

ANALYSIS OF MARRIAGE AND FAMILY RELATIONS IN THE HISTORY OF STATE AND LAW

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ABSTRACT	KEYWORDS
<p>: At the current stage of human civilization, protecting the family and caring for children are highly relevant issues. This article analyzes historical legal sources on the topic. Attention is given to the legal regulation of marriage formation and dissolution, the legal foundations of protection, and the legal aspects. The article develops suggestions and recommendations for an effective system of developed legal norms regulating marriage and family relations, ensuring the stable development of society, referred to as social society.</p>	<p>Family, marriage, law, legislation, protection.</p>

Introduction

METHODOLOGICAL FOUNDATIONS OF THE RESEARCH

In the process of writing the article, scientific methods of cognition were used, among which the main place was occupied by the formal legal analysis method. In addition, historical, systematic, comparative-legal, and statistical methods were widely applied. The historical method was also used to study the development history of international legal acts regulating marriage and family relations. As history shows, family issues, and the regulation of marriage and family relations have always been at the center of state attention. At present, interest in this most important social structure of society is increasing even more.

Special attention is paid to the institution of the family in countries around the world, and new problems arise in this institution during the globalization process. In particular, the adoption of laws on same-sex families in European countries negatively impacts the moral life of the younger generation of the new era. In this regard, we found this article to be particularly relevant. If you, as a teacher of a law school, examine and study the Avesta, the Laws of Manu or Arthashastra, the Laws of Hammurabi... you can see how the family was protected in ancient times. For example, in ancient India, the large patriarchal family stands out. The head of the family is the husband. The woman was completely dependent on her husband and sons. In the first lines, it is discussed that the submissiveness of women in the family indicates the existence of large patriarchal families.

All family members were expected to obey the father unquestioningly, and the eldest son held a special position—he, too, was expected to show deep respect to his father. A woman had to be protected by a male throughout her life (by her father in childhood, by her husband in youth, and by her son in old

age). Her main duty was considered to be the birth and upbringing of children, especially sons. The mother's husband, regardless of his actual identity, was regarded as the legitimate father of the child. It was considered permissible to sell wives and children, though this was viewed as sinful. However, even a sold wife was not freed from her husband. Polygamy was recognized. The Laws of Manu explicitly state that a father should not receive a reward for his daughter, yet in practice, marriage was often a concealed transaction. The age of marriage was quite low, often resulting in a large age difference between spouses. Males were considered adults at age 16, and females at 12. Marriage among blood relatives was forbidden, and a younger brother could not marry before his elder brother. Several sections were dedicated to the protection of women and the husband's duty to ensure the "purity of lineage" (Laws of Manu IX: 6, 7). The Laws of Manu distinguish eight types of marriage that were widespread in India. These laws contain many provisions aimed at strengthening family relations. Severe punishments were prescribed for adultery and violations of a woman's honor. In the Arthashastra, any form of adultery—such as secretly conversing with another's wife, serving her, flirting, touching her clothes, etc.—was punishable by death. Interestingly, a wife's prostitution with her husband's consent was not punished (Laws of Manu, Chapter VIII, Article 362; Narada, Chapter I, Article 183). There were broad restrictions on marriage and family relations between different social castes (varnas). According to ancient Indian laws, divorce was not allowed; however, if the family had no children, the husband could abandon his wife. In ancient China, the family had a patriarchal character, and strong extended family ties were a distinctive feature. At the head of the extended family stood the oldest male, to whom all family members—wives, concubines, sons, grandsons, their wives and children, slaves, and servants—were obedient. The head of the family acted as its absolute ruler and the master of all property. He also had the right to punish disobedient family members. With the development of private land ownership, extended family ties began to weaken, a process accelerated by the policies of the Legalists.

Between 356 and 350 BCE, Shang Yang pursued a policy aimed at forcibly breaking up influential large families and clans, which were seen as obstacles to establishing a strong centralized authority. However, the large family as a social and economic unit continued to exist in later centuries. The foundations of marriage and family law were built on Confucian teachings. Strict conditions had to be met for a marriage to take place. Marriages were arranged either by the parents of the parties or by the groom himself, and were formalized as a private agreement. If this agreement was broken, not only did it entail material liability, but it could also lead to criminal punishment for the elders of the family. In early times (during the Shang-Yin period), marriage between relatives was allowed in China. Later, this was prohibited, and to prevent families from merging through marriage, it was required that the bride and groom not share the same surname. However, since surnames in Chinese society were limited in number, there were some exceptions to this strict rule. For example, a man was allowed to purchase a "secondary wife" even if she had the same surname as him (Li Ji, Book I). According to Book V of Li Ji, the defined lower and upper age limits for marriage were 16 to 30 for men and 14 to 20 for women. The state monitored compliance with these age limits. For this purpose, Zhou Li, Book XI, contained registers of unmarried men who had reached age 30 and unmarried women who had reached age 20.

According to the rules, 30-year-old bachelors were required to marry women over 20. In family relations, a wife's loyalty and faithfulness to her husband were strictly demanded. The principle of "one wife to one husband" was established. However, husbands could have "secondary wives" and

concubines—especially if their wife was unable to bear children. The number of secondary wives a man could have depended on his social status (Li Ji, Book XIV; Zhou Li, Book VII). There were several reasons that could prohibit marriage. A widow was required to observe a mourning period before remarrying after her husband's death. Likewise, if her former husband's parents died, she had to follow the same procedure. Marriage to criminals was forbidden. It was also forbidden for members of the upper class to marry those from the lower class, with criminal liability established for such acts. Most strictly, free men were forbidden to marry slaves; if a free man took a slave woman as his wife, he was punished as a thief.

In ancient Chinese traditional law, there were not strict limitations on dissolving marriages. Even "failure to fulfill marital duties" could lead to criminal liability, and in insignificant cases, divorce was allowed. Acts such as insult, fighting, causing physical injury, or harming a spouse or their relatives were considered breaches of marital duty. Requests for divorce could be made not only by the husband or wife, but also by their family members. According to the "Li," several grounds for divorce at the husband's initiative were listed. For example, if the wife "did not fulfill the family's expectations," disobeyed the parents-in-law, was childless, promiscuous, jealous, talkative, seriously ill, or misused family property, the husband could threaten her with punishment and dissolve the marriage. A wife's right to divorce was extremely limited. As a rule, the wife was supposed to stay with her husband "in this life and the next" (Li Ji, Book XI). Practically, it was almost impossible for a woman to remarry. However, if the husband demanded a groundless divorce, he could be sentenced to penal labor. The husband was not allowed to divorce his wife if she had nowhere to go, or if his parents were undergoing mourning rituals. Besides, unless the wife committed a serious crime or betrayal, the husband was obliged to vouch for her even if she broke minor rules. Within the family, the father not only had authority over the wife but also over other family members, including the children. With the exception of the eldest son, the father could sell his other children. The eldest son was entitled to several privileges over other siblings. If a father, mother, or paternal grandparents caused the death of a son, grandson, or daughter-in-law through beating or violence, no punishment was prescribed—this practice persisted in China until the 19th century. Family members, especially women, were obligated to wear mourning clothes for a prescribed period after a relative's death; failure to do so was considered a "family" crime. Sons or grandsons who tried to separate from the large family without permission or who misappropriated family property were also punished. The degree of kinship and age hierarchy within the family influenced the severity of punishment for "family" and other crimes. For example, it was not considered a crime if a father stole property from his son, whereas if a senior family member committed a crime and another family member reported it to outsiders, the informant was punished harshly. Thus, the regulation of family and property relations reflected the division of society into castes. Patriarchy was clearly evident in family relationships and also influenced inheritance laws. If we compare historical sources with the evolution of family relations in today's New Uzbekistan, according to the Constitution of the Republic of Uzbekistan, the family is the basic unit of society and is protected by society and the state. In particular, Chapter XIV of our Constitution is devoted to "Family, Children, and Youth," and Article 76 states that the family is the basic unit of society and is under the protection of society and the state. Marriage is based on the traditional family values of the people of Uzbekistan, voluntary consent, and equality of the marrying parties. The state guarantees social, economic, legal, and other conditions necessary for the complete development of the family. Furthermore, the main directions for strengthening the institution of family in Uzbekistan are: first,

improving the institutional and legal foundations for the family, and second, strengthening social partnership.

Secondly, fundamental, practical, and innovative research is being conducted to strengthen and develop the modern family. Thirdly, demographic development and the level of family well-being are being promoted. Today, each family receives support from the mahalla (local community), society, and the state. Fourthly, efforts are being made to preserve traditional family values in society, as well as to improve the moral and ethical environment within each family by strengthening the educational potential of the family. In addition, an effective system for providing each family with methodological, consultative, and practical assistance has been established.

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