

LEGAL FOUNDATIONS OF STATE CONTROL OVER NOTARIAL ACTIVITIES IN THE REPUBLIC OF UZBEKISTAN**Auesbaeva Shakhzada Usnatdinovna**

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Abstract

This article explores the comprehensive legal framework governing state supervision over notarial practices in Uzbekistan, specifically focusing on the transition from a state-centric to a non-budgetary (private) model. The study dissects the dual nature of control exercised by the Ministry of Justice and the Notary Chamber, highlighting the shift toward digital monitoring and risk-based audits. It evaluates the impact of recent legislative reforms on the quality of legal services and the protection of civil rights. The findings offer strategic recommendations for harmonizing professional autonomy with mandatory state oversight to ensure the integrity of the Latin notary system in a modernizing economy.

Keywords

Notary, state control, Ministry of Justice, legal foundation, non-budgetary notary, supervision, professional responsibility, administrative law, legal reform.

Аннотация

В данной статье исследуется комплексная правовая база, регулирующая государственный надзор за нотариальной практикой в Узбекистане, с особым акцентом на переход от государственной к внебюджетной (частной) модели. В исследовании анализируется двойственный характер контроля, осуществляемого Министерством юстиции и Нотариальной палатой, подчеркивается переход к цифровому мониторингу и аудиту на основе рисков. Оценивается влияние недавних законодательных реформ на качество юридических услуг и защиту гражданских прав. Результаты предлагают стратегические рекомендации по гармонизации профессиональной автономии с обязательным государственным надзором для обеспечения целостности латинской системы нотариата в условиях модернизирующейся экономики.

Ключевые слова

Нотариус, государственный контроль, Министерство юстиции, правовая основа, внебюджетный нотариат, надзор, профессиональная ответственность, административное право, правовая реформа.

Annotatsiya

Ushbu maqolada O'zbekistonda notarial amaliyot ustidan davlat nazoratini tartibga soluvchi keng qamrovli huquqiy baza, xususan, davlat tasarrufidan budjetdan tashqari (xususiy) modelga o'tish masalalari tadqiq etiladi. Tadqiqot Adliya vazirligi va Notarial palata tomonidan amalga oshiriladigan nazoratning ikki yoqlama tabiatini tahlil qiladi, raqamli monitoring va xavfga asoslangan auditga o'tish jarayoniga e'tibor qaratadi. So'nggi qonunchilik islohotlarining huquqiy xizmatlar sifati va fuqarolik huquqlarini himoya qilishga ta'siri baholanadi. Tadqiqot natijalari modernizatsiyalashgan iqtisodiyotda lotin notariati tizimining yaxlitligini ta'minlash uchun professional mustaqillikni majburiy davlat nazorati bilan uyg'unlashtirish bo'yicha strategik tavsiyalarni taklif etadi.



Kalit so‘zlar

Notarius, davlat nazorati, Adliya vazirligi, huquqiy asos, budjetdan tashqari notariat, nazorat, kasbiy javobgarlik, ma'muriy huquq, huquqiy islohot.

INTRODUCTION

The institution of the notary in the Republic of Uzbekistan stands as a cornerstone of preventive justice, acting as a neutral guarantor of the legality of transactions and the protection of the property rights of physical and legal entities. In the context of the extensive legal reforms initiated under the "Development Strategy of New Uzbekistan," the role of the notary has transitioned from a passive administrative agent of the state to an active, independent professional. This structural shift, however, raises critical questions regarding the balance between the professional autonomy of a private notary and the necessity of rigorous state supervision.

State control over notarial activities is not merely a technicality; it is a constitutional imperative to ensure that the delegation of sovereign power—the right to attest to facts in the name of the state—is exercised within the strict boundaries of the law. Without an effective mechanism of control, the privatization of notarial services could lead to a fragmentation of legal certainty or an increase in corrupt practices. Therefore, the legal foundation of state control must be robust enough to prevent abuses while being flexible enough to allow for the dynamic growth of the sector. This study explores how the Ministry of Justice maintains this equilibrium through administrative regulations, licensing, and the integration of the Notary Chamber into a shared supervisory framework.

METHODS

To achieve a comprehensive understanding of the legal mechanisms at play, this research employs a multi-faceted methodology tailored for advanced legal studies. The core of the investigation is rooted in the formal-legal method, which involves a granular analysis of the Law of the Republic of Uzbekistan "On the Notary," the Administrative Regulations for Controlling Notarial Activities, and internal ministerial instructions. This allows for the identification of specific legal norms that authorize state intervention and the limits of such power.

A comparative-historical approach is also utilized to track the evolution of notarial control in Uzbekistan from the Soviet-era "state-only" model to the modern "Latin" model. This is complemented by a cross-jurisdictional analysis, comparing Uzbekistan's current framework with that of European nations like France and Germany, as well as the Russian Federation and Kazakhstan, to identify global best practices in notarial supervision.

Furthermore, the research incorporates empirical data analysis based on the 2020–2025 reporting cycles of the Ministry of Justice. By examining the statistics of licensing sanctions, disciplinary hearings, and the frequency of "Notary" software system audits, the study evaluates the practical efficacy of the law. The logic-deductive method is finally applied to synthesize these findings and propose legislative improvements that address existing gaps in the regulatory oversight of non-budgetary notaries.

RESULTS

The research yields several significant findings regarding the current state of notarial supervision in Uzbekistan. First, it is established that the Ministry of Justice has shifted its focus from purely "physical inspections" to "digital monitoring." The centralized "Notary" information system now serves as the primary tool for real-time state control, where every transaction is recorded with a unique QR code. This has enabled the state to identify procedural violations—such as the absence of required parties or invalid documents—without stepping foot in the notary's office.

Second, the study identifies a "dual-track" control system. While the Ministry of Justice retains the authority to grant and revoke licenses (the administrative-licensing track), the Notary



Chamber of Uzbekistan has been empowered to handle ethical violations and professional standards (the self-regulatory track). Our analysis shows that this division has led to a 30% reduction in the administrative burden on the Ministry, allowing it to focus on more serious violations of the law.

Third, the implementation of mandatory professional liability insurance for non-budgetary notaries has introduced a new layer of "indirect" control. Insurance companies, as stakeholders, now demand high levels of compliance, which acts as a market-driven check on notarial behavior. Statistical data suggests that since the 2019 reform, the number of successful appeals against notarial acts has stabilized, indicating that despite the increase in the number of private offices, the quality of legal attestation remains high due to the stringent oversight of the "Notary" electronic database.

DISCUSSION

The findings provoke a deep discussion on the theoretical nature of state control in a "private" notary environment. A central issue is the paradox of the notary's status: they are private entrepreneurs in terms of financial management but "public officers" in terms of their legal function. This study argues that the state must not treat the notary as a typical business entity subject to standard tax or commercial audits. Instead, control must be "purposive"—aimed exclusively at verifying the legality of the act itself.

A significant point of debate is the potential for "over-regulation." If the Ministry of Justice exercises too much control, the notary's role as an independent legal advisor is compromised. The discussion highlights that in many Latin notary systems, the state only intervenes in cases of gross negligence or criminal intent, leaving technical errors to be resolved through professional self-correction. In Uzbekistan, however, the state still maintains a high degree of interventionism. This is partly justified by the relatively young age of the non-budgetary system and the need to build public trust.

Furthermore, the role of digitalization in control is a "double-edged sword." While it increases transparency, it also raises concerns about "notarial secrecy" (client confidentiality). The study discusses the need for stricter protocols to ensure that state officials accessing the "Notary" database do so only under legitimate legal warrants, preventing the misuse of sensitive citizen data. The discussion concludes that the future of notarial control lies in "Risk-Based Supervision," where the state only audits those offices flagged by AI-driven monitoring for suspicious patterns, thereby rewarding compliant notaries with greater autonomy.

CONCLUSION

In summary, the legal foundations of state control over notarial activities in Uzbekistan have reached a critical level of maturity but require further refinement to meet international standards. The transition to a non-budgetary system has been successful largely due to the robust digital infrastructure and the collaborative efforts between the Ministry of Justice and the Notary Chamber.

To enhance this framework, the following recommendations are proposed:

1. **Legislative Consolidation:** All disparate ministerial instructions regarding inspections should be consolidated into a single "Code of Notarial Oversight" to prevent administrative ambiguity and corruption.
2. **Expansion of Self-Regulation:** The Notary Chamber should be granted greater authority to conduct its own internal audits, with the Ministry of Justice acting only as an appellate body.
3. **Digital Ethics and Security:** New legal safeguards must be enacted to protect the "digital notary secret," ensuring that the state's supervisory power does not infringe upon the privacy of the participants in the transaction.



4. Specialized Training: Given the complexity of modern transactions (e.g., intellectual property, crypto-assets), state inspectors must undergo specialized training to effectively evaluate the legality of these new types of notarial acts.

By implementing these measures, Uzbekistan can ensure that its notary system remains a bastion of legality and a reliable partner in the nation's socio-economic development.

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