



## LEGAL SIGNS OF A MARRIAGE CONTRACT

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<b>Received:</b> January 6 <sup>th</sup> 2024 <b>Accepted:</b> March 1 <sup>st</sup> 2024	This article will tell you about the legal signs of a marriage contract
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### INTRODUCTION

Marriage is a free and equal Union of a man and a woman aimed at creating a family and generating mutual rights and obligations between spouses. The following can be distinguished signs of marriage.

Marriage is a union of men and women. The word "union" is wider than the words "agreement" or "agreement", since the Union of a man and a woman means a certain spiritual community, a predisposition to each other, an advantage, in addition to the distribution of tasks in the family. for others. Marriage is a monogamous union, i.e. an alliance in which only one partner is given preference. Monogamy is the only form of marriage in Western countries and Russia. In some states where the Muslim religion, there are polygamous marriages (polygamy). Marriage is a free union. Marriage is free and voluntary, as a rule, free and marriage is annulled. Marriage is an equal union. A man and a woman entering into a marriage are equal in personal rights, choice of profession, upbringing of children, in relation to jointly purchased property. Marriage is such a union, which is a civil status registered in the registry office (marriage registration book). From the moment the marriage is recorded, the rights and obligations of the couple arise.

"Family" and "marriage" are different concepts, but among them there is close communication: marriage contributes to the establishment of a more balanced relationship between spouses. Marriage is an institution that allows men and women to live Family Life, an alliance that occurs between spouses legal rights and responsibility. This applies to both men and women. Family is a deeper concept, since it is not only a circle of persons associated with the rights and obligations arising from registered marriage, but also personal, intimate relationships were not the object of Legal Regulation. Family is a broader concept because it is a more complex system of relationships, unlike marriage. It unites not only spouses and their children, but also other relatives, as well as relatives and people necessary for family members. According to scientists, marriage contributes to the establishment of a more balanced relationship between spouses. For example, there are various situations that arise in family life (loss of work, dismissal of a housewife, etc.), both personal and emotional attitudes: conflicts, quarrels, disagreements. In these cases, the spouses decide to reconsider the relationship in order to save the marriage. In general, we can say that a normal family arises and develops only on the basis of marriage, but not beyond it.

Spouses, at their own request, choose the surname of one of them as a common surname when arranging a marriage, or each of the spouses retains their pre-marriage surname, or adds the surname of another spouse to their surname. 1. Combining surnames is not allowed if at least one of the spouses has a pre-marital surname. 2. Changing the last name of one of the spouses does not lead to changing the last name of the other spouse. 3. In the event of a breach of marriage, spouses have the right to retain their common surnames or to restore their pre-marital surnames. There is no definition of marriage in the legislation. It is awarded by scientists - lawyers, philosophers, sociologists.

The grounds for marriage are not moral, but legal norms: the marriage union determines only the system of rights and obligations. Thus, marriage is a means of registration and a form of social control over it. As a rule, marriage involves the registration of state bodies or in religious institutions with such powers. It emphasizes that the rights and obligations of marriage arise only in registered marriage. The real coexistence of a man and a woman does not cause a family. It is state registration that allows you to really guarantee the protection of the various rights of family members. For example, the rights of alimony, housing, inheritance of a couple are protected only after the presentation of a marriage certificate. Traditionally, the three developed forms of marriage (family) relationships; the characteristics are culturally and socially defined:

monogamy is the Union of a man and a woman. This form of family originated at a time when the development of Agriculture allowed married Parsis to feed and raise children without the intervention of the whole family; since then it has been the most common; polygamy (polygamy) is the traditional form for Islamic culture and some primitive societies. At Ancient Greece there was also a temporary polygamy: in the post-Great Wars period, which drastically reduced the male population, men were allowed to take several wives. When population losses were replenished, polygamous marriages were officially abolished; polyandry (polyandry) is a very rare form; in remote areas of India, Tibet, the Far North and some islands of Polynesia. The reason for polyandry was the need to limit the population in areas with scarce

resources. Polyandry among primitive peoples, as a rule, was accompanied by a cruel tradition of killing most of the newborn girls.

The modern institution of marriage is in a state of change. As individual freedom becomes the most important value, the number of marriages is decreasing, the age of marriage is increasing, the marriage bond is weakening, the number of divorces is increasing, the number of children born in marriage is decreasing. The attitude of society to family and marriage is also changing: if earlier it was considered important that the relationship between a man and a woman be officially registered, now undocumented associations are recognized as a variant of the norm. The marriage is concluded in the state registry office a month after the bride and groom jointly apply. In the presence of a monthly period, good reasons can be reduced or increased, but not more than a month. In the presence of special circumstances (pregnancy, the birth of a child, a direct threat to the life of one of the parties and other special circumstances), the marriage can be concluded on the day of the application. To conclude a marriage, the following conditions must be met:

persons entering into a mutual agreement marriage; success marriage age. the general rule by the marriage age is set at 18, but the authorities local government at the place of registration of marriage they can reduce it to two years (the laws of the constituent entities of the Russian Federation may provide for exceptional cases when marriage is allowed until the age of 16); lack of marriage with future spouses (at least one; the absence of family ties means that the bride and groom (relatives on the line of direct ascent and descent, full and natural brothers and sisters, adoptive parents and adopted children cannot marry); the legal capacity of persons entering into marriage (the Prohibition of marriage is established by the court for persons deemed incapable of circulation due to mental illness or dementia).

Failure to comply with these conditions or registration of a marriage in accordance with them, but without the intention of starting a family ( fictitious marriage ) can be recognized if requested by interested parties or competent authorities court order the marriage is invalid. Concealing a sexually transmitted disease or HIV infection gives the other spouse the right to sue to find the marriage invalid. A marriage deemed invalid by the court does not entail the rights and obligations of the couple from the moment it is concluded. A conscientious (unaware of the existence of barriers to marriage) spouse has the right to retain the surname of his choice when registering a marriage. If one of the spouses hid that he was already married, then a person who did not know about it has the right to maintain property and demand the distribution of property in accordance with the provisions of the Family Code of the Russian Federation, i.e. favorable conditions for himself. In any case, the recognition of marriage as invalid does not affect the rights of children born in this marriage. Marriage is a voluntary union between a man and a woman registered in the bodies of writing acts of mutual love and civil status, a respect aimed at creating a family and generating mutual personal non-property and property rights and obligations. Terms and conditions of marriage prevent marriage. The conditions for the conclusion of a marriage are the circumstances necessary for the conclusion of a marriage (Article 12 of the Family Code). Marriage should not be structured if there are circumstances that prevent the marriage implied in art. 14 of the family code. So it is necessary for marriage.

Mutual consent of a man and a woman for marriage. The Russian Federation does not allow same-sex marriage. The will of persons entering into a marriage must be expressed personally and freely without any coercion (threats, both physical and mental, not only by persons entering into a marriage, but also by other persons). Criminal law provides for responsibility for forcing a woman into marriage. Marriage age. Currently, the total marriage age on the territory of the Russian Federation is 18 years. Due to the fact that real marriage relationships are developing more early age, according to Paragraph 2 of Art. According to Article 13 of the family code, in case of excuses, local authorities have the right to allow marriage at the request of persons who have reached the age of sixteen. The reduction in the age of marriage is carried out by local authorities at the place of residence of persons entering into marriage.

Reducing the age of marriage to sixteen is possible only if a law is adopted in the constituent entities of the Russian Federation that establishes procedures and conditions under which marriage can be allowed exceptionally until the age of sixteen. Such laws were adopted in 22 subjects of the Russian Federation: Kaluga, Moscow, Murmansk. Novgorod, Orel, Rostov, Ryazan, Tver regions and other subjects of the Russian Federation. For example, for residents of the Moscow region under the age of sixteen, the marriage age can be reduced to fourteen when there is one of the following conditions: child birth, pregnancy or threat. to life. In practice, the last case is very rare. For example, a young man needs to undergo an operation in a hospital, the result of which is unknown. Currently, there are no uniform norms in the legislation that determine uniform approaches to the conditions of deprivation of Liberty. early marriages. Thus, in three subjects of the Russian Federation (the Republic of Bashkortostan, Novgorod and Oryol regions) there are no age restrictions at all, that is, even a person under the age of 14 can be allowed to marry. In other subjects of the Russian Federation, the age can be reduced to 14 or 15 years. In some subjects, marriage before the age of 16 is possible only if there is a pregnancy of 22 weeks or more, the termination of which is contraindicated by marriage. Medical Commission. In a number of regions, it is allowed to reduce the marriage age in case of a direct threat to the life of one of the parties. However, this concept has not been disclosed and raises the issue of, for example, the desirability of issuing a marriage license in the event that an adult man who wants to marry a 14-year-old girl is in danger. Some subjects of the Russian Federation do not regulate these issues at all. The upper limit is the age of marriage in the Russian Federation is not established. The big difference is that age also does not prevent marriage.

At least one marriage is not allowed between persons in other registered marriages. This condition corresponds to the principle of monogamous marriage. Marriage between close relatives is not allowed. These include relatives on the direct ascent and descent line: parents and children, grandparents, grandparents and grandchildren; as well as full

and half-siblings. In this case, the relationship can be extramarital. This lack of crossbreeding is due to the many diseases and defects of the offspring from such marriages. Cousins does not prevent marriage (cousins and sisters), and others have long relationships, as well as property relationships (marriages are half-brothers and sisters). Marriage between adopters and adopted children is prohibited, which is based on a moral point of view, since the legal relationship between these individuals is legally equated with the relationship between parents and children. Marriage is not allowed between individuals who have at least one of them deemed incompetent due to mental illness by the court. This is due, even from a medical point of view, to the inability of an incompetent person to consent to marriage, which leads to non-compliance with the principle of discretion. marriage union. This rule does not apply to persons with limited civil competence.

Registration of marriage is carried out by the state bodies of the constituent entities of the Russian Federation. Registration of marriage in accordance with art. Article 25 of the Federal law "on acts of civil status" is carried out by any body of registration of acts of civil status on the territory of the Russian Federation in accordance with the selection of persons entering into marriage. If the body for writing acts of civil status refuses to register a marriage, such a refusal can be appealed to the executive authority or court in accordance with the code of Civil Procedure of the Russian Federation. Marriage and its state registration are carried out in accordance with art. Article 11 of the Family Code, a month after the date of the joint application for marriage to the registry office. This period can be reduced or increased by the head of the registry office for no more than a month, according to the joint application of persons entering into a marriage, if there are excuse reasons. The legislation does not specify a complete list of such reasons. Most often, this is pregnancy, the birth of a child, the real creation of a family, a long business trip, illness, conscription, etc. In the presence of special circumstances (pregnancy, the birth of a child, a direct threat to the life of one of the parties and other special circumstances), the marriage can be concluded on the day of the application.

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