

SOCIO-LEGAL BASIS FOR THE PROTECTION OF WOMEN AND CHILDREN IN CASES OF DOMESTIC VIOLENCE MODEL OF SOCIO-PSYCHOLOGICAL ASSISTANCE IN THE FAMILY

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ABSTRACT	KEYWORDS
In this article, the author tried to analyze the social legal framework for the protection of women and children in case of domestic violence. Particular attention in society is paid to issues of harassment and violence against women in relation to the protection of women from violence, crime.	women, violence, intolerance, harassment, law, material damage, domestic violence, protection, agreement, discrimination, person, cruelty, children, Family Institute, dignity, improvement.

Today, measures are being taken to create an atmosphere of intolerance to harassment and violence against women in society regarding the protection of women from violence. In particular, a number of international documents on the protection of women from violence have been ratified in our country. International documents on human rights enshrine a mechanism to protect a person from violence, including criminal violence committed in the family. The Universal Declaration of Human Rights, the International Agreement on Civil and Political Rights, and the International Agreement on Economic, Social And Cultural Rights recognize the family as a community-based group [1] and protect the individual from domestic violence.

- The main legal acts of protection against domestic violence:
- Universal Declaration of human rights 1948;
- Convention on the fight against discrimination in education 1960;
- International Covenant on civil and Political Rights 1966;
- International Covenant on Economic, Social and Cultural Rights 1966;
- Convention for the elimination of all forms of discrimination against women (CEDAW) 1979;
- Beijing Declaration and Action Platform 1995;
- Convention on the rights of the Child 1989.

International human rights legislation is mandatory for all participating states, including employees of law enforcement agencies. Even in our national legislation, issues of protection of human rights and freedoms, protection of his life, health, dignity and other legitimate interests take priority. In particular, Article 26 of the Constitution of the Republic of Uzbekistan States: “no one can be tortured, subjected

to violence, cruel or other manner of humiliating human dignity.” The legislation adopted in recent years has made it possible to widely cover the topic of violence, which was previously “closed”. The regulatory legal acts regulating the activities of the internal affairs bodies in the fight against violence are mainly of the following, namely:

Laws of the Republic of Uzbekistan:

- Constitution of the Republic Of Uzbekistan;
- Family Code of the Republic of Uzbekistan;
- Code of administrative responsibility of the Republic of Uzbekistan;
- Criminal Code of the Republic of Uzbekistan;
- The law of the Republic of Uzbekistan "on the prevention of violations among minors", adopted on September 29, 2010;
- Law of the Republic of Uzbekistan "on the Prevention of offenses", adopted on May 14, 2014;
- Law of the Republic of Uzbekistan "on Internal affairs organization", adopted on September 16, 2016;
- Law of the Republic of Uzbekistan “on Protection of women from harassment and violence” adopted on September 2, 2019;
- Law of the Republic of Uzbekistan “on Guarantees of equal rights and opportunities for women and men“ adopted on September 2, 2019;

Decisions of the president of the Republic of Uzbekistan:

- Resolution of the President of the Republic of Uzbekistan dated March 14, 2017 PR-2833 "on measures to further improve the system of Prevention of offenses and the fight against crime;
- Resolution of the President of the Republic of Uzbekistan dated April 18, 2017 PR-2896 “on measures to radically improve the activities of the departments for the Prevention of violations of the Internal Affairs bodies”;
- Resolution of the President of the Republic of Uzbekistan dated March 7, 2019 PR-4235 “on measures to further strengthen guarantees of women's labor rights and support entrepreneurial activity”;
- Resolution of the President of the Republic of Uzbekistan dated June 27, 2018 PR-3808 “on approval of the concept of strengthening the institution of the family in the Republic of Uzbekistan”;
- Resolution of the President of the Republic of Uzbekistan dated July 2, 2018 PR-3827 “on measures to improve the system of social rehabilitation and adaptation, as well as the Prevention of the use of family-domestic violence”;
- Resolution of the President of the Republic of Uzbekistan dated February 11, 2019 PR-4185 “on additional measures to strengthen the social protection of orphans and children deprived of parental care”;
- Decree of the president of the Republic of Uzbekistan dated March 1, 2022 No. 81 PF-“on measures to improve the system of work with family and women, support for neighborhoods and nurans”.

Decisions of the Cabinet of Ministers of the Republic of Uzbekistan:

- Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated February 7, 2017 No. 60 “on approval of the official form of warning issued by officials of bodies or institutions that directly carry out the Prevention of offenses, as well as the regulation on the procedure for its issue”.
- The resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated January 4, 2020 No. 3 “on the improvement of the system of protection of women from harassment and violence“ and other

documents. The purpose of the law of the Republic of Uzbekistan “on protection of women from harassment and violence” [2] is to regulate relations in the field of protection of women from all forms of harassment and violence.

From harassment and violence, the victim is exempted from paying a state fee when applying to the court with a statement to compensate for the material damage caused and compensate for moral damage.

Article 23 of the law provides for the implementation of individual prevention of harassment and violence in the relevant territory, the official of the internal affairs body, which is responsible for, within 24 hours from the moment of detection of the fact of harassment and violence or the risk of committing them, to issue a protective warrant for a period of thirty days. Under Article 26 of the law, restrictions are established that are recorded in the protection order.

Article 14 of the Family Code of the Republic of Uzbekistan states that marriage is voluntary, and Article 19 states that husband and wife use equal rights in the family and that they have equal obligations[3]. Article 79 states that if one abuses parental rights, treats children mercilessly, including uses physical force or has a mental effect; may be deprived of parental rights if one commits a deliberate crime against the life or health of one's children or against the life or health of one's husband (wife). The Code of administrative responsibility of the Republic of Uzbekistan contains norms that establish responsibility for the types of violence.

Criminal acts committed by violence are prohibited by the threat of the use of punishments established by a number of articles of the current Criminal Code.

In a number of articles of the Criminal Code of the Republic of Uzbekistan, the responsibility for committing acts aimed at violating the life, health, honor and dignity of the individual, and encroaching on it is established.

The Institute of reconciliation does not apply: intentional homicide (Article 97), intentional homicide caused by strong mental excitement (Article 98), intentional murder of a mother's own baby (Article 99), intentional homicide, deviating from the limits of necessary defense(article 100), delivery to the level of self-murder (Article 103), intentional infliction of severe bodily injury (Article 104), touch (Article 118), Satisfaction of sexual need in an unnatural way using violence (Article 119), being a multi-wife (Article 126), inhuman behavior of a minor person, incarceration(Article 127), shameless-perversed actions in relation to a person under the age of sixteen(Article 129), brothel storage or attachment (Article 131), imprisonment abnormally using violence (Article 138).

In connection with his reconciliation with the victim, his release from criminal liability is established. Intentional infliction of moderate bodily injury (Article 105), intentional infliction of severe or moderate bodily injury in a state of intense mental excitement (Article 106), intentional infliction of severe bodily injury (Article 107), intentional infliction of minor bodily injury (Article 109), torture (Article 110), moderately severe or severe infliction on the body behind negligence(Article 111), forcing a woman to coercion to contact (Part 1 of Article 121), Evasion of material provision of minors or incapacitated persons (Article 122), evasion of material provision of parents (Article 123), forcing a woman to touch the ground or preventing her from touching the ground (Article 136), slander (Article 139), insult (Article 140).

In practice, in most cases, the actions taken by employees of the internal affairs bodies to reconcile the victim and the person who committed the violence, in any case, are many of the cases. In particular, administrative responsibility is provided for defamation and insulting, which are initiated by the state

of administrative cases before reaching the court, in order to encourage the party who filed the application to withdraw its application, or to reconcile, there are also cases of finalization. Unfortunately, the presence of such cases leads to an increase in the level of latency and recurrence of violations associated with violence in the family sphere of life. As a result, some offenders remain without any responsibility for their actions committed. On their services, employees of the internal affairs bodies directly collide with victims and offenders and witness violence. Their provision of qualified assistance depends on the further fate and life of the victim to the prosecution of the guilty persons.

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