Topic 2. Marriage: concept, conditions and formation

Topic 2 of 16 · Semester 1

CONTENTS

1. Chapter
2. Summary
3. Cases (IRAC)
4. Quiz
5. Glossary
6. Timeline
7. Mind map
8. Walkthrough and diagram
9. Sources

Chapter

Marriage is one of the most vital institutions of family and inheritance law. Marriage is not merely a voluntary union of two individuals, but the legal cornerstone and a juridical fact that establishes the family—the fundamental unit of society. In this lesson, we will examine the legal concept of marriage, the strict procedure for its solemnisation, and the conditions governing it. In our legislation, the principles of the priority of the child's best interests, voluntary consent, and protection against domestic violence form the bedrock of marital relations. Throughout the lesson, we will analyse the marriageable age, circumstances precluding marriage, the importance of medical examinations, and the particularities of registering marriages involving foreign citizens and individuals held in places of deprivation of liberty. This knowledge serves as an indispensable legal foundation for future lawyers in correctly resolving family disputes and safeguarding the personal rights of citizens.

AT A GLANCE

- 18 years — General marriageable age (Equal for men and women (Family Code, art. 15))
- 1 month — Waiting period (Time from filing application to registration at the civil registry office (FHDYO) (Family Code, art. 13))
- 1 year — Reduction of age (Maximum period by which the hokim may lower the age (Family Code, art. 15))
- 50 years — Voluntary medical exam (Persons over 50 undergo examination solely at their discretion (Family Code, art. 17))

2.1 The Concept of Marriage and Its Legal Significance

Marriage is a juridical fact, a legal relationship, and an institution of family law. As a juridical fact, marriage is a form of civil status act registered in accordance with statutory procedure. It expresses the voluntary will of a man and a woman aimed at giving rise to mutual personal and property relations. In the Republic of Uzbekistan, only a marriage solemnised before the civil registry office (FHDYO) possesses legal effect (Family Code, art. 13). Marriages celebrated on the basis of religious rites or national customs (religious marriages) do not engender legal consequences and are not recognised by the state. Furthermore, our legislation does not recognise the institution of "de facto marriage" (cohabitation). The paramount condition of marriage is the voluntary mutual consent of the parties entering into it (Family Code, art. 14). Compulsion to enter into marriage is strictly prohibited, and such conduct, as a form of domestic violence, entails criminal liability. The prospective spouses must express their consent personally and freely, without any intimidation, force, or psychological duress. If mutual will was formed under coercion, such a marriage shall be declared void through judicial proceedings. The primary purpose of marriage is the creation of a family. If spouses register a marriage without the intention of creating a family—for instance, solely to obtain material benefit or acquire citizenship—this constitutes a sham marriage. A sham marriage may be annulled by a court. Hypothetical example: Anvar and Barno established a family exclusively through a religious ceremony without registering with the civil registry office (FHDYO). Several years later, a property dispute arose between them. From the perspective of the law, they are not deemed spouses, and the property acquired jointly by them will be divided not under the rules of family law, but on the basis of the general provisions of civil law. This example demonstrates how indispensable registration with the civil registry office (FHDYO) truly is.

- Only a marriage registered with the civil registry office (FHDYO) has legal effect (Family Code, art. 13).
- A marriage solemnised in accordance with religious rites engenders no legal consequences (Family Code, art. 13).
- Entering into marriage is voluntary, and compulsion is strictly prohibited (Family Code, art. 14).

> **COMMON PITFALL**
> It is an error to regard holding a wedding ceremony or cohabiting as the legal inception of marriage. Spousal rights and obligations commence solely from the day of state registration by the civil registry office (FHDYO).

> **EXAM FOCUS**
> Examination question: What is the defining characteristic of a sham marriage? Answer: The absence of the parties' intention to create a family.

2.2 Procedure and Conditions for Concluding Marriage

The procedure and conditions for entering into marriage are strictly defined by law, serving to ensure the stability of the family and the protection of the parties' rights. In Uzbekistan, the marriageable age is set equally for men and women at eighteen years (Family Code, art. 15). This age ensures that an individual is physically, mentally, and socially prepared to build a family. Where excusable grounds exist (pregnancy,

the birth of a child, or the emancipation of a minor), the district or city hokim may, upon application of the prospective spouses, lower the marriageable age by no more than one year. It must be borne in mind that lowering the marriageable age is effected solely by a decision of the hokim; the civil registry office (FHDYO) has no independent authority to do so. Under the established procedure, marriage is registered upon the expiry of one month from the date the prospective spouses submit an application to the civil registry office (FHDYO), in their personal presence (Family Code, art. 13). The one-month waiting period affords prospective spouses the opportunity to reflect on the gravity of their decision. Where valid reasons exist (such as a prolonged business trip or serious illness), the head of the civil registry office (FHDYO) may shorten or extend this period. In exceptional circumstances—such as pregnancy or childbirth—a marriage may be concluded on the very day the application is filed. Hypothetical example: Seventeen-year-old Umida and twenty-year-old Jasur decided to establish a family. Because Umida was pregnant, they petitioned the district hokim requesting a reduction in the marriageable age. By the hokim's decision, Umida's marriageable age was lowered by one year. Subsequently, they submitted an application to the civil registry office (FHDYO), and because the pregnancy was verified, their marriage was registered on the day of application. In this process, the personal, voluntary consent of both parties is strictly mandatory; entering into marriage by proxy or power of attorney is categorically impermissible.

- The marriageable age for men and women is 18 years (Family Code, art. 15).
- The hokim may lower the marriageable age by at most 1 year for excusable reasons (Family Code, art. 15).
- Marriage is registered upon the expiry of 1 month after submitting an application, in the personal presence of the parties (Family Code, art. 13).
- In exceptional circumstances (pregnancy, illness), marriage may be concluded on the day of application (Family Code, art. 13).

> **CASE LINK**
> In practice, pregnancy serves as an independent legal ground both for lowering the marriageable age (by decision of the hokim) and for reducing the one-month waiting period (by decision of the head of the civil registry office (FHDYO)).

> **KEY INSIGHT**
> Lowering the marriageable age or reducing the waiting period does not waive the requirement of mutual voluntary consent. Consent must always be expressed freely and in person.

2.3 Circumstances Precluding Marriage

Circumstances precluding marriage are strictly established by law to safeguard the moral, medical, and legal foundations of the family. Pursuant to Article 16 of the Family Code, the conclusion of a marriage is not permitted in the following circumstances: first, between persons of whom at least one is already bound by another registered marriage. This rule reinforces the principle of monogamy and prevents bigamous or polygamous unions. Second, marriage is prohibited between relatives in the direct ascending and descending lines (parents and children, grandparents and grandchildren), and between full and half siblings. This prohibition is rooted not only in moral standards, but also in protecting the health of

prospective offspring against genetic disorders. Third, marriage cannot be concluded between adoptive parents and adopted children. Even though no biological consanguinity exists between them, they are equated in legal status to parents and children; this bar prevents conflicts of interest and abuses of parental authority. Fourth, marriage is prohibited between persons of whom at least one has been declared by a court to lack legal capacity due to a mental disorder (mental illness or intellectual disability). An incapacitated individual cannot comprehend the nature of their actions, meaning they cannot give conscious and voluntary consent to marriage. Hypothetical example: Rustam filed an application with the civil registry office (FHDYO) wishing to marry his adopted daughter Dinora. The civil registry office (FHDYO) rejected their application, because marriage between an adoptive parent and an adoptee is legally and morally prohibited. If they genuinely wish to marry, the adoption must first be cancelled through judicial proceedings. This statutory list of impediments is exhaustive, and factors not specified in the law (such as nationality, religion, or social origin) cannot constitute an impediment to marriage.

- Marriage is prohibited between persons if at least one is in another registered marriage (Family Code, art. 16).
- Marriage is not permitted between direct relatives, full siblings, and half-siblings (Family Code, art. 16).
- Marriage cannot be concluded between adoptive parents and adopted children (Family Code, art. 16).
- Persons declared by a court to lack legal capacity cannot marry (Family Code, art. 16).

> **COMPARE**
> Persons declared legally incapacitated (due to mental disorder) cannot marry, but no such statutory bar exists for persons whose legal capacity has merely been restricted (for example, due to alcohol abuse).

> **EXAM FOCUS**
> The statutory list of circumstances precluding marriage in Family Code, art. 16 is exhaustive and imperative. No other ground may serve as a basis for refusing marriage registration.

2.4 Medical Examination of Persons Entering into Marriage

The medical examination of prospective spouses is an essential institution of family law that serves to foster healthy families and protect the wellbeing of future generations. Under Article 17 of the Family Code, persons entering into marriage undergo a medical examination free of charge in state healthcare institutions. The purpose of the examination is to apprise the parties of each other's state of health and to prevent the transmission of hereditary and dangerous diseases. Persons over fifty years of age, as well as prospective spouses in exceptional situations such as pregnancy or childbirth, undergo medical examination only with their consent; however, screening for HIV infection is mandatory for all individuals under the age of fifty. The results of the medical examination constitute medical confidentiality. Officials of the civil registry office (FHDYO) and medical practitioners have no right to disclose this information to third parties. Results are communicated solely to the examined individual. Each party must independently inform the prospective spouse of their state of health. If one of the prospective spouses conceals the presence of a venereal disease or HIV infection from the other, the aggrieved party has the right to petition the court to have the marriage declared void. Hypothetical example: Sobir and Malika submitted an application

to the civil registry office (FHDYO) and received a referral for a medical examination. The examination revealed that Sobir suffered from a serious condition. The doctor communicated this finding solely to Sobir. Sobir concealed this information from Malika and they proceeded with the marriage. Subsequently, when Malika discovered the truth, she petitioned the court on the grounds that her consent was obtained under deception, and successfully secured the annulment of the marriage. This mechanism safeguards personal rights while demanding openness and honesty in marital relations.

- Prospective spouses undergo a free medical examination in state institutions (Family Code, art. 17).
- For persons over 50 years of age and in exceptional cases, examination is voluntary (Family Code, art. 17).
- The findings of a medical examination are protected by medical confidentiality (Family Code, art. 17).

> **KEY INSIGHT**
> Undergoing a medical examination does not substitute for voluntary consent to marriage. The examination findings merely assist the parties in reaching an informed decision.

> **COMMON PITFALL**
> Deliberately concealing an HIV infection or a venereal disease not only provides grounds to have the marriage declared void, but also engenders criminal liability.

2.5 Marriage of Foreign Citizens, Stateless Persons, and Citizens Residing Abroad

In the context of globalisation, the number of marriages involving foreign citizens and stateless persons continues to rise. Foreign citizens and stateless persons residing permanently in the Republic of Uzbekistan enjoy equal rights and bear equal duties in family relations alongside citizens of Uzbekistan (Family Code, art. 234). The registration of marriages with such persons on the territory of Uzbekistan is carried out on general grounds—namely, under the requirements of Uzbek legislation (marriageable age, voluntariness, absence of precluding circumstances). In this regard, the foreign citizen must possess a valid visa confirming lawful stay in Uzbekistan, as well as a certified certificate (duly legalised or apostilled) proving that they are not currently married in their home state. The recognition of marriages concluded outside the territory of the Republic of Uzbekistan is equally significant. Where citizens of Uzbekistan conclude a marriage abroad in compliance with the laws of the host state, such marriage is recognised as valid in Uzbekistan. However, this is strictly conditional upon the absence of the impediments set forth in Article 16 of the Family Code (such as bigamy or close consanguinity) (Family Code, art. 235). Hypothetical example: Dilshod, a citizen of Uzbekistan, entered into marriage in Germany with German citizen Anna in compliance with German law while studying there. Their marriage is automatically recognised in Uzbekistan, as no consanguinity exists between them and neither party was in a subsisting marriage. Furthermore, Uzbek citizens residing abroad may have their marriages registered at consular missions of the Republic of Uzbekistan. In such cases, the norms of Uzbek family law apply directly. Through consular marriages, citizens abroad remain under the legal protection of their domestic legislation. These provisions ensure the correct practical application of conflict-of-laws rules in private international law.

- Foreign citizens enjoy equal rights in family relations within Uzbekistan (Family Code, art. 234).

• Marriages concluded abroad are recognised in Uzbekistan unless they contravene art. 16 (Family Code, art. 235).

• Marriages of citizens abroad may be registered at consular institutions (Cabinet of Ministers Resolution No. 550).

EXAM FOCUS

What is the primary condition for recognising a marriage concluded abroad in Uzbekistan? Answer: The absence of circumstances precluding marriage stipulated in Family Code, art. 16.

COMPARE

A consular marriage is solemnised directly under the legislation of Uzbekistan, whereas a marriage concluded before a foreign authority is governed by that state's law and subsequently recognised in Uzbekistan.

2.6 Registration of Marriage with Persons in Places of Deprivation of Liberty

The right to marry of persons held in places of deprivation of liberty is guaranteed by law, and the process is governed by a strict statutory procedure. Pursuant to Article 217 of the Family Code, the registration of marriage with persons serving a sentence or remanded in pre-trial detention facilities is conducted by the civil registry office (FHDYO) located in the administrative territory where the penal institution is situated. Under the rules approved by Cabinet of Ministers Resolution No. 550, the individual wishing to enter into marriage with a convict completes an application form and files it with the civil registry office (FHDYO) of their own place of residence or in the territory of the institution. Once the civil registry office (FHDYO) certifies the application, it is forwarded to the administration of the correctional facility. The administration oversees the completion of the application by the convict, verifies their consent and signature, and returns the documentation to the civil registry office (FHDYO). The obligation to arrange the medical examination of the prospective spouses rests upon the institution's administration. The solemnisation and registration of the marriage is conducted by an official of the civil registry office (FHDYO) directly within a designated room provided by the administration of the correctional institution, in the personal presence of both parties. Hypothetical example: Botir is serving a sentence in a penal colony. His fiancée Nodira wished to marry him and submitted an application to the civil registry office (FHDYO). The colony administration certified Botir's voluntary consent and arranged his medical examination. On the appointed day, a civil registry office (FHDYO) official attended the colony, registered their marriage, and issued the marriage certificate to Nodira. The corresponding registration stamp was entered into Botir's personal file. This procedure guarantees the convict's personal rights while maintaining strict state oversight over the legality and voluntary nature of the marriage. Marriage by proxy remains strictly impermissible in this context as well.

• Marriages with convicts are registered by the civil registry office (FHDYO) in the institution's territory (Family Code, art. 217).

• The convict's application and signature are certified by the institution's administration (Cabinet of Ministers Resolution No. 550).

• The medical examination is organised by the institution's administration (Cabinet of Ministers Resolution No. 550).

KEY INSIGHT

Detention in a correctional institution does not strip an individual of the right to marry, though strict administrative and legal oversight governs the procedure.

COMMON PITFALL

When entering into a marriage with a convict, the civil registry office (FHDYO) does not automatically reduce the one-month waiting period. The period is calculated according to general rules.

KEY TAKEAWAYS

1. A marriage has legal validity solely upon registration with the civil registry office (FHDYO).
2. Mutual voluntary consent and attainment of the age of 18 are the core conditions for entering into marriage.
3. The hokim may lower the marriageable age by at most one year where excusable grounds exist.
4. Marriage is strictly prohibited between close relatives, adoptive parents and adoptees, and persons lacking legal capacity.
5. The premarital medical examination is conducted free of charge, and its findings are protected by medical confidentiality.
6. Marriages concluded abroad are recognised in Uzbekistan provided they do not contravene Article 16 of the Family Code.
7. In places of deprivation of liberty, marriage is solemnised only in the personal presence of both parties on the institution's premises.

Summary

This lesson examined in detail the concept of marriage, the procedure for its solemnisation, and the conditions governing it under the family law of the Republic of Uzbekistan. Marriage is a juridical fact that engenders legal consequences solely when registered with the civil registry office (FHDYO). Religious or de facto unions are not recognised by law. The fundamental conditions for concluding a marriage are the mutual voluntary consent of the parties and the attainment of eighteen years of age. Where valid grounds exist, the district or city hokim may lower the marriageable age by up to one year. Article 16 of the Family Code establishes an exhaustive list of circumstances precluding marriage, encompassing an existing subsisting marriage, close consanguinity, adoptive relationships, and legal incapacity. To safeguard the health of future generations, prospective spouses undergo a mandatory and free medical examination. Additionally, this lesson reviewed the rules governing the recognition of marriages of foreign citizens and citizens residing abroad, alongside the specific administrative procedures for registering marriages with persons detained in places of deprivation of liberty. These provisions collectively aim to protect family stability, the best interests of the child, and the personal non-property rights of citizens.

KEY PRINCIPLES

1. Mandatory state registration with the civil registry office (FHDYO)
2. Free and voluntary consent of the prospective spouses
3. Equal marriageable age for men and women (18 years)
4. Strict adherence to the principle of monogamy
5. Prohibition of marriages between close relatives
6. Preservation of medical confidentiality and protection of public health
7. Recognition of foreign marriages solely where compliant with national mandatory law

> KEY TERMS
> Civil registry office (FHDYO) · Juridical fact · Voluntary consent · Marriageable age · Emancipation · Monogamy · Legal incapacity · Medical examination · Consular marriage · Sham marriage

EXAM CHECKLIST

- Can I explain the significance of marriage as a juridical fact?
- Do I understand the legal differences between a religious ceremony and a registered marriage?
- Can I distinguish between the authorities empowered to lower the marriageable age versus those empowered to reduce the one-month waiting period?
- Can I list the four statutory impediments to marriage specified in Family Code, art. 16?
- Do I know the legal consequences of deliberately concealing medical examination results?
- Can I articulate the conditions under which a marriage concluded abroad is recognised in Uzbekistan?
- Am I familiar with the procedure for registering marriages with individuals detained in places of deprivation of liberty?

Cases (IRAC)

Case 1 · Pregnancy and Reduction of the Marriageable Age

> FACTS
> Dilnoza, aged seventeen years and eight months, sought to register her marriage immediately with twenty-year-old Aziz due to her pregnancy. They presented a medical certificate and the consent of Dilnoza's parents to the civil registry office (FHDYO). The civil registry official stated that pregnancy does not substitute for a formal decision to reduce the marriageable age. Aziz disputed the refusal, arguing that under exceptional circumstances marriage may be concluded on the day of application.

ISSUE

What legal procedures must be observed to register a marriage immediately when a person below the marriageable age is pregnant?

RULE

Pursuant to the Family Code, art. 15, the marriageable age for men and women is established at eighteen years. Where there are valid reasons, in exceptional cases (pregnancy, birth of a child, declaration of a minor to be fully capable), the hokim of the district or city where the marriage is to be registered may, upon the request of those wishing to marry, reduce the marriageable age by no more than one year. Under the Family Code, art. 13, marriage is concluded after the expiry of one month from the date on which the parties wishing to marry submit their application to the civil registry office (FHDYO). However, in exceptional cases (pregnancy, birth of a child, illness of one party, and others), marriage may be concluded on the day the application is filed. In accordance with Cabinet of Ministers Resolution No. 550, the reduction of the marriageable age and the shortening of the waiting period are carried out on separate grounds.

ANALYSIS

1) There is a significant legal distinction between reducing the marriageable age and shortening the statutory waiting period for marriage registration. Reducing the marriageable age confers upon the person the legal capacity to enter into marriage, that is, it removes a legal impediment. Shortening the waiting period, however, merely accelerates the administrative process—the timing of registration—for persons who already possess the legal capacity to marry (Family Code, arts. 13 and 15). 2) The issue of reducing the marriageable age is determined by the hokim of the district or city in which the marriage is to be registered. This requires an application (request) from the prospective spouses and a certificate from a medical institution confirming the valid reason, such as pregnancy. The law does not require parental consent, as marriage is voluntary and the individual's own free will prevails. 3) Once the requisite authorisation is obtained—namely, the decision of the district (city) hokim reducing the marriageable age—Dilnoza will acquire the capacity to marry. Only then can the state of pregnancy be evaluated as an exceptional circumstance under the Family Code, art. 13, serving as a lawful ground to register the marriage immediately on the day of application. The civil registry official correctly distinguished between these two processes and imposed a lawful requirement.

CONCLUSION

In conclusion, the actions of the civil registry official are entirely lawful. Dilnoza and Aziz are first obliged to apply to the district or city hokim requesting a reduction in the marriageable age. Only after the hokim's decision is submitted does the possibility arise to register the marriage immediately on the day of application on the ground of pregnancy.

DISCUSSION QUESTIONS

1. What is the distinction between reducing the marriageable age and shortening the statutory waiting period for the registration of marriage?
2. Which authority decides the matter of reducing the marriageable age, and on what grounds and documentation?
3. Once the requisite authorisation is obtained, how does pregnancy affect the registration of marriage on the day of application?

Family Code of the Republic of Uzbekistan (30.04.1998) — https://lex.uz/docs/104720

Cabinet of Ministers Resolution No. 550 (20.10.2023) — https://lex.uz/docs/6638940

Case 2 · Solemnisation of Marriage in a Hospital and Medical Confidentiality

FACTS

Jasur is undergoing inpatient treatment in a hospital due to a severe injury. He and Zilola requested that their marriage be registered at the hospital. Jasur is fully conscious but cannot move independently. Zilola has undergone the medical examination, whereas some of Jasur's test results are not yet ready. The civil registry official stated that marriage may only be concluded within the premises of the civil registry office (FHDYO) and that medical information must be disclosed to the parents of both parties. Jasur's father offered to sign the marriage registration documents on his son's behalf.

ISSUE

What is the procedure for registering a marriage when one of the prospective spouses is hospitalised, how is the requirement of personal attendance satisfied, and how is the confidentiality of medical examination results safeguarded?

RULE

Pursuant to the Family Code, art. 13, marriage is concluded with the personal attendance of the parties entering into marriage. Under the Family Code, art. 212, in exceptional circumstances, the registration of marriage may be carried out at a hospital or at home. According to the Family Code, art. 17, persons entering into marriage undergo a free medical examination at state healthcare institutions. However, where exceptional circumstances (illness, pregnancy) exist, the medical examination is conducted with their consent. Furthermore, the results of the medical examination constitute a medical secret and may be disclosed to the prospective spouse only with the consent of the person who underwent the examination. Cabinet of Ministers Resolution No. 550 also strictly provides that marriage registration through a power of attorney or by proxy is impermissible.

ANALYSIS

1) The possibility of registering a marriage in a hospital and the requirement of personal attendance do not negate each other; rather, they are complementary. Under the law, marriage is registered exclusively with the personal attendance of the prospective spouses; contracting a marriage through a

representative (for instance, through a father) is strictly prohibited. However, Jasur's inability to attend the civil registry office due to a severe injury constitutes an exceptional circumstance, and the marriage may be registered in the hospital with their personal attendance (Family Code, art. 212). 2) In exceptional circumstances, namely the severe illness of one of the parties, the procedure for undergoing a medical examination changes. Under the Family Code, art. 17, prospective spouses in such a situation undergo medical examination only with their consent. The fact that some of Jasur's tests are not ready does not prevent the immediate registration of the marriage, as under these circumstances the medical examination is voluntary rather than mandatory. 3) The demand to provide the prospective spouses' medical information to their parents without their consent is entirely unlawful. The results of a medical examination constitute a strict medical secret. They may be disclosed only to the other person who intends to marry (Zilola), and only with the voluntary consent of the person examined. Parents have no legal right to demand this information.

CONCLUSION

The demands of the civil registry official are unfounded and contrary to law. As Jasur is fully conscious, he can express his intent in person; therefore, the marriage should be registered at the hospital. The father cannot act as a proxy. The results of the medical examination constitute a medical secret, and their disclosure to the parents is strictly prohibited.

DISCUSSION QUESTIONS

1. How do the possibility of registering a marriage at a hospital and the requirement of personal attendance of the prospective spouses correlate?
2. What features of the medical examination and marriage registration procedures must be verified in exceptional circumstances?
3. Is the demand to disclose the prospective spouses' medical data to their parents without their consent lawful?

Family Code of the Republic of Uzbekistan (30.04.1998) — https://lex.uz/docs/104720

Cabinet of Ministers Resolution No. 550 (20.10.2023) — https://lex.uz/docs/6638940

Case 3 · Marriage with a Foreign Citizen and Circumstances Precluding Marriage

FACTS

Umida, a 25-year-old citizen of the Republic of Uzbekistan, and Jon, a 32-year-old foreign citizen, applied to the civil registry office (FHDYO) in Tashkent to register their marriage. Jon is legally married in his home country, but his national legislation officially permits men to practise polygamy. They argued before the civil registry office that according to the laws of Jon's country there is no impediment to contracting a new marriage and that this conforms to his national law. In addition, Umida stated that she was aware of the situation and consented voluntarily. However, the civil registry official refused to accept their application and explained that registering the marriage was impossible. Jon disputed this refusal.

ISSUE

What legal consequences arise from a foreign citizen's right to polygamy permitted under their national law when contracting a marriage on the territory of the Republic of Uzbekistan?

RULE

Under the Family Code, art. 16, the conclusion of marriage is not permitted between persons of whom at least one is already in another registered marriage. According to the meaning of the Family Code, art. 235, when contracting a marriage on the territory of Uzbekistan, it is strictly required that the circumstances precluding marriage provided for in the Family Code, art. 16, must be absent. Pursuant to Cabinet of Ministers Resolution No. 550, registration of marriage with a foreign citizen requires a certificate of non-impediment to marriage (proof of being unmarried) duly legalised or apostilled in the prescribed manner.

ANALYSIS

1) When concluding a marriage with a foreign citizen on the territory of the Republic of Uzbekistan, the procedure and conditions for registering the marriage are governed by the laws of Uzbekistan, regardless of the parties' citizenship. Pursuant to the Family Code, art. 235, the absence of the impediments to marriage stipulated in the Family Code, art. 16, is strictly required. 2) Jon's pre-existing marriage constitutes an absolute impediment to contracting a new marriage in Uzbekistan. Although the legislation of Jon's home country permits polygamy, under the Family Code, art. 16, marriage is not permitted between persons if at least one of them is already in another registered marriage. The legislation of Uzbekistan does not recognise polygamy and, on grounds of public policy, does not permit such marriages. Umida's consent cannot override this statutory prohibition. 3) The refusal of the civil registry official is fully lawful. Under Cabinet of Ministers Resolution No. 550, registration of a marriage with a foreign national requires the submission of a document confirming that the foreign national is not currently married, duly legalised or apostilled. Due to his subsisting marriage, Jon cannot provide such a document, and therefore the application cannot be accepted.

CONCLUSION

The refusal of the civil registry official is entirely lawful. Unless Jon dissolves his subsisting marriage, he cannot enter into a valid marriage with Umida on the territory of the Republic of Uzbekistan. The fact that foreign legislation permits polygamy has no legal force on the territory of Uzbekistan.

DISCUSSION QUESTIONS

1. Which country's legislation applies when contracting a marriage with a foreign citizen in Uzbekistan?
2. How does Jon's prior marriage affect the conclusion of a new marriage in Uzbekistan?
3. Is the civil registry official's refusal lawful?

Family Code of the Republic of Uzbekistan (30.04.1998) — https://lex.uz/docs/104720

Cabinet of Ministers Resolution No. 550 (20.10.2023) — https://lex.uz/docs/6638940

Quiz

MULTIPLE CHOICE

1. Which legal fact gives rise to the rights and duties of spouses?

- A. Holding a wedding ceremony
- B. Performance of a religious marriage ceremony
- C. State registration of the marriage at a civil registry office (FHDYO)
- D. Commencement of cohabitation

CORRECT: C

Under the Family Code, art. 13, marriage is concluded exclusively in civil registry offices (FHDYO), and spousal rights and obligations arise from that precise moment. Religious ceremonies or wedding celebrations have no legal effect. Cohabitation is regarded merely as de facto marriage and produces no legal consequences.

2. Which of the following is one of the fundamental conditions for contracting a marriage?

- A. Mutual voluntary consent of the prospective spouses
- B. Both parties having a higher education degree
- C. Notarised consent of the parents
- D. Both prospective spouses belonging to the same ethnic group

CORRECT: A

Pursuant to the Family Code, art. 14, entering into marriage is voluntary. Future spouses must possess the capacity to express their consent freely. Coercion is strictly prohibited. Parental consent, educational attainment, or ethnicity are not statutory conditions for marriage. Voluntary consent is the most fundamental requirement.

3. What is the general marriageable age for men and women in Uzbekistan?

- A. 18 years for men, 17 years for women
- B. 17 years for both
- C. 21 years for men, 18 years for women
- D. 18 years for both

CORRECT: D

According to the Family Code, art. 15, the marriageable age is set identically for men and women at eighteen years. Other options proposing 17 or 21 years contradict current legislation. This rule ensures the physical and psychological readiness of young people to establish a family.

4. By up to how long may the marriageable age be reduced in exceptional cases?

- A. By three years
- B. By one year

- C. By two years
- D. Without limitation

CORRECT: B

Pursuant to the Family Code, art. 15, where there are valid reasons (pregnancy, birth of a child, declaration of a minor to be fully capable), the marriageable age may be reduced by a maximum of one year. A reduction by three years or without limitation is contrary to law. This provision serves to protect the interests of the child.

5. Who holds the authority to reduce the marriageable age?

- A. The hokim of the district or city where the marriage is to be registered
- B. An inspector of the civil registry office (FHDYO)
- C. The chairperson of the mahalla
- D. A notary

CORRECT: A

As established in the Family Code, art. 15, the power to reduce the marriageable age is vested exclusively in the hokim of the district or city where the marriage is to be registered. A civil registry inspector, mahalla chairperson, or notary has no authority to make such a decision. The hokim examines the documents confirming valid reasons and adopts the relevant decision.

6. Which of the following circumstances constitutes an impediment to contracting a marriage?

- A. Unemployment of one of the parties
- B. The parties residing in different regions
- C. One of the parties being in another registered marriage
- D. A large age disparity between the parties

CORRECT: C

Under the Family Code, art. 16, contracting a marriage is not permitted between persons if at least one of them is already in another registered marriage. Unemployment, residence in different regions, or a large age difference are not recognised as statutory impediments. Polygamous or polyandrous marriages are strictly prohibited.

7. As a general rule, after what period following the submission of the application is a marriage registered?

- A. After three months
- B. After one month
- C. After six months
- D. After one year

CORRECT: B

> Under the Family Code, art. 13, marriage is concluded after the expiry of one month following the submission of an application to the civil registry office (FHDYO). This period allows the prospective spouses to reflect on their decision and test the seriousness of their intentions. Other periods may only apply by way of exception where valid grounds exist.

8. In exceptional cases such as pregnancy, the birth of a child, or the illness of one party, when may a marriage be concluded?

- A. Only after three months have passed
- B. Only after a court decision has been issued
- C. Only in the presence of parents
- D. On the day the application is submitted

> **CORRECT: D**
> Pursuant to the Family Code, art. 13, in exceptional cases such as pregnancy, the birth of a child, or the illness of one party, the marriage may be concluded on the day the application is filed. In such instances, waiting for the one-month period is not required, as prompt registration fully aligns with the interests of the parties and the unborn child.

9. Is it permissible to conclude a marriage by proxy on the basis of a power of attorney?

- A. Yes, if there is a notarised power of attorney
- B. Yes, if the prospective spouse is abroad
- C. No, marriage is concluded with the personal attendance of the prospective spouses
- D. Yes, if the parents act as proxies

> **CORRECT: C**
> The Family Code, art. 13, strictly establishes that the conclusion of marriage must take place in the personal presence of the persons entering into marriage. Because voluntary consent must be freely expressed, contracting a marriage by power of attorney or through a representative is not permitted under any circumstances. Each party must confirm their will directly before the civil registry office (FHDYO).

10. What is the legal nature of the results of the medical examination of prospective spouses?

- A. They constitute a medical secret, and their disclosure is subject to statutory requirements
- B. They are information that must be openly discussed in the mahalla
- C. They are information that may be disclosed to any relative
- D. They are information to be entered in full into the marriage certificate

> **CORRECT: A**
> According to the textbook materials and the Family Code, art. 17, the results of a medical examination constitute a medical secret. They may be disclosed to the prospective spouse only with the consent of

the person examined. Openly discussing them or disclosing them publicly is prohibited. This ensures the inviolability of personal privacy.

11. A 17-year-old girl and a 20-year-old young man attended a civil registry office (FHDYO) requesting to register their marriage on the same day due to the girl's pregnancy. What procedure must be followed in accordance with legislation?

- A. The head of the civil registry office reduces the age independently and registers the marriage immediately
- B. Once the district (city) hokim reduces the marriageable age, the civil registry office may register the marriage on the day of application due to the pregnancy
- C. The marriage cannot be registered until the girl turns 18; pregnancy does not alter the age rule
- D. Notarised consent of the parents is obtained, and the marriage is registered immediately

CORRECT: B

Under the Family Code, art. 15, the marriageable age may only be reduced by the district (city) hokim. Once the hokim's decision has been issued, because an exceptional circumstance such as pregnancy exists, the civil registry office is entitled to register the marriage on the day of application pursuant to art. 13. Both procedures must be carried out separately.

12. Rustam and Malika have lived separately for four years, but have not officially divorced. Rustam intends to enter into a legal marriage with Nilufar. Is his action lawful?

- A. Yes, living separately for more than three years automatically dissolves the prior marriage
- B. Yes, provided Malika gives written confirmation that she has no objection
- C. No, because his existing registered marriage constitutes an impediment to contracting a new marriage
- D. No, he must first pay maintenance (alimony) to Malika

CORRECT: C

Pursuant to the Family Code, art. 16, contracting a marriage is not permitted between persons if at least one of them is already in another registered marriage. Mere separate living does not automatically dissolve a prior marriage. To conclude a new marriage, the lawful dissolution of the previous marriage must be evidenced by an appropriate document.

13. Sanjar is serving a custodial sentence in a correctional facility. He wishes to marry Aziza. Where and how will this marriage be registered?

- A. Aziza must bring Sanjar to the civil registry office (FHDYO) under escort
- B. The marriage is registered by the civil registry office (FHDYO) of the territory where the institution is located, in premises allocated by the institution's administration
- C. Contracting marriage by persons deprived of liberty is strictly prohibited by law
- D. The head of the facility acts as a civil registry inspector and issues the marriage certificate

CORRECT: B

Under the Family Code, art. 217, and the rules of Resolution No. 550, marriages with persons in correctional institutions are registered by the civil registry office (FHDYO) located in the jurisdiction of the facility. The procedure is conducted in designated premises allocated by the facility administration, in the personal presence of the prospective spouses. This ensures the right of convicted persons to marry.

14. Anvar, a citizen of Uzbekistan, and Yelena, a foreign national, wish to marry in Tashkent. What specific document must Yelena submit to the civil registry office (FHDYO)?

- A. An application expressing her intention to acquire citizenship of Uzbekistan
- B. A permanent residence permit for Uzbekistan issued by her state's embassy
- C. A document confirming non-impediment to marriage (proof of being unmarried) in her home country, certified in the prescribed manner (by legalisation or apostille)
- D. A special permit from the Tashkent City Hokim to enter into marriage with a foreign national

CORRECT: C

According to the rules approved by Resolution No. 550, a foreign national must attach to the marriage application a certificate of non-impediment to marriage (proof of being unmarried) duly legalised or apostilled. The document must be translated into the state language. This requirement is aimed at preventing polygamy.

OPEN QUESTIONS

15. Where a prospective spouse expressed consent before the civil registry official but subsequently claimed that the marriage was contracted under the duress of family threats, on the basis of what evidence must the voluntary nature of the marriage be determined?

MODEL ANSWER

Pursuant to the Family Code, art. 14, entering into marriage is strictly voluntary, and coercion to enter into marriage is categorically prohibited. If a person formally expressed consent before a civil registry official but later claims that such consent was procured under threats from family members (physical or psychological violence, intimidation), the voluntariness of the marriage is vitiated. In such a scenario, pursuant to the Family Code, art. 49, the marriage may be declared void through judicial proceedings, analogous to a transaction concluded under the influence of fraud, duress, or violence. To prove the lack of voluntariness in court, various pieces of evidence must be adduced: detailed testimony of the victim, witness statements (from friends, relatives, neighbours), correspondence (SMS, messaging via social networks), and audio or video recordings. Where physical threats or violence occurred, forensic medical examination findings also constitute critical evidence. Under an alternative view, some might argue that formal and public consent given before a civil registry official constitutes an incontrovertible legal fact, and that overturning it impairs legal certainty, since the official is bound to ascertain the true intent of the parties. However, domestic abuse and concealed duress are rarely disclosed within formal state agencies. From the standpoint of human rights and personal inviolability, the court must thoroughly examine any circumstances of coercion. Annulling the marriage in the absence of free consent fully accords with the spirit of the law and the principles of justice.

16. When the pregnancy of a minor is cited as a ground for immediate marriage registration, what legal complications arise from conflating the procedure for reducing the marriageable age with that for shortening the registration period?

MODEL ANSWER

Reducing the marriageable age and shortening the waiting period for marriage registration are two completely distinct legal institutions; conflating them creates serious legal complications. Under the Family Code, art. 15, reducing the marriageable age (by up to one year) may only be effected by a formal decision of the district or city hokim. Conversely, under the Family Code, art. 13, shortening the one-month waiting period (or registering the marriage on the date of application) is decided by the head of the civil registry office (FHDYO). If the civil registry office immediately registers the marriage of a minor solely on the ground of pregnancy without a prior decision from the hokim, such a marriage is contracted unlawfully. This is because the individual has not yet acquired the legal capacity to marry. Such a defect constitutes a ground for declaring the marriage void in the future and may prejudice the legal status of the child to be born. Under an alternative view, some might contend that in urgent situations such as pregnancy, direct authority to reduce the age should be vested in the civil registry office to minimise bureaucratic obstacles. However, current legislation requires that the protection of the minor's best interests, their voluntary consent, and the validity of the reasons be impartially evaluated at the level of local executive authority. The hokim's decision confers the legal capacity upon the individual, while the civil registry office merely accelerates the timeline for exercising that capacity. Disrupting this sequential order violates the principle of legality.

17. How are the rules on free consent and medical examinations observed when registering marriages with persons held in places of deprivation of liberty, and what legal restrictions apply to this procedure?

MODEL ANSWER

The conclusion of marriage with persons detained in places of deprivation of liberty is governed by the Family Code, art. 217, and Cabinet of Ministers Resolution No. 550. Free consent when marrying an incarcerated individual is safeguarded through a special procedure: the party at liberty submits an application to the civil registry office (FHDYO) and has their signature attested, whereupon this application is forwarded to the incarcerated individual via the institution's administration. The inmate's signature and consent on the application are verified and attested by the administration of the correctional facility. This process formally documents the voluntary consent of both parties. With respect to the medical examination, the convicted person is examined in the manner established by the facility's administration, while the party at liberty receives a referral through the ordinary procedure. Legal restrictions dictate that the registration of marriage may only take place in designated premises allocated by the institution's administration, in the joint personal presence of the civil registry official and the prospective spouses. As an alternative viewpoint, some jurists argue that in closed institutions there exists an inherent risk of vitiated consent due to administrative coercion, and therefore the civil registry official should conduct a private interview with the inmate. Nevertheless, current statutory rules deem the administration's certification power sufficient. The overarching objective is to uphold the constitutional right to marry without discrimination based on custodial status while strictly adhering to statutory prerequisites. This procedure also fosters the social rehabilitation of the inmate.

Glossary

MARRIAGE

A formalised union based on the voluntary consent and equality of a man and a woman who have attained the marriageable age and wish to found a family in accordance with the law, giving rise to mutual personal and property rights and obligations.

Example: Jasur and Malika entered into a lawful marriage of their own free will with the aim of founding a family.

Related: Marriage as a legal fact, Family

VOLUNTARINESS OF ENTERING INTO MARRIAGE

The principle that persons entering into marriage formalise their union freely, on an equal footing, and on the basis of mutual consent without being coerced by third parties. A marriage entered into under duress may be declared void.

Example: Despite pressure from her parents, the young woman did not give voluntary consent to marry because it was contrary to her own will.

Related: Marriage, Sham marriage

MARRIAGEABLE AGE

> The attainment by prospective spouses of the statutory age required to enter into marriage. In the Republic of Uzbekistan, the marriageable age for both men and women is established at eighteen years.

Example: Having reached the age of eighteen, Anvar acquired the legal capacity to enter into marriage.

Related: Emancipation, Marriage

> **SHAM MARRIAGE**
> A marriage concluded without the intention of establishing family life, but for the purpose of acquiring property, wealth, housing, or obtaining a permanent residence permit. Such a marriage is declared void by a court.

Example: The sham marriage, contracted solely for the purpose of obtaining a permanent residence registration in the capital, was annulled by the court.

Related: Voluntariness of entering into marriage

> **MARRIAGE AS A LEGAL FACT**
> A type of vital record (act of civil status) registered in accordance with statutory procedures, representing an expression of will that generates personal non-property and property legal relationships between a man and a woman.

Example: Marriage as a legal fact, registered in the civil registry office, conferred lawful rights and duties upon the spouses.

Related: Marriage

> **CIRCUMSTANCES PRECLUDING MARRIAGE**
> Strict statutory grounds barring the conclusion of marriage, including being in another subsisting marriage, close consanguinity, and being declared legally incapable by a court.

Example: Because the young man's subsisting legal marriage had not been dissolved, an impediment precluding a new marriage was identified.

Related: Marriage, Legal incapacity

> **MEDICAL EXAMINATION**
> A mandatory examination process conducted free of charge at state healthcare institutions to protect the health of prospective spouses and ensure the birth of healthy children in the family.

Example: After lodging their application, the bride- and groom-to-be underwent the statutory free medical examination.

Related: Conditions of marriage

> **EMANCIPATION**

> The formal declaration of a minor to be fully capable in accordance with the procedure established by law, which serves as one of the valid grounds for reducing the marriageable age.

Example: Because the seventeen-year-old entrepreneur had been emancipated, permission was granted to reduce his marriageable age.

Related: Marriageable age

> **CONSULAR MARRIAGE**
> A marriage arising from the registration by a consul of a union between citizens of the Republic of Uzbekistan permanently or temporarily residing abroad, conducted in accordance with the legislation of the Republic of Uzbekistan.

Example: Two Uzbek citizens studying abroad registered their marriage at our country's embassy as a consular marriage.

Related: Marriage

> **RETORSION**
> A concept used in private international law in the sense of reciprocity, meaning that if a foreign state restricts or refuses to recognise the rights of citizens of Uzbekistan, reciprocal restrictions may be applied in Uzbekistan against the citizens of that state.

Example: Because the foreign state did not recognise the marriages of Uzbek citizens, the marriages of its citizens were likewise not recognised on the basis of the rule of retorsion.

Related: Consular marriage

Timeline

Legal Evolution of the Procedure and Conditions for Concluding Marriage

> **1998 · ADOPTION OF THE FAMILY CODE**
> The Family Code of the Republic of Uzbekistan was enacted, codifying the essential conditions, procedure, and impediments to entering into marriage at statutory level.

Significance: A unified, comprehensive legislative act governing family relationships was established.

> **2003 · ESTABLISHMENT OF THE MEDICAL EXAMINATION PROCEDURE**
> A Cabinet of Ministers resolution approved the Regulation on the Medical Examination of Persons Entering into Marriage, aimed at securing the health of future generations.

Significance: Premarital medical examination free of charge was introduced into practice as a compulsory requirement.

2013 · GROUNDS FOR LOWERING THE MARRIAGEABLE AGE

Family Code, art. 15 was amended to include the declaration of a minor as fully capable (emancipation) among the valid grounds for lowering the marriageable age.

Significance: The marital rights of emancipated minors were statutorily safeguarded.

2019 · EQUALISATION OF THE MARRIAGEABLE AGE

Legislative amendments unified the marriageable age for men and women at eighteen years.

Significance: Equal rights and opportunities for men and women entering into marriage were fully established.

2021 · RECOGNITION OF MARRIAGES CONCLUDED ABROAD

Family Code, art. 235 was promulgated in a new wording, establishing explicit mechanisms for recognising marriages celebrated outside the territory of Uzbekistan as valid.

Significance: Legal safeguards for family relationships containing a foreign element were reinforced.

2023 · NEW REGISTRATION REGULATIONS

Cabinet of Ministers Resolution No. 550 approved updated Rules for Registering Civil Status Acts, introducing electronic applications and automated verification via state information systems.

Significance: The marriage registration process was digitalised and bureaucratic hurdles were curtailed.

Mind map

Procedure and Conditions for Contracting Marriage

- Concept of Marriage: Legal nature and significance of marriage.
- — Legal Fact: A state-registered vital event.
- — Legal Relationship: Personal and property rights between spouses.
- — Institution of Family Law: Body of family law statutory rules.
- Conditions of Marriage: Essential statutory prerequisites for a valid marriage (Family Code, arts. 14-15).
- — Voluntary Consent: Expression of free will without coercion.
- — — Personal Expression: Consent cannot be given through a proxy.
- — — Prohibition of Coercion: Marriage entered into under force or threat is void.
- — Marriageable Age: 18 years for men and women.
- — — Reduction of Age: By hokim decision, up to a maximum of 1 year.
- — — Valid Grounds: Pregnancy, birth of a child, emancipation.
- — Aim of Founding a Family: Contracting a sham marriage is not permitted.
- Impediments to Marriage: Absolute statutory grounds precluding marriage (Family Code, art. 16).

- — Pre-existing Marriage: If at least one party is in another registered marriage.
- — — Prohibition of Polygamy: Current legislation prohibits polygamy.
- — Close Consanguinity: Between direct ascendants and descendants.
- — — Brothers and Sisters: Full-blood and half-blood siblings.
- — — Adoption: Between adoptive parents and adopted children.
- — Legal Incapacity: By court judgment due to mental disorder.
- — — Court Judgment: Only where established by a court.
- Medical Examination: Medical examination of prospective spouses (Family Code, art. 17).
- — Free of Charge: Conducted in state healthcare institutions.
- — Medical Confidentiality: Results disclosed only with the individual's consent.
- — Voluntary Examination: For persons over 50 years of age and in exceptional cases.
- — — Persons over 50: Undergone at their own discretion.
- — — Exceptional Circumstances: In urgent registration cases such as pregnancy.
- Registration Procedure: Filing of application and marriage solemnisation (Family Code, art. 13).
- — Joint Application: Submitted in written or electronic form.
- — One-Month Period: Registered after one month from filing.
- — — Shortening the Period: Period may be reduced where valid grounds exist.
- — — Registration on Day of Application: In exceptional cases (e.g. pregnancy), concluded on the same day.
- — Personal Attendance: Marriage is solemnised only in the presence of the parties.
- Special Cases: Marriages with foreign nationals and incarcerated persons.
- — Foreign Nationals: Registered on general grounds within Uzbekistan.
- — Consular Marriage: Marriages of citizens abroad registered at an embassy.
- — Penal Institutions: Marriages with inmates registered on institution premises.

Walkthrough and diagram

Marriage Registration Process and Conditions

RELATIONSHIPS IN THIS DIAGRAM

- Submission of joint application ’Application is lodged ’Civil registry office (FHDYO)
- Civil registry office (FHDYO) ’Referral is issued ’Undergoing medical examination
- Undergoing medical examination ’Waiting upon receipt of results ’One-month waiting period
- One-month waiting period ’Upon expiry of period ’Registration of marriage
- Civil registry office (FHDYO) ’Where grounds exist ’Valid reasons and exceptional circumstances
- Valid reasons and exceptional circumstances ’Period is shortened ’Registration of marriage
- Civil registry office (FHDYO) ’Where impediment is found ’Refusal of registration

• Refusal of registration ’Protection of rights ’Appeal to court

Sources

SOURCES CITED IN THIS TOPIC

Family Code of the Republic of Uzbekistan (30.04.1998) — https://lex.uz/docs/104720

Cabinet of Ministers Resolution No. 550 (20.10.2023) — https://lex.uz/docs/6638940

Constitution of the Republic of Uzbekistan (30.04.2023) — https://lex.uz/docs/6445145

RECOMMENDED READING (SYLLABUS)

• Oila huquqi. Darslik. Mualliflar jamoasi. – Toshkent: TDYU, 2021. (Asosiy)

• Topildiyev B.R., Imomniyozov D., Musaev Q. Oila huquqi. O‘quv qo‘llanma. – Toshkent: TDYU, 2025. – 126 b. (Asosiy)

• Babajanova D. Oila huquqi. O‘quv qo‘llanma. – 2024. (Asosiy)

• Yuldashev J.I. Vorislik va oila huquqi. Darslik / yuridik fanlar doktori, professor, O‘zbekistonda xizmat ko‘rsatgan yurist O. Okyulovning umumiy tahriri ostida. – T.: TDYUU nashriyoti, 2024. – 295 b. (Asosiy)

• Practising Family Law, 5th edition by Ian Serisier. Published: 20 June 2022. ISBN: 9780409356816. (Qo‘shimcha)

Check every source against its current official text before you cite it.

Study text prepared with AI assistance for teaching. It is not legal advice; verify against primary sources before citing. Tashkent State University of Law · Family and Inheritance Law.

Built by OXFORDER LLC · Edition 2026.11