

VIRTUAL CHEATING AS A FACTOR LEADING TO DIVORCE

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Abstract:

The article discusses the issues of virtual infidelity as one of the factors leading to divorce and the opinions of scientists on this issue. Today, divorces are increasingly occurring due to virtual infidelity. Based on this, the article developed an author's definition of the concept of virtual infidelity. Also, the controversial debate about the fact that virtual infidelity causes the breakdown of the family is discussed.

Keywords

Family, marriage, spouses, divorce, infidelity, virtual infidelity, inappropriate behavior, internet environment, physical intimacy, immorality.

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 fact that judicial bodies are working in cooperation with local family centers and women's committees, the volume of civil cases related to divorce remains high. Reducing such conflicts through legal measures is a complex issue, and today the increase in the number of cases related to divorce is not due to the lack of legal grounds, but rather to the high influence of social factors, including the material, moral, and physical unpreparedness of young husbands and wives to start a family, the thoughtless entry into marital relations without realizing that the family is a sacred institution, and as a result, the incompatibility of their characters.

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 the results of scientific research into practice.¹.

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 lawful 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 gave rise to the issue of divorce, and the true causes of the disagreement

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.

between the spouses. In these matters, the court must consider the case with the participation of both parties.

As is known, the consideration of cases of divorce gives rise to 15 other types of civil disputes. Such disputes include the collection of alimony, the collection of material support, the adoption of a child, the establishment of a visitation schedule with a child, the establishment of paternity, the entry into the house, the recognition of the loss of the right to use the house, and other disputes. Kh. Yodgorov indicates that the factors leading to divorce are the lack of necessary preparation for family life, ignorance of family responsibilities, getting used to harmful habits, and interference in various spheres (including virtual networks).².

Indeed, today the issue of virtual infidelity has become a separate problem. It is no secret that different standards are chosen when studying infidelity in marital relationships. For example, the fact that infidelity in men is considered a normal part of life, while infidelity in women is considered a shame, indicates two different standards in this regard³.

Infidelity in a marriage is a serious matter. Psychologists and lawyers associate this condition with personality disorders. In turn, destructive behavior can lead to psychogenic depression, which in practice can have a negative impact on the physical and mental health of the "deceived" spouse.⁴.

Many studies have been conducted on extramarital affairs of one of the spouses. American scientists John Ganbon, John Moni, and German researchers Gunter Schmidt, Walter Friedrich, and Kurt Starker, who studied this problem scientifically and conducted research as an object of research, criticized extramarital affairs in their own way, but it was emphasized that due to the social environment and changes in society at that time, these problems expanded and had a negative impact on family stability.⁵.

National legislation does not provide for the issue of not only virtual betrayal, but also betrayal. However, it is obvious that betrayal is considered wrong and inappropriate behavior according to our national customs and traditions. National and religious concepts also have their influence in this regard.

In some cases, betrayal is also taken into account in the division of property. For example, if the breadwinner commits betrayal when he is the only one, and his spouse, busy only with housework and raising children, has resigned from his official position and is unable to work, the person who committed betrayal must fulfill the obligation to ensure a normal lifestyle for his spouse⁶.

² X. Yodgorov. Oilaviy qadriyatlarni avaylab-asrash – kelajak avlodlar oldidagi muqaddas burchimizdir // O'zbekiston Respublikasi Oliy sudining axborotnomasi. № 2. 2018. – B. 41.

³ Васина И.Д. Измена как проблема современной семьи // Научные труды Московского гуманитарного университета. №4. 2022. С.65.

⁴ Бобровская М.А. Супружеские изменения как фактор расторжения семейных отношений // Скиф. 2020. №1 (41) // URL: <https://cyberleninka.ru/article/n/supruzheskie-izmeny-kak-faktor-rastorzeniya-semeynyh-otnosheniy>

⁵ Gieze H., Schimidt G., Studenten – Sexualitat: Verhalten und Einstellung. – Reinbek, 2007. p. 223.

⁶ Что грозит за супружескую измену по Семейному Кодексу РФ: законы и последствия // Источник: <https://dzen.ru/media/pravomoe/chto-grozit-za-suprujeskuui-izmenu-po-semeinomu-kodeksu-rf-zakony-i-posledstviia-5bcef6fa0c9b0500a944cd24>

It should be noted that the pandemic has had an impact not only on the development of various legal institutions, but also on family relations. In particular, there have been certain changes in the identification of individuals who have “resorted to betrayal”. It is precisely in the digital environment that betrayal can be seen as a phenomenon expressed in the loss of interest in a spouse without physical contact, in a virtual environment using information technologies, while keeping secrets from the spouse.⁷

Some experts believe that when communicating with a virtual partner using the Internet to satisfy personal needs, separation can be prevented by being careful. The anonymity of the Internet environment creates a fear of being detected, and only in a safe environment can a person freely express their emotions⁸.

It is difficult to agree with the author's opinion here. Because the concept and nature of betrayal are somewhat complex. For example, betrayal is usually considered a relationship between a person and a person. However, calling it betrayal in a virtual relationship when there is no real physical intimacy is somewhat controversial.

In our opinion, virtual betrayal is an unacceptable behavior, which is a manifestation of interest in another person in the Internet environment, which deviates from the spouses' loyalty to each other and leads to legal consequences.

A.G. Krivsov conducted a unique study and studied the causes of extramarital affairs. In his opinion, the incompatibility of the relationships of individuals in a marriage, differences in sexual education, upbringing, and even low psycho-hygienic knowledge are cited as reasons⁹.

V.A. Sysenko, on the other hand, puts forward ideas about physical compatibility in this regard and shows that the lack of satisfaction of the sexual needs of one of the partners, including disrespectful treatment and constant criticism, can also lead to extramarital affairs.¹⁰.

In our opinion, extramarital affairs that lead to divorce can only occur when there is mutual respect and understanding between husband and wife, sufficient satisfaction of material interests, and sufficient love and affection.

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⁷ McQueen P. Sexual Interaction and Infidelity. The Journal of Ethics. 2021. 25(2). p. 1-18.

⁸ Галиутдинова С.И., Ахмадеева Е.В. Понимание супружеской измены пользователями интернет-пространства // Вестник Башкирск. ун-та. 2013. №3. / URL: <https://cyberleninka.ru/article/n/ponimanie-supruzheskoy-izmeny-polzovatelyami-internet-prostranstva>

⁹ Кривцов А.Г. Самом интимном. – Ростов-на Дону, 1990. – С. 62.

¹⁰ Сысенко В.А. Устойчивость брака. – М.: МыСЛ, 1991. – С. 106.

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