

NEW UZBEKISTAN - NEW NOTARIAT

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ABSTRACT	KEYWORDS
The article deals with the issues of reforming the legislation on notariat, creating conditions for more active participation of notary in the execution of notarial acts. And also, improvements of notariat in the strategy of actions on five priority directions of development of the Republic of Uzbekistan in 2017-2021.	Notariat, notary, legislation, reform, preventive justice, notarial certification, automated information system, administrative regulations.

Introduction

The Notaries Act adopted in December 1996 reaffirmed the importance of notarial activity in the organisation of property turnover relations. Mandatory notarial certification of a number of transactions, including those involving real estate, issuance of certificates of right to inheritance and to a share in common property, protest of promissory notes and certification of non-payment of cheques, certification of facts having legal significance, certification of the correctness of copies of documents and acceptance of documents for safekeeping, execution inscriptions and measures to secure evidence - these and other actions performed by notaries play an important role in the proper registration of emerging market interrelations.

For the first time in many years notaries are allowed to engage in private practice. Along with public notaries, they are called upon to provide notarial services to individuals and legal entities, protecting their rights and legitimate interests. This implies the expansion of the quantitative composition of notaries and qualitative improvement of their professional training, because neither their number nor their qualifications can be recognised as fully corresponding to modern needs and tasks. It is also obvious that the cardinal reforming of social and economic relations of our society and caused by this fundamental change and updating of civil and civil-procedural legislation make extremely actual the task of retraining of notary employees even if they have solid practical experience.

The notariat in the Republic of Uzbekistan is a legal institution designed to ensure the protection of the rights and legitimate interests of natural and legal persons through the performance by notaries of notarial acts stipulated by legislative acts and directly related actions of a legal and technical nature.

[1]

The analysis of the current system of state notariat and the study of international experience in the field has shown the need to increase the efficiency of notarial services, to eliminate unnecessary bureaucratic

barriers in civil-law relations. In particular, in the free disposal and use by private property owners of their property. The Decree of the Head of State Sh. M. Mirziyoyev 'On measures to further improve the notary system as an institution of preventive justice' signed in 2018 was a starting point in the changes in the notarial model of the country. [2]

Almost immediately, administrative regulations for interaction with state bodies and organisations were adopted for the certification of transactions based on the 'one window' principle. This allowed the introduction of databases and information systems for the exchange of information and integration into the automated information system 'Notary'.

In addition, the requirements for compulsory notarisation of lease agreements and agreements on the free use of immovable property were abolished, and a mechanism for compulsory audio and video recording of the process of signing wills and individual agreements, statements and other documents was introduced. From now on, notarisation is carried out by scanning the fingerprints of applicants.

The internship period for candidates for the position of notary has been reduced from two years to one year, the practice of online audio and video broadcasting of the process of selecting candidates for the position of notary on a competitive basis has been introduced, and the criteria for determining the positions of notaries in a notarial district have been revised.[3]

The system of retraining and upgrading the qualifications of notaries has also been reformed, with the inclusion in the curricula of subjects on psychological and other non-legal disciplines and skills (stress and conflict management, effective organisation of working time).

The Ministry of Justice of the Republic of Uzbekistan improved the automated information system 'Notary', which allowed to provide a comprehensive automation of the process of committing and collecting information on notarial acts, as well as to summarise all types of information interaction with the relevant state bodies in the commission of notarial acts.[4] This system clearly reflects all the actions of the notary, allows monitoring and online detection of offences by notaries and taking appropriate measures to respond to them. This approach ensures that notaries comply with the requirements of the law as closely as possible.

The creation of the e-notarius.uz website has saved citizens from waiting in long queues. Now it is enough to register on the site and come to the appointment at the appointed time. In order to protect the property rights of legal entities and individuals, the law defines the property obligation of notaries. Henceforth, a private notary is liable with his property for obligations arising as a result of causing damage to a natural or legal person and/or third parties in the performance of notarial acts. Moreover, according to the law, notaries are obliged to insure their civil liability.

The second stage of reforms in the notarial sphere began in 2019 with the signing of the Presidential Decree 'On measures to fundamentally reform the notarial system in the Republic of Uzbekistan'[.5]

As of 1 May 2021, the notary sector has been completely transformed from the state system into a non-state system. And the system of notaries engaged in private practice started to operate in Uzbekistan.

For the convenience of individuals and legal entities, the procedure for notarisation of power of attorney for driving vehicles between close relatives, for obtaining the consent of local authorities in the alienation of housing under construction to another person and the consent of the guardianship and custody authority for renting (leasing) housing on behalf of a person under guardianship has been abolished. Moreover, the procedure of obligatory notarisation of the agreement on granting legal entities of enterprises for rent and gratuitous use has been cancelled.

New notarial actions have been introduced instead of the cancelled ones. In particular, provision of evidence in the pre-trial process in civil-law relations, fulfilment of the functions of a mediator, confirmation of the date of submission of created objects of copyright and related rights, equal legal force of electronic and paper documents.

The majority of notarial acts can now be executed on the principle of extraterritoriality. Individuals and legal entities have the opportunity to perform notarial acts in any region regardless of their place of residence. The practice of compulsory audio and video recording of the process of signing wills, certain transactions, statements and other documents has been introduced.

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