



often change, their role in preserving values that are considered sacred among generations cannot be high. Also, the state, which is interested in the stability and well-being of the family, as well as in the fact that people live in it in peace and tranquility, supports certain laws and legal system, thanks to which not only the marriage itself, but also the relations between parents and children are coordinated. Uzbekistan provides for benefits for young families, payment of birth allowances, social protection of motherhood and childhood, punishment with material, spiritual and even criminal sanctions if the father or mother fails to fulfill their duties to the child, strengthening this unique Union and preserving national and universal values for posterity through it.

For these reasons with every passing day the increasing number of divorces leads our society to the excitement. According to the number of divorces in Uzbekistan this year, 23,000 cases were recorded. This is reported by the press service of the Ministry of Justice. According to information, 195 thousand marriages were registered in the civil registry office in 2019, and the number of dissolved marriages in the same year reached 23,000³. These numbers are considerable and sufficient to excite our society. A couple filing for divorce in court understands that the decision they choose will negatively affect both themselves and society, especially the fate of their young child, who is now part of their ranks. But the understanding is different, and the result is almost different. To prevent the growth of

such cases, it is necessary to find out the motives that encourage the spouses to divorce.

According to **S. M. Pelevin**, the right to divorce there is an element of legal capacity, therefore, to argue about it; divorce in "pure form" contains no dispute about the law, and the debate about the causes of marital conflict; in practice, there is a clear desire of the plaintiff to cite the reasons for the instability of marriage and the motives of divorce are those that are evaluated by the judges as to the evidentiary facts higher degree of accuracy and passivity of the defendant, a minor use of means of proof is impossible to establish the actual relationship of the parties⁴.

According to **the resolution of the Plenum of the Supreme court of the Republic of Uzbekistan** "On the practice of applying legislation by courts in cases of divorce", the court satisfies the requirement for divorce only if it is established that the further joint life of the spouses and the preservation of the family have become impossible, that the family has finally broken up (**article 41 of the IC**). Temporary discord in the family and conflicts between spouses caused by accidental causes, as well as the unwillingness of one or both spouses to continue the marriage, which is not confirmed by serious arguments, can also not be considered sufficient grounds for its termination⁵.

As we can see from the above articles, the purpose of family law is to find out whether the spouses' motive and

³ The number of divorces revealed appalling numbers. What is the reason for this? URL: oz.sputniknews-uz.com. (accessed date: 15.09.2019).

⁴ Pelevin M. S. On the jurisdiction of divorce cases // Bulletin Of Leningrad. UN-TA. 1972. no. 5. P. 122.

⁵ Resolution plenum of the Supreme court of the Republic of Uzbekistan on the practice of applying legislation by courts in cases of divorce. URL: www.lex.uz



reason for divorce are really serious and sufficient for the dissolution of the marriage. The court tries in every possible way to find arguments for the preservation of the family. To this end, thoroughly studies the motives of divorce.

In addition, **article 14 of the same decree** stipulates that in order to make a lawful and reasonable decision in cases of divorce, the court must thoroughly, fully and objectively investigate the actual circumstances of the case, in particular, to find out the nature of the relationship between the spouses, the motives for raising the issue of divorce, the real reasons for the discord between the spouses. For this purpose, the court must consider a case involving both spouses.

What is a motive? The motive for divorce is understood as the justification that the needs of marriage cannot be met in this marital union⁶.

In accordance with **paragraph 10 of the resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan** dated July 20, 2011 No. 06 "On the application of legislation by courts when considering cases of divorce", the claim for divorce must meet the requirements of the article defining the form and content of the claim⁷. **Paragraph 6 of art. 189 of the Civil procedure code of the Republic of Uzbekistan** stipulates that the plaintiff must indicate in the statement of claim "the circumstances on which the plaintiff bases his claims, and evidence confirming these circumstances"⁸. If this requirement is not

met, the court leaves the application without movement until the shortcomings are eliminated. Thus, the plaintiff must indicate the reasons for the divorce.

However, the current family legislation of the Republic of Uzbekistan does not contain a list of reasons for divorce. In some Eastern European countries, for example, the grounds for divorce and the reasons for the court's refusal to dissolve the marriage are explicitly stated, and the court is guided by the interests of minor children and the principles of social housing. Divorce is not allowed at the request of a spouse who is solely responsible for the breakdown of the family, if the other spouse objects to the divorce. However, even in this case, the marriage can be dissolved if the court recognizes the divorce as necessary from the point of view of the principles of social housing (Poland) or if the spouses do not live together for more than three years (Czech Republic)⁹. The English also need a reason for divorce. According to the law, valid reasons for divorce are considered to be infidelity, leaving the family for more than two years, separation by mutual consent of the spouses for more than two years and separation against the wishes of one of the spouses for more than five years, as well as "unreasonable behavior" of one of the parties¹⁰. In Switzerland, the grounds for divorce are listed in the law: adultery; attempt on life, beatings or serious insults by the other spouse; committing an offense that disgraces the other spouse or leading

⁶ Motives and reasons for divorce. URL: www.studbooks.net

⁷ Resolution plenum of the Supreme court of the Republic of Uzbekistan on the practice of applying legislation by courts in cases of divorce. URL: www.lex.uz

⁸ Pelevin M. S. On the jurisdiction of divorce cases // Bulletin Of Leningrad. UN-TA. 1972. no. 5. P. 122.

⁹ Tikhomirov Yu. a. Law: national, international, comparative // State and law. 1999. no. 8. P.43.

¹⁰ Legal regulation of divorce in foreign countries. URL: www.lawyers-portal.ru



an unworthy lifestyle that makes cohabitation impossible; leaving the family for at least two years; mental illness of one of the spouses for three years in the presence of an expert opinion on the incurable disease; impossibility of cohabitation¹¹.

Deputy director of the scientific and practical research center "Oila" **Dilbar Alimzhanova** noted that 18,506 cases of divorce were studied during the reporting period¹². The most likely factors causing damage to families were identified as:

1. The incompatibility of couples (50 percent).

There is a conclusion of marriages after a short acquaintance or as a result of falling in love, which eventually passes and the young spouses leave interest in each other, mutual understanding, mutual respect. Dissimilarity of characters, incompatibility of views and values. The partner's character traits that cause irritation and alienation in a married couple are pettiness, dishonesty, frivolity, impracticality, distrust, unbalance, and other personal characteristics.

2. Mother-in-law and father-in-law in the family, third-party intervention (17 percent).

According to researchers, mostly divorced young spouses (up to two years of marriage experience) indicated interference in their parents' lives as the reason for divorce, while spouses with more than five years of family life experience rarely divorce for this reason.

3. Indifference (8 percent).

The loss and lack of love, mutual respect, trust and understanding make it impossible for the couple to continue living together. Since the basis of modern family and marriage is love, the loss of the feeling of love is considered as a serious reason for divorce.

4. Betrayal (6 percent).

New love. This cause of infidelity is characteristic of marriages where love was insignificant or absent (rational, rational or forced marriages based on profit, fear of loneliness). According to divorce statistics, 51% of men and only 28% of women put forward the motive of "violation of marital infidelity". This confirms the well-known observation that men are much more categorical about the fact of female infidelity.

4. Alcohol and other bad habits (6 percent).

Alcoholism and excessive use of alcoholic beverages by the spouse. As a rule, this motive is used mainly by women. Recently, the problem of drug addiction has been added to the problem of alcoholism. This, unfortunately, is becoming quite common in young families whose marriage age does not exceed five years of marriage. 44.6 % of women and only 10.6% of men call the reason for divorce drunkenness of the spouse.

6. The issue of material security (4 percent).

Material and financial problems of the family, dissatisfaction with the low or simply not satisfied with one of the marriage partners, most often the wife, standard of living.

¹¹ Ivanova A. G. Comparative legal aspect in family law: author's abstract. dis. ... Cand. the faculty of law. Sciences. Tyumen, 2001. P. 14.

¹² Chart: the family center's research has identified the causes of divorce. URL: www.kun.uz



7. Internal and external migration (4 percent).

It turned out that forced long separation of spouses can also lead to separation.

8. Due to the illness of yourself and your children (1 percent).

The illness or disability of a husband or wife can also lead to divorce if a healthy spouse does not find the strength and courage to cope with the difficulties that have piled up.

9. Housing (1 percent).

10. Other reasons (3 percent).

Other reasons include domestic violence, aggressive behavior of the spouse, which includes all forms of aggression from physical violence to grumpiness and irritability.

At the same time, such motives are not unfounded: very often they are associated with objective life reasons that a person for some reason could not or did not want to cope with, which ultimately led to family destruction, the elimination of which one or both marriage partners see in separation, that is, in the dissolution of marriage (divorce).

- The spouse belongs to a particular profession or is involved in activities that cannot be accepted by the partner due to value, religious, political, ethical and other beliefs and principles.

- Committing a criminal act by the spouse, asocial and illegal behavior.

- Unsatisfied desire to have children with one of the spouses and refusal to resolve the problem using modern methods of medical reproduction or adoption of a child.

- Incoherence and inconsistency of views on the upbringing of children.

These reasons also in most cases lead to the divorce of young families. The above motives can be classified into separate groups:

1) **physiological**, i.e. related to the illness of the spouse or children, which, in the opinion of the other spouse, prevent further joint family life;

2) **economic**, consisting in the lack of money from the spouses to meet their material needs and the needs of children, which, in the opinion of the spouses, are an insurmountable obstacle to the continuation of family life;

3) **psychological**, consisting in the inability to find a common language between spouses, lack of harmony in relationships, love and affection;

4) **asocial behavior of the spouse** that contradicts social norms and principles, acting in the form of immoral or illegal actions (the use of alcoholic beverages, narcotic drugs, the use of various forms of violence to the spouse, children and other relatives)¹³.

Analyzing family law and judicial practice, it can be concluded that the court does not know exactly what motives it should find out, and, consequently, can not take effective measures to resolve the dispute between the spouses. According to the legislation of the Republic of Uzbekistan, when a claim is received from one of the spouses for divorce, the court is in no hurry to divorce the family. The judge, first of all, takes measures to preserve the family. For these purposes, in establishing at trial of the circumstances that indicate the possibility

¹³ Tsvetkov V. A., Popov I. V. Rights, duties and responsibilities of spouses: textbook-method. stipend. Omsk: Om. the faculty of law. in-t, 2011. p. 16.



of preservation of the family (the presence of children, duration of marriage, the nature of the relationship in the family, is a temporary disorder, etc.), the court, at the request of both or one of the parties, as well as on its own initiative, may postpone the hearing, appointing spouses in accordance with the second paragraph of article 40 of the Family code, the period for conciliation within six months. In this case, the court has the right to postpone the case repeatedly. It is the responsibility of the civil court to take all possible measures to preserve the family or to make a decision on divorce when there is no chance of preserving the family, but on the contrary, extending the terms may worsen the condition of one of the spouses. In order to effectively implement this duty of the court, it is advisable to adopt recommendations for judges, which would contain an approximate list of reasons for divorce, which would help to correctly qualify the existing reason for divorce and, accordingly, apply the necessary measures to preserve the family or an urgent divorce.

It is gratifying that regular measures are being taken in our country to prevent family divorces. Special attention is paid to the cooperation of state bodies and public organizations in this area. All features are triggered to reduce rewards. In accordance with the decree of President "On measures

to radically improve the activities in the field of supporting and strengthening the institution of women" on February 2, 2018 from April to the "mahalla" introduced to the position of women and strengthening spiritual and moral values in families. In order to prevent divorce, the Family code has also been amended and supplemented. In particular, when applying to the departments of records of judicial or civil status (civil registry office) on a claim for divorce of the spouses, the "reconciliation Commission" of the meeting of citizens at the place of residence of the parties must notify in writing no later than 3 days to take appropriate measures for reconciliation of the spouses. This is stated in article 40 Of the family code of the Republic of Uzbekistan.

Thus, it can be concluded that there are various motives for divorce, which are caused by various reasons and situations that develop in each individual family. The above classification can help the court making the final decision on divorce. In addition, further improvement of the mahalla's reconciliation system will help reduce the number of divorces. It is necessary to apply all possible measures to change the legislation in order to reduce the rate of dissolved marriages.

References:

1. Civil procedure code of the Republic of Uzbekistan. URL: www.lex.uz
2. Chart: the family center's research has identified the causes of divorce. URL: www.kun.uz
3. Ivanova A. G. Comparative legal aspect in family law: author's abstract. dis. ... Cand. the faculty of law. Sciences. Tyumen, 2001. P. 14.
4. Kharchev A. G. Marriage and family in the USSR. – 2nd ed., reprint. and additional – M.: 1979. – P. 66
5. Legal regulation of divorce in foreign countries. URL: www.lawyers-portal.ru
6. Motives and reasons for divorce. URL: www.studbooks.net
7. Plato. Laws // Op.: in 3 vols. – M.: 1972. – Vol. 3. – CH. 2. – P. 148-150



8. Pelevin M. S. On the jurisdiction of divorce cases // Bulletin Of Leningrad. UN-TA. 1972. no. 5. P. 122.
9. Resolution plenum of the Supreme court of the Republic of Uzbekistan on the practice of applying legislation by courts in cases of divorce. URL: www.lex.uz
10. Tikhomirov Yu. a. Law: national, international, comparative // State and law. 1999. no. 8. P.43.
11. Tsvetkov V. A., Popov I. V. Rights, duties and responsibilities of spouses: textbook-method. stipend. Omsk: Om. the faculty of law. in-t, 2011. p. 16.
12. The number of divorces revealed appalling numbers. What is the reason for this? URL: oz.sputniknews-uz.com