

FAMILY RELATIONS IN THE HISTORY OF THE STATE AND LAW OF UZBEKISTAN: THE HISTORICAL DEVELOPMENT OF MARRIAGE.

Rustamova Farangiz Azizovna¹

¹ 1st year student of the Faculty of Law, Samarkand State
University named after Sharof Rashidov

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ABSTRACT:

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This article provides information about the long historical process in which the rules for concluding marriage in Uzbekistan have developed, how they were formed at different times on the basis of religious, customs, and state laws, and its main stages.

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Ancient times and
pre-Islamic times!*

INTRODUCTION. In ancient Central Asia, including the Zoroastrian society that lived in what is now Uzbekistan, marriage had religious and social significance. Zoroastrianism strictly forbade marriage between relatives. Marriage ceremonies were often held by agreement between families. The Avesta states that adolescents reached adulthood at the age of 15-16 and had the right to marry.

Historical legal sources containing information about the sources of law that were in force in Uzbekistan from the beginning of our era to the 7th century, that is, until the establishment of Arab rule, have reached us very rarely or almost completely. In the famous epics of the peoples of Central Asia - "O'g'uznoma", "Alpomish" and "Manas", special importance is attached to the physical abilities of the young man and his testing in marriage customs. To determine whether the young man is worthy of the girl or not, such forms of

competition as horse racing, archery, long-distance shooting, wrestling were also used. This competition was also expressed in such forms as "Girl Chase", "Tortishmachok", the remains of which have survived to this day. However, the information about the words and prayers used during these struggles and the pursuit of girls has not reached us, or historians have not paid attention to it. However, a lot of information about this can be found in Sogdian written monuments. In particular, there are Sogdian documents found in Mugh Mountain in 1932–1933, which are among the 80 most important historical legal documents that were in force in Uzbekistan. Among them are documents related to family, marriage, property rights, leases, and inheritance. For example, a document on the sale of land indicates the location of the object of the contract, its amount, the names of the buyer and seller, the right to use the land of the persons who purchased the land, and the persons who participated in the conclusion of the contract.

Among the documents, the marriage contract is of particular importance. These documents are an important monument telling about the family-marriage and related property and other social relations of the peoples of Uzbekistan in the ancient and early medieval centuries. Both documents are closely related, one of which formalizes the marriage of the Turkish nobleman Uttakin to the Sogdian woman Dug'dguncha, while the other describes the obligations of the groom Uttakin to the khokim Cher of the city of Navekat (an ancient city in the Yetisuy region), the patron saint of the groom, whom he is giving Dug'dguncha in marriage.

Both documents can be said to have the characteristics of early medieval legal documents. For example, the text of the marriage contract includes: the date of the document, the introductory formula, the names of the contracting parties; a statement of the conditions ensuring the cohabitation of Uttakin and Dug'dguncha after becoming a couple, the obligations imposed on the husband, the duties of the wife, the responsibility of the husband to the wife when fulfilling his obligations; the property maintenance of the wife in the event of a marriage being dissolved by the husband and the right of the husband to marry another, the property maintenance of the husband in the event of a marriage being dissolved by the wife and the right of the wife to take another husband; the wife and her children being exempted from liability for any crimes the husband may commit, for his falling into slavery and other social subordination in the event of a marriage being dissolved through the fault of the wife; the husband and his children being exempted from the same liability and compensation if the marriage is dissolved through the fault of the wife; Another special emphasis is placed on the fact that neither party is responsible for the other's fate

after the marriage is dissolved; and the last paragraph indicates where the document was drawn up, the name of the official, witnesses, and secretary.

The second document on the groom's obligations also contains a similar series of clauses: the date of the document, the groom's official obligations; clauses expressing the groom's obligations to the groom's father of the girl being given in marriage; not to sell the wife, not to reduce her to slavery in any other way, not to deprive her of the nobility, to return her to her father-in-law even if she is humiliated by anyone; to return the wife to her father-in-law in the event of a marriage being dissolved by either the husband or the wife. The compensation that the groom must pay if the wife is not returned to her father-in-law, and the right of the father-in-law to collect this compensation from the groom or his representative; the duties of supervising the fulfillment of the groom's obligations by the entire household, community, and even guests of the household; The place of execution, the official, the list of witnesses, and the name of the secretary all indicate that both documents are excellent medieval examples of legal business documents with a long and deep tradition.

Another important source for studying the history of law in Uzbekistan is various memoranda reflecting the history, culture, customs and rules of the Turkic peoples. They reflect the Turkic way of governing the country, succession, accession to the throne, ranks, obligations of khans and beks to the people, the legal powers of khagans, their duty to act in matters of justice, the rules of military service, family law, its ethical criteria, and the protection of women's rights.

The formation of marriage rules during the Islamic era (7th-19th centuries)

Sharia and Islam view celibacy as a negative state, and marriage is a religious obligation. The issue of family and marriage is very well developed. The obligations are serious and extremely was expressed consistently with responsibility, and its substantive aspects were also approached with attention. The reasons for the dissolution of marriage and its procedures and formalities were described in detail in Sharia. There were several types of divorce in Sharia in terms of their procedures and legal consequences. In particular, there was also a type of divorce that was not permanent, which had to pass a specific probationary period. Marriage and dissolution of marriage It is described in detail in the Hidayah and other sources of Muslim law. It involves complex and detailed procedures. In the Quran (chapter 2, verse 237), a man was required by Sharia to give his wife certain property and belongings when divorcing her. A woman could divorce her husband only by providing valid evidence and only through a judge. However, there were strict conditions for this, such

as: if the husband was physically disabled, if he was cruel to his wife, or if he could not provide her with adequate living conditions, etc.

After the arrival of Islam in Central Asia (7th-8th centuries), marriage was regulated by the Sharia law. The main principles were as follows:

- The consent of the parties was required to enter into a marriage.
- The obligation to set a dowry(Mahr) has been introduced.
- Polygamy (up to four wives) was permitted, but the man was required to treat each of them equally.
- There was the possibility of divorce, which was carried out by the man, but women could also request a divorce under certain conditions.
- Marriage is cemented by a religious ceremony - the wedding night.

These rules were mainly applied during the reign of various Muslim states (Qarakhanids, Timurids, Shaybanids, Bukhara Emirate, Kokand Khanate) that ruled in the 10th-19th centuries. At the same time, local customs were also preserved in some regions. For example, issues such as paying kalym (bride money), the age of the girl at the time of marriage, and marriage between relatives depended on tribal and local traditions.

Changes in marriage laws in the Russian Empire and Soviet times (19th-20th centuries).

During the reign of Tsarist Russia, relations between local residents not directly involved in governance, including the use, ownership, disposal, sale, lease, donation, inheritance, family and marriage, guardianship, and patronage, were regulated by Sharia and customary law.

During the Soviet Union (1917-1991), marriage and family relations came under state control: in 1926, Sharia courts were abolished. On the basis of the 1927 Constitution of the Uzbek SSR, a number of normative legal acts were adopted in various areas of law. In particular, the Civil Code of the Uzbek SSR (1927), the Civil Procedure Code (1927), and the Code on Marriage, Family, Guardianship and Civil Registration (1928). In 1927, polygamy was officially banned. In 1927, polygamy was officially abolished in the Soviet Union, including Uzbekistan. This decision was implemented as part of the "Offensive" policy (Russian: "Худжум") pursued by the Soviet government, the main goal of which was to expand women's rights in Muslim societies and ensure gender equality. The Soviet government tried to eliminate the system of family life based on Islamic law, considering it a "reactionary and outdated system." The following factors led to the abolition of polygamy:

1. Gender equality policy – The Soviet Union aimed to give women equal rights with men. Polygamy was seen as limiting women's rights.

2. Ensuring women's economic independence - during the Soviet era, women were expected to be actively involved in the labor market, and polygamy was believed to make them dependent on their husbands.

3. Reducing religious influence – Polygamy was permitted under Islamic law, and by banning it, the Soviet government sought to weaken the influence of religion in society.

Laws prohibiting polygamy: In 1926, the Family Code of the RSFSR was adopted, which was extended to other regions of the Soviet Union. This code declared only monogamous families based on one wife to be legal. On March 8, 1927, polygamy and forced marriage were officially banned in the regions of Turkestan, Bukhara, and Khorezm. Starting in 1928, the Criminal Code of the Uzbek SSR included penalties for polygamy. According to this article, men who engaged in polygamy could be held administratively and criminally liable.

During the Soviet Union, legislation allowed for the following:

- Marriage is only required to be registered by the state.
- The divorce process has been simplified.

During this period, traditional marriage ceremonies were still preserved in Uzbekistan, but marriages that were not legally registered were not recognized.

Post-independence period (1991 to present): After Uzbekistan gained independence in 1991, marriage legislation was further improved!

The "Family Code" of the Republic of Uzbekistan was adopted (30.04. 1998). Article 8 of the Code (new) in the edit): In the legislation family relationships order to put related relevant norms not been in the future , Uzbekistan Republic of legislation principles contrary not been local tradition and traditions This is applicable . marriage is also normal in construction national our traditions our legislation not prohibiting and national values no become to leave road not to let our vision possible

Family Article 13 of the Civil Code stipulates that marriage is considered legal only after state registration . The fact that men and women have equal rights It was recorded in Article 19 of the Code of Criminal Procedure .

Divorce procedures were legalized, but court proceedings were extended in an effort to preserve families. Starting in 2019, the minimum age for marriage was set at 18 years (previously 17 years for women) Article 15 of the Code of Civil Procedure .

In addition, the marriage contract, which is a new institution in the Family Code, is of particular importance (Chapter 6, Articles 29-36). During the Soviet period, there was no separate legal institution in Uzbekistan called the “institute of marriage contract”. Issues of marriage and family relations were regulated within the framework of general civil

legislation and the norms of Soviet family law. During the Soviet period, property relations between spouses were regulated automatically on the basis of established legal norms, and there was no separate system of marriage contracts. This institution appeared in the independent Republic of Uzbekistan as a result of changes and reforms introduced into the Family Code.

Today, marriage and family relations in Uzbekistan are legally regulated by the state, but religious ceremonies are also widely used. Although the marriage process must be registered with state authorities, most Uzbek families also hold a wedding ceremony and religious ceremonies.

Conclusion. Marriage rules in Uzbekistan have historically developed under the influence of religion, customs, and state laws. In the pre-Islamic period, they were governed by customs, then by the rules of Islamic Sharia, and in the Soviet period, by legal standards. After independence, state and legal norms have been developing in harmony with Islamic and national values.

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