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THE RIGHTS OF THE CHILD IN THE FAMILY

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The problem of the implementation of the rights of the child.

Children are not only the future, but also the present nation. This is a special socio-demographic group with its own interests, which, due to mental and physical immaturity, needs special care from the state and society. The analysis of family law has shown that a Russian child is endowed with a certain set of rights. However, the implementation of the rights of the child, recognized by domestic law as an independent participant in family relation, is associated with many problems of a theoretical and practical nature. They are caused by various circumstances and, above all, by the shortcomings of legal regulation, the lack of a unified approach to the implementation of the rights of the child, the non-application of certain provisions of laws in the field of children's rights.

The aim of the work is to analyze the legal regulation of the rights of children in the family under family law in the Russian Federation and evolve an effective model of child's rights protection.

The first category includes personal rights and freedoms to life, protection of dignity, freedom and personal integrity, privacy, personal and family secrets, inviolability of the home, etc.

The second group is formed by political rights and freedoms, including the right to freedom of thought and speech, conscience, to unite with others, to hold meetings, rallies and demonstrations.

The third group consists of economic, social and cultural rights: the right to private property, freedom of enterprise, the right to work, rest, social security in cases of illness and disability, housing, health care and medical care, favorable environment, freedom of creativity, participation in cultural life and access to cultural property.

Many problems arise when considering cases of deprivation of parental rights, which is associated with an inadequate level of legal regulation of the rights of children in the family. Thus, the courts quite formally approach this category of cases, especially in relation to children who have almost reached the age of majority.

As a rule, judge decisions lead to further violation of the rights of the child since in many cases they are made not when the court believes that the parent's behavior will actually change, but when the plaintiff has failed to prove the facts and circumstances to which he refers in the claim.

The analysis of judicial practice also showed that the majority of judges consider it "inappropriate" to consider claims for deprivation of parental rights if the child is already 17 years old.

Here I suggest ways to improve the legislative regulation of the rights of the child in the family.

The relationship between parents and children in modern Russia is determined by a number of factors: their internal attitudes, the level of material well-being of the family, the number of children in the family, whether parents live together or separate, etc.

The financial well-being of the family is directly related to ensuring the property interests of the child. If there are grounds provided for by law, the child has the rights to

receive maintenance from other family members. The amounts due to the child as alimony, pensions, allowances are at the disposal of the parents (one of them) and are spent by them on the maintenance, upbringing and education of the child.

Alimony obligations are strictly personal.

As a rule, parents voluntarily provide funds for the maintenance of the child, otherwise, alimony is collected from the parents in court.

“In this regard, the question arises, if the obligation of parents to support children is enshrined in such serious legal documents, then there must be a mechanism for the implementation of these obligations, if one of the parents really likes the role of a cuckoo hiding behind human rights. It is impossible to force them to work,” notes A.N. Levushkin.

Then what adverse consequences should be established in the law for persons who do not want to support their children? Without the establishment of sanctions, it will not be a legal, but only a moral obligation to feed, clothe, and shoe your children. The paradox lies in the fact that, under the current legislation, such parents cannot even be deprived of parental rights.

To get out of this situation the following measures are necessary. The reason for the deprivation of parental rights should be the evasion of parents, without good reason, from fulfilling their obligations to their children.

Since motherhood and childhood, the family are under the protection of the state (Article 38 of the Constitution of the Russian Federation), legislation establishes the minimum amount of alimony in the legislation. And if parents, without good reason, refuse to work or will perform such low-paid work that this minimum will not be observed, they should be deprived of their parental rights. The corresponding guarantee minimum of funds in this case must be paid by the state.

Finally, only an attentive attitude to the problems of the practical applications of the norms that regulate the rights of minors and the introduction of amendments to the legislation that will create real conditions for the elimination of inaccuracies, as well as reduce the facts of child abuse, will reduce the possibility of negative influence of parents on shaping the mind of the child.

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