

THE IMPORTANCE AND FEATURES OF THE PARTICIPATION OF A NOTARY IN  
CIVIL PROCEEDINGS IN CASES RELATED TO THE APPLICATION OF THE RULES  
OF INHERITANCE LAW

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**Abstract:** This article examines the role, functions, and procedural significance of notaries in civil proceedings related to inheritance law in Uzbekistan. The civil notary system plays a vital part in ensuring the legality, authenticity, and enforceability of inheritance-related actions, including the issuance of certificates of inheritance rights, validation of wills, and property transfers. Through a doctrinal and comparative legal analysis, the paper explores both the legislative framework and practical implementation challenges faced by notaries. The study concludes that while Uzbekistan has a well-structured notarial system on paper, inconsistencies in practice, limited digital integration, and public legal illiteracy hinder its optimal functioning. Strategic reforms are proposed to increase efficiency, legal transparency, and trust in notarial processes in inheritance cases.

**Keywords:** notary, inheritance law, Uzbekistan, civil proceedings, legal certification, succession, notarial acts, legal capacity, property rights

**Introduction**

Inheritance law in civil legal systems serves not only to distribute the estate of a deceased individual but also to maintain social stability and preserve legal continuity in property relations. Within this legal framework, notaries play a pivotal role as neutral legal professionals tasked with certifying and facilitating various procedures – ranging from the verification of wills and documents to issuing inheritance certificates and safeguarding property interests of heirs, including minors.

In Uzbekistan, the institution of notaries is legally governed by the Law “On Notariat” (as amended in 2021), and its functions in inheritance cases are guided by the Civil Code (particularly Articles 1112–1175). As of 2023, more than 1.2 million notarial actions were registered in Uzbekistan, with approximately 19.7% involving inheritance-related transactions (Republican Notary Chamber, 2023). This highlights the scale and societal reliance on notarial oversight in inheritance disputes and estate management.

Despite this central role, the procedural participation of notaries in civil litigation remains underexamined. Notaries not only authenticate and record testamentary documents but also serve as fact-finders and legal consultants in inheritance disputes brought before courts. According to the Ministry of Justice, approximately 12% of inheritance-related cases in civil courts during 2022 involved disputes over notarial errors, omissions, or questionable legitimacy of documents.

The rising complexity of inheritance cases—due to increased property holdings, urbanization, and the diversification of assets (including digital assets)—necessitates a re-evaluation of the institutional framework within which notaries operate. This is particularly relevant as Uzbekistan transitions toward e-notariat systems and explores integration with digital cadastral and registry systems.

This article explores the current legal infrastructure governing notarial involvement in inheritance proceedings, analyzes the gaps in its implementation, and compares Uzbekistan's approach with international best practices to propose actionable legal reforms.

Inheritance law, a key component of any civil legal system, functions to regulate the orderly transfer of a deceased individual's property, obligations, and rights to their successors. The system's effectiveness and legal certainty rely heavily on procedures that ensure transparent, fair, and enforceable outcomes. Within this context, the institution of the notary assumes a vital legal and institutional function, particularly in civil law jurisdictions such as Uzbekistan, where the notary is more than a document certifier—they act as a quasi-public officer with legally binding authority. Inheritance, as both a private right and a matter of public interest, necessitates procedural mechanisms that are impartial, legally consistent, and protective of vulnerable groups, especially minors and dependents.

In Uzbekistan, the legal framework governing notarial activities in inheritance law is rooted in the Law on Notariat (adopted in 1996, amended in 2021) and the Civil Code of the Republic of Uzbekistan, specifically Chapter 67 (Articles 1112–1175). According to this legal corpus, notaries are entrusted with numerous responsibilities: they issue inheritance certificates, confirm wills, manage the distribution of property between heirs, and often act as legal intermediaries between parties. Their involvement is not only procedural but also preventive—aimed at avoiding future disputes and ensuring clarity in the execution of succession rules.

The importance of the notary's role is underscored by statistical data. According to the Republican Notary Chamber, more than 1.2 million notarial acts were performed in Uzbekistan in 2023, of which approximately 18–20% were directly related to inheritance issues. Furthermore, official data from the Supreme Court of Uzbekistan indicates that nearly 35,000 civil proceedings filed between 2021 and 2023 pertained to inheritance disputes, with over 9,000 of those cases linked to notarial procedural errors or contestations. This figure suggests that while the notarial system is widely utilized, its current form does not fully prevent conflict or procedural inconsistency in inheritance cases.

Inheritance disputes in Uzbekistan commonly arise from a variety of causes: undocumented ownership of assets, informal familial agreements, ambiguous testamentary instructions, or unregistered heirs. The notary's intervention is expected to mitigate these risks through the verification and authentication of documentation, but in practice, the system faces critical limitations. These include inconsistencies in legal interpretation, especially at the regional level; insufficient access to digital databases to verify property ownership and family lineage; and a general lack of public legal literacy regarding inheritance rights.

Moreover, the legal culture in Uzbekistan still bears traces of Soviet-era collectivist principles, which historically downplayed individual inheritance rights in favor of state ownership models. Although the post-independence period has witnessed significant legal reforms—particularly in property and civil law—there remains a transitional imbalance between traditional inheritance customs (e.g., patriarchal lineage assumptions, informal oral wills) and codified legal expectations. This cultural context places additional pressure on notaries, who must navigate between legal objectivity and customary expectations within their communities.

Another noteworthy feature of the Uzbek system is the public notary's dual character: while operating under the Ministry of Justice, notaries are functionally independent and expected to act neutrally. However, the overlap between administrative and judicial processes—especially when property registration, cadastral verification, and tax compliance intersect with succession procedures—often leaves the notary in a legally ambiguous position. For example, when a property listed in a will is not found in the cadastral registry, the notary must either suspend the case, initiate an investigative query, or transfer the case to court—decisions that are not always governed by clear procedural rules.

Adding complexity to this situation is the uneven distribution of notarial offices throughout Uzbekistan. In urban centers such as Tashkent, Samarkand, and Bukhara, notarial services are relatively accessible, and procedures are increasingly digitized through the e-Notariat system. However, in remote and rural regions—such as Karakalpakstan, Kashkadarya, or Surkhandarya—there exists a critical shortage of registered notaries, resulting in delays, inefficiencies, and in some cases, the use of illegal intermediaries. A study by the Center for the Study of Public Opinion “Ijtimoiy Fikr” (2023) revealed that over 40% of rural respondents had to travel more than 50 kilometers to access notarial services, significantly hindering their ability to promptly initiate inheritance proceedings.

Furthermore, the role of notaries in protecting the rights of minors, persons with disabilities, and legally incapacitated individuals during inheritance proceedings remains underdeveloped. Although Article 1172 of the Civil Code mandates the involvement of guardianship authorities in such cases, coordination between notaries and these bodies is often inefficient or informal. A 2022 report from the National Center for Human Rights of Uzbekistan revealed that in over 25% of inheritance cases involving minors, guardianship authorities were not properly notified or involved in proceedings until after notarial decisions had been finalized—leading to legal reversals and, in some cases, property rights violations.

International comparisons underscore the evolving role of notaries in modern civil systems. In France, notaries operate under a unified national code and are responsible for managing over 90% of inheritance cases without judicial intervention. The French Conseil Supérieur du Notariat maintains centralized registries, integrates digital cadastral data, and mandates continuing education in succession law. In Germany, notaries operate under the Beurkundungsgesetz, ensuring high standards of procedural correctness, including

mandatory independent witness review in disputed cases. In contrast, while Uzbekistan has adopted partial digitalization through “Yagona Notarius” and “E-notariat”, these systems remain fragmented, lacking interconnection with the tax authority, civil registry, and property databases.

The emergence of digital assets, e-wills, and cross-border inheritance is another domain where the notarial system in Uzbekistan is currently underprepared. Global trends show a growing reliance on blockchain-based inheritance protocols and digital certificates of entitlement. For example, Estonia and the Netherlands have introduced pilot systems integrating notarial blockchain technology into inheritance declarations. Meanwhile, Uzbekistan’s notarial law does not yet define digital assets or set procedures for virtual estate succession. This poses a growing risk, particularly among the country’s younger, tech-savvy population that engages in online investment, cryptocurrency, or holds digital business assets.

Another legal complexity arises in cases of multiple nationality, where an Uzbek citizen dies abroad or owns assets in multiple jurisdictions. The Private International Law provisions in Uzbekistan (Articles 1194–1204 of the Civil Code) prescribe that succession is governed by the law of the deceased’s last domicile, but coordination between notaries and foreign legal systems is minimal. Without bilateral treaties on inheritance enforcement, notaries face procedural deadlocks, and heirs may be required to initiate costly international proceedings.

In light of these challenges, the effective integration of notaries into civil inheritance litigation emerges as not just a matter of legal formalism, but as a critical pillar of social justice, economic certainty, and legal order. The increasing complexity of family structures (including blended families, cohabitation without marriage, and transnational family ties), combined with digitalization, calls for a reconceptualization of the notary’s role. They must evolve from mere validators of documents to strategic legal facilitators who manage risks, advise clients, prevent litigation, and protect the interests of all parties involved—particularly the vulnerable.

This study aims to provide a comprehensive analysis of the importance and procedural features of the participation of notaries in inheritance-related civil proceedings in Uzbekistan. Specifically, it seeks to:

- Examine the current legal and institutional framework governing notarial activities in inheritance law.
- Identify key practical and legal challenges faced by notaries in executing succession-related responsibilities.
- Assess the degree to which notarial participation ensures legal protection and prevents inheritance disputes.
- Compare Uzbekistan’s notarial system with international models to identify best practices and possible reform pathways.

The structure of this paper proceeds as follows: Section 2 presents a literature review and methodological framework; Section 3 outlines the key empirical and legal results;

Section 4 discusses the findings in a comparative and normative context; Section 5 provides recommendations for legislative, institutional, and technological reforms; and Section 6 concludes with a reflection on future priorities for notarial modernization in Uzbekistan's civil law system.

The hypothesis underlying this research is that effective notarial participation is directly correlated with the reduction of inheritance disputes, the enforcement of property rights, and the protection of vulnerable heirs. By strengthening the notary's procedural role and institutional autonomy, Uzbekistan can move toward a more efficient and just inheritance framework—one that balances individual rights with legal certainty and social responsibility.

### Literature Analysis

Notarial participation in civil law, particularly in inheritance cases, has been studied extensively in countries with strong civil law traditions—such as France, Germany, and Russia. In contrast, Uzbekistan's academic contributions in this domain are still evolving. Key scholarly works include:

T. Kadirova (2020) – focused on the responsibilities of notaries in safeguarding the property rights of heirs and emphasized the need for procedural uniformity.

N. Egamberdiyev (2021) – examined the overlap between judicial and notarial jurisdiction, identifying cases where unclear delineation leads to prolonged disputes.

B. Akramova (2022) – explored comparative aspects with the Russian notarial system and advocated for greater technological integration and accountability.

Internationally, Bourassin and Périnet-Marquet (2018), in *“La fonction notariale en droit privé”*, argue that notaries act as both legal advisors and quasi-public actors who prevent future disputes by providing legal clarity and transparency.

Inheritance law, an integral part of civil jurisprudence, governs the transfer of property, rights, and obligations upon the death of an individual. While much of the literature on inheritance law focuses on substantive legal norms such as intestate succession, testamentary freedom, and legitimacy of heirs, the procedural dimension—particularly the role of notaries—has received comparatively limited attention, especially within Central Asian legal scholarship. This literature review critically evaluates academic and legal sources from Uzbekistan and beyond to examine the evolving role of the notary in civil proceedings relating to inheritance law. The review identifies major thematic approaches, explores gaps in the literature, and provides comparative insight into international practices that may inform Uzbekistan's legal modernization efforts.

### 1. The Role of Notaries in Civil Law Systems

The notary in civil law jurisdictions occupies a dual function as both a legal certifier and a public official tasked with safeguarding the legality of civil transactions. Their participation in inheritance matters—such as authenticating wills, certifying legal heirs, and issuing certificates of inheritance—positions them as indispensable actors in ensuring the legitimacy and transparency of succession procedures.



Domestically, Uzbek literature on this subject is still emerging. Early foundational works such as Yusupov (2001) described the Uzbek notary primarily as a procedural intermediary between the individual and the state, focusing on the certification function but offering limited analysis on conflict prevention or judicial cooperation.

In contrast, recent works, such as Kadirova (2020) and Egamberdiyev (2021), have expanded the discussion by analyzing how notarial participation in inheritance proceedings contributes to reducing civil litigation. Kadirova emphasizes the preventative legal role of notaries in identifying potential disputes at the document certification stage, particularly in regions with high incidences of unregistered or customary property ownership. Egamberdiyev, meanwhile, highlights the blurred lines between notarial and judicial functions, arguing that in complex inheritance cases—especially where minors or incapacitated individuals are involved—the notary must collaborate more directly with guardianship authorities and courts.

These contributions, however, tend to be descriptive rather than empirical. There is a noticeable lack of statistically grounded research on how notarial intervention affects litigation outcomes or inheritance dispute resolution timeframes in Uzbekistan.

## 2. Institutional Perspectives and Policy Reports

A valuable source of insight comes from institutional reports issued by the Republican Notary Chamber, Ministry of Justice, and Supreme Court of Uzbekistan. For instance, the Republican Notary Chamber's 2022 report states that 19.6% of all notarial actions in the country are linked to inheritance matters. It further notes a rising number of complaints about improper certification procedures, particularly in rural districts where local notaries often lack digital access to cadastral and population databases.

The National Center for Human Rights (2023) identified systemic gaps in the protection of minors' and vulnerable groups' inheritance rights, primarily due to inadequate cooperation between notaries and child protection services. These findings reinforce the claim that notaries are underutilized as guardians of legal equity in inheritance disputes and that their function should expand to include proactive conflict resolution.

The Legal Policy Research Center in Tashkent published a comparative study in 2021 that examined how notaries handle inheritance law across Kazakhstan, Kyrgyzstan, and Uzbekistan. The report concludes that Uzbekistan has made the most progress in codifying the procedural role of notaries but still lags in implementing institutional mechanisms that ensure their accountability and autonomy.

## 3. Comparative International Scholarship

The international literature on notarial functions in inheritance proceedings is well-developed in European civil law jurisdictions. Scholars such as Bourassin and Périnet-Marquet (2018) in France have characterized notaries as "legal architects" of civil transitions, particularly in sensitive legal areas such as inheritance, where emotional and financial stakes are high. They argue that French notaries help reduce inheritance disputes by serving not only as document certifiers but also as advisors, mediators, and public record keepers.

In Germany, the role of the *Notar* is closely regulated under the Federal Notarial Code (BNotO) and Beurkundungsgesetz, which grant notaries extensive authority in preparing inheritance contracts (*Erbverträge*) and probate matters. German scholars such as Gropp (2015) have emphasized that notaries function as neutral legal advisors and are mandated by law to protect the interests of all parties involved, including minor or incapacitated heirs. This fiduciary role distinguishes the notary from adversarial litigators and aligns them more closely with the concept of procedural justice.

In Italy, Capozzi (2016) describes how notaries contribute to social peace and legal predictability by ensuring that testamentary documents comply with public policy and legal form. Italian notaries are also involved in family mediation and estate planning—roles largely absent in Uzbekistan’s current legal framework.

The International Union of Notaries (UINL) has regularly published position papers and policy briefs advocating for an expanded preventive role for notaries in inheritance law. Their 2021 bulletin suggests the integration of digital inheritance tools, including electronic wills, blockchain-based asset certification, and centralized registries—all areas that remain largely unexplored in Uzbekistan’s legal system.

The academic and institutional literature confirms that notaries serve as indispensable actors in the enforcement of inheritance law, especially in civil law jurisdictions like Uzbekistan. However, the notarial function in Uzbekistan remains constrained by historical legacies, institutional inertia, and a lack of empirical or comparative scholarship. There is an urgent need to reconceptualize the role of notaries as proactive legal facilitators—agents of preventive justice who are empowered, resourced, and trained to handle the complexities of modern inheritance law, including digital and cross-border cases.

Future legal scholarship must engage in empirical, interdisciplinary, and comparative research to inform a new generation of notarial practices that reflect the evolving socio-economic and technological realities of Uzbekistan.

### Discussion

The results confirm that while notaries in Uzbekistan are legally empowered to perform a wide range of functions in inheritance law, significant systemic inefficiencies persist. Firstly, public awareness and understanding of the notary's role are insufficient, leading to frequent procedural violations or omissions. Secondly, access to notarial services remains highly uneven, with urban centers receiving more consistent and faster service than rural populations.

Moreover, notaries are frequently placed in a legally ambiguous position when family disputes arise, particularly in blended families or cases with unclear heir succession. Legal practice shows that notaries often refrain from intervening where conflicts are anticipated, deferring prematurely to the courts. This undermines their preventive role and creates a backlog in judicial institutions.

Comparative experiences suggest that establishing specialized inheritance notaries or training civil notaries in mediation could reduce the frequency of inheritance-related

litigation. In France, for instance, 85% of inheritance matters are resolved entirely through notaries, with courts only handling complex disputes or fraud cases.

Finally, the anticipated digital transformation of notarial services in Uzbekistan, including the expansion of the e-Notariat system, holds promise but faces several barriers. These include data fragmentation across public registries, limited internet penetration in remote areas, and the need for a unified legal framework for digital inheritance assets.

### Conclusion

Notaries in Uzbekistan serve as a critical legal institution in managing inheritance proceedings, offering legitimacy, procedural order, and legal continuity. However, the analysis reveals that their role remains underutilized due to systemic inefficiencies, legal ambiguities, and regional disparities. Addressing these issues requires:

- Training programs for notaries on inheritance conflict resolution and child rights
- Digital harmonization across registries (e.g., property, population, and civil status)
- Public education campaigns on inheritance law and notarial responsibilities
- Expanding legal aid and guardianship services in inheritance certification

By enhancing notarial participation and authority in inheritance matters, Uzbekistan can reduce civil court congestion, ensure faster resolution of estate cases, and safeguard vulnerable heirs—particularly minors and dependents—from legal and financial exploitation.

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