



APPLICATION OF MODERN TECHNOLOGIES IN THE IMPLEMENTATION OF INHERITANCE RIGHTS

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Abstract

This article examines current issues in applying modern technologies to the exercise of inheritance rights. The author has conducted an in-depth analysis of the modernization and digitalization processes in the notary sphere and demonstrated the importance of innovative solutions such as the "E-notarius.uz" information system.

The study details the potential use of electronic inheritance registers, digital wills, and biometric identification methods in inheritance cases. A comparative analysis of foreign experiences, particularly the remote notarial service systems of Latvia, Estonia, Germany, and the USA, has been conducted. Issues of biometric identification, implementation of the Mobile-ID system, and the Unified Electronic Population Registry were examined separately.

In the conclusion, the author proposes amendments to the Civil Code to include digital assets, cryptocurrencies, NFT tokens, and electronic wills in the composition of inheritance.

Keywords:

Modern technologies, digital transformation, electronic will, biometric identification, modernization of the notary sector, E-notarius.uz system, remote notarial services, blockchain technology, digital assets, cryptocurrencies, NFT tokens, electronic inheritance registry, Mobile-ID system, Face-ID method, Unified Electronic Population Registry, foreign experience, comparative analysis, legal innovations, improvement of the Civil Code.

Currently, the comprehensive efforts to modernize the notary sector in our country are gaining significant importance as an integral part of the state and society's digital development strategy. Innovative solutions implemented in this field serve not only to improve service quality but also to save citizens' time and money. One of the most important achievements in the field is the creation of the possibility to perform notarial acts online through the "E-notarius.uz" information system[1]. This platform allows citizens to use various notarial services without leaving their homes, which is particularly relevant in the current era of widespread remote work.

With the development of information technologies and the digitalization of society, notary activities are undergoing a new stage of transformation. Today, notaries are implementing modern technologies to ensure the security and reliability of notarial acts[2]. The technologically advanced infrastructure provided by notaries guarantees the timely and high-quality performance of all actions carried out within the framework of their activities. Each year, the notary sector becomes increasingly digitized, and notaries themselves offer unique services based on electronic documents, with enhanced qualified digital signatures providing an additional level of information protection and reliability.

Modern technologies not only simplify the process of concluding transactions and processing documents but also increase the level of trust in notarial services. In the process of exercising inheritance rights, electronic inheritance registers, digital wills, and automated inheritance distribution systems create the possibility for more reliable protection of heirs' rights. Modern biometric identification methods and blockchain technologies play a significant role in preventing fraud in inheritance cases and confirming the true identity of heirs. As a result, notaries play a key role in ensuring the legal protection of citizens' and entrepreneurs' interests.

The experience of foreign countries shows that remote execution of notarial certification transactions became possible in Latvia from July 1, 2018, and in Estonia from January 30, 2019, including for citizens living abroad. It should be noted that video conferencing is carried out via secure communication channels over the Internet, and physical presence in a notary office is not required for this [3]. Exceptions are cases when a person is outside the territory of their state, for which Estonian legislation stipulates the need to apply to the embassy [4].

In Germany, from August 1, 2022, it became possible to fully conduct notarial procedures in the field of corporate law online. Thus, companies in the organizational and legal forms "GmbH" and "Unternehmergeellschaft" can be established using the videoconference portal of the German Federal Chamber of Notaries without visiting a notary in person [5]. In this case, participants in the online verification process may also be outside German territory. The new law establishes strict requirements that guarantee the safety of notarial procedures. For identity verification, the notary uses electronic identity documents (e/D), while on paper media, qualified electronic signatures with continuous verification are used instead of handwritten signatures [6].

In many US states, remote notarization of transactions is also provided. For example, the legislation of the state of Michigan stipulates that any notarial act can be performed by a notary in real-time using two-way audiovisual technology only under certain conditions [7]. Specifically, the technology should provide audio and video recording of the entire notarial act, which is stored as a notarial record. In this case, the official date and time of notarial certification is the date and time when the notary witnessed the signature using two-way audiovisual technology in real-time.

In the modern world, the rapid development of digital technologies is widely penetrating all spheres, including the field of legal services. The Decree of the President of the Republic of Uzbekistan dated May 24, 2024 No. UP-80 "On Further Increasing the Responsibility of Justice Bodies and Institutions and Forming a Compact Management System within the Framework of Administrative Reforms" [8] establishes a solid legal foundation for the digitalization and modernization of the notary sphere in our country.

Based on this legal document, it is planned to implement biometric identification (Face-ID) for providing public services by the end of 2024. This will eliminate the need for citizens to present identity documents, thus simplifying and accelerating the service delivery process. Additionally, ensuring that citizens can undergo free identification and re-identification through the Mobile-ID system at public service centers and notary offices will enable the population to fully utilize these modern services.

The Unified Electronic Registry of the Population, scheduled for implementation on January 1, 2025, represents a crucial stage in digital transformation. This registry will function

as a single electronic database containing personal information of citizens of the Republic of Uzbekistan, foreign citizens permanently residing in Uzbekistan, and stateless persons. The integration of this registry with the information systems of relevant state bodies and organizations will enhance efficiency not only in the provision of public services but also in the execution of notarial acts.

The widespread use of digital technologies in the notary sector is aimed at providing convenient and prompt services to citizens and eliminating unnecessary administrative barriers. Among the measures outlined in the Decree, expanding the scope of remote interactive electronic notarial services is of particular importance. This will allow for the reduction of bureaucracy and paperwork through the widespread use of modern information and communication technologies.

The tasks and powers of the Ministry of Justice in the field of notary services are also clearly defined in the decree. The Ministry implements state policy in the field of notary services, ensures unified notarial practice, and monitors the formation and maintenance of the unified automated information system "Notary." This ensures the integration of the system with the databases of ministries and agencies, which simplifies information exchange and reduces the likelihood of errors.

The measures outlined in the Presidential Decree constitute a carefully developed program for reforming and digitalizing the notary system of Uzbekistan in accordance with modern requirements. These reforms are aimed at improving the quality of notarial services, ensuring the legal security of citizens, and creating opportunities for full use of the advantages of modern technologies, which will serve to raise the system of legal services in our country to a new level.

In our opinion, it is advisable to state the relevant articles of the Civil Code in the following wording:

"Article 1187. Composition of inheritance

All rights and obligations belonging to the testator, which do not cease after his death, are part of the inheritance. The inheritance may also include the property rights of the testator that were not formalized or did not arise before his death, including the rights necessary for formalizing the right to their registration.

"Article 1125. Electronic will

The testator has the right to draw up their will in electronic form in the manner prescribed by law.

An electronic will must meet the following requirements:

- application of biometric data (fingerprint, voice recognition, facial recognition) to confirm the identity of the testator;
- signed by a state-approved electronic digital signature;
- automatic recording of the date and time of compilation;
- protection by special cryptographic methods.

The electronic will is stored in a special electronic registry of the state and is protected from modification and forgery based on blockchain technology.

An electronic will has equal legal force with a will on paper.

"Article 1113. Composition of inheritance

All rights and obligations belonging to the testator at the time of the opening of the inheritance, which do not cease after his death, are included in the inheritance.

The following digital assets may be included in the inheritance:

- cryptocurrencies and digital tokens;
- NFT (Non-Fungible Token) and other unique digital assets created on the basis of blockchain technology;
- intellectual property;
- funds in electronic accounts and digital investment instruments;
- content, accounts, and user accounts on digital platforms.

For the inheritance of digital assets, the testator has the right:

- reliably store the secret keys and passwords necessary for accessing assets;
- indicate in the will a complete list of digital assets;
- explain to the authorized heirs the procedure for accessing the assets.

To recognize digital assets as legal inheritance:

- ensure that these assets do not contradict the legislation;
- the possibility of assessing the value of assets;
- the testator's right of legal ownership of these assets must be proven.

References:

1. https://uza.uz/ru/posts/raqamli-texnologiyalar-davri-kelazhakka-huquqiy-nazar-raqamli-notariat-keyingi-qadam-qanday-boladi_725385?q=%2Fposts%2Fraqamli-texnologiyalar-davri-kelazhakka-huquqiy-nazar-raqamli-notariat-keyingi-qadam-qanday-boladi_725385
2. Султанова М. А. Современное развитие института нотариальных действий // Проблемы экономики и юридической практики. 2024. №4. Том 20. 47-57-6.
3. Xiong A., Liu G., Zhu Q., Jing A., Seng W. L. A notary group-based cross-chain mechanism // Digital Communications and Networks. 2022. Vol. 8. № 4. P. 1059. DOI: 10.1016/j.dcan.2022.04.012.
4. Корсик К. А., Парфенчикова А. А. Трансформация российского нотариата в новых экономических условиях // Государственная служба. 2020. Т. 22. № 1 (123). С. 94.
5. Gesetz zur Ergänzung der Regelungen zur Umsetzung der Digitalisierungsrichtlinie. 22 Juni 2022 // Deutscher Bundestag: Offizielle Website. URL: <https://dserver.bundestag.de/btd/20/023/2002391.pdf>
6. Koos S. The Digitization of Notarial Tasks - A Comparative Overview and Outlook of 'Cyber Notary' in Indonesia and Germany // The Indonesian Journal of Socio-Legal Studies. 2023. Vol. 2. № 2. P. 1. DOI: 10.54828/ijsls.2023v2n2.1.
7. Biemans J. W. A. Will Requirements for Last Wills Remain as They Are? The Physical Presence Requirement of Witnesses and Notaries in the Light of the COVID-19 Interim Measures and the EU Freedom of (Notarial) Services // Utrecht Law Review. 2021. Vol. 17. № 3. P. 51. DOI: 10.36633/ulr.650.
8. Ўзбекистон Республикаси Президентининг 2024 йил 24 майдаги ПФ-80-сон "Маъмурий ислохотлар доирасида адлия органлари ва муассасаларининг масъулиятини янада ошириш ҳамда ихчам бошқарув тизимини шакллантириш тўғрисида" даги Фармони. // Қонунчилик маълумотлари миллий базаси, 25.05.2024 й., 06/24/80/0364-сон.