

DESCRIPTION OF SOCIO-LEGAL FACTORS LEADING TO DIVORCE

M. S. Usmonova

Senior Lecturer, Department of Legal Education,
Fergana State University, Doctor of Laws

Abstract:

The article analyzes the various relationships between husband and wife in divorce. In particular, some factors that cause divorce: the intervention of other people, divorce due to financial difficulties in the family have been widely criticized.

Keywords

Family, marriage, spouses, divorce, women, children, relationship, character, financial difficulties.

Introduction

The Resolution of the President of the Republic of Uzbekistan No. PQ-3808 dated June 27, 2018 "On approval of the concept of strengthening the family institution in the Republic of Uzbekistan" specifically criticized the narrow specialization of scientific research in the field of strengthening the family institution, its disconnection from the realities of modern life, and the slow implementation of scientific research results in practice¹.

According to paragraph 14 of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated July 20, 2011 "On the Practice of Applying Legislation by Courts in Cases of Divorce", in order to make a legal and justified decision on cases of divorce, the court must comprehensively, fully and objectively examine the actual circumstances of the case, including the nature of the relationship between the spouses, the factors that served as the basis for the issue of divorce, and the true causes of the disagreement between the spouses. In these matters, the court must consider the case with the participation of both parties.

We will try to analyze the socio-legal factors leading to divorce based on judicial practice. In judicial practice, there are also cases when more than one husband or his representative (most often their mother) files a lawsuit for divorce on the grounds of the absence of children.

If we dwell on one of the issues related to this factor, there are many cases when, during the court proceedings, the husband, 15-20 days after the wedding ceremony, went abroad for work or other reasons and did not return home for years, and the wife, realizing that the family would not be restored over time, was forced to return to her parents' house. Naturally, in such situations, sexual life between husband and wife is not properly organized. This leads to childlessness.

¹ O'zbekiston Respublikasi Prezidentining 2018-yil 27-iyundagi "O'zbekiston Respublikasida oila institutini mustahkamlash konsepsiyasini tasdiqlash to'g'risida"gi PQ-3808-son Qarori // Qonun hujjatlari ma'lumotlari milliy bazasi, 29.06.2018 y., 07/18/3808/1410-son.

Also, in court practice, there are cases where many women file for divorce, claiming that their husband drank alcohol in excess of the norm, became indifferent to his family, children, and life in general, and as a result, the family broke up.

The fact that people who drink alcohol excessively become indifferent not only to their family, but also to other issues, and their irresponsibility increases is nothing new. Of course, in court hearings, attempts are made to explain to such people (this is more common in husbands) that such undesirable actions will never lead to anything good, will negatively affect the future of their children, will cause a rift in family relationships, and that drinking alcohol will not solve existing problems. In this regard, the husband and wife are interviewed three or four times in court hearings. However, it is not always possible to dissuade such people from the path. Therefore, it would be advisable to further develop the practice of resolving these issues before the court, gradually, as a team, with the participation of community activists and relatives. Because solving such issues as a team is more effective. A husband who may have caused the breakdown of his family is likely to gradually return to the right path by taking into account the opinions of the community.

One of the most common grounds for divorce in court practice is the incompatibility of the characters of the husband and wife. In this case, it is necessary to reduce the likelihood of families breaking up.

To achieve this, the husband and wife who express their desire to start a family should study each other more deeply.

During the consideration of divorce cases, cases of unreasonable interference by third parties in the family relations between the spouses are often observed.

As an example, one can cite cases where the mother-in-law, i.e. the mother-in-law, systematically interferes in the personal affairs of the spouses, attempts to transfer her dominance to the daughter-in-law, attempts to separate the son from the daughter-in-law, or the son's passion for the daughter-in-law. In addition, the incomprehensible condition that the mother-in-law imposes on her son, such as "choose mother or wife," also leads to the disintegration of families. In such a situation, if a man chooses a mother, he should never start a family. Because no one is perfect, does nothing without mistakes, which means that the wife he will marry next will certainly not be an ideal person.

Another factor that causes young people to file for divorce is the departure of one of the parties outside the territory of the Republic for work. True, there is a natural right to choose a profession, to work freely². However, this issue is becoming one of the issues directly related to the upbringing and maintenance of children.

It is not forbidden to work outside the republic. Both women and men can go and work in foreign countries, depending on their circumstances, there are no obstacles to this, of course, everything must be within the framework of the law.

Another factor that causes divorce is financial insufficiency in the family. There are also cases where a husband, who is unable to provide for his family financially, is filed as the

² O'zbekiston Respublikasi Konstitutsiyasining 37-moddasi 1-qismi // <https://lex.uz/uz/docs/-6445145>

main cause of the breakdown of the family. In such cases, an attempt is made to explain that temporary difficulties will pass, and that providing for the family financially is not only the man's responsibility, but the joint responsibility of the couple.

The weakening of sexual relations in the family is also one of the reasons for family disagreements between spouses. Sexual intimacy between spouses can sharply decrease for various reasons, and this situation can lead to infidelity. To prevent such unpleasant situations, both husband and wife must overcome their shortcomings and be patient. For this, it is necessary to establish the practice of using the advice of a sexologist, as well as to seriously approach the teaching of sexual culture to young people approaching puberty. Because in many cases, there are cases when the lack of full readiness of a husband and wife or one of them for sexual life when they are starting a family leads to the breakdown of families.

Such cases can be found many times in court practice. It is sad that husbands and wives cannot come to a compromise for trivial reasons, and they hastily apply to the courts with a lawsuit for divorce, indifferent to the fate of their children.

Practice shows that the main reason why the 6-month period given by the courts to the parties to reconcile based on the requirements of the Family Code is ineffective in preserving marriage is that the reconciliation commissions of some neighborhood citizens' assemblies, as well as the parents of the parties, instead of reconciling, are causing confusion and aggravation of the situation. As a result, the family structure is being destroyed for trivial reasons.³.

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³ Tajiboyev M., Soliyeva Z. Oilani asrash borasidagi qonunchilik: muammo va yechim. Odillik mezoni. №9. 2019. – B. 51.