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ISSUES OF LEGAL REGULATION OF MARITAL RELATIONS COMPLICATED BY A FOREIGN ELEMENT

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ABSTRACT

This article analyzes the shortcomings and achievements of European and Asian countries regarding the legal regulation of marriage relations complicated by foreign elements, and the prospects of introducing useful aspects from foreign countries in our country are considered. Also, the scientific research conducted in this regard is of great importance, as well as the increasing number of marriage problems between European and Asian foreign citizens, and consular marriages in our republic and some other countries. the scientific researches being carried out to eliminate the main problems and recommendations on the use of legal resources and legal regulation were given to him.

KEYWORDS

Conclusion of marriage, annulment of marriage, foreign citizens, consular marriages.

INTRODUCTION

In the current progressive time, family relationships are also developing day by day. States are engaging and entering into relations in each area, thus creating civil relations between citizens of different states or stateless persons as well. For example, property relations, family, marital relations, complicated by a foreign element, we often meet these days. As such relationships become more diverse, legal circumstances, disputes between the parties begin to arise. In addition, problems also arise when

determining which state law system to use in dispute resolution. This is due to the fact that each state has its own legal system and they differ from each other. For example, considering the age of marriage in world countries, which is the main focus in establishing marriage relations, in Uzbekistan it is eighteen years for young men and women, twenty years in Japan, eighteen years for men in Azerbaijan, seventeen years for women, fifteen years in Sweden, and twenty-two years in China . As we can see, there are age-related differences in marital relations complicated by the

foreign element, that is, if a Japanese citizen who is eighteen years old marries in Uzbekistan, then in Japan this marriage is considered invalid. In the legal regulation of such disputes, private international law plays a key role. The Universal Declaration of human rights, as well as the International Covenant on Civil and Political Rights, establishes that each individual has the right to marry. They enjoy the same rights both during their marriage and at the time of their marriage and when the marriage is annulled.

Discussion and results

There is no international document that regulates the registration, termination or finding invalid marriages complicated by the foreign element. When we dwell on the concept of marriage complicated by the foreign element, it is understood that in the marriage relationship that arises between the subjects, one of the subjects is a foreign citizen. When resolving disputes arising from such relations, the Personal Law of the parties is determined, and disputes are resolved using their personal law. Whichever state a person is a citizen of, as his personal law, the legislation of that state is obtained or a personal law is established in relation to their place of permanent residence.

Personal Law, international private law textbook (2019) 2 Universal Declaration of human rights cited in international pacts on Civil and political rights . Today, in order to legally regulate marriage relations, it is of partial relevance on a global scale. This is accompanied by the growth of the world population and the fact that humanity is superficially changing the views of the younger generation on the one hand on this issue the Institute of relations with the participation of foreign citizens occupies an important place in judicial practice. However, despite its prevalence, the Institute in question has not been sufficiently studied and researched. There are certain contradictions and gaps

in the legislation that lead to problems in the implementation of the norms governing this institution. One of the main problems is the non-existence of a single regulatory legal document that uniformly regulates marital relations with the participation of a foreign citizen .

In addition to this problem, there are many problems in current legislation, such as the lack of a definition of cross-border marriage.

Thus, cross-border marriage has an undeniable novelty. The introduction of this concept is associated with the need for more clarity in determining the legal position. The legislative definition of the concept of transnational marriage is complicated by the fact that Russian specialists have a single approach to the legal nature of the institution of marriage. Despite the lack of regulatory regulation of the definition of borderline marriage, this concept is used by many researchers of private international law. In turn, the use of the term in question is possible in terms of the interdependence of the concepts of cross-border relations and international relations. The international concept is used in many cases in the interstate sense V.S.Peretersky argued that international understanding has a different meaning in public international law and private international law. This means that in international public law it is used to regulate relations between states. In turn, international private law establishes legal relations between individuals belonging to different states.

It should be noted that the criterion for dividing relations into cross-border and intra-border relations is the position in the socio-geographical space. The emergence of borderline relations is determined by the physical crossing of the state borders of the subjects law helps to register a marriage concluded between the parties, find it valid or Invalid, terminate it, and

resolve other disputes. For example, in countries such as Norway, France, Mexico where same-sex marriage is allowed, such marriages are not recognized in Uzbekistan, while similar norms are emphasized in the regulation of relations complicated by the foreign element. Citizens of the Republic of Uzbekistan apply to the consular offices of Uzbekistan during marriage in a foreign state or when establishing marital relations with foreign citizens.

The Republic of Uzbekistan guarantees legal protection and patronage of its citizens both on and outside its territory. In foreign countries, such tasks are performed by consular offices. The main activities of embassies are representative, aimed at ensuring Interstate diplomatic relations, while consular offices directly provide protection of the rights and interests of citizens of the country in the territory of another country. Consular agencies carry out jurisdictional actions (recording notarial acts and Civil Status Acts). The Vienna Convention on Consular Relations of 1963 and the bilateral agreements and Treaties of Uzbekistan set out the functions of consular offices. Based on these documents, the consular authorities will have the right to record the marriage. When a conflict arises in a marriage relationship, in its legal regulation, it is referred to the Personal Law of the individual, as noted above. When determining the personal law, the law of the state in which an individual is a citizen is obtained or the legislation of the state in which he lives permanently is used. In addition, some states use the law of the place where the subjects were married, not the Personal Law of the individual. Once the individual law is established, the dispute is resolved by these norms. In order to recognize marriage in France, marriage must not be contrary to French law.

According to the Family Code of the Republic of Uzbekistan, a marriage concluded with a citizen of the Republic of Uzbekistan and a foreign citizen or

stateless person must comply with legislation regardless of whether it is concluded in Uzbekistan or outside it. In the legislation of many states and international conventions, cases of monetization to marriage are also defined. These include not having reached the age of marriage, having one or both of the spouses in a legally different marriage, having a properly contiguous relative under the genealogy, and having been deemed incompetent by the court. It is not allowed for individuals to enter into a marriage if similar circumstances are found. If the persons undergoing the marriage have complied with all the requirements, the marriage will be recorded. The issue of recognizing the recorded marriage as valid by the state in which it is now a citizen is considered. Foreign marriages in Uzbekistan are recognized as valid if they do not contradict the legislation of Uzbekistan. This practice we meet in France, Russia, the countries of Central Asia¹⁰, Germany (all actions are subject to legislation). At the same time, in some states, marriage is recognized by state bodies only if it is structured (Germany), and in some states, religious marriages are also recognized (Great Britain), in other states, marriage in a state body is first required to undergo religious marriage (Italy, Czech Republic, Poland)¹¹. In private international law, the concept of lame marriage is also used. Because of the diversity of state legislation, marriages recognized in one state and deemed invalid in another do not produce legal consequences, thus it is also required that the marriage be under the Personal Law of the parties. Thus, foreign citizens and stateless persons have the same rights and obligations as they enter into civil relations, which are regulated by collisional norms.

When disputes arise during a marriage with a foreign citizen or stateless person and the parties decide to divorce, this process is resolved based on the

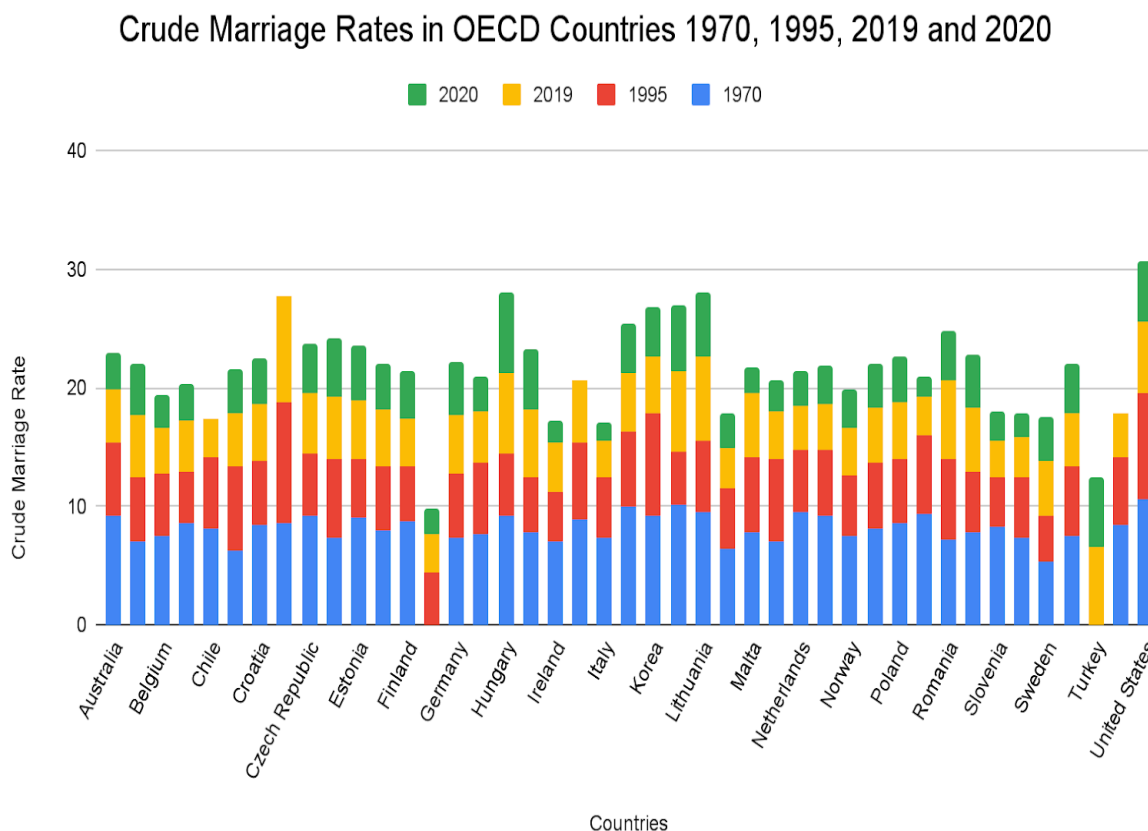
legislation of the states. For example, in Uzbekistan, a citizen wants to part with a foreign citizen or a stateless person, in this case, the legislation of Uzbekistan applies, if this situation is carried out outside Uzbekistan, and if the relevant state legislation is observed, the divorce from marriage will be recognized as valid in the Republic of Uzbekistan. While the separation from marriage can be carried out by the registry office, outside Uzbekistan, the task is performed by diplomatic missions or consular offices. In the process of divorce from marriage in China, the legal system of the state in which the parties live is applied, if their place of residence is not one, then the legislation of the state in which the citizenship was received is applied, so that if there is a problem and they do not become citizens of the same state, the state legislation in which In accordance with the Minsk Convention on legal assistance and legal relations in civil, family and criminal cases, the legal system of the same state applies if, in divorce from marriage, both parties are citizens of states that are parties to the convention, which state body has applied for separation from marriage. In order to divorce a marriage in Belgium, the parties must have come to the same decision at their discretion, be citizens of a state in which there is a type of divorce from the same marriage, and thus have a permanent place of residence in the state. Under French law, the law of domicilium applies to divorce from marriage if the parties have a common place of residence. Domicilium is the designation of a personal law, depending on whether a state has a permanent or ordinary place of residence. According to the legislation of Uzbekistan, the separation from marriage in the state can be carried out by the state bodies, diplomatic missions abroad and consular offices. According to the Family Code of the Republic of Uzbekistan, divorce proceedings between citizens and foreign citizens or stateless persons are recognized as valid in Uzbekistan

if they are carried out under the legislation of a foreign state. If foreign citizens or stateless persons living permanently in the territory of the Republic of Uzbekistan are seeking marriage or divorce from marriage, then the stages are carried out according to the legislation of the Republic of Uzbekistan. In many countries of the world, ordinary residence legislation of the parties applies when divorcing from marriage. If all legal stages are followed in the process, divorce from marriage is recognized as valid, disputes arising from property and other marital status are resolved based on the norms of the law of this state there is another concept of “finding marriage invalid” in the legal regulation of marital relations. The fact that the marriage is invalid indicates that it did not actually exist from the moment the marriage was consummated.

According to the Minsk Convention of 1993, the law norms of the contracting party applied to the registration of marriage in the determination of marriage as invalid apply. The fact that the parties have entered into a false marriage is the basis for finding this marriage invalid, since the false marriages are formed in view of the material benefits arising from the recording of the marriage, and the marital relationship does not exist. In addition, violations of the terms of marriage (e.g., the establishment of marital relations between persons under the age of marriage) underlie its being deemed invalid. Collisional norms of states are used in finding marriages complicated by the foreign element invalid. The reason for finding a marriage invalid is due to non-compliance with legal conditions when a marriage is recorded, legal assistance in Civil, family and criminal matters, and the law on legal

relations (Minsk Convention I.V. Getman-Pavlova" Mejdunarodnoe chastnoe pravo " uchebnik Family Code of the Republic of Uzbekistan international private law) is a textbook. Therefore, the basis for finding marriage invalid is determined by the states.

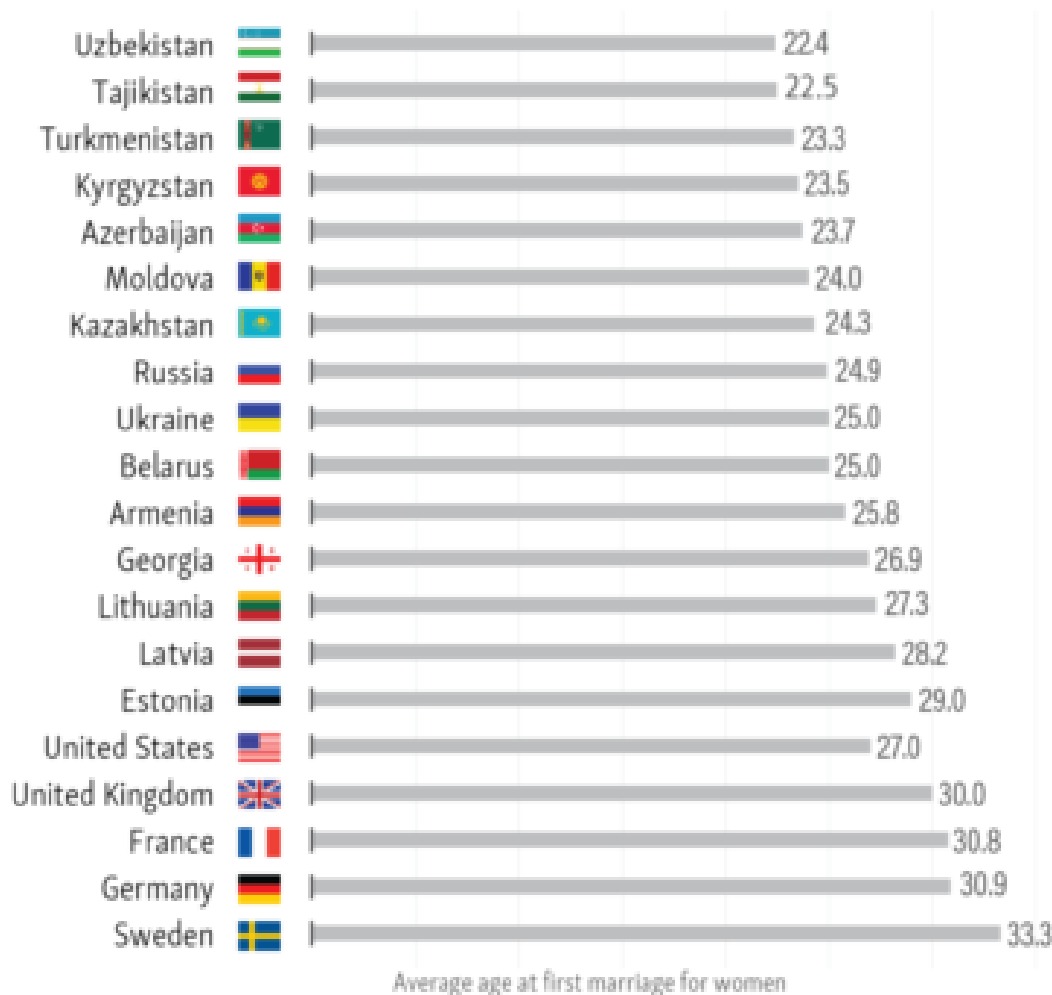
We can also see in statistics on the example of European countries for example



The above statistics show the rise and fall of marriage relations between European states.

AGE AT FIRST MARRIAGE

In Russia and many countries of the former Soviet Union, women tend to marry much earlier than women in Western countries.



Note: Data from most recent available year.

Source: United Nations



This is given by Statistics seen among Asian nations.

CONCLUSION

Therefore, in the legal regulation of marital relations complicated by the foreign element, legislative norms of states are referred to, and collisional norms are

used. Clarification of the law of the state applied to the resolution of conflict situations arising in marriage relations creates a problem, and also leads to a long process. If citizens and foreign citizens or stateless persons enter into a marriage, conflict situations arise in the future, which state legislation they use, what way the dispute will be resolved, moreover, property

cases will be resolved in the marriage contract, this will quickly resolve disputes and both parties will be satisfied with the result and will provide solutions to many conflict situations. In fact, the concluded marriage contract should not be the basis for a false marriage. The regulation of marital relations by laws, collisional norms serves to strengthen their role and importance in society. After all, the family that arises from marriage relationships is the link of society.

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