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INTERNATIONAL LEGAL FEATURES OF THE DISSOLUTION OF THE MARITAL RELATIONSHIPS

This article is devoted to analysis of the decision of international legal conflicts that arise from divorce with a foreign element. As well as the issues of legal regulation of these relations in accordance with the legislation of the Republic of Kazakhstan.

The authors of the article examined in detail the provisions of the CIS Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters 1993, Convention on the Law Applicable to Matrimonial Property Regimes of 1978, The Hague Convention on the settlement of conflicts of laws and jurisdiction over divorce and legal separations, as well as the Convention on the Nationality of Married Women 1957.

Moreover, there is studied the experience of the law of foreign countries of Europe and Latin America and of individual States on this issue.

Key words: Convention, marital relationships, dissolution of marriage, property rights of spouses, conflict rules, domestic laws, norms of the international Treaty, family, citizens of the Republic of Kazakhstan, a foreign citizen.

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халықаралық құқық кафедрасы, әл-Фараби атындағы Қазақ ұлттық университеті,
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Некелік қатынастарды бұзудың халықаралық-құқықтық ерекшеліктері

Бұл мақала шетел элементімен шиеленіскен некені бұзудың нәтижесінде пайда болатын халықаралық-құқықтық коллизияларды шешу анализіне, сонымен қатар аталған қарым-қатынастарды Қазақстан Республикасының заңнамасына сәйкес құқықтық реттеу мәселелеріне арналған.

Мақала авторларымен 1993 ж. ТМД-ның құқықтық көмек көрсету және азаматтық, отбасылық және қылмыстық істер бойынша құқықтық қатынастар туралы Конвенциясының, 1978 ж. Ерлі-зайыптылардың мүліктері режиміне қолданылатын құқық жайлы Конвенцияның, ерлі-зайыптылардың соттық айырылысуы және ажырасуға қатысты юрисдикциясы және заңдар коллизиясын реттеу туралы Гаага Конвенциясының, сондай-ақ 1957 ж. Тұрмыстағы әйелдің азаматтығы туралы Конвенциясының ережелері жан-жақты талданған.

Сонымен қатар, осы мәселеге байланысты Еуропа және Латын Америкасының елдері және өзге де мемлекеттердің заңнамаларының тәжірибесі зерделенген.

Түйін сөздер: Конвенция, некелік қатынастар, некені бұзу, ерлі-зайыптылардың мүліктік құқықтары, коллизиялық нормалар, отандық заңнама, халықаралық келісім-шарттың нормалары, отбасы, Қазақстан Республикасының азаматтары, шет ел азаматы.

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Международно-правовые особенности расторжения брачных отношений

Данная статья посвящена анализу решения международно-правовых коллизий, которые возникают в результате расторжения брака с иностранным элементом. А также вопросам правового регулирования данных отношений в соответствии с законодательством Республики Казахстан.

Авторами статьи подробно проанализированы положения Конвенции СНГ об оказании правовой помощи и правовых отношениях по гражданским, семейным и уголовным делам 1993 г., Конвенции о праве, применимом к режиму имущества супругов 1978 г., Гаагской Конвенции об урегулировании коллизий законов и юрисдикции относительно разводов и судебного разлучения супругов, а также Конвенции о гражданстве замужней женщины 1957 года.

Кроме того, исследован опыт законодательства зарубежных стран Европы и Латинской Америки и отдельных государств по данному вопросу.

Ключевые слова: Конвенция, брачные отношения, расторжение брака, имущественные права супругов, коллизионные нормы, отечественное законодательство, нормы международного договора, семья, граждан Республики Казахстан, иностранный гражданин.

Introduction

The Convention on the Provision of Legal Assistance in Family, Civil and Criminal Cases establishes that «in cases of divorce, the legislation of the contracting Party of which the spouses are the citizens at the time of application is applied. If one of the spouses is a citizen of one contracting party and the other of another contracting party, the law of the contracting party shall be applied, the institution of which shall consider the divorce proceedings» (Конвенция «Об оказании правовой помощи и правовых отношениях по гражданским, семейным и уголовным делам», 1993).

The procedure for divorce is different in different countries. Decisions on divorce are made with respect to those marriages that are recognized as such in a particular country. Many countries in Europe and Latin America in their legislation decide this issue on the basis of the rules of national law of spouses or the personal law of the husband. If the spouses have different citizenship, then the law of the country of the last common citizenship or the national law of the husband can be applied. Both options for applying the divorce law may be unfair for the spouse, especially when she was a citizen of a state that permits divorce, and as a result of marriage, she became a citizen of a state that does not allow divorce in its legislation.

In order to unify the conflict rules on divorce issues, international conventions were adopted. Thus, the Hague Convention on the Settlement of Conflicts of Laws and Jurisdiction concerning Divorce and Judicial Separation of Spouses has established a conflict of interest in two cases: divorce is permitted by both national law and the law of the place where the action was committed (Сафронова, 2003: 166). Another Hague Convention governing the recognition of divorce and judicial separation of spouses in 1970 can be applied to the recognition in one contracting state of divorce and judicial separation that have been committed in another contracting state. This Convention lists the conditions, the observance of which leads to the recognition of divorce, judicial separation, which have already been committed in a particular state (Convention on the Recognition of Divorces and Legal Separations, 1970).

On the territory of the Republic of Kazakhstan, divorce is effected on the basis of Kazakhstan legislation, which establishes the procedure and conditions for divorce proceedings. This issue is regulated by Article 204 of the Law of the Republic of Kazakhstan «On Marriage and the Family» which establishes that divorce of citizens of the Republic of Kazakhstan with foreign citizens and stateless persons, as well as between foreigners in the territory of the Republic of Kazakhstan, is carried out in accordance with the legislation of the Republic of Kazakhstan. As a whole, in Kazakhstan, as we see, domestic legislation is applied. The norms of the international treaty can be applied to the recognition of a divorce, if the issue of recognition of divorce is regulated in an agreement of Kazakhstan with this or that foreign state differently than in the national family legislation.

The Republic of Kazakhstan recognizes as valid the dissolution of marriages committed by foreigners outside Kazakhstan, performed in accordance with the legislation of the respective states. But there are cases when the consequences of such divorces are not recognized on the territory of the Republic of Kazakhstan. When the dissolution of a marriage of a Kazakh citizen with a foreigner occurs under the laws of a foreign country, it can be recognized as valid if at the time of dissolution one of the spouses resided outside the Republic of Kazakhstan. In case of divorce by citizens of the Republic of Kazakhstan living abroad, their divorce is recognized as valid if it was committed under the laws of the country in which they live. If desired, the parties can terminate the marriage in a Kazakh court, in accordance with the requirements of the legislation of the Republic of Kazakhstan, if there are grounds - in the registry of acts of civil status of the Republic of Kazakhstan. The Law of the Republic of Kazakhstan «On Marriage and the Family» states that: «The dissolution of marriages between citizens of the Republic of Kazakhstan committed outside the Republic of Kazakhstan under the laws of the respective states is deemed valid in the Republic of Kazakhstan if both spouses resided outside the Republic of Kazakhstan at the time of divorce» (Кодекс РК «О браке (супружестве) и семье», 2017).

Paragraph 2 of Article 204 of the Law of the Republic of Kazakhstan «On Marriage and Family» regulates the relations of spouses - citizens of the Republic of Kazakhstan living outside the country on divorce issues: «A citizen of the Republic of Kazakhstan residing outside the Republic has the right to terminate a marriage with a resident outside the Republic of Kazakhstan spouse regardless of his citizenship in the courts of the Republic of Kazakhstan, who are considering these cases on behalf of the Supreme Court of the Republic of Kazakhstan. «In those cases - further on in the same article of the Law - when, under the laws of the Republic of Kazakhstan, divorce is permitted in civil registration offices, the marriage may be terminated at embassies or at consular offices of the Republic of Kazakhstan» (Кодекс РК «О браке (супружестве) и семье», 2017).

The study of problems related to the family is becoming increasingly important, both theoretically and in practice. It is known that the instability of the institution of marriage and family, manifested in the growth of the number of divorces, it is typical for almost all developed countries of the world. The highest percentage of divorces (over 50%) are in Western Europe, Russia and North America (Engel, 2014). This is due to the impact of urbanization and the resulting intensive migration of the population, the emancipation of women, the scientific and technological revolution, the causes of socio-economic, cultural, ethnic, religious nature. Currently, the institution of the family is going through difficult times. Many factors that have stabilized the family from the outside have fallen away: the economic dependence of a woman on her spouse, legal, religious, moral prohibition or condemnation of divorce. Under these conditions, the internal factors inherent in the family become crucial for the stability of marriage. Numerous sociological studies show that at the heart of the divorce in most cases is a conflict between spouses that has reached a level that it can be resolved only by dissolving the marriage.

Methodology

The methodological and empirical basis of the research consists in applying general methods of scientific knowledge: historical, comparison, analysis, synthesis, classification; special methods: formal-legal, structural-functional, comparative-legal. The application of the above methods led to a deep, qualitative analysis of regulations, both foreign and domestic family law regarding dissolution of marriage.

Literature review

The issues of divorce has been studied by many legal scholars in family law and private international law on the examples of specific countries. For example, in the book «Private International law and comparative law» the authors (H. Koch, U. Magnus and P. Winkler von Mohrenfels) considered the basics of dissolution of marriage according to the Introductory act 1896 to the German civil code and its consequences, in relation to the alignment of a share of spouses and the gift of spouses to each other (Kox, 2003: 88). James Dwyer in his book «Family Law: Theoretical, Comparative, and Social Science Perspectives» gave a clear definition of divorce – «a final severance of legal relationships between spouses» and considered the main causes of divorce: legal grounds of divorce (cruelty, adultery, abandonment, disability, defenses) and financial aspects of the divorce (division of property and alimony), explaining each aspect by decision of cases or by scientific articles (Dwyer, 2012: 692).

This thread is also dedicated to many articles of foreign researchers. In the article «An Interdisciplinary Approach to Family Law Jurisprudence: Application of an Ecological and Therapeutic Perspec-

tives», devoted to the interdisciplinary approach to the resolution of family proceedings and how this approach helps the judges to take into account the many influences on human behavior and family life that contribute to a more pragmatic and useful solutions to contemporary family legal issues, the author also touched upon issues relating to divorce and its causes and consequences, both for the family and for children (Babb, 1997). The norms regarding dissolution of marriage are also prescribed in many legislative and legal acts such as Conventions, laws and so on.

However, a greater number of works on this subject are studies by sociologists, psychologists and researches, who leads in their research papers the various causes and consequences of divorce. For example, according to qualitative and quantitative research, conducted by Shelby B. Scott, Galena K. Rhoades, Scott M. Stanley, Elizabeth S. Allen, and Howard J. Markman, for 52 respondents the reasons for divorce at the individual level became «lack of commitment (75.0%), infidelity (59.6%), and too much conflict and arguing (57.7%), followed by marrying too young (45.1%), financial problems (36.7%), substance abuse (34.6%), and domestic violence (23.5%)» (Scott, 2013).

Also, many foreign authors identify the following several levels of marital relationships, on which conflicts can occur:

1) psychophysiological level, here disharmony manifests itself in the violation of sexual life, on the whole, this phenomenon occurs quite often, however, as the main reason for the decision to divorce it is noted by only a few;

2) psychological level, the family creates an unhealthy climate, manifested in quarrels, mutual quibbles, irritability, which is often put on children;

3) socio-role level, the symptoms of a violation of the stability of this level - incorrect, uneven distribution of family-household burden, chaotic family way;

4) socio-cultural (spiritual) level, here conflicts take the form of misunderstanding each other's spouses, disrespect, lack of interest or dissatisfaction with the communication with the partner, rejection of his life values, ideals (Why Do We Ruin Family Life, 2016).

Results and discussion

The causes of conflict at one level or another can be very diverse. Yet, by the time of their appearance, they can be divided into two large groups. These are the causes that arose directly during the marriage, during the joint life and general management of the economy, and the reasons that existed objectively until the moment of the creation of the family. The latter group of reasons are called risk factors, since their presence during the pre-marital acquaintance already harbors the danger of a future divorce. The risk factors are related to the person's personality, origin, upbringing, and marriage conditions. The risk factors include: a large difference in education and age between spouses (especially if the woman is much older); propensity to alcoholism of one of the spouses; frivolous attitude towards marriage, family as such; too early age for marriage; probability of an early birth of a child; too short term of acquaintance; sharp disagreement between parents on the conclusion of marriage; forced marriage, without mutual consent. These factors are expressed literally in the first years of life together and are largely due to the fact that more than a third of the divorces are for families with a joint life of one to three years (Лавриненко, 2002: 249).

The results of the polls show that a significant number of young people (about 1/3) marry based on motives lying outside the family sphere: the desire to leave the parental home, take a responsible independent step, take revenge on someone, etc. Naturally, such a superficial, frivolous attitude toward marriage, lack of appropriate motivation leads to the fact that the spouses do not face the tasks of self-determination of the family, clarification of conjugal roles, the intra-family status of each of them, their common goals (Павленок, 2007: 320).

Every seventh marriage, concluded in the first half of the 80s, is a marriage between spouses, the age of each of which does not exceed twenty years. Cause of divorce in this case is often a psychological unavailability for marriage. Young families, as a rule, are not separated from their parents and depend entirely on them financially. In such a situation, problems arise, such as ensuring the independence of the young family, leadership in it (often one of the spouse's parents pretends to do so), the problem of the relationship between members of the young family and their parents who may be unfavorable, and complicate the inevitable in this case, marital conflicts. Among the causes of divorce is disappointment in the partner and loss based on this initial feeling of love. This danger lies in the first place for those spouses whose term of acquaintance was short before the wedding (from three to six months). Thus, we see that a number of factors that adversely affect the strength of marriage can be identified even before the creation of a family home. However, most divorces occur, of course, because of the reasons

that arise (emerging) directly as a result of living together. The greatest number of divorced marriages falls on the age of 25-30 years, when the spouses become sufficiently independent in material terms, managed to get to know each other's shortcomings and to be sure that they can not live together. Also, more divorces occur at the age of about 40 years. This is due to the growth of common children and the lack of the need to maintain a family, often in such cases, one of the spouses actually has another family. The maximum share of divorces falls on the first five years of marital life. And such kind of trend has continued over the past three decades. For example, according to the National Survey of Family Growth in the US in the 90s about 90% of women are divorced within 5 years of marriage (Matthew, 2001: 8), and, starting from the 00's, the percentage of women who are divorced within 5 years of marriage amounted to 86% (Copen, 2012: 9). Similar statistics were also available in European countries. The presence of children in the family directly affects the strength of marriage. In large families, where the number of children is more than three, the percentage of divorces is much lower than the average.

The main reasons for divorce can be grouped in three blocks:

1) household (housing conditions, inability or unwillingness of one of the spouses to conduct housekeeping, material insecurity, forced separation);

2) interpersonal conflicts (loss of feelings of love and affection, rudeness, different views on life, illness of one of the spouses, jealousy). In this block the main factor is the rudeness and disrespect of the spouses to each other. For women initiators of divorce, these reasons are most often associated with alcoholism of the spouse, from which come rudeness, beatings, insults, threats and so on. For men, as a rule, the rudeness of the wife has a fundamentally different content. This is primarily disrespect for her husband, disbelief in his ability, unwillingness to reckon with his interests, disregard for professional successes and failures, reproaches, petty tutelage, dislike for her husband's friends and others. This is closely connected with such a factor as the difference in views on life - the so-called dissimilarity of the characters. It is much more important for men than for women;

3) external factors (treason, the emergence of a new family or a new feeling in the initiator of the divorce, the intervention of parents and others).

Different people experience the collapse of the family differently. According to estimates of many Russian and foreign sociologists, the most common consequences of divorces are a decrease in labor activity, a high probability of nervous stress, mental disorders. Particularly important for society is the fact that the influence of parents on the upbringing of children is weakened and children are the subject of serious conflicts between divorcing spouses, often such conflicts go far beyond the pre-divorce and divorce stages and last for many years (Лавриненко, 1998: 143). It is on children parental divorce has the greatest negative impact. According to research, «children with divorced parents continued to score significantly lower on measures of academic achievement, conduct, psychological adjustment, self-concept, and social relations» (Amato, 1991). For example, the consequences of divorce for children can include: the possible reduction of time with each parent (for most children with fathers), loss of economic security (reduction of income in the family), loss of emotional security (the weakening of ties with one of the parents, close relatives), the possible reduction of socio-psychological maturation (presence of anxiety, depression and low self-esteem), change the view on sexual behaviour (increase in premarital sex, don't trust the institution of marriage), a possible decline in religious belief, a decrease in cognitive and academic stimulation (decrease in school performance, unwillingness to learn) a decline in physical health and increase the risk of emotional distress (Anderson, 2014).

Hence, the instability of marriage creates acute problems both for those who want to create a family, and for those whose family has been destroyed. At the same time, a divorce cannot be considered as a totally negative phenomenon, since «freedom of divorce is one of the means of ensuring social justice in family-marriage relations, a means of preserving their moral standards» (Лавриненко, 1998: 143).

However, peace in the family does not develop due to the lack of principle in the woman's behavior. There are often situations where a woman goes to humiliation, reconciles with the fact that the family has a drinking husband, from whom both she and children suffer. Conflicts most often arise on the basis of alcohol, not only in families close to disintegration, but also in relatively well-off. Studies confirm that many women point to the rudeness of her husband as one of the causes of family conflicts and divorce. Often this rudeness goes hand in hand with drunkenness. It was the drunkenness of the spouse who was placed by women in one of the first places among the causes of divorce. Among the causes of divorce, 95.4% of divorcing women were called drunkenness of their husbands and 4.6% - drunkenness of their wives. The consequence of drunken-

ness of spouses are rudeness, conflicts in the family, betrayals, fading of feelings of love, simplification and primitivism of relations between the sexes and the like.

Both world and domestic experience of family functioning shows that the society should maximally assist the woman in her striving to ensure a rational combination of the roles of the mother, the working woman and the hostess, to facilitate her position in combining work and maternity, to help in the upbringing of children and the performance of parental responsibilities, in providing psychological and pedagogical assistance.

If the spouses have different citizenship, the question arises, the law of which country should be applied to the regime of property of spouses. In some countries, including Italy, there is a conflict of laws clause, referring to the national law of the husband as an applicable law in the marriage. In England and France, for example, there is no specific conflict of laws pointing to the applicable law. Here, the parties can exercise the right to choose between the law of the state of the husband and the law of the wife's state. In England, the parties also exercise their voluntary choice, but there is a conflict of laws rule, especially when the parties have not made a choice regarding the applicable law or when they are arguing over the choice of the applicable law (Laquer Estin, 2017).

Due to the fact that the legislation of several states recognizes the marriages of citizens of their states with foreign citizens as valid only when «persons who marry have been granted permission by the competent authority of this state, the civil registration authority, upon receipt of the application, should ascertain from the applicants, whether such permission is required from the competent authority of the state of which the foreign citizen is a citizen» (Сергеев, 1999: 174).

The Convention on the Nationality of Married Women stipulates that «conflicts of law and practice relating to citizenship arise as a result of decrees on the loss or acquisition of citizenship by women as a result of marriage, dissolution of marriage or the change of citizenship by a husband during the existence of the marriage union.

Each contracting state agrees that neither the conclusion nor dissolution of marriage between any of its citizens and the alien, nor the change of citizenship by the husband during the existence of the marriage union will not be automatically reflected in the citizenship of the wife. Each contracting state agrees that a foreign woman who is married to any of his citizens can acquire at his request the citizenship of his husband in a special simplified order of naturalization. The granting of such citizenship may be subject to restrictions established in the interests of state security or public policy. Each contracting state agrees that the Convention «will not be interpreted as affecting any legislation or judicial practice under which a foreign woman married to any of its citizens can rightfully acquire at the request of the citizenship of her husband» (Convention on the Nationality of Married Women, 1957).

However, according to Article 15 of the Universal Declaration of Human Rights, the United Nations General Assembly indicated that «everyone has the right to a nationality» and that «no one shall be arbitrarily deprived of his nationality or the right to change his nationality» (Universal Declaration of Human Rights, 1948).

When performing notarial acts involving foreign citizens and stateless persons, the notary should first of all be guided by the current family legislation of the Republic of Kazakhstan, but the legislation of other countries is also applicable in a number of cases. For example, article 202, part 2 of the Law «On Marriage and the Family» establishes that marriages between foreigners concluded outside the territory of the Republic of Kazakhstan in compliance with the legislation of the state on whose territory they are concluded are recognized as valid in the Republic of Kazakhstan. That is, if Kazakh repatriates are being addressed to a notary public - citizens of the Republic of Kazakhstan with a request to certify a transaction on the disposal of their property, the notary should find out whether these persons have entered into a legal marriage between themselves in a country of former residence. However, by virtue of Article 212 of the Law «On Marriage and the Family», the norms of marriage and family law of other states are not applied if such application is contrary to the legislation of the Republic of Kazakhstan. In this case, since the foundations of the rule of law are violated, the legislation of the Republic of Kazakhstan is applied.

When applying the norms of foreign family law, notaries establish the content of these norms in accordance with the official interpretation, practice of application and doctrine in the respective state. Therefore, a notary has the right to seek clarification from the Ministry of Justice of the Republic of Kazakhstan and other competent authorities. If the content of foreign legal norms, not looking at the measures taken, is not established, the legislation of the Republic of Kazakhstan is applied.

In accordance with Article 205 of the Law on Marriage and the Family, «the personal non-prop-

erty and property relations of the spouses are determined by the legislation of the state on whose territory they have a joint residence, and in the absence of a common residence – by the legislation of the state in whose territory they had the last joint residence. Personal non-property and property rights and duties of spouses who did not previously have a joint residence are determined on the territory of the Republic of Kazakhstan by the legislation of the Republic of Kazakhstan. When concluding a marriage contract or an agreement on the payment of alimony, spouses who do not have a common citizenship or joint residence may choose the legislation of a certain country to be applied for determining their rights and obligations under a marriage contract in a given country» (Кодекс РК «О браке (супружестве) и семье», 2017).

Particular difficulty in the performance of notarial acts involving a foreign element is the certification of transactions in relation to the joint property of the spouses. Notaries should carefully explain to foreign citizens the essence of the requirements of the current family law, fully and accurately determine the status of family relations of foreigners or citizens of the Republic of Kazakhstan who recently accepted Kazakhstan citizenship. Therefore, applying citizens should demand documents proving the performance of acts of civil status in the country of their former legislation. Such documents are valid for a notary only after their consular legalization. At the same time, it should be remembered that as a result of the application of the legislation of another state, the interests of the owner of personal non-property and property rights, a person who is a citizen of the Republic of Kazakhstan, should not be violated. For example, when performing notarial acts involving Kazakh repatriates who came from countries where the domestic legislation is based on sharia or directly apply the sharia norms, special attention should be paid to the requirement of equality of spouses and the inadmissibility of any infringement of the rights and interests of women and children, as in questions of family and marriage, and in any other matters. Any form of discrimination against women in family relations is unacceptable, and the priority of the interests and rights of the child is enshrined in legislation.

When executing notary actions that affect the interests of the child (agreement on the payment of alimony, an agreement on establishing the procedure for participation in the upbringing of the child and others), notaries should be especially careful and pay attention to such agreements between citizens of the Republic of Kazakhstan and foreigners. It is necessary to explain to our citizens the difficulty in a number of cases of legal regulation of these relations because of the absence of relevant international treaties. For example, an agreement on participation in the upbringing and maintenance of a child, concluded in accordance with the requirements of the current family legislation of the Republic of Kazakhstan, can not be accepted for execution by the competent authorities of another state, if there is no relevant international treaty or the document did not pass proper legalization in another given country. If such a child is born by a foreigner and a Kazakh citizen out of wedlock, then he is infringed in his rights under the legislation of some countries as illegitimate.

In accordance with Article 207 of the Law «On Marriage and the Family», the rights and duties of parents and children, including the obligation of parents for the maintenance of children, are determined by the legislation of the state in whose territory they have a joint residence. In the absence of a joint residence of parents and children, the rights and duties of parents and children are determined by the legislation of the state of which the child is a citizen. At the request of the claimant to child support obligations and to other relations between parents and children, the legislation of the state in whose territory the child is permanently residing can be applied.

Property rights and duties of spouses are determined by the legislation of the state on whose territory they have a joint residence, and in the absence of a joint residence - by the legislation of the state in whose territory they had the last joint residence. The property rights and duties of spouses who did not previously have a joint residence are determined on the territory of the Republic of Kazakhstan by the legislation of the Republic of Kazakhstan. Since the norms governing the relations of foreign spouses vary from country to country, a number of international conventions undertake a mission to implement the unification of such norms. For example, the Hague Convention «On the Conflict of Laws Regarding Personal and Property Relations» of 1905 refers to the regulation of the personal relations of foreign spouses to national laws. The provisions of this Convention are applied when otherwise is not provided for by the agreement of the spouses themselves. In this Convention it is stipulated that «the property relations of spouses are determined by the law of the state of the husband at the time of marriage, if there is no agreement of the spouses».

In many countries, the marriage contract is the main means of protecting the property interests of persons entering into marriage and family relations.

Proceeding from this important point, the Convention pays special attention to the procedure for concluding and changing the marriage contract (Чефранова, 2007: 53).

Mutual relations of spouses for maintenance obligations are regulated by the Convention «On the law applicable to matrimonial property regimes » of 1978. The Convention grants the couple «the freedom to choose one or another regime for regulating relations between parents and children, as well as one or another regime governing joint property of spouses» (Convention on the Law Applicable to Matrimonial Property Regimes, 1978). The Law of the Republic of Kazakhstan «On Marriage and the Family» does not contain conflict rules that would refer to the right of a foreign country to resolve issues of personal and property relations between spouses.

The agreements on rendering legal assistance concluded by the Republic of Kazakhstan with other states regulate relations between spouses who are citizens of one state and reside in the territory of another state. According to the legislation of most European and Latin American states, the relationship between parents and children born in a lawful marriage is regulated by the personal law of the father, and in case of his death – by the personal law of the mother. Almost all legal systems of the world came to a common opinion on the issue of the rights and responsibilities of parents with respect to the child's personality: the law of the court is applied. Alimentary obligations in the international aspect are regulated by a number of international conventions. For example, the Hague Convention on the law applicable to maintenance obligations towards children, 1956, the conflict binding «the country of usual residence is deemed to be the main» (Конвенция о праве, применимом к алиментным обязательствам в отношении детей, 1956). This means that the Convention applies in cases where a child resides in the territory of a State Party to the Convention.

Kazakhstani legislation does not distinguish between citizens of Kazakhstan and foreign citizens - both parents and children. Kazakhstan legislation extends its effect on the relations of parents and children of Kazakhstani citizens who are abroad. The same can be said about the regulation of cases on the recovery of alimony. In addition, the issues of relations between parents and children living in different states can be regulated by articles of treaties on legal assistance. The citizenship of the child determines the conflict binding. Courts should be guided by the following rules. «The courts decide the establishment, contestation of paternity in accordance with the law of the state of which the child is a citizen (having obtained citizenship by birth). The child's nationality is decisive in terms of defining the law, which the court must follow when making decisions that stem from the legal relationship that exists between the illegitimate child, his mother, on the one hand, the father (the alleged father), on the other. If parents and children live in one country, then the courts are governed by the law of the state of which the child is a citizen» (Convention on the Recovery Abroad of Maintenance, 1956).

So, the Law of the Republic of Kazakhstan «On Marriage and the Family» provided for the existence of property claims of the spouses to each other being one of the cases of divorce in a judicial procedure. Property claims are defined as disputes over the division of property, which is their common joint property, and on the payment of maintenance to a disabled spouse in need.

The law «On Marriage and the Family» provides for the possibility of sharing the common property of the spouses, both for the termination of marriage, and at any time during the marriage. The application for the division of the property of the spouses can proceed either from them (or one of the spouses) or from the creditor of one of the spouses in order to apply for the share of this spouse for his credit obligations. «If the consent of both spouses is obtained for the section of common property, they constitute a corresponding marriage contract indicating the order of division of their property. This marriage contract is certified by a notary, at the request of the spouses, their agreement on sharing common property may also be notarized. The division of spouses' property in court is made in the event of a dispute between the spouses, and also in the case where it is difficult to determine the shares of the spouses in this property. When sharing common property of spouses in court, the court, at the request of the spouses, determines which property is to be transferred to each of the spouses. In the event that one of the spouses is transferred property, the value of which exceeds the share due to him, another spouse may be awarded a corresponding monetary or other compensation» (Сосипатрова, 1999: 76).

«When dividing a spouse's property, no account is taken of:

1) contributions made by the spouses at the expense of their common property in the name of their common minor children;

2) items purchased for the total income of the spouses, but intended solely to meet the needs of their minor children (clothes, shoes, school and sports supplies, musical instruments, children's

library, etc.) - they are not subject to division and are transferred without compensation to that of the spouses, with whom children live» (Бурдейный, 2005: 195).

In accordance with the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, the property relations of spouses are determined by the legislation of the contracting Party in whose territory they have a joint residence. If one of the spouses resides in the territory of one contracting Party and the other in the territory of the other contracting party, and both spouses have the same nationality, their property relations are determined by the legislation of the contracting party of which they are citizens. If one of the spouses is a citizen of one Contracting Party and the other of another Contracting Party and one of them resides in the territory of one and the other in the territory of the other contracting Party, their property relations are determined by the legislation of the contracting Party in whose territory they had their own the last together residence.

If the above-mentioned persons do not have a joint residence in the territories of the contracting parties, the legislation of the contracting party whose institution is considering the case is applied.

Legal relations of spouses relating to their immovable property are determined by the legislation of the contracting party on whose territory the property is located. The question of which property is immovable is decided in accordance with the legislation of the country in which the property is located.

The ownership of vehicles to be entered in the state registers is determined by the legislation of the contracting party on whose territory the authority that registered the vehicle is located.

The emergence and termination of the right of ownership or other proprietary right to property is determined by the legislation of the contracting party on whose territory the property was at the time when the act or other circumstance that was the basis for the origin or termination of such a right took place.

The emergence and termination of the right of ownership or other proprietary right to property that is the subject of the transaction is determined by the legislation of the place where the transaction was made, unless otherwise provided by the agreement of the Parties.

Conclusion

The legal consequences that come with the dissolution of marriage are mostly negative, for the family as a whole, a social institution, which is the basic unit of society. In accordance with paragraph 2 of Article 21 of the Law of the Republic of Kazakhstan «On Marriage and the Family», courts must take measures to protect the rights and interests of minor children of divorcing spouses. The court, during the consideration of the case, must find out whether the spouses have reached an agreement on the one with whom the minor children will live with after the dissolution of the marriage, the procedure for paying the means for keeping the children and the amounts of these funds. In this case, the agreement on the payment of alimony must be made in compliance with the requirements of the Law «On Marriage and the Family». The court must also clarify that «a parent living apart from the children is obliged to participate in the upbringing of children and has the right to communicate with them, and the other parent is not entitled to interfere with it, which is recorded in the record of the court session» (Акбергенова, 2000: 138).

If the case is adjourned and the period for reconciliation is granted to spouses in cases where an action is filed for recovery of maintenance, the court is entitled to discuss the question of the defendant's participation in the material support of children. If it is determined that the defendant does not fulfill this duty, the judge, in accordance with article 140 of the Civil Procedure Code of the Republic of Kazakhstan, upon the application of the plaintiff, issues a court order on the temporary recovery of alimony for the maintenance of children until the case is examined.

If, during the discussion of the claim for recovery of maintenance for the maintenance of children, the other party disputes the record of the father or mother of the child in the birth certificate, both of these requirements are to be separated from the divorce case for their joint consideration in a separate proceeding. In the event that the claim for divorce is denied, the claimed claim for recovery of alimony, if the plaintiff insists on its consideration, the court also allocates this claim to a separate proceeding, as indicated in the operative part of the decision. Dissolving a marriage, «a court at the request of a spouse who has the right to receive maintenance from another spouse is required to determine the size of this content. At the request of the spouses or one of them, the court is also required to divide the property located in their common joint ownership» (Гражданский процессуальный кодекс РК, 2017).

In accordance with Article 223 of the Civil Code of the Republic of Kazakhstan, the joint property of

the spouses to be divided is any movable and immovable property acquired during the marriage, which, by virtue of articles 115, 116, clause 2 of Article 191 of the Civil Code, irrespective of the name of the spouse who acquired it or who contributed money from the spouses, unless the spouses, in accordance with Article 38 of the Law on Marriage and the Family, established a different regime that determines their property rights and responsibilities in marriage and (or) in the case of divorce (marriage contract).

The property to be divided includes the common property of the spouses available to them for the duration of the case. If the court finds that one of the spouses has alienated the common property or spent it at its discretion contrary to the will of the other spouse and not in the interests of the family, or concealed the property, then when the property is divided, this property or its value is taken into account.

It also considers the general debts of the spouses and the right to claim for obligations arising from a joint family life. At the same time, according to the Law «On Marriage and the Family» is not a common joint property and the property acquired, although during the marriage, but on the personal funds of one of the spouses that belonged to him before marriage, received as a gift received in the order of inheritance or other gratuitous transactions, as well as things of individual use acquired at the expense of the common means of the spouses, with the exception of jewelry and other luxuries. If, after the actual termination of family relations and the conduct of a common household, the spouses did not acquire property together, the court under the Law «On Marriage and the Family» can only divide the property that was their common joint property at the time of the termination of the common household. Section of common property of spouses at divorce is made according to the rules established by articles 36, 37 of the Law «On Marriage and the Family» and Article 218 of the Civil Code, while the value of property subject to division, in the absence of an agreement of the parties, is determined by the court on the basis of the expert's opinion, in that the conclusion of the state body for valuation of property. If the marriage regime has changed the regime of common joint property established by law, then the court should be guided by the terms of this agreement when resolving a dispute over the division of spouses' property.

It should be borne in mind that, by virtue of part 2 of Article 42 of the Law «On Marriage and the Family», a marriage contract in the same proceedings may be declared invalid, in whole or in part, at the request of one of the spouses, if the conditions of the contract place the spouse in an extremely unfavorable situation. If during the consideration of the divorce proceedings and the division of the common property of the spouses (in cases when they did not fully pay the share for the apartment, dacha, garage, other structure or premise provided by the cooperative for use), one of the parties asks to determine to which share of the unit has the right, without raising the issue of partition of the share, the court is entitled to consider such a requirement without allocating it to a separate proceeding, provided that there are no other persons entitled to unit accumulation, since this dispute does not affect the rights of cooperation.

The contributions made by spouses at the expense of common property to their minor children, by virtue of paragraph 4 of Article 36 of the Law «On Marriage and the Family» are considered to belong to children and should not be taken into account when dividing property that is a joint property together.

If third parties provided money to the spouses and the latter contributed them to their credit organizations, third parties have the right to sue for the return of the corresponding amounts according to the norms of the Civil Code, which is to be considered in a separate proceeding.

In the same manner, the claims of members of the peasant (farmer) economy or members of the former collective farm yard and other persons to spouses who are members of this peasant (farming) farm or former collective farm yard may be allowed. The flow of a three-year statute of limitations for the requirements for the division of property that is a common joint property, the persons whose marriage is terminated, should not be calculated from the day of the termination of marriage (when the marriage is dissolved in court - the day when the court decision enters into legal force, upon divorce in the records acts of civil status - the day of registration of divorce in the civil status register), but from the day the spouse learned or should have learned about the breach of his obligation under article 18, paragraph 1 0 of the Civil Code of the Republic of Kazakhstan.

According to Paragraph 3 of Article 21 of the Law «On Marriage and the Family», «in the event of a refusal to satisfy a claim for divorce, the court does not have the right to consider other claims claimed by the spouses jointly with this claim, to separate them into a separate proceeding». The court's decision to dissolve the marriage, as well as the decision to refuse the divorce, must be legal and based on evidence that has been thoroughly verified during the court session.

In the reasoning part of the decision, in cases where one of the spouses objected to the dissolution of the marriage, the reasons for the discord between the spouses established by the court, evidence of the impossibility of preserving the family, or the court's decisions on the possibility of preserving the family, arguments on the basis of which the court rejects certain evidence, laws, which guided the court. The resolutive part of the decision on the satisfaction of the claim for divorce should contain the conclusion of the court on all the requirements of the parties listed in paragraph 2 of Article 21 of the Law «On Marriage and the Family», including those connected for joint consideration. This part of the decision also indicates the information necessary for the state registration of divorce (the date of registration of the marriage, the number of the record, the name of the vital statistics office that registered the marriage, the names of the spouses in case of divorce - whether the common name has been retained or the former).

The names of spouses are recorded in the decision in accordance with the marriage certificate, and in case of changing the surname at the time of marriage, in the opening part of the decision it is necessary to indicate the pre-marital surname. The decision should indicate which of the spouses and in what amount the state fee is levied and which of the spouses, taking into account the financial situation, being on the upbringing of children, and other specific circumstances, is exempt from paying it. The moment of the termination of marriage comes from the date of entry of the court decision into legal force.

In case of reconciliation of the spouses after the decision to dissolve the marriage, the court, in the presence of their written application, has the right to terminate by its determination the execution of the decision before the expiration of the term for entry of the decision into legal force, and in certain cases and before sending a copy of the decision to the civil registration authority for commission registration of divorce.

If during the review of the case, it is established by way of supervision that the decision to dissolve the marriage was submitted to the civil registry office and the registration of divorce is registered, the cancellation of such decision, subject to this circumstance, can only follow if there are material violations of the rules of substantive and procedural law.

After the decision is rescinded in the appellate and supervisory order of the decision on the dissolution of the marriage, the court, in the new examination of this case, also has to check whether registration of divorce has been effected in the civil registry offices.

Introducing a new decision, «the court, if there is a divorce registration in the registry offices, must resolve the question of its cancellation. If by that time one of the spouses has entered into a new marriage, then the issue of the invalidity of this marriage should be resolved upon the suit of the interested persons after the entry into legal force of the court decision on the refusal to dissolve the first marriage» (Resolution of the Plenum of the Supreme Court of the Republic of Kazakhstan "On the application by courts of legislation in the consideration of the case of divorce", 2000).

References

1. Amato P.R., and Keith B. (1991). Parental divorce and the well-being of children: A meta-analysis. Psychological Bulletin 110, p. 26–46.

2. Anderson J. (2014). The impact of family structure on the health of children: Effects of divorce. Linacre Q., 81(4): 378–387. Retrieved from https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4240051/#C3.

3. Babb Barbara A. (1997) An Interdisciplinary Approach to Family Law Jurisprudence: Application of an Ecological and Therapeutic Perspective. Indiana Law Journal: Vol. 72: Iss. 3, Article 5. Retrieved from https://www.repository.law.indiana.edu/ilj/vol72/iss3/5.

4. Convention on the Law Applicable to Matrimonial Property Regimes (14 March 1978). [Электронный ресурс]. – Режим доступа: https://www.hcch.net/en/instruments/conventions/full-text/?cid=87.

5. Convention on the Nationality of Married Women (20 February 1957). – vol-2, Chapter XVI. StatusofWomen. [Электронный ресурс]. – Режим доступа: http://www.un.org.ua/images/Convention_on_the_Nationality_of_Married_Women_eng1.pdf.

6. Convention on the Recognition of Divorces and Legal Separations (1 June 1970) [Электронныйресурс]. – Режимдоступа: https://assets.hcch.net/docs/bdb59a0f-9405-4910-9dc3-b7e5310405cc.pdf.

7. Convention on the recovery abroad of maintenance (20 June 1956). [Электронный ресурс]. – Режим доступа: https://assets.hcch.net/docs/30c3a5d7-4a53-4a6c-aef5-226600585cc3.pdf.

8. Copen C.E., Daniels K., Vespa J., Mosher W.D. (2012) First marriages in the United States: Data from the 2006–2010 National Survey of Family Growth. National health statistics reports; no 49. Hyattsville, MD: National Center for Health Statistics. – 22 p.

9. Dwyer J. Family Law: Theoretical, Comparative, and Social Science Perspectives. – Wolters Kluwer Law & Business, 2014. – 936 p.

10. Engel Pamela (2014). MAP: Divorce Rates Around The World. [Электронный ресурс]. – Режим доступа: http://www.businessinsider.com/map-divorce-rates-around-the-world-2014-5.

11. LaquerEstin Ann (2017) Marriage and Divorce Conflicts in the International Perspective. 27 Duke Journal of Comparative & International Law. – 485-517 p. Retrieved from https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1510&context=djcil.

12. Matthew D., Bramlett M.D., Mosher W.D. (2001) First marriage dissolution, divorce, and remarriage: United States: Advance data from vital and health statistics; no. 323. Hyattsville, Maryland: National Center for Health Statistics. – 19 p.

13. Scott Shelby B., Galena K. Rhoades, Scott M. Stanley, Elizabeth S. Allen, Howard J. Markman (2013) Reasons for Divorce and Recollections of Premarital Intervention: Implications for Improving Relationship Education Couple. Family Psychol, 2(2): p. 131–145.

14. Universal Declaration of Human Rights (10 December 1948) / General Assembly resolution 217 A.

15. Why Do We Ruin Family Life. (2016, September 27). Retrieved from http://star-writers.com/blog/essay-on-divorce-why-do-we-ruin-family-life.

16. Акбергенова М.Н. Обзор практики рассмотрения семейных споров Актюбинским городским судом, 2000г. – 138-139 с.

17. Бурдейный М.А. Семья и брак. – М.: Издательство «ВЛАДОС-ПРЕСС», 2005г. – 328 с.

18. Гражданский процессуальный кодекс РК от 31 октября 2015 года № 377-V по состоянию законодательства на 18.04.2017 г. Алма-Ата. –Издательство НОРМА-К, с изменениями № 193-194 от 18.04.2017 г. – 33 с.

19. Кодекс Республики Казахстан «О браке (супружестве) и семье» (с изменениями и дополнениями по состоянию на 18.04.2017 г.) [Электронный ресурс]. – Режим доступа: https://online.zakon.kz/Document/?doc_id=31102748

20. Конвенция о праве, применимом к алиментным обязательствам в отношении детей (24 октября 1956г.). [Электронный ресурс]. – Режим доступа: http://docs.cntd.ru/document/901889340.

21. Конвенция стран Содружества Независимых Государства «Об оказании правовой помощи и правовых отношениях по гражданским, семейным и уголовным делам» от 31.03.1993г // ИС ПАРАГРАФ, 26.05.2014 14:49:52.

22. Кох Х., Магнус У., Винклер фон Моренфельс П. Международное частное право и сравнительное правоведение: Учебный курс. – Перевод с немецкого доктора юридических наук Ю.М. Юмашева. – М.: Международные отношения, 2003. – 480 с.

23. Лавриненко В.Н. Социология. – М: Издательство Культура и спорт, ЮНИТИ, 1998. – 143 с.

24. Лавриненко В.Н. Социология. Учебник для вузов / Под редакцией проф. В.Н. Лавриненко.-3-е изд., перераб. и доп.-М., ЮНИТИ-ДАНА, 2002. – 407 с.

25. Павленок П.Д., Савинов Л.И. Социология: Учебное пособие. – М: Издательско-торговая корпорация “Дашков и К”,2007. – 580 с.

26. Постановление Пленума Верховного Суда РК от 28.04.2000г № 5 О применении судами законодательства при рассмотрении дел о расторжении брака. [Электронный ресурс]. – Режим доступа: http://adilet.zan.kz/rus/docs/P00000005S_.

27. Сафронова С.С. Гаагские конвенции о заключении и прекращении брака / / Актуальные проблемы политики и права. Межвузовский сборник научных статей. – Пенза: Информ.-изд. центр ПГУ, 2003, Вып. б. – 163-169 с.

28. Сергеев А.П. Семейное право. – Москва, 1999г. – 174 с.

29. Сосипатрова Н.Е. Брачный договор: правовая природа, содержание, прекращение. – Государство и право. N 3., 1999. – 76-79 с.

30. Чефранова Е.А. Механизм семейно-правового регулирования имущественных отношений супругов: монография. – М., 2007. – 53 с.

References

1. Akbergenova M. N. (2000) Obzor praktiki rassmotrenya semeinikh sporov Aktubinskim gorodskim sudom [The review of practice of consideration of family disputes by Aktobe city court]. P. 138-139.

2. Amato P.R., and Keith B. (1991) Parental divorce and the well-being of children: A meta-analysis. Psychological Bulletin 110, p. 26–46.

3. Anderson J. (2014) The impact of family structure on the health of children: Effects of divorce. Linacre Q., 81(4): 378–387. Retrieved from https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4240051/#C3.

4. Babb Barbara A. (1997) An Interdisciplinary Approach to Family Law Jurisprudence: Application of an Ecological and Therapeutic Perspective. Indiana Law Journal: Vol. 72: Iss. 3, Article 5. Retrieved from https://www.repository.law.indiana.edu/ilj/vol72/iss3/5.

5. Burdeyny M. A. (2005) Semiaibrak [Family and marriage]. M: Izdatelstvo “VLADOS-PRESS”, p. 328

6. Chefranova E. A. (2007) Mehanizm semeino-pravovogo regulirovanya imushestvennih otnosheniy suprugov: monografia [The Mechanism of family-legal regulation of property relations of the spouses:monography]. M, p. 53

7. Convention on the Law Applicable to Matrimonial Property Regimes (14 March 1978). Retrieved fromhttps://www.hcch.net/en/instruments/conventions/full-text/?cid=87.

8. Convention on the Nationality of Married Women (1957). Vol-2, Chapter XVI. Status of Women. Retrieved from http://www.un.org.ua/images/Convention_on_the_Nationality_of_Married_Women_eng1.pdf.

9. Convention on the Recognition of Divorces and Legal Separations (1970). Retrieved from https://assets.hcch.net/docs/bdb59a0f-9405-4910-9dc3-b7e5310405cc.pdf.

10. Convention on the recovery abroad of maintenance (1956). Retrieved from https://assets.hcch.net/docs/30c3a5d7-4a53-4a6c-aef5-226600585cc3.pdf.

11. Copen C.E., Daniels K., Vespa J., Mosher W.D. (2012) First marriages in the United States: Data from the 2006–2010 National Survey of Family Growth. National health statistics reports; no 49. Hyattsville, MD: National Center for Health Statistics, p. 22.

12. Dwyer J. (2014) Family Law: Theoretical, Comparative, and Social Science Perspectives. Wolters Kluwer Law & Business, p. 936.

13. Engel Pamela (2014) MAP: Divorce Rates Around The World. Retrieved from http://www.businessinsider.com/map-divorce-rates-around-the-world-2014-5.

14. Grazhdanskiyprocessualniykodeksot 31 oktabrya 2015 goda № 377-V pososto yaniuzakonodatelstvana 18.04. 2017 g. Alma-Ata [Civil procedure code of the Republic of Kazakhstan dated 31 October 2015 No. 377-V as legislation on 18.04.2017 Alma-ATA]. Izdatelstvo NORMA -K, s izmeneniami № 193-194 ot 18.04.2017 g., p. 33.

15. Koch H., Magnus W., Winkler von Mohrenfels P. (2003) Mezhdunarodnoechastnoepravoisravnitelnoepravovedenie: Uchebniykurs. [Private International law and comparative law: Academic course]. Perevod s nemeckogodoktorayuridicheskihnauk Y.M. Yumasheva, M: Mezhdunarodnyeotnoshenia, p.480.

16. Kodekc Respubliki Kazakhstan “O brake (supruzhestve) i semie” s izmeneniamiidopolneniamina 18.04.2017 g. [Code of the Republic of Kazakhstan “On marriage (matrimony) and family” (with changes and additions as 18.04.2017)]. Retrieved from https://online.zakon.kz/Document/?doc_id=31102748.

17. Konvencia o prave, primeninom k alimentnimobyazatelstvam v otnosheniidetei (1956) [Convention on the law applicable to maintenance obligations towards children]. Retrieved from http://docs.cntd.ru/document/901889340.

18. Konvencia stran Sodruzhestva Nezavisimih Gosudarstv “Ob okazanii pravovoi pomoshi i pravovih otnosheniah po grazhdanskim, semeinim i ugilivnim delam ot 31.03.1993 g. [The Convention of the Commonwealth of Independent States “On legal assistance and legal relations in civil, family and criminal cases” dated 31.03.1993]. IS PARAGRAF, 26.05.2014 14:49:52.

19. Laquer Estin A. (2017) Marriage and Divorce Conflicts in the International Perspective. 27 Duke Journal of Comparative & International Law, p. 485-517. Retrieved from https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1510&context=djcil.

20. Lavrinenko V. N. (1998) Sociologia [Sociology]. M: IzdatelstvoKulturai Sport, YUNITI, p. 143.

21. Lavrinenko V. N. (2002) Sociologia. Uchebnikdlyavuzov [Sociology. Textbook for high schools]. Pod redakciey prof. V.N. Lavrienko , 3 izd., pererabot. idop., M: YUNITI-DANA, p. 407.

22. Matthew D., Bramlett M.D., Mosher W.D. (2001) First marriage dissolution, divorce, and remarriage: United States: Advance data from vital and health statistics. No. 323. Hyattsville, Maryland: National Center for Health Statistics, p. 19.

23. Pavlenok P. D., Savinov, L. I. (2007) Sociologia: Uchebnoeposobie [Sociology: textbook]. M: Izdatelsko-torgovayakorparacia “Dashkovi K”, p. 580.

24. Postanovlenie Plenuma Verhovnogo Suda RK ot 28.04.2000г № 5 O primenenii sudami zakonodatelstva pri rassmotrenii del o rastorzhenii braka [The resolution of Plenum of the Supreme Court of the Republic of Kazakhstan dated 28.04.2000 g No. 5 On the application by courts of legislation when considering cases of divorce]. Retrieved from http://adilet.zan.kz/rus/docs/P00000005S_.

25. Safronova S.S. (2003) Gaagskie konvencii o zakluchenii I prekrashenii braka [The Hague Convention on the conclusion and termination of marriage]. Aktualnye problem politiki i prava. Mezhvuzovskiy sbornik nauchnyh statei, Penza: Inform. izd. centr PGU, Vip.b, p. 163-169.

26. Scott Shelby B. , Galena K. Rhoades, Scott M. Stanley, Elizabeth S. Allen, Howard J. Markman (2013) Reasons for Divorce and Recollections of Premarital Intervention: Implications for Improving Relationship Education Couple. Family Psychol, 2(2): p. 131–145.

27. Sergeev A.P. (1999) Semeinoepravo [Family law]. Moskva, p. 174.

28. Sosipatrova N. E. (1999) Brachnyidogovor: pravovayapriroda, soderzhanie, prekrashenie [Marriage contract: legal nature, content and termination]. Gosudarstvoipravo, N 3, p. 76-79.

29. Universal Declaration of Human Rights (1948). General Assembly resolution 217 A.

30. Why Do We Ruin Family Life. (2016). Retrieved from http://star-writers.com/blog/essay-on-divorce-why-do-we-ruin-family-life.