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MODERN REQUIREMENTS FOR PERFORMING NOTARIAL ACTS

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ABSTRACT

We all know that the main goal of the reforms implemented in our country today is to create privileges, conveniences for citizens, in a word, decent conditions for the well-being of human life.

We can clearly see the expression of the reforms in this regard in the measures implemented in each branch of the sector, the adopted legal documents, and the implementation of these documents.

KEYWORDS

Branch Of The Sector, Notarial Acts, Modern Requirements.

INTRODUCTION

¹<http://www.notarius-spb.ru>

In the country, consistent measures are being taken to reform the notary, to make it one of the important institutions that ensure the rights of individuals and legal entities performing the tasks of preventive justice and prevention of court disputes.

In addition, the decree of the President of the Republic of Uzbekistan dated May 25, 2018, which envisages the significant improvement of the activities of notary organizations, the formation of a spirit of confidence in people in this field, as well as the introduction of a digitization system based on the study of advanced foreign experiences in the development of the field, as well as the procedure for performing notarial actions in notary offices without coming to the notary office. Resolution No. PQ-3741 of May 25, 2018 "On measures to further improve the notary system as an institution aimed at preventing conflicts" and Decree No. PF-5816 of September 9, 2019 "On measures to fundamentally reform the notary system in the Republic of Uzbekistan" has done.

As a result of these reforms, the number of notaries increased by 17 percent during the past period, and today 953 notaries are working. They have been providing legal services to the population on 26 types of notarial actions.

In 2021, 4,428,081 notarial acts were performed by notaries, and in 2022, this indicator was 5,393,775.²

Also, on the basis of the Decree, provision of evidence in pre-trial proceedings in civil-legal relations (recording of witness statements, examination and testimony of written and material evidence, appointment of expertise, confirmation of facts on the Internet), mediator duties in civil-legal relations, including property and inheritance issues new notarial actions were introduced, such as the execution and confirmation of the time of submission of the created authorship and related rights object.

What was the need for this notarial act?

Obviously, the Constitution of the Republic of Uzbekistan According to Article 26, every person accused of committing a crime shall not be considered guilty until the case of a person accused of committing a crime has been publicly reviewed in a court of law and his guilt has been determined. All conditions for self-defense are provided to the person accused in the court. No one shall be subjected to torture, violence, cruel or degrading treatment.³

For this reason, in order to establish another effective practice of ensuring the personal rights and freedoms

² <https://adliya.uz>

³ <http://old.lex.uz> The Constitution of the Republic of Uzbekistan

of citizens, stateless persons, and foreign citizens, it is necessary to adequately respond to several issues.

In particular, the President of the Republic of Uzbekistan Provision of evidence in the pre-trial process in civil-legal relations introduced by Decree No. PF-5816 of September 9, 2019 "On measures for radical reform of the notary system in the Republic of Uzbekistan" (recording of witness statements, examination of written and material evidence, expert examination appointment, confirmation of facts on the Internet) is intended to be presented as acceptable evidence to the investigator, investigator, prosecutor, court (Article 86 of the Criminal Procedure Code of the Republic of Uzbekistan) with the authority to prove administrative offenses or criminal cases.

This notarial action is considered to be the main tool in determining the punishment for the crimes committed against individuals, as it is aimed at confirming the admissibility of the evidence.

The specific aspects of this notarial act are Article 87 of Criminal Procedure Code of the Republic of Uzbekistan the evidence specified in the investigation and judicial actions: questioning the suspect, the accused, the defendant, the witness, the victim, the expert; facialization; show for recognition; checking the show at the scene; take away; search; review; witnessing; exhumation of the corpse; conduct an experiment; taking samples for expert research; appointment of

examination and inspection; acceptance of submitted materials and documents; it is necessary to understand the differences and advantages of listening to conversations carried out through telephones and other telecommunication devices, receiving information transmitted through them, as well as collecting them by conducting quick-search activities.

Then we will be able to justify the changes that need to be made in addition to the legislation to implement this notarial act.

In particular, the Republic of Uzbekistan in Criminal Procedure Code of the Republic of Uzbekistan a new investigative act introduced on the basis of Law No. ORQ-675 of February 18, 2021 connecting this notarial act with the order of pre-confirmation of testimony, the questioning of the witness and the victim (civil plaintiff) at the stage of bringing the case to court is carried out by the court at the request of the prosecutor or at the request of the notary public at the request of the prosecutor. It is appropriate to include the possibility of formalization in the office.

In fact, the Criminal Procedure Code of the Republic of Uzbekistan stipulates that the court may consider the petition within 24 hours and decide whether to grant it or not. However, this action must be completed within 24 hours by the notary offices in accordance with the request of the prosecutor, even if the witnesses and victims have health problems, it is possible to leave the

place (hospital, sanatorium, etc.) and notary offices work on weekends (Saturday, Sunday). it should be taken into account that it may be in the activity.

Therefore, the Minister of Justice of the Republic of Uzbekistan 1642 of the Instruction on the Procedure for Performing Notarial Actions by Notaries, approved by the Order No. 2 of January 4, 2019 (list number 3113, January 4, 2019) at the request of the prosecutor at the stage of bringing the case to court by the witness and the victim (civil plaintiff) It should also be considered that the interrogation will be formalized by a notary public by drawing up a report.

With this procedure, articles 1211-1254 of the Criminal Procedure Code of the Republic of Uzbekistan should be amended accordingly, and it is necessary to provide for the use of the optimal option of notarial confirmation of testimony in advance.

SUGGESTION

Therefore, in this case, it is appropriate to clarify the legal grounds for conducting actions contrary to the provisions of the Criminal Procedure Code of the Republic of Uzbekistan by means of the following revision:

“1211-modda. Ko’rsatuvlarni oldindan mustahkamlab qo’yish

Ko’rsatuvlarni oldindan mustahkamlab qo’yish guvoh va jabrlanuvchini (fuqaroviy da’vogarni) ishni sudga

qadar yuritish bosqichida prokurorning iltimosiga binoan so’roq qilishdan iborat bo’lib, u ushbu Kodeksda nazarda tutilgan sud muhokamasi qoidalariga ko’ra sud tomonidan yoki notarius tomonidan bayonnoma tuzish orqali amalga oshiriladi.

1212-modda. Ko’rsatuvlarni oldindan mustahkamlab qo’yish uchun asoslar

Prokuror ko’rsatuvlarni oldindan mustahkamlab qo’yish to’g’risida iltimosnoma qo’zg’atish haqidagi qarorning yoxud murojaatning asoslilikini tekshirib, unga rozi bo’lgan taqdirda, ko’rsatuvlarni oldindan mustahkamlab qo’yish to’g’risida iltimosnoma qo’zg’atish haqidagi qarorni yoki murojaatni surishtiruv, dastlabki tergov yuritilayotgan joydagi jinoyat ishlari bo’yicha tuman (shahar) sudiga, notariusga yoki hududiy harbiy sudga yuboradi.

Iltimosnomaga ko’rsatuvlarni oldindan mustahkamlab qo’yish zarurligini tasdiqlovchi jinoyat ishi materiallarining ko’chirma nusxalari ilova qilinadi.

1213-modda. Ko’rsatuvlarni oldindan mustahkamlab qo’yish to’g’risidagi iltimosnomani ko’rib chiqish shartlari

Notarius ko’rsatuvlarni oldindan mustahkamlab qo’yish to’g’risidagi iltimosnomani materiallar kelib tushgan paytdan e’tiboran yigirma to’rt soatdan kechiktirmay ko’rib chiqadi va iltimosnomani qanoatlantirish hamda notarius tomonidan

bayonnoma tuzish vaqtini belgilash orqali bu haqda taraflarga xabar beradi. Notarius ko'rsatuvlarni oldindan mustahkamlash bo'yicha bayonomani rasmiylashtirish va tasdiqlashni bir sutkadan kechiktirmay o'tkazadi.

1214-modda. Ko'rsatuvlarni oldindan mustahkamlab qo'yish tartibi

Guvohning, jabrlanuvchining (fuqaroviy da'vogarning) ko'rsatuvlarini oldindan mustahkamlab qo'yish O'zbekiston Respublikasi adliya vazirining 2019 yil 4 yanvardagi 2-mh-son buyrug'i (ro'yxat raqami 3113, 2019 yil 4 yanvar) bilan tasdiqlangan Notariuslar tomonidan notarial harakatlarni amalga oshirish tartibi to'g'risidagi yo'riqnomaga muvofiq amalga oshiriladi.

The court session and the notary's office can be held using audio and video recording, as well as in the mode of a video conference.

If the presence of the suspect or the accused in the process of preliminary strengthening of testimony threatens the safety of the witness or the victim (civil claimant) or affects his mental state, the suspect or the accused will not be summoned to the court session and the notary office.

The minutes of the court session, the audio and video recordings of the notary public, comments on the minutes and the decision made based on the results of

their review are sent to the prosecutor for inclusion in the criminal case materials.

Copies of the protocol and the materials attached to it are kept in the court and in the notary.

CONCLUSION

During the past period, the notary field was completely reformed and digitized. As a result, excessive red tape and bureaucracy were reduced, and citizens' hustle and bustle was put an end to. Citizens were given the opportunity to identify a notary close to them, register electronically for a notary appointment, determine the legal validity of a power of attorney, determine whether an inheritance case has been opened, and apply remotely electronically.

A service for remote online confirmation of notarial actions without coming to the notary office has been launched.

A system of issuing power of attorneys giving the right to drive a motor vehicle in electronic form through the Unified interactive state services portal has been introduced.

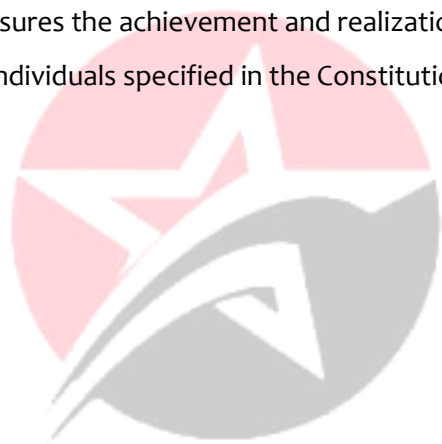
Among these, there is a need for new notarial actions necessary to ensure personal rights and duties stipulated in the Constitution of the Republic of Uzbekistan. Therefore, it is desirable to optimize the above-mentioned new type of notarial actions, to

further simplify the procedures for their implementation.

In this way, a number of systemic problems and shortcomings in the activity of notary offices that prevent the full use of the potential of the notary in the effective implementation of state policy in the field of justice, in the prevention of economic, family, inheritance, housing, labor and other disputes have been eliminated as a result of such new notarial actions. will become an independent institution that once again ensures the achievement and realization of the rights of individuals specified in the Constitution.

REFERENCE

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2. Criminal Procedure Code of the Republic of Uzbekistan
3. <http://www.notarius-spb.ru>
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