



Research Article

THE ROLE OF NEW NOTARY IN RAISING THE PRESTIGE OF NEW UZBEKISTAN

Submission Date: May 10, 2022, **Accepted Date:** May 20, 2022,

Published Date: May 30, 2022 |

Crossref doi: <https://doi.org/10.37547/tajpslc/Volume04Issue05-08>

Journal Website:
<https://theamericanjournals.com/index.php/tajpslc>

Copyright: Original content from this work may be used under the terms of the creative commons attributes 4.0 licence.

Dilshod Ashurov

Master of law, Tashkent State University of Law, Uzbekistan

ABSTRACT

The article discusses the role of the notary in the development of the country today, the specific goals and measures in the Action Strategy, the transition to the private sector, the issues identified in the reform of the system as a conflict prevention institution, theoretical and practical problems and obstacles and ways to overcome them are introduced. Also, as one of the Legal acts that served as a step towards the complete reform of the field and the transition to a modern notary is mentioned the Presidential Decree of May 25, 2018, subsequently its goals and objectives, and, of course, the work and practical measures in the area in accordance with this document are put forward by the author. In addition, the capabilities of the Automated Information System Notary to monitor the processes of notarial acts, to identify and eliminate possible shortcomings are highlighted. As a result of the reforms, the existing problems in the field that have remained in history have been detailed.

KEYWORDS

Notary, automated information system "Notary", notary chamber, fingerprint scanning, website "e-notarius.uz", power of attorney, "GIZ" program.



INTRODUCTION

The first stage of reforms in the field of notary.

The state program “Strategy actions in five priority areas of the Republic of Uzbekistan in 2017-2021 years” plays an important role in shaping the image of the new Uzbekistan.

The “Strategy of Action” envisages the improving the system of state and public construction, the ensuring the rule of law and further reforming of the judicial system, the economic development and liberalization, the development of the social area, as well as the reform of the notary sector.

The establishment of notaries engaged in private practice in Uzbekistan from 2020 confirms that the tasks set out in the Strategy of Action have been fulfilled in practice¹.

Today, consistent measures are being taken to reform the notarial system, to form it as one of the important institutions prevention of litigation in court ensuring the rights of individuals and legal entities.

In particular, first of all, in purpose of the effective implementation of state policy in the judicial sphere, a number of systemic problems and shortcomings that hinder the full use of the potential of the notary institution in the prevention of economic, family, inheritance, housing, labor and other disputes were identified and strong legal frameworks and strong strategic concepts have been developed to solve them.

A legal act that changed the notary sphere

¹ Decree of the president of the Republic of Uzbekistan “On the strategy of actions for the further development of the Republic of Uzbekistan” PD-4947 on February 7, 2017.

In order to increase the role and importance of the notarial institution, as well as improve the quality of notarial services provided to the population, the President on May 25, 2018 signed a resolution “On measures to further improve the notarial system as an institution of preventing conflicts”².

According to the legal act mentioned above, an active model of notary, that is administrative regulations for cooperation with government agencies and organizations in the certification of transactions by notaries on the principle of “single window” with the help of information technology. Additionally, an electronic database was created to establish a mechanism for exchanging information with organizations and integrated into the “Notary” automated information system.

A mechanism of registering of performed notarial acts by scanning fingerprints has been implemented. The internship term for candidates for the position of notary has been reduced from two years to one year, and the practice of real-time audio and video broadcasting of the selection process of candidates for the position of notary has been put into practice.

The programs for retraining and advanced training of notaries to teach psychological procedures and skills not linked to judicial sphere were introduced.

Increased guarantee of non-violation the law

As the automated information system “Notary” clearly reflects all the actions of the notary today, it is possible

² Decree of the president of the Republic of Uzbekistan “On measures for further improvement of the notarial system as an institution aimed at preventing disputes” PD-3741 on May 25, 2018.



to monitor the actions of notaries online by the competent authorities. Furthermore, increased guarantees of non-violation of the law have increased, the practice of rapid detection of illegal actions as a result of online monitoring and the application of appropriate sanctions against the guilty notary has been put into practice.

The queues left in history

Another opportunity created for citizens was the establishment of an electronic queue. Now, before going to the notary, our citizens have the opportunity to register in the electronic queue on the website “e-notarius.uz” and go to the notary at the appointed time. This has had a positive effect on a sharp reduction in anxiety, such as waiting in turn.

In order to protect the property rights of legal entities and individuals, the property responsibilities of notaries have also been defined. At the same time, the law stipulates that in the event of property damage to individuals and legal entities as a result of notarial acts, the notary shall be liable for the obligations with his own property.

At the same time, the insurance of civil liability of notaries has been strengthened as a mandatory requirement.

These are the first stages of reform in the notarial system.

The second phase of reforms in the field of notary.

The second stage of reforms in the notarial sphere began with the signing of the Decree of the President

of the Republic of Uzbekistan No. 5816 “On measures to radically reform the notarial system in the Republic of Uzbekistan”³.

One of the important aspects of the second stage is that on May 1, 2020, the notary sector was removed from the state system and transformed into a non-governmental system, and the system of notaries engaged in private practice began to operate in Uzbekistan.

Some notarial activities have been abolished

In order to create convenience for individuals and legal entities the procedure for notarization of power of attorney for the driving cars between close relatives, getting permission from local authorities in the sale of unfinished housing have been abolished.

Additionally, the requirements for getting the consent of the guardianship and trusteeship authority in the lease (rent) of accommodation on behalf of the ward and lease of the enterprise, lease and free use of the enterprise, and also procedures for leasing property in the primary market and mandatory notarization of mortgage agreements have been abolished.

The abolished notarial acts were replaced by new ones. These include notarial acts in civil law relations, such as providing evidence in the pre-trial process, mediating in property and inheritance issues, confirming the time of submission of copyright and related rights.

The principle of “extraterritoriality” has been established.

³ Decree of the president of the Republic of Uzbekistan “On measures to radically reform the notarial system in the Republic of Uzbekistan” PD-5816 on September 9, 2019.

Most notarial acts can be registered on the basis of extraterritoriality. Now individuals and legal entities, regardless of their place of residence, have the opportunity to register notarial acts in any area.

The system of “remote notary” has been established. According to him, some notarial acts of our citizens were able to register remotely via videoconferencing without visiting the notary.

At the same time, conditions have been created for obtaining copies of documents available in the notarial archive through the Single interactive state services portal.

It is gratifying that the implementation of these mechanisms serves to eliminate excessive queuing, save time and reduce costs, use of the population by quality notarial services, to create a free competitive environment in the field, and also to prevent excessive bureaucracy and corruption.

Establishment of the Notary Chamber of the Republic of Uzbekistan.

Another important aspect of the second stage of reforms in the field of notary is the establishment of the Notary Chamber of the Republic of Uzbekistan.

Currently, territorial branches of the Notary Chamber operate in every region of the country.

Today, about 900 notaries engaged in private practice have been established in the country, which all have become the member of the Notary Chamber.

One of the main functions of the Notary Chamber is to coordinate the activities of notaries engaged in private practice, to represent and protect their rights and

interests, as well as to improve the legislation and law enforcement practice in the field of notaries⁴.

Strengthening the role of notaries, raising the prestige of the notary profession, take measures to ensure a single notarial practice, development of guidelines for notarial acts, monitoring the observance of the legislation on notaries, the rules of professional ethics by notaries, the cooperation with the relevant state authorities, non-governmental non-profit organizations on issues of notarial activities are the functions of the Notary Chamber.

The Notary Chamber within the scope of its duty shall hire notary trainees in order to ensure the impartiality and transparency of decisions accepted for notaries. Additionally, when taking a qualifying exam from candidates, the Notary Chamber has been directly involved in obtaining qualification examinations from candidates, and also in applying enforcement measures to notaries to suspend and terminate their licenses.

Electronic notarial system.

One of the important requirements of today is the digitization of each industry and the introduction of modern information technologies. Therefore, by way of studying the international experience, Uzbekistan has created an automated information system “Notary” and fully digitized the field of notaries. More than 15 different government agencies have been integrated into the system.

In addition, “E-notary” website has been created for the population in order to search for and register for notaries, check whether the power of attorney is valid

⁴ Journal of the Federal Republic of Germany “Poster”. “New Uzbekistan-New notary”, July, 2021.

or not, whether the inheritance issue has been opened or not, make it easier for them to know the list of documents required for notarization and to be aware of the amount of payment⁵.

At the same time, the Notary Chamber has created its own website notarialpalata.uz or “np.uz” in order to get acquainted with the reforms in the field of notaries in Uzbekistan and the activities of the Notary Chamber, to use the necessary legislation.

“Notary’s advice”

One of the important tasks of the Notary Chamber is to further raise the legal awareness of the population and provide them with legal advice. In this regard, the channel and pages “Notary’s advice” have been created on Facebook and Telegram social networks, through which the population is provided 24/7 with free legal explanations in the field of notaries and answers to their questions.

In addition, the Notary Chamber has launched the publication of the newspaper “Notary’s Advice”. Various articles in Uzbek, Russian and English on notarial and other areas of law, and regularly case studies in the field of notary are published in the newspaper.

Notaries have prepared about 1,000 different videos related to the notary sphere and posted them on social networks, online broadcasts on radio and shows on television have been organized, legislation in the field of notaries was prepared in the form of an “audiobook” and handed out to notaries and population.

International and local cooperation is expanding.

The Notary Chamber is working on the establishment and development of international relations. Memorandums of cooperation were signed with organizations in notary sphere of Lithuania, Ukraine, Belarus, Azerbaijan and Kazakhstan. It was also agreed to sign Memorandums of cooperation with Russia, Germany, France, Italy, Tajikistan and Kyrgyzstan.

The Notary Chamber took an active part in web symposiums of European and Asian notaries and made presentations.

In addition, GIZ program (Germany) organized an international seminar for notaries on “Mediation”, and also online conferences for notaries on “Electronic Notary” was organized in cooperation with the notary chambers of Belarus and Kazakhstan.

In order to inform the international community about the work done by the Notary Chamber of Uzbekistan, an article entitled “New Uzbekistan - a new notary” was published in some countries, including Saudi Arabia, Oman, Italy, France, Germany, Lithuania, Russia, Azerbaijan, Kazakhstan, Ukraine and Belarus.

The experience of Uzbekistan in the field of notary was closely studied by the delegations of France, Azerbaijan and Tajikistan.

During its activity, the Notary Chamber pays special attention not only to international relations, but also to issues of local cooperation. Memorandums of cooperation were also signed with organizations, in particular, the Ministry of Foreign Affairs, the Agency for Information and Communications, the Ministry of Internal Affairs, the Ministry of Health, the

⁵ The journal “Notary”, “The renewed notariat helps to improve the vision of the new Uzbekistan” Rome, 2021.

Inspectorate for Agro-Industrial Complex, Tashkent State Law University, the Lawyers' Training Center, the Chamber of Advocates, Yuksalish and Madad.

In the future, it was agreed to establish cooperation and sign memorandums with the Ministry of Defense, the Department for Combating Economic Crimes and the Cadastral Agency.

The first step to the international community

On December 3, 2021, the Notary Chamber of Uzbekistan was accepted as the 91st member of the International Union of Notaries.

It should be noted that this is a high assessment of the notarial system of Uzbekistan, its revolutionary activity in a very short period of time, confirming that its legislation in the field of notaries fully complies with international standards.

The main function of the International Union of Notaries is to coordinate, improve and assist in the definition of tasks of notaries around the world.

Membership in the International Union of Notaries, first of all, allows Uzbekistan to work alongside the notarial systems of developed countries and to cooperate with them on an equal footing.

Secondly, the documents certified by our notaries will undoubtedly be recognized worldwide and will provide ample opportunity to promote the experience of Uzbekistan at the international level.

At the Congress of the International Union of Notaries, which will be held in Mexico at the end of this year, the flag of Uzbekistan will be raised and the Uzbek notary will be awarded a certificate of membership.

The main goal of the Uzbek notary is to contribute to the further development of new Uzbekistan in the international arena and to consolidate its place in international indicators.

REFERENCES

1. Decree of the President of the Republic of Uzbekistan “On the strategy of actions for the further development of the Republic of Uzbekistan” № PD-4947 on February 7, 2017.
2. Decree of the President of the Republic of Uzbekistan “On measures for further improvement of the notarial system as an institution aimed at preventing disputes” PD-3741 on May 25, 2018.
3. Decree of the president of the Republic of Uzbekistan “On measures to radically reform the notarial system in the Republic of Uzbekistan” № PD-5816 on September 9, 2019.
4. Journal of the Federal Republic of Germany “Poster”. “Ney Uzbekistan – New notary”, July, 2021.
5. The journal “Notary”, “The renewed notariat helps to improve the vision of the new Uzbekistan”, Rome, 2021.