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VERBAL NOTE

The Ministry for Foreign Affairs present their compliments to the Embassy of the Republic of the Philippines and have the honour to respond to Note No: MEPA-15-2018 of 13 February 2018 regarding marriage and divorce legislation in Finland.

The Finnish Marriage Act includes provisions on conclusion and dissolution of marriage, as well as legal relations between spouses, distribution of matrimonial property and rules of private international law. The English translation of the Marriage Act is available at online database Finlex: <https://www.finlex.fi/fi/laki/kaannokset/1929/en19290234> and it is also attached. Ministry for Foreign Affairs points out that the translation has not been updated since year 2001 and there have been amendments since that.

The Ministry for Foreign Affairs avail themselves of this opportunity to renew to the Embassy of the Republic of the Philippines the assurance of their highest consideration.

Helsinki, 22 February 2018

Marriage Act

The Embassy of the Republic of the Philippines



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22 FEB 2019

  
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Signing Officer

No. MEPA- 15 -2018

The Embassy of the Republic of the Philippines in Oslo presents its compliments to the Ministry for Foreign Affairs of the Republic of Finland and has the honor to request the assistance of the esteemed Ministry in securing an official copy of the pertinent provisions of the laws of Finland on marriage and divorce, preferably with an English translation and date of effectivity, for the reference of Philippine courts in hearing cases where reference is made to the laws of Finland on marriage and divorce.

The Embassy would highly appreciate the esteemed Ministry's assistance on this matter in order to facilitate the speedy and efficient disposition of cases involving marriages where the parties are of two different nationalities.

The Embassy of the Republic of the Philippines in Oslo avails itself of this opportunity to renew to the Ministry for Foreign Affairs of the Republic of Finland the assurances of its highest consideration.

13 February 2018  
Oslo

The Ministry for Foreign Affairs of the Republic of Finland

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## Marriage Act

(234/1929; amendments up to 1226/2001 included)

### Part I — **CONCLUSION AND DISSOLUTION OF MARRIAGE** (411/1987)

#### Chapter 1 — **General provisions** (411/1987)

##### Section 1 (411/1987)

- (1) A woman and a man who have agreed to marry each other shall be considered engaged.
- (2) Marriage shall be concluded by a marriage ceremony.
- (3) Before the marriage ceremony it shall be certified that there are no impediments to the marriage.

##### Section 2 (411/1987)

- (1) The spouses shall be equal. In the marriage, they shall display mutual trust and together work for the good of the family.
- (2) Each spouse shall, herself or himself, have the right to decide whether to engage in gainful employment and in societal and other activities outside the family.

##### Section 3 (411/1987)

Marriage shall dissolve when one of the spouses dies or when the spouses are granted a divorce.

#### Chapter 2 — **Impediments to marriage** (411/1987)

##### Section 4 (411/1987)

- (1) A person under 18 years of age shall not marry.
- (2) The Ministry of Justice may, however, for special reasons grant a person under 18 years of age a dispensation to marry. Before the matter is decided, the custodian of the applicant shall be reserved an opportunity to be heard if his or her whereabouts can be determined with reasonable measures.

*Section 5 has been repealed.*

##### Section 6 (1226/2001)


No person shall marry if his or her prior marriage is still in force. Likewise, no person shall marry if his or her registered partnership is in force.

##### Section 7 (411/1987)

- (1) No person shall marry her father, his mother, his or her grandparent or other direct ascendant, nor his or her child, grandchild or other direct descendant.
- (2) Siblings or half-siblings shall not intermarry.

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Section 8 (411/1987)

An adoptive parent and an adopted child shall not intermarry. The Ministry of Justice may, however, for especially weighty reasons grant them a dispensation to marry.

Section 9 (411/1987)

Two persons, one of whom is a descendant of the other's brother or sister, shall not intermarry, unless the Ministry of Justice, for special reasons, grants them a dispensation to marry.

Chapter 3 — **Examination of impediments to marriage** (411/1987)

Section 10 (618/1998)

It shall be for the Register Office to examine that there are no statutory impediments to marriage (*examination of impediments to marriage*). The examination of impediments to marriage may also be carried out by a parish of the Evangelical Lutheran Church or the Greek Orthodox Church, if the engaged persons belong, or one of them belongs, to the parish.

Section 11 (411/1987)

- (1) The engaged persons shall together request an examination of impediments to marriage from the examiner referred to in section 10. (618/1998)
- (2) If a dispensation from the Ministry of Justice is required for the marriage, the dispensation shall at the same time be handed in to the examiner. (448/1999)
- (3) If an engaged person has no more than four months earlier been issued a certificate of an examination of impediments to marriage, this certificate shall also be handed in to the examiner in the original.

Section 12 (411/1987)

- (1) The engaged persons shall assure the examiner of impediments to marriage in writing that there is no impediment to marriage, as referred to in sections 7—9.
- (2) At the same time, both engaged persons shall state in writing whether he or she has concluded a prior marriage or registered partnership. If the information available to the examiner of impediments to marriage does not indicate that the prior marriage or registered partnership has been dissolved, the person in question shall provide the examiner with a certificate or another special account thereof. (1226/2001)

Section 13 (411/1987)

- (1) If the examiner of impediments to marriage finds no statutory impediment to the marriage, he shall issue a certificate thereof.
- (2) The certificate shall not be issued earlier than on the seventh day after the request for an examination of impediments to marriage was made. The certificate may, however, be issued earlier if there are weighty reasons for the same.

Chapter 4 — **Marriage ceremony** (411/1987)

Section 14 (411/1987)

- (1) A marriage ceremony shall be performed in the presence of relatives or other witnesses either as a religious or a civil ceremony.
- (2) A religious ceremony may be performed in an Evangelical Lutheran church or in a Greek Orthodox church or in another religious community to which the Ministry of Education has granted a license to perform marriage ceremonies.
- (3) Provisions on the registration of licenses to perform marriage ceremonies shall be issued by Decree. (417/1993)

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Section 15 (411/1987)

The engaged persons shall be simultaneously present at the marriage ceremony. After both engaged persons have given the officiator of the ceremony an affirmative answer to the question whether he or she wants to marry the other, the officiator shall pronounce them husband and wife.

Section 16 (411/1987)

- (1) In addition to the provisions in section 15, the other conditions and forms of a religious marriage ceremony shall be laid down by the religious community in question.
- (2) Provisions on a civil marriage ceremony shall be issued by Decree.

Section 17 (411/1987)

- (1) A religious marriage ceremony may be performed by:
  - (1) in the Evangelical Lutheran church by a priest;
  - (2) in the Greek Orthodox church by a priest; and
  - (3) in another religious community by a person who, under the rules of the community, has the right to perform marriage ceremonies.
- (2) A civil marriage ceremony shall be performed by:
  - (1) the Chief Judge of a District Court, a District Judge, and
  - (2) a District Registrar. (1428/1992)

Section 18 (411/1987)

- (1) A marriage ceremony shall not be performed if the officiator is aware of a fact that forms an impediment to the marriage or if the officiator deems that an engaged person is evidently unable to understand the significance of marriage due to his or her disturbed state of mind.
- (2) Before performing the marriage ceremony, the officiator shall make sure that the examination of impediments to marriage has been carried out in accordance with the provisions in sections 11—13. If the certificate referred to in section 13 has been issued more than four months before, the marriage ceremony shall not be performed on the basis thereof.

Section 19 (411/1987)

- (1) A marriage ceremony shall be void if it has not been performed in accordance with the provisions of section 15 or if the ceremony has been performed by a person without the right to perform marriage ceremonies.
- (2) The President of the Republic may, however, for especially weighty reasons decide that a marriage ceremony void under paragraph (1) shall be deemed valid. A petition to this effect may be filed by either of the persons married or, if one of them is dead, by his or her heirs.

Chapter 5 — **Family mediation** (411/1987)

Section 20 (411/1987)

- (1) Disputes and legal matters arising in a family should primarily be settled in negotiations between the family members and decided by agreement.
- (2) There are family mediators who render assistance and support, upon request, when disputes arise in a family.
- (3) Mediators may render assistance and support upon request also in the event that disputes arise as to compliance with a court order or an agreement on child custody and right of access. (622/1996)

Section 21 (411/1987)

- (1) A mediator shall aim for a confidential and open discussion between the family members. He or she shall aim for a consensus as to how to solve the disputes in the family in the best possible way for all the persons concerned.

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- (2) The mediator shall pay special attention to securing the position of the minor children in the family.
- (3) The mediator shall assist the persons concerned in concluding agreements and in other measures necessary for the settlement of disputes.

Section 22 (411/1987)

- (1) The general planning, monitoring and control of family mediation shall be a task of the State Provincial Offices, under the supervision of the Ministry of Social Affairs and Health. (101/1991)
- (2) The Municipal Board of Social Welfare shall be in charge of arranging family mediation in a municipality. Mediation may be rendered also by societies, associations and foundations, as well as individuals, authorised thereto by the State Provincial Office.
- (3) The Ministry of Social Affairs and Health shall issue more detailed instructions and guidelines on family mediation. (101/1991)

Section 23 (411/1987)

- (1) An authorisation to render family mediation may be granted, upon application, to a society, association or foundation considered capable of rendering it competently. An authorisation may be granted, upon application, also to an individual who is familiar with child welfare or family guidance work or with family law and who, by virtue of his or her previous experience and personal characteristics, is adequately competent to work as a mediator.
- (2) The authorisation shall be granted for a fixed period, not exceeding five years at a time. The authorisation may be revoked, if there is a reason for the same.
- (3) When granting the authorisation, the State Provincial Office may also issue more detailed instructions concerning the district and tasks, as well as the obligation to supply the Office with information necessary for monitoring the mediation.

Section 23a (411/1987)

The duty of secrecy of the mediator shall be governed by the provisions of sections 57(1), 58(1) and 58(3) of the Social Welfare Act (710/1982). The provisions in section 56 of the Social Welfare Act on the obligation to supply and to receive information do not apply to the mediator.

Chapter 6 — **End of cohabitation and divorce** (411/1987)

*End of cohabitation*

Section 24 (411/1987)

- (1) Upon the joint petition of the spouses or upon the petition of one of the spouses, a court of law may:
  - (1) order that the spouse who is in greater need of a residence shall have the right to continue to live in the common home;
  - (2) order the other spouse to vacate the common home; and
  - (3) give a spouse the right to use movables that belong to the other spouse and which form part of the household goods meant for common use or a tool of the other spouse or which are meant for the personal use of the other spouse or the children; this right of use shall not be restricted by an agreement concerning the said goods entered into by the owner and a third party.
- (2) *Paragraph has been repealed.*
- (3) The court order shall be immediately enforceable, even if it is not yet final, unless otherwise provided in the order.
- (4) The court order shall be in force until further notice. Upon the request of a spouse the order may be changed or revoked through a new court order, if the circumstances have changed after the order was issued. The orders referred to in paragraph (1) shall lapse when the court has issued a court order of matrimonial property or a

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separation of property has taken place between the spouses and it has become final. The orders shall in any event lapse two years from the date of the order even if no distribution or separation of property has taken place.

### *Divorce*

#### Section 25 (411/1987)

- (1) The spouses shall have the right to a divorce after a reconsideration period.
- (2) However, the spouses shall have the right to a divorce without a reconsideration period if they have lived separated for the past two years without interruption.

#### Section 26 (411/1987)

- (1) The reconsideration period shall begin upon the date when the joint petition of the spouses for the dissolution of the marriage is filed with the court or the court registry or the petition of one spouse is served on the other spouse.
- (2) After a reconsideration period of at least six months, the spouses shall be granted a divorce upon their joint request or upon the request of one of the spouses. The request shall be made within one year of the beginning of the reconsideration period.

#### Section 27 (411/1987)

- (1) The spouses shall be granted a divorce without a reconsideration period:
  - (1) if the spouses are each other's direct descendants or ascendants, siblings or half-siblings; or
  - (2) if their marriage was concluded while a prior marriage or registered partnership of one of the spouses was still in force, and the said prior marriage or registered partnership has not yet been dissolved.

(1226/2001)

- (2) The public prosecutor shall initiate proceedings for the divorce of the spouses upon grounds of paragraph (1).
- (3) If a marriage was concluded while a former marriage was still in force, each of the spouses in the said former marriage shall have the right to a divorce without a reconsideration period.

### *Court proceedings*

#### Section 28 (411/1987)

- (1) Proceedings for a divorce or end of cohabitation shall be initiated by way of a petition which may be filed by both spouses jointly or one of the spouses alone.
- (2) If the petition has been filed by one spouse alone, the court shall reserve the other spouse an opportunity to be heard. The court shall serve the notice and the petition on the other spouse in accordance with the provisions on the service of summonses.

#### Section 29 (411/1987)

If the matter cannot be immediately decided because the spouses cannot be granted a divorce without a reconsideration period, the court shall suspend the proceedings with regard to the divorce. At the same time, the court shall issue instructions regarding the further handling of the matter after the reconsideration period. The court shall also inform the spouses of the availability of family mediation to them or their family, as referred to in section 20.

#### Section 30 (411/1987)


The court proceedings relating to divorce shall be reopened after the reconsideration period at the request of the spouses or one spouse, as provided in section 28.

#### Section 31 (411/1987)

- (1) In connection with proceedings relating to divorce or the end of cohabitation, the spouse(s) may request an order on maintenance and child custody and right of

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- access, as well as make other requests pertaining to the divorce or end of cohabitation.
- (2) In proceedings relating to divorce or the end of cohabitation, the court may issue an interim order regarding a request referred to in paragraph (1) or an order to end cohabitation.
  - (3) The interim order shall not be subject to appeal.
  - (4) The interim order shall be in effect until the court decides on the matter unless the order is changed or revoked prior to that.

Section 32 (411/1987)

- (1) In proceedings relating to divorce or the end of cohabitation, the court shall, upon its own initiative, consider how child custody and right of access should be arranged between the spouses, in the best interests of the child.
- (2) When considering child custody and right of access, the court shall pay special attention to the fact that the purpose of child custody and right of access is to ensure for the child a positive and close relationship to both parents.
- (3) On the request of a parent or the Municipal Board of Social Welfare, the court shall issue an order regarding child custody and right of access, in accordance with the provisions of the Act on Child Custody and Right of Access (361/1983).

**Part II — LEGAL RELATIONS BETWEEN SPOUSES**

**Chapter 1 — General provisions**

Section 33

- (1) Marriage shall not restrict the right of a spouse to enter into transactions unless otherwise provided in chapter 2, nor his or her right to sue and be sued.
- (2) Spouses may enter also into mutual transactions, taking into account the provisions in chapter 3.

**Chapter 2 — Property of spouses**

Section 34

The property that a spouse has when concluding marriage shall remain his or hers. He or she shall also own what he or she acquires during the marriage.

Section 35

- (1) Each spouse shall have a marital right to the property of the other spouse. Under this right, the surviving spouse and the heirs of the deceased spouse, or each of the spouses, shall acquire half of the net property of the spouses at the distribution of matrimonial property, as further provided in Part IV.
- (2) A spouse shall, however, not have a marital right to property excluded from the scope of the marital right by a marriage settlement, a gift deed or a will, nor to property acquired in lieu of such property. If it has further been stipulated that no marital right shall exist as to the proceeds of such property, the said stipulation shall be observed.
- (3) The provisions on marital right shall apply to a right which cannot be conveyed or which otherwise is of a personal nature only when this is not in contradiction with any specific provisions on such a right.
- (4) If the property of a spouse has been surrendered in bankruptcy, neither spouse shall have a marital right to the other spouse's property if the other spouse so requests in writing from the court referred to in section 43 within a year from the beginning of the bankruptcy. The provisions in section 43(2) on a marriage settlement apply to a written request referred to herein.

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