

Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 5, May 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

ESTABLISHMENT OF PATERNITY AND RECOVERY OF ALIMONY

Yuldasheva Shakhnoza Muhammadjanovna,
Judge of the Uchqo'rg'on Interdistrict Court on Civil Cases

Abstract

As a judge of the Uchqo'rg'on Interdistrict Court on Civil Cases, I regularly encounter cases related to the establishment of paternity and the subsequent recovery of alimony in my practice. This category of disputes is characterized by heightened social significance, as it directly affects the rights and legitimate interests of minors.

Keywords: Establishment of paternity, alimony, DNA examination, child's rights, judicial practice, maintenance obligations, civil procedure, family law.

Introduction

When filing a claim for the establishment of paternity, the plaintiff bears the burden of submitting evidence confirming the child's descent from a specific individual. The court takes into consideration various types of evidence, including correspondence between the parties, joint photographs, witness testimonies, and other admissible proofs. At the same time, in law enforcement practice for this category of cases, the conclusion of a molecular genetic examination (DNA test) is of key importance. This evidence possesses a high degree of reliability and enables the presence or absence of a biological relationship between the child and the alleged father to be established with maximum accuracy, which is of decisive significance for the proper resolution of the dispute.

Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 5, May 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

As a rule, such cases arise when a child is born outside of a registered marriage and the alleged father does not voluntarily acknowledge his paternity or evades his obligation to support the child.

Current legislation provides for the possibility of establishing paternity both voluntarily and through judicial proceedings. In the voluntary procedure, this matter is resolved by the joint submission of an application by the parents to the civil registry authority. However, judicial practice shows that in the majority of cases there is no agreement between the parties, which necessitates judicial intervention.

In the judicial practice of paternity cases, one of the most pressing issues is the appointment and payment of a molecular genetic examination (DNA test). As practice shows, in examining this category of cases the court generally finds it necessary to order an examination, since it constitutes the most reliable evidence of the child's descent. The question of ordering the examination is put to the parties for discussion, after which the court issues the relevant ruling. However, a problematic situation frequently arises at the stage of allocating the costs. The plaintiff, who filed the claim for establishment of paternity, citing financial hardship, refuses to pay for the examination. The defendant, in turn, objects to bearing these costs, indicating that it was the plaintiff who initiated the dispute and should therefore bear the corresponding expenses. In such cases, the court must proceed not only from the principle of allocation of court costs, but also from the priority of protecting the rights and interests of the child. Cases involving the establishment of paternity are of a special character, as they concern the rights of a minor who is entitled to heightened legal protection.

According to the explanations contained in the Plenary Resolutions, a party's evasion of participation in the examination or refusal to pay for it may be regarded by the court as a circumstance entailing adverse consequences for that party. In particular, the court is entitled to evaluate the refusal to undergo an examination in conjunction with other evidence and draw appropriate conclusions. However,

Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 5, May 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaoa.com/index.php/4>

a formal approach to applying these explanations does not always serve the interests of the child. In a situation where conducting an examination is objectively necessary for the proper resolution of the dispute and the plaintiff is unable to cover its cost, the court would be well advised to consider the allocation of costs in light of the specific circumstances of the case.

In practice, it is possible to place the preliminary payment for the examination on the defendant, with subsequent allocation of costs upon the conclusion of the case. It is also not excluded that costs may be charged to the state budget with subsequent recovery from the liable party, if this is provided for by procedural legislation.

Thus, when resolving the question of payment for an examination in cases of this category, the court should proceed from the need to ensure a comprehensive, complete, and objective examination of the case, to maintain a balance of the parties' interests, and, above all, to protect the rights of the child.

Following the establishment of paternity, the right to recover alimony arises. A claim for the recovery of alimony may be filed simultaneously with a claim for the establishment of paternity or separately. In granting such claims, the court proceeds from the need to safeguard the interests of the child and imposes on the parent the obligation to provide for the child's maintenance.

The amount of alimony is generally determined as a proportional share of the defendant's income, or as a fixed monetary sum if the income is irregular or there is no official earnings. In doing so, the court takes into account the financial situation of the parties, the existence of other children, and other circumstances deserving of attention.

Thus, the establishment of paternity and the recovery of alimony are interrelated legal mechanisms aimed at protecting the rights and legitimate interests of the child. Judicial practice proceeds from the priority of the interests of the minor, ensuring the child's right to maintenance regardless of whether the parents were in a registered marriage.

Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 5, May 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaoa.com/index.php/4>

In judicial practice, the question of the moment from which alimony is to be calculated frequently arises, since this directly determines the amount of funds subject to recovery.

As a general rule, alimony is awarded from the moment the corresponding statement of claim is filed with the court. This position is based on the fact that it is from that point in time that the person officially declares the need to protect the child's violated right to receive maintenance. At the same time, legislation provides for the possibility of recovering alimony for a past period. However, such recovery is permissible for no more than three years preceding the filing of the claim, and only if there is evidence that the plaintiff had previously taken measures to obtain alimony but it had not been paid for reasons beyond the plaintiff's control. Among such evidence in judicial practice are requests made to the defendant for the voluntary payment of child support, correspondence between the parties, applications to the relevant authorities, and other confirmation of attempts to resolve the matter out of court.

Thus, when resolving disputes of this category, the court proceeds not only from the date of filing of the claim, but also evaluates the conduct of the parties during the preceding period, ensuring a balance of interests and, above all, the protection of the rights of the minor child.

In judicial practice, evasion of the payment of alimony is regarded as a substantial violation of the rights and legitimate interests of the child, requiring the application of measures of state compulsion.

Current legislation provides for a set of liability measures against a debtor who fails to fulfill the obligation to support the child. Such measures include both property-related and personal restrictions.

In particular, penalty sanctions may be applied against the debtor, aimed at incentivizing the fulfillment of the obligation. Furthermore, upon the petition of the creditor or at the initiative of the competent authorities, a temporary restriction

Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 5, May 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaoa.com/index.php/4>

on the right to travel abroad may be imposed, which in practice proves to be one of the most effective enforcement measures.

Enforcement officers are entitled to levy execution on the debtor's property, including funds held in accounts and movable and immovable property, with its subsequent realization in accordance with the established procedure.

In the event of systematic evasion of alimony payments, administrative liability ensues. In cases of continued malicious evasion, the debtor's actions may be classified as a criminal offense, entailing more stringent enforcement measures, up to and including deprivation of liberty.

Thus, law enforcement practice proceeds from the need to ensure the inevitability of liability for the non-fulfillment of alimony obligations, based on the priority of protecting the rights and interests of the child.

In conclusion, it should be noted that the child's right to care and material support from both parents is unconditional in nature and is subject to protection regardless of whether a registered marriage exists between the parents.

The establishment of paternity and the subsequent recovery of alimony are regarded in judicial practice not merely as formal legal procedures, but above all as an effective mechanism for ensuring proper conditions for the life and development of the child.

The court proceeds from the priority of the interests of the minor and ensures the realization of the child's right to maintenance. In this regard, untimely recourse to the protection of a violated right may result in a delay in obtaining the necessary funds, which adversely affects the child's situation.

Where the relevant circumstances exist, interested parties are advised to seek judicial protection in a timely manner, as current legislation stands in protection of the rights and legitimate interests of the child and provides effective means for their restoration.

Eureka Journal of Humanities and Social Research (EJHSR)

ISSN 2760-4934 (Online) Volume 2, Issue 5, May 2026



This article/work is licensed under CC by 4.0 Attribution

<https://eurekaopenaccess.com/index.php/4>

References

1. Constitution of the Republic of Uzbekistan.
2. Code of Civil Procedure of the Republic of Uzbekistan.
3. Family Code of the Republic of Uzbekistan.
4. Law of the Republic of Uzbekistan "On Courts".
5. Resolutions of the Plenum of the Supreme Court of the Republic of Uzbekistan on Cases Related to the Establishment of Paternity and Recovery of Alimony.
6. Commentary on the Family Code of the Republic of Uzbekistan / edited by leading legal scholars.
7. Scientific and Practical Commentaries on the Code of Civil Procedure of the Republic of Uzbekistan.