

SUMMARY

Key Words: marriage; de facto marital relations; same-sex unions; religious marriage; order of marriage; conditions of marriage; marriageable age.

Subject matter: Conclusion of marriage: features of legal regulation.

Author: Kharchenko Yana Anatolyevna

Supervisor: dock. jus. sciences, associate professor of civil law and process L.T. Kokoeva

The supervising organization: Legal Aid Center "Family", FE Abramenko G.I.

The relevance of the research topic Law enforcement practice is faced with the absence of legislative norms to regulate the gaps associated with the registration of marriage relations. It is no coincidence that the draft Concept of State Family Policy for the Period until 2025 notes the need to classify a wedding certificate as a document that is the basis for state registration of marriage and the issuance of a marriage certificate.

The problem of legal regulation of family legal relations becomes especially urgent in modern Russia in conditions of low birth rates, an increase in the number of illegitimate children, children raised in single-parent families, and an increase in the number of divorces.

Thus, the relevance of the study is justified by the fact that the transformation of family relations caused new forms of relations that are prohibited in the Russian Federation: unions between persons of the same sex, polygamy, etc., as well as problems associated with the conditions of marriage.

The purpose of the work: analysis of the peculiarities of legal regulation of the procedure for entering into a marriage in the Russian Federation.

Objective: to analyze the genesis of the legal regulation of the marriage mechanism; consider the procedure and conditions for the conclusion of marriage and the recognition of marriage as invalid; to investigate certain problems of legislative regulation and law enforcement practice on the issues of marriage.

The theoretical and practical significance of the research The obtained scientific results can be used in the study of related problems, within the framework of the theory of family law, civil and housing law.

The practical significance of the work is that the results of the study can be used in the development of educational and methodological material and in conducting classes in the disciplines "Family Law", as well as for the preparation of other courses and curricula aimed at improving the legal culture of the population in the field of family law.

Results of the study:

1. The norms governing marriage in the Russian Federation are contained in the Constitution of the Russian Federation, the Investigative Committee of the Russian Federation, the Civil Code of the Russian Federation, Federal Laws adopted in accordance with the Investigative Committee of the Russian Federation, the laws of the constituent entities of the Russian Federation, and by-laws.
2. A marriage is recognized as concluded only in the registry office, a marriage concluded according to a religious ceremony has no legal significance, the exception is retained only for marriages concluded according to a religious ceremony in the territory of the USSR, temporarily occupied during the Second World War, until the restoration of the registry office. They are recognized as legal regardless of whether they were subsequently registered with government bodies or not.
3. The list of barriers to marriage is comprehensive. The refusal of the registry office in the state registration of marriage on other grounds will be illegal. The conditions for contracting a marriage and the circumstances that prevent marriage should be established by the registry office at the time of state registration of marriage. In case of violation of the conditions of marriage, such a marriage will be declared invalid by the court.
4. The Russian legislator has set the minimum required age for marriage - 18 years. This is the age at which a citizen is fully capable. There are exceptions to this rule: it does not apply to

persons who are not citizens of the Russian Federation at the time of marriage registration; the age of marriage may be reduced to 16 years for valid reasons; the age of marriage may be less than 16 years in cases determined by the subjects of the Russian Federation.

5. The average and maximum age for marriage in Russia is not defined. Citizens of the Russian Federation are free to express their will in matters of starting a family.

6. In Russia, marriages between citizens of the Russian Federation and foreign citizens or stateless persons, concluded outside the territory of the Russian Federation in compliance with the legislation of the state in whose territory they are concluded, are recognized as valid in the Russian Federation, if there are no circumstances stipulated by Article 14 of the RF IC that prevent marriage. namely: by persons of whom at least one person is already in another registered marriage; close relatives (relatives in a direct ascending and descending line (parents and children, grandfather, grandmother and grandchildren), full and incomplete (having a common father or mother) brothers and sisters); adoptive parents and adopted children; persons, of which at least one person has been recognized by the court as incompetent due to a mental disorder..

Recommendations:

1. To amend article 14 of the RF IC, stating it as follows: “Marriage is not allowed between: persons of whom at least one person is already in another registered marriage; close relatives (relatives in a direct ascending and descending line (parents and children, grandfather, grandmother and grandchildren), full and incomplete (having a common father or mother) siblings, first-degree relatives in a direct ascending and descending line and lateral line. the prohibition of marriage is possible in the event of the death of the person who gave rise to the property; between adoptive parents and adopted children; persons of whom at least one person has been declared incapacitated by the court due to a mental disorder.

An obstacle to marriage between the persons specified in this article may be kinship, which has arisen not only in the established legal order, but also biological kinship established in court ”.

2. Make changes to item 1. Article 26 of the Federal Law "On acts of civil status" supplemented with a provision on "presentation of a notice of absence of relationship." Paragraph 11 of clause 1 of Article 26 of the Federal Law shall be amended as follows: “a notification from the parents or legal representatives of the persons entering into marriage that they have no relationship. The authenticity of the signatures of these persons is certified by a notary. ”

3. To state clause 1 of article 158 of the RF IC in the following edition: “Marriages between citizens of the Russian Federation and marriages between citizens of the Russian Federation and foreign citizens or persons without citizenship, concluded outside the territory of the Russian Federation in compliance with state legislation, on the territory which they are concluded, are recognized as valid in the Russian Federation, if on the part of citizens of the Russian Federation, foreign citizens and persons without citizenship, there are no circumstances stipulated in Article 14 of this Code that prevent marriage.