



Application of foreign legal norms in notarial activity during the years of independence

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ABSTRACT

The article is devoted to the role of notarial activity in the international arena, legal norms governing the documents issued for service abroad, international documents of which our country is a member, the international notarial system.

Keywords:

notary, notarial activity, conflict of law, international law, international notary, Latin notary, Anglo-Saxon notary, convention, charter, consul

After gaining independence, the Republic of Uzbekistan has gained a place in the international community. Article 1 of the Constitution of the Republic of Uzbekistan states that "Uzbekistan is a sovereign democratic republic. The names of the state "Republic of Uzbekistan" and "Uzbekistan" have the same meaning[1]. It should be noted that the number of notarized documents in Uzbekistan, intended for use abroad, is growing day by day. Carrying out notarial acts abroad is entrusted to the consular offices of the Republic of Uzbekistan abroad, and the consul[2] carries out notarial acts in the framework of international relations on the basis of the Consular Charter of the Republic of Uzbekistan. On January 31, 2011, the Ministry of Justice and the Ministry of Foreign Affairs of the Republic of Uzbekistan adopted Resolution No. 21.1 on the regulation of notarial acts in the framework of international legal relations by the Consul[3]. also approved the Instruction on the procedure for notarial acts by consuls of consular offices of the Republic of Uzbekistan . The instructions state that the consul may

perform other notarial acts of type 15 and provided by law .

Article 35 of the Consular Charter of the Republic of Uzbekistan[4], the consul takes measures to protect the property of a citizen of the Republic of Uzbekistan after his death.

The Law of the Republic of Uzbekistan "On Notaries"[5] does not impose any restrictions on foreign citizens and legal entities to apply to notaries. Based on the Law "On Notaries", notaries perform the following notarial acts in the framework of international relations:

- 1 . The notary shall apply the norms of foreign law in accordance with the legislation of the Republic of Uzbekistan, international treaties.
2. Actions related to protection of the property of a foreign citizen remaining in the territory of the Republic of Uzbekistan after his death or protection of property belonging to a foreign citizen after the death of a citizen of the Republic of Uzbekistan, as well as issuance of certificates of inheritance in accordance with the legislation of the Republic of Uzbekistan is done.
- 3 . Notarized power of attorney, intended to be valid abroad, with no expiration date;

4. Documents drawn up or arriving abroad with the participation of officials of the competent authorities of other states shall be accepted by a notary only if they are formalized or apostilized.

The study of international relations in the activities of notaries shows that employees in this field are subject to conflicting norms when performing notarial acts. The term "*collision*" is derived from the Latin word "*collision*" and means "conflicting [6] affair"[7].

The main convention regulating notarial activity in international relations is the Minsk Convention [8]. On January 22, 1993, the Republic of Uzbekistan became a party to the Minsk Convention on Legal Assistance and Legal Relations in International, Family and Criminal Matters. The Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters is a regional international legal instrument. This document came into force on March 25, 1994. In accordance with the provisions of this Convention[8], citizens of the Contracting States are exempted from additional state duties and expenses and enjoy free legal aid when applying to courts and notaries . Consular Convention[9], Agreement between the Republic of Uzbekistan and the Republic of Latvia on Legal Assistance in Civil, Family, Labor and Criminal Matters, Agreement between the Republic of Uzbekistan and Georgia on Legal Assistance in Civil[10], Family and Criminal Relations, Agreemen[11] between the Republic of Uzbekistan and the Republic of Kazakhstan , Agreement on Legal Assistance in Criminal Matters, Agreement [12] between the Republic of Uzbekistan and the Republic of Lithuania on Legal Assistance in Civil, Family and Criminal Matters[13], The Republic of Uzbekistan and the Republic of Azerbaijan have signed agreements on legal assistance in civil, family and criminal matters [14]. These documents of international importance contain separate articles related to notarial acts.

Today, notaries are divided internationally into two types of Latin notaries, Anglo-Saxon notaries, and this legal system differs from each other. The roots of Latin notaries go back to Roman private law. In Latin notaries, the

foundations of ancient Roman private law are preserved, so this system is called Latin notary and is based on a single law. The experience of Germany and France plays an important role in the Latin notarial system. The experience of German and French notaries is internationally recognized as uncontroversial[15].

According to historical documents, on October 9, 1978, the historic Brussels Agreement was adopted, according to which notarial documents became mandatory in all countries of the International Union of Latin Notaries. In 1974, the International Institute of Latin Notaries was established, and in 1993 it became part of the International Union of Latin Notaries and became one of its official structures. Today, the institute includes 24 member states of the International Union of Latin Notaries[16]. The institute has published Le Cnomon magazine, which is distributed in 43 countries around the world. From September 27 to October 2, 1998, the last XXII Congress of the International Union of Latin Notaries (XLNI) of the XX century was held in Buenos Aires, Argentina. Dedicated to the 50th anniversary of the International Organization of Notaries, this Congress was attended by more than 2,500 notaries from 67 member countries of XLNI[17]. In France, which has a special place in the international Latin notarial system, a notary is "an official authorized to certify legal facts in accordance with the procedure established by the state[18]."

In the Anglo-Saxon (Anglo-American) legal system, judicial practices and customs act as sources of law, and their proportions also vary. In the event of a dispute over notarized documents, the court shall take into account the testimony of witnesses[19].

In short, in our country, notaries have been protecting the rights and interests of individuals and legal entities in the framework of international relations, performing notarial acts on behalf of the Republic of Uzbekistan in accordance with the law[20].

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