



FAMILY IS THE FOUNDATION OF THE STATE AND SOCIETY

Khaidarova Larisa Sunnatovna

Senior Lecturer of the Department of Social and Humanitarian Sciences
of the Tashkent State Agrarian University

Abstract

The article analyzes the issues of marriage, family and family relations in Islam, the essence of the family, its role in the development of society, the duties and responsibilities of parents, children, morality in the family. It also provides a scientific analysis of the rights and obligations of spouses under Islamic law and practical measures to strengthen the family in the legislation of Uzbekistan.

Keywords: family, marriage, Islamic law, Sharia, law, duty, duty.

Introduction

Reverence for the family as a sacred institution, along with the cultivation of peace, harmony, and prosperity within the household, has long been a deeply rooted virtue of our people. The family and its intrinsic values constitute the fundamental foundation upon which every individual's life is built. The formation of one's personality begins within the family. Family values instill essential competencies necessary for the harmonious development of a well-rounded nature. In Uzbekistan, the family is recognized as the cornerstone of society. Consequently, it becomes evident that the family is not merely a private matter, but a phenomenon of significant social importance. A prosperous, stable, and healthy family environment is the cradle for raising a physically and morally sound generation. Moral qualities such as a sense of justice and integrity, faith, honesty, courtesy, and other human virtues cultivated in a wholesome familial atmosphere are the hallmarks of a spiritually mature individual.

Families grounded in a healthy environment serve as a key factor in nurturing and raising children who will become devoted contributors to national progress and public service. Therefore, ensuring the stability of families and supporting them both materially and spiritually has been defined as one of the top priorities of our country's state policy. As President Shavkat Mirziyoyev has emphasized: "It is



necessary for us to further strengthen the foundations of the sacred institution of the family, foster an atmosphere of peace, harmony, mutual respect within households, and enrich spiritual-educational efforts with concrete meaning. Indeed, for centuries, family relationships built on honesty, diligent labor, and child upbringing—recognized as religious and moral values—have served as a fundamental source for the advancement of social life”[1].

As a matter of national importance, the legal foundations of the family were established with the adoption of the Family Code of the Republic of Uzbekistan, approved by the Oliy Majlis (Parliament) on April 30, 1998, and enacted on September 1 of the same year. Today, the care and attention given to young families in our country are evident in many initiatives. In order to build a healthy family, its capacity and stability must be ensured. Since the early days of independence, extensive efforts have been undertaken to address this objective. As the First President of Uzbekistan, Islam Karimov, stated: “For a healthy family to emerge, first and foremost, society and the state must show concern and create the necessary conditions. Only then can strong families be formed. A healthy family ensures a healthy society, a powerful nation, and a peaceful homeland”[2].

In line with the Presidential Decree of February 2, 2018, titled "On Measures to Radically Improve Activities in Support of Women and Strengthening the Family Institution," essential and urgent tasks were assigned to relevant government bodies and civil society organizations to resolve longstanding issues that had previously been neglected in this sphere, all based on national and spiritual values. According to this decree, the “Oila” Scientific and Practical Research Center was established under the Cabinet of Ministers as a unified state policy-making institution in the family sector. The main mission of the center is to consolidate efforts of state and public institutions, parliament, political parties, mass media, and civil society organizations around the idea of strengthening Uzbek families; to coordinate initiatives in this regard; and to instill in public consciousness the understanding that only “a healthy family - a healthy society.” Moreover, it aims to reinforce the family institution through scientific and innovative research, marking the beginning of a new phase in national efforts related to family development[3].

As in all world religions, Islam also attaches great importance to marriage, family, and familial relationships, as well as to the nature of the family, its role in the development of society, and the responsibilities and duties of parents and children.

It also addresses moral conduct and ethical upbringing within the family. Various conditions have been outlined concerning these matters, establishing the moral and ethical responsibilities individuals have toward their families—parents, children, and the household as a whole. In the current era of globalization, the role of religious heritage and national values is of critical importance in raising spiritually mature and physically healthy generations within the family. The growing influence of religion in societal processes further underscores its essential role in preserving the moral fabric of the nation and fostering compassion among people[4: 8].

Islamic principles play a significant role in strengthening the family unit and raising awareness among young people entering marriage about the responsibilities of parenthood. It is therefore expedient to draw attention to the deep-rooted customs of our people and traditional family relationships as a foundational element in instilling Islamic moral values into the consciousness and mindset of youth.

Considering that a person's worldview, imagination, and beliefs are shaped by the family environment, the family must be emphasized as the primary institution of moral education. Paying special attention to family-based upbringing is thus among the most urgent and relevant tasks.

Marriage and family formation are among the sacred laws established by Allah Almighty for mankind. They serve vital human purposes such as the continuation of lineage, the formation of kinship, and the establishment of compassion and solidarity among people. As a relevant example, the Prophet Muhammad (peace be upon him) stated in a hadith: "Four practices are from the traditions of the prophets: modesty, the use of perfume, use of the toothstick (miswak), and marriage". [5].

"Since marriage forms the foundation of the family, its establishment has always been a matter of great significance — first from a religious standpoint, and subsequently from the perspective of the state and society. It has been closely regulated and safeguarded" [6: 14].

In Islamic law, marriage is regarded as sacred, and the family as inviolable. The sanctity of the bond between a man and a woman is protected. Therefore, Islamic jurisprudence strictly prohibits cohabitation outside of lawful marriage. This prohibition serves as a preventive measure against treating the institution of marriage with levity among Muslims.

The word "oila" (family) is believed to have originated from the term "ayil," which referred to the strap used to secure a saddle to a mount. As marital relationships began to form, the concept of unity and closeness between spouses was denoted by "ayla" or "ayl," eventually evolving into the term for "family" [7: 44]. Furthermore, in Arabic, "oila" is related to meanings of "dependence" or "being in need," denoting mutual reliance within a family unit [8: 11]. Broadly, the concept of a family implies a social entity formed through the union of male and female individuals.

The term "nikah" is derived from Arabic, meaning "union" or "joining" [9: 19]. However, it refers not only to a physical bond, but also to a moral and spiritual partnership. Throughout history, marriage has served as both a spiritual and legal foundation for the development and enhancement of family life. It signifies the formal recognition of a newly formed family by both the state and society and is treated with great reverence in all religious doctrines, in terms of both its form and purpose[10].

In Islam, the mere desire of a man or woman is not sufficient to establish a valid marriage. A number of Shariah-based conditions must be fulfilled, and strict adherence to these ensures the legality of the marriage and the enduring stability of the family.

A particularly important concept in Islamic family law is "mawani"—the legal impediments to marriage. These restrictions are based on lineage (nasab), in-law relationships (qudachilik), and foster relationships (emikdoshlik). For example, a woman closely related by blood cannot be lawfully married, and cases of shared breastfeeding are also taken into account when determining marriage eligibility.

In addition, the legal capacity of the spouses (i.e., if even one of the partners is deemed legally incompetent due to mental illness, the marriage cannot be officially registered) is of critical importance, as is the age of marriage[11: 121]. Legal competence in this context refers to the individual's soundness of mind. Although Islamic law does not define mental incapacity in strict terms, classical sources consider individuals with intellectual disabilities, insanity, wastefulness, excessive sleepiness, memory loss, or illnesses causing loss of reason to be mentally incompetent. If one of the intended spouses is of unsound mind, the marriage cannot be formally registered. Moreover, if either the husband or wife becomes mentally incapacitated after marriage and the illness is medically confirmed, the

marriage may be annulled[12: 218]. A key indicator of mental competence is the individual's ability to procreate. In the absence of this natural sign, age is used as a determinant of competence. According to Islamic law, marriage is a unique legal contract aimed at legitimizing procreation[13: 121]. If a minor girl is married off by someone other than her guardian (wali), she retains the right to annul the marriage upon reaching puberty. The requirement that marriage be based on mutual consent and transparency reflects how Islamic legal principles prioritize human well-being. In Islamic jurisprudence, particularly in the Hanafi school, age restrictions are also designed to prevent premature marriages, safeguard health, and ensure that individuals possess sufficient life experience and emotional maturity before forming a family. In this regard, the Hanafi madhhab sets the minimum age for marriage at 18 for males and 17 for females.

Numerous discussions and proposals have emerged in recent years to reform the legal marriage age in national legislation. Recommendations have been made to set the legal age at 20 for males and 18 for females. These proposals are grounded in concerns that many young people are not yet fully developed physically or physiologically, that ages 17–18 coincide with educational pursuits, and that individuals at this age are generally unprepared for the responsibilities of marriage, lacking in vocational and life skills.

Furthermore, Islamic law prohibits temporary or time-limited forms of marriage, such as “mut’ah”—a marriage arranged for a specified duration (e.g., 1 or 2 years). The Hanafi school deems such contracts invalid.

Family and family values are inherently interlinked and inseparable. Without family, family values lose their meaning. Traditional family values are rooted in care and love. The father is regarded as the head and protector of the household, while the mother maintains peace and harmony within the home, overseeing the upbringing of children and sharing love and compassion. Historically, the family has been viewed as a sacred institution, and marriage as an unbreakable bond. When families are strong, honest, and peaceful, society thrives and prospers. Conversely, the breakdown of families results in societal decay, unrest, and eventual collapse. A happy society begins with happy families.

Life is a complex journey that includes both joy and sorrow. Similarly, disagreements may arise between spouses due to various reasons. Impulsiveness,

quick temper, discontent, arrogance, and nitpicking can undermine the harmony of marital relationships.

Therefore, patience and tolerance—both emotionally and financially—are crucial. For children to grow up happily in a peaceful household, both spouses must diligently strive to fulfill their duties. In a strong and prosperous family, the husband and wife should live in mutual harmony, accepting each other's flaws, forgiving shortcomings, and maintaining peace and unity.

The role and responsibility of the man within the family have been distinctly emphasized. In Eastern traditions, the family has long been regarded as a sacred institution. When the family is healthy and strong, peace and solidarity are achieved in the neighborhood. Consequently, only when the neighborhood and community are strong can stability and harmony prevail in the state. Family well-being forms the foundation of national prosperity.

Looking back on the history of our people, the most cherished values—honesty, truthfulness, honor and dignity, modesty, compassion, and diligence—have all been primarily cultivated within the family. Even today, Uzbek families strive to uphold these traditions, ensuring that children grow up in a nurturing family environment marked by mutual love and respect between parents, and are raised to become worthy sons and daughters of the nation.

In conclusion, protecting and preserving the family, ensuring its stability, and reconciling couples on the verge of divorce are considered among the noblest acts. Therefore, efforts to prevent divorces and promote mutual understanding between spouses should not be limited to the judiciary alone; broader public engagement in these matters will undoubtedly contribute positively to the development of our society. The foundation of the family, its stronghold, and the binding force between husband and wife is marriage. In human society, marriage is regarded as the most sacred contract, as it underpins essential concerns such as distinguishing between the lawful and the unlawful, respecting the rights and duties of spouses, building families, ensuring the continuity of human lineage, and the upbringing of future generations—all of which are dependent on lawful (shar'i) marriage. Our aspiration is for every family to live in moral, peaceful happiness. Children growing up in such households will mature into well-rounded individuals and will continuously contribute to the strength and prosperity of our state. Since the family

is the fundamental unit of society, its strength and well-being will undoubtedly serve the growth and development of our country and community.

Therefore, based on an analysis of both universal and national family values, it is essential to define modern, exemplary family standards, and to promote and internalize the constitutional principle that “The family is under the protection of society and the state”. A comprehensive and integrated approach to this objective remains a top priority in our ongoing work.

References

1. Mirziyoyev, Sh.M. New Uzbekistan – Development Strategy. Tashkent: Uzbekistan, 2022, p. 440.
2. Karimov, I.A. The main criterion is to reflect the reality of life. Tashkent: Uzbekistan, 2009, p. 12.
3. Speech of the President of the Republic of Uzbekistan, Shavkat Mirziyoyev, at the meeting held on February 7, 2018, on the comprehensive support of women and strengthening the family institution. Tashkent, 2018.
4. Otakhojayev, F. Marriage and its legal regulation. Tashkent: Uzbekistan, 1995, p. 8.
5. The meanings and interpretation of the Holy Qur'an. Translator and commentator: A. Mansur. Tashkent: Tashkent Islamic University, 2007.
6. Mukhamedov, R. The Constitution – the legal basis of marriage and family relations. Tashkent: Fan, 2001, p. 14.
7. Qilichev, F.J. Family relations. // Life and Law Library. Tashkent, 1997, No. 1, p. 44.
8. Safarov, O., Mahmudov, M. Family Spirituality. Tashkent: Ma'naviyat, 1998, p. 11.
9. Otakhojayev, F. Marriage and its legal regulation. Tashkent: Adolat, 1995, p. 19.
10. Dehqonov, M.R. Philosophical analysis of the development of family relationship culture in Islam. Author's abstract. Tashkent, 2012.
11. Fatwa of Qazikhan, p. 218; Hidaya, pp. 650–660; Mukhtasar, pp. 90–92; Majma' al-Maqsud, pp. 389–398; Al-Hidaya, pp. 207–213; Tuhfat al-Fuqaha, p. 121.
12. Abu Zahra, Muhammad. Al-Ahwal al-Shakhsiyya. Cairo: Dar al-Fikr al-Arabi, 1957, p. 218.

13. Markayev Zokir Eshkulovich, Kuyliyev Tulkin (2023). NATIONAL VALUES AS A FACTOR IN THE DEVELOPMENT OF HUMAN CAPITAL IN THE NEW UZBEKISTAN. Open Access Repository. –pp. 810-817.
14. Kandov Bahodir Mirzayevich (2024). Social and Legal Basis for Ensuring Employment of the Population in the Conditions of Modernization of Uzbekistan. // Miasto Przyszłości. – Kielce: Polsha. Vol. 45. 2024. – pp. 488-492.
15. Bahodir Qandov (2023). GLOBAL EKOLOGIK MUAMMOLAR: SHAXS DUNYOQARASHI VA MILLIY QADRIYATLARI TIZIMIDAGI O‘ZGARISHLAR. Farg'ona davlat universiteti. - B.61-66.
16. Kandov Bahodir Mirzayevich (2022). The Role of Education and the Mahalla Institute in Forming the Personality of the Person. Central asian journal of theoretical & applied sciences. – P.515-521.
17. Kandov B.M., Kuyliyev Tulkin (2022). Socio-Philosophical Issues of Introducing the National Idea into the Minds of the Youth of New Uzbekistan in the Context of Globalization. TELEMATIQUE. Vol.21 Issue 1, – P.6847-6853.
18. Kandov Bakhodir Mirzayevich (2023). The essence of universal human values and their influence on changes in the spiritual life of youth. Open Access Repository. – pp.796-803.
19. Kandov B.M. (2023) The negative impact of social networks on the spirituality of young people in the context of globalization // Web of Scientist: International Scientific Research Journal. Volume 4, Issue 3. – pp. 780-789.
20. Kandov Bahodir Mirzayevich. (2023) Socio-Theoretical Foundations of Educational Reforms in the New Uzbekistan // International Journal of Human Computing Studies. Volume: 05, Issue: 03. Mar 2023. – pp. 62-68.
21. Kandov Bahodir Mirzayevich. (2023) Issues of the Influence of Social Networks on the Spirituality of New Independent Youth. // Miasto Przyszłości. – Kielce: Polsha. Vol. 40. 2023. – pp. 574-579.
22. Kandov B.M (2022). Family is the Most Important Social Factor of Ideological Education. Miasto Przyszłości. Special Issue. –P.66-96.
23. Bahodir Qandov (2023). GLOBAL EKOLOGIK MUAMMOLAR: SHAXS DUNYOQARASHI VA MILLIY QADRIYATLARI TIZIMIDAGI O‘ZGARISHLAR. Farg'ona davlat universiteti. – B.61-66.

24. Kandov Bahodir Mirzayevich (2024). History of Turor Riskulov's Political and Social Activities Within the Government of Turkestan Autonomous Republic // Miasto Przyszłości. – Kielce: Polsha. Vol. 53. 2024. – pp. 984-989.
25. Kandov B. (2024) The Role of Healthy Ideologies in Maintaining Social Stability // Miasto Przyszłości. – Kielce: Polsha. Vol.45. 2024. –pp. 500-506.
26. Kandov Bahodir Mirzayevich (2024). Turkestan at the Beginning of the 20th Century: the History of T. Riskulov's Struggle Against the Establishment of a Totalitarian System of Government. // Miasto Przyszłości. – Kielce: Polsha. Vol. 54. 2024. – pp. 1389-1395.
27. Kuyliev Tulkin (2022). Ensuring Regional Security is the Main Criterion of the Foreign Policy of Uzbekistan. European Journal of Life Safety and Stability. – pp. 93-97.
28. Kandov Bahodir Mirzayevich (2024). POLITICAL ACTIVITIES OF TURAR RISKULOV IN TURKESTAN (1920–1935) // European International Journal of Multidisciplinary Research and Management Studies. – Friedrich-Franz-Straße 4, 12103 Berlin, Germany. Vol. 4. Issue 11. 2024. – pp. 67-76.
29. Bahodir Qandov (2024). TUROR RISQULOV IJTIMOIIY-SIYOSIY FAOLIYATINING BOSHLANISHI // Elita. uz-Elektron Ilmiy Jurnal. Vol. 2. Issue 1. 2024. – pp. 301-305.
30. Kuyliyev Tulkin, Kenjayeva Dilrabo (2023). Features of Spiritual Life in Uzbekistan // Miasto Przyszłości. – Kielce: Polsha. Vol. 40. 2023. – pp. 587-594.
31. Tulkin Kuyliev (2024). Youth Education–A Factor of Ensuring New Independent Sustainable Development // Miasto Przyszłości. – Kielce: Polsha. Vol. 40. 2024. – pp. 595-600.
32. Tulkin Kuyliev (2024). The Role of International Institutions in the Rational Organization of Environmental Political and Social Relations // Miasto Przyszłości. – Kielce: Polsha. Vol. 45. 2024. – pp. 462-469.
33. Tulkin Kuyliev (2024). Civil Society is a Free Democratic Legal Society Based on Spiritual and Cultural Values // Miasto Przyszłości. – Kielce: Polsha. Vol. 52. 2024. – pp. 701-706.
34. Tulkin Kuyliev (2024). ISSUES OF IMPROVING THE DEVELOPMENT OF ENVIRONMENTAL CULTURE IN UZBEKISTAN // International Multidisciplinary Journal for Research & Development. Vol. 11. 2024. – pp. 16-23.



- 35.Kandov B. (2024) Factors Affecting a Child's Spirituality and Culture. Excellencia: International Multi-disciplinary Journal of Education (2994-9521). Vol.2 Issue 5, – pp. 669-673.
- 36.Kandov B. (2024) Uzbekistan and Emancipation in French Law Problem. Excellencia: International Multi-disciplinary Journal of Education (2994-9521). Vol.2 Issue 5, – pp. 663-668.
- 37.Kuyliev Tulkin (2022). Ensuring Regional Security is the Main Criterion of the Foreign Policy of Uzbekistan // European Journal of Life Safety and Stability. – pp. 93-97.
- 38.Kuyliev Tulkin (2022). Ensuring Regional Security is the Main Criterion of the Foreign Policy of Uzbekistan // European Journal of Life Safety and Stability. – pp. 93-97.