

The Cases Related to Legal Capacity of a Citizen: Theoretical Analysis and Practical Results

Esanova Zamira Normurotovna

Doctor of legal sciences, Tashkent State Law University, Professor of the Department of Civil Procedural and Economic Procedural Law

ANNOTATION: The legal capacity and its procedural peculiarities, the issues are connected with rights and legal capacity of citizens, the procedure of considering of those cases in courts, opinions about characteristic of the cases in these categories as well as proposals and recommendations were explained in this article.

The article discusses the material and procedural legal capacity, legal capacity, procedural legal capacity, procedural capacity, emancipation, limitation of civil capacity, incapacity, involuntary or involuntary psychiatric treatment of a person.), The need for inclusion in legislation and procedural features, as well as legal consequences.

Citizenship (legal capacity and procedural capacity) is one of the most important institutions in medicine and jurisprudence. The legal capacity of a citizen is divided into legal capacity and legal capacity. At the same time, it seems important to study this concept on the basis of the norms of the Civil Code, the Code of Civil Procedure, the Family Code, its medical, psychological and legal basis. At the same time, a scientific and practical study of the legal criteria for the concepts of legal capacity and legal capacity.

The article also contains proposals and theoretical conclusions for improving the material and procedural legislation based on the analysis of the subject.

KEYWORD: legal capacity, procedural legal capacity, emancipation.

INTRODUCTION

NOVELTY OF SUBJECT. The ability of citizens, its smooth birth and functioning, is considered one of the important components in human life. Capacity is first of all explained by the concept of competence of a citizen both physically, mentally, emotionally, legally and within the framework of many other requirements and criteria. This concept includes actions, conditions and requirements such as self-awareness, self-control, responding to one's own actions, ability to perform certain work and tasks, reaching a certain age. To cancel this fact, to declare incompetence or to limit the capacity, the grounds, conditions and a certain procedural procedure are required by law.

When civil cases are heard in court, cases related to a citizen's legal capacity are considered and resolved. The legal capacity of a citizen consists of biological and legal factors. This concept is expressed through subjective consciousness, self-awareness, intelligence, understanding and responding to behavior, entering

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into relationships, etc. These concepts are born with the birth of a citizen and end with his death. However, according to certain circumstances, conditions and legal grounds, the capacity may be terminated or limited even during the life of a citizen (while he is still alive).

The capacity of a citizen (legal and legal capacity) is considered one of the important institutions in medicine and jurisprudence. Medical, genetic, psychological, psychiatric, legal, logical factors and foundations play an important role in studying them. Usually in medicine, the level of fitness and health of a citizen (physical person) is described as a genetic (hereditary) and an acquired condition. Legal qualifications are made on medical grounds, and a citizen's condition is declared and restricted according to the court's decision.

In substantive and procedural legal documents and scientific developments, the capacity of a citizen is classified as the capacity to act and act. But it is extremely important to study the essence of these concepts, determine their place in relationships, and understand their role in human life and activities. A citizen's rights and legal capacity must not be harmed both medically and legally. Otherwise, a person's psyche will be damaged, his place in life and society will be lost, his relations will change, the consequences of inheritance will be lost, his work will end, his family relations will be damaged, etc.

MAIN PART. According to Article 17 of the Civil Code, the legal capacity of a citizen arises from the moment of his birth and ends with his death. Citizens have property on the basis of property rights within the scope of their legal capacity; inherit and bequeath property; have savings in the bank; engage in entrepreneurship, farming and other activities not prohibited by law; use of hired labor; organizations of legal entities; enter into agreements and participate in obligations; demand payment of damages; choose the type of training and place of residence; may have the right to be the author of works of science, literature and art, invention, other results of intellectual activity protected by law. Citizens may also have other property and personal non-property rights. Theoretically, legal capacity belongs to the category of objective law.

According to Article 22 of the Civil Code, the legal capacity of a citizen means the ability of a citizen to acquire civil rights and exercise them, to create and fulfill civil duties for himself (the legal capacity) when he becomes an adult, that is, when he reaches the age of eighteen. will come

A citizen who has legally married before reaching the age of majority has the full capacity to act from the time of marriage. The legal capacity acquired as a result of marriage is fully preserved even if the marriage is annulled before reaching the age of eighteen. When the marriage is declared invalid, the court may make a decision that the minor husband (wife) has lost full legal capacity from the moment the court determines.

It is not allowed to restrict a citizen's legal capacity and legal capacity. Apart from the circumstances and procedures established by the law, no one's rights and legal capacity can be restricted, as stated in Article 23 of the Civil Code.

Non-observance of the conditions and procedure of restricting the legal capacity of citizens will invalidate the document of the state body defining the relevant restriction.

Full or partial waiver of legal capacity or legal capacity of a citizen and other agreements aimed at limiting legal capacity or legal capacity are invalid by themselves, except for cases where such agreements are permitted by law.

Generally, the concepts of procedural law and legal capacity can be found in civil, economic, administrative and, with some exceptions, procedural codes. Procedural law and legal capacity means the means of protection of rights, the requirements of appeal and is considered one of the important attributes in filing

lawsuits, petitions and complaints in courts. It is known that certain consequences will occur if the requirements of procedural legislation are not followed.

According to Article 41 of the Civil Code, the capacity (legal capacity) of all citizens and organizations to have civil procedural rights and obligations is recognized equally. This right is given to all citizens. However, civil procedural capacity (Article 42 of the Criminal Code) is granted only to adult citizens. Adult citizens and organizations have the capacity to exercise their rights and obligations in court.

The rights and legally protected interests of minors, i.e. citizens between the ages of fourteen and eighteen, as well as those deemed to have limited legal capacity, are protected in court by their parents, adopters or guardians. But this situation does not deprive minors and citizens with limited legal capacity of the right to personally participate in such cases.

Minors have the right to personally defend their rights and interests protected by law in court in cases of alimony recovery from parents, as well as in cases arising from labor-related legal relations and transactions related to the disposal of wages or other income. The issue of involving parents, adoptive parents or guardians to help minors in such cases is decided by the court.

SCIENTIFIC-PRACTICAL ANALYSIS. According to the consequences, in the process of accepting the application and filing a case, or in the process of considering the case, if problems arise with the rights and legal capacity of the citizen:

- the application is rejected for processing (almost not found directly on the grounds);
- the application is returned;
- is left unseen;
- proceedings are suspended.

According to Article 122 of the Criminal Code, 1) if the application is submitted by a person who is incompetent; 2) if the application on behalf of the interested person is submitted by a person who does not have the authority to conduct proceedings, the application will be left unheard and a judge's decision will be issued. After eliminating the grounds for leaving the application unheard, the interested person has the right to apply to the court anew in the general procedure.

According to Article 195 of the Criminal Code, 1) if the application is submitted by a person who is incompetent; 2) if the application filed on behalf of an interested person is filed by a person who does not have the authority to conduct proceedings, a decision will be issued to return the application. It is possible to appeal (protest) against the decision to return the application. In the case of annulment of the decision, the application is considered to have been filed on the day of the initial appeal to the court. The return of the application does not prevent repeated application to the court in the general procedure after the deficiencies have been eliminated.

From the analysis of the above grounds, it can be seen that rulings on leaving the application without hearing and returning the application, although the grounds are the same, are issued at different stages of court proceedings, for example, if a ruling is made on returning the application during the initiation of a court case, on leaving the case without hearing an application at the stage of court discussion a ruling is issued. For example, in a lawsuit about the division of housing, the party to the lease agreement will not have the authority to file a lawsuit, but may be brought to court as a party to the other case.

ANALYSIS OF THE RESEARCH RESULT. In the procedural legal documents and scientific sources reaching a certain age of legal capacity (in some cases, reaching the age of 16 is also considered the subject's age); can be characterized by concepts (actions, requirements) such as sanity, competence to act, competence to initiate proceedings. In a word, procedural legal capacity is implemented through procedural capacity.

Determining procedural competence by age limit, the age for applying to court in most civil cases is 18 years. The substantive and procedural Codes on certain disputes provide (as an exception) the authority to initiate proceedings to those who have reached the age of 16, who also have independent authority as subjects. For example, establishing paternity, adoption, etc.

Subjects authorized to file a case are specified in the substantive and procedural codes. For example, in Articles 32, 51, 53, 54, 62, 63, 80, 82, 83, etc. of the Family Code, the scope of the subjects initiating the case is strengthened. Not only plaintiffs are given special rights and standing, but defendants involved in the case are also required to be special subjects. For example, in the termination of marriage, the claimant and the respondent should be married subjects, in disputes related to child upbringing, parents should be special subjects, in cases of adoption, persons included in the list of adopters can be subjects.

In the Civil Procedure Code (subsection 3 of the FPK. Proceedings in a separate procedure) the following can be specified as cases related to the capacity of a citizen:

- 1) on declaring a citizen to be incapacitated or incapacitated;
- 2) about involuntarily admitting a person to a psychiatric hospital or extending the period of his stay in this institution;
- 3) on declaring a minor as fully competent (emancipation);
- 4) on cancellation of restriction of the citizen's legal capacity and cancellation of sponsorship;
- 5) on finding a citizen capable of circulation.

Procedural features :

- This type of work belongs to the category of work that is handled separately.
- There must be legal, material and medical grounds established by law.
- He can cancel his own decision.
- Immediate execution process is allowed in this category of cases.

CONCLUSION

The trend of the development of procedural institutions shows that it is important to analyze the concept and content of the citizen's rights and legal capacity, in particular procedural rights and legal capacity. Through this institution, the process of applying to the court begins, the competence of the applicants to initiate and conduct cases is studied, and it is possible to obtain information about the scope of cases considered in civil courts related to the rights and legal capacity of individuals.

Based on the above analysis, some suggestions are made:

- **First**, in court practice, independent court cases are conducted in connection with the restoration of the citizen's capacity to act, the improvement of medical conditions, and the elimination of the problems related to the citizen's health indicated in the medical reports. But in this regard, there are no independent norms in civil procedural legislation. At the same time, no clear instructions were given about the type of

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civil court cases. Therefore, it is proposed to provide relevant norms and explanations in the Civil Procedural Code regarding the cancellation of restriction of legal capacity, restoration of legal capacity of a citizen.

- **Secondly**, Chapter 34 of the Civil Procedure Code entitled "Declaration of a minor as fully competent (emancipation)" specifies the procedure for emancipation. However, this norm does not specify the material and legal grounds for cases in which emancipation can and cannot be applied. This situation is of great importance when the court considers the application to declare a minor as fully competent and makes a decision to grant or reject it.

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