

Androgical cooperation mechanisms in the formation of a common worldwide in family relations

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Abstract: *The family is one of the most important and fundamental institutions of the state, as well as in need of protection by the state. This protection can be expressed in social, economic, and legal support.*

Key words: *preservation, strengthening, potential of women in society, formation of personality, family, environment, spirituality.*

The family is one of the oldest institutions of civil society and has gone through a complex path of development. Man alone would not have been able to live in primitive times. At that times, man lived as a "big family" in which the people were in a close relationship and were divided only into the category of parents and children. The emergence of interest in the family problem is not accidental, as the family has been the foundation of society for thousands of years, and they have interacted directly with each other. The family, marriage are the priests for us, they are divinely established, determined, and not given much legal attention.

The classical understanding of the family belongs to Modestin and Justinian, representatives of Roman law. According to Modestin's teaching, "The family is the eternal divine and legal union of man and woman".

Justinian, on the other hand, saw the union of man and woman as an integral part of society. The family is a historical concept, so the term is understood differently in different nations. There were times when brothers, aunts, grandmothers, grandchildren were considered a single family. In ancient Rome, the family included not only the children of the parents, but also people who had separated from their father and already had their own family. The family included slaves, freedmen, and household items. In Nestor's time, the term "seed" was considered the sole power, the union of parents, children, relatives, and people in general, united and living under authority. Legally, there was no boundary between relatives, parents and children.

The famous historian I.Zabelin, who lived in the second half of the XIX century studied the life of the Slavs and said that "the family is the original basis, the core of every seed". In the past, the family was part of the seed and now consists of a personal family circle. D.A. Rovinsky also agreed with the above points, noting that the basis of social life of any society is the family.

The family is a small one-man society, the union of man and woman is the basis of this society. This family consists of a woman and a man or children born in a union of several women and men, and there may be mutual rights and obligations between them, and these rights and obligations may be governed by custom or law. These families could live under one household or in several houses as family groups.

The dictionary defines "family as a group of close relatives living together". The philosophical dictionary explains that the family as a form of social society is a form of creating personal living conditions, a common management based on kinship and marital relations based on relationships between men and women, parents and children, siblings and other relatives.

Scientists around the world have different approaches to the study of the family and its content. One of them is Russian G.F.Shershenevich, and according to his opinion "The family is the cohabitation of persons who are united and formed by marriage, and of persons born of them, that is, of husband,

wife, and children". Focusing on the natural-biological aspects of the family, he said, "The basis of the family is the physiological aspect, that is, the satisfaction of gender needs. "Children are the result of a physiological marriage between a husband and wife, the physiological and moral structure of the family is outside the scope of the law, and legal interference in this relationship can be based on the property relations of family members". A similar understanding of family and marriage, especially its legal basis, existed even before. For example, the book of Kormchey states: "Legal marriage and marital relations are established by Jesus Christ, the movement for the growth of the human race, its upbringing and the attainment of divine glory, love and friendship, mutual aid and, most importantly, the union of sins". Thus, marriage not only serves for man to procreate and raise children, but also to avoid sins. In a sense, it serves to maintain a stable moral environment in society.

Opinions about the essence of the family, its necessity, importance in society, its place can be conditionally divided into the following two groups:

- a) social;
- b) legal.

According to the social approach, the "family" includes several components. The first of these components involves the qualification of the family as a union of people or a small social group, which is expressed in the actions of people, i.e. men and women, and their children towards a common goal. Thus, the family is a social organization in which people are united.

The second sign of family is that family members are in a marriage and kinship relationship. With this relationship, the family is different from other small social groups. The basis of the family is marriage, and with the birth of children, the family expands. Usually the family has children in addition to the couple. Parents and children form the core of the family. The family can also include other relatives: the couple's parents, siblings. Thus kinship is taken as the basis on which a family is formed, regardless of its level. But in any case, this kinship relationship should be such that this relationship is not in doubt and one of the key factors is to be able to prove it at the right time. Relationships are required to be as specific as possible. Adoption can also be a factor in family relationships.

The third sign of a family is the uniqueness of marriage. In many dictionaries, life is the origin of life, customs, management; "Common life goals, approaches, daily life"; "The same approach to life, the existence of habits and moral norms belonging to a particular social group". As can be seen, the term "life" is so broad that it is impossible to make it synonymous with a concept in relation to it. Therefore, it would be more appropriate to link more people's living environment, lifestyle, directly to material and spiritual things, food, clothing, housing and communal services, treatment and health care, recreation, and leisure. The common way of life requires that the husband, wife, and relatives who make up the family live together. Therefore, because they live in different places and live independently, it does not fit into the general term marriage. But just because a marriage is not common does not mean that the family will not exist. The family is also present when the husband and wife, who form its core, live separately for a long time.

Thus, socially, the family should be understood as a voluntary union (single lifestyle) of people based on marriage based on kinship, child rearing, common interests, and mutual affection and care.

If we analyze the family from a legal point of view, these relationships are primarily legal relationships. From this point of view, the first sign of the legal aspect of the family is the nature of the family relationship, so it is understood that it regulates a particular area of the family by adopted laws, leading its development in a direction that is appropriate for society.

In Uzbekistan, marriage and family relations are carried out by the state. Second, family relations governed by legal norms: a) the relationship between spouses, parents and children in the narrow sense; b) in the broadest sense, the relationship between family members as citizens and between the state (in the example of the relevant bodies acting on its behalf).

The second sign of the legal aspect of the family is the existence of the conditions specified in the law, which require the formation of family relations. A registered marriage and kinship as a legal fact is

the main legal basis for the formation of a family relationship. Family law relationships can occur even without marriage and consanguinity. For example, the adoption of a child, the constant upbringing can be an example of this. The emergence of family relationships is considered by many authors to be the main sign of the family.

The third sign is the legal interdependence of family members (usually the rights are actually preserved even when the family is dissolved). If the couple breaks up the relationship for certain reasons, the legal relationship and the legal consequences are maintained until the marriage is dissolved. As R.P. Manankova rightly points out, the above-mentioned sign does not need to be proved, "because its members belonging to the family will always be bound by mutual rights and obligations".

The fourth sign is "unity of lifestyle" and "unity of living environment". The elements of the uniqueness of the living environment are diverse but not all of them have a legal nature. For example, modern management is assessed in one case as a legal act, in another case as a fact that does not need to be legally regulated. In such cases, it would be expedient to pay attention to the law regulating this situation, i.e. the norms of the Family Code. For couples, for example, single management has no legal significance; when the court makes a decision on the determination of paternity, this fact is assessed as a legal action. Therefore, "it would be wrong to consider the generality of life, the generality of a way of life, as a legal sign of the family and, as a result, to construct and create a legal concept of the family".

Thus, a family in the legal sense means a group of people with certain rights and obligations arising from a relationship, such as marriage and kinship, adoption, or other forms of parenting that serve to strengthen family relationships. We must also remember that family relationships do not always constitute legal relationships. One of the most controversial questions is the issue of actual marriage. The views of German scientists I. Kant and I. G. Fichte on this situation are interesting. "In fact, the fact that the parties live together, but do not enter into a contract or do not live together in a contract, is not a marriage," said Kant, "because in this case the law is violated".

I.Kat and I.G.Fichtela believe that the relationship between a husband and wife should be legally formalized: they try to ignore the fact that the relationship between husband and wife is not always legal, but often natural and moral in nature.

When we look at the problems of the family and marriage from the point of view of natural law, Kant and Fichtelar nevertheless considered the family to be a moral-legal institution. As Zabelin pointed out in the early twentieth century, "The family as a form of private life is based on marriage. Without marriage, the family cannot exist, even if it is formed through religious means".

An analysis of the article studied and the scientific work shows that the concept of 'family' itself is controversial, with two worldviews at the core of the debate:

-In the first, the view is put forward that the goal is to unite the legal and social concepts of the family;

-In the second, the aim is to create a single concept by taking the ideas and norms related to this concept in different areas of law from a legal point of view.

Those who want to unify the legal and social concepts of the family are "multifaceted categories specific to the family union. There are a lot of practical limitations for this family in natural conditions".

Yu.A. Korolev writes, "Family is not a legal, but a social phenomenon, all this is done in order to determine the most optimal ways and means of protection of the family by the state, and it is not necessary to give them a legal explanation. Some scholars agree with his opinion. For example, based on the analysis of existing family characteristics in practice, R.P. Manankova came to the conclusion that it is possible to "define the concept of a common family for all areas of knowledge".

Such views and opinions are controversial. From the point of view of sociology, the concept of "family" can be interpreted differently based on its relationship with other spheres of social life. Such a representation of the family is not mutually exclusive. They can only be limited in a certain sense to family relations regulated by certain areas of law.

Law, on the other hand, is one of the means of protecting and regulating existing social relations.

It is therefore necessary to be able to clearly imagine the object that must be legally protected in order to exercise its right in these actions. Family relationships have their own characteristics in different areas of law, but this does not mean that they are radically different from each other. The legal nature of this relationship is unique, so the legal understanding of the family should be unique to all areas of law. In this regard, we agree with E.M.Vorozheykin's opinion that "It is impossible to have several different interpretations of the concept of family for different areas of law, the understanding of family must be unique".

Family relationships serve to regulate a wide range of social relationships. These include various aspects of the family's life activities, and the activities of its members regulated by law. A.M. Nechaev writes: "In our country, the place and role of the family has not always been the same, and in the early years of the Soviet state, many families began to emphasize that they were losing their importance".

Article 16 of the Universal Declaration of Human Rights states that "The family is one of the most important and natural units of society and has every right to protection by society and the State." As an element of such a structure, the family performs certain functions in the interests of society and a particular individual. The functions of the family are many and varied. The family is directly related to the field of intangible production. The performance of certain functions by the family is historically variable and is directly related to the interests of the state and the economic needs of society. The ancient Greek philosopher Aristotle put similar views forward. In his view, "while every family is an integral part of the state, everyone is a part of the family, just as every whole is made up of parts. These parts are made up of the characteristics of wholeness, that is, it fits in every way, so children and women upbringing, and behavior should be adapted to the state system, if these things are important to the state striving for development, it should also have children and women who are worthy accordingly. It is impossible not to take into account these things, because women make up more than half of the population, and it is clear that children will become politicians and people who will determine the future of the state".

Chapter XIV of the Constitution of the Republic of Uzbekistan is devoted to the family, and in the Constitution of no other state there is no separate chapter for the family.

Scholars and experts differ on the most basic function of the family. The historically variable functions of the family have not led to significant changes. For example, the function of the family as a population is still very important and one of the main functions. "It is of primary importance for society to know and direct social institutions, such as marriage and the family, because their condition depends to some extent on the growth and development of the population". It is noted that the statistics are developing unsuccessfully in this area. For example, in Russia, one of the largest countries in terms of territory and population, the birth rate fell sharply from 1988 to 1989 to 2.07 children per mother, and in 1990 the birth rate dropped sharply to 1.88 children in the first half of 1992 each mother had 1.6 children. The increase in the death rate from the birth rate coincided with 1991. According to data released in 1999, this process has intensified, especially in 1992.

In terms of the role of the family before the state, as many scholars have pointed out, the reproductive function of the family is said to be the most significant and important function.

"The family regulates not only the biological and social links, but also the links that link the social life of individuals and human beings. These things are the source of social ideals and the demands of action. At the same time, the family not only conveys the spiritual values of love for husband and wife and children, love for the parents of children, family respect and solidarity, but also serves its creation". According to S.V. Kovaleva, the family is and is considered to be the most important environment that is not only responsible for the growth and development of the population, but also nurtures the individual, but also creates a certain living environment and shapes a person as a person. According to Z.Ya. Matveychik, the educational significance of the family includes several aspects:

- a) Formation of the child's personality;
- b) The educational value of each member of the family throughout their lives;

c) The influence of children on their parents and other adult members of the family.

Thus, the educational role and place of the family is incomparable. The task of educating the rising generation has been seen as an important issue since its inception in the face of a family that includes not only moral but also legal obligations.

A number of scholars have suggested that the family has an economic function, which means that professional knowledge, experience and skills are passed down from generation to generation.

In the specialized literature, in addition to the reproductive and educational functions of the family, a number of other functions are indicated. Examples of these functions are: "economic", "domestic", "mutual understanding of family members" and others.

By paying attention and analyzing different views on family issues and various publications on family issues, we can achieve the following results and opinions:

-The family is, first and foremost, a historically clear mechanism of interaction between spouses, parents and children;

-The social significance of the family is expressed in the fact that it is connected by mutual kinship and marriage and is a small social group;

-The family is also very important with a single life, a unity of mutual moral obligations.

The legal content of the family is:

-In this case, family relations are governed not by moral norms, but mainly by laws and legal norms adopted and established by the state;

-Family members will always have the rights and obligations enshrined in law;

-As a basis for the emergence of the family, caused by the situation specified in certain laws.

Thus, the family is considered to be reflected in the relations that arise between citizens and are expressed in rights and obligations, arising from marriage, kinship or adoption.

The social significance of the family is that it is the physical and mental upbringing of the population and the emergence and continuation of labor resources.

The family also has certain responsibilities to the state. These are reproductive and educational functions. In addition, among the important functions of the family are economic communication, convenience and the organization of leisure. The role of the family in the formation of the social mechanism in society is invaluable. In the family, children are born, undergo initial adaptation, upbringing, education, and most importantly, children have the opportunity to form their own families, and there is a stage of old parents experiencing old age. The success of the family, its stability depends on the social development of society, the size of the population and its quality.

At the same time, certain changes are taking place in the field of family relations:

A) The number of family members is declining (this figure is declining due to a decrease in births);

B) The social and cultural value of the family is declining;

C) The family is trying to separate from society and become entangled in its own shell;

D) The number of divorces is increasing and the number of illegitimate children is increasing;

E) The number of unsuccessfully formed families is increasing;

F) The pedagogical experience and skills of parents are declining. According to the views expressed above, the educational process of the family.

Complications include juvenile delinquency and delinquency, especially in the face of parental mistreatment of their children, leading to an increase in children's hatred of adults, especially in society, and a decline in adherence to social norms.

The family is one of the most important and fundamental institutions of the state, as well as in need of protection by the state. This protection can be expressed in social, economic, and legal support. One of the main aspects of legal protection is the improvement of existing legislation.

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