

# Family And Marriage Ties in Central Asia

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## **Abstract:**

This article discusses the relationship between marriage and family, its peculiarities, problems and history, which have been valued in Central Asia since ancient times. The terms and obligations of marriage and family relations, both legally and honorably, are reflected in their essence.

**Keywords:** Avesto, Zoroastrianism, Jennifer, family, marriage, massaget, blind, sharia, idda, kaffat, nobility, brunette, Turkistan.

## **I. Introduction**

The Uzbek people are one of the ancient peoples of Central Asia. It is important to study the origin, development and multiplication of this nation. The only basis for this is marriage and family relationships. There was no marriage and family relations in modern times. The early marriages were common marriages.

Avesto The Holy Book of Zoroastrianism Avesto is a valuable resource in the study of the history of the origin and development of socio-political and ethical views of several nations. Avesto stresses that human

duty is not only about learning moral principles, but also about thinking about family life, good spouses and children. [1; 185] This valuable source provides a wealth of information on the lives of the peoples of Central Asia. In particular, the history of family and marital relations of a community, tribe or people is very vivid. It was also noted that men were married at the age of 16 and entitled to more than one wife.

According to Avesto, a man must first be financially and spiritually mature and physically strong to marry; it needs to be fed at the proper

time "The one who does not eat can not pray or produce children" (Yasna, chapters 33, 3)

Family duty and upbringing play a special role in Zoroastrianism. [2; 56] Avesto researcher X. It is worthwhile to point out Khomidov's point.

According to him, the Avesto banned the marriage of relatives. This was done to keep the generation perfect. It is noted that families with large children should be provided with community allowances, and that women who gave birth to 2-3 children at a time were eligible for the award.

In the Central Asian nations the first historical form of family is the period of patriarchal family. The emergence of single families coincides with the first millennium BC. [3; 24]

Ancient Greek historian Strabon (64-23 CE) writes that each massaget had its own wife.

Women in Central Asia have long been respected. They used equal rights with men in society. A vivid example of this is the image of Tumaris, the Princess of the Massagets in Herodotus' History.

In the famous poems of the Central Asian peoples "Uguznoma", "Alpomish", "Monos" special attention is paid to the physical and mental abilities of the young men in marriage. Unique monuments about family and marriage relations have been transmitted through the Sogdian records of the 7th and 8th centuries.

## **II. Theoretical background**

In some Central Asian countries, exogamous marriage has become a norm: marriage is forbidden until the seventh generation. Probably, under the influence of close Kazakh neighbors, the common exogamy tradition was that in Chinaz Uzbeks there was a ban on marriages until everyone had a common ancestor.

In the early 20th century, ecogamy bans in most Central Asian nations have long been extinct. Marriages between cousins and sisters by fathers, men and women of the same generation

become a national tradition. The issue of cousins' marriage - their distribution, living conditions, influence on generations - is a topic of discussion in modern ethnography, and it needs to be further developed, involving many new features about Eastern peoples, especially Central Asian peoples, because of their marriage traditions from ancient times. it is necessary. Among these customs, cousins are of great interest.

Cousin marriage was widespread among Tajiks, Uzbeks and Turkmen. The Tajiks considered such a marriage so compulsory that if a relative had a proper cousin (father's son) and if they gave their daughters to a stranger or there was a cousin and they did not ask her to marry them, this would cause anger and break the family bond. . Historian M.S. According to Andreev, marriages between mountainous Tajiks and Pamir peoples are the main advantage of marriages here, in which case the married fathers remain single, with no disappointments, and, on the contrary, very happy with such marriages. M.S. Andreev testified that if the girl was the only heir to her brother, the marriage between brothers' children was mandatory. [4; 120] Mountain Tajiks do not marry strangers and "often have sisters - cousins, second cousins ... married by father and mother," wrote ethnographer I. Zarubin. M.S. Andreev applied this doctrine to "the permanent resident of Central Asia." [4; 122] Historian KL Zadihina also notes that cousins' marriage has increased in Uzbeks in Khorezm. [5; 399] K.Shaniyazov - among the Uzbek deaf. Turkmen have similar marriages, but are the most widespread among Tajiks. Certainly, these "badges" within the quotation marks, which are similar to such maladies, have become a tradition and have been absorbed in the blood of ancient Central Asian nations. The Shari'ah is also opposed to such marriages. They regarded marriage as sacred. Only in 1918 in Turkestan after the introduction of family and marriage laws - the Family and Marriage Code - the marriage was terminated.

The marriage is derived from the Arabic accent, and has come into the Uzbek language from the Arabs.

Marriage is sacred work. Marriage is one of the signs of dishonesty. In the language of law, it represents a special kind of agreement that legitimizes the birth of a child.

According to Shariah, marriage is a contractual one, and it is, in particular, a bargain.

On the one hand, the subject of the contract is the bride, and on the other hand, the groom, as the buyer, is to pay the bride a certain price, that is, the payment, which is the main condition of the contract, in bold and seal.

Before marriage of Muslims in Turkestan before the coup of 1917, it became a real bargain, and they tried to get the bride as much as possible, and the bridegroom, on the other hand, to reduce the tin. In the end, the parties reached a certain amount, taking into account the bridegroom's finances, the bride and groom's status.

According to Sharia, the marriage contract was different from the traditional one. It has been created forever. The Shari'ah did not allow for harsh conditions. If the terms of the marriage contract allowed for certain weeks, months, or years, such a marriage was considered unlawful. [6; 33]

Thus, the husband bought his wife as a piece of stuff with her. In this case the wife had to satisfy all the husband's wishes.

### **III. Main parts**

In Shariah, the contractual nature of marriage is manifested in the terms of the marriage contract.

Under the Shariah, marriage is required to comply with a number of conditions. They consist mainly of:

1) The mutual consent of the weddings. There can be no compulsion on Sharia rules by other persons to enter into a marriage contract,

and the effect of one of the spouses on the other is not allowed.

2) Age of marriage. According to Sharia, the marriageable age is 12 years for boys and 9 years for girls. Then boys should be sexually mature. These years are the last step in determining the maturity of marriage. In fact, boys were married at the age of 14 and girls at the age of 12.

3) Marriage to witnesses. At the time of the marriage contract, two people are required to testify. It was a testament to a man or a man or two women, because according to Sharia, the testimony of two women was equivalent to the testimony of one man. To be eligible for treatment under Shari'a rules, men 15-16 years are considered to be 9 years old.

4) Thickness and Seal for the Bride: The next prerequisite for a marriage contract is to pay the dowry and give it a seal. Without it, marriage was considered illegal. The bride's bridegroom's marriage contract had certain benefits for the bride's parents, and it greatly affected the bridegroom's situation.

5) Unity of Religion: According to the Shari'ah, only those who are Muslim are able to marry. A Muslim husband does not have the right to marry a woman who believes in many gods, Buddhism, or of any religion. If a Christian or a Jew converted to Islam, he or she could enter into a marriage contract with Muslims. According to Sharia, even one of the spouses betraying Islam (if converted to another religion) has led to divorce. Muslim women did not have the right to marry people of other faiths, they only had the right to marry Muslims.

If a husband or wife converts to a religion, then their marriage is dissolved and all relations between them have ceased. If he is committed to Islam from a husband, he is not exempt from giving his wife a seal and paying her a pension during 'idda. If this is done by the wife, she will be deprived of the right to retirement in the prescribed time

(1) Marriages should not be close relatives. In Movarounnahr, pre-Islamic marriage manifested in intolerable and irregular forms. Islam has set the level of fraternity that prevents marriage.

The Shari'ah forbids the marriage of close relatives or cuckolders.

2) Equality by category. One of the prerequisites for the conclusion of a marriage contract is equality according to the class. In order for a marriage to be truly equitable, it would have to be "kaffaat" - equal in terms of clan, kinship and titles. Muslims in Turkestan come from all walks of life. Therefore, it was required to abide by the taboo at the time of the marriage contract. This condition specifies its classical character. For example, these two classes are "oxyaky" (nobleman) and "korasuyak" (ordinary people). It was not possible for a woman of high class to marry a man of lower class. A higher class man could marry any woman of any class. When a high-ranking woman (an ostrich) gets married to a black man, she loses her privileges of masculinity and curses.

3) Spiritual Health of Marriages. The parties to the marriage contract under the Shariah must be mentally healthy. A marriage contract with an insane person is not valid.

The marriage, which was cited above, is only legal and provides the parties with relevant rights and obligations.

The following conclusions can be drawn from the aforementioned. The main purpose of the Sharia law is to create a healthy, honest marriage. Women in the family used limited rights. Sharia norms have excluded women from social life, and they should only do housework and parenting. [7; 17]

At all stages of the society's development, marriage and family forms have been established depending on the material conditions of society. With the development of productive forces and

productive relationships, the forms of the family grew and changed its content.

The tools and means of production are based on private ownership, in family-owned slavery, in feudal and capitalist societies. Discrimination against women in the family, their rights are not equal to men, and male domination in the family is the result of economic domination.

With the development of human society, the causes of marriage and marriage also change. In particular, these events are determined by the form of ownership.

From the very first days of the coup to the coup, socialist-based marriage and family legislation began to change.

In December 1917, two decrees of the Soviet government were issued. These are the decrees "on civil marriage, registration of children and civil status" and "On divorce".

Following the publication of RSFSR decrees, the Turkestan government issued special orders aimed at their practical implementation in the country. The decree also said that in the near future, all departments of self-government in the city of Turkestan would open branches of registration of marriage, birth and death. [8; 76]

The Council of People's Commissars of the Republic of Turkestan and the People's Commissariat of Justice, in their own explanations, helped local Soviet courts, which had no practical experience, firstly resolve divorce cases and secondly promote marriage and family laws.

The announcement of Turkistan as an autonomous region was one of the important documents of the V Congress of Turkestan Soviet Union.

The constitutions of the Turkestan ASSR in 1918 and 1920 are the main documents that reflect the principles of the new social and state system.

The important legal issues concerning marriage and family in Turkestan ASSR were resolved in the "Code of Civil Procedures, RSFSR

Law on Marriage, Family and Trustee", dated December 16, 1918.

With regard to decrees adopted in 1917, this code set forth a number of new legal provisions and put marriage and family law in a specific system.

The Code consists of 246 articles (26 articles in the above two decrees) and contains four chapters, 17 chapters - acts of civil status, marriage law, family law and guardianship. Although the Code begins with acts of civil status, it focuses on marriage and family matters, with 130 articles on it. [9; 28]

The Code reaffirms the provisions of the Decree of December 18, 1917, on the recognition that marriage is valid only in civil authorities. These include: marriage age (16 years for girls and 18 years for men), mental health of the newlyweds, single-parent marriage, lack of kinship on the up or down line between the spouses, mutual consent for marriage. Taking into account the specifics of the period, the marriage certificate was signed by the spouses that the marriage was in fact based on mutual consent.

Recognition of marriage as invalid, bases of the rights and obligations of the spouses, rights and obligations of parents and children in the field of personal and pension, rights and obligations of persons in kinship and other issues are regulated.

The Code is based on the equality of husband and wife in the family and is aimed at protecting the rights of mother and child. In establishing property relations between spouses, the principle of spouses' property was separate property.

The Turkestan People's Commissariat had a great role in implementing the Code of 1918 in Turkestan, establishing civil registration offices, and explaining the rights and obligations of citizens.

On November 15, 1919 the People's Commissariat of Internal Affairs adopted a special instruction on "Establishment and activity of civil

registration offices in the Republic of Turkestan". It specified in detail the rules for the organization of these bodies and their activities.

On July 25, 1922, the Turkestan Central Executive Committee adopted the "Regulations on the Muslim People's Courts of the Turkestan Republic." In accordance with the Charter, Muslim civil courts were established in parallel to consider civil matters (mainly divorce and inheritance), as well as those related to the customs and ethics of indigenous peoples. They consisted of one judge, a volost and a local judge, elected by the local people in the city norm for a year.

At that time in Bukhara marriage was not yet legal, that is, it was based on Sharia norms.

On September 2, 1920, the Bukhara emirate collapsed and the Bukhara People's Soviet Republic emerged.

On April 17, 1924, the Central Executive Committee of All-Bukhara adopted a decree on domestic crimes.

The following incidents involving abduction of women for marriage, which is the custom of the People's Republic of China, were classified by the Central Executive Committee as a socially dangerous criminal act:

1. Violent abduction of women against their will;
2. Theft of minors for the purpose of marriage;
3. Carrying out a wedding ceremony or registering a marriage, contrary to the wishes of women.

#### **IV. Results**

The ICCPR's Domestic Violence Act is the sole act of marriage law.

Religious marriages in the territory of the Soviet Republic of Bukhara were not formalized in writing until the domestic criminal law was enacted, nor was the marriage certificate issued.



Where necessary, the legal status of the marriage could be confirmed by testimony.

On July 3, 1921, in the Khorezm People's Soviet Republic, the Soviet Commissar's Council issued a decree on marriage. According to this order, the marriage age is 17 years for boys and 16 years for girls. [10; 41] It is forbidden to enter into a marriage contract before reaching the marriage age specified in the order. A husband is responsible for providing his wife with food and clothing. If the girl was married to someone during her youth and she refused to marry her when she was married, then the parents of the bride had to return the tin for the girl. Those who violated the order could face up to five years in prison.

After the demarcation of the national state in Central Asia and the establishment of the Uzbek SSR, marriage and family relations continued to be regulated by the RSFSR Civil Status Act, the Code of Law on Marriage, Family, Trusteeship.

Establishment of the Uzbek Soviet Socialist Republic and the incorporation of the Bukhara and Khorezm People's Republics into its structure codified and unified the important problems of family law.

In the circular of January 15, 1927, the People's Commissariat of Internal Affairs of the Uzbek Soviet Socialist Republic considered this to be quite normal and showed that the marriage registration was the basis only for the consent and marriage of the couple. The certificate issued by the village council or the mahalla committee is not a medical certificate issued by a doctor, but it is a proof of the marriage age.

## V. Discussion

Citizenship Registry Authorities required documents from marital committees, not passports and applications, stating that the marriage was actually made at the request of the bride and that the bride did not give her bride's traditional thick.

Registration of acts of civil status is a process of national importance, and all documents related to it are kept for 75 years from the time of registration in the registry office. For example, a marriage certificate is a document certifying the couple's marriage and the existence of mutual rights and obligations between them, whereas a divorce certificate is a document confirming the divorce of the married couple. [108]

In Uzbekistan, the Soviet Socialist Republic's Code of Laws on Marriage, Family, Trust and Citizenship Acts was introduced on 7 March 1928 by the Decision of the Central Executive Committee of the Uzbek SSR on June 23, 1928, October 1, 1928.

The peculiarity of the Family Code of Uzbekistan is that it gives the indigenous people the right to formalize a marriage under the patronymic of one of the spouses at the time of marriage and to remain in the family name before their marriage. [7; 33]

At the time of divorce, each spouse has the right to choose a last name of his or her own choice. If there is no agreement between the spouses, then the marriage name will be returned to each of them on this issue.

During the war of 1941 - 1945, several normative acts were adopted. Among these acts, the decrees of the Presidium of the Supreme Soviet of the USSR, dated July 8, 1944, "On increasing the state pension for pregnant women", awarding the honorary title "Hero Mother", and the Order of Motherhood,

The great differences and differences between the laws of family and marriage before and after the independence of the Republic of Uzbekistan are very important and our current legislation, which clearly reflects our nationality and our rights and freedoms, has its place among the countries of the world. Many decisions and decrees on family and marriage legislation have been developed in the country so far, which are a number of norms protecting the interests of our

people, covering the processes of civil status, developing new, modern and favorable foundations.

## VI. Conclusion

It is clear from the aforementioned laws that family and marriage issues have always been of interest to the state and have never been separated from the state. Because all over the world the state was successful only if the family was strong, the family was united and the family was healthy. It is impossible to achieve anything in the state institutions without the efforts of the individual in the development of all its activities. The state exists only because of the people, and the people are born, grow, and form in the family. Therefore, the gradual development of family legislation has become a requirement of life.

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