

**ТЕОРЕТИКО-ПРАВОВЫЕ АСПЕКТЫ РЕГУЛИРОВАНИЯ
БРАЧНО-СЕМЕЙНЫХ ОТНОШЕНИЙ В РЕСПУБЛИКЕ АНГОЛА**

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***Резюме.** Статья выполнена на актуальную тему, поскольку институт семьи, брачно-семейные ценности и традиции любого общества показывают стабильность развития государства. Законодательство Республики Анголы представляет собой сочетание португальского права (континентальной правовой семьи) и обычного права. Подобный симбиоз сказывается на правовом статусе семьи как брака (прошедшего регистрацию) и брака без регистрации (проживание).*

Основным законом республики является Конституция 1975 г. или «Конституционный закон», определяющий правовое регулирование возникающих в государстве правоотношений. Поправки, внесенные в 1992 г в Основной закон, определили конституционные основы развития демократичности на всей территории государства.

Согласно Конституции республики семейные отношения – основа государства и общества. Однако наряду с правовыми нормами в регулировании семейных отношений применяются и обычаи в зависимости от региона. Семейные отношения в республике основываются как на браке, зарегистрированном в установленном порядке, так и на фактическом проживании без сопутствующей регистрации.

Особенностью семейных ценностей республики является большая семья, родственная поддержка друг друга, передача семейных ценностей и знаний. Закрепляя статус семьи как ячейки общества, государство предъявляет к ней требования. Каждая семья должна способствовать воспитанию детей и молодого поколения, передавая им традиции и ценности предшествующих поколений.

***Ключевые слова:** правовое регулирование, институт семьи, традиции, ценностные ориентиры.*

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**THEORETICAL AND LEGAL ASPECTS OF THE REGULATION OF MARRIAGE
AND FAMILY RELATIONS IN THE REPUBLIC OF ANGOLA**

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***Abstract.** The article is made on an urgent topic, since the institution of the family, marriage and family values and traditions of any society show the stability of the development of the state. The legislation of the Republic of Angola is a combination of Portuguese law (continental legal family) and customary law. Such a symbiosis affects the legal status of the family as a marriage (registered) and a marriage without registration (residence).*

The basic law of the Republic is the Constitution of 1975) or the "Constitutional Law", which determines the legal regulation of legal relations arising in the state. Amendments introduced in 1992 to the Basic Law defined the constitutional foundations for the development of democracy throughout the state.

According to the Constitution of the Republic, family relations are the basis of the state and society. However, in parallel with the legal norms in the regulation of family relations, customs are also applied depending on the region. Family relations in the Republic are based both on marriage registered in accordance with the established procedure and on actual residence without accompanying registration.

The peculiarity of the family values of the republic is a large family, kindred support for each other, the transfer of family values and knowledge. By consolidating the status of the family as a unit of society, the state imposes requirements on it. Every family should contribute to the upbringing of children and the younger generation, passing on to them the traditions and values of previous generations.

Keywords: *legal regulation, family institution, traditions, value orientations.*

Marriage and family relations play a huge role in the development of any society and state. The processes of globalization and multiculturalism have given opportunities for broad communication between citizens of different countries, generating the emergence of a family both from the position of a legislative institution and from the position of living without marriage registration. In this regard, the consideration of the specifics of the legal regulation of marriage and family relations in the Republic of Angola is very relevant, since today very friendly relations are developing between the Russian Federation and the Republic of Angola.

As President of the Russian Federation Vladimir Putin noted: "this year marks the 60th anniversary of the formation of the Organization of African Unity <...> this representative international structure has played an important role in the development of multilateral dialogue and cooperation for several decades <...> today its good traditions are continued by the African Union, within which all states of the continent actively interact" [1].

The creation of such unions has a positive effect on the development of relations between States, creating the establishment of mutual cooperation.

The Republic of Angola is a State in South Africa, which gained independence in 1975, and joined the United Nations on December 1.

Since the Republic of Angola was a colonial State of Portugal, its legal system is based on the principles of Portuguese law (continental legal family) and customary law. The combination of the traditions of the two legal systems affects the legislative system of the Republic, which is a unitary state comprising 18 provinces. A uniform system of law throughout the territory with the predominance of customary norms generates the use of customs in a number of legal relations.

The basic law of the Republic is the Constitution of 1975 (as amended in 1992) or the "Constitutional Law", which defines the legal regulation of legal relations arising in the State. Describing the Constitution of the Republic, it is worth noting that the amendments introduced in 1992 defined the constitutional foundations for the development of democracy throughout the state.

Article 29 of the Constitutional Law of the Republic establishes the foundations of family relations, fixing the essence of the family as the basis of society. It should be noted that the norms of customary law in the regulation of family relations have received legislative consolidation. In particular, family relations in the Republic are based both on marriage registered in accordance with the established procedure and on actual residence without accompanying registration.

I would like to note the strictly defined nature of family relations between a man and a woman, endowed with equal rights and responsibilities in family relations.

By consolidating the status of the family as a unit of society, the state imposes requirements on it. Every family should contribute to the upbringing of children and the younger generation, passing on to them the traditions and values of previous generations.

From a doctrinal point of view, the family in the republic is considered as a set of people united on blood-kinship relations. These relationships arise through:

- 1) marriage (official, concluded within the framework of the law);
- 2) relations without marriage registration (residence, intimacy);
- 3) adoption (recognition).

As Francisco Queiroz notes, "our social reality is characterized by the presence of the majority of values and spiritual orientations of traditional African culture, which are superimposed on the values and orientations of imported Western culture <...> to all this is added the dynamic influence of universal cultural globalization <...> thanks to this cultural combination in our society there are two main types of family organization: the traditional family and a European-type family" [2].

The European type of family relations prevails in the family relations of the republic and is expressed in marriage and family relations based on the norms of customary law.

The predominance of customary law in the republic affects family values. In Angola, a family can consist of parents and children, father and children, mother and children (parent family) when they (each parent) take and play the role of the head of the family. However, although this is not formally assumed, it is understood from the point of view of the law, families arising from extramarital relationships (a man with two or more families their relationship is considered fair in accordance with customs). In fact, the family organization of the family in the republic is manifested in the extended family. Relatives enjoy the support of both with a deep sense of cooperation. A specific subject can take responsibility for raising a child from a brother, cousin, uncle, and even a neighbor under equal circumstances with their children.

The Constitutional Law of the Republic assigns to the family the task of transferring family values and knowledge, performing an educational function.

Education has a separate role both from the position of the law and from the position of family traditions, since only the family can provide traditional education. Traditional education is understood as a system of knowledge of an unwritten nature (for example, folk songs, rites of initiation, both male and female, etc.).

The family pays special attention to religious traditions and norms. Church canons in the definition of the family are close to the state. The family from the position of the church "the family as a sanctuary of life, a vital unit of society <...> the future of Angola in the family" [3].

As Rufino Chitue notes, "there are families in Angola who are faithful to the values that form the basis of the institution of the family <...> it is extremely important to protect the foundations of the family, and each of us is called to be the leaven in the dough that this beautiful and huge country called Angola makes, in defense of the Angolan family" [3].

The problem of the loss of moral guidelines in family values also threatens the institution of the family in the republic. According to Rufino Chitue, "at present we are witnessing a society that is exposed to more and more dangers, becoming more impersonal and massive, and therefore inhumane, with the negative results of so many forms of evasion that threaten and oppose the institution of the family" [3].

Summing up, we should say the following. The legal regulation of marriage and family relations in the Republic of Angola has its own peculiarities. The principles of family relations that consolidate the essence of the family as the basis of society are established in the

Constitutional Law (amendments to the Constitution). Family relations are regulated by both legislative norms and norms of customs: marriage registered in accordance with the established procedure and actual residence without accompanying registration.

The constitutionally stipulated status of the family as a unit of society imposes requirements on it. Every family should contribute to the upbringing of children and the younger generation, passing on to them the traditions and values of previous generations.

Literature

1. Congratulatory message of the President of the Russian Federation V.V. Putin to the heads of State and Government of African countries [Electronic resource]. Access to an electronic resource: <https://www.inafran.ru/node/2940> (accessed 26.05.2023)

2. Francisco Queiroz A Família em Angola e o Direito <https://nguvulumakatuka.wordpress.com/2010/10/28/a-familia-em-angola-e-o-direito/> (accessed 26.05.2023)

3. Relação familiar é melhor com estabilidade [Electronic resource]. Access to an electronic resource: <https://www.jornaldeangola.ao/ao/noticias/detalhes.php?id=261789> (accessed 26.05.2023)

References

1. Congratulatory message of the President of the Russian Federation V.V. Putin to the heads of State and Government of African countries. How to assess it and ways to address it : website // URL: <https://www.inafran.ru/node/2940> (Accessed 26.05.2023)

2. Francisco Queiroz A Família em Angola e o Direito <https://nguvulumakatuka.wordpress.com/2010/10/28/a-familia-em-angola-e-o-direito/> (Accessed 26.05.2023)

3. Relação familiar é melhor com estabilidade. How to assess it and ways to address it: website // URL: <https://www.jornaldeangola.ao/ao/noticias/detalhes.php?id=261789> (Accessed 26.05.2023)