CUSTODY BETWEEN OTHER FAMILY MEMBERS IN ISLAMIC LAWTHE ROLE OF THEIR ISSUES IN SOCIAL PROTECTION

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As soon as a child is born in the family, there is an obligation to take care of him and raise him. In Islam, serious attention is paid to child education, material and spiritual needs, and all-round development. Parents are responsible for child care. This task is assigned to other members of the family due to necessity and some reasons. In the event that the person in charge ceases to be a responsible person at any time, who is responsible for the upbringing of the child, what responsibilities are assigned, the stages in the upbringing of a boy and a girl, and in what ways they differ are clearly defined.

Islam introduced justice for the weakest section of the society. Children's rights were raised among such a society by Rasulullah (s.a.v.), who experienced the agony of orphanhood. During the Meccan period, they tried to awaken the consciences of the people, and in Madinah they personally began to do this in a practical way. The orphan's property began to be protected by the power of the state. [1]

This institution regulates the conditions and procedures for appointing guardians and guardians for orphans and mentally retarded persons, the mutual rights and duties of recipients, and the grounds for exclusion. [2]

In the sources of Islamic law, the following personal non-property rights regarding the personal rights and obligations of minors are strengthened:

1. The right of the child to live and be educated in the family;
2. The right to see parents and other relatives;
3. Right to defense;
4. The right to get a name, patronymic and surname.

The above-mentioned rights play an important role in the child's growth and development and are considered one of the main factors. Control of their provision and effective implementation prevents the occurrence of related problems.

When the marriage relationship between the spouses is terminated or the parental rights are deprived, when the children lose their parents, the issues of the child's handover, custody, guardianship arise. In Islamic law, the procedures and rules of this situation are clearly indicated.

If a divorce occurs between the couple, the mother has the right to take the child. The child's allowance is obligatory on the father. It doesn't matter if it was divorced or otherwise. A divorced woman cannot travel with her child to a country other than the country where she got married. Then mother's mother, father and mother's sister, father's sister. Then aunt and uncle in that order. The right to maintenance will return with the dissolution of the marriage that caused it. For example, a mother loses custody of a child when she touches the ground to a stranger. But if the mother divorces from there, the right to custody will return to her. [3]

In the Middle Ages, it was found that there were no "Mercy Houses" in the Muslim societies of the Central Asian region, and in the Islamic religion, the patronage and guardianship of an orphan was assigned to 28 relatives on a gradual basis. [4]

In the absence of the child's parents or when they are deprived of parental rights and in other cases when the child is deprived of parental care, his right to upbringing in the family is ensured by the guardian.

In the event of a divorce, the question of who will leave the child in the care of the child is decided not according to their wishes, but according to the expediency of who should be involved in the child's education.

If there is no mother, it is imposed on women who are mahram for the child. They are: the child's mother's mother, grandmother, if they are not available, the child's father's mother, grandmother, if they are not available, the child's mother's biological sisters - sisters, the mother's or father's sister - sisters, if they are not available, the child's mother's aunts from the same father - the same mother, if they are not available, the child's mother or paternal aunts. If the child's mother does not have the mentioned sisters and aunts, the upbringing of the child is entrusted to the father's sisters and aunts in the order described above. [5]

The main problems related to social protection that need to be solved are related to minor orphans and children deprived of parental care. In their solutions, the criteria presented by the Islamic law procedures, which have become national and religious values, make a great contribution. It is the practical provision of children's rights related to this that prevents them from economic problems and serves their mental state and spiritual maturity. Islamic law has raised the rights of this type of children to a high level. In the Qur'an and Hadith, it is said that the merits of strong warnings and their support will increase, and it is at the level of prayer. This also directs Muslims to be vigilant and encourage and be enthusiastic in such matters.

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