

INHERITANCE LAW IN THE LEGISLATION OF THE REPUBLIC OF UZBEKISTAN

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Abstract: *The law of inheritance is one of the essential institutions of civil law, closely linked to human life. It plays a key role in regulating property relations and ensures the orderly transfer of a deceased person's property to other individuals. Section V of the Civil Code of the Republic of Uzbekistan is dedicated to inheritance law, setting forth the procedures for inheritance both by will and by law, as well as the implementation of inheritance rights and the resolution of related disputes. This article highlights the fundamental aspects of inheritance law in the legislation of the Republic of Uzbekistan.*

Keywords: *inheritance, inheritance by will, inheritance by law, composition of the estate, place of inheritance opening, heirs, disqualification of unworthy heirs.*

Inheritance is the transfer of the rights and obligations related to the property of a deceased person (the testator) to other individuals (the heirs). This legal institution plays a vital role in ensuring property stability, strengthening family ties, and the lawful distribution of assets. It has developed as a fundamental concept in civil law since ancient times. In particular, the concept of inheritance existed in ancient Roman jurisprudence and has served as the foundation for the legislation of many modern countries.

According to the Civil Code of the Republic of Uzbekistan, there are two types of inheritance: **inheritance by will** and **inheritance by law**.

Inheritance by Will

Inheritance by will is the transfer of ownership or rights to property belonging to the testator to another person of their choice, as expressed in a will in the event of the testator's death. A will must be made personally by the testator; it cannot be drawn up through a representative. Every individual has the right to bequeath all or part of their property to one or several persons, regardless of whether they fall within the legal circle of heirs, as well as to legal entities, the state, or local self-governing bodies.

The testator has the right to disinherit one, several, or all legal heirs without giving any explanation. The testator is also entitled to make a will concerning any property they own. After making a will, the testator has the freedom to revoke or amend it at any time, without the obligation to state the reason for such changes or cancellation.

However, the testator is not entitled to impose instructions on the appointed heirs (in the will) regarding the specific way they should dispose of the inherited property after his or her death, assuming they might die soon.

Inheritance by Law

Inheritance by law mainly takes place when no will has been made by the deceased. In cases of legal inheritance, adopted children and their descendants, on the one hand, and the adoptive parents and their relatives, on the other hand, are treated as biological relatives.

Adopted children and their descendants do not inherit by law from the biological parents, grandparents, siblings of the adoptive parents after their death, and vice versa: the biological parents, grandparents, and siblings of the adopted person do not inherit from the adopted person and their descendants under the law.

There are five orders of legal heirs. Each subsequent group of heirs under the law is eligible to inherit only in the absence, disqualification, rejection, or renunciation of the inheritance by the heirs of the preceding order.

Composition of the Estate

The estate includes all rights and obligations that belonged to the deceased at the time of the opening of the inheritance and that do not cease upon death. However, rights and obligations that are closely tied to the person of the deceased are excluded from the estate. These include:

- Membership and participation rights in commercial and other legal entities, unless otherwise provided by law or contract;
- The right to claim compensation for damage caused to life or health;
- Rights and obligations arising from alimony obligations;
- The right to receive pensions, benefits, and other payments based on labor and social security legislation;
- Personal non-property rights not related to property rights.

How Is Inheritance Determined in the Case of Joint Property Ownership?

If the property of the deceased was part of jointly owned property, their death serves as a basis for determining their share in that joint property and for the division of such property or separation of the deceased's share according to the procedure established by law. In this case, inheritance is opened only in relation to the deceased's share in the jointly owned property. If it is impossible to divide the property in kind, inheritance is opened over the value of that share.

Opening of Inheritance

Inheritance is opened upon the death of a person or the court's declaration of the person as deceased. If a person is declared deceased by a court decision, the moment of opening the inheritance is considered to be the date when the court decision comes into legal force, unless another date is specified in the court's decision.

If several persons, who are eligible to inherit from one another, die within the same calendar day (i.e., within 24 hours), they are considered to have died simultaneously. In this case, the estate of each is opened separately, and the heirs of each individual are called to inherit.

Place of Opening of the Inheritance

The place of opening of the inheritance is considered to be the last permanent residence of the deceased. If the deceased's last residence is unknown, then the place where the immovable property or its main part is located shall be deemed the place of opening of the inheritance. If there is no immovable property, then the place where the main part of the movable property is located shall be considered as such.

Heirs Eligible to Inherit

Individuals who are alive at the time of the opening of the inheritance, as well as children who were conceived during the lifetime of the testator and are born alive after the inheritance is opened, may inherit by will or by law. Legal entities established before the opening of the inheritance, as well as the state and local self-government bodies, may also be heirs by will.

Unworthy Heirs

Persons who intentionally killed the testator or any of the potential heirs, or attempted to do so, are disqualified from inheriting under both will and law. However, if the testator made a will in favor of such a person after the attempted act, this exception does not apply.

Likewise, individuals who intentionally prevented the testator from expressing their final will, and thus enabled their own inheritance rights or those of others close to them, or increased the share due to them or their associates, are also deemed unworthy heirs and cannot inherit by will or by law.

Parents deprived of parental rights with regard to their children, and whose rights have not been restored by the time the inheritance is opened, are not entitled to inherit from such children. Moreover, parents, adoptive parents, minor children, and adopted children who failed to fulfill their legal obligation to support the deceased are also deprived of inheritance rights under the law.

The disqualification of unworthy heirs and their removal from inheritance is determined by the court based on a claim submitted by a person whose inheritance rights are affected by the property-related consequences arising from such disqualification.

Conclusion

In conclusion, inheritance law, as an integral part of civil law, ensures the legal order over the deceased's property even after death. The legislation of the Republic of Uzbekistan provides clear and detailed legal norms in this area.

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