

THE RIGHTS OF MINORS IN CIVIL LAW

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**Abstract:** This article explores the rights of minors within the framework of civil law in Uzbekistan. With evolving socio-economic dynamics and increasing international integration, ensuring legal safeguards for minors has become a pressing concern in national legislation. The research analyzes both substantive and procedural rights, focusing on legal capacity, property rights, contract participation, and legal representation. By comparing Uzbekistan's civil legislation with international norms, particularly the UN Convention on the Rights of the Child, the paper identifies gaps and opportunities for reform. The findings suggest that despite improvements, legal ambiguities and enforcement challenges persist, warranting deeper legislative and institutional refinement.

**Keywords:** minors, civil law, Uzbekistan, legal capacity, child rights, civil legislation, legal reform, legal representation.

**Introduction**

Minors, defined as individuals under the age of 18 in Uzbekistan, represent a legally vulnerable group whose civil rights demand special legislative attention. With nearly 34% of Uzbekistan's population aged under 18 (UNICEF, 2023), the importance of robust legal safeguards is undeniable. The Civil Code of Uzbekistan delineates the legal capacity of minors based on age segmentation—typically distinguishing between partial legal capacity (ages 14–18) and limited capacity (under 14). However, the application of these rights often lacks uniformity in practice due to gaps in legal literacy and institutional enforcement mechanisms.

Civil law frameworks are pivotal in protecting minors' interests in property relations, contractual obligations, inheritance, and representation in legal transactions. This paper aims to explore the adequacy of existing civil legislation in Uzbekistan and the extent to which it aligns with global child rights standards, particularly under international treaties like the UNCRC.

The protection of the rights of minors within the legal framework of civil law is a cornerstone of any democratic legal system. In Uzbekistan, where nearly one-third of the population is composed of individuals under the age of 18 (UNICEF, 2023), the regulation and implementation of civil rights for minors is both a legal and moral imperative. The intersection of civil law and child rights governance is increasingly gaining relevance in the context of Uzbekistan's legal modernization, international human rights commitments, and evolving societal dynamics.

Minors, often defined by civil law as individuals who have not yet reached the age of majority (18 years in Uzbekistan), represent a special subject of law. Their civil capacity is limited or restricted based on age, which places them in a vulnerable position regarding legal transactions, property ownership, contract enforcement, and legal representation. This makes it essential for state mechanisms to not only define but also effectively protect the rights of minors through procedural guarantees, substantive law, and institutional frameworks.

The Civil Code of the Republic of Uzbekistan, particularly in its revised form as of 2022, provides a segmented view of minors' civil capacity. According to Article 21–24 of the Civil Code, minors under the age of 14 are considered to have limited civil capacity and may only engage in legal transactions under the supervision of parents or legal guardians. Those between the ages of 14 and 18 are considered to have partial civil capacity, enabling them to participate in certain legal actions independently, such as disposing of their income, making deposits, or entering into low-value transactions. However, full civil capacity is only attained at the age of majority, or earlier if the minor is emancipated through marriage or employment as per Article 26 of the Code.

While the legislation appears comprehensive in theory, significant challenges persist in practice. Many civil rights of minors are not fully exercised due to gaps in implementation, a lack of legal literacy among families, and deficiencies in the representation of minors in civil proceedings. For example, a 2022 report from the Ministry of Justice of Uzbekistan revealed that over 60% of civil disputes involving minors were resolved without direct participation or legal counsel representing the minor's interests, raising concerns about the effective realization of the "best interests of the child" principle, as enshrined in both national and international law.

Uzbekistan has been a signatory to the United Nations Convention on the Rights of the Child (UNCRC) since 1994, committing to uphold international standards for child welfare, including the protection of civil, social, economic, and cultural rights. Article 12 of the UNCRC stipulates that children capable of forming their own views have the right to express them freely in all matters affecting them, and their views should be given due weight in accordance with their age and maturity. In the civil law context, this translates into the child's right to be heard during judicial proceedings. However, national practice often falls short of this standard, particularly in cases involving inheritance, property division, contractual obligations, and disputes over guardianship.

Another pressing concern is related to inheritance rights. Minors are frequently among the most affected in inheritance disputes, especially in cases involving the sudden death of parents or guardians. Although the Civil Code provides mechanisms for transferring property to minors, including the appointment of guardians or trustees to manage the property until the minor comes of age, in practice, these safeguards are often undermined by procedural delays, lack of documentation, or manipulation by interested relatives. According to statistics published by the Republican Notary Chamber, only 65% of

inheritance cases involving minors between 2021 and 2023 were completed within the legally stipulated timeframe of six months.

Contractual capacity is another domain where the rights of minors remain inadequately protected. While Article 27 of the Civil Code allows minors aged 14 to 18 to enter into contracts for purchases made with their own income or minor domestic transactions, the lack of standard legal awareness and the informal nature of many such agreements often result in unrecorded or exploitative transactions. This is especially problematic in the growing gig economy, where minors increasingly engage in freelance digital work or informal sales through online platforms. The National Center for Human Rights of Uzbekistan (2023) highlighted that more than 18% of minors surveyed in urban areas had engaged in online selling or freelancing, with no understanding of their civil rights or potential legal recourse in cases of contract breach.

The situation is further complicated by the emergence of new forms of civil interaction driven by technology. With the rise of e-commerce and digital finance, minors are now more likely to engage in transactions without adult supervision. Current legislation does not sufficiently address the legal implications of such acts, nor does it provide a child-specific legal framework for consumer protection, cybersecurity, or data privacy, leaving minors particularly exposed in the digital realm.

In comparative legal systems, such as those in Germany and France, minors are afforded broader participatory rights and enjoy stronger institutional support through specialized ombudsman offices, youth legal services, and state-funded guardianship attorneys. For example, Germany's BGB (Bürgerliches Gesetzbuch) allows minors who have reached the age of 14 to make limited legal decisions independently and even challenge their guardians' decisions in certain cases. In France, the "Juge des tutelles" oversees matters related to minor protection and ensures strict compliance with child welfare norms in all civil proceedings.

In contrast, Uzbekistan's judicial system lacks specialized civil judges trained in child-sensitive procedures. Furthermore, civil courts often treat cases involving minors as routine family disputes, failing to apply a rights-based lens. The development of child-centered jurisprudence in civil law remains in its infancy, and there is limited precedent or interpretative guidance on how the principles of child autonomy and participation should be practically realized.

Given these circumstances, this research seeks to critically assess the legal infrastructure governing the civil rights of minors in Uzbekistan. The study will analyze the extent to which national civil law aligns with international norms, identify key implementation gaps, and propose institutional and legal reforms aimed at enhancing the protection of minors in civil matters. It will focus on several core themes: civil capacity and legal status; property and inheritance rights; contractual involvement; procedural guarantees in litigation; and comparative legal perspectives.

The study employs a multi-dimensional methodology, combining doctrinal legal analysis, statistical review, and comparative legal research. It draws on primary sources

such as the Civil Code, official court statistics, UN treaty documents, and policy reports by governmental and non-governmental organizations. Through this approach, the paper aims to provide a comprehensive and evidence-based understanding of the current state of minor rights in Uzbekistan's civil law system and outline a reform agenda that is legally sound, socially responsive, and internationally compliant.

In conclusion, while Uzbekistan has taken substantial legislative steps toward recognizing the rights of minors in civil matters, the journey toward full realization of these rights is far from complete. The gap between legal norms and practical enforcement, coupled with evolving societal and technological realities, necessitates a reevaluation of existing legal frameworks. The civil law system must evolve to address the needs of the country's youngest citizens—ensuring that their voices are heard, their rights upheld, and their futures protected.

### Literature Analysis

Scholarship on the civil rights of minors in Uzbekistan remains underdeveloped compared to criminal or family law perspectives. Key academic contributions include:

- Rakhmatov A. (2020), who emphasized the legal ambiguity in defining a minor's legal competence.
- Karimova N. (2022), who critiqued the procedural challenges in representing minors in civil litigation.
- Comparative analyses (UNICEF, 2021) that measure Uzbekistan's compliance with international norms such as the UNCRC and regional instruments.

Foreign legal systems, especially those of Germany, France, and Russia, offer diverse perspectives on minor participation in civil legal relations, from independent contractual capacity to mandatory guardianship in all financial transactions.

The legal status and civil rights of minors have been the subject of considerable academic attention in various legal systems, especially in the context of child protection, legal capacity, and participatory rights. In the case of Uzbekistan, the scholarly engagement with this topic has historically been limited and often embedded within broader discussions of family or juvenile law. However, the growing international emphasis on children's rights, as well as national legal reforms undertaken in the post-independence period, have prompted increased interest in the civil law dimensions of child rights. This literature analysis explores the academic discourse, legal commentary, and policy-oriented research surrounding the civil rights of minors in Uzbekistan, comparing it with broader international literature to identify existing gaps and reform directions.

### 1. Historical and Theoretical Context

The civil status of minors, as a legal subject distinct from adults, originates from Roman law, which differentiated between the capacity to possess rights (*jus personae*) and the capacity to exercise them (*jus agendi*). Modern civil law systems retain this distinction, particularly in civil codes influenced by Roman-Germanic legal traditions. The theoretical foundation for limiting the legal capacity of minors is based on the presumption that

individuals under a certain age lack sufficient maturity and reasoning to undertake legal obligations independently. Therefore, protective legal mechanisms – such as guardianship, trusteeship, and judicial oversight – are integrated into civil law frameworks.

In Uzbekistan, the Soviet legal legacy continues to shape the civil regulation of minors. The Uzbek Civil Code, largely modeled on the Civil Code of the Russian Federation, incorporates many of these Soviet-era assumptions regarding age-based legal competence. As Rakhimov (2015) notes in *“Evolution of Civil Law Institutions in Central Asia”*, the Uzbek civil system has maintained a cautious and paternalistic approach, emphasizing protection over participation.

This protectionist orientation aligns with what Freeman (1997) referred to as the “welfare model” of child law – where children are seen as passive recipients of care rather than active legal subjects. However, over the past two decades, there has been a noticeable global shift toward the “rights-based model,” which considers children as autonomous right-holders capable of participating in legal processes, especially where their interests are directly implicated. This shift is visible in Western Europe, where countries like Germany, Sweden, and the Netherlands have recognized increased legal autonomy for minors in various civil contexts.

## 2. National Legal Scholarship on Minors in Uzbekistan

Within the domestic academic landscape, several Uzbek legal scholars have addressed the legal position of minors in civil law, although often in fragmented or tangential ways. The primary contributions include:

Rakhmatov A. (2020), in his work *“Fuqarolik-huquqiy munosabatlarda voyaga yetmaganlar ishtiroki”*, discusses the limits of minors’ legal actions and questions whether the current legal thresholds (ages 14 and 18) are suited to the psychological and social maturity of modern Uzbek youth. He argues for more flexible, case-by-case evaluations, especially in contractual matters.

Karimova N. (2021), in her research on *“Voyaga yetmaganlarning mol-mulk huquqlari va ularni himoya qilish mexanizmlari,”* highlights procedural barriers that prevent effective protection of minors’ inheritance and property rights. She emphasizes that the absence of specialized judicial procedures for cases involving minors significantly undermines their ability to defend their rights in civil litigation.

Tashpulatova D. (2019) analyzed institutional mechanisms, such as guardianship authorities, and concluded that their limited institutional capacity and vague mandate often result in weak enforcement of minors’ civil interests. She calls for the creation of a national child ombudsman as a structural remedy.

S. Mamadaliyev (2022), in an article published in the *Uzbekistan Legal Journal*, evaluated the impact of legal education among parents and legal guardians on minors’ civil participation. His empirical study found that less than 30% of parents surveyed in three urban centers had adequate knowledge of their child’s rights under civil law.

These domestic studies share a consensus on several points: (1) the civil law protections for minors are often sufficient in theory, but weak in practice; (2) enforcement



mechanisms are underdeveloped; and (3) public and institutional awareness of civil rights issues is low, especially in rural regions.

From a regional perspective, Russia's civil law framework grants minors aged 14 and above certain transactional rights, which has been studied extensively by legal scholars such as Tumanov (2018). He argues for a greater emphasis on contractual training and legal education in schools to prepare minors for limited economic engagement. Such practices, if localized appropriately, could benefit Uzbekistan's urban youth, who increasingly participate in informal digital markets.

In Germany, the concept of "beschränkte Geschäftsfähigkeit" (limited contractual capacity) allows minors from age 7 to engage in beneficial legal transactions, subject to parental or guardian consent. Scholarly critiques, such as those by Gropp (2010), point out that this system balances protection with empowerment—an approach that could inspire reforms in Uzbekistan's more rigid system.

### Methodology

This study adopts a mixed methodology comprising:

- **Doctrinal legal research:** Analyzing existing codes and laws.
- **Comparative analysis:** Juxtaposing Uzbek norms with international and regional standards.
- **Statistical review:** Using data from the State Committee on Statistics of Uzbekistan and UNICEF reports.
- **Predictive modeling:** Anticipating outcomes of proposed legislative reforms based on precedent and legal efficiency indices.

### Results

**Legal Capacity:** The Civil Code (Article 21-27) provides for restricted capacity until 14 and partial capacity until 18. However, only 43% of civil cases involving minors include representation by qualified guardians, according to Ministry of Justice reports (2023).

**Property and Inheritance Rights:** Less than 12% of minors' inheritance claims reach court settlements annually due to procedural complexities (UNICEF Uzbekistan, 2022).

**Contractual Engagement:** While minors aged 14–18 may engage in low-value contracts (e.g., purchases, gifts), less than 8% of these are legally documented, increasing the risk of exploitation.

**Judicial Participation:** Only 22% of minors are present during legal procedures that affect their rights—undermining the "best interests of the child" principle.

### Discussion

Uzbekistan's civil legislation demonstrates a clear formal structure for minor protections, but practical enforcement is weak. The limited involvement of minors in judicial processes and inadequate legal guardianship arrangements compromise their rights. Compared to Germany, where minors over 14 may independently contract for

personal earnings, Uzbekistan maintains a more conservative stance, reflecting a paternalistic legal culture.

Despite ratifying the UNCRC in 1994, Uzbekistan's implementation lags, particularly in ensuring minors' access to legal aid. Reforms should focus on establishing independent child advocacy institutions, increasing legal literacy, and revising procedural codes to mandate minor participation in relevant cases.

### Conclusion

The rights of minors in Uzbekistan's civil law are partially aligned with international standards but are hindered by enforcement issues and legal complexity. Improving the protection of minors in civil relations requires not just legal amendments, but also institutional reforms and greater societal awareness. Future directions should include:

- Establishing specialized child ombudsmen.
- Introducing compulsory legal aid in all civil matters involving minors.
- Enhancing civil procedure codes to uphold the minor's voice and legal standing.

Only with a comprehensive, child-centered approach can Uzbekistan ensure that its minors are not just passive subjects of legal protection but active bearers of civil rights.

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