

SUMMARY

Key Words: legal relationship, parents, children, legislation, parental responsibilities, parental rights

Subject matter: Parents and children's legal relations under Russian law

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The relevance of the research topic. Children are the future of the country, so in different historical periods the importance of the state's help in their upbringing has always been indicated. By signing the Convention on the Rights of the Child and other international acts on children's rights, the Russian Federation has joined the efforts of the world community to create a child-friendly and child-friendly environment.

Educating the younger generation in the spirit of patriotism, eliminating child neglect and neglect, protecting the family as a traditional value are the main state strategic tasks of the Russian Federation. In the legal system of any state, the legal relationship related to the upbringing of children, the center of which is parental relations, protected, protected and supported by the State, is of particular importance.

The relationship between parents and children is the oldest on Earth. Over time, they received a legal settlement. At first glance, the regulation of the relationships of the closest people seems absurd, but in the family there are a number of complex relationships, including both personal and property relations, which are regulated and called right.

In accordance with Section 2 of Article 38 of the Constitution of the Russian Federation, the care of children and their upbringing is an equal right and duty of parents. This means that the very fact of the birth of a child leads to legal relations between parents and children. Raising a child is not just the moral duty of every parent, but also his constitutional duty.

However, in the theory of family law of the Russian Federation has not yet defined the definition of "child-parent legal relations", their composition has not been revealed, in fact each element causes active disputes in the doctrine.

The purpose of the work: a comprehensive analysis of the legal relations of parents and children under the legislation of the Russian Federation.

Objective: to study the history of the formation and development of legal relations arising between parents and children; to determine the essence and content of the legal relations of parents and children; to consider the grounds for the emergence and termination of legal relations between parents and children; to analyze the laws governing the relationship between parents and children; to identify the current problems of legal regulation of the legal relations of parents and children in the Russian Federation; to identify possible ways to improve the legislation of the Russian Federation regulating the law between parents and children.

The theoretical and practical significance of the research. The theoretical significance of the study is that the conclusions and suggestions contained in it complement and develop ideas about the legal relations of parents and children in the Russian Federation.

The practical significance of the study is that, based on an analysis of law enforcement practices, proposals and recommendations have been made to improve the legal regulation of legal relations between parents and children in the Russian Federation, which can solve a number of practical problems in the field under study.

The results of the study:

1. The legal relationship between parents and children may be family and in business. Their main separation should be based on the subjective law and legal obligation between the parties to the legal relationship. If the existence of rights and responsibilities is conditioned by the status of "parent" and "child," then such legal relations will be family. If rights and responsibilities arise

without reference to the specified status, then such legal relations, although in the presence of parents and children, are in-approach. At the same time, the branches of law governing them, as other branches of law may regulate a number of family legal relations, cannot make the separation of family and family legal relations between parents and children.

2. Analyzing the grounds for legal relations between parents and children, the author points out that they imply some legal facts in which the legal relationship between parents and children arises. From that moment, it is possible to acquire rights and perform the duties of parents in relation to their children, as well as to bear specific responsibility for their non-compliance, i.e. a certain parental legal personality. However, subsequent reasoning leads the author to the idea that the category of parental legal personality is much broader, since the legal relationship with the child parent can also come with other subjects (examples cite cases of paternity, application for registration of the child in the registry office). Thus, not yet having a legal connection with the baby, the parent already shows his legal ability, which arises from the moment of the birth of the child. On the basis of which the paper concludes that parental personality in general includes some other category - "child-parent legal personality." This name cannot be considered certainly successful, because it is only about one side of legal relations - parents and their legal personality, but it can reflect the specifics of the legal status of parents.

3. In order to properly implement the right of the child in the name, it is advisable to supplement article 58 of the RUSSIAN SC of The Russian Federation with part 3.1 of the following: "Parents are obliged to give the child a name that does not contravene the requirements of the law, standards of morality and morality, and will not have a negative impact on the identity, self-esteem and development of the child," as well as part 4.1 of the following content: "In the event of non-performance or improper performance by parents of the duty of responsibility As stipulated in part 3.1 of this article, the guardianship and guardianship authorities have the right to choose the name of the child, which does not contradict the requirements of the law, standards of morality and morality, and will not have a negative impact on the identity, self-esteem and development of the child."

4. In order to resolve the issue of protection of the interests of third parties whose rights may be violated by the proper fulfillment of the obligation of children to pay child support in favor of parents, it should be amended to article 119 of the RUSSIAN Criminal Code, setting out its name in the following edition: "Change in the amount of alimony and exemption from payment of alimony", as well as to supplement the article of the law in part 1.1: "If the agreement on payment prevents the implementation of the rights of third parties "the court has the right, at the request of these persons, on the basis of the material and marital status of each party to the alimony agreement, to change the set amount of alimony."

5. Today, there are many different challenges in the area of parents fulfilling their parental responsibilities. Some of them show that, on the one hand, the principle of equality of parents in carrying out responsibilities towards their children is not being enforced today. On the other hand, deviations from this principle, if they are allowed, should take into account the interests of both parents, not just the child, which does not happen. Parental responsibilities should not become an unbearable burden. In this regard, it is necessary to:

(a) To amend the Family Code of the Russian Federation article 114.1 "Suspension of the duty to pay child support." It could provide such an opportunity for those serving sentences in prison; who was in a difficult life situation; lost his job due to the reduction of the staff of the organization's employees; acquired a disease requiring expensive treatment, etc. The suspension period should be calculated for months (for example, from 3 months to 1 year). In the event that the circumstances have not fallen away from the court-imposed period, the person has the right to reapply with such a statement. In addition, if the court considers that there are grounds for suspending child support, the second parent should be provided for state support in this case. Committed reckless crimes or minor, moderate crimes;

b) To supplement article 86 of the RF SC part 3, which provides for the participation of one parent in the additional costs of children in the presence of exceptional circumstances that occur

in relation to the second parent (with whom the child lives jointly) and which have led to a significant deterioration in his financial situation for objective reasons.

Recommendations:

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