

RIGHTS AND OBLIGATIONS OF HUSBAND AND WIFE IN FAMILY LAW

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Abstract

In this article, the role and importance of family law in the legal life of our country and the institution of the family in family law, the legal status of husband and wife in family relations and the classification of their rights and obligations, and at the same time, a word about the legal basis of these relations goes.

Key words

Law fields, society, family law, couple, marriage, personal and property relations, guardianship and patronage, family institution, moral and cultural values, gender equality, special programs and legislative measures, Neighborhood institution, Family Code, personal and property rights and obligations of husband and wife.

ПРАВА И ОБЯЗАННОСТИ МУЖА И ЖЕНЫ В СЕМЕЙНОМ ПРАВЕ

Аннотация

В данной статье рассматриваются роль и значение семейного права в правовой жизни нашей страны и института семьи в семейном праве, правовое положение мужа и жены в семейных отношениях и классификация их прав и обязанностей, а также при этом речь идет о правовой основе этих отношений.

Ключевые слова

Отрасли права, общество, семейное право, пара, брак, личные и имущественные отношения, опека и патронаж, институт семьи, морально-культурные ценности, гендерное равенство, специальные программы и законодательные меры, институт соседства, Семейный кодекс, личное и имущественное. права и обязанности мужа и жены.

The place of family law in the development of not only society, but also the state among the fields of law is undoubtedly incomparable. Family law is a branch

of law that regulates personal property and related property relations between spouses, relatives, parents (adoptees) and children³². Also, family law covers the procedure and conditions of marriage, termination of marriage, invalidity of marriage, personal and property relations arising in the family between husband and wife, between parents and children, between other family members, adoption. It consists of a set of legal norms that determine the procedures for registration of civil status documents, custody, guardianship, fostering of children in the family. It can be said that the family institution is a unique and complex structure in family law³³. The family institution is one of the most important social structures of society, in which the spiritual, cultural and social development of a person is formed. The family not only ensures continuity of generations, but also plays a key role in educating the younger generation. Therefore, the tasks of the family institution are as follows:

1. Socialization: A person acquires initial social skills through the family. Children learn the rules of society, accept moral and cultural values through mother and father.

2. Psychological and emotional support: Family members provide psychological stability of the individual by showing love, understanding and support to each other.

3. Spiritual education: The family is important in preserving and continuing national and religious values in society.

4. Economic support: The family satisfies material needs, serves to feed children and prepare them for the future life.

5. Social control: It contributes to the strengthening of social order in society due to the responsibility of family members towards each other.

Today, various changes are observed in the institution of the family. Due to urban life and economic factors, families are becoming smaller, and the family model consisting of parents and children is spreading widely. Also, gender equality, participation of women and men in the labor market is redistributing roles in the family. Family is important not only for personal life, but also for the stability of society as a whole. Strong families bring up a healthy generation in the society, which directly affects the development of the country. For this reason, many countries are developing special programs and legislative measures to strengthen the institution of the family.

³² Imomov.N.F, Topildiyev.B.R, Babayev.D.I and others, "Oila huquqi" textbook. Tashkent 2016. Page 10

³³ Imomov.N.F, Topildiyev.B.R, Babayev.D.I and others, "Oila huquqi" textbook. Tashkent 2016. Page 12

The stable state of the family institution, its demographic and main socio-economic indicators determine the level of well-being of the society, and its strength serves the strength of the neighborhood. The neighborhood institution is a unique form of citizen self-management, a diverse social structure, and today special attention is being paid to strengthening the neighborhood institution and increasing its social influence in our country. After all, as the President of our country said, "The neighborhood should be a bridge between the people and the state. The main task of the neighborhood is to always be aware of people's joys and worries"³⁴,³⁵

When it comes to the institution of the family, equal rights of men and women in family relations, equal rights of citizens in family relations, protection of the family, motherhood, fatherhood and childhood, implementation of family rights and fulfillment of family obligations, protection of family rights, procedure for marriage, marriage it is appropriate to dwell on issues such as voluntariness, age of marriage. In this case, the rights and obligations of husband and wife and the legal norms regulating these relations are especially relevant. In the Family Code of the Republic of Uzbekistan and other legal documents, marital relations are based on the principles of equality, respect, cooperation and responsibility. In this case, the legal basis of marriage:

- Legality of marriage: Marriage becomes legal after state registration.
- Marriage age: Marriage age in Uzbekistan starts at 18 for men and women.
- Equality of husband and wife: In legal relations, husband and wife are considered equal and their rights and obligations are seen at the same level.

According to the law, only the marriage recorded in the registry office is the basis for the origin of conjugal rights and obligations. Entering into a legal marriage relationship of family builders changes their legal status. Before marriage, one of them was known as "woman" and the other as "man", but thanks to marriage, they become husband and wife, and the relationship between them is regulated not only by moral rules, but also by legal norms. The more stable the relationship between the spouses, the stronger the family will be, and the work of raising children will be carried out correctly. Therefore, it is natural that the importance of legal norms aimed at regulating marriage relations is increasing more and more during the transition to building a humane, democratic legal state in our country³⁶. The rights and obligations of the spouses as a result of the registered marriage are of two

³⁴ <https://president.uz/uz/lists/view/409>

³⁵ Egamberdiyeva.N.M. Article. "Mahalla va oila institutlarining mustahkamligi jamiyat farovonligi kafolatidir". Journal of Social management.

³⁶ Commentary on the Family Code. Pages 51-52.

types - personal and property. Husband and wife enjoy equal rights and have equal obligations in marriage. In turn, personal rights and freedoms of spouses are divided into the following types:

1. The right of husband and wife to choose a surname;
2. Spouse's resolution of issues of child rearing and family life;
3. The rights of husband and wife to choose the type of training, profession and residence.

At the time of marriage, the husband and wife choose their husband's or wife's surname as their common surname, or each of them keeps their own surname before marriage. Changing the surname of one of the spouses does not change the surname of the other³⁷. That is, it states that one of the husband or wife or both of them have the right to change their surname or not to change it at all during the dissolution of marriage. Children's education and other issues of family life are decided jointly by husband and wife³⁸. It follows that all issues of family life - (in general, paying attention to the interests of the family and the interests of minor children in particular) are decided jointly by the spouses on the basis of mutual consent. In the current legislation, special attention is paid to the protection and comprehensive provision of the interests of pregnant women and sick husbands or wives. If there is no agreement in solving certain issues of child upbringing and family life, each of the spouses or both of them have the right to apply to the relevant state body to resolve the dispute that has arisen together³⁹. Each of the husband and wife is free to choose the type of training, occupation and place of residence⁴⁰.

Property rights and obligations of spouses in family relations are also strengthened by separate norms (Articles 23-28 of the Family Code). In particular, the property acquired by the husband and wife during the marriage, as well as the property acquired at the expense of the common funds of the future spouse before the registration of the marriage, unless otherwise specified by law or the marriage contract, their joint is common property. The sum of assets acquired by husband and wife during marriage (joint assets of husband and wife) includes the income earned by each of husband and wife from work, entrepreneurial activity and results of intellectual activity, pensions, allowances received by them, as well as other non-special purpose monetary payments (amount of material assistance, sums paid in the form of compensation for damage caused in connection with loss

³⁷ Family Code. Article 20.

³⁸ Family Code. Article 21.

³⁹ Commentary on the Family Code. Pages 55.

⁴⁰ Family Code. Article 22.

of working capacity due to disability or other damage to health, etc.). Movable and immovable objects, securities, shares, savings, shares in the capital invested in credit institutions or other commercial organizations and any other assets acquired by the husband and wife during the marriage, which are acquired by the husband and wife or formalized in the name of one of the wives, regardless of in whose name or by which of the husband and wife, they are also the joint property of the husband and wife. Even if one of the husband and wife is busy with household chores, taking care of children, or due to other good reasons, does not have an independent salary or other income, the husband and wife are equal in relation to the common property. will have the right⁴¹. Any property owned by each of the husband and wife before marriage is considered the property of each of the husband and wife. Items and property for their personal use are considered private property of the spouses. For example, clothes, jewelry and other such items. According to Article 27 of the Family Code, the division of the common property of a husband and wife is at the request of one of the husband and wife, both during their marriage and after the divorce, as well as to the share of the common property of one of the creditor husband and wife. It can be done in cases where you apply for the division of the common property for collection. Joint property of husband and wife can be divided between husband and wife on the basis of mutual agreement. At the will of the husband and wife, their mutual agreement on the division of common property can be confirmed by a notary. In the event of a dispute, the division of the common property of the husband and wife, as well as the determination of the share of the husband and wife in this property, is carried out in court. When dividing the common property, the court determines which part of the property should be given to each of the husband and wife. In cases where the husband (wife) is given property with a value exceeding his share, the wife (husband) may be given money or other compensation. When the family relationship is terminated, the court may consider the property acquired by the husband and wife during their separate life as the property of each of them. Items taken to meet the needs of minor children (clothes, shoes, school and sports equipment, musical instruments, children's library, etc.) are not divided and are given to whichever spouse the children live with without compensation. Deposits made in the name of the middle minor children from the joint property of the husband and wife are considered to belong to those children and are not taken into account during the division of the joint property of the spouses. In the event that

⁴¹ Family Code. Article 23.

the joint property of a husband and wife is divided during their marriage, the undivided part of the property of the husband and wife, as well as the property acquired by the husband and wife during the period of their marriage, will later constitute their joint joint property. A three-year statute of limitations applies to the demands of a divorced husband and wife on the division of common property. The division of the property of the spouses into shares is carried out according to the procedure established by the court.

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