



INHERITANCE RIGHTS IN UZBEKISTAN THROUGH THE INDIVIDUAL'S LENS: PERSONAL AUTONOMY, FAMILY CLAIMS, AND LEGAL PRACTICE

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Abstract. This article examines inheritance rights in Uzbekistan from the viewpoint of the individual who plans an estate and the individual who later must claim it. Uzbekistan's Constitution guarantees the right to inherit, but the real-life meaning of that guarantee is shaped by the Civil Code, notarial procedure, and court interpretation.[1] The article explains how personal autonomy is expressed through wills, why that autonomy is protected only when intention is translated into proper legal form, and how family claims can lawfully limit a testator's freedom through mandatory protections (including the compulsory share).

Keywords: Uzbekistan, inheritance law, will, statutory succession, compulsory share, spouse, notary, certificate of inheritance, unworthy heir, court practice.

INTRODUCTION

For many people, inheritance law is not a tidy academic topic—it is a stressful life event that suddenly demands precision. The first questions are almost always personal but quickly become legal: *Who counts as an heir? What exactly is being inherited? Where do we go to make it official?* Uzbekistan's Constitution explicitly protects the right to inherit, which means inheritance is not merely a family expectation; it is a legally guaranteed interest that public authorities must respect when they apply the law.[1] In practice, however, a constitutional promise does not hand anyone a house key or a bank card. The promise becomes real only through a legally structured pathway: determining the moment and place of opening of the inheritance, identifying the estate composition (property, rights, and



certain obligations), identifying heirs (by will or by law), and then obtaining official confirmation through notarial and registration procedures set by legislation.[2]

From an individual's perspective, inheritance policy is a balancing act between autonomy and protection. On one side stands personal autonomy: the wish to choose heirs, reward caregiving, support someone vulnerable, or direct assets to a social or religious purpose. On the other side stand family claims and social expectations: spouses, children, and dependent relatives who may see inheritance not as a "private choice," but as the continuation of a shared household economy. Uzbek civil law reflects this tension by recognizing inheritance both by will and by law, while also containing protective limitations on freedom in certain situations—most notably the compulsory share and rules that prevent certain persons from inheriting if they are legally "unworthy." [2]

MATERIALS AND METHODS

Personal autonomy is most visible in the option to leave a will, because a will transforms private intention into a legally binding order of succession.[2] The practical question for a person planning their estate is not only "Can I choose my heirs?" but "Will my choice survive scrutiny when I am no longer here to explain it?" Here, legal form is not decorative—it is protective. Vague language ("my closest relatives," "my family," "those who supported me") is an invitation to conflict, because notaries and registrars need names, identities, and documentable relationships. A second autonomy trap is the gap between *what a person believes they own* and *what the state registry or bank records show*. If property is registered in someone else's name, if a house was acquired during marriage but the ownership shares are unclear, or if obligations exist (for example, loan liabilities that do not automatically disappear), the inheritance case must untangle those facts before distribution can happen. In real practice, the notarial system is designed to demand evidence precisely because it prevents "loud certainty" from defeating "quiet legality." The Law "On Notariat" frames notarial acts as a formal legal mechanism; that formality is exactly what protects an individual's expressed will from later re-interpretation by relatives who suddenly discover a passion for "justice." [3]

RESULTS AND DISCUSSION



Family claims are the second filter, and this is where autonomy meets the law's protective instinct. Uzbekistan's Civil Code provides a compulsory share (mandatory portion) for certain protected heirs, meaning testamentary freedom is not unlimited in every case.[2] From an individual's lens, the compulsory share is best understood as a predictable "floor" the law reserves for protected relatives when legal conditions exist; ignoring that floor does not erase it, it merely postpones the dispute until the most emotionally volatile moment possible. The same realism applies to the surviving spouse. Inheritance disputes often arise not because the will exists, but because family members disagree about what belongs to the estate *at all* (for instance, distinguishing the deceased's share from jointly acquired marital property, or determining whether an asset is personal, shared, gifted, or encumbered). If the estate plan does not account for those predictable family pressure points, the plan may remain "valid" but become practically explosive. Finally, the Civil Code and judicial practice also recognize the idea of the unworthy (disqualified) heir: a person can be excluded when legal grounds exist, and court guidance stresses that such conclusions rely on legally established facts (including the role of a final court judgment where required), not on family narratives told at the kitchen table.[4]

Legal practice is where inheritance becomes tangible, and in Uzbekistan that practice is strongly notary-centered. Notaries are the main gateway for formal confirmation of inheritance rights, including issuing a certificate of the right to inherit, which then enables registration of ownership and access to assets.[3] Timing is not a minor technicality; it is part of the fairness logic. Official public guidance on inheritance services states that a certificate is generally issued after six months from the opening of the inheritance, and guidance also notes that early issuance can be possible in specific circumstances (for example, where the notary has reliable information that no other heirs exist).¹ This waiting structure is meant to protect absent or uninformed heirs, but it has a side effect: it punishes informal family habits. If heirs delay collecting documents (death certificate, kinship documents, property titles, registry extracts), the six months can become "six months plus another season of paperwork." When conflict arises, courts become the arena—especially on issues like: validity of the will, proof of kinship, disputes about what belongs in the estate, claims of disqualification, and restoration of missed procedural deadlines. Supreme Court



Plenum guidance exists precisely to align court practice and reduce arbitrary approaches, reminding courts to apply inheritance rules consistently and to treat the composition of the estate and disqualification questions with legally grounded analysis.[4]

CONCLUSION

Inheritance rights in Uzbekistan, viewed through the individual's lens, function as a structured compromise between autonomy and family protection. The legal framework recognizes freedom to shape succession through a will and recognizes statutory succession where no will governs, but it also limits freedom through compulsory protections and treats the spouse's position and protected relatives' interests as legally significant.[2] The Constitution provides the normative foundation by guaranteeing inheritance rights, while the Civil Code and judicial guidance turn that principle into enforceable outcomes.[1][4] In other words, Uzbekistan's inheritance system does not simply ask "What did the deceased want?"; it asks "What can the deceased's will be proven to mean under law, and how are protected interests preserved?"

The main practical implication is simple and slightly brutal: inheritance does not reward good intentions; it rewards clear evidence. Notarial procedure, including the typical six-month timeline for inheritance certificates, is designed to protect all interested persons, but it also exposes the cost of informality.[5] Individuals who want their autonomy respected after death should treat planning as a process, not a single signature: keep registrations accurate, remove ambiguity about ownership, use compliant will formalities, and anticipate legally protected family claims.[2] When the law is treated as part of family responsibility—rather than as an emergency service—inheritance becomes less of a battlefield and more of what it is supposed to be: an orderly transfer of rights, with dignity for the living and respect for the dead.

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