



Distribution of inheritance mass-on the example of Anglo-Saxon law and “Indian law” systems

Bekzod Gadoev

Judge of the Uchtepa Inter-District Court for civil affairs of Tashkent City

ABSTRACT

This article analyzes the mass distribution of inheritance according to Anglo-Saxon law and “Indian law” in Uzbek legislation, characterized by laudatory characteristics of inheritance according to common parables. Schuningdeck, Anglo-Saxon inheritance law and “Indian law” section, a section of inheritance rights relating, for example, to foreign States.

Keywords:

Anglo-Saxon law family, Indian legal system, legal system of African countries, legal Customs and judicial precedents, succession law, U.S. Agency for International Development (USAID), “Inheritances and the Distribution of Wealth or Whatever Happened to the Great Inheritance Boom?”

In social relations, issues related to inheritance are of wide importance. Throughout his life, a person will definitely face issues related to inheritance. So from this point of view, taking inheritance does not lose its actuality in any period. Inheritance issues are carried out in the Civil Code in the Republic of Uzbekistan “on succession probate and law. Under the law, succession is carried out in the absence of a will or in the absence of determination of the fate of the entire inheritance, as well as in other cases established by this code”¹. Today, however, there are such rights that can be part of the mass of such inheritance that it is necessary to directly regulate them legally. In this sense, the legal resolution of the issue of inheritance in various legal systems and its coverage on the issue of law enforcement practices are relevant.

¹ Bulletin of the OECD, 1996., No. 11-12, National base of Legislative Data, 18.05.2022., 03/22/770/0424, 07.06.2022., 03/22/775/0477; 04.11.2022-y., 03/22/800/0990; 16.11.2023-y., 03/23/878/0852; 22.02.2024-y., 03/24/911/0142; 28.02.2024-y., 03/24/914/0161-son

A wide section of the population is informed about its legal distribution on the issue of regular inheritance. In particular, “the right to succession is a complex of legal norms that determine the procedure for the transition of the deceased person to the heirs of his rights and obligations on inheritance. It is part of civil law. The property of a citizen, which passes to his heirs after his death, is the property of inheritance. Succession takes place in two ways: succession by Will and succession by law. By law, succession is carried out if the Will does not exist or does not determine the fate of the entire inheritance”².

In the opinion of Judge Sarvinoz Qambarova of the Bukhara regional court, “the right to inheritance is closely connected with the right of citizens to private property and is considered a branch of the network of civil law. Inheritance law is the sum of the legal norms necessary to carry out the direct acceptance of personal non-property rights and obligations

² <https://adolatmarkazi.uz/uz/news/news/meros-huquqi>

related to the property, property rights of a citizen in connection with his death. The right to inheritance is connected with the protection of the property rights and interests of citizens, ensuring their right to dispose of their property without any hindrance, to be carried out not only in their lifetime, but also after death"³.

In our country, disputed relations regarding inheritance are systematically analyzed. In particular, in the Supreme Court plenum's decision "on the application of law on inheritance law by the courts", "the practice of applying law on inheritance law shows that the courts are largely properly resolving disputes arising from succession relations. At the same time, there are also errors in the application of this legislation in the activities of the courts"⁴. From the above information, it can be seen that disputes arising from inheritance and succession relations are relevant at all periods.

Scientific and popular publications are also widely used to convey general concepts in the matter of inheritance to the masses of the people. In particular, a brochure entitled "heritage rights in Uzbekistan" was prepared for free distribution under the joint project of the Supreme Court of the Republic of Uzbekistan, the United States Agency for International Development (USAID) and the UNDP "cooperation on the path to the rule of law in Uzbekistan".

Now it is appropriate to dwell directly on the relationship with the right to inheritance in various legal systems. In the case of inheritance, we can shed light on stratification, since the aspect of "Indian law", different from other families of law, applies to "personal law". In India, relations of "class institutions" and "class autonomy" have been adopted on a legal scale. Enshrined in Article 26 of the state Constitution, according to which: "any religious trend, sect, if it does not conflict with public order, morals, health care: a) to establish and maintain institutions for religious or charitable purposes; b) has the

right to exercise management in religious matters"⁵. The distribution of the mass of inheritance is distinguished by the fact that it has a special solution in the system of "Indian law", the opinion of residential citizens is taken into account. The disparity and differentiation between castes in India is enormous. Another aspect in Indian society is the distribution of such stratified privileges, inheritance and its mass, the fact that the ring consists of a huge number of nationalities and elates, the existing population within the state adheres to various religious views and books, in Indian philosophy of life there are such complex aspects as the divine and indefinite structure of marital relations between a woman and.

Despite the fact that the African rings are diverse in various habits, customs, we can describe the system of law of the inhabitants of this continent as a single legal system. The most interesting thing is that in the distribution of the mass of inheritance in African countries there is still a relatively ancient and archaic tradition for today, a unity of a small number of countries, where swearing, fulfilling the decision of the court of God and the assembly of tribal chiefs, and other methods are still used. "African customary law is the right of groups or associations, not individuals – (individual). For example, in customary law, a marriage contract is carried out with the receipt of the consent of not two persons in itself, but two families, two tribes. They dealt with cases in arbitration and judicial structure. In order to determine this in judicial order, it is manifested in the act of forcing "to swear" and conducting a test by the "Court of God". There are two cases in the right to habit, and it manifests itself in two ways: 1) the whole seed for a person in the seed (washing away the guilt of the other); 2) the wrongdoing committed by a person is associated with his rights and obligations as a member of the group"⁶. The inheritance mass distribution uses elements of both customary rights noted above

³ <https://buxoro.sud.uz/ru/meros-huquqlari-bilan-bogliq-fuqarolik-ishlari/>

⁴ <https://lex.uz/docs/2414320>; Decision of the plenum of the Supreme Court of the Republic of Uzbekistan, No. 05 of 20.07.2011.

⁵ X.T.Odilgariev. Theory of state and law. Textbook. - Tashkent. "Justice", 2018. P 402.

⁶ X.T.Odilgariev. Theory of state and law. Textbook. - Tashkent. "Justice", 2018. P 405.

for African rings. Cases of the use of measures of influence, such as deprivation of the share of inheritance due to disrespect committed by an individual to an inheritor, are found in some African peoples.

With an introduction to the Anglo-Saxon family of law to the disputed circumstances of the munsubic States on the issue of inheritance, and therefore with a fundamental number of studies on the characteristics of the distribution of the composition of the mass of inheritance, we married it correctly to separately cite the aspects in it from some of them. Jacqueline J. Goodnow, in his paper "Inheritance norms for distributions of money, land, and things in families", written by Jeanette Lawrences on the issue of inheritance at the University of Melbourne, the University of Sydney in the University Australia, states that "inheritance phenomena are a window into family relations, especially between generations. The review of the article summarizes the analysis of the expected distribution of money, land and personal property, showing the choices faced by each of them, the competitive norms that come into force, and the concerns that can upset the balance between them. Differences are shown in what should happen to money, land, and things, and with common themes (such as continuity concerns and not treating family money transfers like market exchanges). In addition, several areas have been developed for conceptual communication for further research and analysis of intimate relationships"⁷.

It is also one of the states of the Anglo-American system of law in the United States. Inheritance mass distribution is also a complex issue for the United States. U. S. Bureau of Labor Statistics "the distribution of inheritance and wealth or whatever happens to the great inheritance Boom?"⁸ (Мерослар ва бойликнинг тақсимланиши ёки Буюк мерос буми билан нима содир бўлди?) his paper

⁷https://www.researchgate.net/publication/254289671_Inheritance_norms_for_distributions_of_money_land_and_things_in_families

⁸https://www.researchgate.net/publication/356334094_Inheritances_and_the_Distribution_of_Wealth_or_Whatever_Happened_to_the_Great_Inheritance_Boom

also covered important aspects of heritage issues for American rings. In states under the Anglo-American law system, the main emphasis in the distribution of the inheritance mass is on ensuring the rights and interests of the inheritors and heirs. But, the fact that in these states the practice of transferring the composition of the inheritance mass to another person, who is often completely unfamiliar with the deceased, or leaving it to the accounts of organizations engaged in this activity for charitable purposes, is causing a much more progressive branch of this branch of inheritance law in states under the English-American law system.

In the states of the Anglo-American law system, the relationship with inheritance law is not only of a private nature, but also differs in the fact that human civilization processes, the Institute of inheritance is conducting research on the distribution of inheritance mass and aspects. In addition to the general aspects of the distribution of the inheritance mass, scientific research is being carried out on the development trends, existing achievements and shortcomings of this Institute of law in the global world. Patricio p Araujo Nam's study, "Inheritances, social classes, and wealth distribution", explores issues such as inheritance-related common laws, worldwide inheritance-related distribution, mathematical distribution of inheritance mass in the practice of underdeveloped, developing, and developed nations, and the impact of inheritance for people to marry in society. "We consider a simple theoretical model for studying the impact of inheritance on wealth distribution. Wealth is characterized as a limited resource that remains constant through different generations and is evenly distributed among generations. All other sources of wealth are ignored. We consider different societies characterized by different distributions of the probability of procreation. We find that if the population remains constant, society achieves a stationary distribution of wealth. We show that every time the number of children per family is not always the same. For the real distribution of offspring from developed countries, the model predicts a Gini coefficient of $G \approx 0.3$. If we

divide society into wealth classes and make the possibility of marriage dependent on the distance between classes, the stationary wealth distribution moves from an exponential regime as the number of wealth classes and the level of class difference to an authority-legal one. enlarge; increase"⁹. The opinions of the author of the study "inheritance, social classes and distribution of wealth" mainly analyze the legal status of the shares of the distribution of inheritance and the possibility of marriage of different layers of the population and similar circumstances, studying on the basis of the causes of disputed cases in the distribution of inheritance, judicial practices in the experience of

In the US, the distribution of the composition of the inheritance mass in the States is observed diversity due to different aspects of practice, legislation. "The issue of recognizing it as valid on the territory of a foreign state in the case of consideration in the U.S. i.e. in the state of New York, there are also disputes related to the will of the deceased, the framework of cross-border inheritance. States have various formal requirements for probate approval. The following forms of Will are distinguished:

- written Will approved by witnesses (arrested will);
- oral will (oral will) Made in the presence of a witness;
- holographic will (holographic will) – signed in person and without witnesses"¹⁰. Under United States law, all three Wills have the same legal force in the distribution of inheritance mass.

Directly in the United States, the distribution of the mass of inheritance is identical to that of other states. However, it is

⁹ Patrício P, Araújo NAM. Inheritances, social classes, and wealth distribution. PLoS One. 2021 Oct 27;16(10):e0259002. doi: 10.1371/journal.pone.0259002. PMID: 34705873; PMCID: PMC8550378.

¹⁰ Chshmarityan Petros Surenovich Otdelnye voprosy regulirovaniya transgranichnogo nasledovaniya po pravu Soedinennix statov Ameriki // theory I Praktika obtshestvennogo razvitiya. 2017. №1. URL: <https://cyberleninka.ru/article/n/otdelnye-voprosy-regulirovaniya-transgranichnogo-nasledovaniya-po-pravusoedinennyh-shtatov-ameriki>.

considered to have some similarities along with commonality. I.A. This is how Filatov comments on special cases of inheritance mass distribution, inheritance distribution. "Fundamentals of inheritance in the United States: probate and law. It should be noted that without a will in both Russia and the United States, property is inherited by law. In addition, to coordinate relations, inheritance is regulated by state laws. In most states, the heirs are primarily children and spouses, but it should be noted that their shares are not equal. The share of the spouse depends on whether the testator has children and, if any, can range from 1/2 to 1/3 of the property. If there are no children, the spouse has the right to receive all inheritance property"¹¹.

In the U.S., a 7 – article "Uniformprobatecode USA" was adopted in 1969, and the code is in effect in Idaho, Alaska, Michigan, Maine, Arizona, Colorado, Severnaya Dakota, Yujnaya Dakota, Florida, Hawaii, Nebraska, Motana, Minnesota, Utah, Yujnaya Korolina, New Mexico, and other states. In the U.S., Besides arrested will, oral will, holographic will, there is another type of Will that together a Will is a will of several persons (two or more), and a Will is a common and popular type of will. This form of Will is often used by spouses or business partners.

P.S. This is what chshmarityan writes about the distribution of inheritance mass in the United States. "In conclusion, we consider the succession of the order of inheritance to be a succession of cases on the territory of the last place of residence of the heir (for example, the state of New York), the appointment of an administrator on property located outside the place of residence, the satisfaction of the claims of the heir. the creditors of the testator are in the territory of the jurisdiction of the state court and beyond, we can determine the transfer of the remaining property to the heirs. We also note that U.S. courts recognize

¹¹ Filatov I.A. Osobennosti nasledovaniya V grajdanskom prave SSHA // MNIJ. 2020. №10-1 (100). URL: <https://cyberleninka.ru/article/n/osobennosti-nasledovaniya-v-grazhdanskom-prave-ssha>

competent jurisdiction where inherited real estate (*lex rei sitae*) is located"¹².

In accordance with the "uniformprobatecode USA", "children inherit part of the deceased's estate. The part of the inheritance that belongs to the surviving spouse, as well as in the event of the death of any or all of the children, the children are called to the inheritance by their own children, that is, the grandchildren of the heir. In this case, parents or other heirs of the testator will not inherit. If there are no heirs to the property, the inheritance will be transferred to the state as a non-property"¹³.

UniformProbateCode IMA focuses on another parameter, according to which, when the Heir Dies, The Will debts exist in the interest, which is evenly distributed among the testator's property after payment is made to the partner. If basharti has no heirs to the TBM-property left behind from the deceased, the inheritance will pass to the state as a non-property. In the case of the will to divide the inheritance Mass, many states, like the Roman-German states, have an English form of will. Only in Louisiana does this measure not apply, instead the norms of the "Civil Code" of Faronsa are used.

E.Yu.Ribachuk gives such views on the issue of the distribution of the inheritance mass. "According to the laws of some states in the United States, the surviving spouse does not have the right to compulsory inheritance:

- 1) he left his deceased spouse;
- 2) did not provide or refuse to help the deceased spouse;
- 3) it is valid at the last permanent place of residence of the deceased spouse if he performed the annulment or annulment of the marriage in another state or other state;

¹² Chshmarityan Petros Surenovich Otdelnie voprosi regulirovaniya transgranichnogo nasledovaniya po pravu Soedinennix statov Ameriki // theory I Praktika obtshestvennogo razvitiya. 2017. №1. URL: <https://cyberleninka.ru/article/n/otdelnye-voprosy-regulirovaniya-transgranichnogo-nasledovaniya-po-pravusoedinennyh-shtatov-ameriki>

¹³ Filatov I.A. Osobennosti nasledovaniya V grazhdanskom prave SSHA // MNIJ. 2020. №10-1 (100). URL: <https://cyberleninka.ru/article/n/osobennosti-nasledovaniya-v-grazhdanskom-prave-ssha>

4) the fact that the marriage is in a state of being at the stage of final decision on divorce on the basis of a lawsuit against the surviving spouse"¹⁴ is written in official sources.

If we conclude in terms of the distribution of the inheritance mass in various legal systems in the world on the issue of the features of the distribution of the inheritance mass in the Roman-German family of law, the Anglo-Saxon family of law, the Muslim family of law, the legal system of Latin American States, the legal system of Scandinavian peoples, the Indian legal system, the legal We came to such conclusions based on the peculiarities of the distribution of the inheritance mass in the Anglo-Saxon systems of law and "Indian law".

First of all, when determining the mass of inheritance in all states of the legal system, the will of the owner of the inheritance – property in the manner of a Will is primarily protected by law.

Secondly, when the deceased dies before he has time to distribute the inheritance mass to his next heir, all the states of the legal system: the Roman-Germanic family of law, the Anglo-Saxon family of law, the Muslim family of law, the legal system of Latin American States, the legal system of Scandinavian peoples, the Indian legal system, the legal method in the legal.

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¹⁴ E.Y.Rybachuk. Legal bases of inheritance of property rights in the European Union and the USA // Gaps in Russian legislation. - 2012, No. 3. – pp. 107-110; Alyoshina Alexandra Vladimirovna – Candidate of Law, Associate Professor, A.I. Herzen Russian State Pedagogical University, St. Petersburg; e-mail: aalshina23@mail.ru , Kosovskaya Victoria Alexandrovna – Candidate of Law, Associate Professor, A.I. Herzen Russian State Pedagogical University, Saint Petersburg; e-mail: vkosovskaya@mail.ru

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