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**AMOUNT OF ALIMONY AND NEUSTOYKA SOCIO-LEGAL ISSUES**

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**Abstract**

This article explores the socio-economic and legal dimensions of alimony within the framework of family law, highlighting its role as a mechanism for ensuring family legal responsibility. It also addresses theoretical and practical challenges in the regulation of alimony.

**Key words**

family legal responsibility, alimony, alimony obligations, alimony payment fund, alimony, amount of alimony, property and non-property rights, offense.

Current family legislation allows for the regulation of alimony relations at the discretion of the participating parties. These norms are used by family members in cases where they have not concluded an alimony agreement that meets the requirements of the law and the discretion of the parties.

The alimony obligation creates the rights and obligations of the parties regardless of the reasons for their occurrence, and their execution and implementation are ensured by legal liability measures.

In recent years, it can be seen that a lot of disputes related to alimony have been encountered in judicial practice. According to the statistics of the Supreme Court of the Republic of Uzbekistan, in 2018, 79,316 cases of family disputes were tried by civil courts of first instance, and in 2022, 112,985 cases were completed. Of the 98,080 civil cases pending in 2019, 2,077 or 2.1 percent were child support cases, and 27,701 or 28.2 percent were divorce disputes.

According to information received from the Bureau of Enforcement, 6,200 wanted persons were found in 2022, 2,935 in 2022, and 3,422 in 6 months of 2023. 13,281 debtors who evaded payment of alimony were brought to administrative responsibility, and criminal cases were initiated against 1,295 in 2022 and 1,026 in 2023 (492 in the same period last year).

In the process of divorce of a couple with common minor children, if the claimant is limited to the demand for annulment of the marriage, the court will not make a decision on the collection of alimony. In particular, the Resolution of the

Plenum of the Supreme Court of the Republic of Uzbekistan dated July 29, 2016 No. 11 "On the practice of applying legislation by the courts in cases related to the collection of alimony for the maintenance of minor and adult children incapable of work"

In accordance with paragraph 2, it was explained to the courts that alimony for the support of minors, as well as adults who are unable to work and need help, can be collected by agreement of the parties in a voluntary procedure, as well as in court procedure. Also, according to the decision, alimony is collected by a court order (court order or court decision) upon the application or claim of one of the parents, if the other parent (mother) has not fulfilled the obligation to provide support to their minor children.

The socio-economic importance of alimony obligations implies the possibility of applying the mandatory performance of the obligation to provide maintenance, the application of liability measures for non-fulfillment or improper fulfillment of the alimony obligation. Refusal of this obligation by the debtor worsens the living conditions of the alimony recipient and affects his health. If alimony is paid to minor children, normal physical, mental and spiritual development, education is disturbed. The issue of establishing alimony for minor children is an integral part of the process of annulment of marriage, and is part of the Family Code of the Republic of Uzbekistan. It is specified in section 5.

In order to protect the material, i.e., property interests of the recipient of alimony and to punish the debtor, the legislator envisages civil and family legal liability measures for non-fulfillment of alimony obligations. According to Article 142 of the Family Code of the Republic of Uzbekistan, if a debt has arisen due to the fault of a person who is obliged to pay alimony in accordance with the decision of the court, the guilty person shall pay a penalty to the alimony recipient in the amount of one tenth of the amount of unpaid alimony for each day of delay. The recipient of alimony is responsible for non-payment of alimony on time from the person who is obliged to pay alimony. Also has the right to recover the part of all damages caused by failure to perform on time that is not covered by the contract.

In our opinion, it is important to analyze the issue of neustopyka and its amount. Neustopyka in this regard, first of all, is a method of ensuring the fulfillment of obligations; secondly, the measure of responsibility; thirdly, it is seen as a measure to protect the rights of the injured person. As a method of ensuring the fulfillment of the obligation, the main task of the bailiff is to encourage voluntary and necessary fulfillment of the imposed obligation. The level of

encouragement is directly related to the amount of failure. However, if the amount of neustal is small, he cannot fulfill this important task.

L. E. Chicherova supports the idea of increasing the amount of alimony, and believes that 0.1% - money, which is one of the main sources of livelihood of the recipient of alimony - is a very small amount for an effective incentive to pay alimony on time. The same amount of Neustoyka (0.1%) is given in Article 116 of the Family Code of Tajikistan and Article 106 of the Family Code of Moldova. Article 108 of Azerbaijan's family law does not specify the exact amount of alimony, but allows for its collection. For example, according to this article, "if the alimony arrears have arisen due to the fault of the person obliged to pay alimony according to the court decision, the guilty person shall pay alimony to the alimony recipient as a percentage of the unpaid amount of alimony for each missed day." The amount of interest is not taken into account in the Family Code of Azerbaijan. Therefore, interest rates are determined based on the norms of civil law of the Republic of Azerbaijan.

From a scientific and practical point of view, how is the amount of alimony determined if the alimony agreement is not fulfilled or not fulfilled to the required extent? In our opinion, in such a case, it is appropriate to apply the rule of the FC of the Republic of Uzbekistan on the procedure for paying fines.

We are in favor of increasing the amount of legal fines. However, the level of legal literacy of the population and lack of education in providing the real procedure for the execution of alimony obligations leads to the failure of the parties to include in the agreement a clause on contractual default with a delay in the execution of the obligation. In our opinion, it would be appropriate to apply the legal default to the alimony agreement if the parties did not specify a different amount of default. According to Article 263 of the CC of the Republic of Uzbekistan, if the law does not prohibit it, the amount of legal default can be increased by agreement of the parties.

Neustoyka is not intended to fulfill the task of compensating damages as a measure of responsibility. In order to restore the property status of the injured person, the legislator provided not only the possibility of collecting the penalty, but also the possibility of collecting the loss (accounted penalty) from the part of the debt not covered by the penalty. In contrast to the payment of alimony, such as the amount of the debt that has the right to be enforced, compensation for damages can only be carried out in court. Because it is necessary to prove that the damage was caused, and only the court can give a legal excuse for it. Sometimes alimony arrears arise through no fault of the alimony payer. For example, it may have happened

because the salary was not paid on time. In such cases, the defendant is required to prove that the alimony was not paid due to his fault.

Each of the above measures of civil legal liability fulfills its special function. However, a question arises. That is, are they sufficient to have a comprehensive effect on the debtor and to protect the person whose rights have been violated? Naturally, the answers to this question differ from each other. Because everyone has their own subjective view of family relations. Moreover, Article 142 of the Family Code of the Republic of Uzbekistan does not provide for a measure of responsibility such as compensation for moral damage due to non-fulfillment of the alimony obligation.

However, in paragraph 2 of the decision No. 7 of the Plenum of the Supreme Court of the Republic of Uzbekistan dated April 28, 2000 "On some issues of the application of laws on compensation for moral damage", moral damage is the moral damage that the victim experienced (spent) as a result of the criminal act (inaction) committed against the victim. and physical (discrimination, physical pain, harm, discomfort, etc.) suffering is understood.

The object of illegal action (inaction) can be property rights (inviolability of housing, property rights, etc.) as well as personal non-property rights. In our opinion, it is appropriate to include alimony in the ranks of property rights. In addition to the considered measures of civil legal responsibility, the Family Code of the Republic of Uzbekistan provides for measures of family legal responsibility with a punitive nature. In contrast to civil legal liability directed at the defaulting alimony payer, family legal liability measures are usually applied to persons entitled to certain family legal status for committing various family offenses.

There are complex problems that cannot be solved by civil liability and family liability measures. Currently, market relations are developing, migration processes are intensifying in the country, it is possible to earn money for living in an unaccounted-for business or in several workplaces, which makes it possible to hide income. The essence of the problem is how to determine the true amount of income of the person paying alimony? What property belongs to him in practice and on a legal basis?

Often, the actual income of the debtor is very high, and the amount of alimony is ridiculously low. There is a need for a new approach to prevent such situations and methods and tools to ensure income transparency.

The problem of refusal to pay alimony, as noted, is not only our problem. However, legislation in different countries emphasizes different mechanisms for

influencing offenders. A number of defined measures have been envisaged and are being successfully implemented.

In the decision of the President of the Republic of Uzbekistan dated June 27, 2018 "On approval of the concept of strengthening the family institution in the Republic of Uzbekistan" No. , it was determined to develop norms regarding the protection of women and children's rights during divorce.

Improvement of legislation on payment of alimony creates the need to change the approach of society to the problem of non-payment of alimony. One of the problems in the system is the existence of a judicial procedure for collecting alimony for supporting minor children, and the lack of widespread use of civil legal instruments (contracts) in this regard. Analyzing the judicial practice in solving such cases, it is possible to propose the following amendments to the current legislation.

1. In addition to setting the minimum amount of child support, it is necessary to establish the Alimony Fund. This fund makes it possible to fulfill the functions of the state and society in terms of family protection in cases where alimony is not paid for various reasons.

2. It is necessary to clearly define the circumstances in which it is possible to increase the amount of alimony collected from parents for the maintenance of a minor child. For example, due to illness, study, participating in sports activities, when the alimony payer has the opportunity to earn additional income, and in other cases, it is desirable to define specific mechanisms for increasing the alimony.

3. It is necessary to determine the obligation to pay alimony in the specified amount in cases where the court has determined the fact that the real income of the person from whom alimony is to be collected has been deliberately concealed or underestimated.

It is suggested to apply the positive experience of foreign countries in ensuring the alimony obligation. In Germany, the alimony obligations of direct relatives (parents, children, grandparents, relatives), married and divorced persons, as well as the alimony obligations of the father for a child born out of wedlock are defined. Determining the amount of alimony for minors depends on the following, namely the age of the son or daughter; their place of residence; total number of children. If the husband and wife have started living separately and are preparing for a divorce, alimony payments begin. The period of separation before divorce should be 1 year. Accordingly, alimony can be paid for 12 months. In Germany, the Dusseldorf Alimony Table (1962) is also in force, through which the amount of alimony is determined. According to the Law "On Alimony" since 1979, the system

of payment of alimony has been introduced by the state to minors under the age of 13 whose parents have refused to fulfill their alimony obligation. If the alimony payers do not pay alimony, the state takes custody of the child for a certain period. However, if the alimony payer does not have a legal basis for not paying them, then the funds paid to them by the state and the alimony itself are collected. According to the court's decision, they can freeze wages and give only the amount necessary for living until the debts are paid. In addition, they can also impose fines. Those who hide from the authorities or refuse to pay harmful alimony by paying it in cash shall be punished with confiscation and sale of their property for the benefit of the child, correctional work, and imprisonment for up to three years. Alimony obligations of the father for a child born out of wedlock are carried out in accordance with the law. According to this, the mother can demand alimony from the biological father 4-5 months before the birth of the child and for 2 months from the birth up to 3 years. In France, family funds operate. If the father (mother) does not pay alimony for two months, the second party (father or mother) who has a minor child under his care can receive alimony funds from these Family Funds.

Many useful and interesting cases can be observed in the alimony legislation of foreign countries, which may have a positive effect on the development of alimony legislation. In some countries, for example, Latvia and Sweden, it can be seen that there are funds that provide money to meet the needs of the child in the event of a failure to pay parental support. This practice helps protect the rights and interests of the child, and also eliminates the situation where the child is left without financial support. In addition to the existence of the fund, if we focus on the Austrian experience, we can witness the priority given to the monetary form of child support. This, in turn, makes it possible to ensure the child's interests more widely.

A mechanism similar to the experience of the above foreign countries is being introduced in our country. In particular, alimony recovery system is being introduced in the form of a recourse claim. In accordance with paragraph 20 of the Decree No. PF-87 dated March 7, 2022 of the President of the Republic of Uzbekistan "On measures to further accelerate work on the systematic support of families and women" without establishing a legal entity in the Bureau of Compulsory Enforcement under the General Prosecutor's Office of the Republic of Uzbekistan " It was established that the Alimony Payments Fund was established and 50 billion soums will be allocated to it from the funds of the Development Fund of the Enforcement Bureau. 2022 of the Cabinet of Ministers of the Republic of Uzbekistan

Resolution No. 427 on August 3 "On Organization of Alimony Payments Fund" came into force. Payments from the fund are applied only to the debtor who has been criminally prosecuted for evading the financial support of a minor child. The Fund's activities are managed by the Enforcement Bureau, and in order to establish strict control over payment procedures, all operations are carried out through the single information system of the Enforcement and Control of Alimony Obligations. In this case, payments are transferred to the bank cards of alimony recipients integrated with this system.

A total of 9.6 billion soums have been allocated to the benefit of 702 alimony recipients at the expense of the "Aliment Payments" state trust fund established under the Enforcement Bureau (from August 2022).

2007 in the resolution of disputes and debt issues related to rulings and alimony obligations during the migration process

The Hague Convention of November 23 "On the International Procedure for the Collection of Child Maintenance and Other Forms of Family Support" is an international document of special importance. The practice of collecting alimony shows that the ratification of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters signed on January 22, 1993 in Minsk and the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters signed on October 7, 2002 in Chisinau enables efficient search in the territory of the CIS countries for alimony recovery. Today, the expansion of migration across distant foreign countries requires the search for debtors to be carried out within these countries as well. Therefore, 2007 Accession to the Hague Convention "On the International Procedure for the Collection of Child Maintenance and Other Forms of Family Maintenance" on November 23 makes it possible to effectively collect maintenance obligations in countries that have ratified it.

In summary, firstly, civil liability measures for breach of alimony obligations are of a property nature and are applied to the guilty obligee who acted illegally; secondly, the peculiarity of the measures of family legal responsibility is that they are applied to the person who has the right and are expressed in the deprivation of the property right or its limitation; thirdly, the lack of compliance with a number of requirements and the ineffectiveness of the measures provided for by the family legislation, including the amount of alimony and maintenance, for violations in the field of alimony relations are highlighted.

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