.Mandatory Mediation: Introducing mandatory psychological mediation before the judicial stage to reduce the adversarial nature of divorce.In conclusion, the Uzbek model serves as a significant example of how a developing nation can harmonize traditional values with modern human rights standards to protect its most vulnerable citizens.

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