
CONFERENCE ARTICLE

**HISTORICAL AND LEGAL ROOTS OF CHILDREN'S RIGHTS IN UZBEKISTAN AND THEIR MODERN
EXPRESSION IN THE PRESCHOOL EDUCATION SYSTEM**

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ABSTRACT

This article comprehensively analyzes the historical, religious-spiritual and legal roots of children's rights in Uzbekistan and their expression in the modern preschool education system. The study analyzes the views of Eastern thinkers on child upbringing and parental responsibility, the normative and legal reforms implemented in Uzbekistan in the field of child rights protection during the years of independence, in particular, legislative acts adopted on the basis of international standards, and measures aimed at improving the preschool education system.

KEYWORDS

Children's rights, preschool education, historical and legal roots, normative and legal reforms.

INTRODUCTION

The preschool education system is an important social institution in the formation of the intellectual and spiritual potential of society. The effective functioning of this system is directly related, first of all, to a well-developed regulatory and legal framework. Preschool education in Uzbekistan was regulated by different legal frameworks in different historical periods, the content of which changed in accordance with the state system and socio-political conditions.

The issue of children's rights and upbringing has ancient roots in the history of human thought. In the Zoroastrian doctrine, which was formed in Central Asia, and in its sacred source, the Avesta, life is interpreted as the highest blessing. In the part of the Videvdod (Vendidad), encroachment on the life of a person, especially a child, is considered one of the gravest sins. Violence, negligence or harm to a child is considered Asha - an act contrary to the law of justice and truth shown. This situation corresponds to the principle of the "right to life of the child" in the modern legal concept. In the "Avesta", the upbringing of the child is seen not only as a personal matter, but also as a burden for society. The negligence of parents in raising their child is assessed as a threat to the social order. This approach is inextricably linked with the current social function of preschool education - the idea of supporting the family from a pedagogical point of view and adapting the child to society.[1. P 69]

Islamic law (fiqh) is one of the main systems regulating the social, economic and spiritual life of Muslim society. The territory of Transoxiana became one of the major scientific centers of the Hanafi school in the 9 th-12 th centuries. Among the works created in this scientific environment, "Jami' ahkom as-sig'ar" (Code of Children's Rights) written by Muhammad ibn Mahmud Ustrushani occupies an important place. This work is a special jurisprudential work devoted to the legal status and protection of children in Islamic law.

"Jami' Ahkam as-Sig'ar" is one of the important sources that systematized the issue of children as a separate institution in the

Hanafi school of jurisprudence. The work systematizes various issues of children on a Sharia basis. It explains in detail what rights a child has from birth to adulthood. In particular, the maintenance of a minor child is the duty of the father to provide them with food, clothing, and shelter.[2. P. 35] The evidence for this ruling is taken from the Holy Quran. Allah Almighty says: "It is the duty of the father to feed and clothe them in moderation" (Al-Baqarah, 233). If the father is unable to work due to old age or is sedentary, he can beg and provide his children with a maintenance allowance. In order to protect the right of children to live, Umar (may Allah be pleased with him) introduced the law of providing a maintenance allowance - money to a family in which a new child is born. It does not matter whether the newborn is the child of a ruler or a government official, an ordinary worker, or an ordinary person. In the work, types of guardianship, Various aspects are explained, such as giving zakat to children, when the child's fitr charity is no longer the father's responsibility, guardianship of a child, proper circumcision, children of non-Muslims, piercing a child's ear, child allowance, greeting children, and the sacrifice of a child who has not reached puberty. The author's approach shows that the issue of children's rights was a frequent occurrence in judicial practice in the Central Asian school of fiqh and required independent analysis.

"Al-Adab al-Mufrad" is a collection of hadiths by Imam Bukhari on ethics and etiquette. The work extensively covers issues such as respect for parents, kinship, kindness, treatment of children, and social justice. The work states, "He who does not show mercy to the young and does not respect the old is not one of us." [3. P.333.] This hadith defines kindness towards children as a religious and moral obligation. Child-centered pedagogy, i.e., a child-centered approach, is also a basic principle in modern preschool education.

The work "Kutadgu Bilig" written by Yusuf Khos Hajib is not only a model of state governance and political-philosophical thinking, but also a didactic work that embodies a deep educational

concept. In it, the upbringing of the younger generation is directly linked to the prosperity of society and the state. "If the father's actions are absorbed by his son, his behavior will be reflected. A child who is out of control will stray into recklessness and mischief. The behavior of boys and girls who have grown up to be men brings sadness and pain to parents. Controlling the child ensures the light of the parents' faces." The work interprets the personal example of parents as a decisive factor in raising a child. According to the author, a child is more influenced by the practical behavior of adults than by advice. [4. P. 49-50].

Abu Hamid Ghazali, in his work "Mukashafat ul-qulub," interprets child-rearing as the basis of human perfection and the stability of society. Ghazali compares the child's heart to a "pure jewel". According to it: a child is a divine trust given to parents, it emphasizes that it is the main duty of parents to form him through upbringing, to give the child proper upbringing, to provide him with honest and pure sustenance, to create a good environment, to teach him knowledge and manners.[5. P. 29-30.] In the work, purity of heart and inner education occupy a central place. Cruel treatment, violence, or excessive punishment of a child was strongly condemned.

From the time Islam entered our country until the Soviet era, the basis of child rights issues was Sharia and Hanafi jurisprudence, mixed with the national values of our ancestors. On this basis, the interests of children were protected. The rules on children's rights developed at the Movarunnahr Fiqh School are inextricably linked to the legal and philosophical foundations of the modern preschool education system.

Children's happiness and their rights have always attracted the attention of the international community. The first international documents on children's rights began to be adopted at the beginning of the 20th century. In particular, in 1919, the International Labor Organization adopted the Convention on the Minimum Age for Admission to Employment in Industry. [6. P. 184.] This document is one of the first international norms aimed at limiting child labor and protecting them from exploitation.

The most important document in the field of child rights protection is the Convention on the Rights of the Child, adopted in 1989. This Convention entered into force in 1990 and has now been ratified by almost all countries.

After independence, the Republic of Uzbekistan ratified the Convention on the Rights of the Child in 1992.[7.] Through this, the state assumed international obligations to protect the rights of the child. This ratification was an important political and legal step that demonstrated Uzbekistan's commitment to human rights.

The implementation of international obligations into the national legal system was carried out through the formation of a domestic regulatory framework. One of the first fundamental legal steps in this regard was the Law "On Education", adopted on July 2, 1992. This law created the basis of the education system of independent Uzbekistan, defined the concept of continuous education and recognized preschool education as the initial stage of the education system.

While the ratification of the Convention in 1992 established international legal obligations, the adoption of the Law "On Education" became a practical expression of these obligations in national legislation. This process marks the stage of transition from international principles of protecting the rights of the child to national legal mechanisms.

Article 8 of the Law is on preschool education, according to which the task of preschool education is to form the foundations of a child's development, to develop his interest in knowledge, cultural and moral needs, primary labor skills, love of science, and to strengthen his health. Preschool education is carried out in the family and in preschool educational institutions. This document was the initial normative and legal document for that

period and paved the way for the reinterpretation of preschool education as a structural element of the continuous education system.

In 1997, a new stage began in the field of education. On August 29, a new edition of the Law "On Education" was adopted and the "National Program for Personnel Training" was approved, further systematizing the legal framework for education, upbringing and vocational training. Article 11 of Chapter II of the Law on the Preschool Education System, within the framework of the education system and types, is devoted to preschool educational institutions, which legally defines the goals and forms of implementation of preschool education - According to this article, preschool education aims to form a healthy and mature personality of the child, prepared for school.

This education is carried out in the family, in kindergartens and in other educational institutions, regardless of their form of ownership, up to the age of six or seven. [8.] This norm creates a legal basis for preschool education to be carried out not only in state institutions, but also in non-state and alternative forms, and strengthens inclusion in the education system through the principles of diversity and protects the rights of the child in accordance with international standards.

An important milestone in strengthening children's rights at the national level was the Law "On Guarantees of the Rights of the Child", adopted on January 7, 2008. [9.] This Law strengthened the principle of the primacy of the interests of the child and systematically defined the following rights:

- survival and development
- the right to education;
- health care;
- protection from violence;
- social protection.

The adoption of the Law served to comprehensively regulate children's rights as a separate sphere. If the documents of 1992–1997 established the general foundations of the education system, the 2008 Law strengthened children's rights as an independent normative institution.

In conclusion, although the historical, religious-spiritual and legal roots of children's rights are normatively entrenched in modern international law, their roots have existed in Eastern thought for a long time. During the years of Uzbekistan's independence, children's rights were strengthened on the basis of international standards. All conditions and legal foundations have been created for the upbringing and education of children and their development into well-rounded individuals. In order for our children to develop into mature individuals, we consider it appropriate to integrate historical and spiritual heritage into curricula, increase the pedagogical literacy of parents, improve mechanisms for continuous monitoring of compliance with children's rights in preschool educational institutions, and deepen scientific research in this regard, and expand scientific research that compares the views of Eastern thinkers on child education with the modern concept of children's rights.

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