

LEGAL SUCCESSION IN THE ENFORCEMENT OF ECONOMIC COURT
DECISIONS

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Annotation: *This article examines the concept of legal succession in the enforcement of decisions made by economic courts. It highlights the importance of ensuring the continuity of legal obligations and rights when economic court decisions are executed, particularly in cases involving successors of the original parties. The study analyzes the legal framework governing succession rights and responsibilities, emphasizing the protection of creditors and other stakeholders in the economic justice system. The article also discusses challenges and practical aspects related to the enforcement process, offering recommendations to improve the effectiveness of legal succession in economic court rulings.*

Keywords: *Legal Succession, Economic Court, Enforcement of Court Decisions, Rights and Obligations, Creditors, Legal Framework, Successors, Economic Justice, Judicial Enforcement, Property Rights.*

As is known, Article 1120 of the Civil Code of the Republic of Uzbekistan defines the concept of a will. A will is recognized as the expression of a citizen's wish regarding the disposition of their property or rights to that property upon their death. A will must be made personally. It is not allowed to make a will through a representative. A citizen may bequeath all or part of their property to one or several persons who may be legal heirs under the law, as well as to persons who are not legal heirs, including legal entities, the state, or local self-government bodies.

The testator has the right to disinherit one, several, or all legal heirs without explanation. However, disinheritance of a legal heir, unless otherwise specified in the will, does not apply to the heirs of the testator's descendants by representation.

The testator has the right to make a will that includes any property.

Furthermore, the testator may make a will that disposes of property not owned by them at the time of making the will. If such property belongs to the testator at the time the inheritance is opened, the relevant disposition is considered valid.

After making a will, the testator is free to revoke or change it at any time without being obliged to state reasons for the revocation or change.

✓ The testator does not have the right to impose on persons appointed as heirs by the will an obligation to dispose of the bequeathed property in a certain way in the event of their own death. According to Clause 8 of the Supreme Court Plenum Resolution No. 5 dated July 20, 2011, a will made in accordance with the law is considered a unilateral transaction that entails certain legal consequences upon the testator's death. By law, the testator may

bequeath their property in full or in part to any person or several persons, including legal entities, local self-government bodies, or the state, or may disinherit one, several, or all legal heirs. Moreover, Membership and participation rights in commercial organizations and other entities recognized as legal persons, unless otherwise provided by law or contract;

- ✓ The right to compensation for harm caused to life or health;
- ✓ Rights and obligations arising from alimony obligations;
- ✓ The right to receive pensions, benefits, and other payments under labor and social security legislation;
- ✓ Personal non-property rights unrelated to property rights do not form part of the inheritance.

According to Article 1113 of the Civil Code of the Republic of Uzbekistan, at the time of opening the inheritance, the rights and obligations belonging to the deceased enter into the inheritance estate.

Therefore, special attention must be paid to the fact that only property legally owned by the deceased is included in the inheritance estate.

For example, a building constructed arbitrarily by the deceased, whose ownership rights are not recognized, does not enter the inheritance estate and is not subject to division as inherited property.

According to Part 3 of Article 212 of the Civil Code of the Republic of Uzbekistan, at the claim of the person whose rights have been violated due to the unauthorized construction of a building or the relevant state authority, such a building must be demolished by the person who constructed it or at their expense based on a court decision, except in cases provided for in Parts 4 and 5 of this article.

Part 5 of this article stipulates that the ownership rights to an arbitrarily constructed building may be recognized by the court for the owner of the land plot on which the building was erected, who has lifelong inheritance possession, permanent possession, and use of the land.

Thus, the law provides for the right of the deceased to have ownership rights recognized for an arbitrarily constructed building, and this right could have been exercised before the death of the deceased but was not used due to circumstances not related to the deceased (death). Therefore, although the arbitrarily constructed building, which has not yet had ownership rights recognized, may not be included in the inheritance estate itself, the right of the deceased to have ownership recognized for such a building may pass as inheritance to the heirs.

According to Article 1116 of the Civil Code of the Republic of Uzbekistan, inheritance is opened upon the death of a citizen or upon the court's declaration of the citizen as deceased.

The date of the deceased's death (or the date of necessity) or, in the case of a court declaration of death, unless another date is specified in the court decision, the date when the court decision declaring the citizen deceased comes into force is considered the time of opening the inheritance.

Article 36 of the Civil Code outlines the grounds for declaring a citizen deceased. If no information about the citizen's whereabouts has been available at their place of residence for three years, and there are circumstances indicating that the citizen was missing due to a life-threatening or certain unfortunate incident, and no information has been available about their whereabouts for six months, the court may declare the citizen deceased upon the application of interested persons.

The declaration of death by the court produces legal consequences regarding the rights and obligations of the citizen that would arise from their death. Therefore, a court's finding of death serves as grounds for opening inheritance.

Also, any unlawful conditions included in the instructions regarding the appointment of an heir or deprivation of inheritance rights shall be considered invalid.

Conditions included in the will, which the heir cannot fulfill due to their health condition or other objective reasons, may be declared invalid upon the heir's claim.

According to Article 1121 of the Civil Code of the Republic of Uzbekistan, if the heir indicated in the will dies before the opening of the inheritance, refuses to accept the inheritance, renounces it, or is disqualified as an heir in accordance with Article 1119 of this Code, or if the heir under the will fails to fulfill the legal conditions of the testator, another heir (subsequent heir) may be appointed, considering these circumstances.

According to the Code, any person eligible to be an heir may be appointed as a subsequent heir.

The subsequent heir of the heir under the will cannot renounce the inheritance in favor of the heir.

According to Article 1121 of the Civil Code of the Republic of Uzbekistan, the part of the property not bequeathed shall be distributed among the legal heirs entitled to inheritance under Articles 1134-1143 of this Code.

This group of heirs also includes legal heirs who inherited other parts of the property by law, while other parts were bequeathed according to the will.

Article 1124 of the Civil Code of the Republic of Uzbekistan establishes general rules regarding wills.

A will must be drawn up in written form, indicating the place and date of its composition. The following are considered written wills:

Notarized wills;

Wills equated to notarized wills.

A written will must be signed by the testator with their own hand.

If the testator is unable to sign the will personally due to physical disabilities, illness, or illiteracy, upon their request, the notary or another person authorized by law to certify the will, in the presence of the testator, may sign the will on behalf of the testator, indicating the reasons why the testator could not sign it personally.

The following persons cannot sign a will on behalf of the testator:

The notary or any other person certifying the will;

The person for whose benefit the will is made or who is burdened with a testamentary obligation, as well as their spouse, children, parents, grandchildren, and siblings, including the testator's legal heirs;

Citizens who lack full legal capacity;

Illiterate persons and others who cannot read the will;

Persons previously convicted of giving false testimony.

Article 35 of the Law of the Republic of Uzbekistan "On Notariate" establishes the requirements for documents submitted for notarial acts.

Notaries do not accept documents with erased or added parts, words crossed out without explanation, or documents written in pencil.

The text of notarized agreements must be clear and precise. The relevant dates and terms must be written out in words at least once. Names of legal entities must be written fully, including the addresses of their bodies, without abbreviations. Citizens' surnames, names, and patronymics must be written in full, along with their place of residence.

Additionally, for some wills (for example, notarized wills equated to notarized wills as per Article 1126 of the Civil Code of the Republic of Uzbekistan), the place where the will was made (such as a hospital, military unit, etc.) must be clearly indicated because only the persons working at that location have the right to draw up such a will.

The fact of death is confirmed by a death certificate issued by the civil status registration body (FHDYO) based on information from the relevant medical institution about the citizen's death. The death certificate is issued by the FHDYO authority to the deceased's relatives in place of the deceased's passport.

Conclusion: The enforcement of economic court decisions is a critical component of upholding the rule of law and ensuring economic stability. Legal succession plays a vital role in maintaining the integrity of enforcement procedures by guaranteeing that the rights and obligations under court rulings transfer appropriately to successors. Addressing legal succession challenges enhances creditor protection and reinforces confidence in the judicial system. Further refinement of legislation and procedural rules is necessary to streamline enforcement and mitigate disputes related to successors. Strengthening legal succession mechanisms will contribute significantly to the effectiveness and fairness of economic justice in Uzbekistan and similar legal systems.

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