

FUNDAMENTALS OF LEGAL, INTERNATIONAL, AND JUDICIAL PRACTICE OF THE INSTITUTION OF ADOPTION

Omirbayeva Aygul Kengesbay qizi

*Karakalpakstan Institute of Agriculture and Agrotechnologies, Faculty of Agricultural
Mechanization and Water Management, 2nd year student, Jurisprudence.*

Abstract: *This thesis analyzes the legal foundations of the institution of adoption in the Republic of Uzbekistan, its compatibility with international norms, and its application in judicial practice. The necessity of aligning national legislation with international standards based on the Family Code, the Law on Guarantees of the Rights of the Child, and the UN and Hague Conventions is highlighted. The study analyzes the expression of the principle of the priority of the best interests of the child in judicial practice.*

Keywords: *adoption, children's rights, family law, international law, judicial practice, interests of the child, social protection.*

Adoption is one of the most important legal institutions for protecting children's rights. In the Republic of Uzbekistan, this issue is regulated by the Constitution and the Family Code [1]. Article 78 of the Constitution states that "Children shall be under the protection of the state," which is a fundamental principle of the institution of adoption. In addition, during the years of independence, a number of laws and regulatory legal acts were adopted regarding the protection of children's rights [2]. This study analyzes the legal foundations of the institution of adoption, international norms, and its role in judicial practice from a scientific and theoretical perspective. The Family Code of the Republic of Uzbekistan is the primary source for the legal regulation of the institution of adoption [3]. Articles 151–172 of this Code define the procedure, conditions, and legal consequences of adoption.

Adoption cases are considered only through judicial proceedings [4]. The court examines the conclusion of the guardianship and trusteeship authority, taking into account the interests of the child. The adopted child is entitled to a new surname, first name, and patronymic, and is also recognized as the heir of the adopter [5]. This ensures the legal and social protection of the child.

The most important source of international law regarding adoption is the UN Convention on the Rights of the Child, adopted on November 20, 1989 [6]. According to Article 21 of the Convention, adoption must be carried out solely in the best interests of the child. Additionally, the Hague Convention of May 29, 1993, defines the procedure for international adoption [7]. Uzbekistan ratified the UN Convention in 1994 and is implementing international norms into national legislation.

The principle of "the priority of the best interests of the child" is increasingly being applied in judicial practice. At the same time, mechanisms for monitoring foreign adoption processes are being improved based on international cooperation.

In judicial practice, adoption cases are primarily considered based on the Family Code and the Civil Procedure Code. When making a decision, the court evaluates the conclusion of the guardianship authority, the social status of the child, and the moral qualities of the adoptive parent. In practice, in some cases, the interests of the child are not fully ensured or the adoptive parent is not sufficiently spiritually prepared. According to the recommendations of the UN Committee on the Rights of the Child, States should strengthen the consideration of the opinion of the child in judicial practice.

When making a decision, the court evaluates the conclusion of the guardianship authority, the social status of the child, and the moral qualities of the adoptive parent. In practice, in some cases, the interests of the child are not fully ensured or the adoptive parent is not sufficiently spiritually prepared. According to the recommendations of the UN Committee on the Rights of the Child, States should strengthen the consideration of the opinion of the child in judicial practice.

In conclusion, the legal foundations of the institution of adoption are being consistently improved in the Republic of Uzbekistan. National legislation, in harmony with international norms, has defined ensuring the interests of the child as the primary goal. The full application of this principle in judicial practice, the transparency of the activities of guardianship bodies, and the strengthening of the oversight system will serve to more reliably protect children's rights.

In the future, expanding international cooperation and improving the system of psychological and legal training for adoptive parents will play an important role in solving these problems.

REFERENCES:

1. Constitution of the Republic of Uzbekistan. - Тошкент, 2021.
2. Law "On Guarantees of the Rights of the Child," January 7, 2008.
3. Family Code of the Republic of Uzbekistan (new edition), 2023.
4. Civil Procedure Code of the Republic of Uzbekistan, April 30, 1998.
5. Karimova D. Fundamentals of Family Law. - Tashkent: TSUL Publishing House, 2020.
6. UN Convention on the Rights of the Child, 20 November 1989.
7. Hague Convention, 29 May 1993. "On Child Protection and International Adoption."