

MARRIAGE CONTRACT - IS A GUARANTEE OF FAMILY STRENGTH

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Abstract:

In this article, it is explained in detail that the family is a sacred place and the rules of marriage are defined by the existing normative documents. We can say that a healthy environment in the immediate family, a healthy ideology, and a mentally healthy person are the source of support. It was thought that the family, which is the strong support of our society, not only educates the people of tomorrow, but also needs to be able to form the ability to care for the motherland and tomorrow. Currently, Article 17 on "Medical examination of married people" has been introduced into the Family Code as a new norm. In this article, it is established that people getting married will undergo a free medical examination in the institutions of the state health care system.

A marriage contract can be concluded before the marriage is registered in the state register or during the marriage. The contract concluded before the state registration of the marriage takes effect from the date of its state registration. The contract is made in writing and must be confirmed by a notary.

Keywords: Family Code, marriage, medical examination, marriage contract, power of attorney, divorce.

Introduction

The family is the basis of society, a huge social force. It contains the legacy of our ancestors, the bright pages of today, and the hope of tomorrow. In this family, we educate the owners of our future, the heirs of our nation. Our children, whom we rocked the cradle, held in our bosoms, and caressed in this holy place, are growing. In our native Uzbekistan, the family has always been considered sacred. Constitutional norms aimed at supporting the family and protecting the interests of the child are reflected in a number of laws and regulations.

In the opinion of Sh.Shorakhmetov, a legal scholar, "the inclusion of a family tree in Sharia and practical marriage and the main requirement in this regard is aimed at strengthening the family and ensuring that the offspring are healthy and strong."¹

The main task of the family is to raise perfect people who are dedicated to the society. After all, a healthy child is the fruit of a healthy family. When we say a healthy person, we can understand not only physical health, but also a mature person who has matured in the spirit of oriental manners, national ideals and good feelings such as tolerance and humanitarianism typical of the Uzbek people. After all, mentally healthy people can first of all worry about the peace of the country, the well-being of the people, and the future of the people. We can say

¹ Bulletin of legal sciences TDUU Tashkent - 2017.

that a healthy environment in the immediate family, a healthy ideology, and a mentally healthy person are the source of support. The family, which is the strong support of our society, not only educates the people of tomorrow, but it can also form the ability to care for the motherland and tomorrow.

Therefore, the President emphasized that "if we pay attention to the realization of the abilities of our children from childhood and mobilize all our opportunities for their development, many more Berunis, Ibn Sinos, and Ulugbeks will come out of our country, I believe in it."²

In our republic, attention to the family has risen to the level of state policy. All conditions have been created for our young people to build a healthy and strong family. Family is considered the basis of society. So what is the foundation of a family? Of course, the legal basis of the family is legal marriage. Because only legal marriage creates mutual rights and obligations between spouses and children in the family.

What is marriage itself?

It is natural to wonder what marriage is, whether it is an agreement, a deal, a contract, a contract, or an alliance between a bride and groom-to-be. The word "nikah" is Arabic and means "to join". According to its dictionary meaning, marriage is a union of two sexes based on mutual consent, voluntariness, equality, and reaching the specified marriageable age. Article 63 of the Constitution of the Republic of Uzbekistan states that "Marriage is based on the voluntary consent of the parties and equal rights." Although Article 15 of the current Family Code of the Republic of Uzbekistan sets the age of marriage as 18 years for women and men, experts say that it is appropriate to get married and start a family after the age of 20. Order of marriage.

Article 13 of the Family Code stipulates the procedure and conditions for marriage, and marriage is concluded in the bodies that register civil status documents. A marriage concluded according to religious rituals has no legal significance. In accordance with Articles 14 and 15 of the Family Code, mutual consent of the parties and their reaching marriageable age are the main conditions for entering into a marriage.

Currently, Article 17 on "Medical examination of married persons" has been introduced into the Family Code as a new norm. In this article, it is established that persons getting married will undergo a free medical examination in the institutions of the state health care system. In this regard, the "Regulation on medical examination of married persons" approved by the decision of the Cabinet of Ministers of the Republic of Uzbekistan No. 365 dated August 25, 2003 was adopted. This Regulation applies to all marriages registered by the registry offices of the Republic of Uzbekistan, with the exception of cases of marriage registration of persons over 50 years of age. In accordance with the requirements of the regulation, persons who are getting married undergo a medical examination at the medical institution in their place of residence in accordance with the established procedure.

² People's Word newspaper - December 8, 2018

According to Article 29 of the Family Code, a marriage contract is an agreement that defines the property rights and obligations of married persons or husband and wife during their marriage or in case of divorce.

An integral part of the legal foundations of the family is the marriage contract, the official registration of the marriage, and the personal and property rights of the young man and woman participating in it. Among today's young people who are starting a family, there are many who have achieved a lot financially and materially with their entrepreneurial ability or intellectual potential before this process. The property owned by the husband and wife before the marriage, as well as the property received by each of them during the marriage as a gift, inheritance, or based on other agreements, are considered to be their property only. In this sense, joint common property of a couple can be goods or other things acquired by them during the marriage, as well as taken at the expense of their common funds before the marriage was registered.

A marriage contract can be concluded before the marriage is registered in the state register or during the marriage. The contract concluded before the state registration of the marriage takes effect from the date of its state registration. The contract is made in writing and must be confirmed by a notary.

It is not allowed to conclude a marriage contract through a power of attorney.

When concluding a marriage contract, the identity of the parties is determined according to their passports. Before the conclusion of the marriage, after the interview of the notary with those who came to conclude the marriage contract, or based on the marriage certificates of the spouses, this contract is accepted for notarization. The notary has the right to confirm the content of the contract only if it does not contradict the applicable laws. The marriage contract helps in the correct and fair resolution of disputes that may arise between the spouses during the court process, that is, in case of separation of the spouses, it is possible to determine the size and amount of the property belonging to each of them.

Importantly, according to Article 354 of the Civil Code, the conclusion of a marriage contract is voluntary, that is, it is up to the husband and wife to conclude such a contract or not.

Another advantage of the marriage contract is that it not only establishes the property of the spouses or changes its legal order, but also reflects the arrangement of the spouses' provision of material support to each other. Therefore, the marriage contract can be considered not only as a factor that helps to resolve property disputes, but also as a factor that strengthens marriage. In fact, in order for a person to live a full, peaceful, calm and happy life in all aspects, if they strictly follow the legal regulations, the foundation of the family built will be strong and the future will be bright, without a doubt.

At this point, let's talk about the marriage contract, which is an important document for strengthening the family and legally regulating the property relations of the couple.

This legal document is new for us and was put into practice with the new Family Code adopted in 1998. A marriage contract is concluded between the parties to the marriage and the married couple. If the contract was concluded before the state registration of the marriage, according to Article 30 of the Family Code, the marriage shall enter into legal force from the moment the marriage is registered in the registry office. The conclusion of the marriage contract is

completely voluntary, and its main content is to determine the specific rights and obligations of the husband and wife in the ownership of common property. In this case, not only the property rights existing between the spouses, but also the property rights that may arise at the expense of the property acquired during their cohabitation can be determined.

The parties can determine their rights and obligations regarding the distribution of family income and expenses in the marriage contract. This rule applies to both regular wages and day-to-day expenses, such as the maintenance and repair of common property and the cost of educating children. Also, the spouses can agree in advance on the terms of providing each other with money in case of need.

Such terms must comply with the requirements of Chapter 17 of the Family Code. Likewise, the procedure and amount of alimony payment for material support of one of the parties to the other may be determined by a special agreement on alimony payment.

Another important point is that the parties have the right to determine in a mutual agreement the share in the property that will be transferred to each of them when the court separates from the marriage. The advantage of this is that during the marriage, one of the spouses is busy with household chores and taking care of the children and cannot earn an income. In such a case, after the separation of the parties from the marriage, this party may be in a difficult situation without adequate financial support.

In accordance with Article 32 of the Code, the validity of the marriage contract ends from the moment of the dissolution of the marriage, except for the obligations stipulated in the marriage contract for the period after the dissolution of the marriage.

A marriage contract can be amended, supplemented and canceled at any time. However, the agreement between the spouses on its modification or cancellation must be in writing and notarized. Unilateral withdrawal from the marriage contract is not allowed.

Here it should be noted that the purpose of concluding a marriage contract is not only the distribution of property. On the contrary, the marriage contract is one of the factors that strengthen the marriage. It serves to ensure mutual harmony, to carefully preserve the common property of the family, to prevent extravagance, and to increase the responsibility of the parties to the family.

Articles 30 and 31 of the law specify the procedures for concluding a marriage contract and the content of the marriage contract.

However, in practice today this requirement of the law does not work at all.

According to statistics, during the last 9 months of 2022, a total of 4,535 civil cases related to divorce were considered by Fergana regional courts. In the same period of 2021, this category of cases heard in courts amounted to 3,556, which is an increase of 979 or 21.5% compared to the previous year.

According to the analysis of the main reasons for divorce, 36.5 percent of divorces were caused by the character mismatch of the spouses.³

³ Reference book of the Fergana regional court on civil cases

In divorced families, the absence of a father sometimes causes the child to be under less control, to face more financial problems, and the child's interests, interests, and worldview change dramatically.⁴

Based on the above, we would like to offer the following in order to strengthen families;

First, making the conclusion of a marriage contract free of charge (because the medical examination for persons getting married is set free of charge);

Secondly, to increase promotion and clarification work among the population by the responsible agencies on the advantages of concluding a marriage contract;

Thirdly, to make the Family Centers responsible for the conclusion of the marriage contract, that they participate as mediators between the persons entering into marriage;

Fourthly, that the parents and legal representatives of the parties to the marriage also participate in the conclusion of the marriage contract;

From the fifth; in the marriage contract, the rights and obligations of the persons getting married, where they will live in the future, financial support, permanent registration at the place of residence, and other circumstances that determine the future of the family should be fully specified.

As a husband or wife considers himself responsible for the family, he will undoubtedly try to ensure that a peaceful and prosperous environment reigns in this family. The happiness of families is the happiness of society, the happiness of future generations. We should all remember that we are responsible for this happiness.

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⁴ A. Kayumov juvenile delinquents and their geographical description. MIA Academy-2003-page 187