

## THE MARRIAGE

### 1. What is a marriage?

Marriage is the ceremony prepared to bring together between man and woman of legal age to get married in order to create and extend the family tree. Most of the marriages in Cambodia are always celebrated traditionally since ancient times, which is considered as a part of social ethics for Khmer society by publicly declaring that man and woman together are husband and wife and having recognized by the public and relatives. If the marriage just only celebrated traditionally, it does not have enough legal binding to protect the spouses and requires the spouses to enter into a marriage agreement. What is a marriage agreement?

A marriage agreement is a solemn contract between a man and a woman in a spirit of love in accordance with the provision of law and with the understanding that they cannot dissolve it as they please and the marriage shall have the legal effect only if such marriage conducted in accordance with the provision stated in Law on Marriage and Family. The conditions of marriage stated in Article 948 of the Civil Code of the Kingdom of Cambodia, a man and a woman under the legal age (under 18 years old) cannot get married unless a man or woman reaches the legal age and another person must not be under the age of 16 with the consent from the parents or guardian of the minor.

### WHAT'S NEW

On 1<sup>st</sup> December 2021, the Ministry of Commerce has issued announcement No. 2908 on Postponement of fines on applying for a permit letter or e-commerce license until 01 March 2022. For an application form, condition and any needed document can be downloaded from the website [www.ecommercelicensing.moc.gov.kh](http://www.ecommercelicensing.moc.gov.kh) or from the website of the Ministry of Commerce, which is [www.moc.gov.kh](http://www.moc.gov.kh) Applicants can apply directly to the Department of Business Registration or the General Department of Business Service of Ministry of Commerce.

### 2. What are the procedures that must be followed to get a legal marriage?

To get a legal marriage, a man and a woman must complete the following procedures:

#### 1. Applying for a marriage application

The applicant must apply for marriage application to the officer at Commune/Sangkat of woman's residence.



#### 2. Public announcement

After applying for a marriage application, the officer at Commune/Sangkat will issue the marriage announcement poster to post at the residence and Commune/Sangkat of both parties for 10 days so that the related third party can against that marriage. After 10 days, if there is no objection, the marriage can be operated.



#### 3. Sign marriage agreement and file marriage certificate

Both parties shall sign the marriage agreement in front of the registrar of the woman's residence after the marriage ceremony with two witnesses that have the legal age to get married. After the registrar officer notes down the personal information of both parties and registers the marriage book, the registrar will hand the original marriage certificate or certified true copy suggested by the parties for future use.

*Disclaimer: The information stated in this publication is for information purposes only and is not intended to suggest any legal advice. Please kindly note that legal advice must always be obtained from and provided by competent and qualified lawyers and counsels for all situations.*

### 3. What are the legal obligations that will occur between spouses after a legal marriage?

Husband and wife or spouses, can call by definition of law, are having the legal obligation after a legal marriage as follow:

- In the family, husband, and wife are equal in all aspects.
- A husband and wife have duties to love each other in order to build a united and happy family.
- A husband and wife have the right to freely choose their profession and freely participate in political, cultural, and social activities.
- A husband and wife have equal rights to use and manage the common properties. Each of the spouses is entitled to use, and manage his/her properties.
- Each spouse is allowed to use the common properties according to the needs of the material. One spouse may demand the other spouse to agree on necessary measures to maintain or retain the value of the common property. The common property can be sold or gifted only with the consent of both spouses.

According to the above interpretation, in order to get a legal marriage, man and woman shall comply with the condition stated in article 948 and 955 of the Civil Code of the Kingdom of Cambodia, as well as our explanation above. If the marriage is just celebrated only by the traditional way without filling the marriage certificate, the marriage between man and woman will be considered as concubinage. Therefore, the concubinage will be discussed in the next monthly legal brief.

#### CONTACT US

**Anna & Associates Law Office**  
Website: [www.anna-associates.com](http://www.anna-associates.com)  
Email: [info@anna-associates.com](mailto:info@anna-associates.com)  
Tel: (+855) 99 888 737

**Address:** Building No. 234, 7th Floor, Mao Tse Toung Blvd, Sangkat Tumnob Teuk, Khan Beoung Keng Kang, Phnom Penh, the Kingdom of Cambodia.