

## SUMMARY

**Key Words:** family, marriage, disputes, court, division of property, collection of alimony.

**Subject matter:** Consideration and resolution by a court of general jurisdiction of disputes arising from marriage and family relations.

**Author:** Vasilieva Anastasia Monolisovna

**Supervisor:** dock.polit.sciences, kand. jus. sciences, associate professor of civil law and process G.V. Stankevich

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

**The relevance of the research topic** The exercise by members of the family of their rights and the performance by them of their duties should not violate the rights, freedoms and legitimate interests of other family members or other citizens. Possession of family rights is inextricably linked with respect for the rights of other family members, which should not be violated under any circumstances. It also means that the freedom of choice granted to a person in the pursuit of individual interests in the field of family relations has certain boundaries aimed both at preventing selfish willfulness and anarchism, clashes and conflicts, and ensuring the rights and interests of other family members.

Family rights are protected by the court in accordance with the rules of civil proceedings, and in cases provided for by the Family Code of the Russian Federation, by state bodies, including guardianship and trusteeship bodies.

To date, the category of cases arising from marriage and family relations is quite common. The consideration of disputes arising from marriage and family relations is the most common category of civil cases. The category of disputes under consideration is quite diverse and contradictory, since we are talking about disagreements between close relatives, which are related not only by social relations, but also have a special psychological connection. That is why the consideration of the analyzed category of cases seems to be a rather complicated process, which must be given due attention. For this reason, it is worth analyzing the features of civil proceedings in these cases.

**The purpose of the work:** study of the procedural features of the resolution of disputes arising from marriage and family relations.

**Objective:** define the concept of marriage and family relations and indicate their specifics; to identify the legal nature and specificity of disputes arising from marriage and family relations; analyze the specifics of the consideration and resolution of cases on the division of the joint property of the spouses; to identify the features of legal proceedings in cases of recovery of alimony.

**The theoretical and practical significance of the research** The results can be used later in the scientific analysis of the problems of resolving marriage and family disputes and writing scientific articles relating to these problems, as well as during practical activities.

### **Results of the study:**

1. In the scientific literature, the debate is the relationship between marriage and family, and, therefore, marriage and family relations. However, most scientists are of the opinion that these concepts are not identical. Marriage acts as the foundation of the family, that is, the conclusion of the family is formed as a result of marriage. Moreover, the collapse of the marriage does not entail the termination of family relations.
2. At the present stage of development of society, disputes arising between the subjects of marriage and family legal relations have become a frequent occurrence. This is due to the fact that the way of life of people is changing, their attitude to the institution of marriage and family. In addition, citizens seek to protect their rights and legitimate interests, turning to the authorities, as they make themselves and their property safe from the actions of unscrupulous persons.
3. Marriage-family legal relations are formed in various areas of human interaction, in connection with which there is a wide range of disputes arising from them.

4. One of the most common types of pending cases is disputes over the division of jointly acquired property of spouses. In our opinion, this category of cases deserves attention and a detailed study, as it relates to property relations of spouses and former spouses.

5. The problematic aspect of the consideration of cases on the division of jointly acquired property of spouses is that the court, when resolving the issue of increasing the share of one of the spouses in connection with the living of a minor child, does not have the opportunity to focus on specific criteria that should be fixed in the norms of the family the rights.

6. The key problem in resolving disputes arising from marriage and family relations is the unwillingness of the parties to a peaceful settlement of the conflict, which is due to the fact that the parties have complex relationships and they do not find alternative options for resolving the dispute. That is why the courts without fail find out from the plaintiff and defendant about the desire to end the matter by settlement.

7. Cases on the recovery of alimony are one of the most common categories of cases considered and resolved in civil proceedings. In this regard, the task of improving the effectiveness of existing legislation governing maintenance obligations is of particular importance.

**Recommendations:**

1. To amend the legislation specifying the interests of the child that may be affected (specify the specific benefits to be protected: items needed for training, computers, laptops, etc.);

2. Actively apply an alternative option to protect the interests of minors (collecting child support, mediation); establish criteria for assessing circumstances that a spouse may refer to when a dispute arises regarding an increase in his share in jointly acquired property (for example, lack of a permanent job, caring for young children, etc.).