



## MARRIAGE RELATIONS AND REGULATION IN THE LEGISLATION OF FOREIGN COUNTRIES

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### **Abstract:**

This article provides information on marital relations, the institution of marriage, marriage ceremonies and regulation in foreign law. It also spoke about the importance and relevance of family law, and expressed its views and suggestions.

**Keywords:** Family law, Anglo-Saxon law, marriage law, alimony, delayed community treatment.

The institution of marriage occupies one of the central positions in family law, as it is important for the emergence, change and termination of family relationships, as well as for the development of relationships between family members.

The material and legal legislation of foreign countries aimed at regulating family relations is unique and diverse.

In the countries of the continental legal system (Germany, Switzerland, France), the sources of legal regulation of family relations are special sections of the Civil Code. For example, Book 4 of the German Civil Code is called "Family Law", and the norms of paragraphs 1297-1921 are directly related to the regulation of family relations. In countries of the Anglo-Saxon legal system, family relations are regulated by separate normative legal acts. In particular, the main source of regulation of family relations in the UK was the Marriage Act of 1949. The law was drafted by merging 40 existing regulations. At the same time, in the Anglo-Saxon countries of the legal system, the collection of alimony, paternity, and the appointment of guardianship are regulated by separate laws. In the United States, family law is extremely diverse. Because the regulation of family relations is the prerogative of the states.





In recent years, there has been a steady and unconventional development of family law in foreign countries. In many cases, the equality of spouses in family relationships, the contractual order of their property is determined by law. In some cases, however, marriages in one country are not recognized in other countries, leading to so-called "lame marriages." In a number of countries, however, a couple's property relationship is determined by the husband's personal law.

Normative documents do not define the concept of marriage. Also, to date, the issue of marriage has not been fully resolved in the legal doctrine and legislation. However, according to the laws and doctrines of foreign countries, the concept of marriage can be defined as follows: Marriage is a legally formalized voluntary union of a man and a woman aimed at marriage and creating mutual personal and property rights and obligations for them. Traditionally, marriage is a voluntary union between a man and a woman, duly registered to meet the moral, spiritual and physical needs of a person. Due to the peculiarities of family law, I.A. Mikhailova argues that "marriage is one of the most complex legal phenomena that contradicts the generally accepted legal definition."

Legal registration of marriage is carried out in special bodies in the order provided by the national legislation.

To date, the contractual concept of regulating marital relations has been a priority. The law provides for a number of rules regarding the procedure for concluding a marriage contract and the consequences of its annulment. At the heart of the concept of marriage contract is the possibility of establishing a contractual regime of the couple's property. However, those who oppose this concept believe that a marriage cannot be a contract because the couple has only the rights and obligations provided by law and the parties cannot change it based on their own will.

The priority of the marriage contract is determined by the fact that the husband and wife determine the pre-agreed regime of property. From a legal point of view, this type of marriage determines the status of the property acquired by the subjects of the marital relationship as a result of the actions prescribed by law.

In general, the most detailed regulation of family law preserves the traditional approach: providing the wife with everything she needs and maintaining her is one of the main tasks of the husband. Family law places great emphasis on the relationship between parents and children. This relationship occurs both in marriage (birth and upbringing of children) and after divorce (alimony). The origin of a child born in a



marriage, the legal property relations of the spouses are related to the following: the regime of property, the order of its management and provision of services. There are three main types of legal regime for spouses' property: collective, divorce, and mixed regime (sometimes the latter is called "delayed community" regime).

Marriages in foreign countries can be civil or religious, and all countries can be divided into three groups:

- 1) only civil marriages have legal consequences (Germany, France, Switzerland, Japan, Russia, etc.);
- 2) marriage can be concluded in an alternative way - civil or religious form (England, a number of US states, Denmark, Spain, Italy, Canada, etc.);
- 3) there is only a religious form of marriage (Israel, Iraq, Iran, some states of the USA, separate provinces of Canada).

The marriage ceremony is always held in the presence of a legal number of adult witnesses (two to six). In the CIS countries, only Georgian and Lithuanian law stipulates that witnesses must be present to register a marriage.

In all foreign countries, marriage is performed in conjunction with a public announcement of the structure of the marriage (for example, in a church or in a municipal building). The body conducting the marriage ceremony may object to the formation of the marriage and its formation at the time of the announcement of the marriage. If these objections are not acknowledged by the bride and groom, they must be considered by the court. In the United Kingdom and the United States, marriage can be legalized without the consent of the church and the authorities. In order to get married, the parties must swear an oath in front of a priest or promise that there will be no obstacles to a civil marriage.

The marriage declaration and the marriage permit are valid for a specified period (from one month to one year), after which the procedure must be repeated.

– The participation of the parties in the marriage is mandatory. If at the time of marriage one of the spouses is unable to attend the ceremony for any reason (distance from each other, illness, military service), the other must submit an application signed by both parties. The signature of the party who is unable to attend the ceremony must be certified by the competent authority or an official of the local executive body at the place of residence of the person.

– In some cases, there are restrictions on the registration of marital relations. In particular, the following are prohibited:





- remarriage until the first marriage is annulled; such a rule is enshrined in the law of many countries and criminal liability is established for its violation;
- marriage between relatives connected up and down (grandfather, father, son and grandmother, mother, daughter), between birth and stepbrothers and sisters creation is not allowed; in some countries (France, USA, Switzerland) marriage may be prohibited due to the degree of kinship; In Germany, marriages between third-degree siblings (uncle, cousin, niece, aunt, niece, nephew) are prohibited; In some states of England and the United States, marriages between relatively long-term, fourth-degree relatives (cousins, uncles, cousins, aunts) are also not allowed;
- Marriages between adoptive parents and adoptive parents (Switzerland, France), between adoptive parents and relatives of the adopted child (in some cases, special permission is obtained for such marriages) are also prohibited;
- Marriage to a person with a disease that endangers the health of the other party (under British law and in some US states, marriage to a mentally ill person is prohibited);
- Prohibition of a woman to marry after the divorce or death of her husband within the period prescribed by law (in Germany - 10 months, in France and Switzerland - 300 days).

A marriage entered into without the conditions established by law is considered to be absolutely invalid (not considered authentic in itself) or relatively invalid (disputed). The family is the cornerstone of society. It is the product of an understanding of human dignity and honor in human society, of a sense of honor and pride. Therefore, the stronger the family, the stronger the society, the stronger the foundation of freedom and independence. The strength of the family depends not only on socio-economic, but also on spiritual and moral factors.

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