

CONFLICT ISSUES IN MARRIAGE IN INTERNATIONAL PRIVATE LAW

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ABSTRACT

The article examines the conflict issues in private international law related to marriage and family relations as they are the most controversial and there are a lot of contradictions. It explains the principal notions used in international law. Under the international private law the main areas of activity of legal systems of various legal orders are identified. The focus of the study is issues related to marriage and divorce. Europe and Asia have different approaches to the regulation of marriage and family relations. Asian countries base on the religious frame, which largely dictate their legal status. Priority is given to customs and traditions that have been shaped over the centuries. Europe is more flexible and inclined to reforms. The use of binding formulas facilitates consensus between states regarding the application of a particular legal norm. The purpose of the study is the correlation and analysis of national laws regulating marriage and divorce in international private law. The basic problems of collisions are identified; the need for general bindings in cases of sluggish relationships is indicated, the possibility to remove conflict issues is examined. The international acts containing a certain list of legal norms are used, which allows countries to solve controversial problems independently.

KEYWORDS: *International Private Law, Conflict Of Laws Norms, Marriage And Family Relations, Family, Marriage, Act About Family Law.*

INTRODUCTION

Today, international marriages are on the rise as a result of the rapid growth of globalization. To this day, it has become common for an English man and a French woman living in London to marry in Seoul, move from Lisbon to Singapore for business, own real estate and business in South Africa, and have their children go to school in Rome. On the one hand, the above situation strengthens economic, social and political ties between the countries. But on the other hand, international marriages are creating a number of conflicting situations. The substantive legal norms of family law in different countries are very diverse, which in practice leads to disputes in resolving various issues related to legal relations with a foreign element. National, domestic,

religious characteristics and traditions have a great influence on the regulation of family relations. We see that the problems of divorce are much greater than we thought. In this article, we will try to highlight the existing problems in family relations in private international law, as well as give our personal advice on how to solve the above problems. Currently, the following problems are the main problems in international private law marriage relations: [1-4]

1. The form and conditions of marriage;
2. Racial and religious restrictions;
3. Prohibition of marriage with foreigners;
4. The need for permission (diplomatic, parental or guardians) for marriage;
5. Personal law of land (supremacy);
6. Marriage by power of attorney and representative;
7. Polygamy and monogamy;
8. same-sex marriages;
- 9) Liability for refusal to enter into a promised marriage;
10. "Lame marriages"

Another problem is that in a number of countries, both church and civil marriages are recognized, for example, in Georgia, the United Kingdom, Sweden, etc., but in Greece, marriage only in the form of a church. A Greek woman and a Swedish man may face legal uncertainty if they try to annul their marriage. In addition, the approach has a very strong influence on the recognition of marriage. The state of Israel is an example of this. If the marriage took place abroad, then the marriage is recognized only if a sacred religious ceremony is held in Israel. Another important and topical issue that raises controversy is the age of marriage. An interesting issue is related to the execution of documents. The problem in this case is to translate them into different languages. These can be the translators' own mistakes, as well as inaccuracies in the preparation of the document. Above, in this study, it is emphasized that the conditions required for marriage are determined by the states themselves. The same goes for age limits. In some countries, it is not enshrined in the rule of law, but is based on religious principles. In countries such as Yemen, for example, the age of marriage is not defined by law at all, and each case is considered on its own merits. Ten-year-olds can get married if they are recognized as capable. The consent of the bride is given by her parents, so the consent of the minor bride is of no importance. But in the Syrian state, we can see the opposite of the above situation, if the couple is not of the right age, it is not possible to conclude a marriage contract. In many developed countries, family law provides for voluntary consent to marriage. In many developed countries, family law makes voluntary consent to marriage one of the basic principles. If a married man or woman does not agree to enter into a marriage, the marriage is not valid. [5-9]

In many countries, same-sex marriage has become very popular in recent times and has been defined as a new relationship in family law. Such marriages are strictly forbidden in Islam. Some Western countries have accused Islamic states of violating human rights, banning same-sex marriage, and arguing that family law is not based on the principles of justice. In particular, in the Republic of Uzbekistan, same-sex marriage is a crime, and those who commit it are

criminally prosecuted. My subjective opinion is that it is very normal that religion and the family have always been closely intertwined. This is especially important for Muslims. I would not define same-sex marriage as a violation of international family law. [10,11]

Another contentious issue is consanguineous marriages. International documents set out the conditions for finding or annulling a marriage. These conditions include:

- Prohibition of kinship, marriage;
- Prohibition of marriage of persons guilty of adultery, for which the marriage of one of them is annulled;
- Prohibition of marriage to persons previously convicted of conspiracy to assassinate the spouse of one of these persons.

In conclusion, marriage with citizens of the two countries is becoming the most common, and due to the nature of the norms, which include conflicting legal provisions, the assessment of the supremacy of public or private principle in legal regulation is the most complex phenomenon. I think it's important. This allows us to determine the boundaries of what is allowed and what is not allowed in the behavior of a person in the field of marriage and family relations. However, it would be wise to take into account the national and religious views of the states, as well as the views of the family. [12]

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