

PECULIARITIES OF DETERMINING THE CONTENT OF FOREIGN FAMILY LAW IN THE REPUBLIC OF UZBEKISTAN

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ABSTRACT:

The article considers the rules for determining the content of foreign family law, the analysis of the legislation of the Republic of Uzbekistan and the CIS countries. Unified national and international norms with the help of collision methods and collision binders were also covered. At the same time, the procedure for determining the content of foreign family law norms in the Republic of Uzbekistan and the impact of the subjects were assessed.

KEYWORDS: family, Family Codes, foreign family law, Conventions.

INTRODUCTION:

The family is a social, psychological, legal society consisting of the relationship between parents and children. In the family, the relationship between couples, parents and children are regulating not only morally and religiously but also legally. For this reason, the constitutions of the states have adopted separate norms and Family Codes.

The fact that the husband or wife is a citizen of different countries in the family leads to a stronger protection of this family on the basis of internal and external norms.

Basically, if there are parties in the family belonging to different nationalities, it is regulated by conflict-of-law methods of international private law as well as by collision binders. In particular, they are unified collision binders such as *lex patriae*, *lex nationalis*, *lex domicilii*, *lex fori*, *lex loci celebrations*.

Personal law regarding the material conditions of marriage has become a generally accepted approach in world practice. However, a new trend in the law of the Commonwealth of Independent States countries is the splitting of the conflict of laws depending on the status of a foreigner. For foreign citizens, the law of citizenship applies, and for stateless persons - the law of permanent residence of the Family Code of the Republic of Azerbaijan, Kyrgyz Republic, Republic of Moldova, Russian Federation, Republic of Tajikistan, Turkmenistan of the Law of Ukraine on private international law. This requires compliance with the rules of direct application of national law in relation to the circumstances that prevent marriage.

The law of the place of marriage (*lex loci celebrationis*) means the application of the law of the country in which the marriage is concluded.

In most Commonwealth of Independent States countries, "the *lex loci celebrationis*" applies only to the form of marriage of the Family Code of the Republic of Azerbaijan, the Republic of Moldova, the Kyrgyz Republic, the Russian Federation, the Republic of Tajikistan, the Law of Ukraine on private international law.

The law of the country of the court (*lex fori*) concerning the dissolution of marriage with foreigners in the legislation of the Commonwealth of Independent States countries has developed a stable rule for the application of the law of the country of the court of the Republic of Azerbaijan, the Republic of Armenia, the Republic of Kazakhstan, the Kyrgyz

Republic, the Republic of Moldova, the Russian Federation, the Republic of Tajikistan, Turkmenistan, the Republic of Uzbekistan. [1.] Marriage and family relations in private international law include issues of concluding and dissolving a marriage, recognizing a marriage as invalid, determining the regime of property between spouses, regulating alimony obligations, adopting, determining the place of residence of children and other relations of an international nature. The foreign element in marriage and family relations can manifest itself in all its variants. In the legislation of some states, "foreign" (between foreigners) and "mixed" (between foreigners and their own citizens) marriages are highlighted. Family relations are connected to the maximum extent with national traditions, religion, household and ethnic customs, and therefore the family law of different countries is fundamentally different and practically defies unification. All this causes serious conflicts of laws in the field of marriage and family law. Numerous conflict problems arise primarily because the corresponding material norms of different states differ significantly from each other. [2.]

Article 238 of the Family Code of the Republic of Uzbekistan is entitled "Determination of the content of foreign family law." [3.]

According to this norm, the Court or the civil registry office and other bodies in the application of the norms of foreign family law shall determine the content of these norms in accordance with their official interpretation and application in practice in the relevant foreign state.

According to this rule, the court or civil registry office and other bodies in order to determine the content of the norms of foreign family law, first of all, apply to the Ministry of Justice of the Republic of Uzbekistan. In addition, they can apply to other competent authorities of the Republic of Uzbekistan.

Interested parties must also provide documents confirming the content of foreign family law. A foreigner also has the right to render other assistance to the court and civil registry offices and other bodies in order to determine the content of the norms of family law.

For example, marriage is registered in the Republic of Uzbekistan. However, if a marriage with a citizen of the Republic of Uzbekistan takes place outside the territory of the Republic of Uzbekistan, it is primarily regulated by an intergovernmental agreement on the basis of a decision of a court of the CIS and foreign countries that has entered into force. Unless otherwise provided by the interstate agreement, the divorce shall be registered with the competent authority of the applicant's place of residence. As a result, the marriage is annulled outside the territory of the Republic of Uzbekistan and is registered with the relevant documents.

Persons divorced from a marriage registered in the Republic of Uzbekistan on the basis of a decision of the competent authority of a foreign state must submit documents confirming the divorce, including a legalized or apostille photocopy of the certificate, along with its translation, to the Civil Registry Office. In this case, the civil registry office shall make an entry in the marriage certificate, mark the applicant's identity document on the divorce and issue a certificate to that effect.

According to Article 1160 of the Civil Code of the Republic of Uzbekistan, in the application of foreign law, the court or other state body determines the content of its norms in accordance with the official interpretation, practice and doctrine of these norms in the relevant foreign state.

A court or other state body may apply to the Ministry of Justice and other national competent authorities and institutions, including foreign bodies and institutions, or

involve experts, for assistance and clarification in order to determine the content of foreign law.

Persons involved in the case have the right to submit documents confirming the norms of foreign law they are arguing to substantiate their claims or objections, and otherwise assist the court or other state bodies in determining the content of these norms.

If, in spite of the measures taken in accordance with this Article, the content of the norms of foreign law is not determined within a reasonable time, the law of the Republic of Uzbekistan shall apply.

Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters (October 7, 2002, Chisinau) and Convention on Legal Assistance in Civil, Family and International Conventions (1993, 22) [4.] and unified collision norms were used in family law norms. It also uses bilateral and multilateral cooperation in determining their content.

Therefore, the legal fact required in determining the content of foreign family law in the Republic of Uzbekistan, ie registration of birth, marriage or divorce, registration of death, arises outside the territory of the Republic of Uzbekistan and must be duly formalized by the competent authorities .

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