



LEGAL REGULATION OF CHILD MAINTENANCE OBLIGATIONS AFTER DIVORCE: A COMPARATIVE STUDY OF CHINA AND UZBEKISTAN

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ABOUT ARTICLE

Key words: child maintenance, divorce, family law, child support, Uzbekistan, China, best interests of the child, enforcement, comparative law.

Received: 15.09.26

Accepted: 16.09.26

Published: 17.09.26

Abstract: This article compares the legal regulation of child maintenance after divorce in the People's Republic of China and the Republic of Uzbekistan. The study focuses on the continuity of parental obligations after divorce, methods for determining the amount of child support, contractual arrangements, judicial modification, additional expenses, duration, and enforcement. A doctrinal comparative method is applied to the Uzbek Constitution, Family Code and Supreme Court guidance, and to the Chinese Civil Code and the Supreme People's Court judicial interpretations, including the 2025 Interpretation (II). The results show a shared child-centred principle but different techniques of quantification. Uzbekistan relies on statutory income fractions combined with a minimum threshold and the possibility of fixed-sum awards, whereas China gives courts broader discretion within a structured percentage guideline linked to the child's actual needs, parental ability and local living standards. The article argues that both systems would benefit from stronger periodic review mechanisms, clearer treatment of irregular and digital-platform income, and practical cross-border enforcement tools.

AJRASHGANDAN KEYIN BOLANI TA'MINLASH MAJBURIYATLARINING HUQUQIY TARTIBGA SOLINISHI: XITOIY VA O'ZBEKISTONNING QIYOSIY TADQIQI

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MAQOLA HAQIDA

Kalit so'zlar: aliment, ajrashish, oila huquqi, bola ta'minoti, O'zbekiston, Xitoy, bolaning eng yaxshi manfaatlari, ijro, qiyosiy huquq.

Annotatsiya: Maqolada ajrashgandan keyin bolani moddiy ta'minlash majburiyatlarining Xitoy Xalq Respublikasi va O'zbekiston Respublikasidagi huquqiy tartibga solinishi qiyosiy tahlil qilinadi. Ota-onalik majburiyatlarining nikoh bekor bo'lgandan keyin ham davom etishi, aliment miqdorini belgilash, kelishuv asosida to'lash, sud orqali o'zgartirish, qo'shimcha xarajatlar, to'lov muddati va ijro mexanizmlari o'rganildi. Tadqiqot natijalari ikki tizimda bolaning eng yaxshi manfaatlari umumiy tamoyil ekanini, biroq miqdorni belgilash usullari farq qilishini ko'rsatdi. O'zbekistonda daromaddan qonuniy ulushlar va minimal kafolat qo'llansa, Xitoyda bolaning ehtiyoji, ota-onalarning to'lov qobiliyati va mahalliy turmush darajasiga tayanuvchi nisbatan moslashuvchan sud modeli mavjud.

ПРАВОВОЕ РЕГУЛИРОВАНИЕ ОБЯЗАТЕЛЬСТВ ПО СОДЕРЖАНИЮ ДЕТЕЙ ПОСЛЕ РАЗВОДА: СРАВНИТЕЛЬНОЕ ИССЛЕДОВАНИЕ КИТАЯ И УЗБЕКИСТАНА

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О СТАТЬЕ

Ключевые слова: алименты, развод, семейное право, содержание ребенка, Узбекистан, Китай, наилучшие интересы ребенка, исполнение, сравнительное право.

Аннотация: В статье проводится сравнительный анализ правового регулирования обязанностей по содержанию детей после развода в Китайской Народной Республике и Республике Узбекистан. Исследуются сохранение родительских обязанностей

после прекращения брака, определение размера алиментов, договорное регулирование, изменение выплат судом, дополнительные расходы, срок и механизмы исполнения. Установлено, что обе системы исходят из приоритета интересов ребенка, однако используют различные модели определения размера выплат. В Узбекистане применяются установленные законом доли дохода и минимальная гарантия с возможностью назначения твердой суммы, тогда как в Китае суд обладает более широкой дискрецией, учитывая реальные потребности ребенка, платежеспособность родителей и местный уровень жизни.

Introduction. Child maintenance is a central post-divorce obligation because private family autonomy intersects with the public duty to protect children. Divorce ends the marital relationship but not parenthood. The Constitution of Uzbekistan expressly requires parents and guardians to support children until majority and to care for their upbringing, education and healthy development (1-11bet). Uzbek family-law doctrine accordingly treats maintenance as a continuing child-protective obligation rather than a discretionary transfer between former spouses (4-118bet).

A China–Uzbekistan comparison is increasingly relevant because mobility, migration and international marriages create families connected with more than one legal system. Both jurisdictions protect the child after divorce, but Uzbekistan primarily uses statutory income fractions, whereas China combines the Civil Code with judicial guidelines based on actual needs, parental capacity and local living standards. The contrast reveals different balances between predictability and flexibility.

The article identifies common principles and structural differences in China and Uzbekistan, evaluates their practical implications, and asks whether each system adequately balances predictable support rules with individualized assessment of the child’s needs.

Materials and methods. The study applies doctrinal, comparative-legal and functional methods to the Uzbek Constitution and Family Code, Supreme Court guidance, the Chinese Civil Code and the Supreme People’s Court marriage-and-family interpretations. The Chinese analysis includes Interpretation (II), effective 1 February 2025, while Uzbek law was checked against the Family Code version in force in August 2026.

The comparison uses six criteria: legal basis, calculation, parental agreements, modification and additional expenses, duration and enforcement, and the best interests of the child.

Uzbek scholarship characterizes maintenance as a personal and continuing family-law duty (5-85bet), while recent scholarship stresses that contractual autonomy must remain compatible with the child's interests (6-78bet).

Results. In Uzbekistan, Chapter 14 of the Family Code implements the constitutional duty. Article 96 requires parents to maintain minor children and Article 97 makes parental obligations equal. Under Article 99, absent agreement, the ordinary shares are one quarter of monthly income for one child, one third for two children, and one half for three or more children. A court may adjust these shares for material or family circumstances, and each child is protected by a statutory minimum. This creates predictability and simplifies ordinary claims (4-118bet).

Uzbek law also provides flexibility. Article 102 allows a fixed monetary amount where income is unstable, partly in kind, difficult to verify, or unsuitable for percentage calculation. Article 103 permits recovery of necessary extraordinary expenses caused by serious injury, illness or similar circumstances. Supreme Court guidance requires courts to justify the chosen method and consider the parties' material and family position.

Contractual regulation is comparatively strong in Uzbekistan. Parents may agree on the form and procedure of support, but the agreement may not prejudice the child. It must be written and notarized; doctrine treats the notarized instrument as equivalent in enforcement force to an enforcement writ (4-126bet). A court may intervene when material or family circumstances substantially change (6-78bet).

In China, Articles 1084–1086 of the Civil Code preserve the parent–child relationship after divorce and require the non-custodial parent to bear part or all of the support. Amount and duration are determined by agreement or, failing agreement, by the people's court (8-283bet).

Chinese judicial guidance supplies the quantitative structure. Interpretation (I), Article 49, directs courts to consider the child's actual needs, both parents' ability to pay and local living standards. For fixed income, the usual range is 20–30 percent of total monthly income; for two or more children the percentage may rise but generally should not exceed 50 percent. Irregular income may be assessed by annual income or occupational averages (9-294bet).

Interpretation (II) of 2025 strengthens the child-centred approach. A no-support clause in a divorce agreement does not bar a later claim where the custodial parent's economic position substantially worsens or necessary living, education or medical expenses increase. The Interpretation also supports recovery of unpaid promised support. Parental autonomy therefore cannot permanently waive the child's independent material interest.

Discussion. The two systems pursue the same child-protective objective through different techniques. Uzbekistan's statutory shares provide a clear starting point, facilitate settlement and

lower the evidentiary burden where income is stable. Contemporary Uzbek analysis likewise stresses that accessible procedures are essential for effective maintenance recovery (7-24bet).

The weakness of a fraction-based model appears when formal income does not reflect real capacity. Self-employment, platform work, informal remuneration, foreign-currency income and asset-based wealth can make salary percentages misleading. Uzbekistan partly addresses this through fixed-sum awards, but more explicit evidentiary indicators—bank turnover, tax data, business receipts, property and sectoral earnings—would improve consistency.

China's model has the opposite profile. The 20–30 percent guideline supplies a benchmark, but actual needs, parental capacity and local costs remain decisive. This helps courts respond to regional variation and atypical family situations, though broader discretion should be accompanied by clear reasoning on the income base, recognized needs and any departure from the guideline (9-294bet).

Both systems restrict parental agreements when they harm the child. China's 2025 Interpretation allows later support claims despite a no-support clause if circumstances change; Uzbekistan requires agreements to remain consistent with statutory rules and the child's interests. In both systems, maintenance is the child's substantive interest rather than a financial entitlement that one former spouse may freely waive.

Enforcement remains decisive. Uzbekistan's notarized agreement is valuable because it can operate as an enforcement instrument without relitigating the underlying duty (4-126bet). China relies more directly on people's-court enforcement. Cross-border families face additional problems of income tracing, document service, translation and recognition of enforceable instruments.

Three reform directions follow. First, periodic review should respond quickly to inflation and material changes in education or health costs. Second, both systems should expressly address platform earnings, digital assets and other non-traditional income. Third, standardized bilingual forms for disclosure, agreements and enforcement requests would assist cross-border families. Uzbekistan could retain statutory shares while adding a more explicit needs checklist; China could retain flexibility while standardizing judicial reasoning.

Practical implications for cross-border families

Cross-border cases expose a problem that is less visible in purely domestic disputes: the formal existence of a maintenance duty does not by itself guarantee effective recovery. A claimant may need to prove income earned abroad, translate documents, identify assets, and obtain recognition or execution of an order in another jurisdiction. These difficulties are particularly relevant where one parent studies, works or conducts business outside the child's state of habitual

residence. For that reason, both legal systems would benefit from standardized disclosure requirements and clearer procedures for proving foreign income. In Uzbekistan, the possibility of a fixed-sum award is useful where foreign or irregular earnings make a percentage calculation unreliable; in China, the use of annual or occupational average income can perform a comparable evidentiary function.

The comparative material also shows that legal certainty should not be confused with rigidity. A child's needs change over time, especially because of inflation, education costs, medical treatment and relocation. Uzbekistan already allows courts to adjust statutory shares and order additional expenses, while China permits reasonable claims exceeding an earlier agreement or judgment and, under the 2025 Interpretation (II), protects the child even where parents previously agreed that one party would bear no support. These mechanisms should be understood as expressions of the same principle: parental settlements are valid only so long as they remain compatible with the child's continuing welfare.

From a policy perspective, a useful hybrid model would combine three elements: a presumptive numerical benchmark, a transparent list of needs-based adjustment factors, and strong enforcement of both court orders and valid agreements. Uzbekistan already possesses the first and third elements to a significant degree; China demonstrates the advantages of the second. Future reform could therefore move toward transparent calculation sheets used by judges and notaries, requiring disclosure of salary, business income, digital-platform earnings, property-generated income, regular educational costs and recurring medical expenses. Such an approach would make outcomes more predictable without sacrificing individualized justice and would be especially valuable for China–Uzbekistan families whose economic circumstances are distributed across two jurisdictions.

Conclusion. China and Uzbekistan both treat child maintenance after divorce as a continuing parental obligation. Their main convergence is the priority of child welfare; their main divergence is quantification. Uzbekistan combines statutory fractions, a minimum guarantee, fixed-sum awards and notarized agreements. China uses a needs-sensitive judicial model in which percentage guidance operates within a broader assessment of parental capacity and local living standards.

Neither model is categorically superior. Uzbekistan offers predictability and procedural efficiency, while China offers flexibility and an explicit link between support and actual needs. A hybrid approach—clear presumptive benchmarks plus transparent needs-based adjustment—would best reconcile legal certainty with individualized child protection, especially where income is irregular or the family is cross-border.

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