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PROTECTION OF CITIZENS' RIGHTS IN MATTERS OF INHERITANCE

Abdreymov Yusupbay Turdibaevich
Karakalpak State University
Department of Civil and Business Law,
Associate Professor, Doctor of Law. (PhD)
ORCID: https://orcid.org/0000-0003-2255-9094
E-mail: abdreymovyusupbay@gmail.com
Alauaddinova Albina Aybek qizi
Karakalpak State University
3rd year student of the Faculty of Law

Annotatsiya: Meros huquqi jamiyatning huquqiy va ijtimoiy tizimida muhim o‘rin tutadi, chunki u fuqarolarning mulkiy va shaxsiy huquqlarini himoya qilish bilan bevosita bog‘liq. O‘zbekiston Respublikasida meros masalasi nafaqat oilaviy munosabatlarni tartibga soladi, balki adolat, ijtimoiy barqarorlik va fuqarolar o‘rtasidagi ishonchni ta’minlashda muhim rol o‘ynaydi. Maqola meros masalasida fuqarolar huquqlarini himoya qilishning huquqiy va amaliy jihatlariga bag‘ishlangan.

Kalit so‘zlar: Meros huquqi, fuqarolar huquqlari, meros nizolari, vasiyatnoma, notarial xizmatlar, huquqiy himoya, sud jarayonlari, mulk huquqlari, huquqiy savodxonlik, meros taqsimoti.

Аннотация: Право наследования занимает важное место в правовой и социальной системе общества, поскольку оно непосредственно связано с защитой имущественных и личных прав граждан. В Республике Узбекистан вопрос наследства играет важную роль не только в регулировании семейных отношений, но и в обеспечении справедливости, социальной стабильности и доверия между гражданами. Статья посвящена правовым и практическим аспектам защиты прав граждан в вопросах наследования.

Ключевые слова: Наследственное право, права граждан, наследственные споры, завещание, нотариальные услуги, правовая защита, судебные процессы, имущественные права, правовая грамотность, распределение наследства.

Annotation: The right to inheritance occupies an important place in the legal and social system of society, as it is directly related to the protection of property and personal rights of citizens. In the Republic of Uzbekistan, the issue of inheritance not only regulates family relations but also plays an important role in ensuring justice, social stability, and trust between citizens. The article is dedicated to the legal and practical aspects of protecting citizens' rights regarding inheritance.

Keywords: Inheritance law, citizens' rights, inheritance disputes, will, notarial services, legal protection, court proceedings, property rights, legal literacy, inheritance distribution.

Introduction. Inheritance law is a legal institution that plays an important role in regulating family relations and fair distribution of property. In the Republic of Uzbekistan, inheritance law is regulated by Articles 1112-1157 of the Civil Code. The transfer of the deceased's property, rights, and obligations to heirs is carried out in two forms: by will or by law. This process not only resolves property issues but also plays an important role in preventing family conflicts and protecting close relatives. The article comprehensively covers the civil-legal foundations of inheritance law in Uzbekistan, the specifics of drawing up wills, the procedure for inheritance under the law, and its practical aspects.

The Constitution of the Republic of Uzbekistan, the Civil Code, and other regulatory documents enshrine the will, interests, and rights of private property owners regarding their property.

Our fundamental law states that Article 41 of the Constitution guarantees everyone the right to property, the confidentiality of banking operations, deposits, and accounts, and the right to inheritance. Article 65 guarantees the equal rights and legal protection of all forms of ownership in the Republic of Uzbekistan. Article 66 stipulates that owners have the right to possess, use, and dispose of their property at their own discretion[1]. Currently, the number of disputes related to inheritance law is increasing among the population, and the issue of the need for legal resolution of these disputes stands out from other disputes due to its importance. Because failing to resolve these conflicts peacefully and through compromise could negatively impact the peaceful and tranquil life of our citizens. To prevent disputes regarding inheritance issues among the population, explaining inheritance rights is considered the primary duty of lawyers.

Inheritance refers to the transfer of property belonging to a person on the basis of private property, as well as certain rights and obligations closely related to the person leaving the inheritance, to the heirs after their death. In civil law, inheritance law is an exceptionally independent legal institution, envisioning the transfer of a deceased person's property, property rights, right of claim, as well as obligations and debts to others, to their heirs on the basis of inheritance by will or by law. The testator and the heir are considered subjects of inheritance legal relations. Only an individual can be an heir, both by will and by law. Any person can be an heir according to the law. However, the testator must be a legally competent person, as the testator's legal capacity plays a significant role in drawing up a will. If the person drawing up the will has no legal capacity, this circumstance leads to the invalidity of the will. If the testator has not left a will, the inheritance is distributed according to the law. The law defines the order of succession of heirs. First of all, the spouse, children (including adopted children), and parents. They receive the inheritance in equal shares. Secondly, siblings and their children (if there are no first-degree heirs). Next in line are other relatives (for example, grandparents, grandchildren), depending on the degree of kinship. For example, if a person dies without a will and has a spouse and two children, the property is divided into three equal shares. The testator may bequeath their property to individuals or organizations of their choice through a will. The will must be in writing and notarized. The testator has the right to freely distribute property, but must take into account the right to a mandatory share. The minor or incapacitated children of the testator, including their adopted children, as well as their incapacitated spouse and parents, including their adoptive parents, may inherit at least half of the share due to each of them (mandatory share) if they are legally heirs, regardless of the content of the will[2]. Inheritance is opened only upon the death of the person or upon declaration of death by a court. A death certificate is the primary document for initiating the inheritance process. For inheritance to exist, the deceased must have legal property in their name. The last place of residence of the testator is determined as the place of opening of the inheritance. An heir acquires the right to receive the inheritance or part thereof from the moment the inheritance is opened, unless they subsequently renounce the inheritance, lose the right of inheritance, and lose the right of inheritance as a result of the invalidation of the will on their appointment as heir. The right to inheritance is confirmed by a certificate issued by a notary. A certificate of the right to inheritance is issued to heirs who have accepted the inheritance in accordance with the legislation. The notary at the place of opening the inheritance is obliged, at the request of the heir, to issue him a certificate of the right to inheritance. A certificate of inheritance rights is issued six months after the opening of the inheritance. Whether inherited by law or by will, a certificate may be issued before the expiration of the aforementioned period if the notary has information that there are no heirs other than those who have applied for a certificate regarding the relevant property or the entire inheritance[3]. Furthermore, Article 36 of the Law of the Republic of Uzbekistan "On Copyright and Related Rights"

[1] http://lex.uz//docs/-6445145 O‘zbekiston Respublikasi Konstitutsiyasi.

[2] https://advice.uz/oz/document/2603

[3] https://new.civil.uz/2024/12/31/

stipulates that the author's property rights are transferred to heirs. That is, the norms of this article stipulate that the author's property rights are inherited, the author's personal non-property rights are not inherited (the right to the author's name, the right to publication, and the right to protect the author's reputation), the author's heirs are entitled to protect the specified rights, the heirs' rights are not limited by a term, and in the absence of heirs, the protection of the author's personal non-property rights is entrusted to a specially authorized state body[4].

If there are disputes between the heirs, the matter will be resolved through the court. For example, the invalidity of a treaty or the unfair distribution of shares will be discussed in court. Among disputes related to inheritance, the problem of unregistered housing is often encountered. This is because, due to legal illiteracy and ignorance of the conditions for owning property, some citizens have not even formalized their ownership rights. That is, they bought land and built a house, but they were indifferent to the documentation process. According to the law, if such constructed buildings violate the established procedure, unfortunately, they cannot acquire private property status, and as a result, no one is legally permitted to inherit this property. Furthermore, the consent of other children is required to register the inherited dwelling in the name of one of the children. Because they also have the right to an inheritance share. If the brothers do not agree to this benefit, the dispute will undoubtedly reach the courtroom[5]. To prevent such disputes, we must document our property in a timely manner, be attentive to documents, and improve our legal knowledge by becoming familiar with new laws and regulations.

In Uzbekistan, the Law "On Mediation" was adopted for the purpose of resolving disputes in an out-of-court, peaceful manner. The law was adopted by the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan on June 12, 2018, and approved by the Senate on June 28 of this year. This Law entered into force on January 1, 2019. The main goal of the law is to provide the parties with the opportunity to resolve disputes quickly and with minimal costs on the basis of mutual agreement without resorting to court proceedings, to reduce the number of cases submitted to the courts through mediation and increase the efficiency of courts, to find a fair and acceptable solution for both parties with the help of an impartial mediator in the mediation process, to reduce conflicts and strengthen peace in society by resolving disputes amicably. Mediation differs from the resolution of disputes in court with a number of advantages. Firstly, dispute resolution through mediation is carried out in a considerably shorter timeframe compared to court proceedings. The problem of the length of time required for the consideration of disputes in court does not apply only to Uzbekistan. For example, in Italy, it takes an average of 3 years to consider a case in lower courts. If the court decision is appealed, this period will be extended for 10 years. Article 23 of the law stipulates that the mediator and the parties must take all possible measures for the completion of the mediation procedure within a period not exceeding 30 days. If necessary, the period for the implementation of the mediation procedure may be extended by mutual agreement of the parties up to 30 days. This article sets the longest deadlines for mediation. International experience shows that in most cases, the duration of mediation is one business day, sometimes several hours. Specifically, as of November 30, 2018, more than 90% of cases concluded with the conclusion of a mediation agreement between the parties at the Singapore Mediation Center were resolved within one business day. Secondly, when mediation procedures are applied, all information related to the case is kept completely confidential. Only the parties and their representatives, as well as the mediator, may be aware of the dispute and related facts, and they are legally obligated not to disclose this information. Thirdly, in disputes resolved through mediation, a mutually acceptable agreement is reached. A decision made in favor of one party in disputes considered in court will serve the harm of the other party. As a result, reviewing a case through appellate, cassation, or supervisory procedures can drag on for months or

[4] O‘zbekiston Respublikasining «Mualliflik huquqi va turdosh huquqlar to‘g‘risida»gi qonuni. https://lex.uz/mact/1022944

[5] https://jizzax.sud.uz/

even years. In resolving disputes, mediation has been tested in international practice and, with a number of advantages, has occupied a worthy place in the national legislation of the countries of the world. Many countries have adopted their own laws on mediation and established mediation centers both nationally and internationally. Examples include Singapore, Great Britain, and India. Uzbekistan was not left out of this process[6]. The scope of mediation in the Republic of Uzbekistan is clearly defined by the Law "On Mediation." According to Article 3 of the law, the areas of application of the mediation procedure are indicated. The effect of this Law applies to disputes arising from civil legal relations, including in connection with the implementation of entrepreneurial activity, as well as to relations related to the use of mediation in individual labour disputes and disputes arising from family legal relations, unless otherwise provided by law[7].

In conclusion. The protection of citizens' rights regarding inheritance plays a crucial role in the legislative system of the Republic of Uzbekistan. The relevant sections of the Civil Code regulate inheritance rights and ensure the protection of citizens' property and personal rights. Alternative dispute resolution methods, such as mediation, provide citizens with the opportunity to seek a fair out-of-court settlement in inheritance disputes. At the same time, notarial services and assistance provided by government agencies ensure the transparency of the inheritance process. Uzbekistan's legislation is aimed at ensuring equality, justice, and social stability in protecting citizens' rights in matters of inheritance. In this process, enhancing legal awareness and resolving disputes peacefully are of paramount importance.

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[6] https://yuz.uz/uz/news/nizolarni-hal-qilishning-muqobil-usuli-mediatsiya-ozbekiston-va-xorijiy-tajriba
[7] O'zbekiston Respublikasining «Mediatsiya to'g'risida»gi qonun. http://lex.uz//docs/-3805227