

DIVORCE IN DIFFERENT COUNTRIES

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Abstract: Divorce laws and processes vary significantly across different countries. In some countries, such as the United States and, China divorce is a relatively common and straightforward process, often governed by no-fault divorce laws that allow couples to dissolve their marriage without proving fault or wrongdoing by either party. In other countries, such as Japan divorce laws may be more restrictive and may require couples to meet certain criteria, such as a lengthy separation period or specific grounds for divorce, before they can legally end their marriage. In some Islamic countries, divorce laws are based on Sharia law and may involve different procedures and requirements, such as the need for a husband to issue a formal declaration of divorce (talaq) or for a wife to seek a judicial divorce (khula) with the consent of her husband.

Keywords; United States, India, Japan, Saudi Arabia, China.

Intraduction: Divorce, the legal dissolution of a marriage, is a common occurrence in many countries around the world. However, the laws, procedures, and social attitudes towards divorce vary significantly from country to country. In this article, we will explore how divorce is approached in different countries, and the cultural and legal factors that shape these approaches, providing them with the opportunity to start afresh. However, the laws and practices surrounding divorce vary significantly across different countries. This article aims to provide a comprehensive overview of divorce laws and practices in a

selection of countries around the world, shedding light on the diverse cultural, societal, and legal perspectives that shape the dissolution of marriages.

1. United States

United States: In the United States, divorce laws and procedures are governed by state laws. This means that each state may have its own specific requirements for filing for divorce, division of assets, and custody arrangements. No-fault divorces, where neither party has to prove the other is at fault for the breakdown of the marriage, are allowed in all 50 states. This makes it easier for couples to end their marriage without assigning blame. In the US, divorce rates are relatively high, and the process is seen as a relatively straightforward legal proceeding. Divorce laws vary by state, but the overall process is relatively straightforward. The concept of "no-fault divorce" is widely accepted, allowing couples to dissolve their marriage without placing blame on either party. Divorce proceedings typically involve the division of assets, child custody arrangements, and spousal support. The U.S. emphasizes individual rights and personal freedom, which contributes to a higher divorce rate compared to some other countries.

2. India **India:** Divorce in India is governed by personal laws based on religion and the Indian Divorce Act of 1869. Hindu couples, for example, must adhere to the Hindu Marriage Act, which specifies the grounds for divorce and the procedures for obtaining it. Divorce is still stigmatized in Indian society, particularly for women, and social pressure often leads to couples attempting to reconcile rather than divorcing. India has a complex legal and cultural landscape surrounding divorce. Traditionally, divorce was heavily stigmatized and challenging to obtain. However, in recent years, there has been a shift towards more progressive legislation. India recognizes both fault-based and no-fault divorce, although the former requires specific grounds such as cruelty, adultery, or desertion. Additionally, religious personal laws govern divorce among different communities, leading to further variations in divorce procedures.

3. Japan

Japan: In Japan, divorce laws have traditionally been quite strict, with only certain grounds, such as adultery or abandonment, being legally recognized as reasons for divorce. However, in recent years, the process has been liberalized and simplified, making it easier for couples to legally end their marriage. Japan still retains a strong social stigma against divorce, particularly for women, and there is often pressure to maintain the appearance of a harmonious family life. Divorce can be initiated by either spouse or through mutual agreement. There are two main types of divorce: judicial divorce, which involves court proceedings, and administrative divorce, which is a simpler process conducted at a local government office. In recent years, Japan has implemented measures to expedite divorce proceedings and encourage mediation to resolve disputes, particularly in cases involving child custody.

4.Saudi Arabia

Saudi Arabia: In Saudi Arabia, divorce is governed by Islamic law, which allows a man to unilaterally divorce his wife by simply stating "I divorce you" three times. Women have limited rights in divorce proceedings, and the process heavily favors the husband. However, recent legal reforms have sought to increase the rights of women in divorce, including granting them the right to obtain a divorce without their husband's consent under certain circumstances. In Saudi Arabia is regulated by Islamic law, which follows a strict interpretation of Sharia. Men have the unilateral right to divorce, known as "talaq," and can invoke it without providing a reason. Women, on the other hand, must seek divorce through the court system, with specific grounds such as abuse or abandonment. In some cases, couples are required to undergo mediation before divorce is granted. The division of assets and child custody arrangements are also determined by Islamic law.

5.China

In China, divorce laws have undergone significant transformations over the years. Currently, China allows both fault-based divorces, such as adultery or domestic violence, and no-fault divorces, where both parties mutually agree to end the marriage. Property division and child custody issues are also addressed during the divorce process. China is

governed by the Marriage Law of the People's Republic of China. It requires couples to register for a divorce at a local civil affairs bureau and attend a mandatory cooling-off period. Divorce can be granted by mutual consent, or if one party is at fault due to adultery, domestic violence, or abandonment. In conclusion, The process of divorce varies considerably across different countries, reflecting the unique cultural, religious, and legal perspectives prevalent in each jurisdiction. Understanding the classification and intricacies of divorce laws around the world is crucial in appreciating the complex factors that shape the dissolution of marriages in diverse societies. Divorce laws and procedures vary widely across different countries, reflecting the diverse cultural, religious, and legal influences that shape attitudes towards marriage and family. While some countries have more liberal and straightforward divorce processes, others maintain strict social and legal barriers to ending a marriage. Understanding these differences is essential for anyone considering divorce in an international context.

List of used Literature

1. "Divorce in Japan: Family, Gender, and the State" by Harald Fuess
2. "Divorce in China" by Jiong Tu
3. "Divorce in India: The Cultural and Legal Dimensions" by Neera Bharihoke
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6. "Divorce in the United Kingdom: A Comparative Study" by Mervyn Murch
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9. "Divorce in Japan: Family, Gender, and the State 1600-2000" by Harald Fuess
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