



RIGHTS AND RESPONSIBILITIES OF SPOUSES: CONCEPT AND LEGAL REQUIREMENTS

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Abstract: This article examines the fundamental human and civil rights and freedoms enshrined in the Constitution of the Republic of Uzbekistan, with a particular focus on their classification in constitutional law. It explores personal, political, and socio-economic rights as they relate to individuals in society, and elaborates on how these rights are implemented within family and marriage law. Special attention is given to the legal status of spouses, the principles of gender equality, and the rights and obligations arising from registered marriage. The paper also analyzes the legal foundations of property ownership within marriage, emphasizing the joint ownership principle. The significance of family as a core institution in the democratic legal framework of Uzbekistan is highlighted, and the growing role of legal norms in regulating marriage and family relationships in the context of a humanistic and democratic society is emphasized.

Keywords: Fundamental rights and freedoms; Constitution of Uzbekistan; family law; marriage; gender equality; personal and property rights; civil rights; legal regulation; democratic state; joint property; spousal obligations.

In our country, the family is regarded as the foundation of society and a vital unit of social structure. It is not merely a private matter but one of great public significance. A fully developed individual is raised and nurtured within a harmonious, prosperous, and healthy family environment. The upbringing of a healthy generation and the establishment of a sound family atmosphere are rightly recognized as among the highest priorities of state policy.

As a result of the legal reforms carried out in Uzbekistan, family and marriage relations—part of the broader sphere of social legal relations—have reached a qualitatively new level of legal regulation. In the harmonious integration of Uzbek national values and traditions with modern legal practices, new legislative frameworks have been developed within family law. Legal foundations for family and marriage relations, and mechanisms for realizing the rights and responsibilities of the subjects of family relations, have been established.

The legal foundation of the family institution as a matter of national importance has been enshrined in the Constitution of the Republic of Uzbekistan.



According to Article 76 of the Constitution of the Republic of Uzbekistan: "The family is the fundamental unit of society and is under the protection of society and the state. Marriage is based on the voluntary consent and equal rights of the spouses and reflects the traditional family values of the people of Uzbekistan. The state shall create social, economic, legal, and other conditions necessary for the full development of the family."

The family is the core foundation of society. It is upon this foundation that society evolves and moves toward the future. In this regard, the wise saying — *"To marry is to halve one's rights and double one's responsibilities"* — profoundly reflects reality.

As an essential structural component of the social fabric, the family fulfills specific social functions. In particular, families play a crucial role in child upbringing, showing respect for the elderly, caring for the younger generation, fostering mutual respect and cultural interaction between spouses, and preserving Eastern traditions and moral values.

Family relations are regulated by the Family Code of the Republic of Uzbekistan and other legal acts adopted in accordance with it. The objective of family legislation is to strengthen the family; to establish family relations on the basis of mutual love, trust, respect, harmony, mutual assistance, and a sense of responsibility among all family members; to prevent arbitrary interference in family matters by third parties; and to ensure the unhindered exercise and protection of the rights of family members.

According to Article 2 of the Family Code of the Republic of Uzbekistan, "The regulation of family relations is based on the principles of voluntary union of a man and a woman through marriage, equality of personal and property rights of the spouses, resolution of internal family matters by mutual agreement, care for the upbringing, welfare, and development of children in the family, and the priority of protecting the rights and interests of minor and incapacitated family members."

Article 16 of the *Universal Declaration of Human Rights*, adopted by the United Nations General Assembly through a resolution on **10 December 1948**, states:

"Men and women of full age, without any limitation due to race, nationality, or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage, and at its dissolution. Marriage shall be entered into only with the free and full consent of the intending spouses."



The family is the natural and fundamental group unit of society and is entitled to protection by society and the State."

If we turn to Roman law, we can observe that in the Roman slave-owning society, a family was formed exclusively through marriage. The renowned jurist **Modestinus**, when defining marriage, described it as follows: **"Marriage is a union between a man and a woman, established for a lifetime in accordance with divine and human law, and which encompasses relations of indefinite duration."**

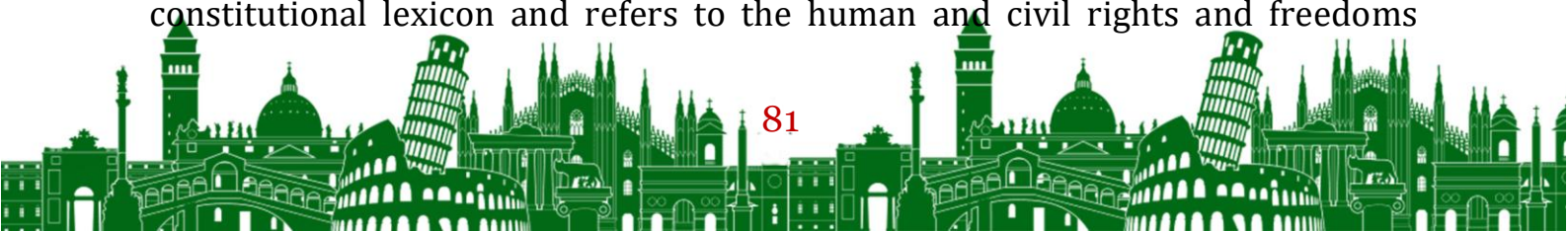
The legal foundations of family relations were first developed under Roman law. It is evident that issues related to **family and marriage, as well as the personal, property, and contractual relations** between husband and wife, were regulated within Roman legal doctrine. Over the course of its development, Roman law recognized **two forms of marriage: legitimate marriage and concubinage** (a form of unofficial or informal union). In the case of legitimate marriage, the creation of rights and obligations between the spouses was clearly defined.

In ancient Rome, both **personal and property relations** found their reflection in marriage. In legal marital relations, a woman, along with her children, would become subject to the **authority (potestas)** of the husband. All power within the family was vested in the man. During the early stages of the Roman state, the husband's authority was **absolute and unlimited**, resembling the rule of a monarch. However, with the development of economic life and the advancement of cultural standards, **this absolute authority gradually became restricted**. The husband eventually lost extreme rights such as the power to kill his wife or lease her out.

A married woman would adopt her husband's **family name**, and she would be associated with his **social status** (for example, if he were a patrician, she would be considered a member of the patrician household). Moreover, the husband's **place of permanent residence** was legally recognized as the wife's residence as well.

This illustrates that even in ancient times, **family relations and the legal status of individuals within the family, as well as property rights**, were given significant attention. These relationships incorporated a wide range of **rights and obligations**, demonstrating the complex and structured nature of familial law from early periods.

The term *"fundamental rights and freedoms"* is widely used in constitutional lexicon and refers to the human and civil rights and freedoms



enshrined in a state's constitution. These rights and freedoms represent the most essential and foundational legal guarantees for the status of individuals within a given state and society, serving as the basis for the content and meaning of all other rights and freedoms of citizens.

The concept of **fundamental rights and freedoms** is also employed in the Constitution of the Republic of Uzbekistan. As emphasized in the Constitution, the **individual, their rights and freedoms, are of the highest value**. In particular, Article 19 of the Constitution of the Republic of Uzbekistan states:

“The rights and freedoms of citizens enshrined in the Constitution and laws are inviolable. No one may be deprived of or restricted in these rights and freedoms without a court decision.”

This provision affirms the constitutional commitment of the state to uphold, protect, and guarantee the inalienability and legal protection of human and civil rights and freedoms.

English Translation: Fundamental Rights and Freedoms, Family Law and Marital Rights in the Constitution of Uzbekistan

In the Constitution of the Republic of Uzbekistan, **fundamental human and civil rights and freedoms** are firmly enshrined. These rights represent the core values of a democratic society and determine the content of all other civil rights and freedoms. In constitutional law, these rights are generally classified into groups, based on views about the individual and their role in society and the state.

1. Personal Rights and Freedoms

These include:

- The right to life;
- Personal liberty and inviolability;
- The presumption of innocence and a fair trial;
- Privacy of personal and family life;
- Freedom of movement;
- Freedom of thought, speech, belief, and religion;
- The right to receive and disseminate information;
- Protection from unlawful interference in private life;
- Freedom of conscience and belief.

2. Political Rights and Freedoms

Citizens have the right to:

- Participate in the governance of society and the state directly or through representatives;



- Organize and participate in meetings, rallies, and demonstrations;
- Join political parties, trade unions, and other public associations;
- Submit petitions, complaints, and suggestions to public authorities and officials.

3. Socio-Economic Rights and Freedoms

These include:

- The right to property;
- The right to work, choose a profession, and fair labor conditions;
- The right to rest and social protection in cases of old age, disability, or loss of a breadwinner;
- The right to qualified medical care and education;
- Freedom of scientific and technical creativity;
- Cultural rights;
- Equal rights of women and men in all spheres of life, as guaranteed in Article 58 of the Constitution.

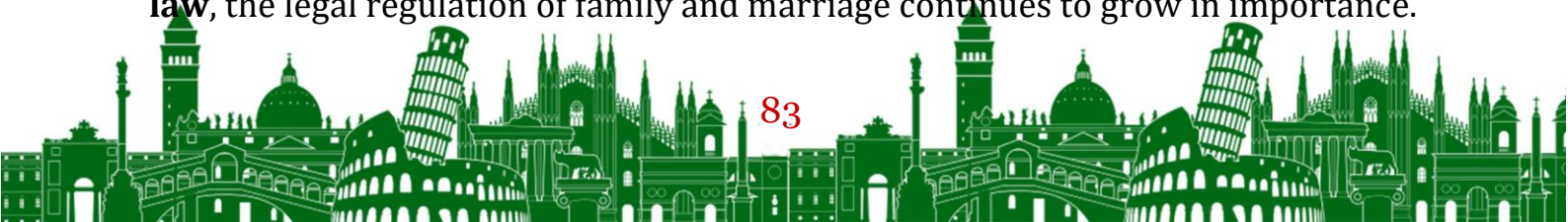
Family law acknowledges both **personal and property relations** within the family. Child upbringing is one of the essential personal duties and rights of parents. Children should be raised in a spirit of patriotism, diligence, and respect for national and universal values, with knowledge of the law and responsibility toward the state.

Even in the case of divorce, both parents retain equal responsibilities for raising and educating their children. The principle of equality between husband and wife extends to **property relations** as well: property acquired during marriage is considered **joint marital property**, unless otherwise agreed by law or contract.

Marriage in Uzbekistan is based on **voluntary consent**. Coercion into marriage is strictly prohibited, and the legal **minimum marriage age is 18** for both men and women, reflecting gender equality. Marriage is recognized only upon **official registration** with civil registry offices. Legal rights and obligations as husband and wife arise only from a legally registered marriage.

Before marriage, individuals are simply “man” and “woman,” but through marriage they become “husband and wife,” and their relationship becomes not only moral but also **legally regulated**. The stronger and more stable the marital relationship, the stronger the family, which in turn positively influences the upbringing of children.

As Uzbekistan builds a **humane, democratic state governed by the rule of law**, the legal regulation of family and marriage continues to grow in importance.



According to national legislation, the rights of spouses are divided into:

1. Personal rights and responsibilities;
2. Property rights and responsibilities.

In regulating family relations and developing the family institution, the legal rights and obligations of each family member play a central role

References:

1. Constitution of the Republic of Uzbekistan. National Database of Legislation, 01.05.2023, No. 03/23/837/0241.
2. Civil Procedural Code of the Republic of Uzbekistan. National Database of Legal Documents, 23.01.2018.
3. Civil Code of the Republic of Uzbekistan. Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1996, Issue No. 2 (with amendments and additions).
4. Article 23 of the Family Code of the Republic of Uzbekistan. National Legal Information Database, 07.02.2024, No. 03/24/905/0106. Available at: <https://lex.uz/docs/-104720>
5. Law of the Republic of Uzbekistan "On Mediation" No. ZRU-482 of July 3, 2018. National Legal Information Database, 21.04.2021, No. 03/21/683/0375. Available at: <https://lex.uz/docs/3805227>
6. Zakirov I.B. (2009). Civil Law. Tashkent: Tashkent State University of Law.
7. Okyulov O. (2020). Methodological issues of applying principles of fairness, integrity and rationality in judicial and legal practice. Jurist Information Bulletin.
8. Imomov N.F. (2018). The role of the Civil Code: legal regulation or definition of law. Review of Law Sciences, Issue 1, pp. 43–49.
9. Baratov M.Kh. (2019). Certain aspects of the civil legal liability of the state. Bulletin of the Law Faculty, SFEDU, Vol. 6, No. 4, pp. 98–103.