

Legal Nature of Family Relations

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Abstract. The article focus on the implemented state policy on strengthening the institution of the family, the specifics of family relations, as well as the role and importance of the contract in their regulation. One of the urgent issues that are in the focus of attention of the world's countries is the problem of poverty and unemployment. In particular, today, in the context of the COVID-19 coronavirus pandemic, this issue is becoming increasingly relevant. The introduction of quarantine measures to preserve the health of the population in the face of the pandemic paved the way for a further escalation of unemployment, which led to a sharp increase in poverty rates, at the same time, poverty is one of the factors that negatively affect the sustainable growth of the country's economy.

Keywords: Family Relations; Law; Obligation; social contract, social assistance, social adaptation program, unemployment, self-sufficiency.

Introduction

The state policy aimed at strengthening the family institution in our country is aimed at ensuring its well – being and strengthening the health of the social and spiritual environment in the family. In particular, on March 7 of this year, President Sh. Mirziyoyev signed the Decree No. PD - 87 “On measures to further accelerate the work on systematic support of families and women”, and in this document, in 2022 - 2026, women the National Program for increasing the activity of girls in all aspects of the economic, political and social life of the country and the comprehensive plan of measures aimed at its implementation were adopted.

Main Part

The President also noted the need to pay more attention to social contracts by the government in order to eradicate poverty. Considering that financial difficulties are the main barrier preventing education and profession, it was decided that the state will provide youth and women with material and social support at this initial stage. The allocated funds will contribute to the consistent establishment of the activities of thousands of non-state training centers involved in the formation of skills that are in demand on the labor market.

In addition, the sources of financing for the implementation of the planned tasks are specifically identified. Thus, \$100 million will be allocated from the Reconstruction and Development Fund. Of these, 10 million dollars will be directed to vocational training for young people and women, 90 million dollars - to soft loans for those who have completed advanced training courses and received a certificate. As part of the social contract, young people and women who wish to attend training courses at non-state training centers will be able to receive subsidies of up to 1 million soums to cover costs [1]. Based on the foregoing, one can draw a definite conclusion about the specific focus of social contracts that provide for the training of low-income segments of the population and the acquisition of entrepreneurial skills.

At the same time, it is proposed to consider the possibility of a wider application of social contracts in the fight for poverty reduction, having studied the foreign experience of countries that have achieved significant success in this area. Adam Smith, considered the father of modern economics, wrote [2]: "Poverty is the inability of a person to afford to buy what is required by nature or habit." He pointed out in his definition that the habits of society are also an element of relativity in times of poverty, taking into account the needs that have come out, but limiting themselves to considering the ability to satisfy material needs in a way specific to those times.

Today, the social contract is a means of social protection of the population, as well as the fight against poverty. A social contract is a document in the form of an agreement between the recipient (and his family) and the state represented by the social protection authorities, including a social adaptation program and containing mutual obligations of the parties, according to which the state provides monetary or material assistance to the recipient, and the recipient (and its members families) fulfills (s) all the obligations prescribed in the program of social adaptation [3].

Social protection and social security are studied by representatives of economic, sociological, legal science and practitioners [4, 5, 6, 7, 8, 9, 10]. There are quite a few specific scientific studies related to the social contract. Therefore, the development of theoretical concepts related to the definition, types, meaning and application of the social contract is of current importance. A social contract is an agreement on mutual obligations between the recipient of targeted social assistance and society (represented by the body of social protection of the population).

The contract states exactly what each party to the contract undertakes to do in order to change the current difficult life situation (poor financial situation) of the recipient of targeted social assistance by activating the potential of a poor family or a poor living alone citizen in order to improve his financial situation and gradually transition to self-sufficiency [5, C.92-101]. The contract establishes the actions, rights and obligations necessary to change each difficult life situation. Through the activation of the social status of a low-income citizen or family, targeted social assistance provides a basis for improving the financial situation of the recipient and a gradual transition to self-sufficiency [11, 12].

In accordance with the Decree of the President of the Republic of Uzbekistan dated February 3, 2021 NoPF-6155, [13] in accordance with paragraph 150 of the State Program for the implementation of the action strategy in five priority areas of development of the Republic of Uzbekistan in 2017-2021 in the "Year of Youth Support and Health Promotion of the population" the implementation of the social contract system was determined in order to increase the effectiveness of material assistance provided to low-income family members and unemployed citizens for their employment and social support.

Currently, a draft [14] resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On measures to improve the system of providing the population with state social services and assistance" has been submitted for public discussion.

It is important to pay attention to the experience of foreign countries in social assistance, when implementing a social contract. There are many programs providing for the provision of gratuitous social assistance, which depends on the recipient's compliance with certain conditions for receiving social assistance, for example, in the USA [15, p. "Temporary financial assistance to the poor", in the UK [16] "New Deal", in the People's Republic of China "Villages without poverty" [17, p.281-291], in Brazil "Family Purse", in Mexico "Progress", in France "Solidarity of income".

Among the above, one can especially emphasize the experience of Germany, France, China, which have introduced a system for registering low-income persons in need of social assistance from the state, the population and providing them with targeted social assistance, as well as the practice of the Russian Federation and the Republic of Kazakhstan, which have established their own monitoring system with the introduction of a system social insurance [18].

As the experience of foreign countries (USA, China, France, Great Britain, Russian Federation [119]) shows, further study of the possibilities, various aspects of using the mechanism of social contracts in a wider range, will assist in solving the problem of poverty reduction in our country as well. At the moment, the responsibility of the parties, especially the responsibility of the Applicant (the recipient of social assistance), is controversial in the scientific and law enforcement sphere.

Since, some scientists argue about the abolition of responsibility, since the citizen himself, being in a difficult life situation, is unable to compensate for losses when a group of scientists insist on establishing responsibility in the social contract. As the US experience shows, the social contract is concluded for a period of 5 years, and during this period the Applicant undertakes to get an education and get a job, in case of default, the family is deprived of monthly social payments that were issued in addition to social contract subsidies.

This means that the responsibility of the Applicant may be different based on the subject of the social contract [20, p.146]. As the experience of the Russian Federation shows, the recipient of state social assistance returns in full the funds actually spent on paying for tuition services. And also, the Recipient is obliged to return in full the funds actually spent on paying for fixed assets (goods, works, services) for entrepreneurial activity (in case of termination of entrepreneurial activity during the period of the social contract at the initiative of the recipient of state social assistance) [20, 21, 22, 23, 24, 25].

In order to increase the responsibility of the applicants and the authorized body that draws up the contract, the decision to assign social assistance in the form of a cash payment and social services under a social contract may be made by the relevant interdepartmental commission established by the authorized body. It can monitor the fulfillment of obligations under the contract [26, 27, 28, 29, 30].

Employment Assistance Centers monitor the fulfillment of the social contract. In conclusion, we can say that the introduction of a social contract in Uzbekistan will serve to increase the efficiency of the system of employment and social support for unemployed citizens, low-income family members at the expense of public funds, increase the responsibility of a citizen for achieving the result of receiving social assistance provided by the state, and improve the social situation of citizens.

In the contractual legal regulation of family relations, several branches of the field of law reflected in the contract may be taken into account. Contractual legal regulation of family relations shows the aspects of family law related to other areas of law.

It is worth noting separately that the provisions of civil law on contracts universally and generally apply to family legal contracts, but analysis shows that this institution should be regulated separately.

Conclusion

Judging by the specific features of the family law, the contract is not considered an independent legal fact in family law, it can change or terminate the existing family relationship or coordinate the rights and obligations of family members. In family law, the freedom to enter into a contract is very limited, and the freedom is manifested only in terms of concluding or not entering into a contractual relationship or not entering into a contractual relationship. The terms of the family contract do not deviate from the framework defined by the family law. Not all family contracts create family – law obligations.

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