

LEGAL FOUNDATIONS OF INHERITANCE AND HEIRSHIP

Azirbaev Salamat Kuanishbaevich

3rd-year student, Faculty of Law,

Jurisprudence Program, Karakalpak State University

+998 90 700-68-62

Email: azerbaevsalamat947@gmail.com

Abstract

This article provides a detailed analysis of inheritance and the fundamental principles governing it. The legal basis of inheritance is examined in accordance with inheritance law, including key concepts such as wills and testamentary succession.

Keywords: inheritance law, will, property owner, property, legal norms, rules, rights, obligations.

Introduction

Inheritance law is an integral and interconnected part of civil law, closely linked to an individual's private property rights. The owner of a property has the right to use and possess it. This right is exercised during the owner's lifetime, and they may also determine the fate of their property after their death.

Several scholars have conducted research on inheritance law. For example, B.S. Antonov and K.A. Grav define inheritance law as a system of civil law norms that regulate the transfer of certain rights and obligations of a deceased person to other individuals. This is one of the earliest scientific perspectives on the subject.

Inheritance law governs how an individual's property is transferred after their death, ensuring that their wishes regarding the distribution of assets are followed, usually through a will.

Heirship refers to the process of transferring inheritance to specific individuals after the inheritance has been opened. The law recognizes two main types of inheritance:

1. **By law** – where heirs are determined by legislation.
2. **By will** – where the deceased designates heirs through a legally valid will.

Since heirs are usually relatives of the deceased, inheritance law plays a crucial role in strengthening family and kinship ties.

Inheritance law consists of a set of legal norms that determine the conditions and procedures for transferring the deceased's personal property, rights, and obligations to heirs. As a part of inheritance law, it regulates the transfer of property, rights, and obligations as outlined in legal provisions or specified in a will.

If the property owner has not made specific provisions regarding their private property before their death, or if there are no designated heirs, inheritance is carried out in accordance with the law.

Additionally, legal inheritance occurs in the following cases:

- If a will is declared partially or entirely invalid.
- If certain assets were not included in the will.
- If the designated heir dies before accepting the inheritance.
- If the designated heir refuses to accept the inheritance.

Distinctive Features of Inheritance Law

1. Inheritance law serves as a means of protecting and strengthening private property, rights to property, and obligations.
2. The testator does not take into account who will inherit their property in terms of ensuring its preservation, growth, development, and strengthening of family stability after their death.
3. Legal heirs, as determined by law, are primarily related by blood ties, family members, and other individuals who, despite not being family members, are dependent on the testator due to incapacity or need for care.

Inheritance is carried out either through a will or by law. If there is no will or if the will does not cover the entire estate, or in other cases specified by law, legal inheritance applies.

The composition of the inheritance includes all rights and obligations that belonged to the testator at the time of their death and do not cease upon their passing.

Rights and obligations that are personally linked to the testator do not pass to the heirs, such as:

- Membership and participation rights in legal entities, including commercial and other organizations, unless otherwise provided by law or agreement.
- The right to claim compensation for harm caused to life or health.
- Rights and obligations arising from alimony obligations.
- Rights to receive pensions, benefits, and other payments based on labor and social security legislation.

Non-property personal rights that are not related to property ownership are not included in the inheritance. However, personal non-property rights and other intangible assets belonging to the testator may be exercised and protected by the heirs.

Conclusion

Inheritance law is an important institution of civil law that regulates the transfer of the testator's rights and obligations to heirs after their death. In practice, disputes frequently arise concerning the distribution of inheritance, the grounds for inheritance, and the rights of heirs.

To improve inheritance law, several proposals should be considered:

- **Strengthening the legal guarantees of wills** – Clearly regulating the process of formalizing wills to minimize disputes among heirs.
- **Simplifying the procedure for accepting inheritance** – Reviewing and adjusting the deadlines for inheritance acceptance to ensure transparency and protect heirs' rights.
- **Developing the legal management of inheritance** – Introducing effective mechanisms for preserving and distributing inheritance assets to ensure their proper management.

These measures will contribute to the stability of inheritance law relations and promote fairness and legal certainty.

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