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Abstract:

The paper presents the institution of divorce in Russian law. Under the Family Code of the Russian Federation of 1995 there are two types of divorce proceedings: an administrative proceeding at registry offices and a court proceeding. The administrative proceeding is applicable upon the application of both spouses mutually agreed to a divorce who have no common minor children. In the cases provided for by the statute the administrative proceeding is also applicable upon the application of one of the spouses, in particular when the other spouse is recognized by the court as missing. The court proceeding is applicable in two main cases: upon the application of both spouses mutually agreed to a divorce who have common minor children and upon the application of one of the spouses when the other spouse does not consent to divorce. A characteristic feature of the regulation of the divorce in Russian law is that neither the public official at the registry office in an administrative procedure nor the court in a judicial procedure is authorized by law to dismiss the application for divorce filed by the spouses mutually agreed to a divorce or by the spouse entitled by the statute. The legislator in the Family Code provides some measures aimed at preventing dissolution of marriage but finally the decision to break marital relationship or to preserve it belongs only to each of the spouses.