



Important Terms And Conditions Of Marriage Agreement In Islamic Law

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ABSTRACT

Today, a comprehensive study of social aspects, cultural and spiritual, as well as socio-economic, legal, educational and organizational features of family relations is one of the questions of the hour. The relevance of the issue is that, first of all, at the present stage of development of our society, it is socially necessary to conduct a scientific analysis of the Islamic doctrine regarding family relations in the process of increasing the spirituality of the Uzbek people, including religious literacy. Secondly, when analyzing and studying the basic principles of Sharia norms, it is necessary to correctly use this knowledge in the search for solutions to issues, reasons, and the nature of growing family divorces, which is very relevant today. In this regard, this article highlights the essence and characteristics, as well as the socio-economic, spiritual and cultural foundations of the conditions and obstacles to marriage, in Islamic teachings, which were considered in the region as traditions. The article also examines and comparatively analyzes the religious, spiritual, legal, economic and educational factors of the conditions of marriage: free mutual consent to marriage, participation of witnesses in marriage, equality, makhr; circumstances that prevent marriage: a ban on marriage between relatives, issues of marriageable age under Islamic law with the norms of family law.

KEYWORDS

Family, marriage, marriage conditions, consent, witnesses, equality, makhr, obstruction, marriage age, legal capacity.

INTRODUCTION

"Since marriage is the basis of the family, its establishment always and at any time, first and foremost, has been taken under special control by the religion and then by the state and society." [Muhamedov R., 2001; p.14].

As it is stated in The Constitution of the Republic of Uzbekistan religion is separated from the state [The Constitution of the Republic of Uzbekistan, 2015; p.20.]. But religion is not isolated from society. "Religion has a special role in the processes of society, because religion must play a major role in preserving the nature of the people, and in promoting peace among people." [Otahojayev F., 1995; p.8]. It is well known that the family, as a natural part of society is governed by applicable laws, custom and religious rules.

The social and economic aspects of family relations in Islam, its socio-historical basis, its cultural and spiritual features, and the socio-economic, legal, educational and organizational peculiarities of family relations in Islam are based on the main sources of Islamic right and the scientific heritage of our scholars, research and the scientific-theoretical study of customary law, which is an important aspect of the lifestyle of our people. It is worth noting that in order to overcome the growing number of family disputes that are relevant today, they can be used to find solutions through studying Sharia guidelines. After all, understanding the essence of institutions such as marriage age, guarantee, consent, pension, mahr institutes, marital obligations established by Islamic family right is important in raising the family's responsibility among married people and

deepening the understanding that the family is a sacred place.

Fiqh-based sources of religion define the rules of religion, spirituality, rights and morals, rules of family and community movement, the basic principles of family life, the rights and obligations of family members in marriage, erotic, parent-child relations and many others. According to Islamic teachings, Allah created man and man and woman to form a family by marriage and leave offspring. In Islamic right, marriage is arranged through a marriage contract. The vocabulary and terminological meanings of the word "marriage" are widely described in the Uzbek commentary on "Majma 'al-Maqdud or Mukhtasar al-Viqoya" [Maqsudhoja ibn Mansurhoja, 1996; p.383.].

According to the definition in this work, marriage, in general, is a socially necessary and stable form of natural relations between men and women. In other words, the matrimonial relationship between men and women is an important factor in the development of any cultural society. Society manages through marriage relationships between genders, the teaches and upbrings a new generation. Accordingly, Islamic right recognizes the right of every man and woman to marry and build up a family.

Unlike other religions, marriage is regarded as an act of worship in Islam and it is makrooh to live alone or isolated from the world, society .

Family right and marriage norms of Islamic right, based on the peculiarities of the marriage contract, set a number of conditions for the newlyweds. Failure to comply with the

terms will result in the invalidation of the marriage.

According to the general rule of Islamic right, the following conditions of marriage are stated:

- freely expressed consent of man and woman who is to get married;
- marriage arrangement with witnesses;
- the parties are healthy and not in close kinship;
- the fact that both parties have reached the age of marriage;
- A man's mahr (seal) on a woman.

Consent of free expression of both parties

"Marriage is made by one man's oral proposal, and by the other, by the woman's acceptance of the invitation." [Maqsudhoja ibn Mansurhoja, 1996;p.388; Burhoniddin Marghinoniy, 2000; p.646; Muhtasar, 1994; p.89]. This process is called "iyjob (love)" ba "acceptance".

In Fatovoi Qozihon's work of "Promises of marriage" the rules expressing love and acceptance comments the following:

"Marriage is an expression of marriage and marriage. The message is in the past, when a woman says, "I married you for so much money" and a man says, "I agree", or a man next time says, "Do you marry me for mahr?" , the order is made by the man saying, "Marry me," and the woman says, "I got married." [Fahrudin Abulmahofir Hasan ibn Mansur Ovgandiy, 2010; p.196; Burhoniddin Marg'inoniy, 1971; p.206].

Thus, according to the above interpretation, marriage under Islamic law is an agreement made by two witnesses, with the consent of two men, a man and a woman, voluntarily

engaged in marriage. satisfying their natural needs.

At this point the researcher M.V.Vagapov states: "In Islamic right family, inheritance and kinship were more positive. The principle of the consent of both parties, male and female, in marriage under the Islamic right, far outweighed the feudal rights of the West." [M.V.Vagapov, 1980;p.46].

As long as the Sharia stipulates that the consent of future husband and wife is considered as a obligatory condition, it is not possible to force another party into the marriage contract. For example, those who want to get married must give their consent. In our view, according to the Islamic right, the mutual agreement for marriage is based on the principle of voluntariness and equality and also guarantees a stable and lasting family.

It is noteworthy that a woman's consent is important in getting married. There is a Hadith about the consent of women for marriage: The Hadith of Abu Hurayra (peace and blessings of Allah be upon him) states: The Prophet (peace and blessings of Allah be upon him) said: "A virgin should not get married without her consent and a woman should not get married without being consulted with her. He said: 'Yes. They said, "Messenger of Allah, how can we know a virgin's consent?" The Prophet (peace and blessings of Allah be upon him) said, 'If she remains silent, she is agreed.'" (Imam Bukhari, 1997; p.350).

According to Burhonuddin Marghinoni: "In silence, consent is stronger. Because the girl is ashamed of expressing her wishes openly, and she is not ashamed to refuse. Laughter is more than consent, rather than silence. And the crying is the opposite. Because crying is a

sign of dislike and unwillingness... ”
[Burhoniddin Marg'inoniy, 2000; p.669].

However, it should be noted that the principle of "silence is a sign of consent" is very important in the marriage process and does not always mean consent. Addressing the issue of silence, Fahrudin Kazihan said that he only accepted "consent" in certain matters in family relations.

From the foregoing analyzes, it is clear that both sexes have the same desire and desire for marriage. Therefore, no one will ever marry or marry someone he does not like. The head of the family may not exert pressure on family members. The Prophet (peace and blessings of Allah be upon him) had a custom with the Companions to preach to women and answer their questions. One day a girl asked, "Messenger of Allah, my father wants me to marry someone I don't want. What will happen next?" "It is up to you, but it is better for you to do what your father said," the Prophet said. The girl said: "In fact, I agreed, but I also asked my friends to let them know their rights." [Muhammad Sodiq Muhammad Yusuf, p.15]. Therefore, the marriage contract without the consent, especially without the consent of the woman, is not valid.

It is important to note that Islamic family law does not prohibit women from marrying women on their own free choice, including appointing a guardian for women in marriage. Fathers and trustees should not stop the wedding for any purpose or dislike of the bridegroom [Mansur A., 2006; p.37].

From this conclusion it is clear that on the basis of the agreement of all jurists, no one has the right to compel a wise, bald or free woman to marry without his will. Only Imam

al-Shofei'y had authorized his virginity to marry a virgin even though he was intelligent and mature, but other scholars did not support this view.

Although the scholars disagree with Abu Hanifa's decision not to force marriage, they disagreed, that is, according to Abu Hanifa, even if the girl's trustee does not participate in the marriage ceremony, the marriage contract will be entered into with the girl's words. However, the scholars have said that the guardian should also be present at the wedding ceremony in order to make the marriage contract valid.

According to Abu Hanifa, a woman has full authority over the choice of a spouse, just as she has full authority over the property. This is because being trustee is only for the good and good advice of a wise and balanced person. The trustee is only required to lead the marriage ceremony so that the girl is not given a disrespectful ratio. But Abu Hanifa says that sometimes a woman can make a mistake in choosing her mate. In this regard, scholars have forbidden the girl from marrying without her guardian.

Although Abu Hanifa claims that she has the freedom to choose her own destiny and marry her, she makes it a condition that the chosen spouse is equal to the family of the girl. According to the Hanafi sect, the waiver terminates the marriage contract if a girl who does not have the consent of the girl's guardian and who does not belong to her family and insults the family, such as a well-educated girl, dishonors the marriage.

From these points of view it can be concluded that the juvenile is a free man, by Shari'a standards. So you can't force it on anything.

Witness participation in marriage

According to Islamic law, one of the main conditions for marriage is the involvement of two men or one man and two women. Failure to comply with these conditions will result in the marriage being invalid. As the Prophet's (peace and blessings of Allah be upon him) hadith says the following rule is consolidated: "Marriage without witnesses is not marriage" [Al-imom Ahmad ibn Hanbal, 1999; p.394].

It is emphasized that while the marriage contract is in place, the presence of witnesses must be met, and that they must meet certain requirements. The following are the requirements for the witnesses to the alliance of four sects:

- The witness must be reasonable.
- Must be mature.
- Freedom, liberty.
- Have a good moral character and not be a sinner. In the Hanafi, even the marriage of two ungodly witnesses will continue. And this is contrary to Imam Shofei. In his view, testimony is an expression of honor, and the wicked deserve to be humiliated. In the Hanafi Mazhab, a wicked person is regarded as worthy of being a guardian, as well as witnessing [Burhonuddin Marghinian, 2000; p. 648].
- Become a Muslim. It is important that those who marry are Muslim and those who testify about them are Muslims. Abu Hanifa said that if the woman who was married was from the people of the Book, it would be permissible for the witnesses to be from the People of the Book. Muslim marriage is accepted only by Muslim testimony. Imam al-Shafi'i has made the testimony of a non-Muslim a

witness in every case unlike Abu Hanifa [Karaman H., 1974; p. 294].

- Hearing ability. The witness must hear with their own mouth that the marriage contract is made by the voluntary consent of the newlyweds.

Thus, the purpose of the presence of witnesses in the marriage contract is to announce the marriage to the public. The wedding ceremony must be officially announced and made public. In a hadith narrated by Imam Tirmidhi, the Prophet (peace be upon him) said, "Declare your marriage and marry this person." According to a report narrated by Imam al-Nasa'i: "One of the things that distinguish between halal and haram is that of making a voice in a marriage and playing the duff." [Muhammad Sodiq Muhammad Yusuf, p. 20].

Warranty. The additional condition of marriage in Islam is "kâfir" [Burhonuddin Marg'inoni, 2000;p.680]. Guarantee - in the dictionary means "equal". The term refers to the marriage of the married parties, or rather, the equality of the husband.

Equality in marriage is manifested in six things: lineage, religion, freedom, wealth, crafts, and religion [Maqsudhoja ibn Mansurhoja, 1996; p. 406-409; Burhoniddin Marginian, 2000; p. 681-683; Muhtasar, 1994; p. 95]. These conditions are certainly relative. It is also a prerequisite that it must be on earth. Because these conditions are the conditions that come from social stratification or other criteria, the society itself sets these criteria. It is also important to recognize that such societies as wealth and wealth still exist in society.

The books of Furu al-Fiqh also focus on the prestige, marriage, ethnicity, religious beliefs,

freedom or freedom of marriage, equality, financial status, occupation and age. In al-Hidaya, the Prophet (peace be upon him) said: "Only trustees should provide marriages of women, and their couple should be equal to them in all aspects."

In matters of equality, Hidoya and Fatovoi Qozihon have the importance of piety, diet, and honesty. Sources say that according to Imam Muhammad Sheibani, religion is taken into consideration. In the case of material equality, Fatovoi Qozihon and Hidoya read the following words of Quduriy: Material equality is taken into consideration." Equality in material wealth is a sign that a man has a mahr and a pension. The reason is that a man is not equal to a woman when she does not have the mahr or pension (the husband is able to provide her with housing, food and clothing). [Burhoniddin Marginoniy, 2000; p.681-683; Fahrudin Abulmahofir Hasan ibn Mansur Ozgandiy, 2010; p.212]. In this regard, Abu Yusuf believes that in determining equality, attention should be paid to non-cash benefits. This is because marriage can be delayed for a period of time. But after the couple is married, a man can retire his wife.

One of the peculiarities of Islamic right is that the husband gives the woman a seal. The inevitability of the seal served as a guarantee for both parties to abstain from marriage.

Mahr is the material wealth that a woman receives in exchange for her husband's invitation. The sealing rule is now preserved as a wedding gift. There is a big difference between the mahram in Islamic family right and the traditional "thick" and "milk money" traditions. This is because when a mahram is given to a woman and becomes her personal property, the property is transferred to the

girl's parents, such as the "thick" or "milk money", which has been violated in the society, where the dignity of women has been violated.

The preservation of "inheritance" traditions and customs from this ignorance has led to the formation of erroneous critical views about the institution of marriage in Islamic family law. For example, M.Mashanov, a scholar who critically analyzes marriage and marriage in Islam, concludes: "Undoubtedly, such a marriage includes all the trademarks: on the one hand the wife is seen as a commodity, and on the other - the bridegroom and the bride. It gives the price (mahr)."[Mashanov M., 1876; p.67.].

Also, the marriage contract of L.I. Shaydulina in Islamic right "is a prerogative because a man buys his wife" [Shaydulina L.I., 1978; p. 116] cannot be added to the superficial conclusions.

Some scholars, such as D. Mill, have recognized the song as the wife's property, "not only does the mahr provide for the survival of the woman, but also strengthens the marriage bond, for the man who wants to divorce his wife must pay the full price" [Mashanov M., 1876; p.68.].

More deeply, the mahr does not transform the marriage contract into a prerequisite and thus does not humiliate the woman. This is because the marriage contract, given in marriage, is like the prerogative, so the object of the contract is to be female. However, funds in the pre-contract are not transferred to the object of the agreement. Consequently, the woman is not an object in the marriage contract and neither is the mahr intended to give rise to the ownership of the object. As

long as the marriage contract in Islamic law is unlike the pre-contract, we have to admit that it has another meaning. Hence, mahr is a gift that a woman gives in a grateful manner for her consent to the marriage.

Mahr is not a prerequisite for marriage, but an obligation arising from a marriage contract. Therefore, marriage in the Hanafi Mazhab is not legal in marriage, but is considered to be a legitimate one, and is considered to be an "honorable marriage" [Burhonuddin Marghinian, 2000; p.759], that is to say, the average amount given to women in that land should be given. "However, other religions, such as the Shafi'i Madhhab, say that marriage is not valid unless it is prescribed at the time of marriage" [Muhiddin S., 1999; p. 15].

In conclusion, the husband's inevitability of the marriage contract for the consent of the wife to the marriage contract, the refusal of both parties to abolish the marriage, becomes the private property of the mahr, and the property of the woman in the event of divorce is preserved.

In our view, the issue of mahr in Islamic family right has a positive character. The establishment of a seal in the marriage contract, with proper understanding of the meaning of the seal to the parties and other members of the family, increases the responsibility of the family to the family, especially the woman, and reduces the number of divorces. Despite the fact that the current legislation provides for equal rights for men and women in family relations, it is no secret that women are subjected to discrimination in daily family life as a result of the rule of custom. Women, who are the most affected moral and material in divorce, are the

main ones responsible for child care, upbringing, education and material support.

Prohibition of marriage between relatives. In Islam, in addition to strict adherence to the aforementioned conditions for marriage, there are many more important conditions that must ensure the legality of marriage and the continuance of the family. We will analyze the most important of these conditions.

First, the fact that women are not close relatives when it comes to family relationships. In other words, the so-called "mavoni" in Islamic family right needs to be further analyzed. It is based on the facts of marriage, marriage and nursing. In terms of suckling, it is important to put an end to incidents such as sucking up ex-Soviet families and more.

Secondly, the issue of marriageable age is the main focus of family relations.

1. Marriage between close relatives.

The most important cases of Islamic right that prohibit marriage in family and marriage are detailed in which categories women are prohibited from marrying (al-muharramat min an-isniso) into two parts [Burhanon Marg 'Inion, 2000; p. 650-660.] 1. Women forbidden to marry in general; 2. Women who are prohibited from marrying for a specific reason and who are prevented from marrying.

The first part, in turn, is divided into three categories:

1. Paternity - women who cannot get married due to childbirth:
2. Women forbidden from marriage due to legalization:
3. Women who cannot get married due to pregnancy.

Part two - The classification of women prohibited from marrying for a specific reason is as follows:

1. A person may not marry a sister or nephew at the same time. In this regard, verse 23 of Surat an-Nisa 'says, "It is unlawful for you to marry two sisters." And in the hadith, "Uncle or aunt or daughter of their brothers and sisters." not marrying "[Imam Bukhari, 1997; p. 398-399].
2. A woman who is divorced or divorced by her husband shall not be married until the period of her 'iddah ends.
3. It is forbidden to marry women who are not People of the Book. It is permissible to marry if they convert to Islam [Mansur A., 2006; p.35].
4. It is forbidden to marry women who are married to someone else.

In Shariah, it is possible to marry cousins, cousins, aunts, cousins and other distant relatives. However, it is worth noting that the success or vice versa of a person's marriage depends on many things. Islam emphasizes that in order to keep a family clean, strong and healthy, every young man on the marriage side must pay attention to choosing a lifelong couple.

When examining the basic requirements arising from the Qur'an verses and hadiths, as well as the principles of justice, duty, and commitment to family relationships, as well as relationships between spouses, parents, children and relatives, and common moral values, It was concluded that the principles developed in their writings paid special attention to the preservation, strengthening, and purity of the family.

For example, Alouddin Mohammed bin Ahmed Al-Samari points out that the Tuhfat al-Fuqahoh is based on seven groups of types of kinship that hinder the marriage of the parties, in the case of non-marriage. The fact that Faqih has elaborated on this very fact shows that according to the customs of the scholar's day, he was trying to prevent the marriage of close relatives.

It is noteworthy that in Islamic doctrine the marriage is illegal unless taken into account in the foregoing, and it is liable in the prescribed manner.

The article 16 of the Family code explicitly states the circumstances preventing marriage [Family code of the Republic of Uzbekistan, 2007; p. 9]. According to him, a marriage concluded without observance of the conditions for marriage may be terminated or invalidated in the manner and on the grounds established by law.

Basing on our analysis, it is possible to say that the prohibition of close-knit marriages in Islamic law is consistent with the conclusions of modern medical science, both morally and biologically. The results of biological research suggest that the more marriages that are involved in marriage, the better offspring are. In this regard, it is expedient to prohibit marriages and marriages by family right.

2. Age of marriage

In Islamic right, the prerequisite that must be found in the subject of marriage is the marriage of the newlyweds to the specified marriage age.

It is well known that the main legal features that characterize the subjects of family relations are the rights and the ability to

communicate. Researchers say that in Islamic law, the concept of competence is called "morality", and jurists have mainly studied the concept of competence as a subject of methodology and jurisprudence, but not in legal jurisprudence. At the same time, the issues of limitation of ability and the abolition of the limitation were studied in jurisprudential works under the name of "Hajr" and "Ma'un" (or "Izn") [Sarsenbaev A.B., 2011; p. 22].

In Islamic right, competence is divided into two, just as in civil right: 1. Legal capacity is the ability of the individual to have certain rights and duties. According to him, a person does not remain separate from his birth until his death. 2. The ability to communicate is the ability of a person to know, exercise, and exercise civil rights.

In Islamic family right, the ability of the parties to communicate is a prerequisite. The ability of a person to be able to have children according to their physical characteristics is taken into account as a sign of his or her mental health. If this natural sign is not visible, the ability to interact with age is determined. It is known that the jurists set the minimum age and the highest age when determining such an age. The minimum age is 12 years for girls, 9 years for girls and 15 years for Hanafi. However, the founder of the Hanafi school, Abu Hanifa himself, stated that the highest age was 18 years for boys and 17 for boys [Abdul Ghani Ganimi al-Maidaniy Hanafi, 2005; p. 21]. At the same time, it is worth noting that the views of Abu Hanifa, the founder of the Hanafi madhhab, are in line with the modern age of marriage.

Thus, in Islamic jurisprudence, the marriage age in Hanafi is 18 years for men and

seventeen years for women, in view of the need for certain life experiences, physical and spiritual maturity to prevent early marriage, to protect their health and to build a family. The

It should be noted that although the issue of young women marrying in fiqh books is not uncommon. Our research has revealed that the purpose of such a marriage is to marry or have a girlfriend left behind. Only after adulthood did he have a close relationship between the husband and wife on the basis of marriage. Regarding the age of marriage, there is a widespread notion that puberty is common among girls 9 and 12 years for boys. However, analysis shows that this is the minimum age for adulthood. In fact, the general age of the general fatwas is 15 years. As stated above, Abu Hanifa, the founder of the Hanafi sect, says that the boys are 17 years old and 18 years old for boys.

If the Sharia stipulates, in the above case, the marriage contract between minors, only their fathers or guardians are allowed to register the marriage. In these cases, consent is not required of the couple and it is strongly stated that they will not have sex until they reach puberty. This requirement is satisfied if one or both of the married couples (both young and old), whose marriages have been practiced, demand the abolition of marriage after puberty.

Basing on the foregoing, when the legal age of marriage is analyzed by Shari'a norms, it is possible to gain the necessary skills and expertise to develop the necessary conclusions and recommendations.

In Islamic right, therefore, the family is regarded as a sacred pilgrim, and marriage is celebrated as a prayer. While Islamic right

emphasizes that people should be seriously prepared to join a sacred family, the obligation of prospective marriages to marry according to the spiritual and financial condition can be divided into 5 categories: Farz, Wajib, Sunnah, Haram, Makruh.

1. **Farz.** Marriage is an obligation, that is, if a person is certain that he or she will not commit adultery, is able to marry and manage it, be able to bear material expenses, be able to fulfill the rights of family members and find other ways to avoid adultery.
2. **Wajib.** If a person is afraid of adultery, is able to manage the family, and at the expense of his or her family, it is obligatory for him to marry if he is not afraid to oppose his wife or violate his rights.
3. **Sunnah.** If a person is in a moderate state and is not afraid of committing adultery or fornication, then it is sunnat for him. It is unacceptable for such a man to go out of wedlock.
4. **Haram.** If it is clear to a man that he is oppressing, harming, or unable to administer and spend the family, it is haram for him to marry not only for himself but also for other persons. cannot be married in terms of weight gain. The prohibition prevails when a man's obligation is haram and haram. Because, according to the Shari'ah rules, when the haram is halal, the Haram will prevail.
5. **Makruh.** If a person fears that he or she may suffer injury or injury due to factors such as inability to pay, poor treatment and lack of interest in marriage, it is not acceptable for him to marry [Sheikh Muhammad Sadiq Muhammad Yusuf, 2005; p. 25-26].

So, if a person does not have the moral and economic capacity to marry, then you have to be patient according to the Qur'an.

Marriage is unacceptable if a person is married, unable to afford a living, and cannot afford the family. However, if a woman is wealthy and does not need a home, marriage may be permissible.

It is worth noting that the Islamic religion is strictly forbidden to fulfill the natural needs of men and women, and adulterers are severely punished. This is stated in surah Fatir, verse 11: "Allah created you from dust, then from a sperm-drop, then He made you pairs." The verse 21 of sura ar-Rum: "And one of His signs is that He created mates for you from among yourselves, so that you may find comfort in them. The verse 72 of surah an-Nahl: "Allah has created for you wives from among yourselves, and has given you sons and grandsons from yourselves. And He provides for you from the good things." In surah an-Niso: "O people! fear your Lord, Who created you from a single soul, and from it created its mate, and He has spread out two men and women". It is clear from the above verses that man cannot thrive outside of the family. Of course, people will achieve perfection only by joining the family. But at the same time, it is clear from the above analysis that every person should be prepared and worthy of family sanctity, big life, family responsibility in all aspects, both spiritually, financially and young.

In conclusion, there have been many comments and suggestions for improving our national legislation on marriage age. There were proposals to set the marriage age for 20 years for men and 18 for women. The emergence of these proposals is that most

marriages are not physiologically and physically developed; the age of 17-18 years for boys and girls; and that people aged 17-18 are not financially or spiritually ready for marriage; the need for a certain profession. At the same time, based on our analysis of the source of Islamic family law, it is expedient to establish the marriage age 18 years for girls and 18 years for men.

It is obvious from the analysis that in Islamic family right, when both parties are required to be able to communicate and enter into marriage, the jurists set the minimum age and the highest age. According to the Hanafi the minimum age is 15 years. Abu Hanifa identifies the highest age for boys as 18 and 18 for girls. Noting that Abu Hanifa's views are in line with the principles of modern law, modern professionals have a balanced view of the beginning of motherhood at the age of 19, the feasibility of the first child's birth at the age of 19-26. It is based on the principle of family law that the marriage age should be 18 years for girls and 18 years for men. was considered the stomach.

According to the general conclusions, from the point of view of the circumstances preventing marriage, according to Shari'a, marriage is not allowed in the following cases: 1. If at least one of the couple is in a different marriage.

The issue of polygamy, which is the subject of ongoing controversy in Islamic law, is the issue. In our research, we examined the theoretical issues of Islamic family law, and examined the issue of polygamy both from the historical and modern point of view in the family law of Muslim countries. Although this issue has been the subject of much criticism, it should be borne in mind that this view has

come from the point of view of time. Polygamy is not the norm brought about by Islam, although this attitude has been softened by Islamic teachings, and because of the Oriental mentality and many economic, social, political, and military factors, polygamy was allowed at that time, and polygamy in the region was initially limited.

The main point is that polygamy is not a permissive (mubah), obligatory (obligatory) instruction. It is also stated in the Qur'an that justice is a severe condition, and that human beings are unable to do it justice. In this case, the view that men are allowed to marry up to four men in the Qur'an in most cases may be due to the problem of explaining the true nature of the issue. We think that in explaining this issue it is necessary to rely on the scholars' analytical theories so that people can come to a scientifically sound conclusion.

The third verse of surah an-Nisa 'says: "If you fear that they will not be able to achieve justice and equality between them, then only one wife." And in verse 129 of this surah Allah declares: "You will not be able to do justice to your wives, no matter how hard you try." Thus, polygamy is not explicitly permitted under any conditions. Observing polygamy is a daunting task.

Researcher M. Mashanov comments on this: "We must admit that it was not Muhammad who introduced polygamy. Polygamy has become a tradition almost all Asia, as opposed to happiness. Therefore, Muhammad should not be blamed for introducing polygamy and bringing this disorder and plague into the world." [Mashanov M., 1876; p.143]. Therefore, it is clear that Qur'an verse on this issue was revealed to regulate polygamy, which was

prevalent in pre-Islamic times. It is unfortunate that in our society today there are cases of marriage of the first, second and third wives, even though they have officially registered marriages. Family law in Uzbekistan is strictly prohibited, with penalties for doing so.

Everyone can be happy in a single marriage. The principle of single marriage should be based on high moral principles. This rule meets the requirements of marriage and family relations at the present stage of development of society. The violation of this rule is not only a ground for invalidating a marriage, but also a criminal offense for violating the law.

1. Marriage between relatives is prohibited.
2. Marriage cannot be registered even if at least one of the marriages is incapacitated due to mental disorders [Abu Zahra Muhammad, 1957; p. 218].

According to Shari'a rules, the legal implications of the above conditions are that the marriage is of three types.

1. "True marriage" (Nikohi sahih) is a marriage made with all the rules set out and it has all the legal consequences.
2. "Nikohi fosid" is the result of non-compliance with certain rules concerning the registration of marriage. For example, registration of marriage without witnesses, non-observance of the requirements of witnesses. When it is established that marriage is a "fiduciary", the judge must take steps to correct the shortcomings. If the defect is not remedied or the couple refuses to remedy the defect, the judge must cancel the marriage.

3. Nikohi botil is an illegal marriage. An example is the marriage between close relatives, the marriage with a woman who has already got married to another man, the marriage with a woman before expiration of her particular gynecological condition. The "false" marriage should be abolished immediately by the qozi (judge).

CONCLUSION

Taking into consideration our analysis, we can conclude that in Islamic right marriage is a free, voluntary, strict union of equal rights with a man and a woman without rights and obligations between the family and the marriage. In conclusion, it is possible to say that under Islamic right, the rights and obligations of the couple arose only as a result of legal marriage (sahih).

Emphasizing the rights and obligations arising from marriage, it is necessary to pay special attention to the legal terms of the marriage contract. In general, the success or failure of a post-marriage life depends on many things. In the Islamic doctrine our moral value is that every young man who is on the brink of marriage should be careful in choosing the right couple for his life, in order to keep the family solid, healthy and happy.

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