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INSTITUTE OF SUCCESSION IN CIVIL LAW AND ITS APPLICATION

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Abstract

Relations that arise in social life are regulated by a number of institutions of various legal fields. In particular, in the field of civil law, there are such relations that arise and are formed between the subjects of civil law, whose development is ensured by the legal heirs of the participating parties due to the occurrence of a specific life situation. This institution is called succession in civilization. This article examines the definition of the institution of succession, the issues of universal and singular legal succession, and their application in civil law. In particular, succession is the phenomenon of transfer of property rights and obligations from one person to another person directly on the basis of law or contract. Legal succession can be universal or singular. In universal legal succession, the totality of all rights and obligations belonging to one person is transferred to the second person. For example, when several legal entities are merged, it can be seen that all the rights and obligations of the predecessors are transferred to the newly established legal entity in the order of universal succession. Singular succession means the transfer of rights to a certain part of the property, not the whole. The institution of succession is widely used in relations involving citizens and legal entities.

Keywords Universal succession, singular succession, legal entity, transaction, contract, property rights and obligations.

INTRODUCTION

Relations that arise in social life are regulated by a number of institutions of various legal fields. In particular, there are such relationships that arise and are formed between the subjects of the field of civil law, whose development is ensured by the legal heirs of the participating parties due to the occurrence of a specific life situation. This institution is called succession in civil sciences. It is desirable that all scientists and those working in courts and law enforcement bodies should be aware of this. After all, in the words of the President of the Republic of Uzbekistan, Sh. Mirziyoyev, "...increasing the legal consciousness and legal culture of the population, forming the culture of

human rights in society remains one of our main priorities" [1]. Succession is derived from Latin - *successio*, English - legal succession, and means legal succession in Uzbek. Succession is the transfer of property rights and obligations from one person to another directly based on law or contract.

METHODS

In the study of this topic, the norms of civil legislation on the institution of succession, the scientific and theoretical conclusions of civil scientists, and the methods of comparative jurisprudence, analysis, induction and deduction were purposefully used.

RESULTS

A number of opinions about the institution of succession have been raised in the legal literature. It is known from Roman law that legal succession is divided into general (universal) and partial (singular) types. Modern law is indebted to Roman law for classifying inheritance as a universal succession. According to it, the heir is assigned not only all the rights and obligations of the legatee as a single complex, but also responsibility for the debt of the legatee with his property [2]. When the succession (successio) was discussed in Roman law, only general succession was understood until the end of the classical period of law. It can be noted that the concept of succession, in other words, partial succession (Successio singulas res) appeared in some properties that appeared in the post-classical legal period and was firmly established in the Justinian period [3]. In general legal succession, the totality of all rights and obligations belonging to one person is transferred to the second person. For example, when several legal entities are merged, it is possible to see that all the rights and obligations of the predecessors are transferred to the newly established legal entity in the order of universal succession. Rights and obligations under legal succession are transferred to a new entity that is being reorganized in full or in part [4]. The content of this institution is the transfer of rights and obligations belonging to a legal subject to a new subject being reorganized on a full (universal) or partial (singular) basis [5]. When reorganizing a legal entity, the rights and obligations of the reorganizing legal entity are transferred to pre-existing and/or newly established legal entities in the order of universal legal succession, as they appear to the reorganizing legal entity at the time of reorganization, if it is relevant in size and condition, it will be transferred as such [6]. As a result of legal succession, the heir owns all the rights and obligations belonging to the legatee and takes his place. As an exception, civil legislation

does not allow legal succession (for example, copyright) [7]. The composition of subjects of participants in civil legal relations may change as a result of various events and actions, in particular, in cases of death of individuals, liquidation and reorganization of legal entities, transactions, etc. Succession is the transfer of rights and obligations from one person to another (legal successor) in legal relations [8].

Analysis of research results. The content of existing legal relations as a result of the institution of succession will not change, but it will lead to the renewal of the structure of its subjects.

How are the norms of legal succession used by the participants of civil legal relations: legal entities and citizens? For example, article 50 of the Civil Code provides for the rules of legal succession in the reorganization of legal entities. In particular, when legal entities are transferred, the rights and duties of each of them are transferred to the newly created legal entity in accordance with the transfer document. According to the content of Article 93, Part 4 of the Law "On Joint Stock Companies and Protection of Shareholder Rights", in case of merger of joint-stock companies, all rights and obligations pertaining to each of them are transferred to the newly created legal entity in accordance with the deed passes. In accordance with article 50, part 4 of the law "Limited liability and additional liability companies" when companies are merged, all rights and obligations of each of them are merged in accordance with the deeds of transfer, passes to the society formed as a result.

When a legal entity merges with another legal entity, the rights and obligations of the legal entity added to this legal entity are transferred in accordance with the transfer document. For example, according to the fourth part of Article 94 of the Law "On Joint Stock Companies and Protection of Shareholder Rights", when one joint-

stock company is merged with another joint-stock company, all the rights and obligations of the acquired legal entity transferred to the acquiring legal entity in accordance with the deed of transfer. According to the fourth part of Article 51 of the Law "Limited liability and additional liability companies", when one company is merged with another, all rights and obligations of the merging company are transferred to the merging company in accordance with the deed of transfer.

In case of division of a legal entity, its rights and obligations shall be transferred to the newly created legal entities according to the distribution balance. For example, according to the fourth part of Article 95 of the Law "On Joint Stock Companies and Protection of Shareholder Rights", when a company is divided, all its rights and obligations are transferred to two or more legal entities that are being formed in accordance with the distribution balance. According to the fifth part of Article 52 of the Law "Limited liability and additional liability companies", when the company is divided, all its rights and obligations are established as a result of being in accordance with the division balance. It should be emphasized that in the case of reorganization of a legal entity in the form of division, universal legal succession may be excluded [9].

In solving the issue of legal succession of reorganized legal entities, the transfer document and distribution balance are of particular importance. According to the first part of Article 51 of the Civil Code, the transfer document and the balance sheet of the reorganized legal entity in relation to all its obligations to all creditors and debtors, including the obligations disputed by the parties, as well as the rules of legal succession should contain.

As noted by academician H. Rahmonkulov, the content of legal succession is made up of the property transfer document and its distribution

balance sheet. In the case of division of a legal entity or its separation, the fate of property is decided based on the transfer document and the distribution balance. These documents determine the extent of the rights and obligations of the newly established legal entity [10].

Therefore, the solution of the issue of legal succession for legal entities is applied directly on the basis of the settlement and distribution documents developed by the legal entity and approved by its bodies.

The institution of succession is widely used in the reorganization of a private enterprise, in the reorganization of a non-governmental non-profit organization, as well as in the reorganization of farms in agriculture. Legal succession implies the transfer of not only civil legal rights, but also administrative legal relations to property (tax obligations of a legal entity) [11].

The importance of the institution of succession in the reorganization of legal entities is that, along with the protection of the rights of all creditors, it also plays an important role in the creation of a new subject of law.

The institution of succession, which we have discussed above, is widely used not only in relations involving legal entities, but also in the case of physical persons. The event of the death of a citizen triggers universal legal norms of succession. As a result of universal legal succession, inheritance is transferred directly from one person to another without the participation of a third party [12]. According to Article 1113 of the Civil Code, all the rights and obligations belonging to the legatee at the time of the opening of the inheritance, which cannot be revoked even after his death, are part of the inheritance. According to paragraph 3 of the decision of the Plenum of the Supreme Court "On the application of the legislation on the right of inheritance by the courts", in accordance with Article 1113 of the Civil Code, movable and

immovable property belonging to the testator at the time of opening the inheritance immovable property, things, including all property rights and obligations that cannot be revoked even after his death, such as the right to private property, the right to deposits kept in credit institutions, the right to inherit a farm plot of land for life the right of ownership (Article 9 of the Law on Farming), the right to rent a plot of land (Article 12 of the Law on Farming), etc. s are included.

Singular legal succession is the second type of succession institution. This is not addressed in the civil legislation. Singular inheritance means the transfer of rights to a certain part of the property, not the whole. It is also referred to as partial legal succession, as it is assumed that a specified part of the right can be transferred to the heirs in the singular order. Singular succession can be used as an exception in the reorganization of a legal entity [13]. Singular legal succession can also be used in the law of inheritance. In this case, the singular legal heir receives a specific right not directly from the bequeather, but from the heir. The bequeather can impose on the heir that he must fulfill a certain obligation for the singular heir (transfer a part of the bequeathed inheritance to the library) [14]. The issues of singular legal succession in legal relations of obligations of civil law have been studied by researchers [15]. In partial legal succession, succession can occur in one or more legal relationships. For example, according to the first part of Article 313 of the Civil Code, the right (claim) belonging to the creditor based on the obligation is transferred by him to another person under the transaction (relinquishment of the claim in favor of another person) or transferred to another person based on the law can bite.

CONCLUSIONS

The following conclusions can be made regarding the use of the institution of succession in civil legal relations:

First, in civil legal relations, succession is used divided into universal and singular types of legal succession;

Secondly, when legal entities considered as artificial subjects of civil law are reorganized, when inheritance issues arise for individuals, the universal legal succession norms of the institution of succession are applied;

Thirdly, the resolution of the issue of legal succession for legal entities is carried out directly on the basis of the settlement and distribution documents developed by the legal entity and approved by its bodies;

Fourthly, when the issue of succession arises due to the death of a citizen, universal legal norms of succession are applied. According to the law, each line of heirs has the right to receive inheritance through succession in the event that there are no previous heirs, they are excluded from the inheritance, they do not accept the inheritance, or they renounce it;

Fifthly, the application of singular legal succession norms to specific legal relations is observed through the conclusion of an agreement or in cases provided for by legislation. In this case, the rights of the original creditor are transferred to the new creditor based on the singular legal succession norms in specific legal relations (on the basis of the agreement or law).

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