

---

---

# DIVORCE AND SOME SOCIO-LEGAL FACTORS

Sh. Muhammadjonov

Lecturer of the Department of Legal Education,  
Fergana State University

---

## Abstract:

The article analyzes the various relationships between husband and wife in divorce. In particular, some factors that cause divorce are: the husband's excessive alcohol consumption, indifference to his family, children, and life in general, the incompatibility of the characters of the husband and wife, and the weakening of sexual relations.

## Keywords

Family, marriage, couple, divorce, women, children, relationship, character.

---

## Introduction

Despite the fact that extensive work is being carried out to strengthen families, protect the legal rights and interests of women, and stabilize a healthy environment in troubled families, and despite the cooperation of judicial bodies with local family centers and women's committees, the volume of civil cases related to divorce remains high.

In court practice, there are also cases where the husband or his authorized 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, 15-20 days after the wedding ceremony, the husband goes abroad for work or other reasons and does not return home for years, and the wife realizes that the family will not be restored over time and is 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.

In particular, the Fergana Inter-District Court for Civil Cases, which was completed on October 23, 2019, supported the claim of B.I., who was asked as a plaintiff in the civil case for divorce against the defendant B.A., and stated that they married the defendant in 2012 without entering into a legal marriage, that they formalized their legal marriage on December 23, 2013, that they had no children during their marriage, that they had not lived together since May 2014, that they and the defendant did not have compatible characters and that they had separated due to childlessness, that they married D.I. on September 2, 2015, that they had one child from him, that they were currently eight months pregnant with him, and that there was no property dispute between them and the defendant, and requested that the claim be satisfied.

At the court hearing, B.A., who was questioned as a defendant, admitted the claim and stated that they had married the plaintiff in 2012 without a legal marriage, that they had formalized the legal marriage on 23.12.2013, that they had no children during their marriage, that they had not lived together since May 2014, that the plaintiff had gone abroad

---

shortly after they got married, that they had separated due to incompatible personalities and childlessness, that the family would not be restored because the plaintiff had started another family, and that there was no property dispute between them, and requested that the claim be satisfied.

The court, having examined all the circumstances relevant to the case, having heard the explanations of the parties, and having examined the actual circumstances that were the basis for the filing of the claim, found it necessary to satisfy the claim.

The court found it necessary to divorce them, taking into account the irreparable nature of the marital relationship between the parties, their unwillingness to restore the family, the fact that the plaintiff had remarried, had one child, was pregnant, that they could no longer live together, and that the family had completely collapsed.

The cited judicial practice shows that after the parties got married, sufficient conditions were not created for them to live as a full-fledged family, that is, the wife lived as a family without her husband, together with his family members. In addition, the fact that the parties did not undergo a medical examination before getting married can be seen from the fact that they entered into a legal marriage before entering into a legal marriage. This, of course, had its effect as a major factor in limiting the possibility of having children between the parties, and as a result, the family collapsed.

The Regulation on Medical Examination of Persons Entering Marriage, approved by Resolution No. 365 of the Cabinet of Ministers of the Republic of Uzbekistan dated August 25, 2003, stipulates that persons wishing to enter into marriage are required to undergo a medical examination. Unfortunately, there are cases when future husbands and wives do not always take the issue of medical examination seriously or blindly solve this issue without going to a medical institution. This situation is manifested in cases where the blood groups of the husband and wife who have started a family do not match each other, the man is infertile, the woman's uterus is underdeveloped, and other reasons prevent the couple from having children. We need to understand that not taking the issue of medical examination seriously can lead to the breakdown of the family.

Therefore, it is advisable to instill in people's minds that undergoing a medical examination at the required level is a very useful aspect for the husband and wife planning to get married, as well as their parents.

Some experts also note the need to increase the medical culture of the population in this regard. In this regard, it is considered necessary to pay attention to this issue in advance, since the identified shortcomings in the future will negatively affect the stability of the family.

In our opinion, in order to prevent the future husband and wife from divorcing due to various diseases in the future and to eliminate the harm that may be caused to them after the divorce, it is proposed to supplement paragraph 34 of the Regulation on Medical Examination of Married Persons with the following sentence:

“If, after the registration of marriage, one of the married persons is diagnosed with the diseases specified in Appendix 1 to these Regulations, the medical worker who conducted

=====

the examination shall be held administratively and criminally liable in accordance with the procedure established by law. If these diseases cause the dissolution of the marriage, the married persons and their parents and persons replacing them shall be liable for the harm caused upon the application of the married persons.”

Also, in court practice, there are cases where many women file for divorce, claiming that their husbands have become indifferent to their families, children, and life in general, and as a result, the family has broken up.

The fact that people who drink alcohol excessively are indifferent not only to their families but also to other issues, and their irresponsibility is not 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 breakdown in family relationships, and that drinking alcohol will not solve existing problems. In this regard, three or four conversations are held with the husband and wife 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 resolving such issues as a team is more effective. A husband who may have caused the breakdown of his family is more likely to gradually return to the right path, taking into account the opinion of the team.

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

To achieve this, a husband and wife who express a desire to start a family should study each other more deeply. Instead of trying to rush the wedding day, they should first try themselves in every area (behavior in a public place, eating culture, etc.). It is important to understand that in order for a family to be strong, one should never make hasty decisions. That is, it is advisable for the future husband and wife to communicate more and longer so that they understand each other better.

On this issue, in the civil case of the plaintiff X.A. for divorce against the defendant X.X., heard by the Fergana Inter-District Court for Civil Cases on July 9, 2019, Plaintiff X.A. filed a lawsuit with the court, supported the lawsuit in court, and requested the court to grant a divorce, stating that he entered into a legal marriage on July 12, 2008, had three minor children from their previous marriage, had not lived with the defendant since June 2016 due to incompatible characters, family disagreements, loss of trust, and loss of affection, had been charged alimony for the maintenance of his child based on a court decision, had no property dispute between them, had no possibility of restoring the family, had married another woman without entering into a legal marriage in 2018, and was living well in his next marriage.

X.X., who was questioned as a defendant at the court hearing, At the court hearing, the plaintiff did not recognize the claim and asked the court to refuse to satisfy the claim, stating

that she entered into a legal marriage on July 12, 2008, had 3 minor children from their previous marriage, that their characters did not match each other, that they had not lived with the plaintiff since June 2016 due to family disagreements, loss of mutual trust and affection, that alimony was collected for the maintenance of her child based on a court decision, that there was no property dispute between them, and that there was a possibility of restoring the family.

The court, having examined all the circumstances relevant to the case, having heard the testimony of the parties, and having examined the actual circumstances that served as the basis for the filing of the claim, found it necessary to satisfy the claim.

According to Article 41 of the Family Code of the Republic of Uzbekistan, if the court finds that the spouses no longer have the opportunity to live together and preserve the family, it shall divorce them.

It was established that the parties entered into a legal marriage on July 12, 2008. They have 3 children from their joint marriage - Fatimakhan and Zuhra Khan, born on July 12, 2009, and Akmaljon, born on April 3, 2014. The parties have not lived together since June 2016. There is no property dispute between them. The plaintiff provided his spouse and children with housing, namely, apartment 40, 41a S. Temur Street, Fergana city, was donated to Akhadjonov Akmaljon Akbarjonovich on April 25, 2017. Alimony was collected in court for the maintenance of his child. The marital relationship was terminated 3 years ago. The plaintiff has been living with another woman without entering into a legal marriage. Based on the court's decision of November 10, 2016, the parties' claim for divorce was refused.

Based on the court's rulings of November 21, 2018 and March 6, 2019, the parties were twice granted a 3-month period to reconcile. The Women's Committee of the Fergana City Administration, the Reconciliation Commission of the 46th "Aqariq" Fergana City Municipal Assembly, and the imam-khatib of the mahalla considered reconciliation measures, and the court concluded that it was impossible to save this family.

The court, having studied the relationship between the parties and the state of the case, came to the conclusion that there was no possibility of restoring this family in the future, that the family had completely collapsed, and found it necessary to satisfy the claim.

The fact that the parties decided to divorce, although they had lived together for a long time and had 3 children between them, shows that they did not fully get to know each other before getting married. It is proven in practice that entering into marriage in a hurry, without being ready to start a family, and a family built without love can collapse in the future.

In addition, the unpreparedness of girls who get married also leads to the breakdown of the family in the future<sup>1</sup>. To prevent such situations, it is advisable to organize classes for young people studying in high schools to prepare for starting a family.

The weakening of sexual relations in the family is also one of the causes of family disagreements between spouses. Sexual intimacy between spouses can decrease sharply for

---

<sup>1</sup> Payziyev D.Yu., Fazilov I.Yu. Mustahkam oila – bolaning jismoniy, axloqiy va ma'naviy rivojlanishining garovi: "Mustahkam oila – huquqbuzarlikning oldini olish garovi" Respublika ilmiy-amaliy konferensiyasi materiallari. – T.: O'zbekiston Respublikasi IIV akademiyasi. 2012. – B. 41.

various reasons, which can lead to infidelity. To prevent such unpleasant situations, both husband and wife must definitely overcome their shortcomings and be patient. For this, it is necessary to establish the practice of using sexologist advice, as well as take a serious approach to teaching young people approaching puberty about the culture of sexual life. Because in many cases, there are cases when the lack of full readiness of the husband and wife or one of them for sexual life when starting a family leads to the breakdown of families.

Such cases can be found in court practice many times. It is a pity that husband and wife 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 the children in between.

In this regard, it is necessary to increase the efficiency of sending a notification to the mahalla and family support departments when filing a lawsuit; to take measures to reconcile families with the participation of specialists from the mahalla and family support departments, imams and parents of the parties; to explain the obligations arising from the divorce of the parties, the norms established by law on issues such as the upbringing of minor children; to involve the mahalla specialists responsible for this in the consideration of cases on the verge of family separation, with the participation of both parties; In order to preserve families, when granting a deadline for reconciliation, only both parties should attend, and if the other party is absent for good reasons, then his relatives (parents, siblings, etc.) and the community citizens' assembly in the area of residence of both parties should attend, with the participation of specialists and imam-khatibs; send court decisions and rulings on cases where the parties were granted a deadline for reconciliation and the claim was rejected to the community citizens' assembly in the place of residence of both parties; form a list of cases on divorce that have been considered and satisfied or rejected by the community citizens' assembly in the area of residence of the parties; most importantly, hold interviews with families on the verge of separation at community citizens' assemblies in the local areas and take reconciliation measures; to be proactive in conducting such events, to establish a systematic implementation of such events with the mahalla and family support departments, civil registry offices, imams and preachers; to take a serious approach to each civil case of divorce and take measures to finalize it after receiving a conclusion from the relevant institutions.

It is also advisable to strengthen the implementation of events by specialists from the subordinate departments of the mahalla and family support department in cooperation with troubled families on the verge of divorce.

**References:**

1. X.Yodgorov. Oilaviy qadriyatlarni avaylab-asrash – kelajak avlodlar oldidagi muqaddas burchimizdir // O‘zbekiston Respublikasi Oliy sudining axborotnomasi. № 2. 2018. – B. 41.
- 2.Васина И.Д. Измена как проблема современной семьи // Научные труды Московского гуманитарного университета. №4. 2022. С.65.

- 
- 
3. Gieze H., Schmidt G., Studenten – Sexualität: Verhalten und Einstellung. – Reinbek, 2007. p. 223.
  4. McQueen P. Sexual Interaction and Infidelity. The Journal of Ethics. 2021. 25(2). p. 1-18.
  5. Галяутдинова С.И., Ахмадеева Е.В. Понимание супружеской измены пользователями интернет-пространства // Вестник Башкирск. ун-та. 2013. №3.
  6. Кривцов А.Г. Самом интимном. – Ростов-на Дону, 1990. – С. 62.
  7. Сысенко В.А. Устойчивость брака. – М.: МЫСЛ, 1991. – С. 106.