

Succession rights of foreign citizens in the Republic of Uzbekistan

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Annotation: In this article, the inheritance rights of foreign citizens and stateless persons, their practice and problems in the field of legal regulation, and the reforms during the period of independence are highlighted

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As a result of the reforms carried out in Uzbekistan during the period of independence, in a short time a class of owners appeared in the society. Along with the emergence of the class of owners, there was a need to legally regulate the transfer of existing property from generation to generation. The protection of the will, interests and rights of the owner of private property in relation to his property was strengthened by the Constitution of the Republic of Uzbekistan, the Civil Code and other legal documents.[1]

In particular, Article 36 of the Constitution of the Republic of Uzbekistan states that every person has the right to own property, bank deposits are kept secret and the right of inheritance is guaranteed by law, Article 53 states that private property is inviolable and under the protection of the state like other forms of property, 54 Article - the right of the owner to own, use and dispose of his property at will.

Involving foreign citizens or foreign legal entities, or civil legislation, other laws that should be applied to complicated civil-legal relations with foreign citizens determined on the basis of laws, international agreements and recognized international practices, as well as on the basis of the agreement of the parties.[2]

In the Republic of Uzbekistan, a national procedure is provided to foreign citizens within the framework of the right of succession. According to our legislation, foreign citizens can inherit and receive property. When there are heirs of property, their rights are fully equal to the rights of citizens of Uzbekistan. Thus, in this regard, the national procedure is applied to foreign citizens and reciprocity is not applied. According to Article 1197 of the FC of the Republic of Uzbekistan, succession relations are determined according to the law of the country where the testator had his last permanent residence, if the testator did not choose the law of the country of his citizenship in the will. Therefore, in the context of succession, the last permanent residence of the testator remains the principle of conflict. If the decedent had his last place of residence in the Republic of Uzbekistan, the legislation of Uzbekistan should be applied here. According to this legislation, the scope of inheritance is determined. their shares and shares in the inherited property are determined. If the decedent's last place of residence is a foreign country, then the law of this foreign country shall be applied. According to Article 21 of the FC of the Republic of Uzbekistan, a citizen's permanent or main place of residence is his place of residence. [1]

After the death of a citizen of the Republic of Uzbekistan (if he/she becomes the heir), relationships regarding succession may arise abroad. In all cases, relations of succession with a foreign element are determined according to the rules of conflict of laws or international agreements. Basically, if it is about movable property, it is determined by the law of the country of the bequeather, and in relation to immovable property, it is determined by the law of the country where this property is located. Succession is carried out by the authorities of the country of the decedent (for movable property) or by the authorities of the country in which the immovable property is located. The ability of a person to leave a will, change it or cancel it is determined by the law of the legatee. The form of the will is also determined by this legislation. But it should also be mentioned that in order for the will to be considered valid, it is enough to comply with the law of the country where it is drawn up.[3]

If a citizen of the Republic of Uzbekistan is temporarily abroad and dies there, his money and belongings are handed over to the consul. Citizens of the Republic of Uzbekistan have the right to receive inheritance opened abroad. The right of succession established on the basis of the legislation of a foreign

country is fully recognized in the Republic of Uzbekistan. As mentioned above, consuls play an important role in protecting the right of succession of a citizen of the Republic of Uzbekistan abroad. If the consul has received information about the opening of inheritance in favor of a citizen of Uzbekistan, he will forward this information to the Ministry of Foreign Affairs of the Republic of Uzbekistan. Citizens and legal entities in cases of succession are absent and have not delegated the proceedings to any person or are unable to protect their interests for other reasons, consuls without a power of attorney on their behalf in the state institutions where the consulate is located. has the right to represent. This authority continues until they appoint their representatives or undertake the protection of their rights and interests (Article 29 of the Consular Charter). On the basis of international agreements, consuls have the right to perform other actions related to inheritance (actions to protect the inheritance, obtain a certificate of inheritance, receive the inheritance for later transfer to the heir, etc.).

The Decree "On the strategy of actions for the further development of the Republic of Uzbekistan", developed and adopted at the initiative of the President of the Republic of Uzbekistan Shavkat Mirziyoyev, along with increasing the effectiveness of the reforms carried out under the leadership of the First President of Uzbekistan during the years of independence among other things, it started a new era of ensuring the rule of law in society and further reforming the judicial system. [4]

The adoption of the Decree of the President of the Republic of Uzbekistan dated February 21, 2017 "On measures to fundamentally improve the structure of the judicial system of the Republic of Uzbekistan and increase the effectiveness of its activities" is important in increasing the reputation of the judiciary and strengthening the independence of the judiciary. it has been. The decree specified a number of practical measures to ensure the true independence of the judiciary, increase the efficiency and prestige of the courts, and further improve the structure of the courts and the system of selection and appointment of candidates for judicial positions. The implementation of these and other organizational and legal measures is aimed at further democratization of the judicial system and plays an important role in strengthening the independence of the judiciary and courts. This, in turn, creates a wide opportunity to increase the trust of the population in the courts, to ensure the guaranteed protection of human rights and interests by the court.[5]

Property and personal non-property rights in Chapter 3, Article 14 of the Law of the Republic of Uzbekistan dated 04.06.2021 No. ORQ-692 "On the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Uzbekistan" rights are defined in the following:

Foreign citizens and stateless persons, unless otherwise provided by the laws of the Republic of Uzbekistan or international agreements, enjoy property rights on the territory of the Republic of Uzbekistan equally with citizens of the Republic of Uzbekistan.

Foreign citizens and stateless persons may inherit or bequeath their property on the territory of the Republic of Uzbekistan, as well as other property and personal immovable property, in accordance with the procedure established by the laws of the Republic of Uzbekistan and international treaties. has the right to exercise rights.[6]

So, to conclude, we can see that large-scale reforms are being carried out for foreign citizens in our country.

References:

1. Yodgorov, Salaev, Narzullaeva Law of inheritance practical guide T. 2017
2. Constitution of the Republic of Uzbekistan
3. International private law: Textbook. / Team of authors // y.f.d., Assoc. Under the general editorship of I. Rustambekov. T.: TDYU, 2019.
4. Decree "On the Strategy of Actions for Further Development of the Republic of Uzbekistan" developed and adopted at the initiative of the President of the Republic of Uzbekistan Shavkat Mirziyoyev
5. Decree of the President of the Republic of Uzbekistan dated February 21, 2017 "On measures to fundamentally improve the structure of the judicial system of the Republic of Uzbekistan and increase the effectiveness of its activities"
6. Law of the Republic of Uzbekistan No. ORQ-692 of 04.06.2021 "On the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Uzbekistan"