



JUDICIAL PRACTICE IN THE PROTECTION OF THE RIGHTS OF MINORS IN THE REPUBLIC OF UZBEKISTAN

Dusmurodova Dilnura Alisherovna

Academic Lyceum named after M. Vasikova at Tashkent State University of Law

G-mail: dilnurakarimova601@gmail.com

Article history:	Abstract:
Received: 14 th May 2025 Accepted: 11 th June 2025	The article examines the features and trends of judicial practice in the field of protection of the rights of minors in the Republic of Uzbekistan. The research is based on the analysis of current legislation, including the Constitution, Family Code, Criminal Code, the Law "On Guarantees of the Rights of the Child", as well as a number of regulatory acts such as Presidential Decrees, Resolutions of the Cabinet of Ministers, and documents of the Oliy Majlis. Special attention is paid to the implementation of the principle of "the best interests of the child" in the practice of courts of general jurisdiction, as well as to the identification of systemic problems such as the absence of specialized juvenile courts, shortage of professional personnel, and imperfections in law enforcement. Based on the analysis of specific judicial decisions, the article proposes measures to improve the judicial system and strengthen mechanisms for the protection of the rights of minors, including institutional and legislative initiatives
Keywords: rights of minors, judicial practice, Law "On Guarantees of the Rights of the Child", juvenile justice, judicial protection, criminal cases involving minors, judicial reform, justice for minors.	

INTRODUCTION The protection of the rights and legitimate interests of minors is one of the key directions of state policy in the Republic of Uzbekistan. In the context of rapid reforms in the legal system and the construction of a socially oriented state, the issues of ensuring children's rights have acquired particular importance. State bodies, including courts, play a crucial role in ensuring a real and effective mechanism for the protection of minors, especially in situations where their interests are affected in family, civil, criminal, or administrative legal relations.

The legal basis for the protection of children's rights in Uzbekistan is formed by the Constitution of the Republic of Uzbekistan, the Law "On Guarantees of the Rights of the Child", the Family Code, the Criminal and Criminal Procedure Codes, as well as international agreements to which Uzbekistan is a party, including the UN Convention on the Rights of the Child. Along with these, Presidential Decrees, Resolutions of the Cabinet of Ministers, and normative documents of the Oliy Majlis significantly influence the formation of judicial practice.

However, despite the existence of an extensive legal framework, several significant problems persist in law enforcement practice: the absence of specialized juvenile courts, insufficient training of judges and law enforcement officers in handling cases involving minors, and cases of violations of the procedural rights of children. This necessitates an in-depth analysis of

current judicial practice and the development of concrete proposals for its improvement.

The purpose of this article is to study the features of judicial practice in the field of protection of the rights of minors in the Republic of Uzbekistan, to identify existing problems, and to propose solutions. The objectives include analyzing the regulatory legal framework, studying the practices of courts of various levels, as well as substantiating the need for introducing elements of juvenile justice and improving mechanisms of judicial protection for minors.

The Legal Framework of the Republic of Uzbekistan in the Field of Protection of the Rights of Minors

The legal basis for the protection of minors' rights in Uzbekistan is a complex of normative acts covering both national and international law. These documents regulate various aspects of ensuring children's rights—from family and criminal-legal to administrative and procedural mechanisms.

The main regulatory legal acts include:

- **The Constitution of the Republic of Uzbekistan**, which establishes principles for the protection of family, motherhood, and childhood, as well as the main rights and freedoms of citizens, including minors (Article 64, etc.).



- **The Law of the Republic of Uzbekistan "On Guarantees of the Rights of the Child"**, which defines the legal and organizational foundations of state policy in the field of protection of the rights and legitimate interests of children.
- **The Family Code of the Republic of Uzbekistan**, which regulates legal relations between children and parents, the procedure for establishing guardianship and custody, alimony obligations, deprivation of parental rights, and other family law issues.
- **The Criminal Code and Criminal Procedure Code of the Republic of Uzbekistan**, which contain special provisions regarding the liability of minors, as well as peculiarities of investigation and consideration of criminal cases involving them.
- **The Code of Administrative Liability of the Republic of Uzbekistan**, providing for the peculiarities of bringing minors to administrative responsibility and applying educational measures to them.
- **The Law "On Guardianship and Custody Bodies"**, establishing the competence of authorized bodies in the protection of the rights and interests of children without parental care.
- **The UN Convention on the Rights of the Child**, ratified by the Republic of Uzbekistan, which has priority in case of contradictions with national legislation and sets international standards in the field of children's rights.
- **Presidential Decrees of the Republic of Uzbekistan**, aimed at improving the child protection system, preventing offenses among minors, and developing social services for children.
- **Resolutions of the Cabinet of Ministers and documents of the Oliy Majlis**, regulating the implementation of state policy in the field of protection of the rights of minors and the development of legal mechanisms for their judicial protection.

This system of legal acts forms the basis for judicial practice in cases affecting the interests of minors and defines the duties of state bodies to ensure an adequate level of child protection in Uzbekistan.

Categories of Cases Involving Minors

The judicial practice of the Republic of Uzbekistan covers a wide range of cases where minors act as parties, victims, or offenders. These cases can be conditionally classified into several main categories:

1. **Civil cases.** These include disputes about the child's place of residence, determination of the order of communication with parents, recovery of alimony, establishment or contestation of paternity, transfer to guardianship or custody, and cases of deprivation of parental rights.
2. **Family cases.** Considered within the framework of the Family Code, these deal with issues of adoption, restoration of parental rights, invalidation of marriages involving minors, and other aspects of family legal relations.
3. **Criminal cases.** In this category, minors can be both defendants and victims. The specifics of criminal responsibility and proceedings in relation to children are regulated by the Criminal and Criminal Procedure Codes, taking into account age, psycho-emotional state, and upbringing conditions.
4. **Administrative cases.** Cover situations of bringing minors to responsibility for minor offenses, as well as cases of administrative liability of parents or guardians for improper fulfillment of educational duties.
5. **Cases on the protection of the rights and legitimate interests of children.** This is a separate category of cases initiated by guardianship authorities, the prosecutor's office, or other state structures if the rights of a child are violated or threatened, including protection from violence, neglect, exploitation, or child trafficking.

Such classification allows for the systematization of judicial approaches to cases involving minors and reveals the specifics of law enforcement practice in this area.

Review of Judicial Practice

Judicial practice in the Republic of Uzbekistan regarding cases related to the protection of minors' rights is gradually being shaped amid ongoing legal reforms and state efforts to strengthen the child protection system. Analysis of specific court decisions demonstrates both positive changes and persistent problems.

The most common cases in civil and family proceedings are related to determining the child's place of residence after divorce, recovery of alimony, deprivation of parental rights, transfer of children to guardianship, and adoption. Courts generally follow the principle of prioritizing the best interests of the child; however, this principle is not always sufficiently substantiated in the rationale for decisions.



There are also cases where an adequate assessment of the child's psychological state or upbringing conditions is not conducted. In criminal cases involving minors, courts apply mitigating measures, assign educational actions, and try to avoid imprisonment, especially for first-time offenders. At the same time, there are cases of insufficient individualization of punishment and the absence of participation of qualified educators or psychologists during judicial proceedings, which reduces the effectiveness of justice in cases involving minors.

Administrative practice shows that minors are often brought to responsibility for minor hooliganism, violations of public order, and similar offenses. In such cases, procedural guarantees are also violated: the participation of legal representatives or lawyers is not always ensured.

Cases where minors have suffered from violence, neglect, or exploitation require special attention. In a number of cases, courts make justified and timely decisions ensuring the protection of the child, but at the same time, there is a problem of insufficient interdepartmental coordination, which hinders the protection process.

In general, judicial practice in the field of minors' rights is developing towards humanization and taking into account age specifics. However, there remains a need to establish specialized juvenile courts, systematically train judges, and strengthen the role of mediation and restorative practices.

Problems and Challenges

Judicial practice on cases affecting the rights and interests of minors in the Republic of Uzbekistan faces a number of persistent problems. One of the key issues is the absence of specialized juvenile courts, which makes it difficult to take a comprehensive and individualized approach to such cases. Judges and other participants in the process often lack special training to work with minors, which reduces the quality of decisions made.

In practice, the principle of the best interests of the child is not always fully applied, especially in cases of deprivation of parental rights, determination of the child's place of residence, or returning the child from an unfavorable environment. The absence of mandatory participation of qualified psychologists and social workers also negatively affects the objectivity of the judicial assessment of the minor's situation.

Additional difficulties are related to insufficient coordination between courts, guardianship authorities, educational institutions, and law enforcement agencies. In some cases, violations of minors' procedural rights

are recorded, including interrogation without a lawyer or legal representative, as well as unjustified delays in case consideration.

Positive Examples of Judicial Practice

In recent years, there have been positive developments in the judicial system of the Republic of Uzbekistan in the field of protecting minors' rights. Courts increasingly adhere to the principle of the best interests of the child, take into account the child's opinion and psychological state during proceedings. Examples of the active use of measures aimed at the restoration and rehabilitation of minors, rather than only punishment, are emerging.

An important achievement is the creation of specialized units and working groups under courts and guardianship authorities, which deal with issues of childhood and juvenile justice. This contributes to a more competent and attentive consideration of cases involving children.

Additionally, projects for the professional development of judges, prosecutors, and other specialists in the field of juvenile justice are being implemented, involving international experts. Mediation and alternative dispute resolution methods are being introduced, reducing the burden on courts and minimizing stress for minor participants.

A positive change is the active adoption of Presidential Decrees of the Republic of Uzbekistan aimed at developing the system of child protection and improving mechanisms of juvenile justice. These decrees stimulate reforms in legislation, ensure the allocation of additional resources for guardianship authorities and courts, and strengthen interdepartmental cooperation.

Overall, such measures create prerequisites for further development of a system focused on a humane and comprehensive solution to issues related to minors.

Proposals for Improving Judicial Practice

To enhance the effectiveness of judicial protection of minors' rights, a set of measures must be adopted. First of all, it is advisable to create specialized juvenile courts or to allocate separate judges with special training in cases involving children. This will ensure an individual and qualified approach to each case.

It is necessary to strengthen the training and regular professional development of judges, prosecutors, lawyers, and staff of guardianship bodies by involving international experience and modern methods in the field of juvenile justice. The mandatory participation of psychologists, social workers, and other specialists in cases involving minors should be ensured in order to take into account their psycho-emotional state and create the most careful attitude towards children.



It is important to introduce and expand the practice of mediation and alternative dispute resolution, which will reduce the courts' workload and minimize stress for minors involved in the process. Interdepartmental cooperation between courts, guardianship bodies, law enforcement agencies, and educational institutions should be improved for a comprehensive and timely resolution of issues related to the protection of children's rights.

It is recommended to strengthen control over the observance of the procedural rights of minors, including ensuring the presence of legal representatives and lawyers during all procedural actions. Work on improving the regulatory legal framework should continue, taking into account international standards and best practices in the field of child protection.

CONCLUSION

Judicial practice in the field of protecting the rights of minors in the Republic of Uzbekistan is gradually developing, reflecting the state's aspiration to create an effective and humane system of juvenile justice. Despite the existence of a regulatory legal framework and positive changes, significant problems remain, related to the insufficient specialization of courts, the low level of training of law enforcers, and the limited participation of specialized professionals in court proceedings.

For further improvement, comprehensive reform of the judicial system is necessary, including the creation of specialized juvenile courts, professional development of staff, development of interdepartmental cooperation, and strengthening control over the observance of minors' rights. The introduction of international standards and expansion of the practice of alternative dispute resolution will make it possible to provide the most effective protection of children's interests.

Thus, the development of judicial practice in the field of protection of minors' rights is an integral part of the state policy of the Republic of Uzbekistan, aimed at ensuring favorable conditions for the full growth and development of future generations.

LIST OF REFERENCES

1. Constitution of the Republic of Uzbekistan, adopted December 8, 1992, revised 2023
2. Law of the Republic of Uzbekistan "On Guarantees of the Rights of the Child", October 15, 2008, as amended in 2022
3. Family Code of the Republic of Uzbekistan, adopted August 30, 1998, revised 2021
4. Criminal Code of the Republic of Uzbekistan, adopted December 8, 1994, revised 2019
5. Criminal Procedure Code of the Republic of Uzbekistan, December 12, 2015, revised 2020
6. Code of Administrative Liability of the Republic of Uzbekistan, adopted October 7, 2015, revised 2023
7. Law "On Guardianship and Custody Bodies" of the Republic of Uzbekistan, July 3, 2003, revised 2020
8. UN Convention on the Rights of the Child, ratified by Uzbekistan in 1992
9. Presidential Decrees of the Republic of Uzbekistan on issues of child rights protection, key years – 2018, 2020, 2023
10. Resolutions of the Cabinet of Ministers of the Republic of Uzbekistan on social protection of children, 2020–2024
11. Decisions of the Supreme Court of the Republic of Uzbekistan in cases involving minors (collections for 2015–2024)
12. Analytical materials of the Ministry of Justice of the Republic of Uzbekistan on juvenile justice, 2022
13. International recommendations on juvenile justice, UNICEF, 2021