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Marriage institute by the legislation of the Republic of Kazakhstan

In this article is defined legal statuses of the children born in marriage, and also the property relations between spouses. Are brought concept of institute of the marriage contract. Various theories which open the legal nature of marriage speak. In the law there are some obstacles at a marriage. Such as: existence of other registered marriage, related communications of future spouses, incapacity of one of future spouses, and also marriage between adoptive parents and adopted. Much attention is paid to value of institute of marriage as to a way of a regulation of the relations of spouses.

Key words: marriage, family, matrimony, the conflict, Code about marriage (matrimony) and family, marriage institute, civil registers organ, relatives, foreign citizens.

Nature of legal marriage. Time for a long time legislation to assert certificate of marriage touching against opinions took the place. In modern legal literature normative form the definition of marriage is given, and this is due to such a point of view of many that the definition of marriage — is complex social phenomenon. Because marriage is not just a legal norm, but also moral and ethical standards, in connection with this it was not possible to give a precise definition of the right form of marriage. On this occasion A.M. Nechayeva wrote this: «Internal sensitive and physical elements of marriage can not be settled law» [1; 19].

Formulated various theories to explain the legal nature of marriage. M.V. Antakolskaya describes marriage as a contract and as a special institution. «Ethical explanation of marriage can not be attributed to the legal industry, as well as all members of society can not oblige a homogeneous concept of marriage. Compliance with the provisions of certain ethical rights era, the foundation of moral norms must allow settlement rights and marital relations industry» she wrote [2; 109].

Conception of marriage on time of condition gained a foothold on and foreign legislation. Three conclusion, that gained a foothold on foreign legislation, a look was formed: marriage — condition, marriage — status, marriage — associations [3; 517].

On nowadays pore M.V. Antakolskaya, L.M. Pchelintseva, M.V. Krotova underlines nature of citizenship-legal marriage. Kazakhstan authors, for example, M.Z. Mukanova according to a look marriage gives concepts as following terms: the legal fact generating the marriage relations; personalities, that stand in marriage, special status of legal. Coming from it, «marriage is explained in two meanings: agreement on the marriage contract (law fact), by the legal nature is the civil contract; husband and wife relations — personalities, that stand in marriage, special status of legal, special citizenship-legal is institute» [4; 38].

In Republic Kazakhstan monogamous marriage knows only, it is a lot of states with polygamous marriages. States systems of legal on today's a day choose one the standard marriage. Today's, the legal system selects one sample of marriage. In continental and Anglo-American legal systems recognize monogamous marriage law, and in countries with an Islamic legal system in Africa and is recognized by law polygamous tank. However, the rule of law and legal practice itself leads to the acceptance of the two samples of marriage. According to many the need for an increase in heterosexual marriages in the Americas and Europe related to the approval of gay marriage (marriage between a woman and a woman or a marriage

between a man and a man). And it is absolutely contrary to the nature of marriage. Today in countries such as the Netherlands and France allowed the laws of such kind of marriage» [5; 71].

Marriage (husband and wife) is bore rights and duties between by husbands and wife property and individually not property, family creates aim Kazakhstan republic law marked discipline side free and complete agreement does man and woman interval ғы even right union (1th 26th point of the article) [6].

Volitions was Given in a law to choose marriage, to marriage viz. to stand or him, that to violate, mutual free agreement parties it is necessary. In marriage the married duties of rights is even, right for women travelling not given to limit. this the woman house economy leads only occupies puts, is white hero together business occupies, career tries allows. Married is a spouse relations, as usual life, stands to marriage, till shown known one the term, carried out.

Only marriage, that was registered in Kazakhstan on state organ of civil registration, knows (2 article of the Code of the Republic of Kazakhstan About marriage (matrimony) and family).

Kazakhstan marriage stands time domestic relation social, origin, national, language or what religion looks citizen right limits any gives a kind prohibition is inlaid. The Married — travelling is not given to the relations of husbands and wife relatives are mixed up.

One of a condition of a marriage is the free and full consent of the man and the woman, marrying and achievement of age of consent by them. Marriage, that will saw, to show force, to cheat, if to frighten, what was by cut up, he then uselessly talks to be knowable maybe. procedure of marriage begins with the oral and written consent. thus the consent of parents and relatives isn't required. at the same time the consent of parents is important for future family.

Go large importance creates for achievement years of marriage. To Marriage known one is spiritual and force — to possess is needed to perfection of power, she associated known one by years. Corresponding our to the law years of marriage — 18 years.

Civil registers organ argued reason is the state marriage years two year hangs term reduces takes. People, that not attained years of marriage, to stand to marriage shooting — according to to the agreement of mothers permission. Load or children give birth, army to activity invited, the minor create exact family lies down on argued row of reasons. Your that at and except to be argued reasons maybe.

Marriage stands people medical, and also medical — genetic question and reproductive health protects question according to the consultations takes, checks passes is. Touch conducted only by an agreement two of people, at that stands such to check to marriage. marriage stands man checks result medical secret is and I marriage stand intends man checks passes man agreement only declared maybe.

Stand the Future married — organ registration of spouses uniting about arrival in writing a kind to declare needs to marriage. And me one registers organ together a statement gives for comes possibility is the state as does is needed? Marriage saws argued reason registers organ comes takes the state I a man stands wishes direction notarize statement profit does law permission give. To Marriage on organs state by registration of marriage direct by participation man, that stands, cut up. Marriage according to a warrant or through representatives to cut prohibition is inlaid.

Lock or what parted freedom of head, can to sit to marriage. But me state registers organ not, head freedom divides in half place or arrest sits earth conducted.

In a law marriage cuts and obstacles were envisaged. this another is registered marriage is, the future married ustomer me contains takes wasp marriage cuts.

To Marriage on organs state citizenship acts of businesses state by registration of marriage direct by participation people, that stands, cut up. the registered marriage in compliance of the law generates the rights and duties (13 article of the Code of the Republic of Kazakhstan About marriage (matrimony) and family).

Obstacles him registration terms seat in a law to marriage gained a foothold (9–11 article of the Code of the Republic of Kazakhstan About marriage (matrimony) and family). Condition seat to marriage force of legal marriage what carries out, that to seize, it is necessary. Be Obstacles illegally talk marriage know. Marriage terms registration — to marriage mutual free agreement personalities and to them necessary to attain years of marriage.

To Marriage, that is mutual agreement personalities woman free and free union hero, turns out importance of marriage. If personality, that will saw, to sit to marriage be what was forcedly, marriage then was not considered freely (to show force, to cheat, to wrong or by a line psyche influence of man).

Law asserts obligatory years of marriage. Consisting of legal marriage young maturity from young begin is he 18 years (10 article of the Code of the Republic of Kazakhstan About marriage (matrimony) and family).

In it time young people the physical, intellectual, full arrived at perfection side of the mental. Beginning it young complete citizenship is conceived attempt ability, ability right and duty personal execution property and individual citizenship on relations is conceived.

Though a law exposes same subzero years of marriage, and not asserts edge years of marriage. Facts of what combines marriage and at wasp of citizens on high young, rarely meet not. The difference of age of brachuyushchiya isn't of great importance.

In compliance to article 10 of the Code of the Republic of Kazakhstan About marriage (matrimony) and a family, argued reason is the state state register office according to citizenship businesses act writes organ marriage years two year hangs term reduces maybe. To Reduce years of marriage the last name белгілі-бір in only the state permission етілед. To Him reasons — minor girl pregnancy, she children gives birth, to be exact relations of marriage, army to the debt invited. in all cases decrease in age of consent is carried out in a consent getting married. To Years of marriage to marriage at man, that was not filled, the last name shot — only by an agreement mothers or defenders permission.

Travelling not given at people, that stood in marriage, that one except was registered and be, to sit to marriage. Marriage, that we said marriage except, while was yet registered cease or spoilt, is considered. Therefore marriage stands personality only what marriage sits for front marriage breakage asserts document a spouse dies about certification, marriage violates about certification offers is necessary. Saws me marriage registers foreign citizen document first marriage about taking is, competence I a country organ is taken marriage stands about certificate offers am needed. aforesaid condition woman and a man one is registered marriage only stands law possibility expresses general marriage rule grounded. Marriage to register not are exact (registered oneself not) domestic relations contradictory be, but general marriage rule saws first marriage only only exact is destroyed, law marked discipline is destroyed the state takes seat.

Near relatives, that spread from according to direct to the origin parents one and parents separately father or mother general brothers and sisters, contains a customer me adopted interval marriage travelling is given (parents and children, grand-dad, grandmother and grandchildren). such the prohibition is because, because the family marriage heritage according to generation patient top percent, generation development blights — consciousness development тежелуі, talks defects brings. For example, the married — two grand-dad spreads brother and kid sister — a relative is family Down syndrome patient and heavy pathologies н is ill children number two stake much.

To Marriage at near wasp of relatives to forbid ethics stand — civilized man blood is mixed up natural sense to fastidiousness, disgust.

Bread-winner I contained to marriage between by a customer to forbid settled: they are made even according to the last name parents and children to the duties of rights. A law sense and norm according to, this the prohibition stepfather and stepdaughter, stepmother and stepchild interval marriage and spreads is necessary, because me interval and parents and children inherent gives birth relation is conceived.

Same is not one the soul patient the impression court not capable talks is knowable personality interval ғы marriage travelling given, because incompetent personality creator attempt understands and me manage take. Gathers to say, you he sits to marriage judicious to will ability. Incompetent interest of personality aim Such the prohibition — to protect, because of him the state seat to marriage to compel to weaken maybe. Consciousness together anticipates That not correct there is a generation benefit. Patient of the mental or consciousness mostly is heritage patient not correct.

These make condition sufficiently faithful, associate protects individual and public interests by life of family. They marriage the physical insufficiency and the moral is protects consequence the mental. Compels through combines marriage or early young marriage sits, near relative wasp ғы marriage union, much woman takes, other and law requirement rejection family scandal because is maybe, married inability child give birth bring, other and family activity carry out allow. What gained a foothold in it the state, is possible to talk about efficiency of norm. And editions, that sometimes a doubt puts requirement about years of marriage, noticed. such the suggestion supports finds maybe, because young people husband and wife лык life the physical and the moral ready is, domestic life except level ri grounded psychology, vital experience material possibility requires forgets is necessar. Therefore early young marriage permission gives, children education and me pastures contains, talks, incorporated general life the married — spouse provides inability, early does union a father is certainly, anticipates law fastened requirement any the trouble talks is, marriage

sits necessary condition one time some material account names is, ten domestic life plans is material apartness. And also the future husbands and wife are about health first well-informed superfluously does not. Statistics specified As though, married is the state of health one frequent divorce because. Marriage in Literatures is talked and other on to register about requirements. Such the opinion a concept gives operating law fastened marriage sits condition sufficiently advantageous and unpleasant consequence does that is serves talks conclusion comes.

At a marriage with a foreign element it is necessary to consider permission of two problems: form and order of a marriage of that state which possesses the right to define capacity getting married.

Zh.S. Kaipbergenova this the question foreign element difficult the family and marriage relation concept certificate gives begins necessary talks considers and this concept such authorship certificate offers: «different mourning owner or different earth stands marriage foreign element difficult the family and marriage relation is personality and spouse family member is is conceived property not and property relation» [7; 7]. Certainly, unbecoming compressed sheep dung complete by an agreement by it by a certificate, especially, participated to marriage personalities (that force not stood to marriage), and associate to the relations not property all it is possible but in general kind her to accept to guidance (for example, row being due there is a spouse not property rights according to nature the last name only maybe).

230 article of The Code of the Republic of Kazakhstan About marriage (matrimony) and family about 2011 year 26 December corresponding Kazakhstan republic out of earth Kazakhstan republic citizen interval and Kazakhstan republic citizen and foreigner or persons without citizenship interval is cut up marriage, me transmigrate marriage be cut up the state legislation keep sit do, Kazakhstan republic suitable talk be knowable [6]. Not from look тұрушы on citizenship of personality on it marriage, on territory Republic Kazakhstan deck-house of marriage object and procedure Kazakhstan legislation. 230-article 2-point of The Code of the Republic of Kazakhstan About marriage (matrimony) and family maintenance out of earth foreigner interval is cut up marriage, I transmigrate does state legislation keeps sits is cut up, saw me Kazakhstan republic legislation contradictory come, Kazakhstan republic suitable talk be knowable.

Capacity of persons getting married is regulated under the law of that state where marriage was registered. Habit, that country personality dense connection is and me individual status about, right talents about look this country law. Marriage personality citizenship the state legislation marriage years, me reduces opportunity, young filled parents or marriage cuts me exchanges personality a consent takes opportunity, marriage is cut up the family associates gives except and increases requirement turns out. Marriage cuts but Kazakhstan territory marriage personality national legislation requirement except, is is considered, the Republic of Kazakhstan marriage and family code the 9–11-article finds limitation strict is saved is necessary [6].

And also, Kazakhstan territory out of earth citizen interval is cut up marriage and Kazakhstan citizen and foreigners or persons without citizenship interval is cut up marriage me transmigrates marriage is cut up the state law keeps sits do, Kazakhstan marriage and family about law limited state add Kazakhstan legal talk be knowable. It means the right of a marriage of citizens of the Republic of Kazakhstan in foreign authorized bodies. Here so, Kazakhstan territory out of earth, Kazakhstan citizen and foreigners citizen or citizenship no personality interval mutual marriage is cut up. Such the deck-house object and orderi and, marriage to cuts organ marriage turns out by the legislation of the state. For example, if Kazakhstan marriage of citizen, that will saw, be the religious in establishments permission in a country religious customs in accordance cut up, it suitable being in Kazakhstan is considered [8]. One of contracts which recognizes marriage lawful this restriction of article 9–11 of the code about marriage and a family of the Republic of Kazakhstan. Marriage in the state, that not executed These the requirements, in Kazakhstan illegally talk knows. Marriage turns out correspondingly to the legislation of country, Marriage illegally talks to know in time cutting was used.

In 1th point 27th the article Constitution Republic Kazakhstan marriage, family, mother, father and children affected on solicitude of the state be. Not and corresponding 2th to the article Code, legislation of marriage-family Republic Kazakhstan: marriage union man and woman freedom; the family equality rights for husbands and wife; inadmissibility of any intervention someone in family affairs; permissions of intra family questions by a mutual consent; priority of family education of children, cares of their development and welfare; priority protection of the rights and interests of minor, elderly and disabled family members; members family without difficulty to carry out rights to provide, these the rights through a court to protect grounded to principles of possibilities.

Marriage touching such free rule 1996 year 16 December day is accepted international citizenship and political right about Pact spectacle finds [9]. It Pact 23th in the article былай affected: Family is natural and basic nest society and the state possesses to the right from a side to be protected society. To marriage heroes

and women, that attained years of Marriage, to stand and right creation of the family knows. Without a consent first not can cut up one the marriage to him тұрушы and еркін of personalities complete. Pact participant the state marriage stands, marriage the state and marriage violates touching husband and wife right and duty equality providing for touches measure accepts is needed».

«And citizenship is no» the family creates personalities touching laws of family to be used comes true with foreigners through different state organs (Citizenship acts of businesses registers, to solicitude organs taking, state places of law). Analogical measures carried out and by organs foreign competence. Establishments consular adding to It, to examine domestic questions bends competence.

Foreign citizen and citizenship is no personality created marriage touching domestic legislation is used competent organ submits, especially alimony pays touching rule-making the state. This the earth 1994 year 9 September Commonwealth of Independent States country does citizen social manual, having children family indemnification pay and alimony pays area circumference right guarantee about the finished speaking names direction [10].

Go out into Republic Kazakhstan on to examine matters of citizenship foreign citizen identical form marriage. Citizenship acts of government businesses Marriage is cut up on organs registration. Religious marriages between by a citizen Kazakhstan, citizen and foreign country/pl not register oneself in Kazakhstan. To Status «foreign citizens to register the last name reason through establishment in marriage» can to possess.

Common and identical legislation, that puts in order on international circle of right «element of foreigner» eat marriage relations, absence the state interval does condition marriage-family question is conceived dispute decides main mechanism. Such makes condition serves area circumference spacious is and I last name citizenship and domestic dispute decide rule does only puts, and also, court organ interval collaboration and put in order sit. That together, me citizen interest, procedure right foreign law protects, citizenship and family question court decision me implementation, court sentence is carried out and question provide. Any the citizen man right universal declaration 16 the article 2 point shown marriage the last name two side free and complete agreement only is created talks rule memorizes is necessary [11]. And Republic Kazakhstan, that all United, goes down on knees as member-countries organization of nations international to the right ravine exact to the credos, accepts to guidance it rule.

Different the state citizen unites family creates result benefit steel contests puts in order, and me the legal renders support is directed finished speaking this country territorial international right develops important deposit add clear. Taking seat, on territory of Kazakhstan «element of foreigner» eat not from look marriages on nation, on an origin, into language, gives. but, international right according to, hero and woman combines marriage free and even right takes into account sits, marriage legal consequence different the state special and takes into account is necessary. And opposite to the places, that start «It foreigner element» some the states, necessary to take into account. For example, husband and wife alimony touching business judges what country law applies necessary exposes takes, tormented lies circumstance and meets. Kazakhstan, to the legislation touching internal rules these the industries about marriage, was created correspondingly international to the norms rights human көпжақты my finished speaking I. Word», on it territory of Kazakhstan not will look at religious trust people, on citizenship, on nation, family creates».

Kazakhstan and Islam right marriage institute compares it is necessary talks considers, because me country Islam country a relation top. This is the country citizen and Republic of Kazakhstan citizen interval ғы marriage relation brings maybe.

Marriage it at first union man and woman. It certificate corresponds two legal and to the system. some the country official status possesses the same-sex marriage Republic of Kazakhstan citizenship businesses act state registers organ registers oneself lies, and Muslim doctrine according to crime is.

Marriage legal nature comes is, the finished speaking legal muslim legislation corresponding marriage, marriage creates back husband and wife for right and duty bears citizenship is is counted. In and the state, that not saved agreement of marriage religious habit-traditions, is justly, and however they are saved [12; 48].

Domestic legal according to questions laws unification associate attempts very difficult and to carry out is difficult. In to connection from by it 1902–1906 years Hague, that was accepted, conventions, first steel of steps, that was done on aim forming homogeneity application of the conflict on right for family norms. Regret wraps up this the convention added the state number is no much, accordingly marriage stands and violates, guardianship and patronage question puts in order dedicated this the convention spacious spreads no.

Conventions, in that XIX was accepted end of century XX on head of century, operates to nowadays day, to talk it is necessary. They: that 1956 year alimony was used connection to the obligations, about a law

Convention of Hague; 1956 year alimony to hear about obligations according to doing decisions I to carry out Convention of Hague; about citizenship of woman in 1958 year marriage Convention; Children, that marriage was born, about the state of legal Convention (Strasbourg, 1975 year); what was used connection 1961 year minor to protect, about a right and about a competence Convention; internationally to steal what 1980 year child, citizenship about aspects Convention of Hague and yet once except lies.

Necessarily be, these the conventions to talk needed to the presence of the States. this the convention added and obligatory is the state and, man and woman union motion the legal raft bears question, family relation decides motion increases contradiction is conceived.

Presence, at that will make condition before requirement in experience to marriage from to stand, turned out the states on system of legal. To It make condition, it is possible to lay to sleep: not to be was born relation, that; third agreement of personalities; to the years of marriage filled and yet once except lies.

Terms standing was on on each other alike come in marriage, that was envisaged on legislation of the states, that increased. In general kind talk they: to arrive at years of marriage; to marriage to go down intention personalities near relation not are not on a relation; not to be patients, that was envisaged in a law; parents, on protecting or permission, gave that personalities, that exchange them.

Certainly afore-named requirements different turn out look in the state. For example, marriage years takes is, much country me woman and hero for — 18 years talks marked, and row muslim country woman for — 15 year talk fastened. In Kazakhstan about Marriage and about family for men and for women on time years of marriage marked Law 18 years. Argued reason is the state state register office according to citizenship businesses act writes organ marriage years two year hangs term reduces maybe.

To Toplaces, on that prevents deck-house afore-named marriage, near relation and there is a relation laid to sleep. And it different turns out look in the state. The brothers and sisters one the state law according to near relative one time marked is, two one the state other and gives birth lays to sleep. Republic of Kazakhstan near relative talks parents, children, contains customer, parents one and parents separately brother-cadet and sister (junior brother-sisters), grand-dad, grandmother, grandchild is knowable.

Some in countries to marriage man woman on each other, on direction of health medical document to hand over and to specify him tore to pieces. Not and, what not claim as a ten on legislation Republic of Kazakhstan. Law last name, marriage stands persons interested man are medical, and also medicogenetic question and reproductive health protects question according to advice gives me checks marriage and also specialized health preservation establishment and stands man two agreement only conducted ri, checks result secret be ҒЫ and me marriage stand intend man, check pass man agreement only declared maybe. In Republic of Kazakhstan patient or consciousness the mental travelling not given people, at that incompetently talk to the rafts court, to stand to marriage.

Such to marriage contradictions at wasp of the states on discipline standing, what international make condition, is done there was reason. These the contradictions on 1928 year Bustamante in Code, 1978 year marriage to cut and justly talk him to know in Convention, 1940 year international citizenship was recorded about a right on a condition.

That, looks sits as, marriage question domestic marriage relation one time compels to come industry ғы the state legislation different is raft confusion goes down begins, «that, marriage, what limped slightly», there is a benefit and and other takes seat unpleasant the states. The state legislation this the question puts in order sits tries, row the state except country the finished speaking is not me question complete decides is maybe. There fore objects organization that question of marriage row intergovernmental make condition, first revolved.

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Қазақстан Республикасының заңнамасы бойынша неке институты

Мақалада заңды некеде туылған балалардың құқықтық жағдайы, сонымен бірге ерлі-зайыптылардың мүліктік қатынастары анықталды. Автор неке шарты институтының түсінігін келтірген. Некенің құқықтық табиғатын түсіндіретін әр түрлі теориялар зерттеліп, заңда неке киюға кедергілер атап көрсетілген, олар: өзге тіркелген некенің болуы, болашақ ерлі-зайыптылардың жақын туыстығы, некеге тұрушылардың біреуінің іс-әрекетке қабілетсіздігі, сондай-ақ бала асырап алушылар мен асырап алғандар арасында неке кию. Неке институтының маңыздылығы ерлі-зайыптылардың қатынастарын реттейтін тәсілі ретінде қарастырылды.

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В статье определены правовые положения детей, рожденных в браке, а также имущественные отношения между супругами. Автором приведено понятие института брачного договора. Объяснены теории, которые раскрывают правовую природу брака. Отмечено, что в законе имеются некоторые препятствия при заключении брака, такие как: наличие другого зарегистрированного брака, родственные связи будущих супругов, недееспособность одного из будущих супругов, а также брак между усыновителями и усыновленными. Большое внимание уделено значению института брака как способа регламентации отношений супругов.

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