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Dowry and Bride Price in Vietnam and Comparative Perspectives

Dowry and bride price are inherently two different types of property but have a close relationship through the marriage event between two individuals. This article is an analysis of the legal nature of these two assets under both the legal theory and practice. In terms of hypothesis, the law on marriage and family currently has enough legal bases to determine the general or specific nature of these two types of property, although it is not clearly mentioned in accordance with law. This study is also a comparison with countries' regulations and analyses practical law application in Vietnam through judgments to bring a comprehensive view to the two different assets bearing the elements of marriage customs.

Keywords: *family law, Vietnam, bride price, dowry, comparative law*

1. Introduction

Vietnam has numerous customs, such as Tet holidays, funerals, marriages with marriage being one of the most significant rituals due to its impact on an individual's life. Wedding gifts are an essential component of every wedding. In the scope of this article, we examine only a few unique aspects of the Vietnamese bride-price and dowry in order to highlight the area's unique cultural and legal characteristics. Comparing and analysing data obtained from secondary sources constitutes the research methodology. Comparing the legal systems of other nations, Vietnam shares many similarities with Chinese law and can learn from Hungarian law in certain areas. The article examines five major sections, the first and second of which clarify the introduction and concept, the third of which examines its historical development, and the fourth of which examines the practical law, the fifth section concludes.

2. Bride price and dowry: Existence

Throughout history, most societies have been characterized by payments at the time of marriage. Typically, such payments accompany marriages arranged by the parents of the respective spouses. These marriage payments can be classified into two broad categories: transfers from the bride's family to the groom's family, known as dowry, and transfers from the groom's family to the bride's family, known as bride price. Bride price is prevalent in two-thirds of the 1167 preindustrial societies documented in *Murdock's* (1967) World Ethnographic Atlas. In contrast, dowry is observed in less than 4% of this

sample. In terms of population, however, dowry has played a more significant role, as it is primarily practiced in Europe and Asia, where more than 70 percent of the world's population resides.¹

The wedding traditions of the Vietnamese people are infused with oriental culture in a number of distinctive ways. Numerous customs and rituals have become iconic representations of Vietnamese culture. In each region, wedding traditions have distinct characteristics. In the Mekong Delta of Vietnam, bride price is less important than the groom's family and bride's family's agreement to marry. However, parents place a high value on their daughter's dignity as well as the family's honour, so the bridegroom's family is frequently required to make generous gifts. The more gifts, the more jewellery, and the more dazzling the wedding, the prouder the bride's family is; perhaps this is why the girl's family is often willing to make a large payment to the groom's family. This demonstrates that getting married is not only a personal decision, but also a family one. Whether in the North, the Central Region, or the South, the level of community can be high or low, but it cannot be absent; however, Vietnamese people always place a high value on face in relation to community.² Typical wedding items for the Mekong Delta region of Vietnam include betel nut, wine, tea, wedding money, gold and silver, pig. The number of bridesmaids depends on the financial situation of each family, but an even number represents a pair and is placed in the casket with an odd number (odd number represents growth).

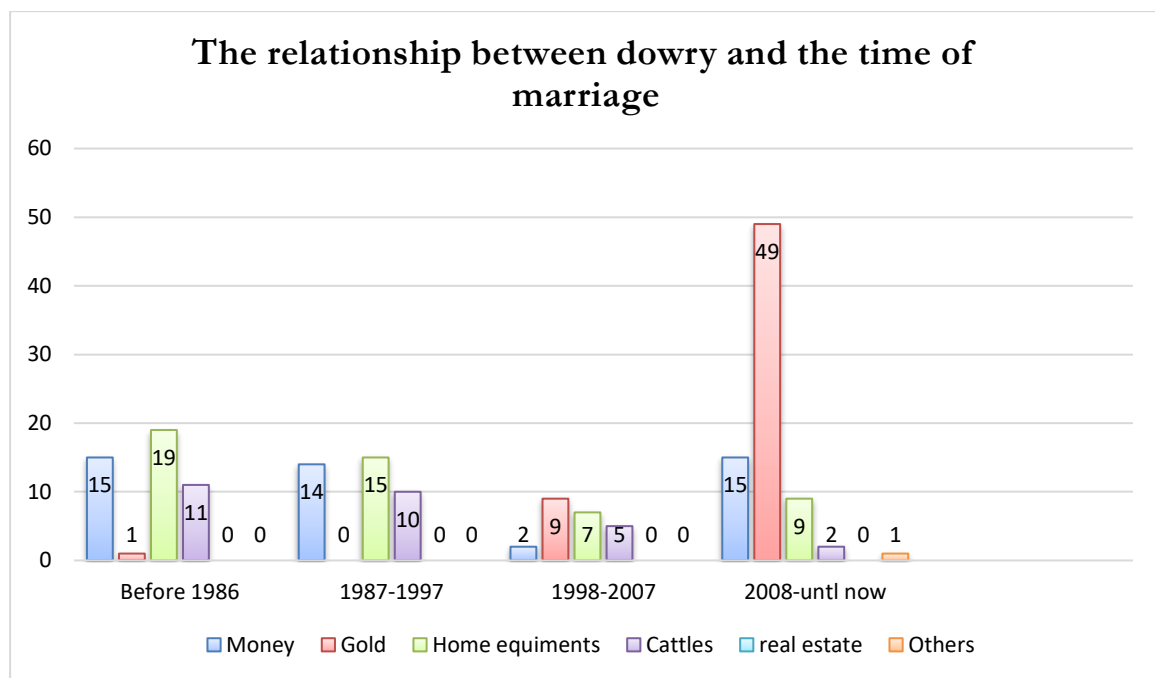


Figure 1. Type of dowry according to a survey conducted in San Diu, Tam Dao, Vinh Phuc province, Vietnam.³

According to the survey results conducted in San Diu, Tam Dao, Vinh Phuc province, Vietnam, only 1 out of 101 respondents received a gold dowry prior to 1986, whereas 9 out of 101 respondents received a gold dowry between 1998 and 2007. From 2008 to 2018, however, 49 of 101 respondents reported receiving gold as a dowry, a significant increase. (See Figure 1) Meanwhile, dowry in the form of

¹ ANDERSON, The economics of dowry and bride price 151–174.

² TRẦN THỊ HOÀNG, Phẩm vật trong lễ cưới người Việt ở Đồng bằng sông Cửu Long 87–92.

³ TRẦN THỊ, Lễ cưới hỏi của người Sán Diu ở huyện Tam Đảo-tỉnh Vĩnh Phúc 110–114.

cash, household goods, and livestock such as buffaloes and cows tended to decrease significantly by the marriage year group. Specifically, in cases of marriage prior to 1986, up to 19/101 respondents received dowry as household items, whereas since 2008, this number has decreased to 9/101 individuals. Clearly, along with the development of the commodity economy, dowry has evolved in the direction of being quick, less cumbersome, and providing young couples with practical economic efficiency.

It is a popular practice in Vietnam that a husband and wife are given bride price on their wedding day. This is considered quite a special property that exists in human relations and comes from customs and habits. According to the wedding custom in Vietnam, before the wedding ceremony, the two parties have a ceremony. However, customs related to bride price and dowry appear not only in the lives of Vietnamese people but also in countries around the world. For example, according to the wedding custom in Thailand, the dowry in Thailand “Sin Sod” is used by the groom to give to the bride’s family as compensation for the family’s loss when marrying a child. The dowry can be given in the form of gold or money as little as 100,000 baht depending on the groom’s ability to demonstrate to the bride’s family the groom’s economic viability. In addition, the bride also received a dowry from her biological parents called “Tong Mun”. Dowry and bride price in Thailand exists only in the form of custom and are not specified as a specific obligation in the law.⁴

Due to the negative effects of this asset class, dowry has grown to be a contentious problem that must be remedied in Indian, Pakistani, and Bangladeshi societies.⁵ It appears that dowry is associated with urban, commercial societies. In the Japanese and Serbian, the association of status with wealth spread from the cities to the countryside as a result of urbanization and expansion. Lavish ceremonies were a part of the weddings of merchant women in Basra in the nineteenth century, a time when most rural Arab communities gave the bride little attention. In many societies, the upper classes are more likely to pay dowry than the lower classes. In many regions of India, marriage-by-dowry and marriage-by-bridewealth coexisted, but marriage-by-dowry was the more predominate practice among the poor in the south, a matrimonial trousseau was typically all that was expected, while wealthy families provided large dowries that excluded valuable jewellery and large sums of cash. Despite their upbringing, this represents an economic sacrifice for the brides’ birth families. In Chinese peas provinces, it shows that in the majority of peasa, the groom’s family spent roughly twice as much as the bride’s family, whereas on large farms, the costs were comparable. Additional evidence that within a single society dowry is associated with wealth-based status competition comes from communities that simultaneously developed both dowry and wealth-based status competition, typically through the process of marketization.⁶

In Bangladesh, for instance, dowry is thought to be one of the causes of women being subjected to abuse or even danger to their lives by their husbands and in-laws, despite the fact that dowry was made illegal by law in 1980. Sections 3 and 4 of the Prohibition of Dowry Law provide that anyone who directly or indirectly coerces the bride’s family into giving the groom’s family the dowry may get a prison sentence between 1 and 3 years, and a fine (if any).⁷ Moreover, section 2(j) of the Anti-Suppression Against Women and Children Act of 2000, as revised in 2013, clarifies that the term dowry is interpreted as quantities of money or other types of property that her family will get in exchange for the bride.

⁴ Siam Legal, Thai dowry. <https://www.thaiembassy.com/thailand/dowry-in-thailand> (20. 10. 2022).

⁵ Daily Time News, The dowry system is a great evil that still exists in Pakistan. <https://dailytimes.com.pk/535934/the-dowry-system-is-a-great-evil-that-still-exists-in-pakistan/> (10. 10. 2022).

⁶ HARREL – SARA, Dowry Systems in Complex Societies 105–120.

⁷ BEGUM, Dowry in Bangladesh 249–267.

Bridesmaids are compelled to provide a donation to the groom's family upon marriage or to make payments in instalments after the nuptials.⁸ A Bangladeshi girl is expected to have a dowry when she gets married at the request of her husband's family, despite the fact that the law forbids it. This is why so many wives suffer from being tortured, even killed by their own husbands. Out of a total of 7079 incidences of dowry-related abuse, at least 325 people died in 2011 alone.⁹ Similarly to this, approximately 7,000 women were burned to death by their husband's families in 2001 because they did not deliver enough dowry to their husband's families, according to data made public by India's National Crime Bureau. This number increased to roughly 6,000 persons by 2008. In the meantime, Pakistan burns roughly 3,000 women annually for dowry.¹⁰

In contrast to archaic traditions in Bangladesh, Pakistan, and India, dowries appear to be becoming less and less popular in European nations. The practice of dowries in Europe extends back to the time of ancient Rome and was first documented during the Middle Ages and the Italian Renaissance. It is no longer a significant custom when men and women get married because it has declined in quantity and quality throughout time.¹¹ Similarly, in Vietnam, dowry is no longer a significant part of the wedding rituals; instead, it is just the affection the bride's biological parents have for her before they begin their married lives. On the wedding day, the groom's family, friends, or acquaintances also offer significant gifts such as bride price, wedding money, or other gifts. As a result, it is one of Vietnam's positive customs that has survived into the present.

Although bride price and dowries are only assets deriving from custom and are not regarded as a necessary obligation when the parties get married, they will be examined from a legal perspective within the context of the article, from the history of regulatory development to the actual law and the actual application of the law. In this way, the essay helps to make Vietnamese law's dowry and legal concerns with bride price more understandable.

3. A brief history of the development of the dowry and bride price

Regarding the prevalence of wedding gifts, the practice of bride price dates back to 3000 BCE. All of the ancient Egyptian, Mesopotamian, Hebrew, Aztec, and Inca civilizations used bride price (Quale, 1988). The Germanic tribes, which existed from 2000 BCE to 1000 CE and ruled western Europe, required bride price for a marriage to be legal. In Islamic law, a valid marriage contract required a bride price. Such transactions are associated with the Maghreb of the early Middle Ages, the Bedouin tribes of the Middle East, and the former Ottoman territories of Iraq, Syria, Egypt, Turkey, Iran, Albania, and Afghanistan. Classical China required the negotiation of a bride price for a marriage to be valid, and these transfers remain the norm in many rural areas today. China appears to be one of the few instances where bride price and dowry coexist, with the bride price being obligatory and the dowry being of a more voluntary nature and typically financed with a portion of the bride price. Taiwan appears to also adhere to this traditional Chinese custom of exchanging wedding payments in both directions). Other Southeast Asian

⁸ MD. KAMRUZZAMAN, Dowry Related Violence Against Rural Women in Bangladesh 112–116.

⁹ NAIMUL, Violence Against Women Persists in Bangladesh, 2012. <http://www.ipsnews.net/2012/10/violence-against-women-persists-in-bangladesh/> (10. 10. 2022).

¹⁰ PHƯƠNG, Kinh hoàng hủ tục cô dâu bị thiêu sống vì của hồi môn. <http://cstc.cand.com.vn/Canh-sat-toan-cau/Kinh-hoang-hu-tuc-co-dau-bi-thieu-song-vi-cua-hoi-mon-187957/> (10. 09. 2022).

¹¹ ANDERSON, The economics of dowry and brideprice 269–310.

nations, including Thailand, Indonesia, and Burma, appear to only transfer bride prices. More than ninety percent of sub-Saharan societies have historically made such marriage payments.¹²

With respect to the frequency of dowry, the dowry system dates back to at least the ancient Greek city-states (800 to 300 BCE) and the Romans (circa 200 CE) at the earliest. The Greco-Roman institution of dowry was temporarily eclipsed as the Germanic practice of bride price spread across much of Europe, but dowry was widely reinstated in the late Middle Ages. Dowries were common among the majority, if not all, social and economic classes in medieval and later Western Europe. Due to Roman law's dowry requirement, dowries were also transferred in many regions of the Byzantine Empire until its fall to the Ottomans in the fifteenth century. In the seventeenth and eighteenth centuries in Mexico and Brazil, where Spanish and Portuguese family law governed colonial society, dowry payments were prevalent in marriages until those countries gained their independence.¹³

In terms of legal history of bride price and dowry in Vietnam, it has a long-term of development because Vietnam was repeatedly attacked by Chinese feudal dynasties from 179 BC until 939.¹⁴ Through the dynasties they controlled and dominated, Chinese feudal law greatly affected Vietnamese law at this time. In this time period, the Hong Duc Code and the Gia Long Code are the two most frequently mentioned laws. The Hong Duc Code is credited with laying the groundwork for Vietnamese law in general and the property system between husband and wife in particular. Despite its severe flaws, the Hong Duc Code is widely admired for its forward-thinking property provisions. The Hong Duc Code of the Le Dynasty valued the position of the wife in the family; the wife was involved in the management of the family's common property, particularly for the needs of spices to maintain the family's common life. This Code specifies that the common property of a husband and wife consists of three types: property inherited by the husband from the husband's family, property inherited by the wife from the husband and wife's family, and property jointly owned by the husband and wife made by husband and wife throughout their marriage. All of these categories of property are administered by the husband, the family's leader.¹⁵ In the Hong Duc Code, bride price and dowry are therefore reasoned to be jointly owned by the husband and wife.

However, the Gia Long Code is rumoured to have shortcomings in the control of property between husband and wife, as it nearly mimics the entire Manchu Code of China. At that time, the Chinese dynasty promoted patriarchy and adopted Confucianism as a guide for social and familial behaviour. Neither the Gia Long Code nor the Old Chinese Law provided for the matrimonial regime, as marriage had the sole function of incorporating a woman into the family group of her husband. Due to the lack of norms controlling property relations in marriage, the Nguyen court issued further King's Directives and applied local customs.¹⁶ According to the examination of the legislation, a woman may acquire her own property prior to returning to her husband's home. Articles 37 and 83 of the Gia Long Code stipulate that if the father dies, the children inherit his estate. Neither of these rules specify whether a daughter inherits her father's property. Given that the medieval society deems the lady to be inept, inheriting of the daughter appears to be impossible. Due to the fact that the feudal society of the Nguyen

¹² ANDERSON, The economics of dowry and brideprice 151–174.

¹³ ANDERSON, The economics of dowry and brideprice 151–174.

¹⁴ PHAN ĐĂNG – TRƯỜNG THỊ, Các chế độ hôn nhân và gia đình Việt Nam xưa và nay [The old and new matrimonial property regimes in Vietnam].

¹⁵ HÀ NHƯ, Chế độ hôn sản pháp định trong luật Việt Nam 3.

¹⁶ The Author Ha Nhu Vinh in the book Legal Matrimonial System mentioned Directives 1 and 2 of the King. However, these regulations can hardly be found in their original and dated publication.

Dynasty promotes the position of the father and eldest son in the household (see Articles 108 and 76). In addition, whether or not a woman can possess her own property prior to marriage because of dowry. There is apparently no evidence to substantiate this claim.¹⁷ Because the woman during the reign of King Gia Long was inept. Therefore, the recognition of a woman's right to property ownership prior to marriage appears to be somewhat limited. However, even if a woman has independent property prior to marriage, that property will be united with her husband upon marriage. This is a property consolidation system, hence there is neither distinct nor shared property. The husband is the sole manager and owner of all property. Additionally, the husband's share of the property comprises both moveable and immovable goods. According to these studies, both the bride price and the dowry prescribed by the Gia Long Code are the property of the husband.

When French colonial powers occupied Vietnam from 1858 to 1954, marriage and family ties were governed by three civil laws in three parts of the country: the Southern Civil Code of 1883 (known as *Précis de la Législation Civile Anammite*,¹⁸ the Northern Civil Code of 1931 (known as *Code Civil à usage des juridictions indigènes du Tonkin*), and The Central Civil Code of 1936 (known as *Code Civil à usage des juridictions indigènes de L'Annam*).¹⁹ However, the 1883 Southern Civil Code simply incorporated the general elements of the French Civil Code, omitting numerous essential clauses. Consequently, the Southern Civil Code has not yet acknowledged the community property rule between husband and wife. In contrast, France issued the Northern Civil Code of 1931 and the Central Civil Code of 1936, which gave relatively specific rules governing the regime of shared property between husband and wife. The Northern Civil Code and the Central Civil Code have adopted a great deal of the French Civil Code's provisions.²⁰ The French Civil Code was enacted in 1804 and is still in effect today, despite the fact that many of its provisions have been changed or expanded. Articles 1389 to 421 of Section V on the creation of marriage and the subject's rights in the marriage connection at the time specify the property of the husband and wife.²¹ When getting married, the husband and wife have two property regimes from which to choose: the common property system (Article 1401) or the dowry property regime (understood as a separate property regime). However, the dowry property law applies only if the couple has a premarital agreement and complies with specific forms (Articles 1394, 1395, and 1396 of the 1804 French Civil Code).²² Regarding the Southern Civil Code, the bride price and dowry continue to belong to the husband's possession. Due to the reference to nearly the whole French Civil Code, the term matrimonial regime appears in the Tonkin and Middle States Civil Codes. In addition, the marriage laws of the North and Central regions permit couples to choose between the agreed-upon property regime and the community-wide property regime. In addition, the formal recognition of the wife's private property, as stipulated in Article 113 of the Northern Civil Code, reflects the enhancement of the wife's role. The concept of private property in the French Civil Code was copied in the Northern and Central Civil Codes, hence it is reasonable to view dowry as private property during this time period. Due to the fact that, at the time, the French Civil Code regarded the dowry property regime as a separate property system

¹⁷ HÀ NHƯ, Chế độ hôn sản pháp định trong luật Việt Nam 189.

¹⁸ NGUYỄN THỊ MỸ, The Matrimonial Property Law in Vietnam 1858-1975 in the Mirror of the European Legal Development 309–316.

¹⁹ D. BRIESEN, The French “État legale” in Vietnam 67.

²⁰ VŨ VĂN, Dân luật khái luận 245–247.

²¹ The content was adjusted in the Decree dated February 10, 1804 and took effect on the 20th of the same month in France.

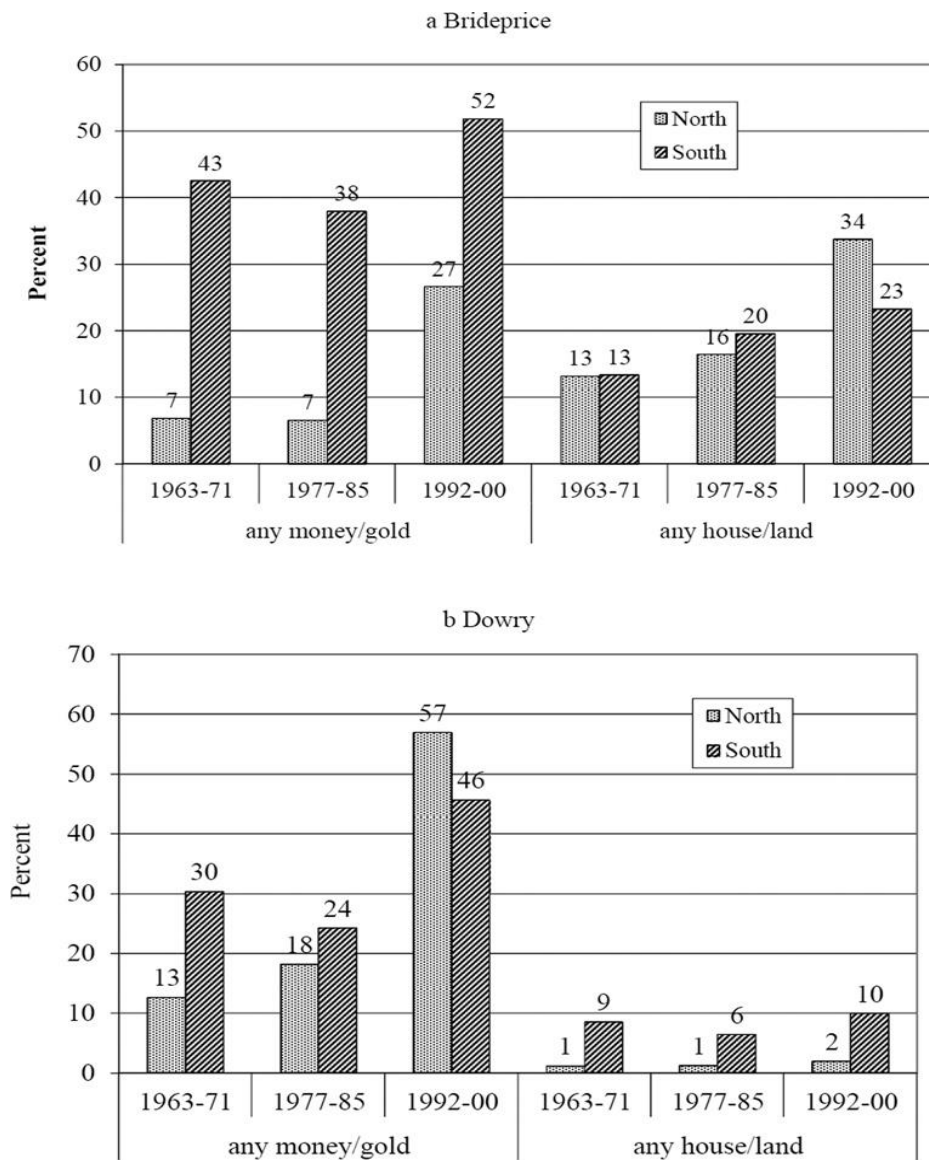
²² NGUYỄN THỊ MỸ, The Impact of the French Colonial Law on the Development of Matrimonial Property Law in Vietnam 65–82.

on which husband and wife might agree. Due to the nature of the gift provided during the husband and wife's marriage ceremony, the legal status of bride price continues to be described as joint property.

After the North attained independence in 1945, the State promulgated the Marriage and Family Law of 1959, affirming the nature of socialist law, which is the legal instrument of the Democratic Republic of Vietnam, as being suitable for economic development, suitable society, and contributing to the protection of the wife's family interests. The Marriage and Family Law of 1959 specifies only one type of property regime between husband and wife: the statutory property regime, more specifically the common property regime in Article 5: "*both husband and wife have equal ownership, enjoyment, and use of property before and after marriage.*" This provision represents all assets of the spouses acquired before marriage or created during the marriage; whether husband and wife have property donated separately, inherited separately, or both husband and wife are gifted together or inherit jointly, regardless of the source of the property and efforts to contribute, both are considered joint property. The law does not recognize distinct property between husband and wife. Therefore, the bridal gold and dowry at this time are jointly owned by the husband and wife. However, the Laws 1986, 2000 and 2014 have eliminated the limitation of the 1959 Law by allowing husband and wife to own both separate and public property. Therefore, if the husband and wife do not have another property arrangement under the Laws 1986, 2000, and 2014, the dowry is once again considered to be the wife's independent property.²³ Bride price inherently in both feudal and contemporary law, is a source of joint property that the husband and wife received at the beginning of their married existence. In Section 3 of the article, the provisions of the practical law and the practice of applying the law to bride price and dowry will be explored in greater detail.

With respect to cohort and regional trends in the content of marriage payments, Figure 2 displays the proportion of transactions involving cash, gold, and real estate. Between the North and the South, as well as between bride price and dowry, there are obvious differences of considerable magnitude. When it comes to bride price, regional inequalities are particularly prominent. Bride prices involving money or gold were significantly less frequent for northern than southern marriages across all three cohorts. In the case of property or land, the newlyweds typically hold property rights of such transfers, as opposed to the bride's family. House or land-based dowries are less typical in both regions than bride prices of this kind. The fact that the house or other property is likely connected to and close to the groom's parents reflects the fact that patrilocal living arrangements predominate. The fact that giving money or gold became much more common among the renovation cohort in both regions and with regard to both bride price and dowry is particularly noteworthy in terms of trends.

²³ NGUYỄN THỊ MỸ, *The Development of Matrimonial Property Law in Vietnam* 66–74.

Figure 2. Cohort and regional trends in content of marriage payments²⁴

4. Theoretical features of bride price and dowry in legal application and practice

In Vietnam, it is customary for husband and wife to receive bride price on their wedding day. This is regarded to be a relatively unique sort of marital property that derives from traditions. According to Vietnamese wedding custom, the engagement ceremony will take place prior to the wedding ceremony. In this wedding ceremony, the bride will get a set of earrings and some precious jewellery from the groom's family. Therefore, is this bride price regarded joint or separate property? In accordance with the current legal regulations, the idea of the gift contract will be used to define the general or distinctive features of bride price. In accordance with Article 33 of the 2014 Law on Marriage and Family, if a husband and wife receive a present jointly, the donated property is deemed to belong to the same husband and wife. Article 43 of the Law on Marriage and Family, on the other hand, states that distinct

²⁴ TEERAWICHITCHAINAN – KNODEL, Tradition and Change in Marriage Payments in Vietnam 151–172.

gifts received during marriage are the independent property of the husband and wife. When filing for divorce, therefore, spouses frequently disagree over what types of assets constitute “bride price”. The wife feels this to be her personal property due to the fact that it was presented to her by her husband’s family and the jewellery is predominantly designed for ladies. However, the husband believes that this is a type of property in the form of joint ownership, as the present signifies that the in-laws want the husband and wife to amass fortune when they are newlyweds. As a matter of trial procedure, the judge concluded that bride price is jointly owned by the husband and wife because it is fair to present it as a gift on the wedding day. Judgment No. 65/2017/HNGD – ST of the People’s Court of Lai Vung district, Dong Thap province, dated November 1, 2017, resolving the couple’s divorce, including a bride price dispute.²⁵ Subsequently, the husband and wife agreed to possess 29 gold threads. Currently, the wife is in possession of 26 gold threads, while the husband possesses 3 gold threads. The husband believes that all of this gold is a shared resource that must be divided in half. In contrast, the wife believes that 29 gold threads should be her separate property. The court determined that 29 gold threads were given to the bride at the wedding, with no mention of private gold. Therefore, the court concluded that all 29 gold threads are the couple’s joint property. According to Articles 33 and 59 of the 2014 Law on Marriage and Family, bride price is presented as a gift on the wedding day, so it is regarded as the common property of the husband and wife.

Specifically, the earrings have two distinct interpretations of this property’s generic features. The first view is that earrings are common in some regions of Vietnam, where they are recognized as gifts for the bride, and hence the wife has the right to retain them as a separate property in the event of a divorce. In the other case, the Court found that the earrings belonged to the wife since local custom believed them to be the gift of the groom’s parents to the bride on her wedding day. Accordingly, the wife had an appeal in the divorce dispute between the plaintiff - the husband, and the defendant - the wife. Regarding the shared property, the husband stated that on the day of their wedding, his parents presented him and his wife with 30 gold bars, a pair of one-piece earrings, bracelets, rings, and necklaces. Consequently, the husband requested that this property be divided in half. However, the wife stated that her in-laws handed her three gold trees during the interrogation ceremony, but they were her personal property because the groom’s family representative stated that the gold belonged to the bride during the interrogation ceremony. In August 2017, the District People’s Court granted the husband’s divorce petition at the initial hearing. Regarding the shared property, the court stated that earrings are the type of jewellery that all women should own, and their values are not excessive, therefore the bride must enjoy them all. However, the appeal court noted that the husband also promised to give her a set of gold earrings from the couple’s shared property. The appellate court divided her remaining 30 gold bars in half and ordered her to pay 15 gold pieces for her husband.²⁶ It shows that earrings can be a separate property of the wife based on the local custom determined as the gift of the groom’s parents to the bride on her wedding day and the groom also admitted earrings being a separate property of the wife. This demonstrates that in addition to the grounds for calculating the community property and separate property of the husband and wife, the 2014 on Marriage and Family Law and its guiding texts expressly define the following: when deciding property conflicts between a husband and wife, judges also consider customs. Article 7 of the

²⁵ Judgment No. 65/2017/HNGD – ST of the People’s Court of Lai Vung district, Dong Thap province on November 1, 2017. Source can be found at <https://congboanan.toaan.gov.vn/2ta80639t1cvn/chi-tiet-ban-an>, (26. 12. 2022).

²⁶ NHÃN, Bride decided not to divide the engagement gold, <https://zingnews.vn/nang-dau-quyet-khong chia-vang-dinh-hon-post790469.html>, (20. 12. 2022).

2014 Law on Marriage and Family specifies the grounds for the Court to utilize customs in resolving marriage and family-related issues. The second view, however, believes that bride price includes earrings that are jointly owned by the couple because they were given to them on their wedding day. Consequently, if local conventions are unnecessary, a wife's earrings may be regarded as private property.

Comparatively to Hungarian family law,²⁷ Article 4:38 defines separate property as: 1) property acquired before the marriage; 2) property gained as a gift or inheritance under a will or by law; 3) the husband and wife's rights to the intellectual property generated by them, save for the money to exploit the property received from the intellectual property rights under the common property of the husband and wife; 4) compensation for damage linked to perdition; 5) personal belongings and belongings according to customs and habits, and 6) property derived from or formed from separate property. Therefore, according to Hungarian family law, the private property might include both personal and customary items. With such specific regulations, if the customs and traditions of the place where the husband and wife reside stipulate that any property consisting of utensils or personal belongings used exclusively by one spouse shall be determined to be shared property, then such property shall be deemed to be community property. This is an excellent regulation that Vietnam's marriage and family law can refer to in order to respect local customs and practices and maintain flexibility in law enforcement.

In addition, one must differentiate between bride price and dowry. In accordance with tradition, the husband and wife get bride price from the husband's family as part of their wedding gifts. In contrast, dowry is typically jewellery or costly items given to a bride before marriage by her biological parents. Consequently, if the bride price is declared to be the joint property of the husband and wife, the dowry is regarded to be the wife's separate property because it was provided before to the marriage, per Article 43, Clause 1, of the Law on Marriage and Family.

In addition, the wedding ceremony might take place either before to or after to the registration of the marriage. Therefore, the basis for defining this sort of property is affected by whether the bride price was given prior to or after the marriage registration. Whether the gift of bride price that occurs prior to the moment of marriage registration is regarded as the wife's separate property prior to marriage under Clause 1, Article 43 of the 2014 on Marriage and Family Law, or whether it is not? Given the nature of the present on the wedding day and the original intent of acquiring wealth for the couple about to enter marriage, this conclusion is illogical. Consequently, the bride price's status as community property should be determined only by whether the parties have secured their marriage registration. It is unnecessary to consider whether the wedding gift of gold should be given before or after the marriage registration.

In addition, the bride price disagreement arises when a woman is given during the wedding ceremony, but the couple does not proceed with the marriage. In this scenario, the resolution of the bride price disagreement depends on the goodwill of both sides, particularly the groom's family. Indeed, if the groom's family thinks it unpleasant for both parties to not proceed with the marriage and agrees to let the bride's family to continue using the bride price handed to them separately as compensation for the loss. Intellectually, there is no disagreement. In contrast, a bride price disagreement emerges if the groom's family wants the female party to return the bride price and the girl's family refuses. The Court's dispute resolution procedure demonstrates its application of the notion of conditional contribution contracts. Consequently, the gift contract stipulates that the two parties must get married. This results in the nullification of the donation contract because the criterium is not met. Article 131 of the 2015 Civil Code

²⁷ Family Law is governed by Book 4 of the Hungarian Civil Code 2013.

governs the resolution of the consequences of a null and void contract. In determining the level of return of bride price from the bride's family, the Court also examines the blame component when addressing the repercussions of an invalid bride price donation contract. In order to calculate the rate of return, the court then determines who was at fault for the dissolution of the marriage and to what extent.

Wedding money is similar to bride price in that it is money presented to the couple on their wedding day. Money can be presented as a wedding gift in addition to bride price donated by the groom's family to the bride's family to pay the expenditures of the wedding reception. In addition, the wedding money includes the celebratory money given to the couple by friends and family on their wedding day. The aforementioned wedding funds are utilized to cover wedding-day service expenses. After deducting service fees for the wedding day, any remaining wedding funds are determined to be the property of the husband and wife, unless otherwise agreed upon by the husband and wife. Given that the goal of wedding day gifts is for the husband and wife, wedding money has the same attributes as bride price and should therefore be considered joint property. In accordance with Article 105 of the Civil Code of 2015, both money and gold are classified as assets and differ solely in their form of existence.

5. Conclusion

Thus, the characteristics of bride price and dowry have been formed through customs and habits in Vietnam for a long time. It is necessary to clarify that although the law does not stipulate the basis for the formation of this type of property, the civil law and marriage and family law still have sufficient grounds to determine the legal nature of the two types of property in order to settle related disputes. Accordingly, depending on whether the marriage relationship has been established or not, the settlement of the golden wedding dispute will be different.

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